

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

291<sup>ST</sup> MEETING

FULL COUNCIL SESSION

Omni Hotel

Corpus Christi, Texas

AUGUST 22-25, 2022

**VOTING MEMBERS**

Dale Diaz.....Mississippi  
Kevin Anson (designee for Scott Bannon).....Alabama  
Susan Boggs.....Alabama  
Patrick Banks.....Louisiana  
Billy Broussard.....Louisiana  
Jonathan Dugas.....Louisiana  
Phil Dyskow.....Florida  
Tom Frazer.....Florida  
Dakus Geeslin (designee for Robin Riechers).....Texas  
Bob Gill.....Florida  
Michael McDermott.....Mississippi  
Bob Shipp.....Alabama  
Joe Spraggins.....Mississippi  
Andy Strelcheck.....NMFS  
Greg Stunz.....Texas  
C.J. Sweetman.....Florida  
Troy Williamson.....Texas

**NON-VOTING MEMBERS**

Dave Donaldson.....GSMFC  
LCDR Lisa Motoi.....USCG

**STAFF**

John Froeschke.....Deputy Director  
Beth Hager.....Administrative Officer  
Lisa Hollensead.....Fishery Biologist  
Ava Lasseter.....Anthropologist  
Mary Levy.....NOAA General Counsel  
Natasha Mendez-Ferrer.....Fishery Biologist  
Emily Muehlstein.....Public Information Officer  
Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison  
Bernadine Roy.....Office Manager  
Charlotte Schiaffo.....Administrative & Human Resources Assistant  
Camilla Shireman.....Administrative & Communications Assistant  
Carrie Simmons.....Executive Director  
Carly Somerset.....Fisheries Outreach Specialist

1 **OTHER PARTICIPANTS**

2 Greg Abrams.....Panama City, FL

3 Tres Atkins.....Galveston, TX

4 Will Atkins.....TX

5 Charlie Bergmann.....MS

6 Taylor Beyea.....LGL, TX

7 John Black.....Panama City Beach, FL

8 Randy Blankenship.....NOAA HMS

9 Doug Boyd.....TX

10 Eric Brazer.....Shareholders Alliance

11 Donna Brooks.....FL

12 Glen Brooks.....FL

13 B.J. Burkett.....Panama City, FL

14 Rick Burris.....MS

15 Les Casterline.....TPWD

16 Laura Chicola.....LA

17 Ron Chicola.....LA

18 Bubba Cochrane.....Galveston, TX

19 Laura Faitel Cimo.....NOAA

20 Jason Delacruz.....FL

21 David Detlor.....NOAA

22 Russell Dunn.....NOAA

23 Katie Fischer.....FL

24 Richard Fischer.....LA

25 Troy Frady.....AL

26 Benny Gallaway.....LGL, TX

27 Jim Green.....Destin, FL

28 Dan Green.....Galveston, TX

29 Tim Griner.....SAFMC

30 Buddy Guindon.....Galveston, TX

31 Chris Guindon.....TX

32 Martha Guyas.....ASA, FL

33 Ken Haddad.....ASA, FL

34 Will Heyman.....LGL, TX

35 Scott Hickman.....Galveston, TX

36 Rachal Hisler.....TX

37 John Holmgren.....Corpus Christi, TX

38 David Paul Horan.....TX

39 Chris Horton.....Congressional Sportsmen's Alliance

40 Evan Howell.....NMFS

41 Dylan Hubbard.....FL

42 Gary Jarvis.....Destin, FL

43 Michael Jennings.....Freeport, TX

44 Matt Kammann.....Sea Grant, TX

45 Mark Kelley.....

46 Bobby Kelly.....Orange Beach, AL

47 David Krebs.....Destin, FL

48 David Krebs, III.....Destin, FL

1 Jason Kresse.....Freeport, TX  
2 Brian Lewis.....  
3 Tershara Matthews.....BOEM  
4 Lawrence Marino.....LA  
5 Michael Mixon.....Galveston, TX  
6 John O'Malley.....NOAA OLE  
7 Ron Moser.....Port Aransas, TX  
8 Lance Nacio.....LA  
9 Troy Noska.....TX  
10 H.D. Pappas.....  
11 Alicia Paul.....Panama City Beach, FL  
12 Kelia Paul.....Panama City Beach, FL  
13 Ellen Peel.....  
14 Sean Powers.....MS  
15 Nathan Putman.....LGL, TX  
16 Ashford Rosenberg.....Shareholders Alliance  
17 Alexis Sabine.....Sea Grant, TX  
18 Chris Schieble.....LA  
19 Eric Schmidt.....Fort Myers, FL  
20 Clarence Seymour.....Biloxi, MS  
21 Duane Smith.....NOAA  
22 Casey Streeter.....FL  
23 Mike Sullivan.....Panama City, FL  
24 Christina Vaeth.....  
25 Ted Venker.....CCA  
26 Kirk Vossler.....Matagorda, TX  
27 David Walker.....AL  
28 John Walter.....SEFSC  
29 Eric White.....  
30 Johnny Williams.....Galveston, TX  
31 Billy Wright.....Galveston, TX  
32 Melissa Yencho.....NMFS  
33 Bob Zales.....Panama City, FL  
34 Jim Zurbrick.....Steinhatchee, FL  
35  
36 - - -  
37

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TABLE OF MOTIONS

1  
2  
3 [PAGE 113](#): Motion to approve the final 2022 budget as written.  
4 [The motion carried on page 113.](#)

5  
6 [PAGE 113](#): Motion to approve the proposed revised language in  
7 Section 2.3.3 as presented. [The motion carried on page 114.](#)

8  
9 [PAGE 114](#): Motion to approve the proposed revised language in  
10 Section 2.6.2 as presented. [The motion carried on page 114.](#)

11  
12 [PAGE 115](#): Motion to approve the proposed revised language in  
13 Section 2.8.3(c) as presented. [The motion carried on page 115.](#)

14  
15 [PAGE 117](#): Motion to make Option 3 the preferred. Option 3 is  
16 the exemption from the trip declaration requirement would apply  
17 to non-fishing trips that are completed in 120 minutes or less.  
18 [The motion failed on page 122.](#)

19  
20 [PAGE 122](#): Motion to direct staff to add an option to require  
21 for-hire vessel owners and/or operators to submit a trip  
22 declaration only for a trip that will be engaging in any type of  
23 fishing activity or charter trip. [The motion carried on page](#)  
24 [126.](#)

25  
26 [PAGE 129](#): Motion to modify the Gulf of Mexico's Fishery  
27 Management Council's SOPPs Section 2.7.3 Ecosystem Technical  
28 Committee as follows: The Ecosystem Technical Committee consists  
29 of no more than twelve people. Membership includes three staff  
30 from NMFS, one of which is from the HMS division; the Ecosystem  
31 SSC (three members); two Standing SSC representatives; and up to  
32 four other stakeholder representatives. Members are appointed  
33 jointly by the Executive Director and Council Chair. [The motion](#)  
34 [carried on page 133.](#)

35  
36 [PAGE 139](#): Motion to resume work on Reef Fish Amendment 55 and  
37 include consideration of updated catch advice as recommended by  
38 the Gulf and South Atlantic SSCs. [The motion carried on page](#)  
39 [140.](#)

40  
41 [PAGE 143](#): Motion in Action 1 to make Alternative 3 the  
42 preferred. [The motion failed on page 154.](#)

43  
44 [PAGE 158](#): Motion in Action 1 to make Alternative 4 the  
45 preferred. [The motion failed on page 160.](#)

46  
47 [PAGE 160](#): Motion in Action 2 to make Alternative 3 the  
48 preferred. [The motion carried on page 160.](#)

1  
2 [PAGE 161](#): Motion to direct staff to begin development of a  
3 framework action for greater amberjack to modify commercial and  
4 recreational management measures. [The motion carried on page](#)  
5 [161](#).

6  
7 [PAGE 163](#): Motion to direct staff to begin a scoping document  
8 that will explore state management for greater amberjack for the  
9 recreational sector. [The motion carried on page 165](#).

10  
11 [PAGE 165](#): Motion to direct staff to begin a scoping document to  
12 explore sector separation for the charter for-hire fleet for  
13 greater amberjack, triggerfish, gag grouper, and red grouper.  
14 [The motion carried on page 170](#).

15  
16 [PAGE 172](#): Motion to approve the Framework Action: Modification  
17 of Catch Limits for Gulf of Mexico Red Snapper and that it be  
18 forwarded to the Secretary of Commerce for review and  
19 implementation, and deem the codified text as necessary and  
20 appropriate, giving staff editorial license to make the  
21 necessary changes in the document. The Council Chair is given  
22 the authority to deem any changes to the codified text as  
23 necessary and appropriate. [The motion carried on page 184](#).

24  
25 [PAGE 184](#): Motion to direct staff to develop a document that  
26 considers withholding a portion of the commercial ACL such as  
27 the recent red snapper increase in the framework action  
28 Modification of Catch Limits for Gulf Red Snapper, to be set  
29 aside for future distribution. For example, the increase could  
30 be used for the commercial fleet to account for dead discards of  
31 red snapper, to provide allocation for a future research set  
32 aside program. [The motion failed on page 194](#).

33  
34 [PAGE 194](#): Motion to request SEFSC identify metrics for red  
35 snapper, greater amberjack, gag, and other targeted species that  
36 could indicate changes in stock health between stock  
37 assessments. These metrics could be but are not limited to:  
38 CPUE, length frequency distributions, weight distributions by  
39 region, or other information for consideration and review by the  
40 Scientific and Statistical Committee's feedback. [The motion](#)  
41 [carried on page 197](#).

42  
43 [PAGE 199](#): Motion to direct staff to begin a standalone  
44 framework action for gray triggerfish commercial trip limits.  
45 [The motion carried on page 199](#).

46  
47 [PAGE 200](#): Motion to request the GSMFC to work with the five  
48 Gulf states to compile historical landings for butterfish,

1 wenchman, scad, and other associated species from the midwater  
2 trawl fishery for evaluation by the SSC at a future SSC meeting.  
3 [The motion carried on page 201.](#)

4  
5 [PAGE 204](#): Motion that the council concurs with the SSC's motion  
6 regarding the SEDAR 72 Gulf of Mexico gag grouper operational  
7 assessment base run configuration, MSY proxy, red tide scenario,  
8 and stock status determination to use SRFS data and its  
9 consideration as BSIA. [The motion carried on page 204.](#)

10  
11 [PAGE 206](#): Motion that Reef Fish Amendment 56 base catch limits  
12 using SRFS converted landings for the 1986-2005 original  
13 reference period. If subsequent allocation changes are desired,  
14 the council should develop a separate amendment with a full  
15 allocation review based on the Allocation Policy and Guidelines.  
16 [The motion failed on page 215.](#)

17  
18 [PAGE 220](#): Motion to reassemble the IFQ Focus Group for a second  
19 two-day meeting. [The motion carried on page 220.](#)

20  
21 [PAGE 224](#): Motion that the council and NOAA Fisheries greatly  
22 value the work of the Gulf states to develop private  
23 recreational fishing catch and effort surveys and are committed  
24 to working collaboratively with the states to improve data  
25 collection and ensure the council is using the best scientific  
26 information available for management decisions. [The motion](#)  
27 [carried on page 226.](#)

28  
29 [PAGE 232](#): Motion that, in collaboration with SERO staff,  
30 explore mechanisms to improve timeliness and efficiency of  
31 updating routine changes in catch advice using either the  
32 existing framework process or suggest changes in framework  
33 procedures that could be used to reduce the time between the  
34 completion of science and implementation of management changes.  
35 Provide an update at a future council meeting. [The motion](#)  
36 [carried on page 233.](#)

37  
38 [PAGE 234](#): Motion to request staff begin work on a presentation  
39 that addresses the factors that need to be considered when  
40 contemplating the need for federal conservation and management  
41 of Florida pompano. [The motion carried on page 236.](#)

42  
43 [PAGE 256](#): Motion to recommend approval of the Exempted Fishing  
44 Permit provided by Texas and Louisiana Sea Grants to test  
45 bycatch reduction devices. [The motion carried on page 256.](#)

46  
47 - - -

1 The Full Council of the Gulf of Mexico Fishery Management  
2 Council convened at Omni Hotel in Corpus Christi, Texas on  
3 Monday morning, August 22, 2022, and was called to order by  
4 Chairman Dale Diaz.

5  
6 **CHAIRMAN DALE DIAZ:** Good morning, everyone. I want to welcome  
7 everybody to the 291<sup>st</sup> Meeting of the Gulf of Mexico Fishery  
8 Management Council. I want to start off, real quick, and I want  
9 to make sure that everybody knows our newest council member, Mr.  
10 Michael McDermott, right here. If you all get a chance, talk to  
11 Mike, and introduce yourself, and get to know him a little bit.

12  
13 Having mentioned that Michael is here, the first thing on the  
14 agenda is Induction of New Council Members, with Mr. Andy  
15 Strelcheck, and so Andy's flight is delayed, and it looks like  
16 he's going to be in here around mid-day, and so we're going to  
17 adjust the agenda, and we're going to handle that when Mr.  
18 Strelcheck is here. I did want to make note, also, that Dr.  
19 Frazer's flight is delayed, and so we might have to do some  
20 juggling with that also today, and there's a lot of trouble with  
21 air travel these days, and so we're going to have to adjust the  
22 agenda just a little bit to accommodate those things.

23  
24 I want to recognize that we have Mr. Tim Griner from the South  
25 Atlantic Fishery Management Council with us this week. He's  
26 going to be online virtually, and, also, C.J. Sweetman is going  
27 to be online virtually, and Ms. Mara Levy, and so, with those  
28 things, we're going to go ahead and move right into committees  
29 this morning.

30  
31 (Whereupon, a recess was taken.)

### 32 33 **INDUCTION OF COUNCIL MEMBERS**

34  
35 **CHAIRMAN DIAZ:** What I would like to do now is I would like to  
36 circle back to the top of our agenda and go ahead and take care  
37 of that first agenda item, the Induction of Council Members, and  
38 so if Mr. McDermott and Mr. Williamson would walk to the front  
39 of the room with Mr. Strelcheck, and, Tom, if you can -- At the  
40 appropriate time, if you could read along, over your virtual  
41 microphone, and we'll handle your reappointment to the council  
42 at the same time as Mr. Williamson and Mr. McDermott. With  
43 that, Mr. Strelcheck, I will turn it over to you.

44  
45 **MR. ANDY STRELCHECK:** Apologies for delaying this, and my flight  
46 was late getting into Houston last night, and so I'm glad to be  
47 here. Each August, I have the opportunity to induct the new and  
48 existing council members onto the council, and so I've given

1 each of you the oath. I will read the first couple of lines,  
2 and then I'll ask that you read the oath thereafter.

3  
4 (Whereupon, the oath was administered to new and returning  
5 council members.)  
6

7 **MR. STRELCHECK:** Please join me in congratulating both the  
8 returning and new members to the council. Troy and Tom, it's  
9 great to have you back. Michael, it's great to have you with  
10 us, and, on behalf of NOAA Fisheries, we know the substantial  
11 commitment that all of you are making, in terms of spending time  
12 away from your family and your businesses, to help manage the  
13 nation's fisheries, and so we appreciate your time, and I look  
14 forward to working with you.  
15

16 **CHAIRMAN DIAZ:** Okay. Congratulations, gentlemen. We're glad  
17 to have everybody back on, and welcome to you, Mr. McDermott.  
18 With that out of the way, we're going to go ahead and go  
19 straight into Data Collection. We need to take just a short  
20 break, to get everything lined up for the next committee, but we  
21 are going to start Data Collection at 11:00, and we'll handle  
22 just a portion of the agenda, and we'll break for lunch, and  
23 we'll come back after that, and we'll finish Data Collection  
24 after lunch. We'll take a ten-minute break.  
25

26 (Whereupon, the meeting recessed on August 22, 2022.)  
27

28 - - -

29  
30 August 24, 2022

31  
32 WEDNESDAY MORNING SESSION  
33

34 - - -

35  
36 The Full Council of the Gulf of Mexico Fishery Management  
37 Council reconvened at Omni Hotel in Corpus Christi, Texas on  
38 Wednesday morning, August 24, 2022, and was called to order by  
39 Chairman Dale Diaz.  
40

41 **CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS**  
42

43 **CHAIRMAN DIAZ:** Welcome to the 291<sup>st</sup> meeting of the Gulf of  
44 Mexico Fishery Management Council. My name is Dale Diaz, chair  
45 of the council. If you have a cell phone or similar device, we  
46 ask that you place it on silent or vibrant mode during the  
47 meeting. Also, in order to be able to hear the proceedings, we  
48 ask that you have any private conversations outside. Please be

1 advised that alcoholic beverages are not permitted in the  
2 meeting room.

3  
4 The Gulf Council is one of eight regional councils established  
5 in 1976 by the Fishery Conservation and Management Act, known  
6 today as the Magnuson-Stevens Act. The council's purpose is to  
7 serve as a deliberative body to advise the Secretary of Commerce  
8 on fishery management measures in the federal waters of the Gulf  
9 of Mexico. These measures help ensure that fishery resources in  
10 the Gulf are sustained, while providing the best overall benefit  
11 to the nation.

12  
13 The council has seventeen voting members, eleven of whom are  
14 appointed by the Secretary of Commerce and include individuals  
15 from a range of geographical areas in the Gulf of Mexico with  
16 experience in various aspects of fisheries.

17  
18 The membership also includes the five state fishery managers  
19 from each Gulf state and the Regional Administrator from NOAA's  
20 Southeast Fisheries Service, as well as several non-voting  
21 members.

22  
23 Public input is a vital part of the council's deliberative  
24 process, and comments, both oral and written, are accepted and  
25 considered by the council throughout the process. We will  
26 welcome public comments from in-person and virtual attendees.

27  
28 Anyone joining us virtually that wishes to speak during public  
29 comment should register for comments online. Virtual  
30 participants that have registered to comment should ensure that  
31 they are registered for the webinar under the same name they  
32 used to register to speak. In-person attendees wishing to speak  
33 during the public comment should sign-in at the registration  
34 kiosk located in the hallway adjacent to the meeting room. We  
35 accept only comment, or registration, per person. A digital  
36 recording is used for the public record, and, therefore, for the  
37 purpose of voice identification, we will call on the council  
38 members that are attending virtually first. Dr. Sweetman.

39  
40 **DR. C.J. SWEETMAN:** Mr. Sweetman.

41  
42 **CHAIRMAN DIAZ:** Ms. Levy.

43  
44 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.

45  
46 **CHAIRMAN DIAZ:** If council members, starting on my left, would  
47 identify themselves.

48

1 DR. GREG STUNZ: Greg Stunz, Texas.  
2  
3 MR. DAKUS GEESLIN: Dakus Geeslin, Texas.  
4  
5 MR. TROY WILLIAMSON: Troy Williamson, Texas.  
6  
7 DR. TOM FRAZER: Tom Frazer, Florida.  
8  
9 MR. PHIL DYSKOW: Phil Dyskow, Florida.  
10  
11 MR. BOB GILL: Bob Gill, Florida.  
12  
13 MR. KEVIN ANSON: Kevin Anson, Alabama.  
14  
15 DR. BOB SHIPP: Bob Shipp, Alabama.  
16  
17 MS. SUSAN BOGGS: Susan Boggs, Alabama.  
18  
19 LCDR LISA MOTOI: Lisa Motoi, Coast Guard.  
20  
21 DR. JOHN WALTER: John Walter, Southeast Fisheries Science  
22 Center.  
23  
24 MR. STRELCHECK: Andy Strelcheck, NOAA Fisheries, Southeast  
25 Regional Office.  
26  
27 MR. J.D. DUGAS: J.D. Dugas, Louisiana.  
28  
29 MR. BILLY BROUSSARD: Billy Broussard, Louisiana.  
30  
31 MR. CHRIS SCHIEBLE: Chris Schieble, Louisiana.  
32  
33 GENERAL JOE SPRAGGINS: Joe Spraggins, Mississippi.  
34  
35 MR. MICHAEL MCDERMOTT: Mike McDermott, Mississippi.  
36  
37 MR. DAVE DONALDSON: Dave Donaldson, Gulf States Marine  
38 Fisheries Commission.  
39  
40 EXECUTIVE DIRECTOR CARRIE SIMMONS: Carrie Simmons, council  
41 staff.  
42

43 ADOPTION OF AGENDA AND APPROVAL OF MINUTES  
44

45 CHAIRMAN DIAZ: Thanks, everybody. I did want to mention -- I  
46 mentioned yesterday that there were a few former council members  
47 in the room, and I noticed that Ms. Martha Guyas is here  
48 present. Thank you, Martha, for attending our meeting. We

1 appreciate former council members being present.

2  
3 We're going to move right into the agenda, and the first thing  
4 is the adoption of the agenda. Dr. Simmons.

5  
6 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Could we  
7 add, under Other Business, that we received an exempted fishing  
8 permit request from Texas Sea Grant to the Other Business item,  
9 please, and I have distributed, or we distributed, that to the  
10 council, but it's not officially under Other Business. Thank  
11 you.

12  
13 **CHAIRMAN DIAZ:** General Spraggins.

14  
15 **GENERAL SPRAGGINS:** Mr. Chairman, if possible, I would like to  
16 ask if we could move up the election of officers, for Chair and  
17 Vice Chair, instead of 4:45 to 5:00 tomorrow afternoon, to move  
18 it to close-of-business this afternoon, because several of us  
19 have to leave early.

20  
21 **CHAIRMAN DIAZ:** Okay. So noted. Any objections to that? All  
22 right. We have an agenda, and it's been modified, and so is  
23 there a motion to approve the agenda as modified?

24  
25 **MR. GILL:** So moved, Mr. Chairman.

26  
27 **CHAIRMAN DIAZ:** So moved. Is there a second? It's seconded by  
28 Dr. Frazer, and the agenda is adopted. Next is Approval of the  
29 Minutes. Are there any comments or additions to the minutes?  
30 Seeing none, is there any opposition to approving the minutes?  
31 The minutes are adopted.

32  
33 Next on the agenda, we have a couple of presentations, and the  
34 first one is an update from the Bureau of Ocean Energy  
35 Management on Wind Energy Development in the Gulf of Mexico, and  
36 Ms. Matthews will be delivering that presentation for us. Ms.  
37 Matthews.

38  
39  
40 **PRESENTATIONS**  
41 **UPDATE FROM BUREAU OF OCEAN ENERGY MANAGEMENT (BOEM) ON WIND**  
42 **ENERGY DEVELOPMENT IN THE GULF OF MEXICO**

43 **MS. TERSHARA MATTHEWS:** Good morning, Mr. Chairman, and good  
44 morning, council. I am Tershara Matthews, the Chief of Emerging  
45 Programs in our Gulf of Mexico Regional Office. Today, I want  
46 to give you a little bit of background. I want to go through  
47 the renewable leasing process, and I definitely want to talk  
48 about the next steps in the process.

1  
2 In the renewable energy process, there are four phases: planning  
3 and analysis, leasing, site assessment, and the construction and  
4 operation phase. For the Gulf of Mexico, we are in the very  
5 early stages of the process. We're at that planning and  
6 analysis.

7  
8 We have formed an intergovernmental task force, and we've had  
9 that request for information, the call for information, and  
10 we're currently at the area identification phase. When I came  
11 to the meeting in June, I mentioned those two draft wind energy  
12 areas. They are currently still out for public comment. That  
13 public comment period has been extended for an additional  
14 fifteen days, and so it now closes on September 2.

15  
16 We're also at the environmental review phase, where the draft  
17 environmental assessment is currently out for public comment as  
18 well. It ends on September 2 as well, and that comment period  
19 was also extended. After the environmental review phase and  
20 addressing and looking at the feedback that was received on  
21 those draft area identifications, we will cut out what is called  
22 the proposed sale notice, conduct that option, and then issue  
23 leases, and we're still planning to have a wind sale in 2023.

24  
25 I just kind of want to show you more of a linear regression of  
26 the actual process. As I mentioned, we talked about that  
27 request for interest, and we had thirty-nine comments that were  
28 received on that, and that was a forty-five-day comment period,  
29 and we also have a call for information, and we utilized a lot  
30 of those major comments in that call for information to help us  
31 define those wind energy areas, along with the NOAA marine  
32 spatial planning tool.

33  
34 That was a forty-five-day comment period that ended in December  
35 of 2021, and so, as I mentioned, we're currently at that area  
36 identification phase, where we have these wind energy areas that  
37 have been defined, and I will show you those areas in just a  
38 second, but, once those areas have been defined, we can further  
39 winnow-down the areas into what we call lease sale areas, and so  
40 that information will be included in that proposed sale notice.  
41 That has a sixty-day comment period. After that proposed sale  
42 notice has been sent out and we look at those comments, we'll  
43 issue that final sale notice, and, as I mentioned, we're hoping  
44 to have an auction in 2023.

45  
46 The process has been continuously winnowing down. We started  
47 with the Gulf of Mexico, and we did an RFI area that went out to  
48 1,300 meters of water depth, and it went from the Texas-Mexico

1 border out to the Alabama-Florida line. Now, we're currently  
2 west of the Mississippi River, out to 400 meters, and then we  
3 winnowed that down even smaller, to those wind energy areas,  
4 which are off of the coast of Texas and Louisiana.

5  
6 In helping us to define those wind energy areas, we worked very  
7 closely and partnered with NOAA, as a request from the council  
8 as well, and some other NGOs that have sent us requests. In  
9 that model, there were two components to the model, the  
10 constraints component, which were pretty much no-go areas, and  
11 the no-go areas -- We had high shrimping effort in that area,  
12 and we also had a twenty-nautical-mile buffer for the menhaden  
13 fisheries, which also included a twenty-nautical-mile for  
14 migratory birds, and, also, that twenty-nautical-mile buffer  
15 helped to protect significant resource areas, and so the  
16 constraints model were pretty much no-go areas, and that's the  
17 reason why that's grayed-out, and so we still had six sub-models  
18 that remained, and you can see those six sub-models there.  
19 Those were all equally weighted, and, as you see, fisheries was  
20 equally weighted as a part of those six sub-models.

21  
22 The model -- I want to just kind of reiterate how the model gave  
23 us actually fourteen areas, and we removed one of those areas,  
24 Option B, from the table, due to DOD concerns, and so we were  
25 currently working with thirteen wind energy areas. We put forth  
26 two wind energy areas, Option I and Option M. Option I is near  
27 Galveston, and I think it's twenty-six nautical miles, and  
28 Option M is near Lake Charles, and I think it's roughly fifty-  
29 six nautical miles from Lake Charles, and so those are the two  
30 options that we currently have out for comment.

31  
32 I just kind of want to remind you all that, if you want to  
33 provide feedback to us, that those are the two options that  
34 we're looking at now to have for that lease option in 2023.

35  
36 This kind of just winnows it down a little closer, so you can  
37 take a closer look at what those two areas look like without the  
38 other wind energy areas, and also looking at the rationale for  
39 those recommendations, and so, in our regulations, the first  
40 thing it asks is, is there competitive interest, and do you have  
41 anyone that's interested in those particular areas, and the  
42 answer is, yes, and, if you notice the map at the bottom, it  
43 shows what the competitive interest is that we received from  
44 that call for information.

45  
46 Also, those two areas that we are recommending had less national  
47 security concerns, and it was also close to points of  
48 interconnection, in Galveston, and also in Lake Charles. We

1 also have to look at the proximity to shore. These areas also  
2 had less than 10 percent moderate to high shrimping, and  
3 remember that we already excluded the high shrimping efforts in  
4 our constraints model. There is also enough acreage here to  
5 further divide it down into smaller lease sale areas.

6  
7 Here are some of the milestones that I kind of mentioned  
8 throughout the presentation. As I mentioned, that call period  
9 closed in December of 2021. We had a fisheries summit on  
10 January 19 and 20. We held that second taskforce meeting on  
11 February 2, and, on July 20, we published those draft wind  
12 energy areas, and, as I mentioned, the comment period now closes  
13 on September 2. On July 20, we also published the draft  
14 environmental assessment, and that comment period closes on  
15 September 2 as well, and we also recently held that third  
16 taskforce meeting, on July 27 of this year.

17  
18 The next steps that I kind of want to focus on today is that  
19 proposed sale notice, and so what's in that actual proposed sale  
20 notice is the area that we will actually lease, and so we can  
21 further divide that 546,000 acres that is off of Galveston and  
22 the 188,000 acres that is off of Louisiana into smaller areas,  
23 and so we can roughly look at 80,000 to 90,000 acres from the  
24 one off of Texas, and the same amount off of Louisiana.

25  
26 In that proposed sale notice will also be those fiscal terms,  
27 the auction details, and the proposed lease terms. For the  
28 auction details and format, in the last sales that we've had,  
29 we've been having what's called multifactor bidding, where there  
30 are actual bidding credits that the company can get for --  
31 Instead of a monetary award, and so those bidding credits have  
32 been in this last sale that we had.

33  
34 5 percent of that has been what we call the community benefit  
35 agreement, and that can be for stakeholders, or a stakeholder  
36 group, that may be potentially impacted by that geographic area.  
37 The other 20 percent would be for workforce training and  
38 development, and so I think that is very key for the council,  
39 when we put out that proposed sale notice, which we're hoping to  
40 do in October, that you provide comments on the actual bidding  
41 credits, if that is something that you feel like your  
42 stakeholders would be interested in, as far as those bidding  
43 credits are concerned.

44  
45 There is a sixty-day comment period, once that notice is out,  
46 for you all to provide comments to BOEM, and so I did want to  
47 mention that that will be the next major step in our process.

1 Once we receive those comments from that proposed sale notice,  
2 we'll come out with a final sale notice, and that final sale  
3 notice has to be one month, or thirty days, prior to the actual  
4 auction, and so we will assess all of the comments that are  
5 received on that final proposed sale notice, and we'll put that  
6 in the final sale notice, and those will be the actual terms for  
7 the auction, and then we'll hold the auction, and then, once  
8 that auction has been held, it takes about forty-five days,  
9 because we have to work with the Department of Justice, to make  
10 sure that everything was legal, and then we'll issue those  
11 leases to the companies.

12  
13 This kind of just breaks that done, what those next steps are.  
14 After we receive comments that are currently out for the area  
15 ID, we'll put out an area identification memo, and we'll  
16 identify those lease areas, as I mentioned, in that proposed  
17 sale notice. We'll have that final EA, the final sale notice,  
18 and then the proposed auction. I will take any comments at this  
19 time.

20  
21 **CHAIRMAN DIAZ:** Are there any questions for Ms. Matthews? Ms.  
22 Boggs.

23  
24 **MS. BOGGS:** Thank you for the presentation, Ms. Matthews. This  
25 is very intriguing to me, but something that was brought to my  
26 attention earlier this week, and I'm reading this, so that I  
27 don't get it wrong, is the marine turbine generator impacts to  
28 marine vessel radars, which we have a lot of marine activity in  
29 the Gulf, and has there been any consideration, and have you  
30 seen this report that the National Academy has put out?

31  
32 **MS. MATTHEWS:** I haven't seen the report, but I know that we're  
33 working very closely with the Coast Guard, and so we will take  
34 that into consideration. We have bi-weekly meetings with the  
35 Coast Guard, to better understand the radars and the potential  
36 impacts, and so I will take a look at that report.

37  
38 **CHAIRMAN DIAZ:** Mr. Gill.

39  
40 **MR. GILL:** Thank you, Mr. Chairman, and thank you, Ms. Matthews,  
41 for the presentation. I hope you keep coming back, every time  
42 we meet, and give us an update, and the stakeholders an update  
43 at the same time, and so thank you.

44  
45 I believe that it was Slide 3, where you provided a timeline,  
46 and I've got three questions, or three possible questions,  
47 regarding that. One is I seem to recall that, in the BOEM  
48 process, there is a regular timeline and an expedited timeline,

1 and so Question 1 is, is this the regular timeline that we're  
2 working on? Question 2 is, if that's the case, is it possible  
3 that this follow-on of the timeline could go to the expedited  
4 version, and, Number 3, if that's true, then what are the  
5 considerations that would determine that decision?  
6

7 **MS. MATTHEWS:** In the Gulf, we've had a lot of lessons learned,  
8 and so I wouldn't say that we want an expedited timeline, but we  
9 have done it a little faster than the Atlantic region, and also  
10 in the Pacific region, and I think that has to do with a lot of  
11 stakeholder engagement and lessons just that we've learned  
12 throughout this process, and so, currently, we are almost in  
13 year-two. The Governor of Louisiana requested the taskforce in  
14 October of 2020, and so we're here, in 2022, and we still  
15 haven't had the sale yet, and so I guess we're pretty much in  
16 the regular timeline.  
17

18 The only thing that I guess would expedite that would be the  
19 President wanting us to move a little faster, which I think he's  
20 okay with the process that we're doing now, and we do have  
21 regular updates that are sent to the White House.  
22

23 As far as what we're thinking about, as far as steel in the  
24 water, it normally takes about five to seven years before a  
25 turbine is actually placed into the water, and so I think we're  
26 still on that target, and so we'll have to have that sale first,  
27 and then it will be about five to seven years before a turbine  
28 would be placed in the water.  
29

30 **MR. GILL:** Thank you.  
31

32 **MS. MATTHEWS:** You're welcome.  
33

34 **CHAIRMAN DIAZ:** Mr. Strelcheck.  
35

36 **MR. STRELCHECK:** Tershara, it's good to see you. Thank you for  
37 being here in-person. It's really not a question for you, but  
38 just I wanted to let the council know that, really, credit to  
39 BOEM and your coordination with stakeholders and with NOAA  
40 Fisheries. I think this process, unlike other regions, has gone  
41 very smoothly, in large part because of the marine spatial  
42 planning efforts that NOAA has helped lead, with BOEM's strong  
43 support for that, and it's helped to de-conflict a lot of the  
44 issues in the early phases of the project.  
45

46 NOAA Fisheries has a wind energy team that is comprised of  
47 multiple disciplines of employees, and that includes the Science  
48 Center, economists, and biologists, and we are commenting at

1 every step of the way, as Tershara knows, and we're providing  
2 input and feedback to the process, and so we'll continue to,  
3 obviously, monitor this closely, not only from a fisheries  
4 standpoint, but also essential fish habitat and protected  
5 resources, but I just wanted to commend BOEM for the work that's  
6 been done so far and coordination. Thank you.

7  
8 **MS. MATTHEWS:** Thanks, Andy.

9  
10 **CHAIRMAN DIAZ:** Any further questions for Ms. Matthews? Mr.  
11 Williamson.

12  
13 **MR. WILLIAMSON:** Good morning, Ms. Matthews. Can you go into  
14 the bidding credit program a little further, and possibly give  
15 us an example of what you're talking about?

16  
17 **MS. MATTHEWS:** Yes, and so if we can look at -- I can send it to  
18 you, to the council, later, and so California recently published  
19 their proposed sale notice, and I think it actually closed on  
20 August 1, and, in that, they're asking questions, in the  
21 proposed sale notice, about bidding credits, and so there's two  
22 ways that we can actually do the bidding.

23  
24 Ascending bidding is just straight bidding, and the highest  
25 bidder actually wins. When the company comes in that has been  
26 qualified to participate in the auction, they can fill out, for  
27 the multifactor bidding, if they just want to do basically a  
28 straight bid or if they want to get credit for community benefit  
29 agreements, if they may already have an existing community  
30 benefit agreement that's in place, based on some other activity  
31 that they may have done, or they can actually apply for 20  
32 percent of their bid to go towards workforce training and  
33 development, or that 5 percent that can go towards stakeholder  
34 or community benefit agreements.

35  
36 That community benefit agreement, they can work with a  
37 stakeholder group to define how they may be potentially impacted  
38 for that geographic area, and so let's use the Gulf of Mexico as  
39 an example.

40  
41 The area that's off of Galveston, if a developer comes in, and  
42 they bid one auction, and they win a portion of that Galveston  
43 area, they can work with the stakeholders that might be  
44 potentially impacted for that area, because they may no longer  
45 be able to fish there, or not get as close as they want to, or  
46 they feel like the infrastructure is causing some potential  
47 impacts to their resource, and so they can apply for -- That  
48 developer can work with a community, or stakeholder, group to

1 apply that credit towards that effort, and so, essentially, it  
2 could be like fisheries compensation.

3

4 **CHAIRMAN DIAZ:** General Spraggins.

5

6 **GENERAL SPRAGGINS:** Ms. Matthews, from Mississippi, I would like  
7 to thank you for keeping us informed on what's going on, and I  
8 know that we're not in the first phase, as it is for Texas and  
9 Louisiana, but we definitely are very interested in the future  
10 of this, and we thank you so much for keeping us informed and  
11 inviting us to the meeting. We appreciate it.

12

13 **MS. MATTHEWS:** You're welcome. Thank you. I am from  
14 Mississippi too, just to let you know.

15

16 **CHAIRMAN DIAZ:** Dr. Walter.

17

18 **DR. WALTER:** Thank you, Mr. Chair, and, Tershara, it's great to  
19 see you in person. Thanks for giving us this update, and I just  
20 really want to reiterate what a collaborative effort it's been  
21 between NOAA and BOEM to most effectively site offshore wind,  
22 and I think that's really where the important work comes, in  
23 that upfront marine spatial planning, to get all of the best  
24 information possible to the table, the science, the  
25 socioeconomics, the defense, all of those things and getting  
26 that information, to be able to site wind effectively, to de-  
27 conflict at the outset, so that what has now been rolled out has  
28 fairly widespread support, and I think that's a model to follow  
29 and to keep up with.

30

31 I will note that we've been involved, NOAA Fisheries, from the  
32 get-go on the taskforce, and both Andy and I serve as taskforce  
33 members, and we will continue in that capacity, and we have  
34 heard a lot of the concerns that people have brought up about  
35 offshore wind at various times, and we brought those concerns of  
36 the fishery, of protected resources, to the table, and that end  
37 result is finding a good place for wind within all of those  
38 other concerns.

39

40 We will continue with the process and commenting on the letter,  
41 talking about survey mitigation and a lot of the potential  
42 impacts that need to be understood on the environment relative  
43 to offshore wind, but we look forward to further engagement on  
44 this, and I think that it's a process that we should continue to  
45 follow, that marine spatial planning, for many different  
46 activities in the environment, and it can give us, I think, the  
47 best path forward, and we look forward to helping get offshore  
48 wind in the water. Thanks.

1  
2 **CHAIRMAN DIAZ:** Thank you, Dr. Walter. Any further comments for  
3 Ms. Matthews, or questions? Thank you, Ms. Matthews. We  
4 appreciate you coming to be with us today.

5  
6 **MS. MATTHEWS:** Thank you.

7  
8 **CHAIRMAN DIAZ:** All right, and so we're going to move on. Our  
9 next presentation is from the Western Central Atlantic Fisheries  
10 Commission, and we're going to have a presentation, and it's  
11 going to be an Update on the Flyingfish and Dolphinfish Working  
12 Group, and that will be Ms. Cimo and Ms. O'Malley.

13  
14 **WESTERN CENTRAL ATLANTIC FISHERY COMMISSION (WECAFC)**  
15 **PRESENTATION: UPDATES AND FLYINGFISH-DOLPHINFISH WORKING GROUP**

16  
17 **MS. LAURA CIMO:** Thank you so much. First of all, I want to say  
18 thank you again for the opportunity to present at the council  
19 meeting. My colleague, Rachel, and I really appreciate it.  
20 Again, my name is Laura Cimo, and I work for the NOAA Fisheries  
21 Office of International Affairs, Trade, and Commerce, and I  
22 would like to do is give the council an overview and some  
23 updates of potential interest related the Western Central  
24 Atlantic Fishery Commission, or what we call WECAFC.

25  
26 Just for those who are not familiar with WECAFC, I will just  
27 give a very brief overview, and then I will discuss some of the  
28 outcomes of a recent meeting of WECAFC, which concluded in late  
29 July, and then I will share some updates that would likely be of  
30 interest to the council, and with a specific focus on flyingfish  
31 and dolphinfish and a new working group. Then I will share some  
32 supplemental contact information, and, if there's time, we would  
33 be happy to answer any questions.

34  
35 WECAFC operates as a regional fisheries body under Article VI of  
36 the FAO Constitution, which means that it's not independent from  
37 FAO, unlike other regional fishery management organizations, and  
38 it acts in an advisory capacity to promote effective  
39 conservation, management, and development of all living marine  
40 resources in the wider Caribbean, but this also means that its  
41 recommendations are non-binding, and WECAFC is comprised of  
42 thirty-four members, including the United States. Just for  
43 those who aren't familiar, there is a map, and the area of  
44 competence are those areas highlighted in blue.

45  
46 There are essentially eleven working groups under the auspices  
47 of WECAFC, and they focus on specific fisheries or species  
48 issues, and each one of them has its own terms of reference, and

1 we have fisheries scientists, experts, and managers that  
2 participate in these working groups, as represented by their  
3 member countries, and we also have relevant international,  
4 regional, and sub-regional partner organizations that represent  
5 the various interests of their bodies, upon invitation.  
6

7 The United States have been very active in eight of these  
8 groups, and you can see the working groups that are starred on  
9 the slide, and these include the working groups focused on  
10 Caribbean spiny lobster, although this group has not met in the  
11 last several years; queen conch; fish spawning aggregations;  
12 illegal, unreported, and unregulated, or IUU, fishing;  
13 recreational fisheries; moored fish aggregating devices, or  
14 MFADs; sharks; and fishery data and statistics.  
15

16 One of the other working groups that we are interested in is the  
17 deep-sea fisheries working group, but I will note that it has  
18 not met in ten years, and, also, what I would really like to  
19 focus on, of course, in this presentation, is a new working  
20 group that was established at the meeting of the commission in  
21 2019, which will be focusing on flyingfish and dolphinfish and  
22 other pelagic species that are not covered by the International  
23 Commission for the Conservation of Atlantic Tunas, or ICCAT.  
24

25 Just for background, the commission had agreed, at its 2019  
26 meeting, based on a U.S. recommendation, that WECAFC focus on  
27 dolphinfish. Unfortunately, given the large number of working  
28 groups in WECAFC, the decision was made just to broaden the  
29 scope of an existing group that was looking at flyingfish, and  
30 this working group, unfortunately, even though it was  
31 established, was unable to meet prior to this most recent  
32 meeting of the commission, but we are tentatively planning to  
33 meet in 2023.  
34

35 The United States does plan to play a very active role in this  
36 working group, and I will be discussing it later in my  
37 presentation, and, just a quick note, we also do have a working  
38 group focused on shrimp and groundfish, but it is basically  
39 primarily on the north Brazil-Guyana shelf.  
40

41 Next, I will just provide a brief overview of the most recent  
42 meeting of WECAFC and its key outcomes, and so just to note that  
43 it was held virtually, and it took place July 26 through 29, and  
44 the meeting was held under the leadership of the United States,  
45 who held the chairmanship, and just to quickly note that the  
46 United States no longer holds the chairmanship. Nicaragua was  
47 designated the new chair of WECAFC, at the July meeting.  
48

1 We had seventeen members of WECAFC participate, and so we had  
2 very good representation, and the U.S. delegation, which was led  
3 by the State Department, had a broad delegation from the United  
4 States, with representation from my office, from the NOAA  
5 Fisheries Southeast Regional Office, from the Caribbean Fishery  
6 Management Council, the Gulf Council, and the South Atlantic  
7 Council, as well as the Florida Fish and Wildlife Conservation  
8 Commission.

9  
10 I do want to just take this moment to thank Natasha Mendez, Bob  
11 Gill, and C.J. Sweetman, who participated, both in the  
12 preparation for the meeting and attended. We really appreciate  
13 their attendance and assistance, and just to note that Nancie  
14 Cummings, from our NOAA Fisheries Southeast Fisheries Science  
15 Center, also participated, in her role as chair of the WECAFC  
16 Scientific Advisory Group, and she is convener of the Fisheries  
17 Data and Statistics Working Group.

18  
19 At the meeting, the commission endorsed several important non-  
20 binding documents and recommendations that had been developed by  
21 the various working groups, with U.S. participation, and this  
22 includes a data collection reference framework, which provides  
23 guidance for standardized data collection on key species in the  
24 region, and just to note that this is based on an interim  
25 framework that was adopted at our 2019 meeting that had been  
26 refined, and information submitted by WECAFC members, pursuant  
27 to this framework, will basically feed into a regional database,  
28 which we're calling the Western Central Atlantic Fisheries  
29 Information System, and this will provide WECAFC with the  
30 minimum information needed for the monitoring of key species,  
31 stock assessments, and management decisions based on the best  
32 available science.

33  
34 Just to note that the commission agreed, at its meeting, that  
35 the DCRF will be considered a living document, to be refined  
36 over time and implemented incrementally, and then to note that  
37 there was a related recommendation adopted by the commission,  
38 which endorsed the framework and strongly encouraged members to  
39 proceed with its use and recognize that further investments are  
40 going to be needed to build the national capacities of WECAFC  
41 members for data collection, reporting, and analysis.

42  
43 The commission also endorsed a regional fish spawning  
44 aggregation fishery management plan, which is focused on Nassau  
45 grouper and mutton snapper, and the United States, just to note,  
46 through the Caribbean Fishery Management Council, provided  
47 support for the development of the plan and an accompanying  
48 communication strategy, and to note that the conservation of

1 Nassau grouper, of course, is a U.S. priority, as a species  
2 listed as threatened under the U.S. Endangered Species Act, and  
3 it's listed in Annex 3 of the Protocol for Specially-Protected  
4 Areas and Wildlife in the Caribbean.

5  
6 We also adopted an accompanying recommendation that calls for  
7 implementation of this management plan and actions to improve  
8 regional data collection and assessment. It also calls for  
9 communication outreach for the conservation of fish spawning  
10 aggregations and recommends mobilization of resources for  
11 priority research and monitoring.

12  
13 The commission also adopted a recommendation aimed at helping  
14 WECAFC members combat IUU fishing, by encouraging strengthened  
15 fisheries governance, implementing measures to effectively  
16 regulate, monitor, and control and transshipment and develop  
17 mechanisms to share fisheries vessel information, consistent  
18 with any applicable domestic confidentiality requirements.

19  
20 The commission endorsed a recommendation that reaffirms its  
21 commitment to implementing the regional queen conch fishery  
22 management and conservation plan, which we endorsed at our  
23 sixteenth meeting, and we agreed to update the status of the  
24 plan's implementation on an annual basis, so we can monitor  
25 progress and identify any implementation gaps.

26  
27 There was also a recommendation to promote genetic research to  
28 help identify the spatial distribution of queen conch, to  
29 provide information on connectivity and traceability, and WECAFC  
30 members were strongly encouraged to participate in the genetic  
31 work, and then, finally, the working group on queen conch was  
32 encouraged to collaborate with our regional working group on IUU  
33 fishing, so we could undertake activities to combat the illegal,  
34 unreported, and unregulated fishing of queen conch.

35  
36 There was also several documents that were endorsed promoting  
37 the sustainable management of fishing on moored fish aggregating  
38 devices, but these, however, were adopted just on an interim  
39 basis. They include the Caribbean Regional Management Plan for  
40 MFADs and a guide for improved Monitoring of MFAD catches and  
41 improved assessment of MFAD impacts on stocks. The commission  
42 adopted a related recommendation, which charged the MFAD working  
43 group to finalize both the regional MFAD management plan and the  
44 guidance document, prior to the next commission meeting, to  
45 inform the development of any national management plans and  
46 legislation, as relevant, and to note that ICCAT will be  
47 consulted in this process.

1 The WECAFC Secretariat and partners were asked to support a  
2 regional assessment of the impacts and mitigation measures for  
3 MFAD fishing in the WECAFC area, and members were encouraged to  
4 promote data collection and analysis of MFAD fisheries, support  
5 the establishment of stakeholder outreach and communication  
6 campaigns, and encourage research in several key areas.

7  
8 Just to note that the commission also adopted a regional plan of  
9 action for the conservation and management of sharks, which is  
10 aimed at ensuring the conservation management of sharks and  
11 their long-term sustainable use in the WECAFC area, and the plan  
12 sets out five objectives and provides a table of actions to  
13 achieve these objectives.

14  
15 The commission supported WECAFC becoming a signatory to a  
16 memorandum of understanding that would establish a non-binding  
17 coordination mechanism in the wider Caribbean region towards  
18 ocean governance and ocean-based sustainable development, and  
19 the commission endorsed an exchange of letters of cooperation  
20 between WECAFC and ICCAT, and these letters will essentially  
21 provide a basis for collaborative work between the two  
22 organizations on issues of mutual interest.

23  
24 Also, WECAFC adopted a comprehensive work program for 2022  
25 through 2024, and, at the request of the United States, the work  
26 program was amended to include this first meeting of the  
27 flyingfish-dolphinfish working group and a meeting of the  
28 recreational fisheries working group.

29  
30 Again, as I mentioned, we have several upcoming events that may  
31 be of interest. We have the fifth meeting of our working group  
32 on fish spawning aggregations, which will be held in late  
33 January, followed by a one-day meeting of the queen conch  
34 working group, and, as I had mentioned, we will have the first  
35 meeting of the flyingfish-dolphinfish working group at a date to  
36 be determined in 2023.

37  
38 At this first meeting, the flyingfish-dolphinfish working group  
39 will essentially determine its priority areas to be addressed,  
40 develop its workplan and terms of reference, which will guide  
41 future work, and so, at this time, NOAA Fisheries is seeking  
42 input from our U.S. stakeholders on any issues, challenges,  
43 opportunities of interest, that you would like the working group  
44 to address, and so we're inviting the council to share your  
45 views for the working group to consider, either during or after  
46 this meeting.

47  
48 If you have any questions, in terms of you would like more

1 information about the documents that I have referenced, or if  
2 you would like to know more about WECAFC, I have shared the  
3 website, and so please feel free to take a look at the documents  
4 and information, but, if you do have specific questions or  
5 comments, I encourage you to contact myself, and you have my  
6 email address above, and, also, the email address for my  
7 colleague, Rachel O'Malley, and thank you very much for your  
8 attention and interest, and, if there's time, we're happy to  
9 take any questions.

10  
11 **CHAIRMAN DIAZ:** Okay. Do we have any questions for Ms. Cimo  
12 from the group, or any comments related to dolphinfish and  
13 flyingfish? Mr. Gill.

14  
15 **MR. GILL:** Thank you, Mr. Chairman, and I was, as Laura  
16 mentioned, honored to be there, along with C.J., and I got a new  
17 appreciation for what they do. I barely knew they existed,  
18 prior to going, and, despite the fact that it was a four-day  
19 Zoom meeting, it was enjoyable, but it would have been a heck of  
20 a lot more enjoyable in-person, albeit Nicaragua was probably  
21 not high on my list for enjoyment.

22  
23 One of the things that struck me is their process makes our  
24 process look lightning fast, and the reason for that, of course,  
25 is that the composition is thirty-four folks, nations, but it  
26 includes people like the EU and Korea, because they have fishing  
27 interests in the region, and so you've got this amazing  
28 diversity of interest within this very broad region, and trying  
29 to bring that all together and get to an agreement on next  
30 steps, et cetera, is extraordinarily difficult.

31  
32 I applaud, Laura, your work in that regard, and I look forward  
33 to, if not participating, seeing where you go, particularly on  
34 that recreational working group, and so thank you very much.

35  
36 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Any further comments? I  
37 would encourage the council, if you have any comments related to  
38 what Ms. Cimo is seeking, related to the flyingfish-dolphinfish  
39 working group, if you could share those with the staff at some  
40 time, and that would be helpful. I am not seeing any further  
41 comments, and so thank you, Ms. Cimo, for being with us today.  
42 We appreciate it, and we appreciate your hard work. Is there  
43 any other business before the council at this point? Seeing  
44 none, we're going to break for lunch, and we will be back at  
45 1:35, and we're going to start public comments as soon as we get  
46 back. Thank you. We'll come back at 1:35.

47  
48 (Whereupon, the meeting recessed for lunch on August 24, 2022.)

1  
2 - - -  
3  
4 August 24, 2022  
5

6 WEDNESDAY AFTERNOON SESSION  
7  
8 - - -  
9

10 The Full Council of the Gulf of Mexico Fishery Management  
11 Council reconvened at Omni Hotel in Corpus Christi, Texas on  
12 Wednesday afternoon, August 24, 2022, and was called to order by  
13 Chairman Dale Diaz.  
14

15 **CHAIRMAN DIAZ:** All right, everybody. I want to call the Gulf  
16 of Mexico Fishery Management Council meeting back to order.  
17 Before we start public testimony, we do have one of our staff  
18 members that's going to be retiring very soon, and I asked Dr.  
19 Simmons if she would say a few words. Dr. Simmons.  
20

21 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so I  
22 think many of you know that Karen Hoak, our admin financial  
23 assistant, and she has spent seventeen years with the council,  
24 since 2005, and she is going to retire at the end of September,  
25 with her husband, in North Carolina.  
26

27 I just wanted to say a few things about Karen. She has been a  
28 wonderful employee, and she has helped us do a lot of things,  
29 and I'm sure she's helped you guys with your expense reports  
30 over the years, and payment vouchers, and she's reminded us of  
31 deadlines, wrangled time sheets, leave requests, traipsed all  
32 over the Gulf of Mexico to help with SSC meetings and AP  
33 meetings and council meetings, and I hope she enjoys her  
34 retirement with her husband. She will truly be missed.  
35

36 **CHAIRMAN DIAZ:** Well said, Dr. Simmons, and we hope that Karen  
37 has a wonderful retirement. I personally want to thank her for  
38 all the help she's given me over the years, and so thank you  
39 very much, Karen. All right, and so I'm going to do the Chair's  
40 statement for public testimony.  
41

42 Good afternoon, everyone. Public input is a vital part of the  
43 council's deliberative process, and comments, both oral and  
44 written, are accepted and considered by the council throughout  
45 the process.  
46

47 The Sustainable Fisheries Act requires that all statements  
48 include a brief description of the background and interest of

1 the persons in the subject of the statement. All written  
2 information shall include a statement of the source and date of  
3 such information.

4  
5 Oral or written communications provided to the council, its  
6 council members, or its staff that relate to matters within the  
7 council's purview are public in nature. Please give any written  
8 comments to the staff, as all written comments will be posted on  
9 the council's website for viewing by council members and the  
10 public and will be maintained by the council as part of the  
11 permanent record.

12  
13 Knowingly and willfully submitting false information to the  
14 council is a violation of federal law. We will welcome public  
15 comment from in-person and virtual attendees. Anyone joining us  
16 virtually that wishes to speak during public comment should have  
17 already registered online. Virtual participants that are  
18 registered to comment should ensure that they are registered for  
19 the webinar under the same name they used to register to speak.  
20 In-person attendees wishing to speak during the public comment  
21 should sign-in at the registration kiosk located in the hallway  
22 to my left. We accept only one registration per person.

23  
24 Each speaker is allowed three minutes for their testimony.  
25 Please note the timer lights on the podium and on the webinar.  
26 It will be green for the first two minutes and yellow for the  
27 final minute of testimony. When testimony ends, at the three-  
28 minute mark, a red light will blink, and a buzzer may be  
29 enacted. Time allowed to dignitaries providing testimony is  
30 extended at the discretion of the Chair.

31  
32 If you have a cellphone or similar device, we ask that you keep  
33 it on silent or vibrating mode during the meeting. Also, in  
34 order for all to be able to hear the proceedings, we ask that  
35 you have any private conversations outside, and please be  
36 advised that alcoholic beverages are not permitted in the  
37 meeting room.

38  
39 The way we're going to do this, we do have two dignitaries that  
40 have asked to speak, and they're going to go first. After that,  
41 we're going to alternate between virtual attendees and in-person  
42 attendees, and we'll just work our way down the list, in the  
43 order that people applied, and so, having said that, first up on  
44 the list is Mr. Lawrence Marino. Mr. Marino.

45  
46 **PUBLIC COMMENT**

47  
48 **MR. LAWRENCE MARINO:** Good afternoon. My name is Larry Marino,

1 and I'm here on behalf of Louisiana Attorney General Jeff  
2 Landry. There's been a steady drumbeat, in some quarters, that  
3 the recreational sector is not accountable. This isn't correct,  
4 and saying it repeatedly doesn't make it so, and it's obviously  
5 not practical to count each of the recreational fish, fish-by-  
6 fish, and recreational counts are estimated, and scientifically  
7 so, at great effort and great expense. Accountability measures  
8 are imposed when necessary, and that's what accountability is.

9  
10 As to Amendments 54 and 56, most speakers have pointed out that,  
11 as a result of the conversion from CHTS to FES, sector  
12 allocations must be updated accordingly. Like Amendment 53  
13 previously, this really isn't a reallocation at all. It's a  
14 conversion of the existing allocations, so that both sides of  
15 the equation are in the same FES currency.

16  
17 Without this conversion, there would be a reallocation from the  
18 recreational sector to the commercial, and so it would be  
19 preferable not to call this a reallocation at all, given the  
20 confusion that the label has created, but it's most important  
21 not to treat it as a reallocation. At some point, it may be  
22 appropriate to do an actual reallocation, but these amendments  
23 aren't that. Attorney General Landry therefore supports  
24 Alternative 3 in Action 1 in Amendment 54 and Alternative 3 in  
25 Action 2 in Amendment 56.

26  
27 I would note that a few folks have given their anecdotal  
28 accounts of fishermen who couldn't find red snapper, but the  
29 science, and most of the anecdotal evidence, are that red  
30 snapper are plentiful. There could be some localized depletions  
31 here and there, but the stock is clearly healthy. Attorney  
32 General Landry therefore supports Alternative 2 in the red  
33 snapper catch limits document.

34  
35 Finally, there was continued talk, some of it quite heated,  
36 regarding the IFQ program, and still there is little progress.  
37 It's unclear what benefit would be served by forcing the focus  
38 group back into a room when even the moderator says she doesn't  
39 believe that they're going to reach consensus, but they've done  
40 what the council asked, and they've identified some ideas for  
41 improving the program. The council already knew these things,  
42 and they aren't new, and there are plenty of ideas already in  
43 Amendments 36B and C and others that have been suggested over  
44 the years, including limiting permits so that they can be  
45 associated with only one account, managing permits at the  
46 account-holder level and not the account level, eliminating  
47 vessel accounts.

1 Whether via Amendments 36B and C or a fresh start, it's time to  
2 take some action. Putting the focus group back in a room would  
3 just delay this process for at least two more meetings, and it  
4 isn't likely to advance the process any further. There will be  
5 plenty of disagreement, but Attorney General Landry believes  
6 it's time to move forward with something. Thank you.

7  
8 **CHAIRMAN DIAZ:** Thank you, Mr. Marino. Next up is Mr. Gary  
9 Jarvis.

10  
11 **MR. GARY JARVIS:** I would like to introduce myself, Captain Gary  
12 Jarvis, who happens to be the mayor of the luckiest fishing  
13 village in the world. Some of you are new to the council, and  
14 new to me, and so I'm going to give you a little brief rundown  
15 of where my expertise may come from, as far as my comments that  
16 I'm about to make.

17  
18 Not only am I the duly-elected mayor of our fishing community,  
19 but I'm also a professional fisherman, commercial and charter  
20 fisherman, and I'm in my forty-fourth year of exercising that  
21 profession. I'm also partners with my sons in five family  
22 seafood restaurants that sell fresh Gulf wild-caught seafood in  
23 the Destin area, and, after I sold my charter boat business in  
24 2018, I started a new company called Boat Owners Assisted  
25 Training, and what business does is I focus on teaching boat  
26 owners, private anglers, how to operate their boats safely, good  
27 maintenance practices, and try to teach them how to operate in a  
28 manner that's going to bring pleasure and enjoyment to it, and I  
29 take them fishing.

30  
31 In the process of taking them fishing, not only do I kind of  
32 show them where they ought to fish, and how they should fish,  
33 but I also teach them the things about the management process  
34 and what their contributions, as private anglers, could be to  
35 the management process and to the resource itself.

36  
37 Destin was founded, in the early 1800s, by commercial fishermen.  
38 They moved from New England to come down and try to provide for  
39 their families in seine fishing, is how they started out, and,  
40 as Destin grew, and a community grew, fishing, up probably until  
41 really the 1950s, was the mainstay of that community. Now,  
42 later on, we got discovered by the rest of America, the  
43 beautiful white beaches, and people started moving to the area,  
44 and our population increased, and tourism, in the 1960s, became  
45 part of our community and part of our heritage.

46  
47 One of the things, and the reason I ran for mayor, is, through  
48 all these decades and times, and I have lived there since 1978,

1 was I saw some things taking place that were troublesome to me  
2 as a legacy fisherman, but, more importantly, I began to worry  
3 about the heritage of our community.

4  
5 We don't have historical buildings in Destin. Things were kind  
6 of built haphazard in the 70s and 80s, when we first got  
7 discovered, but the thing that never changed, and that was most  
8 important to the locals, and to the people like myself, was our  
9 fishing heritage and the founders that made our community strong  
10 and great and encouraged -- It was a warm place for people to  
11 come and live.

12  
13 Everything about me involves fins and gills and fish, every  
14 aspect of my life, since 1978, and to this day, and so one of  
15 the things that I did, as mayor, is I tried to put a focus back  
16 on our fishing community, and I think I've done a pretty good  
17 job. My tour of duty is going to end on November 8, at the  
18 elections, and I have seventy-seven more days, but who is  
19 counting? I'm not going to run for reelection.

20  
21 One of the things that I heard Ms. Boggs talk about was trying  
22 to bring a personal aspect to this management process, and it's  
23 almost like, when you talk about fish and allocations and  
24 management decisions, it's like an inane object, and you forget  
25 about the lives and the families and the people that are  
26 involved with all this decision-making process, and I appreciate  
27 you doing that, because that's going to be the focus of my  
28 comments, is that Destin, and our heritage, is intertwined with  
29 the health of our resources.

30  
31 Most of us in Destin -- We have the largest charter fleet in  
32 North American in the harbor, and so it's real important to the  
33 community, and our city seal has a blue marlin on it, and  
34 there's a charter boat in the background catching it, and so  
35 it's real important, for the health and welfare of these  
36 resources, that it stays strong and vibrant, because we want our  
37 heritage and our businesses to stay strong and vibrant.

38  
39 We have seventy-four seafood restaurants in Destin that serve  
40 wild-caught Gulf seafood, and so, when we start talking about  
41 allocations and reallocating and who deserves what and who needs  
42 more, I just want to remind everyone that the key thing in our  
43 community is we want everyone to share the resource.

44  
45 One group is not a higher class than the other, and the other  
46 group isn't important anymore, and our commercial -- We have a  
47 pretty vested commercial bandit fleet, and they rely on their  
48 portion of their allocation of fish to feed their families.

1 Those fish my sons rely on to provide product to their customers  
2 and our visitors that come here. Our charter fleet -- There is  
3 160 charter boat in Destin Harbor, between state-licensed guides  
4 and federally-permitted charter boats, and those are one to two-  
5 person businesses that have to feed their families.

6  
7 One of the things that I heard this council -- Because I'm  
8 talking about -- We have the most robust private boat-owning  
9 community, and we have the largest dry storage facility in the  
10 State of Florida, with over 800 boats, at Legendary Marine, and  
11 so our community revolves around fish, and so my concern,  
12 especially when I heard discussion yesterday morning, is it's  
13 almost like there's a winner-loser and we want them, and tough  
14 beans for you if we can take them type of attitude, and I really  
15 think that it's important, for a community like ours, is we take  
16 a share-the-Gulf-type approach to this and not forget all the  
17 other stakeholders in the process.

18  
19 Those allocations, that we've been fishing under for decades  
20 now, have served all the stakeholders fairly well, and everyone  
21 has a piece of the pie. What I think the problem is we're  
22 struggling to find ways to remain in that box and remain in our  
23 -- You know, actually remain within our means of what we have,  
24 and I think that needs to be the number-one focus of this  
25 council, because what concerns me right now is my sons'  
26 restaurants and our bandit fleet and our charter fleet --

27  
28 There's not much representation for them on this council right  
29 now, and so, for those that don't have that interest, or their  
30 organization is focused on something else, that also puts a  
31 burden on those that aren't represented, as per se the  
32 commercial industry, or representatives of the charter fleet, or  
33 the representatives of the communities, and it almost puts a  
34 higher burden on you all to be even conscientious to be more  
35 fair than normal, because your decisions, your ideas, impact far  
36 beyond one sector, and it affects every single user group in the  
37 Gulf.

38  
39 What I just want to encourage this council is to take a step  
40 back and put a face to some of the decisions and think about the  
41 overall impact and start applying these difficult decisions by  
42 improving the fishery managements plans that are good, and make  
43 them better, and, in the areas where we don't have -- Where we  
44 have really big challenges, that's where we focus, is on those.  
45 We focus on those challenges to those sectors, or those  
46 stakeholders, to help them acquire more access.

47  
48 The gentleman before me talked about accountability. Levels of

1 accountability, the better you make them, the more increased  
2 access you get to any fishery. I stood before this council in  
3 2008 and made that argument, and it worked for us, and it worked  
4 for the charter industry. Because we rose the level of  
5 accountability, now we have more access to a rebuilding fishery,  
6 and that's where I think the focus should be.

7  
8 I know it's a tough decision, and it's a tough deal, to try to  
9 get seventeen people to agree on anything, but I really want to  
10 encourage you. I think -- I believe in the council process,  
11 because it has worked in the past, and I think it can continue  
12 to work in the future, but I just -- I would greatly encourage  
13 you -- In the interest of my entire community, and all the  
14 stakeholders that live where I live, I encourage you guys to  
15 take that attitude as well. Let's share the Gulf. Thank you  
16 very much.

17  
18 **CHAIRMAN DIAZ:** Thank you, Mr. Jarvis. We're going to swap over  
19 to our virtual participants, and the first up is Mr. Dylan  
20 Hubbard. Captain Hubbard.

21  
22 **MR. DYLAN HUBBARD:** Thank you for the opportunity to speak. I  
23 would have liked to be there in-person, but, unfortunately, due  
24 to flight issues, I was unable to make it, but, as far as gag  
25 grouper are concerned, in my experience, this fishery is much  
26 healthier over the past three years, compared to the recent  
27 past. This is also an extremely cyclical fishery, and I  
28 strongly believe we're in an upswing of biomass numbers. I feel  
29 it's imperative for the council to ask for an immediate interim  
30 assessment.

31  
32 This entire rebuilding plan and stock status determination is  
33 predicated on a stock assessment with a terminal year of 2019.  
34 This is much too far in the past to be acceptable. Please pass  
35 a motion to have a completed interim assessment at the start of  
36 2023, and use this interim assessment to update catch advice  
37 immediately.

38  
39 We are currently seeing the CPUE decrease, showing a healthy  
40 stock and improving biomass growth, plus we're seeing spatial  
41 expansion of smaller fish that are ready to enter the fishery,  
42 along with plenty of larger fish offshore in deeper waters.  
43 During a time of year we don't normally see the greatest gag  
44 grouper fishing, we are seeing it already, and, once it cools  
45 down, we are seeing the area flood with high concentrations of  
46 healthy gag grouper numbers, and we're expecting that once again  
47 this year, especially with the higher-than-expected numbers  
48 during the hottest month of the year.

1  
2 As far as the SEFHIER program goes, we completely support the  
3 changes to alleviate the burden on the fishery of multiple hail-  
4 outs. We support the longest time period, while not affecting  
5 the validity of our data integrity. Despite the conversations  
6 in committee, we want to improve our data collection, and we  
7 moved to a validated census-based data collection system. I do  
8 not support making this a voluntary program, and it would negate  
9 the ability of this data to be used for stock assessments.

10  
11 Our fleet is already invested in this program and the hardware,  
12 and please do not harm our attempts at becoming a well-  
13 documented and accountable sub-sector of the recreational  
14 fishery with validated, calibrated, and well-vetted data that  
15 will eventually be able to be used in stock assessments to  
16 better inform this council on recreational fishing threats.

17  
18 As far as amberjack, I would like to accept the reduction in  
19 catch level, but continue to hold the allocation the same, while  
20 holding buffers the same as well.

21  
22 For the fall red snapper season for the federal for-hire fleet,  
23 I fully support utilizing our ACT, once we have Wave 4 data that  
24 is fully QA/QC'd, even if it's not available until late October.  
25 Even if the season was proposed to start as late as December, we  
26 would love another opportunity to fully utilize our ACT. Even  
27 though a large majority of the fleet wouldn't be able to  
28 prosecute this fishery late in the year, according to council,  
29 or committee, discussions, our fleet would be more than willing  
30 and able to have the opportunity to fully utilize our ACT.

31  
32 As far as red snapper catch level increases, we appreciate the  
33 support in the red snapper catch level increase, but we feel  
34 that the Gulf-wide discussion of widespread localized depletion  
35 is of grave concern. I also wanted to talk about triggerfish  
36 and vermilion snapper, but I'm out of time.

37  
38 **CHAIRMAN DIAZ:** Thank you, Captain Hubbard. We appreciate it.

39  
40 **MR. HUBBARD:** Thank you.

41  
42 **CHAIRMAN DIAZ:** Ms. Boggs.

43  
44 **MS. BOGGS:** In one minute or less, what are your thoughts on  
45 vermilion snapper and triggerfish?

46  
47 **MR. HUBBARD:** I like how you predicated that. You have learned  
48 my ways. For triggerfish, I would not support changes to the

1 triggerfish season. It would potentially affect its ability to  
2 reopen later in the year, and I would like to keep the opening  
3 the same.

4  
5 For vermilion snapper, we would not support an increase in the  
6 bag limit. We're happy at ten fish, and we're not fully  
7 utilizing that bag limit, as the presentation described, and so  
8 I wouldn't want to see it increased.

9  
10 **CHAIRMAN DIAZ:** Thank you, Mr. Hubbard. All right. Next up, we  
11 have Mr. Ken Haddad, and Casey Streeter is on deck.

12  
13 **MR. KEN HADDAD:** Thank you, Mr. Chairman, and welcome to new  
14 council members and reappointed council members. We've been  
15 standing in front of the council arguing for defined -- Ken  
16 Haddad with American Sportfishing Association. Sorry.

17  
18 We've been standing in front of the council arguing for a  
19 process for allocation for twelve years. You've been making  
20 progress, and a policy and guidelines are posted on your  
21 website. When dealing with FES conversions, or similar  
22 conversions, such as SFRS, you're not following your own  
23 guidelines, and, thus, perpetuating the same set of  
24 complications and confusion over allocation and stock ACLs and  
25 declines in stocks for each conversion. I believe that Ms.  
26 Boggs, at this meeting and others, has highlighted this  
27 confusion.

28  
29 We seem to have lost sight of the fact that the data conversions  
30 are not arbitrary allocation changes, but a mathematical  
31 conversion to a new currency, and both your science council and  
32 legal counsel have stated that not converting allocation based  
33 on the converted time series of FES landings is a de facto  
34 allocation change, and I believe Emily is the one who originally  
35 described this process as a currency change, or conversion, and  
36 so logic would suggest that converting the CHTS allocation to  
37 FES-based currency is not really an allocation change, as we  
38 typically think. It just maintains the status quo in the new  
39 currency.

40  
41 If you accept the FES conversions in the stock assessments and  
42 the new stock ACLs, it should be automatic the allocation be put  
43 in the same currency, and so, if the SSC agrees that a landings  
44 time series can be converted from CHTS to FES, you just can't  
45 leave the allocation component in the same CHTS currency and  
46 move everything else to FES.

47  
48 Because of the confusion and optics, what is happening is an

1 attempt to accomplish allocation changes in these conversion  
2 amendments, and you're not following your own allocation review  
3 process and not giving adequate focus on allocation alternatives  
4 and decisions and are only basing decisions on landings, and  
5 you're confusing yourselves and everybody else, and so we're not  
6 against doing allocation changes, or reviews, but we want to see  
7 it done using your own published process.

8  
9 We recommend that you develop a process, similar to what Dr.  
10 Stunz was trying to do, and separate allocation reviews from the  
11 data conversion process. We believe that you should be doing  
12 this now, with at least Amendment 56, and maybe even Amendment  
13 54, if you can include the allocation conversion in the  
14 framework action proposed by Mr. Strelcheck, or separated as a  
15 separate amendment.

16  
17 **CHAIRMAN DIAZ:** Ken, I'm going to ask you to go ahead and start  
18 wrapping it up, please.

19  
20 **MR. HADDAD:** Okay. Thank you. If you continue with Amendment  
21 54 as-is, we support the two preferred alternatives by the  
22 committee. Thank you.

23  
24 **CHAIRMAN DIAZ:** Thank you, Mr. Haddad. We appreciate it. All  
25 right, and so, next up, we're going to go to online and Mr.  
26 Casey Streeter.

27  
28 **MR. CASEY STREETER:** Casey Streeter, first-generation commercial  
29 fisherman, and I own several bandit boats, and I own a seafood  
30 market, as my business. You guys met the people that I  
31 represent, a lot of my fishermen, and some of the businesses,  
32 there in the June meeting.

33  
34 It was a crazy meeting, and I was really disappointed with this  
35 reallocation for amberjack. I'm disappointed with the  
36 conversations on 36B and C and getting nowhere, and I'm  
37 disappointed with not wanting to do another IFQ panel, focus  
38 group, to review our IFQ.

39  
40 You know, I've spoken with a lot of the members, and everyone  
41 recognizes that we have issues with our IFQ program, everybody,  
42 and nobody wants to do anything about it, and I don't understand  
43 how you can recognize a problem and not do anything to take care  
44 of it.

45  
46 I mean, we hear a lot about regional depletion of red snapper,  
47 and I think we need to recognize that southwest Florida does not  
48 have an issue with red snapper. I think we need to realize that

1 we've been taking an overall Gulf of Mexico quota and target  
2 fishing it in a handful of areas, and they're saying  
3 regionalized depletion.

4  
5 I think we can all recognize that a lot of the increases we've  
6 seen in red snapper are because of the increased landings in the  
7 eastern Gulf of Mexico. I mean, if we're seeing these regional  
8 depletions, and we're seeing less fish caught in regions, why  
9 does the allocation price continue to rise?

10  
11 Why do we still not have the ability to access allocation in  
12 southwest Florida? I was told because they're easier to catch  
13 is why they're more expensive, but it seems that everyone wants  
14 to say they're not as easy to catch, but they're still  
15 expensive, and they're actually increasing, and we're getting  
16 less access in our area.

17  
18 I agree a lot with Mr. Jarvis and what he said. The heritage,  
19 the importance of our fisheries for our businesses and  
20 communities and families, and we need access, in southwest  
21 Florida, that we do not have and are not receiving. I mean, we  
22 need vessel TACs, and we need regional dispersion of fish. We  
23 need limits on what our allocation costs are, so our fishermen  
24 are not getting all their profits harvested off the top. I  
25 mean, we're counting on you guys to manage our fisheries as a  
26 whole and not a single sector. We need help. We need you guys  
27 to do what you're chartered to do, just like was said yesterday.

28  
29 They're tough decisions, and they're tough conversations, but  
30 they have to be had. That's how we fix our problems. I don't  
31 want to get rid of an IFQ. I want to fix it. We all recognize  
32 the shortcomings. We need this increase in southwest Florida  
33 and the eastern Gulf for our fish. We rebuilt our red snapper  
34 stocks to just discard them away, and everyone in that room  
35 that's going to speak today is a participant, just like I am, in  
36 a limited access program.

37  
38 No one is better than me, or my fishermen that you met in  
39 southwest Florida, and we're all equals in the same program. If  
40 we're wanting to get rid of fishermen, we should get rid of the  
41 300 latent permits that haven't caught a fish since 2015. If  
42 we're worried about being overcapitalized, we're making our  
43 fishermen be high-production fishermen, where they have to catch  
44 three-times the amount of catch that they would have had to  
45 catch in the past to make the same amount of money, and that's  
46 creating the optical illusion of overcapitalization in our  
47 commercial fishery.

48

1 A lot of guys don't want to be rich. They just want to make a  
2 living and support their families and improve their lives and  
3 invest in their businesses, and we cannot do that in this  
4 current structure. Please manage our fishery to where we can  
5 have success in the future. Manage our fisheries so that  
6 fishermen have access to fish regionally and not in just a  
7 handful of areas of control.

8  
9 **CHAIRMAN DIAZ:** Mr. Streeter, I'm going to ask you to start  
10 winding it up, please.

11  
12 **MR. STREETER:** Thank you very much. I appreciate your time.

13  
14 **CHAIRMAN DIAZ:** Thank you, Mr. Streeter. We appreciate your  
15 time, and we appreciate you volunteering your time to serve on  
16 the IFQ focus group also, and so thank you. Next up, we have  
17 Mr. Lance Nacio, and, on deck, Ellen Peel.

18  
19 **MR. LANCE NACIO:** Good afternoon. My name is Lance Nacio, and  
20 I'm the owner of Anna Marie Seafood out of Montegut, Louisiana.  
21 We have three boats, two shrimp boats and one reef fish boat.  
22 We got into the reef fish business about five years ago, and we  
23 started out bandit fishing, and we learned quick that it was  
24 difficult to make it bandit fishing, with all the snapper out in  
25 the Gulf, and so we put a longline on the boat, and we started  
26 longlining for grouper, but then that also created a problem,  
27 where we're catching two to three pounds of snapper for every  
28 pound of grouper we're catching.

29  
30 One of the suggestions that we came up with was possibly a  
31 mortality discard permit for grouper fishing. I was part of the  
32 focus group, and we had a lot of really good ideas, and I didn't  
33 hear too many of them talked about today, but, you know, I'm  
34 here representing the fishermen from the second generation,  
35 post-IFQ, who don't have access to fish, and, you know, every  
36 time I get up and speak, it seems like it's harder and harder  
37 for me to secure fish, but some of the ideas that Casey had  
38 talked about -- I really support them. You know, if we want to  
39 prevent overcapitalization, or overfishing, getting rid of  
40 latent permits is one way.

41  
42 Also, another way would be TAC limits. If, you know, we can  
43 only land so much fish in areas, it would spread the fishing  
44 out, and it would be more sustainable for our fishery. Another  
45 thing, also, is that, you know, it should be what Ms. Boggs was  
46 saying yesterday and, I mean, I really think we need to start  
47 throwing some ideas against the wall and see what sticks with  
48 36B.

1  
2 You know, some of the ideas we also had was income qualifiers,  
3 where, you know, if you're going to get shares, you need to be  
4 landing that fish that you're getting shares for. Another  
5 thing, also, is if there was a cap on the amount that the fish  
6 can be leased for, where's no more than 25 percent of the ex-  
7 vessel price of the fish, and not 75 percent, and, you know,  
8 that's about it. I'm hopeful, and, I mean, I'm on my way out,  
9 and so, no matter what I say, it really doesn't matter. Unless  
10 we can make some changes, we're going to lose a lot of fishermen  
11 in this industry.

12  
13 **CHAIRMAN DIAZ:** Thank you, Mr. Nacio. We have a question for  
14 you, Mr. Nacio.

15  
16 **MR. SCHIEBLE:** A real quick one. It won't take long. Thanks  
17 for coming all the way over here and telling us your opinion and  
18 giving us some facts to be able to work with. What is your  
19 opinion on having a second focus group meeting? Do you think  
20 that will get some issues resolved, or do you see that as not  
21 getting any further than the first one?

22  
23 **MR. NACIO:** No, and I think that we should have a second one,  
24 and maybe have some directives that we need to meet at this  
25 second one, because, at the first one, we kind of just threw out  
26 a bunch of ideas, and we pinpointed a few of them, but, I mean,  
27 if you all gave us some sort of directive to achieve, and I'm  
28 for the slow food, and the slow foods motto is good, clean, and  
29 fair, and there's a lot about this IFQ program that's good and  
30 clean, but it's not fair.

31  
32 **CHAIRMAN DIAZ:** Thank you. Thank you, also, Mr. Nacio, for  
33 serving on the IFQ focus group. Mr. Dyskow.

34  
35 **MR. DYSKOW:** Thank you. I appreciated your presentation, and  
36 you said a lot of things that I wanted to hear. You said one  
37 thing that I didn't quite understand. You said that, when you  
38 come here to speak, you get less allocation, and what do you  
39 mean by that?

40  
41 **MR. NACIO:** We get less access, and so, I mean, there's no  
42 database where we can reach out to secure allocation, to lease  
43 allocation to be able to fish, and, you know, some of these  
44 people that don't want to see change, that's the people we have  
45 to lease the fish from, and so, you know, the more we speak out,  
46 it seems the less likely we are to get fish, and another thing  
47 that happens is, when we lease fish, we have to lease fish in  
48 packages, or we have to lease other fish that we won't use the

1 allocation for, and so, instead of being \$4.60 a pound for  
2 snapper, in some cases, we're paying \$5.00 a pound to lease  
3 snapper, where -- We unload our own fish, and so we're getting  
4 \$7.00 or \$7.50 a pound for our fish, but the guys who just go  
5 straight to the dock -- They're getting six-bucks, and so  
6 they're only making a dollar-and-a-half a pound on fish. You  
7 know, that means you have catch three-times the amount of fish,  
8 and so I can't see where that's sustainable, having to catch  
9 more fish.

10  
11 **CHAIRMAN DIAZ:** I think we had another hand somewhere. Go  
12 ahead, Mr. Dugas.

13  
14 **MR. DUGAS:** Thank you, Lance, for coming. You answered one of  
15 my questions that Phil asked, but I think I understand that you  
16 don't own any red snapper?

17  
18 **MR. NACIO:** No, I don't own any.

19  
20 **MR. DUGAS:** Do you lease it?

21  
22 **MR. NACIO:** I lease everything.

23  
24 **MR. DUGAS:** I think I heard what you said, that it's become a  
25 challenge to get access to it, and it's getting harder and  
26 harder, as you come to meetings.

27  
28 **MR. NACIO:** Yes.

29  
30 **MR. DUGAS:** It's something in the meeting room that is taking  
31 charge of that?

32  
33 **MR. NACIO:** What's that?

34  
35 **MR. DUGAS:** You say you come to the meetings, and, as you come  
36 to the meetings, it gets harder and harder to get access to  
37 fish.

38  
39 **MR. NACIO:** Yes.

40  
41 **MR. DUGAS:** So something in this room is triggering that?

42  
43 **MR. NACIO:** Well, I think just people's opinions who don't want  
44 to see change in this industry. You know, when I first started  
45 leasing fish, I was paying \$3.00 a pound, and it was very  
46 available, and I only made two leases this year, and I paid  
47 \$4.25 and \$4.60 a pound, but, I mean, I made numerous calls, and  
48 I just keep getting turned down at every turn I make, and there

1 is no database for us to reach out to, and so it's coming to a  
2 point where we're not going to be able to fish.

3  
4 **MR. DUGAS:** So what is your status today? Are you still fishing  
5 today?

6  
7 **MR. NACIO:** Yes. We have 7,000 pounds of deepwater grouper and  
8 1,500 pounds of snapper left to catch. We sent a boat out to  
9 work, and my nephew has been my captain for the last five years,  
10 and he just went and landed an oil field job, because we  
11 couldn't secure enough quota for the boat to make enough trips  
12 to go out.

13  
14 **MR. DUGAS:** Okay. Thank you for your comments.

15  
16 **CHAIRMAN DIAZ:** Thank you, Mr. Nacio. Next up, we're going back  
17 to online, and Ellen Peel. I'm sorry. It's Eric Schmidt, and,  
18 Ms. Peel, we'll get back to you in just a minute, and so Eric  
19 Schmidt is next.

20  
21 **MR. ERIC SCHMIDT:** Good afternoon. Eric Schmidt, charter boat  
22 and headboat operator, Fort Myers, Florida. Quickly, I  
23 recommend status quo on red snapper and absolutely no bag limit  
24 change for vermilion snapper.

25  
26 I'm respectfully going to request that the council make an  
27 amendment to the motion that you all did before lunch regarding  
28 Florida pompano. At one point in the amendment, you included  
29 African pompano and permit, but, before you voted on it, you  
30 removed it. African pompano, in our area, on the west coast of  
31 Florida, is a fishery that is prosecuted solely in federal  
32 waters.

33  
34 African pompano meets the criteria for federal management,  
35 according to the Magnuson Act, for management and conservation.  
36 According to the guidelines for establishing council fishery  
37 management plans in the briefing book, it meets all ten of the  
38 requirements, especially Number 5, where the stock is important  
39 to commercial or recreational users, and Number 6, the stock is  
40 important to the nation or to the regional economy.

41  
42 African pompano are caught in all five Gulf states, and four  
43 states have absolutely no regulations whatsoever on African  
44 pompano. The State of Florida has a two fish per vessel,  
45 twenty-four-inch fork length, restriction. Now, because there  
46 is no federal management, the state regulation carries over into  
47 federal waters, and that figure of two fish per vessel is not  
48 based on any science or any biological fact. It was a number

1 that was arbitrarily looked at and garnered by a group of  
2 stakeholders that Florida Fish and Wildlife Conservation put  
3 together.

4  
5 This is a petition, and there is 1,200 names here. I talked to  
6 fishermen, and I went to fishing groups, and these are customers  
7 that I have taken fishing, and these are fellow charter boat and  
8 headboat operators, and they're all from Tampa to Key West, and  
9 they all support federal management of African pompano,  
10 especially in our area.

11  
12 You have unlimited commercial harvest in federal waters, and, if  
13 you're a commercial spear fisherman, you can go out and spear  
14 300 or 400 pounds of them, and you go to the dock. When I'm on  
15 a charter, I can only keep two, and, in the recent years, we  
16 have had an explosion in our area. I also run a sixteen-  
17 passenger headboat, on weekend trips, and, three years ago, I  
18 made one stop, and we caught sixty-four.

19  
20 Now, as you continue to take fish from us, it's getting more  
21 difficult for me to put trips together, and, now, I do have  
22 trips where I have customers that went to do catch-and-release,  
23 and they will want to catch jewfish or amberjack, something big  
24 to pull on the line, but I do have customers that want to retain  
25 fish to take home to eat, and what I'm looking at on the  
26 calendar here, next year, with the potential restrictions and  
27 regulation changes, it's going to be very difficult for me to  
28 put a trip together.

29  
30 **CHAIRMAN DIAZ:** Thank you, Mr. Schmidt. Mr. Gill.

31  
32 **MR. GILL:** Thank you, Mr. Chairman. Thank you, Eric, for coming  
33 all the way over here and giving your testimony. So your  
34 description of your issue with African pompano sounds like it's  
35 more of an issue with the state regulations, and have you  
36 discussed this issue with FWC, and what has that reaction been,  
37 in terms of your request to broaden the African pompano limit?

38  
39 **MR. SCHMIDT:** Yes, and I believe it was the meeting in New  
40 Orleans, and Dr. Crabtree recommended that I go see the FWC,  
41 because, at that time, he didn't really have an appetite for  
42 just taking on African pompano, and I went to speak with them in  
43 Naples, and Commissioner Barreto and the other commissioners  
44 received a copy of the petition, and they seemed pretty  
45 apathetic. They didn't care one way or another. They deferred  
46 to staff.

47  
48 At the council meeting in Fort Myers, I went to see Jessica, and

1 she said, as of now, with the pending lawsuit on Florida  
2 pompano, there would be no changes whatsoever to any pompano  
3 rule with the FWC, and so, when I saw that this was on the  
4 agenda, that's why I'm here, because, as slow as the process is  
5 in fisheries management, civil litigation could take years, and  
6 so, if this is something -- I am not asking you to just change  
7 the rules and at the next meeting start a framework amendment,  
8 but I'm just asking you to put African pompano and permit in the  
9 council's staff presentation, so that you all can learn about  
10 these fish. They're a federal fish, and we catch them in  
11 federal waters, and you will not catch an African pompano on the  
12 west coast of Florida in state waters.

13

14 **MR. GILL:** Thank you, sir.

15

16 **CHAIRMAN DIAZ:** Mr. Strelcheck.

17

18 **MR. STRELCHECK:** Hi, Eric. Thanks for being here. Did I hear  
19 you correctly that you said status quo management for red  
20 snapper?

21

22 **MR. SCHMIDT:** Yes, sir.

23

24 **MR. STRELCHECK:** Can you explain that, because my understanding,  
25 from hearing from southwest Florida, is the red snapper are  
26 doing really well down there.

27

28 **MR. SCHMIDT:** Well, in this process, a lot of people tend to be  
29 pretty selfish, and they want to grab their fish and hold on to  
30 their slice of the pie. Yes, we have a very robust red snapper  
31 fishery in our area, and we have to run sixty, seventy, or  
32 eighty miles. Now, I talked to other fishermen, in other parts  
33 of the Gulf, and, okay, fine, you change, and you add fish to  
34 our quota, and maybe I get an extra fifteen days, after you're  
35 done with that, but it's really hurting the fishermen in the  
36 northern Gulf, and so I am happy with status quo, as it is right  
37 now.

38

39 We had seventy-nine days this year, and, towards the end of the  
40 season, it was kind of tough to keep people's interest going.  
41 They're gung-ho at the beginning of the season, but then you  
42 roll into August, and people are worried about getting clothes  
43 for their kid to go back to school, and they're wrapping up  
44 their summer, and so that's the other thing that I would be  
45 interested in discussing, is, if we're going to have eighty  
46 days, maybe break it up to forty days in the summer and forty  
47 days in the winter, or something to where we could spread it  
48 out.

1  
2 **CHAIRMAN DIAZ:** Mr. Dugas.  
3

4 **MR. DUGAS:** Thank you, Eric. Do you have an opinion on the  
5 charter/for-hire hail-in and hail-out, the sixty, ninety, or 120  
6 minutes?  
7

8 **MR. SCHMIDT:** I think it's ridiculous. That program was started  
9 by industry, and several charter fishermen came to the council,  
10 and they wanted electronic logbooks, which turned into the  
11 vessel apps now, where we report our catches, with the intent of  
12 creating catch histories, so that, down the road, we could  
13 create an IFQ program, possibly, for the charter industry.  
14

15 What has happened is this process has become very convoluted  
16 along the way, and the government has now gotten involved in it,  
17 and this was supposed to be about fish reporting, and now it's  
18 turned into social science reporting, and now reporting every  
19 time I leave the dock, if I have to go -- I have to go a  
20 quarter-mile to the fuel dock, and I have to hail-out.  
21

22 Now, what's going to happen here, with putting a time limit on  
23 this, is the law of unintended consequences. I have a friend  
24 that was a commercial fisherman, and they have to report three  
25 hours before they hit the dock. If you're going to be there at  
26 7:00 p.m., you better be there at 7:00 p.m. You can come in at  
27 8:00, but don't come in early. He came in six minutes early,  
28 and an FWC officer gave him a ticket, and so what if I take a  
29 partyboat and refuel it at the commercial shrimp dock, and I go  
30 over there, and say I have sixty minutes to go dock to dock, and  
31 there's a shrimp boat there getting 7,000 gallons of fuel.  
32

33 Now, I am forty yards from the dock, but I'm not tied up. I  
34 listened to the discussions the other day, and I have to  
35 physically be tied up to the dock, and then what does constitute  
36 a dock? I wish you would just do away with it, because that was  
37 not the intent of this program.  
38

39 Now, I'm the Vice Chair of the Data Collection AP, and there was  
40 a motion made that, once we passed the COLREGS line, then we  
41 make our declaration, once we're underway, but just running  
42 around the bay, going to the marina, it's really added a lot of  
43 burdens and just a lot of aggravation.  
44

45 **CHAIRMAN DIAZ:** Thank you, Mr. Schmidt. We appreciate it. Next  
46 up, we have Ms. Ellen Peel, and then Bob Zales is on deck, but,  
47 before we start Ms. Peel, there's been a couple of people that  
48 have signed up, and it seems like there may be a problem on

1 their end, or maybe on their end, but their name didn't show up,  
2 and so we are going to display the full list of people that have  
3 signed-up so far, and, if you signed-up, and you do not see your  
4 name on the list, please get with our staff.

5  
6 We want to make sure that everybody gets the chance, that wants  
7 to speak can speak, and they can get with Carly, in the back.  
8 Carly is in the back, by the door. Raise your hand, Carly. If,  
9 for some reason, you don't see your name, please get with Carly.  
10 We want to make sure that everybody that tried to sign-up gets  
11 an opportunity to speak. With that, we're going to go ahead  
12 with Ms. Ellen Peel, and they will be scrolling the names as she  
13 is giving her testimony, and so go ahead, Ms. Peel.

14  
15 **MS. ELLEN PEEL:** I am the President of the Billfish Foundation.  
16 Can you hear me speaking twice?

17  
18 **CHAIRMAN DIAZ:** It seems like there's an echo, Ms. Peel, in the  
19 background, and I'm not sure what is causing the echo, but we  
20 can hear you.

21  
22 **MS. PEEL:** Okay. I'm the President of the Billfish Foundation,  
23 and, obviously, our concern is over depredation of billfish,  
24 tunas, and swordfish and the negative impact it's having on both  
25 charter and private recreational fishing.

26  
27 My question is, in light of Dr. Cortes sharing some improvement  
28 in shark stocks, and Karyl noting that there's a decline in  
29 active commercial shark fisheries, that there is the ban on  
30 selling shark fins in states, and that's separate from finning,  
31 and that that's had a negative impact on commercial fishing, and  
32 my question is, in light of all of these, is there any reason to  
33 think the U.S. commercial shark fishery will be competitive  
34 again one day? The second part is, if they aren't, and they are  
35 not landing sharks, what is going to be the future of  
36 recreational fishing, again, charter and private? Thank you.

37  
38 **CHAIRMAN DIAZ:** Thank you, Ms. Peel. Next up, we have Mr. Bob  
39 Zales, and, on deck, we have Dan Green.

40  
41 **MR. BOB ZALES, II:** Bob Zales, II, representing the National  
42 Association of Charter Boat Operators, SOFA, and commercial  
43 longliners. First off, on red snapper, pretty much everybody  
44 I've talked to, especially in our area, and every professional  
45 in this room, pretty much, status quo. We don't need an  
46 increase in quota.

47  
48 The thing that Eric said about forty days here and forty days

1 there, the guys in Panama City, the majority of them, would like  
2 to see that eighteen days in August split up to three weekends  
3 in September and October.

4  
5 With all due respect to comments made about accountability, the  
6 discard mortality in the private rec fleet is out of sight.  
7 It's out of control, and there is no accountability in that  
8 fleet. How many congressmen and senators were on that letter?  
9 Every one of them that complained about MRFSS and FES, and the  
10 states may have a better system, but, right now, discards are  
11 not being counted.

12  
13 We all suffer because of that discard mortality, because, as  
14 they set -- When they set ABC, it's adjusted to account for the  
15 discard mortality that's there, and so, where we couldn't catch  
16 fish up here, we're catching down fish here, because of the  
17 discarding, and so that private rec discard mortality has put me  
18 out of fish, and it's put the commercial guys out of fish, and  
19 that needs to be fixed.

20  
21 I sent an email to this council and requested that we look at a  
22 vessel permit for the recreational fleet in federal waters.  
23 That is the only vessel in the Gulf of Mexico today that is not  
24 identified, and it doesn't have a permit or anything to go with  
25 it. I've got a permit, and I'm identified. The commercial guys  
26 have got a permit, and they're identified. If you fish HMS,  
27 you've got to have a permit, and so the precedent is there to  
28 set it, and you need to seriously look at it, because that would  
29 give us a decent number on how many are fishing there, number  
30 one, and then you get into a data program, and we get data, and  
31 you get a better handle on the discards.

32  
33 I have talked to -- On the discard mortality, to see if the  
34 Fisheries Service can look at a way to -- The discard mortality  
35 on the rec side be taken from their quota, and discard mortality  
36 from my side, charter, be taken from my quota, and discards from  
37 the commercial will be taken from there. That would give us a  
38 few more fish, because our discard mortality is lower, and we  
39 report every day.

40  
41 I do it times three trips a day, in SEFHIER, three four-hour  
42 trips, one behind the other, and I put everything in there, my  
43 discards, what I catch, the whole deal, and they know exactly  
44 what I'm doing every minute of every day. Commercial boats are  
45 the same way. Private recs, they're wide open. Nobody knows  
46 where they are, where they're going, how many, what they're  
47 doing, and so that's it. Any questions?

1 **CHAIRMAN DIAZ:** Thank you, Captain Zales. All right. I'm not  
2 seeing any questions. Thank you for your thoughts. All right.  
3 Next up is Mr. Dan Green and, on deck, we have Christina Vaeth.

4  
5 **MR. DAN GREEN:** Hello. I'm from Galveston, Texas, Dan Green,  
6 and I've been a charter fisherman since 2006. I first started  
7 running only offshore trips, and then I started adding state-  
8 water trips to my business. About six years ago, I felt that I  
9 needed to add another way to make money in the winter, and so I  
10 bought a commercial permit, so that I could go fish in the  
11 winter and make a paycheck.

12  
13 I started out slow, only landing a few thousand pounds my first  
14 year, and, last year, I was able to catch a little over 30,000  
15 pounds of fish, and that doesn't seem like much, but my boat is  
16 small, and it only carries about 2,000 pounds comfortably. Out  
17 of those 30,000 pounds, I would say that 95 percent of those  
18 fish were leased, and I think the ability to lease fish is vital  
19 for my business, and a lot of other people's.

20  
21 I have leased fish from multiple different shareholders along  
22 the Gulf, and I have also leased fish from other guys, like  
23 myself, at the end of the year, when their market wasn't buying  
24 fish, so they wouldn't be stuck with a bunch. The ability to  
25 lease fish lets guys like me test the waters of commercial  
26 fishing without going millions into debt, and I also hope to  
27 slowly acquire shares throughout my career and one day be able  
28 to lease them to young captains like myself. That's all.

29  
30 **CHAIRMAN DIAZ:** Thank you. All right. Next up, we're going to  
31 go online to Ms. Christina Vaeth. Christina.

32  
33 **MS. CHRISTINA VAETH:** Hi. My name is Christina Vaeth, and I'm  
34 calling on behalf of an active commercial shark fisherman, and I  
35 kind of wanted to answer one of the council members' questions,  
36 and I can't remember whose, but there are shark permits  
37 available. It's just that everyone is scared to get into the  
38 business, with the threat of a national fin sale ban and no real  
39 meat market.

40  
41 State fin bans have eliminated domestic fin sales and limited  
42 access to ports to even export. HMS has tried to promote the  
43 meat market, with recipes for our sustainably-harvested sharks,  
44 but, somehow, it had to be pulled off the internet, within  
45 hours, with no explanation. For this reason alone --

46  
47 **CHAIRMAN DIAZ:** Ms. Vaeth, we are having a little bit of trouble  
48 hearing you. If I could get you to slow down just a little bit,

1 and maybe speak a little bit more clearly, and we're getting  
2 you, but it's just barely audible, and so if you would.

3  
4 **MS. VAETH:** I'm sorry. It's the speakers, I'm sure, on my  
5 computer, but I just wanted to let the council know that there  
6 are shark permits available. It's just that everyone is scared  
7 to get into the business, with the threat of a national fin sale  
8 ban and no real meat market.

9  
10 State fin bans have eliminated the domestic fin sales and have  
11 limited access to the ports to even export. HMS has tried to  
12 promote the meat market, with recipes for our sustainably-  
13 harvested sharks, but, somehow, it had to be pulled off the  
14 internet, within hours, with no explanation. It is for this  
15 reason alone, marketability, that quotas are not being  
16 harvested, and the optimum yield prescribed in the fishery  
17 management plan is not being achieved.

18  
19 Our market will never be straightened out until misinformation  
20 to the general public is combated, and this kind of leads me to  
21 my next comment about the sandbar stock assessment and  
22 projections. During last evening's question-and-answer, someone  
23 had asked about another assessment for sandbars, and Dr. Cortes  
24 had said something about not needing to review it that often,  
25 but, since 2017, when the last stock assessment was done, the  
26 quotas have been underharvested by, on average, 50 percent every  
27 year from 2017, and so I would question whether that would  
28 change his rebuilding projections, and have those figures been  
29 accounted for?

30  
31 **CHAIRMAN DIAZ:** Thank you, Ms. Vaeth. I appreciate it. Next  
32 up, we have Johnny Walker.

33  
34 **MR. JOHNNY WALKER:** My name is Johnny Walker, and I am a -- I've  
35 been charter boat fishing for over thirty years in Galveston,  
36 and a commercial fisherman for about twenty-five years. I  
37 wanted to kind of go over -- I guess it's a story, as far as  
38 when I came into the fishery and the reason for the story is the  
39 state of the fishery when I came in it and how I see it now.

40  
41 I was charter boat fishing out of Galveston, and it was in the  
42 1990s, in 1995, and, of course, every day, I had to walk the  
43 dock, and I was at the middle of the -- I would have to walk  
44 past this boat called the Brand X, and, you know, fish on the  
45 dock all the time, and he was in the commercial fishery, Billy  
46 Wright, and he told me -- I always asked him about commercial  
47 fishing and how was the living, and he said, hey, John, come  
48 with me one day, and I will show you the ropes, and you can see

1 what goes.

2

3 I was looking for a way to make some extra money, and I was  
4 planning on going all-in on this deal, and so, the first trip I  
5 made with Billy Wright in 1995, we left one morning, and it took  
6 us two days, and he didn't have a limit. It was like 1,700 or  
7 1,800 pounds, and, at that time, it was a derby, and, of course,  
8 you had to set your days to where you didn't finish up the  
9 second day, and, if you were 200 pounds short, you needed to get  
10 back to the dock, and so he said, John, we've got to go back to  
11 the dock, and we unloaded, and I was like, well, this ain't bad,  
12 and I said, Bill, I said, how about the price of the fish?

13

14 He said, oh, John, it's a good price. It's \$1.72, and so I'm  
15 like, okay, I can make a go of this, and so, the next year, I  
16 bought my commercial permit and a boat, the Miss Ashley, and I  
17 proceeded to probably fish through the roughest time of the  
18 fishery. It was probably the worst time you could ever get in  
19 it. In the late 1990s, the fishery was collapsing, but I busted  
20 my ass, and I fished, and I was one of the first guys out and  
21 the last guys in, just like these other guys that did it, and I  
22 knew, we knew, that something had to happen for it to become  
23 better.

24

25 In other words, the fishery was collapsing in the late 1990s,  
26 and it was getting harder, and the price was down, and it was a  
27 race to the fish. The resource was going away, and so IFQs --  
28 There was a lot of scuttlebutt about it, and so we all started  
29 to kind of position ourselves for this IFQ. In 2002, 2003, and  
30 2004, the referendums, and we ended up -- I was one of the guys  
31 that voted for it.

32

33 So we voted it in, and I got this letter, and, I'm like, damn,  
34 you know, I'm going to be able to make some money with this deal  
35 okay, and, well, it just so happens that we vote it in, and the  
36 first year is good, and, boom, they slash the quota, and so  
37 Johnny Walker is over here thinking that he's going to, you  
38 know, make all this money, and it's cut in half, and so I'm  
39 sitting here jockeying, and, you know, do I stay in this thing,  
40 or do I get out of it, and what's going to happen here, but all  
41 of us were in the same boat.

42

43 The fishery was overcapitalized. With IFQs, we were going to  
44 rebuild the resource, and it was going to make it to where we  
45 could all make a little bit more money, and so the second year  
46 came in, and they cut it again. I mean, it forced us into  
47 buying permits and moving things around, and this notion that  
48 all the top guys -- If you look at all the top guys now, and I

1 don't know everybody, but I knew Underwood and Burnett and  
2 Guindon, and all of those guys that were top-tier back then,  
3 they're top-tier now. IFQs didn't change any of that.

4  
5 **CHAIRMAN DIAZ:** Mr. Walker, I would just ask you to try to start  
6 wrapping it up, please, but we're very interested in testimony,  
7 but just if you could start closing it up.

8  
9 **MR. WALKER:** Right, and so, but with implementation of it, of  
10 course, it starts coming back, and we all were back in the  
11 fishery, and it helped us. Once the fishery started recovering,  
12 and we started getting more entrants in, and you had bigger  
13 parties coming in with quota, and we were able to lease to a  
14 bunch of these reef fish permit holders that never could catch  
15 fish before, and so reallocation -- When I hear that word -- I'm  
16 still making payments on what I got, and are my fish that may be  
17 reallocated to get that note that I'm still paying?

18  
19 There's a lot involved, as far as when it comes to the fishery,  
20 when it comes to that, and there's a couple more things, as far  
21 as overfishing. I charter fished this year, and I truly believe  
22 that we do not need an increase on the quota this year. I've  
23 seen some area depletions, as far as snapper, and it's a little  
24 bit harder to catch them this year, and, also, kingfish and  
25 cobia, and that's a serious thing.

26  
27 **CHAIRMAN DIAZ:** Thank you, Mr. Walker. We appreciate your  
28 testimony. Next up is David Paul Horan, and he's going to be  
29 online, and on deck is going to be Mr. Charlie Bergmann. Are  
30 you there, Mr. Horan? In the interest of time, we're going to  
31 move on and come back to Mr. Horan, if we can get him, and we'll  
32 go to the next person. Mr. Bergmann, and so, if Mr. Horan is  
33 available, he'll be next. If not, Katie Fischer will be next.

34  
35 **MR. CHARLIE BERGMANN:** That's kind of like the longest mile,  
36 walking up here. Good afternoon. Thank you for the opportunity  
37 to address you. I'm going to probably say a lot of things that  
38 I normally say, and I spoke a lot, I believe, to different  
39 members on the need for us, us as an industry and as science,  
40 and there needs to be surveys to address, or to monitor, the  
41 bait stocks, the bait stocks that are further offshore, and,  
42 hence, the bigger fish are further offshore. Also, monitor the  
43 sargassum in the Gulf, and that's a good indicator of the health  
44 of the fishery.

45  
46 Recreational fishing, and with all due respect to the gentleman  
47 that spoke earlier, the governing bodies, the council, the  
48 agency, the different states, have no idea how many anglers are

1 in the states. They have an idea as to how many licenses, or  
2 permits, that were sold, but they don't know what the universe  
3 is, say for reef fish or for seatrout. They're two totally  
4 different fisheries, but all you have is a list of the licenses,  
5 and so we need to maybe pursue this idea of getting a federal  
6 angler permit, similar to what HMS has.

7  
8 I would really like to see if the council could check with ASMFC  
9 and look at their striped bass program, where they have fish  
10 tags by state, different colors by state, and they have  
11 different gear types, and monitor the snap-in tags, in through  
12 the gill and out the mouth, and they snap together. This is  
13 something that may prove useful in monitoring the recreational  
14 catch.

15  
16 ITQs, this has been a sore subject for a lot of folks, but the  
17 purpose and the need for the amendment was to reduce  
18 capitalization, and the only purpose of an ITQ -- I mean, there  
19 were a lot of things that happened because of it, but the only  
20 purpose of an ITQ is to reduce capitalization. Now, this  
21 council listened to the fishermen that wanted it, and it was  
22 implemented to reduce capitalization, and the problem is they  
23 reduced a little bit more, but it's doing what the management  
24 plan was designed to do. I see the red light is blinking. I  
25 don't support any increase in the red snapper catch. Thank you.

26  
27 **CHAIRMAN DIAZ:** Thank you, Mr. Bergmann. We appreciate your  
28 testimony. Are we able to get Mr. Horan on the line? Okay, and  
29 so I'm going to try to go to somebody else, and we'll try to  
30 come back to Mr. Horan in a little while, when we get that  
31 straightened out. Katie Fischer, and then on deck is going to  
32 be Hans Guindon.

33  
34 **MS. KATIE FISCHER:** I'm Katie Fischer from Matlacha, Florida.  
35 I'm a fish house owner, and also a vessel owner, and, first of  
36 all, I would like to express my support for the second IFQ  
37 meeting. Although I do think that it will be difficult to come  
38 to a consensus, I think that the structure of that meeting in  
39 Tampa was an excellent way for all perspectives that encompass  
40 our commercial sector to have a seat at the table. I definitely  
41 look forward to the second meeting.

42  
43 I do have one recommendation, prior to the next meeting, and  
44 that would be to repopulate the crew with no shares seat with a  
45 true crew with no share, and I believe that captains and crew  
46 deserve a spot at that table, and I think their perspective  
47 would be a good thing to have, moving forward.

1 The second topic that I would like to talk about is sector  
2 allocation. I listened to the amberjack discussion yesterday,  
3 and, I mean, our commercial quota is whittled down to 16  
4 percent. I mean, that is scary. We are 500, approximately 500,  
5 boats that harvest fish in the Gulf of Mexico, but we represent  
6 325 million non-fishing Americans. When our fish is harvested  
7 and brought to the dock, it does not stop there, and it is  
8 distributed throughout our countries, to give an American choice  
9 for seafood on their dinner plate.

10  
11 I think that we need to bring into the discussion some  
12 thresholds, minimum thresholds, set for these sector allocations  
13 that protect the food security of Americans. You know, this is  
14 becoming a more prevalent problem in our country, with food  
15 shortages everywhere, and I don't want it to be too late before  
16 we start protecting that. I think the majority of America  
17 deserves to have their food security protected.

18  
19 As far as a red snapper increase, I do support a red snapper  
20 increase, just for the simple fact that we need more access in  
21 southwest Florida. Our fishermen, we have trouble getting  
22 access to red snapper, and it would really help our owner-  
23 operators and small-boat fleet out, and I think that's all I've  
24 got today. Thanks for taking time to hear my comments, and I  
25 will take any questions, if you all have any. If not, I will  
26 look forward to seeing you guys at the next meeting, and sorry  
27 that I couldn't make this one.

28  
29 **CHAIRMAN DIAZ:** Thank you, Ms. Fischer. We appreciate your  
30 comments. Next up, we're going to go -- We have a question for  
31 you, Ms. Fischer, from Mr. Dugas.

32  
33 **MR. DUGAS:** Thank you, Mr. Chair. Hi, Katie. I had trouble  
34 hearing what you were saying, and it was something about the  
35 focus group and a crew member?

36  
37 **MS. FISCHER:** Originally, when you were talking about the  
38 different types of participants for this group, the seat for  
39 crew was crew with no shares, and that would be a crew member  
40 that has no shares, or does not own any shares, and that seat  
41 was not populated to reflect that, and I think that was a  
42 disservice to all the captains and crew across the Gulf that  
43 make huge sacrifices to go out and harvest the seafood, and so I  
44 would recommend that a true crew with no shares participant be  
45 repopulated in that seat, so they can have their perspective  
46 heard. They are the ones that are going out there and  
47 harvesting the fish.

1 **CHAIRMAN DIAZ:** Thank you, Ms. Fischer. We appreciate it.  
2 We're going to try Mr. Horan at this point. Emily has got a  
3 workaroud, and so go ahead.

4  
5 **MS. EMILY MUEHLSTEIN:** No, and we're going to --

6  
7 **CHAIRMAN DIAZ:** All right. Next up, Mr. Hans Guindon. Eric  
8 White is on deck. Hans Guindon.

9  
10 **MR. HANS GUINDON:** I'm Captain Hans Guindon, a commercial bandit  
11 and longline fisherman out of Galveston, Texas. I lease 100  
12 percent of my quota that I catch, and I make a good living doing  
13 it. Without being able to lease fish, I wouldn't be able to  
14 make the living that I do, doing what I do. I'm also investing  
15 in shares, grouper and snapper, and I can tell you the fishery  
16 is in a decline, where we cannot support an increase in the  
17 Gulf.

18  
19 It's not sustainable in our fisheries, and the fisheries can't  
20 handle it. I've been a commercial fisherman my whole life, and  
21 I've seen the fisheries get beat down to nothing in the 1990s,  
22 and I watched it build back up to a great fishery, and I'm  
23 saddened to see it headed back south again.

24  
25 Unless we get the recreational sector sustainable, it will  
26 continue to decline, so no one has the fisheries. The  
27 recreational sector has overfished for decades, and it's time to  
28 stop it and make them accountable and sustainable, so future  
29 generations of all sectors can enjoy and make a living off the  
30 Gulf of Mexico.

31  
32 A tagging system is a great way to make them accountable, just  
33 like the tags we use for deer hunting and turkey hunting or  
34 making them buy a permit, to at least get a number of the amount  
35 of anglers that fish in the Gulf of Mexico. You all have no  
36 clue how many there are.

37  
38 Something needs to be done, and it needs to happen now, before  
39 the fisheries is beat down to nothing, and, also, I would like  
40 to see a raise of hands of how many commercial fishermen are  
41 sitting on this council. I think that's something that is very  
42 important to make this a fair council too as well. Thank you.

43  
44 **CHAIRMAN DIAZ:** Thank you, Mr. Guindon. We appreciate it.  
45 We're going to try Mr. Horan one more time, and see if we can  
46 accommodate him. With that, go ahead, Mr. Horan.

47  
48 **MR. DAVID PAUL HORAN:** Thanks a lot for letting me speak today.

1 My name is David Paul Horan, and I'm an attorney here in Key  
2 West. I started working with the brand-new Magnuson Act in  
3 1976, when we were setting up the Gulf of Mexico Fishery  
4 Management Council.

5  
6 The one thing I can tell you, for sure, is that this is not the  
7 way the Magnuson Act was supposed to work. The Magnuson Act  
8 cases that I have submitted today are my cases, with the  
9 exception of the 9<sup>th</sup> Circuit out in California, the United Cook  
10 case. In your packet of materials, all those cases, including  
11 the appeals, were mine, and I won them.

12  
13 Now, the issue today is going to be on the fact that the State  
14 of Florida was not real happy when the voters of Florida voted  
15 to do away with gillnets and entanglement nets, and so,  
16 approximately five years after the constitutional amendment  
17 passed, a group of fishermen over in Collier County got  
18 together, and they said, well, we would like to go ahead and  
19 continue using our gillnets, and they got it through, and so you  
20 actually can go out, from Collier County, and you go out nine  
21 miles, and you can catch an unlimited, and underline that,  
22 unlimited amount of pompano, and you can bring them straight  
23 back into Collier County and offload them.

24  
25 Now, you're going to have two documents that are in front of  
26 you, and one of them is the Florida pompano commercial landings.  
27 You will notice, in the entire Gulf coast, there is one place,  
28 and one place only, that has over 50,000 pounds of commercial  
29 landings, and that's not a coincidence. That's because it is a  
30 Florida-enforced monopoly, and so here I am in Key West, and my  
31 people cannot -- I represent the Florida Keys Commercial Fishing  
32 Association, and they cannot leave their dock and go out into  
33 the EEZ and catch pompano and come back in. They cannot. They  
34 are prohibited from doing that.

35  
36 Also, if they were an Alabama boat, nobody could touch them.  
37 They could go out there and catch unlimited amounts of pompano  
38 in the EEZ, and nobody can even -- Florida can't even board  
39 them. However, when it comes to landing them, they can't land  
40 them, because then it's a violation of the Florida pompano  
41 regulations. This is not going or supposed to work.

42  
43 Now, if you look at what is going on out there, you will find  
44 that there is no United States gillnet vessels that can land  
45 over a hundred pompano from the Gulf of Mexico Exclusive  
46 Economic Zone. Now, that's important, because those pompano  
47 look to be a bycatch. You can't go out and target them. I've  
48 got a case going, right now, where the young man was out there,

1 and he brought in his gillnet, and, as soon as he started  
2 bringing the fish in -- By the way, if they're in a gillnet,  
3 they're dead, and so the discard is going to be total mortality,  
4 but he brought it up, and he had over a hundred pompano in the  
5 net, and, because of that, he was arrested.

6  
7 I've got another client that he had like nearly a thousand  
8 pompano, and also six tons of Spanish mackerel, and they boarded  
9 him and said, well, you've got over a hundred, and so,  
10 therefore, you're under arrest, and so, to add insult to injury,  
11 they charged him with eleven undersized pompano, and how the  
12 heck would he know that he had undersized pompano in that net,  
13 because you're fishing in the mud, and the mud gets turned up by  
14 the fish on the bottom, and you don't know what's going to get  
15 into that net. That's ridiculous.

16  
17 **CHAIRMAN DIAZ:** Mr. Horan, I would ask that you start to wrap  
18 up, please.

19  
20 **MR. HORAN:** Okay. The only way this is going to work is if you  
21 go ahead and do a Gulf of Mexico pompano fishery management  
22 plan, and then you can designate the State of Florida as your  
23 enforcement, and then they can enforce it against all vessels,  
24 including other state vessels, and so that's what I'm asking  
25 for. Thank you, and I will answer any questions.

26  
27 **CHAIRMAN DIAZ:** Thank you, Mr. Horan. I'm looking around the  
28 table, and I'm not seeing any questions at this time. Thank  
29 you. I think next up, we're going to go back in the room, and  
30 Rachal Hisler, and then Eric White is on deck.

31  
32 **MS. RACHAL HISLER:** Good afternoon, council members. My name is  
33 Rachal Hisler, and I am from Anahuac, Texas, and I am the wife  
34 of a commercial snapper fisherman, and my father-in-law is an  
35 original allocation shareholder. We have been in the fishing  
36 industry for three generations now, and so this is absolutely a  
37 way of life for myself and my husband. We both grew up in the  
38 commercial fishing industry.

39  
40 I am here because I've been living a very comfortable life, and  
41 shadows have started to creep in on the margins, and I figured  
42 out that it was my time to come here and speak with you all  
43 about what we are experiencing, as the people who are out there  
44 in the boats and catching the fish, that is ultimately ending up  
45 on the plate in a restaurant.

46  
47 We lease the quota, mostly from my father-in-law, but also from  
48 other shareholders as well, the same situation as some of the

1 other captains who have already spoken, and so I'm not going to  
2 go over that again, but what I feel like we do is we add another  
3 layer in the economic chain that happens from the boat to the  
4 plate, and so, if you were to eliminate captains like my  
5 husband, then that is eliminating an entire class of that chain  
6 that goes on up, and so what we do is an entire lifestyle.

7  
8 My husband is a fishing fanatic. When he is not out fishing for  
9 work, he comes home and he fishes for fun, and so not only is he  
10 in the commercial sector, but he's also a recreational guy. He  
11 loves fishing so much that he volunteers his time to be a  
12 captain of a high school bass fishing team, and what he does  
13 there is continue to pass on that conservation message to the  
14 next generation of the recreational side, but they also know  
15 that he's a commercial fisherman as well, and that translates.

16  
17 They see that this is a person who is in both sides of the  
18 industry, who really does care about conservation and keeping  
19 this resource available as a legacy for future generations. The  
20 question that I have, being here today, since this is my first  
21 time to participate in this council, is I am seeing that there  
22 is a lot of divisions between the two perceived sides, and it  
23 feels like a lose-lose situation here, that no one is really  
24 happy with the way that things are going, and so what I would  
25 like to see is more bridge building and getting members in the  
26 council who represent people like myself and other shareholders,  
27 stakeholders, who are willing to begin building those bridges,  
28 and you have a great example of that out here, where there is a  
29 bridge that is literally being built, and you will see that it  
30 is built from starting on each side and working toward the  
31 middle. That's what these two sides have got to do, and I'm  
32 here to be a part of that process. Thank you.

33  
34 **CHAIRMAN DIAZ:** Thank you, Ms. Hisler. We appreciate it. Next  
35 up is Mr. Eric White, and on deck is Will Atkins. We're going  
36 to go ahead to Mr. Will Atkins. On deck is Brian Lewis. Mr.  
37 Atkins.

38  
39 **MR. WILL ATKINS:** My name is Will Atkins, and I'm a second-  
40 generation commercial fisherman. I work for Hans Guindon, on  
41 the Blackjack 4, and Bubba Cochrane, on the Chelsea Anne. My  
42 family has been involved in the commercial fishing industry most  
43 of my life and now has a seafood business and restaurant in the  
44 Dallas area.

45  
46 I work hard, and I save my money, and I hope to have my own  
47 commercial fishing boat and business one day. I am not looking  
48 for any handouts. Our business plan relies heavily on leased

1 fish. Without the leased fish, we would be in big trouble. Do  
2 not mess with the IFQ program. If it's not broke, don't fix it.

3  
4 The snapper fishery is on the decline, and raising the quota is  
5 not a good idea for the time being. Something needs to be done  
6 about this very unbalanced council. I don't see many commercial  
7 representatives up there, and I hope to see this change, so that  
8 we can be represented fairly, and that's all I've got. Thank  
9 you.

10  
11 **CHAIRMAN DIAZ:** Thank you, Mr. Atkins. Mr. Brian Lewis is next,  
12 and on deck is B.J. Burkett.

13  
14 **MR. BRIAN LEWIS:** Good afternoon. Well, I want to take the time  
15 to tell the council how grateful I am that we're able to do  
16 these virtual meetings, and it's a positive step in the right  
17 direction.

18  
19 I would like to discuss the recreational fishery, as I  
20 participate as a recreational fisherman, and I also own a  
21 commercial fishing vessel, which my son-in-law runs. As a  
22 recreational fisherman, I enjoy going out and catching fish.  
23 However, it's getting reduced, because we don't know simply  
24 what's being caught, okay, and so I've been involved in this  
25 fishery for over, what, twenty-two years now, and we've preached  
26 tag programs, and we have preached tag programs, and we have  
27 preached tag programs, and now is the time, okay, and it needs  
28 to happen.

29  
30 We need mandatory reporting. I have several of my friends who  
31 are willing to put whatever tool that's in the toolshed to be  
32 able to gain access and do reporting, and, if it gives them the  
33 ability to allow you fishery managers to have the correct data  
34 to manage the fisheries, and, that way, the commercial sector  
35 that, in turn, is not having their allocations removed, all on  
36 the favor of discards.

37  
38 Reef fish endorsements, licenses, whatever it takes, but we need  
39 to get working on that now, and I would like to move on to the  
40 gags, because that gag cutback looming over our heads is going  
41 to be a pretty detrimental thing to us all, and so the male  
42 population of gag grouper is way down, and so I ask, why do we  
43 continue to allow the fishery to keep the male gags? Why are we  
44 not making an attempt? We have descending devices and venting  
45 tools, and so why can't we release these male gags, if that is  
46 all in the favor of increasing the male population?

47  
48 I recommend the council try to work together to try to come up

1 with a mechanism, or a vehicle, to fix that. My commercial  
2 vessel -- Regarding gag grouper, my commercial vessel is out  
3 right now, and it's been out for -- It's day-five, and he's got  
4 three gag groupers, okay, and so, if gag grouper is so great  
5 right now, then why don't I have more on that vessel, because my  
6 vessel is very capable of catching much more.

7  
8 Regarding red snapper, I'm seeing -- Everywhere we fish, they've  
9 got twenty pounds of red snapper right now, okay, and so I want  
10 to tell you something about the best science available, because  
11 us fishermen, believe it or not, in my opinion, are the best  
12 science available, and so I ask you, council, to listen to us  
13 fishermen when we tell you that we don't need increases, because  
14 -- We don't need them, okay, and, when we do need them, we ask  
15 for it, and, you know, that brings me to the triggerfish. We're  
16 still waiting patiently on the increase of the commercial limits  
17 on triggerfish, okay, and the beeliner population -- If they're  
18 so great, I can't find them anywhere, and so I would like to  
19 know where in the world they are, because I would go catch them,  
20 if somebody would tell me.

21  
22 On the IFQ, the panel, I recommend that they convene again for  
23 another meeting, but, with that said, maybe some kind of a  
24 phone-in system, where we can call in and make comments, not  
25 just for public testimony, but a Q&A type of session. Remember  
26 that the IFQ --

27  
28 **CHAIRMAN DIAZ:** Mr. Lewis, could you start wrapping up your  
29 comments, please?

30  
31 **MR. LEWIS:** Yes, sir. The IFQ program is a tool in the toolshed  
32 that was used to maintain the fisheries at a sustainable level,  
33 and we have been doing that, okay, and so I don't know what the  
34 answer is to why you guys want to make changes to the IFQ  
35 program, when in fact it's working. It's doing its intended  
36 consequences, and, yes, there was unintended consequences. I  
37 was an unintended consequence, and I will share that with you,  
38 because I had a choice to make, as a businessman.

39  
40 I either had to put up or shut up, okay, and I put up. I got  
41 \$300,000 that I bought IFQ with, and, unfortunately, I didn't  
42 like having to do that, but I do it. I also lease red snapper,  
43 and I'm a member of the quota bank with the Gulf Shareholders  
44 Alliance, and I'm thankful to these investors who bought these  
45 red snapper and have given us access, and so please remember  
46 that, and, if you want to put us commercial fishermen out of  
47 business, then maybe you should offer some money and buy us out.

1 I mean, we give all this money to all these other countries, and  
2 we can't even help our own people out. I don't want to stand --  
3 I'm not here for welfare, and I'm not standing in a welfare  
4 line, and I appreciate the opportunity to speak to you, and  
5 thanks for the time. Have a great day.  
6

7 **CHAIRMAN DIAZ:** Thank you, Mr. Lewis. We appreciate your  
8 testimony. Next up is B.J. Burkett, and Mike Sullivan is on  
9 deck.

10  
11 **MR. B.J. BURKETT:** My name is B.J. Burkett from Panama City,  
12 Florida. I have two dual-permitted charter boats and also a  
13 full-time commercial boat. I have eight or nine employees, and  
14 I also take about 3,000 tourists out fishing every year.  
15

16 I guess I'm going to start out -- About everything that I'm  
17 about to say takes money out of my pocket, and so I hope you all  
18 take this serious. We, the stakeholders, are your best  
19 conservationists out there. We need to see these fish, all  
20 these stocks, healthy. I mean, that makes my living, and I  
21 would love to see my kids follow in my footsteps and be able to  
22 fish, but, the way we're going, it's not going to be available  
23 for them by that time.  
24

25 The stocks are dwindling in the red snapper, and we do not need  
26 an increase. You have everybody in this room is saying do not  
27 increase it, and so, if you all increase it, how do you think  
28 that's going to make us feel, when we're seeing the decline out  
29 there right now, and so think about that.  
30

31 Triggerfish, don't mess with it. Leave it alone. We don't need  
32 an increase. We're seeing a lot of small fish, and we're  
33 catching some legal fish, and don't mess with it. Just status  
34 quo.  
35

36 King mackerel, it's been the worst year I've ever seen on king  
37 mackerel, and I would say give it one more year, and, if it does  
38 not drastically improve next year -- Like I say, it's going to  
39 take money out of my pocket, but you're going to need to do  
40 something about it and change some regulations.  
41

42 Amberjack, I stood up here, from the beginning, and told you all  
43 that it was a mistake, going to an August opening. It has not  
44 helped anything. Put it back to January 1, or maybe even to a  
45 full closure. The amberjack stock needs a lot of help.  
46

47 Gags, this is a sore subject for me, because I've stood up here  
48 four years in a row and told you all that the gag fishery needed

1 some help, and nothing was done. Nobody listened, and, now that  
2 the gag fishery is finally improving, and it's the best gag  
3 fishery we've seen in ten years, now you all want to do a  
4 drastic reduction, and it's just -- It's asinine, to me, of what  
5 you all are wanting to do, when we're out there every day seeing  
6 exactly what's going on, and you all are not listening. What  
7 does it take for you all to listen?

8  
9 The gags, if you all want to do something, it's drastic, and do  
10 a four or five-month closure during the spawn, and that's the  
11 way to help this fishery, and not a closure during an 80 percent  
12 reduction on the commercial side and then not opening the  
13 recreational until September. If you open recreational in  
14 September, or the amount of discards in June, when everybody  
15 starts snapper fishing, would be horrible.

16  
17 I will go quick here, and dolphins and sharks, and that's my  
18 last thing. We have seen a massive amount of sharks show up,  
19 and you all have to do something about them. If you all want a  
20 fishery to manage, you might want to take care of the shark  
21 problem, and also the dolphin. Something has to be done, and  
22 you all are going to have to step up, as a council, and take  
23 charge and try to do something with it, or you all won't have a  
24 job here, and so thank you.

25  
26 **CHAIRMAN DIAZ:** Thank you, Mr. Burkett. Ms. Boggs.

27  
28 **MS. BOGGS:** Mr. Chair, I hope you will indulge me for just a  
29 second. In our talking around the table about trying to think  
30 outside of the box, I have a question, and I hope that I'm going  
31 to pose this in the proper way, but so you have two dually-  
32 permitted vessels?

33  
34 **MR. BURKETT:** Yes.

35  
36 **MS. BOGGS:** When you purchased those vessels, were they  
37 charter/for-hire vessels, and then you decided to commercial  
38 fish with them, or vice versa, or did you buy them with the  
39 intent of --

40  
41 **MR. BURKETT:** I started eighteen years ago, or nineteen now, and  
42 I started with a reef permit before I started chartering, and  
43 then I have slowly upgraded to larger boats, an overload charter  
44 boat, and I kept the reef permit on it, and I fished it, and  
45 then I just recently bought another charter boat, last year, and  
46 I haven't even commercial fished it this year yet, but it's got  
47 a reef permit on it, but, at the condition of the fishery in our  
48 area, I probably won't even fish it this winter. I have made my

1 living charter fishing, and then the commercial boat -- I bought  
2 into the IFQ program, as an investment, hoping to see it grow,  
3 and I mean, I've seen it -- There's some ups and downs.

4  
5 I mean, mainly for -- My boat is a gag grouper boat, and that's  
6 what they fish for, and a few red grouper, and we lease a lot of  
7 snapper for bycatch, but he is a gag grouper fisherman, and he's  
8 one of the best at it, but it's a real slap in the face when  
9 we're seeing the improvement of this stock, and then you all  
10 want to take 80 percent of it from us, when some minor changes  
11 could have been made, two or three years ago, when we all stood  
12 up here and told you that, hey, you need to something, but now  
13 we want to drastically reduce it.

14  
15 **MS. BOGGS:** A quick follow-up. Would it be safe to say that you  
16 look at this as an investment to keep your crews working, and  
17 so, if the red snapper season for the charter fleet is closed --

18  
19 **MR. BURKETT:** Absolutely, and that's the whole reason that I  
20 have -- If we have a bad year charter fishing, I can still make  
21 a living commercial fishing.

22  
23 **CHAIRMAN DIAZ:** Thank you, Mr. Burkett.

24  
25 **MR. BURKETT:** Thank you.

26  
27 **CHAIRMAN DIAZ:** Next up, we have Mr. Mike Sullivan, and on deck  
28 is Chris Horton.

29  
30 **MR. MIKE SULLIVAN:** I'm Mike Sullivan, out of Panama City,  
31 Florida. I've been in the fishing industry twenty-seven years,  
32 and I own four certified charter boats, three of them being  
33 dual-permitted. I'm an IFQ holder, and I've been in the game a  
34 long time.

35  
36 I'll just kind of cut to the point. For the red snapper  
37 reallocation, I'm way against it, like so many others have said,  
38 and there's been a reduction over the last two years in red  
39 snapper, and to increase it would just increase us going to  
40 overfishing and have drastic cuts, as we had ten years ago, or  
41 however many years ago it was, and I don't want that species to  
42 wind up like the gag grouper or the king mackerel, to where you  
43 say it's great, and, four or five years later, it's closed.

44  
45 I, myself, like B.J. Burkett, am mostly in the charter industry,  
46 but I have the commercial capability, so that, when it does get  
47 tough, we can do other things.

1 I'm going to move on to amberjack, and I would like to see a  
2 move back to January 1. Having the start in August did no good.  
3 Every year since then, the season has gotten shorter, and it's  
4 really just gone backwards, and I don't understand why it was  
5 shifted to the middle of the summer, when everything else is  
6 January 1.

7  
8 I would like to see triggerfish stay status quo, a March  
9 opening, and the fish seems to be doing better, and just kind of  
10 keep riding this. Gag grouper, yes, we see it needs some help,  
11 and, yes, we catch less. Before we go to an 80 percent  
12 reduction, essentially a complete closure, because the mortality  
13 is going to be so high, I would like to see a spring closure,  
14 while they spawn.

15  
16 This sounds bad, but having it closed during the federal red  
17 snapper fishing season -- The mortality rate during it is going  
18 to be terrible, and like the fish is going to die, and more gags  
19 are caught during that time than outside of that time in our  
20 area. I see that opening it in late summer is not going to be  
21 very beneficial.

22  
23 Also, for the vermilion snapper, status quo. That, as the red  
24 snapper, we don't need an increase. We don't need twenty per  
25 person, and let's not put the pressure on another species. As  
26 some of these other species close, and they're going to the  
27 rebuild thing, we're fishermen, and we're going to go after what  
28 we can, and, if you increase the vermilion to twenty per  
29 person, we're going to annihilate them, and they're going to be  
30 in bad shape. Let's stay as we are and try to rebuild, as we  
31 can, before we have nothing. That's it.

32  
33 **CHAIRMAN DIAZ:** Mr. Sullivan, we appreciate it.

34  
35 **MR. SULLIVAN:** Yes, sir. Thank you, all. Thank you, council.

36  
37 **CHAIRMAN DIAZ:** Next up is Chris Horton, and Jim Zurbrick is on  
38 deck.

39  
40 **MR. CHRIS HORTON:** Thank you, Mr. Chairman and members of the  
41 council. My name is Chris Horton, and I'm the Senior Director  
42 of Fisheries Policy for the Congressional Sportsmen's Foundation  
43 I want to first start by addressing this notion that  
44 recreational anglers are unaccountable. We fish within the  
45 seasons we're given, and we harvest fish within the specified  
46 size range, and within the numbers and within the creel limit  
47 that we're given, and so we're accountable to what is given to  
48 us.

1  
2 In reality, it's the federal recreational harvest data program  
3 that is unaccountable to recreational anglers, and we too are  
4 frustrated with MRIP's inability to effectively estimate what  
5 we're catching, which is why anglers have been fully supportive  
6 of the development of state data collection programs. We want  
7 to help continue to improve upon those programs in any way that  
8 we can, and they are already way ahead of providing the right  
9 recreational catch information, versus what MRIP has been giving  
10 us.

11  
12 This brings me to my next point. The progress with the MRIP  
13 transition team is about three years too late. We're  
14 disappointed that we're in the fifth year of regional  
15 management, yet we're barely any closer to understanding and  
16 reconciling the differences between MRIP and the state data  
17 collection programs than where we were when we first started  
18 with state management several years ago, five years ago.

19  
20 Now we're faced with rather simple calibration ratios that will  
21 have significant negative impacts for some states, and, in light  
22 of the Great Red Snapper Count, those impacts are really  
23 unnecessary. If you compare the number of fish being removed  
24 from the fishery with the number of fish estimated by the Great  
25 Red Snapper Count, even as reduced twice now by the SSC, our  
26 rate of removals is below the rate used to generate the ACL, and  
27 they have rebuilt.

28  
29 While that's a simplified way to look at how management is  
30 performing relative to the population, it suggests that we're  
31 not overfishing and have time to fix the calibrations prior to  
32 the next red snapper operational stock assessment without  
33 penalizing the states, and, finally, also, we want to touch on  
34 the reallocations, and I think Ken covered it pretty well, but I  
35 just want to reiterate that, when you have existing allocations  
36 based on catch histories, when those catch histories change to  
37 reflect the reality, based on new information, there should be  
38 some mechanism to automatically adjust those allocation  
39 percentages to match that reality. Everybody is still whole,  
40 but it's just the percentages change, based on the new  
41 information.

42  
43 Then, at that point, we more than welcome the opportunity to  
44 entertain a reallocation amendment and go through the process  
45 established by the council and NOAA to fully review the latest  
46 social, economic, and biological information for that stock.  
47 That's all I have, and thank you for your time.

48

1 **CHAIRMAN DIAZ:** Thank you, Mr. Horton. Mr. Gill.

2  
3 **MR. GILL:** Thank you, Mr. Chairman, and thank you, Chris. We  
4 actually agree on some things here. Relative to your comments  
5 on addressing the needs in the recreational sector, certainly I,  
6 and the council, would welcome your thoughts, and you don't have  
7 to do it now, although I should press you on that, but your  
8 thoughts on how we might start that process, given the magnitude  
9 of what we're talking about and how we might start. That's part  
10 of the problem, and it's not the only problem, but finding that  
11 niche to begin, and, if you've got thoughts on that, and would  
12 share them, I would much appreciate it.

13  
14 **MR. HORTON:** You're talking about improving the recreational  
15 information, or recreational catch, data?

16  
17 **MR. GILL:** On a doable basis, because, you know, if you're going  
18 to introduce an idea that's going to take \$50 million, then  
19 that's probably not going to happen real soon, but how the  
20 council may get involved in starting to think about how can we  
21 deal with this issue. Please do provide those, if you've got  
22 them.

23  
24 **MR. HORTON:** Well, I'll tell you what. I will get back with  
25 you on that, but I do -- We obviously want to help in any way we  
26 can. I mean, we feel like we are accountable, but it's the  
27 whole system that is not accountable to us, and so we'll happily  
28 make that better, and I think the states have already started  
29 down a great path in doing that and trying to supplement MRIP  
30 with more real-time information.

31  
32 Knowing your universe of anglers helps you understand maybe how  
33 many folks are out there fishing, but, in reality, all the  
34 states already have that information. I mean, they presented  
35 that earlier this week, in that four of the states have some  
36 sort of permit that you have to attain, and so they know who is  
37 going out there. We know our universe of anglers and the folks  
38 who are going out there, but, yes, it's something that we as a  
39 community, and certainly we at CSF, are very interested in  
40 helping with, and so thank you for your time.

41  
42 **CHAIRMAN DIAZ:** Okay. Next up is Jim Zurbrick, and Greg Abrams  
43 is on deck.

44  
45 **MR. JIM ZURBRICK:** Good afternoon, council. Thank you very  
46 much. This is Jim Zurbrick, and I'm a commercial fisherman,  
47 along with my wife, Patty. I'm a fish dealer here, and I have  
48 three boats besides mine that fish for me, and I'm President of

1 Fish For America USA.

2  
3 Listen, and I want to talk honestly here, because, as I get  
4 older, I think it's the best policy. If I hear one more person  
5 talk about how accountable the recreational sector is -- It's  
6 making me nauseous, because, when you have less than 50 percent  
7 of compliance on all the state reef fish surveys, people  
8 actually telling you what they have, and then, when the data  
9 came out, a while back, that showed that the average  
10 recreational fisher discards eight to nine fish to keep one red  
11 snapper, and how is in that in way accountable?

12  
13 My wife and I just got home from a trip on Monday, and we had  
14 305 red snappers, and we had three discards, and all of it can  
15 be verified by the camera system that NOAA, through Mote  
16 Laboratory, has put on my boat. Now, I don't know that the rec  
17 sector can be that accountable, all right, but a transponder --  
18 With all the technology, surely a transponder, just giving out a  
19 signal of who it is that's actually out there fishing, might  
20 help.

21  
22 We cannot go ahead and do anything with a reallocation. If the  
23 FES numbers are what they are, that's what they are. We did  
24 this with red grouper, and I believe that that's going to come  
25 back to haunt this council, and we'll have to wait and see, and,  
26 in fact, it is wrong to give the rec sector any more fish, after  
27 they are responsible for 97 percent of all the discards, and  
28 this is their issue.

29  
30 We are beating up our fish stocks, and I'm seeing it, and my  
31 wife and I -- You can check the records, and you know what we  
32 have, as far as snapper, and this would be a nice increase, to  
33 get the increase they're talking about, but we don't want it,  
34 because the fishery, right now, in my area, from Crystal River  
35 to Panama City, is in dire straits.

36  
37 Also, we've been beating this up here, and I don't think anybody  
38 wants us to actually catch more triggerfish, because I'm  
39 thinking that the rec sector reps on the council are going to go  
40 ahead and try to use it against us, because we're not catching  
41 our quota, and so we need to go to at least twenty-five, okay,  
42 and I'm not catching triggers like we used to, but there are  
43 people that are, and we need to go to a higher limit.

44  
45 Also, I'm on the focus group, as many of you know, and I welcome  
46 a next meeting, and I really do believe that we can come out  
47 with some suggestions about moving forward on the issues. I  
48 really do believe that, and I think that the system has been

1 great, and it's a great system, but it needs a little bit of  
2 massaging, and I want to help with that, and that's about all  
3 I've got to say. Thank you very much.  
4

5 **CHAIRMAN DIAZ:** Mr. Zurbrick, I want to thank you for  
6 volunteering your time to serve on the focus group. We  
7 appreciate you doing that for us, and so thank you for that.  
8 Next up, we have Mr. Greg Abrams, and Clarence Seymour is on  
9 deck.

10  
11 **MR. GREG ABRAMS:** Good afternoon. I'm Greg Abrams from Panama  
12 City, commercial and restaurant owner. The gag grouper was in  
13 trouble, and we've asked for help, but, the last two years, it's  
14 really improved, and, when I found out they was going to cut 80  
15 percent, I made my boats -- We went and got new electric motors,  
16 and we went back pole fishing, and I've got forty-something-  
17 thousand pounds, and we caught them in three months, and I'm  
18 trying to find some to lease, but I can't find none, and NMFS  
19 says there's 50 percent left out there, but I can't find any  
20 anywhere, and so I don't know what the problem is with the  
21 numbers, but the gags were big, and they said we're not catching  
22 any copper bellies. Copper bellies are normally caught by  
23 longline boats in deep water, big fish, and so that's the  
24 reason, because we don't have fifty-two boats longlining.

25  
26 I suggest, and it's just taking money from us, because I bought  
27 quota, and my sons has bought quota, but close it from January  
28 to May, and everybody open up in June, recreational and  
29 commercial and for-hire, so we wouldn't have no discards.

30  
31 If we have to stop live-baiting, and that's another source that  
32 we talk about, because gag is a live-bait fishery, and dead  
33 baits -- They might have 200, or 250, while they're catching  
34 their beeliners and their snappers, and that is on the gags, but  
35 don't just take 80 percent. That's not right. It's not right  
36 for people that has invested, and you've got to remember the  
37 consumer and the restaurants. We need it, and so gags are on a  
38 comeback.

39  
40 Snapper, since the pandemic, recreational boats were sold over a  
41 hundred percent, and, in seven years, there's been twenty-three  
42 citations and 141 warnings to the recreational fishery, and it's  
43 on the facts, and nobody was checked during the pandemic.  
44 Everybody was running every day, every day, every day, but  
45 nobody could get on the boats and check, and it is, right now --  
46 It needs to be just moved along. Don't touch it, and don't vote  
47 no increase. We don't want an increase.

48

1 I've been doing this for thirty-four years, and I've got a fish  
2 house, an icehouse, a retail market, and I run my trucks  
3 everywhere, and I care about my resources for my future  
4 generations. I've got two young sons and grandkids.

5  
6 Triggerfish, status quo, and I've asked -- I think, at the last  
7 meeting, I asked the council to figure out why is my tilefish  
8 boats limiting out on amberjacks, every trip, and I've got three  
9 of them tile fishing and yellowedge fishing, and they're in 700  
10 foot of water, and why has the amberjack gone to the deep? Is  
11 it because of bait? This year is the first year we've had bait,  
12 off of St. Joe and Panama City, and we catch it with a purse  
13 seine boat, and so, in commercial, we pay 3 percent of our  
14 gross. Recreational don't pay nothing, and striped bass in  
15 Maryland -- I have customers up there, and they tell me about  
16 how they do it, and we can send some people up there to find out  
17 how to do it.

18  
19 In gag grouper, it would be a fine time to start in June, and  
20 get a tagging program. If we don't do something -- I'm not mad  
21 at recreational, but it's just you mash a button and go here and  
22 mash another button and the boat holds up for you, and the  
23 electronics have gotten too high tech, so that anybody can catch  
24 fish.

25  
26 If you don't do something to slow the recreational down, in five  
27 years, it's going to be a ghost out there, for everybody, and we  
28 rely on you all to do your job. Don't do special interests, and  
29 I think this council -- You only have one man for commercial  
30 representation, and that's wrong. That is not right, and I hope  
31 you all really think about this. Thank you.

32  
33 **CHAIRMAN DIAZ:** Thank you, Mr. Abrams. We appreciate it. Next  
34 up is Clarence Seymore, and Mark Kelley is on deck.

35  
36 **MR. CLARENCE SEYMOUR:** This is Clarence Seymour, Biloxi,  
37 Mississippi, Charter Boat SYL. I'm federally-permitted, and I  
38 have a few things to get up on today. On recalibration, status  
39 quo. I pretty well think that, here in Mississippi, there's  
40 plenty of opportunity for the private angler, plus we do a lot  
41 of private angler stuff out of the for-hire season.

42  
43 Secondly is the SEFHIER program, and definitely an hour-and-a-  
44 half, minimum. I am fortunate enough to have the fuel dock in  
45 my harbor, which I can move, and it may not even hail-out and  
46 see me, but I have plenty of time to get it done. As far as,  
47 also, the for-hire season, the full derby would probably be okay  
48 for next year, like a June-July derby, and maybe split up

1 September and October, and maybe weekends only, maybe to catch  
2 some of our football crowd that is not out playing football.

3  
4 About private anglers' discards, if I seen as many discards as  
5 I've seen this year, along with the private anglers, and I'm  
6 sure their discard rate was high too, even with two to four  
7 people on a bay boat, with a troll motor, and we also, this  
8 year, had quite a bit of trouble with a couple of illegal  
9 charter boats jumping the fence and being outside the nine-mile  
10 boundary, which I think we had a couple of violations there in  
11 Mississippi, which it hasn't quite made it to the public yet.

12  
13 As far as sharks go, on the council level, I know we're still  
14 dealing with HMS, and us, in Mississippi, could probably do a  
15 great help for the shark fishery, if we could take a few in here  
16 and there, and maybe start off with some low limits, with  
17 different species, and especially the sand shark.

18  
19 Folks seem to really enjoy the sand sharks taste in our area,  
20 and one of the main things is, on amberjack, again, we're having  
21 a hard time with amberjack, what little bit we do get to go, in  
22 talking to some of the guys, out way past eighty or ninety miles  
23 right now, and, plus, there's not as many oil rigs left, and the  
24 live bottom is really the only thing really holding them. I  
25 guess that's all I have, if anybody has any questions about  
26 anything.

27  
28 **CHAIRMAN DIAZ:** Thank you, Mr. Seymour. We appreciate your  
29 testimony. Next up, we have Mark Kelley, and Martha Guyas is on  
30 deck.

31  
32 **MR. MARK KELLEY:** My name is Mark Kelley, and I've been in the  
33 fishing business for thirty-seven years. I have two charter  
34 boats, and I'm dually-permitted, and I'm fully invested in the  
35 IFQ program. Today, we've sat here and listened, from one end  
36 of the Gulf to the other, from shareholders that would receive a  
37 pay raise due to this red snapper increase, and they're standing  
38 up here telling you no increase.

39  
40 I'm for no increase, but so are they, because of what we're  
41 seeing, and so, today, we're going to find out, or tomorrow, on  
42 the vote, when you have a "C" in front of your title, whether  
43 you really live up to the conservation end of it. The  
44 triggerfish season, I would like to see the triggerfish season  
45 stay the same, a March 1 opening, with reopening in August, if  
46 there's any more fish.

47  
48 Vermilion snappers, we don't need an increase, and ten is

1 plenty, and the amberjack fishery -- We have stood up here for  
2 thirty years, and we've tried a lot of things, and I don't know  
3 what the answer is anymore, and I do know that, as far as the  
4 confusion of the season starting, I would like to see January 1  
5 go back to the beginning of the year, and not necessarily the  
6 opening of the amberjack season. If it opens in August, fine,  
7 but let's do a 2022 season, or a 2023 season, to scuff some of  
8 the aggravation that it's just an interpretation thing.

9  
10 The gags, I really think, and I've stood up here before, and I  
11 think we need to have a spawning closure. It would at least  
12 give a chance for it to boost the system, and I do think it's  
13 slowly coming back, and I do think the data is a little bit  
14 behind.

15  
16 The recreational industry, the recreational industry needs -- We  
17 see it growing leaps and bounds, and we would love to see it  
18 with a permit, and we would love to see them a little bit more  
19 accountable, and we would love something done about the  
20 discards.

21  
22 Also, we are -- Our charter industry wants to see a button on  
23 our SEFHIER logbook program, a simple button yes or no, and  
24 dolphin predation or shark predation, and we can even go as far  
25 as putting what type of shark it is, because it's already on  
26 there, and it already has -- The ones you can't even catch are  
27 on there, and so we could provide some valuable information.

28  
29 King mackerel is non-existent in Panama City. It's terrible,  
30 and I would love to know the reason why behind that, and, Lord  
31 have mercy, and I got it all in three minutes. That's amazing.  
32 All right. Thank you.

33  
34 **CHAIRMAN DIAZ:** Thank you, Captain Kelley. We have a question  
35 from Mr. Gill.

36  
37 **MR. GILL:** Thank you, Mr. Chairman, and thank you, Mark, for  
38 coming. To clarify, at least in my mind, what you're talking  
39 about for -- I lost my train of thought.

40  
41 **MR. KELLEY:** I can relate to that.

42  
43 **MR. GILL:** It gets worse. Trust me. Closure of triggerfish  
44 during the spawning -- Was it triggerfish during the spawning  
45 season?

46  
47 **MR. KELLEY:** No, and it was gags.

1 **MR. GILL:** Gag. Thank you. Are you arguing that for, or  
2 advocating that for, within the IFQ program?

3  
4 **MR. KELLEY:** I would love to see it in the commercial industry.  
5 You already have the recreational and the charter/for-hire  
6 closed during the gag spawn, because it's done in the first of  
7 the year, and we don't open until June 1<sup>st</sup>. The June 1<sup>st</sup> opening  
8 will be devastating. Moving to September 1, on gags,  
9 recreationally and for-hire, would be terrible, because of the  
10 fish we catch in June with the snapper. I'm afraid that we're  
11 going to do a lot of damage in June to the gag fishery, as far  
12 as mortality rate.

13  
14 **CHAIRMAN DIAZ:** Thank you, Mr. Kelley. Next up is Martha Guyas,  
15 followed by Kelia Paul.

16  
17 **MS. MARTHA GUYAS:** All right. Good afternoon, everyone. First,  
18 I want to say thank you to Karen and wish her the best in her  
19 retirement, and I want to make a couple of additional comments  
20 on gag.

21  
22 First, thank you for the motion to use Florida's State Reef Fish  
23 Survey data for assessment and management for gag. I know it  
24 took a lot of effort by people behind the scenes at FWC and NOAA  
25 and the Science Center and OS&T and SERO and the council to get  
26 to the point, and I am very grateful, and I just -- You know, it  
27 is a big step forward in improving the data that the council is  
28 going to be able to use to make decisions about this fishery,  
29 moving forward, and so that's all a good thing.

30  
31 Second, as you look toward setting long-term management measures  
32 for gag, I do encourage you to look at measures to protect the  
33 males. You've already heard a little bit about that in public  
34 testimony today, but, you know, given the dynamics of the  
35 fishery, and the fact that males are at 2 percent of the  
36 spawning stock biomass, you know, simply reducing F is probably  
37 not going to get us where we need to go to increase the number  
38 and the proportion of males in the population.

39  
40 I also would like to express support for further exploring the  
41 process to streamline updates to catch advice, based on interim  
42 analyses that Dr. Simmons brought up earlier today, and that  
43 could allow the council to be more responsive to changes in  
44 fisheries and implement changes to catch limits, based on these  
45 interim analyses, in a more timely manner. It is worth  
46 discussing the tradeoffs, and I understand that there are some,  
47 but it seems like there are opportunities there, and so, again,  
48 thanks to staff for taking the time to think through that and

1 bringing it to the council.

2  
3 Lastly, I wanted to flag something relative to the Florida Keys  
4 National Marine Sanctuary draft rule. As was mentioned in the  
5 Coral Committee earlier this week, the Gulf Council, the South  
6 Atlantic, FWC, and the sanctuary have this agreement called the  
7 Protocol for Cooperative Fisheries Management. It lays out  
8 basically how fishery management actions in the sanctuary are  
9 handled, and the current agreement is really old, and it's not  
10 really followed, and so part of the plan for this draft rule is  
11 to update that agreement.

12  
13 Here's why I want to flag this, and so there are several aspects  
14 of the draft rule, like the definition of "traditional fishing",  
15 that hinge on how this agreement ends up being updated, and,  
16 thus, will determine the effect of the draft rule on management  
17 of council-managed fisheries in the sanctuary, and so my ask to  
18 you is that the council engage on edits to this agreement, think  
19 carefully about the implications, and consider how the public  
20 can review and weigh-in on the updated agreement before it is  
21 finalized when the final rule for the sanctuary is issued, and  
22 that's all, and thank you for your time. Thank you.

23  
24 **CHAIRMAN DIAZ:** Thank you, Ms. Guyas. Next up is Kelia Paul,  
25 followed by Chris Guindon.

26  
27 **MS. KELIA PAUL:** Good afternoon, council, and thank you for the  
28 opportunity to speak. I'm going to be pretty short and sweet  
29 today. As far as snapper goes, I can't tell you what happens  
30 offshore, like a lot of -- I'm sorry. My name is Kelia Paul,  
31 and I have two dually-permitted vessels out of Panama City  
32 Beach.

33  
34 I can't tell you what they do offshore. I can tell you what I  
35 see at the dock, eight to ten hours, or twelve hours, a day  
36 booking trips, and you don't need an increase. Let's just leave  
37 them alone. The other piece of that is that, if this goes  
38 through, and we don't have gags in the summer, we're going to  
39 add that additional pressure on these snapper, and that's  
40 something we just can't have any more of.

41  
42 The other point I wanted to make is, for amberjack and the  
43 season closure, or the season delay, we would like a little bit  
44 more of a notice. You all, I lost quite a few trips, not being  
45 able to have those this year, trips that have been booked since  
46 2021, and so a little bit more notice on those would be great,  
47 and then the last point I wanted to make is, for the IFQ focus  
48 group and the council work on that, it's a polarized issue.

1  
2 No one side is going to be happy about what happens, and the  
3 goal should be to allow the access to the public resource and  
4 make sure that everybody has equal representation. I appreciate  
5 the comments that were made by Mr. Strelcheck yesterday.  
6 Although I wasn't around during the IFQ implementation, I know  
7 that those actions that were taken are the reason that we have a  
8 commercia fishery today. However, things evolve and change,  
9 and, as that happens, we have to evolve and change too, and so I  
10 would like for you guys to take that into consideration and do  
11 some real work.

12  
13 Again, I have to thank Ms. Boggs and her comments yesterday and  
14 the comments since of it's going to be something that's going to  
15 have to be really down to the nitty-gritty and done, rather  
16 than, in a couple of hours, get it done, and so I appreciate the  
17 work on that, and I would like for you guys to continue.

18  
19 My only other point is the commercial electronic reporting.  
20 There was a little bit of contention on that yesterday. We  
21 definitely want it, but can we learn from SEFHIER and not  
22 overcomplicate it? It's easy right now, with the paper. Yes,  
23 we're sending it in, but that actual information is easy and  
24 simple, and let's keep it that way and not overcomplicate it,  
25 like SEFHIER, and so thank you.

26  
27 **CHAIRMAN DIAZ:** Thank you, Ms. Paul. All right. Next up, we  
28 have Chris Guindon, and Alicia Paul is on deck.

29  
30 **MR. CHRIS GUINDON:** My name is Chris Guindon, and I'm a  
31 commercial fisherman, and I've been fishing my whole life. I'm  
32 fishing now with my brother, Hans, the captain of the Blackjack  
33 4, out of Galveston, Texas. We took time off of the water to  
34 come here today.

35  
36 My dad has fought to protect and grow this fishery his entire  
37 life, and I want to carry that on. He has always fought for  
38 conservation and accountability, and it's something we've built  
39 our business on, and I want to have -- I don't want to have to  
40 rebuild it, this fishery, the way that my father and his  
41 generation had to.

42  
43 Don't increase the red snapper quota right now. There's a  
44 problem with red snapper, and we see it every time we're on the  
45 water. We're fishing harder now to catch the same amount of red  
46 snapper that we caught a few years ago. Do the right thing and  
47 protect this resource, so it will grow and we can all benefit  
48 from it.

1  
2 My plan is to run a boat someday soon, and I'm working hard and  
3 saving my money and earning my way in. My brother and I rely on  
4 the leased fish, and so please don't mess around with our  
5 ability to lease. I am getting into this fishery because the  
6 IFQ program gives me hope and gives me some stability, so I can  
7 build a business plan that will at least last for thirty to  
8 forty years or more.

9  
10 I would also like to be a member of the council someday, and I  
11 want to be a part of the solution, and I don't want to see -- I  
12 don't see enough commercial representatives, and my dad can't do  
13 it forever. Thank you for giving me the time.

14  
15 **CHAIRMAN DIAZ:** Thank you, Mr. Guindon. We appreciate it. Next  
16 up is Alicia Paul and then Johnny Williams.

17  
18 **MS. ALICIA PAUL:** Good afternoon. Thank you for giving me the  
19 opportunity to speak today. My name is Alicia Paul, from Panama  
20 City. I own two dually-permitted vessels, and I operate those  
21 myself. I would like to start today about the hailing-out for  
22 the non-fishing for the commercial. It is an overburden. I  
23 would like to see Action 3, if we take any action at all.

24  
25 For me, I do spend some time holding up in the bay, and it's a  
26 forty-five-minute jog to my ice dock, and, if the dock is loaded  
27 down, I might sit there for an hour outside of it, and so an  
28 hour is not sufficient. Another option to that would be outside  
29 of the COLREGS.

30  
31 I would like to see status quo for the red snapper. We can't  
32 sustain an increase right now. There's been a decline in that  
33 fishery over the last couple of years, and I don't think the  
34 stock could sustain an increase right now.

35  
36 Gag grouper, there's an 80 percent reduction, and that's a lot.  
37 I do believe that it is slowly rebuilding, and I think a  
38 September start -- That's a drastic mistake. We catch a lot of  
39 this fish in June and July, when we're harvesting those red  
40 snapper, and your mortality rate is going to be through the  
41 roof, if you wait until September.

42  
43 Triggerfish, status quo, keep the size limit at fifteen inches.  
44 If you do an increase in the commercial, Alternative 2, at  
45 twenty fish, is plenty. Vermilion snapper, status quo, a ten-  
46 fish bag limit, no catch limit on the commercial. Ten fish is  
47 plenty. We don't need twenty.

48

1 Amberjack, I would like to see the calendar year reset back to  
2 January. The August calendar set just -- It never made any  
3 sense, to me, from the beginning, and, really, it hasn't done  
4 anything for our fishery.

5  
6 I would like to go back to the gag grouper as well, and I do  
7 support, you know, a four or five-month closure on the  
8 commercial sector, the same as the recreational. Give us all a  
9 June 1 start, and maybe that will help the rebuilding process.

10  
11 The recreational sector needs to be held accountable, and I  
12 don't know what we've got to do for that to happen, and I've  
13 heard testimony that says they are accountable, but you all  
14 really have no clue as to how many are out there. I mean,  
15 there's a lot, you all, and whether that be a tagging program or  
16 a permit on those vessels, whatever we've got to do to get a  
17 better handle on the numbers from the recreational fishermen,  
18 and that would be great.

19  
20 Shark and dolphin predation, it's real, and it's a real big  
21 problem. I heard, yesterday, that there hasn't been a stock  
22 assessment on sandbar sharks in over five years, and they have  
23 no clue as to where that stock is, in five years, and it's big.  
24 It's a problem. They are not -- They're a big fish, and they're  
25 a pain in the butt, and I'm just being serious. The  
26 recreational harvest of sandbar shark would help that  
27 drastically. I think that's really all that I wanted to talk  
28 about today, and I do appreciate the time. Thank you.

29  
30 **CHAIRMAN DIAZ:** We have a question for you, Ms. Paul. Ms.  
31 Boggs.

32  
33 **MS. BOGGS:** Thank you, Alicia, for being here today, and so you  
34 touched on the SEFHIER and the hail-out, and you gave some  
35 discussion, and a thought that I had, and I haven't asked some  
36 of the others, and I should have, is, if we did something where,  
37 if you had passengers onboard, or -- Basically, if you had  
38 passengers onboard, would you -- If that was the only reason you  
39 had to hail-out, would that help, meaning, if you were going to  
40 the fuel dock -- I mean, if you just had passengers onboard, or  
41 you were leaving on a fishing trip, if those were the only two  
42 years that you had to hail out, would that help?

43  
44 **MS. A. PAUL:** Absolutely. Absolutely. I mean, for instance, I  
45 don't personally leave to go get fuel. We're very fortunate to  
46 be able to fuel right there behind our slip, but I do leave to  
47 go get bait and ice. I do leave that marina to go unload those  
48 fish. I might land back at my marina and go the next morning to

1 unload those fish, in the wintertime when I fish commercially,  
2 and so it is an overburdensome process, if I have to leave once  
3 or twice, or if I have to get there and -- If I have to hail-out  
4 to get there and hail-out to get back, and, if that was not the  
5 case, where all we had to do was log-out as if we were for-hire,  
6 or we were going fishing, and that would definitely help the  
7 situation. Thank you, all.

8  
9 **CHAIRMAN DIAZ:** Thank you, Ms. Paul. Next up is Mr. Johnny  
10 Williams, followed by Bobby Kelly.

11  
12 **MR. JOHNNY WILLIAMS:** Johnny Williams, Williams Partyboats,  
13 Incorporated, Galveston, Texas, third-generation partyboat  
14 operator out of Galveston. I've been involved with the Gulf  
15 Council since 1989.

16  
17 Looking back, one of the things that I would like to say, that's  
18 kind of a common denominator here, is that the science has  
19 failed us. You all have failed us. Amberjack has been under  
20 restrictions since Amendment 1, and where is amberjack right  
21 now? It's worse now than it was in 1990. King mackerel is  
22 done. We catch very, very few king mackerel anymore. Cobia,  
23 triggerfish, and look at any number of fish. The scientists  
24 have been wrong, over the years, or these fish wouldn't be in  
25 such decline.

26  
27 Now we're faced with the prospect of increasing the quota on red  
28 snapper. For years, I came up here and argued that we need to  
29 be more liberal with the quota on red snapper, but, today, it's  
30 quite the antithesis. Last year, the fishing was worse than it  
31 was the year before. This year, the fishing is worse than it  
32 was last year, and now we're asking for an increase.

33  
34 An increase would allow me to fish more days on the water for  
35 red snapper, and it would allow the commercial fishermen to have  
36 higher landings. These people are asking not to increase the  
37 quota. Do you think that, if somebody came up to you, and asked  
38 you if you wanted a raise, would you tell them no? Why do you  
39 think these people are doing this? It's because they're out on  
40 the water, and they see what's happening, and so you can't  
41 listen to the scientists all the time. We need to listen to the  
42 fishermen, too.

43  
44 I mean, it would benefit them to raise the quota, and I've been  
45 dealing with red snapper, like I said, since 1990, and we're  
46 supposed to have the stock recovered in 2032, and that's forty-  
47 two years. We don't want to go down the path and require  
48 another forty-two years to recover it, because we messed up, and

1 we messed up this time, and so I don't know why everybody is  
2 pushing for this increase when nobody in the industry wants it.

3  
4 I understand the Coastal Conservation Association wants it, and  
5 how is that conservation, taking a fishery that's on the decline  
6 the last few years and asking to take more fish out of the  
7 population? Maybe they need to remove the "C" out of their  
8 name, and I don't know, but, anyway, I --

9  
10 I have been a proponent of an IFQ system for partyboats and  
11 charter boats for years, and I think it would be very  
12 beneficial, and let's do it. If we go down that path, and we're  
13 going to have catch records here now, and we should have them  
14 for this year, and we're going to have them again next year, and  
15 a couple of years of data should be good, and hopefully we can  
16 do something in that regard.

17  
18 I suspect we're going to have a fall season for red snapper this  
19 year, because I caught my limit on my boats every trip, but a  
20 lot of boats are not doing that this year, because the fish just  
21 aren't there. Fortunately, I've got good captains and good  
22 boats, but I ask you to please reconsider.

23  
24 The other thing I would like to make a comment about is that,  
25 you know, red snapper has been driving the bus here at the  
26 council, and, I mean, we've got all these other species too, but  
27 I think you all really need someone from the commercial industry  
28 on the panel here, because I went through that same situation  
29 for a number of years, and the partyboats and charter boats had  
30 no representation for a number of years, and I think it's about  
31 time that someone that has an interest in the commercial red  
32 snapper fishery gets on the council. Thank you very much, and  
33 have a great day.

34  
35 **CHAIRMAN DIAZ:** Go ahead, Ms. Boggs.

36  
37 **MS. BOGGS:** Thank you, Captain Williams. How far offshore are  
38 your headboats having to fish to limit out on the red snapper?

39  
40 **MR. WILLIAMS:** This year, we've been fishing farther offshore.  
41 Generally, we would fish between about fifty and sixty-five  
42 miles out, and, last year, we were fishing, toward the end of  
43 the season, between sixty and seventy. This year, toward the  
44 end of the season, we're fishing between seventy and eighty, on  
45 a number of trips. It's a situation where the fishing close to  
46 shore is just pretty much non-existent anymore, and we're having  
47 to go farther and farther each year. Thank you very much.

48

1 **CHAIRMAN DIAZ:** Thank you, Mr. Williams. Next up is Bobby  
2 Kelly, followed by David Krebs.

3  
4 **MR. BOBBY KELLY:** That's a tough act to follow right there,  
5 gentlemen. My name is Bobby Kelly, and I'm out of Orange Beach,  
6 Alabama, a commercial fisherman, and I own two charter boats,  
7 and, first, I want to talk about the red snapper. Emily, have  
8 you got me? We've got a graphic coming that will be beneficial.

9  
10 I just wanted to say that, if you will turn your attention to  
11 the monitors right here in front of you, our red snapper fishery  
12 is on the decline. It is overfished and experiencing  
13 overfishing, and everybody up here has said the same thing.

14  
15 In Alabama, we have great access to our officials that take care  
16 of our stuff, and so I had a text message with Director Bannon  
17 on June 6, six days into our season. After seeing the state of  
18 our red snapper fishery off the coast of Alabama, I told him --  
19 I said, I bet you guys that, on July 4, the end of the July 4  
20 weekend, the private recreational sector will be lucky to  
21 harvest 30 percent of their quota.

22  
23 If you look on your charts right there, 43.8 percent of their  
24 fish is what they harvested in such a time. After six days, I  
25 knew that's how poor our red snapper fishery was off the coast  
26 of Alabama. Regional depletion, sure. Long-range regional  
27 depletion.

28  
29 Our guys, our charter fleet, on their half-day trips, after the  
30 middle of July, they stopped fishing for red snapper, because we  
31 couldn't catch them inside of twenty miles, and so, when you've  
32 got shareholders up here that can benefit millions of dollars on  
33 an increase in TAC, and they say, hey, we don't want it, and the  
34 stock can't hold it, that's the truth. I say the same way. If  
35 I've got to lose trips to make sure that these fish don't get  
36 any worse than what they are, I'm okay with that. My fleet is  
37 okay with that. This isn't just off of Alabama. This is off  
38 the northern Gulf, and this is off of Texas, and these fish are  
39 in trouble. They need you all's help.

40  
41 I want to talk about triggerfish. I do not support alternate  
42 dates, and I also request that the triggerfish trip limit for  
43 the commercial sector is increased proportional, to allow us to  
44 harvest those fish. The vermilion snapper, that is a healthy  
45 and robust fishery right now, and I ask that we go to the old  
46 saying of it's not broke, let's not fix it. All right? These  
47 fish are healthy, and there's a great population of those, and  
48 thank god, because that's what we've been targeting on our

1 trips, and so let's just leave that alone, leave the bag limit  
2 alone, and I'm perfectly fine with that.

3  
4 As far as the amberjack fishery goes, that fishery, right now,  
5 is the most collapsed that I have ever seen it. I couldn't go  
6 out there right now and catch three amberjack that were legal.  
7 Reallocating 8 percent from the commercial sector to the private  
8 sector, that's like putting air in a flat tire. It does nothing  
9 for these fish. I support a fractional bag limit, and I support  
10 shorter seasons, whatever it takes. These fish are in the most  
11 trouble that we have.

12  
13 As far as SEFHIER goes, I just ask that we use commonsense, and  
14 I know that we appreciate the help with that, and I'm at a lucky  
15 spot, where I'm at, and we don't have to move the boat to get  
16 fuel, and we get everything all in one spot, and so I guess a  
17 ninety-minute window would be best. All right.

18  
19 **CHAIRMAN DIAZ:** Thank you, Mr. Kelly. Go ahead, Ms. Boggs.

20  
21 **MS. BOGGS:** You're out of Orange Beach, Alabama, correct?

22  
23 **MR. KELLY:** Yes, ma'am.

24  
25 **MS. BOGGS:** How far is that fleet having to fish offshore to  
26 find red snapper right now?

27  
28 **MR. KELLY:** Historically, we would -- I say historical, and I  
29 mean, for the last ten years, we could catch keepers inside  
30 fifteen or sixteen miles, if it got tough, and we never had to  
31 go to twenty, and, for most of the fleet, they gave up around  
32 the middle of July. I'm hard-headed, and it's taking me twenty-  
33 five, twenty-six, or twenty-eight miles, and that's just because  
34 I'm hard-headed. That's a long way, guys, and that's a lot of  
35 fuel. That's \$32,000 extra in fuel I had to spend this year  
36 that I shouldn't have. Thank you.

37  
38 **CHAIRMAN DIAZ:** Thank you, Mr. Kelly. Next up is David Krebs.

39  
40 **MR. DAVID KREBS:** Good afternoon, council. My name is David  
41 Krebs, and I'm from Destin, Florida, and my whole life is  
42 commercial fishing. Unfortunately, I don't think anybody on  
43 this council can say the same thing. They probably can't even  
44 say that a portion of your life is commercial fishing, and that  
45 puts you at a disadvantage. How can you make a decision about  
46 something that you really have never experienced and that you  
47 have never seen firsthand?

48

1 This room is full of stewards of the resource, the commercial  
2 industry. You've got a few tables with some sportsmen  
3 advocates, but the private angler, who used to come to these  
4 meetings, is not coming anymore.

5  
6 We're missing them, and we've heard that the private angling  
7 community is accountable, and it's impossible. It's a 365-day  
8 season, interrupted by a few retention periods, and they can  
9 fish 365 days a year, and are you going to track every discard  
10 during that time? You can't do it. Help these folks fix their  
11 problem. We're not angry with them, but they can't keep fishing  
12 the way they are. We support -- I personally supported regional  
13 management, to a lot of the disgust from my industry, and they  
14 said, Dave, you're nuts, and I said, they will get their act  
15 together, they will, but they haven't.

16  
17 In 2007, what did the commercial industry do that was the  
18 biggest benefit to the red snapper fishery? Anybody? They  
19 reduced the size limit. We got tired of throwing ten-to-one  
20 fish back. Twenty-five years into size limit management, what  
21 has the recreational industry done? Nothing. They're at  
22 sixteen inches, and, in a failing stock, what are you going to  
23 have more of? Discards.

24  
25 As the fish that they're fishing for is getting smaller, they're  
26 going to fish longer to catch a legal fish, and that's  
27 ridiculous. That's not managing a resource. You guys have got  
28 to do a better job.

29  
30 Was I offended that you didn't call the IFQ AP together, rather  
31 than forming a scoping committee? I was, because I'm chairman  
32 of the AP, and you don't like the answers, but the answers are  
33 real, and it's a limited-access program that has allowed,  
34 through direct leasing to small boats, this anomaly of, oh,  
35 we've got higher lease prices, because it's supply and demand.  
36 It's not because we're demanding it, but it's because more  
37 people are saying that I would rather lease the fish and catch  
38 it than you catch it yourself.

39  
40 This old thinking about how do we modify the only fishery  
41 management success story that this council has to-date, the fact  
42 that, because we're driven by the recreational industry, and not  
43 by the participants, but to reallocate a resource from something  
44 that's completely accountable to somebody that doesn't want to  
45 take care of the fishery is absurd, and so I apologize, but we  
46 are the stewards, and it should be our legacy, and your legacy,  
47 to fix these problems. Thank you.

48

1 **CHAIRMAN DIAZ:** Thank you, Mr. Krebs. Next up, we have David  
2 Krebs, III.

3  
4 **MR. DAVID KREBS, III:** Good afternoon, everyone. David Krebs,  
5 and this is my first council meeting. I will say this, that I  
6 am David Krebs, Lieutenant Colonel in the United States Air  
7 Force, almost retired, and so why am I here?

8  
9 I was born and raised in Destin, Florida, and, as you can guess,  
10 I'm the son of that David Krebs, into a commercial fishing  
11 family that my grandfather started after he retired from the Air  
12 Force back in the early 1980s, and so, even as full-time Air  
13 Force pilot, I was able to be a part-time commercial fisherman,  
14 and I grew up, as a teenager, putting mangos in a box, right,  
15 and I've been a part-time recreational fisherman, all of that  
16 because I got lucky to be stationed in northwest Florida, near  
17 my hometown of Destin, and had access to that.

18  
19 The recreational fishermen, I get it, and I love it, but I've  
20 also been stationed in Jacksonville, Arkansas, where there is no  
21 Gulf of Mexico to go recreational fishing, and, for me, that  
22 Gulf fish -- It had to come from a wholesale commercial fishing  
23 boat, right, and so I can see, and I have seen, throughout my  
24 life, both sides of that story.

25  
26 I will say, as I retire from the Air Force and return to the  
27 commercial fishing industry, as a third-generation commercial  
28 fisherman that, again, provides the seafood to the country, to  
29 North America, for those without immediate access to it, and my  
30 new-guy -- Again, it's my first council meeting, and I  
31 appreciate you all having me, and it's been fantastic to meet a  
32 lot of the folks that are sitting out here.

33  
34 My new-guy observation, and you guys have heard this already, is  
35 that the commercial industry is not equally represented, or if  
36 at all represented, with the governing body that sits in front  
37 of us.

38  
39 As mentioned several times this afternoon, if the council  
40 approves an increase in red snapper, it becomes very apparent to  
41 everybody here, regardless of what side you're on, and, again,  
42 like was just mentioned, no one is mad, necessarily, right, but  
43 there just needs to be equal representation on both sides of the  
44 aisle, to really figure out how we can manage these resources,  
45 how we can sustainably manage these resources, and then, going  
46 forward, that --

47  
48 You know what? David Krebs, IV, is four years old right now,

1 and, in twenty years, I want him to be able to stand here and  
2 represent the commercial industry, that, because we have  
3 sustained these fisheries over the decades, that he has a  
4 business that he can walk into as well. Thank you.

5  
6 **CHAIRMAN DIAZ:** Thank you, Mr. Krebs, and thank you for your  
7 service, also. Okay. Next up is Jason Kresse, followed by Kurt  
8 Vossler. Okay. John Black, followed by Jason Kresse. John  
9 Black.

10  
11 **MR. JOHN BLACK:** I am John Black, and I have two charter boats  
12 in Panama City Beach, Florida, and also a commercial boat.  
13 They're both federally-permitted charter boats. I applaud you  
14 for paying attention, as I've seen most of you, at most  
15 meetings, and people don't pay attention to a whole lot, but I  
16 applaud you for doing that, and I know this is absolutely your  
17 favorite time of the day, when you hear all these comments.

18  
19 Anyway, a few thoughts that I had. Number one is we talk about  
20 using science to make decisions on what we're doing with these  
21 stocks, like anything else we do in this day and age. The  
22 private rec sector -- I've heard several people say that they're  
23 accountable, and I think accountability without verification is  
24 not accountability.

25  
26 There is no way to verify that the information that you're  
27 getting is fact, and there are no dockside visualizations of  
28 their fish, of their trip, when they left, or when they got  
29 back, and so I realize that there are calibrations to this, and  
30 I would like to, at some point, hear how those calibrations are  
31 done that makes them -- As I believe I heard the other day, that  
32 we're 95 percent accountable, and the for-hire sector was 70  
33 percent, if I'm correct in those numbers.

34  
35 I would like to know how we came to those numbers, because,  
36 without accountability, and without the visualization of what  
37 they're telling you, all it is is a story, and so, when that  
38 affects all of us, and the entire Gulf, and the red snapper, and  
39 we're out there all the time, like many have said, and there are  
40 not the red snapper. Do not increase the red snapper. It takes  
41 money out of my pocket, like many of these other people have  
42 said, and, at one point in time, commercial fishermen and  
43 charter fishermen were not very conservative minded, and that is  
44 not today.

45  
46 We are telling you to not increase these snapper. They are not  
47 out there, just like we are telling you, and sharks are out  
48 there, and they are increasing in predation, and the dolphins

1 are increasing in predation. I got told, by the HMS  
2 representatives the other day, that this problem was going to  
3 increase, and nothing was going to be done about it, and that's  
4 not acceptable. I'm part of this fishery, and I pay taxes to be  
5 part of this fishery, and something does need to be done about  
6 it.

7  
8 I applaud the council for what you do. You do a lot of good  
9 things, and you do a lot of good work, and you have a lot of  
10 pressure on you, but something needs to be done about predation.  
11 It's simple, and we need to start gathering information on this,  
12 and just not a conference.

13  
14 I went to the conference in Gulf Shores, and I participated in  
15 that with Marcus, and I will continue to participate, but we  
16 need to get some real actionable intel on this, and we can do  
17 that. We already are reporting, and we have this little thing  
18 on our phone that I have to fill out every day, when I go  
19 fishing multiple times a day, and there's no reason that can't  
20 be on there. We've asked for this, and we've asked for this,  
21 and we've asked for this, and, without that information, what  
22 are you going on? Thank you.

23  
24 **CHAIRMAN DIAZ:** Thank you, Mr. Black. Next up is Jason Kresse,  
25 and Kurt Vossler is on deck.

26  
27 **MR. JASON KRESSE:** Hi. My name is Jason Kresse, and I own a  
28 commercial fishing business and a fish house out of Freeport,  
29 Texas, Captain Mark's Seafood, and I run a commercial fishing  
30 operation, Reel Time Fisheries.

31  
32 I fish 100 percent leased allocation, and I started in early  
33 2000, working at a fish house, and, over the years of hard work,  
34 I've been able to purchase my own commercial fishing boat and  
35 work my way up to owning a fish house, all on these allocations.  
36 I have made a good living doing it, and, also, my crew does too,  
37 as well.

38  
39 We are commercial fishermen, 100 percent accountability for what  
40 we catch, and the system we've got right now works, and so, when  
41 the system is not broke, don't try to fix it. I think the  
42 fishery, right now, cannot sustain an increasing quota right  
43 now, and the recreational fishermen need accountability for what  
44 they catch. Thank you.

45  
46 **CHAIRMAN DIAZ:** Thank you, Mr. Kresse. We have a question for  
47 you.

48

1 **MS. BOGGS:** Jason, thank you for coming today. This council is  
2 talking about, with the South Atlantic, putting electronic -- Or  
3 making the commercial logbooks electronic, and do you support  
4 that?

5

6 **MR. KRESSE:** What was that?

7

8 **MS. BOGGS:** Making your commercial logbooks and putting them  
9 where they're -- Making them where they're electronic, and do  
10 you support that?

11

12 **MR. KRESSE:** It would make it easier.

13

14 **DR. STUNZ:** Okay. Up next is Kurt Vossler, and John Holmgreen  
15 is after that.

16

17 **MR. KURT VOSSLER:** Hello. My name is Kurt Vossler, and I'm from  
18 Matagorda, Texas. I'm a full-time commercial fisherman, and I  
19 graduated high school in 1982 and started snapper fishing. My  
20 dad did it, and I've done it ever since, and I've watched every  
21 law, since before there was any laws, when all this started.

22

23 Like everybody has said, I see the snapper decline in the last  
24 two years, and it went down, and it went down again this year,  
25 and I'm for no increase. I just recently bought out the guy  
26 that I've been fishing for for about twenty-seven years, and I  
27 spent a lot of money, and I couldn't afford the quota, and I  
28 bought the boat, the property, the fish house, everything, and I  
29 built a business around what's going on right here, and now I've  
30 got to pay for it, and I'm fixing to be fifty-nine years old,  
31 and I would hate to see something change.

32

33 I've got about ten different families that work for me, that  
34 make a living off of my boat, and I've got a couple of shrimp  
35 boats, and we shrimp. We're shrimping right now, and what these  
36 people about there's a shark problem, there's a bad shark  
37 problem. I sew my nets about three to five hours every day. We  
38 will come in and pick up at dark, and we'll go in and unload,  
39 and I sew until midnight, every night, for about forty-five days  
40 now. There's a problem there, bad, inshore or offshore, it  
41 don't matter.

42

43 The beeliners are healthy, and I don't see nothing wrong with  
44 them. I'm seeing more and more of them every year. The  
45 triggerfish, I would say leave them alone, and they're fine,  
46 and, like everybody else has said, we need some commercial  
47 representation on this council, for these people in this room  
48 like me, that this is all we've ever done, and you pull the rug

1 out from under us that we've structured our lifestyle around,  
2 with a bunch of people and families that make their living  
3 working for us, and that's something to think about. It's  
4 something to think about. All right. That's all I've got.

5  
6 **DR. STUNZ:** Thank you, Mr. Vossler. Up next is Mr. Holmgreen.

7  
8 **MR. JOHN HOLMGREEN:** Yes. Good afternoon. I'm John Holmgreen,  
9 and I'm just a regular old fisherman and angler. I feel a  
10 little lonely out here on a point this afternoon, at this point,  
11 and, well, I try to pay attention to some of the things going on  
12 in fisheries management, and I follow things online, when I can,  
13 and I take a look at too 2coolfishing and get the chatter there,  
14 and one of the things that I keep hearing leveled at  
15 recreational anglers is how we are unaccountable, and I just  
16 want to share some thoughts on that.

17  
18 It's been my experience that anglers, by and large, follow the  
19 rules, when it comes to size limits and bag limits and things  
20 like that. There are always outliers, and there are always  
21 going to be some bad actors, but some of the things that you  
22 hear from some quarters seem to be trying to create a narrative  
23 that anglers are out of control and out there actively pillaging  
24 the resource, like some giant swarm of insects. I don't believe  
25 this is the case at all. Here is why.

26  
27 If I understand it correctly, every state has complete angler  
28 registry of all saltwater fishermen, for anglers, in the form of  
29 a saltwater recreational license structure. Most states have  
30 gone beyond that and identified offshore, or reef fish, anglers.  
31 Further, every state has aggressive enforcement power to control  
32 a very competitive fishery. When I say very competitive  
33 fishery, I mean there is a great deal of pressure on the inshore  
34 and offshore waters of the state that I fish in, and that's the  
35 State of Texas. NOAA has access to all of that information, and  
36 so I do not understand this continued talk of anglers as being  
37 unaccountable.

38  
39 Several years ago, the Gulf States stepped up their data  
40 collection programs for recreational anglers, and, from what I  
41 can tell, it has been a great success. It was achieved without  
42 a great deal of controversy, and I think that speaks to how well  
43 anglers work with the states, as opposed to federal management,  
44 and there is just a natural relationship there that seems to be  
45 totally lacking in this regulatory environment.

46  
47 For my personally, I don't mind paying for a license and  
48 participating in things like iSnapper, to report what I catch,

1 and I think most anglers are comfortable with that, as long as  
2 those efforts go toward better management, and I think anglers  
3 trust working with the state systems to provide better  
4 management. If they had a choice, they would overwhelmingly  
5 work with states to improve our data, if that is necessary.

6  
7 I don't know what the answer is, but blanket characterizations  
8 of anglers as unaccountable are just misleading. We have some  
9 incredible success stories and amazing inshore fisheries, where  
10 there is a great deal more pressure from recreational anglers,  
11 and so perhaps the best answer may be to have the states take  
12 over all management for the recreational fishery, since they  
13 clearly can work with the data, and they have produced healthy  
14 fisheries, with plenty of success. Thank you very much. Good  
15 day.

16  
17 **DR. STUNZ:** Thank you, Mr. Holmgreen. Up next is Ron Moser,  
18 followed by Troy Noska.

19  
20 **MR. RON MOSER:** Good afternoon, and thank you for the  
21 opportunity to speak today. I'm Ron Moser, and I'm a retired  
22 gentleman, and I worked for forty-five years in order to have  
23 the opportunity to fish for red snapper in the Gulf of Mexico,  
24 and I've been doing so for twenty-some recreational years, on a  
25 recreational business.

26  
27 I also am terribly disturbed about the vilification of the  
28 recreational angler. It has not been my viewpoint, or have  
29 seen, what everybody is saying here about these recreational  
30 anglers, and I would like to talk about the State of Texas, and  
31 Port Aransas, in general, which is where my knowledge is.

32  
33 I can tell you that I'm just shocked that these commercial  
34 fishermen can't find red snapper. I must be the best fisherman  
35 in the world, because my experience has been more and more red  
36 snapper out there every year. However, this year, there was a  
37 problem with sharks, and it made it difficult in catching red  
38 snapper. They were there, and you could see them on your  
39 equipment, and you could catch about four or five of them, until  
40 the sharks got active, and then you had to move on.

41  
42 I think that, you know, a lot of this problem that people are  
43 alluding to, about the fact that they can't catch snapper, is a  
44 predation problem that everybody has been talking, and it's  
45 real, and I don't know what the answer is, but I can tell you  
46 that the Atlantic sharpnose shark is in great quantities on the  
47 inshore areas, and the great sandbar shark is in huge quantities  
48 offshore. We lose a number of fish, mostly just to the

1 sandbars, but we lose a tremendous amount of tackle to the other  
2 sharks, and we're probably catching one shark for one snapper.

3  
4 I would also like to remind everybody that, you know, our  
5 federal limit per person is two snapper. I mean, on my boat, we  
6 don't discard anything, because we fish with live bait, and we  
7 don't catch any small fish, and we don't have a discard problem.  
8 We don't turn anything back. There might be an occasional  
9 undersized fish caught in error, if some fish eats half a bait,  
10 and the small fish gets it, but the majority of recreational  
11 anglers, out at Port Aransas, fish within twenty miles of the  
12 coast, because they're in these small boats.

13  
14 Now, I have a thirty-five-foot boat, and I can fish anywhere,  
15 but most of my fishing for red snapper is within twenty-miles,  
16 and I started the season catching twenty-two to twenty-six-inch  
17 fish.

18  
19 Just this past week, I went out and caught twenty-two to twenty-  
20 six-inch fish, and I don't see a depletion of fish in my area,  
21 where I'm fishing, and I do see a lot of small boats out there  
22 trying to catch fish, and I don't see small boats discarding  
23 fish, and I don't know where all of that is coming from.

24  
25 The other thing I would like to address is what the sector  
26 separation has done to this fishery, and this might be one of  
27 the things that you hear these boats from Florida and Alabama  
28 and Mississippi talking about that their resource is gone, and,  
29 well, one of the reasons maybe that the resource is so good in  
30 Texas is we have 22 percent of the biomass and only 6 percent of  
31 the allocation to catch the fish. How is that true?

32  
33 This has been going on for years and years and years in the  
34 State of Texas, and, to add insult to injury, the Gulf Council  
35 saw fit to shut down the red snapper fishery in the State of  
36 Texas, last November 15, for forty-five days, eliminating what  
37 is a really productive and has become a huge productive red  
38 snapper fishery in the following year, in the months of December  
39 and January.

40  
41 We catch fish in the twenty-eight to thirty-three-inch range,  
42 inside legal state waters, and the resource out there, from my  
43 perception, is extremely healthy, and I would encourage you to  
44 reallocate this resource, and I would encourage you to stop this  
45 mismanagement and give this to the states, and let them control  
46 the whole thing. It's a mess. The commercial fishery --

47  
48 **DR. STUNZ:** Thank you, Mr. Moser. If you would wrap it up, real

1 quick.

2

3 **MR. MOSER:** I would be glad to. One last comment is 75 percent  
4 of the revenue going to red snapper, in the commercial industry,  
5 goes to just somebody who does nothing other than hold the  
6 resource, and that's absurd. You hear all these people here  
7 trying to make a living, and it should be in their hands and not  
8 the 25 percent. They shouldn't have to beg to go get what they  
9 need to fish. They should have access to that. The system that  
10 has been set up by this council is horrendous. I am completely  
11 for a reassessment and for state management of the resource,  
12 especially in the State of Texas. Thank you.

13

14 **DR. STUNZ:** Thank you, Mr. Moser.

15

16 **CHAIRMAN DIAZ:** Next up is Troy Noska, and on deck is Michael  
17 Mixon.

18

19 **MR. TROY NOSKA:** Hello. My name is Troy Noska, and I have  
20 fished for Bubba Cochrane and Johnny Walker for about fourteen  
21 years, and I definitely have fished on plenty of IFQ boats and  
22 made a living, and I think it works great. I think, with the  
23 charter fishing -- I mean, for the past fifty days, we've pretty  
24 much fished every day, weather permitting, and picking around  
25 and catching snapper is definitely a little tougher this year,  
26 and I think one thing that might help it a little bit, maybe,  
27 which I really haven't heard of, is, you know, during the spawn,  
28 in June, is when the fish are pregnant, and so maybe move it  
29 over a month or something, I guess, for the spawning snappers,  
30 and that will be about the only thing I can say about helping  
31 the fishery, as far as snapper, and so thank you.

32

33 **CHAIRMAN DIAZ:** Thank you. Next up is Michael Mixon, followed  
34 by H.D. Pappas.

35

36 **MR. MICHAEL MIXON:** Good afternoon. I'm Michael Mixon, and I've  
37 been fishing the Gulf of Mexico, the Galveston area, for about  
38 twenty years, and I've leased snapper since the IFQ system has  
39 come into effect, and I was able to acquire snapper to lease,  
40 and I bought myself a boat and a permit. The system is great,  
41 and it's done a lot and supported my family, and probably four  
42 or five other families that work for me, and we've gotten to pay  
43 to lease the fish, et cetera.

44

45 As far as charter fishing goes, I've been doing charter things,  
46 the same deal, twenty years, in Galveston. The last few years,  
47 I've seen a decrease in the snapper, and I don't think you all  
48 should increase the quota, and that's all I've got to say.

1 Thanks.

2

3 **CHAIRMAN DIAZ:** Next up is H.D. Pappas, and followed by Tres  
4 Atkins.

5

6 **MR. H.D. PAPPAS:** Hi, and my name is H.D. I appreciate you all  
7 taking the time every day in meetings, on Wednesdays, to hear us  
8 and our comments. I work for Pappas Restaurants out of Houston,  
9 Texas. We buy fish across the Gulf, snappers and groupers and  
10 tilefish.

11

12 The IFQ system has made it such to buy fish year-round, quality,  
13 very fresh fish, every day, virtually, and safely too, I guess,  
14 and so I'm definitely a proponent for the system, and probably  
15 status quo, I would say. I didn't want to say anything, and  
16 I've been thinking something else the last couple of years, but  
17 we buy a four to eight-pound fish, because of the cutoff of the  
18 fish, and we're seeing it being more difficult to get that, and  
19 so I do think that there is probably -- It's hard to time the  
20 science, I'm sure, but possibly a shrinking biomass in the  
21 snapper. Thank you.

22

23 **CHAIRMAN DIAZ:** Thank you, Mr. Pappas. Next up is Tres Atkins,  
24 followed by El Capitan Hickman.

25

26 **MR. TRES ATKINS:** Thank you, Mr. Chairman and council members.  
27 Let's of new faces here, and it's been a while, and, Andy, it's  
28 good to see you in this position. I'm at a blank right now, but  
29 you're the only face I recognize, and, just for the record, I  
30 know that, at one time, you were a commercial fisherman, and so  
31 there is at least one on the panel.

32

33 My name is Tres Atkins, and I'm a commercial fisherman, as well  
34 as a charter boat operator, out of Galveston, Texas. I've been  
35 a participant in this fishery since the mid to late 1990s, and I  
36 became a permit holder in around 2004, and I had the privilege,  
37 and the honor, of being nominated by two different governors to  
38 actually sit on this council, and I made the short list twice.  
39 I wasn't selected, but I do have a good understanding of what  
40 you guys are dealing with.

41

42 I will say that don't hold it against a lot of these guys, but  
43 we really do worry, and are concerned, that the commercial  
44 voices and our input is not necessarily not taken, but we don't  
45 know that you understand where we're coming from. I mean,  
46 you're talking to a group of individuals who collectively spend  
47 more time in the Gulf of Mexico than anybody on this planet, and  
48 so they aren't scientists, and I get that.

1  
2 I mean, I went to school to study marine biology, and I didn't  
3 get a degree, but I have a passion for fishing, and not just  
4 because it puts money in my pocket. My son got up here earlier  
5 and said a few things, and his son, William Lesley, V, hopefully  
6 will get to enjoy the same fishery that we've been blessed to  
7 enjoy.

8  
9 I just want to say the IFQ system, in the beginning for me, was  
10 scary. I was like a long-tailed cat in a room full of rocking  
11 chairs, because, in the early 2000s, I was new to the game, but  
12 I can tell you, the December before we implemented IFQs, I  
13 caught more fish in the month of December than I was allocated  
14 for the entire year the following year, and so I had a tough  
15 choice to make, and a lot of these guys out here had to make  
16 those same tough choices.

17  
18  
19 When we come up here, and we're a little emotional, and we seem  
20 a little agitated, I hope you can understand why we feel the way  
21 we feel, because we've invested our lives, everything we have  
22 earned, into this fishery. We are stewards of this fishery. I  
23 want my grandson to experience and benefit from the same things  
24 that I've been able to watch grow.

25  
26 I have seen this fishery at its worst, and I have seen this  
27 fishery at its best, and it's scary to say that we are not at  
28 our best right now. We aren't, and we can do better. It's not  
29 going to be easy, not easy at all. It wasn't easy to get IFQ  
30 implemented in the very beginning, but I can tell you, if you  
31 bought a share of Amazon when I entered this fishery, you could  
32 have bought it for \$2.00 a share. Today, that same share is  
33 worth a-hundred-and-thirty-four bucks, and so, for me to come to  
34 you, and ask you to give me part of your Amazon stock for \$2.00  
35 is asinine. We have gone way past that.

36  
37 **CHAIRMAN DIAZ:** Mr. Atkins, can you start wrapping it up,  
38 please?

39  
40 **MR. T. ATKINS:** Yes, sir. My idea for recreational fishermen is  
41 much in the same sense as elk hunting. I draw for elk every  
42 year, and I didn't get drawn this year, and it's just the way it  
43 goes. There is not enough elk for everybody to harvest one, and  
44 so that's all I've got to say. Thank you for your time.

45  
46 **CHAIRMAN DIAZ:** Thank you, Mr. Atkins. We appreciate your  
47 comments. El Capitan Hickman, and Jason Delacruz is on deck.

48

1 **MR. SCOTT HICKMAN:** El Capitan Scott Hickman, in honor of my  
2 good friend, Juan Sanchez, who is no longer here, and I'm a  
3 thirty-plus-year charter/for-hire captain and a recent, very  
4 recent, IFQ shareholder, out of Galveston, Texas.

5  
6 I made a joke about being El Capitan because one of the things  
7 is I am concerned about a fair, balanced council, but not only  
8 that is a council that has diversity and inclusion. There is  
9 one young lady left that serves -- Is appointed, and she was put  
10 up by her governor, and there's a bunch old white guys like me,  
11 and so we would like to see the council balanced, some more  
12 diversity and inclusion. I think that we would be better  
13 served.

14  
15 I've got a lot of things to go through, real quick. Rec  
16 accountability, and we need to know how many private rec anglers  
17 are really harvesting in the Gulf. I would like to see you  
18 institute a recreational endorsement. The IFQ system is working  
19 well, and rec anglers reap many conservation benefits from this  
20 system, especially the American seafood consumer.

21  
22 Half of my annual catch, on the commercial side, is shares that  
23 I own, and the other half is leased fish. It works for me, and  
24 leasing works for me. The fishery, commercial fisheries,  
25 recently, and it has been for a while, is overcapitalized again,  
26 and so is the recreational fishery. Localized depletion is real  
27 off of Galveston and many other areas that I fish.

28  
29 The indices that were presented to this last SSC, dealing with  
30 red snapper, are correct that the stock is in a decline. No ACL  
31 increases, in the current and future, until we get the next  
32 American red snapper stock assessment and see what it says.

33  
34 King mackerel, it crashed Gulf-wide, and I have no idea, but  
35 we're not catching them, and it went from three years ago,  
36 seeing a decrease to crashing. Let's rebuild these stocks  
37 together, and the Gulf used to be a huge success story, and we  
38 can no longer say that.

39  
40 One thing is I agree with Chris Horton, when he talked about  
41 MRIP, and quit kicking the can down the road, and let's  
42 calibrate these recreational marine landings to the National  
43 Marine Fisheries Service scientific standards now, and let's get  
44 a handle on that.

45  
46 Greater amberjack, if we reallocate anything to the rec side --  
47 I've looked at some of the discard numbers, and you're looking  
48 at over a 100 percent increase in discards. Like red grouper in

1 Amendment 53, it gets to the conservation sections in the  
2 Magnuson Act, and it can reduce quota, long-term, for all the  
3 sectors. Discards are a problem, and, since I'm about out of  
4 time, paper logbooks don't work well, and let's get that changed  
5 for the commercial side and go with electronic logbooks, and, as  
6 far as sharks go, I do notice that they have a lot of teeth, and  
7 there's a lot of them. Thank you, all.

8  
9 **CHAIRMAN DIAZ:** Thank you, Captain Hickman. Jason Delacruz is  
10 next, and Mike Jennings is on deck.

11  
12 **MR. JASON DELACRUZ:** Thank you very much for the opportunity,  
13 and thanks to Karen for her service. I think I've been here as  
14 long as she has now. The first thing I'm going to say is going  
15 to be pretty controversial to my commercial colleagues, which is  
16 100 percent agree with David Krebs and what he said today. It  
17 hit the nail on the head, and it was absolutely perfect.

18  
19 I was on the IFQ focus group, and I am -- I just figured out, or  
20 told, today that I am a second-generation participant, because I  
21 did not get any of my quota, and I got 238 pounds with my permit  
22 that I was fishing when this all happened, and I invested, over  
23 and over and over again, and I am in debt, in excess of seven  
24 figures, and so I think, when we talk about how this IFQ works  
25 right now, it's not fair just to simply say it's not working for  
26 everyone, because it's working for the ones who are willing to  
27 work within the standard that you guys built and put forward,  
28 and, when I say "you guys", it's the proverbial council.

29  
30 You put forth a system, and said this is how it works, and we  
31 have a finance program, and this is how it works, and some  
32 people went out and did everything they were supposed to do to  
33 build themselves a real business and focused and didn't spend  
34 money in others to save money to do it the right way, and I  
35 think there is a lot of disingenuous actions that say that I'm  
36 going to help you, or we've got to fix this, and I'm not sure  
37 where I understand that it's broken at this point.

38  
39 I get that some people don't like it, and, obviously, it would  
40 be great if allocation didn't cost money, but the whole point of  
41 the system was to control effort, and this is how you control  
42 effort. That's why we built an IFQ system, is to control  
43 effort.

44  
45 I have heard some people talk about what are we going to do  
46 about gags, and I guess the opportunity for me to stand here and  
47 talk about gag, relating to an IFQ, we've already been through  
48 this process. In 2011, we had a 100,000-pound TAC for gag, and

1 I had to -- The whole point was that I could manage my fishery  
2 the way I wanted to by having fishermen who were smart guys, and  
3 myself, not go fish in areas where we catch gags, but just use  
4 the quota that we had, so we didn't have to discard those fish.

5  
6 Now we're talking about potentially doing something as draconian  
7 as shutting the fishery down, and the commercial side, with an  
8 IFQ, which that was the whole point of the IFQ, and so let me  
9 fish in an area where I'm not going to catch those fish, or  
10 minimize it, because we're certainly going to catch them and  
11 interact with some of them, and that defeats the purpose of what  
12 we have this IFQ for and why it was built, and I just think  
13 everybody needs to really sit down and think about, when the  
14 people come to the podium, and they say, oh, this isn't right,  
15 and this isn't fair, and, well, some of us did exactly what we  
16 were supposed to do, and I think it's not right and fair to  
17 start talking about how we're going to carve out something to  
18 get to those people.

19  
20 The whole point is to earn it and pay for it and put yourself in  
21 a position to better your business, and I don't think that's an  
22 unfair to think to ask, that everybody does the same thing. Put  
23 us all on the same playing field. Thank you.

24  
25 **CHAIRMAN DIAZ:** Mr. Delacruz, we have a question, but, before  
26 the question, I want to thank you for volunteering your time to  
27 serve on the IFQ focus group. We appreciate it. Mr. Gill.

28  
29 **MR. GILL:** Thank you, Mr. Chairman, and thank you for coming,  
30 Jason. Would you help me understand whether you were arguing  
31 against a gag closure during the spawning season, because of the  
32 IFQ system, and did I hear that correctly, or am I  
33 misinterpreting?

34  
35 **MR. DELACRUZ:** The problem is that we've already closed the  
36 Edges, and we did that back in this last time, in 2011, and the  
37 whole point was we knew kind of where those fish spawned, and we  
38 knew that was the vast majority of it, and so let's close that  
39 and do an area closure. All you're essentially going to do is  
40 I'm going to go -- We're going to go fish red grouper, like we  
41 normally do, and we don't catch a ton of gags, but we definitely  
42 catch some, and we're going to throw these fish back dead.

43  
44 It's not going to fix anything, from that standpoint, and we  
45 have a massive discard problem in this fishery that has nothing  
46 to do with my sector, and it has everything to do with the  
47 recreational fishery. The numbers are insane, and we're going  
48 to talk about doing something to cause those discards again,

1 when an IFQ is supposed to have the flexibility to let us work  
2 within that, and, I mean, nobody is going to actively go to an  
3 area that's a heavy gag area and catch them, when they knew  
4 they've got to throw them back, because what's the point?

5  
6 I mean, most of those areas are also snapper areas, in my neck  
7 of the woods, and so it doesn't make sense. It's not logical.  
8 Fishermen typically don't do that, and you would be surprised  
9 how many commercial fishermen really -- They say to me, I just  
10 can't stand throwing those fish back, and so, consequently,  
11 that's my point. If you close it, we're discarding fish, and it  
12 doesn't fix the problem. It only hides it, and that's not how  
13 you manage a fishery. You don't hide problems, and you bring  
14 them to the surface, and you deal with them in management.  
15 Thank you.

16  
17 **CHAIRMAN DIAZ:** Thank you, Mr. Delacruz. Mike Jennings and then  
18 Jim Green.

19  
20 **MR. MIKE JENNINGS:** Good afternoon. I want to welcome the new  
21 council members, and there are a couple of new faces here, and  
22 some familiar ones that I'm glad to see back, and I look forward  
23 to getting the opportunity to meeting some gentlemen that are  
24 new to this council, and I appreciate you all letting me talk to  
25 you today.

26  
27 My name is Mike Jennings, and I'm on my third decade as a  
28 charter boat operator out of Freeport, Texas, and I've got two  
29 federally-permitted charter boats, and I am probably, without  
30 argument, the newest entrant in the reef fish commercial fishery  
31 in the Gulf of Mexico. I just recently -- This council meeting  
32 is pretty fortuitous, because I just recently bought a longtime  
33 operator out of business, less the IFQ shares themselves, but  
34 the boat, and two trailer loads of gear and you name it, and we  
35 hauled it back to Texas from Pensacola, Florida.

36  
37 We rebuilt the boat, top-side paint, bottom-side paint, running  
38 gear, and we went through the engines, and a brand-new  
39 generator, new electronics, et cetera, et cetera, et cetera, and  
40 I invested a lot of money, because I -- It's not something that  
41 I ever planned on doing, but I saw an opportunity that had  
42 arisen, and I worked towards expanding my business.

43  
44 One of the things I was doing it for was -- I'm not backing out  
45 of the charter boat industry, but I'm -- One of the things that  
46 we do, in our industry, for the charter boats, is we're a  
47 season, and this is going to offer a little bit of extra income  
48 for me, as well as keeping my crew busy in the times of year

1 that they begin to struggle to pay bills or are having to branch  
2 out and do other things.

3  
4 Now that I've invested all that money, I look around the Gulf  
5 Council, that I -- I mean no offense by this, but that has zero  
6 experience and zero representation, in an industry that I just  
7 invested way over six figures in, that is now talking about  
8 having the hard discussions about the IFQ program.

9  
10 Although I am not a participant in the commercial fishery until  
11 recently, I've caught about 30,000 pounds of fish so far this  
12 year, and I've got more left to catch, and all the fish that I'm  
13 fishing for are leased, and I do not own any IFQ, and to start  
14 to try to dismantle something like that -- It makes a person  
15 nervous, who has just invested a bunch of money on a program  
16 that, in my opinion, has offered me an ability, finally, to step  
17 in.

18  
19 I would caution the council to reach out to these people behind  
20 me, that have that working knowledge, and, if you're going to  
21 manipulate something, or work on something, or try to change  
22 something, do it for the better and not with an agenda. Just  
23 don't do it with an agenda. If you're got an agenda, then  
24 you're not going to do it right, and that's the one question, or  
25 the one ask, that I will leave you with today, and I appreciate  
26 your time. Thank you.

27  
28 **CHAIRMAN DIAZ:** Thank you, Mr. Jennings. Go ahead, Ms. Boggs.

29  
30 **MS. BOGGS:** Thank you, Captain Jennings, for being here today,  
31 and so you said you just purchased a commercial vessel. Before  
32 you purchased your commercial vessel, did you have your leased  
33 fish, or did you lease your fish after you purchased your  
34 vessel?

35  
36 **MR. JENNINGS:** I appreciate that question. You know, I was  
37 coming in off a commercial trip, and it just so happened there  
38 in the last council meeting, and I got just close enough, coming  
39 in, to catch probably the last two-thirds of the public comment,  
40 on my phone, and there were some comments made by some people on  
41 that that really confused me, because I heard some -- Like I  
42 made the comment today about spending a lot of money to get into  
43 the fishery, but there were some comments made about, well, I've  
44 got all this invested in a boat and docks and et cetera, et  
45 cetera, and I can't get any fish.

46  
47 I just had to shake my head at that, and absolutely I secured  
48 that allocation first, and I was not going to go out there and

1 spend all this money and have no idea where I was going to get  
2 my access from, and so, when someone makes a comment that  
3 they've spent all this money and can't get the fish, well, maybe  
4 they did, and I'm not arguing with that, but I would argue with  
5 the fact that going into something like a relationship on a leap  
6 of faith is probably sometimes successful, but making business  
7 decisions on a leap of faith is not something that sounds very  
8 business savvy, but, yes, ma'am, I secured my allocation first,  
9 and then I decided to make that investment, and, when I saw the  
10 opportunity, I took it, and so thank you.

11  
12 **CHAIRMAN DIAZ:** We've got another question for you. Dr. Stunz.

13  
14 **DR. STUNZ:** Mike, I've just got a quick question for you. Since  
15 you're familiar, obviously, with that Freeport-Galveston area,  
16 where we're hearing about localized depletions and that sort of  
17 thing, particularly up in that region, and I'm wondering about  
18 that, and what I'm wondering is, well, now, especially since  
19 you're commercial fishing as well, is that -- Is the fleet -- Is  
20 the charter fleet and the commercial fleet, with five-dollar-  
21 plus gas or diesel, or whatever you're buying, and is that --  
22 Are you fishing closer inshore this year than you did last year?

23  
24 **MR. JENNINGS:** No, and we're seeing the same thing there, in  
25 that Galveston-Houston-Freeport metropolx, and, I mean, they're  
26 growing together, to the point you can't tell the difference  
27 between one port and the other, but, yes, we're seeing that. We  
28 probably -- By the end of the snapper season, we had pushed our  
29 daily fishing ten miles beyond what we were doing last year, to  
30 get the job done, and commercial fishing -- I mean, it's a  
31 little different thing, and I'm not under a time crunch, per se,  
32 and so we are definitely traveling outside of anything that we  
33 have commercial fished.

34  
35 For me, it's twofold. I'm not going to commercial fish  
36 something that I need to take my customers to on a day trip. It  
37 doesn't make sense for me to work over a set of fish that I need  
38 for one side of my business just to cover another side, but,  
39 yes, we're seeing the localized depletion, just like everybody  
40 else is, and we're seeing some spots that I would traditionally  
41 fished, and that I looked at early in June, that just basically  
42 had no fish on them.

43  
44 I mean, we hurt them last October, with that extra season, and  
45 they just didn't come back. They didn't move back in there, and  
46 so it's -- There are some areas in the Gulf they still have some  
47 really good fishing, yes, and that's right out here, about four  
48 days ago, and so, with the areas that have low effort,

1 absolutely the fishing is good. The areas with high effort,  
2 where most of these people, recreational and charter, et cetera,  
3 are fishing, like Houston, Texas, the largest city in the United  
4 States, and do you know how many recreational fishermen there  
5 are, and they're all fishing.

6  
7 If I get in a boat and drive down here off of Port Aransas,  
8 Texas, I can't do that in a thirty-foot center console on a day  
9 trip, but they're depleting that resource in and around that  
10 harbor, and they're working out of it, and we're seeing the same  
11 thing, and so thank you.

12  
13 **CHAIRMAN DIAZ:** Thank you, Captain Jennings.

14  
15 **MR. JENNINGS:** Yes, sir.

16  
17 **CHAIRMAN DIAZ:** Jim Green and then Eric Brazer.

18  
19 **MR. JIM GREEN:** First, I want to apologize, and I should have  
20 known not to ask Scott Hickman to sign me up on there, and so  
21 that won't happen again. Captain Jim Green, President of the  
22 Destin Charter Boat Association and President of the Charter  
23 Fishermen's Association. We welcome the new council members,  
24 and we look forward to working together with you for the  
25 betterment of the Gulf fisheries.

26  
27 On modifying the for-hire trip declarations, DCBA and CFA  
28 support Option 2, ninety minutes of the non-fishing trips. On  
29 amberjack, both organizations support Action 1, Alternative 2  
30 and Action 2, Alternative 1. It's our belief that more measures  
31 should be taken to provide this fishery with an adequate  
32 opportunity to rebuild. We feel that measures should be taken  
33 to provide a longer season, which would produce more angling  
34 opportunity and reduce discards from incidental catches.

35  
36 We would like to see explored a thirty-six to forty-inch minimum  
37 size limit, a fractional bag limit of one fish per two people,  
38 and a vessel limit of six or less, limited by the fractional bag  
39 limit.

40  
41 In SEDAR 70, and some of its supporting papers, it shows a  
42 thirty-four-inch fish has equal to, or less than, a 50 percent  
43 chance of sexual maturity, along with possible issues of the  
44 quality of the eggs produced. In multiple attempts to rebuild  
45 this fishery, we must at least give these amberjacks a chance to  
46 spawn before they're harvested. It's time to get serious and  
47 make some bigger changes to this management, so that the  
48 rebuilding can be successful.

1  
2 When it comes to red snapper, DCBA and CFA have great concerns  
3 on increasing allocation. The Red Snapper Count was sent back  
4 to the SSC multiple times, and increasing each time, which has  
5 the air of political pressure, rather than science, and we're  
6 seeing localized depletion from Texas to Florida. We have  
7 Alabama charter boats buying FWC licenses to fish in Florida  
8 state waters.

9  
10 Longline trawl surveys have been depleted over the last multiple  
11 years, and our catch levels are reducing, and so, you know, all  
12 things are pointing to a retraction in the fishery, and we  
13 should put the brakes on this.

14  
15 Calibrating the state data -- It's a bit disingenuous to say  
16 that you are accountable in the system you're given when, for  
17 the last year, all we've heard is a way of delaying calibration.  
18 Even if you make the state data the best available science, it  
19 still has to be calibrated, and so that's why people are saying  
20 that the private recs are not accountable. It's not a shot at  
21 the anglers, but it's a shot at who is managing this and trying  
22 to delay something that's been part of the plan since the  
23 discussions of Amendment 50. Let's put the brakes on and wait  
24 for the next assessment and move forward, and we want Action 1,  
25 Alternative 1.

26  
27 When it comes to the sharks, I'm not sure if we're trying to  
28 rebuild the fishery back to the Jurassic period or the  
29 Cretaceous period, but there's got to be a more modern  
30 threshold. I mean, we have protected an apex predator for  
31 decades now, and, on top of that, they're on top of the food  
32 chain.

33  
34 Only other sharks eat them, and there's been an explosion of  
35 recruitment, especially in the sandbar shark. They're acting  
36 more brazen, because of population densities, and we're seeing  
37 more aggression out of them, especially on top of the water,  
38 eating fish that are floating, or that you haven't even got in  
39 the boat yet, and so I would like to ask that we use -- That we  
40 change that management, to where we're seeing -- That we get  
41 more updates quicker, to reflect what we're seeing on the water,  
42 because they are -- You know, when you protect a predator, it's  
43 going to compound. Every recruitment compounds on top of it,  
44 and so that's all I have for you today.

45  
46 **CHAIRMAN DIAZ:** Thank you, Captain Green.

47  
48 **MR. GREEN:** Thank you.

1  
2 **CHAIRMAN DIAZ:** Next up is Eric Brazer, followed by Bubba  
3 Cochran.  
4

5 **MR. ERIC BRAZER:** Thank you very much, Mr. Chair. I'm Eric  
6 Brazer, Deputy Director of the Gulf of Mexico Reef Fish  
7 Shareholders Alliance. Thank you for the chance to speak today.  
8 First and foremost, Mike, I want to welcome you to the table.  
9 We appreciate you being here, and we look forward to working  
10 with you.

11  
12 Let's start with red snapper. You've got commercial and charter  
13 fishermen from all over the Gulf, and everywhere in this room,  
14 by the way, that are saying that there's a problem with red  
15 snapper. You've got a longline index that supports these  
16 observations, yet you're looking at increasing the quota. The  
17 Shareholder Alliance is asking you to please do not increase the  
18 quota at this time.

19  
20 You've got an amberjack stock that's overfished and experiencing  
21 overfishing for longer than many of those young guys have been  
22 alive, and that's crazy, yet you're looking at reallocating the  
23 stock to the recreational sector, which actually reduces the  
24 OFL.

25  
26 You've got a gag biomass that's in such poor shape, according to  
27 the last stock assessment, that it supposedly needs an 80  
28 percent cut to get back on track, yet you were considering,  
29 albeit briefly, reallocation to the recreational sector.

30  
31 You've got chronic red snapper de facto reallocations taking  
32 place between the Gulf states, de facto reallocation away from  
33 the charter sector to the private angler sector, and de facto  
34 reallocation away from the commercial sector to the recreational  
35 sector, and you've got three layers of de facto reallocations  
36 taking place now, yet these haven't been done in accordance with  
37 any of the allocation policies.

38  
39 You've got an IFQ system that, in many aspects, appears to be  
40 working well, and those are the words of the National Academy of  
41 Sciences, and those are not my words, yet you're forcing debates  
42 about changing the rules of the program that are just pitting  
43 commercial fishermen against commercial fishermen.

44  
45 You have a recreational sector that, by the nature of the  
46 management plan that you have given them, and not the fault of  
47 the individual angler, but, by the nature of the management  
48 plan, they are discarding millions and millions of pounds of

1 dead fish every year, yet you're taking actions that knowingly  
2 increase those dead discards.  
3  
4 You are stakeholder body that is charged with managing these  
5 fisheries, but you do not look like the fisheries you represent.  
6 We are frustrated, and you probably got that, over the course of  
7 the day, loud and clear. We are frustrated at the lack of  
8 adequate commercial representation at this table, and we know  
9 this is not your fault, and our anger is not aimed at you, and  
10 please don't take it that way.  
11  
12 Somehow, this train has gotten off track, and the resource  
13 deserves better, and so do the fishermen, and not just the  
14 commercial fishermen, but all fishermen deserve better. We  
15 think you can do better, and we challenge you to do better, and  
16 we want to help you do better, but you need to want to do  
17 better. I want to close out by saying, Karen, if you can hear  
18 us, wherever you are, thank you for your years of service. I  
19 appreciate the time, Mr. Chair. Thank you.  
20  
21 **CHAIRMAN DIAZ:** Thank you. We have a question for you from Mr.  
22 Gill.  
23  
24 **MR. GILL:** Thank you, Mr. Chairman, and thank you, Eric. I've  
25 got a one-track question going today, and so does the alliance  
26 have a position on the proposal to close triggers during the  
27 spawning season within the IFQ system?  
28  
29 **MR. BRAZER:** Do you mean gags and not triggers?  
30  
31 **MR. GILL:** Sorry. Thank you.  
32  
33 **MR. BRAZER:** A formal position, no, but I think, informally, if  
34 what Jason Delacruz says is true, that this is actually going to  
35 just turn this catch into discards, then we have a -- I imagine  
36 we would have a problem, or a concern, supporting something that  
37 would intentionally increase discards. Thank you.  
38  
39 **CHAIRMAN DIAZ:** Okay. Next up is Bubba Cochrane, followed by  
40 Richard Fischer.  
41  
42 **MR. BUBBA COCHRANE:** My name is Bubba Cochrane, and I'm from  
43 Galveston, Texas, commercial fisherman. The red snapper IFQ is  
44 working, and it's made fishing for red snapper safer and more  
45 profitable than it was back in the derby days.  
46  
47 There is also a clear path for new entrants to enter the  
48 fishery, through leasing allocation or buying shares, and I own

1 and operate my own boat, and I catch 100 percent of my own  
2 allocation every year, and I know several captains that lease  
3 snapper allocation and make a good living. Lease price is just  
4 another expense for them, like fuel, bait, and ice. These  
5 captains depend on leasing red snapper to make a living.

6  
7 I can't think of anything that would improve the system that is  
8 already working so well, and I hope this council will consider  
9 not just the folks that are complaining about it not working for  
10 them, but some of the people who came here today that are  
11 working the system to their advantage and happy with it.

12  
13 On raising the red snapper quota, from what I have seen and  
14 heard from other fishermen now, it's not the time to increase  
15 the red snapper quota. I'm not seeing as many fish as I have in  
16 the past, and I worry that an increase could hurt the stocks, at  
17 this time.

18  
19 I think some of the -- The only two recreational people that are  
20 here kind of questioned our ability to catch the red snapper,  
21 and I'm not saying that I can't catch red snapper, and I'm not  
22 saying that I'm not catching red snapper, but it is just a  
23 little more difficult than it has been in the last couple of  
24 years, and, if there is an increase, I will catch them, and I  
25 don't want to send them to Florida, and it's okay, and I don't  
26 want them to try to give us a break and say, well, send them to  
27 us, and we'll catch them, and it's not an issue. It's just  
28 definitely, obviously, been declining over the past couple of  
29 years.

30  
31 Council makeup, like everyone else, I would like to see more  
32 commercial representation on the council, and I think it's only  
33 fair that there should be equal representation for all sectors  
34 and not just recreational. Thank you.

35  
36 **CHAIRMAN DIAZ:** Thank you, Mr. Cochrane. Next up is Richard  
37 Fischer, followed by Billy Wright.

38  
39 **MR. RICHARD FISCHER:** Good afternoon, Mr. Chairman and members  
40 of the council. I would like to welcome our new council member,  
41 as well as welcome back the rest of you all. Thank you all for  
42 allowing me to speak. Richard Fischer, representing the  
43 Louisiana Charter Boat Association.

44  
45 First of all, I would like to start on the logbook time  
46 requirements, and I would like to thank Mr. Dyskow, as well as  
47 Mr. Dugas, for your comments yesterday on the logbook program,  
48 which were very needed and very accurate. As for the window

1 itself, it doesn't really matter what you all do. This whole  
2 program, and trying to make cosmetic changes to this program,  
3 it's like putting a band-aid on a torn ACL, for a lot of guys  
4 out there who are having app problems, and the app is not  
5 working, and there are tons of other problems as well. We would  
6 support the highest change, but, whatever you all do, it's kind  
7 of immaterial, we feel like.

8  
9 I will go ahead and briefly talk about amberjack. It came up a  
10 couple of times, the amberjack season for the recreational,  
11 earlier today, and it's very important to the western Gulf that  
12 we do not have a January 1 opening, because, if you open it up  
13 January 1, as we saw about five, six, seven years ago, they all  
14 get caught in the eastern Gulf before the western Gulf has the  
15 chance to get out there, and so it's very important, for the  
16 western Gulf, that we at least do not open it up in the first  
17 couple of months of the season, but, if other parts of the Gulf  
18 want to open it up, that kind of gives me the perfect segue into  
19 what I did want to spend at least a minute or so talking about  
20 here, which is let's reopen the conversation on state or  
21 regional management.

22  
23 I'm actually very happy to say that I'm not the first person to  
24 bring that up, about we should expand state or regional  
25 management to the rest of the recreational sector, and I would  
26 like to thank Mr. Holmgren, as well as Mr. Moser, for their  
27 comments earlier.

28  
29 You all could help me with what would be the best way to go  
30 about doing it, and I don't know if it would be bringing back  
31 the portions of Amendment 50 that have to do with charter, and  
32 it's a passed amendment, and I don't know if you could even  
33 bring it back, or if you have to start over, but, even if you  
34 did have to start over, there's a whole lot of copying and  
35 pasting that you could do, and you wouldn't have to start from  
36 scratch.

37  
38 This, of course, was passed back in April of 2019, and you would  
39 have to fill out the 2020 and 2021 years anyway, with those data  
40 years, due to COVID, because that's not a true representation of  
41 what the yearly catches should be, and so I think we just go  
42 back to that document, and let's reopen that conversation, and  
43 that would be something that the charter very much wants to do,  
44 and I do want to reiterate that we don't want to force it to  
45 anybody.

46  
47 If other states go back to their constituencies and ask their  
48 charter sectors if they would like to go ahead and not have

1 state management, that's cool. We only want those among us who  
2 want it to have the ability to go ahead and have it, and so I  
3 would respectfully ask that you all go back to your  
4 constituencies and find out if that's something that your state  
5 would like.

6  
7 The last point that I will make is I would really like it if the  
8 council put more attention into localized depletion, as well as  
9 localized abundance, and that's kind of the elephant in the room  
10 that we're hearing constantly, and it makes complete sense that,  
11 if you've got extreme pressure from certain parts of the Gulf,  
12 and captains and fishermen from those parts of the Gulf come  
13 here to speak, they're going to experience different things than  
14 captains and fishermen from areas of the Gulf that have not  
15 experienced that localized depletion, and so I would just like  
16 to see a little bit more thought put into that, and that's all  
17 the comments that I have for you all. Thank you very much.

18  
19 **CHAIRMAN DIAZ:** Thank you, Mr. Fischer. We have a couple of  
20 questions for you. Mr. Strelcheck.

21  
22 **MR. STRELCHECK:** Hi, Richard. Thanks for being here. It's good  
23 to see you. You led with a statement about lots of problems  
24 with SEFHIER, and you mentioned the app not working, and I know  
25 we're, obviously, talking about declarations, and can you expand  
26 upon your statement, in terms of those problems?

27  
28 **MR. FISCHER:** I have talked to several captains that have had  
29 the inability for the apps to work correctly, that they've had  
30 several problems with cellular service, and they have had  
31 several problems with satellite service, as it pertains to  
32 putting their boat in a shed at night, and we have also had  
33 several other captains that have had permitting problems, as it  
34 pertains to SEFHIER.

35  
36 Essentially, they're being told they can't renew their permit,  
37 because they didn't have a logbook attached to their vessel,  
38 even at a time before the program was mandatory, and so that is  
39 a catastrophic potentially problem to a lot of our guys, if this  
40 is an asset that is worth multi tens of thousands of dollars,  
41 wherever we are in the market right now, and they're potentially  
42 in a situation where they might be able to renew it, and so  
43 there are many, many issues that we have seen. Now, for the  
44 most part, guys are complying, and so they're kicking and  
45 screaming, but they are complying, but there have been a lot of  
46 problems around the edges with the program.

47  
48 **CHAIRMAN DIAZ:** Ms. Boggs.

1  
2 **MS. BOGGS:** So that was my question, and so, to follow-up, based  
3 on the comments that you just made, and I don't know if it's  
4 appropriate, but I would certainly like to -- Being that I'm  
5 part of the charter fleet, I would certainly like to know  
6 specifics, because some of those issues sound -- They shouldn't  
7 be there, and I would also be interested to know -- Have they  
8 reached out to anyone, and is the contact information that Dr.  
9 Masi has provided --

10  
11 Are they getting the help that they need to resolve these  
12 issues, and are they able to get in touch with the permits, and,  
13 I mean, I will get with you after the meeting, and you can give  
14 them my phone number, but I would certainly love to talk to  
15 them, because, being part of the charter fleet, I mean, I'm  
16 pretty partial to making sure that everyone is having these --  
17 That's not my job, and I understand, Andy, but it's important to  
18 me to know that we're getting the buy-in from these fishermen,  
19 and, if I can be of any assistance, I would like to do that.

20  
21 **MR. FISCHER:** Yes, and, in some cases, yes, they have gotten the  
22 help they've asked for. In many other cases, they have not. I  
23 spoke to one captain who said that he tried to call NOAA  
24 Fisheries more than twenty times, and he was on hold more than a  
25 half-hour each time, and it just kind of reached a point where  
26 he reached out to me, as well as the president of our  
27 association, and said, guys, can you all handle this for me, and  
28 we -- You know, we passed it up the flagpole, and we had some of  
29 those conversations at ICAST, actually, and we're still waiting  
30 on a response on that, and so, in some cases, yes, but, in many  
31 more cases, they have not received that help.

32  
33 **CHAIRMAN DIAZ:** Mr. Strelcheck.

34  
35 **MR. STRELCHECK:** Richard, you and I know one another, and we've  
36 talked many times on the phone, and you have my email, and so,  
37 if you ever have problems like that in the future, reach out to  
38 me. We are happy to take care of that, and I think you're going  
39 to find that our customer service is probably a lot better than  
40 what you're hearing about, and there might be just some  
41 miscommunication problems. Thanks.

42  
43 **MR. FISCHER:** All right. I will be sending you some emails.  
44 Thank you, Andy. Thank you, Ms. Boggs. Thanks, everyone.

45  
46 **CHAIRMAN DIAZ:** Thank you. All right. Next up is Billy Wright,  
47 followed by David Walker.

48

1 **MR. BILLY WRIGHT:** My name is Billy Wright, Sr. I'm a  
2 commercial fisherman from Galveston, and I've been in the  
3 commercial fishing industry my entire life, and my son, Little  
4 Bill, is a commercial fisherman, following in my footsteps, and  
5 he had to go fishing this week, and I got to come here and speak  
6 to everybody.

7  
8 I have been in the IFQ fishery since day-one, and I have earned  
9 my way into the fishery, and my son is now earning his way, too.  
10 He relies on the IFQ shareholders to lease his allocation for  
11 his business plan, but he's also investing some money and  
12 revenue into buying shares as well. He's buying his way into  
13 the system, and he is not trying to change the rules of the  
14 system to accommodate him. Don't disrupt this program and  
15 impact the young guys, who are buying their way into the  
16 fishery.

17  
18 I also want to speak on red snapper. I've been a red snapper  
19 fisherman during the derby days, and I've seen red snapper at  
20 their lowest point and at their highest point, and we're no  
21 longer at the highest point, heading down off of Texas as well,  
22 and it sounds like that's the case in other parts of the Gulf,  
23 too. I'm here to tell you, as a commercial fisherman, not to  
24 raise the quota at this time.

25  
26 Finally, I see a lot of recreational faces at the table that are  
27 pushing for more quota and pushing for a change in the  
28 commercial management, and I don't see a lot of commercial  
29 representation up there, and that's a problem, and I hope the  
30 National Marine Fisheries Service recognizes this problem and  
31 can do something to balance the group of the Gulf Council back  
32 out a little bit fairer for everybody concerned.

33  
34 The IFQ system in place has driven the fishermen, and the fish,  
35 in the right direction in the past decade, and I am here to tell  
36 you that firsthand, and please don't change the direction in  
37 which we're heading. The fish, and the fishermen, have been  
38 doing well in the past, since 2007, when you implemented this  
39 system, and we really don't see any need to tinker with things  
40 that are pushing the fish, and the fishermen, in a good place.  
41 Thank you for my chance to speak today.

42  
43 **CHAIRMAN DIAZ:** Thank you, Mr. Wright.

44  
45 **MR. WRIGHT:** Thank you.

46  
47 **CHAIRMAN DIAZ:** David Walker, followed by Troy Frady.

48

1 **MR. DAVID WALKER:** Good afternoon. I'm David Walker from  
2 Alabama, commercial fisherman, and my son, John Walker, is also  
3 a commercial fisherman. I started fishing recreationally, my  
4 first time, when I was twelve years old, and that was forty-  
5 seven years ago, and so I've been on the water, and I have  
6 witnessed a lot of fishing, and I would like to say that I've  
7 seen snapper in good shape, and I have seen snapper in bad  
8 shape. I can tell you, right now, that snapper is in bad shape.

9  
10 My dad used to have a lot of jokes about everything is big in  
11 Texas, and I can tell you, from what I've heard today, that  
12 everything is big in Texas about staying status quo in the  
13 quota. I don't support an increase in the quota at this time,  
14 and the stock can't handle it. Some people might think, in the  
15 short-term, it might be good, but I'm afraid, four or five years  
16 down the road, we're going to be looking at 30 or 40 percent  
17 cuts.

18  
19 The commercial and charter fishermen are accountable, and we  
20 have permits, real-time reporting, and constant monitoring, and,  
21 if we don't have those things, we can't fish. It needs to be  
22 the same for the recreational fishermen.

23  
24 I can remember, being a member of the council, I used to have a  
25 lot of people from the private anglers that would come up and  
26 ask me, well, why can't we have fish tags, and I would say,  
27 well, you can, and speak to your leadership, and we would be  
28 happy to work with this council to find solutions that might  
29 help.

30  
31 I would just like to mention that the original red snapper IFQ  
32 ad hoc panel did a great job at developing the profiles. The  
33 council made some changes that industry didn't want, and didn't  
34 ask for. However, there are no major problems in the IFQ  
35 program, and it's been a huge success. There are major problems  
36 with the balance of the council, and the nation needs a fair and  
37 balanced representation.

38  
39 I'm going to go to amberjack just a little bit, and Alternative  
40 2, and I think there should be no reallocation. A lot of folks  
41 -- The commercial was a thirty-six-inch size limit, and  
42 recreational was a twenty-eight-inch size limit, and so we're  
43 not on a level playing field. As an example, I could catch  
44 amberjack that were thirty-five-and-seven-eighths inches long,  
45 but we couldn't keep them, because they weren't legal, and folks  
46 behind us could pull up and catch those fish, and so I am not  
47 supporting any kind of reallocation. Thank you for your time,  
48 and thank you for all that you do.

1  
2 **CHAIRMAN DIAZ:** Thank you, Mr. Walker, and, David, I want to  
3 thank you for volunteering your time to be on the IFQ focus  
4 group. We appreciate it. Troy Frady is next, followed by Buddy  
5 Guindon.  
6

7 **MR. TROY FRADY:** Troy Frady, charter boat captain, Orange Beach,  
8 Alabama. New members, welcome. I'm happy to have you onboard.  
9 The biggest thing that I would like to say is I would like to  
10 see the science integrated into management more quickly. Doing  
11 so will allow the council to react more timely, whether that  
12 information is good or bad, but still a fast decision is better  
13 than a delayed decision.  
14

15 You have heard several people up here talk about the fishery off  
16 of Alabama, and I am not going to sit here and tell you that  
17 it's wonderful, because it's not. I can show you a timeline of  
18 when I feel like it collapsed out of Orange Beach, Alabama. If  
19 you look at the timeline back to 2000, the State of Alabama  
20 reporting is 2021, and, the first six days of the season, the  
21 State of Alabama reported that private recreational anglers  
22 caught 468,000 pounds, or right about that number, and then it  
23 took them 118 days to catch the remaining 650,000 pounds.  
24

25 Being a banker by trade, before I became a fisherman, that ain't  
26 right. Liars figure, but the figures don't lie. To me, and,  
27 Dr. Porch, you talked about indices of abundance. At that  
28 point, after six days, we saw indices of depletion, and so,  
29 looking forward -- I am not complaining about how many fish are  
30 out there, or I'm not going to tell you there is no fish. There  
31 are fish out there, but we've had the roughest year we've ever  
32 had out of Orange Beach, in the twenty years I've been doing  
33 this, and it's been absolutely tough.  
34

35 I've seen a world-class fishery, in the past five years,  
36 depleted, to where we're having to go forty, fifty, sixty miles  
37 offshore, and not just twenty, and not just thirty, but this  
38 year was the worst I've ever seen. The red snapper won't even  
39 bite within twenty miles now, and, if you do catch one, he's  
40 going to be a smart fish, and then the sharks are going to eat  
41 him, and so where we do we go from here?  
42

43 A lot of people have different ideas, and they're saying don't  
44 do this and don't do that, but I believe that calibration is the  
45 first step to get us to where we need to be to find out what  
46 we're actually catching.  
47

48 If you're catching 300,000 pounds a year, or 600,000 pounds a

1 year, instead of bumping the quota, and continuing to add more  
2 fuel to the fire, and you're unable to catch your quota, why not  
3 cut that quota back to what you're actually catching and see  
4 where you're going from there? The Great Red Snapper Count, as  
5 great as it was, it's not putting fish on the table. The rate  
6 of exchange is still yet to be identified on those fish further  
7 offshore and how long it takes them to replenish those reefs,  
8 because that has not happened.

9  
10 I believe, as a businessman, we should be managing to optimum  
11 economic yield and not just optimum yield. For me, and my  
12 business, a lot of the customers that I take fishing are at  
13 least going to catch a fish, and they're not there for a limit,  
14 but, this year here, we're running two six-hour trips a day,  
15 most days, which that's my business, is a family business, and  
16 it's made it real hard for those people to even catch a single  
17 fish for supper.

18  
19 I would like to see fish, or this fishery, managed to a point to  
20 where we had some five and six-pound fish to catch. I would  
21 even go to a one-fish bag limit on red snapper, if I had to, but  
22 I want this fishery to start trending toward to where we have  
23 some decent-sized fish for the people to catch and not just  
24 having to catch nothing, and, like I said, this is the worst  
25 year, and you can look at all of our electronic logbook entries,  
26 and you can see what all the charter boats in Alabama have been  
27 reporting.

28  
29 Where we were out there in the first two weeks of June, we were  
30 catching decent sized, sixteen-and-a-half-inch, or seventeen-  
31 inch, fish, and now we're at the point to where you can't even  
32 catch a legal fish.

33  
34 I took five game wardens the other day fishing, from all over  
35 this country, and not all over, but five game wardens, and we  
36 caught three red snappers, and two of them were fourteen and  
37 fifteen inches, and we caught one sixteen-and-a-half inches, and  
38 we couldn't keep them, but we were trying to catch triggerfish,  
39 and the triggerfish -- We haven't caught a legal triggerfish in  
40 a couple of weeks, and so the triggerfish -- There's a lot of  
41 small triggerfish, and so, when I talk about the optimum yield,  
42 if we manage this fishery by asking our constituents, our  
43 fishermen, what size fish would be good for you, and how long of  
44 a season would be good for you, and is a thirty-day season too  
45 short, and is a forty-five-day season just right, and a seventy-  
46 nine-day season, and a 200 and 124-day season for the private  
47 recs, and is that the right answer?

48

1 I think you all need to have some dialogue, to actually sit down  
2 and have some hard decisions of where you want this fishery to  
3 be, and I appreciate your time, but I think that's where I would  
4 like to see it, is where I can have all summer long to be able  
5 to catch just a couple of fish that are legal sized that are not  
6 fifteen-and-three-quarter inches, and so, if I confused anybody,  
7 I'm sorry, but thank you.

8  
9 **CHAIRMAN DIAZ:** Thank you, Mr. Frady. All right. Next up is  
10 Mr. Buddy Guindon, and our last speaker will be Mr. Ted Venker.

11  
12 **MR. BUDDY GUINDON:** This is Buddy Guindon, Katie's Seafood,  
13 Galveston, Texas. I want to thank Andy for repeating what David  
14 Walker, the only commercial red snapper fisherman that has ever  
15 sat on the Gulf Council, said many times, and why don't you CCA  
16 pogies work on your own fishery and leave the IFQ system, the  
17 only one that's working, alone.

18  
19 That brings us to state management. Let's think. Five years  
20 ago, we started state management, and now you have people at the  
21 podium saying you've destroyed the fishery, because of your  
22 state management, and let's just look at one state, Texas, using  
23 an antiquated data collection system for redfish and trout, and  
24 it doesn't check private marinas or private homes. They sit at  
25 public docks and take data.

26  
27 It's not working. It's working for them, because they figured  
28 out they had such a low quota that they had to figure out a way  
29 not to count fish, and so that seems to be working for them, and  
30 you have to realize that the only thing that has changed in this  
31 fishery, in the last five years, is state management, and why is  
32 all these folks that make a living off of red snapper, and I  
33 would like to have another four or five million pounds worth to  
34 catch, but the stock can't take it.

35  
36 I've done this my whole life, and I watched us go through these  
37 all these management changes with your three-year-old data that  
38 you want to manage fisheries on, and you have anecdotal  
39 information, right now, that is coming from fishermen that are  
40 on the water, and that should be considered somewhat scientific,  
41 and we're not in here saying give us a quota increase, and I  
42 could understand your skepticism then, but we're saying please  
43 don't give us any more fish, because the stock can't handle it.

44  
45 The states need to get their crap in order and get iSnapper, and  
46 I think there's a few states that are doing a really good job of  
47 getting a tag, and something in people's hands, and 50 percent  
48 reporting is not acceptable. You have to do a better job.

1 You've had five years, and it's going to cost some money, but  
2 you're making plenty of money off of selling those licenses and  
3 keeping the fishery open for your tackle and outboard motor  
4 manufacturers and boat manufacturers, and the tackle sales  
5 people that donate a percentage of their catch to the CCA, so  
6 you can continue this drive to put commercial fishermen out of  
7 business.

8  
9 I don't know if anybody knows the history of the CCA, but it  
10 used to be called the GCCA, and one of their stated goals was  
11 the elimination of commercial fishing in the Gulf of Mexico.  
12 Then they changed it to CCA, because they wanted to eliminate  
13 commercial fishing in the United States, is the only thing that  
14 I can think of. Thanks for your time.

15  
16 **CHAIRMAN DIAZ:** Thank you. Thank you, Mr. Guindon. Mr.  
17 Guindon, we have a question for you.

18  
19 **MS. BOGGS:** I'm afraid to ask, but so what is the state of the  
20 stock, the red snapper stock? I mean, what are you seeing?

21  
22 **MR. B. GUINDON:** Well, I don't fish as much as my children do  
23 anymore, but I do fish, and what I am seeing with my children,  
24 and all the folks that work for me at the fish market, is that  
25 the time it takes them to make a trip, with given the same  
26 amount of fish, has been taking longer and longer and longer,  
27 over the last three-and-a-half to four years.

28  
29 When I go out on my own boat, which is a commercial fishing boat  
30 also, and I take experience riders out to see how things are  
31 done, and I was fishing seventy and eighty miles this year, when  
32 thirty to fifty, with an experienced guy like me, has fished my  
33 entire life, and we have more locations, down right off of Port  
34 Aransas here, than most people have off of their whole state,  
35 and so it's in bad, bad shape, compared to what it was five  
36 years ago, or four years ago, and it's not good.

37  
38 I didn't think they could do it, and I know they were trying to  
39 reduce the amount of fish in the Gulf, so that they could have a  
40 longer season, and I didn't think they could do it, but they  
41 actually managed to do it off the State of Texas, where all the  
42 biomass is. Thanks for the question. I appreciate it.

43  
44 **CHAIRMAN DIAZ:** Mr. Strelcheck.

45  
46 **MR. STRELCHECK:** Thanks, Buddy, for your testimony. Given  
47 you've been a participant since the start of the IFQ program,  
48 and I've heard a lot of testimony today about either status quo

1 or modest changes to the program, and I'm curious. In your  
2 opinion, are there things that you feel like could be improved  
3 with the program, and what would those be?  
4

5 **MR. B. GUINDON:** Definitely. We could have a better loan  
6 program, so that young people could actually buy in. I mean,  
7 what you're looking at, and what happened, and why you have so  
8 many people without quota, is they're new entrants, and they  
9 came into the fishery knowing the rules, and we raised the red  
10 grouper quota up through the roof, and we gave them  
11 encouragement. They could buy cheap quota and get out there and  
12 fish, and they were making a little bit of money.  
13

14 Then we slammed it down about 80 percent and cut off their  
15 access to fish, and now they had to go after snapper and  
16 deepwater grouper and tilefish, anything they can get their  
17 hands on to fill in, and it's not there. What we have is an  
18 overcapitalized fishery, and we've got too many fishermen trying  
19 to catch too little fish.  
20

21 Management things, like we did for you -- We came to this  
22 podium, when you said we're going to raise the red grouper way  
23 up over your head, and we asked you not to. You did it anyway,  
24 so that the private recreational anglers wouldn't have a closed  
25 season, and now where are we? We have driven the red grouper  
26 down into the ground, and so thank you for your question, and I  
27 hope that answered it.  
28

29 **CHAIRMAN DIAZ:** All right. Ted Venker.  
30

31 **MR. TED VENKER:** Good afternoon. My name is Ted Venker, and I'm  
32 with the Coastal Conservation Association. I'm sorry to be the  
33 last speaker of the day, and this is a terrible spot to be in,  
34 and I wish I had something really earth-shaking to close on, and  
35 I don't. I would like to thank Buddy for the colorful  
36 inaccurate history of CCA. I appreciate that.  
37

38 I have two things to comment on. The first is this  
39 accountability issue, and it clearly seems to be the trendy  
40 topic of the day, and I would only point out that, once upon a  
41 time, MRIP was regarded as the best recreational survey in the  
42 world, and each of the Gulf states have taken steps that have  
43 only improved upon it. The problem with MRIP was trying to use  
44 it to do in-season monitoring to the pound, which it was never  
45 designed to.  
46

47 Now, with state management, this council gets a report, every  
48 meeting, from the states on recreational landings for red

1 snapper, and they're able to use that data to do in-season  
2 monitoring and close their seasons when the quota is caught.  
3 All the states have a licensing system, and they know their  
4 universe of saltwater anglers. The angling sector, today, is  
5 probably more accountable than it has ever been, and the data is  
6 more timely than it has ever been, plus the potential is there  
7 for the states to continue improving those systems and  
8 standardizing them.

9  
10 On top of that, the sector lobbied for, and got, regulations  
11 requiring descending devices, to address the bycatch mortality,  
12 and, ironically, had to overcome opposition from the NOAA  
13 Regional Administrator at the time to get that requirement done.

14  
15 The angling sector is improving its accountability and living up  
16 to its responsibilities to take better care of the resource  
17 every day, and that goes against the narrative that we've heard  
18 today, but that's where we are, and the rec sector is entirely  
19 willing to keep improving those efforts with the states, and we  
20 are not opposed to calibration. We are unsure about being  
21 calibrated to a system that was never intended to measure us to  
22 a pound, the way it's been applied.

23  
24 The last thing I would like to comment on is a little bit off  
25 the beaten path, which might be a nice change of pace, and I  
26 would encourage the council to look into tracking the impact of  
27 dude trips, and so these catch share experience trips, that we  
28 know so little bit about.

29  
30 There is more and more talk out there about these trips, which  
31 would seem to indicate that there is possibly a significant  
32 amount of quota moving under the radar in the commercial sector  
33 to the charter sector to the recreational sector, and no one  
34 seems to know how much.

35  
36 I think it's possible, when you hear people say that there's no  
37 quota to lease, or that leasing prices are too high for a  
38 commercial enterprise to make a profit, that that could be a  
39 shift of those shares, via these dude trips.

40  
41 In a fishery where allocation and economic values are always a  
42 source of intense debate, getting a clear picture of that  
43 allocation that might be shifting on these trips could give this  
44 council some information to base some forward-looking decisions.  
45 Thank you.

46  
47 **CHAIRMAN DIAZ:** Thank you, Mr. Venker. All right. Bernie, we  
48 had one person that was online virtually that we never could

1 get, and did they ever show back up virtually? Okay. Thanks,  
2 folks out in the audience, for your public testimony today. We  
3 appreciate it.

4  
5 We're going to have one item up for council business this  
6 evening, and then we'll close our day out, and so General  
7 Spraggins had asked that we handle the election of Chair and  
8 Vice Chair today. Mr. Donaldson usually leads that discussion.  
9 Are you prepared to do that, Mr. Donaldson?

10  
11 **MR. DONALDSON:** I am, Mr. Chairman.

12  
13 **CHAIRMAN DIAZ:** Take it away.

14  
15 **ELECTION OF CHAIR AND VICE CHAIR**

16  
17 **MR. DONALDSON:** Thank you, and so I will open the floor for  
18 nominations for Chairman. Mr. Gill.

19  
20 **MR. GILL:** Thank you, Mr. Donaldson. I nominate our current  
21 Chair, Dale Diaz.

22  
23 **MS. BOGGS:** Second.

24  
25 **MR. DONALDSON:** We have a second by Susan. Any other  
26 nominations?

27  
28 **MS. BOGGS:** I make a motion we close the nominations.

29  
30 **CHAIRMAN DIAZ:** Folks, we're having a hard time hearing up here.  
31 If you could please take your conversations out in the hall, we  
32 would appreciate it. All right. Dave, can you try to let  
33 everybody know where we're at? I want to make sure everybody  
34 understands what we're doing here. Go ahead, Mr. Anson.

35  
36 **MR. ANSON:** Mr. Chair, it's certainly your prerogative, but, as  
37 I recall, most of the nominations and voting that we do is done  
38 in closed session, and it doesn't mean that it has to apply for  
39 this certain circumstance, but it might help with the noise.

40  
41 **CHAIRMAN DIAZ:** Not for Chair and Vice Chair. We do that in  
42 open session. It's usually at the end of a meeting, when  
43 there's not many folks here, and so that's the only difference.  
44 Let's make sure that everybody knows where we're at, Mr.  
45 Donaldson, because of the noise in the room, please.

46  
47 **MR. DONALDSON:** Yes, sir. Currently, we have a nomination and a  
48 second for Dale Diaz for Chairman of the council, and Susan made

1 the motion to close nominations, correct?

2

3 **MS. BOGGS:** I did.

4

5 **MR. DONALDSON:** J.D.

6

7 **MR. DUGAS:** Second.

8

9 **MR. DONALDSON:** All right. With that, congratulations, Mr.  
10 Diaz. You are Chairman yet again.

11

12 **CHAIRMAN DIAZ:** Thank you, Mr. Donaldson. Thank you, council.

13

14 **MR. DONALDSON:** All right. I will now open the floor for  
15 nominations for Vice Chair.

16

17 **GENERAL SPRAGGINS:** I would like to nominate Greg Stunz.

18

19 **UNIDENTIFIED:** Second.

20

21 **MR. DONALDSON:** Second by --

22

23 **MS. BOGGS:** I make a motion that we close the nominations.

24

25 **MR. DONALDSON:** Congratulations. That may have been the easiest  
26 election of officers that I have ever been through, and I  
27 enjoyed it. Thank you.

28

29 **CHAIRMAN DIAZ:** We will start up at 8:00 in the morning, and so  
30 we will start Full Council at 8:00 in the morning. Thank you.

31

32 (Whereupon, the meeting recessed on August 24, 2022.)

33

34

- - -

35

36

August 25, 2022

37

38

THURSDAY MORNING SESSION

39

40

- - -

41

42 The Full Council of the Gulf of Mexico Fishery Management  
43 Council reconvened at Omni Hotel in Corpus Christi, Texas on  
44 Thursday morning, August 25, 2022, and was called to order by  
45 Chairman Dale Diaz.

46

47 **CHAIRMAN DIAZ:** Okay, everyone. Welcome back to the last day of  
48 the Gulf of Mexico Fishery Management Council meeting. We're

1 going to jump right into our committee reports, and the first  
2 committee report up today is Administrative/Budget. Just for  
3 everybody's information, we're going to follow the agenda just  
4 as it's written all the way down today. Lastly, there are some  
5 conversations going on in the back, and there's a bad echo in  
6 this room, and so if you all please could take your  
7 conversations out in the hall. Thank you. Mr. Dyskow.

## 8 9 **COMMITTEE REPORTS**

### 10 **ADMINISTRATIVE/BUDGET COMMITTEE REPORT**

11  
12 **MR. DYSKOW:** Thank you, Mr. Chairman. The first item on the  
13 agenda today is the Admin and Budget Committee Report, as of  
14 August 22, 2022. The committee adopted the agenda, Tab G,  
15 Number 1, as written and approved the minutes, Tab G, Number 2,  
16 of the April 2022 meeting as written.

17  
18 Review of Final 2022 Funded Budget and Activities, Tab G, Number  
19 4, staff presented Tab G, Number 4. A committee member asked  
20 about the position of funding relative to expenditures for the  
21 total award to-date. Staff shared the figures for funding to-  
22 date and stated that the total carryover from 2020 and 2021 was  
23 \$695,000, after taking all subcontracted obligations into  
24 account. Another committee member asked if the contracted  
25 figure for 2022 included any funds earmarked for the NMFS  
26 Southeast Regional Office. Staff clarified that it does not.

27 **The committee recommends, and I so move, that the council**  
28 **approve the final 2022 budget as written.** Mr. Chairman.

29  
30 **CHAIRMAN DIAZ:** Okay, and so we have a committee motion on the  
31 board. Is there any discussion on the motion? **Seeing no**  
32 **discussion, is there any opposition to the motion? Seeing no**  
33 **opposition, the motion carries.** Mr. Dyskow.

34  
35 **MR. DYSKOW:** Thank you, Mr. Chair. Review and Discuss Proposed  
36 Modifications to Council's SOPPs, Tab G, Number 5, in response  
37 to discussions held during closed session in June 2022, and to  
38 clarify unclear verbiage, staff proposed specific language  
39 updates to three sections of the SOPPs.

40  
41 In Section 2.3.3, Officers, staff clarified that the verbiage in  
42 the last sentence "Alternate representatives (designee or  
43 principal) do not assume these offices" was intended to refer to  
44 the offices of Council Chair and Vice Chair, not to committee  
45 positions.

46  
47 **The committee recommends, and I so move, that the council**  
48 **approve the proposed revised language in Section 2.3.3 as**

1 presented. Alternate representatives (designee or principal) do  
2 not assume these offices the offices of Council Chair or Council  
3 Vice Chair, but may participate as members of committees and act  
4 as a committee chair or committee vice chair. Mr. Chairman.

5  
6 **CHAIRMAN DIAZ:** Thank you, Mr. Dyskow, and so we have a  
7 committee motion. Is there any discussion on the motion?  
8 **Seeing no discussion, is there any opposition to the motion?**  
9 **Seeing no opposition, the motion carries.** Mr. Dyskow.

10  
11 **MR. DYSKOW:** Thank you, Mr. Chair. Under Section 2.6, Advisory  
12 Panels (APs)/Fishing Industry Advisory Committees (FIACs), in  
13 Section 2.6.2, Members and Chair, staff offered two alternative  
14 edits to the language in the last paragraph, which details the  
15 actions that the council might take in the event that a fishing  
16 violation was discovered to have been committed by a potential  
17 or existing AP member.

18  
19 Committee members asked for clarification of the existing  
20 process as to when violations are currently checked and  
21 expressed a desire to not encumber the existing process. Staff  
22 responded that the proposed changes in this section do not alter  
23 the existing fishing violation check process, but speak to the  
24 potential actions of the council after a violation is discovered  
25 and provide the most flexibility.

26  
27 **The committee recommends, and I so move, that the council**  
28 **approve the proposed revised language in Section 2.6.2 as**  
29 **presented. The presence of a fishing violation is an important**  
30 **aspect in consideration of an AP appointment. The council has**  
31 **determined: 1)Applicable fishing violations include only**  
32 **violations of federally-managed species in either state or**  
33 **federal waters, regardless of the penalty, for example written**  
34 **warning, civil fine, criminal conviction and so on;**  
35 **2)Individuals are ineligible to serve on an AP within three**  
36 **years of the final finding of liability through adjudication,**  
37 **settlement, or default. A finding of liability is final after**  
38 **any applicable appeal period expires; and, 3)Vessel owners shall**  
39 **not automatically be held responsible for violations by a crew**  
40 **member when the owner is not present. If an individual who is**  
41 **currently serving on an AP is found to have a fishing violation**  
42 **that meets the preceding criteria, subsequent to their**  
43 **appointment, the decision to maintain or remove the individual**  
44 **from the AP is at the council's discretion.** Mr. Chair.

45  
46 **CHAIRMAN DIAZ:** Thank you, Mr. Dyskow. We have a committee  
47 motion. Is there any discussion on the motion? **Seeing none, is**  
48 **there any opposition to the motion? The motion carries.** Mr.

1 Dyskow.

2

3 **MR. DYSKOW:** Thank you, Mr. Chairman. In Section 2.8.3,  
4 Standing Committees, alternative proposed language in this  
5 section referenced the composition of the Gulf SEDAR Committee.  
6 In addition to adding the chair of the Sustainable Fisheries  
7 Committee to this body, there was a consideration to remove the  
8 Red Drum Committee Chair.

9

10 A Committee member motioned to remove the Red Drum chair from  
11 the SEDAR Committee, because the Red Drum Committee meets  
12 infrequently. Another committee member spoke in support of  
13 retaining the current membership, with the addition of the  
14 Sustainable Fisheries Committee Chair, because of the importance  
15 of red drum in certain regions, and offered a substitute motion.

16

17 **The committee recommends, and I so move, that the council**  
18 **approve the proposed revised language in Section 2.6.2 as**  
19 **presented. The Gulf SEDAR Committee is comprised of the Council**  
20 **Chair and the Coastal Migratory Pelagics chair, Red Drum chair,**  
21 **and Sustainable Fisheries chair, and the Reef Fish Management**  
22 **Committee chair. This committee reviews and advises on SEDAR**  
23 **stock assessment priorities. We need to vote on that, Mr.**  
24 **Chair.**

25

26 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any  
27 discussion on the motion? **Seeing none, is there any opposition**  
28 **to the motion? The motion carries.** Mr. Dyskow.

29

30 **MR. DYSKOW:** Mr. Chair, that concludes my report.

31

32 **CHAIRMAN DIAZ:** Thank you, Mr. Dyskow, for efficiently leading  
33 us through that committee report. Next up, we have the Coral  
34 Committee and Dr. Frazer.

35

#### 36 **CORAL COMMITTEE REPORT**

37

38 **DR. FRAZER:** Thank you, Mr. Chair. The Coral Committee Report,  
39 the committee adopted the agenda, Tab N, Number 1, and approved  
40 the minutes, Tab N, Number 2, from the June 2022 meeting as  
41 written.

42

43 Florida Keys National Marine Sanctuary Proposed Rule, Tab N,  
44 Number 4, Ms. Sarah Fangman, the Florida Keys National Marine  
45 Sanctuary Superintendent, provided an overview of the Florida  
46 Keys National Marine Sanctuary Restoration Blueprint proposed  
47 rule, which pulls from all alternatives included in the 2019  
48 Draft Environmental Impact Statement. The proposed changes

1 include an expansion of sanctuary boundaries and new  
2 regulations, some of which are sanctuary-wide, and others  
3 related to specific marine zones.  
4

5 A committee member asked about the update to the definition of  
6 traditional fishing and suggested further considering regional  
7 historical fishing practices. Ms. Fangman mentioned that the  
8 sanctuary is working with partner agencies on updating the  
9 definition of traditional fishing.

10  
11 Another committee member requested additional information on the  
12 merger and/or removal of existing Sanctuary Preservation Areas,  
13 or SPAs. Ms. Fangman responded that two SPAs are being removed,  
14 as they are no longer considered in need of additional  
15 management measures. Ms. Fangman noted that several of the SPAs  
16 share similar biological features that allow for monitoring and  
17 comparative observation and evaluation of the effectiveness of  
18 management practices.

19  
20 The council has received a comment period extension until  
21 February 2023, and council staff are in the process of convening  
22 the council's Coral, Shrimp, Spiny Lobster, Reef Fish, and  
23 Coastal Migratory Pelagics Advisory Panels. A summary of those  
24 AP recommendations will be provided at a future meeting.

25  
26 Florida Fish and Wildlife Conservation Commission Comments on  
27 Florida Keys National Marine Sanctuary Proposed Rule, Tab N,  
28 Number 5, Dr. C.J. Sweetman provided an update on the FWC's  
29 plans to submit comments in response to the proposed rule. The  
30 commission, like the council, has been granted a comment period  
31 extension and will gather public input at two of their upcoming  
32 commission meetings.

33  
34 FWC staff also plan to meet with various stakeholder groups and  
35 organizations, in an effort to gather feedback on the proposed  
36 rule. Of particular interest is feedback on ecosystem changes,  
37 including water quality issues and coral loss due to disease and  
38 bleaching. Specific comments will be provided at the next  
39 council meeting. Dr. Sweetman noted that the agency is taking  
40 the lead in fisheries management in state waters and is working  
41 with the Gulf and South Atlantic Councils and the Florida Keys  
42 National Marine Sanctuary staff to update the existing Protocol  
43 for Cooperative Fisheries Management.

44  
45 Other Business, the committee chair asked Ms. Fangman if there  
46 have been any reports of a diadema antillarum, or long-spine sea  
47 urchin, die-off in the Florida Keys, similar to what is being  
48 reported in other parts of the Caribbean. Ms. Fangman replied

1 that, at this time, there are no reports of a significant  
2 diadema mortality event in the Florida Keys region and that  
3 efforts to repopulate the diadema population after the die-off  
4 thirty years ago are still moving forward. Ms. Fangman  
5 recognized the ecological importance of sea urchins as grazers  
6 in coral reef ecosystems, not only in the Florida Keys, but the  
7 Caribbean more broadly. Mr. Chair, this concludes my report.

8  
9 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Seeing no comments about  
10 the Coral Committee around the table, we're going to move on to  
11 the next committee report, Data Collection, and Ms. Boggs.

12  
13 **DATA COLLECTION COMMITTEE REPORT**

14  
15 **MS. BOGGS:** Thank you, Mr. Chair. The Data Collection Committee  
16 report from August 22, 2022, the committee adopted the agenda,  
17 Tab F, Number 1, and approved the minutes of the June 2022  
18 meeting as amended, Tab F, Number 2.

19  
20 Abbreviated Framework Action to Modify For-Hire Trip Declaration  
21 Requirements, Tab F, Numbers 4(a) and (b), council staff  
22 presented rationale for the framework action and reviewed the  
23 document options. Several committee members questioned the  
24 purpose for collecting hail-out information for non-fishing  
25 trips.

26  
27 Some alternative suggestions proposed by the committee included  
28 changing the regulatory language to create a fishing trip  
29 definition, making hailing-out for non-fishing activities  
30 voluntary, and development of an exemption form. Southeast  
31 Regional Office staff cautioned that too broad an exemption  
32 could potentially create a law enforcement loophole. They  
33 maintained that striking a balance between reducing reporting  
34 burden, while meeting the data integrity goals of the program,  
35 was the most beneficial.

36  
37 NOAA General Counsel added that integrating a time period  
38 consideration within the current program regulatory language was  
39 feasible and would not require any additional reporting by the  
40 fishermen (i.e. filling out an exemption form).

41  
42 **The committee recommends, and I so move, to make Option 3 the**  
43 **preferred. Option 3 is the exemption from the trip declaration**  
44 **requirement would apply to non-fishing trips that are completed**  
45 **in 120-minutes or less.** Mr. Chair.

46  
47 **CHAIRMAN DIAZ:** We have a committee motion. Is there any  
48 discussion on the motion? Mr. Anson.

1  
2 **MR. ANSON:** I briefly mentioned this during Reef Fish, or during  
3 Data Collection, and I'm sorry, and I'm just wondering, and I  
4 knew we're fairly far along in the document, but, currently,  
5 this would allow a charter boat operator to not provide a  
6 declaration at all, and just go and make a trip, leaving their  
7 dock, within a time limit.

8  
9 I am just wondering -- I guess I have some concerns about, you  
10 know, there is no kind of stopwatch there, and it's kind of on  
11 good faith that the captain is going to be back in 120 minutes,  
12 and so there's that part of it, and then there's -- I'm a little  
13 concerned about how the data would be analyzed, relative to the  
14 sampling program that is currently conducted, as I understand  
15 it, regarding documentation of vessels that are not at their  
16 dock when being sampled, if you will, or sites being sampled by  
17 the SEFHIER dockside samplers, and so I'm just wondering, maybe  
18 Dr. Porch or Andy, if you have any comments, if there's been any  
19 discussions that staff have had as to how those trips might be  
20 handled, where, again, samplers arrive at the sites and they  
21 check the vessels that are supposed to be there, or listed  
22 there, per their site register, you know, how those vessels not  
23 being present at the dock could be accounted for, or are being  
24 accounted for, in the current survey.

25  
26 I'm just -- I don't want to get into a situation where there's  
27 an estimation, or adjustment factor, applied to those trips that  
28 are not at the dock, and there's no accounting for where they  
29 are and what their status is, because no declaration has been  
30 provided, at least to indicate that, yes, the vessel is out, but  
31 it's not fishing, and it will be back in whatever number of  
32 minutes that we choose here.

33  
34 **CHAIRMAN DIAZ:** Mr. Strelcheck, to that point?

35  
36 **MR. STRELCHECK:** I mean, I can't speak to all the details of the  
37 sampling, and I'm not involved in that directly. What I can say  
38 is that, since the committee discussion, there's been certainly  
39 a lot of conversation around the time requirement, versus  
40 defining this more broadly, with regard to fishing, or charter  
41 activity, as the threshold for declaring a trip, and so I know  
42 that Susan has shared some ideas, and I know that J.D. had  
43 mentioned that as well, and I think that might be the broader  
44 solution to this that avoids some of the concerns that you  
45 mentioned about the time requirements.

46  
47 You ultimately will have vessels then moving around without, you  
48 know, having to declare, but, as long as they're declaring those

1 fishing trips, or charter trips, that are going offshore, for  
2 offshore activity, that's really the key, in my view, to what we  
3 need, in terms of data validation.

4  
5 **CHAIRMAN DIAZ:** Mr. Dugas.

6  
7 **MR. DUGAS:** Thank you, Mr. Chair. I'm not sure of the proper  
8 procedure here, but I would like to make a motion, and I don't  
9 know if it's a substitute motion or not.

10  
11 **CHAIRMAN DIAZ:** Dr. Simmons.

12  
13 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so, Mr.  
14 Dugas, is the substitute motion directly related to the current  
15 abbreviated framework document that we're working on, or is it a  
16 different topic?

17  
18 **MR. DUGAS:** In my mind, it is this document, yes.

19  
20 **EXECUTIVE DIRECTOR SIMMONS:** Then it's a substitute motion.

21  
22 **CHAIRMAN DIAZ:** Proceed, Mr. Dugas.

23  
24 **MR. DUGAS:** Thank you, Mr. Chair. I sent the motion to Bernie,  
25 if she can pull it up, please.

26  
27 **CHAIRMAN DIAZ:** Go ahead and read your motion into the record,  
28 and we'll see if we get a second, Mr. Dugas.

29  
30 **MR. DUGAS:** **To eliminate all trip declaration requirements for**  
31 **federally-permitted for-hire vessels in the SEFHIER program when**  
32 **participating in non-fishing activities.**

33  
34 **CHAIRMAN DIAZ:** Okay, and so we have a motion, and is there a  
35 second to the motion?

36  
37 **MR. DYSKOW:** I second the motion.

38  
39 **CHAIRMAN DIAZ:** It's seconded by Mr. Dyskow. Is there  
40 discussion on the motion? Mr. Schieble.

41  
42 **MR. SCHIEBLE:** This is just, I guess, more of a clarification,  
43 for me, on how this actually would work, and so a vessel leaves  
44 its home dock, and it goes to the fuel dock, within the marina  
45 or within approximate to its home port, and, if it doesn't hail-  
46 out, or declare a trip declaration, the VMS, or the cellular,  
47 tracking is still operating during that time period, right, and  
48 so enforcement will have access to the data, whether it's GPS or

1 cellular, for the position of where that boat went, regardless  
2 of it declaring a trip, and is that correct, or am I wrong  
3 there?  
4

5 **CHAIRMAN DIAZ:** Mr. Strelcheck.  
6

7 **MR. STRELCHECK:** You are correct, but they will only have that  
8 information real-time, if it's a satellite VMS. If it's an  
9 archival GPS, then, once it gets out of cellphone range, we will  
10 not have that information until the boat returns to the dock.  
11

12 **CHAIRMAN DIAZ:** Mr. Strelcheck, you had your hand up, if you  
13 want to make your comment.  
14

15 **MR. STRELCHECK:** Mara was having problems unmuting, and so I  
16 wanted to flag that she wanted to speak, Mara Levy.  
17

18 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. Ms. Levy.  
19

20 **MS. LEVY:** Thank you. Well, you've kind of already passed the  
21 point, and so it's up to you whether you want to circle back,  
22 but this really isn't a proper substitute. You have the main  
23 motion to make something a preferred, and a proper substitute  
24 would be to make a different preferred, but, again, you've  
25 already gone past that, and so I will defer to you on how  
26 particularly you want to follow the procedure. Thank you.  
27

28 **CHAIRMAN DIAZ:** I had a little bit of trouble hearing Ms. Levy,  
29 and Dr. Simmons is going to talk for just a minute and help  
30 clarify some of this.  
31

32 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Levy, what you're saying is, if  
33 this motion were to pass, it would be creating potentially a  
34 different document, in order to modify the regulations to  
35 achieve different hail-out requirements for non-fishing  
36 activities, based on what is currently in the regulations?  
37

38 **MS. LEVY:** I'm not sure it would require a different document,  
39 but it's clearly not even an alternative here. The beginning  
40 motion was to make one of the alternatives you already have  
41 preferred, and so a proper substitute would be to make a  
42 different one a preferred and not to come up with something  
43 that's not even an alternative and adopting it. All I'm saying  
44 is that it's not really a proper substitute, but, since you're  
45 already on it, I'm going to defer to you about how you want to  
46 handle it, if you want to move forward, if you want to correct  
47 the situation, and however you want to do it, and I just want to  
48 point that out, because we've had discussions about Roberts

1 Rules and things like that. Thanks.

2

3 **CHAIRMAN DIAZ:** Dr. Simmons.

4

5 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so, Ms.  
6 Levy, if Mr. Dugas and the seconder wanted to add this to the  
7 document, add an alternative that would address this to the  
8 document, that would be following the rules, correct?

9

10 **MS. LEVY:** I think after you would vote up or down the motion to  
11 make one of the current alternatives the preferred, right, and  
12 then you could have a motion to add another alternative. It's a  
13 little bit different type of alternative, but I don't know, and  
14 we would have to think about how it fits into the document.

15

16 **CHAIRMAN DIAZ:** All right. Mr. Schieble.

17

18 **MR. SCHIEBLE:** A technical question. Could Mr. Dugas, I guess,  
19 amend his substitute motion to read to add an Option 4 to the  
20 document to eliminate all trip declaration requirements and make  
21 it the preferred?

22

23 **CHAIRMAN DIAZ:** I believe he could do that, if he wished. Mr.  
24 Dugas.

25

26 **MR. DUGAS:** I'm okay with that, Chris, but I have a question as  
27 well. Should we table the document and then bring this motion  
28 up?

29

30 **EXECUTIVE DIRECTOR SIMMONS:** I think you could vote the current  
31 committee motion up or down, and then, if you were willing, we  
32 could come back to your motion, and that might be cleaner, or  
33 you could do what you just mentioned earlier, or Mr. Schieble  
34 did, to add it to the document as a preferred, but that might be  
35 too much, without seeing the analysis and all that.

36

37 **CHAIRMAN DIAZ:** Mr. Dugas.

38

39 **MR. DUGAS:** So I'm going to ask to follow Carrie's lead, or  
40 Chris's lead on this, to put this motion as -- I think it's  
41 Option d in the document.

42

43 **CHAIRMAN DIAZ:** Okay, and so you want to change the wording to  
44 your substitute motion? Is that what you're saying, Mr. Dugas?

45

46 **MR. DUGAS:** I want to do whatever is easiest for staff to get  
47 this in the document, or kill the document, and this is the  
48 preferred. Whatever we need to do, I'm following you all's

1 lead.

2

3 **CHAIRMAN DIAZ:** All right. We're going to go to Ms. Boggs, and  
4 we want to make sure we handle this appropriately. Ms. Boggs.

5

6 **MS. BOGGS:** Well, I'm going to put my two-cents' worth in here.  
7 I think we need to vote on a committee motion, because that is  
8 an option, and then, if J.D. wants to make a motion to add an  
9 option, then we vote on that, and so now we have options. Even  
10 though that may be the preferred, that does not preclude the  
11 council from coming back and choosing a different preferred,  
12 but, to me, because you're adding an option, I think you need to  
13 vote on the original motion and then add -- Just do a motion to  
14 add an option. That's my opinion.

15

16 **CHAIRMAN DIAZ:** Mr. Dugas.

17

18 **MR. DUGAS:** I think so, and so we would vote on the original  
19 motion to make it a preferred or not, and then I would like to  
20 add my motion in the document.

21

22 **CHAIRMAN DIAZ:** At this point, would you be willing to withdraw  
23 your substitute?

24

25 **MR. DUGAS:** Yes, sir.

26

27 **CHAIRMAN DIAZ:** Is the seconder okay with that?

28

29 **MR. DYSKOW:** Yes.

30

31 **CHAIRMAN DIAZ:** So the substitute is withdrawn. We're going to  
32 vote on the original motion. The original motion is the  
33 exemption from the trip declaration requirement would apply to  
34 non-fishing trips that are completed in 120 minutes or less.  
35 I'm going to ask for a show of hands. All in favor of the  
36 motion, signify by raising your hand. Mr. Sweetman.

37

38 **DR. SWEETMAN:** Yes.

39

40 **CHAIRMAN DIAZ:** All right. All opposed to the motion, signify  
41 by raising your hand. The motion failed three to twelve. Mr.  
42 Dugas.

43

44 **MR. DUGAS:** Thank you, Mr. Chair. I would like to make a  
45 motion.

46

47 **CHAIRMAN DIAZ:** All right, and so the substitute motion is to  
48 add an Option 4 -- Some of the crafting has been done, Mr.

1 Dugas, and so, if you don't agree with it, please say. **To add**  
2 **an Option 4 and make it the preferred. Option 4 is to eliminate**  
3 **all trip declaration requirements for federally-permitted for-**  
4 **hire vessels in the SEFHIER program when participating in non-**  
5 **fishing activities.** We have a new motion on the board, and is  
6 there any discussion on -- Is there a second for the motion?  
7

8 **MR. DYSKOW:** I would second the motion.  
9

10 **CHAIRMAN DIAZ:** It's seconded by Mr. Dyskow. Is there  
11 discussion on the motion? Mr. Williamson.  
12

13 **MR. WILLIAMSON:** Just as a matter of a question, if a vessel  
14 goes out and does not hail-out, and it comes back in with a load  
15 of fish to the dock, and he sells it, is there a reporting, a  
16 penalty, for not hailing out at that point in time, and is there  
17 a record? Is there someone looking at this? I guess that's to  
18 you, Andy.  
19

20 **CHAIRMAN DIAZ:** Mr. Strelcheck.  
21

22 **MR. STRELCHECK:** I would certainly -- I would look to law  
23 enforcement, in terms of the penalties, but they would be out of  
24 compliance with the regulations, and, if they, obviously, had an  
25 enforcement officer at the dock, or we flagged, for enforcement,  
26 that a trip has occurred without complying with the program,  
27 there could be an enforcement action that is pursued, yes.  
28

29 **CHAIRMAN DIAZ:** Any further discussion? Mr. Strelcheck.  
30

31 **MR. STRELCHECK:** I guess two comments. One is I think this  
32 creates a substantial loophole in the program, because we're  
33 saying, when participating in non-fishing activities, and I  
34 think it would be helpful to also include charter activities,  
35 regardless of fishing activity, because we have vessels that  
36 will go offshore for a variety of purposes, and it would be hard  
37 to distinguish whether or not that trip is just not declaring  
38 because they are doing that non-fishing activity or they're  
39 actually fishing, but didn't report to us.  
40

41 The other comment that I will make is we're recommending this as  
42 a preferred, and we have zero analysis. We have zero  
43 information to base our decision on this at this point, and so I  
44 would discourage making this a preferred alternative in the  
45 document at this point.  
46

47 **CHAIRMAN DIAZ:** Ms. Boggs.  
48

1 **MS. BOGGS:** Well, so, with Andy's comments, I have a motion,  
2 which is very similar to this, and I am not asking to make it a  
3 preferred, and so I'm guessing then that we should vote on this  
4 motion, and then I make my motion, because I was just going to  
5 add an option, but not as a preferred, but I am ready to make  
6 either a substitute motion or a motion.  
7  
8 **CHAIRMAN DIAZ:** That would be your decision, Ms. Boggs. I don't  
9 know what your motion is, and so --  
10  
11 **MS. BOGGS:** All right. Well, then I will make a substitute  
12 motion. The motion is to direct staff to add an option to  
13 require for-hire vessel owners and/or operators to submit a trip  
14 declaration only for a trip that will be engaging in any type of  
15 fishing activity or charter trip.  
16  
17 **CHAIRMAN DIAZ:** So we have a substitute motion. Is there a  
18 second for the substitute motion?  
19  
20 **MR. ANSON:** Second.  
21  
22 **CHAIRMAN DIAZ:** It's seconded by Mr. Anson. Any discussion on  
23 the substitute? Bernie, can you get it just a little bit  
24 bigger? Ms. Boggs.  
25  
26 **MS. BOGGS:** The rationale is, number one, it takes some of the  
27 language that's currently in the document specifying who would  
28 be required, but then, as Andy pointed out, charter trip --  
29 Because I think that's important, because, if you have customers  
30 onboard, and you're a charter boat, most people are going to  
31 make the assumption that you're fishing, even though you might  
32 be on a dolphin cruise, or a sunset cruise, and so I think it is  
33 important to include that last -- Those last two words, "charter  
34 trip". Thank you, sir.  
35  
36 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Mr. Anson.  
37  
38 **MR. ANSON:** Just for clarification, Susan, as you fill these  
39 out, there is a designation, or selection, you can make that  
40 indicates that it's a charter trip, but not a fishing charter  
41 trip, correct, currently?  
42  
43 **MS. BOGGS:** That is correct.  
44  
45 **CHAIRMAN DIAZ:** Mr. Dugas.  
46  
47 **MR. DUGAS:** Thank you, Mr. Chair. I'm okay with Ms. Boggs'  
48 motion, and it's worded a little different from mine, and it

1 adds charter trip, for the agency, and I'm fine with that.

2  
3 **CHAIRMAN DIAZ:** Thank you, Mr. Dugas. Dr. Stunz.

4  
5 **DR. STUNZ:** I am supportive of the intent of both of these  
6 motions, but I really have a question for Andy, because I just  
7 want to make sure -- You mentioned the loophole that could still  
8 be in, at this point, with Option 4, J.D.'s, but does Susan's  
9 tighten that up then, at this point, so it's fixed? I don't  
10 want to have an unintended consequence here where we're not  
11 capturing a trip, and there's this problem down the line, and  
12 I'm for the intent of both of these, but I'm just trying to get  
13 where we need to be.

14  
15 **CHAIRMAN DIAZ:** Mr. Strelcheck.

16  
17 **MR. STRELCHECK:** I think this does address my concern, and I  
18 certainly want this to go back to staff and law enforcement and  
19 provide some analysis and ensure that there's not other  
20 unintended consequences, but I think this tightens it up, yes.

21  
22 **CHAIRMAN DIAZ:** Okay. Mr. Dyskow.

23  
24 **MR. DYSKOW:** Thank you, Mr. Chairman. J.D., is it your intent  
25 to withdraw your motion?

26  
27 **CHAIRMAN DIAZ:** The way that's going to work is this is a  
28 substitute motion. If the substitute motion passes, the  
29 original motion just goes away, and this is substituting the  
30 original motion.

31  
32 **MR. DYSKOW:** I understand. Thank you.

33  
34 **CHAIRMAN DIAZ:** Okay. I am not seeing any further hands up  
35 around the table, and so I'm going to ask for a show of hands  
36 for all those -- I'm going to read the motion into the record,  
37 first, so everybody knows what we're voting on. **To direct staff**  
38 **to add an option to require for-hire vessel owners and/or**  
39 **operators to submit a trip declaration only for a trip that will**  
40 **be engaging in any type of fishing activity or charter trip.**  
41 Mr. Dyskow.

42  
43 **MR. DYSKOW:** Sorry to beat this to death, but I think the one  
44 key difference between the two is we are asking, under J.D.'s  
45 motion, that we make this the preferred, and are we also asking,  
46 in the substitute motion, that we make it the preferred?

47  
48 **CHAIRMAN DIAZ:** That is not in the motion at this time. What's

1 going to happen, if this is added to the document, is staff is  
2 going to have to go back and rework the document and do some  
3 analyzation of the document, and we'll see the document again,  
4 probably at the next meeting, and then we could either pick this  
5 as a preferred now, or we could pick it as a preferred after we  
6 get some of the items in the document analyzed. Ms. Boggs.

7  
8 **MS. BOGGS:** To this, the reason I did not make this as a  
9 preferred is because we don't have the analysis, and we don't  
10 have any feedback from law enforcement, and it may be that we  
11 come back to the next meeting and that they offer some  
12 suggestions that might make this a better motion, or we have a  
13 different motion, but, since we would have the opportunity to  
14 come back at a later meeting and pick a different preferred, I  
15 just felt like it was important to get the feedback on this  
16 motion before going for a preferred. Thank you.

17  
18 **CHAIRMAN DIAZ:** Okay. I am not seeing any further hands up, and  
19 so we're going to vote on this motion. **All in favor, signify by**  
20 **raising your hand; all opposed, like sign. The motion carries.**  
21 Ms. Boggs.

22  
23 **MS. BOGGS:** Thank you, Mr. Chair. Draft Options Joint Amendment  
24 to Require Electronic Reporting for Commercial Logbooks, Tab F,  
25 Number 5(a) through (d), council staff presented an update on  
26 the development of a joint amendment to modify the commercial  
27 coastal logbook program. This modification would allow for the  
28 submission of logbook data through an electronic platform.

29  
30 The committee had no edits, after reviewing the draft purpose  
31 and need statement. The Southeast Fishery Science Center has  
32 proposed using the Atlantic Coastal Cooperative Statistics  
33 Program eTRIPS software as an electronic data submission  
34 platform and integrate the current paper form into ACCSP's  
35 database.

36  
37 Mr. Geoff White of ACCSP explained that, to retain  
38 standardization between data collection programs throughout the  
39 eastern United States, that data fields remain largely static,  
40 to achieve the goals for numerous contributing partners. This  
41 is the rationale for modifying some of the existing data fields  
42 used in the logbook program.

43  
44 Several committee members expressed concern that substantial  
45 changes to the program could create burden on commercial  
46 fishermen. The committee reviewed a spreadsheet detailing  
47 changes to program data fields. The committee suggested  
48 revising the spreadsheet to indicate which data fields would be

1 additions and which were modifications to existing reporting  
2 requirements, to better assess any potential inconveniences  
3 incurred on program participants.  
4

5 A committee member stated that a previous pilot study to examine  
6 the utility of electronic submission in the commercial coastal  
7 logbook program in the Gulf of Mexico had been completed some  
8 time ago, but the results had not been published. He continued  
9 that any future study regarding electronic submission of  
10 commercial data needs to be published in a timelier manner.  
11

12 Southeast Fisheries Science Center staff indicated that the  
13 final pilot program report had been published, and that report  
14 would be disseminated to the group. Mr. White also stated that  
15 electronic submission through eTRIPS had been vetted and used in  
16 the Northeast. Dr. Julie Brown, from the Southeast Fisheries  
17 Science Center, added that, while eTRIPS was currently being  
18 proposed as a software reporting program, VESL could also be an  
19 option in the future. She continued that VESL would still  
20 transmit through ACCSP's database, and, therefore, the same  
21 modifications to the data fields would apply.  
22

23 Council staff informed the committee that the council's Reef  
24 Fish and Coastal Migratory Pelagic Advisory Panels will be  
25 convened in the fall and presented an update on the proposed  
26 program modifications. Mr. Chair, this concludes my report.  
27

28 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Ms. Boggs.  
29

30 **MS. BOGGS:** The last part of that committee meeting was talking  
31 about the committees that would look at this commercial logbook  
32 program, and I had some thoughts about -- Do we need to convene  
33 probably the Red Snapper and Grouper-Tilefish APs, and possibly  
34 the Data Collection AP, but, specifically, our two IFQ user  
35 groups, because they are the ones that will be using the  
36 program?  
37

38 I realize that we have commercial fishermen on the Reef Fish AP,  
39 but, since this is a commercial fishery issue, it would seem, to  
40 me, that you would convene those two APs that are going to be  
41 the most users of this program.  
42

43 **CHAIRMAN DIAZ:** Dr. Simmons.  
44

45 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I think we  
46 had the IFQ AP on -- We knew the council wanted us to do that.  
47 I think what's not quite clear is the duplication of the  
48 reporting, because there are different reporting requirements

1 for the IFQ program, and so we need to work through that a  
2 little bit with the Regional Office staff, before we convene  
3 them, to better understand how this program will mesh with that  
4 program, but we do have that on our list of things to do, and we  
5 can add the Data Collection Committee as well. Thanks.  
6

7 **CHAIRMAN DIAZ:** Any further items to come before the Data  
8 Collection Committee? Seeing none, we're going to move on  
9 through our agenda. Next up is Migratory Species and Dr.  
10 Frazer.

11  
12 **MIGRATORY SPECIES COMMITTEE REPORT**  
13

14 **DR. FRAZER:** All right. Thank you, Mr. Chair. Migratory  
15 Species Committee report, the committee adopted the agenda, Tab  
16 M, Number 1, as written and approved the minutes, Tab M, Number  
17 2, of the June 2021 meeting as written.  
18

19 Presentations on Migratory Species Shark Assessment and  
20 Management Strategies, Tab M, Number 4(a) and 4(b) Dr. Enric  
21 Cortes, from the Southeast Fishery Science Center, provided a  
22 presentation on stock status, abundance trends, and fishery  
23 mortality trajectories for several managed shark stocks within  
24 the Gulf of Mexico.  
25

26 Ms. Karyl Brewster-Geisz, Atlantic Highly Migratory Species  
27 Division, also presented an update on recent Atlantic shark  
28 fishery management measures. Dr Cortes stated that several  
29 shark stocks have trended sustainably, and others have exhibited  
30 modest increases in abundance Gulf-wide. Ms. Brewster-Geisz  
31 added that a report to Congress on dolphin and shark  
32 interactions had been finalized and would be disseminated to the  
33 council.  
34

35 The presenters were asked why the number of directed and  
36 incidental commercial shark permits had declined in recent  
37 years. Ms. Brewster-Geisz provided several possible  
38 explanations for this observation, including economic  
39 feasibility, the implementation of fin bans in some states, and  
40 retention limits. The presenters were asked why the large  
41 coastal shark trip limit was increased from forty-five to fifty-  
42 five individuals. Ms. Brewster-Geisz responded that trip limits  
43 had been adjusted to increase the probability of harvesting the  
44 large coastal shark quota.  
45

46 Further discussion focused on the perceived disconnect between  
47 shark stock assessment results and fishermen testimony  
48 indicating shark populations were rapidly increasing, resulting

1 in occurrences of depredation. Dr. Cortes stated results of  
2 stock assessments lag several years, and it is likely fishermen  
3 are observing increases not captured by completed assessments.  
4

5 Ms. Brewster-Geisz suggested that fishermen participate in  
6 studies and share information on fishing techniques that could  
7 mitigate depredation. Council staff suggested that staff from  
8 HMS participate on the Ecosystem Technical Committee, to provide  
9 insights in the development of a fishery ecosystem plan, and the  
10 Southeast Fisheries Science Center indicated staff resources  
11 would be available to that end.  
12

13 A committee member inquired how NOAA Fisheries regionally  
14 managed species within the Gulf, east and west. Ms. Brewster-  
15 Geisz responded that some stocks are managed regionally, to  
16 achieve desired season lengths for various portions of the Gulf.  
17 These regional allocations are informed through public comment,  
18 scoping efforts, and historical landings.  
19

20 Other Business, Dr. Greg Stunz provided an update on  
21 modification of 2022 North and South Atlantic swordfish quotas.  
22 This fishery is managed with a commercial carryover provision.  
23 A rule was recently published allowing for an extra seventy-five  
24 million metric tons of harvest available until the end of 2022.  
25 The quota will reset January 1, 2023. Mr. Chair, this concludes  
26 my report.  
27

28 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Ms. Boggs.  
29

30 **MS. BOGGS:** So, if we back up, before Other Business, where we  
31 were talking about the Ecosystem Technical Committee, and I have  
32 sent a motion to the council staff, and it pertains to where our  
33 council staff suggested that HMS participate in our ETC, and so,  
34 anyway, if staff could bring that motion up, please. I left  
35 part of it out, Bernie, but I will tell you the first part. I'm  
36 sorry.  
37

38 **It should start with the motion to modify the Gulf of Mexico**  
39 **Fishery Management Council's SOPPs, Section 2.7.3, Ecosystem**  
40 **Technical Committee, as follows, and then the language that we**  
41 **would be changing is the Ecosystem Technical Committee consists**  
42 **of no more than twelve people. Membership includes two staff**  
43 **from NMFS, the Ecosystem SSC, three members, two Standing SSC**  
44 **representatives, one HMS staff member, and up to four other**  
45 **stakeholder representatives. Members are appointed jointly by**  
46 **the Executive Director and the Council Chair.**  
47

48 **CHAIRMAN DIAZ:** Ms. Boggs, if I understand your motion, the only

1 difference between what we currently have and what you're  
2 proposing is to add one HMS staff member.  
3  
4 **MS. BOGGS:** That is correct.  
5  
6 **CHAIRMAN DIAZ:** So we have a motion. Is there a second to the  
7 motion? It's seconded by Dr. Frazer. Any discussion on the  
8 motion? Mr. Strelcheck.  
9  
10 **MR. STRELCHECK:** Just a technicality that that HMS staff member  
11 is a NMFS staff member as well, and so the two staff members you  
12 identify from NMFS would not preclude a third then NMFS staff  
13 member that's representing HMS, correct, and that's your intent?  
14  
15 **MS. BOGGS:** Well, the intent is to have someone from HMS on this  
16 committee, in addition to what we currently have, and so, if we  
17 need to specify that it includes three staff from NMFS, of which  
18 one is HMS?  
19  
20 **MR. STRELCHECK:** I mean, this might be fine, but, yes, I just  
21 was clarifying that it wouldn't be one NMFS HMS staff member and  
22 one non-NMFS HMS staff member, and it would be two NMFS, plus an  
23 HMS staff member.  
24  
25 **MS. BOGGS:** That is correct, because I believe that's -- My  
26 understanding is what staff is looking for is to make sure we  
27 have an HMS representative on this committee.  
28  
29 **CHAIRMAN DIAZ:** Okay. Mr. Anson.  
30  
31 **MR. ANSON:** It's actually on something else, and so I will wait  
32 until the motion is --  
33  
34 **CHAIRMAN DIAZ:** Okay. Dr. Stunz and then Dr. Porch. Dr. Stunz.  
35  
36 **DR. STUNZ:** Back to the report, and I didn't catch this, Susan,  
37 but that last part about swordfish -- That's seventy-five metric  
38 tons and not million metric tons. Sorry. It doesn't have to do  
39 with the motions at-hand or anything we're talking about, but I  
40 just want to make sure, in that report, that that's clarified.  
41  
42 **CHAIRMAN DIAZ:** Dr. Porch.  
43  
44 **DR. PORCH:** Thank you. Just for further clarification, what are  
45 you looking for in the HMS staff member? Are we talking about  
46 somebody from the HMS management group, or are we talking about  
47 somebody who is an HMS scientist?  
48

1 **CHAIRMAN DIAZ:** Dr. Simmons.  
2  
3 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I was  
4 thinking scientist, and we have a lot of scientists from our  
5 Ecosystem Standing SSC, but we could certainly chat some more  
6 about it, but, you know, the idea is that we work on some of  
7 these shark interactions with our fisheries, through an FEI and  
8 a module, or however we end up working through this ecosystem  
9 fisheries plan, and we get some assistance with that, and so we  
10 can think about that a little bit more, if we have to identify  
11 that right now.  
12  
13 **CHAIRMAN DIAZ:** Okay. I'm not seeing any further discussion,  
14 and so is there any opposition -- Ms. Levy.  
15  
16 **MS. LEVY:** Thank you. I mean, I would suggest, for clarity,  
17 changing the way that Susan talked about -- Meaning let's make  
18 it clear who the NMFS staff members are and that are you want  
19 one of them to be HMS, and so three NMFS staff members, because,  
20 when we look at this in a vacuum in the SOPPs, we want to know  
21 what you meant and not have to go back to the minutes and figure  
22 it out.  
23  
24 **CHAIRMAN DIAZ:** Ms. Boggs.  
25  
26 **MS. BOGGS:** Okay, and so I will amend the motion. The Ecosystem  
27 Technical Committee consist of no more than -- Membership  
28 includes three staff from NMFS, one of which is an HMS  
29 scientist.  
30  
31 **EXECUTIVE DIRECTOR SIMMONS:** HMS expertise, or however Dr. Porch  
32 thinks it best to put in there, or one from the HMS Division?  
33 How about that?  
34  
35 **MS. BOGGS:** It sounds good to me. One from the HMS Division, or  
36 "staff member", and does that work?  
37  
38 **CHAIRMAN DIAZ:** Okay. Mr. Gill.  
39  
40 **MR. GILL:** Thank you, Mr. Chairman. I'm a little bit, I guess,  
41 concerned that we're calling out one specific expertise, but  
42 we're not considering calling out the others, for example  
43 protected species or habitat or something, and so is the  
44 presumption, Susan, that the other area is going to be taken as  
45 part of the Ecosystem SSC, and, if not, then why is HMS more  
46 important than they, from an ecosystem perspective?  
47  
48 **CHAIRMAN DIAZ:** Ms. Boggs.

1  
2 **MS. BOGGS:** Mr. Gill, I was just trying to help the staff get  
3 what they felt like they needed on this technical committee, as  
4 we talk about the ecosystem, and sharks have been such an issue  
5 in the Gulf, and I understand, or -- I mean, I understand why  
6 they would want someone there to talk with them about this. The  
7 intent is not to take anything away from the Ecosystem SSC, and  
8 then you have other representatives that we can choose for more  
9 of, and so I'm just trying to -- The council had mentioned, in  
10 the committee, that they would like to see this happen, and this  
11 is the only way that I knew we could help them with that, is the  
12 fact that we would have to change the SOPPs.

13  
14 I suppose you could have left it, as Andy was pointing out, with  
15 two staff from NMFS, and then they would just have to say, hey,  
16 we want one from HMS, but this just kind of helps designate that  
17 they would like to see that as part of this committee.

18  
19 **CHAIRMAN DIAZ:** Go ahead.

20  
21 **DR. LISA HOLLENSHAD:** Mr. Gill, just a thought, and, for  
22 example, bringing in somebody from that HMS Division, and you  
23 had mentioned Habitat, for example, and so HMS species still  
24 have to have a designation for EFH, for example, and so somebody  
25 working at that division should have some knowledge that that's  
26 a requirement, whereas potentially those two other staff members  
27 from NMFS could also be somebody from the Habitat Division, or  
28 something like that, that has a better regional knowledge,  
29 maybe, than somebody from HMS.

30  
31 I think what staff is trying to do here is allow for the  
32 inclusion of a division that is, frankly, used to working  
33 through the Atlantic seaboard and in through the Gulf, to get  
34 their perspective on some things, and I think that's what we  
35 were trying to do with this group.

36  
37 **CHAIRMAN DIAZ:** Okay. Any further discussion on the motion?  
38 All right. I'm going to read the motion in, and we're going to  
39 vote on it. Ms. Levy.

40  
41 **MS. LEVY:** I don't -- I must have not put my hand down. Thank  
42 you. I don't have anything further.

43  
44 **CHAIRMAN DIAZ:** That's okay, Ms. Levy. **So the motion is to**  
45 **modify the Gulf of Mexico Fishery Management Council's SOPPs,**  
46 **Section 2.7.3, Ecosystem Technical Committee, as follows: The**  
47 **Ecosystem Technical Committee consists of no more than twelve**  
48 **people. Membership includes three staff from National Marine**

1 Fisheries Service, to include one from HMS Division, the  
2 Ecosystem SSC (three members), two Standing SSC representatives,  
3 and up to four other stakeholder representatives. Members are  
4 appointed jointly by the Executive Director and Council Chair.  
5 Is there any further discussion on the motion? Seeing none, is  
6 there any opposition to the motion? One in opposition, and the  
7 motion carries. Dr. Frazer.

8  
9 **DR. FRAZER:** I believe my report is concluded, Mr. Chair.

10  
11 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Dr. Stunz.

12  
13 **DR. STUNZ:** Sorry, and I thought we had dispensed with that  
14 motion, but, going back to that last Other Business there, just  
15 to make sure that that's an extra seventy-five metric tons of  
16 harvest and not million metric. Whatever that number would come  
17 to, but it's not that much, and so I just wanted to make --

18  
19 **EXECUTIVE DIRECTOR SIMMONS:** Got it. Thank you.

20  
21 **DR. STUNZ:** I might have said that, but that's accurate in the  
22 report.

23  
24 **CHAIRMAN DIAZ:** Thank you, Dr. Stunz, for that correction. All  
25 right. Seeing no further business -- Mr. Dugas.

26  
27 **MR. DUGAS:** Thank you, Mr. Chair. Just to point out, again,  
28 that I think I understand that the shark species are managed  
29 east and west, regionally, and maybe it's a question, and maybe  
30 it's just a comment, but I don't believe we're managing cobia  
31 this way, or any migratory species, and so I will ask Andy why  
32 we can't do the same thing for migratory species, or am I not  
33 understanding this?

34  
35 **CHAIRMAN DIAZ:** Mr. Strelcheck, to that point?

36  
37 **MR. STRELCHECK:** I can't speak to the specifics of shark  
38 management and why the decisions are made and what the science  
39 tells you and how that may or may not be applicable to us, and I  
40 would say that, in terms of regionalizing management for  
41 migratory, or even non-migratory, species, it needs to be based  
42 on the science and the impacts of fishing mortality in one area  
43 and the transit, or movement, of those fish to or from those  
44 areas to other areas, and we manage a lot of our stocks Gulf-  
45 wide, simply because the genetics indicate they are Gulf-wide  
46 species, as well as the science-informed decision-making that  
47 indicates that that's appropriate, but it doesn't preclude us  
48 from pursuing regional management if the science tells us that

1 we could.

2  
3 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. All right. Seeing  
4 no further business from the Migratory Species Committee, we're  
5 going to press on. Next up, we have the Education and Outreach  
6 Committee Report and Dr. Stunz.

7  
8 **OUTREACH AND EDUCATION COMMITTEE REPORT**  
9

10 **DR. STUNZ:** Thank you, Mr. Chairman. The Outreach and Education  
11 Committee report for August 22, 2022, the committee adopted the  
12 agenda, Tab O, Number 1, and approved the minutes of the January  
13 2022 meeting with the correction of a typo, Tab O, Number 2.

14  
15 Communications Plan to Promote Return of Shrimp Fleet Effort  
16 Data, Tab O, Number 4, staff presented the communication plan  
17 developed by the Outreach and Education Technical Committee  
18 during its August 2022 meeting to increase return rates for SD  
19 cards containing shrimp vessel position data, which are used to  
20 generate effort estimates for the shrimp industry.

21  
22 The plan suggests using a combination of several outreach  
23 methods of increasing targeted mailings, increasing in-person  
24 interactions, and development and deployment of print and  
25 multimedia materials.

26  
27 The committee suggested that NOAA Fisheries focus on methods to  
28 improve the fleet's compliance before it institutes punitive  
29 measures. The committee also suggested that, rather than focus  
30 on mail-out efforts, NOAA rely more on verbal communication with  
31 individual fishermen to enhance compliance. Southeast Fishery  
32 Science Center staff explained that the shrimping community is  
33 already accustomed to interacting with NOAA Fisheries via mail  
34 and has reservations that phone calls from the agency may not be  
35 well received.

36  
37 The committee concurred that in-person interactions are most  
38 effective. However, since the shrimp fleet is at-sea for long  
39 periods of time, it's hard to guarantee such interactions. The  
40 committee further agreed that print and multimedia materials  
41 should point out that shrimp effort data has been, and will  
42 continue to be, used to preserve historical access to shrimping  
43 grounds when marine spatial issues, such as wind energy,  
44 aquaculture, and artificial reef areas are sited.

45  
46 Staff will send a letter to NOAA Fisheries outlining the  
47 communications suggestions made by the Outreach and Education  
48 Technical Committee and the council, as well as offer support

1 and feedback during the development stage prior to the next  
2 mailing anticipated to occur in January 2023.

3  
4 Draft Media Guidelines, Tab O, Number 5, staff reviewed a draft  
5 of the media guidelines that will be added to the larger suite  
6 of council communications guidelines. The guidelines outline  
7 the roles of staff and council members when responding to media  
8 inquiries on behalf of the council. The committee cautioned  
9 that, regardless of the intention of individual council members,  
10 the media may take what council members say and use it as it  
11 pleases.

12  
13 Members of the council that also work for a state agency noted  
14 that their role is especially nuanced and that it's difficult to  
15 separate whether they are speaking as a council member or on  
16 behalf of their state and their role at that state agency.  
17 Finally, it was emphasized that council members should freely  
18 discuss opinions and consider different angles to each issue  
19 while deliberating at the council table.

20  
21 Remaining Items on the August 2022 Outreach and Education  
22 Technical Committee Report, Tab O, Number 6, the only remaining  
23 item from the Outreach and Education Technical Committee report  
24 was a presentation it received on the Return 'Em Right program,  
25 which is a project that aims to reduce release mortality due to  
26 barotrauma and encourage the best fishing practices to keep  
27 released fish alive. To date, 155 federally-permitted for-hire  
28 captains and 9,455 private recreational anglers have completed  
29 the learning module and received descending gear to reduce  
30 barotrauma mortality. Mr. Chair, this concludes my report.

31  
32 **CHAIRMAN DIAZ:** Thank you, Dr. Stunz. Is there any further  
33 discussion on any items before the Education and Outreach  
34 Committee? Seeing none, we're going to move on down our agenda,  
35 and we're going to move right into the Reef Fish Committee  
36 report. Dr. Frazer.

37  
38 **DR. FRAZER:** Hold on and let me get a printed copy, real quick,  
39 from the staff.

40  
41 **CHAIRMAN DIAZ:** If folks want to take a break -- We're ahead of  
42 schedule, and let's take a ten-minute break and get some coffee,  
43 and we'll come back at 9:15.

44  
45 (Whereupon, a brief recess was taken.)

46  
47 **CHAIRMAN DIAZ:** Okay, everyone. We're going to go ahead and  
48 kick off the Reef Fish report. Dr. Frazer, are you ready to go?

1  
2  
3 **REEF FISH COMMITTEE REPORT**  
4

5 **DR. FRAZER:** Thank you, Mr. Chair. The Reef Fish Committee  
6 report, the committee adopted the agenda, Tab B, Number 1, and  
7 the minutes from the June 2022 meeting were approved as written.  
8

9 Review of Reef Fish, CMP, and IFQ Landings, Federal For-Hire Red  
10 Snapper Landings, and Status of Revised Recreational Red Snapper  
11 Calibration Ratios, Tab B, Numbers 4(a) through (d), Ms. Kelli  
12 O'Donnell, from NMFS Southeast Regional Office, reviewed  
13 preliminary 2021 and 2022 commercial and recreational reef fish  
14 and coastal migratory pelagics landings and those for reef fish  
15 managed in individual fishing quota, or IFQ, programs.  
16

17 A committee member asked whether the landings data for greater  
18 amberjack would be available in time to reopen the recreational  
19 fishing season before the end of the calendar year. SERO  
20 replied that the recreational landings data through MRIP Wave 3  
21 (May and June) are available. However, more critical to any  
22 reopening before the end of the year would be the data from Wave  
23 4 (July and August), which not available until mid-October, and  
24 Wave 5 (September and October), which are not available until  
25 mid-December. SERO also noted that it may be possible to  
26 explore reopening the recreational fishing season for red  
27 grouper once the data from Wave 4 (July and August) are  
28 available.  
29

30 A committee member asked about for-hire landings of red snapper  
31 in the first five months of the year, when federally-permitted  
32 for-hire vessels are not allowed to harvest red snapper. SERO  
33 said that those for-hire vessels are state-permitted, and not  
34 federally-permitted, headboats fishing in state waters.  
35

36 Dr. Richard Cody, from the NOAA Office of Science and Technology  
37 (OST), briefed the committee on the proceedings of the MRIP  
38 Transition Team and to calibrate state surveys to the MRIP data  
39 currency. Dr. Cody recalled the February 2022 workshop to  
40 address the various differences and necessary improvements to  
41 the state recreational surveys for red snapper, which provided  
42 timelines for deliverables from the states and NOAA OST.  
43

44 The intention was for red snapper (SEDAR 74) and the research  
45 needed to successfully complete an independent review of the  
46 final calibration methodology for the surveys to occur  
47 simultaneously, allowing the incorporation of the calibration  
48 ratio for the operational assessment, which is scheduled to

1 follow the research track and generate management advice.

2  
3 Dr. Cody remarked that a goal of the transition team is to  
4 reconcile differences between the surveys, such that calibration  
5 options expand to include more sophisticated approaches that  
6 include composite estimation, which at present is not possible,  
7 due to large differences between the state and federal survey  
8 estimates. Dr. Cody added that he expects the finalized plan  
9 from the transition team to be made publicly available soon.

10  
11 A committee member asked for clarification about the current  
12 status of the transition plan, which is essentially status quo  
13 with regard to the current calibration ratios for the state-  
14 specific red snapper annual catch limits, or ACLs. Dr. Cody  
15 confirmed this, but noted that the transition team and states  
16 continue to collaborate to work to find improvements to the  
17 calibrations and added that this work was ongoing and arduous.

18  
19 Another committee member asked about the value added for the  
20 Council in receiving regular updates on the proceedings of the  
21 transition team. Dr. Cody replied that he thought it would be  
22 important to continue to communicate the progress being made  
23 back to the state directors and other interested parties and  
24 that the resolution of any communication shortfalls should be a  
25 priority for the transition team.

26  
27 A committee member asked about the progress made by the  
28 transition team to incorporate edits to the transition plan  
29 provided by the state cooperators. Dr. Cody replied that he  
30 thought the transition team did a decent job of incorporating  
31 those edits.

32  
33 Gulf and South Atlantic SSC Review and Recommendations for  
34 Southeastern U.S. Yellowtail Snapper -- Mr. Strelcheck.

35  
36 **CHAIRMAN DIAZ:** Dr. Frazer, hold on a second. We have a  
37 question. Mr. Strelcheck.

38  
39 **MR. STRELCHECK:** I wanted to go back to earlier in the report  
40 about the red snapper headboat landings, just for clarification,  
41 and I'm still trying to find the regulations, but recall, with  
42 sector separation, we have for-hire landings, which include  
43 landings from federal for-hire vessels, and then the private  
44 landings include private anglers, but also state for-hire  
45 vessels.

46  
47 In this instance, we have some headboats in Texas that are  
48 federally-permitted during certain times of the year, but then

1 move their permit off the vessel and fish in state waters during  
2 other times of the year, and, based on the regulations, and,  
3 unfortunately, I need to find them, those landings would count  
4 toward the for-hire sector's portion of the quota, because they  
5 were federally-permitted at some point during the fishing year,  
6 and so that's why you're seeing the unusual landings in January  
7 and February on our reports.

8  
9 **CHAIRMAN DIAZ:** Ms. Boggs.

10  
11 **MS. BOGGS:** Mr. Strelcheck, I do have a question, because I  
12 thought it had been determined that, if you held a federal reef  
13 fish permit, you could not fish in both fisheries. I mean, you  
14 can fish state waters if federal waters are open, but you  
15 couldn't pull your permits. I mean, I thought this discussion  
16 was had a while back, that that would not be allowed, because  
17 it's like double-dipping.

18  
19 **MR. STRELCHECK:** Well, that's what I'm saying. It's not double-  
20 dipping, in the sense that it is going toward the for-hire  
21 portion of the quota at that point, but I see where you're  
22 coming from, in terms of they're able to fish both state and  
23 federal waters.

24  
25 **MS. BOGGS:** I bring this up because we had a captain in Orange  
26 Beach that came to me, because he was ticketed, because he was  
27 doing that very thing, and he was told that he can't -- You have  
28 to declare. It's kind of like in the Headboat Collaborative.  
29 You had to declare that you were either in or you were out, and,  
30 if that's not the case, and that may not be something for this  
31 council, but I would certainly like law enforcement to take a  
32 look at that. Thank you.

33  
34 **CHAIRMAN DIAZ:** All right. Dr. Frazer.

35  
36 **DR. FRAZER:** Okay. The Gulf and South Atlantic SSC Review and  
37 Recommendations for the Southeastern U.S. Yellowtail Snapper,  
38 Tab B, Number 5(a) through (c), Dr. Jim Nance, Chair of the  
39 Scientific and Statistical Committee, summarized the joint  
40 review of the SEDAR 64 interim analysis for southeastern U.S.  
41 yellowtail snapper by the Gulf and South Atlantic SSCs.

42  
43 The SSCs found yellowtail snapper to be healthy and not  
44 experiencing overfishing, made catch limit recommendations, and  
45 provided guidance on the next stock assessment for yellowtail  
46 snapper, which is not likely to start until 2027. The SSCs  
47 determined that the interim analysis satisfied the prescribed  
48 terms of reference.

1  
2 The SSCs recommended catch levels commensurate with a maximum  
3 sustainable yield proxy of the fishing mortality at a 30 percent  
4 spawning potential ratio for the overfishing limit and a P\* of  
5 0.375 for the acceptable biological catch, using annual yields  
6 as outlined in the table below.

7  
8 A Committee member expressed disappointment in the narrow  
9 buffers between the OFL and ABC and remarked that this  
10 characterization of scientific uncertainty was unreasonable,  
11 given the data. They thought that the SSC should have further  
12 considered scientific uncertainty and debated a larger buffer as  
13 a result. The committee member also thought that the constant  
14 catch scenarios should have been explored further.

15  
16 Dr. Nance replied that since the SSCs' review was of an interim  
17 analysis, which only updated fishery-dependent landings data,  
18 that it was most appropriate to maintain the P\* method that was  
19 used during the previous review of the SEDAR 64 stock assessment  
20 for determining the ABC from the OFL. Mr. Rindone.

21  
22 **MR. RYAN RINDONE:** Thank you, and I just wanted to clarify why  
23 these right-most columns are still in this table, the 90 percent  
24 at 30 percent SPR and the 75 percent, and it's because, in the  
25 past, the South Atlantic Council has explored those for setting  
26 the ACL respective to the ABC, and I wanted you guys to have  
27 these values in front of you, because, as these discussions take  
28 place, agreeing on a total ACL for the stock that will then be  
29 allocated between the Gulf and South Atlantic Councils will be  
30 something that the councils will have to decide upon, and so  
31 that's why these values are left in there, because they will  
32 likely be talking about it again in the future.

33  
34 **DR. FRAZER:** Thanks, Ryan, for pointing that out. All right,  
35 and so let's see where we are at. All right. Council staff  
36 reminded the committee that it had previously tabled Reef Fish  
37 Amendment 55, which is being developed concurrently with the  
38 South Atlantic Fishery Management Council as Snapper Grouper  
39 Amendment 44, since the Gulf and South Atlantic Councils jointly  
40 manage yellowtail snapper.

41  
42 This joint amendment could be restarted, and consideration given  
43 therein to the SSCs' updated catch advice. Upon review of the  
44 motions report, staff identified that the document was not  
45 tabled, as previously thought. Thus, a slight modification to  
46 the motion is suggested.

47  
48 **The committee recommends, and I so move, to, and this is the**

1 modification, to resume work on Reef Fish Amendment 55 and  
2 include consideration of updated catch advice, as recommended by  
3 the Gulf and South Atlantic SSCs. The motion carried without  
4 opposition. Mr. Chair.

5  
6 **CHAIRMAN DIAZ:** We have a committee motion. Is there any  
7 discussion on the motion? **Seeing no discussion, is there any**  
8 **opposition to the motion? Seeing no opposition, the motion**  
9 **carries.** Dr. Frazer.

10  
11 **DR. FRAZER:** Review of State-Specific Private Angling Red  
12 Snapper Landings and Reef Fish Directed Effort, Tab B, Numbers  
13 6(a) through (e), council representatives from the five Gulf  
14 States reviewed their 2022 private angling seasons for red  
15 snapper and compared them to their 2021 fishing seasons.

16  
17 The states also characterized the fishing effort in their states  
18 specific to reef fish or offshore angling effort, as applicable,  
19 including available data on compliance with that state's  
20 licensing requirements. These enforcement data indicate better  
21 than 90 percent compliance, at present, with licensing  
22 regulations, and are expected to be included in future state-  
23 specific reports to the Gulf States Marine Fisheries Commission  
24 on state licensing data beginning in 2023.

25  
26 A committee member asked about the June private vessel landings  
27 in Florida and the uncertainty in those estimates, particularly  
28 for 2021, which showed more uncertainty about the June landings  
29 estimate compared to other years.

30  
31 The Florida Fish and Wildlife Conservation Commission (FWC)  
32 replied that FWC was working with MRIP on landings estimation  
33 and acknowledged greater uncertainty about the June 2021  
34 estimated private vessel landings from Florida. SERO asked  
35 whether FWC would adjust the remaining days of its 2022 fishing  
36 season based on the estimated landings from July 2022, when  
37 available. FWC replied that it would monitor those landings and  
38 make any adjustments to the 2022 season, as appropriate.

39  
40 A committee member asked about licensing for state and  
41 federally-permitted for-hire vessels and whether anglers had to  
42 have individual fishing licenses on those for-hire vessels. The  
43 Texas Parks and Wildlife Department replied that individual  
44 anglers on for-hire vessels were required to be individually  
45 licensed.

46  
47 A committee member asked when it would be possible to generate  
48 Gulf-wide estimates of landings. The Southeast Fisheries

1 Science Center replied that the states have varied survey  
2 programs for species like red snapper that are not currently  
3 directly comparable, and this is the impetus for the work  
4 between the states and the MRIP Transition Team and its  
5 calibration efforts. The state representatives expressed a  
6 willingness to present the same standardized data outputs for  
7 private angling landings of red snapper at council meetings in  
8 the future. Mr. Anson.

9  
10 **MR. ANSON:** Thank you. Just, I guess, a point of clarification  
11 on the end of the first paragraph, or the last sentence in the  
12 first paragraph, and, the way I read that, it indicates the  
13 states would be providing enforcement data related to compliance  
14 of licensing regulations and giving that to the commission, and  
15 I think it's just the actual licensing information, and so just  
16 we might need some clarification there.

17  
18 **MR. RINDONE:** Yes, and that was how I had meant that to be  
19 understood, was that it was the licensing information, including  
20 the delineations for things like the state-specific permits for  
21 offshore angling or reef fish angling. As far as the  
22 enforcement side of it is concerned, we had a broader discussion  
23 about having some kind of a routine presentation of the private  
24 angling landings and whatnot, and perhaps the compliance part of  
25 that, with the licensing, maybe that's something we can do like  
26 once annually.

27  
28 I personally don't believe that it's necessary to make that part  
29 of the routine, every council meeting, presentation, but maybe  
30 just like a once-a-year thing, and so, if you guys feel  
31 differently, I would like to hear what you think.

32  
33 **MR. ANSON:** I understand, but I just -- Generally, the states  
34 provide the actual licenses that are sold, in like a table form  
35 and such, and so, again, I just -- I kind of read it as we would  
36 also be providing a breakdown, or a compliance report, relative  
37 to the enforcement checks that are conducted within each state,  
38 and I wasn't under the impression that we would be providing a  
39 compliance report, or data, in addition to the license  
40 information.

41  
42 **CHAIRMAN DIAZ:** Okay.

43  
44 **DR. FRAZER:** Dr. Sweetman might have his hand up, Mr. Chair.

45  
46 **CHAIRMAN DIAZ:** Dr. Sweetman.

47  
48 **DR. SWEETMAN:** Thank you, Mr. Chair. A point of clarification

1 for one of the sentences, as it relates to FWC, where it says  
2 that FWC replied that it would monitor those landings and make  
3 any adjustments to the 2022 season, as appropriate, and I don't  
4 believe that's exactly what I stated. I believe I said that we  
5 would continue to monitor our landings, but our current plan was  
6 to continue on with the season as announced. Thank you.

7  
8 **CHAIRMAN DIAZ:** Okay. Thank you. We will make that correction.  
9 Any other discussion? Seeing none, Dr. Frazer.

10  
11 **DR. FRAZER:** Okay. Public Hearing Draft Amendment 54:  
12 Modifications to the Greater Amberjack Catch Limits and Sector  
13 Allocations, and other Rebuilding Plan Modifications. Tab B,  
14 Number 7, council staff presented Public Hearing Draft Amendment  
15 54 to the Reef Fish Fishery Management Plan, which considers  
16 modifications to sector allocations and catch limits in response  
17 to the results of the SEDAR 70 stock assessment. Staff reviewed  
18 the components that may be included in an allocation review and  
19 identified their location in Amendment 54.

20  
21 A committee member suggested that future amendments that  
22 consider reallocation should address the conversion from MRIP-  
23 CHTS units to MRIP-FES units separate from an action that  
24 addresses the sector allocation.

25  
26 The committee discussed the catch limit and sector allocation  
27 alternatives presented in Action 1. Some committee members  
28 noted that the alternatives were based on a time series of  
29 historical landings for each sector and used to calculate  
30 percentages of landings harvested by each sector over  
31 representative time series.

32  
33 The committee also discussed that the current allocation is  
34 based on a reference period from 1981 through 2004 that was  
35 established in 2008 and is presented as Alternative 3 in Action  
36 1. Some committee members advocated for a longer time series  
37 being used to inform sector allocations, while others stated  
38 that a more recent time series was preferable, given the changes  
39 to the fishery over time.

40  
41 NMFS staff reminded the committee that retaining the current  
42 sector allocation percentages would result in a de facto  
43 reallocation to the commercial sector. NMFS staff further  
44 clarified that sector-specific information on size selectivity  
45 and discard rates between sectors was incorporated in the catch  
46 advice and results in modest differences in the OFL and ABC  
47 among the alternatives in Action 1. With respect to the fishing  
48 mortality and the rebuilding timeline, the alternatives are

1 considered equivalent.

2  
3 **The Committee recommends, and I so move, in Action 1, to make**  
4 **Alternative 3 the preferred. Alternative 3 is revise the**  
5 **allocation between the recreational and commercial sectors using**  
6 **MRIP-FES adjusted average landings during the years 1981 through**  
7 **2004. The allocations for greater amberjack are 84 percent**  
8 **recreational and 16 percent commercial. Revise the OFL and ABC**  
9 **as recommended by the SSC based on SEDAR 70 (2020). Set the**  
10 **total stock ACL equal to the ABC. That motion carried nine to**  
11 **four with four abstentions. Mr. Chair.**

12  
13 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any  
14 discussion on the motion? Ms. Boggs.

15  
16 **MS. BOGGS:** So there was a lot of discussion, during Reef Fish,  
17 about recent data versus older data, and these years that have  
18 been chosen for this -- I believe, and I've done a lot of  
19 research, and my head is spinning, but, in 1993, because this  
20 includes 1981 to 2004, but, prior to 1993, was there not an  
21 issue with the identification of greater amberjack and lesser  
22 amberjack and banded rudderfish, in that they were all kind of  
23 lumped together, and so, if we're looking at data that's going  
24 to be more true to the amberjack species, would we not be better  
25 off to look at 1993 forward?

26  
27 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Mr. Strelcheck.

28  
29 **MR. STRELCHECK:** I reiterated a number of points in committee,  
30 and I'm not going to repeat those here. What I would ask is I  
31 think it would be beneficial for the council to discuss this  
32 alternative and the rationale, because I felt like there was  
33 very limited rationale during the committee discussion, in terms  
34 of why this was being selected as the preferred, with the  
35 primary rationale being this is the same time series that was  
36 used previously, and this is the conversion to MRIP-FES, but  
37 that's only one of many factors that we need to be discussing  
38 and considering, in terms of allocation, and so I would  
39 encourage the council to improve the justification for the  
40 recommended alternative.

41  
42 **CHAIRMAN DIAZ:** Ms. Boggs.

43  
44 **MS. BOGGS:** Then, also, the 73/27 split didn't start until, I  
45 believe, 2013, and so it's like we're comparing apples to  
46 oranges, and I understand that historical data is good, but, to  
47 bring it even further, I think you look at 2013 forward, because  
48 those are the current -- That's the current allocation that

1 we're in now, and, again, it's just -- That's more, to me,  
2 comparing apples to apples, if you're going to start looking at  
3 the data. It's like we're picking and choosing what is going to  
4 be better for whatever user group is wanting to -- This is going  
5 to sound harsh, and I'm not pointing fingers, but, you know,  
6 we're -- We, and, when I say we, the charter fleet, the  
7 recreational anglers, the commercial anglers, all of us, we  
8 always try to pick and choose, and, well, if we do this, this is  
9 going to be better for me, but that's an injustice to this  
10 fishery that we're here to manage.

11  
12 Again, you know, 1993, you have an issue prior to that with  
13 identification, and then the allocations went in, the current  
14 allocations, in 2013, and so that's my rationale for really not  
15 wanting to support this. I think we need to go back and look at  
16 some different alternatives, and I'm not prepared to make a  
17 motion, but I'm just trying to have discussion right now.

18  
19 **CHAIRMAN DIAZ:** Dr. Froeschke.

20  
21 **DR. JOHN FROESCHKE:** Just to clarify, the current allocation was  
22 put in place in Amendment 30A in 2008, and it's been 73/27 since  
23 then.

24  
25 **CHAIRMAN DIAZ:** Thank you, Dr. Froeschke. Dr. Sweetman.

26  
27 **DR. SWEETMAN:** Thank you, Mr. Chair. I think I'm going to vote  
28 in opposition to this motion. FWC, ultimately, was in favor of  
29 Alternative 3 as the preferred, for many reasons that was voiced  
30 in public comment yesterday. I think sector reallocation should  
31 be done in a separate process in general, and, specific to  
32 greater amberjack, the council has done numerous management  
33 changes to the recreational sector, and none of it seems to have  
34 worked.

35  
36 Alternative 3 here seeks to reallocate the maximum amount to the  
37 recreational sector, and so, while I've heard a lot of people  
38 saying that reallocation should be done in a separate process,  
39 ultimately, Alternative 3 is the most extreme of these  
40 reallocation scenarios.

41  
42 I think, at the end of the day, FWC would probably be okay with  
43 Alternative 4, and the data used in Alternative 4 is certainly  
44 more recent than Alternative 3, and the amount we are  
45 reallocating is somewhat of a midway point between Alternative 3  
46 and Alternative 2. Ultimately, our goal here is to try and  
47 rebuild this fishery, which the council has had a hard time  
48 doing, for many years, and I think Alternative 4 is more aligned

1 with that goal.

2  
3 However, I would certainly like to hear more from the public on  
4 Amendment 54, and I have a question for staff. Do we have an  
5 update, as far as timing and location for the greater amberjack  
6 public hearings? Thank you.

7  
8 **CHAIRMAN DIAZ:** Dr. Simmons, can you speak to that?  
9

10 **EXECUTIVE DIRECTOR SIMMONS:** Yes. Thank you, Mr. Chair, and so  
11 we are planning a public hearing in Galveston, Texas; Kenner,  
12 Louisiana; Orange Beach, Alabama; St. Pete/Madeira, Florida, and  
13 I don't think we have that one completely worked out yet; and  
14 Marathon, Florida. Then I think one to two virtual meetings, or  
15 just one virtual meeting, and then we're also going to put  
16 notices regarding providing comments on the Fishbrain app and  
17 Fish Rules app, and we have to get these done before the October  
18 council meeting, so you can take final action. Thank you.

19  
20 **CHAIRMAN DIAZ:** Thank you, Dr. Simmons. Mr. Anson.

21  
22 **MR. ANSON:** I've heard some comments, and so I'm to offer a  
23 substitute motion. **That would be, in Action 1, to make**  
24 **Alternative 5 the preferred.**

25  
26 **CHAIRMAN DIAZ:** Okay, and so we have a substitute, in Action 1,  
27 to make Alternative 5 the preferred. It's seconded by Mr.  
28 Banks. Is there any discussion on the substitute motion? Mr.  
29 Anson.

30  
31 **MR. ANSON:** I will just briefly go over it, and Andy had brought  
32 some points up during Reef Fish, earlier in the week, and Susan  
33 has certainly made some comments here at that time, as well as  
34 today, but, you know, everybody talks about this as being a  
35 reallocation, and it's just an adjustment, based on data inputs.

36  
37 The data inputs have changed, and portions of those between the  
38 recreational and the commercial have changed, based on the data,  
39 and Alternative 5 accounts for that a little bit more, as far as  
40 at least what the fishery is like currently today, based on  
41 management changes that have been made over the more recent time  
42 period. A 1993 start date kind of takes away some of those  
43 issues related to identification, and so that's my rationale for  
44 selecting this, for providing this as an option.

45  
46 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. I have a few people. Dr.  
47 Stunz.

48

1 **DR. STUNZ:** Kevin, I hear you, and I'm not going to support it  
2 though. I still support the original Alternative 3, but I did  
3 want to comment related to that, what you just said, and also  
4 what C.J. mentioned a few minutes ago, and, later, in a few  
5 minutes, you're going to hear about separating the allocation  
6 from the actual conversions that you talked about a little bit,  
7 and we could do it here as well.

8  
9 The only reason I didn't do it here is because we were far  
10 along, and we are close to going out to public comment, and I  
11 didn't want to slow this one down, and so I prefer the original  
12 motion here, but, in the future, I think we should separate that  
13 out, but not slow down what we have going on here, and, also,  
14 the reason I'm not too concerned here about either one of these  
15 motions is we are going out for preferred, and we are going to  
16 hear a lot of public comment, and we'll have an opportunity to  
17 do what Andy was mentioning about build the record around  
18 whatever motions are selected, or whatever alternatives are  
19 selected, and so there's still some time, but, at this point, I  
20 favor the original motion.

21  
22 **CHAIRMAN DIAZ:** Mr. Dugas.

23  
24 **MR. DUGAS:** Thank you, Mr. Chair. I'm still going to support  
25 the original motion, but I have two questions, and Dr. Stunz  
26 touched a little bit on it, and that is should we go through a  
27 full allocation document, is the first question, and the second  
28 question I think is for Ryan, and I think you mentioned  
29 something about the other alternatives beside 3, and he  
30 mentioned something about a de facto, and I wanted to see if he  
31 can touch on that a little bit.

32  
33 **CHAIRMAN DIAZ:** Can you restate your question for Ryan, please?

34  
35 **MR. DUGAS:** I don't recall exactly what you said, Ryan, but you  
36 touched a little bit on some of these alternatives would result  
37 in a de facto.

38  
39 **MR. RINDONE:** Yes, and so, if we don't change the current  
40 allocation that was set using CHTS-equivalent data currency,  
41 then it results in a de facto reallocation to the commercial  
42 sector, because FES acknowledges a greater than previously  
43 calculated and estimated historical recreational catch and  
44 effort.

45  
46 What it's saying is that, back in time, there were more  
47 recreational landings, with more recreational effort, under FES  
48 than what CHTS had estimated, and it's under CHTS that we have

1 made the current sector allocation, and so, if you keep the  
2 current one, it in fact gives additional fish -- It de facto  
3 reallocates to the commercial sector. If you guys applied --  
4 What is it, and is it Alternative 2 or 3 that applies FES to the  
5 current years?  
6

7 **EXECUTIVE DIRECTOR SIMMONS:** 2.  
8

9 **MR. RINDONE:** 2, and so, Bernie, can you bring up Alternative 2,  
10 just to demonstrate it? Alternative 2 would maintain the 73  
11 percent recreational and 27 percent commercial, and then it  
12 would apply -- Then it would use FES to monitor the stock, and  
13 so, if you scroll down then, Alternative 3 looks at it from 1981  
14 to 2004, and, John, is this the years that were originally used?  
15

16 All right, and so 1981 to 2004 is the time period that was  
17 originally used to determine the allocation under CHTS, and so,  
18 if you apply FES to this, you get a new allocation of 84 percent  
19 recreational and 16 percent commercial, and so what it is --  
20 Essentially, it's an 11 percent shift in allocation, and so it's  
21 saying that 11 percent more should have been historically  
22 allocated to the recreational sector, if we had used FES back  
23 then, using the same time series as your reference period. Does  
24 that all make sense? If you use the -- If you retain the same  
25 time series that was used before, but apply FES, then you get  
26 Alternative 3.  
27

28 **CHAIRMAN DIAZ:** Mr. Dugas, in response to your first question,  
29 the council can decide how allocation issues are decided, and  
30 it's up to the council's purview. I will just make the point  
31 that, on this document, we're under a timeline, and so we were  
32 notified in January of this year, I believe it is, and so,  
33 anyway, we're under a timeline, and we have to get this document  
34 finished in fairly short order, but it's still the council  
35 purview on how to handle it, and so, moving on, Dr. Stunz.  
36

37 **DR. STUNZ:** To exactly that point, and that's why -- In the  
38 future, of things to come, I'm going to recommend that we split  
39 this out, in the gag discussion coming up, but not doing it  
40 here, simply because we've got a fishery with a lot of issues,  
41 and we need to move this forward, and I don't -- You know, I  
42 didn't feel like we had time to really do all of that in this  
43 amendment, is why I thought it should go forward, and so,  
44 anyway, I just wanted to make sure I'm clear on that, so when it  
45 comes up later.  
46

47 **CHAIRMAN DIAZ:** Okay, and so we have a substitute motion on the  
48 board. Ms. Levy.

1  
2 **MS. LEVY:** Thank you. Not directly to the motion, but, in terms  
3 of the discussion that's happening, I do want to point out that  
4 any decision, whether you keep the status quo allocations or you  
5 change the percentages based on just substituting in the FES  
6 data, there are allocation decisions.

7  
8 You are changing the relative catch limits for each sector. One  
9 may be more aligning with what we know now the recreational  
10 sector has harvested, but it does have a real effect on the  
11 commercial sector, and so to characterize this as not an  
12 allocation is not correct, and the reason I'm emphasizing that  
13 is because there are certain legal requirements, in terms of  
14 allocating fishing overall harvest things, and we have to make  
15 sure that whatever you are recommending to the agency discusses  
16 those requirements and indicates how it complies, not only with  
17 National Standard 4, but, in particular, with greater amberjack  
18 and gag, you have the provision of the Act that says that, to  
19 the extent that rebuilding plans are necessary, and that reduce  
20 overall harvest in the fishery, that you have to allocate,  
21 taking into consideration the economic impact of the harvest  
22 restriction on the fishery participants in each sector.

23  
24 You have to fairly and equitably distribute those among the  
25 commercial, recreational, and charter fishing sectors, and so we  
26 really need to be, you know, thinking about how we are  
27 justifying, or explaining, the decision that you're going to  
28 make, and it also goes to Greg's point.

29  
30 I mean, you can decide to separate them, but they're not really  
31 separate, and so, even if you were to prepare a document that  
32 did not have allocation alternatives, we are going to have to  
33 recognize that keeping the status quo percentage and just  
34 updating the numbers is a shift in allocation, and you are still  
35 going to have to explain how that's appropriate, given the legal  
36 standards. Thank you.

37  
38 **CHAIRMAN DIAZ:** Thank you for that clarification, Ms. Levy. Ms.  
39 Boggs.

40  
41 **MS. BOGGS:** I have a question, to make sure I understood. I  
42 agree, Greg, we need -- **If we can, we need to separate**  
43 **allocation, because this is a very contentious issue, and it**  
44 **affects a lot of people in very different ways, and so, with**  
45 **that, I would like to offer a second substitute motion, and that**  
46 **is, in Action 1, to make Alternative 2 the preferred.**

47  
48 The rationale is, yes, it's de facto reallocating, but it leaves

1 the percentages the same until this council can effectively look  
2 at the numbers, you know, look at the year dates. I mean, I  
3 would really like to see 2008 to 2019, with the current 73/27  
4 percent, because I think you need to look at what is it doing to  
5 what we currently have now, in FES, and then we look at  
6 reallocating, and so, to me, this is the cleanest way to do it.  
7 You keep your allocations the same, and that just, to me, makes  
8 more sense.

9  
10 **CHAIRMAN DIAZ:** Okay, and so we have a second substitute motion.  
11 In Action 1, to make Alternative 2 the preferred. Is there a  
12 second to the motion? It's seconded by Mr. Gill. Any  
13 discussion on the second substitute? Seeing no discussion,  
14 we're going to go ahead and vote.

15  
16 **MR. GILL:** A roll call vote, please, Mr. Chairman.  
17  
18 **CHAIRMAN DIAZ:** Okay. We'll have a roll call vote. Dr.  
19 Simmons.

20  
21 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Dr. Shipp.  
22  
23 **DR. SHIPP:** No.

24  
25 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.  
26  
27 **MR. DUGAS:** No.

28  
29 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Banks.  
30  
31 **MR. BANKS:** Yes.

32  
33 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.  
34  
35 **DR. STUNZ:** No.

36  
37 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.  
38  
39 **MR. DYSKOW:** No.

40  
41 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.  
42  
43 **MR. ANSON:** No.

44  
45 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.  
46  
47 **MR. STRELCHECK:** Abstain.

48

1 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.  
2  
3 **MS. BOGGS:** Yes.  
4  
5 **EXECUTIVE DIRECTOR SIMMONS:** Mr. McDermott.  
6  
7 **MR. MCDERMOTT:** No.  
8  
9 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.  
10  
11 **MR. WILLIAMSON:** No.  
12  
13 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.  
14  
15 **MR. BROUSSARD:** No.  
16  
17 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Geeslin.  
18  
19 **MR. GEESLIN:** No.  
20  
21 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Burris.  
22  
23 **MR. RICK BURRIS:** Yes.  
24  
25 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Sweetman.  
26  
27 **DR. SWEETMAN:** Yes.  
28  
29 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.  
30  
31 **DR. FRAZER:** Yes.  
32  
33 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.  
34  
35 **MR. GILL:** Yes.  
36  
37 **EXECUTIVE DIRECTOR SIMMONS:** The motion failed six to nine with  
38 one abstention.  
39  
40 **CHAIRMAN DIAZ:** Okay, and so that brings us to the first  
41 substitute motion. Bernie, can you pull that up, where  
42 everybody can see it, whenever you get finished with your  
43 typing? **The first substitute is, in Action 1, to make**  
44 **Alternative 5 the preferred.**  
45  
46 **MR. GILL:** I am going to ask for a roll call vote, Mr. Chairman.  
47  
48 **CHAIRMAN DIAZ:** We'll do a roll call vote on this one. Dr.

1 Simmons.  
2  
3 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.  
4  
5 **DR. FRAZER:** No.  
6  
7 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.  
8  
9 **MR. ANSON:** Yes.  
10  
11 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Burris.  
12  
13 **MR. BURRIS:** Yes.  
14  
15 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.  
16  
17 **MS. BOGGS:** No.  
18  
19 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Sweetman.  
20  
21 **DR. SWEETMAN:** Yes.  
22  
23 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Geeslin.  
24  
25 **MR. GEESLIN:** No.  
26  
27 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.  
28  
29 **MR. GILL:** Yes.  
30  
31 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.  
32  
33 **MR. WILLIAMSON:** No.  
34  
35 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.  
36  
37 **DR. STUNZ:** No.  
38  
39 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.  
40  
41 **MR. DYSKOW:** No.  
42  
43 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Banks.  
44  
45 **MR. BANKS:** Yes.  
46  
47 **EXECUTIVE DIRECTOR SIMMONS:** Mr. McDermott.  
48

1 **MR. MCDERMOTT:** No.  
2  
3 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp.  
4  
5 **DR. SHIPP:** No.  
6  
7 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.  
8  
9 **MR. BROUSSARD:** Yes.  
10  
11 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.  
12  
13 **MR. STRELCHECK:** Abstain.  
14  
15 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.  
16  
17 **MR. DUGAS:** No.  
18  
19 **EXECUTIVE DIRECTOR SIMMONS:** The motion failed six to nine with  
20 one abstention.  
21  
22 **CHAIRMAN DIAZ:** Okay. So we'll wait until the original motion  
23 gets back on the board. Is there any discussion on the original  
24 motion? Mr. Strelcheck.  
25  
26 **MR. STRELCHECK:** I am going to go back to my comments earlier,  
27 and I think it's important that we have a discussion, either now  
28 or at the next meeting, for justification of this alternative,  
29 because I expect that it will pass, and some things that I think  
30 need to be discussed is the appropriateness of using this given  
31 the problems with species identification for the commercial  
32 sector in the early years, the utility of using an older versus  
33 newer time series, which is part of any allocation review, in  
34 terms of justification, and this also provides the lowest ABC  
35 and ACL to the fishery, and, from an economic standpoint, the  
36 lowest net economic benefit, and so, looking at the analysis,  
37 this is certainly not, in my view, the strongest alternative to  
38 be selecting.  
39  
40 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Strelcheck. Ms.  
41 Boggs.  
42  
43 **MS. BOGGS:** Something we haven't addressed, and we heard it in  
44 public testimony yesterday, and not just for amberjack, but I  
45 think we have to start looking at for every species, is the  
46 discards by sector, because I was looking at the last two SEDAR  
47 reports, and it's like 200 percent, and we need to get a handle  
48 on discards as well, and I will not support this motion.

1  
2 **CHAIRMAN DIAZ:** Okay. Any further discussion on the motion?  
3 Mr. Gill.  
4  
5 **MR. GILL:** No discussion, Mr. Chairman, but I just request a  
6 roll call vote.  
7  
8 **CHAIRMAN DIAZ:** Okay. We're ready to vote, and so we have a  
9 request for a roll call vote. Dr. Simmons.  
10  
11 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Ms. Boggs.  
12  
13 **MS. BOGGS:** No.  
14  
15 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Burriss.  
16  
17 **MR. BURRIS:** No.  
18  
19 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.  
20  
21 **MR. DUGAS:** Yes.  
22  
23 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.  
24  
25 **MR. GILL:** No.  
26  
27 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.  
28  
29 **MR. ANSON:** No.  
30  
31 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Banks.  
32  
33 **MR. BANKS:** No.  
34  
35 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.  
36  
37 **MR. STRELCHECK:** Abstain.  
38  
39 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.  
40  
41 **DR. STUNZ:** Yes.  
42  
43 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Geeslin.  
44  
45 **MR. GEESLIN:** Yes.  
46  
47 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.  
48

1 DR. FRAZER: No.  
2  
3 EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.  
4  
5 MR. DYSKOW: Yes.  
6  
7 EXECUTIVE DIRECTOR SIMMONS: Mr. Broussard.  
8  
9 MR. BROUSSARD: No.  
10  
11 EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson.  
12  
13 MR. WILLIAMSON: Yes.  
14  
15 EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp.  
16  
17 DR. SHIPP: Yes.  
18  
19 EXECUTIVE DIRECTOR SIMMONS: Dr. Sweetman.  
20  
21 DR. SWEETMAN: No.  
22  
23 EXECUTIVE DIRECTOR SIMMONS: Mr. McDermott.  
24  
25 MR. MCDERMOTT: Yes.  
26  
27 EXECUTIVE DIRECTOR SIMMONS: The motion failed seven to eight  
28 with one abstention. Two abstentions.  
29  
30 CHAIRMAN DIAZ: The motion failed seven to eight with two  
31 abstentions. Okay, and so I think where this leaves us is we  
32 have the document without a preferred, and that is acceptable,  
33 but we're ready to go out to public hearing.  
34  
35 EXECUTIVE DIRECTOR SIMMONS: Okay. Please check your vote  
36 again. Ms. Boggs was a no, Mr. Burris was a no, Mr. Dugas was a  
37 yes, Mr. Gill was a no, Mr. Anson no, Mr. Banks no, Mr.  
38 Strelcheck abstained, Dr. Stunz yes, Geeslin yes, Dr. Frazer no,  
39 Mr. Dyskow yes, Broussard no, Williamson yes, Dr. Shipp yes, Dr  
40 Sweetman no, and Mr. McDermott yes. Is that correct?  
41  
42 CHAIRMAN DIAZ: All right. The motion fails. At this point,  
43 we're going out to public hearing without a preferred. we will  
44 bring this amendment back up at the next meeting, after hearing  
45 public comments. Did you have a comment, Dr. Simmons?  
46  
47 EXECUTIVE DIRECTOR SIMMONS: Yes, and, I mean, just because of  
48 the tight timeline we're under, I mean, we had planned to slate

1 this document for final action in October, and we're really  
2 hustling to get all these public hearings in, and virtual  
3 meetings, before October, so that we can try to meet the April  
4 2023 deadline that the Regional Office sent us, which is to  
5 develop and implement a rebuilding plan in two years. I  
6 understand this is a difficult amendment, but we would really  
7 like to go out to public hearings with a preferred alternative.  
8

9 **CHAIRMAN DIAZ:** Ms. Boggs.

10  
11 **MS. BOGGS:** Well, I was thinking about muddying the waters, and  
12 I know it's complicated to do, but adding another alternative,  
13 but we would have to get the analysis back before we could even  
14 look at it as a preferred, and I don't know that it's a viable  
15 option, but I'm willing to throw it out there if --  
16

17 **CHAIRMAN DIAZ:** Dr. Frazer.

18  
19 **DR. FRAZER:** Just, again, for clarification, I realize that  
20 we're going to scramble to get the public hearings in, and, if  
21 we go out without a preferred, it really kind of complicates  
22 things, because, in October, we would have to go final and make  
23 our preferred selection at that time, but I just -- As Carrie  
24 pointed out, and I think everybody needs to know that, but I do  
25 think this is a fairly contentious issue, and this in fact may  
26 be how we roll this one.  
27

28 **CHAIRMAN DIAZ:** Go ahead, Ryan.

29  
30 **MR. RINDONE:** Just to review the timeline with you guys, in  
31 April of 2021, the council received notification from the agency  
32 that amberjack was overfished and undergoing overfishing, which  
33 means, by April of 2023, we need to have implemented a revision  
34 to the rebuilding plan that ends overfishing and works to  
35 rebuild the stock, and so that would mean that going final at  
36 the October meeting is kind of the last chance to be on time for  
37 that, and, even then, it's going to require Andy's shop to go to  
38 pretty much wide-open throttle through the NEPA process  
39 immediately upon receipt of the transmittal from staff.  
40

41 **CHAIRMAN DIAZ:** Okay. I am looking around the table. If  
42 anybody has got any thoughts, this is the time. If not, we're  
43 moving on.  
44

45 **MS. BOGGS:** I mean, Ryan, if I offer another suggestion, how  
46 difficult would that be to get it in -- I mean, we wouldn't see  
47 it until October though, would we?  
48

1 **CHAIRMAN DIAZ:** Go ahead, Dr. Simmons.

2  
3 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so I  
4 think Dr. Froeschke has his hand up too, but, if it's within the  
5 range, I think we could add it, perhaps, before we take it out  
6 to public hearings. If it's completely outside this range, we  
7 certainly need to put it on the table for discussion at this  
8 meeting, if you are continuing to take final action and consider  
9 it in October. Thank you.

10  
11 **CHAIRMAN DIAZ:** Go ahead, Ms. Boggs.

12  
13 **MS. BOGGS:** Well, let's go for it. I would like to make a  
14 motion to add an alternative to revise the allocation between  
15 the recreational and commercial sectors using MRIP-FES adjusted  
16 average landings during the years 2008 through 2019. The  
17 allocations for greater amberjack are 73 percent recreational  
18 and 27 percent commercial. Revise the OFL and ABC as  
19 recommended by the SSC, based on SEDAR 70 (2020). Set the total  
20 stock ACL equal to the ABC.

21  
22 **CHAIRMAN DIAZ:** Dr. Simmons.

23  
24 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so, just  
25 for our understanding, Ms. Boggs, is the difference there the  
26 years, the time period, and is that the difference, is the time  
27 period?

28  
29 **MS. BOGGS:** Right, and so now we're using a time period after we  
30 were better identifying the jacks that is within the current  
31 allocation of 73 percent/27 percent went into effect, and that's  
32 using the most recent data.

33  
34 **EXECUTIVE DIRECTOR SIMMONS:** Would we have to ask the Science  
35 Center to rerun the projections for this?

36  
37 **MR. RINDONE:** So potentially, but we're going to have to double-  
38 check the percentages based on the time series. We might need  
39 just a couple of minutes, Mr. Chair. We can discern the  
40 percentages here, but we can't discern the yields. We need the  
41 Science Center to rerun the projections, based on those  
42 allocation percentages, in order to get the yields.

43  
44 **CHAIRMAN DIAZ:** Dr. Froeschke.

45  
46 **DR. FROESCHKE:** I can dig up the numbers. I mean, just in  
47 general, while I'm doing that, it might be worth having the  
48 discussion that this entire period was within the timeframe

1 where you have an established allocation, and the IFQ and  
2 things, and, in other documents, we haven't gone that route, for  
3 those reasons. I mean, essentially, what you would expect is  
4 that, since you have an allocation in place during that entire  
5 period, you would just reinforce the allocation that you already  
6 have.

7

8 **CHAIRMAN DIAZ:** Dr. Simmons.

9

10 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so I do  
11 believe this would cause quite a bit more workload, should this  
12 motion pass, and we can try to accommodate it as best as  
13 possible before it goes out to public hearings, but I do believe  
14 this would trigger us going back to the Science Center with  
15 yield stream projections, and then the SSC, and then integration  
16 into the document, but I'm looking at Dr. Froeschke to make sure  
17 I'm understanding that correctly.

18

19 **CHAIRMAN DIAZ:** Ms. Boggs.

20

21 **MS. BOGGS:** I may have overcomplicated it, and would it be  
22 easier if I just say to maintain the sector allocations, and  
23 then we use those years, and we take out the revise, because,  
24 the allocations, you're not really revising them, and I didn't  
25 think about that, and I was doing this on the fly, but, if I did  
26 maintain the sector allocations of 73 percent recreational and  
27 27 percent commercial, and using landings during the years 2008  
28 to 2019, does that make it more -- I mean, like I said, I was  
29 doing this on the fly and just trying to -- The intent of this  
30 motion is to keep the allocations the way they are, but look at  
31 the most recent data, which, again, 2008 is when the allocations  
32 went into effect, and it's after we got the identification of  
33 the jacks, but then you're looking at more recent years, and  
34 you're not taking --

35

36 I mean, to me, that just made more sense, and maybe I didn't  
37 propose the motion correctly, and so I would certainly take some  
38 help from staff, but that was the intent of what I was trying to  
39 do here, and to use the OFL and ABC as recommended by the SSC.  
40 Thank you.

41

42 **CHAIRMAN DIAZ:** Okay, and so I have Dr. Froeschke, and then  
43 we're going to have Mr. Strelcheck, Mr. Rindone, and Mr. Gill.

44

45 **DR. FROESCHKE:** So we're going to pull up the numbers and make  
46 the calculation, for everyone's information, but, in general,  
47 this is what I would expect, and so, that time period, you have  
48 a 73/27 allocation, based on CHTS, and so, assuming that both

1 fisheries were constrained to their ACLs, that's about what you  
2 would expect.

3  
4 When you convert those CHTS landings to FES, as we've done in  
5 the assessment, now those landings are going to have that  
6 increased catch rate, and so I would expect that you would get  
7 something more akin to the 84/16, because that's the approach  
8 that was used in Alternative 3, and so I don't think that -- I  
9 think, if we did that, it's not going to be the 73/27. The  
10 73/27, you could just select Alternative 2 as the preferred, but  
11 we'll get the calculations for you here momentarily.

12  
13 **CHAIRMAN DIAZ:** Mr. Strelcheck.

14  
15 **MS. BOGGS:** Mr. Chair, with that, I would like to withdraw my  
16 motion.

17  
18 **CHAIRMAN DIAZ:** All right, and so Ms. Boggs wants to withdraw  
19 her motion. Mr. Anson.

20  
21 **MR. ANSON:** In light of the timeline that we're under, and with  
22 the issue of sending it out to the public, to public hearings, I  
23 guess I will offer Alternative 4 as the preferred.

24  
25 **CHAIRMAN DIAZ:** I have a motion from Mr. Anson to offer  
26 Alternative 4 as the preferred. Is there a second to that  
27 motion? It's seconded by Mr. Banks. We'll wait a minute, while  
28 that motion gets on the board, so everybody can see what those  
29 percentages are. Is there any discussion on the motion? Mr.  
30 Anson, can you provide some rationale?

31  
32 **MR. ANSON:** The rationale would be the issue of the potential  
33 misidentification, and so you're taking 1993 forward, and that  
34 would be, I guess, the benefit, compared to what we currently  
35 have for the 73/27.

36  
37 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. Any further discussion on  
38 the motion? All right. Seeing no further discussion, Mr. Gill.

39  
40 **MR. GILL:** Request a roll call vote, Mr. Chairman.

41  
42 **CHAIRMAN DIAZ:** A roll call. Dr. Simmons.

43  
44 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Mr. Dyskow.

45  
46 **MR. DYSKOW:** No.

47  
48 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.

1  
2 **MR. GILL:** Yes.  
3  
4 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.  
5  
6 **MR. BROUSSARD:** Yes.  
7  
8 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Burris.  
9  
10 **MR. BURRIS:** Yes.  
11  
12 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Geeslin.  
13  
14 **MR. GEESLIN:** No.  
15  
16 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.  
17  
18 **DR. FRAZER:** Yes.  
19  
20 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp.  
21  
22 **DR. SHIPP:** No.  
23  
24 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.  
25  
26 **MR. WILLIAMSON:** No.  
27  
28 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Banks.  
29  
30 **MR. BANKS:** Yes.  
31  
32 **EXECUTIVE DIRECTOR SIMMONS:** Mr. McDermott.  
33  
34 **MR. MCDERMOTT:** No.  
35  
36 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.  
37  
38 **DR. STUNZ:** No.  
39  
40 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.  
41  
42 **MR. ANSON:** Yes.  
43  
44 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.  
45  
46 **MR. STRELCHECK:** Abstain.  
47  
48 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.

1  
2 **MS. BOGGS:** No.  
3  
4 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Sweetman.  
5  
6 **DR. SWEETMAN:** Yes.  
7  
8 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.  
9  
10 **MR. DUGAS:** No.  
11  
12 **EXECUTIVE DIRECTOR SIMMONS:** The motion failed seven to eight  
13 with two abstentions.  
14  
15 **CHAIRMAN DIAZ:** Okay. Dr. Froeschke.  
16  
17 **DR. FROESCHKE:** Dr. Lasseter just looked at the calculations for  
18 the motion that Ms. Boggs was discussing, and so the  
19 recreational would be 83.2 percent, and the commercial would be  
20 16.8 percent, based on the 2008 through 2019 time series.  
21  
22 **CHAIRMAN DIAZ:** Thank you, Dr. Froeschke. Okay. So we've kind  
23 of been through everything, and it appears, to me, that we're  
24 going out to public hearing without a preferred, and so we will  
25 go out to public hearing, and we'll hear what the public has to  
26 say, and we'll take their input into consideration, and, at the  
27 next meeting, we will do our best to pick a preferred for this  
28 document, and so, seeing no further discussion, Dr. Frazer.  
29  
30 **DR. FRAZER:** The committee discussed the alternatives in Action  
31 2, which sets sector-specific annual catch targets, or ACTs.  
32 The committee agreed that setting conservative buffers to  
33 account for additional management uncertainty was warranted for  
34 greater amberjack.  
35  
36 **The committee recommends, and I so move, in Action 2, to make**  
37 **Alternative 3 the preferred. Alternative 3 is apply the ACL/ACT**  
38 **Control Rule for the years 2016 through 2019 to revise the**  
39 **buffer between the ACL and ACT for each sector. The**  
40 **recreational buffer is 17 percent, and the commercial buffer is**  
41 **7 percent. The motion carried without opposition. Mr. Chair.**  
42  
43 **CHAIRMAN DIAZ:** Okay, and so we have a committee motion. Is  
44 there any discussion on the motion? **Seeing no discussion, is**  
45 **there any opposition to the motion? Seeing no opposition, the**  
46 **motion carries.** Dr. Frazer.  
47  
48 **DR. FRAZER:** Council staff will take the document out to public

1 hearings and will notice for final action at the next council  
2 meeting in October 2022. A committee member noted that the  
3 emergency rule is effective for 180 days and recommended  
4 revisiting current management measures that may be necessary to  
5 constrain landings to the future catch levels.

6  
7 **The committee recommends, and I so move, to direct staff to**  
8 **begin development of a framework action for greater amberjack to**  
9 **modify commercial and recreational management measures.** That  
10 motion carried without opposition. Mr. Chair.

11  
12 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any  
13 discussion on the motion? **Seeing no discussion, is there any**  
14 **opposition to the motion? The motion carries with zero in**  
15 **opposition.** Mr. Strelcheck.

16  
17 **MR. STRELCHECK:** We talked, in committee, about possibly  
18 addition direction to staff on the framework action, and there  
19 was several ideas mentioned, and we heard some comments during  
20 public testimony, and so I was curious if there's any other  
21 input from the council that you would like to provide the  
22 planning team for the development of the framework action.

23  
24 **CHAIRMAN DIAZ:** All right. Any guidance in regard to the  
25 framework action from the council? Ms. Boggs.

26  
27 **MS. BOGGS:** I don't know if this applies to this, and I didn't  
28 bring it up at committee, and this is just a generality,  
29 actually, with FES, and I have an issue with like what we just  
30 discussed, because you are de facto reallocating, and, somehow,  
31 I would like to have some conversation, and I don't know if it's  
32 with the Science Center or OST or who it might be, but my intent  
33 with amberjack was to try to -- Because of the socioeconomic  
34 impacts, more specifically to the commercial sector, with  
35 amberjack, it seems, to me, like we would look at ways where we  
36 can incorporate the FES, but leave the commercial alone, and my  
37 point is we know how many fish the commercial sector is  
38 catching.

39  
40 We know that, on average, they caught 453,813 pounds of fish,  
41 and that number doesn't change. The number that is changing is  
42 the number for the recreational and charter fleet, because their  
43 numbers are changing because of the way that we're -- The data  
44 is changing, the way we're collecting the data, the way we're  
45 manipulating the data and looking at the data, and it seems, to  
46 me, like there would be a way that, yes, maybe if we look at a  
47 full-blown reallocation, and we look at it and we say, okay,  
48 well, this is what they caught, and leave them alone, or give

1 them a percentage, but, here, we're taking almost a third, or  
2 two-thirds, of what they catch away, and their numbers are known  
3 numbers, and it's just -- That's why the charter fleet is trying  
4 to go to the data collection system and we're working so hard.

5  
6 I know that the states are working through the state management,  
7 and everybody is trying to get their data, but, until we do, it  
8 seems -- It's hard for me to penalize the sector that has been  
9 complying, or has been collecting, is the more better  
10 appropriate way to say that, and we know what they catch, and I  
11 don't know how we make that mesh, but it seems like they're  
12 getting penalized, and I'm not saying that there might not be  
13 some adjustments, and don't get me wrong, but I think there  
14 needs to be a better way that we look at this. Thank you.

15  
16 **CHAIRMAN DIAZ:** I am not speaking to any specific sector when I  
17 make these comments, but what we basically had with red grouper,  
18 and gag, and amberjack is we got -- Our ACLs are declining, and  
19 so it's not possible for any sector to maintain where they're  
20 at, and what the council is left with is trying to pick the best  
21 of a lot of bad choices, and I think that's where we have a lot  
22 of struggle around the table, is there really are no good  
23 choices.

24  
25 The stocks are in decline, and every sector in amberjack is  
26 forced to take the hit, because the ACLs are being reduced so  
27 drastically, and so there's just no way around that, and so, Ms.  
28 Boggs, to that point.

29  
30 **MS. BOGGS:** Right, and, to that point, it's like with vermilion  
31 snapper, and we had an eightfold increase with FES on the  
32 recreational side, and that's just asinine, in my mind, and  
33 that's my point. I understand the decline, and that's why I'm  
34 saying, yes, we may need to look at declining the commercial  
35 sector too, but they're the ones that are taking the brunt of  
36 this hit, and, actually, the recreational side is, in essence,  
37 kind of gaining fish, which seems really, pardon the express,  
38 bass-ackwards, because, I mean, it just -- Those are just my  
39 comments, and thank you for taking the time to listen.

40  
41 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Dr. Froeschke.

42  
43 **DR. FROESCHKE:** Just to follow-up a little bit on the comments,  
44 when we went through this document, if you look in the text in  
45 Chapter 2, Action 1, the FES equivalent of the total ACL is 2.93  
46 million pounds. The 2023 values for the total ACL, depending on  
47 the allocations and things, but you're talking around 600,000  
48 pounds, 650,000, something like that, and so, if you calculate

1 that, you're looking at about an 80 percent decrease across-the-  
2 board, and so, I mean, both sectors are -- Depending on how you  
3 do that, but, I mean, are anticipating major reductions.  
4

5 **CHAIRMAN DIAZ:** Thank you for clarifying that for us, Dr.  
6 Froeschke. We appreciate it. Mr. Dugas.  
7

8 **MR. DUGAS:** Thank you, Mr. Chair. I think we go back and forth,  
9 round and round, because of allocations, apparently, and, the  
10 more I learn, sitting at this table, and I keep saying this, and  
11 it doesn't matter if you're recreational or commercial, but the  
12 western Gulf biomass is much stronger than the eastern Gulf, and  
13 I think we need to start thinking about that, and I'm not trying  
14 to be rude, or look down at our friends to the east, but we need  
15 to start preparing for that. To me, if we would take that path,  
16 things would be easier for us. Thank you.  
17

18 **CHAIRMAN DIAZ:** Mr. Banks.  
19

20 **MR. BANKS:** Well, to that point, I would agree with J.D. in that  
21 regard, and so I sent a motion to staff, and I was going to make  
22 it at the end of Reef Fish, but I guess this is the time, based  
23 on the discussion and the comments, and so if staff could bring  
24 that motion up, please.  
25

26 **CHAIRMAN DIAZ:** Would you like to read your motion into the  
27 record, Mr. Banks?  
28

29 **MR. BANKS:** So my motion would be to instruct staff to begin a  
30 **scoping document that will explore state management for greater**  
31 **amberjack for the recreational sector.** If I get a second, I can  
32 give you some rationale.  
33

34 **CHAIRMAN DIAZ:** Just for a point of clarification, the motion on  
35 the board is worded slightly different than the way you phrased  
36 your motion, and so I want to make sure that we get it correct  
37 before I ask for a second. You mentioned a scoping document,  
38 and the motion on the board doesn't have that language in it.  
39

40 **MR. BANKS:** To direct staff to begin a scoping document that  
41 **will explore state management of greater amberjack for the**  
42 **recreational sector.**  
43

44 **CHAIRMAN DIAZ:** All right. Thank you, Mr. Banks. Is that the  
45 way you would like it?  
46

47 **MR. BANKS:** Yes, sir.  
48

1 **CHAIRMAN DIAZ:** Okay. It's seconded by Mr. Burris. Can you  
2 give us some rationale, Mr. Banks?  
3  
4 **MR. BANKS:** Sure. To some of the points that J.D. just made,  
5 that we feel like, in Louisiana, we've got some good biomass of  
6 these fish, and we don't see the issues oftentimes, and not just  
7 with greater amberjack, but with a lot of situations, that we do  
8 in other parts of the Gulf, and it just seems to make sense that  
9 amberjack is a good option to explore for state management.  
10  
11 The reason why I chose to do a scoping document is because that  
12 helps us at least look at a problem, take some of this  
13 information out to the public, and get some feedback on things  
14 like is sector separation needed to move this forward or not,  
15 and so I think it will -- The scoping document process will  
16 bring us back some information, bring us back some ideas from  
17 the public, and help us further develop the idea into an actual  
18 amendment.  
19  
20 **CHAIRMAN DIAZ:** Thank you, Mr. Banks. Mr. Dyskow.  
21  
22 **MR. DYSKOW:** Thank you, Mr. Chair. Patrick, would it be a good  
23 idea to add other species to your motion, so we don't have to go  
24 through this over and over, because we're going to have the same  
25 discussion on some other species.  
26  
27 **CHAIRMAN DIAZ:** Mr. Banks.  
28  
29 **MR. BANKS:** Well, to that point, it's a valid point, Mr. Dyskow,  
30 and I actually considered that. I considered throwing  
31 triggerfish in there as well, but triggerfish -- We have such a  
32 small amount of fish to deal with in triggerfish that I just  
33 didn't feel like it was worth that lift, and to complicate  
34 things at this time, and that was my rationale for not including  
35 other species.  
36  
37 **CHAIRMAN DIAZ:** Okay, and so I've got a couple of people on the  
38 list. Mr. Dugas.  
39  
40 **MR. DUGAS:** Thank you, Mr. Chair. So, by accomplishing  
41 something like this, I just want to point out that this would  
42 help the eastern Gulf, the fishermen in the eastern Gulf, that  
43 want to move their season back to January, and us folks in the  
44 western Gulf, that prefer it in the summer months, and this is a  
45 perfect example, and it would help everyone. Thank you.  
46  
47 **CHAIRMAN DIAZ:** Thank you, Mr. Dugas. Dr. Stunz.  
48

1 **DR. STUNZ:** Patrick, I support your motion, and I've certainly  
2 been saying, around this council for a long time, that amberjack  
3 is the poster-child for regional management, for a variety of  
4 reasons, as you guys just pointed out, but I also wanted just to  
5 remind the council that there is an amberjack count study going  
6 on that I certainly hope we all are aware of.

7  
8 It's not getting the attention, obviously, that the snapper  
9 count did, for various reasons, and Dr. Powers is leading that,  
10 but I just wanted to say that will play into this as well,  
11 because we'll start getting a lot more data, particularly as  
12 it's regionally-based and that sort of thing, and so it's a  
13 while -- Of course, it would take us a while to get through this  
14 process, but, at about the same time, I think you'll start  
15 having information that will help develop a regional plan.

16  
17 **CHAIRMAN DIAZ:** Mr. Anson.

18  
19 **MR. ANSON:** A point of order. I mean, I certainly think I would  
20 support at least investigation of this topic, but didn't we  
21 already have a motion on the board that we were discussing? I  
22 think this kind of deviates from the previous motion that we  
23 didn't dispense of.

24  
25 **EXECUTIVE DIRECTOR SIMMONS:** I believe you already voted on that  
26 motion. Mr. Chair, is that -- Bernie, did we vote on the other  
27 framework action for greater amberjack for the commercial and  
28 recreational management measures? Yes. Okay.

29  
30 **CHAIRMAN DIAZ:** Okay. Is there further discussion for the  
31 motion that's on the board? Seeing none, I'm going to ask for a  
32 show of hands. I'm going to read the motion into the record,  
33 and then we'll vote. **Direct staff to begin a scoping document**  
34 **that will explore state management for greater amberjack for the**  
35 **recreational sector.** I'm going to ask for a show of hands. **All**  
36 **in favor of the motion, please signify by raising your hand.**  
37 C.J.

38  
39 **DR. SWEETMAN:** I'm a yes.

40  
41 **CHAIRMAN DIAZ:** Okay. **The motion carries sixteen to zero.** Ms.  
42 Boggs.

43  
44 **MS. BOGGS:** I would like to make a motion to direct staff to  
45 **begin a scoping document to explore sector separation for the**  
46 **charter/for-hire fleet for greater amberjack, triggerfish, gag**  
47 **grouper, and red grouper and vermilion snapper.**

1 **CHAIRMAN DIAZ:** Okay. We have a motion, and we'll wait until it  
2 gets a little bigger, where I can actually read it. All right.  
3 Mr. Rindone.  
4

5 **MR. RINDONE:** Just a point of clarification for vermilion  
6 snapper. We do not have a sector allocation for vermilion  
7 snapper, and so we would need to establish a sector allocation  
8 and then establish, after that --  
9

10 **MS. BOGGS:** That's fine. **Remove vermilion snapper.** I mean, I  
11 just -- Look, if we're going down this path, let's get going.  
12

13 **CHAIRMAN DIAZ:** All right, and so you're asking to remove  
14 vermilion. Okay. It's been removed, and so the motion is to  
15 direct staff to begin a scoping document for sector separation  
16 for the charter/for-hire fleet for greater amberjack,  
17 triggerfish, gag grouper, and red grouper. Is there a second to  
18 the motion? It's seconded by Mr. Strelcheck. Is there  
19 discussion? Well, Ms. Boggs, can you provide some rationale?  
20

21 **MS. BOGGS:** Do you really want me to?  
22

23 **CHAIRMAN DIAZ:** Absolutely.  
24

25 **MS. BOGGS:** Well, you know, we go around this table, and  
26 everybody is pointing fingers, and they want this, and they want  
27 that, and, you know, we're like children sitting around this  
28 table. Four or five years ago, we had a proven plan for the  
29 headboat fleet, and we went through a two-year pilot program,  
30 and it was exemplary, and this council was like, nope, we can't  
31 do that, and then we come to red snapper, and we've got to have  
32 our red snapper for the states, and so we give the states the  
33 red snapper, and then we give the states -- Now it looks like  
34 we're going to give them amberjack.  
35

36 The charter/for-hire fleet has worked -- They worked for, what,  
37 eight years to get electronic logbooks, and they have done  
38 everything they can to help out, in my opinion, the recreational  
39 sector, and they're saying take us out, and you all go do  
40 whatever you want with the rest. We have the track record, and  
41 we've always been good stewards of the fish, and they have asked  
42 for this before, but this council, they don't -- This council is  
43 so divided, and, no, it's not so divided, but it's so one-sided  
44 now.  
45

46 It seems to me like it's very biased, and so, if we can do this  
47 for the states, why can't we do this for the charter fleet?  
48 Yes, I went a step further, Patrick, and I went ahead and

1 included all the species, because we're having a problem with  
2 all of these species, but I want to go one step further.

3  
4 Everybody talks about they don't like catch shares, and  
5 everybody that fishes is in a catch share. If you go buy your  
6 fishing license, you get to catch two red snapper during the red  
7 snapper season, and you get to catch one amberjack during the  
8 amberjack season, and you get to catch one triggerfish, on the  
9 days that triggerfish are open, and you're in a catch share,  
10 whether you like it or not, and everybody that fishes is in a  
11 catch share, and so we need to get past that, just like we need  
12 to get past the recreational fishermen and their allocations and  
13 their catches.

14  
15 We're in a catch share, and I don't care how you look at it, and  
16 we're in a catch share, but it seems like, if you're going to do  
17 this for the states, you would give the courtesy for the charter  
18 fleet to explore it for themselves as well. Thank you.

19  
20 **CHAIRMAN DIAZ:** All right. Thank you, Ms. Boggs. Mr.  
21 Strelcheck.

22  
23 **MR STRELCHECK:** So I want to first say that I appreciate Ms.  
24 Boggs' passion on this, and I saw reluctance to second the  
25 motion, and I seconded the motion, and I agree with a lot of  
26 what Ms. Boggs says, and I think this is, right now, a very  
27 divided council, and we're struggling to compromise.

28  
29 We have a lot of challenges before us, and we need some  
30 innovative solutions, and we need to be looking at things that  
31 either have worked in the past, and I view red snapper sector  
32 separation as something that has worked, and something that is  
33 reasonable to explore, as well as a lot of new, different,  
34 innovative tools beyond what's been put on the board with the  
35 last couple of motions, and so I certainly encourage the council  
36 to explore this.

37  
38 This is just a scoping document, and this is information for us  
39 to consider, and ultimately bring back to us for consideration,  
40 as we look for those innovative tools to help manage the  
41 problems we're having in our fisheries. Thanks.

42  
43 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. Dr. Simmons.

44  
45 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Just a  
46 question, and does this include headboats?

47  
48 **MS. BOGGS:** Well, since this council doesn't seem to want to

1 approve Amendment 42, then I would say, yes, ma'am.

2  
3 **EXECUTIVE DIRECTOR SIMMONS:** I think we're okay, now that we  
4 understand that's included. I guess my only other comment was  
5 we are going to really have to think out of the box to look at  
6 this, because we have a historical landings time series issue  
7 with our units right now, and greater amberjack is in FES, and  
8 we just got a stock assessment. Gray triggerfish is in CHTS.  
9 Gag grouper, I believe, is now going to go forth in the State  
10 Reef Fish Survey, and red grouper is in FES, and so we're going  
11 to have to look at a different process, perhaps, of trying to  
12 come up with potential sector separation for these species,  
13 based on the ongoing issues with the units that we have for  
14 these species of measure in the recreational sector.

15  
16 **CHAIRMAN DIAZ:** Ms. Boggs.

17  
18 **MS. BOGGS:** Would you like me to make four separate motions?

19  
20 **EXECUTIVE DIRECTOR SIMMONS:** No, ma'am. I'm just bringing it  
21 up.

22  
23 **CHAIRMAN DIAZ:** All right. Any further discussion? Mr. Dugas.

24  
25 **MR. DUGAS:** Thank you, Mr. Chair. It's my belief that the  
26 majority of the anglers in the State of Louisiana would not be  
27 in support of this, and I feel that I am going to have to vote  
28 no against this motion. Thank you.

29  
30 **CHAIRMAN DIAZ:** All right. Any further discussion? Mr. Banks.

31  
32 **MR. BANKS:** Well, I certainly agree with what J.D. just said,  
33 that we've heard, time and time again, from our charter fleet  
34 that they don't want to be separated. However, I'm going to  
35 support this motion, simply because it is just a scoping  
36 document, and it will explore some of these possibilities for  
37 us. Thanks.

38  
39 **CHAIRMAN DIAZ:** Okay. I am not seeing any other hands for  
40 comments or questions or discussion. A roll call vote. Dr.  
41 Simmons.

42  
43 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Mr. Banks.

44  
45 **MR. BANKS:** (Mr. Banks' response is not audible on the  
46 recording.)

47  
48 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.

1  
2 **MR. ANSON:** Yes.  
3  
4 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Geeslin.  
5  
6 **MR. GEESLIN:** Yes.  
7  
8 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp.  
9  
10 **DR. SHIPP:** Yes.  
11  
12 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Burris.  
13  
14 **MR. BURRIS:** Yes.  
15  
16 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.  
17  
18 **MR. WILLIAMSON:** Yes.  
19  
20 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Sweetman.  
21  
22 **DR. SWEETMAN:** No.  
23  
24 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.  
25  
26 **DR. FRAZER:** Yes.  
27  
28 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.  
29  
30 **MR. DUGAS:** No.  
31  
32 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.  
33  
34 **DR. STUNZ:** No.  
35  
36 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.  
37  
38 **MR. BROUSSARD:** Yes.  
39  
40 **EXECUTIVE DIRECTOR SIMMONS:** Mr. McDermott.  
41  
42 **MR. MCDERMOTT:** No.  
43  
44 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.  
45  
46 **MR. STRELCHECK:** Yes.  
47  
48 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.

1  
2 **MR. GILL:** Yes.  
3  
4 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.  
5  
6 **MS. BOGGS:** Absolutely.  
7  
8 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.  
9  
10 **MR. DYSKOW:** No.  
11  
12 **EXECUTIVE DIRECTOR SIMMONS:** Eleven to five, the motion carried,  
13 with one abstention, Mr. Chair.  
14  
15 **CHAIRMAN DIAZ:** Thank you, Dr. Simmons. All right. Looking  
16 around, I'm not seeing any hands up, and I'm not hearing any  
17 discussion. Dr. Frazer.  
18  
19 **DR. FRAZER:** It's looking like some of our council members might  
20 need to use the facilities. Would you consider a five-minute  
21 break for that purpose, Mr. Chair?  
22  
23 **CHAIRMAN DIAZ:** Yes, I would, and so it's 10:37. Let's take a  
24 short break, and let's come back at 10:45. Thank you.  
25  
26 (Whereupon, a brief recess was taken.)  
27  
28 **CHAIRMAN DIAZ:** Okay, and so we're going to start back up with  
29 the Reef Fish Committee report, where we left off. Dr. Frazer.  
30  
31 **DR. FRAZER:** Thank you, Mr. Chair. We'll pick up on page 5,  
32 Final Action on Modification of Catch Limits for Gulf of Mexico  
33 Red Snapper, Tab B, Numbers 8(a) through (c), council staff  
34 reviewed the options in the draft framework action to modify  
35 catch limits for red snapper, following the review of an updated  
36 catch analysis by the council's SSC.  
37  
38 The council transmitted two previous framework actions, one to  
39 revise red snapper catch limits and one to calibrate catch  
40 limits for Gulf state survey quota monitoring. These framework  
41 actions are currently in the end of the public comment period  
42 prior to rulemaking. If this draft framework action is  
43 ultimately implemented, its proposed regulations would take the  
44 place of those previously submitted by the council but not yet  
45 implemented.  
46  
47 Council staff also reviewed public comments received, and SERO  
48 staff reviewed the codified text of the proposed regulations.

1 The council's current preferred alternative would use the SSC's  
2 OFL and ABC recommendations of 18.91 million pounds whole weight  
3 and 16.31 million pounds whole weight, respectively, set the  
4 total stock ACL equal to the ABC, and retain all existing sector  
5 allocations and sector-specific ACL and ACT percentages.

6  
7 Committee members discussed differences in observations of red  
8 snapper abundance and catch per unit effort off their respective  
9 states. A committee member noted that the absolute abundance  
10 surveys recognized a larger biomass of red snapper throughout  
11 the Gulf, particularly on uncharacterized bottom, or UCB. They  
12 asked about the sorts of measures that should be considered to  
13 account for reports of smaller length compositions of recent  
14 landings and also noted concerns regarding localized depletion.

15  
16 The committee member thought it was prudent to consider metrics  
17 for evaluating red snapper and other fisheries, moving forward,  
18 to better understand the effects of management changes on these  
19 stocks. Another committee member asked whether it was  
20 appropriate for the council to identify such metrics, proffering  
21 the SSC as the body to identify the appropriate indicators to  
22 monitor. Other committee members agreed.

23  
24 A committee member pointed to the conversion of the 85.6 million  
25 age-two-and-older red snapper from the analysis reviewed by the  
26 SSC, which is equivalent to over 600 million pounds whole weight  
27 of red snapper, based on recent estimates of average weights  
28 from the commercial and recreational fleets, relative to the  
29 council's current preferred alternative that would set the total  
30 ACL at 16.31 million pounds whole weight, with the ACL equal to  
31 the ABC.

32  
33 The Southeast Fisheries Science Center added that most of the  
34 red snapper stock exists over uncharacterized bottom and that  
35 red snapper demonstrate strong site fidelity, meaning that the  
36 fish do not rapidly replenish distant reefs that may have been  
37 subject to heavy fishing pressure.

38  
39 A committee member stated that the absolute abundance studies  
40 were snapshots in time and that it would be important to  
41 understand how those estimates may change with time. They  
42 further posed questions about connectivity between nearshore and  
43 offshore areas, assumptions about stock productivity, and  
44 possible changes to stock status determination criteria based on  
45 the new data.

46  
47 A committee member noted that the Department of Commerce has not  
48 yet implemented the proposed calibration ratios and asked

1 whether it was appropriate to apply those within this framework  
2 action. Council and Southeast Fisheries Science Center staff  
3 noted that the calibration ratios previously submitted to the  
4 Department of Commerce are already recognized as being  
5 consistent with the best scientific information available, or  
6 BSIA, and as such, are necessary to include in this framework  
7 action with respect to their effects on the state-specific ACLs  
8 for private anglers.

9  
10 Not doing so would mean that the proposed catch limits in this  
11 framework action would not be consistent with BSIA. If new data  
12 result in future revisions to those calibration ratios, then the  
13 council can initiate work on a new framework action to update  
14 those calibration ratios.

15  
16 A committee member asked whether it would be prudent to delay  
17 action on this framework action to update the ACLs until the  
18 Secretary of Commerce decides on the previously-submitted  
19 framework action on calibration ratios. SERO proposed modifying  
20 the language used in describing the effects of the calibration  
21 ratios to denote those calibrations as proposed and pending  
22 implementation.

23  
24 A committee member asked about the timeline for implementation  
25 of proposed regulations. SERO noted the language in the  
26 calibrations framework action that recommends implementation of  
27 those calibrations to the catch limits on January 1, 2023, and  
28 adding that the calibration framework action would be submitted  
29 for implementation in time to meet that January 1, 2023,  
30 implementation date.

31  
32 **The committee recommends, and I so move, to recommend the**  
33 **council approve the Framework Action: Modification of Catch**  
34 **Limits for Gulf of Mexico Red Snapper and that it be forwarded**  
35 **to the Secretary of Commerce for review and implementation and**  
36 **deem the codified text as necessary and appropriate, giving**  
37 **staff editorial license to make the necessary changes in the**  
38 **document. The Council Chair is given the authority to deem any**  
39 **changes to the codified text as necessary and appropriate. The**  
40 **motion carried without opposition. Mr. Chair.**

41  
42 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. We have a committee  
43 motion. Is there any discussion on the motion? Mr. Gill.

44  
45 **MR. GILL:** Thank you, Mr. Chairman. When I came to this  
46 meeting, my thoughts were that I would concur with the increase.  
47 What surprised me was the volume and the spatial extent of the  
48 testimony yesterday, and, incorporated with the storm clouds on

1 the horizon of red snapper, it gave me pause.

2  
3 The other aspect that plays here, in my mind, is that the  
4 commercial and charter sector are concerned about localized  
5 depletion, and apparently the recreational sector doesn't see  
6 that problem as strongly, and that might be the small number of  
7 fish in the recreational sector versus the large number of fish  
8 on the commercial sector, but, albeit not relative to the  
9 assessment, but this smacks of the red grouper problem, that  
10 what we might be looking at here is we're all over the curve,  
11 headed down, and we're getting into the red grouper situation,  
12 and so I'm going to oppose this motion, and I request a roll  
13 call vote, when we do.

14  
15 **CHAIRMAN DIAZ:** Okay, and so this requires a roll call vote.  
16 Any further discussion? Mr. Strelcheck.

17  
18 **MR. STRELCHECK:** Thanks for the comments, Bob, and I'm still  
19 figuring out how I'm going to vote for this, but, from my  
20 standpoint, what we heard yesterday was very concerning, and I  
21 realize it's a subset of our constituents and fleet, but it was  
22 a fairly strong, consistent voice, and I recognize that there is  
23 potentially areas in the Gulf that are doing much better than  
24 others and that there are areas where localized depletion is  
25 occurring.

26  
27 I go back to my comments about evaluating the success, or lack  
28 thereof, of management actions and having metrics that we can be  
29 looking at beyond what we'll get in the future, in terms of  
30 stock assessments, and I think we need to keep that in mind and  
31 work with the SSC on those metrics, going forward, regardless of  
32 how this vote comes out.

33  
34 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. I've got Dr. Stunz  
35 and then Mr. Anson.

36  
37 **DR. STUNZ:** Bob, I hear both you and Andy, but I still support  
38 this motion that we move forward with the increase. I mean, we  
39 heard that, but, also, you know, we've got to rely on, you know,  
40 the best science available, given all the things that are input  
41 into the SSC and other measures that we use to generate our  
42 science, if there's evidence clearly that the fish are there to  
43 support this increase, and so I support this motion.

44  
45 **CHAIRMAN DIAZ:** Mr. Anson.

46  
47 **MR. ANSON:** That's essentially what I was going to say, is that,  
48 you know, this has gone through rather exhaustive review by the

1 SSC, and the Great Red Snapper Count information has helped kind  
2 of allay any of the concerns that they may have had, relative to  
3 the increase, and so I will be in support of the motion.  
4

5 **CHAIRMAN DIAZ:** Mr. Gill.  
6

7 **MR. GILL:** Thank you, Mr. Chairman, and thank you, Greg. I  
8 agree, and that's where I started from, that it's the best  
9 science available, and the increase isn't all that much, but  
10 then it comes down to we always have this lag from the science,  
11 versus where we are today, and we can't answer that question,  
12 right, but we just went through this on red grouper, and so I'm  
13 thinking that caution is warranted, and that's why I'm going to  
14 not support the motion.  
15

16 **CHAIRMAN DIAZ:** To that point, Dr. Stunz?  
17

18 **DR. STUNZ:** Yes, to that point, Bob, and I certainly agree that  
19 caution is warranted too, especially seeing and hearing what  
20 we've been seeing, even in this meeting, but I also think that  
21 the fishery can handle it, even if this overage -- We're going  
22 to be getting those reports over and over again, and, if that is  
23 consistent, then, you know, that might change our minds to do  
24 something, but, right now, I think that it certainly can handle  
25 that.  
26

27 I also am a little concerned about the way the dynamics of the  
28 fishery might have happened this year, and we're talking about  
29 very expensive fuel, and there's probably a lot more fishing  
30 effort nearshore, where clearly you can have these patterns that  
31 we're seeing happening that may not happen in other years, and  
32 so, just beyond simple catch rates, there's a lot of dynamics  
33 going on, and I still think this is an opportunity to increase  
34 access to this fishery by increasing the catch limit.  
35

36 **CHAIRMAN DIAZ:** Mr. Anson and then Mr. Williamson.  
37

38 **MR. ANSON:** Speaking to those dynamics, besides fuel costs, at  
39 least in Alabama, those trips, and that effort, and the comments  
40 related to localized depletion are more associated with the  
41 artificial structures off of Alabama, and most of the fish from  
42 the Great Red Snapper Count are associated, in the eastern Gulf,  
43 with the uncharacterized bottom, and so they're kind of  
44 insulated from effort, or catch, and so the people are just  
45 going to those areas where the fish are concentrated, and that's  
46 where they're seeing the greatest reduction.  
47

48 **CHAIRMAN DIAZ:** Mr. Williamson.

1  
2 **MR. WILLIAMSON:** You know, we're charged with using the best  
3 available science, but you can't disregard the number of people  
4 that stood up here yesterday and said we don't want an increase,  
5 because we're seeing the stock diminishing. Those were, you  
6 know, the majority of them, commercial guys, commercial  
7 fishermen, but there was a fair number of recreational folks who  
8 stood up and said they were seeing a lot of fish, and you can't  
9 disregard their testimony either.

10  
11 I guess we put some of this in our back pocket and see how it  
12 turns out, and maybe anecdotal evidence should be factored into  
13 some of our decisions, and I agree that there is a gap between  
14 science and what we come up with, and hopefully we have an  
15 interim analysis coming out pretty soon that will answer some of  
16 these questions, and I'm going to vote in favor of it, for the  
17 motion, but I was really impressed by the public comment  
18 yesterday. That's all I have.

19  
20 **CHAIRMAN DIAZ:** Dr. Porch.

21  
22 **DR. PORCH:** I just wanted to remind the council that certainly  
23 some members of the SSC had reservations about that, because it  
24 is the largest quota we've ever had, and, just looking at the  
25 history of the fishery, and the fact that, at one time, I think,  
26 by everybody's standards, it was pretty heavily depleted.

27  
28 Having said that, raising the quota for one year is not likely  
29 to collapse the stock. I mean, it could be that it continues to  
30 decline, but we're also continuing our fishery-independent  
31 surveys, both visual surveys that have been expanded in  
32 partnership with states and also our longline survey that occurs  
33 over the uncharacterized bottom, and so we can easily update  
34 that, and, in fact, we have a survey out now, and so we can  
35 update that in time for -- Well, right after the fishing season  
36 is -- The next year's fishing season is prosecuted, and then we  
37 can tell you what the status of the stock is from that. Then we  
38 have the assessment coming on the heels of that.

39  
40 **CHAIRMAN DIAZ:** Mr. Rindone.

41  
42 **MR. RINDONE:** Thank you, Mr. Chair. I just wanted to provide a  
43 point of clarification that, when the council passes catch  
44 limits, the last year of catch limits that are included in that  
45 -- Those are in effect until changed by future management  
46 action, and so this wouldn't be for one year. This would be  
47 until changed.

1 **CHAIRMAN DIAZ:** Ms. Boggs.

2  
3 **MS. BOGGS:** So, yes, I believe, yesterday, we heard from forty  
4 commercial/charter/for-hire, and I recall two private  
5 recreational anglers, and maybe two or three lobbying groups,  
6 the CCA and ASA, and they all stick out in my mind, but, in my  
7 mind, this is a chance for the council to be a little proactive.

8  
9 I understand that we're supposed to give, or provide, the best  
10 socioeconomic benefits, and that's one of our charges, but, at  
11 the same time, when you have that many people that come to the  
12 podium and say, hey, this isn't looking good, and we need to do  
13 something, that seems to be like saying maybe we need to hold  
14 back on this increase, and maybe we don't need to just jump in  
15 there just yet, and see what it does next year.

16  
17 I have said this before, and I don't know if I've said it at the  
18 council table, but, I mean, this council is reactionary, and  
19 this would not -- This would be reactionary, I guess, in the  
20 opposite way. Oh, we've got more fish, and let's give it to the  
21 fishermen, but then, if we get ourselves in trouble with this,  
22 then we're going to be reactionary, and, oh, hurry up and take  
23 it away.

24  
25 I was looking at vermilion snapper last night, and we did this  
26 for two years, and then we did this, and amberjack, and, my  
27 gosh, how many times have we knee-jerk reacted to amberjack? I  
28 appreciate the council, a couple of years, several years, ago,  
29 when we were trying to change the fishing year, and it hadn't  
30 even been a year, and I appreciate the fact that the council  
31 took that into account, and we let that go for a couple of  
32 years, and we got the stock assessment, and, okay, now we've  
33 given it some time, and we see that it hasn't worked, and so I  
34 think we need to be a little more cautionary than reactionary  
35 when we make our decisions at this council table. Thank you.

36  
37 **CHAIRMAN DIAZ:** DR. Frazer.

38  
39 **DR. FRAZER:** I really appreciate the discussion on this  
40 particular issue, and I do agree, particularly with Andy, that  
41 the comments that were provided yesterday, as part of public  
42 testimony, are a reason for concern, but I also don't think that  
43 this is necessarily a reactionary path, right, and so we've  
44 worked on this for several years now, and have gone through a  
45 lot of work with the SSC, and it is based on the best scientific  
46 information available.

47  
48 I think we should continue to go down that path, and I do agree

1 with Clay that, you know, a slight increase, 10 percent or so,  
2 is not likely to damage the fishery in the long-term, but what I  
3 would also ask, and it came up in the discussion with the  
4 committee, was to ask more of our SSC, right, and, I mean, we  
5 get catch advice with an OFL and an ABC, but I really want to  
6 know what data would tell us that we've trended in the wrong  
7 direction, or we probably didn't make a good decision, and those  
8 are things like catch per unit effort that would validate some  
9 of the claims that were made in public comment from the  
10 commercial sector, like information from the for-hire sector,  
11 and I would like to see some more specific data coming from the  
12 states on those same measures. I would like to look at the  
13 sizes of the fishes, et cetera.

14  
15 One of the benefits of the state management program is that data  
16 are available in real-time. I can see it, and I can make a  
17 decision, and I am a little concerned about local depletion as  
18 well.

19  
20 I think the states have the prerogative to fix that. If there's  
21 local depletion in their area, they know exactly what to do, and  
22 the concern isn't for the state. The concern is whether or not  
23 there is connectivity between localized depletion in that state  
24 and other states, and I don't believe that we're scientifically  
25 there yet to be able to look at the connectivity in that regard,  
26 but we do have information that would allow us to correct a bad  
27 decision, if we did make one, and so the onus is going to go  
28 back to our SSC and the state representatives who provide the  
29 data to bring it to this council, so that we can actually look  
30 at it and make an informed decision, moving forward, and so I  
31 will support the motion for now, but we're definitely going to  
32 revisit this and monitor it closely as we move forward.

33  
34 **CHAIRMAN DIAZ:** Ms. Geeslin.

35  
36 **MR. GEESLIN:** Thank you, Mr. Chair. I certainly value and  
37 appreciate the feedback that we heard yesterday during the  
38 public testimony, and it almost seemed like we had the tale of  
39 two camps, for those that are experiencing localized depletion  
40 and those that are somehow able to find abundant red snapper.

41  
42 On Monday afternoon, I shared with the committee and council  
43 that the average size of fish that we have observed in Texas,  
44 throughout the federal-water season, was about 6.6 pounds, and,  
45 now, looking back, and I didn't share this with the council  
46 then, but I think it's a good piece of information, during that  
47 state-water season that we maintained from January 1 to May 31,  
48 I shared that we had -- Our estimated landings were about 35,000

1 pounds. The average size of those fish was 15.6 pounds, and so  
2 I think that goes to speak to not only the recovery of the  
3 stock, but the robust biomass within our western Gulf, and it  
4 probably further demonstrates the need for more regionalized  
5 management within this fishery, and, for all those reasons, I'm  
6 going to support the motion as it is.

7  
8 **CHAIRMAN DIAZ:** Thank you, sir. All right. I am not seeing any  
9 more hands around the table. Mr. Strelcheck.

10  
11 **MR. STRELCHECK:** Sorry to not move us on, but I guess that I  
12 wanted to reiterate a few points. A 6 percent increase is not  
13 going to decimate this stock, and I recognize that. If the  
14 stock is on the decline, it's on the decline now, with the lower  
15 catch limit, and it will just exacerbate the potential decline,  
16 unless we have good recruitment pushing into the fishery, and so  
17 I agree with Tom's comments and his support of the comments that  
18 I made during committee about metrics.

19  
20 One question that I was interested in asking the states, because  
21 it kind of comes down to for-hire and commercial, at least those  
22 that attended our meeting largely in opposition to an increase,  
23 but the private sector wanting this increase, and we have seen  
24 longer and longer seasons with the states, and so, you know, at  
25 what point is there kind of a saturation of kind of the  
26 satisfaction with a long enough fishing season, and is that  
27 benefit, or risk, worth that increasing catch limit, and my  
28 expectation is Alabama and Mississippi, staring in the face of  
29 calibration, will say that we can take every pound we need,  
30 right, or can get, but I'm curious if the state directors could  
31 comment, or respond, to that question, because I think it's an  
32 important thing, in terms of how we're looking at this.

33  
34 It's not just a catch limit increase, but it extends the days,  
35 and it extends your quotas, and so we're really trying to make  
36 sure that this is a stock that is conserved and maintained, but  
37 also benefit from the socioeconomics of the fishery.

38  
39 **CHAIRMAN DIAZ:** Mr. Banks.

40  
41 **MR. BANKS:** I will start. You know, the quota that we have in  
42 Louisiana right now has certainly been satisfied, and we're able  
43 to -- You know, our fishery can fish those pounds, and our  
44 season typically lasts through Labor Day, Memorial Day to Labor  
45 Day, and that seems to be what the fishery wants.

46  
47 There's always a push to try to get to Labor Day, and so the  
48 poundage we have right now typically gets us there, and so I

1 would say that we're in a very, very good spot, but I certainly  
2 don't want to say that we wouldn't like to have some extra  
3 pounds, because it provides some opportunity to fishermen later  
4 on in the year, and so we always want to maximize access, and  
5 certainly the economy, down along places like Grand Isle, do  
6 better when seasons are open, and so not everybody out there is  
7 a die-hard hunter, like I am, and not everybody out there wants  
8 to go to every football game, and so there are a lot of folks  
9 who still want to fish, even in the fall, and so, while I do  
10 think that we have enough poundage right now, and we have our  
11 private recreational angling community satisfied with where we  
12 are, I don't think that that statement should be taken as more  
13 is -- That we don't need any more, because I think the economy  
14 will always be happy to be stimulated by fisheries along the  
15 coast.

16  
17 **CHAIRMAN DIAZ:** Mr. Dugas.

18  
19 **MR. DUGAS:** Thank you, Mr. Chair. I want to echo what Patrick  
20 just said. Maybe things are different in Louisiana, and, you  
21 know, we're faced with weather challenges early in the year, and  
22 we like to have an extended summer, especially for the marina  
23 owners, and it helps the marina owners, going into the fall, you  
24 know, selling fuel, bait, ice, all those good things, and so  
25 maybe it's different in our state, but we see we can utilize  
26 this. Thank you.

27  
28 **CHAIRMAN DIAZ:** Ms. Boggs.

29  
30 **MS. BOGGS:** J.D., you are right, and it is different for every  
31 region, and we heard someone testify yesterday that Destin has  
32 an 800-racked facility, where they store the boats, and the  
33 people -- They come to fish. In Orange Beach, I mean, we've got  
34 boats everywhere, and we've got one marina that I think is  
35 building their fourth shed to store boats.

36  
37 Legendary Marine, the one in Destin, they're coming to Gulf  
38 Shores, and they're building a facility, and the interesting  
39 thing, to me, and I'm going to throw a rock, is everyone from  
40 Louisiana comes to Orange Beach to fish, and so your pressure is  
41 -- Do you see my point?

42  
43 People -- It's -- I have a captain, or, excuse me, not a  
44 captain, but a private recreational angler that comes to our  
45 marina every year, and he pays me a transient fee so that he can  
46 fish out of Orange Beach and catch fish, and then he goes home,  
47 and he's very specific. It comes to fish the state season, is  
48 what he comes to do. He comes on Thursday, and he fishes Friday

1 and Saturday, and he leaves on Sunday, and then he goes to  
2 Florida, so he can fish the Florida season.

3  
4 These boats are mobile and portable, and so you're right, and,  
5 yes, it does help the marinas, and my husband and I are marina  
6 owners, and so it is important for me for the recreational  
7 fishermen to have access, because I sell them a lot of fuel, but  
8 we can go round and round and round this table, Dale, and I'm  
9 sorry, and everybody is going to have their own scenario, and  
10 that is the whole purpose of why we're looking at ideas with  
11 these species, to do something different, because you're right  
12 that it's not the same for everybody.

13  
14 I'm going to throw it out there one more time, and the headboats  
15 had a great program that solves a lot of this, and I think the  
16 council needs to look at it in general for all the fishermen,  
17 and not just the headboats, and not just the charter boats,  
18 because not everybody fishes the same. Not everyone goes to the  
19 football games and goes to the hunting camp.

20  
21 I agree with Patrick, and that's why we have to become creative  
22 at this council table, and I don't think it means dividing  
23 everybody. I think it means coming up with a comprehensive plan  
24 that everyone can benefit from, and we can also protect the fish  
25 as we do that. Thank you.

26  
27 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. I have Dr. Stunz.

28  
29 **DR. STUNZ:** Well, I just wanted to comment for the perspective  
30 here from Texas, and I am not speaking for my state agency here,  
31 but I think this overage right here would put us right where we  
32 need to be, in terms of -- I think probably many of you have  
33 seen -- You know, my phone used to ring probably once a day, if  
34 not more, on complaints about red snapper, and my phone doesn't  
35 ring any more at all, and so I feel like kind of what you're  
36 saying, Patrick, is we're getting where we need to be, but I  
37 just don't think we're quite there.

38  
39 I also want to comment, and I would suspect this would be  
40 similar for Louisiana, because of the way the fisheries work  
41 here, is, Susan, we don't have that issue. It's not as easy, in  
42 this region, to do the shifting, like you're talking about, and  
43 so, like you're saying, it's just another example of how we have  
44 all these regional differences, but what -- We just published a  
45 paper, recently, looking at, in Texas, no matter really what the  
46 season is, you're going to catch about the same amount of fish,  
47 because I don't know if that's the desire, or the demand, or the  
48 willingness to fish, or whatever you want to call it, with

1 football and hunting and all that, and, if you compress it down  
2 into a short time period, well, it gets caught then. If you  
3 extend it, it's roughly the same amount that gets captured.

4  
5 Now, it is a little bit different, but the point being they do  
6 other things, if the weather is bad or whatever, and so all I'm  
7 saying is that Texas has a unique perspective, I think, and this  
8 would give us the little bit more fish we need to get the  
9 seasons right in the sweet spot, and I don't think that it will  
10 be as big of an issue in this region.

11  
12 **CHAIRMAN DIAZ:** All right. Mr. Anson, and then we're going to  
13 start wrapping this up, and we've had some good discussion. Mr.  
14 Anson.

15  
16 **MR. ANSON:** Just to kind of bring it back to the motion and the  
17 comment that Greg spoke of for Texas, although he doesn't  
18 represent the fisheries management agency for Texas, is that  
19 getting a point where the anglers are satisfied, and as far as  
20 having access and opportunity, and, you know, we -- I mentioned,  
21 several times over the last year, based on the quota that we  
22 have, using Snapper Check for monitoring, and for those pounds,  
23 we are very close, based on the biology, how many fish that are  
24 off there, again using our annual abundance survey that Dr.  
25 Powers maintains, based on what the population can withstand,  
26 when you include the other sectors and those fish that are being  
27 harvested by those sectors, and then matching that up with the  
28 demand in the fishery.

29  
30 Our information has said that, you know, you get up to 800,000  
31 pounds or so and you get to that situation where folks start  
32 thinking about other things to do, and, you know, it's really  
33 the focus and the demand is really in that summertime period,  
34 for the most part, and there are, of course, others that want to  
35 fish at other times of the year, that fish all year, but we do  
36 have a finite resource, and so we have to make decisions related  
37 to, you know, providing access to that resource based on the  
38 availability.

39  
40 We use science to determine that, and, again, I would just go  
41 back and mention that there's a pretty exhaustive amount of  
42 science that has been collected related to red snapper, and it's  
43 been reviewed by our SSC, to give us the ABC and help us in  
44 deciding how to best use those pounds, and so, anyway, I just  
45 wanted to say those things. Thank you.

46  
47 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. I do see Dr. Sweetman's  
48 hand was up. Did you want to comment, Dr. Sweetman?

1  
2 **DR. SWEETMAN:** Thank you, Mr. Chair. I would just like to  
3 respond to Andy and his question there, and so, yes, Florida --  
4 We're trying to maximize access to all parts of the state, and  
5 we would always like to offer more days, as we continue to get  
6 requests to lengthen our private recreational season, but,  
7 obviously, having said that, we'll continue to monitor our  
8 landings and ensure that will stay under the quota, whatever  
9 that may be, as we go through this vote. Thank you.

10  
11 **CHAIRMAN DIAZ:** Thank you, Dr. Sweetman. Mr. Burriss.

12  
13 **MR. BURRIS:** Just to speak for Mississippi, and I'm going to  
14 echo what all the other states have said, but what we're going  
15 for, and what we've got in the past several years, is the  
16 Memorial Day to Labor Day season, and anything after that is --  
17 There's not a whole lot of effort, but, as the Director pointed  
18 out a few days ago, we're looking at getting less than 3,000  
19 pounds, and so it's really insignificant on Mississippi's end,  
20 as far as an increase.

21  
22 **CHAIRMAN DIAZ:** Thank you, Mr. Burriss. All right. We've had a  
23 lot of good discussion, and so we're going to go ahead and vote  
24 on this motion. This is a roll call vote. I'm going to read it  
25 into the record, and then Dr. Simmons will do the roll call  
26 vote.

27  
28 **The motion is to approve the Framework Action Modification to**  
29 **Catch Limits for Gulf of Mexico Red Snapper and that it be**  
30 **forwarded to the Secretary of Commerce for review and**  
31 **implementation and deem the codified text as necessary and**  
32 **appropriate, giving staff editorial license to make the**  
33 **necessary changes in the document. The Council Chair is given**  
34 **the authority to deem any changes to the codified text as**  
35 **necessary and appropriate. Dr. Simmons.**

36  
37 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Mr.  
38 Williamson.

39  
40 **MR. WILLIAMSON:** Yes.

41  
42 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.

43  
44 **MS. BOGGS:** No.

45  
46 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.

47  
48 **MR. DYSKOW:** Yes.

1  
2 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.  
3  
4 **MR. GILL:** No.  
5  
6 **EXECUTIVE DIRECTOR SIMMONS:** Mr. McDermott.  
7  
8 **MR. MCDERMOTT:** Yes.  
9  
10 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.  
11  
12 **MR. DUGAS:** Yes.  
13  
14 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.  
15  
16 **DR. FRAZER:** Yes.  
17  
18 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.  
19  
20 **MR. BROUSSARD:** Yes.  
21  
22 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Burris.  
23  
24 **MR. BURRIS:** Yes.  
25  
26 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.  
27  
28 **MR. ANSON:** Yes.  
29  
30 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.  
31  
32 **MR. STRELCHECK:** Yes.  
33  
34 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp.  
35  
36 **DR. SHIPP:** Yes.  
37  
38 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Banks.  
39  
40 **MR. BANKS:** (Mr. Banks's response is not audible on the  
41 recording.)  
42  
43 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Geeslin.  
44  
45 **MR. GEESLIN:** Yes.  
46  
47 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Sweetman.  
48

1 DR. SWEETMAN: Yes.  
2  
3 EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.  
4  
5 DR. STUNZ: Yes.  
6  
7 EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.  
8  
9 CHAIRMAN DIAZ: Yes.  
10  
11 EXECUTIVE DIRECTOR SIMMONS: The motion carried fifteen to two.  
12 Mr. Chair.  
13  
14 CHAIRMAN DIAZ: Okay. Mr. Dugas.  
15  
16 MR. DUGAS: Thank you, Mr. Chair. I would like to make a  
17 motion.  
18  
19 CHAIRMAN DIAZ: Proceed.  
20  
21 MR. DIAZ: I sent the motion in to staff.  
22  
23 CHAIRMAN DIAZ: You are welcome to make a motion, Mr. Dugas, if  
24 you're ready. Is it pertaining to this part of the committee  
25 report? Okay. Go ahead.  
26  
27 MR. DUGAS: My motion reads to direct the commercial portion of  
28 the recent red snapper increase in the Framework Action  
29 Modifications of Catch Limits for Gulf Red Snapper to be set  
30 aside for future distribution. For example, the increase could  
31 be used for the commercial fleet to account for high discards of  
32 red snapper, to provide allocation for a future research set-  
33 aside program, and to mitigate localized depletion.  
34  
35 CHAIRMAN DIAZ: Okay, and so we have a motion. Is there a  
36 second to the motion? There is a second for discussion by Mr.  
37 Williamson. Would you like to provide some rationale, Mr.  
38 Dugas?  
39  
40 MR. DUGAS: For the last fifteen or twenty minutes or so, we  
41 talked about public comment yesterday, and there's a lot of  
42 concerns about these localized depletion areas and discards, and  
43 this could be an opportunity for the grouper longliners, for  
44 their discards, and I think this is a good way to move, and  
45 maybe I'm not completely correct in the path, but, from what I  
46 heard at public testimony yesterday, this could be beneficial.  
47  
48 CHAIRMAN DIAZ: Mr. Strelcheck.

1  
2 **MR. STRELCHECK:** The motion pertains to the action that we just  
3 voted up and took final action on, and so I don't think it's --  
4 I think it's out of order and irrelevant at this point, given  
5 the decision we just made.

6  
7 **CHAIRMAN DIAZ:** I think Mr. Strelcheck is correct, Mr. Dugas.  
8 We just passed that amendment to move that document forward, and  
9 the breakouts were in that document, and so I think we have to  
10 start a new amendment to look at this, and maybe somebody else  
11 could help me. I see Mara's hand is up. Mara, did you have  
12 some comments?

13  
14 **MS. LEVY:** Yes, and, to that point, yes, you would need to start  
15 some type of new council action that, you know, would modify how  
16 the commercial sector quota is used, or distributed, and you  
17 can't just direct it to happen.

18  
19 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Ms. Boggs.

20  
21 **MS. BOGGS:** This is quick, and so would this not be something  
22 that we might consider when we have the three-day discussion  
23 with the commercial fishery and the IFQ programs?

24  
25 **CHAIRMAN DIAZ:** Dr. Stunz.

26  
27 **DR. STUNZ:** J.D., this is an interesting concept, and I would  
28 certainly support this in general, and, now, if that needs to be  
29 a framework amendment, or a real amendment, a full amendment,  
30 I'm not real sure, but so clearly we heard a lot of -- The  
31 commercial fleet particularly did not want extra fish, and I am  
32 not -- I am still a little bit puzzled of why that is, and I  
33 would also be a little curious to know how that increased fish  
34 affects lease price and that kind of thing, because I'm  
35 suspecting that could possibly be what it is as well, but, in  
36 addition, if the conservation-minded nature of some of those  
37 comments were where they wanted to go with this, we've heard a  
38 lot of discussion from fleets that are catching a lot of  
39 discards, and this is -- We have struggled with, well, how do we  
40 get fish to those -- Those fish are going to be caught no matter  
41 what, and so how could we get fish to those fleets that needed  
42 to reduced that discard, and that's certainly a very clear  
43 conservation measure which could become of the extra fish that  
44 we have.

45  
46 If we need to move this forward, in terms of a framework action  
47 or something for overages, or a future overage like that, when  
48 the fleet doesn't want those fish, there is certainly beneficial

1 aspects, and I'm sorry, Mr. Chair, and not to continue to  
2 belabor the point here, but Bob Gill and I have been discussing,  
3 and others, and we've been sort of pushing this idea on this  
4 committee and these research set-asides.

5  
6 The real problem with that, Bob, of course, is, well, where do  
7 you get quota for the research set-aside, and to do those kind  
8 of measures, whatever they might be in the future, and I don't -  
9 - Who knows what those are, but this might be a mechanism, if  
10 we're hearing from the fleet that they don't want the fish, and  
11 there are creative things we can do in a framework like that to  
12 utilize those without impacting the resource.

13  
14 I don't have any good ideas of what that might be right now,  
15 but, you know, it's a way to use -- There's a lot of options for  
16 that, if they're not asking for the fish, is my point.

17  
18 **CHAIRMAN DIAZ:** Mr. Dugas, with your motion, it doesn't appear  
19 like we can do anything with the motion that's on the board, and  
20 so, I mean, I think you could withdraw the motion, or you could  
21 modify the motion to try to do what you want to do, and it's  
22 your pleasure.

23  
24 **MR. DUGAS:** Thank you, Mr. Chair, and so I would ask staff to  
25 assist me in what verbiage is needed to move forward, whether  
26 it's an amendment or whatever they feel is sufficient. Thank  
27 you.

28  
29 **CHAIRMAN DIAZ:** All right. Dr. Simmons, can you help Mr. Dugas?

30  
31 **EXECUTIVE DIRECTOR:** Yes. Thank you, Mr. Chair. I think we  
32 would just want to direct staff to develop a document, and we'll  
33 figure out what kind of document, after we start looking at it,  
34 that considers the commercial portion, or considers withholding,  
35 excuse me, a portion of the commercial red snapper --

36  
37 **MR. RINDONE:** So withholding a portion of the commercial ACL  
38 increase from the recent -- We would look at the difference,  
39 right, and the difference would be from the 15.4 to the 16.31,  
40 and we would account for the commercial sector having 51  
41 percent, and that comes to 464,000 pounds, and so withholding a  
42 portion of the commercial ACL from the recent red snapper  
43 increase in the framework action, blah, blah, blah, to be set  
44 aside for --

45  
46 This is the part I think where it gets kind of squirrely,  
47 because, depending on what actually it's being used for, it  
48 dictates whether this is simply a framework action, like

1 essentially establishing like an ACT, and so it automatically  
2 reserves this portion, this 464,000 pounds, for some other  
3 activity, but, if that's to be done through something like  
4 research set-aside program, then creating that program is more  
5 plan amendment territory.

6  
7 If it's just establishing it as kind of like a reserve, that's  
8 not really used for anything, and so like a de facto mitigation  
9 for localized depletion or high discards, as Mr. Dugas was  
10 trying to get to, then having that additional buffer there would  
11 facilitate that, I guess, but that could be done through a  
12 framework action.

13  
14 What it's used for, what the purpose is, dictates what kind of  
15 document we're talking about, and, if it's an RSA, it's a plan  
16 amendment. If it's the other two things, creating an ACT would  
17 functionally do that, and we could that via a framework action,  
18 and so I guess maybe it's beneficial for you guys to have some  
19 additional discussion about what purposes you do want to  
20 consider. Otherwise, we could be looking at multiple documents.

21  
22 **CHAIRMAN DIAZ:** Dr. Simmons, and then I want to check and see if  
23 the language is where you want it, Mr. Dugas. Dr. Simmons.

24  
25 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. One more  
26 suggestion. A portion of the commercial ACL, such as the recent  
27 red snapper increase.

28  
29 **CHAIRMAN DIAZ:** All right, and so, Mr. Dugas, can you read over  
30 the motion and see if you like where it's at, if you've got  
31 anything you want to change, and I'm developing a list of hands.  
32 Right now, I have Mr. Banks, Dr. Frazer, and Mr. Williamson and  
33 Mr. Strelcheck. Mr. Dugas.

34  
35 **MR. DUGAS:** Thank you. I will re-read the motion, but I would  
36 offer any more assistance, if staff would like to input more.  
37 To direct staff to develop a document that considers withholding  
38 a portion of the commercial ACL, such as the recent red snapper  
39 increase in the Framework Action Modification of Catch Limits  
40 for Gulf Red Snapper, to be set aside for future distribution.  
41 For example, the increase could be used for the commercial fleet  
42 to account for high discards of red snapper, to provide  
43 allocation for a future research set-aside program, and to  
44 mitigate localized depletion.

45  
46 **CHAIRMAN DIAZ:** Is the seconder okay with those changes? Who  
47 was the seconder? Mr. Williamson, are you okay with those  
48 changes?

1  
2 **MR. WILLIAMSON:** Yes.  
3  
4 **CHAIRMAN DIAZ:** Okay. I'm going to start working down my list.  
5 Dr. Stunz.  
6  
7 **DR. STUNZ:** I think you got to me already, Dale. I don't have  
8 anything. Well, I do now that you -- I guess I would just -- I  
9 completely agree with this and the spirit of where we're going  
10 here, but I just want to make sure that it's a little bit open-  
11 ended, in the sense that who knows what we might think to use  
12 this for, and I don't want to tie us to -- Those examples there  
13 are all good, in my opinion, but there might be something in the  
14 future that we're not thinking about now, and so I don't think  
15 that does -- I don't think that ties us to just those few things  
16 there, but the point is that it's used in the commercial side,  
17 for some benefit to that sector.  
18  
19 **CHAIRMAN DIAZ:** Thank you, Dr. Stunz. Mr. Banks.  
20  
21 **MR. BANKS:** Just a question, mainly I guess for staff. I mean,  
22 we've got Amendment 36 out there, and can we -- Is this  
23 something, this idea, that we can fold into that document? I  
24 mean, I know we would have to make sure that the idea meets with  
25 the purpose and need of that document, and the goals of the  
26 document, but is that a better way to go about it, rather than  
27 starting a whole new amendment?  
28  
29 **CHAIRMAN DIAZ:** Dr. Simmons.  
30  
31 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I am going  
32 to look back at Dr. Lasseter, but I believe there was some set-  
33 aside discussion and consideration in Amendment 36C, but I don't  
34 believe it's very far along, and I don't believe we have  
35 anything in there regarding a research set-aside program, and  
36 so, if she could speak a little bit more on that, that could  
37 help us, I think.  
38  
39 **CHAIRMAN DIAZ:** Dr. Lasseter.  
40  
41 **DR. LASSETER:** Thank you. That is correct. In 36C, there are  
42 the outlines of actions that would allow you to specify the  
43 threshold of quota above which would be set aside. In that  
44 document, it's put into a quota bank, and then there is  
45 subsequent sub-actions for you to determine what to do with that  
46 quota, and there is not any discussion of a research set-aside,  
47 and that's correct.  
48

1 **CHAIRMAN DIAZ:** Thank you, Dr. Lasseter. Dr. Frazer.

2  
3 **DR. FRAZER:** Thank you, Mr. Chair. I just want to go back and  
4 think about how we got to this point, and, as Mara pointed out,  
5 we just, and Andy as well, we just kind of finalized one action,  
6 right, and so, in my mind, I understand why you would want to  
7 move something like this forward.

8  
9 You know, the problem is, in my mind, the way that it's written,  
10 is it essentially says we're going to look at one sector to deal  
11 with a discard problem, right, and the reality is the discards  
12 run across the sectors, and the responsibility to deal with the  
13 discard issues also runs across those sectors.

14  
15 You know, when I'm thinking about this, I'm going, okay, if  
16 we're going to have some additional quota, can we use that,  
17 straight off the top, to deal with a problem, and it doesn't  
18 have to be the commercial sector's problem, and it might be the  
19 recreational sector's problem, too. The fact of the matter is  
20 it's a fishery-wide problem.

21  
22 The way that the motion is written, it takes from one group, all  
23 right, in an action that we've already finalized, and  
24 potentially would take that quota increase away from them, but,  
25 as Patrick pointed out, we're trying to deal with some of those  
26 issues in parts of 36, Amendment 36, and so I appreciate the  
27 spirit of the motion, right, but I'm not inclined to support it  
28 at this time, J.D., in large part because it's the last day of a  
29 meeting, right, and this is a really, really serious thing to be  
30 thinking about, and I think I would just like it to be a little  
31 more well-thought-out and not wordsmithed on a Thursday  
32 afternoon to do it, and so, at this time, I just can't support  
33 it, but I understand and appreciate what motivated it. I just  
34 want to do it the right way.

35  
36 **CHAIRMAN DIAZ:** Mr. Williamson.

37  
38 **MR. WILLIAMSON:** You know, I agree with a lot of what Tom said.  
39 I think it's a great example of thinking out of the box, and I  
40 seconded it for that purpose, and I continue to have that  
41 feeling. I guess it's too late in the game today to start  
42 working on this, and we need to have a little more thought  
43 process into it, but certainly we need to develop some program  
44 that researches the discard problem for both sectors, and so,  
45 rather than beating this horse to death, I will stop there.

46  
47 **CHAIRMAN DIAZ:** Thank you, Mr. Williamson. Mr. Strelcheck.

1 **MR. STRELCHECK:** Two things, and they've kind of already been  
2 spoken, but, moving forward, if you recommend an ACL increase,  
3 we will implement that sometime in 2023, and so, if this moves  
4 forward, we would pull back quota, ultimately, at a later date,  
5 and I feel like this is a recurring problem, where we're missing  
6 opportunities, as a council, to potentially make changes like  
7 this, when we have quota increases, and it would have been great  
8 to have gotten a motion like this early on in the process, when  
9 we were considering an increase, and try to factor that into the  
10 decision-making.

11  
12 With that said, I won't reiterate some other points, but I would  
13 ask that -- We have a second IFQ focus group meeting coming up,  
14 and I would see it as beneficial to also take this idea to the  
15 focus group, if it passes, for discussion and input back to the  
16 council.

17  
18 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. Mr. Gill.

19  
20 **MR. GILL:** Thank you, Mr. Chairman. I agree with Tom, in large  
21 measure, and, before I discuss that, I would like to clarify Dr.  
22 Stunz's comment. The commercial industry's testimony yesterday  
23 was not that they didn't want the quota. They thought it was  
24 bad for the stock, and so, in a sense, this is punitive for  
25 saying, no, we ought not increase the quota, but, in addition to  
26 that, I would argue that the rationale for why this is a good  
27 thing, where the increases could be used, are equally applicable  
28 to the recreational sector as they are to the commercial sector.  
29 In that sense, I find it difficult to find this being fair and  
30 equitable, and I have a difficult time in trying to separate it  
31 from a punitive action, and so I oppose the motion.

32  
33 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Ms. Boggs.

34  
35 **MS. BOGGS:** Dr. Frazer said a lot of the things that I would  
36 have said, and probably not so eloquently, but I still think, if  
37 there is a way that we can set aside some time to discuss the  
38 commercial IFQ programs, and maybe incorporate this into the  
39 discussion, and I don't think the commercial fleet would have so  
40 much -- I don't think they would have really any angst about  
41 some type of set-aside, but I would argue that it doesn't need  
42 to be for these reasons, but it needs to be for all the reasons  
43 that we hear, those new entrants having problems accessing the  
44 fish.

45  
46 Again, I think this is a conversation that doesn't need to be  
47 happening on Thursday afternoon, like most have said, and I do  
48 think it needs to be a conversation that we have where we bring

1 this council, the Reef Fish Committee, together to have a hard  
2 discussion about what we think -- What we think the IFQ program  
3 should look like, with the input from those people that  
4 participate, and try to come with a formal plan, and possibly  
5 incorporate some of these ideas, but I will not support this  
6 motion. Thank you.

7  
8 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. I have three people left,  
9 and then I think we're going to call this for a vote. Mr.  
10 Anson.

11  
12 **MR. ANSON:** Thank you. I agree with Dr. Frazer's comments about  
13 some of the aspects of this, when you look at the examples that  
14 are provided, is that there's some crossover, if you will, into  
15 other sectors, and so, you know, whether this singles them out,  
16 or we need to look at including these types of examples in those  
17 other sectors, is another discussion, I guess, but I'm not going  
18 to be too supportive of the motion right now, as it sits,  
19 because one of the things that is provided in the examples, the  
20 last item, the mitigation localized depletion, that is -- That  
21 could be the result of both sectors, and so this would just look  
22 at the commercial sector, specifically, to try to mitigate for  
23 localized depletion that could be brought on by both sectors.

24  
25 **Then, J.D., I would, I guess, make a suggestion that if you**  
26 **would remove that, because, if it's listed here, it will show up**  
27 **in the document, and I think it's just going to get too muddy to**  
28 **try to figure out that, but the other suggestion is that you**  
29 **replace "high", the word "high" in front of "discards" with**  
30 **"dead", and just have it specific to dead discards, and have**  
31 **that be addressed through a deduction. Thank you.**

32  
33 **CHAIRMAN DIAZ:** Okay, and so I have Dr. Sweetman and then Ms.  
34 Levy.

35  
36 **DR. SWEETMAN:** Thank you, Mr. Chair. I'm also going to vote in  
37 opposition to this motion, and I agree, also, with a lot of what  
38 Dr. Frazer said. Just yesterday, we discussed the formation of  
39 an RSA working group, and part of their objective is to try and  
40 figure out the goals of an RSA program and to see how such a  
41 program would be administered, if there is even the capacity to  
42 do so, and so, in addition to some of the reasons that have  
43 already been stated, and what I just said, I'm going to vote in  
44 opposition. Thank you.

45  
46 **CHAIRMAN DIAZ:** Mr. Dugas, you're pointing at the screen, and  
47 did you have anything that you wanted to say relative to the  
48 motion on the board?

1  
2 **MR. DUGAS:** Yes, sir. I was going to take Kevin's  
3 **recommendation to change the wording.** I missed some of the  
4 first part, Kevin, but I did hear you say to remove --

5  
6 **CHAIRMAN DIAZ:** I think Kevin's suggestion was to remove  
7 "mitigation localized depletion" at the end of the sentence and  
8 to change the word "high discards" to "dead discards", and I  
9 think the "dead discards" has already been changed. Are you  
10 satisfied with that? Mr. Williamson, as the seconder, are you  
11 satisfied?

12  
13 **MR. WILLIAMSON:** Yes.

14  
15 **CHAIRMAN DIAZ:** Ms. Levy.

16  
17 **MS. LEVY:** Thank you. I don't know exactly what the intent is,  
18 in terms of what you would include in such a document, either if  
19 you approve this motion or you move forward with this after more  
20 discussion at another meeting, but I just wanted to caution  
21 against limiting whatever happens in this document to the  
22 withholding portion.

23  
24 I think, if you're going to withhold, you know, available quota,  
25 or catch limit, pounds, that you need to decide what you're  
26 going to do with it, and, I mean, I just point to 36A, which,  
27 you know, took back some of the IFQ shares from the inactive  
28 accounts, and the idea was to figure out what to do with that  
29 later, in 36B, and 36B has been, you know, not going anywhere  
30 for a while, and so, if you just think about, you know, what you  
31 would do with whatever you would consider withholding in the  
32 same action, I think that would be extremely helpful for people.  
33 Thank you.

34  
35 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. All right, and so I'm  
36 going to read the motion, and then we're going to go ahead and  
37 vote on this. **It's to direct staff to develop a document that**  
38 **considers withholding a portion of the commercial ACL, such as**  
39 **the recent red snapper increase, in the Framework Action**  
40 **Modifications of Catch Limits for Gulf Red Snapper, to be set**  
41 **aside for future distribution. For example, the increase could**  
42 **be used for the commercial fleet to account for dead discards of**  
43 **red snapper and to provide allocation for a future research set-**  
44 **aside program.**

45  
46 **MR. GILL:** A roll call vote, please, Mr. Chairman.

47  
48 **CHAIRMAN DIAZ:** A roll call vote has been requested. Dr.

1 Simmons.  
2  
3 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I think Mr.  
4 Gill is really trying to push us to get that electronic voting  
5 in here for you guys today. You're making your point. All  
6 right. Mr. Burris.  
7  
8 **MR. BURRIS:** Yes.  
9  
10 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.  
11  
12 **DR. FRAZER:** No.  
13  
14 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Sweetman.  
15  
16 **DR. SWEETMAN:** No.  
17  
18 **EXECUTIVE DIRECTOR SIMMONS:** Mr. McDermott.  
19  
20 **MR. MCDERMOTT:** Yes.  
21  
22 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.  
23  
24 **DR. STUNZ:** Yes.  
25  
26 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.  
27  
28 **MR. BROUSSARD:** No.  
29  
30 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp.  
31  
32 **DR. SHIPP:** Yes.  
33  
34 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.  
35  
36 **MR. ANSON:** Yes.  
37  
38 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Geeslin.  
39  
40 **MR. GEESLIN:** Yes  
41  
42 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.  
43  
44 **MR. GILL:** No.  
45  
46 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.  
47  
48 **MS. BOGGS:** No.

1  
2 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.  
3  
4 **MR. DYSKOW:** Yes.  
5  
6 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.  
7  
8 **MR. WILLIAMSON:** No.  
9  
10 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Banks.  
11  
12 **MR. BANKS:** No.  
13  
14 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.  
15  
16 **MR. STRELCHECK:** No.  
17  
18 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.  
19  
20 **MR. DUGAS:** Yes.  
21  
22 **EXECUTIVE DIRECTOR SIMMONS:** **It's eight to eight.** Mr. Chair,  
23 would you like to vote?  
24  
25 **CHAIRMAN DIAZ:** The chairman votes no.  
26  
27 **EXECUTIVE DIRECTOR SIMMONS:** **The motion failed.**  
28  
29 **CHAIRMAN DIAZ:** Okay. Any further discussion at this point in  
30 the Reef Fish document? We've got about ten minutes before our  
31 scheduled lunch break. Dr. Frazer.  
32  
33 **DR. FRAZER:** I think I want to make one more motion relative to  
34 this section, if that's okay with you, and I just sent it to  
35 Meetings.  
36  
37 **CHAIRMAN DIAZ:** Yes, sir. Go ahead.  
38  
39 **DR. FRAZER:** Let's get it pulled up on the board, but it has to  
40 do with the discussion earlier about additional information to  
41 evaluate the health of the red snapper stock. All right. **The**  
42 **motion is to request the Southeast Fisheries Science Center**  
43 **identify metrics for red snapper, greater amberjack, gag, and**  
44 **other targeted species that could indicate changes in stock**  
45 **health status between stock assessments. These metrics could**  
46 **be, but are not limited to, catch per unit effort, length**  
47 **frequency distributions, weight distribution by region, or other**  
48 **information for consideration or review by the SSC's feedback.**

1  
2 It's giving a fair amount of latitude to our scientific bodies,  
3 both the Science Center and perhaps the SSC, to think about what  
4 we might use to look at, again, the health, or the status, or  
5 the stock, to accompany these interim assessments that are based  
6 solely on these index values.

7  
8 **CHAIRMAN DIAZ:** Okay, and so we have a motion on the board. Is  
9 there a second to the motion?

10  
11 **MR. STRELCHECK:** Second.

12  
13 **CHAIRMAN DIAZ:** It's seconded by Mr. Strelcheck. All right.  
14 I'm going to read the motion one more time, and then we'll open  
15 it up for discussion. Request the Southeast Fisheries Science  
16 Center identify metrics for red snapper, greater amberjack, gag,  
17 and other targeted species that could indicate changes in stock  
18 health status between stock assessments. These metrics could  
19 be, but are not limited to, CPUE, length frequency  
20 distributions, weight distribution by region, or other  
21 information for consideration or review by the Scientific and  
22 Statistical Committee's feedback. Any discussion on the motion?  
23 Mr. Gill.

24  
25 **MR. GILL:** I would really rather hear from Dr. Porch before I  
26 speak, but a question for Tom. This smacks, to me, almost  
27 identically of the IA approach, and I'm having a problem trying  
28 to translate what the difference is.

29  
30 **DR. FRAZER:** Yes, and, again, when I think back to the interim  
31 analyses and kind of the evolution of thought, right, and so I  
32 think, originally, these were intended to be very quick, you  
33 know, responses to the need for information, right, and we would  
34 just simply update things based on the index values, and there  
35 are relatively few indices that are used for that purpose, the  
36 bottom longline survey, for example, and I would argue that that  
37 bottom longline survey recent trends, right, are largely driven  
38 by information coming from one region, the northern Gulf, but I  
39 think there's other information that is available to our  
40 scientific bodies, right, including our SSC and this council,  
41 that might allow us a more granular look at what's going on in  
42 the fishery.

43  
44 I mean, these are traditional fisheries type of statistics that  
45 should be available from all of our state agencies, perhaps as  
46 part of the updates, and some of the states have used that  
47 information. You know, I want to know if catch per unit effort  
48 is declining, and I want to know if the size of the fish are,

1 over the course of the season, whatever it is, whether it's five  
2 days, ten days, forty-five days, or all the way past Labor Day.

3  
4 That helps me to start thinking a little bit more about if the  
5 decision we made to allocate more fish, right, is the right one,  
6 in the face of all of the public comment that we heard before,  
7 and I want to bring all of that information to bear on our  
8 decision-making.

9  
10 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Mr. Rindone and then Mr.  
11 Strelcheck.

12  
13 **MR. RINDONE:** Thank you, Mr. Chair. Mr. Gill, one example where  
14 this might come in handy that would be outside of the interim  
15 analysis could be for coibia. For coibia, we only have two  
16 indices that are used to inform the stock assessment, and  
17 they're both fishery-dependent, and that's the commercial  
18 landings and the headboat landings, and so -- This is  
19 postulating, and the Science Center would have to investigate  
20 this, but it might be possible to examine say the length  
21 frequency from the commercial landings and the CPUE from the  
22 headboat landings to have some idea of how things are trending.

23  
24 Now, it's not going to necessarily give us the ability to change  
25 catch limits or anything like that, but it could inform the  
26 council that, if things -- If average size of fish is getting a  
27 little bit larger, and catch rates are increasing a little bit,  
28 and just have some idea of maybe the management changes are  
29 having an effect, or maybe they're not, and, ultimately, some of  
30 these things could then be used to feed into the management  
31 strategy evaluations and things like that, to help the council  
32 make better decisions, based on the performance of the stock  
33 against the management decisions that have been made in the  
34 past.

35  
36 **CHAIRMAN DIAZ:** Mr. Strelcheck.

37  
38 **MR. STRELCHECK:** I seconded the motion, and I'm certainly  
39 supportive of it, based on my comments during committee. I  
40 think we all agree that it would be good to have more real-time  
41 information and data, especially between stock assessments,  
42 being more nimble, and, as Tom has pointed out, we have multiple  
43 areas with really validation and information, and not only  
44 information from public testimony, but some of these metrics and  
45 trends that allow us to potentially be more responsive, rather  
46 than playing catch-up and being reactive, or, for that matter,  
47 being proactive, when things are heading in the right direction.  
48 Thanks.

1  
2 **CHAIRMAN DIAZ:** Dr. Porch.  
3  
4 **DR. PORCH:** Thank you. I would say that we certainly can do  
5 that, look at identifying the appropriate metrics in between  
6 assessments for various species. I can say already, for some of  
7 them, like red snapper with gag, it would be our fishery-  
8 independent surveys, and they are clearly the least subject to  
9 bias, and they are direct measures of trends in abundance, as  
10 opposed to something like length composition, which can be a  
11 function of the different abundance of age classes, size  
12 classes, but also how fishermen change their fishing behavior,  
13 and that's hard to disentangle apart from a stock assessment,  
14 but the short answer is, yes, we can do that, and we recognize,  
15 for things like amberjack and some other species, we might not  
16 have the same quality of fishery-independent surveys as we do  
17 for gag, red snapper, and red grouper.  
18  
19 **CHAIRMAN DIAZ:** Thank you, Dr. Porch. Mr. Anson.  
20  
21 **MR. ANSON:** I think the discussion, since I raised my hand, has  
22 answered my question, but I will bring it up anyways, and that  
23 is just to make sure that it is clear, Dr. Frazer, in your  
24 motion, that it is from any of the sources that the agency would  
25 have available, and so it would be fishery-independent as well  
26 as fishery-dependent, and then the recommendation, or the  
27 comments, from the Science Center, and eventually the SSC, would  
28 help drive as to which one would be a better, or maybe a  
29 combination of both, for certain species, but I certainly want  
30 to make sure that, at least at the very outset, we have the  
31 ability to get sources of information from the fishery-dependent  
32 as well as fishery-independent.  
33  
34 **DR. FRAZER:** That is correct.  
35  
36 **CHAIRMAN DIAZ:** Okay. I am not seeing any further hands up.  
37 We're going to vote on this motion. **Is there any opposition to**  
38 **this motion?** Ms. Levy.  
39  
40 **MS. LEVY:** Sorry. I did not mean to have my hand up. Thanks.  
41  
42 **CHAIRMAN DIAZ:** That's okay. **Is there any opposition to the**  
43 **motion? Seeing no opposition, the motion carries.** On our  
44 agenda, we had planned to break during the middle of Reef Fish,  
45 and I don't really like breaking in the middle of a committee,  
46 but there's just no way we would finish Reef Fish before we took  
47 a reasonable lunchtime, and so we're going to take our regular  
48 lunchbreak.

1  
2 We're going to break, and we'll be back at 1:30. We're going to  
3 start promptly at 1:30, and so we still have the remainder of  
4 Reef Fish, Sustainable Fisheries, and the Supporting Agency  
5 Reports, and so 1:30. Thank you.

6  
7 (Whereupon, the meeting recessed for lunch on August 25, 2022.)  
8

9 - - -

10  
11 August 25, 2022

12  
13 THURSDAY AFTERNOON SESSION  
14

15 - - -

16  
17 The Full Council of the Gulf of Mexico Fishery Management  
18 Council reconvened at Omni Hotel in Corpus Christi, Texas on  
19 Thursday afternoon, August 25, 2022, and was called to order by  
20 Chairman Dale Diaz.

21  
22 **CHAIRMAN DIAZ:** All right, and so we're going to go ahead and  
23 get started back with Reef Fish, and so I welcome everybody back  
24 from lunch. We're going to start back with the Gulf of Mexico  
25 Fishery Management Council, and we're doing the Reef Fish  
26 report. For people that are following online, we're starting  
27 back on page 7, with vermilion snapper. Dr. Frazer.

28  
29 **DR. FRAZER:** Thank you, Mr. Chair. We'll start off with  
30 Presentation on Framework Action for Vermilion Snapper  
31 Recreational Bag Limit and Gray Triggerfish Commercial Trip  
32 Limit and Recreational Closed Seasons, Tab B, Number 9.

33  
34 Council staff provided a presentation on potential management  
35 changes for vermilion snapper and gray triggerfish. Previously,  
36 the council requested modifying the recreational bag limit for  
37 vermilion snapper, the recreational fixed closed season for gray  
38 triggerfish, and adjusting commercial gray triggerfish trip  
39 limits.

40  
41 Recently, the council decided to increase the gray triggerfish  
42 ACLs, which was implemented in July of 2021. The council also  
43 modified the vermilion snapper ACLs, but selected a conservative  
44 ACL to provide more protection to the stock. The vermilion  
45 snapper ACL change has not yet been implemented by NMFS.

46  
47 Analyses provided by SERO staff indicated a large percentage of  
48 recreational anglers do not catch the current vermilion snapper

1 bag limit, and, based on projections from available data, the  
2 recreational gray triggerfish season would likely close in April  
3 or May, if the fixed closed season is modified. However, there  
4 is substantial uncertainty in the season duration.

5  
6 Regarding the gray triggerfish commercial trip limit, a  
7 committee member asked if vessels regularly catch the current  
8 trip limit and how often this occurs. Council staff indicated  
9 it was not part of the analysis, but could be investigated. A  
10 committee member stated they wanted all the actions still to be  
11 considered, but was willing to separate the action to increase  
12 the commercial gray triggerfish trip limit, since it was a  
13 higher priority.

14  
15 **CHAIRMAN DIAZ:** Hold on a second, Dr. Frazer. Ms. Boggs.

16  
17 **MS. BOGGS:** Yes, sir, and I would like to make a motion.

18  
19 **CHAIRMAN DIAZ:** Go ahead, Ms. Boggs.

20  
21 **MS. BOGGS:** I sent it to Meetings, but I can go ahead and read  
22 it, if you would like. **The motion is to direct staff to begin a**  
23 **standalone framework action for gray triggerfish commercial trip**  
24 **limits.**

25  
26 **CHAIRMAN DIAZ:** Okay. We have a motion by Ms. Boggs to direct  
27 staff to create a standalone document to deal with gray  
28 triggerfish commercial trip limits. Is there a second to the  
29 motion? It's seconded by Mr. Gill. Is there any discussion on  
30 the motion? Did you want to provide some rationale, Ms. Boggs?

31  
32 **MS. BOGGS:** After the discussion yesterday, I think this is low-  
33 hanging fruit, something that we can get through fairly quickly,  
34 and I think we need some more detail before we move forward with  
35 the vermilion snapper bag limits and the recreational closures  
36 for gray triggerfish. There seems to be some uncertainty around  
37 the data and not knowing -- The increases that are coming with  
38 the gray triggerfish, or, excuse me, the vermilion snapper, and  
39 so I felt like, if we separate it out, this would be something  
40 that the council could handle fairly quickly for the commercial  
41 sector. Thank you.

42  
43 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Any further discussion on  
44 the motion? **Seeing none, is there any opposition to the motion?**  
45 **The motion carries.** Dr. Frazer.

46  
47 **DR. FRAZER:** Thank you, Mr. Chair. The SSC Recommendations  
48 from the July 2022 SSC Meeting, Tab B, Number 5(a), Dr. Nance

1 summarized SSC discussions of wenchman landings and catch  
2 limits. Wenchman is commonly caught as bycatch in the northern  
3 Gulf butterfly trawl fishery and is a marketable bycatch  
4 species. However, catch limits for wenchman are part of the  
5 mid-water snapper complex, which includes blackfin snapper,  
6 queen snapper, and silk snapper, and, based on historical  
7 landings, which may be incomplete, due to differences in  
8 reported common names for the species, for example silver  
9 snapper.

10  
11 Further, wenchman is more pelagic and does not appear to occupy  
12 habitats similar to the other three species in the complex, all  
13 of which are more closely reef-associated. Substantial wenchman  
14 landings in the butterfly trawl fishery has been identified as  
15 an issue for the fishermen, who must decide whether to stop  
16 trawling for butterfly or discard substantial landings of  
17 wenchman when the midwater snapper complex ACL is met. Discard  
18 mortality from these trawls is expected to be near 100 percent.

19  
20 Based on a review of catches and historical records, the SSC  
21 recommended wenchman be removed from the midwater snapper  
22 complex. The SSC also recommended that the council ask the Gulf  
23 States Marine Fisheries Commission to work with the five Gulf  
24 states to compile historical landings for butterfly, wenchman,  
25 scad, and other associated species from the midwater trawl  
26 fishery for the Gulf SSC to evaluate. Mr. Gill.

27  
28 **MR. GILL:** Thank you, Mr. Chairman, and so that last  
29 recommendation from the SSC -- I would like to ask Dave on the -  
30 - I want to say appropriateness, but that's not right, but is it  
31 appropriate, in your mind, and is it practicable, to ask the  
32 commission for what the SSC recommended?

33  
34 **MR. DONALDSON:** Absolutely, and I've been talking with Ryan  
35 about it a little bit, and it's something that we can certainly  
36 do. I think that he was talking about the council sending a  
37 letter to the commission, and then we could have staff address  
38 it.

39  
40 **CHAIRMAN DIAZ:** Mr. Gill.

41  
42 **MR. GILL:** Do we need a motion for that, sir?

43  
44 **CHAIRMAN DIAZ:** Yes, Mr. Gill.

45  
46 **MR. GILL:** I would like to make a motion to request the GSMFC to  
47 work with the five Gulf states to compile historical landings  
48 for butterfly, wenchman, scad, and other associated species

1 from the midwater trawl fishery for evaluation.

2  
3 **CHAIRMAN DIAZ:** Mr. Rindone I think may want to add some  
4 thoughts here. Mr. Rindone.

5  
6 **MR. RINDONE:** Yes, and, Mr. Gill, if I can commandeer your  
7 motion a little bit, and so to request that the GSMFC, the Gulf  
8 States Marine Fisheries Commission, work with the Gulf states to  
9 compile historical landings for butterfish, wenchman, scad, and  
10 other associated species for evaluation by the SSC at a future  
11 SSC meeting. Mr. Donaldson, do you feel like you need any more  
12 information?

13  
14 **MR. DONALDSON:** Well, "at a future SSC meeting" is -- I mean, I  
15 know we talked that we initially were thinking that it was  
16 something for next year, but do we want to put a timeframe on  
17 that, just so we have some -- So we know where to put it on the  
18 priority list?

19  
20 **MR. RINDONE:** I'm thinking March right now, Mr. Gill, because  
21 I'm feeling that January is going to be pretty tight, and so  
22 March would be the next SSC meeting that I would have room to  
23 queue this in.

24  
25 **CHAIRMAN DIAZ:** Mr. Gill.

26  
27 **MR. GILL:** It depends on the commission's workload and when they  
28 can get it. My view is we've never had it, and so it's not  
29 super urgent, but specifying it in a timeline seems, to me, to  
30 crank up the urgency, and it's probably not appropriate.

31  
32 **MR. DONALDSON:** Well, I think by the March of next year SSC  
33 meeting is certainly doable, and so I don't know that we need to  
34 include it in the motion, but, if there was some urgency to it,  
35 we should include it, but, if not, a future meeting is fine.

36  
37 **CHAIRMAN DIAZ:** Thank you. Okay, and so we have a motion on the  
38 board. Is there a second for the motion? It's seconded by Mr.  
39 Broussard. Any discussion on the motion? All right. **Seeing no**  
40 **discussion, is there any opposition to the motion? Seeing no**  
41 **opposition, the motion carries.** Dr. Frazer.

42  
43 **DR. FRAZER:** A committee member asked about the data evaluated  
44 for wenchman that led to the SSC's --

45  
46 **CHAIRMAN DIAZ:** I'm sorry, Tom. Mr. Anson.

47  
48 **MR. ANSON:** Thank you. Sorry. About the second recommendation

1 that the SSC made regarding removal of wenchman from the  
2 midwater snapper complex, I was wondering, maybe Andy, what's  
3 the process for that, the timeline, and, you know, obviously, we  
4 probably have to make a motion here at council to begin some  
5 sort of document, but what would that process be?  
6

7 **CHAIRMAN DIAZ:** Dr. Frazer.

8  
9 **DR. FRAZER:** I was thinking that probably that decision would be  
10 somewhat dependent on the review that's carried out by the Gulf  
11 States Marine Fisheries Commission.  
12

13 **CHAIRMAN DIAZ:** Okay. Any further discussion? Mr. Rindone.  
14

15 **MR. RINDONE:** Just to provide a little bit more context, right  
16 now, the wenchman portion of that midwater snapper complex, the  
17 landings that helped sum up to what that complex is catching is  
18 based on the average landings from 2000 to 2009, and, based on  
19 paper logbooks that we were able to review during the SSC  
20 meeting, the landings that were available to be used in that  
21 time series woefully underestimate what may actually be the real  
22 landings, when we add in the other common names that the  
23 fishermen were using for the same species, and so having that  
24 evaluation of landings gives a better idea of perhaps what a  
25 wenchman-specific ACL could be, and it will be important to know  
26 that before we go through the process of taking it out of the  
27 midwater snapper complex and establishing a new ACL for the  
28 three remaining species and then a separate one for wenchman,  
29 and so it's not that that particular recommendation is being  
30 ignored, but it's just this request to Gulf States allows us to  
31 get there.  
32

33 **CHAIRMAN DIAZ:** Okay. Dr. Frazer.  
34

35 **DR. FRAZER:** All right, and so I'll pick up at the beginning of  
36 that paragraph. A committee member asked about the data  
37 evaluated for wenchman that led to the SSC's recommendation.  
38 Dr. Nance replied that the fishermen were targeting butterfish,  
39 and that differentiating between the species at depth was not  
40 possible. Further, historical landings of wenchman indicate  
41 landings under other common names, and the Gulf States Marine  
42 Fisheries Commission may be uniquely poised to investigate these  
43 historical data to better understand past wenchman landings.  
44

45 Dr. Nance reviewed the discards data presented by the Southeast  
46 Fisheries Science Center for gag grouper, red grouper, greater  
47 amberjack, and red snapper, which were determined from the most  
48 recent stock assessments for each species. The SSC acknowledged

1 several caveats when interpreting the presented information  
2 including differing sampling units, difference in  
3 fishery-dependent survey designs, and species-specific discard  
4 mortality estimates. The SSC contended that novel management  
5 approaches to incentivize release techniques that increase the  
6 probability of survival would be required for a meaningful  
7 reduction in discard mortality.

8  
9 Draft Options for Amendment 56: Modifications to the Gag Grouper  
10 Catch Limits, Sector Allocations, Fishing Seasons, and other  
11 Rebuilding Plan Measures, Tab B, Numbers 11(a) through (c), in  
12 June 2022, SERO staff presented options to the council for a  
13 proposed interim rule for gag grouper, which is intended to  
14 reduce fishing mortality ahead of the development of Amendment  
15 56, which will be a rebuilding plan for gag grouper. SERO staff  
16 provided a brief update on the development of this interim rule.

17  
18 Dr. Nance reviewed the alternative run using the SEDAR 72 base  
19 model, but supplanting the MRIP-FES recreational landings data  
20 with the same from the State of Florida's State Reef Fish Survey  
21 (SRFS) run. The SEDAR 72 assessment was originally presented at  
22 the SSC's September 2021 meeting and used updated recreational  
23 landings data from MRIP-FES and an ecosystem-informed model for  
24 incorporating episodic mortality from red tide.

25  
26 The SRFS run found gag grouper to be overfished and undergoing  
27 overfishing and was determined, by the SSC, to be consistent  
28 with BSIA, at its July 2022 meeting.

29  
30 The Southeast Fisheries Science Center also reported a  
31 correction to the headboat landings data for an area of landings  
32 along the Florida and Alabama state lines that had mistakenly  
33 not been included in the original SEDAR 72 run. As such, the  
34 Southeast Fisheries Science Center also re-ran the original  
35 SEDAR 72 base model using MRIP-FES, in addition to the SRFS run,  
36 to discern any effects of this correction.

37  
38 This resulted in no substantial change to the rebuilding  
39 timeline for the SRFS model. However, the MRIP model projected  
40 that the stock would rebuild in ten years at  $T_{min}$  and  $F$  equals  
41 zero at a fishing mortality rate at maximum sustainable yield  
42 (FMSY) proxy using a 30 percent spawning potential ratio, again  
43 at  $F$  30 percent SPR, and a medium severity estimate for red tide  
44 mortality in 2021.

45  
46 Generally, the SRFS model estimates similar trends in landings  
47 as the MRIP model. Diagnostics demonstrated stable models using  
48 either SRFS or MRIP. Generally, the SRFS run scales down the

1 stock's population size by about 50 percent, but does not change  
2 the stock's trajectory or the ratio of SSB to virgin SSB in the  
3 terminal year.

4  
5 A committee member asked about the difference between the SRFS  
6 data and the MRIP data with regard to the estimated total  
7 biomass of the gag grouper stock. Dr. Nance replied that the  
8 surveys estimate catch similarly, but differ in how they  
9 estimate effort, which results in a difference in the estimated  
10 historical landings.

11  
12 Another committee member asked why SRFS was suitable for gag  
13 grouper in this case, but other surveys had not been deemed so  
14 for other species. Council and Southeast Fisheries Science  
15 Center staff explained that the SRFS data were calibrated back  
16 in time over the same time period as the MRIP data, and that  
17 SRFS covers more than 95 percent of all private vessel landings  
18 of gag grouper, making it appropriate for both assessment and  
19 catch limit monitoring purposes. Further, SRFS underwent and  
20 passed peer review for its use for gag grouper, which has not  
21 yet been done for the state surveys for other species, like red  
22 snapper.

23  
24 **The committee recommends, and I so move, that the council concur**  
25 **with the SSC's motion regarding the SEDAR 72 Gulf of Mexico gag**  
26 **grouper operational assessment base run configuration, MSY**  
27 **proxy, red tide scenario, and stock status determination to use**  
28 **SRFS data and its consideration as BSIA.** The motion carried  
29 without opposition. Mr. Chair.

30  
31 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any  
32 discussion on the motion? **Seeing no discussion, is there any**  
33 **opposition to the motion? Seeing no opposition, the motion**  
34 **carries.**

35  
36 **DR. FRAZER:** Council staff then presented options to consider  
37 prior to developing an options draft for the October 2022  
38 council meeting, noting that changing the proxy for FMSY can be  
39 done by stating the new proxy, if no other options are being  
40 considered (Reef Fish Amendment 48). There are currently three  
41 proposed actions addressing sector allocation, catch limits, and  
42 fishing seasons.

43  
44 A committee member asked why it was possible to keep the current  
45 sector allocation. Council staff explained that the current  
46 sector allocation, monitored under SRFS, would result in a  
47 slight de facto reallocation to the commercial sector, due to  
48 the higher estimation of recreational landings from the

1 calibrated historical SRFS landings data.

2  
3 The committee discussed inclusion of more recent time series for  
4 consideration for sector allocation, considerate of factors like  
5 the initiation of the IFQ program in 2010. A committee member  
6 also suggested looking at the percent utilization of the stock  
7 by the sectors that is being explored by the South Atlantic  
8 Fishery Management Council for gag grouper.

9  
10 A committee member asked about justification for the proposed  
11 commercial closure in February and March in waters deeper than  
12 twenty fathoms, 120 feet. Council staff recalled that almost  
13 all male gag, and almost all spawning activity, occurs in waters  
14 deeper than twenty fathoms, and that, given the small fraction  
15 of the population that is thought to be male, and the depressed  
16 recruitment that has been estimated for the last decade,  
17 protecting the males, especially while spawning, should be  
18 considered by the council. Mr. Chair.

19  
20 **CHAIRMAN DIAZ:** Okay. Dr. Stunz, is this what you wanted to --

21  
22 **DR. STUNZ:** Yes.

23  
24 **CHAIRMAN DIAZ:** So Dr. Stunz has a motion, and you have --

25  
26 **MR. RINDONE:** I have an updated presentation that shows the  
27 different allocations, based on the different years that we  
28 talked about casually during committee, that I can show the  
29 council.

30  
31 **DR. STUNZ:** My motion may or may not make that discussion  
32 relevant, depending on if we pass it or not.

33  
34 **CHAIRMAN DIAZ:** So Dr. Stunz has a motion that he wants to make  
35 relative to gag, and so let's do his motion first, and then  
36 we'll look at the presentation on that. Dr. Frazer.

37  
38 **DR. FRAZER:** I am just trying to make sure that we maintain a  
39 logic flow here, and I'm thinking this might help, and so, I  
40 think, in Ryan's presentation -- In this particular document,  
41 there are a couple of action items with alternatives in it, and  
42 I think he's going to take this opportunity to review the action  
43 items and the alternatives, and so then we might potentially  
44 pick a preferred, right, and we don't necessarily have to do  
45 that, but to review the action items and the alternatives, so  
46 people know where we're going with the document.

47  
48 **MR. RINDONE:** Not necessarily pick a preferred, but weed out

1 some of the things that you know that you don't want, and so,  
2 when we have an options draft, at that point, you guys can start  
3 playing around with the idea of a preferred, since right now we  
4 just have the presentation, but there is definitely an  
5 opportunity to thin the herd, and so we're crunched on time,  
6 yes.

7

8 **DR. FRAZER:** Yes, and that was my bad. Sorry about that.

9

10 **CHAIRMAN DIAZ:** All right, and so I'm going to recognize Dr.  
11 Stunz first. His motion may have some effect on that  
12 presentation, depending on where it goes. Dr. Stunz.

13

14 **DR. STUNZ:** Thank you, Mr. Chairman. If you could, ladies, pull  
15 that motion up that I sent earlier today, and, Ryan, what you're  
16 going to present will have relevance at some point, but I just  
17 don't know -- You will see when I make the motion here, and,  
18 while they're pulling that up -- I actually sent you two  
19 motions, and one is a slight alternate, and it does exactly the  
20 same thing, but I'm not sure of the procedure that we want to go  
21 down, and so they're the same motion, but just a little bit  
22 different versions, depending on the right procedural way to do  
23 that. While they're pulling it up, I will kind of -- Do you  
24 want me to wait? Then, if I get a second, I will explain it  
25 better.

26

27 **Mr. Chairman, my motion is I move that Reef Fish Amendment 56**  
28 **base catch limits using SRFs converted landings for the 1986 to**  
29 **2005 original reference period. If subsequent allocation**  
30 **changes are desired, the council should begin to develop a**  
31 **separate amendment with a full allocation review, based on the**  
32 **allocation policy and guidelines.**

33

34 **CHAIRMAN DIAZ:** All right, and so we have a motion on the board.  
35 Is there a second to the motion? It's seconded by Dr. Shipp.  
36 Can you give some rationale, Dr. Stunz?

37

38 **DR. STUNZ:** Yes. Thank you, Mr. Chair, and so my rationale is,  
39 and, well, in hindsight, I should have done this maybe for  
40 amberjack, and let's try to just move that amendment along, but,  
41 obviously, and I don't want to rehash all those discussions, but  
42 we pretty much already have, but we really confound these  
43 amendments when we have an allocation in there, when we're  
44 really just fixing a mathematical or what in my mind is just a  
45 clerical error.

46

47 Certainly that results in allocation shifts, but then, if folks  
48 don't like the way that happened, because sometimes it works

1 favoring one sector one time, and another sector another, and I  
2 don't even know how it's all going to come out, but the point  
3 is, when we do an FES, or, in this case, SRFs, conversion, I  
4 think we should make that more of an automatic process that's  
5 informed by the SSC, and we fix that, and depending -- We might  
6 like the allocation, and we might not, and then we don't  
7 confound that.

8  
9 Now, in this case, this is specifically for gag, because we're  
10 in gag, but just to tell you that I have another similar motion  
11 prepared that is probably more relevant to Sustainable  
12 Fisheries, because it's broader than Reef Fish, to do that -- To  
13 make that sort of our policy from now on, but, at least for this  
14 one specific to gag, since we're kind of in the middle of this  
15 amendment.

16  
17 **CHAIRMAN DIAZ:** Okay. We have a motion on the board. Is there  
18 discussion? Mr. Gill.

19  
20 **MR. GILL:** Thank you, Mr. Chairman. Greg, help me understand  
21 the wording of the first sentence. I agree with second  
22 sentence. The first sentence, however, I'm not sure that I  
23 understand the terminology and the ramifications of that  
24 terminology. Is that the basis for allowing other alternatives?

25  
26 Recollect that, during committee, we had discussions over the  
27 appropriate time periods to be included, and, in fact, staff  
28 asked me to think about it and bring one back, and, the way it's  
29 worded, it gives me some concern that that's obviating that  
30 discussion as well, and so could you clarify that for me?

31  
32 **DR. STUNZ:** Bob, to be clear, and, if we need to make some  
33 changes to verbiage -- I am not trying to do anything here, but  
34 the reason I put that, and maybe I'm not doing what I think I'm  
35 doing, was that is the original reference period. If we don't  
36 like that reference period in the future, because of that  
37 allocation, and there is justification to change it, that would  
38 be changed at a later time.

39  
40 What we're trying to do now here is, in my mind, apples to  
41 apples, CHTS to FES conversion, and based on how it had been  
42 done in the past, and then we move forward with the allocation  
43 process and not complicating the document at this point.

44  
45 **CHAIRMAN DIAZ:** To that point, Mr. Gill? To that point, Mr.  
46 Gill, and then Mr. Strelcheck.

47  
48 **MR. GILL:** Thank you, Mr. Chairman, and so what you're saying is

1 that's effectively Alternative 2, to be followed by other  
2 alternatives, Alternative 3, and then other alternatives added  
3 around it? No? That's what I'm trying to understand, is what  
4 does this darned thing mean?

5  
6 **DR. STUNZ:** Well, now I would have to see Alternative 1, Bob, to  
7 make sure I'm answering your question accurately, but what I'm  
8 trying to do is separate the conversion from the allocation,  
9 essentially.

10  
11 **CHAIRMAN DIAZ:** It would not be Alternative 1 though, and so  
12 Alternative 1 would be no action, without any conversion, would  
13 be -- That's where the Alternative 1s have been landing, and so  
14 it would definitely not be the no action alternative. Mr.  
15 Strelcheck.

16  
17 **MR. STRELCHECK:** Mara likely will weigh-in, but, legally, I'm  
18 not sure this would be defensible, in terms of the approach. I  
19 understand what Greg is trying to do, and I agree that,  
20 obviously, we need to be looking at the change in the currency,  
21 based on the new survey methodology, but it is an allocation  
22 change, and then that triggers, obviously, the council putting  
23 together a rationale and a record with regard to why it's  
24 appropriate to change the allocation, and the justification  
25 could be, you know, what you're explaining, in terms of a change  
26 in the methodology, but there's also a lot of other factors to  
27 consider.

28  
29 Then, under the National Environmental Policy Act, we would have  
30 to look at a range of alternatives that are reasonable to  
31 consider in association with that, and so, legally, I would love  
32 to have Mara weigh-in, in terms of the recommendation.

33  
34 **CHAIRMAN DIAZ:** Ms. Levy.

35  
36 **MS. LEVY:** Thank you. I mean, I think we've talked about this  
37 before, the fact that the integration of the new recreational  
38 data is intertwined with the catch limits, because it affects  
39 the projections, which is why we have not separated it before,  
40 and that, if you're going to consider keeping the same  
41 percentages then, or updating the percentages, whatever it is,  
42 that's fine to be an alternative, and you can have that  
43 alternative in your document, and you can select it, like you  
44 can select this, but you can't just state one alternative and  
45 move forward with it without considering the other reasonable  
46 alternatives, the economic impacts, the social impacts, the  
47 impacts to the stock. We have to have all of that for the  
48 agency to be able to move forward and actually say that what you

1 want to do is consistent with the Magnuson Act and all of the  
2 other required legal analysis.

3

4 **CHAIRMAN DIAZ:** To that point, Dr. Stunz?

5

6 **DR. STUNZ:** To that point, and I think, by the way, Bob,  
7 Alternative 3 might be the one, instead of Alternative 1, but I  
8 need to review that a little more, but, to Mara's point, that's  
9 exactly why I want to pull these out, is because we have this --  
10 You know, have we fully vetted this?

11

12 You know, we talk about the allocation policy, and we've got --  
13 I can't remember exactly all the details, but it's much a more  
14 involved process, with a full evaluation, compared to what we're  
15 doing here, and that's one of the primary reasons that I want to  
16 pull it out, to give the -- I mean, a lot is at stake with these  
17 allocations, and we're kind of doing it here, versus just  
18 substituting in the SRFs numbers and converting them.

19

20 Then we go through this allocation process, as you're talking  
21 about, in a very meaningful way, where we fully consider the  
22 impacts, including economic and everything else related to this  
23 allocation. Right now, I don't think that this document is  
24 doing that, in terms of we're allocating based kind of on what  
25 it says, and we're not really being true to our allocation  
26 policy guidelines.

27

28 **MS. LEVY:** To that point?

29

30 **CHAIRMAN DIAZ:** Ms. Levy.

31

32 **MS. LEVY:** So we just had a presentation by staff, using the  
33 greater amberjack document as an example, about how these  
34 documents do what the allocation review policy sets forth, and  
35 so this is not a document yet.

36

37 This is an options paper, and there's nothing in it, because it  
38 hasn't been developed, but you do go through that allocation  
39 review process in doing these amendments, and you can't just  
40 skip it and implement this particular allocation and somehow not  
41 consider all of those things, and so this is an allocation  
42 change. It is, and it affects the commercial sector, and it  
43 affects the recreational sector, and it is not status quo, which  
44 is what folks are trying to make it be. That's not to say that  
45 you could not do this as a defensible new allocation, but you  
46 need to have a more considered discussion and consideration of  
47 other reasonable alternatives.

48

1 **CHAIRMAN DIAZ:** To that point, Dr. Stunz?

2  
3 **DR. STUNZ:** Well, Mara, I respectfully disagree that we really  
4 haven't gone through a very deliberative process, and maybe we  
5 will, and I don't know, but, I mean, I am envisioning this, and  
6 I'm skipping ahead to my broader motion to do this collectively  
7 later, but I could imagine a scenario where the SSC, for  
8 example, works with the Science Center, just like we did ACLs,  
9 for example, and we you come back with a converted number, based  
10 upon, you know, fixing that clerical error, and that's that. I  
11 mean, that's the facts, and that's how it was, and that was the  
12 history in the past, and then we go through, you know, this very  
13 deliberative, full allocation process, and I'm sorry, but I'm  
14 just not seeing why that can't be done.

15  
16 **CHAIRMAN DIAZ:** Is there any further discussion on this motion?  
17 Mr. Strelcheck.

18  
19 **MR. STRELCHECK:** I recognize there is disagreement around the  
20 table, in terms of the legal advice. I mean, you've heard the  
21 legal advice, right, and choose the one who is the trained  
22 attorney here giving you that advice, and you may disagree with  
23 it, but I think, if we vote up this motion, it creates a huge  
24 risk, obviously, with the gag action, moving forward, and  
25 ultimately being submitted to the agency, if you consider this  
26 approach, and so I would recommend against this, and we can  
27 certainly come back and have further discussion about the  
28 concerns that are being raised today and that this means.

29  
30 **CHAIRMAN DIAZ:** Dr. Frazer.

31  
32 **DR. FRAZER:** Just, again, I guess what I was trying to do, for  
33 this very reason, was to have Mr. Rindone kind of work through  
34 the alternatives, the various action items and the alternatives  
35 in his presentation, so we could see where this falls out, and  
36 so my suggestion is perhaps if we just table it until after  
37 Ryan's presentation, perhaps.

38  
39 **CHAIRMAN DIAZ:** So, basically, Dr. Simmons told me something  
40 similar a minute ago, that Ryan's presentation might make some  
41 of this clearer for some council members, and I know it's a  
42 little unorthodox to not deal with the motion that's on the  
43 board, but, if Dr. Stunz does not have any problem, if we go  
44 ahead and let Ryan do his presentation, and so I'm inclined to  
45 do that at this point, and then, after his presentation, we'll  
46 come back and deal with this motion. Mr. Rindone.

47  
48 **MR. RINDONE:** Bernie, could you go to Slide 12, please? Okay,

1 and so we talked about the sector allocations, and this  
2 discussion is actually really good for this part of the  
3 conversation. We talked about some other year options that  
4 might be considered, like the ones from red grouper, and so, to  
5 make them commensurate for gag, we would add, potentially, 1986  
6 to 2009, 1986 to 2019, the South Atlantic's Bow-Tie Method that  
7 they have used for allocating some species, and then a  
8 proportional reduction, followed by a distribution, and I left  
9 that one out of this, because there are some math discrepancies,  
10 with currency changes, that we're just not ready to bring this  
11 one to you guys yet, and so I want to pick somebody over in the  
12 South Atlantic's brain on more about this before I try to put  
13 this in -- Or try to consider this, but I don't think, in the  
14 short-term, it's something that we should probably burn a lot of  
15 midnight oil on.

16  
17 This is looking at options of 1986 to 2005, which is the current  
18 reference period, and that gives you about 35 percent commercial  
19 and 65 percent recreational. If you add four more years, it  
20 will take you to 2009, and so the last pre-IFQ year. It's  
21 virtually the same. It's like half-a-percent difference.

22  
23 If you add in the totality of the IFQ period, it drops down to  
24 about 1.4 percent difference from the current reference period,  
25 and the thing to remember for that is, for the last three years,  
26 that 2017 to 2019 especially, there's definitely some evidence  
27 to suggest that there was a shift in commercial fishing effort  
28 as gag got harder to find, and there was less commercial fish  
29 that were being landed.

30  
31 There were less recreational fish being landed as well, and the  
32 recreational sector wasn't catching its ACL, and so there were  
33 clearly some problems with the stock that may have influenced  
34 catch per unit effort during the latter part of that time  
35 series, and so, if you were looking for a reason why you might  
36 not want to consider an 1986 to 2019, bias related to the  
37 condition of the stock would certainly be one of them, and then,  
38 of course, the difference between the 1986 to 2005 and 1986 to  
39 2009 is miniscule, from a percentage standpoint, and it would be  
40 up to you guys to determine how miniscule that is, in terms of  
41 what it means for social and economic effects.

42  
43 The Bow-Tie Method, the way that this works is that you take the  
44 entire time series, and you give that a weighting. The average  
45 landings from that whole time series, you give that a weighting  
46 of 50 percent, and then you give the other 50 percent of the  
47 weighting to the most recent three years in that time series,  
48 during that reference period, and so you can see the way that

1 those shake out there.

2

3 Again, with the 2017 to 2019, and we just finished talking about  
4 the potential bias there with relation to the stock, but this is  
5 a more complex way of doing it, and it still doesn't really  
6 result in meaningful differences in percentages, but, you know,  
7 it's up to you guys to really determine what that means, and so  
8 this is what all those shake out to, and so, if we can look at  
9 these, and especially if we can thin some of these things out,  
10 it gives me a better idea of what to request of the Science  
11 Center before we get into this SSC meeting coming up, for the  
12 SSC to look at what these yields look like, where they can  
13 recommend those as being consistent with BSIA and pass those on  
14 for us to include in an options draft.

15

16 **CHAIRMAN DIAZ:** Any questions for Mr. Rindone? Mr. Gill.

17

18 **MR. GILL:** Thank you, Mr. Chairman, and so I'm sure you know  
19 more than I, but is Bow Tie the correct terminology here, and  
20 does it have specific relation to that technique and process?

21

22 **MR. RINDONE:** I'm sorry, but I guess I missed the first part,  
23 and does Bow Tie have specific reference to what process?

24

25 **MR. GILL:** I have not heard Bow Tie terminology, and I'm trying  
26 to just reaffirm that it's what you intended.

27

28 **MR. RINDONE:** It's what you think it is. It's the allocation  
29 method that the South Atlantic had used in the past, and the  
30 intention is to try to upweight the more recent part of the time  
31 series, and, in effect, what it ends up doing is not exactly  
32 proportional, but it double counts the last three years, because  
33 you're including it in the 50 percent to the entire time series,  
34 and then you're adding extra weight to it for the second half of  
35 that calculation.

36

37 I think that -- I don't think that you gain a lot by adding that  
38 level of complexity to it, based on just looking at the numbers,  
39 especially in the early years here, and especially if periodic  
40 reconsideration of any of this is something that's of interest  
41 to the council. In the initial years, the yields that we're  
42 going to be looking at, regardless of these small differences in  
43 percentages -- Like they're going to be low for gag.

44

45 We're going to be sorting couch change for the first few years  
46 of the rebuilding period, and so the effect is going to be a  
47 shift of mere thousands of pounds, to tens of thousands of  
48 pounds, at most, I would think, and so just, I guess, food for

1 thought on that, but, again, if you guys could -- You know, if  
2 you guys say we want to just stick with our normal method of  
3 solid reference periods, then we can drop the whole Bow Tie  
4 thing, or, if you're interested in that, then fine. If there's  
5 any reference periods that you want to ignore completely, please  
6 tell us, so that we can thin this out, but this is just based on  
7 what was discussed in committee, but fewer options will allow us  
8 to expedite things.

9  
10 **CHAIRMAN DIAZ:** Mr. Gill.

11  
12 **MR. GILL:** Thank you, Mr. Chairman, and so are you looking for a  
13 motion here or discussion? Why does Ryan keep asking for  
14 motions?

15  
16 **MR. RINDONE:** I just want to put you on the spot. I mean, I  
17 don't know that necessarily we have to -- Okay. Here's the  
18 thing. I don't know that you necessarily need a motion, but, if  
19 you tell me that you don't want to look at things, like I'm not  
20 going to intend to bring that back. We're on a tight time  
21 schedule for gag, just like we are with amberjack, and so let's  
22 get a good idea of what you guys want to do now, so that what we  
23 bring back for options -- We're pretty confident that we're not  
24 going to be looking at any other allocation options beyond that.

25  
26 **CHAIRMAN DIAZ:** Mr. Gill.

27  
28 **MR. GILL:** Thank you, Mr. Chairman, and so I agree with Ryan's  
29 comments and doing the Bow Tie complication, both in  
30 understanding and a little bit more complex computation, and so  
31 I consider that we should not utilize the Bow Tie, but utilize  
32 the other three reference time periods.

33  
34 **CHAIRMAN DIAZ:** Any other comments about alternatives that the  
35 council is interested in or not interested in seeing? Ms.  
36 Boggs.

37  
38 **MS. BOGGS:** I know it kind of didn't work out with amberjack,  
39 but I'm still curious, and so now we have a species that we have  
40 an allocation, or an IFQ, that started in 2010, and you've got  
41 two options there that don't even -- I guess that's what I don't  
42 understand, and I've got to get with Dr. Froeschke, and probably  
43 Ryan, some more to understand, because it seems, to me, like  
44 somehow that would play into this, because your fishery is  
45 changing at that point.

46  
47 I understand that it's 61/39, but, somehow, I still feel like we  
48 need to look at this historical catch with the commercial

1 fishermen, and their numbers are their numbers, and these  
2 percentages bother me a little bit, when you look at -- Again, I  
3 understand that you may have to decrease them some, but I just  
4 feel like, somehow, that should play into this, and maybe I'm  
5 wrong.

6  
7 **MR. RINDONE:** Well, it's certainly within you all's purview to  
8 say that you want to exclude say the 1986 to 2019, because it  
9 includes the IFQ years, and because, at that point, the  
10 commercial sector would have been capped, and so it's less of an  
11 organic representation of what was being caught.

12  
13 **CHAIRMAN DIAZ:** Dr. Frazer.

14  
15 **DR. FRAZER:** I am just trying to help you out, Ryan, and the  
16 staff, and so, if you were to, I guess, incorporate, or think  
17 about Bob Gill's suggestion to get rid of the reference time  
18 period using the Bow Tie approach, and then you got rid of the  
19 1986 to 2019, because of the issues that Ms. Boggs just talked  
20 about, and so you would have three alternatives in that action,  
21 right, like a no action alternative and two historical time  
22 series, to consider.

23  
24 **MR. RINDONE:** Two to three functional alternatives, yes, because  
25 the Alternative 1 would leave it as it is and continue with  
26 monitoring under CHTS, which is not something we can do.  
27 Alternative 2 would leave it as it is, 61/39, but manage under  
28 SRFS, which is a de facto reallocation of the commercial sector,  
29 and Alternative 3 is 1986 to 2005, which gives you 65 percent  
30 rec and 35 percent commercial, and then a new Alternative 4  
31 would be 1986 to 2009, which would be basically the same thing.

32  
33 **DR. FRAZER:** So, again, are you just -- I mean, that's my  
34 preference, to keep it to a manageable number, and kind of  
35 adhere to the legal requirements that Mara referred to, and then  
36 move on from there, and so do we need a motion specifically for  
37 that?

38  
39 **MR. RINDONE:** I mean, I have good direction, I think, at this  
40 point. Ms. Levy has her hand up though.

41  
42 **CHAIRMAN DIAZ:** Go ahead, Ms. Levy, and then we're going to deal  
43 with the motion. Ms. Levy.

44  
45 **MS. LEVY:** Thanks. I think Ryan covered it, but, maybe to  
46 Susan's point, all of these documents that we've developed, red  
47 grouper, greater amberjack, this one, they all have an  
48 alternative to keep the same percentages, right, and so, in that

1 way, you would be keeping the same percentage for the commercial  
2 sector, if you chose that. The issue you have to grapple with  
3 is that a total reduction is needed, and what are the  
4 implications if you keep the same percentage for the commercial  
5 sector, but I just wanted to point out that that has been there,  
6 and I think the intent would be to include that, and Ryan noted  
7 that. Thank you.

8  
9 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. All right, and so we're  
10 going to go back to the motion. **The motion, from Dr. Stunz, is**  
11 **to move that Reef Fish Amendment 56 base catch limits using**  
12 **SRFS-converted landings for the 1986 through 2005 original**  
13 **reference period. If subsequent allocation changes are desired,**  
14 **the council should develop a separate amendment, with a full**  
15 **allocation review, based on the allocation policy and**  
16 **guidelines.**

17  
18 Is there any further discussion on this motion? I am going to  
19 bring out a few points for your consideration, as you vote. We  
20 have advice from counsel that this is likely to be problematic,  
21 and could slow down the process, and the reason I bring that up  
22 is, like Ryan said, we are on a tight timeline.

23  
24 We were notified in January of this year that that stock is  
25 overfished and undergoing overfishing, and we have two years to  
26 get everything done, and we have to have a new amendment in  
27 place by January of next year, and so we're going to have to  
28 take action on this by probably no later than June, roughly, of  
29 the coming year, final action, and so there's still a fair  
30 amount of work to do.

31  
32 As you seen, through Ryan's presentation, on this particular  
33 species, the percentage changes are not very great, and so, if  
34 anybody has any comments, they are welcome to make them now.  
35 We're going to go ahead and vote. **All in favor of the motion,**  
36 **signify by raising your hand; all opposed, like sign.**

37  
38 **DR. SWEETMAN:** I am opposed.

39  
40 **CHAIRMAN DIAZ:** All right. **It's a tie vote, and the motion**  
41 **fails.** Dr. Froeschke.

42  
43 **DR. FROESCHKE:** One suggestion on perhaps how you could do this  
44 is, given the similarity of the percentages among those three  
45 time series, is you could just add an Alternative 3 to the  
46 document to set the allocation at 65/35, something like that,  
47 and then, in the discussion, you could compare that that  
48 percentage is relatively robust among various representative

1 time series.

2  
3 **MR. RINDONE:** So it's already in there, as a percentage anyway,  
4 in Alternative 3, but you're saying just set it at that,  
5 regardless of the representative time series, and say that the  
6 data support that, essentially, and so there's really no reason  
7 that we couldn't use that instead of the current Alternative 3.

8  
9 **DR. FROESCHKE:** Correct, and it would just save a lot of  
10 haggling about the time series. I mean, they're all about the  
11 same, and that should be, in my view, pretty good rationale that  
12 that's a reasonable alternative, and then the back half of that  
13 still would apply.

14  
15 **MR. RINDONE:** Well, I mean, it's a question, right, and so would  
16 you guys rather just go ahead and say, in Alternative 3, to  
17 establish a new sector allocation of 65 percent recreational and  
18 35 percent commercial, and then the justification would be that,  
19 whether you use 1986 to 2005 or 1986 to 2009, the time series is  
20 robust to this, and it results in about this allocation, and so  
21 then it doesn't really matter what the time series is anymore,  
22 and you're setting it based on a look at more than just one  
23 reference period.

24  
25 **CHAIRMAN DIAZ:** Dr. Frazer.

26  
27 **DR. FRAZER:** Again, because the percentage differences between  
28 those historical time series are like a fraction of a percent, I  
29 think it makes sense, if it's going to streamline and simplify  
30 the workload, for staff to do that, and I don't have any problem  
31 with that.

32  
33 **CHAIRMAN DIAZ:** So I believe, Dr. Frazer, we're at a point where  
34 we're ready to pick up on the committee report. Did you have  
35 any other business, Mr. Rindone?

36  
37 **MR. RINDONE:** I have already requested that the Science Center  
38 produce yields corresponding to the 65/35 split, just in  
39 preparation, in case like this happened, because the gap between  
40 when this meeting is happening and when the SSC meeting is  
41 happening -- Like it was better to ask for it and have it than  
42 not ask for it and not be able to review it in time, and so  
43 we'll be onboard -- We'll be able to review this, that 65/35,  
44 and the projection that will correspond to that, for the next  
45 SSC meeting, and so we'll be able to fold that into the options  
46 draft.

47  
48 The only other thing that was on this list that you guys are

1 going to need to provide any input on is going to be the fishing  
2 seasons, and so there were two options that were presented in  
3 there, and there's one that reflects the shallow-water grouper  
4 closures and closing commercial fishing beyond twenty fathoms in  
5 February and March, which corresponds with the peak spawning  
6 season for gag.

7  
8 Typically, we don't find male gags shallower than 120 feet, and  
9 spawning activity doesn't occur shallower than 120 feet, and so  
10 that was why that shallow-water grouper closure was deemed at  
11 that depth in the first place, and then having it set in  
12 February and March corresponds with gag peak spawning activity,  
13 and so, if that's something that you guys want to continue to  
14 consider, we'll leave that in there. If not, speak now, or  
15 forever hold that piece.

16  
17 **CHAIRMAN DIAZ:** Mr. Strelcheck.

18  
19 **MR. STRELCHECK:** A couple of questions for Ryan. Remind me,  
20 with regard to the recreational season alternatives, and do we  
21 have those in the amendment?

22  
23 **MR. RINDONE:** We do. That's Alternative 3, and that reflects  
24 what's in the interim rule. Alternative 3 would revise the  
25 current recreational fishing season for gag such that it would  
26 be closed from January 1 to August 31 and reopen on September 1,  
27 and then it would close on November 10, or when the recreational  
28 ACL is projected to be met, whichever occurs first, and so that  
29 reflects what is currently in the interim rule.

30  
31 **MR. STRELCHECK:** So, related to that, one suggestion is,  
32 obviously, we're going to see how that season performs next  
33 year. As the stock rebuilds, and hopefully responds to our  
34 management measures, the catch levels are going to go up, and I  
35 don't know, obviously, if that means the season will get longer  
36 or not, but that would be the hope, and so one thought I had was  
37 to set a start date and give NMFS the authority to kind of set  
38 the fishing season, so that it can allow for an expansion of  
39 that season over time and not lock us into the essentially  
40 seventy days, and we do that in other fisheries, and in  
41 particular the South Atlantic.

42  
43 Then, while I have the microphone, we heard a lot about closing  
44 the commercial fishery and concerns about a commercial closure,  
45 and I tend to agree with the commercial fishermen that I think  
46 it's better to allow for some harvest as bycatch during that  
47 timeframe, even at low levels, but we do have a historically low  
48 population of male gag right now, and we have, in place, two

1 spawning area closures, with Madison-Swanson and Steamboat  
2 Lumps, that are year-round closures.

3  
4 Madison-Swanson is far more important for gag, and then we have  
5 a seasonal closure for The Edges, and that seasonal closure is  
6 January through April, in part to protect male gag, and other  
7 gag, in that area, but I was wondering if it's worth considering  
8 expanding that to a year-round closure, at least for  
9 consideration in this document, to protect gag in that  
10 particular deepwater habitat and not opening it, obviously, to  
11 potential fishing mortality after the spawning season.

12  
13 **MR. RINDONE:** So, I mean, I think that we could put that in  
14 here, and I guess the question would be, would it be closed to  
15 all fishing activity year-round, and then would we be also  
16 sending a letter to HMS, similar to what we just did in the  
17 generic framework action, for Madison-Swanson and Steamboat  
18 Lumps, because we used to have a trolling provision for those  
19 that we have since taken back, and I think that was implemented  
20 in August of last year, and so we would be talking about  
21 something similar for The Edges, because the whole impetus  
22 behind that action was the Reef Fish AP telling us that they  
23 were -- Certain members of the AP were witnessing a lot of  
24 poaching out there, and law enforcement told us that it's  
25 difficult to enforce a -- It's difficult to prevent fishing  
26 activity on the bottom when there's a trolling provision.

27  
28 **CHAIRMAN DIAZ:** Mr. Strelcheck.

29  
30 **MR. STRELCHECK:** Ryan, I guess I don't think we need to get into  
31 details here, and I don't even know if I would support it. I  
32 think, at this point, I would just be -- I don't want to miss an  
33 opportunity to at least consider an action and an alternative  
34 that might be really helpful for the conservation of gag  
35 grouper, and particularly the male population, and so that's why  
36 I was suggesting that we at least include it and get some  
37 analysis and see what information the Science Center has that  
38 would support this action or not.

39  
40 **CHAIRMAN DIAZ:** Mr. Rindone.

41  
42 **MR. RINDONE:** Well, maybe it's better to look at that -- I know  
43 the idea behind including this, but maybe it is better to look  
44 at that separately, because it could be something that ends up  
45 affecting the CMP species as well, and so it would be more of a  
46 generic amendment, you know, like the other one was, and then I  
47 could envision it bogging this amendment down some, and, given  
48 the time-sensitive nature of it, maybe this isn't the best place

1 for that right now, but that's not to say that it's not a good  
2 thing to investigate.

3  
4 **CHAIRMAN DIAZ:** All right. Any further comments? Ms. Boggs.

5  
6 **MS. BOGGS:** Thank you, Mr. Chair. Looking at the recreational  
7 seasons, this is not a fishery that is big off the coast of  
8 Alabama. I mean, we catch a few gag, but, in hearing the  
9 testimony yesterday, the folks from Panama City, and I know  
10 Destin catches a lot of gag, and I know Tampa and St. Pete and  
11 down there through, and Fort Myers catches a lot of gag, and,  
12 from what I heard yesterday in testimony, and I understand the  
13 intent and what we're trying to do, but talking about, if you  
14 close it during that June-July season, when you're snapper  
15 fishing, and you have the discards, and, I mean, I look at this  
16 as important, because is it better to keep it open and retain a  
17 few fish, as opposed to closing it with all these, most likely,  
18 dead discards that you're going to incur, because it's still  
19 going to count against your quota.

20  
21 Again, there's finding that balance, and then you heard the  
22 argument of, well, if you open it in September, the shallower  
23 waters are easier to catch, and I don't know what's better, but  
24 I'm just bringing up the points from what we heard yesterday, to  
25 see what is worse, or what is better, and is it better to let  
26 them catch a few as a bycatch, I guess you could say, during  
27 snapper season, or is it better that they throw those -- Excuse  
28 me. Release those fish, and they hopefully survive, or you wait  
29 and open the shallower waters, when they're easier to catch.

30  
31 I was just reading where, in November and December, but I think  
32 it says close November 10, which would -- That's when they say  
33 the peak season is, and so I really don't know, and I'm just  
34 asking the question, but I just know what I heard in comments  
35 yesterday. Thank you.

36  
37 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. All right. I think we're  
38 at a point to move on, Dr. Frazer, if you would lead us through.

39  
40 **DR. FRAZER:** Okay. IFQ Focus Group, Tab B, Numbers 12(a)  
41 through (d), staff presented a draft meeting summary for the  
42 August 2-3, 2022, meeting of the IFQ Focus Group in Tampa,  
43 Florida. One of the meeting's facilitators was available  
44 virtually to answer questions from the committee.

45  
46 The committee noted the contentious issues addressed by the IFQ  
47 focus group members and discussed the expectations for the IFQ  
48 focus group, should it be convened for a second meeting.

1  
2 A committee member inquired about NMFS' efforts to address the  
3 recommendations from the National Academy of Sciences study on  
4 the Gulf IFQ programs, and the committee requested that Dr.  
5 Powers and Dr. Anderson, co-authors of the study and members of  
6 the council's SSC, work with the SSC to identify those NAS  
7 recommendations that could be prioritized or operationalized.  
8 Recognizing the complexity of the IFQ programs, committee  
9 members noted the need for more time during council meetings to  
10 work on changes to the IFQ programs.

11  
12 **The committee recommends, and I so move, to reassemble the IFQ**  
13 **Focus Group for a second two-day meeting.** That motion carried  
14 with one in opposition. Mr. Chair.

15  
16 **CHAIRMAN DIAZ:** Okay, and so we have a committee motion. Is  
17 there any discussion on the motion? **Seeing none, is there any**  
18 **opposition to the motion? The motion carries.** Dr. Frazer.

19  
20 **DR. FRAZER:** Okay, and so Other Business. The committee  
21 discussed the state-specific surveys of private recreational red  
22 snapper catch and effort, acknowledging the considerable  
23 investments and effort on behalf of the states to make these  
24 surveys functional and valuable.

25  
26 A committee member also noted the differences in estimation  
27 methods between the surveys and the work being conducted by the  
28 MRIP Transition Team with the states to work toward a common  
29 data currency.

30  
31 Another committee member asked about the intent of a committee  
32 motion to accept the state surveys by the Council as best  
33 available science. A committee member stated that this motion  
34 would clarify the council's perspective for the public. A  
35 committee member noted that the council is a management body,  
36 and, not a scientific one, and, as such, the council doesn't  
37 have the authority to deem any survey or body of research as the  
38 best scientific information available.

39  
40 The committee recognized that the SSC is typically the body that  
41 makes recommendations about what is consistent with BSIA and  
42 would likely be tasked, at least in part, with any evaluation to  
43 that end. It was noted that it is the resultant completed  
44 analyses, which include consideration of the available indices,  
45 surveys, and studies, which are considered for evaluation as  
46 BSIA, and not the individual surveys themselves. Mr. Chair,  
47 this concludes my report.

48

1 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. I want to apologize,  
2 Patrick. I know you raised your hand before we got into Other  
3 Business, and I know you probably had something for the previous  
4 item, and so sorry I didn't get there quick enough, and so we're  
5 going to drop back, probably, to some IFQ stuff. Patrick, go  
6 ahead.

7  
8 **MR. BANKS:** I appreciate that, Mr. Chairman. Yes, my comments  
9 are about the IFQ focus group, and so we heard some discussion  
10 about that group during public comment, and one comment that I  
11 heard, and I don't recall who said it, was we need some more  
12 guidance from the council specific to what we need to do, and so  
13 I was just -- I wanted to pose the question to the council of do  
14 we need to have some more conversation here, to try to clarify a  
15 little bit more, and I thought we were fairly clear in their  
16 charge, but it sounds like at least some of them thought that  
17 they needed a little bit more guidance as to what we were asking  
18 them to do, and so is that something that we need to discuss, to  
19 try to give them some more guidance? I'm not saying we do, but  
20 I just wanted to bring that up. Thank you.

21  
22 **CHAIRMAN DIAZ:** Dr. Shipp.

23  
24 **DR. SHIPP:** A point of order, and my mind is going, but I  
25 thought we left a motion on the floor yesterday, or whenever it  
26 was, and I don't see a motion there, and we just kind of  
27 adjourned, and someone else can --

28  
29 **CHAIRMAN DIAZ:** I think you're right, Dr. Shipp, and Bernie is  
30 going to pull that up, and so I think we left that motion at the  
31 end of Reef Fish. Bernie, if you could pull that up, please.  
32 Thank you, Dr. Shipp. Dr. Simmons.

33  
34 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so,  
35 regarding the IFQ focus group charge, I mean, my suggestion  
36 would be that we -- That staff makes sure the group reviews the  
37 report, and we essentially finalize the report, and, when we  
38 bring that back, we can bring back maybe a draft charge, or  
39 something from that meeting, to discuss perhaps for October.

40  
41 **CHAIRMAN DIAZ:** So we are not going to be able to get this group  
42 together before the next meeting, and it's going to happen in  
43 between the October meeting and the January meeting, and so  
44 staff could -- Okay.

45  
46 So the motion on the board is the council recommends acceptance  
47 of the state surveys of private recreational catch and effort as  
48 best available science for assessment and management. Okay.

1 That's a different topic. Before we get to that, is there  
2 anything else about IFQs? Mr. Dugas.

3  
4 **MR. DUGAS:** Thank you, Mr. Chair. It was brought to our  
5 attention, during public comment, that us, as a council, put a  
6 person in a seat that shouldn't be in a seat, and I know that  
7 was during closed session, and I don't even know the names, but  
8 I just wanted it to be surfaced and that everybody be aware that  
9 we voted to put someone in a seat that shouldn't be in the seat  
10 on the IFQ focus group.

11  
12 **CHAIRMAN DIAZ:** Mr. Gill.

13  
14 **MR. GILL:** Thank you, Mr. Chairman. Well, I don't agree with  
15 your characterization of shouldn't be in that group. He fit the  
16 category as defined, and he was a little unusual, in that he had  
17 shares, and I know there is opposition by members of the focus  
18 group to his being there, but we chose him based on the criteria  
19 that we went out with, and he fit those criteria, and we made  
20 that decision, and so to say that he shouldn't be in that seat I  
21 think is incorrect.

22  
23 **CHAIRMAN DIAZ:** Any further opinions on this? All right. I am  
24 not seeing anybody make any motions to do anything. I did one  
25 to bring up one other thing about IFQs, because we leave that  
26 topic, and so we heard some comments, during different -- The  
27 recent history indicating that some participants in the program  
28 don't feel comfortable about commenting, for fear of retribution  
29 that would impact their ability to do business.

30  
31 I want to make sure and say, on the record, that we currently  
32 allow for the submission of anonymous public comments through  
33 our online comment form, and so people can submit comments,  
34 without filling out their name or their address, and we will  
35 accept those comments, and so that is something that can be done  
36 now.

37  
38 I would also like to just drop the idea, and I talked some with  
39 Emily and Dr. Simmons, but we also kicked around the idea of  
40 having a voice mailbox just specific to IFQ issues, so that  
41 people could leave anonymous comments, and, if they left  
42 anonymous comments, staff would summarize those comments, and we  
43 wouldn't get them one at a time, where they could be brought  
44 back individual, but they would be brought back in some type of  
45 aggregation, and I did want to get some input from the council,  
46 if people think that's a good idea to have the voice mailbox  
47 that people could leave anonymous comments. Any feedback on  
48 that? Mr. Anson.

1  
2 **MR. ANSON:** I guess what's the legal requirement? I mean, when  
3 we do public testimony, we ask folks to provide their name and,  
4 you know, location, before they do comments, and, you know,  
5 there is some -- I just was wondering if that's even allowable,  
6 to just anonymously give a comment, just for the legal side.  
7 Thanks.

8  
9 **CHAIRMAN DIAZ:** Ms. Levy, I'm going to see if you can weigh-in  
10 on this, because -- Can you give us some guidance here, please?

11  
12 **MS. LEVY:** I would need to double-check the provision that talks  
13 about comments. I mean, I know we allow anonymous comments on  
14 rulemakings, but I don't know that there is anything preventing  
15 that, but, I mean, when someone gives physical public comment,  
16 it's kind of hard to be anonymous, but, if you give me a minute  
17 to just look at the language in the statute more closely, I can  
18 circle back with you.

19  
20 **CHAIRMAN DIAZ:** If you would circle back with us, just so we  
21 would know, but I just want to provide an avenue, and I  
22 personally don't like anonymous comments, but, in this  
23 circumstance, it seems like it might be a reasonable way to move  
24 forward, because people are telling us that they're afraid of  
25 retribution, and it bothers me that people want to comment on  
26 how to improve a government process, and they're afraid of  
27 retribution, and so I think we should be able to have ways for  
28 folks to be able to give comments to try to help us improve the  
29 program, and they already can do it on our online system, and  
30 we've been accepting comments by people that don't provide their  
31 name. Ms. Boggs.

32  
33 **MS. BOGGS:** I will make this as a statement, but I would hope,  
34 or I don't know if they think it's going to be retribution from  
35 this council or retribution from the other commercial fishermen,  
36 and I hope that we're all adult enough, and business-like  
37 enough, and I hope in this audience, that we wouldn't do that,  
38 and that this council wouldn't do that.

39  
40 I know that we have heated debates around this table, but I  
41 don't think anybody -- I mean, nobody is being vengeful, and  
42 we're all just trying to watch out, I guess, for our best  
43 interests, or the best interests of our constituents, and so I  
44 would just like to say that I hope that our fishermen are above  
45 that level of action.

46  
47 **CHAIRMAN DIAZ:** Right, and I would like to -- For people  
48 listening online, and people around the table probably

1 understand what I'm saying, but, for people online, the  
2 retribution that I've been hearing people saying is that,  
3 whenever they comment on the program, they have a hard time  
4 finding shares to lease, and so that's the retribution. Mr.  
5 Strelcheck.

6  
7 **MR. STRELCHECK:** Two things. One, certainly, in terms of  
8 obtaining information from constituents about the program, I  
9 encourage council staff to reach out to my IFQ program team, in  
10 terms of mechanisms and ways that maybe we can help with  
11 collecting information, and then I do note that Eric Brazer is  
12 in the back of the room, and, based on what Susan just said, I  
13 would just encourage, you know, great representatives like Eric  
14 and the commercial industry to send this message as well, with  
15 regard to communicating with all constituents and the concerns  
16 that we have, obviously, about what's coming before the council  
17 regarding the IFQ focus group.

18  
19 **CHAIRMAN DIAZ:** Okay. Thank you. All right. I think we've had  
20 enough on that, and we'll hear back from Mara. Ms. Levy.

21  
22 **MS. LEVY:** Thank you. The provision in the Magnuson Act that  
23 talks about how meetings are to proceed does have a section that  
24 talks about comment, and it basically says that interested  
25 persons shall be permitted to comment, and it does say that any  
26 oral or written statement shall include a brief description of  
27 the background and interest of the person in the subject of the  
28 oral or written statement, and so it does require that the  
29 person state their interest and background, in terms of the  
30 statement they're giving.

31  
32 Now, that is for meeting procedure, and so that's different  
33 than, I would say, doing a comment on one of the documents that  
34 you're developing through your online form, right, and that's  
35 not a meeting, and so that's specific to meetings of the  
36 councils, APs, advisory groups, whatever you set up, however you  
37 set them up.

38  
39 **CHAIRMAN DIAZ:** Okay. Well, thank you for that, Ms. Levy. We  
40 appreciate it. Okay. I think we're done with Reef Fish, or  
41 we've got to deal with this, right? All right. We have a  
42 substitute motion on the board. I'm going to read the  
43 substitute motion, and we'll have some discussion.

44  
45 **The council and NOAA Fisheries greatly value the work of the**  
46 **Gulf states to develop private recreational fishing catch and**  
47 **effort surveys and are committed to working collaboratively with**  
48 **the states to improve data collection and ensure the council is**

1 **using the best scientific information available for management**  
2 **decisions.** Is there any discussion on the motion? Dr. Shipp.

3  
4 **DR. SHIPP:** Again, just a point of order, and I don't know who  
5 made that motion, or seconded it, the substitute motion.

6  
7 **CHAIRMAN DIAZ:** Okay. Dr. Simmons.

8  
9 **EXECUTIVE DIRECTOR SIMMONS:** I believe that Mr. Strelcheck made  
10 the motion, but it looks like I'm lacking here in the seconder,  
11 of what's here in my notes, and so I don't know, of the top of  
12 my head, and I believe the previous motion was seconded by Greg  
13 Stunz. It was made by you, Dr. Shipp, and seconded by Greg  
14 Stunz, and I don't know who seconded the substitute right now.

15  
16 **CHAIRMAN DIAZ:** Okay. Tom.

17  
18 **DR. FRAZER:** I was the seconder for that motion.

19  
20 **CHAIRMAN DIAZ:** Okay. The motion is seconded by Dr. Frazer at  
21 this point, and so is there any discussion on the motion? Mr.  
22 Strelcheck.

23  
24 **MR. STRELCHECK:** Thanks, Ms. Chair. I am going to try to do  
25 something a little different here, Bob, and so we tend to want  
26 to not compromise and divide one another, and I think we talked,  
27 in committee, and at least some of us view that neither one of  
28 these motions really mean or say a lot, and that may not be,  
29 obviously, your position, but I am certainly willing to withdraw  
30 my motion, if you're willing to withdraw yours, acknowledging  
31 the fact that we are working really well with the states right  
32 now, and we'll be talking about calibration here in a minute.

33  
34 We're incorporating the state surveys into our science and  
35 management approaches, and we are taking some pretty important  
36 steps to make this science available for use in both the  
37 management process and our stock assessments, and so I offer  
38 that as an olive branch.

39  
40 **DR. SHIPP:** We're playing poker now. I'm not going to withdraw  
41 my motion. However, yours is going to win, and so let's just  
42 leave it as it is and see how it pans out, but I'm sure you're  
43 going to walk away the winner with the pot this time.

44  
45 **CHAIRMAN DIAZ:** All right, and so we have a substitute motion,  
46 and I just read it into the record. I am not seeing any hands.  
47 **All in favor of the substitute motion, please signify by raising**  
48 **your hand, eight for; all opposed, raise your hand.**

1  
2  
3 **GENERAL SPRAGGINS:** I would vote for it.  
4

5 **CHAIRMAN DIAZ:** So that would be nine to seven. Thank you,  
6 General Spraggins. Okay. **The substitute motion carries.** That  
7 ends the Reef Fish Committee. Thank you, Dr. Frazer, for your -  
8 - Mr. Strelcheck, go ahead.  
9

10 **MR. STRELCHECK:** As much as I want to get home, like everyone  
11 else, no motion here, and I just wanted to have a brief  
12 discussion, and so, if you remember, at the June council  
13 meeting, Kevin made a motion to have the SSC review updated  
14 calibrations, based on newer time series of data, and there were  
15 some questions, at that time, with regard to whether that would  
16 require an independent peer review and how that process could  
17 work.  
18

19 We sat down, and we talked with the state directors and let them  
20 know that, as long as we're taking the kind of approach that was  
21 previously approved, updating that data and statistics, that we  
22 could move those forward for consideration by the SSC. We stand  
23 ready to kind of share, obviously, the data and information to  
24 generate those calibrations and work with the states to put  
25 together any documentation to go to the SSC.  
26

27 I did speak to Ryan and Carrie, today at lunchtime, and my  
28 understanding is that the September SSC has already moved  
29 forward with an agenda to be filed, and so, at this point, I  
30 will let Ryan or Carrie talk about the timing of an SSC meeting,  
31 but it sounds like maybe there's potential for something to get  
32 done before the end of the year.  
33

34 **MR. RINDONE:** So I currently have it on the January meeting. If  
35 it was going to have to happen before then, the first two weeks  
36 of December are it, and we don't -- It would have to be a  
37 special meeting, and availability of people can be more  
38 difficult in December.  
39

40 They know they have a January meeting, and so they're generally  
41 available for that meeting, and so it's you all's pleasure to  
42 have a special SSC meeting, and that's the information that I  
43 have for you.  
44

45 **CHAIRMAN DIAZ:** If I understand this right, Ryan, once -- If  
46 these recalibrations are run, and there is some differences, we  
47 have to take those differences and start a document here, work a  
48 document through our system, and they couldn't -- Nothing could

1 be done before January of 2024, and is that basically correct?

2  
3 **MR. RINDONE:** I don't know about that. I mean, if we started a  
4 document in January, and you guys then saw options on it -- I  
5 mean, it could still be a framework action, because the last one  
6 was a framework action.

7  
8 The last calibration one was a framework action, and so, I mean,  
9 you could see options on it in April, and then you could go  
10 final on it as soon as June, and then it could be in place for  
11 2024, but it would still need to be reviewed by the SSC, and I  
12 think the review by the SSC would need to have some pretty well-  
13 thought-out terms of reference too, to make sure that the review  
14 is paying attention to the things that it needs to pay attention  
15 to and we don't wiggle off into anything that might be construed  
16 as management related, and so the merits of using certain time  
17 series versus others, in terms of how it might correct for any  
18 sort of management bias, or fisher behavior, or anything like  
19 that, and actually have some supporting evidence from the states  
20 as to why they might pick A versus B and whatever scenarios that  
21 that might apply to.

22  
23 As long as it's all -- As long as the methodologies aren't what  
24 is changing dramatically, then, you know, we should be okay. I  
25 think a concern would be that, if the methodologies have changed  
26 in a way that's substantial enough that it might require a new  
27 peer review, which, you know -- Sorry, Mr. Chair, but I just  
28 don't think it's reasonable to pull that off by January. That  
29 takes time to find people and set a lot of stuff up.

30  
31 **CHAIRMAN DIAZ:** Certainly. Dr. Simmons.

32  
33 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I guess  
34 what's not 100 percent clear, to me, is this would be the three  
35 eastern states, Mississippi, Alabama, and Florida, that we would  
36 be looking at the recalibration for, and are the states ready to  
37 go with S&T? Have they worked this out, and we're ready just to  
38 have a document that goes before the SSC? I guess I'm not  
39 really clear on where are with that timing. Are we the holdup  
40 here? Is that all ready to go?

41  
42 **CHAIRMAN DIAZ:** Mr. Strelcheck.

43  
44 **MR. STRELCHECK:** I mean, I can't speak for the states, other  
45 than the conversations that I've had with them, but we stand  
46 ready to provide any data and information they need for the  
47 calibrations, and I think we would want to discuss, as you're  
48 pointing out, within the terms of reference, the documentation,

1 and then a lot hinges on timing, because of when we could  
2 convene the SSC meeting.

3  
4 **CHAIRMAN DIAZ:** Okay. Well, thank you for that discussion, Mr.  
5 Strelcheck. All right. Is there any other -- Seeing no further  
6 discussion, I believe that concludes Reef Fish. One more, Mr.  
7 Anson.

8  
9 **MR. ANSON:** Just if Andy could refresh my memory about -- Was it  
10 an abbreviated framework? I mean, I think Dr. Simmons mentioned  
11 a framework, and I didn't know if there was -- The difference,  
12 and if there was a timing difference on your end for getting  
13 approval, because, if we take it up in April, and go final in  
14 April, the earliest, according to what I recollect for a  
15 framework, would be October-ish, or November, and so I didn't  
16 know if an abbreviated framework was anything that -- Would it  
17 decrease the amount of time that it would take for the agency to  
18 review and implement?

19  
20 **MR. STRELCHECK:** I mean, to that comment, I think it certainly  
21 would, and so I would want to talk to my team directly, in terms  
22 of whether it would be appropriate to use that.

23  
24 **CHAIRMAN DIAZ:** Dr. Frazer.

25  
26 **DR. FRAZER:** I just wanted to try to wrap my head around this a  
27 little bit as well, and so I thought, originally, Kevin, what  
28 you were interested in doing was simply extending the time  
29 series that was used in the calibration, and there's not a lot  
30 of new methodology involved here, right, and so it's much like  
31 an interim analysis, in that way. Okay. Thank you.

32  
33 **CHAIRMAN DIAZ:** Thank you. Okay. We are moving on from Reef  
34 Fish this time, for real, and we're moving into Sustainable  
35 Fisheries. Dr. Stunz.

36  
37 **SUSTAINABLE FISHERIES COMMITTEE REPORT**

38  
39 **DR. STUNZ:** All right. Thank you, Mr. Chairman. This is the  
40 Sustainable Fisheries Committee for August 24, 2022. The  
41 committee adopted the agenda, Tab E, Number 1, and approved the  
42 minutes, Tab E, Number 2, of the April 2022 meeting as written.

43  
44 Presentation on NOAA's Climate Southeast Regional Action Plan,  
45 Tab E, Number 4, Dr. John Quinlan, from NOAA Fisheries, gave a  
46 presentation on the agency's southeast regional action plans for  
47 climate change. Dr. Quinlan noted that NOAA Fisheries' climate  
48 strategy is a proactive approach to increase production,

1 delivery, and use of climate-related information to fulfill the  
2 agency's mandates.

3  
4 The strategy includes seven objectives to reduce impacts and  
5 improve resilience with evolving ocean and climate conditions.  
6 The objectives range from building and maintaining an adequate  
7 science infrastructure to developing climate-informed reference  
8 points.

9  
10 Dr. Clay Porch, with the Southeast Fisheries Science Center,  
11 emphasized the ambitious goals of the regional action plan. He  
12 indicated that many of these objectives would be difficult to  
13 achieve, given that minimum sustainable yield cannot be computed  
14 for several managed species. Therefore, assessing long-term  
15 management goals are confounded by a changing climate. He  
16 stated that using novel management approaches, such as interim  
17 analysis, could be beneficial to working through those  
18 challenges.

19  
20 Committee members expressed interest in the data available to  
21 assist in climate-related fisheries management issues. Dr.  
22 Stunz, the committee chair, noted that staff drafted a comment  
23 letter and encouraged committee members to offer suggestions and  
24 recommend additions, as warranted.

25  
26 Andy Strelcheck, with the Southeast Regional Office, suggested  
27 that, in addition to the comments in the draft letter, the  
28 council could consider outlining specific actions and  
29 recommendations of interest that align with council priorities.  
30 Council staff noted the importance of a continued engagement  
31 with the process and indicated that suggestions and  
32 recommendations provided by the council would be included in the  
33 final letter.

34  
35 Mr. Chair, I wanted to back up, and we can fix this in a minute,  
36 but I think -- I just wanted to be clear that Dr. Porch said,  
37 "given minimum sustainable yield", if that's correct, and we can  
38 fix that in a minute, I just wanted to verify that, Dr. Walter,  
39 and make sure, in that sentence there.

40  
41 Draft Comment Letter on NOAA's Equity and Environmental Justice  
42 Strategy, Tab E, Number 5, the committee received a draft  
43 comment letter concerning NOAA Fisheries' Draft Equity and  
44 Environmental Justice Strategy, which reflects comments made by  
45 the council during its June 2022 meeting. The committee was  
46 encouraged to review the letter and consider any further  
47 comments before the council.

1 SSC Recommendations on Acceptable Biological Catch (ABC) Control  
2 Rule, Tab E, Number 6 Dr. Jim Nance, the chair of the Scientific  
3 and Statistical Committee (SSC), reviewed the SSC's July 2022  
4 discussions about the development of revisions to the council's  
5 ABC Control Rule.

6  
7 The SSC began revisionary work, with the aid of the Southeast  
8 Fisheries Science Center, at its May and July 2022 meetings, and  
9 will continue this work during 2022 and early 2023. The SSC is  
10 exploring these revisions to better assess and account for  
11 scientific uncertainty in the stock assessments and other catch  
12 analyses it reviews.

13  
14 The current ABC Control Rule has been found to generate  
15 unreasonably narrow buffers between the overfishing limit (OFL)  
16 and ABC, due to an insufficient accounting of scientific  
17 uncertainty. Even though the current ABC Control Rule has been  
18 in use since 2011, the SSC is not required to use the current  
19 rule for recommending catch advice. More information on the  
20 current ABC control can be presented. However, the revisions  
21 being proposed to the current rule will be substantial. Mr.  
22 Chair, would you like me to stop there, because we talked about  
23 making some motions and update the group on what has happened in  
24 that process.

25  
26 **CHAIRMAN DIAZ:** Yes, please.

27  
28 **DR. STUNZ:** If you recall, we were talking about coming back  
29 with some motions for some of the work that Jim Nance provided  
30 that the SSC needed, and this is where I was prepared to offer  
31 those motions. Well, it turns out the staff was on the ball and  
32 ahead of us, and they had already done that, through a formal  
33 letter, and, Ryan, I don't know if you want to comment, and I  
34 think you were involved, with that or not, but so those motions  
35 were not necessary at this point, and, in other words, it's  
36 already in the works, so to speak, and so, if that's okay, I  
37 will continue, or that's an update.

38  
39 **CHAIRMAN DIAZ:** Mr. Rindone.

40  
41 **MR. RINDONE:** Thank you, Mr. Chair, and the SSC will review that  
42 in January.

43  
44 **CHAIRMAN DIAZ:** Thank you, sir.

45  
46 **DR. STUNZ:** Okay. Thank you, Ryan. Moving along, Presentation  
47 on Mechanisms and Options for Automating Catch Advice from  
48 Interim Analysis, Tab E, Number 7, council staff presented how

1 updates to catch advice following interim analyses might be  
2 implemented in a more automated fashion. Interim analyses  
3 typically use data, such as a fishery-independent index, from  
4 the previous year to inform any proposed modifications to catch  
5 advice.

6  
7 Interim analysis is a SEFSC tool developed for understanding  
8 stock health and trends between stock assessments. The purpose  
9 of this tool is to capture a more real time understanding of  
10 stock health, as stock assessments often have a terminal year of  
11 data that is one to two years old. Currently, interim analyses  
12 that result in SSC-recommended changes to the OFL and ABC for a  
13 species are presented to the council, and then the Council  
14 requests that staff initiate a framework action (Reef Fish) or  
15 framework amendment (Coastal Migratory Pelagics) to modify the  
16 catch limits.

17  
18 This process usually takes the council about six to eight  
19 months, followed by another six-month review, comment period,  
20 and implementation process for NMFS. By the time the catch  
21 advice is able to be implemented, it is already two years old or  
22 more.

23  
24 Council staff demonstrated options for automating the  
25 implementation of SSC-approved changes to the OFL and ABC, and  
26 the resultant changes on the ACLs and ACTs, within certain  
27 thresholds for consideration by the council, potentially  
28 bypassing the need for the council to initiate and review a  
29 document under every instance.

30  
31 Such an automated process will reduce the time between the SSC's  
32 recommendations being finalized and catch limits being updated  
33 via regulatory document, without defraying transparency and  
34 opportunity for stakeholder input on the proposed changes.

35  
36 Committee members discussed potential hurdles to the process,  
37 including National Environmental Policy Act requirements that  
38 would still be required for the rulemaking and implementation  
39 process. Some committee members thought the simplicity of the  
40 automation was advantageous, noting that all other aspects of  
41 the process would still remain open to the public.

42  
43 A committee member asked if the council could intercept the  
44 automation process if it wanted to explore a catch limit  
45 different than that which would result from automation. Council  
46 staff replied that the council would always have that ability  
47 and would simply need to make that desire known to initiate the  
48 typical regulatory amendment process to revise the catch limits

1 for a species.  
2  
3 NOAA General Counsel stated that the current abbreviated  
4 framework process could be used to further automate the current  
5 process to changing the catch limits. However, current NEPA  
6 requirements would limit the extent to which changes to the  
7 catch limits could be expedited. The committee encouraged  
8 further communication with the New England and Mid-Atlantic  
9 Fishery Management Councils on their methods and to explore  
10 possible parallels for implementation in the Gulf, as well as  
11 qualifying reduced time for implementation.

12  
13 Overview of Research Set-Asides (RSA) Timeline, Composition, and  
14 Draft Objectives, Tab E, Number 8, council staff presented --  
15 Sorry.

16  
17 **CHAIRMAN DIAZ:** Dr. Simmons.

18  
19 **EXECUTIVE DIRECTOR SIMMONS:** I think the committee discussed  
20 having a motion regarding the automation process, and I think  
21 there is a draft provided, and I didn't know if you wanted to  
22 consider that now.

23  
24 **DR. STUNZ:** Yes, Carrie, and can you give me a minute to pull  
25 that up? Sorry, and I forgot to send that one to Meetings.  
26 While we're waiting, and sorry, committee, or council, but I  
27 forgot to send this motion to the Meetings.

28  
29 **CHAIRMAN DIAZ:** All right, Dr. Stunz. If you would read your  
30 motion into the record, and we'll see if we get a second.

31  
32 **DR. STUNZ:** Okay. **My motion is, in collaboration with SERO**  
33 **staff, explore mechanisms to improve timeliness and efficiency**  
34 **of updating routine changes in catch advice, using either the**  
35 **existing framework process or suggest changes in framework**  
36 **procedures that could be used to reduce the time between the**  
37 **completion of science and implementation of management changes.**  
38 **Provide an update at a future council meeting.**

39  
40 **CHAIRMAN DIAZ:** All right, and so we have a motion. Is there a  
41 second to the motion? It's seconded by Mr. Broussard. Dr.  
42 Stunz, can you give us some rationale?

43  
44 **DR. STUNZ:** Yes, and I think I would defer to Carrie. Carrie,  
45 do you mind providing a little bit of rationale, in terms of how  
46 this going to improve our efficiency? That would greatly help  
47 me out.

48

1 **EXECUTIVE DIRECTOR SIMMONS:** Yes, Mr. Chair, and so, during the  
2 committee, we just put some ideas out there and took a  
3 preliminary look at what other regional management councils are  
4 doing to try to streamline the regulatory process, and my  
5 understanding was, you know, there were some concerns brought up  
6 by Ms. Levy, as well as Mr. Strelcheck, and getting their staff  
7 more involved in trying to help us figure out what changes can  
8 be made to the closed framework procedure and trying to engage  
9 with other councils and trying to quantify how much time this  
10 has increased throughput for them and try to come back with that  
11 information for the committee.

12  
13 **DR. STUNZ:** Thank you, Carrie. That was much better than I  
14 could have done.

15  
16 **CHAIRMAN DIAZ:** Okay, and so we have a motion and a second. Is  
17 there any discussion on the motion? **Seeing no discussion, is**  
18 **there any opposition to the motion? The motion carries.** Dr.  
19 Stunz.

20  
21 **DR. STUNZ:** I will back up to the beginning of the research set-  
22 asides, I think, and is that where we left off now?

23  
24 **CHAIRMAN DIAZ:** Yes.

25  
26 **DR. STUNZ:** Okay. Overview of Research Set-Asides RSA)  
27 Timeline, Composition, and Draft Objectives, Tab E, Number 8,  
28 council staff presented an overview of next steps for evaluating  
29 the potential for an RSA program in the Gulf.

30  
31 A committee member recommended that the work group consider  
32 focusing on applied science that would support fishery  
33 management needs as a goal of the RSA program. He also urged  
34 the work group to not be constrained to the design of the RSA  
35 programs of the New England and Mid-Atlantic Councils, but to  
36 consider what would work best for the Gulf.

37  
38 Another committee member noted that Mr. Gill has been  
39 instrumental in exploring RSAs and inquired why he is not listed  
40 as a work group participant. Mr. Gill responded that he didn't  
41 feel a need to participate and commented that there are strong  
42 individuals comprising the workgroup. He also cautioned against  
43 making the work group too large and acknowledged his plans to  
44 sit in on meetings when possible.

45  
46 A committee member then inquired how the council members were  
47 selected to be on the workgroup. Mr. Diaz responded that he  
48 made selections based upon expressed interest from council

1 members, while considering a balance of membership.

2  
3 Moving on, Discussion on the Florida Pompano Petition for  
4 Federal Rulemaking Letter, Tab E, Number 9, Mr. Strelcheck  
5 reviewed a petition letter for rulemaking for Florida pompano  
6 and provided an overview of the guidelines for establishing a  
7 federal fishery management plan.

8  
9 A committee member stated that the State of Florida has been  
10 successfully managing Florida pompano, along with African  
11 pompano and permit, as a complex for several decades. A  
12 committee member asked about the motivation for the petition and  
13 was informed by SERO staff that the petition was the result of a  
14 lawsuit and that the agency was obligated to explore management  
15 options. The committee agreed that more information would need  
16 to be collected and presented at a future meeting, before making  
17 any determination on potential federal management. There is a  
18 motion there, Mr. Chair.

19  
20 **CHAIRMAN DIAZ:** Okay, and so we have committee motion, and the  
21 committee motion is to request staff begin work on a  
22 presentation that addresses the factors that need to be  
23 considered when contemplating the need for federal conservation  
24 and management of Florida pompano. Is there any discussion on  
25 the motion? Mr. Dyskow.

26  
27 **MR. DYSKOW:** Thank you, Mr. Chair. I just want to clarify that  
28 the state plan manages three categories within that species,  
29 pompano, African pompano, and permit, and it looks like the work  
30 that we're requesting staff to do is specific exclusively to  
31 pompano, and is that the way we want it to be?

32  
33 **CHAIRMAN DIAZ:** That would be up to the council to make any  
34 changes to that. I think there was some discussion, during  
35 committee, and this is the way the motion was modified, at the  
36 end of the committee, to move forward to Full Council. Mr.  
37 Gill.

38  
39 **MR. GILL:** Thank you, Mr. Chairman, and Phil's comment is  
40 directly related to mine, and that is that, while I may well not  
41 support getting into all that, but, if we're going to look at  
42 pompano, Florida pompano, than we ought to be adding permit and  
43 African pompano. **They're the same complex, and they're all**  
44 **caught in federal waters, and so it makes no sense to pick one**  
45 **out and consider that, and so, with that, I would like to offer**  
46 **a substitute motion, which is the same motion and adding, after**  
47 **"Florida pompano," "permit and African pompano".**

48

1 **CHAIRMAN DIAZ:** All right, and so we have a substitute motion.  
2 **The substitute motion is to request staff to begin work on a**  
3 **presentation that addresses the factors that need to be**  
4 **considered when contemplating the need for federal conservation**  
5 **and management of Florida pompano, African pompano, and permit.**  
6 Is there a second to the motion? It's seconded by Dr. Shipp.  
7 Is there discussion on the motion? Mr. Strelcheck.

8  
9 **MR. STRELCHECK:** The discussion in committee, and why it only  
10 pertained to Florida pompano, is we were only petitioned to  
11 focus on Florida pompano, right, and so I can understand you  
12 wanting to expand this, Bob, but that wasn't part of the  
13 petition request.

14  
15 Then, in terms of the committee report, I guess I would make a  
16 recommended edit. It says, "A committee member asked about the  
17 motivation for the petition and was informed by SERO staff that  
18 the petition was the result of a lawsuit that the agency was  
19 obligated to explore management options." That is not  
20 technically accurate. I cannot explain the motivation for the  
21 petition for rulemaking, and there is certainly a lawsuit that  
22 has been filed against Florida.

23  
24 What I can say is the agency received a petition for rulemaking,  
25 and we are obligated then to bring this before the council for  
26 consideration, based on the need for conservation and management  
27 and going through those factors, as discussed.

28  
29 **CHAIRMAN DIAZ:** Thank you for that clarification, Mr.  
30 Strelcheck. Dr. Sweetman.

31  
32 **DR. SWEETMAN:** Thank you, Mr. Chair. I am going to vote in  
33 opposition for this motion, even though I abstained with the  
34 first motion in committee. Obviously -- As Andy said, the case  
35 that is at-hand, and the petition that's at-hand, is specific to  
36 Florida pompano, and it's not for African pompano, and it's not  
37 for permit.

38  
39 This case is going to be wrapped up in early 2023, and the  
40 regulations that we have are intertwined between them. It is  
41 currently on our workplan, in order to start working on this,  
42 once the case is over, and we intend to start doing that in  
43 2023, and I would leave it there. Thank you.

44  
45 **CHAIRMAN DIAZ:** Thank you, Dr. Sweetman. All right. Any  
46 further discussion? All right, and so we're going to vote on  
47 the substitute motion. **All in favor of the substitute motion,**  
48 **please signify by raising your hand. All right, and so Dr.**

1 Sweetman said that he was going to oppose the motion, earlier,  
2 and so all opposed to the motion, signify by raising your hand.  
3 General Spraggins, did you vote for this, yes or no, General  
4 Spraggins?

5  
6 **GENERAL SPRAGGINS:** Yes. I was trying to get my hand up, but it  
7 wouldn't work.

8  
9 **CHAIRMAN DIAZ:** I'm sorry, General Spraggins, but did you say  
10 you voted yes or no?

11  
12 **GENERAL SPRAGGINS:** Yes.

13  
14 **EXECUTIVE DIRECTOR SIMMONS:** So that would be six to seven, and  
15 then I didn't know if Mr. Williamson -- I'm not sure he got to  
16 vote, and he just stepped back in. I got six to seven, with two  
17 abstentions, I believe.

18  
19 **CHAIRMAN DIAZ:** Okay, and so the motion fails. We're going to  
20 the original motion. The original motion is to request staff to  
21 begin work on a presentation that addresses the factors that  
22 need to be considered when contemplating the need for federal  
23 conservation and management for Florida pompano. Is there any  
24 discussion on the motion? Seeing no discussion on the motion,  
25 all in favor of the motion, please signify by raising your hand.

26  
27 **DR. SWEETMAN:** I'm going to abstain.

28  
29 **EXECUTIVE DIRECTOR SIMMONS:** So we're voting on the original  
30 motion now.

31  
32 **CHAIRMAN DIAZ:** All opposed, please signify by raising your  
33 hand. The motion carries. Dr. Stunz. Did you have something,  
34 Ms. Boggs?

35  
36 **MS. BOGGS:** I guess the question is, and I understand that  
37 everybody is trying to, I guess, wrap their head around this  
38 lawsuit that deals with Florida pompano, but there's nothing  
39 that precludes us from coming back later and adding African  
40 pompano and permit, because, as I understand, this is more  
41 specifically a federal-water fishery, and, of course, we would  
42 never know that until we pass the motion and did the analysis,  
43 but we can come back and address that, correct?

44  
45 **CHAIRMAN DIAZ:** Dr. Simmons.

46  
47 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Yes, if you  
48 would like us to, after we complete this task, come back and

1 consider African pompano, we can look into that as well.

2  
3 **CHAIRMAN DIAZ:** Okay. I am not seeing further hands. Dr.  
4 Stunz, do you have anything else?

5  
6 **DR. STUNZ:** Yes, Mr. Chairman. Just for completeness of the  
7 report, because we went to that motion, there was one just small  
8 statement that, during committee, that motion carried with one  
9 abstention. Mr. Chair, this concludes my report.

10  
11 **CHAIRMAN DIAZ:** Okay. Is there any other business to come  
12 before the Sustainable Fisheries Committee? Seeing none, we're  
13 going to move on down the agenda, and so we're going to move  
14 into agency reports. I am reluctant to take a break at this  
15 time. We're scheduled to end at 4:00, and we're going to keep  
16 moving through agency reports at this time. I would urge  
17 council members, if you have to take to get up to take a short  
18 break, to do that, and I believe, if we don't proceed, we will  
19 not finish in our allotted time. South Atlantic Council  
20 liaison, Mr. Griner.

21  
22 **SUPPORTING AGENCIES UPDATE**  
23 **SOUTH ATLANTIC LIAISON**  
24

25 **MR. TIM GRINER:** Thank you, Mr. Chairman. Good afternoon. I  
26 know it's late, and everyone is tired, and so I will be brief.  
27 I wanted to first express my gratitude for allowing me to  
28 participate in your meeting. I always find your discussions  
29 quite informative, and I do apologize for not being able to be  
30 there in person. I always come away from your meetings better  
31 informed, from the robust discussions that take place.

32  
33 I first wanted to touch on just a few of your discussions.  
34 Electronic logbook concerns, as Andy noted, this will reduce the  
35 burden on our commercial sector and is a much-appreciated  
36 advance to the current technologies available. However, the  
37 rubber really meets the road, as your discussion identified,  
38 when attempting to determine the utility of these reports in the  
39 SEDAR process and the validity of the data, as determined by  
40 SEDAR.

41  
42 I encourage this council to pay close attention to any added  
43 fields, especially one that would count the number of fish in  
44 addition to the total weight of fish. As a commercial  
45 fisherman, I cannot fathom counting every fish that went into my  
46 box.

47  
48 Yellowtail snapper, your desires were duly noted. Thank you,

1 and we will take those into consideration. Your amberjack  
2 allocation, these are not easy discussions, and probably the  
3 most important issues facing our councils currently, and I would  
4 just add that, in the South Atlantic, when we're presented with  
5 multiple OFLs and ABCs by the SSC, that all end up at the same  
6 rebuilding timeline, we lean toward the highest ABC without the  
7 use of additional buffers, via the implementation of an ACT.

8  
9 I will only touch on a few of the items from our June meeting,  
10 an update of which is included in your briefing materials. We  
11 are reaching out to the public to gather input on our allocation  
12 decision tool, in an effort to broadly assist us in management  
13 decisions.

14  
15 Electronic reporting, our discussions closely mirrored those you  
16 had here. Again, the devil is in the details, and I think it  
17 would behoove both councils to have a full presentation, screen-  
18 by-screen, data-field-by-data-field, of the actual eTRIPS  
19 platform that is being proposed.

20  
21 The ABC Control Rule, for our Dolphin Wahoo, Golden Crab, and  
22 Snapper Grouper FMPs that categorize stocks based on scientific  
23 uncertainty, and incorporate the council's risk tolerance  
24 policy, using a probability of overfishing, or  $P^*$ , our council  
25 will specify that  $P^*$ , based on relative stock biomass and risk  
26 rating.

27  
28 Our gag grouper, we're in the same boat, and we're facing  
29 drastic cuts, and we are moving forward with a new approach, as  
30 Andy mentioned, that looks only at a recent landings stream and  
31 equally reduces each sector to the get to the new ABC and then  
32 increases each sector equally as the stock rebuilds. At the end  
33 of the rebuilding period, we found that we were back to our  
34 original allocations.

35  
36 Amberjack, I just wanted to point out that we have decided to  
37 retain our April spawning closure for both sectors. Red  
38 snapper, I almost hate the words coming out of my mouth, but we  
39 are exploring methods, through Regulatory Amendment 35, that  
40 will look at reducing dead discards by modifying fishing gear  
41 and/or time and area closures, and, our dolphin wahoo, we  
42 beginning the development of empirical management procedures.  
43 We have agreed to prioritize the Southeast Fisheries Science  
44 Center's work on developing a management strategy evaluation to  
45 determine an index-based procedure that will provide us with  
46 some catch level and management advice. That's really all I  
47 have. Again, thank you, and safe travels to everyone. Thanks  
48 again.

1  
2 **CHAIRMAN DIAZ:** Thank you, Mr. Griner, and I would echo what you  
3 said earlier. I always learn a lot when I come to the South  
4 Atlantic, and so we appreciate all the hard work you all do, and  
5 thank you for sticking in with us all week this week. Any  
6 questions for Mr. Griner? All right. Seeing none, we're going  
7 to move to our next report, Texas Law Enforcement Efforts.

8  
9 Before you start, Lieutenant Casterline, I want to thank you all  
10 for being here with us all week. I know you and a couple of  
11 your staff have been here all week, and we appreciate you all  
12 showing up and all the good input that you all give us on the  
13 breaks and everything you all do for us, and so we appreciate  
14 it.

15  
16 **TEXAS LAW ENFORCEMENT EFFORTS**

17  
18 **LT. LES CASTERLINE:** Thank you, Mr. Chairman. I appreciate  
19 yourself and the council having us here as well. It's always a  
20 great experience to attend these meetings and be able to be a  
21 part of it. Thank you all for letting us give you a short  
22 presentation on some of our activities that are occurring  
23 throughout the state.

24  
25 Before I get started, I would kind of like to introduce -- Some  
26 of you all may have already met Lieutenant Rickles. Lieutenant  
27 Rickles, since our last meeting -- I have currently transitioned  
28 into the Assistant Commander of Fisheries at headquarters, and  
29 Lieutenant Rickles came on as our Lieutenant of Fisheries, and  
30 so she's doing a great job, and we're very grateful to have her  
31 as part of our team, and so you all will be seeing her at these  
32 meetings in the future as well, and I appreciate you all taking  
33 the time, those of you all that have visited with her throughout  
34 the meeting, and I know we're running short on time, and so I  
35 will go ahead and get started with our presentation.

36  
37 Here in Texas, we, of course, have a large state, and there's a  
38 lot of different things that game wardens cover. We don't  
39 actually just have our game wardens only doing fisheries, as  
40 some states actually have marine-patrol-type enforcement, and we  
41 do hunting, and we do fishing, and we do boating, and we do  
42 homeland security and several other things, like community  
43 policing, and our officers are very busy, but our coastal  
44 fisheries, and enforcement along the coast, is very important in  
45 what we do, as far as a division.

46  
47 If you will see, moving through, our coastal enforcement is  
48 specifically through our JEA, and we've got a few different

1 priorities that we concentrate on, and the enforcement efforts  
2 put towards these JEA priorities are made up of about 120 game  
3 wardens that are found along our coast, and, also, we contribute  
4 about seventy-six vessels to this effort along the coast as  
5 well, and so we -- Like I said, it's very important to us, and  
6 we put a lot of personnel hours and equipment into these patrol  
7 efforts, and they do a great job.

8  
9 Of course, probably our longest-standing enforcement priority is  
10 going to be TED enforcement. Of course, not only to Texas, but  
11 every other state on the coast, and TED enforcement is very  
12 important. It's not only important to the conservation of  
13 turtles, but the enforcement leads to just our capability of our  
14 industry to maintain their capability to operate within the Gulf  
15 of Mexico, due to certain requirements, because of the  
16 Endangered Species Act.

17  
18 This current year, we provided -- We're almost wrapping up all  
19 of our hours for all of our priorities this month, and, this  
20 year, we had 150 hours of long-range hours, as well as 308 mid-  
21 range hours, assigned to this priority, and those, of course,  
22 would be vessel hours for each of these. As far as referrals to  
23 our partners over at NOAA OLE, we had one referral related to  
24 TEDs this year, and that would be either a case that occurred in  
25 federal waters, or it would have been a fairly egregious  
26 violation that would have occurred in state waters, and that's  
27 what we would refer to NOAA, through our current agreements with  
28 them.

29  
30 Moving on through, we'll move to reef fish enforcement. Of  
31 course, you all covered that quite a bit over the last couple of  
32 days, and so, moving through this, we also put quite a few hours  
33 towards this, whether it would be -- On long range, we put 128  
34 hours, this year, towards long-range reef fish enforcement, and  
35 another 240 hours of reef fish enforcement hours on our mid-  
36 range platforms.

37  
38 As far as referrals this year, we had ten closed season  
39 referrals for red snapper season, as well as we had another five  
40 daily bag limit referrals to our partners over at NOAA OLE.  
41 What you're going to find in all of these coastal hours is these  
42 are going to be -- In some cases, where you have something like  
43 IFQ, it may be placed in one certain area, because of the  
44 effort, but, when you get to reef fish or TEDs, we try to cover  
45 the entire coast fairly evenly, so that all of the vessels up  
46 and down the coast are getting a fair amount of inspections by  
47 our officers, and so you will notice that we spread out these  
48 hours throughout the coast.

1  
2 Moving on to the next slide, you will see a lot of enforcement  
3 from our officers dealing with highly-migratory species, whether  
4 it be, you know -- Whether they're shark fishing from the shores  
5 of our beaches, state waters, or, as you all have seen us talk,  
6 and I will talk a little bit more further down about the shark  
7 fishing that occurs on the southern coast, with our lancha fleet  
8 coming out of Playa Baghdad down in northern Mexico.

9  
10 We also have some patrols, from time to time, where we're able  
11 to send our new eighty-foot patrol vessel out too, and we've got  
12 the Perdido platform about 120 miles off of South Padre Island,  
13 where we've got tuna fishing and things like that that occur,  
14 and we do actually have a presence out there.

15  
16 This year, we only had mid-range hours, but I will tell you  
17 that, whether we have the hours or not, we still put additional  
18 funding towards doing those offshore patrols, and so, just  
19 because we didn't have funding from NOAA -- We also put money  
20 towards doing these patrols, when that is not present for us to  
21 utilize.

22  
23 Then, of course, the IFQ enforcement, and just, of course, most  
24 of this occurs on the northern coast. Pretty much from Freeport  
25 to Galveston the IFQ landings will occur, and these are land-  
26 based patrols that we assist with evaluating the offloads that  
27 are occurring at our federal dealers for the IFQ species. This  
28 year, we had 139 hours assigned to this priority, and, like I  
29 said, this is one of those priorities to where, often, maybe we  
30 actually exceed those hours and provide more, although it  
31 exceeds the funding levels, and it's important to us, and it's  
32 important to our state, and so we will enforce it to the level  
33 that it needs to be enforced.

34  
35 As for probably one of our new priorities, the IUU enforcement,  
36 of course, this is actually a land-based IUU enforcement for  
37 everybody, and it's a priority that was brought to us by NOAA  
38 OLE just in the last few years. What I will say about this is  
39 this has been a very positive experience for our agency to take  
40 on this new priority.

41  
42 It's actually built a lot of new relationships along some of the  
43 ports of entry throughout the state, and it's gained a lot of  
44 interest from our partner agencies in law enforcement, and, I  
45 mean, you see agencies that just normally we might not do  
46 fisheries enforcement with, but, when you bring in this IUU, and  
47 the international nexus to these imports, you bring in these  
48 other agencies, and it is part of what they do.

1  
2 Customs and border protection and office of field operations  
3 group, over there at our ports of entry, they're very important  
4 to this process, and we appreciate them allowing us into their  
5 facilities and working with us, because they provide a lot to  
6 this, as well as to our other state and federal partners that  
7 assist in this.

8  
9 When we were looking at these operations this year, the 139  
10 hours, we worked with NOAA OLE on some targeted operations at  
11 some of our ports of entry along the lower Texas border, the  
12 coastal region, but, in addition to this, we actually put quite  
13 a few hours towards this priority, out of the state's pocket,  
14 and we actually have game wardens, at this point, that, because  
15 of the activity and the discussions with other agencies and the  
16 importance when these products are coming across, we actually  
17 now have game wardens assigned on a schedule on call for the  
18 ports of entry, to respond to any kind of products that are  
19 identified by our partners over at CBP, and so that's become  
20 very popular, and I expect it to continue.

21  
22 Although this is not actually a part of the IUU priority and  
23 what we do with the joint enforcement agreement, it is very  
24 important to our resource in south Texas, and that's dealing  
25 with the actual act of IUU fishing that occurs along the Texas-  
26 Mexico border.

27  
28 What you see in front of you right there is a few different  
29 pictures related to the lancha fishery that you all probably  
30 hear quite a bit about, and what we run into a lot in south  
31 Texas is, if you're in the Gulf, we're going to have large  
32 gillnets, miles and miles of longline. Moving through the  
33 brackish waters of the Rio Grande, you're going to have crab  
34 traps, and you're going to have gillnets. Moving into our fresh  
35 water, you'll have trout lines, hoop nets, gillnets, and so it's  
36 a border-wide issue for us, as far as illegal fishing.

37  
38 Just a couple of notes that I brought up on this one is the --  
39 Specifically to the coastal region, we had thirty-seven  
40 encounters with either illegal fishing gear or lancha vessels,  
41 particularly, and I kind of went through some of the statistics,  
42 to give you an idea of what we're running into, as far as the  
43 gear.

44  
45 In the Lower Rio Grande, we might see something as short as a  
46 fifty-foot stretch of gillnet. I also looked down and found  
47 that, offshore, we found a ten-mile stretch of longline, and  
48 just kind of a little bit of insight on this and some of the

1 extra discussions that are occurring because of this activity  
2 and relationships that are being built, and that ten miles of  
3 longline was actually important recently because of a stranding  
4 on the National Seashore.

5  
6 Some networking that went on between NOAA's veterinarians and  
7 ourselves and the stranding network, we were able to identify  
8 that, although it was a different hook set that what we're  
9 normally seeing, using j-hooks instead of circle hooks, the gear  
10 was similar to the longline that we normally saw for these  
11 vessels.

12  
13 I reached out to our local game wardens, and they actually  
14 informed us and sent us pictures of the ten miles of line they  
15 had just pulled, and it was consistent with what we found on the  
16 stranded sea turtle, and so it's kind of that trickle-down  
17 effect, is those relationships being built and those folks being  
18 able to collaborate with each other and actually identify these  
19 different things.

20  
21 Because of some of these interactions with sea turtles, it's  
22 actually brought us into some different enforcement training,  
23 and so, whereas in the past, of course, the game wardens down  
24 there would have contacts with the stranding network, now we're  
25 actually having conversations, because it's not if we run into a  
26 sea turtle, but what are we going to do when we run into a  
27 stranded sea turtle. That has kind of changed the thought  
28 process, and we're setting up protocols of what the stranding  
29 network needs to see from these and how we can properly handle  
30 these stranded sea turtles.

31  
32 We're not too far along in this, but, in addition, some  
33 additional funding is on the way for patrolling for this type of  
34 gear, and we were selected as one of three projects that were  
35 proposed for some NRDA funding, and ours was specifically lined  
36 up with recovering and pulling some of this gear that's out  
37 there, this illegal gear, along the southern border, from Corpus  
38 Christi down to the Texas-Mexico border.

39  
40 We have not gone through all the particulars, but the  
41 possibility of that including operating funds, as well as  
42 equipment and vessels, to accomplish that, and so, as we move  
43 forward, and, of course, that's pretty far out, but that will be  
44 coming in the near future, hopefully.

45  
46 In addition, this year -- This is also kind of a different twist  
47 on what we've done, and a new addition, is the sanctuary patrols  
48 at the Flower Gardens. We had ninety-six hours assigned to this

1 priority this year, and what that accumulates to is that's just  
2 about enough for us to take our eighty-footer out there and do  
3 extended patrols for two trips, and it's about two weeks.

4  
5 We did so this year, and I don't believe we had any actual  
6 encounters with vessels, but the knowledge of our vessel being  
7 out there, and we are hearing that -- Through the past few  
8 years, the fact that the game wardens are patrolling is being  
9 spoke about, and the officer presence is being seen.

10  
11 Then, lastly, of course, the SEFHIER patrols that were discussed  
12 earlier in the week, and, of course, we're participating that,  
13 and we were provided some additional funds to go and perform  
14 inspections on the charter/for-hire fleet, when they're landing.

15  
16 We're kind of a little bit different in Texas, and we work with  
17 NOAA OLE. This was originally built as a land-based patrol,  
18 but, because of some of our situations, they allowed us to  
19 actually add in some nearshore vessel patrols, so that we could  
20 basically target the vessels as they're coming into port and  
21 follow them in, rather than having to drive around by land to  
22 catch them and waste a lot of time, and this allows us to kind  
23 of enter those choke points where the vessels come in and go to  
24 the dock, rather than having to do a lot of driving and waste  
25 time. At that point, that is the end of my report, at this  
26 point. If you all have any questions, I would be happy to  
27 answer anything for you.

28  
29 **CHAIRMAN DIAZ:** Any questions for Lieutenant Casterline? Dr.  
30 Frazer.

31  
32 **DR. FRAZER:** Thanks for the presentation, and I saw you sitting  
33 here all week, and so I know that you saw a lot of what was  
34 going on, and we had a pretty lengthy discussion about sharks,  
35 right, and I know, in the past, when we got presentations from  
36 your group, that, you know, part of the IUU history is sharks,  
37 but I wasn't interested in what you did on the water, for boats  
38 that may be coming over the border or something like that, and  
39 the Coast Guard talks about that too, but what I'm interested in  
40 is whether or not you intercept the illegal transport of shark  
41 fins into your metropolitan areas that are coming either from  
42 Mexico or another state.

43  
44 **LT. CASTERLINE:** As far as fins, we have had some of our cases  
45 that have been made on shark fin possession for commercial sale.  
46 In those, of course, we've actually found some.

47  
48 As far as the catching them on the shark boats themselves, the

1 lanchas going to Mexico, I think you actually saw that baited  
2 hook, and, believe it or not, that was a shark fin that was on  
3 there, and we were kind of surprised to see that as part of the  
4 bait on that hook, but I don't know that we could tie it  
5 directly to Mexico, at this point, are the ones that we're  
6 seeing. We have had some that have been pulled off of shrimp  
7 boats before, but, just in general, we have had some fairly  
8 substantial interdictions of shark fins in the state.

9  
10 **DR. FRAZER:** Just as a quick follow-up, Dale, if I might, and  
11 so, when you find those shark fins, can you attribute them to a  
12 species, like a group of species, like the larger sharks in  
13 particular? The reason I'm asking this is because, when we talk  
14 a lot about shark fins, right, it's the larger sharks that kind  
15 of attract the most money, and so it's not economically feasible  
16 to even fish for the smaller sharks, because the fins are of  
17 little value.

18  
19 **LT. CASTERLINE:** I don't have that information here with me. If  
20 that's something that would benefit the council, I mean, we  
21 definitely can look into the size of the shark fins or any of  
22 that information that would benefit you all, and I could  
23 actually try to look that up and provide that at a later date,  
24 if it's needed.

25  
26 **DR. FRAZER:** No, and I don't want to add to your workload, but  
27 just, if you had it at your fingers, I was just interested.  
28 Thank you very much.

29  
30 **CHAIRMAN DIAZ:** Mr. Dugas.

31  
32 **MR. DUGAS:** Thank you. Thank you for coming. I've heard some  
33 different scenarios in different areas of the Gulf, where the  
34 commercial boats will come in and hail-in with a certain quota,  
35 and then simply get to the dock and, if there are law  
36 enforcement officials there, they adjust their trip ticket, or  
37 quota, as getting checked, and I'm wondering if you all are  
38 seeing that here in Texas.

39  
40 **LT. CASTERLINE:** I would say we actually have discussed this, a  
41 few council meetings back, and I think that's when we were  
42 looking at some percentages, at that point in time, was in the  
43 discussion at the three-hour notification, and, at that time, we  
44 were seeing -- You know, we actually had a particular boat that  
45 had hailed -- Had done the three-hour notification, and it was  
46 considerably lower than what they showed up with, and that's  
47 kind of what drove that discussion.

48

1 Now, I don't know that I would say that that is real widespread,  
2 but it definitely -- It is something of concern, that there is  
3 that capability that it could occur. Now, I don't know that I  
4 could put a percentage that we think that would actually be  
5 occurring, but it is -- It's a vulnerability that be exploited,  
6 if that's your question.

7  
8 **CHAIRMAN DIAZ:** All right. Thank you, Lieutenant Casterline. I  
9 do want to say that you did a very good presentation, and your  
10 officers have to be very diversified with all that they  
11 encounter, and, being as a person that's been around a pretty  
12 long time, and I'm definitely one of the old-timers at the table  
13 now, I think the JEA dollars is some of the best funding that's  
14 been used to help marine law enforcement that I can remember.

15  
16 I can remember the old days, when JEA didn't provide very much,  
17 and now it's at a level where it's actually making an impact,  
18 and we see it through your report, and I hope that program  
19 continues, and maybe expands, and so thank you very much.

20  
21 **LT. CASTERLINE:** Thank you, all. You all have a great day.

22  
23 **CHAIRMAN DIAZ:** Moving down our agenda, next up is the Office of  
24 Law Enforcement and Mr. O'Malley.

25  
26 **NOAA OLE**

27  
28 **MR. JOHN O'MALLEY:** Good afternoon. I'm John O'Malley, and I'm  
29 the ASAC for the League City, Texas Office of Law Enforcement,  
30 and I'm going to give you the Quarter 3 enforcement report, but,  
31 before I begin that, I've been listening to some of the  
32 questions that you all have asked that I wish we had law  
33 enforcement's buy-in, and so I'm going to answer a couple of  
34 those right now, before I start.

35  
36 In reference to the motion to change the preferred option on  
37 trip declarations in SEFHIER, and I believe the wording was  
38 something like along "submit a trip declaration for any trip  
39 that will be engaging in any type of fishing activity or charter  
40 trip", OLE's preliminary view on that is we think it's good. We  
41 are going to look at it further, and we will get back to you  
42 before the next council meeting with some final comments.

43  
44 Somebody had asked about SEFHIER violations and what they could  
45 be. For us, a violation could be handled anywhere from  
46 compliance assistance to a written warning to a summary  
47 settlement, and a summary settlement would be our entry-level  
48 penalty, and a SEFHIER violation would be about a \$500 summary

1 settlement, if that was warranted, or it could go up to  
2 potentially a case referred to General Counsel, and that would  
3 be a NOVA violation, and so it's a wide range, but somebody was  
4 asking for a dollar amount, and that's what it would start out  
5 as.

6  
7 For our overview, please refer to the Fiscal Year 2022 Quarter 3  
8 Fisheries Management Council Report, and the quarterly report  
9 will have a lot more details. For this last quarter, we opened  
10 192 incidents. Of those 192, seven cases were referred to  
11 General Counsel or DOJ. Thirty were summary settlements,  
12 ranging from \$100 to \$200, and they included violations such as  
13 retention during closed season, TED or BRD requirements, IFQ  
14 requirements, dolphin feeding, or fishing in the sanctuary, such  
15 as Sanctuary Preservation Areas.

16  
17 The remaining were either unfounded boardings, and we do  
18 document boardings of an incident, fix-it tickets, compliance  
19 assistance, written warnings, or could be still under  
20 investigation, and, of those 192 opened incidents, seventy-five  
21 of those are from the Gulf of Mexico area, and they included  
22 boardings and inspections with no violations found.

23  
24 On our enforcement highlights, we had a lot of MMPA this  
25 quarter. We had some targeted patrols, MMPA violation patrols,  
26 in Florida and Texas, and the one in Florida was in the north  
27 Florida area, and it did result in a dolphin feeding case, which  
28 ended up being a \$500 summary settlement. We had one  
29 harassment, and that actually took place in Corpus Christi, and  
30 that's tied in with the dolphin that was in the canal over on  
31 Padre Island that we've been monitoring for about two years.

32  
33 It could enter, and it could leave, but it would leave and come  
34 back, and it ended up getting very habitualized with people, and  
35 it started hearing boat motors coming in, and people were  
36 feeding it, and we did a lot of outreach and patrols and  
37 signage, but it really didn't help, and it had several prop  
38 scars on it, and it had gone blind in one eye, and so eventually  
39 a decision was made that it needed to be removed and evaluated,  
40 and that took place in late June. It was taken over to the  
41 Texas State Aquarium and evaluated.

42  
43 Right now, it's at Sea World in San Antonio, but it's been  
44 determined that the dolphin will not be released to the wild.  
45 They don't believe it can be successfully rehabilitated, and so,  
46 again, we encourage people to not feed, touch, harass, or pet  
47 the dolphins.

48

1 The one case that was made, over in Padre Island, was an  
2 individual who had posted a picture on Facebook that he had  
3 actually lifted the dolphin out of the water and was hugging it,  
4 and so that was one of the summary settlements that was made.  
5  
6 We also had a dolphin death in Freeport that it was reported  
7 that there were folks that were playing with this dolphin, and  
8 they were actually holding it under the water at times. The  
9 dolphin did die, and it's under investigation right now as to  
10 whether they hastened the death or caused it, but it's still  
11 under investigation.  
12  
13 Other notable incidents, we did have a summary settlement  
14 agreement that General Counsel finalized with an illegal charter  
15 operator out of Florida, and that was for a \$5,915 penalty to  
16 settle the case. We also had our Florida enforcement officers  
17 and the U.S. Coast Guard that did a patrol targeting illegal  
18 charters on the west coast of Florida, and all the vessels  
19 checked were found to be in compliance, and they did do a  
20 rescue, actually, of several overturned vessels, and one vessel  
21 was sinking, and so, while they didn't make any violations, it  
22 probably saved some lives, and so that's good.  
23  
24 In addition, we also did a training, and we did SEFHIER and  
25 marine sanctuary training with the Coast Guard and FWC and TPWD.  
26 We did TED training and operations with the gear mitigation team  
27 with Mississippi Marine Resources Division and the U.S. Coast  
28 Guard, and then we've been doing port inspections along the  
29 Texas-Mexico border with Texas Parks and Wildlife, CBP, U.S.  
30 Fish and Wildlife, and the U.S. Coast Guard.  
31  
32 We do work with a lot of partners, and we can't do it alone. We  
33 have our state JEA partners of Texas, Louisiana, Mississippi,  
34 Alabama, and Florida, and we work with the United States Coast  
35 Guard, D7 and D8, and CBP, which includes their air and marine  
36 and their border inspection folks.  
37  
38 During this period, we had fifty-one overall enforcement  
39 referrals, and that's across the entire SED. Within the Gulf of  
40 Mexico area, we received referrals from FWC and Texas Parks and  
41 Wildlife in this last quarter.  
42  
43 We have some operations, and we had Operation TexMex/Yellowfin,  
44 and those were IUU port inspections down along the Texas-Mexico  
45 border, and it included SIMP inspections. From those of you  
46 that don't know SIMP, it's the Seafood Import Monitoring  
47 Program, and there's thirteen different species. The ones we  
48 commonly see coming across here in Texas, that are on the list,

1 are the tunas, the BAYS tunas, the bigeye, albacore, yellowfin,  
2 skipjack, and bluefin; shrimp; blue crabs; red snapper; dolphin;  
3 grouper; sharks; and swordfish. Those operations, working along  
4 with Parks and Wildlife, CBP, and U.S. Fish and Wildlife, we  
5 inspected over 58,000 pounds of imported seafood on those  
6 inspections.

7  
8 In Florida, there was Operation Big Bend, and that was gag-  
9 grouper focused, and that was with FWC. Unfortunately, the  
10 weather was poor, and so we didn't have the greatest results,  
11 but that was a gag grouper patrol.

12  
13 Operation Blue Sky in Mississippi was a TED focus, and that was  
14 with Mississippi and the U.S. Coast Guard. There was twenty-six  
15 boardings, and there were five minor violations found, which  
16 were all on skimmer trawls, which had some new regulations that  
17 came out in the last couple of years.

18  
19 Down in south Florida, you have Operation Mutton Mood/Greenhorn,  
20 and Mutton Moon was targeting patrolling the spawning  
21 aggregations of the mutton snapper. In previous years, we had  
22 seen very high pressure on the mutton spawns, both commercially  
23 and recreationally, and, this year, they looked at the Tortugas  
24 North Reserve and South Reserve. Two boats were found to be  
25 fishing in the North Reserve, and they were able to deter one  
26 boat in the South Reserve that was about to start fishing at  
27 Riley's Hump.

28  
29 Operation Greenhorn was a patrol with a bunch of our new EOs,  
30 where they went out and taught them the ropes and showed them  
31 how to do some of these patrols.

32  
33 What we're currently looking at and focusing on is SEFHIER  
34 outreach and enforcement. As I said, we have a different range  
35 of what we can do, and it's been out for well over a year now,  
36 and we've done a lot of compliance assistance, a few written  
37 warnings, and I'm not sure how many summary settlements have  
38 been issued, but it's getting to the point now that people  
39 should be in compliance, and we're hoping they get there.

40  
41 We're still looking at unpermitted charter operations, and we're  
42 looking for them, and we're finding them, and then we're  
43 investigating them. TED requirements, we're still focused on  
44 that, and we're definitely looking more into the dolphin feeding  
45 and harassment, since we've seen an uptick in incidents there.

46  
47 The dolphin tours have been heating up with tourists, and we've  
48 been reminding businesses, by doing outreach, to try to remind

1 them to keep the proper distances and avoid interactions with  
2 the dolphins, and I mentioned the mortality that happened up in  
3 Freeport.

4  
5 Finally, this is just a list of some of the resources, and  
6 that's the OLE website at the top, and you can see our  
7 enforcement priorities, annual reports, vessel monitoring  
8 information, IUU information. The middle is the one for the  
9 bulletins, and I think you all know how to get those, and, at  
10 the bottom, you see our link to our Office of General Counsel  
11 enforcement actions, where anybody can go and see what General  
12 Counsel has done, has issued, and, of course, I referenced back  
13 to our quarterly report for more details. Any questions?

14  
15 **CHAIRMAN DIAZ:** Any questions for Mr. O'Malley? Mr. Banks.

16  
17 **MR. BANKS:** Thank you for that report. I just had a quick  
18 question about your Operation Big Bend. You said it was gag-  
19 focused, and you said you weren't able to do it because of  
20 weather, and that -- Was it just a one-day effort, and I just  
21 wanted to know a little bit more about that.

22  
23 **MR. O'MALLEY:** It was a patrol focused on gag grouper  
24 violations, and it's just that the weather was not conducive to  
25 a real effective operation.

26  
27 **MR. BANKS:** I guess, when you say that, it makes it sound like  
28 that was like a one-day effort.

29  
30 **MR. O'MALLEY:** I'm not sure of the actual time on that one.

31  
32 **MR. BANKS:** Because, if the weather was poor, I guess I'm  
33 thinking that --

34  
35 **MR. O'MALLEY:** Sometimes an operation might be one or two days,  
36 or sometimes a week, and it just depends on what they planned on  
37 from the beginning. We have to bring in resources from other  
38 areas, because, you know, we are kind of spread thin, and so,  
39 when we do an operation, there's a lot more planning that takes  
40 place, versus doing the actual op.

41  
42 **CHAIRMAN DIAZ:** Any other questions for Mr. O'Malley? Thank  
43 you, Mr. O'Malley. That was a very good report. We appreciate  
44 it.

45  
46 **MR. O'MALLEY:** Thank you.

47  
48 **CHAIRMAN DIAZ:** We're going to move down the agenda, and next is

1 the Gulf States Marine Fisheries Commission and Mr. Donaldson.

2  
3 **GULF STATES MARINE FISHERIES COMMISSION**  
4

5 **MR. DONALDSON:** Thank you, Mr. Chair. I've got just a couple of  
6 items that I want to make the council aware of. The first has  
7 to do with the Return 'Em Right program. We now have results  
8 from the attitudes, perceptions, awareness, and actions survey  
9 that was conducted by Southwick and Associates.

10  
11 In the briefing book, in R-4, there is a fact sheet that  
12 provides a high-level results of that survey, and Charlie  
13 Robertson, on our staff, he's the coordinator for Return 'Em  
14 Right, and he's planning on giving a more in-depth presentation  
15 at the January council meeting about all the research that this  
16 survey, as well as some of the other research that we're doing,  
17 but I just wanted to make you all aware of that.

18  
19 My other item is the upcoming commission annual meeting, and it  
20 will be October 17 through 19 in San Antonio, and we have a  
21 variety of different meetings, sub-committee and committee  
22 meetings, as well as a general session about remote sensing and  
23 using technology for data collection, as well as the Sea Grant  
24 Reef Fish Extension is meeting on Monday, and I believe it was  
25 the April meeting, council meeting, that they had their first  
26 meeting, and this is the next in that series, and so, with that,  
27 I will take any questions.

28  
29 **CHAIRMAN DIAZ:** I do have high hopes for Return 'Em Right, Dave,  
30 and I'm hoping that we can show some measurable decreases in  
31 dead discards with Return 'Em Right, and so I have high hopes  
32 for that, and I think Charlie and Mr. Haddad are both doing a  
33 good job, as well as the other people that's been cooperating  
34 and working with you on that. Any questions for Mr. Donaldson?  
35 Mr. Strelcheck.

36  
37 **MR. STRELCHECK:** Not a question for Dave, but more just a heads-  
38 up. I wanted to do some cross-regional collaboration, and so,  
39 when I was in the Caribbean, they made a motion to start working  
40 on descending devices, and I bragged about the Return 'Em Right  
41 program and told them that they need to get in touch with you  
42 and the commission, and so, if they haven't reached out, they  
43 should be reaching out in the near future for some information  
44 for the upcoming December Caribbean Council meeting.

45  
46 **MR. DONALDSON:** I appreciate that, Andy. Thank you.  
47

48 **CHAIRMAN DIAZ:** Okay. I don't see any further questions, and

1 we're going to move on, and so we have the U.S. Coast Guard  
2 Report and Lieutenant Commander Motoi.

3  
4 **U.S. COAST GUARD**  
5

6 **LCDR MOTOI:** Thank you, Mr. Chairman. Good afternoon, Mr.  
7 Chairman and members of the council. I'm Lieutenant Commander  
8 Lisa Motoi, and I serve as the Living Marine Resources Officer  
9 at Coast Guard District 8 in New Orleans, and so my primary job  
10 is overseeing and working with the district's operational units  
11 to execute the fisheries mission, more at the strategic level.

12  
13 For today's update, I will briefly discuss District 8's area of  
14 responsibility and what we do, upcoming Coast Guard and Mexico  
15 meetings to address the lancha threat, the Gulf of Mexico  
16 Regional Fisheries Training Center, and then highlight some  
17 recent operations.

18  
19 Here is an overview of District 8, really for the new council  
20 members, and so, as you can see, it covers all, or a part, of  
21 twenty-six states throughout the Gulf and the heartland, and  
22 there is three regions, the inland region, where there is over  
23 10,000 miles of waterways, with a \$4.6-trillion economic impact,  
24 the coastal region, which is home to two of the nation's busiest  
25 ports, New Orleans and Houston, and then the offshore region  
26 that captures the outer continental shelf, the oil and natural  
27 gas industry, and the district is divided into seven sectors, as  
28 you can see, and, of the seven, four of them are coastal sectors  
29 of Mobile, New Orleans, Houston/Galveston, and Corpus Christi.

30  
31 These are the sectors that conduct the Coast Guard's fisheries  
32 mission, and then the district also has three air stations and  
33 five fast-response cutters, which have been instrumental in  
34 combating the lancha threat. In fact, really, half of our  
35 lancha interdictions come from our fast-response cutters.

36  
37 Upcoming Coast Guard and Mexico meetings, there is two separate  
38 meetings scheduled for next month, and the first is with the  
39 staff talks in Mexico City, at the top-left of the slide, and it  
40 will be a high-level strategic meeting that will address a broad  
41 range of topics, and there is working groups set up, not only  
42 for illegal, unreported, and unregulated fishing, but also for  
43 counter narcotics, search and rescue, pollution response, port  
44 security, cyber security, and intelligence.

45  
46 Then the embassy meeting, on the lower-right, will be at the  
47 Mexican Embassy in Washington, D.C., which will focus more on  
48 the IUU-F in the Gulf of Mexico and the persistent lancha

1 threat, and attendees will include NOAA Fisheries, the Coast  
2 Guard Fisheries Enforcement Division at the headquarter level,  
3 myself and other members of District 8, and Mexican officials.  
4

5 The goal is to reduce the number of incursions and repeat  
6 offenders, and so the current lancha crew member population  
7 apprehended by the Coast Guard is predominantly repeat  
8 offenders.  
9

10 The bottom-left picture is a recent lancha case, and so, this  
11 fiscal year so far, we have seventy-six lancha interdictions,  
12 and then the top-right picture reflects a collaborative at-sea  
13 operation between the Coast Guard and Mexico, which is something  
14 that we want to see more, and we want to build and improve on  
15 specifically working at-sea operations, to hand off interdicted  
16 lanchas directly to the Mexican Navy.  
17

18 Next is the Gulf of Mexico Regional Fisheries Training Center,  
19 and so the Coast Guard has five regional fisheries training  
20 centers, one being in the Gulf, that's located in New Orleans,  
21 and they're just an exceptional resource for everything fish  
22 related, and so they're the ones teaching the regulations and  
23 providing hands-on instruction to our boarding officers,  
24 boarding team members, and other law enforcement agencies.  
25

26 We do have a new commanding officer, Lieutenant Victor Alma, and  
27 he just recently took over, and so I knew the district is happy  
28 to have him at the helm.  
29

30 The bottom-left picture is of a classroom, and the top-right  
31 picture is of a workshop, touring workshop, and then I provided  
32 some stats of the schoolhouse, and so, so far in Fiscal Year  
33 2022, they have a combined total of 3,900 hours of in-person LMR  
34 management and law enforcement instruction. They have traveled  
35 to every Gulf coast state with touring workshops, and they have  
36 trained ninety-five Coast Guard law enforcement officers from  
37 over twenty Coast Guard units across the Gulf. They have  
38 trained twenty-nine partner law enforcement agents throughout  
39 the Gulf, and the bottom-left picture is of two days ago, with  
40 GRFTC and TPWD, with Lieutenant Rickles.  
41

42 Some of the topics that they will cover are the Marine Mammal  
43 Protection Act, the Magnuson-Stevens Act, fisheries management  
44 plans, National Marine Sanctuaries, the fishing vessel gear and  
45 identification, boarding procedures, species ID, fisheries case  
46 package preparation, and the Commercial Fishing Vessel Safety  
47 Act.  
48

1 The next few slides just highlight some recent operations from  
2 July and August, and so the first one is the Edgar Culbertson,  
3 and they're an FRC stationed, homeported, in Galveston, Texas,  
4 and they recently did a maritime boundary line patrol, and they  
5 interdicted two lanchas, eight Mexican nationals were  
6 apprehended, and they retrieved four sets of longline gear from  
7 the water.

8  
9 The bottom-left picture is they have fifty-five sharks located  
10 in a fish hold, and so, Dr. Frazer, maybe that picture kind of  
11 helps with shark size, but that's something that I can take back  
12 with me too, and we could circle back, and then the bottom-right  
13 picture is crew members removing longline gear and catch from  
14 the water, and one of these interdictions, I just wanted to  
15 note, was a good effort between the Coast Guard and CBP's drone.

16  
17 This one is of the Jacob Poroo, and so they are homeported in  
18 Pascagoula, Mississippi, and they recently conducted a fisheries  
19 patrol in the Sector Mobile area of responsibility, and so,  
20 during this patrol, which is about -- It's a few weeks, more or  
21 less, and they did eleven vessel boardings, with ten violations  
22 issued, seven from one boarding, and then twenty-four new crew  
23 qualifications, and I just wanted to highlight that, just to  
24 show that there's a lot that goes behind mission readiness, and  
25 twenty-four qualifications is pretty commendable, and examples  
26 of these qualifications could be anywhere from standing watch on  
27 the bridge to operating the cutter small boat to engineering  
28 watch to actually conducting vessel boardings.

29  
30 Of course, these patrols would not be as successful without the  
31 air support that they received, as well as sector support, and  
32 then the top-right depicts a recreational boarding.

33  
34 Then the last that I wanted to highlight is the Harold Miller,  
35 and that's another FRC homeported in Galveston, Texas, and they  
36 recently conducted a fisheries patrol across three sectors,  
37 Mobile, New Orleans, and Houston. They did nine vessel  
38 boardings, thirty-nine violations issued, with three vessel  
39 terminations.

40  
41 I highlighted one boarding that they did, and it was just a slew  
42 of violations, from no distress signals onboard to an expired  
43 EPIRB, survival craft equipment was deficient, and the master  
44 was under the influence of marijuana. The vessel was declared  
45 reef fish, but they were actually targeting HMS, and NOAA  
46 Enforcement met this vessel at the pier, and they monitored the  
47 offload, and, sure enough, it consisted of thirty-six yellowfin  
48 tuna, one swordfish, three wahoo, and one dolphin. That

1 concludes my presentation, pending any questions.

2  
3 **CHAIRMAN DIAZ:** Thank you, Lieutenant Commander. Any questions?  
4 Mr. Anson.

5  
6 **MR. ANSON:** Just a quick question. Thank you, Lieutenant  
7 Commander Motoi, for being here. I appreciate seeing you again,  
8 and the Mexican -- You mentioned the Mexican Navy, and they  
9 don't have an equivalent to the Coast Guard, correct, and is it  
10 just the navy that operates and patrols their waters, or do they  
11 have like a unit for --

12  
13 **LCDR MOTOI:** It's the same, our counterpart, and we call it  
14 SEMAR, and it's Secretary of the Navy in Spanish.

15  
16 **MR. ANSON:** Thank you.

17  
18 **CHAIRMAN DIAZ:** Any further questions? Thank you. We're going  
19 to move on, and we have two Other Business items. The first one  
20 is an exempted fishing request from Texas Sea Grant, and I  
21 think, Andy, you were going to handle that. Mr. Strelcheck.

22  
23 **OTHER BUSINESS**  
24 **EXEMPTED FISHING PERMIT REQUEST**

25  
26 **MR. STRELCHECK:** Thanks, Mr. Chair. The Fisheries Service  
27 received an application for an EFP from Texas Sea Grant, and we  
28 want to note that Laura Picariello is here in the audience today  
29 and can answer specific questions, if you have them.

30  
31 The application involves the testing of new bycatch reduction  
32 devices in the commercial shrimp fishery throughout the Gulf of  
33 Mexico. It's a joint project with the shrimp fleet, Louisiana  
34 Sea Grant, Texas Sea Grant, the NOAA Restoration Center, and the  
35 Fisheries Service to restore finfish populations damaged by the  
36 Deepwater Horizon oil spill.

37  
38 The EFP would exempt the research activities from federal  
39 regulations, and, if granted, the EFP would be effective through  
40 August of 2024. The project identifies, or is intended to  
41 identify and develop, new bycatch-reducing technology to  
42 minimize commercial shrimp trawl finfish discard mortality, and,  
43 additionally, the project seeks to advance cost-effective  
44 solutions and incentives for the Gulf shrimp fleet that would  
45 maximize the adoption of improved BRDs.

46  
47 Up to thirty federally-permitted vessels would be selected to  
48 participate in the testing, and those vessels would be

1 distributed across the Gulf shrimp fishery and fishing grounds.

2  
3 During testing, vessels included in the EFP would be surveyed  
4 for qualitative information about the new BRDs and any other use  
5 recommendations that are needed, and then additional BRD  
6 information, including time and difficulty to install,  
7 longevity, ease of use, bycatch, and shrimp retention  
8 characteristics, as well as overall cost, would be collected by  
9 the applicant to assist with the promotion of the new BRDs for  
10 industry usage.

11  
12 We will be publishing a notice in the Federal Register this  
13 Friday, August 26, with a fifteen-day comment period, and we'll  
14 also be sending out a Fishery Bulletin, and so, with that, if  
15 you have any specific questions, feel free to ask me or Laura,  
16 in the audience.

17  
18 **CHAIRMAN DIAZ:** Any questions on the request for the exempted  
19 fishing permit? Bernie, there was a motion, I think, floated  
20 around, and can you put that on the board, please?

21  
22 **DR. STUNZ:** Mr. Chairman, I would like to make that motion,  
23 please. Are you ready?

24  
25 **CHAIRMAN DIAZ:** Yes, sir, Dr. Stunz. Would you read it into the  
26 record, please?

27  
28 **DR. STUNZ:** Yes. **The motion is the council recommends approval**  
29 **of the exempted fishing permit (EFP) provided by Texas and**  
30 **Louisiana Sea Grant to test bycatch reduction devices (BRD).**

31  
32 **CHAIRMAN DIAZ:** Is there a second for the motion? It's seconded  
33 by Mr. Anson. Is there any discussion on the motion? **Seeing no**  
34 **discussion, is there any opposition to the motion? The motion**  
35 **carries.** The next thing that we have on the agenda is Mr. Gill  
36 had asked that we add an item called Elephants to the agenda.  
37 Mr. Gill.

38  
39 **MR. GILL:** Thank you, Mr. Chairman. I have withdrawn that item  
40 from the agenda.

41  
42 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. With that, there's a few  
43 things that I wanted to discuss before we conclude the meeting.  
44 The first is I wanted to let the council know that, once we  
45 start a new council year and we elect a new chair, generally we  
46 sent things out. We send reminders out to the council for you  
47 all to start looking at your committee rosters, and so we're  
48 going to be asking you all to review the committees you're on.

1  
2 The process is going to be very similar to last year, and Dr.  
3 Simmons, I think, is going to review the process, and so, if you  
4 all have any comments about the process for last year, but it  
5 seemed to work very smooth, or at least on my end it did.  
6 Anyway, roughly about a week from now, Dr. Simmons will review  
7 the process, and we'll be sending you an email, asking you to  
8 review your committee assignments, to sign-up for new committees  
9 that you might be interested in.

10  
11 Please think long and hard if you're willing to chair a  
12 committee, or be vice chair of a committee, and we will go  
13 through that process. Roughly, we're going to send it out  
14 whenever the staff gets it out, and we're going to have it with  
15 you for about two weeks, and there will be a deadline to get it  
16 back in.

17  
18 We would like to get it back in fairly soon, so we can go  
19 through the process on our end, and there's a lot of checking  
20 that we've got to do, to make sure all this works out right and  
21 we balance it with the appropriate number of people, and we try  
22 to get people the committees that they request, which takes a  
23 little bit of time.

24  
25 That's going to be something that's going to be happening very  
26 soon, and, also, I just wanted to mention that, at this council,  
27 we have started some new documents, and we've got some new  
28 scoping documents, and so there's a lot of new tasks that have  
29 been added to our process, and so myself and Dr. Stunz is going  
30 to be working closely with Dr. Simmons and the staff and trying  
31 to figure out how we can fit all this into the coming meetings.

32  
33 We'll probably also be consulting with Mr. Strelcheck on some of  
34 the -- When we get deliverables on some of the things that we  
35 need, and so, anyway, we just want you all to be aware that -- I  
36 know, from discussions around the table, some people want stuff  
37 to happen at the next meeting, and there's different opinions  
38 about when we should be taking stuff up.

39  
40 We are trying to make thing happen as far as possible. If you  
41 have some input about what your priorities are, if you want to  
42 let me know what those are, it would be helpful. Did you have  
43 anything else, Dr. Simmons?

44  
45 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I think just  
46 keep in mind that we have a lot of things that we are required  
47 to get done in a very short period of time, and I think even the  
48 new framework action that we passed to start working on changes

1 to the recreational and commercial sector for amberjack is under  
2 a very tight timeline, because the emergency rule will run out,  
3 and so we have a couple of items that we almost have to put on  
4 the agenda, and we cannot delay, and so just keep in mind and be  
5 patient with us on some of these bigger tasks and projects and  
6 special meetings and things like that, to make sure that we're  
7 organized and can use our time the best we can, when we're  
8 convening the council, and so I appreciate everyone's patience  
9 on that. Thank you.

10  
11 **CHAIRMAN DIAZ:** With that, is there any other business to come  
12 before the council? I would entertain a motion to adjourn.

13  
14 **MS. BOGGS:** Make a motion to adjourn.

15  
16 **CHAIRMAN DIAZ:** We have a motion to adjourn. It's seconded by  
17 Dr. Stunz, and so we are adjourned. Thank you all for your hard  
18 work this week.

19  
20 (Whereupon, the meeting adjourned on August 25, 2022.)

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22 - - -  
23