

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 285TH MEETING

4
5 FULL COUNCIL SESSION

6
7 Opal Key Resort & Marina and Virtual Key West, Florida

8
9 June 24-25, 2021

10
11 **VOTING MEMBERS**

12 Kevin Anson (designee for Scott Bannon).....Alabama
 13 Patrick Banks.....Louisiana
 14 Susan Boggs.....Alabama
 15 Leann Bosarge.....Mississippi
 16 Dale Diaz.....Mississippi
 17 Jonathan Dugas.....Louisiana
 18 Phil Dyskow.....Florida
 19 Tom Frazer.....Florida
 20 Martha Guyas (designee for Jessica McCawley).....Florida
 21 Robin Riechers.....Texas
 22 John Sanchez.....Florida
 23 Bob Shipp.....Alabama
 24 Joe Spraggins.....Mississippi
 25 Andy Strelcheck.....NMFS
 26 Greg Stunz.....Texas
 27 Ed Swindell.....Louisiana
 28 Troy Williamson.....Texas

29
30 **NON-VOTING MEMBERS**

31 Dave Donaldson.....GSMFC
 32 LCDR Lisa Motoi.....

33
34 **STAFF**

35 Assane Diagne.....Economist
 36 Matt Freeman.....Economist
 37 John Froeschke.....Deputy Director
 38 Beth Hager.....Administrative Officer
 39 Lisa Hollensead.....Fishery Biologist
 40 Ava Lasseter.....Anthropologist
 41 Mary Levy.....NOAA General Counsel
 42 Jessica Matos.....Document Editor & Administrative Assistant
 43 Natasha Mendez-Ferrer.....Fishery Biologist
 44 Emily Muehlstein.....Public Information Officer
 45 Kathy Pereira.....Meeting Planning - Travel Coordinator
 46 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
 47 Bernadine Roy.....Office Manager
 48 Carrie Simmons.....Executive Director

1 Carly Somerset.....Fisheries Outreach Specialist
2
3 **OTHER PARTICIPANTS**
4 Karen Bell.....Cortez, FL
5 Charles Bergmann.....MS
6 Ryan Bradley.....MS
7 Eric Brazer.....Shareholders Alliance
8 Catherine Bruger.....Ocean Conservancy
9 Rick Burris.....MS
10 Chester Brewer.....SAFMC
11 Frank Chivas.....FL
12 Bubba Cochrane.....Galveston, TX
13 Scott Daggett.....Madeira Beach, FL
14 Jason DeLaCruz.....FL
15 Blake Dorchak.....Fort Myers, FL
16 Bob Dorchak.....Fort Myers, FL
17 Pam Dorchak.....Fort Myers, FL
18 Katie Fischer.....Matlacha, FL
19 Jim Green.....Destin, FL
20 Buddy Guindon.....Galveston, TX
21 Ken Haddad.....ASA, FL
22 Chad Hanson.....Pew Charitable Trusts
23 Sean Heverin.....
24 Scott Hickman.....Galveston, TX
25 Peter Hood.....NMFS
26 Dylan Hubbard.....FL
27 Rick Kilgore.....Islamorada, FL
28 Randal Kramer.....
29 David Krebs.....Destin, FL
30 Randy Lauser.....Madeira Beach, FL
31 Ed Mancini.....SOFA
32 Jack McGovern.....NMFS
33 Jay Mullins.....
34 ASAC John O'Malley.....NOAA OLE
35 Captain Scott Pearce.....FL
36 Clay Porch.....SEFSC
37 Kellie Ralston.....ASA
38 Charlie Reiner.....Madeira Beach, FL
39 Paul Reeves.....Steinhatchee, FL
40 Casey Streeter.....Matlacha, FL
41 Matt Tevlin.....
42 David Walker.....AL
43 Wayne Werner.....Alachua, FL
44 Ted Venker.....CCA
45 Bob Zales, II.....Panama City, FL

46
47 - - -
48

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TABLE OF MOTIONS

1
2
3 [PAGE 89](#): Motion to modify the purpose of the document to read:
4 The purpose of this action is to transition from the expired 3G
5 cellular electronic logbook program to a system that would
6 maintain the council's and NMFS's scientific ability to estimate
7 and monitor fishing effort in the Gulf of Mexico shrimp fishery
8 while minimizing the economic burden on the industry to the
9 maximum extent practicable. [The motion carried on page 89.](#)

10
11 [PAGE 89](#): Motion in Action 1 to revise Alternative 2 to read:
12 Alternative 2. Modify the method to collect vessel position
13 data. If selected, the owner or operator of a shrimp vessel
14 with a valid or renewable moratorium permit would be required to
15 install an approved vessel monitoring system (VMS) that archives
16 vessel position and automatically cellularly transmits that data
17 to the NMFS. [The motion carried on page 91.](#)

18
19 [PAGE 92](#): Motion in Action 1 to add an Alternative 3:
20 Alternative 3. Modify the method to collect vessel position
21 data. If selected, the owner or operator of a shrimp vessel
22 with a valid or renewable moratorium permit would be required to
23 install an approved electronic logbook that archives vessel
24 position and automatically cellularly transmits that data to the
25 NMFS. [The motion carried on page 94.](#)

26
27 [PAGE 96](#): Motion to approve the final funded 2021 budget. [The](#)
28 [motion carried on page 97.](#)

29
30 [PAGE 97](#): Motion to fund the expanded sampling and ageing study
31 on Gulf of Mexico gray triggerfish, with SSC recommendations.
32 [The motion carried on page 97.](#)

33
34 [PAGE 99](#): Motion to fund a call for proposals for expanded
35 sampling of the fleet for effort monitoring in the Gulf of
36 Mexico federally-permitted shrimp industry as presented in
37 agenda item Tab G, Number 5(b). [The motion carried on page 105.](#)

38
39 [PAGE 108](#): Motion in Action 3 to make Alternative 3 the
40 preferred alternative. [The motion carried on page 112.](#)

41
42 [PAGE 112](#): Motion in Action 4 to make Alternative 2 the
43 preferred alternative. [The motion carried on page 112.](#)

44
45 [PAGE 113](#): Motion in Action 5.1 to make Alternative 2, Option 2b
46 the preferred alternative. [The motion carried on page 113.](#)

47
48 [PAGE 114](#): Motion in Action 7 to make the amended Alternative 2

1 the preferred alternative. [The motion carried on page 114.](#)

2
3 [PAGE 131](#): Motion to convene the Data Collection AP to recommend
4 options for electronic reporting due to equipment failure. [The](#)
5 [motion carried on page 134.](#)

6
7 [PAGE 155](#): Motion in Action 1 to create a new Preferred
8 Alternative 7 to read as follows: Preferred Alternative 7.
9 Revise the sector allocations of the total ACL between the
10 recreational and commercial sectors as the average landings
11 using the Fishing Effort Survey adjusted Marine Recreational
12 Information Program data during the years 1986 through 2005,
13 based on the Southeast Fisheries Science Center ACL monitoring
14 datasets with an implementation date of January 1, 2023,
15 maintaining the allocations for red grouper at 76 percent
16 commercial and 24 percent recreational until January 1, 2023, at
17 which time the sector allocations will change to 59.3 percent
18 commercial and 40.7 percent recreational. Revise the OFL and
19 ABC as recommended by the SSC, based on SEDAR 61. Set the stock
20 ACL equal to the stock ABC. [The motion failed on page 173.](#)

21
22 [PAGE 173](#): Motion to approve Reef Fish Amendment 53: Red Grouper
23 Allocations and Annual Catch Levels and Targets and that it be
24 forwarded to the Secretary of Commerce for review and
25 implementation, and deem the codified text as necessary and
26 appropriate, giving staff editorial license to make the
27 necessary changes in the document. The Council Chair is given
28 the authority to deem any changes to the codified text as
29 necessary and appropriate. [The motion carried on page 180.](#)

30
31 [PAGE 181](#): Motion to request SEFSC run an analysis for Greater
32 Amberjack which shows what the historical ABCs and ACLs would
33 have been with FES back in time. [The motion carried on page](#)
34 [182.](#)

35
36 [PAGE 185](#): Motion to make the Red Snapper and Grouper-Tilefish
37 IFQ Program Review final and available for publishing on the
38 council's website, www.gulfcouncil.com. [The motion carried on](#)
39 [page 185.](#)

40
41 [PAGE 186](#): Motion in Action 1 to make Alternative 5 the
42 preferred alternative. [The motion carried on page 195.](#)

43
44 [PAGE 195](#): Motion in Action 2 to make Alternative 3, Option 3b
45 the preferred alternative. [The motion carried on page 200.](#)

46
47 - - -

1 The Full Council of the Gulf of Mexico Fishery Management
2 Council convened on Thursday afternoon, June 24, 2021, and was
3 called to order by Chairman Tom Frazer.

4
5 **CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS**
6

7 **CHAIRMAN TOM FRAZER:** Welcome to the 285th meeting of the Gulf
8 Council. My name is Tom Frazer, and I'm the chair of the
9 council. If you have a cellphone or similar device, we ask that
10 you place it on silent or vibrating mode during the meeting.
11 also, in order for all of us to be able to hear the proceedings,
12 we ask that you have any private conversations outside. Please
13 be advised that alcoholic beverages are not permitted in the
14 meeting room.

15
16 The Gulf Council is one of eight regional councils established
17 in 1976 by the Fishery Conservation and Management Act, known
18 today as the Magnuson-Stevens Act. The council's purpose is to
19 serve as a deliberative body to advise the Secretary of Commerce
20 on fishery management measures in the federal waters of the Gulf
21 of Mexico. These measures help ensure that fishery resources in
22 the Gulf are sustained, while providing the best overall benefit
23 to the nation.

24
25 The council has seventeen voting members, eleven of whom are
26 appointed by the Secretary of Commerce and include individuals
27 from a range of geographical areas in the Gulf of Mexico with
28 experience in various aspects of fisheries.

29
30 The membership also includes the five state fishery managers
31 from each Gulf state and the Regional Administrator from NOAA's
32 Southeast Fisheries Service, as well as several non-voting
33 members.

34
35 Public input is a vital part of the council's deliberative
36 process, and comments, both oral and written, are accepted and
37 considered by the council throughout the process. We will
38 welcome public comment from in-person and virtual attendees.
39 Anyone joining us virtually that wishes to speak during the
40 public comment should have already registered for comment
41 online.

42
43 Virtual participants that are registered to comment should
44 ensure that they are registered for the webinar under the same
45 name they used to register. In-person attendees wishing to
46 speak during public comment should sign in at the registration
47 kiosk located outside the meeting room. We accept only one
48 registration per person.

1
2 A digital recording is used for the public record, and,
3 therefore, for the purpose of voice identification, we will call
4 attendance for the council members attending virtually first.
5 After this is completed, members in the room should identify him
6 or herself, starting on my left.
7
8 **MS. BERNADINE ROY:** Robin Riechers.
9
10 **MR. ROBIN RIECHERS:** Robin Riechers, Texas.
11
12 **MS. ROY:** Greg Stunz.
13
14 **DR. GREG STUNZ:** Greg Stunz, Texas.
15
16 **MS. ROY:** Bob Shipp.
17
18 **MR. DALE DIAZ:** Dale Diaz, Mississippi.
19
20 **MS. LEANN BOSARGE:** Leann Bosarge, Mississippi.
21
22 **GENERAL JOE SPRAGGINS:** Joe Spraggins, Mississippi.
23
24 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine
25 Fisheries Commission.
26
27 **MR. ED SWINDELL:** Ed Swindell, Louisiana.
28
29 **MR. PATRICK BANKS:** Patrick Banks, Louisiana.
30
31 **MR. J.D. DUGAS:** J.D. Dugas, Louisiana.
32
33 **MR. KEVIN ANSON:** Kevin Anson, Alabama.
34
35 **MS. SUSAN BOGGS:** Susan Boggs, Alabama.
36
37 **MR. CHESTER BREWER:** Chester Brewer, South Atlantic Fishery
38 Management Council.
39
40 **DR. CLAY PORCH:** Clay Porch, Southeast Fisheries Science Center.
41
42 **MR. ANDY STRELCHECK:** Andy Strelcheck, NOAA Fisheries, Southeast
43 Regional Office.
44
45 **MR. TROY WILLIAMSON:** Troy Williamson, Texas.
46
47 **MR. PHIL DYSKOW:** Phil Dyskow, Florida.
48

1 **MR. JOHN SANCHEZ:** John Sanchez, Florida.

2
3 **MS. MARTHA GUYAS:** Martha Guyas, Florida.

4
5 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Carrie Simmons, council
6 staff.

7
8 **CHAIRMAN FRAZER:** All right. Thank you, everybody. Before we
9 get into the meat of all of this, with regard to our agenda,
10 we've got a couple of items to take care of, a couple of
11 announcements and other things.

12
13 First, I would like to recognize John Sanchez, and so, John, get
14 on up here for a minute. I think most people realize that this
15 is the end of John's third term as a council member. He's a
16 special part of the group, and he has served his community well,
17 and I'm going to miss him, and I know that most people here will
18 as well, but we've got a couple of things for him, and, Carrie,
19 if you want to share with him our gift.

20
21 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. We have a
22 clock and a thermometer here for you, in honor of your dedicated
23 service to the Gulf of Mexico Fishery Management Council from
24 2012 to 2021.

25
26 **MR. SANCHEZ:** Thank you, everyone. It's very humbling. The
27 best part of this process is getting to meet people that I
28 otherwise would never have had the opportunity to meet. It's
29 been a pleasure and an honor, and I'm going to miss it. Thank
30 you, all, very much.

31
32 **CHAIRMAN FRAZER:** We're all definitely going to miss you, John.
33 I know you're not going to go far though. I've got a couple
34 other announcements, and I would like to invite Jack McGovern to
35 say a few words about Mike Jepson, who is also retiring from
36 many, many years of service with the agency, and so, Jack, if
37 you're around, or on the line here.

38
39 **DR. JACK MCGOVERN:** I just wanted to let you all know that Dr.
40 Mike Jepson, who is the Social Science Branch Chief at our
41 Sustainable Fisheries Division, he's retiring at the end of next
42 week, and I think many of you know Mike, and he's an
43 anthropologist, and he's been with the Southeast Regional Office
44 for over twelve years, and he's been studying fisheries in
45 various capacities since the early 1980s.

46
47 His career includes serving as a fishery cultural anthropologist
48 on the South Atlantic Council, and he was also a program

1 director of the Gulf and South Atlantic Fisheries Foundation.
2 In addition, Mike is a veteran, and he served in the U.S. Navy
3 in the 1970s.

4
5 Mike is very well published, and he has a lot of accomplishments
6 over the years, and he has also served on a lot of committees of
7 graduate students, and I believe he's on the faculty at the
8 University of Florida. Some of his notable students have been
9 Dr. Ava Lasseter, who you all know, Dr. Kari Buck, who used to
10 be a staff member of the South Atlantic Council, and Brittany
11 Levine, who works with us on the IFQ program.

12
13 In addition to all of Mike's accomplishments, he's a very kind
14 person, and we wish him very well in retirement, and so thank
15 you, Mr. Chairman, for allowing me to say a few words about
16 Mike.

17
18 **CHAIRMAN FRAZER:** Thanks, Jack, for taking the time to share
19 those words about Mike, and, again, so many people here
20 appreciate the work that he's done for the agency and his
21 contributions to the field, and so we'll miss him, and good
22 luck, Mike, in retirement.

23
24 We also have a little bit sadder news, and so, in the past year,
25 we've lost a couple of folks that are important members of the
26 fisheries community, and the first one is Neil Gryder, and I
27 would just like to say a few words about Neil.

28
29 Neil's ambition and passion for the fishery made him stand out.
30 Neil has a lifelong passion for fishing, and he began his career
31 as a charter captain in the Florida Keys, eventually returning
32 to the northern Gulf, where he started Relentless Sportfishing,
33 a charter business out of Venice, Louisiana that specialized in
34 tuna and swordfish. Neil also developed True Sportsmen, a
35 mobile app designed to help anglers who traveled to download all
36 the spatially different fishing regs and licenses and report
37 their catches all in one place.

38
39 He was a true innovator, and he was highly specialized in the
40 fishing and hunting world. He was also a member of our Coastal
41 Migratory Pelagic Advisory Panel, and Neil was a young and
42 vibrant individual that was just getting involved in the
43 fisheries management process with the Gulf Council.

44
45 He is an incredible loss to the Mississippi community and Gulf
46 fisheries, for which he was an extremely strong advocate, and
47 so, again, we just appreciate the time that Neil was able to
48 spend with us.

1
2 I would also like to say a few words about Walt Jaap. Walt was
3 an incredibly kind and giving man. Professionally, he worked
4 for many years as a coral reef specialist in the Florida Fish
5 and Wildlife Conservation Commission. He also worked at the
6 University of South Florida College of Marine Science, where he
7 mentored numerous marine scientists and advised the scientific
8 diving program.

9
10 He was instrumental in establishing the coral reef evaluation
11 and monitoring program for the Florida Keys reef tract, and he
12 was also an active volunteer in his personal life. He delivered
13 Meals on Wheels for fifteen years, and he was involved with the
14 Boy Scouts and organized and participated in numerous marine
15 cleanup events.

16
17 Walt served on our Coral SSC from 1979 to 2018, almost forty
18 years, and he also contributed to our interrelationships between
19 corals and fisheries work, and he dedicated himself to marine
20 science and education, and his loss is profound for the marine
21 science community, not only in Florida, but in the Gulf of
22 Mexico more broadly, and so, again, it's a tough time when you
23 say goodbye to friends like that, but their contributions will
24 be missed, but we mostly miss their friendship. Thank you,
25 everybody, for taking a few minutes.

26
27 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**

28
29 We will get into the agenda itself. The first item of business
30 would be Adoption of the Agenda, that would be Tab A, Number 3
31 in your briefing materials, and so if I could get a motion to
32 either adopt the agenda or modify it. I've got a motion to
33 approve the agenda by General Joe Spraggins. Is there a second?
34 It's seconded by Mr. Swindell. Okay. Any other potential
35 additions or modifications of the agenda? I am not seeing any,
36 and so is there any objection to approving the agenda as
37 written? Seeing no objections, we will consider the agenda
38 approved.

39
40 The next item is the Approval of the Minutes, Tab A, Number 4.
41 Can I get a motion for approval of the minutes? It's moved by
42 Ms. Bosarge. Is there a second? It's seconded by Mr. Anson.
43 Any objections to approving the minutes as written? Seeing
44 none, we will consider the minutes approved.

45
46 We're going to go ahead and have two quick presentations. The
47 first is from the NOAA Office of Law Enforcement, and if could
48 get Officer O'Malley up, we'll get that presentation loaded, and

1 I look forward to hearing from you.

2
3 **PRESENTATIONS**
4 **NOAA OFFICE OF LAW ENFORCEMENT**
5

6 **ASAC JOHN O'MALLEY:** Good afternoon. I will introduce myself.
7 For those of you that don't know me, I'm the new Assistant
8 Special Agent in Charge in League City, Texas, and so I
9 supervise the agents, special agents, that cover the Gulf of
10 Mexico.

11
12 Today's report will be our OLE Quarter 2 report, which covers
13 the period of January 1 to March 31 of this year. Starting with
14 our incidents investigation, the SED created a total of 378
15 incidents. Of those, 211 were in the Gulf of Mexico, across all
16 regulations and programs. As a reminder, our incidents are
17 self-generated by OLE agents or officers, or they can be
18 referred by other agencies, referred by the OLE hotline, or by
19 NOAA programs, such as VMS or observer.

20
21 Of those 211 incidents, 130 of them were related to the Magnuson
22 Act, with Florida having the most. Fifty-nine of our incidents
23 in the Southeast Division came from referrals from our joint
24 enforcement agreements and the United States Coast Guard
25 partnership. Florida, which includes both Gulf and Atlantic,
26 referred the most, followed by the U.S. Coast Guard District 8.

27
28 We issued fifty-four summary settlement offers in Quarter 2, of
29 which eighteen were from the Gulf region, and included in those
30 eighteen were six for turtle excluder device, bycatch reduction
31 device requirements, and one for illegal charter activity.
32 Fourteen were issued from the Keys, including another one for
33 illegal charter activity and five for retention during a
34 closure.

35
36 Eleven cases were referred to the NOAA Office of General
37 Counsel. Of those, five occurred in the Gulf of Mexico, three
38 in the Keys, including two cases for illegal charter activity.
39 Some notable actions, Magnuson and ESA actions, would include we
40 had a shrimp vessel who received a NOVA for shrimping with non-
41 compliant TEDs, and we had an HMS vessel who received a NOVA for
42 unlawful use of hooks on a trip where the special research-
43 limited permit had a lower number of hooks. We had two reef
44 fish vessels that received NOVAs for failing to have an
45 operational VMS.

46
47 We also had a Lacey Act case against a Louisiana dealer for
48 violating the Lacey Act, in which they violated an underlying

1 State of Louisiana law and put that product into interstate
2 commerce.

3
4 Another incident we had, which is a little different, but it's
5 interesting, is we got a complaint, via the Be Whale Wise,
6 concerning a video of a fishing vessel operator out of Galveston
7 operating near a pod of killer whales in the Gulf, and so that
8 created a little bit of a stir, because we had a lot of social
9 media on that, especially since a lot of people don't know that
10 there are killer whales in the Gulf of Mexico.

11
12 We had an agent look into it, and it turns out that the captain
13 did everything right who saw the pod. He reduced speed and let
14 the whales go around him, but we did use that as an opportunity
15 to do some outreach and education to other operators in the
16 area, because usually the pod is seen way, way offshore, and
17 this was a little bit closer, but a lot of people just refuse to
18 believe there is killer whales in the Gulf, but they are there.

19
20 Moving on to operations and patrols, this quarter, there were
21 117 documented patrols, including two operations, Operation Reef
22 Line in the Keys and operation Palm City on the Florida west
23 coast that also concentrated on federally-permitted charter
24 vessel compliance within the sanctuary and within the Gulf. No
25 one from any vessels were found during these operations.

26
27 Also, I will give you an update on our Southeast Division
28 Illegal Charter Working Group update. I am reminding everybody
29 of a web story that was released on April 9 of this year called
30 "Make Sure Your Charter Fishing Trip is Legal and Sustainable",
31 and it's on the Southeast Regional Office website, Twitter, and
32 NOAA HQ's page. It comes up immediately through Google with
33 "make sure your charter fishing trip is legal", and those are
34 the words that come up on a Google search.

35
36 OLE also assisted the SEFHIER group and was hosting multiple
37 training sessions, to try to make sure there was one OLE
38 representative on each of those training sessions, to answer any
39 questions that arose and to give a small portion of the brief.

40
41 I wanted to let you all know that illegal charter operations are
42 being incorporated into all patrols, and we are making them a
43 priority. In addition, we continue to do our outreach and
44 compliance assistance.

45
46 Most recently, OLE assisted FWC in Operation Red Karma, which
47 targeted illegal charter operations on the Florida west coast,
48 and also the U.S. Coast Guard and CBP participated. There was a

1 lot of violations documented, which I'm pretty sure of you have
2 heard about, and so related to that.

3
4 Moving on to our staffing, we just hired a new agent for League
5 City, Texas, and he will be starting with us on July 18. He
6 comes over to us from NCIS, and we also announced a new agent
7 position in Slidell, Louisiana, and that just recently closed,
8 and, for those of you that knew Charles Tyre, I am now him, and
9 so I'm the ASAC in League City.

10
11 For enforcement officers, Key West EO Justin Powell has been
12 reassigned up to Key Largo, effective June 6, and another
13 candidate has been tentatively selected for the Key West
14 position. The same with Fort Myers, and there's been another
15 candidate that has accepted the job offer, and he's working
16 through the process. Niceville, Florida also has an enforcement
17 office candidate that has accepted and is working through the
18 process.

19
20 Our Houston/Galveston IUU officer, Zack Salinas, has completed
21 his FTO training, and he will be in the field full time, and
22 there is a League City supervisor enforcement officer who has
23 been selected and is going through the hiring process. Corpus
24 Christi enforcement, we have Officer Glen Sheckles from Alaska
25 who is onboard, and we still have vacancies in St. Petersburg,
26 two in Harlingen, and Enforcement Officer Matt Roach, who was in
27 Galveston, accepted a special agent position in Hawaii, and so
28 he has left us, and his position will be backfilled. That
29 concludes my report, and there's a whole lot more information in
30 the brief, and I will be happy to answer any questions.

31
32 **CHAIRMAN FRAZER:** All right. Well, thank you, Special Agent
33 O'Malley. It's good to have you here.

34
35 **ASAC O'MALLEY:** Thank you, sir.

36
37 **CHAIRMAN FRAZER:** Is there any questions? Mr. Diaz.

38
39 **MR. DIAZ:** I just have a comment. I want to thank you, Special
40 Agent O'Malley. I like you all's focus on illegal charters and
41 making that a priority, and we're fixing to have public comment
42 here in just a minute, but, over time, we have had a lot of
43 public comments about the problems that illegal charters create,
44 and so thank you all for listening to those public comments and
45 focusing your effort towards it. We appreciate it. Thank you.

46
47 **ASAC O'MALLEY:** Thank you, and I would like to reiterate though
48 that we can't be everywhere, and so we do encourage people to

1 provide us information, if there's a problem in your area.
2 Please let us know, so we can address it, especially when it
3 comes to this situation, which actually impacts you all's
4 livelihood, and so we are working on it.

5
6 **CHAIRMAN FRAZER:** All right. We've got a couple more questions,
7 I think, Special Agent O'Malley. Andy Strelcheck.

8
9 **MR. STRELCHECK:** Thanks, Agent O'Malley, for being here.
10 Expanding on Dale's comments, I was noticing, in the summary
11 settlements, there was four cases referred for illegal charter
12 activity, and they were fairly minimal, in terms of the
13 settlement costs, being \$500 and I think up to about \$3,000.
14 Does that include charters that are operating without a permit,
15 or is there other illegal kind of charter activity that goes
16 along with that?

17
18 **ASAC O'MALLEY:** It can, and it depends, and that's the range we
19 use on the violations, and so it's within the -- I would have to
20 look at the summary settlement schedule, to see exactly what it
21 says, but it's usually fairly specific on what would apply, and,
22 if it doesn't fit within that parameter, then it has to go
23 through a full case package to General Counsel.

24
25 **CHAIRMAN FRAZER:** Okay. I don't think I'm seeing any more
26 questions. I'm making sure that we don't have any questions
27 from the folks online. Okay. Thanks for the presentation.

28
29 **ASAC O'MALLEY:** Thank you.

30
31 **CHAIRMAN FRAZER:** Next up, we're going to have an overview of
32 the commercial Fish Rules app by Ms. Emily Muehlstein.

33
34 **COMMERCIAL FISH RULES APP PRESENTATION**

35
36 **MS. EMILY MUEHLSTEIN:** While that presentation is being brought
37 up on the screen, I just wanted to remind everybody that the
38 council is an official sponsor of the recreational Fish Rules
39 app, which is just sort of Fish Rules, as it's referred to,
40 because there was not a commercial app before now.

41
42 We are responsible for keeping the regulations in federal waters
43 in the Gulf of Mexico on that app, and so it is the most
44 accurate and up-to-date place to get fishing regulations. We
45 also list them on our website, of course, but you guys might
46 remember, a couple of years ago, we decided that it would be a
47 good idea to create a Fish Rules app that is specific to
48 commercial fishermen.

1
2 Just a little bit about the regular Fish Rules app, to give you
3 a little bit of the rationale for why we decided to go down this
4 road and create a commercial fishing regulations app with Fish
5 Rules, and so the regular Fish Rules app has 565,000 users, and
6 five-million regulation views have occurred in the first half of
7 this year so far, and the top species that we get views for are
8 gag grouper, greater amberjack, red drum, black grouper, and red
9 snapper.

10
11 This app is pretty pervasive in the recreational sector, and
12 it's a really well-known app, and so we decided to contract with
13 the Fish Rules folks to create our own commercial app. Some of
14 you may remember that we were hosting the commercial app in the
15 recreational regulations. I'm sorry. We were hosting the
16 commercial regulations within the recreational app, and it was
17 kind of in supplementary material, and it just wasn't tailored
18 to commercial anglers and sort of what the information is that
19 they're actually looking for.

20
21 Instead, we decided to develop a stand-alone app for commercial
22 anglers that is tailored to the needs of those fishermen. It
23 will give you near real-time quota monitoring information, which
24 is one of the things that we found is really important for the
25 commercial fishery, and then another thing that's really
26 complicated for commercial fishermen is navigating all those
27 permit conditions, and so what we've done is rewritten them in
28 plain English, while still trying to maintain the legality of
29 them, so commercial fishermen can look at those permit
30 conditions for the permits they have.

31
32 Myself and another staff member, Carly Somerset, worked along
33 with the South Atlantic Fishery Management Council and the staff
34 from Fish Rules to develop this app, which hosts regulations for
35 commercially-permitted species in both the Gulf and South
36 Atlantic, and so this works for both jurisdictions. So far, we
37 don't have the state regulations in there, but we'll talk about
38 that in a little bit.

39
40 We contracted to start this project in 2019, and we began work
41 last summer. We beta tested with a number of commercial
42 fishermen, as well as agency personnel, in May of this year, and
43 then we launched it in mid-May of this year.

44
45 Some of the features of the commercial app, and why we're really
46 excited about it, is it's actually based on your permits, and so
47 what you would do, when you open the app, is you select the
48 permits that are relevant to you. As you know, your fishing

1 regulations change with whichever permits you have, and so this
2 will populate the regulations based on the permits that you have
3 on your vessel.

4
5 It will immediately display, for each species, the season, the
6 trip limits, the size limits, and the progress of the quota, and
7 then, like I said, it will also have all the conditions for
8 those permits that are on your vessel, and it also shares
9 managed area information. It's also important to know that this
10 can be used offline, and so, if you get an update, or if the app
11 is updated while you are offshore, it will not come through,
12 but, if you update it right before you go offshore, all of those
13 regulations will be as up-to-date as you can get them.

14
15 This is just a couple of screenshots of what the app looks like.
16 Walking you from left to right here, like I said, you would
17 choose your permits, as you open up the app, and so you can
18 populate the app and the regulations with the permits that are
19 relevant to you, and this is an example of what one of the
20 species might look like, and so this is for king mackerel, and
21 you can see there's that quota monitoring area in blue.

22
23 If it gets close to being closed, it will turn yellow, and then,
24 once it's closed, it will turn red, and so, if you're going to
25 go do an amberjack trip, and you want to see -- You're going to
26 be gone for two weeks, and make sure that you're hedging your
27 bets that you're not going to come back and the season will have
28 closed, that's a really good spot to look at.

29
30 Again, there's a list of all the permit conditions, and they're
31 broken down into sort of the different relative categories for
32 the permit conditions, and then, as I mentioned, we do host all
33 of the closed areas on this app as well.

34
35 Part of developing the app is, and you don't really think of the
36 backend of how things get managed, is actually improving the way
37 that we keep the regulations on the backend, and so we had to
38 develop a whole software program that would allow us to update
39 the app sort of with as much ease as possible.

40
41 I also just want to make everybody aware that this does produce
42 that's called an API, and, if you're sort of tech savvy, you can
43 understand that it will give the language, and so, if anybody
44 else wanted to host these regulations and have them updated
45 real-time, using our API, they could, and so it would basically
46 -- If you wanted to put them on your website, or something like
47 that, you could get the API from Fish Rules, and it will update
48 the regulations as I update them in real time, and so that's

1 kind of a neat feature.

2
3 Again, it's sort of a central place where we can manage all the
4 regulations, and there's version control, and so myself and my
5 South Atlantic counterpart really get to have control and see
6 how the regulations have been updated and have a record of that.

7
8 Just some stats, and we did launch in mid-May. So far, we've
9 had 21,000 views of the app, like screen views, and so that
10 could be one user looking at five different pages or something,
11 but, overall, 21,000 views so far of the screens. We've had 422
12 active users, and, if you think about sort of the commercial
13 fishery and the number of permits, 422 is pretty good so far,
14 since we just started using this app, and then the average
15 engagement time is three minutes, and so it looks like people
16 are really digging into the app when they're getting on there.

17
18 Finally, there's a couple of things that we're sort of planning
19 for in the future. One is -- Part of the reason that I wanted
20 to present this app today is because we're hoping for more
21 commercial anglers to download it and use it.

22
23 We're also hoping that law enforcement will begin to use this
24 for a tool. I know a lot of the law enforcement officers use
25 the recreational app to help them keep track of the regulations,
26 and so I would encourage law enforcement and commercial anglers
27 to really use this app if you think that it would be useful to
28 you.

29
30 Another thing is the recreational app allows for integration of
31 the state regulations as well as the federal regulations, and so
32 there's a lot of state agency personnel in the room and around
33 the table. If you think that jumping on the commercial
34 regulations bandwagon is for you, let me know, and I will put
35 you in touch with the Fish Rules folks, because we are
36 definitely open to the idea of adding commercial fishing
37 regulations from the states into this app as well, so that we
38 can integrate.

39
40 Some of the improvements that we're hoping to make within the
41 app -- Right now, that quota monitoring, I actually manually
42 update it after the folks at the Regional Office update the
43 website. They send me an email, and that triggers me to
44 manually do this.

45
46 A, because I want to have to do it, and, B, because I think
47 there's a smarter way to do it, since the Science Center folks
48 are in the room, and the NOAA Regional Office folks are in the

1 room, what I plan to do is work with you guys to see if there's
2 a way that we can automate this, so that, when the Science
3 Center produces those quota monitoring estimates, we can take
4 your API and have it automatically populate into this app, to
5 sort of try and take out that human aspect of it, and so just
6 keep in mind that I will probably be bothering you for that.

7
8 I know that the Science Center is working on improving the way
9 that they communicate the quota monitoring stuff, and so, Clay,
10 just put me on your radar, because I'm going to knock on your
11 door for that one.

12
13 The next thing is we do want to improve the functions of the
14 maps. Right now, it's just a bunch of static pictures, and
15 that's not my ideal. We are actually currently working, in the
16 background, to try and create a mapping tool that is more
17 dynamic, and it's not just a bunch of pictures, and so you could
18 choose to enable your GPS location, and it would show you all of
19 the closed areas and the regulations associated with them
20 wherever you are.

21
22 Then, finally, there might be some option for real-time
23 communication channels with anglers themselves. The Fish Rules
24 recreational app has really started to push reporting and
25 citizen science things, and so there might be some opportunities
26 for that in the future with this commercial app. If anybody has
27 some ideas, or some thoughts, about how we could utilize this
28 platform for things like that, we are totally open to that.

29
30 That's it, and so that concludes it. Fish Rules commercial is
31 there. Please download it, and please -- If you hate something
32 about it, or love something about it, that you want to keep
33 seeing, please get in touch with me and let me know, because we
34 own this app, and so we get to make it as good as we want to,
35 and so I would rely on your help and your suggestions to make
36 sure that happens.

37
38 **CHAIRMAN FRAZER:** All right. Thanks, Emily, for the fine
39 presentation and your continual efforts to improve our
40 communication efforts. You do a great job. Patrick.

41
42 **MR. BANKS:** You may have said this, Emily, and I missed it, but
43 what was the cost of developing this commercial app?

44
45 **MS. MUEHLSTEIN:** Beth might know off the top of her head, but I
46 think our initial development fee, which is including sort of
47 that software development and the backend for the management,
48 was around \$30,000, and there's an annual fee here of \$8,000.

1 That annual fee would apply to the state, if they wanted to sign
2 on. The recreational app is less expensive, on an annual basis,
3 and I think it's \$5,000, and that's because there is ad revenues
4 from that app that offset. We don't expect to have the volume
5 of commercial users as we do for recreational, and that's why
6 the annual fee is more.

7

8 **CHAIRMAN FRAZER:** All right. Susan.

9

10 **MS. BOGGS:** Thank you, Mr. Chair. Emily, I'm just curious. How
11 much state participation do you have, and how accurate is the
12 state information? Thank you.

13

14 **MS. MUEHLSTEIN:** That's a great question, and so, on the
15 recreational app, we do have state participation from --
16 Formally, from the FWC, in the Gulf region, and I think the east
17 coast and some of the other areas have pretty good state
18 participation. Correct me if I'm wrong, any of the other
19 states, but I think Florida might be the only state that is
20 officially signed on to the recreational app.

21

22 That doesn't mean though that the other states don't, A, support
23 the app or have somebody behind the scenes that is helping to
24 update that information. However, as an official tool, the
25 State of Florida and then the Gulf Council are the two agencies
26 that are the ones that are actually in the backend doing the
27 updates, and then, in the commercial app, we don't have any yet.
28 We developed the app just for the federal Gulf Council and South
29 Atlantic jurisdiction species, but we are hoping to entertain
30 the idea of adding other states, if they would be interested.

31

32 **CHAIRMAN FRAZER:** Okay. Are there any other questions for Ms.
33 Muehlstein? Ms. Levy.

34

35 **MS. MARA LEVY:** Thank you, and maybe I missed this, but I'm just
36 wondering, and is there some sort of disclaimer of the beginning
37 of people opening this, that these aren't the official
38 regulations, just in case there is some discrepancy that ends up
39 happening?

40

41 **MS. MUEHLSTEIN:** Yes, that information is in both the
42 recreational and commercial apps, as well as on the website, and
43 we really do our best to be as accurate as possible, but, yes,
44 to your point, the official regulations are the codified federal
45 regulations, but, yes, we do have disclaimers in both apps,
46 Mara.

47

48 **CHAIRMAN FRAZER:** Okay. I am not seeing any more hands up from

1 our virtual folks, and no hands up around the table, and so,
2 again, thank you, Ms. Muehlstein, for the presentation. We're
3 going to go ahead and take ten minutes, as we transition into
4 the public comment period, to make sure that we're all squared
5 away, from a technological side of things, and so it's now 3:13,
6 and, just a little bit before 3:25, we'll get started.

7

8 (Whereupon, a brief recess was taken.)

9

10 **CHAIRMAN FRAZER:** Good afternoon, everyone. Public input is a
11 vital part of the council's deliberative process, and comments,
12 both oral and written, are accepted and considered by the
13 council throughout the process.

14

15 The Sustainable Fisheries Act requires that all statements
16 include a brief description of the background and interest of
17 the persons in the subject of the statement. All written
18 information shall include a statement of the source and date of
19 such information.

20

21 Oral or written communications provided to the council, its
22 members, or its staff that relate to matters within the
23 council's purview are public in nature. Please email any
24 written comments to the staff, as all written comments will also
25 be posted on the council's website for viewing by council
26 members and the public, and it will be maintained by the council
27 as part of the permanent record.

28

29 Knowingly and willfully submitting false information to the
30 council is a violation of federal law. We will welcome public
31 comment from in-person and virtual attendees. Anyone joining us
32 virtually that wishes to speak during public comment should have
33 already registered for comment online.

34

35 Virtual participants that are registered to comment should
36 ensure that they are registered for the webinar under the same
37 name that they used to register to speak. In-person attendees
38 wishing to speak during public comment should sign-in at the
39 registration kiosk located outside the meeting room. We accept
40 only one registration per person.

41

42 Each speaker is allowed three minutes for their testimony.
43 Please note the timer lights on the podium or on the webinar.
44 They will be green for the first two minutes and yellow for the
45 final minute of testimony. At three minutes, the red light will
46 blink, and a buzzer may be enacted. Time allowed to dignitaries
47 providing testimony is extended at the discretion of the Chair.

48

1 If you have a cell phone or similar device, we ask that you keep
2 them on silent or vibrating mode during the meeting. Also, in
3 order for all of us to be able to hear the proceedings, we ask
4 that you have any private conversations outside, and please be
5 advised that alcoholic beverages are not permitted in the
6 meeting room. We've got a couple of things that we want to take
7 care of first, and I'm going to let Ms. Muehlstein say a few
8 words.

9
10 **MS. MUEHLSTEIN:** I just wanted to say a couple of words, because
11 this is the first time that we have attempted to do an in-person
12 and hybrid-style public testimony, and so the plan is that we're
13 going to choose every other format, and so we're going to start
14 with somebody in-person, and then we'll go to somebody online,
15 and then we'll bounce back and forth, and so we always display
16 the list of names on the screen, and so keep an eye out for your
17 name, because, once you're the next speaker, you will know, but
18 we may have somebody that is either in-person or virtually that
19 goes before you.

20
21 Also, if you are here in-person, we are broadcasting this list
22 out on the display in the hallway, if you do not feel
23 comfortable being in the room, and I just wanted to let
24 everybody know that, up at the podium, we do have sanitizing
25 spray and anything you might need or want before you testify,
26 since a lot of people will be kind of going up to that podium.
27 That's all I have.

28
29 **CHAIRMAN FRAZER:** All right. Thank you, Emily. Again, I will
30 just reiterate that I appreciate everybody's patience as we try
31 to accommodate comments both kind of in-person here and as well
32 as those that are coming over the computer, and so we are going
33 to start off with folks on the computer, and, as Emily said,
34 we'll alternate, and so our first speaker will be Catherine
35 Bruger.

36
37 **PUBLIC COMMENT**

38
39 **MS. CATHERINE BRUGER:** Thank you very much. I am Catherine
40 Bruger, Policy Analyst for Ocean Conservancy. I would like to
41 begin with the topic of the Executive Order Tackling the Climate
42 Crisis At-Home and Abroad.

43
44 We applaud the council's list of recommendations and agree that
45 the stated recommendations are important for building a
46 foundation for the Gulf Council to address climate issues. In
47 addition to those you have listed, we recommend some additional
48 elements for your consideration.

1
2 First, we know you have already contracted, and we support the
3 development of a robust fishery ecosystem plan which addresses
4 the multifaceted needs of the Gulf ecosystem. We encourage the
5 council to learn from other regions with FEPs and their
6 processes as you develop the Gulf's FEP.

7
8 Second, building on the theme of water quality and environmental
9 covariates, we encourage the council to request annual ecosystem
10 status reports for the integrated ecosystem assessment program.
11 Dead zones, red tides, hurricanes, and the loop current make the
12 need for ecosystem status reports all the more meaningful. In
13 other regions, ecosystem status reports are updated regularly,
14 often on an annual basis.

15
16 Increasing the frequency of these snapshots of the state of the
17 ecosystem will allow the council to better understand how the
18 Gulf of Mexico is responding to climate and other environmental
19 changes and inform how and when the council should adapt
20 management approaches to this new reality.

21
22 Moving to Amendment 53, the red grouper stock biomass is at an
23 all-time low. Though red grouper was determined not be
24 overfished nor undergoing overfishing, the SSC noted that, under
25 the previous definition of MFMT, this stock would have been
26 considered overfished as of 2017. Although the projections do,
27 the stock status determination does not account for the 2018 red
28 tide mortality event, the impact of which was known to be
29 severe, and we are currently experiencing a new potentially as-
30 severe event in 2021.

31
32 Given the yet unknown mortality due to the 2018 event, lack of
33 clarity surrounding pulse-driven recruitment events, and
34 historically low biomass, we encourage the council to proceed
35 with the transition to in-season monitoring in MRIP-FES currency
36 as a necessary step to reduce management uncertainty and focus
37 on the consistent and continuous monitoring of stock status.
38 The reliability of the calibration between FES and CHTS is
39 already several years old, and it will continue to degrade.

40
41 That said, allocation changes will result in subsequent
42 modifications to management uncertainty. We encourage the
43 council to assess how the cumulative impacts of shifting
44 allocations, selectivity, and discard rates may increase
45 uncertainty in the management of red grouper, a stock with an
46 extremely thin margin of error. All sectors, and the businesses
47 and communities that rely on this fishery, will suffer if a
48 rebuilding plan becomes necessary.

1
2 Given the significant management uncertainty surrounding red
3 grouper, we encourage the council to take very precautionary
4 approaches to ensure the stock's future resilience. Thank you,
5 Mr. Chair.

6
7 **CHAIRMAN FRAZER:** All right. Thank you, Ms. Bruger. We have a
8 question from Mr. Banks.

9
10 **MR. BANKS:** Thank you, Ms. Bruger, for those comments. I would
11 like to ask you what your suggestion is that we do for red
12 grouper. You talk about taking a precautionary approach, and
13 what did you guys have in mind with that? Thank you.

14
15 **MS. BRUGER:** Thank you for that question. Well, one
16 recommendation that I would make is that the council reconsider
17 and revise looking at some of the SDCs that were set in
18 Amendment 44, and I think some of those recommendations were to
19 revise MSST, or, excuse me, all of the SDCs at levels that were
20 actually the lowest legally allowable, and I think that we've
21 just set up a very thin margin of error, for a number of reef
22 fish stocks, by putting our SDCs at those very, very
23 precariously low levels.

24
25 It gives us a very narrow window of margin of error, in case we
26 do need to -- It could potentially result in a rebuilding plan
27 for these stocks if we're wrong about some of the things that
28 we're doing, and so my primary recommendation would be that we
29 should probably reopen that and look at those SDCs and consider
30 revising them to higher levels. I should clarify, and I'm
31 sorry, that they aren't all higher, and it depends on which SDC
32 you're looking at, but more precautionary levels, rather than
33 higher. Excuse me.

34
35 **CHAIRMAN FRAZER:** Okay. Thank you, Ms. Bruger. We are going to
36 alternate to our speakers in the room, and we inadvertently
37 deleted one of the individuals, and so we're going to start with
38 that individual, and I apologize. Mr. Ed Mancini.

39
40 **MR. ED MANCINI:** My name is Ed Mancini, and I'm President of
41 Southern Offshore Fishing Association, and we are for Action 1,
42 Alternative 2, for the following reasons. Number 1, any
43 reduction in the allocation would have a severe impact on the
44 following groups. Number 1, and probably most important, is the
45 American consumer. If you reduce the allocation by some 69
46 percent, they're going to have that much less chance of enjoying
47 a grouper dinner, whether it's at a restaurant or at home.

48

1 Second up is the commercial fishermen. As you know, at the end
2 of next week, the first six months, our landings will be
3 identical to the landings last year after nine months, and so we
4 can see the increase, and we definitely don't need a decrease.

5
6 The third group that is going to be affected is the young
7 fishermen, and we have this Young Fishermen's Act, and we want
8 to introduce new blood into an aging fishery, and reducing the
9 allocation is just not the way to go. Another question that I
10 have is the way the data was gathered for the recreational side,
11 and I understand that the mailout was more successful than the
12 telephone, but I am not seeing great response.

13
14 Then, with the dockside checks, in 2018, FWC said there were
15 forty-two million saltwater trips. Of those forty-two million,
16 24,000 were checked at the dock for the fish, and that's 0.056
17 percent. That's not a real healthy data sample.

18
19 One other thing that I would like to bring up, if I have time,
20 is the way the two sectors are regulated, when effort is
21 increased. In the 1980s, when longlines increased effort, the
22 first thing that happened was we put up the twenty-fathom curve
23 and a size limit, and that reduced the size of the fleet,
24 obviously, and reduced the effort, and we went along. Okay.

25
26 Then the longliners ended up setting longer lines and more
27 hooks. What did we do about that? I've got an idea. We'll
28 have a longline endorsement, when they did the IFQ program, and
29 so that cut the fleet by more than half. Then we had the turtle
30 issue, and so we limited the amount of hooks, and so, every time
31 that there is an increased effort on the commercial side, the
32 council seems to find a way to reduce that effort, and, on the
33 recreational side, they have exploded since the 1980s.

34
35 There's a whole different generation out there, and, obviously,
36 the effort is increasing, and I don't see any plans to reduce
37 the effort, and so, in summary, I know that commonsense is at a
38 premium in society today, and I just hope that there's enough in
39 this room to vote for Alternative 2, and thank you very much.

40
41 **CHAIRMAN FRAZER:** Thank you, Mr. Mancini. All right. We'll
42 rotate back to our online participants. Next up is Dylan
43 Hubbard.

44
45 **MR. DYLAN HUBBARD:** On red grouper, Amendment 53, I would
46 encourage the council to look at some of the issues here of
47 specifically it's disappointing that the attempt to improve the
48 data among the private recreational sector precipitates

1 discussions, like the one we're having today, and it also -- The
2 fishery is incredibly expanding, with exponential numbers of
3 smaller fish being moved into this fishery, and this fishery's
4 cyclical nature must be smoothed over by utilizing the IAs that
5 are coming out every year and automating those IA's catch-level
6 advice into the fishery and into our ACLs.

7
8 It's really frustrating as well that a small portion of limited-
9 access recreational fleet members, like the for-hire fleet, is
10 moving to an extremely accountable system, like our commercial
11 partners, yet we're being tied to this expanding effort and
12 discard numbers of the private recreational sector. We've been
13 asking for and working towards more accountability for years and
14 trying to remove buffers, to more fully utilize the small
15 portion of this fishery, or of this sector.

16
17 We need to look more current at the science, and the IA has been
18 sitting there since the beginning of the year, and I really wish
19 the IA information was incorporated into this Amendment 53
20 discussion, because our fisheries are prosecuted differently, as
21 many commercial anglers stated. We care more about the numbers
22 of days at-sea and the season length, and, if that IA
23 information was incorporated, we could perhaps look at, and
24 maybe even accept, a smaller ACL amount, if it still allowed
25 access with higher catch levels from that IA.

26
27 Red grouper is a staple fishery along Florida's west coast,
28 while other Gulf states don't necessarily have a red grouper
29 fishery, and it's been upsetting to see that IA and so much
30 council information and time dedicated to other fisheries that
31 are more Gulf-wide, while red grouper have been dragged along,
32 and that IA hasn't been addressed in this document.

33
34 I have tried, at the Reef Fish AP, to try to come up with a
35 compromise that maybe both sectors could agree to, and,
36 unfortunately, we haven't gotten anywhere, and so, at this time,
37 I would encourage the council to stick to their current
38 preferred of Alternative 3.

39
40 As far as the SEFHIER program rollout, everybody has been
41 working really hard on that, and I have some suggestions on the
42 way forward with the options when electronic reporting -- When
43 you have equipment failure, and one of those options could be
44 like an automated phone system that you call, and it gives you a
45 confirmation number, and that would be open 24/7 and just a
46 voice mail, or you send an email, and you get the email
47 confirmation, through an auto reply, and you could use an email
48 that's already set up, and it would be free to set up, and then,

1 when you're interdicted, or when your VMS isn't working, and
2 someone calls you, you would be able to reference that
3 information. I also have some more suggestions, but I'm out of
4 time, and so I will email them over to you guys.

5
6 **CHAIRMAN FRAZER:** All right. Thank you, Dylan. We've got a
7 question from Ms. Boggs.

8
9 **MS. BOGGS:** Thank you for your time, Dylan. You didn't touch on
10 this, but I would like to ask you if you fish for cobia, king
11 mackerel, or amberjack, and, if you do, what are you seeing in
12 this fishery, or fisheries?

13
14 **MR. HUBBARD:** I apologize, and I'm having some sound issues
15 here, and I'm repeating myself in my ear, and so it was a little
16 tricky to hear the first part, but I think you asked about
17 cobia, kingfish, and amberjack.

18
19 **MS. BOGGS:** Yes, sir.

20
21 **MR. HUBBARD:** We fish for kingfish and amberjack and cobia, and
22 cobia has never really been that big, and it's definitely not a
23 directed fishery, and we have seen less cobia, overall, in my
24 opinion, but, recently, we've seen quite a few of them in Tampa
25 Bay, and we've had some good catches, but, overall, I would say
26 the size is down, and the numbers of fish is down.

27
28 Amberjack is worrisome. They are just not around, and I am not
29 very old myself, and I'm not quite as salty as some, but
30 everybody is concerned about amberjack in our area. Even in my
31 lifetime, I have seen the dramatic downturn in that fishery.
32 Kingfish, in my opinion, there's nothing wrong there, and we've
33 seen plenty of kingfish. We catch plenty of kingfish, and I
34 think that's pretty healthy.

35
36 **MS. BOGGS:** Thank you.

37
38 **CHAIRMAN FRAZER:** Okay. Thanks, Dylan. We're going to go ahead
39 to our next in-person speaker. The next speaker is Scott
40 Hickman.

41
42 **MR. SCOTT HICKMAN:** Hello. It's been a long time. Captain
43 Scott Hickman from Galveston, Texas. It's good to see everybody
44 here again, and it's great to be in Key West and not be
45 completely sober.

46
47 First off, I would like to thank John Sanchez for his service.
48 Folks that are listening in, or folks that are sitting here on

1 the council, probably need to look at John's service here on the
2 council. I've known a lot of you for a long time, and I've
3 known people that have served here, and one thing about John
4 Sanchez that makes him a great council member is he always reads
5 his materials.

6
7 His questions are always knowledgeable, and he knows what people
8 have going on all over the Gulf, whether it be recreational or
9 charter folks or commercial folks, and he always makes his
10 decisions with the best available science, what is best for
11 conservation, what's best for the sustainability of the
12 resource, and that's what makes a good council member.

13
14 In saying all that, John, thank you. Not only are you a great
15 friend, but you've been an incredible person to serve on this
16 body and do the right thing for our resources that my children's
17 children will get to enjoy with leadership like yours. Thank
18 you very much.

19
20 Amendment 53, I would like to say that, currently, Alternative 2
21 is probably the best choice, and, that being said, increasing
22 discards by three-times in any fishery, from a fisherman's
23 standpoint, is not the best way to conserve a resource. Until
24 you can fix some of those issues and get better assessments,
25 interim assessments whatever you all have got to do, don't make
26 a decision on reallocating or recalibrating or any of this until
27 you can fix the issues like that. It's not good for the
28 resource.

29
30 I don't support having a reef fish permit on IFQ accounts, even
31 though I'm an IFQ shareholder and I do have a reef fish permit
32 attached to my account. The system was designed to reduce
33 overcapacity, and the system works well, and the system
34 currently is working perfectly. It's been good for the
35 resource, and it's helped to rebuild the fishery. The American
36 consumer that relies on these commercial fish is winning. They
37 are getting the fish. That's what the commercial sector does,
38 is provides fish to plates across America, and the system works
39 for those people, just like the current system for charter boats
40 works.

41
42 The electronic logbook system is working and being implemented
43 well, and people are learning how to use it. We implement
44 things to work for those folks that make a living and enjoy
45 these resources, the charter boat customer.

46
47 I would like for the council to move forward, in August, with
48 the CFA white paper, getting the rest of the reef fish and the

1 charter/for-hire amendment for it, and keep working on Coral
2 Amendment 10. Habitat, more habitat, healthy coral habitats,
3 means more fish, and we need more fish, and that's it. Thank
4 you, all. I look forward to seeing you in San Antonio, Texas,
5 and I appreciate everybody being here.

6
7 **CHAIRMAN FRAZER:** Thank you, Scott. Ms. Boggs.

8
9 **MS. BOGGS:** Scott, you touched on it, but what are you seeing in
10 the cobia, king mackerel, and amberjack fishery, and, I mean, do
11 you fish those fisheries, and how do you see them at?

12
13 **MR. HICKMAN:** I wear a couple of different hats. I commercial
14 king mackerel fish and charter boat fish. I have thirty-five
15 years of charter boat fishing. There was a point we didn't have
16 red snapper, and we had lots of kingfish, and now we have lots
17 of red snapper, and the kingfish are definitely on the decline,
18 especially large kingfish. This is probably the first year that
19 I can ever remember, on the commercial side, having excess
20 allocation past early fall, and we're still hoping. Our king
21 fishing was horrible this year, and last year it wasn't great.

22
23 I used to catch, on average, on my charter boat, about 250 cobia
24 a year, because I love to cobia fish, and I will be lucky to
25 catch twenty or thirty a year now. Cobia are in trouble, and
26 we've been up here saying it over and over and over again, and
27 we're fighting on this other stuff, and we're not paying
28 attention to cobia, amberjack, and king mackerel.

29
30 I used to -- As a young captain, I could catch keeper
31 amberjacks, and they were smaller sized, but they were plentiful
32 forty miles out of Galveston. To catch nice amberjacks now, I
33 go around seventy-five miles, and there's parts of the Gulf that
34 maybe have it a little better. In central Louisiana, there's
35 not a lot of fishermen, and they've got a great amberjack
36 fishery. They're a nuisance, but areas where you have large
37 ports, we have pushed those fish out to seventy, eighty, ninety
38 miles offshore, and I don't agree with some of the assessments,
39 especially on cobia. Cobia are in real trouble.

40
41 **MS. BOGGS:** Thank you.

42
43 **CHAIRMAN FRAZER:** Mr. Anson.

44
45 **MR. ANSON:** Thanks, Scott, for coming to provide your testimony
46 all the way from Texas. How far off do you normally fish for
47 kingfish, or have you fished for kingfish, how much offshore?

48

1 **MR. HICKMAN:** Well, normally, twenty to forty miles is our best
2 king mackerel fishing. Of course, this year, we've had this big
3 freshwater rain event off of Texas that, obviously, keeps those
4 fish from coming closer, but, even the days that I run in June,
5 which is one of our better months for charter fishing for
6 kingfish, we're running around sixty miles just to catch a
7 handful of fish.

8
9 Traditional areas, where we've always had big numbers, big
10 concentrations of king mackerel, those fish haven't been there,
11 and, really, even baitfish have been fewer in the last few
12 years, for whatever reason, but, in central Louisiana, there
13 seems like plenty of king mackerel, but, off of Texas, it's been
14 tough.

15
16 **MR. ANSON:** Thank you.

17
18 **MR. HICKMAN:** Thank you. I appreciate you all.

19
20 **MR. HICKMAN:** Thanks, Scott. Our next speaker is online, Mr.
21 Chad Hanson.

22
23 **MR. CHAD HANSON:** Good afternoon, everybody. My name is Chad
24 Hanson, and I'm with the Pew Charitable Trusts. Thanks for the
25 opportunity to speak in this format today. We appreciate the
26 opportunity to comment on the council's letter in response to
27 the Executive Order on tackling climate change.

28
29 Red tides, and other episodic events, already affect fisheries
30 that the council manages. These problems can be addressed with
31 well-thought-out management strategies. Additionally, emerging
32 issues should be anticipated and monitored, with a game plan
33 ready to go. Fortunately, the council will soon have the tools
34 to identify and address these complex issues. A framework for a
35 fishery ecosystem plan is now under development and is expected
36 to be completed next year. We urge the council to use that FEP
37 as the primary vehicle for addressing climate and ecosystem
38 issues.

39
40 The FEP should be a stakeholder-driven plan where issues are
41 identified and analyzed. Then management strategies, or other
42 actions, are developed to tackle those issues. Together with
43 frequent updates on the Science Center's ecosystem plan,
44 ecosystem indicators for those issues can be closely monitored,
45 to know if any actions should be taken.

46
47 In our letter to the council, we identified several ecosystem
48 issues to monitor and anticipate, and we look forward to

1 participating in the development of the FEP and share ideas on
2 how to incorporate and address those issues, as we described.

3
4 On another topic, we encourage the council to work with the SSC
5 to set up region-specific protocols for reviewing third-party or
6 independent science outside of the normal stock assessment
7 process, following the general guidelines of National Standard
8 2. This has been done in other regions, for example in the
9 South Atlantic, to provide greater transparency and objectivity
10 in the process.

11
12 Having specific protocols in place will benefit the researchers,
13 the SSC, stakeholders, and, ultimately, will lead to better
14 scientific advice to you on using that science. This is
15 especially important as new research is developed specifically
16 for management use.

17
18 Lastly, a big thanks to John Sanchez for his many years of
19 service to the council and the State of Florida. John, we
20 appreciate all your work and wish we could be there to have a
21 beer with you, but, other than that, I look forward to seeing
22 everybody in-person out in San Antonio in August, and so thank
23 you very much.

24
25 **CHAIRMAN FRAZER:** Thank you, Chad. I am not seeing any hands up
26 around the table, and so we'll go to our next speaker in the
27 room, and that will be Mr. Buddy Guindon.

28
29 **MR. BUDDY GUINDON:** Thank you. Thanks for a lot of things, for
30 being here through the COVID and keeping this thing going. I
31 wasn't very involved, because I'm not very good at computer
32 communications, but I thank you for all of your hard work and
33 what you did to keep this going.

34
35 I think the lack of this public process has caused a little bit
36 of a delay in some of the things we need to get done, and so I
37 hope we move forward in a really diligent way in the near
38 future, but I thank all of you for that.

39
40 I wanted to thank John for his service to the council. He's
41 been a very stalwart supporter of all sectors of the fishery,
42 and I enjoy his company, personally.

43
44 Amendment 53, it causes me great pain to see the direction the
45 council wants to move in recalibrating. I think that the
46 sensible thing to do is probably what you did with red snapper.
47 Let's put this off for a little while and see what the stock
48 assessment says and get a few years of this kind of data behind

1 us and understand where we're going to end up, but, right now,
2 if you look at the effect of what reducing the red grouper stock
3 that's available to the industry out there would do -- I
4 actually have to order red grouper from Florida to come to Texas
5 to sell at my fish market and restaurant, because there are
6 times when deepwater grouper, when we make two-week trips,
7 aren't coming in.

8
9 I'm sure I'm a part-time guy buying fish over there, and I'll be
10 the first one cut out of that little circle of friends, once
11 they have to reduce to their very important customers, and so
12 consider that as you think about reducing the quota, especially
13 when we're at the lowest position we've been in for many years.

14
15 I would like to just make sure that we think about all the
16 sectors of the fishery as we move forward, and I know that the
17 recreational guys really need to have a better way of moving
18 forward, and the things you're trying to implement right now are
19 very complicated. As we do that, consider that's not the only
20 important thing here. There's a lot of user groups out there.
21 The folks that eat a fish from a retail market and a restaurant
22 have just as much right to access this fishery as anyone else.
23 Thank you.

24
25 **CHAIRMAN FRAZER:** Thank you, Mr. Guindon. Okay. Our next
26 speaker will be from the virtual list, Ryan Bradley.

27
28 **MR. RYAN BRADLEY:** Thank you. I'm Ryan Bradley, and I'm from
29 Mississippi, and I wear many different hats. I am --

30
31 **CHAIRMAN FRAZER:** I am not sure if you can hear me or not, but
32 we are unable to hear you, and so I'm just going to do a quick
33 check to make sure that your audio is squared around on your
34 end. Okay. Unfortunately, I don't think we're going to be able
35 to accommodate your testimony at this time, and we'll try to
36 circle back at the end, and so we'll go ahead to our next
37 speaker. Our next speaker would be Mr. Ken Haddad.

38
39 **MR. KEN HADDAD:** Thank you, Mr. Chairman. My name is Ken Haddad
40 with the American Sportfishing Association. Our membership
41 comprises sportfishing manufacturers, distributors, retailers,
42 and anglers, and I too would like to congratulate John for his
43 service and thank you. We don't always see eye-to-eye. In
44 fact, I don't think we ever see eye-to-eye, but it's a good
45 relationship, and thank you.

46
47 I am not going to talk about red grouper. My colleague, Kellie,
48 will, and so I don't want you to think that I'm neglecting red

1 grouper. I want to talk about mackerel. We basically have the
2 same comments for king mackerel as we do red grouper, and this
3 is a recalibration of historic data and allocation to put it in
4 the MRIP-FES currency.

5
6 The allocation adjustment is, or was supposed to be, technical,
7 I thought, and not a full-blown reallocation review. Madam
8 Bosarge has requested that OY accountability be put into the
9 purpose and need statement, and that has prompted me to voice a
10 little bit of concern, or at least ask for some accommodations
11 as you go through and develop this amendment.

12
13 Unlike reef species, mackerel are fished differently by the
14 recreational sector, and we practice a good amount of a catch-
15 and-release, and, thus, abundance of fish in the water plays a
16 big role in the encounter rate and experience, and I thought
17 should be accounted for in OY, or some other measure in the
18 recreational component of the fishery. We have consistently
19 argued for this inclusion, but we have not been able to overcome
20 the perspective that a fish left in the water is a free fish
21 that shouldn't be left in the water.

22
23 We have two requests. One -- Florida has been able to do this,
24 by the way, by increasing the SPR. That's a little different
25 when you have a two-sector fishery, and I know there are some
26 complications there. Our request is to determine a way in the
27 mackerel amendment to allow the recreational sector to leave a
28 portion of its allocation in the water without it being
29 considered overfished. Do not include OY in the purpose and
30 need, if it means that the recreational fishery cannot leave
31 fish or some of its quota in the water without them being
32 considered underfished.

33
34 I want to speak, real quickly, on MRIP-FES calibrations, kind of
35 more as a whole, and we understand there is no choice, at this
36 point, but to apply the new FES stock updates in full
37 assessments, unless somehow state data plays a bigger role,
38 which it hasn't to date. For most species, MRIP is now the only
39 data available in the timeframe. Since MRFSS-CHTS expires, it
40 precludes doing things, I think, like what was done with red
41 snapper. There is a greater space between the two.

42
43 We ask that the council look at the difference between a
44 calibration adjustment that involves allocation and doing your
45 full-blown assessment for allocation of a fishery, and I think
46 those are getting confused. You have policies and procedures in
47 place, as do the NOAA Fisheries, and they have policies, and you
48 have them, and I don't know if they're being applied in this

1 process, and so I just wanted to say please take a look at that.
2 Thank you.

3
4 **CHAIRMAN FRAZER:** Thank you, Ken. Ms. Boggs.

5
6 **MS. BOGGS:** Thank you, Ken. Back to the king mackerel, and what
7 are your constituents, I guess, seeing in the mackerel fishery?
8 You say you're doing catch-and-release, and you want to leave
9 some in the water, and not consider them overfished, and so are
10 you all seeing an abundance of king mackerel?

11
12 **MR. HADDAD:** I think -- I can't give a full pulse of the
13 fishery. For a lot of the recreational, private recreational,
14 it's a hit-or-miss fishery, and you're not always targeting
15 them, but you get into them, or you're going to target them for
16 other reasons, and they are moving up and down the coast, and so
17 it's just not a commercial view of how we look at it. I haven't
18 heard that there's any big decrease in the areas that at least
19 I'm familiar with, the Panhandle part of Florida, and I haven't
20 heard of any significant changes there.

21
22 **CHAIRMAN FRAZER:** Thank you, Ken. All right. We're going to go
23 back to Mr. Ryan Bradley. We've got him on the phone, and we're
24 going to try to accommodate him through the staff. Go ahead,
25 Ryan.

26
27 **MR. BRADLEY:** All right. Thank you, council members. Again,
28 I'm Ryan Bradley. I'm a federally-permitted commercial reef
29 fish fisherman and seafood dealer. I would like to say, on
30 behalf of Mississippi Commercial Fisheries United, over here in
31 Mississippi, that we stand with the commercial sector on the red
32 grouper situation.

33
34 It's very concerning, the way the council is looking to move
35 here on that, and I think that certainly sets a bad precedent.
36 I would say to you, council members, to ask yourselves if the
37 actions that you're taking are going to increase certainty or
38 increase uncertainty in some of these landings for this red
39 grouper. I think we can get a hold of some of the landings data
40 better, and I think we could revisit this and provide more
41 clarity.

42
43 Also, any of those that know me, that have been around the
44 council, knows that we've been speaking on Amendment 36B for
45 about the past five years now, and I've come to feel like I've
46 just been talking to a brick wall, and so hopefully you folks
47 will really listen to what I have to say here, and that is I
48 hope that we can continue looking at 36B, but I would like to

1 see the council include alternatives in the framework document,
2 and, essentially, what I've been proposing is that, instead of
3 looking to require shareholders to have a permit to maintain
4 shares, I think we could achieve what we want to do by just
5 asking that they need to have a permit to obtain shares, and
6 that would not forcibly take from anybody, and it would have us
7 marching back in the direction we want to go.

8
9 As you can see in the five-year review, the fishery is clearly
10 trending away from the actual fishermen and what's being termed
11 public participation, and I would say that this is really a big
12 travesty for the commercial fishing industry and the commercial
13 fishermen and these fishing communities. I think we need to
14 work toward getting that trend going in the opposite direction,
15 and so I think you should consider just making it to where a
16 permit would be needed to obtain shares after the implementation
17 date.

18
19 Also, I would like to see the council look at including an
20 alternative to look at bringing back the income qualifying
21 provisions for these commercial reef fish permits. I think
22 that's a big issue that we lost when we went to this IFQ
23 program, and I think this would -- We need to revisit that, and
24 I think those two actions together would get us going back in
25 the direction we want to go for this sector, while not forcibly
26 taking away from anybody.

27
28 We have been working on this for many years, and talking to many
29 people throughout the fishery, and I encourage the council
30 members to please reach out to me, and I'm glad to answer any
31 questions about what we're thinking around this 36B, and so
32 that's what we've got for today. Thank you for your time, and I
33 apologize for the audio issues. I've been cutting in and out
34 this afternoon, and so you all enjoy your stay in Key West, and
35 I look forward to seeing you all in person in Texas. Thank you
36 and have a good day.

37
38 **CHAIRMAN FRAZER:** All right. Thank you, Ryan, and there's no
39 need to apologize for the technical difficulties. We're all
40 trying to work through this as we get back to some sense of
41 normalcy. In any case, Ryan, I don't see any hands up here
42 around the table, and so, again, thank you for your time. We're
43 going to go our next speaker, and that will be Mr. Bob Zales.

44
45 **MR. BOB ZALES:** Bob Zales, II, fishery management consultant
46 with SOFA and also President of the National Association of
47 Charter Boat Operators, representing the Gulf members. I am
48 kind of in a unique position, because I'm representing

1 commercial guys and also charter guys, and, right now, we are
2 all on the same page with this, with pretty much about 95
3 percent of the comments that I've read on this red grouper
4 issue, that Action 1, Alternative 2 is the only option for us.

5
6 As you all have seen through the multiple emails that I have
7 provided to you all with comments that I've made over the past
8 couple of years, since this FES issue first came to light to us,
9 at the October meeting in Galveston two years ago, or three
10 years ago now, we've got serious concerns about that data.

11
12 I've got a long history involved in this fishery management
13 game, and it essentially started with king mackerel back in the
14 late 1980s, and recreational data, under the old MRFSS system,
15 was a problem. I was able, and I'm stupid at that, but I was
16 able to find the mistakes in it, and, eventually, we got it
17 corrected.

18
19 There's been several changes to recreational data over the
20 years. When the NRC did their study in 2006, where we had been
21 contending all along that that data was fatally flawed, they
22 agreed with us, and, in all the changes that have been made to
23 recreational data, there's never been such a substantial change
24 in the data as what this FES is producing.

25
26 FES has changed data 200 to 300 to 400 percent. In addition to
27 that, you've got states -- The State of Florida has got serious
28 concerns, and Luiz Barbieri, and everybody knows him, he's got
29 serious concerns. At the SSC meetings that I've attended, most
30 of those scientists had concerns. If you look at your votes,
31 you don't have a unanimous vote on anything that has to do with
32 FES, and we would argue, and I have argued, that, until you get
33 the FES system fully vetted, to see where it is, because,
34 clearly, it makes no sense to anybody, and it's just completely
35 unreasonable, and you need to leave the allocation as it is.

36
37 The document that you have in front of you now still is not
38 totally complete on the economic analysis, and there's no
39 information in there about what impact is going to happen to
40 restaurants, fish houses, consumers, and all of you that go to a
41 grocery store or fish house to buy fish are going to be affected
42 by this, and there's no accounting of that in this document.

43
44 All of that needs to be vetted out, and so Alternative 2 in
45 Action 1 is what we support. Alternative 3 in Action 2 is what
46 we support, and we would encourage you all to do that, and so
47 any questions?

48

1 **CHAIRMAN FRAZER:** Ms. Boggs.
2
3 **MS. BOGGS:** I am going to ask you to put your NACO hat on for a
4 minute, and so what are your constituents seeing in the cobia,
5 king mackerel, and amberjack fishery?
6
7 **MR. ZALES:** Everybody knows that cobia has got serious issues.
8 Anybody in our area -- I mean, when we started in business as a
9 twelve-year-old in 1965, you would see pods of cobia, with
10 multiple numbers of cobia, and we don't see those anymore.
11 You're lucky to see -- It's been that way for several years.
12 There's probably a number of theories as to why, but clearly
13 there's got to be an issue with cobia.
14
15 With amberjack, there's a serious problem, and amberjack is an
16 enigma to me, because, whenever king mackerel were closed, we
17 started fishing amberjack, and there were a bunch of them there,
18 and then, as the regulations came into play, both the commercial
19 and the recreational sectors made suggestions on how to reduce
20 the harvest.
21
22 Everything that has been done to amberjack, the fishery has not
23 responded to any of it, and I don't understand why, because all
24 the people that have tried to help me understand fisheries --
25 Nothing makes sense with amberjack, and it should have responded
26 a long time ago, but it hasn't, and so there's clearly an issue
27 with them.
28
29 King mackerel is another cyclical fishery, like red grouper.
30 Red grouper goes in cycles, and it's been that way ever since
31 management started. King mackerel goes into like a six or
32 seven-year cycle, and it does really well, and, all of a sudden,
33 one year it's nothing.
34
35 Last year was a problem, and all of this has to do with bait. I
36 think somebody earlier said something about bait. The bait
37 situation, for the past couple of years -- We've had a couple of
38 good days of fishing kingfish, but, before coming up here, the
39 week before I came up here, we couldn't hardly find any at all,
40 and so what the situation is with them, I don't know, but I
41 think it's more of a bait situation than it is a problem with
42 the stock.
43
44 **CHAIRMAN FRAZER:** All right. I'm not seeing any more hands.
45 Bob, thank you very much.
46
47 **MR. ZALES:** Thank you.
48

1 **CHAIRMAN FRAZER:** All right, and so our next speaker is Rick
2 Kilgore, who is online.

3
4 **MR. RICK KILGORE:** I'm Captain Rick Kilgore from Islamorada, and
5 I'm calling about the concern of self-reporting with not just
6 Gulf of Mexico charter boat and headboat, but also South
7 Atlantic self-reporting of fishing. I ran into this problem
8 with the Everglades National Park, and I had long discussions
9 with James Tilmont, the head biologist of all of the National
10 Parks.

11
12 I've been fishing these resources since the 1960s, and I started
13 professionally fishing charter boats and headboats in 1978, and
14 I've been here in Islamorada since 1995 fishing, and I'm
15 originally from Miami.

16
17 What I came across is that you have fatally-flawed information
18 being reported by the guides, and that is overreporting and
19 underreporting, underreporting because it's very time consuming
20 to do this, even though you all have worked very hard for this
21 app, and you still have a large segment of the charter boat and
22 headboat people that will not be reporting accurately, and,
23 also, the main biologist there at NMFS explained to me that
24 they're also trying to track how many fish you catch per time of
25 effort instilled in this.

26
27 To be completely honest, I specifically never catch my
28 recreational limits for my clients. If I did, I would be
29 filleting fish for hours and hours. If I had a four-person
30 group out and caught forty dolphin and forty snappers, I would
31 be until midnight, and so what I do is I catch what I deem is an
32 hour of filleting, forty-five minutes, just whatever they need
33 for a few meals, one to go out to the restaurants, and, if they
34 want to take an excessive amount of fish, and catch more than
35 that, I come in early, but, I mean, 99 -- I have only had one
36 trip like that in twenty-five years here, where people wanted to
37 take a hundred pounds of fish home.

38
39 That there also is fatally flawed in regulating what our success
40 rate is for how much fish are out there, and so I just want you
41 all to be aware that there is a lot of potential erroneous
42 information, data, going into your method of trying to
43 understand what the resources are out there.

44
45 I think a much better way would be for people out in the field,
46 if you just ride along with some of the charter boat guys and do
47 actual surveys that way, and then also walk the docks and see
48 what the catches are and then interview the captains and see

1 what the fishing was like that day for the season. Thank you.

2
3 **CHAIRMAN FRAZER:** All right. We're going to have Ms. Bernie Roy
4 tell Captain Kilgore thank you.

5
6 **MR. KILGORE:** You're welcome, and I might write something to you
7 more concise, because this is just off the top of my head.

8
9 **CHAIRMAN FRAZER:** All right. We're going to move to our next
10 speaker in the room, and our next speaker is Mr. Charles
11 Bergmann.

12
13 **MR. CHARLES BERGMANN:** Hi there. My name is Charlie Bergmann,
14 and I'm an angler from Mississippi, and I'm retired from the
15 National Marine Fisheries Service. I was a former member of the
16 Mid-Atlantic Fishery Council, and I commercial fished for a lot
17 of years. John, thank you, buddy. It's been fun.

18
19 I would like to address Amendment 53 a little bit, if I can. I
20 went to the public hearing in Panama City, and I don't know what
21 happened in the other two in-person meetings, and I strongly
22 support Alternative 2 in Action 1. One of the things that came
23 out in the meeting in Panama City, and it hasn't been brought up
24 too much amongst the folks here around the table, are the small
25 businesses that are affected by this type of a policy.

26
27 Every one of these fishing boats is a small business, and every
28 one of the crew members on those fishing boats are small
29 businesses. Your restaurants that rely on fresh grouper, or
30 fresh seafood, are going to suffer because of the allocation
31 shift, and they are small business owners. I don't think any
32 thought has been given to the effects of small business with
33 this potential regulation. Again, thank you very much. Any
34 questions?

35
36 **CHAIRMAN FRAZER:** All right. Charlie, thank you. We're going
37 to go to our next speaker online, Jim Green.

38
39 **MR. JIM GREEN:** Hello, council members and staff. I'm Jim
40 Green, President of the Destin Charter Boat Association and
41 President of the Charter Fishermen's Association. I'm speaking
42 on behalf today of both.

43
44 First, I want to thank John Sanchez for his years of commitment
45 to our fisheries and making it sustainable and better for all of
46 us. I certainly appreciate John.

47
48 Pertaining to equipment failure and electronic reporting, the

1 CFA and the DCBA think it's important the regional councils have
2 a lot of direct input on what the repair and replace protocol
3 should look like, and I know that both associations will push
4 back hard on the implementation of the monitoring portion until
5 we get these items set up.

6
7 We have worked hard, for years, to get this in place, and it's
8 important that we get it right, no matter how long it takes, and
9 that does not do the fishery and the agency and the council and
10 the for-hire sector or our anglers any good to roll out
11 something that does not work for all involved.

12
13 I'm part of the Ocean Conservancy and CFA Port Ambassador
14 Program, and I can tell you that we will do what is necessary to
15 help develop a repair and replace protocol and get it in place.
16 This is inherently different than the commercial sector. The
17 fact that people travel hundreds of miles and spend thousands of
18 dollars to access the fishery and to step on a boat for a
19 scheduled day, or half-day, trip makes it unique.

20
21 A simple web form that is filled out and attested to and time
22 stamped and submitted online, to start whatever timeframe is
23 decided, will reduce costs and the burden, and it will allow for
24 the vessel to continue to fish legally and allow the managers in
25 the program to handle it as it happens, and the port ambassadors
26 of the CFA are willing to work ahead of the next meeting with
27 staff to help figure out how this can be efficiently added to
28 the SEFHIER program.

29
30 Red grouper, the CFA and the DCBA support Alternative 3, because
31 it gives us the longest season. The for-hire industry is
32 looking at the same problem here as we incurred with the red
33 snapper fishery, the black hole of uncertain data in the
34 recreational sector. None of these options gives us more
35 opportunity and only selects how deep the cut goes. This thing
36 was really cart before the horse on making decisions that are
37 risk-averse and contentious, without using all the tools in the
38 box.

39
40 The fact that the decisions are made with the interim assessment
41 just waiting to be used seems counter intuitive. This kind of
42 situation really puts us at odds at being cut out of the
43 fishery, when we know more quota is coming, or setting a bad
44 precedent of reallocating fish to a subsector that has not
45 pushed for a higher level of accountability.

46
47 We urge the council to decide on a path that would not make the
48 for-hire sector a sacrificial lamb and get the interim

1 assessment in the works immediately after. For these very
2 reasons, you will hear us pushing for the development of the CFA
3 plan for several of -- The other four major reef fish species
4 under another chapter of sector separation, and these types of
5 situations bring to light the glaring differences and the
6 willingness of the subsectors of the recreational fishery.

7
8 The needs of the for-hire sector are stability in what fisheries
9 we can offer to our anglers. Most of the industry understands
10 that, through securing historical allocations, we can execute
11 the fishery in an accountable and sustainable way. Thank you
12 for the opportunity to speak today.

13
14 **CHAIRMAN FRAZER:** Thank you, Jim. I think we have a question
15 from Ms. Susan Boggs.

16
17 **MS. BOGGS:** Good afternoon, Jim. Thank you for taking the time
18 to call in today. I was curious. With cobia, king mackerel,
19 and amberjack, what are you seeing in those fisheries in the
20 Destin area?

21
22 **MR. GREEN:** Ms. Boggs, can you repeat what you said?

23
24 **MS. BOGGS:** Absolutely. Jim, thank you for taking the time.
25 Cobia, king mackerel, and amberjack, what are you all seeing in
26 Destin with those fisheries?

27
28 **MR. GREEN:** Recently, the mackerels have started to come in more
29 and more, but it's definitely not what we've seen historically,
30 in the last ten years, and this is probably one of the worst
31 years I've seen of king mackerel being pushed in. I think a lot
32 of it has to do with all the rain that we got in the spring and
33 wintertime here. We had an abnormal amount of rain, which
34 dropped a lot of cold water out of our tributaries, and I think
35 that that has a lot to do with it, but we're starting to see
36 more and more king mackerel show up.

37
38 **MS. BOGGS:** And cobia?

39
40 **MR. GREEN:** Cobia, we've started to see some of them push back
41 through, when they're on their migration back, but still not
42 what we're used to seeing, and it's definitely a depleted stock.

43
44 **MS. BOGGS:** Finally, amberjack.

45
46 **MR. GREEN:** Amberjack has been few and far between. Most of our
47 guys are going anywhere from fifty to sixty miles to be able to
48 catch any jacks of any size.

1
2 **MS. BOGGS:** Thank you.
3

4 **CHAIRMAN FRAZER:** All right. Thank you, Jim. I'm not seeing
5 any other hands, and so I appreciate your testimony. Our next
6 speaker is Mr. Casey Streeter.
7

8 **MR. CASEY STREETER:** How are you guys doing? Thanks for having
9 me. I'm a commercial fisherman, Casey Streeter, and, obviously,
10 I've been coming to these meetings for the last three years, and
11 I've had a chance to speak with several of you, and I've not had
12 a chance to speak with many of you though, and I was wanting to
13 explain my situation and how I came to the fishery.
14

15 Seven years ago, my wife and I, outsiders and not involved with
16 this fishery in any way, shape, or form, bought a bankrupt fish
17 business, a retail shop, and we bought a boat, and we bought
18 shares, and we worked tirelessly, seven days a week for seven
19 years, to build this business to where we are now, with tens of
20 thousands of annual customers based in our community.
21

22 Our model is different than most. We catch our fish, and it
23 comes directly to our community, and so, during that time of
24 growth and hard work, we have bought now five boats, and we have
25 brought back fishing in our area, and now we have over ten
26 fishermen fishing for us who are independent owner-operators.
27

28 In this reallocation battle, it will be financially devastating
29 to my business, and I hear a lot of talk in the past about new
30 entrants and bringing guys in and the pathways that we have and
31 what we need to do to help them, but I'm here now, and where is
32 the help?
33

34 These issues, moving forward, and giving it to an unaccountable
35 sector to increase discards and hurt my future chance of being
36 able to make a living in this industry is real, and the sixty
37 fishermen that showed up to the Fort Myers meeting that I
38 brought there are all owner-operator independent guys, and 85
39 percent of the fish I land is on a lease. 100 percent of what
40 they land is on a lease.
41

42 When we lose this fish, we will lose our small-boat fleet, and
43 we will lose our community's access south of Tampa. Marco
44 Island, Naples, Fort Myers, Pine Island, I mean, these are
45 places that have historic history in fishing, and it will be
46 gone and never come back again, and so, if consolidation is the
47 plan to move this forward, well, that's going to work, because I
48 will be done.

1
2 We are an American success story, to come from -- I'm from
3 Michigan, and I grew up on a farm. I came into an industry that
4 was wide open, and I found my way, through hard work and
5 dedication to it, to be where I'm at now, and it will be lost,
6 and this \$2 million that doesn't seem like much is what my
7 livelihood depends on, what the guys that I see and talk to
8 everyday depend on, and it's catastrophic to them, and we will
9 not recover from it.

10
11 I have done everything you have asked me to do. I have bought
12 shares, and I have bought boats, and I went to MREP. I come to
13 these meetings to fight for what I know is right for my
14 community, and it falls on deaf ears. I understand that this
15 matters, and I understand the importance of a recreational
16 fishery, but the culture and the access to the American public
17 will be gone.

18
19 I live in the fast-growing city in the fastest-growing county in
20 the country, and people want access to this fish. Tom saw
21 pictures of a hundred people lined up down the road waiting to
22 come in during the peak of COVID, because we had one person at a
23 time to get access to the food, and regional food security is
24 important.

25
26 We will not start these things back up once they're gone, and
27 this is the direction that they're going. Consider that, and
28 understand it, and do what you said. You want to support new
29 entrants? Then do what it takes, because a new entrant without
30 an ability to make money is nothing. Thank you.

31
32 **CHAIRMAN FRAZER:** Thank you, Casey. We've got a couple of
33 questions. J.D. Dugas.

34
35 **MR. DUGAS:** Do you land any red snapper?

36
37 **MR. STREETER:** We absolutely land red snapper, if we can get
38 allocation.

39
40 **MR. DUGAS:** That was my next question.

41
42 **MR. STREETER:** We cannot -- Right now, the current situation in
43 the fishery, we cannot find fish. Money doesn't buy fish.
44 Hopefully maybe I've found some access here. I have 700 pounds
45 a month for each one of my boats. For young guys, who are all
46 under thirty, that I said this is a good industry, and you can
47 be in it, but, basically, I lied to them, because I can't even
48 find fish to make them profitable, and so we have challenges.

1 This puts us farther back.

2

3 **CHAIRMAN FRAZER:** Patrick Banks.

4

5 **MR. BANKS:** The 700 pounds you're talking about for each boat,
6 is that poundage you're leasing, or that's shares that you own?

7

8 **MR. STREETER:** My 28,000 pounds of red grouper that I originally
9 purchased was cut by 60 percent, and soon to be potentially 80
10 percent. We catch our fish early, of what we've got, but now
11 the situation is you better lease every bit of fish that you
12 need for a whole year at the beginning of the year, and, first
13 of all, that financial burden for a small business is
14 impossible.

15

16 We lease right now, and I had no problem leasing the first
17 couple of months of the year. Come around March, it shut off,
18 and, again, it has nothing to do with money, because it's not
19 available. I can't find red snappers, and I can't find
20 deepwater, and, I mean, there's no access. These are going to
21 create -- Guys are going to try to fish, try to do what they
22 can, and you're going to create more discard issues in our
23 fishery, and we do not need that, and so that's the road this is
24 going.

25

26 **CHAIRMAN FRAZER:** Thank you, Casey. Okay. Our next speaker is
27 Ted Venker.

28

29 **MR. TED VENKER:** Thank you, Tom, and thank you, everybody.
30 Again, my name is Ted Venker, and I'm with the Coastal
31 Conservation Association. I really appreciate the opportunity
32 to speak today.

33

34 On the really complex matter of Amendment 53, CCA asks that the
35 council adopt Preferred Alternative 3 in Action 1 and Action 2.
36 I think it's important to keep pointing out that this amendment
37 should be a relatively simple technical fix to historical data.

38

39 As you look at it, it is basically correcting an allocation that
40 was set incorrectly in the first place. It was based on
41 historical catch, and that historical catch was found to have
42 errors in it, and, when those errors were corrected, it
43 indicated that the allocation should change, and the only
44 logical thing to do is to change the allocation to reflect that.
45 Now, having said that, CCA would also fully support reexamining
46 that allocation in a true reallocation process that looks at
47 economics and bycatch and any other factors, to make it as fair
48 as possible.

1
2 We have always said that basing allocations only on catch
3 history is probably the worst way to manage a public natural
4 resource. Setting a backward-looking allocation and not
5 reviewing it fully for decades is probably a huge disservice to
6 public resource management.

7
8 There's no doubt that commercial grouper fishermen have some
9 very compelling reasons to change the allocation, and those
10 should all be heard in a structured process that is designed to
11 look at specific criteria other than past catch history. We
12 look forward to working with the council, and with the
13 commercial grouper fishermen for that matter, in an open,
14 formalized reallocation process.

15
16 If I understand correctly, that's not scheduled until 2026,
17 which seems like a long way away to do that, but I would assume
18 it's in the council's purview to move that date up, if it would
19 like to address this sooner, but, for this week, the council's
20 decision should be to simply change the allocation as a result
21 of a peer-reviewed guidance showing that the old allocation was
22 set incorrectly.

23
24 That is a starting place. If there are concerns over the health
25 of the stock, then, as Andy Strelcheck said earlier this week,
26 this council has the ability to put new regulations in place to
27 ensure that overfishing does not occur. Personally, I would
28 encourage the council to look at things, regulations, that avoid
29 harvest on spawning aggregations, since this species seems to be
30 particularly vulnerable to that kind of pressure, but I'm sure
31 there's many options that can be looked at. That is all I have,
32 and I really appreciate the opportunity to address the council
33 today, and I look forward to seeing everyone in Texas in August.

34
35 **CHAIRMAN FRAZER:** Thank you, Ted, for your comments. I am not
36 seeing any hands around the table, and so, again, thank you for
37 your time, and we're going to move on to our next speaker. The
38 next speaker is Mr. Scott Daggett.

39
40 **MR. SCOTT DAGGETT:** I am an owner-operator out of Madeira Beach,
41 Florida, and I'm a member of SOFA, and I support the second
42 option there. Like Casey said earlier, at the beginning of the
43 year, me and my partner, we scratch a pretty good-sized check
44 for allocation, or quota, whatever you want to call it, and
45 we'll probably have to absorb that cost, because the quota is
46 going to -- The price for quota is going to double, and we're
47 going to get the quota this year, and we're going to reach it,
48 and it will probably go double in price.

1
2 We will probably absorb that in the longline industry, but, when
3 you look at the little guys, the rod-and-reel, the profit margin
4 is not that great. You know, you're talking, traditionally,
5 maybe 2,000 to 4,000 pounds of fish, leased on top of that, and
6 the lease is probably going to double.

7
8 For us, I'm having the best year that I've ever had, the best
9 year I've ever had, and I haven't had to go as far as I usually
10 do, and the fishing has been phenomenal, and, years ago, you
11 give us fish that we could never catch, and then, this year, and
12 you would think, after COVID and red tide and the terrible year
13 last year, and everything is going good since November, and now
14 you're going to take it away, and I don't know.

15
16 It's kind of demoralizing to come here and spend your money to
17 come to these things, when you really feel like the deck is just
18 stacked against you. You know, it isn't cheap to come down
19 here. I'm sure you guys -- I don't want to say have got better
20 things to do, but I could be out fishing right now, but I'm
21 here, and I know, if I don't show up, it's just going to get
22 worse, and that's about all I've got to say. Thanks.

23
24 **CHAIRMAN FRAZER:** All right. Thank you, Scott. We're going to
25 go to Ms. Kellie Ralston.

26
27 **MS. KELLIE RALSTON:** Thank you, Mr. Chairman. I'm Kellie
28 Ralston, representing the American Sportfishing Association. I
29 really appreciate the opportunity to speak to the council
30 remotely today. ASA has submitted comments on Red Grouper
31 Amendment 53 that explain our support of the current preferred
32 alternative, but I did want to highlight a few issues as you
33 continue your deliberations tomorrow.

34
35 As a reminder, the recreational sector did not bring this
36 amendment to the council. The amendment is simply a result of
37 the recalibration from the MRIP Coastal Household Telephone
38 Survey to MRIP-FES and the subsequent corrections of historical
39 recreational landings.

40
41 This process is either happening, or going to happen, for many
42 species in the near future for the council to address, and NMFS
43 has repeatedly stated that not adjusting the current allocation,
44 as a result of incorporating the new best scientific information
45 available, and that's MRIP-FES, per the SSC, is in fact
46 reallocation from the recreational sector to the commercial
47 sector.

48

1 To do anything other than simply adjust or correct the
2 allocation based on the reassessment of the historical
3 recreational data is a de facto reallocation that needs to be
4 addressed in a separate reallocation amendment that follows the
5 policy guidelines of NOAA and the council.

6
7 Part of the document that you have on Amendment 53, the
8 allocation alternatives, especially for Action 2, is what I have
9 based these numbers on, has the following approximate effect on
10 recreational fishing, and so, for fishing days for Alternative
11 2, the recreational sector loses 159 fishing days, based on ACT
12 calculations, versus the current condition. Alternatives 3
13 through 5, the recreational sector loses roughly forty-three
14 fishing days, versus the current situation.

15
16 Alternative 6, the recreational sector loses 127 fishing days,
17 and so that's a big loss, and so, across-the-board, the
18 recreational sector is going to take a hit in their opportunity
19 and access, regardless of which alternative is selected.

20
21 Economically, Alternative 2 has a \$15 million negative impact.
22 Alternatives 3 through 5 have a six-and-a-half, approximately,
23 negative impact. Alternative 6 has an \$11 million negative
24 impact to the recreational sector, and so, the way we interpret
25 it, the document points to Alternatives 3 through 5 as having
26 the least economic impact and decrease in fishing days for the
27 recreational sector, with Alternatives 2 and 6 significantly
28 reducing the fishing days available to the entire recreational
29 community, and that's private and charter, with significantly
30 higher economic impacts, and Alternative 2 impacts those the
31 most.

32
33 We ask that you keep the preferred alternative, Alternative 3,
34 for both Actions 1 and 2, and we also recommend that you
35 consider looking at unfished red grouper IFQ shares and how they
36 may be brought back into the existing commercial fishery, to
37 help mitigate impacts to that sector, and that you look at how
38 to shift or make red snapper IFQ shares available to the red
39 grouper commercial fishery, to better account, or be able to
40 address, their red snapper bycatch, and, with that, I will
41 close. Thank you.

42
43 **CHAIRMAN FRAZER:** All right. Thank you, Kellie. I am not
44 seeing any hands up here in the room, and so, again, thank you
45 for your time, and we're going to go ahead and move on to our
46 next speaker. Our next speaker is Mr. Randy Lauser.

47
48 **MR. RANDY LAUSER:** My name is Randy Lauser, and I've been

1 fishing the Gulf of Mexico since 1985 commercially, longlining.
2 Me and my partner, Scott Daggett, we own two boats together, and
3 I strongly support Alternative 2, strongly, and I want to talk
4 about the new participants.

5
6 I just recently turned over my captain's chair to my first mate,
7 and he's been fishing the boat for eight months now, and he
8 wants to do what I did twenty years ago, when I first bought my
9 boat, and he wants to be that guy, but, the way it's going now,
10 if we lose 600,000 pounds of our quota, I'm going to have to go
11 back to Madeira Beach and tell him that he's going to be
12 demoted. He's going to go back to first mate, and I'm going to
13 have to fire my baiter, and yada, yada, yada, but, with being
14 here and hearing all the data, all the science, and you say it's
15 the best available science, and we say it's the worst available
16 science, because it just doesn't add up with commonsense. It's
17 just not there.

18
19 With the number of discards from the recreational to the
20 commercial sector, and then, right now, it's getting harder to
21 fish with IFQs, and we can't find them. Everybody is waiting
22 for the council to reallocate 600,000 pounds of quota, and
23 they're going to jack the price up two or three times, and
24 they're holding onto it, because it's not there. They're
25 holding onto it, to wait to see what happens at the Gulf
26 Council. That's pretty much it. Thank you, John Sanchez, for
27 your service. Thank you very much, council.

28
29 **CHAIRMAN FRAZER:** All right. Thank you very much. I am not
30 seeing any hands, and so we're going to go ahead and move to our
31 next speaker. Mr. Paul Reeves.

32
33 **MR. PAUL REEVES:** Good afternoon. My name is Paul Reeves, and
34 I'm a red grouper commercial fisherman from Steinhatchee,
35 Florida. Amendment 53, as proposed, with the preferred
36 alternative, is detrimental to the small, family-run fisheries.

37
38 We've been through a 60 percent reduction in red grouper
39 allocation in 2019, a pandemic last year, and now you want to
40 take 20 percent more of our fish, and another 600,000 pounds off
41 the top, with the recreational discards.

42
43 You're asking the commercial fishermen to pay for the
44 recreational sector's overfishing without addressing the root
45 problem of overfishing and high discards. Taking from the
46 commercial sector is unsustainable, and it destroys our
47 livelihood. This must be addressed from within the recreational
48 sector.

1
2 Reallocation based off of recalibration is not fair or
3 equitable, and you are rewarding the recreational sector's
4 overfishing, while the commercial sector was held at hard
5 limits. We can all understand that the new FES needs to be
6 implemented and adjustments made, and then let's wait until the
7 interim stock assessment comes out to see where we are.
8 Recalibration and reallocation have nothing to do with each
9 other. Please support Alternative 2. Thank you.

10
11 **CHAIRMAN FRAZER:** All right. Thank you, Paul. Not seeing any
12 hands, we'll go ahead and move to our next speaker, Charlie
13 Reiner.

14
15 **MR. CHARLIE REINER:** I'm a second-generation fisherman, and my
16 dad started fishing in the 1950s out of Key Largo, and he was a
17 lobster fisherman and a gillnet fisherman. Growing up as a kid,
18 that's all I wanted to do, was fish. I watched my dad, seeing
19 what he did, and I learned, and that was my whole life. I could
20 have went to college and got scholarships, and I wanted to go
21 catch fish.

22
23 In doing this my whole life, I have seen lobster fishermen put
24 out of business, and I have seen crabbers put out of business.
25 The gillnetters from the Spanish industry, Spanish mackerel, is
26 gone, and I still own a kingfish endorsement, which, I mean,
27 there's only seventeen of them left. I've got a fish house here
28 on Stock Island that I started in the early 1990s, which is
29 still doing great, and we have a lot of restaurants, and we've
30 got lobster and crabs, and we still handle all the shrimp that
31 come out of Stock Island. I still handle that.

32
33 In the 1990s, I moved to Madeira Beach and bought a fish house
34 over there, because what happened was, when you all went with
35 the longline endorsements, I had seventeen or eighteen
36 longliners that fished for me here, and they didn't get
37 endorsements, or some of them did, but the majority of the boats
38 moved to Madeira Beach, and that's where the longline boats
39 ended up, and so we needed the grouper to go with everything
40 else that we had, and so I moved up there, and I bought a fish
41 house and a boatyard, and the whole business has been running
42 fine.

43
44 About four years ago, I started reinvesting in boats again, and
45 I've got lobster and crab boats here still, and, in the last
46 four years, I have bought eight longline boats and three bandit
47 boats. Since then, we've probably spent \$3 or \$4 million buying
48 shares, and I probably spend another \$2 or \$3 million a year

1 leasing shares for all the boats that fish for me.

2
3 We've got a great business, and our fishermen are doing
4 fantastic, as you've heard. This year is amazing, and they all
5 survive all the time. Fishermen are weird. We can change, and
6 we can survive, but we're constantly fighting, and, everything
7 you all tell us to do, we do, and, I mean, we survive, and we go
8 on. We want our kids to do it, and I want -- My daughters just
9 graduated with business degrees, and I want them to come run my
10 fish company.

11
12 This 600,000 pounds of red grouper that you're going to take,
13 I'm going to tell you exactly what it's going to do. This year,
14 the way we're going, we'll catch every fish that we're allotted.
15 Next year, if you take 600,000 pounds, we'll be done in October.
16 Our fishermen will tie their boats up in October, November, and
17 December.

18
19 Now, I sell to grocery chains, and I sell to processing plants,
20 and I sell directly to restaurants. I sell seafood everywhere,
21 and I sell a lot of seafood, and they're all going to be out of
22 seafood, and I keep hearing this is for the best of the people,
23 that what you all are doing is for the greater good. Well, I'm
24 looking at some recs that are killing a lot of discards, and I
25 don't blame them for wanting to go catch fish. I understand
26 that, and they should get to go catch fish, but we feed millions
27 of people around this country.

28
29 You can go out to Chicago, and, if you want to eat a grouper,
30 more than likely, it's coming from us. If you go to New York,
31 and you want to have a grouper, it's coming from us. Anywhere
32 in this country, if you want a domestic fish, it's coming from
33 us, and I think that's something you all need to think about.

34
35 We'll survive, and we'll go on. My heart goes out to Casey,
36 because I was where he was at one time, and to do what he's
37 doing and start off and fight this battle now is terrible, but
38 we all make an honest living, and we would just appreciate it if
39 you would all think about it and help us go on, because we're
40 there. Everything you tell us to do, we do.

41
42 We cut our longlines down, and we cut the number of hooks, and
43 we don't fish in the closed zones. We do everything you all
44 say, and it's almost like now we're getting punished for obeying
45 the laws and doing what we're doing, and, if you take 20 percent
46 of our quota, it's like we're getting fined for this. I mean,
47 we're buying grouper quota right now, and you're going to take
48 20 percent of it that we've been buying. It just doesn't feel

1 fair at all, and that's all I want to say. Thanks.

2
3 **CHAIRMAN FRAZER:** Thank you, Charlie. All right. Our next
4 speaker is Mr. Wayne Werner.

5
6 **MR. WAYNE WERNER:** Wayne Werner, Alachua, Florida, owner of the
7 Fishing Vessel Sea Quest. First off, John, thank you. I hate
8 to see you go, and good luck. All right. Too much to talk
9 about.

10
11 Amendment 53, I'm going to support 2 in Action 1, just like
12 everybody else in the commercial industry. I feel like no one
13 is looking at the recreational sector and giving these other
14 fish out I believe is going to create overfishing for the
15 future. I believe you're going to see a lot more fish being
16 killed as you stretch it out. All right. My subjects.

17
18 King mackerel, we've had five hurricanes in the last year that
19 has really knocked back the fishery, but, the last five years in
20 the western zone, it's taking longer and longer and longer to
21 catch a fish.

22
23 We have a few different things happening though. We have the
24 fact, since the oil spill, that the fish will not go there and
25 stay on Grande Isle. If you back up thirty-two miles, to what
26 we call the Head of the Hole, right there by the Mississippi
27 Canyon, where the water is a lot clearer, and they will not stay
28 where they spawned for forty years, fifty years, sixty years,
29 ever since I have known about it. Like I said, they're spawning
30 in a different place.

31
32 Now, the removal of oil rigs, these fish that have migrated up
33 from the west to the east or wherever, the biggest gap we had is
34 six or eight miles between the fields, and now you go thirty
35 miles without seeing an oil platform. Believe it or not, these
36 lights attract bait, and these fish kind of follow that bait up
37 through the pattern, and it's no longer happening, and so I
38 don't know what kind of effect you're going to see out of this
39 over the long term, but we saw mackerel this winter, but we
40 didn't have a lot of boats fishing them. We caught plenty of
41 fish, but there just weren't the boats.

42
43 I want to talk a little bit about the red snapper count that you
44 all are doing, and I think you will be able to run the fishery a
45 lot different once you realize that there are several million
46 hard spots out there with a couple of adult snappers on them
47 reproducing. There's not 100,000, or 200,000, but there's
48 millions of them, in all depths of water. Those fish pair off

1 and spawn, and, at some point, you'll realize that, the more we
2 let those fish go, the better off we'll be to harvest a lot more
3 smaller fish, which has always been my stance anyway.

4
5 Let the people keep what they're catching, and then they'll have
6 a few more fish, and some of the stuff that I read about the
7 survey, to where you took camera comparisons with the eastern
8 and western zone, where you couldn't go through the stuff on
9 them, in the western zone, almost everywhere I catch snappers, I
10 notice a lot more air bubbles coming up, gas bubbles from the
11 bottom, and I never saw that in eastern zone like I do in the
12 west.

13
14 These fish, when you're reading them, a lot of times you're
15 reading the areas in the fish is what you're reading with the
16 fathometers, and so thinking that comparison would be one-to-one
17 I don't believe is good. I don't agree with it, because -- I'm
18 sorry, but sometimes I have just ran across it where I said, oh,
19 we're going to kill them here, and you catch four or five fish,
20 and you never, ever catch a bunch of fish on it, but, after a
21 while, you notice all the air bubbles coming up, and so there's
22 a lot of ways of looking at things differently, and my time is
23 up, and so I will leave you all alone. Thank you.

24
25 **CHAIRMAN FRAZER:** Thank you, Wayne, for your comments. I
26 appreciate it. Ms. Bosarge has a question.

27
28 **MS. BOSARGE:** I was just -- I want to make sure I was
29 understanding what you were saying, and so you were talking
30 about I think what they refer to as that uncharacterized bottom
31 and the structure and the hard -- The small pieces of the
32 hardbottom that's out there and the fish that pair off to spawn
33 there.

34
35 **MR. WERNER:** Right, and it's two different things though.

36
37 **MS. BOSARGE:** But then you were referencing catching the smaller
38 fish, and essentially keeping that fishery the way it's been,
39 and so I'm just trying to figure out -- Are you saying that we
40 should catch a whole lot more fish or that we should kind of
41 maintain the levels we've been fishing at?

42
43 **MR. WERNER:** I didn't say we should -- I believe that the amount
44 of fish that we're wasting over the time could be harvested if
45 you ran it differently, by allowing people to catch more smaller
46 fish and leaving the bigger fish in the water. I mean, it
47 doesn't matter if you set a quota at twenty million or ten
48 million, but, if you kill another ten million, it doesn't

1 matter, but, if you utilize those fish -- Like our fishery
2 today, we love it so much more than before, because everything
3 that comes over the rail goes over the scale, and we don't have
4 any waste in our sector, in our area.

5
6 **CHAIRMAN FRAZER:** All right. Thanks, Wayne. The next speaker
7 is Mr. David Krebs.

8
9 **MR. DAVID KREBS:** Thank you, Mr. Chairman. David Krebs, owner
10 of Ariel Seafoods in Destin, Florida, and also the Fishing
11 Vessel Dreamcatcher Inc. I'm proud to be here today to see
12 everybody again, because it's hard to do this when you're not
13 in-person.

14
15 I want to first thank John Sanchez. I met John twenty-something
16 years ago, and he didn't realize what a shared spirit we are.
17 We both have a passion for doing it right. I don't know how
18 many in this room woke up at three o'clock this morning worried
19 about their business and worried about the future of this
20 fishery with heartburn like I did, and I can tell you that guy
21 did.

22
23 We've talked, over the years, and this is twenty-five-years-plus
24 that we've been coming to these podiums, about legacy. What is
25 your legacy? The unfortunate side of the makeup of the council,
26 which is the fatally-flawed component of fisheries management,
27 is over half of you are here because it's a job to get something
28 done that doesn't affect your livelihood.

29
30 All these adverse actions affect everybody in this room. When
31 we go start fiddling with recalibration, because we didn't like
32 something that happened a long time ago, because we want more
33 fish, and the math doesn't work, that's a ridiculous exercise.
34 Yesterday, Mr. Troy, my good friend, even though we sat on the
35 opposite side of the table, he said something about the IFQ, and
36 he said, well, that's the people's fish. Well, he was exactly
37 right. It was the 350 million people's fish and not the four
38 million private anglers' fish.

39
40 We need to share these fish. We have asked for that forever.
41 In twenty years, I have not heard one recreational
42 recommendation that will help that fishery. Why are we fishing
43 on a size limit, to Wayne's point? Why are we encouraging
44 recreational discards that you know are dying, and they're going
45 to write a white paper that says, oh, we're going to require
46 descending devices, but we can't make sure that everybody is
47 using it.

48

1 Let's stop with the games. Let's fix the fishery and let them
2 explode and put people out on the water and quit fighting a
3 division that doesn't need to exist. You're expanding the
4 recreational opportunities every day. They're selling another
5 boat, and that's good for ASA. It's good business, and we've
6 got more hooks we can sell, more monofilament, but people in
7 this country want to eat domestic fish. They don't want to eat
8 basa or whatever that's coming from a farm in Vietnam. If you
9 all do, I'll send you some. Not from my fish house though.

10
11 So, in closing, please get some -- You know what you're doing
12 with 53 is wrong, and we've got to wait on this recalibration,
13 and nobody trusts it. Maybe somebody has been told to trust it,
14 but I can't imagine it. Thank you.

15
16 **CHAIRMAN FRAZER:** Thank you, Mr. Krebs. David, Mr. Diaz has a
17 question for you.

18
19 **MR. DIAZ:** Thank you, Mr. Krebs. I know you know a tremendous
20 amount about king mackerel, because you were involved in that
21 fishery, and I have heard some conflicting things on king
22 mackerel, and it's probably different areas of the Gulf, but
23 some folks have said it's not that great this year, and other
24 people have said it's pretty good in their area, and what's your
25 thoughts about the overall status of king mackerel across the
26 Gulf?

27
28 **MR. KREBS:** As Wayne and Captain Zales have pointed out, we did
29 have -- We won't call it episodic, but, when you put that much
30 fresh water that the western zone and Texas had from all those
31 storms last year, and the season stretched out, not because we
32 couldn't find fish, and we could fish, but it was rough. Every
33 ten days, you got another hurricane, or another tropical system,
34 that kept folks from fishing.

35
36 I think, when I look at what I heard from the guys, it is bait
37 related. If you put a bunch of fresh water into the estuaries,
38 it's going to affect the bait. The bait moving offshore affects
39 what the kingfish are coming to eat. We just harvested the best
40 -- So we had all this carryover quota in the northern sub-zone
41 in Florida, and I think we've pulled close to 300,000 pounds out
42 since January in the Big Bend area.

43
44 The fish look healthy, and they're nice, big, fat fish, and I'm
45 not seeing anything other than weather as being a problem, and
46 there is a shark problem on the east coast, that Jupiter area,
47 that the sharks are so bad that they're three to four fish to
48 keep one, just because the sharks are there, and so it appears,

1 from my perspective, because I have always looked at the size of
2 the fish and the effort that goes into it, as to how healthy a
3 stock is.

4
5 I think you heard me five or six years ago, and we had got into
6 some -- We were seeing a lot of four and five-pound kingfish,
7 and we're not seeing that this past year, and it's just we
8 haven't had the ability to harvest the fish, due to weather.

9
10 **MR. DIAZ:** Thank you.

11
12 **MR. KREBS:** Thank you.

13
14 **CHAIRMAN FRAZER:** Okay, and so our next speaker is Mr. Eric
15 Brazer.

16
17 **MR. ERIC BRAZER:** Thank you very much, Mr. Chair. I'm Eric
18 Brazer, Deputy Director for the Gulf of Mexico Reef Fish
19 Shareholders Alliance. We have members in all five Gulf states,
20 and we represent grouper and snapper fishermen, a range of
21 businesses from the smallest owner-operators to some of the
22 larger vertically-integrated businesses.

23
24 First, I would like to thank John for his service. It's been
25 real. It may not have been fun, but you've been a great leader
26 and manager and friend, and all these guys and women in the back
27 of the room are better off because of your service.

28
29 Now on to the matter at hand. It's probably no surprise that my
30 testimony today is going to focus on Amendment 53, and I want to
31 refer you to our written testimony that we submitted on this
32 document, including, and especially, the supplementary comment
33 letter that we submitted this week.

34
35 It's also not going to be a surprise when I say that we support
36 Alternative 2 in Action 1. It's the alternative that promotes
37 the strongest conservation measures and minimizes economic harm
38 to commercial fishermen and is the most fair and equitable of
39 the alternatives. Its very existence proves that you can
40 recalibrate without reallocating.

41
42 You know, we can't just stand by while the council attempts to
43 reward recreational overharvest, penalizing commercial fishermen
44 for documenting their landings with a scale, rather than
45 extrapolating using a voluntary survey, and we can't just stand
46 by while the council actively chooses to reduce everyone's
47 quota, everybody's quota, by shifting a portion of the
48 commercial sector's quota to the recreational sector, and we

1 can't just stand by while the council takes this red grouper
2 quota away from the businesses that need it and will effectively
3 use it to subsidize an open access recreational fleet that
4 discards between two million and six million red grouper a year.

5
6 I know many of you are struggling with this decision, because
7 there is fundamental concerns with the FES methodology, and you
8 have heard clearly this week that there are critical data gaps
9 and missing economic analyses in the Amendment 53 document, but
10 reallocation is inherently unfair, and it does not promote
11 conservation, and we all know that reallocation is not going to
12 get the charter fleet the longer season that they deserve. It's
13 not going to guarantee a longer season for the private anglers
14 that deserve a longer season themselves.

15
16 The impacts of 53 are far-reaching, well beyond the fishermen
17 themselves, deep into the supply chain to the consumers
18 themselves, as you've heard Charlie and others talk about.

19
20 Nobody says this is a simple decision. It's a complex problem,
21 but there is a path forward. There is a better way forward, a
22 holistic way forward, and it's bigger than Amendment 53. Number
23 one, choose Alternative 2 in Action 1. Do not reallocate.
24 Recalibrate, but commit to fixing the fundamental flaws in FES.
25 Number two, prioritize implementation of the interim assessment
26 results and use this tool for its intended purpose. Number
27 three, show the charter fleet that you're serious about working
28 with them on a management solution that gives them the stability
29 they need without taking anything from the commercial fleet.
30 Listen to what Captain Hickman and Captain Green both said about
31 prioritizing work on the white paper.

32
33 In conclusion, and I know I'm running over, if you do take final
34 action tomorrow, we ask that you adopt Action 1, Alternative 2,
35 for all the reasons we've provided since we started talking
36 about this amendment, and, frankly, for many of the same reasons
37 that we brought up during the Amendment 28 debates. It's the
38 only legally-viable alternative that you have allowed yourselves
39 in the document. Thank you.

40
41 **CHAIRMAN FRAZER:** Thank you, Eric. Andy, do you have a question
42 for Eric?

43
44 **MR. STRELCHECK:** Apologies if I mischaracterize what you said,
45 and I want to make sure that I understand it, but I believe you
46 said something along the lines of stop penalizing the commercial
47 fishermen for the recreational fishermen overharvesting, and is
48 that -- Am I understanding you correctly?

1
2 **MR. BRAZER:** Yes.

3
4 **MR. STRELCHECK:** Okay. Can you explain that further? Are you
5 talking about overharvest in comparison to the new FES numbers
6 to the quotas that were set not based on those FES numbers?
7

8 **MR. BRAZER:** We're talking about, yes, the FES landings based on
9 those calibrated quotas, going back in time. We've had a very
10 difficult time trying to combine this data out of Amendment 53,
11 and it's been challenging to match up different datasets with
12 different currencies, and some of the guys feel like it's a bit
13 misleading, that this information isn't clearly shown, but it
14 would be years -- I think it's sixteen out of eighteen years, or
15 something like that, where the recreational sector
16 overharvested, using the ACL dataset, and it's an inherent
17 problem, and reallocation, through this document, would reward
18 that overharvest.

19
20 **CHAIRMAN FRAZER:** Thank you, Eric. The next speaker is Randy
21 Kramer. Okay. Then we will move to Pam Dorchak.
22

23 **MR. PAM DORCHAK:** Hi there. I'm Pam Dorchak, and I appreciate
24 the time to be up here to speak. This is my first meeting. My
25 husband retired, not too long ago, from the corporate world, and
26 our son approached us and asked him to help him start his own
27 business, his own commercial fishing business. He had
28 previously been the first mate with a captain out of Naples,
29 Florida.
30

31 We are from Fort Myers, and he fishes out of Matlacha, and we
32 strongly support Action 1, Alternative 2, and we actually -- My
33 whole family, we represent recreational, charter, and commercial
34 fishing.
35

36 I do want to say it's a sideline on the recreational part. I've
37 been reading all these things for years, and I've only been
38 approached maybe one time to do any survey for recreational
39 fishing, and I just wanted to throw that out there, when you all
40 are doing the numbers, because, in my head, I am wondering how
41 are these numbers coming up. We do not own shares, and so we
42 lease. I'm in the wrong spot. Wait a minute.
43

44 The red grouper catch has been good so far for this year, and we
45 don't own our shares, and so we lease. Like Casey said, we
46 purchase our shares, as many as we can, at the beginning of the
47 year, and then we have to go on an as-we-can basis. Right now,
48 the possible reduction of this red grouper has already affected

1 our ability to purchase red grouper. Right now, we cannot go
2 fishing, and he does not have enough shares, or allocation, in
3 his account to do so.

4
5 Our business plan has been put on hold, because, without
6 leasing, we don't have any -- We can't catch anything. This
7 will be catastrophic for our business, and our fish do stay in
8 our community as well, and so we're asking you to please adopt -
9 - Under Action 1, please consider Alternative 2. Thank you.

10
11 **CHAIRMAN FRAZER:** All right. Thank you. Ms. Dorchak, we're
12 going to ask you back to the podium, if we can. I know it was
13 your first time, but you're doing wonderfully. I think Mr.
14 Banks has a question for you.

15
16 **MR. BANKS:** You mentioned that you fish only off of leased
17 quota. Are you talking about red grouper quota?

18
19 **MS. DORCHAK:** And red snapper, which we don't have any red
20 snapper either right now.

21
22 **MR. BANKS:** That was my question.

23
24 **MS. DORCHAK:** The red snapper, we purchase normally between
25 \$4.00 and \$4.25 a share, but we only get paid -- We only make
26 actually \$2.00 on it when we resell it.

27
28 **MR. BANKS:** Thank you very much.

29
30 **CHAIRMAN FRAZER:** Thank you again. Our next speaker is Blake
31 Dorchak.

32
33 **MR. BLAKE DORCHAK:** Thank you, council, for taking our comments,
34 and I hope you all can understand what we are going through. It
35 is absurd to me the idea of taking 600,000 pounds away from the
36 commercial fishing sector. As of now, I mean, I can't even go
37 fishing, because I can't find red grouper allocation, and so
38 pretty much the month of June, which is the start of summer,
39 which is the best time to go fishing, or historically the best
40 time to go fishing, I can't even go fishing, because I can't
41 find red grouper allocation anywhere, and now, if we do find it,
42 it's going to cost \$1.25 a pound, maybe, and, if you get 1,000
43 pounds, that's \$1,000.

44
45 Red snapper, you can get red snapper allocation for \$4.25, and
46 that gives us \$2.00 a pound, and, at \$4.25, another 500 pounds,
47 that's \$1,600, and so I'm already in the hole \$2,500 before I
48 even go on a fishing trip, and so, I mean, I think giving this

1 600,000 pounds is a bad idea, and it's probably going to crush
2 my business, which is through my parents' investment, and it is
3 a struggle, and thank you for the time.

4
5 **CHAIRMAN FRAZER:** Thank you, Blake. I appreciate the time. Our
6 next speaker is Sean Heverin.

7
8 **MR. SEAN HEVERIN:** My name is Sean Heverin, and I'm a fisherman
9 and fish dealer, and I fish out of Louisiana and Madeira Beach,
10 Florida. I want to say that I'm opposed to Alternative 3, and I
11 am for Alternative 2.

12
13 As many people have spoke before, taking away the red grouper
14 from the commercial side and giving it to the recreational side
15 is a couple of things. Number one, it's unfair for us on the
16 commercial side, with staying within our limits, and I feel like
17 we're getting penalized. Two, it's going to hurt us, because,
18 right now, the fishing has been very good for red grouper, and
19 allocation in Florida is really hard to find, and so it's going
20 to be even harder. Number three, as a fish dealer, we're
21 selling fish to processors and restaurants and the markets, and
22 it's going to take those fish away from the American people.

23
24 I was watching Deadliest Catch last night, and, this most recent
25 season, they were very concerned about their season closing,
26 because of different COVID restrictions, and they were going to
27 leave their market share to Russia, and Russia was going to
28 catch their king crab, but, if you take these fish away from us,
29 maybe we might lose our market share to other countries
30 producing red grouper and, maybe further down the line, maybe
31 red snapper.

32
33 Just an outside point of view, from the recreational side right
34 now, it seems like, with the current ACL right now, business is
35 booming for the recreational side. They're building boats left
36 and right, and people are on waitlist to buy a boat and motors,
37 or their outboards, and increasing the recreational ACL and
38 taking it away from our commercial side doesn't seem like it's
39 really going to affect their business that much, the
40 recreational side.

41
42 I think they're still going to build the boats, and still build
43 motors, and maybe they catch maybe one extra red grouper per
44 day, or they might get a few extra days of fishing for red
45 grouper, but I think that, for a little bit of gain on their
46 side, it's going to hurt us much harder on the commercial side,
47 because there's a lot less people on the commercial side, and
48 you're taking a greater percentage of our fish away from us, and

1 so it's going to make it harder for us to do our job, when it
2 already is pretty difficult, when you're working on leased fish
3 and finding allocation to go fishing.

4
5 You're taking fish out of restaurants and supermarkets that are
6 domestically caught in the U.S., and you replace them with
7 imported grouper, or imported snapper, and I think that we
8 really need to get the recreational side kind of in check and
9 make them more accountable, so we can better manage the fish
10 that are out there.

11
12 **CHAIRMAN FRAZER:** All right. Thank you, Sean. I appreciate it.
13 The next speaker is Frank Chivas.

14
15 **MR. FRANK CHIVAS:** Hello, everyone. I appreciate you guys
16 taking the time to listen to the public testimony. My name is
17 Frank Chivas, and I'm from the Tampa Bay area, and I own
18 multiple boats, rod-and-reel boats, which helps support the next
19 generation of young fishermen.

20
21 I'm going to stop here, and I also want to thank all the guys
22 that have snapper shares, allocations, that support the guys
23 like me in Florida, and they lease us shares, and we lease them
24 to Casey and all the guys like him, and the same thing with
25 grouper allocation, and it's a real close-knit community, and
26 the reason they do that, they lease us the snapper shares, is
27 because of discards.

28
29 We're catching red grouper, and we're catching gag grouper, and,
30 if we catch a snapper, we don't have to throw it back, and so a
31 lot of these boats get a couple hundred pounds every trip, and,
32 growing up in the Tampa Bay area, we didn't get a chance to
33 catch snapper, because they weren't there. At least these guys
34 have enough sense to lease us the red snapper, and I don't want
35 to name names, but it's everybody that has an abundant amount of
36 red snapper, and the same thing happens with grouper for these
37 small boats, these rod-and-reel boats.

38
39 That's who is going to get hurt if we take that 20 percent away,
40 is these small boat owners, rod-and-reel, who we got into the
41 fishery, people like Casey, and there's probably forty or fifty
42 rod-and-reel folks, guys, that lease allocation. They don't own
43 it, but they have a boat, and all that fish stays in one place.
44 It stays in the community, because retail shops want that fish.
45 It doesn't go to a guy like me. I have a fish house, and I can
46 cut the fish, and I can sell it in my restaurants and whatnot.

47
48 By the way, I have thirteen restaurants, and I have a wholesale

1 seafood company that opened in 1976 that specializes in Gulf
2 fish, and my wholesale company supports not only my own
3 restaurants, but many others, including the retail markets,
4 throughout the State of Florida.

5
6 We also buy fresh fish from many local rod-and-reel boats in the
7 Tampa Bay area, and, if we lose this 20 percent, the ones that
8 are going to get hurt are these young guys that we all are
9 promoting and supporting to get into the fishery. It's not
10 going to hurt me, but it's going to hurt these young guys, and
11 that's who you need to think of.

12
13 While I'm there, I mean, I just -- I did a little research, and
14 I know that none of you guys own shares, and, if I'm wrong, let
15 me know I'm wrong. I want you to imagine this. If my wife -- I
16 own shares, and a lot of other guys in here, they own shares,
17 and my wife is my partner, and, if I told her that someone was
18 taking 20 percent of the 100 acres of land that I've got, the
19 government is coming in to take it, twenty acres of it, and give
20 it to someone that didn't earn it and abuses it, and that's what
21 the recreational fishermen are doing.

22
23 They abuse it, and I have a son that's a recreational fisherman,
24 and I have a son that's a commercial fisherman, and I know what
25 goes on. I look at Facebook. If you look at Facebook, you will
26 see the pictures. They're not commercial fishermen. They're
27 recreational fishermen, and so it's there, if you want to look
28 for it, and that's easy to do.

29
30 Now, how would you like -- How would you feel if someone come in
31 and took 20 percent of your land and you had to tell your wife,
32 or your husband, that, hey -- You know what I call it?
33 Communism. Okay. All right.

34
35 What I'm telling you is reallocation is wrong, and it's
36 communism. It's unfair, and it hurts the commercial businesses.
37 It rewards recreational overfishing and increases discards.
38 Discards is -- That's what we don't want. Just like Mr. Werner,
39 who is a pioneer in the fisheries, he says let them keep the
40 poundage and not go by the fish, and that's what he was trying
41 to make the point. Do you understand? So we don't have these
42 discards. We would end up with a lot more fish.

43
44 I just think it's unfair, taking shares away from commercial
45 fishermen who, over the last twenty years, have earned it. I
46 could tell you story after story about guys that were seventy-
47 two years old that sold their red snapper for \$300,000. Well,
48 some of us are approaching seventy-two, and think about that.

1
2 Before the catch share program, they got out of the fishing
3 business and they had nothing but some broken-down boats that
4 their wives couldn't sell. With the catch share program, you
5 can sell those shares and have a decent retirement. We'll leave
6 that there.

7
8 Reallocation hurts my business and unfairly penalizes commercial
9 fishermen who stay within our quotas, and it will increase
10 recreational discards. Reallocation will take dollars out of
11 the commercial fishery, and I didn't want to put \$3 million or
12 \$4 million, because I'm a restaurateur, and I have a fish house,
13 and it's lots of money. He has a boatyard, and, I mean, you can
14 go on and on and on what it's going to hurt.

15
16 Recreational will hurt commercial fishermen twice by taking away
17 the commercial quota and reducing everyone's quota because of
18 the recreational discards, and I don't know if I said that
19 again, but I don't mind saying it.

20
21 The council should implement the results of the interim
22 assessments before Amendment 53. It would increase the quota
23 for everyone. Recreational fishermen, as it stands right now,
24 they've got 68 percent of the king mackerel, 61 percent of the
25 gag, 73 percent of the amberjack, 79 percent of the triggerfish,
26 and 100 percent of the redfish and many billfish.

27
28 Alternative 2 is the only alternative that wouldn't penalize the
29 commercial sector, because it changes to the estimates of what
30 recreational fishermen are catching. Alternative 2 is the most
31 fair and equitable alternative, because it doesn't punish the
32 commercial sector, who, for years, everybody in this room has
33 been preaching that we need to get young fishermen involved in
34 it. Look at them young fishermen. That's what we're going to
35 lose. We're going to lose a whole generation of young
36 fishermen, and so think about that.

37
38 **CHAIRMAN FRAZER:** Mr. Chivas, I'm going to ask you if you could
39 please wrap it up.

40
41 **MR. CHIVAS:** I will wrap it up. I want to thank you guys. I
42 want to thank you, number one, for creating the Fish Rules for
43 commercial. That app is great. My wife enjoys it, and all the
44 people that I sit around having cocktails with that are
45 recreational fishermen, and they say, damn, you've got to go
46 through all of that, and is say, yes. Also, I want to thank --
47 I don't know John Sanchez, but I have a lot of friends that know
48 him, and you are very well respected, sir, and so thank you for

1 your services, and I hope the hell you get out of what you're
2 doing today.

3
4 **CHAIRMAN FRAZER:** Mr. DeLaCruz, you're up. I'm sorry. Mr.
5 Chivas, we've got a question from Mr. Swindell.

6
7 **MR. SWINDELL:** I would like to ask you -- Do you buy fish from
8 recreational?

9
10 **MR. CHIVAS:** No, sir. We do not buy any fish from recreational,
11 but, if I find a good recreational fisherman, I tell you what I
12 do. I go look for a reef permit, number one, for him, and I
13 have found that the best fish come from guys who go out on the
14 weekend and catch fish, but, a guy like me, they would fine me a
15 half-a-million dollars. Did you hear what I said? NOAA is
16 right here. They would fine me a half-a-million dollars if I
17 was to do something like that.

18
19 **MR. SWINDELL:** Okay. My reason for asking --

20
21 **MR. CHIVAS:** I don't live in Louisiana, where you guys write
22 your own laws.

23
24 **MR. SWINDELL:** I just want you to know that I was on the council
25 from the beginning, back in the 1970s, and we have put in a
26 recreational -- I don't know if it has changed, but you couldn't
27 -- A sport fisherman could not sell a fish unless he has a
28 commercial license.

29
30 **MR. CHIVAS:** Right.

31
32 **MR. SWINDELL:** So I just wanted to make certain that you're not
33 buying fish from a person that is not clearly commercial. Thank
34 you.

35
36 **CHAIRMAN FRAZER:** I think we've established that he's not doing
37 that, Mr. Swindell. Thank you, Mr. Chivas. Jason, take it
38 away.

39
40 **MR. JASON DELACRUZ:** Thank you, Mr. Sanchez, for your service.
41 Man, I should have signed up sooner. Real quick, and I
42 apologize for getting into the weeds, as I usually do, just
43 because I'm a details guy, but, obviously, on Amendment 53,
44 Action 1, the preferred doesn't make any sense, and I stand to
45 benefit from that. I own a marina that's recreational, and I
46 sell a lot of fuel, but the truth of it is, in the long run,
47 this is going to hurt the fishery, and we know this.

48

1 One of the things that I've been challenged with this entire
2 time, every time I stand at this podium, is that we manage this
3 recreational fishery for the absolutely wealthiest members of
4 the recreational fishery. We never come up with any adjustments
5 or any way that we can manage this to help a guy who owns a
6 single-engine boat that looks forward to those days, and we only
7 manage to these guys with triples and quads, and I know these
8 guys, and I'm friends with these guys, but the truth of it is
9 that we just don't manage like that, and I think it's really
10 unfair.

11
12 I think, when we talk about what's the value of the fishery, and
13 we have the economic conversations about willingness to pay,
14 they miss so many important details, and they become the best
15 available because we accept that, but nobody talks about the
16 fact that the same triple-engine boat that this guy supposedly
17 was using just to go catch red grouper will also go catch
18 kingfish, and that's an underutilized species, and you know what
19 I mean, and so the boat has nothing to do, and the money they
20 spend isn't about harvesting fish. It's about changes to
21 recreate.

22
23 You are standing here, in this position, making an argument that
24 somehow we manage to take FES and figure it out, after we've
25 played it with it for a long time, and say it's reallocating the
26 fishery back in time, because that's what it was, but, like
27 Leann said, the truth of it is, if we knew what they were
28 catching back then, they would be over, and we would have
29 throttled that back, and we would have told them no, but, yet,
30 the good -- Not the good science, and that's not the way -- The
31 people that I have friendly relationships with that are in the
32 science world, most of them in the State of Florida, they have a
33 lot of really skeptical questions about this.

34
35 I listened to the SSC, and I really don't trust that. FES
36 confuses the way it is, and, because we stamp this as
37 potentially best available, and I say "potentially" because is a
38 state survey that actually is showing different results,
39 preliminarily, and would basically overturn what we do if it
40 gets stamped best available, yet we're going to do this. We're
41 going to reallocate from one fishery that actually has a
42 reasonably solid discard number to one that's a magnitude order
43 and then the dead discards are insane.

44
45 To me, this makes no sense to do this. It makes no sense to do
46 it where we look at this economic model that is somehow better,
47 and, as one or two have said up here already, and you have to
48 look at it in perspective. You are actually taking money out of

1 all of these guys' pockets, and it's just really not fair, and
2 now I'm just rambling, but, anyway, thank you very much.

3
4 **CHAIRMAN FRAZER:** All right. Thank you, Jason. I'm not seeing
5 any questions, and so I will move to Ms. Karen Bell.

6
7 **MS. KAREN BELL:** Good afternoon. I'm Karen Bell with A.P. Bell
8 Fish Company in Cortez, Florida. It's kind of hard to follow-up
9 after all these guys. I agree with most of what I've heard
10 today, but I thought what I would do is just talk to you a
11 little bit about what we do at my fish house, which was my
12 grandfather's fish house, and then my dad and his brothers, and
13 today I run it.

14
15 We have a number of boats there, longline and inshore, inshore
16 hook-and-line boats, and, when we had the 61 percent reduction,
17 I was able to go and source enough allocation to work last year,
18 and, obviously, with COVID, things were weird, and we had to
19 sort of shift from restaurants, where we normally would ship to
20 New York, Atlantic, New Orleans, and we kind of switched into
21 grocery stores, and we were lucky enough to be able to do that,
22 because the year was, obviously, just really odd, and people
23 were cooking at home and going to grocery stores and markets.

24
25 Well, now what's going to happen, or, in my head, what I'm
26 trying to wrap my hands around, or figure out what to do, is --
27 So, if it's reduced again, and, by the way, I prefer Alternative
28 2, which is no reallocation, but, if our allocation is reduced
29 that much, I have choices that I am going to have to make, and
30 they involved all these people that work with me.

31
32 Should I -- I can't send the longline boats out with half the
33 allocation that they're accustomed to having. It's not cost
34 effective, and we just can't do it, and so do tie up half the
35 boats? Do I just fire these people? These are all the things
36 that are running through my head.

37
38 Other than that, I feel really grateful to the dealers that
39 ended up helping us through 2020. I mean, without certain
40 people that helped us move product, I would have had to tie our
41 boats up last year, and we never closed down. We fished, and
42 the markets were tough, but we were able to do what we normally
43 do, but just on a constrained level.

44
45 I owe those people big-time, and so now, if, again, we get a
46 reduced allocation, next year, what do I do? Do I tell them --
47 Because restaurants now are gearing up, and so I'm starting to
48 get calls back from them, and what do I do? Do I tell the ones

1 who helped me in 2020 that I'm sorry, but I'm going to have to
2 go back? I'm not someone who just goes up to the highest price,
3 and I'm real big about loyalty. My family taught me that, and I
4 work with the people who work with me.

5
6 Anyway, those are things I thought that I would just bring to
7 the table today, to ask you what would you do? Would you tie up
8 half your boats? Do you send those people home? It's not just
9 the captains, but it's his family, it's his crew, and it's their
10 family. All of that is just kind of spinning around my head,
11 and so that's what I wanted to share with you.

12
13 **CHAIRMAN FRAZER:** Thank you, Ms. Bell. I appreciate the
14 comments.

15
16 **MS. BELL:** You're welcome.

17
18 **CHAIRMAN FRAZER:** The next speaker is Matt Tevlin.

19
20 **MR. MATT TEVLIN:** Good afternoon. My name is Matt Tevlin, and
21 I'm an owner-operator for about twenty years now, and I think
22 that, if you guys are going to give a percentage of our quota
23 away, you guys should at least know what you're giving it to,
24 how much they're going to be catching, and all that data is not
25 available, or your percentage estimate is so small, and I don't
26 understand how you guys could want to do that, and so that's it.
27 That's all I have to say.

28
29 **CHAIRMAN FRAZER:** Thank you, Matt. Bubba.

30
31 **MR. BUBBA COCHRANE:** Bubba Cochrane, Galveston, Texas,
32 commercial fisherman. Pretty much like every other commercial
33 fisherman that's going to testify today, I'm against any
34 reallocation that takes fish away from our businesses and the
35 American seafood consumers.

36
37 These fish that the council is in charge of managing are not
38 strictly a recreational resource. These fish are a federal
39 resource, and access should be divided fairly. The idea that
40 one group should have more than another seems to always fall in
41 favor of the recreational fishermen.

42
43 This country already has a domestic seafood deficit, and I
44 believe around 90 percent of the seafood consumed in the U.S. is
45 imported, and so taking more access to domestic seafood away
46 from consumers is not the way to fix this deficit, but the fish
47 in question today is red grouper, and I don't even fish for red
48 grouper. I fish for red snapper, but I can see the council

1 leaning toward action that would set a dangerous precedent for
2 future reallocation of other reef fish species. This must not
3 be allowed to happen, because it wouldn't be good for any of us.
4 Thank you.

5
6 **CHAIRMAN FRAZER:** Thank you, Mr. Cochrane. The next speaker is
7 Katie Fischer.

8
9 **MS. KATIE FISCHER:** Hello, everybody. It's good to see
10 everybody again in person. It's been a long time. My name is
11 Katie Fisher, and I'm from Matlacha, Florida. Casey and I, we
12 own a fish house that has a retail market, and also a federal
13 boat.

14
15 I want to start off by thanking the council members yesterday
16 who tried to vote Alternative 2 in, and they used commonsense,
17 and we appreciate that, and they had the American consumer in
18 mind when they did that, because the commercial sector -- That's
19 who we represent. You represent the non-fishing American public
20 in this country.

21
22 I know, in the State of Florida, that's twenty million people,
23 and, although we are outnumbered, in terms of fishermen, to the
24 recreational sector, we are not outnumbered by who we represent,
25 and so thank you all for trying to stand up for us yesterday in
26 doing the right thing.

27
28 I wanted to talk today about the view of the consumer in all of
29 this. Casey and I have a retail market, like I mentioned
30 earlier. Last year was a tough year for everybody, and
31 everybody had to think on their feet and adjust their business
32 practices, and everybody learned a lot, and I will tell you the
33 most important thing that we learned was how important American
34 commercial fishermen are to food security.

35
36 When there was no food in the supermarkets or shelves, our
37 community came to us, and we were able to offer them food
38 security, that peace of mind, because that is a commercial
39 fisherman's job in this country, right? American commercial
40 fishermen harvest American fish for the American people, and so
41 reallocating this red grouper to the recreational sector takes
42 away my community's food security.

43
44 That takes away the American people's food security, and I just
45 -- I don't understand how this can be for the better of our
46 country. It makes absolutely no sense, especially after the
47 year that we just all survived through with the pandemic.

48

1 My second point that I want to bring up is the importance of the
2 small-boat fleet in the Gulf of Mexico. A lot of these guys
3 behind me, when the pandemic happened, they were tied up, and
4 they didn't have anywhere for their fish to go, and they have a
5 different business model than Casey and I do. We weren't tied
6 up.

7
8 We fished more, because the American people, our customers,
9 needed us, and we were doing our job, and so not only does
10 reallocation of red grouper take fish away from the American
11 people, but it will also destroy the small-boat fleet in the
12 State of Florida. We are important. That small-boat fleet,
13 especially south of Tampa, where our business is, it's all
14 mostly new entrants and mostly young guys, who are just --
15 They're working their ass off to be the future of this industry,
16 yet we come up here and this council just cuts them off at the
17 knees, time and time again.

18
19 It's like we do every single thing that you ask us to do, and we
20 come to this meeting and it's never like, oh, how is the council
21 going to help us, but it's like how bad is it going to be.
22 Commercial fishermen in this country as a whole deserve to be
23 respected again. We feed this country. Farmers and ranchers,
24 they all get respect, and we don't. We just continually get
25 beat up up here and just taken away, when, really, we're the
26 constant in this whole rec sector and commercial sector. Our
27 numbers of fishermen stay the same, and we can tell you
28 everything that we catch, and we have been the constant in this.
29 It's the rec sector that's been the variable.

30
31 I hope, moving forward -- By the way, I support Alternative 2,
32 obviously, but I hope, when you start talking about this, I hope
33 you don't cram this through. I hope you do not cram this
34 Amendment 53 through in its current state, because, if you do,
35 your vote will stand for taking fish out of the hands of the
36 American public, and this is their resource too, by the way, and
37 I think we forget that, time and time again. It is not mine,
38 and it's not his, and it's the American people's fish. Nobody
39 owns anything. The American people own the right to harvest.

40
41 A vote for this would also be a vote to destroy the small-boat
42 fleet in the State of Florida, and it will destroy the future of
43 this industry, because we're loaded with young kids down there,
44 and you need to take this into effect.

45
46 Your actions around this U-shaped table have real-life
47 implications, and I think some of you forget that, and so,
48 tomorrow, or when you guys are deliberating on this, please use

1 commonsense. Check the special interests at the door. Check
2 your political whatever you've got to do out the door and start
3 thinking about the American people as a whole and not just the
4 top 0.5 percent of this country who can afford to go out and
5 harvest these fish on their own. Thank you, guys, for your time
6 today. I really appreciate it.

7
8 **CHAIRMAN FRAZER:** Thank you, Ms. Fischer. The next speaker is
9 Mr. David Walker.

10
11 **MR. DAVID WALKER:** Good afternoon, council. I'm David Walker
12 from Walker Fishing Fleet, commercial fishing, and I would first
13 like to thank John Sanchez for your service. It was a pleasure
14 to serve with you during your time.

15
16 First, as all the other commercial red grouper gentlemen have
17 spoken, Alternative 2. I would not support any kind of
18 reallocation, and you've heard much testimony today about the
19 small fleet have distresses and harms, and they're small
20 businesses, and the seafood supply chain and nation's consumer
21 access is being threatened, and I don't see how that's fair and
22 equitable to allocate to an unaccountable plan.

23
24 It seems like, a lot of times, we're only looking in one
25 direction, and we never see any alternatives where it looks in
26 the other direction for the commercial industry. As Jason said,
27 and he made some good comments about the economics. Not a lot
28 of factors are added in that would give us the dockside value,
29 and I think that should be something we look at. I actually
30 mentioned that in Silver Spring, when Chester was there, when we
31 went to orientation years ago.

32
33 Like red snapper, you're looking at -- We're probably running an
34 eighteen-to-one ratio. For all you state directors, I would
35 just like to make sure you make that known to your governors,
36 that, for every one constituent you make happy, you have the
37 potential to make constituents unhappy, and that's your seafood
38 consumers. I would just like thank all the commercial industry
39 for their testimony today, and thank you for your time.

40
41 **MR. WALKER:** Thank you, Mr. Walker. I appreciate it. The final
42 speaker today is Captain Jay Mullins.

43
44 **MR. JAY MULLINS:** Good afternoon, council. I'm Captain Jay
45 Mullins, an eastern Gulf longline endorsement holder or
46 qualifier or high-liner or whatever kind of title you want to
47 put on it, and I don't really care. I'm a fisherman.

48

1 I grew up, from diapers, on the docks. I have pictures of me
2 with Dylan's grandfather, Captain Wilson Hubbard, and I used to
3 stand next to him when he used to direct traffic down at Johns
4 Pass when he held his Big Gulp full of Captain Morgan and Coke.

5
6 I've got pictures of me in diapers lying next to giant cabarita,
7 true black grouper, firebacks, mutttons, the whole nine yards,
8 when the fishermen used to leave the dock and go fish the Middle
9 Grounds and come back. I don't think anyone has caught them
10 fish in a long time.

11
12 Today, I've come to speak about the MSA. In the MSA, there's
13 what they call due process and allocation review. Anytime you
14 head to a court and see a judge, the prosecutor has to make sure
15 he has his ducks in a row, and I definitely understand that,
16 seeing as I've been in front of a lot of judges in my time.
17 Hey, I lived right.

18
19 Due process states that there is criteria that you have to meet
20 and follow guidelines, and I was very ashamed yesterday at an
21 economist who put up numbers on a board that do not represent
22 the commercial industry, and I was very let down that he has not
23 done his due diligence in doing his job, as I do my due
24 diligence in my job, bringing in as much fresh fish to the dock
25 as possible to feed the American consumer. I am very let down.
26 As we all know, there is reports out there.

27
28 To reallocate, or make any decision about reading or having all
29 the true evidence, the socioeconomic and coastal impacts,
30 coastal community impacts, you know you're asking for trouble.
31 It's against Magnuson-Stevens, the MSA in particular.

32
33 I don't know if Alternative 2 is the correct alternative. I
34 don't know that. Nobody has laid out the full evidence, and
35 it's all bits and pieces. It's a he-said-she-said game coming
36 from supposedly a professional council, and what kind of -- I
37 really hope you realize that you're messing with human lives,
38 industries, working families, those who got to work during COVID
39 to support and feed the American public.

40
41 I mean, we have to look at all the evidence. That's your job.
42 That's your job under Magnuson-Stevens, and you're going to
43 blatantly violate that? That is wrong. That is wrong to
44 everybody, the recreational person, the commercial fishermen,
45 the American public, and that's just blatantly violating a
46 federal mandate.

47
48 Please do your due diligence. I don't know what is the correct

1 answer, and, of course, I support Alternative 2, but the
2 evidence isn't out there to reallocate. Until you put the full
3 evidence on the board, I don't know what you're suggesting or
4 what you're going to do, and I really don't understand where
5 you're going to go with it. It's put you between a rock and a
6 hard place.

7
8 Hell, it's been eleven years since the discards in the eastern
9 Gulf has been addressed, and there ain't nobody that's done
10 nothing in eleven years. Eleven years, but, in six months, you
11 want to rush a reallocation through? You've got a lot bigger
12 fish to fry.

13
14 Red grouper has been mismanaged my whole life, my whole life,
15 and not a portion of it, but my whole life, and it's impossible
16 to catch up with something. The only way is to keep up with
17 something, and that's an interim analysis, but this thing was
18 just brought forward.

19
20 If you guys -- I mean, I'm just a dumb fisherman, and you guys
21 are supposed to be all these rocket scientists, or I think, but
22 eleven years of a discard issue that just keeps on impounding,
23 and now you want to create another discard issue? Where is
24 Standard 1 at? It's a clear and blatant violation of it.

25
26 I do everything I can for a discard program, and I try to
27 decrease discards, and there are hook sizes, and there's all
28 kinds of things that can be done that nobody, nobody on this
29 council, has thought about, and so, when it comes to not having
30 a PhD, as some of you do, and maybe I have multiple PhDs in
31 reality.

32
33 I just pray that this council, or NOAA in particular, the
34 Department of Commerce, would put some real cooperative research
35 into the eastern Gulf, the most current science looked at in the
36 Gulf, and somebody has to do their due diligence and not care
37 about red snapper twenty-four/seven and start paying attention
38 to the eastern Gulf, because we have an extremely complex
39 ecosystem. Thank you.

40
41 **CHAIRMAN FRAZER:** Thank you, Jay. Ms. Bosarge has a question.

42
43 **MS. BOSARGE:** Jay, I feel your pain about some things, most
44 definitely, especially about things being rushed. I have a
45 question, because we have a chart in the document, and it talks
46 -- Where we're actually trying to look at landings and when each
47 sector may have exceeded its quota, and it's hard for me to
48 follow, and I'm sure that I can go back and read all the history

1 of your fishery, but it would be a lot easier if I just ask you.

2
3 This chart kind of shows like a quota for the recreational
4 sector, starting in 2010, and it shows one for the commercial
5 sector starting in 2004, and surely you all had a quota before
6 2004, right? You all had quotas that you have been managed to,
7 and your fishery has been shut down, long before 2004, when you
8 met your quotas, right?

9
10 **MR. MULLINS:** Yes, ma'am. Yes, ma'am, and that was the issue
11 that me and Roy discussed back and forth multiple times, and
12 then he thought it was a great idea and whatnot to shut down the
13 shallow-water fishing for us, and there we go with another
14 discard issue, because I know I can diversify and go catch
15 mutton snapper and line them up on the rail and discard your
16 carbos and everything else, and then, all of a sudden, come 2012
17 or 2013, we're catching twenty-year-old fish again.

18
19 Like I told Roy, they didn't grow that big in three years, and
20 so let's try to understand the biology of what we're working
21 with in this eastern Gulf.

22
23 **MS. BOSARGE:** Thank you.

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

26
27 **CHAIRMAN FRAZER:** All right, and so we've come to the end of the
28 speaker list, and I want to thank everybody for their time. We
29 appreciate you making the effort to come out and spend the
30 afternoon and share your thoughts about the various issues that
31 we're dealing with up here, and it's all important input, but
32 we're going to take a little ten-minute break right now. We're
33 scheduled to go to 5:30, J.D. I saw the look, man. We're going
34 to knock out a few committee reports.

35
36 (Whereupon, a brief recess was taken.)

37
38 **CHAIRMAN FRAZER:** If we can get folks back to the table, we're
39 going to knock out a few committee reports. We are going to try
40 to knock out three committee reports, if we can, and so if I can
41 ask folks in the back of the room to keep it down. Thanks,
42 guys. All right.

43
44 We're going to start off with the Red Drum Committee Report,
45 and, if it's okay, General Joe Spraggins had to head back to
46 Mississippi, but Rick Burris is stepping in. Rick, if you're
47 willing to read the General's report, we would appreciate it.

48

COMMITTEE REPORTS
RED DRUM COMMITTEE REPORT

1
2
3
4 **MR. RICK BURRIS:** Thank you, Mr. Chairman. The Red Drum
5 Committee met on June 22, and it was chaired by General
6 Spraggins.

7
8 The Committee adopted the agenda and the minutes from the
9 October 2014 meeting, and they were approved as written. Then
10 we went over the process to modify red drum management out to
11 nine miles. There was a presentation by Mr. Rindone. Council
12 staff gave a presentation on the options available to the
13 council to modify red drum management out to nine miles, as was
14 requested by the council in 2020.

15
16 After reviewing past management measures, including the
17 prohibition of all retention of red drum in the EEZ in 1988,
18 staff noted that the Gulf states currently manage red drum based
19 on juvenile escapement rate targets. The calculation of
20 juvenile escapement varies by state in both method and frequency
21 of assessment, and the methods used by the five Gulf states are
22 not directly comparable.

23
24 Options for extending state management of red drum out to nine
25 nautical miles for Alabama, Mississippi, and Louisiana were
26 discussed next. Delegation to the states is not a viable
27 option, since delegation requires the establishment of an annual
28 catch limit, which in federal waters is currently fixed at zero.
29 Because the data are unavailable to conduct a Gulf-wide stock
30 assessment at this time, the ACL in federal waters cannot
31 currently be updated.

32
33 Another option discussed was the conservation equivalency plan.
34 However, this approach requires that the states ensure that
35 management measures are consistent with the Magnuson-Stevens
36 Fishery Conservation and Management Act and with the Red Drum
37 Fishery Management Plan. This approach may also be inhibited by
38 the current federal ACL of zero. Further, the conservation
39 equivalency plan approach would require substantial changes to
40 the manner in which red drum is managed by the three subject
41 Gulf states.

42
43 A committee member asked about the cost requirements for
44 conducting a Gulf-wide stock assessment on red drum. The
45 Southeast Fisheries Science Center noted that a comprehensive
46 age composition dataset would be necessary to compare to the
47 last assessment, conducted in 2000, to determine the age
48 composition and health of the stock.

1
2 Sampling proposals have been presented to the council and it's
3 in the past, and an estimate using purse seines could also be
4 attempted on a distributed, Gulf-wide scale. Such a study would
5 be expected to cost, at a minimum, \$500,000.

6
7 During its January 2021 meeting, the council received a
8 presentation detailing the costs for a Gulf-wide abundance
9 estimation of the red drum stock which, depending on the survey
10 coverage, was estimated at approximately \$5.7 million and \$7.6
11 million.

12
13 Committee members discussed research being conducted by Dr. Sean
14 Powers at the University of South Alabama and Dr. Barbieri with
15 the Florida Fish and Wildlife Conservation Commission. The
16 Southeast Fisheries Science Center added that acquiring age
17 composition data off Louisiana, where the majority of the
18 fishery exists, is essential to the completion of a Gulf-wide
19 assessment of the species.

20
21 A committee member asked about the objective of extending
22 management. Other committee members noted the desire to reduce
23 dead discards offshore and to provide an opportunity to harvest
24 red drum out to nine nautical miles. A committee member
25 remarked on a recreational perspective from Florida, that being
26 the offshore harvest moratorium protecting the brood stock and
27 the poor table fare represented by the larger, adult red drum.

28
29 Another Committee member added that federal law enforcement
30 officers enforce federal laws over state laws between three and
31 nine nautical miles off Alabama, Mississippi, and Louisiana,
32 which may create confusion for stakeholders accessing fishery
33 resources in the northern Gulf.

34
35 A committee member asked whether, under the conservation
36 equivalency plan approach, the escapement rates for the three
37 subject Gulf states would need to be comparable. Staff replied
38 that, for NMFS to evaluate whether the CEPs are resulting in
39 management that complies with the Red Drum Fishery Management
40 Plan and with the MSA, it is likely that the states would need
41 to provide annual and comparable assessments of juvenile
42 escapement.

43
44 The committee questioned the administrative burden described
45 under the CEP approach and whether that burden was commensurate
46 with the benefits expected from any action on red drum. A
47 committee member asked whether the data between three and nine
48 nautical miles off Florida and Texas could be used to inform

1 management off Alabama, Mississippi, and Louisiana. Staff
2 replied that using the data from Florida and Texas in such a way
3 would require using assumptions, which are unlikely to be
4 supportable, given that the stock structure in the EEZ is
5 largely unknown.

6
7 A committee member discussed asking the council's SSC to
8 evaluate whether the data available at present are sufficient to
9 recommend a non-zero ABC for red drum in federal waters. The
10 committee noted that establishing a non-zero ACL would be
11 necessary to allow the council to change management measures in
12 any meaningful way in federal waters.

13
14 A committee member supported extending fishery management
15 authority for the three northern Gulf states out to nine
16 nautical miles, but cautioned against shifting fishing effort to
17 portions of the offshore stock, which could have detrimental
18 effects on the currently prolific inshore red drum fishery.

19
20 A committee member from Louisiana indicated that the Louisiana
21 Department of Wildlife and Fisheries has data on offshore red
22 drum and asked whether those data could be helpful. The
23 Southeast Fisheries Science Center stated that a data-limited
24 assessment of red drum was attempted under SEDAR 49, and the
25 species was found to be too data poor to assess.

26
27 If the five Gulf states expanded their assessments beyond
28 juvenile escapement rate, to include comparable age composition
29 information from the offshore portion of the population, then
30 those data may be contributory to a Gulf-wide assessment. The
31 committee agreed to pause further discussion on extending
32 management out to nine nautical miles for Alabama, Mississippi,
33 and Louisiana until the January 2022 meeting. There was no
34 other business was brought before the committee, and, Mr. Chair,
35 this concludes the report.

36
37 **CHAIRMAN FRAZER:** Thank you, Rick. I appreciate you taking the
38 time to read that. We've got a question from J.D.

39
40 **MR. DUGAS:** Thank you. My question is -- I don't recall, and
41 did we decide January of 2022? Did we choose that date?

42
43 **CHAIRMAN FRAZER:** Dr. Simmons.

44
45 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I don't
46 think you made a motion or anything like that to select that
47 date, but that is the date that I wrote down from General
48 Spraggins. We can change it right now, if you would like.

1
2 **MR. DUGAS:** I was just curious how we got to that date, and I
3 didn't recall.

4
5 **CHAIRMAN FRAZER:** The intent was just to give it a little bit of
6 time and collect some information and bring it back, and that
7 would be the earliest time, without causing too much
8 consternation to the staff. Go ahead, Phil.

9
10 **MR. DYSKOW:** Thank you, Dr. Frazer. If I understand what you
11 said correctly, and perhaps I misunderstood, but, during the
12 committee meeting, and I'm a member of this committee, there
13 were essentially two issues here. One is extending the zone out
14 to nine miles, to be consistent with several of the other Gulf
15 states, and I don't believe we have the authority to do that,
16 but that's a Congress issue, and so bringing it up again would
17 be wonderful, because we could talk about it, but that's not
18 within our authority.

19
20 The other part of this, which was whether or not it's
21 appropriate to prosecute this offshore fishery, was not
22 discussed in a positive manner. In other words, we agree, in
23 essence, that it would be appropriate for those states, your
24 state and the other one was, I believe, Alabama?

25
26 **MR. DUGAS:** Alabama and Louisiana.

27
28 **MR. DYSKOW:** Yes, and it would be fine to pursue that, but not
29 through this body. As far as whether or not it's appropriate to
30 prosecute this fishery, this offshore fishery, I don't believe
31 there was any consensus for that.

32
33 **CHAIRMAN FRAZER:** I would concur with that, and so there were in
34 fact two issues that were brought up, one which the General
35 alluded to, right, and he said that recognizing that simply
36 extending the limit, the state limit, from three nautical miles
37 to nine nautical miles was beyond the purview of this council,
38 and they were, in fact, pursuing some discussions with their
39 legislative delegation, and they would bring any resulting
40 conversation or discussion, if appropriate, back to the council
41 later.

42
43 In the interim, I think that there was some discussion related
44 to what type of information might be generated and brought back
45 to the council, at some later time, and the General, I think,
46 specified January might be a reasonable time to look at what
47 type of data might be available out there, or what might be
48 possible, but it wasn't a pressing issue. Go ahead, Mr. Diaz.

1
2 **MR. DIAZ:** Tom, I am trying to really -- As I think through what
3 Mr. Dyskow just said, I agree this council doesn't have the
4 authority to change, necessarily, jurisdiction, but, if anything
5 was ever done with the concept the way that it was being
6 approached, it would be -- Andy can correct me if I'm wrong, but
7 it would be similar to state management.

8
9 For red snapper, we give states the authority to manage red
10 snapper out to 200 miles, and it was done -- It wasn't done
11 through a conservation equivalency, I don't think, and this
12 would be a conservation equivalency, and it would be the same
13 type of approach, but we would only be asking for authority out
14 to nine miles instead of 200 miles, and so I think it would be
15 the same basic principle, and that's the way, if it was ever
16 approached that way, and I do agree that we did not reach
17 consensus on really anything in the committee, and so thank you.

18
19 **CHAIRMAN FRAZER:** Mr. Banks.

20
21 **MR. BANKS:** I would agree with what you just described, Dale,
22 and we certainly didn't reach consensus, and the only thing they
23 would delegate would be if there was an ACL, and there's not
24 one, because we don't have a stock assessment, and that's why
25 one is needed.

26
27 We talk about the price of a stock assessment too, which I don't
28 remembering mentioning the report, but I went back and looked at
29 that report that Carrie presented to us a while ago, and it was
30 a \$5 to \$7 million project, and so it's probably more money than
31 any of us can find. Thank you.

32
33 **CHAIRMAN FRAZER:** Okay. Any other further discussion? Andy.

34
35 **MR. STRELCHECK:** Thanks, Mr. Chairman. I guess I'm struggling
36 with this, in terms of bringing it back in January. Obviously,
37 we can bring the committee back at any time, but I don't feel
38 like the direction to staff is very clear. We have a report
39 that has a lot of committee member comments, but I don't think
40 we've really reached agreement on what are we bringing back the
41 committee for, and what are we trying to accomplish, and you
42 mentioned maybe some data and additional information.

43
44 I don't know if we want to have some conversation about that,
45 but it seems to me that it would be helpful to give the staff a
46 little bit more direction before we wrap this committee
47 description up.

1 **CHAIRMAN FRAZER:** Mr. Rindone, you're the staff member
2 responsible for this particular item.

3
4 **MR. RYAN RINDONE:** Patrick hasn't give me my \$5 to \$7 million
5 allowance, and so I cannot produce anything. As far as bringing
6 this back, we know that research is being conducted, but it's
7 not a Gulf-wide comprehensive effort, and we can't ensure that
8 the research is comparable. We would assume that there are
9 probably facets of it that are. Like Dr. Porch had mentioned,
10 under SEDAR 49, a data-poor assessment of red drum was examined
11 for feasibility, and it was found to not be feasible.

12
13 I can't tell you what I'm going to be able to bring back to you
14 in January of 2022, and we know that a lot of this research is
15 nearing completion, but we don't know that it will be available
16 to present at that time, and so I don't know what -- I cannot
17 guarantee what I can bring back, and that's all I can say.

18
19 **CHAIRMAN FRAZER:** Okay. J.D., go ahead, real quick.

20
21 **MR. DUGAS:** Well, from what I'm hearing, it seems like there's
22 no reason to revisit this.

23
24 **CHAIRMAN FRAZER:** All right, and so, based on the discussion
25 around the table right now, there's certainly not a compelling
26 reason to schedule it for a January committee meeting. I would
27 think that, any time that people might have the information, or
28 a compelling reason to reconvene the red drum committee and
29 discuss it, then we could do that, but you're right that I don't
30 think that there's a compelling reason, at this point, to
31 schedule a January meeting, but we'll just leave it at that. I
32 guess I feel that's the best action, moving forward. Patrick.

33
34 **MR. BANKS:** I am just going to agree with that. In order to
35 bring this back, we've got to have something to put in a
36 document that could be delegated to the states, and, again, we
37 don't have anything to delegate to the states, because we don't
38 have a stock assessment, and so, until the time when we have a
39 stock assessment and the SSC says it's the best available
40 science, I don't know what we can put in a document.

41
42 **CHAIRMAN FRAZER:** So there we have it. Until we have that
43 information and a compelling reason to move forward, we will
44 probably not convene the Red Drum Committee. All right. Is
45 there any further information or discussion related to this?
46 Mr. Swindell.

47
48 **MR. SWINDELL:** Mr. Chairman, as you know, I've been a proponent

1 of trying to do something with the red drum, and I still think
2 that it's absurd for the council to be sitting there with a
3 resource that is not being utilized whatsoever, and we don't
4 really know the reason why not.

5
6 We don't have any good reason not to at least try to find out
7 what's there, and is there anything we can do, and I don't know
8 if we have to try to find some money in order to do a complete
9 stock assessment, whether that's the key to the whole process,
10 and, if we can, fine. If we can't, well, then I guess we'll
11 just have to tell the general public out there that you can
12 never harvest red drum, and you can never use it and eat it in a
13 restaurant unless you buy it yourself, or unless you catch it
14 yourself. Excuse me.

15
16 You know, you've got a resource that is continuing to grow out
17 there, and I can tell you that from spotter pilots that are
18 spotting fish out there for menhaden, and they see huge schools
19 of menhaden, and they are getting more and more, and they're
20 bigger and bigger, and so the resource is growing, and it's
21 bigger, and I think we're doing a disservice to the people of
22 the nation not to at least find out what the heck is going on
23 there, and that is the whole purpose of this fishery management
24 council, is to manage the fisheries, and we can't manage it if
25 we don't do some research on it, and that's all I'm saying.
26 Let's research it, some way or another, and I don't know how to
27 go about getting the money for it, and that I don't know. Thank
28 you, sir.

29
30 **CHAIRMAN FRAZER:** Ed, I think you're right. As a management
31 council, it's our responsibility to try to manage various
32 fisheries, but, in this particular case, we don't have the
33 information that would allow us to manage it, and the fact of
34 the matter is that resources are limited, and we're stretched
35 pretty thin, and, unless somebody is able to make a very
36 compelling argument and convince the people that hold the purse
37 strings to release those dollars, we're in a no-go situation,
38 and so I understand where you're coming from, but, until we can
39 actually identify those resources, I don't think we have any
40 other option. Mr. Dyskow.

41
42 **MR. DYSKOW:** Thank you, Chairman Frazer. I don't want to beat
43 this to death. There is a lack of information, and that's part
44 of the issue. The other important thing is there is no
45 commercial fishery for red drum, and, as far as recreational
46 activities, as I understand it, most of these fish are over
47 slot, and at a high level of toxicity that would indicate that
48 they wouldn't be good table fare anyway, and so, other than

1 going out and poking them with a stick, there doesn't seem to be
2 any good reason for prosecuting this fishery.

3
4 **CHAIRMAN FRAZER:** Again, I don't think -- I will just clarify
5 that I don't believe there's a -- There is not a fishery for red
6 drum in the federal system, right, but there are certainly
7 commercial fisheries that are in state waters. Patrick.

8
9 **MR. BANKS:** Well, just on the table fare, because we've made a
10 lot of statements here at the council about the opportunity to
11 catch a fish and that being worth something, and so I think
12 that's where the General was going, with the opportunity for his
13 charter captains to have that trophy fish that he caught, and so
14 I think that's where he was going, and I don't know that it had
15 anything to do with going on the table.

16
17 **CHAIRMAN FRAZER:** All right, and so, again, I think we've had
18 some pretty decent discussion there, but the fact of the matter
19 is we don't have the information to pursue this, and, until we
20 do, we're going to move on and try and make a little more
21 productive use of our time. Okay. Is there any other
22 discussion? Go ahead, Ms. Bosarge. I need a little humor.

23
24 **MS. BOSARGE:** Just a little humor at the end. Well, there is
25 one commercial fishery for it, at least, in Mississippi, but we
26 don't have to worry about those fish out there in federal
27 waters, Ed, and the commercial fishermen out there catching
28 them, although we used to, because now we're going to take tax
29 dollars, and we're going to grow red drum out in federal waters
30 instead, using aquaculture, and the free-swimming fish out there
31 are just laughing at us all the way.

32
33 **CHAIRMAN FRAZER:** Okay. I think that's all we have for the Red
34 Drum Committee. Thank you, Ms. Bosarge. We're going to go
35 ahead and move on to the Habitat Protection and Restoration
36 Committee. Mr. Banks.

37 38 **HABITAT PROTECTION AND RESTORATION COMMITTEE REPORT**

39
40 **MR. BANKS:** Thank you, Mr. Chairman. The committee met on June
41 22 and adopted the agenda as written and approved the minutes.
42 The first thing we discussed was Draft Options for the Generic
43 Essential Fish Habitat Amendment. Council staff provided a
44 presentation to review the definition and concepts of essential
45 fish habitat.

46
47 After the completion of the council's five-year review in 2016,
48 the SERO Habitat Division provided several recommendations to

1 the council's EFH policy, including updating the identifications
2 and descriptions of EFH using more contemporary data sources.
3 EFH for all managed species has not been modified since 2006.

4
5 Council staff reviewed the current method used to identify and
6 describe EFH and introduced two other modeling approaches that
7 could be used to describe EFH for species and life stages where
8 sufficient data were available. Council staff also provided an
9 overview of the proposed draft action and alternatives to update
10 EFH for all managed species. Efforts to complete the amendment
11 and fulfill the requirements for the 2021 five-year review will
12 be combined with the goal of finalizing the document in late
13 2022.

14
15 A Committee member inquired as to what data sources would be
16 used to generate the benthic habitat maps described in
17 Alternative 2. Council staff indicated that those data sources
18 had not been finalized yet, and further discussion with the IPT
19 and input from the SSC would be required before making a final
20 determination.

21
22 The committee asked for clarification about considering
23 establishing habitat areas of particular concern, or HAPCs, in
24 the document. Mr. David Dale stated that the council has
25 traditionally only considered HAPCs for coral. Mr. Andy
26 Strelcheck inquired if exploration of more comprehensive
27 modeling approaches for describing EFH could be completed within
28 the proposed timeline.

29
30 Dr. John Froeschke stated it would be helpful to have continued
31 guidance from SERO regarding the proposed timeline for the
32 document. He also stated that identifying appropriate habitat
33 data sources and generating habitat maps would serve as a
34 starting point for investigating the different approaches. The
35 committee instructed council staff to present the proposed
36 methodologies to the SSC at its next meeting and continue
37 working with SERO and its Habitat Division on the document.
38 Council staff will provide a progress report to the committee at
39 the August council meeting.

40
41 The next item was Discussion Session of President Biden's
42 Executive Order 14008 Entitled "Tackling the Climate Crisis at
43 Home and Abroad". Mr. Sam Rauch gave a presentation providing
44 an overview of a recently completed preliminary report
45 addressing Executive Order 14008 titled "Conserving and
46 Restoring America the Beautiful".

47
48 The overarching goal of the initiative is to conserve 30 percent

1 of U.S. lands and waters by 2030. Mr. Rauch introduced the
2 project's core principles, areas of focus, collaborators, and
3 reviewed the proposed next steps.

4
5 A committee member commented that considerations for conserving
6 lands is not directly analogous to conserving waters, as human
7 development on the water is considerably less relative to land.
8 Ms. Bosarge suggested that considerations for conserving waters
9 focus on access between land and waters. She reported that
10 areas where large commercial vessels can dock is dwindling and
11 that this access is important for supporting often underserved
12 stakeholders in the Gulf of Mexico.

13
14 The committee inquired as to why a conservation goal of 30
15 percent was set. Mr. Rauch stated that percentage was close to
16 a previously published estimate of 40 percent from an
17 international study of conservation needs. He also stated that
18 the International Union for Conservation of Nature had reported
19 that the U.S. was currently conserving approximately 26 percent
20 of U.S. waters. However, he stressed that 30 percent was not
21 reflective of an idealized accomplishment, but rather an
22 actionable objective that will help spur progress towards
23 conservation by engaging a variety of stakeholders.

24
25 The committee was interested in whether established and
26 enhanced, for example artificial reefs, areas would be included
27 in the calculation of the 30 percent goal. Mr. Rauch indicated
28 that a definition for "conservation" had not yet been determined
29 for the initiative. He stated it would be possible for
30 previously identified and restored conservation areas to be
31 included.

32
33 The Council Coordination Committee has established an Area-Based
34 Management Subcommittee to address the E.O. Dr. Froeschke
35 provided an update on the subcommittee's first meeting. He
36 stated that the subcommittee has begun developing terms of
37 reference and compiling a list of conservation areas. This list
38 would be used to generate a reference atlas and would mostly
39 report areas within the EEZ, rather than state closures and
40 migratory corridor areas. Mr. Rauch commented he was happy that
41 the CCC would be involved in the process, but he was not sure
42 how the timing for the outcomes of the CCC subcommittee and the
43 NMFS timeline would align.

44
45 The next item was Section 216(c): Conserving our Nation's Lands
46 and Waters. Council staff reviewed the results of solicited
47 public comment on the Executive Order Section 216(c) and
48 presented a draft recommendation letter that will be submitted

1 in response to the E.O.

2
3 The draft letter highlighted recurring themes on conserving
4 waters and considerations for socioeconomic factors from the
5 previous committee meeting, other fishery management regions,
6 state agencies, and the general public. The committee requested
7 some time to evaluate the draft and provide feedback to the
8 staff before formal submission. Mr. Chair, this concludes my
9 report.

10
11 **CHAIRMAN FRAZER:** Thank you, Mr. Banks. Is there any other
12 business related to the Habitat Protection and Restoration
13 Committee? I am not seeing any. Thank you again, Patrick.
14 We're going to read one more short report this evening. Dr.
15 Stunz, if you're on the line, if you want to go ahead and take
16 care of the Migratory Species Committee, that would be great.

17
18 **MIGRATORY SPECIES COMMITTEE REPORT**

19
20 **DR. STUNZ:** Yes, sir, Mr. Chairman. I'm ready if everyone else
21 is. The Migratory Species Committee met on June 25, 2021. The
22 committee adopted the agenda, Tab M, Number 1, as written and
23 approved the minutes, Tab M, Number 2, of the November 2020
24 meeting as written.

25
26 Highly Migratory Species Amendment 13, a three-year review of
27 the individual bluefin quota program that addressed the directed
28 fisheries for bluefin tuna and the incidental catch of bluefin
29 by the pelagic longline fishery, Tab M, Number 4(a) and 4(b),
30 Mr. Thomas Warren from the Highly Migratory Species office
31 provided an overview presentation on HMS Amendment 13.

32
33 The amendment would modify measures to the individual bluefin
34 quota program, with active vessels with a valid permit receiving
35 IBQ shares based on a contemporary three-year average. Regional
36 allocations between the Gulf of Mexico, the Gulf, and the
37 Atlantic would change annually as fishing location of the fleet
38 changes, and the Gulf IBQ share would be capped at no more than
39 35 percent.

40
41 Addressing the recent inactivity of the purse seine fishery,
42 allocation for purse seining would be entirely redistributed to
43 hand gear categories, the general, harpoon, angling, and
44 reserve. Mr. Warren covered other considerations in the
45 amendment and reviewed the bluefin quota percentage changes that
46 would result should the proposed changes be implemented.

47
48 Ms. Susan Boggs asked for clarification about the make-up of the

1 general fishing category for bluefin tuna, and Mr. Warren
2 replied that this category mostly encompassed commercial hook-
3 and-line activity, which is focused off North Carolina and New
4 England.

5
6 Mr. Andy Strelcheck asked for procedural clarification regarding
7 quota allocation from inactive vessels. Mr. Warren stated that
8 a review indicated 30 percent of the quota was allocated to
9 inactive vessels. Amendment 13 would use a contemporary
10 shifting three-year average of bluefin landings to assign shares
11 and create a dynamic system that reflects the most recent
12 fishing activity of participating vessels.

13
14 Mr. Kevin Anson and Dr. Tom Frazer asked about how the
15 determination of a 35 percent share cap was allotted to the
16 Gulf. Mr. Warren indicated that the current 35 percent cap
17 would be retained and the amendment would allow for a potential
18 decrease in that percentage. However, he indicated that the
19 bluefin fishery in the Gulf is mostly incidental and did not
20 anticipate landings would approach the 35 percent cap in the
21 future.

22
23 During the discussion of Other Business, Ms. Leann Bosarge, Mr.
24 J.D. Dugas, and Ms. Boggs spoke of the continued issues
25 regarding shark depredation. They highlighted problems with
26 sharks inflicting damage to shrimp net gear, which was expensive
27 to repair, angler safety when landing sharks, and loss of target
28 catch during charter trips. Mr. Warren indicated his office was
29 aware of the increasing shark predation issue and would pass
30 along the committee's concerns to the appropriate colleagues.
31 Mr. Chair, this concludes my report.

32
33 **CHAIRMAN FRAZER:** Thank you, Dr. Stunz. Is there any other
34 business related to the Highly Migratory Species Committee? Mr.
35 Banks.

36
37 **MR. BANKS:** At a previous council meeting, we had asked for some
38 update presentations about the shark stock assessments. Can
39 staff give us any idea of whether the HMS folks are able to do
40 that or whether they're working on stock assessments for like
41 bull sharks and blacktips and things like that?

42
43 **CHAIRMAN FRAZER:** We're going to have Dr. Hollensead come up and
44 chat with us.

45
46 **DR. LISA HOLLENSEAD:** If you recall, and this was right before
47 the world ended, we had a presentation from HMS staff, sort of a
48 general here's some species of note, and here's the trends and

1 things like that, nothing specific to SEDAR or that process.

2
3 As far as I know right now, the only SEDAR action for sharks, at
4 the moment, is the hammerhead complex, and I believe that is all
5 that's ongoing right now. I do not believe that anything is on
6 the docket for bull sharks any time in the near future.

7
8 On our task list that we have, we have been tasked with having a
9 presentation to the SSC about the SEDAR process for sharks, and
10 so that is on that ongoing task list, and so, yes, staff is
11 aware, and that's something we continue to work on.

12
13 **CHAIRMAN FRAZER:** Ms. Bosarge.

14
15 **MS. BOSARGE:** That sounds good, and I think, whenever that next
16 shark assessment does come out, and I forgot what you said it
17 was already, but, anyway, if it's a shark species that is here
18 in the Gulf, is prevalent in the Gulf, we were going to also
19 have that presented to our SSC, for informational purposes, and
20 so that our fishermen could hear that presentation, right?

21
22 **CHAIRMAN FRAZER:** Yes, that's correct, and so, again, I think
23 what we're just trying to is make sure that we get looped-in a
24 little bit more to the most recent shark-related information.
25 Kevin Anson,

26
27 **MR. ANSON:** Thank you, Mr. Chair. I know there's a division
28 between HMS species and other species that exist, at least in
29 the Gulf of Mexico, and I am just curious if there's any way --
30 If there's any synergies that might exist, I guess, to make sure
31 that, for our purposes, for managing like reef fish species, for
32 instance, how well, or if there is formal process that exists
33 within the Science Center, and I guess Silver Spring,
34 Headquarters, regarding making sure that we are getting
35 appropriate data for the HMS folks, your stock assessment
36 scientists, Dr. Porch.

37
38 Is that something that could come back to the council, to make
39 sure that there's more, I guess, open discussion about the types
40 of data that are being collected and maybe piggyback, if you
41 will, on some of the data collection that exists for non-shark-
42 related programs that could assist with the assessment?

43
44 **DR. PORCH:** Yes, and, in fact, if you wanted a presentation
45 where we talk about the types of data that are available, we
46 could certainly give that. Sharks are generally data limited in
47 a couple of ways. One, we only have a few surveys that cover
48 some species of sharks, and, of course, they are very long-lived

1 animals, and so a lot of the dynamics happen slowly, and it's
2 not that we have time series that go back fifty years or
3 anything like that, but we could give a presentation of what is
4 available.

5
6 We have a small staff for sharks, and they do assessments every
7 year, but there is something -- I forgot how many there are now,
8 thirty sharks in the FMPs now, and we've never done a bull shark
9 assessment, and I'm not even sure we would have the data to
10 actually do one that is defensible, but we have done small
11 coastal sharks in aggregate, and so that would include -- I'm
12 not sure if we did blacktip by itself, but it would have been
13 wrapped up, probably, in small coastal, and I'm just looking at
14 the list of ones that we have done.

15
16 We have done blacktip separately, and I take that back. It's
17 just that, with so many sharks and a small team, we can't do
18 them that often, and so there is long gaps between assessments,
19 but that's all on the SEDAR website.

20
21 **CHAIRMAN FRAZER:** All right. Thank you, Dr. Porch. Ryan, did
22 you want to add anything about the SEDAR schedule?

23
24 **MR. RINDONE:** Sure. Thank you, Mr. Chairman. There's a
25 hammerhead research track assessment that's being conducted
26 through SEDAR, and that is currently underway and will conclude
27 in late 2023 with the operational assessment for that species.

28
29 **CHAIRMAN FRAZER:** Okay. Thank you, Ryan. Mr. Anson.

30
31 **MR. ANSON:** Dr. Porch offered a presentation, and I don't know
32 if it needs to be like a formal motion to the council, or, I
33 mean, I can take his word on it, but I just -- How do you want
34 to proceed?

35
36 **CHAIRMAN FRAZER:** Dr. Simmons.

37
38 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I believe in
39 January, and I know it seems like a long time ago, but, the last
40 time we had an in-person meeting, I believe, in 2020, in
41 January, we received a presentation from the Highly Migratory
42 Species Division in the Regional Office, and they did talk about
43 the various gears and information they have on several shark
44 species, and so I guess, if you're looking for more detailed
45 information, perhaps a motion would be good.

46
47 **MR. ANSON:** I am looking for, I guess, a little bit more detail,
48 and I guess it's not so much just the data that exist, but it's

1 just what the process is for -- What are the data needs, and,
2 again, do they overlap, or is there an opportunity, in our
3 normal data collection activities, like us and the states,
4 through the commission, that the states could be a little bit
5 more active in trying to get some better data, more specialized
6 data, and, again, the money may not be available to go through
7 that route, but I'm just saying that that's kind of where I was
8 looking, was what data is available.

9
10 Obviously, we need to know where to start from, but then, again,
11 trying to overlay what is currently being collected for the
12 recreational fisheries, for reef fish and such, and, again,
13 where might there be some opportunities there to kind of merge
14 those two things together.

15
16 **CHAIRMAN FRAZER:** Dr. Porch.

17
18 **DR. PORCH:** I would be very happy to give a presentation that
19 talks about the data gaps that we have for sharks and where we
20 think there could be some useful investments, and then the
21 states can take from that where they can help out or advocate
22 for more resources.

23
24 **CHAIRMAN FRAZER:** Thank you, Clay. Dr. Simmons, do you just
25 want to informally arrange a time with Dr. Porch to have a short
26 presentation about sharks and data gaps, or data needs?

27
28 **EXECUTIVE DIRECTOR SIMMONS:** Absolutely.

29
30 **CHAIRMAN FRAZER:** Are you satisfied with that, Kevin?

31
32 **MR. ANSON:** That would be great.

33
34 **CHAIRMAN FRAZER:** All right. Is there any other business to
35 come before this particular committee? All right. I am not
36 seeing any. Sorry I took you guys a little longer, but we'll be
37 better off for tomorrow. You guys have a nice evening.

38
39 (Whereupon, the meeting recessed on June 24, 2021.)

40
41 - - -

42
43 June 25, 2021

44
45 FRIDAY MORNING SESSION

46
47 - - -

1 The Full Council of the Gulf of Mexico Fishery Management
2 Council reconvened on Friday morning, June 25, 2021, and was
3 called to order by Chairman Tom Frazer.

4
5 **CHAIRMAN FRAZER:** We're going to get going. We will go in order
6 to finish up the committee reports. We'll start off with
7 Shrimp, and then we'll go to Admin/Budget, Mackerel, Data
8 Collection, Sustainable Fisheries, and then, finally, Reef Fish,
9 and so, Ms. Bosarge, if you wanted to get started with the
10 Shrimp Committee Report, it's all yours.

11
12 **SHRIMP COMMITTEE REPORT**

13
14 **MS. BOSARGE:** Thank you, Mr. Chairman. The Shrimp Committee met
15 on June 21, 2021, with myself, Leann Bosarge, as Chair. The
16 committee adopted the agenda, Tab D, Number 1, with the addition
17 of a brief discussion regarding a recent Executive Order under
18 Other Business. The committee approved the minutes, Tab D,
19 Number 2, of the April 2021 meeting as written.

20
21 Update on Effort Data Collection for 2021, Tab D, Number 4 and
22 4(a) through (b). Dr. Gloeckner presented on the shrimp
23 cellular electronic logbook (cELB) interim data collection
24 process. The cELB units ceased transmitting in December 2020.
25 However, the cELB units are still collecting data. The data
26 will be manually collected by the Southeast Fisheries Science
27 Center, aka Science Center, via SD cards.

28
29 Dr. Gloeckner reviewed the steps and timeline for maintaining
30 the data collection. He added that the process of replacing bad
31 cELB units has already begun and would continue in the fall,
32 after reviewing the data collected by the cELB units. He noted
33 that the process of manual data collection via SD cards would be
34 repeated in the fall and thereafter as needed.

35
36 Ms. Bosarge commented that the process was going well and being
37 conducted in a timely fashion, including the postcard mailed in
38 May to notify shrimpers of the manual data collection process
39 and having the SD cards mailed to shrimpers this summer. Ms.
40 Bosarge offered a suggested edit on the SD card removal
41 instructions mailer that would explain to shrimpers how they
42 would know if the cELB was powered up again properly. Ms.
43 Bosarge inquired how many SD cards were in stock with the
44 Science Center, and Dr. Gloeckner will provide the requested
45 information later, and I will turn to Dr. Freeman, because I
46 think he has that information now.

47
48 **DR. MATT FREEMAN:** Thank you, Ms. Bosarge. I got a response

1 from Dr. Gloeckner, in terms of some questions that were raised
2 during the Shrimp Committee. The first is that they are putting
3 together directions to indicate the need of the light indicators
4 of the back of cELBs, so that shrimpers will know if the unit is
5 operating, and those will go out with the next mailing.

6
7 The Science Center was instructed to clip all of the items
8 together in the next mailer, so that shrimpers know that they
9 got everything that should have been included, and, again, staff
10 were advised to make this change.

11
12 The next item, he said that they will not have enough SD cards
13 to cover the next mailing, and they will be purchasing 500 of
14 those cards to cover that next mailing. Then, lastly, as of
15 Tuesday afternoon, to serve as a status update, they have
16 received twenty-seven of the SD cards back. I did inquire this
17 morning of how many they did mail out, and he said that they
18 mailed 493 chips on June 2, and so, again, as of Tuesday
19 afternoon, they have received twenty-seven back so far.

20
21 **MS. BOSARGE:** All right. Thanks for that update, Matt, and
22 that's what I was kind of worried about, that we might not have
23 enough chips in inventory right now to do this continuously, but
24 I'm glad to hear that they're ordering some, and hopefully these
25 particular chips aren't in too high demand, but hopefully we'll
26 hold off on mailing any more out until we get some more in, so
27 that, if we need to do this once a year, going forward, we can
28 make that determination. Let's see. That's the end of that
29 section.

30
31 The next section is Draft Framework Action: Modification of the
32 Vessel Position Data Collection Program for the Gulf of Mexico
33 Shrimp Fishery, Tab D, Number 5 and 5(a) through 5(c). Dr.
34 Freeman reviewed the draft purpose and need statements. Mr.
35 Dugas inquired why the satellite automatic identification system
36 (AIS) was not considered. Ms. Bosarge noted that was a good
37 point and may become clearer as the alternatives are discussed.

38
39
40 Ms. Bosarge noted that the purpose statement should be clarified
41 to refer to the expired 3G cELB program and that a similar
42 change should be made throughout the rest of the document. She
43 also noted that the scientific needs of the data collection
44 program have to be balanced with the financial burden on
45 fishermen and, while noted in the document, it should be
46 included in the purpose statement.

47
48 Mr. Banks inquired if the phrase "to collect vessel position

1 data" is needed. Mr. Diaz responded that reduction metrics for
2 red snapper rely on effort estimation, which uses vessel
3 position data. Mr. Diaz commented that the reason for data
4 collection is for science and not for law enforcement and asked
5 if that could be reflected in the purpose statement.

6
7 **The committee recommends, and I so move, to modify the purpose**
8 **of the document to read: The purpose of this action is to**
9 **transition from the expired 3G cellular electronic logbook**
10 **program to a system that would maintain the council's and NMFS's**
11 **scientific ability to estimate and monitor fishing effort in the**
12 **Gulf of Mexico shrimp fishery while minimizing the economic**
13 **burden on the industry to the maximum extent practicable. The**
14 **motion carried without opposition.**

15
16 **CHAIRMAN FRAZER:** All right. Thank you, Ms. Bosarge. We have a
17 committee motion on the board. **Is there any opposition to that**
18 **motion? Seeing none, the motion carries.**

19
20 **MS. BOSARGE:** Dr. Freeman next reviewed the alternatives under
21 Action 1 and noted that "3G" would be added to the language of
22 Alternative 1. Ms. Bosarge stated that Alternative 2 uses the
23 technical specifications for devices already approved by NMFS
24 for other fisheries and would apply them to the shrimping
25 industry. The devices currently in place for the shrimp
26 industry are cellular, while the vessel monitoring system type-
27 approved list includes both cellular and satellite-based
28 devices.

29
30 If cellular-based VMS devices are discontinued in the future,
31 the shrimp industry would be required to use satellite
32 transmission, which is far too costly for the industry. Ms.
33 Bosarge recommended removing the reference to satellite devices
34 from Alternative 2, as it is not a viable option for the shrimp
35 industry at this time. Mr. Strelcheck responded that the intent
36 is to include all possible options for the shrimp industry. Ms.
37 Bosarge reiterated that satellite transmission would be too
38 costly for the industry.

39
40 Ms. Levy noted that, for the for-hire component, the phrase "at
41 a minimum" meant that fishermen could use a device that
42 cellularly transmits at a minimum and that satellite
43 transmission would be above the minimum. Ms. Bosarge responded
44 that satellite-transmission-related language should not be
45 considered in the alternative.

46
47 **The committee recommends, and I so move, in Action 1, to revise**
48 **Alternative 2 to read: Alternative 2. Modify the method to**

1 collect vessel position data. If selected, the owner or
2 operator of a shrimp vessel with a valid or renewable moratorium
3 permit would be required to install an approved vessel
4 monitoring system that archives vessel position and
5 automatically cellularly transmits that data to the National
6 Marine Fisheries Service. The motion carried with one in
7 opposition.

8
9 **CHAIRMAN FRAZER:** Okay, and so we have a committee motion on the
10 board, and there was one in opposition, and so is there any
11 further discussion of this motion? Mr. Strelcheck.

12
13 **MR. STRELCHECK:** I will just make the same point that I did in
14 committee, and I just think this is narrowing our range of
15 options. I totally agree with what Leann is saying, that it's
16 likely not to be the preferred option by shrimpers, but we have
17 a whole suite of VMS units, whether satellite, cellular, or
18 hybrid-based, and they would be available for use and
19 consideration by the shrimp industry.

20
21 I recognize that costs would likely be prohibitive, but I did
22 check with our Permits Office, and we have 162 rock shrimpers
23 that also have a shrimp permit in the Gulf of Mexico, and we
24 also have nine vessels in the Gulf of Mexico with a shrimp
25 permit and a reef fish permit, and so those are vessels that are
26 already using a satellite-based VMS, and just including it in
27 there does not harm anything, and it's certainly not something
28 that they have to select as their preferred method for
29 reporting.

30
31 **MS. BOSARGE:** Thank you, Andy.

32
33 **CHAIRMAN FRAZER:** Is there any further discussion? Peter.

34
35 **MR. PETER HOOD:** Thank you. Just about satellite technology, I
36 know that, the way it's used in reef fish, is they ping once an
37 hour, and it is possible for the collection unit to get ten-
38 minute pings, but then bundle that into one ping that goes up to
39 every hour, and so you would have six positions, or six
40 locations, in it, and so that's a way that it would get there.
41 The cost would be more than one ping an hour, because it does --
42 The VMS providers charge by how much data is being transmitted,
43 but it might be less than pinging once every ten minutes.

44
45 **CHAIRMAN FRAZER:** All right. Thanks, Peter. Ms. Bosarge.

46
47 **MS. BOSARGE:** One of them actually emailed me about this the
48 other day, and I don't remember who it was, but, essentially,

1 that carrier, or provider, they actually charge by the
2 character, and so, whether you send the data in one bundle or
3 six times, it's the same number of characters, and so you're
4 still going to have a substantial cost.

5
6 I would still advise that we take this out of there. I think
7 there's too much room, given what we see right now in our
8 industry, where our cellular product is not supported, and the
9 cellular products that have seen, that are either approved or in
10 the process of being approved, I think, when you put them on a
11 shrimp boat to test them, you will find where we have some
12 issues. At that point, we would be pigeon-holed into a \$300 a
13 month device, because we wanted to provide the shrimp fleet with
14 that option, and I don't want to end up at that option.

15
16 **CHAIRMAN FRAZER:** All right. Thank you, Leann. All right. I
17 am looking around. Is there anybody online that wants to
18 contribute to this discussion? Not hearing any voices online,
19 and so, again, we had one in opposition, and so we'll go ahead
20 and start this way. **How many people are opposed to this motion?**
21 **Raise your hand.** All right. **Is there any opposition then? Not**
22 **seeing any, and the motion carries.** Ms. Bosarge.

23
24 **MS. BOSARGE:** All right, and so Mr. Strelcheck noted that
25 additional devices are currently being considered for VMS type-
26 approval, and other devices are in the development phase and may
27 be certified in the future for use in the shrimp industry. He
28 noted that having a VMS type-approval process that varies across
29 fishing sectors would defeat the purpose of having a
30 standardized list. However, exceptions to current requirements
31 for a particular industry could be explored.

32
33 Ms. Bosarge commented that the requirements were not written
34 with the shrimp industry in mind. She stated, for instance,
35 that the storage requirement of 1,000 position fixes would
36 provide only a week of data for the shrimp industry, whereas it
37 would provide more than a month of data for the reef fish
38 industry. Mr. Strelcheck recommended taking these concerns and
39 revised technical specifications to the Office of Law
40 Enforcement, instead of trying to incorporate them into the
41 framework action.

42
43 Mr. Diaz stated, again, that the shrimp industry operates very
44 differently from other fisheries and therefore needs different
45 technical specifications. Dr. Porch noted that the technical
46 specifications are minimum requirements, as with storage for
47 position fixes. Ms. Levy stated that the language of
48 Alternative 2 currently is not overly restrictive and that,

1 instead of adding another alternative, the agency needs to take
2 into consideration the suggested changes to the technical
3 specifications.

4
5 Mr. Strelcheck noted that there was not information in front of
6 him to comment on the proposed alternative. Ms. Bosarge noted
7 that, by adding an alternative which references technical
8 specifications designed to collect shrimp effort data via a
9 cellular electronic logbook, it would allow the council to
10 compare the requirements and potential ramifications of the two
11 options in an open and transparent manner, garnering feedback
12 from the council and stakeholders as the process continues.

13
14 **The committee recommends, and I so move, in Action 1, to add an**
15 **Alternative 3. Alternative 3. Modify the method to collect**
16 **vessel position data. If selected, the owner or operator of a**
17 **shrimp vessel with a valid or renewable moratorium permit would**
18 **be required to install an approved electronic logbook that**
19 **archives vessel position and automatically cellularly transmits**
20 **that data to the NMFS. The motion carried with one in**
21 **opposition.**

22
23 **CHAIRMAN FRAZER:** Okay. Again, we have a committee motion on
24 the board. Is there any further discussion of the motion? Mr.
25 Strelcheck.

26
27 **MR. STRELCHECK:** Thanks, Tom. A point of clarification with
28 regard to the minutes. It states "However, exceptions to
29 current requirements for a particular industry could be
30 considered." I guess "could" seems more definitive than the
31 agency is willing to look at those and consider them, right, and
32 so I would like to just clarify that, because I think the
33 statement below that is much better written, in terms of
34 recommending taking the concerns and revised technical
35 specifications to the Office of Law Enforcement.

36
37 With regard to the motion on the board, Mara made this point
38 during committee, and, at least as written, I don't think it's
39 any different than the definition we have for a vessel
40 monitoring system currently in the regulations, and I will read
41 that that states a VMS means a satellite or cellular-based unit
42 or system designed to monitor the location and movement of
43 vessels using onboard VMS units that send global position system
44 position reports to an authorized entity. I just point this out
45 because I think, as written, the Alternative 3 is really the
46 same as Alternative 2.

47
48 **CHAIRMAN FRAZER:** Ms. Bosarge.

1
2 **MS. BOSARGE:** Thanks for that. I will respectfully disagree
3 with him. This VMS language calls it what we've always called
4 it, which is an electronic logbook, and that we will have
5 technical specifications that we can look at in the next
6 iteration of this document for shrimp electronic logbooks, as
7 opposed to strictly only looking at the VMS type-approval
8 specifications that are published for, currently, the IFQ fleet
9 and the for-hire fleet. That's the difference, in my opinion,
10 in this motion.

11
12 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. Ms. Levy.

13
14 **MS. MARA LEVY:** Thank you. I'm just going to say that I think
15 it's going to potentially add confusion to the public. I mean,
16 I hear what you're saying, Leann, and, obviously, anybody can
17 have their opinion about what the regulations mean, but,
18 ultimately, if the agency decides that what you're trying to do
19 here meets the definition of VMS and that the VMS regulations
20 and approval process applies, then that's what the agency is
21 going to do, and I think it's a little bit confusing to try and
22 distinguish between, quote, a VMS and an electronic logbook,
23 because they're both collecting position data, and they're both
24 sending it automatically to NMFS.

25
26 I just think that the change in wording between the alternatives
27 is going to potentially indicate to people that there is
28 something different. I get that the tech specs behind it
29 potentially could be different, but it's the same type of
30 device, and so that's my only concern. Thank you.

31
32 **CHAIRMAN FRAZER:** Thank you, Ms. Levy. Dr. Porch.

33
34 **DR. PORCH:** Thank you. We also find it a little bit confusing,
35 and potentially misleading, to call it an electronic logbook,
36 because really all we're asking here is just a vessel position
37 recorder, and maybe we just use generic language.

38
39 **CHAIRMAN FRAZER:** All right. Thank you, Dr. Porch. Before we
40 vote on this, Andy, I just want some clarification. Are you
41 suggesting, with regard to the report itself, that the language
42 needs to be modified in one of those sentences?

43
44 **MR. STRELCHECK:** I'm not suggesting the language needs to be
45 modified. I'm just saying, whether you call it an electronic
46 logbook or a vessel monitoring system, the way it's worded is an
47 electronic logbook here fits the definition of a VMS, and so
48 you're calling it something else, but it's still something that

1 provides us position data and transmits its cellularly to the
2 agency, which is components, or key components, of that
3 definition for a VMS.
4

5 **CHAIRMAN FRAZER:** I'm not speaking to the language in the
6 alternative motion, but the actual language in the report. You
7 referenced that there was a particular sentence that you didn't
8 like. I just want to make sure that staff can capture that.
9

10 **MR. STRELCHECK:** So the last paragraph on page 2, the fourth
11 line, says: "However, exceptions to current requirements for a
12 particular industry could be considered." I guess I would
13 probably have worded that as the agency is willing to explore
14 current requirements, exceptions for current requirements, and
15 that is captured then at the end of the last paragraph on that
16 page and the beginning of the next page, which talks about that
17 these concerns and revised technical specs can be taken to the
18 Office of Law Enforcement, which we plan to do after this
19 meeting.
20

21 **CHAIRMAN FRAZER:** Okay, and so you're asking to replace the word
22 "considered" with "explored"? Okay. Matt, have you got that?
23

24 **DR. FREEMAN:** Yes, sir. We'll make that change.
25

26 **CHAIRMAN FRAZER:** Okay. We have, again, a committee motion on
27 the board, and I am not seeing any interest in further
28 discussion on that. **All of those in favor of this motion, can**
29 **you raise your hand; folks online; all those opposed. The**
30 **motion carries twelve to two.**
31

32 **MS. BOSARGE:** All right. Dr. Porch added that, if a unit
33 transmits vessel position data, it is considered a VMS unit.
34 Ms. Bosarge compared the electronic logbook devices currently
35 utilized in the shrimp fleet to the definition of a VMS unit and
36 noted, in her opinion, the current devices did not rise to the
37 level of a VMS unit as it is currently defined in the
38 regulations. Dr. Freeman then reviewed additional options for
39 consideration, regarding to which vessels the requirements in
40 Action 1 would apply.
41

42 Update on P-Sea WindPlot Pilot Program, Tab D, Number 6. Dr.
43 Putnam presented an update on the P-Sea WindPlot pilot program
44 and noted that this is an industry-led solution to the expired
45 3G cellular transmission problem. LGL modified the P-Sea
46 WindPlot software to record the same information as the existing
47 cELB program and to be compatible with the current method of
48 calculating shrimping effort.

1
2 LGL also devised a method to pair effort data with landings data
3 for each trip, in an effort to provide more robust catch per
4 unit effort estimates. Similar to the historical program, the
5 proposed program is designed to be a scientific data collection
6 tool and not an individual vessel enforcement tool.

7
8 Currently, LGL has tested the pilot program for at-sea
9 functionality and has shown that it would provide the same
10 effort information produced by the existing cELB program. The
11 next steps would be to automatically transmit ELB data and pair
12 trip ticket information to a designated NMFS server and to
13 install the system on a subsample of the fleet.

14
15 Mr. Strelcheck noted that there had been concerns about aging
16 computers and systems and their ability to run the software and
17 asked if those concerns were being observed. Dr. Putnam stated
18 that the older computer systems took longer to install the
19 modified P-Sea WindPlot software, but that they had been able to
20 get the software to run on all of the systems tested so far.

21
22 Other Business, the committee was out of time, so the other
23 business item regarding a recent Executive Order will be moved
24 to Full Council. We took that other business item up, Mr.
25 Chair, during Patrick's committee, the Habitat Committee, and
26 that was simply I was hoping that, at some point in the future,
27 the council could be presented with Executive Order 14017 on
28 strengthening the resiliency of American's supply chain, as it
29 references specifically food production and food processing and
30 food distribution and markets and consumers.

31
32 It's very similar to the Executive Order that the council gave
33 feedback on during the last administration on strengthening the
34 resiliency and supply chain of the seafood industry, and so I
35 thought this one would also be a viable option for us to give
36 feedback on, and it's just a little broader, and it goes beyond
37 seafood and into other foods, and so, if, at some point in the
38 future, we have time on our agenda to look at that, that would
39 be nice, but I understand the agendas are constrained.

40
41 **CHAIRMAN FRAZER:** Okay, and we'll kind of explore that and the
42 status of where there's going and, if we can find some time to
43 put it on the agenda at the coming meeting, we'll do that.

44
45 **MS. BOSARGE:** All right. Mr. Chair, this concludes my report.

46
47 **CHAIRMAN FRAZER:** All right. Thank you, Ms. Bosarge. Is there
48 any other discussion related to this particular committee today?

1 All right. Not seeing any, thank you again, Ms. Bosarge. We
2 will go ahead and move to the Administrative and Budget
3 Committee and Mr. Dyskow.

4
5 **ADMINISTRATIVE AND BUDGET COMMITTEE REPORT**
6

7 **MR. DYSKOW:** Thank you, Mr. Chair. This is the Admin Budget
8 Committee Report from June 21, 2021. The committee adopted the
9 agenda as written and approved the minutes of the January 2021
10 meeting as written.

11
12 Review and approval of the Final Funded 2021 Budget, in Tab G,
13 Number 4, staff presented the initial draft 2021 budget
14 alongside the draft funded 2021 budget. The total funding
15 received for the second year of the five-year award was
16 \$3,904,100. The total received is \$99,200 less than the
17 original budget estimate and included the reduction of the
18 \$94,000 which was sent to the Southeast Region (SERO) in support
19 of the permit software update.

20
21 Most of the costs presented in the initial draft budget remain
22 unchanged, other than lines relating to meetings and contractual
23 services. Meeting-related costs were revised to account for the
24 meetings which have been held virtually to date and a slight
25 reduction in the number of anticipated public hearing
26 activities, since travel is just being resumed.

27
28 In addition to the decreases, allowances were increased, due to
29 the considerable uncertainty in the actual costs that may be
30 realized through the remainder of the year as airfares, rental
31 car costs, and hotel rates are surging due to the increased
32 demand. The stipend and meeting room cost estimates were
33 increased to adjust for anticipated activity and rising room
34 rental costs, as in-person meetings are resuming and space costs
35 are increasing.

36
37 The contractual costs were adjusted by a net of \$68,000, which
38 included the \$94,000 that was removed from this line, since it
39 was funded to SERO directly from the Treasury Department. Added
40 to this line were the stipends for contracting independent
41 reviewers involved in the Great Red Snapper Count review at the
42 March SSC meeting, and that was \$30,000, and \$4,000 for
43 technology services to help ensure the council can meet NOAA's
44 electronic records keeping requirements towards the end of the
45 year. **The committee recommends, and I so move, to approve the**
46 **final funded 2021 budget.** Mr. Chairman.

47
48 **CHAIRMAN FRAZER:** All right. Thank you, Mr. Dyskow, and so we

1 have a committee motion on the board, and that motion, again, is
2 to approve the final funded 2021 budget. **Is there any**
3 **opposition to this motion? I am not seeing any, and so the**
4 **motion carries.** Thank you, Mr. Dyskow.

5
6 **MR. DYSKOW:** Expanded Sampling and Ageing Study on Gulf of
7 Mexico Gray Triggerfish, with SSC Recommendations, and that
8 would be in Tab G, Number 5(a), in response to the January 2021
9 request from the council, staff presented a draft call for
10 proposals to obtain data which would decrease data gaps in the
11 research track assessment of Gulf of Mexico gray triggerfish
12 that is currently scheduled to begin in 2024.

13
14 The proposed project would require a contractor to evaluate
15 techniques to efficiently sample, process, and utilize different
16 ageing structures. i.e., spines and otoliths, for gray
17 triggerfish in the Gulf and would require funding of \$250,000
18 from the 2020 unexpended funds. The contractor would have
19 twenty-four months to complete the project to conduct the
20 expanded sampling and ageing study.

21
22 Staff reviewed a draft of the request for proposals for this
23 project and incorporated comments from the Science Center, the
24 Grant Coordinator, and the Scientific and Statistic Committee.
25 The committee was asked to review this revised draft to
26 determine if the funding amount and scope of work should be
27 approved for solicitation of a competitive call for proposals.

28
29 **The committee recommends, and I so move, to fund the expanded**
30 **sampling and ageing study on Gulf of Mexico gray triggerfish,**
31 **with SSC recommendations. Dr. Frazer.**

32
33 **CHAIRMAN FRAZER:** Thank you, Mr. Dyskow. We have a committee
34 motion on the board, and the motion is to fund the expanded
35 sampling and ageing study on Gulf of Mexico gray triggerfish,
36 with SSC recommendations. Is there any further discussion of
37 that motion? I am not seeing any. **Any opposition to the**
38 **motion? I am not seeing, and the motion carries.** Back to you.

39
40 **MR. DYSKOW:** Thank you, Mr. Chairman. Shrimp ELB Program, which
41 is Tab G, Number 5(b), in response to the January 2021 request
42 from the council, staff presented a draft request for project
43 proposals to select a contractor to organize and expand a vessel
44 effort monitoring system for the federally-permitted Gulf of
45 Mexico shrimp industry.

46
47 The intention of this study is to test a suitable software
48 program with a portion of the shrimp fleet in the near-term to

1 determine if it meets the needs of industry, council, and the
2 NMFS Science Center. All three.

3
4 The term of this work would be twelve to eighteen months and
5 would require funding up to \$350,000, which would come from the
6 council's unexpended 2020 funds. The committee did not vote on
7 this action and elected to continue discussions during the Full
8 Council session.

9
10 **CHAIRMAN FRAZER:** Okay, and so is there any further discussion
11 of this issue? Susan Boggs.

12
13 **MS. BOGGS:** Thank you, Mr. Chair. If I remember, in committee,
14 when we discussed this, this would be sent out for bid, and it
15 wouldn't necessarily go to Benny Gallaway's group, and it would
16 be put out for bid, to explore moving forward with some type of
17 program.

18
19 **CHAIRMAN FRAZER:** So my recollection of the discussion was that
20 it wouldn't be a sole-source contract and that it would be
21 competitive. Ms. Bosarge.

22
23 **MS. BOSARGE:** I mean, obviously, I'm going to speak in favor of
24 this, and I think that this is a great option for my industry.
25 Obviously, in the last committee, we talked about the expired 3G
26 cellular electronic logbooks and the obvious willingness and
27 hopefulness of the industry to continue that program in a
28 cellular fashion, the way that we have before.

29
30 Right now, even if the council does go with NMFS's VMS type-
31 approval list, without altering the specifications for shrimp,
32 there is only one cellular option that is currently approved,
33 and so that's -- The whole point was not to sole-source things,
34 right, and force the industry under one particular vendor.
35 There's two, yes, that are currently being tested.

36
37 I will be honest that I've looked at two of these three devices,
38 and, as they are right now, I don't think they'll work on the
39 shrimp fleet. I think it's going to take some physical
40 reconfiguration of the units to actually make it work and get
41 good data, and this device right here is already on the boats,
42 and so this is not an off-the-shelf device. The bulk of the
43 fleet already has a computer with this P-Sea WindPlot software
44 on it, and the industry has already paid to make sure that it
45 will collect the data that NMFS wants in the fashion that they
46 want, and it's comparable to our old data.

47
48 The one final piece that has to be worked out for this is the

1 transmission piece. Right now, it doesn't transmit
2 automatically, and we would have to mail the data to NMFS, and
3 so that's the big portion of this project, and so I think, to
4 hopefully have something in place when we finish that document,
5 this is very much a viable option, and it could be implemented
6 very quickly once the transition piece is worked out, and so I
7 hope the council will consider funding this.

8
9 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. Susan, back to you.

10
11 **MS. BOGGS:** It was kind of to that point, and Leann answered one
12 of my questions. I mean, the industry has already invested a
13 lot of money in this, and I think -- I understand what the NMFS
14 staff is saying as well, but, if this is something that's
15 already on the vessels, and it's already pretty well been proven
16 to work, it seems to me like we would invest in moving forward
17 with this and make it a seamless transition.

18
19 **I would like to make a motion that we approve the expanded**
20 **sampling of the fleet for effort monitoring in the Gulf of**
21 **Mexico shrimp industry proposal, or we accept that proposal.**

22
23 **CHAIRMAN FRAZER:** Okay. Let's take a few minutes and make sure
24 that we get that captured on the board in the form of a motion,
25 and so let's make sure the staff gets caught up. Sometimes I
26 run a little ahead of them, and I want to make sure that they
27 get time to write. All right. Do we want a little more
28 specificity in that motion, Susan?

29
30 **EXECUTIVE DIRECTOR SIMMONS:** Bernie, could you say expanded
31 sampling of the fleet for effort monitoring, that title of the
32 draft call for proposals, please?

33
34 **CHAIRMAN FRAZER:** Okay, and so, Susan, let's see what we've got
35 here. The motion is to fund a call for proposals to organize
36 and expand a vessel effort monitoring system for the federally-
37 permitted Gulf of Mexico shrimp industry. Phil, while they're
38 getting that up, what's up?

39
40 **MR. DYSKOW:** As head of the Budget and Finance Committee, I
41 would be remiss if I didn't say that we should also include
42 wording of the funding up to \$350,000.

43
44 **CHAIRMAN FRAZER:** I think, once we get a skeleton up here, we're
45 going to craft it. Susan.

46
47 **MS. BOGGS:** Do I need to be as specific to lay out the terms of
48 the contract as well as the amount of the funding in this

1 motion, so that we know how long they have to complete the
2 project?

3
4 **CHAIRMAN FRAZER:** Again, as soon as I feel comfortable that
5 we've got something that we can work with, then we will modify
6 it.

7
8 **DR. HOLLENSEAD:** What if you put something in there about as
9 presented in Tab G, Number 5(b), and then you're referencing the
10 whole proposal, and so people will know to -- That might be
11 easier.

12
13 **CHAIRMAN FRAZER:** Yes, I would agree with that. **The motion on**
14 **the board reads: To fund a call for proposals for expanded**
15 **sampling of the fleet for effort monitoring in the Gulf of**
16 **Mexico federally-permitted shrimp industry, as presented in Tab**
17 **G, Number 5(b).** Two points there. Does Tab G-5(b) specify the
18 dollar amount, up to? I just want to make sure. Okay. So
19 we've got that covered in there, and we've got all the other
20 things, and so we have a motion on the board. Is there a second
21 for that motion? It's seconded by Ms. Bosarge. Is there
22 further discussion? J.D., I cut you off earlier, and I just
23 wanted to make sure that I come back to you.

24
25 **MR. DUGAS:** (Mr. Dugas' comment is not audible on the
26 recording.)

27
28 **CHAIRMAN FRAZER:** Okay. Thank you. Ms. Guyas.

29
30 **MS. GUYAS:** I'm going to support this motion. I mean, I have to
31 commend this fishery, the industry, and they kind of got put in
32 a tough spot with the, I guess, technology change, and they've
33 come forward with a solution that I feel like, since we have
34 some extra funds on the table, I think it's worthwhile to try to
35 support looking at that, and having that as option, moving
36 forward, for this fishery, hopefully that will work for them,
37 and it will maybe give them a little bit more efficiencies and
38 not having to have multiple technologies on the vessel, and so I
39 just want to say thanks to them for coming forward and bringing
40 something to the table.

41
42 **CHAIRMAN FRAZER:** Thank you, Martha. Mr. Diaz.

43
44 **MR. DIAZ:** I agree with everything that Martha said. I do want
45 to comment the shrimp industry, and I like this option, because
46 most of the vessels have this on the boat, and it would be the
47 least impact, I think, to the shrimp fishery, and my only
48 concern is, and I would hope that folks from the Science Center

1 -- I know they're talking right now, but I would really like
2 them to hear what I have to say.

3
4 Dr. Porch and Andy, I would hope that folks from the Science
5 Center and NOAA -- If you all have any pause about whether this
6 is ultimately a viable end solution, to voice it now, because I
7 want to support the motion, and I like what the industry is
8 doing, and I see a lot of good reasons to do this, but we're
9 fixing to spend \$350,000, and I want to make sure that it's a
10 viable option, and so, if you have any pause, I would rather
11 hear it before we vote than after, but, anyway, I will stop
12 there.

13
14 **CHAIRMAN FRAZER:** Go ahead, Mr. Strelcheck.

15
16 **MR. STRELCHECK:** First, I'm going to abstain from the vote, but
17 I will let you know my perspective on it. Like you guys, I am
18 very appreciative of the industry's efforts in thinking outside
19 the box, and I think we've done a great job on that, and I
20 really think that that that's a great path to be going down.

21
22 My concern here is a couple of things. One is that, by funding
23 this project, will it meet the standard requirements ultimately
24 approved by this council, or ultimately that is required by the
25 agency, for vessel monitoring system requirements, and that's a
26 big unknown right now. We're still working on this action.

27
28 The other thing that I was just briefly talking to Clay about
29 was kind of timing of this proposal and when the results are
30 available, and then that can, obviously, influence management
31 and management changes, assuming that this is a viable path
32 forward, and so this potentially extends the timeframe in which
33 these 3G units would be in place and we're using the SD cards
34 for an extended period of time, and that's possible, if we think
35 we need to do that, to go that way, but those are at least some
36 of the reservations I have, but certainly I do not oppose this,
37 and I'm just going to abstain from consideration.

38
39 **CHAIRMAN FRAZER:** Okay. Mr. Anson.

40
41 **MR. ANSON:** I was going to say the same thing as Andy did, his
42 second point there, regarding this other framework action that
43 we're doing and the regulation and how this proposal would match
44 up with what we end up with in that document and that
45 discussion, as we go forward, and I think it was brought up at
46 the last meeting, or maybe two meetings before, about the
47 concern that I had mentioned regarding the proprietorship of the
48 data, if you will, in that it will go to a single vendor, and

1 future access to this, as the program gets upgraded and such.

2
3 I'm not familiar with the P-Sea WindPlot and whether or not your
4 machine, after five years, is no longer good, or you can
5 continually receive updates, but I'm just making sure that,
6 whatever application that they come up with, it is available as
7 part of future units, or future upgrades, the software and those
8 kinds of things. That's just a concern that I have, if we go to
9 the single-source proprietorship, and maybe, if we can provide
10 that in the language, or include that in the language proposed.

11
12 **CHAIRMAN FRAZER:** Thank you, Mr. Anson. Ms. Boggs.

13
14 **MS. BOGGS:** To that point, if you look down in the proposed plan
15 of work, the proposed work should clearly define methodologies
16 meant for meeting the NMFS software and hardware requirements
17 approval process, and so I think, the way I read this, the
18 intent is that they work with NMFS and that work collaboratively
19 to come up with the way that this will work for both parties
20 involved.

21
22 **CHAIRMAN FRAZER:** Dr. Porch.

23
24 **DR. PORCH:** Thank you. From the science perspective, we're not
25 particularly worried about vendors. I mean, whatever vendor
26 meets the requirements is fine with us, and so, I mean, if it
27 ends up going to P-Sea WindPlot or whatever, that doesn't really
28 matter to us, and we just need the information, the vessel
29 position information, every ten minutes, as we talked about, so
30 it meets the requirements of the algorithm we have to figure out
31 what shrimping effort is.

32
33 We think it's very important to expand the effort reporting,
34 because, right now, it's just a big sub-sample of the fleet, the
35 same people, the same percentage of people, and that really
36 either has to be a change every year, in a representative random
37 stratified fashion, or it needs to be a sample of the entire
38 fleet, and, obviously, if it's not a sample, it should be a
39 census of the entire fleet, everybody reporting, and that would
40 be our preference. That way, we're sure we have the best effort
41 data possible.

42
43 **CHAIRMAN FRAZER:** Dr. Simmons.

44
45 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I have a
46 question, and I guess it would be for Mr. Strelcheck or Dr.
47 Porch. How long after I guess the vendors -- How long does it
48 take the vendors to modify the software to meet the needs of the

1 shrimp industry? Is that after the council takes final action
2 to implement these changes, or are you guys working on that now
3 and think that that will occur before the council takes action?
4 Thank you.

5
6 **MR. STRELCHECK:** Carrie, I'm not fully clear, in terms of the
7 question, and so, in terms of the hardware, the VMS units
8 themselves, the type-approval standards we have in place
9 currently allow for adjustment in the ping rate, and so a VMS
10 box that's approved I think is required to meet a ping rate of
11 anywhere between five minutes and twenty-four hours, and that
12 may not be exact on those numbers, and so that's just an
13 adjustment with the actual hardware itself.

14
15 In terms of the software and the data formats, we will have to
16 meet the standards of the agency for submitting data to us and
17 ensuring that it's compatible, obviously, with the effort
18 software that the Science Center runs to estimate shrimp effort,
19 and so does that answer your question?

20
21 **EXECUTIVE DIRECTOR SIMMONS:** So you're saying that the vendors
22 currently are able to adapt to the ten-minute pings and able to
23 hold this amount of data for thirty days at-sea, based on the
24 current hardware and software that we have that's approved by
25 NMFS?

26
27 **MR. STRELCHECK:** So definitely, with regard to the change in
28 ping rate, yes. With regard to the holding of data, I know Ms.
29 Bosarge raised that issue as part of her suggestion, in terms of
30 the standards that would best meet the shrimp industry, that it
31 would need to have a greater storage capacity.

32
33 The way our regulations are written is that the minimum
34 standard, but I can't confirm for you today whether or not the
35 cellular devices that are approved, or in the process of being
36 approved, are well above that minimum standard, but I expect
37 that that is the case, but, where that is relative to collecting
38 data for thirty days, I don't know.

39
40 **CHAIRMAN FRAZER:** Ms. Bosarge.

41
42 **MS. BOSARGE:** We're kind of getting off the topic of this
43 motion, but I think it's still a good time, and so, Andy, when
44 will you start taking at least the one vendor that's already
45 approved and taking their data and actually seeing if it is in
46 fact easily or able to be adapted or whatever to be compatible
47 with the shrimp effort algorithm, because, when they were
48 approved, what they were approved based on was that their data

1 would be compatible with the NOAA OLE VMS monitoring software,
2 and so when will we start that, because that's important to know
3 what vendors we actually have available to work with.

4
5 This will, and we know that, and we've already tested that with
6 P-Sea WindPlot, and so we know that it's compatible with the
7 shrimp effort algorithm software, but, for the other cellular
8 options, when will we start that?

9
10 **CHAIRMAN FRAZER:** Andy.

11
12 **MR. STRELCHECK:** Well, I mean, I can't speak for the Science
13 Center. I know that, when we were communicating with other
14 industry members, we heard concerns along this very line, and
15 the agency did respond back that we were are willing to,
16 obviously, test these devices on shrimp vessels and ensure their
17 compatibility with our effort data collection system, and so, in
18 terms of the primary requirement, I can talk with Clay and the
19 Science Center, and we can come back to the council in August
20 with a more definitive answer for you.

21
22 **CHAIRMAN FRAZER:** Dr. Porch.

23
24 **DR. PORCH:** I mean, if we're just talking about whether they can
25 produce the information in ten-minute intervals and just give us
26 the lat-long is a format thing, and so it's rather simple, and
27 there's nothing really much to test. We just need the lat-longs
28 at the appropriate intervals. I am not quite sure what the
29 question is, but if it was an operational way to get the
30 hardware working and put it on the boat, that's one thing, but
31 just getting the information is a pretty simple process, and
32 there's not really anything to test.

33
34 **CHAIRMAN FRAZER:** Ms. Bosarge and then Dr. Simmons.

35
36 **MS. BOSARGE:** Well, so then can we just get a chunk of this
37 information and plug it into the shrimp algorithm, because it
38 seems like maybe there is nothing to test, but I would like to
39 know.

40
41 Sometimes it's not as easy as -- You know, I mean, we have lots
42 of different data collection program systems, and, when you go
43 to plug them into a model, for some reason, things don't always
44 jibe, and I would like to actually test it before we start
45 putting -- Saying it's approved and telling our fleet to install
46 this device and run it, and then we start receiving data, and
47 we're like, oops, well, I think we're going to have to hire some
48 IT people to work on this algorithm to actually get it to work,

1 and, Clay, I would just like to know, and I would like to test
2 it before we get there. Just run it through there and show me
3 that it works.

4
5 **CHAIRMAN FRAZER:** Okay. I don't think we're going to resolve
6 this at this meeting, and so I'm going to see if there's any
7 more discussion that is directly related to the motion on the
8 board.

9
10 I will re-read the motion, to make sure everybody is clear and
11 it's in the record. **The motion is to fund a call for proposals**
12 **for expanding sampling of the fleet for effort monitoring in the**
13 **Gulf of Mexico federally-permitted shrimp industry as presented**
14 **in Tab G, Number 5(b).** We have had a second already, and a
15 substantial amount of discussion. **All those in favor of the**
16 **motion, raise your hand, eleven in the room and on the call**
17 **three additional. The motion carries with fourteen. Andy**
18 **abstained.** We are missing a vote, and so there's no opposition
19 right, other than the two abstentions? Okay. There is no one
20 opposed. **It's fifteen to zero with two abstentions. Again,**
21 **we'll move on. This motion carried fifteen to zero with two**
22 **abstentions.** Mr. Dyskow, I will turn it back to you.

23
24 **MR. DYSKOW:** Thank you, Mr. Chair. The next item is
25 Modification of SOPPs for SSC Voting Practices. This is Tab G,
26 Number 6. Staff presented a draft document intended to address
27 the peer review responsibilities and to document best voting
28 practices for the SSC.

29
30 The committee reviewed the document. A committee member offered
31 to share a document about the peer review process from the South
32 Atlantic Council for consideration of additional material to
33 include. Staff will continue to revise the document and plans
34 to discuss it with the SSC members during the August 3 through
35 5, 2021 meeting.

36
37 The last item is NMFS Fishery Management Council Financial
38 Disclosure and Recusal, which is Tab G, Number 7. This was an
39 informational presentation of NMFS Draft Policy 01-116 and NMFS
40 Draft Procedure 01-116-01. These documents are intended to
41 provide policy guidance on the review of financial disclosures
42 submitted by members of the SSCs and by appointed members of the
43 fishery management councils, as well as the preparation and
44 issuance of recusal determinations. Responsive to these new
45 procedures, the completed statement of financial interest forms
46 of the SSC members will now be posted online on the council
47 website. Mr. Chair, this concludes my report.

48

1 **CHAIRMAN FRAZER:** Thank you, Mr. Dyskow. Mr. Diaz, do you have
2 a question?
3

4 **MR. DIAZ:** I have a comment, but I don't think this requires a
5 motion, but I would ask that, the next time that the
6 Administrative Budget Committee meets, if we could get the
7 council to bring us an analysis of SSC pay. I don't think we've
8 looked at it or done anything with it since 2014, and I would
9 like them to bring us a report on it and maybe let us know what
10 we pay our SSC as compared to what other councils pay their SSC.
11 If it requires a motion, I will put it in a motion, but
12 hopefully it's just a request that is followed up on.
13

14 **CHAIRMAN FRAZER:** Dr. Simmons.
15

16 **EXECUTIVE DIRECTOR:** Thank you, Mr. Chair. Yes, we can
17 certainly do that, and we can bring some projections on how that
18 would influence the budget as well. Thank you.
19

20 **CHAIRMAN FRAZER:** Okay. I don't think it actually needs a
21 motion, Dale. We'll be good to go. Is there any other matters
22 that need to be discussed related to administration or budget?
23 All right. Not seeing any, thank you again, Mr. Dyskow. We
24 will move forward with our next committee report, and that will
25 be the Mackerel Committee. Kevin, are you going to read that
26 report?
27

28 **MR. ANSON:** I believe so, yes.
29

30 **CHAIRMAN FRAZER:** Okay. Kevin Anson, take it away.
31

32 **MACKEREL COMMITTEE REPORT**

33

34 **MR. ANSON:** This the Mackerel Committee Report for the Mackerel
35 Committee meeting that was held on June 22, 2021. The committee
36 adopted the agenda, Tab C, Number 1, as written and approved the
37 minutes, Tab C, Number 2, of the April 2021 meeting, as amended.
38

39 Coastal Migratory Pelagics Landings Update, Ms. Kelli O'Donnell
40 from the NMFS Southeast Regional Office reviewed the recent
41 landings for the Gulf migratory groups of cobia, king mackerel,
42 and Spanish mackerel. Combined recreational and commercial 2020
43 preliminary landings for Gulf Zone cobia are lower than in 2017
44 through 2019.
45

46 Florida East Coast (FLEC) Zone cobia commercial landings for
47 2020 are lower than 2019, and preliminary landings for 2021 are
48 lower than those in 2020 for the same time period. FLEC Zone

1 recreational landings in 2020 fall within the average landings
2 from the years 2017 through 2020.

3
4 For the Gulf king mackerel commercial sector, the Northern Zone
5 has exceeded its quota, and a closure will be noticed.
6 Recreational Gulf king mackerel landings follow a similar trend
7 to that of recent fishing years and still remain below the
8 recreational ACL. Preliminary data for the 2020/2021 fishing
9 year suggest lower landings compared to previous years. Spanish
10 mackerel landings for the 2020/2021 fishing year suggest lower
11 landings when compared to 2017 through 2019.

12
13 Draft Amendment 32: Modifications to the Gulf of Mexico
14 Migratory Group Cobia Catch Limits, Possession Limits, Size
15 Limits, and Framework Procedure, and South Atlantic
16 Recommendations, Tab C, Number 5, council staff presented an
17 updated version of CMP Amendment 32, which examines Gulf
18 migratory group cobia (Gulf Group Cobia) catch limits,
19 possession limits, size limits and modifications to the CMP
20 framework procedure.

21
22 This draft includes revised data analyses pertaining to
23 modifications to the possession limits and the potential to meet
24 or exceed catch limits under the proposed range of actions and
25 alternatives. Council staff also highlighted the
26 recommendations made by the South Atlantic Fishery Management
27 Council during its June 2021 meeting.

28
29 Action 1 would modify the Gulf group cobia catch limits. Both
30 councils concur on selecting Alternative 2 as preferred. A
31 committee member inquired about the catch limits that will be
32 put in place at the time of implementation. Given the current
33 schedule of this amendment, it is likely that the catch limits
34 recommended for 2022 and 2023 and subsequent years would be
35 implemented during future rulemaking if the councils take final
36 action on CMP Amendment 32.

37
38 Action 2 explores the apportionment between the Gulf and FLEC
39 Zones. Both councils concur on Preferred Alternative 3, which
40 would modify the Zone apportionment to 63 percent for the Gulf
41 Zone and 37 percent for the FLEC Zone, and incorporate the
42 transition to the Marine Recreational Information Program's
43 Fishing Effort Survey (MRIP-FES) data currency. At its June
44 2021 meeting, the South Atlantic Fishery Management Council
45 concurred with the Gulf Council in moving Alternative 4 to
46 Considered but Rejected.

47
48 Action 3 proposes to modify the sector allocations in the FLEC

1 Zone. The Gulf Zone manages its cobia as a single stock, and,
2 thus, it is not included in this action. At its June 2021
3 meeting, the South Atlantic Fishery Management Council selected
4 Alternative 3 as preferred, as it is very close to Alternative
5 4, and it would retain the commercial quota close to the current
6 poundage held by that sector.

7
8 Under the proposed changes, the commercial sector is not
9 predicted to meet or exceed their annual catch limit (ACL). As
10 this action pertains to the management of cobia within the South
11 Atlantic Fishery Management Council's jurisdiction, the
12 committee concurred with the South Atlantic Fishery Management
13 Council's preferred alternative.

14
15 **The committee recommends, and I so move, in Action 3, to make**
16 **Alternative 3 the preferred alternative. Alternative 3 is**
17 **retain the FLEC Zone cobia ACL allocation of 8 percent to the**
18 **commercial sector and 92 percent to the recreational sector and**
19 **update the ACLs selected in Action 2 based on MRIP-FES landings.**
20 The motion carried without opposition.

21
22 **CHAIRMAN FRAZER:** All right. Thank you, Mr. Anson. Again, we
23 have a committee motion on the board that carried without
24 opposition. Is there any further discussion of the motion? Mr.
25 Swindell.

26
27 **MR. SWINDELL:** Yes, Mr. Chairman. I am having a lot of trouble
28 here lately trying to understand the use of the FES system for
29 determining the recreational landings. I have asked several
30 people, and has the SSC really approved the use of the FES
31 system, and what I think I'm understanding, perhaps, is that
32 that's the system that NMFS is providing, that the SSC has no
33 option but to accept it, because that's the system that is now
34 being used.

35
36 I would love to have the SSC really look into the details of
37 using the FES, versus the MRIP system that we were using prior
38 to, and it's my understanding that I don't think the SSC has had
39 a full discussion about the difference between the two and
40 whether they really recognize that this is indeed a better
41 system to use.

42
43 I think they've just had to accept the fact that NMFS is now
44 using it, and so we have to use that as the best data that's
45 available, and so I'm having trouble with anytime we're using
46 the FES landings to really come up and say this is indeed what
47 we should be doing, and so I'm going to vote against this
48 motion. Thank you.

1
2 **CHAIRMAN FRAZER:** Okay. Dr. Porch.

3
4 **DR. PORCH:** Thank you. Just to clarify, the FES is actually the
5 only viable option at this point. The old Coastal Household
6 Telephone Survey doesn't apply anymore, and the sampling frame
7 has changed so much. I mean, nobody uses their landlines
8 anymore, and so it's just not viable, and the agency does not
9 maintain the estimates from that system, and we're not doing the
10 telephone calls, and so you just can't even do, and it would be
11 very, very biased, and so it's not an option.

12
13 I will say that the FES is a response to the NRC review that
14 happened quite a few years ago, and the SSC has looked at that,
15 and that information is available, and just to reiterate that it
16 really is the only game in town at this point, because we're not
17 doing the Coastal Household Telephone Survey.

18
19 **CHAIRMAN FRAZER:** Mr. Swindell, to that point?

20
21 **MR. SWINDELL:** But has our SSC really taken any action that they
22 have said, yes, this is by far the best system of the data
23 collection that we have to use, or is it just being put out
24 there as this is now what we're using, people, and so you have
25 to use this, and you have no other way to have any other data
26 collection, and am I correct?

27
28 **CHAIRMAN FRAZER:** Real quick, and I see a number of people want
29 to weigh-in on this, and so the SSC has determined that the FES,
30 data that are generated through the FES program, essentially,
31 are the best available information, and so, with that said, I
32 will go to Martha and then Andy.

33
34 **MS. GUYAS:** I was just going to say that, and so this came up in
35 Reef Fish, and Dr. Lorenzen, you might remember, came up to the
36 mic and said they have determined that this is BSIA. They have
37 -- Some of you all, I'm sure, were on that webinar during the
38 past -- I don't know, but this COVID window, and they had a
39 webinar about this, basically about FES, and they got into the
40 weeds a little bit, and so I feel like they have had that
41 review.

42
43 They did suggest some things that they wanted to look, or I
44 guess wanted the agency to investigate further, and I don't know
45 what the status of those projects are, but, I mean, we have that
46 determination from the agency, and we have that determination
47 from the SSC, and so this is where we're at.

1 **CHAIRMAN FRAZER:** Mr. Strelcheck.

2
3 **MR. STRELCHECK:** I was going to make a similar comment to Martha
4 and just note that the SSC did meet last July and specifically
5 had a workshop regarding FES, and they discussed this in much
6 more detail, and Martha is correct, and, obviously, there's a
7 meeting summary, and meeting minutes, and they made some
8 additional recommendations, but they did review this
9 extensively.

10
11 **CHAIRMAN FRAZER:** Mr. Swindell and then Ms. Bosarge.

12
13 **MR. SWINDELL:** Yes, and I have sat, just recently, in fact, last
14 night, going through the July verbatim minutes, and never did
15 the SSC come up and make a motion to say that we accept this as
16 the change. I mean, they have maybe discussed it, but, again, I
17 think it is just being pushed down their throat as the system
18 that is available for use. Thank you.

19
20 **CHAIRMAN FRAZER:** Real quick, and I know you have your hand up,
21 Ms. Bosarge, but Mr. Rindone has staffed those meetings. Ryan.

22
23 **MR. RINDONE:** Sure. Thank you, Mr. Chair. Mr. Swindell, the
24 SSC, in reviewing the information for these different species
25 for these stock assessments -- Like Dr. Porch indicated, the
26 recreational data are provided through this program, and right
27 now only through this program, for the species that have been
28 reviewed so far, which include vermilion snapper, lane snapper,
29 red grouper, cobia, and king mackerel, and there isn't another
30 data collection system for the recreational data that is
31 comprehensive for the Gulf of Mexico to use for those species,
32 and so, as it pertains to those species, the SSC has passed
33 motions that say that those assessments, using the FES data,
34 represent the best scientific information available.

35
36 You're correct in that they haven't made an umbrella statement
37 about the program as a whole, but, every time the data have been
38 presented to them as part of a comprehensive stock assessment
39 for a species, they have accepted that assessment using those
40 data as BSIA.

41
42 **CHAIRMAN FRAZER:** Okay. Mr. Swindell.

43
44 **MR. SWINDELL:** But did they have an opportunity and discussion
45 looking at both options of the two systems for that data, with
46 the data collected the only way or the data only presented in
47 that FES format?

1 **MR. RINDONE:** Yes, sir, they did. When they had that workshop,
2 they were presented with all of the information about the old
3 Coastal Household Telephone Survey and a comparison of that
4 system against the Fishing Effort Survey, and there was no real
5 question that the methods that are being used as part of the
6 Fishing Effort Survey are definitely superior to those that were
7 used for the Coastal Household Telephone Survey, because of
8 several biases that are addressed and fixed as part of the
9 Fishing Effort Survey, and Dr. Porch touched on a couple of
10 those.

11
12 **CHAIRMAN FRAZER:** Ms. Bosarge.

13
14 **MS. BOSARGE:** So I hear where everybody is coming from, and it's
15 really not to the motion on the board, Mr. Chairman, and so I
16 will be very brief, and so I think the SSC has had quite a few
17 meetings where they actually looked at, number one, CHTS versus
18 FES, and I think they agreed that FES was better than CHTS, but
19 that's MRIP compared to MRIP.

20
21 Then they have also had meetings where they looked at state data
22 collection programs for certain species, which we do have Gulf-
23 wide, versus FES, and, in those meetings, they did not make a
24 motion that said that FES was the best scientific information
25 available, in their opinion, when they had compared it to state
26 data, and so they have made motions where they accept a stock
27 assessment as BSIA, but they have had ample opportunity to make
28 and pass motions that MRIP-FES, in general, is BSIA, and they
29 have chosen not to do that.

30
31 I know it's a nuance, but does that mean it's not BSIA? It just
32 means that our SSC has not declared it BSIA. The agency has
33 reviewed FES, and obviously said, in their opinion, that it's
34 BSIA, and so that's just a little nuance there.

35
36 **CHAIRMAN FRAZER:** To that point, and then we're going to wrap it
37 up. Ryan Rindone.

38
39 **MR. RINDONE:** Yes, sir, Mr. Chair. The prerogative, the legal
40 prerogative, for determining whether it's BSIA falls to the
41 agency and not the SSC. The SSC makes a recommendation that
42 something is or is not the best scientific information
43 available, but, ultimately, NMFS has to defend that, and so it's
44 their responsibility to make that final determination of what is
45 the best scientific information available.

46
47 **CHAIRMAN FRAZER:** Thank you, Mr. Rindone. Okay. Again, we have
48 a motion on the board, a committee motion, and it passed without

1 opposition, but I understand that Mr. Swindell is likely to be
2 opposed. **All those in favor, raise your hand; those in the**
3 **virtual world; all those opposed, raise your hand, two opposed.**
4 **The motion carries.** Mr. Anson.

5
6 **MR. ANSON:** Action 4 explores updating the established annual
7 catch targets (ACT) for the Gulf and FLEC Zones. In the FLEC
8 Zone, only the recreational sector has an ACT. At its June 2021
9 meeting, the South Atlantic Fishery Management Council selected
10 Alternative 2 as preferred. This alternative proposes that the
11 Gulf Zone and recreational FLEC Zone ACT be calculated using the
12 Gulf Council's ACL/ACT Control Rule.

13
14 The South Atlantic Fishery Management Council recommended
15 consistency in the way the ACTs are calculated for both zones.
16 The South Atlantic Fishery Management Council did not select
17 Alternative 3 as a preferred, as the accountability measures for
18 the commercial sector in the FLEC Zone are not tied to an ACT,
19 thus requiring a new action to be included in this amendment.

20
21 Closure analyses suggest the FLEC Zone commercial sector
22 landings would remain below that sector's ACL. Under
23 Alternative 2, the ACT for the Gulf and recreational FLEC Zone
24 will be 90 percent of their respective ACLs. Under the current
25 preferred apportionment for the Gulf Zone, for example 63
26 percent Gulf Zone and 37 percent FLEC Zone, the ACT is not
27 predicted to be reached. The committee also selected
28 Alternative 2 as preferred.

29
30 **The committee recommends, and I so move, in Action 4, to make**
31 **Alternative 2 the preferred alternative. Alternative 2 is use**
32 **the Gulf Council's ACL/ACT Control Rule to calculate ACTs for**
33 **the Gulf Zone and the recreational sector in the FLEC Zone.**

34
35 **CHAIRMAN FRAZER:** Okay. Thank you, Mr. Anson. We have that
36 committee motion, and it is up on the board, and it carried
37 without opposition. Is there any further discussion of the
38 motion? I am not seeing any hands. **Is there any opposition to**
39 **the motion? I am not hearing or seeing any, and the motion**
40 **carries.** Mr. Anson.

41
42 **MR. ANSON:** Action 5 has been split into sub-actions to address
43 changes to possession, vessel, and trip limits by zone. At its
44 June 2021 meeting, the South Atlantic Fishery Management Council
45 maintained its current preferred alternatives, including
46 reducing the daily possession limit to one fish for the
47 commercial sector, Alternative 2, Option 2b. The Gulf Council
48 had de-selected this option as a preferred, due to the low

1 predicted reduction in cobia harvest by that sector.

2
3 The South Atlantic Fishery Management Council's preferred
4 alternatives for Action 5.1, the Gulf Zone, match those in
5 Action 5.2, the FLEC Zone, due to the overfishing status of the
6 stock and for consistency in regulations between the zones, as
7 well as consistency between federal and Florida state waters.

8
9 The committee discussed at length the possibility of adopting a
10 less-conservative alternative for the commercial sector, as the
11 data analyzed from 2017 to 2019 do not predict a large reduction
12 in cobia harvest. The committee also mentioned that there is a
13 benefit in taking a conservative approach, since stakeholders
14 have mentioned the decline in opportunity to harvest cobia, and
15 the opportunity to catch this fish might change as the stock
16 recovers.

17
18 **The committee recommends, and I so move, in Action 5.1 to make**
19 **Alternative 2, Option 2b, the preferred alternative. Preferred**
20 **Alternative 2 is reduce the daily possession limit to one fish**
21 **per person, regardless of the number or duration of trips.**
22 **Option 2b is for the commercial sector.**

23
24 **CHAIRMAN FRAZER:** Thank you, Mr. Anson. We have the committee
25 motion on the board. Is there further discussion of the motion?
26 Anybody out there on the computer? I am not seeing any there.
27 Okay. **All of those in favor of this motion, raise your hand, we**
28 **have eleven yes in the room, three on the board; all those**
29 **opposed, one opposed. The motion carries.** Mr. Anson.

30
31 **MR. ANSON:** In Action 6, both councils concur on retaining the
32 thirty-six-inch fork length minimum size limit in the Gulf Zone
33 and increasing the size limit in the FLEC Zone from thirty-three
34 inches fork length to thirty-six inches fork length. Council
35 staff reminded the committee that, at this time, it is difficult
36 to determine, with much certainty, the effects of the recent
37 minimum size limit increase to thirty-six inches fork length in
38 the Gulf Zone, as this was just implemented in March 2020.

39
40 Action 7 proposes modifications to the language in the CMP
41 framework procedure to allow the South Atlantic Fishery
42 Management Council to independently approve certain management
43 measures that affect fishing within its jurisdiction for CMP
44 species. The language included in this draft was modified for
45 clarity based on comments received from both councils.

46
47 At its June 2021 meeting, the South Atlantic Fishery Management
48 Council selected the amended Alternative 2 as its preferred

1 alternative. The language in this alternative outlined
2 additional management measures that the South Atlantic Fishery
3 Management Council can address for the management of FLEC Zone
4 cobia via framework amendments. The committee agreed that the
5 new language reduces confusion in contrast to how it was
6 originally drafted and approved in the April 2021 version of the
7 draft.

8
9 **The committee recommends, and I so move, in Action 7 to make the**
10 **amended Alternative 2 the preferred alternative. Alternative 2**
11 **is modify the framework procedure to update the responsibilities**
12 **of each council for setting regulations for the Gulf group**
13 **cobia. The responsibilities of each council would be modified**
14 **as follows: 1. Recommendations with respect to the Atlantic**
15 **migratory groups of king mackerel and Spanish mackerel and cobia**
16 **will be the responsibility of the South Atlantic Council and**
17 **those for the Gulf migratory groups of king mackerel, Spanish**
18 **mackerel, and cobia will be the responsibility of the Gulf**
19 **Council, with the following exceptions: a. The South Atlantic**
20 **Council will have the responsibility to set vessel trip limits;**
21 **closed seasons or areas; gear restrictions; per-person bag and**
22 **possession limits; size limits; in-season and post-season**
23 **accountability measures; specification of ACTs or sector ACTs**
24 **for the east coast of Florida, including the Atlantic side of**
25 **the Florida Keys for Gulf migratory group cobia, for example the**
26 **Florida East Coast Zone); 2. Both councils must concur on**
27 **recommendations that affect both migratory groups.**

28
29 **CHAIRMAN FRAZER:** Okay. Thank you, Mr. Anson. That was a long
30 motion. I am not going to repeat it, but it's up on the board,
31 and it carried without opposition from the committee. Is there
32 any further discussion of the motion? I am not seeing any. **Is**
33 **there any opposition to the motion? I am not seeing any, and**
34 **the motion carries.** Mr. Anson.

35
36 **MR. ANSON:** A public hearing draft of this amendment is
37 scheduled to come to the Gulf Council in August and to the South
38 Atlantic Fishery Management Council in September 2021. The
39 council should discuss the need for in-person public hearings
40 and identify a plan at this meeting, so that staff can work on
41 logistics.

42
43 Draft Amendment 33: Modifications to the Gulf of Mexico
44 Migratory Group King Mackerel Catch Limits and Sector
45 Allocations, Tab C, Number 6 --

46
47 **CHAIRMAN FRAZER:** Hold on real quick, Kevin. There's a little
48 bit of a question here. Martha, did you have a --

1
2 **MS. GUYAS:** We just probably need to pause here. Based on the
3 last paragraph of the cobia section here, we need to talk about
4 logistics for public hearings.

5
6 **CHAIRMAN FRAZER:** Go ahead, Dr. Simmons.

7
8 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair, and so we've
9 been trying to plan about two meetings out. If you want to
10 consider hold in-person public hearings, we would kind of need
11 to identify that information now, for us for planning, and, if
12 you do, where you would like to hold those, so we can start
13 planning. Thank you.

14
15 **CHAIRMAN FRAZER:** Okay. Ms. Boggs.

16
17 **MS. BOGGS:** I think, for the Northern Zone, up in our area,
18 maybe Pensacola would be good, and then you could attract Orange
19 Beach and Destin, and maybe even some of the Panama City folks,
20 but I am trying to think of the central locations, so you don't
21 have to have as many meetings and yet get a pretty good response
22 to the meetings, as opposed to Orange Beach, Destin, and Panama
23 City. Thank you.

24
25 **CHAIRMAN FRAZER:** Okay. Thank you, Ms. Boggs, for that
26 suggestion. Are there others? Ms. Guyas.

27
28 **MS. GUYAS:** I will jump in, and the other Florida folks feel
29 free to jump in too, but I think, if we did something like that
30 in Pensacola, that's probably fine. I'm assuming that we'll do
31 virtual, like we always do, and have the video posted. We
32 definitely need something around Tampa Bay, and I will leave it
33 up to you all to figure out what city is best. It might be good
34 to do something in southwest Florida. What do you think, Phil?

35
36 **MR. DYSKOW:** Well, I'm not sure. It would have to be Naples or
37 Fort Myers. I don't think it would make sense to go any farther
38 south than that, and there's plenty of site options available.
39 We have good representation of commercial anglers in both of
40 those locations, and rec anglers, and so you should get a good
41 group at either one you pick.

42
43 **CHAIRMAN FRAZER:** Thank you, Phil, for that input. Any other
44 suggestions for the staff? Okay. Mr. Diaz. Go ahead, Mr.
45 Burris.

46
47 **MR. BURRIS:** Thank you, Mr. Chairman. Is there any way that we
48 can do any meetings over towards the western Gulf, like Biloxi

1 or somewhere like that?

2
3 **CHAIRMAN FRAZER:** I am just thinking about potential locations
4 that are going to be likely to attract an appropriate number of
5 folks, I guess, and it's relatively easy to access, and I will
6 leave it -- That's your neck of the woods, and is Biloxi the
7 best place for it?

8
9 **MR. BURRIS:** Yes, Biloxi or Gulfport.

10
11 **CHAIRMAN FRAZER:** Mr. Riechers.

12
13 **MR. RIECHERS:** Thank you. Well, obviously, and, Carrie, I will
14 leave this to you and your staff, to some degree, when you're
15 thinking about also having webinars, but, if you're going to
16 come to Texas, you've really got to go to two locations, just
17 because of the geographic distance between them. Somewhere in
18 the neck of the woods of Galveston, and I don't want to make
19 Galveston proper the only location, but it would probably be a
20 good one, but, given size of rooms, and you're just going to
21 have to think through those things, and so I'm giving you some
22 flexibility there. I know we've done them off the island as
23 well, up in the La Marque area, but then also something down in
24 the Corpus Christi/Port Aransas area.

25
26 **CHAIRMAN FRAZER:** Okay. Thank you, Robin. So we've got a
27 number of potential in-person meeting locations, and I see J.D.
28 has his hand up as well.

29
30 **MR. DUGAS:** I have a question. The in-person meetings, will
31 they be via computer as well?

32
33 **CHAIRMAN FRAZER:** Dr. Simmons.

34
35 **EXECUTIVE DIRECTOR SIMMONS:** We typically do one or the other,
36 and then, when it's a Gulf-wide amendment, we do like a guide
37 for those hearings and a video that we put online, that you can
38 provide written comments on, but, no, we don't stream our in-
39 person public hearings.

40
41 **CHAIRMAN FRAZER:** Mr. Banks.

42
43 **MR. BANKS:** We recommend, in Louisiana, to have something in the
44 New Orleans/Kenner/Metairie area. It's somewhat close to Biloxi
45 and Gulfport, but you're trying to gather folks from Venice as
46 well as Houma, and I think the Venice guys might go to Biloxi,
47 but the Houma guys are not going to go all the way to Biloxi,
48 and so I think that would be good. The New Orleans area, and

1 not the Houma area. I was trying to get my justification in
2 there.

3
4 **CHAIRMAN FRAZER:** J.D.

5
6 **MR. DUGAS:** I think, the last time, we had something up in
7 Kenner.

8
9 **CHAIRMAN FRAZER:** Yes, and so it's that general geographic
10 region that we're thinking about. Gotcha. Ms. Boggs.

11
12 **MS. BOGGS:** I was trying to ask Kevin something, and maybe
13 Mobile for Alabama, because those folks aren't going to drive --
14 They might go to Gulfport or Biloxi, but maybe Mobile.

15
16 **CHAIRMAN FRAZER:** All right, and so this is about how I might
17 have expected, and so we're going to sit down with staff, and
18 we're going to kind of determine what the resources look like,
19 both financially and with regard to time, and we'll try to come
20 up with a plan that optimizes our ability to communicate with
21 the stakeholders. Ms. Guyas.

22
23 **MS. GUYAS:** Just so I'm clear on the timeline, so we're thinking
24 this would go out to public hearings in October, and is it like
25 before the October council meeting or after, do you think, given
26 that the South Atlantic is going to look at this in September?

27
28 **CHAIRMAN FRAZER:** Dr. Simmons.

29
30 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. We could try
31 to do them before the October council meeting, but, again, we
32 need to look at staffing and see if we'll be able to get that
33 all done, but that would be the goal, and so, if the council did
34 choose to take final action, we could, and, if we don't approve
35 it for public hearings in August and September, then that would
36 push it back.

37
38 **CHAIRMAN FRAZER:** Okay. I think we've got a good plan. You're
39 good, Dr. Simmons? All right. Mr. Diaz.

40
41 **MR. DIAZ:** Before we leave cobia, just a comment on the language
42 of the report. We did have a lengthy discussion about modifying
43 the vessel limit, and I'm not proposing any motions here, but
44 it's really not referenced in the report, and if staff could add
45 a sentence or two that just said that a discussion did occur and
46 that no changes were made, and that's fine, but we did have a
47 lengthy discussion about that. Thank you.

48

1 **CHAIRMAN FRAZER:** Okay. Is everybody agreeable to adding that
2 to the report? Okay. Good to go. Kevin, sorry to cut you off,
3 but I think it was important. Thank you, Martha, for bringing
4 that to our attention.

5
6 **MR. ANSON:** Continuing on with Draft Amendment 33, council staff
7 presented options for management alternatives included in CMP
8 Amendment 33, which examines modifications to the Gulf migratory
9 group king mackerel catch limits and sector allocations. The
10 committee requested that the IPT revise the purpose and need to
11 include a statement about achieving OY on a continuing basis.

12
13 The council's Scientific and Statistical Committee (SSC)
14 recommended revised values for the overfishing limit (OFL) and
15 acceptable biological catch (ABC) for 2021 through 2023 and
16 subsequent years based on the SEDAR 38 update stock assessment,
17 which was completed in 2020, which found the Gulf king mackerel
18 stock to be healthy as of 2017.

19
20 However, while the Gulf king mackerel stock is not overfished,
21 the spawning stock biomass (SSB) is below the SSB at maximum
22 sustainable yield (SSB MSY). As such, the recommended catch
23 limits increase from 2021 to 2023.

24
25 A committee member noted that the recreational landings data in
26 the MRIP-FES data currency were approximately twice that of the
27 recreational landings data in the MRIP-CHTS data currency.
28 However, the recommended OFL and ABC levels are only slightly
29 higher than the current catch limits. Staff noted that
30 recruitment for Gulf king mackerel has been lower over the last
31 ten years, which may be contributing to a somewhat depressed
32 observation of the SSB.

33
34 Despite this, the current SSB level is less than the SSB MSY,
35 suggesting the stock has been harvested at a level higher than
36 typical and that, if the recreational ACL had been harvested in
37 that time period, that the stock may have been more depressed
38 than presently observed.

39
40 A committee member asked whether the Southeast Area Monitoring
41 and Assessment Program (SEAMAP) groundfish trawl survey was used
42 as proxy for shrimp trawl bycatch. The Southeast Fisheries
43 Science Center replied that shrimp bycatch data come from shrimp
44 observer coverage, which is approximately 1 percent of all trips
45 annually, and the SEAMAP groundfish trawl data.

46
47 In the SEDAR 38 update assessment, shrimp bycatch was fixed at a
48 median level for 1975 through 2017, a level which is

1 approximately three-times higher than estimated in the original
2 SEDAR 38 stock assessment that was completed in 2014. The
3 increase in the median shrimp bycatch level from the last
4 assessment increased the estimate of virgin biomass for king
5 mackerel, but had less of an effect on the current SSB when
6 combined with other modifications within the update assessment.

7
8 The committee discussed how sector allocation decisions will be
9 biased by the existing allocations and how historic
10 underreporting of harvest makes the interpretation of landings
11 data more difficult.

12
13 A committee member identified discrepancies in the commercial
14 landings data between the previous stock assessment (SEDAR 38)
15 and the tables in CMP Amendment 33 and asked that clarification
16 be provided to the Committee about this discrepancy at the next
17 council meeting. Differences in these commercial landings data
18 were stated to average approximately 800,000 pounds per year,
19 which the committee member noted could be having an effect on
20 the catch limit recommendations.

21
22 Committee members also expressed concern about the recreational
23 landings data and noted that the uncertainty in those data has
24 increased with the conversion to MRIP-FES. A committee member
25 recounted that the committee started looking at sector
26 allocations a few years ago, which ultimately led to the
27 increase in the recreational bag limit to three fish per day to
28 increase recreational retention opportunities. That increase in
29 the recreational bag limit did not appear to meaningfully
30 increase recreational landings since its implementation in May
31 2017.

32
33 An amendment examining an allocation sharing method, CMP
34 Amendment 29, which explored conditionally moving allocation
35 from the recreational sector to the commercial sector, was
36 tabled at the January 2017 council meeting. The Southeast
37 Fisheries Science Center commented on an analysis provided to
38 the council in April 2021 which used MRIP-FES for recreational
39 landings data in SEDAR 38, which was completed in 2014. This
40 analysis indicated that the acceptable biological catch (ABC)
41 recommendation from the projections would have been about 50
42 percent higher than that recommended using MRIP-CHTS data for
43 recreational landings.

44
45 **CHAIRMAN FRAZER:** Mr. Anson, I'm sorry to cut you off, but Ms.
46 Bosarge has a question.

47
48 **MS. BOSARGE:** Just before you go to the next paragraph in the

1 document, I wanted to make sure -- So John was talking about,
2 during committee, the differences in the historical commercial
3 landings, right, the last allocation document that we looked at
4 for king mackerel and this current document, and I have to admit
5 that I wasn't quite following John, and so I had to do a little
6 homework after that committee meeting, and so I wanted staff to
7 pull that up on the screen, just so that the agency and the
8 Science Center actually knows what our ask is there, because we
9 did ask them to bring us some information and help us understand
10 this.

11
12 They're going to pull up both of these tables side-by-side, and
13 I think, that way, it will be pretty clear on what we need to
14 understand. We'll give them just a second. They are going to
15 pull up -- While they're getting it up, they're going to pull up
16 paper page 14 of our current document, Amendment 33, which shows
17 historical commercial landings and recreational landings, and
18 then they're going to pull up paper page 42 of Amendment 26,
19 which was the last allocation amendment that we did on king
20 mackerel.

21
22 The easiest part of these two tables, and that's good. That
23 gets you close enough. As long as I can see those blue columns,
24 that will get us there, and so, if you look -- You see the two
25 blue columns, where it's the percent of sector ACL landed, and,
26 on the commercial side, for the current document, which is on
27 the left-hand side, it really looks like we have not been
28 landing the commercial ACL back in time, and it shows like
29 sixty-something percent, all the way until you get to the 2007-
30 type time period, and, even then, we don't get 90 percent until
31 the 2016/2017 season.

32
33 That was not my recollection of how that fishery had been
34 prosecuted, and I think that's what John was getting at during
35 committee, that my recollection was that the commercial sector
36 has been bumping up against their quota for quite some time now,
37 and so, if you look on the right-hand side of the screen, that's
38 the last allocation amendment, and, if you look at the two blue
39 columns, you will see, under the commercial, that it does in
40 fact show what my recollection says, that we're 90 percent or
41 100, or slightly over 100, most years, bumping up against our
42 allocation.

43
44 That is quite a change in our historical commercial landings,
45 and it paints a different picture, and I think we've got to
46 figure out which picture is the true picture, in order to
47 proceed in the right fashion moving forward, and so we would
48 like to know, I guess from Clay's shop, or Andy's shop, and I

1 don't know who maintains these, honestly, but how do these
2 numbers change? What is the explanation for the change?

3
4 **CHAIRMAN FRAZER:** I am going to first go to Mr. Rindone.

5
6 **MR. RINDONE:** I can answer that, actually. We've been digging
7 around with this for the last couple of days, and I sent you
8 guys a couple of Excel files that I will want you to bring up
9 that will help clear up some of this.

10
11 Ms. Bosarge is correct that, prior to me, Ms. Sue Gerhart used
12 to curate a list of all the closure dates for all the different
13 commercial king mackerel zones for the Gulf and the Atlantic,
14 and I now curate that dataset, and so it was peculiar that we're
15 having quota closures, and that means the quota must be met, or
16 close to it, and so we dug into this, and, essentially, what you
17 guys were looking at in Amendment 33 originally was the
18 commercial landings data based on the current mixing zone and
19 jurisdictional boundaries, which did not include the Florida
20 east coast, which used to be included all the way up to Volusia
21 County for Gulf king mackerel, as part of the mixing zone.

22
23 Analysis of trip tickets during the SEDAR 38 assessment process
24 found that that mixing zone is actually much smaller, and,
25 basically, it's only occurring south of U.S. 1, from about the
26 council jurisdictional boundary to Dade/Monroe, and so a much
27 smaller area than previous, and it was only about 100,000 pounds
28 through the course of the year that was being split 50/50 in
29 that mixing zone between the councils.

30
31 That's where part of the difference came from, and so what I
32 have done is -- Having looked at the king mackerel ACL
33 percentages landed for a long time, this looks an awful lot more
34 familiar to me, as far as the percentages that were landed every
35 year, and so what I have done here is I have supplanted, for the
36 commercial landings, the landings data that came out of CMP 26,
37 which came from the Science Center, from a data request, when we
38 were doing that amendment, and that did not include the re-
39 delineation of the mixing zone, and so this would have been the
40 landings based on the way that the commercial sector ACL, which
41 there is the 3.456 million pounds, the way that that was set,
42 and so those are now matched, the landings and the ACL, for the
43 spatial area for which they apply. As you can see, the
44 percentages line up a little bit better.

45
46 An outstanding question though, for the Science Center, would be
47 the difference between the SEDAR 38 and 38 update commercial
48 landings, which -- These can be circulated to you guys here.

1 This shows the differences in the commercial landings between
2 the SEDAR 38 and 38 update, and you can see that Column B is the
3 handline landings for the Gulf from SEDAR 38, and C is the
4 gillnet, and D is the total for SEDAR 38, and then, likewise,
5 Column E is the handline landings from the update, then gillnet,
6 and then the total, and the commercial landings, as provided for
7 SEDAR 38, are, in some cases, marginally different, and in other
8 cases considerably different, for the years listed.

9
10 I guess the question for the Science Center might be to try to
11 determine why those differences occurred, and I will admit that
12 these data don't include data from the new mixing zone, and
13 those data were listed in the assessment as confidential, due to
14 the number of dealers involved, et cetera, the typical things
15 that make the commercial data confidential, and so the Science
16 Center should have that data. Given the scale of those
17 landings, I wouldn't expect those to be more than 50,000 to
18 75,000 pounds or so a year, and so, typically, based on the last
19 time that I looked at them.

20
21 **CHAIRMAN FRAZER:** Okay. Thank you, Ryan, for doing all of that
22 work behind the scenes. Hopefully that clarifies some things.
23 Ms. Guyas.

24
25 **MS. GUYAS:** I appreciate that. Just given all the zones and the
26 changes in the zones for mackerel over the years on the
27 commercial side, it gets kind of tricky to follow, and so I
28 realize there is some data issues, but I guess, when we talk
29 about this again, and, I mean, I know you'll have this in the
30 document, but it probably would be good to kind of walk through
31 all that context again, just so we can kind of have this in the
32 back of our minds as we're thinking about how to move forward,
33 because mackerel gets complex, and so I feel like, every
34 opportunity where we can, just kind of understand what's
35 happened in the past, and I think it will help us.

36
37 I think we're in a good place, in terms of zone allocations,
38 based on what we did last time around, kind of with what you
39 were saying in committee, and our AP worked together and really
40 figured this out, but we just need to understand some of the
41 history and nuance and why quotas may or may not have been
42 caught based on how the fish are moving through the zones.

43
44 **CHAIRMAN FRAZER:** Thank you, Ms. Guyas. I am going to go to Mr.
45 Sanchez. I think Patrick had his hand up at one point, but go
46 ahead, John.

47
48 **MR. SANCHEZ:** Thank you. Yes, this is very confusing, and do

1 all these recalculations during the meeting and what have you,
2 and I would feel better about it if we had either, for the next
3 meeting, or the next time this is on the agenda, the Science
4 Center really take a look at this and not rush and give us some
5 feedback, or the SSC, whoever is appropriate, but just to really
6 sit down and look at this and explain some of these differences,
7 and that would make me feel a whole lot better.

8

9 **CHAIRMAN FRAZER:** Okay. Ms. Bosarge.

10

11 **MS. BOSARGE:** I would agree, especially when you look at it from
12 this angle, just because we did kind of think that the stock
13 assessment might show something a little bit higher, since we
14 had underfishing, and we were putting those higher FES numbers
15 in there, and it wasn't quite as high as what we thought.

16

17 However, I can see here where the numbers, at least what it
18 showed on this spreadsheet that went into the stock assessment,
19 in many cases were a little different than what the historical
20 landings stream is, which I know there is differences in how
21 they do things, but I think it would be good to just let the
22 Science Center or the SSC take a look at it and give us some
23 scientific feedback on, well, this didn't have an impact or it
24 did, whatever the case may be.

25

26 **CHAIRMAN FRAZER:** Mr. Sanchez.

27

28 **MR. SANCHEZ:** To that point too, and maybe look at, while we're
29 at it, if we're going to go back and look at things, why -- I am
30 not real clear on sometimes the ABC Control Rule is used and
31 other times it's not, and then the numbers kind of move around
32 to address some of the uncertainty, but the differences might be
33 a million pounds, and you know what I mean, and so I would feel
34 better with an understanding of a better in-depth explanation as
35 to we did not use the ABC Control Rule because of this, and be
36 very clear, or even establish that we're going to use it in
37 these instances, and establish some guidelines, or we're using
38 it more uniformly.

39

40 **CHAIRMAN FRAZER:** Mr. Rindone, to that point?

41

42 **MR. RINDONE:** Yes, sir. The SSC, obviously, like Dr. Lorenzen
43 said, is looking at revising the ABC Control Rule to do a better
44 job of accounting for scientific uncertainty within the
45 assessments, and they make those determinations based on their
46 review of the assessments as well as input from the Science
47 Center on the translation of the uncertainty that the analysts
48 have identified through the assessment process and the degree to

1 which the analysts think that that has translated into the
2 projections.

3
4 Sometimes the projections don't quite pick up on all the
5 variation that's inherent in the assessment, and so that might
6 drive the SSC to make a recommendation outside of using the ABC
7 Control Rule, and so try not to set the council up for an
8 unrealistic use of their risk tolerance, and so hopefully the
9 SSC will be able to make some good progress over the next few
10 meetings, looking at the ABC Control Rule, and sort of be able
11 to better account for the separation and dual use of both
12 scientific uncertainty and the council's risk tolerance for
13 setting catch limits, but we'll make sure to do a good job of
14 documenting when it is and is not used and why.

15
16 **CHAIRMAN FRAZER:** All right, and so -- Go ahead, Dr. Porch.

17
18 **DR. PORCH:** I do want to thank Ryan for the detective work,
19 because the bulk of that difference that he brought up is
20 exactly that mixing zone change, and so the quotas that were set
21 back in time were with the different supposition about the
22 mixing zone and the location of the mixing zone, and so that's
23 right.

24
25 This difference that we're looking at here, I don't quite
26 understand either, because I don't think the assessment showed
27 that big of a difference between the SEDAR 38 and the update. I
28 mean, they were basically on top of each other, the landings,
29 with very subtle differences, and so we will look into it and
30 see if we can understand where these numbers came from, but my
31 understanding is that, like I said, the SEDAR 38 and the update
32 were really, really close.

33
34 **CHAIRMAN FRAZER:** All right, and so I think we're good to go
35 here. What we're going to come back, ultimately, in this
36 document, is with perhaps a better description of the chronology
37 and try to make sure that it's accompanied by an appropriate
38 accounting of the landings as they relate to the ACL, to account
39 for all of that, and so, again, thank you, Ryan, for that work.
40 I really appreciate it. Mr. Anson, back to you.

41
42 **MR. ANSON:** The committee discussed Action 2, which examines
43 sector allocations. The current commercial and recreational
44 sector allocations are based on the average landings from the
45 years 1975 through 1979. This time period predates the
46 existence of a formal Gulf-wide recreational data collection
47 program, formerly the Marine Recreational Fisheries Statistics
48 Survey, MRFSS, and later MRIP.

1
2 As such, landings data from this time period aren't able to be
3 calibrated to MRIP-FES. Staff also noted that, unlike other
4 species for which the council is considering modifying sector
5 allocations, the projected yields for Gulf king mackerel are not
6 dependent on the sector allocations chosen.
7
8 Staff added that the CMP Advisory Panel is scheduled to meet in
9 July 2021 to provide advice to the council about approaches for
10 reallocation.
11
12 A committee member expressed a desire to optimize yield and
13 suggested some redistribution of allocation to the commercial
14 sector, as appropriate, noting that some portion of the total
15 ACL is still not being harvested, even when using MRIP-FES. The
16 committee member asked to see allocation options to shift some
17 or all of the average foregone yield to the commercial sector,
18 using MRIP-FES calibrated recreational landings against the
19 proposed ACLs in Action 1, and use the percentages of ACLs
20 landed to inform allocation changes.
21
22 Draft Amendment 34: Atlantic King Mackerel Catch Levels and
23 Management Measures, Tab C, Number 7, Ms. Christina Wiegand of
24 the South Atlantic Fishery Management Council staff presented
25 the changes being proposed in CMP Amendment 34, which addresses
26 management measures for Atlantic migratory group king mackerel
27 (Atlantic king mackerel).
28
29 The SEDAR 38 update, completed in 2020, indicated that the
30 Atlantic king mackerel stock was not overfished and not
31 undergoing overfishing, as of 2017. The updated stock
32 assessment incorporated recreational landings and effort
33 estimates using MRIP-FES.
34
35 The purpose of this amendment is to revise Atlantic king
36 mackerel catch levels, increase the recreational bag limit and
37 possession limit, reduce the minimum size limit, and modify the
38 recreational requirements to land Atlantic king mackerel and
39 Atlantic Spanish mackerel with head and fins intact.
40
41 Like CMP Amendments 32 and 33, this is a joint plan amendment
42 and both councils must concur on the preferred alternatives
43 before final action. Since the South Atlantic Fishery
44 Management Council requested modifications to the analyses and
45 alternatives listed in this amendment at its June 2021 meeting,
46 the committee decided not to select preferred alternatives at
47 this time and wait until those revisions are completed.
48

1 Ms. Wiegand noted that, historically, the commercial and
2 recreational landings have stayed well below their respective
3 ACLs. Thus, the alternatives included in this amendment define
4 the ACL as optimum yield (OY). In Action 1, the committee noted
5 the large increase in the proposed ACLs, as they are almost
6 double the current 12.7-million-pound ACL. The South Atlantic
7 Fishery Management Council selected Alternative 3 as preferred,
8 which sets the ACL as 95 percent of the ABC.

9
10 The South Atlantic Fishery Management Council's Mackerel Cobia
11 AP recommended that the SAFMC set a buffer between ABC and ACL
12 to be conservative, given the large increase proposed in the
13 ABC. A committee member asked about the definition of OY and if
14 any economic analyses had been performed to compare the value of
15 the fish between the recreational versus commercial sectors. At
16 this time, those analyses are not available, but may be
17 possible.

18
19 Action 2 explores revising sector allocations for Atlantic king
20 mackerel. At its June 2021 meeting, the South Atlantic Fishery
21 Management Council requested an additional alternative be
22 included and selected as preferred. The new alternative
23 proposes an allocation of 37.1 percent for the commercial sector
24 and 62.2 percent for the recreational sector. The alternative
25 would retain the current sector allocation, but the ACLs would
26 be updated to incorporate MRIP-FES data currency and the stock
27 ACL selected in Action 1.

28
29 A committee member asked about the landing trends for each
30 sector. Ms. Wiegand mentioned that the ACL has not been met for
31 both sectors, for example no closures.

32
33 Action 3 would revise the recreational ACT for Atlantic king
34 mackerel. The South Atlantic Fishery Management Council will
35 revisit this action at its September 2021 meeting, once the
36 analyses are completed based on the preferred alternatives
37 selected by the South Atlantic Fishery Management Council in
38 Actions 1 and 2. A committee member inquired about the
39 proportional standard error associated with the calculation of
40 the ACT on the various alternatives. Ms. Wiegand noted that
41 those numbers will be provided in the upcoming analysis.

42
43 Action 4 proposes an increase to the recreational bag limit and
44 possession limit for Atlantic king mackerel in the exclusive
45 economic zone off east Florida. The SAFMC selected Alternative
46 2, which will increase the recreational bag limit from two to
47 three fish per person in that area. This alternative was
48 selected to create consistency in the recreational bag limit

1 throughout the species range.

2
3 Action 5 proposes a reduction of the minimum size limit for
4 Atlantic king mackerel for both sectors. The purpose of this
5 action is to increase recreational harvest and reduce discards
6 of Atlantic king mackerel. At its June 2021 meeting, the South
7 Atlantic Fishery Management Council requested that this action
8 be split by sector and selected to reduce the recreational
9 minimum size limit to twenty-two inches fork length. Comments
10 from the Mackerel-Cobia AP indicated that the commercial sector
11 may not be in support of a reduction in the minimum size limit,
12 as this may affect the value of the fish.

13
14 Action 6 would modify the recreational requirement for Atlantic
15 king mackerel and Atlantic Spanish mackerel to be landed with
16 heads and fins intact. The purpose of this action is to
17 increase recreational harvest and address increases in shark and
18 barracuda depredation, as noted by the Mackerel Cobia AP. The
19 commercial sector can already keep damaged fish that comply with
20 the minimum size limit.

21
22 At this time, no alternatives have been selected as preferred,
23 and the South Atlantic Fishery Management Council is considering
24 what conflicts this action may have with regulations in state
25 waters. A committee member asked if the Law Enforcement AP had
26 raised any concerns regarding this action. Ms. Wiegand
27 mentioned that the Law Enforcement AP had not raised any
28 concerns, but that more feedback is expected from state
29 agencies.

30
31 A public hearing draft of this amendment will be presented to
32 the South Atlantic Fishery Management Council at its September
33 2021 meeting, and, if approved, final action may take place in
34 December 2021 or March 2022. An updated version of this
35 document will be presented at the Gulf Council's October 2021
36 meeting. Mr. Chair, this concludes my report.

37
38 **CHAIRMAN FRAZER:** Thank you, Mr. Anson. Is there any further
39 discussion of matters related to the Mackerel Committee? I am
40 not seeing any interest in pursuing that, and so we will go
41 ahead and take a fifteen-minute break.

42
43 (Whereupon, a brief recess was taken.)

44
45 **CHAIRMAN FRAZER:** All right. If we can get folks back to the
46 table, we'll try to knock out two more of these committee
47 reports prior to our lunchbreak. We're going to go ahead and
48 pick up. Mr. Anson, if you want to go ahead with the Data

1 Collection Committee Report.

2
3 **DATA COLLECTION COMMITTEE REPORT**
4

5 **MR. ANSON:** Thank you, Mr. Chair. The Data Committee met on
6 June 24, 2021. The committee adopted the agenda, Tab F, Number
7 1, as written and approved the minutes, Tab F, Number 2, of the
8 April 2021 meeting as written.
9

10 Update on Southeast For-hire Electronic Reporting (SEFHIER)
11 Program, Tab F, Number 4, Mr. Rich Malinowski from the Southeast
12 Regional Office (SERO) provided an update on the SEFHIER
13 program. He updated the committee with the number of permit
14 holders that had signed up for the program in the Gulf of Mexico
15 (Gulf) and South Atlantic.
16

17 He indicated that permit holders that have not registered with
18 SEFHIER program would be unable to renew their permits. Mr.
19 Malinowski indicated that he anticipates an increase in program
20 participation as renewal applications continue throughout the
21 year.
22

23 He also reviewed the schedule and involvement for several
24 outreach events for both the for-hire industry and law
25 enforcement (LE). He outlined next steps for approving more
26 cellular-based vessel monitoring systems (VMS) to add to the
27 list of already approved satellite and cellular units, as
28 reporting of positional data will be required for Phase II
29 proposed to begin in December 2021.
30

31 Several committee members asked for clarification about
32 notification of enrolling in the program when submitting a
33 permit renewal application, the timeline of a grace period for
34 complying with program requirements, and when LE would be
35 ticketing non-compliant captains. Dr. Jessica Stephen stated
36 that permit renewal letters are sent sixty days before the
37 expiration of the permit. Ms. Mara Levy indicated that the
38 Permits Office would also mail a letter to captains, should
39 their application packet be found to be incomplete.
40

41 Captain Scott Pierce of Florida Fish and Wildlife Conservation
42 Commission LE indicated that several LE personnel from the state
43 had participated in the NOAA SEFHIER outreach events. He
44 indicated that LE in Florida is currently focused on education,
45 and no citations have been issued yet, and they would continue
46 their supporting role as part of their joint enforcement
47 agreement with NOAA.
48

1 Assistant Special Agent in Charge John O'Malley from the NOAA
2 Office of Law Enforcement also reported that federal LE have
3 been focusing efforts on education and training and had not
4 begun issuing citations. Enforcement General Counsel, Mr. Duane
5 Smith, stated that not issuing citations to non-compliant
6 captains has been a courtesy since Phase I implementation in
7 January 2021, but he indicated violations will have to start
8 being reported to avoid a larger compliance issue. Mr. Smith
9 also stated that penalties for reporting non-compliance could
10 range from warnings to monetary consequences, depending on the
11 nature of the violation.

12
13 Ms. Martha Guyas inquired if any spatial patterns in program
14 participation were observed. Mr. Malinowski indicated that
15 permit holders residing in portions of southwest and northwest
16 Florida were slow to sign up for the program, but that
17 participation was generally good throughout the rest of the
18 Gulf.

19
20 Mr. Andy Strelcheck stated that, since SEFHIER was a very
21 comprehensive, fleet-wide initiative, that stakeholder buy-in
22 would be crucial for the program's success, rather than strict
23 enforcement. SERO staff anticipates that the Southeast Region
24 Headboat Survey will resume sometime in the coming weeks and
25 that port samplers can help with outreach, along with LE.

26
27 Ms. Leann Bosarge asked for clarification about the trip
28 declaration requirement for dually-permitted vessels. Mr.
29 Malinowski answered that commercial and for-hire trip
30 declarations are currently forwarded to different departments or
31 combination of departments, for example JEA partners, commercial
32 or for-hire port samplers, and NMFS is working towards
33 streamlining this process.

34
35 Draft Options for Electronic Reporting due to Equipment Failure,
36 Tab F, Number 5, council staff reviewed potential draft options
37 for the development of a document that would address an
38 exception to electronic reporting due to unforeseen equipment
39 failure in both the commercial and recreational sector.
40 Separate actions are proposed, one for each sector, to address
41 potential failure in VMS equipment, which is already required
42 for the commercial industry. Location tracking will be required
43 for the for-hire fleet after the implementation of Phase II of
44 the SEFHIER program.

45
46 The committee agreed that, while the failure rate of satellite
47 VMS equipment is low for both sectors, measures should be taken
48 to clarify what opportunities are available for captains to

1 remain in compliance should they experience equipment
2 malfunctions.

3
4 Ms. Boggs noted that, during a headboat pilot program that
5 required VMS equipment, she had never experienced an occasion
6 where she was unable to fish due to an equipment failure and
7 that a phone call or email to authorities was sufficient to
8 resolve any potential compliance issues. Ms. Levy indicated
9 that language in the rule states that, should a cellular or
10 satellite VMS unit become unresponsive, captains can contact
11 NMFS officials, follow their instructions, and maintain
12 communications to fully resolve any compliance issues.

13
14 The committee discussed concerns related to the length of time
15 to resolve issues related to equipment failure if exemptions are
16 granted. Specifically, it was noted that equipment repairs may
17 be lengthy, VMS installation technicians may be difficult to
18 schedule, or equipment failures may occur outside of traditional
19 business hours. Mr. Strelcheck acknowledged that those
20 situations present challenges. However, he stated that he
21 wanted to avoid the creation of loopholes that could be
22 exploited and undermine program objectives.

23
24 The committee and council staff discussed next steps for the
25 document and the implementation of Phase II of the SEFHIER
26 program. Ms. Bosarge advocated for keeping both recreational
27 and commercial considerations in the document for the next
28 draft, as there is considerable overlap in reporting issues
29 during the preliminary stages of document development.

30
31 Council staff indicated that continued communication with SERO
32 about their budget and the availability of personnel would be
33 imperative to formulating alternatives that are feasible and
34 actionable.

35
36 Ms. Boggs and Ms. Guyas indicated that a possible implementation
37 date of Phase II later than December 2021 may be advantageous.
38 Mr. Malinowski indicated that the implementation of Phase II
39 would have to account for the end-of-the-year holidays and
40 beginning of fishing seasons, but could start a month or two
41 later.

42
43 Ms. Emily Muehlstein informed the committee that approximately
44 \$6,500 remains in the council's SEFHIER outreach budget, which
45 could be used to engage stakeholders regarding Phase II of the
46 program. It was suggested to focus more outreach on online
47 resources and consider in-person meetings if funds are
48 available. The committee directed staff to present a revised

1 version of the document at the August meeting. Mr. Chair, this
2 concludes my report.
3
4 **CHAIRMAN FRAZER:** Thank you, Mr. Anson. Ms. Boggs.
5
6 **MS. BOGGS:** Could this not be an opportunity to convene our Data
7 Collection AP to help with some suggestions and ideas of how to
8 resolve these issues with reporting?
9
10 **CHAIRMAN FRAZER:** I am going to look around at the council
11 members and see if they might agree with that.
12
13 **MS. BOGGS:** I am prepared to make a motion, if that's required.
14
15 **CHAIRMAN FRAZER:** I think we would require one.
16
17 **MS. BOGGS:** Are you ready?
18
19 **CHAIRMAN FRAZER:** We'll get it up on the board.
20
21 **MS. BOGGS:** I would like to make a motion to convene the Data
22 Collection AP to make recommendations of options for equipment
23 failure concerns. I had a little trouble wording that, and I'm
24 sorry. To address equipment failure concerns. Recommendations
25 of options to address concerns. That's fine. Options to
26 address equipment failure concerns. Thank you.
27
28 **CHAIRMAN FRAZER:** Okay. We might just say to convene the Data
29 Collection AP to recommend options, and that might make it
30 easier.
31
32 **MS. BOGGS:** That's fine. I was trying not to make it too wordy,
33 but I did.
34
35 **CHAIRMAN FRAZER:** To recommend. All right. Are you happy with
36 that motion, Ms. Boggs?
37
38 **MS. BOGGS:** Yes. Thank you.
39
40 **CHAIRMAN FRAZER:** Is there a second to that? It's seconded by
41 Ms. Bosarge. Go ahead, Mr. Anson.
42
43 **MR. ANSON:** As I read this, I mean, it's specific to reporting
44 of equipment failure concerns, and not necessarily equipment
45 failure concerns, which would be the more technical aspect, I
46 would think, and so I just am wondering if maybe we might want
47 to clarify that in the motion.
48

1 **MS. BOGGS:** That's absolutely fine. We could say VMS equipment
2 failures regarding electronic reporting requirements. The
3 intent here is to have the Data Collection AP provide options to
4 the council to address these issues that we discussed about
5 electronic reporting due to equipment failure as it pertains to
6 both the charter/for-hire and the commercial fleet, if we want
7 to get very specific with it.

8
9 **CHAIRMAN FRAZER:** I think that we should probably specify as it
10 relates to reporting in the motion.

11
12 **MS. BOGGS:** May I amend it? **To convene the Data Collection AP**
13 **to recommend options for electronic reporting due to equipment**
14 **failure.** I mean, that's how we titled the documents.

15
16 **CHAIRMAN FRAZER:** Yes, I think that's close. That will get us
17 where we need to go, and, again, I think the AP is a fairly
18 broadly populated group, with representation across those
19 sectors. Ms. Bosarge.

20
21 **MS. BOSARGE:** That was going to be my question, about who is on
22 that AP and, you know, did you want to word it slightly more
23 generally and just say "the appropriate APs or ad hocs",
24 because, I guess, in my opinion, I know we have an IFQ ad hoc,
25 right, and all those guys that's in it all have a permit, and
26 they would have to adhere to this, and then don't we, Susan,
27 still have a for-hire ad hoc, or no?

28
29 **MS. BOGGS:** I don't think we do anymore.

30
31 **MS. BOSARGE:** Then I would leave it.

32
33 **CHAIRMAN FRAZER:** Okay. Ms. Levy.

34
35 **MS. LEVY:** Thank you. Just one thing regarding -- Well, a
36 couple of things, but the idea that it's for electronic
37 reporting due to equipment failure, I know that's what is on the
38 presentation, but, during the IPT, we were pretty specific that
39 this was just related to VMS failure, meaning we didn't think,
40 and I haven't heard, that the council wants to address something
41 that goes wrong with the logbook. I mean, there are many
42 options about how to report to the logbook, and so my
43 understanding was that this was related specifically to VMS and
44 the position data, and so I would, I guess, just suggest that
45 you talk about that and make this more specific, if that's the
46 intent.

47
48 Then the other thing is to think about the timing of this,

1 because one thing we talked about, during the committee meeting,
2 was NMFS's availability to do certain things and the budget to
3 do certain things, and the idea that we need to get a sense of
4 that, and I just would want to make sure, I guess, that the APs
5 don't start talking about things that the agency then determines
6 is not feasible, and so how those two things will coincide, I
7 guess.

8
9 **CHAIRMAN FRAZER:** So, Ms. Levy, I just want to make sure -- I've
10 got a couple of questions. There seems to be, in my mind
11 anyway, some inconsistency in when and where we want specificity
12 with regard to what's VMS and what that actually is, and so,
13 based on the discussions that I've heard this last week around
14 the table, I'm going to consider that electronic reporting to be
15 broad, and I just want to make sure that that is the intent of
16 the motion maker and the folks around this table. Ms. Boggs.

17
18 **MS. BOGGS:** To Mara's comments, I am very mindful that the
19 agency -- That there is limitations, but there were a lot of
20 ideas that were floated around the table yesterday, and I
21 thought, possibly, we have this Data Collection AP, and not to
22 make decisions, but just to bring recommendations, because we
23 have this options paper that's coming before us, and then we're
24 going to -- My understanding, from the conversations during
25 committee, were that we would work in conjunction with the
26 agency to verify what could and couldn't be done, but, right
27 now, we don't have any suggestions or options, and I was just
28 trying to -- Because we're having such a difficult time getting
29 industry buy-in, I was trying to include that industry in some
30 of these thought processes, so that they had some comfort level
31 when it comes back, saying, okay, this is what we're going to
32 do. Thank you.

33
34 **CHAIRMAN FRAZER:** Okay. Thank you. Ms. Guyas.

35
36 **MS. GUYAS:** I guess I'll ask the question of is this the whole
37 thing, or just the location reporting part? I mean, this is all
38 one piece of equipment, and am I right? If it's down, it's
39 down, and so I think we'll actually need probably a back-up to
40 both things.

41
42 **CHAIRMAN FRAZER:** Yes, and so that was kind of the intent of my
43 question. Mr. Strelcheck, if you want to expand on that.

44
45 **MR. STRELCHECK:** Well, there is certainly VMS units that you can
46 submit logbook reports through, but we also have online systems
47 that you can log in through a tablet or a smartphone, and so
48 there's other ways of reporting the logbook. I agree with

1 Mara's comments that, to me, the issue before us is specific to
2 VMS and the equipment failure and the exceptions related to
3 that.

4
5 I guess I would also add that I think it's important to have a
6 law enforcement contribution to this discussion, and I don't
7 know if it would be a good idea to combine the Data Collection
8 and Law Enforcement AP, or have the Law Enforcement AP kind of
9 weigh-in after the fact on the Data Collection AP's
10 recommendations, but I think we need to hear from law
11 enforcement as well with regard to the enforceability of any
12 provisions that are recommended.

13
14 **CHAIRMAN FRAZER:** Thank you, Andy. I think that's probably a
15 very good suggestion. Is there any other discussion? Mara, I
16 see your hand is up.

17
18 **MS. LEVY:** Andy covered it. It's just to note that there are
19 other ways to submit a logbook, the actual catch data, and the
20 idea that the form on the VMS doesn't work, and therefore you
21 can't comply with the rest of it, just isn't correct. The VMS
22 is the only way you're getting the location data, but there are
23 other ways to do a trip declaration and then to submit what
24 you've brought back.

25
26 **CHAIRMAN FRAZER:** Ms. Bosarge.

27
28 **MS. BOSARGE:** I'm going to support the motion as it stands right
29 now, simply because we had a discussion at the last meeting
30 where we were talking about changing the commercial requirements
31 for electronic reporting, and we were talking about having them
32 report things that they report when they get home from offshore,
33 and so that VMS is going to be used for a whole lot more than
34 just position data at that point, and they're going to be
35 putting all sorts of stuff in there, and so, if it goes down --
36 I think I like the way it is, and it keeps it broad enough that
37 we can have a discussion on all the different topics we need to
38 at that meeting.

39
40 **CHAIRMAN FRAZER:** Okay. Thank you, Ms. Bosarge. Is there any
41 other discussion? I am not seeing any in the room, and no hands
42 are up on the webinar. **Is there any opposition to the motion?**
43 **Seeing no opposition, the motion carries.** Ms. Bosarge.

44
45 **MS. BOSARGE:** Just generally, as we convene our APs, can we keep
46 this in mind, that any AP that we happen to convene, like if
47 that Ad Hoc IFQ AP meets again or something, anybody this might
48 apply to, even CMP, because we're talking about applying some

1 things to them, but put this in front of them and let them give
2 us some feedback, if we're still working on this document.

3
4 **CHAIRMAN FRAZER:** Okay. We'll take that into consideration.
5 Mr. Diaz. You're good? Okay. I think we will go ahead and
6 move on then to the Sustainable Fisheries Committee, and I will
7 hand it over to you, Mr. Diaz.

8
9 **SUSTAINABLE FISHERIES COMMITTEE REPORT**

10
11 **MR. DIAZ:** Thank you, Mr. Chair. The Sustainable Fisheries
12 Committee Report, the committee adopted the agenda and approved
13 the minutes of the January 2021 meeting as written.

14
15 Summary Report from the Joint Council Section 102 Workgroup,
16 council staff recounted the progress made by the Section 102
17 Joint Council Workgroup, which has met three times to-date. The
18 workgroup has identified several alternative approaches already
19 in use by the councils and asked staff to outline these
20 approaches, and others proposed, for further discussion at an
21 in-person meeting later in 2021.

22
23 SSC Recommendations on Acceptable Biological Catch Control Rule,
24 Dr. Kai Lorenzen of the council's Scientific and Statistical
25 Committee (SSC) reviewed the SSC's progress during its first
26 discussion of reviewing the Acceptable Biological Catch Control
27 Rule, which has been in use by the council since 2011.

28
29 The ABC Control Rule creates a buffer between the overfishing
30 limit and the ABC to reduce the risk of overfishing attributable
31 to scientific uncertainty. This requires separating the
32 characterization of scientific uncertainty from the definition
33 of a risk policy. The latter is the prerogative of the
34 council.

35
36 The SSC aims to improve the ABC Control Rule by better
37 characterizing scientific uncertainty (P*). The buffer between
38 the OFL and ABC would typically increase when the stock
39 abundance is low. The SSC thinks the current ABC Control Rule
40 underestimates scientific uncertainty and is exploring metadata
41 analysis methods, such as the Ralston et al. method from the
42 Pacific, to better estimate this uncertainty. The SSC also
43 recommends further exploration of other conceptually-different
44 approaches, such as F multipliers.

45
46 Dr. Lorenzen continued by discussing the application of harvest
47 control rules (HCR) as a component of the use of the ABC Control
48 Rule to recommend catch advice to the council following a stock

1 assessment. He noted that the council's current definition of
2 the minimum stock size threshold allows a stock to be
3 considerably depleted compared to the biomass at maximum
4 sustainable yield (BMSY), which can create longer rebuilding
5 periods, under which fishing effort would need to be comparably
6 restricted.

7
8 An HCR could allow for the catch limits to be buffered in such a
9 manner to allow for ramping-down of catch limits when the
10 current biomass drops below BMSY, even though the stock is not
11 undergoing overfishing or overfished.

12
13 Southeast Fishery Science Center staff said simulations would be
14 needed to see if this approach using HCRs could supplant the
15 need for rebuilding plans, and the Southeast Regional Office
16 would need to explore whether this approach could
17 administratively serve that purpose. Overall, the SSC favors
18 simplicity and robustness for HCRs.

19
20 The SSC has requested that the Southeast Fisheries Science
21 Center provide information to help evaluate the performance of
22 alternative ABC control rules, past performance of the council's
23 existing ABC Control Rule, past performance of deviations from
24 existing rule, and implications of alternative rules for the
25 ABCs of Gulf stocks.

26
27 The SSC will continue discussions with respect to information to
28 help the council consider its risk policy, such as the risk of
29 overfishing versus foregone fishing opportunities, the costs of
30 overharvesting to stocks and stakeholders, consideration of
31 phase-in of changes in catch limits, and social considerations
32 and management buy-in.

33
34 A committee member asked whether changes to data, such as
35 recreational catch and effort, would affect the determination of
36 scientific uncertainty. Dr. Lorenzen replied that, ideally,
37 those changes would be comparable between stock assessments.
38 However, the same data are not always available from one
39 assessment to the next. The Southeast Fisheries Science Center
40 added that the Ralston approach likely better accounts for
41 scientific uncertainty, particularly compared to the
42 southeastern U.S., since the Pacific stocks, upon which that
43 method is based on, assessments that use fewer data streams over
44 longer time periods.

45
46 Further, the analysis of risk related to overfishing has likely
47 not been properly characterized for the council in the past, and
48 considerations, moving forward, about changes to the council's

1 ABC Control Rule aim to directly address this.

2
3 Manna Fish Farms, Gulf of Mexico Update, Dr. Kelly Lucas of the
4 University of Southern Mississippi presented an update on the
5 activities of Manna Fish Farms, Gulf of Mexico. Dr. Lucas noted
6 that, in 2019, she gave a presentation to the committee on this
7 topic.

8
9 Dr. Lucas provided an overview of her presentation and proceeded
10 to discuss a range of issues including site suitability, species
11 considered by the aquaculture project, data considered in the
12 siting model, and the suitability model methodology. Dr. Lucas
13 reviewed the proposed Gulf sites and discussed the design of
14 storm-safe submersible cages. Dr. Lucas indicated that the
15 project will reduce the number of planned cages from eighteen to
16 twelve.

17
18 Dr. Lucas discussed the deployment phases and discussed feed
19 information and a planned production timeline. In discussing
20 next steps, Dr. Lucas indicated that permits applications have
21 not been filed and that a best management practices plan is in
22 development.

23
24 Committee members thanked Dr. Lucas for the presentation and for
25 considering shrimp trawl data in siting modelling. The
26 committee inquired about buffers around the project, and Dr.
27 Lucas stated that discussions considering buffers are ongoing.

28
29 The committee asked about buoys to mark the project area. Dr.
30 Lucas indicated that the buoys will be lighted and will be in
31 accordance with all Coast Guard requirements. In response to a
32 committee question relative to feed, Dr. Lucas referred to the
33 feed specifications included in her presentation and noted that
34 cameras will be used to monitor feeding.

35
36 The committee asked about the other species under consideration
37 for the project and about the potential for polyculture. Dr.
38 Lucas indicated that the project plans to start with red drum
39 and will later consider a range of species, including almaco
40 jack, striped bass, tripletail, and pompano. Committee members
41 inquired about disease control. Dr. Lucas stated that the
42 project plans to minimize sources of contamination and that a
43 health and safety plan is under development.

44
45 Standardized Bycatch Reporting Methodology, Mr. Dan Luers gave a
46 presentation on the review of standardized bycatch reporting
47 methodologies (SBRM) for the Gulf Council's Fishery Management
48 Plans. The SBRMs are a set of established procedures used to

1 collect, record, and report bycatch data for each fishery
2 management plan. A review of these procedures is required
3 every five years and is expected to be completed in 2022.

4
5 Mr. Luers reviewed the required components of the SBRM and
6 summarized the bycatch method reporting programs from each FMP
7 and component. Specific to the reporting methods for the
8 private angling component, a committee member requested that
9 additional information is provided in the report, along with an
10 evaluation of the adequacy of the reporting methods for this
11 component.

12
13 Mr. Luers stated that a draft report is being developed that
14 will include this requested information, along with the other
15 required components of the review. A draft report will be
16 provided to the SSC and the council at a future meeting for
17 review, prior to finalizing the document. Mr. Chair, this
18 concludes my report.

19
20 **CHAIRMAN FRAZER:** All right. Thank you, Mr. Diaz. Are there
21 any other discussion items related to the Sustainable Fisheries
22 Committee? I am not seeing any, and so, again, thank you, Mr.
23 Diaz, for going over the report.

24
25 I think what we're going to do is, given where we are in time, I
26 would like to go ahead, if it's okay with the various liaisons
27 in the room, if we could go through those reports, and, in no
28 particular order, but, Chester, would you be able to go ahead
29 and give the South Atlantic report?

30
31 **SUPPORTING AGENCIES UPDATES**
32 **SOUTH ATLANTIC COUNCIL LIAISON**
33

34 **MR. BREWER:** Well, I was going to do it off the top of my head,
35 and so I might as well do it now, and thank you for letting me
36 go a little early. I really appreciate it. You promised, and
37 you delivered.

38
39 I'm not going to get into cobia and mackerel. That has been
40 covered extensively in the different committees and the
41 committee reports. I do want to thank you, however, for the
42 concurrency and the spirit of cooperation that you showed in
43 your votes. That was actually the one thing that we were
44 worried about, and so I came loaded for bear, with all kinds of
45 reasons and whatnot, and thankfully I didn't have to use a whole
46 bunch of them.

47
48 There are a couple of things though that are going on, and let's

1 see. Man, let's get the bad one off the table first, and we
2 might as well get it over with, and it's kind of a bitter pill,
3 and we -- As you all probably know, there's an area off the east
4 coast of Florida that starts at about Fort Pierce and runs
5 north, I think about 170 kilometers or something like that.

6
7 It's known as the Oculina Bank, and it is an area that is of
8 high concern, and it is a coral bank that is almost -- I think
9 it may well be unique in the world, and, a number of years ago,
10 efforts were undertaken to protect that area, particularly from
11 bottom trawls and anchors and any kind of bottom gear.

12
13 In the mapping that was done to lay out the area that was
14 protected, there were some areas, or an area, particularly on
15 the east side of the bank and towards the northern edge, that
16 was included in the area to be protected. The rock shrimp
17 folks, at the time, said, excuse us, but there is no coral
18 there, and we trawl through there, and they went round and round
19 and round, as to whether there was coral there or not, and,
20 finally, it was decided to go ahead with the plan as it was put
21 forth and the area -- That particular area that the rock shrimp
22 folks were concerned about would be considered in the near
23 future, and they agreed to wait and have it reconsidered.

24
25 What happened is nothing for years, and so it has come back up
26 now, and I thought that it was -- This is my personal opinion,
27 but I thought that it was going to sail through, because it was
28 something that we had promised that we would take a look at, and
29 we held them off for years, and not intentionally, but it's just
30 that we didn't get to it, and, apparently, there is no coral
31 there, and that now is the excuse, and so I thought we would
32 have the whole thing go through and we would get this corrected.

33
34 Well, about three weeks or a month or so ago, we started getting
35 letters and whatnot saying, no, there's still a problem with you
36 trawling in that area, because of the plumes that are created,
37 and so that's something that was new, and we're not exactly sure
38 what we're going to do with it, and I think we're going to have
39 to request some more research with regard to these plumes and
40 how much of a separation area you need to have, so that you can
41 protect the -- What do they call them? Pillars, I think they
42 call them, but, anyway, these very, very high columns of coral,
43 and so that's one area.

44
45 The other area is, of course, red snapper, and we just had our
46 SEDAR, and I think it's 73, and I may be wrong about the
47 numbers, and I never do well on the SEDAR numbers, but it's the
48 red snapper SEDAR, and it found that our -- The biomass of red

1 snapper in the South Atlantic is as high as it has ever been in
2 recorded history, and the spawning stock biomass is still
3 depressed somewhat, although it is improving.

4
5 The SEDAR came out and said, no, you're still overfished and
6 undergoing overfishing, and that is a matter of concern, and it
7 was also a matter of concern that we got a SEDAR saying the
8 biomass is as high as it's ever been, which confirms what
9 everybody has been telling us for several years now, the folks
10 that are out on the water have been saying there are so many red
11 snapper out here that they're now a nuisance.

12
13 In response, and I guess just to kind of complicate things, and
14 kind of make us a little mad, a few days later, the season came
15 out, and it went from four days to three days, and so I'm sure
16 that we've not heard the last of that, and I don't know, and
17 maybe deservedly so, but, at any rate, our response is going to
18 be to ask the SSC, and particularly the ones involved with the
19 SEDAR, to take another look at some of the data points and
20 assumptions and whatnot that went into the new red snapper
21 SEDAR.

22
23 One of the things that hopefully will be done fairly soon is you
24 all may know that we're in a conundrum with regard to red
25 snapper, and that is the biomass is increasing very, very
26 rapidly. As it increases, the folks' encounters, who are
27 fishing for other fish, their encounters with red snapper
28 increases, and there's a lot more bycatch, and the bycatch
29 mortality is such that it almost equals the quota, and that's
30 the reason that we have such short seasons.

31
32 We have implemented some requirements to try to deal with that
33 problem, and one of the biggest is descending devices. People
34 are not required to use them, but they are required to have them
35 onboard, and so we're hoping that that will at least help
36 ameliorate some of the bycatch mortality and that can be
37 incorporated into the science that's being used and that
38 hopefully, at some point, maybe during my lifetime, we'll see a
39 meaningful red snapper season in the South Atlantic. With that,
40 Mr. Chairman, thank you, and that concludes my report.

41
42 **CHAIRMAN FRAZER:** Thank you, Chester. Ms. Bosarge.

43
44 **MS. BOSARGE:** Thanks, Chester. I want you to take a message
45 back for me. So that Oculina area, and this is what I had
46 referred to when we were in the Habitat Committee and using
47 modeling to determine what the seafloor looks like and what's
48 down there in that area, and so, Chester, when you all did that

1 Coral Amendment 1 in the South Atlantic, that's where you
2 originally established that Oculina, the original boundaries.

3
4 I know you know this, but, in that Coral Amendment 1, when you
5 read it, a lot of the scientific evidence that was used to close
6 it originally was anecdotal verbal information from coral
7 scientists, and that's fine, and then you closed it and you
8 said, you know, we're going to review it later, and we hope to
9 have some hard, published -- You know, more hard, published
10 scientific information on it.

11
12 In 2014, you reviewed that Oculina Bank, and you decided to
13 expand it, and you all did discuss the fact that, unfortunately,
14 you really didn't have the volume of hard, documented scientific
15 information that you were really wanting. However, you now had
16 a computer model that modeled that area and said, hey, there's
17 coral further outside where we have these boundaries, and we
18 need to expand it, and the shrimpers came in with their computer
19 plotters, and albeit it was late in the process, and I will
20 grant you that, but they came in and they said here's our plot
21 sheet, and we're trawling through there with a net.

22
23 We don't trawl over coral, and it's not in our best interest,
24 and it would tear the nets up, and we would lose months, and so
25 we're not out there trying to destroy coral. We're trawling in
26 and catching shrimp and please don't close it.

27
28 You closed it anyway, and so we didn't have scientific verified
29 information showing there was coral right there, but we closed
30 it. I have to commend the State of Florida and Martha's boss.
31 She kept her word to the fishermen, and she said we're going to
32 look at this again, and hopefully we'll have more information
33 then, and so that's what you're doing now.

34
35 You now have information that shows there is no coral there, and
36 so all this mumbo-jumbo now about, well, we're going to get some
37 more information that says, even though there's not coral there,
38 we've still got to keep it closed, because you might have some
39 sort of other effect. We've been waiting a long time, and we're
40 not a profitable industry, and so we don't have a lot of
41 lobbyists and shrimpers in the audience at every meeting during
42 public testimony, and so I'm speaking on behalf of my industry.

43
44 Please, please give us back our shrimp grounds. We have waited
45 a long time, and that's a small fishery. The area that you
46 closed off, or you all, and not you, Chester, but you all closed
47 off, in some years, that might be 75 percent of the rock shrimp
48 production in the South Atlantic. It's a big deal, and it's

1 very important. It varies from year to year, but it's
2 substantial, and so, if you could please entertain the idea of
3 giving us back that shrimp ground, we would really appreciate
4 it.

5
6 **MR. BREWER:** Just in response to that, I'm a big fan of Dixie
7 Crossroads, and I love rock shrimp. I mean, I just love rock
8 shrimp, and I want to do anything I can to see that there is a
9 good supply of rock shrimp, and it's an economic engine, quite
10 frankly, and certainly in the Titusville area and the
11 surrounding, and it's not going to be as simple as we might
12 like, because there are some heavy-hitters that have lined up
13 now to say, nope, you're going to kill coral, and that area --
14 Well, that particular bank is of such high I will say value,
15 from the standpoint of ecological stuff, and that it's going to
16 be hard.

17
18 I was 100 percent. I've got to tell you that I was 100 percent
19 behind opening that area up immediately until we got this, and,
20 again, it was late in the game, but we got information about
21 plumes and debris and all that, which I don't know at this
22 point. We don't know right now if it's true or not, quite
23 frankly, but it's going to have to be looked at, and I bring it
24 up because it is going to be something that is, I think, a
25 fairly high ticket, and so at least you have moved from being
26 ignored to being a pretty high ticket, and people are going to
27 be looking at it, and so I think that's something.

28
29 **CHAIRMAN FRAZER:** All right. Thank you, Chester. I guess what
30 I heard there, from Ms. Bosarge, is if you would convey to the
31 South Atlantic Fishery Management Council, at your next meeting,
32 that she would like to see some progress in that regard. Mr.
33 Strelcheck.

34
35 **MR. STRELCHECK:** Well, they take final action at the next
36 meeting, and so I guess that will amount to progress at that
37 point, whatever the decision is. I wanted to just comment on
38 Chester's report, and, Chester, you did a fantastic job.

39
40 With regard to red snapper, he mentioned the highest biomass
41 ever, and it's actually the highest abundance ever, and he also
42 acknowledged that the spawning biomass isn't where it should be,
43 and I do want to also mention, like he had indicated, that we
44 have descending device requirements in the South Atlantic, but
45 we did, I thought, a very thoughtful process at the last
46 meeting, kind of going through some short-term and long-term
47 measures and things that we may need to explore with regard to
48 not just changing the catch limit and kind of standard actions,

1 but also looking at some long-term measures and how we reduce
2 discard mortality in the South Atlantic, because that's driving
3 a lot of the overfishing, and so I just wanted to acknowledge
4 that and thank Chester for his report.

5
6 **CHAIRMAN FRAZER:** Thank you, Mr. Strelcheck. Dr. Porch.

7
8 **DR. PORCH:** Andy made one of my points, but the other point,
9 just to be clear, is the shortened season isn't associated with
10 the stock assessment. The SSC actually didn't set any catch
11 limits based on the stock assessment, and so they carried over
12 the previous catch. The SSC will reconsider that I think in a
13 month or two.

14
15 **MR. BREWER:** Right, and you're exactly right, and I was just
16 talking about the timing being unfortunate.

17
18 **CHAIRMAN FRAZER:** Okay. Are there any more questions for
19 Chester? I am not seeing any. Chester, thank you for your
20 time. I appreciate you being here this week.

21
22 **MR. BREWER:** Well, thank you. Believe it or not, I enjoy coming
23 to these meetings, and it's kind of like old home week for me.

24
25 **CHAIRMAN FRAZER:** Okay. We're going to go ahead now and move
26 on, and I know it's a little early, but, Captain Pearce, if
27 you're willing to give your report, that would be great.

28
29 **FLORIDA LAW ENFORCEMENT EFFORTS**

30
31 **CAPTAIN SCOTT PEARCE:** Good morning, Dr. Simmons, Dr. Frazer,
32 and council members. Thank you all for coming me the chance to
33 come down here to Key West and present to you all today. It's
34 been a very entertaining week, and I have learned a lot from
35 this whole week of being here and being exposed to everything.
36 We will move through this fairly quickly, and I will be happy to
37 entertain any questions at the end.

38
39 As you all well know, this is encompassing all the patrol assets
40 we have in the Gulf of Mexico for JEA, and it does not include
41 the assets we have on the Atlantic side. Within the Gulf of
42 Mexico, we have nine different vessels that are focused on JEA-
43 specific patrols, and we have two endurance-class vessels, which
44 basically are multiday platforms. We have the Gulf Sentry out
45 of Tampa, and we have the Randall that's out of Marco Island,
46 and it's important to know that the Randall has just now
47 recently been decommissioned, and so we're looking to replace
48 that vessel with most likely something in the forty-one-foot

1 class range, probably a Safe boat class-type vessel, and so that
2 should be happening pretty soon.

3
4 We have four more endurance-class vessels, which are your long-
5 range single-day patrol vessels, capable of covering great
6 distances out of Tampa all the way to the Middle Grounds and
7 things like that, and we have the Guardian out of Carrabelle,
8 and the Vigilance is out of Destin, and we have the Interceptor
9 that's out of Key West, and then we have the Trident out of
10 Marathon. These vessels are equipped to provide long-range,
11 single-day patrols covering great distances.

12
13 We also have three intermediate-class vessels. We have two
14 Fincats, one out of Pensacola and one out of Crystal River.
15 Again, they're single-day patrol vessels, and they're a little
16 bit limited in their range. We have the twenty-nine-foot
17 Intrepid that we keep in Carrabelle, but that vessel not only
18 works Carrabelle, but it's also a back-fill vessel, and so, if
19 we have a vessel that goes down somewhere, we can move the
20 Intrepid to that location and keep patrols focused.

21
22 Just to give you some of the things we've worked on, these stats
23 -- I basically went back all the way from January of 2020 to May
24 of 2021, to kind of get us caught up, because we didn't get to
25 do this last year.

26
27 During that time period, our combined patrol efforts in the Gulf
28 of Mexico, for just offshore patrol vessels, is going to be
29 3,040 hours of federal enforcement combined patrols. We had
30 over 1,600 hours that were focused on reef fish enforcement, and
31 we had 607 hours that were focused on TED enforcement, and we
32 had over 108 TED boardings, and we had 798 hours of just any
33 other federal enforcement, any other requirements, and then,
34 overall, we had 748 enforcement actions. 349 were combined
35 warnings, and then 399 were based on citations, federal or state
36 citations that occurred in federal waters for the JEA.

37
38 Along with our offshore patrol vessel program, as I've spoken
39 about before, we also have all our regular regional assets that
40 go out and patrol every day, and so these are all the other
41 officers that are involved in everyday patrol that still conduct
42 patrols that are JEA related, and these are statewide numbers,
43 for Atlantic and Gulf, and I wasn't able to separate them down,
44 but those regional assets contribute over 1,300 hours of
45 dockside patrol, over 2,500 hours of single-officer midrange
46 patrol, and over 2,900 hours of two-officer midrange patrol.

47
48 They put in over 837 hours of administrative or outreach

1 efforts, and the total regional efforts for this time period is
2 over 7,600 hours of JEA-related patrol efforts, and so that's
3 just our regional stuff, outside of the --

4
5 Now we get into IFQ, IUU, and Florida Keys National Marine
6 Sanctuary. For IFQ, we're required to be over 500 hours of
7 patrol, and we actually put in over 1,000 hours of patrol for
8 IFQ-related inspections during this time period.

9
10 For illegal, unregulated, and reported, we're required to
11 contribute 250 hours of inspection hours for IUU, and, so far,
12 to this date, we've accomplished 288, and that's going to be our
13 port investigators that are intercepting product that's coming
14 in from out of the country and looking for any of these IUU-
15 related-type violations.

16
17 Florida Keys National Marine Sanctuary, we're required to put in
18 over 1,200 hours of patrol, and we actually accomplished over
19 2,600 hours, and that's using assets either from the Gulf as
20 well as the Atlantic. We have a patrol vessel that in Miami
21 that actually is a big Metal Shark, and those guys actually run
22 all the way down and stay at Port Jefferson for several days at
23 a time and do patrols there, and so we're combining efforts
24 between the Atlantic and the Gulf to accomplish the Florida Keys
25 National Marine Sanctuary, plus all the regional assets that
26 contribute to that.

27
28 Just to give you a few examples of case examples around the
29 state, for recreational boardings, out of the Big Bend region,
30 we had a case that involved a vessel that was boarded where they
31 found twelve undersized mango snapper, as well as three
32 undersized triggerfish. In the same region, another vessel they
33 boarded where the guys were focusing on spearfishing activities,
34 they boarded a vessel where they found three undersized grouper
35 and three undersized hogfish onboard.

36
37 More recreational vessels out of the southwest region, and, as
38 John O'Malley spoke about yesterday, one of the big things, and
39 we've been working on it for years, but we're really trying to
40 get a grip on it, is all the illegal charter activity with the
41 vessels that can probably legally charter -- They can legally
42 charter in state waters, but they're going into federal waters
43 without a federal reef fish permit.

44
45 One example would be where you actually have a meeting to
46 discuss this issue with all the partners around the Gulf, and
47 our guys were offshore of Tampa and boarded a vessel that was
48 actively harvesting reef fish with charter guests onboard

1 without a federal reef fish permit, and so that's just one
2 example of several of these things that we've been focusing on
3 what's going on with that recent detail that occurred in the
4 southwest region. I don't have the stats on that yet, but I
5 think it's a pretty big success.

6
7 The south region, or the Tortugas, officers boarded a vessel
8 where they found the vessel to be in possession of grouper and
9 hogfish out of season, as well as undersized mutton snapper and
10 wrung lobster tail.

11
12 For our commercial vessels, when we get down to the south
13 region, south of the pompano endorsement zone, officers boarded
14 a vessel that was a gillnet vessel, and they also were in
15 possession of pompano onboard, in conjunction with a gillnet,
16 and they were well south of Monroe County, outside of the
17 pompano endorsement zone, and so they issued a citation on that.

18
19 We've had -- Obviously, we're always working on our TED
20 enforcement, and one example would be vessels boarded where they
21 found the angles were out, at a prohibited angle on the TED, as
22 well as the bar spacing on the TED was too much of a gap between
23 the bar spacing, and that's just an example of some of the stuff
24 we're doing with TEDs. The southwest region, officers were
25 conducting an IFQ inspection. During the IFQ inspection, they
26 discovered forty-seven undersized red grouper.

27
28 Another one out in the southwest region, this was a shrimp
29 vessel that they boarded to do a gear inspection, and the gear
30 was all in compliance, but they went below, into the hold, and
31 they found fifty-seven undersized lane snapper, forty undersized
32 flounder, and three undersized red snapper.

33
34 Then, for another commercial vessel boarding in the southwest,
35 another shrimp vessel, again, they stopped the vessel to conduct
36 a gear inspection, and the gear was within compliance. When
37 they went below, they found 433 lane snapper, 219 of which were
38 undersized, and they had thirty-five shark fillets onboard, and
39 they had one snook head that they were saving for fish head stew
40 or something, and I'm not sure. They had no federal reef fish
41 permit onboard and no federal HMS permit for any possession of
42 reef fish in that quantity, and so they were cited as well.
43 That wraps it up. Any questions?

44
45 **CHAIRMAN FRAZER:** Thanks, Scott. We've got a couple of
46 questions, I'm sure. Mr. Diaz.

47
48 **MR. DIAZ:** Captain Pearce, thank you for being here, and thank

1 you for your report, and I did mention this yesterday, when the
2 federal report was given also, but I want to thank you all for
3 focusing on these illegal charters. That's been mentioned at
4 our public comment several times, and it's an example of where
5 the public brings something to our attention and some action is
6 taken on it.

7
8 I know these are difficult cases to make, and it's time
9 consuming, and it takes a lot of effort to make these. People
10 probably think it's very simple, but I realize that it's very,
11 very difficult to make these cases, and so thank you for putting
12 some focus on that and paying attention to our public comment
13 that has been brought forward. We appreciate it, and I'm
14 impressed with all of your work, but I just wanted to note that
15 you all went over and above to try to help with that situation
16 for us. Thank you.

17
18 **CAPTAIN PEARCE:** Yes, sir. Thank you.

19
20 **CHAIRMAN FRAZER:** Ms. Bosarge.

21
22 **MS. BOSARGE:** I wanted to thank you for the IUU work that you're
23 doing. I was really excited to see that, and I don't know if it
24 was this quarter or what, but I seem to remember that you all
25 caught some shrimp coming into Miami, I think it was, that
26 shouldn't have been coming into this country, that either didn't
27 meet our standards or was coming from a company whose
28 authorization had been revoked, or whatever the case was, and I
29 appreciate that. Thank you.

30
31 **CAPTAIN PEARCE:** Yes, ma'am.

32
33 **CHAIRMAN FRAZER:** I just wanted to follow-up on that, because I
34 know, in one of your slides, you had several hundreds of hours
35 that were related to IUU activities, and a lot of them involved
36 your port crews, but, aside from shrimp, what are the most
37 common types of violations that you're seeing?

38
39 **CAPTAIN PEARCE:** Really, that's one of those things that we're
40 really getting ramped up on, and we're starting to get better
41 and better at detecting, but one of the prime examples would be
42 the shrimp case down south, and there's also an example where we
43 had quite a large quantity of lobster that was shipped in from
44 South America, but it all went into commerce in the State of
45 Florida, and so it wasn't being shipped through, but a good
46 majority of the lobster were undersized, and also egg-bearing,
47 and so that's another example of that illegal imported product
48 that's trying to go into our commerce in Florida, and so that

1 was a good case.

2
3 We've had a few instances where we had undersized fish that were
4 being shipped in from out of the country to other facilities
5 that we intercepted and we were able to deal with, and the
6 important part is that it's actually entering commerce in
7 Florida for us, and that's where we can engage in it. If it's
8 going through under bond to another state that doesn't have
9 those regulations, or it doesn't violate our federal
10 regulations, then that's another issue altogether.

11
12 **CHAIRMAN FRAZER:** I appreciate the bonding issue. That kind of
13 really restricts your ability to kind of look at what's going
14 on. Anyway, thank you again for the report. That was great. I
15 don't know if there's any other questions. All right. Again,
16 thank you, Captain Pearce, for your time. All right. We're
17 going to go ahead and move over to the Gulf States Marine
18 Fisheries Commission. Dave, if you want to give us your report.

19
20 **GULF STATES MARINE FISHERIES COMMISSION**

21
22 **MR. DONALDSON:** Thank you, Mr. Chairman. The commission has got
23 a variety of different activities, and I'm not going to report
24 on all of them. A couple that I think will be interesting to
25 the council members are, as you know, we're working with Texas,
26 Louisiana, Mississippi, and Alabama with the CARES Act, and
27 Florida is working with the Atlantic Commission, but, as of June
28 of this year, we have distributed over \$19 million in payments.

29
30 Louisiana, Mississippi, and Alabama have distributed all of
31 their funds for the first round of CARES, and Texas is reviewing
32 their applicants, and we anticipate getting a list from them in
33 the near future and begin distributing money to Texas
34 participants.

35
36 The second round of CARES is about \$26 million to the four
37 states that I mentioned, and Texas, Louisiana, and Alabama have
38 approved spend plans. Mississippi is currently reviewing their
39 plan, and we're in the process of reviewing it with NOAA, and it
40 hopefully will be approved soon. We're awaiting NOAA Fisheries
41 to approve the commission funding document, so that we can start
42 distributing the money, but this money needs to be distributed
43 by the end of September of this year, and so I'm hopeful that,
44 in the next several weeks, we'll be able to start distributing
45 the second round of CARES funding.

46
47 The other project that I've mentioned is we're working with the
48 NOAA Restoration Center and working on a barotrauma project. At

1 the last meeting, we were in the process of reviewing some
2 validation studies. Since then, we have actually selected two
3 studies, the first being a determination of predation mortality,
4 barotrauma survival of catch-and-release red snapper, and it's
5 being conducted by Steven Szedlmayer.

6
7 The purpose is to better understand the survival rates of red
8 snapper released using descending devices, and then the second
9 is do descending devices increase opportunities for predation,
10 and that's being led by Dr. Marcus Drymon, and that is to
11 document whether hooked reef fish are eaten by predators and
12 which species are responsible for that predation, and so those
13 projects just started, but hopefully, towards the end of the
14 year, I'll have some preliminary results to be able to share.

15
16 Then the last issue that I wanted to talk about is our October
17 commission meeting. It's scheduled for October 19 through 21 in
18 Florida, probably in the Panhandle, and we're still working on
19 securing a hotel.

20
21 It will be an in-person meeting, which I am excited about, and,
22 during each of our meetings, we have a general session, and we
23 haven't been able to do those, because of the virtual nature of
24 the meetings, but, on October 20, we will be having a general
25 session, and we'll be focusing on wind power. It's becoming a
26 big issue in the Gulf, and we'll be inviting a variety of
27 different speakers to talk about that. Hopefully, probably
28 later this summer, we'll be distributing a meeting notice with
29 the hotel and all the information about it, and so, with that, I
30 will answer any questions.

31
32 **CHAIRMAN FRAZER:** All right. Thank you, Dave. There's a lot in
33 there, and so I'll go to Ms. Bosarge.

34
35 **MS. BOSARGE:** It's not for Dave, but he brought up something
36 that I did want to touch on, and the wind energy thing is
37 starting to hit the Gulf and be discussed, and I'm going to be
38 on a -- Somebody asked me to be on a panel about it next week,
39 and so I'm going to be on a panel, whatever that means, but the
40 point is are we going to have this on an agenda for the council
41 to look at, fairly shortly, so that we can give them feedback
42 that might be relevant from our fishermen?

43
44 **CHAIRMAN FRAZER:** Yes, and so I will go ahead and let Dr.
45 Simmons speak to that. We did have a discussion with the folks
46 at BOEM. Go ahead, Carrie.

47
48 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Yes, we're

1 planning to have a presentation in August.

2
3 **CHAIRMAN FRAZER:** Again, hopefully we'll have some opportunity
4 to weigh-in there. Any other questions for Dave? I am not
5 seeing any. Dave, I really appreciate that report. Thank you
6 for taking the time. All right. We're a little bit early, but
7 a little bit too far along to get right into our Reef Fish
8 Committee report, and so we're going to take a break for lunch.
9 We're supposed to come back at 1:30, but, if folks are okay, why
10 don't we come back at 1:00? Will that be all right and give
11 people enough time to eat? All right. See everybody at 1:00.

12
13 (Whereupon, the meeting recessed for lunch on June 25, 2021.)

14
15 - - -

16
17 June 25, 2021

18
19 FRIDAY AFTERNOON SESSION

20
21 - - -

22
23 The Full Council of the Gulf of Mexico Fishery Management
24 Council reconvened on Friday afternoon, June 25, 2021, and was
25 called to order by Chairman Tom Frazer.

26
27 **CHAIRMAN FRAZER:** All right, everybody. Thanks for taking a
28 quick lunch. Before we get started, we have our Coast Guard
29 representative, Lieutenant Commander Lisa Motoi, on the line
30 with us, and I just wanted to take a few minutes for her to
31 introduce herself to the group.

32
33 **LCDR LISA MOTOI:** Thanks, Mr. Chair. Good afternoon, everyone.
34 I'm Lieutenant Commander Lisa Motoi, and -- (Part of LCDR
35 Motoi's comment is not audible on the recording.)

36
37 A little bit about me is I've been in the Coast Guard for
38 seventeen years, and I've had two tours that were LMR-driven,
39 and so I'm heading down the Gulf region, and I know it's going
40 to be drinking from a fire hose, but, while there at D8, my job
41 is pretty much going to consist of overseeing the LMR mission of
42 our four Coast Guard sectors. In District 8, we also have four
43 fast-response cutters, and we get visiting Coast Guard cutters
44 that also do the LMR mission. Thank you, everyone, and I look
45 forward to meeting you in person at the next council meeting.

46
47 **CHAIRMAN FRAZER:** All right. Great. Thank you, and we
48 certainly look forward to seeing you in-person as well, and so

1 thanks again for joining us on the call today, and we're going
2 to go ahead and pick up with our committee reports. Ms. Guyas,
3 if you want to start the Reef Fish Committee, that would be
4 great.

5
6 **COMMITTEE REPORTS (CONT.)**
7 **REEF FISH COMMITTEE REPORT**
8

9 **MS. GUYAS:** All right. Thanks, Mr. Chair. This committee
10 report is Tab B. The committee adopted the agenda with the
11 addition of goliath grouper to Other Business, and the minutes
12 from the April 2021 meeting were approved as written.

13
14 Review of Reef Fish Landings and Review of Reef Fish ACL
15 Figures, Ms. Kelli O'Donnell from the NMFS Southeast Regional
16 Office reviewed Gulf reef fish landings. Gray triggerfish
17 recreational fishing was reopened in September 2020. An
18 increase in the ACL is expected to result in the recreational
19 landings remaining below the to-be-implemented increased
20 recreational ACL.

21
22 Gag, red grouper, greater amberjack, and red snapper for-hire
23 recreational landings for 2020 remained below their respective
24 2020 recreational ACLs. For stock ACLs, gray snapper, vermilion
25 snapper, and yellowtail snapper 2020 landings remained below
26 their respective ACLs. Lane snapper landings for 2020 remained
27 below the to-be-implemented increased ACL for that species. At
28 this time, 2020 landings data are still considered preliminary.

29
30 Ms. O'Donnell also reviewed commercial individual fishing quota
31 program landings in 2020, which totaled 99 percent of the
32 commercial quota for red snapper, red grouper landings were
33 approximately 79 percent, and gag landings were approximately 51
34 percent of the commercial quota.

35
36 Committee members had questions about out-of-season landings for
37 a few species. NMFS staff will investigate the origin of these
38 landings data. The committee also asked to receive landings
39 updates on the red snapper private recreational landings by
40 state for 2020 and 2021 at the next meeting.

41
42 Final Action: Reef Fish Amendment 53: Red Grouper Allocations
43 and Annual Catch Levels and Targets, Dr. Kai Lorenzen presented
44 the Scientific and Statistical Committee's recommendations of
45 the red grouper catch analysis. The SSC reviewed the interim
46 analysis as a health check of the stock. He noted that,
47 generally, when sector allocations are revised, catch limits
48 need to be re-calculated contingent upon the new allocations.

1
2 The bottom longline index of abundance includes two indices, one
3 based on the full geographic area and one based on a reduced
4 area representative of the limited area surveyed in 2020 due to
5 the COVID-19 pandemic. The bottom longline index indicates a
6 stable abundance or slight increase. A full IA to update catch
7 recommendations would require re-calculation of initial catch
8 limits using the new sector allocations.

9
10 Council staff presented a summary of oral and written public
11 comments. SERO staff then reviewed written comments on the
12 Draft Environmental Impact Statement.

13
14 Council staff presented the actions and alternatives for Reef
15 Fish Amendment 53. A committee member noted the language "to
16 ensure overfishing does not occur" in the draft king mackerel
17 document and requested similar language be incorporated into the
18 need statements of Reef Fish Amendment 53.

19
20 Staff stated that the language could be incorporated as follows:
21 The need is to base the Gulf red grouper sector allocations,
22 ACLs, and ACTs on the best scientific information available and
23 to prevent overfishing while achieving optimum yield on a
24 continuing basis, while ensuring that the historical
25 participation by the recreational and commercial sectors is
26 accurately reflected by the sector ACLs, and that the
27 recreational ACL is consistent with the data used to monitor
28 recreational landings and trigger AMs.

29
30 Council staff reviewed the motion made by the council's Ad Hoc
31 Red Snapper/Grouper-Tilefish IFQ Advisory Panel at its June 2,
32 2021 meeting recommending Action 1, Alternative 2 as the
33 preferred alternative. Council staff then reviewed the
34 discussion by the Reef Fish AP at its February 24, 2021 meeting
35 of Action 1 and noted that no motion passed for a recommended
36 Action 1 alternative, but that a motion passed supporting Action
37 2, Preferred Alternative 3.

38
39 A committee member noted one of the public comments stated that
40 a review of the allocation for red grouper did not need to occur
41 until 2026. Council staff responded that the council did select
42 a time trigger for allocation review, but that it was within the
43 council's purview to examine allocation of any species sooner
44 than scheduled.

45
46 A committee member requested that staff lead the committee
47 through the economic analysis in Chapter 4. Council staff
48 explained that both consumer surplus and producer surplus are

1 calculated for both the commercial and recreational sectors and
2 provided information on values used in the analysis. A
3 committee member noted that dockside prices were used in the
4 analysis, which is different than what seafood consumers would
5 pay at restaurants and at grocery stores.

6
7 A committee member inquired if additional economic valuation
8 studies for the Gulf are being conducted. Council staff stated
9 that, while uncertain what research the Southeast Fisheries
10 Science Center is conducting, that it was likely that economists
11 there were conducting such studies.

12
13 A committee member stated that the commercial sector can use
14 dockside prices, while the recreational sector relies on values
15 derived from subjective surveys. Even so, dockside prices are
16 very different from prices seen further along the supply chain.
17 SERO added that all of the alternatives, in comparison to
18 Alternative 1 in Action 1, lead to a reduction in the total
19 annual catch limit. A committee member asked if anyone knew why
20 the commercial sector was not catching its annual catch target.

21
22 A committee member stated that Action 1, Preferred Alternative 3
23 did not seem to support the conservation of the stock. He
24 stated that reallocation should not be conducted when the stock
25 is coming off the lowest stock biomass on record and when the
26 issue is further complicated by the uncertainty about stock
27 size, discards, and episodic events like red tide. He added
28 that at public hearings, there was tremendous support from the
29 commercial sector for Action 1, Alternative 2. He stated that
30 it seemed contradictory that an IA could not be considered until
31 a decision is made on allocation.

32
33 Another committee member stated that the commercial sector has
34 census-level reporting, whereas the recreational sector
35 reporting is estimated through a sampling process, and, as a
36 result, the committee member thought the commercial sector to be
37 more accountable than the recreational sector.

38
39 NOAA General Counsel commented that Action 1, Alternative 2 is
40 still a reallocation, in light of the Marine Recreational
41 Information Program's Fishing Effort Survey data, whereas
42 Alternative 6 would maintain a status quo ACL for the commercial
43 sector. She also noted that, in 2004 and 2005, the commercial
44 sector exceeded its sector ACT. SERO stated that the
45 recreational sector is operating within the established
46 management process, which is not an accountability issue, but a
47 demonstrated need for better data collection.

48

1 A committee member stated that there has been a lot of criticism
2 of the SSC and of its determination regarding the best
3 scientific information available. Another committee member
4 thought the council needs to be consistent in either following
5 public comment or scientific guidance for management decisions.

6
7 Another committee member clarified that the role of the SSC is
8 to provide guidance on the overfishing limit and acceptable
9 biological catch, but not to recommend specific allocation
10 decisions, which is the role of the council.

11
12 Another committee member stated that reallocating to the
13 recreational sector increases the potential amount of bycatch.
14 A committee member inquired if the SSC had determined that the
15 MRIP-FES data is BSIA. Dr. Lorenzen confirmed that the SSC had
16 made that determination.

17
18 Another committee member stated that the total ACL is shrinking
19 for the entire stock, as reflected by the total ACL in the
20 alternatives. A committee member added that both sectors will
21 likely be reaching their catch limits, since the total stock ACL
22 is decreasing. A motion to make Action 1, Alternative 2 the
23 preferred alternative failed. SERO staff presented the codified
24 text and noted the text that would be modified if the council
25 changed its current preferred alternatives. I am going to pause
26 there.

27
28 **CHAIRMAN FRAZER:** Okay. I will just start the ball here a
29 little bit, right, and so with a little bit of background here
30 and where we are. The reason that this was scheduled, or
31 slated, for final action is, until we establish an ACL, then
32 we're not going to be in a position to benefit from the interim
33 analysis that may allow for an adjustment of both the ABC and
34 the related ACL, and so my preference would be to move this
35 forward, so that we can at least be able to take advantage of
36 that information in the early part of 2022, if not the latter
37 part of 2021.

38
39 Keep in mind that any decisions that are made today, with regard
40 to this document, will have no bearing on what happens in 2021.
41 We heard a lot of public testimony about what's happening in
42 2021, but that's not related directly to any of the decisions
43 that we are going to make, potentially, today, and so, again,
44 the way that the current situation is, we have a preferred, and
45 I understand that there may be an interest in entertaining an
46 alternative, and, if so, we should do that now. Mr. Sanchez.

47
48 **MR. SANCHEZ:** Thank you, Mr. Chair. **Yes, I submitted to staff a**

1 motion that I would like to make, which basically looks at the
2 preferred alternative and adds a few revisions to it, if we
3 could pull it up, and then, if I could get a second, I would be
4 glad to elaborate.

5
6 **CHAIRMAN FRAZER:** Let's get it up on the board, so everybody can
7 see it in its entirety, before we ask for a second, John. John,
8 do you want me to go ahead and read that, or do you want to go
9 ahead and do it?

10
11 **MR. SANCHEZ:** Do you mind reading it?

12
13 **CHAIRMAN FRAZER:** All right. Here we go, John. The motion on
14 the board is for Preferred Alternative 3, but to revise the
15 sector allocations of the total ACL between the recreational and
16 commercial sectors as the average landings using the Fishing
17 Effort Survey (FES) adjusted Marine Recreational Information
18 Program (MRIP-FES) data during the years 1986 through 2005,
19 based on the Southeast Fisheries Science Center's ACL monitoring
20 datasets with an implementation date of January 1, 2023,
21 maintaining the allocations for red grouper at 76 percent
22 commercial and 24 percent recreational until January 1, 2023, at
23 which time the sector allocations will change to 59.3 percent
24 commercial and 40.7 percent recreational. Revise the OFL and
25 ABC as recommended by the SSC, based on SEDAR 61 (2019). Set
26 the stock ACL equal to the stock ABC. All right. Is there a
27 second to that motion? It's seconded by Ms. Bosarge. John, go
28 ahead.

29
30 **MR. SANCHEZ:** Thank you. What this is, it's basically an
31 attempt to -- I pitched Alternative 2, and it failed, and so,
32 after listening to everybody's testimony and all the concerns, I
33 tried to come up with a way where we kind of go with the
34 preferred alternative suggested by the committee, yet preserve
35 the status quo for a couple of years, until January 2023, much
36 like we did during the red snapper calibration discussions, and
37 maintain those percentages, and then proceed with the revision
38 of the OFL and ABC, as I guess required, in the hope that we can
39 not impact their season.

40
41 Not this year, and this year they're fine, but I'm assuming, if
42 you don't do something along these lines, the following year, we
43 would have to hold back some fish, before they fish, to address
44 the prior Preferred Alternative 3, and so this kind of gives a
45 little breathing room, and it gives us the time to assimilate
46 the economic data that we were presented at this meeting and
47 preserve the status quo for the industry, who this fishery is
48 just now rebounding back from when it was hit.

1
2 They are catching more fish than they did last year, and we're
3 coming off of COVID, where there was not a whole lot going on,
4 and this preserves some status quo, and we can digest the
5 interim assessment and perhaps have the benefit of those
6 additional fish down the road, giving the time to be able to get
7 down the road, to be able to assimilate all of this and
8 hopefully walk away where not everybody gets what they want, but
9 we all walk away and live to fight another day, kind of like a
10 mediator.

11
12 **CHAIRMAN FRAZER:** Okay. Thank you, John. Anybody else? Ms.
13 Boggs.

14
15 **MS. BOGGS:** I would just like for someone to help me understand.
16 I mean, this committee voted down Alternative 2, but, in the
17 cobia document, we just supported Action 3, Alternative 3, which
18 is to retain the FLEC Zone cobia ACL allocation of 8 percent to
19 the commercial sector and 92 percent to the recreational sector,
20 and that takes the ACL selected in Action 2 based on MRIP-FES
21 landings, and so how is that any different than what we were
22 trying to in Action 1, Alternative 2? I understand this is
23 dealing with the FLEC Zone, but we supported what the South
24 Atlantic did, and it doesn't seem any different than the
25 Alternative 2.

26
27 **CHAIRMAN FRAZER:** Ms. Guyas.

28
29 **MS. GUYAS:** I guess, to that, I can try. Yes, I mean, that was
30 a South Atlantic action that we were supporting. To me, we're
31 going to get a lot of these MRIP-FES assessments coming out,
32 where we have this new data, and we've got make a decision on
33 what to do with it, and I will go into the reasons why I'm going
34 to support Preferred Alternative 3, but I feel like we're going
35 to have to make each one of those decisions based on the merits
36 of what's in front of us.

37
38 Cobia is not red grouper, and, for that one, it was South
39 Atlantic, and maybe Chester -- Chester is gone. I was going to
40 say that maybe Chester can speak to how they arrived at that
41 alternative, but, in my mind, what's happening on the east coast
42 -- That's their jam, and so that's their business.

43
44 **CHAIRMAN FRAZER:** Ms. Boggs and then Mr. Banks.

45
46 **MS. BOGGS:** To that point, I mean, I understand. The point is
47 you're saying that we can't -- By taking Action 1, Alternative
48 2, we're de facto reallocating, and so my point is that's the

1 same thing you're doing over on the South Atlantic, and, so, in
2 the South Atlantic, it's okay that they can do it, but the Gulf
3 coast, or the Gulf of Mexico, can't do it? I mean, is there
4 double standards, is what I am trying to figure out, and maybe
5 I'm wrong, but I'm trying to understand it.

6
7 **CHAIRMAN FRAZER:** I think I will just weigh-in a little bit, and
8 I do think that the way that we're approaching these different
9 fisheries is unique. Each one is unique, right, and so we do
10 not have, in place, a policy that establishes a standard policy,
11 and so you're correct that every one is slightly different.
12 Patrick.

13
14 **MR. BANKS:** Well, certainly they're all different, but the way
15 we approach using data and implementing data should be at least
16 somewhat consistent, and so maybe what Susan is bringing up --
17 Maybe I am not seeing it correctly either, and so maybe staff
18 should help us. The way Susan described it is the way I see it.

19
20 If you're blind to whether it's South Atlantic or here, or
21 you're blind to whether it's cobia or red grouper, and you just
22 look at the fact of are we going to use FES data to update catch
23 levels, and are we going to institute a reallocation based on
24 that, then these red snapper -- The cobia situation in the South
25 Atlantic and this situation seems to be all the same, to me, yet
26 we're treating them different, and maybe I'm seeing it wrong as
27 well, and so that's why I was hoping that maybe staff could help
28 me. Is it all apples-to-apples, if you keep the South Atlantic
29 and the Gulf out of the equation and the species out of the
30 equation?

31
32 **CHAIRMAN FRAZER:** I'm going to go ahead and let Andy Strelcheck
33 have a word here.

34
35 **MR. STRELCHECK:** Similar to what Tom was saying, it is a council
36 decision. You don't have a policy that says you have to do it a
37 certain way at this stage, and so you have to balance the
38 decision factors for each species that you're looking at to
39 reallocate and determine the appropriateness of that and justify
40 it on the record, and we talked a lot about that in the Reef
41 Fish Committee with regard to red grouper and the various
42 National Standards that are pulling and tugging at one another,
43 but, at the end of the day, we have to ensure, obviously, that
44 any allocation is fair and equitable and promotes conservation
45 and meets the standards of the Magnuson-Stevens Act. If, under
46 cobia, it's determined one way, and, under red grouper, or some
47 other stock -- It's based on the record that the council builds
48 for that action.

1
2 While I have the mic, I guess I have a question about the motion
3 itself, and so I know it's been modified to say -- Modify the
4 preferred alternative, but I guess I'm viewing this as a new
5 alternative relative to our preferred alternative, and maybe it
6 should be stated as such, as a separate preferred alternative,
7 or new alternative added to the action.

8
9 **CHAIRMAN FRAZER:** I would agree with that, Andy. In fact, we
10 should probably make that -- Instead of where it says,
11 "Preferred Alternative 3", we should say, "New Preferred
12 Alternative 3". Martha, while they're putting that up. Well,
13 hold on. Let's make sure, and I don't want to get ahead of
14 staff. In Action 1, to create a new Preferred Alternative 3.
15 **Why don't we just call that, in Action 1, to create a new**
16 **Preferred Alternative, and then it would be 7, actually, since**
17 **we have six already.** Okay. I am going to go to Martha, and
18 then Leann, and so I'm going to work around the table.

19
20 **MS. GUYAS:** Okay. Then maybe this will help explain, to me,
21 where this is a different situation than South Atlantic cobia.
22 Not having that document in front of me, I feel like the swing
23 between recreational and commercial I think was quite a bit
24 smaller than what we're talking about here, and so let me just
25 explain where I'm coming from on this.

26
27 I am in this seat for FWC in Florida, right, and this is an
28 extremely important fishery for Florida. This is Florida's
29 ballgame. Recreational and commercial, people coming down, and
30 they want their grouper sandwich, and they're coming down and
31 they want to go on a charter or a headboat or whatever to take
32 grouper, and we have people coming down on vacation, and people
33 move here because they want to fish for grouper and they want to
34 fish for other reef fish, other species.

35
36 Fishing is what Florida does, and so, with this amendment, we've
37 got two issues we need to deal with, right? We have the lowest
38 stock biomass that we've had on record, and then we're also
39 dealing with the Fishing Effort Survey data and that transition,
40 which this is being used to monitor this fishery, and it is the
41 best scientific information available, whether we like it or
42 not, and that's kind of a moot point at this point.

43
44 I don't think anyone in this room would say that we need to go
45 back to the Coastal Household Telephone Survey, and so this is
46 where we're at. In Florida, we have been working to improve
47 recreational data for red grouper and a number of reef fish, and
48 I'm hopeful that, the next time we have an assessment for red

1 grouper, we are using the State Reef Fish Survey data for
2 Florida for that assessment instead of FES, for the assessment
3 and then for catch advice and for monitoring.

4
5 Unfortunately, the timing of this assessment, and the timing of
6 all this, that program is not ready for primetime. We were not
7 certified, and we only had a couple of years' worth of data
8 under our belt, and so it is what it is, and so a couple of
9 things.

10
11 I'm going to support Alternative 3. We're using what has been
12 deemed the best scientific information available, which is
13 something that we have to do, and it keeps the allocation
14 formula the same, but it plugs in using the recreational
15 numbers, and so what I think this alternative does is it keeps
16 the balance of what's been harvested between recreational and
17 commercial, and it's updating these numbers, and it's providing
18 stability to harvesters, as much as we can, given that we need
19 to make a cut, because we've got some stock issues, that
20 hopefully we're getting past, but we need the interim analysis
21 to tell us that.

22
23 Under this alternative, both sides are going to have to take a
24 haircut, about 20 percent, until we're able to raise the quotas
25 again. Based on what Ton said, hopefully we get that in front
26 of us soon, and we can get that, hopefully, an increase in 2022,
27 and so the percentages that are in this document may even be
28 moved as soon as some point next year, and that would be great.

29
30 We are just plugging in these new numbers. The catch trends
31 between the recreational and commercial fishery have been steady
32 for this fishery before the IFQ, after the IFQ, and it's pretty
33 remarkable actually, if you look at Alternatives 3 through 5,
34 which are all the time-based series ones, how close they are
35 together. To me, that's just another signal that -- It's
36 another little piece of information that kind of tells us that
37 we're on the right track here to kind of keeping things stable,
38 but this is the way to go.

39
40 I guess another thing is the council -- The way that we've
41 really been talking about this, we have been talking about it in
42 terms of making adjustments based on this MRIP-FES information,
43 and we haven't really had discussions about values and what we
44 value for this red grouper fishery, and so that's kind of how
45 we've approached this document.

46
47 When I was at the Reef Fish AP meeting, one of them, and I can't
48 remember which one, where they discussed this document, I was

1 trying to ask them, okay, what is it that you all value in this
2 fishery, and forget about the numbers, because it's easy to get
3 wrapped around the numbers, and especially with the FES and all
4 that, but what should this fishery look like, and I've asked
5 this to other people too, and, basically, the response I'm
6 getting from people is we want to be able to keep things kind of
7 where they are.

8
9 All right. I get that, and this alternative gets us the closest
10 to that, Preferred Alternative 3, which I guess is not this, and
11 this is 7, but it's based on it, and so, you know, again, it has
12 that cut, but this is the closest thing, I think.

13
14 I think I will stop for now, and I guess I will just say one
15 more thing. We will get this interim analysis, and hopefully
16 that's going to give us an increase. The next assessment, we're
17 going to need to be using Florida State Reef Fish Survey data,
18 and we're going to be facing this question of what to do with
19 FES many, many times, and we're going to be basing this question
20 about what to do with the charter electronic logbooks, when we
21 get there, and so we need to figure this out, and we need to
22 evaluate each of these situations, kind of on their own, and, to
23 me, this is the right -- Alternative 3 is the right way to go to
24 keep stability in this fishery.

25
26 **CHAIRMAN FRAZER:** Thank you, Ms. Guyas. Mara, I see your hand
27 is up, and is it to address something specifically that Martha
28 had to say?

29
30 **MS. LEVY:** No, and I think Andy covered it, and so you can take
31 my hand down. Thanks.

32
33 **CHAIRMAN FRAZER:** Okay. Ms. Bosarge.

34
35 **MS. BOSARGE:** Thank you, Mr. Chairman. I am going to support
36 this alternative. I think one of my issues, at this point, is
37 the speed at which we have worked through this amendment. For
38 the council to work through any kind of full-blown amendment in
39 less than a minimum of two years, that's warp speed for us, I
40 mean, unless it's a real barebones framework of some sort.

41
42 This is an allocation amendment, and that takes us multiple
43 years, typically, to work through any sort of allocation
44 decision, and the piece of this where we're instituting the new
45 OFL and ABC, the piece of this where we're looking at
46 accountability measures involving ACTs and stuff like that, a
47 year-and-a-half, that's reasonable for the council to work on
48 those. The allocation piece of this is not, and I think you see

1 that. If you just -- If you look at what was presented to us at
2 this meeting, we are taking final action, and we just saw, for
3 the first time, the economic analysis.

4
5 Because of the speed at which we've worked on this -- That
6 typically goes before our SSC, for them to review and give us
7 feedback on, and they haven't seen it at all. If you look at
8 some of the tables in this document, we still have work to do on
9 these tables, and so we're looking at adjusting allocations
10 based on historical landings that have changed from CHTS to FES.
11 We don't even have the whole historical time series of CHTS rec
12 landings in this document. What in the heck?

13
14 We have through 2005 in one table, and you can go and piecemeal
15 a few of the more recent CHTS numbers from another table, but we
16 don't have a table that's got all the numbers. We're still
17 missing about five years of CHTS numbers, and that's the whole
18 rationale about why we're changing the allocation, and we don't
19 even have the data in the document.

20
21 If you go look at that table on page -- The table that has the
22 quotas for this document, to help us see -- On page 47, PDF page
23 47 in the document, if you can pull that up, that table is
24 missing information, and that table speaks directly to
25 accountability in the two sectors.

26
27 Most of my accountability discussion thus far has focused around
28 the data collection piece, because I don't even have the
29 information in this table to show the commercial accountability
30 all the way back to 1990. The commercial sector, and I had to
31 go back to a council amendment for 2005 to pull this data, and
32 it should be in this document.

33
34 It should be in that table. We had a commercial quota starting
35 in 1990, and that's why I asked Jay Mullins that question in
36 public testimony the other day, because, if you look at this
37 right here, you would say, well, okay, 2004, I guess the
38 commercial guys had something that they were managed to, and
39 they were cut off when they caught it, or got close to catching
40 it, and 2004 is not that long ago.

41
42 In fact, a decade-and-a-half before that, we had a quota that we
43 were cut off when we got to it. If you look on the recreational
44 side, they had a quota, it looks like, starting in 2010. That's
45 a big difference in accountability, 1990 versus 2010. Twenty
46 years later, the council decided that we had better stop them
47 from fishing when they hit their quota, and yet those landings
48 histories are what we're using, and I'm sure that people will

1 argue, well, it's hard to pull out the quota for the commercial
2 sector in 1990, because it was a quota for shallow-water
3 groupers. I don't care. We had a quota that red grouper was
4 under, and we were cut off when we met it. There's lots of
5 stuff that still is not fleshed out in this document.

6
7 Compare that to how we just handled amberjack, and we're going
8 to do the same thing for amberjack. Before we even started a
9 document for amberjack, at this meeting, council staff, and I
10 love what they did for us, they presented the historical
11 landings time series for it, and they said, is there any
12 information that you are going to want to request on this shift
13 to FES, based on these landings, and it jumped out at me right
14 away, that, yes, there are some big outliers in there, and let's
15 look at this and understand how we came up with these fourteen
16 million pounds here versus three million pounds the next year.

17
18 We haven't done that for this. I tried to do it on my own,
19 because there's not a table in the document that gives me the
20 percentage increase every year when you went from CHTS to FES,
21 but there's certainly the same outliers in this data as well,
22 and I could give you an example. In 2015, the old CHTS said
23 that the recreational sector caught 1.8 million. When you
24 shifted that to FES, it went to 3.7 million. That's a change of
25 105 percent. That lines up pretty well with what we've been
26 told about the shift to FES.

27
28 If you go back one year prior, the rec sector actually landed
29 less fish than they did in 2015, and so, instead of 1.8 million
30 pounds, they landed 1.6 million. When they converted that to
31 FES, it ended up being 5.3 million pounds. They caught less
32 fish than they did the next year, and yet it was five million
33 pounds instead of three million, and it makes no sense. You
34 caught less fish, and it ended up being a 235 percent increase,
35 when you converted it to FES, versus, the next year, you had
36 originally caught more fish, and it only went by 105 percent.

37
38 There's lots of things that we haven't even gotten into, and
39 that's because of the speed with which we have worked through
40 this allocation document, and I really don't think that we're
41 ready for this. I'm certainly not.

42
43 When I am having to go back and forth from amendments from 2005,
44 to try and figure out what quotas would have been, because I
45 don't have them in my document, something is missing, and we
46 need to take a step back.

47
48 The other thing that I will go ahead and tell you that I have

1 issue with is, when I went back to that 2005 document, and I
2 looked at the commercial landings that were on record in that
3 document, as our historical landings, they are different than
4 what we have here, and, for almost every year, they're higher in
5 that old document than what we have in this document, typically
6 by 100,000 or 150,000 pounds a year.

7
8 You start multiplying that by several decades, and that's
9 millions and millions of pounds that somehow disappeared between
10 that document and this document, and so we just went through
11 that with king mackerel. Things happen sometimes, and crap
12 happens, and you've got to go back and look at it again. I'm
13 not ready to take final action on the allocation portion of this
14 document today.

15
16 **CHAIRMAN FRAZER:** Thank you, Leann. Who is next? Dr. Simmons
17 and then J.D.

18
19 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Just a point
20 of clarification. We don't normally take our documents, our
21 amendments, to the SSC to review. If there are certain analyses
22 done that requires them to review it, then we put it on their
23 agenda to review it and provide feedback, such as certain bag
24 limits or maybe a new method of looking at things on the
25 socioeconomic side, and they might review it then, and so I just
26 wanted to let everyone know that.

27
28 Before we transmit a document, there is many players involved in
29 the IPT, in the interdisciplinary planning team. It includes
30 biologists and anthropologists and economists from our staff and
31 the Regional Office staff, and we have the Science Center
32 involved, and they're all reviewing this document and writing
33 different pieces of it, and, before we transmit it, the Science
34 Center, with those various disciplines, reviews it and provides
35 a memo on things that we might need to change, review, edit,
36 amend, or whatever, and we do that before the document is
37 transmitted, and so I just wanted to let everyone know that
38 again, for those that might not. Thank you.

39
40 **CHAIRMAN FRAZER:** Leann, to that point.

41
42 **MS. BOSARGE:** Carrie, I am not blaming this on staff at all, and
43 let me just be very clear about that. You all have worked at
44 warp speed on this. My beef is it's not done. There is more
45 work to do. There is changes that need to be made, and there's
46 information that is missing from the document that needs to be
47 in there.

48

1 I mean, that's one of our objectives in the reef fish fishery,
2 is this idea of accountability, and that plays into
3 conservation, which plays into allocation. If you don't have
4 the full view of accountability for each sector over the history
5 of the sectors, how can you reasonably evaluate your allocation?
6 We have more work to do, in my opinion.

7
8 **CHAIRMAN FRAZER:** Ryan, did you have something to add, real
9 quick?

10
11 **MR. RINDONE:** Yes, sir. Thank you, and it's just to speak to
12 the structure of the commercial quotas for the shallow-water
13 grouper species, including red grouper, and so a red-grouper-
14 specific quota did not exist until 2004. Prior to that, red
15 grouper was included in the shallow-water grouper complex, which
16 -- So that quota began in 1990, and then were adjustments along
17 the way to accommodate things like goliath and Nassau and
18 changes to the shallow-water grouper complex, but, again, no
19 red-grouper-specific quota existed until 2004.

20
21 **CHAIRMAN FRAZER:** Leann.

22
23 **MS. BOSARGE:** It's still in the shallow-water grouper complex,
24 Ryan, and I will grant you that maybe it's easier to pull out
25 right now, but you had a quota that red grouper couldn't go
26 above a certain quota as a species in that complex. When you
27 look at that table, it shows as if we were free fishing, it's a
28 free-for-all, that we don't have any limits, and there is no
29 stop. There is more data that needs to go in there.

30
31 **CHAIRMAN FRAZER:** Ryan, quickly, and then I'm going to move on
32 to J.D.

33
34 **MR. RINDONE:** Sure, Mr. Chair. Red grouper was included with
35 those other species, and there wasn't like a species-specific
36 quota within the shallow-water grouper quota prior to 2004, and,
37 currently, red grouper is not included in the shallow-water
38 grouper complex for IFQ management. It's its own IFQ cap.

39
40 **CHAIRMAN FRAZER:** Leann, I will give you one more.

41
42 **MS. BOSARGE:** Ryan, we had a quota. When you look at that
43 chart, it looks like we had no quotas, like we could catch as
44 many grouper, red grouper, as we wanted to catch. It shows
45 nothing there. There has to be more information. Since 1990,
46 we have had a quota, and we were forced to stop fishing.

47
48 The layperson reading that document would think that we were

1 hands-off fishery until 2004, where we were not managed to any
2 kind of quota. If you want to call it the max quota, like 9.2
3 million pounds for shallow-water grouper in 1990, red grouper
4 was one of those. If all shallow-water grouper was red grouper,
5 then 9.2 million pounds is the max we could have caught, and so
6 there is a quota there.

7
8 **CHAIRMAN FRAZER:** All right, and so I think, again, we've had
9 some good back-and-forth, and I get the point here. There needs
10 to be, perhaps, a clarification, or a caveat, in that table,
11 moving down the road, that there was an aggregate quota for a
12 number of grouper species, but there was not one specific for
13 red grouper. I know I have J.D. and Patrick on the list, but,
14 Andy, did you -- You're good? Okay. J.D.

15
16 **MR. DUGAS:** Thank you. I have a couple of points. I don't see
17 how we can compare the red grouper to red snapper, because I
18 thought we were waiting on the Great Red Snapper Count, to kick
19 it down the road to 2023. My other question, or point, is the
20 interim assessment, wouldn't we be able to implement the new
21 data in the fall? That way, the season ACL can change for 2022,
22 and I'm going to agree with Martha, and I am going to support
23 Alternative 3.

24
25 **CHAIRMAN FRAZER:** Thank you, J.D. I just want to ask a real
26 quick question. In order to take advantage, again, of the
27 interim analysis, we have to establish an ACL. In the absence
28 of that, we cannot carry out the interim analysis, and so that's
29 a bit of the discussion here. Patrick.

30
31 **MR. BANKS:** I just had a question for John, so I can try and
32 understand your motion here. You're saying to go ahead and
33 calibrate the data for ACLs and ABCs, but just don't implement
34 the reallocation portion until January of 2023?

35
36 **CHAIRMAN FRAZER:** Mr. Sanchez.

37
38 **MR. SANCHEZ:** Thank you. Yes, that would be correct, and,
39 again, the analogy here, to me, is we're waiting for a series of
40 things that I think need to be improved upon. The economic
41 data, perhaps, we could get more insight into that, and
42 certainly the assessment, and, to me, that interim assessment is
43 analogous to the desire to drop back and punt in snapper, until
44 2023, waiting on the Great Red Snapper Count. To me, we're not
45 applying the same approach and logic uniformly every
46 deliberation.

47
48 **CHAIRMAN FRAZER:** Susan.

1
2 **MS. BOGGS:** I'm going to come full circle, because I'm going to
3 come back to my original comment, and Patrick did help me try
4 and clarify, but what I understood yesterday, during the Reef
5 Fish Committee, and Mara can correct me if I'm wrong, but Mara
6 said what we -- Actually, Alternative 2 -- I am so confused now.

7
8 Action 1, Alternative 2, you could not do that, and that was not
9 legally viable. My whole point to this is, if that's not
10 viable, what the South Atlantic did and what we just supported
11 in the South Atlantic for cobia, and it doesn't matter if it's
12 cobia, red grouper, red snapper, and it doesn't matter what it
13 is, but it's the principle of what we just did. We just set a
14 precedent, and we were told we can't do it here, but we were
15 able to do it over there. Thank you.

16
17 **CHAIRMAN FRAZER:** I want to clarify. It's not Alternative 2
18 that was not legal, but it was the Alternative 1, the status
19 quo. I will get Mara to clarify. Mara.

20
21 **MS. LEVY:** Thank you. I didn't -- Well, if I didn't, I didn't
22 mean to say that Alternative 2 wasn't legally viable. I was
23 only pointing out that it's the only alternative that allows the
24 commercial sector to increase its quota while everything,
25 including the total, is decreasing, and that, if you wanted to
26 do that, you would need to explain how that's appropriate, given
27 all of the National Standards and other things you need to
28 consider. Can I ask a question?

29
30 **CHAIRMAN FRAZER:** Go ahead.

31
32 **MS. LEVY:** I am just -- I just want to make sure that I just
33 understand the way this would work, because it has the
34 percentages and such. If this were to move forward, you would
35 be implementing the catch levels that are currently under
36 Alternative 2 for this year, which isn't really going to happen,
37 and next year, and then you would be implementing the catch
38 levels that are under Alternative 3, right?

39
40 **CHAIRMAN FRAZER:** That's correct, and so, for 2022, you would
41 be, in essence, taking advantage of the ACL, the ABC and the ACL
42 equal to that ABC, that would allow the commercial sector to
43 harvest 3.72 million pounds, and the corresponding ACL for the
44 recs would be 1.18 million pounds, and that's in FES units.

45
46 In 2023, we don't know what that would look like, but -- In
47 large part because we would have a new interim analysis that
48 would likely adjust the catch advice, but it would certainly --

1 I am going to look at my own notes here for a minute.

2
3 If you went to, in 2023, that 59.3 to 40.7, and that was the
4 allocation split, and the quota remained -- It would be 4.9
5 without an adjustment. Excuse me. It would actually go down to
6 4.26 million pounds, and that would represent a reduction in
7 both of those sectors of approximately 20 percent. Of course,
8 that's unlikely, given the interim analysis would adjust the
9 quota up, but that's the way it looks now. Go ahead, Mr. Diaz.

10
11 **MR. DIAZ:** I understand what you just said, except maybe you
12 didn't state it like I'm thinking about it. If we went with the
13 motion that's on the board, we would do an interim analysis
14 based on 76/24, and we would get a new number, and that number,
15 I was thinking, would be available for 2022, but you said 2023.

16
17 Then, afterwards, we would have to recalculate everything, with
18 whatever interim analysis is available at the time, and we would
19 use the different percentages that were originally in the
20 preferred alternative, and is that correct?

21
22 **CHAIRMAN FRAZER:** Yes, that's what I think would happen, Dale.

23
24 **MS. LEVY:** Tom, can I ask a follow-up?

25
26 **CHAIRMAN FRAZER:** Go ahead, Ms. Levy.

27
28 **MS. LEVY:** Well, I hear what you're saying about what you think
29 is going to happen in the future, but, if this were to actually
30 be the alternative that moved forward, and, if you took final
31 action, the agency is going to have to implement something that
32 corresponds with this, in terms of telling people what would be
33 the catch limits if nothing happened, and so I guess that's what
34 I am getting at.

35
36 In my mind, if nothing else happened, then the agency would be
37 implementing the catch levels under Alternative 2 for the year
38 2022, but, starting in 2023, all the catch levels that are under
39 Alternative 3 would be what's implemented, and so I just want to
40 make sure that everyone is on the same page if there was nothing
41 happening after this.

42
43 **CHAIRMAN FRAZER:** That's exactly right, and that's what I was
44 trying to get at. In the absence of any adjustment in 2023,
45 then, when you revert to that Alternative 3 allocation, then it
46 would result in a 20 percent reduction in allocation to both
47 sectors.

48

1 **MS. LEVY:** Well, not really, because the total goes down under
2 Alternative 3, right, but, compared to Alternative 2, the
3 commercial goes down, but the rec goes up.

4
5 **CHAIRMAN FRAZER:** Yes, that's correct, and so you're moving from
6 one alternative to another.

7
8 **MS. LEVY:** Okay.

9
10 **CHAIRMAN FRAZER:** Yes, and so you're exactly right. I am going
11 to Andy.

12
13 **MR. STRELCHECK:** I know John spoke a little bit to the
14 rationale, in terms why allocate this way for 2022 but then
15 change it in 2023, and I think more discussion needs to be had
16 as to why we are increasing based on the FES numbers, yet the
17 commercial is essentially getting a bump-up in quota and
18 benefitting from that, relative to the recreational sector.

19
20 With all that said, I mean, I think there's another couple of
21 ways we can approach this, and one is we don't vote this
22 alternative up, and we move forward with the preferred
23 alternative that's in the document, and that then sets the stage
24 for an interim analysis, which comes back to the council
25 hopefully fairly quickly. In the meantime, the agency moves
26 forward with rulemaking, and, assuming we approve the action, we
27 would implement this for 2022, but the quota could be changed,
28 based on the interim analysis, sometime in 2022.

29
30 One of the things that I do want to comment on, and I was going
31 to just say we were -- Because I felt like Leann wasn't speaking
32 to the motion, was the issue that this document isn't ready,
33 right, and, well, this goes through an extensive review process,
34 and I appreciate that the council, at times, may see documents
35 longer or shorter than they normally do, and we just voted up a
36 red snapper document in about a two-week period of working on it
37 at the last meeting, right, and so I think we're consistently
38 inconsistent, and so, if we want to be more cognizant of timing
39 and how long things come before the council and that data,
40 that's probably a council discussion that should be had, but
41 time doesn't always allow us to do that.

42
43 The other thing I will say is that, at least with regard to the
44 economic analyses in this document, yes, they haven't gone
45 before the SSC, and these are standardized fisheries economic
46 analyses, and they are reviewed by the Science Center, and
47 they're conducted regularly, and we're not dramatically changing
48 methods or information that goes into these documents, and so I

1 recognize there is concerns about the results of that
2 information, but they are consistent methods that are being
3 used. Thank you.

4
5 **CHAIRMAN FRAZER:** All right. Thank you, Andy. Ms. Bosarge.

6
7 **MS. BOSARGE:** The other thing that we're missing from this
8 document is this analysis that we've had done for the king
9 mackerel, where not only do we get a historical time series of
10 recreational landings in FES, but we need to see what the
11 historical time series of catch limits would have been, ACLs and
12 ACTs and whatever, for that corresponding time series, and that
13 helps us understand how often were we actually overharvesting.

14
15 In other words, if you project back in time what the ACLs would
16 have been with those FES landings numbers, then you can
17 understand that, well, we thought the stock was probably bigger
18 than what we did back then, but, even given that bigger stock,
19 did we overharvest, and, if you look at the state of red grouper
20 at this point, where it is the lowest biomass on record in our
21 history of assessing the stock, yes, we have had some
22 environmental issues with red tide, but you would think that
23 there was probably some overharvest that also contributed to
24 that, and, if it's thirty years of overharvest, which is about
25 how far back this FES calibration goes, that becomes
26 substantial, and I'm not saying it is or it isn't.

27
28 We don't have the data in front of us to show us that, because
29 we haven't gotten that analysis the way that we have for king
30 mackerel and the way that we have requested it for amberjack, to
31 give us some better picture of what drove this stock down to the
32 point that it's at today, but, touching on that idea of stock
33 status for red grouper, the Mid-Atlantic is toying with this
34 idea of access being aligned to stock status.

35
36 If this motion fails, we're going to go back to the preferred
37 alternative that changes the commercial allocation and shifts it
38 down. Staff, will you pull up that chart, please? My chart is
39 going to show you what happens to access to the commercial
40 sector and the recreational sector when we have a stock that's
41 in a bad way right now.

42
43 There you go. Look at the current preferred alternative,
44 Alternative 3. The commercial access -- You see that commercial
45 quota change? Decrease our commercial quota by 20 percent, and
46 that's our access, right? We view access in pounds, quota,
47 because we don't have a season, per se. We can catch it
48 whenever we want, because we work under the IFQ system.

1
2 The recreational sector sees access most of the time in the
3 number of days it's going to be -- The season it's going to get.
4 That season, for them, is predicted to close on December 19, and
5 so almost the entire year they will get to fish. We're going to
6 take a 20 percent cut in access.

7
8 If you do theirs as a percentage, they get a percentage, and
9 their access, in days, is projected to decrease from either zero
10 or twelve days, because you see the no closure out there is a
11 possibility, and so, in percentage terms, the access, the most
12 access they're going to give up, is 3 percent, if they close on
13 that projected date, and possibly none, but the commercial has
14 to take a hit of 20 percent cut to their access, and so, to me,
15 that's not fair and equitable, given the history of what we're
16 looking at right now.

17
18 We've had a quota since the 1990s, and we now know that rec
19 landings were double what we thought they were for the last
20 several decades, and we have the lowest biomass in history, and
21 so how are we going to fix it? We'll decrease commercial access
22 by 20 percent, and we'll decrease rec access somewhere between
23 zero and 3 percent.

24
25 **CHAIRMAN FRAZER:** Okay. I know that I see Martha and Andy, but
26 I just need to -- Before we go there, I am confused, Leann, by
27 the delta in the recreational quota under Alternative 3. What
28 you have in Column 2 under that preferred is in FES units, 1.73
29 million pounds, and the status quota, in FES units, is 2.1
30 million pounds, and so the delta --

31
32 **MS. BOSARGE:** That delta is compared to Alternative 1, which is
33 in CHTS, right, and so that's why I didn't use the delta for the
34 rec quota, because they don't judge their access based on
35 pounds. They judge their access based on days, right? How many
36 days, what season, and that's what our whole discussion has
37 been. What will that do to their season, what will that do to
38 their season, and how long will they get to fish, and that's
39 what is important to them.

40
41 It's going to let them fish until December 19, and so, when you
42 look at the change in their access to this fishery, it changes
43 by a handful of days, which equates to about a 3 percent
44 reduction in their access, and that's the piece that is always
45 important to recreational fishermen, how many days will it get
46 them, but we get a 20 percent reduction, because we don't
47 measure things in days on the commercial side. We can fish any
48 day of the year we want, and it's how many pounds can we catch.

1
2 **CHAIRMAN FRAZER:** Sure, and I understand the argument. I'm just
3 -- There are two elements here, in my mind, and one is simply
4 math, and the other one deals more specifically with a broader
5 issue related to allocation and values. I just want to make
6 sure, for Phase I, that we understand the math, and the math --
7 That is a bit misleading, right? If we want to talk about days,
8 that's cool. I get that, and I just want to make sure the
9 deltas are the same deltas.

10
11 **MS. BOSARGE:** Yes, and so you notice I didn't reference a 73
12 percent increase in access, because I know it's not going to get
13 them a 73 percent increase in access, but, for consistency, both
14 columns are listed there, in comparison to Alternative 1.

15
16 **CHAIRMAN FRAZER:** Sure. I just wanted to make sure we're
17 transparent. Andy.

18
19 **MR. STRELCHECK:** Tom, you were making a similar point as I am,
20 and certainly, from my standpoint, when we're talking
21 allocation, how long a season is going to be, how much a certain
22 sector is going to be cut, can be considered, but it shouldn't
23 be part of the full equation here, right, and that's clear with
24 our allocation policy with the National Marine Fisheries Service
25 and the council's policy.

26
27 There are a lot of factors that go into allocation, and the hard
28 part about this is we're in disagreement about what those
29 factors should be, and what I heard, during the committee
30 discussion, which I think is directly to the commercial points
31 here, is that we are weighing the net economic benefits for this
32 sector and allocation toward shifting the allocation to the
33 recreational sector, and, in doing so, these are the outcomes
34 that come from that.

35
36 This is not surprising to me then that we would achieve that
37 result, based on trying to minimize the net economic effects, or
38 benefits, and ultimately balance all of those national standard
39 guidelines that we're weighing when we're deciding on
40 allocation.

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

43
44 **DR. STUNZ:** Tom, sorry to interrupt, but are you seeing our
45 hands up online? I've been sitting here patiently for quite a
46 while. You might have a list, but I don't know.

47
48 **CHAIRMAN FRAZER:** Sorry, Greg. Your hand just showed up for me,

1 and I apologize for that.

2

3 **DR. STUNZ:** Go ahead with Mara, but I've had it up for at least
4 ten minutes.

5

6 **CHAIRMAN FRAZER:** Okay. I apologize for that, and we'll go to
7 Mara and then to Greg.

8

9 **MS. LEVY:** I think my hand might have been up falsely, and so,
10 Greg, you go ahead.

11

12 **CHAIRMAN FRAZER:** Greg, your turn.

13

14 **DR. STUNZ:** Okay. Thanks, Mr. Chairman. Sorry, and my hand had
15 been up, and I wasn't sure if you were just not seeing it, and
16 so part of my comments weren't related to just the last
17 discussion, but I wanted it to go back.

18

19 I mean, I support Alternative 3, and not what we're now calling
20 Alternative 7, for various reasons. One, I want to comment
21 about the speed that we've been talking about, and, if anything,
22 I think we as a council could increase the speed, versus -- It's
23 hard to argue that we're being too fast, with as slow as we are
24 on most things, and I want to also say that I think the staff
25 and the IPT and others have done a great job putting this
26 together, and certainly all documents can always use
27 improvement, but we have what we need here in enough complete
28 form to clearly make this decision.

29

30 My hand was up some time ago, but the earlier point that Martha
31 made, and Andy, they largely made some of my points, but I feel
32 like we might be overcomplicating this some, and, in my mind,
33 Alternative 3 deals with that directly in its simplest form. We
34 had an issue with the conversion, and we discovered that there
35 was the problem, and we corrected it, and now we're addressing
36 that with Alternative 3.

37

38 We keep talking about -- I mean, certainly this moves things
39 around, in terms of allocation, but it's not a real allocation,
40 in the sense that we're using the best scientific information
41 that we've got, including an economic analysis, to fix what we
42 didn't have right in the past because of the historical mix was
43 not what we thought it was. That doesn't get -- The new
44 alternative doesn't address that as directly as Alternative 3,
45 and so my support is not in favor of Alternative 7 and going
46 with Alternative 3.

47

48 **CHAIRMAN FRAZER:** Thank you, Greg. Andy, did you have your hand

1 up again?

2

3 **MR. STRELCHECK:** Yes, and I just wanted to make another point,
4 and it's in the document. In terms of what Leann was sharing,
5 the kind of midpoint of the closure for the recreational is
6 estimated in December, there's a wide range as to when that
7 closure may actually occur, and so the math works, obviously, to
8 3 percent, as she presented, and that was correct, but that
9 closure could be far earlier, and it could be in August, based
10 on some of the calculations we have, or it could never close
11 during the year, and we don't lose any days of fishing, and so I
12 just wanted to note that there is uncertainty with regard to,
13 obviously, how we monitor the quotas and landings, and the
14 impacts to each of the sectors may -- Especially the
15 recreational sector could be greater or less than actually what
16 was shown.

17

18 **CHAIRMAN FRAZER:** Thank you, Andy. All right. I am not seeing
19 any other hands. We're going to go ahead and take a vote on
20 this particular motion to make a new Alternative 7 the
21 preferred. I will ask for a show of hands. **All those in favor,**
22 **there are five in the room. As far as those on the web, any in**
23 **favor, zero. The motion fails.**

24

25 Okay, and so are there any other motions to be made at this
26 point? If not, we will continue with the report, and we will
27 certainly circle back on this. Ms. Guyas.

28

29 **MS. GUYAS:** Well, I'm going to need from help from staff, but I
30 will make the motion that we take this final. I know there's a
31 long paragraph that goes along with that.

32

33 **CHAIRMAN FRAZER:** Okay.

34

35 **MS. GUYAS:** Once it's on the board, I will read it. I will be
36 happy to.

37

38 **CHAIRMAN FRAZER:** Okay. We will get it on the board, and we
39 will sit patiently until that time. Greg, while we're getting
40 all this up on the board, I noticed that you hand is up.

41

42 **DR. STUNZ:** Yes, Mr. Chairman, and I was going to make the same
43 motion that Martha offered, and so, when she gets it up there,
44 you can have me second it, or I will second it.

45

46 **CHAIRMAN FRAZER:** Okay.

47

48 **MS. GUYAS:** The motion is to approve Reef Fish Amendment 53: Red

1 Grouper Allocations and Annual Catch Levels and Targets and that
2 it be forwarded to the Secretary of Commerce for review and
3 implementation and deem the codified text as necessary and
4 appropriate, giving staff editorial license to make the
5 necessary changes in the document. The Council Chair is given
6 the authority to deem any changes to the codified text as
7 necessary and appropriate.

8
9 **CHAIRMAN FRAZER:** Okay. We have a motion, and it's seconded by
10 Dr. Stunz. Is there further discussion on the motion? We will
11 go first to Patrick and then John.

12
13 **MR. SANCHEZ:** I'm just going to ask for a roll call.

14
15 **CHAIRMAN FRAZER:** Okay. There will certainly be a roll call
16 vote, when we get there. Patrick.

17
18 **MR. BANKS:** I don't think I can support the motion, mainly
19 because I'm just very uneasy about moving forward as final right
20 now with some of these unknowns that Leann brought up, and it
21 just seems like we need to give it at least one more meeting to
22 discuss and chew on and try to understand all of those things.
23 Maybe your concerns, Leann, won't be brought forward, and they
24 may not be valid, but at least give us some time to figure that
25 out.

26
27 I had a conversation with our economists back in Baton Rouge,
28 one of which is one of the authors on the paper that was heavily
29 cited in the economics section, and there is some concerns, when
30 they read the economics section, that their paper was applied
31 correctly, and so that gives me just a little bit of pause, and
32 I feel like that -- I don't think I can support this, and I
33 think we need to just hold off at least one more round. Thank
34 you.

35
36 One other point that I wanted to make, and I'm sorry, but let me
37 bring it back up. I got to looking at the FMP objectives for
38 reef fish, and I heard Martha say some things about stability
39 and about how this would maintain stability in this fishery, and
40 I don't know what we were listening to yesterday, but that
41 didn't sound stable to me. I mean, that sounded like a fishery
42 that was about to become extremely unstable, at least on the
43 commercial side, and so it didn't seem like that's what we're
44 promoting there.

45
46 It doesn't seem like we're promoting and maintaining
47 accountability when we're continuing to use a system that has a
48 high degree of variability and put more fish to that system of

1 accountability and take it away from one that's very
2 accountable.

3
4 It just seems like we need to look at some of those
5 accountability issues, and so there's some things here in -- To
6 prevent overfishing and rebuild fish stocks, I don't think
7 John's motion -- I think John's motion handled that, because we
8 were going through the calibration process, but you just weren't
9 indicating a reallocation at this time, and so it just seems
10 like that we're not following some of the objectives from John's
11 motion. It seems like John's motion addresses some of these FMP
12 objectives more than the Alternative 3 at this time, and largely
13 because of the instability that we heard yesterday, and so,
14 anyway, thank you.

15
16 **CHAIRMAN FRAZER:** Ms. Guyas.

17
18 **MS. GUYAS:** Thank you. Let me speak to that a little bit more.
19 I'm talking about the fishery as a whole, right, and so the
20 Alternative 2, because that's been kind of the other one that
21 we've discussed here, other than John's motion here, which is
22 kind of a hybrid of the two, I guess, if you will, and so, if we
23 did Alternative 2, we're going to increase the commercial by I
24 think it's 15 percent or so and decrease recreational by 40
25 percent. Then they're looking at a closure potentially in like
26 August.

27
28 With Alternative 3, I mean, yes, both sectors, based on the
29 state we're in with the stock, are going to face a cut, and it's
30 about 20 percent on both sides, and that's really the best that
31 we can do here at this point. I appreciate what John was trying
32 to do with that motion, and I feel like there are also a lot of
33 problems that we've heard about with the commercial that people
34 are experiencing, like not being able to find quota or shares
35 and allocation.

36
37 While I can sympathize with those problems, and I think they are
38 real problems, reallocating to the commercial sector I don't
39 think is going to solve those problems, and we know this from
40 red snapper. We have increased that allocation, or the overall
41 quota, where both sectors' allocations have gone up millions and
42 millions of pounds over the past, I don't know, ten years, and
43 we still have those same issues with availability of shares and
44 quota, despite having all these extra pounds on the table, if
45 you will.

46
47 It's really -- We really have an issue with the system, and,
48 again, I'm hoping, I guess as far as this document goes,

1 relative modest cuts to both sides, in the short term, we start
2 to see some gains, and we're able to get some interim analyses
3 in place, and maybe even as early as next year, with the new
4 interim analysis, not as steep of a cut for everybody. I think,
5 really, this 3 is the most fair and equitable way to go, based
6 on this, and so I guess -- I think I've made my points.

7

8 **CHAIRMAN FRAZER:** Patrick and then Mr. Diaz.

9

10 **MR. BANKS:** I certainly wasn't advocating for Alternative 2, as
11 opposed to Alternative 3, and I voted against that motion
12 yesterday, and so that's not what I was saying at all. I do
13 agree with you that Alternative 3 is more stable than
14 Alternative 2, overall for the fishery, but, if you look at
15 John's motion, I just don't see where that creates instability
16 on the recreational side, whereas Alternative 3 creates a
17 tremendous amount of instability on the commercial side, and
18 John's motion gives a little bit of time for that instability to
19 smooth out over the next eighteen months, it seems like, and it
20 just seems to be a little bit more stable way to move along, and
21 so that's all I was getting at, and I certainly wasn't
22 advocating for Alternative 2.

23

24 **CHAIRMAN FRAZER:** Mr. Diaz.

25

26 **MR. DIAZ:** Thank you, Mr. Chair. Patrick's discussion on
27 delaying the document to another meeting to check more stuff
28 out, normally I would support your position, but we're in an
29 unusual situation right here that we really need to get an
30 interim analysis, because things are changing out there on the
31 water, and I'm hoping that some of that shows up in the interim
32 analysis, and we can't get the interim analysis until we get to
33 the point where we pick an allocation, so we can get the ACL.

34

35 If we do put it off for another meeting, I think we're pushing
36 back on getting the interim analysis started, and, ultimately,
37 some numbers from the interim analysis, and so I'm struggling
38 with that right now, and I just wanted to bring that up as
39 something for people to think about as they make up their minds
40 about what to do. Thank you.

41

42 **CHAIRMAN FRAZER:** John.

43

44 **MR. SANCHEZ:** I just wanted to ask a question. Are you all
45 going to miss me?

46

47 **CHAIRMAN FRAZER:** Mr. Swindell.

48

1 **MR. SWINDELL:** Yes, John, they will. I still have a problem
2 with the FES being such a major change and the catch that is
3 being proposed being all the recalibration stuff. I am just not
4 comfortable that it is as good, and, I mean, we've used the MRIP
5 calibration, and we have voted on it, and that's what we're
6 using, and we're suddenly now into a different system of using
7 the FES, and this is different.

8
9 If it was just a little bit or something, I could maybe go along
10 with it, but I am still not confident that I have a good feeling
11 for our SSC has even considered whether it is the right thing to
12 do, but, since the Science Center changed to the FES, they don't
13 have a choice, and we don't have another system.

14
15 I would just like -- Before I vote on something that is such a
16 drastic change, I would much rather have our SSC at least give
17 us some idea of whether or not they think that the system is a
18 good viable system, and that's all I'm asking, Mr. Chairman.

19
20 **CHAIRMAN FRAZER:** I appreciate that, Mr. Swindell. I'm just
21 going to reiterate though that Dr. Lorenzen, as part of the
22 report, indicated, with regard to this assessment, that the SSC
23 showed that the FES was the best available information. Okay?

24
25 **MR. SWINDELL:** And I truly understand, because that's the best
26 information that he has to use.

27
28 **CHAIRMAN FRAZER:** In fact, it's the only information that he has
29 to use at this time. Ms. Bosarge.

30
31 **MS. BOSARGE:** I just wanted to say thank you for entertaining
32 all my comments. I know that I should say things in a monotone
33 voice, and I don't, and I know I'm passionate about it, and I
34 probably come across as frustrated, but thank you for letting me
35 speak and listening to everything that I've had to say. I will
36 try and keep this one monotone.

37
38 I am going to vote in opposition to this motion. We're in
39 Florida, and, as Martha said, this is a Florida-centric fishery,
40 both recreationally and commercially, and we went out to public
41 hearings in Florida, in-person, which thank you to the staff.
42 They pulled that off and made that happen, and, if you look at
43 the makeup of public testimony, not just at this meeting, but,
44 at all those public hearings, it was overwhelmingly commercial,
45 with a small portion of for-hire participating as well.

46
47 The number of private anglers that have given testimony on this
48 at this meeting, and in those public hearings, you could

1 probably count them on two hands. I mean, if you look at them
2 showing up to say, oh my gosh, you can't do this, this is going
3 to kill us, this is going to kill our access, it hasn't
4 happened, if you look at the numbers that have shown up to this
5 meeting, to show me that it's important to them.

6
7 However, on the commercial side, we have had overwhelming public
8 testimony that this is going to significantly impact them, and
9 so I just wanted to remind people of that and put that on the
10 record as we move forward.

11
12 **CHAIRMAN FRAZER:** Martha, before I go to you, I apologize that,
13 Robin, I've seen your hand up there. Robin, you can go ahead.

14
15 **MR. RIECHERS:** Actually, my hand went up to tell John that I was
16 going to miss him, but I will go ahead and say something now. I
17 am going to go back to what Martha had said originally and just
18 remind -- I will try not to go too long on this, since we aren't
19 really debating which alternative, but, with Alternative 3, it's
20 really the status quo alternative to what is going on in the
21 fishery today, as far as allocations.

22
23 Any of the other alternatives actually reallocate this fishery
24 in some way, and so what we're trying to do, or what we've said
25 we're trying to do here, is basically leave it in the same
26 place. Yes, there's going to be cuts on both sides, as Martha
27 indicated, but, as Dale indicated, with the hope as well of
28 getting the interim analysis, so that, possibly, as quickly as
29 possible, if there is an interim analysis that suggests that
30 stock levels have been going up, that both sides will also
31 benefit from that.

32
33 As far as what happened in the past with ACLs and catch levels,
34 when we have these readjustments in data, they do make you
35 question a lot of those things, but they're really -- A lot of
36 those questions just really don't matter at this point, because
37 that data is basically -- We can't go back and incorporate it
38 into past assessments, because we've changed so many things in
39 the assessments, as we've moved through time, as well. Again,
40 sorry, Mr. Chairman, for going on, but I will let you get the
41 vote done here soon.

42
43 **CHAIRMAN FRAZER:** I am looking around the table. Okay. No more
44 discussion. All right. I'm going to say a couple of words
45 before we get started here. I made a comment, the other day,
46 about public comment and whether or not we take that seriously,
47 and we do. I saw a lot of people come up, and it's important
48 for me to convey that I heard those people.

1
2 The intent here is not to hurt anybody, and it's hard, and the
3 reason that I talk about math and values is because I truly
4 believe, in the short term, the math provides stability, because
5 I don't think we've found our way with regard to values, and so,
6 in the short term, I probably will vote for this, and it's not
7 because I didn't hear anybody, but it's because it provides some
8 stability, and I am compelled to ask everybody on this council
9 to figure out what their values are as move forward, and I'm
10 hopeful that there's an opportunity, in the late fall and early
11 January, to take advantage of that interim analysis, so we can
12 increase the catch and provide additional opportunities, at
13 least in a proportional way, without further hurting people's
14 livelihoods. Okay. Roll call vote.

15
16 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair.

17
18 **MS. GUYAS:** Yes.

19
20 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Bosarge.

21
22 **MS. BOSARGE:** No.

23
24 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.

25
26 **MS. BOGGS:** No.

27
28 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Swindell.

29
30 **MR. SWINDELL:** No.

31
32 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.

33
34 **DR. STUNZ:** Yes.

35
36 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp.

37
38 **DR. SHIPP:** Yes.

39
40 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.

41
42 **MR. ANSON:** Yes.

43
44 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Sanchez.

45
46 **MR. SANCHEZ:** No.

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

1
2 **MR. BURRIS:** Yes.
3
4 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.
5
6 **MR. DIAZ:** Yes.
7
8 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.
9
10 **MR. STRELCHECK:** Yes.
11
12 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.
13
14 **MR. DYSKOW:** Yes.
15
16 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.
17
18 **DR. DUGAS:** Yes.
19
20 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Riechers.
21
22 **MR. RIECHERS:** Yes.
23
24 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.
25
26 **MR. WILLIAMSON:** Yes.
27
28 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Banks.
29
30 **MR. BANKS:** No.
31
32 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.
33
34 **CHAIRMAN FRAZER:** Yes.
35
36 **EXECUTIVE DIRECTOR SIMMONS:** The motion carried thirteen to
37 five. Twelve to five. Excuse me.
38
39 **CHAIRMAN FRAZER:** Ms. Bosarge.
40
41 **MS. BOSARGE:** All right, and so about that interim analysis.
42 When are we going to get a number from the SSC on that, and how
43 fast can you bring us a document to try and get this allocation
44 up some? I mean get this ACL up?
45
46 **CHAIRMAN FRAZER:** Dr. Porch.
47
48 **DR. PORCH:** About as soon as you can meet again.

1
2 **CHAIRMAN FRAZER:** So we're going to see that in August. I am
3 going to look to staff with regard to what we will actually be
4 able to bring to the council in August with regard to the
5 interim analysis and catch advice.

6
7 **EXECUTIVE DIRECTOR SIMMONS:** We can put it in front of the SSC I
8 believe the first week of August, and I think the briefing book
9 deadline for that is July 19 or something?

10
11 **MR. RINDONE:** Yes, July 19.

12
13 **EXECUTIVE DIRECTOR SIMMONS:** I think the question is how much
14 we'll be able to get done by the council meeting, and so that
15 would require both staffs to do a lot of work in two weeks to
16 make the briefing book deadline.

17
18 **CHAIRMAN FRAZER:** All right. That's a priority. Ms. Guyas,
19 continue with the report.

20
21 **MS. GUYAS:** Thank you, Mr. Chair. Presentation on Greater
22 Amberjack Historical Landings and Potential Management Actions
23 and Table of Greater Amberjack Landings, the recent greater
24 amberjack stock assessment, SEDAR 70, determined that the stock
25 remains overfished and is undergoing overfishing, requiring the
26 council to act to end overfishing and rebuild the stock by 2027.

27
28 SEDAR 70 incorporated MRIP-FES data, and the OFL and ABC
29 projections are provided in MRIP-FES currency, which has been
30 determined to be the best scientific information available.
31 Staff provided potential management alternatives that would
32 modify the catch levels to end overfishing and adopt the MRIP-
33 FES data currency. This conversion could result in a
34 reallocation between the commercial and recreational sectors.

35
36 Committee members discussed the implications of MRIP-FES
37 conversions across managed species and expressed interest in
38 examining how past catch levels would have differed if set in
39 MRIP-FES.

40
41 **The committee recommends, and I so move, to request SEFSC run an**
42 **analysis for Greater Amberjack which shows what the historical**
43 **ABCs and ACLs would have been with FES back in time. Mr. Chair.**

44
45 **CHAIRMAN FRAZER:** Thank you, Ms. Guyas. We have a committee
46 motion on the board. That motion carried without opposition in
47 the committee meeting, and so is there any further discussion on
48 the motion? **Seeing none, is there any opposition to the motion?**

1 **Seeing none, the motion carries.** Ms. Guyas.

2
3 **MS. GUYAS:** The committee discussed additional alternatives for
4 modifying the sector allocation and catch levels. SERO
5 suggested that the IPT provide suggestions for reasonable years
6 to include an alternative time series given the changes in
7 management over time. A committee member requested an
8 alternative be added that would hold the commercial ACL at its
9 current level.

10
11 Council staff will request the SEFSC to provide new OFLs and
12 ABCs for the allocations that result from the proposed
13 alternatives. After receiving the projections, staff will
14 prepare a draft document for review at a future meeting. NOAA
15 General Counsel encouraged the committee to proceed as quickly
16 as possible with development of the amendment, in order to end
17 overfishing. A committee member requested further clarification
18 regarding how the MRIP-FES data were derived that could explain
19 some of the outlier years in the dataset.

20
21 Overview and Discussion of Individual Fishing Quota Programs
22 Review, the red snapper IFQ and grouper-tilefish IFQ programs
23 joint review presentation was a two-part presentation delivered
24 by SERO staff and council staff.

25
26 Ms. Alisha Gray noted that the review follows the April 2017
27 NMFS Guidance for Conducting Reviews of Catch Share Programs.
28 Ms. Gray reviewed the goals and objectives of the IFQ programs
29 and discussed the legal requirements for IFQ reviews.

30
31 Ms. Gray discussed IFQ data collection and reporting and
32 reminded the committee that the IFQ programs use an online
33 electronic system. She discussed the percentages of valid share
34 and allocation prices for each program and noted that data gaps
35 still exist in the collection of shares and allocation prices.

36
37 Ms. Gray discussed the eligibility and participation in IFQ
38 programs and changes in the number of IFQ accounts by program
39 and share category and by permit ownership status. She noted
40 the increasing trends observed in the percentages of public
41 participation accounts, accounts not associated with a
42 commercial reef fish permit, and related accounts.

43
44 Ms. Gray presented landings and quota utilization rates by share
45 category. She discussed share and allocation ownership caps and
46 red grouper and gag multi-use shares. Ms. Gray discussed
47 allocation transfers and ex-vessel, share and annual allocation
48 prices.

1
2 Ms. Gray discussed discard ratios by gear type and noted that
3 minimum size limit requirements were the main reason reported
4 for discarding fish. Other reasons include a lack of annual
5 allocation. She presented the number of enforcement cases
6 resulting in the seizure of fish and discussed the utilization
7 of cost recovery funds.

8
9 Committee members inquired about differences between the
10 information on tables presented and on Freedom of Information
11 Act shareholders pages. Ms. Gray answered that FOIA pages list
12 information at the entity level, while tables presented are by
13 program and by share category. She also noted that FOIA pages
14 are a live and dynamic feed, while the tables presented provide
15 only snapshots.

16
17 The committee asked about challenges in obtaining shares and
18 annual allocation in certain regions. Ms. Gray indicated that,
19 as in previous reviews, the joint review did not address
20 regional differences, but evaluated allocation transfers Gulf-
21 wide. Committee members inquired about the time interval used
22 in the evaluation of the reasons for discards. Mr. Jeff Pulver
23 indicated that tables presented include 2012 through 2018
24 averages.

25
26 Council staff discussed the impacts of IFQ programs on ex-vessel
27 prices and noted that two separate studies have both found that
28 the red snapper IFQ program caused a statistically-significant
29 increase in the red snapper ex-vessel price. However,
30 additional studies concluded that the grouper-tilefish IFQ
31 program did not cause a statistically significant increase in
32 the ex-vessel price for species managed by that program.

33
34 Staff then discussed market concentration and market power for
35 the IFQ share and annual allocation and landings markets. Staff
36 noted that the evidence suggests that markets are unconcentrated
37 and that evidence of market power has not been uncovered in the
38 markets studied. However, staff stated that these findings do
39 not account for vertical integration, where dealers may also own
40 or control shares and harvesting operations. Therefore, market
41 concentration and market power findings should be interpreted
42 cautiously.

43
44 Staff discussed the inequality of distributions and indicated
45 that the distribution of IFQ shares is highly unequal in every
46 share category. A study evaluating the distribution of vessel
47 revenues for all U.S. catch share programs found that, relative
48 to other U.S. catch share programs, vessel revenue distributions

1 in the Gulf of Mexico were highly unequal before the
2 implementation of the red snapper and grouper-tilefish IFQ
3 programs.

4
5 Staff discussed that research supported increased safety-at-sea
6 resulting from the Gulf IFQ programs. Staff also noted that,
7 following the implementation of IFQs, captains pay more
8 attention to weather conditions when making trip decisions.

9
10 Staff discussed operational changes based on a study that
11 evaluated fleet capacity dynamics in the Gulf of Mexico. The
12 study found that, for the red snapper fleet, technical
13 efficiency increased by 6 percent post-IFQ. For Gulf reef fish,
14 technical efficiency improved by 5 percent.

15
16 Staff indicated that, based on the joint IFQ review, the IFQ
17 programs have been successful in making progress towards meeting
18 their stated objectives. Staff then proceeded to summarize the
19 main conclusions of the joint review, covering a range of
20 issues, including trends in the number of dealers, concerns
21 about unfairness and distributional inequities, year-round
22 fishing opportunities, and new entrants.

23
24 Staff noted that, although the promotion of new entrants may
25 appear to be inconsistent with IFQ objectives, replacement
26 fishermen are needed for the long-term viability and
27 sustainability of the programs.

28
29 Committee members inquired about changes that resulted in the
30 collection of cost recovery fees sufficient to fully fund the
31 administration of the IFQ programs. Staff indicated that the
32 red snapper IFQ initial program review concluded that cost
33 recovery fees were insufficient to cover program costs.

34
35 However, once the grouper-tilefish program was implemented, the
36 significant increase in the base from which cost recovery fees
37 are collected, and the fact that both programs are run by the
38 same staff using the same online platform, resulted in a marked
39 increase in the funds collected and, therefore, allowed all
40 program administration costs, including the costs of modernizing
41 the online IFQ platform, to be covered.

42
43 The committee asked about market power in the IFQ programs in
44 relation to the reported challenges to acquire IFQ shares and
45 allocation. Staff defined market power and noted that studies
46 to-date have not found evidence of market power. Staff
47 reiterated the caution needed in interpreting these findings,
48 because of the potential impacts of vertical integration in

1 market concentration and market power. Staff also noted that
2 NMFS has begun collecting data on share and allocation ownership
3 by seafood dealers to evaluate vertical integration in the IFQ
4 programs.

5
6 Committee members inquired about costs of operation in the IFQ
7 programs. Staff indicated that costs of operation and rates of
8 returns have been evaluated by the Southeast Fisheries Science
9 Center and that some of those findings are included in the
10 review.

11
12 Dr. Lorenzen summarized SSC recommendations about the IFQ
13 programs. Staff also summarized recommendations provided by the
14 Ad Hoc Red Snapper and Grouper Tilefish IFQ AP and noted that
15 the AP also recommended the creation of an AP to consider the
16 expansion of IFQs to other reef fish. The committee granted
17 staff editorial license to include a summary of the June 2021
18 committee discussions in the review.

19
20 **The committee recommends, and I so move, to make the red snapper
21 and grouper-tilefish IFQ program review final and available for
22 publishing on the council's website, www.gulfcouncil.org.** Mr.
23 Chair.

24
25 **CHAIRMAN FRAZER:** Thank you, Ms. Guyas. We have a committee
26 motion on the board, and that motion carried without opposition
27 in committee. Is there any further discussion? **Not seeing any,
28 is there any opposition to the motion? Without opposition, the
29 motion carries.** Ms. Guyas.

30
31 **MS. GUYAS:** Reef Fish Amendments 36B and 36C: Modifications to
32 Individual Fishing Quota Programs, staff reviewed the actions
33 and alternatives in Amendment 36B, including the recommendations
34 from the Reef Fish AP and Ad Hoc Red Snapper and Grouper
35 Tilefish IFQ AP.

36
37 The committee discussed the purpose and need for the action.
38 Staff requested committee input regarding the accounts that
39 would be exempt from a requirement to be associated with a valid
40 or renewable commercial reef fish permit. Due to time
41 constraints, the committee was not able to fully discuss the
42 amendment and address the remaining questions, but expressed
43 interest in continuing the discussion during Full Council, if
44 time allows.

45
46 Other Business, the committee did not have time to address the
47 only item of other business, which was goliath grouper. I will
48 stop there.

1
2 **CHAIRMAN FRAZER:** Ms. Bosarge.

3
4 **MS. BOSARGE:** We had discussed taking 36B out for public
5 hearings in the near future, and I was ready to make some
6 motions to pick some preferreds in that document during
7 committee, but we didn't have time. Can we do that now? I
8 would like to have preferreds before we go out to public
9 hearings, and, even if we have one more meeting before we go out
10 to public hearings, and we've been working on this for several
11 years, and I'm ready to pick some preferreds.

12
13 **CHAIRMAN FRAZER:** Okay. Ava.

14
15 **DR. AVA LASSETER:** It's always helpful to have preferred
16 alternatives selected, which gives the public an idea of the
17 direction you're thinking about. I would also like to highlight
18 that the presentation included several questions that we would
19 really want feedback on, which would also support the direction
20 that you're intending to go, and this is specific to those new
21 group of accounts that would be accepted accounts, and what do
22 you see those being allowed to do, and so, if we discuss
23 preferred alternatives, it would be great if we return to the
24 presentation as well.

25
26 **CHAIRMAN FRAZER:** Okay. Ms. Bosarge.

27
28 **MS. BOSARGE:** All right. I will throw out a motion, and I think
29 that will start the discussion, probably, and maybe we can make
30 some progress here. **My motion would be, in Action 1, to make**
31 **Alternative 5 the preferred alternative. Alternative 5 is, in**
32 **order to obtain, which is transfer into a shareholder account,**
33 **or maintain shares, which is hold existing shares in a**
34 **shareholder account, shareholder accounts established following**
35 **implementation of this amendment must be associated with a valid**
36 **or renewable commercial reef fish permit. A shareholder account**
37 **is considered to be associated with a permit if the permit has**
38 **the exact same entities listed on both the shareholder account**
39 **and the permit.**

40
41 **CHAIRMAN FRAZER:** Okay, and so we have a preferred, and it's
42 seconded by Mr. Sanchez. Is there further discussion? Patrick.

43
44 **MR. BANKS:** I have a question for staff, to remind me. At the
45 most recent AP meeting, didn't the AP pass a motion to put a
46 certain date in this, and can somebody remind me of what that
47 was? Is it reflected in any one of our alternatives?
48

1 **DR. LASSETER:** No, and we had two AP recommendations for this
2 action, to add an alternative, and the Reef Fish AP that met --
3 Excuse me. I'm trying to find the page. The Reef Fish AP
4 recommended to add a new alternative that would exempt accounts
5 established before October 6, 2020, and the Ad Hoc Red Snapper
6 Grouper Tilefish IFQ AP passed a motion requesting an additional
7 alternative with a control date of June 2, 2021, and they also
8 indicated that as the suggested preferred.

9
10 **MR. BANKS:** Thank you.

11
12 **CHAIRMAN FRAZER:** Ms. Bosarge.

13
14 **MS. BOSARGE:** Patrick, by choosing this alternative that's in
15 the document, I was trying to actually encompass their wishes
16 there, because, essentially, they wanted it at least that far
17 out in time. This will push it slightly further out in time and
18 do it upon implementation, because it seems like each one of
19 those -- Each time each one of those groups meet, they want --
20 Well, at least until right now, everybody to right now, and so
21 we'll exempt everybody until it's implemented, and, at that
22 point, it would be my prerogative, in the next action item, to
23 give them three years to get their paperwork right and either
24 get a permit or just get rid of their shares, one of the two.

25
26 **CHAIRMAN FRAZER:** Mr. Dyskow. Sorry. I went over you on that,
27 and I didn't mean to.

28
29 **MR. DYSKOW:** That's perfectly all right. I agree. Of the
30 alternatives given, this is the one probably that makes the most
31 sense. The overriding intent in 36B is to have fishermen
32 control the shares, not private investors to sell them at a
33 profit, and part of the disruption -- Again, I'm talking to red
34 grouper, but part of the disruption we saw is many of these
35 smaller fishing entities, commercial fishing entities, weren't
36 able to find quota, or quota could not be sold to them, and so,
37 the more quota we can put in fishermen's hands, probably the
38 better.

39
40 I have one idea to add to this preferred. If that is our
41 intent, to really put the control of IFQ in the hands of
42 fishermen, people that are actively fishing, commercially
43 fishing, could we, in this -- We're giving as much flexibility
44 as we possibly can in this alternative, but could we add
45 language that says, by X date, whether it's ten years out or
46 whatever, they have to sell their shares, sell or surrender
47 their shares, that, basically, we want to go back to the
48 fishermen controlling the shares and not private investors, and

1 does that make sense?

2

3 **CHAIRMAN FRAZER:** Yes, it does make sense. You would certainly
4 have to go to the maker of the motion to accept that amendment.
5 I will do that now, and there's a couple of people, Patrick,
6 before I get to you. Leann.

7

8 **MS. BOSARGE:** That's what I think the next action in the
9 document will actually do, and the next action in the document
10 says, all right, if you can't comply with this, then you are
11 going to have to sell -- You're going to have to sell your
12 shares if you're not willing to get a permit, and what the next
13 action item asks us is how long do you want to give a fisherman,
14 or a business owner, whoever, to accomplish that and make that
15 decision and get its ducks in a row.

16

17 **CHAIRMAN FRAZER:** Okay. Are you good with that for right now,
18 Phil?

19

20 **MR. DYSKOW:** I think so. What I really would like to see as an
21 objective is we all started these discussions, and Leann and I
22 actually agreed on this initially, was that, to control quota,
23 you have to have a permit and be a fisherman, and where this
24 thing kind of got off track a little bit is with this idea of
25 investors deciding who gets quota and who doesn't, and all these
26 smaller fishermen that don't own quota are suffering right now
27 because they can't obtain quota. This is an intent to put
28 control of the quota back in the fishermen's hands, and it's not
29 going to be a perfect program, but it's better than what we have
30 now, where outside investors control who wins and who loses in
31 this specific fishery.

32

33 **CHAIRMAN FRAZER:** Okay. Thank you, Phil. I've got a couple of
34 folks in the queue here, and I'm going to go to Andy, Martha,
35 Patrick, and then Troy.

36

37 **MR. STRELCHECK:** I emailed Ava about the purpose and need, after
38 our discussion, and had thrown out some ideas, and I think
39 that's where I'm struggling with even picking a preferred right
40 now, because I'm not sure we've really done a good job with
41 defining the need of what Phil just indicated.

42

43 It seems, to me, more along the lines of what we're trying to
44 accomplish, which is to put the quota in the hands of actual
45 fishermen that have the ability to use the fish, and my concern
46 about this alternative, as well as many alternatives, is we're
47 already at 30 percent public participation, and that's a pretty
48 high percentage. The longer this amendment drags on, that

1 percentage can continue to go up until we take action, and so
2 I'm not sure that we're accomplishing the need that we're laying
3 out, first and foremost.

4
5 Then, beyond that, I guess the challenge with the fishery here
6 is we're trying to, I think, address social and economic
7 impacts, and I'm not sure we've gotten a good indication as to
8 whether or not this would actually resolve some of those.

9
10 Yes, we've put it in the hands of fishermen, but I also hear
11 some of the positives of being able to have allocation and not
12 be tied up by shareholders, and I think some of the things we're
13 seeing with red grouper this year, in terms of limitations on
14 the amount of allocation available, is because those
15 shareholders are holding onto their own allocation and not
16 making it available to others, and so I would recommend not
17 selecting a preferred alternative at this point, and I think we
18 need to go back and refine the purpose and need, first and
19 foremost.

20
21 **CHAIRMAN FRAZER:** Thank you, Mr. Strelcheck. We're going to go
22 next to Martha.

23
24 **MS. GUYAS:** Thanks, Mr. Chair. Actually, I was going to say a
25 lot of the things that Andy said. I think this alternative
26 makes a lot of sense, but it doesn't deal with the problems that
27 we maybe have now, though maybe I'm okay with making this a
28 preferred, because I want to hear from the people who are going
29 to have a problem with this and what they really see as the
30 solution here, but I do kind of struggle with that.

31
32 We do have 30 percent public participation, and I don't think
33 this is going to roll that back, and should it be rolled back,
34 and so, like what Andy said, and those are all pretty decent
35 questions.

36
37 I think, throughout the years that we've been working on this
38 amendment, and undergoing these IFQ reviews, we've heard
39 arguments from all different sides, and the people that
40 participate in this fishery in one way or the other, or used to
41 be, and now this is their retirement, and this is how they --

42
43 They lease it to folks that need it and all that, and so, you
44 know, most recently, talking to some of the folks that were here
45 at this meeting, some of them want to see something like this,
46 and then income requirements on top of that, and I know we've
47 talked about that in the past, but, anyway, I think this is
48 probably a step in the right direction, and I don't know that it

1 gets us exactly where we need to go, but I do think we do need
2 to hear --

3
4 It would be good to hear more and have, hopefully, some good
5 conversations with people, whenever we do go out to public
6 hearings with this, but I'm also not opposed to talking about
7 this at another meeting before we take it out, because it's kind
8 of what Ava is saying, and we certainly have some unresolved
9 issues that I don't know that we'll be able to chew on today.

10

11 **CHAIRMAN FRAZER:** Thank you, Ms. Guyas. Patrick.

12

13 **MR. BANKS:** I had a question. The permit that we're talking
14 about is tied to the vessel, and is that correct, Andy or staff?
15 Okay. So then we're not necessarily talking about the
16 fishermen, and so, if our point is to get the shares into the
17 hands of the people who are actually landing the fish, then
18 that's what we need to concentrate on, are the individual
19 landers of the fish, and so let's just keep that in mind as
20 well. Sometimes they're the same person that has the permit,
21 that owns the vessel has the permit, absolutely, but it's not
22 always that's the case.

23

24 **CHAIRMAN FRAZER:** Thank you, Patrick. Troy.

25

26 **MR. WILLIAMSON:** I pointed out the other day, and the
27 shareholders are pointing out also, their concentration, to a
28 great degree, is to make sure that their shares are inherited,
29 and I don't believe they mean to natural persons. They are
30 moving their shares into the corporations, where there is no
31 death from there, and they will -- The corporations will
32 continue to operate, and I believe we are perpetuating a system
33 that will be promoting public participation.

34

35 You're going to have, I believe, in the future, just like in
36 farming industries, and the kids leave the farm, and I think
37 most of the kids of these shareholders will be in such a
38 financial position that they will leave, and you will have
39 sharecropping situations, and so, without belaboring the point
40 too much further, as long as you have private corporations and
41 private individuals managing a public resource, you're going to
42 have a problem.

43

44 This resource needs to be managed by the agency that represents
45 the federal government or Commerce, NOAA and whatever. As long
46 as we go down this road, you're going to have problems with
47 people being able to lease shares, and that's what it will
48 become. It will become a lease operation, where people are

1 holding shares, or market valuation.

2
3 I talked to some of the folks out in the hall the other day
4 regarding their comments that they couldn't get quota, and I
5 asked them, you know, why can't you get the quota, and why don't
6 you go to a public participant? If the shareholders who are
7 actually fishermen will fish, that's one thing, but a public
8 participant should be someone who wants to lease the shares to
9 the parties that want it.

10
11 Their comments to me, and this is just one side of it, and
12 there's always two sides, was that the public participants were
13 holding onto it because they felt like that the quota would be
14 decreased, and, therefore, their price per share would be
15 increasing, and so I will stop there, and I think I'm just not
16 an advocate for the way this program is working, and I think it
17 should be the -- The federal government should be managing it
18 and not the Shareholders Alliance.

19
20 **CHAIRMAN FRAZER:** Thank you, Troy. Kevin Anson.

21
22 **MR. ANSON:** I appreciate Mr. Dyskow's comments relative to
23 trying to make sure that we utilize this program, or the program
24 is set up such that it benefits the fishermen, and that's the
25 way I see it too, and all of your thought process too, Troy. A
26 little bit that this is a public resource, and, to the extent
27 that this was originally set up to try to help fishermen, to
28 maintain their access and to maintain some of the benefits that
29 come along with IFQ programs, safety-at-sea and stability of
30 price and all those types of things, I think that has gotten
31 away from us a little bit.

32
33 Yes, the council made a mistake with allowing the general public
34 to have access to this, and the vehicle, or the mechanism, was
35 to not have the permit. If they have shares, and they're using
36 them, they've got a permit, because you have to have a permit to
37 land the fish, and so I don't think this gets us anywhere where
38 we need to be.

39
40 We need to go back in time and utilize another alternative
41 that's in this action that gets us to that point in the
42 council's decision-making that kind of broke away from the
43 intended program and making sure, to the extent practical, that
44 the IFQ shares were being utilized by active fishermen.

45
46 We heard lots of testimony, and I know we're not in a democracy
47 here, but we heard lots of testimony from folks here at this
48 meeting, and certainly other meetings, that have problems

1 getting shares. If they get shares, they have to pay 70
2 percent, or 80 percent, of what the fish is worth. I mean, that
3 is -- You want to talk about impediments to business, and that's
4 a pretty big one, if you have to pony up 70 to 80 percent of
5 what the product is worth every time you want to go harvest it.

6
7 I think I'm not going to be in support of this motion, but, to
8 Martha's point earlier, we don't need to do anything today. I
9 think you said, Leann, this has already been about two-and-a-
10 half years, and what's another few more months, or a couple of
11 months, and I will just go back to a prior comment that I made
12 earlier, and I know we had final action on one topic, but I
13 would request that we have this earlier in the agenda on Reef
14 Fish, 36B and 36C. Thank you.

15
16 **CHAIRMAN FRAZER:** I'm going to first go to Bob Shipp online, and
17 then Leann and then Susan Boggs.

18
19 **DR. SHIPP:** Thank you, Mr. Chairman. We have been, as Leann
20 said, discussing this, as well as 36C, for two-and-a-half years,
21 and, every time we decide not to have a preferred, we seem to
22 get bogged down.

23
24 I know we're really not at the point where we have strong
25 feelings for a particular preferred, but it's one of the only
26 times, I think, that almost the entire council feels the same
27 way, and that is we want the return to management of the fishery
28 to the fishermen, and so I speak against delaying choosing a
29 preferred. Just because we choose a preferred, it doesn't mean
30 we have to use it at the subsequent meetings, but I think it
31 will keep us on track.

32
33 We need to move this whole issue of 36B and 36B up to the front
34 of Reef Fish, I think, at the next meeting. A lot of what we've
35 discussed here with 36B is going to be addressed in 36C,
36 especially if we go the route of a quota bank, and so my
37 preference is to choose the preferred, and then let's go down
38 the road and quit kicking the can down the road.

39
40 **CHAIRMAN FRAZER:** Thank you, Bob. Leann.

41
42 **MS. BOSARGE:** So, if you go back and you look at the makeup of
43 that IFQ AP that just took a look at this again and recommended
44 that we do institute a permit requirement, you have shareholders
45 that were original shareholders on there, and you have
46 shareholders that are very small shareholders on there, and we
47 put fishermen on that IFQ AP for red snapper that lease only,
48 that own zero red snapper, and so this is a very diverse AP, or

1 ad hoc advisory panel.

2
3 That advisory panel, all those different segments of this
4 management system, agree that we should have a permit
5 requirement, and all those things that you're talking about
6 doing in 36C are premised upon getting the fish to the men and
7 women that are landing it, and most of those action items are
8 based on that, and your whole idea of cyclical redistribution is
9 you're going to go back and look at landings again and try and
10 get it to the people that are actively landing it.

11
12 This is the first step to any of that. If you don't require
13 that you have a permit which allows you to catch and land the
14 fish in order to own the resource, which is the share part, none
15 of the rest of it makes a damn, and so I don't see why this is
16 such a huge ask. This is the first step in linking those
17 things.

18
19 Yes, it's a long way to get to the rest of the items in 36C, but
20 you'll never get there if you don't do this, and I'm sorry if
21 I'm frustrated about talking about this at another meeting, but
22 this is exactly what I talked about the other day, where the
23 commercial things just take a back-burner to all the
24 recreational amendments that are in front of us.

25
26 We have time today, and we've looked at this document enough
27 times, and it's time to pick a preferred. I started by picking
28 preferreds, instead of redoing the purpose and need, because I
29 thought that was going to take a while, but I certainly have
30 plenty of ideas on how to make that purpose and need better fit
31 the actions in this document, and so I am ready to pick a
32 preferred and go out to public hearing. I don't want to go out
33 without a preferred.

34
35 **CHAIRMAN FRAZER:** Thank you, Leann. We're going to go Susan and
36 then Andy.

37
38 **MS. BOGGS:** If am not mistaken, I heard yesterday, in public
39 comment, that the commercial sector did not ask for public
40 participation. As a matter of fact, my understanding is they
41 asked the council not to do that. They asked us not to
42 reallocate red grouper, and we did it anyway, and they fought us
43 on permits, and they now have agreed to do it, and now we won't
44 give it to them.

45
46 I mean, there are so many inconsistencies on this council that
47 it's just almost mind-boggling, but it's time, and I agree with
48 Leann. The three years that I have been on this council, we've

1 been discussing this, and we've not made any traction or action
2 or anything with it, and, until you make a move, nothing is
3 going to happen, and she's correct that you can't do anything
4 with 36C until you resolve 36B. Thank you.

5
6 **CHAIRMAN FRAZER:** Okay. We've got Andy and then Robin.

7
8 **MR. STRELCHECK:** I guess I will remind folks that I ran this
9 program, and it's a highly-complicated program, and you've
10 gotten presentations on it, and what we think we understand we
11 often don't understand, and there is complex business
12 relationships, and there are vertically-integrated businesses.
13 Just because someone has a reef fish permit, it doesn't mean
14 they're going to be fishing it, right, and they can still lease
15 that, and it just creates a little bit higher bar, a little bit
16 higher hurdle, for them to overcome.

17
18 I think, to me, the challenge here is we have essentially two
19 alternatives that we should be considering. One is either -- Or
20 three. Status quo is we're not going to do anything, or
21 everyone is going to have a reef fish permit, and I guess those
22 would be the two. Everyone has a reef fish permit or it's
23 status quo, right?

24
25 To me, I don't like this business of grandfathering in a large
26 subset of the industry, and, to me, if we want to go with a reef
27 fish permit, let's go with a reef fish permit, but then allow
28 for a period of divestment over a period of time, to ensure that
29 we get these shares in the hands of the fishermen. We have --
30 That would be then, I believe, Alternative 2, with a choice then
31 in Action 2 for divestment.

32
33 **CHAIRMAN FRAZER:** All right. Thanks, Andy. Robin.

34
35 **MR. RIECHERS:** I am going to echo some of the comments that
36 other people have made, and partly the comments that Andy just
37 made. You know, certainly, inside of these programs -- I mean,
38 a commercial reef fish permit, and, later on in the presentation
39 that Ava gave, she also talked about latent permits, and that's
40 not a huge hurdle, as people have shown already, that it's a
41 huge hurdle in sort of business relationships to do that.

42
43 I don't think that's the issue. I mean, people can say that's
44 what we need to do to start on 36C, and I think we need to take
45 B and C and try to figure out really where we're heading with
46 this, because just requiring this is not going to get at the
47 problems that people have pointed out in the system, and, if we
48 wanted to do that, we would just go back to -- I understand the

1 frustration for not dealing with these documents, and I do too,
2 and part of that has been the council really probably tugging in
3 very different directions on these documents, and we probably
4 still will be tugging in different directions, and so we may not
5 really make a lot of headway, but the whole notion is, if we're
6 going to try to actually fix some of the business problems and
7 put it in people's hands who are actually on the water fishing,
8 this ain't going to do it. I mean, none of this in Action 1 is
9 going to do it.

10
11 **CHAIRMAN FRAZER:** Okay. We've had a lot of discussion and a lot
12 of echoing, and so I think it's time to vote for this particular
13 motion. **All those in favor of the motion, raise your hand,**
14 **those online; all those in opposition. The motion passes.** Ms.
15 Bosarge.

16
17 **MS. BOSARGE:** All right. Let's go to the next action item. **In**
18 **Action 2, my motion would be, in Action 2, to make Alternative**
19 **2, Option 2b, the preferred alternative.** I will stop there,
20 because there will be a second preferred alternative. This will
21 be one of those action items where we have multiple preferreds,
22 but we can talk about this one and then move on to the next one,
23 and Option 2b is three years following the effective date of the
24 final rule implementing this amendment. That's when NFMS would
25 reclaim all shares in a shareholder account that is still not
26 associated with a commercial reef fish permit.

27
28 **CHAIRMAN FRAZER:** Ava, go ahead.

29
30 **DR. LASSETER:** Thank you, Mr. Chairman. If I understand your
31 previous motion, you selected Alternative 5 as preferred, which
32 would grandfather in every account until this amendment is
33 implemented, and that means, at the time this amendment is
34 implemented, there will be no accounts that need to get shares,
35 and every account would be grandfathered in, and so I don't know
36 that Alternative 2 is applicable, if you select Alternative 5.

37
38 Now, there is the issue with Alternative 3, which addresses in
39 the future, and it's the alternative we discussed in committee
40 that we also wanted to discuss the idea of the retention for
41 those who inherit shares, and you can start a new account.

42
43 **CHAIRMAN FRAZER:** Leann.

44
45 **MS. BOSARGE:** Thank you. All right. **Then keep the motion right**
46 **there, but change it to make Alternative 3, Option 3b, the**
47 **preferred, because Alternative 3 speaks to after implementation**
48 **of this amendment. If the shareholder account no longer has an**

1 associated valid or renewable reef fish permit, the shareholder
2 must divest of the account shares, as needed, to meet the
3 requirements set out in Action 1, or the shares will be
4 reclaimed by NMFS. Option 3b is three years following the
5 transfer or termination of the permit.

6
7 **CHAIRMAN FRAZER:** Okay. Let's give staff just a minute to pull
8 from the regular document and clean that up. Okay. Let's give
9 people just a second. I know Leann read it into the record.
10 Okay. Is there a second to the motion? It's seconded by
11 Patrick Banks. Leann, do you want to talk about it a little
12 more?

13
14 **MS. BOSARGE:** Yes. On this one, I really felt like five years
15 was a little too long, and one year seems like a long time, but
16 it might not be. It's a lot of stuff to get lined up, and
17 you've got either divest of your shares, or, if something
18 happened to your permit, find another permit, which also means
19 making sure you have the vessel in the same name as the permit,
20 making sure you've got the VMS installed on the boat and
21 activated and pinging. There's a lot of stuff that goes into
22 it. I thought three years should definitely be sufficient, and
23 five was too much.

24
25 **CHAIRMAN FRAZER:** Okay. Is there any other discussion? Robin.

26
27 **MR. RIECHERS:** Leann, I mean, we heard, in public testimony, or
28 what was brought up in committee, was the issue of someone
29 passing away and attempting to do this, and what this shows --
30 As Ava was pointing out, it basically says that everyone will be
31 in compliance on the day that the amendment is signed by the
32 Secretary of Commerce, or it then goes into effect. Would we
33 not want to go ahead and suggest that it's just in case of a
34 passing, in some way, of someone?

35
36 **CHAIRMAN FRAZER:** Robin, can you repeat the last part of that?
37 I don't think we were able to hear you well.

38
39 **MR. RIECHERS:** Sorry. I'm just trying to figure out, because,
40 if everyone is in compliance the day it's signed, would we not
41 want to then just state, real plainly, that this is for a
42 deceased shareholder?

43
44 **CHAIRMAN FRAZER:** Leann.

45
46 **MS. BOSARGE:** Well, I can see where it would apply in that case,
47 Robin, but I guess I can see some other instances where you may
48 run into this, and so say you're ready to get a bigger boat, or

1 a different boat, right, and you're actively in the fishery, and
2 you own some shares, and you've got a boat, and you've got a
3 permit, and you're fishing it.

4
5 Every once in a while, fishermen buy a new boat, right, and it's
6 kind of like buying a new house. To get all the timing of that
7 to line up just right, where you sell the house you're in and
8 buy your new house all on the same day, that's tough.

9
10 Most people really need to sell the house they're in before they
11 take on a mortgage on a new one. Floating two notes at the same
12 time is tough, and so I can see where you might be in a
13 situation where you're going to sell your boat and permit,
14 possibly, or just the boat and hold the permit, but you're
15 trying to buy a new boat, and you get the new boat, but you
16 still have to get all the paperwork transferred over into your
17 name, and it's time to renew the permit, and you're still
18 waiting on the paperwork from the Coast Guard to get the new
19 boat in the right name to match the permit. It's just a lot of
20 stuff that could go on.

21
22 It's more than just death, I think. There's normal business
23 operations where you're going to have to change some things up
24 on your permit, or even transfer a permit, and so I would like
25 to have it apply not just in death. No matter what the case is,
26 you've got three years to get your paperwork right.

27
28 **CHAIRMAN FRAZER:** Okay. Thank you, Leann. Kevin Anson.

29
30 **MR. ANSON:** I just question about termination of the permit, and
31 you mentioned earlier about the for-hire permits earlier that
32 may have one year after it expires to get it cleared up, and is
33 that the same thing that would hold here as well, and so,
34 actually, you would add a year, basically. Thank you.

35
36 **CHAIRMAN FRAZER:** Okay. Any additional discussion? Ava.

37
38 **DR. LASSETER:** Thank you, Mr. Chairman. I did want to clarify,
39 and, as long as we understand what your intent is, we can modify
40 the document accordingly, and it is a slightly different
41 situation. The way the alternative is currently written is, if
42 an account already exists, and it is grandfathered, that is
43 supposed to have a permit, and then later on never does.

44
45 In the case of inheriting shares, a new account is going to need
46 to be created. If it's the name of a corporation, and they're
47 just changing ownership behind it, then there would be no
48 change, because that follows forward with the same situation,

1 but say somebody inherits shares from an account and needs to
2 create a new account. In order to create that new account and
3 put shares, it would be an initiation, and so it's a slightly
4 different situation. It possibly might need to be written in a
5 little bit different. As long as I understand that you are
6 concurring with whatever your decision is here, in terms of
7 time, we will work it into the document accordingly, to allow a
8 new account to be created under just those circumstances.

9
10 Okay, and so remember we talked about, if you pick one of the
11 alternatives, except Alternative 1 and 2, you're going to create
12 this body of exempted accounts. Any account created after that
13 time is going to be required to have a reef fish permit.

14
15 Now somebody with say a grandfathered-in account passes away,
16 and they have designated their heir in their will, and their
17 heir contacts NMFS and goes through the whole process to verify
18 the federal regulations, where they have to provide the various
19 verification, and they get a new account set up. That new
20 account is going to have a creation date that is going to be
21 after the grandfathered date, and so it's not a situation where
22 it's an account that no longer has a permit. It's technically a
23 new creation date for a new account.

24
25 I have not discussed this with the IPT, to see if it would fall
26 under the same alternative, but, if we understood your intent,
27 when we go back to the IPT, we can ensure that the document
28 reflects your intent, and I don't know if, Andy, you want to
29 comment on -- Do I have it right, to create a new account?

30
31 **MR. STRELCHECK:** I would probably want to have Jessica or
32 someone else answer that. Thank you.

33
34 **CHAIRMAN FRAZER:** Leann.

35
36 **MS. BOSARGE:** Well, I would suggest let's vote on this, because
37 we know what this means, and then, after that, we can talk about
38 if we need an additional alternative, if that's okay, Ava,
39 because I've got to chew on what you said a little more.

40
41 **CHAIRMAN FRAZER:** Susan and then J.D., and then we're going to
42 vote this up.

43
44 **MS. BOGGS:** In thinking about what Troy has said and what Ava
45 just commented on, if it is a corporation, and I will just use
46 our business, for example. God forbid Randy passes away, and
47 the structure of that corporation will change, and so would you
48 then have to create a new account, because you now have new

1 officers and shareholders?

2
3 **DR. LASSETER:** No, and that is the difference between accounts
4 that are held in the name of an individual and one in a business
5 entity name. You can't change the name of an account. If you
6 change the name that is officially on the account, you need to
7 create a new account. The way you're talking about
8 grandfathering an account, a new account creation would likely
9 fall outside of your grandfathered-in date.

10
11 However, you can change the ownership behind business entities,
12 and you do need to do so. You need to notify NMFS and provide
13 them that ownership information, but that does not require a new
14 account with a new creation date. Therefore, you are
15 grandfathering in some or all accounts, and those accounts that
16 are held in the names of corporations are going to be able to
17 continue in perpetuity, or until you change your other
18 requirements to keep the shares in that account and be
19 grandfathered in and not have a permit. Accounts in the name of
20 the individuals would fall under this issue with inherited
21 shares.

22
23 Keeping in mind also that your Alternative 5 is grandfathering
24 in all accounts into some date in the future, whenever this gets
25 implemented, probably in a year, and we would expect people to
26 be creating new accounts, just in case they need one in the
27 future, and it would be grandfathered in automatically, and we
28 have no idea how many people might do this, but there is the
29 potential for more unintended consequences by setting this date
30 somewhere in the future.

31
32 **CHAIRMAN FRAZER:** Okay. We actually have three people here in
33 line still, and so Robin, Kevin Anson, and then Mara Levy.

34
35 **MR. RIECHERS:** Thank you, Tom. In hearing what you're saying,
36 Leann, when you responded, and I do understand the whole notion
37 of vessels, and we deal with some of that in our limited
38 programs, but, in my mind, that's like a one-year term, but, if
39 you are thinking about other individuals who might be caught up
40 in probate and things like that, it can take longer, and so I
41 really think, at some point, and it may not be today, obviously,
42 but I think we're going to need to think about this in two
43 different ways.

44
45 **CHAIRMAN FRAZER:** Thank you, Robin. Kevin and then Mara.

46
47 **MR. ANSON:** I was going to -- I had a similar thought as what
48 Robin just said about -- As Leann pointed out, that example of

1 buying a boat and trying to get the boat on the new account, or
2 the new account established with the new boat, and that probably
3 wouldn't take a year, and then, as Andy indicated, you have the
4 extra year, and now you're really at an Option 3a, two years,
5 and 3b is four years, and 3c is six years. I probably wouldn't
6 lean towards six years, but, in deference to Robin's comment
7 regarding probate issues and such, maybe Option 3b might be
8 better, and so that's all.

9

10 **CHAIRMAN FRAZER:** All right. Thank you, Kevin. Mara.

11

12 **MS. LEVY:** Thank you. I was just going to suggest that you deal
13 with the two different issues in different alternatives, right,
14 and so this alternative can deal with existing accounts that
15 then become unassociated with the permit and the amount of time
16 people have to rectify that, or divest of their shares, and then
17 alternative that deals with shareholder accounts in which the
18 shareholder, or that account owner, becomes deceased. Just
19 because they are different in different situations, and trying
20 to wrap them up into one alternative, it might create confusion.

21

22 **CHAIRMAN FRAZER:** Okay, and so we still retain that option
23 moving forward, but, with regard to this motion, all in favor,
24 we have eight in the room. How many online are in favor of this
25 motion, one. All those opposed. The motion passes nine to
26 five. Ms. Bosarge.

27

28 **MS. BOSARGE:** Do you want to do the purpose and need today? Do
29 we have the stamina?

30

31 **MR. STRELCHECK:** I would recommend not. I do have a few other
32 thoughts though on this that I don't think we've considered.

33

34 **CHAIRMAN FRAZER:** Go ahead, Andy.

35

36 **MR. STRELCHECK:** Well, first, in terms of what we just did, I do
37 want to point out that we chose, in my view, relative to our
38 purpose and need, one of the most liberal approaches in terms of
39 how we're going to address it. We are giving the maximum
40 flexibility, and we're grandfathering the most people into the
41 program, and that last alternative is giving a moderate amount
42 of time, and, obviously, not the maximum amount of time.

43

44 That's the tradeoff with the balance we're trying to figure out,
45 right, and is it -- Are we wanting to shift everyone into a reef
46 fish permit or not, and, obviously, the choice was or not. To
47 me, I think the purpose and need does need to be strengthened on
48 that end, in order to kind of address this tradeoff that we're

1 considering.

2
3 The two things that I was thinking of with regard to at least
4 how we're approaching the preferred alternatives today, one is I
5 don't think there's anything in this amendment that talks about
6 the shareholdings that are held by public participants and
7 whether or not they could freely transfer those shareholdings to
8 other public participants, versus reef-fish-permitted
9 shareholders.

10
11 Obviously, once again, it kind of goes back to the purpose and
12 need. What are we trying to accomplish? Are we wanting
13 everyone that's kind of left in the program to be able to freely
14 trade those shares or not? Then the same would be true of reef-
15 fish-permitted shareholders. If we leave the grandfathered
16 public participants in, can they receive more shares at that
17 point or not? Those are some things that I think need to be
18 addressed as part of the amendment, in addition to what we've
19 already discussed.

20
21 **CHAIRMAN FRAZER:** Thanks, Andy. Certainly good things for
22 consideration, moving forward. Martha.

23
24 **MS. GUYAS:** I am wondering -- I think maybe this came up in
25 committee, and do we need to pick hearing locations, just so
26 that we can start planning that, or is it too early?

27
28 **DR. LASSETER:** You had discussed, at a previous meeting, and had
29 approved -- We were going to go mail-out and hold two webinars,
30 and so, if that is still acceptable, that is what our plan is.
31 Now, we brought you this public hearing draft initially last
32 August. At that time, the data was recent, and we did not
33 update it for this meeting, because we were not sure, but we do
34 need to update the document.

35
36 The questions that Andy raised is one of the ones that was in
37 the presentation that we did not get feedback on, and there were
38 several other questions there as well, because you're going to
39 be creating a lot of accounts here that are exempt, and so we
40 need guidance from you as to what you want those accounts to do,
41 to be used for, and I guess we could do that at a subsequent
42 meeting, but those are kind of important also, to get the public
43 feedback on.

44
45 In terms of updating the document, I'm thinking that would take
46 -- I don't know if we need to bring it back in August, except
47 perhaps to answer some of these questions, but we do need some
48 time to update the document and then to prepare for these public

1 hearings.

2

3 **CHAIRMAN FRAZER:** Leann.

4

5 **MS. BOSARGE:** Ava had a lot there, and Martha was asking about
6 locations, and so I will say, from Mississippi, the bulk of our
7 reef fish landings and fishery goes in and out of Pascagoula,
8 and so somewhere in Jackson County, Pascagoula or otherwise,
9 would be good location for that.

10

11 **DR. LASSETER:** Are we changing to hold in-person meetings? Are
12 you now asking to hold in-person meetings?

13

14 **CHAIRMAN FRAZER:** Sorry, Leann. I recognize that you were
15 probably distracted, but, if you want an in-person meeting, feel
16 free to express that opinion.

17

18 **MS. BOSARGE:** That's okay. I mean, you know, we have a really
19 good ad hoc that has spoken on this, and I feel like, if we show
20 some initiative that we are looking at trying to wrap this
21 amendment up and going final on it, that we'll also get some
22 good feedback at our council meetings as well, and so I guess
23 I'm okay with webinar meetings on this. I mean, it is a much
24 smaller fishery than a lot of things we deal with, I guess.

25

26 **CHAIRMAN FRAZER:** Okay. I see Greg's hand is up.

27

28 **DR. STUNZ:** Mr. Chair, to that, sorry, and I guess I was
29 understanding too that there wasn't going to be in-person
30 hearings, and I don't know, Ava, is that was during the COVID
31 mindset we might have had back then. These are pretty big
32 decisions, in my opinion, and, I mean, I don't feel that
33 strongly either way, but, because of the magnitude of those
34 decisions, I feel there probably should at least be somewhat of
35 some in-person hearings, but, if the group felt otherwise, it's
36 not that big of a deal.

37

38 **CHAIRMAN FRAZER:** Ava, go ahead.

39

40 **DR. LASSETER:** Let me better describe what we meant by mail-out.
41 I did this for 36A, and we have done it prior, and we're
42 intending to mail we feel like the little public hearing guide
43 to all permit holders and shareholders, and so it would be
44 anybody that would be potentially impacted. Those participant
45 levels in the program would receive it. Now, that doesn't get
46 at the crew and whatnot of vessels, but they're also not -- If
47 they're a shareholder, they're going to get the mailout as well,
48 and so we did feel that that was the best way to reach the

1 universe of participants that could potentially be affected.

2
3 **CHAIRMAN FRAZER:** Okay. I just have one question at this point,
4 and so we had a presentation, and so there is some appetite to
5 try to at least move this forward, but we know that we're going
6 to see this document most likely in August, to at least rework
7 the purpose and need, and my question really is do you need
8 input now on that presentation, to determine whether or not you
9 have to modify the document, or not?

10
11 **DR. LASSETER:** I'm looking through. In terms of the data,
12 you're not adding one of the alternatives with the different
13 control date. The questions are really pertaining -- As Andy
14 mentioned, can these exempted accounts, these grandfathered
15 accounts, increase the shares, or are they capped, and so I
16 think that's what we need to discuss.

17
18 I think it would be helpful for the public to know the direction
19 you're going, but there are things that you could be providing
20 feedback, the public could be providing feedback, and so we
21 could highlight those questions in the mailout and during the
22 public hearings and then provide you that information, or we
23 could also cover this at the August meeting.

24
25 **CHAIRMAN FRAZER:** Okay. I think -- Andy, go ahead, real quick.

26
27 **MR. STRELCHECK:** I feel like this issue of transferability to
28 and from public participant accounts is an important issue, and
29 can we give that as staff direction to incorporate a new action,
30 or do you need a new alternative for that, or, excuse me, a new
31 action for that?

32
33 **CHAIRMAN FRAZER:** Ava.

34
35 **DR. LASSETER:** I'm sorry. For what, again, Andy?

36
37 **MR. STRELCHECK:** The transfer to and from public participant
38 accounts, for those that are grandfathered into the program,
39 this issue of are we going to essentially allow anyone that is
40 grandfathered in to freely participate from that point forward,
41 or are we going to place limitations like you're talking about,
42 capping what they can hold based on when they're grandfathered
43 into the program and not being able to receive additional shares
44 and who they can transfer shares to.

45
46 **DR. LASSETER:** Okay. I understand. So, accounts that are
47 currently public participant, you're suggesting that they be --
48 Like, if those accounts get the -- The grandfathered accounts.

1 Do you mean the grandfathered accounts that are still public
2 participant? Okay. Then an action to address what those can
3 do. Okay. Right now, we just have them kind of described as
4 questions for the council. What we could -- The IPT could draft
5 an action outlining what are the issues with that.

6
7 **MR. STRELCHECK:** Right, and so I guess I'm asking you, Tom, as
8 the Chair, is that sufficient for staff direction, or would you
9 like for me to make a motion?

10
11 **CHAIRMAN FRAZER:** I mean, I think we're good, Andy, and so we'll
12 go and try to incorporate it, and we'll give staff the latitude
13 to do that. Ms. Bosarge.

14
15 **MS. BOSARGE:** Just a question to Andy. Can you monitor that, I
16 guess is my question. Before we put it in the document, and so,
17 essentially, what we're saying is, on that implementation date,
18 you can see the decimal point of share ownership that that
19 entity has in all the different species that we manage under
20 IFQ, and, if the council said, well, the way we want this to
21 work is you can maintain that decimal of ownership, but you
22 can't increase it. Can you all actually do that, I guess is
23 what I'm saying. Can you monitor that? Can you prevent it? Do
24 you have the mechanisms in place that that's actually feasible,
25 if we decide to go that route?

26
27 **CHAIRMAN FRAZER:** Andy.

28
29 **MR. STRELCHECK:** Certainly we would want to talk to my IFQ and
30 IT team, but we do that with share caps currently, and so I
31 don't look at it as any different than share caps, and, based on
32 the motions that were just passed, there's a lot of
33 administratively-burdensome requirements that we're going to
34 have to evaluate to determine how we could implement those,
35 going forward.

36
37 **CHAIRMAN FRAZER:** Okay. Mara.

38
39 **MS. LEVY:** Thanks. I also just wanted to make sure that the
40 direction about deceased account holders was sufficient, that
41 you wanted staff to add something to address that, another
42 alternative or however the IPT thinks that could be best
43 addressed in the document.

44
45 **CHAIRMAN FRAZER:** Ava, do you feel good that you have enough
46 information?

47
48 **DR. LASSETER:** I am getting a sense, from the council, that,

1 yes, we should add that to the document. We'll add it as an
2 alternative.

3
4 **CHAIRMAN FRAZER:** Okay. Leann, did you have a question for
5 Mara?

6
7 **MS. BOSARGE:** Mara, in an effort to make sure that we don't
8 overcomplicate things, if we add that to the document, are we
9 going to be going down a slippery slope, where -- Because, if
10 you have a live person owning it, right, a human being, and they
11 can die, and you end up in the deceased category that we're
12 talking about.

13
14 However, if it's a corporation that owns it, you can have
15 dissolution, and I just want to make sure we don't end up
16 overcomplicating things and just handling it the way we have it
17 now. Just let me know. What do you think?

18
19 **CHAIRMAN FRAZER:** Ms. Levy.

20
21 **MS. LEVY:** I don't think you would overcomplicate it. I guess I
22 was just getting to the point that Ava was making in your action
23 that deals with Action 2, share divestment, the one that deals
24 with current accounts and then losing a permit and how long they
25 have, and you might want to set up something that deals with new
26 accounts that are created to address a deceased account holder,
27 right, and I feel like we need to think about how that would
28 work, but it's slightly different than having a current account
29 that then doesn't have a permit, but I don't know, and maybe we
30 can talk about it as an IPT and figure it out, but I certainly
31 wasn't suggesting that you had to delve down into the corporate
32 piece. I mean, that's up to you.

33
34 **CHAIRMAN FRAZER:** Leann.

35
36 **MS. BOSARGE:** So, Mara, I kind of feel like we're covering that
37 now, and so think about it. If there's somebody dying, and they
38 had some sort of ownership that's going to pass to somebody
39 else, that means they had a shareholder account, right? Now,
40 let's say it was grandfathered, and it didn't have a permit
41 associated with it.

42
43 Well, they're not going to close that account. That account is
44 going to be sitting there, and so, until they get their ducks in
45 a row on the new account, they wouldn't close the old account
46 that has actually got the shares in it. I guess you're right,
47 and I guess it could be a situation where it would apply, and
48 I'm thinking through it. Okay. I'm following you, Mara. I'm

1 with you. I'm good.

2
3 **CHAIRMAN FRAZER:** All right. Do you have enough direction, Ava,
4 to move forward? We will see 36B in the August meeting, and
5 36C. Okay. Patrick left the room, but I know that Patrick had
6 something he wanted to say, but, before we leave Reef Fish, I
7 think, Martha, you wanted to talk about goliath grouper.

8
9 **MS. GUYAS:** Yes, I did, and it will take about thirty seconds.
10 Our commission discussed goliath grouper at their last meeting
11 in June, and they have requested that staff prepare a draft rule
12 that they can consider to allow some sort of limited harvest for
13 goliath.

14
15 I am not sure exactly what the timing of that looks like at this
16 point, and it could be later this year, and we've got meetings -
17 - Not at our August meeting, which is next, but potentially
18 October, or potentially December, or potentially sometime in
19 2022, and we're working on what that would look like, but I just
20 wanted to give you all a heads-up, and we'll keep you posted as
21 it moves or does not move, but, yes, goliath.

22
23 **CHAIRMAN FRAZER:** Thank you for keeping us updated. I look
24 forward to the next iteration of goliath grouper. Patrick.

25
26 **MR. BANKS:** I've got a couple of items, real quick, and I don't
27 know if it takes a motion to do this, but, back in 2020, we had
28 talked about looking at a white paper for sector separation, and
29 the staff had developed one, and we had it on the agenda for one
30 of our past meetings, and I don't remember which one, but it was
31 fairly recent, but we just never got to it, and I was hoping
32 that we could try to get it back on the agenda, whenever you
33 guys have room for it. The next meeting would be great, but I
34 just didn't want us to forget about it.

35
36 **CHAIRMAN FRAZER:** We haven't forgotten about it. Carrie and I
37 talked about it the other day, and do you know where it is on
38 the action schedule? We'll try to put it on the agenda for
39 August, Patrick. Go ahead.

40
41 **MR. BANKS:** So the increase in the ACLs for red snapper that we
42 passed at the last meeting, rather than just moving that new
43 allocation to the existing way that the fishery is prosecuted,
44 is there any opportunity for us to use it, that increase, to
45 address the discard issue that we hear about in the eastern
46 Gulf, but also to address some of these folks who the only way
47 they can access red snapper is to lease allocation?

48

1 I don't know if there's anything that can be done in such a
2 short amount of time, but I want us to try to figure out how we
3 can better use that increase in allocation. That way, it
4 doesn't take anything away from the folks who existing have it,
5 but any increase -- I know it's only like 150,000 pounds, but at
6 least use it for those two issues, and I don't exactly know how
7 to address it, but I would like for us to talk about it.

8
9 **CHAIRMAN FRAZER:** I mean, I would certainly, as would everybody
10 around this table, optimally allocate some of that red snapper,
11 to figure out how to allocate it to deal with the discard
12 issues, but I personally don't see a way around it without
13 straight up dealing with an allocation issue, and that would
14 involve an amendment of some kind. Andy, correct me if I'm
15 wrong.

16
17 **MR. STRELCHECK:** Patrick and I talked, three or four weeks ago,
18 and the only other route I could see is an exempted fishing
19 permit, but I can't imagine how we could make an exempted
20 fishing permit work in this instance, because, essentially, you
21 would be setting aside allocation that would otherwise be
22 distributed to fishermen based on current regulations.

23
24 **CHAIRMAN FRAZER:** Ms. Guyas.

25
26 **MS. GUYAS:** I guess, if you're talking about commercial
27 discards, I mean, I feel like this is one of the things we need
28 to talk about in 36C, and it has to be for a longer term, right,
29 because we're going to have a separate amendment, but should we,
30 after the next stock assessment, have additional quota on the
31 table, I think we really need to think critically about how we
32 want to spend that quota and where it goes, and so I feel like
33 that's one of the topics. I mean, everybody has got a lot of
34 interest in whatever may come out in extra, but we need to
35 figure out really what it is that we want to do, and so 36C.

36
37 **CHAIRMAN FRAZER:** Mr. Dyskow.

38
39 **MR. DYSKOW:** I agree with what Patrick said. A point of
40 clarification on recreational discards, and, Andy, tell me if
41 I'm off-base or wrong, but, if you look at the last few years,
42 it seems like there's an extraordinary amount of recreational
43 red snapper discards, and, as part of the Education and Outreach
44 Committee, we jumped onto this, about three-and-a-half years
45 ago, with this active program to educate and inform recreational
46 anglers about using venting tools and descending devices, and
47 we're not going to let that die, and that's going to be
48 continuing to gain momentum and grow over the years.

1
2 Just as a rec guy myself, that doesn't prosecute the red snapper
3 fishery specifically, but deals with this all the time,
4 recreational anglers deal with the regulations that they've been
5 given. We give them two pieces of information, how many days
6 can they fish, and how many fish per day can they keep, and some
7 of these seasons, in recent years, and not necessarily last
8 year, but we've had three-day seasons, and we've had a number of
9 short seasons.

10
11 If we have a lot of discards in those seasons, the anglers are
12 just doing what they're told to do, and they're told they can't
13 keep these fish, and so they have to release them. A discard
14 and a dead discard are different things, and we have to sort
15 through that, but these high discards are more a function of the
16 regulations that they're trying to meet than anything else. If
17 you give them a three-day season, that means there are 362 days
18 where they can't keep one, and so what is their option, other
19 than to discard the fish?

20
21 **CHAIRMAN FRAZER:** It's a rhetorical question, and, I mean, it's
22 a difficult one.

23
24 **MR. DYSKOW:** It's a rhetorical question that I would like some
25 clarification on. I agree with you that it's rhetorical, but we
26 talk about these guys being bad operatives and bad participants,
27 because they do this, and the regulation requires them to do it,
28 and so that's part of the issue. How do we control discards
29 when we have short seasons when we're telling them to discard
30 the fish?

31
32 **CHAIRMAN FRAZER:** I mean, I will just provide a thought on that.
33 I mean, it's very difficult for this council to delve into the
34 depth and the complexity of all those iterations about how you
35 balance access and what means, as far as if you adjust the bag
36 limit and/or the number of days, how is that equated to
37 discards, and how do we value those discards, and does that
38 change the allocation between the sectors, and so it's
39 complicated, and we never seem to quite get there, Phil, but, at
40 some point, we're going to have to figure this out. Andy.

41
42 **MR. STRELCHECK:** Phil, I mean, this has been a growing problem
43 for quite some time, and you alluded to the last three or four
44 years for red snapper, and we've been talking about discards for
45 far longer than that. It's going to be before this council
46 before we know it, and it's already here, but, in terms of
47 discards, I mean, you have gear solutions, and you talked about
48 descending devices, and we're going to have the DESCEND Act, and

1 they will be required from January of next year, and not
2 necessarily required to use them, but have them onboard with
3 venting tools.

4
5 You have less popular options, like spatial area closures,
6 right, where the fish are off-limits, but you have a complex
7 reef fish fishery, right, and people want to go out and fish for
8 all kinds of reef fish, but, in order to keep people off of
9 fish, you have to kind of shift them away from concentrations
10 where they might be discarding other species.

11
12 Then access limitation, and, of course, that's the 800-pound
13 gorilla in the room, and no one wants to talk about limits on
14 access, but, certainly, we have a very overcapitalized fishery,
15 both on the commercial side and the recreational side, and, in
16 order for us to have more efficient and effective fisheries,
17 it's going to take, I think, all of those things in order to
18 effectively reduce discards. Thanks.

19
20 **CHAIRMAN FRAZER:** Ms. Bosarge and then Ms. Boggs.

21
22 **MS. BOSARGE:** All right. Three things. There was a discussion
23 here, a couple of people back, about large increases, or even
24 the increase we have on the table right now, commercially for
25 red snapper, and I wanted to mention that, when we thought there
26 was a possibility that we might get this extremely large
27 increase in the quota in red snapper, there were some commercial
28 fishermen that were very proactive in thinking outside the box
29 about that, and ways that we can handle it.

30
31 I'm not going to go into all the different ideas, but my
32 suggestion would be that, when we go back to that IFQ ad hoc
33 panel, that we pose that to them. If you were to get a
34 substantial increase in red snapper quota, what would you see as
35 the ideal way to handle it? Instead of handing them 36C, which
36 is all of our ideas, and we kind of get bogged down in details,
37 throw it out there and let them roundtable with it, and let them
38 brainstorm, and let them give us some feedback.

39
40 I have heard ideas about creating B shares, like considering the
41 shares that are out there now A shares and creating a new class
42 of shares which would be B shares, and some percentage of that
43 large increase would go to B shares, which may have different
44 rules that apply to them, and they're handled a little
45 different, and so just let them brainstorm and give us some
46 ideas.

47
48 The second thing is, at some point, and I'm not going to make a

1 motion, but I'm going to throw this out there, but, at some
2 point in the future, although we do not permit recreational
3 fishermen, and, therefore, we can't attach requirements for data
4 and this and that to them, because we don't have a permit for
5 them, we need to talk about at least taking the baby step of
6 making MRIP mandatory.

7
8 If you are chosen, it is not voluntary. It is mandatory, and
9 that would be the first baby step in increasing, or decreasing,
10 hopefully, a little bit, of uncertainty, and maybe, if we have a
11 document that begins to look at that, we might find other small
12 tweaks that we can make that would start to decrease some of
13 that uncertainty, because it's that uncertainty I see as hurting
14 my side of the fishery at this point, on the commercial side.

15
16 There's that, and then the last thing is, Mr. Strelcheck, I
17 asked you about those 2020 red snapper landings, and I would
18 like to know what the landings were for last year,
19 recreationally, on red snapper, and did we exceed our OFL again.

20
21 **MR. STRELCHECK:** I can forward a spreadsheet, or document, for
22 the council staff, and I guess, once it's ready to be shown on
23 the screen, we can talk about it. How's that? It would be
24 easier to do that.

25
26 **CHAIRMAN FRAZER:** Okay. Anything else, while we're waiting for
27 that? All right. I am going to go ahead and read the names of
28 the individuals that were selected for the various APs and the
29 SSCs in closed session, while that's getting put up on the
30 board.

31
32 I will read them in alphabetical order. The following
33 individuals were appointed to the Reef Fish Advisory Panel:
34 Brenda Ballard, Charlie Bergmann, Jane Black-Lee, Douglass Boyd,
35 Steve Buckner, Patrick Cagle, Ronald Chicola, Harold Dauterive,
36 Jason DeLaCruz, Joshua Ellender, Martin Fisher, Troy Frady, John
37 Greene, Buddy Guindon, Dylan Hubbard, Chris Jenkins, Kyle
38 Johnson, John Marquez, Jr., Gregory Mercurio, Mike Prasek, Jr.,
39 and Ed Walker.

40
41 With regard to the Shrimp Advisory Panel, the following
42 individuals were appointed: Steven Bosarge, Wilburn "Ricky"
43 Brown, Thu Bui, Glenn Delaney, Gary Graham, Andrea Hance, Harris
44 Lasseigne, Lance Nacio, Frank Parker, Hunter Pearce, Corky
45 Perret, Laura Picariello, Randy Skinner, Phillip Tran, and John
46 Williams.

47
48 The following individuals were appointed to the Standing SSC, in

1 alphabetical order: Lee Anderson, Luiz Barbieri, Harry Blanchet,
2 Dave Chagaris, Roy Crabtree, Benny Gallaway, Doug Gregory, David
3 Griffith, Paul Mickle, Trevor Moncrief, James Nance, Will
4 Patterson, Sean Powers, James Tolan, Steven Scyphers, Richard
5 Woodward.

6
7 Appointed to the Red Drum Special SSC: Ed Camp, Jennifer Green,
8 and Susan Lowerre-Barbieri. The following individuals were
9 appointed to the Reef Fish SSC: Jason Adriance, Mike Allen, and
10 John Mareska. The following individuals were appointed to the
11 Socioeconomic SSC: Luke Fairbanks, Cynthia Grace-McCaskey, and
12 Jack Isaacs. The following individuals were appointed to the
13 Ecosystem SSC: Mandy Karnauskas, Josh Kilborn, and Steven Saul.

14
15 The council will readvertise for the following Special SSCs:
16 Coral, Mackerel, and Shrimp. The composition of those SSCs,
17 special SSCs, will be determined and repopulated at a later
18 date, and that will be the Spiny Lobster SSC. All right. If we
19 can get that spreadsheet. Andy, did you email that?

20
21 **MR. STRELCHECK:** I sent it to Bernie and Carrie and John. While
22 we're waiting, Mara reminded me that, in Amendment 50A, we did
23 state that each state would provide an update to the council, as
24 requested, on the status of its management program, including,
25 but not limited to, it's most recent landings, red snapper
26 fishing season, and any other regulations in how it plans to
27 address any quota overruns.

28
29 I guess I wanted to note that, because NMFS was, obviously,
30 asked to provide you a summary table of the landings, but I
31 think we need to have this an annual kind of standing discussion
32 for state management going forward, with regard to the states
33 doing presentations on their red snapper management program, and
34 so these are the landings estimates that we have been provided
35 by each of the Gulf states.

36
37 You can see the landings and how they compare to the state
38 quotas, and I will note that Louisiana and Texas quotas were
39 reduced in 2020 and adjusted. Right now, the Texas quota is
40 subject to litigation, with regard to how that quota reduction
41 was calculated and how we are estimating landings. Those are
42 the best estimates, as they stand today, with regard to state
43 survey landings and how they compare to the state quotas.

44
45 **CHAIRMAN FRAZER:** Leann.

46
47 **MS. BOSARGE:** Thank you for that, Andy. You make a good point,
48 because I remember distinctly saying I wanted that in that

1 Amendment 50 document, that, essentially, at the beginning of
2 each year, we would get an update from each of the states on the
3 prior year's season and landings and data collection, all of the
4 above, and so I'm sure you've also done the conversions, the
5 currency conversions, and did we exceed the overall OFL, when
6 you put commercial and for-hire in there? Did we overfish in
7 2020, based on those landings?

8
9 **MR. STRELCHECK:** I must have misunderstood your request, because
10 I thought you were asking for the state survey landings relative
11 to the state quotas. We just received Texas landings this week,
12 and so we can take a look at that, but I don't believe we
13 exceeded the OFL, but I will double-check that.

14
15 **CHAIRMAN FRAZER:** Thank you. All right. Is there any other --

16
17 **MR. RIECHERS:** Tom, I have my hand up.

18
19 **CHAIRMAN FRAZER:** Go ahead. I didn't see your hand, Robin.

20
21 **MR. RIECHERS:** I just got it up, but, before we leave this,
22 Andy, just out of curiosity, is this -- I mean, I realize you
23 flagged Louisiana and Texas, and what currency are we in for
24 other states here?

25
26 **CHAIRMAN FRAZER:** Let me just try to get some clarification, and
27 so the units that are being shown for the currency that's shown
28 in this table is -- These are state-collected data, right, and
29 so they're in state currency.

30
31 **MR. STRELCHECK:** Correct.

32
33 **CHAIRMAN FRAZER:** The quota, I guess is the question, is in FES,
34 CHTS to FES, right?

35
36 **MR. STRELCHECK:** Correct.

37
38 **CHAIRMAN FRAZER:** Robin, does that answer your question?

39
40 **MR. RIECHERS:** Yes, it does, but I just wanted it reflected here
41 in this table.

42
43 **CHAIRMAN FRAZER:** Okay. If it's not reflected in the table -- I
44 mean, we can take a quick look at it, but I think that, if it's
45 not, we can work on that.

46
47 **MR. STRELCHECK:** I will just note that, underneath the table, it
48 states that.

1
2 **CHAIRMAN FRAZER:** Okay. Thank you, Andy. All right. Is there
3 any other business to come before the council? Mr. Diaz.

4
5 **MR. DIAZ:** I know we're at the end of the meeting, but there's a
6 couple of things that I want to say. First off, a lot of times,
7 I'm the first one in the room in the morning, and sometimes
8 Robin is here, and sometimes John is here, and I don't really
9 have a life, and I'm not sure where the rest of you are in the
10 morning, but I want to mention that, because so all know that
11 the ladies back there in the back -- I come early all the time,
12 and I have never been here when the doors are closed.

13
14 Sometimes I get here an hour-and-a-half early, and I'm in here
15 as early as an hour-and-forty-five minutes, and they're here.
16 They're working, and they're getting ready for us during the
17 day, and so, as we go through things, it's seamless.

18
19 Then, at this meeting, and in the past year, they've had to
20 juggle all this new technology that we've had to take on, and I
21 think it's been running incredibly smoothly, considering how
22 difficult all the logistics are, and I just wanted these four
23 ladies back there to know that it's noticed, and it's
24 appreciated. Thank you very much.

25
26 I've got one more thing that I want to say to Mr. Sanchez on the
27 record. John, you're leaving some big shoes to fill. Whoever
28 comes behind you, they've got big shoes to fill. It's been an
29 honor to work with you, and I have enjoyed it. I know you come
30 here prepared, and I respect you as a council member, and I want
31 you to know that you've always got a friend in Mississippi,
32 always.

33
34 **CHAIRMAN FRAZER:** Dale, I agree with all of those things. We've
35 got a great staff and a great set of people around the table,
36 and so, John, to answer your question earlier, I am going to
37 miss you, buddy. All right. Meeting adjourned. You guys have
38 a safe trip back, and I look forward to seeing you in August.

39
40 (Whereupon, the meeting adjourned on June 25, 2021.)

41
42 - - -