

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 MACKEREL MANAGEMENT COMMITTEE

4
5 Hilton Palacio del Rio Hotel San Antonio, Texas

6
7 August 23, 2021

8
9 **VOTING MEMBERS**

10 Robin Riechers.....Texas
11 Kevin Anson (designee for Scott Bannon).....Alabama
12 Susan Boggs.....Alabama
13 Leann Bosarge.....Mississippi
14 Dale Diaz.....Mississippi
15 Jonathan Dugas.....Louisiana
16 Martha Guyas (designee for Jessica McCawley).....Florida
17 Andy Strelcheck.....NMFS
18 Troy Williamson.....Texas

19
20 **NON-VOTING MEMBERS**

21 Billy Broussard.....Louisiana
22 Dave Donaldson.....GMFMC
23 Phil Dyskow.....Florida
24 Tom Frazer.....Florida
25 Bob Gill.....Florida
26 Lisa Motoi.....USCG
27 Chris Schieble (designee for Patrick Banks).....Louisiana
28 Bob Shipp.....Alabama
29 Joe Spraggins.....Mississippi
30 Greg Stunz.....Texas

31
32 **STAFF**

33 Assane Diagne.....Economist
34 Matt Freeman.....Economist
35 John Froeschke.....Deputy Director
36 Beth Hager.....Administrative Officer
37 Lisa Hollensead.....Fishery Biologist
38 Ava Lasseter.....Anthropologist
39 Mary Levy.....NOAA General Counsel
40 Natasha Mendez-Ferrer.....Fishery Biologist
41 Emily Muehlstein.....Public Information Officer
42 Ryan Rindone.....Lead Fishery Biologist/SEDAR Liaison
43 Bernadine Roy.....Office Manager
44 Camilla Shireman.....Administrative & Communications Assistant
45 Carrie Simmons.....Executive Director
46 Carly Somerset.....Fisheries Outreach Specialist

47
48 **OTHER PARTICIPANTS**

49 Martin Fisher.....FL

1 Kerry Marhefka.....SAFMC
2 Jim Nance.....SSC
3 Kelli O'Donnell.....NMFS
4 John Walter.....SEFSC

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TABLE OF CONTENTS

1
2
3 Table of Contents.....3
4
5 Table of Motions.....4
6
7 Adoption of Agenda and Approval of Minutes and Action Guide and
8 Next Steps.....5
9
10 Coastal Migratory Pelagics Landings Update.....7
11
12 Draft Amendment 32: Modifications to the Gulf of Mexico
13 Migratory Group Cobia Catch Limits, Size Limits, and Framework
14 Procedure.....9
15
16 Clarification on Gulf King Mackerel Commercial Historical
17 Landings Data.....30
18
19 Adjournment.....36
20
21 - - -
22

TABLE OF MOTIONS

1
2
3
4
5
6
7
8
9

PAGE 28: Motion to take Amendment 32: Modifications to the Gulf of Mexico Migratory Group Cobia Catch Limits, Possession Limits, Size Limits, and Framework Procedure out for public hearing. The motion carried on page 28.

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1 The Mackerel Management Committee of the Gulf of Mexico Fishery
2 Management Council convened on Monday afternoon, August 23,
3 2021, and was called to order by Chairman Robin Riechers.

4
5 **ADOPTION OF AGENDA**
6 **APPROVAL OF MINUTES**
7 **ACTION GUIDE AND NEXT STEPS**
8

9 **CHAIRMAN ROBIN RIECHERS:** Everyone may want to turn to Tab C,
10 Number 1 for our agenda. The first order of business is the
11 Adoption of the Agenda, and, just as a note, everyone is present
12 in the room. Does anybody move to adopt the agenda? Hearing no
13 additions or deletions, we'll move the agenda. It's so moved,
14 and it's seconded. All those in favor, say aye. The motion
15 carries.

16
17 Next, we turn to Approval of the June 2021 Minutes. Any
18 corrections or additions or deletions to the minutes? Seeing no
19 hands, and no one looking for attention here, and, without that
20 then, I will move adoption of the minutes as written. Do I hear
21 any objections? Hearing none, the minutes are adopted as
22 written.

23
24 We do have Dr. Ferrer on the phone, who is going to be helping
25 us, and I think Ryan will also be helping us through the meeting
26 here, and so the first step is the Action Guide and Next Steps.
27 Dr. Ferrer.

28
29 **DR. NATASHA MENDEZ-FERRER:** Thank you, Mr. Chair. For today's
30 Mackerel Committee, we have seven items, and we first will have
31 Ms. Kelly O'Donnell giving us an update on the status of CMP
32 landings in relation to the ACLs, and, as usual, this is for
33 information only, and no action is required by the committee.

34
35 This will be followed by a public hearing draft of CMP Amendment
36 32, Modifications to the Gulf of Mexico Migratory Group Cobia
37 Catch Limits, Possession Limits, Size Limits, and the Framework
38 Procedure. For this item, I will be presenting Chapters 1
39 through 4 of CMP Amendment 32, which would modify catch limits,
40 sector allocations, possession limits, size limits, and language
41 as it relates to the CMP framework procedure.

42
43 The committee should review the draft document and consider
44 approving this draft for public hearings. The South Atlantic
45 Council is scheduled to see this document at their September
46 meeting, and, if they approve it during their September council
47 meeting, then we can move forward with scheduling public
48 hearings.

1
2 At the previous council meeting, the committee and council
3 proposed a list of potential locations where we could host these
4 public hearings, and so, after I go over the amendment, I would
5 like to hear some feedback on if we want to keep these locations
6 or if we should modify the list of potential places that we
7 could visit and also consider that, with the new guidelines,
8 safety guidelines, associated with COVID 19, we may have to
9 require changing some of these in-person meetings into virtual
10 meetings.

11
12 Next on the agenda is a clarification on Gulf king mackerel
13 commercial historical landings, and we will have Dr. Jim Nance
14 briefly reviewing the Science Center's investigation into some
15 of the disparities between the commercial landings data that was
16 used in CMP Amendment 26 and Amendment 33, and this was also
17 based on commercial landings data from SEDAR 38 and the SEDAR 38
18 update stock assessment for Gulf king mackerel. The committee
19 may ask questions and seek further clarifications, as
20 appropriate.

21
22 Following this discussion, we will have Mr. Rindone going over
23 Draft Amendment 33, Modifications to the Gulf of Mexico
24 Migratory Group King Mackerel Catch Limits and Sector
25 Allocations, and so Mr. Rindone will present the draft options
26 to be considered in CMP Amendment 33.

27
28 As a reminder, the stock assessment found that Gulf king
29 mackerel was not overfished or undergoing overfishing. However,
30 recruitment has been low over the past ten years, and the
31 spawning stock biomass is below SSB and maximum sustainable
32 yield.

33
34 A draft of this amendment was presented to the CMP AP at its
35 July meeting, and so Mr. Rindone will be going over the
36 recommendations by the CMP AP, and we also have the AP chair,
37 Mr. Martin Fisher, on the line, in case the committee has any
38 questions that can be directed to him. If time allows, then we
39 can discuss Other Business during the committee. Mr. Chair.

40
41 **CHAIRMAN RIECHERS:** Thank you, Dr. Ferrer, and, also, thanks to
42 Martin for being on the line, and I will just say, to Mr. Dyskow
43 and Ms. Bosarge, if you all want to chime in here at any point,
44 just go ahead and -- You've going to have to just, I think, kind
45 of speak up, so that we get you on the record as needing to talk
46 here. With that, we will now move on to Agenda Item Number IV,
47 and Ms. O'Donnell will be leading us through landings of coastal
48 migratory pelagics.

1
2 **REVIEW OF COASTAL MIGRATORY PELAGICS LANDINGS**
3

4 **MS. KELLY O'DONNELL:** Hi, everybody. We're just going to go
5 over the figures. We got the landings provided from the Science
6 Center on August 5, and we put this little pre-slide in here to
7 not have as much notes on the bottom of each of the slides, and,
8 for king mackerel, we combine the landings from all of the zones
9 commercially and just to note that there is a July start to the
10 fishing year, except for the Northern Zone, which opens on
11 October 1.

12
13 We're going to start with cobia. In the Gulf Zone, they have
14 stayed pretty consistent from the past three years. It's a
15 little bit lower now for 2021. The only thing still that we
16 know for sure is that COVID going on in 2020 and 2021 may have
17 contributed to these little bit lower landings in these years,
18 but it could be part of the stock assessment results as well
19 that we are still not totally clear on what they are doing,
20 although it's not much lower than what it's been in the past
21 recent years.

22
23 It's a little bit different for the Florida East Coast Zone.
24 The landings seem to steadily be getting lower and lower for the
25 commercial sector here, and, again, not only lower in 2020, but
26 we're also seeing lower landings in 2021 as well.

27
28 King mackerel, again, it's combined for all of them, and, as we
29 discussed at the last meeting, commercial landings tend to meet
30 or exceed their ACL pretty routinely, and you can see, for the
31 2020-2021 fishing year, the blue line, it is lower than the rest
32 of the years, but that can be attributed to we closed the
33 southern hook-and-line component before they had met their
34 quota, and we ended up reopening it again a couple of months
35 later, for a week, but what we heard back from the fishermen was
36 that it was generally bad weather that week, and they didn't
37 really get to go back out again.

38
39 I don't think our landings from when we initially closed, to
40 even being open that next week, really increased at all,
41 although, by that time, they were already pretty close to the
42 end of their fishing year, and so we weren't able to reopen
43 again, but I think, if they would have had the opportunity, they
44 probably would have, again, been very close to the ACL overall
45 for all of the zones.

46
47 Routinely, for the past couple of years, all of the zones have
48 had a closure. I didn't put them on here, because it would take

1 up a lot of room, except for the Northern Zone, who actually did
2 not have a closure in the 2020-2021 fishing year, and that was
3 the first year a while that the Western Zone did not have a
4 closure.

5
6 Spanish mackerel are kind of the same as what we saw for cobia,
7 where, the past couple of fishing years, the landings have been
8 a lot lower than what the average was, and even their 2019-2020
9 fishing year landings, and, again, the only thing that, right
10 now, we could attribute that to is possible changes in fishing
11 due to COVID, and we haven't really heard too much from the
12 commercial fishing sector about what they're really seeing on
13 the water, and that may also be attributing to the lower
14 landings. I think that is my last slide. I am here if there's
15 any questions.

16
17 **CHAIRMAN RIECHERS:** I'm looking at the board to see if there was
18 anybody with their hands up. Dr. Shipp, I apologize to you, and
19 I also -- If you need to chime in here anywhere along the way,
20 please just ask to be recognized, and we'll try to get your
21 conversation into the mix as well.

22
23 **DR. BOB SHIPP:** Thank you, Robin. I'm not on the committee
24 though, but I'm listening in.

25
26 **CHAIRMAN RIECHERS:** Thank you, Bob. Anybody else have any
27 questions regarding the landings data or information?

28
29 **MS. LEANN BOSARGE:** Robin, my hand is up, if that's okay.

30
31 **CHAIRMAN RIECHERS:** Go ahead, Leann.

32
33 **MS. BOSARGE:** I just wanted to kind of make a comment, at least
34 on that Western Zone, and, you know, we didn't have a closure
35 last year, this year, last year, and it's a weird kind of
36 season. As she said, it opened in July of 2020, and they run
37 the year from there, and we didn't have a closure in that
38 season, for the first time in a very long time, and I just
39 wanted to say that COVID was most definitely a contributing
40 factor to that, at least for the fishermen that I speak to on a
41 regular basis.

42
43 As you know, markets froze up, generally, in the fish world, and
44 so people couldn't go fish. Well, when they were able to go
45 fishing, if you think about it, whatever you have the most money
46 invested in -- You've got to cut your losses, and that's what
47 you have to go to target first, and so, because many people lease
48 snapper and other species like that, they have a financial

1 investment in that species, and that's what they have got to go
2 target first.

3
4 They have got to recoup that money that they've got out of
5 pocket, and so, because of that, they're hot and heavy on
6 snapper, when they might have been targeting king mackerel and
7 other species, and so that and the markets and the weather, the
8 COVID markets and the weather, also prevented a lot of our
9 traveling fishermen from the east coast, from the Atlantic, from
10 remaining on the Gulf when they normally would, to finish
11 catching and landing some of that quota that we have in the
12 western Gulf, and they went on back home. I just wanted to put
13 that on the record, that it is sort of an anomaly, and I wanted
14 to explain what I was seeing, as to why that occurs.

15
16 **CHAIRMAN RIECHERS:** Leann, thank you for that comment. Anyone
17 else? Seeing none, and seeing no hands on the board, then we
18 will move on to Tab C, Number 5, and Dr. Mendez-Ferrer will lead
19 us through that document again.

20
21 **PUBLIC HEARING DRAFT AMENDMENT 32: MODIFICATIONS TO THE GULF OF**
22 **MEXICO MIGRATORY GROUP COBIA CATCH LIMITS, POSSESSION LIMITS,**
23 **SIZE LIMITS, AND FRAMEWORK PROCEDURE**

24
25 **DR. MENDEZ-FERRER:** Thank you, Mr. Chair. If we go to page 8 of
26 the document, Figure 1.1.5. To give the committee a little bit
27 of background, this amendment is a joint plan amendment with the
28 South Atlantic Council, and it includes a total of seven
29 actions, and, as a reminder, Actions 1 through 4 address the
30 changes in relation to catch limits for the entire stock in each
31 of its zones, and so, as we're moving forward, looking at the
32 alternatives within each action, it's worth remembering that
33 they are kind of tied to each other.

34
35 Actions 5 and 6 of the document are additional management
36 measures to further reduce cobia harvest and mortality by
37 modifying possession limits and minimum size limits, and,
38 lastly, Action 7 will update the language outlining the
39 responsibilities of each council for the joint management of CMP
40 resources through framework actions.

41
42 If we scroll down a little bit to the purpose and need, the
43 purpose of this plan amendment is to consider whether to modify
44 Gulf group cobia catch limits, revise the apportionment between
45 the Gulf Zone and the FLEC Zone for Gulf group cobia.

46
47 When I talk about Gulf group cobia, I am referring to the entire
48 stock, all the way from Texas to the Florida/Georgia state line,

1 and this is in response to new information on the stock provided
2 by the SEDAR 28 update stock assessment to revise the sector
3 allocation in the FLEC Zone, modify management measures related
4 to size and possession limits, and to clarify the language in
5 the CMP framework procedure regarding the responsibilities of
6 the Gulf and South Atlantic Councils for management of Gulf
7 group cobia.

8
9 The need of this document is to end overfishing of Gulf group
10 cobia, as required by the MSA, and updating the existing Gulf
11 group cobia catch limits to be consistent with the best
12 scientific information available and contemporary data
13 collection methods and to clarify the Gulf and South Atlantic
14 Councils' responsibilities in the CMP framework procedure.

15
16 At this point, every action on this amendment has a preferred
17 alternative in which both the Gulf and South Atlantic Councils
18 concur, and so, if we go to Action 1, Action 1 modifies the Gulf
19 group cobia OFL, ABC, and ACL. In this action, we have three
20 alternatives, and, currently, the preferred alternative is to
21 modify the Gulf group cobia OFL, ABC, and ACL based on the
22 recommendation by the council's Scientific and Statistical
23 Committee with and increasing yield stream from 2021 to 2023.

24
25 One thing worth noting is that these catch limits incorporate
26 MRIP-FES as estimates for the recreational catch effort, and
27 that these actually represent an approximate 30 percent
28 reduction in catch limits, had the previous SEDAR 28 used MRIP-
29 FES instead of MRIP-CHTS.

30
31 There is an additional alternative, which is Alternative 3, that
32 would modify the OFL, ABC, and ACL as constant catch values, as
33 those were recommended for 2021, but, at this time, this wasn't
34 an alternative that was recommended by the SSC. I can stop
35 here, in case the committee has any questions. If not, I can
36 move forward to the rest of the actions.

37
38 **CHAIRMAN RIECHERS:** Ms. Boggs.

39
40 **MS. SUSAN BOGGS:** So, if we move forward with this document, and
41 it has to go back to the South Atlantic, it looks to me like
42 none of this is going to get approved and be in effect until
43 2023.

44
45 **DR. MENDEZ-FERRER:** You are correct, yes. Within this timeline,
46 this document, we would be using, most likely, the numbers for
47 2022, beginning 2022.

48

1 **CHAIRMAN RIECHERS:** Ms. Boggs, you had a follow-up?
2

3 **MS. BOGGS:** I was going to look back, but the data that we're
4 using to make these decisions is five years old. I mean, I
5 don't know, and it seems like we're not going to be doing a
6 whole lot of good with this, because we've been discussing it so
7 long, and the catches are changing. We're seeing a change in
8 the fishery, and I just felt like I needed to mention that I'm a
9 little concerned about it. Thanks.
10

11 **CHAIRMAN RIECHERS:** Does someone want to respond to the terminal
12 years inside the current structure of the document? Everybody
13 is looking at each other.
14

15 **DR. TOM FRAZER:** Dr. Ferrer, do you know what the terminal years
16 are in the assessment?
17

18 **DR. MENDEZ-FERRER:** If I remember correctly, the terminal year
19 is 2018.
20

21 **CHAIRMAN RIECHERS:** Ms. Boggs, you're correct, in that, by the
22 time it goes into effect at least, the data that we're basing
23 any of these decisions on are in fact five years old. Any other
24 comments here, or questions? If not, we'll have Dr. Ferrer move
25 on. Dr. Ferrer, go ahead.
26

27 **DR. MENDEZ-FERRER:** Thank you, Chair. All right. Moving on to
28 Action 2, Action 2 modifies the Gulf group cobia stock
29 apportionment between the Gulf Zone and the Florida East Coast
30 Zone, and so, basically, the ACL that we are setting in Action 1
31 would be split between the Gulf Zone and the FLEC Zone, and so,
32 currently, the apportionment is 64 percent to the Gulf Zone and
33 36 percent to the FLEC Zone, but this is based on MRIP-CHTS
34 landings from 1998 to 2012.
35

36 Currently, the preferred alternative is Alternative 3, which
37 would modify the Gulf group cobia ACL apportionment to be 63
38 percent to the Gulf Zone and 37 percent to the FLEC Zone, and
39 this would be based on MRIP-FES average landings for the same
40 time series, 1998 to 2012, and use this apportionment to update
41 the zone ACLs based on the Gulf cobia stock ACL selected in
42 Action 1.
43

44 I can stop here, if the committee has any questions. If you
45 remember, when we first started discussing this document, we
46 have five alternatives, but one of the alternatives was removed,
47 given the fact that it was only a 1 percent difference, compared
48 to the current preferred alternative.

1
2 **CHAIRMAN RIECHERS:** So this basically creates the change in the
3 landings system, or the calibration, and I hate to use that word
4 in this context, but, yes, it incorporates the landings
5 difference between the two systems, but uses the same years to
6 create the allocation, and that is correct?

7
8 **DR. MENDEZ-FERRER:** Yes, that is correct, yes. At the time that
9 the apportionment was created, the reason why 1998 to 2012 was
10 selected is because the AP thought that that was a long enough
11 time period that it captured kind of the natural fluctuations in
12 landings of the stock.

13
14 If the committee wanted to consider a different time series that
15 is included in Alternative 4, which would then calculate the
16 apportionment using the landings data from 2003 to 2019, and
17 that then modifies the apportionment to be 59 percent to the
18 Gulf Zone and 41 percent to the FLEC Zone.

19
20 **CHAIRMAN RIECHERS:** I don't see any --

21
22 **DR. MENDEZ-FERRER:** All right. Action 3, in Action 3, this is
23 an action that is solely focused on FLEC Zone cobia, because
24 cobia in that zone is managed under sector allocations. In the
25 Gulf Zone, we manage it as a single stock.

26
27 In Action 3, the current preferred alternative is to retain the
28 FLEC Zone cobia ACL allocations at 8 percent to the commercial
29 sector and 92 percent to the recreational sector, and the ACLs
30 for each of the sectors will be updated based on the
31 apportionment to the ACLs based in Action 2, and they will also
32 be monitored using MRIP-FES landings.

33
34 **CHAIRMAN RIECHERS:** I am looking for hands, Dr. Ferrer, and I am
35 not seeing any. Mr. Gill.

36
37 **MR. BOB GILL:** Thank you, Mr. Chairman, and I don't know if this
38 is an appropriate topic to bring up at this time, and I'm not on
39 your committee, and so I appreciate the recognition, but one
40 thing that's not in Action 3 that seems to me to be something to
41 be considered, and so I throw it out there for the South
42 Atlantic rep and the committee, is to consider the option of no
43 sector allocation for cobia.

44
45 The commercial portion is typically less than 5 percent, if my
46 numbers are right, and it's a very low portion of it, and I'm --
47 First of all, I'm a KISS system guy, but, secondly, I also
48 believe that having allocations is a necessary evil when there

1 is that kind of demand on the fishery.

2
3 This may or may not achieve that, but I think some consideration
4 of whether zero allocation might not be a better approach, much
5 as we did in spiny lobster back in the day, and so I throw it
6 out there for consideration. If I'm out of order, Mr. Chairman,
7 I apologize.

8
9 **CHAIRMAN RIECHERS:** You're not out of order. You're just not on
10 the committee. Anybody have any other -- Would you like to
11 speak to that?

12
13 **MS. KERRY MARHEFKA:** It is my understanding that we have not
14 considered it, because, if we remove sector allocations, then we
15 will need to add accountability measures, which will slow this
16 down even further, and we're just in the habit of -- We really
17 want to maintain the historical catch, commercial and
18 recreational that we already have, and so we feel pretty
19 strongly about leaving those sector allocations in and not
20 slowing the amendment down with accountability measures that
21 would need to be added.

22
23 **CHAIRMAN RIECHERS:** Anybody else? I am looking for any hands.
24 All right, Dr. Ferrer.

25
26 **DR. MENDEZ-FERRER:** Thank you, Mr. Chair. Moving on to Action
27 4, Action 4 would update or establish annual catch targets for
28 both group cobia zones, based on the apportionment selected in
29 Action 2, and, like I mentioned, for the Gulf zone, we manage it
30 as a single stock, and the sector allocation in Action 3 for the
31 FLEC Zone. I see that Leann has her hand up. I can let her ask
32 her question, if that's okay.

33
34 **CHAIRMAN RIECHERS:** Go ahead, Leann.

35
36 **MS. BOSARGE:** Thank you, Mr. Chairman. It was actually to the
37 last action. I hate butting in, and so I just waited until they
38 saw my hand on the board, but, I mean, I would agree with Bob's
39 comments, and I have found that, especially as we go through a
40 lot of these allocation documents, the Gulf Council, I guess,
41 took a little different track, historically, than what the South
42 Atlantic Council may have, and I may not know the whole history,
43 but we have a much lower number of species that we place sector
44 allocations on.

45
46 Most of those species, typically, and not all of them, but a lot
47 of them do bump up against their ACLs, and have in the past, and
48 so that's when you do sometimes contemplate looking at a sector

1 allocation, but, in the South Atlantic, they have sector
2 allocations for a lot of species, a lot of species, and I see,
3 as an outsider looking in, attending a bunch of their meetings,
4 it seems to have caused an issue sometimes, and it gets them
5 bogged down, when I think there's probably a lot of other things
6 they want to focus on in their management, but they seem to have
7 to spend a lot of time on allocations.

8
9 This particular species, you know, if people aren't bumping up
10 against those allocations, then it may be a worthwhile endeavor
11 to look at that as an alternative, and, albeit, it may slow the
12 document down, but, as we said earlier, this isn't going to be
13 put in place until 2023 anyway, and so it seems like you have a
14 little bit of time. I'm just throwing it out there as food for
15 thought.

16
17 **CHAIRMAN RIECHERS:** Thank you, Ms. Bosarge. I guess I do want
18 to -- I'm sure you both know this though, but this is -- This
19 alternative is just dealing with the FLEC Zone. All right. Any
20 other comments? We may hear more about this at Full Council.

21
22 **DR. MENDEZ-FERRER:** Mr. Chair, if I may, I guess one of the
23 things that I also kind of -- One of the things that we should
24 think about, when considering an alternative like that, is that
25 this would apply to an area that is managed by the South
26 Atlantic, and so it would be an alternative that also has to be
27 approved by the South Atlantic Council.

28
29 We don't really have, to my understanding, a lot of Gulf
30 fishermen that go and catch cobia in the FLEC Zone, and we also
31 have Christina Wiegand, which is my co-lead in the South
32 Atlantic Council, but I believe that, at the time that these
33 apportionments were being made, having a sector allocation would
34 allow the commercial sector more opportunity to catch cobia,
35 given the fact that the majority of their landings come from the
36 recreational sector.

37
38 That's just food for thought, some of the things to consider
39 when modifying alternatives in this action, and, like the South
40 Atlantic representative mentioned, if we were to remove,
41 considering removing, sector allocations in this action, then we
42 would need to add an additional action to revise accountability
43 measures in the FLEC Zone.

44
45 **CHAIRMAN RIECHERS:** That's excellent food for thought, and,
46 certainly, as we proceed, ever so slowly, maybe, to some
47 people's liking, with this document, I mean, we are going to
48 have to have the concurrence of both councils at some point, and

1 so we just have to keep that in mind as we think through our
2 deliberations on that.

3
4 I will say that what we've attempted to do so far is keep the
5 allocations the way they've been as we work through this and
6 bring it on the CHTS system, and so it doesn't mean we have to
7 on every species, but that's what we've historically been
8 attempting to do. Anybody else? Back to you.

9
10 **DR. MENDEZ-FERRER:** All right. Thank you, Mr. Chair. We were
11 on Action 4, which would update or establish ACTs. Currently,
12 the Gulf Zone ACT equals 90 percent of the Gulf Zone ACL, and
13 the FLEC Zone ACT, in this case, it only applies to the
14 recreational sector. It equals the FLEC Zone ACL multiplied by
15 one minus the proportional standard error of the FLEC Zone
16 recreational landings or 0.5, whichever is greater.

17
18 The current preferred alternative by both councils is to use the
19 Gulf Council's ACL and ACT control rule to calculate the ACTs
20 for the Gulf Zone and the recreational sector in the FLEC Zone,
21 and, when we ran the calculations, that equates to 10 percent, a
22 10 percent buffer, and so the Gulf Zone's ACT would remain at 90
23 percent, and then the FLEC Zone's ACT will also be 90 percent of
24 the FLEC Zone ACL.

25
26 There seems to be, from discussions between councils, there
27 seems to be a desire to have a consistent way in which the ACTs
28 are calculated. Currently, the alternative to establish an ACT
29 for the commercial sector in the FLEC Zone is not a preferred
30 alternative, and, if it were, then we would also need to
31 reevaluate and include an additional action in this document to
32 address accountability measures for that sector.

33
34 **CHAIRMAN RIECHERS:** I am not seeing any hands up or anyone
35 searching to make a comment here, or a question, and so go
36 ahead.

37
38 **DR. MENDEZ-FERRER:** Okay. Moving on to Action 5, or Action 5.1,
39 I should say, and so we have divided this action by zones,
40 hopefully for a little bit more simplicity when looking at the
41 alternatives, and so Action 5.1 modifies the possession, vessel,
42 and trip limits for the Gulf Zone.

43
44 Currently, the no action would retain the current recreational
45 and commercial daily possession limit of two fish per person,
46 regardless of the number or duration of trips in the Gulf Zone.
47 No vessel limit or trip limit is currently defined.

48

1 Both councils currently concurred on Alternative 2, which would
2 reduce the daily possession limit to one fish per person, and we
3 have two options here for the recreational and commercial
4 sectors, and so, currently, those are preferreds.

5
6 Preferred Alternative 3 would create a recreational vessel
7 limit. Under Preferred Option 3a, the vessel limit is two fish
8 per trip, and, on Preferred Alternative 4, it would create a
9 commercial trip limit, and, under Preferred Option 4a, the trip
10 limit is two fish.

11
12 Basically, this would be creating similar regulations to what
13 FWC currently has for state waters in the Gulf coast, and it's
14 also been one of the comments that we have received during
15 public testimony on a desire to have similar regulations with
16 state waters, and I can stop here, if the committee has any
17 comments regarding the preferred alternatives being listed in
18 Action 5.1.

19
20 **CHAIRMAN RIECHERS:** Does anybody have comments? It looks like
21 you can go ahead.

22
23 **DR. MENDEZ-FERRER:** All right, and so, if we move on to Action
24 5.2, it would also modify the possession, vessel, and trip
25 limits, but, in this case, the sub-action is focused on the FLEC
26 Zone, and the current preferred alternatives are the same as for
27 the Gulf Zone, and so it would reduce the daily possession limit
28 to one fish per person for the recreational and the commercial
29 sector and create a recreational vessel limit of two fish per
30 trip, and, also, Preferred Alternative 4 is create a commercial
31 vessel trip limit, where the vessel trip limit is two fish. I
32 can stop here for any questions or comments.

33
34 **CHAIRMAN RIECHERS:** I am not seeing any hands raised, and I am
35 not seeing any on the board, at the moment.

36
37 **DR. MENDEZ-FERRER:** All right. Action 6 would modify the Gulf
38 group cobia minimum size limit. Currently, both zones have
39 different size limits. Via Framework Amendment 7, the Gulf Zone
40 increased their size limit to a thirty-six-inch fork length for
41 Gulf Zone cobia, while the FLEC Zone retained a thirty-three-
42 inch minimum size limit for cobia caught in that zone.

43
44 As a reminder, the implementation on increasing the size limit
45 in the Gulf Zone from thirty-three to thirty-six was implemented
46 in March of 2020, and it was also in response to public
47 testimony regarding some concerns of Gulf cobia.

48

1 The current preferred alternative is to retain the recreational
2 and commercial minimum size limit of thirty-six inches fork
3 length in the Gulf Zone and to increase the recreational and
4 commercial size limit to thirty-six inches in the FLEC Zone, and
5 so, basically, both zones would have the same minimum size
6 limit.

7
8 There is also -- We are also including two other alternatives to
9 increase the minimum size limit to thirty-nine and forty-two,
10 and the councils are being given the options to also consider
11 this by zone. I will stop here for any questions.

12
13 **CHAIRMAN RIECHERS:** As I recall, in a past meeting, this one
14 went back to the South Atlantic, where we were at a difference,
15 but are we now -- Where is the South Atlantic now on this one,
16 Dr. Ferrer?

17
18 **DR. MENDEZ-FERRER:** Both councils are concurring on increasing
19 the size limit from thirty-three to thirty-six in the FLEC Zone.
20 Right now, there is no discrepancies between the Gulf and the
21 South Atlantic Council and what the preferred alternative is for
22 this action.

23
24 **CHAIRMAN RIECHERS:** That's what I was recalling now, but I
25 wasn't sure that I did recall that correctly. I am not seeing
26 any hands, and so, if you want to continue, go ahead.

27
28 **DR. MENDEZ-FERRER:** All right. Action 7 would modify the
29 framework procedure. For the sake of time, Alternative 1, we
30 are including the language of the full framework procedure, and
31 it's also included as Appendix A in this document, but, if we
32 scroll down to Preferred Alternative 2, this alternative would
33 modify the framework procedure to update the responsibilities of
34 each council for setting regulations for Gulf group cobia.

35
36 As it stands, the South Atlantic Council can have the
37 responsibility, or can make modifications, via framework actions
38 to vessel trip limits, closed seasons or areas, and gear
39 restrictions in the management of Gulf FLEC Zone cobia. With
40 this preferred alternative, the responsibilities are expanded to
41 also include per person bag and possession limits, size limits,
42 in-season and post-season accountability measures, as well as
43 specifications of ACTs or sector ACTs. Again, this would apply
44 to FLEC Zone cobia.

45
46 Again, both councils must concur on recommendations that affect
47 both migratory groups, and this statement remains from our
48 current CMP framework procedure.

1
2 **CHAIRMAN RIECHERS:** Martha.
3
4 **MS. MARTHA GUYAS:** Well, not to this, and so I guess, if
5 somebody has questions on this, they can go, but I was just
6 going to ask if we need a motion to take this to public
7 hearings. We are lined up with the South Atlantic Council right
8 now, and it seems like a rare opportunity. Let's get this done
9 and get this out there. I would be willing to make that motion,
10 if we're ready for that.
11
12 **CHAIRMAN RIECHERS:** Let me see first if there's any questions
13 here regarding the framework action changes, just to make sure,
14 and then I do believe that Dr. Ferrer had mentioned, in her
15 action guide, that she wanted to talk about public hearings for
16 just a moment.
17
18 **DR. MENDEZ-FERRER:** Yes, Mr. Chair, and there's also one -- As
19 we were writing this document, there is one more change, and
20 it's not action, but I did want to bring it up to the committee,
21 in case there were any questions, and so, if there are no
22 questions on Action 7, then, Bernie, we can skip to Chapter 3.1
23 for just a quick comment on some discussions related to
24 permitting in cobia.
25
26 I will refer also to Mara Levy for clarification, but, right
27 now, NMFS intends to correct regulations at 50 CFR Section
28 622.386, and so federally-permitted dealers can only purchase
29 cobia from commercial or charter/headboat vessels that have a
30 CMP permit, and that would mean either a king mackerel or our
31 Spanish mackerel permit, and we don't have a permit specific to
32 cobia.
33
34 This limitation is inconsistent with the language, regulatory
35 language, that says that all federally-permitted vessels can
36 sell cobia to a federally-permitted dealer, and so what NMFS
37 intends to do is to correct the regulation language to make this
38 restriction applicable only to king and Spanish mackerel that is
39 harvested in the EEZ, and what this means is that federally-
40 permitted dealers could accept Gulf group cobia that was
41 harvested in the EEZ from any vessel, regardless of whether they
42 are federally permitted to other CMP species. Mara, I am
43 referring to you, just in case the committee has any other
44 questions related to the process in which NMFS plans to address
45 this change in the regulatory language.
46
47 **CHAIRMAN RIECHERS:** Can you show or give us a little more
48 direction? I realize you said 3.1.

1
2 **DR. MENDEZ-FERRER:** It's this paragraph that is in front of you.
3 Maybe we can highlight where it says "Section 622.386(b), the
4 line below that. That sentence, and the following, highlight
5 the discrepancies in the language, basically saying that a
6 seafood dealer can only buy from a federally-permitted vessel
7 that has a CMP permit, yet Sub-Section 6 says that the -- It has
8 that federally-permitted commercial or charter -- I am getting a
9 little bit confused. Basically, it's saying that someone who is
10 going to -- Sorry. I am getting my cables mixed up over here.

11
12 **MS. MARA LEVY:** I will see if I can help. Right now, when we
13 implemented the dealer reporting amendment that required one
14 permit for everyone to sell to, we had these restrictions on
15 sale and purchase, to try and make it in circumstances where
16 federally-permitted vessels sell to federally-permitted dealers
17 and federally-permitted dealers accept from federally-permitted
18 vessels.

19
20 That works in all circumstances where you have to have a
21 commercial permit to actually sell the species. With cobia, you
22 don't have to have a commercial permit to sell, and so anyone
23 can harvest cobia, and they can sell it. The problem with the
24 regulations is, right now, it says, if you have a federal
25 permit, any type of federal permit, you have to sell to a
26 federal dealer, but the flip regulation says that, as a federal
27 dealer, I can only accept from those vessels that have a CMP
28 federal permit.

29
30 If I have a Gulf reef fish permit, and I want to sell cobia, the
31 regulations are telling me that I have to go to a federal
32 dealer, but the regulations are saying the dealer can't accept
33 it, because I don't have a CMP permit, and that was never the
34 intent, and, in addition, you don't have to have a federal
35 permit to sell, but, in order to accept cobia from the EEZ, you
36 have to have a dealer permit.

37
38 If I'm just on my own private vessel, and I want to sell my
39 cobia, the only dealer that can accept it has to have a federal
40 dealer permit, but then this regulation is saying you can't,
41 because I don't have a CMP permit, and so it's confusing, but
42 what we're trying to do is make it so that people that actually
43 have cobia and can sell it can sell it to a federal dealer, but
44 the dealer is not restricted from taking it.

45
46 **CHAIRMAN RIECHERS:** Ms. Boggs.

47
48 **MS. BOGGS:** Now you've opened up a new can of worms. Everybody

1 is talking about there's a problem with cobia, and, if anybody
2 can go out and catch a cobia and sell it, does that not just
3 escalate the problem that we have? Is there a way, and maybe
4 not in this document, and not to slow it down, that we restrict
5 -- Number one, if you don't have the CMP, and you're out there
6 fishing, then you're in violation, I would think, but -- If
7 you're a federal charter boat and you're in the EEZ, but my
8 whole point is to help alleviate some of the problems, and, if
9 anybody can go out and catch a cobia and sell it for profit,
10 then that just encourages the harvest of cobia.

11
12 **CHAIRMAN RIECHERS:** Well, I will say at least I don't think this
13 is an inconsequential change for us to just not talk about, and
14 so we should definitely talk about this. Martha.

15
16 **MS. GUYAS:** I am remembering when we did this, because it is
17 different for Spanish and for king, and basically everything
18 else, but I think the reason why we don't have the federal
19 permit requirement is because most of the harvest is occurring
20 in state waters.

21
22 There is a lot of state-water fishermen that are not federally
23 permitted that take cobia, and this was a conscious decision by
24 the councils, and it is -- I hear what you're saying, Susan,
25 but, I mean, I think what Mara is suggesting here, or I guess
26 what Natasha was talking about, is just trying to fix that
27 problem and not necessarily making a judgment on if people
28 should be able to sell cobia or not, but I do believe that a lot
29 of those commercially-harvested fish were coming from state
30 fishermen that are not federally permitted. I think, on one
31 side, it's limited access, and the other side it's not, and it
32 gets a little complicated and squirrely that way, if we require
33 them to have a CMP or a mackerel permit.

34
35 **CHAIRMAN RIECHERS:** I've got Leann on the board. Leann.

36
37 **MS. BOSARGE:** Thank you, Mr. Chairman. I agree with Robin. I
38 think we're going to have to look into this a little bit more,
39 because we have state-water fishermen that pursue other species
40 that we also have federal permits for, and yet we don't exempt
41 them.

42
43 We don't say, well, anybody that catches it can sell it, and so
44 I think we need to -- I am worrying that you may be opening up a
45 loophole here that, like Susan commented, you're going to allow
46 anybody, recreational, for-hire, or commercial, to catch cobia
47 and sell it, and that's no longer recreational fishing, when you
48 sell your catch. Now you are doing that commercially, and so I

1 think we do need to have some more discussion about that.
2 I have another question, but I am not ready to ask it, and I'm
3 trying to look it up and understand it a little more. Thank
4 you, Mr. Chairman.

5

6 **CHAIRMAN RIECHERS:** Thank you, Leann. I think I had Mara.

7

8 **MS. LEVY:** Well, just to be clear, this is not a proposal to
9 allow anything, meaning it's already allowed. You don't have a
10 permit for cobia, and there is no restriction on people selling
11 cobia, and the council decided that before the dealer permit
12 went into place. This just has an inconsistency in the
13 regulations that says a dealer can only accept from a CMP-
14 permitted vessel, but every other vessel, permitted or not, has
15 to sell to a dealer, and so they're completely inconsistent.
16 You can't do one.

17

18 If I have a permit that's not CMP, and I'm allowed to sell it,
19 which I am, because nothing prohibits it -- This was not a
20 prohibition on sale. This wasn't requiring a cobia permit.
21 This dealer amendment is nothing except create a dealer permit
22 and make people sell to a dealer, and so it was not intended to
23 change how you manage cobia. If you want to change that, that's
24 fine, but this did not address the council's prior decision to
25 not have a required permit to sell cobia.

26

27 **CHAIRMAN RIECHERS:** I am going to get to the two on the board,
28 and I see you all, and I'm going to ask this. So it doesn't
29 change it from the person who is selling perspective, the person
30 who wants to sell, but, prior to this change, the federal dealer
31 was prohibited from buying that fish from that seller.

32

33 **MS. LEVY:** Right. It essentially prohibits the person from
34 selling it, because they're not allowed to sell it to anyone
35 then, and that wasn't what was in place when you were actually
36 considering the dealer permit. I mean, before the dealer
37 permit, cobia could be sold to anyone, right, and I don't even
38 think there was a permit required for CMP before this, in terms
39 of dealers, and, I mean, we looked back at the history, and this
40 is a synopsis of the conclusion, and we can definitely -- I can
41 bring back to the history to you.

42

43 We were going to put this change in the rulemaking that went
44 with this amendment, where we'll definitely have to explain what
45 we're doing and what the basis for it is, and so I'm happy to
46 give you more information, if that would be helpful, but it's
47 not meant to change anything other than do what probably should
48 have been the way it was when we did the dealer reporting

1 amendment. This sets up an internal inconsistency right now,
2 the way that they're written out. There is that internal
3 inconsistency.

4
5 **CHAIRMAN RIECHERS:** I certainly understand the inconsistency
6 we're trying to fix. I think, because it did get raised here
7 inside of the document, and it is a change, it probably would be
8 helpful for us to get more information about that history, for
9 all of us to be able to remind ourselves of that. I am going to
10 hope that it doesn't stop the document to do that, but next
11 we'll go to Susan.

12
13 **MS. BOGGS:** Thank you, Mr. Chair, and I'm not trying to stop
14 this document, Martha. This is something that, quite honestly,
15 I've been sitting on until it gave me the opportunity to talk
16 about it, and now it's come up, and so, yes, to what Mara was
17 saying, I would like to know the history, and I will get with
18 you personally to learn that, but, if anyone can go out and
19 catch a cobia and sell it, then, effectively, even your, quote,
20 unquote, recreational fishermen are commercial fishermen, and so
21 I think that, in itself, is inconsistent to what we're trying to
22 do in other species.

23
24 Just one other note is Martha made a comment that most of the
25 fish are caught in state waters, but I thought, when we started
26 this document, because I questioned that, I was told that, in
27 the Gulf, the majority of the cobia are caught in federal
28 waters. Thank you.

29
30 **MS. GUYAS:** I guess two things. By not having this federal
31 permit requirement in there, not everyone can go and catch a
32 cobia and sell it, and so, in Florida, you've got to have your
33 saltwater products license, and you need to have a restricted
34 species endorsement, which is not exactly easy to come by if
35 you're just a private recreational fisherman. You have to sell
36 to a permitted dealer. I mean, there are systems in place that
37 we forget about sitting around this table, because we talk about
38 federal stuff all the time, but there are systems in place at
39 the state level.

40
41 Then I believe -- I don't know if it's just for the commercial
42 component, but, with cobia, there is such a large state waters
43 component that, at the time when the councils talked about this,
44 this is why they did not require that federal permit, because a
45 lot of, I think, the commercial sales that were coming through
46 were coming from state waters, and, again, that may be Gulf and
47 South Atlantic. This was a joint amendment, and it was a big,
48 long, drawn-out process, but if I'm remembering right, but, if

1 Mara brings us the history, that will be better probably than my
2 memory about how this all went down, and so just to be clear
3 about all of that.

4
5 **CHAIRMAN RIECHERS:** Any other comments or questions? I am not
6 seeing, and so I think we are at a point, Martha, if you want to
7 make a motion. Well, let's find out what the question was
8 regarding public hearings, since your motion is to send it, and
9 lets at least hear what comments we have in that regard.
10 Martin, go ahead.

11
12 **MR. MARTIN FISHER:** Thank you, Mr. Chair. I just wanted to
13 point out, or ask the question, I guess, and so, if there's a
14 vast quantity of cobia that are being caught by recreational
15 fishermen and landed and sold commercially, how is that being
16 accounted for, in terms of the different apportionment of
17 allocation? That should be looked into, because, if a vast
18 majority of the fish that are being landed as recreational are
19 sold, then the data is skewed, in terms of which sector is
20 landing what. Thank you.

21
22 **CHAIRMAN RIECHERS:** Thank you, Martin. Any other comments? If
23 not, Dr. Ferrer, would you now go to the subject of public
24 hearings that you wanted to address?

25
26 **DR. MENDEZ-FERRER:** Yes, Mr. Chair. The list of potential
27 locations is included in the action guide. I believe we have
28 -- If I counted correctly, we have eight potential locations in
29 which the council had suggested that we should include as a
30 place to visit and host these public hearings.

31
32 I guess I -- From the committee, I would like to know if you
33 have any suggestions on -- Do you want to keep this list, or do
34 you want to make it shorter, given some of the changes that
35 related to the COVID-19 pandemic? If we -- For example, if this
36 gets approved -- If this document gets approved for public
37 hearings, and we go final at the October council meeting, we're
38 going to be in Alabama, and so is there a possibility to maybe
39 have that meeting be the public hearing what would be Mobile,
40 instead of having that in Orange Beach?

41
42 I guess are we set on in-person meetings? Can some of these
43 meetings be moved to virtual meetings? I guess we want to know
44 what's the desire of the committee, regarding this document.

45
46 **CHAIRMAN RIECHERS:** Okay. Let's try to address that. I think
47 Carrie has something she would like to say here, and I guess I
48 will give you just my own personal -- Not necessarily a

1 committee recommendation.

2
3 Obviously, we gave you the thought process about the places we
4 wanted to have the hearings, if we were doing in-person
5 hearings. I think we all recognize that, with COVID-19, we plan
6 about two months ahead, and then things may change, and so, if
7 things have changed accordingly, and the council decision from
8 staff is that they need to -- From my perspective, and, I again,
9 I am speaking for me, but, if you need to make a change, because
10 of those current situations, then that is really going to be up
11 to the council staff, working with the chairman. That's my
12 perspective. Again, that's a one-person perspective of a
13 seventeen-member body, and so I'm just sharing that's how I
14 would approach that, but, Carrie, I think you were going to try
15 to speak to that.

16
17 **EXECUTIVE DIRECTOR SIMMONS:** Yes, and thank you, Mr. Chair.
18 Just keep in mind that we are going to try to do these. It is a
19 lot, a lot, of hearings to do after this goes to the South
20 Atlantic Council, which their meeting is slated for the 13th of
21 September, and so we wouldn't know for sure whether we're ready
22 to take it out until after the 17th, which doesn't leave us a
23 whole lot of time before potentially trying to take final action
24 at our council meeting, which is October 25 through 28 in Orange
25 Beach.

26
27 I guess what we're asking is, if we can in fact do this, if it
28 would be possible to shorten the list, based on if things are
29 not drastically changed with the pandemic, such as, if we are
30 going to take final action in Orange Beach, could we perhaps
31 remove the Mobile location, and even the Pensacola location, and
32 maybe have something around Destin/Panama City instead, perhaps,
33 if necessary, if need be, but we do have some concerns really
34 about accomplishing all of these, not knowing exactly what's
35 going to happen at the South Atlantic Council in the middle of
36 September, plus with the ongoing items going on with the
37 pandemic.

38
39 I understand what you're saying, Mr. Chair, as far as working
40 with leadership and the Chair and Vice Chair on that, but it is
41 a lot to get done before the council wants to take final action.
42 Thank you.

43
44 **CHAIRMAN RIECHERS:** Martha.

45
46 **MS. GUYAS:** I will jump on that, and I agree with Carrie and
47 what you said, Robin. Certainly this is kind of a touch-and-go
48 situation, and we'll just have to reevaluate, sometimes on a

1 daily and weekly basis, and, not knowing what Kevin is going to
2 say about this, or Susan, I would agree that it seems like
3 Pensacola and Mobile are a little bit close. I kind of would
4 rather do one in maybe Destin instead of trying to do Pensacola,
5 even if we're going to try to do Mobile, and I like the idea of
6 trying to wrap it in with the October meeting, the October
7 council meeting. We're already there, and it just seems
8 probably easier for everyone, and maybe saves a little bit on
9 hotels. That's just my two-cents on that.

10
11 **CHAIRMAN RIECHERS:** Chris.

12
13 **MR. CHRIS SCHIEBLE:** When are we looking at dates to be doing
14 this, because, currently, in New Orleans, there are much
15 stricter regulations, as far as capacity, person capacity, in
16 public meeting areas. For example, if you want to go to a
17 Saints game, you have to have a COVID vaccination or a recent
18 test, I believe, and so I don't know what the rules would be by
19 the time we get to this point, and we may want to consider a
20 different venue, like Baton Rouge.

21
22 **EXECUTIVE DIRECTOR SIMMONS:** Like I said, if the South Atlantic
23 Council signs off and says take this out to public hearings, we
24 would be trying to schedule them between September 17 and our
25 October council meeting, if we are in fact trying to take final
26 action in October.

27
28 My understanding is this is a priority, from the agency and the
29 council perspective, to end overfishing and try to get this
30 document transmitted, and, that being said, I would hope that it
31 could be implemented by mid-2022, if we can in fact take final
32 action in October, or perhaps, at the latest, in January. Thank
33 you.

34
35 **CHAIRMAN RIECHERS:** Kevin and then J.D.

36
37 **MR. KEVIN ANSON:** Just kind of carrying on the conversation that
38 Martha started regarding location for Alabama, if
39 Gulfport/Biloxi area, particularly Biloxi, if that would remain,
40 and Pensacola would remain, then I wouldn't see a problem
41 dropping Mobile.

42
43 I mean, it is a reasonable drive from either Mobile or from the
44 Orange Beach area to get to either location, but, if the
45 Pensacola one were to drop out, then that could be a little bit
46 more problematic if Alabama's were to drop out, but you don't
47 happen to have any numbers -- I know this is a different topic
48 than other CMP in the past, but do you have any participation

1 numbers for previous in-person CMP meetings? Maybe you could
2 supply that for Full Council.

3
4 **DR. MENDEZ-FERRER:** We can look into it. I can't remember, off
5 the top of my head, what the numbers were, but the last cobia
6 action that we had was Framework Amendment 7, and we didn't do
7 public hearings at each one of the states, and so we'll have to
8 kind of go a little bit back in time and maybe compare it to
9 other CMP amendments, but I could certainly look into it.

10
11 **CHAIRMAN RIECHERS:** Okay, and so we may try to get some numbers
12 then before the Full Council, based on past hearings. J.D.

13
14 **MR. J.D. DUGAS:** Thank you. Following up on Chris's comments, I
15 think Kenner is the better option, and I had talked to Emily
16 about that, because it's not in the city limits, and I'm just
17 putting that out there.

18
19 **CHAIRMAN RIECHERS:** Okay, and so I'm going to ask Carrie.
20 Carrie, what are you really -- I mean, you've heard a lot of
21 flexibility here, but, not knowing exactly how it's going to be,
22 maybe the question about how much support for that flexibility,
23 depending on location. As Kevin indicated, some could drop off
24 the list more easily than others, in his mind, as far as
25 locations go.

26
27 I guess are you wanting a motion to change those locations, if
28 that's what we want to do, or do you want some flexibility now
29 to try to look into those and what you might be able to do?
30 Susan.

31
32 **MS. BOGGS:** Well, kind of going off of what Carrie said, and, of
33 course, Kevin said, yes, if you -- If we're going to -- Of
34 course, we're meeting in Orange Beach, in theory, in October,
35 and so, I mean, to me, the people from Pensacola or Mobile could
36 come to Orange Beach, as long as it's well advertised, and I
37 think you need to advertise it somewhat like a public hearing,
38 even though we advertise the council meetings, but people may
39 not understand that's their opportunity to speak to this
40 particular subject, and that would be the only thing that I
41 would ask, is that there be some way to notify people that, yes,
42 at this council meeting, this is going to final action, and this
43 is your opportunity to make public comment. Thank you.

44
45 **CHAIRMAN RIECHERS:** Martha.

46
47 **MS. GUYAS:** I agree with that, and I think that's a good idea,
48 and I guess, as far as attendance goes, I am certain that, if we

1 move Pensacola over to Destin, we would have a lot of people
2 there. Usually the hearings that we have in Destin tend to be
3 well attended anyway, a central location across from the docks,
4 and this is something that people are pretty passionate about
5 over there, and there have been a lot of tournaments cancelled,
6 and so COVID -- Given COVID, whatever that situation is, and, if
7 there were no COVID, there would be a lot of people at this
8 meeting. If there's something going on there, then that would
9 be the reason why I would say people wouldn't be there.

10
11 **CHAIRMAN RIECHERS:** Carrie, did you have any further thoughts?
12 I will just add one comment that is just editorial, in some
13 respects, but the other thought is, if you want to try hold
14 these locational meetings virtually, I don't know how you do
15 that where you limit a scope from kind of a virtual scope, but
16 there may be a way you could do that.

17
18 I mean, what I'm getting at is I don't think you want to hold
19 one virtual meeting for everybody across the Gulf, because I
20 don't think you then -- First of all, you might hear from the
21 loudest, and you will have way more attendance than can probably
22 speak during the timeframe you've allotted, and you get into
23 those sorts of issues, as opposed to still doing it location-by-
24 location, in some way, where you do get a different flavor
25 across the Gulf, often. I don't exactly know how you might
26 construct that, but I think that's also an alternative, if one
27 could figure out how to do that.

28
29 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. We'll work
30 on that, and I don't think we need a motion, and it seems like
31 it was pretty clear that everyone is okay with changing
32 Pensacola to Destin. Then, I guess, as far as Mobile goes,
33 we'll just have to see whether the document is going to be ready
34 for final action, I guess, in October or not, and I will reach
35 out to Mr. Anson and figure out what we should do from there, if
36 that's okay, and where we are with the pandemic.

37
38 **CHAIRMAN RIECHERS:** Thank you, Carrie. I think now we can turn
39 to the motion. Martha.

40
41 **MS. GUYAS:** It looks like Leann has got her hand up.

42
43 **CHAIRMAN RIECHERS:** Sorry, Leann. I am not completely checking
44 the board as much as I should. Leann.

45
46 **MS. BOSARGE:** No, you're fine. Come back to me after the
47 motion, Robin, because it's not to this motion.

1 **MS. GUYAS:** All right. **Then I will make a motion to approve CMP**
2 **Amendment 32 for public hearings.**

3
4 **CHAIRMAN RIECHERS:** We'll get the motion on the board. It's up
5 there. Do we have a second?

6
7 **MR. ANSON:** Second.

8
9 **CHAIRMAN RIECHERS:** Kevin seconded. Is there any discussion on
10 the motion? I think we've had all that discussion, but I will
11 just stop, real quickly. Hearing none, okay. **All those in**
12 **favor of the motion say aye; all those opposed, same sign. The**
13 **motion carries.** Now, Leann, would you like to go?

14
15 **MS. BOSARGE:** Yes, sir, Mr. Chair. I just wanted to echo the
16 comments of our chairman of the AP that weighed-in, and I
17 wouldn't be comfortable taking final action on this, knowing
18 what I know now, that there are recreational fishermen selling
19 fish, and those are being counted not towards a commercial
20 landing, but towards a recreational landing, because we are
21 looking at different allocations and such in this document, and
22 that information, to the best of our ability, and I'm sure it's
23 sparse, what we have, but we're going to have to do our best to
24 get an estimate on that, so that that can be factored into our
25 discussion.

26
27 **CHAIRMAN RIECHERS:** Thank you for that comment, Leann, and
28 certainly we've been -- The service has shared with us, and
29 council staff has shared with us, that they will try to get some
30 of that history and some of the history of the landings that we
31 have, and, admittedly, it may be sparse. Kevin.

32
33 **MR. ANSON:** That's kind of the comment that I was going to make,
34 is that information may be sparse. I mean, on the recreational
35 side, as far as the landings that are estimated on the
36 recreational survey, at least from the federal survey, there are
37 some screener questions that are asked of the anglers, to
38 identify whether or not the interview is going to be of a
39 recreational fishing trip or a commercial fishing trip, and so,
40 generally, they will answer recreational, and that information
41 will go into making the estimate. If they answer commercial,
42 then they're not going to be interviewed any more.

43
44 In as much as these catches that -- You know, you've got to
45 assume that a federal dealer is not buying cobia from a non-
46 federally-permitted vessel, then you've got to take it for what
47 it's worth. Otherwise, it's a non-federally-permitted dealer
48 that is buying these fish from vessels that don't have a federal

1 permit, more than likely, because the federally-permitted vessel
2 has to take it to a federally-permitted dealer.

3
4 I suspect that those fish are small, and I would probably even
5 further suspect that those landings are going to be hard to find
6 and tease out, and they're going to the state-licensed-only
7 seafood dealers doing it correctly, and that should be recorded,
8 but, as Martha mentioned, you've got to have a commercial -- The
9 person selling the fish should have a commercial fishing
10 license, and it's the same way in Alabama, too. You have to
11 have a commercial fishing license from the person you're buying
12 the fish from.

13
14 There is -- It's been identified as a potential issue, but I
15 just don't think that it's a very big issue, in light of
16 everything else, and so thank you.

17
18 **CHAIRMAN RIECHERS:** Anyone else? Mara.

19
20 **MS. LEVY:** Well, I mean, I think maybe some updated information
21 might be helpful, but I will say, in CMP 20A, which is the
22 document that required federal permits to sell bag limit king
23 and Spanish mackerel, but that decided not to do it for cobia
24 expressly, there is language in there that says all fish
25 harvested in the EEZ that are sold are considered commercial
26 harvest and count towards the species commercial quota, whether
27 or not the fishermen has a federal commercial permit. This
28 includes fish caught and sold by commercial fishermen without a
29 valid federal commercial permit, fish caught by recreational
30 fishermen and sold by them or for-hire crew members, or fish
31 donated to dealers during tournaments. At least then, in 2013,
32 when you were considering requiring a permit, there was that
33 type of information.

34
35 **CHAIRMAN RIECHERS:** Leann, is your hand back up, or did it never
36 get removed from the board?

37
38 **MS. BOSARGE:** No, it's not back up, but I will speak to what
39 Kevin said. I can see where you can say, in the big scheme of
40 things, it may not be substantial. However, when you're
41 looking, some years, at total commercial landings, historically,
42 being shown recently at thirty-something-thousand pounds, it
43 wouldn't take very much, in recreational landings that are being
44 sold, to change the commercial landings history, and so as to
45 how many fish were entering commerce, and so I think, in that
46 sense, it is substantial, and so I appreciate you all bringing
47 us back some info on that. Thanks.

48

1 **CHAIRMAN RIECHERS:** Okay. Thank you. We are going to move
2 along, but I am going to check in with the Chair here. Mr.
3 Chairman, I didn't note my watch when we started, but what is
4 the time allotment you are giving us to?
5

6 **DR. FRAZER:** Let's see if we can go ahead and go through the
7 historical landings data for king mackerel and get the SSC
8 recommendations, and then we'll reassess where we are.
9

10 **CLARIFICATION ON GULF KING MACKEREL COMMERCIAL HISTORICAL**
11 **LANDINGS DATA**
12

13 **CHAIRMAN RIECHERS:** Jim, go ahead. I appreciate, Mr. Chairman,
14 being able to do this. If we put up Slide Number 4 in my
15 presentation, to start off with, the council had asked the
16 Southeast Fisheries Science Center to look at the influence of
17 FES and, instead of the telephone survey, using the FES data and
18 noting any changes in management advice for king mackerel, and
19 so they presented this to us at our SSC meeting a couple of
20 weeks ago.
21

22 Model 1 is the model that was used at the baseline in SEDAR 38,
23 and Model 4 is the model that was used in the SEDAR 38 update,
24 and you can see some of the changes that were made to see if we
25 could compare what happens when we added FES instead of the
26 Coastal Household Telephone Survey.
27

28 Model 1 is the SEDAR 38 model, and it has the Coastal Household
29 Telephone Survey, and it has shrimp bycatch from 2012. Model 2
30 is taking that and adding the FES. It's important to note
31 though that you can't just add FES into Model 1, and some
32 updates had to be made, some changes had to be made, in order to
33 incorporate that data, and so, while it gives us a good
34 representation of what happens when we add the FES data, it's
35 not a perfect match for that.
36

37 Model 3 is taking the FES data and then updating that with
38 shrimp, with the shrimp bycatch estimates, through 2020, and
39 then Model 4 is, obviously, what was used in the SEDAR 38
40 update.
41

42 You can see the projections, the ABC projections, produced from
43 each of these different models. Model 1 is in the blue, and
44 Model 2 is in the orange, and you can see a large percentage
45 increase, and let me go to the next slide, which is the percent.
46 This just gives you the millions of pounds values, and here are
47 the percent changes, and I think this is telling.
48

1 This is a comparison between Model 1 and the other three models,
2 and so, if you look at Model 2 compared to Model 1, you had up
3 to a 60 percent increase in the ABC advice just by adding the
4 FES data, and then you can see the projections along that, and
5 so, with Model 2, which is just adding FES, you have anywhere
6 from a 50 percent to a 60 percent increase in ABC advice with
7 those. The other changes are happening because of shrimp
8 bycatch, which you can see in Model 3 and Model 4.

9
10 While it's not a perfect comparison between what happens with
11 FES being added, the Science Center noted that, when the new FES
12 statistics were introduced in Model 2, which is really the new
13 SEDAR 38 update model, other parameter estimates were also re-
14 estimated, which can affect the model outputs. Due to some of
15 the other changes in model configuration, the effect of using
16 the FES data instead of the Coastal Household Telephone Survey
17 is less clear, but it's still, I think, a good representation,
18 and I think it provides a very good representation of the
19 primary effects of FES on the model outputs. Mr. Chairman, I
20 will end here with this part, and I have a little bit more to
21 add, but if there's any questions on this specific item.

22
23 **CHAIRMAN RIECHERS:** Anybody have any direct questions regarding
24 the SSC modeling and deliberations here? Ryan, go ahead.

25
26 **MR. RINDONE:** Thank you, Mr. Chair. I was just going to expand
27 a little bit. When you guys had originally asked for this, one
28 of the questions was, basically, if we had used FES in the past,
29 what would the catches look like, and I think that's best
30 demonstrated through Model 2, like Dr. Nance said, and they
31 would have been considerably more, based on the -- Just to tie
32 that all off, in terms of how that would have affected the
33 commercial and recreational sectors, but we haven't seen
34 evidence yet of the commercial sector being effort limited, and,
35 basically, if they're given the fish to catch, it appears as if
36 they will catch those fish.

37
38 Then the recreational sector has been underneath its ACL for
39 some time, and so, if given more fish, the presumption would
40 have been that some fish would still have been left on the
41 table, had Model 2 been our reality in 2014 and 2015, and so
42 that -- Based on what you guys had asked for from the Science
43 Center, in trying to determine the effects of using FES back
44 then, I think that that more or less would tie it off, unless
45 there's any questions about it.

46
47 **CHAIRMAN RIECHERS:** Can you go back one slide to that? That one
48 right there. I mean, the bottom line results here, based on the

1 modeling that was done, and I guess I will address it to Jim, is
2 that, basically, using the FES modeling, we are in the
3 neighborhood -- I mean, I realize there is some probably some
4 error bars there, but between 50 and 60 percent of an increase
5 in those catches.

6

7 **DR. NANCE:** Adding FES into the model that was used in the SEDAR
8 38 would cause around a 50 to 60 percent increase in ABC advice.

9

10 **CHAIRMAN RIECHERS:** It's the age-old we saw more catches, and so
11 it meant that, frankly, our ABC, or our standing biomass, was
12 some level higher.

13

14 **DR. NANCE:** That is correct.

15

16 **CHAIRMAN RIECHERS:** Ryan, do you have anything more to add
17 there?

18

19 **MR. RINDONE:** No, sir.

20

21 **CHAIRMAN RIECHERS:** Kevin.

22

23 **MR. ANSON:** Thanks for the presentation, Dr. Nance. Just one
24 point of clarification, or a question, that I had on the prior
25 slide to what you have on the board now, the one that started, I
26 think, with the different model types and the data that was
27 used. It may have been the first slide.

28

29 You have on there Shrimp 2020 for Model 3, but yet the terminal
30 year was 2012, and so how does the data differ from Shrimp 2012
31 to Shrimp 2020 that would impact all those years prior to 2012
32 and prior?

33

34 **DR. NANCE:** It's using, as I mentioned -- Model 4 is what was
35 used in the SEDAR 34 update, which had a terminal year of 2017.
36 Model 3 is just basically cutting that off and using 2012 as the
37 terminal year, everything else remaining the same.

38

39 **MR. ANSON:** All right. Thank you, but so, essentially, Shrimp
40 2020, for Model 3, is the same as 2012?

41

42 **DR. NANCE:** No. It's utilizing the shrimp bycatch that was, I
43 guess, changed in 2020, and it's a new shrimp bycatch estimation
44 method, and so it's utilizing that data, but then cutting off --
45 I didn't explain it well, and I apologize for that, but cutting
46 that off in the model at the terminal year of 2012.

47

48 **MR. ANSON:** All right. Thank you.

1
2 **CHAIRMAN RIECHERS:** Any other questions or comments? If not, we
3 will let Dr. Nance move on to the other portion of the
4 presentation.
5
6 **MS. BOSARGE:** My hand is up, Robin.
7
8 **CHAIRMAN RIECHERS:** It just came on the board, and so we
9 apologize for that, Leann. Go ahead.
10
11 **MS. BOSARGE:** No worries. I know this is tough. Thank you for
12 bearing with us, Mr. Chairman. I was going to ask staff, and I
13 think this is a lot easier for staff to visualize if staff could
14 pull up the actual report that the Science Center did, and we
15 could just look at that, real quickly. I think, there, you can
16 understand John's original request and why he wanted to see
17 this, and I tried to give staff a heads-up.
18
19 For some reason, I don't think it's in our briefing book for
20 this meeting. In fact, I don't think it's ever been in our
21 briefing book, but that's essentially what Dr. Nance's
22 presentation and summary is based off of, and it was emailed to
23 the whole council though back in April, I think, but, if you
24 pull that up, we can see that.
25
26 **CHAIRMAN RIECHERS:** They're working to try to get it, Leann, and
27 I'm sure you're seeing that on your screen as well.
28
29 **MS. BOSARGE:** Yes, my ten-million screens here. You let me know
30 when they get it there.
31
32 **CHAIRMAN RIECHERS:** Well, I feel your pain, because, Jim, I
33 didn't know you were the one giving the presentation, because it
34 just cut me off and asked for my password and to reset it right
35 at that moment in time.
36
37 **MR. RINDONE:** Bernie, I sent it to you, to Meetings.
38
39 **MS. BOSARGE:** That's it right there. Scroll down to the next
40 page, please, the one with the charts on it. That Model 2 right
41 there, I think what Dr. Nance was saying was that's about as
42 close as the Science Center can get to trying to recreate what
43 those historical OFLs and ABCs would have been back at that
44 point in time, had we had FES data.
45
46 If you look at that, you need to compare that to Model 1, and
47 you can see, in Model 1, which was the actual SEDAR 38
48 assessment, it gave some outputs for ABCs, and that last column

1 shows your ABCs, and it starts off at about 9.17 million pounds,
2 and it goes out in time and comes down to about 7.4 million
3 pounds, whereas, and it's not perfect, but close, to give us a
4 ballpark of what that may have looked like, had we had FES and
5 known that there were much higher landings, and then, obviously,
6 that correlates into a higher biomass out there, stock
7 population, and the ABCs in those same years, 2015 to 2027,
8 would have been somewhere in the realm of 14.5 million pounds
9 and then coming down to eleven million pounds.

10
11 A 9.7-million-pound ABC versus it would have been somewhere
12 around fourteen-and-a-half million pounds, our best estimates,
13 right, and that's what John was getting at, that, when we're
14 looking at these allocation decisions, and we are recrafting
15 what recreational landings would have been in the past, you have
16 to go into that knowing that we held the commercial sector back,
17 that the entire quota would have been larger, the entire ABC.
18 However, we only let one sector fish on that bigger stock
19 population, and we held the other sector back, because they have
20 mandatory reporting, and it's very hard to fish off the radar.

21
22 We just have a more robust data collection system for them, and,
23 therefore, they were held to their allocation, to their quota,
24 and they missed out on all those fish, and we should have had an
25 ABC closer to fourteen million pounds back in 2015, and the
26 commercial fishermen would have gotten their standard percentage
27 of that, and they would have landed more fish too, and so that's
28 that de facto reallocation that has happened back in history,
29 and what we're doing now is putting that into stone moving
30 forward with these different species.

31
32 This applies to more than just king mackerel, and this is what
33 we were trying to understand for red grouper as well. What
34 would our potential catches have been allowed to be, had you
35 known then that there was a larger population and we allowed,
36 because of a lack of robust data collection, one sector to fish
37 on that larger population, year after year, and not the other,
38 and now we want to say, well, I'm sorry, but those are the
39 historical landings, and we're not account for that
40 accountability that we have in that one sector that held them
41 back from that larger population, and so thank you, Mr.
42 Chairman.

43
44 **CHAIRMAN RIECHERS:** Thank you, Leann. Anything else from the
45 committee members? Hearing none, Jim, we're going to let you go
46 on.

47
48 **DR. NANCE:** Thank you, Mr. Chairman. Let's go down to Slide

1 Number 8. We also looked at a presentation where there were
2 some commercial landings comparisons between SEDAR 38 versus the
3 SEDAR 38 update that were presented at the June meeting.

4
5 During the June 2021 council meeting, there were questions about
6 the commercial king mackerel landings, and there was data shown
7 in a table that was presented at the council that contained some
8 errors attributable to differences in how the data were
9 presented in the stock assessment reports by the Center.

10
11 While the underlying commercial data were essentially identical,
12 data were summarized in different ways that made the comparisons
13 between the two tables inappropriate. In other words, sometimes
14 fishing year was used, and sometimes calendar year was used,
15 total catch versus gear and specific regional areas.

16
17 The Southeast Fisheries Science Center looked at that and
18 confirmed that the final assessment data were virtually
19 unchanged between SEDAR 38 and the SEDAR 38 update. The
20 Southeast Fisheries Science Center, when they presented that to
21 the SSC, said they were working on standardized documentation
22 procedures that would homogenize the documentation between the
23 stock assessments, and they welcomed the SSC's input on those
24 data. The Southeast Fisheries Science Center maintains it is
25 well equipped and willing to address any data issues or
26 questions.

27
28 What the bottom line is, it's that the two tables, while it
29 looked like the same data were being used, there were some
30 different summaries that were being taken and added together,
31 and it caused some confusion in those data. Mr. Chairman, that
32 concludes that presentation.

33
34 **CHAIRMAN RIECHERS:** Any further questions regarding that
35 clarification regarding those two datasets and/or multiple
36 tables that were being compared? I am not seeing any hands. Do
37 you have more, Jim, or that's it?

38
39 **DR. NANCE:** Thank you very much.

40
41 **CHAIRMAN RIECHERS:** Thank you, Jim. We appreciate you
42 presenting that from the SSC. Mr. Chairman, that's where you
43 suggested that we try to get through, and I will turn it over to
44 you, or ask you for further guidance here.

45
46 **DR. FRAZER:** Thank you, Robin. I am going to try to get us back
47 on schedule, and we will revisit Draft Amendment 33 in Full
48 Council, if time permits. If it doesn't permit, we will push it

1 off until the next meeting, but we'll go ahead now and take a
2 fifteen-minute break. Then we'll pick up with our next
3 committee, which is Sustainable Fisheries.

4

5 (Whereupon, the meeting adjourned on August 23, 2021.)

6

7

- - -