

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 SUSTAINABLE FISHERIES COMMITTEE

4
5 Webinar

6
7 SEPTEMBER 28, 2020

8
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10 Dale Diaz.....Mississippi
11 Kevin Anson (designee for Scott Bannon).....Alabama
12 Leann Bosarge.....Mississippi
13 Roy Crabtree.....NMFS
14 Dave Donaldson.....GSMFC
15 Martha Guyas (designee for Jessica McCawley).....Florida
16 Lance Robinson (designee for Robin Riechers).....Texas
17 Chris Schieble (designee for Patrick Banks).....Louisiana
18 Greg Stunz.....Texas
19 Ed Swindell.....Louisiana
20 Troy Williamson.....Texas

21
22 **NON-VOTING MEMBERS**

23 Susan Boggs.....Alabama
24 Jonathan Dugas.....Louisiana
25 Phil Dyskow.....Florida
26 Tom Frazer.....Florida
27 Lt. Nicholas Giancola.....USCG
28 John Sanchez.....Florida
29 Bob Shipp.....Alabama
30 Joe Spraggins.....Mississippi

31
32 **STAFF**

33 Assane Diagne.....Economist
34 Matt Freeman.....Economist
35 John Froeschke.....Deputy Director
36 Beth Hager.....Administrative Officer
37 Karen Hoak.....Administrative & Financial Assistant
38 Lisa Hollensead.....Fishery Biologist
39 Ava Lasseter.....Anthropologist
40 Mara Levy.....NOAA General Counsel
41 Jessica Matos.....Document Editor & Administrative Assistant
42 Natasha Mendez-Ferrer.....Fishery Biologist
43 Emily Muehlstein.....Public Information Officer
44 Kathy Pereira.....Meeting Planner & Travel Coordinator
45 Ryan Rindone.....Fishery Biologist & SEDAR Liaison
46 Bernadine Roy.....Office Manager
47 Charlotte Schiaffo.....Administrative & Human Resources Assistant
48 Camilla Shireman.....Administrative & Communications Assistant

1 Carrie Simmons.....Executive Director
2 Carly Somerset.....Fisheries Outreach Specialist

3

4 **OTHER PARTICIPANTS**

5 Jessica Beck-Stimpert.....NOAA

6 Anna Beckwith.....SAFMC

7 Laura Engleby.....NOAA

8 Peter Hood.....NMFS

9 Kristen Long.....NOAA

10 Paul Mickle.....MS

11 Clay Porch.....SEFSC

12 Ken Riley.....NOAA

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TABLE OF CONTENTS

1
2
3 Table of Contents.....3
4
5 Table of Motions.....4
6
7 Adoption of Agenda and Approval of Minutes.....5
8
9 Action Guide and Next Steps.....5
10
11 Aquaculture Aspects of Executive Order 13921.....6
12
13 Recommendations on Executive Order 13921.....19
14
15 Draft Letter on RESTAURANTS Act of 2020.....32
16
17 Presentation on Depredation by Marine Mammals.....36
18
19 Public Hearing Draft Reef Fish 48/Red Drum 5: Status
20 Determination Criteria and Optimum Yield for Reef Fish and Red
21 Drum.....48
22
23 Adjournment.....64
24
25 - - -
26

TABLE OF MOTIONS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

[PAGE 54](#): Motion in Action 4.1 to accept the recommended changes. [The motion carried on page 55.](#)

[PAGE 56](#): Motion in Action 4.1 to make Options 2b, 3b, and 4b the preferred. [The motion carried on page 59.](#)

[PAGE 60](#): Motion in Action 4.2 to accept the recommended changes. [The motion carried on page 60.](#)

[PAGE 61](#): Motion in Action 4.2 to make Alternative 1 the preferred. [The motion carried on page 63.](#)

[PAGE 63](#): Motion to take Draft Reef Fish Amendment 48/Red Drum 5: Status Determination Criteria and Optimum Yield for Reef Fish and Red Drum out for public hearing via webinar. [The motion carried on page 64.](#)

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1 The Sustainable Fisheries Committee of the Gulf of Mexico
2 Fishery Management Council convened via webinar on Monday
3 afternoon, September 28, 2020, and was called to order by
4 Chairman Dale Diaz.

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

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

15
16 The first order of business on the agenda is the Approval of the
17 June 2020 minutes. Are there any additions or changes to the
18 minutes from June? Hearing none, we're going to accept the June
19 2020 minutes. The second order of business is Adoption of the
20 Agenda. Are there any changes or additions to the agenda?
21 Hearing none, the agenda is adopted.

22
23 Item Number III is the Action Guide and Next Steps. Ms.
24 Muehlstein had asked to say a few words when we got to this
25 point of the agenda, and are you ready, Ms. Muehlstein?

26
27 **MS. EMILY MUEHLSTEIN:** Yes, sir. Thank you for giving me a
28 minute. This is just sort of our first opportunity to highlight
29 that we have changed our protocol as we deal with our general
30 public comments that are submitted between council meetings.
31 The first time that that shows up is on this agenda.

32
33 What we have decided is that, when we receive general public
34 comment, and so public comment that doesn't necessarily fit into
35 one of the amendments that we're working on, between each
36 council meeting, we will do our best to sort that and put them
37 under the agenda and meeting materials for any issues that we
38 have on the council meeting agenda, and so you will notice, if
39 you look online at our meeting materials, under the presentation
40 on depredation by marine mammals, we have received a number of
41 public comments, and those comments are all put together and put
42 under background materials for that agenda item on the
43 Sustainable Fisheries.

44
45 That will also be occurring under Reef Fish, in one instance,
46 and also Full Council, but this was the best time for me to sort
47 of introduce our new protocol, and I would direct each of the
48 council members to take a moment and look at that general public

1 comment that we received on that agenda item. Thanks.

2
3 **CHAIRMAN DIAZ:** Thank you, Ms. Muehlstein. Next up on the
4 agenda, we have a presentation by Dr. Beck and Dr. Riley from
5 the Office of Aquaculture, and they are going to give us a
6 presentation on the Aquaculture Aspects of the Executive Order,
7 including the role of aquaculture in promoting American seafood
8 and competitiveness and economic growth. Are you ready, Dr.
9 Beck and Dr. Riley?

10
11 **DR. JESSICA BECK-STIMPERT:** Yes, I believe we're ready. Ken,
12 are you there?

13
14 **DR. KEN RILEY:** Yes.

15
16 **CHAIRMAN DIAZ:** Whenever you're ready, please proceed.

17
18 **AQUACULTURE ASPECTS OF EXECUTIVE ORDER 13921**

19
20 **DR. BECK-STIMPERT:** We're going to go ahead and get started, and
21 so thank you all for providing us time to talk today. I am Jess
22 Beck-Stimpert, Senior Aquaculture Coordinator for NOAA Fisheries
23 Southeast Region, and I will be presenting today on the
24 Executive Order 13921, and, specifically, aquaculture
25 opportunity areas.

26
27 I also want to introduce Dr. Ken Riley with NOAA's Ocean
28 Service, and Ken and I are going to be tag-teaming today's
29 presentation. I am going to review the first two slides, and
30 then I will hand it off to Ken, and then Ken and I will be
31 available at the end for questions, as well as some of our SERO
32 leadership, and I also wanted to introduce Andrew Richard, who
33 is a new aquaculture coordinator who came onboard in May in the
34 region, and Kristy Beard with the Policy Branch of the Office of
35 Aquaculture in Silver Spring, and so, between all of us, we hope
36 we can answer any questions or concerns that you have.

37
38 Before I jump in, I just wanted to thank the council for taking
39 time to discuss aquaculture on today's agenda. As many of you
40 know, there was an Executive Order published in early May of
41 this year that focused on various actions related to aquaculture
42 in the U.S., and I just wanted to mention that the EO has three
43 main bins of activity.

44
45 The first is regulatory reform to remove unnecessary barriers to
46 U.S. commercial fisheries, and the second looks at trade aspects
47 of seafood, to ensure that U.S. seafood has a level playing
48 field in the global marketplace, and it also includes a suite of

1 activities focused on the expansion of sustainable aquaculture
2 production, which Ken and I will be talking about today. As I
3 mentioned, we're going to be talking specifically about
4 aquaculture opportunity areas.

5
6 A couple of things to note about the aquaculture sections of the
7 Executive Order, and these sections build on activities and work
8 that have been ongoing for years, regarding developing
9 sustainable aquaculture practices, and, while NOAA plays a role
10 in many of these actions that are outlined in the Executive
11 Order, it's truly an inter-agency effort, and we have been, and
12 continue, to work closely with other agencies, like the Army
13 Corps, EPA, and USDA, to meet the goals outlined in the
14 Executive Order.

15
16 We have a limited amount of time with you today, and so I will
17 briefly mention aspects of Sections 6, 8, 9, and 10 of the EO,
18 and hopefully we can use the rest of this presentation to focus
19 on Section 7 of the EO, which I believe the council will
20 probably be most interested in, because that is a section that
21 directs NOAA to lead the development of aquaculture opportunity
22 areas in the ocean. I will be referring to those as AOAs, just
23 for brevity's sake.

24
25 In essence, Section 6 of the Executive Order is about removing
26 barriers to aquaculture permitting, and it asks the Corps to
27 evaluate creating nationwide permit programs for finfish and
28 seaweed and multispecies aquaculture, to augment their existing
29 nationwide permit program for shellfish.

30
31 On September 16, the Corps published a proposed rule, and it's
32 taking public comment through November 16 on these new
33 nationwide permits for those species, and it also contains draft
34 language -- It would also reauthorize Nationwide Permit 48 for
35 shellfish aquaculture, which many of you at the state level may
36 be aware of.

37
38 It also asks NOAA to be the lead agency for NEPA and marine
39 aquaculture, as long as the project triggers the level of
40 environmental impact statement, and they make several other
41 requirements, such as the project must be in federal waters.

42
43 Skipping Section 7, and we'll talk about that through the rest
44 of the presentation, Section 8 is about the government being
45 transparent, and this section asks NOAA to describe all the
46 federal regulatory requirements to get aquaculture permits, as
47 well as outline the state and federal agencies involved in the
48 process, and it also asks us to outline federal grant programs

1 for aquaculture and make sure that information is available and
2 up-to-date.

3
4 Section 9 asks the federal agencies with ties to aquaculture to
5 evaluate whether or not we should update the National
6 Aquaculture Development Plan. We have an existing development
7 plan that was created back in 1983, and so it's been quite a
8 long time since this has been updated, and aquaculture has
9 changed dramatically, and so we anticipate working with other
10 partner agencies in the future to develop a new plan and update
11 this plan.

12
13 Finally, Section 10 asks the USDA to evaluate whether or not an
14 update to their 2008 National Aquatic Animal Health Plan is
15 needed, and, again, some time has passed since that date, and
16 the USDA is currently working on drafting a new plan, which we
17 expect to be public soon.

18
19 Now, on the next slide and the future slides, I'm going to shift
20 to Section 7 of the EO, which speaks specifically to aquaculture
21 opportunity areas, or those AOAs, and Ken and I will spend the
22 rest of our time discussing this piece. If the council would
23 like further information on the other sections of the EO that I
24 mentioned, we would be happy to return and discuss those at a
25 future meeting.

26
27 Section 7, aquaculture opportunity areas of the EO, the
28 Secretary of Commerce, in consultation with other federal
29 officials, the regional fishery management councils, and
30 appropriate state and tribal governments, shall, within one year
31 of the date of the EO, identify at least two geographic areas
32 containing locations suitable for commercial aquaculture.

33
34 We are in this first year right now in the Gulf of Mexico, and
35 the southern California region and Gulf of Mexico region,
36 federal waters of those regions were selected as the first to
37 host AOAs, based on the fact that there is already available
38 spatial analysis data, and there is industry interest in these
39 areas, and so we are currently within this one year at NOAA of
40 working across different federal and state agencies and with
41 various stakeholders to identify areas within the Gulf that may
42 be suitable for aquaculture opportunity areas.

43
44 We expect that process to be completed sometime in May of 2021,
45 and, at that time, that will trigger a two-year process of
46 identifying geographic areas within the Gulf and completing a
47 PEIS, and so we'll have a programmatic environmental impact
48 statement and various alternatives where we would like to look

1 at aquaculture opportunity areas within the Gulf.

2
3 This is a process that's going to be completed year after year,
4 and so this is our first year, or our first round, of AOAs. In
5 the coming years, the next four years, we expect this process to
6 be repeated in other regions, where two areas would be
7 identified in other regions for AOAs, and so these processes
8 would overlap. For instance, in three years, you would expect
9 to see these processes overlapping one another and being at
10 different stages.

11
12 It's important to note that, for this round of AOAs, we're
13 looking specifically in federal waters of the Gulf and southern
14 California. The Executive Order is silent whether AOAs would or
15 could be in federal or state waters, and it doesn't mention that
16 it needs to be in either or.

17
18 The idea of AOAs in state waters is a possibility in future
19 years, as long as the state is open to development in their
20 state waters. We know there is some interest in state waters by
21 some states in the Gulf of Mexico, and this could be an option
22 in the future, meaning we could come back to the Gulf and look
23 at state waters in future years.

24
25 We are looking at the key takeaways slide now, and I know that
26 was a lot to digest in the last slide, and so I'm going to just
27 point out some key takeaways regarding AOAs, to try and make the
28 concept as clear as possible.

29
30 I just want to mention that the selection of the Gulf and
31 southern California regions doesn't mean the entire regions are
32 opportunity areas. Rather, we're going to solicit data and
33 input from stakeholders to investigate areas for potential areas
34 in those two regions.

35
36 These discrete areas, or locations, will be vetted through a
37 process of data gathering, spatial modeling, and stakeholder
38 input, through meetings such as this with the council and future
39 meetings with the council, as well as meetings with the
40 commission and public comment. We also have a request for
41 information that we'll be publishing soon, with a very generous
42 comment period, where we'll be gathering information from the
43 public on areas in the Gulf that we should be looking at and
44 areas that we shouldn't be looking at.

45
46 I also want to mention that federal and state permitting and
47 authorization requirements are the same within AOAs as anywhere
48 else, and folks do not have to site within an aquaculture

1 opportunity area. They can look outside of aquaculture
2 opportunity areas and go through the normal federal and state
3 permitting and authorization processes, and those folks who do
4 decide to stay within an aquaculture opportunity area, or are
5 interesting in siting in those areas, would still have to go
6 through the same authorization processes and permitting
7 processes at the state and federal level, and so this process
8 does not do anything but -- It doesn't do anything to reduce
9 that permit requirement.

10
11 It essentially just provides some proactive steps in identifying
12 which areas may or may not be suitable, which is something that
13 an ordinary applicant who was looking outside of those areas
14 would be doing anyway, and so all the applicable federal and
15 state laws, and that includes the Clean Water Act, Rivers and
16 Harbors Act, essential fish habitat, and provisions under the
17 Magnuson-Stevens Act for consultation purposes, the Marine
18 Mammal Protection Act, as well as consultation under the
19 Endangered Species Act.

20
21 Finally, I just wanted to say that AOAs are not huge swaths of
22 ocean. Rather, they would be small areas in the ocean. In
23 reality, we anticipate that an AOA would support three to five
24 aquaculture operations, and these operations could be finfish,
25 shellfish, macroalgae, or a combination of those species. This
26 is the size of the AOA we're looking at in federal waters in
27 both the Gulf and southern California areas during this first
28 round.

29
30 How will we identify AOAs? There are multiple processes, and I
31 mentioned that there would be a request for information coming
32 out in the next few weeks, and that will be published in the
33 Federal Register, and we will make sure to include the council
34 on that distribution list. There will be a generous comment
35 period and specific questions we'll be asking about where we
36 should and should not be looking in the Gulf of Mexico for AOAs,
37 as well as for southern California and any future AOAs, because
38 remember we need to start that process within the first half of
39 next year, looking at other areas and beginning the same process
40 that we're going through right now for AOAs, but in different
41 regions.

42
43 We have the National Ocean Service and NCOS, who Dr. Riley is
44 with, who will be using siting analysis results and mapping
45 tools, and some of you all are familiar with the Gulf AquaMapper
46 and the Ocean Reports tool. There's been a lot of information
47 that's been gathered, fishing data, whether it's commercial or
48 recreational or data across state lines and federal agencies,

1 that will be used to populate the tool, to see where there may
2 or may not be suitable habitat or areas, or areas of reduced
3 conflict for these areas.

4
5 Again, I mentioned the stakeholder input through the councils
6 and commissions and public comment, and we have interagency
7 coordination, and we have been working for almost eight years
8 now, I believe, with other federal agencies in the region and at
9 the national level on issues in the Gulf and ensuring that we
10 reduce duplication, through permitting regimes, and also
11 exchange information and keep in mind the needs and challenges
12 of other federal agencies in regard to aquaculture and various
13 areas that may be used for aquaculture.

14
15 I mentioned, again, the request for information in the Federal
16 Register, and that should be coming out soon, and we plan to
17 come back to the council and update you in future meetings
18 throughout this process, and it may be that the request for
19 information actually overlaps with your next council meeting,
20 and so we can talk about a comment from both the council and the
21 public at that time.

22
23 This is the last slide for me, and, for the rest of the
24 presentation, I'm going to hand it over to Dr. Ken Riley with
25 NOAA's Ocean Service, and, again, I will be here at the end, to
26 help answer any questions. Thanks. Over to you, Ken.

27
28 **DR. RILEY:** That sounds great, Jess. Thank you. An aquaculture
29 opportunity area is a defined geographic area that's been
30 evaluated to determine the potential suitability for commercial
31 aquaculture or even a combination of scientific analysis and
32 public engagement to identify areas that are best suited for
33 aquaculture with regard to the environment, the economic, and
34 the coastal communities where they would be sited.

35
36 As Jess mentioned, these areas would be able to support multiple
37 aquaculture operations, a few farms, say three to five, in a
38 variety of production formats, possibly including algae or
39 seaweed and bivalve shellfish or finfish. Aquaculture
40 opportunity areas would not exclude any ocean uses. This is a
41 planning exercise. It's in that realm of marine spatial
42 planning and siting work. A very important note is we always
43 look to minimize user conflicts.

44
45 With this slide, I would like to review some of the happenings
46 and plans for engagement over the next year. We are working at
47 a feverish pace. We only have like less than a year to complete
48 the work, and we're working on early public and stakeholder

1 outreach to introduce the AOA concept and describe our site
2 analysis, part of what we're doing today.

3
4 Soon, or very soon, like in a week or two, a request for
5 information will be published in the Federal Register, which
6 will request public input on AOAs in the Gulf of Mexico and
7 southern California. We are also requesting input that NOAA,
8 we, should use in considering AOA development over the next four
9 years.

10
11 We really want to stay engaged with you all. We want to make
12 ourselves available. We want to be engaged with the councils
13 and the commissions and the stakeholders, the federal and state
14 agencies, throughout the process. We anticipate providing an
15 update at every council meeting and as often as necessary.

16
17 We will publish our Aquaculture Opportunity Atlas in May of
18 2021. The Atlas will highlight potential areas to be considered
19 through the programmatic environmental impact statement. The
20 PEIS will be developed over the next two years.

21
22 For the remainder of the talk, I would really like just to
23 introduce you to myself. I'm Ken Riley, and I help lead the
24 Aquaculture Program with NOAA's National Ocean Service and the
25 National Center for Coastal Ocean Science. We lead the nation
26 on planning for aquaculture development, siting aquaculture, and
27 environmental research related to aquaculture development.
28 We've been building this program for over a decade.

29
30 We work in every coastal state, helping coastal managers make
31 informed decisions about aquaculture. We want to help the
32 coastal managers make the right decisions about aquaculture.
33 For aquaculture to continue to grow in the coastal landscape,
34 it's very important that we use the best available science
35 that's available for decision-making.

36
37 We work every day on the front lines with federal agencies,
38 including the Army Corps, EPA, NOAA Fisheries, the Department of
39 Defense, and even, in the past few weeks, NASA and Space-X. We
40 want to have similar established relationships with the state
41 agencies as well, many of you that are on the call today.

42
43 Our scientists include a blended workforce of ecologists,
44 oceanographers, modelers, engineers, and geospatial scientists.
45 Many, or most, of our staff have a lot of experience, practical
46 experience, decades, working in the aquaculture industry.

47
48 As I mentioned, our research capitalizes on the need to support

1 smart planning and siting for growing the aquaculture industry.
2 This means planning for aquaculture at regional and landscape
3 scales, such as the work with aquaculture opportunity areas. We
4 also work on the concept of precision siting, working on siting
5 for individual operations.

6
7 Now, we don't work at the request of commercial companies or
8 farms. This work is at the request of a federal agency, an
9 action agency, such as the Army Corps of Engineers. The Corps
10 will come to us and ask us to help an applicant find the right
11 location for developing their business.

12
13 We also support an environmental research portfolio that
14 includes farm production modeling, effluent modeling, and
15 studies on interactions with fisheries, habitat, and protected
16 resources. With all this research, we're constantly thinking
17 about how to make our science widely available. This leads to
18 our work to develop tools.

19
20 Here's just a sample of the tools and technology that our
21 program has developed in recent years. For example, our
22 AquaData Catalog has over thirty-three-million data layers,
23 where we can use the power of GIS to inform spatial planning and
24 perform this precision siting.

25
26 Ocean Reports is a premier automated spatial planning tool that
27 we developed last year, in partnership with BOEM. I encourage
28 you to check out Ocean Reports. At your fingertips, it allows
29 you to do spatial planning to explore your coastal ocean, to
30 identify different ocean neighborhoods, and it's really easy to
31 use, and it provides a lot of infographics and statistics on the
32 ocean and throughout the water column, and it's really easy to
33 find in Google, and so it's an easy Google search for the term
34 "Ocean Reports", and so that's just a little bit of our tools
35 and technologies that we've been developing.

36
37 This slide shows our study areas that will be the starting point
38 for the siting analysis. This area was identified by analyzing
39 where industry is currently pursuing research and commercial
40 endeavors. The study area is in federal waters with depths of
41 fifty to 150 meters.

42
43 Because the Gulf is so large, we used an ecosystem approach. We
44 broke the area, or the region, into smaller areas defined by
45 their similar ecology and oceanography. We used the Gulf
46 ecoregion to define study area boundaries. You will note that
47 this is just our starting point. We haven't taken out any areas
48 for marine sanctuaries or marine protected areas or oil and gas

1 development or military activity, and so it's just the starting
2 point for which we'll do all of our studies.

3
4 This diagram just demonstrates our workflow for the research
5 that will be completed over the next year. We will start with
6 the project requirements, and this is information the
7 aquaculture industry uses in selecting suitable sites. That
8 might include things like water temperature, wave climate, ocean
9 currents, and the soils and sediments that are required for
10 anchors.

11
12 We will then lay a grid over our area of interest and inventory
13 the data available for developing a suitability model.
14 Basically, we'll look to see what data we have available that is
15 within that study area. We will then build a suitability model
16 to assess the compatibility, suitability, and opportunity for
17 aquaculture development across the study area. Finally, we'll
18 use a statistical approach called cluster analysis to begin to
19 identify potential aquaculture opportunity areas.

20
21 Let me take you through some visuals for this process. Here, I
22 will just go through some slides that give you kind of the
23 visual perspective. Here is a sample of a study area with a
24 bathymetric profile. To the aquaculture industry, depth is a
25 primary and very important consideration for aquaculture
26 development.

27
28 To the right is a grided overlay. For the Gulf of Mexico, we're
29 going to use hexagon grid cells, because it responds really well
30 to our high-resolution data in models. We will use a ten-acre
31 grid cell size for across the study area in the Gulf. This
32 means that each of those grid cells, those ten-acre grid cells,
33 will receive a suitability score from within our model.

34
35 After we have identified a study area and laid the grid cells
36 across the study area, we then worked to compile the data
37 sources from a variety of categories: military, navigation,
38 industrial, oceanography, biology, and boundaries.

39
40 We have reviewed and vetted this data with federal and state
41 agencies and stakeholders. This process has been occurring over
42 the last three or four months, and it's ongoing. It's
43 continuous until we complete the spatial modeling.

44
45 The next step is to build a suitability model using and
46 exploring the data that we have at-hand, and this picture is
47 quite a complex model. Here, for example, is the scoring
48 criteria on the left. You will note the suitability scores

1 range from zero, meaning an area is not suitable, and
2 aquaculture would not be appropriate for that area, to one,
3 which means it's potentially compatible, and it maybe presents
4 some opportunity.

5
6 On the right of the slide is a sample map of some modeling off
7 of southern California. Here, you can see how aquaculture would
8 not be suitable with submarine cables or oil and gas
9 infrastructure. You can also see considerations for some of our
10 fisheries interactions. Like the Gulf, there is a lot of
11 fishing activity off of California, and we have spent many years
12 now assembling data on fishing to help inform all of our spatial
13 models.

14
15 Our last step is to use spatial statistics to identify potential
16 sites. We use a process called cluster analysis to look for
17 clusters of the highest scoring grid cells. For aquaculture
18 opportunity areas, we'll look for clusters of grid cells with
19 the highest scores totaling 500 to 2,500 acres. We also
20 identify about ten potential aquaculture opportunities across
21 the entire region, and we may find some areas, some study areas,
22 that do not support any aquaculture opportunity areas. That
23 won't surprise us.

24
25 Our final step is to publish our findings in an atlas of
26 potential aquaculture opportunity areas. We have done this for
27 many locations around the country, on the west coast and on the
28 Gulf coast. These atlases can help inform coastal managers
29 about where aquaculture would be most appropriate within the
30 coastal environment. We aim to have a draft complete in late
31 winter for review, and then moving into publication in the
32 spring.

33
34 That concludes our presentation, and Jess and I, as we move onto
35 the next slide, we're going to be standing by, and we would be
36 happy to take any questions that you may have. Thank you.

37
38 **CHAIRMAN DIAZ:** Thank you, Dr. Beck, and thank you, Dr. Riley.
39 That was a great presentation. Any questions for Dr. Beck or
40 Dr. Riley? I will wait just a second, to see if anybody has got
41 questions. I do have a couple of comments.

42
43 I am hoping this doesn't work for these federal aquaculture
44 areas like the states have I think experienced with trying to
45 site oyster aquaculture in the states. A lot of times, folks
46 support aquaculture, but they don't want it close to them, and
47 the comments tend to seem to try to push the things into areas
48 where they can't be successful, and hopefully the ultimate

1 zones, with all of the processes that you all have, will hone-in
2 and get these folks in areas where they can be successful, and
3 so hopefully that's the way that will work out. Ms. Bosarge,
4 did you have a question?

5
6 **MS. LEANN BOSARGE:** I am just wondering about the hexagons that
7 you showed us, Dr. Riley, what is the square mileage on the one
8 individual hexagon, and how many hexagons -- What is the total
9 square mileage you're thinking about carving out, on average, or
10 a range, for the aquaculture opportunity areas that you choose?

11
12 **DR. RILEY:** The hexagons are ten-acre hexagons, and I am very
13 quickly going to have to convert that for you, but the analyses
14 that we've been kind of having people look at is that imagine,
15 across the entire Gulf, a few very small dots of space on a map
16 that would become an aquaculture area. The square mileage is
17 3.9 square miles. That's a maximum size.

18
19 **MS. BOSARGE:** So, in other words, your aquaculture opportunity
20 areas would be one hexagon, and you wouldn't have like two or
21 three put together, and it would be about four square miles?

22
23 **DR. RILEY:** Yes, ma'am. Basically, what we have learned from
24 the aquaculture industry across the country, and so not just in
25 the Gulf of Mexico, but most of the industry is seeking farms in
26 the range of 100 to 800 acres, and so, if our aim is to support
27 three to five operations, we have kind of taken those values and
28 used that to judge the maximum size for an aquaculture
29 opportunity area.

30
31 Again, an aquaculture opportunity area should be able to support
32 any type of aquaculture, potentially, in terms of it's not just
33 finfish. There is also the potential for bivalve shellfish or
34 algae and seaweed, but we know, in the Gulf of Mexico, and we're
35 being honest here, most of the interest is focused on finfish
36 operations.

37
38 **MS. BOSARGE:** All right. Thank you. I have one more question,
39 Mr. Chairman, if I may.

40
41 **CHAIRMAN DIAZ:** Yes, ma'am.

42
43 **MS. BOSARGE:** I have looked at your AquaMapper tool before, in
44 the past, and I have to commend you on it. I mean, it's really
45 something to behold. You can put so many different layers on
46 there, and you really have a lot of information at your
47 fingertips.

48

1 As you go forward and evaluate, in our case, and we're going to
2 be kind of concerned with fishing effort in those areas,
3 especially for my industry, where we're trawling, I would
4 encourage you not to use a heatmap approach, where you're taking
5 a three or four-square-mile hexagon and color-coding it as to
6 the effort there. I would encourage you to use the actual
7 tracks, the actual shrimp tows that we make, because it's only a
8 sample of the fleet that has those devices on them to track our
9 effort, and so a heatmap, unless you extrapolate it to the whole
10 fleet, you're not getting a true picture.

11
12 I would also encourage you, as you said, to come back to the
13 council, and you think you're going to keep us in the loop, and
14 I really appreciate that, because I think we can find a few
15 spots in the Gulf that might work well, but I think it's
16 important to have that dialogue with the council, whose
17 expertise is fishing, so that, as you go forward and choose
18 these areas, before you finalize them --

19
20 Sometimes the data, if you know what you're looking at, is
21 pretty easy to understand, but, other times, you can get data,
22 and you're looking at it, but you don't understand the whole
23 picture, and so it's hard to interpret the data, hence the
24 reason we don't just get handed a stock assessment presentation,
25 and we have a man, or a woman, that comes and presents it and
26 explains it to us, explains every slide and what that data
27 looked like and what was wrong with it or what the outliers
28 were. I would encourage you to stay-tuned with us, and bring it
29 back and let us take a look at it and give you some feedback.
30 Thank you, sir.

31
32 **DR. RILEY:** I agree. Thank you so much.

33
34 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge. Dr. Frazer.

35
36 **DR. TOM FRAZER:** Thank you, Dale. My question is for Dr. Riley.
37 That was a nice presentation, and my question has to do with the
38 slide that was dealing with the site suitability model, and, in
39 that, you have some data layers, and you have essentially a cell
40 score, and what I'm trying to understand is those cell scores
41 range from zero to one, and, in the example that you gave,
42 there's an 0, 1.0, or 0.5, and is that a continuous scale, or is
43 it -- If it's continuous, and you can have values, for example,
44 that might be 0.25, or 0.3, how are those scores derived? How
45 subjective are they?

46
47 **DR. RILEY:** It depends on the type of data. If the data is
48 continuous, then it receives a continuous score. For example,

1 navigation data, and so fishing data and trawling data, that
2 data would be considered continuous, and so it can receive a
3 linear score, and so we can do that, and then other types of
4 scores, like the danger and restricted zones, it received a 0.5,
5 because it requires a consultation with the Department of
6 Defense.

7
8 The Department of Defense, for example, it's a -- They have told
9 us that these areas are completely off limits, and these areas
10 would require detailed consultation, and so we have some scores
11 that are in that three-tier ranking system of 0, 0.5, and 1.0,
12 and some of them are a continuous linear scale.

13
14 **DR. FRAZER:** Great. Thank you.

15
16 **CHAIRMAN DIAZ:** Any other comments or questions for Dr. Beck or
17 Dr. Riley? Seeing none, I have just a question for Dr. Simmons.
18 Dr. Simmons, I agree with Leann and what Dr. Riley said, and I
19 would like to make sure that we have updates, because there is
20 such a quick deadline associated with these aquaculture
21 opportunity zones, and do you need a motion from this committee
22 to regularly schedule them at the meetings, or can we just go
23 forward with our suggestions?

24
25 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** I think we can just go
26 forward with that suggestion. I will note that the October
27 council meeting agenda is set, and it's full, and the Federal
28 Register notice was submitted on Friday, and so the next
29 meeting, that we're going to talk about I think later in the
30 week, is the November council meeting.

31
32 **CHAIRMAN DIAZ:** That would be fine with me, if we brought them
33 back in November and just let them have a regular spot on our
34 agenda, starting with our regularly-scheduled meetings after the
35 first of the year.

36
37 **EXECUTIVE DIRECTOR SIMMONS:** Okay. As long as that timing works
38 for them. Thank you.

39
40 **CHAIRMAN DIAZ:** Any opposition from the committee on that?
41 Hearing none, that's how we will proceed. Thanks again, Dr.
42 Beck and Dr. Riley. We appreciate you being here and your great
43 presentations.

44
45 We are going to move on to Agenda Item Number V, and this is
46 dealing with recommendations on the Executive Order. First up
47 is going to be Ms. Muehlstein telling about the public comments
48 from Something's Fishy, and I might ask if Dr. Simmons or Ms.

1 Muehlstein wants to go over the action guide for this particular
2 agenda item.

3
4 **RECOMMENDATIONS ON EXECUTIVE ORDER 13921**
5

6 **EXECUTIVE DIRECTOR SIMMONS:** I can do that. Thank you, Mr.
7 Chair. That is Tab E, Number 3, and we're on Agenda Item Number
8 V. Staff has put together the public comments that we received
9 on Executive Order 13921, and, as you all know, we've been asked
10 -- There is a letter that is included as background, and that's
11 Tab E, Number 5(c), that outlines what we need to do.

12
13 We need to eventually come up with a prioritized list of items
14 that we want to include, and then, after that -- That has to be
15 a deadline of November 2. After that, we need to include a
16 proposal for initiating each of those recommended actions within
17 one year of the order, which is May 2021.

18
19 After we present this, I'm going to go through some of the items
20 that came up during Sustainable Fisheries at the June council
21 meeting, but we would really appreciate any feedback from those
22 lists that you would like to see at the next council meeting, so
23 that we can start finalizing those and thinking about
24 prioritizing them and thinking about how we would go about even
25 initiating actions to modify or change those regulations to
26 reduce burden. I will stop there.

27
28 **CHAIRMAN DIAZ:** Thank you, Dr. Simmons. All right, Ms.
29 Muehlstein. I think we're ready for your public comments for
30 Something's Fishy.

31
32 **MS. MUEHLSTEIN:** Okay. Thank you. Just as a reminder, as part
33 of the Executive Order, the councils were requested to submit a
34 prioritized list of recommended actions to reduce burdens on
35 domestic fishing and to increase production within sustainable
36 fisheries. That could include changes to regulations, orders,
37 guidance documents, or other similar agency actions.

38
39 We, as a council, decided to deploy our Something's Fishy tool
40 to ask our stakeholders two specific questions in response to
41 this Executive Order. The first question that we asked was are
42 there current regulations that may be outdated or unnecessarily
43 burdensome to fishermen, and then we asked them to explain why
44 they create a problem and suggest some actions that the council
45 could consider to modify or remedy the issue.

46
47 Then the second question that we asked was are there any other
48 changes to council guidance documents or procedures that could

1 alleviate barriers to domestic fishing, and, again, we asked
2 them to explain the issue and suggest action that we could take
3 to remedy the issue.

4
5 We deployed our Something's Fishy tool between July 7 and August
6 7, and we collected responses. We got a total of ninety-three
7 comments back from the public, and so -- By sector, about half
8 of the respondents were private recreational anglers. 26
9 percent identified as commercial anglers, and 21 percent
10 identified as federal for-hire. The remaining respondents
11 identified either as seafood dealers or as an other category,
12 and so sort of an unspecified other category.

13
14 Going through these comments, they were sort of general
15 questions, and it was kind of a broad topic, and so they were
16 pretty meaty, and so we've done our best here to sort of sort
17 them into a couple of sections, so that they make a little bit
18 of sense, and what I will do is I will explain what each section
19 is as I go through those comments.

20
21 We will start with sort of our first section, which is potential
22 regulations for removal that were suggested, and now these were
23 suggested by sector for specific federal regulations that could
24 be identified and that did not appear to involve tradeoffs with
25 other fishermen in the Gulf region.

26
27 For the commercial sector, for this first section, we did hear
28 that we should consider requiring commercial permits to be
29 renewed every five years instead of every year, to remove the
30 burden of annually renewing permits. We were asked to remove
31 the longline seasonal closure in the eastern Gulf. Reef fish
32 vessels should not be forced to go further offshore during
33 hurricane season, especially since turtles are rarely harmed by
34 the longline industry.

35
36 We heard that we should remove the requirement to carry
37 observers onboard. It is burdensome to carry observers, as
38 insurance is required and meals must be provided, and it's also
39 dangerous, in some instances.

40
41 We were told to remove the requirement for the shrimp automatic
42 identification system, the AIS, which is expensive, and it tells
43 other vessels where shrimpers are trawling, and, finally, from
44 the commercial respondents, we heard that we should remove the
45 requirement for shrimp vessel stability testing, which can lead
46 to shrimpers losing their ability to work for no reason, and it
47 may not accurately reflect safety issues in the Gulf.

1 From recreational respondents, we heard that we should remove
2 the idle iron policy to designate artificial reef habitats on
3 decommissioned oil rigs as critical marine habitat. We were
4 asked to remove the requirement for dual-permitted vessels, and
5 that's vessels with both commercial and federal for-hire
6 permits, to hail-out when engaging in a for-hire trip.

7
8 Regarding gear restrictions, we were asked to remove the
9 restriction on the use of powerheads in stressed areas, as it is
10 unenforceable and ineffective. We were asked to remove the
11 requirement that anglers purchase specific gear promoted by
12 manufacturers, and I think, but I am not sure, that this was in
13 relationship to the turtle release gear.

14
15 The second sort of bin of responses that we got is responses
16 that require evaluation of current regulations for potential
17 removal, and so, really, this idea of evaluating a suite of
18 regulations, and then we would follow-up with consideration for
19 removal if portions of those regulations are determined to be of
20 greater burden than they are a benefit to fishermen.

21
22 The first one here is assess turtle populations and evaluate
23 current TED requirements for whether goals are being achieved.
24 If goals are not being achieved, remove them. For example, TEDs
25 cause shrimp loss on soft bottom, where turtles are not likely
26 encountered, and this requirement could potentially be removed.
27 Also, it is burdensome to buy new TEDs with the bars closer
28 together.

29
30 Then we also heard that we should evaluate turtle gear
31 requirements for reef fish fishermen with regard to vessel type
32 and size and that turtles can be released properly without the
33 specific brands of dog toys, is what was mentioned.

34
35 The third sort of bin that we have filed these comments into
36 suggestions that would require substantial changes to
37 management. They could reduce burdens on fishermen, but they
38 are complex, and they are time consuming, and they would
39 probably involve the creation of new regulations to correct or
40 modify the problem.

41
42 The first thing we heard was that we should replace trip tickets
43 with electronic logbooks, and this is because trip tickets are
44 burdensome and should be replaced with logbooks that are
45 incorporated into one system for all relevant offices to access.
46 Fishermen can validate their trip tickets upon landing, and the
47 information should populate the account information
48 electronically.

1
2 We heard that the logbook program is not currently working.
3 They are not counted accurately, and they must be submitted
4 repeatedly, and that permit renewal is difficult when logbooks
5 are in question, and so, in other words, fishermen were saying
6 that the logbook system is arduous, and it actually prevents
7 them from renewing their permits sometimes.

8
9 Then we also heard that foreign imports create too much
10 competition and that we should prohibit seafood imports from
11 other countries that have less stringent environmental,
12 sustainability, and food safety requirements and that we should
13 also restrict imports of grouper and snapper from Mexico.

14
15 Next, and I just put it here for reference, we did hear some
16 additional public comments that were not applicable to
17 necessarily reducing burdens on fishing, and I am not going to
18 go over those, just for the sake of time, and what we'll do is
19 actually move to the final page of the report, which moves on to
20 answering the second question, which is when we solicited
21 information on changes to council guidance documents or
22 procedures that could alleviate barriers to domestic fishing.

23
24 The responses here were a little bit more straightforward and
25 didn't need to be managed in different sort of bins or sections,
26 and, really, there was just one that we pulled out that was a
27 suggested change to our current document, and that is that the
28 council process for implementing change is too slow. It takes
29 two years for a regulatory change to be implemented.

30
31 Also, you will notice, if you look at the report, that we also
32 received some additional public comments in response to this
33 question, but, again, I'm not going to go over those, for the
34 sake of time. That concludes my report on the public comments
35 that we got from the Something's Fishy tool for this Executive
36 Order.

37
38 **CHAIRMAN DIAZ:** Thank you, Ms. Muehlstein. Any questions for
39 Ms. Muehlstein? Seeing none, we're going to move right down the
40 agenda, and I believe Dr. Simmons is going to handle the rest of
41 Agenda Item Number V. Dr. Simmons.

42
43 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. This is Tab
44 B, Number 5. These are the items that we just briefly
45 discussed, or you brought up, during the June 2020 Sustainable
46 Fisheries Committee, and you can see the bulleted list that we
47 have included there, and then you may recall that we went
48 through this exercise not too long ago for the regulatory reform

1 taskforce review process, and that was during the April and June
2 2018 council meetings.

3
4 There was one item that was left over that the council did
5 actually not put forward from those meetings, and that was the
6 gear restricted areas, and so, as part of that, the reef fish
7 stressed area.

8
9 I went back through the minutes, and, after reviewing the
10 council minutes from both the April and the June 2018 council
11 meetings, the rationale for not including the recommendation was
12 not clear, but we're including it here again, to see if the
13 council may want to reconsider removing the gear restricted
14 areas, specifically the reef fish stressed areas.

15
16 The powerhead suggestion, I think, was included in the public
17 comment, and, currently, it's listed as the powerheads may not
18 be used in the stressed areas to take Gulf reef fish. If you go
19 down a little bit, it shows you the actual stressed area on the
20 map, and then, also, part of that stressed area is the roller
21 trawl may not be used in a stressed area. I will stop there for
22 now, Mr. Chair.

23
24 **CHAIRMAN DIAZ:** Okay. Any comments or questions for Dr.
25 Simmons?

26
27 **MS. BOSARGE:** Dale, can I chime in?

28
29 **CHAIRMAN DIAZ:** Yes, ma'am.

30
31 **MS. BOSARGE:** I am not all that familiar with maybe some of the
32 things that Carrie was pointing out there, but, you know, if we
33 don't hear any big objections -- To me, if you don't hear much
34 feedback on it, then that's probably something that is not
35 really an issue and that could probably be eliminated, and so I
36 will just throw that out there in support of past
37 recommendations, but I have some other recommendations later,
38 when we get to it.

39
40 **CHAIRMAN DIAZ:** Okay. If you will, Leann, we're going to take a
41 few questions right now from other council members, and then
42 remind me, and we'll come back and get your other
43 recommendations. Mr. Riechers.

44
45 **MR. ROBIN RIECHERS:** I realize that all these items came up at
46 the 2020 Sustainable Fisheries Committee meetings, but is it our
47 charge to look at what other agencies can do as well, or are we
48 supposed to be kind of limiting our charge? I mean, I realize

1 that we don't have to take all of these that we have on the
2 screen here, but like, for instance, the notion of the banned
3 substances and increased testing.

4
5 The labeling requirements probably fall under the FDA, would be
6 my assumption, to some degree there, and maybe the Department of
7 Health, or maybe we have those under Magnuson too, and I don't
8 know, but I'm just kind of wondering about that, as well as some
9 of the safety compliance things that might fall under the Coast
10 Guard, for instance.

11
12 **CHAIRMAN DIAZ:** Robin, I will take a stab at it, and, Dr.
13 Simmons, please correct me if I'm wrong, but I believe, the way
14 I understand it from the folks at National Marine Fisheries
15 Service, it's that we can submit ideas that may not necessarily
16 fall underneath the purview of National Marine Fisheries or the
17 council, and those ideas would be treated separately.

18
19 Ideas that we submit that actually fall underneath the council's
20 domain, we will have to come up with a schedule where we would
21 initiate those items and start working on those items by May 2
22 of next year. Is that correct, Dr. Simmons?

23
24 **EXECUTIVE DIRECTOR SIMMONS:** Yes, that's correct. That's the
25 way I understand it as well.

26
27 **MR. RIECHERS:** Okay. Thank you.

28
29 **CHAIRMAN DIAZ:** Next up is Ms. Guyas.

30
31 **MS. MARTHA GUYAS:** Thanks, Dale. Like Leann, I have some other
32 things to suggest, and I can do that at the appropriate time. I
33 am looking at the list from June though, and I think the do not
34 close additional areas to commercial and recreational fishing --
35 I think that came up in reference to like the National Marine
36 Sanctuaries.

37
38 I mean, I have mixed feelings about that one. Our commission, I
39 think we potentially are going to support some of the closed
40 areas for the sanctuary, depending on -- I'm talking about the
41 Florida Keys National Marine Sanctuary, and these have to have a
42 good reason for it, and so I just wanted to say something about
43 that one, but, when the time is right, I have some additional
44 items that I would like to suggest as well, but I will hold off
45 until we, I guess, dispense with what's in front of us right
46 now.

47
48 **CHAIRMAN DIAZ:** Right. Well, I believe, if you would like to

1 delete something on that list, you can surely recommend that
2 here now, and we could take that up right now.

3
4 **MS. GUYAS:** Well, I would open up the closed areas one for
5 discussion. I mean, I just think that has to be a case-by-case
6 decision. Just, for example, the Madison-Swanson and Steamboat
7 Lumps, I don't think we would ask now that the Secretary not
8 approve that rule, and so let me just put that out there for a
9 discussion.

10
11 **CHAIRMAN DIAZ:** I tend to agree with you on that one, Ms. Guyas.
12 Any discussion on Ms. Guyas' comment? Is there any opposition
13 to striking that comment?

14
15 **MS. BOSARGE:** Martha, what if we -- I think one of the biggest
16 issues that we have a lot of times with the sanctuaries is that
17 we feel like we don't really have much say in what they do.
18 Yes, they come and they present to us, but, ultimately, we are
19 not a -- We are barely even a consulting party on it, and let's
20 put it like that, and so maybe we could amend that to not close
21 additional areas to commercial and recreational fishing without
22 -- I don't know how you want to say it, Martha, but something
23 along the lines of without council -- Unless recommended by the
24 Gulf Council or by the council in that jurisdiction, something
25 like that, Martha, and can we qualify it?

26
27 **MS. GUYAS:** Yes, and I think you're trying to get at like more
28 of a collaborative process, where both -- Not the agency, but
29 both of us are working together, and I'm all for that. That's,
30 I think what we have been trying to advocate for in the Florida
31 Keys National Marine Sanctuary process, and so, if we can
32 qualify it, I can maybe get onboard.

33
34 **CHAIRMAN DIAZ:** Mr. Anson, you had a comment?

35
36 **MR. KEVIN ANSON:** I did, Dale, but it was separate to what
37 Martha has brought up here, and, if I could follow back, I would
38 like to do that.

39
40 **CHAIRMAN DIAZ:** Any other comments on Leann and Martha's
41 concerns? I tend to agree with Leann about editing the way
42 Leann has edited it, and it's a lot more palatable, and I could
43 live with that. That's my two-cents. Hearing no other
44 comments, Kevin, why don't you go ahead, and then we'll go ahead
45 and start working down the list.

46
47 **MR. ANSON:** Thank you. I just am unfamiliar with the powerhead
48 issue, and I read somewhere that it was initiated back in the

1 early 1980s, and so maybe conditions or what was happening at
2 that time prompted the regulation, but I wonder if anybody on
3 the NOAA staff has some history as to what was the definition of
4 a stressed area, as it relates to the figure in the document
5 that reviewed some of the potential changes, regulatory changes,
6 and just if anybody has some background information, and I would
7 just be curious to know.

8
9 **EXECUTIVE DIRECTOR SIMMONS:** I think it was put in place, Kevin,
10 during the time of fish traps, I believe, when fish traps were
11 actively being used, and there might have been some gear
12 interactions going on there, but maybe Roy and others can chime
13 in and help out with that.

14
15 **CHAIRMAN DIAZ:** Any other comments from folks on the history?

16
17 **DR. FRAZER:** Roy, are you -- Dale, let me just make sure that
18 Roy is not trying to say something here.

19
20 **DR. ROY CRABTREE:** All I can offer is what's in the FMP, and
21 that whole discussion happened quite a while back, and I think
22 those were put in place in the original FMP.

23
24 **CHAIRMAN DIAZ:** Okay. Well, we're going to move on. Is there
25 any other comments related to the list that's on the board?
26 Hearing none, let's move on to folks that wanted to add some new
27 adds. Leann, did you want to go first?

28
29 **MS. BOSARGE:** Yes, sir. Thank you. Let me get to my list of
30 ideas here. All right. I don't think -- If you will keep that
31 list on the board, I would appreciate it, because most of those
32 were mine from last time, and so it will help me scan through my
33 list and see what I said and didn't say last time.

34
35 Another thing that I came up with was having seafood on the menu
36 in public schools in a real and meaningful way. I think that
37 that would help to diversify the market that our domestic
38 seafood industry revolves in, and I think it would create a
39 secure and stable platform for that product to move to that
40 maybe doesn't fluctuate and have as much variability in the
41 market.

42
43 It also provides an avenue and another direct path for us to get
44 to the end consumer without having to go through restaurants,
45 which we saw was one of the big issues during this pandemic,
46 that, by and large, our seafood was going through restaurants to
47 reach the consumer, not to mention that I have three kids, and
48 it frustrates me to no end that they can have hamburger patties,

1 and they get seafood maybe once a month, and I think that needs
2 to change.

3
4 Here is one that I am really excited about, and I think it would
5 be a great thing either for the seafood trade taskforce to take
6 up, because it would require agencies from different parts of
7 the government to work together, or I hear that MAFAC has like a
8 marketing council that they're thinking about bringing back to
9 life that may take this up, but here's the idea.

10
11 It's to create a direct-to-consumer platform, online platform,
12 for fishermen and fish houses to, in order to strengthen the
13 seafood supply chain, and so, here again, it's to diversify our
14 supply chain and the way that we reach consumers, so we're not
15 so dependent on restaurants all the time, and so one way to
16 think about it is sort of like an online farmers' market, but
17 for seafood.

18
19 Another example, and I am trying to visualize it for you, is how
20 many -- Of course, I've got a room full of men here, and so I
21 don't know how many of you all are familiar with the Etsy
22 platform, the Etsy website, but Etsy is essentially like the
23 home artisans that create all sorts of different products.

24
25 Etsy will take their individual online efforts and, once you put
26 it on Etsy's site, it sort of boosts your brand image to a
27 nationwide consumer base, and everybody associates Etsy with the
28 type of goods that you're trying to sell, and so nobody has to
29 go and find individual little websites for whatever you are
30 making and producing as an artist, or an artisan. They go to
31 Etsy and type in what they're searching for, and you will pop
32 up.

33
34 Then, if they like what you have, when you click on it, Etsy
35 takes you from their platform through to the website of that, or
36 the online storefront or whatever of that individual artisan,
37 and we need something like that for seafood, because we have
38 something -- I know Louisiana has had some efforts with some of
39 their entities, where they are trying to promote the online sale
40 of the seafood direct from the fishermen to the consumer, and we
41 need to support those types of things with a nationwide platform
42 that it doesn't matter what kind of seafood a consumer is
43 looking for, whether they want Alaskan salmon or they want east
44 coast scallops or whatever it may be, or Gulf of Mexico shrimp.

45
46 They know that the place for fresh seafood is to go to that
47 website, and then all the other individual websites, like from
48 individual fishermen or from some of those groups in Louisiana,

1 and across the country, they all plug into that nationwide
2 platform, and so I really think we need to do that, and I think
3 that this Executive Order provides an amazing venue to pursue
4 something like that for our fishermen.

5
6 Then this one is kind of specific, and so there's this ten-digit
7 harmonized tariff scheduled of the United States, and the
8 acronym is HTSUS, and so it essentially has codes that breakout
9 all the different products that we import, and we need to amend
10 that code and breakout wild-caught, warm-water shrimp imports
11 from farm-raised warm-water shrimp imports.

12
13 The reason for that is this. This will strengthen the tools
14 available to NOAA for implementing their seafood import
15 monitoring program and prevent some seafood that's harvested
16 illegally through IUU fishing, and so I think that's one very
17 specific thing that, if we could get the government to do that,
18 we would really put ourselves a step ahead, for sure, in shrimp.
19 I think that's all I have for right now, Mr. Chairman.

20
21 **CHAIRMAN DIAZ:** Leann, whenever you talk about creating a direct
22 consumer online platform for fishermen and fish houses, are you
23 directing that at NOAA, National Marine Fisheries, or do you
24 want to specify who you're talking about doing that?

25
26 **MS. BOSARGE:** I would like the interagency Seafood Trade
27 Taskforce to take that up. I think that's a great thing for
28 them to look at to strengthen our domestic fisheries and help us
29 compete with imports.

30
31 Another great group, and, Dr. Simmons, help me remember the
32 exact name, but MAFAC is actually looking at revising a council
33 that is all about seafood promotion and marketing, and so that
34 would be another group that would be wonderful to take up this
35 type of effort, but I think, if we don't raise this flag here,
36 under this Executive Order on strengthening our seafood
37 industry, then where will it ever be heard, and so I would like
38 to put it there.

39
40 **CHAIRMAN DIAZ:** Okay. Thank you, Ms. Bosarge. Martha, I
41 believe you said you had some ideas that you wanted to add to
42 the list, Ms. Guyas.

43
44 **MS. GUYAS:** Yes, I do. Thank you. So I was looking at the list
45 that the South Atlantic Council generated, say about two weeks
46 ago, and I thought they had some that certainly would apply to
47 our region that we might also want to support.

48

1 One of the ones on their list was speeding up fisheries disaster
2 relief, and that's certainly not really within the council
3 purview, but it's kind of a long, involved process that goes
4 through NOAA, and it probably could use some help. It really
5 takes a long time. In Florida right now, we had Hurricane Irma
6 in 2017, and we are, I guess, a year into the payouts and relief
7 for that process, and, I mean, really, it's like two years from
8 the disaster to when the money goes to our agency so that it can
9 be distributed however -- Distributed in a plan. That would be
10 one thing, is just speeding up fisheries disaster relief, to
11 really help people who are impacted by these disasters.

12
13 Another one from their list that stuck out to me was increasing
14 funding for fisheries-independent monitoring, things like
15 SEAMAP, and we could always use a little bit more of that, it
16 seems like.

17
18 A third thing I will mention from that list is removing the ACL
19 for spiny lobster, and we've talked about this before, but,
20 really, the issue here is that, given that the United States,
21 and certainly not the Gulf Council, we don't have management
22 influence over much of the spawning population, and, really,
23 we're downstream of basically the spawning population, and
24 having an ACL doesn't really control, I guess, our destiny, in
25 terms of that fishery.

26
27 Then one other thing I will mention that I saw on their list
28 that we talked about at this council many times is addressing
29 impacts of increasing shark depredation on fish stocks, and so
30 that one is probably a collaborative effort, but, if we're just
31 looking for priorities and things that we would like to see,
32 that might be one that we want to consider, and I will stop
33 there. Thanks.

34
35 **CHAIRMAN DIAZ:** Thank you, Martha. Any questions for Martha on
36 the things she's put forward? Kevin, I think you also indicated
37 you had some things that you wanted to add to the list, and you
38 can proceed.

39
40 **MR. ANSON:** It was just that one item, and I brought it up, and
41 it was a little premature for this particular motion, and sorry.

42
43 **CHAIRMAN DIAZ:** Okay. Thank you. Ms. Beckwith.

44
45 **MS. ANNA BECKWITH:** As Martha was speaking, I was trying to find
46 our list, and I can't put my hands on it, but I'm glad she did
47 bring up some of those. The discussion on spiny lobster, I'm
48 not sure that that one made it to our final list, and I think

1 Clay could speak to that, but we had quite a bit of discussion
2 on why taking the ACLs from spiny lobster would be problematic.

3
4 We did have quite a long list of things that the council had
5 very little control over, but, in terms of our list of things
6 that we felt that we could move forward that the council
7 actually had jurisdiction over, I would really encourage the
8 commercial electronic logbooks that you guys discussed
9 previously, and I think that was really one of the only
10 overlapping issues that we had between our council and your
11 council. The other items that we put forward that we would have
12 jurisdiction over included other things that I am happy to talk
13 about, but I'm not sure that you guys would be as interested in.

14
15 **CHAIRMAN DIAZ:** Thank you, Ms. Beckwith. Any other discussion
16 on the list that we're preparing to finalize at the next
17 meeting? Go ahead, Dr. Simmons.

18
19 **EXECUTIVE DIRECTOR SIMMONS:** We didn't catch the last one, and
20 it was development of a commercial electronic logbook program,
21 and is that what the last item was? Is that correct?

22
23 **MS. BECKWITH:** Yes. That was one of our priority items, was
24 creating -- Instead of the paper logbooks, going to the
25 electronic commercial logbooks.

26
27 **EXECUTIVE DIRECTOR SIMMONS:** I guess, at some point, perhaps by
28 Full Council, we would need to get an idea if there's anything
29 from that list of comments that Emily went through that the
30 committee or council would want to consider before you see this
31 again in October to finalize it. Thank you.

32
33 **CHAIRMAN DIAZ:** One thing that stuck out to me, now that you
34 mention that, Dr. Simmons, is there was one of the comments that
35 asked about changing the frequency of renewing commercial
36 permits to something longer than one year, and I did want to try
37 to get some feedback from some of maybe the National Marine
38 Fisheries staff and see what the pros and cons of that would be,
39 and that was one that stuck out to me. Ms. Bosarge.

40
41 **MS. BOSARGE:** Thank you, Mr. Chairman. I agree with the
42 comments that you just made, by the way, and I would even
43 possibly ask for one other item. Especially where the permits
44 are under a moratorium, and they have additional requirements
45 along with them, either electronic logbooks or VMS or things
46 like that, and I think that, as some of our fishermen are
47 getting older, and they're phasing out of the active involvement
48 in the fishery, it's sometimes difficult to keep that permit in

1 the fishery if the fisherman has quit fishing, but he hasn't
2 decided that he's ready to get out yet, and so he doesn't have a
3 VMS on the boat anymore, or he sold the VMS, and now it's time
4 for his permit to renew, and he realizes that, uh oh, I should
5 have gone ahead and sold this thing, or transferred it to
6 somebody, because now I can't renew it, because I don't have my
7 VMS up and running anymore.

8
9 I think we need to make a provision that, if permits are
10 expired, but within their grace period, they can be transferred
11 to a different owner, so long as that new owner meets the
12 requirements and has the vessel with the VMS or, in the shrimp
13 world, an ELB, if that was a requirement of that permit. If it
14 can meet all the requirements, you ought to allow it to be
15 transferred, if it's within that one-year grace period.

16
17 I think that will prevent so much runoff of permits in our
18 fisheries that are under a moratorium on those permits, but that
19 wasn't actually what I was going to say.

20
21 I was going to clarify one thing up there with the review and
22 revise USCG safety compliance program. I wanted to be a little
23 more specific, in case somebody does pick that up and run with
24 it one day, and that is that the program that they have now
25 should be replaced by a regional approach, a tailored regional
26 approach, to addressing the drivers of fatality in each region.
27 Anybody from the Coast Guard that reads that I think will
28 understand what I mean. Thank you, Mr. Chairman.

29
30 **CHAIRMAN DIAZ:** Replaced by a regional approach to address the
31 drivers of fatality.

32
33 **MS. BOSARGE:** In each region, yes.

34
35 **CHAIRMAN DIAZ:** Okay, and I don't think we added anything to the
36 bullet, Leann, on what you said a minute ago about the grace
37 period for permits to be transferred, and did you want to add
38 something to the bullet on that, or were you just --

39
40 **MS. BOSARGE:** Down at the bottom, where you were talking about -
41 - So your idea was to not have permits renew every year, but
42 maybe at some longer interval, like two years, and my idea was
43 to allow a permit to be transferred if the permit is currently
44 expired, so long as it's within a twelve-month grace period and
45 has not terminated.

46
47 **CHAIRMAN DIAZ:** Dr. Crabtree, I see you have your hand up.

48

1 **DR. CRABTREE:** I would have to think about Leann's idea, but so
2 remember that compliance for logbooks and VMS and a lot of
3 things hinge on when they come in to renew, because we check,
4 and their logbooks have to be up-to-date, and so, if you made
5 the renewal period even longer, you would probably have poorer
6 compliance with all of those things.

7
8 Then, in your documents, when you wanted to know how many active
9 permits are there, versus expired permits, I think all of that
10 would suffer, if you make the renewal periods any longer than
11 one year, plus it would require a rewriting of all the Permits
12 Office code, and that would result in substantial costs and
13 other issues, because we're already trying to transfer the
14 system over to a new platform, and the emphasis has been on
15 allowing more online permit applications. Permits are
16 complicated, and there is a lot of downside, I think, to making
17 changes to the requirements on it, and you would have to really
18 look carefully at those before you did it.

19
20 **CHAIRMAN DIAZ:** Thank you, Dr. Crabtree. Based on those
21 comments, I would withdraw my support for adding the one to
22 renew permits at longer intervals. Thank you, Dr. Crabtree.
23 All right. Any other comments on the list? Dr. Simmons, have
24 we accomplished what you would like to accomplish? Are we
25 moving in that direction here so far?

26
27 **EXECUTIVE DIRECTOR SIMMONS:** Yes, I think so. We'll take this
28 and try to flesh it out and think about what falls under the
29 council's purview and what would be a separate agency and think
30 about what regulations would need to be modified and bring that
31 back to you to try to prioritize in October.

32
33 **CHAIRMAN DIAZ:** Thank you, Dr. Simmons. That sounds good to me.
34 Before we leave this agenda item, did everybody get a chance to
35 speak that wanted to speak? I am not seeing anybody moving
36 around, and so we're going to move to the next agenda item. The
37 next agenda item is Draft Letter on RESTAURANTS Act of 2020, and
38 Dr. Freeman is going to lead us through that agenda item. Dr.
39 Freeman, can you go over the action guide and next steps and
40 then proceed with the next agenda item?

41
42 **DRAFT LETTER ON RESTAURANTS ACT OF 2020**
43

44 **DR. MATT FREEMAN:** Certainly. In the action guide, it says the
45 staff members for the Senate Committee on Commerce, Science, and
46 Transportation contacted Dr. Frazer as the Gulf Council Chair
47 and the other regional fishery management councils to request
48 comments on the RESTAURANTS Act of 2020.

1
2 Council staff will present a draft response letter on the
3 RESTAURANTS Act of 2020, which details the impacts of COVID-19
4 on the Gulf commercial fishing industry and linkages to the
5 restaurant industry. The committee should discuss the letter
6 and provide recommendations on the letter to staff. committee
7 recommendations will be incorporated into the letter before
8 being transmitted to Senator Wicker's office.

9
10 If we could pull up first the Tab E, Number 6(c), and so just,
11 again, to provide some background, there was a request sent to
12 all of the fishery management councils asking, initially, for a
13 letter of support on the RESTAURANTS Act, and members of the
14 various fishery management councils let them know that councils
15 are prohibited from commenting directly on legislation, but that
16 they could provide information on the relationship between the
17 restaurant industry and the seafood industry, in this case the
18 Gulf seafood industry.

19
20 If we could next open up Tab E, Number 6(a), and so we have
21 drafted a letter that would provide some information to the
22 Senate committee with regard to the impacts on the seafood
23 industry in the Gulf following the COVID-19 pandemic and some of
24 the potential interactions between the domestic fishing industry
25 and the restaurant industry. I will pause there for any
26 questions. Again, at this point, what we're looking for from
27 the committee is any feedback or potential additional input on
28 that letter.

29
30 **CHAIRMAN DIAZ:** All right. Thank you, Dr. Freeman. Any input,
31 edits, or changes? Ms. Bosarge.

32
33 **MS. BOSARGE:** Thank you, Mr. Chairman. I like the letter, and I
34 think it's very well written. One of the ideas that we just had
35 up on the screen, when we were talking about our ideas for the
36 Executive Order, was country of origin labeling on restaurant
37 menus nationwide, and so, as I mentioned earlier, imported
38 seafood, sometimes, and not always, but many times, doesn't --
39 It doesn't meet the standard that domestic wild-caught seafood
40 does.

41
42 A lot of it is farm raised, and a lot of it has a chemical,
43 antibiotics and things of that nature, in it, and it's just not
44 the quality product that ours is here in the United States as a
45 wild-caught seafood product.

46
47 This RESTAURANTS Act, it seems to me, is a wonderful avenue to
48 possibly encourage restaurants nationwide to put that country of

1 origin labeling on their menus. You know, I can't see where
2 putting an additional burden on any restaurant right now would
3 be good for the restaurant industry or the seafood industry,
4 because we depend on them to push our products through to the
5 consumer, but, if the country of origin labeling requirement
6 actually provided some benefits to the restaurants --

7
8 In other words, if, in this act, if there was some sort of tax
9 credit for restaurants that can show that they have added
10 country of origin labeling for seafood to the restaurant menus,
11 then it becomes a win-win for the seafood industry in this
12 country and for the restaurant industry.

13
14 Although it doesn't say, hey, you need to eat domestic seafood,
15 I think that our seafood-consuming public is educated enough to
16 know that they want domestic seafood, that it is the premier
17 product, but they don't have the information at their fingertips
18 when they sit down at a restaurant to know whether that's in
19 fact what they are ordering or not.

20
21 I think this particular legislation that Senator Wicker is
22 putting forward, that there is an opportunity there to get the
23 ball rolling for something like that for our fishermen, and so I
24 would -- I don't know how we would add that to the letter as an
25 idea, but you don't want everybody to have to come up with all
26 their own ideas, and I think that might be an amazing
27 opportunity.

28
29 **CHAIRMAN DIAZ:** All right. Ms. Levy.

30
31 **MS. MARA LEVY:** Thank you. I just want to remind the council
32 that, essentially, you are prohibited from lobbying, which means
33 that you can't respond to a congressional inquiry showing either
34 support or not support for any particular piece of legislation.
35 You can't advocate for any particular piece of federal
36 legislation.

37
38 You can provide facts, and you can talk about in response to an
39 inquiry about how a piece of legislation might affect how the
40 council operates, but you can't advocate for any particular
41 language or idea.

42
43 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Dr. Frazer.

44
45 **DR. FRAZER:** Mara hit on what I was going to talk about, and,
46 Leann, I appreciate what you're saying, and we worked with staff
47 in several iterations of this letter, to try to craft it in a
48 way that was consistent with the guidelines, and it's a tough

1 line to walk sometimes, but that is the reason that we didn't
2 have that type of language in it.

3
4 **CHAIRMAN DIAZ:** All right. I guess -- Do we need a motion, Dr.
5 Simmons, to send this letter out, or can we just send it if
6 there's no opposition or no other changes to the letter?

7
8 **EXECUTIVE DIRECTOR SIMMONS:** I think that would be fine. In the
9 committee report, we can just note that, and make sure that, if
10 there's any issues, that the council members can bring them up
11 at that time.

12
13 **CHAIRMAN DIAZ:** Okay. We will do that in the committee report,
14 and that's how we'll handle it. I believe that's it for this
15 agenda item. Ms. Bosarge's hand is up. Ms. Bosarge.

16
17 **MS. BOSARGE:** I was just wondering, in that second paragraph at
18 the bottom of the first page, where you point out some caveats
19 to consider, maybe, in that paragraph somewhere, can we say
20 something -- Because you talk about presumed benefits to
21 domestic and commercial fishermen, and it says, for instance,
22 some business entities purchase imported seafood products.

23
24 Can you say something there about -- Then you go on to say that
25 not all restaurants serve domestic seafood, and it may be
26 imported, and maybe we can say something about that's why
27 country of origin labeling is important for consumer education,
28 or something like that, and maybe we can just generally say
29 something like that, and we're not advocating for it, but we're
30 just stating why it's important?

31
32 **DR. FREEMAN:** I think Dr. Frazer is going to comment on this
33 possibly as well, but, Leann, I believe you're looking at the
34 older letter, and Ms. Levy provided some additional feedback on
35 Friday, and so the most recent letter is on the website as of
36 Friday afternoon, and so that paragraph that you were referring
37 to is in an older version.

38
39 **CHAIRMAN DIAZ:** Thank you, Dr. Freeman. Dr. Frazer.

40
41 **DR. FRAZER:** I just wanted to follow-up on that, and, Leann, I
42 do think you are -- I apologize for getting that later revision
43 in kind of at the last minute, but it had to do with many of the
44 issues that Mara spoke to, and, again, it's a fine line in
45 making sure that we weren't advocating for any piece of that
46 legislation, or proposed legislation.

47
48 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. All right. I am not

1 seeing any other hands up, and we've had quite a bit of
2 discussion on this. If there's any problems with the letter
3 between now and Full Council, we can certainly address them
4 there, and so we're going to move on. Before I call the next
5 agenda item up, I did want to ask Dr. Frazer about how he might
6 want to proceed. I think we've been going for about two hours,
7 roughly, and we've got an hour or so left to go and two agenda
8 items.

9
10 **DR. FRAZER:** I appreciate that. I do think we were scheduled
11 for a break, and I think we should take a ten-minute break at
12 this point.

13
14 **CHAIRMAN DIAZ:** Okay. We'll take a ten-minute break, and so
15 we'll come back at 2:15.

16
17 (Whereupon, a brief recess was taken.)

18
19 **CHAIRMAN DIAZ:** We are going to go ahead and get back started
20 with the next agenda item, which is Agenda Item Number VII.
21 National Marine Fisheries Staff, Ms. Laura Engleby and Ms.
22 Kristen Long, will give a presentation on marine mammal
23 interactions with fishing gear in the Gulf of Mexico and
24 National Marine Fisheries Service role in the process.

25
26 In addition, the presentation will include the proposed rule
27 containing national guidelines for safety deterring marine
28 mammals, which is currently accepting public comment. The
29 published guidelines will provide options for fishermen to
30 safely deter a marine mammal from their fishing, catch, and
31 private property. The committee may ask questions and direct
32 staff to write a comment letter, if desired. If you all are
33 ready, Ms. Engleby and Ms. Long, you all can take it away.

34
35 **PRESENTATION ON DEPREDATION BY MARINE MAMMALS**

36
37 **MS. LAURA ENGLEBY:** Thank you. Good afternoon, everyone, and
38 thanks for inviting us to your meeting. My name is Laura
39 Engleby, and I'm the Chief of the Marine Mammal Branch for the
40 Protected Resources Division at NOAA Fisheries Southeast
41 Regional Office, and I'm going to share this presentation with
42 Kristy Long, and I'll just speak for a couple of minutes,
43 because I know you all are super interested in the proposed
44 rule.

45
46 I think I could probably sum up the first minutes I have here to
47 just say that we really need your help on this challenge. We
48 have been seeing interactions between dolphin and fishermen for

1 many, many years, over the seventeen years that I've been
2 working here, and it's a very complicated problem, and it's one
3 that seems to be getting worse.

4
5 As you all know, the challenge is Gulf-wide, and some areas are
6 more problematic than others. For example, Panama City,
7 geographically, seems to be more problematic than some other
8 areas, but really, at the end of the day, dolphins don't discern
9 between any type of fishery, whether it's recreational or
10 commercial or a recreational boater, or boaters. This problem
11 seems to affect everyone at one time or another.

12
13 The challenge is we want to go fishing, and so do dolphins, and
14 so what if we could find a way to coexist out there? How can we
15 find ways to coexist? That really is the main point of this
16 talk. We want to work with you, and all the fishing community,
17 to address these challenges, and so, taking a step back for just
18 a moment, why is this a problem, why does it seem to be getting
19 worse, and, more importantly, what can we do?

20
21 I'm sure many of you have either experienced, witnessed, or
22 heard about all these types of interactions that you see on the
23 screen here, and you may have had dolphin take your bait or
24 catch, and this is called depredation, or experienced a dolphin
25 scavenging, which is when a fish is discarded, and it's not
26 uncommon to have dolphins know precisely when to show up and
27 take advantage of your efforts.

28
29 Then there's also illegal feeding, and this is when somebody
30 either feeds or attempts to feed a marine mammal, and it doesn't
31 have to be a fish, and it could be anything, and what this does,
32 particularly to fish, is it's reinforcement, through feeding,
33 and that can be intentional or unintentional, but it's
34 reinforcement, and what this does is that it trains or
35 conditions wild dolphins to then spend a lot of their time
36 patrolling or approaching boats and begging for food or looking
37 for handouts, and so inadvertently feeding them conditions them.

38
39 I don't need to tell this group how it impacts your fishing. It
40 decreases catch, and it damages gear, and it can cause gear
41 loss, and it causes lost fishing time, and it just impacts the
42 overall fishing experience. It's incredibly frustrating to be
43 enjoying a good day of fishing, only to have dolphins approach
44 and possibly ruin the moment, day, or trip. I also know this
45 personally from my son, who loves to fish here in the Tampa Bay
46 area.

47
48 These interactions can also be really deadly to dolphins,

1 resulting in them ingesting gear or biting off a fish too big
2 for them to swallow, when their eyes are bigger than their
3 stomach, getting hooked, getting entangled, or being hit by
4 vessels, which is more common than you might think, or being
5 killed out of retaliation, like the above-right dolphin, that
6 was shot at close range, and the one below that was killed with
7 an arrow, on the below-right.

8
9 Why does this problem seem to be getting worse? Is it because
10 there are more dolphins? The answer is no, and many dolphin
11 populations declined due to the Deepwater Horizon oil spill, and
12 research is showing long-lasting impacts to these animals health
13 and reproduction. These animals are slow to reproduce, and it
14 takes them several years before they are weaned, and they're at
15 the top of the food chain.

16
17 For example, in Barataria Bay, dolphins declined by a 51
18 population reduction, and, in the Mississippi River Delta, the
19 population of dolphins declined by 62 percent, and another
20 northern coastal stock of the population declined by an
21 estimated 38 percent.

22
23 Since the Deepwater Horizon oil spill, we have had four
24 mortality events that are significant, and these are die-off
25 events, from Texas to southwest Florida that have collectively
26 impacted over 1,500 dolphins, but those are just the ones that
27 we counted, and it doesn't account for the ones that we don't
28 detect, meaning that this is thousands of thousands of dolphins
29 likely impacted by these events.

30
31 Given the long-lasting impacts of Deepwater Horizon, combined
32 with the multiple stressors to the dolphins, and possibly their
33 prey, it's unlikely these populations are increasing.

34
35 Is the problem getting worse? Possibly. We don't have any data
36 to measure, other than what we hear, and we too think that it is
37 getting worse, and this is one of the reasons that we initially
38 MRIP approached about twelve years ago, to get a couple of
39 questions added about dolphins. However, at the time, the event
40 was considered too rare, and, understandably, the number of
41 questions needs to be limited, and so we're still working to get
42 these added, and so, hopefully in the future, we can do that.

43
44 The one metric we have is strandings, when dolphins wash up on
45 the beach, either alive or dead or injured, and reports of
46 dolphin with rod-and-reel gear attached, and so, from this
47 graph, you will notice that, in the past five to ten years, the
48 numbers of stranded animals with gear interactions has gone up.

1
2 Now, of course, there's some variables with that, but it's the
3 best data we have, and, if you look at the spike in 2006, the
4 majority of those animals were in Florida, southwest Florida,
5 and associated with a major red tide event that impacted a lot
6 of the fish in the area, and we have noticed that, when we have
7 these red tide events, and these dolphin mortality events as
8 well, we notice that there is more interactions with dolphins
9 and fishermen.

10
11 This kind of brings me to some of the whys, why is this an
12 ongoing problem, and we believe there are multiple contributing
13 factors, such as prey decline, which I just mentioned, and we
14 also know that dolphins learn from each other, and they pass
15 down their fishing strategies through generations. If you look
16 at the right-hand box, at the top, the top dorsal fin dolphin is
17 the great-grandmother of the bottom dorsal fin, and that's sort
18 of her family lineage, and the point of this -- This slide has a
19 lot going on, but the point of it is that dolphins -- Once they
20 learn to associate people with food, and they learn to approach
21 people, or take fish from people as a feeding strategy, they
22 pass that tool in their toolbox down from one generation to the
23 next to the next.

24
25 It's kind of like us when we go fishing. If we have our special
26 fishing hole, or our tricks that we use, we will teach our
27 family the same thing, and so there's a lot of social learning
28 that goes on with dolphins.

29
30 Another contributing factor is illegal feeding. It definitely
31 contributes to this challenge, and this is why it's critically
32 important for everyone to stop feeding dolphins and tell
33 everyone you know to stop feeding dolphins. When you feed that
34 one dolphin, it not only impacts that individual, but they teach
35 everyone else, as I just expressed, and they can learn from each
36 other, and they don't have to be related, and so this may be a
37 factor in why interactions are spreading.

38
39 The quote at the top of the slide isn't attributable to any one
40 person, and we hear it quite frequently, and the videos are
41 common of anglers teasing dolphins or encouraging them to come
42 close to the boat or staying near the boat, and so there's a
43 disconnect among these diverse user groups that essentially,
44 when doing this, they are contributing to the problem of
45 training wild dolphins to patrol, seek, and take bait, catch, or
46 discards.

47
48 What can you do when dolphins show up? At the moment, there's

1 just not a very satisfying answer for this. The best thing you
2 can do is move away or reel your line in, and I know that's not
3 the answer that folks want to hear, and I know it's not very
4 satisfying. One thing you can definitely do is not feed wild
5 dolphins, and I realize there are situations where this is
6 unavoidable, but the amount of intentional feeding occurring is
7 more pervasive than we might think.

8
9 Then there's deterrents. Obviously, there is a tremendous
10 interest in deterrents, and that's the next presentation, but a
11 word of tremendous caution here. Bottlenose dolphins are
12 incredibly adaptable and clever, and deterrents are absolutely a
13 potential tool in the toolbox, but there is no one solution
14 cure-all to this problem, and so I think what we need to do is
15 work together with you all, and we really would like an
16 opportunity to talk with you more, in more detail and more
17 substance, about ways that we can move forward towards exploring
18 some solutions that include research and collaboration and co-
19 implementation.

20
21 This problem, I can't stress enough, is complex, and it needs a
22 diversity of approaches, including the ones that I have just
23 mentioned and others that we have yet to identify, and so it's a
24 joint problem, and we need to work together to find a joint
25 solution.

26
27 As I said, there's a lot more to say about this that we couldn't
28 get into in this timeframe, and so we really hope that there are
29 going to be more opportunities to talk with you all about this
30 and ways forward, but, next, I would like to introduce Kristy
31 Long, who is going to be talking about marine mammals and non-
32 lethal deterrents.

33
34 **MS. KRISTY LONG:** Thanks, Laura. Good afternoon, everyone. As
35 Laura mentioned, I'm Kristy Long, and I work in our Office of
36 Protected Resources, predominantly on marine mammal and sea
37 turtle bycatch.

38
39 The Marine Mammal Protection Act includes an exception to the
40 prohibition on take of marine mammals for deterrents. As you're
41 likely aware, the MMPA prohibits all take of marine mammals, and
42 that is defined as to harass, hunt, capture, or kill a marine
43 mammal or intend to do so.

44
45 The Marine Mammal Protection Act purposefully was amended to
46 include this exception to that prohibition for owners of fishing
47 gear and catch and private property to deter marine mammals from
48 damaging gear, catch, or private property, as well as to allow

1 any person to deter a marine mammal that might be in danger and
2 personal safety, and then, also, for government employees to
3 protect public property.

4
5 These specified persons are allowed to deter marine mammals in
6 these particular circumstances, so long as those deterrent
7 measures do not result in the mortality or serious injury of the
8 marine mammal.

9
10 The Marine Mammal Protection Act also includes several specific
11 provisions related to this exception, and so, first, it tells
12 NMFS that we must publish in the Federal Register a list of
13 guidelines for safely deterring marine mammals, as well as
14 recommend specific measures for deterring marine mammals listed
15 as endangered or threatened under the Endangered Species Act,
16 and, if we determine, using the best scientific information
17 available, the statute gives us the authority to prohibit any
18 deterrents that we determine may have a significant adverse
19 effect on marine mammals, after notice and opportunity for
20 comment.

21
22 We have attempted to implement these provisions a couple of
23 times, formally and informally, and we are going down this path
24 once again, and so I'm going to talk about the process that
25 we've been through to develop the proposed rule that is
26 currently out, but, before I get into specifics on that, I just
27 want to be really clear about what this rule provides, in terms
28 of protection from liability.

29
30 By following the guidelines or specific measures, it provides
31 the user this protection from liability under the MMPA. Even if
32 a marine mammal were to be killed or seriously injured, if you
33 were deterring that animal according to the guidelines or
34 specific measures, then that would be authorized under the MMPA
35 and would not be a violation of the act.

36
37 For this presentation, I am going to focus on the guidelines,
38 because these are what are applicable for deterring bottlenose
39 dolphins, and so, if there are questions on the specific
40 measures for ESA-listed marine mammals, we can follow-up on that
41 separately.

42
43 As I mentioned, this process has been ongoing for quite some
44 time, and we started in 2014, by publishing a Federal Register
45 notice asking the public for which deterrents we should evaluate
46 and consider for approval. We convened a technical expert
47 workshop in early 2015, and then we spent the subsequent years
48 going through our analysis and evaluating all of the potential

1 deterrents that we could include in the guidelines and specific
2 measures. We developed this rulemaking that includes guidelines
3 and recommended specific measures and prohibitions.

4
5 I forgot to change that last bullet, and so the rule published a
6 couple of weeks ago, and I had to submit this presentation
7 earlier, and so, as you've seen in your background documents,
8 the rule actually did publish on August 31.

9
10 In terms of the scope of this rulemaking, we focused on those
11 marine mammals that are under NMFS' jurisdiction, and so this
12 does not include any of the Fish and Wildlife Service species,
13 such as manatees. We focused on the impact of the deterrents to
14 the marine mammals, because that's what the statute tells us to
15 do, and so we have evaluated whether we think mortality and
16 serious injury would be possible, depending on the various types
17 of deterrents, but we have not considered whether these
18 deterrents are effective.

19
20 Just because a deterrent is listed in the guidelines, it does
21 not mean that NMFS is endorsing that deterrent as an effective
22 deterrent against a particular animal. All we're doing is
23 saying that we have proposed these as safe deterrents for marine
24 mammals.

25
26 The rule is really getting at what can those specified persons
27 use for everyday deterrents. If we were going to be deterring
28 an animal from say entering a hazard area, like an oil spill, we
29 might be more willing to use some deterrents that would have a
30 risk of injury, to keep the animal from harm's way.

31
32 I am going to talk about the two types of deterrents here, and
33 there are acoustic deterrents, and there are non-acoustic
34 deterrents, and these next two slides are focusing on all of
35 those deterrents that we analyzed, and there were over 200 of
36 them, which is part of the reason it has taken us so long to get
37 the rule out.

38
39 The acoustic deterrents are broken out into three different
40 categories, depending on the type of acoustic sounds they
41 produce, and so there are impulsive deterrents, acoustic
42 deterrents, and non-impulsive acoustic deterrents. I have just
43 listed here those that we have evaluated.

44
45 Not all of these deterrents are applicable for each of the three
46 taxa, and so, when I talk about the three taxa, I am talking
47 about mysticetes, which large whales, odontocetes, which are
48 smaller whales, dolphins, and porpoises, and then pinnipeds, and

1 so seals and sealions.

2
3 These are all the categories of non-acoustic deterrents that we
4 analyzed. There are visual, physical barriers, chemo-sensory,
5 tactile projectiles, tactile manual, and so that would mean by
6 hand, electrical, and then water deterrents. There is a number
7 of different deterrents included in each of these categories,
8 and these could fall under the guidelines, the specific
9 measures, or the prohibitions. Then I will just call your
10 attention to UASs, unmanned aerial systems, and so those are
11 what people typically refer to as drones.

12
13 Here, I am showing you, as I mentioned, just the proposed
14 guidelines for cetaceans, and so the little icons down there for
15 large whales and then for smaller whales, dolphins, and
16 porpoises, and so that bottom line is what you will be
17 interested in with respect to bottlenose dolphins, and you will
18 see that we have included several different types of deterrents
19 in these five categories of visual, physical barriers, tactile
20 projectiles, tactile manual, and tactile water.

21
22 With each of these particular deterrents, we include additional
23 provisions to ensure the safety of the marine mammal, and so,
24 for instance, if we're looking at UASs, the proposed rule says
25 that we don't want -- Users must aim at the animal's posterior
26 end. Sorry. For UASs, we have that we don't want those to be
27 deployed closer than five meters to an animal. For something
28 like tactile projectiles, we ask that the users aim at the
29 animal's posterior, taking care to avoid the head and blowhole.
30 For each category, there are additional provisions, and those
31 are just a couple of examples.

32
33 With respect to acoustic deterrents, there are many, many
34 different types of acoustic deterrents on the market, as I'm
35 sure many of you are well aware. For those impulsive
36 deterrents, they are more likely to cause injury to marine
37 mammals, and so there are minimum distances and silent intervals
38 required, and so, for instance, a banging object -- Oikomi pipes
39 are just essentially metal pipes, and so the provisions that we
40 have included in the proposed rule are that you can use those
41 banging pipes as long as you are three meters from a dolphin and
42 you wait eighteen seconds between striking the pipes.

43
44 Then, also, because there are certain categories of marine
45 mammals that have more sensitive hearing, we would only allow
46 those when visibility is greater than a hundred meters, so you
47 could be sure to see if any of those more sensitive species were
48 in the area, and that's all specified in the rule. I don't have

1 time to go into all of the specific details, but I'm happy to
2 take questions on all that stuff later.

3
4 In terms of the non-impulsive acoustic deterrents, anything
5 that's less than 170 dB would be allowed in the guidelines, and,
6 for any of those different acoustic devices, the manufacturer
7 specifications should clearly have that information on the
8 packaging or on their website, and so that would be an easy
9 enough metric to find, and they should all include that
10 information.

11
12 Then, as I mentioned, we do include a number of prohibitions in
13 the proposed rule, and these are particularly those deterrents
14 that we have found the risk of mortality or serious injury is
15 too great to allow those particular deterrents, and so we've
16 proposed prohibiting things like vessel chasing, any chemical
17 irritants or taste deterrents, and, again, that's primarily
18 related to the prohibition on feeding, and then, also, any
19 firearm, bow, or speargun is also prohibited, as are sharp
20 objects, impulsive explosives, and then anything louder than
21 that 170 dB for acoustic deterrents, that I mentioned.

22
23 I don't want to go into too much detail, but we do have a web
24 tool that is available, in case you do have a device that's
25 louder than 170, and you can put the particular specifications
26 into the web tool and see if that might meet our evaluation
27 criteria, and so we're trying to give as many options as we
28 possibly can for the public to deter marine mammals.

29
30 In addition to those specific prohibitions that I just went
31 through for cetaceans, we also have a number of prohibitions
32 that apply to all marine mammals, and so, for instance,
33 targeting a deterrent at a marine mammal calf or pup, striking
34 the animal's head or blowhole, deploying a deterrent in the
35 middle of a group of animals or feeding, or attempting to feed,
36 as I just mentioned, even for the purposes of deterrence.

37
38 Then this particular -- This one about when an animal is showing
39 signs of aggression, that's really to ensure human safety around
40 marine mammals, and then this last one is grayed out because we
41 don't have any of those approaches in the Gulf of Mexico, but we
42 could, and so just to keep in mind that these exist as well.

43
44 Then, as I mentioned, the proposed rule is open for public
45 comment right now, and we are very interested in your comments.
46 I have seen a few of those public comments that were attached to
47 your agenda, and I would encourage you to read the rule and
48 submit some by the federal rulemaking process as well, and, with

1 that, I will stop and ask if there are any questions for Laura
2 or for me.

3
4 **CHAIRMAN DIAZ:** All right. Any questions for Ms. Engleby or Ms.
5 Long? Ms. Long, we did -- I'm sure you're all aware of this,
6 and you all are getting it too, and so we're getting a
7 tremendous amount of comments from fishermen in the Gulf of
8 Mexico about the problem seems to be getting worse as time goes
9 on.

10
11 I guess my question would be to you that, of the things that's
12 on the horizon that you work on, I mean, what do you think is
13 going to be that you're proposing that is the most practical for
14 recreational and charter fishermen who are trying to deal with,
15 and commercial fishermen too, who are trying to deal with
16 dolphins taking fish off the line and eating discards? I mean,
17 what is the most practical thing that you think is being offered
18 that could be offered to fishermen?

19
20 **MS. ENGLEBY:** I will start, and then you chime in with those
21 deterrents, Kristy. That's the million-dollar question, right?
22 I mean, I think bottlenose dolphins are adaptable, and so the
23 challenge is -- I think there's a couple, and this is why we're
24 sort of reaching out, to say how can we work together with you
25 all to kind of combine what we know about the animal behavior
26 side of things and the animals themselves, and you all know a
27 great deal about your interactions, from your perspective, and
28 we can put our heads together.

29
30 I think the challenge is that animals are super adaptable, and
31 so they learn pretty quickly, and so our experience, and maybe
32 your experience too, is that, if you try something that isn't
33 going to result in any kind of injury, or serious injury or
34 anything like that, if you try something simple, they kind of
35 figure it out pretty quickly, and they learn pretty quickly, and
36 so, however, at the same time, I think there is opportunities
37 for us to put our heads together and try to figure out what are
38 some questions we could ask, and maybe techniques or approaches
39 or practices that might help address this, but I think we have
40 to do it together, with our joint expertise.

41
42 I personally can't give you a satisfying answer, other than move
43 away. It's really the most effective thing. I realize that's
44 not always practical, or a great answer, and I totally
45 understand that, but, until we kind of figure out some tools to
46 test and potentially try that might help, and I am going to
47 stress, one more time, that your help in helping us address
48 illegal feeding is really important.

1
2 I really want to stress that, and I would say that one of the
3 areas that we heard the most about from you all on was in Panama
4 City, and Panama City is one of our hotspots. It's the hotspot
5 in the entire southeast for people illegally feeding bottlenose
6 dolphins, and it has been for quite some time, and it continues
7 to expand.

8
9 That is one thing that everyone can help with right away, for
10 sure, and so, with that, I will hand it over to Kristy on the
11 deterrent side, but I just hope that we can work with you all
12 and put our heads together.

13
14 **MS. LONG:** I would just second what Laura said. Unfortunately,
15 through the deterrent rulemaking, as I mentioned, we did not
16 consider what was going to be effective or practical at all, and
17 so the various specified deterrents, but we were really just
18 focused on what's going to be safe for the marine mammals, and
19 so what this allows, once this becomes final, is it allows
20 fishermen to go out there and try some of these deterrents that
21 are included in the guidelines and specific measures and see
22 which ones work and undertake that research that Laura was
23 mentioning, all the while providing that protection from
24 liability under the MMPA.

25
26 It has actually opened up the door to research a little bit more
27 than it was previously, and it may make it a little bit easier
28 for folks to undertake those kinds of projects, and, by maybe
29 having a deterrent included on the guidelines, that could
30 potentially open different funding opportunities, and it's like,
31 well, this is included in the guidelines, and I want to see if
32 it works, and that could provide that additional support for
33 obtaining research funding.

34
35 **CHAIRMAN DIAZ:** Thank you. Ms. Bosarge.

36
37 **MS. BOSARGE:** If I had my hand up, it was from a previous
38 presentation. Sorry.

39
40 **CHAIRMAN DIAZ:** Okay. Do we have any other questions for Mr.
41 Engleby or Ms. Long? Seeing none, thank you for your
42 presentation. We really appreciate it, and I think that I,
43 speaking for myself, am interested in the council trying to work
44 with you any kind of way we can to support funding for research
45 or any other opportunity to help with this problem. It's
46 extremely important to our fishermen, and it's important to the
47 council also, and so thank you very much.

48

1 Hearing no other questions, and seeing no other hands, we're
2 going to move to the next agenda item, which is Agenda Number
3 VIII, and it's the public hearing draft for Amendment Reef Fish
4 48/Red Drum 5. Dr. Froeschke is going to lead us through this.
5 Dr. Froeschke.

6

7 **MS. ROY:** Dale, we've got Kevin Anson with a hand up.

8

9 **CHAIRMAN DIAZ:** I'm sorry, Kevin. I jumped too quick. Go
10 ahead, Kevin.

11

12 **MR. ANSON:** No, I was just too slow, Dale. Sorry about that. I
13 am wondering if the presenters are still with us, and I do have
14 a question relative to research. I understand their comments
15 relative to the population of bottlenose dolphins in the Gulf of
16 Mexico, in the recent history at least, appears to be down, but
17 fishermen certainly are seeing a greater incidence of dolphins
18 during their fishing activities, and they would argue the
19 contrary, based on those interactions.

20

21 Doesn't NOAA or Protected Resources -- Wasn't there an app that
22 was created for folks to report on sightings and such that could
23 help in trying to identify numbers of dolphins, and, again, to
24 get a better handle as to depredation incidents?

25

26 **MS. ENGLEBY:** I am unfamiliar with an app, just to jump in
27 there, although that's an interesting idea, in terms of -- One
28 of the things we are super interested in working with you and
29 others on is understanding sort of the both scale and frequency
30 and nature of these interactions, and so that's an important
31 question to all of us here.

32

33 In terms of dolphin, the other thing that's important to take
34 into account is that we also need to understand what the
35 distribution of dolphins is under density, and so, in other
36 words, they might be in the same area, but denser, or their
37 density might -- They are going to go where the fish go, just
38 like you guys do, and so that's something that isn't necessarily
39 an indicator, and you really have to look at tools that our
40 scientists use for looking at abundance estimates and things
41 like that, where you survey areas, and, over time, you can get
42 counts of the abundance, and you can also look at distribution
43 and density, and so it could be that there are so many factors
44 that could play into why you all are seeing more of this.

45

46 Again, we would love to have longer conversations about this,
47 because we would love to hear from you what you're experiencing
48 out there, and it would be super insightful to us, but those are

1 things that we have to think about, right?

2
3 Is it because there is more feeding going on, and the dolphins
4 are teaching other dolphins that that's a tool in the toolbox,
5 and the behavior seems to be spreading, and it's like, oh, this
6 is a cool new easy, cheap way to get a fish, and it's the least
7 amount of effort for the most amount of reward, and that's --
8 Bottlenose dolphins are sort of notorious for that. It could be
9 a lot of factors engaged in there, and so I hope that helps
10 answer your question. Does that help at all?

11
12 **MR. ANSON:** Yes, it does. Again, I thought that NOAA or someone
13 had created an app that someone could report a sighting.

14
15 **MS. ENGLEBY:** That's right. It's dolphin and whale 911 to
16 report a sick, injured, or stranded dolphin or whale, and that's
17 exactly right, and we also have like just a kind of just like a
18 field guide app, basically, but nothing to your idea, but that's
19 an interesting one, in terms of tracking depredation, and so
20 these are the kinds of ideas that we love to talk to you more
21 about.

22
23 **MR. ANSON:** Thank you.

24
25 **CHAIRMAN DIAZ:** Okay. Seeing no further questions, we're going
26 to move on to the next agenda item. Dr. Froeschke, if you
27 would, cover the action guide and next steps and go ahead and
28 proceed into the next agenda item.

29
30 **PUBLIC HEARING DRAFT FOR REEF FISH 48/RED DRUM 5: STATUS**
31 **DETERMINATION CRITERIA AND OPTIMUM YIELD FOR REEF FISH AND RED**
32 **DRUM**

33
34 **DR. JOHN FROESCHKE:** Okay. Item Number VIII, we're going to
35 cover the status determination criteria document, and this is
36 Reef Fish Amendment 48 and Red Drum Amendment 5. We have been
37 working on this document for quite a while, and so we're hoping
38 to make some progress over the next few meetings, and hopefully
39 finish this up, perhaps.

40
41 Today, what I would like to do is just go over a brief outline
42 of what has been done in the recent past, go over some
43 recommendations from the SSC, and focus on the action that
44 doesn't have a preferred alternative, and so that's sort of my
45 plan. If you have questions or comments, please just let me
46 know.

47
48 This document contains four actions that will establish or

1 modify status determination criteria for several reef fish
2 stocks and red drum. The actions include Action 1, which would
3 establish an MSY proxy.

4
5 At the January meeting, and this is the most recent time that
6 the council has reviewed this document, preferred alternatives
7 were selected for Action 1, the MSY proxy, Action 2, the maximum
8 fishing mortality threshold, and Action 3, the minimum stock
9 size threshold.

10
11 The Action 4, we've looked at several times, which would define
12 optimum yield for reef fish stocks and red drum, and we have
13 moved this around and reconfigured it, and we have taken this to
14 the SSC several times. Most recently, in March of 2020, the SSC
15 looked at this, and they provided some comments, and I want to
16 just start there, and the focus of their discussion was based on
17 a recommendation from the Science Center on the OY alternatives
18 in the document.

19
20 The way the alternatives are currently set up, they are broken
21 into three categories, essentially, addressing reef fish, the
22 same stocks that are in Action 1, and then Alternative 3 would
23 address the shallow-water grouper, which has their own caveats,
24 and Alternative 4 is specifically to goliath grouper, and then
25 Alternative 5 -- Those are the four alternatives, and red drum
26 is its own sub-action.

27
28 The way that this is set up, each of these have options in them,
29 and the a, b, and c, for the alternatives that are applicable,
30 are simply scalars based on the yield at MSY, and we have been
31 through several iterations of this. The original scalars were
32 based on the yield at FMSY, which is consistent with how OY has
33 historically been established in stock assessments and been
34 calculated.

35
36 The Science Center recommended, in a presentation to the SSC in
37 March of 2020, that, rather than basing it on a yield at FMSY,
38 to simply establish it as a percentage of MSY, and they gave
39 three reasons why, and I will review those briefly with you.

40
41 Number 1 is it's less intuitive to determine how much fishing
42 mortality should be reduced rather than catch. For example, a
43 25 percent reduction in F usually amounts to about a 10 percent
44 reduction in long-term yield, because the stock grows more with
45 less fishing.

46
47 Number 2 is it sometimes occurs that calculated long-term yield
48 at FOY is greater than the calculated long-term yield of the

1 FMSY proxy, and this is rare, in our experience, but apparently
2 it can happen, and so, for example, the calculated long-term
3 yield at 75 percent of SPR 30, in some cases, might be greater
4 than FSPR 30, and so this is based on an artifact of using
5 proxies for MSY rather than MSY itself, which is typical for
6 Gulf stock assessment species, because we usually don't have
7 good information about the stock-recruitment relationship that
8 is necessary to estimate MSY.

9
10 Then sort of a third component is that, just in terms of making
11 the calculations, simply using a scalar is just computationally
12 simpler than using the FMSY, which requires an iterative
13 approach, but it's really the first two points on this that the
14 Science Center made their case about to the SSC, and the SSC
15 discussed this quite a bit, and they did make a motion to this
16 effect, in the SSC summary from that meeting, which is Tab E-
17 8(a).

18
19 They made this motion here, using Alternative 2 in Action 4 as a
20 representative, but it would apply to the other alternatives, in
21 this action as well as Alternative 2 in the sub-action for red
22 drum, and, essentially, it says, for reef fish stocks from
23 Action 1 and for hogfish, where long-term OY is undefined, OY,
24 implicitly accounting for relevant economic, social, or
25 ecological factors, and then the Options 2a, 2b, and 2c
26 essentially correspond to the previous values of 50, 75, and 90
27 percent, based on FMSY.

28
29 Essentially, the point is that the yield at 75 percent FMSY
30 would essentially get you 90 percent of MSY on a long-term
31 basis, and so those were mapped one-to-one, with the options
32 that are currently in the document, and so, if this is something
33 the committee is interested in pursuing, this recommendation, I
34 have prepared some draft text to reflect this that you could
35 look at if you're interested in that approach.

36
37 Any questions on that? I don't know if Joe Powers from the SSC
38 has any comment that he would like to add as well. I guess I
39 would like some concurrence that that's what they want to do.
40 Maybe I will just have Bernie bring it up and put it on the
41 screen, so we can see what they want to do. Bernie, can you
42 bring up that supplemental document that I gave you?

43
44 **CHAIRMAN DIAZ:** I think one of the issues with the committee not
45 having a lot on this is this document is incredibly complicated,
46 and, for folks that don't deal with stock assessments and work
47 with these types of issues on a regular basis, I mean, it is
48 extremely hard to comprehend.

1
2 **DR. FROESCHKE:** Yes. agreed.
3
4 **CHAIRMAN DIAZ:** Ms. Levy.
5
6 **MS. LEVY:** Thank you. Maybe you talked about this and I missed
7 it, but what is adding -- Where OY long-term is undefined, and
8 what is that getting at?
9
10 **DR. FROESCHKE:** That was recommended from the SSC language at
11 their March meeting in that alternative, and I think that hinges
12 upon the discussion we have always had that OY is in fact a
13 long-term factor, as opposed to something like an annual catch
14 limit.
15
16 **MS. LEVY:** So it wasn't to change some understanding of what OY
17 we're talking about, and it's just to more explicitly note that
18 OY, as defined, is a long-term average?
19
20 **DR. FROESCHKE:** That's my understanding of their intent.
21
22 **MS. LEVY:** Okay.
23
24 **DR. FROESCHKE:** There was some discussion at the SSC meeting,
25 and, without further complicating the issue, the SSC has
26 previously discussed with the Science Center this idea of a
27 global MSY, which would essentially calculate the maximum
28 productivity of a stock if it were fished in the most optimal
29 way possible, and we have done these calculations for red
30 snapper, and I think gray snapper as well, and, given that the
31 MSY that, in practice, applies to fisheries in consideration of
32 the allocation and how the fisheries -- The mixed-use nature of
33 most of ours, that MSY could be considered an OY. That was some
34 of the rationale of how this came about, and the idea that OY, a
35 long-term OY, could be further reduced.
36
37 **MS. LEVY:** Can I follow-up with another question?
38
39 **CHAIRMAN DIAZ:** Go ahead, Ms. Levy.
40
41 **MS. LEVY:** Well, I mean, I'm not going to make a huge deal out
42 of adding "long-term" into the alternative, but it seems
43 redundant and confusing. I mean, OY is defined to include that
44 long-term desired yield, and to then throw it in there again
45 makes it seem like we're talking about something different, and
46 I would be more inclined, if we were also setting an annual OY,
47 to put "annual OY", to distinguish it from what actual OY is, as
48 defined.

1
2 I guess my suggestion would be not to have that "long-term" in
3 there, because it's already long-term, and we're not meaning
4 anything different, but I will just leave my comments there.
5 Thanks.

6
7 **CHAIRMAN DIAZ:** Thank you, Ms. Levy. Dr. Porch.

8
9 **DR. PORCH:** Thank you. I agree, and I don't see why "long-term"
10 is in here, and that's redundant. I was assuming that this
11 language -- The fact that it says where OY is undefined, was
12 because it hadn't been defined for -- This only applies to
13 stocks where it hasn't been defined yet, but I guess maybe the
14 intent was somewhat different than that, but I agree that "long-
15 term" is redundant there. OY is a long-term yield.

16
17 The other thing, just to make it clear, the discussion that we
18 had before with regards to MSY is, yes, there's a theoretical
19 global MSY, which would require you to sort of pick an optimal
20 age class, but a practical MSY would be the maximum long-term
21 yield that you can obtain with the most efficient fishery in the
22 fishery as a whole, and so the fleet that basically has the most
23 optimal selectivity pattern.

24
25 What happens now is, every time you reallocate things, so that
26 the affected selectivity pattern changes, because each of the
27 fleets selects different size classes, every time you do that,
28 you end up changing your MSY definition, because it's really now
29 a conditional MSY, and that was the discussion we had.

30
31 Really, what's happening is, when you reallocate and you change
32 the distribution of effort among the different fishing fleets,
33 you are actually decreasing yield from the optimum level, which
34 is actually consistent with the definition of the optimum yield,
35 and it's the maximum sustainable yield as reduced by relevant
36 social and economic factors.

37
38 In a sense, what you really have, after you make allocation
39 decisions, is a form of OY, but you might also want to reduce it
40 further for other economic or social reasons, or ecological
41 factors, and that was the point here, and so this sort of like
42 an additional reduction in OY relative to what you really have
43 already done by making allocation decisions, and, as John
44 explained, it really doesn't make a lot of sense to ask you to
45 pick modification factors, these scalars of MSY based on a
46 fishing mortality rate, and it's just not very intuitive.

47
48 The idea here is you think about, well, what is it that you

1 really want to do, and you want to reduce catch, and so roughly
2 how much do you want to reduce catch to accommodate these other
3 economic, social, and ecological factors.

4

5 **CHAIRMAN DIAZ:** Thank you, Dr. Porch. Ms. Beckwith.

6

7 **MS. BECKWITH:** Thanks. Not to confuse matters, but the South
8 Atlantic Council also has spent some time discussing optimum
9 yield, and we also plan on bringing up sort of a comprehensive
10 amendment to consider this, but we had considered a slightly
11 different variation of a definition for optimum yield.

12

13 When I'm done reading it out loud, I will go ahead and type it
14 into the little council-only tab, so you guys can look at it,
15 but one of the options, one of the alternatives, we were
16 considering was optimum yield is the long-term average catch,
17 which is not to exceed the total annual catch limit and will
18 fall between the total annual catch limit and the sum of the
19 commercial and recreational annual catch target.

20

21 The reason we were considering this is we wanted a way of taking
22 into account that, at times, recreational fisheries -- The
23 optimum yield for the recreational fishery, the intent is going
24 to be different than the commercial. The commercial wants to
25 catch their entire ACL, versus the recreational, that there
26 might be some instances where, for like dolphinfish, that having
27 fish out there that are not caught might actually improve the
28 quality of fishing and have a higher abundance out there, and
29 this was a method for accounting for those sort of different
30 priorities between recreational and commercial fisheries. I
31 will go ahead and type that in, and I'm happy to answer any
32 questions on it, but we have had a bit of discussion, and we
33 were considering taking a slightly different approach than you
34 guys.

35

36 **CHAIRMAN DIAZ:** Thank you, Ms. Beckwith. I am not seeing any
37 other comments or questions. Dr. Froeschke, would you suggest
38 that we proceed to the next action?

39

40 **DR. FROESCHKE:** Well, I guess a question that's relevant to this
41 next action as well is -- It sounds like there might be another
42 alternative that you might want to at least look at, but, at
43 least with respect to the options that are on the board, and,
44 like I said, these were intended to be equivalent to the
45 original FMSY scalars that were presented, and would the
46 committee want to replace the alternatives that are currently in
47 the document with the alternatives that are on the board and/or
48 if you want to remove the "long-term" portion in yellow, and, of

1 course, that would be your option as well.
2
3 **CHAIRMAN DIAZ:** All right. Any thoughts from the committee?
4 Dr. Crabtree.
5
6 **DR. CRABTREE:** I think we need to replace the language, and we
7 want to take out the "long-term", and we could approve that, and
8 then it seems to me that we need to pick a preferred alternative
9 here, and I think, John, we have preferreds for everything
10 except this.
11
12 **DR. FROESCHKE:** That's correct, yes.
13
14 **CHAIRMAN DIAZ:** Ms. Bosarge.
15
16 **MS. BOSARGE:** The other thing that is on the screen there, the
17 yellow highlights, changes the percentages from what they are in
18 the document, I think, and I must say that I think the
19 percentages on the board are much more realistic than what I see
20 in the document right now. I think we would be hard-pressed to
21 want to get down to 50 percent of MSY or MSY proxy.
22
23 You would have to have some really good rationale to go that
24 low, and so I think the percentages that are on the board, 85,
25 90, and 95, are a little more realistic than what we have in the
26 document now, and so I think I would -- Dr. Crabtree, if you're
27 okay with it, I would simply make a motion that we adopt the
28 language that -- Well, shoot.
29
30 I see what you're saying. "Long-term" is highlighted in yellow,
31 and so "long-term" needs to be removed, and then the percentages
32 that are on the board need to replace the percentages that are
33 in the document now. Dr. Crabtree, I'm going to let you make
34 that motion.
35
36 **DR. CRABTREE:** Okay. Well, I will move that we accept the
37 changes on the board, except not to insert the word "long-term",
38 or remove the word "long-term", if that's easier. John, here
39 we're accepting the recommended changes, right?
40
41 **CHAIRMAN DIAZ:** They are getting that motion on the board.
42
43 **DR. FROESCHKE:** Yes, that's correct.
44
45 **DR. CRABTREE:** Okay. To accept the recommended changes on the
46 board, with the exception of the word "long-term" being
47 inserted. With the exception of the word "long-term", and you
48 will just remove that. However you want to do that, John.

1
2 **CHAIRMAN DIAZ:** All right, and so we have a motion from Dr.
3 Crabtree to accept the changes that are posted underneath the
4 motion, with the exception of the word "long-term", and it's
5 seconded by Ms. Bosarge. Any further discussion? **Hearing none,**
6 **is there any opposition to the motion? The motion carries.** Mr.
7 Swindell, did you have a question or a comment? Your phone may
8 be on mute. While we're waiting for Mr. Swindell, Dr. Crabtree.
9

10 **DR. CRABTREE:** I guess, John, I was going to ask whether we're
11 at a point where we would choose a preferred now, or do you need
12 -- Because we've made these changes now, do we need to have that
13 analyzed and then come back next time and choose a preferred, or
14 what's your recommendation?
15

16 **DR. FROESCHKE:** Based on our discussions, the values in here
17 correspond to the FMSY options that were included in an earlier
18 version of the document, which is what the analyses are based
19 on, and so, in terms of analyzing the effects and things like
20 that, these should map one-to-one, and there should be no
21 changes, and so it's my opinion that you could select preferreds
22 now, and, if you would, that would be great.
23

24 The SSC, many meetings ago, when they reviewed this particular
25 action, they didn't recommend a specific MSY or yield at FMSY.
26 They gave a range, anywhere between 50 percent and 90 percent,
27 based on the yield at FMSY, which corresponds to the 85 to 95
28 percent range reflected in the Options a through c.
29

30 The 90 percent of MSY maps to a 75 percent yield at FMSY, which
31 is fairly consistent with what's done in most reef fish stock
32 assessments. 90 percent of FMSY was what was done for gray
33 snapper in Amendment 51, which was quite recent.
34

35 **CHAIRMAN DIAZ:** All right. We're going to try again and see if
36 we can get Mr. Swindell. Mr. Swindell. Okay. He is waving his
37 hands. Mr. Riechers.
38

39 **MR. RIECHERS:** Based on what John just indicated, in saying
40 that, in recent selections, we had chosen a 90 percent of MSY,
41 then I would move that, in this case, and we can have, in this
42 case, multiple preferreds, right, John, before I make the
43 motion? I just want to make sure that we're really doing it for
44 all these complexes, and is that correct?
45

46 **DR. FROESCHKE:** Yes, and so the alternatives -- You can select
47 preferred options for Alternatives 2, 3, and 4.
48

1 **MR. RIECHERS:** I want to at least try to wrap them in one
2 motion, and then, if there's someone who wants to suggest that
3 there may be a different rationale for a different stock
4 complex, then we can strip them apart and do them one at a time.
5

6 **I would move that we select, as a preferred alternative,**
7 **Alternative 2b and a preferred Alternative 3b and a preferred**
8 **Alternative 4b.** I think that's where we stop, because I can't
9 see it on the screen right now, but, looking in the document, I
10 don't think we would choose a 5 then, in that case, and there is
11 none here.

12
13 **DR. FROESCHKE:** That's correct.

14
15 **CHAIRMAN DIAZ:** We have put the motion up on the board. Is
16 there a second for the motion?

17
18 **DR. STUNZ:** I will second it.

19
20 **CHAIRMAN DIAZ:** Thank you, Dr. Stunz. We will wait until they
21 get it on the board. Is there any further discussion on the
22 motion? We'll wait to get it on the board before we vote. All
23 right. We have a motion, and it was seconded. I am not seeing
24 any further discussion. Go ahead, Ms. Levy.

25
26 **MS. LEVY:** For Alternative 4b, goliath grouper, you are
27 proposing to make the optimum yield 90 percent of MSY, but we
28 prohibit harvest of goliath grouper, and I know we've talked
29 about it before, and you have essentially determined that, at
30 this point in time, the optimum yield of goliath grouper is
31 zero, right, because we don't allow harvest.

32
33 If you're going to say that the optimum yield is 90 percent of
34 MSY, then I don't know how we justify prohibiting harvest, which
35 is one of the reasons we broke goliath grouper out, right, so
36 that you could consider it separately.

37
38 **CHAIRMAN DIAZ:** Mr. Riechers and then Ms. Bosarge.

39
40 **MR. RIECHERS:** You're right, Mara. In seeing this, I think that
41 causes us some issue, but I don't know how you -- The way the
42 Alternative 1 -- Hold on.

43
44 **MS. LEVY:** You could choose 4d for goliath, because the ACL is
45 zero.

46
47 **MR. RIECHERS:** Okay. **I will alter my motion, and we already had**
48 **a second, Dale.**

1
2 **CHAIRMAN DIAZ:** Yes, and so is that okay with the seconder, to
3 change the motion from 4b to 4d?
4

5 **DR. STUNZ:** Yes, that is fine.
6

7 **MR. RIECHERS:** Sorry about that. I tripped us up a little bit.
8

9 **CHAIRMAN DIAZ:** That's okay. That was buried at the bottom of
10 the page, I think, on the presentation. Ms. Bosarge.
11

12 **MS. BOSARGE:** I don't know if my point is relevant anymore, but
13 I was just going to say that this whole idea of having an ACL of
14 zero right now on goliath is the short-term, and I will grant
15 you that we've done that year after year, but that's a year-to-
16 year decision, and, if at some point we get a stock assessment
17 that shows us something different, then we would change that,
18 and so, to me, if OY is long term, and ACLs are short term, and
19 it's annual, and it's not all that relevant to me what you
20 current ACL may be, zero or otherwise.
21

22 It's what you would want the long-term perspective to look like,
23 and so I was going to advocate for Robin's motion like it was,
24 and it seems, for consistency, if that's how you're managing the
25 others, you would think, that long term, you would manage
26 goliath the same, if and when you decide to fish that species
27 again, but I don't have any strong feelings one way or the
28 other, I guess.
29

30 **CHAIRMAN DIAZ:** Thank you, Ms. Bosarge. Dr. Stunz.
31

32 **DR. STUNZ:** My comment is along those same lines, and goliath
33 might be in a special situation, but why wouldn't that apply to
34 red drum as well, given our ACL for that species?
35

36 **CHAIRMAN DIAZ:** Good point. Dr. Crabtree.
37

38 **DR. CRABTREE:** Well, I would say it's very different than red
39 drum, because, in the case of red drum, there is millions of
40 pounds harvested every year, and we have just made a management
41 decision to have a fishery on juveniles in state waters, but
42 that's not the case with goliath, where it's closed, and I guess
43 you can get into discussions about how long is long-term versus
44 short-term, but I believe goliath grouper has been closed for
45 twenty-plus years now, and I haven't see any real move to
46 consider opening it, and so, in my book, where we appear to be
47 is that we have made a decision not to open goliath grouper.
48

1 Now, I have heard lots of discussion that goliath grouper are
2 valuable to the dive industry, and we believe that their main
3 value is to have them in the water, and I'm sure some people
4 would disagree with that, and I don't think there's really any
5 reason why goliath grouper has to be closed.

6
7 The trick is figuring out, if you opened it, how would you open
8 it and not have it be fished back down again, and we haven't
9 figured that out, but it is very different than red drum, it
10 seems to me, where we're essentially -- It's one of our largest
11 fisheries in the Gulf of Mexico, but we're keeping the EEZ
12 closed to protect the spawning stock.

13
14 **CHAIRMAN DIAZ:** All right, and so I'm not seeing any more people
15 with their hands up on the screen. We have a motion on the
16 board. Dr. Frazer.

17
18 **DR. FRAZER:** I just want to see if this might be an option for
19 folks. I mean, you could potentially add an Option 4e, which is
20 essentially the OY would be zero if the ACL equals zero, and I
21 don't think there's anything that precludes you from having two
22 preferreds. That way, you could have maybe a 4b and a 4e.

23
24 **CHAIRMAN DIAZ:** Go ahead, Ms. Levy.

25
26 **MS. LEVY:** I guess I don't understand the comment about having
27 two preferreds. We're looking at setting OY here, and so I
28 don't see -- I mean, unless you're going to specify one is an
29 annual OY and one is a long-term OY, but one thing, if you're
30 uncomfortable with saying that the OY is zero if the ACL equals
31 zero, is to have a new alternative that just says the OY is zero
32 right now, and it doesn't have to be equated to the ACL.

33
34 I get what you're saying, is that, over the long term, you might
35 want to manage to a higher level, but, right now, we have
36 decided, or you have decided as a council, and the agency has
37 implemented, an actual no harvest, and so, right now, if we say
38 the OY is 90 percent of MSY, but we're not allowing harvest,
39 that's not consistent. We're supposed to be managing now to
40 optimum yield, and so I don't see that as being a consistent way
41 to do things.

42
43 **CHAIRMAN DIAZ:** All right, and so we've had a fair amount of
44 discussion. This is the motion before us now, and so, in Action
45 4.1, to make Options 2b, 3b, and 4b the preferred. Ms. Bosarge,
46 do you have your hand up?

47
48 **MS. BOSARGE:** No, and I was just thinking of what Mara said,

1 and, I mean, that kind of applies in Option 4. You've got two
2 things -- It says "or zero if the ACL equals zero". I guess you
3 could almost take that statement out, so that you wouldn't have
4 two different things going on, because, if you put the zero in
5 there, in that formula, I guess you would have come out with
6 zero, and it just seems to me that what Dr. Frazer was
7 suggesting wasn't much different than Option 4d, but let's go
8 ahead and vote on this thing. We've worked on it long enough.

9
10 **CHAIRMAN DIAZ:** Okay. I am not seeing any further discussion.
11 **Is there any opposition to this motion? Seeing none, the motion**
12 **carries.** Dr. Frazer, just a quick question. We're about thirty
13 minutes over right now, and we have one more action. How do you
14 want us to proceed?

15
16 **DR. FRAZER:** I apologize to folks, and we'll try to keep it
17 quick, but I would like to go ahead and finish up the agenda for
18 today.

19
20 **CHAIRMAN DIAZ:** Thank you, Dr. Frazer. Dr. Froeschke, would you
21 proceed to the next action, please?

22
23 **DR. FROESCHKE:** My pleasure. Action 4.2 addresses OY for red
24 drum, and, as we've discussed, the management of this stock is
25 quite different, and that's why it's broken into its own sub-
26 action, in that the no action alternative is different.

27
28 I want to go over the no action alternative, and then we can
29 talk about Alternative 2, and perhaps revisit the discussion we
30 just had in the previous action, but, as I just mentioned, the
31 difference between this action and the prior action for reef
32 fish is that, for red drum, there is a defined OY for this
33 stock, and it was established in Amendment 2 to the Red Drum
34 FMP, all the way back in 1988, and it's based on the escapement
35 rate, essentially allowing a 30 percent escapement rate of the
36 juvenile population.

37
38 If you recall, this species is managed with a zero harvest in
39 federal waters, and the MSY preferred in Action 1 is also based
40 on an escapement rate of 30 percent, and so this, essentially,
41 would set the OY equal to the MSY. If you were to do that, it
42 wouldn't change anything from what was specified in Amendment 2.

43
44 To be more consistent with the reef fish, how these other stocks
45 are done, where you use the scalar of MSY, Alternative 2 is
46 presented. One change you may want to make is to consider those
47 same percentages that we just dealt with, the 85, 90, and 95
48 percent, that we just dealt with in the previous action, and so

1 you may consider making that revision to the text in Alternative
2 2, and then you could either determine if that was an
3 appropriate OY for red drum or if you preferred to retain the no
4 action, Alternative 1.

5
6 **CHAIRMAN DIAZ:** Any questions or comments on this action? Thank
7 you, Dr. Froeschke. Ms. Bosarge.

8
9 **MS. BOSARGE:** Do we need a motion to change the percentages in
10 Action 2 to be reflective of the changes that we just made in
11 the action before this, or excuse me, in Alternative 2, to match
12 the percentages that we have in the last action, where it's 80,
13 85, and 90 percent, I think is what it is, or 85, 90, and 95
14 percent, whatever we just did in the last one, and we need to be
15 consistent, I would think.

16
17 **DR. FROESCHKE:** Yes, that would be good.

18
19 **MS. BOSARGE:** Okay. **I will make that motion, if you'll help me**
20 **with the language, John.**

21
22 **DR. FROESCHKE:** Essentially, you could just copy the Alternative
23 2 in red drum now and replace the percentages from 50, 75, and
24 90 to 85, 90, and 95, if you go back to the main document. 50
25 would become 85, 75 would become 90, and 95.

26
27 **CHAIRMAN DIAZ:** We have a motion to change the percentages for
28 red drum in Alternative 2. Is there a second to the motion?

29
30 **DR. FRAZER:** Dale, I don't think that Ed is able to speak, but
31 he is signaling that he is seconding that motion, I believe. Is
32 that right, Ed? Can I get a thumbs-up? Yes.

33
34 **CHAIRMAN DIAZ:** All right. Thank you, Mr. Swindell. It's
35 seconded by Mr. Swindell. Any further comments related to the
36 motion? **Seeing nobody waving their hands, is there any**
37 **opposition to the motion? The motion carries.**

38
39 Now I guess the question is do we want to pick a preferred
40 between the options that are before us? Any further comments,
41 Dr. Froeschke?

42
43 **DR. FROESCHKE:** No, and that would be my request, is you wanted
44 to select a preferred. Just as a reminder, the current
45 management for MSY is based on escapement, and so the
46 Alternative 1 would be consistent with that approach.

47
48 **CHAIRMAN DIAZ:** I am not seeing any hands up. When I read

1 through it, I mean, the thing that comes out to me is we've
2 tried to do stock assessments on this red drum before, and we
3 just don't have the data to even do a data-poor stock
4 assessment, and maybe Dr. Porch could speak to that. I mean, is
5 there hope that we could do some potential work with red drum in
6 the future, Dr. Porch?

7
8 **DR. PORCH:** There's some hope, and I haven't gotten a good
9 catalog of the purse seine data that was collected a few years
10 back. I mean, we would need to take a look at that. My
11 understanding was it wasn't really quite as comprehensive as we
12 need, but I'm not absolutely sure about that. I would say there
13 is some hope if we can get a good snapshot of the age
14 composition of that offshore stock in the northern Gulf of
15 Mexico.

16
17 Most of the data that I'm aware of though is some purse seining
18 just off of Tampa Bay and a few other places, and then some of
19 the stuff that I think Sean Powers' group did in the northern
20 Gulf, but I am not sure if we could fairly say it's
21 representative of the whole area, but that's the problem. The
22 last time we had any of that information was in the late 1990s,
23 and so we did a stock assessment back then, but now there has
24 not been anything to compare the age composition to, and so we
25 don't know if basically the fishing mortality rate has obviously
26 gone down enough that the stock is rebuilt.

27
28 **CHAIRMAN DIAZ:** Thank you, Dr. Porch. Mr. Riechers.

29
30 **MR. RIECHERS:** Dale, to move this along, because I kind of look
31 at this as the discussion we had similarly with goliath grouper
32 just a moment ago, and so I'm going to go ahead and move
33 Alternative 1, and I will provide a little more rationale if I
34 get a second.

35
36 **CHAIRMAN DIAZ:** All right, and so we have a motion to move
37 Alternative 1, no action. Is there a second to the motion?

38
39 **DR. STUNZ:** I will second that motion, and I will lower my hand
40 from the list, because that's the motion I was about to make.

41
42 **CHAIRMAN DIAZ:** Thank you, Dr. Stunz. Go ahead with your
43 rationale, Mr. Riechers.

44
45 **MR. RIECHERS:** Dale, you're right that we've been looking at
46 this for -- We have looked at this several times in the past,
47 both looking at ways to collect enough data to re-analyze it, or
48 to decide what we would want to do, but I really look at it as

1 kind of the combination of similarities to the discussion we
2 just had and that current OY is really what we've selected as
3 Alternative 1, and so, to mirror what the current management
4 strategy is, and our OY definition, by default, and rationally
5 so, at the time.

6
7 The management structure is working, and there can be different
8 management structures, but it is working, and so, to mirror that
9 though, we really almost have to select a preferred Alternative
10 1 here. I mean, to that extent, and then, if we ever receive
11 additional data, we can have a further discussion about that,
12 but, at least in my mind, it's a mirroring of that same
13 discussion that we just had.

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

16
17 **MR. TROY WILLIAMSON:** I was going to second the motion. I
18 lowered my hand.

19
20 **CHAIRMAN DIAZ:** Okay. Thank you. Any further discussion on the
21 motion? Mr. Swindell.

22
23 **MR. SWINDELL:** I agree that I think we need to stay with the way
24 it is now, and, if we have the option, then we can go forward
25 with it, and, if we ever get a stock assessment -- Right now, we
26 don't have one to go with, and so I don't know of any way to get
27 anything else done, until the full stock assessment that is
28 reliable to say that we do have enough fish is out there to
29 harvest that we can do something. Right now, I think we need to
30 stay where we are. Thank you.

31
32 **CHAIRMAN DIAZ:** Thank you, Mr. Swindell. Mr. Riechers, did you
33 have something else?

34
35 **MR. RIECHERS:** No, sir. If I had my hand up, it's just by
36 mistake.

37
38 **CHAIRMAN DIAZ:** Okay. Ms. Bosarge.

39
40 **MS. BOSARGE:** Thank you, Mr. Chair. I am confused. When I read
41 the Alternative 1, and so we're tasked with defining these
42 parameters and these metrics, and so do we have a definition for
43 OY, or do we not? Alternative 1 leads me to believe there is a
44 definition for red drum OY already, but then, in the
45 conversation, I'm a little confused. Do we have a somewhere
46 document, in a federal document from the council -- Is there an
47 OY definition for red drum already?

48

1 **CHAIRMAN DIAZ:** Dr. Froeschke.
2
3 **DR. FROESCHKE:** Yes, Leann, there is a definition for OY for red
4 drum, and that's why in it's in its own sub-action. The
5 discussion is in the first sentence there, but it was defined in
6 Red Drum Amendment 2 back in 1988.
7
8 **CHAIRMAN DIAZ:** Thank you, Dr. Froeschke. Any further comments?
9 Seeing none, I am going to go ahead and vote on this. **Is there**
10 **any opposition to the motion? Seeing no opposition, the motion**
11 **carries.**
12
13 Dr. Froeschke, I know, in the action guide, I think it might
14 mention taking this thing out to public comment, and is this
15 thing in good enough shape to send it out and do a virtual
16 public comment?
17
18 **DR. FROESCHKE:** I think that, once the language is updated in
19 the alternatives to reflect this discussion and the analysis is
20 updated, to make sure it's consistent, then we should be able to
21 take it out to public comment.
22
23 **CHAIRMAN DIAZ:** All right, and so I'm going to leave that up to
24 the committee. What is your pleasure on this document? Mr.
25 Anson.
26
27 **MR. ANSON:** I would like to I guess make a motion then to, once
28 **staff updates the document, to go to public hearings via**
29 **webinar.**
30
31 **CHAIRMAN DIAZ:** Thank you, Mr. Anson. We have a motion to take
32 this document out to public hearings via webinar. Is there a
33 second?
34
35 **MR. RIECHERS:** I will second that.
36
37 **CHAIRMAN DIAZ:** Second by Mr. Riechers. Mr. Riechers, you had
38 your hand up, and did you have a comment?
39
40 **MR. RIECHERS:** No, and I was just going to speak to what Kevin
41 just moved.
42
43 **CHAIRMAN DIAZ:** Thank you. Dr. Stunz.
44
45 **DR. STUNZ:** The same exact thing for me.
46
47 **CHAIRMAN DIAZ:** Okay. We have a motion to take Draft Amendment
48 Reef Fish 48/Red Drum 5: Status Determination Criteria and

1 Optimum Yield for Reef Fish and Red Drum out to public comment.
2 It was seconded. Any further discussion on the motion? **Seeing**
3 **none, is there any opposition to the motion? Seeing no**
4 **opposition to the motion, the motion carries.** Dr. Frazer, I
5 believe that concludes our committee's work for the day. I am
6 going to turn it back over to you.

7
8 **DR. FRAZER:** Thank you, Mr. Diaz, and I appreciate everybody --
9 It looks like we might have a hand. Robin, did you have your
10 hand up again?

11
12 **MR. RIECHERS:** No, sir. I was lowering it.

13
14 **DR. FRAZER:** All right. I think, since there is no other
15 business, apparently, Dale. I will make sure that I'm not
16 seeing or hearing any, and we will go ahead and adjourn for the
17 day.

18
19 (Whereupon, the meeting adjourned on September 28, 2020.)

20
21

- - -