

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 SUSTAINABLE FISHERIES COMMITTEE

4
5 Webinar

6
7 JUNE 15, 2020

8
9 **VOTING MEMBERS**

10 Dale Diaz.....Mississippi
11 Kevin Anson (designee for Scott Bannon).....Alabama
12 Patrick Banks.....Louisiana
13 Leann Bosarge.....Mississippi
14 Roy Crabtree.....NMFS
15 Dave Donaldson.....GSMFC
16 Martha Guyas (designee for Jessica McCawley).....Florida
17 Lance Robinson (designee for Robin Riechers).....Texas
18 Greg Stunz.....Texas
19 Ed Swindell.....Louisiana
20 Troy Williamson.....Texas

21
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24 Jonathan Dugas.....Louisiana
25 Phil Dyskow.....Florida
26 Tom Frazer.....Florida
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1
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10 - - -
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PAGE 33: Motion in Action 2 to make Alternative 3 the preferred alternative. The motion carried on page 37.

1 The Sustainable Fisheries Committee of the Gulf of Mexico
2 Fishery Management Council convened via webinar on Monday
3 morning, June 15, 2020, and was called to order by Chairman Dale
4 Diaz.

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

10 **CHAIRMAN DALE DIAZ:** I will call the Sustainable Fisheries
11 Committee to order. The members of the committee are myself as
12 Chair, Dr. Stunz as Vice Chair, Mr. Banks, Mr. Anson, Ms.
13 Bosarge, Dr. Crabtree, Mr. Donaldson, Ms. Guyas, Mr. Robinson,
14 Mr. Swindell, and Mr. Williamson.

15
16 First -- Well, I did want to mention this is my first time
17 running a virtual meeting, and, as we get started in working
18 into the meeting, if anybody has any suggestions on how I can
19 operate the meeting more efficiently, please let me know. Any
20 help I can get to make sure that I don't miss anybody that's
21 true to speak from the staff, I would greatly appreciate it.

22
23 The first order on the agenda is the Adoption of the Agenda. Is
24 there any changes to the agenda? Hearing none, I would
25 entertain a motion to adopt the agenda?

26
27 **DR. GREG STUNZ:** I will move to adopt the agenda.

28
29 **MR. DAVE DONALDSON:** Second.

30
31 **CHAIRMAN DIAZ:** We have a motion and a second. Any opposition
32 to adopting the agenda? Hearing none, the agenda is adopted as
33 written. Next on the agenda, we have the Approval of the
34 January 2020 Minutes. Are there any edits or comments on the
35 January 2020 minutes? Hearing none, is there a motion to adopt
36 the January 2020 minutes?

37
38 **DR. STUNZ:** I will move to adopt the minutes.

39
40 **MR. DONALDSON:** I will second.

41
42 **CHAIRMAN DIAZ:** We have a motion and a second to adopt the
43 January 2020 minutes. Any opposition to that motion? The
44 motion carries. For the Action Guide and the Next Steps, I
45 generally like to do them where we go over each item in the
46 action guide and next steps right before we take up that agenda
47 item. Dr. Frazer, I believe we're at the point where we could
48 take that up the very first thing when we come back after lunch

1 and move right into the presentation.

2
3 **DR. TOM FRAZER:** Okay, Dale. I think that's a good idea. I
4 think everybody is doing a pretty good job, and, again, I want
5 to thank everybody for their patience as we continue to work
6 through this process, and the staff has done an excellent job,
7 and so we will plan to reconvene at 1:00, but if I could ask
8 people to check in perhaps at quarter to, that would be great,
9 and we can move efficiently into the next session, and so we
10 will go ahead and reconvene this group officially at 1:00, but,
11 again, with a check-in time fifteen minutes prior to then. Have
12 a great lunch.

13
14 **CHAIRMAN DIAZ:** That will be 12:00 Central.

15
16 **DR. FRAZER:** That's correct.

17
18 (Whereupon, the meeting recessed for lunch on June 15, 2020.)

19
20 - - -

21
22 June 15, 2020

23
24 MONDAY AFTERNOON SESSION

25
26 - - -

27
28 The Sustainable Fisheries Committee of the Gulf of Mexico
29 Fishery Management Council reconvened via webinar on Monday
30 afternoon, June 15, 2020, and was called to order by Chairman
31 Dale Diaz.

32
33 **CHAIRMAN DIAZ:** I am going to go ahead and cover the Action
34 Guide and Next Steps, and we'll move right into our next
35 presentation. Ms. Anne-Marie Fennell of the Government
36 Accountability Office will give a presentation on the GAO Report
37 on Allocation in the Gulf of Mexico and South Atlantic Mixed-Use
38 Fisheries.

39
40 The presentation will summarize the report and discuss the
41 findings and recommendations made by the GAO. The committee may
42 ask questions and discuss materials as presented. Ms. Fennell,
43 are you ready?

44
45 **GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON ALLOCATIONS**

46
47 **MS. ANNE-MARIE FENNELL:** It looks like the slides are ready, and
48 hopefully you can see them as well, and, again, my name is Anne-

1 Marie Fennell, and I'm a Director in GAO's Natural Resources and
2 Environment Team. I work largely on federal lands and water
3 resources issues, including fishery management issues.
4

5 I want to thank you for this opportunity to speak about our
6 report on mixed-used fisheries allocations, and I want to also
7 thank your staff for their great help, in terms of preparing the
8 technological ability to join you virtually for this conference,
9 and so thank you very much.

10
11 For those who are not as familiar with GAO, I thought I would
12 give a little bit of background information about our
13 organization. The U.S. Government Accountability Office, known
14 as GAO, is an independent, non-partisan agency that works for
15 Congress.

16
17 We're often called the congressional watchdog, since we examine
18 how taxpayer dollars are spent and provide Congress and federal
19 agencies with objective, reliable information to help the
20 government save money and work more efficiently. Our work is
21 done at the request of congressional committees or sub-
22 committees or are statutorily required by public laws or
23 committee reports.

24
25 Over time, we have been requested to look at a variety of
26 fishery management issues. For example, in recent years, we
27 have published reports addressing recreational fisheries
28 management data collection efforts and managing the fisheries in
29 a changing ocean. We have also been looking at some global
30 issues impacting the U.S. fishing industry.

31
32 Later this week, for example, we will be issuing a report on
33 seafood imports and forced labor enforcement efforts, and we
34 have some new work underway looking at illegal, unreported, and
35 unregulated fishing. If you're interested in these, or other
36 reports we have issued on fisheries, you can access the reports
37 on GAO's website at gao.gov.

38
39 Now, turning to our report that we issued in March of this year,
40 this report came about as a result of the statutory mandate.
41 Specifically, the Modernizing Recreational Fisheries Management
42 Act of 2018 included a provision for us to review mixed-use
43 fisheries allocations in the South Atlantic and Gulf of Mexico.

44
45 For this report, we examined the South Atlantic and Gulf of
46 Mexico regions, specifically the allocations that have been
47 established and revised, key sources of information for
48 allocation reviews, and the processes for those reviews.

1
2 The scope of our work was focused on the South Atlantic and Gulf
3 of Mexico regions allocations between commercial and
4 recreational fishing sectors. We considered for-hire fishing
5 part of the recreational sector, because both councils general
6 manage it as such.

7
8 To conduct our work, we reviewed allocation policies and
9 documents, and we analyzed information on allocations
10 established or revised for each mixed-use allocation stock, and
11 we included allocations that were established since 1976, when
12 the Magnuson-Stevens Act was enacted, and we reviewed documents
13 on key sources of economic, social, ecological, and other
14 information identified by NMFS officials and council staff, and
15 we compared processes with agency guidance and an established
16 framework for internal controls.

17
18 We interviewed a wide range and number of officials, as you will
19 see from this slide, and forty-six stakeholders. Many of our
20 interviews were in-person at each council's June 2019 council
21 meetings. I had an opportunity to attend the South Atlantic
22 meeting with some of our team members, while our other team
23 colleagues attended the Gulf Council meeting. We were very
24 grateful for the opportunity to meet with so many officials and
25 stakeholders in person at these council meetings.

26
27 Just as a way of background, allocations have been based mainly
28 on estimates of each sector's historical landings. Under the
29 Magnuson-Stevens Act, allocations are to be fair and equitable
30 to all U.S. fishermen, reasonably calculated to promote
31 conservation, and carried out in manner that no particular
32 individual, corporation, or other entity acquires an excessive
33 share.

34
35 In 2016, as you know, NMFS issues a fisheries allocation review
36 policy and two guidance documents. NMFS guidance called for the
37 councils to develop a structured and transparent process for
38 allocation reviews.

39
40 Now to take a look at what we found under each of our three
41 objectives. For our first objective, looking at allocations, we
42 found that the councils have established and revised allocations
43 to varying degrees. I will provide some summary information for
44 each council, but our report includes an appendix with details
45 on both councils' allocations, including the percentages and
46 dates for initial and revised allocations for each mixed-use
47 fish stock.

48

1 As you will see from this slide, the South Atlantic Council
2 established allocations for almost all of its mixed-use fish
3 stocks and revised most of those allocations in 2012. The
4 council revised a few allocations multiple times. The extent to
5 which they considered other revisions is unclear, because the
6 council did not formally document reviews that didn't lead to
7 revisions.

8
9 The Gulf of Mexico Council established allocations for mixed-use
10 fish stocks. For those stocks without allocations, the council
11 manages them with other methods, such as seasonal closures or
12 trip or bag limits, and the council revised allocations for
13 three stocks in 2008. Also, they revised the red snapper
14 allocations in 2015, but a U.S. District Court vacated the
15 fishery management plan amendment in 2017, and the council
16 returned to the initial allocation.

17
18 Turning to our second objective on information sources, overall,
19 we found that various sources of information may be available to
20 help NMFS and the councils review allocation. NMFS and the
21 councils identified five key sources of information, including
22 trends in catch and landings, stock assessments, economic
23 analyses, social indicators, and the ecosystem models, but each
24 presents some challenges in terms of the availability,
25 specificity, or quality of the information. Available
26 information, other than landings, is often sparse and uncertain
27 for many fish stocks.

28
29 I will highlight some example of challenges and some actions to
30 help address them on this slide and the next. Starting here
31 with trends in catch and landings, some of the challenges that
32 we identified pertain to obtaining reliable data on recreational
33 catch, because of several attributes of the recreational fishing
34 sector, such as the greater number of recreational anglers and
35 access and landing points compared with the commercial fishing
36 sector.

37
38 Also, in the Gulf of Mexico, states collect recreational catch
39 data through their own programs, which use different
40 methodologies, and so it's challenging to reconcile the states'
41 data with NMFS Marine Recreational Information Program data.
42 NMFS has undertaken some efforts to address these issues in
43 issuing a recent guidance to promote consistency in collecting
44 data and estimating recreational catch and calibrating Gulf
45 states' data with data from its Marine Recreational Information
46 Program.

47
48 To continue on with another example, stock assessments can

1 provide maps of spatial distribution of fish stocks, and
2 councils may need to update allocations if those distributions
3 change over time, but few stock assessments allow forecasts of
4 future distributions.

5
6 To help address that, NMFS is assessing changes in the
7 distribution of fish stocks in the Gulf of Mexico and South
8 Atlantic in response to regional climate change impacts. The
9 expected completion of this is this year.

10
11 Stock assessments can also provide information on each fishing
12 sector's discards and bycatch, which councils can use to assess
13 ecological impacts, but the availability and certainty of that
14 information can vary. Use of an electronic system to report
15 bycatch and discards is one action that has been identified to
16 help improve this information. For-hire fishing is to begin
17 using this in 2020 and commercial fishing by 2023.

18
19 Now turning to our third objective on processes, and, overall,
20 we found that both councils developed criteria for initiating
21 allocation reviews, but not processes for conducting or
22 documenting them.

23
24 For the South Atlantic Council, conditions that would trigger an
25 allocation review relate to exceeding or underharvesting catch
26 limits and completion of stock assessments and certain other
27 reports. In terms of time-based triggers, the South Atlantic
28 Council plans to review allocations not less than every seven
29 years if a condition hasn't already triggered a review.

30
31 For the Gulf of Mexico Council, the council plans to review
32 allocations at intervals of four to seven years, and the council
33 also identified public interest as a secondary allocation review
34 trigger, but it did not specify thresholds for a level or type
35 of public input that would trigger this review. Both councils'
36 policies laid out their planned schedules for allocation
37 reviews, which they have adjusted since. Our report includes a
38 table that shows both councils planned schedules as of December
39 2019.

40
41 Documented processes and policies have several benefits,
42 including promoting consistency and increasing accountability.
43 The benefits are grounded in a framework for internal controls.
44 In speaking and interviewing a variety of stakeholders, we also
45 heard that stakeholders said a clear process for conducting
46 allocation reviews is needed, and others stressed that such a
47 process is needed for helping to identify predictability and
48 certainty in their business decisions.

1
2 Although neither council has developed a process for allocation
3 reviews, the Gulf of Mexico Council convened a workgroup
4 consisting of council and NMFS staff that met in June and July
5 of 2019, and the council expects the workgroup to propose draft
6 allocation review procedures, including identifying data sources
7 needed. The South Atlantic Council postponed discussion of
8 developing a process, and both councils are waiting for our
9 report to inform their next steps.

10
11 We concluded that, by working with the councils to develop
12 documented allocation review processes, NMFS would have better
13 assurance that the councils carry out their upcoming allocation
14 reviews in a structured and transparent manner consistent with
15 the agency's 2016 guidance.

16
17 Moreover, by working with the councils to also specify how they
18 plan to document their allocation reviews, NMFS could help
19 ensure that the councils provide a clear record of the basis for
20 the decisions, whether fishery management plan objectives are
21 being met, and applicable factors considered.

22
23 Accordingly, we made two recommendations directed at NMFS to
24 work with the councils. Congress and NOAA agreed with our
25 recommendations that NMFS should work with the South Atlantic
26 and Gulf of Mexico Councils and other councils, as appropriate,
27 to, one, develop documented processes for allocation reviews,
28 and, two, specify how the councils will document their reviews.

29
30 Now that we have issued our report, including our two
31 recommendations, GAO has a process for whereby we periodically
32 take a look to see how the agencies are implementing our
33 recommendations, and we will follow-up with NMFS over the next
34 several years, to determine what progress they've been making in
35 terms of implementing our recommendations and then update our
36 website with the information.

37
38 On our website, when you look at our report, there is a tab that
39 is linked to our list of recommendations and the status of
40 whether they have been implemented and, if not, what progress
41 has been made toward implementing them. Therefore, as part of
42 our next steps, we will monitor the status of the implementation
43 of our recommendations and update our website accordingly.

44
45 This concludes my presentation, and I hope that it's helpful in
46 terms of highlighting GAO's work and the results of our review.
47 If there are any questions, I am happy to address them. On this
48 last page of the briefing slide deck, you will see links for

1 accessing GAO on the web, including at our website, with
2 additional information about where you can obtain information
3 about GAO. Again, I am very grateful for this opportunity to be
4 able to meet with you today, and I thank you very much for your
5 time.

6
7 **CHAIRMAN DIAZ:** Thank you, Ms. Fennell, for your presentation
8 and for your hard work on putting the document together that was
9 delivered to the council. Are there any questions for Ms.
10 Fennell? First up is Mr. Dyskow. Mr. Dyskow, go ahead.

11
12 **MR. PHIL DYSKOW:** Thank you. I just have a couple of questions.
13 To start with, a very basic one, and what does the foundation
14 for the initiation of this GAO inquiry -- Where did it come
15 from?

16
17 **MS. FENNELL:** Mr. Dyskow, thank you very much for your question.
18 The impetus for this particular review was a statutory
19 requirement for us to conduct a study, and the actual mandate
20 appeared in the Modernizing Recreational Fisheries Management
21 Act of 2018.

22
23 **MR. DYSKOW:** May I add on to that question, please, Mr. Chair?

24
25 **CHAIRMAN DIAZ:** Go ahead, Mr. Dyskow.

26
27 **MR. DYSKOW:** So my question is, since it was Congress, through
28 the Rec Fishing Act, that requested this, but what you're doing
29 is you're reporting back to NMFS and to the councils, wouldn't
30 it make more sense to also report back to Congress?

31
32 **MS. FENNELL:** Mr. Dyskow, our report is actually addressed to
33 the committees that had specified this reporting requirement,
34 and so the report did go directly to the committees that had
35 requested this particular study, and, during the course of our
36 work, we updated them on the approach, methodology, and results
37 of our work, as we were undertaking the study.

38
39 **MR. DYSKOW:** Thank you.

40
41 **MS. FENNELL:** You're welcome.

42
43 **CHAIRMAN DIAZ:** Ms. Boggs. We're going to hold on just a
44 second. I think we've got a little problem with Ms. Boggs'
45 audio.

46
47 **MS. FENNELL:** I understand. This is new technology for me as
48 well.

1
2 **CHAIRMAN DIAZ:** While we're waiting on Ms. Boggs, does anybody
3 else have any questions? Dr. Frazer.

4
5 **DR. TOM FRAZER:** Thank you, Dale, and I enjoyed the
6 presentation. I had a quick question on your Slide 23, and
7 there is two bullet points, and the first bullet point says the
8 recommendation is to develop documented processes for conducting
9 allocation reviews, and then the other bullet is to specify how
10 the councils will document their allocation reviews, and I was
11 just wondering if you could elaborate on the differences really
12 between those two bullet points, and they seem very similar to
13 me.

14
15 **MS. FENNEL:** Certainly, Dr. Frazer, and I appreciate the
16 question, and they are very much intertwined and related, and
17 the first is an opportunity to ensure that a process is
18 documented so that it is structured and transparent, and the
19 second has to do with the actual decisions that result from the
20 process that was used to conduct the allocation reviews, so
21 that, again, the information -- That there is a clear record, if
22 you will, for the basis for the decision and whether those
23 decisions met the fishery management plan objectives and the
24 applicable factors that were considered. One is related to more
25 the overall process, so that it is understood and transparent,
26 and the second has to do with the decisions that result from the
27 process.

28
29 **DR. FRAZER:** Great. Thank you for that clarification.

30
31 **MS. FENNEL:** You are quite welcome, Dr. Frazer.

32
33 **CHAIRMAN DIAZ:** Ms. Boggs is up next. Are you ready, Ms. Boggs?

34
35 **MS. SUSAN BOGGS:** Yes, and I'm sorry about that, and I'm not on
36 your committee, and so I appreciate you recognizing me, and this
37 has to do with the report itself, and, on page 3 of the report,
38 there's a comment, or a sentence, that basically states that the
39 -- It says: "Specifically, commercial participation in fisheries
40 is generally limited through federal permits, but recreational
41 anglers do not have similar limits, according to commercial
42 sector participants."

43
44 I would like to clarify that, in the Gulf of Mexico, the
45 charter/for-hire/headboats are under a moratorium, and we are
46 limited to our participation, and, since this report recognizes
47 recreational to include private as well as charter/headboat, I
48 just want to clarify that. Thank you.

1
2 **MS. FENNELL:** Thank you very much for the clarification. Yes,
3 the information we were just trying to provide is some general
4 context, in terms of the general differences in the management
5 of the commercial and recreational fishing sectors, and so I do
6 appreciate you adding the additional clarification. Thank you.

7
8 **CHAIRMAN DIAZ:** Mr. Sanchez.

9
10 **MR. JOHN SANCHEZ:** Thank you, Mr. Diaz. I wanted to thank you
11 for your presentation, and I'm also not on this committee, but,
12 if your schedule allows tomorrow, I would encourage you to
13 listen in on tomorrow's Reef Fish discussion, because a lot of
14 that has to do with a lot of what you're presenting. Thank you.

15
16 **MS. FENNELL:** Thank you very much, Mr. Sanchez. We certainly
17 will put it on the calendar, and, if at all possible, we'll try
18 to join for some or all of it. Thank you very much for letting
19 me know.

20
21 **CHAIRMAN DIAZ:** Any other questions? I am not seeing any, and
22 thank you, Ms. Fennell. Again, we appreciate your hard work and
23 the presentation.

24
25 **MS. FENNELL:** Thank you very much again.

26
27 **CHAIRMAN DIAZ:** Thank you. Seeing no other questions, the next
28 item is going to be Tab E, Number 5, and it's an update on the
29 Allocation Review Working Group, and Dr. Diagne is going to
30 present that. Dr. Diagne.

31
32 **UPDATE ON ALLOCATION REVIEW WORKING GROUP**

33
34 **DR. ASSANE DIAGNE:** Good afternoon, Mr. Diaz, and good
35 afternoon, everybody. This is a continuation, if you would, of
36 this topic, really having to do with the allocation review in
37 the Gulf. Our main purpose today is to discuss with you a
38 timeline of sorts, if you would, an expected timeline, when it
39 comes to developing those very processes that Ms. Fennell talked
40 about during her presentation.

41
42 Just by way of, I guess, refreshing our collective memory here,
43 you recall that, during the April 2019 meeting, you finalized
44 your allocation review policy, and, by that, essentially, you
45 did select your review triggers. During the April 2019 meeting,
46 the Gulf Council took a fairly proactive step, in the sense that
47 you passed a motion to establish an allocation review workgroup,
48 and this workgroup has had the opportunity to meet twice in

1 2019, and we've also had the opportunity to have preliminary
2 discussions with our SSC, combined with the Socioeconomic SSC,
3 and, also, briefly discussed those, I guess, presentations and
4 discussion with the SSC and the working group with the council
5 during the October meeting of last year. As mentioned by Ms.
6 Fennell, the GAO report was released in March of 2020.

7
8 This is also just a refresher showing us the various timeframes
9 that were selected and that are included in our allocation
10 review policy, and, here, I guess one of the dates that I would
11 like for us to remember for the remainder of this very short
12 presentation is the very first one, meaning that you decided
13 that your first review, per the schedule, has to begin by April
14 of 2023.

15
16 The workgroup that we have is a mixed group of essentially three
17 main components, and we have council staff, and we have staff
18 from the South Atlantic region here, and we also have staff from
19 the Science Center.

20
21 In terms of looking at the next steps, what it is that we are
22 trying to do, this would involve, essentially, I guess a lot of
23 meetings and drafting documents, with council discussion and
24 with SSC input, as well, of course, as work from this allocation
25 review working group. Our ultimate goal, what it is that we are
26 shooting for at the end of this process, is going to be
27 essentially the adoption of allocation review guidelines, and,
28 by guidelines, we mean the processes and procedures as well as
29 the contents of the review itself.

30
31 These are, at this moment, fairly tentative dates, essentially
32 starting from next month, and we have our next meeting for the
33 allocation review working group already scheduled, and it's on
34 the calendar. Starting from July 2020 and ending around, if you
35 would, the October meeting of next year, we can take several
36 steps that would lead us to adopting the council's allocation
37 review guidelines, and so we envision discussing procedures and
38 processes, discussing those with the SSC, taking council input,
39 and revising those, let's say in an iterative process, if you
40 would, and then we would turn our attention to the content and
41 doing the same thing.

42
43 In a nutshell, when it comes to allocation reviews, we already
44 know the why. This is mandated, and NMFS has published the
45 guidance and so forth, and we know the when, because the council
46 has selected its triggers, and those include time-based
47 criteria, and now what we have left to do is to decide who is
48 going to conduct those reviews, how those reviews are going to

1 be conducted, and what exactly would those reviews entail, in
2 terms of the content, what type of data, what type of analysis,
3 and so on and so forth, so that the council would then make the
4 final, final, if you would, determination and adopt its
5 allocation review guidelines. I believe this is the last slide
6 on my presentation, and so thank you, and I will try to answer
7 questions, if you have any.
8

9 **CHAIRMAN DIAZ:** Thank you, Dr. Diagne. Are there any questions
10 for Dr. Diagne or any discussion? I don't see any hands up, and
11 I'm not hearing any discussions, and so I'm going to wait just a
12 second, and, if I don't hear anything, we'll move on down the
13 agenda. Dr. Frazer.
14

15 **DR. FRAZER:** Assane, thanks for the presentation, and I had a
16 quick question, and going back to the expected timeline, and so,
17 in July, the working group is going to meet again, and then
18 they're going to prepare a draft of the review procedures in
19 August of 2020, and so the first kind of external review, I
20 guess, of that draft will be the SSC in September, and so then
21 the council themselves won't comment on that draft until October
22 of 2020, and am I reading that the right way?
23

24 **DR. DIAGNE:** Essentially, on this tentative timeline, yes,
25 because we always want to bring to the council recommendations
26 from the SSC, so that the council can see the full picture
27 before they essentially decide, but it is possible that, if we
28 can speed up this timeline somehow, to bring it to the council
29 beforehand, but, between July and I guess October, I don't see
30 yet how we could speed it up, because, if you were to do that,
31 that would entail bringing the draft to the council in August,
32 but, if the council prefers to see the draft procedures and then
33 we go to the SSC with the council's comments, we can flip those
34 two, if you would, steps, and that is also feasible.
35

36 **DR. FRAZER:** I just wanted to -- I was seeking some
37 clarification there, and I'm not necessarily asking to switch it
38 around, but I just wanted to make sure that I understood. Thank
39 you.
40

41 **DR. DIAGNE:** Thank you.
42

43 **CHAIRMAN DIAZ:** Any further discussion or questions for Dr.
44 Diagne? Dr. Frazer, I have a question for you. I'm just
45 looking at our timeline, and I believe we would be scheduled for
46 a break, but we're still a little ways from that, probably about
47 forty minutes from that, and is it okay to proceed into the next
48 agenda item?

1
2 **DR. FRAZER:** Yes, Dale. I think that's a good idea.
3

4 **CHAIRMAN DIAZ:** Dr. Diagne, if you would, for the next agenda
5 item, are you prepared to walk us through the action guide and
6 the next steps for the next agenda item?
7

8 **DR. DIAGNE:** Yes, Mr. Diaz. Because this item deals with
9 modification of fishing aspects in the eastern Gulf of Mexico
10 MPAs, I will let Mr. Rindone just say a few words of
11 introduction before moving into the amendment itself, or the
12 framework action, I should say.
13

14 **CHAIRMAN DIAZ:** Mr. Rindone.
15

16 **FINAL ACTION - FRAMEWORK ACTION: MODIFICATION OF FISHING ACCESS**
17 **IN EASTERN GULF OF MEXICO MARINE PROTECTED AREAS**
18

19 **MR. RYAN RINDONE:** This is the modification of fishing access in
20 the eastern Gulf of Mexico MPAs, and this is essentially looking
21 at fishing access in the Madison-Swanson and Steamboat Lumps
22 MPAs, which were initially created in 2000, and they were
23 extended indefinitely in 2009.
24

25 You guys are going to be reviewing the actions and alternatives
26 and all the analyses in the document and select preferred
27 alternatives, if you're ready. Right now, there are no
28 preferred alternatives, and the Law Enforcement Technical
29 Committee has weighed-in and given you guys some advice that
30 we'll go over, and so you guys can take a look at things, and,
31 if you ultimately select some preferred alternatives and you
32 think that the regulations are necessary and appropriate, you
33 can recommend them to the Secretary of Commerce for
34 implementation.
35

36 You are also going to want to consider, if you go that route,
37 whether to request that the NMFS Highly Migratory Species
38 Division implement commensurate regulations for HMS in the MPAs.
39 We can go right to the document, if there's no questions.
40

41 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. On this agenda item,
42 we're going to do public comments first, which are Tab E, Number
43 6(a), and Ms. Muehlstein.
44

45 **PUBLIC COMMENTS**
46

47 **MS. EMILY MUEHLSTEIN:** Hi, everyone. It's nice to see you, and
48 thank you for having me. Since this is a framework action, we

1 created a public hearing video and shared that across our social
2 media platforms and our website, to solicit public comment, and
3 we had 121 views of that public hearing video, and we received
4 four comments, and I will just give you a quick summary of what
5 we heard.

6
7 Comments that pertain to Action 1, which deals with the
8 modification of surface trolling provisions, we heard support
9 for Alternative 2, which would prohibit fishing in Madison-
10 Swanson and Steamboat Lumps year-round, and some of the
11 rationale that was provided is that fishermen are good at
12 finding loopholes in the law, and so all fishing should be
13 prohibited in those areas, that eliminating trolling will aid
14 law enforcement and protect spawning aggregations in those
15 areas, and that fishing for HMS should also be eliminated.

16
17 The comments that we heard that pertain to Action 2, which deals
18 with modification of prohibition on possession, were support for
19 Alternative 2, which would prohibit possession of all fish year-
20 round with no exception for vessels in transit, and we heard
21 that disallowing possession of fish in the areas will aid law
22 enforcement and protect spawning fish. We also heard that
23 fishermen should be able to transit, as long as fishing gear is
24 stowed, and we heard that only boats with VMS should be allowed
25 to transit the area with fish.

26
27 Finally, we heard some general comments that pertained to the
28 framework action. We heard that recreational reef fish poaching
29 is common in both Madison-Swanson and Steamboat Lumps, and we
30 heard that recreational plotting software advertises the area
31 and does not mention fishing prohibitions, and then we heard
32 that access to the area should be prohibited completely to
33 protect spawning and improve enforcement, and that concludes my
34 summary of our public comments.

35
36 **CHAIRMAN DIAZ:** Thank you, Ms. Muehlstein. Any questions for
37 Emily on public comments? Hearing none, Dr. Lasseter, are you
38 prepared to give us some comments from the Law Enforcement
39 Technical Committee?

40
41 **MR. RINDONE:** Mr. Diaz, I can do that, if you like.

42
43 **CHAIRMAN DIAZ:** Okay. Go ahead, Ryan. Take the next two agenda
44 items and move us through those next two agenda items, Mr.
45 Rindone.

46
47 **LAW ENFORCEMENT RECOMMENDATIONS**
48

1 **MR. RINDONE:** Sure. The Law Enforcement Technical Committee met
2 on March 11 in Gulf Shores, Alabama, as part of the Gulf States
3 Marine Fisheries Commission meeting, and they talked about this
4 document specifically, and Ava walked them through it, and they
5 made two recommendations to the council.

6
7 The first was, in Action 1, to recommend that Alternative 2 be
8 the preferred alternative, for ease of enforcement and to combat
9 potential non-compliance, by eliminating the opportunity for
10 vessels to disguise bottom fishing as surface trolling.

11
12 Their second recommendation to the council was for Action 2,
13 that Alternative 3 be preferred, and Alternative 3 states that
14 the possession of any species of Gulf reef fish is prohibited
15 year-round in the Madison-Swanson and Steamboat Lumps MPAs, with
16 no exception for vessels in transit. If we want to look at
17 those in context, we'll pull up the document and start with
18 Action 1. Mr. Diaz, I see a couple of hands are up, and I don't
19 know if you want to go through those first, before I go any
20 further.

21
22 **CHAIRMAN DIAZ:** Yes, let's take them. Thank you, Mr. Rindone.
23 Dr. Stunz.

24
25 **DR. GREG STUNZ:** Thank you, Mr. Chairman, and this was for your
26 report, Ryan, of the committee, and what was the discussion like
27 about the real enforcement out there? Are they seeing this?
28 Are they issuing citations? We certainly heard public testimony
29 that this is going on, but I was wondering, from a law
30 enforcement perspective, what was it looking like?

31
32 **MR. RINDONE:** During the Reef Fish AP meeting that was kind of
33 the genesis of this document, there was an FWC officer there,
34 whose name I don't recall, who had said that enforcement in that
35 area is very difficult and that they can see vessels from a long
36 way off, but those vessels can also see them, and so those
37 vessels appear stationary, but it's hard to tell whether they
38 are trolling or they're truly stationary sometimes, especially
39 at a distance, and, as the vessel approaches, you can certainly
40 pull lines up and things like that, and so they said it's just
41 very difficult to enforce the rules that are on the books out
42 there.

43
44 As far as the Law Enforcement Technical Committee specifically
45 bringing up instances where they have had difficulty out there,
46 I don't know, and so I would let Ava jump in on that, if there
47 is anything.

1 **CHAIRMAN DIAZ:** I also attended the Law Enforcement Technical
2 Committee meeting, and it seems to me that they echoed the same
3 concerns that Ryan just mentioned there, and are you available,
4 Dr. Lasseter?
5

6 **DR. FRAZER:** Dale, I think, right now, we're trying to work with
7 Ava, to make sure that she can get her audio back, and so we're
8 going to have to sit tight on that.
9

10 **CHAIRMAN DIAZ:** Okay. We're going to go ahead and go to Ms.
11 Guyas, and Ms. Guyas has a question for Mr. Rindone. Ms. Guyas.
12

13 **MS. MARTHA GUYAS:** Well, my question was about the Law
14 Enforcement Committee discussion too, and, Dale, you may be able
15 to answer this, but this may be another Ava question. My
16 question was about why the Law Enforcement Committee chose
17 Alternative 3 instead of Alternative 2, and I'm just curious
18 about the discussion between those two options.
19

20 **DR. AVA LASSETER:** Can I speak now?
21

22 **CHAIRMAN DIAZ:** Go ahead, Dr. Lasseter.
23

24 **DR. LASSETER:** I'm sorry. I got so frazzled with the technology
25 that I probably lost where we were, and which action? Are we
26 still on Action 1? The law enforcement supported the idea of,
27 yes, making it -- Removing the ability so that people could
28 possibly be illegal fishing, but could you repeat the question?
29 I apologize.
30

31 **MS. GUYAS:** My question was relative to Action 2, and I'm
32 curious about the discussion that they had relative to
33 Alternative 2 versus Alternative 3.
34

35 **DR. LASSETER:** Yes, and they didn't think that it was necessary
36 to prohibit everything, because it was specifically a reef fish
37 issue, that people were concerned that people were actually
38 bottom fishing for reef fish, as opposed to possibly just having
39 non-reef fish onboard, and so they didn't want to be majorly
40 affecting people that really are just transiting, and they
41 wanted to target the law enforcement to be towards what was
42 potentially the illegal activity going on, and so that's why
43 they supported only prohibiting the reef fish.
44

45 **MS. GUYAS:** Okay. Thanks. That's helpful.
46

47 **CHAIRMAN DIAZ:** Mr. Banks.
48

1 **MR. BANKS:** Thank you, Mr. Chairman. Dr. Stunz asked the first
2 question that I had, but the second one is can somebody give me
3 a little bit better idea of what the difference between Action
4 2.1 and Action 4.1 is? I apologize. I was looking at the wrong
5 thing, and I'm still in Action 1. I was reading that as a
6 different action, but it's all the same action, and I apologize.
7 I'm good.

8
9 **CHAIRMAN DIAZ:** Thank you, Mr. Banks. Dr. Stunz, did you have
10 another question?

11
12 **DR. STUNZ:** No, and I'm having trouble lowering my hand here,
13 and it keeps reverting back, and so I'm good.

14
15 **CHAIRMAN DIAZ:** Thank you, Dr. Lasseter, for jumping on real
16 quick. Mr. Rindone.

17
18 **DOCUMENT**

19
20 **MR. RINDONE:** Thank you, sir. Action 1 is modification of
21 surface trolling provisions in the MPAs, and Alternative 1 would
22 leave things as they are, which allows surface trolling in the
23 summer, from May 1 to October 31, within the MPAs, and that's
24 defined as having lines trailing behind the vessel, which is in
25 constant motion in excess of four knots with a visible wake and
26 with no downriggers, wire lines, planers, or similar devices.

27
28 Alternative 2 would prohibit fishing year-round in the MPAs, and
29 this would not apply to Atlantic highly migratory species. That
30 consideration is because it's just a nod to it is HMS's
31 jurisdiction of managing those species.

32
33 If we scroll down, an important thing to note here for this
34 particular action is -- If we scroll down to page 5, the last
35 paragraph, the paragraph that starts with "Per Section 303(b)",
36 this part of the reauthorized Magnuson-Stevens Act talks about
37 the requirement for reviewing the performance of fishery
38 closures, and the council is probably squared away for Point 1,
39 which is that the closure utilizes the best scientific
40 information available, and then Point 2, which is establishing
41 the conservation benefits associated with the closed area. Then
42 Point 4 is that it's based on an assessment of the benefits and
43 impacts of the closure, including its size in relation to other
44 management measures.

45
46 Point 3, however, the council would have to revisit, since you
47 guys would be, in effect, eliminating the surface trolling
48 provision, which is a change to the regulations for these MPAs,

1 and Point 3 is to establish a timetable for the review of the
2 closed area performance that is consistent with the purposes of
3 the closed area, and so there's probably some latitude, as far
4 as what you guys could do for how you would want to review that
5 performance, and I would encourage Mara to jump in at any point,
6 because we were emailing back and forth about this just before
7 this committee meeting.

8
9 An option may be to convene the Law Enforcement Technical
10 Committee and ask them about their experiences with any
11 interdictions in the MPAs and what those interdictions had to do
12 with, and are they still seeing any illegal fishing activity,
13 and we could ask the Reef Fish AP the same thing. Are they
14 seeing or hearing about any vessels going out there and folks
15 trying to illegally harvest fish from within the MPAs, et
16 cetera? Then to report back those findings to NMFS, to that
17 effect. Whatever you guys decide to do to that effect, we would
18 need to detail in the document.

19
20 **CHAIRMAN DIAZ:** Ryan, we have a question from Ms. Bosarge. Ms.
21 Bosarge.

22
23 **MS. LEANN BOSARGE:** Thank you, Mr. Chairman. Not a question,
24 but more of a comment, forward-thinking and trying to be
25 proactive and get all the bang for our buck that we can out of
26 these two areas. When I read the background and the
27 introduction for this document, I thought it was interesting,
28 and I just want to read you the last couple of sentences here.

29
30 It says a low ratio of male to female gag in the Gulf has been
31 an ongoing concern, per the SEDAR 33 update, and scientific
32 information at the time, and, now, I don't know if that's when
33 we first implemented these closures, or if it was that SEDAR 33,
34 but the scientific information at the time suggested that the
35 proportion of male gag in the stock had declined substantially
36 since the 1970s, and then it goes on to say the MPAs were in
37 effect for four years to allow us to kind of evaluate these
38 closures, and I think we have gag coming up at some point on our
39 SEDAR schedule over the next few years, and so I just wanted to
40 point out that --

41
42 I know that there's been some research going on in those areas,
43 and some of our fishermen have been involved in it, but let's
44 make sure that we do take a look at the ratio of males to
45 females in those areas that have been closed for the better part
46 of twenty years now and compare that to the ratio of males to
47 females in the overall population in federal waters and see if
48 that can inform our next stock assessment. I'm just throwing

1 that out there.

2

3 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge. Ms. Levy.

4

5 **MS. MARA LEVY:** Thank you. I just wanted to say a little bit
6 about what Ryan had touched on, and I would just say that, if
7 you decide that Alternative 2 in Action 1 is your preferred, to
8 prohibit all fishing in these areas, and so to take away the
9 ability to troll there, that you talk about some sort of
10 reasonable timeframe in which to look at the impacts of that and
11 whether it's doing what you expected it to do, and what Ryan
12 said is some suggested ways of doing that, and so I don't know
13 what everyone would think is reasonable, two years or three
14 years or whatever it might be, but just so we can at least put
15 some sort of timeframe in there and have some sort of
16 information at that time about whether this action is addressing
17 the problem adequately, and, if it is, great. If it isn't, you
18 can always revisit the closed areas at that time again.

19

20 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Mr. Rindone.

21

22 **MR. RINDONE:** Do you guys have any questions or preferences for
23 this action, and would you like to -- If so, would you like to
24 discuss the timetable a little bit more?

25

26 **CHAIRMAN DIAZ:** Dr. Frazer.

27

28 **DR. FRAZER:** I just have a quick question for Ryan. In that
29 Action Item 1, because there was restrictions, I guess, or HMS
30 fishing was available from May through October, what was just
31 the historical rationale for imposing that timeframe?

32

33 **MR. RINDONE:** Are you asking why surface trolling is being
34 allowed from May 1 to October 31?

35

36 **DR. FRAZER:** Sure, and I guess, more specifically to that, was
37 that just kind of an interval of convenience, because that's
38 typically the season and people just don't fish outside of that
39 window?

40

41 **MR. RINDONE:** For species that are migrating through, that's a
42 popular time to try to go after some of the more pelagic species
43 that could be moving through that area, and it also avoids the
44 main chunk of the spawning season for the groupers.

45

46 **DR. FRAZER:** I just wanted to make sure that was the reason.
47 Thanks.

48

1 **MR. RINDONE:** It just kind of meshed well for both of them, yes.
2

3 **CHAIRMAN DIAZ:** This document is at a point where, if we wanted
4 to, we could pick preferreds at this meeting, but it's up to the
5 committee. Ms. Guyas.
6

7 **MS. GUYAS:** I will make a motion in Action 1 for Alternative 2
8 to be the preferred alternative.
9

10 **CHAIRMAN DIAZ:** We have a motion by Ms. Guyas to, in Action 1,
11 make Alternative 2 the preferred alternative. Is there a second
12 for the motion?
13

14 **MS. BOSARGE:** I will second that motion, Dale.
15

16 **CHAIRMAN DIAZ:** It's seconded by Ms. Bosarge. Is there
17 discussion on the motion? Mr. Banks.
18

19 **MR. PATRICK BANKS:** I'm speaking in opposition to the motion. I
20 feel like this is going a little bit too far, and I respect the
21 law enforcement feelings on this, and I recognize that it
22 certainly would be a lot easier if boats were not in there at
23 all, but, as many of you guys know who fish offshore, and I
24 don't fish offshore a lot, but I fish offshore some, and I have
25 certainly been in weather like this weekend, when it was calling
26 for one to two, and you get out there and it's more like six to
27 seven, and it's very hard to stay in a place with the current
28 ripping and the weather so bad, and so I just think prohibiting
29 people from going through there at all -- I think it's a bit too
30 far to go.
31

32 We're already restricting bottom fishing, and it's very easy, in
33 my opinion, to tell if a person has been bottom fishing, and
34 you're not trolling in -- There's no way I was going to troll
35 with the equipment that I had onboard this past weekend, with
36 twelve and greater ounce weights and things like that, and, I
37 mean, you're just not going to be trolling, and so I think
38 enforcement can tell when somebody has trolling gear onboard and
39 when they don't, and so I feel like we have good regulations in
40 place, and a lot of laws are difficult to enforce, and I think
41 this is just too much of a hindrance to the general public to
42 put in place, and I would prefer no action on these. Thank you.
43

44 **CHAIRMAN DIAZ:** Thank you, Mr. Banks. Dr. Stunz.
45

46 **DR. STUNZ:** Thank you, Mr. Chairman. I agree with Patrick as
47 well about going a little bit too far, for the reasons he
48 mentioned, but I also think that we have a real opportunity

1 here, through the committees and some of the materials that we
2 have included in our packet, to look at some education of those
3 that are out there, and, if there's some confusion about where
4 they are and that sort of thing, and I certainly understand
5 bottom fishing disguised as trolling and that kind of thing.

6
7 I mean, if that's happening, obviously that's not a good thing,
8 and it needs to be stopped, but I think there's a lot of
9 opportunity here to educate people that might not know the
10 difference. For those reasons, and others, Martha, I'm sorry,
11 but I'm not going to support the motion.

12
13 **CHAIRMAN DIAZ:** Thank you, Dr. Stunz. Mr. Swindell.

14
15 **MR. ED SWINDELL:** I am also against the motion. I just don't
16 see the real benefit of from the enforcement standpoint of just
17 closing them. They're still going to have to monitor a
18 completely closed area and have problems along with doing that,
19 and I don't see the benefit to doing it. Now, certainly the
20 recreational people that are trolling are certainly not bottom
21 fishing, and you can't be that illegal and expect it from the
22 recreational people, and so thank you, Mr. Chairman.

23
24 **CHAIRMAN DIAZ:** Thank you, Mr. Swindell. Dr. Crabtree.

25
26 **DR. ROY CRABTREE:** I am going to support the motion, and this is
27 a mistake that the council made, I guess fifteen years ago when
28 we did this, and we heard law enforcement tell us then that they
29 couldn't enforce this rule, and we put it in place anyway, and I
30 have regretted it ever since.

31
32 This is unnecessary, and it's not much of a burden on people,
33 and we have heard, time and time again, that it's being abused
34 and that poaching is occurring, and I have heard enforcement
35 tell us, for the last fifteen years, that they can't enforce the
36 rule we have out there, and I think the only way to do this is
37 to prohibit fishing out there, which is where we originally
38 started out, and the trouble is, with downriggers and lots of
39 equipment now, you can go out and troll and deep-jig and catch
40 these fish, and I think we ought to listen to what enforcement
41 is telling us. We need to give them the tools they're asking
42 for, in order to enforce these rules, and so I'm going to
43 support the motion.

44
45 **CHAIRMAN DIAZ:** Thank you, Dr. Crabtree. Ms. Guyas.

46
47 **MS. GUYAS:** To respond to some of the comments that have come
48 up, on page 2, there's a map that shows just how far offshore

1 these areas are, and, I mean, Steamboat Lumps is almost a
2 hundred miles offshore, and it's not a place that you just kind
3 of happen upon. It's a place that you're going to, and Madison-
4 Swanson is thirty-one miles from the Apalachicola area, and
5 that's a good ways out too.

6
7 These are known grouper spawning aggregation sites, and there's
8 no question of that, and we've heard from a lot of people that
9 there are -- That there seem to be some issues with grouper, and
10 so we have tried the, I guess, more lax approach here, and we've
11 gotten a lot of reports of enforcement problems and people not
12 respecting those regulations, and so it seems to me that this is
13 the right thing to do, to move forward with this. Thanks.

14

15 **CHAIRMAN DIAZ:** Thank you, Ms. Guyas. General Spraggins.

16

17 **DR. PAUL MICKLE:** This is Paul Mickle, and I'm not on the
18 committee, and I thank you for being recognized, and I just
19 wanted to just review and talk about what has been voiced by the
20 law enforcement as well as fishermen. We've had fishermen come
21 to the council about this issue on multiple occasions, and law
22 enforcement -- I just want to -- That's why I chose to speak, is
23 they made it very obvious that they have no way of enforcing the
24 current regulatory structure, because they pull up on someone,
25 and all this person has to do that potentially could be
26 illegally bottom fishing is to throw their motors in gear, or
27 their motor in gear, and they are officially trolling.

28

29 It's just a loophole that needs to be closed up, a very big
30 loophole, in my opinion, but, anyway, I just wanted to bring
31 that to the light of the group, that it was very strongly
32 brought up by the fishermen, and law enforcement specifically,
33 because of the ability to enforce the present law on the books.
34 Thank you.

35

36 **CHAIRMAN DIAZ:** Thank you, Dr. Mickle. Dr. Shipp.

37

38 **DR. BOB SHIPP:** I also support the motion, mainly for the
39 reasons that Dr. Crabtree pointed out, and this is a serious
40 problem, and I don't see any other solution than, as the motion
41 states, just to prohibit it all, and so I support the motion.

42

43 **CHAIRMAN DIAZ:** Thank you, Dr. Shipp. Mr. Anson.

44

45 **MR. KEVIN ANSON:** I don't have much to add. I'm going to be in
46 support of the motion too, and those that have already spoken,
47 that have spoken in favor of the motion, have all brought up
48 very valid points, and so I'm not going to reiterate those, and

1 I will just indicate that I'm going to be in support of the
2 motion. Thank you.
3
4 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. All right. I am not
5 seeing any more hands up. Is there any further discussion on
6 this motion? I am going to ask the staff to do a roll call vote
7 on this particular vote, and so, Dr. Simmons, will you be taking
8 care of that?
9
10 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Yes, Mr. Chairman, I can do
11 that.
12
13 **CHAIRMAN DIAZ:** Thank you.
14
15 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Swindell. Mr. Swindell. We'll
16 come back. Mr. Williamson.
17
18 **MR. WILLIAMSON:** Yes.
19
20 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Guyas.
21
22 **MS. GUYAS:** Yes.
23
24 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Bosarge.
25
26 **MS. BOSARGE:** Yes.
27
28 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Crabtree.
29
30 **DR CRABTREE:** Yes.
31
32 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Banks.
33
34 **MR. BANKS:** No.
35
36 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
37
38 **MR. ANSON:** Yes.
39
40 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.
41
42 **DR. STUNZ:** No.
43
44 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Robinson.
45
46 **MR. ROBINSON:** Yes.
47
48 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.

1
2 **CHAIRMAN DIAZ:** Yes.
3
4 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Swindell.
5
6 **MR. SWINDELL:** No.
7
8 **EXECUTIVE DIRECTOR SIMMONS:** It's seven favor and three opposed.
9 The motion carries seven to three. Mr. Donaldson. I'm sorry.
10
11 **MR. DONALDSON:** I will abstain.
12
13 **EXECUTIVE DIRECTOR SIMMONS:** **It's seven to three.**
14
15 **CHAIRMAN DIAZ:** Thank you, Dr. Simmons. Mr. Rindone, can you
16 proceed?
17
18 **MR. RINDONE:** I sure can. Action 2 is modification of the
19 prohibition on possession of fish within the Madison-Swanson and
20 Steamboat Lumps MPAs. Alternative 1 is possession of Gulf reef
21 fish year-round, or any other species of fish, from November
22 through April, including CMP, is prohibited within the MPA,
23 except on a vessel in transit with all fishing gear stowed, and
24 this prohibition does not apply to Atlantic HMS species.
25
26 Alternative 2 would prohibit the possession of any species of
27 fish, other than Atlantic HMS species, year-round in both MPAs,
28 with no exception for vessels in transit, and Alternative 3,
29 which, if you guys remember, this is the one that was
30 recommended by the Law Enforcement Technical Committee, states
31 that the possession of any species of Gulf reef fish is
32 prohibited year-round within the MPAs, with no exception for the
33 vessels in transit.
34
35 If we scroll down, this spatially shows where the reserves are
36 in relation to shore, and we didn't put them labeled on the map,
37 which I guess we could, for a little bit better context, but the
38 reserves are certainly out there from some major population
39 centers, but they do occur right along some popular fishing
40 grounds, especially for commercial reef fish vessels.
41
42 If you guys look in the appendices, we looked at the electronic
43 logbook data for the shrimp fleets and the VMS data for reef
44 fish vessels, to try to get an idea of the activity transiting
45 through the reserves and just generally around the reserves,
46 and, as you might surmise, there is quite a bit of reef fish
47 fishing that occurs in those areas, including all the way up to
48 the reserve boundaries, but it is very uncommon for a reef fish

1 vessel to be within the reserves for more than a couple of
2 pings, meaning that those reef fish vessels are transiting
3 either to or from a fishing spot, and they're going through the
4 reserves either to or from the fishing spot.

5
6 Shrimp vessel traffic through the reserves is much, much, much
7 lower, and most of the shrimp vessels are going through the
8 edges, and they're not stopping there either, or they're going
9 north of Madison-Swanson, and they're fishing along the
10 shorelines there, before they get over towards the Big Bend and
11 off of like Pasco and Hernando Counties, north of Tampa Bay,
12 just to give you a little bit of background, without having to
13 dive through everything that's in the appendices.

14
15 **CHAIRMAN DIAZ:** I see Ms. Levy has her hand up. Ms. Levy, did
16 you have a comment or a question?

17
18 **MS. LEVY:** Thank you. You could go back to this if you want to,
19 but, if the committee wants to talk about HMS in relation to
20 Action 1, you could do that, or you could bring it up at Full
21 Council, if anyone has a desire to ask HMS to consider
22 implementing compatible regulations. I just didn't want you to
23 forget about that.

24
25 In relation to Action 2, I know Ryan didn't go into the data in
26 the appendix, but it may just be good to note how many trips
27 we're talking about, because, even if you look at -- I mean,
28 we're talking data from 2011 to 2019, and the number of trips
29 during those years aren't that significant, even for reef fish,
30 and so just to put it in some context for your consideration
31 when you're talking about transit, and that might be helpful to
32 just have an idea of those numbers.

33
34 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. I think that's good
35 advice, and we should consider asking HMS to implement
36 compatible regulations, depending on how this works out. Mr.
37 Rindone, can you proceed?

38
39 **MR. RINDONE:** Sure, and I was going to bring up the HMS thing at
40 the end, since that's where I put it on the scope of work, and I
41 figured we could revisit that towards the end, if you guys were
42 actually going to move forward in Action 1. We can go ahead and
43 take a look at Appendix B, if you want to scroll on down to
44 those VMS data. We can go to the first couple of plots there,
45 the first couple of figures.

46
47 Again, these data, like Mara said, are from 2011 to 2019, and
48 they show you the number of trips recorded going through

1 Madison-Swanson, which is 502 trips, and Steamboat Lumps is at
2 376 trips. Figure B-1 is the number of trips by month across
3 all of those years, and, as you see, there's a peak that occurs
4 in about May and June and dwindles off towards September and
5 then picks up just a little bit thereafter.

6
7 If you scroll down to B-2, this is the number of trips,
8 according to the VMS data, by year through the two reserves, and
9 it's the same number of trips for each reserve, and you can see
10 just the differences in the years there, and so the first half
11 of the time series saw more trips overall than the second half,
12 but there were quite a few trips in 2017 that went through
13 Madison-Swanson, and I don't know why, specifically.

14
15 If we go down to B-3, B-3 shows you the number of trips recorded
16 by VMS that have entered by vessel type, and most of these
17 vessels are commercial reef fish vessels, with some HMS vessels
18 and then some rock shrimp vessels.

19
20 If we go to B-4, you see that most of the vessels going through
21 the reserves are only in there for a couple of detections, and
22 there is one ping per hour, and so the number of detections
23 refers to the number of hours that a vessel was in the reserve,
24 and so it's unusual for many of the vessels to spend much time
25 in there, and there could be a list of reasons why a vessel may
26 be in the reserve and not doing anything illicit, such as engine
27 trouble or something broke loose on deck or something like what
28 Mr. Banks had brought up about weather and just having to go
29 slower, and pick whatever you think the reasons might be, or it
30 could have been an enforcement issue that went without
31 interdiction, and so there's no way to tell from these data
32 though.

33
34 Then B-5 and B-6 are our last figures, and B-5 shows the number
35 of trips that spent more than ten hours inside either reserve,
36 by vessel type, and so most of those vessels that spent longer
37 in there were commercial reef fish vessels, and then B-6 shows
38 you the number of trips recorded by VMS that spent more than ten
39 hours in either reserve from 2010 to 2019, and so it's eighty-
40 five trips total, and that's broken out by month, and so
41 Madison-Swanson tends to have more of those longer residence
42 times of those vessels within the reserves than Steamboat Lumps.
43 Are there any questions on the data presented in Appendix B?

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

46
47 **MS. BOSARGE:** Thank you, Chairman. I just wanted to make a
48 couple of comments here, and we talked earlier about how far

1 offshore some of these sites are, and so, if you're going
2 through there, you probably were going to there, and that may be
3 true in a go-fast boat that maybe is going recreational fishing
4 or something like that coming out of Florida, but there is an
5 industry and a fleet that transits the entire Gulf, and that's
6 the shrimp fleet, and so, when we're leaving out of Mississippi,
7 we may be headed to Key West, and so it's very likely that we're
8 going to transit through these areas.

9
10 You see the only data that we really saw was on the rock shrimp,
11 and you see where there's some transiting there, and I'm glad
12 that we have that information, and we have it because there is a
13 rock shrimp permit that requires a VMS aboard those boats, and
14 so you can pull that data. Now, I think, if we were actually
15 able to see the rest of the fleet's data, you would see that
16 there's even more transiting by shrimp boats through there on
17 their way somewhere else.

18
19 When you look at the tow data, the tracks that we have for the
20 Gulf shrimp fleet, those are for actual tows, and so, when we're
21 transiting, we're usually going a different speed, and most of
22 that doesn't show up in the data that we usually see as a
23 council, and so you would have to pull different data to see the
24 rest of the fleet going through there, which I guess could be
25 done, but I don't see that we need to get overly burdensome with
26 this.

27
28 Then the other thing that I wanted to point out is that we --
29 When we're transiting, we might be making nine or ten knots,
30 maybe eleven on a good day, and some of those reef fish boats
31 that make the longer trips, and not the day boaters, but the
32 bigger boats, and they don't run very fast either, and so, when
33 you see somebody in there for five hours, if you're only going -
34 - Let's try and convert it to miles per hour, and ten miles per
35 hour, and so five hours, and that's fifty miles.

36
37 Well, these sites, it's a total of 219 square miles between the
38 two sites, and they're about the same size, and so roughly a
39 hundred square miles each, and it's very likely that they were
40 transiting for five hours across some of these sites, and so I
41 just wanted to throw that out there and make sure people didn't
42 think that there was something wrong being done there.

43
44 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge. Mr. Rindone.

45
46 **MR. RINDONE:** In Appendix C, we have the data from the shrimp
47 electronic logbook program, to show the detections within the
48 MPAs from that program from 2010 to 2019, if you guys want to

1 review those data. That's Appendix C.
2
3 We will scroll on down to Figure C-1. This shows the number of
4 trips by ELB vessels from 2010 to 2019 by year that were in the
5 reserves, and so there's a peak in recent history, in like 2017,
6 2018, and 2019, but, historically, there aren't many detections
7 of vessels going through the reserves.
8
9 If we go down to C-2, you see the number of trips recorded by
10 ELB vessels by month, and then down to C-3, and this is time
11 spent by hour within the reserves by ELB vessels from 2010 to
12 2019, and I believe that, during that time period, there was one
13 vessel that was in the reserves, and I think it was in Madison-
14 Swanson, for ten hours, but that was just one vessel throughout
15 that ten-year time period one time, but, by and large, those
16 vessels appear to be moving at what Ms. Bosarge described as a
17 transit speed.
18
19 **CHAIRMAN DIAZ:** Are there any questions or comments about
20 Appendix C? All right. I think you can proceed, if you've got
21 any other things you want to show us, Mr. Rindone, or you can
22 bring us back to Action 2, whichever is next on your agenda.
23 Dr. Crabtree.
24
25 **DR. CRABTREE:** Thanks, Dale. I am trying to sort out what
26 impact this would have on shrimp vessels, and so we prohibited
27 fishing in there, and so I guess they're not allowed to shrimp
28 in there, and I guess that would cover them, right, Ryan?
29
30 **MR. RINDONE:** Yes, sir.
31
32 **DR. CRABTREE:** So, if we follow the law enforcement panel's
33 recommendation, and chose Alternative 3 in Action 2, that
34 prohibits possession of reef fish through those areas, but a
35 shrimp vessel that didn't have any reef fish onboard, even if it
36 had shrimp onboard, could pass through it, right?
37
38 **MR. RINDONE:** Under Alternative 3 of Action 2, a shrimp vessel,
39 so long as it didn't have any reef fish onboard, could transit
40 unencumbered, as long as it -- Again, no reef fish onboard and
41 fishing gear was stowed.
42
43 **DR. CRABTREE:** So it seems like this wouldn't have an impact on
44 a shrimp vessel's ability to go through the area. Okay.
45 Thanks.
46
47 **CHAIRMAN DIAZ:** Any further discussion or comments or questions
48 on Action 2? Mr. Banks.

1
2 **MR. BANKS:** For the same reasons that I spoke about in Action 1,
3 I'm going to speak in Action 2. I would like to make a motion
4 that we make Alternative 1 the preferred.

5
6 I just feel like we're going too far to keep people from riding
7 through, especially like we just spoke about in Alternative 3,
8 and so it's okay for a shrimp vessel to transit, but somebody
9 else not to, and, I mean, I just think we're going too far here,
10 and it's tough to -- There is going to be times -- I can assure
11 you that, this past weekend, I'm not so sure that the boat
12 captain that I was on would have gone around that thing in the
13 weather we were in, regardless, and we had reef fish onboard,
14 because the weather was terrible, and we would have had to take
15 side seas to go back around it coming back in, and it would have
16 been a very dangerous -- It was already a dangerous situation,
17 and I think this is just too far, you guys, and I just hope you
18 guys will see that transiting an area shouldn't be restricted.
19 Thank you.

20
21 **CHAIRMAN DIAZ:** Okay, and so we have a motion on the board. The
22 motion is, in Action 2, to make Alternative 1 the preferred. Is
23 there a second? Going once --

24
25 **MS. BOSARGE:** For Alternative 3, Dale?

26
27 **CHAIRMAN DIAZ:** The motion is, in Action 2, to make Alternative
28 1 the preferred. Dr. Crabtree.

29
30 **DR. CRABTREE:** I was not wanting to second it.

31
32 **CHAIRMAN DIAZ:** All right, and so I'm going to pause just a
33 second, to make sure we don't have a second. I am not seeing
34 any hands go up. The motion fails for lack of a second. Dr.
35 Crabtree.

36
37 **DR. CRABTREE:** It seems to me that Alternative 3 makes sense,
38 and it's what the law enforcement panels have endorsed, and so I
39 would like to make a motion to make Action 2, Alternative 3 the
40 preferred.

41
42 **CHAIRMAN DIAZ:** We have a motion in Action 2 to make Alternative
43 3 the preferred. Is there a second for the motion? I see Mr.
44 Swindell's hand is up. Mr. Swindell. We will wait a second for
45 Mr. Swindell.

46
47 **MS. GUYAS:** Dale, while you're waiting for him, I will second
48 the motion. I'm not sure if it got seconded.

1
2 **CHAIRMAN DIAZ:** Thank you, Ms. Guyas. While we're waiting for
3 Mr. Swindell, we have a motion on the board. That is, in Action
4 2, to make Alternative 3 the preferred alternative, and that
5 motion has been seconded. Action 3 is the possession of any
6 species of Gulf reef fish is prohibited year-round in the
7 Madison-Swanson and Steamboat Lumps MPAs with no exceptions for
8 vessels in transit.

9
10 Any discussion on the motion? I am reluctant to vote on the
11 motion until Mr. Swindell has a chance to speak, and so if you
12 all don't mind just bearing with us, and let's see if we can get
13 him where he can be able to say what he wants to say before we
14 move any further with this motion, and so, if you all don't
15 mind, we're just going to pause and check and see if the staff
16 can get Mr. Swindell straightened out. Go ahead, Ms. Bosarge,
17 if you have a comment or a question.

18
19 **MS. BOSARGE:** While we're waiting, I was just going to speak to
20 this motion. I am going to vote for this motion. I think that
21 it does address my concerns with the shrimp fleet at least, in
22 making sure that we can transit through there without being in
23 violation, and I think that will help us tremendously, as we are
24 a slow-moving vessel, and that's a big box to go around, and it
25 takes us a lot of time, a lot of hours out of our way, and so I
26 appreciate that, and I'm glad we have this alternative in front
27 of us, although I did speak at an earlier meeting to having a
28 transit provision for anyone, because I do sort of agree with
29 Mr. Banks that, if you're not doing anything wrong and all your
30 gear is stowed, you should be able to transit through there.

31
32 I have said the same things about the HAPCs, and I want people
33 to be able to transit. I don't want people playing hopscotch
34 across the Gulf of Mexico if there's not a really hard and fast
35 reason for doing it, but this is the lesser of the two evils,
36 and so I'm going to vote for this. Thank you.

37
38 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge. Mr. Swindell, are you
39 available?

40
41 **MS. ROY:** Mr. Diaz, Ed has indicated that he has stepped away.

42
43 **CHAIRMAN DIAZ:** Okay. All right. Thank you very much for that.
44 Okay, and so we have a motion on the board. Any further
45 discussion on the motion?

46
47 **DR. FRAZER:** Dale, real quick, I'm going to ask if Mr. Swindell
48 will give Carrie Simmons a call and see if we can't get him to

1 communicate through his cellphone.

2
3 **CHAIRMAN DIAZ:** Yes. Are you comfortable with voting on this
4 motion, Tom, while we wait, or should I wait for him?

5
6 **DR. FRAZER:** Ed sent a text to Carrie indicating that he would
7 like to speak, and so I guess I would like to give him that
8 opportunity. If we can resolve this quickly, we will do that.

9
10 **CHAIRMAN DIAZ:** I know we're bumping up on a break too, and so,
11 whenever we finish this agenda item, or whenever you say, we'll
12 discuss that, and so thank you, Tom.

13
14 **DR. FRAZER:** Okay. Why don't we do this, and I apologize to the
15 group, and we are up against a break right now, and why don't we
16 go ahead and take that break, and we will allow Mr. Swindell an
17 opportunity to speak, and then we will wrap up this motion
18 immediately after the break. Are you good with that?

19
20 **CHAIRMAN DIAZ:** Yes, sir.

21
22 **DR. FRAZER:** Okay, and so let's take a break. It is now 2:43,
23 and let's reconvene at 3:00.

24
25 (Whereupon, a brief recess was taken.)

26
27 **CHAIRMAN DIAZ:** I would like to call the meeting back to order.
28 We have a couple of hands up, and, if you're available, Mr.
29 Swindell, you're up.

30
31 **MR. SWINDELL:** In reading back through some of this document, it
32 looks to me like we've been dealing with the Steamboat Lumps and
33 Madison-Swanson for some time and trying to control the amount
34 of fishing for reef fish, and I don't see any particular need to
35 continue with those kind of no-fishing restrictions at all in
36 that area, that it's going to do the resource any good at this
37 point, and the resource seems to be recovered or has recovered,
38 and so it seems to me like we're just asking the Coast Guard and
39 the state to do monitoring right now for things that don't need
40 to be done, and we can stay with the rules that we have and
41 just, if people do things illegally, they shouldn't be, and I
42 don't know if particularly at some times they can catch them,
43 and, when they do, fine, and let's hope it makes a difference.
44 I just don't think it's worth the time and effort to totally
45 eliminate all fishing in the area. Thank you.

46
47 **CHAIRMAN DIAZ:** Thank you, Mr. Swindell. Next up is Mr. Dugas.

48

1 **MR. J.D. DUGAS:** Thanks, Dale. I'm not on your committee, but I
2 wanted to add to what Patrick had to say. I have a challenge
3 with the transition part of this, and I just wanted to remind
4 everyone about safety at-sea. Thunderstorms pop up
5 unexpectedly, and you want to take the path of least resistance,
6 and you may have to travel through these waters, and I just
7 wanted to share that with everyone. Thank you.
8
9 **CHAIRMAN DIAZ:** Thank you, Mr. Dugas. All right. Any other
10 comments or discussions or questions on the motion that's on the
11 board? The motion is, in Action 2, to make Alternative 3 the
12 preferred. Seeing no further hands up, and hearing no further
13 discussion, Dr. Simmons, would you carry us through a vote,
14 please?
15
16 **EXECUTIVE DIRECTOR SIMMONS:** Yes, Mr. Chairman. I think Dr.
17 Crabtree made the motion, and who seconded?
18
19 **CHAIRMAN DIAZ:** Ms. Guyas.
20
21 **EXECUTIVE DIRECTOR SIMMONS:** Thank you. Mr. Banks.
22
23 **MR. BANKS:** No.
24
25 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
26
27 **MR. ANSON:** Yes.
28
29 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Guyas.
30
31 **MS. GUYAS:** Yes.
32
33 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Donaldson.
34
35 **MR. DONALDSON:** Abstain.
36
37 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.
38
39 **DR. STUNZ:** Yes.
40
41 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Crabtree.
42
43 **DR. CRABTREE:** Yes.
44
45 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson.
46
47 **MR. WILLIAMSON:** Yes.
48

1 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Robinson.
2
3 **MR. ROBINSON:** Yes.
4
5 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Bosarge.
6
7 **MS. BOSARGE:** Yes.
8
9 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Swindell.
10
11 **MR. SWINDELL:** No.
12
13 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.
14
15 **CHAIRMAN DIAZ:** Yes.
16
17 **EXECUTIVE DIRECTOR SIMMONS:** Eight in favor, two opposed, and
18 one abstain. The motion carries.
19
20 **CHAIRMAN DIAZ:** Thank you, Dr. Simmons. Mr. Rindone, do you
21 have anything else pertaining to the document itself?
22
23 **MR. RINDONE:** Yes, sir, and there's two things. The first thing
24 is just to bring up again what Mara had mentioned after Action
25 1, which is that, if you guys would like to see the Atlantic
26 Highly Migratory Species Division of NMFS implement commensurate
27 regulations, a council letter to that effect should do well to
28 communicate that request to them, and then, if you guys think
29 that the council should move forward with final action on this
30 document, then you can recommend as such to the council.
31
32 **CHAIRMAN DIAZ:** Thank you, Mr. Rindone. Well, I certainly agree
33 that we should -- If everything passes the Full Council, we
34 should send a letter to HMS asking for compatible regulations.
35 Is there anyone interested in discussing that further? Also,
36 the document at this point, we could recommend, if the committee
37 so chooses, to review the codified text and recommend this
38 document move forward to the Full Council.
39
40 **MR. RINDONE:** Mr. Diaz, just a point to that.
41
42 **CHAIRMAN DIAZ:** Go ahead, Ryan.
43
44 **MR. RINDONE:** You guys don't actually have codified text in your
45 briefing materials for this document, because you didn't have
46 any preferred alternatives yet selected, but, if you look in
47 Appendix A of the document, you can see the current regulations
48 for both reserves, as they apply to the species and for the CMP

1 and Reef Fish FMPs, and so you can see that information there,
2 but, as I said, we don't have codified text for you to review at
3 this point.

4
5 **CHAIRMAN DIAZ:** Thank you, Ryan. In an effort to move us
6 forward from where we're at right now, I think we may be able to
7 just move, if there's no opposition to sending a letter to HMS
8 asking for compatible regulations, and I would like to do that
9 by consensus, if there's no one opposed to the council sending a
10 letter to HMS asking for compatible regulations. Dr. Simmons,
11 are you comfortable sending that letter?

12
13 **EXECUTIVE DIRECTOR SIMMONS:** Yes, and we might need to get a
14 motion at Full Council, after public testimony and you review
15 the codified text.

16
17 **CHAIRMAN DIAZ:** Okay. That sounds fine. All right. I am not
18 seeing any more discussion, or any hands up on this issue.

19
20 **MS. GUYAS:** Dale, my computer seems to be taking a nap right
21 now, but --

22
23 **CHAIRMAN DIAZ:** Go ahead, Ms. Guyas.

24
25 **MS. GUYAS:** If you need a motion to recommend the council take
26 final action on this, and I know we have some canned language,
27 and I would be willing to make that, if staff can dig up that
28 language.

29
30 **CHAIRMAN DIAZ:** Yes, please.

31
32 **MS. GUYAS:** I will make that motion.

33
34 **CHAIRMAN DIAZ:** Okay. Thank you, Ms. Guyas. Staff is getting
35 it on the board now. Ms. Levy.

36
37 **MS. LEVY:** As Ryan mentioned, you don't have any codified text
38 yet, and so, I mean, you can make this motion, but then there's
39 going to have to be some sort of substitute, or you're going to
40 have to consider the codified separately at Full Council, if you
41 do this in committee, because we really need to write the
42 codified text and provide it to you at Full Council.

43
44 **CHAIRMAN DIAZ:** Okay. Let's just -- Martha, if it's all right
45 with you, let's just hold this motion until Full Council, and
46 we'll have the benefit of hearing public testimony between now
47 and then, and we can deal with this at Full Council, if that's
48 okay with you, Ms. Guyas.

1
2 **MS. GUYAS:** Yes. Sounds good.
3

4 **CHAIRMAN DIAZ:** All right. I don't see any other hands up or
5 any further discussion, and so we're going to move to the next
6 agenda item. The next agenda item will be a Report from the
7 Joint Working Group on Section 102, Modernizing Recreational
8 Fisheries Management Act of 2018. Mr. Rindone, are you going to
9 walk us through that?

10
11 **REPORT FROM JOINT WORKING GROUP ON SECTION 102: MODERNIZING**
12 **RECREATIONAL FISHERIES MANAGEMENT ACT OF 2018**
13

14 **MR. RINDONE:** I certainly can, and I believe Mr. Poland is also
15 on, and he is the chair of this joint workgroup. This is a
16 joint effort between the councils to address Section 102 of the
17 Modernizing Recreational Fisheries Management Act, which looks
18 at alternative fisheries management strategies for the
19 recreational sector.

20
21 The workgroup met on May 18, and they received some overview
22 presentations from a couple of presenters, including Mr. Russ
23 Dunn, and Mr. Carmichael summarized some presentations that were
24 given to the CCC meeting, and Ms. Kellie Ralston and Mr. Mike
25 Wayne of the American Sportfishing Association recapped some
26 workshops that they did with the South Atlantic Council, from
27 North Carolina to Florida, asking anglers about what sorts of
28 things they would be interested in exploring.

29
30 The workgroup made some notes and asked a lot of great questions
31 and has requested additional information to be presented at
32 their next meeting, which will be sometime in August or so, or
33 early September, perhaps, and so they will dig into this a
34 little bit further and explore some of these options and take
35 some next steps, and, ultimately, this will lead to some
36 recommendations from the workgroup to the councils to consider.
37 Mr. Poland, any expansion?

38
39 **MR. STEVE POLAND:** Thank you, Ryan. No, I really don't have
40 anything to add. I wasn't able to give my council an update
41 last week, and we ran over, and, really, the only thing I
42 planned on conveying to them was the fact that we had a very
43 good meeting, and a lot of good ideas were brought forward, and
44 it's going to take some good discussion and time really
45 scratching our heads and mulling over all the potential options
46 in front of us to come up with some good recommendations to put
47 forward.
48

1 Really, we feel like what's already in place with National
2 Standard 1 Guidelines, plus the mandates in the Modernizing Fish
3 Act, we feel like that there's a lot there on the table to work
4 with. The one thing that's really going to be constraining to
5 us is the fact that we still have to adhere to all those
6 mandates in Magnuson, as far as sustainable fisheries and ACLs
7 and accountability measures and such, but we feel pretty
8 confident that we'll be able to put forward some plausible
9 management scenarios for the recreational sector.

10
11 **CHAIRMAN DIAZ:** Thank you, Mr. Poland and Mr. Rindone. I would
12 encourage any members of the committee, if they have any ideas,
13 to reach out to the council staff, Dr. Simmons and Mr. Rindone,
14 and let them know if they have any thoughts for the next
15 committee meeting for ideas for them to explore, but thank you
16 for your work so far. Does that conclude your presentation on
17 this item, Mr. Rindone?

18
19 **MR. RINDONE:** Yes, sir.

20
21 **CHAIRMAN DIAZ:** Any questions for Mr. Rindone? Ms. Bosarge.

22
23 **MS. BOSARGE:** I'm excited about this group. We had that
24 legislation that came through, and I want to see some of out-of-
25 the-box ideas for some other management strategies for the
26 recreational sector, and I'm glad that we populated that group
27 with mainly recreational people, and some state personnel as
28 well. We did not put any commercial people on there, any purely
29 commercial people, and I'm good with that.

30
31 I did have one concern, and I think it may be fine, and
32 everything is on the up and up, but, on page 4 of that summary
33 report, I saw something about harvest control rules and
34 management measures and changing commercial quotas, and that's
35 probably legitimate, and I guess it's just a feature of this
36 harvest control rule idea, but I wasn't privy to the discussion,
37 and I just wanted to throw it out there and wanted to make sure
38 that we don't have any mission creep in this group and that we
39 do stick to the recreational sector in these discussions and
40 these ideas.

41
42 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge. Any further discussion
43 or questions? Seeing none, and hearing none, we are going to
44 move to the next item on the agenda, which Dr. Simmons is going
45 to lead us through a discussion on a letter that we received
46 from NOAA Fisheries on Executive Order Number 13921, and that's
47 Tab E, Number 8, and, Dr. Simmons, can you lead us through that
48 discussion? Ms. Boggs.

1
2 **MS. BOGGS:** I'm not on your committee, and I know that it sounds
3 like I harp this, but I think it's very, very important that we
4 remember with this working group, just as I stated with the GAO
5 report, that recreational includes charter/for-hire, and so we
6 can't lose track of that when we start making these decisions.
7 Thank you.

8
9 **CHAIRMAN DIAZ:** Good point, Ms. Boggs. Thank you. Is there any
10 more discussion? Seeing none and hearing none, Dr. Simmons.

11
12 **OTHER BUSINESS**
13 **NOAA FISHERIES LETTER ON EXECUTIVE ORDER 13921**
14

15 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I think
16 everyone knows this, but I wanted to start talking about it with
17 the council and get people thinking about it. As you know, we
18 received a letter from Mr. Chris Oliver asking each regional
19 fishery management council to look at this Executive Order,
20 which is on promoting American seafood competitiveness and
21 economic growth to strengthen the American economy and improve
22 the competitiveness of American industry; ensure food security;
23 provide environmentally-safe and sustainable seafood; support
24 American workers; ensure coordinated, predictable, and
25 transparent federal actions; and remove unnecessary regulatory
26 burdens.

27
28 He's asking, specifically in Section 4, if each council would
29 submit a prioritized list of recommended actions to reduce
30 burdens on domestic fishing and to increase production within
31 sustainable fisheries and keeping in mind the Magnuson-Stevens
32 Fishery Conservation Management Act, as well as other applicable
33 laws.

34
35 They're asking for us to do this by November 2, provide this
36 list of recommendations, and then it also includes proposals for
37 initiating each recommendation within one year of this order,
38 and so a couple of staff got together from both the Regional
39 Office and our council staff, and we started thinking about some
40 of the things that we had gone through before, which is also
41 mentioned in this letter regarding the regulatory review, and we
42 are going to go through that list again and include anything we
43 think might be of interest for the council in August, but, also,
44 we had the idea of maybe sending out a special iteration of the
45 Something's Fishy, via press release, and put it on our website
46 as well, to try to get some comments from the public for ideas
47 and bring those two things back to the council in August.

1 If anybody has any other ideas they would like us to consider
2 along the way, that would be much appreciated, but we do need to
3 start thinking about this and start talking about it, but I
4 wanted to bring it to everyone's attention under Other Business,
5 and then we have those two avenues of ideas that we would bring
6 back to the council in August, and I will stop there.

7

8 **CHAIRMAN DIAZ:** Okay. Mr. Sanchez.

9

10 **MR. SANCHEZ:** Thank you, Dale. Again, I'm not on the committee,
11 but I think one of the things that we should put out there on
12 this list of items to potentially consider is, at least in my
13 backyard, we're right now considering additional closed areas to
14 commercial fishing via the Florida Keys National Marine
15 Sanctuary, and perhaps they could hold off on closing areas to
16 fishing, both commercially and recreationally, additional closed
17 areas, as part of this Executive Order. The industry has
18 already been hurt by COVID, and maybe this would provide some
19 relief. Thank you.

20

21 **CHAIRMAN DIAZ:** Thank you, John. Ms. Bosarge.

22

23 **MS. BOSARGE:** Thank you, Mr. Chairman. I just wanted to mention
24 that, as I read through the actual Executive Order, which thank
25 you for putting that in our briefing book, I saw that there's
26 going to be a Seafood Trade Taskforce, and I only mention that
27 because I wanted to let the other council members know the
28 different agencies that will be part of that, and that's the
29 Secretary of State, Secretary of Interior, Secretary of
30 Agriculture, Homeland Security, Office of Management and Budget,
31 Economic Policy Assistance.

32

33 I mention this so that we know that any recommendations we give
34 are going to be broadcast to a very diverse range of individuals
35 in Headquarters, and I think we have a unique opportunity here
36 to throw out ideas that may not be purely in the council
37 jurisdiction, that may actually cross over to agencies, things
38 that we may have talked about in the past and we thought, well,
39 we can't accomplish that, because that's under somebody else's
40 jurisdiction.

41

42 I have a whole list of ideas that I am really excited about, but
43 I understand that we're under a time constraint here, and I can
44 email those to staff, or, if you want me to run through them
45 quickly, I certainly can do that.

46

47 **CHAIRMAN DIAZ:** I believe we have time, and you can run through
48 them real quick, if you want to, and we're going to be working

1 on this at least at the next meeting, and probably at the
2 October meeting too, and so that's kind of what I envisioned for
3 today, for Dr. Simmons to introduce this, and the staff is going
4 to start working on it, and they're going to put out Something's
5 Fishy. We'll start gathering some ideas that we want to put
6 forward and refine those ideas at the next two meetings, but go
7 ahead, Ms. Bosarge.

8
9 **MS. BOSARGE:** All right. I will be quick, Mr. Chairman. As you
10 know, at least in my industry, and, from what I hear, now in
11 some of the reef fish fisheries as well, there's a big issue
12 with imports and imports that don't meet our FDA food quality
13 standards, that have banned substances in them, and so one thing
14 that I would like to propose, that would help our commercial
15 fishing industry, would be increase testing for banned
16 substances in the imported seafood that comes into this country.

17
18 I think, with Homeland Security being on that Seafood Trade
19 Taskforce, that's a very important thing to highlight. I talked
20 to a reef fish fisherman that said they're starting to have
21 issues with imported grouper at this point coming onto the
22 market hot and heavy, and so those need to be tested as well.

23
24 The second thing would be country of origin labeling on
25 restaurant menus nationwide. You know, it's hard for us as a
26 council to try and provide more fish to catch, because we want
27 to manage based on science, and the science usually gives us the
28 maximum that we can catch, and so, if we can't provide our
29 commercial fishermen with higher quotas, then we need to start
30 thinking outside the box for ideas that will get them a better
31 price at the dock for the harvesters that catch the fish they
32 are allowed to catch.

33
34 I think enough marketing, through BP funds, has been poured into
35 domestic wild-caught seafood that consumers know that they want
36 it, and they know it's a quality product, and they're willing to
37 pay the price, but the problem is they don't know if that's what
38 they're getting, unless they're at a retail market where it's
39 required to be labeled. I think that should be labeled on every
40 restaurant menu nationwide.

41
42 Another thing that I thought about was support for these
43 different young fisherman development programs, not just in the
44 Gulf, but across our different coastlines. I think those are
45 very important to keeping young people involved in our
46 commercial fisheries, letting them know it is a viable career
47 path.

48

1 I think that I agree with John on prohibitions, or closing more
2 areas to commercial fishing without hard justified proof that
3 there is some damage going on there to the ecosystem. That, we
4 need to look very closely at that.

5
6 Sharks, I've been thinking about sharks ever since we had that
7 presentation a couple of meetings ago. I see states starting to
8 open up some shark fisheries, and that makes sense to me,
9 because I've heard from the commercial fleet for years now that
10 the sharks are eating us alive, and now we've started to hear it
11 from the charter and headboat fleet as well as the commercial
12 finfish fishermen, and so I think it's time to take a hard look
13 at, you know, maybe where we might have some deficiencies in the
14 data that's going into those shark assessments that may not be
15 there, but it may be.

16
17 It bothers me a little bit that our SSC never sees those
18 assessments. I'd like to recommend that HMS assessments be peer
19 reviewed by our SSC and that we're more involved in that
20 process, so that we can help provide the information that may be
21 deficient and make sure we're getting the best information out
22 of those assessments that we can, to make sure were we're not
23 losing fishing opportunities for our federally-permitted
24 fishermen in those fisheries.

25
26 Coast Guard regulations, the Alternative Compliance Safety
27 Program for class and load line, that's got to go away, and it's
28 an unrealistic expectation in the Gulf of Mexico, and it doesn't
29 solve the problem of the deaths that we have in our industry.
30 We don't have lots of fishermen all on one boat, and our deaths
31 are single incidences, where somebody goes overboard and nobody
32 realizes it, and it's not a whole boat sinking and people dying,
33 which is what that Safety Compliance Program is meant to
34 mitigate.

35
36 Obviously, the Dead Zone, and I would love to see somebody work
37 on the Dead Zone. The FDA and the Secretary of Agriculture are
38 going to be involved in that taskforce, and so I would
39 definitely like to see some efforts there to reduce runoff into
40 the Mississippi River, thereby creating more useable area year-
41 round in the Gulf for our fishermen, and that definitely creates
42 some options for us.

43
44 Then I could get into the more sticky ones, but they're more
45 charged, I guess, and we'll leave those for the next meeting,
46 but those were my out-of-the-box suggestions. Thank you, Mr.
47 Chairman.

48

1 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge. Mr. Anson.

2
3 **MR. ANSON:** Thank you, Dale. I just had one quick question,
4 but, before that, I just wanted to follow-up on a comment that
5 Leann just made regarding the shark assessment process, and I
6 would also echo her comments that there ought to be some sort of
7 independent review of the HMS assessments.

8
9 The National Academy of Sciences, in 1999, recommended that NMFS
10 periodically have an independent review of all their
11 assessments, and so that would be something that I would support
12 as well, but my comment was, I guess, to Section 6 that starts
13 at the bottom of page 4, on the document page 4, on removing
14 barriers to aquaculture permitting.

15
16 It has a Section 6(i) that NOAA is designated as the lead agency
17 for aquaculture projects located outside the waters of any state
18 or territory and within the Exclusive Economic Zone. I recall
19 something that, in this last dealings that we've had with this
20 first aquaculture project, I thought it was more EPA or FDA was
21 the lead, lead federal agency, and is that the case? I don't
22 know if Roy or Mara can comment on that, or is this now what
23 this document is basically stating, that NOAA will become the
24 lead agency? Thank you.

25
26 **CHAIRMAN DIAZ:** If Dr. Crabtree or Ms. Levy want to comment to
27 that, they're welcome to do so.

28
29 **MS. LEVY:** Are you talking about the Velella Epsilon project?

30
31 **MR. ANSON:** I believe so, yes.

32
33 **MS. LEVY:** Okay. Well, you know, that all started many years
34 ago, and so, in terms of lead agency, for the purposes of that
35 project, I believe the EPA is taking the lead, for NEPA purposes
36 and such, with NMFS as a consulting agency. I don't know that
37 that's been implicated by this more recent development, and I
38 don't have any other information about that.

39
40 **CHAIRMAN DIAZ:** Thank you, Ms. Levy.

41
42 **MR. ANSON:** Is that something that we can get further
43 clarification on for the next meeting? I'm just curious. Thank
44 you.

45
46 **MS. LEVY:** Do you mean for this project in particular or just
47 generally?

1 **MR. ANSON:** Just generally, referring, again, to the Executive
2 Order, as to what, I guess, the intent and purpose of Section
3 6(i) is, if that actually is going to identify NOAA as the lead
4 agency going forward, and that just would be good to know.
5 Thank you.

6
7 **MS. LEVY:** Yes, we can certainly talk to NMFS more about the
8 Executive Order and what they intend to do with respect to that,
9 and I don't think that they've gotten that far, and maybe Roy
10 knows more.

11
12 **DR. CRABTREE:** No, not right at this time. I would say, if you
13 all have specific questions, have Carrie email them to me, and I
14 can consult with Headquarters and figure something out.

15
16 **CHAIRMAN DIAZ:** Ms. Guyas.

17
18 **MS. GUYAS:** Thank you. My question was relative to aquaculture
19 also, and so there's another section in there about aquaculture
20 opportunity areas, where the Secretary would consult with the
21 councils, and I know there's been a lot of work ongoing with
22 offshore aquaculture in the Gulf of Mexico, and so I'm just
23 wondering what this consultation looks like, but I understand if
24 NOAA folks don't know the answer to that yet.

25
26 **CHAIRMAN DIAZ:** Okay. I am not seeing any comments. Dr.
27 Frazer.

28
29 **DR. FRAZER:** I just wanted to circle back to Leann's comments a
30 little bit there, and there was a lot of information there, and
31 if she would go ahead and just compile that in an email and send
32 that to Carrie and myself, and then we can start organizing it,
33 and I would say that to anybody that's got suggestions. Let's
34 go ahead and start putting them down.

35
36 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. I concur. Actually,
37 when I first read this, I was mostly thinking along the lines of
38 commercial, but, as I've talked to people, this Executive Order
39 really pertains to any fishing, recreational or commercial, and
40 so we can look at improving production or reducing burdens. All
41 right. Anything else, Dr. Simmons?

42
43 **EXECUTIVE DIRECTOR SIMMONS:** I can try to get someone to provide
44 a presentation, maybe in August or sometime, on some of these
45 other sections of the Executive Order, and I had similar
46 questions, and I did ask one during the CCC meeting, and so we
47 can follow-up in an email and see if that's possible, because my
48 understanding is that the current projects are grandfathered in

1 and that this does not apply, but we should seek clarification
2 on that.

3

4 **CHAIRMAN DIAZ:** All right. Is everybody on the committee
5 comfortable with how we're proceeding with this? Any
6 suggestions on any different methods to proceed? Seeing none,
7 we will proceed as Dr. Simmons outlined.

8

9 I did think using Something's Fishy was a very good idea, Dr.
10 Simmons, and we might get some great comments from the different
11 users. Any further discussion on this topic? Seeing none, and
12 hearing none, is there any other business to come before the
13 Sustainable Fisheries Committee? Then we are adjourned. Thanks
14 for your patience, everybody.

15

16 (Whereupon, the meeting adjourned on June 15, 2020.)

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