

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

FULL COUNCIL SESSION I

**The Beaufort Hotel
Beaufort, North Carolina**

December 4, 2023

Transcript

Council

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Gary Borland
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Attendees and Invited Participants

Miles Dover
Rick DeVictor
Michael McDermott
Sonny Gwin
Ira Laks
Michelle Masi

Kathy Knowlton
Monica Smit-Brunello
Kristin Foss
Dominique Lazarra
Dr. John Walter

Observers and Participants

Other observers and participants attached.

The Full Council Session I of the South Atlantic Fishery Management Council convened at The Beaufort Hotel, Beaufort, North Carolina, on Monday, December 4, 2023, and was called to order by Chairman Carolyn Belcher.

DR. BELCHER: Good afternoon, and welcome, everyone, to the December 2023 council meeting. We're going to go around the table and do voice recognitions, and then we will do some introductions for our liaisons, and so I'm going to start down at Monica's end.

MS. SMIT-BRUNELLO: Monica Smit-Brunello, NOAA General Counsel.

MR. DEVICTOR: Rick DeVictor, NOAA Fisheries.

DR. WALTER: John Walter, NOAA Fisheries, Southeast Fisheries Science Center.

MR. GWIN: Sonny Gwin, Mid-Atlantic Fisheries Council liaison.

MR. BORLAND: Gary Borland, South Atlantic Fishery Council member.

MS. MARHEFKA: Kerry Marhefka, council member, South Carolina.

MR. GRINER: Tim Griner, council member, commercial, North Carolina.

MR. ROLLER: Tom Roller, council member, North Carolina.

DR. BELCHER: Carolyn Belcher, Georgia Department of Natural Resources and current council chair.

MS. MURPHEY: Trish Murphey, North Carolina Division of Marine Fisheries and council vice chair.

MR. SPOTTSWOOD: Robert Spottswood, council member, Florida.

MS. MCCAWLEY: Jessica McCawley, Florida Fish and Wildlife Conservation Commission.

MS. THOMPSON: Laurilee Thompson, commercial, Florida.

MS. HELMEY: Judy Helmey, council member, Georgia.

MR. WOODWARD: Spud Woodward, council member, Georgia.

MR. MCDERMOTT: Michael McDermott, Gulf Council liaison.

DR. BELCHER: Okay. Thank you for that. As you've heard, we have Sonny for the Mid-Atlantic, who will give the Mid-Atlantic's report, and Michael McDermott, who will do the Gulf Council report. Next on the agenda, we have the Adoption of the Agenda. Is there any changes that are needed to be made to the agenda at this point in time? Any additions? If there's anything under Other Business for later on, please let me know, so we can get it written in. Okay. Any exceptions? Seeing none, we'll move forward with the agenda as adopted.

The next item on the agenda is the Approval of the Minutes from September 2023. Is there any objection to the minutes as currently published for you all to review? Okay. Seeing none, then the minutes will stand approved. We will move in our reports, starting out with the NOAA Office of Law Enforcement, with Officer Miles Dover.

MR. DOVER: Good afternoon, ladies and gentlemen. I'm Officer Miles Dover, Office of Law Enforcement, stationed here in Morehead City, North Carolina. For this year's December 4, 2023 NOAA Enforcement highlights, this is a quick snapshot of what we've been doing since the last council meeting.

We had 236 opened incidents since then, and twelve of those cases were referred to General Counsel or the U.S. DOJ, and we had thirty-five summary settlements that have gone through so far, for between \$200 and \$1,350. Examples of those have been retention during the season closure, undersized possession, or fishing in the SPAs. 16 percent of the cases that have been brought up have been no violations, or have been completed with compliance assistance, which are *de minimis* cases.

Just some of the enforcement highlights, we've done 244 patrols since the last council meeting, everything from doing shrimp boat boardings to the Florida Keys Sanctuary to doing charter/headboat boardings offshore, or recreational fishing boardings, and this is just some of the pictures from some of the cases we've done, from lobstering, like I said, to charter and headboat.

For our enforcement partnerships and referrals, our partners are from South Carolina DNR, Georgia DNR, FWC, the Coast Guard, and FDA, and we've had fifty-nine overall enforcement referrals sent to us from our partners, which encompasses all of SED. Within the South Atlantic Fishery Management Council, we have FWC, Georgia DNR, South Carolina DNR, and the U.S. Coast Guard helping us out with all these case referrals.

Targeted operations we've had since the last council meeting, we had Operation Yellowbird, which targeted IUU and trade monitoring at ports, to make sure that everything was brought in like it should be, mainly out of Miami. We had Operation Fort Night, which was a sanctuary focus, and then we had Sanctuary Savior, which was the lobster mini-season down in the Florida Keys National Marine Sanctuary, where we brought in the majority of SED down there, numerous of our boats, for the lobster mini-season and the week prior. Enforcement priorities, we have all of our enforcement priorities published, and the website is here, and we have sent it to you all, for 2023 to 2027, which is available for review.

The current spotlight, one of the main spotlights, as you all know, is right whales, and so we have been doing targeted outreach letters and events, and we had a right whale festival in Jacksonville, Florida, and we've been doing numerous patrols, and I actually have a couple of boats that are out patrolling right now, as we speak, and testing and using emerging technology on our vessels, as well as land-based, to help us on the right whale front. Also, which is not listed here, we have been doing a lot with the IUU fishery at the Port of Savannah, Port of Miami, and down in Texas, trying to do as much as we can with the IUU operations.

To report a violation, as always, we have our twenty-four-seven hotline, which is listed up here as (800)853-1964, and, if you need to report a violation, please do, and so, at any time, twenty-four-

seven, give us a location, date, and time of the activity, what's going on, the description, and the name of the vessel and owner or operator, if you possibly have that. That was quick, down-and-dirty, but any questions for NOAA Law Enforcement? Yes, sir.

DR. BELCHER: Go ahead, Tom.

MR. ROLLER: Thank you. On page 10, there was a case regarding a charter vessel retaining two blue marlin, and it was a local case, and I was just curious if you could offer any insight as to how that fine was determined.

MR. DOVER: Yes, sir, and that was actually my case that I found, and, yes, on the blue marlin, we got onboard, and I got a report, from other captains in the area, that a vessel had come in and had two blue marlin onboard. The captain had actually come in flying two kill flags, which kind of set off everybody else that he possibly had two onboard. I got onboard, and I found the first one, and it was laying on the deck, and then the second one -- I asked was there a second fish onboard, and they said no, and so I looked in the fish box, and there was a fifty-six-inch total length blue marlin in that fish box, covered in ice, and so it was over the limit, and it was also too small, under the ninety-nine inches, and so we just went by the summary settlement schedule for fish undersized and over the limit, and that's how it was determined.

MR. ROLLER: So it's just a basic set schedule for fines?

MR. DOVER: Yes.

MR. ROLLER: Thank you.

MR. DOVER: Yes, sir. It was a set schedule for the fine.

DR. BELCHER: Any other questions for Officer Dover? Okay. Thank you for your time today. The next report on the list is from the U.S. Coast Guard, and it looks like Lieutenant Box is going to be giving that to us via webinar.

MS. BROUWER: Cameron, I believe you're unmuted, and so take it away, and I will drive for you.

LT. BOX: Good afternoon. This is Lieutenant Cameron Box from Coast Guard District 7. I have a brief focusing on illegal, unreported, and unregulated fishing. It's kind of a broader scale for the Coast Guard, just to provide a little more of a higher visibility on some of the operations that we've been doing, not only, you know, domestically, but internationally, and this brief was provided from Coast Guard Headquarters, and so let's get this started.

All right, and so, as everyone is aware, IUU fishing is on a global scale, and it's a national security threat for the United States, as well as, you know, all of our partner nations. The fight today against IUU fishing isn't just a conservation mission, but it's one of economic and strategic national importance, not only in regard to international law, but just, you know, the -- The other illicit actors that are funded through IUU fishing, and that trickles into other mission sets.

Rival states are currently increasingly using resource extraction as an instrument of national power, and so fish equal access, resulting into action into other influence, and influence ultimately equals power, and so, in the upper-left-hand corner, you can see countries with the ten largest distant-water fishing fleets, and the size of the flags indicate the relative size of the fishing fleets. Taiwan actually operates as the world's second-largest distant-water fishing fleet, and the top -- Some of the countries, together, comprise of 86 percent of all high-seas fishing activity.

Some statistics for IUU fishing are one-in-five fish caught around the world is thought to have originated from IUU fishing, and the United States commercial and recreational saltwater fishery is worth \$255 billion annually. We're the largest single-country market for fish and fish products, and we're also third-largest wild seafood producer. The United States, Europe, and Japan actually represent over 50 percent of the global seafood market, and I'm sure a lot of the folks on the council, and other council members, probably are aware of all these statistics that I'm saying now. Why I'm saying this is that these facts give the United States a particularly strong stake in combatting IUU fishing, to ensure that illegally-caught products do not inject unfair competition in the marketplace.

We're focusing on countering IUU fishing wherever it exists, and so not only domestic, but international, overseas, and we have Coast Guard assets that patrol specifically for IUU fishing in certain areas of responsibility, and typically -- You know, just some background as well is the Coast Guard assets, the cutters, always typically have a certified boarding officer that can actually combat IUU fishing as well.

Disregard for coastal partners, sovereignty, and territorial integrity by IUU perpetrators not only threatens the stability of those nations who rely on marine resources for food security and economic development, but it's a direct violation of international rules-based order, and, also, regarding our partner nations, sovereign nations must be allowed to benefit from their own economic resources, and so why is this important? Working with the partner nations, and their efforts to protect their own economic zones and vulnerable fish stocks, we strengthen those relationships, which then collectively directly assist in this IUU fishing mission set.

All right, and so this is just some examples of Coast Guard and broader national policies, and strategies, that not only the U.S. Coast Guard is implementing, but also the Department of Defense organizations, and we have the Indo-Pacific strategy, which is the right-hand side, which plays a role in the Pacific specifically, and, again, obviously this is broader scale, and it's not so much, you know, in our area of responsibility, but just, again, just trying to provide some insight on recent national security strategies that we've been working on collectively.

We've had an interagency working group that specifically has been working towards strategies, and policies, for IUU fishing, and it encompasses twenty-one total federal agencies, and, as you can see, there's a five-year strategy specifically for this mission. The purpose, again, is to coordinate U.S. counter IUU fishing tools and patrols and deployments and to support comprehensive approaches to combating IUU fishing. We've had five sub-working groups, one being a priority regions and flag-state task group, run by the Maritime Intelligence Coordination, public and private partnerships, labor and the seafood supply chain, and then, of course, the Gulf of Mexico IUU fishing.

Again, as I mentioned on the last slide, these are just some of the agencies, and organizations, that are part of the working group, and this one, in particular, is the Maritime SAFE Act interagency working group. This is currently -- Excuse me. Our current legislative direction on addressing IUU fishing is a whole -- You know, it's the entire government approach, which is what is derived into the Maritime SAFE Act, which was established as part of the 2019 National Defense Authorization Act.

It's currently an unfunded mandate that sets policy for the United States to take action on a global scale for IUU fishing, and the specific goals for the Marine SAFE Act interagency working group is to improve data sharing, support coordination within priority regions, increase transparency and traceability across the global seafood supply chains, improve global enforcement operations, and prevent IUU fishing profits from financing transnational criminal organizations.

(There is a break in the audio recording.)

DR. BELCHER: Okay. Officer Box, sorry about the interruption, but if you could pick back up from your slide that is currently on the screen, we would greatly appreciate that. Okay, everybody. We're going back live.

LT. BOX: All right. We're back in business, and so, on this slide, I was explaining, or talking about the Maritime SAFE Act, the interagency working group that was established as part of the 2019 National Defense Authorization Act. This interagency working group is specifically current legislative direction on addressing IUU fishing, and this is a -- So this subsequent SAFE Act working group brings together twenty-one agencies for a government-wide response to IUU fishing. Specific goals that they have is to improve data sharing, support coordination within priority regions, increase transparency and traceability across global seafood supply chains, improve global enforcement operations, and prevent IUU fishing profits from financing transnational criminal organizations, and that's kind of like what I discussed before, just how IUU fishing, as we know, funds other illicit actors and transnational criminal organizations, you know, whether that's drug smuggling, human trafficking, things of that nature, and so, as we know, this is why it -- Again, it's a global national security problem, not only for the United States, but for, you know, all of our partner nations as well.

The working group is tasked with executing policies for the United States to combat IUU fishing and to develop, again, a five-year strategic plan that I shared before. They are identifying priority regions and flag states to focus on with the United States, which I will show in the next slide.

Priority flag states are Ecuador, Panama, Senegal, Taiwan, and Vietnam, currently. At a Coast Guard Headquarters level, there are, and have been, several international engagements with these nations, and I was actually, myself, at the most recent Panama international engagement, where we discussed, you know, agreements we have in place with them, and also trying to revive and focus on IUU fishing in that region, and they have many other threats, and issues, that are in their area of responsibility, you know, whether that's from Columbia or other neighboring nations. There are a lot of new projects and initiatives to support working with these nations that I would say, in the next couple of years, will be more polished and established, as they go through the legal frameworks.

All right, and so, again, talking about the five priority flag states, for the -- Again, it's kind of, you know, similar objectives, but, for -- Again, some of the objectives that were, you know, on a national five-year strategy are -- The path that we have is to promote sustainable fisheries management and governance, enhance monitoring, control, and surveillance of marine fishing operations, and, of course, ensure only legal, sustainable, and responsibly-harvested seafood enters trade. We are -- Some of the other broad objectives are establishing agreements with some of the said countries that I had mentioned and then, of course, training, just training, joint training, with their own organic Coast Guard or other maritime organizations that they have, to try to share, you know, the knowledge and training that we have as, you know, U.S. Coast Guard boarding officers.

This slide just is the more kind of bringing it down to U.S. Coast Guard-specific, but what our current state is, it's global fish stocks being under stress from growing consumption, changing ecosystems, and poor governance, and state-subsidized distant-water fishing fleets amplifying these stressors, undermining maritime-rules-based order, and so there's three -- The three arrows of goals, and, you know, shifts to get to a future desired state, one being to promote intel-driven enforcement operations, counter predatory and irresponsible behavior, and expand the multilateral enforcement cooperation, and within these -- Again, these are with our partner nations, and it's not just the U.S., but trying to collaboratively work together to find better ways to target IUU fishing.

Then, of course, the future desired state is global adherence to international agreements, as those continue to develop, and conservation measures, the recovery and preservation and economic viability of global fish stocks, and that's part of the Coast Guard's vision, and, you know, to really get after these illicit actors.

This is just something that most already know, based off the Magnuson-Stevens Fisheries Act, and international fisheries law enforcement, the fifteen regional fisheries management organizations, and some of this stuff is, you know, to kind of educate, and we'll share this with partner nations, just to educate what the U.S., and the U.S. Coast Guard, does and some of our policies.

This is just kind of the broader scale of what comes -- Or the outcome of a post-counter-IUU fishing operation, and so, you know, the boarding itself is just the start, and what this is saying is we go through that said nation's -- The diplomatic channel of, you know, whatever flag that vessel is displaying that the U.S. Coast Guard is boarding, which activates a diplomatic process, especially for countries that we might not have certain agreements with already in place, to then get the, you know, the permissions to actually conduct the law enforcement boarding, and then, of course, it goes to -- You know, the vessel that could be engaged in IUU, and it would then go on a fishing vessel list, basically a look-out list, more strategic messaging, and the -- Just, you know, we have other means of being able to capture what we came across on the vessel, whether or not they actually had let's say something that was enforceable, at least for the U.S. Coast Guard, and, if we have to hand them off to their host country, just as an example, there's means to make sure that we have the documentation in place for, you know, further policy changes, and patrol scheduling, and just kind of overall increased maritime domain awareness. Any questions?

DR. BELCHER: Any questions for Lieutenant Box at this time? Jessica and then Laurilee.

MS. MCCAWLEY: It wasn't on IUU, and it was just seeing if there was an update on the launch security zone information related to space activities.

LT. BOX: Yes, ma'am, and so I had shared -- I think it was -- I'm not sure if it was between myself and a couple of folks with Myra, but we had shared several -- Or exchanged several emails regarding that, and so I would just ask that those emails -- Rather than, you know, briefing it, that you just look back at those emails, and the information that one of my colleagues was able to provide, and he's the space -- He's basically the space liaison and the recovery and launch coordinator.

DR. BELCHER: Other questions for Lieutenant Box? Laurilee.

MS. THOMPSON: I think it's great that you guys are doing this, but it seems like, if there was an economic punishment, you know, for the people that aren't acting right, and like I assume that the Coast Guard -- You're not intercepting seafood as it's coming into the United States, and I assume that you're doing your boardings, and you're doing a great job of trying to address the problem at-sea, but if there was some way that we could stop all of the illegal seafood product that's coming into the United States, I think that would send a stronger message, and have more impact, than boarding vessels at-sea, one at a time, and so is the Coast Guard involved in any kind of inspections of the seafood that's coming into the country, and I have another question, and how can I get my hands on those emails from the Coast Guard about the space launch issue at Port Canaveral, because we've been trying to get connected with the Coast Guard for a while on that issue that the fishing community has. Thank you.

LT. BOX: So, to answer -- Actually, let me pull it up for you, and let me just answer the first question, and so, in regard to location for any kind of law enforcement boarding, you know, I would say the Coast Guard is doing a lot of these specific boardings, you know, outside of -- This is in international waters, and so, in regard to like a vessel that's in port, you know, that would be more of a partner agency, like, for example, let's say Florida, or I would say that would be like a NOAA and an FWC, if it's specifically -- Like the Coast Guard isn't, you know, doing a -- It isn't, per se, going on, you know, vessels that are in port and like trading fish, and things of that nature, per se. You know, more of our jurisdiction is more, you know, focused outside of -- You know, actually underway, and so it's not really the U.S. Coast Guard that is doing these inspections of fish, like while they're in port, you know, but can they, you know, embark on a vessel that is suspected of trading illegally? Absolutely, but, usually, and, you know, I'm sure NOAA could speak better than I can on this, but NOAA would probably lead a scenario like that, you know, along with like FWC, but the Coast Guard can jointly assist with these kind of, you know, boardings and things of that nature.

Separately, the space question, I have open, right here in front of me, and, you know, there was email exchanges between Myra and Mike Schmidtke from the council, and so I just would have - - You know, any emails that you're trying to acquire, and we specifically exchanged emails between both of those council members.

DR. BELCHER: Myra.

MS. BROUWER: Thanks, Cameron, and so just an update is we did submit a Freedom of Information Act request to the Coast Guard. Kelly, in our office, actually submitted that request, and we have kind of been told that it's in progress, but apparently -- The last email that I saw, it had been directed to potentially the wrong channel, and so we are trying to retrace and make sure

that that request ends up in the proper channel, I guess, at this point, but that's where we are with that. Thank you.

LT. BOX: Thanks. That's all I've got, unless anybody has anything else.

DR. BELCHER: Any further questions? Seeing none, thank you again, Lieutenant Box.

LT. BOX: Thank you.

DR. BELCHER: The next item on the agenda is the council liaison reports, and we will start with the Gulf Council, and so, Michael McDermott, whenever you're ready.

MR. MCDERMOTT: Good afternoon. I'm Michael McDermott, and I represent Mississippi on the Gulf Council. I've got a summary of our October meeting here, and I'm sure that everybody read the four-page report, and so I'm just going to hit the highlights here. We took final action on two items, and the first one was electronic reporting for commercial vessels, and the public comment was overwhelmingly in favor of transitioning to electronic logbooks. We voted in favor of transitioning to the commercial coastal logbook program, which is the same one, it's my understanding, that this council uses.

The second matter we took final action on was greater amberjack, and we reduced the commercial trip limit to seven fish. It's currently a thousand pounds, and we modified the recreational season to open on September 1 and close on October 31, unless the catch target is projected to be met, and we also requested that an emergency rule -- That an emergency rule enact that seven-fish limit, instead of the thousand pounds, on January 1. If we don't get that done by January 1, the commercial season is going to be ridiculously short, and it's currently a thousand pounds per vessel, and we only have 56,000 pounds of fish, and so we'll see.

On the yellowtail snapper, we're working on a joint amendment with this council, and we deprioritized that, and we're waiting to see a new assessment that incorporates the Florida State Reef Fish Survey, and that was due to the concerns for the MRIP-FES overestimating the recreational effort. We populated a new ad hoc data collection advisory panel, and this panel is mainly people that -- It's all people that participate in the charter/for-hire and headboat sector. The idea there is that we're going to come up with new ideas to come up with an electronic data collection program to replace the SEFHIER program.

On the gag grouper, we had a health check, based on video indices, that was presented to us, and it shows that the overall abundance was below long-term averages, but, as a high point, it looks like perhaps more gag than usual were born in 2020, and so we requested that an interim assessment be produced annually, using these video indices, until the next stock assessment is completed, and, on recreational allocations, we decided to delay any changes in recreational allocations until a pilot study is completed in 2024 that is going to determine the magnitude of the bias in these MRIP-FES numbers, and so we're not going to make any changes in the allocations until we get the results of that. Any questions?

DR. BELCHER: Thank you, Michael. I'm not seeing any at this time. Okay. Next would be the Mid-Atlantic report from Sonny.

MR. GWIN: Thank you. The Mid-Atlantic met in October, the 3rd through the 5th, in New York, and some of the highlights would be we selected preferred alternatives and took action, final action, on the ilex vessel hold capacity framework, and we also approved a range of alternatives for a joint framework action being developed with the New England Council to reduce sturgeon bycatch in the monkfish and spiny dogfish gillnet fisheries. We also recommended several revisions to a draft policy and process document for council review of exempted fishing permit applications.

We approved and updated the list of risk elements to be included in a revised ecosystem approach to fisheries management risk assessments, and we also reviewed recreational tilefish permitting and reporting in the Greater Atlantic region and discussed future efforts to improve angler awareness and compliance. We reviewed the findings of the management track assessments for spiny dogfish and Atlantic mackerel. We received an update on NOAA Fisheries habitat activities in the Greater Atlantic, and we received updates on offshore development in the region, including presentations from the Bureau of Ocean Energy Management and New York Bight Energy Research and Development Authority.

We also received presentations from the Northeast Fisheries Science Center staff on a range of topics, and we requested that the Northeast Fisheries Science Center develop a white paper outlining an industry-based survey that is complementary to the spring and autumn bottom trawl survey. We provided input on proposed actions and deliverables for the 2024 implementation plan, and the next meeting will be next week in Philadelphia, at the Notary, and, also, I would like to make a note that, last week, I attended the -- Which has nothing to do with the Mid-Atlantic Council, but I attended a workshop, and I know the Southeast has been working on some of that buoy-less stuff, and, if anybody is interested, the council, it was a really good workshop, and it was really informative, and I suggest, if they're interested, to look into that and check it out. Thank you. Any questions?

DR. BELCHER: Any questions for Sonny? Kerry.

MS. MARHEFKA: Kind of a question and a comment, but, Sonny, I was at that meeting, and that was fun, and it's in a disco room, which is a really interesting place to hold a council meeting, and I've never experienced that before, but the golden tile -- Not the golden tile, and sorry, but the tilefish recreational reporting presentation that you all were given, and one of the things that I recall, and I want to make sure that I'm not misstating, was that it seemed like there -- There was a marked drop-off of people actually reporting, and there is no no-fishing report required, and I bring that up because that presentation I found very interesting, and it may be of interest to the Amendment 46, our recreational reporting AP, or technical AP, because I think -- The way I understood you all's discussion is, without the sort of no-fishing requirement, there was really a question about whether or not people weren't catching them or people weren't fishing, and so I just didn't know if I'm misrepresenting that or that's sort of what you took from that, too.

MR. GWIN: Yes, and that's correct. You hit the nail on the head.

DR. BELCHER: Any other questions for Sonny? Okay. Thank you again for your report. Moving on, we'll talk to the state agencies, and, since we're in North Carolina, we'll go ahead and start with Trish.

MS. MURPHEY: All right. I really don't have a lot this time, and so one of the things that we are experiencing is we are starting to have sightings of blue land crabs, and they are non-native to North Carolina, and apparently they are native from Brazil to southern Florida, to south Florida, and I think South Carolina had started to see them, but, anyway, we had our first sighting here this summer, and, actually, I think it was at Emerald Isle, and so we have set up a system for folks to call-in and report, and send pictures and stuff, but I guess they're like these big giant looking fiddler crabs, and so we've got that going on.

We had a state record puddingwife wrasse, at three pounds and eleven ounces, off of Southport in July, and we also had a state record almaco jack caught off of Morehead City on November 8, and it was twenty six pounds and fifteen ounces, and then we did have our Marine Fisheries Commission meeting last month, and we are moving forward with a striped mullet FMP, and that's going to be going to public comment, and we approved the goals and objectives -- The commission approved the goals and objectives for the hard clam and oyster FMPs, and we'll be starting getting a team together for that, and that's really all I have for North Carolina.

DR. BELCHER: Any questions for Trish? Jessica and then Judy.

MS. MCCAWLEY: We have regulations on blue land crabs in Florida, and so, if you need some help establishing regulations, we have regulations on them.

MS. MURPHEY: I will call you.

DR. BELCHER: Judy.

MS. HELMEY: How big are these crabs?

DR. BELCHER: We've seen reports in Georgia too, but not -- It's surprising to hear that they're all the way up here. Okay, and so other questions for Trish? Okay. Then I will rotate down to Florida. Jessica.

MS. MCCAWLEY: Thank you. I don't have a lot to report either. A couple of things, and we are working on a shrimp disaster letter, and possibly a sign-on letter with other Gulf states, but that letter -- It's been written, but it's being edited by multiple folks, but hopefully all the Gulf states would sign onto that letter, and so, also, regarding shrimp, I believe Louisiana and Alabama have already submitted. Theirs look like fishery disaster letters, and this would be a broader letter requesting some action on the shrimp fishery, for a litany of reasons in this letter, and so just an update on that.

Also, our commission, at the last meeting, approved snook regional management, and so we've brought you some updates before on redfish regional management, and they approved snook regional management, with nine management zones around the state, and this established open seasons, closed seasons, bag and slot limits, for each one of these regions, and so I will stop there. Thank you.

DR. BELCHER: Any questions for Jessica on Florida activities? Okay. I'm going to circle back to Trish. Trish, did you have anything about the shrimp letter out of North Carolina?

MS. MURPHEY: I know our governor's office received the letter from the Southern Shrimp Alliance. Our department, or division, has not heard anything from them, as far as getting input or not, and so, as far as I know, they got the letter, and it's not gone any further.

DR. BELCHER: All right. Thanks for that. Mel, we'll move on to you.

MR. BELL: I don't have a whole lot either. Of interest to this group, both the MARMAP and SEAMAP survey work that we do, and the work that the blue boat does, that you all are used to, is pretty much wrapped up for the season, and so the boats are in now. They had a good season. The Lady Lisa, this should have been her last season. We're hoping to do some initial work on the replacement vessel down in the Gulf, and then bring her back, and the idea is that the new vessel would be operational for the coastal trawl work, the SEAMAP work, for the beginning of the spring season, if everything works out.

We're still short a good bit on the funding to do all of the work that we wanted to do to retrofit the new used vessel for use for the next twenty to thirty years, as a regional asset, and so we're still a little short there. We do appreciate all the support that we have received from folks in trying to help us get funding for that, but hopefully she will be operational with some initial work, and then we would still like to do a good bit of work related to engines, and the power plant overall, and some other things to get her up and running. The idea is to put her in a condition that she would basically fill that regional asset role that the Lady Lisa has for forty years, but for the next several decades, and so that's our goal.

Speaking of blue and crabs, I don't have anything to report about blue land crabs, but I think, you know, I have briefed this group before on our desire, as a state, to implement some additional blue crab regulations, and that should hopefully move forward in the next legislative session next year, and we're paying attention, of course, to what's going on with shrimp, and our South Carolina Shrimpers Association has sort of rejuvenated themselves, and they're operational, and kind of vocal, in those discussions related to, you know, what we've all been hearing about issues with the shrimp fishery and prices and that sort of thing, and so that's moving forward.

Something that is kind of new and unique is, in cooperation -- Well, primarily because of Coastal Carolina University, and some private funding, we've got this program in place, really run by Coastal, called Smart -- It's sort of a smart reef, a smart buoy program, and the smart reefs are basically artificial reefs that are -- You kind of put the parts underwater, and construct the reef units underwater, which is kind of a neat and novel concept, and I think they're actually from 3D printing somehow, and that's amazing technology, but along with -- So there's three artificial reefs now off of South Carolina that are part of this sort of smart reef initiative, but they also have smart buoys on them.

The idea is that these buoys collect real-time water temperature, wave height data, and they are potentially capable of collecting other data, but remember that, as we talk about dealing with -- With understanding climate change, and understanding things going on in the water, data, more data, is always needed, but here's an ability, through a university and some cooperative partners, to maybe collect additional data related to things like that, and so that's kind of a neat thing.

I think where they want to go with this, eventually, is the data would be able to be transmitted somehow real-time and accessible, and I think they're still working through licensing issues and

things with all of that, but so this sort of -- It's a new initiative that the artificial reef program is involved in, but it's primarily being run by Coastal Carolina University, which is -- We're kind of excited about that.

The only other thing is I guess, with reporting, this will be my last meeting as the state representative for South Carolina, and so I really hate not being there with you guys, but, unfortunately, I couldn't be there, and who will replace me? I'm not sure, and so stand by. We'll have somebody before the March meeting, and don't worry, but I think that's really all I have to report.

DR. BELCHER: Thanks, Mel. Are there questions for Mel? Okay. Seeing none, I will quickly go over Georgia's activities. We don't have a whole lot to report right now either, and we're continuing to do artificial reef development. We have two cars that are scheduled to go out this week from the Atlanta MARTA system, and so they've been cleaned up, up in the Atlantic subway yards, and they've been cleared with the Coast Guard, and those are going to be out on artificial reef out off of Savannah, and we've also obtained a couple of additional vessels that will be sunk on some local reefs down in the southern part of the state.

We authorized cannonball jellies for harvest on the 22nd of November, and that will be open, or their ability to harvest will be open, until March 31. It's a limited-entry fishery, and we have -- Basically, it's based on processor need, because there's only one processor for this product, and so he is the one that basically authorizes the boats that will be landing the product. He can't -- There's only so much volume that that particular plant can handle, and so that's basically how that fishery is pretty much limited, moderated, if you want to say, and so it's -- Generally, it opens by request from them, and we look into the impacts, and then we determine whether or not it's going to be operational. We had a state record for almaco jack also in Georgia, and the men's record, the first one, was seven pounds and 0.7 ounces.

Relative to our shrimp letter, our governor basically took the approach of writing about the impacts, and perils, of imports and the effects upon domestic product here in the U.S., and so that was more how our office took in play with that, our governor's office, and so that letter -- That's been probably a little while that it's been in the works, and it came out not too long after we were first discussing it.

Then, lastly, for us, our 2018 disaster monies, we were finally able to clear the hurdle to get payouts done, and so our shrimp folks that were eligible for direct expense losses was -- Those checks were actually cut about a month ago, and thank you, Bob, for loaning your staff to be able to clear those check hurdles for us. It's surprising how much, even within your own bureaucracy, you can make more bureaucracy. For us to get checks out for the 2013 disaster, those checks basically touched three different agencies within the State of Georgia before we could ever get a check out, and so, by working with ASMFC, we were able to do that more expedited than we had in the past, and very similar to how we dealt with the COVID and CARES money, back when it was available, and it was an amazing weight off of our shoulders, and so, again, thank you, Bob, for that. With that, that's all I have to report-out from Georgia and so any questions from you for me? Bob.

MR. BEAL: Thanks, Madam Chair. Just a follow-up to your comment, and, at ASMFC, we're happy to do that. If we can speed up, you know, disaster relief, or money distribution, for you guys, we're -- For any of the states, we're happy to do that. You guys do the hard work, deciding

who gets how much, and so, you know, sending us a spreadsheet, and we just mail out checks, is easy, and we're fast at it, and so, if we can help out doing that, let us know. It's easy.

DR. BELCHER: Again, it was greatly appreciated. Okay. Moving on, we're going to go into congressional activities, which Dave Whaley is going to talk with us about that.

MR. WHALEY: Thank you, Madam Chair and members of the council. Since this is the first time I've been before you, I will talk to you a little bit about who I am and what I do for you, and then I've got a presentation that I will go through, and I will go through it fairly quickly, but some of the slides are merely for your benefit, so you can see a little of the historical stuff that went on up in Congress.

As I mentioned, or as the chair mentioned, I work for the council. I work for all eight of the councils. I am a legislative liaison up in Washington, and I do a couple of things that most of you should be getting, and I do an email when there are hearings, or markups, coming up of interest, and I will give you one apology. Most of the committees only have a forty-eight-hour reporting requirement, and so they don't tell us when they're doing hearings until two days before they're happening, and so sometimes I can't tell you about it very quickly, and so my apologies, but that's why.

I also do a monthly report that I hope all of you get, and it goes through what new bills have been introduced, what hearings have happened in the last month, and then, at the back of it, it lists all the bills that have been introduced that might be of interest to you and where they are in the process. If there are any ways I can make this more useful to you, please let me know. I'm always open for suggestions.

I worked on Capitol Hill for thirty years. I started working for a congressman from Michigan and then moved over to the House Merchant Marine and Fisheries Committee. That was a very bipartisan committee, and it was chaired by Walter Jones, Sr., who some of you may remember, if you're as old as I am. It was very bipartisan, and everybody on the committee was from a coastal district, and so everybody understood the terminology, and everybody knew what people were talking about when we talked about different fisheries and gear types.

In 1994, the House was taken over by the Republicans, and one of the first things they did was look at committees to abolish, and one of the first ones that got axed was the Merchant Marine and Fisheries Committee. At that point, all of the fisheries issues, and all the coastal issues, moved over to what, at that time, was the House Interior Committee, and it was a very partisan committee. It was almost entirely western members, who were dealing with mining, timber, and grazing issues, and so when we moved over there, people didn't understand fisheries, and so there was a big learning curve, and it was not a very productive committee for a while.

I covered fishery and ocean issues for twenty years while I was on the Hill, as I mentioned, for both committees, and I was the lead Republican staff for the last two Magnuson Act reauthorizations, and so, if you have questions about why we did some of the things we did, if I can remember, I will tell you.

One of the other things I wanted to mention that we do, or I do, for the CCC, and I will mention this again when I talk about how to deal with Congress, but, when we start getting in the Magnuson

Act reauthorization again, the CCC does a working group paper that goes through each of the reauthorization issues, and it talks about why the issue is being pursued by members of Congress, what the consensus position is of all eight councils, and then it gives a regional perspective on that issue, for instance on climate change, and it might talk about what the councils are already doing, why we don't need new mandates, what we do need. It's a very useful document, and the CCC updates this as needed, and it's a real good resource that I try and give to congressional staff when I go meet with them, and most of them don't know it's out there, and I don't know if all of you have read it, but it's a real interesting document, and it is a living document, and so it gets updated as new issues come up before Congress.

As I mentioned, I spent my career in the House of Representatives, and the House of Representatives has a lot of rules, and, for every rule, there are exceptions. I'm going to tell you some of those as we go through, and, despite the fact that I sent this presentation in at the last deadline, this slide is already out-of-date. One Republican has been expelled from the House, if you haven't read the newspapers, and what that means is the margin in the House is even tighter than it was, and that means the Republicans can only lose four votes to pass anything, if it's a partisan vote.

That means -- You would think it would mean that would mean the two parties are going to work together better to get things done, and that has not been the case, and so, just as a little bit of background, and I'm sure most of you know this, but there are 435 members, and you will see that little asterisk, and here's the first exception to the rule. There are 435 voting members, but there are six delegates. All of those delegates vote in committee, but they can't vote on the House floor, and so there are actually 441 members. All the members of the House serve two-year terms, and another asterisk is there's one member of the House who serves a four-year term, and it's the delegate from Puerto Rico. He's the resident commissioner. Again, all 435 members are up for election every two years, and again the asterisk because of the gentleman from Puerto Rico.

The key committee for fisheries and oceans issues is the House Natural Resources Committee, and I'll talk about that a little bit more in a minute, and you will notice, at the bottom of the slide, that all revenue measures must originate in the House. That's a constitutional provision. As you know from what's been going on with the appropriations bill this year, this year in particular, it would be nice if the Senate could do things first. The House is not doing a very good job on appropriations, but, because of the Constitution, all revenue measures must originate in the House.

Let's talk a little bit of Civics 101, for those of you who haven't had a high school civics class for a long time. The difference between authorizing and appropriation committees, and I think you probably know this, but authorizing committees give the agencies the authority to do things, but they don't give them money, and so, when we do the Magnuson Act, we can tell them to go out and build ten new fishery research vessels that are gold-plated, and they have to go to the appropriators to actually get the money, and so they don't get the big boats, and they don't get the gold plating.

Committee jurisdictions, the House Natural Resources Committee is the House committee of jurisdiction for fisheries and oceans. On the Senate side, it's the Senate Commerce Committee, and they do not have the same jurisdiction, and so, when bills get written to go to the House Natural Resources Committee, and it comes through the committee, and it goes through the House, it may

not necessarily go to the Senate Commerce Committee, where the expertise is, and I will talk about that in a minute.

The majority versus minority within the committees, the majority party on a committee is based on who the majority party is in the House or the Senate. Right now, the majority party in the House is the Republicans, and they have a couple of extra members, because they're the majority, and they have the chairmanship. Well, why does that make a difference? Well, the chairman gets to decide what bills move, the chairman gets to decide what hearings are held, the chairman gets more staff, and the chairman decides what witnesses testify at the hearings, and so the chairman may decide that the minority party only gets one witness for a hearing, and that's the case right now. They are generally getting one witness, and so it's going to be the chairman.

Bills versus reports, for those of you that are here and not watching online, this is what a bill looks like, and it's a got a number on the top. It gives a brief explanation of what the bill is supposed to do, and it gives a fancy title, usually, and it tells you who the cosponsors are, and then the legalese. This is a report, and now they're all online, but this is what they used to look like, and this is actually a report from the House report for the Magnuson Act in 2006.

This gives a more common, or a more descriptive, discussion of what the bill actually does. It gives a section-by-section, and it usually gives a cost estimate, done by the Congressional Budget Office, and it gives a lot more information. It tells you what amendments were voted on, and it will give you who voted which way on amendments, and the last thing that it does is, if there's dissenting views, if somebody didn't like what this bill does, you can read the dissenting views, and so these are really useful. As I mentioned, they used to be only printed, and now they're online. One of the other exceptions to the House rules is, ordinarily, there's a requirement that you have a report before you go to the House floor. That's waived off, and I will give you an example coming up in a minute.

As a staff, when I'm writing legislation, one of the things that one of my bosses first told me was words mean things, and I've listed a couple here, like should, shall, and may. If a committee, or a bill, tells the agency you shall do this, they have to. The bills often don't give them money to do it, and so, if we tell an agency they have to do something new, that's taking money away from somebody else, or from another program, and so we often talk about how fisheries are getting short-changed on the NOAA budget. Well, a lot of times, that's because committees are telling NOAA they have to do a lot more things without giving them money.

One of the things that we used to put in the legislation was the Secretary shall, subject to appropriations, and so we were giving a signal to the Secretary that you're required to do this, but it's our requirement to give you the money to do it, and so that doesn't come up a lot, but, just so you know, the "shall" and "may" make a big difference in funding.

One of the other terms that often comes up, especially in the Magnuson Act, is the Secretary, in consultation with the councils, and, well, that's great, but we found out that, a lot of times, the Secretary -- Their version of consultation was we had a phone call, and I consulted with them, and so a different version that we often use is in cooperation with, and that's used a lot more frequently now, because of the inattention to consultation in the past.

I mentioned bill referrals, and let me go back to words mean things. Because of the jurisdictional concerns, if we wrote a bill that mentioned the Coast Guard as the lead agency for a fisheries issue, it would not come to the Natural Resources Committee, and it would go to the House Transportation Committee, but, if that bill then passed the House, it would go to the Senate Commerce Committee, where they have the expertise on fisheries, and so words mean things, which agency we pick to do certain activities make a difference on referrals.

This is a really busy slide, and this is just a representation of the members of the House Natural Resources Committee. The names that are in red are non-coastal members, and so you will see that there are not a lot of coastal members. There are only eighteen out of forty-five, and there are only two from the South Atlantic, and neither of those are coastal members, and so, if you do decide to go to Washington to talk to members, there are not a lot of members from your region who are on the committee of jurisdiction, which is unfortunate.

Now, within the House Natural Resources Committee is the Subcommittee on Water, Wildlife, and Fisheries. This is a little bit better, and fifteen out of twenty-seven are coastal members. One of the key things to remember here is you see the first word is “water”, and that refers to western water, and so this subcommittee has a lot of jurisdiction over western water issues, hydropower and that sort of thing, and so you will notice the chairman is Cliff Bentz from Oregon, and that’s a very important issue for him, but this is the important subcommittee. It deals with all coastal and fisheries issues, and this is where you will see hearings most commonly occur on fisheries issues.

This is the House Appropriations Committee, going away from authorizing and to the money guys. Notice only one blue name, and that’s not real helpful, and this is the subcommittee that deals with all the NOAA funding issues. There are a number of coastal members on there, but they are not - - Excuse me. Coastal state members, but they are not coastal districts, and so I will leave it at that.

All right. Let’s turn to the Senate. The Senate doesn’t have as many rules as the House, and it has fewer exceptions, which is good. There are a hundred members of the Senate, two from each state. They serve six-year terms. Right now, the Senate is controlled by the Democrats, but it is, again, a very tight margin. Again, you would think they would work well together, and, actually, in the Senate, they do. One-third of the senators are up every two years, and it’s not a constant -- I mean, it’s a turnover of one-third every two years, whereas the House turns over every two years, and every member is up for reelection.

A key committee, again, as I mentioned, is the Senate Commerce, Science, and Transportation Committee, and this committee has a much broader jurisdiction than the House Natural Resources Committee, and one reason they are not doing a lot of fisheries hearings, or moving bills right now, is they also have jurisdiction over the FAA, and, every two years, they do an FAA authorization bill, and that’s been sucking all the air out of the Senate committee right now.

Again, representation red and blue, and red members are non-coastal, and blue members are coastal. Only nine out of twenty-seven senators on this committee are from coastal states, and, again, they deal with a lot of other issues other than fisheries, and so that’s why we have a lot of non-coastal members. Here is the subcommittee, and this is a little better, and six out of eleven are coastal members. You will notice, in the title of the subcommittee, it includes oceans, fisheries, climate change, and manufacturing. That’s kind of a weird thing to have on there, with all those

other issues, but that was something that the chair wanted added, because she's from Wisconsin, and she didn't have a lot of expertise on ocean and fisheries issues.

Here is the Senate Appropriations Subcommittee that deals with NOAA issues, and this is a much better situation. We have a lot of coastal members on there. I mentioned reports earlier, and, when appropriation committees do reports -- Let me back up. When they do an appropriation bill, especially for NOAA, it's only the big numbers. It's the report that spells out where the money is actually going. Reports don't have the force of law, but they are an indication to the agency where they expect the agency to spend the money, and I will note that the Senate Appropriations Committee this year, when they passed out the Commerce bill, they included some language on South Atlantic reef fish, and so they are paying a little bit of attention to your fisheries. All right, and enough about committees, and enough civics.

This is just a -- The next two slides just very briefly -- This is what happened last Congress, and there were very few fish issues, or fishery bills, that moved independently, and they were grouped into three very large bills, that were over a thousand pages each, and they were slipped in there, and there was not a lot of transparency. These were done toward the end of the Congress, and, to my view, it's not a great way to legislate, but this is what happens occasionally.

This slide also -- This is the Inflation Reduction Act, and it had quite a number of things in there, including funding for marine fishery and marine mammal stock assessments. I suspect this will come up tomorrow, when Dr. Coit is here, but not a lot of money is going for fishery stock assessments, and I don't want to point the finger at her, because there are a lot of people above her that decided where that money was going, but it's disappointing that very little of that money, despite being specifically pointed out in this act, went for stock assessments.

All right, and let's talk about this Congress. We're in the 118th Congress, and this is just a list of hearings, of committee hearings, that might be of interest to you. These are not just House Natural Resources Committee Fisheries Subcommittee hearings, and there are a couple of Senate hearings, and there was also a hearing that was done by the House Natural Resources Committee, the Oversight and Investigations Committee, on sanctuaries. They didn't have very many coastal members who were there on the committee, and the chairman is from Arizona, and the biggest takeaway, for the chairman, was how much China is being influenced in fisheries and oceans, and that was the big takeaway, and it wasn't that we're locking fishermen out of areas, or things like that, and it was China is getting involved.

This next slide is just a list of the bills of interest that I think you might be interested in that have been marked-up by the subcommittee. For those of you who don't remember your civics, generally, a bill gets introduced, and there's a hearing, and there's a markup, and then it goes to the House floor. That is the general progression, and so these have gone through the hearing and markup process, and so they're actually moving.

I will note two of interest, the Red Snapper Act and the Shark Act, and I know folks are interested in both of those, and both of those are out of committee. The Red Snapper Act, somebody asked me last night what the chances were of getting that to the floor. Just to note that was passed on a partisan vote, and so all the democrats voted against it, and so it is more controversial than the Shark Act, which passed by unanimous consent. This is just another slide that shows you what

bills have already had hearings, and this is a more complete list, because these are ones that have had hearings but not been marked up.

All right. I know you're interested in the Magnuson-Stevens Reauthorization, and I'm going to take you through a real quick history. This is more for your information, that you can take back with you, but a couple of key issues. I worked on both the 1996 and the 2006 reauthorizations. In both of those cases, both the Democrats and the Republicans agreed with the key issues were. We disagreed about how to get where we wanted to get, but we agreed on what the key issues are, and I'm going to talk, in a minute, about what's going on in this Congress for the latest reauthorization, and that is not the case.

One of the other things that I wanted to talk about, and not necessarily for the folks at the table, but for the folks in the audience, and this is an incredibly unique act. This was designed to give fishermen, and stakeholders, a seat at the table in making decisions on a natural -- A federal natural resource that they harvest.

People may not like the way the councils work all the time, and they may not like what comes out of the councils, but this was -- This is incredibly unique for a natural resource management statute. One of the other things that I want to note is there are limits on what the Secretary can do, and that was intentional.

If you look at the key senators and House members that worked on the original Magnuson-Stevens Act, three of the four of them are from the Pacific Northwest. The federal government had managed salmon in Alaska for a number of years, and botched it badly, and the Alaskans, in particular, did not want the Secretary having a heavy hand in Alaska, especially on fisheries issues, and so the two key takeaways that I want you to take away are stakeholders at the table making decisions on things they harvest, and you know the environmentalists talk about this is the fox guarding the henhouse, and this was intentional, and the other issue was the limitations on the secretarial authorities, and both of those were intentional.

One of the other things that I want to mention, in light of Henry Kissinger passing away recently, is, when this act had passed both the House and the Senate, and it was awaiting the President's signature, the State Department was adamantly opposed to this passing, and Henry Kissinger was Secretary of State, and he didn't win the argument, and so thankfully.

Again, these are just some of the key issues of the 1996 authorization, overfishing and rebuilding, bycatch reduction, habitat protection, and some of these issues are coming up again in the current reauthorization, because some people don't think these go far enough.

Council reforms, again, were in 1996, and you can see the list of other things that were on there, and one of the other things, that I didn't put on the slide, that I want to note, because we've been having a lot of discussions at the CCC about this, is we had a provision that required the Secretary, and here's the term, in cooperation with the councils and affected states, to create a five-year research plan on what they were going to do on fisheries research. I will come back to this, but this was something that Congress thought was important that the agency actually put on paper what they thought the research plan was going to be for the next five years.

Real quickly, a couple of lessons that we learned after the 1996 amendments that kind of guided us, when we did the 2006 amendments, is, when you tell the councils they have to amend an FMP, or you change a definition, it's a lot of work, and it's not easy to just go back and change an FMP. The second part of that was you can't require the councils do it under a tight timeline. It just doesn't work, and it sets us up for litigation.

Things like EFH identification, we're still having problems identifying the importance of EFH, and so requiring the agency to do something scientifically may not be possible, and the last thing that we noticed was litigation spiked. That was a key issue that we took into the 2006 reauthorization, and so, again, here are the key issues that were involved in the 2006 reauthorization, and I know some of these were really hard for the councils to deal with. The ACLs, and the accountability measures, were very hard for some councils in particular, and New England, in particular, had a lot of problems with this.

It was done because this was what was, quote, unquote, the Alaska model, and a lot of people in Congress thought that, because the fisheries were in such good shape there, that everybody else could do it, and that was another tough lesson that we learned, that it was not as easy to do other places, and, again, the key issues were agreed on what the key issues were between the Republicans and Democrats, and, speaking of the research report, and I didn't put this on the slide, but, between the 1996 amendments and these amendments, we realized the Secretary was doing a lot of research, and, despite the fact that they were doing their five-year research plan, they weren't really listening to the regions or the councils.

We added a section in 302 that asked the councils to do a five-year research plan of what you needed for management and then send that to the Secretary, and the Secretary, in theory, was going to then base their five-year plan on what you needed for management. The reason that I bring that up is because it's becoming an issue again, and it seems, to a lot of folks, and including folks in Congress, that NOAA is spending a lot of money on, quote, unquote, sexy science, but not a lot on research that's necessary for management, and so I wouldn't be surprised if this issue comes up in the next reauthorization again, but, in these two reauthorizations, we tried to address that issue, but it's just that it seems to be out of control again.

A side note is I went back and looked at all the five-year plans, five-year research plans, that the councils have done, and they're all different, and they're all formatted different, which is interesting, and it's a little harder to go between them, and one of them was 240 pages long, which is probably good for that council, but not good for explaining to Congress what your priorities are. Now, yours -- I think your council reviews yours, and updates yours, more than any other council, and I noticed that the last page has a priority list, and a very nice chart, Priorities 1 through 3, and that's very helpful, and so thank you. Well done.

Talking about the current reauthorization, we've been -- I shouldn't say "we", but Congress has been at this for -- This will be the third Congress that we've talked about reauthorizations, and Congressman Huffman, who was the chair of the subcommittee, did listening sessions, and he didn't do formal hearings, and so they are not on the committee website, and they're not a formal committee, or congressional action, but they informed him on where he was going to go with his reauthorization.

In the 116th Congress, there were two bills introduced, which went radically different directions. In the case of one, we were looking at more flexibility for the councils. In the other, we were looking at tightening down things like EFH, bycatch, and giving more authority to the Secretary, and so radically different directions. None of those bills became law, and none of those bills got out of the House. There was a markup, in 2022, on Mr. Huffman's bill, but it did not go any further than that, and in neither of those Congresses was there any action by the Senate.

What are the key issues for this reauthorization? As I mentioned, there are a lot of folks who think that bycatch needs to be reduced further and that there need to be more provisions dealing with bycatch reduction. There needs to be more EFH protection, there needs to be specific forage fish protection, that we need to tighten down on overfishing and rebuilding, and give more authority to the Secretary if councils don't act in a timely manner. There needs to be requirements for councils to deal with climate change.

I'm going to talk -- The next couple are areas of agreement, that there needs to be more science, more data collection, more cooperative research, and more electronic technology, including logbooks and video observers. There needs to be more, and better, recreational data collection, and we need a little bit more council transparency. Now, that issue has been around for a little while. I think, over COVID, because of the technologies the councils needed to get council business done, and to be transparent to the regulated community, I think some of those issues may have gone away, just because of the technology that has evolved, and so that may be less of an issue than it was before, but both sides of the aisle were hearing from constituents that they didn't think the councils were transparent enough.

Some other ocean and fisheries issues that are coming up this Congress, that I am just hearing dribblings about from staff, is there are rumors that Congressman Huffman is again circulating a Magnuson reauthorization draft. They have not seen it. I've been hearing this for six months, and it hasn't appeared, and so I don't know where it is in the process, but it sounds like it may not be ready for primetime yet.

I'm hearing a lot of dissatisfaction with MRIP, and members of Congress are hearing that, and so I think it's likely that there will be a hearing on what's going on with recreational data collection. Two years ago, there was a lot of interest in aquaculture legislation, and there have been a number of bills introduced, but it doesn't seem to be as much of a priority as it was for members of Congress. Offshore wind is a big issue, and you may have noted -- I sent out a note that there was going to be a hearing this week, or was it last week, on offshore wind in the House Natural Resources Committee, and that got cancelled at the last minute.

I can tell you offline why that happened, but offshore wind is a very controversial issue, and the issues that are coming up dealing with offshore wind also are the issues that have been around for a long time, dealing with offshore oil and gas production, seismic issues, and that sort of thing, and so it is making it uncomfortable for members of the committee who like offshore energy production other than offshore wind.

Obviously, endangered whale ship strikes is a big issue, and there's been talk about doing a hearing, because this issue has now expanded beyond the east coast, and we're now looking at Rice's whales in the Gulf, and we're looking at ship strikes on the west coast.

Marine sanctuaries, marine monuments, and the Antiquities Act, members of the committee, of at least the House Natural Resources Committee, are starting to realize that the monuments, and the sanctuaries, are restricting our seafood production, and so there may be some more oversight on those issues, and I will leave it at that.

I will skip the last couple, but one that has come up is creating NOAA as an independent agency, or creating a NOAA Organic Act, and this came out of the House Science Committee. I talked about committee jurisdictions, and NOAA is -- The jurisdiction over NOAA is split into two. The House Natural Resources Committee has jurisdiction over all the wet programs, and the House Science Committee has jurisdiction over all the dry side programs, and so the Weather Service, the satellite program, and those dry issues.

The House Science Committee chairman is retiring after this Congress, and he would like to leave a legacy, and one of the things that he has talked about, as his legacy, is creating an independent agency for NOAA. They have already had the bill introduced, and they've already had a hearing on it. The House Natural Resources Committee, at this point, has no interest in that, and they will not help him move his bill. They don't see a reason for NOAA to be an independent agency.

Having said that, there has been discussion, for years, about whether NOAA should have an organic act, like the Fish and Wildlife Service does, and, when I was on the Hill, we didn't see any reason for that either. However, Senator Cantwell, the senator from Washington who is the chair of the Senate Commerce Committee, does like that idea, and apparently a discussion draft is circulating. I am told it's over a hundred pages, and it's quite complex. At this point, it's quite controversial, and so it has not been introduced, but it's floating out there.

One other thing that I'm going to note is, because of California salmon issues, there's been an interest in taking protected resources issues away from NOAA and moving them to the Fish and Wildlife Service. As a former congressional staffer who is very cynical, I noted that, at one of the meetings of the House Natural Resources Committee, they were discussing a bill that would have taken management of bears away from the Fish and Wildlife Service, and it would have taken prairie chickens away from the Fish and Wildlife Service, and it would have taken I think it was sea otters away from the Fish and Wildlife Service, because they didn't like the Fish and Wildlife Service, but then they were talking about moving salmon there, and so there's a little disconnect, but it's clearly dissatisfaction with the way that NOAA manages salmon on the west coast.

I will go through appropriations fairly quickly. If you've been watching Congress, Congress is a little bit of a mess right now, at least on the House side, especially when we're dealing with appropriations. The fiscal year started at the end of September, and, at this point, we've only passed seven of the twelve appropriations bills out of the House, and only three out of the Senate, and zero have gone to the President. Instead, we've been doing continuing resolutions.

We passed one continuing resolution that took us to November 17, and the more recent one we split it into two. Now, after the first one, because it took Democrat votes to pass this, the Republicans were mad, and they ousted the Speaker. We've now had our second continuing resolution, passed with Democrat votes, and there are some members of the House who would like to punish this Speaker for doing that. We'll see what happens in the next couple of weeks.

This CR split appropriations into two different packages. The first package extends funding through January 19, and I will note there are only, at the most, twenty legislative days for them to pass four appropriation bills before this deadline out of the House, send them to the Senate, have the Senate pass them, and the President sign them. It's a very tight timeline, and I don't know if we're going to see another CR at the end of this period or not.

The second package, which includes all the NOAA funding, those agencies that are included in that package are funded through February 2, and I don't know if somebody had a sense of humor or not, but that's Groundhog Day, and so we'll see what happens. As I mentioned, there are people who are not happy with the Speaker for having done this. If we're looking at another CR on February 2, it could be Groundhog Day.

I also noted here that the debt limit bill that was negotiated several months ago -- One of the provisions in there, that hasn't gotten a whole lot of attention, is that, if there are federal agencies that are still funded under a continuing resolution after January 1, there can be a 1 percent cut for all non-defense agencies, and now that doesn't kick in, apparently, until April 30, and so, if we do pass some of these appropriation bills before April 30, that doesn't happen, but just so people know that, even if we get things a little more settled, there could be another 1 percent cut across-the-board.

Here are some of the other big-picture issues that Congress is dealing with. As I mentioned, you know, we still have appropriation bills, and we still have a potential motion to vacate a Speaker, border security, Ukraine funding, funding for Israel, a National Defense Authorization Act, which is a must-pass bill every year, and then FAA authorization bills, and I put that on there again because this is an issue that the Senate Commerce is dealing with, the Senate Commerce Committee is dealing with, and so not a lot of fish issues are going to come up.

All right. Lastly, and I'm sorry that I took so long on this, but this is the first time that I've met with you all, and I just wanted to fill you in on a lot of different issues, but the last thing I'm asked about a lot is how do we deal with Congress as council members, and, because councils get federal money, councils cannot lobby Congress, and so council members cannot lobby on behalf of the council. Because councils pay me, I cannot lobby for the councils, and so what can you do?

As private citizens, those of you who are not state employees, can lobby Congress for yourself. You cannot lobby on behalf of the council, and I will say that several times during this. If you have a question, talk to your NOAA General Counsel about what you can and can't say, but, for those of you who are private citizens sitting on the council, you can talk about your industry, and you can educate Congress, and so how does that work?

Do your research ahead of time. If you're going to meet with your congressman, find out who he is, he or she, and what's their background? Are they a small businessman? What's their background, and how can you relate to them? If you schedule -- If you're going to Washington, schedule your appointment a lot ahead of time. Congressional schedules get packed up pretty quickly. You're going to get about fifteen minutes, if you get in to see the congressman, and so three bullet points. What are your three priorities? Get them out early.

Don't necessarily just look for your congressman in Washington. They have district offices, and they come home a lot. If you want to chat with them about what's going on in fisheries, hit them

while they're home. It's going to be a little more relaxed, and they're going to have more time to talk to you. Don't be upset if you meet with staff, and don't get to meet with the congressman, especially in Washington. Their schedules are busy, and the staff are the ones who are going to have to do the work, ultimately, and so don't be disappointed if you meet with staff. Also, the average lifespan of a congressional staffer on the Hill is about three-and-a-half years, and so don't be upset if you go up this year, and next year you go up and it's somebody new that you're meeting with. Be prepared to start from square-one.

A couple of the other things that you might want to do is do a one-pager, something you can leave with them. If you have a recreational fishing boat, or you have a commercial fishing boat, on the one-pager, have a picture of your boat, and tell them what kind of gear you use. Give them information that tells them who you are. Talk about what your economic impact is, and talk about how many people you hire, talk about where you buy your bait, where you buy your groceries, where you dock your boat, and let them know that you're a part of the community. Invite them down to see your boat. A lot of people are very visual learners, and seeing a boat, and seeing how your gear goes in the water, seeing what your gear looks like, is really important to them.

Another thing not to do is you can send them a thank-you, but don't send them a thank-you gift. We have very strict ethics rules, and we can't accept things. Not we, but when I was there, and we couldn't accept things. We go through series ethics training, and I will give you an example of the ethics training. We're not allowed to accept things. There is an exception where we can accept something that is relation to an event. When they christened the fisheries research vessels, they took some congressional staff, and they did a plaque. One of the councils did a plaque.

An example we got of what we cannot accept is a big-screen TV with a plaque that says this was -- Or this TV is given in association with this event. We can accept baseball caps and coffee mugs, but that's about it, and so don't send a thank-you gift. A thank-you card is great, and do any follow-up that you want to, anything you might not have gotten across in your meeting, but don't send a gift. Don't send cookies.

The reason I bring this up is a lot of you have asked me about talking to your congressman. Going back to those slides where there were a lot of names in red, where there are non-coastal members, it's helpful if you go talk to committee members about what you do. Talk about how ninety-plus percent of the seafood is coming from overseas, and talk about how restrictions are limiting your activities. Talk to them about the burdens of small businesses. Talk to them about the lack of basic data that is affecting the buffers that you're putting on harvest levels. They need to know that sort of thing, and don't sit here and just think that working at the council level is enough. It's not.

If there are things that want me to pass along, given the limitation that I can't lobby, and I'm up there, and I can pass things along. If there are documents that the council thinks that members of Congress should see, I can pass those along. If you need to know who to talk to, I can help you with that, but I think it's very important that people realize that they can talk to their congressman, and they should talk to their congressman, and, with that, I have a homework assignment for all of you.

If you didn't get enough of Civics 101 from me, go watch the Schoolhouse Rock on I'm Just a Bill on Capitol Hill, and I expect to hear some of you humming that later in the hallway, and so thank you, and I'm sorry that I took so long, but I'm happy to answer any questions.

DR. BELCHER: Thanks, Dave. That was great. Questions for Dave? Spud, and then I've got Robert.

MR. WOODWARD: Thanks, Dave. I am just curious, and maybe just explain a little bit more about what an organic act would do to NOAA, because I know having it as a separate agency -- That seems to be kind of going nowhere, but what would that actually mean in day-to-day operations of that agency and how it relates to the councils and other entities?

MR. WHALEY: So my opinion is it will do nothing to change what you do or how NOAA operates. The issue is, right now, NOAA's authorities are from a lot of different laws, and it's you're authorized to do this, or you're required to do this, and you have all these authorities, but there's no act that says here is what NOAA is, and here's what it does, and that's what people wanted to do. The issue is, depending on who writes it, you may be putting your bias on it, and so the senator from Washington has a lot of ideas about how she would like to see NOAA work in the next twenty years, and so it's going to be somewhat prescriptive about what authorities they're highlighting, but, as far as day-to-day operations, I don't see that there is any difference at all.

DR. BELCHER: Robert.

MR. SPOTTSWOOD: Thank you for the report. You had mentioned that, of the funds in the Inflation Reduction Act that were supposed to be spent on assessments, and they weren't necessarily being spent there, and is there some way that we can have like an accounting, a track, of the money in the Inflation Reduction Act that was supposed to be to fisheries and where it's going? I don't know if that's something for --

MR. WHALEY: There was a large chunk of money that was given to NOAA, and then there were authorities, or options, that NOAA was encouraged to spend the money on, and stock assessments was on that list, but it was not necessarily prioritized, or a specific amount, and so the Commerce Department decided how much NOAA was going to get, and for what purposes, and then NOAA decided what they wanted to do with the money, and then what was left went to NMFS, and so NMFS didn't get a lot of money, and so what ended up being for stock assessments -- I think councils are getting \$20 million for the councils, but not necessarily money for stock assessments. Not to put Janet on the spot, but you might want to ask her a little bit more about that tomorrow, when she's here.

MR. SPOTTSWOOD: Okay.

MR. WHALEY: Again, I want to emphasize that it's not her fault, and she advocated for more stock assessment money, but, at the department level, and the NOAA level, those were not as high priorities.

DR. BELCHER: Do you have a follow-up, Robert, or --

MR. SPOTTSWOOD: Well, I would like to know what NOAA thought the higher priorities are, but I will ask that question tomorrow.

DR. BELCHER: Okay. Laurilee.

MS. THOMPSON: So, on the habitat protection, that last bullet says to establish procedures for comment on other federally-permitted activities or other federal actions that might affect essential fish habitat response requirement, and so I've got two good examples, you know, that are happening off of the Kennedy Space Center. One of them is the amount of rocket debris that is falling into the ocean, and probably affecting the Oculina Reef, and then the other example is fresh water, storm water and treated industrial wastewater, that these new commercial businesses are getting permit to dump their freshwater wastewater into the Merritt Island National Wildlife Refuge impounds, which are essential fish habitat, and they're major nursery areas for really important animals, and so does that mean that we can ask for NOAA to initiate some kind of questioning of NASA on these activities?

MR. WHALEY: Yes, and so the way the law is written right now is, if there's an activity that will affect essential fish habitat that's being permitted by another federal agency, and not anybody under the Department of Commerce, and, if the council, or the Secretary, notifies that agency that what they're doing may affect EFH, that agency needs to respond to that with what they are likely to do, or what they are intending to do, to mitigate those effects, but there's no requirement that they mitigate them, and so they have to tell NOAA that, okay, we got your letter that we're going to have an effect on EFH, and here's what we may or may not do to minimize those, and that's it.

Now, the reason it was written that way was -- Those provisions were put in 1996. At the time, there were a lot of members of the committee, and, again, this was a predominantly western member inland issue committee, who hated the Endangered Species Act and what it was doing to individuals on their farms, and other activities, and we did not want to create another Endangered Species Act-type consultation, with NOAA being the consulting agency, and so we wanted to highlight the fact that another agency was permitting something that affected habitat, but didn't want to give NOAA veto authority over that activity, and so it was a balancing act, and so that's why there is consultation, but not a requirement to mitigate, but, yes, if you -- Going back to your original question, if you think those activities are affecting essential fish habitat, either the council or NOAA can contact the agency and ask them to respond.

MS. THOMPSON: Thank you.

DR. BELCHER: Other questions? Bob.

MR. BEAL: Thanks, Madam Chair, and, Dave, it's always good to see you, and I learn a lot every time we talk, but, in the Senate report language for the FY24 budget, there is language in there that essentially says, you know, Congress is concerned that NOAA is not prioritizing survey work and fundamental science, and do you know where that came from, or is it just sort of capturing the general sentiment that councils, and commissions, and other groups are frustrated that NOAA is not prioritizing fundamental basic science, or is there a specific piece of science that that language is trying to get at?

MR. WHALEY: I suspect it's general, but also knowing that there are a couple of Pacific west coast members on the Appropriations Committee, and there's been concern in Alaska about the eroding number of surveys, and, obviously, a lot of those fisheries are very high-value fisheries, and you start putting buffers on, and it's real money for a lot of fishermen, and so I suspect it came from the Pacific Northwest, but it was echoed by a lot of other areas.

When we were doing the 2006 amendments to Magnuson, one of the things we were talking about doing was prioritizing surveys in areas that had a serious lack of surveys, and the region that kept coming up was the South Atlantic. There was very little survey work being done by NOAA, and the biggest concern was we're not getting an increase in funding, and so, if we're going to increase surveys in the South Atlantic, who is going to pay, and, at the time, the chair of both the Senate and House committees that were doing the reauthorization were from Alaska, and they didn't want to see funding erode from Alaska, or less surveys, and so the same issue.

One other thing that I forgot to mention is I talked about report language and how, in appropriations, that's where they spell out where the money goes, and I'm glad that Bob brought that up, and the Commerce/State/Justice appropriations bill, which is where all the NOAA funding is, that bill was never reported out of committee, never voted out of committee, and they're taking it directly to the House floor, and so there is no House report, and so, every year, we have a report that goes into detail about what the appropriators think that NOAA should be spending their money on, and what the priorities are, and we don't have that in the House this year, and so that's another casualty of what's been going on with the appropriations process in the House.

We will have -- When that bill becomes law, there will be a manager statement that both the House and the Senate managers agree on, but there is no independent House report telling what the House priorities are, and that's not a good thing.

DR. BELCHER: Any other questions for Dave? Laurilee.

MS. THOMPSON: So, if National Marine Fisheries Service is charged with managing our resources, who has the task of supporting commercial fisheries as a food source, you know, for our nation's food supply? Who is in charge of that?

MR. WHALEY: I would argue that NOAA is, but the USDA is primarily the agency that deals with food production. They deal with the school lunch program, and DOD also deals a lot with buying domestically-produced food for DOD facilities, and so it's not just one agency, but, generally, food production comes under the USDA.

DR. BELCHER: A follow-up?

MS. THOMPSON: So shouldn't then -- Shouldn't our food supply, from the seafood, be under the Department of Ag then, instead of the Department of Commerce?

MR. WHALEY: Well, now you're getting into a little bit of politics, and so, going back in history, and just talking about aquaculture, and forgetting the wild production, there was a move to move all aquaculture, including offshore aquaculture, under the USDA, and farmers revolted, because they didn't want to share their programs with aquaculture.

A lot of the reason that people want to move fisheries to the USDA is because there is an insurance program, there's a lot more money for disaster assistance, and there's a lot more money overall for the Department of Ag. The farmers will oppose that strenuously, because they don't want to share their programs. The other issue, that I think is more important, is you don't have any offshore expertise at the Department of Ag. At least under NOAA, people know what a fish is, and they know what essential fish habitat is, and they know what a fishing boat looks like. The USDA, they don't.

DR. BELCHER: Okay, and so any other questions at this time for Dave? If you've got some other stuff that you would like to continue conversations with him offline, then --

MR. WHALEY: Yes, and I will be around tomorrow as well.

DR. BELCHER: So thank you again for your time today.

MR. WHALEY: Thank you.

DR. BELCHER: All right. I'm going to recommend that we go ahead and take a ten-minute break, but, before everybody leaves the table, we have four more conversations to have, and because we're probably looking at at least thirty minutes per, we may go long tonight, and so I'm just putting everybody on notice that it will probably be 5:30, or maybe a little bit later, and so we're coming back at 3:45.

(Whereupon, a recess was taken.)

DR. BELCHER: If everybody can come back to the table, please. I am also going to float out to everybody that if you can be aware of where you sit relative to your mic, because apparently sound is not carrying across, so everybody can hear all of the conversation at the table. The recommendation, from Suzanna, is to make sure that, obviously, your mic is about throat level, but don't get any closer than four inches, or you get feedback, and so it's just to give you relative positional awareness to where you are to the mic, please. Okay, and so we're going to put it on the record that, the longer away, the longer you stay, and so it's your choices. All right. Jeff, we're going to continue on with the report, and so the SSC report is upcoming.

DR. BUCKEL: All right. I will try to talk loud enough for those members that are still in the back. That was Carolyn that asked me to say that. Okay, and so this is a little different than my normal week with you, where I meet two or three times, and this is all of the topics are going to be covered in one presentation, and there's seven topics, and so most just have one or two slides, but a few have three or four, and so hopefully we'll get through this relatively quickly.

The first topic that we covered in our October meeting was a review of the Marine Recreational Information Program Fishing Effort Survey pilot studies, and we were asked, by the council, to discuss the findings of the pilot studies that evaluated recall error. There were two studies, one that compared to one to two months and then another that looked at the order of survey questions.

The order of survey questions results, those resulted in two different sets of estimates, neither of which have been validated, and so you have the FES, the original FES, estimate, and then the pilot study estimate, and the presentation was that the new estimates, right, are more valid, but neither

have been validated, and so there was evidence that was presented that the pilot study estimate better reflects the true effort, but the SSC felt that there was no conclusive evidence that was presented as to which estimate better reflects true effort, and they recommended that follow-up studies, and those are planned -- That those OST follow-up studies will be critical to providing further guidance.

The FES studies were presented as the biased estimates, and the pilot studies with no bias, or less bias, but SSC members commented that, you know, it could be that the FES is more accurate, and that pilot studies have bias, and so these follow-up studies will be critical to providing information on that, in particular if there could be validations done.

The other question related to MRIP-FES was to discuss how pilot study results will impact timing of ongoing and future assessments and ABC determinations. There needs to be close coordination between OST and the Southeast Fisheries Science Center prior to any future public communication of study results, because how -- The current rollout of these pilot studies did not provide the context for managers, and the public, that they need to understand the potential impacts on stock assessments and management, and so the OST, in coordination with the Southeast Fisheries Science Center, should demonstrate the impacts to assessment and management for key stocks using any new recreational data streams when the rollout of new MRIP estimates occur.

Further discussion related to that topic was that, you know, based on the SSC's conclusions that the stock assessments in the future should continue with using current MRIP data streams. Application of recreational data streams in stocks should be consistent across assessments. The SSC does not endorse using the preliminary pilot study findings as a basis for ABC determination or impacting the timing of ABC determination, and I will stop there, before I get to the next topic, to take questions, if that's okay, Chair, and we'll -- As I mentioned, I've got seven different topics, and this is the first one, and, after each one, I'll take questions.

DR. BELCHER: Thanks, Jeff. Questions for Jeff about the FES? Okay. I've got Spud and then Robert.

MR. WOODWARD: Just, I guess, a little clarification about what impacting the timing of ABC determination means, because, you know, at our previous meetings, we've talked about looking at the SEDAR schedule, and how to make adjustments to ensure that future assessments are being based on information that we have the greatest confidence in, and it considers all this, and so kind of what does that mean? Does that mean that we're doing with the SEDAR schedule is premature to do that?

DR. BUCKEL: So you would have to maybe give me some specifics of what's going on with the SEDAR schedule, and I haven't kept track of that, but if it's -- So this is where the SEDAR schedule is being impacted by the MRIP?

MR. WOODWARD: I think it's that we've looked at situations where, if you have a stock, and it's a mixed-use fishery, and the private recreational component of the recreational sector is dominant, and that you've got, you know, the potential for this bias to manifest itself in whatever it might be, and that, if we can push those into the future a little bit, and get this larger study done, you know, and refine our understanding of this, then I think it would all help us with our confidence in the outputs of those assessments.

I think we've looked at opportunities in the SEDAR schedule to move some things around, so we can do that, and so I can't remember the specifics, but haven't we done that, kind of looked at a way to do that, and so is this sort of making that -- I hate to use the word "irresponsible", but is it premature of us to do that?

DR. BUCKEL: I think, at the SSC, if the -- When this statement was put together, that it was to - - You know, that we didn't want things to be held up, you know, in a larger way because of this study, but, if they were, you know, waiting six months or a year for a new report, I think that the SSC would be okay with that, but that's, you know, just with how you just present it, those -- You know, that we have a set of species, right, that are always in the queue, and, if there's some that are going to be less impacted by this than others, than that makes sense to me, and I'm sure the SSC would agree with that, but I can check back.

DR. BELCHER: Robert.

MR. SPOTTSWOOD: So I'm trying to figure out how to state what I think I heard, and so it sounds, to me, like the SSC said, because we don't know if the pilot study is wrong, or FES is wrong, and we should just proceed with FES, and was there any comp to, you know, the State Reef Fish Survey, or other metrics, to try to identify, you know, how accurate FES was, before, you know, just suggesting we should continue to rely on FES data?

DR. BUCKEL: So it sounds like two questions there, and so correct on that we didn't feel that we knew which one was the most valid, and so the larger, more robust study, and not just the pilot study, to know which one was more accurate, or best reflects true effort, and then the comparison between the FES and the Florida State Reef Fish Survey -- We're anxious to see those results, and so, for a species like yellowtail, right, where they're predominantly caught in Florida, then that would be good to see that comparison. In fact, we asked for a presentation from Florida on that State Reef Fish Survey, because many of the members aren't familiar with that. Does that --

MR. SPOTTSWOOD: I think I got what I needed. Thank you.

DR. BUCKEL: All right. Thanks.

DR. BELCHER: Any other questions for Jeff? John Walter.

DR. WALTER: Thanks, Jeff, and thanks, Chair. I wasn't at the meeting, but I know that our center is working with a lot of our partners on trying to identify and do a triage on what the exposure to FES is, and this is something that's come out of the Gulf Council, and then sort of the next steps of that are to do some analyses of what the potential impacts are on the assessments. We're working through some ideas of what those might be, and I want to ask the SSC what ideas came up, in terms of what would be useful for you to see out of the assessment process, relative to being able to make decisions and move forward. Thanks.

DR. BUCKEL: John, I don't remember any -- I'm looking back at the second slide that I presented, that the -- You know, that the next roll-out of new data streams would, you know, have some examples of how it would impact an assessment result, right, and the current rollout of the pilot study -- Folks saw 40 percent, and then, right, you just start -- You know, folks, stakeholders, will

take those numbers and say, oh, well, this is going to result in 40 percent more, or 40 percent less, for example, where, in reality, as you know, with the stock assessment, that may just change the scaling of the assessment, and the stock status doesn't -- It's not going to be impacted by that, and it may impact allocations, but, you know, we don't know, until you turn that crank and see, and so that -- It would be the stock status, all the way to allocation, and those were discussed, and there was -- Within the SSC, for the current rollout, there was discussion about should that be done now, and not wait for new data streams, and there was a lot of back-and-forth on that.

What we decided was this language here, that, for the next more robust study, and you have the data streams that come out of that, that that would be the time to show how it would impact the assessment and management, and so, when you say what would you like to see, it would be, you know, all the things that we see out of an assessment and how that could impact the management.

DR. BELCHER: John Walter.

DR. WALTER: One thing I think that has become evident, to us, is that the timeframe on the next study is probably -- Having results is 2026, and the timing on when that could get incorporated would be even after that, and so, to get to that, we're probably looking fairly far down in the future, and so we think we probably need to do those analyses prior to that, because I think that, for every assessment that comes up on the docket, people are going to say, well, what is the potential impact here, and can we proceed with this advice.

That's one of the nice things about the flow chart that we've been working on, in terms of you do an analysis, and what's the exposure, and like, for instance, if there's only really mainly 90 percent commercial in that fishery, well, that's not a lot of exposure to FES, and that probably just continues on, but, if there's higher, then we might have to move into say a sensitivity analysis of what it could be biased high by 40 percent, and does it impact other things down the line for the assessment, and then move down. Is it status? Okay, if status is conserved, we're okay. Is it affecting the catch levels? Well, in that case, as long as we're measuring the catch levels in the same units that they're set in assessments, sometimes we can be fine, and we can still manage to ensure that we're not overfishing, even if the units are variable, but then allocations might be a different thing, and then that's another question for the council, in terms of what the council's wishes are there.

Having that, we feel, prior to that rollout, and as assessments come up, is probably something we're going to need to take on, and I think people are going to ask us, like as an assessment comes through, well, what about this, and I know we'll probably at least do like a one-off sensitivity analysis, at a minimum, to look at that potential impact, and so I would ask the SSC to be ready for probably some of those things to come out, even if they don't get everything you might want. Thanks.

DR. BUCKEL: Thanks, John. You know, the tension, for the SSC, was that there was definitely consensus that we're not ready -- This isn't ready for primetime, in terms of that it's a 40 percent, right, and they're pilot studies, and so knowing which one was the best estimate -- Folks weren't ready to get onboard with that, and so, okay, well what about -- Let's see how it impacts, and well then we just said that we're not sure which one is correct, and so why would we look at an impact, whereas, for others, we're like, well, the genie is out the bottle, and someone used that terminology, and so we need to show what the impacts are going to be.

To your point, I think, as we learn more, as OST, and the Southeast Center, learn more about which one is more or less biased, or maybe, for specific species like yellowtail, and you know the State Reef Fish Survey in Florida, relative to MRIP-FES, doing those, and you have a better idea of which one is more accurate, then moving forward with the impacts would -- The SSC would be onboard with that, based on knowing the reasoning behind, you know, this statement about waiting until the full study was done, and is that clear? Did that make sense to where we were struggling with looking at this impact before the full study was done?

DR. BELCHER: John.

DR. WALTER: I think it's difficult for everyone to kind of understand what this is, but the way we've been working through this is knowing the extent of the potential problem allows you then to chart a course of action and say, okay, we're not going to have the answer for quite some time, as to what's right or wrong, but knowing that there are some -- Basically the triage of what the extent of exposure is then tells you that, okay, in some cases you're fine, and, in others, we're okay, and, in other cases, well, we're going to need a lot more work on that one, or maybe we need to wait until we get that answer before some difficult decisions get made, and I think that was the path we were kind of outlining, which is a staged, and staggered, approach.

DR. BELCHER: So, again, I apologize for my lack of memory, but were you at the September meeting, John?

DR. WALTER: I was, yes.

DR. BELCHER: Okay, and so, for Jeff, what the council did was we looked at the species that we have currently in the SEDAR queue and asked three questions about it, as far as where we were relative to the status, overfished or overfishing, the dependency on the FES numbers, and, again, was it a dominated, recreationally-dominated, fishery, to determine whether or not we were going to shift orders of certain things, and so things like the tilefish, which is predominantly commercial, was not one that we changed anything about the order, but we had other things that we revisited and talked about changing the order, and so we've kind of done that, from a higher-level approach, but I would assume that, as these things come up in the queue, those things could be asked in those processes, as those assessments are coming up. Does anybody else have anything they want to add from recall from September, relative to what we did? All right. Andy, I will go to you next.

MR. STRELCHECK: I mean, not a question for Jeff, but just I think something to think about, as Scott Baker comes up for the outreach presentation, and, you know, what John was saying -- I think we have some opportunities, right, and MRIP is under the microscope right now. It's hyper-scrutinized, and every wave estimate is being looked at, and we've had a couple of estimates recently that people have started to question, and so I think it's an opportunity, one, to explain what we're doing, what we're not doing, how we're using the State Reef Fish Survey, or other surveys in the Gulf, as well as explain the potential impacts that these estimates may or may not have on assessments going forward and the overall status of the stock.

I think there's a lot of confusion by anglers, and a lot of the interpretation is that you're overestimating effort by 40 percent, and so you should give us back 40 percent more days, or 40

percent more fishing opportunities, and the reality is that's just not the case, and so, the more we can explain this, especially using our outreach experts, the better.

DR. BELCHER: Okay. Anyone else have comments to Jeff's MRIP-FES comments from the SSC? Okay. Seeing none, Jeff, go ahead.

DR. BUCKEL: Okay. Moving on to black sea bass, I would remind folks that SEDAR 76, the black sea bass operational assessment, the SSC has been going back and forth with the Southeast Fisheries Science Center since April to get you catch estimates. We had a workgroup tackle several different questions about the assessment, and the projections in particular. They met in September, and the Southeast Fisheries Science Center, particularly Matthew Vincent, were able, in a very short period of time, and so thank you very much, to bring preliminary projections to the SSC's October meeting, or to provide those for us before the October meeting, and so I'm going to provide some statements from that.

One of the recommendations out of the workgroup was to use mature fish biomass, or mature fish as a spawning biomass, and so the egg production, and the SSC agreed with the justification for doing so. The SSC recommends that reference points be based on landings and discards and to use spawner potential recruit metrics instead of the yield per recruit metrics, specifically SPR mature weight at F 40 percent. Then we had discussions about the preliminary projections, and we had some other tweaks to those that Matthew is working on, and those are going to be presented to the SSC in a February 2024 webinar, and the plan is that, at that webinar, that we will set ABC and OFL for black sea bass. I just have the one slide on black sea bass, and so any questions on that?

DR. BELCHER: Tim.

MR. GRINER: When you say that the reference points should be based on landings and discards, does that mean landings separate from discards or all together?

DR. BUCKEL: All together, yes.

MR. GRINER: Can you look at it both ways, separate and together?

DR. BUCKEL: Matthew could speak to that, but I think these are when we're looking at a total - It's a total removals in the assessment, and that's the reference -- You know, the fishing mortality rate based on that total removal, and there's a reference point based on that.

DR. BELCHER: Other comments? Andy.

MR. STRELCHECK: It's a great point, Tim, and, you know, I think what we have been striving for is what the SSC is recommending, which is managing for total mortality, including discards. I think we probably do need to ask the Science Center, and the SSC, to provide us both total as well as separate landings and discards, primarily for the reason that Dave Gloeckner, and others, are going to come to talk to us about, which is that it's very difficult to estimate discards, and discards from the commercial fishery, in-season as well, but also recreational discards and applying, obviously, a discard mortality rate in-season, and so I think it's something we need to consider, but I'm not sure exactly whether it's ready or not to implement.

DR. BELCHER: Thanks, Andy. Does anybody else have questions? Okay. Jeff, next.

DR. BUCKEL: All right. Next up is modeling discards and ABC determination, and so, Tim, this may speak a little more to the point, and so the OFL, and the ABC, are estimated in total removals for use in projections, and so, in the projections, there is both the landings as well as the dead discards. In the past, the projection approaches assume that the landings-to-dead-discard ratio remains constant, and so, if you have a thousand fish that are landed, and a hundred fish are dead discards, and you guys say, okay, we're going to drop the landings to 500, then the assumption, in the projections, is that the dead discards would drop to fifty.

We now know that, based on the management approaches that have been used in the past, that the discards do not decline in that way. When the landings are reduced, the discards are not reduced, and so what do we do? You know, moving forward with these projections, and we're trying to do this with black sea bass, where we're taking into account that what we now know that the discards are either going to remain level, or go up, when the landings are reduced, and it's going to be species specific, and specific to the management action, and Erik Williams gave us a presentation and talked about, you know, the uncertainty in knowing -- You know, it's kind of a chicken-and-egg thing.

If we don't know what the management actions are going to be, we don't know how to treat the discards in the projections, and so the SSC recommended that a comprehensive retrospective analysis of fleet responses to a variety of management actions be done, and that would help with predicting future responses of the fleet. This analysis would be dependent on accurate estimates of discards and fishing effort.

In other words, taking, you know, the historical data and seeing -- You know, we had the projections on what we thought was going to happen, but looking and seeing actually what did happen with landings and dead discards under different management actions, and so then that would help us predict better in the future and not use this constant landings-to-dead-discard ratio that we know now is not reality.

What do we do in the meantime, before that analysis is done? Discards should be -- The SSC recommends that discards be projected through a constant discard F , with conversion of landings to dead discards, or other methods, depending on the species. Changes in management may reduce landings, but discards may not be reduced, or they may increase.

We were also asked to discuss the implications of a recent paper, Bohaboy et al. 2022, and the results of that paper toward this effect. Currently, we, in the Southeast fisheries, are managing by ABC landings, and that's the current practice, and recommended by the Southeast Fisheries Science Center, and the paper was a simulation study, and some of the coauthors were members of the Southeast Fisheries Science Center, and that study, the simulation study, concluded that managing by explicit ABC landings, and ABC discards, a total removals approach, gave the best performance measures in the fishery, again using simulated data. For us, the problem with using ABC discards is that monitoring of discards is difficult, relative to landings, and so that's the last slide, I believe, on that topic, and I would be happy to answer any questions.

DR. BELCHER: Questions from the group? Spud.

MR. WOODWARD: Thanks, Jeff. Could you back up to the slide before this? I'm just curious about this retrospective analysis, and, of course, that last sentence is really the one that shouts the loudest, is that it all depends on accurate estimates of discards and fishing effort, which I guess I could see that retrospective analysis being hampered somewhat by the fact that that doesn't exist in a lot of circumstances, and so, I mean, I certainly think it's a worthwhile exercise, but I think that's going to be -- You're going to get results out of that, and you kind of go, okay, you know, what does this really mean, and how do we use it to go forward, and so that's just kind of a comment on that, and am I on the mark there, or am I off?

DR. BUCKEL: Yes, and I think it depends on -- You know, it probably depends on the species, and then -- You know, if we think there's a biased low estimate of discards, right, and there's evidence of that in some stakeholder groups, and, if we actually saw that -- You know, the projections were that discards were going to drop in proportion to the landings, but we actually saw this increase, and we don't think that we have that fully captured, then, you know, that would tell -- It would potentially give guidance on how to move forward with future projections, and that would be, you know, more evidence that that ratio is not remaining constant.

DR. BELCHER: I've got Monica and then Tim and then John Walter.

MS. SMIT-BRUNELLO: Just a question. When you're talking about doing some analyses, retrospective analyses, of fleet responses, when you use "fleet", do you mean the commercial fleet, or do you mean commercial and recreational, or do you mean the whole entire folks that harvest it and not any specific sector?

DR. BUCKEL: Correct, yes, and so all stakeholder groups, and so it could be the recreational fleet or the commercial fleet. Correct.

DR. BELCHER: Tim.

MR. GRINER: Thank you, Madam Chair, and so, when you state that we now know that discards don't decline in situations where landings are reduced, I don't see how that could be accurate across the board. I mean, if landings are being reduced, or if landings are reduced because of a lack of abundance, then the discards are going to be reduced, because there is less fish to discard, and so how do you distinguish whether the discards are going to remain the same in a situation where you don't exactly know why the landings are being reduced, if it's just a fact that there's not as many there?

DR. BUCKEL: So this is where we're talking about that you're putting in a management measure to reduce the landings, right, and not that the abundance has declined, and so -- If landings are reduced, and the projections, assuming that the discards are going to be reduced, but that doesn't have -- Like for red snapper, for example, your dead discards continue, you know, to -- They don't drop in the same way that landings have dropped, and so the red snapper would be a good example of where that didn't occur.

Now, there may be situations, species and fleets, where that does occur, and that's this -- Looking at this historical analysis of fleets, and management actions that have been put into place, and then what is the response of both landings and dead discards, because there may be situations like you're

talking about, where there is -- You know, we're trying to rebuild, and so landings are reduced, and we're in a situation where that's not that many of that species out there, and not only the landings are reduced, but then you're not getting the -- I think, to your point, you were saying there's not many dead discards, because that species is not at an abundance level to produce those.

MR. GRINER: Correct, and I just wanted to make sure that that's -- That is the understanding, right?

DR. BUCKEL: Yes, and that's why this last bullet point about looking at the full suite of responses.

DR. BELCHER: John Walter.

DR. WALTER: I think we've, unfortunately, used some words, like jargon, like "retrospective analysis of fleet responses", that it seems confusing as to what is actually there, and all we would do is just say -- So, if you reduce the catch down to a very small level, we have estimates of discards, and, granted, there is uncertainty there, and did the model-predicted discards decline at the same rate that the landings that we're managing on declined, and I think, in almost every situation, that is what was not happening, because we didn't have a management action that operated on the discards. It only operated on the landings, but people could still fish, and that effort was still out there.

That's where our projections were unrealistic, and that's what we're saying, is that now we need to consider what kind of action is going to operate on the discards, to make sure that that achieves the needed response.

The second point is that it seems like there's a disconnect here in terms of what the Science Center recommends and what the SSC recommends, in terms of managing for both live and dead discards, and I don't think we're at odds here, and it's, in theory, wonderful if you could manage for both, and so you would have a catch target, or a landed target, and a discard target, and, if you had either one of them, that would then perhaps trigger something, the challenge being that we just don't have good handles on the discards.

The benefit, and the carrot, for doing that are a number of things. One, as the study shows, you can actually get much better management, and, two, we have an ability to convert those dead discards into landed catch, by like -- Let's say we learn that, by implementing descender devices, we actually can credit the fishery with the use of those, and then say, oh, you can keep more fish, because you're not killing as many.

We've struggled with being able to credit that, and being able to achieve that benefit, but that's why, if we could get the data to manage both landings and discards, we could achieve all these benefits, and I think that's why the SSC is recommending it. Why the Science Center, and NOAA Fisheries, is not quite at the point where we would recommend it is because -- I think the presentations we'll hear next from the Science Center on discards are indicating we might not have as good of a handle on being able to track them as you would for a discard-only catch limit. Thanks.

DR. BUCKEL: Yes, and, just to that point, you know, we -- The SSC, that's our last -- These three statements, or the last statement, that we realize that, at this time, we don't have the ABC discard information, to go with the Bohaboy et al. recommended approach, and so we agree.

DR. BELCHER: Further comments, or questions, for Jeff at this point with the discards and ABC? Okay. Next.

DR. BUCKEL: All right. Next up is the vermilion snapper interim analysis, and there's just one slide here. We were asked to discuss the modeling approach, and the data inputs, for the vermilion snapper interim analysis. If folks remember, this approach uses index-based data to potentially set ABCs, or, you know, at least, at the minimum, do a check-in on how the stock is doing, but potentially to set new ABCs based on index data, and this was applied to vermilion snapper by the Southeast Fisheries Science Center, and presented to us in October.

Overall, the interim analysis modeling approach is reasonable. However, the SSC expressed concerns with its application to vermilion snapper. For vermilion snapper, the SSC does not recommend using the index-based approach, given the assessment model cannot fit the index in the last stock assessment, and so, if you look at Figure 12 of the last vermilion snapper stock assessment report, you can see that it's not -- That the assessment model doesn't fit that well, and so the SSC members did not feel comfortable with using that index-based approach to set ABCs.

However, to reiterate, the interim analysis approach should be considered for other species where the index tracks abundance well, and it just is not doing a good -- You know, in the past, it hasn't done a good job of providing an index of vermilion snapper abundance, and so that's -- I just have one slide on vermilion snapper, and I can take questions.

DR. BELCHER: Questions, or comments, from the group on vermilion and the interim? Okay.

DR. BUCKEL: All right. Next up is BSIA. National Standard 2 has language related to BSIA, and the Southeast Fisheries Science Center put together a Southeast Regional Framework for determining that fishery conservation and management measures are based on the best scientific information available, and the SSC was asked to review that.

The Southeast Regional Framework language does not align with National Standard 2 language, and, you know, the SSC discussed this, and we pulled out language from NS 2, Section c, that states that the SSC's scientific advice, and recommendations, to its council are based on scientific information that the SSC determines to meet the guidelines for best scientific information available, and so that didn't match with language that was in the Southeast Regional Framework that the center would provide that information on BSIA. NS 2 provides BSIA determination authority to SSCs, while the Southeast Regional document specifies NOAA Fisheries as the authority.

The SSC expressed concern that Section 1g of the Regional Framework specifically provides justification for NOAA Fisheries to override SSC recommendations. In the majority of cases, the center and the SSC have an iterative process, where we build consensus between the SSC and the center, and that's constructive, and it provides useful management advice, and that's -- You know, a good example of that, that we're going through right now, is with black sea bass, where it's been, you know, going back and forth, in an iterative way, to build consensus on the best assessment that

will lead to the best management. However, when the SSC is asked to reconsider their recommendation, based on our reading of NS 2, it's not forcible upon the SSC to do so.

Section 3d of the Southeast Regional Framework is at odd with the traditional scientific process, and the language in that section states that the final review of data products is being reviewed by the entity that has produced them, and so, in science, we're always looking for an independent review body, and so that Section 3d is at odds with that. This has the potential to degrade the integrity of the center's science, and it could impact council and stakeholder perception of the science used to inform management.

We were asked to address the question of what are the implications for scientific-based management and the peer review process if the SSC's determination of BSIA is overridden by the center for stock assessments used to set ABCs, and the SSC's response is, should SSC decisions be repeatedly overridden, this would demonstrate failure of the scientific peer review process. The SSC should be one of the most independent and objective peer review bodies, which is critical when management actions could have political motivation, and that's the last slide that I have on the Regional Framework review, and I'm happy to take questions on that.

DR. BELCHER: Comments, or questions, for Jeff relative to BSIA and the comments on the framework? Okay. Seeing none, move on to your next topic, Jeff.

DR. BUCKEL: All right. The next topic is the South Atlantic Deepwater Longline Survey, otherwise known as the SADL Survey, and, just to remind folks, there's been an SSC workgroup, or a workgroup composed of SSC members and SADL team members, to put together a report, and the SSC was asked to review a presentation on the SADL, review the final report and recommendations of that SSC SADL workgroup.

The SSC agrees with the findings, and the recommendations, of the SADL review workgroup. The current stratified simple random sampling design, the gear used, and how it's deployed, how data, and biological samples, are collected and are all suitable for the survey. The focal species should be golden tilefish, blueline tilefish, and snowy grouper, with yellowedge and warsaw grouper and speckled hind as secondary focal species.

At least five years of survey data should be available before an index of relative abundance should be considered for use in a stock assessment. However, index development, and monitoring of a possible index for contrast, variance, et cetera, can start earlier, for example after the 2023 data are available. Other information, such as length-at-age and reproductive information, can be used at any time, and that's my last slide on the SADL review.

DR. BELCHER: Comments, or questions, from the group? Laurilee.

MS. THOMPSON: So I don't see it in this presentation, but I read somewhere, and I think it was in the longer version of the report, that you guys are recommending delaying the tilefish assessment until the SADL index is ready for integrating into the assessment, and that could take three more years, and I don't want to be a whiner, but the golden tilefish just always seems to get kicked back, and put on the back burner, and it took almost five years to get the last golden tilefish assessment done, and, you know, that's been disastrous to the fishermen. I don't want to see this next

assessment kicked back for three more years, and we need fish in the South Atlantic. Those guys are suffering, and so why do you want to wait three years?

DR. BUCKEL: So I don't remember if it was golden tilefish, and I would have to go back and look at the full report to double-check on that, and get back to you on that, Laurilee, but Judd is coming to save me on that one.

DR. CURTIS: There's a couple of concerns with it, and, you know, just scientifically, and that's the basis of the SSC's determinations, right, and so, the management aspect of things, you can prioritize it how you want it, but there was a couple of concerns, scientifically, that the commercial catch per unit effort index was not valid anymore, as a result of some management actions, and you do not have that fishery-independent index currently that you need for an age-based assessment, to help stabilize these models, and so those are some of the concerns, from the SSC's perspective, and we did hear that there was management concerns from council members, or council staff, and so, scientifically, that was their recommendation, but, of course, if you want to prioritize the management, because of those needs, that is within your purview, certainly.

DR. BELCHER: So a question, and doesn't this basically just put us back to the discussions of what we've done in the past, relative to those species that have been assessed without it, and questions of whether or not we can do something else? Again, you know, there's a lot of concern about -- The takeaway, that we've heard many times, is that the council wants these more data-intensive methods to base our management on, and we just want the most appropriate approach for the data that we have at-hand and I don't think any of us want to see these punted down the line any longer than we have to punt them, with the idea that we're holding out for an age-structured model, and that is not what the council has asked for, and we're still continuing to make sure that gets on the record, that we're asking for the most appropriate model, and so just to add to those conversations, that I hope, going forward, that this isn't something that that means that we derail the potential of an assessment for this species because we don't have the SADL index. Comments from anyone else? Okay. Jeff, back to you.

DR. BUCKEL: All right. Moving on from SADL, the last item that we were asked to present today, that we discussed in October, was the precision threshold workgroup update, and, just to remind folks, this workgroup -- Well, to back up, we have an unassessed species workgroup that the SSC plans to convene to provide you catch levels for species that are not assessed, or potentially like the golden tilefish example, where we're not going to -- Doing an age-structured assessment wouldn't be appropriate without the SADL, but there's a fallback, you know, a more data-limited approach, that potentially could be used.

For many of those unassessed stocks, the current PSEs on catch are above 50 percent, and so, before the unassessed stocks workgroup can meet to provide you catch levels, we need to get catch data that have better PSEs, and so there's a joint workgroup of the Southeast Fisheries Science Center and the Office of Science and Technology that are working to develop appropriate methods to estimate catch for unassessed stocks, where those current PSEs are above 50 percent.

The workgroup is currently looking at assessed stocks, and they will examine alternative estimation methods, and resulting precision, and their plan is to do that on both South Atlantic and Gulf of Mexico species. They are using the precision threshold of 50 percent, in line with MRIP, and what we were presented, in our October meeting, was that there was going to be meeting, a

workgroup meeting, scheduled for the end of October, and another one scheduled in November of 2023, and I don't know if those occurred or not, and the SSC requested an update from the workgroup at the April 2024 meeting, and so, if folks are part of that precision threshold workgroup, if you could let us know if those meetings happened, and that would be great, but just the one slide on that, Chair.

DR. BELCHER: Comments, or questions, on the precision workgroup? Okay. Seeing none, that is the end of the SSC report, and so thank you, Jeff, and thank you, Judd.

DR. BUCKEL: Thank you.

DR. BELCHER: If other questions come up, Jeff will probably be hit or miss available. He's local, and that's the good news, and so, if we need to chat with him, we can get him, but thanks, Jeff. Okay. The next item on the agenda is the Outreach and Communications Advisory Panel report, which is Scott Baker.

MR. BAKER: Thank you. Good afternoon. My goal is to help you make up some time, and so will be brief, brief when I can, and maybe I will dwell on a couple of things that I feel are more important from our meeting, but this is our meeting report from October, and, just as a reminder, the Outreach and Communications Advisory Panel meets usually once a year, usually in October, and we had seven different items on our agenda, the first of which is just almost like an icebreaker for us, which was an AP member share, and that's when we just kind of hear a little bit of an extended version of some of the projects that different people are working on.

The take-home message from two of these, the Florida Coral Reef Resilience Program and the Descending Device Outreach Coordination Team, was that these were synergistic like activities that involved a lot of agencies, a lot of coordination, that really benefitted by having key talking points and key spokespeople for these particular items for the press. It was very apparent that, you know, that the press relied on these very informed, very knowledgeable spokespeople that had really good talking points to get the message through.

We also had a very informative presentation by Lieutenant Loeffler about the U.S. Coast Guard Fisheries Training Center. If you've not heard about that, it's really interesting how the members go through that training.

Moving on to the second item, best fishing practices, that's something that I know the council here has heard a lot about, and is very familiar with, and so I won't go into too much detail with that, and we heard updates, as you will later on, about the Master Volunteer Program, the best fishing practices program which is also a coordinated effort between a Sea Grant project and the council, and we have a new-ish fellow, David Hugo, who is onboard, who replaced Ashley, who, of course, is now with the council, and so we heard about different activities going on with that.

Some of the main feedback that the AP provided to this effort was the consideration, or the use, of places where fishermen are gathering, and so that would be boat shows and things like that, just as a consideration, you know, if time and money are available. There was some discussion about the potential to expand the Reef Fish Extension effort to a younger demographic than the traditional demographic. While it was -- While it seemed like a good idea, we also are cognizant of our

limited funding, our limited manpower, limited people power to do that kind of thing, and there is some overlap with other efforts.

Let's see. Moving down, we talked about the What It Means to Me video project, and our suggestions for how to enhance, how to improve, that. Of course, we had a lot of Sea Grant representation in the room, and Sea Grant really likes to evaluate things, and so we thought there should be good -- There should be some specific objectives for evaluation of how is this proving useful. There was general support for the project, and some other suggestions were to keep the videos very short, and use perhaps YouTube reels, or Instagram reels. Ask a lot of questions, and make these videos pretty comprehensive, and then cut to what you need it to be for your specific purpose, being that there might be ways to have a multiuse for these different types of videos, one being perhaps to support recruitment of new advisory panel members and things like that.

Of course, just some more details about the video filming and things like that, sharing of b-roll, but, obviously, include -- Try to interview multiple different persons, different backgrounds, commercial, non-AP members, and we also thought that, in general, the media might also be interested in some of the b-roll that's collected for these types of things, and a take-home would be to encourage the sharing of personal stories, right, and so that's what I think people would be interested in seeing from others.

We didn't have a lot of feedback yet on the Master Volunteer Program, as that's just getting started, and there was the -- You know, if there's the possibility to include swag, you know, anything to promote that would be good, and there have been some similar programs by other agencies, including Florida Sea Grant.

Moving to the third bullet, we talked about the Citizen Science Program and projects update, and we were really impressed with the impact of FISHstory. Some of the suggestions were to include, or target maybe, some specific locations, like for example the Beaufort Maritime Museum, some specific, you know, libraries, things like that. You know, there was also the discussion of one-off-type locations, versus maybe a permanent, or semi-permanent, location for people to go to, in terms of promotion. You know, there is, you know, good and bad points of that, and I know it's -- You know, it's a tough thing to do, and there's limited staff time to do stuff like that.

There was just a general consensus to try to, you know, meet fishers where they are, and so there was a discussion about trying to get this information in the hands of maybe king mackerel tournaments, something where you've got a large gathering of people at least, people who know people, and just a way to pass the information along, and we heard from some AP members that did have historic photos to share, including North Carolina DMF and the West Palm Beach Fishing club.

In terms of the SAFMC Release project, there was an interest in maybe moving towards logging rare-occurrence species, and there was -- There was an interest in having -- There was an interest in providing more information to users about what would constitute a best photo, or a best practices for photo, collection, because there was consensus that, you know, a photo is a pretty powerful tool, and that's a really good way to not only share the information, but to engage potential new users.

As, you know, submissions grow, over time, there was thought that having a dashboard, or something like that, could provide an incentive for folks to reach different milestones, but, overall, the AP was impressed with the program, and they did want to stipulate that we felt that the program should mention, often, how the data is collected and where it's going, and so the purpose for that data.

The fourth bullet we probably spent the least amount of time on, the habitat blueprint. This was something that was done, and we had -- We provided feedback a couple of years ago, and so we really didn't have a lot to add. I would just say that the communication should probably focus on the public concerns related to habitat, what the council can and cannot do legally for that, and then sharing ways that the public can make an impact.

These last several bullets we spent more time on, and so I will just spend a little bit of time here. About the mackerel port meetings, this is where I felt that our group had pretty good insight, having, as a group, done lots of different types of events like this.

The first recommendation was to really try to, if possible, you know, incorporate these meetings as part of another event, and that's been fairly successful with the best fishing practices program, where they kind of, you know, have information about fishing, and then they throw the science in as part of that, as an unofficial carrot, so to speak, to get people to come, but, in general, there was an emphasis to really encourage participation by sending personal invitations specifically to the highliners that you want to reach and explicitly saying that you're seeking knowledgeable attendees, because, ultimately, you know, this is -- You know, this is something that the industry has wanted to have, and I think this is the fourth bullet here, and I will just take the time to read it, but messaging should know that port meetings are responding to a request from the fishing stakeholders, and it should acknowledge that information is needed because the king and Spanish mackerel fisheries are changing.

In terms of some of the specific facilitation items that I thought we pretty cool, one was -- You have probably all seen having the sticky notes on the board, and, you know, putting things like that, but somebody has suggested having an interactive timeline, going, you know, from way back to current day, and, if you spend enough time talking with fishermen, you know, usually the first way the fishermen introduce themselves is, hi, I'm such-and-such, and I've been fishing for X number of years, and so this is a way for them to actually put in context, you know, their personal history, as a way to break the ice and provide some information. You know, another -- Just some other things, like setting up the room, things like that, and, of course, the cardinal rule for having a good meeting is provide food, if possible.

In terms of -- Let's see. In terms of the Amendment 46, we did talk quite a bit about this, private recreational permitting. In terms of program content and structure, in general, it seemed like online availability of such a program, should it be developed, would be essential. There's too many people, and it's just too large of a geographic area to have in-person as the only method, and it really needs to be online, and, with a lot of different similar trainings that are available, you know, this is certainly doable. There needs to be probably a short video to explain why the permit is being proposed, and, again, going back to the port meetings and saying you asked for better data, and this is part of it.

We had quite -- We had good discussion about the length and things like that, and what to include, and there was a general consensus that it maybe should be fifteen to twenty minutes, max, for an online course, and particularly have an interactive-type quiz component, to keep people engaged, and I think we've all -- Many of us in this room have probably been through trainings where you literally are trying to get through the training as quickly as possible, and so, if there is a way to make it interactive at least, so folks are engaged, and there are definitely ways to do that.

If it were a vessel permit, there was an emphasis to related to the owner that they would be responsible for his or her crew, and, again, not knowing which way this would ultimately go, and, you know, if such a permit would require, or training would require, recertification, there was discussion that a condensed version of that online course might be a way to do that, instead of having someone take the entire thing again. You know, I think, with rolling out anything like that, there's an emphasis to have, you know, a pre-test, any type of pilot study, or pilot training, before it goes live to a broader audience, if possible, and, you know, keep the education requirement concise.

Another big thing is, you know, really consider that this training will likely be used on phones and mobile devices, and, I mean, there's no -- Don't expect that people are going to go home to their laptop, or their, you know, computer, which some people might not have, and the majority of people are going to have a phone, or a mobile device, and so it needs to be optimized for that, first and foremost, and, of course, if you have the luxury, consider making the education materials available in Spanish.

We talked about existing programs, where to pull some ideas from, and there were a lot of good examples. A lot of these questions, we actually kept going back to the Return 'Em Right program, which has been very successful, and it's been successful in part because they're giving away free stuff, but they do have a very good training program, and it's very engaging.

Who leads the effort? Well, obviously, this would be a large effort, and, I mean, it would have to involve a lot of different parties, in all likelihood, and I guess there was consensus that this would likely be led by the Fisheries Service, in that the council doesn't collect data, but there would probably be a contractor involved, and, again, probably -- Again, Return 'Em Right, that people felt like that was a good model, and something that already has good name recognition.

We talked about -- The question was should the education requirement be part of the initial rollout, or should it be delayed, and we had pretty, I guess, general support for immediate implementation of the training, and so, in other words, rip the band-aid off. You know, something that was also brought up was that, if you delay the educational component with the permit, you may dilute the message that the educational component is important. There was also a suggestion to start on a state-by-state basis, instead of, you know, all in one.

If it was a vessel permit, there was a question of could others take the course, because I think there was a general interest of our group that anyone should be allowed to take the course, whether it's for credit or not, and so, moving on, the final update was the digital communication update, where we heard from staff about the website and social media use and things like that, and it was a really great presentation. The council has been collecting some great metrics on website use, and social media use, the number of engagements and things, and, you know, as that information gets

collected, and reported over time, it will really show some trends, and it will show where people were being engaged.

There was good discussion about, you know, of all the different social media platforms, which ones should the council focus on, and, you know, one thing that came to mind is that Facebook is probably the most popular for the target audience of the older males, and so, I mean, it's not like that's the only one, but it is -- It probably is a good point. You know, the use of more videos in posts would perhaps drive more engagement, and, again, I made a point about, you know, reusing some of these What It Means to Me videos for multiple purposes, and we wrapped-up by just providing some suggestions to Kim about different topics for the newsletter, but that, Madam Chair, concludes my report.

DR. BELCHER: Thanks, Scott. Questions for Scott? Okay. Seeing none, we appreciate your time this afternoon. The next item is an update, or a presentation, on the Southeast For-Hire Integrated Electronic Reporting, which is Michelle Masi.

DR. MASI: All right. Hello, everyone. I'm going to try to add some energy for you, because I know we're all kind of tired, including myself, and so I just want to start by saying thank you, guys, for having me here. It's my first South Atlantic Council that I've been to in-person, and, in fact, it's probably one of the few meetings that I've been to, in reality, in about three years, and so it's nice to see you all, and I'm glad to be here.

I wanted to start with a bit of a refresher today, just some background to provide you all on what the SEFHIER program is. I know some council members are new here today, but also just because I haven't actually presented to the South Atlantic Council in quite some time, and so the federal for-hire electronic reporting program began in January of 2021, and it actually began in both regions, the Gulf and the South Atlantic.

Now, the applicable South Atlantic federal for-hire permits are those that are shown here, and there's three of them, and it's important to note that the permit requirements among the Gulf program and the South Atlantic program actually differ, with the Gulf program having had the stricter program requirements, and I say "had" because, if you're unfamiliar, the Gulf program did get set aside in late February of this year, but the Gulf Council is working to stand that program back up.

Importantly, the differences are that, in the Gulf, they had the VMS requirement, which is the vessel monitoring system, and it required that to be on twenty-four hours a day, seven days a week, and, also, there was the reporting prior to offloading, or before -- As soon as you return to the dock, if you didn't catch any fish, and the validation survey component, which required -- Essentially, if you were intercepted at the dock, similar to MRIP, you would have to do your survey, and that allowed us to estimate any missed or non-reporting, and then there was the declaration requirement, which required you to essentially tell us that you were going out to move your vessel on the water. Then the last bullet here is just that the permit renewal began to be withheld for any non-reporting, for both programs, as of late April of 2022, and we really did see a big improvement in compliance at that point.

All right, and so, as far as program goals, and why was SEFHIER even put in place to begin with, and, well, it was because we wanted to produce reliable estimates of catch and effort for federal

for-hire-permitted vessels. Now, the immediate data uses would be to validate the minimum catch and effort estimates coming out of the MRIP program, and any future data uses are going to require calibration and benchmarking to existing data collections. Some of the anticipated benefits of SEFHIER were to see improved for-hire data, including increased accuracy and timeliness of the data, census-based reporting, and a reduction in recall bias, and then, of course, we would expect to see improved monitoring and compliance over time.

What data fields were we collecting, or are we collecting, in the South Atlantic SEFHIER program, and so the trip detail fields are the vessel identification information, the captain's first and last name, the trip type, and so charter or headboat or commercial or private recreational, and trip activity tells us are you going out to take a fishing trip, yes or no, and, if you are, did you go out and have gear in the water, and was it a fishing trip with effort, or did, for some reason, you get turned around, for example from weather, and so it would be a fishing trip without effort.

We also collect things like the trip start and end time, the end port, the primary gear, the primary targeted species, which is actually a distinctly different field from the species caught and discarded, and we collect the fishing hours, and this is total time that the gear was in the water, and there is three fields for the primary depth, and that's the minimum, the maximum, and the primary depth, and I just want to note that we actually did some thoughtful conversations internally, and we realized that the min and max depth fields aren't going to be useful for providing any official analyses, and so we're going to go ahead and remove those fields, to reduce the burden on our constituents. You will see those fields go away on the logbooks, as of December 15, and there will be a Fishery Bulletin coming out soon, our year-end Fishery Bulletin, to announce that, so that our constituents aren't confused by that.

We also collect the fishing location, which is collected in latitude and longitude coordinates, or it's also called the area fished field, and species caught and discarded, and those are collected in numbers. Passenger and economic questions include the number of anglers, the number of paying passengers, the number of crew, the trip fee, the fuel used, and the price per gallon.

All right, and so there's a lot of stuff on this slide, and I'm just going to summarize and say that, you know, the SEFHIER program is approaching its third birthday, which is a big milestone, in the South Atlantic and so that's occurring in January of 2024, and, you know, along the way, and it's been three years now of the program, we've done a number of things to get the word out about SEFHIER to our constituents.

Right now, I would say the vast majority of our South Atlantic SEFHIER permit holders -- They are familiar with the program, and what is required of them, and, if you're a new permit holder, that just got a South Atlantic SEFHIER permit, the way that the process works is essentially you would go to get your permits, or, if you're renewing, you would get a welcome letter that tells you what the SEFHIER program is, and what's required of you, and, at that point -- You know, if you miss the information there, what happens is you become part of our program, and we do compliance tracking, and, within about one to four months, is our timeframe now, we would notice that you're not reporting.

My team then provides a compliance assistance call, where we reach out to that permit holder, and we let them know that, hey, we're seeing you don't have these reports, and we let them know about the program. If for some reason they didn't answer the phone, or they didn't call us back with that

message, then we'll send them a courtesy email with the same information, and if, for example, they don't respond to either of those, they become on our no-direct-contact list, and, after probably about six months of non-reporting, they go over on a list to the Office of Law Enforcement, where the Office of Law Enforcement has done things like provide a certified letter to get the information out, or they have also done dock visits to do compliance assistance, and so those things have been very effective as well.

The second bullet here is there's been -- There were some stakeholders that were calling us with confusion over the permit requirements, and that was largely due to the fact that the Gulf program was set aside, and so the dual Gulf and South Atlantic SEFHIER-permitted vessels prior, when the Gulf program was standing, had to follow the Gulf regulations. Then, after that program got set aside, they now have to follow the South Atlantic SEFHIER program requirements, and so, in addition to that, and trying to clear up some permit requirements for our commercial vessels, we sent out a Fishery Bulletin recently, and, if you missed that, you can click on it at the link here.

The final thing here on this slide, that I wanted to just mention, is there's been some questions about how you might go about adding an additional field to the SEFHIER logbook, and particularly I think the question is about shark depredation, and so I think this can be an open conversation, and everybody is tired, but what I wanted to do is just sort of start that conversation off with some thoughts here, and I'm saying this with, you know, the idea that I'm a data person, and I love data, and the more data the better, right, but I think the council should consider a couple of things.

The first is that there's a burden on our constituents. You know, I think, as we go through these next few slides, you will see that the compliance probably isn't where we want it to be in the South Atlantic SEFHIER program, and so adding additional fields at this time would, of course, add additional burden to our constituents, and so I think that's something that we should all take into account.

There is also the burden on our software application vendors, and I think we need to think about - - We have two software application vendors now, and that's VESL and eTRIPS, and so, you know, we're not paying those application vendors when we need to make a change to those logbooks, and so any changes that do occur are costing them money, out of their own budget, and so that's just a consideration that we need to take into account.

The third thing is how that data is going to be used, and so I did have some conversations with HMS staff, for example,, as well as with the Science Center staff, about a year ago, and, at the time at least, there wasn't a clear path for how the data was going to be used to provide management advice, or to inform an assessment for example, and so I just think that, you know, we need to take that into account. We've talked about the min and max depth fields, and realizing that they're not going to be able to be useful for analyses, and so let's just think about is there a clear path ahead before we add anything additional for our constituents.

Then the final thing is just legal consideration, and so we do need to think that there is this legal process, and, for example, we have our PRA process at NOAA, where, if we're adding additional burden on our constituents, we have to estimate the time of that burden, et cetera, et cetera, and so there's just legal things that we need to think about before we can add any additional fields, and, again, I'm happy to have this conversation afterwards and answer any questions.

All right, and so, with that, what I want to do now is walk you guys through essentially the 2022 SEFHIER program analysis, and so, first and foremost, starting the conversation off with, before 2021, we had absolutely no SEFHIER data to really understand how the South Atlantic for-hire industry is operating in space and time, and, really, in 2021, when that program was stood up, it was a new program, and most of our constituents were unfamiliar, and it didn't get a lot of great data, and so we can't really make use of that either, and so what we're trying to do here is walk through the 2022 data and really get a feel for where we're at with the program.

With that, I have these slides, which are just a general overview of essentially the number of reports that we collected in 2022, and so you can see, with that center donut there, we actually collected over 400,000 trip reports in 2022, which is a big number, and you can see the breakdown there. We had almost 400,000 of those were did-not-fish reports, and the logbooks there -- We had about 41,500 of those collected.

Now, if you're unfamiliar, in the South Atlantic SEFHIER program, we do require weekly reporting, and so, any fishing trip that you take in a week, you have to submit a logbook. If you take one, or ten, all of those are due in the week. If you didn't take any, then you have to submit to us what's called a did-not-fish, or a DNF, I have abbreviated throughout the presentation, and so you can see, with about 2,200 permitted vessels in the South Atlantic, how the number of did-not-fish reports wouldn't really rack up there, and so that's why that number is so high.

The figure on the left is showing the breakdown of the number of those same 2,200 vessels that either did or did not submit a did-not-fish report to us, and so you can see about 542 vessels actually did not submit a no-fishing reporting throughout the entire year, which, in and of itself, is not really that big of a deal, but, if we look over at the donut on the right, you can see that we have the breakdown of the number of vessels that submitted or did not submit a fishing trip, and so, again, that never submitted a logbook is around 1,100, and so we only had 500 vessels that didn't submit a did-not-fish report, and there might be some sort of compliance issue there, and so we're going to dig into that a little bit more in the next couple of slides.

First, what I wanted to do is just show the breakdown of the total number of logbooks that we received across all the months, and, really, to just emphasize here that this data can begin to, you know, better explain to us what's happening in this fishery across time, and you can see that the peak months of effort in the fishery are occurring between the months of May and August, based on the data that we did receive, and, really, that about a third of the fishing trips occurred in those winter months than they did in the summer, in the peak of the summer.

Now let's take a look at the overall program compliance, and so here you're looking at the proportion of compliant versus non-compliant vessels in 2022, and you can see that the total number of compliant vessels is 46 percent, and that's that lighter-blue bar, and what that means is that those vessels submitted to us all of their trip reports for all weeks throughout 2022, and the darker-blue bar is showing 54 percent of the vessels are missing at least one week of trip reports in 2022.

Now, it's a little ambiguous to look at the compliance this way, at an annual scale, because, really, we're lumping all of the vessels that potentially are just missing one report into that blue box of 54 percent non-compliance, and so we wanted to break it down a little bit further, to really understand, you know, how bad things are.

Here, we're looking at the proportion of permitted vessels that never submitted a trip report, and that's that blue bar, and so you can see that 23 percent of those 2,200 permitted vessels never submitted even one week of trip reports in 2022, and 77 percent of them at least submitted one week, and so I mentioned that it's a little ambiguous to look at our compliance metric across an annual scale, since, you know, they could just be missing one week, and so, here, what we wanted to do is really break it down month-by-month, and it's important to note that, actually, the months are distinct between each dot there, even though there's a line connecting them, but, essentially, a vessel could be non-compliant in January, but be compliant every other month of the year, but, really, what we wanted to see is the trend of non-compliance across the months of 2022, and so you can see that about 20 to 40 percent of the South Atlantic-permitted SEFHIER vessels are non-compliant in a given month.

All right, and so you saw that we had 46 percent of the vessels that were submitting all of their trip reports to us in the year for 2022, but, really, what that's not telling us is compliance in real time, and so part of the issue is that, when we go to pull the data, which we did pull this data in October of 2023, those vessels had up until October of 2023 to submit the reports to us, and so we were kind of, you know, curious then of, well, what does compliance look like in real time, and so this analysis is trying to get a handle on that. You know, instead, if we were looking at this data today, and talking about what compliance looks like this week, you know, and this can kind of get us that picture.

Here, we're considering any trip that was submitted past the submission deadline, and this is a requirement of their permit, and so they're supposed to submit their reports to us, and it's a weekly fishing -- It's a week fishing trip, and so weekly reporting requirements, and sorry that I can't talk anymore, and it's too late in the day, but Monday to Sunday is the week, and they have to -- They have a little buffer built in there, and so they have to submit those trip reports to us by Tuesday at 11:59 p.m. following that fishing week, and so the figure on the left is looking at the proportion of our did-not-fish, and that's the DNF, the blue, the no-fishing reports, that were submitted to us past that submission deadline, and you can see that nearly 85 percent of the did-not-fish reports came in past that submission deadline.

It's important to note here that, while we were operating this program, we did see that, as vessels come up for permit renewal in the South Atlantic, they might be missing a year's worth of reports, and, at that time they submit to us a year's worth of did-not-fish reports, and, really, because we don't have a comprehensive validation program in place, it's just impossible for us to know if there's any misreporting going on there.

Now, the figure on the right is showing the same sort of thing with the late logbooks, and so you can see that nearly 54 percent of those logbooks were received past that submission deadline, and so, in real time, the compliance definitely doesn't look as good.

All right, and the other thing that we wanted to look at is data usability, and so most reporting programs aren't going to make use of any data that gets submitted to them more than thirty days after that trip ended, and that just has to do with what's called recall bias, and so trying to reduce the error around our analysis, and our final estimates, and so the figure on the left is showing the proportion of those logbooks that we did receive that were submitted to us beyond that thirty days, meaning we would have to essentially toss those for any official analyses, and so you can see that

we are approaching a little over 32 percent there of those logbooks received past that thirty-day deadline, and remember that we had about 41,500 logbooks that were submitted, and so that's about a third of them that would have to get tossed because of when they were turned in.

Now, if we compare that to the figure on the right, and we're looking at the Gulf program, and remember that one had the slightly stricter requirements, and you can see that only about 5 percent of those logbooks were sent to us more than thirty days late.

Just in general, comparing the two programs at that annual scale, you can see that we had, in the Gulf program, which is the figure on the left, about a 78 percent compliance with the reporting requirements, and compared to the South Atlantic program, which, again, only about 46 percent of the vessels were fully compliant for the year.

All right, and so compliance is not such a beautiful story, I realize, and I wanted to spin this a little bit and show you the positive side of this data, just to remind you that, really, this data is quite useful, and so what we're looking at here is essentially a frequency analysis, but it's showing the spread, and the frequency, of these two reported values, the fuel used and the trip fee, and the mean value is shown at the top of the figures, and so, in summary, the fuel used, on average in the South Atlantic SEFHIER program, was about fifty-nine gallons, with the average trip fee of about \$1,100, and, really, this type of analysis is just scratching the surface of the total utility of this data, and so, again, we can start looking at this data in space and time, and we can start to ask questions about causation.

I mean, just for example, maybe somebody has a question about why a trip fee is, you know, \$1,100 in Florida, but it's only \$500 in some other state, and those are, you know, totally random thoughts, and it's not anything that's true, but we have this data now, and we can start to explore that sort of thing, and so it's super neat.

Now, in this figure, what we're doing is looking at essentially the spatial distribution of fishing effort in 2022, and this is a heatmap, and so, essentially, the number of trips is scaled at the top there, in the legend, and you can see that, as you approach a higher number of trips, you get a lighter color, and so, looking at this map, it's showing that, you know, most of our trips actually did occur off the coast of Florida, and, in fact, it was about 65 percent of the trips.

Then the second peak area, or predominant area, is off the coast of North Carolina, with actually a little area of not many trips occurring off the coast of Georgia, and, in fact, it was less than 1 percent, and so it's just very interesting how we can start to look at where those trips are occurring.

Now, in this figure, what I wanted to do is really just get a feel for what those guys are going out there to do, and so what I did is I took the targeted species from the logbooks, and that comes to us an individual species, and then I aggregate into what is called a species guild, and so those species guilds are defined there, and color-coded on the right side on the figure, and so how you would interpret this is essentially I broke it down into quarters, with the 2022 data, and so the number of logbooks is shown in the parentheses, and that's the total logbooks that we received for the quarter, and so, if you're trying to understand what this is showing, that first quarter there, January to March, is showing that we saw 6,961 South Atlantic SEFHIER logbooks come in, and, of those, 3 percent of them said that they were going to go out and target groupers.

You can look then across those quarters and see how that's changing, and so, again, just really useful information that we're getting from this program, and, of course, this is from the data that we did collect, and so, you know, nothing official coming out of this yet.

All right, and so that was the more interesting spin on what we're doing here with SEFHIER, and what I wanted to do is just take it back to our key takeaways, and so, overall, we had pretty poor compliance in the South Atlantic SEFHIER program, but, most importantly, just an inability to determine the accuracy of the reported data, since we do lack that validation component. In summary, we had 54 percent of the vessels that are missing reports, as of the date we pulled the data, which was late October of 2023.

Month-to-month, we had about a 20 to 40 percent non-compliance rate in the program, and about 85 percent of the did-not-fish reports, and about 55 percent of the logbooks, were submitted after the submission deadline, and, as I mentioned, we did see a high number of no-fishing reports coming in at permit renewal, which, again, it may indicate misreporting, but, really, without a validation component, it's just unclear, and then we saw more than 32 percent of the logbooks were submitted past that thirty-day mark, where that trip was ending, and so that data would just be unusable for official analysis.

Now, I mentioned why we put SEFHIER in place, and it's important to remind too that the South Atlantic for-hire amendment was approved, but, given concerns over the program requirements at the time, the Science Center noted that there's some caveats, as far as data coming out of the South Atlantic program, and so the first is that the collected data will only provide minimum estimates, which could be used to validate the MRIP estimates. The collected data would not be considered useful for providing official estimates of catch and effort until the following were done.

The first is that the catch should be reported prior to offload, and that's so that it can be independently verified. The second here is that multiple years of side-by-side MRIP comparisons would be needed, and we would also need to see monitoring and compliance improve over time, and then, when you had those things, you could develop your statistically-robust estimation procedures.

Now, as far as next steps, we think that, in order to improve the South Atlantic SEFHIER program compliance, the council should consider the following, and so the first is, you know, requiring them to submit their logbooks within one hour of returning to the dock, or prior to offloading catch, and, really, we think this has to do with, you know -- For one, if they have a week to submit those reports, there's a possibility that maybe they're forgetting. They get busy with their next week of fishing, and, you know, that real-time reporting -- Essentially, when they get back, they get into that habit, and it's like a repetitive thing. They get back, and I need to submit my logbook, and so that's really helpful.

We've also heard, from the Office of Law Enforcement, that it can be a bit tedious to be tracking those vessels, and so they see them out there taking a trip, and now they've got to follow-up with them by that Tuesday, to make sure they actually submitted the trip.

The second thing here, the second bullet, is that we think they should have declarations for every fishing trip, and so this is because, you know, these declarations are actually quite useful. They allow the Office of Law Enforcement to know when that trip is going to go out, so they can deal

with the planning of when they're going to do their dock visit, and where they're going to do it, and it provides them the information of when they're going to return and where they're going to return to, and so, if they wanted to do any sort of investigation, it's super helpful, but it really also does provide SEFHIER with a way to do compliance tracking, because, if we get that declaration, and it says, hey, I'm going to take a fishing trip, then we know when to expect that logbook. The third thing here is instilling some sort of comprehensive trip validation program, and, again, this would allow us to get at any missed or non-reporting, which we're currently lacking right now, and the final thing is to move -- A suggestion to move to limited access for-hire permits.

With that, I just want to take an opportunity to say thank you to the really nice folks that helped me put this presentation together, and it wasn't just me. There was a team of us, and I do appreciate those great people. I want to thank Chip Collier, because he actually provided some input on what the council would like to see today, and so thank you, Chip, and, also, I wanted to just say a special thanks to our constituents, because, obviously, without those folks that are reporting, we wouldn't have any data to show today, and so I really do appreciate them. With that, I'm going to open the floor to any questions.

DR. BELCHER: Tom hits right off the block. Tom.

MR. ROLLER: Thank you, Chair. First of all, thank you for this presentation. I've been looking forward to this. This program is something that I've been involved with since before I was a council member, in helping field test the logbook, and it's definitely been frustrating to me since the beginning, because I've always been afraid that, given how the council at the time framed this logbook, that we would be seeing low compliance, which seems to definitely be coming to fruition, and so I do have a couple of questions for you, and a couple of comments.

First of all, I would be interested in seeing compliance differences state-by-state, and, you know, I bring that up because North Carolina is the only state, or territory, in the entire country without a joint enforcement agreement with National Marine Fisheries Service, and so it's not just the compliance of people with permits, and I know lots of fishermen who don't even have the permits to be compliant with, and so it's a huge frustration of mine, and it's something I've been working with in my work with our state as well, and so I would be interested in seeing that. A question I have is I also know, in South Florida, we have a lot of dual-permitted vessels between the Gulf and the South Atlantic, and I'm assuming the compliance includes those dual-permitted vessels?

DR. MASI: To answer your question, no. On this analysis here, it's just the South Atlantic permitted. When we showed the Gulf Council these compliance statistics, those included the dual, because, at the time, in 2022, the dual had to meet the Gulf permit requirements, since they held a Gulf and a South Atlantic permit, and so they had to meet the stricter permit requirements, but now, after the lawsuit, the duals are doing South Atlantic.

MR. ROLLER: Okay, and so let me -- Just to make sure that I'm asking this the right way, and I see this -- When I see the compliance statistics for the South Atlantic, what I'm assuming is that there were some Gulf vessels who also have South Atlantic, who are more likely to be compliant, who are probably reporting, and so you're saying that doesn't include any of those Gulf permits? Okay, because I was assuming that would make the compliance go down even further, right, and so I was also curious to see like how the ratio of did-not-fish reports, do-not-fishing reports to logbook reports, would compare to say the Gulf, when it was compliant, because clearly -- It's my

opinion that we're seeing a lot of people just submit do-not-fish reports, instead of submitting logbook reports.

DR. MASI: A quick response, and we didn't have did-not-fish reports in the Gulf program, and so I can't show you that. You know, part of the caveat about the Gulf program is they did have the VMS in place, and so, you know, what we were doing, instead of a did-not-fish report, is using that VMS then, or at least that was the intention we had, and we hadn't set up the automated process yet, but, essentially, if that vessel was moving, it would alert us, and we would know that, hey, is there a report for that report, or is there a declaration at least, or, if they look like they're fishing, is there a logbook. The reason there was no did-not-fish reports in the Gulf was because of the VMS and the validation component, and so they needed something in the South Atlantic, and that's where we got the did-not-fish.

MR. ROLLER: That's fair, and because I just continue to get frustrated, and I get more frustrated when I attend our AP meetings, and I hear our grouper snapper fishermen, particularly the for-hire guys, really excited about the data that's going to come out of this, and I heard it from the Dolphin Wahoo AP, from really good highliners in the industry, and what they don't seem to realize is that we're not going to produce the data that they think that we're producing, and I really appreciate your analysis of what it's going to take to get this program to get better compliance, and I completely agree with it, and I think it's time that the council starts having this sort of discussion about how we either make this program better or just start to realize that we're going to have to tell stakeholders that we're not going to get good data from it, which I think is kind of a waste, and I will end my comments there. Thank you.

DR. BELCHER: I have a quick question to that, and this is -- Again, I apologize for showing my ignorance on that, but what is the penalty for not being compliant? Is the penalty just low enough that that's where a lot of people aren't complying? I mean, again, I don't know what the penalty is, and so what's the penalty for it?

MR. ROLLER: Well, I mean, that's obviously a question for law enforcement, but what I would tell you is I know a lot of fishermen who say that I'm just not going to get this permit, because people aren't asking me for it, particularly in the South Atlantic, where, if you lose it, you can just go get another one for \$25. In the Gulf, you've got a permit that's worth a lot of money, and you have a lot of asset, and you have a lot of capital invested in it, and so, if you lose that permit, you're going to lose a lot.

DR. BELCHER: That, I think, comes down to -- Because I think we struggle with some of that at the state level, because of where our -- Where you end up going for not having a license or whatever, when you go into the local courts, and a judge is basically telling you that, of all the things that I have to hear, and you're in a criminal court situation, and so we dismiss them, and we don't even pay attention to them, and so the penalty of it is so low that they really just kind of are more dismissive, as opposed to my boat is on the hill, and I'm not, like you're saying, running it, and so I just wonder, you know, again, where we are with our penalties on that, but anybody else have comments? Andy.

MR. STRELCHECK: First, a question, and then a comment, and, I guess, either Slide 9 or 11, in terms of your percent non-compliance, Michelle, if a vessel doesn't report all year, but then comes

in to do a permit renewal, and submits a bunch of do-not-fish reports, would that be considered in compliance or out of compliance?

DR. MASI: So, even if they're just missing one week of trip reports, if they come up for permit renewal, they're required to submit everything, and, once they do submit everything, they become complaint with the program, and they can renew their permits.

MR. STRELCHECK: All right, and so the reason I ask that is because -- Would you agree then that the level of non-compliance is likely higher, and is only being bolstered by the permitting at that point?

DR. MASI: Yes, and I would say that's exactly why we did that sort of real-time analysis, to look at the submissions based on the submission deadline, because it seems like, in real time, they're not meeting the requirements.

MR. STRELCHECK: Okay, and so then my comment -- We're late in the day, and so I'm not ready to make a motion, but I guess I wanted to just make a few points, and so it's clear, based on Michelle's presentation, that the program is falling short of the goals and objectives. Yes, there's some utility in some of the data, but it's not meeting, overall, the goals and objectives. That's not surprising to me, and I think it's not surprising to many of us that were sitting around this table when the program was originally designed.

To me, I think there's an opportunity here to take a look at the program now, potentially, and make some improvements to it, along the lines of what Michelle is suggesting, and other ideas that haven't come to fruition yet. The Gulf Council is also embarking on this, and I think there's an opportunity to work with the Gulf Council as well to design a better program that's going to meet our needs, and so I just wanted to note that for now, but I want to come back to it when we discuss this later in the week.

DR. BELCHER: Thanks, Andy. I've got Robert and then Tom and then Judy.

MR. SPOTTSWOOD: I think, in maybe one of the first couple slides, you addressed maybe some of the pain points, and I was wondering if you had done any kind of surveys to figure out -- You know, to try to identify what the issues are with compliance, and what people are pointing at as issues with the program.

DR. MASI: I've talked to a number of disgruntled constituents, and, in fact, I actually enjoy it. It's one of my favorite things about the job, but what I'm hearing, from a lot of people, is that, essentially, they feel like it's the wild west out there, and there's just not a lot of enforcement, and there's not -- You know, the people that are doing it right get frustrated, and so I think that's definitely a consideration of the pain points that are out there. You know, it's sort of a mentality of why am I doing this, if nobody is going to do anything to stop the guys that aren't doing it.

DR. BELCHER: Tom, and then I'm back to Judy.

MR. ROLLER: I want to underline your comments there, and that was extremely well captured, and so thank you so much for that. A comment that I wanted to bring up, because this is something that I have heard from so many people, is that the fine is higher for not reporting than for not

having a permit, and I don't know if that's true, but that's what I have been told multiple times, and so that's been a concern of mine, and it kind of -- You know, again, it underlines your previous comments, and I do agree with Andy, because, when I was in the peanut gallery listening to this, when this amendment was being created, Roy Crabtree, at the time, expressed his -- I don't know what the word here is, frustrations, or, looking forward, that this would not get the compliance that we were going to have, the way this council was structuring it, and so I do agree with Andy, particularly with what the Gulf is doing, that we pay close attention to it and look for opportunities to partner with them.

DR. BELCHER: Thanks, Tom. Judy.

MS. HELMEY: I have a federal permit, and I have to report, you know. If I don't report -- Of course, we don't have to report every day, but we do have to report to get our permit renewed every year, and, if we don't report, they won't renew our permit, and so, first, I would like to know how many people in the federal end are not reporting, or they can't get a permit after that, and so we know they're going to have to report, and so is there not something you can do to make them report based on their -- Do they get a permit every year or anything like that, and so that's my question.

DR. MASI: Yes, and so it's an annual permit requirement that they have to renew it, and, when they come up for permit renewal, then, yes, they have to get all of their reports turned in before we will allow them to renew their permit.

DR. BELCHER: Other comments and questions? Robert.

MR. SPOTTSWOOD: I like the part about validating at the dock, and I was wondering what the data is on reports, versus what the validation is showing, and are the people who are reporting doing so accurately, and not just that they're reporting, but are they doing a good job of making sure that we've got good data?

DR. MASI: So that was only available in the Gulf program, and I'm going to be honest that we haven't started to analyze that data yet. That's one of the things that we're going to start doing this year, and so, if you have me back again, I will probably have more information on that.

DR. BELCHER: Okay. Thanks, Michelle. Other questions, or comments, for Michelle at this point in time? Okay. Seeing none, thank you again, Michelle, for your presentation. Okay. Last up, we have Dave Gloeckner, who is going to talk with us about commercial discards.

DR. GLOECKNER: Good afternoon. My name Dave Gloeckner, and I'm the Division Director for Fisheries Statistics at the center, and, in July, I received a request from the council to take a look at -- To evaluate the commercial discard logbook with an emphasis on reliability of annual discard estimates for assessed species. We have begun to take a look at that, and we have not got very far, and so I'm basically going to give you some trends that we are observing and a summary of our plan for the future.

To recap, for the discard reporting rates, 20 percent of the coastal fleet is randomly selected each year, and so they report discards to our program, in addition to the effort that comes in on the coastal logbooks. Over the years, we have noted that discards aren't being reported from an

overwhelming amount of trips, and that might not be a surprise for some of you. In the South Atlantic, no-discard trips account for 72 percent of all the logbook discard trips we've had over time, and the average, for the last five years, has actually gone up to about 77 percent, and so we're seeing an increase.

My staff decided to put a table in a presentation, and so, essentially, we're giving you the counts, and the percentages, for what's been reported for -- What we're getting for reports with discards, or reports without discards, and, essentially, you know, you're seeing the reports without discards slowly increasing, while the reports with discards are slowly decreasing, and that's probably easier presented with this.

As you can see, the number of reports coming in with no discards are increasing over time, although they do seem to come back down a little bit over the last couple of years, and so that's not a surprise to the staff who have been working on SEDARs, and compiling the discards for SEDARs, and that's something that we noted, and I think that's why Chip actually asked me to start working on this, and so we have taken a look at the observer records that we do have, and so we have a lot higher observer coverage in the Gulf than the South Atlantic, and the South Atlantic is maybe 0.5, over the last few years, 0.5 percent, and, before that, it's even less, and so the usability is somewhat suspect, but, as we look at what we get from the observers, versus what we are seeing in the discard logbook, you know, there is a discrepancy there.

The observer reports are much higher. More often, they're closer to 100 percent of the reports, in some years, that are reporting discards for the observers, versus the lower rate for the discard reports, and so that's where we sit, and it looks like we'll start taking a look at using the observer data, versus the discard logbook data, and see if that gives us an avenue, and so, as I said, the proportion of trips with discards in the discard logbook has been decreasing over time.

We see, in the observer data, a trip will report a discard of some species, and the percent of trips reporting a discard is well over 80 percent. The percent of logbook-reported trips with discards is consistently lower, and it's declined to less than 40 percent of trips in recent years, for both handline and longline gear, and so our discard reliability workgroup, that we threw together, unfortunately, most of those folks are working on bycatch issues with Gulf shrimp, Gulf reef fish, and so this is one more bycatch issue to worry about, and so we will begin working on these issues probably in the new year, and we do hope to have something, by the SSC meeting in April, with a little more substance, and so our current and future work is investigating the discard reporting, documenting the historical methodology that we've used at SEDARs over the previous years, improving the methodology, using the discard logbook data versus investigating the feasibility of using that observer data to estimate discards in the South Atlantic, as we do for many of the species in the Gulf, and so are there any questions?

DR. BELCHER: Kerry.

MS. MARHEFKA: Mine is a little bit more of a comment, and I appreciate -- I am not surprised by this, sadly, and I will just speak, and we're not going to solve this, you know, at 5:30, right now, but, from my experience on our boat, you know, even with the best intentions, and our boat has the best intentions, I think one of the hardest things is, you know, you're in the middle of a bite, and you're just going through fish so fast, and there's just not a really easy way, and like we have a white board that, after the gut-down, you know, if my husband remembers to go write it

down, you know, what he had in his mind, and, for a very long time, I've been pushing for some sort of more modern way.

You know, what I'm trying to say is I think that there are people who will report, and report accurately, if we can find a more efficient and modern way to do it, and I hope that, eventually, that's where we get, whether it's video or something electronic on the boat, but it is just really, really, really hard to do it this way, and they don't come back with you, obviously, to the dock, like this stuff that you report on your logbook, and, to be super busy, in the middle of a bite, and remember everything that you threw back, it's hard, even for the guys that want to, but, you know, I hope we can solve this problem, because I think the desire is there for a lot of people to track this. Do I think there is people who are just like I'm not going to tell these people what I'm throwing back? 100 percent, and I'm sure of it, but I hope that we can solve this in my time here. I really, really do.

DR. BELCHER: Tim.

MR. GRINER: I share exactly what Kerry is saying. It's very, very difficult, but I also want to put this out there, that, at least for most of the guys that I know, that fish the way we fish, you would be very surprised at how little discards there really are, and so, if we go make a dedicated trip for vermilion snapper and triggerfish, we don't catch a lot of vermilion snapper that are less than nine inches. I mean, we don't throw many back, because everything we catch is a keeper fish, and that's just the nature of that fishery, and the same with the triggerfish. We don't throw any triggerfish back, none. Once we've caught what we can catch, we go home, and so there are certainly trips where we absolutely have zero discards.

I think part of the problem is, as Kerry said, it's just not something that the guys stop and make a mental note of, and, you know, maybe that's just better education, and maybe it's just -- I don't know, and the form is difficult, if I remember right, because I've been selected to do it before, and I remember the form being -- It doesn't even list species, and you just have to write in what species you had, and what the reason you discarded it for, and that's cumbersome, in and of itself, whereas, if you just had a list of the species, just like your regular logbook, your coastal logbook, where you could just check off that I discarded this many of this fish, but the form is a little cumbersome, and I think, for the most part, once guys get back to the dock, all they're concerned is the fish they caught, and not the fish they didn't catch, and so it's just out of their mind, and it's just -- At that point, you can't recreate it. Thank you.

DR. BELCHER: Okay. I've got Tom and then Robert.

MR. ROLLER: I mean, what I'm hearing is not a surprise, because it's similar to the for-hire operation. Particularly, as a for-hire captain and crew, you may be managing two to six or more fishermen, and trying to figure out what their discards are, and so I don't know what a more modern system would look like, but I think that it's something that our entire fishery could benefit from.

DR. BELCHER: I've got Robert and then Myra.

MR. SPOTTSWOOD: Tom, you just kind of hit on what I was going to suggest, but, following-up on what Kerry said, I mean, I've been here a fairly short while, and I think I've heard of, at this point, six or seven different reporting programs, you know, and I'm just wondering, at some point,

if kind of standardizing a reporting platform, an app, something that then -- You know, Florida can specialize what questions they ask, or others, but, you know, I think, at some point, you know, collectively, even across the councils, spending some money on some platform might be a good thing to do, to develop.

DR. BELCHER: Myra.

MS. BROUWER: Thank you, and I just want to remind you of the status of the commercial electronic logbook amendment, and so that's an amendment that you guys approved, and the Gulf Council approved it, and we are getting it packaged up and ready to submit it, and, if you recall, at least one of the platforms that's currently out there that could potentially be implemented for commercial reporting in the Southeast does have a field where discarding would be reported as the disposition of the catch, and so you will be capturing that information within one logbook, eventually, when NMFS implements that program, hopefully in a year or so after we submit it.

DR. BELCHER: Andy.

MR. STRELCHECK: A comment and a question, and so, to Tim's point, about trips not reporting discards, right, I was interested in seeing that there are some observer trips that don't report discards, right, and so it validates what you're saying, but it's a much smaller fraction than, obviously, what's coming through the logbooks.

A question for Dave, and this may be an analysis for a future day, but have you done kind of any comparison between what's reported on the observer trips and what's reported in the positive discard logbook trips, to see if those discard information ratios are comparable to one another, and so, if someone reports discards, is it comparable, or good, information that we're getting out of the positive logbooks as well?

DR. GLOECKNER: So that's one of the analyses that they will have to do, one of the tasks they will have to do, and it's not always an easy task to link a logbook report and an observer report, and so that's part of the hurdles, one of the hurdles, we'll have to get over, is trying to do that reliably, and so we will look at that. You also have to worry about, well, is this going to be some kind of observer effect, like the captain thinks that, because an observer is on the boat, I don't have to do the discard report, and it's already being covered, and so there's a lot of things that we might want to consider that could influence those results that we haven't seen yet.

I think one thing that I wanted to point out is that, yes, we do have an electronic logbook that will be coming down the pike, and that difference in the form between the discard report and the regular logbook report -- That will disappear, and so you'll be reporting it just as you do your retained catch, and so that will go away, but I think, in general, you also need to consider is a logbook the proper tool to be capturing discards, and, as you said, there's a lot going on on a boat, and a lot of these guys sometimes don't fill out their logbooks until after they reach shore, and so there's a lot of recall bias that you have to worry about, and there will be tools that are being developed that may resolve this, eventually. I may be retired by then, but eventually we may have other tools that we can use.

DR. BELCHER: Okay, and so other comments, or questions, for Dave? Okay. Seeing none, thank you, Dave, and thank you, everybody, for your being willing to stay later. We will be

recessing for the evening, and we come back in tomorrow at 8:30 and start with Mackerel Cobia under Chair Roller, and so 8:30 tomorrow morning.

(Whereupon, the meeting adjourned on December 4, 2023.)

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Certified By: _____ Date: _____

Transcribed By
Amanda Thomas
February 12, 2024

Dec. 4, 2023
Council Session I
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Dec. 11, 2023
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Attendee Report: Full Council Closed Session 8:30 AM - 12:00 PM Dec. 4, 2023

Report Generated:

12/04/2023 05:57 PM EST

Webinar ID	Actual Start Date/Time	Duration	# Registered	# Attended
649-421-267	12/04/2023 07:43 AM EST	4 hours 9 minutes	4	4

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Attended	Interest Rating	Last Name	First Name	Email Address
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Dec. 4, 2023
Council Session 1
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Dec. 4, 2023
Council Session I
OPEN

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Attendee Report: SAFMC December 2023 Council Meeting (12/4/23 - 12/8/23)

Report Generated:

12/04/2023 05:59 PM EST

Webinar ID

379-228-259

Actual Start Date/Time

12/04/2023 12:55 PM EST

Duration

4 hours 48 minutes

Registered

124

Attended

85

Staff Details

Attended

Yes

Interest Rating

Not applicable for staff

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