

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

FULL COUNCIL SESSION I

**Town and Country Inn
Charleston, S.C.**

September 12, 2022

Transcript

Council Members

Mel Bell, Chair

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Chester Brewer

Judy Helmey

Jessica McCawley

Tom Roller

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Attendees and Invited Participants

Rick DeVictor

Russ Dunn

Dewey Hemilright

Dr. Jack McGovern

Dr. Clay Porch

Dale Diaz

Frank Helies

Jamal Ingram

LT Patrick O'Shaughnessy

Monica Smit-Brunello

Additional attendees and invited participants attached.

The Full Council Session I of the South Atlantic Fishery Management Council convened at the Town and Country Inn, Charleston, South Carolina, on Monday, September 12, 2022, and was called to order by Chairman Mel Bell.

MR. BELL: Good morning, everyone. Welcome to Charleston. This is the September meeting of the South Atlantic Fishery Management Council. I'm Mel Bell, the Chair of the council, at least for a few more days, and I appreciate everybody coming. It's great to be back together, and this is the first time we've been back together here in Charleston since 2019, I believe, and so welcome back, and welcome back to the Town and Country.

This morning, before we actually get into the meeting itself and the agenda and all of that, we've got some business to take care of. First, let me recognize guests, or people at the table that you may not have seen before, and so, from the Coast Guard, we have Lieutenant Cameron Box, who is our new Coast Guard representative, here in the flesh, and he's from D7. Dale Diaz, you all know, from the Gulf, and Dewey Hemilright from the Mid-Atlantic, and then Captain Judy is online, and so we'll hear from Judy occasionally, I'm sure, and she's the only one, I think, not here in the flesh today, and then, at the table, you will also notice Gary Borland from South Carolina, and that leads me to our first bit of business here.

Andy Strelcheck, from the Southeast Regional Office, is going to come up and swear in Gary, and also Tim, I believe, and so we have a new council member, and we have a reappointed council member, and so, if you would all rise for this, and we'll just kind of stand and let them do this.

(Whereupon, the oath is taken by Mr. Borland and Mr. Griner.)

MR. BELL: All right. Thank you, Andy, and welcome, Gary, and welcome back, Tim. Then we're officially called to order, and the first item is Adoption of the Agenda. You have the agenda before you. Are there any changes to the agenda necessary? Seeing no hands, then the agenda is adopted by consent here.

Next is approval of the transcript from the previous meeting. Any changes or edits to the transcripts needed? I don't see any hands, and so the transcripts will stand approved. That takes us to the first item of business on the agenda, which would be our reports, and so the first report we have is from the NOAA Office of Law Enforcement, and I believe Pat O'Shaughnessy is going to give that. Welcome, Pat.

LT. O'SHAUGHNESSY: Hi. I'm Lieutenant Pat O'Shaughnessy, one of the Southeast supervisory enforcement officers, and I work out of Charleston, for the South Atlantic, and I will give you a short overview. Our report was provided in the advance briefing book. It's thirty pages in length, and so, if anybody has any questions, or needs amplifying information on that, I'll be here all week, and so grab me offline, and I can research anything for you.

The report, again, is thirty pages, and some of the highlights -- There was actually a PowerPoint, and I will not bore people through thirty pages of presentation. I will just hit the highlights. We opened 190 incidents during the third quarter. Of those, three cases were referred to General Counsel. Those are more serious cases, an illegal take, a right whale violation, and some gear violations.

In that report, on the tail-end, you will see the highlights of General Counsel charging documents, and there is ten of them that were charged this period. Of those, there was a \$36,000 fine for sexual harassment of an observer, \$20,000 for right whale speed violations, \$16,000 for a lethal take of a marine mammal, and \$7,500 for operating in an area to be avoided, which are the areas off of the Keys down in south Florida.

Other than, for summary settlement, we had twenty-three summary settlements that were issued, ranging from \$325 of retention during a closure or up to \$2,500 for failure to take an observer, and you can read all the other charging documents there, and they range from retention during closures, descending device requirements, and we are regularly writing those. We have seen a significant increase in the compliance rate, and it's been two years since you enacted those rules, and so we see fishermen carrying those. They're carried in a lot of the dive shops, or tackle shops, bait shops, and then a lot of people are creating them themselves, as authorized by the regulations.

Then the observer program requirements, and there is a significant increase in the South Atlantic snapper grouper fishery, and we've been doing quite a bit of outreach and trying to get people in compliance, so they can take those observers if they are selected, and then the remaining of those 190 were either handled through fix-its, written warnings, or compliance assistance, and so that's the majority of how we handle our cases, is through those actions, because you can see there is only twenty-six that were actually charged of the 190.

Some of the highlights that I just pulled out of that report are partnership training, and we do an extensive amount of case package trainings with our state partners. They have a considerable turnover with their folks, and we try to keep them up-to-speed on what we need for a case to come to us. We try to get -- Our enforcement officers are out at many of the fishing tournaments, and so you'll see my guys, up and down the east coast, doing that, and we continue to do TED inspections, to meet our requirements there.

Another big focus for us, although people don't view it as a South Atlantic thing, but it actually is, is IUU and SIMP focus, and that's the illegal, unreported, and unregulated fishing, and the Seafood Import Monitoring Program, where we try to make sure there's a legal playing field for fisheries that are coming into the United States, to meet the requirements so they do not illegally compete with our U.S. fishermen. We do an extensive amount of continued inspections of seafood being imported into the country. We have officers in Savannah and Miami, in the South Atlantic, that are IUU focused, and we also have a new DNA ID sampling kit onsite, where we're able to take a punch of fish and confirm what it is, or is not, without having to send it to a lab and wait for months for lab results.

Other enforcement, we have our joint enforcement agreements on the east coast of Florida, South Carolina, and Georgia, and we do regularly get cases referred from those agencies, and we have a great working relationship, where we go onboard on their vessels, or they go out and patrol in federal waters and send their cases to us, and so those relationships continue to grow.

Some special ops that we've done, we did two, Operation Mutton Moon and Greenhorn, which were operations down off the Keys, for the mutton moon spawning aggregations that take place, and we regularly transport our vessels down to the Florida Keys, so that we ourselves can make those patrols. We now have seven vessels in the Southeast region that we slide up and down the coast to participate in those operations, and then we are doing other operations in the sanctuary,

and it will be in the next report, but we had six vessels and twenty-two people down for the lobster mini-season and for sanctuary enforcement all throughout the Keys.

We continue with the SEFHIER regulations, and my officers have been out and about, and there are a lot of industry groups working with people to gain compliance with that new reporting system, and we've seen those numbers -- I get referrals from the SEFHIER program, and I have consistently seen the number of referrals go down, on a steady basis, and so compliance is improving considerably.

We do a number of U.S. Coast Guard joint ops, and so we did a Bermuda EEZ, vessels coming back from the Bahamas, back into the United States, to check what fisheries products they were bring in, and we've done red snapper ops, and joint illegal charters, where the Coast Guard is checking for the licensed captain portion of it, and we check for the federal permit portion. Then we've done a number of multiday patrols, where my officers go onboard the coastal patrol boats, primarily eighty-seven footers, and so the fast-response cutters, to go offshore and provide that deterrence.

Current spotlight, the emphasis on the SEFHIER outreach and enforcement, and, again, my guys are up and down the east coast, doing a lot of compliance assistance to get people onboard and get their accounts set up. Unpermitted charter operations, there's a bigger focus in the Gulf, because that is a closed permit fishery, but here we also do that, and are still getting regular referrals from legitimate charters who have purchased their permits, letting us know of others that have not, that are their competition, and so we're always taking those reports.

The North Atlantic right whale enforcement measures, I know there's a proposed rule out there, but we are still regularly enforcing the existing rule of sixty-five feet and over, and I did a quick data check. Since 2011, when that rule started being enforced, it was 115 cases for sixty-five feet and over, and over a million dollars in fines have been issued since 2011, and so that is still a major component that we're doing, in spite of whatever rule may or may not come online for vessels that are smaller.

OLE resources, our website has a lot of information, and I would also refer people to General Counsel's website, the third one down there, and you can see not only how they come up with their charging decisions, but you can also see theirs and charging actions from across the country of cases that OLE has sent to the Office of General Counsel, and I believe that is it. Again, any questions, I'll be here all week. If you see anything in that thirty-page report that you want to follow-up on, just let me know, and I'll do the research. Thank you.

MR. BELL: Thanks, Pat. Any questions for Pat right now? Again, he's easy to find, and he'll be here all week. All right. I don't see any hands. All right. Next is -- Cameron, do you have anything? This is your first meeting, and I didn't want to catch you cold here.

LT. BOX: Good morning. As stated, I'm Lieutenant Cameron Box. I just got to District 7 this summer, and I took over as the LMR officer down there, and I don't have anything fancy to present for you guys today, but I did want to provide some visibility on what's actually going down in our AOR right now.

In regard to metrics and numbers with fisheries right now for the Coast Guard, we're pretty low, and the reason being is we have a crazy migrant surge taking place right now, and so we're pulling assets from all of our units, Sector Charleston, Sector St. Pete, east coast, and we're getting staffing from all over the Coast Guard to support.

As of August 21, we've had about 1,500 migrants interdicted in south Florida straits from the Windward Pass, Haiti, Cuba, and so, unfortunately, you know, in terms of LMR enforcement right now, we're, you know, it's difficult for us, but we're trying to push to continue operations, once this thing kind of settles down a little bit, but that's really it, and I just wanted to kind of provide visibility, and some people are probably wondering, you know, what's going on down there, but that's all I've got. If there's any questions, please -- I will be here all week.

MR. BELL: All right. Thanks, Cameron. I appreciate that. The Coast Guard certainly is a multi-mission outfit, and sometimes the missions can get pretty intense, and so we do appreciate that, and we appreciate what you all do. Okay. If there are no questions there, that takes us to council liaisons, and, Dale, would you like to go first?

MR. DIAZ: Yes, sir. Thank you, Mr. Chair. I appreciate you all having me here this week. I like coming to these meetings, because I always learn a lot from this council, and I try to take that back to the Gulf Council and implement some of the good things that you all are doing over there. I do have a couple of words of wisdom for the new folks around the table. It takes a little while to learn the council process, but we love acronyms. It took me a year or so to figure out the council process, and I'm still trying to figure out all the acronyms, and so, anyway, that's my personal struggle with the council process.

I went through you all's agenda, and, the first five items in my report, you all have an agenda item referenced, and so I'm going to skip over those, and, when we get to those on your agenda items, I'll speak to them at that time, and so I'm going to start, in my report, talking about for-hire trip declarations for electronic reporting. We've got a lot of public comments from our charter boat fishermen, and so the council continues to work on a framework action to modify for-hire trip declaration requirements.

The problem we're having is that, every time a charter boat moves its boat, even if it's not for a fishing trip, to get ice, bait, fuel, anything like that, they have to do a trip declaration, and so we're getting a lot of complaints, and so we do have a document that we've started, and we're trying to correct that. Currently, in the document, we've got some alternatives for a half-hour, a one-hour, and a two-hour, that would make them where they wouldn't have to report if one of those were chosen, and, at the last meeting, we added a new alternative to make them not have to report at all if it's not a fishing trip, and so it's something we are continuing to work on, and we're going to take some public comments and act on that at a future meeting.

The next item on my report deals with IFQ programs, and so we've got two documents that we've been working on for a long time, and they're called 36B and 36C, and they deal with improvements to the IFQ program, and, basically, the council hasn't made any progress on these documents in a long time, and so we've set up a focus group of people that are in the industry, from different sectors, to give us some advice, and the focus group is tasked with reviewing the current IFQ program goals and objectives and to recommend their replacement and/or retention. The focus group is also expected to define the changes needed to improve the red snapper and grouper-tilefish

IFQ programs to specifically address minimizing discards, fairness and equity, and new entrant issues.

The focus group had their first meeting, and I believe it was in August, and they gave us a report, and we've asked them to meet again, and we'll probably get another report from them in January, and so it's just where we're trying to use industry to help us move forward and try to make some improvements to this program.

Next, I want to talk about something that came up at the last meeting, sector separation, and the council initiated work on a scoping document that will consider separating the recreational annual catch limits into separate private angling and federal for-hire components for greater amberjack, gray triggerfish, gag grouper, and red grouper. Creating separate annual catch limits for each component of the recreational sector would allow the different fleets to pursue separate management measures, such as seasons and bag limits, and to achieve their individual annual catch limits. We already have this for red snapper, and it's something that we're going to scope and see if there's any interest in moving forward with that for these other species.

Gray triggerfish is the next thing that I want to mention, and so this is another thing that we're getting a fair amount of public comment on. On the commercial side of our gray triggerfish fishery, there's a sixteen-fish bag limit, and the commercial folks have not been able to catch their ACL with this limit, and so we're looking at increasing the trip limits for the commercial folks, so they can hopefully land their ACL, and that's something we're moving forward with and we should be pursuing over the course of the next couple of meetings.

The next item that I wanted to mention is I'm sure you all struggle with this too, and so you get a stock assessment, and, most of the time, you get a stock assessment, and the terminal year of that assessment is a couple of years old, and, by the time you take action, sometimes things have actually changed out on the fishing grounds, and for better or for worse, and so, because of that, and the council brought this up at the last meeting, and so it's indicators of stock health between stock assessments.

The council decided to request NOAA Southeast Fisheries Science Center to identify metrics for red snapper, greater amberjack, gag grouper, and other targeted species that indicate changes in stock health between stock assessments. These metrics could be, but are not limited to, catch per unit effort, length frequency distribution, weight distribution by region, or other information, and so, right now, I guess the way we get that is through public comment, is when things are actually changing before we get word of it, and so hopefully we can get something that helps us get a little bit better grip on that and makes this move a little quicker in the right direction.

The last thing I want to mention is red snapper, and so the council took final action on the framework action to modify the red snapper catch limits, and the council chose to decrease the overfishing limit and increase the acceptable biological catch, annual catch limits, and annual catch targets from the previously submitted, but not yet implemented, framework action transmitted in June of 2021.

The new overfishing limit that we're proposing, and that has been sent to the Secretary, is 18.91 million pounds, and the new acceptable biological catch is 16,310,000 pounds. I want to make

sure that I said that overfishing limit number right. It's 18,910,000 pounds, and so that concludes my report, Mr. Chairman.

MR. BELL: Thank you, Dale, and his report is in the additional materials, and you can read the whole report, and, as Dale has mentioned, he'll touch on some of those other items as we bring them up in our discussions, but any questions for Dale right now? I don't see any hands. Dewey, do you have something for us?

MR. HEMILRIGHT: Yes, and thank you. The Mid-Atlantic Council met in Philadelphia on August 8 through 11, and some of the highlights from the meeting -- There were a lot of updates and revisions. We had discussion on the proposed designation of the Hudson Canyon National Marine Sanctuary, and there's a lot of stir about that, and people are wondering and asking questions of, you know, what is that about, and how will it affect us, or could affect us, and we had updates on recent developments from the New England Council on monkfish, winter flounder, sturgeon, and Great South Channel management.

We also provided input on draft guidance, reviewed and provided input on draft guidance, for mitigating impacts of offshore wind energy projections and projects on the commercial and recreational industries. We also approved specs for butterfish and ilex squid, and we modified the process for an optional February opening of recreational black sea bass, and we revised the 2020 specs for summer flounder, scup, and black sea bass to reflect the new commercial and recreational allocations, and we also swore-in some new council members and reelected Chairman Mike Luisi and Vice Chairman Wes Townsend, and that's pretty much my report. Thank you.

MR. BELL: All right. Thanks, Dewey. Any questions for Dewey now? He'll be here all week, I assume, and so, if you think of something, just get up with him. All right. That takes us to state agency updates. We can start with North Carolina and work our way down. Trish, have you got something?

MS. MURPHEY: Yes. Good morning. Quite a few things have been going on since our last meeting. Our artificial reef program completed several reef enhancements, including the use of the old Oregon Inlet bridge. This material was put on eight reefs for the Oregon Inlet, Ocracoke Inlet, Beaufort Inlet, and Bogue Inlet, and maybe you guys have all heard about all of our state-record and world-record fishing lately.

We had a state-record pompano dolphinfish, at eleven pounds and 5.4 ounces off of Ocean Isle, and that was possibly a world record. Graysby grouper, three pounds and 0.8 ounces off of Ocean Isle, and that's possibly a world record. Spanish hogfish, two pounds and eleven ounces, and that is a world record. Cubera snapper, fifty-eight pounds and eight ounces off of Hatteras, and red hind at seven pounds and eleven ounces near Frying Pan Shoal, and then, also, we had a 504-pound swordfish fifty-five miles off of Morehead, and so it was a busy summer for fishing off of North Carolina this summer.

We also, the division also, released its annual fishery management plan review, which summarizes information on the long-term trends in catch and biological data and management of our state fisheries, and that is available on our website, if you guys are interested, and we are beginning scoping meetings for our striped mullet fishery management plan, and, last but not least, we opened the recreational flounder fishery on September 1, for a one-fish bag and fifteen-inch size limit, and

that will run through the end of September, and then our commercial season is divided up by mobile gear and pound nets, and so our commercial season for mobile gear will start on September 15, and pound nets in the north and central will start -- In the northern part, it will be September 15, and the central/southern area is October 1. That's all I've got for North Carolina.

MR. BELL: All right. Any questions for Trish right now? Again, the nice thing about doing these at the beginning is you've got all week to think about things and to ask about them. Okay. I don't see any hands. Well, I will go next. I don't have a lot to report that is sort of interest or related to council business, or the council, but something that does have a bit of council ownership, for us, is recall we have one of our marine protected areas is actually an artificial reef of Charleston, and we call it the Charleston Deep Reef, in almost 400 feet of water, and so, this summer, thanks to support from the Governor's Cup Billfishing Series and others, we were able to sink a 250-foot ship on the reef, and so that's, I think, the third or fourth fairly significant construction we've done out there, and so there's a good bit of material out there now.

It's a very popular reef for pelagic fishing, for billfishing and dolphin and billfishes and that sort of thing, but, of course, it's a no bottom fishing and no taking of snapper grouper species out there, but that was a significant addition, and so we're looking forward to watching that grow and develop.

The weather and vessels have been cooperating, and so MARMAP and SEAMAP have had a good summer. Knock on wood, but, so far, the weather has been very cooperative, relatively speaking, and so they're having a good year, in terms of sampling, and so lots of good data coming out of that effort.

Not of necessarily council interest, but we are moving forward with our plans to stock southern flounder. I will say that the flounder fishing seems to be a little bit better this year, in the northern part of the state, and thank you, North Carolina, perhaps, and, of course, it could be because they know we're going to stock, and they're just bracing themselves, and I don't know, but that's good, and that's positive news.

We're dealing with some state fisheries issues, with some of our state fisheries, and blue crab is one that we anticipate some legislative action, maybe this coming session, in 2023, dealing with our blue crab fishery, and so that's taking a good bit of time to focus on, and lots of other state stuff going on, which I won't bother you with now, but you can talk to me later, if you would like, and so, of interest to the council that's kind of it for now.

I will also mention, because we did have an interest at one time, going back in time, and we're doing some work with red drum and potential -- Kind of things we're seeing in the red drum fishery, which I know that other states are as well, to some degree, and so we may, at some point, and probably not this year, but, at some point, we may be looking at some adjustments to our regulatory approach for red drum, but we have been working with the charter boat community, and others, to kind of get their impression of what's going on out there and what they're seeing and what they're concerned about, and I think that's it. Any questions for me? Chester.

MR. BREWER: I was just wondering if your new ship went down and was inside the MPA.

MR. BELL: Yes, it was. It's inside the box. They anchored that thing, and it did not move, until it proceeded to go straight to the bottom. Thanks. You had to bring that up. Oh, gosh. Yes, ma'am.

MS. THOMPSON: In the Indian River Lagoon, the FWC is moving towards making redfish catch-and-release only, because of the decline in numbers, due to water quality, and, of course, our crab catches have gone down too, and are you seeing the same thing in South Carolina? Is that the issue? Have you got declining water quality, due to too much nutrients going into your waters, or what do you think is the reason that you're having to look at these things?

MR. BELL: I am not going to -- That's not my area of expertise, but I do know that it's probably not a water quality issue for us. One of the things that we're kind of focused on is fishing pressure on our large spawners, because it's fairly well known where they aggregate and where they are, and it's one of the concerns that we have, and, of course, we have pretty tight limits, and it's pretty much a catch-and-release fishery.

It's largely a catch and release fishery for us, just voluntarily, and so you're down to a pretty small bag limit, and we use a slot, but we're not necessarily seeing recruitment of the younger fish that we would like to see, and so, you know, one of the things we're looking at is just perhaps a lot of -- There is a lot of catch-and-release pressure on these larger spawners, potentially, and that's a number of things we're looking at, but I don't think it's necessarily water quality with us, and it may be more having to do with other things in the fishery, in a fishery that's already an 85 or 90, depending on which kind of group you're talking to, or 95, percent catch-and-release already, but there will be, I'm sure, more on red snapper as we move along. Okay. Any other questions? Georgia.

MS. MCCAWLEY: You said red snapper.

MR. BELL: I did? Oh, gosh. That other red fish. I'm sorry. All right. Carolyn.

DR. BELCHER: Georgia's list is relatively short as well. One of the things that may be of interest for you all is Kim Sawicki, who is the researcher who has been working on ropeless gear for the black sea bass fishery, is working on a knowledge exchange workshop, which is the week of September 20 through 25, and it's going to be at Charlie Phillips', and so she's going to be doing dockside demonstrations of the gear, and then I guess there's two days that they're actually going to be out and doing demos from the boat as well.

If folks are interested, or if you haven't been contacted by Kim, let me know, and I can give you her contact information, if this is something that you're interested in getting more information on. I know she was sending invites out, to get the industry to come and participate. It's pretty interesting gear. We went, when they first started putting it together, and went to Charlie's and saw how the deployments work and the different types that are there, and I know they've been working really hard, for the last couple of years, on that process.

Similarly, for us, red drum is on our billet right now, with some rule changes, and we're in the public comment phase. We're looking at dropping our creel limit from five to three, and we were one of the more liberal states, as far as creel, and we are also looking at a vessel limit, which we have not had, and so it's nine fish per vessel, three per person, and we're also excluding the catch

for the captain and crew on for-hire and charter boats, and so, right now, like I said, our public comments are slated for next week, and we have two nights for that, one in Savannah and one in Brunswick. We'll go back to the board with discussions on that, and, if the rule change is adopted, it will go into effect for January 1.

A lot of ours, to kind of go off of what Laurilee was asking, we have a marked increase in participate in the nearshore area, and so we're concerned about fishing pressure, and a lot of it is actually coming from our fishery asking for more restrictive measures on it, which has been kind of interesting, to think that, normally, trying to make changes the other way is not usually well accepted, but, really, they've been asking for us to drop it, and they would actually like to see it lower than three, but, biologically, we're not seeing a reason, really, to make changes, and we're waiting to see what we would get out of the next stock assessment, through ASMFC, which is coming in 2024, and so we're kind of getting a little ahead of that, with the idea that we could revisit in a couple of years.

Relative to council species, the shrimp season this year -- The summer was pretty lean, and we weren't seeing a lot of brown shrimp, but apparently August numbers for white shrimp are looking much better, and there is a substantial size offshore right now, and availability is about on par with the long-term average, and so there is definitely an uptick and rebound there, and then the last thing that we have is we were able to put together our spend plan for our 2018 disaster funding with shrimp, and we were working really hard to make sure it made the deadline to get up to OMB for this October, and so hopefully we'll hear something soon on that spend plan from them. It went out of the Regional Office just about a month ago, and that's all I have for you today.

MR. BELL: Any questions for Carolyn? I failed to mention too that we're tracking along with the 2018 disaster, since Georgia and South Carolina participated in that together, but, yes, we're making progress with that, and so hopefully that will be coming to fruition here soon. Okay. Jessica.

MS. MCCAWLEY: Thank you, Mel. Just a couple of things to bring up, and you heard Laurilee mention the new redfish rules, and so the commission took final action on redfish rules at our previous commission meeting, and, at our upcoming September commission meeting, the commission will be looking at rules for state waters of the Gulf and the South Atlantic that are about descending devices and venting tools, and so that will be the first rule stop for that item, but we're looking to match that, but it won't match it exactly, because we'll be allowing venting tools or descending devices, and we've already had ramped-up outreach and education on that, and we're going to ramp it up even more, and so those are the only two things that I wanted to mention.

MR. BELL: All right. Thanks. Any questions for Jessica right now? All right. We'll all be here the rest of the week, lord willing. All right. That takes us to our next agenda item, which is an Update on the Dolphin Management Strategy Evaluation (MSE) Stakeholder Workshops. Then we've got a little item to discuss, and we need to provide some guidance on next steps, at least related to scheduling and some things, and so I don't know -- Clay or John, and I've got you guys down as tag-teaming, and I'm not sure who is going first.

DR. PORCH: I can start us off. As you all recall, the Southeast Fisheries Science Center has advised, on multiple occasions, that it's not really appropriate to do stock assessment for the South Atlantic fraction of the dolphin stock, because it's a highly migratory species, and a lot of the catch

is made outside of the area, but we do think it's reasonable to develop and test an empirical management strategy that does take advantage of the data we do have.

To that end, researchers at North Carolina State University have received a grant to conduct a management strategy evaluation, which is basically a process where candidate management procedures are tested in a simulation environment, with the idea that, if they perform well -- The procedures that perform well in the simulation environment are most likely to perform well in the real world, and it's sort of like a flight simulator. If you can't land the plane in the simulator, you probably don't want to try it for real.

Stakeholder participation is a big part of that. It's important to help clarify the management objectives for the fishery, things like is it more important to have a higher quantity of fish or size of fish caught, all the other things that people are interested in besides just maximum sustainable yield, and that may vary greatly by region and sector, and so we want to get more clarification on that.

The first workshop we're sponsoring will be in south Florida during October 4 through 6, and the Federal Register notice has been approved and should be published soon, and then there will be following workshops in southern New England the week of November 1 and the Mid-Atlantic the week of January 23. The workshops will be open to all interested public, and the basic goals will include develop a common understanding of what management procedures are, and there's a lot of lingo here, and what management strategy evaluation is, take out some of the mystery there. Then develop a list of conceptual management objectives and an understanding of how they can be linked to quantitative performance measures, like catch per unit effort, and then receive feedback from the proposed candidate management procedures and clarify any fishery or stock uncertainties that folks think need to be addressed in that simulation environment as part of the management strategy evaluation.

Then, of course, we hope to recruit stakeholders interested in continuing to participate in the management strategy evaluation process, and it will be kind of an iterative process, where we'll have multiple follow-up meetings, and so that's the state of play, as it stands now, and I don't know if, John, you had anything to add.

MR. HADLEY: No, and I appreciate that, Clay, and I have a question for the council, given the timing that you mentioned, particularly for the Carolinas and Virginia meetings, and they're going to wrap up in January. As you may recall, from our last meeting when we discussed this, the idea was to hold these stakeholder workshops, with the intent that they would be brought back to the council in December, as sort of a scoping-esque set of comments for Regulatory Amendment 3, and so, given that sort of delay in these stakeholder workshops, and they're not going to be wrapped up until January, I just wanted to kind of get it on the table for everyone and just kind of give you a heads-up on that for December, but also -- As far as scheduling for that, would you like us to hold specific scoping sessions, maybe beforehand, if we could fit it in, that sort of thing, or what to do with Regulatory Amendment 3 at this point, given that the workshops will not be wrapped up by December.

MR. BELL: That's the decision point that I mentioned, was guidance to staff on that, and would it be better to wait until March, given the schedule, and so Tom and then Tim.

MR. ROLLER: Thank you, Mel. Thank you, John and Clay, for those comments. Given where we are with the MSE process, I think it would be prudent to move this item to March and let these, as we said, pseudo scoping meetings wrap up, and it will give us more information, and I think we'll have a better idea of which way to proceed at that point in time, and that could look like a lot of different things, but --

MR. BELL: Tim.

MR. GRINER: Thank you, Mel. I was going to say pretty much the same thing, along the same lines. I think the information that Clay shared was that this is important stuff, and it's going to be new and complicated, a little bit, and it's going to take a little bit of digesting, but it's really going to be an important way to move this fishery forward, and so I would agree that we need to kind of push this out maybe to March. Thank you.

MR. BELL: Trish.

MS. MURPHEY: I have to agree with my colleagues here in North Carolina that this is very important. When we talked about this last time, we actually said that this would be a priority, because it is supposed to inform our amendment, and so I agree that we need to let the MSE move forward, and then we can have discussions on bringing it into the regulatory amendment. Then I had a question for Clay. Where in North Carolina will those stakeholder meetings be? Have you got a place yet?

DR. PORCH: I don't think we know exactly where it's going to be, and I'm going to look through my notes here, but I didn't have anything that said specifically -- It's been set for Florida, but it just says South -- I think there's going to be multiple opportunities for South Carolina through Virginia, and so I don't know. Maybe John.

MR. HADLEY: We're still working on exact locations for the Carolinas and Mid-Atlantic meetings, but, specifically, we're looking at Wilmington, the Wilmington area, or, well, actually, I guess I'll start south and work north, starting off in Charleston and then Wilmington, the Outer Banks, likely Manteo, and then Virginia Beach, and that will be that sort of slate of meetings for that week, but exact locations are to be determined.

MS. MURPHEY: All right. That sounds good, and I just wanted to make sure that Hatteras, or the Outer Banks, was picked up, and so thank you.

MR. BELL: Jessica first and then back to Tom.

MS. MCCAWLEY: Thanks. I'm in favor of waiting until March of next year, in order to get the feedback after these workshops, and then figure out where we're going to go next, and so I'm good with waiting until March.

MR. BELL: All right. Tom.

MR. ROLLER: Okay, and a couple of questions here, and I guess the first one is for John. Regarding the workshops, is it just going to be two in North Carolina? Okay, and so it's going to be Wilmington and then the Outer Banks? Okay. Nodding head there, just for the record. The

other point that I wanted to make out, and I'm glad we're all on the same page about moving it to March, is that this will also give North Carolina fishermen a chance to come to the council meeting in December in Wilmington and give comment, and I think that's important.

MR. BELL: Okay. John.

MR. HADLEY: Just as a point of clarification, and I think, if the discussion is going to be delayed until March, it wouldn't -- Well, fishermen in North Carolina could weigh-in in December in Wilmington, but it wouldn't be on the agenda, formally, and, by on the agenda, I mean Regulatory Amendment 3, just to clarify.

MR. BELL: All right. Thanks for that. Andy.

MR. STRELCHECK: I mean, I don't feel strongly whether we push this off until March or not, and I think it will be enlightening to get the input from south Florida, and I received a number of phone calls, after the June council meeting, with continued complaints and frustration about the dolphin fishery down there, following the meeting, and I assume, Jessica, you're probably still hearing that as well, from the State of Florida, and so there is, right now, an interest, from at least some in that area, to do something, regardless of how we're proceeding with these workshops, and we don't tend to be very quick in responding to things, and so, kind of like what was said with red drum earlier, in terms of constituents stating there's a concern, or a problem, I think we need to be very careful and thoughtful, in terms of what we hear out of south Florida in October, in making some decisions, whether it's in December or at that March meeting, in terms of how we best proceed from there, but there's definitely some support for doing something.

MR. BELL: All right. Thanks, Andy. All right. Tom.

MR. ROLLER: Just for a point of clarification, though it wouldn't be on the agenda in December, there is nothing really stopping fishermen from attending the meeting and commenting in public comment, correct?

MR. HADLEY: No, not at all. They could certainly come to the meeting and provide comment to the council on dolphin, or any other fisheries, really, but that certainly would be included, or an opportunity for public comment, at that meeting.

MR. ROLLER: Okay, and, I mean, given that it will be kind of fresh on the mind, and it will be after most of the fishing season, and the workshops will be going on, and it will probably be on people's minds at that point, and I just wanted to clarify that, for the record.

MR. BELL: Okay. Sounds like we've got a plan. Chester.

MR. BREWER: Maybe I'm somewhat off-topic here, but it has to do with dolphin, and I wanted to follow-up on what Andy said, and he's quite correct. The folks in South Carolina -- Not South Carolina, but south Florida really are -- They want something done with regard to dolphin, because they see a problem, and they're convinced that there is a problem. Now, I think that we may want to take a look at perhaps different solutions to the problem, in that what I'm hearing, from a lot of folks, is that the real problem is longliners south of -- Well, in the Caribbean and not inside the United States EEZ, which would hamstring us a bit, insofar as what we can do, as a council, but it

does not hamstring us from the standpoint of identifying who is prosecuting this fishery, or at least getting someone within the State Department to identify who is prosecuting this fishery.

Are they people that are, as I've heard, that these are actually, you know, United States boats that are traveling down there and longlining the dolphin, and so maybe there is some sort of enforcement or restriction that could be placed on them, because they are -- I don't know where they're offloading the fish, and I don't know that, but maybe we need to be placing some more emphasis on getting help from other agencies, in at least identifying exactly what is going on, because, I mean, I've got a lot of -- There have been phone calls, and it's kind of anecdotal, that so-and-so told me, or this kind of thing, and I would really like some hard information.

MR. BELL: Thanks, Chester, and those things are certainly worth looking into as we -- We all know that, yes indeed, there's interest from south Florida, and, yes, there is an international, or quasi-international or something, component to the fishery, and so that's all part of the mix, but I think you're right though. Tim.

MR. GRINER: Thank you, Mr. Chairman, and maybe Chester can clarify, and so the anecdotal evidence was coming from outside of the 200-mile range, and is that where you were saying this is happening? So recreational guys are 200 miles offshore, I guess? I mean, it just seems odd that we would have any kind of evidence of what's happening in international waters from the recreational side, but I do think it's worth exploring.

MR. BREWER: If I might, in response?

MR. BELL: Yes. Go ahead.

MR. BREWER: It's not recreational. They're selling the fish, and what I meant was I don't know where they're offloading them, and I just don't know. I have asked, and, the people that have called me, I said, well, where are they offloading these fish, because, if they're offloading them somewhere within our jurisdiction, then we have the ability to deal with them, and, if not, and it's completely international, then it's nothing that we can deal with. The State Department is going to have to deal with it.

MR. BELL: All right. I don't want to spend too much time getting bogged down in this, because we've kind of made the decision we need to make, but Dewey and then Trish.

MR. HEMILRIGHT: I would think that, if it's a U.S.-permitted pelagic longline boat, that their vessel monitoring system is activated and would show. The only thing I know about the Caribbean, and that area, is that Puerto Rico is a U.S. state, but everywhere else is out of our hands, and so maybe Chester could follow-up with some more of the anecdotal information about exactly if it is pelagic, U.S. pelagic, longline industry, but I seriously doubt that to be the case. It could be a U.S. American citizen on somebody's vessel, but I doubt it's a U.S. pelagic longliner.

MR. BELL: All right. Thanks, Dewey. Trish.

MS. MURPHEY: I was going to say that we will be hearing more about this in our September 21 webinar, right, because we do have the Western Central Atlantic Fisheries Commission Flyingfish

Dolphinfish Working Group, and so we probably will be hearing, I would think, about Chester's concerns, correct?

MR. BELL: I would assume that, if that's known, that could come up in there, yes.

MS. MURPHEY: So that might be the place to have that discussion.

MR. BELL: Yes. Again, it's a complex fishery, and we know that. It's got a lot of moving parts that are outside even our jurisdiction. Clay.

DR. PORCH: Thank you, and, speaking of WECAFC, I've seen the statistics that they have, and the statistics that FAO compiles, and they've done a fair amount of investigation, although it may not be perfectly complete, but there's really not any evidence that there's huge longline fishery, and the statistics they have are much smaller than what our own recreational fishery catches, and so, like I said at the last meeting, I think it's a little bit of a red herring, but, in any case, the management strategy evaluation, and management procedures, that we develop would be designed to use the stock that does come into our waters as efficiently as possible and take into account stakeholder concerns, and so that gets me to your point about the interest, Chester, in south Florida. We do have three workshops there, and one is going to be in Palm Beach and one in Fort, Lauderdale and one in Islamorada, and so I hope we get the good turnout that your statement suggests.

MR. BELL: All right. Thanks, Clay. All right. Anything else on this? I guess we've made the decision that we needed to make, and you've got sufficient guidance?

MR. HADLEY: Yes, I do. Thank you.

MR. BELL: All right. Well, let's go on to our next item, which is Golden Crab and Spiny Lobster Advisory Panel Report. Christina, you're going to do that?

MS. WIEGAND: All right. Good morning, everyone, and so I'm very briefly going to go over what the Spiny Lobster and Golden Crab Advisory Panels talked about when they met late in June. If you will remember, we recently, I guess recently, but a few years ago, updated our AP policy to have all of our APs meet at least once a year, and so that's why we brought these two groups together.

For the Spiny Lobster Advisory Panel, they didn't have a whole ton to talk about, because, right now, you guys aren't actively undergoing an action related to their FMP, but we did have them update the fishery performance report they had originally completed back in May of 2018, and we talked about the trap closed areas that were closed in Spiny Lobster Amendment 11 and then talked about some recent topics that had some up at Florida Fish and Wildlife, and I did just want to give a real brief shoutout to FWC staff, particularly Tom Matthews, who was there and really participated a lot in the discussion and provided some really valuable input.

I am just going to go over the very briefest of highlights from the fishery performance report. In talking about environmental factors, there was, as one would expect, a lot of concern over damages that they're still experiencing related to Hurricane Irma, including some damaged corals, increased

algal blooms, and so they did say, as the years progress, we are starting to see some recovery of those corals that were damaged by that hurricane.

Finally, with the lobster populations, they are seeing a lot of small lobsters, and the population does appear to be healthy, and then we heard a lot from fishermen in North Carolina and Georgia, that they've been seeing a lot more lobster inshore, along some bridges and pylons, and that these lobster tend to be a pretty substantial size, particularly in North Carolina. Then, when we got into talking about social and economic influences, lobstermen down in Florida did note that there are often conflicts between trap fishermen and recreational boaters, who weren't really paying attention to where those trap lines may be, and then lack of crew has become a pretty significant issue down in Florida, particularly the Florida Keys.

They're too expensive for crew members to typically live, and so they're having to commute from places like Homestead, Florida all the way out into the Keys, and the fishermen really talked a lot about how important it is to have knowledgeable crew on these boats, to make sure that you're avoiding citations for undersized lobster aboard, but, generally, participation in the fishery is still going strong, and you're seeing a lot of older fishermen sort of start to get out and a lot of younger fishermen coming up into the fishery, and so while, in some fisheries, we do see this graying of the fleet issue, that doesn't appear to be as big of a problem in the spiny lobster fishery, and they are seeing a lot of young fishermen interested in getting in.

As you might expect, COVID 19 did have some pretty negative impacts on this fishery, and the Chinese market is very important, especially in, you know, the December or January time period, which is during Chinese New Year, and it's sort of the celebration season there, and so prices have historically been highest then, but during 2021 and 2020 were pretty inconsistent.

Then, finally, management measures, and fishermen in North Carolina noted that they would really like the opportunity to keep a commercial bag limit. Right now, the recreational and commercial bag limit is two lobster per person, and so AP members really want to see more on the biology of the stock that is up in North Carolina, to see what sort of commercial trip limit might be able to be sustained in that area, and, if you will remember, back a couple of years ago, this council did start on an amendment to look at allowing fishermen that had a snapper grouper permit and a lobster tailing permit to have a commercial bag limit of lobster in North Carolina, South Carolina, and Georgia, but, ultimately, that was sort of pushed back on the agenda to make way for other priorities.

Then we did have them talk briefly about the Amendment 11 trap closed areas, and the reason we brought this up again is because those all fall within the Florida Keys National Marine Sanctuary, and so, at the last joint meeting with the Gulf and South Atlantic Spiny Lobster Committees, there was a lot of talk about this and whether or not those areas were still accurately placed, and so, especially after Irma, do they still have corals in it that are being protected, or do they need to be moved to better protect corals and maybe up some areas that no longer have endangered coral in there, and so the AP really wanted to wait and see what happened with that Florida Keys National Marine Sanctuary blueprint, which had not been released at the time of this meeting, though it has now.

Then they did note sort of frustrations, with many of those areas not being marked or included in GPS systems, and so, with these new fishermen entering the fishery, they oftentimes may not know where those specific closed areas are.

Then we talked about some FWC management topics, including trap permanent marking requirements, degradable panels, the trap puller prohibition on recreational vessels, and the definition of working a trap. It was also noted that some commissioners have been discussing casitas, and then, finally, there was some discussion about the Legare anchorage. If you're not familiar with what the Legare anchorage is, I highly recommend talking to Jessica about it. It's one of the more interesting things that FWC has to deal with. That was Spiny Lobster, and I'll go ahead and pause, real fast, and see if anyone has any questions about the Spiny Lobster meeting, before I dive into the Golden Crab meeting.

MR. BELL: Any questions? Tim.

MR. GRINER: Not a question, but maybe just a comment, and, you know, I know, for my boat personally this year, we caught more spiny lobster with a rod-and-reel than we've caught in the past five years off of North Carolina, and so there's definitely an uptick in the lobster population, and, maybe when get to the Executive Committee, and we start looking at the schedules of amendments and things, we could have a little bit of a discussion to go back and revisit the schedule on that spiny lobster potential amendment. Thank you.

MR. BELL: That's not, I guess, an odd to thing to note. I guess what we're seeing with other things kind of moving around, or potentially expanding ranges to the north, you would kind of expect that to happen, and so I can't get the American lobster to come down to us, and so maybe we can get spiny to come up the coast. Any other questions at this point for Christina? Andy.

MR. STRELCHECK: Thanks. You may have mentioned it, Christina, but was anyone at the meeting from the Florida Keys National Marine Sanctuary? Okay, and I am curious, with the comments with regard to not only revisiting the areas, but, more importantly, the markings of those areas, if there's more that could be done, both on the sanctuary side as well as certainly the fisheries side, to help with that.

MR. BELL: Okay. Anything else right now? All right, Christina. Carry on.

MS. WIEGAND: All right. Then, moving into the Golden Crab meeting, again, there's nothing on you guys' agenda currently, and so we just had them update a fishery performance report and have discussion of the advisory panel composition, and so, again, just some FPR highlights, and fishermen are seeing a lot of smaller crabs, especially throughout those northern and middle golden crab zones, and the fishery appears to be healthy.

They did note that, while there was a downward trend in the landings in 2015, it may have been an impact of Deepwater Horizon, but, more importantly, you have to look at participation in this fishery, and participation had decreased after 2015, and so that decrease in landings is likely reflective of participation levels, as opposed to any issue with the stock.

Similar to Spiny Lobster, they said that COVID-19 had a pretty big effect on them. Again, not a lot of that product is sold domestically, and a lot of it goes overseas, to China, and, during COVID-

19, it was very hard to get flights and products and boats, in order to export product overseas, and then, finally, they noted that the price right now for golden crab is actually at an all-time high, and it's often used as sort of a replacement for king crab or dungeness crab, out west, and so, as those live crab fisheries have some quota shortages, they're actually seeing an increase in the price of golden crab.

They did note that loss of working waterfronts has become a pretty big issue in this fishery, particularly down in south Florida. It is a deepwater fishery, and there is nowhere in Florida right now where these fishermen feel like they can afford to dock a vessel of that size, as well as to find the general commercial necessities like ice and fuel. There has been some transition in the fishery. Recently, some long-time members have gotten out and sold their permits to some new fishermen, who are looking at entering the fishery and sort of reviving particularly the domestic market.

They did say they were comfortable with the current annual catch limit and zone management and didn't feel that there needed to be any big changes to management measures, but they did note that the current coral closed areas could be revisited and that there are some areas that are mud bottom and don't contain any coral that could be opened up to crabbing. Then it's a very clean fishery, and they rarely catch anything but golden crab, aside from, you know, a few isopods, and, one time, an American lobster.

The last thing we talked about was the advisory panel composition. If you will remember, at your June meeting, you decided to revise how this AP was done, to make it more similar to like the wreckfish shareholders, where anyone who had a golden crab permit would be invited to participate, and so we did mention that to the current AP, and there were several members that noted that they would like to remain able to participate on the advisory panel, in some historic seats, and these are fishermen that have been working in the fishery since its inception back in the 1990s, and they would like to be able to continue to participate, to inform future discussions, and so that's all I have. I will note that this might be a point of discussion for the council, if they want to just stick with just permit holders on the AP or if you would like to add these historical seats.

MR. BELL: All right. Jessica and then Laurilee.

MS. MCCAWLEY: This was definitely a point of discussion at the AP meeting, and I now understand a little bit better what they're asking, but, right now, you have this combination of permit holders and people that were original to the fishery. The people that were original to the fishery are the ones that want to remain on the AP, and I don't know that that's bad, but I think that the new holders, or the about to be new holders, should also be on the AP, and maybe this is a discussion that we could have at an upcoming meeting, in closed session.

MR. BELL: Yes, and that makes sense. Laurilee.

MS. THOMPSON: I agree, and I think you need that institutional knowledge from the original people that were on the AP, and so maybe it's just a simple thing of increasing the number of seats that are allowed on the AP, but I think you would be doing a disservice to the industry to kick those older members that want to stay on it off, and I just want to comment on the statement about they would like to see the current coral closed areas revisited, since there is areas that are closed that are mud bottom and don't contain any coral. That's just like the rock shrimp. Thank you.

MR. BELL: Thank you, Laurilee. Any other comments or questions at this point? We don't really have any action that we have to take here, and so just a little guidance on maybe some follow-up on the AP. Okay. Thank you. All right. The next item I have is the Commercial Electronic Logbook Amendment Discussion. This is going to be Myra.

MS. BROUWER: Good morning. I am going to give you an update on progress on this amendment, which is a joint amendment with the Gulf of Mexico Fishery Management Council to implement the electronic logbooks in the coastal logbook program, and so a little bit of background, first.

The logbook program collects data from commercial vessels in the Gulf of Mexico and throughout the Atlantic. In the South Atlantic, commercial fishermen that hold a snapper grouper permit, dolphin wahoo, or coastal migratory pelagics permits are required to fill out a paper logbook within seven days of completing a trip and then mailing that paper logbook to the Southeast Fisheries Science Center.

These reporting requirements have been in place for some time. For CMP, for coastal migratory pelagics, that requirement went in place in 1985. For snapper grouper, it went into place in 1992, and, for the dolphin wahoo fishery, it was put in place in 2004. In 2001, the Southeast Fisheries Science Center expanded the logbook program to include two additional surveys, and so the economic survey and the discard logbook. For this survey, there is a subset of those permitted vessels that are selected, and, if they are selected, they need to report for one year. For everybody else, that information is not required, and it is voluntary, and selection happens through fishermen are just sent a letter in the mail, to let them know that they've been selected to report.

I am going to spend a little bit of time here, giving you some background of how we got here, for those of you who haven't been following this amendment for some time, and the councils began talking about this back in 2013. They agreed to work jointly to put an amendment together that would change the submission from paper to an electronic platform. At the time, the Southeast Fisheries Science Center got started on a pilot program to study the feasibility of electronic logbooks for the Southeast commercial coastal and the HMS fleet, and they did that pilot from April through November of 2015.

The councils then said, you know what, let's just wait until that pilot program is done before we reinitiate work on the amendment. Well, that result -- The results of that study were published just this year, but, since 2016, vessels with dual permits, those that have permits in the Greater Atlantic Region and the South Atlantic have been allowed to submit electronic reports through the Atlantic Coastal Cooperative Statistics Program SAFIS system. Of course, you still have the issue of folks having to do separate reports.

Over the past ten years, the Center has continued to develop and test the mobile reporting application eTRIPS through the ACCSP, and, as of last year, 2021, voluntary commercial electronic logbook reports can be submitted to the Center through the eTRIPS/mobile application, and so this amendment is going to modify the FMPs for Snapper Grouper, Dolphin Wahoo, the CMP FMP, and the Gulf Reef Fish FMP, to make this transition from paper to electronic, and this is just a visual. On the left, you have, you know, what the paper logbook form looks like, and, on the right, you have a screenshot from the eTRIPS/mobile application.

In terms of benefits, of course, like I said, this would accommodate vessels that have multiple permits, and so getting closer to this one-stop reporting that everybody would like to see happen. It would mean better compliance and timeliness for renewing the permits, and, of course, more accurate information, and so these are all good things for management.

Since the June meeting, we've been up to a little bit, and so I'll just update you on what we've been doing. The council made a motion to do this joint amendment with the Gulf Council, and so we got the Interdisciplinary Plan Team -- The IPT got together in July to discuss the next steps. We talked about doing a joint plan amendment, and so like an actual full-blown plan amendment, for each of these FMPs. However, the National Environmental Policy Act portion of that could be done through a categorical exclusion, and so that would speed up that process.

We also put together a list of questions and answers, and these are things that have come up in discussion, questions that IPT members had, and kind of just anticipated things that you guys might want more detail on, and so I encourage you to look at that attachment, and that's Attachment 3b. I'm not going to pull it up and go over it. It's, like I said, more details on how the program works and just random kind of questions that you all have asked.

Then, finally, the IPT compiled a spreadsheet that we used to compare the current data fields in the paper logbook side-by-side with what is currently in eTRIPS, so that you can see where the differences might be, and I will be pulling that up here in a little bit.

The timing hasn't changed much since the June meeting, and we're still looking at the Gulf Council approving for public hearings at their October meeting. You guys would do that in December, and we would hold public hearings in the winter. The councils would get back together in January and March of 2023 and approve the amendment for formal review, and then, hopefully, if all goes well, by early 2024, we would see this implemented.

This is the draft purpose and need that's currently in the document. It is draft, and so you guys are welcome to modify it as you see fit, and I just wanted to flash it on the screen, give you time to look at it, and I will be bringing it back up in a Word document, so that you guys can add to it, modify it, and then hopefully get a motion to approve it, and so, basically, just for the record, I will read it real quick.

The purpose is to modify reporting for commercial fishing vessels issued South Atlantic or Gulf of Mexico permits and currently reporting through the Southeast Coastal Logbook Program to require that the reports be submitted electronically. The need is to improve the timeliness and efficiency of the commercial logbook data collection and management program, which will improve monitoring and compliance of federally-permitted commercial vessels participating in the Southeast Coastal Logbook program.

So what's going to change? Currently, the logbook data fields have already been integrated into eTRIPS, so that electronic submission is compatible with the Atlantic standards through ACCSP, and so that's already been done, and, like I said, I'm going to walk you through that spreadsheet in just a little bit. The data are then made available to the Center from ACCSP, and the timing for the reporting will remain unchanged, and so the only thing that's happening is paper to electronic.

As far as the voluntary portions of the logbook, that selection process will remain the same, and so only a certain percentage, 20 percent, of vessels will be selected each year to participate in those, and there's been some question as to how this is going to be done, and so eTRIPS has an optional trip expense section, and there is a note that displays on the interface that alerts the user that that section is only mandatory if they received a notification in the mail, and so there is going to be a way for people to be able to tell whether they need to report or not that is built into the platform. For discard information, that's going to be collected with catch disposition fields.

When I bring up the spreadsheet, you'll see that there are more data fields in the electronic logbook, and I don't want to say "additional", because, really, it's not extra information, or different information, that's being collected, and it's just done in a different way, and, again, it's just to make sure that those standards that have been set up to make everything compatible for all the partner agencies -- That those are followed.

ACCSP, for those of you that don't know, is a partnership that aims at streamlining fisheries data across federal and state agencies, and, as I said, the electronic platform, which already incorporates the standards, using it and making sure that this is what gets used, would then go back to those benefits that I mentioned, the one-stop reporting, the compliance, more timely permit renewal, and then accurate information.

In terms of next steps, there is going to be a flurry of AP meetings this fall, and so the Snapper Grouper AP meeting and the CMP, or the Mackerel Cobia AP, are meeting in the fall, and so they will be giving input on this amendment. The Gulf Council is also bringing some of their APs together, and I believe the Reef Fish AP and the CMP AP are meeting in the fall as well, and then, of course, when this gets approved for public hearings, there will be plenty of opportunity for input at that time. Then, of course, in the meantime, we'll continue developing the amendment, and so you will probably see a draft in December.

Here is an extra slide that I added after the first briefing book posting, because I wanted to have the opportunity to show you a clip of this video, and so this is a video that is currently posted in the Mid-Atlantic Council's website that illustrates how to enter a trip using eTRIPS, and so this video features Rick Bellavance from the Mid-Atlantic Council, and it's basically showing how he does this for one of his trips, and it goes pretty quickly, which is one of the things that I wanted to illustrate. A lot of the fields are kind of pre-filled, because he's been using the application, and so there's a way to kind of -- It remembers your favorite settings, or whatever the right word is, but you will see here in just a minute, and so, if you will indulge me, I will pull that up, and hopefully this will work.

Okay, and so that is just a little -- The video is much longer, and there is questions and things, and so it's there if you guys want to check that out later, but, you know, this basically just shows you how quickly it can go, and, for those of you who aren't familiar with the eTRIPS, what that looks like, and I figured this would be a good thing to bring up, and so what I would like to do now is bring up the spreadsheet that I mentioned, and so this is Attachment 3c. I'm going to try to make it so you guys can see it, and I know that it's really tiny, and I apologize for the scrolling.

Basically, you've got the paper coastal logbook data fields in the first column, and then the second column shows you what is currently in eTRIPS. The fields that are that green background color are the ones that are different, that would be in addition to what is in the paper logbook. The

following column just gives you a little bit of additional information, why that field is there, what's necessary, what the information is that they're trying to get at.

Further over, Column D gives you a description of what that field actually is, and then, finally Column E is the entry type, and so get an idea for whether it's stuff that fishermen are going to have to type in, are they going to select from a drop-down, that sort of thing, and so I'm going to move back over here, and you'll see that there are a data fields that are pink, and those are ones that would go away, that would be removed, and so, if you look at -- Scroll down to just a portion of the logbook that doesn't include the additional surveys, and so the discard information or the economic information, and there's really a net difference of just four additional fields, because three of them go away, or, actually, four of them. Then below this blue cell over here is what is currently being collected for the economic survey, and so, there, there's a little bit more information that eTRIPS would collect for that portion of the survey.

I just wanted to point this out to you and let you know where it is, and I know it's a lot of information, but we tried to consolidate as much of it as we could, and I will also acknowledge that Geoff White, director of ACCSP, is in the audience. If there are any specific questions that I can't handle, I'm going to bounce them over to Geoff, and so I'll pause here for questions, and, then, like I said, I would like to bring back up the draft purpose and need, to capture any additional guidance and potentially a motion to approve that.

MR. BELL: All right. Thank you, Myra. Any questions at this point? Kerry, you can go first, and then Tim.

MS. MARHEFKA: Without getting too much in the minutia of things, I do have a couple of questions. The first one is you had mentioned that you could already voluntarily submit in eTRIPS now, but, if I recall correctly, wasn't that only if you also had a GARFO permit, or could we be doing that as well?

MS. BROUWER: I'm sorry, and I didn't get that. Could you --

MS. MARHEFKA: I thought this portion where you could voluntarily do eTRIPS was only if you also had a GARFO permit.

MS. BROUWER: I believe you can do it even if you're just permitted in the South Atlantic and submit it to the Center, and so that is already something that can be done voluntarily.

MR. BELL: Okay. Let's go to Judy. Judy, go ahead.

MS. HELMEY: You know, as a federal permit holder, I have to fill these forms out, and I would like -- I might even be wrong about this, but, when I fill the form out, I read it over and over, to make sure I've got it right, but then I find out, later, once I submit it, that like I put a date in wrong, or like I left one day and came back two weeks later, and I wanted to go back and change it, and I can't, and it should be somewhere on here, because people do make mistakes, on how they could change something after they submitted it, especially if they could do it right away.

MR. BELL: I understand. Any thoughts on that? How does one correct something? Andy.

MR. STRELCHECK: Well, I think take advantage maybe of Geoff being here, to answer that question, and not to put him on the spot, but there are reasons, times, when we don't want the permit holder to be making changes to the data, and so we can impose restrictions, at times, just to avoid people making modifications, and I don't know what, in this instance, what the reason is.

MR. BELL: Okay. Geoff.

MR. WHITE: Thank you. In terms of data edits, once the record is submitted, if there is a need - The way eTRIPS works, there is the ability for the fisherman to re-submit that and have changes recorded, but, as Andy pointed out, the agency requirements for what changes can, or should or should not, be made are still in development.

MR. BELL: Okay. Thanks, Geoff, and that kind of makes sense. If you're doing something, perhaps, a little more timely now, a little quicker, and it involves pushing buttons, and maybe you hit "submit" too soon, before you check something, and I can see where Judy is coming from with that, but thanks for the input on how that would be kind of worked through, but I can see that sort of thing happening, a little easier than maybe sitting down with paper and taking the time. Go ahead.

MR. WHITE: What we have found, from trips that are being submitted for GARFO-permitted fishermen, is that there is less than 1 percent, maybe less than 0.1 percent, of fishermen, once they submit it, that have a need for a change, and so it's certainly an understandable thought process, before you start reporting it, but it shows up pretty rarely in the data, for what we've been doing for the last several years.

MR. BELL: Great. Good to know. Okay. Clay.

DR. PORCH: I would just add that it's easier to correct the electronic submissions than it is with the paper logbooks. If you get a send-back from the paper logbook, it's a lot more hassle, and so it's going to make things easier, and the other thing I wanted to address is, actually, right now, it is only -- The eTRIPS is only available for the dual-permitted vessels, because there was an issue with the permits and everything else, and so we kept it just to the dual-permitted vessels.

MR. BELL: Great. Thanks for clearing that up. Any other questions or comments at this point? Dale and then Tim.

MR. DIAZ: I just wanted to comment, real quickly. We did have a presentation from our staff that's very similar to the one that Myra just submitted, and we are working on the same timeline that she said, and we're trying to get our advisory panels together, and so, right now, it looks like all the stuff should fall into place. I am optimistic about this. I mean, at the end of the day, what I hope happens is that this is easier for fishermen to do, and it's more efficient and better for them, and, anyway, that's my hope of where we end up with this, and that's where I really feel like it's going to end up. Anyway, that's all I have really have. Thank you.

MR. BELL: I agree with you, and this is something that our fishermen have -- I won't say begged for, but, I mean, they've expressed an interest in being able to do for a while. Tim.

MR. GRINER: Thank you, Mr. Chair. I think we're all excited about this actually coming to fruition, but I also want to make sure that we take this opportunity to maybe get some more use out of it, maybe some better validation of the data, so that it could be more useful, and I was a little concerned when I saw that the state trip ticket number is being removed from this, and does that not decrease the validation of this information? I thought that was one of the reasons that we had that on there to begin with, so that this could always go back to a dealer report. Then maybe one more question, and I don't know if this is for Clay, but, by listing the actual hours, does this help validate or make the catch per unit effort more usable, and are -- Is this really being used for effort? Thank you.

MR. BELL: Okay. Question 1 that he had, the state trip ticket number not on there, is that something that anybody can address, the utility of that and not having it on there? Clay.

DR. PORCH: Apparently it wasn't actually required on the paper logbook, and so there's a slot for it, and I'm not sure why -- Where it happened that somebody removed it, and it's certainly something we could discuss. The other question -- Remind me what it was. It just flew out of my head.

MR. BELL: Go ahead, Tim. Your second question, because I can't remember either.

MR. GRINER: The second question was we're adding this level of going down to the actual hours and minutes of start time and finish time, and does that level of accuracy help with catch per unit effort, or is it really not helping us any at all, or are we using this for catch effort?

DR. PORCH: Yes, we do use the effort from the logbooks, and it's how we expand our discards from the observer program, and so, the better an estimate of effort we can get, the better our estimates of discards, total discards, will be.

MR. BELL: Thank you. Geoff.

MR. WHITE: Thank you, and, by the way, thank you to staff for the presentation and for working with ACCSP up to this point to get up to where we are. When it comes to some of these option fields, the technology that drives SAFIS eTRIPS makes it pretty flexible to be able to add fields or remove fields.

The agencies, the staff, have been very sensitive to not wanting to add too many things that are not required on the forms, and, also, what is kind of required, versus optional, and so, when it comes to some of the timing issues, or whether or not the trip ticket, or the state VTRs, are available for entry, that also aligns with, for those that are dual permitted, the collection methods that happen up at GARFO, and some of the hours issues -- GARFO has some validation check that they do about maximum number of -- Maximum time of gear in the water and the hours fished, and it kind of triggers that math and gives the ability for that immediate feedback to the fishermen of this record, when you submitted it, needs an adjustment in these specific fields, or something else, and so there's a lot more back-and-forth at the time of entry, which simply supports, in general, electronic reporting.

MR. BELL: Okay. Clay.

DR. PORCH: Just to follow-up, I just got a chat from David Gloeckner that indicates that we do get the logbook number on the trip tickets, and so we do have an opportunity to match.

MR. BELL: Okay. Thanks. Kerry.

MS. MARHEFKA: About the data entry fields, I'm curious about removing the one about has payment for your catch been determined, and, you know, back in the day, if I recall correctly, that was originally on there, and, in some cases, is still important, where fish go up on consignment, and, before your seven days of having to fill out your logbook, you might not know what your payment is, but you might also be selected to be an economic reporter and not have that information, and so we don't have to hammer it out here, but I think that's a discussion worth having and something you'll hear from the advisory panel, because there are still vessels that do send their fish out to market on consignment.

MR. BELL: Okay. So more tweaking. Anything else right now? I know, Myra, you need some -- You were going to run the purpose and need by us again, if it's a good time.

MS. BROUWER: Thanks, Mel, and thanks for that discussion and those questions. On your screen is a draft purpose and need, and, at this point, it's up to you whether you would like to go ahead and approve it as-is or make any modification and give the IPT any additional guidance.

MR. BELL: Take a look. If that looks good to you, or if you think of anything that might need to be tweaked there, we can address that now. Go ahead, Carolyn.

DR. BELCHER: I think it looks good.

MR. BELL: All right. Is everybody good with that at this point? Great. I think we're good.

MS. BROUWER: I will take it as guidance that you guys are happy with it, and so, if there's nothing else at this point, then that's -- I'm done. Thank you.

MR. BELL: Good deal. Well, thanks, everyone, and I share Dale's enthusiasm of this. I think this would be a really good thing, and I'm glad that we're finally moving along with it. It's been a little while, but, you know, these things take time to construct, and I did want to recognize Geoff and thank him for being here. I failed to recognize him this morning, as he is a guest, but he's a great resource, and are you going to be able to stay the week, or part of it?

MR. WHITE: I am here until Tuesday afternoon.

MR. BELL: All right. Good deal. If you've got any ACCSP questions, Mr. ACCSP is here, and so feel free to hunt him down. Let's go ahead and take a break, if we could, and could we be back at -- Let's do 10:25.

(Whereupon, a recess was taken.)

MR. BELL: All right. The next item on the agenda is a presentation on the National Saltwater Recreational Fisheries Policy, an update, and it will be a tag-team effort here, I guess. Myra, you've got the button on the slide, and, whoever is going to start, let her roll.

MR. DUNN: All right. Hi. Thanks. I'm Russ Dunn, with NOAA Fisheries, and I'm the National Policy Advisor for Recreational Fisheries, and this is Tim Sartwell, with our Office of Communications, and I think you've met all of us many times, and we have with us a third NOAA person today, Sean Morton in the back, and he is an NOS staffer who is based here down in Charleston, but he's here to be working with us on the recreational fisheries policy update for the next couple of months, doing an internal detail, and so we're glad to have Sean with us.

Before we jump right in, let me just give a quick background, for folks who may not know it, and so, in 2014, the Morris-Deal Commission released its report on recreational fisheries management and recommended, among other things, that NOAA develop a saltwater recreational fisheries policy. A month later, in March of that year, we held, in conjunction with the Atlantic States Commission, the second national rec fish summit, and, at the summit, there was substantial interest in the agency moving forward with a recreational policy, and so we were able to commit to doing that.

We spent a number of months doing public outreach and gathering input and developing a policy, and then we released the original policy, the one that you have before you, in various formats, in February of 2015, at an event with the National Marine Manufacturers down in Miami, at the boat show.

Fast forward to today, and we recently hosted the fourth national rec fish summit, at the end of March, again with the Atlantic States Commission and others, and you can see the agenda topics there, and what we realized quickly, once we got into the summit, is, for example, climate is not incorporated into the policy in any way, and neither were some of the issues that are in front of us on a regular basis now, things like wind energy or marine aquaculture, and so we thought it probably needs to be updated, in order to maintain its relevance, which brings us to today.

In front of us, what we have are some of the basic questions that we're sort of asking for input on, and we have -- On the portal, you'll see a way to get to the comment portal at the end of the slide, and these are the standard questions that we have up, and we're happy to take input and comment on any portion, but these are the questions we put together, but so just keep these in mind as we go through, and we'll bring this slide back up at the end, but, as we go through the policy, keep these in mind, so you can formulate any comments that you may have here in person.

What is the purpose of the policies, and why do we have one? Well, in short, it serves as a guidance document, and it's a tool that helps shape the agency's approach to recreational fisheries, articulating our basic goals and guiding principles, and, importantly, it serves not just as an internal touchstone for NOAA during decision-making, but, also, for the public who reads it, it can serve as a mechanism to help understand how we approach recreational fisheries.

This is the existing core policy statement there, and it basically sets forth our commitment to accessible and sustainable recreational fisheries for enjoyment of the nation, and there's nothing too complicated there, and it's fairly straightforward.

For any policy, I think it's important to understand what it refers to, or pertains to, and, in the original formulation, there was a lot of discussion about the scope of the policy, and, ultimately, we ended up leaning on a Magnuson definition of recreational fishing, but then tried to broaden it

out to capture what we could of other non-commercial activities, and particularly the shoreside component of recreational fisheries, and this is one area where we've had a fair amount of feedback already from the various public discussions we've had, which is should it be broadened, should it include more, perhaps, of the subsistence end of fisheries, or is that a separate component of the fishery?

Here, you have the policy goals, and, again, these are very, I think, straightforward. It's essentially support and maintain healthy resources on which recreational fisheries depend, right, and no resources, no fishery, and it's pretty straightforward. Promoting recreational fishing for the benefit of the nation, and that comes straight from Magnuson, and enabling long-term participation through science-based conservation and management. Obviously, NOAA is a science-based agency, and so that's a fairly obvious policy goal to have, and we want to ensure that not only are people able to fish now, but into the future and the next generation.

Here, you see the six sort of guiding principles, and, in crafting -- These sort of serve as the framework of the policy itself, and, in crafting the policy, we thought it was important to not only set out our position and our goals, but how they might be best achieved, and that's how these were born, so to speak, and I will run through these very briefly, and then we'll get back to some of the comments that we've received to-date.

The first one is supporting ecosystem conservation and management, as I said with the policy goal a second ago, and, without healthy ecosystems, we won't, and we can't, have healthy, robust fisheries, right, and we believed that it was essential to really recognize this relationship in the policy, and we've approached this, through various mechanisms, or strategies, including, you know, supporting substantial habitat conservation and restoration, through grants and workshops, and we've done a lot of work on best handling and release practices, spending over a million dollars in the last ten years or so on descending devices, release gears, workshops, et cetera.

Back to the habitat, we've done, I think, in the last four years -- We've supported around fourteen different habitat proposals, including one here in South Carolina last year, where we had folks working with disadvantaged youth on habitat restoration from high schools.

Promoting public access, you can't have recreational fisheries if anglers don't know about recreational fishing opportunities that are out there or can't access the fishery, and we, again, sought to directly acknowledge that importance of this in the policy, with the second guiding principle. You know, we've done a fair amount to try and make sure that the public is aware of the fishing opportunities that are out there, and we've done things like photo contests with the Bonnier Corporation, which owns *Saltwater Sportsmen* and *Sportfishing Magazine*, et cetera, and we've done two of those.

Our work on National Fishing and Boating Week, our activities with our partners there, the Recreational Boating and Fishing Foundation, National Marine Manufacturers, and others, in a very active campaign around that every June, and we've been sponsoring take a kid fishing and other family events in Massachusetts and Hawaii and other areas around the country, developing videos highlighting recreational fishing opportunities. One of those was specifically done by our Southeast Regional Office on South Atlantic fishing opportunities and fishing around habitats.

Coordinating with state and federal entities, and, obviously, it's a little cliché, but we all know that we're in this together, right, and the policy recognizes that the surest path forward is coordinating with our management partners, whether they're at the state or the federal level. In terms of coordinating with partners, we've got a lot of rec-specific examples, and I think the easiest one to point to is the summit. We just did that, again, in partnership with the Atlantic States Commission, and the Gulf States Commission was on the steering committee, and the Pacific States new director participated in the meeting, as a moderator and on a panel, and the councils were all there. Many of the states were there, and so that was one great example of where we're partnering up.

We've also partnered with all of the commissions, and many of the states individually, on disseminating conservation gear, descending devices, circle hooks, educational materials, et cetera, and, with our other federal partners, aside from the councils, we're in close collaboration with, for example, the Department of Interior and the Fish and Wildlife Service, on the Sportfishing and Boating Partnership Council, and there's a new -- I should say reestablished, but a new interagency committee called FICOR, the Federal Interagency Committee on Outdoor Recreation, which is just forming and of which NOAA is a partner, and the focus of that is expanding outdoor recreation and opportunities, through coordinating various federal agencies.

Advancing innovation and solutions, well, so this is an area where I think that there's a need that goes beyond simply identifying a solution, but it also extends to helping advance that innovation, and, again, one to point to is the barotrauma effort that we have undertaken. We had sponsored, at one point, a number of workshops around the country, and that ultimately helped spur the private sector to develop the SeaQualizer. Those guys, Jeff Liederman and his partner, were there at those meetings, and it kind of spurred them on to develop that.

Clay's shop, and others, are working on bycatch hotspot mapping, and it's also been an important tool that's been developed up in New England and the Mid-Atlantic. We're also -- From the management perspective, we're seeing new sort of innovative solutions play out with the Mid-Atlantic rec reform that's going on, and there are a number of science advancements, such as the acoustic and high-res video surveys, which were used, for example, in the Great Red Snapper Count, and I assume, but I'm not sure, they're being applied in the pretty good red snapper count here in the South Atlantic.

Providing sound and trusted scientific information, for a science-based agency, obviously, this is a pretty cool principle, right, and one of the surest ways to build trust, we believe, and collect good data, is by partnering with the rec community, and it was also one of the key messages that came out of the rec summit, and it's an approach that we actively pursue, and so, for example, we came out of the summit, and we heard that there were data deficiencies with a few key species of rockfish on the west coast, quillback and copper, and we immediately were able to partner up with Southwest Science Center and the for-hire fleet in California to set up a sampling program for those species.

We were able to partner up with both rec, for-hire, and commercial boats in Florida to do water quality sampling related to HABS, which is related to climate, and HABS is harmful algal blooms, which is related to climate change. Out in Hawaii, we were able to quickly partner up with the region and the center out there, and anglers, to begin to collect mahi stomachs for gut content analysis, and so it's an approach that we actively pursue and see the value in.

Communications and engagement are always critical, and it always can be improved, and it often falls short, admittedly, and this is an area where Tim and I, and others, spend a lot of time, but it's a job that is never done. I think, again, you know, as a program, between the summits and various roundtables we've done around the country over the years, and workshops, ranging from habitat to general sort of check-in on management and issues of the day, to release devices, et cetera, there's been substantial sort of external engagement by many of the regions.

Production of videos, we were told, at one point, that, hey, we want you to communicate with us via video, and so, during COVID, we began -- We shifted over and began to produce a number of videos, ranging from information on regulation to promoting rec fishing, like in the Southeast, and it extends to things like the NOAA Administrator, Rick Spinrad, was up in Alaska a few weeks ago and participated in a roundtable forum up there, in the Kenai Rivers -- With the Kenai River Sportfishing Association. It's one of those things that we take seriously at all levels and is a key tenet to the policy. Do you want to take over?

MR. SARTWELL: Thanks, Russ. The next steps is we opened our comment period on August 1, and it will be open through December 31 of this year. We are doing a whirlwind tour of the councils, and you can see that with all of our management partners, the councils and commissions, to take public comment. We're doing public webinars, and our next one in the evening, east coast time, is next Thursday, and then we've got another one scheduled for November. We also did one last month, and that's just for the general public to join us and give us their feedback.

Those are QR codes, and you can put your cameras up to those, and you will go right to the websites and the online portal, where you can submit comment directly, and the comments online are based on our discussion questions that we posted earlier. It is a rigid system. You're welcome to email Russ or myself directly with any comments as well, if you have a more free-flowing feedback, and so this is the plan for the next steps. We're here today to listen, take your general feedback, and we hope that the council can submit formal comments to Russ in the future, but we're here to listen today and take any comments that you have.

I will note that we are going to be here, and John was gracious enough to give us this room this evening, and we are open to public comment this evening from 5:00 to whenever, if any recreational anglers would like to --

MR. DUNN: Bring your friends.

MR. SARTWELL: If you would like to come in and give us any other feedback. Comments received to-date, through our various engagements to this point -- I know Dewey sat through the HMS one last week with us, and climate change has been a big one. We noticed that was the biggest hole during the summit, and the angling community has picked up on that as well. Education, continuing to educate anglers, and not just regulatory education, but bringing in that next generation of anglers into the sport and how to properly catch and release fish, how to have the best conservation practices while fishing. All key parts of an education campaign that's needed.

Equity and environmental justice, again, this is a hot topic these days everywhere, and it's a big hole in the policy, and we're interested to hear feedback on how to be more inclusive in that aspect. Access is a big one, and I think this is -- You know, it's a very big term in the fishing world, and

there is regulatory access, and there is physical access, through, you know, boat ramps that are falling apart, marinas that are privatizing, and so including and opening access is something we have heard through multiple venues thus far.

Agency accountability, this is something that popped up, and our Marine Fish Advisories Committee, and some of you know it as MAFAC, is working on providing the agency direct feedback on the policy, and they really were pushing to have some metrics in the policy on, you know, how to measure success. That's hard for a national policy, and that also puts a time stamp, so to speak, on the policy. It may not be the correct venue, but we want to -- People are very clear that the policy is good, but we just want it to be fully enforced.

There has been discussion of this EEZ recreational permit, and this is going by many names at this point, an offshore angler endorsement, an EEZ recreational permit, but just some way to better understand and gather data from the marine recreational fishing community. We've heard it in multiple places, and through the online comment portal as well, and it actually came up at the summit as well.

Data reporting and collection, I think everyone is always looking for better data, particularly in the recreational community, and we did have the MAFAC ER taskforce, the Marine Fish Advisories Electronic Reporting taskforce, and they recently finished their report, and, really, it's helping the agency figure out how to better incorporate volunteer and angler data into our scientific processes.

Depredation continues to be a very hot topic everywhere, shark depredation in the Gulf, shark depredation in the South Atlantic, and sea lion and marine mammal -- All depredation, all forms of depredation, continues to be a hot topic that is frustrating the recreational community. I think a big thing we heard last week, at the HMS AP meeting, the Highly Migratory Species Advisory Panel, was really enforcement, stepping up enforcement, to make sure that people are playing by the rules. It's one of the quickest ways for people to learn the rules, is when they get a ticket, and then transparency. Continue to work with the public and communicate and engage and work with the councils and be as transparent as possible. These are just some of the flavors of the comments that we've received to-date.

Then we'll go back just to the general discussion questions, and so we'll open it up for any comments that you have now. If you have any questions, we'll take them now, or, Mel, if you've got an idea of how you would like to proceed.

MR. BELL: No, and that would be fine. Thanks, Russ and Tim, for the presentation. Given the importance of recreational fisheries in our particular region, I expect that some folks might have some questions or can provide some feedback on their questions right now. Tim.

MR. GRINER: Thank you. That was a great presentation. Are the public comments viewable online for just a summary, like you presented here? I mean, that would go a long way towards transparency, I would think.

MR. SARTWELL: Sorry. They are not currently viewable, but we could work to put them up.

MR. DUNN: If we can't put them directly, certainly a summary, but that's a great point, yes. Right now, they're just going into like a portal.

MR. BELL: Okay. Spud.

MR. WOODWARD: Thanks, Russ, and thanks, Tim. You know, you described several things that have happened as a response to the 2015 version of this policy, and is there a single source somewhere where this is kind of summarized and described, because I think that would help people understand, because, you know, there's always a lot of criticism about, well, you know, you write a policy, and then, well, what do you actually ever do in response to it, and I think that's where the MAFAC's interest in metrics is -- It's always a challenge to put measurable attributes and things, and it's kind of like world peace. Well, who describes what world peace is, and how you measure it? You know, I guess, if you're not being shot at, I guess that's world peace, but, you know, I think it would be important for folks to have context for where we are now, to have some idea of how did we move the needle.

I think, in regard to that, obviously, the Modernizing Recreational Fisheries Act was not necessarily something specified in the policy, but I think it was a response, somewhat, to the policy, and I think that's another thing that would be useful, to give people some context of, if that was in response to this, how so, and what have we accomplished, and we continue, as you all well know, to struggle to implement some of the concepts of the MFA, as we move forward, and so just a suggestion. If there's not a source, maybe something that could be put together would be useful.

MR. DUNN: Thanks. That's a great idea. We don't have a single document. We've got, in different years, sort of year-end accomplishments and things like that, but that's a great idea, to condense it into a single, more digestible document. Thanks.

MR. BELL: Okay. Laurilee.

MS. THOMPSON: Thanks for that presentation. That was great. This may not pertain exactly to the fisheries thing here, but I can't let the opportunity to ask questions of two NOAA people -- You know, it seems like the fishing community, both recreational and commercial -- The target, you know, for trying to keep the fisheries alive has always been catch less fish, go after the fishermen, but I don't see a whole lot being done by NOAA, and maybe I'm not looking in the right place, but there's a lot of really, really bad things that happen to the fisheries environment, to the ecosystems, and I'm glad that we finally are going into ecosystem management, but I'll give you two examples that happened in Florida.

That is the discharge of partially-treated sewage off of the coast of southeast Florida that gets picked up by the Gulf Stream and swept north, and it even ends up off of Georgia and South Carolina and North Carolina, our toilet water from Florida, and then the other big thing that really impacts is the freshwater discharges from Lake Okeechobee. These discharges of really, really bad water have impacted the oculina coral, and they impact the nearshore coral reefs, and so it seems kind of sad that the fishermen are always targeted, when nobody seems to be doing a serious effort to go after the source of the bad water that's going into the ocean. What kind of impact does NOAA have on local municipalities and county organizations that clearly are ruining our waters?

MR. DUNN: A couple of things, and, just to prep Andy, I'm going to probably toss this over to you, for your Okeechobee work, but, you know, I would hesitate to characterize management as going after the fishery, or the fishermen, and that's, unfortunately, the lever which this council,

and NOAA, tend to have, right, and we can only affect the fishery and the fishermen, and often the fishery through the fishermen, but there is substantial work being done.

We don't, as an agency -- We don't have water quality authority, necessarily, but we do work closely with partners on permitting different projects. Andy's office is working on Okeechobee permitting and other work, and so let me, if I can, toss it over to you on some of the region's work on that.

MR. STRELCHECK: Rather than maybe get into the region's work, I think the challenge, or the crux, of the issue which you're getting at, Laurilee, is how do you tease all of this apart, right, and how do you determine what are the impacts from fishing, or fishermen, versus habitat loss, versus water quality, and how does that then related to our mandates under the Magnuson Act, which we have direct authority, right, versus the kind of ecosystem-level impacts and effects that are occurring in the environment.

A prime example, that I think kind of relates well to this, although a little bit different, is what we see with the grouper fishery on the west coast of Florida, and we have now more frequent red tide events, that seem to be getting more severe, and, when we factor that into fisheries management, it's considered essentially a natural mortality event, and so we're not penalizing the fishermen, from the standpoint of it's fishing mortality, but they are penalized in terms of the fact that they are losing fish, because recruitment is declining, because of the red tide event, and so we have to then factor that into our catch levels and abundance estimates and what we're able to allow in terms of harvest levels, and so I think this is not dissimilar to what you're suggesting here. If water quality in fact is impacting health abundance of resources on the east coast, then that would be indirectly reflected in, you know, stock assessments.

I think broader challenges on the east coast are related to climate, and the movement of fish northward as well, based on temperature and other factors, but, in terms of just what Russ had mentioned, yes, at my office, we review Army Corps and EPA and any number of federal actions that relate to discharge and water quality and construction along the coastline and provide conservation recommendations, both from a habitat standpoint, as well as an Endangered Species Act standpoint, that directly relate back to the fishery resources. With that said, we don't have any specific authority directly related to controlling water quality.

MR. BELL: Chester.

MR. BREWER: Thank you for the presentation. I wanted to make what I guess is a comment, rather than ask a question, and that is, from the standpoint of recreational fishing, one of the really big issues, and it was not on your points up there, but one really big issue is the flexibility that will be allowed in managing fisheries. Now, the Modernizing Fishing Act was an attempt to bring more flexibility, and, in my view, it was an abysmal failure, quite frankly, in trying to achieve that goal.

Something that I did learn, through that episode, was that a lot of it has to do with the interpretation of the National Marine Fisheries Service of the language, not only of that act, but the interpretation of the language in MSA, and I always -- I mean, we have always been told that, oh, well, there is sufficient flexibility in your management abilities under Magnuson, and that was one of the

arguments against the Modernizing Fish, is you've already got the flexibility, but we don't see that, I guess you would say, in reality.

My perception anyway, is that -- This is my ninth year on the council, and my perception is that the council has become more and more -- What's the right word to use? Constrained in its ability to react to different situations, rather than being given the flexibility that I think is necessary to ameliorate some of the problems that we've seen, some of the numbers -- Well, some of the problems with the numbers that we've seen, and I would like to see this -- Our sort of recreational taskforce here begin to talk about -- At the very least to talk about how we can more empower the councils to react to some of the different areas in which we see problems, and there are a number of those areas, and, yet, we're being told that, well, there's really nothing you can do about it, and I don't think that's a good answer. I think a good answer is, okay, this is how we will help you work through the problem, and, with that, I will close. Thank you.

MR. BELL: Thanks, Chester. Tom.

MR. ROLLER: Thank you, Russ, and thank you, Tim, for your presentation. Originally, I was going to ask you about the word "access", but, instead, I'm going to thank you, Tim, for how you discussed it, because it's so important that we discuss that word in those terms, that it means a lot of different things to different people, and so I really appreciate that.

The second point, and it's a little bit more of a comment, and it doesn't really need to be addressed, but just a point that I think we need better and more spatial data for where fishermen are fishing, and I'm sure we can discuss that this evening, particularly as it pertains to multiuse in the ocean, with wind energy and whatnot, and it's something that is really affecting our Carolina fishermen, and so a future data need.

MR. BELL: Okay. Other questions or comments or input? Anything? Dewey.

MR. HEMILRIGHT: I was wondering what the revised policy -- Is it going to be like a prioritization in some of these things, because, as I look at it, and, as Tom mentioned, access, whether it be catch-and-release or catching fish, and how would a policy address more and increased angler participation and that policy of accounting for that participation, because, as we're moving forward, some of the metrics that we have in place, particular to MRIP, and not get in the weeds, is not a metric that is very accountable or helping to the recreational industry, and so I'm wondering how you're going to -- Would there be like a ranking, or is this just a broad, general overall policy, or is there going to be some ranking of priorities that this policy is looking at for access for the recreational industry, which means the opportunity to catch more fish, catch-and-release or whatever it may be?

MR. DUNN: I would say that's a decision we haven't made yet. The current one is, as you described it, just a broad, overarching this is our approach to recreational fisheries. We're not that far down the road, in terms of looking at the totality of the comments and figuring out how we want to address a new policy. If you are recommending prioritization, great, and that is certainly -- That will be a consideration, as we begin to look at how the existing one needs to be amended, but just, in terms of going to your specific example, briefly, and how to address, or accommodate, potential growth in the rec fishery, I think, above all, you can see in here that it focuses on sustainable recreational fisheries, right, and having a surge that lasts two years, and then the fishery

has to close, that's not -- That would not be a good result of a national policy. Sustainability, whether it's explicitly stated or not, is a key priority for the agency.

MR. BELL: Dewey, go ahead.

MR. HEMILRIGHT: Well, even though you still have a possibility of closed fisheries, it doesn't stop you from going fishing. I mean, look at red snapper, and so I'm just curious, and I would be looking at a bigger aspect of, if you're say closing the fishery, that doesn't stop somebody fishing for something, and that's not what the rules implement or things, and so I would just look at it as maybe a prioritization. To have more access, and quality of access, it's going to come at a price, and the price of that is accounting for the catch, in some magnitude or form or whatever it may be, and, until that happens -- If that's not the priority, then maybe it just better stay a broad policy.

MR. DUNN: I think, as you know, and you were at the HMS AP last week, and I apologize that you had to sit through this twice, but that was very clear. A couple of you made comments specifically to that. With access comes responsibility, and they're pointing specifically towards accounting, and so I appreciate it.

MR. BELL: Okay. I have something that I just thought of, and so -- Go ahead, Spud.

MR. WOODWARD: Just to follow-up to what Dewey is talking about, I attended the summit, and it's pretty obvious that, when you try to develop a recreational policy that covers everything from the Western Pacific Islands to New England to the Caribbean, it is a formidable task. I mean, there are certain common issues, like the quality of the data, that everybody shares, and then there's very unique things that have emerged that none of us ever thought we would see, like the wind energy development along the Atlantic coast, and there is still a lot of unknowns of, you know, how will fishing practices adjust to that unknown future, and aquaculture is another one.

I think, in a lot of our minds, we go, well, great, you build all this wind energy infrastructure, and it will be like the oil and gas platforms in the Gulf, and we'll just fish around it. Well, it doesn't seem like that will necessarily be the case, but, again, we don't know, but I think the challenge of this policy is to sort of say like I'm going to build a house out of bricks, but then how I build that house on the west coast out of bricks might be different than how I build it out of bricks in the Southeast, depending on the conditions that exist down there.

I think, the more that there can be measurable attributes to it, so that you see that you've actually made demonstrable progress, that's going to be real important to this being considered as something that matters and not just another paper desktop exercise of the federal government.

MR. BELL: Let me ask something. So the scope, and I know, on the commercial side of the fisheries, there's a lot of input, connectivity, in the BOEM process for wind energy with commercial fisheries, and, again, that's because of worrying, primarily, about obstructing areas that might be used for certain gears, but, when I look at wind energy, and I look at the interest in more and more development of that, because of my background, I look at those things and see artificial reef, or oil platforms in the Gulf or whatever, which, of course, those are all desirable locations for fishing around, and, you know, we get questions, from time to time, from folks about can you fish around them, and I realize that's -- We never really get a solid answer on that, but is

there any connectivity with this policy and the whole BOEM process of putting more and more structure offshore?

Then is it accessible to fishermen and that sort of thing, and I say that just because of my background in artificial reefs, and I started out, years ago, working with Dick Stone, long, long ago, and, of course, there was a national policy on artificial reefs, but it just seems like, as in the Gulf of Mexico, where oil structures and all are such a big part of fishing -- I mean, are we going to -- We might see more and more of that, I guess, on the east coast, as wind energy develops offshore, and are you kind of connected to that, in terms of the policy level, or just thinking through it?

MR. DUNN: I would say, obviously, right now, it is not specifically in the existing policy, and that was one of the potential gaps that we saw that came out during the summit, as we noted right at the outset. Whether wind will be specifically cited, I don't know. I would say likely, but I don't know for sure at this point. I do think, even if it's not specifically cited, it certainly would be covered, sort of conceptually, in the access discussions, promoting public access or maintaining and sustaining public access, portion of it. How it will be handled, I can't tell you right now, because we still have three months' worth of comment period to go, but it certainly will be part of the considerations as we develop it.

MR. BELL: For us, wind is not quite down in our area, and it's creeping in, I guess, through North Carolina a little bit, but it's probably more, obviously, Mid-Atlantic and New England at this point, but okay.

MR. SARTWELL: Just to add, real quick, that was a direct comment that we got last week too, is to be more explicit in our guiding principle of cooperate with state and federal management partners on who those federal management partners were, and that was a direct ask, that we're working with BOEM on that stuff, and so that was a comment we've heard to-date.

MR. BELL: That makes sense. Any other guidance or questions about the specific questions up there? Any input for them? Okay. I guess, if you would like to come back at 5:00, you can hear the same thing ago, or you might think of something between now and then. If you have fishermen friends that you could encourage to come, that would be great, to give some input on that, but thank you, guys, for being here. We appreciate your presentation and the input.

All right. Well, we are rocking on here, schedule-wise. John, have we got anything we could -- Give us a second here, and we'll adjust. We had a couple of things that we were looking at as potential fillers that we could move forward.

What we're going to do is we're going to do a little schedule adjustment. We're going to move Roger's presentation on the climate change scenario planning, which was at the end of the day, and we'll go ahead and do that now. We'll probably still finish perhaps a little early, and we'll take lunch, and then we'll come back and hit the ABC Control Rule, and then adjust accordingly after that, and so let's give Roger a second to set up here. Whenever you're ready, Roger.

MR. PUGLIESE: Okay. Good morning. What I wanted to do was provide an update on the East Coast Climate Change Scenario Planning activities, the initiative that we're cooperating with the

Northeast Fisheries Science Center, the Northeast Regional Office, the Southeast Regional Office, the New England Council, South Atlantic Council, with the Mid-Atlantic and the ASMFC.

The initiative's objectives are really to explore how the east coast fisheries governance and management issues will be affected by climate-driven changes in fisheries, particularly change in stock availability and distributions. That's kind of the foundation, and these are two foundational objectives, to advance a set of tools and processes that provide flexible and robust fishery management strategies, which continue to promote fishery conservation and resilient fishery communities and address uncertainty in the era of climate change.

I wanted to read those to you, because they are basically the foundational efforts that started with I think our council actually sitting down with New England and the Mid-Atlantic, a number of years ago, and figuring out two tiers to move forward with, management and governance and with science, and so this is moving forward mostly with the management side, to really get everybody involved, but all those information needs and data needs and monitoring needs I think are going to bleed through here as you move into this.

This has been a process that started with the NRCC and with John Carmichael sitting with the NRCC, and so that includes all the Northeast representatives, but we are moving from -- Originally, we had orientation, scoping, exploration, and we are transitioning now into kind of the real-deal things. We had creation, which was involved with workshop sessions, constructions of the scenarios, and then moving into applications, and so that's where we are moving at right now.

In June of 2021, right after the council meeting, we had a creation workshop, and this was intended to sit down and figure out exactly how we would proceed with developing narratives. We had about seventy-five stakeholders attend and provided input in a two-and-a-half-day workshop, and all the core team members facilitated each of the different components and reviewed different drivers that were setting the stage, and they created breakout groups to actually create these different narratives, and then they looked at crosswalks between the different ones and then began to actually draft some of the foundational information of what the narratives would look like.

A couple of the key things were that you combine two different critical uncertainties, one where you had stock production, which was either mostly declining or mostly maintained, and that's one of the big uncertainties, and what that is it provided what happens to stock production in climate change by 2040, and that's the thing that you have to kind of get yourself into, is the whole intent is to transport you into the future, to see what are the challenges? If we get to these types of realities, what are the challenges and opportunities and then, ultimately, solutions, inputs, directions, policy that can happen as we move through this entire process. This one really looks at the two sides of the thing, where the condition of the system is driving it.

The second portion of this is how unpredictable are ocean conditions and how well science can address this, and so then you have that spectrum from unpredictable changes and conditions, and, really, a low ability to address any of these to, you know, things have advanced far enough that we have the ability to predict changed, address those, and a high ability to assess, as well as address those and the issues, and so that kind of framed the conditions of looking at different narratives into the future.

You have this that provides kind of the best-case scenarios, to where you have more significant impacts, and so you have ones that start with the stocks are maintained, but hard to assess and locate, and it moves down to where stocks are declining and they are hard to locate, to where stocks are declining, but you have science that provides you more ability to assess or locate, and then the top one is really where you have the stocks are maintained or in good shape, plus you have the science and capability and all the functions to be able to address that in kind of the best-case scenario.

In order to create these, we came up with four -- Originally there were eight, but we just came up with four different scenarios, and so what you have is ocean pioneers, where you have kind of a wild west of new ocean users, your risk-taking fishery operations, taking advantage of confusion, and potentially looking at some of the unpredictability, but, really, ultimately, a positive side of things, and so you have a lot of uncertainty, but there's a positive side, in terms of production, and it's just the capability to actually monitor and work with it is a challenge.

That moves us down to stress fractures, which I think is now going to be called compound stress fractures, where you have a world of multiple sources of stress facing the operators and managers, and you have the issue of poor stocks too, and so you have kind of the worst of both worlds, in terms of production being down, as well as the inability to really be able to monitor it. That moves us to another one, which now I think is also transitioning to what they're calling sweet and sour seafood, from seafood lemonade, where you have a world where the science is good, but, again, the news is bad, and the stocks are in conditions that are a challenge to be able to manage. Then it brings us up to checks and balances, where is you have strong science combined with collaborative management, to help mitigate and adapt to climate-driven change in the ocean.

Getting a little more detail into these different scenarios, the ocean pioneers one really provides where you have really weird and strange conditions, and the ocean conditions are tough, but the fishing operators, and fisheries management, is really facing a challenge in 2040. Life in the ocean is remarkable different compared to twenty years earlier, and climate change has promoted more investment in alternative energy and aquaculture, as we move into the future.

Seasons and locations of fisheries change unpredictably, and the traditional science is really unable to create more accurate assessments, and, despite this, the fishermen report they are still encountering many healthy stocks in this ocean pioneers, and they thrive and are able to address some of these turbulent conditions, but they do -- Success really only comes with taking risks and applying maybe new technologies and resources, if they're available, and so that is the ocean pioneers side of this.

That moves us into the stress fracture component, and that really sets the stage, by having a number of sources of stresses that really push some of the fisheries to the breaking point by 2040. You have shifts in ocean currents and extreme weather that really have pushed it to tip the ecosystems off-balance. Major storms lead to more pollution, more degraded habitats, and healthy stocks are scarce. Low abundance leads to reduced harvest, and protected species regulations close several fishery grounds.

The science is unable to help, as stock assessment data really cannot cope with the different changes and the volatile ecosystem that you're in at that point. Trust between stakeholders is in short supply at that stage, and it's illustrated by really debates over where siting of offshore wind

and all these other different types of ocean users are invested into the systems and competing with the fisheries. Operators are forced to shift to lower-trophic-level species, and government support is needed to even save a number of species and fisheries at that point.

That moves us into the seafood lemonade, or where stock decline and they're straightforward to assess. You can assess them, but the decline is there in many of the targeted stocks, and so the science is good, but it's bad news. In 2040, climate change is affecting the ocean and stock conditions in ways that are long predicted by science, but have actually come to realization.

Stocks have shifted their range, and productivity and abundance have declined for most relevant species. Better forecasting techniques help fishermen to prepare for the marine heatwaves and localized die-offs that are coming. Aquaculture provides a much needed alternative, as wild-caught seafood declines, and better science ensures that any pollution dangers are minimized. There are signs of a few smart management decisions, such as limits on newly-arrived species, adaption from fishing operators, but most management approaches have not been able to adapt to the tougher conditions of today.

That brings you to the last core narrative looking into 2040, which is called checks and balance, and this where good science, marked collaboration, and tolerable conditions allow east coast fisheries to cope with the challenge in climate change in 2040.

Nothing is easy, and stock shift and expand their ranges, while busier costs and new offshore activities make oceans a far more difficult prospect to manage, and investments in habitat protection and restoration though begin to reverse the decades of loss and damage, and science capacity is boosted, really delivering improved ocean monitoring, real-time catch reporting, and population monitoring, and so you have a prosperous ocean economy that leads to competition between fisheries, and potentially aquaculture, as it develops, but also collaboration, such as fisheries science being boosted by the ability to cooperate and collaborate and tap-in onto alternative energy, wind energy, development. However, there is still a concern, primarily leading up to this point, about gentrification and concerns over, really, accessibility in the recreational sector.

Those are the four spectrums of the world that we're looking at into 2040, and the intent there is to provide an insight into what the challenges for management, science, and everything will be as you look at those different ones, and so, in order to do that, one of the first things beyond here that we're going to do, and that was just a real quick review of what those kind of conceptual areas are, is to move into manager brainstorming sessions, which will start next week, and I think it's the 19th and 20th and October 3.

There are three different ones, where we have managers from all the different partners coming together to really have brainstorming on what -- If you're in these types of situations, is the management system able to address this, or what are the challenges, and it really is supposed to be a brainstorming, and just to get ideas out, and you're not trying to solve everything at that one, because that's one of the first steps for us to really dig into it, or really the managers to dig into, given these different types of conditions, where would you go, and so those are happening.

What this really is going to lead into is, at the December council meeting, we're actually going to have another session, where really kind of, once we get past the brainstorming sessions, all of the

partners are going to have individual sessions, where we'll have facilitated work from the contractor, Jonathan Starr, to help advance the discussions, okay, these are challenges for the South Atlantic, and what are going to be some of the considerations, to really be able to get more into the weeds on where do we go from here, in terms of what are the challenges for the future in all these different types of scenarios, and so that's going to happen at the December council meeting.

That is supposed to springboard from each of those different components, having that type of input and feeding into a full summit of all the managers, and so that's something that's going to tentatively happen in February. It's going to be a pretty tight turnaround, to be able to get this to all unfold, but that's the plan right now, and that's what everybody is -- Given the schedules, if we don't get it done there, it's going to get lost into a whole lot of other things, but this, again, is just the beginning of this whole process, but it is good to see us get this far, from just having those first initial discussions between the groups, to having a foundation for focused and looking into the future, and so that really provides the next steps on this entire initiative, on how the council weighs-in, how the council then focuses, and then how all the partners come together and figure out what the commonalities and challenges and look at everything from management adjustments to governance adjustments to all the needs that are going to address this, depending on where we end up in these different components.

That's a quick and fast review of a pretty complex system that's been evolving, and I will tell you one thing. That's one thing, and this has been evolving, and so, as we've been moving to this -- You know, it's been done in a number of places, but ours, I think, is very focused on getting through the weeds, and one of the biggest things, I think, from the NRC, and all the partners, is that this is intended to come up with something substantive, and I think the Pacific, to some degree, stopped, when they got to a certain point, and so I think we have the opportunity to really get some more significant input and guide, both from the regional and from the broader areas, as we move this process forward. I will stop and take any questions, or, really, get ready for more.

MR. BELL: Any questions for Roger? I will say that I've attended some of these webinars and all, and it's an interesting process. I mean, this is about, you know, projecting into the future and trying to establish different realities for the future that could be in place, and then, eventually -- Like Roger says, the next step is we start working into, well, how do we deal with those things, assuming this happens or that happens, from a management perspective, and that's where we'll engage in December, but what are the kinds of things that we would be able to do, and how would we handle that, and so it's -- The process they're following is --

You know, it's very similar to -- It's kind of strategic thinking, but then you're taking it down to the level of, all right, how do we -- With the assets we have, or how we're set up, with the system of governance, and how do we deal with that, and then where are our shortcomings, and what things might we need to change, and so it's an interesting and very long and sort of tedious process, but it's to take us to actual -- The ability, in the future, to deal with this, because we're seeing things going on right now that we all are admit are related to, you know, things going on in our fisheries related to changing climate and water temperatures and species moving, and how do we adapt, and how do we deal with things that have now crossed boundaries that we set in place for management, and these fish have crossed that boundary, and how dare them, but any questions right now? Okay. Everybody must be hungry.

What I would like to do is we will go ahead and break for lunch now, and, rather than coming back at 1:30, we'll come back at 1:00, and so you still have an hour-and-a-half for lunch.

(Whereupon, a recess was taken.)

MR. BELL: We're going to go ahead and reconvene here, if everybody will take their seats. Before we get started, just a couple of things that I wanted to mention. I saw Sam Rauch and Maureen Trnka are here from Headquarters, and there is Sam in the back. Say hey to Sam when you get a chance, and Maureen.

One thing that I failed to mention this morning, and I got sidetracked, was I hope you enjoyed the -- Are enjoying the new website. I just think that staff have done an amazing job with the website, and I really like it. I think, in terms of prep for the meeting, it was helpful, and so Nick Smillie gets a lot of credit for that, but as well as others that were involved, but it's well deserved, and I also appreciate just the --

I felt like just the briefing materials and all just kind of came together and all, and so staff have done a tremendous job with that, and I appreciate that, because it just makes our job a little easier when it's simpler to get all that stuff together, and so thank you for that, and I also want to just recognize everybody from the Science Center, SERO, our staff that have pulled things together that we asked them to pull together for these meetings, because the meeting itself only takes a few days, but the prep for the meeting, you know, from everybody is a tremendous effort, and so I do appreciate all of that and everybody's involvement in that, and so thank you so much. It helps us to do our job, again, a little bit easier. I think that's all I had. Dewey, did you have something?

MR. HEMILRIGHT: While you're thanking about the new website, I was wondering if there's going to be any revamping of the comments section, because I find that to be very -- It takes a lot of time, just ten at a time, scrambling through, and you've got to go across the page, and nobody has to put their name in there or where it came from, or maybe a certain state where it came from and stuff, but I find it to be very -- Not very good.

MR. BELL: Okay. Well, that's -- Go ahead, John.

MR. CARMICHAEL: Dewey, I'm actually glad to hear that, because that is exactly what we're working on right now, and Nick has been exploring some options, and we have some ideas, and we're looking at ways to definitely present to you that's a lot more user friendly and accessible.

MR. BELL: Okay. Thanks. Well, we got some good feedback there, and so we have one major item left on the agenda today, and Mike Schmidtke is going to work us through the Comprehensive ABC Control Rule Amendment. If we find that we have a little additional time after that, we've got some things that we're prepared to move forward into the agenda, to try to build up a little bit of time, and so that's the plan for the rest of the day, and we'll take our time going through this amendment, and we're pretty close to being ready to move with it, and so just Mike will be looking for some input from us, and so we'll be sure to answer questions, at the appropriate time, and provide input, and so that's what we'll focus on for the next few hours here. Okay, Mike. Whenever you're ready.

DR. SCHMIDTKE: All right. Thank you, Mel. Today, we're jumping back into the ABC Control Rule Amendment, and you have a decision document included in your briefing book, as well as a presentation that I will get to in a moment, and I'm going to be doing a little bit of jumping back and forth between the decision document and the presentation, and so I'll try to refer you to the appropriate place, but just in case you're following along on your computer screen, or in your own download of the briefing book, and it will probably be helpful to have both of those files open.

First, just a reminder of the actions that are being considered in this amendment, and we have four actions, looking at modifying the ABC Control Rule kind of overall and then some specific actions that are addressing the incorporation of phase-ins and carryovers, and Actions 3 and 4 are kind of a package deal, and I will continue to talk about them in kind of a collective way as we go through.

Just a reminder of the timing that we've gone through for this amendment, and this started quite a while ago, and it was kind of put on hold, and it's been picked back up in the last couple of years, and so we're continuing to move through this document, and we're in, hopefully, the later stages, and, actually, we've conducted public hearings. We conducted an online public hearing in between the last meeting and this one. Wednesday of this week is going to be counted as another public comment session for this amendment, and the council's action, within this meeting, is going to be to approve all actions and alternatives, after you all have made adjustments appropriately, and we would be looking at the council to approve this document for final action for secretarial review in the next meeting, December, in North Carolina.

The purpose and need statement is included within the decision document, and that's something that's been adjusted as we've gone through this, and this is something that, if you have edits, those can still be -- Those can be, I guess, incorporated at this time, because we do need to have a council action to approve the purpose and need, and hopefully you all have had a chance to take a look at those, and we've looked at them over the course of several meetings, and so I can pause here, to see if there is any motion to approve the purpose and need.

MR. BELL: All right. Jessica.

MS. MCCAWLEY: **I move that we approve the purpose and need statements.**

DR. BELCHER: I will second.

MR. BELL: Carolyn seconds. Okay. thank you, Carolyn. Any discussion of that? **Any objection to that motion to approve the purpose and need statements, as we're looking at it? I don't see any, and so the motion passes.**

DR. SCHMIDTKE: All right. Thank you. Then just a reminder that this is -- This amendment is modifying the Snapper Grouper, Dolphin Wahoo, and Golden Crab Amendments, and so now I'm going to switch over to the presentation, as we start to talk through some of these actions, and give a little bit more of the background associated, for those that haven't been here quite as long, throughout this entire process.

As we've done throughout this process, I will continue to be talking about, especially in regard to Action 1, this discussion about -- We'll continue to talk about risk and uncertainty. These are two critical parts of going through the ABC Control Rule, and so risk -- This is denoted as

management's accepted risk of overfishing occurring. This term has a couple of layers that we've talked through in previous meetings that come into play when applying the control rule, especially as it's been talked about by the council, and so, in one sense, risk of overfishing is the probability, or the percentage chance, that annual removals exceed an overfishing limit.

In another sense, in talking about the control rule, it also is kind of a type of cost-benefit consideration, when you think about the biology and the fishery that occurs for a certain type of fish. Risk considers that stock's ability to be resistant to overfishing and to potentially bounce back if overfishing occurs temporarily, and so that's something that, as we go through the different alternatives, that we would be talking about something that is in the purview of the council.

The next term, "uncertainty", that we've gone through -- Within this, we're talking about scientific uncertainty, and so uncertainty about estimates about biological information or fishery monitoring information, stock assessment results, projections of future catch, things of that nature. Evaluation of uncertainty for all of those aspects is part of the scientific process, and, thus, it's the purview of the council's Scientific and Statistical Committee.

Next, I do want to give some reminder -- We went through this with our advisory panel that met in between the last meeting and this one, as well as in the public hearing, and so I did think it might be beneficial for the council, especially newer members, to just have a reminder of what an ABC Control Rule is, what it's intended to do, and so we have -- The parts of it that are considered ABC is the maximum amount of fish that can be annually harvested after accounting for scientific uncertainty and management risk tolerance.

The ABC is recommended by the SSC and is really the basis for federal fisheries management, in the sense that all of the fishery limits, like annual catch limits or season lengths, as well as on-the-water measures, like minimum size limits, trip limits, bag limits, all of those are created within the context of making sure that the annual catch does not go over the ABC.

The ABC Control Rule is the method for developing an ABC, and this is based on scientific information, and so the control rule can really be thought of as our bridge between the science side and the management. The control rule defines how risk and uncertainty should be evaluated and then used to estimate ABC, and the basic formula is shown there on the screen. To derive ABC is the overfishing limit minus a buffer that accounts for scientific uncertainty and management risk tolerance, and that gives you your ABC and so the control rule sets the rules for how this buffer is evaluated.

In kind of our standard process for assessed stocks, our ABC Control Rule, as it's currently run, has a completed stock assessment occur, and then the SSC reviews this assessment to determine if it is the best scientific information available. The SSC goes through a process of evaluating four tiers of assessment characteristics, including the information that went into the assessment, how uncertainty was characterized within that assessment, stock status, and then the productivity and susceptibility analysis.

Based on their evaluation, we have this number, P^* , which is the accepted probability of overfishing, and that starts at 50 percent, and, based on the SSC's evaluation of those tiers, they reduce it from 50 percent, and it gets lower and lower with the greater adjustments that are applied

to it, and so the adjusted P^* is then applied to the information from the assessment, the catch projections, and that is used to estimate the ABC, which the SSC then recommends to the council.

We have several other levels within our current control rule that address unassessed stocks, using a group of data-limited methods, and then, finally, a decision tree, and one of the reasons for reevaluating the control rule was that, really, in the last fifteen years or so, there's been a big boost in the number of data-limited methods that are available to be used, and that flexibility of all those different methods, under the current control rule, can't really be incorporated, and so an SSC workgroup kind of looked at all these other methods, and their determination was there really isn't one, or a few, best models that could be broadly applied across stocks in the South Atlantic, and they recommended evaluating models on a species-by-species basis, which would require changes to this portion of the control rule to give them that flexibility.

Action 1 addresses changing the ABC Control Rule. I kind of talked through the current rule, but just noted some of the points that will be points of distinction with some of the other alternatives, the risk tolerance, and, right now, the P^* is adjusted by the SSC, using their ABC Control Rule criteria, and one thing that I won't touch on as much after this has to do with the overfished stocks. Right now, the common practice, and what the SSC has determined the most appropriate practice, is that the ABC for overfished stocks would be addressed through a rebuilding plan and not through kind of your more or less standard application of the ABC Control Rule, like it would be for assessed stocks.

This is common practice, but is not overtly specified in the current control rule, and so we're just going to be incorporating this in the other alternatives, and this would be specified and be written into the control rule as part of that, and so that wouldn't be as much a change as it just clarifying something that's commonly done is now in writing.

The council has selected a preferred alternative under Action 1, and that is Preferred Alternative 2, and I kind of listed out some of the changes from the current control rule, and so, first of all, there would be a new structure to the control rule, and you can see that in your decision document, in Table 2, and there's some new terminology that's used. It removes kind of the tiers language and incorporates -- You know, there's a new table there that you can take a look at.

For uncertainty, one of the key differences between the current control rule and the new one is that the SSC would have the ability to adjust or derive the uncertainty of the overfishing limit and use that as they come up with the ABC recommendation, and that's something that they have requested the flexibility to be able to do. Then, considering risk tolerance, risk tolerance would be specified by the council, using the biomass from a stock assessment, as well as the stock risk rating, and we've already talked through that, and so I'm not going to go through all the details of that, but, as a reminder of that, you can look at Table 3 in your decision document, just as referencing back to some of our previous discussions.

I've already talked through overfished stocks. There are some additional sub-options, or sub-alternatives, that we'll talk through in the next slide, that the council can consider whether they want to add those to their current preferred, and then, finally, for unassessed stocks, under a Preferred Alternative 2, the SSC would evaluate the best method to estimate ABC, and this would not be restricted to a set group of methods, and so they would get -- This would be their

recommended method, and they would have the flexibility to explore some new options, new data-limited models, that could be used to estimate ABC.

Now, underneath Preferred Alternative 2, there are sub-alternatives. These can be thought of as add-ons, or enhancements, to the process that is described under kind of that base form of Alternative 2. Sub-Alternative 2a would change the biomass thresholds used with the stock risk rating to get P^* , and that means that, in order for the council to accept more risk and allow fishing at a higher level, the stock's biomass would have to be 10 percent higher, under Sub-Alternative 2a, than it would need to be without this sub-alternative, and so it would lower the probability of a higher ABC, but it would also lower the probability that overfishing will occur, and so Sub-Alternative 2a can be thought of as a more conservative add-on, if the council would like to put that in.

Sub-Alternative 2b would allow the council flexibility to deviate from the default P^* values that are included in Table 3, as long as P^* does not exceed 50 percent, and so that gives the council a bit of added flexibility, while also making sure that it stays under the requirements of Magnuson not exceeding 50 percent, and, finally, Sub-Alternative 2c would add the ability for the council to request ABC from the Scientific and Statistical Committee as both annual values, which are the current norm, and they change from year to year, and as a constant value over five years.

Right now, standard practice is for the SSC to recommend ABC as the highest number of fish, or the highest poundage that can be sustainably harvested, based on the population size coming out of the stock assessment, and this means that it's going to fluctuate from year to year as the population fluctuates towards BMSY.

Public and advisory panel comments on recent amendments, as well as within the first public hearing for this amendment, requested a bit more consistency in the annual limits, and that could be afforded through Sub-Alternative 2c, by requesting that the SSC and the assessment provide ABC as a constant value, instead of that annually-changing value, and so that's something that has been put forward and recommended and could be added here, and, essentially, what this means is that the council would be receiving two ABC projections.

Think back to when we've gone through some of our amendments, and you get that table of ABC and OFL, and it has five years' worth of limits. You would have one that is changing from year to year, and you would have one that stays the same the entire time, and so you would have two separate projections. They would both be recommended by the SSC, and so they would be options for you to choose from, depending on what suits that fishery the best.

Alternative 3 is somewhat of a hybrid between Alternatives 1 and 2. It retains some of the structure and the terminology of the current control rule, but it does have some modifications that you can see there on the screen. Notably, instead of the SSC including stock status and the PSA as part of the control rule, that would be replaced by the council setting that initial P^* value between 30 and 50 percent. The SSC would then go through that process of adjusting that down from the council's initial level, based on the assessment and uncertainty information.

ABCs for unassessed and overfished stocks would be determined the same way as for Preferred Alternative 2, and then Sub-Alternative 3 does the same process that I was just describing for Sub-

Alternative 2c. It's that ability for the SSC to provide ABC as a five-year constant value, as well as the annually-evaluated changing ABC value.

This slide is just a summary of all of those alternatives smashed into one, so you can see them and kind of use that as you're going through your comparison. As I mentioned a bit before, and I will go into a little bit more detail about it now, but we had a joint meeting of multiple AP representatives. This amendment affects the Dolphin Wahoo, Snapper Grouper, and Golden Crab Management Plans, and so we had representatives from each of the APs that were present at that meeting. Really, the most active individuals on that meeting were from dolphin wahoo and snapper grouper, but we did have at least one representative from each of those APs online.

They met, and we weren't able to get that report in, due to just the timing of that meeting relative to preparation of materials for this meeting, but I do have kind of notes from that that I can provide to you, the AP's feedback, and then you'll have the full report available to you, and their comments will be incorporated into the draft amendment before final approval.

The AP representatives, they did want to kind of caveat the recommendations that came out of that meeting, noting that the group there was not full AP, and it was intended to be a meeting of the chairs and vice chairs serving as representatives for their respective APs. There were additional members that joined, and so there was a bit more discussion, but it may not represent the full diversity of opinions that are present on those APs.

That said, the representatives that were present, they supported the council's preferred alternative for Alternative 2. They further recommended that the council select Sub-Alternatives 2b and 2c, to allow maximum management flexibility and greater consistency and predictability of catch limits from year to year, and then, as you consider this action, I do want to -- I am going to jump back to the discussion document here, and, if you scroll through, down to the bottom of Action 1, there is a list here, and there is a summary of -- Just above the summary of effects, but there is a comparison of the alternatives.

This tells you what is the difference between Alternative 1 versus Alternative 2, in kind of a bulleted format, what is the difference between 1 and 3, and 2 and 3, and so it goes through each of those, in kind of a pair-wise comparison type of format, and you can see this is the difference between each of those alternatives, and so I'm not going to read through, or go through, all of those notes, but that is there and available for your reference as you go through any additional discussion that occurs, and we will be incorporating pieces of that into the rationale, as the council discussion would have it. At this point, I will move to the council's action relative to Action 1, and that is to discuss whether you all would like to confirm your current preferred alternative, do you want to add any of the sub-alternatives to that preferred, just providing any additional direction for this action.

MR. BELL: All right. Is everybody clear on that? We've selected a preferred, but, again, whether or not we want to hold with that preferred, and then, also, if we want to add any of the sub-alternatives in there as enhancements to that preferred. What's your pleasure? Andy.

MR. STRELCHECK: I guess a couple of comments, and so, one, the agency is supportive of the preferred alternative as it stands, and we think it's an improvement over the current ABC Control Rule, and so we certainly support that. At the Gulf Council meeting a few weeks back, the Gulf

Council made a recommendation to some -- Or ask the Science Center to do some additional analytical work, and the buffer, or the kind of scientific uncertainty, between the OFL and ABC is fairly narrow, in many instances, and so there's going to be some additional work performed by Clay and his shop, and so they did note, obviously, the opportunity to work with the South Atlantic Council.

They're on a different time track than, obviously, you are, in terms of taking action on the ABC Control Rule, but I think it's an opportunity to continue to improve and refine the ABC Control Rule, going forward, and I don't know if Clay or Dale may want to comment further on that.

MR. BELL: Clay, go ahead.

DR. PORCH: In the case of the Caribbean and HMS, and now with the Gulf, we're kind of pursuing a different approach, where we look at the past performance of assessments and how different they've been over the years and use that to better characterize our true uncertainty about the assessment results and then build that into the ABC Control Rule, and so it seems like those three councils are kind of merging, and they don't have exactly the same ABC Control Rule, and so they will be quite different from the ABC Control Rule that the South Atlantic Council is developing.

That's not to say that one is right or wrong, but what would be useful is if, in the future, that the various groups could talk a little bit more and think about where there are some commonalities and maybe think about the ABC Control Rule of the future, and I don't mean that to derail what's going on here, and I think there's a lot of good things in here, and I'm glad that we're taking out the specific reference to things like DCAC and various technical methods, because I agree that there is a number of techniques for developing management advice besides those particular approaches, and I think it's good that we kind of codify the separation of church and state, in terms of P* versus the uncertainty characterization, and so I think those are all positive developments, but I would say that there is a lot of work going on with the other councils and different ways to think about structuring that ABC Control Rule, and it would be nice if people were on the same page.

MR. BELL: Okay. Thanks for that. Any other comments? Again, we've got a preferred alternative. For this one, we don't tend to get a lot of comments, and you guys do tend to be a little quiet sometimes, and it is a rather technically-involved amendment. Laurilee.

MS. THOMPSON: Clay, I mean, I agree with you that it would be good if we were all kind of reading the same sheet of music, and would we have to change this decision document? How would we get to where you guys are on the Gulf Council, if we're already this far along?

MR. BELL: Go ahead, Clay.

DR. PORCH: The Gulf Council is revisiting its ABC Control Rule, and so they're still in process, and so I don't think it's a matter of the South Atlantic getting to where the Gulf is. I'm saying, in the future, it would be well if all the various groups could get together and discuss the ABC Control Rule of the future. Like I said, I wouldn't want to derail where we are now, because I think it is progress over the previous ABC Control Rule, which I personally had a number of concerns that are being addressed here, but, again, it's a lot of the same problems, and, in many cases, there's no

reason for the ABC Control Rules to be as different as they are, except that you have different personalities on the SSCs.

MR. BELL: I think, basically, the question is we would have to start -- Everybody would have to start and do it at the same time, if you wanted to achieve what Clay is talking about. Monica.

MS. SMIT-BRUNELLO: A question for Mike. On Sub-Alternative 2c, where the council would request -- It would depend on the circumstances, but they could request, of the SSC, an ABC for up to five years for both the constant value and then individual values in the same period of years, and couldn't the council do that anyway, even without -- Let's say this council doesn't pick a preferred sub-alternative, and there's really nothing, is there, to restrict the council from asking the SSC to do that, both constant value and then then variable value? I'm wondering then -- When would the council know that that's what they wanted to do? Like at what point? Before the SSC looks at this, or maybe after a preliminary report, or what are your thoughts?

DR. SCHMIDTKE: So you're right that there's nothing that's preventing that right now, and that might be in the category that is kind of like the overfished stocks, where there is nothing preventing what's -- You know, that from happening, but it would just be putting it overtly into the ABC Control Rule, as part of it, and this has been something that's been kind of a frequent and recurring request from the stakeholders especially, for being able to have consideration of a constant ABC, and what the council has had to revert to, in situations like yellowtail snapper, and I think it came up for a moment, briefly, for greater amberjack, was considering something where they took those annual values, and they took the lowest one, so that they wouldn't go over the ABC recommendation, and that was what they applied.

In this case, there would be a projection run, at a value that's probably a bit more middling, and that projection would be able to put forward and see the effects, you know predict the effects, of that, and that would be, most likely, a higher ABC than just taking the lowest of those annual values.

As far as the timing of when the council would make that request, that would be something that they would -- That they would be doing probably in writing the terms of reference for an assessment, and that would be the appropriate timing for it, as far as I can tell, and, again, while there is no rule against it, having it in the control rule may be the reminder that the council needs, or, you know, the reminder, as we develop terms of reference, that this is going to be something that's going to be in there and be, possibly, a bit more of a standard practice type of thing.

MS. SMIT-BRUNELLO: Okay, and that makes sense, and so it's kind of what has happened in the past, and you're just kind of putting it more in a specific -- Well, you're putting it into the control rule, and then the SSC would know that too, when they're looking at it, and so, okay, that makes sense. Thank you.

MR. BELL: Mike.

DR. SCHMIDTKE: Just as, I guess, one final follow-up. As far as I know, it hasn't been very common for the SSC to provide multiple recommendations for ABC, and, typically, it's one set of numbers that would come, and this would be something that would kind of distinguish that they would give their blessing, so to speak, to two sets of numbers that are both, you know, the same

goal of providing sustainable fishing, but just doing it in a different way, one taking that annual evaluation versus one looking at it from a more constant type of mindset.

MR. BELL: Okay. I guess where we are right now is, if we do retain that as our preferred, to keep any of the sub-alternatives, we would have to say we want to, one, two, or three of them? Okay, and so I guess, at this point, if we keep Alternative 2 as our preferred, is there a desire to also incorporate any of the sub-alternatives? Remember this is all kind of constructed and has come to us through our SSC, and so, again, that's why I say it's kind of technical, and we tend to be kind of quiet when we're talking about this, but these were put in there for a reason, as Mike has explained, in some cases. Trish.

MS. MURPHEY: What does the council think about taking the AP's recommendation of 2b and 2c? I mean, in my mind, it looks like it gives us a lot of flexibility in choices, which may be good, and so I just wanted to see what people thought of that, before -- It kind of makes sense, to me, but just to throw it out to other folks that are smarter than me.

MR. BELL: Well, from sitting in on their discussions of this, that was sort of where they were coming from, is that additional flexibility they felt would be advantageous to the council, perhaps, because they talked about that additional flexibility. Chester.

MR. BREWER: I was going to make a comment along those same lines, and certainly I think that Sub-Alternative 2b should be evaluated, and it does seem that that one gives probably the most flexibility to the council. I'm not really sure -- 2c, I don't know that that gives a whole lot more flexibility, other than choosing between the constant and annual, which is something that I would think any -- Any of these, we should take a look at the constant and the annual, because you can have some pretty good ramifications, particularly towards the end of a time series, if you go with the annual, where actually you -- Even if the fishery is in good shape, you're beginning to cut back on your ABC, and so 2b -- Would you like a motion? Are we at the stage of evaluating these right now, or we're not at a stage of picking, necessarily, a preferred, are we?

MR. BELL: Yes, and we're actually planning to -- At the next meeting, we planning to -- Go ahead, Mike.

DR. SCHMIDTKE: Just in relation to 2b, just letting folks know, process-timing-wise, unlike 2c -- 2c would be written into terms of reference, and that would be provided at the beginning of an assessment. 2b, necessarily, would need to be essentially a rerun of projections, and so, you know, that would put that in place, where you would get the P*, and you would get the assessment results, because P* has some dependency with the stock risk rating on the biomass that comes out of the assessment, and so you would have to wait until the assessment is completed, see the P* that results from it, and then the council would have to request that an additional projection be run using that deviation from the default level.

MR. BELL: Tim had his hand up.

MR. GRINER: He might have just confused me again, but would that not be the same scenario for 2a as well, and you would have to -- Or not? Why would we not want to keep all three of them? It seems like that would give us the most flexibility.

DR. SCHMIDTKE: So 2a doesn't as much give more flexibility as it does change the lines, and so, if I could, really quickly, just as a visual for 2a, scroll in the decision document to Table 3, and so, right now, we have these rules. If it's high biomass, if the biomass is above BMSY, and moderate biomass is above the midpoint between BMSY and the MSST. Sub-Alternative 2a would change the lines, and that's all it does, and so it doesn't as much give additional flexibility, but it changes how high does your biomass have to be to move up into a higher category.

MR. GRINER: But doesn't that give you flexibility to go from a 40 to a 45 percent, or, I mean, isn't that where we're actually getting more, by changing that?

DR. SCHMIDTKE: I guess I'm approaching flexibility as in the council's choice, and where the biomass falls is where the biomass falls within one of those three categories, and the council wouldn't be -- It wouldn't have any additional choice, one way or the other, from 2a, because the biomass is going to go wherever it comes out of the assessment.

MR. GRINER: I see what you're saying now, but so it's really just changing what we would live with as a P*, and is that right?

MR. BELL: Okay. Good questions. Spud.

MR. WOODWARD: **In the interest of moving us along, Mr. Chairman, I will make a motion that we affirm Alternative 2 as our preferred, inclusive of Sub-Alternatives 2b and 2c.**

MR. BELL: All right, and Trish seconds that. Any discussion? That's retaining the preferred status for 2, with just using 2b and 2c. Andy.

MR. STRELCHECK: Thanks, Mel. With 2c, similar comments to Monica, and I don't necessarily see the need for it, but I'm not opposed to being more prescriptive with regard to the ABC Control Rule. 2b, I agree, and, I mean, we're using the term "flexibility", and, really, it's the council's risk tolerance, right, and my concern with 2b is we don't really have a lot of direction around how we would apply that, and, until we actually come to the situation where we're going to use 10 percent, or some sort of deviation, it gives us a lot of latitude, but I see this as kind of unidirectional, where it's going to be used more to increase risk than decrease risk, right, and so that's the pause I have, in terms of adopting 2b, but I do like the fact that it would, obviously, give us some greater discretion, in terms of setting risk tolerance.

MR. BELL: Okay, and so that's just kind of some examination of how it might be used. I understand. Any further discussion of the motion? This would then not include 2a. All right. I don't see any hands. **Is there any opposition to the motion? It doesn't look like there's any opposition, and so that motion passes then, and so our preferred would be 2, and we will adopt 2a and 2b as sub-alternatives. 2b and 2c.**

DR. SCHMIDTKE: All right, and so we will keep moving along then to Action 2, and, for the phase-in and carryover discussion, we're going to have just a little bit of deviation from fish talk and try to talk about something that's a bit happier, like cookies. Just as an introduction, phase-ins are the gradual adjusting to a new ABC over multiple years, and let's say your typical diet is nine cookies per day.

You then step on the scale, and you assess your health, and you see that there is a problem, and so you go to your doctor, and they tell you that you need to cut back on the cookies. They would recommend a limit of three per day, but definitely no more than five, and so you jump right into this new diet, and, on day-one, you're staring at the cookie jar looking like this. Going from nine down to three is a really big change, and so you decide to phase that in, to make it a bit easier on yourself.

First, you do a week of five cookies per day, since that's the number that the doctor said that you absolutely cannot go over, and you ratchet that down week by week and decide that, for a little extra health, your long-term cookie diet is going to be two per day, and so that's similar to the concept of what we're talking about with phase-in of changing the ABC following an assessment.

Action 2 has two sub-actions. The first sub-action addresses what stocks would be -- Would have phase-ins allowable to be used on, and then, for this sub-action, both or either of Alternative 2 and Alternative 3 could be selected as preferred. Alternative 2 reserves phase-ins of ABC decreases to only be used when the change in ABC is larger than a certain level, and this would be set by that sub-alternative, and so it would only be allowed if the new ABC is 60 percent, 70 percent, or 80 percent of the existing ABC, or less than those values, rather. Sorry.

Alternative 3 would require that, in order for an ABC decrease to be phased in, the population needs to be above a certain size threshold, and so Sub-Alternative 3a would set that size threshold as the stock needs to not be overfished, and Sub-Alternative 3b would be more conservative and would set that threshold such that the population would need to be closer to BMSY than it is to the MSST, to that overfished threshold.

Sub-Action 2.2 addresses how long it can take for the phase-in to be completed, and these different timeframes denote the maximum allowable timeframe for ABC decreases, and so you would get more flexibility with Alternative 2 than you would with Alternative 3 than you would with Alternative 4. Under all of these alternatives, ABC increases can be phased-in over any time. Limiting how quickly you jump up in your ABC isn't as restricted as moving down in your ABC.

Phase-ins would be implemented, process-wise, on a case-by-case basis, through the amendments that would change the ABC, and so think about some of our snapper grouper amendments that are going on right now, and Amendment 49 is an example of that, where there is a change in the ABC that's going on in that amendment, and so what would happen is those ABC values that are being provided by the SSC -- If there were a phase-in that were occurring, that would be incorporated into those ABC recommendations that the council could then put in through the amendment. That does mean that the change would be occurring at the speed of an amendment, and so that's something to keep in mind, and I note that because that's something that the AP group noted as well.

The adjustments for stocks that would be coming in, and that would be for stocks that potentially would not be overfished, and, after the phase-in period, the long-term ABC would be a revised projection that accounts for the ABC revisions during the phase-in process, and kind of the revised rules that the council would be using during the phase-in process are shown here on this table, and this shows the different timeframes that are being considered, a three-year, two-year, and one-year, and what the maximum ABC could be, and so, for example, in year-one, during this process, if a

phase-in were occurring, the restriction for the temporary ABC is that it has to be less than or equal to the OFL.

For year-two, it would have to be less than or equal to the midpoint between the OFL and the new ABC, the new recommended ABC, level. In year-three, the temporary ABC would have to be less than or equal to the recommended ABC level, and then, in subsequent years, there would be ABCs based on a revised projection, and so I included just kind of an example that's looking at this in terms of numbers for a fishery, and you can see what the revised projections look like as you go through those different timeframes.

I just want to kind of point out the big takeaways from this example, and we've got through this one in more of a step-by-step fashion in previous meetings, but I'm just reminding you of the larger points that come out of this. The longer a phase-in takes, the lower the long-term harvest will be, but also a longer phase-in does allow some additional harvest in the first few years of the new limits.

Finally, and this is something that has been kind of noted, is that, if there is a small buffer between OFL and ABC, then that really limits the potential impact of a phase-in, or the potential benefit of a phase-in. You will notice, in this example, there is a pretty small buffer between OFL and ABC, only about 3,000 pounds, and so the difference between the recommended ABC and the effective ABC, as it's playing out in the table, isn't all that large, as you look through the different columns, and that's because of the closeness between OFL and ABC. If there's a larger buffer, then there's a greater benefit of -- A greater potential benefit of phasing-in, and so we have some -- We have most of our stocks that do have buffers that are kind of on that smaller end, and there are a few individual stocks where there is a bit of a larger buffer that phasing-in might be a bit more beneficial.

As we went through the joint AP meeting and public hearing process, we developed just some example questions that may be used as you all think through what your decisions would be relative to this action, and thinking yes or no to certain alternatives, and so the big question, as far as phase-in goes, for Action 2 is whether -- Number one, whether you all think that they should be included as one of the tools in your toolbox, and that's kind of the overall thumbs-up and thumbs-down to this action, and then, if so, if you think it should be a tool that is able for you to use, should phase-ins only apply for big changes, and, if that's the case, how big is a big change? That's something that would help you potentially address Sub-Action 2.1, Alternative 2.

Then should phase-ins only apply to stocks that are just not overfished or stocks that have size, biomass, that's a bit closer to that that would produce maximum sustainable yield, and then, finally, what should the maximum allowed time be for phase-ins, and so I would just encourage you to kind of think through these individual questions, and, as you answer yes or no, you know, possibly in that fashion, that may be able to help with some of the decision-making for these points, and so, just like the previous action, there's a slide that's included in the presentation that has a summary of the actions and the alternatives included here, or the sub-actions, rather, and the alternatives included here.

As far as the AP comments on this topic, there was quite a bit of concern that was expressed from them about the timing that's required to implement phase-ins. I mentioned before that these would be implemented at the speed of an amendment, and so that means that there would be several

interim years between the end of an assessment and when any changes would go into place, and the AP was concerned about, I guess, the predictive ability to look at the effects, going forward, of how phase-ins would be beneficial, or not beneficial, with the timeframe that we have between the end of an assessment and the beginning of new management that is following that assessment.

They had that concern, and they commented that speeding up the process to change catch limits, or conducting more frequent assessments, could make a phase-in a more useful tool, but they don't think that it would be very useful with the current assessment schedule and management process. They did comment that, if implemented, the AP representatives recommend Sub-Action 2.1, Sub-Alternative 3a, and they said that the council should have the maximum flexibility available if they're going to implement this type of action, and they added a comment there that phase-ins could be most effective, especially for stocks that are not overfished, but do have overfishing occurring.

Then the AP representatives also recommended Alternative 2, under Sub-Action 2.2, and that's the three-year maximum timeframe, again along the lines of giving the council maximum flexibility, in that regard, and they did recommend that the council consider the stock risk rating and the stock, or fishery, characteristics, when evaluating what the timeline would actually be on that case-by-case basis, as phase-ins are considered for individual stocks, and so that is what I had in the presentation, and, similar to Action 1, there is a summary of effects that is included in your decision document.

I would encourage you to just -- If you haven't already, just make sure that you take a look at that and note the different effects from the different actions. These are included in the draft amendment, but also included here for your decision-making process, and we would be looking to the council to select preferreds for Sub-Action 2.1 and Sub-Action 2.2 at this time.

MR. BELL: All right, and so we have no preferreds, and that's the question to us. Any thoughts? Again, it's a little technically involved, but it's something the SSC, you know, gave a good bit of thought into in constructing, and we've got the feedback from the AP. Andy.

MR. STRELCHECK: If you recall from the last meeting, I had joined the last day virtually, and you guys zipped right past this, and I had some preferred alternatives potentially to recommend, but I want to hear more discussion before maybe offering alternatives. My thinking is kind of along the lines of what the AP has provided.

In looking at if, you know, we did select preferreds, Sub-Alternative 3a made a lot of sense to me. I think phasing-in decreases for stocks that are still above the minimum stock size threshold makes sense. I think 3b doesn't work all that well, in large part because a lot of our MSST thresholds are fairly close to BMSY, and so taking the midpoint really doesn't leave much of a range, and to me, is probably splitting things too much, in terms of our level of data uncertainty around the estimate.

Similarly, under Sub-Action 2.2, Alternative 2 would make the most sense, in terms of decreases in no more than three years, and you're still required to end the overfishing in that timeframe, and so that still has to be addressed, but it doesn't say that we have to do it in three years, and it gives us the flexibility to do it up to three years, and so I think there's some flexibility in options, and neither one of these, in my view, obligate the council from actually using this, but it does add another tool to the toolbox, if we want to pursue these.

MR. BELL: Right, and that's what I heard, again, at the AP discussion, over and over again, was just additional tool in the toolbox that you could utilize, if and when needed, and, again, just to help out the council, depending on which species we happen to be dealing with or what the situation is. All right, and so -- Again, I guess you can kind of look at it as sort of like a buffet or something, what's the best things on the buffet that could help us here, and we've got a little input from Andy. Anyone else? This is always a fun one. Okay. Clay.

DR. PORCH: Just to be clear, looking at this rule though, does it admit the possibility that the council would put into place ABCs, over that phase-in period, that are, on average, higher than the ABCs recommended by the SSC?

DR. SCHMIDTKE: It doesn't have anything relative to the average of the recommended value from the ABC. It just has -- I guess I would have to think through comparing how this would line up -- How the OFL and the midpoint between OFL and ABC -- How that would line up to the average of ABCs over that timeframe, but there's nothing specifically in there noting a comparison of the temporary ABCs versus the average ABC over that timeframe.

MR. BELL: Clay.

DR. PORCH: I think it's important to check that, because the council can't exceed the ABCs that are set by its SSC, and, if this rule ends up having a higher average ABC, in the way that you're transitioning down, then I think it would violate that principle.

MR. BELL: I can see how you could do that. Tim.

MR. GRINER: Is that a higher for that year, or is that higher than the average over that time? If the ABC that's recommended is increasing, and the first year you're above that ABC for that year, but you're below the average, that's okay?

MR. BELL: Andy.

MS. SMIT-BRUNELLO: The Act says you cannot exceed the fishing level recommendation from your SSC, and that fishing level recommendation is the ABC, and so you wouldn't be allowed to exceed the ABC recommendation given by your SSC. I would think, and maybe Mike could explain this more, or talk about it, you would need to involve your SSC in this process, right, in giving you some sort of average, so that you would never be exceeding that average, at a certain point, and maybe Mike can speak to this.

DR. SCHMIDTKE: I might need a second to look back at the specific guidance, but I thought that the guidance on phase-ins and carryovers was that, for phase-ins, ABC can be temporarily increased above that recommendation from the SSC, as long as it does not, in any individual year, exceed the OFL.

MR. BELL: Monica.

MS. SMIT-BRUNELLO: You could be right. Let me check. Give me a minute.

MR. BELL: Chester.

MR. BREWER: I think, logically, certainly in the first year that you were phasing-in, you would almost have to be at something above the recommended ABC, because, otherwise, this serves no purpose. I mean, it's an exercise that we could go through mentally, but it wouldn't serve any purpose. I like, by the way, the idea that, as long as you're not exceeding the OFL, and, for a given time period of the phase-in, over a three-year period, you're still talking about the same number of fish being caught, but you're just not whacking people, and the businesses and everything else, in the first year or two of the phase-in, and so I like that whole idea a lot, and so just, with that, thank you.

MR. BELL: Okay. John.

MR. CARMICHAEL: A lot of this was to try to deal with the inevitable pace of this work and to come up with criteria, with the SSC and council working back and forth together, as we've done on this amendment for five or more years, to set up some criteria that says, under these circumstances, would the SSC consent to the ABC being raised by this amount, under these circumstances, by the council, if they choose to allow phase-in.

The idea is to get some a priori approval from the SSC that, well, yes, if the council chose to do phase-in, we consent that, and so the council could begin doing that and getting it implemented without having to first go back to the SSC and say we would like to do phase-in, and will you now consider it and do all that, and so you would really be, temporarily, as it says, raising the ABC, so that you don't exceed it.

MR. BELL: Monica.

MS. SMIT-BRUNELLO: Yes, and I think Mike is right and so Shep would be telling me to give you this following information, and so here's what the Act says, or the guidelines for National Standard 1, and Mike is correct. To help -- I am just going to read a portion of it, on the phase-in. To help stabilize catch levels as stock assessments are updated, a council may choose to develop a control rule that phases-in changes to ABC over a period of time, not to exceed three years, as long as overfishing is prevented each year, i.e., the phased-in catch level cannot exceed the OFL in any year, and so Mike is right.

MR. BELL: Okay. Jessica.

MS. MCCAWLEY: So a question. Under 2.1, could we select something from Sub-Alternative 2 and Sub-Alternative 3 as preferred? I'm just -- I can't figure out if they're completely separate or not.

DR. SCHMIDTKE: Yes, you could select one from both. The more -- Noting that, the more limits you put on what qualifies, the fewer things will qualify, but, yes, there could be two conditions of there needs to be this much of a change that has occurred and the stock needs to be -- It needs to be not overfished, something of that sort. I would note that, with the way that those two different aspects work together -- If you're talking about a 40 percent decrease in the ABC, the chance that your stock is not overfished is probably pretty low, and so there is some give-and-take there between those options.

MR. BELL: Okay. Any ideas? Andy has thrown out a couple of things. Kerry.

MS. MARHEFKA: I mean, I will make a motion, just to move things along for discussion. I would move that we pick, as our preferred, Sub-Action 2.1, Alternative 2, and then I have to pick a letter from there, right, Mike? So letter c, which I think is doing what I think it's doing, and then, from Sub-Action 2.2, Alternative 2.

MR. BELL: Okay, and I think that -- That's a motion? I was just trying to think -- I was trying to remember what Andy said that may have lined up. Okay. Well, if that's a motion -- Chester. Did you want to second?

MR. BREWER: No, I wasn't seconding, and I wanted to discuss it.

MR. BELL: We've got to get a second first.

MS. MCCAWLEY: Second.

MR. BELL: All right. Jessica seconds that motion. Okay. Is there discussion of the motion? Chester.

MR. BREWER: Like Mike said, if you've got a fish, a fishery, that you're going to have to cut down to 60 percent of what it was, your chances that you are already overfishing, and over the OFL, are pretty good, and you're not going to be able to do this, and so I would -- I don't know if I want to offer an alternative, or a friendly whatever, but I would like to see this as 80 percent, as opposed to 60.

MS. MCCAWLEY: That is what she is suggesting.

MR. BREWER: Is it what you -- I'm sorry. I thought you did 60. You did 80? Fine. I'm sorry. I would have seconded it.

MR. BELL: They're going to put a little information there, and it's still bouncing around. For those of you not watching, we're just moving words around here, to make sure we understand the motion. Okay, and so that's stabilized, and so there's the motion we're discussing right now. Any further discussion on it? Andy.

MR. STRELCHECK: When I spoke earlier about my thoughts on a preferred, I did not speak to Alternative 2, and I think the reason for that is, under Alternative 3a, we're putting a bound based on the minimum stock size threshold, but it doesn't preclude then, if the ABC reduction is somewhere in the range above, that we couldn't consider that, and so, to me, you're essentially putting more prescription on the ABC Control Rule by putting that bound at 80 percent, and I'm not sure that it's really needed and necessary.

MR. BELL: Okay. Any thoughts on that point? All right. Any desire to change the motion, or we're not going to change the motion, but any further discussion of the motion? All right. I don't see any -- Go ahead, Jessica. We're doing a little more editing here, on the screen. Thanks, Jessica, and so there's the motion. Any further discussion? Do I need to read that whole thing?

DR. SCHMIDTKE: Just the sentence.

MR. BELL: **Okay, and so the motion, right now, is to select Alternative 2, Sub-Alternative 2c, under Sub-Action 2.1 and Alternative 2 under Sub-Action 2.2 as the preferred.** All right. Any further discussion or questions? I don't see any. **Any opposition to the motion? I don't see any opposition, and so then the motion passes.** Thank you.

DR. SCHMIDTKE: All right. Thank you.

MR. BREWER: I do have a question.

MR. BELL: Okay, Chester.

MR. BREWER: What we're doing is not that much different than what's already said in Magnuson here, and, in fact, it's pretty much what is said in Magnuson, and is the idea here that - I'm just thinking of like the timing here, and is the idea here that, if this passes, that we're going to try to get some sort of blessing from the SSC, so that, if we take an action, under our delayed, or whatever we want to call it, do we have to then go back and get SSC permission to do that, or, since this already in place and whatnot, it's just going to go into place, if we pass it? I just am curious about that.

MR. BELL: It's my understanding, I mean, since it's a control rule, that these would be the new rules in place, and so it's kind of already -- It's already kind of been conceptually through the SSC, and, I mean, it wouldn't be -- I mean, we don't have to go start all over again and get their blessing for it, but it's how you employ the tool, or the new ability you have, and, I mean, it's going to involve communication, obviously, but it's part of a control rule now, and so the rule is things that are in place for us to be able to utilize and already understood, or accepted, and am I right, Mike?

DR. SCHMIDTKE: Yes. I mean, this is already -- All of these actions have already gone through the SSC, and they have provided the comments, and they're based on the guidance relative to phase-ins and carryovers for National Standard 1, I believe, and so that's all -- Yes, it's allowed under Magnuson, and it was clarified how it was allowed to occur from that guidance, and so that's how we developed these alternatives, was based on that, and one of the reasons why we had to include it here, one of the conditions of being able to use phase-ins or carryovers, is that it has to be written into your control rule, and so, right now, we're doing that, of writing it into the control rule.

MR. BELL: Thanks for the question. Andy.

MR. STRELCHECK: I appreciate Chester's comment, and I guess I'm viewing this as there's still going to have to be an iterative process with the SSC, in my viewpoint, where you're going to get their advice, and then we're going to have to decide do we want to phase-in or not, and what does that phase-in look like, and then go back to the SSC and the Science Center and get those new projections that will affect not only the phase-in requirements, but any future years after that phase-in.

MR. BELL: All right. Any other questions at this point? Okay, Mike.

DR. SCHMIDTKE: All right. I will move us next -- I will get us back into the right view and move us next to carryovers. I kind of alluded to it earlier, and Actions 3 and 4 are really a package deal for carryovers. One is addressing stocks that are eligible, and the other action is addressing how carryovers would actually be implemented, from more of a logistical process, and allowing that in a timely manner.

I'm going to come back to the cookie discussion. We have our recommendation from the doctor of three, but no more than five, cookies per day, and so, on day-one, you start off, and you have your three cookies that you've been recommended to have, but, on day-two, you fall short by one, and you miss out on one cookie, and maybe the bag ran out, or something of that nature, and so, on day-three, you carried over that one from day-two, and you had an extra cookie on day-three.

On day-four, you went fishing, and so you didn't have any cookies that day. You forgot them at home, and, when you got back, you were really hungry, and so, on day-five, you had your maximum amount of five cookies. Now, you were foregoing one cookie that you missed out on day-four, but you can't exceed the doctor's recommendation of no more than five that you've been told, and so that kind of gives some idea of the concept of carryover that's being addressed through Actions 3 and 4.

As I spoke about, Sub-Action 3.1 addresses the criteria for eligibility for carryover. Under Alternative 2, that would allow carryover. There are sub-alternatives that define which stocks, or sectors, are allowed to carry over their unharvested ACL. Any number of these sub-alternatives can be selected and combined, or there can be none of those selected and just the base criteria themselves can be the requirements for carryover.

The base requirements there, regardless of the sub-alternatives, are that the stock must be assessed, and so it has a known status, and the status of the stock needs to be not overfished and not overfishing, and there needs to be a defined overfishing limit for that stock. Now, on top of that, there can be additional requirements. Sub-Alternative 2a would require that biomass be close to BMSY, and Sub-Alternative 2b would require that, to be eligible for carryover, a sector must have experienced a recent ACL-related closure that may have been too early.

2c would require underharvest in more of a longer-term context, and so the sum of landings over a three-year period must be less than the sum of the ACLs in the same three years. 2d would require that no phase-in is occurring, that carryovers can only be happening when phase-in is not occurring, and Sub-Alternative 2e would require that stocks eligible for carryover must have both in-season accountability measures that can close the fishery when it hit its harvest limit as well as post-season accountability measures that would lower limits if the fishery catches too much in one year.

2e, that was based on guidance, that NS 1 guidance on phase-ins and carryovers, and that kind of has motivation along the lines of what Clay was discussing earlier with the long-term ABC, making sure that the measures in place would not allow the fishery to, on average, have an ABC greater than the recommended amount. One thing to highlight here is that, even with the base criteria, and so nothing additional being added, none of the sub-alternatives, and so just the base criteria of an assessed stock that is not overfished and does not have overfishing occurring, most South Atlantic stocks would not be eligible for carryover.

There is a small list, and I put that on here, and so the stocks that are strictly South Atlantic stocks that would qualify for carryover, as of now, and this is caveated that we have, you know, a sea bass assessment that is starting up right now, and other assessments that are coming up, but there would be black sea bass, greater amberjack, golden tilefish, vermilion snapper, and then stocks that are jointly assessed with the Gulf would be black grouper, mutton snapper, and yellowtail, and so that is the list. That is the full list of, if you don't select any sub-alternatives, that is the list of what would potentially qualify for a carryover, if that were written into the FMP and allowed for those stocks.

As you add sub-alternatives, it becomes more selective. You put more conditions on, and so that list gets smaller, and so that's something to keep in mind as you are selecting your sub-alternatives, and it just notes that there has been some concern about carryover and the effects that it can have on a stock, and, in the case for our region, it really is going to be a rare situation when carryover can actually be allowed to occur.

Sub-Action 3.2 addresses the amount of unharvested ACL that can be carried over. Under Alternative 2, total ACL plus carryover needs to be less than the overfishing limit, and that's the only requirement. Under Alternative 3, the total ACL needs to be less than the overfishing limit and carryover cannot be more than 25 percent of the sector ACL, and so that puts an additional condition and potentially lowers the amount of carryover in a specific situation, and so Alternative 3 can be thought of as more conservative than Alternative 2.

Action 4 addresses the logistical steps for the how the council would implement carryovers, if they are allowed. The main point of this action is that, when the council sets catch limits after a stock assessment, again harkening back to our slew of snapper grouper assessments for amberjack snowy grouper, gag grouper, all of those, for setting catch limits there, following a stock assessment, at that point, when they're setting those limits, they would also -- Excuse me. They would also have a decision of whether carryover will be used for that stock and include that in the management plan with the new catch limits.

If the council puts carryover in the management plan, then it becomes automatic. Every year that the stock has underharvest and is eligible, based on the annual criteria that are included in Sub-Action 3.1, then underharvest will occur. Underharvest will automatically carry over, rather, in the following year.

The council does not have to use carryover, but the time when you all would make that decision is when you put in the new catch limits. It would not be something that's decided on a year-to-year basis, and it would be, once you put in the new catch limits, you're saying yes or no, and, if it happens to qualify while these catch limits are in place, then carryover will occur, because, once it's in place, the only way to take it back out is through another amendment, and so that's something that the council would need to keep in mind if carryover is used.

This just gives kind of a step-by-step summary of the process and how that would work, and so, coming out of a stock assessment, the SSC would evaluate the acceptable biological catch, and they would provide their recommendation, and they would also -- With their recommendation for ABC, they would provide whether they think that this stock should be eligible for carryover,

whether they think that this is the type of stock that could sustain that type of harvest, if it was moved from one year to the next.

The council would then need to pass an amendment with the new ABC, and it would specify, within that amendment, that carryover is allowed for that stock. Then, when one or both sectors underharvest the ACL, and all of the criteria that are necessary to be met are met, then ABC would be automatically increased, according to Sub-Action 3.2, in the next fishing year. When the sector is no longer eligible, ACL would go back to the value specified in the FMP, and, obviously, if no sectors are eligible for carryover, then ABC goes back to the value that is specified in the FMP.

We've gone through this shadow shark example, and I'm going to hit just a couple of points, and I'm probably going to go through it a little bit faster than what we did in previous meetings, and this slide just kind of shows the assumptions that this example is working with, but the ones that are really of note are that the OFL is 12,000 pounds, and the ABC and total ACL are both 10,000 pounds, with a 50/50 sector allocation, and both sectors are approved to carry over, when eligible, according to their management plan.

Here are some numbers, and I will highlight them, as we go through, and kind of what the situation that's being addressed is for each of those, and so, in 2023, there is an underharvest of 1,000 pounds for the commercial sector, and that gets carried over into 2024 and increases the sector ACL from 5,000 to 6,000 pounds in 2024. That year, the commercial sector is below the temporary ACL level, but above the original ACL, and so it has no underharvest to carry over. The recreational sector does have 500 pounds of underharvest that it is able to carry over.

Next, in 2025, there is a commercial overage, and so that sector has nothing to carry over. There is a recreational underage of 1,000 pounds below the temporary ACL, but, notably, that's only 500 pounds below the original ACL, and so that sector can only carry over 500 pounds. 2026 has underages for both sectors. The ACL, plus the carryover, would go over the overfishing limit, and so the difference between OFL and ABC, which is 2,000 pounds, is allocated 50/50, with 1,000 pounds of carryover to each sector.

In 2027, the commercial sector underharvests by 2,500 pounds compared to its original ACL, but carrying over that entire amount would go over the overfishing limit, and so only 2,000 is carried over for the commercial sector, and that is where we end the example, and so we hit different points, highlighting aspects of carryover is relative to specified ACL, and the carried-over amount cannot cause the entire ABC to exceed the OFL, and it's still restricted to under the OFL.

As with the other alternatives, here are some example questions that can hopefully help think through how this should look, how you all want the carryovers to be included or not included in this amendment, and so should they -- Number one, should carryovers be one of the management tools that the council is allowed to use? If so, should they be limited to stocks that are close to the biomass that allows maximum sustainable yield? Should they be limited to stocks that may have had earlier closures, or should they be limited to stocks that have underharvested over the course of several years? Also, should a sector be able to carry over more than 25 percent of its ACL, as long as it stays below the overfishing limit?

As a reminder, here is a summary of the alternatives, defining eligibility and amounts of carryover, as well as just a summary of the Action 4 sub-actions, and they are the exact same language written

for each of the FMPs included in this amendment. I will also note now the AP comments related to this, and the AP representatives recommended that carryovers should not be included in the ABC Control Rule, which would be Alternative 2, no action, for both Actions 3 and 4 and all of the sub-actions within those.

Some of their comments related to that were, number one, if a species is underharvested, there would need to be some understanding about why there is consistent underharvest, and they were questioning is there a need to carry over. Extreme increased harvest in one year could be harmful to the stock in the long-term, and these representatives noted that you don't necessarily need to catch everything in the future just to make up for not catching something in the past.

They noted that carryover can create annual inconsistency in the ACL, which can make planning fishing activities very difficult, and, in the cases when underharvest does occur, due to weather or some other type of instance that would -- You know, not necessarily be indicative of something harmful happening to the stock, but just other factors, and that underharvest can actually be helpful to the stock, because it can allow for stronger individual year classes to persist for a longer time in the fishery, and it can be helpful for future years of being able to catch the fish that folks are going for.

There was also concern that underharvest, if it is followed by an ACL increase, then it can create this perception of increased abundance, which can lead to more directed effort, and, in fact, underharvest could be indicative of reduced abundance that has not been identified by a stock assessment, and so more directed effort on a potentially reduced abundance could increase the likelihood and the extent of overfishing occurring.

Then, finally, if biomass is below BMSY, carryover could slow stocks from reaching the MSY, which is one of the overarching goals of fisheries management and how it's been managed for these stocks, and so this is -- They have kind of an extensive list, and I have tried to hit some of their main points, but the overall point being that the AP representatives have a lot of concern about using carryover and the effects that it could have on the stock.

The impression that I got from them was that, for phase-ins, they viewed it as unnecessary, but not necessarily harmful for carryovers, and they viewed it as potentially harmful to the stock, and so that is at least what I got out of their feedback, and other folks that listened to that meeting can comment, if they had a different interpretation, but those were their comments, and now I will jump back over to the discussion document, and I will look to the council for your direction of whether and what alternatives you would like to select for Actions 3 and 4.

MR. BELL: Okay. Tim.

MR. GRINER: I can appreciate the comments from the AP guys, but I think, again, this is just another tool in the toolbox, so to speak, as we always like to say, and it doesn't mean that we have to use it, but I think it's very worthwhile to have it, and so I would definitely like to see us have the ability to carry over, especially I think it could be very, very beneficial in instances where maybe we have a late weather event in the year, toward the end of a year, and we have a weather event that prevents us from getting that last little bit of our ACL, and that could be very beneficial, to be able to recapture that ACL going into the next season, and so I do understand that we may not know the exact cause of why we were not reaching an ACL, but, at the same time, if you're

way under an ACL, and you're not reaching it, then carrying over is not going to make you catch any more fish either, I don't believe, and so I would really like to just see us have the ability to carry over, if we needed to. Thank you.

MR. BELL: Thanks, Tim. Chester.

MR. BREWER: I know that some of my commercial brethren consider an uncaught fish a wasted fish, but I don't necessarily agree with that philosophy. I also share the concerns of the AP that the reason that you're having an underage could be because the fishery is starting to be in trouble, and lord knows you don't want to -- If you've got a fishery that is in trouble, you don't want to be bumping up over your specified -- Or below your existing ABC.

The other thing is I saw, and Clay saw this as well, and I mean they did allow, and I don't know if they still do allow, carryovers at ICCAT, but, when I was serving my time there, they did, and you got -- It was loose, and, now, this is a lot tighter, but this was loose, and, I mean, it got to the point where the United States was talking about swapping quota to people with their additional quota that came through carryovers, because, traditionally, we would not -- We weren't really catching a lot of fish that we were allowed to catch, and so they've always had -- Carryovers have always had -- Or left me with a bad taste in my mouth.

For the little bit of potential advantage that might come from carryovers, I think the time spent trying to figure them out is just not worth it, and it's not worth this council's time, and it's not worth the time for Andy's folks, and so I would be in favor of taking no action here, or I forgot which one we would like to do, or moving it to Considered but Rejected. Thank you.

MR. BELL: Okay, and so you've heard someone in favor of carryovers and someone not. Laurilee.

MS. THOMPSON: So, take golden tilefish, and sometimes the decision is made to close the fishery before the ACL is met, because they say that there's a delay in reporting, and then, you, know, sometimes there are fish that are left on the table, for that reason, in a very, very healthy fishery, and, you know, for those -- For especially the commercial guys in the central part of Florida, and golden tilefish is like one of their main things that they fish for, and so they would appreciate being able to harvest every single fish that they can, because they need that. They don't have these multispecies abilities like you guys up in North Carolina do. I mean, they basically have snowy grouper and golden tilefish, and so, to see a fishery closed with thousands of pounds not harvested, is very frustrating to them.

MR. BELL: Thanks, Laurilee. Andy and then Kerry.

MR. STRELCHECK: I mean, a direct comment to that. I mean, I think this cuts both ways, and so, yes, there's times where we close the fishery prematurely, and then we reopen it, and sometimes the quota is caught, and sometimes it leaves quota on the table, but there's also plenty of instances where we exceed the quota and we never require a payback, right, and so I think, if we're going to allow carryover, which is not my preference, then we need to require a payback, so that fish come off the table just as much as they're added to the quota, in the event that the catch limit is or isn't exceeded.

MR. BELL: All right. Thanks. Kerry and then Tom and then Clay.

MS. MARHEFKA: I'm of two minds on this one, but one of the instances that has sort of compelled me to support keeping it in there is what we went through with COVID and vermilion snapper. I mean, there was a perfect non-biological example of why fish weren't harvested, and our tool for addressing that was really clunky at the time, and we weren't able to be flexible beyond that, and what was it, an emergency action that we raised that trip limit.

I think we used up all of our days, and so I don't know, and I haven't thought about how this would work out procedurally, if we were to use carryovers in an instance like that, where it's not biological, and we know why the fishermen didn't harvest their fish, and this might be a more productive way to implement that kind of carryover for the next season.

MR. BELL: Okay. Tom.

MR. ROLLER: Thank you. I am going to go -- I'm going to agree with Chester and his comments here and also say that, you know, I support what the AP said. I'm a little leery about carryover in general. You know, I think about amberjack and our stock assessment schedule, and we have a fish that's being kind of underharvested in the current time period, and it's -- You're hearing from fishermen now that it's not clearly as rosy as it was a couple of year ago.

I also -- You know, I think about what Laurilee said, in terms of golden tilefish. You know, you have a closure prematurely on an abundant fishery, and you leave a few pounds on the table, and I'm only -- Let me gather my thoughts here. When it comes to -- When it comes to this, I am really only comfortable in circumstances where it's really narrow like that, when we have a really tight ACL, and it's closed a little bit early, and then I can see some support for it.

MR. BELL: Thanks, Tom. Clay.

DR. PORCH: I just wanted to add that the carryover, in and of itself, isn't a problem, all other things being equal, but it is possible that, in some cases -- You know, there's a reason why they weren't able to catch the fish, as someone alluded to, and you could tie sort of a health check to any carryover provision, and so, in other words, if it's a species that is picked up in one of our surveys, like the SERFS survey, then, if the trends are going down, then maybe you don't allow the carryover, and so you have some indication of the stock is declining, and that might be why the catches weren't landed.

MR. BELL: Okay. The way I was looking at this is, I mean, it's basically a tool, and it's not a tool that we have to use, and it's a tool that we may use if circumstances are warranted that it makes sense to use it, and I think -- You know, you, obviously, see there's a difference of opinion, kind of depending on where you sit in the fisheries, and the AP -- I did listen to the whole AP webinar, and, you know, they admitted that -- It wasn't the whole AP, and they put a caveat on their recommendations that it was kind of a small group, and they probably tended to be a little bit more -- You heard a little bit more from one sector over the other, but I don't know.

Like what Clay is saying, and, if you have the tool available, and you had enough conditions on it, you could use it or not use it, if I'm understanding how this would work, but just the fact that it's there doesn't mean that you have to use it and have to use it every time, and I can see why that

concerned some groups, depending on what species you're talking about, and so it's just something to think about, that it's the potential for use of a tool, or we could just pass on it, but, if we don't have the ability to use it, then we're not. Jessica.

MS. MCCAWLEY: I agree, Mel, and I feel like we should have this tool available. It seems like there's been some instances in the past where we would have used it if it was available, and I don't know that we would use it every single time, but I would like to see this tool available to the council to use.

MR. BELL: Mike.

DR. SCHMIDTKE: Just listening to the council's discussion and some of the examples that are being thought out, I would just point out, and keep in mind, that the way that this is written, and this is really because of a timing aspect of being able to do this, and this is not an annual decision that the council would be making, and this is the council sets this in place, and, if it happens, then it goes in place automatically, and so, I guess, thinking about the vermilion snapper example, it would have had to have been in the plan already, but that snap decision of changing the limit, because of a one-year occurrence type of thing, that's something that this is not addressing, and the reason why it's not addressing that is because of the timing that it would take to change the limits, from a procedural standpoint.

In the case that you brought up, Kerry, like the emergency action is probably the course that would need to still be taken for that one-year type of set. This would be, you know, kind of a long-term plan. If carryover eligibility happens within the fishery, then, boom, it kicks in for that one year that it's able to occur.

MR. BELL: Thanks for that clarification. Dale.

MR. DIAZ: I just wanted to weigh-in for a second. We had this discussion at the Gulf Council, and I want to say it was about two-plus years ago, and the conversation around you all's table is the exact things I remember our council saying also, and we ultimately have not done anything with carryover, and, if I can remember rightly, and my memory is not that great, but I think the point that Andy made a minute ago was kind of the thing that we left it on, and I don't know that it was the deal-killer, but we just haven't advanced with it, and so I'm curious to see what you all do, but it's kind of like that movie, *Groundhog's Day*, listening to this conversation, because it's the exact way it went at our council.

MR. BELL: As we attend each other's meetings, I think there's going to be that feeling a lot. Trish and then Kerry.

MS. MURPHEY: I have a question, because I'm confused now, because we were talking about it being a tool in the toolbox, that we don't have to use, but then what Mike says is it sounds like we do have to use it. Once you start, then you have to use it? Okay, but, if you don't start -- Okay. Thank you.

DR. SCHMIDTKE: The time when you make that decision is when you do something like what we're doing with greater amberjack later in this meeting. When you all are setting what the catch limits will be for the next five years, that's when you decide. If it's eligible for carryover, like if

the conditions are met, then carryover happens automatically, and so this could -- You know, in that type of example, you could be making a decision today that would affect whether a carryover occurs from 2025 to 2026, something like that, but it wouldn't necessarily be happening on this, you know, you decide in this year, and it's happening next year type of basis.

MR. BELL: Okay. Kerry.

MS. MARHEFKA: It's clarification, and so, for instance, once it's in this document, and then say we get a new assessment for shadow shark, and we would then make the decision, as we are reacting to that assessment, and say this shadow shark is a species that we feel comfortable having a carryover, and so, instead of it almost being based on an incidence of why an ACL wouldn't have been met, it's more we're going to be looking at the species as a whole and saying is this a species that we're comfortable allowing this to happen, and then, once that's in -- It wouldn't change, in essence, again until we get another assessment or did another management action. Okay. That's clearer for me now. Thank you.

MR. BELL: Tim.

MR. GRINER: Thank you for that clarification. I think that even makes it more of a valuable tool in the toolbox then. Thank you.

MR. BELL: Chester.

MR. BREWER: What was just explained scares a lung out of me, because we're now talking about putting into our plan, or I guess it's an amendment to the plan, something that may occur five years down the road, and deciding to do that now, and have it done automatically, when you don't know what the cause of that underage might be, and, now, that scares me. It really does, and I -- That just -- While it makes Tim more enthusiastic, it makes me certainly less enthusiastic about it. Thank you.

MR. BELL: Andy and then Dewey.

MR. STRELCHECK: Well, just to get the conversation started, I will make a motion to select, in Action 3, Alternative 1 as the preferred.

MR. BELL: Andy made a motion to select Action 1, which is no action, as the preferred. Chester seconded. Dewey, you had your hand up prior.

MR. HEMILRIGHT: I just -- It don't seem like this is very flexible, and flexibility needs to be when you need it at-hand, in a framework or something that can be done in almost a meeting, to get something done to address an underage and not something that you're projecting forward five years down the road or unknowns. In the Mid, we gave a 10 percent carryover for the ITQ golden tilefish fishery, and I think it was up to 10 percent, for a carryover for the COVID situation, where they had market shutdown and stuff like that, and it was probably similar to the vermilion snapper, but it doesn't seem like this is a very flexible tool in the toolbox. You know, a tool in the toolbox is to be used by the guy working on the thing, or gal, at that time, and not five years down the road, as sometimes management happens to be, and so it don't seem very flexible for this type of tool to be used on a yearly basis, versus these projections. Thank you.

MR. BELL: Okay. Thanks, Dewey. All right, and so we have a -- Monica.

MS. SMIT-BRUNELLO: Well, to Dewey's point, just so I understand, the way I would look at this, I think, is that, if you want to have this tool, possible tool, for use, you have to take this action and put it into the FMP. I mean, the guidelines are clear that, if you want to use a carryover, or a phased-in approach, it's got to be in your FMP, and then your next action in here, Action 4, talks about modifying your framework measures so that, if you chose, for shadow shark -- Down the road, you have an assessment, let's say, for shadow shark, and you have an amendment for shadow shark, and you decide then that, yes, it looks like carryover could be used, and then your next action in here will say, okay, you can do that in a very quick way, in an abbreviated framework, in the future.

Let's say shadow shark gets amended, and it goes into effect in 2026, and then, in 2027, it looks like you haven't harvested all of the ACL, and you've got a process then that lets you carry that over quickly into the next year, and so the next action you're looking at in this amendment provides that maybe more flexibility that you're talking about, because it shortens the timeframe for the action to go in place, and so it's kind of a -- That's what Mike was saying. Yes, there's a carryover, and, boom, it gets carried over.

MR. BELL: Okay. Thanks for that, Monica. Tim.

MR. GRINER: That was what I was thinking. I mean, if you don't have it in there, then you can't use it, period, and so that's all I was saying, is to have it in there, and I wasn't, you, know, trying to say that it's something that, once you have it in there, it's automatically used, and I was under the impression, just as Monica explained it, that that gave us the ability to look at a circumstance, after an assessment, and then decide to use it, and so I still think it's a valuable tool, but it's not a tool at all if it's not in the plan.

MR. BELL: Spud.

MR. WOODWARD: I think Mike wanted to respond to that, and he can go ahead.

DR. SCHMIDTKE: I guess just reiterating that the council's response would be towards an assessment, and it would not be towards annual conditions, and that's a big clarification. I mean, the point that Dewey made about it being inflexible is noted, and the reason why it's inflexible is because of the timing that our rulemaking process takes, and, basically, it takes out the council's discretion within the moment. That's what it was designed to do. This is supposed to be a non-discretionary thing within the moment, and the council's discretion comes in setting the overall plan in motion, but, on a year-to-year, evaluating annual conditions basis, it is, by design and definition, inflexible.

MR. BELL: Spud and then Carolyn.

MR. WOODWARD: Thank you, Mel. Yes, that kind of concerns me, and I've been listening to this, and, obviously, there is sort of diametrically-opposed perspectives on carryover, depending on what sector you're sort of most familiar with, and I can understand the desire to have it, but what I'm struggling with is, if the current motion on the floor is voted down, then we reconsider

this, and, if we go to Alternative 2, obviously, you've got a laundry list of things in here that you've now got to sort through, and, if we came to an agreement on those, then those would become applicable to those other plans, and you would have no flexibility within those other FMPs to modify the conditions of carryover, and they will now be applicable, regardless of whatever it is, and that's what gives me a little angst.

I guess I don't -- In the development of an amendment to a plan, can we not specify carryover in that plan and describe the conditions we want for carryover to be applicable to that plan? I mean, do we have to have a one-size-fits-all solution to this, or is there another way where we can apply adaptive management to the unique nature of a fishery and do it that way?

MR. BELL: I have Monica.

MS. SMIT-BRUNELLO: Well, I guess, in the future, you can always change what you've done in the past, right, and so the idea for an ABC Control Rule, I guess, was to have something -- Mike can speak to this more, and he's been working on it, but to have something in place to allow you, the council, the SSC, to know what they're getting into when they're reviewing a stock assessment.

If you -- Your question was could we not modify the provisions in which carryover would apply for shadow shark in the future, and I guess sure. If you did an -- If you looked at an amendment for that species, shadow shark, and you said I want to amend the ABC Control Rule for this species, I guess that's what you would be doing. You would be changing the provisions for the carryover, and so, yes, I guess you could do that, certainly. It would be complicated, maybe, and convoluted, and I'm not sure, and maybe it wouldn't be convoluted, but I guess you could change that. That's kind of not the way your ABC Control Rule was set up, but, yes, you could make those changes.

MR. BELL: Spud.

MR. WOODWARD: Thank you. I think that helps me, but I think we're still facing somewhat of a daunting task to -- You know, my problem is, Monica, my past keeps following me, no matter where I go, and I drag it behind me to my future, and I've been trying to leave some of it behind at these meetings, and I just -- It keeps following me everywhere I go, but so I see that as a task before us that could be difficult, and I don't want to see us pigeonholed, you know, into a set of provisions that limit us, and so, if we've got flexibility to say --

Let's just say, for instance, we were to say, all right, well, we're going to pick 2a, 2c, and 2d, or whatever, and we don't like the way 2d constrains us, or whatever, in a particular circumstance, and, if we have the ability to disregard that, then maybe this isn't as risk-prone an approach as it seems to be. Carryovers, I still -- They give me great anxiety. In their very nature, you know, they're kind of problematic, and I understand they have a place, but, you know, it's like most things we deal with, and the devil is in the details.

MR. BELL: Mike.

DR. SCHMIDTKE: Spud, just along the lines of what you were saying, for Alternative 2, if you don't want any additional sub-alternatives, you can just have the Alternative 2 base criteria of known stock status, not overfished and not overfishing, defined OFL, and those -- Those base conditions are in line with the guidance regarding carryovers under NS 1, and so that's why those

were kind of serving as our base, and then the others were kind of jumping-off points addressing other pieces of that, but you could just have that as the requirement, and, if you wanted to add additional conditions for a specific stock, then possibly doing that in that amendment -- That might be a route to go.

MR. BELL: Okay. Carolyn and then Tim.

DR. BELCHER: My concerns were similar to Spud's original line of thinking, where he was going with that. With Mike's clarification, I kind of like that idea a little bit better, because, to me, your fishery performance reports -- You all are trying to be reactive to that, and, the way it's currently written, we say carryover happens, and there is no way to integrate, at that point, what comes out of those reports.

MR. BELL: That was the problem. Once you've turned that tool on, you couldn't shut it off or adjust it. Tim, did you have something?

MR. GRINER: Just to make sure I've got my arms wrapped around this correctly, we could set the criteria such that it's only going to carry over if it's not overfished, overfishing is not occurring, we have a defined OFL, and our ABC is some buffer below the OFL, and so, regardless of why you did not reach your ACL, you're in no danger of exploiting the fishery above the OFL, regardless, but now you have a criteria of a fish that all of our known data points indicate that it is not overfished, overfishing is not occurring, and we are below the overfishing limit, and it's a healthy biomass, and so what difference does it make? We should have the ability to carry over, if need be, and I just want to make sure that is correct, because I think it sounds like, to me, that we're thinking that, oh, we could get ourselves in a situation here where, you know, all of a sudden, we're carrying over on a fishery that's in trouble, but I don't see that as what we're deciding to do here.

MR. BELL: Spud.

MR. WOODWARD: Sort of I guess the down side of not having this codified with more specificity is that -- Let's just say, for instance, that the motion on the floor we pass, and so we have no carryover, and that means that, going forward, you would have no mechanism to do that for any circumstance, and you would have to go into each individual FMP and amend it and create a set of criteria, and so this is kind of a calculated-risk scenario, I guess, and so I'm trying to -- You know, if we were to choose Alternative 2, that's pretty broad, but all that would do is allow you -- With then a plan to use carryover, assuming that Alternative 4 was approved, and then you would, at that time, decide what your criteria, or provisions, were going to be. Okay. I'm just trying to make sure I understand how this might work. Okay.

MR. BELL: Okay. Andy.

MR. STRELCHECK: Just to respond to Tim, I think you're making some fair comments. I would also though add that, when we determine whether a stock is overfished and undergoing overfishing and has an OFL, we, oftentimes, have four or five years between stock assessments, and a lot can change, obviously, during that timeframe, and we aren't very nimble, unfortunately, in terms of making management changes and reacting to that, and, you know, one of the things that I flagged

is black sea bass was up on the list of species that could actually be a component of this, and, right now, I think black sea bass is in freefall, the best I can tell, in terms of abundance.

That's not to say that we would automatically trigger that and allow for carryover, but I think that's the reality, is that the dynamics of the fishery, kind of going back to Clay's comment, would really need to be assessed, and we would have to put some weight, or value, towards what's going in between stock assessments, in order to make really appropriate decisions about carryover.

MR. BELL: Mike.

DR. SCHMIDTKE: Thanks, Mel, and just, in relation to Spud's last comment, just reiterating that this amendment does not change any ABCs or ACLs or OFLs, and it doesn't change any actual numbers that are in place currently. It sets the rules for how the council would be setting those -- You know, setting ABCs and ACLs in the future and how carryovers and phase-ins would occur in the future, and so, if the council did pass actions that would allow carryover, then the council would still have to come back for each stock that they're evaluating.

Like, after the stock gets -- If shadow shark gets an assessment, the council would still have to come back to the table and set, through an amendment process, that carryover is there, and there would still need to be a discussion and decision from the council of if carryover is going to be applied in this stock, moving forward, and so this is not the end decision-point for any individual stock on whether carryover would be used. Like, if the approval for carryover is given in this action, it's not the end decision-point, because there would still need to be a further decision on a stock-by-stock basis, as assessments are developed.

MR. BELL: Jessica.

MS. MCCAWLEY: A question to that point, and so let's say this motion passes. Then let's say we're working on golden tilefish, and, to try to get to what Laurilee was bringing up, this point about the longline fishery, and so, even if we say, okay, we don't want to do this now, when you're modifying golden tilefish, could you say, following this stock assessment, we want to allow carryover, in these circumstances?

By passing this motion, would it prevent going in there and doing it specifically species-by-species, and so I'm kind of saying the opposite of what you're saying. If the motion passed, could you then still go in, species-by-species, and say, hey, you know, this is a species, in this situation, following this stock assessment, that we want to allow this to happen, or, if we pass this motion, we're also saying that we don't want to ever look at this in any species, and we couldn't bring it back, unless we do another overall ABC Control Rule change, and do you see what I'm saying? It's the opposite.

DR. SCHMIDTKE: I may need Monica help on this, but my understanding is that carryover needs to be written into the management plan, and, in the case that you're talking about, if tilefish -- If there was a desire for there to be carryover for tilefish, and it were included in that amendment, specific to tilefish, that would be writing it into the management plan, and so that would be in accordance with the guidance, but I need -- I might need help.

MR. BELL: Go ahead, Monica.

MS. SMIT-BRUNELLO: I may need help, too. That's a good question, and the idea of -- I mean, think of the current ABC Control Rule you have. It's been in place for a number of years, and you get a stock assessment, and the SSC uses that control rule to give you the information that you need to manage the stock, and so that's the same thing that is happening here.

If you pass this, then that carryover provision would be part of that ABC Control Rule, or at least it would be part of the FMP, and so it would be available to use it, and I guess, if you wanted to do it on a species-by-species basis, you would be amending the FMP every time to include the ability to carryover that stock, and that's certainly not what the guidelines envision. I mean, I think they envision a broader here's a control rule that's applicable for all these species coming in, and then you, you know, decide which pieces to use, and so I guess, technically, maybe it would be an amendment to a control rule for a species-specific stock, but that's -- It's almost like you're making a new control rule for each stock, each time, and I think that would probably get very complicated and cumbersome.

MR. BELL: Jessica.

MS. MCCAWLEY: Can I see the motion again, please? I think, based on what I just heard, I think I would vote against it. I agree with Spud that it's going to be challenging to pick all the different situations that we would want to use, but I still come back to I think that there are circumstances where we would have wanted to use this, but it was not at our disposal, and so I agree that we went through another clunky process, and so, yes, it sounds too hard to do it the opposite way, to try to amend it every time you get a stock assessment and consider it, and so, by leaving it as a tool in the toolbox, then it would be considered through the SSC process, and it would come to the council, after each say stock assessment, and then you would figure out how, when, where you would want to use it, if I'm understanding this discussion, and so then, if I understand the discussion, then I would vote against this motion.

MR. BELL: Okay. Is that clear? Spud.

MR. WOODWARD: I think now we know why Dale said what he did. Could I be on the Gulf Council for the next thirty minutes or so? I agree, and I think I would oppose the no action, but then I'm looking down to this little rainbow-colored list of things down here, and I'm going, okay, and so what of that do we get on a timely enough basis to do like what Clay is saying, to react to a stock status change?

You're not going to -- You only get a biomass estimate from an assessment, and so that's going to be a five-year thing, and so that might not be very timely, and, you know, obviously, you will know if there's a regulatory closure, and you'll know about landings histories and that sort of thing, and the other ones, and so, if we didn't put any of those things in there, and all you do is leave basically the first sentence, that is a very coarse filter to run things through.

Does that help you or hinder you, when you get down to the point of needing to make a decision about the current state of the stock in response to the risk that comes along with carryover versus no carryover, because that's I'm trying to find. Is there a sweet spot in here somewhere where we're not -- We're being responsive to a condition where it would benefit to have those fish

harvested, but we're not incurring unreasonable risk, and that's, to me, the real -- If there is a sweet spot, that's where it's at.

MR. BELL: Clay and then Tim.

DR. PORCH: Thanks for that, Spud. The sweet spot would be where there's been an increase or decrease in trends in our survey indices, and, I mean, that's the thing that we can process fastest, and that -- Right now, it takes us I think around six months to read all the videos, but we're working towards automating that, so it will be faster and faster, and we have experimental systems that we get preliminary reads before we even finish the survey and we get off the ship, but we're just not quite there yet for production, but we're close, but the bottom line is still you can get information more recent than a stock assessment, just looking at survey trends, and so you could tie this to it.

By the way, we're going to be doing the first interim analysis for -- Interim analysis based on surveys for vermilion snapper, I guess, in 2024. We've been doing them for a while in the Gulf, and, in fact, it may make this carryover issue a moot point in the Gulf for any species where we have a good survey, because you can do the annual updates, and so, essentially, you're doing what we would be talking about here if you tied this to an index-based health check.

MR. BELL: Thanks, Clay. Tim.

MR. GRINER: Clay just answered exactly what I was going to ask, and I think, right now, as Spud said, really, we only -- Right now, we're really only reacting to the data that comes out of an assessment, but, with these trends in using indices of abundance, or however this is going to happen, going into the future, that does give us a quicker data point than just waiting for every assessment, but, as it stands today, that's the only time we really do anything anyway, and is that not right?

MR. BELL: We definitely move after assessments, and then the indices of abundance, or whatever, as long as you have it, for whatever species we happen to be dealing with.

MR. GRINER: But, currently, we don't make any decisions based on -- Whether it be, you know, a catch level, or anything that has to do with an ACL, without that new assessment, and there's just no interim data to make a decision upon.

MR. BELL: Andy, you had your hand up?

MR. STRELCHECK: Yes, and I'm asking my staff for some input here, and so Laurilee mentioned golden tilefish as a potential example for using this, and I guess one of the things I'm struggling with is actually thinking about the species where we would even use this provision, and, even looking retrospectively at the past, are there many species where we had an opportunity, if it existed, to use carryover that we would have taken advantage of it and used it?

Now, I don't want to be beholden to the past, in terms of how we manage towards the future, but I think that's really the struggle that I'm having, and I'm not seeing a tremendous amount of uses for this, and there might be a few select examples where this could apply, but, more broadly, I think that's the hard part of kind of putting this in the ABC Control Rule, because it's been generalized to apply to every species that qualifies.

MR. BELL: Okay. Well, we've been back and forth on this one, and I agree. I can see why the Gulf was having issues with it, and so we want to put the motion back up. The motion is simply to select Alternative 1, which would be no action, as the preferred under Sub-Actions 3.1 and 3.2. We've kind of been back and forth. Are we ready to vote on this? Let's go ahead and vote on it. I guess maybe we better -- I'm guessing we'll just do hand-raising. If I were to say, any opposition, I think we would get some. **All in favor of the motion, please raise your hand; all opposed to the motion; any abstentions.** Is Judy onboard?

MS. HELMEY: I am for it.

MR. BELL: For it. Okay. It's five to seven. Any abstentions? All right. **It looks like it's five for and seven against, and the motion fails.** All right. That motion failed. What's your pleasure now? Let's take a break. All this talk of cookies got me going, and so let's take a -- Let's go to 3:30, and that's a thirteen-minute break.

(Whereupon, a recess was taken.)

MR. BELL: All right. Let's get started, folks. We've got a little bit more work to do here, and so my earlier comments about substituting other materials -- We'll see if we can get this done by 5:00. Okay, and so we just -- Under Action 3, Sub-Action 3.1, we just voted against the no action, and so that leaves us with, okay, action, and so we've talked a little bit about -- It's been suggested that perhaps if we looked at the language there for Alternative 2, but not necessarily any of the sub-alternatives under it, that might be an option, but, if you don't use any of the rainbow language there under that, then it may be kind of defeating the purpose of what we were trying to do with this, which was to have some things in place that could be dealt with quickly, in a framework sense, in the future. Anyway, we need to figure out, if we're not going to do no action, then which way do we want to go, and so is there discussion, ideas, impressions? Jessica.

MS. MCCAWLEY: **To get the discussion going, I will make a motion that, under Action 3, we select Alternative 2 as the preferred, and so just the plan Alternative 2 without the sub-actions, sub-alternatives.**

MR. BELL: Okay. There's a motion from Jessica, and Tim seconds that, and that is 3.1. Under Sub-Action 3.1, select Alternative 2 as preferred, and without the sub-language. Okay. Spud and then Andy.

MR. WOODWARD: I guess so my question would be how would this work in application, and so, if we were to pass this, accept this, and it carries forward in this amendment, and we were presented with a situation where carryover was desirable, then we would specify the rationale and the criteria for that carryover within the framework, and that's how we would do that? In other words, basically, all we would do is -- The first filter we would apply to it is stock status is known, not overfished and overfishing, and OFL is defined, period, and then, after that, you would have the established rationale and the framework for why you're doing the carryover and what the conditions of that carryover would be, and is that correct?

MR. BELL: I would think so. I will defer to Mike.

DR. SCHMIDTKE: Yes, and either it could be done through a framework, or it could be done through a plan amendment, either or. Like, after Action 4, if you all select Alternative 2 in Action 4, then it could be done through a framework or a plan amendment, but, yes, that is the process.

MR. BELL: Andy and then Tim.

MR. STRELCHECK: I would oppose the motion on the board, as written. I think I could support it if Sub-Alternatives 2d and 2e were included, and I don't think it makes sense to allow for carryover when we are decreasing ABCs, and our National Standard 1 Guidance that talks about carryover talks about, you know, having payback provisions if you are going to allow for carryover, and that's what Alternative 2e would also do.

MR. BELL: Okay. Thanks, Andy. Tim.

MR. GRINER: Andy brings up a good point, and I guess, back to what Spud had just asked, and so this would be a -- Then you would move to the framework amendment, and I think in-season and post-season accountability measures in the recreational sector -- We kind of know how that always goes, and we can't really ever get there, and so, in that framework, at that point, could you specify that the carryover would just apply to one sector and not the other? For instance, if we got to the point where we were going to do that framework, and we wanted a carryover, could we say that this carryover is only going to be for a commercial ACL and not the recreational ACL?

MR. BELL: That would normally be a Monica question.

MS. SMIT-BRUNELLO: So Monica is a little confused.

MR. BELL: Well, join the club. It's all right.

MS. SMIT-BRUNELLO: So, Tim, what -- We're talking about Alternative 2 under 3.1, correct?

MR. GRINER: Yes.

MS. SMIT-BRUNELLO: Okay, and so what kind of framework were you talking about?

MR. GRINER: If I understood what Spud just asked, after -- Say Alternative 2 passed, and we got down, and the same thing with -- We got into Action 4 or whatever, and we've got this mechanism now, and we get an assessment, and we're going to do a framework, and we're going to start setting new values, and could we just apply this carryover, at that point, just to the commercial sector and not to the recreational sector?

MS. SMIT-BRUNELLO: Well, I think you would have to -- One, we would have to figure out whether that was allowable under your framework process, right, and so you might have to change your framework process to allow that, but I will take a look at that, but, given that, you will have to justify why you're allowing the commercial sector to harvest more than the recreational sector, I guess. I mean, you're allowing one sector to do something that you're not allowing the other sector to do, and so you would need to establish a record and look at the National Standards for fairness and equity and all that, and figure out what your record would be to support that kind of action.

MR. BELL: Thanks, Monica. Jessica.

MS. MCCAWLEY: To what Andy said -- Andy said he would only support this if it was 2d and 2e, and I could definitely get onboard with 2d, but 2e -- I guess I'm concerned that, in some instances, we might not have selected an in-season accountability measure, on purpose, and so that phrasing of that, of 2e, is what threw me off with that, and I could get onboard with the rest of 2e, but that in-season part -- Because it seems like sometimes we are not selecting in-season accountability measures, for various reasons.

MR. BELL: All right. Thanks. Laurilee.

MS. THOMPSON: The shadow shark example that Mike gave us, it did put in the accountability measures for both commercial and recreational, I think.

DR. SCHMIDTKE: No, and I didn't -- In that example -- I guess we don't have any payback in that example.

MS. THOMPSON: That's right. Okay. They just didn't get -- Nobody got it.

DR. SCHMIDTKE: It just went back to -- If it didn't qualify, if there was an overage, then it went back to the specified ACL.

MR. BELL: Okay. Tim.

MR. GRINER: I could support that as well. I do have a problem now with the in-season portion. If we could remove that, and just have the post-season accountability measure, and no ABC decrease phased-in, then I could definitely support that.

MR. BELL: So you're saying you could support adding -- Having 2d in there, but you're not a fan of 2e?

MR. GRINER: Well, I could have 2e if we could do something about the in-season. I mean, with MRIP, there's no way we can have it tied to an in-season. It's just not going to work.

MR. BELL: Jessica.

MS. MCCAWLEY: Tim was saying the same thing that I was saying. I could get onboard with d and e, if that in-season phrasing was changed. It's just on the e, and it's just the way that the in-season accountability measure piece is worded that's throwing me off of that one.

MR. BELL: Right. I understand, and so can we modify the language in an existing -- I mean, what we're doing is kind of cutting things as-is. Go ahead.

DR. SCHMIDTKE: As far as I understand, there's nothing that would prevent you all from just saying post-season AMs and not in-season AMs as a requirement. Just looking back on my notes from the NS 1 guidance, I guess, if you were to evaluate one more critical than the other, in reference to what the guidance said, the post-season was what was noted, because the comment

within there was that it recommended against applying carryovers of underharvest to stocks that do not also have paybacks of overharvest, and so that would be your post-season AM that is recommended to stay there, but, if the in-season AM goes, that doesn't seem to be as critical.

MS. MCCAWLEY: Okay. **If I can, I would like to amend my motion to select Alternatives 2d and 2e, as amended, as preferreds under Sub-Action 3.1, and I think I have a wording suggestion on 2e.**

MR. BELL: Okay. Let's get that captured.

DR. SCHMIDTKE: I guess, for addressing your point for 2e, could we say, "with Sub-Alternatives 2d and requiring post-season accountability measures"? Okay.

MS. MCCAWLEY: We're working on it.

MR. BELL: A little editing on it.

MS. MCCAWLEY: **The modified motion is, under Sub-Action 3.1, select Alternative 2 as preferred, with Sub-Alternatives 2d and 2e as amended, and, on 2e, it now says: "there are measures that restrict annual landings to the annual catch limit and post-season accountability measures that reduce the annual catch limit in the following year according to any landings overages in place for that stock and sector", and so it just deleted "both in-season accountability".**

MR. BELL: Okay. Tim, were you the seconder of the motion?

MR. GRINER: Yes.

MR. BELL: Are you okay with that? Tim says he's okay with the motion. Spud.

MR. WOODWARD: Just a question, and so, if we were to choose this, this still doesn't prevent us from putting in more stringent requirements in the framework that we choose to, and is that correct? For instance, you know, when I was talking to Clay about this idea of using more real-time stock status data, you could say, all right, an index of abundance is showing stable, or increasing, trends, or, if it was showing a decreasing trend, then we may go, oh, well, there's a yellow light there of something we might need to think about, and so, as long as that -- You know, these don't become the only things we use, and these are the first filter we run it through, and then, after that, we could perfect it, based on other criteria.

MR. BELL: When you get to that point in time, then you can apply additional specificity in there that you needed to customize it for whatever species you're talking about in the fishery. Okay. Monica.

MS. SMIT-BRUNELLO: I guess you could do that, Spud, but didn't we talk about -- I thought we also discussed the nature of the control rule and how it is something that the council understands how it's supposed to be used, and the SSC understands, and there are not changes, and I guess you can deviate from a control rule, and the guidelines I think allow you to do it, and if you give rationale and the reasons you're deviating from the control rule.

It just gets more complicated, you know, when you start to make it more -- Add additional requirements for different fish, and I understand what you're talking about, and so maybe that's the best way to approach it, especially since you don't know what these trends, or indices, are going to show in the future, and so okay.

MR. BELL: Go ahead, Spud.

MR. WOODWARD: I was thinking that, basically, you would always be erring on the side of being more cautious, and you would never be more liberal, but you could be more cautious if there was more real-time information on stock status that led you to saying, well, okay, the ABC, that was set three years ago, or whatever, but we've got something now that's showing us we've got a declining trend, and we may want to react to that, and so the intent would be to always be more precautionary with the application of supplemental criteria.

MR. BELL: Tim.

MR. GRINER: I think Spud is exactly right, and, just as a point of clarification, that information, that data, is going to the SSC first, before it can come back to us to make any kind of decision one way or the other, and so those trends are going to be looked at and decided upon what data is given back to us from the SSC, once they have evaluated those trends, and it's not that we're going to get trends from somewhere and then we're going to go make a decision, and our decisions will be based on what is handed down from the SSC.

MR. BELL: Any other questions or discussion about the motion? Okay. I don't see any hands. Trish.

MS. MURPHEY: Putting in -- If we start -- My understanding, from the previous conversation, was that, once we made the decision that we would have carryover, that decision is made, but then, listening to what Spud was saying, if we start seeing trends going down, that kind of sounds like we would stop it, but I just thought we had to do it, and so would that mean that we just need to amend the plan to make that change?

MR. BELL: I think --

MS. MURPHEY: Or am I just confused?

MR. BELL: Mike, go ahead.

DR. SCHMIDTKE: What I'm interpreting Spud as saying is that, for some stocks, if we have an index of abundance that the council feels, and the SSC feels, accurately is portraying the trends of that stock, then that's something that can be put in as an additional condition when the council decides this stock has checked all these boxes, based on its assessment, and we're going to additionally put another box for it to check on an annual basis that its index of abundance has to meet such-and-such criteria.

MS. MURPHEY: Got you. Thank you.

MR. BELL: All right. Any other -- That's good. This is why we're here. Any other thoughts about the motion, as modified now? Okay. Let's go ahead and we'll vote. **All in support of this motion, raise your hand.** Judy, are you --

MS. HELMEY: I'm in support.

MR. BELL: In support? Okay. That would be ten. Okay. **All opposed? Abstentions, two.** All right. **The motion passes ten to zero to two abstentions.** Monica.

MS. SMIT-BRUNELLO: I think it would be really important to put what was just discussed by Spud, and reiterated by you, Mike, and others into the discussion of the document, so that a future council, looking back at this, would say, oh, yes, well, we already discussed that there may be additional qualifications that we want to put on the carryover provisions being allowed for a certain species, and I think that would be helpful.

Then the other thing, which might just be something that, of course, that's what we mean, but I'm going to ask the council that if -- Let's say, under Alternative 2, you had a species where it's not overfished, or experiencing overfishing, and it met all these criteria, and so, yes, carryover was allowed, and if somehow the council was notified that, oops, we have a problem now, and overfishing is occurring, or something like that, and so it would fall out of the qualifications, it's the council's intent, at that point, that then nothing else needs to -- We don't want carryover to apply for that species once we receive that kind of information.

In other words, if a stock falls out of these qualifications, carryover stops, and you don't need a future amendment, or anything else like that, to make it stop immediately, and I am assuming that's what the council would want, but maybe we could have a little bit of discussion on that.

MR. BELL: Trish.

MS. MURPHEY: So shouldn't we have an additional motion to add that, so that it's clear to the SSC, or are we good with just having it in there?

MR. BELL: Yes, and Monica was just looking to make sure we have everything on the record, but, Monica, go ahead.

MS. SMIT-BRUNELLO: You could have a motion saying, yes, that's what we mean, or you could also just discuss it here, and we could put it in the discussion of the document, and I think that would be sufficient, but to get something on the record in answering my question, just to get it on the record, I think would be a really good idea.

MR. BELL: Right. That's a wise decision, or a wise recommendation. Jessica.

MS. MCCAWLEY: Maybe direction to staff, and it looked like Mike was making some bullet points, based on the discussion, and so maybe we could just look at that, and then it could come back in the next round, at the next meeting.

MR. BELL: So we'll know what that looks like, and that is good, because I had the same thought. I was thinking, ten years from now, or twelve years from now, I wonder what they were thinking. Mike.

DR. SCHMIDTKE: I would have to look through the amendment discussion to find the exact location, but I know this is something that -- It's in there, and it's in there addressing that, because that's why I made that as one of the kind of sticking points of the example that I walked through, that, when that sector kind of fell out of -- Well, I didn't address the overfishing portion, and so that is a good point, to note a future overfishing portion, but it's in there, and we can just make sure to highlight it, and it kind of falls under this Alternative 2 right here, this box of not overfished and not overfishing as the status would no longer be checked, but we can make sure to highlight it, and it's, you know, kind of front and center for future councils to reference.

MR. BELL: Okay, and we'll be coming back to this in December for final approval. Okay. Then so Sub-Action 3.2. What do we do with that? Mike.

DR. SCHMIDTKE: Just to try to simplify this, I mean, your decision point here -- You all have, from 3.1, indicated that there would be some allowance of carryover, and Sub-Action 3.2 is defining the amount, and the only difference between Alternative 2 and Alternative 3 here is this underlined portion that you see on the screen, and so this Alternative 2 has the box to check that the carried-over amount, the total amount that's available there, everything needs to stay under the overfishing limit. Alternative 3 says that it also cannot be -- You can't carry over more than 25 percent of your ACL, and so that's the decision point. In neither case can you go over the OFL. Alternative 3 says you also can't be above 25 percent of your ACL for your carryover amount.

MR. BELL: Okay. Carolyn.

DR. BELCHER: **Just to get the discussion going, I would like to propose a motion to accept Alternative 2 as our preferred under Sub-Action 3.2.**

MR. BELL: Is there a second? Gary seconds that. **The motion is, under Sub-Action 3.2, to select Alternative 2 as the preferred.** Is there discussion of the motion? Kerry.

MS. MARHEFKA: I don't know what Carolyn is thinking, but I was thinking that 25 percent just seemed arbitrary to me, and there is lots of other decision waypoints along the way where we can impose what we think is appropriate.

MR. BELL: Carolyn, go ahead.

DR. BELCHER: To that point too, the other thing is, again, we've talked about the specificity and letting that kind of be at the level that, when you're coming out of the assessment -- Why talk about sector here, if we haven't talked about it any other place yet.

MR. BELL: Okay. Additional discussion? Does that make sense to everybody? I don't see any hands. Any additional discussion? Then we can vote on the motion. **Is there any objection to this motion? Seeing no objection, then the motion passes.** Thank you.

DR. SCHMIDTKE: All right, and then the last action to address is Action 4, which I've given kind of a summary of how that would work. All of that, as far as how it's spelled out in adjusting the framework procedures to accomplish the process I described for carryover is included in your decision document, and, as I said before, under each of these sub-actions, 4.1, 4.2, and 4.3, the language is the same, and the only thing that changes is the name of the FMP, but the language is the exact same. It's adjusting the framework procedures in the exact same fashion, and so, if you are looking to allow the process that has been described, that would be selection of Alternative 2 under each of the sub-actions that are included here.

MR. BELL: So, basically, 4 mirrors what we just did in 3. Tim.

MR. GRINER: I would make that motion, to select Alternative 2 for Sub-Action 4.1, 4.2, and 4.3 as preferred.

MS. MCCAWLEY: Second.

MR. BELL: All right. Thank you, and so we have a motion to accept Alternative 2 under Action 4, which would basically line up with what we just did in Action 3. Okay. Any discussion? It's sort of our only logical choice, I guess, but you never know. Okay. All right. **So a motion to select Alternative 2 under Sub-Action 4.1, Sub-Action 4.2, and Sub-Action 4.3 as the preferred.** Any additional discussion of the motion? **Any opposition to the motion? Seeing none, then the motion passes.**

DR. SCHMIDTKE: Before I forget, I did -- I just remembered, and sorry, and it just popped into my head. There was a question that was kind of outstanding from the last time, that we address carryover related to fisheries that have split seasons and sub-sector allocations and their eligibility for carryover. What was discussed there -- I mean, depending on what your discussion is, and it could just be direction to staff and how we're writing those things, but the input that we have, at this point, from GC was that it can be done, but it can also get complicated, and so, yes.

MR. BELL: He's right, and so thoughts on that? I knew this was going too smoothly. Carolyn.

DR. BELCHER: Well, I mean, I think it gets back to what we were having for the conversation earlier, is that we asked the question of whether or not we're even going to consider carryover, and if we don't, then there's no reason to go down that rabbit hole and look at sector allocations and all that, and it would just be on a case-by-case basis. Once we turn it on, the discussions would then be had at that level.

MR. BELL: Yes, because it doesn't apply to all fisheries, and so it's just, when we get to that, then we would make the decision at that time of when to apply it. Thanks for bringing that up. We were talking about it earlier, and I thought -- Okay. Do you need any guidance on anything else?

DR. SCHMIDTKE: No, and the last thing I need is a motion to approve all actions for this amendment.

MR. BELL: All right. Jessica.

MS. MCCAWLEY: **So moved.**

MR. BELL: Carolyn seconds. **Any opposition to that? I don't see any, and so the motion passes.** Thanks. Dale, maybe that went too smoothly.

MR. DIAZ: Good job, Mr. Chair.

MR. BELL: Is that all we need on that? Okay. Well, thanks, guys. Good job. We've got basically an hour left. We talked about moving some things around a little bit, and so give us a second here, and we'll figure out which items we want to maybe try to move. Monica, would you be able to do the litigation brief, if needed?

MS. SMIT-BRUNELLO: Sure.

MR. BELL: Well, hold that thought. That's one. Then maybe we'll do our staff reports and topics for the Habitat Advisory Panel, but if, Monica, you could do the litigation brief first, that would be great. We'll give Monica a second. You've done a good job. Feel free to grab another cookie, if you need one.

MS. SMIT-BRUNELLO: I just wanted to mention a couple of cases that -- One you've heard about and another that is new, but they're both in Dale's area, from the Gulf Council, and so the litigation that's been ongoing for the Gulf for-hire amendment -- If you recall, there was some allegations about the requirement for vessel tracking kinds of systems to be unconstitutional and those sorts of things. Anyway, that is now with the Fifth Circuit Court of Appeal, and they have scheduled oral argument for October 5. They're actually going to do it in Fort Worth, at the Texas A&M Law School. They do that occasionally, where, I guess, for law students, they allow them to see an argument, and so maybe, by the next council meeting, we'll have a decision from the Fifth Circuit.

The other case that I wanted to mention is fairly new, although I may have mentioned it briefly in June, but the Gulf Council passed an amendment in their reef fish plan, and it's Amendment 53 for red grouper, and it uses the MRIP-FES estimates, and a number of other things, and they looked at changing catch limits, and they actually did allocations and those sorts of things, and so a commercial fishing organization -- Well, I think different -- A couple of commercial fishermen -- I say fishermen, but fishing groups or whatever filed suit, and that suit is actually in the District of Columbia District Court, and so the briefs for summary judgment are just being filed, and, in fact, we filed ours last week.

There are some really interesting issues and discussion on, you know, what do you have to consider with allocations and those sorts of things, and so I think the council would benefit hearing about that litigation as it goes forward, and so, right now, the suit has been filed, and some arguments are being made, and there has been no decision, and I don't know that you would get one by December, but you might, by the time this council meets again, and so, anyway, I just wanted to bring to your attention those two things.

MR. BELL: Okay. Great. Any questions for Monica on those two items or anything, while we have her? Okay. It looks like you're off the hook. Thanks, Monica, and what we're doing here

is, again, we're taking stuff from the second Full Council session and just bringing it forward, and that buys us a little time for the end here, and so we're going to do staff reports now? Okay.

MR. CARMICHAEL: The staff report, it's Attachment A1 under the Full Council stuff, and you'll see it's an expanded format than what we've been doing recently, and we're trying to let this evolve into something that hopefully provides you more information, not just of what we've been working on since the last meeting, but also things that are out there and developing that we feel like you might want to be aware of and keep an eye on.

You will see it goes through some of the things that have happened recently, such as orientations for new council members and APs, and the Council Coordination Committee is coming up soon, and we'll have folks going on there, and information about this American Fisheries Advisory Panel, which is a new thing, and we've put things out about that, about encouraging people to attend, to apply I mean, for that group. The right whale, which we will hear more about, we've provided you some more details on that, just to help give you the background on it. Hopefully this helps you get a better handle of the many things that are going on that are on various timeframes, but not necessarily solely related to the FMPs process.

I do want to highlight -- Recall there is the webinar meeting on September 24, and we're going to review the Florida Keys National Marine Sanctuary proposed rule, and we're also going to have a presentation from the WECAFC group, which has created the dolphinfish and flyingfish working group. It's really a great chance to learn more about both of those and how they're going to particularly affect us and the things that we do.

I've also noted that we recently submitted comments on the EEJ policy, and this is the first round of comments, and it's a developing issue, and the CCC has a working group that's been working on that, and we expect that to continue to be a topic, and NMFS will -- They will probably eventually come out with some practices and guidelines and recommendations, and I think we'll probably hear some more about that initiative as well when Sam speaks.

Citizen science comes up, which has been busy, as always, with a lot of things going on, a lot of projects, and we're always looking for new projects. Our new program coordinator, Meg, who started in late June, she's been just -- You know, she really hit the ground running, and she's working on spreading the word about these projects, and we're looking for new things that we can do, and so it's really never a dully moment there.

Outreach is very similar, and there's information on what's been going on with our best practices project, and there's a lot of action there, and both of these were highlighted when we attended ICAST. It was really nice, after being away for COVID, to be back at ICAST and reaching out to the constituency in that way, and, you know, it's a specialized audience, but it's a great chance that we interact with people in the industry and tackle shop owners and charter owners and such, and so we do interact with a lot of people who have a lot of reach.

Studies have shown that folks like tackle shop owners are definitely trusted resources, and sources of information, in the fisheries world, and so, you know, we feel like this is a really effective outreach thing that we can do, and you see we've got a great picture of our booth there, and so that was pretty exciting, and we've been working with a number of other groups on a descending

devices and doughnuts initiative, to get people over there to this conservation corner and really push the message on the descending devices.

The descending devices were scattered around the building pretty good, and so it's great to just see that expanding, and, you know, seeing things like that becoming more of fishermen's expected practices and not such a novelty, and so that's been pretty awesome, and we also highlight the website, which we talked about some here.

The website has been very much a work-in-progress. Our first goal was just to get it to where we had the regulations covered and be able to provide you the briefing book materials, which we've achieved that, and now we're looking into the next stages, as we talked about, and, you know, we mentioned looking at the public comment process, which is underway now, and we're also continually looking at ways of bringing in more of the old information, so that we can fully flesh it out with say all of the old meeting information and things of that nature, so it can provide a lot more of the historic reference materials that we have, and we'll get on there, but we're just, you know, working through this step-by-step, and so I'm really pleased that people have found it useful and found the presentation of the meeting materials, in particular, pretty useful and that the navigation is kind of working out and fairly intuitive and you're finding stuff.

As always, when you get issues, and you get ideas about that, reach out and talk to us, and we continue to look at it, and hopefully continue to improve it over probably the next year still, until we get it 100 percent out there, and, being a website, maybe you're never ever done with it, and there's always new ideas and new things, which is great, but it's just such an important tool for us, you know, reaching people, and that's the way we view it. With that, I will just say do any of you guys have any questions on any of these topics? There's a lot there, and I didn't want to go through all of it piece-by-piece, and you all can read, and so definitely if there's anything you're interested in and you want to dig into some more. Tim, I saw you.

MR. GRINER: I really like the format of the meeting, of the briefing book, tied into the agenda, and that's awesome. You mentioned something about the public comments, and are we working to where we can actually use that? I mean, it's so cumbersome to actually use that, and is that what you're talking about?

MR. CARMICHAEL: Yes, and we're working with something to provide a much more user-friendly presentation of the actual comments, so you can scroll through them easier and find them, and potentially sort for different things, and really focus in on what's of interest to you.

MR. BELL: All right. Any other questions for John or thoughts? You made a good point, is that we get into these meetings, and we do spend so much time focused on working through the grunt work of the amendments that you kind of -- A lot of this other stuff, that's a tremendous amount of work, is all going on behind the scenes, and we don't necessarily get to talk about it, or get briefed on it, but I think that's a key to the website now, is you can dig in at any time, and you can get information on all this stuff and kind of -- If you have leisure time, or extra time, but it's there, and it's stuff we need to keep up on, but it's not all about modifying our plan amendments, as we work through them, but it's a tremendous amount of work, and so thanks.

I love the website, and I'm just thinking back, and, you know, I'm going back in time, in my mind, ten years or so, eleven years, or whatever I've been doing this here, and we've evolved. We have

evolved, and the workload has increased, and it's amazing, but, I mean, because of our ability to have -- We have the technology, through the website and all, and it makes things so much easier now, but, boy, I wouldn't want our workload now ten years ago, and, I mean --

MR. CARMICHAEL: The paper briefing book.

MR. BELL: Yes, and just -- Or when we had the little sticks with everything on there, and we had to update those, and so thanks. Anything else for John? All right. Thanks. Now we're going to do topics for the Habitat AP. All right. Roger.

MR. PUGLIESE: Okay. We are finally moving toward having an in-person Habitat and Ecosystem Advisory Panel meeting in November, and what you have before you is a suite of potential agenda items, some that have been kind of in development for a while, and some follow-up, and some new ones.

It starts off with an overview of the deep-sea coral mapping and characterization, and this is, again, something that we've had a long-term connection with, and Heather Coleman, out of the Deep-Sea Coral and Habitat Conservation Division, as well as Casey Cantwell, through OER, through the Office of Exploration, and keeping the panel up-to-date on how much work has been done, and, over time, a very significant amount of work on Blake Plateau that I think is going to be probably the core of the highlights of this and how much area has actually been characterized and mapped in that area.

That moves us into a final revision of the beach renourishment policy, and we kind of delayed, in terms of having another AP meeting, and so this is going to be able to wrap that policy up and move it forward. Also, and keeping up with some of the more significant activities in our open-ocean areas, updates on renewable energy, the offshore wind activities, and probably touching on what other things may be in the future, in terms of alternative energies, especially with having a BOEM representative on the AP, and that really helps, having that nice direct contact.

Also, we'll probably touch on the correspondence that we've had with the collaboration with, as John said, with the New England and Mid-Atlantic Council on the recent request for BOEM's mitigation activities for fisheries, relative to offshore wind.

That moves us into an initial discussion on guidance for updating the energy policy, and, in kind of the spirit of what we did with that collaboration there, I want to work with our partners to the north on how much they have put together, in terms of some of their policies already on wind, with the Northeast and Mid-Atlantic, and so the opportunity to have more of a focus directly on the alternative energy before it gets -- Before we get behind the curve on this, because it's coming fast. Some of the proposed areas in the Mid-Atlantic are ramping up, that are going to cover like all the areas offshore of the existing areas, which is -- You know, this is coming down the line, and I'm sure we'll see even more significant ones in our region in the not-too-distant future.

Also, we're going to touch on the EFH five-year review and coordinating with our partners in Habitat Conservation, to determine exactly where we are on what we need to do and where we may need to advance, in terms of getting that, because that, technically, is driven by the response to NOAA Fisheries, and we'll have direct updates from our Habitat Conservation Division partners at this meeting.

Also, an update on the EFH consultations over the past year and what the focus has been really on the activities of Habitat Conservation and where their big focus areas have been for the panel. An update also on the progress on the habitat blueprint, which, the bottom line is, with everything else going on, there has not been a significant amount, and we'll be picking that up and ramping that up, to hopefully wrap up into 2023.

Also, to keep in line with everything else, the climate change scenario planning, and we want to get them up-to-speed on how far things have advanced. By the time we'll get there, we'll have gone through essentially all the brainstorming sessions, and leading into -- It will be right before the council sessions, and I think all three councils will be meeting after that, and so those are the items we have on the list for the AP at this time. Any questions or comments or recommendations?

MR. BELL: Any questions or any thoughts about the list or I guess if there's other things that we might want to suggest? Dewey.

MR. HEMILRIGHT: Just for a brief overview of the proposal of the wind area in the central Mid-Atlantic, there will be decisions it looks like sometime -- It will go out for proposals in mid to late 2023, and some in the pelagic longline industry are hoping that Area E and F are done away with, because it's right in some of their most crucial areas of where valuable fisheries for the pelagic longline is, particularly off of North Carolina and some states further to the north, and floating wind turbines aren't compatible with pelagic longline gear, and so it's something that -- Right now, I believe it's a little over -- It's close to 3.7 million acres that potentially could be leased, and, right now, there's been 2.2 million acres that has been leased in the Mid-Atlantic and New England, and the potential for floating wind turbines in the Gulf of Maine, and so it's something that fishers better keep abreast of and just follow it and see, because it could affect your fisheries somewhat, and, right now, it's unknown, kind of.

MR. BELL: Thanks, Dewey. Anything else? It's a good list, and there's plenty to deal with. All right. Thanks. All right, and so, just so you won't think I'm going soft on you, and I kind of ran through my list, but we've got a deal. I asked Jessica to go -- What we will do is we will go ahead and adjourn from Full Council, and we will convene Snapper Grouper, with Jessica right there, and there's a couple of simple items that we can perhaps go ahead and get off the agenda, again trying to build some time, and so I will just wave my hand, and so Full Council is adjourned.

(Whereupon, the meeting adjourned on September 12, 2022.)

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Certified By _____ Date _____

Transcribed By
Amanda Thomas
October 18, 2022

Council session I (Closed)
Mon, 6/13/22

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SAFMC June Council
Meeting (6/13/22)

Attendee Report: 6/17/22)

Report Generated:

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06/13/2022 10:17 AM EDT

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6 hours 45 minutes

Attendee Details

Attended	Last Name	First Name
Yes	BROUWER	MYRA
Yes	BYRD	01JULIA
Yes	Bailey	Adam
Yes	Bell	00 Mel
Yes	Bianchi	Alan
Yes	Bonura	Vincent
Yes	Chaya	Cindy
Yes	Conklin	00The Real Chris
Yes	Copeland	00 Bobby
Yes	Crosson	Scott
Yes	Curtis	Judd
Yes	DeVictor	Rick
Yes	Dukes	Amy
Yes	Flowers	Jared
Yes	Foor	Brandon
Yes	Gentry	Lauren
Yes	Glazier	Ed
Yes	Glazier	Ed
Yes	Gore	Karla
Yes	Hadley	John
Yes	Hart	Hannah
Yes	Heffernan	Katie
Yes	Helies	Frank
Yes	/Hemilright	Dewey
Yes	Hollensead	Lisa
Yes	Hudson	Rusty
Yes	Iverson	Kim
Yes	Keener	Paula
Yes	Laks	Ira
Yes	Latanich	Katie
Yes	Malinowski	Rich
Yes	Masi	Michelle
Yes	/McGovern	Jack

