

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

288TH MEETING

FULL COUNCIL SESSION

WEBINAR

January 24-27, 2022

VOTING MEMBERS

- Dale Diaz.....Mississippi
- Kevin Anson (designee for Scott Bannon).....Alabama
- Susan Boggs.....Alabama
- Leann Bosarge.....Mississippi
- Billy Broussard.....Louisiana
- Jonathan Dugas.....Louisiana
- Phil Dyskow.....Florida
- Tom Frazer.....Florida
- Dakus Geeslin (designee for Robin Riechers).....Texas
- Bob Gill.....Florida
- Jessica McCawley.....Florida
- Chris Schieble (designee for Patrick Banks).....Louisiana
- Joe Spraggins.....Mississippi
- Andy Strelcheck.....NMFS
- Greg Stunz.....Texas
- Troy Williamson.....Texas

NON-VOTING MEMBERS

- Dave Donaldson.....GSMFC
- LTJG Adam Peterson.....USCG

STAFF

- Assane Diagne.....Economist
- Matt Freeman.....Economist
- John Froeschke.....Deputy Director
- Beth Hager.....Administrative Officer
- Lisa Hollensead.....Fishery Biologist
- Ava Lasseter.....Anthropologist
- Mary Levy.....NOAA General Counsel
- Jessica Matos.....Document Editor & Administrative Assistant
- Emily Muehlstein.....Public Information Officer
- Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
- Bernadine Roy.....Office Manager
- Carrie Simmons.....Executive Director
- Carly Somerset.....Fisheries Outreach Specialist

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TABLE OF MOTIONS

PAGE 12: Motion to accept the revised council committee assignments. [The motion carried on page 13.](#)

PAGE 58: Motion to request that the council work with NMFS and BOEM to ensure that the complete historical Gulf shrimp fishing effort data set is fully included and considered as part of the collaborative BOEM/NOAA spatial management analyses for evaluating potential sites for offshore wind energy facilities and transmission lines in the Gulf. [The motion carried on page 60.](#)

PAGE 60: Motion to request the council to work with NMFS to ensure that BOEM enters into consultations with NMFS pursuant to Section 7 of the Endangered Species Act (ESA) with respect to any action BOEM takes or proposes to take to authorize offshore wind energy development in the Gulf that may affect any ESA listed species or designated critical habitat. Such consultations should begin as early in the BOEM process as possible. [The motion carried on page 60.](#)

PAGE 60: Motion to convey to NMFS and BOEM that the analytical approach to spatial planning applied by NOAA in the AOA Atlas is comprehensive, transparent, objective and, therefore, an effective tool for supporting critical decision-making regarding competing ocean uses in the Gulf and for minimizing any adverse impacts of those uses on the Gulf fishing industry, including the siting of offshore wind facilities and transmission lines in the BOEM Call Area. [The motion carried on page 63.](#)

PAGE 64: Motion that, pursuant to Section 305(b)(3) of the Magnuson-Stevens Act, the council directs staff to write a letter to BOEM summarizing the comments and concerns from the Advisory Panel and the council regarding potential impacts of offshore wind energy development, including offshore facilities and transmission lines, on all Essential Fish Habitat in the BOEM Call Area in the Gulf of Mexico. In addition, the council directs staff to include a request for consideration of membership on the BOEM Gulf of Mexico Task Force. [The motion carried on page 70.](#)

PAGE 72: Motion to recommend the letter be sent to Full Council for approval. [The motion carried on page 72.](#)

PAGE 76: Motion to eliminate the Fishing for Our Future webpage from the Gulf Council website by redirecting users to Return 'Em Right. Add the discard dashboard and literature cited to the

1 Fisheries Science pages on the council website. [The motion](#)
2 [carried on page 76](#).
3
4 [PAGE 90](#): Motion to move Option 2c and 2d of Alternative 2 in
5 Action 2 to Considered but Rejected. [The motion carried on page](#)
6 [90](#).
7
8 [PAGE 92](#): Motion to request presentations of the New England and
9 Mid-Atlantic RSA programs at a future council meeting for
10 consideration. [The motion carried on page 101](#).
11
12 [PAGE 101](#): Motion to remove Action 1 from Amendment 33 and start
13 a new framework action. [The motion carried on page 109](#).
14
15 [PAGE 113](#): Motion to move Actions 5 and 6 to Considered but
16 Rejected. [The motion carried on page 113](#).
17
18 [PAGE 113](#): Motion in Action 7 to select SAFMC Preferred
19 Alternative 2, and Sub-alternatives 2a and 2b as the Gulf
20 preferred. [The motion carried on page 118](#).
21
22 [PAGE 123](#): Motion in Action 1 to make Alternative 2, Option 2b
23 the preferred. [The motion carried on page 124](#).
24
25 [PAGE 124](#): Motion in Action 1 to make Alternative 3, Option 3b
26 the preferred. [The motion carried on page 124](#).
27
28 [PAGE 137](#): Motion in Action 1 to add an Alternative 4.
29 Alternative 4 is to set the ACL at 75 percent of the ABC (5.45
30 million pounds whole weight) monitored in MRIP-FES. [The motion](#)
31 [carried on page 137](#).
32
33 [PAGE 139](#): Motion in Action 1 to make Alternative 4 the
34 preferred alternative. [The motion carried on page 142](#).
35
36 [PAGE 143](#): Motion to approve the Framework Action:
37 Modifications of Vermilion Snapper Catch Limits and that it be
38 forwarded to the Secretary of Commerce for review and
39 implementation, and deem the codified text as necessary and
40 appropriate, giving staff editorial license to make the
41 necessary changes in the document. The Council Chair is given
42 the authority to deem any changes to the codified text as
43 necessary and appropriate. [The motion carried on page 144](#).
44
45 [PAGE 146](#): Motion to request that the SEFSC compile and present
46 discard data (including dead discards) by species and sector and
47 year for red grouper, gag grouper, greater amberjack, and red
48 snapper in the Gulf. Commercial data should be broken down by

1 gear type (longline, vertical line) and recreational sector data
2 should be broken down by subsector (charter for-hire, headboat,
3 private angler plus shore), as feasible. Include data sources
4 where available. [The motion carried on page 147.](#)

5
6 [PAGE 150](#): Motion to remove Option 3 from consideration in the
7 draft options paper, as presented in the November 2021 SSC
8 summary. [The motion was withdrawn on page 153.](#)

9
10 [PAGE 155](#): Motion to direct staff to begin work on a plan
11 amendment to establish a rebuilding plan for gag grouper to end
12 overfishing of the stock. Actions in this plan amendment should
13 include revising the FMSY proxy, catch limits, accountability
14 measures, and other management measures. [The motion carried on](#)
15 [page 158.](#)

16
17 [PAGE 161](#): Motion to delay a consideration of an interim or
18 emergency rule for gag grouper to the April 2022 council
19 meeting. [The motion carried on page 169.](#)

20
21 [PAGE 170](#): Motion that the council requests that the calibration
22 of the Florida State Reef Fish Survey with MRIP-FES for gag
23 grouper be a priority for NMFS and all associated parties to
24 that process. [The motion carried on page 171.](#)

25
26 [PAGE 171](#): Motion to request the SEFSC update the survey indices
27 of relative abundance for gag grouper through 2021 and explore
28 the feasibility of using those indices for an interim analysis
29 to update ABC and OFL advice. [The motion carried on page 172.](#)

30
31 [PAGE 173](#): Motion to suspend work on this amendment and request
32 that Florida Fish and Wildlife Conservation Commission conduct
33 an update to the assessment to incorporate three additional
34 years of data and a constant catch projection to set the ABC.
35 [The motion carried on page 174.](#)

36
37 [PAGE 175](#): Motion to request the SSC and SEFSC to review the
38 midwater snapper ABC and advise the council on alternative
39 approaches that may be used to set the ABC in light of a
40 developing directed trawl fishery for wenchman. In support of
41 this review, the council requests the SEFSC provide commercial
42 and recreational landings (historical through present),
43 available data from fishery-independent research surveys to
44 assess trends in catch and abundance of midwater snapper, and
45 information on the previously attempted data poor assessment.
46 Additionally, commercial fishermen with experience and knowledge
47 of this species should be present (virtually or in-person) to
48 convey their working water knowledge to the SSC/SEFSC during

1 these discussions. [The motion carried on page 177.](#)

2
3 [PAGE 191](#): Motion that the council considers the Standardized
4 Bycatch Reporting Methodology report to adequately characterize
5 the existing bycatch reporting programs that are in place for
6 each council FMP. The council recognizes that bycatch
7 information is an increasingly important and recommends
8 evaluation and coordination with state and federal partners to
9 improve bycatch data collection in the future. [The motion](#)
10 [carried on page 192.](#)

11
12 [PAGE 199](#): Motion in Action 1 to add Appendix D (Draft Technical
13 Specifications) to Alternative 3 so that the alternative reads:
14 Alternative 3: If selected by the SRD, the owner or operator of
15 a shrimp vessel with a valid or renewable SPGM would be required
16 to install an approved electronic logbook (ELB) that archives
17 vessel position when on a fishing trip in the Gulf,
18 automatically transmits that data via cellular service to NMFS,
19 and meets the technical specifications as outlined in Appendix D
20 as appropriate. [The motion failed on page 207.](#)

21
22 [PAGE 219](#): Motion to direct council staff to use the Fishermen
23 Feedback tool to obtain information on wenchman and the other
24 species in the midwater snapper complex and present that
25 information to the SSC and to the council as soon as practical.
26 [The motion carried on page 221.](#)

27
28 - - -
29

1 The Full Council of the Gulf of Mexico Fishery Management
2 Council convened via webinar on Monday morning, January 24,
3 2022, and was called to order by Chairman Dale Diaz.

4
5 **CHAIRMAN DALE DIAZ:** We're going to go into Full Council, a
6 short Full Council session, to take care of a little bit of
7 council business. I would like to start out with some news
8 about Dr. Shipp. As most of you know, Dr. Shipp's wife, Linda,
9 passed away last weekend, after a long illness.

10
11 I talked with Dr. Shipp last week, and he will not be
12 participating in the council meeting this week. I would ask
13 that you please keep Dr. Shipp and his family in your thoughts
14 and prayers.

15
16 We're going to discuss a few other things and get us going on
17 our council agenda. Also, as most of you know, Ms. Martha Guyas
18 moved on from representing the State of Florida, to bigger and
19 better things with the American Sportfishing Association, and I
20 did check, and Martha is on the line, and we're glad Martha is
21 on the line.

22
23 Anyway, there's a void, because Martha has moved on, and I do
24 want to take just a second to say a few things about Martha,
25 real quick, and I really appreciate Martha's service to the
26 council. She's been on the council for approximately ten years,
27 and I've been on the council during those ten years, and me and
28 Martha kind of grew into the council process together.

29
30 I would say she grew a lot better than I did. She was a very
31 good council member, and she represented the State of Florida
32 very well. I admire a lot of Martha's qualities and the things
33 that she brought to the council, and she's going to be sadly
34 missed. She was a good communicator, and she is a great
35 scientist, and she just was an all-around good council member,
36 and I think she did an excellent job representing the State of
37 Florida.

38
39 With that, being as Martha is not here anymore, the State of
40 Florida representative today is Ms. Jessica McCawley. I don't
41 know if everybody here knows Jessica or not, but Jessica is on
42 the South Atlantic Fishery Management Council, and she also is a
43 very good representative. Jessica, if you would like, you're
44 welcome to say a few words to the council and introduce
45 yourself, if you would like to do that at this time.

46
47 **MS. JESSICA MCCAWLEY:** Thank you, Mr. Chairman. My name is
48 Jessica McCawley, and, yes, as Dale mentioned, I sit on the

1 South Atlantic Council, and, for the FWC, I am the Director of
2 the Division of Marine Fisheries Management. I will also echo
3 everything that you said about Martha GUYAS. We certainly miss
4 her already here at the FWC, and she was a wonderful council
5 member and did a lot of great things, not just for the council,
6 but the State of Florida, and really to advance marine fisheries
7 for the nation.

8
9 I actually have a memory book here, sitting in my office, that I
10 was going to bring to the council meeting for folks on the Gulf
11 Council to sign, when we were going to be in-person, and so I
12 will bring it to the next meeting when we are in-person, so that
13 people can write little notes for her, and we've already done it
14 here at the FWC, but I wanted to make sure that council members
15 also had a chance to write in that book.

16
17 If you have any questions about me, feel free to reach out.
18 otherwise, I will be participating this week. Martha's position
19 has been advertised and closed, and we have interviews coming up
20 in February, and we'll be getting that position filled, and that
21 person will serve on the Gulf Council, and so there will be a
22 transition time for us, as we transition to this new person, and
23 so I'll be helping with that transition, and so you might see me
24 at a couple of meetings, but thank you, Dale. I appreciate the
25 introduction and the kind words about Martha.

26 27 **ELECTION OF COUNCIL VICE-CHAIR**

28
29 **CHAIRMAN DIAZ:** Thank you, Jessica. Yes, please bring that book
30 to our next meeting, when we meet in person, and welcome to the
31 Gulf Council. The first order of business is the Election of a
32 Vice Chair. At this time, I would like to open up the floor to
33 nominations for Vice Chair.

34
35 Well, let me back up on that. Mr. Donaldson is going to take us
36 through the Election of Vice Chair, and so, generally, Mr.
37 Donaldson handles that, and so, Mr. Donaldson, can you take care
38 of the Vice-Chair elections? Thank you.

39
40 **MR. DAVE DONALDSON:** Yes, and thank you, Mr. Chairman. I will
41 now open the floor for nominations for Vice Chair for the Gulf
42 Council.

43
44 **GENERAL JOE SPRAGGINS:** I would like to nominate Greg Stunz.

45
46 **MR. DONALDSON:** All right. Can I get a second?

47
48 **MR. BILLY BROUSSARD:** I will second.

1
2 **MR. DONALDSON:** Ms. Boggs, do you have a nomination?
3
4 **MS. SUSAN BOGGS:** Yes, sir. I would like to nominate Bob Gill,
5 please.
6
7 **MR. DONALDSON:** All right. Can I get a second for Mr. Gill?
8
9 **MS. LEANN BOSARGE:** I will second that.
10
11 **MR. DONALDSON:** Mr. Dugas, I see you have your hand up. Do you
12 have another nomination?
13
14 **MR. J.D. DUGAS:** No, and I was going to second Dr. Stunz.
15
16 **MR. DONALDSON:** Okay. Do we have any other nominations? Seeing
17 no more hands, I initially was going to do this via text
18 message, and I think we did that at the last meeting, and it was
19 a little bulky. Council staff actually has set up a Google
20 poll, which I think will be much more efficient, and so, Bernie,
21 can you email out that link? Everyone should be getting a link
22 in their email, which will allow you to select either Dr. Stunz
23 or Mr. Gill for Vice Chair. We'll give it a few minutes, and
24 then I will report out on the results.
25
26 **MR. ANDY STRELCHECK:** Dave, do we typically have discussion of
27 the Vice Chair candidacy before we go to vote?
28
29 **MR. DONALDSON:** I don't recall. I mean, I guess we could open
30 the floor to comments for either Dr. Stunz or Mr. Gill.
31
32 **MR. STRELCHECK:** I am just checking on policy here, and I was
33 just curious. I thought we did, and that's why I was asking.
34
35 **MR. DONALDSON:** I don't see any hands.
36
37 **MS. MCCAWLEY:** Where are we supposed to look to find that poll?
38
39 **MR. DONALDSON:** Bernie supposedly was going to send out the
40 link, but we're waiting to see if there is comments about the
41 Vice Chairman. Mr. Strelcheck, I see you have your hand up. Do
42 you have a comment?
43
44 **MR. STRELCHECK:** No, I took it down, and I was just asking if we
45 had any discussion, and so I thought that was just a matter of
46 practice, and so I don't want to rush to a vote, if there was
47 any discussion that people wanted to have.
48

1 **MR. DONALDSON:** Okay. I am not seeing any more hands. Bernie,
2 have you sent out the link, or can you send out the link?

3
4 **MS. BERNADINE ROY:** We're in the process.

5
6 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** We're updating it with the
7 two candidates.

8
9 **MR. DONALDSON:** Okay, and so everyone be on the lookout for your
10 -- It will be sent via email, and so it should be sent
11 momentarily.

12
13 **MS. ROY:** Excuse me. The link was just emailed.

14
15 **MR. DONALDSON:** Thank you, Bernie.

16
17 **CHAIRMAN DIAZ:** While we're waiting on the results of the
18 election for the Vice Chair, let's go ahead and take our break.
19 If council members would make sure and submit their vote as soon
20 as they can, that would be appreciated, and we will start back
21 up at 10:25.

22
23 (Whereupon, a brief recess was taken.)

24
25 **CHAIRMAN DIAZ:** All right. We're going to try to get started
26 back up, and so we'll wait just a minute and make sure everybody
27 is on. Mr. Donaldson, if you would, if you would let us know
28 the results, please. Thank you.

29
30 **MR. DONALDSON:** Thank you, Mr. Chairman. I would like to
31 announce that Dr. Greg Stunz is the new Vice Chairman of the
32 Gulf Council, and congratulations to Dr. Stunz.

33
34 **CHAIRMAN DIAZ:** Congratulations, Dr. Stunz. Thank you, Mr.
35 Donaldson, for taking care of that for us. We appreciate it.

36
37 **MR. DONALDSON:** I would like to thank Bernie and Carrie for
38 setting up that poll. That was much easier to handle than text
39 messages, and so thank you.

40
41 **REVIEW AND ADOPTION OF REVISED COUNCIL COMMITTEE ASSIGNMENTS**
42 **OCTOBER 2021 THROUGH AUGUST 2022**

43
44 **CHAIRMAN DIAZ:** Thank you to the staff. We appreciate that.
45 All right. We're going to go ahead and move to our next agenda
46 item, and so the next agenda is to fill the committee chair
47 positions that Ms. Guyas held, and those are Reef Fish and Spiny
48 Lobster.

1
2 If you look at the revised committee chair chart in your
3 briefing book, you will see that Dr. Frazer has agreed to do
4 Reef Fish, and Mr. Bob Gill has agreed to do Spiny Lobster, and
5 so, anyway, I would like to have some discussion on this, and,
6 if everybody is agreeable, we will need a motion, at some point,
7 to accept the new committee roster.

8
9 I would also point out that all of the committees that Ms. Guyas
10 was on, the State of Florida representative is still on those
11 committees, including Reef Fish and Spiny Lobster, and so
12 nothing should have changed for the State of Florida except the
13 chairmanships, and so any discussion?

14
15 **MS. BOGGS:** I will make a motion to approve the revised
16 committee roster.

17
18 **CHAIRMAN DIAZ:** Mr. Phil Dyskow has agreed to do Spiny Lobster.
19 I said Bob Gill, and it's Phil Dyskow has agreed to do Spiny
20 Lobster. I apologize, Phil. Susan, you have made a
21 recommendation to accept the committee roster as changed.

22
23 **MS. BOGGS:** Yes, and I thought it was Phil Dyskow, but I thought
24 that maybe something changed, and I didn't realize it, and so I
25 went along with it, but, yes, my motion still stands to approve.

26
27 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. I apologize. Is there a
28 second to that motion?

29
30 **MR. BOB GILL:** Mr. Chairman, I second, but note that the listing
31 for each of those committees has the proposed chair listed in
32 duplicate, and that needs to be corrected.

33
34 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. We will make that
35 correction. We have a motion to accept the revised committee
36 report, and it's second. Is there any discussion? Mr. Dugas.

37
38 **MR. DUGAS:** Thank you, Mr. Chair. My question is, and I guess I
39 can use Reef Fish for an example, but why would the Vice Chair
40 position not simply slide up to the Chair position? I guess
41 that's maybe a procedural question.

42
43 **CHAIRMAN DIAZ:** It is a procedural question, and I did have a
44 discussion with all the people involved, the vice chairs for
45 both committees and with Dr. Frazer and Mr. Dyskow, and, based
46 on those discussions, the revised committee report was put
47 together, and so it was contemplated, and it was discussed, but
48 it's the way that it worked out, after having discussions with

1 all the individuals involved.

2
3 **MR. DUGAS:** Thank you, Mr. Chair.

4
5 **CHAIRMAN DIAZ:** All right. Any further discussion on the
6 motion? Mr. Strelcheck.

7
8 **MR. STRELCHECK:** Apologies for my ignorance here, and I don't
9 know if it's typical for the chair of the council to also chair
10 a committee, and so I just wanted to confirm that that was
11 correct, because I see that Greg is still the chair of the
12 Outreach and Education Committee, and we would want to do
13 something.

14
15 **CHAIRMAN DIAZ:** He's the Vice Chair, and so the Vice Chair and
16 the Chair has chaired committees in the past, and so that is
17 something that we have -- It has been a normal practice of the
18 council in the past.

19
20 **MR. STRELCHECK:** Thanks.

21
22 **CHAIRMAN DIAZ:** Thank you. Any further discussion? **Seeing**
23 **none, is there any opposition to the motion? Seeing no**
24 **opposition, the motion carries.** We're going to go back to our
25 committee mode for the council.

26
27 (Whereupon, the meeting recessed on January 24, 2022.)

28
29 - - -

30
31 January 26, 2021

32
33 WEDNESDAY AFTERNOON SESSION

34
35 - - -

36
37 The Full Council of the Gulf of Mexico Fishery Management
38 Council reconvened via webinar on Wednesday afternoon, January
39 26, 2022, and was called to order by Chairman Dale Diaz.

40
41 **CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS**

42
43 **CHAIRMAN DIAZ:** All right, everyone. I would like to call the
44 council back to order. We're going to go ahead and get started.
45 We're going to go ahead and get started. Welcome to the 288th
46 meeting of the Gulf of Mexico Fishery Management Council. My
47 name is Dale Diaz, chair of the council.

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

9
10 The council has seventeen voting members, eleven of whom are
11 appointed by the Secretary of Commerce and include individuals
12 from a range of geographical areas in the Gulf of Mexico with
13 experience in various aspects of fisheries.

14
15 The membership also includes the five state fishery managers
16 from each Gulf state and the Regional Administrator from NOAA's
17 Southeast Fisheries Service, as well as several non-voting
18 members.

19
20 Public input is a vital part of the council's deliberative
21 process, and comments, both oral and written, are accepted and
22 considered by the council throughout the process. Anyone
23 wishing to speak during public comment should register for
24 comments via the Gulf Council's website at www.gulfcouncil.org.
25 Registered participants should ensure that they are registered
26 and signed into the council's website under the same name used
27 to register to speak. We accept only one registration per
28 person.

29
30 A digital recording is used for the public record, and,
31 therefore, for the purpose of voice identification, plus unmute
32 your line when your name is called and state your first and last
33 name. Bernie will call attendance.

34
35 **MS. ROY:** Kevin Anson

36
37 **MR. KEVIN ANSON:** Kevin Anson.

38
39 **MS. ROY:** Chris Schieble.

40
41 **MR. CHRIS SCHIEBLE:** Chris Schieble.

42
43 **MS. ROY:** Susan Boggs.

44
45 **MS. SUSAN BOGGS:** Susan Boggs.

46
47 **MS. ROY:** Leann Bosarge.

48

1 **MS. BOSARGE:** Leann Bosarge.
2
3 **MS. ROY:** Billy Broussard.
4
5 **MR. BROUSSARD:** Billy Broussard.
6
7 **MS. ROY:** Dale Diaz.
8
9 **CHAIRMAN DIAZ:** Dale Diaz.
10
11 **MS. ROY:** Dave Donaldson.
12
13 **MR. DONALDSON:** Dave Donaldson.
14
15 **MS. ROY:** J.D. Dugas.
16
17 **MR. DUGAS:** J.D. Dugas.
18
19 **MS. ROY:** Phil Dyskow.
20
21 **MR. PHIL DYSKOW:** Phil Dyskow.
22
23 **MS. ROY:** Tom Frazer.
24
25 **DR. TOM FRAZER:** Tom Frazer.
26
27 **MS. ROY:** Bob Gill.
28
29 **MR. GILL:** Bob Gill.
30
31 **MS. ROY:** Mara Levy.
32
33 **MS. MARA LEVY:** Mara Levy.
34
35 **MS. ROY:** Jessica McCawley.
36
37 **MS. MCCAWLEY:** Jessica McCawley.
38
39 **MS. ROY:** Adam Peterson.
40
41 **LTJG ADAM PETERSON:** Adam Peterson.
42
43 **MS. ROY:** Clay Porch.
44
45 **MR. CLAY PORCH:** Clay Porch.
46
47 **MS. ROY:** Dakus Geeslin.
48

1 **MR. DAKUS GEESLIN:** Dakus Geeslin.

2
3 **MS. ROY:** Rick Burris.

4
5 **MR. RICK BURRIS:** Rick Burris.

6
7 **MS. ROY:** Andy Strelcheck.

8
9 **MR. STRELCHECK:** Andy Strelcheck.

10
11 **MS. ROY:** Greg Stunz.

12
13 **DR. GREG STUNZ:** Greg Stunz.

14
15 **MS. ROY:** Troy Williamson.

16
17 **MR. TROY WILLIAMSON:** Troy Williamson.

18
19 **MS. ROY:** Kerry Marhefka.

20
21 **MS. KERRY MARHEFKA:** Kerry Marhefka.

22
23 **MS. ROY:** Thank you, Kerry. Okay. We're ready to go.

24
25 **CHAIRMAN DIAZ:** Thank you, Bernie. We're just about ready to
26 get started. I do want to take a minute to welcome a couple of
27 people that's not with us at every single meeting, Kerry
28 Marhefka from the South Atlantic Fishery Management Council and
29 Lieutenant Adam Peterson from the U.S. Coast Guard. We
30 appreciate you all being with us and to give us you all's
31 valuable input. The first item on the agenda is the Adoption of
32 the Agenda. Are there any changes to the agenda? Dr. Simmons.

33
34 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**

35
36 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I just
37 wanted to add a very brief discussion of three advisory panels
38 that we need to readvertise for and populate, and those are Data
39 Collection, Coral, and Spiny Lobster. Thank you.

40
41 **CHAIRMAN DIAZ:** Any other additions to the agenda? Is there any
42 opposition to adopting the agenda as amended? Seeing no hands,
43 and not hearing anybody speak up, the agenda is adopted.

44
45 Next up is the Approval of the Minutes. Are there any changes
46 or modifications to the minutes, or corrections? All right. I
47 am not seeing any hands come up, and nobody is speaking out. Is
48 there any opposition to adopting the minutes? The minutes are

1 adopted.

2
3 The first item on our agenda is a presentation on Density
4 Estimations of Age-Zero and Age-One Gray Triggerfish, and that
5 presentation is going to be done by Dr. Szedlmayer. This
6 presentation, one reason we brought it before the council, is
7 this is one of the proposals that was funded with the leftover
8 funds that we had from our five-year grant, and that was one
9 reason we wanted to get this presentation in front of the
10 council, and so, Dr. Szedlmayer, are you ready to proceed?

11
12 **PRESENTATION**

13 **DENSITY ESTIMATIONS OF AGE-ZERO AND AGE-ONE GRAY TRIGGERFISH,**
14 ***BALISTES CAPRISCUS*, AND VERMILION SNAPPER, *RHOMBOPLITES***
15 ***AURORUBENS*, FROM 2007 TO 2015 IN THE NORTHERN GULF OF MEXICO**
16

17 **DR. STEPHEN SZEDLMAYER:** I'm glad to be able to present this
18 information, because this was funded by the Gulf Council. I
19 would much rather have had an in-person meeting, probably like
20 the rest of you, but, anyway, let me get started. We want to
21 talk about the early life history of gray triggerfish, based on
22 visual surveys on small artificial reefs that we've built in the
23 northern Gulf of Mexico off of coastal Alabama. I want to
24 acknowledge my co-author, Peter Mudrak, and this work was
25 carried out while he was at Auburn University.

26
27 There is many things that I would like to talk about, and this
28 was done over a nine-year period, and each one of these topics
29 listed here could be a thirty-minute seminar, and so I'm going
30 to condense it down, and I may skip a lot of things, but I will
31 try and hit the high points.

32
33 What we want to talk about is the annual densities of juvenile
34 gray triggerfish, and that's age-zero and age-one, from 2007 to
35 2015. We want to compare, or correlate, age-zero to age-one
36 densities, and we want to compare those. We want to look at the
37 interactions of gray triggerfish with other species, and we want
38 to compare some environmental effects.

39
40 We want to make mortality estimates, and we also want to look at
41 proximity to larger reefs, and that's where our small artificial
42 reefs were put next to large reefs, and we compared those, and
43 we also want to look at some east-west comparisons, and we also
44 did a series of removal experiments that I would like to talk
45 about.

46
47 What did we do? Well, reefs were deployed each year from 2007
48 to 2015. From twenty to forty patch reefs were built each year,

1 and so, over these years, we've built over 250 of these patch
2 reefs. Scuba divers would visually survey these and photograph
3 and video record each reef at several intervals. I want to
4 remind Dr. Simmons that this was fifteen years ago, the first
5 year we put these reefs out, and so time passes quickly.

6
7 Another shot from some of the crew, and there was many people
8 involved, and this is just a sample of the people that were
9 involved in 2011, and so what do we do?

10
11 We build these reefs, and we put them on the back of our
12 research vessel, and we would launch them off the back. They
13 would sink down, and this is what they would look like. They
14 were about one cubic meter in size, and they're made of concrete
15 blocks, and they had a plastic crate in the center, and we also
16 had floats that floated about one meter up off the bottom. This
17 was a compromise of many different reef styles and reef
18 materials that we used over the years, and we found this worked
19 really well. It was heavy enough to stay on the bottom, and yet
20 light enough to launch over the back of our boat.

21
22 Here's our location, and we're located off of Mobile Bay,
23 Alabama, in the northern Gulf of Mexico, and each one of these
24 dots represents a set of reefs that was built for a particular
25 year, 2007 through 2015, and each one of these dots represents
26 at least ten to forty reefs for each site, and all of these
27 sites that are closest to shore -- We call those our inshore
28 sites, and I don't know if you can see my cursor, but the Xs and
29 stars out here -- We call that our offshore site.

30
31 This is just an example of a zoom-in on the inshore center site,
32 and you can see, from 2010 to 2015, all the reefs that were
33 built over those years, and each color here represents to a
34 different year that these reefs were built, and so what do they
35 look like?

36
37 Well, here's a shot of a lot of red snapper on one of these
38 recruitment reefs, we call them, or patch reefs, in 2009, and so
39 they were heavily populated by many species of fish, but red
40 snapper was one of the dominant ones, and so do we do?

41
42 After we build the reefs, you can see on the bottom axis is
43 month of deployment and sampling, and the mean density of gray
44 triggerfish is on the Y-axis, and you can see, at the start
45 there, at the orange, and that's August. That's when we built
46 the reefs, and then we would sample these and count all the fish
47 and photograph them, and the one thing I want to point out here
48 is, in October here, there is a wide variance in age-zero

1 recruitment to these reef structures.

2
3 Then, typically, as with other species, when you get to the next
4 year, in June and July, and these are now age-one, and the
5 variance drops down quite a bit, and so initially very high
6 variance in recruitment of age-zero, and then, as we can see,
7 the variance drops off quite a bit.

8
9 We compared these over the various years, from, on the X-axis,
10 2007 to 2015, and each one of these graphs -- The top graph, for
11 example, August, where you see a letter, that indicates a year
12 that we were able to sample. If there's a missing letter, that
13 means we did not sample that year. The red circle indicates a
14 significant difference. For example, in August, the 2015 reefs
15 had significantly higher age-zero gray triggerfish. This
16 pattern continued in the next plot, Plot B there. In September,
17 you see significantly higher age-zero gray triggerfish in 2014,
18 and then, in October, there was significantly higher gray
19 triggerfish in 2013, 2014, and 2015, and so this is quite a bit
20 different from the earlier years.

21
22 That bottom graph, in October, we've identified what we think
23 are two reasons for this increase in the number of gray
24 triggerfish, age-zero gray triggerfish, and the first is, in
25 about 2011 -- There's been a gradual increase, since that time,
26 in the amount of sargassum in the Atlantic, and this comes into
27 the Gulf. Sargassum is where the age-zero gray triggerfish
28 spend their pelagic life, and they actually spend quite a long
29 period. They have a very long time in the pelagic environment
30 and staying in the sargassum, and then they drop out of the
31 sargassum and go directly to the bottom and go directly to reef
32 structure, and they're fairly large fish. They're about 100
33 millimeters at this point, when they drop out of the plankton.

34
35 This increase in sargassum could be one of the reasons why we're
36 seeing these increases in 2013, 2014, and 2015. However, this
37 was at the same time that we started putting in catch limits on
38 gray triggerfish, and we started restricting the time periods,
39 and so we can also say that this increase in age-zero
40 triggerfish was due to management, or we can conclude that maybe
41 it's both, and we can't really separate these though.

42
43 This graph shows the same pattern, and this is for the age-one
44 gray triggerfish, and the first is June, and so that's the
45 following year, after the reefs were built, and we see a
46 significant difference again, and so the difference carried over
47 into the next year, where you're seeing significantly more age-
48 one fish, and that's the red circle in June.

1
2 Then what's happening here, in August and September and October,
3 is we're still seeing, again, a significant difference,
4 significantly higher numbers of age-one carrying over, but we're
5 also starting to lose some of these reefs, and so these patch
6 reefs don't last much longer than about a year, and then they
7 start to get buried into the sand, and then, by October, this
8 bottom graph, there really was no significant difference, and so
9 it could be two things. The fish could be leaving the reef, and
10 moving to bigger structure, or the reefs could be getting buried
11 in the sand.

12
13 Now I would like to look at age-zero and age-one comparisons,
14 and were there any correlations, and so we have month, and then
15 we have R, R^2 , and sample size is the number of patch reefs that
16 were sampled, and P is the significant relation between age-zero
17 and age-one.

18
19 In August, we see an R of 0.24, and it's significant, but we can
20 see the R^2 value is very low, and so we have a significant value,
21 but very little of the variation in age-zero was related to age-
22 one, and so it's only 5 percent, but then you get to September,
23 the second row there, and we had an R of 0.43, and the R^2 is
24 0.18, and so 18 percent of the variance was explained by age-
25 zero densities, were explained by age-one densities, and then
26 you get to October, and the R drops down again, and only 6
27 percent of the variance is explained, but it was significant.

28
29 What about juvenile gray triggerfish correlations with other
30 species? Again, we have a month in the first row, and we have
31 other species, and this is what we're correlating juvenile gray
32 triggerfish, and now this is age-one and age-zero fish pooled
33 together, and we wanted to see how they compared with total
34 species, and the second row says with red snapper, and the third
35 row is red snapper, and we did a partial correlation, and so
36 what we did was, where it says "removed", we removed the effect
37 of red snapper, to see if gray triggerfish were correlated with
38 the total species, after subtracting out red snapper.

39
40 We see a partial correlation of 0.24, which, again, says little
41 variance was explained by the presence of red snapper, and then,
42 in October though, the red snapper did explain the correlation,
43 or the association, of juvenile gray triggerfish, because we've
44 got an R of 0.42, and so we were excited about that, and then,
45 in June of the following year, again, red snapper continued to
46 have a significant effect on gray triggerfish, and so, if there
47 is more red snapper, there is more gray triggerfish.

48

1 What about gray triggerfish density correlations with
2 temperature? Well, here, we mentioned the temperature, and,
3 again, in the left-hand column there, in June and July, and then
4 we looked at the density of age-zero gray triggerfish in
5 October, and, here, we have a fairly high correlation over the
6 year, but it was a negative correlation, and so what this tells
7 us is that, if the temperatures are cooler in June and July, you
8 would get more gray triggerfish in the fall.

9
10 This continued with age-one, also, and so, in June and July, and
11 this is the previous year, and, the next year, we measured age-
12 one in June, the following June, and, again, we got a
13 significant correlation, 0.93, negative correlation, again, and,
14 with lower temperatures in June and July, we saw higher age-ones
15 the following June.

16
17 What about mortality? Of course, mortality is important for all
18 stock assessments, and the way we calculated mortality was, in
19 any year where we had a fall survey in October, which generally
20 was the peak, and we were able to follow those same reefs to the
21 following May or June, and be able to measure the age-ones, we
22 simply did their survival.

23
24 Age-ones divided by age-zero gives you survival, and you can
25 calculate mortality, and it's the number of reefs that were
26 compared, where we had comparisons both in October and June of
27 the following year, and so, in 2007, it's a fairly high
28 mortality rate, and this is natural mortality, because Z equals
29 M , because there is really nobody fishing for these fish as age-
30 zero and age-one.

31
32 In 2010, we saw a lower mortality rate for 2010 and 2011, and,
33 in 2013, it was 1.92, fairly high, and then, in 2014, and
34 remember 2014 was one of the years where we had very high
35 numbers of age-zero, and so we saw higher mortality, and, again,
36 in 2015, we saw mortality of 1.6, and so, overall, the mean
37 mortality, based on 104 reefs, was 1.44. This 1.44 is
38 substantially than what has been used in the previous stock
39 assessment, which I believe was 0.7.

40
41 Another experiment that we did was we looked at proximity
42 effects of resident fishes on gray triggerfish densities on
43 patch reefs that were far, and that's 500 meters, compared to
44 near, and that's fifteen meters, from larger reef structures.

45
46 We published a paper, back in 2012, where we compared this with
47 red snapper, and what we want to do now here is compare it for
48 gray triggerfish, and so the methods are we built large reefs,

1 and they were eight-cubic-meter steel cages, and they were
2 deployed in 2008 and 2009, ten each, and then we built our patch
3 reefs, and they were built in July of 2008, 2009, and 2010, and
4 we built a total of sixty reefs, and we had thirty that were
5 near the reefs, fifteen meters, and thirty that were far from
6 the reefs, in relation to these larger reefs.

7
8 Here's a schematic showing you that, on the left here is the
9 large steel cage reef, and this depicts the -- Then the next
10 reef over is our small patch reef, showing small red snapper and
11 small triggerfish, and then the reef out here is 500 meters
12 away, showing -- Trying to depict more gray triggerfish and more
13 red snapper on these reefs that were away from the big reefs
14 that had the predators.

15
16 Here's what one of our steel cages looks like, and we built many
17 of these, and this is a typical reef built by the fishermen off
18 of coastal Alabama and Mississippi, and they are probably, I
19 think, one of the best types of reefs to put out there, and they
20 quickly get large red snapper, large triggerfish, a few gag.

21
22 Here's a small patch reef that was built fifteen meters away
23 from one of the large steel cages, and these fish -- Some large
24 red snapper and some triggerfish, they immediately are swimming
25 all around the patch reef, and so you can see that, if there is
26 an effect, these guys could cause it.

27
28 Here's a reef that was 500 meters away, and, again, here, you
29 don't see any of the larger predators. On this particular reef,
30 there were lots and lots of gray triggerfish, and I can't
31 remember how many, but it was a high count.

32
33 What were the effects on gray triggerfish? Well, there was no
34 proximity effect detected in 2008 or 2009. However, in 2010,
35 age-zero gray triggerfish had significantly high densities on
36 patch reefs that were far, 500 meters, compared to near, fifteen
37 meters, to large reefs, and so there was a predator, or
38 competitor, effect from fish on larger reefs.

39
40 Here is some of the data, and, again, we have month of survey,
41 or deployment, on the X-axis and mean density of gray
42 triggerfish on the Y-axis, and what I have circled here was the
43 month of September, and that showed a significant difference on
44 age-zero and the 500-meter reef was significantly different from
45 the fifteen-meter reef.

46
47 Now, when you get out to June or July of the next year, all the
48 way over here on the right, near the age-one fish, and we did

1 not detect a significant difference here, but we had lost a lot
2 of reefs, due to storm, and so there was a low sample size, and
3 there were only five reefs of each reef type, and so we think
4 that's the reason why we didn't see a difference.

5
6 Another experiment that we ran, this started in 2011, where
7 we're looking at latitudinal differences from the west over here
8 on the left-hand side of the graph over to the east side, and,
9 in that year, 2011 and 2012, those two years, we built twenty
10 reefs at the east site, and we built twenty reefs at the center
11 site, and we built twenty reefs at the west site, and then, in
12 2015, we built some more reefs, and this was more about a
13 comparison of -- We built over a hundred reefs at this center
14 site, and we wanted to find out if these new reefs in 2015 would
15 get real fast recruitment or a high recruitment of age-one,
16 compared to this site, the east site, in 2015.

17
18 This was built away from any reefs, and we figured that we might
19 get higher recruitment there, because there were no competitors
20 or predators.

21
22 What do the results show? Again, the X-axis is the month of
23 sample, and the Y-axis is the mean density of gray triggerfish
24 on these reefs, and we have east, which is the black dot, the
25 center is the open circle, and the west are the triangles, and
26 we see, again, a significant difference in the fall, and the
27 east sites had significantly more gray triggerfish compared to
28 the center site, and that had significantly more gray
29 triggerfish compared to the west site, and so there was a
30 definite east-west gradient, with gray triggerfish higher to the
31 east.

32
33 This continued to the next year, and so we have age-one now out
34 here, at the east site, significantly more abundant, and we get
35 to the center, and the west site, and they had lower numbers,
36 not significantly different, and, by this time, in August, and
37 so the very far right, there were no reefs left at the west
38 site. They got buried or trawled over, and we don't know what
39 happened to them, but we still saw a significant difference
40 between the east and the center site.

41
42 That was age-zero, and now we're going to look at age-one, and
43 did we see the same pattern, and, yes, we did see higher numbers
44 of age-one at the east site compared to the center site, the
45 open circle, and, again, later in the fall, significant
46 differences between the east site and the center site.

47
48 What about our 2015? You see, on the X-axis, the 2015 to 2016,

1 and, again, we built these reefs now, and we built a group of
2 reefs that were next to our center site, and then we built a
3 site that was out over the open -- Away from anything that we
4 could find, and we called that the east site.

5
6 Well, this was surprising. In the fall of that year, there were
7 more age-zeroes at the center site, and we thought there would
8 be some competitive exclusion, because the age-zero, I mean the
9 age-one, gray triggerfish quickly colonized these sites at the
10 center, but there were not. There were more age-zeroes,
11 compared to the far-east site, but then, by the next year, there
12 were no differences.

13
14 Here is the age-one, and this clearly shows that, at the center
15 site, the open circle, the initial recruitment, there were lots
16 and lots of age-ones that moved immediately to the reef, and
17 we're pretty sure that this is caused by the hundred reefs that
18 we've built over the various years before that. Some of them
19 were gone, but there were a lot of them still out there, and
20 then lower numbers at the east site that was out there all by
21 itself, but then, by the end of September, there was no
22 difference in those sites.

23
24 Another series of experiments is we wanted to find out, if we
25 physically removed fish, if we removed red snapper, would we see
26 more gray triggerfish recruiting to the reefs, and so we had
27 various treatments. We had a control, where we did no removals,
28 and we had a red snapper removal, and we did red snapper removal
29 by putting a fish trap next to a reef, and we would take out all
30 the red snapper, and then we would put all the other fish that
31 were caught in the trap back in the water over the reef.

32
33 Then we did an all-removal experiment, or all-removal treatment,
34 where we used drop-nets and rotenone, and this is where we would
35 completely capture all the fish, or, I don't know, but ninety-
36 something percent of the fish on the reef, and we would rotenone
37 them, and they we would take them all back to the lab and weigh
38 and measure them.

39
40 Then what I call a new reef treatment is we would first set
41 these reefs out, before we ran any of these treatments, and we
42 would run these treatments one month after they were out. With
43 a new reef treatment -- When the reef was built, after thirty
44 days, and so the new reef treatment was a short time before it
45 was surveyed, and so it was only a week, and it didn't have any
46 time for other fish to recruit or to establish an epifaunal
47 community, and what were the results?

48

1 Well, after that effort, and I can tell you that doing drop-net
2 rotenone is quite an effort, we found no significant difference
3 in any of our treatments, no difference in controls, new reefs,
4 all removals, or red snapper removals, and we thought we would
5 see something here in the October, when we saw those other
6 differences, but no effect on gray triggerfish densities, or no
7 detected effect I should say, between the treatments, and then,
8 the following spring, no detected effect between the age-ones on
9 those reefs.

10
11 Now we looked at the age-ones that recruited that year, the year
12 the reefs were built, and, again, no effect of any of our
13 treatments, and so we were kind of disappointed, and we thought
14 we were going to be able to see at least something, but we did
15 not.

16
17 Another thing we did to establish, or help to validate, this
18 counting of fish on these small patch reefs was we wanted to
19 compare, which is on the X-axis, the mean number of gray
20 triggerfish per trawl hour from the SEAMAP trawl survey that was
21 done in the fall compared to the mean density, on the Y-axis, of
22 gray triggerfish.

23
24 Again, this is just age-zero fish now, and we were quite pleased
25 to see such a high R of 0.85. These are two completely
26 different methods over different habitat, and you can't trawl
27 over reef habitat, and we still saw a very high R, what we
28 consider a high R, in October, and so that validates basically
29 both methods, saying that the visual surveys on patch reefs work
30 as well as the trawl surveys.

31
32 What can we conclude from this? These are some of the high
33 points. Well, there is a seasonality in gray triggerfish, and
34 there is peak recruitment in the fall, which is pretty clear,
35 and there were significant annual density differences, and we
36 think these differences are either due to increases in sargassum
37 or management, or probably both factors have resulted in an
38 increase in juvenile gray triggerfish.

39
40 We also were able to compare before and after the oil spill, and
41 we found no detected effect of the oil spill. We saw equal
42 densities both before and after the oil spill, and there were
43 significant correlations of age-zero and age-ones, and so,
44 rather than seeing some kind of inhibition effect, we think that
45 age-zero, when they recruit, they are so large, and they're at
46 100 millimeters, and so they're not really that vulnerable to
47 the age-ones that are already there, and the sites where there
48 is age-one may be just it's a better site, it's better habitat,

1 maybe due to the substrate or the location, but apparently, when
2 there is age-one there, it's good enough for them, and so it's
3 good enough for age-zeros.

4
5 There were significant correlations with other species, with
6 both red snapper and with a total species absences of red
7 snapper, again indicating that it might just be that certain
8 areas had better reefs, better habitat, and there was a
9 significant temperature effect in June and July on fish that
10 fall, which continued into the next spring, and this was also
11 surprising, because there wasn't that much variance in
12 temperature in June and July, and I think the temperature ranged
13 from twenty-eight to thirty-one, and it was those lower
14 temperatures that were correlated with the higher numbers of
15 gray triggerfish.

16
17 Juvenile gray triggerfish mortality was fairly high, and this
18 was much higher than past estimates, and this is, again, based
19 on these patch reef estimates, and the estimate was 1.44, which
20 is higher than what was used in stock assessments, and one might
21 argue that, well, fish are just leaving these habitats, and
22 that's why you're seeing higher mortalities compared to trawl
23 surveys, but I would like to add that the number of age-ones can
24 vary greatly, and so the numbers we were seeing in the spring
25 were nowhere near the high numbers that can possibly be counted
26 on these reefs, and so we don't think that they have reached a
27 carrying capacity.

28
29 There was a significant effect of predators from nearby larger
30 reefs, and this might seem pretty obvious. If you have a bunch
31 of large predators, competitors, you're not going to see that
32 many recruits.

33
34 There was significant higher densities to the east, and, again,
35 this might appear obvious. As you get over into the more
36 limestone-based sediments to the east, it seems to be more
37 favorable for gray triggerfish.

38
39 There were significant correlations with the SEAMAP trawl
40 surveys, and the visual survey densities were similar to a drop-
41 net and rotenone, and this really surprised us. This validated
42 our density estimates from visual surveys. In other words, when
43 we did the drop-net surveys, and we rotenoned, how many gray
44 triggerfish? Well, we got thirty-two. When we compared that --
45 Or thirty-three. When we compared that to rotenone densities,
46 we got thirty-two, and so the drop-net and rotenone densities
47 were really, really close. They only differed by one, and that
48 validate our method, and this was done on fourteen different

1 reefs.

2
3 Now I would like to just repeat what I have just said. All the
4 same parameters, all the same reefs, all the same areas and
5 experiments, were done with vermilion snapper on these same
6 reefs, and here's what we see for the vermilion snapper.

7
8 Most of the vermilion snapper in the fall showed lower
9 variabilities compared to gray triggerfish, but there was one
10 year, and I want to point this out, the red, 2009, which was
11 extremely -- It was much, much higher than all the other years.
12 Unfortunately, we didn't get a survey the following spring, and
13 so we don't know what happened with that particular year class,
14 but the year classes in the following spring, or summer, were
15 much lower densities, and little differences were observed.

16
17 Here is our August survey, on the top graph, of the age-zeroes,
18 and on the bottom graph are the age-ones in August, and the Xs
19 on that bottom graph mean there were no significant differences
20 between years. On the top graph, you see that, in 2009 -- You
21 can see that spike in the age-zeroes, and it showed up early.
22 In September, again, that spike in 2009, and we don't have any
23 hypothesis as to why that occurred for vermilion snapper, but
24 vermilion snapper seem to show a much, much wider -- All of a
25 sudden, there's a lot of them there, and then they aren't there.
26 There's just huge numbers and then nothing.

27
28 Again, no difference in the age-ones in September, and similar
29 patterns in October. There is no difference in the age-ones, in
30 the bottom graph. In the top graph, now we see increases in
31 2014 and 2015.

32
33 Then, in June of the following year, this increase that we saw
34 from the previous year, in 2014, was followed through, and we
35 saw significant higher numbers in 2014 for vermilion snapper,
36 and so, again, we compared vermilion snapper to the SEAMAP trawl
37 survey, which is on the X-axis, to the mean number of vermilion
38 snapper, and we saw an even higher correlation here. R is equal
39 to 0.93, and so again indicating that both patch reefs and trawl
40 surveys are showing the same patterns.

41
42 What about our east-west comparison for vermilion snapper, and,
43 here again, the same graph showing the center, east, and west.
44 Well, this was clear, and we didn't have to run any statistics,
45 because we didn't observe any vermilion snapper on the center
46 site or the west site, and so there was a clear pattern. They
47 were only observed to the east. The further east you go, the
48 more vermilion snapper you're going to see.

1
2 The same for the age-ones. We did not observe any age-one
3 vermilion snapper on these pallet reefs, either at the center
4 site or the west site, and only on the east site, and so what
5 about our removal treatments? Again, we were hoping to see some
6 significant effects, but we found no significant effects,
7 detected no significant effects, of our treatments. The same
8 for the age-one vermilion snapper, and there were no significant
9 effects of the removal treatments.

10
11 What can we say about juvenile vermilion snapper densities?
12 Again, we're pretty sure there is peak recruitment in the fall,
13 and there are high densities of age-zero vermilion snapper in
14 2009, 2014, and 2015. We're not sure, but, again, these were
15 significantly different, and there were no significant
16 temperature effects, there was no significant oil spill effect,
17 and, again, age-zero vermilion snapper had similar densities
18 both before and after the oil spill.

19
20 Vermilion snapper were less abundant at the inshore site, and so
21 I didn't talk much about the inshore versus offshore sites, but
22 this appears to make sense with other patterns in the adults.
23 Vermilion snapper seem to be more abundant further offshore.

24
25 The juvenile vermilion snapper mortality was high, 3.87, and it
26 may be higher than past estimates. There was significant
27 correlation with SEAMAP trawl surveys, the same as gray
28 triggerfish. However, there were no significant effects of
29 predators on nearby larger reefs.

30
31 They were only present at the east sites, and there was no
32 effect of the experimental removals, and there were no
33 significant correlations of age-zero and age-one. We did see
34 significant correlations with age-zero red snapper in the fall
35 and with age-zero tomtate and other species in October. Again,
36 we're not sure what caused these. However, here is the big
37 problem with the vermilion snapper, is our visual survey
38 densities were different from our drop-net rotenone samples, and
39 so we're not sure -- We consider our drop-net rotenone samples
40 as a groundtruth, or a control, to tell us whether our visual
41 surveys are correct, and, here, we weren't able to say that, and
42 so, at this point, with vermilion snapper, we say further
43 validations are needed for patch reef estimates of juvenile
44 vermilion snapper.

45
46 There were many people over the years, and I listed as many as I
47 could remember, and I have probably missed some, but I want to
48 acknowledge BP, Alabama Marine Resources, Auburn University, and

1 NOAA for funding various aspects of this project over the years.
2 Any questions?

3
4 **CHAIRMAN DIAZ:** Thank you, Dr. Szedlmayer. That was a very good
5 presentation. I'm sure that Mr. Anson appreciates your last
6 slide, with the Auburn flag down there, and I do have a question
7 for you, and then we'll open it up for questions. I noticed you
8 said that, for triggerfish, the limestone sediment was most
9 likely the reason that there were more fish to the east, and you
10 did say there were more vermilion to the east also, but you
11 didn't give a reason why you thought why more vermilions were to
12 the east in this study.

13
14 **DR. SZEDLMAYER:** Well, I don't know, and I'm not sure that that
15 was the most likely reason, but I'm saying that's a pattern,
16 that there is harder substrate and more rock and sand to the
17 east, and, as you get further and further west, it becomes --
18 Over there, on our west site, I mean, it becomes silty mud,
19 almost to the point where, when you dive down, you make sure you
20 don't move, because you won't be able to read your dive gauges.
21 It gets so dark.

22
23 We definitely see a sediment difference, and that's a
24 correlation that you could say is correlated, but that doesn't
25 prove anything, and it just says it's correlated. Did that
26 answer your question?

27
28 **CHAIRMAN DIAZ:** Yes, sir, it does. Thank you. Any questions
29 for Dr. Szedlmayer? Dr. Stunz.

30
31 **DR. STUNZ:** Thank you, Mr. Chairman. Hello, Steve. It's good
32 to hear your presentation, and that was very interesting.

33
34 **DR. SZEDLMAYER:** Hi, Greg. Thank you.

35
36 **DR. STUNZ:** I had a question for you. You mentioned that, at
37 least with these smaller, earlier life phases, you see a
38 positive relationship between snapper and triggerfish, and the
39 reason I'm asking is that, for a while, and I don't know if it's
40 anecdotal, or there is actually some information out there, I
41 think, that you're obviously well aware of, that shows there is
42 a negative relationship, and maybe that's with the adults, and I
43 believe it has to do with the nest-building strategy and maybe
44 older snapper interfering with that, and so I was curious to see
45 where that manifests then, if the abundance of both species are
46 corelated, and do you think that's still the case, or is that
47 just something that we've been speculating on?

48

1 **DR. SZEDLMAYER:** Well, we spent considerable time looking at
2 gray triggerfish and red snapper interactions, and that was Dr.
3 Simmons' dissertation, and, yes, we were able to show that gray
4 triggerfish affected red snapper recruitment. What we're
5 looking at here is was we were trying to figure out did red
6 snapper affect gray triggerfish, and so I can speculate that
7 gray triggerfish are a totally different animal as a young
8 recruit dropping out of the plankton.

9
10 They are large, and they're 100 millimeters in size, and they're
11 fully grown, and they're aggressive, and so I'm not sure that
12 they're susceptible to other fish inhibiting them, and so my
13 guess is that there's just better habitat, and so there is
14 certain areas that have high red snapper, high red snapper age-
15 ones and age-twos, and these are just better areas, and gray
16 triggerfish are saying, yes, that's a good area, and I want to
17 go there too, whereas, the other way around, when you have
18 aggressive gray triggerfish, they will chase everything off, if
19 they can. Do you follow me?

20
21 **DR. STUNZ:** Yes. Good. Thank, Steve. That was a very
22 interesting presentation. Thanks.

23
24 **CHAIRMAN DIAZ:** Mr. Anson.

25
26 **MR. ANSON:** Thank you, Dale, and it's good to hear your voice,
27 Dr. Szedlmayer.

28
29 **DR. SZEDLMAYER:** Hi, Kevin.

30
31 **MR. ANSON:** Just kind of picking up with Dr. Stunz's comment
32 there, and it's in Slide 16, is what I was curious about, and so
33 you did the removal of the red snapper, but I am just wondering,
34 in regard to that correlation of higher triggerfish numbers
35 associated with red snapper, was that correlated more positively
36 with larger numbers of red snapper, or was it just a couple of
37 red snapper would attract triggerfish? I mean, how did that
38 shake out?

39
40 **DR. SZEDLMAYER:** I don't know. I mean, you had higher numbers -
41 - I am thinking. You had higher numbers of red snapper, which
42 were associated with higher numbers of gray triggerfish, and so
43 we had all these reefs over the various years, and we compare
44 them year to year and say, okay, in this year, on this reef,
45 there was higher numbers of red snapper, and there were higher
46 numbers of gray triggerfish, and is that what you're asking?

47
48 **MR. ANSON:** Yes, it was, and sorry to put you on the spot, but

1 it was just I was curious if you had looked to see if there was
2 kind of like a minimum number of red snapper that were required
3 to have triggerfish show up, or a lot of the triggerfish, and
4 that's all I was looking at, was just the numbers and how they
5 compared.

6
7 Then, going back to your comments regarding the cooler water
8 temperatures, I am trying to think, and, as you were describing
9 that observation in 2014 and such, I think we did have some
10 events where -- It was around that time period, if I recall
11 correctly, where, in the summertime, we had -- I can't think of
12 the phenomenon, the scientific name for it, but, basically, the
13 Gulf of Mexico burps, and the cool water from down off the shelf
14 comes up onto the shelf. I think it was around that same time
15 period, and did that help influence those events during that
16 time period? Were you able to look at other information, or
17 sources of information, to look at temperature?

18
19 **DR. SZEDLMAYER:** I haven't looked to see whether that upwelling,
20 and how big it was, and what it did, and I know we've had some
21 upwelling, many years ago, where it was so cold on the bottom,
22 and we were in seventy feet of water, that we got up in the cab
23 and turned the heater on in the middle of July, and that's all I
24 can tell you, and I don't know.

25
26 **MR. ANSON:** All right, and it's just interesting, having that
27 information and such, and I do appreciate hearing it. Thank
28 you.

29
30 **DR. SZEDLMAYER:** Thank you, Kevin.

31
32 **CHAIRMAN DIAZ:** All right. I am not seeing any other questions.
33 Thank you again for your presentation, and we appreciate you
34 spending your time with us, Dr. Szedlmayer.

35
36 **DR. SZEDLMAYER:** Well, I really wanted to do this in-person and
37 meet with you all and have a beer, but I guess it's just not
38 going to happen. Thank you.

39
40 **CHAIRMAN DIAZ:** Yes, I agree with you. All right, and so the
41 plan is we're going to go ahead and get set up for public
42 comments. It's my understanding that council members stay on
43 the same platform that you're on right now, and you don't have
44 to change anything, but the staff is going to take just a few
45 minutes to get everything set up, to where we can do some public
46 testimony, and we will start that in approximately ten minutes.

47
48 (Whereupon, a brief recess was taken.)

1
2 **CHAIRMAN DIAZ:** We're ready to get started, and so, with that,
3 good afternoon, everyone. Public input is a vital part of the
4 council's deliberative process, and comments, both oral and
5 written, are accepted and considered by the council throughout
6 the process.

7
8 The Sustainable Fisheries Act requires that all statements
9 include a brief description of the background and interest of
10 the persons in the subject of the statement. All written
11 information shall include a statement of the source and date of
12 such information.

13
14 Oral or written communications provided to the council, its
15 members, or its staff that relate to matters within the
16 council's purview are public in nature. Please email any
17 written comments to staff at gulfcouncil@gulfcouncil.org, as all
18 written comments will be posted on the council's website for
19 viewing by council members and the public and will be maintained
20 by the council as part of the permanent record.

21
22 Knowingly and willfully submitting false information to the
23 council is a violation of federal law. Anyone wishing to speak
24 during public comment should have already registered to do so
25 via the Gulf Council website. Registered participants should
26 ensure that they are registered and signed into the council's
27 meeting webinar under the same name used to register to speak.
28 We accept only one registration per person.

29
30 You will have three minutes to comment. Please note the
31 countdown time projected on the council's meeting webinar
32 screen. Stay tuned after speaking for any questions the council
33 may have for you. You will temporarily lose your place in line
34 if you are not present when called, and so pay attention to the
35 list of speakers displayed on the council meeting webinar
36 screen.

37
38 Just to refresh everybody's memory, for the agenda for public
39 comments today, we have Final Action for Framework Action
40 Modification of Vermilion Snapper Catch Limits and open
41 testimony on other fisheries issues of concern. With that,
42 we're going to get started with our first speaker, Mr. Bob
43 Zales.

44
45 **PUBLIC COMMENT**

46
47 **MR. BOB ZALES, II:** On b-liners, we would suggest that --
48 Somebody made the suggestion, during the committee meeting, that

1 you postpone final action on b-liners until the next meeting,
2 and, aside from that, we do not support making any changes in
3 the current status of the stock, the bag limits on the rec side
4 or the commercial quota, because neither sector is meeting that
5 quota, currently, and so, when you jack that availability up two
6 or three million pounds, you're still not going to catch it,
7 because people are not fishing any harder. On the -- That's on
8 the vermilion snapper part of this.

9
10 On kingfish, when you all were talking kingfish, and Dale may
11 have a question about this one, last year, and I have told
12 several people this, in the Panhandle, mackerel fishing was
13 probably, for kingfish, the worst that I can remember. If I
14 landed seventy-five or a hundred fish, all year long, I landed a
15 lot, and I can typically do that within a couple of weeks, under
16 the current bag limits, when the fish are there.

17
18 The bait wasn't there, and pretty much every fishery we have was
19 done, and what was going on, and we don't know if it was the
20 water quality, because we had a whole lot of rain and a lot of
21 problems with water, and the bait never really showed up, to any
22 extent, but there were some problems all across-the-board, and,
23 from talking to people across the Gulf, pretty much, the
24 kingfish situation was that way all over.

25
26 On the for-hire SEFHIER data program, to be honest with you, the
27 current program that's there, there that we're doing -- I use
28 the VESL app, and it's working pretty good. Some suggestions
29 that I have requested to be made, they have made, and, for my
30 part of it, there's still a few items that can be tweaked on it,
31 but it's pretty simple.

32
33 I agree with what the Reef Fish AP said, that there are areas,
34 or there are times and areas, that you don't need to hail-in and
35 hail-out, when you're moving around the harbor, or around the
36 bay or whatever, when you're not fishing, and so you don't need
37 to hail-in and hail-out four or five times in a day, and so you
38 can tweak the system that's there, but, trying to make a whole
39 bunch of changes, you don't need to do, and we clearly need an
40 exemption from the requirement that, if that equipment fails,
41 you can't sail, because I sent everybody an email today, and
42 it's clear that the customers are the critical component to our
43 business.

44
45 Without a customer, we don't fish, and so you've got to make
46 those people happy, and, when they come down for snapper season,
47 and the system failed, and that family with those little
48 children are all excited about going and catching red snapper

1 are crying, you've got a problem, and so, if there are any
2 questions, I will be glad to answer them.

3

4 **CHAIRMAN DIAZ:** Any questions for Mr. Zales? Mr. Dugas.

5

6 **MR. DUGAS:** Thank you, Mr. Chair and Captain Zales. A question
7 on the charter/for-hail, the hailing-in or hailing-out or
8 reporting, and I did see your email, and I just wanted your
9 opinion on the preferreds that were chosen this morning on I
10 believe it was twelve days and the two extensions, I believe,
11 and what's your opinion on those preferreds?

12

13 **MR. ZALES:** I would suggest that you do the longest time
14 possible on both of them, and I think the longest period was
15 fourteen days, that you do at least that, and the three times in
16 the year, that you do at least that. I mean, electronics fail,
17 and it's like I explained in that email. Most of us in the for-
18 hire business have been doing this for a while, and I don't
19 really need a sounding machine or a GPS or anything to take my
20 party fishing, and I've got two engines on my boat. If one
21 engine fails, I can still take them on one, and none of the
22 equipment that I use, if it fails, am I dictated that you can't
23 go, because, if you do, you're going to get a fine if it doesn't
24 work.

25

26 The VMS is different, and it says, currently, that you can't do
27 it, and so we know now, and we're learning, through this year,
28 with COVID, that supplies are limited, and deliveries are
29 limited, and so there's a multitude of problems that can come
30 in, and, when you're in the heat of the season, and that sixty-
31 day derby of red snapper, you've got people coming down, and
32 these trips and booked, and these families have planned these
33 trips for months, and they come down and find out they can't go,
34 and there's not another boat available, because they're all
35 booked, and it creates a problem.

36

37 You need as much time, and it's like I said in there, and I
38 hail-in and hail-out every day on this phone that I'm talking
39 on, and it works perfectly fine, and I haven't had a problem
40 with it since January, when we first got on it, and so you can
41 still use that, and there's no reason why you can't use that to
42 hail-in and hail-out and let people know when you leave and come
43 back.

44

45 **CHAIRMAN DIAZ:** We have another question for you, Bob, from Dr.
46 Frazer.

47

48 **DR. FRAZER:** Thanks, Bob, for your comments. I am just curious

1 as to why you would want to hold off on taking final action on
2 the vermilion snapper framework action.

3
4 **MR. ZALES:** Primarily because I think that you all are still
5 trying to vet out some information on what needs to be done,
6 with this FES stuff, and everybody knows how we feel about the
7 FES system, and you're looking at changing this fishery and
8 almost doubling its stock biomass, based on computer modeling,
9 to recalibrate the recreational historical catches, and pretty
10 much everything you've heard, from most of the fishermen out
11 there, commercial and rec, is those fish ain't there.

12
13 The computer may say that -- Friends like Dr. Joe Powers told
14 me, years ago, when we were dealing with mackerel, and there
15 were an abundance of, supposedly, king mackerel on the Atlantic
16 side, and I said, well, where are they? He said, well, they're
17 out in the water somewhere, and I said, well, where? He said, I
18 don't know, but the computer says they're out there.

19
20 Because the computer says they're there, it doesn't mean they're
21 there, and so, when you're hearing from fishermen, especially in
22 a situation where you're going to give fish to fishermen, and
23 they say, woah, wait a minute, and you need to hold back on
24 this, that tells you that there must be a problem, because,
25 normally, when you get ready to give fish to fishermen, they're
26 jumping up and down and saying thank you very much.

27
28 **DR. FRAZER:** Okay. Thank you.

29
30 **CHAIRMAN DIAZ:** Thank you, Captain Zales. Next up, we have
31 Michael Grieco.

32
33 **MR. MICHAEL GRIECO:** My name is Michael Grieco, and I'm with --
34 Presently, we have two boats working in the Gulf, and they're
35 both harvesting butterfish and goggle eye, and I think you heard
36 from Philip, from Southern Seafreeze, in your last meeting.
37 Towards the west of the Mississippi, we're running into the
38 wenchman, which have a quota now of 166,000 pounds, and they
39 seem to be -- They're the incidental catch, and we're not
40 targeting them, and they seem to be in the same complex with the
41 queen snappers and so on.

42
43 As we start to come east, east of the Mississippi, we're
44 starting to see more of these wenchman, and we realize that
45 there hasn't been a study done in over ten years, and there
46 hasn't been a stock assessment, and we have a good feeling that
47 there's a lot more out there than most would think, and I think
48 that a stock assessment needs to be done.

1
2 We've asked when a stock assessment can be done, and we would be
3 happy to participate in it, being that we do have two vessels
4 out fishing, and it's just a problem, and the 166,000-pound
5 limit is a problem. We had to stop fishing in August of this
6 year, and so we missed about half the year, and that's just
7 about it. I'm just looking for some help.

8
9 **CHAIRMAN DIAZ:** We have a question for you, Mr. Grieco. Mr.
10 Schieble.

11
12 **MR. SCHIEBLE:** Thank you, Captain Grieco. This is a real quick,
13 easy question. Yesterday, we saw a presentation by Peter Hood,
14 and he went through landings history over time for wenchman, and
15 he showed the different years broken out with the color-coded
16 graph, and it looked like, last year, 2021, wenchman started
17 getting harvested in January, all the way through to when the
18 season closure came about in August, and there was a peak
19 between May and August, but, the year before, it didn't really
20 start showing up until August, and then they were fished until
21 the end of the year, until that season closed in December, and
22 can you tell me what was the difference in 2020, as to why you
23 may not have picked any up throughout the remainder of the year,
24 or the earlier part of the year?

25
26 **MR. GRIECO:** We actually didn't start fishing until April in
27 2020, and so our year started in April, and when you start
28 seeing those wenchman is when we went to the west of the
29 Mississippi, in the summertime, and that's when I think you will
30 start to see them. Then, in 2021, we had a full year of
31 fishing, and so we started in January, and, by August of 2021,
32 the quota was filled.

33
34 **MR. SCHIEBLE:** I have a follow-up, if that's okay.

35
36 **CHAIRMAN DIAZ:** Go ahead.

37
38 **MR. SCHIEBLE:** I talked with you on the phone last week also,
39 before the meeting, and tried to get a little bit more insight
40 on this, and you had mentioned that -- Obviously, you're fishing
41 the butterfish, but you said the wenchman were moving further to
42 the east, and, in years past, you didn't pick them up in as high
43 numbers as you have this past year, and why do you suppose
44 that's happening? Do you have any speculation as to what you
45 think is going on?

46
47 **MR. GRIECO:** I don't know why they're moving to the east, other
48 than maybe they're just moving to warmer waters, and fish

1 migrate, but they're east of the Mississippi now, for sure, and
2 they weren't the year before, or not that we found.

3
4 **CHAIRMAN DIAZ:** Okay. We have a couple more questions for you,
5 Mr. Grieco. Ms. Bosarge.

6
7 **MS. BOSARGE:** Mr. Grieco, thank you for coming. This is Leann
8 Bosarge from Mississippi. I hail from the shrimp industry over
9 there, and so another net fishery. We did talk about this
10 yesterday, and I intend to put forth a motion, tomorrow, to ask
11 the council if they would allow the Scientific and Statistical
12 Committee, which is where the stock assessments get reviewed,
13 and the data gets reviewed, and things like that, where that
14 transpires, that review process, and I'm going to ask if they
15 will take a look at the situation with wenchman and see if there
16 is a path forward to update -- You called it a stock assessment,
17 but essentially update those catch level recommendations in some
18 fashion or another.

19
20 My question for you is, if that motion passes, and we are able
21 to get that in front of the scientists, would you be willing to
22 be on the line and give any information you may have to the
23 scientists, because they don't have any new data from a fishery-
24 independent perspective, from the surveys that NMFS does with
25 their boats, with their big boats, and so, really, the new data
26 that we're going to have is going to come from you and Captain
27 Overly. I was just wondering if you would be willing to
28 participate in that process, if we're able to do that.

29
30 **MR. GRIECO:** Yes, ma'am, and I would also like to invite one of
31 the captains from the boats as well, if I could, Captain Philip
32 from Captain Salty's boat.

33
34 **MS. BOSARGE:** That sounds wonderful, and hopefully you would be
35 able to do it virtually, so it wouldn't be too much of a burden
36 on you.

37
38 **MR. GRIECO:** Yes, ma'am.

39
40 **CHAIRMAN DIAZ:** All right. Dr. Frazer.

41
42 **DR. FRAZER:** Thanks, Mr. Grieco. When we were looking at the
43 presentation that was provided by the Regional Office, with
44 regard to wenchman catches, in 2001, and that's where the record
45 goes back to, there were relatively high catches of wenchman
46 during that time, and I was curious if you had been fishing for
47 butterfish for the entire period of record and whether, in 2001,
48 those high catches of wenchman correlated with your butterfish

1 catches.

2
3 **MR. GRIECO:** No, sir, I have not, but I do know of individuals
4 that I believe were back there in 2001 that might be able to
5 help out.

6
7 **DR. FRAZER:** All right. Thank you.

8
9 **CHAIRMAN DIAZ:** Thank you, Mr. Grieco. Next up is Mr. Jim
10 Zurbrick.

11
12 **MR. JIM ZURBRICK:** Thank you, council. This is Jim Zurbrick.
13 As many of you know, I'm a long-time council participant, and I
14 ran out of notepaper here with a lot of comments. First of all,
15 I want to agree with Bob Zales, and it just seems to me like
16 this kind of an increase is just -- I don't see it, and I do
17 catch b-liners, and my boats that fish for me catch b-liners,
18 but we're just not catching them in the numbers that I used to.

19
20 If this is the data that's driving this, but anecdotal evidence
21 on the water suggests somewhat different, especially in the area
22 that I'm in, from St. Petersburg say up to St. Marks or
23 Apalachicola, and, also, the triggerfish, and I am definitely
24 wanting to see an increase.

25
26 We can't catch our quota, based on the handicap that we have
27 with sixteen fish. Now, as a minimum, I would like to see
28 twenty-four, if the data supports it, but, if the data supports
29 more, let's get more. We can revisit this if we catch more, but
30 I think that we'll probably err on the side of being cautious,
31 and so if twenty-four is the number, but I'm all for more, and I
32 would like to keep it in number of fish, to avoid infractions
33 because of pounds.

34
35 It's difficult to weigh, and another issue is the discard report
36 that the doctor reported on there, as far as discards, and, you
37 know, discards -- Or bycatch he was doing the report on, and
38 bycatch, discards, and discard mortality are all three different
39 items, but it seems that we're going to have to -- Since the
40 commercial sector is the sector that provides most of the
41 accurate, and not that it is that accurate, obviously, with only
42 2 percent reporting, and it's tough to bet that it's 100 percent
43 accurate, but at least it's better than what the rec sector is
44 providing.

45
46 As a caveat, I put cameras on my boat, and Mote Laboratory put
47 them on last year, and I just wanted to talk to you about my
48 last trip of the year here in 2021, and I had 286 red grouper,

1 and I had thirty-two discards, and I can prove it with the
2 camera that covered all of my activity for the four days, and I
3 had 256 red snapper, with zero discards.

4
5 Now, to put that in perspective, if the rec sector had caught
6 256 red snapper, based on data, they would have had 2,000
7 discards, and part of those would have been dead discards, and,
8 out of that 286 red grouper, they would have had over 2,000
9 discards, and so I want to go on the record that I want my data
10 to be made available, and I know it's a privacy issue, but I
11 want those folks at Mote Laboratory to count on me to bring this
12 forward as one more way to prove that we are not the villain
13 with the discard issue. There are so many other things that I
14 could comment on, but I see that I'm out of time, and, as
15 always, I thank you folks for what you do.

16
17 **CHAIRMAN DIAZ:** Thank you, Mr. Zurbrick. Next up, we have Mark
18 Tryon. You might be muted, Mr. Tryon. It appears you're self-
19 muted on your end, Mr. Tryon. While we're trying to get Mr.
20 Tryon straightened out, let's move on to Mr. Richard Fischer.

21
22 **MR. RICHARD FISCHER:** Good afternoon. Thank you all so much. I
23 appreciate the time this afternoon. Richard Fischer,
24 representing the Louisiana charter/for-hire industry, and I'm
25 going to spend my time talking about the logbook discussion that
26 happened earlier today, and hopefully talking about some of the
27 ways that the logbook discussion could potentially go tomorrow
28 at Full Council.

29
30 I heard a lot of arguments today about how rare these issues
31 with the logbooks, or with the VMS, are going to be and how it
32 could be less than 5 percent, or it could be less than 1
33 percent, and I think it's important to remember that, if it's 5
34 percent, that's more than sixty charter captains, Gulf-wide,
35 that, if they go past the time period where they are trying,
36 through no fault of their own, but they cannot get their device
37 fixed, you're then telling more than sixty charter captains that
38 they can't go fishing to feed their families, and so I think
39 that's something that we need to remember.

40
41 Even if the number is as low as 1 percent of Gulf charter
42 captains, well, now we're looking at about thirteen or fourteen
43 charter captains, Gulf-wide, that you're telling them that they
44 can't feed their families, and so I don't think we should use
45 how rare it is as any argument for or against the time period
46 when it happens, because we've established that it is going to
47 happen.

1 For some individuals, we have established that there will be
2 mechanical failures, and it doesn't matter how rare it is, and
3 it doesn't matter how unlucky you are if it happens to you, and
4 so, when we're talking about these timeframe exemptions, I
5 really don't even think we should consider how rare it is,
6 because, if it happens to you, it doesn't matter how rare it is.
7

8 I agree with Bob from earlier, and I think it should be the
9 longest time series possible. You know, if somebody is trying
10 to skirt these dates here, to break the rules, it doesn't matter
11 if it's ten days, twenty days, thirty days, two months, or six
12 months, and you guys are going to figure it out. You're not
13 going to have an individual say, oh, I'm going to try to milk
14 this for a couple of extra days.
15

16 They're either going to break it for good or they're not going
17 to break it at all, and so I think it should be two weeks, and I
18 also think that it should be addressed, at Full Council
19 tomorrow, that, from the way that the conversation went to me a
20 couple of hours ago, one of the reasons to vote for ten days,
21 instead of fourteen days, was because it was going to end up
22 being voted, a few minutes later, to be three exemptions and not
23 two, and then it ended up being voted to be two anyway, a few
24 minutes after that, and so I would really like to see both of
25 those get revisited tomorrow. Let's increase it to fourteen
26 days, and let's increase it to three exemptions.
27

28 I would argue that it is you all's job to play the what-if game,
29 because, when we're talking about the what-if -- I heard a lot
30 of that today, earlier, and, when, we're talking about the what-
31 if game, the what-if here is putting people out of business, and
32 that is not what anybody here wants to do, and we're certainly
33 not accusing anybody of that, but that's the reality of what
34 we're talking about here.
35

36 I would like for the council to pursue some of these other ideas
37 for the hail-outs, because I'm hearing the same thing here in
38 Louisiana, where, if I've got to hail-out to go fuel up, and
39 then hail-out to go buy ice, and then hail-out to pick up my
40 customers, that's just an unnecessary burden, and so I would
41 really like it if the council could explore some of those
42 things, but, even in exploring those things, we're putting a lot
43 of time and money into figuring something out that really
44 doesn't have to be that hard.
45

46 I think that is maybe what is the most frustrating to a lot of
47 our offshore guys in Louisiana, is that this doesn't have to be
48 that hard, and we have LA Creel already, and we have a great

1 grasp on what's being caught and what is not being caught.

2
3 **CHAIRMAN DIAZ:** Captain Fischer, you need to bring it to a
4 close, please, or start wrapping it up.

5
6 **MR. FISCHER:** Yes, and I will be very brief as I close out, but
7 I just wanted to mention that the program is really starting to
8 demoralize the fleet, and it's really starting -- I know that's
9 not the goal, and I am not accusing that of being the goal, but
10 it's really starting to demoralize some people. I think, if you
11 did a poll right now, asking federally-permitted captains, not
12 just in Louisiana, whether they would want you all to move
13 forward with this program, I would feel very secure that the
14 high majority of those individuals would say, no, they would not
15 want you to move forward with it.

16
17 I think we all need to take a step back, take a look at the
18 program, and ask ourselves if what we are trying to accomplish
19 is worth what is happening out there in the field, and that's
20 all that I have for you all right now. I appreciate your time,
21 and I'm happy to take any questions. Have a great day.

22
23 **CHAIRMAN DIAZ:** Thank you, Mr. Fischer. Next up, we have Scott
24 Hickman, Captain Hickman.

25
26 **MR. SCOTT HICKMAN:** Good afternoon, Mr. Chairman. You're doing
27 a fine job. Good afternoon, ladies and gentlemen of the Gulf
28 Council. I'm Scott Hickman from Galveston, Texas, IFQ
29 shareholder, long-term charter/for-hire permit holder and
30 operator.

31
32 Vermilion snapper, in my personal opinion, fishing off this part
33 of the Gulf, the population is way down, and I've been involved
34 in, also, a lot of research work, and I've fished all over Texas
35 and Louisiana, and we definitely don't have the populations of
36 vermilion that we had ten or twenty years ago. I would leave
37 the limits, bag limits, et cetera, and the ACL where it's at.

38
39 King mackerel, talking with other captains, and, like Mr. Zales
40 said earlier, gags, all the way down to where Dylan Hubbard
41 fishes, and, off of Texas, we've had the worst year we've ever
42 had on king mackerel. We can probably attribute some of that to
43 all this freshwater runoff and big areas of low dissolved oxygen
44 and more red tide events and water quality events off of
45 Florida. I don't know where the kingfish are, but definitely
46 something is going on with king mackerel, and we're just not
47 seeing them.

1 Cobia, it's pretty much the same thing. Our cobia populations
2 continue to get worse every year. As far as SEFHIER, all of our
3 captains over here are real happy with the program and the way
4 it's gone so far, and they like all the work that the council
5 has done and the outreach. Emily has done a great job, and the
6 folks with the equipment -- We did some testing of the CLS NEMO
7 system, which is like the little brick with solar panels on top
8 of it, and the thing is bulletproof.

9
10 I have had a VMS on big go-fast boat with triple engines on it,
11 and I think I have missed one day out of five years, due to a
12 small repair, and that is with just a regular VMS. The new
13 equipment is very robust, and we just don't see failures.
14 You've got a cellphone, and you put your data in, and I don't
15 think you can make it any simpler than what's been done, and
16 it's a good system.

17
18 The Bluefin program that we're using, it's really, really good,
19 and that's about it. I am still not real happy with the FES and
20 some of the stuff that is rolling out and how it's affected with
21 this Amendment 53 decision, and I hate that it's going to raise
22 discards that much, and we should be making decisions based on
23 conservation and what's going to happen to the fishery in the
24 future and the sustainability of these fisheries, and so, as the
25 council moves forward with these allocation decisions, we need
26 to start thinking about rebuilding timelines and having fish for
27 the future and for my kids. On that, you all have a great day,
28 and I wish we could have seen you in Baton Rouge, but hopefully
29 at the next meeting.

30
31 **CHAIRMAN DIAZ:** Thank you, Captain Hickman. Next up is Bobby
32 Kelly.

33
34 **MR. BOBBY KELLY:** Hi, guys. This is Bobby Kelly from Orange
35 Beach, Alabama. I'm charter, commercial, and former daddy shark
36 of the meetings. To just make it real simple right here, I
37 reached out about the gray triggerfish, and it would be nice, on
38 the commercial limit, to see it proportionate to the --

39
40 **CHAIRMAN DIAZ:** Captain Kelly, we're starting to lose you. I
41 don't know if you can do anything different, but you're falling
42 off.

43
44 **MR. KELLY:** -- but I'm with Mr. Zurbrick. Sixteen seems about
45 the right number, or twenty-four, sixteen to twenty-four, the
46 increase to twenty-four seems about the right number, but
47 whatever you guys get works out -- Is that any better now, guys?

48

1 **CHAIRMAN DIAZ:** Yes, and we have you clear right now, but we did
2 lose you for just a little bit, if you want to back up just a
3 little bit, and we'll give you a little extra time.

4
5 **MR. KELLY:** Okay. Everybody is texting me all at once, is what
6 the problem is. I just wanted to reach out about the gray
7 triggerfish. I think an increase in the commercial limit, from
8 sixteen to twenty-four, sounds about right, like Mr. Zurbrick
9 said, and then, as far as the vermilion snapper goes, I can't
10 see any reasonable reason to raise it to twenty fish per person.

11
12 The fish right now, we just don't have them like we thought we
13 had them, and the limit is -- It's good, and it's enough fish
14 for people, but we're just not seeing them. I asked the council
15 to err on the side of caution, and I am reminded of the red
16 grouper increase that we had a few years ago that went to ten
17 million pounds for a TAC. If somebody wants to remind me how
18 that's going, hey, I would be willing to listen to them, and I
19 don't think it's going that great right now, and so just err on
20 it.

21
22 I don't know anybody that is -- Any of my fellow private or
23 charter fishermen that are asking for them. On the commercial
24 side, we're not even catching the TAC on the commercial side,
25 and so just leave that be, and for -- I did have one thing that
26 I wanted to address, and Dr. Stunz, at the last meeting, when
27 the predation came up with the sharks, he said something to the
28 effect that -- The exact quote was we're not real sure of what
29 the population is right now on the sharks, and we don't know if
30 it's a good stock or a bad stock, and so I just wanted to say
31 that his guess is exactly as good as mine, and there is too many
32 of them right now, and so, other than that, you all have a great
33 day, and thanks for allowing me my time today.

34
35 **CHAIRMAN DIAZ:** Thank you, Captain Kelly. Next up is Dylan
36 Hubbard.

37
38 **MR. DYLAN HUBBARD:** Thanks for the time to speak. I want to
39 first talk about the SEFHIER document and its overall progress.
40 We want this program, and we asked for it, and we've all been
41 working really hard on it, the agency and the council, and the
42 industry as well, and we, as an industry, want to get the
43 census-based data reporting and better sustainability overall.
44 However, I think it really needs to be something that has
45 industry buy-in and continued support from the industry, and
46 Richard Fischer hit the nail on the head earlier, when he said
47 we're losing buy-in and the demoralizing of the fleet, through
48 every iteration of council meetings, it seems like, even myself.

1
2 The duplicative reporting is a huge issue, virtually eliminating
3 buy-in and making it harder and harder to have even a
4 constructive conversation about this program in the industry.
5 We really need to start working on a solution and not just
6 discussing solutions, but working towards a solution, and
7 instead of highlighting reasons why we can't use the solutions
8 that were proposed.

9
10 The COLREGS line is on all of our charts, and everybody knows
11 what it is. Fishermen know when we cross it, and we know when
12 we leave the jetties, and many are confused, it sounds like,
13 that we are agreeing to hail-out, no matter where we are going,
14 if the intent is to fish.

15
16 If you're fishing inside the COLREGS line, you still have to
17 hail-out, and so, if you're fishing landward of the COLREGS line
18 -- If you're leaving the dock with the intent to fish, and it
19 doesn't matter where, you're going to hail-out, but, if you
20 leave the dock landward of that line, to get bait or ice or fuel
21 or whatever it is, getting ready for a hurricane or whatever,
22 you don't have to hail-out, if you're not intending to fish and
23 moving inside of that COLREGS line, or if we have to make it a
24 VMS demarcation line. Then fine, and whatever it may be, and it
25 should be a very simple solution that I think we're really
26 overcomplicating here.

27
28 As far as issues with our hardware goes, I am really confused
29 why it seems like we've taken such a 180-degree turn between our
30 last meetings and today's meeting. The council itself proposed
31 Alternative 3, to making it fourteen days, and that wasn't
32 something that the industry did, or the APs did, but the Data
33 Collection AP and the Reef Fish AP both unanimously supported
34 the council's added alternative of fourteen days, and
35 unanimously supported Option 3c and three exemptions, and,
36 today, it just totally took a turn for the worse, and we've gone
37 much more restrictive.

38
39 I'm on a waiting list for six outboard engines, being told that
40 I have to wait more than a year for these engines. I already
41 paid for them, and five months it took to get a new GPS unit,
42 and, I mean, it's five, six, seven months for some boat and
43 engine parts at our boat-building facilities, and, I mean, we
44 are in the current depths of a very difficult supply chain
45 issue, and we just cannot afford to lose trips because we're
46 waiting on VMS parts. A couple member stated that she's waiting
47 for her VMS and is having trouble getting them, and we haven't
48 even made it -- We're not even to March 1 yet, where it's

1 mandatory.

2
3 I have some other comments on vermilion and gag and outreach and
4 education, but I will have to send them to you guys, as I'm out
5 of time. Thank you.

6
7 **CHAIRMAN DIAZ:** Thank you, Captain Hubbard. We have a question
8 from Mr. Dugas, Mr. Hubbard. Go ahead, J.D.

9
10 **MR. DUGAS:** Thank you, Mr. Chair. Thank you, Dylan. I am going
11 to ask you what's your opinion on vermilion.

12
13 **MR. HUBBARD:** On vermilion snapper, I would support a very
14 modest increase, and I think it's important to recognize -- I
15 mean, we've had historical recruitment, and my big concern, from
16 a recreational standpoint, is that change in FES. No matter
17 what I think of it, it increases the rate that we catch these
18 fish, and our landings are significantly increased, and so my
19 concern is, if we don't make a change, we're going to see
20 recreational closures in a healthy fishery, which I think
21 totally kills council credibility and agency credibility, and so
22 I would like to support a very modest increase. Alternatives 3
23 or 4 in the document, I would support nothing more than that, in
24 my opinion.

25
26 **CHAIRMAN DIAZ:** Ms. Boggs.

27
28 **MS. BOGGS:** Thank you. Thank you, Dylan, for giving testimony
29 today, and so J.D. asked one of my questions, and so now I want
30 to ask you about gag grouper.

31
32 **MR. HUBBARD:** Gag grouper, we have, in the last two years,
33 really, 2020 and 2021, seen an incredible offshore push of gag
34 grouper towards the end of the season, when they start getting
35 aggressive, and, I mean, we could not get away from them in
36 January, the start of January, when the weather was good, before
37 these fronts started rolling through, and, I mean, just
38 incredible numbers of gags.

39
40 Normally, we can do a pretty good job of avoiding species, when
41 we are trying not to have that discarded fish, because we work
42 really hard to have low discard numbers, but it was hard. They
43 were so aggressive, and there were so many of them. I agree
44 that there's still an issue with gags, and we haven't seen them
45 nearshore, and so I think there is definitely an issue with
46 gags, but just want to raise the flag that I don't think it's as
47 bad as it might be laid out from the stock assessment results,
48 and I just want to emphasize that the lag between science and

1 management is going to be an important one in this species, in
2 this rebuilding plan, because I feel like this species is very
3 cyclical, just like we see with red grouper, and red tide has a
4 lot of effect there, and this fishery could be on the rebound,
5 at a very quick rate, and I would just hate to see us really
6 work hard and really restrict the catch and then to have science
7 say, well, the fishery has recovered, and they're actually a lot
8 better than we thought, and, all of a sudden, it takes a long
9 time to catch back up to that, management-wise.

10
11 **CHAIRMAN DIAZ:** All right. Thank you, Captain Hubbard. Next
12 up, we have Mike Sullivan. We're not getting a response from
13 Mr. Sullivan, and so we're going to move on to Jason Surma.

14
15 **MR. JASON SURMA:** Thank you. Good afternoon, everyone. Thanks
16 for the time today. My name is Jason Surma, and I'm the
17 Business Development Manager for the Woods Hole Group, and some
18 of you know us as CLS America.

19
20 We're a wholly-owned subsidiary of the CLS group, and we've been
21 a type-approved VMS supplier with NMFS for over a decade, and we
22 currently support about a third of their fleet. It was really
23 nice to meet a lot of you at the meetings in San Antonio and
24 Orange Beach, to talk about the features and functionalities of
25 these new EMTU-C devices, but we really didn't get a chance to
26 talk about the warranty or the supply chain and things like
27 that, and so we just wanted to quickly reiterate some of this
28 information for the Gulf Council and industry here.

29
30 Also, I just wanted to start by saying that we're really
31 accustomed to supporting fishermen in their times of need and
32 with a sense of urgency. Last year, we had a competitor VMS
33 provider shut down their service on the east coast, and we were
34 able to outfit hundreds of vessels in a very, very short time
35 period.

36
37 A lot of this does come down to our customer support team, and
38 they're always here and ready and willing to help, and, because
39 of this big SEFHIER push and project here, we have 100 percent
40 support from our head office in Cape Cod, and also our global
41 offices in France, and so we're just going to make sure that we
42 have whatever support we need to help you guys here.

43
44 Specially, regarding NEMO, which has been talked about already,
45 and you guys know about it, we want to make sure that everyone
46 knows that NEMO has a two-year warranty, and we're pretty sure
47 this is industry-leading here, and that is from the time of
48 activation of the unit and not from when it was manufactured or

1 shipped, and that's when you install it and turn it on, and
2 that's when the two years start, and, as far as stock goes, we
3 have hundreds of units available and in stock, and over 500
4 earmarked specifically for this program, but just know that, if
5 there is a need for more, we have plenty of them in stock.

6
7 We understand the shipping delays, in general, and the supply
8 chain issues are there, and so we're definitely planning to have
9 units in stock with key resellers and marine electronics dealers
10 in the Gulf, and so like George's Marine Electronics and Wild
11 Seafood, just to name a few, and we're going to plan to have a
12 decent amount of stock there, so that they're already on the
13 ground there in the Gulf.

14
15 If there is a problem with any unit, and a dealer doesn't have a
16 replacement or stock, or a fisherman in need, we can overnight
17 those units at no cost, if it's under warranty, and so you guys
18 know that NEMO is small, and it's easy to ship and easy to
19 install, and we'll get you back fishing as soon as possible, but
20 thank you for the time, and I just wanted to make those points
21 and make sure that everybody understands what we have and what
22 we're prepared to do. Thank you.

23
24 **CHAIRMAN DIAZ:** Thank you, Mr. Surma. We have a question from
25 Mr. Strelcheck. Mr. Strelcheck.

26
27 **MR. STRELCHECK:** Thanks, Mike, for being at this, and I
28 appreciate you talking about what you're doing, obviously, to
29 position your units in the Gulf, as well as the supply that you
30 have on-hand, and I'm curious, and we've heard comments with
31 regard to the demand for the units and actually getting them
32 installed on vessels and that there's some lead times of weeks
33 at this point, if not longer, and can you talk specifically
34 about what kind of you're seeing in terms of demand currently,
35 and, geographically, if there's any problems with vessels
36 receiving units in a timely fashion to start the program for
37 SEFHIER?

38
39 **MR. SURMA:** Thank you for the question. As far as the demand
40 for units, we're a little surprised that it's not a bit higher.
41 It's really starting to ramp up now, and I'm kind of glad that
42 we had the opportunity to talk today.

43
44 The shipping delays shouldn't be an issue moving forward, and,
45 you know, we were hesitant, and we weren't sure if we wanted
46 people activating their units too early and then paying for time
47 when they weren't required to have them, because the start date
48 had been delayed. Now that the start date is kind of set in

1 stone, and we know the project is going to kick off here, we're
2 shipping them as they are ordered.

3
4 **CHAIRMAN DIAZ:** Thank you for that, Mr. Surma. Next up, we have
5 Ken Haddad.

6
7 **MR. KEN HADDAD:** Thank you, Mr. Chairman, and welcome to the new
8 Vice Chair. I'm Ken Haddad, Lloyd, Florida, with the American
9 Sportfishing Association. I want to briefly talk about king
10 mackerel, amberjack, and gag grouper.

11
12 For king mackerel, we are okay with Action 1, Alternative 2.
13 With that said, king mackerel, as many of you know, is an
14 important part of the recreational experience, and we want to be
15 assured that you won't mess up one of the only fisheries that
16 the recreational sector is mainly content with.

17
18 Since it's been determined that an FES calibration for
19 allocation cannot be accomplished, a somewhat arbitrary and
20 abbreviated approach to a full-blown allocation review has taken
21 over. We disagree with this approach, and it does not account
22 for social and economic impacts, nor is it based on any
23 information about how we use the fishery based on encounter,
24 catch-and-release abundance, or its migratory nature. We have
25 previously pointed out that the current OY is likely not
26 appropriate, at least for the recreational part of this fishery.

27
28 For mackerel, we do accept the FES-based stock assessment
29 without a concurrent FES-based recalibration of allocation,
30 simply because it's not possible. We think that any other
31 change in allocation should be by a full allocation review and
32 subsequent amendment. If you're going to keep Action 2,
33 Alternative 2 in the amendment, we recommend the preferred
34 alternative be Alternative 1. As has been noted, this will
35 still provide additional fish to the sectors until a full
36 allocation review can be conducted.

37
38 For amberjack and gag grouper, we don't agree with addressing
39 the amberjack or gag FES-based stock assessments without them
40 being accompanied by an FES-based recalibration of allocation,
41 as was done with red grouper. As has been noted many times,
42 going to an FES-based ACL, without a concurrent recalibration of
43 allocation, results in a de facto reallocation.

44
45 Now, it appears that you are considering a framework for
46 amberjack and an emergency action for gag, which we understand,
47 and we feel that any framework action, or emergency action, that
48 is based on FES stock assessments must somehow include a

1 recalibrated allocation for each species, or you will be making
2 this de facto reallocation, and that concludes my remarks.
3 Thank you, Mr. Chairman.

4
5 **CHAIRMAN DIAZ:** Thank you, Mr. Haddad. Next up, we have Eric
6 Brazer.

7
8 **MR. ERIC BRAZER:** Great. Thank you very much, Mr. Chair. Thank
9 you again for the chance to comment. I am Eric Brazer, Deputy
10 Director of the Gulf of Mexico Reef Fish Shareholders Alliance.
11 We submitted some pretty lengthy written comments, but I just
12 want to hit on a few priority items here today.

13
14 Number one, we want to thank the council for trying to take a
15 more conservative approach with b-liners. You know, we continue
16 to think it's a problem when the existing quotas aren't being
17 met and massive quota increases are being proposed. You know, I
18 really don't think this is ready for final action, and I think
19 more time needs to be spent digging into why the existing quotas
20 are not being met, because, if it's a resource problem, it's
21 only going to get worse with a massive quota increase, and we
22 also have concerns with FES, but I'm not going to get into them
23 here.

24
25 Number two, we appreciate the presentation from BOEM on offshore
26 wind. We think that the more opportunities that all fishermen
27 get, and that the council gets, to weigh-in, the more likely
28 this is going to be a success. We want to thank BOEM's staff,
29 and we hope that BOEM and the council can continue to work
30 together, especially when we see those priority areas on
31 February 2. I'm really looking forward to seeing those.

32
33 Number three, we're glad that the council is taking a hard look
34 at gag and recognizing that, while the stock needs help, that
35 you're really trying to prioritize finding ways to keep the
36 fishery going. Similar to what we've heard with red grouper,
37 some of the guys are seeing some positive signs. They're seeing
38 a few more fish, and they're seeing more smaller fish, and
39 that's not going to get picked up in the stock assessment, and
40 so I think, in this case, an interim analysis could be really
41 helpful for this species, and I agree with 100 percent with
42 Dylan that the lag between science and management, especially
43 with this species, is a very big problem.

44
45 Number four, I want to point out that the council's allocation
46 policy says that recalibration triggers an allocation review,
47 and the policy lays out the steps for that review, and that
48 didn't happen with Amendment 53, and it doesn't appear to be

1 happening for any other species that the council is
2 recalibrating now, and that's a problem, and so, if the council
3 is going to continue to recalibrate, it has to follow its own
4 allocation policies.

5
6 Then, finally, I know you guys were crunched for time yesterday
7 with the Reef Fish Committee, but I really hope you find some
8 time, today or tomorrow, to discuss the remaining Reef Fish AP
9 motions, and, specifically, we support the AP's triggerfish
10 motion, and I would really like to see the council initiate an
11 action to evaluate some options for increasing the commercial
12 trigger limit. The stock is doing better, and the quota has
13 been raised, and we just want a reasonable opportunity to
14 harvest it.

15
16 Also, we support what the AP had to say about real-time,
17 mandatory reporting for all sectors in the Gulf. It's something
18 we've really got to tackle. Voluntary, after-the-fact surveys
19 are a huge source of management uncertainty, and, until we
20 shrink or eliminate that, fishermen are going to lose access,
21 and stocks like gag and amberjack will have a harder time
22 rebuilding.

23
24 In conclusion, and I know I'm out of time, but we know it's not
25 going to be easy, and it's going to take some time to figure
26 out, but the council has got to start somewhere, and we ask that
27 you consider some sort of white paper, or a strawman, to at
28 least start this conversation. Thank you for the time, and for
29 the extra time, and I hope to see you guys in-person in Alabama
30 in April.

31
32 **CHAIRMAN DIAZ:** Thank you, Eric. Next up is Casey Streeter.

33
34 **MR. CASEY STREETER:** Mr. Chairman, thank you. I'm Casey
35 Streeter, owner of Island Seafood Market and an offshore charter
36 captain and owner of several commercial grouper boats here in
37 the Gulf.

38
39 There's a lot of things that I want to touch on, and I wish we
40 could be there in-person. Obviously, b-liners, and you can
41 check my landings for my fish house, and we land a lot of b-
42 liners, and all my guys say don't mess with the quota.
43 Obviously, FES is going to mess with our landings and catch
44 rates, just like it did with red grouper, and I'm not a real big
45 fan of FES, like many, many in the science community, and so
46 hopefully you guys are very cautious on raising it, and we don't
47 want to see it. Like I said, we're not catching these quotas
48 right now, and so why increase it, and why create a problem,

1 something we have to be reactive to in the future?

2
3 Triggerfish, we would love to see an increase. They're there,
4 and I know they don't discard very well, and so it would be
5 great to harvest them, great for our guys. The wenchman
6 snapper, hopefully we can get something figured out. I don't
7 see how it's a good idea to have a couple of trawl boats close
8 out an entire snapper complex, when we're talking about one and
9 creating discard fisheries in the others, as we fish throughout
10 the year in the deep water, and I don't see how that's good for
11 the resource, and I'm surprised that I haven't heard anyone say
12 anything about the red grouper leases.

13
14 I mean, I don't think I remember seeing anything in the economic
15 impacts about the increases that we see in our allocation, and
16 we're seeing about a 650 percent increase in the cost, if you
17 can even find it, and my guys are going to continue to fish, and
18 we're going to b-liner fish, but, obviously, the impacts of that
19 to our fishery are unfolding now, and I really believe that
20 they're going to be devastating, and they are devastating to my
21 area and to my independent owner-operator fishermen that fish
22 for me.

23
24 I mean, this is a real problem, and we're going to see major
25 issues throughout the year, and I don't want to see another
26 discard fishery in our fishery, especially red grouper, when
27 it's been the base of our fishery for so long. That's really
28 it, and hopefully we can be in-person at the next meeting.

29
30 **CHAIRMAN DIAZ:** Thank you, Mr. Streeter. Next up, we have Jason
31 Delacruz. Mr. Delacruz is not on, and so we're going to move to
32 Mr. Bill D'Antuono.

33
34 **MR. BILL D'ANTUONO:** My name is Bill D'Antuono, and I'm a dual-
35 permitted charter and commercial reef permit holder out of
36 Naples. The declarations for the dual -- You know, you have to
37 make a declaration for commercial and charter, and it's kind of
38 a little bit confusing, and if there's any way we could
39 streamline that, so that could be cleared up, because my VMS
40 dealer -- Honestly, he didn't even know that was the thing to
41 do, and it might just be my specific dealer that hadn't heard of
42 it, but that's something that needs to be addressed.

43
44 Secondly, I spearfish commercially, which is the most
45 sustainable method of take, with near zero bycatch, not seen in
46 any other method of take, with few stakeholders in the
47 commercial fishery spearfishing, and I just want to put it on
48 the record that spearfishing is a highly sustainable method of

1 take.

2
3 Next, the red grouper lease price has gone up 600 percent in the
4 last six months, and it's certainly our staple fish, and it's
5 impossible to find and fish for. I mean, pretty much, we're
6 done fishing for red grouper commercially already this year, as
7 far as on my end.

8
9 The IFQ reform panel, it was a very good thing, in my opinion,
10 and I want to see -- Ensure that the future generation of
11 fishermen, such as myself, and a lot of the people that we're
12 fishing with down here -- We're basically being priced out of
13 the fishery, and rely on red grouper to make our businesses run.
14 The American public, they deserve that fish, and they deserve
15 the opportunity to eat that fish, just as much as we deserve the
16 opportunity to catch it.

17
18 We had a fantastic cobia season down here in Florida Bay also,
19 and also out of Naples, and we're currently in the middle of the
20 cobia run, and I saw a video, the other day, of hundreds of
21 cobia showing up to the back of a boat on a wreck, of all sizes.

22
23 Lastly, we're still seeing unpermitted charters taking cobia out
24 of the Lower Keys and in the Gulf, and I know it's going to two
25 per vessel soon, but, I mean, that's just something that I
26 wasn't addressed, and I spoke out about it, and we've been
27 speaking about it for years, and I don't know if there's been
28 any recent fines or whatever levied, but that's not something
29 that I was aware of, if it was, but we've been speaking about it
30 for a while, and I'm still seeing that as an issue, and so thank
31 you for your time, and that's all I have.

32
33 **CHAIRMAN DIAZ:** We have a question for you, Mr. D'Antuono. Dr.
34 Frazer.

35
36 **DR. FRAZER:** Bill, thanks for being here today. Casey Streeter
37 made a similar comment about the increase in the lease price for
38 red grouper of 600 percent, and so I have two questions. One is
39 what's the current lease price for red grouper, and how does
40 that correspond to an increase in the ex-vessel price?

41
42 **MR. D'ANTUONO:** Right now, the last I heard, it was \$3.25 per
43 pound, and, a year or two ago, it was fifty-cents a pound, and
44 so that's where that is coming from.

45
46 **DR. FRAZER:** How about the ex-vessel price?

47
48 **MR. D'ANTUONO:** I am not quite sure. I mean, we were getting it

1 for fifty-cents before, and then it went to seventy-five, but
2 I'm not quite sure on that.

3
4 **DR. FRAZER:** Okay. Thank you.

5
6 **CHAIRMAN DIAZ:** Next up, we have Steve Papon.

7
8 **MR. STEVE PAPON:** My name is Steve Papon, and thank you, guys,
9 for giving me a chance to talk here today. I listen to a lot of
10 these, and I don't do a lot of input, albeit, the last couple of
11 years, I've been trying to get a little more involved.

12
13 I've been -- I am going into my twenty-fifth year, and I'm dual-
14 permitted, both charter and commercial, and what I really wanted
15 to talk to you about, and I'm begging you guys, is we have to do
16 something about the hail-outs, the declarations and stuff like
17 that.

18
19 Me, being a dual-permitted holder, if I do two four-hour trips
20 in a day, which we do a lot of during spring break, and so mid-
21 March all the way through May, and, if I do two a day, I have
22 eleven declarations that I have to do for two charters.

23
24 VMS is just like our old cellphone bills, and you have a limited
25 amount of data, and, then, once you use up that data, they
26 charge you an arm-and-a-leg for more data, and so I had bills,
27 last year, of an extra \$80.00 one month, and an extra \$60.00
28 another month, and an extra \$40.00 another month, and I
29 understand there is other ways to do it. We can go on a
30 cellphone, or we can get the app, and we can do this and that
31 and the other, but we have a VMS that we're paying for, and
32 we're being compliant for, and we asked for it, and we begged
33 for it, and we're trying to be compliant.

34
35 If we can just streamline this process, to make it a little
36 easier on us, and you guys get your data, and we get ease of
37 process, and it works out real well. The other thing is the
38 multiple hail-outs, and I wanted to touch on it, and Dylan did,
39 too.

40
41 Moving around -- I do not pick up my customers from my home
42 dock, and so I move from a private dock to the fuel dock there
43 in John's Pass and pick up my customers, and so, when I move my
44 boat from my home dock to that dock, that's a totally separate
45 declaration, and that's actually two of them, and then I go
46 fishing, and I've got to do two more, and then I come back in,
47 and I've got to do two again, and I go back out, and I've got to
48 do another two, and back in is another two, and then back to my

1 dock, for another one.

2
3 That's a ton of declarations, and I totally support anything you
4 guys can do to help us out to keep those declarations down a
5 little bit, and it will help keep our costs down, and you're
6 definitely going to get a lot more support from the fishery as a
7 whole, and not just dual-permitted guys, but every single
8 charter captain that I know, and there is seven of us that run
9 out of the one dock in John's Pass, and then there's five on the
10 other side, and there's thirty offshore guys running out of
11 John's Pass, and everybody feels the same way.

12
13 If you guys could help us streamline that process, it would make
14 all of our lives a million times easier. That's all I've got.
15 If there any questions, I'm happy to answer.

16
17 **CHAIRMAN DIAZ:** Thank you, Mr. Papon. Okay. We've got a couple
18 of people that were not successful at getting on before, and so
19 we're going to go back to them and try to make sure that
20 everybody that wants to comment gets a chance to comment. Mr.
21 Mark Tryon, are you on now, Mark?

22
23 **MR. MARK TRYON:** Sorry about that mix-up before, and I wanted to
24 discuss the triggerfish limit. You had the recent meeting of
25 the Reef Fish Advisory Panel, and there was a motion to increase
26 the commercial trip limit from thirty-two to forty fish, and the
27 motion passed unanimously.

28
29 Now I hear the new number is -- Of course, those were proposed
30 numbers, but is twenty-four. At this point, I would be happy to
31 get the twenty-four, but my gut feeling on that is you're going
32 to find out, if you go with twenty-four, that you're still not
33 going to come close to catching the quota.

34
35 Last year's data indicated that we only caught about 50 percent
36 of the ACT, and so I'm just thinking that you're going to need
37 more than the twenty-four fish. What you can do, if you go with
38 a larger quota, and let's say the thirty-two to forty fish -- If
39 you're worried about the quota being caught, you can go with a
40 step-down, at 75 percent, to some lesser amount, and that's kind
41 of what I would like to see, but, as I said, anything at this
42 point, and I would be happy to get the twenty-four, and so I go
43 on day trips, and I am not throwing back fish then that I could
44 keep and that the market is very happy and eager to absorb.

45
46 Going back to the vermilion, I agree with some of the captains
47 that spoke out against doing a large increase, and the fishery
48 is in kind of like okay shape, and I'm catching some, but not --

1 It's not a bonanza out there, by any means, for anybody, and so
2 I think it's kind of reckless to put forth any type of large
3 increase, at this time, with the vermilion, and that's about it.
4 That's all I have today. Thank you very much.

5
6 **CHAIRMAN DIAZ:** Thank you, Mr. Tryon. Next, we're going to try
7 Mr. Jason Delacruz. Are you on, Jason? You might be self-muted
8 on your end, Jason.

9
10 **MS. ROY:** Mr. Delacruz, you will have to unmute your line to
11 speak.

12
13 **CHAIRMAN DIAZ:** Jason, we know you're on the webinar, and we
14 think you've tried to connect, but there is some problem with
15 muting, and we think it's on your end, and so if you can double-
16 check it.

17
18 **MR. JASON DELACRUZ:** First of all, I apologize for all of that.
19 Once again, I really wanted to bring up that I really wish you
20 guys had spent more time talking about it, and I listened to it,
21 and I heard, and we spent a whole bunch of time talking about
22 commercial discards and very little, if any, time talking about
23 recreational discards.

24
25 It killed me when we saw that data at the AP of what the gag
26 discards looked like, and I just really wish that you guys would
27 spend more time trying to actually fix this, instead of just
28 playing politics, because it's starting to get a little crazy to
29 me. We can't fix our real problems, and we just want to poke
30 things at other problems.

31
32 The other thing that I wanted to say, just real quick, is the
33 triggerfish limit, when you're thinking about moving that up,
34 and we're not hitting it on the commercial side, and I know
35 we're capable of it. My guys are just steadily throw fish back,
36 once they get to that sixteen, and so it seems kind of foolish,
37 if the fish are there and we're not hitting our ACTs, and so
38 that's something we can consider moving forward, and that would
39 be really useful. Again, I apologize for my technical
40 difficulties today, and that was kind of embarrassing. Thank
41 you.

42
43 **CHAIRMAN DIAZ:** Thank you, Mr. Delacruz. All right. We have
44 one more person, and this should wrap it up. Jason Blackburn.

45
46 **MR. JASON BLACKBURN:** Hello, all. My name is Jason Blackburn,
47 and I'm Vice President of Sales and Marketing for Faria Beede,
48 also known as WatchDog Tracking, and we're an approved, type-

1 approved, supplier for the SEFHIER rollout. I just wanted to
2 make a few notes.

3
4 I know there were a lot of concerns about having enough systems
5 in the field, and we do have more than 300 systems in the field,
6 in the distribution network, and those systems are delivered
7 same day, for next-day delivery, if they're ordered by 4:00
8 p.m., and it's very easy for a customer to get their hands on
9 it, and it's very easy to install. It's four screws and two
10 wires.

11
12 It's a cellular-based system and an Android-based screen, and
13 all the forms are right there on that screen, and it's very easy
14 to use.

15
16 One other concern that was brought up from many of the
17 fishermen, especially on the recreational side, is those that
18 were under a metal building wouldn't be able to get that cell
19 signal when it was inside of some sort of metal building. The
20 nice thing about cell systems is they do use cellphone
21 triangulation, and so, even if you're inside that metal
22 building, you will get a strong signal. As a matter of a fact,
23 when we were onsite, at the Gulf meeting in Alabama, we had cell
24 signal right inside of the building, and so I just wanted to
25 make sure that systems are in the field, and they are available
26 for immediate next-day delivery.

27
28 Any type of warranty concern, we do advance replace, and so we
29 do get you a system before you have to send back your existing
30 system, to keep you fishing, and that's basically it. The
31 system is \$1,995, and, for your \$1,995, you do get one full
32 year, your first year, of free airtime. I just wanted to make
33 sure to get all of that on the record and answer any questions
34 that anybody might have. Thank you very, very much.

35
36 **CHAIRMAN DIAZ:** Thank you, Mr. Blackburn. I am not seeing any
37 questions. This does conclude our public testimony session, and
38 we don't have anybody else's hand in the queue. Council
39 members, we're going to take about a ten-minute break, and we're
40 going to come back, and we're going to work on some committee
41 reports through the time that we have remaining in the day, and
42 so we'll see you all back in about ten minutes. Thank you.

43
44 (Whereupon, a brief recess was taken.)

45
46 **CHAIRMAN DIAZ:** All right. If we could get everybody back
47 together, we'll try to get back started up and see if we can't
48 handle just a few committee reports here, to put us a little bit

1 ahead for tomorrow. We do have a lot of probably difficult
2 discussions tomorrow, and, so, first up, and I'm just going to
3 follow the agenda for the reports that are ready, and, Mr. Gill,
4 are you ready to do the Habitat Protection and Restoration
5 Committee?

6
7 **MR. GILL:** Yes, I am, Mr. Chairman.

8
9 **CHAIRMAN DIAZ:** Please proceed, Mr. Gill.

10
11 **COMMITTEE REPORTS**
12 **HABITAT PROTECTION AND RESTORATION COMMITTEE REPORT**

13
14 **MR. GILL:** Thank you, sir. The Habitat Protection and
15 Restoration Committee met on January 24, 2021. The committee
16 adopted the agenda, which can be found at Tab P, Number 1, as
17 written and approved the minutes, which can be found at Tab B,
18 Number 2, of the October 2021 meeting as written.

19
20 We had a presentation from BOEM on renewable wind energy, which
21 can be found at Tab P, Number 4. Mr. Michael Celata from the
22 Bureau of Ocean Energy Management (BOEM) presented an update on
23 the exploration of offshore wind energy installations in the
24 Gulf of Mexico.

25
26 BOEM is in the initial stages of identifying offshore wind
27 leasing areas, focusing on the western Gulf for development, and
28 collecting public input. The presentation also directly
29 addressed questions from the committee at its August 2021
30 meeting.

31
32 BOEM will only restrict navigation near the wind platforms
33 during construction, and wind platforms are required to be
34 removed at the end of the leasing period, which is typically
35 thirty years. BOEM does not have the authority to restrict
36 fishing, and BOEM anticipates that anglers will be able to
37 access wind platforms, similar to offshore oil and gas
38 structures.

39
40 Currently, there is no fishery contingency plan, which would
41 compensate fishermen should the wind platforms or associated
42 infrastructure interfere with fishing activities or damage gear.
43 Mr. Celata stated that BOEM had not established a fishery
44 contingency plan, and a Committee member encouraged BOEM to do
45 so. Mr. Celata indicated that creating a fishery contingency
46 plan is not within the purview of BOEM and would require
47 congressional action, but potentially other avenues could be
48 investigated.

1
2 Finally, he also reviewed the timeline for an associated
3 environmental assessment, which is tentatively scheduled to be
4 completed in 2023.

5
6 The committee asked for clarification about decommissioning a
7 wind platform if it was deemed unproductive. Mr. Celata
8 answered that, unlike oil and gas, wind energy is considered a
9 renewable source, and decommission would most likely occur at
10 the termination of the lease, rather than the exhaustion of a
11 finite energy source.

12
13 Another committee member asked what areas of research were
14 conducted to monitor effects of offshore energy production on
15 marine mammals. Mr. Celata indicated that BOEM will continue to
16 assess offshore impacts for all energy sources and that these
17 investigations include recording occurrences of marine mammals
18 in the Gulf.

19
20 The committee inquired about the maximum area that could be
21 considered for offshore wind energy development, and Mr. Celata
22 responded that 80,000 acres are being considered for leasing.
23 Mr. Andy Strelcheck commented that NOAA and BOEM continue to
24 work collaboratively to address issues related to fisheries and
25 protected resources.

26
27 BOEM staff provided a similar presentation at the December 2021
28 Shrimp AP meeting, and council staff reviewed that meeting
29 summary, which can be found at Tab D, Number 6, focusing on the
30 applicable motions. A committee member stressed the importance
31 of the word "complete" when discussing a motion request that
32 joint BOEM/NOAA spatial management analyses consider the
33 complete historical Gulf shrimp fishing effort dataset.

34
35 The final AP motion requested BOEM include two shrimp industry
36 representatives on its taskforce. Council staff stated that
37 follow-up with BOEM staff indicated that the taskforce comprises
38 federal, state, and tribal members, but is not an approval or
39 decision-making body. While the council itself does not
40 directly meet the criteria for the taskforce membership, a NOAA
41 representative does sit on the taskforce and could provide
42 fisheries insight on behalf of the council. The committee
43 agreed that continued collaboration between NOAA and BOEM was
44 necessary when progressing wind energy efforts in the Gulf.

45
46 **The committee recommends, and I so move, to request that the**
47 **council work with NMFS and BOEM to ensure that the complete**
48 **historical Gulf shrimp fishing effort data set is fully included**

1 and considered as part of the collaborative BOEM/NOAA spatial
2 management analyses for evaluating potential sites for offshore
3 wind energy facilities and transmission lines in the Gulf.
4

5 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any
6 discussion on the motion? Ms. Boggs.
7

8 **MS. BOGGS:** Thank you, Mr. Chairman. This may be something we
9 can address if we have an opportunity at a future meeting, but I
10 want to make sure to get my thoughts in. I talked to a couple
11 of fishermen off of Rhode Island, and I understand that this is
12 dealing directly with the Gulf shrimp fishing effort, but I
13 would like to request that BOEM look at any effort for any
14 fishery, an all-inclusive look at the fishery, before doing
15 anything, because you have your commercial fishermen and
16 charter/for-hire, but I just think it's important not only for
17 the historical Gulf shrimp fishing, but all fishing effort.
18 Thank you.
19

20 **CHAIRMAN DIAZ:** Mr. Strelcheck.
21

22 **MR. STRELCHECK:** Just a comment to this motion and Ms. Boggs'
23 comments, and we have worked with NCOS, the National Coastal
24 Ocean Service, or Center, to prepare a proposal that we
25 submitted to BOEM that would develop a tool, similar to what we
26 did for aquaculture opportunity areas, and that would be
27 inclusive of all sorts of fishery data, as well as lots of other
28 information with regard to vessel traffic, habitat, et cetera.
29

30 I am not sure it's necessary to expand this motion, but the
31 agency is certainly working toward this, and we're in
32 discussions with BOEM with regard to funding availability to
33 support this work, or even some downscale component of this
34 work, and so this is certainly underway, in terms of trying to
35 get to a spatial management analysis for wind energy for BOEM.
36

37 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. Ms. Boggs, I would
38 like to ask, and does Mr. Strelcheck's comment satisfy your
39 concern?
40

41 **MS. BOGGS:** Yes, sir, it does. Thank you.
42

43 **CHAIRMAN DIAZ:** Ms. Bosarge.
44

45 **MS. BOSARGE:** Susan, I think I can even give you a little more
46 peace of mind, because what Andy is talking about, that
47 aquaculture matrix that was used, and where they actually
48 considered all the different sorts of fishing, and remember, in

1 committee, I told you all that the AP had a couple more motions,
2 and one of them actually talked about making sure that NMFS and
3 BOEM work together and use that aquaculture matrix to evaluate
4 different locations and such as they're going through this
5 process, and I intend to make that motion here in just a minute.
6

7 **CHAIRMAN DIAZ:** Okay. I am not seeing any more discussion on
8 this motion. **Is there any opposition to the motion? Hearing**
9 **none, and seeing none, the motion carries.** Mr. Gill.

10
11 **MR. GILL:** Thank you, Mr. Chairman. **The committee recommends,**
12 **and I so move, to request the council to work with NMFS to**
13 **ensure that BOEM enters into consultations with NMFS pursuant to**
14 **Section 7 of the Endangered Species Act with respect to any**
15 **action BOEM takes or proposes to take to authorize offshore wind**
16 **energy development in the Gulf that may affect any ESA listed**
17 **species or designated critical habitat. Such consultations**
18 **should begin as early in the BOEM process as possible.**

19
20 **CHAIRMAN DIAZ:** Mr. Gill, you're coming in and out, and I don't
21 know if you're as close to your mic as you normally are, but,
22 anyway, I am going to ask you to try to read the motion one more
23 time and see if we can hear you better.
24

25 **MR. GILL:** I'm sorry, Mr. Chairman. I didn't realize there was
26 an issue. **The committee recommends, and I so move, to request**
27 **the council to work with NMFS to ensure that BOEM enters into**
28 **consultations with NMFS pursuant to Section 7 of the Endangered**
29 **Species Act with respect to any action BOEM takes or proposes to**
30 **take to authorize offshore wind energy development in the Gulf**
31 **that may affect any ESA listed species or designated critical**
32 **habitat. Such consultations should begin as early in the BOEM**
33 **process as possible.** Mr. Chairman.
34

35 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. That was much better. All
36 right. We have a committee motion. Is there any discussion on
37 the motion? **Seeing no hands up, and not hearing anybody weigh-**
38 **in, is there any opposition to the motion? The motion carries.**
39 Mr. Gill.
40

41 **MR. GILL:** Thank you, Mr. Chairman. The Draft Generic Essential
42 Fish Habitat Amendment can be found at Tab B, Number 5.
43

44 **CHAIRMAN DIAZ:** Mr. Gill, hold up just one second, please. Ms.
45 Bosarge, did you have a comment about this?
46

47 **MS. BOSARGE:** Yes, and I was going to go ahead and make that
48 other motion that I had referenced just a second ago. I think,
49

1 Dr. Freeman, you probably have that AP report handy, or maybe
2 can get staff to pull it up and direct them to the correct page,
3 so they can just copy-and-paste, and it would be quicker.

4
5 **DR. MATT FREEMAN:** Thank you, Ms. Bosarge. Bernie, there is two
6 motions additional in the Shrimp AP report, and, Ms. Bosarge, if
7 you can direct her, and one is on page 10, towards the top, and
8 the other is on the top of page 12, and so, depending on which
9 one you're referring to, and I believe you might, most recently,
10 have been mentioning the one on the top of page 12.

11
12 **MS. BOSARGE:** Yes, sir, and I remember it was the one further
13 along in the report, the aquaculture matrix.

14
15 **DR. FREEMAN:** Right, the AOA Atlas. Yes, ma'am.

16
17 **MS. BOSARGE:** Yes. There you go.

18
19 **DR. FREEMAN:** Okay, and so that's the motion you're asking to
20 have staff put on the board now?

21
22 **MS. BOSARGE:** Yes, please.

23
24 **DR. FREEMAN:** Okay. Certainly.

25
26 **CHAIRMAN DIAZ:** Okay, and so the motion is to convey to the
27 council -- Is the motion like you want it, Ms. Bosarge, before
28 we read it into the record?

29
30 **MS. BOSARGE:** I believe so.

31
32 **CHAIRMAN DIAZ:** The motion is to convey to the council, National
33 Marine Fisheries Service, and BOEM that the AP believes that the
34 analytical approach to spatial planning applied by NOAA in the
35 AOA Atlas would be most comprehensive, transparent, and
36 objective and, therefore, effective tool for supporting critical
37 decision-making regarding competing ocean uses in the Gulf and
38 for minimizing any adverse impacts of those uses on the shrimp
39 industry, including the siting of offshore wind facilities and
40 transmission lines in the BOEM call area. Again, Ms. Bosarge,
41 is the wording like you want it?

42
43 **MS. BOSARGE:** No, and I was wrong. Sorry. Yes, we would have
44 to take that part out, and staff is already ahead of me. To
45 convey to NMFS and BOEM, and then take out -- Then we'll just
46 say "that", and take out "the AP believes". The approach to
47 spatial planning applied by NOAA in the AOA Atlas, and let's say
48 "is comprehensive", and we won't say "the most", and we'll just

1 say "is comprehensive, transparent, objective and, therefore, an
2 effective tool for supporting critical decision-making regarding
3 competing ocean uses in the Gulf and for minimizing any adverse
4 impacts for those uses on the shrimp industry, including the
5 siting of offshore wind facilities and transmission lines in the
6 BOEM call area.

7
8 Susan, although it does speak to shrimp specifically there at
9 the end, I think that the piece that I was hoping that you would
10 like is that that critical decision-making regarding competing
11 ocean uses, and that's because it is comprehensive, and it looks
12 at all the different types of fishing.

13
14 **CHAIRMAN DIAZ:** All right, and so we have a motion. Do we have
15 a second for the motion?

16
17 **MS. BOGGS:** I will second the motion.

18
19 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Any further discussion on
20 the motion? Mr. Williamson.

21
22 **MR. WILLIAMSON:** I guess my comment is that this appears, to me,
23 that the council is lobbying on behalf of the shrimp industry,
24 and I don't know, and maybe I'm wrong, but it just seems to be
25 overreaching, and I would be against this motion. Thank you.

26
27 **CHAIRMAN DIAZ:** Thank you, Mr. Williamson. Mr. Gill.

28
29 **MR. GILL:** Thank you, Mr. Chairman. I would like to offer a
30 friendly, if Leann would agree to it, and, instead of having
31 "shrimp industry", replace that with the "Gulf fishing
32 industry", which helps address Susan's comments. Thank you.

33
34 **CHAIRMAN DIAZ:** I would ask Ms. Bosarge is she would accept the
35 friendly amendment.

36
37 **DR. FRAZER:** I don't think that Leann can hear anymore. Let me
38 try to get her on the phone, real quick, if that's okay, or one
39 of you guys can.

40
41 **CHAIRMAN DIAZ:** Sure.

42
43 **MR. GILL:** My suggestion was to delete "shrimp".

44
45 **MS. BOSARGE:** Hi.

46
47 **DR. FRAZER:** Can you hear it now, or no?
48

1 **MS. BOSARGE:** I just heard Bob say to delete "shrimp", but I
2 missed all the conversation, but maybe Matt can chime-in and
3 respond to anything that was said.
4
5 **DR. FRAZER:** That's okay. I'm just going to let -- I will leave
6 my phone on, and I will let you hear the conversation, okay?
7
8 **MS. BOSARGE:** Okay.
9
10 **DR. FRAZER:** Bob, can you go ahead and repeat your friendly
11 amendment?
12
13 **MR. GILL:** Yes, and thank you, Mr. Chairman. Leann, I suggested
14 deleting "shrimp" and replacing with "Gulf fishing", and so to
15 read "on the Gulf fishing industry", to be more inclusive, which
16 also addresses Susan's comment.
17
18 **MS. BOSARGE:** Okay. I think that will probably work. I can't
19 even see the motion on the board, but, from what I recall of it,
20 that would probably be okay, Bob. Thank you.
21
22 **CHAIRMAN DIAZ:** Ms. Boggs, as the seconder, do you agree to that
23 change?
24
25 **MS. BOGGS:** Yes, I am good with it. I just wanted to make sure
26 that "fishing" would encompass shrimping, because I want to make
27 sure it's inclusive of any user, I guess, of the Gulf waters.
28 Thank you. I accept the amendment.
29
30 **CHAIRMAN DIAZ:** Yes, and, in my mind, it does, Ms. Boggs. All
31 right. Any further discussion on the motion? **Is there any**
32 **opposition to the motion? Seeing no opposition, the motion**
33 **carries.** Mr. Gill.
34
35 **MR. GILL:** Thank you, Mr. Chairman. Council staff provided an
36 overview of the revised Essential Fish Habitat Amendment --
37
38 **DR. FRAZER:** Mr. Chair? I'm sorry, Mr. Gill, but I think Leann
39 wanted to follow-up with a separate motion, before you moved on.
40
41 **CHAIRMAN DIAZ:** All right. We're going to go to Mr. Strelcheck
42 first, and then we'll come back to Ms. Bosarge. Mr. Strelcheck.
43
44 **MR. STRELCHECK:** I am going to shamelessly steal an idea from
45 John Walter that was just passed along to me, but one of the
46 comments that John made is that the Gulf of Mexico Fishery
47 Management Council does not have a seat on the Wind Energy
48 Taskforce for the Gulf of Mexico, and so one of the thoughts

1 here is that, yes, NOAA sits on it, and there's a lot of other
2 agencies that are sitting on it, but the council may want to
3 request, to BOEM, that you are provided a seat with that
4 taskforce, so you can remain apprised and have someone directly
5 interacting with the taskforce, and I don't know if that's
6 possible, given the rules of how they appoint taskforce members,
7 but a suggestion that I wanted to offer on behalf of Dr. Walter.
8 Thanks.

9

10 **MS. BOSARGE:** The Shrimp AP actually made a motion that we might
11 could alter and get that in it. They asked for shrimp
12 representatives, but we could change it to a council
13 representative on that taskforce.

14

15 **CHAIRMAN DIAZ:** I think Dr. Freeman might be ready to speak to
16 that. Dr. Freeman.

17

18 **DR. FREEMAN:** Sure. I think it would be fine to still make that
19 request, and I did want to mention, again, that, when I emailed
20 with Tershara Matthews, following the AP motion, which was in
21 terms of representatives from the shrimp industry, Tershara had
22 emailed back that the members of the taskforce include state,
23 federal, and tribal governments, and she put that I did check,
24 and the council does not meet the criteria, and that was when
25 she said, however, we do have a NOAA representative on the
26 taskforce. The council can still make that request, but it does
27 appear that Tershara had checked, to see if the council would be
28 eligible, and she said that they did not meet the criteria.

29

30 **CHAIRMAN DIAZ:** Thank you, Dr. Freeman. All right. Mr. Gill.

31

32 **MR. GILL:** Thank you, Mr. Chairman. Given that that's the case,
33 then I would ask Andy if he could work with NOAA to see whether
34 a council representative could serve as staff on the NOAA rep.

35

36 **MR. STRELCHECK:** Thanks, Bob. I will definitely follow-up on
37 this and talk to both my NOAA colleagues as well as directly
38 with my counterpart at BOEM. Thanks.

39

40 **CHAIRMAN DIAZ:** Okay. So we seem to be at a lull in the
41 conversation. Mr. Gill, you can proceed with your report.

42

43 **MR. GILL:** Thank you, Mr. Chairman. You indicated that Leann
44 had another motion?

45

46 **CHAIRMAN DIAZ:** Dr. Frazer, go ahead, and, if Leann has another
47 motion, we will surely get it up.

48

1 **DR. FRAZER:** She's on the line.
2
3 **CHAIRMAN DIAZ:** Okay. Go ahead, Ms. Bosarge.
4
5 **MS. BOSARGE:** Thank you. Dr. Freeman, will you pull up the
6 motion that was at the top of page 10, and let's take a look at
7 it, and I will need you to read it out loud to me, and I'm
8 trying to pull it up myself.
9
10 **DR. FREEMAN:** Okay. I can read that while Bernie pulls it up.
11 It's the top of page 10, Bernie. It's that first one. **The**
12 **motion reads: Pursuant to Section 305(b)(3) of the Magnuson-**
13 **Stevens Act, to request the council to comment on and make**
14 **recommendations to NMFS and BOEM regarding any potential impacts**
15 **of offshore wind energy development, including offshore**
16 **facilities and transmission lines, on all Essential Fish Habitat**
17 **in the BOEM Call Area in the Gulf of Mexico.**
18
19 **MS. BOSARGE:** Thank you, Dr. Freeman, and I was actually talking
20 to the AP member that wrote that up the other day, and he was
21 telling me there is actually some statutory language that gives
22 the council the ability to weigh-in on many of these things and
23 participate in that process somewhat directly, and so that -- I
24 like the motion that's up there, but, given that there is some
25 statutory language that may possibly allow the council to have a
26 bigger voice in this, would the council like to add some
27 language, at the end of that, just one sentence, that gives it
28 what you all were just talking about, where, if possible, the
29 council would also like to have a council seat on the taskforce,
30 or something like that, and I will let maybe Andy and Bob speak
31 to that, or whoever was requesting it.
32
33 **CHAIRMAN DIAZ:** Mr. Strelcheck.
34
35 **MR. STRELCHECK:** I heard the last part of the question, and I
36 didn't hear the first part, Leann.
37
38 **MS. BOSARGE:** What I said, Andy, is that -- Glen Delaney
39 actually wrote that AP motion up, at the AP, and I was talking
40 to him the other day, and he said that there's actually some
41 statutory language in one of these acts, and I don't know if
42 it's the Endangered Species Act or a different one, that allows
43 the council to actually have direct input into this type of
44 process, and so there may be leeway, with the language in the
45 Act, that the council could have a seat on that taskforce, as
46 you all were just talking about.
47
48 My question was, would you like to add a sentence to the end of

1 this motion that addresses that and essentially says, if
2 possible, the council would like to have a seat on the
3 taskforce, and that's up to you all, and I heard you all talking
4 about it, and so I will leave it up to you all.

5
6 **MR. STRELCHECK:** I mean, in response to your question, certainly
7 it's up to the majority of council members if you want to add
8 that, and I'm certainly fine with adding that. As I mentioned
9 to Bob and others earlier, because of the response that I guess
10 Matt and others received from BOEM, I planned to reach out to
11 NOAA colleagues that are on the taskforce, as well as my BOEM
12 contact, to find out more with regard to the rationale as to why
13 the Gulf Council could not be seated on the taskforce, and I
14 would circle back, obviously, with Carrie with an answer on
15 that, as soon as I find out, and so, regardless, I'm going to do
16 that, whether it's in a motion or not.

17
18 **MS. BOSARGE:** Okay. Well, in that case, I think we should add a
19 sentence at the end of this motion that will speak to that, and,
20 that way, it gives, in writing, that we wanted that, and Andy is
21 following-up on it, and then I think BOEM would probably have to
22 respond in writing to us at that point, and we'll get a
23 definitive answer, formally, and so, Matt, why don't you help us
24 add a sentence to that end of that motion that I can't see right
25 now?

26
27 **CHAIRMAN DIAZ:** Dr. Freeman.

28
29 **DR. FREEMAN:** Certainly, and I am trying to wordsmith quickly in
30 my head how to phrase that. **The council requests membership on**
31 **the BOEM Gulf of Mexico taskforce.** Ms. Bosarge, if you have
32 thoughts on additional wording, please feel free.

33
34 **MS. BOSARGE:** That's fine. If we can get a second, I'm sure the
35 council will wordsmith it for us from there.

36
37 **DR. FREEMAN:** Ms. Bosarge, they've already done a little
38 wordsmithing, and so they put "The council requests
39 consideration of membership on the BOEM Gulf of Mexico
40 taskforce".

41
42 **MS. BOSARGE:** Sounds great.

43
44 **CHAIRMAN DIAZ:** All right, and so we have a motion on the board.
45 Is there a second to the motion?

46
47 **MS. BOGGS:** I will second it.

1 **CHAIRMAN DIAZ:** It's seconded by Ms. Boggs. All right. I'm
2 going to read the motion. If we've got any more discussion,
3 we'll take care of it. Pursuant to Section 305(b)(3) of the
4 Magnuson-Stevens Act, to request the council to comment on and
5 make recommendations to National Marine Fisheries Service and
6 BOEM regarding any potential impacts of offshore wind energy
7 development, including offshore facilities and transmission
8 lines, on all essential fish habitat in the BOEM Call Area in
9 the Gulf of Mexico. The council requests consideration of
10 membership on the BOEM Gulf of Mexico taskforce. Mr. Gill.

11
12 **MR. GILL:** Thank you, Mr. Chairman. I think we need to change
13 the second line in that motion, since this is coming from the AP
14 to the council, and we want it to come from the council to the
15 agency and BOEM, and I'm not quite sure what the right wording
16 is, but we need to make a modification, and the words escape me
17 at the moment.

18
19 **MS. BOSARGE:** -- recommendations to NMFS and BOEM.

20
21 **DR. FRAZER:** Leann, you might have to repeat that for the staff.

22
23 **MS. BOSARGE:** I said you would want to change it to "request
24 that council staff comment on and make recommendations to", and
25 then it stays the same from there.

26
27 **CHAIRMAN DIAZ:** Leann, if you're still wordsmithing it, and the
28 staff is just waiting to hear if you had any other comments to
29 craft it.

30
31 **MS. BOSARGE:** No, and that's all.

32
33 **CHAIRMAN DIAZ:** All right, and so now the first sentence says:
34 Pursuant to Section 305(b)(3) of the Magnuson-Stevens Act, to
35 request council staff to comment on and make recommendations to
36 National Marine Fisheries Service and BOEM regarding any
37 potential impacts of offshore wind energy development, including
38 offshore facilities and transmission lines, on all essential
39 fish habitat in the BOEM Call Area in the Gulf of Mexico. The
40 council requests consideration of membership on the BOEM Gulf of
41 Mexico taskforce.

42
43 **MS. BOSARGE:** Wonderful.

44
45 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge. Staff is recommending
46 that, where we added the word "staff", that we delete that word
47 and leave it like it is, other than that, if Ms. Bosarge and Ms.
48 Boggs is okay with that change.

1
2 **MS. BOSARGE:** I'm fine with that.
3
4 **MS. BOGGS:** I'm fine with it.
5
6 **CHAIRMAN DIAZ:** Okay, and so we have a committee motion on the
7 board, or we have a motion on the board, and is there any
8 comments on the motion? Mr. Anson.
9
10 **MR. ANSON:** Thank you, Mr. Chair. This motion is a little
11 confusing to me, and so we're requesting the council to comment
12 on it, and we are the council, and so maybe perhaps we say,
13 "Pursuant to Section 305 of the Magnuson-Stevens Act, the
14 council directs staff to write a letter to BOEM requesting
15 consideration of membership on the BOEM Gulf of Mexico
16 taskforce, in order to comment and make recommendations to NMFS
17 and BOEM regarding potential impacts of offshore wind energy"
18 and all that. That's just a friendly suggestion here, and I
19 know that Leann is having some difficulty with her
20 telecommunications right now, and --
21
22 **MS. BOSARGE:** Can you hear me?
23
24 **CHAIRMAN DIAZ:** Yes, and go ahead, Ms. Bosarge.
25
26 **MS. BOSARGE:** Okay, and so what we're hoping to accomplish here
27 is we had a lot of feedback to BOEM during our committee on
28 Monday, I guess it was, plus we've had some APs that have given
29 feedback that would go to BOEM as well, and so we need to make
30 sure all of that feedback is summarized and sent to BOEM and to
31 NMFS, right, so they'll have a copy too, and then we also, in
32 that letter that you're talking about, Kevin, that summarizes
33 our comments, we also want to request a seat, if possible, on
34 the taskforce, and so can you wordsmith it so that it says that,
35 Kevin?
36
37 **CHAIRMAN DIAZ:** Mr. Anson.
38
39 **MR. ANSON:** I will attempt to, Leann. **The council directs staff**
40 **to write a letter to BOEM summarizing the concerns, or comments**
41 **maybe, comments and concerns, from the Shrimp AP, Reef Fish, and**
42 **I believe that was it, the Reef Fish AP, and the council**
43 **regarding potential impacts of offshore wind energy development,**
44 **including facilities and transmission lines -- Then copy the**
45 **rest.**
46
47 **MS. BOSARGE:** Thank you, Kevin.
48

1 **MR. ANSON:** You're welcome. I'm trying to get through it.

2
3 **DR. FREEMAN:** Mr. Anson, I am uncertain, but we may want to
4 check with other council staff, and I'm not sure if the Reef
5 Fish AP received a presentation from BOEM.

6
7 **MR. ANSON:** Okay. That's fine, and I couldn't quite remember,
8 and I was just picking up on Leann's, and I kind of thought she
9 said two APs, and so I was just trying to remember the second
10 one, but, if it's just Shrimp AP, that's all that really
11 commented, then we'll leave it at that, but we've had some
12 discussion, obviously, during the council meeting this week,
13 during the committee, that the council has some concerns.

14
15 Then, Leann, I don't know if you want to leave it with just the
16 letter as its own standalone motion, and then deal with another
17 letter requesting consideration of membership as a second
18 motion, or just do it all at one time, and I don't see there to
19 be much issue with this, but --

20
21 **MS. BOSARGE:** Yes, I would just do it all at one time, Kevin,
22 and I think one letter would be easier.

23
24 **MR. ANSON:** All right. Then, right after "Gulf of Mexico", that
25 second-to-last sentence, "In addition, the council directs staff
26 to write a letter to BOEM requesting consideration of membership
27 on the BOEM Gulf of Mexico taskforce."

28
29 I guess, just to be clear to staff, if it's easier to include it
30 all in one letter, and maybe we can sort that out now, or it
31 doesn't matter to me, and it doesn't have to be two letters, as
32 is kind of written here, or described here, and it can be one
33 single letter, like at the bottom of the letter, and I don't
34 know, and I'm just throwing that out. Thank you.

35
36 **CHAIRMAN DIAZ:** I think Dr. Simmons is saying that one letter
37 would be fine. We have a couple of hands. Ms. Boggs.

38
39 **MS. BOGGS:** Well, I was going to say too that, yes, the Reef
40 Fish AP did not receive a presentation on this, at least the
41 meeting that we had the first week of January, and then I see
42 Mr. Williamson's hand is up, but, to be consistent with the
43 prior motion, do we want to leave "Shrimp AP" out, but I will
44 let Mr. Williamson speak to that. Thank you.

45
46 **CHAIRMAN DIAZ:** Mr. Williamson.

47
48 **MR. WILLIAMSON:** Susan read my mind. To be consistent with the

1 prior motion, and for the reasons that I previously stated, I
2 would delete any reference to the Shrimp AP and simply state
3 that the council does this.

4
5 **CHAIRMAN DIAZ:** No other AP did review the report, Mr.
6 Williamson, and so that is the only one that gave comments and
7 concerns.

8
9 **MR. WILLIAMSON:** Well, the APs give advice to the council, and
10 then the council makes these decisions, and that's part of my
11 rationale. Thank you.

12
13 **MS. BOSARGE:** Dr. Frazer, we could just take the word "Shrimp"
14 out and just leave "APs", general.

15
16 **DR. FRAZER:** Okay.

17
18 **MS. BOSARGE:** If you want. That way, we cover all of our APs.

19
20 **DR. FRAZER:** Let me ask the Chair if he's willing to make that
21 change. It looks like they did.

22
23 **CHAIRMAN DIAZ:** The main thing I want to make sure -- I am going
24 to read the motion, and I want to check with Ms. Bosarge and Ms.
25 Boggs, the seconder, and make sure they're okay, and then we'll
26 finish up our discussion.

27
28 **Pursuant to Section 305(b)(3) of the Magnuson-Stevens Act, the**
29 **council directs staff to write a letter to BOEM summarizing the**
30 **comments and concerns from the AP and the council regarding**
31 **potential impacts of offshore wind energy development, including**
32 **offshore facilities and transmission lines, on all essential**
33 **fish habitat in the BOEM Call Area in the Gulf of Mexico. In**
34 **addition, the council directs staff to include a request for**
35 **consideration of membership on the BOEM Gulf of Mexico**
36 **taskforce. Are you okay with that, Ms. Bosarge and Ms. Boggs?**

37
38 **MS. BOSARGE:** Yes, sir. I am.

39
40 **MS. BOGGS:** Yes, sir.

41
42 **CHAIRMAN DIAZ:** Okay, and so we've had a little bit of
43 discussion. Is there any further discussion on the motion?
44 **Seeing none, is there any opposition to the motion? The motion**
45 **carries. Mr. Gill.**

46
47 **MR. GILL:** Thank you, Mr. Chairman. Council staff provided an
48 overview of the revised Essential Fish Habitat Amendment and

1 reviewed some options for structuring the alternatives to help
2 recognize decision points for updating the council's
3 identifications and descriptions for EFH species and life stage.
4
5 Council staff proposed structuring the alternatives by data
6 availability, since only seven species with adequate data to
7 support more quantitative methods, or consider making decisions
8 at the life stage level across species, to reduce the number of
9 decisions points as many species have similar levels of
10 information available within particular life stages.
11
12 The committee discussed the difficulty in directly relating
13 technical information in a policy document. Council members
14 acknowledged that discerning what characterization was deemed
15 essential could result in overestimation of EFH and not properly
16 capture the purpose of the designation.
17
18 The committee inquired whether the Ecosystem Technical
19 Committee, or any other EFH experts, would be able to review the
20 document, in addition to the Scientific and Statistical
21 Committee (SSC). Council staff indicated that the Ecosystem
22 Technical Committee was not scheduled to be convened in the near
23 future. However, council staff will present maps of the spatial
24 data layers (habitat and species occurrence) to the SSC, and
25 council staff will include additional examples, to better
26 compare proposed alternatives.
27
28 Ms. Mara Levy stated that the purpose of the document was to
29 update the council's descriptions of EFH within the broader
30 management definition. A council member requested that more
31 information on the modeling approaches, the associated modeling
32 assumptions, fishery data streams, and the considered habitat
33 spatial data layers be presented when discussing the document
34 again.
35
36 Another committee member suggested that language in the need
37 statement should be modified to include updates reported in the
38 five-year reviews into the amendment. Council staff stated that
39 the committee requests would be addressed in the next discussion
40 of the document.
41
42 The next item was Draft Response Letter to NOAA for Comments on
43 the Area-Based Management Goals Related to Executive Order
44 14008, which can be found in Tab P, Numbers 6(a) and 6(b). In
45 December 2021, NOAA published a year-one report, and, on October
46 29, 2021, issued a Request for Information related to Executive
47 Order 14008, Tackling the Climate Crisis at Home and Abroad.
48

1 Council staff drafted a response letter directly addressing the
2 request for information and year-one report. Mr. Kevin Anson
3 indicated he had some minor edits to the letter and would pass
4 them along to staff. The committee reviewed the letter and had
5 no substantive changes. **The committee recommends, and I so
6 move, to recommend the letter be sent to Full Council for
7 approval.** Mr. Chairman.

8
9 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. We're at a point where
10 we're ready to vote to approve to send the letter, and so is
11 there any discussion on the approval to send the letter? All
12 right. **Seeing no discussion, is there any opposition from the
13 council to send the letter? Seeing none, the motion is
14 approved.** Mr. Gill.

15
16 **MR. GILL:** Mr. Chair, this concludes my report.

17
18 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. We're going to move right
19 into the Education and Outreach Committee. Dr. Stunz, are you
20 ready?

21
22 **DR. STUNZ:** Yes, Mr. Chairman. I am ready if you give me just
23 one second to pull it up here.

24
25 **CHAIRMAN DIAZ:** You can proceed whenever you get it ready to go.

26
27 **OUTREACH AND EDUCATION COMMITTEE REPORT**

28
29 **DR. STUNZ:** Okay, Mr. Chairman. This is the Outreach and
30 Education Committee Report that met on January 24, 2022. The
31 committee adopted the agenda, Tab O, Number 1, and approved the
32 minutes, Tab O, Number 2, from the January 25, 2021, meeting as
33 written.

34
35 Agenda Item IV, Presentation on Communications Analytics and
36 Updated 2021 Communications Improvement Plan, Tab O, Number 4,
37 staff provided an overview of the communications analytics,
38 along with a progress report on the 2021 Communications
39 Improvement Plan. Analytics continue to trend upward across all
40 platforms, and staff accomplished nearly all the communications
41 goals set in the 2021 Communications Improvement Plan.

42
43 The committee noted that the Fish Rules app is one of the best
44 communications endeavors that the council outreach team has
45 undertaken. A committee member asked for a year-by-year
46 comparison of in-app species views at a future meeting. The
47 committee commended staff for the continued growth of its
48 audience and efforts over the years and expressed appreciation

1 for the wealth of resources available on the council website.

2
3 Agenda Item V, Social Media Guidelines and Presentation on the
4 Council's Use of Social Media, staff presented draft guidelines
5 on the council's use of social media highlighting sections on
6 creating and monitoring posts, and responding to negativity.
7 Staff clarified that these guidelines are intended for internal
8 use, but sharing externally may be useful to public
9 stakeholders.

10
11 A committee member noted that recent congressional testimony and
12 inquiry has found that social media algorithms can prioritize
13 negative interactions on their respective platforms. It was
14 also noted that the majority of interactions on the council
15 Facebook page has been negative in nature. The committee
16 suggested that staff monitor discussions on negativity in social
17 media and evaluate its use of social media platforms on a
18 regular basis.

19
20 The committee inquired about which staff members are allowed to
21 post on council social media channels. Staff clarified that the
22 Public Information Officer, Outreach Specialist, and
23 Communications Assistant were the three staff members with
24 credentials to access council social media accounts.

25
26 Staff then gave a presentation on the council's use of social
27 media which included an explanation of the benefits of social
28 media. Staff also explained how the algorithm determines the
29 content each user sees on Facebook and Instagram. The
30 presentation highlighted how the algorithm impacts analytics of
31 negative, positive, and educational council posts.

32
33 In response to an inquiry from a committee member regarding
34 preventing the public from commenting on posts, staff explained
35 that turning off the public's ability to comment on council
36 content would adversely impact the reach and effectiveness of
37 council social media efforts.

38
39 Agenda Item VI, Public Comment Guidelines, the staff presented
40 draft public comment guidelines, which include explanations of
41 how comments are collected, solicited, and reported to the
42 council. The committee commented on the value of having a
43 document that outlines public comment processes and noted that
44 combating misinformation on a variety of platforms is time
45 intensive and requires dedicated effort.

46
47 A committee member asked staff which social media platforms have
48 the broadest and most effective reach. Staff responded that the

1 council website is likely the primary application, but each
2 platform has its own utility, purpose, and reach for different
3 audiences. Staff also noted that declines in analytics trigger
4 staff to reevaluate their use of a platform.

5
6 Agenda Item VII, Press Release Guidelines, staff presented draft
7 press release guidelines, which include information on the types
8 of press releases published by the council, the triggers that
9 initiate publication of each release, and the editing process.
10 The committee offered no discussion or recommendations on the
11 draft guidelines.

12
13 Agenda Item VII, 2022 Communications Improvement Plan, staff
14 presented the draft of the 2022 Communications Improvement Plan,
15 which includes planned improvements for the blog, listserv,
16 social media, Fisherman Feedback tool, website, and public
17 comment process. Staff also noted its intent to create at least
18 four short educational videos in 2022 and create an interactive,
19 sortable web-based timeline tool that provides management
20 histories for each managed species.

21
22 Staff also plans to create a web-based storyboard that outlines
23 changes to MRIP and answers frequently asked questions regarding
24 the integration of new estimates into management. The committee
25 agreed and offered no additional changes to the draft 2022
26 Communications Improvement Plan.

27
28 Agenda Item IX, remaining Items from the Outreach and Education
29 Technical Committee, the chairman of the Outreach and Education
30 Technical Committee, Captain Dylan Hubbard, presented remaining
31 items from the November 2021 Outreach and Technical Committee
32 meeting.

33
34 He began by reviewing the technical committee discussion on how
35 to improve in-person public hearing attendance and make hosting
36 in-person public meetings more cost and time efficient. He
37 explained that the technical committee recommends erring on the
38 side of caution and supports hosting meetings even when the
39 analytics don't support the effort, because missing
40 opportunities to gather input is worse than hosting meetings
41 with little or no attendance.

42
43 Captain Hubbard noted that the committee expressed support for
44 consideration of hosting listening sessions, where a local
45 council member and state agency staff member hosts the public
46 hearing meeting in-person, while council staff participates
47 virtually.

1 Next, Captain Hubbard reviewed Return 'Em Right, a project that
2 aims to reduce post-release mortality due to barotrauma. He
3 explained that the council's Fishing for our Future website
4 could be absorbed by the Return 'Em Right effort and stated the
5 motion made by the technical committee, which was to eliminate
6 the Fishing for Our Future webpage from the Gulf Council
7 website, by redirecting them to Return 'Em Right. Add the
8 discard dashboard and literature cited to the fisheries science
9 pages on the council website.

10
11 Captain Hubbard discussed the technical committee's
12 prioritization of future council communication topics. The
13 technical committee suggested that staff produce a web-based
14 storyboard explaining changes to MRIP and its management
15 implication.

16
17 A committee member requested that, in the future, the technical
18 committee consider communicating about domestic versus imported
19 seafood and dietary guidelines related to seafood consumption.
20 Finally, Capt. Hubbard reiterated the technical committee
21 discussion on the importance of utilizing hardware/software
22 options that show vote count to improve council voting
23 transparency.

24
25 **MR. GILL:** Mr. Chairman?

26
27 **DR. STUNZ:** Was someone stopping you, Mr. Chairman?

28
29 **MR. GILL:** I was asking if we might have discussion on that
30 section, please.

31
32 **CHAIRMAN DIAZ:** Yes, sir. Go ahead, Mr. Gill.

33
34 **MR. GILL:** Thank you, Mr. Chairman. The technical committee
35 made the recommendation to eliminate the Fishing for our Future
36 webpage and redirect them to Return 'Em Right, and we did not do
37 anything about that in committee, and I don't know that a motion
38 is required, but I would like to ask, from staff, what is the
39 procedure they would prefer relative to that, and, if they would
40 like a motion, I would be prepared to make one.

41
42 **MS. EMILY MUEHLSTEIN:** Thank you, Mr. Gill, for that question,
43 and so, at this point, we sort of understand that the council
44 concurs, but a motion never hurts, and certainly, if the council
45 does not like the direction that we plan to go, then a motion to
46 the opposite would be helpful, too.

47
48 **MR. GILL:** Mr. Chairman, if I might?

1
2 **CHAIRMAN DIAZ:** Go ahead, Mr. Gill.

3
4 **MR. GILL:** In that case, I would like to make that motion, and
5 the motion is to eliminate the Fishing for our Future webpage
6 from the Gulf Council website and direct them to the Return 'Em
7 Right and adding -- Basically duplicating the motion made by the
8 technical committee, if that would be easier for staff.

9
10 **CHAIRMAN DIAZ:** Mr. Gill, if you can see what's on the board, is
11 that what you intend to do for your motion?

12
13 **MR. GILL:** It works for me, Mr. Chairman.

14
15 **CHAIRMAN DIAZ:** All right. We have a motion on the board to
16 eliminate Fishing for our Future webpage from the Gulf Council
17 website, by redirecting them to Return 'Em Right. Add discard
18 dashboard and literature cited to the fisheries science page on
19 the council website. Is there a second for the motion?

20
21 **DR. STUNZ:** I will second that, Mr. Chairman.

22
23 **CHAIRMAN DIAZ:** Thank you, Dr. Stunz. Is there any discussion
24 on the motion? Ms. Boggs.

25
26 **MS. BOGGS:** Just real quickly, and, I mean, it's just semantics,
27 but it says, "eliminate the Fishing for our Future webpage from
28 the Gulf Council website by redirecting them", and who is them?
29 Can we say, "by redirecting to"? To me, that just doesn't sound
30 proper.

31
32 **MR. GILL:** That works for me, Mr. Chairman.

33
34 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. All right. Any
35 discussion on the motion? **Any opposition to the motion? The**
36 **motion carries.** Dr. Stunz.

37
38 **DR. STUNZ:** Okay, Mr. Chairman. Back to the report, and we left
39 off at Agenda Item X, Presentation, Summary of Discard and
40 Barotrauma Reduction Efforts Across the Region, staff presented
41 a brief overview of four different efforts that are taking place
42 in the Southeast region to minimize discard mortality of reef
43 fish.

44
45 Return 'Em Right is a Natural Resource Damage Assessment (NRDA)
46 and Sea-Grant-led program that aims to educate anglers on best
47 release practices, distribute descending devices to recreational
48 reef fish fishermen, and research and monitor device use and

1 effectiveness.

2
3 The DESCEND Act is an Act of Congress that was implemented on
4 January 13, 2022. Finally, the Nature Conservancy's Deck to
5 Depth program aims to promote the use of descending devices
6 across Florida to help snapper and grouper species recover. Mr.
7 Chair, this concludes my report.

8
9 **CLOSED SESSION REPORT**

10
11 **CHAIRMAN DIAZ:** Thank you, Dr. Stunz. I do want to comment on
12 this whole committee section. One thing that I learned is that
13 our public relations people are doing a whole lot of work, and I
14 do want to tell Emily and Carly and Camilla that we appreciate
15 you all's hard work, and you all basically are trying to get out
16 there and penetrate all the grapevines that are out there with a
17 flow of facts and the truth, and that's always a good thing for
18 the council, and so thank you, all.

19
20 All right, and we're going to still do a little bit more, and
21 the next section we're going to tackle is the Closed Session
22 Report. We're going to take up the Mackerel Report in the
23 morning. I am reluctant to take it up this late in the day, and
24 I'm not sure exactly how much discussion we'll have on Mackerel,
25 and so I will take care of the Closed Session Report.

26
27 The Full Council met in closed session on January 26. The Full
28 Council was convened the evening of January 26th to review the
29 IFQ Focus Group applicants and appoint its members. The council
30 discussed the applicants and made progress on the appointments.

31
32 However, the council ran up against the end of the meeting time,
33 and, due to the meeting being virtual and the complex nature of
34 the information being reviewed, determined that it would be best
35 to complete the appointments at a future meeting. Subsequently,
36 the council passed the following motion to suspend discussion
37 for populating the workgroup until we can convene a special
38 session to complete the population process. The motion carried
39 with one in opposition. Is there any discussion on the motion?
40 Okay, and so the motion was passed by the Full Council in closed
41 session, and so we do not have to re-pass this motion, Dr.
42 Simmons informs me. Is there any discussion on this closed
43 session by council members? Mr. Gill.

44
45 **MR. GILL:** Thank you, Mr. Chairman. Just for virtue of those
46 that were not in the closed session, I recommend that we
47 reconvene at the earliest possible best opportunity to complete
48 this work and notify the appropriate stakeholders and members of

1 the focus group.

2
3 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Mr. Strelcheck.

4
5 **MR. STRELCHECK:** I was going to say something similar to Mr.
6 Gill, and I know that there wasn't consensus around what that
7 next special session would look like, and there were some people
8 that wanted to do it in-person, and others were recommending to
9 do it as soon as possible, like Mr. Gill just said, and I would
10 like to reiterate that I think it's prudent to move forward as
11 quickly as possible, and I think, given the work that we've
12 done, as well as the additional work for appointing focus group
13 members, that we could easily do this through a virtual special
14 session that's set up between now and the next council meeting.
15 Thanks.

16
17 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. Okay. We've got a
18 couple other things that we can tackle today. We're going to
19 move down the list to some of the Supporting Agencies Updates.
20 Mr. Donaldson, we're going to go to you first for the Gulf
21 States Marine Fisheries Commission Report. Mr. Donaldson.

22
23 **SUPPORTING AGENCIES UPDATES**
24 **GULF STATES MARINE FISHERIES COMMISSION**

25
26 **MR. DONALDSON:** Thank you, Mr. Chairman. I have got a brief
27 report, and I just want to let everyone know that the March
28 commission meeting is scheduled for March 15 through 17 of this
29 year. We are moving forward with an in-person meeting, and
30 we're still working on the details, the hotels and the details,
31 and it will be in the Panhandle of Florida somewhere, more than
32 likely Panama City.

33
34 Our general session topic is going to be looking at invasive
35 species research, and I am hopeful to send out a meeting notice
36 with all the details and committee meetings and whatnot here in
37 the near future, and so that concludes my report, and I will
38 answer any questions.

39
40 **CHAIRMAN DIAZ:** All right. Any questions for Mr. Donaldson?
41 Thank you, Dave. We appreciate it. We're going to check with
42 the South Atlantic liaison. Ms. Marhefka, would you be prepared
43 to do your report at this time?

44
45 **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

46
47 **MS. KERRY MARHEFKA:** I will be quick, and I know it's the end of
48 the day. Also, I believe you all have this in your briefing

1 book. I will go over some of the things that have not been
2 discussed, and I will skip over mackerel, since we're doing that
3 together, and yellowtail.

4
5 Like you, we are also working on our standard bycatch reporting
6 methodology review, and I think we are -- I forget where we're
7 at, but we have approved our SBRM review, and so we're moving
8 forward with that, and, obviously, as you know, we're working on
9 mackerel and cobia with you all, and we have a lot of the same
10 issues as you all have that I've been listening to over the past
11 couple of days, and so it's really interesting to hear where you
12 all are at with bycatch reduction in your reef fish fishery, and
13 we're going through that with our snapper grouper fishery, where
14 we're working on a snapper grouper release mortality reduction
15 framework. This really --

16
17 **CHAIRMAN DIAZ:** Kerry, you cut out, and I'm not sure what
18 happened. You were coming in just fine, and then you cut out,
19 and so just check your phone, or your microphone, please. All
20 right. I think you got knocked offline, and so, while we're
21 waiting for her to get straightened out, Mr. O'Malley, with the
22 NOAA Office of Law Enforcement, would you be ready to do your
23 report? You may need to unmute, Mr. O'Malley. While we're
24 waiting to see if either of those two can get -- Go ahead,
25 Kerry.

26
27 **MS. MARHEFKA:** Mr. Chair, I truly apologize. My internet has
28 been on and off all day, and it just went out, and hopefully it
29 won't happen again. I have kicked all the teenagers off of it.
30 Anyway, we're looking at sort of that short-term let's reduce
31 red snapper dead discards in the quickest action we can, so that
32 everyone can get back fishing for it, but then, as a long-term
33 approach, we're looking at a management strategy evaluation for
34 the entire snapper grouper fishery, again trying to think
35 outside of the box, like you all are doing.

36
37 We are working on snowy grouper, which is our Amendment 51,
38 addressing catch levels, allocation, and management measures for
39 snowy, and we have an options paper, and so we're heading
40 forward to scoping with snowy grouper, and we're also dealing
41 with golden tile and blueline tilefish in Amendment 52, again
42 looking at catch levels and management measures.

43
44 We're looking at different start dates for that fishery, between
45 hook-and-line and longline, trying to ensure -- Meet the needs
46 of having a market all year, but also making sure that everyone
47 has a shot at the fish. We're working closely with our Mid-
48 Atlantic liaison with that, because that affects them too, and

1 so we're also going to scoping there.

2
3 Gag, we got a not-great assessment on, and so we're working on
4 Amendment 53, which is establishing a rebuilding plan and catch
5 levels and allocations and all that good stuff that you all are
6 familiar with. I think, in our case, it looks like we're going
7 to have to do it in less than ten years, and so it should be
8 pretty -- Ten years or less, and it should be pretty drastic on
9 our coast, and so we will be scoping Amendment 53 with some
10 probably pretty severe gag management measures coming up.

11
12 Also, looking at greater amberjack and looking at some different
13 size limits for better market purposes and removing annual catch
14 targets, and, luckily, at this point, nothing super
15 controversial there, but we do have an amendment going out to
16 public hearing in March, when we have our council meeting.

17
18 You guys are caught up on yellowtail, since we're doing that
19 together, and it was discussed earlier this week, and red porgy
20 is another reef fish that we're having issues with, and we've
21 been trying to rebuild since I was younger than I care to admit,
22 and so we have Amendment 50 to address overfishing and the
23 overfished status of red porgy, which we're already under a
24 rebuilding plan for, but it has not been successful,
25 unfortunately, and so that amendment is going for formal review
26 at our next meeting.

27
28 Those are the highlights, and there's a couple other not less
29 important, but things we have less in common, that you can look
30 at in the report, and I'm sorry about my internet problems, but
31 thank you, and I appreciate -- I've been quiet this week, but I
32 just wanted to let you all know that I'm here, I'm listening,
33 and I always learn so much when I come to your council meeting,
34 and, for better or for worse, I think we share a lot of the same
35 agonies, and so there is some shared misery there, but I
36 appreciate you all having me, and I look forward to seeing you
37 all in-person again someday. Thank you.

38
39 **CHAIRMAN DIAZ:** All right. We're glad you're here. I can say
40 that I always learn a lot when I go to the South Atlantic too,
41 and we are -- Sometimes we copy off of you all, to improve
42 things over here, and so thank you for that. All right. Let's
43 see if -- Mr. O'Malley, is he on? Did we ever -- What about
44 Matt Walia? Is Matt on for the Law Enforcement Report?

45
46 **MR. MATT WALIA:** I am. Can you hear me, Mr. Chair?

47
48 **CHAIRMAN DIAZ:** Yes, sir. Would you be the appropriate person

1 to do the NOAA Law Enforcement Report?

2
3 **MR. WALIA:** ASAC O'Malley is planning to do it, but I just
4 wanted to let you all know that he's not available right now,
5 and so I know you guys are trying to jump ahead of schedule, and
6 he would be able to provide it earlier tomorrow, if needed.
7 Otherwise, he'll be ready at the normal scheduled time tomorrow,
8 but I just wanted to let you know that, at this point, this
9 evening, he won't be able to provide that to you.

10
11 **CHAIRMAN DIAZ:** That's quite all right, and I understand that
12 we're outside the normal time that he would be doing that, and
13 so we'll just look forward to hearing from him tomorrow.
14 Lieutenant Peterson, are you available for the Coast Guard
15 report?

16
17 **LTJG ADAM PETERSON:** I am available.

18
19 **CHAIRMAN DIAZ:** If you could do your report now, we would
20 appreciate it.

21
22 **U.S. COAST GUARD**

23
24 **LTJG PETERSON:** Good afternoon. I am Lieutenant Junior Grade
25 Adam Peterson, and I am filling in for Lieutenant Commander Lisa
26 Motoi this week. I've been a member of the District 8 response
27 enforcement staff in New Orleans, Louisiana, for just over a
28 year-and-a-half, and I also serve as the Assistant Living Marine
29 Resources Officer for the district.

30
31 I wish I would have been able to meet you all in-person this
32 week, but, nonetheless, I want to thank you all for the
33 opportunity to speak on behalf of the Coast Guard. I do
34 apologize for not having any slides available yet, and this
35 presentation is short, but I hope that it serves to highlight
36 the ongoing threat of IUU fishing in the Gulf, estimates by the
37 Coast Guard on how IUU fishing is impacting U.S. fisheries and
38 future initiatives to protect our living marine resources in the
39 Gulf.

40
41 Lanchas are a well-known threat vector and operate north of the
42 maritime boundary line, or MBL, on a regular basis, and there is
43 no legitimate reason for a lancha to operate north of the MBL,
44 as their activity primarily consists of illegal fishing in the
45 U.S. EEZ. The operating area is nearly 3,000 square miles along
46 the Texas coastline, and this area is routinely patrolled by
47 various Coast Guard and other government agency assets.

1 The lanchas are usually twenty to thirty feet long, and they're
2 open-hulled vessels with a tiller-driven engine, and, because of
3 their low profile, lanchas are hard to identify and locate by
4 these assets. These factors, coupled with the fact that lanchas
5 typically operate at fast speeds when transiting, are hurdles
6 that the Coast Guard and OGA assets continually have to overcome
7 to effectively patrol this area.

8
9 Many people, when they think of IUU fishing, they don't think of
10 this corner of the world, but they should, and certainly should,
11 and nearly 99 percent of all known foreign fishing vessel
12 incursions into the U.S. EEZ occurs by Mexican lanchas in the
13 Gulf of Mexico along the marine time boundary line.

14
15 At the last council meeting, in the agency update, Dr. Stunz
16 asked a question related to the different terms the Coast Guard
17 uses in regard to lanchas, and I gave a brief summary of them at
18 that last meeting, but I will touch on them again.

19
20 The first is detections, and detections includes sightings of
21 lanchas, and/or lancha gear, by Coast Guard or OGA assets,
22 whereas interceptions include any lancha detected and
23 subsequently pursued by Coast Guard or OGA assets. Lastly,
24 interdictions include any lancha stopped, bordered, and seized
25 by the Coast Guard or OGA assets.

26
27 Now, there are targets pertaining to interdicting a particular
28 percentage of detections and interceptions, and, for your
29 awareness, those targets are continually met, but, if the
30 council is interested in an off-the-record and for-official-use-
31 only discussion of those metrics, targets, or Coast Guard
32 tactics to interdict lanchas, please let me know, and I will be
33 happy to coordinate with your team to provide that at a later
34 time.

35
36 For your information, Fiscal Year 2022, to-date, is closely
37 tracking with historical averages for those three kinds of
38 metrics. In regard to how lanchas are impacting U.S. fisheries,
39 first, lanchas continually operate as far offshore as fifty
40 nautical miles and as far north as eighty nautical miles into
41 the U.S. EEZ from the maritime boundary line.

42
43 The optimal catch for one lancha in a day is approximately a
44 thousand pounds, and, based on two separate studies, we estimate
45 that at least 1,100 lancha incursions occur per year, with a
46 total catch of approximately a million pounds of red snapper per
47 year. As that last bullet points out, although the optimal
48 catch for one lancha in a day is about a thousand pounds, the

1 Coast Guard Cutter Jacob Poroo interdicted a lancha with 2,900
2 pounds of red snapper onboard, which was one of the largest
3 catch seizures on a single lancha in recent years.

4
5 The Jacob Poroo, and similar types of cutters, are known as
6 fast-response cutters, and they're one of our newest and most
7 effective assets in conducting enforcement actions against
8 Mexican lanchas, and so we're lucky to have five of them in our
9 AOR across the Gulf of Mexico, including the maritime boundary
10 line.

11
12 There are a few updates related to lanchas. Since Mexico
13 received their negative certification for IUU beach in August of
14 2021, lancha activity has not decreased, and is in line with
15 historical averages. Additionally, lancha crews still have
16 significant levels of recidivism, despite the effective
17 enforcement capabilities by the Coast Guard and other
18 governmental agencies, including Texas Parks and Wildlife and
19 Customs and Border Protection Air and Marine Operations.

20
21 Additionally, port denials are commencing for Mexican vessels
22 seeking to refuel in the south Texas area, in coordination with
23 NOAA, CBP, and the State Department, resulting from Mexico's
24 negative certification.

25
26 With all of that being said, there are some positive points in
27 this brief. IUU fishing has significant awareness up and down
28 our chain of command, and our office is continually hit with
29 data calls wanting to know how many lanchas were detected,
30 intercepted, and/or interdicted each month, and so those numbers
31 can be briefed to various senior leaders in and out of the Coast
32 Guard.

33
34 Additionally, there are two overarching strategies that help
35 direct our efforts to curb IUU fishing and protect our living
36 marine resources. The first was Ocean Guardian, which was
37 released in 2014, and that strategy was followed by the IUU
38 Strategic Outlook, which was released in September of 2020.

39
40 The top three lines of effort in the strategic outlook is to,
41 one, promote targeted, effective, intelligence-driven
42 enforcement operations; two, counter predatory and irresponsible
43 state behavior; and, three, expand multilateral fisheries
44 enforcement cooperation.

45
46 Additionally, a more specific IUU and living marine resource
47 Coast Guard strategy was released for Coast Guard District 8.
48 This inaugural strategy, more specifically called the LMR OLE

1 Campaign Plan, serves to improve Coast Guard and whole
2 government efficacy in protecting our living marine resources.
3 This document was recently released, and we are in the process
4 of identifying how to use to our advantage in combatting the IUU
5 threat along the MBL.

6
7 Together, these strategies seek to improve the whole-government
8 approach to curtailing the IUU fishing problem, through more
9 avenues than enforcement action alone. Furthermore, last month,
10 the district response enforcement staff was fortunate enough to
11 brief Dr. Kelly Kryc, the NOAA Deputy Secretary for
12 International Affairs, on the illegal fishing conducted by
13 Mexican lanchas.

14
15 That brief not only illustrated the gravity of the threat to Dr.
16 Kryc, but also sought to improve the whole-government approach
17 to combating the Mexican lancha threat through other avenues.
18 That concludes my brief, pending any questions. Again, thank
19 you for all your time and your service on the Gulf Council.

20
21 **CHAIRMAN DIAZ:** Thank you, Lieutenant Peterson. We do have a
22 couple of questions for you. Dr. Stunz.

23
24 **DR. STUNZ:** Thank you, Mr. Chairman. My hand was up for
25 something else, Dale, if you would call on me after we move
26 through this Coast Guard report, but I did have a comment, after
27 all, for Lieutenant Peterson, and I just wanted to say thank you
28 for following up on those questions that I had from last time.

29
30 Certainly I wish you had better news, given that this is just
31 right in our backyard here in Texas, and we're certainly
32 concerned, and it looks like the decertification of Mexico is
33 probably not having an effect, and I don't think many of us
34 thought it would, but I appreciate what you all do in staying on
35 top of this and briefing us each time, and hopefully this
36 situation will get better, and there is things we can do to curb
37 this illegal fishing activity, because a million pounds of a
38 snapper is starting to get pretty big, when you look at the
39 total quota across the Gulf, and so we appreciate your efforts.
40 Thank you.

41
42 **CHAIRMAN DIAZ:** Dr. Frazer.

43
44 **DR. FRAZER:** Thank you, Mr. Peterson, for the report. I just
45 wanted to seek some clarification on the port restrictions in
46 the Gulf of Mexico. Are they restricted to the Texas coast, or
47 are they broader than that?

48

1 **LTJG PETERSON:** We are still in the process of operationalizing
2 that plan, but, as far as I know, they are restricted just along
3 the Texas coast, if that makes sense, and so some of these
4 vessels -- They will try and refuel in the Brownsville area, and
5 so the port denials would, obviously, deny those vessels from
6 refueling in that area.

7
8 **DR. FRAZER:** Okay. Great. Thanks. Then, with regard to
9 addressing the issues, what are the metrics that you would use
10 to reestablish those port privileges?

11
12 **LTJG PETERSON:** Mexico was certified as an IUU fishing nation,
13 like I said, in August of 2021, and, in order to be viewed not
14 as an IUU fishing nation, the Mexican government would have to
15 do more, on their part, in order to try and increase the
16 enforcement action against these lancha masters when we give
17 them the case packages after we interdict them. If they show
18 improved enforcement actions, on the Mexican government side, to
19 -- I don't want to say punish, but --

20
21 **DR. FRAZER:** They need to curtail that activity.

22
23 **LTJG PETERSON:** Yes, curtail the illegal fishing activity from
24 the Mexican lanchas that are coming across the maritime boundary
25 line, such as increasing patrols along the Playa Baghdad area,
26 and certainly that would go into effect, but there's a whole
27 bunch of factors that play into the negative certification, and
28 that's just one of them.

29
30 **DR. FRAZER:** All right. Thank you very much. I appreciate it.

31
32 **LTJG PETERSON:** Thank you.

33
34 **CHAIRMAN DIAZ:** Mr. Anson.

35
36 **MR. ANSON:** Thank you, Mr. Chair, and thank you, Lieutenant JG
37 Peterson, for the report. I just wanted to -- I don't know if I
38 heard it correctly, but you had said that 99 percent of the
39 interdictions, I thought you said, were from Mexican vessels,
40 and is that 99 percent really related to interdictions, or is it
41 related -- Is that just in the Gulf of Mexico, or is it
42 interdictions over all of the districts? Can you provide some
43 more clarification, please?

44
45 **LTJG PETERSON:** You're talking about the fact that nearly 99
46 percent of all known foreign fishing vessel incursions into the
47 U.S. EEZ occurs by Mexican lanchas, and that is among foreign
48 fishing vessels that were interdicted, and that's not for

1 foreign fishing vessels that were simply detected, and those are
2 for interdictions only, but, for interdictions, yes, 99 percent
3 of them are done by Mexico lanchas in the Gulf of Mexico.

4
5 **CHAIRMAN DIAZ:** In the Gulf only, and not of all the districts,
6 for all the Coast Guard districts, for all of the seas, correct?

7
8 **LTJG PETERSON:** Sorry. I understand your question now. Yes,
9 that is for all districts combined. 99 percent of all foreign
10 vessel incursions occur along the maritime boundary line across
11 all districts.

12
13 **MR. ANSON:** Okay. Thank you.

14
15 **LTJG PETERSON:** No problem.

16
17 **CHAIRMAN DIAZ:** Okay. I don't see any other hands up for you,
18 Lieutenant Peterson. Thank you for your presentation, and we
19 appreciate the hard work that you all are doing. Dr. Stunz.

20
21 **DR. STUNZ:** Yes, Mr. Chairman, and it's getting late now, but my
22 hand was up earlier to say that I was ready with Sustainable
23 Fisheries, if necessary, and so I will leave that up to you.

24
25 **CHAIRMAN DIAZ:** No, I don't think we're going to tackle that
26 today. We do have one last thing we're going to do, and then
27 we're going to call it a day. Dr. Simmons has two short things
28 that she wants to go over, and one was for Other Business. Dr.
29 Simmons.

30
31 **OTHER BUSINESS**
32 **AP RECRUITMENT**

33
34 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I just
35 wanted to let the council know that we have three advisory
36 panels that are up for reappointment this year, and that is
37 Data, Coral, and the Spiny Lobster Advisory Panel, and so our
38 normal practice is to advertise. If you direct us, or tell us
39 not to do that, then we won't do it, but our plan right now is
40 to advertise, between now and April, for these APs. You would
41 make your selections during your April council meeting, and we
42 would complete the fishing violation checks, and then you would
43 finalize in June.

44
45 **CHAIRMAN DIAZ:** Any questions for Dr. Simmons?

46
47 **EXECUTIVE DIRECTOR SIMMONS:** Okay. Thank you, and I just wanted
48 to mention, regarding the special session for populating the IFQ

1 Focus Group, and so our plan then is to work on sending the
2 council a doodle poll, and it will probably be a half-day
3 availability, and we may not need all that time, and we will
4 send that out to the council as soon as we can.

5
6 We do have to still notice that meeting, through the Federal
7 Register, and so we still will have to have thirty days before
8 we can schedule that meeting, and so hopefully we'll find a date
9 that that works for all council members, but please be looking
10 for that in your email in the next week. Thanks.

11
12 **CHAIRMAN DIAZ:** All right, and so I don't see any hands up for
13 Dr. Simmons. I think it's a good time to call it a day. I
14 think anything else that we would take on would likely run us
15 late today, and I don't want to do that. I want to thank the
16 council for indulging me today and getting some of these
17 committee reports knocked out ahead of tomorrow. With that, we
18 will start up in the morning at 8:00 a.m. Central, and we're
19 going to go down the agenda in order, and we're going to start
20 with the Shrimp Committee first thing in the morning. Thank
21 you, all. You all have a good night.

22
23 (Whereupon, the meeting recessed on January 26, 2022.)

24
25 - - -

26
27 January 27, 2021

28
29 THURSDAY MORNING SESSION

30
31 - - -

32
33 The Full Council of the Gulf of Mexico Fishery Management
34 Council reconvened via webinar on Thursday morning, January 27,
35 2022, and was called to order by Chairman Dale Diaz.

36
37 **CHAIRMAN DIAZ:** Good morning, everyone. Welcome back to the
38 last day of the Gulf Council meeting. We're going to jump right
39 into our committee reports this morning, and the Shrimp Report
40 was just released and just sent to you, and so we're not going
41 to start with that one first, and we're going to take care of it
42 just a little bit later, and so, in light of that, we're going
43 to start with the Mackerel Report. Mr. Anson, are you ready to
44 take care of the Mackerel Committee?

45
46 **MR. ANSON:** Yes, I am, Mr. Chair.

47
48 **CHAIRMAN DIAZ:** Please proceed. Thank you.

1
2 **COMMITTEE REPORTS (CONTINUED)**
3 **MACKEREL COMMITTEE REPORT**
4

5 **MR. ANSON:** The Mackerel Committee Report, the Mackerel
6 Committee was held on January 24, 2022. The committee adopted
7 the agenda, Tab C, Number 1, and approved the minutes, Tab C,
8 Number 2, of the October 2021 meeting as written.
9

10 Review of Coastal Migratory Pelagics (CMP) Landings Update, Tab
11 C, Number 4, Mr. Peter Hood from NMFS Southeast Regional Office
12 (SERO) reviewed the recent landings for the Gulf migratory
13 groups of cobia, king mackerel, and Spanish mackerel. All 2021
14 landings are preliminary.
15

16 Gulf Zone cobia commercial and recreational landings and FLEC
17 Zone commercial landings remain below previous years, and the
18 2018 to 2020 average. FLEC Zone recreational landings for 2021
19 are on par with the average landings from 2018 through 2020.
20 Commercial and recreational landings of Gulf king mackerel are
21 similar to observations for the years 2018 to 2020. The
22 commercial gillnet fleet for Gulf kingfish will be fishing under
23 a small payback when the fleet begins fishing in January 2022.
24 Spanish mackerel recreational and commercial landings have been
25 lower than observed for fishing years 2018 to 2020.
26

27 Draft Amendment 33, Modifications to the Gulf of Mexico
28 Migratory Group King Mackerel Catch Limits and Sector
29 Allocations, Tab C, Number 5, council staff reviewed a
30 presentation for CMP Amendment 33, including modifications to
31 Action 2, based on council input during the October 2021
32 meeting.
33

34 A committee member asked if it was valid to say that, if the
35 council selects Alternative 2 in Action 1, that the commercial
36 sector would receive an increase in its annual catch limit (ACL)
37 under any alternative in Action 2. Council staff replied that
38 was correct, since the total ACL was increasing.
39

40 Council staff confirmed that the analysis conducted for
41 Alternative 2 in Action 2 used just the 2016/2017 through
42 2019/2020 fishing years data. The committee member then asked
43 whether an economic analysis would be performed to quantify the
44 economic effects of any reallocation. Council staff replied
45 that such an analysis would be performed as part of the eventual
46 public hearing draft version of the document.
47

48 The committee member then asked why the Southern Zone gillnet

1 component of the commercial sector catches its quota so quickly,
2 and whether this was a function of Atlantic migratory king
3 mackerel coming into the Gulf. Council staff recalled the re-
4 specification of the winter mixing zone to a much smaller
5 spatial scale, just south of U.S. Highway 1 in the Florida Keys,
6 from November 1 through March 31 in SEDAR 38. This change was
7 based on commercial trip ticket data.

8
9 These same data, combined with angler observations, have
10 confirmed the migratory habits of Gulf migratory group king
11 mackerel, which begin migrating north in the western Gulf in
12 late spring, come across the northern Gulf in the summer and
13 early fall, and then south along the west coast of Florida in
14 the late fall and early winter, with the fish wintering off the
15 Florida Keys and the Dry Tortugas and adjacent waters. The
16 Southern Zone gillnet fleet uses spotter planes and run-around
17 gillnets to catch king mackerel and, with a 45,000-pound trip
18 limit, can land its component quota rather quickly.

19
20 A committee member asked whether the increase in the
21 recreational bag limit, which went into effect in May of 2017,
22 had resulted in an increase in recreational landings. Council
23 staff replied that the landings data do not suggest the increase
24 in the bag limit has led to an increase in recreational
25 landings.

26
27 The committee member asked whether the data on the percent of
28 trips where king mackerel are primary or secondary target
29 species were immediately available. Council staff replied that
30 these data could be provided at the next council meeting.

31
32 A committee member asked whether a change in survivorship of
33 king mackerel was responsible for the decrease in recreational
34 landings in the last few years. Council staff replied that the
35 stock assessment estimates a 25 percent discard mortality rate
36 for all hook-and-line fleets and that fishing practices have not
37 changed since that determination. Thus, it seems unlikely that
38 survivorship has changed. However, king mackerel, like many CMP
39 species, are prone to becoming oxygen starved more quickly when
40 removed from the water. As such, the manner in which king
41 mackerel are fought, landed, handled, and released can have an
42 effect on their survival.

43
44 A committee member asked whether it may be appropriate to move
45 Options 2c and 2d in Alternative 2 of Action 2 to the Considered
46 but Rejected Appendix. Council staff replied that the committee
47 could certainly do so, as, at this point, several options have
48 been provided to and considered by the council with respect to

1 Action 2. **The committee recommends, and I so move, to move**
2 **Option 2c and 2d of Alternative 2 in Action 2 to Considered but**
3 **Rejected.**

4
5 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. We have a committee
6 motion. Is there any discussion on the motion? **Is there any**
7 **opposition to the motion? Hearing none, and seeing no hands up,**
8 **the motion carries.** You can proceed, Mr. Anson.

9
10 **MR. ANSON:** A committee member asked why there seemed to have
11 been a decrease in the recreational landings from the 2016/2017
12 to present landings. Council staff said that there was no
13 analysis of this change in the stock assessment, which only used
14 data through the 2017/2018 fishing year. Another committee
15 member noted past public testimony about the comparative lack of
16 bait in the northern Gulf, which may be affecting the stock
17 there.

18
19 A council member not on the committee expressed concern about
20 rushing reallocation based only on landings data. They thought
21 other factors were worth analyzing first, like social and
22 economic considerations. NOAA General Counsel noted that there
23 is nothing to compel the council to rush a decision about sector
24 allocations for a stock. A committee member asked if it was
25 possible to separate the actions in the amendment, addressing
26 each individually. Another committee member replied that the
27 actions could be split if the committee desired.

28
29 A committee member noted their uncertainty about the use of
30 recreational landings data generated by the Marine Recreational
31 Information Program's Fishing Effort Survey (MRIP-FES) and
32 questioned whether it was appropriate to increase the catch
33 limits at this time or whether a constant catch scenario should
34 be explored.

35
36 Council staff replied that the council's Scientific and
37 Statistical Committee (SSC) recommended an overfishing limit
38 (OFL) and acceptable biological catch (ABC) for the 2021/2022
39 through 2023/2024 fishing years and not further into the future.
40 In doing so, this fixes catch limits beyond the 2023/2024
41 fishing year at that level.

42
43 Council staff recalled that these catch limits were increasing
44 with time, representative of the stock increasing from its
45 current level above the minimum stock size threshold to the
46 spawning stock biomass at maximum sustainable yield. Thus, the
47 catch levels corresponding to the 2023/2024 fishing year would
48 actually be estimated to be conservative in future years,

1 assuming other parameters from the model, like recruitment and
2 growth, remained constant. Mr. Chair, I see there's a hand up,
3 if you want to --

4
5 **CHAIRMAN DIAZ:** Yes. Thank you, Mr. Anson. Mr. Gill.

6
7 **MR. GILL:** Thank you, Mr. Chairman. Before we leave Amendment
8 33, I would like to introduce an opportunity, or actually an
9 opportunistic aspect, to 33 that I think warrants discussion.
10 One of the continuing frustrations on the council process, in my
11 mind, is that we're almost entirely reactive and very rarely
12 proactive. We don't get to consider new management strategies,
13 unless we're kind of forced into it, but we can't develop any
14 growth, because we're always reacting to issues and problems.

15
16 It seems, to me, that 33 represents such an opportunity to be
17 proactive, and I apologize for the lateness of raising this,
18 and, if I had been smart, I would have raised it in August, or
19 October, but I'm not that smart, and so I haven't been able to
20 flesh it out thoroughly or talk to anyone, et cetera, to
21 establish a basis.

22
23 What I am talking about here is that 33 provides us an
24 opportunity to consider the concept of a research set-aside,
25 RSA, and I would like to talk a little bit about what an RSA is,
26 at least the amount that I know, so that we can have
27 consideration of a motion that I am going to put up later.

28
29 Fundamentally, at its core, an FSA is a funding mechanism for
30 research, and it utilizes a portion of a stock, or stocks, to
31 generate those funds, and, by so doing, it allows a look and
32 research into areas that would not otherwise be looked at, and
33 lord knows we always come up with things that we don't know much
34 about, and we wish we knew more, to make better decisions. The
35 idea is that, ultimately, we could be managing better, if we had
36 more data and information.

37
38 It seems, to me, that 33 might provide that funding basis, and I
39 can't tell you what the hows are, because they would be
40 developed under the creation of the program, if we move forward,
41 and, in terms of RSAs, there is only two in the U.S., and,
42 Bernie, if you would put up the mackerel text that I sent you,
43 and there's only two, and one is in New England, and one is in
44 the Mid-Atlantic.

45
46 Both councils have lots of info relative to their RSAs on their
47 websites, and I will pause, so that you all can see what I'm
48 talking about. The New England program is the oldest, and it

1 started back in 1999, and they've added some additional species
2 since then, and scallops are a lucrative crop, and there's a lot
3 of money there, which probably is not the same as we have here,
4 but, since 2000, their RSA program has put almost \$40 million
5 into research, and that's on the order of \$2 million a year.

6
7 They conducted a program review in 2019, and their number-one
8 finding, which you can read there, basically says, hey, it's a
9 success, and there is side benefits that have resulted, and so
10 theirs is doing well.

11
12 The Mid-Atlantic RSA program started a little bit later, and
13 they went at it differently, and they set it up differently, and
14 they used multiple species, and they have generated about \$16
15 million for research since 2014, and so a little over a million
16 dollars a year, but, in 2014, it was suspended, and there were
17 concerns on the cost versus the benefits, enforcement, et
18 cetera, and so it hasn't operated since 2014, but workshops to
19 reconsider their RSA program were held in 2021, and I did not
20 have enough time to get into how much -- What they resulted in
21 there.

22
23 Bernie, if you would put up the motion in Mackerel. **What I**
24 **would like to proffer is that we consider, with 33 as a base,**
25 **looking at an RSA in the Gulf of Mexico, and I would point out**
26 **that this motion does not require any commitment by the council,**
27 **other than agreeing to investigate and discuss the concept**
28 **within the 33 construct.**

29
30 At this point, it's a willingness to consider this as a
31 possibility, and why 33? Well, first of all, we're considering
32 reallocation in this document, and it's a healthy stock, and
33 it's got an increasing ACL, and it has a history of stock
34 available, and let's be honest. As we all know, funding is
35 always the major bugaboo to any bright idea to do something new
36 and different, and this presents a potential opportunity to do
37 so.

38
39 Now, I am not an RSA expert, and so you can go into detailed
40 questions about this and that and the other, and they are, in my
41 mind, TBD. We'll figure that out if we move forward, on how to
42 construct such an RSA for the Gulf, but, in the meanwhile, if we
43 pass this motion, we can all educate ourselves and see if, and
44 how, such a concept might be suitable for the Gulf. I see this
45 as a real potential for a win-win, and I think the opportunity
46 is now, and I hope we see it at least to look at further. Thank
47 you, Mr. Chairman.

48

1 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. I am going to read your
2 motion and see if we get a second. **The motion is to add an**
3 **action to set aside quota of king mackerel to provide the basis**
4 **for a research set-aside program (RSA) that develops funds for**
5 **council-directed research needs. The RSA program is to be**
6 **developed by the council in a separate amendment.** That's your
7 motion. Is there a second to the motion?

8
9 **MR. BROUSSARD:** I will second for discussion.

10
11 **CHAIRMAN DIAZ:** It's seconded by Mr. Broussard. Dr. Simmons is
12 pointing something out, and can you speak to that, Dr. Simmons?

13
14 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I guess I'm
15 just slightly confused on the motion right now, and it says to
16 add an action, and I guess we're talking about adding that to
17 33, but then the last sentence says to be developed by the
18 council in a separate amendment. Perhaps we want to just start
19 with having someone give a presentation, maybe from New England,
20 about the pros and cons of this, would be another suggestion.

21
22 **CHAIRMAN DIAZ:** To that point, Mr. Gill?

23
24 **MR. GILL:** Thank you, Mr. Chairman. One of the points, and I
25 apologize for the lateness, as I did before, is that 33 is
26 moving along, and, if this concept has traction with the
27 council, then going into the details of how it might fit within
28 33, et cetera, don't make sense, to me. What we need to do is
29 decide whether we want to even consider it.

30
31 If we do, then we'll have to take up that development of the RSA
32 program in a separate amendment, which is what I'm saying there,
33 and that would be the time to have somebody come look at it, and
34 so, at this point, I'm just trying to recognize that, while
35 we're considering allocation within 33, that part of that
36 consideration would be this motion, and so that's my rationale.

37
38 **CHAIRMAN DIAZ:** Okay. We have some hands up, and so I'm going
39 to start working down the list. Mr. Strelcheck.

40
41 **MR. STRELCHECK:** Thanks, Mr. Chair. I was going to speak on
42 something else, but I will speak on this, and then if you could
43 come back to me after this motion. In terms of the research
44 set-aside program, I tend to agree with Carrie that I think it
45 would be helpful for the council to be informed about how a
46 research set-aside program has been implemented and works in the
47 Northeast and Mid-Atlantic.

1 I hear what Mr. Gill is saying, in terms of 33 is proceeding,
2 and so there's an opportunity here to, obviously, consider this
3 in that action and potentially set aside quota, with developing
4 the research set-aside program at a later date. I guess my
5 concern is I just don't feel like we have enough information
6 before us to make a fully-informed decision. I am certainly not
7 opposed to the idea, and I like the innovative thought around
8 it, but I would like to, I think, have more information before
9 deciding on such a motion. Thanks.

10
11 **CHAIRMAN DIAZ:** Mr. Dugas.

12
13 **MR. DUGAS:** Thank you, Mr. Chair. I am going to hold my
14 comments, and it wasn't to this motion, if you could come back
15 to me. Thank you.

16
17 **CHAIRMAN DIAZ:** Yes, sir. Ms. Levy.

18
19 **MS. LEVY:** Thank you. With respect to this motion, I did have a
20 sort of similar comment, or question, as Carrie, as to what this
21 means, but then, taking that, I believe what this means is you
22 would look at setting aside some of the current quota for this
23 future action, and I guess my concern would be setting something
24 aside and not having it utilized, potentially, for an unknown
25 period of time, while this program looks to be developed, and so
26 I guess that would be my only concern and caveat, is, if the
27 council did go down this road, and put some quota aside, that
28 the thought be given as to how long that would be sitting there
29 while you considered how to develop the program. Thank you.

30
31 **CHAIRMAN DIAZ:** Thank you. Dr. Frazer.

32
33 **DR. FRAZER:** Thank you, Mr. Chair, and, Bob, as Andy said, I
34 really appreciate the innovative thinking here, but I have a
35 couple of questions that I think the group needs to consider as
36 they entertain the motion.

37
38 Amendment 33 essentially deals with an allocation issue, and, as
39 Mara pointed out, a set-aside would require some percentage, I
40 guess, of the quota be allocated for that purpose, and I think
41 I'm not quite sure how we would determine what an appropriate
42 amount of quota would be.

43
44 One of the things about the New England fisheries is that, as
45 you pointed out, they're very lucrative, and so there's an
46 opportunity to generate a lot more revenue than you might with
47 king mackerel, and so that's part of the question that I would
48 have, is how do you rationalize, or determine, what percentage

1 of the quota you would set aside?

2
3 I understand that you could develop some discussion about that
4 in the amendment, moving forward, and propose some percentage,
5 but the other question would be, if it's funded, and you can
6 generate some revenue, you are essentially taking fish that are
7 not in an IFQ program, and they're already allocated to the
8 commercial sector, but now you're going to require people to pay
9 for this additional pool of fish in a set-aside program, which
10 makes -- Again, because the dockside values are relatively low,
11 and it might take quite a while to generate the revenues that
12 you need to support a research program.

13
14 That, I guess, leads me to my final point, is, again, I really
15 like the idea of being proactive and acquiring some funds to
16 carry out research, but I am not sure what research -- How we
17 would prioritize that research moving forward, but perhaps that
18 would be worked out in the RSA program development that you
19 propose, and so, anyway, I appreciate the idea, and I just
20 wanted to throw those things out for people to consider as we
21 move forward.

22
23 **CHAIRMAN DIAZ:** Dr. Walter.

24
25 **DR. JOHN WALTER:** Thanks, and I just really want to thank Bob
26 for bringing up this innovative idea, and I have had experience
27 with the research set-aside program in the Northeast, when I was
28 doing my dissertation, where it funded a lot of work for the
29 scallop industry to address bycatch issues that would have
30 otherwise shut the fishery down.

31
32 I think that's one of the clear benefits of having that
33 approach, is that it allows industry to collaborate with
34 scientists to address the most pressing issues, and a good case
35 in point would be bycatch issues that have affected our other
36 fisheries, and I think that our grouper longline fishery is a
37 good example there, whereas, if we had programs like this in
38 place, we might be able to be proactive in addressing and
39 finding creative solutions to things such as bycatch.

40
41 I think the details definitely need to be worked out, and it may
42 be fishery-specific as to whether it works and whether the
43 economics work out, but I really am a big fan of this kind of
44 approach to being able to address things that are pressing
45 issues, and there is a structure that we haven't really used as
46 much, in the sense that we could fish closer to the OFL, or the
47 overfishing limit, if we could reduce scientific uncertainty,
48 which is the buffer between the ABC and the OFL.

1
2 If science were to reduce our uncertainty, we could fish closer
3 to the maximum that we could get out of the stock, if we could
4 have science to reduce that, and we don't always have the
5 buffers we want, because of the structure of our assessments,
6 but there is a structure in place for rewarding the -- Chipping
7 away at scientific uncertainty, and I would really like, in the
8 future, for us to be able to employ that structure more and to
9 allow us to be able to get more out of the stock, by knowing
10 more and having less uncertainty. Thanks, Bob, and I really
11 want to continue to explore this.

12
13 **CHAIRMAN DIAZ:** Mr. Williamson.

14
15 **MR. WILLIAMSON:** Thank you, Mr. Chair. Bob, thanks for bringing
16 this up, and it's great to be proactive. In a presentation that
17 we might have at a future council meeting, I would request that
18 not only the Northeast RSA be discussed, but also the Mid-
19 Atlantic, that discussed this program, so that we get a positive
20 and potentially a negative look at these programs, and so that's
21 my comment. Thank you.

22
23 **CHAIRMAN DIAZ:** Good point, Mr. Williamson. Mr. Gill.

24
25 **MR. GILL:** Thank you, Mr. Chairman, and thank you for the
26 comments. A couple of responses, I guess going backwards, and I
27 absolutely agree, Troy. We've got the New England and the Mid-
28 Atlantic experiences to help shape, if we move forward with
29 something like this, to avoid the pitfalls of whatever the
30 problems were in the Mid-Atlantic, and to take advantage of what
31 the advantages were in New England, and so absolutely.

32
33 I guess my thinking is that, if we don't take advantage of an
34 opportunity in Amendment 33, which I see as an opportunity, then
35 the bugaboo of how do we fund this rascal, to a point that makes
36 any sense, which is a point that Tom raised, gets to be very
37 problematic, and probably very difficult, and so, if we don't
38 pass this motion, effectively, we have consigned a research set-
39 aside discussion as it's not going to happen, because then the
40 obstacles get too high, and funding is a critical portion of how
41 this works.

42
43 Secondly, to I guess Mara's point, if we have an action, one
44 alternative will be Alternative 1, which says we don't do it,
45 but, if we don't discuss it, we will never get there from here.
46 Somewhere along the line, you've got to take the first step, and
47 we did have an amount that I thought was an appropriate quota,
48 and clearly it's got to be enough to be adequate to fund

1 something, and, in my mind, then it also needs to be small
2 enough so that it doesn't significantly adversely affect the
3 participants in the mackerel fishery.

4
5 Lots of questions, but, if we don't have that discussion, we
6 will never answer them, and so I believe this is the right step,
7 and many, many questions could be asked and answered, and it's
8 not going to be done overnight, but I think we need to take a
9 look at it, to see whether it fits, and maybe it doesn't, and I
10 am thinking that the potential is that it probably does, but
11 we've just got to figure out how to do it, but we've got to be
12 willing to take that first step. Thank you, Mr. Chairman.

13
14 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. We have two more people
15 signed up to speak on this, and then, after we hear from those,
16 we're going to vote on this motion. Ms. McCawley.

17
18 **MS. MCCAWLEY:** Thank you, Mr. Chairman, and, yes, I want to
19 thank Bob for bringing this innovative idea forward. I guess I
20 have so many questions about this, the same type of questions
21 that people brought up, and I also want to hear more about the
22 things that John Walter was talking about, but I guess that I
23 could support this motion, if it -- I don't know how your
24 process works, as much as I know the South Atlantic process,
25 but, if the motion was something like to see a presentation, or
26 to research this topic, in order to consider adding an action,
27 blah, blah, blah, at a future meeting, but just putting this out
28 there, without having all these pieces first, I just have too
29 many questions, in my mind, to support it as-is.

30
31 I wondered if it was worded this way because, in order to do
32 that research and see these presentations, you have to have an
33 action in the document, but I guess I would just request to see
34 the presentations and be educated about this and then make a
35 decision about this motion, whether we want to add an action or
36 not.

37
38 **CHAIRMAN DIAZ:** Thank you, Ms. McCawley. Mr. Anson.

39
40 **MR. ANSON:** Thank you, Mr. Chair. I'm kind of with Jessica on
41 this, and it's innovative, for us particularly, and I don't
42 recall us ever really talking about this, other than that other
43 councils have done this, and it's available to us as a tool, and
44 so I just -- You know, I'm with you, Bob, and, if this is -- If
45 we're going to implement an RSA, through mackerel and Amendment
46 33 is it, but I just don't think that this motion -- That I can
47 support this motion to add it actually into the document and
48 have staff devote that time.

1
2 There is no alternatives in here, and so it's just going to be -
3 - It's to add an RSA in there, and that's Alternative 2, and
4 there's just no parameters, and there is no meat on the bones,
5 so to speak.

6
7 Then, you know, programmatically, as we look specifically into
8 the mackerel fishery, is this going to be open to everyone, or
9 is it going to be open to the highest bidder, or is it going to
10 be based on the dockside price? I mean, those are -- The devil
11 is in the details, and so I don't have a problem if a motion
12 were offered to bring it to the council as say a presentation,
13 with folks representing the two councils that have been
14 previously discussed, and discussing the pros and cons and
15 successes or failures in their respective programs, and so I'm
16 not going to be in support of the motion. Thank you.

17
18 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. All right. I am
19 relatively sure that there is going to be people on both sides
20 of this issue, and so I am going to get Dr. Simmons -- Real
21 quick, Andy, and is it to this point?

22
23 **MR. STRELCHECK:** I was going to make a substitute motion.

24
25 **CHAIRMAN DIAZ:** Okay. Go ahead, Mr. Strelcheck.

26
27 **MR. STRELCHECK:** To request a presentation of the New England
28 and Mid-Atlantic RSA programs be presented at a future council
29 meeting for consideration.

30
31 **CHAIRMAN DIAZ:** Okay. We have a motion. Is there a second to
32 the motion?

33
34 **MS. MCCAWLEY:** Second.

35
36 **CHAIRMAN DIAZ:** It's seconded by Ms. McCawley. Any discussion
37 on the motion? Dr. Frazer.

38
39 **DR. FRAZER:** Thanks, Andy, for the substitute. A couple of
40 questions that I would like to ask. Is the intent -- I
41 certainly see the need for a presentation to better understand
42 how those programs might be administered. What I am struggling
43 with here is that we have an amendment that is moving forward,
44 and is ready to go out for public hearing, and so, if we
45 continue on that path, we're essentially entertaining various
46 allocation scenarios in there without an option for a set-aside,
47 and so, looking forward, does that mean then, if the council
48 wants to entertain this idea that they split that Amendment 33

1 into essentially two parts, one that deals with the immediate
2 quota increase with the status quo allocations and then develop
3 a second document that deals specifically with reallocation, is
4 that what you're thinking, Andy?

5
6 **MR. STRELCHECK:** To be honest, no, I hadn't really thought that
7 far, and I certainly understand the conundrum we're in with
8 proceeding with having to set aside allocation in Amendment 33,
9 and what you just suggested certainly could be done, but I'm
10 just not comfortable and don't feel like we're at a point where
11 we're informed enough to even know if we should be setting aside
12 allocation, if it's appropriate for mackerel, if the programs
13 could be more broadly applied, and we want to look more
14 holistically at other fisheries that are in the Southeast.

15
16 To me, I feel like we need to have the information before us
17 first, and, based on that information, we can then inform our
18 decision, in terms of how to proceed and whether it's splitting
19 an amendment, or not proceeding with including it in an action,
20 or including it in a future action, that would be based on some
21 more information.

22
23 **CHAIRMAN DIAZ:** Mr. Gill.

24
25 **MR. GILL:** Thank you, Mr. Chairman. Tom made my points, for the
26 most part, and I saw the presentation aspect as part of the
27 discussion of such an action item, and, yes, I think we need
28 something like that, but, given the 33 conundrum, incorporated
29 into consideration of the action. Thank you.

30
31 **CHAIRMAN DIAZ:** Thank you. Mr. Anson.

32
33 **MR. ANSON:** Thanks, Mr. Chair, and, just to kind of elaborate a
34 little bit on that, that discussion point, I'm sure it's clear
35 to staff, but I just want to make it clear that a future council
36 meeting, in my mind, is April, if possible, based on the speed
37 of which 33 is proceeding, and so that's all. Thank you.

38
39 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. All right. I don't see
40 any other hands up, and I think there's going to be people on
41 both sides of this, and so I'm going to ask Dr. Simmons to do a
42 roll call vote. Dr. Simmons.

43
44 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Mr. Dugas.

45
46 **MR. DUGAS:** Yes.

47
48 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.

1
2 **MR. DYSKOW:** Yes.
3
4 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Geeslin.
5
6 **MR. GEESLIN:** Yes.
7
8 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Schieble.
9
10 **MR. SCHIEBLE:** Yes.
11
12 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.
13
14 **DR. STUNZ:** No.
15
16 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Bosarge.
17
18 **MS. BOSARGE:** Yes.
19
20 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.
21
22 **MR. WILLIAMSON:** Yes.
23
24 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.
25
26 **MR. STRELCHECK:** Yes.
27
28 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.
29
30 **MS. BOGGS:** Yes.
31
32 **EXECUTIVE DIRECTOR SIMMONS:** Ms. McCawley.
33
34 **MS. MCCAWLEY:** Yes.
35
36 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.
37
38 **MR. BROUSSARD:** Yes.
39
40 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
41
42 **MR. ANSON:** Yes.
43
44 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.
45
46 **DR. FRAZER:** Yes.
47
48 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Burris.

1
2 **MR. BURRIS:** Yes.
3
4 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.
5
6 **MR. GILL:** Yes.
7
8 **EXECUTIVE DIRECTOR SIMMONS:** The motion carried fifteen to one,
9 or fourteen to one.
10
11 **CHAIRMAN DIAZ:** All right. Thank you, Mr. Gill, for bringing
12 that up. I think that was a good conversation, and I am looking
13 forward to that presentation. Mr. Anson, if you would proceed.
14
15 **MR. ANSON:** Mr. Chair, I think that -- Did Mr. Strelcheck have a
16 point that he wanted to bring up?
17
18 **CHAIRMAN DIAZ:** Yes, and thank you for reminding me. I have Mr.
19 Strelcheck and Mr. Dugas. Mr. Strelcheck.
20
21 **MR. STRELCHECK:** Sorry that I didn't mention it earlier, but,
22 just for the committee report, the landings section at the top,
23 I need staff to correct the record that Ms. O'Donnell did
24 present landings data, but it was only commercial landings data,
25 and there is some recreational landings data that was submitted
26 in the briefing book, and then also the time period that is
27 referenced in the committee report is 2018 to 2020, but the
28 comparative average that was presented to the committee was 2017
29 to 2019. Thanks.
30
31 **CHAIRMAN DIAZ:** Mr. Dugas.
32
33 **MR. DUGAS:** Thank you, Mr. Chair. I would like to offer a
34 motion, and I emailed staff. Mr. Chair, if anyone would like to
35 help me with some verbiage, feel free to.
36
37 **CHAIRMAN DIAZ:** Sure thing. The motion on the board is to
38 remove Action 1 from Amendment 33 and start a new framework
39 action, and so it sounds to me like what you would like to do is
40 split Action 1 and Action 2 into two separate documents, Mr.
41 Dugas, and is that correct?
42
43 **MR. DUGAS:** Yes, sir, Mr. Chairman.
44
45 **CHAIRMAN DIAZ:** Okay, and so we have a motion on the board. Is
46 there a second for the motion?
47
48 **MR. GILL:** I will second for discussion, Mr. Chairman.

1
2 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Mr. Dugas, would you like
3 to give some rationale for your motion?
4

5 **MR. DUGAS:** Yes, sir. Short and sweet, the three words that
6 come to my mind is FES, calibration, and allocation, and I feel
7 like we should separate these two actions up, because I feel
8 like Action 2 is just going to bog us down and slow everything
9 down with Action 1, and so I would just like to expedite it.
10 Thank you.
11

12 **CHAIRMAN DIAZ:** Thank you, Mr. Dugas. Any further discussion on
13 the motion? Dr. Frazer.
14

15 **DR. FRAZER:** J.D., I just want to make sure that I understand,
16 and so what you're trying to accomplish here is to essentially
17 move the allocation decisions from the document, and that's
18 right?
19

20 **MR. DUGAS:** No, sir, and I think we -- Someone can correct me,
21 but I think we're better off putting Action 1 into its own
22 framework action, and would that be a quicker process, and
23 leaving Action 2 in Amendment 33.
24

25 **CHAIRMAN DIAZ:** Mr. Rindone, to that point?
26

27 **MR. RYAN RINDONE:** Thank you, Mr. Chair. Mr. Dugas is right
28 that the change in the quota can be done through a framework
29 action, but modifying the sector allocations would have to be in
30 a plan amendment, and so the proper action, with respect to this
31 motion, would be to take Action 1 out and make it a framework
32 action and then leave Action 2 in the plan amendment.
33

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

36 **MR. SCHIEBLE:** I'm sorry, and I took my hand down, and I didn't
37 quite understand where he was going, but he just explained it,
38 and so I'm good.
39

40 **CHAIRMAN DIAZ:** Mr. Gill.
41

42 **MR. GILL:** Thank you, Mr. Chairman. Two things. I guess the
43 first one is I'm assuming that, if the council is good with this
44 approach, then this is also saying that this is the approach
45 we'll take on similar actions on other species in the future. I
46 can't see how it would be any other way.
47

48 Secondly, I would like to ask staff to comment on the

1 ramifications of this motion, good or bad, so that we can look
2 down the pipe a little bit and think about through about does
3 that make sense or not, and so if staff would comment on
4 downstream effects.

5
6 **CHAIRMAN DIAZ:** Dr. Froeschke.

7
8 **DR. JOHN FROESCHKE:** Thank you. I don't think that this
9 approach would work for other stocks, and there's a principal
10 difference. King mackerel is one of the few stock assessments
11 in which the selectivity between the commercial and recreational
12 fleets is not considered in the projections, and the practical
13 application is that, if you recall back to red grouper and, for
14 example, the gag and the amberjack assessments that we'll be
15 considering next, the ACLs and things are dependent upon the
16 allocations, and that's why they have to be addressed at a
17 single time, and this is the only one that would really allow us
18 to address it in this way.

19
20 **CHAIRMAN DIAZ:** Thank you, Dr. Froeschke. Mr. Strelcheck.

21
22 **MR. STRELCHECK:** I am going to defer to Mara before I speak.
23 Thanks.

24
25 **CHAIRMAN DIAZ:** Ms. Levy.

26
27 **MS. LEVY:** I agree with what John said, that mackerel is
28 different, and, even if it weren't, I would not take the
29 council's decision in one particular circumstance to mean that
30 that's a decision for all future circumstances, and there may be
31 a reason here, a good reason, and a justification for not
32 addressing allocation, despite the change to FES, and, in this
33 case, it might be that the recreational can't currently even
34 harvest its allocation, and so you wouldn't expect there to be a
35 lot of impacts by not addressing allocation at this point,
36 whatever the rationale might be, but I just -- I don't want it
37 to be we make a decision here and somehow that then
38 predetermines what is appropriate in every circumstance, moving
39 forward.

40
41 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Yes, I can see where there
42 could be different circumstances. For instance, on this one, I
43 mean, there is the potential for an increase in the ACL that
44 would be in place before the start of the new fishing year, and
45 that's time sensitive, and so that could be a reason to try to
46 split them. Mr. Gill.

47
48 **MR. GILL:** Thank you, Mr. Chairman. You all recollect my

1 comments during the Mackerel Committee, which I was not part of,
2 that I am concerned that we're approaching the whole allocation
3 process helter-skelter, if you will, and, consequently, in my
4 mind, by not incorporating all of these other factors, aside
5 from the FES changes, we're not doing proper due diligence to
6 determining allocation, and so that's what my comment was
7 directed at, and, in the future, I intend to push for that as
8 strongly as I can, because I don't think we're giving due
9 justice to the decision that we're making without consideration
10 of all the factors that we're trying to develop in the policy
11 and procedure documents for allocation. Thank you.

12

13 **CHAIRMAN DIAZ:** Ms. Bosarge.

14

15 **MS. BOSARGE:** Thank you, Mr. Chair. I understand the comments
16 that Mara made, as far as this seems a little different, in the
17 sense that we're having an increase, and I think it was Mara,
18 and Mara doesn't usually like inconsistency, but she said it's
19 okay in this case, but what I would like to do is kind of look
20 at this in a different light, and there's a lot of people that
21 were not on this council when we started this discussion on
22 reallocating king mackerel.

23

24 Let's see. That would have been at the joint meeting, or close
25 to it, that joint meeting with the South Atlantic and Gulf
26 Councils in Key West, Florida, the last year that Doug Boyd was
27 the chairman of the council, and so let's see. Dale is chair,
28 and Tom has been chair for three years, and I was chair for two
29 years before that, and so I guess somewhere around six years ago
30 that there was a purpose and need for reallocating in this
31 particular fishery, and we went through that whole document, and
32 we went through that for a couple of years, and we were told,
33 well, we need to wait, that we need to wait on the MRIP-RES
34 recalibrated numbers, because there might not be enough room to
35 reallocate from recreational to commercial after we get those
36 numbers.

37

38 That was a hard pill for the commercial sector to swallow,
39 because we were ready then to look at it, and then you can look
40 at allocation again, if warranted, reallocation again, when
41 warranted, when you get the FES numbers, but we didn't, and we
42 said, okay, yes, we'll wait, and we'll wait, and we have
43 patiently waited, and patiently waited.

44

45 This document is ready to go out, and I don't see, really, that
46 there's a huge increase in getting the quota, the new increased
47 quota, on the books by pulling something out of this and putting
48 it in a framework, and you might speed it up by one meeting or

1 so, or maybe two, for final action, after we have waited for
2 six-plus years to discuss reallocation in this fishery, and, no,
3 I am very much opposed to breaking this document into two.

4
5 There are other historical factors to consider, other than this
6 idea of, well, this is different, because we're not under the
7 gun, because we don't have to do a rebuilding plan, and we don't
8 have to decrease quota. No, we have waited long enough, and
9 this document should stay as one and move forward. We're on a
10 path to hopefully get to final action fairly quickly.

11
12 **CHAIRMAN DIAZ:** Ms. Levy.

13
14 **MS. LEVY:** Thanks, and so I just wanted to respond to Leann and
15 Bob. I did not say that this was different because the quotas
16 are increasing, and I also did not say that inconsistent
17 approaches are fine. What I said was that each situation needs
18 to be considered independently and different approaches may be
19 justified, but we have to state that justification, and so I
20 just want to make that clear.

21
22 With respect to what Bob said about allocation reviews, I mean,
23 I think it's important to note that, each time the council
24 actually considers allocation, or a reallocation, you are doing
25 a review through the process of the amendment, right? You're
26 looking at the factors, and you're doing an analysis, and you're
27 deciding whether it's appropriate, whether there is a need, and
28 so the idea that looking at it in an amendment, versus a, quote,
29 formal review process, and that's somehow different, to me is
30 not correct.

31
32 What the review process is supposed to do is make sure that you
33 look at it at particular intervals, rather than letting it go
34 for, what is this -- Potentially, you know, we're talking about
35 a 1970 allocation, right, but we did review it, like Leann said,
36 in prior documents, and the council decided not to change it,
37 but the review process is meant to perform regular reviews of
38 allocations, and it does not mean that you cannot look at an
39 allocation outside of that review process and perform the same
40 type of review in the document in which the allocation is being
41 considered. Thank you.

42
43 **CHAIRMAN DIAZ:** Thank you. We've got two more folks lined up to
44 speak, and we've had a fair amount of discussion. When those
45 two people are done, we're going to vote on this motion. Mr.
46 Anson.

47
48 **MR. ANSON:** Thank you, Mr. Chair. Allocation decisions are

1 tough, and I mentioned, during committee, that I was kind of
2 torn and on the fence, so to speak, with Action 2 in this
3 document, partly because we identified an allocation review
4 timeline, process, and identified species and years, and Mara
5 just explained that we can do that at any time, based on
6 information that we have at-hand, and that we're going through
7 essentially an allocation review and development of an
8 amendment, as we're doing here, and I will just make one more
9 comment about that.

10
11 It's just kind of ironic that the impetus for this species, and
12 this motion, in regards to fears of FES and the impacts of FES
13 on landings and catches and the ACLs, is the same reason that
14 other groups are concerned about other allocation discussions in
15 other amendments, is the FES, and so that's a problem in the FES
16 that we are just going to have to continue to deal with, and
17 it's not getting any better, but I guess I am more concerned
18 about procedure and what this action will do relative to what we
19 just had a discussion and a motion on relative to the potential
20 discussions on these research set-asides and whether or not this
21 would make it any much more difficult, or would preclude us, if
22 this motion were to go forward and we passed the framework
23 action, if we're able to still proceed with an RSA-type
24 discussion, and I wonder if maybe staff can address that, or the
25 agency folks.

26
27 **CHAIRMAN DIAZ:** Mr. Rindone would like to add something at this
28 point.

29
30 **MR. RINDONE:** Thank you, Mr. Chair. Just to give you guys an
31 idea of where we are right now with the current amendment, with
32 the current actions that are in it, versus how this motion, if
33 passed, might affect it, and also considerate of the RSAs, where
34 we are right now is we have two actions in the document that, at
35 this point, you guys have pretty good agreement with the South
36 Atlantic Council about at least what you want in the document,
37 and so, at this point, we're in a position for you guys to
38 direct staff to continue work to develop a public hearing draft,
39 which would mean we would do up Chapters 3 and 4, and then you
40 guys would review those, prior to those going out to public
41 hearing, perhaps as early as April or June, with public hearings
42 happening at some point after that.

43
44 Then with the potential to go final on the document, as it is
45 currently written, before the end of the year, for both
46 councils, which could see the document potentially implemented
47 in time for the start of the 2023 commercial fishing season,
48 which starts on July 1, in the Gulf anyway.

1
2 If you split Action 1 out into a framework action, it's an ACL
3 increase, and this is something that's pretty standard for us,
4 and we do a lot of these, and I don't think that that's going to
5 take very long at all to drum that thing up and for you guys to
6 be able to take final action on it, and that splits off a
7 framework action for that, and then Amendment 33 becomes a
8 single-action document looking at sector allocations, which,
9 again, uniquely, we can do for our mackerel species, because of,
10 like Dr. Froeschke talked about, the selectivities between the
11 fleets are the same, and so it doesn't result in any change in
12 the projections by changing the allocations.

13
14 If you add the RSA portion to that discussion, it's my
15 understanding, from Mr. Gill and from what little I've been able
16 to read about RSAs in the last few minutes or so, is that we
17 would need to apportion some chunk of the total ACL for kingfish
18 to satisfy the purpose of that RSA, whatever it might be, and so
19 that, in itself, is an allocation decision, and then plan out
20 that program, and so you guys can, in your mind's eye, envision
21 how long you think that might take you, and the South Atlantic
22 Council, because this is still a joint plan amendment, to hash
23 all of that out.

24
25 You would have interest in that from all the Gulf fishermen, the
26 Gulf commercial fishermen and recreational fishermen, and likely
27 the contingent of South Atlantic commercial fishermen that
28 travel to the Gulf to fish for kingfish every year. Mr. Chair.

29
30 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. Ms. McCawley.

31
32 **MS. MCCAWLEY:** Thank you, Mr. Chairman. I just was going to
33 offer some insight from the South Atlantic Council, and we're
34 struggling with allocation issues as well, but we have somewhat
35 made a decision that every single species is unique and that
36 allocation needs to be considered differently, and how you
37 allocate, or reallocate, on one species does not necessarily set
38 a precedent for the next species that we talk about reallocation
39 on.

40
41 I also wanted to let folks know that, on the South Atlantic
42 side, we're working on an allocation decision tool, and we have
43 an upcoming webinar about that tool, to get at the issue of not
44 just looking at landings as the only data source when
45 considering allocation, and so, also, I am going to support this
46 motion. In listening to what Ryan said, this piece, this
47 action, relative to the ACL, could move faster, and this could
48 get done relatively quickly, in this framework action, and so

1 I'm supportive of this motion.

2

3 **CHAIRMAN DIAZ:** Thank you for that information, Ms. McCawley.
4 Mr. Strelcheck, and then we're going to vote. Mr. Strelcheck.

5

6 **MR. STRELCHECK:** I am going to speak against the motion, and I
7 am not a big fan of splitting actions, even fairly
8 straightforward ones, like moving forward with ACLs, and I think
9 we have a schedule, and we have agreement with the South
10 Atlantic Council, and splitting the action is going to add
11 additional work to what staff has already done, and, from the
12 standpoint of considering catch limits and allocations
13 collectively, I think that's, obviously, a good thing that we
14 should be doing when we're looking at changes in catch limits.
15 Thanks.

16

17 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. It's obvious that
18 there's people on both sides of this issue. Dr. Simmons, would
19 you call a vote, please?

20

21 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Mr.
22 Schieble.

23

24 **MR. SCHIEBLE:** No.

25

26 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Burris.

27

28 **MR. BURRIS:** No.

29

30 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.

31

32 **MR. GILL:** No.

33

34 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.

35

36 **MR. WILLIAMSON:** Yes.

37

38 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.

39

40 **MR. DUGAS:** Yes.

41

42 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Bosarge.

43

44 **MS. BOSARGE:** No.

45

46 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.

47

48 **MS. BOGGS:** No.

1
2 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.
3
4 **DR. STUNZ:** Yes.
5
6 **EXECUTIVE DIRECTOR SIMMONS:** Ms. McCawley.
7
8 **MS. MCCAWLEY:** Yes.
9
10 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Geeslin.
11
12 **MR. GEESLIN:** Yes.
13
14 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.
15
16 **MR. DYSKOW:** Yes.
17
18 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
19
20 **MR. ANSON:** No.
21
22 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.
23
24 **MR. BROUSSARD:** Yes.
25
26 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.
27
28 **DR. FRAZER:** Yes.
29
30 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.
31
32 **MR. STRELCHECK:** No.
33
34 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.
35
36 **CHAIRMAN DIAZ:** Yes.
37
38 **EXECUTIVE DIRECTOR SIMMONS:** **The motion carried nine to seven.**
39 Dr. Shipp is absent.
40
41 **CHAIRMAN DIAZ:** All right. I think we're ready to move on. Mr.
42 Strelcheck, is your hand still up?
43
44 **MR. STRELCHECK:** I actually was just going to raise it. Yes, I
45 do have a practical question. Given that this is a joint
46 amendment, Ryan or Carrie, am I correct that the council staff
47 and my team would not be able to work on this until we get
48 agreement from the South Atlantic Council that they're willing

1 to split this action, and is that correct?

2
3 **MR. RINDONE:** That is correct, and so, at their March meeting,
4 they would need to agree to split this out of the document. I
5 mean, it is a substantial change to the amendment, but changing
6 the ACL is something that our council can do without further
7 South Atlantic involvement, but any discussion about the
8 allocations would continue to be part of Amendment 33, under
9 this idea, and they would still be involved in that.

10
11 **CHAIRMAN DIAZ:** Ms. Bosarge.

12
13 **MS. BOSARGE:** Thank you, Mr. Chairman, and so, now that we've
14 had a little more discussion on the logistics involved in
15 putting this in its own document, and so it's got to go to the
16 South Atlantic before our staff can even, I guess, begin to --
17 And NMFS can begin to work on the document, as a framework for
18 us, and so will this still get implemented by the beginning of
19 2023, to change quotas for 2023, this new stand-alone document
20 that just does the quota increase, because that's what the big
21 document -- You had said the big document was capable of doing,
22 was getting the quotas changed and everything on the books,
23 hopefully, for the beginning of the 2023 fishing year, and are
24 we going to be delayed now, but pulling this out and putting it
25 in a simpler document?

26
27 **CHAIRMAN DIAZ:** Dr. Simmons.

28
29 **EXECUTIVE DIRECTOR SIMMONS:** I'm a little confused, and I
30 haven't looked at the mackerel framework in a while, and Ryan
31 has stated that the South Atlantic Council does have to concur
32 with this, but I was under the impression that our framework was
33 set up that we could move quickly on a catch level change, and
34 so I would like to ask Ms. Levy to clarify this for us, please.

35
36 **MS. LEVY:** Mr. Chair, do you want me to respond?

37
38 **CHAIRMAN DIAZ:** Yes, Ms. Levy, please, to that point.

39
40 **MS. LEVY:** Right, and so I think the issue -- We can move
41 forward on a framework action without the South Atlantic,
42 because it deals only with the Gulf king mackerel. The question
43 is whether we need the South Atlantic to agree to remove this
44 action from the amendment, and that's not really addressed in
45 the framework action, and I'm not sure what we've done in the
46 past, and so I would like to look into that, and so the
47 potential is, yes, we need the South Atlantic to agree, because
48 this is part of the amendment to remove the action from the

1 amendment.

2
3 If that happens, then, at the next South Atlantic meeting, which
4 I assume is March, that would be brought up, and, as long as the
5 South Atlantic agreed, the Gulf Council could move forward with
6 a framework action to adjust the ACLs on its own, but I will
7 look into that and make sure what the appropriate process is.

8
9 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. If you look into that, and
10 you could get back with us, if possible, later in the meeting,
11 that would be fine. All right. I think we're at a point where
12 we're ready to get back going with Mr. Anson on the report. Mr.
13 Anson.

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

16
17 **CHAIRMAN DIAZ:** Just one second, Mr. Anson. Ms. Bosarge.

18
19 **MS. BOSARGE:** Thank you. But so, if that is true, if the South
20 Atlantic does agree to remove it at their meeting in March, will
21 we see a framework action document, a very streamlined one, from
22 our staff to start accomplishing this in April, or is that too
23 quick of a turnaround, because that would probably be maybe
24 three weeks between those two meetings, and so, therefore, we
25 won't even see a document until June, based on what we just did
26 in Full Council.

27
28 **CHAIRMAN DIAZ:** Leann, I apologize, and I was on a sidebar
29 conversation, and I did not hear your question.

30
31 **MS. BOSARGE:** Okay, and so the question is back to timing, and
32 so say the South Atlantic does agree to take it out of the
33 amendment at their March meeting, which is the second week in
34 March, the 7th through the 14th, I think, and so that only gives
35 staff I guess about three weeks to actually get a document ready
36 for our -- A framework, streamlined, one-action-only document,
37 to implement the new quotas for our April meeting, and that
38 seems awful tight for staff, and so are we saying that we
39 probably won't see a document -- If the South Atlantic agrees to
40 take it out, we wouldn't see a new framework document until
41 June, and, if that's the case, will we still get an increase in
42 quota for the commercial sector by the 2023 fishing season?

43
44 **CHAIRMAN DIAZ:** Dr. Simmons.

45
46 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so my
47 intent would be to take this out and work out on it and assume
48 that the South Atlantic Council would concur with this and have

1 a framework action available for the council, the Gulf Council,
2 to look at in April and then take final action in June.

3
4 **MS. BOSARGE:** Which means implementation, increased quotas, by
5 the beginning of the 2023 fishing season?

6
7 **EXECUTIVE DIRECTOR SIMMONS:** Yes, ma'am. I believe so.

8
9 **MS. BOSARGE:** Thank you. I would prefer we stay on that track,
10 and it would be very frustrating if this action means that we
11 don't get a quota increase, when we tried to streamline the
12 process.

13
14 **CHAIRMAN DIAZ:** All right. Mr. Anson, whenever you're ready.

15
16 **MR. ANSON:** Yes, sir. Draft Amendment 34, Atlantic Migratory
17 Group King Mackerel Catch Levels and Atlantic King and Spanish
18 Mackerel Management Measures, Tab C, Number 6, Ms. Christina
19 Wiegand from the South Atlantic Council Staff reviewed the need
20 for CMP Amendment 34, which examines Atlantic migratory group
21 king mackerel (Atlantic king mackerel) in response to the
22 results of the SEDAR 38 update, in 2020, stock assessment.

23
24 The SEDAR 38 update for Atlantic king mackerel found the stock
25 to be healthy, and, due to exceptional recruitment, the catch
26 limit recommendations from the South Atlantic SSC represent a
27 considerable increase from the previous catch levels from the
28 original SEDAR 38 stock assessment conducted in 2014. Amendment
29 34 also considers sector allocations, recreational size and bag
30 limits, and recreational retention regulations.

31
32 At this point in time, the South Atlantic Council has selected
33 preferred alternatives for all actions. Ultimately, both
34 councils will need to select commensurate preferred alternatives
35 before final action can be taken. Public hearings for this
36 amendment were held via webinar on November 15th and 16th, 2021.
37 Public comments relevant to each action were reviewed with the
38 committee.

39
40 Ms. Wiegand noted modifications to the purpose and need
41 statement to encompass the addition of the ABC to Action 1.
42 Based on guidance from NOAA General Counsel, changes were made
43 to the language in Action 1 to incorporate biological reference
44 points, including ABC and OFL for Atlantic king mackerel.
45 Additionally, Action 3 was revised to make it consistent with
46 the language in Action 1 and Action 2, since each action is
47 linked. This changed the council's current preferred
48 alternative (Alternative 2 above) into Alternative 1, no action.

1 The intended result of the selected alternative remains the
2 same.

3
4 The committee asked about setting a constant catch level in
5 Action 1, represented by Alternative 5, at the lowest of the
6 annual yields recommended by the South Atlantic SSC. The
7 committee noted that the South Atlantic SSC could be asked to
8 consider a constant catch yield calculated by averaging the
9 annual yields for the OFL and ABC, respectively, across the
10 recommended time series.

11
12 During public hearings, there was substantial opposition to
13 Actions 5 and 6, which consider reducing the recreational and
14 commercial minimum size limit for Atlantic king mackerel,
15 respectively, which is currently twenty-four inches fork length.
16 The South Atlantic Council chose to change their preferred
17 alternative to Alternative 1, no action, for both actions.
18 Additionally, they passed a motion to send Actions 5 and 6 to
19 the Considered but Rejected Appendix.

20
21 **The committee recommends, and I so move, to move Actions 5 and 6**
22 **to Considered but Rejected section. Action 5 is reduce the**
23 **minimum size limit for recreational harvest of Atlantic**
24 **migratory group king mackerel. Action 6 is reduce the minimum**
25 **size limit for commercial harvest of Atlantic migratory group**
26 **king mackerel.**

27
28 **CHAIRMAN DIAZ:** We have a committee motion. Is there any
29 discussion on the motion? **Is there any opposition to the**
30 **motion? Hearing none, the motion carries.** Mr. Anson.

31
32 **MR. ANSON:** Action 7 would modify the recreational requirement
33 to land Atlantic king and Spanish mackerel with heads and fins
34 intact. Currently, commercial fishermen are allowed to keep
35 cut/damaged king and Spanish mackerel that meet minimum size
36 limits. Action 7 would provide the same provision for the
37 recreational sector.

38
39 It was clarified that, whatever portion of the fish remains
40 after being damaged, including after the damaged portion is
41 removed, it must meet the minimum size limit. The South
42 Atlantic Council's Law Enforcement Advisory Panel will be
43 discussing this action at their upcoming meeting on February
44 10th, 2022.

45
46 **The committee recommends, and I so move, in Action 7, to select**
47 **South Atlantic Fishery Management Council Preferred Alternative**
48 **2 and Sub-alternatives 2a and 2b as the Gulf preferred. South**

1 Atlantic Council Preferred Alternative 2 is cutoff (damaged)
2 fish caught under the recreational bag limit that comply with
3 the minimum size limits may be possessed and offloaded ashore.
4 South Atlantic Council Preferred Sub-alternative 2a is Atlantic
5 migratory group king mackerel. South Atlantic Council Preferred
6 Sub-alternative 2b is Atlantic migratory group Spanish mackerel.
7

8 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any
9 discussion on the motion? Mr. Gill.

10
11 **MR. GILL:** Thank you, Mr. Chairman. Just for clarification, I
12 am a little bit confused by what the phrase "that comply with
13 minimum size limits" really means, and so you have a chunk of
14 fish, of some sort, and are we saying, whatever that chunk is,
15 it's top, if I can call it that, to bottom has to be at least
16 within the minimum size limit constraint, and is that what that
17 means? If you have no head and no tail, and it's just a chunk
18 in the middle, you're good to go, if it is long enough?

19
20 **CHAIRMAN DIAZ:** I believe that's what it is, but Ms. Marhefka
21 has just raised her hand, and did you want to speak to that, Ms.
22 Marhefka?

23
24 **MS. MARHEFKA:** Yes, and I just wanted to clarify, and that is
25 the intent. The intent is, whatever hunk of fish you have, it
26 meets the minimum size limit.

27
28 **CHAIRMAN DIAZ:** Thank you. Mr. Dyskow.

29
30 **MR. DYSKOW:** Thank you, Mr. Chair. The question I raise, and I
31 think it was one that was raised at committee, and I'm not on
32 that committee, but is there a fear, a concern, that this policy
33 would morph to other species, and is that the intent, or is this
34 something that we would limit to king mackerel, or to mackerel,
35 only?

36
37 **CHAIRMAN DIAZ:** Ms. Marhefka, can you speak to that, or I see
38 that Ms. McCawley just raised her hand. Ms. McCawley.

39
40 **MS. MCCAWLEY:** I brought this up in committee, and so, yes, I
41 would say that I have some concerns that this could morph to
42 other species, and, also, we're waiting on a Spanish mackerel
43 stock assessment, and I do understand that shark bite-offs, or
44 barracuda bite-offs, otherwise are a problem, and I mentioned
45 that our Law Enforcement Advisory Panel is meeting in early
46 February to discuss this, but, yes, I definitely have some
47 concerns that this could spill over into other species, and then
48 I really would like to see the stock assessment for Spanish

1 mackerel before approving this for Spanish mackerel.

2
3 **CHAIRMAN DIAZ:** Thank you, Ms. McCawley. Ms. Boggs.

4
5 **MS. BOGGS:** Thank you, Mr. Chair, and I understand the idea
6 behind this, and I did support the motion during committee, and,
7 kind of to Bob's point, and I talked to a couple of fishermen,
8 and, in theory, they will come with their head intact, because
9 normally it doesn't get bit-off at the head, and so you could
10 really certainly tell what it is, but I do have a fear, as
11 Jessica stated, that this could morph into something else, and I
12 was just curious.

13
14 Their law enforcement hasn't looked at this, and is there a
15 chance that we could look at this again, and, I mean, I know we
16 have to vote on it, but, I mean, I would be curious to know what
17 law enforcement had to say about it, and I don't know if we have
18 anyone in law enforcement on our side on the phone that might
19 want to respond to it, but that is my concern. I understand the
20 concept, and I understand that sharks and all are an issue, but,
21 again, I don't want this to morph into something else that
22 wasn't intended at a later date. Thank you.

23
24 **CHAIRMAN DIAZ:** Mr. O'Malley, if you would like to respond to
25 Ms. Boggs, if you're still on.

26
27 **MR. JOHN O'MALLEY:** Yes, I'm here. Can you all hear me?

28
29 **CHAIRMAN DIAZ:** Yes, sir. Proceed.

30
31 **MR. O'MALLEY:** The way it's written, comply with the minimum
32 size limits, we have to go with what the minimum size, which is
33 an overall length, and so the way it's written is the way we
34 would interpret it. To be possessed, it's got to meet those
35 minimum size limits.

36
37 **CHAIRMAN DIAZ:** Thank you, Mr. O'Malley. Ms. Marhefka.

38
39 **MS. MARHEFKA:** I sort of want to echo what Jessica was saying
40 and let you all know that that is a common concern. Her
41 concerns are very common among several of our council members,
42 and so I would say that, these exact discussions that you all
43 are having, we are also having at the table.

44
45 I do think that, you know, what we hear coming out of Law
46 Enforcement Advisory Panel is going to be really germane to
47 where we go with this motion. I know, also, we have an issue
48 with certain states and how they enforce the laws, and it would

1 be inconsistent, and their ability to change their regulations
2 to match this would be challenging, and so just to let you know
3 that, this discussion you're having, we're also having the --
4 It's not like we all sat around and 100 percent said this is
5 what we need to do.

6
7 Obviously, in principle, I think we all agree that we hate the
8 idea of discarding a fish, a perfectly good fish, that has been
9 bitten off by a shark, but we are also struggling with these
10 same issues here, and I don't know if that helps you in this
11 motion, but just to give you an idea of what our discussions
12 have been.

13
14 **CHAIRMAN DIAZ:** Thank you for that, Ms. Marhefka. All right. I
15 don't see any other hands up, and so we're going to go ahead and
16 call a vote on this. **Is there any opposition to the motion?**
17 **Please speak up if you have opposition.**

18
19 **MR. GILL:** I am in opposition.

20
21 **MS. MCCAWLEY:** In opposition.

22
23 **CHAIRMAN DIAZ:** Okay. We're going to do a roll call vote.
24 Kevin, were you putting your hand up in opposition, or did you
25 want to speak?

26
27 **MR. ANSON:** I wanted to speak, and I will -- I am in support of
28 the motion. I mean, I've heard what people have said, and it
29 may cause a little bit of a rise, or a bump, in the landings.
30 At least recreationally, those fish, if they are reported as
31 thrown back dead, then they will get counted towards the ACL, or
32 should be, and so they will -- I think it will just amount to a
33 very small increase in the actual landings, when it's all said
34 and done.

35
36 You know, another way to look at this, if it's -- You know,
37 we're talking about depredation and such with sharks, and at
38 least it's one piece of a fish that doesn't get thrown back in
39 the water to keep feeding the sharks.

40
41 **CHAIRMAN DIAZ:** Mr. Dyskow, and then we're going to vote.

42
43 **MR. DYSKOW:** Thank you, Mr. Chair. Could I ask for a
44 clarification on the cutoff/damaged portion? It has to -- The
45 damaged portion, or the cutoff, portion, has to comply with the
46 minimum size limits for the entire fish, and is that what we're
47 saying?

48

1 **CHAIRMAN DIAZ:** Yes, sir. That's what was confirmed by Ms.
2 McCawley and Mr. O'Malley.
3
4 **MR. DYSKOW:** May I please ask a follow-up question?
5
6 **CHAIRMAN DIAZ:** Yes, sir, Mr. Dyskow.
7
8 **MR. DYSKOW:** Is there a way we could limit this motion to king
9 mackerel and Spanish mackerel only?
10
11 **CHAIRMAN DIAZ:** I believe, the way it's worded, Mr. Dyskow, it
12 is limited to king mackerel and Spanish mackerel only in --
13
14 **MR. DYSKOW:** I understand that, sir, but is there a way we can
15 limit the likelihood of it morphing to other species?
16
17 **CHAIRMAN DIAZ:** Not in this particular document I don't think we
18 could, Mr. Dyskow, and this is strictly dealing with mackerel.
19 Mr. O'Malley.
20
21 **MR. O'MALLEY:** I would just like to also add that, also, the
22 state regs are going to be different, and it would address this
23 differently, and so, depending on whatever decision is made,
24 there is also state regulations that could also impact the
25 possession and the size limits.
26
27 **CHAIRMAN DIAZ:** Thank you, Mr. O'Malley. All right. Dr.
28 Simmons is going to call the vote. Dr. Simmons.
29
30 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Ms. Bosarge.
31
32 **MS. BOSARGE:** Abstain.
33
34 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.
35
36 **MR. BROUSSARD:** Yes.
37
38 **EXECUTIVE DIRECTOR SIMMONS:** Ms. McCawley.
39
40 **MS. MCCAWLEY:** No.
41
42 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.
43
44 **MR. WILLIAMSON:** Yes.
45
46 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.
47
48 **DR. STUNZ:** Yes.

1
2 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Schieble.
3
4 **MR. SCHIEBLE:** No.
5
6 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.
7
8 **MR. GILL:** No.
9
10 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.
11
12 **DR. FRAZER:** (Answer is not audible on the recording.)
13
14 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.
15
16 **MR. STRELCHECK:** Yes.
17
18 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.
19
20 **MR. DYSKOW:** Yes.
21
22 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Geeslin.
23
24 **MR. GEESLIN:** Yes.
25
26 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
27
28 **MR. ANSON:** Yes.
29
30 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Burris.
31
32 **MR. BURRIS:** Yes.
33
34 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.
35
36 **MR. DUGAS:** Yes.
37
38 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.
39
40 **MS. BOGGS:** Yes.
41
42 **EXECUTIVE DIRECTOR SIMMONS:** It's eleven to three with two
43 abstaining and one absent.
44
45 **CHAIRMAN DIAZ:** Thank you, Dr. Simmons. Mr. Anson, I think you
46 can proceed.
47
48 **MR. ANSON:** Yes, sir. That left us with Other Business. A

1 council member not on the committee thought it worth considering
2 methods to allow the Gulf and South Atlantic Councils to
3 individually address matters such as sector allocations for
4 stocks occurring in their respective jurisdictions.

5
6 Council staff reminded the committee and the council that these
7 CMP species are managed jointly in part because of a shared
8 federal commercial permit, which is valid in both jurisdictions.
9 As a result, both councils maintain a keen interest in shared
10 permit, allocation, and spatial management considerations. Mr.
11 Chair, this concludes my report.

12
13 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. We're going to continue
14 on. Mr. Gill.

15
16 **MR. GILL:** Thank you, Mr. Chairman. I would like to have a
17 discussion on joint amendments, and would you prefer it be
18 currently, after the discussion we just had on mackerel, or
19 would you prefer it be in Other Business?

20
21 **CHAIRMAN DIAZ:** Let's take care of that in Other Business, Mr.
22 Gill.

23
24 **MR. GILL:** Thank you, Mr. Chairman.

25
26 **CHAIRMAN DIAZ:** Major Skena with the Louisiana Law Enforcement
27 has a conflict later in the day, and so we're going to go ahead
28 and let Major Skena do his Law Enforcement Report at this time.
29 Major Skena, are you on?

30
31 **MAJOR EDWARD SKENA:** Yes, sir, I am.

32
33 **CHAIRMAN DIAZ:** You can proceed. Let them get your presentation
34 up on the board, and then, whenever everything is ready, you can
35 proceed.

36
37 **LOUISIANA LAW ENFORCEMENT EFFORTS**

38
39 **MAJOR SKENA:** Thank you. Good morning, all. I certainly
40 appreciate you taking into consideration my conflict, and thank
41 you, and I know you are all very busy, and the presentation is
42 short, and it is certainly not death by PowerPoint. I will move
43 through it quickly and touch on the highlights and answer any
44 questions, and I do have one announcement to make after my
45 presentation, and so thanks again.

46
47 We had a very successful JEA year, and the next slide will show
48 some of our patrol statistics, and we had a total of a little

1 over 9,000 patrol hours, which is fairly impressive. The
2 majority of those hours were broken down, or the majority of
3 those hours were on the commercial side, but we had a lot of
4 time actually spent out on the water, at-sea manhours, which is
5 a tremendous deterrent, as you all know.

6
7 The next slide actually breaks down the amount of public
8 contacts that we had through the commercial and recreational
9 side, and so we made a total of a little over 2,500 contacts
10 while on a joint enforcement agreement patrol, which, once
11 again, just being out there is 75 percent of the battle for
12 illegal fisheries.

13
14 The next slide will show that the majority of those 9,000 hours
15 were actually spent patrolling, and this breakdown is just some
16 of our administrative hours, where we're actually writing
17 reports and attending court and administrative hearings, as it
18 pertains to our enforcement efforts, and those numbers are only
19 306, which you can see, from our agreement, that we have the
20 majority of the time that we're actually doing enforcement work,
21 and I really have to applaud our agents, because they put out a
22 tremendous amount of effort when we're out there doing this type
23 of work, and I am proud of that low number for the
24 administrative hours.

25
26 The next slide, the next two slides, are pretty busy, but it
27 talks about observed compliance, and this year is very similar
28 to what we saw last year, and it looks like the majority of our
29 commercial violations are shrimp and are related to TEDs in
30 nature, and the majority of our contacts are actually shrimp
31 boats.

32
33 The next one, that's up now, is our recreational slide, and that
34 shows pretty much the breakdown of what we saw in observed
35 compliance on the recreational side of things, and it's very
36 similar to that of last year, and the majority of the violations
37 are in reef fish, and we continue to put a tremendous amount of
38 effort specifically towards red snapper.

39
40 The last slide of the presentation is one case that we're pretty
41 proud of this year, and three subjects were caught with a total
42 of thirty-one red snapper, and I believe all but three of them
43 were under the minimum size limit. This particular case was
44 conducted in Plaquemines Parish, which seems to be one of the
45 hotspots on the coast of Louisiana for illegal fisheries.

46
47 It's on the last slide, and there are some pictures of the case
48 there, on the last slide, but, once again, this particular case

1 was done from doing the type of work that Louisiana likes to do,
2 which we just call straight-up game warden work. We try to
3 contact as many people as possible, and we spend a lot of time
4 developing informants and working information that we receive,
5 and this case is a direct results of boots-on-the-ground-type
6 work.

7
8 The last thing that I will mention is I am actually moving back
9 to the patrol section, and I am being replaced as the JEA
10 representative by Major Dean Aucoin, and I won't be too far from
11 this. I will be supervising field operations for the entire
12 coast of Louisiana, from Texas to Mississippi, and so I will
13 still have my hands involved in a large portion of the JEA
14 program, but it will be managed, from where I used to sit at the
15 headquarters level, by Major Aucoin.

16
17 I expect that this will be a seamless transition, and Major
18 Aucoin has been with the department for a number of years, and
19 he has held various positions. He started his patrol effort for
20 the department being assigned to Terrebonne Parish, and he was a
21 district supervisor down there, and he has moved through the
22 ranks here, and he's held various positions in boating, and he
23 is a member, and is now the commander, of our Maritime Special
24 Response Team, and he will be managing the JEA program for the
25 department, and I am hopeful that he will represent us on the
26 Gulf Council and the Marine Fisheries Commission on the
27 Technical Law Enforcement Committee.

28
29 Dean is very intelligent, and he's motivated, and he is an
30 outstanding game warden, and I believe that I am leaving you all
31 in the best hands possible. Dean is very easy to work with, and
32 I think you all will be happy with his performance, and this
33 concludes our report, and, once again, I really appreciate you
34 guys taking into consideration our time constraints, and I want
35 to thank you for your time.

36
37 **CHAIRMAN DIAZ:** Thank you, Major Skena. I do want to say a few
38 things right now. First, I want to welcome Major Dean Aucoin to
39 his new position, and we look forward to working with him on the
40 LETC and the LEC. I do have to tell you, Major Aucoin, that
41 you've got some pretty big shoes to fill. Major Skena has been
42 a major contributor to the LETC and the LEC, and we've been
43 blessed to have him share his experience and expertise with us
44 on a number of law enforcement issues. Major Skena, we
45 appreciate your assistance to the council that you have
46 provided.

47
48 **MAJOR SKENA:** I certainly appreciate that, and Major Aucoin is

1 sitting here with me, and he's a little embarrassed, but I
2 appreciate those kind words, and, once again, I would be shocked
3 if you all were not extremely satisfied with Dean's performance.
4

5 **CHAIRMAN DIAZ:** Thank you, Major Skena. Mr. Schieble.
6

7 **MR. SCHIEBLE:** Thank you, Mr. Chair. Major Skena, I just wanted
8 to say thank you for the work you've done here, and I know this
9 year has not been an easy one for you and your agents, and you
10 had to deal with the devastation of Hurricane Ida in the middle
11 of having to handle all these cases as well, and, of course, you
12 did not drop the ball on anything, and you guys continued on, as
13 you always do, to get through this stuff and help with the
14 recovery of Louisiana, as well as continue with the enforcement
15 that you do, and so thank you, and I wish you well in your next
16 endeavor, and I'm looking forward to working with Major Aucoin.
17 Thank you.
18

19 **CHAIRMAN DIAZ:** Thank you, Mr. Schieble. I don't see any other
20 questions. Again, good luck to you, Major Skena, and I look
21 forward to seeing you somewhere down the line in the future.
22

23 **MAJOR SKENA:** Thank you very much, and, of course, my line is
24 always open. If you need something, please reach out.
25

26 **CHAIRMAN DIAZ:** We will do that. We're going to take a break
27 here, and we're going to take a fifteen-minute break, and we'll
28 start back up at 9:45, and we're going to start back up with the
29 Data Collection Committee. 9:45 Central.
30

31 (Whereupon, a brief recess was taken.)
32

33 **CHAIRMAN DIAZ:** We're going to go ahead and get started back up,
34 if everyone is ready, and so, next up, we're going to do Data
35 Collection. Ms. Boggs, are you prepared to do the Data
36 Collection Report?
37

38 **MS. BOGGS:** Yes, sir. Give me one second. I just printed the
39 revised. Yes, sir, I'm ready now.
40

41 **CHAIRMAN DIAZ:** Whenever you're ready, Ms. Boggs.
42

43 **COMMITTEE REPORTS (CONTINUED)**
44 **DATA COLLECTION COMMITTEE REPORT**
45

46 **MS. BOGGS:** Yes, sir. Tab F is the Data Collection Committee
47 Report of January 26, 2021. The committee adopted the agenda,
48 Tab F, Number 1, as written and approved the minutes, Tab F,
122

1 Number 2, of the October 2021 meeting as amended.

2
3 Modification to Location Reporting Requirements for For-Hire
4 Vessels and Reef Fish Advisory Panel Recommendations, Tab F,
5 Number 4(a), Ms. Carly Somerset of council staff presented the
6 revised framework action to allow exemptions due to an
7 unforeseen failure with a vessel monitoring system (VMS) unit.

8
9 The document was updated based on motions passed by the council
10 at its October 2021 meeting. Revisions included the removal of
11 Action 2, which would have applied the VMS exemption to the
12 commercial sector. At its January 2022 meeting, the Reef Fish
13 AP recommended two preferred options that would allow for the
14 maximum number of exemptions and length of the exemption period,
15 in an effort to avoid loss of trips and associated economic
16 losses from any potential VMS failures in the for-hire sector.

17
18 Several committee members expressed concern that, depending on
19 the combination of alternative options selected, a Southeast
20 For-Hire Integrated Electronic Reporting (SEFHIER) program
21 participant may not be monitored by VMS for over a month if
22 exemptions are applied consecutively. This could affect the
23 validation process for reporting, increase uncertainty due to
24 data gaps and complicate program enforcement.

25
26 Other committee members cited long potential delays in supply
27 chains and inventory, which could hinder the ability to repair a
28 VMS or receive another unit in a timely manner. Additionally,
29 concern was expressed that participants would lose revenue,
30 should a trip be canceled due to VMS failure, and that captains
31 should be allotted as much time as possible to resolve any
32 issue.

33
34 SERO staff replied that considerations for customer service
35 response and adequate hardware inventory are required of vendors
36 before they are approved by the agency. Several committee
37 members also stated that very few observations of satellite VMS
38 failure have been reported in the commercial sector. Of the
39 proposed options, the committee selected the intermediate option
40 in regard to the length of the exemption period.

41
42 **The committee recommends, and I so move, in Action 1, to make**
43 **Alternative 2, Option 2b the preferred. Alternative 2 is create**
44 **an exemption to the VMS requirement to address equipment failure**
45 **and set a limit on the number of calendar days that the NMFS-**
46 **approved exemption is valid for vessels with charter**
47 **vessel/headboat permits for reef fish and/or CMP. Option 2b is**
48 **the exemption will be valid for up to ten days from submittal**

1 date.

2
3 **CHAIRMAN DIAZ:** We have a committee motion. Is there any
4 discussion on the motion? **Seeing no discussion, is there any**
5 **opposition to the motion? Seeing no opposition, the motion**
6 **carries. Ms. Boggs.**

7
8 **MS. BOGGS:** The committee also discussed selecting the number of
9 exemptions within a calendar year. To allow for potential delay
10 in repairs but still achieve program goals, the committee
11 similarly selected the intermediate option in terms of the
12 number of exemptions allowed in a calendar year.

13
14 **The committee recommends, and I so move, In Action 1, to make**
15 **Alternative 3, Option 3b the preferred. Option 3b is the permit**
16 **holder may not request more than two exemptions per vessel per**
17 **calendar year.**

18
19 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any
20 discussion on the motion? **Seeing no discussion, is there any**
21 **opposition to the motion? Seeing no opposition, the motion**
22 **carries. Ms. Boggs.**

23
24 **MS. BOGGS:** The committee also discussed the feasibility of
25 enforcement for the exemption.

26
27 **CHAIRMAN DIAZ:** Ms. Boggs, hold on one second, please.

28
29 **MS. BOGGS:** Yes, sir.

30
31 **CHAIRMAN DIAZ:** I'm sorry. Ms. Levy.

32
33 **MS. LEVY:** Thank you. I just wanted to say that, given the
34 discussion about Options 3b and 3c allowing folks to do the
35 exemption that you have in Alternative 2 consecutively, it would
36 be helpful for staff to add that expressly into the document for
37 the next version, so that it's very clear that that is the
38 intent and that's what could occur. Thank you.

39
40 **CHAIRMAN DIAZ:** Okay. Staff, could you all -- We're having just
41 a little bit of background noise. Hold on one second. Could
42 everyone make sure they're muted on their end? I think we have
43 our technical issues straightened out. Mr. Dugas.

44
45 **MR. DUGAS:** Mr. Chair, I just wanted to say that I couldn't
46 understand anything that Ms. Levy said. Maybe could she repeat
47 it?

1 **CHAIRMAN DIAZ:** Thank you, Mr. Dugas. Okay. Ms. Levy, sorry to
2 ask you to do that, but we had an issue that had to be
3 straightened out, real fast, and can you repeat your last
4 comment, please?
5

6 **MS. LEVY:** Sure. Just that, given the discussion about how
7 Options 3b and 3c could be applied consecutively to whatever the
8 time period is in Alternative 2, that staff add some language to
9 the document that expressly states that, just so that it's very
10 clear, for folks reading the document, that that's the intent of
11 how that would work. Thanks.
12

13 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Okay. I believe we're
14 ready for you, Ms. Boggs.
15

16 **MS. BOGGS:** The committee --
17

18 **CHAIRMAN DIAZ:** Sorry, Ms. Boggs. Mr. Gill just raised his
19 hand. Mr. Gill.
20

21 **MR. GILL:** Thank you, Mr. Chairman. I understood Mara to ask
22 for a motion, and I was prepared to make that motion, if it's so
23 desired.
24

25 **CHAIRMAN DIAZ:** I am pretty sure she just made the comment that
26 staff needed to add that into the document, based on the
27 discussion, and Dr. Simmons is shaking her head that that's
28 sufficient. Okay, Ms. Boggs.
29

30 **MS. BOGGS:** The committee also discussed the feasibility of
31 enforcement for the exemptions. Previous comments on the
32 program have indicated that achieving compliance is important
33 for program progress. A committee member stated that a vendor
34 work ticket could be presented to law enforcement to verify an
35 exemption. The committee also discussed the possibility of a
36 sunset provision for the exemption, and the committee generally
37 agreed that an annual review of the effects of the exemption on
38 program goals would be beneficial.
39

40 Update on Modifications to the Commercial Electronic Reporting
41 Program, Tab F, Number 5, Dr. Julie Brown from the Southeast
42 Fisheries Science Center presented an update on the commercial
43 electronic logbook (eLogbook) program. On November 10, 2021,
44 the Greater Atlantic Regional Fishery Office (GARFO) commercial
45 permit holders were required to begin submitting mandatory
46 electronic logbook trip reports.
47

48 Those GARFO permit holders with additional Southeast Regional

1 Office (SERO) commercial permits, dual permits, may voluntarily
2 choose to use the eTRIPS software option for submission of the
3 trip report to SE. This option allows a dual permit holder to
4 submit a single report for both the GARFO and SERO logbook
5 programs simultaneously.

6
7 Currently, there are no modifications to the commercial
8 reporting in the Gulf, and catch information reports will still
9 be required within seven days. However, the Southeast Fisheries
10 Science Center is interested in exploring developing the
11 commercial eLogbook program in this region and has proposed
12 moving towards set-level reporting and collecting more precise
13 spatial data. These long-term goals will be developed from
14 stakeholder workshops to help balance reporting requirements
15 with program goals.

16
17 A committee member asked for clarification regarding eTRIPS
18 currently being the only vendor available for dual reporting and
19 inquired as to whether NMFS would consider other vendor
20 providers. Dr. Brown stated that other software vendors would
21 be encouraged to apply for certification, but different regional
22 requirements result in changes in technical specifications.
23 Finalized technical specifications have to be made available
24 before vendors can begin developing program software
25 applications.

26
27 The committee member asked about the eLogbook data transmission,
28 and Dr. Brown indicated that data were transmitted first to the
29 Atlantic Coastal Cooperative Statistics Program (ACCSP) before
30 being forwarded to the Southeast Fisheries Science Center. SERO
31 staff reminded the committee that hardware and software
32 technical specifications are very different, and a committee
33 member responded that presented information on differing data
34 collection programs is beneficial when considering management
35 options.

36
37 Dr. Dave Gloeckner (SEFSC) informed the committee that logbook
38 data has the capability of being transmitted to the ACCSP.
39 However, VMS data must first be transmitted to the Office of
40 Chief Information Officer.

41
42 Update on Southeast For-Hire Integrated Electronic Reporting
43 (SEFHIER) Program, Tab F, Number 6, Dr. Michelle Masi of SERO
44 staff provided an updated report on the progress of the SEFHIER
45 Program. Phase II of the program, which will require the use of
46 a vessel monitoring system (VMS), will be implemented on March
47 1, 2022.

48

1 The update indicated that approximately 500 Gulf and 170 dual
2 Gulf and South Atlantic permit holders have yet to register with
3 the program, and a committee member inquired for the reasoning
4 for that delay. SERO staff indicated that latency could be
5 contributing to that observation, but would not know for sure
6 until VMS units are installed. Captain Ed Walker, the Reef Fish
7 AP Chair, stated that program buy-in would improve if the
8 redundant hail-out reporting burden was removed.

9
10 Presentation and Discussion on Potential Use of COLREGS, Tab F,
11 Number 6(a), SERO staff presented information on the use of the
12 International Regulations for Preventing Collisions at Sea
13 demarcation lines (COLREG) as a way to reduce the multiple hail-
14 out reporting requirements when moving short distances for non-
15 fishing trips, e.g., fueling, supply runs, picking up customers.

16
17 SERO staff indicated that the Florida Keys presented a
18 challenge, since COLREG lines are not clearly defined in this
19 area. A SEFHIER demarcation line could be established, but
20 would take some time to develop and would require council
21 approval. SERO staff also expressed concern about fisherman
22 awareness when crossing potential demarcation lines.

23
24 SERO staff presented some alternatives to COLREG lines,
25 including modifying the trip declaration form to indicate that
26 minor stops were being made before the fishing trip, or altering
27 the declaration definition in the regulations to allow for stops
28 before fishing.

29
30 A committee member stated that a geofencing feature made
31 available by vendors could provide a potential solution, and
32 another member indicated that redefining "trip" within the
33 regulations may also address the issue. A committee member
34 added that, whatever solution is considered, that it should
35 provide an efficient remedy to reporting burden to quickly
36 increase initial program buy-in.

37
38 Discussion on Autofill Reporting, Tab F, Number 6(b), SERO
39 staff presented that one-stop reporting (OSR) can cover data
40 collection across multiple programs. Currently, the ACCSP's
41 eTRIPS software has the capability for OSR, but is presented
42 quite differently from the widely used VESL application used in
43 the SEFHIER program.

44
45 While eTRIPS is OSR, it requires the completion of a number of
46 other data fields that are not required by the SEFHIER program.
47 Technical specifications for the SEFHIER program do allow for
48 auto-filling certain fields (vessel registration number, vessel

1 name, time zone). Vendors have also created favorites for some
2 fields.

3
4 A committee member inquired whether the differences in data
5 collection of discard data between OSR and non-OSR software
6 would affect how this information is used to observe the
7 fishery. Dr. Stephen stated that, in an effort to reduce
8 reporting burden and align with stock assessment requirements
9 for estimating discard mortality, there is no plan to require
10 consideration of those additional data fields until the program
11 has been implemented for several years.

12
13 The committee member commented that this difference in reporting
14 could still affect monitoring of catch and landings. A
15 committee member asked when the council could expect to see a
16 preliminary data report from the SEFHIER program. SERO staff
17 indicated that summary information could be presented, but a
18 timeline for that presentation was unknown at this time.

19
20 Update on Upcoming Workshop to Evaluate State-Federal
21 Recreational Survey Differences, Dr. Richard Cody from the NOAA
22 Office of Science and Technology provided an update on an
23 upcoming cooperative workshop to assess differences in state-
24 collected recreational data collection programs and the Marine
25 Recreational Information Program (MRIP).

26
27 The workshop will be held February 23 through 25, and will
28 likely have to be convened virtually. State agency
29 representatives will have an opportunity to present observed
30 differences between their program and MRIP to independent
31 consultants for their review before the workshop. The
32 consultants will then present their reviews and have further
33 discussions with state agencies at the workshop.

34
35 Other Business, a committee member asked for an update on the
36 ongoing litigation regarding the VMS implementation in the
37 SEFHIER program, and NOAA General Counsel indicated that the
38 case is briefed before the court, and they are awaiting a
39 decision. Mr. Chair, this concludes my report.

40
41 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. We have a couple of
42 hands, and so let's go to the folks. Mr. Dugas.

43
44 **MR. DUGAS:** Thank you, Mr. Chair. A question regarding Dr.
45 Cody's workshop that's coming up. Is this available to the
46 public? Will some details maybe be released, or can we join, or
47 are there any materials that are going to be produced? Where
48 can we find some information on this?

1
2 **CHAIRMAN DIAZ:** Mr. Donaldson, could you speak to Mr. Dugas'
3 question please, if that's possible?
4
5 **MR. DONALDSON:** I am not really sure, Mr. Chairman, because,
6 when we were doing it in-person, I could certainly provide some
7 information, but I was looking to see if Richard Cody is on the
8 call, but, now that it's gone to virtual, I believe it's going
9 to be open to the public, but I don't know, and it doesn't
10 appear that Richard is on the call this morning, but I can
11 certainly find out and get back with you.
12
13 **CHAIRMAN DIAZ:** If you would do that, Mr. Donaldson, we would
14 appreciate it.
15
16 **MR. DONALDSON:** No problem.
17
18 **CHAIRMAN DIAZ:** Okay, and so we'll try to get you an answer, Mr.
19 Dugas. Mr. Williamson.
20
21 **MR. WILLIAMSON:** J.D. asked my question, and I'm fine. Thank
22 you.
23
24 **CHAIRMAN DIAZ:** Thank you. Mr. Anson.
25
26 **MR. ANSON:** Thank you, Mr. Chair. I just wanted to -- I can't
27 recall where we are in regard to the COLREGS discussion, and I
28 know the agency staff, Dr. Stephen, presented some information,
29 and I don't know if that was still under evaluation or if it
30 required any council direction. I was just wondering if
31 anybody, staff, can recall, or maybe Andy or somebody. Thank
32 you.
33
34 **CHAIRMAN DIAZ:** I see Mr. Strelcheck just raised his hand. Was
35 it to respond to that, Mr. Strelcheck?
36
37 **MR. STRELCHECK:** No, but I was going to make a similar comment
38 to Mr. Anson, and so my suggestion is that we have staff explore
39 whether or not the definition for when a trip commences first,
40 and see if there is an administrative regulatory fix that could
41 be done before pursuing any sort of technological solutions, and
42 so, if we could have staff bring back recommendations or input
43 at a future Data Collection meeting, I think that would be
44 helpful, and ensure that they work for the Office of Law
45 Enforcement as well as the SEFHIER program.
46
47 **CHAIRMAN DIAZ:** Dr. Simmons.
48

1 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Mr.
2 Strelcheck, we have a SEFHIER team working on this, I thought,
3 and we have lots of staff involved from the council and the
4 Regional Office, and I believe the Science Center, and the
5 Office of OLE as well, and so I guess my concern is continuing
6 to delay this and seeing if that group can come up with some
7 solutions and then provide that to the council.

8
9 I mean, I think it could be a pretty easy fix, and maybe I'm
10 just saying that, but it seems to me that the software could
11 just be modified, both for the VMS and the archived GPS systems,
12 to put in some type of estimated time that you're going to start
13 your fishing trip, but that's just my thinking.

14
15 **CHAIRMAN DIAZ:** Ms. Boggs.

16
17 **MR. STRELCHECK:** Can I provide a response to that, Mr. Chair?

18
19 **CHAIRMAN DIAZ:** Go ahead, Mr. Strelcheck.

20
21 **MR. STRELCHECK:** Certainly that's one solution, Carrie. I am
22 cognizant of costs, and, anytime you have to modify software,
23 especially when we're working across multiple platforms and VMS,
24 there is potential then for increased cost to the agency, and so
25 that's why my preference is to first explore if there's an
26 administrative regulatory fix to the definition, and, if that
27 can't be resolved, then certainly we could explore those other
28 technological fixes.

29
30 **CHAIRMAN DIAZ:** Ms. Boggs.

31
32 **MS. BOGGS:** Thank you, Mr. Chair. Well, I wasn't going to
33 comment to this, but I will, now that it's been brought up, and
34 my understanding of the VMS unit is that it tracks you where
35 you're going, and it would seem kind of obvious, to me, that, if
36 it's being tracked, that you could tell if somebody is on a
37 fishing trip or not without having to worry about all of these
38 additional hail-outs and hail-ins, but that's just my mind
39 thinking about it.

40
41 My question was going to be, and I'm sure that it will be
42 included, hopefully, in the April update that I anticipate
43 getting from SEFHIER, is we see now the number of permits that
44 have enrolled in the SEFHIER program, but I would like to see,
45 at our April meeting, how many permit holders have VMS units.

46
47 I did talk to another vendor today, and he stated to me that he
48 can outfit the entire fleet, and I actually believe he's

1 listening in on the meeting today, because I was kind of
2 concerned yesterday, when we talked to -- Or when we had a
3 couple of comments at public comment that we have hundreds of
4 units. Well, there is thousands of vessels in this program, and
5 so I was kind of concerned about the supply chain, but now I
6 kind of understand that it may not be the unit you want at the
7 price you want, but I think the units are available, and so
8 those are my comments. Thank you.

9

10 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Dr. Stunz.

11

12 **DR. STUNZ:** Thank you, Mr. Chairman. I wanted to back up just a
13 little bit to J.D.'s comment about that the state and federal --
14 I guess sort of this reconciliation workshop among those
15 programs that Dr. Cody is doing, and the comment that --
16 Probably the reason you're getting some of us asking this is
17 that we're being approached by the public about is this public.

18

19 Dave, I appreciate you looking into that, and certainly I'm not
20 trying to put you on the spot for not knowing, but I want to
21 make sure that we get in the record that -- We want to be as
22 transparent as possible on this, and this, obviously, has a lot
23 of interested parties, about what's going on with these
24 differences and the implications of that, and so I just want to
25 make sure that we clearly put it in our record that at least my
26 opinion is that we want to involve the public at every step of
27 the way, or at least give them the opportunity.

28

29 Dave, of course, when you have a chance to look into that,
30 please let us know, but I want to make sure that we're not being
31 sort of exclusionary here and that we're including the public
32 wherever possible.

33

34 **CHAIRMAN DIAZ:** Mr. Anson.

35

36 **MR. ANSON:** Just to circle back on my COLREGS question, and I
37 guess Andy's suggestion -- Is that satisfactory to Dr. Simmons,
38 that you felt like that could be done, or does the council need
39 to request it? That's all, and that's all I needed.

40

41 **CHAIRMAN DIAZ:** Dr. Simmons.

42

43 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Well, I
44 guess I feel like the group has come up with a couple of
45 different solutions, and I think the agency probably needs to
46 weigh-in and figure out what makes the most sense fiscally and
47 could be completed in the most timely manner, because it needs
48 to happen fast, and so I guess I would kind of pitch that back

1 to Mr. Strelcheck's team and the SEFHIER group that our staff
2 are involved in, and then bring that back to the council.

3
4 **CHAIRMAN DIAZ:** I do agree with Dr. Simmons. Whatever path that
5 is chosen to deal with this, speed is very important. It's very
6 clear, from public comments, that this hail-in and hail-out
7 issue is causing a lot of problems for the charter/for-hire
8 industry, and it's also getting some people maybe where they're
9 not wanting to participate, and so, the quicker we can deal with
10 this, the better. I don't know what the right solution is, but
11 I do know that we have to get moving on it and get some type of
12 fix in place relatively soon. Mr. Donaldson.

13
14 **MR. DONALDSON:** Thank you, Mr. Chairman. Dr. Stunz, yes, it's
15 my understanding, or I would imagine, that this call, the
16 webinar, is going to be open to the public. They just need to
17 work out the details, and we don't want everybody available to
18 ask questions, but they certainly would be able to listen, and
19 they are working out the detail. I just got a text from
20 Richard, and he said he's going to get on the call and hopefully
21 be able to address some of those questions there.

22
23 **CHAIRMAN DIAZ:** Thank you, Mr. Donaldson. Ms. Boggs.

24
25 **MS. BOGGS:** Thank you, Mr. Chair, and, initially, I was going to
26 comment to what Kevin was addressing, the COLREGS, and the
27 COLREGS with modification for landings, and the VMS questions,
28 and all of this needs to be addressed, because this program,
29 one, is on the water, with the electronic logbooks, and, two,
30 we've got the VMS units coming up on March 1, and I don't know
31 how -- I mean, obviously, we can't get that passed in time for
32 the VMS units coming on the water, and so I don't know if the
33 council, if we need -- Of course, the council staff is involved
34 in this, but if we need to write a letter to the agency and say,
35 hey, we need to get this line out, and what are we looking at
36 for the end of year two, because these captains, on March 1,
37 what's going to happen? That's a big concern of mine, and I
38 just wanted to see if there's any more thoughts on that from the
39 committee or the council. Thank you.

40
41 **CHAIRMAN DIAZ:** Ms. Levy.

42
43 **MS. LEVY:** Thank you. Just with respect to the trip declaration
44 and Carrie's comment, I mean, I think we need some more internal
45 discussion, I guess, and I feel like we need to really think of
46 the implications of any potential solution.

47
48 I mean, when this program was approved by the council, it had a

1 specific requirement that, prior to departing for any trip, you
2 needed this hail-out, and then, if you weren't going on a for-
3 hire trip, then you were kind of done, and, if you were going on
4 a for-hire trip, you needed to give other information, and I
5 believe that it was determined that this was a necessary
6 component of the program, to make sure that the data -- Improve
7 the accuracy of the data and get what you needed for the
8 program.

9
10 I'm not opposed to looking at modifying things, but I don't
11 think that simply changing the definition without considering
12 implications of what that might mean for when people do a hail-
13 out and what kind of data you're getting and how you're then
14 going to enforce the hail-out requirement, and I think all of
15 that needs to be considered a little more carefully, and so I do
16 feel like we need to have at least some more discussion with
17 staff and then perhaps come back, so that we can talk about the
18 implications of the different options. Thank you.

19
20 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Mr. Donaldson.

21
22 **MR. DONALDSON:** Thank you, Mr. Chair. I just saw that Bernie
23 put in the notepad that Dr. Cody is on the line, and so, J.D.,
24 if you want to ask the question again, I'm sure that Richard
25 will be able to address it.

26
27 **CHAIRMAN DIAZ:** You can go ahead, Mr. Dugas.

28
29 **MR. DUGAS:** Thank you, Mr. Chair. Dr. Cody, my question was,
30 with the upcoming workshop to evaluate the state and federal
31 recreational survey differences, will this workshop be open to
32 the public, and, if so, where can the public find some materials
33 to listen in?

34
35 **CHAIRMAN DIAZ:** Dr. Cody.

36
37 **DR. RICHARD CODY:** J.D., thanks for the question. Well, we are
38 having -- Since it's a virtual meeting, the information will be
39 made available on how to participate. We will be controlling
40 the level of participation, because we are concerned that we
41 have a lot to get covered in the meeting, and so it will be
42 basically for listening in and viewing purposes for the general
43 public, and we're kind of reserving the active participation
44 with the participants for the meeting, but, that said, we will
45 be making available materials for the meeting, for the workshop,
46 probably online, and I will be able to provide that at a later
47 date, but, at this time, we're working on those details.

48

1 Originally, we had planned for an in-person meeting, and that
2 evolved into a hybrid virtual mix, but now it's completely
3 virtual, and so we're ironing out the details, as far as when
4 and where we'll make those available, but they will be available
5 to the public. Hopefully that answers your question.

6
7 **MR. DUGAS:** Mr. Chair, can I respond?

8
9 **CHAIRMAN DIAZ:** Yes, sir.

10
11 **MR. DUGAS:** Thank you, Dr. Cody. So my next question would be,
12 once this information is released, will the council be notified
13 as well? I mean, me personally, I would like to listen in.

14
15 **DR. CODY:** Well, we have council staff that are participating on
16 the planning working group, and they will also be participating
17 in the meeting, and so, as we get information together, as part
18 of the planning team, the council can make that available to the
19 committee.

20
21 **MR. DUGAS:** Great. Thank you.

22
23 **CHAIRMAN DIAZ:** Ms. Muehlstein.

24
25 **MS. MUEHLSTEIN:** To that point, thank you, Richard, and I know
26 that we do have staff on that team, and I think maybe that team
27 needs to have some discussion, when you guys do come up with the
28 meeting dates and things, and either we'll have that team, or
29 somebody from your team, like your communications folks, give us
30 a press release that we can share with our constituency, or we
31 can draft one of those on our own, but I do think, based on Mr.
32 Dugas' points, that maybe the council should be amplifying an
33 opportunity to listen into this meeting, if that's possible.

34
35 **DR. CODY:** Yes, I agree, Emily, and there is a -- One of the
36 sections that we were discussing in the last planning team
37 meeting related to communications, and so I expect that we will
38 have some folks from S&T reaching out to you very soon.

39
40 **CHAIRMAN DIAZ:** Dr. Simmons.

41
42 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I just
43 wanted to go back to the commercial ELB program section and just
44 pause for a minute and have a little bit of discussion about
45 that. In 2013, we had a motion to start work on an amendment to
46 require electronic reporting for commercial logbooks, and then
47 it was kind of stalled to wait for the pilot and to wait until
48 that program was developed, and so I guess I'm asking, maybe the

1 Science Center, John Walter, Andy, if we're ready to start
2 working on a document to take the paper, the commercial paper,
3 logbooks and make them electronic, and, if we do that, does that
4 need to be a joint amendment with the South Atlantic Council?
5

6 **CHAIRMAN DIAZ:** Mr. Strelcheck, can you respond to that?
7

8 **MR. STRELCHECK:** Yes, and I had my hand raised, and so I think
9 we're ready, at this point, to move forward, and I definitely
10 would recommend that we do a joint amendment with the South
11 Atlantic Council, to maintain consistency between the two
12 regions. Thanks.
13

14 **CHAIRMAN DIAZ:** Dr. Porch. Dr. Porch, I think you might have
15 put your hand down, but your audio PIN is not entered, if you
16 try to speak at a later time. All right. I am not seeing any
17 other hands up, and I think we're wrapping this committee up,
18 and so, if anybody has got any other comments -- Going once,
19 going twice, Ms. Boggs.
20

21 **MS. BOGGS:** I'm sorry, but, to Carrie's point, do we need to
22 make a motion, or can we wait and do it at the April council
23 meeting, regarding the commercial logbooks?
24

25 **CHAIRMAN DIAZ:** Dr. Simmons.
26

27 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. We had, like
28 I said, a motion from 2013, and that was just to start an
29 amendment, and it wasn't joint, and I think we can approach the
30 South Atlantic Council, if the council concurs, and try to move
31 forward with something and start some work on this, but I think
32 the bigger question I have is just, right now, the focus, and
33 that's my understanding, is just to take those paper logbooks,
34 and, for those who are selected, to make them electronic.
35

36 **CHAIRMAN DIAZ:** Okay, and so it sounds like we're good to go.
37 All right. That should wrap up the Data Collection Committee.
38 Thank you, Ms. Boggs, for taking us through that. We're going
39 to take just a short break here, about a one-minute break, and
40 we're going to start back up with the Reef Fish Committee.
41

42 (Whereupon, a brief recess was taken.)
43

44 **CHAIRMAN DIAZ:** Okay. We're ready to get back started, and so,
45 Dr. Frazer, are you ready?
46

47 **DR. FRAZER:** I am, Mr. Chair.
48

1 **CHAIRMAN DIAZ:** You may proceed. Thank you.

2
3 **REEF FISH COMMITTEE REPORT**
4

5 **DR. FRAZER:** All right, and so the Reef Fish Committee Report.
6 The committee adopted the agenda with the addition of two
7 discussion items: (1) timeline for the red snapper data
8 calibration framework action, and (2) settlement agreement
9 between the National Marine Fisheries Service and the State of
10 Texas with regard to the state's private recreational red
11 snapper season in 2019. The minutes from the October 2021
12 meeting were approved as written. Committee members asked that
13 more time be provided to the committee to review materials,
14 whenever possible. Review of Reef Fish Landings and Review of
15 Reef Fish ACL Figures --
16

17 **CHAIRMAN DIAZ:** Hold on a minute. We're going to take just a
18 short break. I will tell you what let's do. Okay. We're going
19 to try this one more time.
20

21 **DR. FRAZER:** All right. I'm ready. Sorry about that, guys.
22 Ms. Kelli O'Donnell from the NMFS Southeast Regional Office
23 reviewed commercial and recreational Gulf reef fish landings for
24 2021, which are preliminary.
25

26 A committee member asked about the private recreational landings
27 for red snapper and when those data would be available for
28 review by the committee. Dr. Michael Larkin replied that the
29 recreational for-hire landings are on the SERO ACL Monitoring
30 webpage. The private recreational landings are provided by the
31 states and are typically made available to the council in April
32 2022. A committee member asked that current private
33 recreational landings for red snapper be updated by the states
34 at every council meeting.
35

36 Final Action, Framework Action: Modification of Gulf of Mexico
37 Vermilion Snapper Catch Limits, Tab B, Number 5, council staff
38 summarized public comments received. Comments in support of no
39 action indicated that the vermilion snapper stock may not be
40 healthy enough to support a quota increase and that the decline
41 in commercial landings suggests there is no need to increase the
42 annual catch limit, or ACL. Comments supporting an ACL increase
43 noted that vermilion snapper is one of the few fish that can be
44 harvested year-round by private anglers.
45

46 Council staff summarized recommendations made by the Reef Fish
47 Advisory Panel (AP) during its January 5 through 6, 2022
48 meeting. Ed Walker, chair of the AP, noted that the AP members

1 discussed the conversion of recreational data from MRIP-CHTS to
2 MRIP-FES units and expressed their concern relative to the
3 magnitude of the proposed ACL increase. The AP approved a
4 motion to recommend the council create an Alternative 4 to set
5 the ACL at 75 percent of the ABC (5.45 million pounds whole
6 weight) monitored in MRIP-FES units.

7
8 Council staff discussed management alternatives included in the
9 framework action to modify the overfishing limit (OFL),
10 acceptable biological catch (ABC), and ACL for vermilion
11 snapper. Staff indicated that Alternative 1 is not viable,
12 because the catch levels do not represent the best scientific
13 information available. Staff noted that the council's Preferred
14 Alternative 2 would modify the OFL, ABC, and ACL, based on the
15 recommendation of the SSC for a constant catch yield for 2021 to
16 2025. The OFL, ABC, and ACL under consideration are provided in
17 Table 1 below and the header for Table reads "OFL, ABC, and ACL
18 included in the framework action or proposed by the Reef Fish AP
19 (pounds whole weight)", and I will leave that to the council
20 members to read.

21
22 Committee members inquired about the magnitude of the difference
23 between the status quo ACL and the other alternatives. Staff
24 indicated that the differences can be explained by the
25 conversion of recreational landings from MRIP-CHTS to MRIP-FES
26 and of the exceptionally high recruitment recorded in recent
27 years. Committee members noted that public comments and AP
28 recommendations would suggest a more conservative approach to
29 setting the ACL.

30
31 **The committee made the following motion: The committee**
32 **recommends, and I so move, in Action 1, to add an Alternative 4.**
33 **Alternative 4 is to set the ACL at 75 percent of the ABC (5.45**
34 **million pounds whole weight) monitored in MRIP- FES.**

35
36 **CHAIRMAN DIAZ:** Okay. We have a committee motion. Is there any
37 discussion on the motion? **Seeing no discussion, is there any**
38 **opposition to the motion? The motion carries.**

39
40 **DR. FRAZER:** Okay. Committee members asked whether the addition
41 of a new alternative would preclude the council from taking
42 final action. Ms. Katherine Zamboni indicated that the council
43 could proceed and take final action, but recommended giving the
44 public an opportunity to provide comments on a revised document.
45 Committee members noted that the council has set aside time for
46 public comment later this week.

47
48 Ms. Zamboni reviewed the codified text and noted that it would

1 be modified if the council changes its preferred alternative.
2 Dr. Frazer indicated the vermilion snapper issue will be
3 revisited during Full Council. The council will then have the
4 opportunity to reconsider its preferred alternative and
5 recommend the framework action to be transmitted for approval,
6 if warranted.

7
8 **CHAIRMAN DIAZ:** Okay, and so we said in the committee that we
9 would revisit this at council, and I see Ms. McCawley has her
10 hand up. Ms. McCawley.

11
12 **MS. MCCAWLEY:** Based on what we heard in public comment, I was
13 trying to figure out if we wanted to delay final action until
14 the next meeting, and I guess my other question would be, also
15 based on what we heard in public comment, do we want to change
16 our preferred to the new Alternative 4 that was added? I will
17 just throw that out there, and I think I would be willing to
18 delay final action on this, but I would like to hear what others
19 think.

20
21 **CHAIRMAN DIAZ:** Thank you, Ms. McCawley. Mr. Strelcheck.

22
23 **MR. STRELCHECK:** I am going to let Ms. Zamboni speak first.
24 Come back to me, please.

25
26 **CHAIRMAN DIAZ:** Ms. Zamboni.

27
28 **MS. KATHERINE ZAMBONI:** Hi. Thank you. I just wanted to
29 address this issue of whether or not the council could move
30 forward with final action during this council meeting, and I
31 want to reiterate that there is no legal impediment to doing so,
32 and, if there's a good reason for taking final action today, you
33 could do that. Of course, there is no problem with delaying as
34 well, but I just wanted to clarify that, if the desire is to
35 move forward, that that could happen.

36
37 **CHAIRMAN DIAZ:** Thank you Ms. Zamboni. Mr. Strelcheck.

38
39 **MR. STRELCHECK:** Ms. Zamboni covered some of what I was going to
40 say. In looking at the action, the new alternative is well
41 within the range of the alternatives that we're considering.
42 Yes, it's preferable to have the analysis before us, but it
43 certainly is understood that the impacts and benefits of this
44 action will be -- Will fall somewhere between the no action
45 alternative and the other two alternatives in the document.

46
47 Given public testimony, as well as the AP, I think there's been
48 plenty of public comments on this, and so I certainly would

1 support considering whether to change the preferred alternative
2 and just move this action forward for agency consideration.
3
4 **CHAIRMAN DIAZ:** Is that a motion, Mr. Strelcheck?
5
6 **MR. STRELCHECK:** No, and I'm just voicing my support.
7
8 **CHAIRMAN DIAZ:** Thank you, sir. Ms. Boggs.
9
10 **MS. BOGGS:** I was going to ask a couple of questions. I mean,
11 we're in no danger, if we delay it, of exceeding the ACL, based
12 on the past history of this fishery, but, I mean, I would hate -
13 - I am not ready to make a motion, because I don't exactly know
14 how I would structure it, but, I mean, I wouldn't mind pushing
15 ahead with this, because I think the council is in pretty good
16 consensus, and we've had a lot of comments at this meeting, and
17 there is comments online that we have received, and I wouldn't
18 be opposed either, and I can try to draft a motion, real quick,
19 or if staff wants to just help me with it, based on what Andy
20 said, but I would be in support of it. That way, we can go
21 ahead and get it on the books. We know it takes a while to get
22 things through, and hopefully it will be there for 2023. Thank
23 you.
24
25 **CHAIRMAN DIAZ:** If I'm understanding you right, Ms. Boggs, are
26 you saying that you would like to change the preferred and move
27 the document for final action, is what you're proposing?
28
29 **MS. BOGGS:** That's what I am proposing. Yes, sir.
30
31 **CHAIRMAN DIAZ:** Are you wanting to put that in a motion? I just
32 wanted to make sure that's your intention.
33
34 **MS. BOGGS:** Yes, and, if I need to work to something, I can, or
35 if staff can help me with that.
36
37 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs, what alternative did you
38 want to select as the preferred?
39
40 **MS. BOGGS:** Our new Alternative 4, 75 percent of ACL, the 5.5
41 million pounds, I believe it is.
42
43 **EXECUTIVE DIRECTOR SIMMONS:** So you move, in Action 1, to make
44 Alternative 4 -- Set the ACL at 75 percent of the ABC, 5.45
45 million pounds whole weight, monitored in MRIP-FES, as the
46 preferred.
47
48 **MS. BOGGS:** Yes, ma'am.

1
2 **MS. BOSARGE:** I will second that.

3
4 **CHAIRMAN DIAZ:** Okay. Let's take a minute and get the motion on
5 the board. I think everybody knows what the motion is, and is
6 there any discussion on the motion? Mr. Gill.

7
8 **MR. GILL:** Susan took care of the action that I was going to
9 suggest. Thank you.

10
11 **CHAIRMAN DIAZ:** Okay. We have a motion, and the motion is, in
12 Action 1, to make Alternative 4 the preferred. Alternative 4 is
13 to set the ACL at 75 percent of the ABC (5.45 million pounds
14 whole weight) monitored in MRIP-FES. Is there a second for the
15 motion?

16
17 **MS. BOSARGE:** Yes, sir. I will second that.

18
19 **CHAIRMAN DIAZ:** It's seconded by Ms. Bosarge. Any discussion on
20 the motion? Mr. Anson.

21
22 **MR. ANSON:** Thank you, Mr. Chair. I guess -- You know, we've
23 had some discussions about consistency in approaches and
24 everything, and I've talked about it a little bit, I believe,
25 during the Reef Fish Committee, and certainly this is within our
26 realm, as has Mara indicated and Andy indicated, and this is
27 within our realm, as far as the council is concerned, to add
28 this alternative, but I guess I'm just -- You know, I will go
29 back to my comment earlier about FES.

30
31 We have to deal with FES, and, you know, the SSC has taken -- Or
32 appears to be taking an approach to look at information and
33 trying to consider ABC considerations for another species and
34 looking at localized depletion and hearing comments of localized
35 depletion and trying to ask for other information to help them
36 make their ABC recommendation, but, yet, in this case, they just
37 used their control rule, yet there is concerns of fish not being
38 there, and the SSC reviewed the FES and came to an agreement
39 that it's the best scientific information available to represent
40 recreational landings.

41
42 They went through the assessment process, in addition to all the
43 other information that's used, and they came and used their
44 standard control rule, and so they evidently don't have a
45 concern about it, and so they produced a number of fish that
46 we're able to go catch, and so, again, I understand the council,
47 for management considerations, can, and should, go below the ABC
48 recommendation, when it's appropriate, and so, you know, I think

1 this motion will pass as-is, but I just have -- Again, I
2 mentioned it earlier, in committee, and it gives me pause that
3 we're going through this decision-making process kind of willy-
4 nilly, when the elephant in the room is the FES.

5
6 The FES is giving us all these OFLs that a lot of people are
7 uncomfortable about, and it depends on which fish you're in,
8 which species you're interested in, and it depends on what side
9 of the Gulf you're in, but, at the end of the day, the FES is
10 causing all these problems, and I think that's more of a science
11 issue and that the SSC should be taking it into account when
12 they develop their ABC recommendations. Thank you.

13
14 **CHAIRMAN DIAZ:** Mr. Strelcheck.

15
16 **MR. STRELCHECK:** To comment to that, I mean, Kevin, I think,
17 said it well, and, I mean, certainly the SSC is basing their
18 decisions on the best available science before them, and they
19 recommended to us a catch level that we can then consider and
20 make further decisions as to whether or not we want to reduce
21 the catch limit based on the catch level recommendations of the
22 SSC, and that is within our purview.

23
24 We are charged with taking into, obviously, consideration other
25 factors and information, and so I think that's -- Not every
26 fishery is the same, and not every stock is the same, and we
27 have to take into account, obviously, unique circumstances.

28
29 With regard to vermilion, I would like to ask someone from the
30 Science Center to maybe comment on the assessment, but I don't
31 think it's fair to say that this large increase in the ABC is
32 solely the basis, or from the FES estimates. If you look at the
33 FES landings, yes, they are higher, but they're still below even
34 what is right now the Preferred Alternative 4, when combined
35 with commercial landings, and so the assessment is, I think,
36 indicating that catch levels can be set considerably higher, for
37 additional reasons, FES being one of them, but certainly
38 recruitment and other factors, obviously, drove the assessment
39 to estimate a higher catch limit, and so I just wanted to point
40 that out. Thanks.

41
42 **CHAIRMAN DIAZ:** Mr. Gill.

43
44 **MR. GILL:** Thank you, Mr. Chairman. I view the Alternative 3
45 and 4 as a distinction without a difference. From a practical
46 standpoint, it's not meaningful, but I am also in agreement with
47 Andy that I don't think we need to delay this document and that
48 we go to final with it, and I slightly prefer Alternative 3, in

1 that regard, because the analysis is in the document, but I
2 don't think we should delay it, if this motion goes through, but
3 I will support the motion.

4
5 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Andy did mention about
6 somebody from the Southeast Fisheries Science Center addressing
7 his concern, and I don't know if anybody wants to do that before
8 we move forward and vote. Dr. Walter.

9
10 **DR. WALTER:** Thank you. There is also, in the assessment,
11 estimated recruitments were high in the recent years, which were
12 largely a function of the index values going up in recent years,
13 and so there was empirical evidence for increasing abundance,
14 which is leading to this increased catch advice, and that is
15 basically what the assessment is saying, and so I think that's
16 the short answer. Thanks.

17
18 **CHAIRMAN DIAZ:** Thank you, Dr. Walter. All right. We don't
19 have any more hands up at this point, and so we're going to go
20 ahead and -- Mr. Anson.

21
22 **MR. ANSON:** I don't want to get into the weeds in this, but, you
23 know, if the fishery-independent information is showing that
24 everything is trending up, and the SSC uses that, or that goes
25 into their determination for ABC, and if the same trends are
26 shown in other species, then that ought to drive their decision-
27 making process as well for those species too, and not anecdotal
28 information, is my only comment. Thank you.

29
30 **CHAIRMAN DIAZ:** Thank you. All right. We don't have any
31 further hands up, and so we're going to go ahead and vote on
32 this motion. I've already read it one time. **Is there any**
33 **opposition to the motion? Seeing no opposition, the motion**
34 **carries.**

35
36 Ms. Boggs, before we move on, you had also mentioned two parts
37 earlier, and I'm not trying to put words in your mouth, but you
38 said something about moving the document final, and I don't want
39 to move unless you're -- If you want to do that, we can do that
40 at this time.

41
42 **MS. BOGGS:** Yes, sir. Based on what we just heard, it sounds
43 like that we can go final with this document, and so, yes, I
44 would be happy to make that motion, and so I guess this is the
45 motion.

46
47 **CHAIRMAN DIAZ:** Yes, and we have kind of a standard motion when
48 we get to this point, and so, if you would like to look at that

1 over, and, if that's your motion, you're welcome to read it.

2
3 **MS. BOGGS:** Okay. You want me to read it? **The motion is to**
4 **approve the Framework Action: Modification to Vermilion Snapper**
5 **Catch Limits and that it be forwarded to the Secretary of**
6 **Commerce for review and implementation and deem the codified**
7 **text as necessary and appropriate, giving staff editorial**
8 **license to make the necessary changes in the document. The**
9 **Council Chair is given the authority to deem any changes to the**
10 **codified text as necessary and appropriate.**

11
12 **CHAIRMAN DIAZ:** Okay, and so we have a motion on the board. Is
13 there a second to the motion?

14
15 **MR. GILL:** Seconded, Mr. Chairman.

16
17 **CHAIRMAN DIAZ:** It's seconded by Mr. Gill. Any discussion on
18 the motion? Ms. Boggs.

19
20 **MS. BOGGS:** I should have asked this previously, but nothing
21 precludes us from going up later in the catch levels, if we see
22 that we're starting to bump up against this new ACL, based on
23 the current science that we have, correct?

24
25 **CHAIRMAN DIAZ:** That is correct, Ms. Boggs. Any further
26 discussion on the motion? Seeing none, is there any opposition
27 to the motion? I'm sorry. It's a final action motion, and so
28 there will be a roll call vote. Dr. Simmons.

29
30 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Ms. Geeslin.

31
32 **MR. GEESLIN:** Yes.

33
34 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.

35
36 **MR. DUGAS:** Yes.

37
38 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.

39
40 **MR. STRELCHECK:** Yes.

41
42 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Bosarge.

43
44 **MS. BOSARGE:** Yes.

45
46 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.

47
48 **MR. GILL:** Yes.

1
2 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.
3
4 **MR. BROUSSARD:** Yes.
5
6 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.
7
8 **MR. WILLIAMSON:** Yes.
9
10 **EXECUTIVE DIRECTOR SIMMONS:** Ms. McCawley.
11
12 **MS. MCCAWLEY:** Yes.
13
14 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Burris.
15
16 **MR. BURRIS:** Yes.
17
18 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Schieble.
19
20 **MR. SCHIEBLE:** Yes.
21
22 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.
23
24 **MR. DYSKOW:** Yes.
25
26 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.
27
28 **DR. STUNZ:** Yes.
29
30 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
31
32 **MR. ANSON:** Yes.
33
34 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.
35
36 **DR. FRAZER:** Yes.
37
38 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.
39
40 **MS. BOGGS:** Yes.
41
42 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.
43
44 **CHAIRMAN DIAZ:** Yes.
45
46 **EXECUTIVE DIRECTOR SIMMONS:** The motion carried unanimously.
47 Mr. Chair.
48

1 **CHAIRMAN DIAZ:** Okay. Dr. Frazer.

2
3 **DR. FRAZER:** All right. Thank you, Mr. Chair. Presentation on
4 SEDAR 70: Greater Amberjack Revised Projections, Tab B, Number
5 6, Dr. Jim Nance, Chair of the Scientific and Statistical
6 Committee (SSC) described the SSC's review of the revised
7 projections for Gulf greater amberjack, which are based on a
8 revised projections code. This revision improves forecasting
9 and allows for the consideration of a variety of sector
10 allocation scenarios.

11
12 At its November 2021 meeting, the SSC reviewed two model
13 corrections, followed by projections considerate of the
14 allocation scenarios proposed by the council. These sector-
15 allocation-specific projections still aim to rebuild the greater
16 amberjack stock by 2027, commensurate with the current
17 rebuilding plan.

18
19 Dr. Nance reminded the committee that the recent recruitment
20 (2009 to 2018) is approximately half that of the long-term
21 average. Collectively, the differences between the council's
22 proposed allocation scenarios resulted in yield projections that
23 differed from one another by 5 percent or less.

24
25 The SSC ultimately determined that the new projection method
26 used to determine the sector-allocation-specific projections was
27 in keeping with the best scientific information available and
28 that the stock was still overfished and undergoing overfishing.
29 The SSC also recommended that the OFL be set as the yield at the
30 fishing mortality rate corresponding to the spawning potential
31 ratio of 30 percent (F 30 percent SPR), and the ABC be set as
32 the yield at the fishing mortality rate to rebuild the stock by
33 2027, or F rebuild.

34
35 Council staff reviewed the Reef Fish AP's recommendations with
36 respect to greater amberjack. The Reef Fish AP was concerned
37 about the differences in discards between sectors, and between
38 the fleets within those sectors, for all mixed-use fisheries.

39
40 Further, the Reef Fish AP recommended adopting the
41 recommendations from the SSC and thought it best to not change
42 anything else about the management of greater amberjack for at
43 least three years. Captain Walker noted that the Reef Fish AP
44 agreed that the greater amberjack stock was depleted and that
45 measures were necessary to constrain fishing mortality to help
46 rebuild the stock.

47
48 A committee member asked whether the Reef Fish AP thought there

1 was less of a problem with the stock in the western Gulf than in
2 the eastern Gulf. Captain Walker replied that he could not
3 recall the AP identifying such a difference between the eastern
4 and western Gulf.

5
6 A committee member recalled the current commercial trip limit
7 and step down for greater amberjack and thought it worthwhile to
8 reconsider that management measure as a function of the proposed
9 modifications to the greater amberjack rebuilding plan. Another
10 committee member noted the value in analyzing and discussing the
11 discard data by fleet and recalled the same discussion by the
12 Reef Fish AP.

13
14 **The committee recommends, and I so move, to request that the**
15 **Southeast Fisheries Science Center compile and present discard**
16 **data (including dead discards) by species and sector and year**
17 **for red grouper, gag grouper, greater amberjack, and red snapper**
18 **in the Gulf. Commercial data should be broken down by gear type**
19 **(longline, vertical line) and recreational sector data should be**
20 **broken down by subsector (charter for-hire, headboat, private**
21 **angler plus shore), as feasible. Include data sources where**
22 **available.**

23
24 **CHAIRMAN DIAZ:** Okay, and so we have a committee motion on the
25 board. Is there any discussion on the motion? Mr. Anson.

26
27 **MR. ANSON:** Just for clarity, as it pertains to the discussions
28 that I think the Reef Fish AP had, as well as us, is we want to
29 be clear, and it's not in the motion, but that the discard data
30 is presented as numbers of fish and pounds of dead discards as
31 well, and so I don't know if that needs to be amended, or if
32 just the agency and staff recognize that, that it would be best
33 to include both, so that we have -- Since we deal with ACLs in
34 pounds, it's much easier to have it in that format, as well as
35 the numbers. Thank you.

36
37 **CHAIRMAN DIAZ:** Okay. I am talking with Mr. Rindone as you're
38 speaking, Mr. Anson, and we are going to put that in the letter,
39 when the letter is sent. Mr. Gill.

40
41 **MR. GILL:** Thank you, Mr. Chairman. Another item that I think
42 needs to be considered, if this motion passes, is that discard
43 data is, as we all know, highly uncertain in some areas, and
44 less uncertain in others, and so I think, as they present this
45 data, if this motion passes, that they include the level of
46 uncertainty associated with the data they're going to present.
47 Thank you.

48

1 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Okay. I am not seeing any
2 other hands, and so we're going to go ahead and vote on this
3 motion. **Is there any opposition to this motion? Seeing none,**
4 **and hearing none, the motion carries.** Dr. Frazer.

5
6 **DR. FRAZER:** Thank you, Mr. Chair. A committee member recalled
7 that the current fishing season for greater amberjack begins on
8 August 1, which occurs in the middle of MRIP Wave 4 (July and
9 August). They asked that any modifications to fishing seasons
10 considered in the document account for how the recreational data
11 are collected.

12
13 A committee member discussed adopting the Reef Fish AP's
14 recommendation for revising the rebuilding plan for greater
15 amberjack. Council staff reminded the committee that there were
16 significant reductions in catch proposed and that other
17 management measures were likely necessary to constrain fishing
18 mortality.

19
20 A committee member thought that discussions would be necessary
21 to evaluate whether it would be appropriate or not to retain the
22 current sector allocation. Captain Walker replied that the Reef
23 Fish AP thought it best to avoid changing management of greater
24 amberjack, which has been subject to considerable management
25 bias, due to several changes over the last several years.

26
27 A committee member asked why the committee was not discussing
28 the proposed allocation scenarios as part of a plan amendment to
29 amend the current rebuilding plan. Another committee member
30 recounted the change in the projection code between the SSC's
31 January and November 2021 meetings. The projections from the
32 latter use the updated code and reflect the SSC's determination
33 of BSIA.

34
35 Staff were directed to revise the current rebuilding plan in
36 January 2021. However, work was delayed on that plan amendment
37 until model corrections could be completed by the Southeast
38 Fisheries Science Center and new projections generated and
39 reviewed by the SSC in November 2021.

40
41 Thus, the data the council had available to it in January 2021
42 to start the work on amending the rebuilding plan are no longer
43 valid. In effect, the data reviewed by the SSC in November 2021
44 and by the committee at this meeting constitute a new starting
45 point on the information available to the council to revise the
46 greater amberjack rebuilding plan.

47
48 A committee member thought that, based on the new data provided

1 to the SSC and the committee, that work could restart on
2 amending the rebuilding plan. Another committee member
3 commented on the time likely required to deliberate multiple
4 allocation scenarios, considerate of the stock's present
5 depleted condition.

6
7 Next was Presentation on SEDAR 72, Gag Grouper Stock Assessment
8 Report, Tab B, Number 7, Dr. Nance provided an overview of SSC
9 deliberations about the SEDAR 72 projections for gag grouper.

10
11 **CHAIRMAN DIAZ:** Ms. Boggs.

12
13 **MS. BOGGS:** Thank you. With amberjack, what do we need to do?
14 I mean, there is a plan amendment already out there, and we're
15 just waiting for staff to bring us a document?

16
17 **CHAIRMAN DIAZ:** Dr. Simmons.

18
19 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Since the
20 projections with the various allocations was reviewed by the SSC
21 in November of 2021, our plan is to start a draft options and
22 bring that to the council in April, for the rebuilding plan.

23
24 **MS. BOGGS:** So would it be appropriate, at this time, for me to
25 make a motion to add an alternative to that document, or wait?

26
27 **CHAIRMAN DIAZ:** We may not need a motion, and can you let us
28 know what you're thinking, and we'll let staff tell you if a
29 motion is required, Ms. Boggs?

30
31 **MS. BOGGS:** I have tried to educate myself on all of this last
32 couple of days, and so I hope I make it clear, but I would like
33 to see an alternative using a constant catch, with an analysis
34 every year to consider increasing the ACL, but we've been
35 working on amberjack, and I'm going to make the same comments
36 with grouper, since 2003, and we're not getting anywhere with
37 it, and I know that fishermen want to catch as much as they can
38 possibly catch, but we've made no progress with this fishery,
39 and so I would like to see something using constant catch and a
40 range of allocation scenarios based on the catch levels
41 recommended by the SSC.

42
43 **CHAIRMAN DIAZ:** Dr. Simmons.

44
45 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I think we
46 would have to go back to the Science Center and the SSC to get a
47 constant catch scenario. They did provide a range of
48 allocations, including status quo, in that SSC report from the

1 November meeting that we were planning to work off of, and I am
2 a little concerned about time, because we have lost some time
3 last year, in order to start working on this rebuilding plan,
4 and so we are going to have to move this pretty quickly.
5 Perhaps staff could come up with an ACL scenario that might help
6 with some type of more consistent catch, perhaps, and is that
7 what you're suggesting?

8
9 **MS. BOGGS:** Yes, ma'am, and, not to get ahead with gag, and, I
10 mean, we've already -- We're a year out, and we've already made
11 a motion for the agency to do an emergency rule on gag, because
12 we know where gag is headed, and amberjack is going the same
13 place, because we've not made any progress in the last eighteen
14 years on trying to rebuild this fishery, and I think a constant
15 catch, instead of constantly saying, okay, we're going to start
16 here and increase our quota -- Well, if you're not catching
17 anything, I'm not -- I just don't understand why we continue to
18 do that, but I will look to staff to help with that, but I would
19 like to see something, if we can, that might look at something
20 maybe similar to constant catch. Thank you.

21
22 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Mr. Strelcheck.

23
24 **MR. STRELCHECK:** To Ms. Boggs' point, because we're required to
25 end overfishing, as well as revise the rebuilding plan, I think,
26 under a constant catch scenario, you would essentially be
27 setting your catch level based on the first year of the
28 rebuilding plan, and specifying that catch going forward, and so
29 that wouldn't necessarily require going back to the SSC, but it
30 would be considerably more conservative, obviously, than what
31 the SSC has recommended, but it's certainly within the purview
32 of the council, not unlike what we just talked about with
33 vermilion snapper, in terms of setting catch levels below SSC
34 recommendations.

35
36 **CHAIRMAN DIAZ:** Ms. McCawley.

37
38 **MS. MCCAWLEY:** The five allocation scenarios that came from the
39 SSC, one of them was a constant commercial catch, and so I guess
40 my question is will staff look at all five of those allocation
41 scenarios, because we mentioned that the committee had a
42 discussion that that was probably too many.

43
44 I can make a suggestion maybe to delete at least one of those
45 that came from the SSC, if that's helpful, but it's just a
46 little confusing, to me, about what all we're seeking to do
47 today and how we're reacting to that information from the SSC
48 and what direction is needed for staff.

1
2 **CHAIRMAN DIAZ:** I think the staff is saying anything that could
3 be trimmed out would be helpful, if it's agreed upon by the
4 council, Ms. McCawley, and so you're welcome to do that.

5
6 **MS. MCCAWLEY:** Of those five allocation scenarios, those five
7 alternatives, I would just remove Alternative 3, which was the
8 78 percent recreational and 22 percent commercial, and so that
9 leaves the current allocation, and it leaves and 84 rec and 16
10 percent commercial, an 80 percent rec and 20 commercial, and the
11 years associated with those are a little bit different, and
12 then, also, Alternative 5, constant commercial catch, and so I
13 got those from the presentation that we saw.

14
15 **CHAIRMAN DIAZ:** It's taking us a minute to locate that
16 presentation.

17
18 **MS. MCCAWLEY:** It's remove Alternative 3 from the allocation
19 scenario.

20
21 **EXECUTIVE DIRECTOR SIMMONS:** I think there's a little confusion
22 on where we're pulling these from, because it's not an actual
23 document yet, and so this is the range that Ms. McCawley is
24 referring to, is Tab B, 6(c)(i), and it's the November SSC
25 report, and there is a colored table in there, on page 3, that
26 follows a motion.

27
28 **CHAIRMAN DIAZ:** The main thing we're trying to do is to make
29 sure that everybody on the council understands where this motion
30 is coming from, and so, if anybody has any confusion, let us
31 know, as we work through getting this motion on the board. Ms.
32 Levy.

33
34 **MS. LEVY:** Maybe Jessica will talk about this if the motion gets
35 a second, but it would be helpful to have some rationale,
36 especially given that the council specifically requested the
37 projections for these different allocation alternatives and the
38 specific years, and it may also be helpful, given that this was
39 asked for a while ago, if staff recalls the reason for the
40 different selection of those years that led to these
41 allocations. Thanks.

42
43 **CHAIRMAN DIAZ:** Dr. Froeschke, to that point?

44
45 **DR. FROESCHKE:** I don't recall the exact years, but,
46 essentially, we took the same procedure that we've done for
47 other stocks, like red grouper, where we took the full time
48 series that the original allocation was based off of, and we

1 took a shortened time series when, in 1993, the commercial data
2 became more reliable, as the amberjack was split from the other
3 jacks, and so we took a modified series, and we took the
4 constant commercial series, and the specific years I don't have
5 off the top of my head, but we can pull them up, but that was
6 the process.

7
8 **CHAIRMAN DIAZ:** Ms. McCawley, we have a motion on the board. I
9 just want to make sure you look at it and make sure that is what
10 you intend.

11
12 **MS. MCCAWLEY:** It was what I intended, and, once again, I'm not
13 married to this, and I know we don't have a second yet, but I
14 brought this up when we were in committee, and, I mean, I'm fine
15 with looking at all five of these allocation scenarios, but it
16 just seemed that there was some concern about how much time it
17 would take to do all five alternatives, or options, here, to do
18 the analysis on all five of those, and so I was trying to select
19 one that maybe we could remove, but I'm also fine with keeping
20 all of them in there and asking staff to analyze all of them.

21
22 **CHAIRMAN DIAZ:** Right. Thank you, Ms. McCawley. I do remember,
23 during committee, it was noted that there's not a lot of
24 difference between the different scenarios. We have a motion on
25 the board. Is there a second for that motion?

26
27 **MR. GILL:** I will second it, Mr. Chairman.

28
29 **CHAIRMAN DIAZ:** It's seconded by Mr. Gill. Mr. Dugas.

30
31 **MR. DUGAS:** Thank you, Mr. Chairman. I have a question. Is one
32 of the allocation scenarios an FES-based allocation adjustment?

33
34 **CHAIRMAN DIAZ:** They're all in FES, Mr. Dugas. The stock
35 assessment was done in FES. Ms. Levy.

36
37 **MS. LEVY:** Well, so we're talking about bringing back an options
38 paper, right, and so the analysis, in terms of the projections
39 that go with all of these allocation alternatives is already
40 done, and I still think it would be helpful to know, very
41 clearly, what years are associated with which percentage, and
42 why those years were selected, before you start removing things,
43 just because I think you need to articulate why you wouldn't
44 consider one of them after you've already said these are what
45 you want to consider, and so all I'm saying is that, maybe right
46 now, there is not enough information to articulate why it would
47 be appropriate to remove this.

48

1 I understand that the percentages may be close, but the
2 percentages resulted from the choice in the year sequence,
3 except for the one that kept the commercial catch limit the
4 same. Thanks.

5
6 **CHAIRMAN DIAZ:** Dr. Froeschke.

7
8 **DR. FROESCHKE:** Thanks, and I was just pulling that up. The
9 allocation percentages that we considered and the year, and so
10 73/27 is, obviously, the status quo. Using the years 1981
11 through 2004, which I believe was the years that the status quo
12 is based off of, It results in the 84 percent recreational and
13 16 percent commercial.

14
15 The 1993 through 2007, which extends the series later in time,
16 but also removes those early years when the commercial landings
17 weren't separated for jacks, that's the 78/22 percent option,
18 and then the longest time series, notwithstanding those early
19 years, and so the 1993 through 2019 results in the 80 percent/20
20 percent commercial, and then the other one was the commercial
21 ACL fixed at 484,380 pounds, which that was based on the current
22 commercial ACL with a constant, and that's going to lead to a
23 variable allocation scenario, but those are the -- That's the
24 source of the information that we got the options.

25
26 **CHAIRMAN DIAZ:** Ms. Bosarge.

27
28 **MS. BOSARGE:** Thank you. I think what Dr. Nance had talked
29 about was in reference to there being very little difference, as
30 they were looking at the different allocation scenarios, and I
31 believe what he was saying is that, you know, regardless of
32 which allocation the council decided to go with, it resulted in
33 fairly small differences in the OFL, and so that's where the
34 relatively small difference comes in.

35
36 However, obviously, as with any allocation decision, depending
37 on which allocation you go with, the percentages between
38 whatever sectors may be involved in a specific fishery, it may
39 be quite a bit of difference, and quite a bit of change, in
40 quotas for one or the other of the sectors.

41
42 Being as I really have no idea what those changes look like
43 right now, because we haven't even seen this in a document, I am
44 not ready to remove anything from consideration, and I need to
45 see, you know, what the significance of any changes are on both
46 sectors and what we're basing each one of those allocations on
47 and trying to square that in my mind, and so I'm not ready to
48 take anything out of the document yet, and I would like to see

1 the actual document first.

2
3 **CHAIRMAN DIAZ:** Just a consideration, and, I mean, I'm trying to
4 figure out -- I know Mara is steering us in one direction, from
5 a point of view, and the concern I think that I have is we have
6 a very restricted timeframe, since we were notified that we had
7 to act on this fishery, and staff workload is a big concern, and
8 so that's definitely one of the issues that we have to think
9 about. Mr. Anson.

10
11 **MR. ANSON:** Thank you, Mr. Chair. I just wanted to confirm
12 where staff is relative to the timeline, and I thought that
13 question was brought up during Reef Fish, and I thought Dr.
14 Simmons said that, yes, any reductions would allow staff to
15 expedite the document, but it didn't necessarily require any
16 options to be removed, in order to meet the timeline, but if she
17 can confirm, or state differently, I would like to hear that.

18
19 **CHAIRMAN DIAZ:** Dr. Simmons.

20
21 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. You know, I
22 think any type of options that the council is really truly not
23 interested in could help us move quicker on the document. I
24 think I was more concerned about allocation scenarios that
25 weren't already reviewed by the SSC coming forward, and how much
26 that would slow the document down, but we have done really
27 nothing to start a rebuilding plan for this fishery, and so we
28 have a tremendous amount of work to do, and so, if the council
29 is really not interested in a particular scenario, I do think it
30 would be helpful to try to streamline it. If we think it's too
31 early, I understand that.

32
33 **CHAIRMAN DIAZ:** Ms. McCawley.

34
35 **MS. MCCAWLEY:** Based on this discussion, maybe it is too early,
36 and I would like to withdraw my motion.

37
38 **CHAIRMAN DIAZ:** Okay. The motion is withdrawn then. Thank you,
39 Ms. McCawley. Ms. Boggs.

40
41 **MS. BOGGS:** Just a quick question, and it's probably to John
42 Froeschke, but when did we start splitting allocation with
43 amberjack? Was that 1993?

44
45 **CHAIRMAN DIAZ:** Staff is looking that up. I want to make sure
46 that I follow the proper procedure, and so Ms. McCawley is
47 willing to withdraw the motion, and I do want to check with the
48 seconder and see if the seconder is okay with withdrawing the

1 motion.

2
3 **MR. GILL:** Absolutely, Mr. Chairman.

4
5 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Okay. Do you all have the
6 answer for Ms. Boggs? I am being told that it was in Amendment
7 30A in 2008.

8
9 **MS. BOGGS:** Thank you.

10
11 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Okay. All right. I
12 think we're at a point to move forward, but, if anybody has
13 anything else, and I think we might have one more hand coming
14 up. Just raise your hand if you do. All right. Dr. Frazer.

15
16 **DR. FRAZER:** Thank you, Mr. Chair. We will pick up in the
17 presentation on SEDAR 72. SEDAR 72 incorporated MRIP-FES
18 recreational landings, updated data inclusions, adjustments to
19 fleet selectivities, red tide analyses, and model variability.

20
21 The SSC reviewed the assessment at its September 2021 meeting,
22 and evaluated the projections at its November 2021 meeting, at
23 which time it determined that the stock was overfished and
24 undergoing overfishing as of 2019.

25
26 The SSC also reviewed the proxy for FMSY, which is currently set
27 at maximum fishing mortality (Fmax). Dr. Nance commented that
28 this proxy is more appropriate when no sperm limitation is
29 assumed in the spawning stock. However, this assumption is not
30 supported by the contemporary science for gag grouper, due to
31 the low proportion of males in the stock. Thus, the SSC is
32 recommending the adoption of a revised FMSY proxy of F 30
33 percent SPR. This is also in part due to the Fmax proxy
34 corresponding to an SPR of approximately 13 percent, well below
35 the proposed alternative of 30 percent, and likely not to the
36 long-term benefit of the gag grouper stock.

37
38 Dr. Nance also discussed the application of the Ecospace model,
39 which considered variable red tide severity levels for gag
40 grouper, due to the 2021 red tide episodic mortality event on
41 the West Florida Shelf. The SSC determined that the medium
42 severity estimate from Ecospace for the 2021 red tide event was
43 most appropriate for gag grouper.

44
45 Altogether, the SSC determined that Fmax for gag grouper is no
46 longer appropriate for use as a proxy for MSY, and recommended
47 that F 30 percent SPR be the MSY proxy and the basis for status
48 determination criteria. The SSC also recommended that

1 projections based on F 30 percent SPR and the medium red tide
2 scenario, be used to establish OFL, ABC, and rebuilding
3 schedules.

4
5 Dr. Nance walked the committee through the different rebuilding
6 schedules under F 30 percent SPR, based on the options for the
7 amount of time used to rebuild the gag grouper stock. Because
8 the minimum time to rebuild the stock under zero fishing
9 pressure (T_{min}) is greater than ten years (twelve years), there
10 are three options available to the council for determining the
11 time to rebuild, respective of biological, social, and economic
12 considerations: F rebuild at 75 percent of the maximum fishing
13 mortality threshold (eighteen years); T_{min} plus one generation
14 time (twenty-one years); and T_{min} times two (twenty-three
15 years).

16
17 Council staff noted that the Reef Fish AP recommended using the
18 Florida State Reef Fish Survey data in SEDAR 72 before making
19 any management changes to gag grouper and not closing the
20 fishery, to preserve the collection of fishery-dependent data.
21 The Reef Fish AP also recommended adoption of the longest
22 rebuilding timeline, or T_{min} times two, and agreed with the
23 estimation of the medium red tide severity level from the
24 Ecospace model.

25
26 The Southeast Regional Office stated that, when the council is
27 notified that a stock is overfished and undergoing overfishing,
28 the council has two years to implement measures to end
29 overfishing and a rebuilding plan to rebuild the stock. The
30 council has a pending request to the Southeast Fisheries Science
31 Center to use the State of Florida's State Reef Fish Survey
32 (SRFS) in a complete model run with diagnostics for SEDAR 72, in
33 place of MRIP-FES, for recreational landings. However, that
34 request does not offset this two-year requirement. Thus, the
35 council will need to end overfishing with a rebuilding plan to
36 rebuild the stock in the interim.

37
38 **The committee recommends, and I so move, that the council direct**
39 **staff to begin work on a plan amendment to establish a**
40 **rebuilding plan for gag grouper to end overfishing of the stock.**
41 **Actions in this plan amendment should include revising the FMSY**
42 **proxy, catch limits, accountability measures, and other**
43 **management measures.**

44
45 **CHAIRMAN DIAZ:** All right. Thank you, Dr. Frazer. We have a
46 committee motion on the board. Is there any discussion on the
47 motion? Ms. Levy.

48

1 **MS. LEVY:** Thank you. It's not to the motion, and so, if you
2 just want to call me after you're done with the motion, that
3 would be fine.

4
5 **CHAIRMAN DIAZ:** Mr. Gill.

6
7 **MR. GILL:** Thank you, Mr. Chairman, and so the last sentence of
8 the report, and the motion, conflate the rebuilding with
9 overfishing, and, in terms of the motion, I would recommend that
10 we insert the word "and", after "gag grouper", in the second
11 sentence.

12
13 **CHAIRMAN DIAZ:** That's such a minor change, and we normally
14 would do a substitute motion, but I think that's such a minor
15 change, and is there anybody that has any heartburn with that?
16 Let us know. Any other discussion on the motion?

17
18 **MS. LEVY:** Mr. Chair?

19
20 **CHAIRMAN DIAZ:** Yes.

21
22 **MS. LEVY:** Well, just to that point, I mean, I do not have a
23 problem with you adding "and" without doing a substitute, but I
24 guess I'm a little bit wary of some of the stuff we're doing
25 now, given the discussion about wanting to more potentially
26 strictly adhere to Roberts Rules. Again, I'm not going to
27 advocate for one way or the other, but I think the council
28 really needs to decide how important it is to more strictly
29 adhere to the rules of procedure. I would just ask that you
30 consider that, moving forward. Thanks.

31
32 **CHAIRMAN DIAZ:** Yes, and so I believe, technically, with Roberts
33 Rules, if you change a motion, it should be a substitute, and
34 so, Mr. Gill.

35
36 **MR. GILL:** Thank you, Mr. Chairman, and I understand the concern
37 about the way we work around Roberts, and we certainly don't do
38 it strictly, but, really, for what I just suggested, it's an
39 amended motion, but we don't do amended motions, and a
40 substitute is when the context of the motion is substantially
41 different than the motion in question, and amended is when you
42 make a minor change, which is what this is, but we don't do
43 that.

44
45 I think we're getting wrapped around the axle, in terms of
46 process, unnecessarily, and I think we should call out issues,
47 when we see it's problematic, and a significant issue, but,
48 other than that, we have a long history of operating the way we

1 do and changing it just to be in compliance with a perception of
2 what Roberts should be or shouldn't be, and it will markedly
3 change, and I believe this was a comment by Kevin, how we
4 operate and what we do, and, frankly, if we're getting into
5 amended motions, they're a whole lot more complex, and it will
6 slow us down.

7

8 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. Mr. Anson.

9

10 **MR. ANSON:** Thank you. I appreciate Bob recognizing me, and I
11 made that comment regarding how strictly we would follow Roberts
12 Rules, and that it would kind of bog us down a little bit more
13 than we already are, in my opinion, but I guess, if it's just a
14 minor point then, Bob, then why is it needed? I mean, it's to
15 establish a rebuilding plan for gag grouper to end overfishing
16 of the stock. The reason why this motion was made is we got a
17 letter from the agency saying we need to rebuild the stock,
18 because it's undergoing overfishing, and so, I mean, it's pretty
19 straightforward that the rebuilding plan is pretty much
20 exclusively to end overfishing of the stock.

21

22 **CHAIRMAN DIAZ:** All right, and so I'm going to just ask staff to
23 take the word out of the motion, and we're going to proceed the
24 way the motion came out of committee. Go ahead, Mr. Gill.

25

26 **MR. GILL:** Thank you, Mr. Chairman, and so what the motion is
27 doing is conflating an overfished stock, which requires a
28 rebuilding plan, with overfishing, and overfishing is not a
29 rebuilding plan, and I am just trying to make sure there is
30 clarity, in terms of how we're proceeding here. If we separate
31 the two out, by the use of "and" -- It will also add management
32 actions to end overfishing, but they are two separate and
33 distinct things.

34

35 **CHAIRMAN DIAZ:** I am talking with staff, and they understand,
36 and we will take this discussion into consideration on this
37 motion. Ms. Levy.

38

39 **MS. LEVY:** Thanks. I agree with Bob too about that, but I
40 think, as long as the intent is clear, and I'm not trying to
41 make the process more cumbersome, but I guess my point is I felt
42 like there was some discussion about potentially me needing to
43 intervene if there was some sort of procedural issue that needed
44 addressing, and my only point was that, number one, I'm not
45 going to be able to intervene at every point, because I won't
46 catch everything, and, number two, I'm not sure if that's what
47 you really want.

48

1 I don't want it either, and so I guess, if the feeling is, if
2 somebody on the council, or I, think there is a problem with the
3 procedure you're employing, to speak up, but, beyond that, I
4 don't know that we're going to address every Roberts Rules
5 instance or exact correct procedure. Thanks.

6
7 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. All right. I am not
8 seeing any other hands on the board, and so we're going to vote
9 on this motion. **Is there any opposition to the motion? Seeing**
10 **none, the motion carries.**

11
12 I do want to speak, just for a second, to the Roberts Rules
13 issue. As Chair, it is my goal to make sure that we proceed in
14 an orderly fashion, and I want to make sure that everything is
15 done as fair as possible, and, similar to what Ms. Levy just
16 said, if anybody has concerns, at any time, that something is
17 not being done in a fair manner, please bring it up during the
18 meeting, and I will do my best to try to make sure that we do it
19 in a fair manner.

20
21 I have concerns about getting too bogged down with carrying the
22 Roberts Rules to the letter, and I am not a parliamentarian, and
23 time is a big issue, and I don't know if you all noticed, but we
24 started this meeting thirty minutes earlier every single day,
25 and we've worked late most days, and every committee seems to be
26 pressing up against their time, and so time is definitely a big
27 deal, and we're trying to manage everything, but time is not
28 more important than being fair, and so, if anybody has any
29 concerns at any time, please, please, please speak up. All
30 right. We're going to move back into the committee report. Dr.
31 Frazer. I am sorry. There are some hands up that I didn't see.
32 Ms. Boggs.

33
34 **MS. BOGGS:** Thank you, and I appreciate your comment about the
35 Roberts Rules, but so, as I stated with gag, I would like to see
36 an alternative, an ACL alternative, using constant catch,
37 because, again, this is another fishery that we've been working
38 on, and I lost my notes, for many, many years, and we don't seem
39 to be gaining any ground, and so I would just like to have take
40 that into consideration. Thank you.

41
42 **CHAIRMAN DIAZ:** I am getting a thumbs-up from Dr. Simmons. Ms.
43 Levy.

44
45 **MS. LEVY:** Thank you. I just wanted to, again, clarify
46 something about the rebuilding times and make it clear that
47 there are three applicable times, right, and so there is the
48 minimum time, the maximum time, and the target time.

1
2 The minimum time, ten years or less, or over ten years, then
3 determines what your maximum time can be, and so, in this case,
4 we have a minimum time that is more than ten years, and you then
5 have a maximum time that can be based on one of three things,
6 which is in the committee report, but that doesn't necessarily
7 mean that it is the target time that you end up choosing to
8 rebuild, right, and so the target time needs to be as short as
9 possible, taking into account the status and biology of the
10 overfished stock, the needs of the fishing community, and
11 international considerations, when applicable.

12
13 I didn't want there to be an automatic consideration that the
14 maximum times automatically equal the target times, and you
15 don't have to do anything about that right now, but the
16 committee report seemed to imply that the maximum times were the
17 target times. Thank you.

18
19 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Ms. Bosarge.

20
21 **MS. BOSARGE:** Thank you, Mr. Chair. A couple of things. For
22 the other management measures that we are talking about here in
23 this rebuilding plan, I would like to see some sort of
24 alternative in that document that begins to speak to this idea
25 of allowing some sort of electronic tag, or maybe just tag in
26 general, for the recreational fishery, so that they can pursue
27 that species, go fish for that species, when they find it most
28 opportune, because, given the number of fish that we're going to
29 have left to fish on, which is slim to none, I mean, you may be
30 looking at a recreational season in days, and so I think it's
31 time to try something different.

32
33 That also has a lot of accountability in it, depending upon how
34 you set it up, where we make sure that we're not going to exceed
35 any catch levels, because, again, this is a species that is
36 really caught mainly off of Florida recreationally, and so, when
37 you start taking MRIP and trying to parse it out to smaller and
38 smaller pieces of the Gulf and get good data, we've talked
39 before that it wasn't really designed for that, and so you get a
40 lot of variability in your data, and so you may have one year
41 where you show recs blowing it out of the water, and another
42 year where it shows they don't really catch anything, and it's
43 just based on maybe the number of intercepts that you actually
44 gather, or the number of weights that you actually got on these
45 grouper, and so, anyway, I want to see that in the document.

46
47 I have a feeling we will end up, once we see it, possibly taking
48 it and putting it in a standalone document, but, if we don't

1 ever see it in a document, we're never going to get anywhere,
2 and so let's put it in there, and bring us whatever you have,
3 even if it's limited, in that alternative. We'll take it from
4 there.

5
6 A separate subject, but on gag, and really on all these species,
7 and so it is getting very hard, for me as a council member, as
8 we are getting more and more stock assessments back in FES
9 currencies, to really understand how good a stock is doing or
10 how bad a stock is doing.

11
12 I would like to suggest that staff work on a table for us that -
13 - It would be in each briefing book, and not necessarily that we
14 have to have a presentation on it at every meeting, but it ought
15 to be in there as background information, and, instead of just
16 getting all this stuff just in pounds, which is hard as hell to
17 follow, when you have these changes in currencies, what I would
18 like to see is each stock, and the metrics on each stock, as a
19 proportion, or a percentage.

20
21 For example, maybe the biomass that came out of the last stock
22 assessment, and what percentage of the minimum stock size
23 threshold is that? Then maybe another one might be a percentage
24 of MSY, because I know that some people might want to work with
25 MSY, versus MSST, and so, the biomass we have now on that stock,
26 what percentage is that of MSY?

27
28 I am not going to say what exact metrics I want in the table,
29 because I'm not a PhD, and I need to leave that up to staff and
30 the Science Center, and you all can decide what's best for each
31 species, but we need something that is metric-based, rather than
32 all these pounds.

33
34 For example, I am really not sure, when I look at like maybe red
35 grouper and amberjack and gag -- Well, they're all pretty bad,
36 but how bad is one relative to the other, because I need to know
37 that, as a manager, to know what steps -- How far do I need to
38 go? Do I really need to be making huge cuts and handcuffing
39 everything on this, or, okay, we're just barely above where we
40 need to be, and we need to take some steps, but maybe not such
41 drastic steps, and so I need to see something like that, going
42 forward in the future, if staff thinks that's possible.

43
44 **CHAIRMAN DIAZ:** Dr. Simmons.

45
46 **EXECUTIVE DIRECTOR SIMMONS:** Yes, ma'am, I think we can do that.
47 Thank you.

48

1 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge, for that suggestion. I
2 can tell you, when I go through the documents, and I am trying
3 to sort out what FES means to every single fishery, it's really
4 hard to keep it straight, and I am sure that members of the
5 public have problems, and I'm sure other council members
6 struggle with it too, and so I think it's a very good
7 suggestion, and so thank you for bringing that up.

8
9 **MS. BOSARGE:** Thanks, Mr. Chairman, and the only thing that I
10 would add is it would be for the species that have been assessed
11 so far with FES, and, as we assess a new species with FES, add
12 it to the table, and then we can kind of see where we're going.

13
14 **CHAIRMAN DIAZ:** Okay. Thank you, Ms. Bosarge. We're going to
15 take just a five-minute and come back, and we will probably work
16 another twenty or so minutes. We will take a lunchbreak today,
17 but we're going to work up to our lunchtime, but let's take just
18 five minutes, and we'll come back at 11:40 Central Time.
19 Thanks.

20
21 (Whereupon, a brief recess was taken.)

22
23 **CHAIRMAN DIAZ:** Everybody, we're going to start back up and try
24 to work a little bit until we get to our lunchbreak. Dr.
25 Frazer.

26
27 **DR. FRAZER:** Thank you, Mr. Chair. A committee member noted the
28 immediate need to end overfishing and discussed requesting an
29 interim emergency rule to end overfishing effective January 1,
30 2023. Southeast Regional Office staff replied that there was
31 still time in 2022 for the council to act, and that an emergency
32 rule may not be needed at this time.

33
34 The committee member recounted that the commercial gag grouper
35 fishery was managed under an individual fishing quota (IFQ)
36 program, and it was imperative to have measures in place before
37 the start of the 2023 fishing season. SERO questioned the types
38 of management measures that would be considered as part of such
39 a rule to constrain fishing mortality.

40
41 A committee member noted that the catch limits would be higher
42 under the longer rebuilding timeline (Tmin times two), and asked
43 whether using that approach as part of an emergency or interim
44 rule would thereby predetermine that timeline for use in the
45 rebuilding plan.

46
47 **The committee recommends, and I so move, to recommend that the**
48 **council recommend that NMFS implement an emergency rule for gag**

1 grouper starting on January 1, 2023, based on the yield stream
2 corresponding to F 30 percent SPR and the medium red tide
3 severity determination, in keeping with the SSC's
4 recommendations from SEDAR 72 and using the current sector
5 allocation. Further, the council recommends that the catch
6 limits for this emergency rule for gag grouper be based on the
7 rebuilding timeline of Tmin times two, to ensure the council is
8 able to end overfishing while it works to develop a
9 comprehensive rebuilding plan.

10
11 **CHAIRMAN DIAZ:** Okay. Thank you, Dr. Frazer. Before we -- We
12 have a committee motion, and I know we need to have some
13 discussion on this one. Mr. Strelcheck.

14
15 **MR. STRELCHECK:** Thanks, Mr. Chair. In terms of the motion, a
16 few things. I had mentioned, in committee, a little confusion
17 as to whether or not this should be an emergency rule or an
18 interim rule. After looking at Magnuson and our operational
19 guidelines, we did determine that it's most appropriate to
20 request this as an interim rulemaking, and there is language
21 specific to this, where development of an FMP, plan amendment,
22 or proposed regulations -- During that time, the council may
23 request the Secretary to implement interim measures to reduce
24 overfishing, until such measures are replaced by a future plan
25 or amendment.

26
27 That's one comment, and the second comment, which may be a
28 little surprising to the council, is I would like to recommend
29 that we postpone this motion until the April council meeting,
30 and the reason for that recommendation, as I mentioned during
31 committee, is that there's a lot of details here that I think
32 the council really needs to think through, and I think it would
33 all benefit us if we thought about the management measures that
34 would come along with such a decision for an interim rulemaking.

35
36 We need to provide very specific guidance to the agency, and so
37 it's not simply changing catch limits, and you may want to
38 consider changing the recreational bag limit, or the aggregate
39 bag limit. On the commercial side, we have multiuse allocation
40 for gag grouper, and so are there changes that we would want to
41 look at there, based on the reductions in quota?

42
43 There is a number of other management measures, and I won't get
44 into detail on all of those, but I say all of that because I
45 think that's important for you to then consider, in light of
46 kind of the interim rule that you're requesting the agency to
47 implement, and you need to be as specific as possible, in terms
48 of what you're asking the agency to do.

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

4 **MR. GILL:** Thank you, Mr. Chairman. I stand in opposition to
5 this motion, for a couple of reasons, and I'm assuming that the
6 emergency will get changed to interim, but, number one, we just
7 had a motion that started an amendment to do rebuilding and end
8 overfishing, and we haven't got the letter yet, and I believe
9 that Andy said, in committee, that it was going to be out next
10 week, and so, effectively, we have until February of 2024 to end
11 overfishing, and this seems, to me, to provide a greater
12 workload for staff, and for the council, to, in effect, rush and
13 accelerate what we're doing in the other amendment.
14

15 Given that we've got two years, if we do our jobs properly,
16 that's plenty of time to accomplish, effectively, the same task,
17 and so I don't see a need for it, and it adds to the workload,
18 unnecessarily, and I will be in opposition.
19

20 **CHAIRMAN DIAZ:** Mr. Anson.
21

22 **MR. ANSON:** That's kind of my take too, Bob, and particularly
23 kind of juxtaposing that, what you just said, against what Andy
24 just told us about what the agency would request from the
25 council, in terms of some of the management options that we
26 would prefer to see in the rule, and so it's my understanding,
27 and Andy, of course, you can correct me if I'm wrong, but I kind
28 of had it, in my mind, that an interim rule could be effectively
29 implemented through the agency and in place at kind of a minimum
30 of a six-month timeline from the start, or from the -- Yes, from
31 the time that it's basically approved at the council level.
32

33 I guess if you can talk to a little bit about that timeline and
34 whether or not -- You know, us having to defer discussion on bag
35 limits and such at the April meeting, and then, you know, if we
36 want some time to digest whatever is discussed and what
37 information is brought forward in the April meeting, and we have
38 to postpone to June, and I guess that's kind of what I'm
39 thinking.
40

41 **CHAIRMAN DIAZ:** Mr. Strelcheck.
42

43 **MR. STRELCHECK:** Thanks, Mr. Chair. I, obviously, did talk to
44 my team before making that recommendation to postpone, and we do
45 believe that we would have sufficient time, if we postponed this
46 to the April meeting, to move forward if the council recommends,
47 at that time, an interim rule to implement that for the 2023
48 season, and an interim rule is in place for six months, and it

1 can be extended, essentially, for another six months, and so it
2 could be in effect for the entire 2023 fishing year. Given that
3 we're in January, delaying until April a decision does not
4 affect the timeline to get this implemented in 2023.

5
6 In terms of Bob's comment, and this is, to me, I think one of
7 the things the council needs to weigh, you did, at the October
8 council meeting, previously recommend an assessment that
9 considers or includes the State Reef Fish Survey, right, and so,
10 right now, and we talked a little bit about timing in committee,
11 but there is some uncertainty with regard to when the
12 calibration occurs and when that information gets plugged into
13 management.

14
15 The letter for overfishing and the overfished determination was
16 sent to the council yesterday, and so that starts the clock at
17 two years. If your intent is not to take action until that new
18 State Reef Fish Survey is in place, and we have updated
19 scientific information, you are leaving yourself very little
20 time to respond, to address the overfishing and deal with the
21 rebuilding plan, and so, to me, the onus is on the agency, if
22 you make the recommendation to proceed with an interim rule, to
23 implement that, but that provides, obviously, some additional
24 time to work toward addressing the overfishing while you await
25 some new scientific information.

26
27 **CHAIRMAN DIAZ:** Mr. Strelcheck, I just want to -- There is a
28 couple of things, based on what you're saying. For one thing,
29 in this particular motion that's on the board, it references an
30 emergency rule, and so, if we act on it, that's what we're
31 acting on, and I hear you saying that you would like us to
32 postpone to April, but that's not a motion that's on the board,
33 currently. Mr. Anson.

34
35 **MR. ANSON:** I guess, Andy, specifically then, does the council
36 have time to take final action on a motion to approve a request
37 for an interim rule to the agency as late as the June meeting,
38 because it sounds like staff will have to come up with some kind
39 of analysis and such to provide to us at the April meeting, and
40 then we would have to make a decision at that time, unless we
41 can postpone to June, and that's what I am trying to figure out.

42
43 **CHAIRMAN DIAZ:** Mr. Strelcheck, to that point.

44
45 **MR. STRELCHECK:** Right, and so I think waiting until June makes
46 the timeline very, very tight, and so the recommendation is what
47 we come back in April, and my team and council staff could at
48 least lay out some of the things that you may want to consider,

1 with regard to the request for the interim rulemaking, and then
2 you would make that motion to move forward, or ask the agency to
3 move forward, with the interim rulemaking at that time, and
4 there would be more specificity then, in terms of the request.

5
6 **With that said, I do want to make a substitute motion to**
7 **postpone consideration of interim or emergency rulemaking until**
8 **the April 2022 council meeting.**

9
10 **CHAIRMAN DIAZ:** All right, and so we're going to wait for staff
11 to get that on the board. It is seconded by Dr. Frazer. In the
12 meantime, while staff is getting that on the board, Dr. Simmons.

13
14 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so I
15 guess, Andy and Mara and Peter, I think we did an interim rule
16 for triggerfish, and I was looking, and I think Peter and I did
17 this in 2012, and it was very simple, and we actually brought a
18 document to the council with management alternatives in it, and
19 it had two actions.

20
21 One was to modify the ACLs and ACTs for that particular fishing
22 season, and the other was to develop in-season closure
23 authority, and there wasn't a lot of other management measures
24 in there, and I think my question, I guess, would be, if that is
25 true, if we're actually going to bring a document, did you want
26 us to work on that for the April meeting, or, instead, you're
27 suggesting we completely wait until the June council meeting to
28 start such a document, and I was not quite clear on that.

29
30 **CHAIRMAN DIAZ:** Mr. Strelcheck, to that point?

31
32 **MR. STRELCHECK:** I guess the point I'm making is I don't feel
33 like the motion that's been provided adequately captures the
34 range of things that the council needs to consider, in terms of
35 an interim rulemaking, and so we could certainly sit here today
36 and try to figure out all of the things that need to be
37 considered for the interim rulemaking, and try to make a motion
38 and put that together, but my recommendation is that, no, we're
39 not going to put together a document, but we could come back and
40 have a more comprehensive discussion of the changes and decision
41 points that the council wants to make, and, like you're
42 suggesting, Carrie, if you want it to be simple and streamlined,
43 change the ACLs and catch targets, and maybe the accountability
44 measures, and that's all, then we do that.

45
46 If there's other things that we need to look at modifying,
47 because we are ratcheting down the catch levels considerably,
48 then I least want the council to be able to think through that

1 and make some decisions with regard to what they're recommending
2 to the agency.

3
4 **CHAIRMAN DIAZ:** Dr. Simmons, to that point?

5
6 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I think
7 that's a good course of action, but I would still caution that
8 that puts a tremendous amount of pressure on staff between April
9 and June.

10
11 **CHAIRMAN DIAZ:** Mr. Strelcheck, just on your motion, it seems
12 like I heard you say, "interim rule or emergency rule", and can
13 you look at that motion and see if that's what you intended?

14
15 **MR. STRELCHECK:** That is correct

16
17 **CHAIRMAN DIAZ:** Did you want to add -- Okay. Thank you. Okay.
18 Ms. Bosarge.

19
20 **MS. BOSARGE:** Thank you, Mr. Chairman. I am not sure which way
21 I'm going to go on this just yet, and I am leaning towards
22 voting for Andy's substitute. However, I am a little concerned
23 that, when this gets -- First off, that nobody is giving
24 specific direction to staff on what they want to see in this
25 presentation, other than ACTs and bag limits, and then I'm a
26 little concern though that, when you bring that to the council,
27 we'll have more questions than answers, unless you plan on
28 actually analyzing all that -- In other words, if you give us a
29 more stringent ACT, and this all, for the most part, is going to
30 hinge on the recreational sector, because you're got the
31 commercial sector in an IFQ, and so we're going to take the cut,
32 and that's what is going to happen, and so we're not going to
33 gain any access anywhere else.

34
35 However, on the recreational side, you're going to have to make
36 a lot more decisions, and so, if you take a cut -- If you
37 increase your ACT, your buffer, all right, then what does that -
38 - You have to analyze that and show us what that does to their
39 season length for each different alternative of ACT.

40
41 Then, if you want to mitigate that effect on the recreational
42 sector somewhat, they're going to want to look at a decreased
43 bag limit, and I think, right now, their bag limit is two gag
44 underneath that aggregate grouper bag limit, which I think is
45 four for the aggregate, and so do we want to bring them down to
46 one fish, or something like that?

47
48 Then you have to analyze that show us what that does to their

1 season length, and it's a lot to do between now and April, and
2 is that what you're suggesting, and, if there's other things
3 that we need to mention specifically right now, and get analysis
4 on, we need to bring those up now, because we have to make a
5 decision in April.

6
7 In other words, there's going to be an interim or emergency
8 rule, one way or the other, more than likely, to reduce these
9 catch levels, and so that can't be delayed, and we need
10 everything we need in April, and so what else do we need?

11
12 **CHAIRMAN DIAZ:** Mr. Strelcheck, to that point?

13
14 **MR. STRELCHECK:** Just to clarify, if the council recommends
15 something in April, that comes to the agency, and the workload
16 then comes to my staff, in order to prepare that interim
17 rulemaking, and there would be nothing that would be done
18 between April and June, unless the council decided not to vote
19 on an interim rule and push it to June, but, as I said earlier,
20 to me, that cuts the timeline for getting an interim rule in
21 place very tight.

22
23 In terms of what I am suggesting, I was not necessarily
24 suggesting that we bring back a lot of analyses, and we
25 certainly can try to do that, and accomplish that, to better
26 inform your decision, but, just to give you an indication of
27 some of the things that crossed my mind, after we had this
28 conversation, that I don't think the committee, or the council,
29 has fully thought of is I mentioned we are taking steep cuts in
30 harvest, and so that means that the season will likely be very
31 short.

32
33 In order to mitigate, potentially, the length of the season
34 being as short, you could look at bag limit changes, or
35 aggregate bag limit changes, and the commercial sector has the
36 multiuse allocation provision, and so that's good for,
37 obviously, addressing discards in the commercial fishery, but do
38 we want red grouper multiuse to be allowed to land gag? You may
39 want that, and that's fine, but we haven't discussed it.

40
41 We haven't talked about ACT changes and whether or not we need
42 to impose the ACT changes consistent with multiuse. Given the
43 short recreational season, is the council comfortable with the
44 agency taking action to implement a closure, based on our
45 accountability measure regulations, or do you want to try to set
46 a fixed season?

47
48 I can go on, and there is a number of other things that I feel

1 like need to be considered here, and, without that, you're
2 essentially telling the agency to change the catch levels based
3 on the rebuilding plan, and that's it, and then we would base
4 everything else on what's in existing regulations.

5
6 If that's your intent, and that's how you want to proceed, I am
7 fine with that, and we would vote down the substitute motion
8 that I just had, but I just want to very clear with regard to
9 what you're then voting on.

10

11 **MS. BOSARGE:** A follow-up, Mr. Chairman, if I may?

12

13 **CHAIRMAN DIAZ:** Go ahead, Ms. Bosarge.

14

15 **MS. BOSARGE:** Thank you. Okay, and so you have helped me out
16 with that, Andy, because see I thought that you would
17 automatically consider all of those things, if you have the
18 authority to, which I think you do, under one of these interim
19 emergency rulemakings, and I thought you all would do that
20 automatically, and so, therefore, I thought what you were asking
21 of the council was more, okay, which one of these methods to
22 mitigate some of this do you want us to do, and follow, and then
23 we get into all the analysis and looking at season lengths and
24 which ones do we think are the best.

25

26 What you're wanting is just some sort of endorsement from the
27 council to say, hey, yes, we know you have to reduce our quotas.
28 However, we also want you to look at some alternative management
29 measures that are in your purview to look at, to try and
30 mitigate some of that, to go along with that reduction. I am
31 onboard with that, Andy. I feel like we could give you that
32 authority today.

33

34 **CHAIRMAN DIAZ:** Dr. Simmons.

35

36 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Just real
37 quick, I mean, our staff have always helped with interim rules,
38 since I've worked for the council, and that is thirteen years
39 now, and we've offered to help with emergency rules, and so that
40 is certainly our intent with whatever motion is passed here, and
41 the rationale for that is not only due to workload, but whatever
42 the council wants to see in those temporary rules would carry
43 forward in an amendment. Thanks.

44

45 **CHAIRMAN DIAZ:** Mr. Anson.

46

47 **MR. ANSON:** Thank you, Mr. Chair. I had a similar concern as
48 Leann did about the non-specificity that's in this substitute

1 motion, and, quite frankly, Andy answered the question, her
2 question and my question, but I am a little surprised, Andy, of
3 all -- You mentioned a bunch of things that the council can look
4 at, and it sounds like you're willing to -- Your staff is able
5 and willing to provide those at the April council meeting, and,
6 quite frankly, a lot of those things would be included in the
7 rebuilding plan amendment that we would be turning around and
8 making, and so, if you're willing to provide all the suite of
9 things that you just mentioned, that's great, and we just need
10 to carve out enough time to be able to go through them at the
11 next agenda.

12
13 All those things, I think, would be applicable, and the previous
14 committee motion has just catch limits on here, but, if staff is
15 able to compile and analyze some of those other things that
16 would be tools for the council to manage and provide some
17 guidance to the agency on what our preference would be for
18 establishing an interim rule, I would say great. As long as it
19 doesn't need to be included in the substitute motion, and you're
20 comfortable with it, that's fine by me.

21
22 **CHAIRMAN DIAZ:** Okay, and so we have a substitute motion on the
23 board, and the substitute motion is to delay consideration of an
24 interim rule or emergency rule for gag grouper to the April 2022
25 council meeting. Is there any opposition to the motion? Seeing
26 none, the motion carries. Mr. Williamson.

27
28 **MR. WILLIAMSON:** I am a little late on the question, but, since
29 we're asking for things to be included, I am extremely confused
30 about this FES business, and I would like some sort of
31 allocation adjustment analysis on the time series in the current
32 allocation, and can that be included? It's just a request.

33
34 **CHAIRMAN DIAZ:** In the development of the document, whenever we
35 go through the full document, that will be in the full document,
36 and I'm not sure that it would be information that we would get
37 at the April meeting, and maybe Andy could speak to that, and
38 he's next. Mr. Strelcheck.

39
40 **MR. STRELCHECK:** It relates to Troy's comment, as well as
41 Kevin's comment, and so, just so that I'm clear, as Kevin
42 pointed out, the motion speaks to just adjusting the catch
43 limit, right, and so, if you told me that's your intent, and
44 that's all you do with the emergency rulemaking, then that would
45 be the direction that my team, working with council staff, would
46 have gone to then implement that management measure.

47
48 What I am saying is that there's other things that I think are

1 important for the council to take into consideration, and I am
2 not making a commitment that we're going to be able to provide
3 all of these analyses by the next council meeting, but I think
4 what we can provide is kind of the suite of options that the
5 council needs to think about and consider and, to the extent
6 that we can include some data and information to support that,
7 we will do our best, obviously, to provide that information.

8
9 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. Dr. Frazer.

10
11 **DR. FRAZER:** A committee member discussed the likelihood that
12 MRIP would be sufficient to manage recreational landings and the
13 sorts of measures necessary to constrain fishing mortality to
14 prevent exceeding the catch limits.

15
16 Another committee member described the brief and urgent nature
17 of emergency rules and thought that more novel management
18 approaches may be best explored as part of a plan amendment. A
19 committee member agreed with respect to keeping any interim or
20 emergency rule as streamlined as possible to expedite its
21 implementation. With respect to accountability measures,
22 National Marine Fisheries Service would close the fishery
23 (recreational or commercial) when the sector ACL is projected to
24 be met.

25
26 A committee member recalled the council's previous motion from
27 October 2021 to request a complete model run for SEDAR 72 using
28 the State Reef Fish Survey and noted the Reef Fish AP's
29 agreement with this approach at its January 2022 meeting.

30
31 A committee member was concerned about the precedent set by
32 using a state-specific data collection program in place of the
33 federal data collection program and suggested establishing
34 requirements for the use of state survey data for federal
35 management advice. The Southeast Fisheries Science Center
36 outlined the timeline for evaluating the State Reef Fish Survey
37 calibration, which is expected to occur after the February 2022
38 meeting of the MRIP Transition Team.

39
40 The Southeast Fisheries Science Center thought this process
41 could take four to six months after that meeting, after which,
42 if the calibration is approved, the Southeast Fisheries Science
43 Center's work on the State Reef Fish Survey run of SEDAR 72
44 could begin and would be expected to take approximately two
45 months.

46
47 **The committee recommends, and I so move, that the council**
48 **requests that the calibration of the Florida State Reef Fish**

1 Survey with MRIP-FES for gag grouper be a priority for the
2 National Marine Fisheries Service and all associated parties to
3 that process. Mr. Chair.

4
5 **CHAIRMAN DIAZ:** Okay. So we have a committee motion. Is there
6 any discussion on the motion? **Seeing none, is there any**
7 **opposition to the motion? The motion carries.**

8
9 All right. It looks like we're at a good spot to break for
10 lunch right here, and so what I would like to do is we're going
11 to go ahead and break for lunch. Mr. Strelcheck.

12
13 **MR. STRELCHECK:** Dale, before we leave gag, I do have one other
14 motion that I would like to bring up before the council, if we
15 can dispense with this first, and is that okay?

16
17 **CHAIRMAN DIAZ:** Yes, sir. You can do that. We'll finish up
18 with gag, and we'll start with the IFQ program the very next
19 thing.

20
21 **MR. STRELCHECK:** Okay. I sent the motion to the council email,
22 and so, while they're bringing that up, you heard, from
23 fishermen, not only at the last meeting, but this meeting, about
24 increasing catches of gag, and they're seeing maybe some
25 increasing recruitment moving into the fishery, and Dr. Porch,
26 at the October meeting, had suggested pursuing an interim
27 analysis for gag grouper.

28
29 We have a lot of moving parts right now, and I don't exactly
30 know how the motion will work with those moving parts, but,
31 essentially, the motion would lay out a request to the Science
32 Center to determine the feasibility of completing an interim
33 analysis, based on available independent survey data.

34
35 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck, we don't see that
36 motion. Would you be able to just read it to us, please?

37
38 **MR. STRELCHECK:** Yes. All right. **The motion would read to**
39 **request the Southeast Fisheries Science Center update the survey**
40 **indices of relative abundance for gag grouper through 2021 and**
41 **explore the feasibility of using those indices for an interim**
42 **analysis to update ABC and OFL advice.**

43
44 **MR. GILL:** Second, Mr. Chairman.

45
46 **CHAIRMAN DIAZ:** All right. Thank you, Mr. Gill. It's seconded
47 by Mr. Gill. Any discussion on the motion? Dr. Simmons.

1 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Andy, this
2 would be a letter, and we would ask the Science Center if they
3 could do this as soon as possible, for the March SSC meeting?
4

5 **MR. STRELCHECK:** In talking with Clay, it likely would not be
6 available until sometime this summer, and so that's why I said
7 there's a lot of moving parts here, and I don't know how this
8 intersects with the interim rule request, but, to me, I think
9 it's important to look at it, given the input we've heard from
10 fishermen and potential changes in recruitment, and so I think
11 we would probably see this coming back to us sometime over the
12 summer.

13
14 **CHAIRMAN DIAZ:** Okay. So we have a motion on the board, and
15 it's been seconded. Is there any further discussion on the
16 motion? **Is there any opposition to the motion? The motion**
17 **carries.** All right. Thank you, Mr. Strelcheck. We're going to
18 go ahead and take a lunch break, and we're going to start back
19 up at 1:00 Central. See you then. Thank you.
20

21 (Whereupon, the meeting recessed for lunch on January 27, 2022.)
22

23 - - -

24
25 January 27, 2021

26
27 THURSDAY AFTERNOON SESSION
28

29 - - -

30
31 The Full Council of the Gulf of Mexico Fishery Management
32 Council reconvened via webinar on Thursday afternoon, January
33 27, 2022, and was called to order by Chairman Dale Diaz.
34

35 **CHAIRMAN DIAZ:** Okay. We're ready to get back started, and so,
36 with that, Dr. Frazer, are you ready to proceed?
37

38 **DR. FRAZER:** Yes, I am, Mr. Chair. Thank you. We will pick up
39 with the Reef Fish Report. Individual Fishing Quota (IFQ)
40 Programs, Tab B, Number 8, staff reviewed the application
41 process and membership positions for the IFQ Focus Group. The
42 committee discussed the process for returning recommendations
43 from the IFQ Focus Group and indicated that recommendations
44 should be brought to the council first. The council would then
45 decide whether or not to forward the recommendations for further
46 review by other groups, such as the IFQ Advisory Panel or SSC.
47

48 Committee members also indicated support for an initial meeting

1 of two full days duration, and for the IFQ Focus Group to be
2 convened for two meetings. Committee members indicated a
3 general approval of the proposed timeline, while recognizing the
4 need for flexibility. A committee member reminded the committee
5 of the plan for the IFQ Focus Group to address changes to the
6 programs more broadly, such as by identifying pros and cons of
7 potential modifications to program features, rather than
8 providing prescriptive changes that are approved through
9 motions.

10
11 Discussion, Draft Snapper Grouper Amendment 44 and Reef Fish
12 Amendment 55, Modifications to Southeastern U.S. Yellowtail
13 Snapper Jurisdictional Allocations, Catch Limits, and South
14 Atlantic Sector Annual Catch Limits, Tab B, Number 9, council
15 staff reviewed the status of Snapper Grouper Amendment 44/Reef
16 Fish Amendment 55, which is a joint amendment to both fishery
17 management plans for the councils' management of southeastern
18 U.S. yellowtail snapper.

19
20 The yellowtail snapper stock was found to be healthy during the
21 councils' SSC review of SEDAR 64, which used data through 2017
22 and incorporated recreational catch and effort data from MRIP-
23 FES.

24
25 At its December 2021 meeting, the South Atlantic Fishery
26 Management Council (South Atlantic Council) discussed the age of
27 the projections, acknowledging that the proposed catch limits
28 would likely not take effect until 2023, or when the projections
29 were six years old.

30
31 The SSCs of both councils routinely recommend against using
32 projections beyond five years. Considerate of this, the South
33 Atlantic Council requested that the Florida Fish and Wildlife
34 Conservation Commission update the SEDAR 64 stock assessment
35 with data through 2020. Updating the SEDAR 64 stock assessment
36 is expected to result in some delays to the southeastern U.S.
37 mutton snapper and West Florida hogfish stock assessments, as
38 the same analyst is responsible for all three assessments.

39
40 Council staff clarified that they were developing terms of
41 reference for the proposed update stock assessment with South
42 Atlantic Council staff and FWRI, in preparation for an update.

43
44 **The committee recommends, and I so move, to suspend work on this**
45 **amendment and request that Florida Fish and Wildlife**
46 **Conservation Commission conduct an update to the assessment to**
47 **incorporate three additional years of data and a constant catch**
48 **projection to set the ABC. Mr. Chair.**

1
2 **CHAIRMAN DIAZ:** Okay, and so we have a committee motion. Is
3 there any discussion on the motion? All right. **Seeing none, is**
4 **there any opposition to the motion? Seeing none, the motion**
5 **carries.**

6
7 **DR. FRAZER:** The next item is the discussion of wenchman in the
8 Gulf of Mexico, which was Tab B, Number 10. Southeast Regional
9 Office staff presented the landings history of wenchman in the
10 Gulf for the last twenty years and reviewed the management
11 history for the stock from the council's Generic Annual Catch
12 Limits (ACL) and Accountability Measures Amendment in 2011.

13
14 In October 2021, the council learned of substantial commercial
15 landings of wenchman from the northern Gulf, which may have
16 contributed to the midwater snapper stock ACL being exceeded.
17 Also, at its October 2021 meeting, the council requested that
18 council and SERO staff begin work on an amendment to update the
19 catch limits for data-poor species. Work is expected to begin
20 on this amendment as council priorities allow.

21
22 SERO staff noted that wenchman are part of the council's
23 midwater snappers complex with silk snapper, blackfin snapper,
24 and queen snapper. Most landings for the complex are
25 attributable to the commercial sector. Combined sector landings
26 exceeded the stock ACL in 2020. A quota closure was implemented
27 in 2021, during which the ACL was also exceeded. The 2021
28 midwater snapper complex landings were primarily composed of
29 commercial wenchman landings from the northern Gulf.
30 Recreational landings of wenchman are generally less than 300
31 pounds whole weight annually. Most commercial landings
32 generally occur in summer months, and can be landed with
33 longline, handline, bandit gear, rod-and-reel, buoy gear, spear,
34 powerhead, cast nets, and trawls.

35
36 Management of the midwater snapper was established in 2011 as
37 part of the Generic ACL/AM Amendment, with the catch limits (OFL
38 equaling 209,000 pounds whole weight; ABC/ACL equal to 166,000
39 pounds whole weight; ACT equal to 136,000 pounds whole weight)
40 established using the average landings from 2000 to 2008. Staff
41 described what age and length composition data are known for the
42 stock. However, wenchman are considered data-poor and were not
43 able to be assessed as part of the last data-poor stock
44 assessment (SEDAR 49 in 2016).

45
46 Council staff asked about the plans by National Marine Fisheries
47 Service and NOAA Office of Science and Technology for
48 calibrating recreational landings data for the midwater snapper

1 and jacks complexes. The Southeast Fisheries Science Center
2 replied that it would need to confer with the NOAA Office of
3 Science and Technology about that process, and added that it had
4 no viable fishery-independent data for wenchman. All available
5 data are directly from the fisheries, meaning that there are
6 only limited analyses of the stock that can be performed.

7
8 A committee member thought it important to learn as much as
9 possible about the stock, given the magnitude of landings
10 attributed to the commercial sector, and requested the SSC
11 examine the landings and effort for wenchman and provide a
12 recommendation to the council about potential future yields for
13 the stock.

14
15 Review of Revised Great Red Snapper Count Estimates and SSC
16 Recommendations for Re-evaluating Red Snapper Catch Advice, Tab
17 B, Number 11, Dr. Nance reviewed the SSC's deliberations of the
18 new data --

19
20 **MS. BOSARGE:** My hand is up.

21
22 **CHAIRMAN DIAZ:** Okay. Go ahead, Ms. Bosarge.

23
24 **MS. BOSARGE:** Thanks. I am sorry. I'm trying not to speak out
25 of turn, but then I don't want to delay things by letting him
26 get halfway through another paragraph. I had a motion that I
27 emailed to staff regarding wenchman, before we leave that topic,
28 and I was wondering if they could bring it up on the board, and
29 we can have a discussion.

30
31 **CHAIRMAN DIAZ:** Okay. Staff is looking for it, and we'll get it
32 put up on the board.

33
34 **MS. BOSARGE:** Thank you. Do you want me to read it out for you,
35 Mr. Chairman?

36
37 **CHAIRMAN DIAZ:** Yes, ma'am, please.

38
39 **MS. BOSARGE:** Okay. To request the SSC and SEFSC to review the
40 midwater snapper ABC and advise the council on alterative
41 approaches that may be used to set the ABC, in light of a
42 developing directed trawl fishery for wenchman. In support of
43 this review, the council requests the Southeast Fisheries
44 Science Center provide commercial and recreational landings,
45 historical through present, available data from fishery-
46 independent NOAA research surveys to assess trends in catch and
47 abundance of midwater snapper, and information on the
48 previously-attempted data-poor assessment. Additionally,

1 commercial fishermen with experience and knowledge of this
2 species should be present, virtually or in-person, to convey
3 their working water knowledge to the SSC/SEFSC during these
4 discussions.

5
6 I had some help from Andy, to try and get his thoughts recapped
7 in writing, and then I have added to this, and the only thing I
8 see there, before we ask for a second, is we might want to take
9 the word "NOAA" out, where it says "research surveys", and just
10 leave it generally fishery-independent research surveys, because
11 there was some discussion, and it seems like Mississippi labs,
12 or something, might have had something that would be beneficial,
13 and so, if we get a second, I will give you some rationale, Mr.
14 Chairman.

15
16 **CHAIRMAN DIAZ:** Okay, and so we have a motion on the board. Is
17 there a second for the motion?

18
19 **MR. PATRICK BANKS:** I will second it.

20
21 **CHAIRMAN DIAZ:** It's seconded by Mr. Banks. All right, Ms.
22 Bosarge, if you can give us some rationale.

23
24 **MS. BOSARGE:** Sure, and so, if you remember, during public
25 testimony at both this meeting and I believe the last meeting,
26 we have had public testimony on wenchman, which is uncommon, in
27 both meetings, and actually from different people, and so we had
28 Captain Early once, at the last meeting, and then we had Mr.
29 Grieco at this meeting, and so it is an issue, and, albeit, I
30 grant you that it's a limited fishery, but it's an issue for
31 commercial fishermen right now, and, a lot of times, our
32 commercial issues kind of take the back burner, but this is a
33 biggie.

34
35 This is stopping -- This is shutting down fisheries,
36 essentially, and the spot that we're putting our commercial
37 fishermen in, by not even taking a deeper dive into this, and
38 letting the SSC look at it, is they're in a heck of a
39 predicament, where they have no quota on their directed target
40 species, butterfish and other things.

41
42 However, they're trying to be sustainable, and do the right
43 thing, and not target those when the wenchman quota has been
44 met, because they will land the wenchman that they catch
45 incidentally too, and there's a market for it, but, once that
46 quota is met, then that they have to decide, and do I go back
47 out there and catch butterfish, which I have no problem
48 catching, and shovel all these wenchman over the side, which is

1 not the best thing from a sustainable standpoint, but perfectly
2 legal, right, and, I mean, they're not breaking any laws, or do
3 I give up my revenue generating and my livelihood and not go
4 catch butterfish at all and try and find something else to
5 catch, which that's a tough decision to make, because it
6 involves a lot of expense.

7
8 I think it's time that we take a look at this, with the SSC and
9 the Science Center, which they're on the call for every SSC
10 meeting, and we hopefully will have some fishermen, commercial
11 fishermen, that can give us their working water knowledge, and
12 we might be able to find a path forward.

13
14 I truly believe we can, and I even have some out-of-the-box
15 thoughts for, if they can't set a quota with the data they have,
16 what we might could do after we hear what the data needs are in
17 that SSC discussion, and so that's my spiel. I hope that
18 everybody will join in on this one, and let's at least have a
19 conversation with the SSC and the Science Center on wenchman.

20
21 **CHAIRMAN DIAZ:** Okay. Thank you, Ms. Bosarge. Any other
22 discussion on the motion on the board? **Seeing no further**
23 **discussion, is there any opposition to the motion? Seeing no**
24 **opposition, the motion carries.** Dr. Frazer.

25
26 **DR. FRAZER:** Thank you, Mr. Chair. We will pick up with the
27 review of the Great Red Snapper Count estimates. Dr. Nance
28 reviewed the SSC deliberations of the new data relevant to red
29 snapper and the Great Red Snapper Count, including revised
30 estimates of absolute abundance, a framework for post-
31 stratification of Florida nearshore depth stratum, updated
32 fishery-independent indices of relative abundance, and a review
33 of fishing effort over uncharacterized bottom.

34
35 The initial estimate presented to the SSC in March/April 2021
36 was 110 million age-two-plus red snapper. This estimate was
37 revised in June 2021, following the removal of the random forest
38 sample selection for Florida and the addressing of peer-review
39 comments, resulting in an estimate of 118 million fish. In
40 September 2021, a third estimate of 96.7 million fish was
41 presented, which included the random forest sample selection for
42 Florida and the peer reviewer comments. Concurrently, a
43 validation analysis of ninety-two million fish was also
44 presented in September 2021.

45
46 The SSC ultimately recommended that the Southeast Fisheries
47 Science Center use the 96.7 million fish estimate for catch
48 analyses, to be considered at the SSC's March 2022 meeting, to

1 enable the SSC to consider new management advice for OFL and
2 ABC.

3
4 Dr. Greg Stunz, the principal investigator for the Great Red
5 Snapper Count, added that the Great Red Snapper Count study is
6 completed and cautioned against deviations from the original
7 study design. at the risk of violating statistical design
8 assumptions.

9
10 He added that the ninety-two-million-fish estimate is not an
11 official estimate. Rather, that estimate was simply a
12 validation run from the 96.7 million fish estimate, to ensure
13 the results converged near the base estimate under the
14 conditions for that run. Dr. Stunz noted that further estimates
15 of absolute abundance using the Great Red Snapper Count data
16 would require an analytical team to be identified to complete
17 that future work, if any.

18
19 Dr. Nance discussed work by the Southeast Fisheries Science
20 Center, FWC, and some Great Red Snapper Count principal
21 investigators on the post-stratification of Florida nearshore
22 depth stratum. The Great Red Snapper Count estimated that a
23 large proportion of red snapper in Florida occur in the Big Bend
24 region, between ten and forty meters. However, Southeast
25 Fisheries Science Center and FWC surveys and landings do not
26 estimate the same abundance of red snapper therein. Southeast
27 Fisheries Science Center, and others, are interested in
28 reanalyzing those data in smaller depth bins, for example ten to
29 twenty-five meters and twenty-five to forty meters.

30
31 The SSC requested that the Southeast Fisheries Science Center
32 proceed with the post-stratification analysis of the Gulf
33 shallow-water stratum (ten to forty meters, per the Great Red
34 Snapper Count) where possible, and present the results at the
35 March 2022 SSC meeting along, with a second catch analysis
36 incorporating these post-stratification results.

37
38 Dr. Nance then reviewed the updated fishery-independent indices
39 of relative abundance, including the SEAMAP and FWRI video
40 survey catch-per-unit-effort data and the NMFS Bottom Longline
41 Survey data. These indices are suggestive of decreases in
42 estimates of relative abundance of red snapper in the last few
43 years in the eastern Gulf, with the NMFS Bottom Longline Survey
44 showing an increase in the western Gulf.

45
46 The SSC's review of fishing effort over uncharacterized bottom
47 was also evaluated, which used a spatial mapping study, VMS
48 data, and recreational effort data from the Gulf states to

1 estimate fishing effort over uncharacterized bottom.

2
3 The SSC thought the spatial mapping study may be too dated. Red
4 snapper distribution and abundance has likely changed since
5 2011, and the spatial mapping study is likely not directly
6 comparable to the Great Red Snapper Count.

7
8 Commercial harvest was estimated to be split 54 percent over
9 natural bottom and 46 from artificial structures. Recreational
10 effort was measured using distance from the nearest pass, depth,
11 and region for all Gulf states for 2019. Less than 50 percent
12 of total biomass was estimated as vulnerable to fishing off
13 Florida, Louisiana, and Texas, while over 80 percent was
14 estimated as vulnerable off Alabama and Mississippi. The
15 Southeast Fisheries Science Center estimates the total
16 proportion of red snapper biomass vulnerable to fishing to be
17 37.6 percent.

18
19 The SSC encouraged the Southeast Fisheries Science Center to
20 analyze how catch level increases could impact different fishing
21 sectors with respect to the ability to redistribute fishing
22 effort according to localized abundance and depletion patterns.
23 If sufficient social and economic data are not available for
24 these analyses, the SSC encouraged the Southeast Fisheries
25 Science Center to identify specific data gaps and needs for
26 assessing the impacts of changes in catch limits.

27
28 Lastly, the SSC requested the Southeast Fisheries Science Center
29 catch analysis of the OFL look at the following scenarios: all
30 structure; all structure plus 10 percent uncharacterized bottom;
31 all structure plus 15 percent uncharacterized bottom; and
32 incorporation of two key uncertainties regarding (A) the total
33 biomass that might be accessible to the fishery, and (B)
34 potential impacts to the stock from localized fishing.

35
36 A committee member asked about the SSC's request for the
37 Southeast Fisheries Science Center to analyze how catch level
38 increases could impact different fishing sectors with respect to
39 the ability to redistribute fishing effort according to
40 localized abundance and depletion patterns. Dr. Nance replied
41 that the SSC was interested in the effects of redistributed
42 fishing effort as the stock is exploited.

43
44 Council staff added that the SSC was also interested in the
45 effects of redistributed fishing effort as areas of known
46 exploitation are fished and fish densities in those areas are
47 potentially depleted and the possible concurrent social and
48 economic effects related to that exploitation.

1
2 A committee member asked about the intended use of the Great Red
3 Snapper Count data with respect to establishing future red
4 snapper catch limits. Another committee member noted that the
5 Great Red Snapper Count was used in the establishment of a
6 revised OFL in a framework action transmitted to NMFS in 2021
7 and will be considered again for revising catch limits by the
8 SSC in March 2022.

9
10 A committee member asked who requested the post-stratification
11 work for Florida and convened the group of scientists working on
12 that question. The Southeast Fisheries Science Center replied
13 that such analyses were germane to the continued investigation
14 of the data and analyses for scientific research.

15
16 The committee member asked whether the work performed by the
17 Southeast Fisheries Science Center undergoes the same level of
18 scrutiny. The Southeast Fisheries Science Center replied that
19 the stock assessment products, and especially the red snapper
20 stock assessment, undergo similar levels of scrutiny. A
21 Committee member commended the Great Red Snapper Count team on
22 their completion of a rigorous peer-review and for their
23 continued dedication to furthering the understanding of red
24 snapper in the Gulf, which will aid in creating reliable
25 management advice. Discussion of Remaining SSC Recommendations
26 from the November 2021 & January 2022 SSC Meetings, Tab B,
27 Number 12 --

28
29 **CHAIRMAN DIAZ:** Mr. Dyskow.

30
31 **MR. DYSKOW:** Thank you, Mr. Chairman. I brought this matter up
32 during the committee session, but I think I would like to bring
33 it up again, because I wasn't really satisfied with the answer I
34 got from the Southeast Science Center.

35
36 The delay in taking action utilizing the information received
37 from the Great Red Snapper Count almost appears as if we are
38 consciously delaying or stonewalling this whole process, and I
39 would like some level of assurance, from the Southeast Science
40 Center, that they're going to, at some point in the not-too-
41 distant future, end their long-term analysis of this and go on
42 to an action-oriented process, whereby they take this
43 information that they receive from the Great Red Snapper Count
44 and incorporate it into their overall stock assessment for red
45 snapper and let us go forward from there, as opposed to just
46 endlessly setting up additional barriers to moving forward with
47 this information and applying it to the overall stock assessment
48 for red snapper.

1
2 I am not saying this to be critical of the Science Center, or
3 anyone within the Science Center, and I just think that this
4 process needs to move forward in a more proactive fashion.
5 Thank you.

6
7 **CHAIRMAN DIAZ:** Thank you, Mr. Dyskow. Dr. Porch.

8
9 **DR. PORCH:** Thank you. I am not quite sure why Mr. Dyskow is
10 saddling us as though we were delaying things. We have pretty
11 much done everything that the SSC has asked of us. There has
12 just been a lot of scientific discussion and scrutiny, as there
13 ought to be, and this is the first time we've had a study of
14 this kind, and the scale is unprecedented, and there was a lot
15 of great work done, but, even as Dr. Stunz has said, there is a
16 lot of things we learned along the way.

17
18 We scheduled a fairly rigorous peer review, although on rather
19 short notice, and they made some suggestions, and Greg and his
20 team went back and explored some of those suggestions, and then
21 the SSC reviewed it again, and a number of people raised some
22 concerns about particular items, and one of the big ones, of
23 course, was that the Great Red Snapper Count put the majority of
24 fish in Florida inside thirty meters in the Big Bend area, which
25 didn't jibe with any other information, and so people had some
26 legitimate concerns, and they just asked for some reanalysis,
27 but it's not that the Southeast Center was slow-walking
28 anything, and we've just been a part of the process. We have
29 scientific experts that have been working with the experts from
30 the Great Red Snapper Count and trying to make the most of this
31 great product.

32
33 I guess the one other thing that I would add is this will
34 continue as part of the red snapper research track assessment,
35 which, by the way, was also at the request of the SSC.

36
37 **CHAIRMAN DIAZ:** Thank you, Dr. Porch. Mr. Dyskow.

38
39 **MR. DYSKOW:** Dr. Porch, I'm sorry if my comments seemed to
40 indicate that the Southeast Science Center is dragging their
41 feet on this project, but I guess what I really want to know is
42 when does it end? Every research project I have ever been aware
43 of has an ending at some point, and when does this end, and when
44 do we start moving forward with this information in the
45 reassessment of the stock?

46
47 **CHAIRMAN DIAZ:** I guess I would say it's always an evolving
48 process, and we plan to come in with ABC and OFL advice,

1 according to the SSC's specifications, in March, and we actually
2 did that earlier, but then there was some new information that
3 caused the SSC to say it wasn't quite ready for prime time, and
4 we had the further reviews and analyses with the Great Red
5 Snapper Count.

6
7 We now have new specifications from the SSC, and we will
8 complete those in March, and then there's the next step of how
9 we incorporate this in a regular stock assessment, and that will
10 be part of the research track, which is now ongoing.

11
12 **MR. DYSKOW:** Thank you.

13
14 **CHAIRMAN DIAZ:** Mr. Banks.

15
16 **MR. BANKS:** I was just going to try to answer the question from
17 Mr. Dyskow, as I see it, and somebody correct me if I'm wrong,
18 but I think, as I see it, it's really more the SSC that has had
19 some ongoing questions and discussions with Dr. Stunz and his
20 team about the data and things like that, and, at least for me,
21 I am waiting on the SSC to tell us, as a council, that the Great
22 Red Snapper Count data can now be used for management advice,
23 and it looks like they sort of did, at one time, when they
24 increased the OFL, I think, by ten million pounds or something,
25 but they only increased, or they only recommended increasing,
26 the ABC by like 400,000, or something like that.

27
28 I just didn't get the feeling, after that recommendation, that
29 they were quite comfortable with using the Great Red Snapper
30 Count for management advice quite yet, and so I'm waiting on the
31 SSC to give us that recommendation, and so I think that's where,
32 at least in my opinion, that's where the holdup lies, and not
33 that they're purposely trying to hold it up, and I'm not saying
34 that, but I'm just -- But that's what I'm waiting on, and maybe
35 I'm seeing it incorrectly, but that's what it looks like to me.

36
37 **CHAIRMAN DIAZ:** Thank you, Mr. Banks. All right. I don't have
38 any other hands up. Dr. Frazer.

39
40 **DR. FRAZER:** Okay, and so we will pick up with the SSC
41 recommendations. Dr. Nance noted that the last item from the
42 SSC's January 2022 meeting, a discussion of the Standardized
43 Bycatch Reporting Methodology, will be covered during the
44 Sustainable Fisheries Committee meeting on Wednesday, January
45 26, 2022.

46
47 Discussion of Remaining Reef Fish AP Recommendations from the
48 January 2022 Reef Fish AP Meeting, Tab B, Number 13, in

1 discussing the SEFHIER program, the Reef Fish AP, in agreement
2 with the Data Collection AP, recommended the council take
3 whatever necessary action to work with NMFS to revise the
4 SEFHIER program to allow vessels to move within a predefined
5 demarcation line without declaring. This recommendation was
6 discussed by the Data Collection Committee.

7
8 With regard to leasing federal commercial fishing permits, the
9 Reef Fish AP recommended that the council initiate an action to
10 allow the leasing of federal commercial fishery permits from one
11 entity/vessel owner, directly to another entity or vessel owner.

12
13 The Reef Fish AP also discussed the modification of the
14 commercial gray triggerfish trip limit and recommended
15 increasing the federal commercial trip limit for gray
16 triggerfish to between thirty-two and forty fish per trip, to
17 increase the probability of the commercial sector catching the
18 commercial ACL.

19
20 Lastly, considerate of advances in the mobile application-based
21 data collection systems, the Reef Fish AP recommended the
22 council establish a real-time data collection system for the
23 private recreational sector and have it implemented in a
24 mandatory way within the next three years.

25
26 Other Business, Discussion about the Timeline for the 2021 Red
27 Snapper Data Calibration Framework Action. This discussion item
28 was moved to Full Council.

29
30 **CHAIRMAN DIAZ:** Mr. Anson, I believe this was something that you
31 had requested. Would you be interested in giving us your
32 rationale?

33
34 **MR. ANSON:** I requested Andy to provide, kind of the way he sees
35 it from his chair, what the timeline is the agency on the data
36 calibration framework action, and when is it going to the
37 Secretary, and when there might be a decision, and I'm just
38 trying to look ahead here.

39
40 I'm not a tea drinker, but I do look at tea leaves, and the tea
41 leaves in the cup I'm looking at appear to be sinking, and so I
42 just wanted to see what the possibility is of trying to get that
43 information, so that states can start looking at seasons and
44 such.

45
46 **CHAIRMAN DIAZ:** Mr. Strelcheck, can you respond?

47
48 **MR. STRELCHECK:** Thanks, Mr. Anson, for your question. Where

1 are we at? We've received, obviously, both the calibration
2 framework action as well as the ACL framework action from the
3 council, and it is still under review with my office, and I
4 expect that we will be moving toward rulemaking in late winter
5 or early spring, and so that's the timeline, right now, that
6 it's on, in terms of any rulemaking.

7

8 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. Dr. Frazer.

9

10 **DR. FRAZER:** Thank you, Mr. Chair. In Other Business,
11 continued, Discussion about the Settlement between National
12 Marine Fisheries Service and the State of Texas on Texas'
13 Private Angling Red Snapper Season in 2019, the Southeast
14 Regional Office provided a summary of a recent settlement
15 agreement between NMFS and the State of Texas related to a
16 complaint filed by Texas with regard to the NMFS estimation of
17 the overage of its private angling component red snapper ACL.

18

19 In brief, NMFS agreed to use Texas' 2019 and 2020 private
20 angling component landings estimates to determine paybacks for
21 its 2020 and 2021 seasons. Also, Texas agreed to dismiss its
22 complaint, provide more timely landings estimates to NMFS, close
23 its state waters to red snapper harvest when its portion of the
24 private angling component ACL is met, and to use a revised
25 estimation method for determining Texas' private recreational
26 red snapper landings for 2021 and subsequent fishing years. Mr.
27 Chair, this concludes my report.

28

29 **CHAIRMAN DIAZ:** Okay. Ms. Bosarge.

30

31 **MS. BOSARGE:** Thanks. I just had a quick question that -- I
32 forgot we went through that during committee, but it was a
33 little confusing to me, because it was talking about to
34 determine paybacks for its 2020 and 2021 seasons, but those were
35 already behind us, and so I was just trying to understand what
36 that meant, and is the payback actually going to be applied for
37 2022, or did I miss something?

38

39 **CHAIRMAN DIAZ:** Mr. Strelcheck.

40

41 **MR. STRELCHECK:** Thanks, Chairman. Leann, in late December, we
42 did a notice in the Federal Register essentially laying out that
43 the announcement of our -- I am trying to get the numbers right.
44 Adjustment to the 2020 ACL for Texas was modified, and we had
45 originally announced an accountability measure for them based on
46 certain landings data.

47

48 Based on the agreement, that was modified, based on the landings

1 that Texas and the agency agreed to use, and we also then used
2 their landings data for adjusting their catch limit for 2021,
3 which then affects their 2022 catch limit, and so it was kind of
4 a sequence of events there, in order to modify the catch limit
5 and trigger those accountability measures accordingly, and so
6 that's now in place.

7
8 **MS. BOSARGE:** Just a quick follow-up, Mr. Chairman?

9
10 **CHAIRMAN DIAZ:** Yes, ma'am.

11
12 **MS. BOSARGE:** Okay, and so you reduced their 2021 quota, and I
13 guess they stayed within that, or they went over that, and now
14 they will have another reduction in 2022, or another payback in
15 2022, and can you clarify that for me?

16
17 **MR. STRELCHECK:** So they exceeded 2019, and then -- Certainly
18 staff help me out here. We adjusted their 2020 ACL, and they
19 exceeded their revised 2020 ACL, and so we adjusted their 2021
20 ACL, and we're now waiting on landings data for 2021, to make a
21 determination of whether or not they will exceed that revised
22 2021 ACL, and keep in mind that Texas did close their state
23 waters as of mid-November this year, per this agreement.

24
25 **MS. BOSARGE:** Thank you.

26
27 **CHAIRMAN DIAZ:** Mr. Dyskow.

28
29 **MR. DYSKOW:** Thank you, Mr. Chairman, and I apologize if I'm
30 beating this subject to death, but I appreciate the additional
31 insight from Patrick Banks on where the current status of the
32 Great Red Snapper Count is, and I don't know if Dr. Nance is
33 still on the line, but I would like to know if the SSC has in
34 fact finished their analysis of the Great Red Snapper Count,
35 and, if they haven't, what is the remaining information that is
36 needed for them to make that determination? Thank you.

37
38 **CHAIRMAN DIAZ:** Mr. Rindone, please.

39
40 **MR. RINDONE:** Thank you, Mr. Chair. At the upcoming SSC
41 meeting, there's a couple of things that the SSC is going to
42 look at prior to considering any modifications to catch advice
43 for red snapper based on the Great Red Snapper Count.

44
45 One of those is the presumptive review of the completion of that
46 post-stratification analysis that the SSC gave direction to the
47 Science Center and the other folks that are working on that at
48 their last meeting, and there is the LGL Ecological Associates

1 study of the estimate of absolute abundance off the State of
2 Louisiana that was requested by and funded by the Louisiana
3 state legislature, and the SSC will be reviewing that.

4
5 Then the Science Center will have to produce catch analyses,
6 under the set of variables that were outlined by the SSC in that
7 motion that you guys saw that Dr. Frazer read out, and so, after
8 all of that information is examined at their March meeting, they
9 will then consider whether to make revised catch advice for red
10 snapper at that meeting.

11
12 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. All right. I'm not
13 seeing any other hands on Reef Fish. I do want to thank Dr.
14 Frazer for his leadership this week, both in committee on
15 Tuesday and efficiently leading us through this committee report
16 today, and so thank you, Dr. Frazer. Dr. Walter.

17
18 **DR. WALTER:** I really appreciate the questions from Phil and
19 Patrick about the process, because I think it isn't that clear
20 on how we might be able to use the Great Red Snapper Count for
21 catch advice in the near-term, and I just wanted to -- As
22 someone who is kind of closely involved in all of this, and some
23 of the research we're doing is being used for it, in fact, is it
24 has really been a collaborative process between a lot of the
25 people and the scientists in the Great Red Snapper Count as well
26 as the Southeast Fisheries Science Center scientists, to try to
27 turn this great science project, and the Great Red Snapper
28 Count, into catch advice.

29
30 It's not the easiest thing to do, and so what you're seeing is a
31 lot of back and forth, because we're trying to present the best
32 product that the SSC can then evaluate to consider for ABC
33 advice in the near-term.

34
35 They used the Great Red Snapper Count for OFL, but there's some
36 consideration and a request from the council to consider it also
37 for ABC advice, and so what we're trying to do is to work
38 together to produce a product for the SSC to ultimately review.

39
40 As you can see, most of our assessments, quite often, have
41 additional things that are asked of it, additional runs and
42 additional analyses, and that happens with stock assessments all
43 the time, and so it's also happening with the Great Red Snapper
44 Count, because that's just the process of turning something into
45 management advice, and I just would hope that everyone kind of
46 bears with us as we try to do our best to do justice to the
47 science here, and we are trying to produce advice that the SSC
48 can consider. Thanks.

1
2 **CHAIRMAN DIAZ:** Thank you, Dr. Walter. Okay. That concludes
3 the Reef Fish Report, and, Dr. Stunz, are you ready for
4 Sustainable Fisheries?

5
6 **DR. STUNZ:** Yes, sir, Mr. Chairman. Give me one second to pull
7 it up here.

8
9 **CHAIRMAN DIAZ:** Okay. You can proceed whenever you're ready,
10 Dr. Stunz.

11
12 **SUSTAINABLE FISHERIES COMMITTEE REPORT**

13
14 **DR. STUNZ:** Okay, Mr. Chairman. This is the Sustainable
15 Fisheries Committee Report. They met on January 26, 2022. The
16 committee adopted the agenda, Tab E, Number 1, and approved the
17 minutes, Tab E, Number 2, of the October 2021 meeting as
18 written.

19
20 Standardized Bycatch Reporting Methodology, Tab E, Number 4, Mr.
21 Dan Luers of the Southeast Regional Office (SERO) staff gave a
22 brief presentation on the Standardized Bycatch Reporting
23 Methodology (SBRM) five-year review.

24
25 SBRM is an established, consistent procedure used to collect,
26 record, and report bycatch data in a fishery. This allows for
27 the collection, recording, and reporting of bycatch data that
28 are used with other data to assess the amount and type of
29 bycatch. Bycatch does not include fish released alive, marine
30 mammals, or seabirds or incidental catch.

31
32 The council's Scientific and Statistical Committee (SSC)
33 reviewed these fishery management plan (FMP) specific SBRMs for
34 the Reef Fish, Shrimp, Coastal Migratory Pelagic, Spiny Lobster,
35 Red Drum, and Coral FMPs based on four criteria: (1) the
36 characteristics of bycatch occurring in the fishery;
37 (2) feasibility of the methodology from cost, technical, and
38 operational perspectives; (3) uncertainty of the data resulting
39 from the methodology; and (4) how the data resulting from the
40 methodology are used to assess the amount and type of bycatch
41 occurring in the fishery.

42
43 The SSC was asked to consider, for each FMP, is the SBRM
44 feasible, from cost, technical and operational perspectives, can
45 the uncertainty associated with bycatch data be described,
46 quantitatively or qualitatively, are the data adequate to assess
47 the amount and type of bycatch occurring in the fishery, and are
48 the data useful in management of these FMPs. Because the Red

1 Drum and Coral FMPs do not allow any harvest, there are no SBRMs
2 for those managed species.

3
4 Mr. Luers described fleet-specific harvest methods and their
5 associated bycatch characteristics for each FMP, including
6 metrics such as the mean number of discards by fleet, species,
7 and year. Generally, discard mortality is accounted for in
8 stock assessments, and the accuracy of bycatch estimates is
9 fundamental to effective management. If not properly
10 quantified, discard mortality could reduce stock biomass to a
11 depleted level. Recreational discards are typically much
12 greater in numbers of fish than commercial discards, and
13 discards from both sectors are assumed to be known with a
14 generally poor level of precision.

15
16 A committee member asked that, for comparison purposes,
17 commercial and recreational data be presented in the same units
18 (pounds and/or numbers of fish), or else the data cannot be
19 easily compared and evaluated. Further, they asked about the
20 bycatch associated with the Spiny Lobster FMP, which presumed
21 that most fish escape the trap within forty-eight hours, and
22 inquired if an unobserved escaped lobster would constitute the
23 definition of bycatch. Mr. Luers replied that the assumption
24 was based on empirical research.

25
26 The SEFSC asked whether the commercial discard data were
27 collected from commercial logbook data or from some other data
28 source. Mr. Luers replied that the data were collected from the
29 commercial logbooks. The SEFSC replied that a more appropriate
30 source may be the SEDAR stock assessments. Mr. Luers replied
31 that not all of the SEDAR assessments provided data for the
32 target time period of 2015 to 2019.

33
34 A committee member expressed concern about asymmetry in the
35 collection of bycatch data between fleets and asked if this
36 affected the feasibility estimates. The SEFSC noted low
37 confidence in the commercial logbook reported discard data.
38 Further, observer coverage in the reef fish observer program is
39 very low, at less than 2 percent of all commercial trips, which
40 makes validating commercial logbook discards difficult.
41 Recreational discard data are all self-reported, and thus are
42 highly uncertain and difficult to validate.

43
44 A committee member thought reviewing these data more regularly
45 may be beneficial, to better target the most effective ways to
46 collect and report these data in the future. SERO encouraged
47 the recognition of methodologies to collect bycatch data and the
48 identification of any gaps where improvements are possible.

1
2 Dr. Luiz Barbieri briefly summarized the SSC's discussions on
3 the SBRM five-year review. The SSC requested that the SEFSC
4 consider the collection of bycatch data on specific state-
5 managed species identified by the Gulf States Marine Fisheries
6 Commission's TCC Data Management Subcommittee be added to the
7 appropriate bycatch data programs.

8
9 A committee member asked about the SSC's opinion on the current
10 adequacy of the SBRMs, as presented, to which Dr. Barbieri
11 recalled that they were. He further acknowledged the costs of
12 recommended improvements to the FMP-specific SBRMs, but was
13 optimistic about the potential for these improvements in the
14 future. The Committee considered the adequacy of this report,
15 but determined that further deliberation was necessary during
16 Full Council prior to making a determination on this report.

17
18 Mr. Chairman, before I conclude the report, I do have a motion
19 that I sent to the meetings email, if we want to pull that up.
20 I don't know if we want to address that right now, or I see that
21 Mara Levy's hand is up, and I will defer to you on how you want
22 to proceed with the remainder of the report.

23
24 **CHAIRMAN DIAZ:** I'll tell you what. I'll get staff to start
25 pulling up the motion and the putting it on the board, and we'll
26 let Ms. Levy speak while that's taking place. Ms. Levy.

27
28 **MS. LEVY:** Thank you. I just wanted to correct a statement at
29 the beginning of the report, and it says that "bycatch does not
30 include fish released alive", and that's not correct, right, and
31 so bycatch is fish that are harvested in the fishery but which
32 are not sold or kept for personal use. It does not include fish
33 released alive under a recreational catch-and-release fishery
34 management program, but it does otherwise include fish released
35 alive. Thank you.

36
37 **CHAIRMAN DIAZ:** Dr. Froeschke.

38
39 **DR. FROESCHKE:** I wonder if Dan Luers, and thank you for the
40 comment, Mara, is on there to clarify his intent that that is
41 characterized, and I know, offline, him and I have talked about
42 it in the past, and I just wanted to make sure we all have a
43 common understanding.

44
45 **CHAIRMAN DIAZ:** Mr. Luers.

46
47 **MR. DAN LUERS:** Yes, I am on. Can you hear me?
48

1 **CHAIRMAN DIAZ:** Yes, we can, Mr. Luers. You can proceed.
2
3 **MR. LUERS:** I'm sorry, but I missed what you would like me to
4 clarify exactly.
5
6 **CHAIRMAN DIAZ:** Dr Froeschke.
7
8 **DR. FROESCHKE:** Mara was trying to clarify, for the purposes of
9 the SBRM, what was included in bycatch, with regard to fish that
10 were harvested as bycatch, but not targeted, as well as fish
11 that were released alive, and I thought that we had talked about
12 that, offline, before, and maybe I was misunderstanding what you
13 were doing, and so could you just clarify how the bycatch is
14 characterized in the SBRM?
15
16 **MR. LUERS:** To make it simple, bycatch is just discards, and so
17 except under, as Mara mentioned, a catch-and-release program
18 that is set up for the purpose of catch-and-release, like marlin
19 or something like tarpon, where the intent really isn't to keep
20 them.
21
22 Some of the confusion might be coming from the slide where I
23 said that incidental catch was not included also, and incidental
24 catch is anything that's captured that is not a targeted
25 species, but is kept, and so incidental catch is not considered
26 bycatch, but anything that is discarded, except under a catch-
27 and-release program, would be considered bycatch.
28
29 **CHAIRMAN DIAZ:** Thank you, Mr. Luers. Mr. Anson.
30
31 **MR. ANSON:** I had one more, I guess, point in the report, and
32 it's the third-to-last paragraph, in the middle there, where it
33 talks about the Spiny Lobster FMP and the bycatch associated
34 with it. Since I'm the one who asked the question, the question
35 didn't revolve around the accuracy of the data that went with
36 the statement that most fish in the trap escape within forty-
37 eight hours, and it was whether or not fish that do escape from
38 the trap, if those are considered bycatch or not.
39
40 If the fish goes into the trap and is able to swim back out of
41 the trap, or otherwise get out of the trap before it's brought
42 onboard the vessel, is that really bycatch? That's all I was --
43 It was worded, in the presentation, to indicate that fish that
44 escape from the trap were also considered bycatch, and that's
45 all I was doing, and it wasn't to debate, or question the
46 accuracy, of the data that is used to estimate, or determine,
47 and there were fish that were in the trap that then subsequently
48 escaped. Thank you.

1
2 **CHAIRMAN DIAZ:** Okay. Staff will make those corrects to the
3 committee report. We have a motion on the board, if you could
4 put it back up, Bernie, please. All right. The motion is by
5 Dr. Stunz.

6
7 **The council considers the Standardized Bycatch Reporting**
8 **Methodology Report to adequately characterize the existing**
9 **bycatch reporting programs that are in place for each council**
10 **FMP. The council recognizes that bycatch information is**
11 **increasingly important and recommends evaluation and**
12 **consideration with state and federal partners to improve bycatch**
13 **data collection in the future.** Is there a second to the motion?
14

15 **MR. GILL:** Seconded, Mr. Chairman.

16
17 **CHAIRMAN DIAZ:** It's seconded by Mr. Gill. Is there any
18 discussion on the motion?
19

20 **DR. STUNZ:** Mr. Chairman, could I just briefly -- I mean, it
21 looks like there's not going to be opposition, I hope, but could
22 I just briefly clarify where this came from and where I think
23 I'm going with this motion?
24

25 **CHAIRMAN DIAZ:** Yes, sir, Dr. Stunz. Thank you.
26

27 **DR. STUNZ:** As Andy mentioned, for his group, and for Mr. Luers
28 to proceed, they need us to approve, essentially, or say what
29 they're doing now is adequate, so they can continue collecting
30 the data for what they need to do and move forward by this
31 February deadline. That's what the first part of this motion
32 does, but I think the discussion, during the committee, was
33 clearly, including from the Science Center, that we all feel
34 that the bycatch information we have is clearly a weak link, in
35 many cases, and it could be greatly improved.
36

37 I think that was the sentiment of the committee that we wanted
38 to bring forward to the council, and so I think the idea is this
39 motion sets the stage to what we need to do to improve that
40 information in the future, and I would expect it would be
41 followed-up by much more detailed motions and actions of the
42 council on where we want to see bycatch to be in the future, and
43 so I am recommending that, in this committee, that we address
44 bycatch and where we want to go and what we would like to see,
45 in terms of bycatch data and information, so we can make more
46 informed decisions, and this motion just begins to set that
47 stage, and it lets Andy to continue, for now, with what they're
48 doing and then us to improve that as we move along.

1
2 **CHAIRMAN DIAZ:** Thank you, Dr. Stunz. Mr. Anson.
3

4 **MR. ANSON:** Thank you, Mr. Chair. I'm in support of the motion,
5 and realizing that the agency is in kind of a short timeline in
6 order to get our comments into the process, and I will still
7 agree to go with the motion, but what was discussed at committee
8 wasn't quite necessarily captured in the summary report, and so
9 I will reiterate here that I think, if the state and federal
10 partners coordination statement in the bottom of this motion
11 includes council-level presentations, periodically, to review
12 that data, then that's great.
13

14 I think I would stress that, and I think it also was mentioned,
15 during committee, that, somehow or another, if the data can be
16 formatted a little bit differently, so that it's much more
17 easily analyzed, or observed, or seen, in a table format, and we
18 have each fishery, and then we have, potentially within that, a
19 commercial and recreational breakdown with the types of programs
20 that are in there, the amount of money, if that could be
21 determined, what's being spent, the number of samples that are
22 being collected, the number of fish that are then estimated from
23 those, and maybe an approximation as to what percent coverage
24 that represents, whatever those samples are, and I think that
25 would be very helpful for the SSC, as well as us, in getting to
26 the first part of this motion in the future, and that is to make
27 a better evaluation as to whether or not we feel like the
28 currently programs adequately characterize the bycatch. Thank
29 you.
30

31 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. Okay. I am not seeing
32 any other hands, and so, at this point, we're going to go ahead
33 and vote on the motion. **Is there any opposition to the motion?**
34 **Seeing no opposition, the motion carries.**
35

36 I believe that concludes your Sustainable Fisheries Report, Dr.
37 Stunz, and we appreciate you. No other business for the
38 Sustainable Fisheries Committee, and I'm not seeing any hands,
39 and we're going to go ahead and move on to the Shrimp Committee.
40 We saved the best for last, Ms. Bosarge. Are you prepared to go
41 through the Shrimp Committee Report?
42

43 **SHRIMP COMMITTEE REPORT**

44

45 **MS. BOSARGE:** The best for last. I like it. Yes, sir, I am,
46 and I will just go ahead and tell the council that there is a
47 lot of acronyms in my report, and I will read out the full name,
48 as well as the acronym, the first time, for the Science Center

1 and the Gulf States, but, after that, if it's all right with
2 everybody, I am going to just refer to them as the Science
3 Center and Gulf States, or Gulf States Commission, and I'm
4 pretty sure we all know who that is.

5
6 The Shrimp Committee Report, the committee adopted the agenda,
7 Tab D, Number 1, as written and approved the minutes, Tab D,
8 Number 2, of the October 2021 meeting as written.

9
10 NMFS' Evaluation of Draft Approval Specifications for
11 Reinstating Historical cELB Program, Tab D, Number 4, Dr.
12 Walter presented the National Marine Fisheries Service's (NMFS)
13 review of draft type-approval specifications for reinstating
14 the historical cellular electronic logbook (cELB) program for
15 the Gulf shrimp fishery.

16
17 As industry has voiced concerns about their scientific data
18 being transmitted to the Office of Law Enforcement (OLE), Dr.
19 Walter reviewed the logistics in either bringing a National
20 Environmental Satellite, Data, and Information Service (NESDIS)
21 server online for data transmission or use of a Gulf States
22 Marine Fisheries Commission (GSMFC) Server. He noted that NMFS
23 would need to pay NESDIS or Gulf States to set up a cloud
24 server, and access would have to be established for OLE, so that
25 they could access data at any time.

26
27 Ms. Bosarge stated that she was under the impression that the
28 Gulf States was already in the process of transitioning to a
29 cloud server and that the NOAA NESDIS facility had already
30 completed its transition to the cloud, and so she asked for
31 elaboration on why NOAA would need to pay for a cloud server in
32 either of these cases. Mr. Donaldson stated that the Gulf
33 States is moving towards a cloud server, but is not there yet.
34 Dr. Walter responded that funds would still be needed for the
35 use of the NESDIS cloud server, even though NMFS and NESDIS are
36 both part of NOAA.

37
38 Ms. Bosarge also noted that efficiencies are gained by utilizing
39 a Gulf States server, as many of the cELB transmission-related
40 IT requirements in the presentation, such as the security and
41 firewall connections, are necessary for the various other
42 fishery data which Gulf States already processes and transmits
43 to NMFS.

44
45 Dr. Walter then presented information on scientific testing and
46 vetting of vendors. For the current OLE vessel monitoring
47 system (VMS) type-approval process, Dr. Walter commented that
48 NOAA OLE contracts with a global expert in Denmark, who performs

1 VMS testing and provides recommendations, while the Southeast
2 Fisheries Science Center (the Science Center) maintains a
3 website of approved vendors as well as any additional
4 requirements for vendors which may apply to specific fisheries.

5
6 As an alternative to the historic shrimp electronic logbook
7 program being transitioned to and overseen by OLE, Dr. Walter
8 provided details for an alternative scenario where the program
9 would be housed and overseen by the Science Center. Under such
10 a scenario, the Science Center, as opposed to OLE, would
11 maintain on its website the technical requirements for vendors
12 wishing to provide a cellular electronic logbook, and the
13 Science Center would contract with a third-party vendor to carry
14 out the testing of potential electronic logbooks for type-
15 approval. Dr. Walter stated this was seen as redundant and not
16 an efficient use of taxpayer funds for one fishery.

17
18 Next, Dr. Walter discussed recommendations relative to
19 implementation of the draft type-approval specifications for
20 reinstating the historical cellular electronic logbook
21 program.

22
23 Dr. Walter stated that the national VMS technical specifications
24 should not be changed. Portions of the draft electronic logbook
25 approval specifications are more stringent than what is required
26 by the national VMS type-approval specifications. These more
27 stringent requirements could be implemented by specifying them
28 in the fishery management plan (FMP), to be required in addition
29 to the national VMS type-approval requirements.

30
31 Although specification of the more stringent requirements in the
32 FMP allows for implementation of a portion of the draft cELB
33 specifications, it does not address implementation of the
34 portions of the draft cELB specifications which eliminate some
35 of the OLE VMS type-approval requirements.

36
37 A committee member inquired if the FMP could also specify
38 removal of requirements listed in the national OLE VMS type
39 approval specifications, such as the additional location fix
40 pings when the vessel crosses boundary lines or powers up or
41 down the device, as location pings outside of the standard ten-
42 minute-interval ping rate are a deviation from the historical
43 method of shrimp effort data collection and may be problematic
44 for effort computations via the current algorithm.

45
46 The FMP cannot remove requirements that have been specified in
47 the OLE VMS type-approval specifications. Therefore, for full
48 implementation of the draft cellular electronic logbook

1 technical specifications, the alternative scenario, involving
2 oversight and implementation of the draft cELB specifications
3 via the Science Center, with data transmission through Gulf
4 States or NESDIS, would apply.

5
6 Dr. Walter then presented a table summarizing additional
7 requirements over and above the national OLE VMS type approval
8 requirements for vendors, which could be specified in the FMP.
9 If the council chooses to implement a VMS requirement for the
10 Gulf shrimp fishery, it may also consider specifying these
11 additional VMS requirements (Slide 15 of the presentation) in
12 the FMP.

13
14 Lastly, Dr. Walter stated that OLE would still have easy access
15 to data, regardless of whether data are stored with a Science
16 Center server or an Office of Chief Information Officer server.
17 Ms. Bosarge returned to the presentation slide explaining the
18 steps if a national VMS process is not followed, (Slide 5) and
19 stated that this avenue emphasizes the scientific purpose of
20 this fishery's data collection program. Mr. Strelcheck stated
21 that this avenue would be costly, not prevent OLE from accessing
22 the data, and would be inconsistent with the council requiring
23 hardware and leaving it up to NMFS to determine the
24 specifications.

25
26 Updated Draft Framework Action: Modification of the Vessel
27 Position Data Collection Program for the Gulf of Mexico Shrimp
28 Fishery, Tab D, Number 5, Dr. Freeman noted that the
29 interdisciplinary planning team had suggested rephrasing an
30 "approved electronic logbook" to an "approved device" in
31 Alternative 3 and requested feedback from the Shrimp Committee.

32
33 Ms. Bosarge responded that she prefers the current phrasing,
34 because it helps clarify the purpose of the program to collect
35 the raw effort data. Mr. Strelcheck stated that it does not
36 collect effort data. Rather, the raw data goes into an effort
37 algorithm. Therefore, he views the current wording as
38 misleading. Ms. Bosarge commented that logbook effort data was
39 formerly collected by port agents conducting interviews with
40 fishermen and that, today, the paper logbooks filled out by port
41 agents have been replaced with logbook hardware/software aboard
42 the vessels paired with a mathematical algorithm, both of which
43 are part of generating effort estimates.

44
45 Ms. Bosarge requested that Mr. Wallace quickly review the
46 background information on evaluating cellular VMS on Gulf shrimp
47 vessels. Mr. Wallace stated that the units would be tested for
48 thirty days. Mr. Gill commented that, from what he had observed

1 during the Shrimp Advisory Panel meeting, the shrimp industry
2 would be volunteering to participate, but noted that no vessels
3 were listed as volunteers in Mr. Wallace's presentation update.

4
5 Mr. Perret, the Shrimp AP Chair, commented that an AP member
6 requested a Louisiana vessel be added to the potential
7 deployment schedule, but he did not see that on the presentation
8 update. Mr. Wallace commented that the schedule is a draft and
9 that they would be open to volunteers from any Gulf state, but
10 that they had not had time to phone or email any members of
11 industry.

12
13 Dr. Walter commented that they need industry support for
14 testing. Otherwise, the decision process will be solely driven
15 by the results from the Research Vessel Caretta.

16
17 Ms. Bosarge responded that there are many avenues for
18 disseminating a request for volunteers, such as the Southern
19 Shrimp Alliance and Sea Grant agencies in the Gulf states. Ms.
20 Muehlstein suggested the council's communication channels and
21 Outreach and Education Technical Committee as avenues for
22 requesting volunteers. Dr. Freeman requested a generic email
23 from Mr. Wallace's office for disseminating, and Mr. Wallace
24 replied that he could supply council staff with that. Mr.
25 Strelcheck also offered outreach on the part of the Southeast
26 Regional Office.

27
28 I will go ahead and give the committee a quick update right
29 here. I have to give a kudos to Dr. Walter. I am not sure that
30 we were even done with the Shrimp Committee yet, and he sent an
31 email to the Southern Shrimp Alliance, which was one of the
32 organizations that I had suggested, and, by the next day, I
33 think, I had seen a response, where they had already gotten the
34 five volunteers, and so now we just need to make sure they're
35 positioned in the right places in the Gulf, and so kudos to both
36 Dr. Walter and the Southern Shrimp Alliance for making that
37 happen so quickly.

38
39 To continue on here, Dr. Freeman referred to a slide from Dr.
40 Walter's presentation and asked if the committee wanted council
41 staff to incorporate a ten-minute ping rate, minimum number of
42 position fixes, and mandatory at-sea testing. Mr. Gill
43 responded in the affirmative.

44
45 These could be incorporated into the updated draft framework
46 action relative to Alternative 2, implementing a VMS requirement
47 in the Gulf shrimp fishery, as Alternative 3 is supported by the
48 draft cELB technical specifications, (Appendix D) which already

1 include these requirements.

2
3 Another committee member asked if there should be a specific
4 reference to the draft type-approval specification for
5 reinstating the historical cELB program (Appendix D) in
6 Alternative 3. Ms. Bosarge also stated that, for Alternative
7 3, the written discussion section of Chapter 2 in the amendment
8 should follow the three bullet points from Dr. Walter's
9 presentation that discusses not following a national VMS process
10 as well as the potential avenues for transmitting cELB data to
11 NESDIS or Gulf States as an intermediary before subsequent
12 transmission to the Science Center. Likewise, the written
13 discussion surrounding Alternative 2 would describe data
14 transmission to OLE.

15
16 Dr. Simmons responded that finalization of the framework
17 amendment may need to occur after the pilot work had been
18 completed by the Science Center on shrimp vessels, as it was
19 unclear how council staff would address them in the near term in
20 the framework action.

21
22 Mr. Schieble asked that council staff provide a timeline for
23 preferred alternatives and public hearings. Dr. Freeman stated
24 that, in its current form of a framework action, the document
25 would not be taken for public hearings, but that a public
26 comment video would be made for the council website and that
27 industry members could provide written comments online and
28 verbal comments during council meetings.

29
30 Dr. Freeman also commented that the committee needs to determine
31 if it wants to wait for testing of cellular VMS, as noted in Mr.
32 Wallace's background information, and for testing of council-
33 funded research of the P-Sea WindPlot software program. Mr.
34 Gill replied that there was no reason to have testing if the
35 committee were not to wait for the results. Dr. Simmons stated
36 that proposals had been received for testing the P-Sea WindPlot
37 software program, after re-advertising with additional technical
38 and data specifications, and that a decision would potentially
39 be made and announced by March 1.

40
41 I guess we will probably pause there, Mr. Chairman, because I
42 think there's a few things that we need to hash out. Obviously,
43 there's a question about timing and the testing that's going to
44 be ongoing, hopefully starting here in the next couple of
45 months, for both VMS and P-Sea WindPlot, and so we need to talk
46 about the future of this amendment relative to that and when we
47 want to pick it back up for final action.

48

1 Then I think we probably need to come back to the question that
2 Mr. Strelcheck had about referencing those draft technical
3 specifications in Alternative 3, and so I have a motion ready,
4 to get some discussion started on the latter question, if staff
5 wants to pull up that motion, and we'll read it out and then
6 have some discussion, and then we can follow that up with
7 discussion on the timeline for this document, if that's okay,
8 Mr. Chair.

9

10 **CHAIRMAN DIAZ:** Yes, that would be fine, if you want to pull
11 your motion up. I tend to agree with the last part of the
12 report that you just read, and we have some testing underway,
13 and we're in the process of spending a substantial amount of
14 money to test this P-Sea WindPlot, and I do want to make sure
15 that, if we spend that money, that we're spending it for
16 something that we could potentially use. With that, if you
17 could pull your motion up.

18

19 **MS. BOSARGE:** Yes, and I sent it to staff, and so if staff could
20 pull it up, or I hope I did. Let me make sure that I hit the
21 "send" button on there.

22

23 **CHAIRMAN DIAZ:** I don't think staff has it, Ms. Bosarge.

24

25 **MS. BOSARGE:** Okay. Well, look, there it comes. It's coming
26 through the airwaves now. While we're waiting on them to pull
27 that up, during committee, myself, and I think one other
28 committee member, we had some discussion about do we really need
29 to wait for the testing to come back, and I was -- At that
30 point, I said, no, I don't know that we do, but, you know, the
31 more I think about it, I think what was driving me to that is
32 the fact that June is my last council meeting, and I wanted some
33 closure before I leave.

34

35 However, I think that the prudent thing to do probably would be
36 to wait until you get all the testing back, because it's so
37 vitally important to make sure that you're actually getting good
38 scientific data for the effort purposes for our industry, and
39 that's really important to us, and there is so much that hinges
40 on that, and so I think I have changed my mind, and I think we
41 should probably wait, although I can't stand the thought of not
42 being on the council when you pick this back up for final
43 action, but that's my two-cents on it, and so, let's see, and do
44 we have it on the screen? Yes. Okay.

45

46 We will come back to that, Mr. Chairman, that idea of timing, if
47 you want me to go ahead and read this motion out, and is that
48 what you would like?

1
2 **CHAIRMAN DIAZ:** Yes, and go ahead and read your motion, please.
3

4 **MS. BOSARGE:** Okay. In Action 1, add Appendix D (Draft
5 Technical Specifications) to Alternative 3, so that the
6 alternative reads: If selected by the SRD, the owner or operator
7 of a shrimp vessel with a valid or renewable SPGM would be
8 required to install an approved electronic logbook (ELB) that
9 archives vessel position when on a fishing trip in the Gulf,
10 automatically transmits that data via cellular service to NMFS,
11 and meets the technical specifications as outlined in Appendix
12 D. If I can get a second.
13

14 **MS. BOGGS:** I will second the motion for discussion.
15

16 **CHAIRMAN DIAZ:** All right. It's seconded by Ms. Boggs, and so
17 if you want to give some rationale, Ms. Bosarge.
18

19 **MS. BOSARGE:** Yes, sir. Thank you. I think Andy actually
20 brought this idea up during committee, but --
21

22 **MR. STRELCHECK:** Don't attribute this to me, please.
23

24 **MS. BOSARGE:** You did, because I remember asking if it was a
25 rhetorical question, because you said should we do that, but we
26 can't do that, and I thought what is he getting at here, and so,
27 anyway, I came up with the motion so that we can have some
28 discussion about it.
29

30 I think it is a good idea, in the sense that people seem to be
31 confused about the difference between these alternatives, at
32 times, and I think part of that may be just that the shrimp
33 fishery is a little different, and people just aren't all that
34 familiar with our programs in general, but I think this
35 reference to the draft technical specifications would help not
36 only the council, but also staff, understand what Alternative 3
37 means, because we have been talking, generally, that it is
38 supported by those draft technical specifications. However, we
39 haven't actually linked the two in a written format in the
40 document, and this would do that, to make it a little more
41 clear.
42

43 **CHAIRMAN DIAZ:** Okay, and so we have a motion, and it's been
44 seconded. Is there any discussion on the motion? Mr.
45 Strelcheck.
46

47 **MR. STRELCHECK:** I sure hope that others can speak up on this,
48 and I feel like it's been a debate between Leann and I for the

1 last few meetings, and different perspectives and positions,
2 obviously, on how to move forward. I was optimistic that, with
3 Dr. Walter's presentation and the work of NOAA, that we would
4 have a breakthrough with regard to how to proceed.

5
6 Specific to this alternative, one, I don't think the council has
7 the authority to impose this on the agency, and certainly I
8 would want to talk more from a legal standpoint about this, and,
9 two, Leann, you are a very smart person, but I'm going to sit
10 here and say I'm a smart person as well, and I'm not a person
11 that can sit here and create the technical specifications for
12 hardware like this, and so I think we're really out of our
13 league with regard to being able to define the technical
14 specifications in a council action like this, even if we were
15 legally able to do so.

16
17 To me, this is far overreach, and it's so far past what we've
18 historically done with regard to these VMS and cellular VMS-type
19 actions and amendments, and I am opposed to this action, or
20 alternative.

21
22 **CHAIRMAN DIAZ:** Dr. Walter.

23
24 **DR. WALTER:** Thank you for the opportunity to speak, and, having
25 done a lot of work paying attention to these specs, but not
26 being an expert on them, I would say that there's a number of
27 things that we outlined in our presentation, in Appendix D, and
28 they're just ones that really can't be changed, and shouldn't be
29 changed, but I think we're really close, in terms of being able
30 to narrow it down to what the major issues of contention are
31 between Alternative 2 and Alternative 3, but I think that at
32 least adopting, or outlining, Appendix D, adopting it point
33 blank, is probably too far, because there are a couple of
34 specific things that need to be addressed.

35
36 Particularly like the two way communication, as I mentioned, was
37 just -- It's an industry standard for these devices, and you
38 wouldn't want a cellphone that couldn't get an update to its
39 operating system, or couldn't get a security update sent out to
40 it, and so there's a couple of things that probably would need a
41 little more scrutiny, but I think they're pretty close, and,
42 really, I think that we've got a structure, in the technical
43 working group, or the IPT team, that could get this down to a
44 good series of options for Alternative 2 and 3, but we need to
45 see them fleshed out a little bit more. Thanks.

46
47 **CHAIRMAN DIAZ:** Thank you, Dr. Walter. All right. Any further
48 discussion on the motion? Mr. Strelcheck.

1
2 **MR. STRELCHECK:** Sorry. My hand up was from earlier.

3
4 **CHAIRMAN DIAZ:** Ms. Bosarge.

5
6 **MS. BOSARGE:** Thank you. Andy, you're going to be surprised,
7 and I actually sort of agree with you on this, right, and I
8 agree with you in the sense that I don't think it should be
9 quite so rigidly linked. I think there should be some reference
10 to those draft technical specs that are in the appendix, right,
11 but I completely agree with you that it shouldn't be so rigid
12 that it's like this is it, this is the end-all-be-all, and, if
13 we go this route, this is exactly what you're going to
14 implement, Mr. NMFS, right, and so I agree with you on that.

15
16 Do you think there's a way that we can soften that wording at
17 the very end of the alternative, I mean the motion, excuse me,
18 where we say something like that substantively, and maybe that's
19 not even a word, but something like that, meets the technical
20 specifications, as outlined in Appendix D, giving NMFS --
21 Obviously, giving NMFS leeway to make -- I don't know if we want
22 to say minor modifications, but some modifications, if
23 necessary. Something like that, do you think that's a
24 possibility, Andy?

25
26 **MR. STRELCHECK:** I was hoping you were just going to say you
27 were going to withdraw the motion, to be honest with you. In
28 terms of it being a possibility, I mean, Leann, I think where I
29 stand is that the agency has technical specifications. If you
30 did a motion like you're suggesting, and you gave the agency
31 some flexibility and liberty, and we go down a different path
32 than what industry was thinking we might go down, then we're
33 going to get crossways again, right, at some point in time, even
34 though that flexibility was provided to the agency at that
35 point, and so I feel like that's a very slippery slope double-
36 edged sword, but you and I are in agreement that I think being
37 prescriptive on this is a huge mistake and something that the
38 agency would likely not approve.

39
40 **CHAIRMAN DIAZ:** Ms. Levy.

41
42 **MS. LEVY:** Thanks. I mean, I was just going to respond similar
43 to Andy. If you say that there is flexibility, then this
44 doesn't really make it any different than Alternative 2, which
45 is to do a VMS, right? I mean, there are few -- I think the
46 presentation that was given showed that there are few
47 differences between this alternative and a VMS, and those major
48 differences, like the information not going to law enforcement,

1 is not something that the council can dictate to the agency. I
2 will just offer that. Thanks.

3

4 **CHAIRMAN DIAZ:** Ms. Bosarge.

5

6 **MS. BOSARGE:** I am trying to stay positive here. However, I
7 feel like the council has been dictated to thus far on this
8 amendment. The council asked for options for paper logbooks,
9 which we just went through a presentation yesterday, and every
10 other commercial fishery in the Gulf of Mexico has paper
11 logbooks to get effort data right now, and the shrimp fleet in
12 the South Atlantic uses paper logbooks to generate their basic
13 effort data. It is a reasonable alternative, and yet nothing
14 that we have said would even get that in the document.

15

16 The only alternatives we got, when we first received this
17 document, were status quo, and so keep mailing in chips, or get
18 a VMS, and there are other ways of getting effort data in this
19 fishery. We can have a debate on what is the most efficient, or
20 not efficient, but it can be done. This has always been called
21 an electronic logbook, and it's always been logbook data.

22

23 There are plenty of logbook programs with technical
24 specifications that are housed under the Science Center and SERO
25 and not law enforcement, and so there are other alternatives.

26

27 Now, I am trying to compromise here and soften the wording in
28 the other alternative in this document that is viable, which is
29 Alternative 3, so that we have something in here that's not a
30 VMS alternative, so we have a reasonable range, and I just need
31 people to work with me a little bit on the wording here, and I
32 hate to call on people here, but I was wondering if either -- I
33 really want to call on Mr. Anson, because he's the best one to
34 wordsmith stuff these days, and he always does a great job with
35 that, and would you take a look at the last part of that motion,
36 Mr. Anson, and see if there's a way that we can soften that
37 language, where it says, "and meets the technical
38 specifications, as outlined in Appendix D", if you feel
39 comfortable, and, if you don't, just tell me so.

40

41 **MR. ANSON:** Mr. Chair?

42

43 **CHAIRMAN DIAZ:** Mr. Anson, go ahead.

44

45 **MR. ANSON:** I will be honest with you, Leann, that I did, and
46 then I stopped, after I heard Andy's comments, but the only
47 thing that I came up with was that it meets appropriate
48 technical specifications, and I don't know if that really

1 satisfies or makes the agency any more comfortable with the
2 motion, but, I mean, it kind of threads the needle a little bit,
3 but that's the only thing that I thought.

4
5 **CHAIRMAN DIAZ:** Ms. McCawley.

6
7 **MS. MCCAWLEY:** I heard Leann say something about in the South
8 Atlantic the shrimp fleet is using paper logbooks, and I thought
9 that the rock shrimp vessels had VMS, and so that's just kind of
10 a question.

11
12 **CHAIRMAN DIAZ:** Matt is shaking his head that the rock shrimp
13 folks do have electronic. Mr. Strelcheck.

14
15 **MR. STRELCHECK:** I am trying to remain positive here as well,
16 and I made the comments, during committee, that Alternative 2 is
17 -- Call it a VMS alternative, and I view Alternative 3 as the,
18 quote, unquote, non-VMS alternative, right, and, essentially,
19 it's that you're not going to send data or use the technical
20 specifications that is outlined in our NOAA VMS program.

21
22 Where I am continuing to struggle is with Alternative 3, and
23 it's just really not clear to me what that program looks like at
24 this point, and we don't have clearly-defined technical
25 specifications at this point, and we don't know what -- I will
26 call them cellular VMS units, but we can call them logbooks, and
27 what will be approved under that program.

28
29 That's my struggle with Alternative 3, and so, when John
30 presented to the committee on Monday, I guess it was, it seemed
31 pretty clear, based on the technical review that was done, that
32 there was a recommendation to use the VMS specifications, which
33 I understand, Leann, that you don't like, but that there were
34 other things within the council's authority to specify that
35 could be done, obviously, in this action.

36
37 That's certainly been my preference for quite some time, because
38 I have struggled to really see a distinction between
39 Alternatives 2 and 3, other than the fact that one goes through
40 the NOAA VMS program and one would not.

41
42 **CHAIRMAN DIAZ:** Thank you, Mr. Strelcheck. We're going to go to
43 Ms. Bosarge, and then, if we don't have any other comments,
44 we're going to go ahead and vote this up or down. Leann, did
45 you want to use Kevin's wording, to add "appropriate" before
46 "technical" in that last sentence, or did you want to leave it
47 like it is?

1 **MS. BOSARGE:** Yes, I do. I think Kevin had a good suggestion,
2 but I think probably it will flow a little better if you put "as
3 appropriate" at the very end, and so "and meets technical
4 specifications, as outlined in Appendix D as appropriate".
5

6 **CHAIRMAN DIAZ:** You had a comment?
7

8 **MS. BOSARGE:** Yes, sir. Thank you. Jessica, yes, you do have
9 VMS on the rock shrimp boats in the South Atlantic, but that's
10 not used for their effort. That's a law enforcement tool, to
11 make sure that -- Because rock shrimp are somewhat associated
12 with structure, and so that is really more a law enforcement
13 tool, to make sure that we don't get inside one of the closed
14 areas that you all have for coral, and that's just in a
15 nutshell, essentially. You're still getting our data off of the
16 paperwork that we file on trip tickets, and so paper trip
17 tickets that come in, and it has effort information on it, and
18 so old-fashioned.
19

20 Now, as far as what I got out of that presentation yesterday, as
21 we've progressed through this document and tried to find an
22 alternative route, other than VMS, or using trip ticket data,
23 and so paper, essentially paper, type logbooks, which there is a
24 precedent for in every other commercial fishery in the Gulf, and
25 I have tried really hard to flesh out that Alternative 3 and
26 come up with some specifications that would give us a device,
27 and people say we don't know what that would look like, but
28 those specifications were written as specifications for what we
29 have on the boat right now and what does it look like, and it's
30 a device that does what we have on the boat right now, nothing
31 more and nothing less, so that you keep your data the same.
32

33 That is exactly what it looks like, and it's what it has looked
34 like for quite some time now, and it works. If it's not broken,
35 don't fix it, and so hopefully can make at least this small
36 change to that alternative and move forward with this, because
37 the presentation on Monday showed me that it is a possibility,
38 actually, to have something that does not have to go through an
39 OLE Law Enforcement VMS type-approval process and that we can
40 have logbooks that can be stood up under the Science Center and
41 house our technical specifications in full, and not little
42 pieces of them, but in full with the Science Center and have our
43 data run through a server, such as Gulf States or NESDIS, and
44 then on to the Science Center.
45

46 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge. Okay. We've had a fair
47 amount of discussion on this. I see Mr. Banks' and Mr. Gill's
48 hands up. When we get through those two folks, we're going to

1 vote this up or down. Mr. Banks.

2
3 **MR. BANKS:** I just had a quick question for Andy, and maybe even
4 Jessica, since she's also on the South Atlantic Council, but is
5 there an effort, over in that council, to move the shrimp
6 fishery over there towards this type of a VMS, or electronic-
7 type system? I am just trying to understand, and is there some
8 consistency from the councils, and why are we being pushed so
9 hard to do this, but yet it's not being done in other places?
10 Thanks.

11
12 **MR. STRELCHECK:** Mr. Chair, can I answer?

13
14 **CHAIRMAN DIAZ:** Yes, sir, Mr. Strelcheck.

15
16 **MR. STRELCHECK:** Patrick, it goes back to the early 2000s and
17 the rock shrimp fishery, and it had a vessel monitoring system
18 requirement, and that's in large part given the Oculina Coral
19 Bank and the potential to impact corals along the east coast of
20 Florida, and so that's been in place, and there is no provisions
21 to change that.

22
23 I think the key issue, and what's kind of brought all of this
24 about, is that we've had a VMS program for quite some time in
25 the agency. When the SEFHIER for-hire electronic reporting
26 program originated, there was not only our program, but other
27 programs in the country, that were dealing with similar
28 challenges with how do you certify and approve these cellular
29 VMS devices, essentially, and so those then were added, under
30 rulemaking, under the umbrella of the VMS program, and so it's
31 not just the classic satellite VMS devices, but it also includes
32 all cellular devices that now go through type-approval and have
33 to meet those technical specifications outlined in our
34 regulations.

35
36 **CHAIRMAN DIAZ:** Mr. Gill.

37
38 **MR. GILL:** Thank you, Mr. Chairman. The modification by adding
39 "as appropriate", to me, muddies the waters even more. For
40 example, what is appropriate, and who makes that determination?
41 We have had extended discussions, in terms of the disagreement
42 between industry and the agency, and "as appropriate" just
43 leaves it wide open, and it makes it even more difficult to
44 separate the wheat from the chafe, and so, with that in there, I
45 am going to oppose the motion.

46
47 **CHAIRMAN DIAZ:** Mr. Banks.

48

1 **MR. BANKS:** Thanks. I want to go back to what Andy said. Andy,
2 we've heard already that the rock shrimp has VMS, and I know
3 that. I'm talking about the shrimp fishery that is like the
4 shrimp fishery we're dealing with right here. They use trip
5 tickets for effort information. Are you guys, or is the council
6 in the South Atlantic, pushing for that industry to move over to
7 a VMS like this? Is there movement at the South Atlantic
8 Council to do what is being pushed right here with this
9 amendment?

10
11 **MR. STRELCHECK:** Patrick, no. In response to your question,
12 that's not occurring, but keep in mind that, in the Gulf of
13 Mexico, we have several requirements that hinge on effort
14 estimation in the shrimp fishery, one of which is bycatch
15 estimates for red snapper in the western Gulf, and so we
16 evaluate and monitor bycatch of red snapper based on overall
17 shrimp effort estimates, to determine if it's in compliance with
18 the rebuilding plan, and then there are certainly other
19 provisions that are monitored for use and relate to our
20 biological opinions under the Endangered Species Act.

21
22 **CHAIRMAN DIAZ:** All right. Thank you, Mr. Strelcheck. It's
23 obvious to me that there is going to be people on both sides of
24 this issue, and so I'm going to ask Dr. Simmons if she would
25 take a roll call vote. Dr. Simmons.

26
27 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Ms. Bosarge.

28
29 **MS. BOSARGE:** Yes.

30
31 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.

32
33 **MS. BOGGS:** Yes.

34
35 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Gill.

36
37 **MR. GILL:** No.

38
39 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Burriss.

40
41 **MR. BURRIS:** No.

42
43 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.

44
45 **MR. ANSON:** Yes.

46
47 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.

48

1 **MR. DUGAS:** No.
2
3 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Broussard.
4
5 **MR. BROUSSARD:** Yes.
6
7 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.
8
9 **MR. STRELCHECK:** No.
10
11 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Schieble.
12
13 **MR. BANKS:** Mr. Banks for Mr. Schieble. I vote yes.
14
15 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.
16
17 **DR. STUNZ:** No.
18
19 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Geeslin.
20
21 **MR. GEESLIN:** No.
22
23 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.
24
25 **MR. DYSKOW:** No.
26
27 **EXECUTIVE DIRECTOR SIMMONS:** Ms. McCawley.
28
29 **MS. MCCAWLEY:** No.
30
31 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.
32
33 **MR. WILLIAMSON:** No.
34
35 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.
36
37 **DR. FRAZER:** (Dr. Frazer's response is not audible on the
38 recording.)
39
40 **EXECUTIVE DIRECTOR SIMMONS:** **The motion failed, Mr. Chair, five**
41 **to ten.**
42
43 **CHAIRMAN DIAZ:** All right, Ms. Bosarge. If you can proceed with
44 the report.
45
46 **MS. BOSARGE:** Okay, Mr. Chairman. Did you want to have that
47 discussion about the timeline and get some more feedback from
48 the council for staff on waiting or not waiting for the testing

1 results?

2

3 **CHAIRMAN DIAZ:** Yes, and thank you for that. I think that's a
4 great idea. Is there any input from the council on the timeline
5 for moving with this document? It would be helpful for me and
6 the staff if we had anybody weigh-in and give us some opinions
7 on what their thoughts are on that. Mr. Strelcheck.

8

9 **MR. STRELCHECK:** I guess my question would be is how are we
10 defining testing results? I don't know the timeline, for
11 example, for the P-Sea WindPlot study, and certainly the Science
12 Center talked about the VMS testing that's going to occur in the
13 May timeframe, but can someone talk about when P-Sea WindPlot
14 would be completed, if that's something we would be considering
15 as part of testing?

16

17 **CHAIRMAN DIAZ:** Dr. Simmons.

18

19 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so we
20 need to decide on a proposal, and the contract is for twelve to
21 eighteen months, and so, if we wanted to keep it at twelve
22 months, we could certainly, after we decide the contractor, see
23 if that would work, but that would put us in early 2023 with any
24 type of results, and we typically ask for updates in the middle
25 of a contract, and perhaps we could know something by the fall.

26

27 **CHAIRMAN DIAZ:** Ms. Bosarge.

28

29 **MS. BOSARGE:** Thanks, and I don't guess we have Farron on the
30 line, probably, but this testing on the government-owned boat,
31 the Caretta, the NOAA boat, his testing on that he says will be
32 starting in May and last about a month. However, if you looked
33 at his presentation, there is testing that needs to occur in
34 specific area and specific fisheries. For example, the pink
35 shrimp fishery in south Florida, where we think we may have
36 issues with those additional pings, because they're going to be
37 quite numerous, given all the boundary lines down there, and so
38 we need to test that.

39

40 That's a winter fishery, typically, and then some white shrimp,
41 and we want to test it in the white and brown, but the white
42 shrimp fishery in the fall, and that was that comment where you
43 saw that Louisiana requested that they have a boat involved in
44 this, and, really, it was -- The boat could be from Louisiana,
45 but it could be outside of Louisiana, and I think what they were
46 getting at there is, hey, we want to do some testing in that
47 white shrimp fishery, where, again, it's more of a nearer-shore,
48 and so what we call right off the beach type fishery, where you

1 may be targeting some white and then some brown, a little bit
2 further offshore, and kind of going back and forth over some
3 boundary lines, and may have an issue there.

4
5 Then, of course, generally speaking, the offshore brown shrimp
6 fishery, which that you can pretty much get any time of the
7 year, data on that one, but so fall and winter for those other
8 two, and so your timeline kind of sounds pretty similar. You
9 might be waiting a little bit longer to get the VMS testing data
10 all back and compiled, because I know you've got to get it back
11 to Galveston and run it through the effort algorithms after
12 that, but it should be not too long after you P-Sea WindPlot
13 testing results come back.

14
15 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge. Any other discussion on
16 timing? All right. It sounds to me like folks -- Mr.
17 Strelcheck.

18
19 **MR. STRELCHECK:** Once again, I want to understand this, because
20 what Ms. Bosarge just described was very different than my
21 understanding of the testing timeframes and what the Center was
22 going to be doing, and so maybe I'm just misunderstanding a bit,
23 and could someone from the Center, either Farron or John, talk
24 about what the plan of action is for research and testing these
25 units?

26
27 **CHAIRMAN DIAZ:** Dr. Walter.

28
29 **DR. WALTER:** I think we should be -- Well, we may get a boat
30 very soon, if we can get into the winter pink shrimp fishery,
31 and I don't know if we will get that, but we will get them in
32 May, and the turnaround time on the VMS data is going to be
33 pretty quick, where we'll get the VMS, and then we'll get the
34 chip, and we'll be able to compare them, and so I don't believe
35 that we would not have an answer, for at least a number of the
36 fisheries, in a fairly quick time, sometime in the summer.

37
38 In terms of the issues that are specific to a particular
39 fishery, the one thing that the research boat allows us to do is
40 to mimic whatever those particular processes are, and we can run
41 it back and forth in a closed area fairly easily, to try to
42 mimic that, to be able to get that answer of can it pick up
43 those kind of things, and so I think we'll get probably 60 to 80
44 percent of our answer, as to whether it works, by the
45 summertime.

46
47 **CHAIRMAN DIAZ:** Thank you, Dr. Walter. Any additional comments?
48 Ms. Bosarge.

1
2 **MS. BOSARGE:** Just to piggyback on what Dr. Walter was saying,
3 if we're talking about -- You were talking about having a boat
4 in May, sometime in May, and it's a thirty-day trip, and so
5 sometime in June the trip would end, and the boat will be back
6 at the dock, and then we get the chips to Galveston, so that
7 they can be run through an effort algorithm, and so we're not
8 going to see those results at our June council meeting, and my
9 crystal ball says that I don't usually see turnaround times on
10 scientific analysis within two or three days, and so we'll get
11 those results in the fall, at the very earliest, because our
12 next meeting, after June, would be in August at some point, and
13 so late fall.

14
15 That assumes that we don't want to go do any testing in that
16 fall white shrimp fishery, which was really kind of what the
17 whole discussion centered around during both the workgroup
18 meeting that we had and the Shrimp AP meeting, is testing it in
19 each one of those fisheries.

20
21 As I said before, it's so imperative that we make sure that
22 we're going to get really good reliable, accurate data out of
23 either one of these alternatives, because our industry -- Our
24 industry relies on that, right, and we like to talk about red
25 snapper, but we also have an Endangered Species Act, and our
26 thresholds with turtles are now going to be very intimately tied
27 to that effort data, and so I want to make sure that we get it
28 right before we roll it out, and so, anyway, that's -- The
29 reason that you're confused, Andy, is because the council hasn't
30 received that presentation from the Galveston Science Center
31 lab.

32
33 It's only been presented to the AP and the workgroup, and Dr.
34 Freeman was -- He was forward-thinking enough to put that in our
35 briefing book, at least as background material, and have Farron
36 the line to answer questions during committee, and so thanks to
37 Dr. Freeman for that.

38
39 **CHAIRMAN DIAZ:** Mr. Strelcheck.

40
41 **MR. STRELCHECK:** I wanted to switch gears, and, given the last
42 motion failed, one of the recommendations from the technical
43 review group of the technical specifications was that there was
44 certainly some things within the council's purview that they
45 could recommend, in terms of the use of VMS or logbooks, and I
46 wanted to see if there was, obviously, interest, or discussion,
47 around giving staff direction, in terms of some at least
48 language and information that we would want to include in the

1 document, things like, obviously, ten-minute pings, if there's a
2 minimum storage capacity that is ideal for the units, and I
3 forget everything that John had gone through, but it seems like
4 that would be important and helpful, to provide staff direction
5 to include that as part of this action.

6
7 **CHAIRMAN DIAZ:** Ms. Boggs.

8
9 **MS. BOGGS:** Thank you, Mr. Chair, and I'm a little confused with
10 all this. Based on what Andy just said, and I am looking back
11 at the SEFHIER program, I would hope that the council and the
12 Science Center and the agency could work together, so that we
13 put in the document what exactly is going to be needed, and the
14 shrimpers don't get a lot of this other stuff, as I refer to it,
15 once it leaves the council's hands, so we kind of know what
16 we're going to get, because, as we said, I think, earlier in the
17 presentation, the devil is in the details, and then we don't
18 want to get bogged down, like we are in the SEFHIER, with all
19 these details.

20
21 **CHAIRMAN DIAZ:** Thank you, Ms. Boggs. Any further comments?
22 Ms. Bosarge.

23
24 **MS. BOSARGE:** Susan, that's exactly what I was trying to do with
25 that motion that failed, but, unfortunately, it's kind of like
26 Andy said earlier, and he's just he and I doing battle, and
27 there's really just a complete 180 between the path forward that
28 the government sees versus the path forward that industry sees
29 as a viable option.

30
31 Your data collection system was stood up not under the law
32 enforcement side, and your effort data on your logbooks is
33 running through the Science Center, and you all have had a
34 really great dialogue with them, and we continue to, as a
35 council. Just the other day, Kevin saw where maybe something
36 was missing on these discards, and we're getting that changed,
37 because all the people that have a vested interest in that are
38 at the table and making sure we get that scientific data
39 correct.

40
41 Unfortunately, if we put our logbook under VMS, then we fall
42 under law enforcement, and, when something goes wrong then, and
43 we say, oh, something is wrong with this data, what do we do?
44 Do we call the Science Center, and they say, well, we can't
45 change the specs, and those are VMS specs, and you have to get
46 with OLE, and OLE says we're not in the science business, and
47 you have to get with the Science Center, but, anyway, the point
48 -- Let me come back to Andy's suggestion.

1
2 I don't like Alternative 2, Andy. However, I try and make every
3 alternative there as clear as it can be. For some reason, we
4 can't do that with Alternative 3, but I will still support you
5 doing that with Alternative 2. I think you should make a motion
6 to put that in the document under Alternative 2. We've just go
7 to make sure that we don't do it in such a way where we change
8 the entire type of document that we have to use.

9
10 Just as a clarification, this will provide additional
11 requirements for vendors that want to apply to provide a VMS to
12 the shrimp fleet, and it will not address the multitudes of
13 sections in the draft cELB specs for logbooks, where there are
14 things that industry believes should be removed from
15 specifications for a shrimp logbook, but, still, give it a shot,
16 Andy.

17
18 **MR. STRELCHECK:** I will pass, and I will talk to my team and
19 maybe bring some recommendations back to the next meeting.

20
21 **CHAIRMAN DIAZ:** That would be very helpful, Mr. Strelcheck.
22 Okay. There is no hands on the board, and I think we're at the
23 point to continue the committee report, Ms. Bosarge.

24
25 **MS. BOSARGE:** Yes, sir. All right. Summary of the Shrimp
26 Advisory Panel Meeting, Tab D, Number 6, Dr. Freeman discussed
27 the remaining motions from the Shrimp AP. The first motion was
28 for the council to receive, at its January 2022 meeting, an
29 evaluation by NMFS of the draft approval specifications from the
30 draft shrimp framework action. Dr. Freeman noted that it had
31 been accomplished by Dr. Walter's presentation earlier in the
32 Shrimp Committee.

33
34 Dr. Freeman then reviewed the AP's motion requesting an annual
35 update from the Office of Protected Resources to the Shrimp AP
36 and Gulf Council on sea turtle take and on turtle excluder
37 device compliance. Ms. Lee from the Office of Protected
38 Resources responded that sea turtle take estimates would only be
39 generated on a five-year basis and could not be provided
40 annually.

41
42 Mr. Perret then provided additional information on behalf of the
43 Shrimp AP. He asked that the council stayed informed of the
44 potential offshore wind energy development through the Bureau of
45 Ocean Energy Management, and he noted that the AP was pleased
46 with the transparency in development of the NOAA Aquaculture
47 Opportunity Areas Atlas.

48

1 Other Business, no other business was brought up by the
2 committee. Mr. Chairman, this concludes my report. However,
3 there was one other item from the AP report that I just wanted
4 to mention, if that's okay.

5
6 **CHAIRMAN DIAZ:** Yes, ma'am.

7
8 **MS. BOSARGE:** I just wanted to say thanks to staff for giving
9 the Shrimp AP an opportunity to weigh-in on shark depredation,
10 and I think we had a great conversation about that, and that
11 staff is compiling those comments, because they were at an
12 opportune time to go to the HMS Division for their report to
13 Congress that they're working on on shark depredation.

14
15 Then the other thing I was going to mention was that we have a
16 stock assessment, a research track stock assessment, that were
17 going to be working towards for shrimp for the next iteration of
18 our stock assessments, and I wanted to mention that we don't
19 normally have SSC members participate in the shrimp stock
20 assessments, because they're pretty straightforward, and we get
21 them annually.

22
23 However, since we are going to do a more in-depth dive, and
24 maybe update some things this time, I would recommend that, as
25 that as that progresses and comes to fruition, that we do ask
26 for SSC volunteers to participate in that stock assessment
27 process, and especially in light of the amount of turnover and
28 historical knowledge that we've lost in that part of our Science
29 Center over the last really I guess three years now, and some of
30 them going on to bigger and better things, and it's not a
31 reflection on the Science Center, but it is what it is, and so I
32 think we could use that SSC participation in that process.
33 Thank you.

34
35 **CHAIRMAN DIAZ:** Okay. Thank you, Ms. Bosarge. We're going to
36 continue on our agenda, and we've got just two items remaining,
37 and so next up is the Law Enforcement Report and Mr. O'Malley.

38
39 **NOAA OFFICE OF LAW ENFORCEMENT**

40
41 **MR. O'MALLEY:** Good afternoon. I will go ahead and introduce
42 myself, for anyone who may not know me, and I'm Assistant
43 Special Agent in Charge John O'Malley, and I'm out of the League
44 City, Texas office, and I supervise the special agents from
45 Corpus Christi to Niceville, Florida, covering Texas, Louisiana,
46 Mississippi, Alabama, and the Panhandle of Florida. This is the
47 full council report right here, and there should have been an
48 eight-slide PowerPoint. If not, I can run it on my side and

1 just go over it. That's it.

2
3 To start with, the information discussed in this brief, and
4 additional information, can be found in the Office of Law
5 Enforcement Southeast Division Fiscal Year 2021 Quarter 4
6 Fishery Management Council Report. That has a lot more details
7 than I will be giving today.

8
9 For our Gulf of Mexico snapshot, we had 352 opened incidents,
10 and these include incidents both from NOAA personnel and from
11 our enforcement partners. Three cases were referred to General
12 Counsel, and they were for shrimping without a permit and
13 seasonal closure violations.

14
15 There was twenty-eight summary settlements issued, ranging from
16 \$300 to \$1,500, and, of the twenty-eight summary settlements,
17 four were for ESA violations, which includes TEDs and BRDs, and
18 there was one HMS violation, one Lacey Act violation, and ten
19 Marine Sanctuaries Act violations, and the rest were Magnuson-
20 Stevens violations, with the majority of the violations being
21 retention during a closed season and undersized fish.

22
23 Also, I want to add that 174 of the 352 incidents were from the
24 Florida Keys during area patrol operations, and they include
25 boardings and inspections with no violations found, and the
26 remaining were unfounded, boardings, fix-it tickets, or we used
27 to call it fix-it tickets, but fix-its, and compliance
28 assistance, or written warnings.

29
30 We had several things come to completion, and I will touch on a
31 few of them. Probably the biggest one was the Moak's Minnows
32 investigation, and so, on June 24, 2021, Joshua Moak, the owner
33 of Moak's Minnows, was sentenced to a term of two years'
34 probation and a \$2,000 fine for violation of the Lacey Act. As
35 part of a plea agreement, Moak pled guilty to one of the charged
36 counts, and this criminal Lacey Act investigation involved the
37 illegal sale of live bait across state lines.

38
39 The case was investigated by a NOAA special agent out of the
40 Slidell, Louisiana office, a NOAA enforcement officer from the
41 Houma, Louisiana field office, and officers with the Mississippi
42 Department of Marine Resources.

43
44 Next, a \$24,000 penalty was assessed from an administrative law
45 judge to a Texas fishing captain who owned and operated the for-
46 hire charter vessel F/V Paradise, for fishing for red snapper
47 without a federal permit in federal waters. The judge found
48 that he had earned \$2,500 for his fishing services at that time.

1 In the hearing, the captain acknowledged that the season was
2 closed to red snapper in federal waters at the time, making it
3 illegal to possess red snapper. The judge did note that the
4 captain's non-permitted fishing undermined permitted fishermen
5 who comply with the regulations to protect the American red
6 snapper stock and gave him an unfair business advantage, because
7 he can offer lower prices and more fishing days.

8
9 Also, General Counsel issued a \$19,000 notice of violation
10 assessed against the owner-operator of an unnamed Florida vessel
11 conducting reef fish charters in the Gulf of Mexico EEZ without
12 a federal permit and failing to maintain Gulf reef fish intact.
13 This case actually started with an FWC JEA referral to OLE. You
14 can also see page 20 in our report for all the civil enforcement
15 actions.

16
17 Highlighting some of the different types of work we do,
18 Slidell, Louisiana special agent participated in the
19 coordination and subsequent rescue of an out-of-habitat
20 bottlenose dolphin. The dolphin had become trapped in a
21 brackish water retention pond in Slidell, Louisiana after
22 Hurricane Ida. The dolphin was successfully captured and
23 released back into the Gulf of Mexico, off the beach, in
24 Waveland, Mississippi. It's important that we get these animals
25 back into their natural environment as soon as possible, to
26 minimize their interaction with people, potentially changing
27 their behavior.

28
29 In the fourth quarter, there were sixty-four cases referred to
30 SED OLE from JEA partners and the U.S. Coast Guard across the
31 entire Southeast Division. Within the Gulf of Mexico Fishery
32 Management Council area, the referrals, during this period, came
33 from FWC, U.S. Coast Guard, and Texas Parks and Wildlife. These
34 referrals are further investigated by agents, or enforcement
35 officers, and the appropriate action is taken.

36
37 On our special operations patrols, the biggest one was Operation
38 Sanctuary Savior, which was during the Florida mini-season, and
39 it's a week-long patrol, and there was five boat crews
40 operating, with interagency participation. They did patrol all
41 the SPAs in the Florida Keys National Marine Sanctuary. They
42 focused on compliance before, during, and after the mini-season,
43 and there was 248 vessel stops, with 1,161 people contacted.
44 The OLE presence was noted on the water, via dockside talk and
45 interactions, VHF chatter, and receiving reports from commercial
46 dive charters of vessels fishing and anchoring in the prohibited
47 areas.

1 Some of the violations found were undersized and over-the-limit
2 lobster, illegal moorings, such as anchoring on coral, no dive
3 flag displayed, fishing in SPAs, groundings, and charter fishing
4 requirements. The majority of the violations found were for
5 fishing within the SPAs, or Sanctuary Preservation Areas.

6
7 On our current spotlight, effective February 7, 2022, port
8 restrictions on all Mexican fishing vessels that fish in the
9 Gulf of Mexico will be enacted, and this is in regard to the
10 implementation of port denials for Mexican-flagged fishing
11 vessels beginning, as I said, on February 7, 2022, as a result
12 of negative certification of Mexico under the High Seas Driftnet
13 Fishing Moratorium Protection Act.

14
15 In regard to some things that were mentioned previously in this
16 meeting, OLE would like to clarify that we do know that Mexican-
17 flagged fishing vessels routinely enter the port of Brownsville,
18 Texas for fueling. Therefore, National Marine Fisheries Service
19 has identified Brownsville as the point of focus and engagement
20 for implementation.

21
22 However, the denial of port privileges applies to Mexican-
23 flagged vessels participating in Gulf of Mexico fisheries across
24 all U.S. ports of entry. I think there was some
25 miscommunication the other day, thinking that it may have only
26 applied to Brownsville, but it is all U.S. ports of entry.
27 Brownsville just seems to get the majority of the traffic,
28 because they come in there for fuel.

29
30 In regard to SEFHIER, OLE personnel are still actively working
31 with permit holders, owners, and operators within the charter
32 boat fleet to get into compliance with the SEFHIER requirements.
33 Obviously, it's been a little bit of a moving target, and we are
34 doing our best to get people up to speed.

35
36 Unpermitted charter operations are still a high priority, and we
37 continue to identify and investigate unpermitted charter
38 operations. We do appreciate the assistance that we have gotten
39 from the fishing community in helping us find these illegal
40 operations, and public input is vital, as we cannot be
41 everywhere at once. We also have an OLE hotline, and it might
42 be mentioned in the next slide. If not, I will provide the
43 number, but we have a hotline that members of the public can
44 call to report illegal activity.

45
46 These are some of our OLE resources, and we have the NOAA OLE
47 website, where you can find enforcement priorities, annual
48 reports, vessel monitoring information, which includes the

1 system requirements and type approvals, and IUU information.
2 You can also subscribe to the NOAA Fishery Bulletins, which I'm
3 assuming that most people here probably do, but, if not, this is
4 the website where you can sign up to get them in your inbox.

5
6 Also, we have the NOAA Office of General Counsel enforcement
7 actions, and that's a site where you can see all of the cases
8 that NOAA General Counsel has been involved in, and it's also on
9 page 20 of your briefing book, and then, of course, you have the
10 SED OLE fishing council report, which I am referring to today,
11 and that concludes my brief. Are there any questions?

12
13 **CHAIRMAN DIAZ:** Any questions for Officer O'Malley? Mr. Banks,
14 I saw you had your hand up. Did you have a question for Officer
15 O'Malley?

16
17 **MR. BANKS:** I do, yes, sir.

18
19 **CHAIRMAN DIAZ:** Go ahead, Mr. Banks.

20
21 **MR. BANKS:** I actually have several questions, but, in the
22 interest of time, I'm going to go to the one that is the most
23 striking, or I think the most important, and maybe is on some
24 other folks' minds as well.

25
26 The fine for the illegal charter of \$24,000, I am concerned
27 about -- That sounds like a lot of money on its face, but, if
28 you think about how much those permits cost, and a lot of them,
29 I've heard, go for \$30,000, and so that fellow who got hit with
30 a \$24,000 fine, he just saved himself \$6,000, and he made a lot
31 of money in charter trips. How are the fines determined? Was
32 that a judge-determined fine? I would hope that NOAA has
33 requested at least the judge to fine a lot more than that, and I
34 hope that you guys will look at that as not being an acceptable
35 outcome in a situation like that, because I just don't see how
36 that deters somebody from fishing without a license. Thanks.

37
38 **MR. O'MALLEY:** Well, on the OLE side, we don't determine the
39 fines, and we just present the case, and so this case went to a
40 trial, and we go, and we testify, and we present our case, but
41 it's up to the judge to come up with the ultimate penalty.

42
43 **MR. BANKS:** To that point, Mr. Chairman, I certainly recognize
44 that, but you have General Counsel, with NOAA, who is presenting
45 the case, or you have contracted attorneys that NOAA would
46 contract out to present that case, and I guess I would just hope
47 that you guys could stress to them that they need to make some
48 strong recommendations to the court, and maybe they did, and the

1 court just said to hell with them and issued the fine like the
2 court wanted to issue the fine, and maybe that was the case, but
3 I just hope that they presented some of these facts to the
4 court, so that the court would realize that a \$24,000 fine is
5 really a \$6,000 bonus to this person, and that's all. I
6 appreciate it.

7
8 **MR. O'MALLEY:** I will defer to our General Counsel attorney, if
9 he's on this conference, but our attorney, Duane Smith, if he
10 would like to make a comment on that.

11
12 **CHAIRMAN DIAZ:** Mr. Smith.

13
14 **MR. DUANE SMITH:** A couple of points. First of all, you talk
15 about the \$30,000 for a license, but that's for you to fish all
16 the trips you want, and we caught this person one time, and so
17 he paid a \$24,000 fine for one trip, and we can talk about what
18 the appropriate penalty is, and I would be happy to do that
19 offline with folks whenever they want, but what I would say is
20 that our penalties are driven by our penalty policy, which is
21 available online at our website, and people can look at it.

22
23 We have penalties set up, and there are tables for what an
24 appropriate penalty is, and we look at the severity of the
25 offense, and we also look at the culpability level, and we apply
26 those uniformly across the country, and the goal of our program
27 is a level playing field, and the goal of our program is
28 deterrence, and so we follow our own internal guidance on what
29 we assess in a NOVA.

30
31 Once the case goes to a hearing, by our procedural rules, the
32 judge assesses the penalty independently de noco, and so from
33 scratch, and so can assess whatever penalty she thinks is
34 appropriate, from nothing, if we prove liability, all the way up
35 to the maximum fine per day for a Magnuson Act violation, and so
36 I would ask you to please take a look at that penalty policy,
37 and I would be happy to discuss it with folks, in general, the
38 way we process cases, but, at the end of the day, we set the
39 penalties, and not the council, and it's a national program, and
40 it's administrated uniformly across the country, and a lot of
41 people have opinions about our penalties.

42
43 The people who get them think they're way, way, way too high,
44 and the people who are defending the fact that they have a
45 permit and others don't think they're too low, and everyone has
46 got an opinion about it, but, at the end of the day, it's a GC
47 program, and I'm happy to discuss with folks what they think the
48 penalties should be.

1
2 In fact, when we publish the penalty schedule, we normally
3 solicit comments, and our procedural rules are also being
4 republished, and we're soliciting comments on those as well, and
5 so, again, people's input is welcome, in terms of their
6 opinions, but, at the end of the day, the prosecution function
7 is one that's administered by the Office of General Counsel, and
8 it runs independently of what individual fishermen may think an
9 appropriate penalty is. Are there questions?

10
11 **CHAIRMAN DIAZ:** Thank you to Officer O'Malley, and we appreciate
12 your presentation, and we appreciate you hanging in there with
13 us this week. All right. We've got two more items to take care
14 of, real quick. First up, under Other Business, Mr. Banks, you
15 had a motion, and did you want to talk about that?

16
17 **OTHER BUSINESS**

18
19 **MR. BANKS:** Yes, and I sent it to staff, and I hope that they
20 have it, and it should be fairly easy, or at least I hope it's
21 easy. I will wait for them to put it up on the board. I'm
22 sorry that I didn't make this during Reef Fish, and it just got
23 past me, and the thought that I had for the motion didn't come
24 until too late. If I get a second, I will explain why I feel
25 like this may be beneficial.

26
27 **CHAIRMAN DIAZ:** I am going to read your motion, Mr. Banks. **The**
28 **motion is to direct council staff to use the Fishermen Feedback**
29 **tool to obtain information on wenchman and present that**
30 **information to the SSC and to the council as soon as practical.**
31 Is there a second for the motion? It's seconded by Dr. Frazer.
32 Any discussion on the motion? Can you give us your rationale,
33 Mr. Banks?

34
35 **MR. BANKS:** Leann had mentioned that we heard, during public
36 comment, a couple of comments about wenchman, and so, for us to
37 really get a good idea of what the fishermen are seeing out
38 there, I feel like we need some more time, and I know Chris
39 Schieble, who works with us here at Wildlife and Fisheries, had
40 some time to put in a call to a fellow who had left us a
41 message, but I am afraid that there may be some more input out
42 there that I don't know that we are going to get in a three-
43 minute Gulf Council public comment.

44
45 Leann talked about fishermen being able to come to the SSC, but
46 my guess is that may be a little bit intimidating to some of the
47 fishermen as well, and so I'm just trying to add an option for
48 how to gather some input from fishermen, and I don't know that

1 we will get any more than what we've gotten already, or what
2 we'll get at the SSC, as Leann described, but I thought this
3 might give us an opportunity to at least solicit some more
4 information from the fishermen. Thank you.

5
6 **CHAIRMAN DIAZ:** Thank you, Mr. Banks. I am not seeing any other
7 hands up. Is there any further discussion on the motion? **Is**
8 **there any opposition to the motion?** Mr. Strelcheck.

9
10 **MR. STRELCHECK:** I am not opposing the motion, but just a
11 comment that are you intentional, Patrick, in specifically
12 asking for information on wenchman, or should we also indicate
13 midwater snapper, since it's part of a broader complex?

14
15 **MR. BANKS:** Very good point, Andy. **I'm fine with changing it to**
16 **"wenchman and other midwater complex".**

17
18 **CHAIRMAN DIAZ:** Ms. Bosarge.

19
20 **MS. BOSARGE:** I am okay however you all want to do it, as long
21 as staff can tell me that they can put some emphasis on wenchman
22 when they send it out, because that's really what we want the
23 feedback on, right, and we don't really have a whole lot of
24 issue right now with the other fish, although they're in the
25 complex, and it's wenchman that we need more data on.

26
27 That's the one that seems to be maybe more prolific than what we
28 had thought, more abundant, and, if we can get enough
29 information, we might can find some sort of path forward, but I
30 do agree with Patrick that we should send this out, because
31 there is -- Although you may not have fishermen that are
32 targeting wenchman -- I mean, targeting butterfish right now
33 specifically, you have plenty of commercial fishermen that are
34 on our APs that have done lots of different types of fishing.

35
36 My daddy used to butter fish, and he still even has nets, and he
37 gave some nets to that captain that came and testified, and
38 little did I know that they even knew each other, and so I think
39 there is an opportunity there to gain some information on
40 wenchman that we otherwise wouldn't get.

41
42 **CHAIRMAN DIAZ:** Okay. Thank you, Ms. Bosarge. I am going to
43 read the motion, and then we're going to go ahead and vote. **To**
44 **direct council staff to use the Fishermen Feedback tool to**
45 **obtain information on wenchman and the other species in the**
46 **midwater snapper complex and present that information to the SSC**
47 **and to the council as soon as practical. Seeing no further**
48 **hands for discussion, is there any opposition to the motion?**

1 **Seeing none, the motion carries.** The last item on the agenda is
2 Mr. Gill asked that we have a discussion on joint amendments.
3 Mr. Gill.

4
5 **MR. GILL:** Thank you, Mr. Chairman. I will pass on including
6 that in this session. Thank you, sir.

7
8 **CHAIRMAN DIAZ:** Thank you, Mr. Gill. I guess that brings us to
9 the close of our meeting. I thank everybody for hanging in
10 there this week, and I do want to take just a minute to -- I
11 have been over here this week at the council office in Tampa,
12 and all the council staff has worked very hard over here, but I
13 have to specifically mention Bernie and Jessica.

14
15 It's just amazing to watch these two women work, and, every
16 single time that I think I'm going to ask them for something,
17 they've already got it done, and it's ready, and it's waiting on
18 other people, and hopefully you all feel the same way for our
19 virtual meeting. It seems to me like this one went fairly
20 smooth, and they have to stay glued to them computers 100
21 percent of the time, to make sure that runs smoothly, and so a
22 special thank you to those two ladies.

23
24 The only other thing that I want to mention is we're going to
25 get set up for the next meeting, start working on agendas and
26 everything it takes between the meeting, and it's my sincere
27 hope that we get to meet in-person in Gulf Shores in April, and
28 we'll just monitor that situation and see where it goes, but I'm
29 an optimist, and I do not like these virtual meetings, and I
30 know most council members don't, and hopefully we can see each
31 other in-person then. All right. If nobody else has anything
32 else, you all have a good week, and we'll be talking to you
33 soon. Thank you.

34
35 (Whereupon, the meeting adjourned on January 27, 2022.)

36
37 - - -
38