

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2  
3 MACKEREL MANAGEMENT COMMITTEE

4  
5 Crowne Plaza @Bell Towers Shops Fort Myers, Florida

6  
7 June 21, 2022

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 Billy Broussard.....Louisiana
- 15 Jonathan Dugas.....Louisiana
- 16 Tom Frazer.....Florida
- 17 Peter Hood (designee for Andy Strelcheck).....NMFS
- 18 Bob Shipp.....Alabama
- 19 C.J. Sweetman (designee for Jessica McCawley).....Florida
- 20 Troy Williamson.....Texas

21  
22 **NON-VOTING MEMBERS**

- 23 Patrick Banks.....Louisiana
- 24 Dale Diaz.....Mississippi
- 25 Dave Donaldson.....GSMFC
- 26 Phil Dyskow.....Florida
- 27 Bob Gill.....Florida
- 28 LCDR Lisa Motoi.....USCG
- 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 Charlotte Schiaffo.....Administrative & Human Resources Assistant
- 45 Carrie Simmons.....Executive Director
- 46 Carly Somerset.....Fisheries Outreach Specialist

47  
48 **OTHER PARTICIPANTS**

- 49 Jessica McCawley.....FL

1 Brandon Muffley.....MAFMC  
2 Kelli O'Donnell.....NOAA  
3 Jonathon Peros.....NEFMC  
4 Clay Porch.....SEFSC

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6  
7

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TABLE OF MOTIONS

PAGE 18: Motion in the action to make Alternative 2 the preferred alternative. The motion carried on page 18.

- - -

1 The Mackerel Management Committee of the Gulf of Mexico Fishery  
2 Management Council convened at the Crowne Plaza @Bell Towers  
3 Shops in Fort Myers, Florida on Tuesday afternoon, June 21,  
4 2022, and was called to order by Chairman Robin Riechers.

5  
6 **ADOPTION OF AGENDA**  
7 **APPROVAL OF MINUTES**  
8 **ACTION GUIDE AND NEXT STEPS**  
9

10 **CHAIRMAN ROBIN RIECHERS:** We'll first go over the roll call and  
11 make sure we have a quorum. We've got Mr. Anson, and Ms. Boggs  
12 is here, Ms. Bosarge is here, Mr. Broussard, Mr. Dugas, Dr.  
13 Frazer, Ms. McCawley, Dr. Shipp, and we've got NMFS, Mr.  
14 Strelcheck's stand-in, Mr. Hood, and Mr. Williamson. They're  
15 all here and present. With that, we'll turn to the agenda, Tab  
16 C-1. Are there any additions or changes to the agenda? Ms.  
17 Bosarge.

18  
19 **MS. LEANN BOSARGE:** I was just wondering, and I'm sorry that I  
20 didn't get a chance to come talk to you about it, Robin, but  
21 what do you think about moving Number VII, Draft Amendment 33,  
22 just right above the research set-aside, and I will look at Mr.  
23 Gill too, and I was wondering if we could knock-out both the  
24 amendments, and then we'll know exactly how much time we have  
25 left to -- Because I think we're going to have a lot of good  
26 discussion on that research set-aside, but I just didn't want it  
27 to run too far over and not get to the actual amendment, both  
28 amendments, that were on the agenda, and so just a question. Do  
29 you think that's feasible, or no, to switch those two items?  
30

31 **CHAIRMAN RIECHERS:** I think it could be feasible, but I was just  
32 informed that the gentleman who is doing the set-aside will be  
33 trying to leave later this afternoon, and I don't know whether  
34 it was this afternoon or tomorrow morning, but he's not going to  
35 be around, and so, if we want to make sure we take advantage of  
36 them being here, I would maybe suggest we keep it the way it is.  
37 Any other questions about the agenda? Hearing none, then the  
38 agenda is adopted as written.  
39

40 Next, we'll turn to the minutes from the last meeting, approval  
41 of the April 2022 Minutes, C-2, and, as I was not here, I will  
42 have to rely on others, if they have any corrections. No  
43 corrections, additions, or deletions? Hearing none, the minutes  
44 are adopted as approved. With that, we'll turn it over to Dr.  
45 Mendez-Ferrer, and we will -- I assume what we're going to do is  
46 cover the action guide in concert with each item as they come  
47 up, since this may be a fairly long agenda, and instead of  
48 trying to cover it all at once and then try to remember it, and

1 so, for Action Item IV, can we cover that? Ryan, are you doing  
2 it today? Okay.

3  
4 **REVIEW OF COASTAL MIGRATORY PELAGICS LANDINGS**  
5

6 **MR. RYAN RINDONE:** I will get this one. All right, and so we're  
7 going to start off with the review of the CMP landings, and Ms.  
8 Kelli O'Donnell is here to go through those landings with you  
9 guys.

10  
11 **MS. KELLI O'DONNELL:** All of our 2022 landings are preliminary,  
12 but we do have final commercial and recreational 2021 landings,  
13 and the recreational landings we'll be presenting are through  
14 Wave 1 for this year, and commercial landings are through May  
15 24. All of the ACLs for the species in CMP are still in MRIP-  
16 CHTS units.

17  
18 Gulf Zone commercial cobia continues to be lower landings than  
19 what it has been since we've been hit with COVID, and much lower  
20 than what we saw in the 2017 to 2019 fishing year average. The  
21 recreational landings did increase a little bit last year,  
22 compared to the dip they had in 2020, but they are still lower  
23 than what they historically were for the 2017 to 2019 fishing  
24 year average, and, overall, still less than half of what the  
25 stock's ACT is.

26  
27 For the Florida East Coast Zone, commercial landings were  
28 starting out lower than what they have been in previous years,  
29 but we have seen a recent uptick in those, and so it will be  
30 interesting to see where they go as we progress through the rest  
31 of the year. The recreational landings, we just have that Wave  
32 1, and so we can just see where that little dot is. It's higher  
33 than 2020, but still lower than what 2021 and the average of  
34 2017 to 2019 fishing year average were.

35  
36 King mackerel commercial landings, the landings have been really  
37 slow this year, for some reason. We've heard some feedback from  
38 stakeholders saying that they're seeing the same thing, that the  
39 fish just haven't been there, or there hasn't been as many of  
40 them. Gillnetters went out about a month later than what they  
41 normally do, due to weather, and they did hit their quota, and  
42 they went a little bit over, and so they'll have a payback again  
43 next year as well, but all of the other zones are still open,  
44 which is pretty late in the year for all of them, and usually at  
45 least one or two of them are closed by now, but everybody except  
46 for gillnet is still open.

47  
48 Recreational, they have continued their trend to also be lower

1 than what they have in recent years, although we did see, in the  
2 2020-2021 fishing year, that they stayed on average, pretty  
3 much, for what they were with their previous three years of  
4 fishing, but they went down again this year, and we'll just have  
5 to see what happens in the rest of their fishing year.

6  
7 Spanish mackerel has really dropped down in their landings since  
8 COVID, and, again, they just finished their fishing year. We  
9 don't have any of the updated landings yet for starting into  
10 their next fishing year, but we haven't really heard too much  
11 about that, and so I'm not really quite sure what's going on  
12 with Spanish mackerel, but their landings have been lower, and  
13 the same thing with the recreational sector.

14  
15 Their landings have been low the past couple of fishing years,  
16 compared to 2019-2020, which their fishing year would have ended  
17 right at the start of COVID, and so that is still considered a,  
18 quote, unquote, normal fishing year for them, but, overall,  
19 still lower than what their past three years of average landings  
20 have been. I think that is the last slide, and let's see if we  
21 have any questions on that.

22  
23 **CHAIRMAN RIECHERS:** Leann.

24  
25 **MS. BOSARGE:** Are we going through that other item that's in the  
26 briefing book, the one that's more of a table format, or are we  
27 just doing this one?

28  
29 **MS. O'DONNELL:** We've just been doing the presentations and just  
30 providing the table for feedback.

31  
32 **MS. BOSARGE:** Okay, and, well, then I'll ask my question now, if  
33 that's okay.

34  
35 **CHAIRMAN RIECHERS:** Go ahead.

36  
37 **MS. BOSARGE:** In that table, I was looking at those cobia  
38 landings, since we've been working on that recently, and  
39 wondering, you know, how things are going with that, and I  
40 noticed that the recreational landings, on that second page of  
41 the other briefing book document for landings, they only landed  
42 like 3,000 pounds in that first MRIP wave, and, when I looked at  
43 your slide, where you put the graphs in, which I love, it looks  
44 like they usually land, I don't know, somewhere around 85,000 or  
45 90,000 to 120,000, in that first wave, and so I was just  
46 wondering, and was there -- Did we not get any intercepts for  
47 the first wave, hardly, and that's why we only have 8,000  
48 pounds, or is it really, really tanking?

1  
2 **MS. O'DONNELL:** I honestly -- I can't answer that question,  
3 because I just get the data provided to me, and so I'm not sure,  
4 as far as how much landings and intercepts have happened and are  
5 different from the other years.  
6  
7 **CHAIRMAN RIECHERS:** Ms. Boggs, do you have a question, or a  
8 follow-up?  
9  
10 **MS. SUSAN BOGGS:** I will answer Leann's question. It has  
11 tanked. There are no cobia out there. To follow-up to that,  
12 Robin, we saw two cobia come to the dock so far this year, and  
13 they were small. I mean, they were just barely legal.  
14  
15 **MS. O'DONNELL:** I would honestly have to look back through  
16 previous landings tables, to see what average landings have been  
17 for Wave 1, and I can't quite remember off the top of my head.  
18  
19 **CHAIRMAN RIECHERS:** Dale.  
20  
21 **MR. DALE DIAZ:** Ms. Boggs, the Spanish mackerel, just being as  
22 you're giving your perspective on cobia, are you all seeing very  
23 many Spanish mackerel come into your area?  
24  
25 **MS. BOGGS:** There are no cobia, there are no Spanish mackerel,  
26 and there are no king mackerel in our area. We ran a ten-hour  
27 trip, two ten-hour trips, back-to-back, and had a drift line out  
28 all day, and never had a bite on the drift line with a king,  
29 which we would normally have. With the troll, nothing.  
30  
31 **CHAIRMAN RIECHERS:** Any other comments or questions? Hearing  
32 none, Ms. O'Donnell, thank you.  
33  
34 **MS. O'DONNELL:** Thank you.  
35  
36 **CHAIRMAN RIECHERS:** We will now move on then to the next item,  
37 and I assume, Ryan, that will be you? You all are playing  
38 musical chairs on me. Who is on first here? I assume you're  
39 going to walk through the action guide, and then also the next  
40 amendment, and is that right, Ryan?  
41  
42 **FINAL ACTION: FRAMEWORK AMENDMENT 11: MODIFICATIONS TO THE GULF**  
43 **OF MEXICO MIGRATORY GROUP KING MACKEREL CATCH LIMITS**  
44  
45 **MR. RINDONE:** I can do it. I am going to babble to you guys  
46 about Framework Amendment 11, which is looking to modify catch  
47 levels for Gulf migratory group kingfish. The SEDAR 38 update  
48 assessment found that kingfish was not overfished or undergoing



1 overfishing, and so this framework action considers modifying  
2 the catch limits, the overfishing limit, the acceptable  
3 biological catch, the total stock ACL, and it will subsequently  
4 modify the commercial and recreational ACLs.

5  
6 It's important to note though that the spawning stock biomass,  
7 although above the minimum stock size threshold, is estimated to  
8 be below the spawning stock biomass required to achieve maximum  
9 sustainable yield, and kingfish, just as a side note to this,  
10 and this is in the assessment, and kingfish has experienced  
11 below-average recruitment for the last about thirteen years or  
12 so.

13  
14 You guys should review the document and select preferred  
15 alternatives and review public comments and the codified text  
16 and consider approving the Framework Amendment 11 for final  
17 action. Mr. Chair, anything on that?

18  
19 **CHAIRMAN RIECHERS:** Any question of Ryan about any of that? If  
20 not, go on to the amendment, Ryan.

21  
22 **MR. RINDONE:** We covered a lot of the basics in the scope of  
23 work there, and so if we just go right on down to Chapter 2, the  
24 one action that we have in here. All right, and so this is the  
25 action. it would modify the Gulf kingfish overfishing limit,  
26 acceptable biological catch, and annual catch limit.

27  
28 Alternative 1 here is the no action alternative, which would  
29 retain the current catch limits for Gulf kingfish from Amendment  
30 26. These numbers are -- The top row of numbers there are for  
31 2019-2020 plus, and those are using the Coastal Household  
32 Telephone Survey data currency for the private vessel landings.  
33 The SEDAR 38 update assessment transitioned to the MRIP Fishing  
34 Effort Survey, which, of course, estimates increased historical  
35 recreational catch and effort from that directed fleet, and so  
36 we put a second row here to show the MRIP-FES-equivalent catch  
37 limit, and so basically what those catch limits presumptively  
38 would have been for the 2019 and 2020 subsequent fishing years,  
39 had FES been used back when those original catch limits were  
40 set, just to give you some perspective when looking at  
41 Alternatives 1 and 2.

42  
43 Alternative 2 would revise the catch limits based on the SSC's  
44 recommendations from the SEDAR 38 update assessment, and those  
45 projections ran from the 2021-2022 fishing year all the way  
46 through the 2023-2024 and subsequent fishing years, and those  
47 are shown there in the table under Alternative 2.

1 The total ACL is being set equal to the ABC, which is customary  
2 for the council in the past for dealing with CMP species that  
3 are not overfished or undergoing overfishing, and an annual  
4 catch target continues not to be used, as it has not been used  
5 in the past for kingfish, and so you can also see the  
6 recreational and commercial annual catch limits there in the  
7 table, and those are based on the current sector allocation of  
8 32 percent commercial and 68 percent recreational.

9  
10 If you compare -- If you're looking at the table that was under  
11 Alternative 1 that shows 2019-2020 plus, in FES-equivalent  
12 values, and then you look at the values in Alternative 2, which  
13 you can see is at the catch limits that are recommended here for  
14 Alternative 2, they're actually tantamount to a decrease in the  
15 overall catch limits, compared to what we currently have on the  
16 books, and this is representative of the fact that, although the  
17 stock is not overfished or undergoing overfishing, it does  
18 remain below -- The spawning stock biomass does remain below the  
19 spawning stock biomass at maximum sustainable yield, and the  
20 assessment assumes that recruitment will be similar to the  
21 average over the last several years and that the stock will  
22 ultimately rebuild up towards maximum sustainable yield from  
23 where it is currently, and so that's why those catch limits  
24 increase from year to year.

25  
26 Functionally, the 2023-2024 fishing year is the catch limit  
27 that's likely to be implemented earliest, based on going final  
28 action here and then how long it takes to get things through the  
29 process, once we transmit documents to NMFS. Are there  
30 questions?

31  
32 **CHAIRMAN RIECHERS:** Mr. Diaz.

33  
34 **MR. DIAZ:** I am going to confuse everybody. Ryan, I know we're  
35 not talking about allocations here, but this page just seems  
36 like it lays it out so perfectly, and so, if you look at the  
37 commercial ACL column, the 2019-2020 fishing year, with the old  
38 method, produced 2.7 million pounds, and, if you look at the  
39 2021-2022, the new method with FES, it produces just shy of  
40 three million pounds, and so, roughly, if we don't do anything,  
41 commercial, just by virtue of switching over to FES, are going  
42 to pick up around 260,000 pounds, and is that reading that  
43 correctly, and is that an accurate depiction of the way this is  
44 working?

45  
46 **MR. RINDONE:** Well, to a degree, because the 2021-2022 fishing  
47 year for the Western Zone handline, and, in some of these, the  
48 handline ends in nine days, and so, really, you can functionally

1 ignore that particular fishing year, and the next one that you  
2 would look at would be 2022-2023, and, as I mentioned before, we  
3 expect the first year that management is actually going to be in  
4 place is going to be that last year of projections there, and so  
5 that comes about to about a 440,000-pound increase for the  
6 commercial ACL from the status quo.

7  
8 Not reallocating, under this scenario, is tantamount to  
9 something of a reallocation to the commercial sector, because  
10 it's ignoring the increased catch and effort attributed to the  
11 recreational sector historically, per FES.

12  
13 The recreational sector -- Just as a quick landings review,  
14 typically, the recreational sector lands about 50 percent less,  
15 under CHTS, of its ACL for Gulf kingfish, and the commercial  
16 sector typically catches, or just barely exceeds, its ACL, and  
17 the commercial sector is closed when the Southeast Regional  
18 Office expects the regional catch limits to be -- Or the  
19 regional quotas to be met, and so sometimes those closure  
20 notices come in just a little early, and sometimes they come in  
21 just a little after.

22  
23 Typically, the commercial sector catches what it's given. This  
24 year, like Ms. O'Donnell had mentioned, kingfish landings are  
25 low. The Western Zone handline and the Southern Zone handline  
26 are both still open, which is atypical compared to the last ten  
27 fishing years or so.

28  
29 **CHAIRMAN RIECHERS:** Any other questions about the document? We  
30 didn't have a preferred when we went out, and so we probably  
31 will want to go ahead and take public comment before selecting  
32 that preferred, but I saw a hand down there. Leann.

33  
34 **MS. BOSARGE:** I'm glad that Dale brought that up, because I  
35 noticed the same thing, and I thought it was very informative,  
36 and so it will show you, like you said, what the commercial  
37 would get if you don't change the allocations. What I think is  
38 missing though is that black box, and, if you had that black box  
39 in there, it would show -- If you had a number in that black  
40 box, it would show you what the commercial sector missed out on  
41 in the past, right, and so we went through an exercise where, to  
42 the best of our ability, we said, all right, if we put  
43 everything back like it was in the last assessment, the data  
44 streams, and then we drop FES in it, what would those OFLs have  
45 looked like, and what level would we have been fishing at?

46  
47 If you do that, and you carry that column all the way out to the  
48 commercial ACL, back in 2019-2020, with our current allocation

1 on the books, we would have been able to catch almost 3.7  
2 million pounds, and so that's an extra 1.2 million pounds that  
3 we would have had the opportunity to catch, and we could have  
4 done so sustainably. The stock is larger than what we once  
5 thought.

6  
7 Now, we didn't arrive at that conclusion organically, through  
8 some fishery-independent go out there and count all the king-  
9 mackerel-type survey, but we arrived at that conclusion because  
10 we realized that we have not been capturing all the recreational  
11 landings in the past, and so we rewrote those back in time, and  
12 plugged it into the assessment, and then it tells us the stock  
13 would have actually been larger.

14  
15 That's the piece that I think is missing from this page right  
16 here, and I don't understand why we don't have a number in that  
17 black box right there, because there is a status quo allocation,  
18 and so, if that's what the OFL would have been, to the best of  
19 our ability to estimate, then the commercial sector would have  
20 gotten 32 percent of it, when you put a number in that box, to  
21 paint the whole picture.

22  
23 **CHAIRMAN RIECHERS:** Ms. Boggs.

24  
25 **MS. BOGGS:** Okay. I am going to jump into the fire. There was  
26 discussion, I know in Alabama and then shifting over in  
27 Mississippi and Louisiana and Texas, and we're hearing there are  
28 no king mackerel, and I have thought this for several meetings,  
29 and I may have asked it at the last meeting, and so I do  
30 apologize if I did, and I keep looking at this Southern Zone  
31 with gillnetters.

32  
33 It appears that they go over every year, and I understand this  
34 year -- Because I looked at that too, about they seem to have  
35 fished a little bit longer this year, and so I thought, well,  
36 maybe that's indicative that the fish may be in trouble, but  
37 then I'm hearing it's because of weather, and so my question is,  
38 for the gillnetters in the Southern Zone, what size nets are  
39 they using?

40  
41 I ask this question because, if they're catching all of these  
42 smaller fish, and they're not able to migrate up toward the  
43 northern Gulf, and on over to the western Gulf, I mean, are we -  
44 - I mean, is that part of our problem, and I know -- I know that  
45 I am probably going to get slain after I walk out of here, but  
46 I'm just trying to get to the crux of the problem. Are there  
47 other things that we can do that we might see the health of this  
48 population rebound, at least when it comes up into the central,

1 northern, and western Gulf? I mean, are we stopping all the  
2 fish down south, and is there maybe something we can do in that  
3 respect? It's just a question.

4

5 **CHAIRMAN RIECHERS:** Ryan, do you want to take it?

6

7 **MR. RINDONE:** I will swing at it. The gillnetters have 21  
8 percent of the commercial total ACL, just of the commercial  
9 sector's share of the pie, and they have to use -- They are  
10 allowed to use runaround gillnets only for those commercial  
11 kingfish fishermen with those gillnet endorsements, and I think  
12 it's fourteen boats that are actively fishing. The nets have a  
13 minimum three-and-a-half-inch mesh size, if my memory is serving  
14 me, but it's -- Peter, what is it?

15

16 **MR. PETER HOOD:** It's 4.75 inches.

17

18 **MR. RINDONE:** There we go. It's 4.75. Even bigger. Maybe  
19 three-and-a-half was Spanish, but, anyway, it's 4.75-inch mesh,  
20 which is pretty big mesh, and so your young-of-the-year kingfish  
21 are going to presumably be able to get through that, especially  
22 when that net is good and stretched out.

23

24 They have an accountability measure in place that is a pound-  
25 for-pound payback, and the landings are reported by the day, and  
26 then they're validated by seafood dealer reports, and then that  
27 ultimately helps determine what the payback is going to be, if  
28 any.

29

30 We probably have -- We have better resolution, at this point  
31 anyway, on the gillnet kingfish landings than we've had in the  
32 past, because that fishery is reporting daily to the Southeast  
33 Regional Office what it's catching, and then the Southeast  
34 Regional Office is able to look at those seafood dealer reports,  
35 to be able to validate what they're hearing from the fishermen.

36

37 The small fish are able to get through, to address that. They  
38 are going to catch the fish that are large enough to be caught  
39 by that 4.75-inch mesh, but they also don't start fishing until  
40 the price reaches a certain poundage, and they don't fish when  
41 the weather is too rough, and there's a lot of things that will  
42 keep them back. I don't know if Bill Kelly is still milling  
43 around, but he knows quite a bit about the history of that  
44 fishery, if you have any specific questions about any of that.

45

46 **CHAIRMAN RIECHERS:** Susan, a follow-up?

47

48 **MS. BOGGS:** I guess that would answer my question, you know, and

1 so, with the four-and-three-quarter-inch mesh, allowing the  
2 smaller fish to escape, because, I mean, what few king mackerel  
3 we do see, and, when I say few, I think I've seen maybe five or  
4 six come to the dock this year, and, I mean, they're this big,  
5 and that's probably, what, twenty-four inches, or, no, they're  
6 not even that. They're probably twelve or thirteen inches. I  
7 mean, they're small fish, and, you know, I just -- I am just  
8 trying to see where some of the issues might be, and I am trying  
9 to think outside of that box.

10

11 **CHAIRMAN RIECHERS:** Leann.

12

13 **MS. BOSARGE:** Thank you, Mr. Chairman, and so I've heard,  
14 several times, about the king mackerel not being there, and I've  
15 had this piece of information that I just keep sitting on,  
16 because I don't want to give away all the secrets of the  
17 fishermen, but I think it's time to -- I am going to spill the  
18 beans a little bit, and I won't give you all the details, but so  
19 the commercial guys -- You know, we're also not seeing -- The  
20 northern Gulf commercial guys weren't really seeing them where  
21 they had always seen them, and, one guy in particular, he says,  
22 you know, it's just bothering me, and I'm going to find them.

23

24 He wracked his brain, and he thought, and he said, you know,  
25 forty years ago, we found them in XYZ location, and so he went  
26 out, and he made a bunch of stops, but he finally found those  
27 fish, in that same spot where they were about forty years ago,  
28 and so I don't know that it's -- I mean, the stock is not  
29 overfished or undergoing overfishing, and I don't think we have  
30 an issue with a very unhealthy stock that's about to collapse,  
31 and I think you may have a migratory pattern that has changed a  
32 little bit.

33

34 I don't know what is happening off of Alabama, and he's a little  
35 bit further west of there, and he's been good enough to kind of,  
36 you know, share with some other fishermen, you know, so that  
37 everybody will kind of understand this new pattern that they're  
38 seeing, and so, at least on the commercial side, I think that  
39 we're starting to see the fish again, from what I can  
40 understand, and we just had to find them.

41

42 **CHAIRMAN RIECHERS:** Ms. Boggs.

43

44 **MS. BOGGS:** To that point, I don't totally disagree with you,  
45 Leann, because that has been some discussion that I've had with  
46 some fishermen, and I think some people at this table, about the  
47 cobia, you know, and where have they gone, and have they changed  
48 their migration pattern, and, you know, I know climate change is

1 a factor, and I don't know how big of a factor, but I just think  
2 -- I don't want to be overcautious, but, at the same time, I  
3 just want to make sure that we're thinking of all the  
4 possibilities of what could be causing this, and it may be a  
5 migration pattern, but, you know, when I have boats that are  
6 fishing forty, or forty-five, miles offshore and trolling and  
7 putting out drift lines and not even getting a bite -- I know a  
8 particular person, and I've heard another story of another king  
9 mackerel fishermen that fishes all the king mackerel  
10 tournaments, from Alabama all the way to Texas, and they're not  
11 catching any fish.

12  
13 Of course, I don't know where they're fishing, but I've had  
14 comments from all different realms, if you will, and I'm just --  
15 I don't know the answer, but I do agree, Leann, that it could be  
16 that as well, and I'm just trying to make sure that we cover all  
17 the possibilities.

18  
19 **CHAIRMAN RIECHERS:** Tom.

20  
21 **DR. TOM FRAZER:** It's an interesting comment that Leann made,  
22 and I'm just trying to reconcile it with the king mackerel  
23 commercial landings, right, and they're still down, but the  
24 problem is we only see the cumulative, or the aggregate, catch,  
25 and so, if we were able to look at the individual per capita  
26 catch, what you're telling me is that we would see a lot more  
27 variability in these last two years, because a few guys have  
28 figured it out?

29  
30 **CHAIRMAN RIECHERS:** Go ahead, Leann, but I will say, Ryan, can  
31 you answer the fact -- I mean, this is simply -- I think what  
32 Tom is getting at is the breakup of the different commercial  
33 zones, and we've got that by zone, and so one could at least  
34 look at that, as opposed to this action, and it may even be in  
35 the back, in the tables, here.

36  
37 **MR. RINDONE:** It's actually right here. I can describe it to  
38 you anyway, and so -- This is on the Southeast Regional Office's  
39 annual catch limits and accountability measures page, and we  
40 sent you guys this link last time, at the request of one of the  
41 committee members, I think during Reef Fish, but I will send  
42 this to Bernie to send out to you again in just a second, after  
43 I'm done reading to you.

44  
45 Typically, we see the Western Zone and the Southern Zone  
46 handline close -- The Western Zone usually closes before New  
47 Year's, and the Southern Zone handline usually closes at or  
48 around Lent. The Southern Zone gillnet usually closes within a

1 couple of weeks or so after opening, but when they actually  
2 start fishing is variable, depending on things like weather, the  
3 price of the fish, et cetera.

4  
5 The Northern Zone, since it was -- Since it had its portion of  
6 the commercial ACL increased, I think it closed one year, but it  
7 also has a later opening, and it opens in October, and that was  
8 in deference to a lot of the dually-permitted for-hire vessels  
9 that operate from the Florida-Alabama line, east and south.

10  
11 Right now, the Western Zone is sitting at 43 percent of its  
12 quota having been landed, and the Northern Zone is at 60  
13 percent, and the Southern Zone hook-and-line is at about 78  
14 percent, and, again, so the Western Zone normally would have  
15 closed, at the latest, by like November, if we look back, and  
16 they're still quite wide open at this point. The Northern Zone  
17 still has through the end of September for its fishing season,  
18 and so there's time yet for that zone, and then the Southern  
19 Zone, again, is fixing to close here in a few days, and they're  
20 usually at, or just over, their ACL, and, right now, they're at  
21 78 percent, and so if you're looking at it from a regional  
22 aspect.

23  
24 If we go up to Chapter 1, just to visualize, in the background -  
25 - There should be a map in there, and so the Western Zone goes  
26 from Brownsville to the Florida-Alabama line, and the Northern  
27 Zone is from the Florida-Alabama line down to about here, and  
28 then off of Lee County, and then the Southern Zone is down south  
29 to Monroe, and it goes all the way through the Keys up to the  
30 Dade-Monroe County line. Then the Atlantic group is north of  
31 that, but we're not talking about that.

32  
33 **CHAIRMAN RIECHERS:** Leann, I saw you shuffling your papers and  
34 trying to get your hand up, but I wanted to turn to Ryan on  
35 that.

36  
37 **MS. BOSARGE:** Thank you, Mr. Chairman. So, if you think back to  
38 the slide that Ms. O'Donnell showed us with the commercial king  
39 mackerel landings, and, Tom, this is kind of to answer your  
40 question, and, that 2019-2020 fishing year, that was about on  
41 par with our three-year average landings. When it came down was  
42 that 2020 year, and so 2020 to 2021, and, if you think about the  
43 way that our season runs, that was really when COVID hit us,  
44 okay, because of when our openings are in that particular  
45 fishery.

46  
47 That's also the year, 2020, that we had one hurricane after  
48 another after another, which meant that the traveling fishermen



1 that come from the Atlantic, that catch part of our quota over  
2 here, at some point they just kind of gave up and went home. I  
3 mean, they couldn't get out on the water, because it was just  
4 back-to-back, and so that part of the quota didn't get really  
5 landed that year.

6  
7 Then, if you come forward and look at this year, which is also  
8 kind of below the average, well, I think you can just go look at  
9 the price at the pump and probably explain a good bit of what --  
10 I mean, I think we might see that on commercial landings in  
11 general, and I know, in my world, at least in the shrimp fleet,  
12 and I haven't talked to the other commercial guys, but it is  
13 certainly causing us to stay at the dock, and so I think fuel  
14 has got a lot to do with it at this point.

15  
16 **CHAIRMAN RIECHERS:** So all of this discussion has been just  
17 centered around the concern that has been brought up, and this  
18 document, obviously, is not really designed to kind of address  
19 those concerns, but it is raising the OFL and the ABC, and so  
20 that's where the concern is embedded, as I understand it, but  
21 are wanting, probably, to turn to our public comment portion  
22 fairly soon, but, Ryan, do you have something more you want to  
23 help us with here?

24  
25 **MR. RINDONE:** Yes, sir, just real quick, and just to note that  
26 the Alternative 2 is actually a decrease in the catch limits,  
27 compared to the MRIP-FES equivalent of what is currently on the  
28 books.

29  
30 **CHAIRMAN RIECHERS:** I'm sorry. Anybody else on the topic of one  
31 of the two alternatives? All right. Leann, did you have your  
32 hand up again? I'm sorry.

33  
34 **MS. BOSARGE:** You're wanting a preferred, right?

35  
36 **CHAIRMAN RIECHERS:** I think, since we went out to public hearing  
37 without a preferred, wouldn't you want to hear the public  
38 hearing comments first?

39  
40 **MS. BOSARGE:** I think that sounds wise.

41  
42 **CHAIRMAN RIECHERS:** It may or may not change what one chooses to  
43 do, but we did go out without a preferred, and so we should hear  
44 that, if we can.

45  
46 **MR. RINDONE:** We didn't actually take this out to public  
47 hearings, because this is a framework amendment, and so it falls  
48 under that part of the framework procedures, and so the council

1 meeting counts as the public hearing opportunity, and so we've  
2 had written comments that Ms. Muehlstein can go through, and  
3 then you guys will also hear any other public testimony the day  
4 after tomorrow.

5

6 **CHAIRMAN RIECHERS:** Ms. Muehlstein.

7

8 **MS. EMILY MUEHLSTEIN:** Thank you, and I think it's a good  
9 opportunity. We did go out and ask for public comment by  
10 creating a public hearing video. We had 202 views of that  
11 public hearing video, and we only received one comment in  
12 response, and that comment said that king mackerel numbers are  
13 down from 2013 to 2017, and I guess that was kind of a point to  
14 note that that was a reasonable year for -- That was blamed on  
15 red tides and the absence of bait, which is not encouraged them  
16 to come in like they have historically, and so I think that sort  
17 of points to some of the conversations that Leann and some  
18 others were having about maybe a change in the migratory  
19 pattern, and that's it.

20

21 **CHAIRMAN RIECHERS:** Thank you, Emily. Now I am ready to  
22 entertain, or we can entertain, a motion for a preferred.  
23 Leann.

24

25 **MS. BOSARGE:** I would like to make a motion that, in Action 2.1,  
26 we choose Alternative 2 as the preferred alternative.

27

28 **CHAIRMAN RIECHERS:** It's seconded by Mr. Dugas. Any discussion  
29 regarding the motion? I'm sure there will be. We've had some  
30 discussion already on the motion, but any other discussion?  
31 Okay. **Hearing none, and seeing no hands raised, all those in  
32 favor of the motion, say aye; all those opposed, same sign. The  
33 motion carries.** With that, I assume we now look at codified  
34 text. Mara, would that be correct?

35

36 **MS. MARA LEVY:** Sure. I mean, I can note that it is in your  
37 briefing book, at Tab E, Number 5, and it did use the numbers  
38 from Alternative 2, since that was the only other alternative,  
39 even though it wasn't preferred yet, and so it's really just  
40 changing all of the quotas and applicable ACLs and such in the  
41 codified text.

42

43 Right now, it does have all of the years that are in the  
44 alternative, and so 2021, 2022, et cetera. I think, when we do  
45 the rule, we will probably take out the numbers that are not  
46 applicable, for example 2021 and 2022, and it's going to be over  
47 by the time we propose anything, or it already is over, and I  
48 don't know when all the fishing years are, and so that probably

1 won't be in the rule, but we put them in the codified, just so  
2 we had everything in one place that mimicked the framework  
3 action. If anybody has any questions, I can answer them.

4  
5 **CHAIRMAN RIECHERS:** It's a fairly simplified codified text, in  
6 this case, with only one option. With that, we can either have  
7 a motion prior to testimony we would get later in the week, to  
8 have it teed-up for submittal to the Secretary, or we can wait  
9 for that until Full Council. I will pause to see if anyone  
10 wants to make that motion now. Okay. It sounds like the  
11 committee pleasure is to wait until we have public testimony and  
12 then go to Full Council without that motion, and so that is what  
13 we shall do.

14  
15 That should take us, if I am keeping score correctly, Ryan, now  
16 to the research set-aside discussions. The first one will be  
17 presented by the New England Council, Tab C, Number 6(a), and  
18 that is Mr. John Peros.

19  
20 **RESEARCH SET-ASIDE (RSA) PRESENTATIONS**  
21 **NEW ENGLAND COUNCIL**  
22

23 **MR. JONATHON PEROS:** Good afternoon, everyone. My name is  
24 Jonathon Peros, and I'm with the New England Fishery Management  
25 Council. It's a pleasure to be here with the Mackerel  
26 Committee, to talk a little bit about the New England Council's  
27 research set-aside program. Clearly I'm from a little climate,  
28 and I would have preferred a short-sleeve shirt today.

29  
30 **CHAIRMAN RIECHERS:** Here, you needed a jacket earlier, and let  
31 me just attest.

32  
33 **MR. PEROS:** In the presentation today, I'm going to cover the  
34 basics of the RSA. If you don't know a lot about a research  
35 set-aside program, hopefully this presentation is for you. I'll  
36 be sticking around after this report, and I would be happy to  
37 answer any more detailed questions that folks may have about the  
38 New England Council's RSA program. If I can't get your answer  
39 today, I would be more than happy to go back to our shop and  
40 make sure I can speak with someone who does have an answer for  
41 you, and so we're committed to the follow-through on that.

42  
43 I will talk about the RSA, what the program elements are, and  
44 really the process that the New England Council is using, and I  
45 will be using some examples from the scallop fishery management  
46 plan. That's the one that I'm most familiar with, and I'll  
47 conclude with some observations, and I think lessons learned,  
48 from our program.

1  
2 A research set-aside program is really a mechanism for the New  
3 England Council to be able to conduct research to address  
4 science and management questions, and we're looking to enhance  
5 understanding of our species and try to address key bycatch  
6 issues, but really support the decision-making process, and  
7 what's unique about it is that the council is electing to reduce  
8 the overall acceptable biological catch that would be available  
9 to the full fleet for harvest and, in lieu of that, to set aside  
10 a small portion that can be harvested for research.

11  
12 There's a process for turning fish into research dollars that's  
13 a little more complicated than just moving them across the dock,  
14 and so I will talk about that a little bit more as I go through,  
15 and so I'll talk about priority setting, the grant making and  
16 the administration of the overall program, and then research.

17  
18 A little bit of history, to set the stage, and I'm sure that  
19 many of you are familiar with the story of groundfish in New  
20 England. Both groundfish and scallops were considered depleted  
21 in the early 1990s, in 1994. What we knew at that time though,  
22 when there were substantial closures on Georges Bank, was that  
23 there was also some recruitment of scallops within those closed  
24 areas.

25  
26 We didn't know the magnitude of that recruitment event, and we  
27 didn't understand how widespread it was, but cooperative  
28 surveys, and cooperative research, was really a mechanism for  
29 academic institutions, with NOAA Fisheries, to get out and  
30 understand the scale of this recruitment event, to understand if  
31 there were fishing opportunities, and the vessels that  
32 participated in that were given pounds in subsequent fishing  
33 trips to offset the cost of their participation.

34  
35 That led, pretty quickly, to success and the harvest for the  
36 entire fleet, the entire fleet, the following year, and  
37 additional pounds were set aside to cover the costs of  
38 observers, because we knew there was some groundfish bycatch in  
39 the area, and so that was really the springboard for RSA  
40 programs in New England. I don't think you can underestimate  
41 that it was a very quick win-win, and there was a lot of buy-in  
42 from the industry. The industry was involved from the very  
43 beginning, and I think that's a hallmark of the programs.

44  
45 In 2004, the scallop program was officially established, and  
46 there is actually two other RSA programs that are established  
47 within the council's fishery management plans, Atlantic herring  
48 and monkfish, which is jointly managed with the Mid-Atlantic

1 Council.

2  
3 The programs vary widely in scale and their activity, and so the  
4 frequency at which priorities are set and the frequency at which  
5 specifications are evaluated and set varies between all of  
6 these. There are certainly challenges that the council has  
7 faced.

8  
9 Herring is in a rebuilding plan right now, and it's considered  
10 overfished. There is a lot of latent effort in the monkfish  
11 fishery, and so there is things that the council does have to  
12 work through, and these aren't perfect programs, but there is  
13 certainly an opportunity to drive some research priorities that  
14 may answer management questions.

15  
16 Just to give you a flavor for some of the work that gets funded  
17 through RSA programs, I will start with sea scallops, and it's  
18 the largest research budget and the largest program overall.  
19 The council, the New England Council, relies very heavily on  
20 that program to supplement survey efforts that are conducted by  
21 NOAA Fisheries, and so we have dredge optical surveys that are  
22 being added to the annual efforts to survey the resource, gear  
23 work addressing interactions with endangered species, and then  
24 also life history, and so supporting the stock assessments.

25  
26 For monkfish, it's a similar focus. Efforts have really been  
27 about data collection to enhance the stock assessments and get a  
28 better sense of the overall distribution and movement of those  
29 animals between management units, and, for Atlantic herring, the  
30 primary focus has been on addressing bycatch of river herring in  
31 that fishery.

32  
33 Program elements, who is involved in the RSA? The RSA begins  
34 with the council. It began with the New England Council, but,  
35 very quickly, NOAA Fisheries becomes involved, and NOAA  
36 Fisheries plays a central role in the research set-aside in New  
37 England.

38  
39 The other groups that are involved are the academic  
40 institutions, or the research institutions, and the fishing  
41 industry, and so it's several groups that I think make these  
42 programs go, and I will talk about each of these individually,  
43 so you can kind of get a sense of the role that the New England  
44 Council plays in this program, what the agency is doing, and  
45 then what researchers and industry end up with.

46  
47 Priority setting, and this is really -- I can't emphasize enough  
48 that this is the place where the council has the most impact on

1 RSA programs, and I think that will become pretty apparent in  
2 the next slide, and so, depending on the RSA program within the  
3 New England Council, some -- For scallops, we set priorities on  
4 an annual basis. For herring, it's a three-year timeline, and  
5 it really depends on the council's interest in revisiting the  
6 priorities and how often specifications are being set.

7  
8 That process is driven by industry, our technical group, the  
9 committee, but also research that's been funded through the  
10 program, and so there's a whole lot of information that we think  
11 should be funneling into the decision on what priorities will be  
12 addressing management needs that the council has identified.

13  
14 In terms of getting the word out about the program, this is  
15 really the beginning of joint efforts with NOAA Fisheries, and  
16 so the council spends a fair amount of resources, after priority  
17 setting happens, to get the word out, both to academic  
18 institutions, but also to the fishing industry, to announce  
19 this.

20  
21 At that time, NOAA Fisheries is beginning a process of taking  
22 the New England Council's priorities and then moving them to a  
23 federal funding opportunity, and so the agency does a lot of the  
24 heavy lifting with an RSA, at least in our experience. It's  
25 administering the grant process, and it's making the final  
26 determination of the projects that are awarded, and it's  
27 tracking the landings, the RSA usage, and it's running the  
28 evaluation of the projects before a selection, and so the New  
29 England Council has some role in this.

30  
31 We recommend members of a management review, which is really  
32 members of industry, council members, trying to review projects  
33 and understand what would be useful to a certain issue, but,  
34 really, the agency is driving the process, once it leaves the  
35 council's priority-setting vote, and final project selections  
36 live with the director of the Science Center, in our case.

37  
38 Once the selection is made, it's really on the successful  
39 projects, the researchers, and industry partners to make this  
40 go, like I said, and we're awarding pounds of fish, and we're  
41 awarding days at-sea. This isn't a simple release of dollars to  
42 an organization, and so there's a lot of folks, a lot of  
43 institutions, that have been involved in RSA, and there's a  
44 smaller number that are really lead organizations, and what  
45 we've found in New England is there's a few shops that are  
46 really good at the administration of turning pounds of fish into  
47 research dollars and working with industry.

1 We think we're doing this pretty well, like I mentioned before,  
2 and the outcomes of the research that has been funded is really  
3 -- It's filtering into the priority-setting processes and  
4 filtering into the management process, and so there's a check,  
5 on an annual basis, of how have we used these projects in  
6 management, and are they answering the questions that we set out  
7 to ask, and so hopefully there is a little bit of a feedback  
8 loop that gets created, once the program gets up and running and  
9 moving forward.

10  
11 I mentioned scale, a few minutes ago, and, like I said, the New  
12 England program has -- The New England Council has three  
13 different programs, and the size of them vary, and the way that  
14 the allocation is accounted for varies, and so, for the scallop  
15 fishery, the council sets aside 1.275 million pounds of scallops  
16 to support research, and that's supporting about three-and-a-  
17 half million dollars of research in a year.

18  
19 For monkfish, it's a little different, and that fishery operates  
20 using days at-sea, and so it has identified 500 days at-sea that  
21 are available, and those days are sold directly to harvesters.  
22 There's a lot of latent effort in that fishery, and so raising  
23 the money has been a challenge, in some years, and then, for  
24 herring, there's a cap on how much of a sub-ACL can be directed  
25 towards a set-aside. The council has elected not to allocate  
26 any pounds to the research set-aside, given the current  
27 condition of that stock.

28  
29 What really makes the RSA program go is this relationship with  
30 researchers and industry, and the fishing industry gets involved  
31 in a couple of ways. One is that the vessels become platforms  
32 for research, and the other is that they're engaging in  
33 compensation fishing, the fishing of that set-aside and the  
34 proceeds of which will be used to fund research. I know the  
35 next presentation is going to cover that in a little more  
36 detail, and so I won't belabor it here for you now.

37  
38 In terms of what partnerships look like across the different RSA  
39 programs, they vary by fishery, or they vary by research  
40 institution, and so, as I mentioned, with monkfish, there's  
41 really direct day at-sea, and that's how the proceeds are  
42 raised, and so it's a phone call from a harvester to a  
43 researcher saying I want ten days at-sea, and then a check ends  
44 up in the mail.

45  
46 For scallops, it's a little bit different. There is a bit of a  
47 delay, in terms of when the pounds are generally available. The  
48 folks who are involved in the research are often the ones doing

1 the compensation fishing, and there might be different  
2 arrangements on how compensation dollars are raised, and so  
3 there is a bit of a spectrum within the three programs on how  
4 you're creating funds for research, and it depends on the  
5 program.

6  
7 It does take a few extra steps to move from being a scallop to a  
8 research dollar, and the way this works is that the council has  
9 the 1.275 million pounds carved out for a set-aside. Once the  
10 awards are made, once the program is being led by -- This is the  
11 point that NOAA Fisheries is leading, and each project is  
12 awarded a portion of that set-aside.

13  
14 The amount of pounds that a project receives is based on a  
15 forecast of what we think the ex-vessel price of scallops will  
16 be in the following year, and then we work backwards, through  
17 the sharing arrangement that's been established, to figure out  
18 how many pounds should be awarded to a particular project, and  
19 so that -- There is a fair amount of autonomy that researchers  
20 have in how they want to set that up, and I will try to step  
21 through that in the next slide, but those funding arrangements  
22 will vary, particularly in the scallop fishery.

23  
24 I mentioned this forecast, and we call that the common price,  
25 and that has changed over time, and that's shown on the left-  
26 hand side of your screen, and so, back in 2010, it was a little  
27 more than \$7.50. For this current fishing year, we called it  
28 \$15.00, and we may be overly optimistic, and we may undershoot  
29 it a little bit, but what I want to talk through is the table in  
30 the middle of your screen, which is the process that NOAA  
31 Fisheries would be using to try to understand how to turn those  
32 pounds into dollars.

33  
34 Someone may propose to do survey work, survey research, and they  
35 have a budget of \$150,000, and they have proposed a split, to  
36 split the proceeds 75 percent of it back to the vessel and 25 to  
37 the research, and, when you apply the common price, that works  
38 out to \$3.00 and \$9.00, and then we back-calculate how many  
39 pounds the project receives. At that point, the pounds move to  
40 a research institution, and then it's on them to work with  
41 individual fishing businesses to get that compensation fishing  
42 done.

43  
44 One of the nuances of the program is that, by the time a project  
45 is funded, we're saying you're funded in March, and the pounds  
46 are awarded, but, often, you want to get the research going, and  
47 so there can be a time lag between when compensation fishing is  
48 actually happening and when you want the research to begin, and



1 that's one of the things that I think takes certain  
2 organizations, and even within administration of the university,  
3 to understand that I didn't get \$150,000 this year, and I got  
4 50,000 pounds of scallops.

5  
6 I talked a little bit about the scale of these programs, and I  
7 will give the scallop example, and this is really the last  
8 twelve years. When you multiply the common price with the  
9 pounds that are available, there's been about \$150 million  
10 raised, we think, and 165 research projects.

11  
12 When you look at monkfish and herring there, they're awarding  
13 two, or maybe three, projects in a given year, and the value of  
14 the RSA for scallops is larger than the total revenue in the  
15 monkfish fishery, and so the spreads are -- They're very  
16 different, but I think they're all very effective in trying to  
17 address management questions.

18  
19 I wanted to break this out too and talk a little bit about  
20 priority setting, because that's something that the council is  
21 engaged in. That's, again, a place where the council can really  
22 have an impact on the awards that get funded by ranking  
23 priorities, and so, in every year, the New England Council ranks  
24 survey work as the highest priority for scallops. They want  
25 more data, and they want more surveys on the water, and so that  
26 comes through, I think, in the funding here in this chart.

27  
28 Getting to the lessons and observations, we try to start with a  
29 couple of questions with this program, and we really try to  
30 relate it back to the management context, and so, if the  
31 research is successful, what is the council going to do with the  
32 findings? Is the research even likely to be successful or have  
33 utility in the management arena?

34  
35 Some of the things that we found, along the way, is that, when  
36 the council tries to steer research, and is perhaps too  
37 prescriptive, you might not get anyone who wants to do the work,  
38 and you might not get any proposals. That can cut the other  
39 way, where you have a very broad topic, and a lot of people will  
40 put in applications, and then you might not end up with the work  
41 that you think that you're going to get, and I think that's just  
42 a reality of these programs and their competitive process.

43  
44 One thing that we found, lately, particularly, again, for  
45 scallops, is that there are projects that are being funded, or  
46 could be funded, that may have a funding source in a different  
47 program, and so S-K, the BREP program, Fisheries and the  
48 Environment, NOAA's Ocean Acidification Program, and, in

1 general, the committee, the scallop committee, and the council  
2 has tried to steer away from getting into the business of  
3 funding long-term monitoring, outside of surveys in bycatch, and  
4 tried to identify other funding opportunities for questions that  
5 you might want to answer, like the impact of ocean acidification  
6 on a bivalve mollusk.

7  
8 One thing that the council has had to deal with is, oftentimes,  
9 we're setting priorities at a point when there's a real  
10 management need, but the reality of this program is that you're  
11 not going to see a result for three or four years, particularly  
12 if you want purity of research, and so I think there has been  
13 success, in terms of being able to see RSA-funded projects have  
14 an impact on management, but that time scale is generally longer  
15 than I think a lot of folks around the table would like.

16  
17 We've tried to implement what we call a share day process, which  
18 brings in research from all avenues. Anyone who is thinking  
19 about scallops or monkfish to come and talk to the council about  
20 that work and to really get a sense of where ongoing projects  
21 are headed as it puts together the priorities.

22  
23 There is a phrase that industry uses when they talk about the  
24 RSA, and it's pounds out of the hold, and I think it's a good  
25 one, and it's one that I think is an acknowledgement that there  
26 is industry buy-in to this program, but it also creates a  
27 heightened accountability for not only the council, but NOAA  
28 Fisheries and researchers that there's a real feeling of  
29 ownership among industry members for this program. They want  
30 this program to succeed, and they are foregoing over a million  
31 pounds of harvest in a given year, and they would like to see  
32 particular results, and they would like to see the projects  
33 finished and that sort of thing.

34  
35 Within New England, like I said, there's been some institutions  
36 that have been very successful, and we always think there's  
37 opportunity to expand the pool of folks who participate, and the  
38 status of the stock, like with herring, and the value of  
39 species, and so the value of monkfish has declined in recent  
40 years, and some of those have made administering the RSA program  
41 more challenging.

42  
43 The program requires substantial coordination across the  
44 council, NOAA, researchers, and there's a fair amount of staff  
45 time that gets involved, and we estimate about two months of  
46 staff time gets put into supporting the scallop plan, the  
47 scallop program, in a given year. There is staff at the  
48 Regional Office, the Greater Atlantic Regional Office, the

1 Northeast Fisheries Science Center, and there's NOAA legal that  
2 gets involved, and so it's a whole community of people who are  
3 driving these programs.

4  
5 I guess the final bullet here, the take-home, is that we think,  
6 at least in New England, that the RSA is contributing to  
7 fisheries management in a positive way, and it's not every year,  
8 and it's convened in different ways. There is challenges to  
9 work through, and I would just highlight that, for a while,  
10 interactions with sea turtles in the Mid-Atlantic were a problem  
11 for the scallop fishery, and the RSA was the mechanism to  
12 address that, through redesigning the dredge, the turtle  
13 deflector dredge, and there is annual monitoring of the  
14 loggerhead population now.

15  
16 Stock assessments addressing mortality, natural mortality,  
17 fishing mortality, as well as bycatch avoidance and ways to  
18 reduce that, and so we do think there's been a lot of successes  
19 with the program, but it's not without some challenges, and I  
20 would be happy to speak to those and take any questions. Thank  
21 you.

22  
23 **CHAIRMAN RIECHERS:** Any questions for John? I'm sure there are  
24 some. Susan.

25  
26 **MS. BOGGS:** Thank you for your presentation, and I looked at it  
27 a couple of times, and what I cannot get my head wrapped around  
28 is how this is paid for. The scallops that are harvested are  
29 sold, and I was real confused on how that works.

30  
31 **MR. PEROS:** Sure. Thanks for the question. I think it's one of  
32 the most complicated parts of this program, and so an academic  
33 institution will have 10,000 pounds of scallops, and they will  
34 work directly with the harvester, and they will take a trip to  
35 go catch those scallops. The proceeds, and the revenue, from  
36 that trip will be split between the researcher and the vessel.

37  
38 The example that I gave was 25/75. In practice, there are  
39 settlement houses where they land, and it goes to auction, and a  
40 check goes to the Virginia Institute of Marine Science and a  
41 check goes to the boat, and so the money is dispersed right at  
42 the time of landing in some of these arrangements.

43  
44 **CHAIRMAN RIECHERS:** Tom, I'll let you go, and then I have one  
45 myself.

46  
47 **DR. FRAZER:** Okay. Just as a quick follow-up, because there's a  
48 cost associated with administering the program, and so, when the

1 scallops are sold, right, to a dealer, is there a tax imposed on  
2 the dealer, and the dealer returns that to the agency? How do  
3 you pay for the program, the administration part?  
4

5 **MR. PEROS:** There is no tax, and the administration is borne  
6 within the agency budget, and so there is no contribution from  
7 the RSA pounds to supporting the program.  
8

9 **CHAIRMAN RIECHERS:** So, if I'm understanding this right then, so  
10 the council and NMFS absorb the cost of establishing and running  
11 the program, and I'm just making sure -- Susan asked the  
12 question and you answered it, but I want to make sure that I  
13 understand the mechanism, because, as you said, this is the part  
14 that seems to trip people up.  
15

16 Basically, it's we do an RFP process, and we give a research  
17 grant, if you will, to a university, and the university then  
18 contracts with whomever the participants are that are listed as  
19 possible participants, and they agree on whatever price  
20 arrangement that is, and that's a contractual arrangement  
21 between them, when the product is sold, and let's just say  
22 they've agreed to do a 50/50 split of the product, and that's  
23 how -- One goes to the boat, and one goes to the researcher, and  
24 is that -- Do I have the flavor it, and I'm sure there can be  
25 all sorts of different contractual arrangements inside of that,  
26 but is that basically the mechanism then?  
27

28 **MR. PEROS:** Yes, that's exactly the flavor the for the scallop  
29 fishery. Absolutely.  
30

31 **CHAIRMAN RIECHERS:** So one does assume, with all this, that the  
32 research is such that there is product left to be sold, and, I  
33 mean, that's -- Which, often, there would be, but there could be  
34 some research elements where there may not be, or the way the  
35 product is treated, it may not be as good a saleable product, or  
36 at least some portion of it, but, basically, you're trying to  
37 get those real applied kind of questions answered, and am I  
38 mostly hitting that right?  
39

40 **MR. PEROS:** Yes, sir.  
41

42 **CHAIRMAN RIECHERS:** Susan.  
43

44 **MS. BOGGS:** A follow-up to Robin and a follow-up to my original  
45 question, and so, talking about the council -- It would be a  
46 part of their budget, and they would absorb the cost of that,  
47 but is -- Does the council set what research questions need to  
48 be answered? I don't know how to ask that question, and that's

1 my first question.

2  
3 **MR. PEROS:** Yes, that's exactly right, and that's the primary  
4 function of the council, is to determine what the research  
5 should be before the program gets administered by NOAA  
6 Fisheries.

7  
8 **MS. BOGGS:** Then I think we've already answered my other  
9 question, but, based on what Robin said, there's contracts and  
10 things and such, and so my assumption is that, if there's a  
11 50/50 split, that would be after expenses, because, I mean,  
12 certainly the commercial fishermen, or whomever, is going to  
13 incur their fuel, bait, ice, et cetera, but, again, that would  
14 all be worked out in the contract between those participating --  
15 The contractor for the council and whoever wants to participate  
16 in the research set aside.

17  
18 **MR. PEROS:** Yes, and that's a place that our council doesn't get  
19 really involved, and so there is an evaluation of the agreement  
20 between the researcher and the harvester, and to make sure that  
21 it makes sense, but absolutely, and that process is really  
22 handled strictly between and institution and the fishing vessel.

23  
24 **MS. BOGGS:** Sorry. One more follow-up, and so what happens if a  
25 contract is made, and there is a disagreement between the  
26 institution and the fisherman as to what the council charge is,  
27 and, I mean, who is the mediator in all of this? The council?

28  
29 **MR. PEROS:** Yes, and so there is real examples of folks who have  
30 agreed to work together and then maybe said, I'm not going to go  
31 catch those pounds for you, and so I think -- The council  
32 doesn't get involved in that until it comes back around, I think  
33 in the priority setting process, and has a role to play in the  
34 policy for establishing the RSA.

35  
36 Really, the agency would be -- NOAA Fisheries would be the  
37 organization that would be first contacted, in terms of trying  
38 to understand what the issue was, and I don't know what  
39 mediation steps that they might take, and the one thing with the  
40 example that I gave, and I think it's probably the most -- It's  
41 one of the more complicated examples, because, with monkfish,  
42 you're just buying a day, and so you're not going to go fishing  
43 -- You've already paid the money before you've gone, but I  
44 think, with this question about what role the agency has in  
45 mediating, it's one that they are tracking the RSA pounds.

46  
47 There may be additional pounds available to harvest, to make  
48 that research whole. I mean the ultimately goal is to complete

1 the research, and so I think there are steps that can be taken  
2 to address those. The instances, I would say, are in the  
3 minority, and that's not something that is regularly happening,  
4 and I would be happy to give you a couple of examples offline,  
5 if you want to talk about it.

6

7 **CHAIRMAN RIECHERS:** Mara.

8

9 **MS. LEVY:** Thanks. I just had a question, because we're talking  
10 a lot about scallops, and I understand what you were saying  
11 about going out and then you split the proceeds, but then you  
12 mentioned monkfish, which is what -- That's just buying a day  
13 at-sea, right, and so the person who wants to harvest pays money  
14 for their day at-sea, but their day at-sea is not related to the  
15 research, right, and the money is just going towards the  
16 research, and am I right about that?

17

18 **MR. PEROS:** Yes, that's correct. That's correct.

19

20 **CHAIRMAN RIECHERS:** Clay.

21

22 **DR. CLAY PORCH:** Thank you for this presentation. It seems like  
23 an excellent way to get some of those items on the long list of  
24 items that the council has for research priorities addressed,  
25 but I'm curious how this looks for funding a survey, and you  
26 mentioned that was one of the primary uses, and so, with the  
27 survey, of course, you want to apply the same protocols one year  
28 after the next, for multiple years, and that's not normally  
29 something that's easy to do through a grant process, and so I'm  
30 just curious what that looks like.

31

32 **MR. PEROS:** It's an excellent point. We just formed a survey  
33 working group, and we're trying to address that right now and  
34 move to longer-term awards, through the grant process, and so,  
35 right now, it's up to two years, and we've talked about moving  
36 it to five years, and there is -- I think, in that context, the  
37 survey context, the council has been, and the Science Center has  
38 been, very fortunate in the continuity, in terms of the  
39 institutions that are applying for those grants on an annual  
40 basis, and so it's really the same mix of people who are engaged  
41 in a direct survey, or an optical survey, in a given year.

42

43 The methods have all been reviewed through a research track, a  
44 benchmark assessment research track assessment, and so there are  
45 standards that have been set up, but I agree with you that the  
46 annual, or biannual, grant-making process for long-term surveys  
47 is a bit cumbersome, and it's a problem that we're trying to  
48 address right now.

1  
2 **CHAIRMAN RIECHERS:** Mr. Gill.

3  
4 **MR. BOB GILL:** Thank you, Mr. Chairman. I'm not on your  
5 committee, and so I appreciate the opportunity to ask a  
6 question, and thank you for the presentation, Jonathon. I think  
7 it generates as many questions as it does answers, which is  
8 probably a good thing.

9  
10 I guess two of the top questions are you all decided on the  
11 structure of your RSA program back in the day for your  
12 particular needs, but, in point of fact, an RSA could be set up  
13 considerably different than yours, and, for example, I expect  
14 that we'll hear from the Mid-Atlantic, and theirs is different  
15 than yours, and so how it's set up originally is a function of  
16 what the council perceives to be the best in its interests, and  
17 is that correct?

18  
19 **MR. PEROS:** That's correct, sir.

20  
21 **MR. GILL:** The other question that I wanted to ask is that your  
22 RSA has been very successful, and your review that you have  
23 there -- The bottom line was don't mess with success, and so  
24 they don't want to change it a whole lot, but, in contrast to  
25 Gulf fisheries, the fisheries that you're addressing here are  
26 single-use fisheries, where almost all of ours are mixed-use,  
27 and so it constitutes a considerably different kind of problem  
28 than you were trying to address there, and I would argue it's  
29 probably more difficult, but, from your perspective, and given  
30 your long-time experience with your RSA and the success that  
31 you've had, are there any considerations that you would offer  
32 for our use, in terms of trying to determine whether an RSA in  
33 our mixed-use fisheries -- Something we ought to look out for,  
34 recommendations, suggestions, any advice that you could give us  
35 there?

36  
37 **MR. PEROS:** I will start by saying those are excellent points  
38 about the fishery components that the New England Council is  
39 managing. It's strictly commercial for all three of those  
40 fisheries, and it makes the job a lot easier. I know that the  
41 Mid-Atlantic Council has done a lot of thinking about this, and  
42 I think their situation is probably more analogous to the Gulf  
43 Council's, and I think Brandon gave an excellent talk last week,  
44 and the Mid-Atlantic Council.

45  
46 From a New England perspective, I do think that resourcing is a  
47 consideration, in terms of the scale of this program and what do  
48 you think you will be able to achieve, but also the question of

1 are you able to get the research that you think you need through  
2 other mechanisms, and I think, in the New England case, there's  
3 been a lot of advances that probably would not have happened  
4 without a large pool and this opportunity.

5  
6 It can take a little while, and I think patience is the other  
7 piece to this. You can identify a problem, and you can  
8 prioritize the research, and you can get a good result, and I  
9 think that's been true in monkfish. There's been monkfish  
10 projects funded through the scallop RSA, and so there's been  
11 some kind of cross-plan benefits that we've seen, and I think so  
12 the council has an opportunity to really leverage its plans, and  
13 the RSA, to do the most for that individual fishery, but for  
14 other issues that it's trying to tackle, and I think that's been  
15 a piece of the success.

16  
17 **CHAIRMAN RIECHERS:** Matt, I believe I had you next.

18  
19 **DR. MATT FREEMAN:** Jonathon, thank you again for coming and  
20 providing this presentation. A quick question. Thinking about  
21 the interactions between the researchers and harvesters, in New  
22 England, have you all found, as a result, that the researchers  
23 tend to work with large harvesters, as a result, thinking,  
24 again, that they might want to prioritize using that poundage  
25 with one person, versus perhaps multiple smaller harvesters, or  
26 what have you all seen?

27  
28 **MR. PEROS:** There is certainly strong relationships between  
29 folks who have been successful in this program and their  
30 research partners. I think it's a way -- It's a reason why we  
31 often don't see issues with the compensation fishing, and the  
32 question that we had before, because people are committed.

33  
34 In terms of the number of vessels, and vessel size, that are  
35 engaged, speaking for the scallop fishery, there's two primary  
36 components, an offshore fishery and a dayboat fishery, and there  
37 is members of both that participate in RSA fishing, and it might  
38 depend on the research institution that's been awarded and which  
39 group they may work with, but certainly there is opportunities,  
40 at varying vessel sizes.

41  
42 In monkfish, it's primarily the gillnet fleet that is trying to  
43 lease days, and there is an offshore trawl fleet that at times  
44 target monkfish, but, for the most part, that's a pretty  
45 dedicated group that's trying to lease the monkfish days, for  
46 that program, and then, for herring, that work -- There's also  
47 different vessel sizes that participate in RSA, and so we have a  
48 large mid-water trawl fleet that was active in RSA, but also



1 smaller purse seine vessels as well.

2

3 **CHAIRMAN RIECHERS:** Tom.

4

5 **DR. FRAZER:** I am going to hit the other side of Matt's  
6 question, and so, from the university kind of side of things, in  
7 the scallop example, again, so they're essentially going to  
8 underwrite the project, right, and so I'm just curious of what  
9 type of diversity you have in the institutions that participate,  
10 and do you have more private institutions than you do public  
11 institutions, and all of those types of demographics?

12

13 **MR. PEROS:** Thanks for that question, and so it's a mix of both  
14 private and public institutions, and I would say, for the most  
15 part, it's universities that are receiving these grants and have  
16 had a fair amount of success, but there is a learning curve.  
17 There is, absolutely, and so there is underwriting for projects  
18 that want to get on the water right away, and that's true of our  
19 surveys. If we're getting a notice in March, and you want to  
20 throw lines in May, and you need to know that you're not going  
21 to be able to get that fishing done, and so that does occur.

22

23 In terms of the number of institutions that are involved, I  
24 would say there are some folks who have existing relationships  
25 that are very good in managing this scallop to research dollars.  
26 Oftentimes though, as the priorities get more focused, they have  
27 partnered with other institutions, and I think we've seen that  
28 in New England, and I will use a real example of the Virginia  
29 Institute of Marine Science working with Rutgers, who might work  
30 with their network, and so I think there is some sharing and  
31 learning that goes on.

32

33 The program has expanded the number of people who are  
34 participating in recent years, and I think that's in part -- The  
35 priorities have expanded, but, also, more people are  
36 understanding how to create research dollars from an award of  
37 scallops.

38

39 **CHAIRMAN RIECHERS:** Any other questions of Jon? If not, he's  
40 going to be around at least for a little bit here this afternoon  
41 still, and certainly through the next presentation, and so, with  
42 that, Jon, we certainly thank you for the presentation, and now  
43 we will turn to the presentation from the Mid-Atlantic Council  
44 and Mr. Muffley, I believe.

45

46

#### MID-ATLANTIC COUNCIL

47

48 **MR. BRANDON MUFFLEY:** Thank you, Mr. Chairman, and thank you to

1 the Mackerel Committee for the invitation. I appreciate the  
2 opportunity to talk to you about the Mid-Atlantic Council's  
3 perspective on the RSA program. I think you'll hear some common  
4 themes from Jonathon's talk, and I think he set the stage really  
5 well for my discussion, but you'll also hear, certainly, some  
6 differences with how things went in the Mid-Atlantic.

7  
8 Just some background, in regard to how the Mid-Atlantic  
9 Council's RSA program got started, and so this was developed as  
10 Framework 1 to nearly all of the Mid-Atlantic Council's fishery  
11 management plans, and so this includes all of them except for  
12 our ocean quahog and Atlantic surf clam fishery management plan,  
13 and that was already managed as an ITQ fishery, and things were  
14 operating differently, and so the council had decided not to  
15 include the clam FMP within the RSA program, but all of its  
16 other fisheries were included.

17  
18 Then I have a few of our FMPs highlighted there in blue, summer  
19 flounder, scup and black sea bass, and bluefish, and those are  
20 jointly managed with the Atlantic States Marine Fisheries  
21 Commission, and that's an important point that I will touch upon  
22 throughout my presentation, is in regard to state engagement in  
23 our research set-aside program.

24  
25 It varies, similar to the New England Council, and, really, the  
26 mission of why the council decided to set up an RSA program was  
27 to meet all of these unaddressed research needs, particularly --  
28 Initially, it was very focused on commercial gear-related  
29 studies and looking at different mesh and gear bycatch avoidance  
30 and technology, and all of those things were really sort of the  
31 initial focus of the RSA program, and so to address these very  
32 critical management needs, but also to -- You know, to increase  
33 the science and industry collaboration and build the public  
34 trust.

35  
36 You know, we have, you know, in the Mid-Atlantic, a number of  
37 our fishermen that don't believe, or trust, the science that  
38 goes into many of our stock assessments, or they don't believe  
39 the trawl survey information that we use, the Northeast  
40 Fisheries Science Center trawl survey, which is our primary  
41 fishery-independent piece of information, and so building a  
42 program that would engage with industry and science to build a  
43 collaborative science sort of enterprise and build up that trust  
44 was really a primary factor to driving the RSA program. The  
45 Framework 1 was approved in 2001, and the first projects were  
46 actually funded then in 2002.

47  
48 As Jonathon talked about, and it's even more complicated on the

1 Mid-Atlantic side, I think, in many regards, but, again, what we  
2 are allocating -- We need to convert the fish that we have  
3 available, and convert that into money to support research, and,  
4 within the Mid-Atlantic Council side, they decided to put aside  
5 anywhere from zero to 3 percent of a fishery's total allowable  
6 landings, and so, on the landings side of the ledger, of the  
7 ABC, that would be set aside in every specification cycle, and  
8 so, each year, the council then would go through all of their  
9 different FMPs and determine anywhere from zero to 3 percent of  
10 the TAL would be set aside for research.

11  
12 If there weren't any strong research needs, or there were  
13 concerns about the stock, or they needed all of the allocation  
14 to go to the actual fleets, they could adjust how much RSA they  
15 wanted to put aside on an annual basis, and, again, everything  
16 happens to convert those fish into funding through compensation  
17 fishing, which is defined under Magnuson, but it's really just -  
18 - What that means is to have fishing to offset costs of research  
19 activities to support management

20  
21 On the Mid-Atlantic side, most of that fishing does not occur  
22 with the science, and so, unlike a lot of that research that  
23 happens with the scallops in New England, those two activities  
24 in the Mid-Atlantic traditionally -- It doesn't never happen,  
25 but very rarely does the science and the compensation fishing  
26 happen together.

27  
28 How our fishermen, or why our fishermen, would decide to join,  
29 or get into and pay for an RSA program, is through these  
30 incentives to pay, and so what the vessels are doing are paying  
31 for additional fishing opportunities, and then that would  
32 support the research, and so what is happening is that fishermen  
33 would pay for and buy quota, which would give them the  
34 opportunity to fish during a closed season, or, in many of our  
35 fisheries in the Mid-Atlantic, we have state-by-state  
36 allocations, and so, if a particular state closed down its  
37 fishery, because their state-specific quota was reached, if a  
38 vessel had RSA quota, they could continue to fish during the  
39 closed season or when a directed fishery was closed within a  
40 particular state.

41  
42 This allowed them to continue to fish outside of a closed  
43 season, or it would also allow them to land -- You know, to have  
44 higher possession or trip limits, and so those are the two  
45 things that they are really paying for in the Mid-Atlantic  
46 system, and, since we're giving them these incentives,  
47 essentially, to go fish in a closed season or land more than the  
48 designated trip limits, you need federal exempted fishing

1 permits to be issued by NOAA Fisheries, and, in many cases, you  
2 need a state-equivalent exempted fishing permit, in order to  
3 bring those fish back to the dock within a given state.

4  
5 What happens, in the Mid-Atlantic program, is the grant  
6 recipients, or the principal investigators, are awarded RSA  
7 quota, and they are landed -- This is where this sort of mixed  
8 fisheries come into play within the Mid-Atlantic, and it depends  
9 on the type of research that a principal investigator may be  
10 focused in on, and so a principal investigator, and this is just  
11 a random example, may be given 10,000 pounds of summer flounder  
12 RSA quota, 5,000 pounds of black sea bass quota, and 5,000  
13 pounds of bluefish, and so that principal investigator then has  
14 those different fisheries, and different amounts of quota, to  
15 then utilize and find partners, and find vessels, to participate  
16 to generate those funds.

17  
18 The investigator and the vessels then work together in a few  
19 different ways within the Mid-Atlantic system, and so you can  
20 either have a bilateral agreement between a principal  
21 investigator and a vessel, where, you know, a vessel will land a  
22 few thousand pounds of summer flounder, for example, and the  
23 vessel and the principal investigator will have an agreement in  
24 regards to how much of that landed summer flounder would be  
25 split between the vessel and the research, and the research  
26 vessel, or a vessel would purchase, from the principal  
27 investigator, a set-aside of pounds.

28  
29 For example, if you wanted -- If a vessel wanted 5,000 pounds of  
30 summer flounder from a researcher, he would pay a flat fixed fee  
31 for whatever the price per pound that they had agreed to, and so  
32 say \$3.00 a pound for that 5,000 pounds of summer flounder, and  
33 so that vessel would then pay that money directly to the  
34 researcher, and that researcher then would have that money to  
35 pay for the research, and so those were the two ways that  
36 bilateral agreements could take place between a principal  
37 investigator or a vessel, or a principal investigator could  
38 utilize a third-party auction.

39  
40 What the principal investigator would do is he would give all of  
41 his quota that he has available, and he would give it to this  
42 third-party to auction off, and so vessels then would bid on  
43 lots of summer flounder or black sea bass or bluefish or spiny  
44 dogfish, whatever the species may be, and vessels would bid on  
45 lots, and the proceeds raised from that auction then would then  
46 be paid to the vessel to support the research.

47  
48 We'll get back to this third-party auction issue, because it did

1 create a fair amount of issues within the Mid-Atlantic system,  
2 but it was the way to generate much more -- You know, we  
3 generated a lot more funds out of an auction system than you did  
4 through bilateral agreements, and, within the sectors that would  
5 actually be participating, either through these bilateral  
6 agreements or through the auction system in the Mid-Atlantic, we  
7 would have commercial vessels, and we would have for-hire  
8 vessels, and we would have both state and federally-permitted  
9 vessels that could participate.

10  
11 I won't go through this, because Jonathon covered a lot of it,  
12 in regard to the different roles that the council and NOAA  
13 Fisheries have, and these are very similar, in regard to what  
14 the council's sort of role is, in regard to how you set up the  
15 program, the priority setting, in terms of the research that  
16 would need to be done, and then taking those results and  
17 applying them to management, where NOAA Fisheries is  
18 administering the grant program, and they're monitoring RSA  
19 landings and all of that sort of oversight that needs to take  
20 place, but, again, the one unique component of this, within the  
21 Mid-Atlantic, is that it also requires a lot of state engagement  
22 here as well, partly because, again, we allocate many of our  
23 fisheries on a state-by-state basis, and so then states,  
24 therefore, have their own possession limits and trip limits and  
25 fishing seasons that are different than what -- That are outside  
26 of what a federal fishing season or trip limit may be.

27  
28 The states are doing a lot of that dockside monitoring and  
29 ensuring that vessels are abiding by the trip limit, or abiding  
30 by the RSA quota that vessels have, and they're also keeping  
31 track of all of that quota and reconciling any differences, and  
32 they also need to deal with permitting of all of those vessels  
33 participating, and so this is a really unique component within  
34 the Mid-Atlantic, is this state engagement that's required.

35  
36 This gives you a sense of what funding had looked like through  
37 the inception of the Mid-Atlantic, and this also includes all of  
38 the New England Council research set-aside programs. In the  
39 Mid-Atlantic, this all gets wrapped up together, and I'll touch  
40 upon that a little bit more, in terms of why we don't keep them  
41 unique to each individual fishery, the way they do in New  
42 England, but, generally, we saw anywhere from six to ten  
43 proposals would be submitted in any given year, and, ultimately,  
44 given the funds that were made available, we funded anywhere  
45 from two to five different projects in each year.

46  
47 The program generated about \$1 to \$2 million a year, depending  
48 upon what dockside values were, given for a particular fishery,

1 and then, from 2002 to 2014, and that was the last year the  
2 program was in place, we funded thirty-nine different projects,  
3 totaling \$16 million during that time period.

4  
5 The RSA program did inform -- It did have some really good  
6 utility, particularly early on in the program, in regard to  
7 having some science that really informed management. Again,  
8 really looking at some of those gear, commercial gear,  
9 application issues, and so we did a lot of vent, trap vent,  
10 sizes for our commercial black sea bass and scup regulations,  
11 and so we utilized the surveys that were done there to modify  
12 regulations on vent sizes and the shapes of our overall pot  
13 gear.

14  
15 In regard to a survey that was supported, the Northeast Area  
16 Monitoring and Assessment Program, or NEAMAP survey, was a  
17 really critical program, a fishery-independent survey that takes  
18 place -- It essentially covers the same geographic scope as the  
19 Northeast Fisheries Science Center bottom trawl survey, but it  
20 takes place in the inshore waters, from off of Cape Cod down to  
21 Cape Hatteras, and so the RSA program supported that survey,  
22 when it was first getting started back in 2007, and it supported  
23 that survey for a number of years.

24  
25 However, in the Mid-Atlantic, not all species have the same  
26 value, and I mean value in two different ways, both in the  
27 actual dockside -- You know, dockside value, we have some  
28 species that are worth four or five or six or seven-dollars a  
29 pound at the dock, and some that are worth, you know, a nickel  
30 per pound, and so you have a wide range, in regard to the actual  
31 price per pound of a particular species, but there is also  
32 different incentives, in order for a vessel to want to  
33 participate.

34  
35 You can see here on the graph, and this is from 2014, the last  
36 year the program was in place, that the majority of the funds  
37 raised were through summer flounder and black sea bass, and  
38 that's because, typically, we had seasons that were closed, and  
39 so there were lots of opportunities for vessel to go out fishing  
40 during closed seasons, and trip limits are relatively low for  
41 some of our commercial fisheries, and so they had the ability to  
42 go land above those commercial trip limits.

43  
44 Some of our fisheries just don't have those sort of incentives.  
45 If a quota is never reached, and you don't close the fishery,  
46 well, the incentive to be able to land during a closed season  
47 isn't there anymore, or even, if there isn't a need, or a  
48 market, for really high trip limits, the ability to land greater

1 than the possession limit just really isn't there anymore, and  
2 so there is very big differences in the incentives for vessels  
3 to want to participate in the RSA program.

4  
5 This is a sort of difference in regard to how the New England  
6 program operated, given sort of the mixed-fishery nature of our  
7 fisheries and that most of the funds raised were really on these  
8 two species, summer flounder and black sea bass, but all of our  
9 species have research needs, and it was decided that 75 percent  
10 of the funds raised by a particular species would support  
11 research for that one species, and the remaining 25 percent of  
12 the funds raised could be used for other species research.

13  
14 There were exemptions, like multispecies research, and so that  
15 NEAMAP survey that I talked about on the previous slide that was  
16 conducted, and that covers -- You know, that provides  
17 information for almost all of our Mid-Atlantic stocks, and so  
18 you could -- All of the summer flounder money that was  
19 generated, for example, could be supportive of that NEAMAP  
20 program, because it was a multispecies survey and supported all  
21 of our different fisheries, including summer flounder.

22  
23 One point I think that's really -- That I think you need to  
24 think about is what might have value today, or what might not  
25 have value today, may change in the future, and so one of the  
26 fisheries that you don't even see on here, on this slide, is  
27 illex squid, and so illex squid has been one of our sort of  
28 climate winners, over the last several years, and, leading up to  
29 2014, that fishery never reached its quota, or maybe one year in  
30 the twenty years prior to it it reached its quota.

31  
32 Beginning in 2017, through 2021, and we'll see what happens in  
33 2022, we've had to close the illex fishery early, actually in  
34 July or August, and the fishery has only remained open for  
35 several months, because there are so many illex available, and  
36 the fishery has been doing well, and prices are going really  
37 well, and so maybe there are now incentives available for our  
38 illex fishery that weren't in place back in 2014, when the  
39 program was stopped, and so those things can change.

40  
41 It's the same thing with summer flounder, and, you know, our  
42 quotas have been going up, and we're still maxing out our  
43 commercial fishery, still taking its entire quota, but those  
44 commercial quotas have gone up, and so seasons have stayed open  
45 longer, and so maybe there is less of an incentive to get summer  
46 flounder quota now, because there aren't as many days of a  
47 closed fishery, for example, and so those incentives can change  
48 over time.

1  
2 During a program review in 2010, it certainly found that there  
3 were strengths to the RSA program, that we were funding research  
4 without the use of any federal dollars, which was certainly  
5 good, and it was all being paid for by industry paying for the  
6 quota, either through these bilateral agreements or through the  
7 action, and it gives the councils the ability to be in the  
8 decision process, in terms of what research gets done.

9  
10 There was some cooperative research in the beginning of the  
11 program, but that certainly continued to decrease over time,  
12 and, by the end of the program, I don't think there were any  
13 cooperative research studies taking place, meaning, you know,  
14 that RSA quota was being landed on the same vessel on which  
15 research was being done, and that's just -- The dynamic had  
16 changed over time, and so some of those benefits were lost over  
17 time, the way the program was being set up and how we were  
18 funding the program.

19  
20 However, given those strengths, there were lots of other issues,  
21 and so what we found out was that the administration and  
22 enforcement costs were not considered in the program initially,  
23 and this question was raised on Jonathon's question, and  
24 particularly at the state level. You know, this was all being  
25 done through the council process, and it really wasn't thought  
26 about, with what the implications would be with working with the  
27 Atlantic States Marine Fisheries Commission and what the  
28 implications may mean from a state-specific -- Who is sending  
29 out those law enforcement officers to monitor those things and  
30 the state staff to monitor all of the quotas.

31  
32 That wasn't really factored in, and I would say we still don't  
33 really have a good handle on what the overall administrative  
34 cost at the state level, at the council level, and at NOAA  
35 Fisheries level, in regard to do those costs, the actual  
36 administrative costs to run the program, do they outweigh the  
37 benefits of the actual program and the research that we're  
38 getting.

39  
40 We never thought through the value of these different fishing  
41 opportunities and how different they are across those species.  
42 You saw the slide, in regard to how much more money summer  
43 flounder and black sea bass raised compared to all of the other  
44 ones, and so maybe you don't want an RSA program for some of  
45 your low-value fisheries, or values that have very few  
46 incentives, because they are very different across your  
47 fisheries.

48



1 Those are some of the assorted esoteric issues that we found,  
2 and we actually found some true concerns with the program, and  
3 so what we uncovered was that there was really financial  
4 incentives for a vessel not to report their trips, or all of  
5 their RSA landings, right, and so, when a vessel bought that  
6 5,000 pounds of summer flounder, for example, through the  
7 auction, and that vessel had those 5,000 pounds, it was  
8 advantageous for that vessel not to report all of those, so he  
9 could continue to go out and fish, fish in a closed season, and  
10 bring in more money, and so a federal law enforcement  
11 investigation had found hundreds of dealer reports and vessel  
12 trip reports that either underreported or did not report RSA  
13 landings, to a tune of over 600,000 pounds of summer flounder  
14 was never reported.

15  
16 That leads to all sort of other issues, National Standard 1  
17 issues, in regard to are we preventing overfishing, and, at that  
18 time, we were having a pretty big retrospective bias in our  
19 summer flounder stock assessment, and so maybe these unaccounted  
20 landings may have been contributing to the impacts within the  
21 stock assessment process, and so we had all of those sorts of --  
22 That was this one big bust in New York, but how pervasive this  
23 was throughout the RSA program, we don't know, but certainly a  
24 number of folks got in trouble in New York, given the  
25 underreporting, or nonreporting, of summer flounder through the  
26 program.

27  
28 We also, as I said, had for-hire vessels participate through the  
29 RSA program, through that auction process, right, and so a for-  
30 hire vessel is purchasing pounds of fish, but that RSA -- The  
31 for-hire vessel is only keeping track, really, of the numbers of  
32 fish that customers are taking off, and they're not really  
33 keeping track of the pounds of fish that are being harvested on  
34 their boat, and they're not selling those fish to a dealer, and  
35 so we don't have this check-and-balance system of a vessel and  
36 compared to a dealer report, and so how do we deal with an RSA  
37 program that's being landed from a for-hire vessel?

38  
39 Then we had a lot of vessels just participating in the program,  
40 and I don't even think 2014 was our peak year. I think it was  
41 more like 2012, but, just in the last year of the program, there  
42 were 103 vessels that had exempted fishing permits at the state  
43 or federal level, and they took more than 2,000 RSA fishing  
44 trips, and so that's a lot of trips for law enforcement to be  
45 monitoring, and it's a lot of trips for state and the federal  
46 partners to be monitoring all of that quota, and so dealing with  
47 all of those trips, and all of those vessels, made it very  
48 complicated and time consuming.

1  
2 Then we had a number of problems with the research, and this was  
3 the whole point of the whole program, was to generate solid  
4 research for management, but a number of the projects failed  
5 peer review, once the science was done on them, and we had a  
6 number of projects that had either limited or no utility to the  
7 management process, and so I think there were failures in a  
8 number of ways, in regard to the actual review of proposals and  
9 the review -- You know, sort of the check-ins with project  
10 investigators, to make sure things were on track, and then a  
11 sort of comprehensive review, after the research was done, to  
12 make sure that the program, or the research that it was going to  
13 do, that it had initially laid out to do, and so there were a  
14 number of failures, I think, across-the-board, in regard to why  
15 the research failed in the Mid-Atlantic.

16  
17 We also had a lack of principal investigator interest. I had  
18 indicated, earlier, that that NEAMAP survey was really critical,  
19 that we funded that survey, and that has huge industry buy-in.  
20 That survey is run off of a commercial fishing vessel, and  
21 people really like that survey. It's been up and running since  
22 2007, and it's used in all of our stock assessments, and it's  
23 now actually being funded by NOAA Fisheries, and so it's really  
24 critical, and it was great that the RSA program supported that  
25 project.

26  
27 However, it cost about a million dollars to run that survey  
28 during that time period, and you saw that we were only  
29 generating a million, or a million-and-a-half, to \$2 million, on  
30 an annual basis, for the RSA, and so most of the funds were  
31 going to support that NEAMAP survey, and so principal  
32 investigators were disinterested in applying to Mid-Atlantic  
33 RSA, because they knew that most of the funds were going to go  
34 support the NEAMAP survey, and so that was -- It really  
35 disinterested a lot of people from actually applying and getting  
36 some different research opportunities up and running.

37  
38 Given all of that, all of those concerns, the Mid-Atlantic  
39 Council suspended the program in 2015 and set all of the  
40 following quotas, in the following year, to zero, or set all of  
41 the RSA quotas to zero in the following year, and it hasn't been  
42 restarted since then.

43  
44 I just did want to touch upon this, before I get into some of  
45 the council's reconsideration of the RSA program, but there are  
46 differences between how the New England Council and the Mid-  
47 Atlantic Council's program operates, and certainly the  
48 foundations is very similar, but how you implement the program

1 is different, and there are different challenges because of  
2 that.

3  
4 I've talked a lot about all of these already, and so I won't get  
5 into all of the details, but we have these -- You know, we are  
6 running them across multiple FMPs, and we have multiple species  
7 within one FMP, and a lot of those are mixed fisheries, and so  
8 that's very different than the New England system, and we have  
9 this joint management with the states, and that makes it even  
10 more complicated, in terms of how those things break down.

11  
12 We have a diversity within our -- Across our fishing sectors,  
13 certainly within our commercial fishing sector, and we have  
14 different gear types, different types of vessels. We have  
15 state-only vessels, and we have federally-permitted vessels, and  
16 so, you know, each state has different nuances, in terms of how  
17 their fishery operates, and then we also allow both commercial  
18 and for-hire boats to participate in the program, which made  
19 additional administration -- It made it even additionally  
20 complicated as well.

21  
22 We had all of these different state permitting and  
23 administrative components to be thinking about. As Jonathon had  
24 indicated, two of their RSA programs are sort of a fixed -- You  
25 know, either a fixed amount, or a fixed days at-sea, where,  
26 within our system, the council could set anywhere from zero to 3  
27 percent of the total allowable landings aside within any given  
28 year, and so we wouldn't know how much would be set aside in any  
29 given year until the council went through that process annually,  
30 through their specification process, and that made some  
31 uncertainty, in regard to how much money, or how much poundage,  
32 might be available. Then we didn't have as good of a review, in  
33 sort of this outreach of the results, the way that the New  
34 England Council had set theirs up.

35  
36 However, even with those issues that the Mid-Atlantic Council  
37 system did have, we still have lots of research needs, right,  
38 and we all create our research priorities document, that all  
39 councils are responsible to put together, and ours is over a  
40 hundred research priorities long, and we still have funding  
41 needs, right, and so there's still this interest in whether or  
42 not we want to have an RSA program in the Mid-Atlantic.

43  
44 In 2020, the council agreed to put it on their implementation  
45 plan, to at least review and consider the redevelopment of the  
46 RSA program. Then, in 2020, COVID hit, and that sort of delayed  
47 lots of things, but I think it actually turned out to be pretty  
48 good that we delayed things off of 2020, and we really dove into

1 what the issues were with the old program, through these series  
2 of four exploration workshops that we held through 2021 and  
3 2022.

4  
5 We really looked at the old issues and what are some potential  
6 newer revised approaches that we could come up with to address  
7 those old concerns, and, at the same time, our SSC had formed an  
8 economic workgroup in 2020, really to try to take advantage of  
9 our social and economic members on our SSC that felt like they  
10 weren't engaged enough on different activities, and so they  
11 formed in 2020, and this was the project that they decided to  
12 get involved in first.

13  
14 They provided a lot of technical information, and they looked at  
15 how you might set up an auction to raise -- You know, to  
16 maximize revenues, and they provided a lot of strategic advice  
17 to our research steering committee on some of the economic  
18 considerations that you might want to think about when you  
19 develop a revised program.

20  
21 The council came up with -- I won't go through these in any  
22 great detail, and I just put these here to give you a flavor of  
23 what our council is thinking about, in regard to revising the  
24 program, and so, when the first program was set up, there was  
25 one goal, and I think I talked about that on my very first  
26 slide, which was really to generate funds for needed research  
27 and to build sort of collaboration and trust within the public.

28  
29 Well, certainly research is still the number-one goal. That's  
30 the point of the whole program, is to generate research, but we  
31 certainly built out what that particular research goal should  
32 look like, but, given our lessons learned from the old program,  
33 we also felt that enforcement and the administration of the  
34 program was a really important goal that we needed to be  
35 thinking about.

36  
37 Certainly you need to generate funds to support the research,  
38 and so that's obviously a critical goal, and we still want to  
39 build a program that, you know, builds collaboration and trust  
40 between the scientific and fishing communities and the general  
41 public, and so those still -- Many of those that you found in  
42 the original program are still here, but sort of building out  
43 what those might look like.

44  
45 Within those different goals, we also had a series of  
46 objectives, and, again, I'm not going to go through these, but  
47 these are all here. We have about twenty different objectives  
48 across the four different goals that we have, and I just put the

1 goals and objectives here, because these goals and objectives  
2 really help our research steering committee and the council put  
3 together a framework for a potentially revised program.

4  
5 If these are our goals and objectives for the program, how do we  
6 structure a new program to meet all of these different goals and  
7 objectives, and prioritizing them was really critical as well,  
8 right, because, under Goal Number 3, we have where you may want  
9 to maximize your revenue from the RSA program, and, in order to  
10 do that, you may want to maximize the number of vessels that  
11 participate.

12  
13 However, under Goal 2, you want to minimize the law enforcement  
14 and administrative burdens, and so there's a balance. If you  
15 allow hundreds of vessels to participate, to maximize revenue,  
16 you're also going to be compromising your ability to effectively  
17 enforce and administer that program, but, since Goal 2 is a  
18 higher-priority goal, you're going to sort of focus a program  
19 that addresses minimizing those law enforcement and  
20 administrative burdens over maximizing the revenues, and so  
21 maybe you'll take a little bit of hit on your revenue, but at  
22 least you can have a program that you can enforce and  
23 effectively administer.

24  
25 Again, I don't plan to go into detail, and I just wanted to  
26 provide these to you all, so that you could have the slide and  
27 see, and these are all the different things that we were trying  
28 to address through a new program, and there are a lot of  
29 different concerns and areas that we need to improve our RSA  
30 program, and this just gives you a sense of the kinds of things  
31 that we are trying to address.

32  
33 Here, I will just touch upon a couple of those things, in regard  
34 to what the program is thinking about doing to address some of  
35 those concerns, and I won't go through, again, all of these  
36 things, but I would say that, back in 2014, when the program  
37 ended, electronic reporting really wasn't in place at that point  
38 in time.

39  
40 Now, we have, for all for-hire fisheries and our commercial  
41 fisheries, it's mandatory electronic reporting for all of our  
42 fisheries in the Mid-Atlantic, and so how can we capture and  
43 utilize this electronic monitoring system and data reporting  
44 system that we have in place that we didn't have in 2014, and so  
45 it's really thinking about collecting that appropriate  
46 information and reporting it on a timely basis and flagging an  
47 RSA trip, so people can see what trips are being done as an RSA  
48 trip versus a standard trip, and so that's just one area, for

1 example.

2  
3 We're allowing -- We were thinking about requiring vessels to be  
4 equipped with VMS, or AIS, to allow law enforcement to track  
5 those RSA trips, and that's very different, and most vessels in  
6 the Mid-Atlantic, unlike New England, do not have VMS on those  
7 boats.

8  
9 There are some, in some fisheries, but most of them do not, and  
10 so that would be a big expense for some vessels to participate  
11 in the program, but the council, and our research steering  
12 committee, think that might be worth pursuing, having vessels --  
13 In order to participate in the program, you're going to have to  
14 put in this investment, so that we can effectively enforce and  
15 monitor what's happening on an RSA trip. These are just some of  
16 the things that the committee, and the council, are thinking  
17 about to address some of these concerns.

18  
19 This is I think my last slide, and so, two weeks, ago, I  
20 presented -- When I say the council, our research steering  
21 committee held a series of those four sort of scoping workshops,  
22 and they've held a series of meetings in between all of those  
23 workshops, to flesh out what a new program might look like, and  
24 the council discussed all of those findings two weeks ago, at  
25 their June council meeting, and they actually decided to  
26 continue to move forward with the redevelopment of the program.

27  
28 They didn't commit to actually starting the program yet, because  
29 a lot of sort of details and decisions still need to be made,  
30 but they felt that the work that has been done, and sort of the  
31 framework that has been put in place for a new research set-  
32 aside program, should be strong enough, or could be strong  
33 enough, to effectively monitor all of the RSA program,  
34 effectively enforce, and sort of minimize some of those  
35 administrative burdens that the state and NOAA Fisheries was  
36 implementing.

37  
38 Since they agreed to continue to move forward, we're going to  
39 have to hold some additional research steering committees, to  
40 really get at some of these really bigger issues, this  
41 administrative burden issue, making sure we have things aligned  
42 that are effectively going to minimize those costs.

43  
44 We've talked about the ability -- Not necessarily a tax, per se,  
45 on research set-aside landings, but can we set aside a portion  
46 of the funds raised, like through an auction, to support the  
47 administrative costs of the states, and that's something we're  
48 looking into, and we've talked to NOAA GC, and we've gotten some

1 mixed messages about what we may or may not be able to do under  
2 something like that, and so that's something we still need to  
3 look at, and we need to look at this vessel monitoring, this VMS  
4 and AIS, and how do we actually want to go about doing it, and  
5 what would the cost of the program be, and so looking at some of  
6 those things, and, if we can't resolve some of those, then maybe  
7 we can't even move forward with a program.

8  
9 Assuming that we can, then we'll sort of spin up -- This is  
10 going to require a framework, an amendment, to address all of  
11 these issues, and we're going to need to do it jointly with the  
12 Atlantic States Marine Fisheries Commission. Again, we jointly  
13 manage a number of those fisheries, and both bodies are going to  
14 need to agree on the amount of RSA that would be put aside in  
15 any given year, and so it's going to be a joint management  
16 action.

17  
18 If all of that takes place, we could potentially look at an  
19 implementation in 2024, and that wouldn't mean -- Research  
20 probably wouldn't start until 2025, but, in 2024, the council,  
21 during their specs process, would set aside maybe something for  
22 an RSA program in 2024.

23  
24 That's all that I have, and I am happy to -- My email and  
25 telephone number are there, and I'm happy to take any questions  
26 after this, if folks have any, and I'm happy to answer any  
27 questions that you may have now, and I appreciate your time.

28  
29 **CHAIRMAN RIECHERS:** We certainly thank you for that  
30 presentation. We're having some discussions here at the table,  
31 trying to manage our timeline a little bit here, and we had a  
32 little bit of a technical delay earlier in the day, and is there  
33 a chance that you would be available Friday morning, to be on  
34 the phone, in Full Council session, in case people really want  
35 to discuss this further, and I think we do have some questions  
36 of you, but we're trying to manage time, but please just let us  
37 know now, and that will tell us what we need to do at this  
38 moment.

39  
40 **MR. MUFFLEY:** Mr. Chairman, did you say Friday morning?

41  
42 **CHAIRMAN RIECHERS:** Yes, sir.

43  
44 **MR. MUFFLEY:** Yes, I'm free. I will be free.

45  
46 **CHAIRMAN RIECHERS:** Okay. We'll make sure that staff then works  
47 with you, to get you available for Friday morning, during that  
48 session, to give that appropriate time, and what we're going to

1 do now is probably move on to our last presentation of the  
2 committee item here, and we think we have time to get the  
3 presentation in.

4  
5 We may not get much discussion surrounding it, trying to keep us  
6 on time, since we already have an executive session and a later  
7 day ahead of us here, and so, with that, again, Brandon, we  
8 thank you, but I will pause for a moment. If anyone, because of  
9 Brandon's presentation, had a question of Jon, while he's still  
10 here, we would go ahead and entertain that, if something came to  
11 somebody that they really need to ask him before -- They could  
12 email him, or if they would like to do it in-person here.

13  
14 Hearing none, then we will move on. Matt, we're going to move  
15 on to the next item then, and that's the presentation on Draft  
16 Amendment 33.

17  
18 **DRAFT AMENDMENT 33: MODIFICATIONS TO THE GULF OF MEXICO**  
19 **MIGRATORY GROUP KING MACKEREL SECTOR ALLOCATION**

20  
21 **DR. FREEMAN:** Thank you. I will go through the action guide,  
22 very quickly. Council staff will present Draft Amendment 33,  
23 which would modify sector allocations of Gulf king mackerel.  
24 The committee should review and discuss the purpose and need  
25 statements, draft alternatives, and the Joint CMP Fishery  
26 Management Plan objectives.

27  
28 The committee should then provide feedback to council staff, if  
29 any revisions are needed. Next steps will be contingent upon  
30 the committee's feedback, and the draft amendment may be  
31 reviewed by the South Atlantic Fishery Management Council at its  
32 next meeting in September.

33  
34 It's then anticipated to come back to the Gulf Council in  
35 October as a public hearing draft. The council should determine  
36 if in-person public hearings are necessary for this action or if  
37 virtual hearings and utilization of the Fish Rules app will  
38 suffice. If in-person hearings are needed, staff anticipates  
39 these occurring in early 2023.

40  
41 You all have seen this previously, and, very briefly, the 2020  
42 Gulf king mackerel update is it's not overfishing, nor is it  
43 experiencing overfishing. The modifications that are proposed,  
44 as you saw earlier, is catch limits were moved to Framework  
45 Amendment 11, and they are currently in CHTS, and they are  
46 proposed in FES in the framework, and that's not affected by  
47 separate allocation, and then what is left in CMP 33 is to  
48 address sector allocations, which are currently 68 percent rec



1 and 32 percent commercial.

2  
3 Reallocation is being considered to address the differences in  
4 sector landings relative to the sector ACL while accounting for  
5 adjustments in historical rec landings from the replacement of  
6 the MRIP-CHTS data with MRIP-FES data.

7  
8 Here, to note the Joint CMP FMP objectives, the last time these  
9 were modified was in Amendment 6, back in 1992, and the NMFS  
10 procedural directive provides recommended practices during an  
11 allocation review, which can include a council reassessing the  
12 FMP objectives, if they are not current, clear, or measurable,  
13 and, as I noted, the last time these were modified was back in  
14 1992, which is part of the reason why they're in front of you  
15 now, as well as it's helpful to identify the FMP objective, or  
16 objectives, that CMP 33 is working to accomplish.

17  
18 I won't -- For the sake of time, I won't read through each of  
19 the objectives, and these are lengthy, and hopefully council  
20 members have looked through them. There are a total of eight,  
21 and so if we could skip to the next slide, very briefly, and  
22 those are the remaining four, and then there's feedback from the  
23 Gulf SSC.

24  
25 Back in 2019, all of the FMP objectives for the various species  
26 were presented, and the SSC did provide, at that time, some  
27 comments and questions, and some of the FMP objectives did not  
28 come back in front of the council until more recently, which is  
29 why some of that feedback is being presented again now.

30  
31 There were three items from the SSC. The first related to  
32 Objective 1 and Objective 8, that they may be in conflict with  
33 one another. The second was asking if Objective 1 could be  
34 phrased similarly to Objective Number 6 of the Reef Fish FMP,  
35 and then, lastly, if cobia should be added to Objective 7. I  
36 will pause there, for just a moment, to see if any of the  
37 committee members have any comments or feedback about the FMP  
38 objectives or feedback from the SSC, and, if not, I will  
39 proceed, but, like I said, I will wait just a moment.

40  
41 **CHAIRMAN RIECHERS:** Any questions, committee members or other  
42 council members? Leann.

43  
44 **MS. BOSARGE:** So we skimmed through those pretty quick, and is  
45 there one in there, and remind me, about data collection and  
46 accountability?

47  
48 **DR. FREEMAN:** Bernie, if you could show 1 through 4 and then 5

1 through 8. Okay. Bernie, could you go to the next one, the  
2 next set for us? Okay. Ms. Bosarge, did you want to follow-up  
3 on that?

4  
5 **MS. BOSARGE:** Yes, and, I mean, that's one that probably should  
6 be in all of our FMPs, and I believe it's in Reef Fish, and we  
7 looked at it here a while back, and it had something to do with,  
8 you know, encourage accountability and establish a data  
9 collection program that met the needs of managing the fishery  
10 and to encourage accountability, and so maybe, at the next  
11 meeting, you could bring us back some draft language to add an  
12 FMP objective that gets at that.

13  
14 **DR. FREEMAN:** Just, for quick reference, the objective related  
15 to that for reef fish, and I can certainly bring a draft version  
16 at Full Council, but I would just read it very quickly. For the  
17 Reef Fish FMP, it said to achieve robust fishery reporting and  
18 data collection systems across all sectors for monitoring the  
19 reef fish fishery which minimizes scientific, management, and  
20 risk uncertainty.

21  
22 **CHAIRMAN RIECHERS:** So Leann is at least wanting to have that  
23 included in the discussion document and/or a little more  
24 fleshing-out of that, and maybe come back to the Full Council  
25 and/or, as you said, the next meeting, whatever works here.  
26 There may also be some who want to at least look at those, and I  
27 just might turn again to those SSC comments and some of the  
28 tensions, or conflicts, that arise there in these eight  
29 objectives. It's not unusual that we have tension, or  
30 conflicts, in objectives, but you may want to look at those. Go  
31 ahead, Matt.

32  
33 **DR. FREEMAN:** Okay. Perfect. These are the updated purpose and  
34 need statements. Obviously, the language had to be modified  
35 after we split out Framework 11 from CMP 33, and so the new  
36 purpose statement reads that the purpose of this amendment is to  
37 revise the Gulf king mackerel allocation between the commercial  
38 and recreational sectors in order to address the differences in  
39 sector landings relative to sector ACL.

40  
41 The need is the need for this amendment is to increase social  
42 and economic benefits for the king mackerel component of the CMP  
43 fishery through sustainable harvest, in accordance with  
44 provisions set forth in the Magnuson-Stevens Fishery  
45 Conservation and Management Act. Like I said, this is the first  
46 time the committee is seeing that language, and so I will pause  
47 for a moment and see if there is any feedback, and, if not,  
48 we'll proceed.

1  
2 **CHAIRMAN RIECHERS:** Ms. Bosarge.

3  
4 **MS. BOSARGE:** On that purpose, you know, a lot of the  
5 conversation that we've had surrounding -- Because this is kind  
6 of an underutilized fishery right now, right, and we don't  
7 typically meet the ACL, and so I think we should probably look  
8 at some language there that adds something like in order to  
9 achieve optimum yield, or to strive to attain optimum yield in  
10 the fishery, something like that, because that's a lot of the  
11 conversation that we've had, in past conversation, as far as  
12 what should this allocation be, you know, and we need to get  
13 somewhat closer to achieving optimum yield in this fishery,  
14 obviously while still encouraging accountability.

15  
16 **CHAIRMAN RIECHERS:** Any other points to Matt or discussion  
17 items? Okay. Matt.

18  
19 **DR. FREEMAN:** Okay. I can consult with staff, before the  
20 committee report, and see if we can provide some draft language  
21 on that. All right. The next shows, with the sector  
22 allocations, and, in particular, the second-to-last and the  
23 third-to-last column shows the percentage of the sector ACL  
24 landed for the commercial and recreational sectors from the  
25 2012-2013 fishing year through the 2019-2020 fishing year, again  
26 noting the relative landings versus sector ACL for those two.

27  
28 Alternative 1 is to maintain the sector allocation of the total  
29 ACL for Gulf king mackerel between the commercial and  
30 recreational sectors. The sector allocation for Gulf king  
31 mackerel is 32 percent commercial and 68 percent recreational.  
32 This allocation was derived from average landings using  
33 available landings data from the years 1975 through 1979 and  
34 established in Amendment 1 to the CMP FMP in 1985.

35  
36 Alternative 2 is to modify the sector allocations for Gulf king  
37 mackerel by reallocating to the commercial sector 25 percent of  
38 the average difference between the total landings from the 2016-  
39 2017 through 2019-2020 fishing years using MRIP-FES data and the  
40 total simulated ACL for Model 2 in Appendix B for the predicted  
41 total landings by sector and the total projected ACL. The  
42 resulting sector allocation for Gulf king mackerel is 42 percent  
43 commercial and 58 percent recreational.

44  
45 For this one -- I will say, for Alternatives 1 through 3, in  
46 just a moment, I will have a table that shows the finalized  
47 sector percentages.

1 Alternative 3 will modify the sector allocation for Gulf king  
2 mackerel by reallocating to the commercial sector 50 percent of  
3 the average difference between the total landings from the 2016-  
4 2017 through 2019-2020 fishing years using MRIP-FES data and the  
5 total simulated ACL for Model 2 in Appendix B for the predicted  
6 total landings by sector and the total projected ACL. The  
7 resulting sector allocation for Gulf king mackerel is 53 percent  
8 commercial and 47 percent recreational.

9  
10 The first table shows, all the way in that last column, the  
11 average difference for those four years, and so that's that  
12 percentage that we're referring to in Alternatives 2 and 3, in  
13 terms of shifting that between the commercial and recreational,  
14 and then the bottom table shows the three alternatives and the  
15 respective recreational and commercial sector allocation  
16 percentages, as well as what the recreational ACL and commercial  
17 ACL would be.

18  
19 I will note too that, under Alternative 1, which is our no  
20 action, as well as the other alternatives, we are basing the  
21 poundage off of the council's current preferred in CMP Framework  
22 11, since you all just selected Preferred Alternative 2. We  
23 went ahead with the assumption, while we were working on the  
24 document, that that would be a reasonable assumption for right  
25 now, until you all had selected a preferred. We've got a  
26 question.

27  
28 **CHAIRMAN RIECHERS:** Ms. Boggs.

29  
30 **MS. BOGGS:** I'm sorry, and I was trying to follow that, Matt,  
31 and so you're using what was in CMP 11 here?

32  
33 **DR. FREEMAN:** Yes, ma'am. If we add the rec ACL poundage with  
34 the commercial ACL poundage, that is using Alternative 2 from  
35 Framework 11 under the 2023-2024 fishing year, because that  
36 would be the soonest that this document would be in place, and  
37 then, as well, the percentages under Alternatives 2 and 3,  
38 again, with the new sector percentages, splitting it out.

39  
40 **CHAIRMAN RIECHERS:** Now I think I had Dale.

41  
42 **MR. DIAZ:** This is -- I guess I'm pointing towards a question,  
43 but, generally, the way that I have looked at these FES  
44 adjustments is I've kind of looked at them like I think one of  
45 the -- This is just me speaking for myself, but the fairest way  
46 to do it is to look at the original years of allocation and  
47 apply that to the two numbers, and then you kind of get  
48 everybody back to where they would be had FES never existed, or

1 probably as close as we can get.

2  
3 Matt, that's really not practical here, because the years 1974  
4 through 1979, or whichever ones those were, and I did read the  
5 document, and I can't remember off the top of my head, but  
6 there's reasons why those -- We really can't go back and do that  
7 again, and could you speak to that, real quick, about why we  
8 can't go back and do that? I also want to say I recognize this  
9 fishery is substantially different than most of the other ones  
10 that we've had FES adjustments on, but, still, I wanted to make  
11 that point.

12  
13 **DR. FREEMAN:** Absolutely, and to note, as you referenced, that  
14 is addressed in the document, why it would be difficult to use  
15 those same years under FES and sort of derive a status quo.  
16 What we have in the document is that landings prior to 1981 have  
17 not been calibrated to the MRIP-FES data, and so we don't have  
18 an updated alternative from the 1975 through 1979 that we could  
19 speak to you about.

20  
21 **CHAIRMAN RIECHERS:** Any other comments or questions? Clay.

22  
23 **DR. PORCH:** I just wanted to add that it's not only that they  
24 haven't been calibrated, but they're just not supported at all,  
25 and so there are no recreational estimates supported in any  
26 currency prior to 1981.

27  
28 **CHAIRMAN RIECHERS:** Thank you for that. Matt, are you ready to  
29 move on?

30  
31 **DR. FREEMAN:** Yes, sir. This table, or a version of this table,  
32 was in the previous document, and so we've expanded it slightly,  
33 and this is a comparison of Alternative 2 and Alternative 3, the  
34 average of the sector-specific landings from the last four  
35 fishing years, being the 2016-2017 fishing year through the  
36 2019-2020, and so, starting in the left-most column, where we  
37 have the average rec landings in FES, at roughly 4.6 million  
38 pounds, carrying that over, as we move to the right, and  
39 Alternative 2 would have the rec sector ACL at 5.76 million  
40 pounds, and so, again, based off of average rec landings that  
41 we've seen for those previous four fishing years, that would be  
42 suggesting that they would land 80.2 percent of the rec sector's  
43 ACL under Alternative 2.

44  
45 Alternative 3, which shifts more of the rec sector to the  
46 commercial, that percentage, the rec sector ACL here would be  
47 4.73 million pounds, and so, again, looking over at the average  
48 rec landings in FES, which is 4.62 million pounds, that would

1 suggest that, if the council went forward with Alternative 3,  
2 the rec sector may wind up landing 97.6 percent of the rec  
3 sector's ACL.

4  
5 The next two portions of the table are focused on the commercial  
6 sector, and so the next portion takes the average commercial  
7 landings under Simulation 2, and so these are predicted  
8 commercial landings, in essence, had the commercial sector not  
9 been constrained by its ACL in those previous years, and so it  
10 predicts that the commercial landings would have been roughly  
11 4.11 million pounds. Carrying that over to Alternative 2, it  
12 would suggest that the commercial would land 97.3 percent of its  
13 sector ACL.

14  
15 If we move over to Alternative 3, it would be 78.2 percent of  
16 the sector ACL. This last portion, in particular, is new to the  
17 table, and, here, we took the average commercial landings as  
18 they are, which, again, in this case, has been historically  
19 constrained, and so, there, the average for those four years has  
20 been 2.84 million pounds, and so assuming that the commercial  
21 did not land more than it had been historically, under  
22 Alternative 2, that would be 67.3 percent of the commercial  
23 sector ACL, and, under Alternative 3, it would be 54.1 percent  
24 of that sector ACL. I will pause here for just a moment, if  
25 there are any questions about any of those numbers.

26  
27 **CHAIRMAN RIECHERS:** I would say move on to the next slide, Matt.

28  
29 **DR. FREEMAN:** Okay. Perfect. This is some additional  
30 information, and I have this table as well in Framework 11, and  
31 I used it as part of the econ analysis, but I thought it was  
32 relevant, as we look at the sector reallocation here in CMP 33.

33  
34 This is the Gulf king mackerel bag limit distribution from the  
35 2015-2016 through 2019-2020 fishing years, and you will remember  
36 the bag limit, per person per day, increased from two to three,  
37 and that was implemented in 2017, and, yet, even through this  
38 range of the fishing years, we're still seeing that the bag  
39 limit distribution is highly concentrated at one king mackerel  
40 per person. I can pause there, for just a brief second, if  
41 there's any questions. Otherwise, I will move along.

42  
43 Not seeing any, and so we'll go to the next slide, and this was  
44 a previous request, but I still wanted to leave it in the  
45 presentation, in case folks wanted to see it, and this is  
46 recreational catch versus releases, in FES, from 2016 through  
47 2020. That end the presentation, and I will field any other  
48 questions, or we're open to discussion.

1  
2 **CHAIRMAN RIECHERS:** Any questions of Matt? Leann.  
3

4 **MS. BOSARGE:** Matt, that simulation, can you tell me that one  
5 more time, how they came up with those percentages simulating  
6 what the commercial catch might be, if they hadn't shut us down  
7 every year?  
8

9 **DR. FREEMAN:** Sure. I will probably defer to Ryan for a little  
10 bit more of the discussion there, but my basic understanding is  
11 we've seen the commercial sector has been historically  
12 constrained by their sector ACL, and so the simulation looked  
13 at, had that ACL been different, what the commercial sector  
14 landings may have been, and I know there's more to that, and so  
15 I'm going to defer to a biologist and let him explain it.  
16

17 **MS. BOSARGE:** I will get to the point, and so did you include  
18 years in there where we had this COVID effect, when our landings  
19 were pretty significantly down, and assume that that would be  
20 the case going forward in a simulation? The 2019-2020 and 2020-  
21 2021 landings?  
22

23 **MR. RINDONE:** I am working on pulling that stuff up, and so this  
24 is all based off of the simulation that the Science Center was  
25 kind enough to drum up for us, and it was in an appendix. There  
26 it is. Okay.  
27

28 If you look at -- If you go all the way down to Appendix B,  
29 Table 1 in Appendix B, and so this is where this all starts  
30 anyway, and so this is from the analysis of the SEDAR 38 and 38  
31 update models that the Science Center gave to us last March, and  
32 we talked about on and off since then, and so this table shows  
33 the breakdown of how this analysis worked.  
34

35 The first model was the original SEDAR 38 model, which used CHTS  
36 and the 2012 estimate of shrimp bycatch. Then the Science  
37 Center transitioned to Model 2, which retained the 2012 terminal  
38 year, but used the SEDAR 38 update model, which used MRIP-FES  
39 landings for the private vessel fleet and retained the 2012  
40 shrimp discard mortality.  
41

42 Model 2 is most representative of what SEDAR 38 would have been  
43 like had we used FES instead of CHTS, if everything else had  
44 been the same, and so then Model 3 updated SEDAR 38, again  
45 through 2012, and it used FES and the updated shrimp bycatch,  
46 using data through 2020, and it modeled for -- It used a  
47 terminal year of 2017, just like the SEDAR 38 update, with  
48 everything else done the way that it had been done for the SEDAR

1 38 update, and so that was the progression there. Now, Ms.  
2 Bosarge, were you asking specifically about the analysis for --

3  
4 **MS. BOSARGE:** No, not these simulations. The one where, on that  
5 -- Some kind of table where you said that, in the future, we  
6 think, if commercial catches were not constrained, as we have  
7 been constrained, they would probably land about this much, and  
8 that would be this percentage of their new allocation, if we  
9 increased their allocation, and do you have the page on that,  
10 Matt?

11  
12 **DR. FREEMAN:** Page 22.

13  
14 **MS. BOSARGE:** Page 22? Okay, and page 23 has the table. Yes,  
15 there we go. It's Table 2.1.5, that simulation right there.

16  
17 **MR. RINDONE:** Right, and so this was based on the request that  
18 you had made at a previous meeting of which model to use and to  
19 make the assumption that the commercial sector, if allocated  
20 those pounds in the past, would have landed it, and so the  
21 percentage was based off of that, and so we used Model Number 2,  
22 which the only thing that Model 2 updated was going from CHTS to  
23 FES, and it left everything else, the terminal year of 2012, the  
24 shrimp discard mortality from 2012, and everything else remained  
25 the same, and just changing the private recreational effort.

26  
27 That had all been done that way for the original SEDAR 38  
28 assessment, and the average landings for the commercial fleet,  
29 if Model Number 2 had been reality for SEDAR 38, it would have  
30 been approximately 4.1 million pounds, and so that's where that  
31 average commercial landings comes from, is the guidance from  
32 that. It assumes that, if the commercial sector had been given  
33 those pounds, back in 2017, that they would have caught them,  
34 that that would have been the average landings.

35  
36 **MS. BOSARGE:** Okay. I got you. When I read that, I guess I --  
37 Maybe I need to read the discussion you have with it, because,  
38 just at face value, that says, to me, if you gave the commercial  
39 sector a quota of 5.2 million pounds, 5,256,499, if you gave us  
40 that, we could only land 78 percent of it, and that's how it  
41 reads to me, but I can tell now that's not what you are saying,  
42 necessarily, and so maybe we just, I don't know, put an asterisk  
43 there or something, so that we don't misinterpret that in the  
44 future.

45  
46 **MR. RINDONE:** The appropriate interpretation of this table is  
47 that it's a comparison of the average landings that we presume  
48 they -- Or what they would have been, versus what is being



1 proposed in the right column, and so, if we assume that Model  
2 Number 2 had been reality back in 2017, we would have set catch  
3 limits on this, and what we're saying here is that the assumed  
4 average landings from the commercial fleet are equivalent to  
5 about 97 percent of what's under Alternative 2, and so that  
6 assumes, again, all these things being put together, that, if  
7 you selected Alternative 2 as preferred, that the commercial  
8 sector could be expected to land darn near all of it, but, if  
9 you selected Alternative 3, then, based on the assumed average  
10 landings, that they would be expected to land about 78 percent.

11  
12 Likewise for the recreational sector, they would be presumed to  
13 land 80 percent of it, under Alternative 2, or darn near all of  
14 it under Alternative 3, and, again, there's going to be some  
15 uncertainty around these, just based on -- If you look at how  
16 accurate the closures have been for kingfish and the  
17 recreational landings, and so please be considerate of that when  
18 looking at these percentages.

19  
20 **CHAIRMAN RIECHERS:** Thank you. Mara.

21  
22 **MS. LEVY:** I guess that -- I mean, I hear what Leann is saying,  
23 and so I'm kind of wondering, and so the average landings of  
24 4.12 million pounds assumes they would have caught everything  
25 they would have gotten, had that been the assessment result, but  
26 then we're comparing it to Alternatives 2 and 3 and say, well,  
27 we would only expect them to catch 78 percent of Alternative 3,  
28 but I think what Leann is saying is you could also assume that  
29 they would catch it all, right, because we don't know, and we've  
30 got this average by an assumption that they caught all that they  
31 would have gotten, and so I think we just need to be really  
32 clear about what we're doing and how we're using it.

33  
34 **MR. RINDONE:** Just in response to that, the assumption that they  
35 would have caught all of that four-point-one-one-whatever was a  
36 request for a caveat from the analysis from the council, that we  
37 assume that the commercial sector would have caught everything  
38 they were given at the time, and that assumption was validated,  
39 or at least supported, by the landings trends from the  
40 commercial fleet in time. Generally speaking, they have caught  
41 what they have been given, and they have been closed, due to  
42 quota closures, before the end of the fishing season.

43  
44 Yes, we could assume that they would also catch 4.22, or we  
45 could also assume that they could catch 5.25, but maybe they do  
46 or maybe they don't, and we certainly can further elaborate on  
47 that in the document, if it helps the committee and the council.

48

1 **CHAIRMAN RIECHERS:** Matt, you've got one last shot at this, but  
2 then we're fixing to turn it over to the Chairman.

3  
4 **DR. FREEMAN:** Sounds perfect, and so, again, just to sort of add  
5 to what Ryan was explaining, and perhaps I didn't explain that  
6 well enough, again referencing the table, this is simply a  
7 comparison of either what the predicted landings were or the  
8 actual historic landings are relative to what's proposed under  
9 Alternative 2 and Alternative 3, assuming that is what they  
10 harvest, and, as I think even Mara added, they don't increase  
11 effort.

12  
13 **CHAIRMAN RIECHERS:** Mara, go ahead.

14  
15 **MS. LEVY:** Thanks. I mean, I want to make sure we're really  
16 clear, because the recreational side is a little different,  
17 right, and so, the recreational side, we're saying this is what  
18 your landings would have been historically, had it been FES, and  
19 we're comparing it to what they would get now, which is measured  
20 in FES.

21  
22 That's very different than using a comparison for the commercial  
23 sector that comes up with a number that assumes they would have  
24 caught everything they got, but then you're comparing it to the  
25 new number and kind of saying, well, then we might expect them  
26 to catch 78 percent, and I just feel like they're very  
27 different, but we've kind of lumped them together, and so I can  
28 see how it makes it confusing, and we just need to be careful  
29 about that.

30  
31 **CHAIRMAN RIECHERS:** Well, certainly, as we move forward, the  
32 document needs to be really clear about those assumptions. With  
33 that though, we're going to go ahead and turn it back over to  
34 Dale. He and I have been discussing this, and please go ahead  
35 and review -- Well, thanks to our Mid-Atlantic and our New  
36 England partners, and review that presentation from the Mid-  
37 Atlantic, so that, if you have any questions on Friday morning,  
38 you have those prepared, and please take a look at that again,  
39 and, if you have any questions of Jon, he's still here in the  
40 audience, but he may be getting out pretty quickly, and so talk  
41 to him as well. With that, Dale, we'll turn it over to you.

42  
43 **MR. DIAZ:** Thank you, Mr. Riechers. We are running just a  
44 little bit behind, but I would encourage folks -- I am not  
45 trying to cut off discussion on this. Whenever we get to this  
46 point of the committee report, where we're talking about Draft  
47 Amendment 33, if people have any strong feelings about where we  
48 need to go with this document, or things that need to be changed

1 in the alternatives, that would be very helpful. With that,  
2 let's take a ten-minute break, and we're going to start back up  
3 at 4:20, and we will proceed through our agenda. Thank you.

4

5 (Whereupon, the meeting adjourned on June 21, 2022.)

6

7

- - -