

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

268<sup>TH</sup> MEETING

FULL COUNCIL SESSION

Marriott Courtyard

Gulfport, Mississippi

APRIL 19-20, 2018

**VOTING MEMBERS**

Kevin Anson (designee for Scott Bannon).....Alabama  
 Patrick Banks.....Louisiana  
 Leann Bosarge.....Mississippi  
 Doug Boyd.....Texas  
 Roy Crabtree.....NMFS  
 Dale Diaz.....Mississippi  
 Phil Dyskow.....Florida  
 Tom Frazer.....Florida  
 Johnny Greene.....Alabama  
 Martha Guyas (designee for Jessica McCawley).....Florida  
 Campo Matens.....Louisiana  
 Paul Mickle (designee for Joe Spraggins).....Mississippi  
 Robin Riechers.....Texas  
 John Sanchez.....Florida  
 Bob Shipp.....Alabama  
 Greg Stunz.....Texas  
 Ed Swindell.....Louisiana

**NON-VOTING MEMBERS**

Dave Donaldson.....GSMFC  
 Lt Mark Zanowicz.....USCG

**STAFF**

Steven Atran.....Senior Fishery Biologist  
 Assane Diagne.....Economist  
 Matt Freeman.....Economist  
 John Froeschke.....Fishery Biologist-Statistician  
 Douglas Gregory.....Executive Director  
 Morgan Kilgour.....Fishery Biologist  
 Ava Lasseter.....Anthropologist  
 Mary Levy.....NOAA General Counsel  
 Ryan Rindone.....Fishery Biologist & SEDAR Liaison  
 Bernadine Roy.....Office Manager  
 Camilla Shireman.....Administrative and Communications Assistant  
 Carrie Simmons.....Deputy Director

**OTHER PARTICIPANTS**

1 Pam Anderson.....Panama City Beach, FL  
2 Greg Ball.....Galveston, TX  
3 Susan Boggs.....Orange Beach, AL  
4 Shane Bonnot.....CCA  
5 Ryan Bradley.....Mississippi Commercial Fishermen United, MS  
6 Eric Brazer.....Gulf of Mexico Reef Fish Shareholders Alliance  
7 Mark Brown.....SAFMC  
8 Gary Bryant.....Orange Beach, AL  
9 Dan Buckley.....Gulf of Mexico Reef Fish Shareholders Alliance  
10 Shane Cantrell.....Galveston, TX  
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12 Cody Carter.....Galveston, TX  
13 Jim Clements.....Carrabelle, FL  
14 Bubba Cochrane.....Galveston, TX  
15 Jason Delacruz.....FL  
16 Kendall Dix.....Gulf Restoration Network  
17 F.J. Eicke.....CCA, MS  
18 Tommy Elkins.....CCA, Bay St. Louis, MS  
19 Mike Eller.....Destin, FL  
20 Richard Fischer.....LA  
21 Traci Floyd.....MDMR, Biloxi, MS  
22 Troy Frady.....Orange Beach, AL  
23 Frank Gandt.....Orange Beach, AL  
24 Susan Gerhart.....NMFS  
25 Jim Green.....Destin, FL  
26 Buddy Guindon.....Galveston, TX  
27 Ken Haddad.....ASA, FL  
28 Chad Haggert.....Clearwater Beach, FL  
29 Dylan Hubbard.....FL  
30 Clifford Hutt.....HMS  
31 Mike Jennings.....Freeport, TX  
32 Mark Kelley.....Panama City, FL  
33 Bobby Kelly.....Orange Beach, AL  
34 Jason Klosterman.....Destin, FL  
35 John Law.....Panama City Beach, FL  
36 Larry Lemiux.....Panama City Beach, FL  
37 Kyle Lowe.....Fort Walton Beach, FL  
38 Lawrence Marino.....LA  
39 Sherman Muths.....Gulfport, MS  
40 Mike Nugent.....Aransas Pass, TX  
41 Alicia Paul.....Panama City Beach, FL  
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45 Brian Reeves.....Orange Beach, AL  
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47 Mike Rowell.....Orange Beach, AL  
48 Sonny Schindler.....Diamondhead, MS

1 Clarence Seymour.....Ocean Springs, MS  
2 Neil Anthony Sims.....Kampachi Farms, HI  
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4 Mark Tryon.....Gulf Breeze, FL  
5 Steve VanderKooy.....GSMFC  
6 David Walker.....AL  
7 Dale Wardrop.....  
8 Wayne Werner.....Alachua, FL  
9 Jillian Williams.....TX  
10 Johnny Williams.....TX  
11 Ted Venker.....CCA  
12 Jason Vicars.....Orange Beach, AL  
13 Tom Wheatley.....Pew Charitable Trusts  
14 Bradford Whipple.....

15  
16  
17

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1 to Considered but Rejected. [The motion carried on page 177.](#)  
2  
3 [PAGE 178](#): Motion in Action 2 that in all five individual state  
4 amendments, to modify the language in Preferred Alternative 2 to  
5 read: Preferred Alternative 2 is if the combined Mississippi  
6 recreational landings exceed or are less than the Mississippi  
7 recreational ACL, then in the following year reduce or increase  
8 the total recreational quota and Mississippi's ACL by the amount  
9 of the ACL overage or underage in the prior fishing year, unless  
10 the best scientific information available determines that a  
11 greater, lesser, or no overage adjustment is necessary. If  
12 appropriate, the Mississippi recreational ACT (or component  
13 ACTs) will be adjusted to reflect the previously established  
14 percent buffer. [The motion carried on page 184.](#)  
15  
16 [PAGE 184](#): Motion in the Alabama document in Action 1 to make  
17 Alternative 2, Options 2a through 2d the preferred. [The motion](#)  
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19  
20 [PAGE 185](#): Motion in the Louisiana document in Action 1 to add  
21 Options 2a through 2d the preferred. [The motion carried on page](#)  
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24 [PAGE 187](#): Motion in the Mississippi document in Action 1 to add  
25 Options 2a through 2d as the preferred. [The motion carried on](#)  
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27  
28 [PAGE 188](#): Motion in Action 2 of the general state management  
29 document to make Alternative 2, Option 2h the preferred. [The](#)  
30 [motion failed on page 197.](#)  
31  
32 [PAGE 197](#): Motion in Action 2 of the general state management  
33 document to remove the options that truncate at 2009, 2a, 2c,  
34 2g, 5a, 5e. [The motion carried on page 199.](#)  
35  
36 [PAGE 199](#): Motion in Action 2 of the general state management  
37 document to add a new alternative that would establish  
38 allocations for state management of private anglers based on the  
39 allocations set in the five EFPs. [The motion carried on page](#)  
40 [201.](#)  
41  
42 [PAGE 205](#): Motion to accept the grouper-tilefish IFQ five-year  
43 program review report. [The motion carried on page 205.](#)  
44  
45 [PAGE 206](#): Motion to accept the Ad Hoc Red Snapper and  
46 Grouper/Tilefish IFQ AP's recommendation for program  
47 participation to not require a reef fish permit to be a  
48 shareholder thereby retaining the current regulations. [The](#)

1 [motion failed on page 211.](#)

2  
3 [PAGE 211](#): Motion to create a quota set-aside from non-activated  
4 accounts to run a NOAA quota bank for addressing commercial  
5 discards. The council shall create an industry steering  
6 committee to provide advice in the administration of the  
7 program. [The motion carried on page 212.](#)

8  
9 [PAGE 212](#): Motion to move Section 2.3.1, the lease-to-own  
10 provision, to Considered but Rejected. [The motion carried on](#)  
11 [page 212.](#)

12  
13 [PAGE 212](#): Motion to add an action to Amendment 36B regarding  
14 the LEC/LETC's concerns with the accuracy of landing estimates  
15 provided in advance landing notifications in the commercial IFQ  
16 programs due to law enforcement observations of under-reporting.  
17 [The motion carried on page 218.](#)

18  
19 [PAGE 225](#): Motion to have staff bring back the Framework Action  
20 to Modify Recreational Red Snapper ACT Buffers for the Private  
21 and For-Hire Components at the June 2018 council meeting with an  
22 added option including percentages for consideration. [The](#)  
23 [motion carried on page 227.](#)

24  
25 [PAGE 235](#): Motion to accept the suggested revisions to the Gulf  
26 Council Policy Statement and the Gulf Council Purpose Statement  
27 with the following modification to the last sentence of the  
28 first paragraph: "As such, decreased levels of fishing mortality  
29 through higher survivorship of released fish could lead to  
30 increased fish population abundance and more fishing  
31 opportunities." [The motion carried on page 236.](#)

32  
33 [PAGE 236](#): Motion to incorporate the text below into the Gulf  
34 Council Policy on the Use of Venting Tools and Descending  
35 Devices Outreach and Monitoring Plan: To measurably and  
36 effectively reduce mortality associated with discarded reef  
37 fish, incorporate any new mortality rates into stock  
38 assessments, and potentially increase abundance of fish  
39 populations, it is important to quantify the use and  
40 effectiveness of descending devices and venting tools. The  
41 primary objectives for this council policy coupled with an  
42 outreach and monitoring plan are as follows: 1)Significantly  
43 increase use and effectiveness of safe discarding practices of  
44 fish caught at depths offshore; 2)Substantially decrease discard  
45 mortality of released fish; 3)Develop best practices and  
46 guidelines for most effective methods for releasing fish from  
47 depths; 4)Incorporate measured effectiveness and quantified use  
48 of safe discarding methods and practices into stock assessments

1 and management measures. [The motion carried on page 238.](#)  
2  
3 [PAGE 238](#): Motion to have staff provide a summary table that  
4 includes discard mortality estimates used in the current  
5 assessment and average, approximately five years, discards by  
6 sector (private recreational, for-hire, headboat, and  
7 commercial) for red snapper and other key reef species (as  
8 available). [The motion carried on page 239.](#)  
9  
10 [PAGE 239](#): Motion to have staff provide a preliminary estimate  
11 of the reduction in mortality (numbers of fish) for red snapper  
12 and other key reef species (as available) by sector that may  
13 occur if these devices were actively used in the fishery. [The](#)  
14 [motion carried on page 229.](#)  
15  
16 [PAGE 244](#): Motion to recommend that NMFS approve the Golden Crab  
17 EFP application, noting the council's recommendations and  
18 comments relative to coral and the depth of the royal red shrimp  
19 fishery. [The motion carried on page 245.](#)  
20  
21 [PAGE 246](#): Motion to recommend that NMFS approve the aquaculture  
22 EFP, application noting the council's recommendations and  
23 comments relative to hurricanes, lighting, baseline benthic  
24 substrate assessment, fin clippings of brood stock and progeny  
25 for genetic analysis, and biofouling. [The motion carried on](#)  
26 [page 247.](#)  
27  
28 - - -  
29

1 The Full Council of the Gulf of Mexico Fishery Management  
2 Council convened at the Marriott Courtyard, Gulfport,  
3 Mississippi, Thursday morning, April 19, 2018, and was called to  
4 order by Chairman Leann Bosarge.

5  
6 **CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS**

7  
8 **CHAIRMAN LEANN BOSARGE:** Good morning, everyone. Before we get  
9 started this morning, I am actually going to turn the microphone  
10 over to Dr. Mickle to make an announcement.

11  
12 **DR. PAUL MICKLE:** Thank you, Madam Chair. This morning, I would  
13 like to introduce our new Executive Director for the Mississippi  
14 Department of Marine Resources. He has pretty much gotten up to  
15 speed faster than I could have ever imagined, and it's been a  
16 real pleasure working with him, and I've learned a lot in his  
17 months in office, and I have really enjoyed it. He cares about  
18 the resource, and I would like to introduce Brigadier General  
19 Executive Director Joe Spraggins.

20  
21 **MR. JOE SPRAGGINS:** Thank you, all, very much. It's an honor to  
22 be here today just to tell you welcome to south Mississippi. I  
23 hope that your stay has been wonderful here. The Governor said  
24 that he wished that he could be here, but he's in England right  
25 now, and he said he didn't think he could make it here this  
26 morning, but he would try, but, anyway, I hope you've had fun,  
27 and you've had a beautiful week so far, and so that's the good  
28 part about it.

29  
30 Now, I just want to give you a little heads-up. For the ones of  
31 you all that have made it down the street a little bit, to that  
32 little building down there called the Island View, if you made  
33 it down there, you know you all have got a misconception about  
34 Mississippi. Everybody says that we have gambling here, but we  
35 don't. It's not a gamble if you give us money and we don't give  
36 you anything back.

37  
38 I want you to understand that. We don't gamble in Mississippi.  
39 We just take your donations, and so we appreciate that, and so  
40 please continue donating, if you would, to our economy out here,  
41 and I hope you had time to go downtown to Gulfport and see some  
42 of our fine restaurants there, or in Biloxi or other places, and  
43 we are at work every day trying to make sure that south  
44 Mississippi and our aquaculture in south Mississippi is taken  
45 care of.

46  
47 Our job at DMR is to enhance, protect, and conserve, and that's  
48 what we're doing with all the marine life for the Gulf Coast in

1 Mississippi waters and federal waters in the Mississippi area,  
2 and we appreciate that, and we want to do that, and that's what  
3 we're -- My goal is that my grandkids' grandkids have an  
4 opportunity to be able to go out and catch fish and catch shrimp  
5 or oysters or whatever and enjoy themselves and have the  
6 wonderful life that I have had of being able to eat that  
7 wonderful food, and I want it to be able to continue.

8  
9 I want to thank you all so much for what you've done, and I know  
10 you're working hard here this week, and I've been reading the  
11 notes, and I know you're working hard, and I know you're trying  
12 hard to do the things that are right for us and the whole United  
13 States, and we thank you, and the Gulf of Mexico too, and I know  
14 you all have worked hard for everything we do, but we thank you  
15 all, and I won't take too much of your time. Thank you for  
16 being here, and thank you for coming to Mississippi, and I hope  
17 you come back. Thank you.

18  
19 **CHAIRMAN BOSARGE:** All right. With that, we will read our  
20 opening statement, and then we'll all introduce ourselves.  
21 Welcome to the 268<sup>th</sup> meeting of the Gulf Council. My name is  
22 Leann Bosarge, Chair of the Council. If you have a cell phone,  
23 pager, or similar device, we ask that you keep them on silent or  
24 vibrating mode during the meeting. Also, in order for all to be  
25 able to hear during the proceedings, we ask that you have any  
26 private conversations outside.

27  
28 The Gulf Council is one of eight regional councils established  
29 in 1976 by the Fishery Conservation and Management Act, known  
30 today as the Magnuson-Stevens Act. The council's purpose is to  
31 serve as a deliberative body to advise the Secretary of Commerce  
32 on fishery management measures in the federal waters of the Gulf  
33 of Mexico. These measures help ensure that fishery resources in  
34 the Gulf are sustained, while providing the best overall benefit  
35 to the nation.

36  
37 The council has seventeen voting members, eleven of whom are  
38 appointed by the Secretary of Commerce and include individuals  
39 from a range of geographical areas in the Gulf of Mexico with  
40 experience in various aspects of fisheries.

41  
42 The membership also includes five state fishery managers from  
43 each Gulf state and the Regional Administrator from NOAA's  
44 Southeast Fisheries Service, as well as several non-voting  
45 members.

46  
47 Public input is a vital part of the council's deliberative  
48 process, and comments, both oral and written, are accepted and

1 considered by the council throughout the process. Anyone  
2 wishing to speak during public comment later today should sign  
3 in at the registration kiosk located at the entrance to the  
4 meeting room. We do accept only one registration per person. A  
5 digital recording is used for the public record. Therefore, for  
6 the purpose of voice identification, each person at the table is  
7 requested to identify him or herself, starting on my left.

8

9 **MR. JOHNNY GREENE:** Johnny Greene, Alabama.

10

11 **LT. MARK ZANOWICZ:** Lieutenant Mark Zanowicz, U.S. Coast Guard.

12

13 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine  
14 Fisheries Commission.

15

16 **MR. KEVIN ANSON:** Kevin Anson, Alabama.

17

18 **DR. BOB SHIPP:** Bob Shipp, Alabama.

19

20 **MR. ED SWINDELL:** Ed Swindell from Louisiana.

21

22 **MR. PATRICK BANKS:** Patrick Banks, Louisiana.

23

24 **MR. CAMPO MATENS:** Camp Matens, Louisiana.

25

26 **DR. TOM FRAZER:** Tom Frazer, Florida.

27

28 **MR. JOHN SANCHEZ:** John Sanchez, Florida.

29

30 **MR. PHIL DYSKOW:** Phil Dyskow, Florida.

31

32 **MS. MARTHA GUYAS:** Martha Guyas, Florida.

33

34 **MR. MARK BROWN:** Mark Brown, South Carolina, South Atlantic  
35 liaison.

36

37 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.

38

39 **MS. SUSAN GERHART:** Susan Gerhart, NOAA Fisheries Service.

40

41 **DR. ROY CRABTREE:** Roy Crabtree, NOAA Fisheries.

42

43 **DR. RICK HART:** Rick Hart, NOAA Fisheries.

44

45 **MR. ROBIN RIECHERS:** Robin Riechers, Texas.

46

47 **MR. DOUG BOYD:** Doug Boyd, Texas.

48

1 **DR. GREG STUNZ:** Greg Stunz, Texas.

2  
3 **DR. MICKLE:** Paul Mickle, Mississippi.

4  
5 **MR. DALE DIAZ:** Dale Diaz, Mississippi.

6  
7 **EXECUTIVE DIRECTOR DOUGLAS GREGORY:** Doug Gregory, council  
8 Executive Director.

9  
10 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**

11  
12 **CHAIRMAN BOSARGE:** Our agenda can be found under Tab A, Number  
13 3. Were there any changes or additions to the agenda as  
14 presented?

15  
16 **MR. GREENE:** I would like to add an item about the for-hire  
17 reporting document and the status of that from NOAA.

18  
19 **CHAIRMAN BOSARGE:** So noted. We will add that under Other  
20 Business. Any other additions to the agenda? Seeing none, the  
21 agenda is approved as amended. The minutes are found under Tab  
22 A, Number 4. That is from our last meeting in January, and were  
23 there any changes or revisions that needed to be made to the  
24 minutes?

25  
26 **LT. ZANOWICZ:** Page 15, line 24, "year" should be changed to  
27 "gear".

28  
29 **CHAIRMAN BOSARGE:** All right. So noted. Any other changes or  
30 revisions? Seeing none, the minutes from our last meeting are  
31 approved with those changes. Next on our agenda is our  
32 Mississippi Law Enforcement Presentation and Sergeant Carron.  
33 We're glad to have you with us this morning, sir.

34  
35 **PRESENTATIONS**  
36 **MISSISSIPPI LAW ENFORCEMENT**

37  
38 **SGT. CARRON:** Good morning, Madam Chair. Council members, good  
39 morning. It's my pleasure to introduce this morning Lieutenant  
40 Colonel Kyle Wilkerson. Kyle was recently appointed to Deputy  
41 Chief of Law Enforcement. He has taken Rusty Pittman's spot  
42 that he vacated with his retirement.

43  
44 **LT. COL. KYLE WILKERSON:** That was a great introduction. All  
45 right, folks. I am a police officer and not a public speaker,  
46 and so you all bear with me. These JEA statistics are for  
47 October to present day, and the contract is still current. It's  
48 active.

1  
2 Enforcement efforts, MDMR officers conducted patrols of state  
3 and federal waters and contributed nearly 1,500 hours of effort.  
4 While engaged in enforcement patrols, MDMR contacted over 500  
5 stakeholders. MDMR observed an overall compliance rate of 96  
6 percent during enforcement activities. MDMR contacted  
7 approximately 500 stakeholders at outreach events.

8  
9 Now the infamous pie chart. 60 percent of man hour time was  
10 underway in a vessel and 32 percent was enforcing dockside  
11 regulations and enforcement. 8 percent was outreach, training,  
12 and education. Vessel hours, 81 percent was mid-range, and that  
13 was time and above. 14 percent was long-range, and 5 percent  
14 was nearshore.

15  
16 We've got a couple of pictures, and we have one that is a  
17 commercial snapper vessel and also a commercial shrimping  
18 vessel. As you can see in the foreground, MDMR officers are  
19 checking TED compliance, making sure the angles are proper and  
20 everything is right with that turtle device there.

21  
22 The snapper boat is being checked for permitting. If you see in  
23 the background, there is a forty-one-foot patrol vessel, and  
24 that is the Admiral Dewey. It is named after our illustrious  
25 Governor, Dewey Phillip Bryant.

26  
27 Endangered Species Act, now, as I said earlier, this is still  
28 active, and so the numbers look a little low, but they're not.  
29 We have shrimp season coming up, and it's fixing to just blow  
30 up. Twenty commercial contacts, and one warning was issued.  
31 The observed compliance rate is at 95 percent.

32  
33 Red snapper, and this is all of our bigger fish, I'm sure, and  
34 this right here -- Once again, the numbers do look low, guys,  
35 but it's October to present day, and recreational snapper season  
36 has been closed, and so this one recreational contact was not a  
37 good day for that guy, I'm going to tell you right now. It was  
38 sixteen commercial contacts, two enforcement actions reported,  
39 and they were submitted to NOAA. It was an observed compliance  
40 rate at 88.2 percent.

41  
42 HMS, Lacey, and other enforcement, we had 177 commercial  
43 contacts and 296 recreational contacts. Seven warnings were  
44 issued, and twelve state citations were issued, and it was an  
45 observed compliance rate at 95.9 percent.

46  
47 I have three notable cases here, and I am not going to bore you  
48 with my reading. You all can read it later, but they're all

1 commercial snapper cases, all heavy penalties, and, if you look  
2 at the very bottom, the last one was \$57,000.

3  
4 Marine patrol continued success, it's going to be continued  
5 funding from NOAA to the joint enforcement agreement, increased  
6 patrols in the Exclusive Economic Zone, the EEZ, for federal  
7 fishery compliance, continued strong partnerships with federal  
8 and state agencies.

9  
10 In closing, each and every one of these marine patrol officers  
11 works tirelessly to protect this natural resource of ours, and  
12 they are proud to be marine patrol officers, and I am proud to  
13 represent them. Any questions?

14  
15 **CHAIRMAN BOSARGE:** That was an excellent presentation, sir, and  
16 I loved the slide with all the pie charts, the infamous pie  
17 charts, where you showed time on the water and everything like  
18 that. It was excellent. Thank you.

19  
20 **LT. COL. WILKERSON:** Thank you, ma'am.

21  
22 **CHAIRMAN BOSARGE:** We do have one comment from Mr. Banks.

23  
24 **MR. BANKS:** Thank you, sir. Just a question mainly about how  
25 you work with our enforcement agents in Louisiana in that little  
26 sort of shared area, I guess, south of your coast and east of  
27 ours. What kind of coordination -- How do you guys coordinate  
28 enforcement in that sort of overlapping area?

29  
30 **LT. COL. WILKERSON:** We have a great relationship with Chad  
31 Hebert, and Chad is a close friend of mine, and we're always  
32 talking on the phone, and we're always coordinating. Formerly,  
33 Lieutenant Colonel Pittman was also a good friend of Chad's, and  
34 we have a lot of interaction with the Louisiana guys. They're  
35 an outstanding bunch of guys.

36  
37 **MR. BANKS:** I'm glad to hear that, and I'm glad to hear you say  
38 that, mainly to make the point that, with these state management  
39 plans, that we can work together, and it can work. Thank you.

40  
41 **LT. COL. WILKERSON:** Thank you, sir.

42  
43 **CHAIRMAN BOSARGE:** Dr. Mickle.

44  
45 **DR. MICKLE:** Thank you for your presentation. It was  
46 informative and clear, but I just had an overall question. When  
47 you all are out on the water, do you all see a lot of boats from  
48 Alabama and Louisiana, or do you see a lot of just Mississippi

1 boats fishing in Mississippi? Do you see any transit through  
2 the waters or anything like that, in past seasons?

3  
4 **LT. COL. WILKERSON:** Of course, you do. You're going to have  
5 them coming in from the Mobile area and everything and coming  
6 from -- We do see transiting, and what is your specific  
7 question?

8  
9 **DR. MICKLE:** Well, it's getting to are they landing in  
10 Mississippi or are they -- Are Alabama and Louisiana people  
11 leaving from Mississippi and fishing and coming back or are they  
12 leaving from Alabama and Louisiana and going back to Alabama and  
13 Louisiana?

14  
15 **LT. COL. WILKERSON:** They are doing that, yes. They are going  
16 back and forth, and we do have the percentage of landing in  
17 Mississippi, also.

18  
19 **DR. MICKLE:** Yes, sir. Thank you.

20  
21 **CHAIRMAN BOSARGE:** Thank you, sir. Wait. We have one more  
22 question from Mr. Dyskow.

23  
24 **MR. DYSKOW:** Thank you for your presentation, Colonel. I have  
25 just one question. That pie chart, again, which I did like, it  
26 showed that the majority of your patrol time is spent offshore,  
27 and I have one question. What is your definition of offshore,  
28 and what kind of vessels are you using to accomplish those  
29 patrols?

30  
31 **LT. COL. WILKERSON:** Actually, we have three definitions. We  
32 have a mid-range patrol, which would be considered probably  
33 inside the nine-mile state line back towards the mainland. The  
34 long-range is outside of the nine-mile line and well into the  
35 EEZ, and, also, we have a nearshore. We have smaller vessels  
36 for the nearshore, and we're looking at probably eighteen to  
37 twenty-three-foot vessels. The mid-range ranges from twenty-  
38 seven to forty-one. We do have a fifty-two-footer that goes out  
39 occasionally, but, the predominance of the time, it's mid-range  
40 and long-range, and we're looking at twenty-seven to forty-one-  
41 foot patrol boats. As you see, the Admiral Dewey is our newest  
42 patrol boat, and we're going to try to get a couple more of  
43 those, and that should replace our aging thirty-three-foot boat.

44  
45 **CHAIRMAN BOSARGE:** Thank you, sir. We appreciate it. Next on  
46 our agenda is the Law Enforcement Technical Committee Summary  
47 Items, Tab A, Number 8, and Mr. Atran.

48

1                   **LAW ENFORCEMENT TECHNICAL COMMITTEE SUMMARY ITEMS**

2  
3 **MR. STEVEN ATRAN:** Thank you, Madam Chairman. Most of the items  
4 that are in the Law Enforcement Technical Committee Report have  
5 already been covered under various agenda items in either Reef  
6 Fish or Coral, but I just have a couple of items, and there is  
7 on item that deals with the spiny lobster amendment, and we're  
8 going to hold off on that until the next council meeting, when  
9 that amendment will be on the agenda for discussion.

10  
11 The two items that I want to talk about, the first one deals  
12 with a review of the list of authorized fisheries and gear, and  
13 I had the staff email out, a little while ago, a couple of  
14 supplemental documents that go along with this.

15  
16 The first one is a table from the original list of authorized  
17 fisheries and gear that was published in 1999, and it lists all  
18 of the fisheries that occur in the EEZ, and that includes ones  
19 that are not managed by the council, and they list them as non-  
20 FMP gears, and then, for each one, there is a list of what gears  
21 are allowed for that particular fishery. I know you can't read  
22 what's on the screen, but, like I said, this was sent out to  
23 you. It's a sub-portion of that Federal Register notice, and  
24 there's one of these tables for each region. This is the one  
25 for the Gulf of Mexico.

26  
27 It is getting a little bit out of date. Some of the things are  
28 no longer applicable, like it lists fish traps as an authorized  
29 gear for reef fish, and that is no longer the case, and some  
30 things may be added. You may remember, last fall, we had a  
31 presentation on a lionfish collection device from Mr. Bruce  
32 McCormack that he wanted added to the list, and, under the  
33 method that is prescribed, if he notifies the council and the  
34 council takes no action within ninety days, it becomes an  
35 authorized gear, and so it's been more than ninety days, and he  
36 is authorized to add that.

37  
38 We brought this to the Law Enforcement Technical Committee to  
39 ask them if they had any thoughts about this list of authorized  
40 gears, if there was anything of concern to them, that they  
41 thought anything needed to be added or removed or better  
42 described, and, for the most part, they were okay. They did  
43 question, and, actually, in my mind, there is a question also of  
44 why it's listing fisheries and gears for fisheries that we don't  
45 manage, but those are in there.

46  
47 Mainly the Law Enforcement Technical Committee asked me to check  
48 and make sure that each gear that is listed is defined somewhere

1 in the Code of Federal Regulations, and so I went through that,  
2 and, if you could put up the other supplemental document, I  
3 listed every gear that's listed as an authorized gear within the  
4 Gulf of Mexico, and I checked two locations, Section 622.2,  
5 which is the Code of Regulations specifically for the Gulf of  
6 Mexico, South Atlantic, and Caribbean, and also Section 600.10,  
7 which, if I remember, is the more generalized list of gear types  
8 for the Magnuson-Stevens Act.

9  
10 As you can see, most of the gears do have not one, but two  
11 definitions. They are defined in both areas, and so I put them  
12 side-by-side. There are a few areas where the definitions don't  
13 match exactly, and so I highlighted them in yellow. Like that  
14 first one, under definition for "buoy gear", what's in Section  
15 600.10 says it's a gear consisting of a float and one or more  
16 lines suspended and hooks on the lines at or near the end.

17  
18 The definition that is in the 622.2 section, the one  
19 specifically for our region, it says that it's a single drop  
20 line suspended from a float from which no more than ten hooks  
21 can be connected between the buoy and the terminal end. There  
22 is a little bit of a difference here. One of them is talking  
23 about the hooks being a terminal gear, and the other one is  
24 talking about it being hooks suspended between the float and the  
25 end of the line.

26  
27 There is a few other spots where there seemed to be some  
28 discrepancies, and so it's not our regulation. These listed  
29 gears are put out by NMFS Headquarters, but they were created  
30 with input from our council and other councils, and since we are  
31 now on a situation that I think Carrie is going to be discussing  
32 when I get off of here on reviewing our regulations, we may want  
33 to make sure that the definitions of our gear types are  
34 consistent in both cases where they occur. The other item that  
35 I wanted to discuss -- Sorry. There's a question.

36  
37 **CHAIRMAN BOSARGE:** Ms. Levy.

38  
39 **MS. LEVY:** Just with respect to the definitions, the definitions  
40 in the 600s are gear definitions that apply throughout the whole  
41 country, right? They are national fisheries definitions of  
42 gears, but they specifically say that, unless otherwise defined  
43 in other parts of the regulations, these are the definitions  
44 that apply, and so the Gulf Council definitions have been  
45 developed specifically for Gulf purposes.

46  
47 There is not a problem that they're inconsistent. If the Gulf  
48 definitions are different, they apply in the Gulf, and so I

1 don't think we want to necessarily change the Gulf definitions  
2 to be consistent with the national definitions unless there is a  
3 reason to do it, and we certainly don't want to change the  
4 national definitions, because they are general and apply in the  
5 absence of a more specific definition.  
6

7 I also just want to point out, with the list of fisheries, they  
8 can certainly be updated, but it's the same circumstance there.  
9 It's a list of fisheries and gear types that apply unless there  
10 is a more specific prohibition or gear regulations in the  
11 specific council sections, and so it may say that this is an  
12 authorized gear in the 600s, but, if the Gulf has a very  
13 specific regulation that's different than that, that's the one  
14 that's applicable.  
15

16 **MR. ATRAN:** Thank you, Mara. The other item that the LETC  
17 discussed that I wanted to bring up was discussion of a possible  
18 Team of the Year Award. As you know, we have an Officer of the  
19 Year Award that has been given out annually for about three  
20 years now, and it's given to an individual who has displayed  
21 outstanding enforcement and leadership, particularly with  
22 respect to stocks that are managed by the council in the EEZ.  
23

24 However, virtually every enforcement agency works with teams of  
25 enforcement officers, and so it's difficult to single out a  
26 single person within that team, particularly if the team  
27 includes undercover officers, and they can't be singled out  
28 without blowing their cover, but a team could be nominated  
29 without having to reveal everyone who is on it.  
30

31 This has come up before. As I recall, when it came up before,  
32 the decision was let's wait and see how the Officer of the Year  
33 Award works out and then maybe think about adding a Team of the  
34 Year. Now, I'm not sure if -- Some of the LETC members, I  
35 think, were thinking about adding a second award, and some were  
36 thinking about converting the individual of the year award to a  
37 team of the year. I guess we could go either way if you were  
38 interested in pursuing that.  
39

40 Colonel Scott Bannon had offered to put together some notes on  
41 modifying the Officer of the Year Award into a Team of the Year  
42 Award and bringing them to the next LETC meeting, but, also, as  
43 I think all of you know, he got promoted to Director of Alabama  
44 Marine Resources, and so he also said that this was going to be  
45 his last meeting at the LETC meeting, and so I'm not sure if  
46 we're going to get those notes from him or not, but this was  
47 something that the committee as a whole felt ought to be  
48 considered, and that is all that I wanted to bring up from the

1 LETC report.

2  
3 **CHAIRMAN BOSARGE:** Thank you, sir. Any questions for Mr. Atran?  
4 Seeing none, thanks. Next on our agenda is our Regulatory  
5 Review, and I think both Dr. Simmons and Ms. Gerhart are going  
6 to lead us through that. Dr. Simmons, are you going to start us  
7 off? Okay.

8

9

#### REGULATORY REVIEW

10

11 **DR. CARRIE SIMMONS:** Good morning. Thank you. We have a short  
12 PowerPoint presentation, and that's Tab A, Number 9(a), and then  
13 we have a Word document with some more information that's Tab A,  
14 Number 9(b).

15

16 Just to give you an overview, Headquarters requested, in May of  
17 2017, through the Council Coordinating Committee meeting, that  
18 we complete this exercise and review our regulations, and they  
19 requested that we identify any old or outdated regulations that  
20 were ineffective and allow the public the opportunity to comment  
21 on this, and they requested that we identify those by July of  
22 2018.

23

24 That is in regard to those Executive Orders there that you can  
25 see in the PowerPoint, and I have the links to those Executive  
26 Orders in the Word document, if anybody wants to go read those  
27 Executive Orders.

28

29 Our process for doing this was we divided the regulations up by  
30 section and topic, typically fishery management plan, and most  
31 of our staff were very versed in the fishery management plans,  
32 and so we had a staff member from the council, and we had a  
33 staff member from the Regional Office, and we both went through  
34 those sections of the regulations independently and then  
35 together filled out a spreadsheet with specific information on  
36 those regulations. We identified regulations for possible  
37 removal, and we identified regulations in need of correction and  
38 cleanup.

39

40 There wasn't a whole lot that we really identified. Some of the  
41 things that Mr. Atran just mentioned earlier was some of that  
42 list of gears in the 600 regulations, the allowable gears, and  
43 the fact that those can be a bit confusing, because, even though  
44 this is a master list of allowable gears, the FMPs are  
45 superseding that list of gears, and we do feel like there still  
46 can be some updates there, and we need to maybe clean up some of  
47 that.

48

1 One of the things we identified was the golden crab trap non-FMP  
2 fishery gear, and that is not allowed because of the Reef Fish  
3 FMP, the traps, and so it was identified for potential removal,  
4 and that may not be able to be accomplished, based on what Ms.  
5 Levy said earlier.

6  
7 The other thing we identified was the historical captain  
8 endorsement, and so the council is already working on that, that  
9 limited access permit for Gulf reef fish and CMP, and so there's  
10 a potential that that would be removed from the books as well if  
11 the council moves forward with that action on historical  
12 captains, and so we're in good shape there.

13  
14 Another one we identified was landing the fish intact, general,  
15 and this one is a little bit more complicated, and the council  
16 may feel there is definitely a need to keep this on the books,  
17 due to species identification at the time of landing, but we did  
18 want to bring it up for discussion, because the South Atlantic  
19 Council, I believe recently, modified some of these requirements  
20 based on the fact that people were coming from the Bahamas and  
21 they had a need to have more fillets onboard, and so they have  
22 modified this section recently, I believe, to accommodate those  
23 folks.

24  
25 Moving on, the commercial trip limits, the Gulf migratory group  
26 gillnet trip limit for king mackerel, it's a very specific  
27 fishery in south Florida, off the Keys, and it's a very limited  
28 time. I think there's a 45,000-pound trip limit right now, and  
29 our understanding is that some people are still exceeding that  
30 trip limit, and there is potentially fines, and so we did  
31 identify it for discussion.

32  
33 For the red drum fishery in the Gulf, the permits,  
34 recordkeeping, reporting, and adjustment of management measures,  
35 that is on the books, but it doesn't mean much right now,  
36 because there is zero harvest in federal waters, and, if the  
37 council did want to develop a fishery in federal waters, through  
38 the fishery management plan process, we would have to update  
39 this and modify all of these regulations anyway, and those are  
40 really old and outdated and not needed right now.

41  
42 The gear restricted areas, specifically the reef fish stressed  
43 area, we felt this was outdated and no longer applicable,  
44 because fish traps are no longer allowed, and so our question to  
45 you is do you have any changes, would you like us to consider  
46 this further, do you need more information, or do you have  
47 deletions or additions?

48

1 We have the flexibility to bring this back in June, at the June  
2 council meeting, if you need to see anything again, or we could  
3 go ahead and send this to Headquarters as is, but we do need to  
4 give them something, just a list of what we've identified, by  
5 July of 2018.

6  
7 It's not how we're going to handle them, but just a list, a  
8 preliminary list, and there is more information in that Word  
9 document, if anybody would like to look at that, and we can go  
10 through that as well, but we just found a lot of cleanup in most  
11 of that, old and outdated ACLs and quotas and things like that,  
12 and so, if anybody has any questions on that, we could also go  
13 through it. Thank you.

14

15 **CHAIRMAN BOSARGE:** I have Ms. Levy and then Ms. Guyas.

16

17 **MS. LEVY:** Just to clarify, I think that you could definitely  
18 submit proposed changes to the list of fisheries. The Act  
19 specifically provides for the council submitting proposed  
20 changes to the list, and so you can certainly do that. My thing  
21 about changes more went to the definitions, the national  
22 definitions, and I don't know that we should be changing those  
23 or asking to change those, and so I just wanted to clarify that.

24

25 **CHAIRMAN BOSARGE:** Ms. Guyas.

26

27 **MS. GUYAS:** The gillnet trip limit for mackerel, I have a little  
28 bit of concern about pulling this out of here for the reason  
29 that people are exceeding the trip limit. I mean, we just  
30 talked about this fairly recently, and that was something that  
31 we considered, and we decided that was not the way to go, and so  
32 I am very hesitant about including that as an item on this list.

33

34 **CHAIRMAN BOSARGE:** Mr. Diaz.

35

36 **MR. DIAZ:** Dr. Simmons, I want to apologize. This is something  
37 that I did not get to in my meeting preparation, but I like this  
38 concept. Throughout my career, I have always thought that, if  
39 we have obsolete things, we should try to get them off the  
40 books, or, if we have things that aren't accurate anymore, we  
41 should try to update them and make them accurate, and so I do  
42 like doing this exercise.

43

44 When you talk about landing fish intact, I am an ex-law  
45 enforcement officer. In the Gulf of Mexico, fish need to be  
46 landed intact, and I can't ID a fillet of Goliath grouper from a  
47 fillet of some other legal type of grouper. I just can't do it,  
48 and so there might be a need for that in the South Atlantic, but

1 I'm not aware of a need in the Gulf, and so I'm definitely not  
2 in favor of changing any regulations that would alter that.

3  
4 On some of the other ones, I agree that we should do something  
5 with them, and, if we could talk about this again in June, I  
6 will make an effort to spend some time with it before the June  
7 meeting and have some better comments for you, and so thank you.

8  
9 **CHAIRMAN BOSARGE:** I've got Ms. Guyas and then Ms. Gerhart.

10  
11 **MS. GUYAS:** Dale reminded me of the other thing that I wanted to  
12 speak about, and that was the landing fish intact, and so, in  
13 the South Atlantic, I would argue that they added more  
14 regulations dealing with that.

15  
16 There are very specific requirements that have to be met if one  
17 is coming back from the Bahamas and they are going to bring back  
18 certain fish as fillets, and so it's not that that requirement  
19 was lifted completely, but it's just that there is some  
20 allowances, I guess, for people transiting back from the Bahamas  
21 that have been fishing there, and they're very specific. Mark  
22 knows. I mean, it took a long time to work through all of those  
23 things.

24  
25 **CHAIRMAN BOSARGE:** Ms. Gerhart.

26  
27 **MS. GERHART:** I was really just going to follow up on that same  
28 thing. In the South Atlantic, it is very specific to only those  
29 fillets being brought back from the Bahamas, and so we really  
30 kind of looked into it further after we did this review, and we  
31 discovered that it wasn't as large of a group covered by that as  
32 we thought.

33  
34 **CHAIRMAN BOSARGE:** Mr. Sanchez.

35  
36 **MR. SANCHEZ:** I was just going to chime in. In the South  
37 Atlantic, on the south side of Florida, there is a lot of people  
38 that go to the Bahamas to fish, and they will do extended trips,  
39 and so the fish result in being filleted and properly bagged and  
40 iced so they can bring them back home.

41  
42 Of course, they have to do Customs reporting coming in and out  
43 of the country, and so it's very easy to document who is coming  
44 back from the Bahamas with fillets onboard versus who isn't, and  
45 that is something that, if that is disrupted, it would put a big  
46 wrinkle in a lot of people's programs, and so I just wanted to  
47 mention that.

48

1 **CHAIRMAN BOSARGE:** Mr. Anson.

2  
3 **MR. ANSON:** Dr. Simmons, what's the process? You have here to  
4 review and approve the list of regulations for removal and  
5 cleanup, and so you said the July was kind of the deadline for  
6 providing the list, but what actions and who would take for  
7 removal and cleanup, and what timeline would that be?

8  
9 **MS. GERHART:** It depends on what the council wants to do. If  
10 it's something like removing the gillnet trip limit, then that  
11 would obviously take council action and a framework amendment to  
12 do that, and so the council would have to go through its regular  
13 process to make those changes.

14  
15 A lot of the cleanup is being done in some of the amendments.  
16 For example, there were a lot of things in the lobster section  
17 that need to be cleaned up, and they will be taken care of  
18 during the rulemaking for the current things that we're doing  
19 with lobster.

20  
21 Other things, like the outdated ACLs that are past the time for  
22 those particular years, we can just -- NMFS can just clean that  
23 up in any kind of rulemaking that we're doing, and so there is  
24 very little that actually requires council action unless you  
25 want to make these bigger changes that we talked about.

26  
27 **CHAIRMAN BOSARGE:** All right. Dr. Simmons, I think we'll follow  
28 up with Dale's comments, and we'll try and bring it back one  
29 more time for the council to look over in June, very briefly,  
30 and then we'll bless it.

31  
32 **DR. SIMMONS:** If there's any additional information that we  
33 could get together for June, let's just work together to make  
34 sure that we have that all combined and together for the council  
35 in June. Thank you.

36  
37 **CHAIRMAN BOSARGE:** Thank you. Sue, did you have anything else  
38 for us under this topic? You're good? Okay. All right. Next  
39 on our agenda is our Highly Migratory Species Presentation on  
40 Shortfin Mako. I believe it's Dr. Cliff Hutt. Thank you for  
41 being with us today, sir.

42  
43 **HIGHLY MIGRATORY SPECIES PRESENTATION ON SHORTFIN MAKO**

44  
45 **DR. CLIFFORD HUTT:** Thank you. It's good to be back in the  
46 great State of Mississippi. I did my PhD at Mississippi State.  
47 All right. Folks, today I am here to talk to you about  
48 Amendment 11 to the HMS Fisheries Management Plan.

1  
2 A recent stock assessment at ICCAT last year determined that the  
3 shortfin mako shark in the North Atlantic are overfished, with  
4 overfishing happening, and so the purpose of this amendment is  
5 to implement measures to address overfishing in the stock and  
6 help rebuild it.

7  
8 Shortfin mako is a valuable component of U.S. commercial and  
9 recreational shark fisheries, and is the primary shark targeted  
10 in the pelagic longline fishery, and it's the primary shark  
11 targeted in much of the recreational fishery.

12  
13 U.S. catches represent approximately 11 percent of global  
14 catches in the North Atlantic, and our catches are roughly  
15 evenly split between the commercial and recreational fishery.  
16 The top nations landing mako are Spain, Portugal, Morocco, the  
17 U.S., and Japan.

18  
19 For background, as I said, the stock assessment determined that  
20 the stock was overfished with overfishing occurring. In recent  
21 years, annual catches run from around 3,600 to 4,800 metric tons  
22 total, of which I said about 11 percent was U.S. landings, and  
23 so around 400 to 500 metric tons a year, and the stock  
24 assessment determined, in order to prevent further declines in  
25 the population, those catches would need to be reduced to below  
26 1,000 metric tons a year, representing a 70 to 80 percent  
27 reduction in total landings. A total allowable catch of zero  
28 metric tons would be necessary to rebuild the stock by 2040.

29  
30 With that in mind, ICCAT put forward a number of  
31 recommendations, with a goal of maximizing live releases of mako  
32 sharks while allowing limited retention under specific  
33 circumstances, namely either when the fish is dead at haulback,  
34 and, in the commercial fishery, this would require the fishermen  
35 to have an observer or electronic monitoring onboard, or to  
36 establish minimum size limits in the range of 180 centimeters  
37 for males, which is about seventy-one inches, or 210  
38 centimeters, or eighty-three inches, for females. These are the  
39 sizes for each gender at which they are determined to be roughly  
40 50 percent probability of maturity.

41  
42 ICCAT intends to review the catches from the first half of 2018  
43 at their next meeting in November, and their Standing Committee  
44 for Research and Statistics will evaluate the effectiveness of  
45 those measures to determine if they need to be modified, and  
46 they will hopefully establish a rebuilding plan to begin in  
47 2019. The U.S., of course, is required to implement measures  
48 recommended by ICCAT as necessary and appropriate under the

1 Atlantic Tunas Conservation Act.

2  
3 I have a number of potential options that we are looking at in  
4 the commercial and recreational fisheries dealing with  
5 monitoring and rebuilding. The commercial options that we are  
6 looking at are mostly designed to maximize live release of  
7 shortfin mako sharks in the commercial fisheries, and,  
8 currently, under an emergency rule, we implemented a requirement  
9 in the pelagic longline fishery that all shortfin mako sharks  
10 that are brought to the boat alive be released with minimal  
11 harm, and they would be allowed to retain mako sharks that are  
12 dead at haulback.

13  
14 Currently, all pelagic longline vessels, HMS pelagic longline  
15 vessels, are required to have electronic monitoring onboard, as  
16 a result of the recent amendment, Amendment 7, dealing with  
17 bluefin tuna interactions in that fishery. We also prohibited  
18 landings of shortfin mako sharks in all non-pelagic longline  
19 commercial fisheries, as these fisheries only represented about  
20 2 to 3 percent of the landings anyway, and they currently do not  
21 have 100 percent observer coverage or electronic monitoring.

22  
23 Other options we are looking at would be designed to try and  
24 give those other non-pelagic longline fisheries some opportunity  
25 to retain mako, such as establishing the eighty-three-inch  
26 minimum size limit in those commercial fisheries, where they  
27 would be able to keep shortfin mako of eighty-three inches or  
28 longer, or allow them to retain shortfin mako that are dead at  
29 haulback if they have an observer onboard. Our observer  
30 coverage in those fisheries is fairly light, generally less than  
31 10 percent. Finally, we could just simply prohibit all  
32 commercial landings in the commercial fishery.

33  
34 Recreational options, we have a variety of options that we're  
35 looking at here, ranging from prohibiting the retention of  
36 shortfin mako sharks in the recreational fishery, essentially  
37 making it a catch-and-release-only fishery. They are known to  
38 be a good sportfish, and a lot of people do like to fish for  
39 them catch-and-release.

40  
41 The next option, the one that was recommended by ICCAT, was  
42 establishing the increased minimum size limits with separate  
43 limits of seventy-one inches for male sharks and eighty-three  
44 inches for female sharks. External anatomy of sharks at  
45 maturity makes it fairly easy to identify the difference between  
46 the two, if you know what you're looking for, because of the  
47 external claspers on the mature males.

48

1 However, we got enough feedback that this might be difficult,  
2 given how active mako sharks often are at boat-side. We opted,  
3 in the emergency rule, simply to establish an eighty-three-inch  
4 minimum size limit for both males and females, and we'll be  
5 debating between keeping that in this amendment or going back to  
6 the ICCAT recommendation.

7  
8 Other options that have been considered are staying with the  
9 eighty-three-inch minimum size limit, but only allowing  
10 retention of mako sharks in registered HMS fishing tournaments,  
11 establishing a tagging or lottery program to land shortfin mako  
12 sharks, requiring the use of circle hooks for all shark fishing  
13 in federal waters, establishing a size limit of greater than  
14 eighty-three inches if we feel that that's not reducing landings  
15 adequately, or establishing a variable in-season minimum size  
16 limit, and this was basically just the idea of starting out at  
17 eighty-three, or that combination of seventy-one and eighty-  
18 three, and if, after the first half of the fishing season,  
19 landings are greater than our targets, we could increase the  
20 minimum size limit for the latter half of the season.

21  
22 Some of the monitoring options we are looking at is currently  
23 there is no mandatory reporting of shortfin mako in the  
24 recreational fishery, other than through MRIP or the large  
25 pelagic survey in the Northeast, and pelagic longline fishermen  
26 are, of course, required to report them in their logbooks, but  
27 we have also considered establishing reporting requirements at a  
28 much faster pace.

29  
30 In the commercial fishery, this might be requiring reporting of  
31 all shortfin mako landings through VMS, which is what we  
32 currently require for bluefin tuna catches, where they are  
33 required to report them basically at haulback. Also,  
34 implementing mandatory reporting for shortfin mako sharks in  
35 registered HMS tournaments. Currently, we select all billfish  
36 tournaments for reporting, and we could extend that to all shark  
37 tournaments as well, or we could implement mandatory twenty-  
38 four-hour reporting of all recreational landings or discards of  
39 shortfin mako sharks via our reporting app, our website, or  
40 things like vessel trip reports. That is currently required for  
41 bluefin tuna, billfish, marlin, and swordfish.

42  
43 The options we are examining for rebuilding are, one, no action,  
44 basically wait for ICCAT to develop a rebuilding plan and take  
45 action at that time, establish our own unilateral domestic  
46 rebuilding plan for shortfin mako sharks, or try to establish  
47 some kind of foundation for developing a rebuilding plan once  
48 ICCAT has taken action, basically to kind of streamline the

1 process, so we don't have to take a full action later.

2  
3 Our comment period for this NOI lasts through May 7, and here  
4 you see all the various ways that people can do so, either  
5 through regulations.gov or by contacting Guy DuBeck at the  
6 Atlantic HMS Management Division.

7  
8 The next steps, following the close of the comment period, our  
9 goal is to have a proposed rule published by the end of July and  
10 to have a final rule in March. That way, we can take into  
11 account the discussions at ICCAT in November. Today is the last  
12 of our public hearings for this in Gloucester and, of course,  
13 here. With that, I will be happy to take your thoughts and  
14 questions.

15  
16 **CHAIRMAN BOSARGE:** Thank you, sir. We appreciate the  
17 presentation. Are there questions or comments? Dr. Stunz.

18  
19 **DR. STUNZ:** Thank you. That was a nice presentation. I have a  
20 question for you. I mean, obviously, these are very highly  
21 migratory species, but it seems at least, and I'm from the  
22 western region of the Gulf, that there is a pretty robust  
23 population there, even though we know they move in and out of  
24 that region. Is there -- I noticed that it seems like a lot of  
25 this is particularly focused on the Atlantic seaboard and  
26 things, but is there any feel for what the Gulf population is  
27 like?

28  
29 **DR. HUTT:** The Gulf, in terms of landings, makes up generally  
30 less than 5 percent of landings a year in the commercial  
31 fishery. In the recreational fishery, we haven't had any  
32 intercepts in MRIP in several years, but, of course, we see  
33 occasional reports of very large ones being caught in the Gulf.  
34 Like the most recent one that I can remember was a landing of a  
35 ten-foot mako in Destin, Florida on the beach, which kind of  
36 surprised the heck out of everybody, but they seem to catch  
37 them.

38  
39 It seems to be what is here in the Gulf tends to be very big,  
40 very mature fish, but there is a lot that we don't know about  
41 the Gulf population, but it is, from what we can tell from the  
42 tagging data, part of that broader North Atlantic population.  
43 It's just them moving in and out of here.

44  
45 **CHAIRMAN BOSARGE:** Mr. Swindell.

46  
47 **MR. SWINDELL:** I was wondering about whether these sharks are  
48 within state waters, and do the states have regulations that we

1 know about to work with the shortfin mako decline, I guess is  
2 what I would call it?

3  
4 **DR. HUTT:** As a general rule, most of the states will match up  
5 with our regulations. Landings in state waters, through I think  
6 the Atlantic seaboard, tend to be fairly rare, although, as I've  
7 said, we've had some landings here in the Gulf from shore, and  
8 so obviously those are state-water landings.

9  
10 Currently, right now, the states have been remaining with the  
11 fifty-four-inch minimum size limit, and they are waiting to see  
12 what we do through this amendment, or at least the Atlantic  
13 States Marine Fisheries Commission has kind of taken that  
14 position. They want to see what we do more permanently through  
15 this amendment rather than taking the effort to implement the  
16 recommendations that were put out in the emergency rule that  
17 came out back in March, but, as I said, from what we've seen in  
18 our data, landings in state waters usually are less than 1 to 2  
19 percent in a given year.

20  
21 **CHAIRMAN BOSARGE:** A follow-up, Mr. Swindell?

22  
23 **MR. SWINDELL:** The range of the shortfin mako, is it real deep  
24 water? I mean, is it out to 200 miles and beyond?

25  
26 **DR. HUTT:** They are a highly-pelagic species, and they move a  
27 lot. We have had thousands upon thousands tagged along the  
28 Atlantic Coast, as part of the apex predator program, and they  
29 have been recaptured as far away as off the coast of Europe and  
30 Africa. The big, mature ones are known to get pretty deep at  
31 times, but, I mean, they tend to be up around the surface and  
32 feeding on fish, but they will travel a very long way, and they  
33 are kind of a circumglobal species, but the South Atlantic stock  
34 is considered a separate stock, but they travel all over the  
35 Atlantic Ocean.

36  
37 **CHAIRMAN BOSARGE:** Dr. Stunz has a follow-up question for you,  
38 and, just in case you all have never met, Dr. Stunz, I sometimes  
39 refer to him as Hollywood, because he is on TV a lot during  
40 Shark Week, and so just FYI.

41  
42 **DR. HUTT:** We have issued many exempted permits to Dr. Stunz for  
43 his shark research.

44  
45 **CHAIRMAN BOSARGE:** Well, good. I'm glad that you know each  
46 other.

47  
48 **DR. STUNZ:** Thank you for doing that, and I appreciate that.

1 Thank you, Leann, even though I don't like being called that. I  
2 do have a question for you, but, to answer Ed's question, just  
3 so folks know, one of our mako has traveled, in the last two  
4 years, almost 50,000 miles, and it may have cleared that mark by  
5 today, and I don't know, but it's pretty incredible with our  
6 satellite tags. They live in the Gulf this time of year and  
7 live in the Caribbean in the summer, and they go back and forth  
8 in really directed movements, and so they definitely move, but  
9 that wasn't the question that I have.

10  
11 Yes, we do -- In fact, we have tagged these sharks from the  
12 beach, but that is very rare, and most of them are well out in  
13 federal waters when they occur, but my question is related to,  
14 and I know this isn't always in our purview, but I want to make  
15 comment.

16  
17 These sharks, and I don't know what you're seeing in other  
18 places, are pretty heavily loaded with contaminants, and I don't  
19 mean a little bit. I mean like six to 100 times the safe level  
20 of mercury and a lot of other crazy chemicals and things, and so  
21 I don't know what that means in terms of commercial harvest and  
22 things, but they are definitely not a fish that would be high on  
23 someone's list for consuming.

24  
25 **DR. HUTT:** It is unfortunate, because they are one of the few  
26 shark species that actually taste-wise is good to eat, but yes.

27  
28 **CHAIRMAN BOSARGE:** Dr. Frazer.

29  
30 **DR. FRAZER:** Thank you. I enjoyed the presentation. You made a  
31 couple of references to electronic monitoring, and can you tell  
32 me what that means?

33  
34 **DR. HUTT:** Currently, in our pelagic longline fishery, all  
35 vessels are required to have video monitoring onboard. They are  
36 enclosed cameras that they can't be tampered with, and they  
37 basically are only on when they are putting out gear or hauling  
38 it back in, when the spool is engaged, and so it's not recording  
39 all the time on the boat, but it's recording when they are  
40 bringing in fish.

41  
42 We implemented that with an amendment a few years back to deal  
43 with bluefin tuna interactions in the fishery, when we  
44 established our individual bluefin quota, and, currently, we  
45 randomly audit 10 percent of the video that gets sent back.  
46 After every trip, they have to send back their hard drives for  
47 download. We are considering potentially increasing that for  
48 the shortfin mako monitoring, and that's another thing that

1 we'll be considering in this, as far as the monitoring, but yes.

2  
3 **CHAIRMAN BOSARGE:** Dr. Stunz.

4  
5 **DR. STUNZ:** One last brief comment, since we're a little bit  
6 ahead of time. One of your options was catch-and-release and  
7 that kind of thing, and so I just wanted to comment that, at  
8 least based on our satellite tagging, they do very well with  
9 catch-and-release. In fact, we have trouble not catching them  
10 again after we tag them, and so they're pretty aggressive, and  
11 they seem to do just fine through that process.

12  
13 **DR. HUTT:** We've had some mixed feedback on that. Some sport  
14 fishermen are definitely fine with catch-and-release, although  
15 we did have one tournament in the Northeast that, after the  
16 establishment of the higher minimum size limit, decided to  
17 cancel for the year, because they didn't feel they would get  
18 enough participation with the people not being allowed to keep  
19 them or only really probably having a few actually landed in the  
20 tournament, which is unfortunate.

21  
22 **CHAIRMAN BOSARGE:** Thank you, sir. That was a very interesting  
23 presentation, and keep us posted. Next on our agenda is a  
24 break. Would you all like to take a quick, fifteen-minute  
25 break, and then we will get back to business? All right.

26  
27 (Whereupon, a brief recess was taken.)

28  
29 **CHAIRMAN BOSARGE:** Next on our agenda for the morning is our  
30 Review of Exempted Fishing Permit Applications, and I do think  
31 we have a couple, and we'll also have our review of the public  
32 comments on those EFP applications, and so I will turn it over  
33 to the NMFS side of the house.

34  
35 **REVIEW OF EXEMPTED FISHING PERMIT APPLICATIONS**

36  
37 **MS. GERHART:** Thank you, Madam Chair. We have two EFP  
38 applications to go over. The first will be a group of fishermen  
39 that are looking to do exploratory fishing for golden crab in  
40 the Gulf of Mexico, and the second is an update from the group  
41 looking to do the aquaculture pilot program that you heard from  
42 at the last meeting.

43  
44 I am going to start with the golden crab, and I will just  
45 introduce the information to you. The applicants are in the  
46 audience and available to answer questions. We don't have a  
47 presentation. The application itself is in your briefing book,  
48 and the Tab S is all the applications for the EFPs and the

1 supporting information.

2  
3 The applicants are golden crab fishermen from the east coast of  
4 Florida, and they fish under the Golden Crab FMP through the  
5 South Atlantic Council, and they would like to test fishing in  
6 the Gulf, to see if it's a viable option, as well as testing out  
7 some different trap types, four different types of traps, that  
8 they would like to test for fishing in the Gulf.

9  
10 They will be targeting golden crab, but they also want to keep  
11 and sell any red crab or giant isopods that they collect, and  
12 those are commonly caught in the golden crab pots. The EFP  
13 would be for two years, and they have two vessels that will be  
14 fishing. They will have a maximum of forty traps per trip that  
15 will be in trawl lines, and it will be a maximum of sixty trips  
16 over the two-year period.

17  
18 The location that they are going to be is off of southwest  
19 Florida, and they will be fishing between 1,500 and 2,200 feet,  
20 and that is obviously pretty far out and fairly deep. They are  
21 outside of any of the current protected areas and outside of  
22 where most of the shrimping and fishing occur, and we have some  
23 maps that we'll show you that Dr. Kilgour put together to match  
24 their area with the shrimp ELB plots as well as the VMS plots  
25 that we have for reef fish.

26  
27 Just to give you a little bit of background about golden crab in  
28 the Gulf, there was a fishery in the Gulf in the 1980s, the  
29 early 1980s mostly, and, around 1995, the Gulf Council actually  
30 put together a Deepwater Crab Committee to consider putting  
31 together a fishery management plan.

32  
33 The committee met, and they had concerns that they didn't have  
34 enough biological information, and, because these are a slow-  
35 growing species, they were concerned about the potential for  
36 overexploitation, and so, basically, they weren't really ready  
37 to go forward with a fishery management plan, and they tabled  
38 the action.

39  
40 A short while later, they asked council staff to put together  
41 some landings reports, and they found that, really, the effort  
42 by that time had been greatly reduced in the Gulf. It was a lot  
43 to do with the lack of profitability of it, and there wasn't  
44 much of a market. There were quality control issues, because  
45 they didn't have good refrigeration systems and things like that  
46 to bring these back from far offshore, where they came from.  
47 The decision by the council was there was not a need to manage  
48 this fishery.

1  
2 Two years later, in 1998, there was another motion to begin a  
3 fishery management plan by the council, but they ultimately  
4 decided to just get some more biological information before  
5 going forward, and so, two more years down the road, again  
6 another motion to create an FMP for golden crab came, and this  
7 did pass, and it was actually for deepwater crabs, and so it  
8 would include red crab as well.

9  
10 Again, they formed an advisory panel, and that advisory panel  
11 found that it really wasn't needed to be managed federally.  
12 There were actually only two vessels that were fishing for  
13 golden crab at the time, and so it didn't seem to make sense to  
14 do a whole fishery management plan at that time, and so that's  
15 what has happened in the Gulf.

16  
17 Now, in the South Atlantic, they put together an FMP in 1995,  
18 and they have a lot of restrictions within that FMP on the  
19 fishing. It's a limited-entry permit, and they also have  
20 various zones that fishermen can only fish in certain zones, and  
21 their ACL is about two-million pounds for the South Atlantic,  
22 and so those are the basics of the whole situation.

23  
24 What the EFP would be for is an exemption from the trap  
25 prohibition. Again, in the Gulf, and you've seen this when  
26 we've talked about lionfish, but there is a prohibition on any  
27 fish traps. The only exceptions are for historical crustacean  
28 fisheries. At the time that prohibition was put into place,  
29 there wasn't a historical golden crab fishery, and so the  
30 exemptions were only for stone crab, blue crab, and spiny  
31 lobster traps.

32  
33 Through our regulations, they cannot use the traps for golden  
34 crab, the pots that they use for golden crab, without an  
35 exemption in the Gulf of Mexico, and so I would like you to ask  
36 any questions, and the gentlemen, Brad Whipple and Howard Rau,  
37 are in the audience here, and I am sure they would be glad to  
38 answer questions.

39  
40 **CHAIRMAN BOSARGE:** Mr. Sanchez.

41  
42 **MR. SANCHEZ:** This is more of a comment. Early on, in the South  
43 Atlantic, I was involved with, I guess, when they were creating  
44 the golden crab fishery, and we had lots of roundtable  
45 discussions, and I met the late Mr. Whipple, father to the two  
46 that are here in the audience, and my understanding is they got  
47 involved in this fishery in south Florida, at the ground floor,  
48 and they have stayed in it, and, by all accounts, everything I

1 have ever heard about them is that they have conducted  
2 themselves professionally and with integrity.

3  
4 I, for one, if we have an underutilized resource in the Gulf of  
5 Mexico, in very deep water, and we could work closely with the  
6 shrimping industry and everything, to make sure we don't have  
7 any conflicts, let them have their experiment and see if it's  
8 feasible there, and we could maybe develop a market for these.

9  
10 My understanding is also that, with the interest and insatiable  
11 appetite for seafood in China, there is now a market there for  
12 these crabs that probably wasn't as attractive when it was  
13 starting, and these guys weathered the storm to get to that, and  
14 let them explore it, and we also have the benefit of, I would  
15 assume from then to now, a little more biological insight into  
16 the resiliency of this fishery and how much fishing pressure a  
17 long-lived, slow-growing species could endure.

18  
19 **CHAIRMAN BOSARGE:** Ms. Gerhart.

20  
21 **MS. GERHART:** Just to follow up, that's exactly right. It is  
22 more profitable, because there is more of a market, as well as  
23 the fact that we have cooling chests and refrigerator systems  
24 that they can use, and so the quality of the product, when they  
25 get it back, is now able to be better than it was.

26  
27 **CHAIRMAN BOSARGE:** Dr. Crabtree.

28  
29 **DR. CRABTREE:** We have a long history of working with Mr.  
30 Whipple and Mr. Rau in the South Atlantic Council, and I have  
31 known both of them for quite a while, and, generally, I think  
32 the interactions between the fishery and the council have always  
33 been positive.

34  
35 **CHAIRMAN BOSARGE:** Mr. Anson.

36  
37 **MR. ANSON:** Sue, I'm wondering if you can describe -- You  
38 mentioned that there was a fairly robust fishery that started in  
39 the 1980s, relatively speaking, and then you described that the  
40 landings decreased, and then there was two fishermen that were  
41 still fishing in the Gulf in the late 1990s, it sounded like,  
42 but, because of the trap prohibition, they were excluded, and  
43 you mentioned that there was no historical fishery, and so I'm a  
44 little -- I need a little bit more information as to when the  
45 council implemented those trap regulations, and it sounded like  
46 there was a fairly continuous fishery there up until the late  
47 1990s, at least.

48

1 **MS. GERHART:** I believe the trap prohibition started in 1997,  
2 and it was a phased-in sort of thing. I think, for ten years,  
3 it was actually phased in, and so, obviously, at that point,  
4 yes, the traps weren't allowed, and so, before that, the decline  
5 had occurred, before that, because of these other issues and not  
6 the trap prohibition.

7  
8 When we reviewed the amendment that put in the trap prohibition,  
9 there really wasn't any discussion at all about golden crab, and  
10 so it wasn't that they said that we don't want to include golden  
11 crab, but I think it just wasn't on the radar, actually, at the  
12 time, because there really wasn't a fishery at the time.

13  
14 **CHAIRMAN BOSARGE:** Dr. Mickle.

15  
16 **DR. MICKLE:** I had a question, a biological question, about the  
17 species, and this may be the place to ask about it, but I've  
18 been reading up on it a little bit, prior to the meeting, and  
19 their spawning season, or their reproductive season, is somewhat  
20 short.

21  
22 It's a fall, or at least that's when it's been documented, and I  
23 know this EFP will provide some information, and I think we  
24 should all kind of take it for what it's worth of, when there is  
25 only females or only males being collected in certain times of  
26 the year, we should account for that in certain situations and  
27 use this data, and so this is a great opportunity to look at  
28 these certain things.

29  
30 It is kind of interesting that such a deepwater species has such  
31 a relatively short reproductive season, which raises a tiny  
32 flag, but, again, this EFP will provide a lot of information  
33 toward that, and so I'm obviously in favor of it. Thank you.

34  
35 **CHAIRMAN BOSARGE:** Ms. Gerhart, to that point?

36  
37 **MS. GERHART:** Not to that point, but the previous point. I just  
38 wanted to point out that, if you are interested more about what  
39 that fishery was like in the Gulf, Mr. Whipple's father, that  
40 Mr. Sanchez mentioned, was one of the Gulf fishermen at the  
41 time, and so I'm sure he has a lot of background, if you would  
42 like to have him come and talk to you about that.

43  
44 **CHAIRMAN BOSARGE:** I have a couple of people on the list here,  
45 but, Ms. Gerhart, are we going to be collecting some of that  
46 information within this EFP? Like we're going to ask them to  
47 please document when we see that activity going on?

1 **MS. GERHART:** We certainly can. They intend to give us not just  
2 landings information, but bycatch information and other things  
3 like that as well, and so we can put that in their terms and  
4 conditions, certainly.

5  
6 **CHAIRMAN BOSARGE:** I just think it would helpful in the future,  
7 if we do -- If it is a viable fishery and we end up creating a  
8 fishery management plan for it, that would probably be very  
9 helpful information to have. Next, I have Ms. Guyas and then  
10 Mr. Boyd and then Mr. Swindell.

11  
12 **MS. GUYAS:** I had two questions, and I think these are Sue  
13 questions. We're not meeting the quota in the South Atlantic,  
14 right? That's one, and then do we have any ROV habitat mapping  
15 data for this area in question? I know there's been a fairly, I  
16 guess, widespread effort to get that done.

17  
18 **MS. GERHART:** I think we have the maps, if we could put those  
19 up. They were the two different maps, and these aren't -- I  
20 don't think we have a lot of data about the bottom in that area.  
21 Dr. Kilgour could speak to that probably a little bit more,  
22 because she put together these maps, but these are showing --  
23 This one is showing the VMS, and it's a little difficult to see,  
24 but the contour lines there -- One is 1,500, and one is 2,500,  
25 and so the outer one is 2,500, and the inner one is 1,500, and  
26 so this right here is the ELB tracks, and this one here is the  
27 VMS tracks.

28  
29 This is the shrimp, and you can see, along the 1,500 contour,  
30 that we do have a lot of hits, and those would be the royal red  
31 shrimpers, I would assume. This is south Florida though, which  
32 isn't the height of the royal red shrimping area, but, beyond  
33 that 1,500 contour, you don't see a whole lot beyond that, and  
34 then if we go to the next one, which is the VMS, again you see  
35 the outer one is 2,500, and the next one is 1,500, and you can  
36 see that most of it is inside the 1,500 there, and so there's  
37 not a whole lot of overlap.

38  
39 As far as any deepwater corals and things like that, which might  
40 be where you're getting to, this area is outside of any  
41 currently protected areas, and you can see some of the proposed  
42 areas that we have in Coral Amendment 9, and it's outside of any  
43 of those. We believe also that they're going to be outside of  
44 any of the ones that are not in Coral Amendment 9, but are being  
45 proposed for Coral Amendment 10, potentially. As far as we  
46 know, they will be there, but I think the applicants are willing  
47 to adjust their area if there is any areas of concern.

48

1 **CHAIRMAN BOSARGE:** Next I have Mr. Boyd.  
2  
3 **MR. BOYD:** I think Ms. Gerhart answered my question. I was just  
4 concerned that we just received a report on deepwater corals and  
5 trying to protect those, and, with this being bottom gear, I  
6 just wanted to be sure that we weren't allowing them to go into  
7 where we have deepwater corals that have no protection.  
8  
9 **CHAIRMAN BOSARGE:** Go ahead.  
10  
11 **MR. BROWN:** Susan, I don't know if this is to ask you or Brad,  
12 but would there be any chance of any interaction with the royal  
13 red shrimpers? Would you have any problem with gear conflict in  
14 that area?  
15  
16 **CHAIRMAN BOSARGE:** Well, and I can kind of speak to that. When  
17 I saw the EFP, I asked Morgan to pull up the tracks and see if  
18 we were going to have any gear conflicts out there. She did,  
19 and we saw, in that last slide, I think, with the purple and  
20 white boxes in it, you can see where there is some royal red  
21 shrimping out there in that area, and so it's my understanding -  
22 - That is ELB data, and I'm pretty sure that we only have an ELB  
23 on one of the royal red boats right now that's actively  
24 shrimping right now.  
25  
26 We actually reached out, and so what we did -- Rather than try  
27 and rely purely on the ELB data, and the ELB data pointed us in  
28 the right direction. We knew there was some royal red shrimping  
29 out there, right?  
30  
31 Since that's not a census, the ELB is not a census of the fleet,  
32 we reached out to the fleet, or one of the fleet, and he said,  
33 well, you know, if you get outside of 1,800 feet, you will be  
34 fine and you won't be getting in my gear, and so I probably was  
35 going to make that recommendation here a little bit later that  
36 we might have to ask them to shift that gear just a little bit  
37 further into deeper water, so that we don't have any gear  
38 conflicts right there, but we did only reach out to one of those  
39 guys. Do you have a follow-up, Mark?  
40  
41 **MR. BROWN:** I don't think we have any problem with it in the  
42 South Atlantic. It's been, like John said, a pretty clean  
43 fishery, and everything has been really -- We have never had any  
44 problems. The only reason that came up in my mind is I used to  
45 longline swordfish, and the royal red shrimpers were the ones  
46 that got me. I would put them out, and, the next thing you  
47 know, I was cut all to pieces, but this fishery here, the way  
48 that they grapple everything off the bottom, it's pretty clean,

1 and there's not a lot of bycatch or anything.  
2  
3 **DR. RICK HART:** I was just going to comment that we actually  
4 have five ELB boats that have royal red landings on or after  
5 2014, and so there's a little more coverage than just one.  
6  
7 **CHAIRMAN BOSARGE:** Yes, and I think the quota for that fleet  
8 though is like -- I don't know. It's like two-hundred-and-  
9 something-thousand or three-hundred-and-something-thousand  
10 pounds and so it's a pretty small fleet. We reached out to one.  
11  
12 **DR. HART:** Yes, it is a very small fleet.  
13  
14 **CHAIRMAN BOSARGE:** Yes, and so we reached out to one of them,  
15 and we hope to maybe reach out to one more and just kind of  
16 double-check our number of that 1,800 feet, because I think that  
17 Mr. Whipple had kind of indicated that -- He actually called  
18 before he ever submitted this EFP, and he said, you know, I got  
19 your number from somebody, and I was wondering -- I wanted to go  
20 do this, but I want to make sure that I'm within all the  
21 regulations, and I really don't know where to start.  
22  
23 I said, well, I really don't know where to start either, and let  
24 me make some phone calls, and so I got him in contact with the  
25 Regional Office, and this is how it played out, rather than us  
26 trying to develop an FMP for it when we're not sure if there's  
27 really a viable fishery at this point in time.  
28  
29 He is going to go out there and collect us some data and see if  
30 there's a fishery. If there is, we'll get that information  
31 back, and then hopefully we'll have some sort of information to  
32 go on to try and develop an FMP, if that's the case, if that's  
33 the way we need to go with this, but he's been very cooperative.  
34 You know, he did reach out when we let him know about the royal  
35 red fishing, and he said, you know, just tell me what we need to  
36 do, and I was actually kind of surprised by his background.  
37  
38 I mean, not only has he fished in the South Atlantic, but he  
39 actually holds permits in Alaska and goes and fishes in Alaska  
40 every year, and so that's pretty diverse. That's essentially  
41 one end of the country to the other, and it's definitely  
42 different temperature zones. I wouldn't want to be there in  
43 Alaska fishing on the water, I don't think. That's a little  
44 much for me. I would like to watch it, but not do it every day.  
45  
46 So, anyway, I think I've had good interactions with them, and I  
47 think he'll be a good steward down there, and I think we  
48 probably need to touch base with one more royal red fishermen,

1 just to verify that 1,800 depth contour, and I think that he  
2 will probably be amenable to that and amend his plan to meet  
3 that. Morgan, did you have any other feedback on that? Did I  
4 miss anything, because you were really the one that reached out  
5 to them for me.

6  
7 **DR. MORGAN KILGOUR:** No, I think you covered what I gathered  
8 from Mr. Nelson, and so I will have more information in the  
9 summary of public comments, when you get to that point.

10  
11 **CHAIRMAN BOSARGE:** Mr. Swindell and then Mr. Anson.

12  
13 **MR. SWINDELL:** I guess my question was mostly about traps.  
14 Here, we're allowing traps in that deep water and just what is  
15 the potential for the traps to be lost and be unable to be  
16 recovered? I am not familiar with deepwater traps of that  
17 nature, and so how do you possibly find this trap again, and how  
18 do you make darned certain that you're not going to leave it  
19 down there in the water to bother other fisheries or other  
20 resources that you don't want to be catching? Thank you.

21  
22 **CHAIRMAN BOSARGE:** Sue.

23  
24 **MS. GERHART:** I would like to have Mr. Whipple or Mr. Rau come  
25 up here and answer that for you, because they are the ones who  
26 know that, if that's possible, if that would be okay.

27  
28 **CHAIRMAN BOSARGE:** Sure. Mr. Swindell, you might have to repeat  
29 your question for him. Do you need us to repeat Mr. Swindell's  
30 question?

31  
32 **MR. BRADFORD WHIPPLE:** No, I understand the concern, and it's a  
33 warranted concern, and obviously fishing in that depth is a  
34 challenge. There is a risk of losing gear, and we have managed  
35 to hone our techniques over the years, so that we -- We run out  
36 our bottom before we set with the mapping and the sounder, and  
37 we make our sets as safe as we can.

38  
39 We leave ourselves plenty of room to grapple the gear, and,  
40 occasionally, we are going to lose a trap or two, but I would  
41 say we might lose like 5 percent a year, on average, I would  
42 say, but, in the bigger picture, this is actually a major  
43 concern of ours, and this is why we're trying to push forward  
44 with the EFP process.

45  
46 All the council members are aware, I'm sure, that there has been  
47 spotted effort over the years in this fishery in the Gulf, in  
48 2012 and then in the earlier 2000s, and there have been other

1 efforts to do this, and those have resulted in significant gear  
2 loss and gear being left and abandoned and the participants just  
3 going about their business.

4  
5 The way the market is trending, all the feedback we're getting  
6 from our market is that the demand and the price is only going  
7 to go up here in the future, and, in an effort to try to get out  
8 in front of another potential gold rush, we're trying to walk  
9 this thing forward through the appropriate process.

10  
11 Ms. Guyas had mentioned that we aren't achieving the ACL in the  
12 South Atlantic, and one major reason for that is the abandoned  
13 gear, the ghost gear, that still exists in the southern zone off  
14 the Keys. I have a southern zone permit, and I haven't been  
15 able to fish it effectively. I went down there a couple of  
16 years ago with a big boat, and, three out of four grapples, I  
17 was dragging up ghost gear, big, heavy, Alaska-style gear, that  
18 had littered the bottom.

19  
20 It cost a small fortune, and I ran out of time and ran out of  
21 money, and I had to abandon that effort. Now we've finally  
22 gotten our feet back under us here, and we're ready to go back  
23 to the southern zone now again and get some production out of  
24 that zone, and our plan was to -- Since we're going that far, we  
25 might as well keep coming and try to put a bow on this thing, I  
26 guess, is really what we're trying to do here, and so that's a  
27 long-winded address of your concern.

28  
29 **MR. SWINDELL:** Well, that's good. I still don't know size of  
30 the traps relative to -- I mean, we see pictures on TV of  
31 humungous stuff in Alaska and that kind of thing, and I just am  
32 curious. You know, we don't want any more debris to necessarily  
33 -- We've got enough in the Gulf of Mexico, with oil drilling and  
34 ships sinking and so forth, that we don't need to keep adding to  
35 it any more than necessary, and so I just really was concerned  
36 more about are you able to do a very good job of recovering the  
37 equipment that you use, and that's my concern. I want to make  
38 darned certain that you feel comfortable, and we can feel  
39 comfortable that you can indeed get back your gear.

40  
41 **DR. CRABTREE:** The dimensions of the trap are in the EFP  
42 application that's in your briefing book.

43  
44 **CHAIRMAN BOSARGE:** Ms. Gerhart.

45  
46 **MS. GERHART:** I didn't mention this, and please verify that this  
47 is true, but there aren't buoy lines on these trap lines. They  
48 are GPS, and they are retrieved by grappling rather than -- So,

1 if there were any concerns from an endangered species standpoint  
2 with entanglements.

3

4 **CHAIRMAN BOSARGE:** Mr. Anson, I think I had you next.

5

6 **MR. ANSON:** Mr. Whipple, thank you for the information, but one  
7 other thing, Mr. Swindell. It mentions, in the application  
8 here, in the additional information associated with the  
9 application, that they do have a biodegradable clasp on the  
10 doors, and so that will function, essentially, to prevent  
11 capture if they are lost, correct?

12

13 **MR. WHIPPLE:** Yes, that's correct. In the South Atlantic, and I  
14 think it's a good idea anyway, but there is a requirement to  
15 have -- It's not only the escape vent, but, also, a portion of  
16 the trap has to be rigged with a biodegradable wire tire or  
17 twine or whatever it is that you have there.

18

19 I think, just to continue to address Mr. Swindell's concern,  
20 we're bringing over a maximum of a hundred tarps, and, in terms  
21 of the type of traps, the crabs are going to tell us really what  
22 traps we want to use. That, we'll kind of figure out as we go  
23 along, but the plan is to bring a hundred traps over and bring a  
24 hundred traps back, and, with the success that we've been  
25 operating with on the Atlantic side, I think that's -- We stand  
26 a good chance to be close to that.

27

28 **CHAIRMAN BOSARGE:** Mr. Sanchez.

29

30 **MR. SANCHEZ:** What is about the current price that you have  
31 invested in each one of those traps? What does each trap cost  
32 you?

33

34 **MR. WHIPPLE:** To rig a fifty-trap trawl of crab gear is going to  
35 cost you \$12,000, or maybe \$15,000, and so it's \$200 plus  
36 between the trap, the funnel, the twine, the hog rings, and the  
37 rope. It's north of \$200, or maybe \$250, a trap.

38

39 **MR. SANCHEZ:** All right, and so it's safe to say that you don't  
40 want to lose gear.

41

42 **MR. WHIPPLE:** No.

43

44 **CHAIRMAN BOSARGE:** Mark, I had you next.

45

46 **MR. BROWN:** Brad, when you were talking about that you had to  
47 abandon the effort to retrieve those traps in the southern zone  
48 and that they were Alaskan traps, were they yours, or were they

1 somebody else's?

2  
3 **MR. WHIPPLE:** I have to admit that I did pick up one trawl of my  
4 dad's, but the majority of it was from vessels that are no  
5 longer there, or not only are no longer there, but weren't from  
6 Florida or the South Atlantic in the first place, and so that's  
7 a very frustrating scenario, obviously.

8  
9 **MR. BROWN:** To follow up, do you think there is still a lot of  
10 it there in that area?

11  
12 **MR. WHIPPLE:** I hope not, but it's conceivable, yes. The extent  
13 of the collateral damage from these two gold rushes that we've  
14 had in the past is really, really dramatic, and it's cost me and  
15 my partner a lot of money and a lot of opportunity. Again,  
16 that's really the overarching reason that we're here and engaged  
17 in the process.

18  
19 **CHAIRMAN BOSARGE:** Next, I had Dr. Frazer.

20  
21 **DR. FRAZER:** Thank you, Madam Chair. I have a bunch of  
22 questions for a lot of different people, but one of the first  
23 jobs that I ever had was exploratory fishing for golden crabs,  
24 and so I think I understand how the operation works, and I think  
25 it can be done fairly efficiently and effectively, particularly  
26 with some of the technology that's been developed in the more  
27 recent years, and so that doesn't really concern me that much.

28  
29 Again, if you can place the gear on a relatively featureless  
30 bottom, where you're not interacting with the hard substrate, I  
31 am good with that too. If you would like to get some indication  
32 that, before you set the gear perhaps, that you have identified  
33 the bottom type or characterized it, and perhaps that  
34 information might be available.

35  
36 A couple of other things, and this probably goes to Ms. Gerhart.  
37 In 1998, when there was some questions about the sustainability  
38 of the fishery, and there was a need or a request for more  
39 biological information, I wasn't clear if they ever got that  
40 information or brought anything back, which will go to Dr.  
41 Mickle's point in a minute.

42  
43 **MS. GERHART:** I looked through the minutes from all those years  
44 of the council meetings, and I didn't see where there was  
45 actually a presentation to the council or anything like that,  
46 although I do know that there's been some research in the  
47 meantime, non-council related, but through universities and  
48 such.

1  
2 **DR. FRAZER:** As a follow-up to Dr. Mickle's question, I think  
3 there is a good opportunity to collect some biological data, and  
4 so, the way that I understand the design a little bit, it's that  
5 you're really going to test the effectiveness of a trap design,  
6 right, and that's the primary objective, but I would like to  
7 figure out, or perhaps you can work with somebody in that area  
8 to design the study in a way that you're collecting the  
9 biological information that tells you not just about the  
10 immediate viability of the fishery, but if it's a sustainable  
11 fishery or not, and so those would be the major comments that I  
12 have.

13  
14 **CHAIRMAN BOSARGE:** Mr. Boyd.

15  
16 **MR. BOYD:** One last question. Your business is selling  
17 overseas, primarily, and do you all -- Is your product frozen or  
18 live when you get it to your market? I'm just curious.

19  
20 **MR. WHIPPLE:** It's live. It's live all the way to China. We  
21 have built a holding facility in Fort Lauderdale, and so we  
22 offload and take everything straight over to the warehouse, and  
23 it will set and season for a couple of days while we book a  
24 flight to China.

25  
26 **CHAIRMAN BOSARGE:** Mr. Anson.

27  
28 **MR. ANSON:** This goes back to the comment that Ms. Gerhart had  
29 about the interactions due to the gear, and there is -- You  
30 mentioned that there is no buoy lines to the surface, but there  
31 is a pot line, and so can you describe that? I don't see that  
32 in the additional information, as to the description of the  
33 length of the line. Is there a float that's kind of like  
34 sitting at mid-column and that you're -- I mean, what is the pot  
35 line?

36  
37 **MR. WHIPPLE:** I am not sure. I have never used that term. I  
38 guess it means the ground line, I guess is what it means, from  
39 just tying the traps together from one trap to the next. A lot  
40 of the specifics, working with the Southeast Regional Office in  
41 putting this together, we've been asked to be -- To this point,  
42 we've been asked to be incredibly specific, in terms of the  
43 gear, how much traps, the style of traps, the length between the  
44 traps, the length of a trawl, the soak time, all those  
45 particulars, and it's been a challenge, because the reality is  
46 that the crab are really going to tell us what to do. If we can  
47 put our traps closer together, we're going to want to do that.  
48 If a particular style of trap isn't working, obviously we don't

1 want to use it.

2  
3 I am hoping that -- Is the optimum soak time going to be twenty-  
4 four hours or twenty-four days? I mean, we don't have the  
5 answers to all those questions, and that's kind of the purpose  
6 of the EFP, right, and so I'm hoping that, in the process of  
7 hopefully getting this EFP approved, we can develop some  
8 language that will give us some latitude to conduct this as a  
9 commercial operation and not a scientific operation.

10  
11 **CHAIRMAN BOSARGE:** Next, I have Mr. Dyskow.

12  
13 **MR. DYSKOW:** Thank you, Madam Chairman, and thank you for  
14 sitting through this multiday meeting just to have these few  
15 minutes of fame. I have a basic question. What are the  
16 characteristics of the golden crab that are driving the  
17 popularity in China? Why do they want to buy these?

18  
19 **MR. WHIPPLE:** That's an awesome question. I wish I knew the  
20 answer to that. I would try to find something else equally as -  
21 - That they would like just as well. I don't know, and it might  
22 be because it's gold, and it stays gold when you cook it, which  
23 initially for us, when the fishery was developing, it was  
24 considered problematic, and now it has proven -- I guess gold is  
25 their royal color, and so the golden crab over there is kind of  
26 a high-end -- I don't know if it's a delicacy, but it's a pretty  
27 high-end product.

28  
29 The crystal crab that they are catching in Australia, which is  
30 very similar to our golden crab, but the color is a little bit  
31 lighter, they're getting a lot more money than we are for their  
32 crab too, for whatever reason, and anything strange and weird  
33 and delicious -- If it comes from -- What I'm told is that if it  
34 comes from the U.S. waters live, the Chinese are confident that  
35 it's clean and healthy. That is a huge -- I think that's a big  
36 deal. I think that's a big deal for us.

37  
38 **CHAIRMAN BOSARGE:** That's a big deal for us, too. That makes us  
39 feel good, like maybe we did something right somewhere along the  
40 line. Thank you. Next on the list, I think I had Mr. Greene.

41  
42 **MR. GREENE:** Thank you. When you go to retrieve your traps, you  
43 pull up your GPS coordinates, and you drop down a hook, and you  
44 snag the gear. Is that correct? At any point during the set,  
45 as long as you grab it somewhere, you can handle bringing it  
46 over the boat, and it's not like you're trying to just grab one  
47 particular end of it to work the gear, and so, at any point of  
48 the set of traps that you have, anywhere along the lines that

1 you snag it, you can handle it from that point and bring it over  
2 the boat, correct?

3  
4 **MR. WHIPPLE:** That is more or less true, if the boat is rigged  
5 with enough power in your equipment to do that. We would prefer  
6 -- At least on the Atlantic side, with the Gulf Stream, where  
7 we're fishing, we certainly make every effort to grapple the  
8 southern end, as close to the southern end of the trawl, as we  
9 can get, so that there's not too much tension as you're hauling  
10 back and drifting to the north. It's quite a challenge.

11  
12 If you have to hook up the north end, it's a lot of strain and  
13 pressure trying to get that gear back going against the current,  
14 and you're going to get mixed results with that, and so it  
15 certainly is -- I am not certain what types of currents we'll be  
16 encountering out there.

17  
18 I've been looking at the loop map that they have, the hurricane  
19 predictor or something, that shows the speeds of the currents on  
20 a day-to-day basis, and it looks like -- At least looking at  
21 that, it looks like the conditions out there are benign compared  
22 to what we're dealing with on the Atlantic side.

23  
24 **MR. GREENE:** Okay, and, well, it can change rapidly, and it will  
25 come from lots of different directions, just for your  
26 information, and you're going to find that you're going to be  
27 trying to pick up the east end or the west end probably more so  
28 than the north and south, but that's just a comment.

29  
30 When you snag one of these big Alaska gears that you talk about  
31 and you get them up to the boat, do you pull them over the boat  
32 and take them back in? Are you able to handle pulling them  
33 over, or what do you do at that particular point, just out of  
34 curiosity, and I know this is kind of off topic, and then I've  
35 got one more question for you.

36  
37 **MR. WHIPPLE:** That's all right, and I wish I could keep them. I  
38 wish I could get them out of there, but those traps are huge and  
39 heavy, and I have no way to manage the traps. I have been able  
40 to get the line back and hold on to the line and get the rope  
41 out of there at least, but the traps, those Alaska traps, I have  
42 to cut them away. There's just nothing I can do.

43  
44 **MR. GREENE:** Well, just a consideration, and perhaps you could  
45 find a way, through some outreach, maybe talking to private  
46 individuals or NGO organizations, so that you could mark that  
47 and then find some other type of vessel to come back and help  
48 you retrieve them, and maybe they could help you with some type

1 of bounty or retrieval or whatever, because the ghost trap deal,  
2 as you know, as always been a big issue.

3  
4 Now, reading through your EFP, you talk about a soak time of six  
5 to seventeen days. In your normal fishery that you prosecute in  
6 the South Atlantic, what is the average soak time?

7  
8 **MR. WHIPPLE:** Our optimum soak time is fourteen to seventeen  
9 days. That's what we've found over there, and, again, it's not  
10 -- We're not going to the factory and turning on a switch.  
11 Sometimes it will be twelve days, and sometimes maybe we won't  
12 get back to it for twenty-four or twenty-five days, but, as long  
13 as you can get to it before the thirty-day mark, you will be  
14 able to prevent the cannibalization. That's what we've  
15 discovered over there.

16  
17 **MR. GREENE:** Thank you. In the event that we have a hurricane  
18 coming, and knowing that that's relatively deep water, but being  
19 that you've done this for an awful long time, it seems, in your  
20 experience, when a hurricane comes, does it affect those traps  
21 in that deep water? Do you have issues with that? Can you give  
22 me a little bit of info on that, please?

23  
24 **MR. WHIPPLE:** I like hurricanes, for golden crabbing anyway.  
25 The best fishing that we've encountered has been immediately  
26 following a dramatic storm, and the gear is where it should be.  
27 We have never had any problem retrieving the gear after a storm,  
28 and it's been quite bountiful as well.

29  
30 **MR. GREENE:** Well, you lost me when you said you like  
31 hurricanes, but, outside of that, we're good. Thank you.

32  
33 **CHAIRMAN BOSARGE:** All right. Any other questions? Ms.  
34 Gerhart.

35  
36 **MS. GERHART:** Thank you. I would just like to go back to the  
37 ground line again. Do you have an average distance between the  
38 traps of that line, and what type of line do you use? Is it a  
39 sinking line or a floating line?

40  
41 **MR. WHIPPLE:** Up to this point, we've been using a five-eighths  
42 float line and with either 400 or 500 feet in between traps.  
43 Most recently, I have switched over to a neutral buoyancy line  
44 that I'm really liking the performance of that line a lot better  
45 than the float line that I had been using, and so I might be  
46 going -- I'm probably going over to that. Sink line, we haven't  
47 gotten into, except for my grapple line is sink line.

48

1 **CHAIRMAN BOSARGE:** All right. Any other questions for Mr.  
2 Whipple? Well, I will make a concerted effort to try and get  
3 you some contact information for those royal red fishermen,  
4 since you all are going to be out there in the same area. It  
5 probably would be best if you all know each other and become  
6 friends rather than enemies, and they probably can help you too  
7 with this -- When you're trying to figure out this bottom, I  
8 mean that's what they do for a living, and they've been out  
9 there for a while, and so I'm sure they can steer you in the  
10 right direction when it comes to what any kind of contours look  
11 like and what the currents may look like and any of that  
12 information, and so I hope they will be helpful to you. Morgan,  
13 did you have some public comments that you need to give us?  
14

15 **DR. KILGOUR:** I do. I am scheduled to go after the aquaculture  
16 EFP, but all of the public comments are directly pertaining to  
17 this EFP, and so I will defer to you on when you want me to  
18 provide those to you.  
19

20 **CHAIRMAN BOSARGE:** Well, that's fine. If you want to, you can  
21 just hold them. We will finish all the EFPs, and then you can  
22 give us all of the public comments, and that's fine. All right.  
23 Thank you, sir. We appreciate that. We appreciate you being  
24 here.  
25

26 Our next exempted fishing permit, Ms. Gerhart, do you want to  
27 take us through that one, and we also have the applicants here  
28 in the audience for that permit as well, and thank you all for  
29 being here, too.  
30

31 **MS. GERHART:** You heard about the aquaculture EFP, and it's a  
32 pilot project off of the central west coast of Florida to see  
33 about the viability of doing this certain type of net pen as  
34 well as some of the issues that surround aquaculture in general  
35 and some outreach.  
36

37 There were specific questions that the council had, and the  
38 letter was sent to the applicants after the last meeting  
39 requesting more information, specifically on siting of the  
40 project, brood stock, breeding and genetics, environmental  
41 monitoring, structural integrity of the cage array and the  
42 mooring system, vessel specifications, and contingency plans for  
43 storm events.  
44

45 The applicants, Mr. Dennis Peters and Mr. Neil Sims, are here,  
46 and they have put together a presentation to address those  
47 questions that the council had, and so I'm going to ask  
48 whichever of them is going to be presenting that to come up and

1 do that presentation for you.

2  
3 **CHAIRMAN BOSARGE:** You are welcome to both come to the podium if  
4 you're both going to give input. That's fine.

5  
6 **DR. NEIL SIMS:** Thank you very much. Yes, we will. I will do  
7 an initial introduction here, just to give an overview on the  
8 project, and then Dennis will come up here and speak  
9 specifically to the questions and concerns that the council had  
10 raised at the last meeting.

11  
12 This is a project that we call the Velella Epsilon. The  
13 demonstration projects are part of the Velella series. We've  
14 already had a Velella beta test and a Velella gamma test in  
15 Hawaii, and the purpose of this is, as Ms. Gerhart had  
16 explained, to provide an example, both for the council, for the  
17 community, and for us and our prospective investment partners  
18 that this is feasible to do this sort of aquaculture in the Gulf  
19 of Mexico and specifically for this species, the almaco jack,  
20 *Seriola rivoliana*.

21  
22 We have experience growing this species commercially in Hawaii.  
23 We are developing a farm in the Sea of Cortez in La Paz for this  
24 same species, and we believe that this is an ideal species for  
25 culture here in the Gulf.

26  
27 The second purpose here is to be able to demonstrate that  
28 offshore aquaculture can be conducted with no significant, and  
29 often with no measurable, environmental impact. This slide here  
30 shows typical water quality monitoring data from the commercial-  
31 scale operation that we had in Hawaii, in Kona, Hawaii. This  
32 graph shows measures of turbidity at the surface, midwater, and  
33 bottom water.

34  
35 The blue bars are the control sites that are up current of the  
36 net pen, and the yellow bars are those that are down current of  
37 the net pen, and, typically, we would see no significant, or  
38 often no measurable, difference between the water quality up  
39 current and down current of the net pen. We use turbidity here  
40 because that's the most easily comprehensible measure of fish  
41 poop, which seems to be what everybody is concerned about, but  
42 that's the same for all standard water quality parameters.

43  
44 The third purpose here is to be able to demonstrate to the  
45 public what offshore aquaculture really entails and to address  
46 their concerns, primarily for the Gulf of Mexico fishing  
47 communities, because this is their domain, and there is always  
48 concerns from the fishing community about aquaculture. What we

1 have found in Hawaii, with the Velella beta test and the Velella  
2 gamma test, as you can see here on these images, is that the  
3 local fishermen really loved these projects, because they acted  
4 as very effective fish aggregating devices, both the beta test,  
5 which was an unanchored cage, and it drifted around for eight  
6 months in the back of the big island -- When we were within  
7 twenty or thirty miles of the coastline there, there would be  
8 ten to twenty to thirty boats around it on any morning.

9  
10 Then the Velella gamma test, which we conducted subsequently  
11 there, and that was with a single-point mooring six miles  
12 offshore, and, in Hawaii, we have a fairly steep drop-off, and  
13 so that was in 6,000 feet of water, and, there, the fishermen  
14 knew where it was going to be all of the time, and so it was --  
15 I had fishermen come up to me at the harbor at the end of that  
16 project, when we were compelled to pull the cage out of the  
17 water, and they would grab me by the metaphorical lapels and say  
18 please don't take this pen out and it's the best fishing that  
19 I've had in my life.

20  
21 We would be happy to connect any of the council members or any  
22 of the rest of the fishing community to members of the Kona  
23 fishing community for validation of that. It acts like a FAD  
24 buoy with tuna, marlin, mahi-mahi, and wahoo around it.

25  
26 The other purpose that we have here is for the demonstration to  
27 the broader community that we are going to -- As a demonstration  
28 project, we want to be able to have live streaming, or close to  
29 live streaming, as close as technology will allow us, of water  
30 quality monitoring and benthic substrate assessments, and we  
31 want to be able to take the public and policy makers out onto  
32 this farm site.

33  
34 There is nothing that persuades people faster about the beauty  
35 of offshore aquaculture than putting a mask and snorkel on them  
36 and throwing them into the water next to your net pen, and  
37 people very quickly come to realize that this is just fish in  
38 the ocean, and, if you do it right, it can be a great benefit.

39  
40 The description is there in your packet, but I would draw  
41 attention to -- There are a couple of changes here. We have a  
42 different location, following on from the guidance of the  
43 National Ocean Service and the Southern Shrimp Alliance that we  
44 have engaged with, and we also have a different net pen design  
45 here, and this has come from the discussions with the pen  
46 engineers and concerns about the depth of water and direct hits  
47 from hurricanes, and we'll come to more of the specifics there  
48 on that later, when Dennis is presenting.

1  
2 Now the new preferred location is forty-five miles offshore of  
3 Sarasota, and it's going to be in around 130 feet of water, and  
4 we'll be using two net pens, which is -- Originally, we just  
5 requested one. We're only going to stock one of these net pens,  
6 but the pen engineers feel a lot more comfortable about the  
7 resilience of the array if there are two pens in tandem, and so  
8 we'll just be stocking the aft-most of those. They're about  
9 fifty foot square by seventeen feet deep, and they will be on a  
10 single-point mooring.

11  
12 This is a technology that has been developed in Israel and is  
13 being used commercially there. There will be a flipper delta  
14 embedment anchor, and so we'll be looking for soft substrate to  
15 anchor this, and then we will have a tender vessel, which will  
16 act as the feed barge, the security vessel, and the dive  
17 platform for the staff that will be managing this operation.

18  
19 We are looking at a total of eighteen months grow-out for two  
20 back-to-back cohorts, and so we would like a two-year window  
21 here for this EFP. Each cohort will be around 20,000 fish, and  
22 we're expecting around 85 percent survival there, and so we're  
23 going to end up with around 136,000 pounds of total harvest at  
24 around four pounds per fish, which is the optimum size that we  
25 have for the market and for the feed conversion efficiency and  
26 the growth rate of the fish. That's about the time when we want  
27 to get them out of the water. I am now going to hand it to  
28 Dennis and have him address the specific questions that the  
29 council had at the last meeting.

30  
31 **MR. DENNIS PETERS:** Thank you, and good morning, and thank you  
32 for having us back again. After the January council meeting, we  
33 received a letter from the Southeast Regional Office with a  
34 variety of different concerns and actually a request for  
35 additional information, and I can assure you that I've been  
36 nearly 24/7 working on that since January to bring that  
37 information to you, and hopefully, today, we'll present that, as  
38 well as you have it in your briefing package before you.

39  
40 I took the letter and also some notes we took from our own  
41 experience at the council meeting and kind of categorized it  
42 into six different categories, just to simplify the  
43 presentation, and so I would like to go through each one of  
44 those individually, and hopefully you will see that most or all  
45 of the items that you were concerned about in your letter have  
46 been addressed in those six items.

47  
48 The first one that came up was greater cooperation and

1 coordination with the State of Florida, through the  
2 recommendation of Ms. Guyas, and we've been in contact with her  
3 almost immediately after that meeting, and she has put us in  
4 contact with various colleagues within FWC and primarily to  
5 receive additional information, particularly GIS-type files, of  
6 earlier activities that might have occurred, whether they were  
7 trawl information, whether they were side-scan sonar, habitat  
8 descriptions, whatever it might be, but we wanted to augment  
9 what we already had in our siting analysis, and I will discuss  
10 more of that in our siting analysis.

11  
12 During that same discussion, we also talked about CZMA  
13 coordination with the state, and I have a particular ending  
14 point here that I will focus on CZMA, and we also talked about  
15 genetics and aquatic animal health issues, and, again, I have a  
16 particular slide that is dedicated to that, but we took all of  
17 those concerns very seriously, and we received various  
18 documentation from the colleagues at FWC, and they are now  
19 incorporated into our plans and into our EFP that you have  
20 before you.

21  
22 We also coordinated with the Florida Department of Agriculture  
23 and Consumer Services, and we recognize the need to adhere to  
24 the aquaculture BMPs along with as well acquiring an aquaculture  
25 certification. Then, also, we had coordination with FDEP, and  
26 that's what led us to a multiagency teleconference call that we  
27 had back on March 9 of this year, where we had FWC, FDEP, and  
28 the aquaculture organization on the line all discussing what  
29 they thought, and are, their roles and responsibilities with  
30 regard to CZMA compliance.

31  
32 It was a very valuable teleconference, and I got a lot of  
33 information back from that call, and you will see later on where  
34 we actually have drafted a fairly mature draft final CZMA  
35 document, but I received another kind of go-by document from FWC  
36 to use as a go-by.

37  
38 Siting analysis was a big concern, and, as Neil pointed out,  
39 we've actually relocated the site from the first EFP edition  
40 that you saw. Those details are found in your EFP package,  
41 4.1.4, and I assure you that we're complying with all of the  
42 requirements of the GAP rule as well in the siting requirements,  
43 but, initially, there is operational requirements, and then  
44 there is regulatory requirements, but they go hand-in-hand, and  
45 we can't dismiss either one.

46  
47 Neil mentioned to you that, through our engineering design and  
48 being able to withstand certain storm strength activity, we were

1 guided to move the net pen to deeper water, and so we went from  
2 a thirty-meter isobath out to a forty-meter isobath, and that's  
3 primarily the reason for changing the location.

4  
5 In doing so, we continue to work with NOAA's Coastal Ocean  
6 Science Group for doing the siting analysis. Essentially, it  
7 was a three-tier type of analysis, where we started with  
8 eighteen to twenty different sites that met our operational  
9 criteria and met the GAP rule criteria.

10  
11 We narrowed that down then to approximately six sites. When I  
12 got to the six sites, then I began to socialize those with other  
13 user groups in that area of the Gulf of Mexico, primarily the  
14 Southern Shrimp Alliance, and, through our coordination with the  
15 Southern Shrimp Alliance, we were able to agree upon two sites  
16 that we both thought were very good both operationally or  
17 regulatorily and as a user group deconfliction, and that was  
18 about a nine-month process. Here are those two sites, and this  
19 same map is in your EFP package, and the specific coordinates  
20 for those sites are also in your EFP package.

21  
22 The next categorical issue was environmental assessment, and  
23 that covers a broad area of different types of environmental  
24 concerns, and, again, that is primarily with the NEPA  
25 documentation, and NOAA Fisheries is taking the lead with the  
26 NEPA documentation, in cooperation with EPA and the Army Corps  
27 of Engineers, and so we have weekly teleconference calls, in  
28 fact even almost biweekly, with NOAA Fisheries, to make sure  
29 that each of our schedules are meshing, not only with the NEPA  
30 documentation, but the other permit applications that we are  
31 pursuing.

32  
33 Part of the permits that we're pursuing is the NPDES permit with  
34 EPA, and one of the larger requirements for that NPDES permit is  
35 a baseline environmental survey. That is in our schedule, and  
36 we're getting ready to kick that off, probably towards the end  
37 of this month. Not this month, but in May. We will be taking  
38 side-scan sonar and multibeam work and following all of the  
39 requirements of the guidance and procedures for marine  
40 aquaculture activities in the U.S. federal waters, as dictated  
41 by the FMP.

42  
43 Again, we're working very closely with EPA to help us with that  
44 reporting and guidance, and that will be rolled up into our  
45 NPDES permit. Along with that, we have a great partnership  
46 with, again, Ken Riley and Jim Morris and Lisa Wickliffe's group  
47 with the National Ocean Service, and they are providing some of  
48 those effluent estimations, and they're doing some modeling on

1 any effluent estimations that we're going to be experiencing,  
2 along with excess feed, although I think, as Neil has suggested,  
3 that excess feed is something that we don't want to even venture  
4 into, because feed is expensive, just like labor, and so we  
5 monitor our feeding very closely, so we don't have that.

6  
7 Those estimates are going to be fed from the National Ocean  
8 Service back to EPA, and so it will be in our NPDES permit  
9 requirement, and what that means for us is not only just the  
10 requirement for the permit, but it will give us guidance on  
11 monitoring, water quality monitoring, benthic quality  
12 monitoring, what are the parameters, and Neil talked to you  
13 about turbidity, but there is many others that we're going to be  
14 looking at, in terms of dissolved oxygen, nitrogen, phosphorous,  
15 all the other constituents of fish feed and fish poop.

16  
17 The next general item in the council letter was genetic testing  
18 of brood stock, and, again, that is found and detailed in  
19 Section 6.4.1 in your EFP package, and, again, we are following  
20 the guidance and procedures for genetic requirements according  
21 to the GAP rule.

22  
23 I assure you here, as we have in the January meeting, that we  
24 are only intending on using F1 progeny, indicating that we are  
25 taking the males and females directly from the Gulf of Mexico.  
26 We have them conditioned at the Mote Aquaculture Park right now,  
27 and they are already spawning, and so they're ready for us to  
28 kick this off, and, in addition to that, we are also not doing  
29 any genetically-engineered or transgenic brood stock, and we  
30 have been in discussions also with FWC in terms of staying  
31 compliant with the genetic pathway process that they have  
32 outlined in their state guidance.

33  
34 We're also taking fin clips of our brood stock samples, and so  
35 we will have a library of those fin clips, likely to be held at  
36 Mote Marine Lab, and they will be available to the public for  
37 genetic sequencing work in the future, as requested, and that  
38 actual sequencing work is a little outside the scope of our  
39 current project, but we do want to make that available to other  
40 scientists in the future.

41  
42 Also, we're working with the Aquatic Animal Health Plan. We are  
43 having conversations with AFIS right now at USDA, along with FWC  
44 and NOAA Fisheries, with a veterinary expert, and so we envision  
45 that that actual health plan will be a requirement out of the  
46 EFP, and so a lot of these things are being conducted in concert  
47 with the EFP, and so the final drafts of all of those will be  
48 available with the permit issuance.

1  
2 Mooring system and engineering design was another area of  
3 concern with the council members, and this is a schematic of the  
4 newer design that Neil shared with you earlier. It is a two-  
5 cage design. Again, we only are going to be stocking one of the  
6 two cages. It was designed to have two because of the  
7 structural integrity and the tension on the mooring system, as  
8 opposed to a single cage, and so we'll only be stocking the aft  
9 cage in this system.

10  
11 It is a submergible cage system, and so, during storm events of  
12 any significance, we will be submerging the cages simply by  
13 flooding the HDPE pipes, where they currently hold air and  
14 provide the suspension. They will be flooded with water, and we  
15 can lower them to the midwater area, at least forty feet below  
16 the surface, and probably deeper, depending on how deep our  
17 actual final siting gets us.

18  
19 The actual engineering design, and so the preliminary designs  
20 are in your briefing packet, and we did receive those from our  
21 engineers in Israel, where they are designing and providing the  
22 pen, and they provided the structural integrity highlights.  
23 Their design is to withstand a 200-year storm submerged at least  
24 forty feet below the surface, or midwater, depending on how deep  
25 we can go. It will be using that flipper delta-style embedment  
26 anchor, and the single-point mooring ensures that we have clock-  
27 watch-type rotation, depending on winds and currents, around  
28 that single-point mooring. The mooring line was a question, and  
29 it is at least 4.6 inches in diameter, and so it's a very heavy-  
30 duty mooring line.

31  
32 Further we had some questions about the tender vessel, the  
33 tender vessel we have in your briefing packet, and I also have  
34 the spec sheet, which was requested from us, available here  
35 today, and that is not in your packet. I just received that  
36 about a day ago, but we have all the specifications on the  
37 vessel that we intend to use. I am also in conversations with  
38 other constituents here at this meeting, where there is two more  
39 vessels available to us right out of the Sarasota area that also  
40 meet our specifications that are at least sixty to eighty feet  
41 in length and twenty feet in berth, and so we really have some  
42 substantial vessels.

43  
44 This is some of the specs on the tender vessel that we have a  
45 firm commitment for, and we also have berthing capabilities on  
46 that vessel for field technicians, and these field technicians  
47 will be taking the water quality and benthic sampling, and they  
48 will be measuring the fish health and the feeding activity of

1 the fish and actually helping with the feeding.

2  
3 They will also be doing the protected species interaction  
4 monitoring, and I will talk a little bit more about our  
5 protected species plan that we have that is in, I think,  
6 Appendix D of your EFP today as well as monitoring the  
7 commercial and recreational fishing activity observations that  
8 Neil shared with you with regard to the FAD effects of the net  
9 pen system.

10  
11 The last item of concern was the emergency and contingency plan.  
12 Again, there is an outline of that plan, of the different  
13 components, in your EFP, in Section 6.3, and we've also been  
14 working very closely with EPA and Section 10 with the Army Corps  
15 of Engineers. We will be further putting some more detail to  
16 that emergency plan as these permits come out, because we're  
17 working in tandem with them, so they know exactly what the  
18 requirements will be.

19  
20 I have been in conversation with the U.S. Coast Guard, in terms  
21 of whether this is considered an obstruction to navigation, and  
22 it is not, because of its temporary nature. Therefore, it's  
23 treated as a commercial fishing gear, and so we'll have all the  
24 same commercial fishing gear requirements, in terms of lighting,  
25 GPS, transponders, and flagging the high-flyer poles that you  
26 typically have with other types of fishing gear. We will have  
27 it with this activity as well. Again, that final emergency  
28 contingency plan will be finalized with NOAA Fisheries and with  
29 the Corps of Engineers.

30  
31 Finally, I would like to share just some of the other  
32 supplemental activities that are going on with the permitting  
33 and the status of where we are to date. I mentioned the draft  
34 final protected species monitoring plan, and that, again, is in  
35 your appendices to the EFP, and I've been working very closely  
36 with other individuals at NOAA Fisheries, particularly Jessica  
37 Powell and others there, to make sure that we have something  
38 that is very consistent, and we're even going overboard with  
39 allowing some of their staff, or even recommendations for  
40 university staff, to participate and collect data, not just  
41 interactions with our gear, but just overall taking data and  
42 observations of marine mammal and sea turtle activity in the  
43 surrounding area.

44  
45 I mentioned before that we have a draft CZMA document that is  
46 all ready, and we're going to be modifying that, and we'll have  
47 that ready to be submitted along with -- It typically goes to  
48 the state clearing house along with the draft EA, and so it will

1 be ready and submitted in tandem with that, so that we can get  
2 the concurrence from the state clearing house.

3  
4 I also mentioned earlier that we'll work with APHIS in  
5 developing an animal and plant health inspection program for our  
6 process, and we're still in coordination with EPA and the Corps  
7 and with the National Ocean Service with regard to those  
8 effluent estimates and how can we best develop our monitoring  
9 plan, and, again, all of those details will come out of that  
10 NPDES permit. Again, I mentioned the U.S. Coast Guard  
11 coordination.

12  
13 Just to summarize, not only is the Kampachi team going to be  
14 consistent and compliant with the requirements of the state and  
15 federal permits that we are requesting with this EPA  
16 application, but we want to go one step further.

17  
18 We know that we want to not only do the right thing, but we want  
19 to be the example for other aquaculture ventures to follow in  
20 the future, and so, therefore, we're taking every step and  
21 accepting any guidance that you have provided us to date to  
22 really go as far overboard as we possibly can within the scope  
23 of our activity to make sure that we do it right, because we  
24 know that there's -- It's a tremendous activity, and it's a  
25 tremendous benefit to the Gulf of Mexico to have this  
26 aquaculture program be one of the first ones on a research  
27 scale.

28  
29 With that, I thank you for your time, and I thank you for the  
30 opportunity to present to you today. I wish we had done that in  
31 January, to be able to better brief you, and I can open it up  
32 now to questions and concerns that you might have as a result of  
33 this new information and the presentation of information.

34  
35 **CHAIRMAN BOSARGE:** Thank you, and thanks for both of you being  
36 here. I know it was tough with the technical difficulties last  
37 time, and I think you were on the phone and trying to answer  
38 questions for us, and that makes it a little difficult, and so I  
39 just have to say that the most exciting part of your whole  
40 presentation for me was when Dr. Sims said "fish poop", and I  
41 appreciate that, because I went around this table -- I have a  
42 question eventually that involves that, and I went around this  
43 table and asked all of the PhDs what is the scientific word for  
44 "fish poop", because I didn't want to say that on the record,  
45 but you have opened the door for me, and so I'm fine. I don't  
46 have to call it effluent any more. I can just say what it is.  
47 Anyway, questions from around the table for our presenters?  
48 Yes, Dr. Shipp.

1  
2 **DR. SHIPP:** That was a great presentation. I am curious about  
3 your selection for almaco jack. I heard some in the past, but  
4 that's not a species that has a lot of fame in restaurants or  
5 seafood markets, and so why choose that one, and do you all plan  
6 to promote that as an ideal species?

7  
8 **DR. SIMS:** Thank you. We don't so much think of it as we chose  
9 almaco jack as almaco jack chose us. We've been working with  
10 this species since 2002, and we had, at that stage, a federal  
11 grant from the National Institute of Standards and Technologies,  
12 an Advanced Technology Program Grant, to go and try and develop  
13 technologies for a range of marine species, and so we were  
14 focusing on the high-value family, the snappers, groupers,  
15 amberjacks, yellowtail, the carangids. We were not doing any  
16 work with tunas at that stage, because that's considered just  
17 too hard.

18  
19 Out of those three families of fish, we were able to culture  
20 eight different species in the hatchery, most of which hadn't  
21 been cultured previously in the hatchery, and the almaco jack  
22 just distinguished itself as it would spawn pretty much year-  
23 round, two to three times a week, without any need for a  
24 hormonal induction or any other conditions. Just put them in a  
25 tank and keep them happy, and they will spawn.

26  
27 They are relatively easy to raise in the hatchery. There are  
28 some challenges around first feeding, as there are with any  
29 marine fish, because they've got a very small egg, and so the  
30 larval fish hatch are critical feeding requirements.

31  
32 The growth rate and the feed conversion efficiency of this  
33 species is very, very good. They will reach the size of around  
34 1.8 kilos in eight to nine months grow-out offshore, and the  
35 feed conversion ratios in tank trials, we've got FCRs that are  
36 down around 1.5 or 1.6 to one, and they're also very amenable to  
37 inclusion of other agricultural grains, other agricultural  
38 proteins and oils, in the diet, and so we're not just relying on  
39 Peruvian anchoveta.

40  
41 We are moving to where we're using a lot of soy protein  
42 concentrate and soy oils and canola oil and microalgae and  
43 biproducts from fermentation streams as well, and so it's a fish  
44 that is not necessarily carnivorous. It just likes proteins and  
45 lipids in its diet, and it hates carbohydrates.

46  
47 It also has tremendous response in the marketplace. We have  
48 branded this as Kona Kampachi coming out of Hawaii, and now we

1 have a focus here in Mexico and La Paz and also -- La Paz and  
2 Florida, and we're also looking at the potential for projects in  
3 the Caribbean, and we're branding it as Cabo Kampachi, but the  
4 market has responded very, very well to this.

5  
6 The almaco jack that you catch here in the wild is probably the  
7 same as the kahala, as it's called in Hawaii, which has about 4  
8 percent fat content by dry weight, and usually they are riddled  
9 with parasitic worms, and there is a very high ciguatera risk.

10  
11 When we farm these species and we can control the diet all the  
12 way from hatch to harvest, it's a very high lipid diet, and the  
13 fish ends up with over 30 percent fat by dry weight, and,  
14 because we are controlling the diet, we don't have any risk of  
15 parasitic worms or ciguatera there as well. If you call up the  
16 French Laundry or call up Iron Chef or call up any of the major  
17 distributors and ask them about Kona Kampachi, I think you'll  
18 get an effusive response. Thank you.

19  
20 **CHAIRMAN BOSARGE:** Further questions? Mr. Greene.

21  
22 **MR. GREENE:** Hello again, and it's good to see you. I am still  
23 kind of hung up on this hurricane plan. You're talking about  
24 putting this thing in 130 feet of water, and you mentioned in  
25 Hawaii that you were in 6,000 feet of water, and so my first  
26 question is, when you're in 6,000 feet of water, was this  
27 facility anchored on the bottom in such a manner as you have  
28 described here, or was it different?

29  
30 **DR. SIMS:** No, that was a single-point mooring, and there was  
31 12,000 feet of mooring line there, and that was quite a splicing  
32 challenge. That had the three elements on the surface. It had  
33 the buoy on the head of the mooring line, and then we had the  
34 feed barge, and then the aqua pod. The spherical aqua pod was  
35 trailing behind the feed barge.

36  
37 Anybody that works on the water knows that, if you've got three  
38 things there together, sooner or later, you're going to get a  
39 tangle, and so that is why we wanted to eliminate the surface  
40 buoy and just go with the array itself and have the vessel able  
41 to detach from the array, and so, in the event of a storm, the  
42 pens themselves will be submerged, and the vessel will leave.  
43 There will still be HDPE pipes. You've got to have some  
44 residual buoyancy on the surface, and so there will still be  
45 these two HDPE pipes that will be providing that, but the wave  
46 action will pretty much roll through there.

47  
48 The Israeli engineers have looked at the hurricane tracks

1 through the Gulf, and that's why they urged us to move out into  
2 deeper water. They are very confident that the pen system will  
3 survive. They're engineering it for a 200-year storm.

4  
5 They are not so confident about the fish, but nobody has really  
6 tested a carangid, a yellowtail, in these sorts of conditions.  
7 They are doing seabream off the coast of Israel, and their  
8 system is designed for nine-meter significant wave height, and  
9 they have had -- Just in the last year, they've had six and  
10 seven-meter waves coming through there, and the system survived,  
11 but they are concerned, with the seabream, that if there's that  
12 much wave activity, you will get sediment picked up, and that  
13 will clog the fish gills.

14  
15 We don't know yet whether that's going to happen with the almaco  
16 jack, and so that's part of why this is an experiment, and we  
17 hope to be able to learn from this.

18  
19 **MR. GREENE:** Thank you. I've spent a few days on the water  
20 myself, and I kind of understand what you're saying. My concern  
21 is that you talk about a 200-year storm, and you talk about six  
22 or seven or eight-meter wave height, and so, when I was reading  
23 through this, I got kind of curious, and I got to Google, as  
24 everybody does, and so I looked back to Hurricane Katrina, which  
25 was -- If you walk out in the lobby and you look up, you will  
26 see a high-water mark from Hurricane Katrina outside in the  
27 lobby, and it's fairly substantial.

28  
29 The wave height during Hurricane Katrina, the maximum was fifty-  
30 five feet. The year before, we had a hurricane called Hurricane  
31 Ivan that came through here, and it was fifty-two feet. You're  
32 placing this in 130 feet of water, and you're going to sink it  
33 down forty feet, and I'm sitting here, just as a -- I'm looking  
34 at a fifty-five-foot wave height and thinking about your  
35 facility and how it's going to weather that storm, and I will be  
36 honest with you that I don't see it doing too well, and that is  
37 a concern to me.

38  
39 I don't know that you could sink it down far enough in that  
40 area. Even if you sunk it to the bottom, I don't think it would  
41 help you, and I will give you some reasons why. There are some  
42 areas of the Gulf that do have reef-building areas where we  
43 build artificial reefs to promote habitat, and some of those  
44 habitats on the bottom, during a bad storm, will move, or  
45 perhaps cover up and bury up, to the point that we can't find  
46 them with 3,000 watts of bottom sounders that will show us the  
47 bottom in 5,000 feet of water.

1 I'm a little concerned about this, and I'm just being completely  
2 honest with you. If you were in 5,000 feet of water, there is a  
3 lot of water that moves in 5,000 feet of water that takes care  
4 of Leann's concern about fish poop, and so my concern is the  
5 hurricane and the damage and that sort of stuff.

6  
7 Now, I am relieved that these are fish that you've caught from  
8 out of the Gulf and they are not genetically engineered, but I  
9 just don't think that I would be doing you or us due diligence  
10 not to weigh-in with my grave concern of -- I know that you've  
11 had engineers do research on 200-year storms, but, being here in  
12 the last twenty years, you can get a real good sense of what one  
13 of these bad storms is like, and is there any information that  
14 you can provide me where this particular design that you have  
15 brought to us has sustained a Category 5 hurricane, or Category  
16 4, or anything on the upper end of the Saffir-Simpson Scale?

17  
18 **DR. SIMS:** I am a biologist by training, and so the engineering  
19 is lost on me, and there's nothing that I can bring you, but  
20 what I would suggest -- The perhaps the way that we address this  
21 is either NOAA or the Army Corps of Engineers do a detailed  
22 review and validation of the engineering that the Israeli  
23 company is providing. Now, they have this engineered for nine-  
24 meter significant wave height, which is thirty-foot significant  
25 wave height and maximum wave height there then of sixty-foot,  
26 and so it's in the realm of what -- That's the cage system that  
27 they have engineered in Israel for that wave height there.

28  
29 They are now looking at their projections for a 200-year storm  
30 here, and they are engineering around that, to make it withstand  
31 that. I think perhaps the best way to address this is if ask  
32 NOAA staff or Army Corps of Engineers staff to validate the  
33 engineering work that comes out of Israel before we put it out  
34 there, but we always have to recognize that there are always  
35 risk when you go out into the ocean.

36  
37 There is no absolute rock-solid guarantee, and we will have crop  
38 insurance on the fish, and we aren't planning to get insurance  
39 for the equipment itself. We would certainly get third-party  
40 liability insurance on the equipment, but our thinking about  
41 equipment insurance for an experimental aquaculture project is  
42 you are better off -- Instead of paying the money paying an  
43 insurance company to insure it, you're better off spending that  
44 money on beefing up the engineering and making sure that it will  
45 stay there, but, if we could have NOAA or the Army Corps of  
46 Engineers review what comes out from the Israeli engineers,  
47 would that give you peace of mind, sir?

48

1 **MR. GREENE:** Well, understand that I am not against your  
2 concept, but this is kind of precedent setting, and sometimes,  
3 if we don't do our due diligence right here right now and make  
4 you pull that string all the way out, there is going to be a  
5 cascade of unintended consequences that I heard yesterday that  
6 someone brought up.

7  
8 I am concerned. I think that would certainly help relieve some  
9 of my concerns with that, but I just caution you that maybe 200-  
10 year storms throughout the world is one thing, but, man, the  
11 Gulf of Mexico is a different animal, and I would encourage you  
12 to think carefully about that as you move forward, and I think  
13 that those items that you bring up would certainly make me feel  
14 better. However, I am not against your project, but I just want  
15 to get this to where I feel a little more comfortable with it.

16  
17 I have spent twenty-seven years in the Gulf of Mexico fishing,  
18 and I have seen it go from slick calm to pretty rough in a very  
19 short period of time. With the currents that we deal with and  
20 the way the current patterns work in the Gulf, those currents  
21 can come from any direction at any time. I just want to make  
22 sure that we get this part of it right and move forward from  
23 there. Thank you.

24  
25 **DR. SIMS:** Having NOAA or Army Corps review the engineered plans  
26 for whatever goes out into the Gulf is something that we would  
27 like to be just a standard operating procedure for any  
28 aquaculture project. You don't want to let any idiot out there.  
29 You want to choose your idiots very carefully.

30  
31 **DR. GREENE:** Well, I have the idiot part of it covered, and so  
32 we're good.

33  
34 **CHAIRMAN BOSARGE:** Anybody else? I just wanted to make a few  
35 comments, if nobody else had any. I just wanted to say, first,  
36 thank you, all. I know we were pretty rough on you at the last  
37 meeting, but we want you to be the one that sets the example,  
38 and I think part of our job is to be a little tough on you and  
39 make sure we ask all the tough questions and get it right on the  
40 frontend, rather than have to deal with it on the backend, if  
41 something goes wrong, and I think that's kind of what Johnny was  
42 getting at.

43  
44 **MR. GREENE:** Sorry, but I've got one more. Being that I have  
45 owned a boat for twenty-seven years, and I just got out of the  
46 boatyard, and I've been scraping barnacles for about the last  
47 two months, what type of provisions do you have that will handle  
48 aquatic growth as it's sitting out there in that warm

1 environment? I could take this a little further, but console me  
2 here on how you're going to have this treated to avoid barnacles  
3 or marine growth.

4  
5 **DR. SIMS:** The system itself, most of the structure, the frame  
6 for the pens and the buoyancy tubes, is HDPE, high-density  
7 polyethylene, which isn't impervious to biofouling, but it's  
8 fairly resistant to biofouling, just because it's a very slick  
9 surface. You will get macroalgae growing on it, and some  
10 bivalves can attach to it, but it's fairly easy to clean, and so  
11 just using a pressure washer would be enough to keep that clean.

12  
13 We don't want biofouling on the net pen systems, because it  
14 represents additional drag, and it also represents a reservoir  
15 for the eggs of pests or parasites or just -- We want clean  
16 water for our fish, and so that's the framework.

17  
18 The netting itself is a copper zinc alloy called UR30 that the  
19 aquaculture industry in particular is starting to use this  
20 material a lot more widely, and the farm that is still operating  
21 in Kona has switched over almost entirely to this, and our  
22 operation in the Sea of Cortez will be completely UR30 mesh, and  
23 so that's advantageous both because it minimizes biofouling, but  
24 then it also -- It's like a chain-link fence.

25  
26 It's a metal chain-link fence, and so that reduces the risk of  
27 predator breaching on the net that you might have with a nylon  
28 net, and it also eliminates to *de minimis* any potential risk of  
29 marine mammal entanglement or other entanglement in the netting.

30  
31 **MR. GREENE:** I've got the feeling that this net design that you  
32 have presented will remain on location for the two years and at  
33 no point will it come in and be cleaned or taken care of. I  
34 mean, is it going to be offshore for the duration of the time,  
35 and will there be any subsequent maintenance of that while it's  
36 offshore, or will it be brought in and be cleaned and taken back  
37 out?

38  
39 **DR. SIMS:** No, it will be -- Once it's deployed, it will stay  
40 there until the end of the project.

41  
42 **MR. GREENE:** Thank you. I'm done now.

43  
44 **CHAIRMAN BOSARGE:** We had a couple of questions the last time,  
45 or more than a couple, since you've been working on them 24/7  
46 since January, and we appreciate that, and I think you really  
47 did address most of our concerns, and I know a lot of them came  
48 directly from me, and I appreciate you reaching out to both the

1 Southern Shrimp Alliance and that group and individual shrimpers  
2 and getting with them and trying to figure out where they're  
3 working, where you're going to be, and making sure that you do  
4 your best to avoid any conflicts with our historic shrimp  
5 grounds. I really do appreciate that.

6  
7 You mentioned that you're going to have some markers of some  
8 sort for essentially the radius, because this is going to be on  
9 one anchor, and so it's going to kind of swing and move, and so  
10 you're going to have a radius that's somewhat buoyed off to let  
11 people know that, hey, your pen is in this area, and I was  
12 wondering, and I asked you this the other day, and I think  
13 you're amenable to it, and so we tend to shrimp at night, and so  
14 I was wondering if you would be okay with maybe putting some  
15 lights on anything that you have marking your area, so that we  
16 can readily see it, because we are shrimping -- We're not  
17 shrimping right where you're at, but, as you well know, we're  
18 shrimping right there in your vicinity, okay, and we don't want  
19 to run over anything at any point.

20  
21 **MR. PETERS:** We want you to shrimp around our pen as well, but  
22 some of the high-flyer poles that we're looking at have lights  
23 on top and also the reflectivity for radar and then the float  
24 and the stem, and so it is up out of the surface several feet,  
25 and so that should be detectable not only by radar, but also  
26 visually by the lights that are on it as well as the tender  
27 vessel is going to be lit according to U.S. Coast Guard  
28 regulations during the night and day.

29  
30 **CHAIRMAN BOSARGE:** Yes, and I think the other thing that will  
31 help too is you put some specs on your tender vessel in there,  
32 and I think you said it's an eighty-foot and that it's going to  
33 have a commercial fishing endorsement, and so that means, in the  
34 Gulf at least, you're going to have an AIS on that vessel, and  
35 so that will help us as well. We'll be able to see that, and  
36 we'll know where you're at by that AIS.

37  
38 I only have two other comments, and I think they're going to be  
39 pretty simple for you. In our last meeting, we asked you if you  
40 would please do the fin clippings and genetic analysis. You  
41 brought us back this slide, and you said, yes, we're going to  
42 get you the fin clippings. No, we're probably not going to do  
43 the genetic analysis, but we will make those clippings available  
44 to you, and I appreciate that.

45  
46 I have a better understanding now for what genetic analysis  
47 costs, and I see this is a pilot project, and so probably there  
48 is some things that you just can't afford to do, and so I did

1 reach out to some different scientists that are in that field,  
2 and they are very interested in processing those fin clippings  
3 for you, and so we can get together, and I can give you contact  
4 information, but, if you will make those fin clippings  
5 available, we would very much like to process that information  
6 for you.

7  
8 Now, having said that, those geneticists said they would need  
9 some fin clippings from the progeny as well, and so your F1 and  
10 if you have an F2 generation, and we would need some fin  
11 clippings from those, but I will let you work that out with the  
12 geneticists, because there is a methodology, and I'm not going  
13 to get into all of that. That's way above my paygrade, but we  
14 would really appreciate it if you would make those available,  
15 and would that be okay with you all, as long as we do the  
16 analysis?

17  
18 **DR. SIMS:** Absolutely, yes. We are already doing genetic work  
19 with both the fish in Hawaii and the fish in La Paz, and so  
20 knowledge is a powerful thing. The more that we understand  
21 about the genetics -- We want to be able to maintain the genetic  
22 diversity.

23  
24 Eventually, as we get better at this, we are going to want to  
25 have a selective breeding program, because this is what  
26 humankind has done for the last 10,000 years with agriculture,  
27 but we will wait until there is a lot more level of comfort  
28 around the integrity of the net pen system before we start to do  
29 that.

30  
31 **CHAIRMAN BOSARGE:** Then my last minimal comment is the permit  
32 goes into a little bit of the baseline environmental assessment,  
33 but I know you all are still working out the details on that,  
34 and so what I can see thus far, as far as any bottom information  
35 that goes into that baseline assessment on the sea floor side of  
36 things, it's mainly more of like a survey to look for magnetic  
37 anomalies, which might be any kind of shipwrecks or this or that  
38 and things like that, to look for any coral or anything like  
39 that, and I didn't see anything in there where you really are  
40 going to take a bottom substrate sample and do some sort of  
41 baseline assessment on that, so that we know what that bottom  
42 looks like before you start, whether it's sandy bottom or  
43 wherever you're at, and, that way, once you're done with your  
44 project, and Leann makes her living off the bottom, things that  
45 stay on the bottom, and I'm a little worried about the fish  
46 poop, right, okay, that's coming down and coating the bottom.

47  
48 That way, if we had a baseline of what that benthic substrate

1 looks like before and then you can show us one after, and you  
2 reassure me that, hey, this stuff is spreading out and it's  
3 really not causing a problem and your shrimp are good.

4  
5 **MR. PETERS:** We are just now getting to those specifics with Kip  
6 Tyler at EPA, and I can't imagine that that wouldn't be part of  
7 the program, because, if we're committing to doing benthos  
8 sampling during the production and after the production of the  
9 trial farm, you don't really have much to compare it to if you  
10 don't have some samples beforehand, just like with the water  
11 quality, taking water quality samples up current of the pen.

12  
13 That is equally as important as a baseline, to compare it to  
14 down current, and so even though I don't know those specifics  
15 from his permit requirements yet, I can't imagine that not being  
16 part of it.

17  
18 **CHAIRMAN BOSARGE:** That is very reassuring. I appreciate that.

19  
20 **DR. SIMS:** Even if it is not a requirement, as Dennis had said  
21 earlier, we're wanting to go beyond what the basic requirements  
22 are, because reassuring the community that this is low impact or  
23 no impact is really the goal of this, and so, even if it's not a  
24 specific requirement, we will go ahead and do grab samples  
25 before we deploy. Thank you.

26  
27 **CHAIRMAN BOSARGE:** Perfect. Well, I think those were my three  
28 things, the lights on the buoys, the baseline assessment on the  
29 actual benthic substrate, and fin clippings of not only the  
30 brood stock, but the progeny as well, and we'll work with  
31 scientists to try and find somebody that is so excited about it  
32 that they want to analyze those for us, and so those were all  
33 the questions that I had. Mr. Swindell.

34  
35 **MR. SWINDELL:** Thank you, Madam Chair, and thank you, gentlemen,  
36 for being here. My main concern is the major pollution  
37 discharge that you're going to have likely comes from the feed  
38 that is not eaten by the fish rather than the poop, and all the  
39 feed that you are introducing is not natural to the water column  
40 that is in the Gulf of Mexico except through the mighty  
41 Mississippi River that brings a lot of stuff.

42  
43 I am a little bit concerned that, in 130 feet of water, that  
44 you're going to get enough continued currents to move the feed,  
45 unused feed, around enough to not create a real biomarine hazard  
46 out there and water pollution, but I assume that EPA and others  
47 working with you are fully understanding all of this water and  
48 bottom structure and what's going to happen with it, and so

1 hopefully that's all going to work out for you.  
2  
3 I will tell you that I am quite concerned about it, and one of  
4 my concerns also is what happens to the fish if you have a storm  
5 coming in that could last three days, or longer, of real high  
6 sea conditions, in which you are going to be unable to feed the  
7 fish, and I assume you don't have an automated system that's  
8 going to keep feeding them so they stay alive, and I assume they  
9 don't die in three days' time or whatever, but I assume that  
10 you're going to address that, because you want everything to  
11 come out after a storm goes by.

12  
13 It's just things that I think that you definitely ought to be  
14 concerned with. The fish fat, I am concerned that the fat of  
15 the fish is not going to be omega-3 fatty acids. It's not going  
16 to contain hardly any omega-3 fatty acids, unless you in some  
17 way or another come from some array of oils that will produce a  
18 good fish oil kind of environment for the fish, but, if you sell  
19 the fish and people are happy with the fish, then I don't care.  
20 I want you to be able to raise the fish and make a good profit  
21 with it and yet keep the water clean enough so that we're not  
22 having a problem with it in the Gulf of Mexico, and so good luck  
23 to you. Thank you.

24  
25 **DR. SIMS:** Thank you very much. Let me try and address each of  
26 those concerns in turn. Feed costs somewhere a little bit north  
27 of a dollar a pound, and so, if we're throwing that into the  
28 water and the fish aren't eating it, we are literally throwing  
29 money away.

30  
31 Part of the beauty of this cage system is we can raise it to the  
32 surface, and it acts essentially like a fish pen that they will  
33 use to grow salmon or sea bass seabream in the Mediterranean,  
34 which it is -- You will have a raised rail and then the netting  
35 over there, and so you're spreading the feed through the air,  
36 and it's hitting the water, and these fish are voracious.

37  
38 They will make the water boil when you do that, and an astute  
39 farm manager will slow down the feeding as the fish are hitting  
40 the feed less vigorously, and then you will stop when -- You  
41 still want to keep them a little bit hungry, because a fish's  
42 assimilation abilities, its ability to digest that really  
43 efficiently, is better when they are not completely full. They  
44 will keep eating until they are bloated, but you don't want  
45 that. That is not the most efficient use of the feed. I can't  
46 guarantee you that there will never be any feed that goes  
47 uneaten outside of the cage, but we have a very, very strong  
48 handle around that.

1  
2 In terms of the benthic impacts, let me just reassure you that  
3 here we've got an array system with 20,000 fish, for a five-to-  
4 one scope on the mooring line. That's going to be about a 650-  
5 foot radius on the watch circle there that it's going to be  
6 spinning out around.

7  
8 The operation in Kona that we had, we had, at the maximum there,  
9 eight pens, each with 70,000 fish in them, and so that's around  
10 -- Somebody do the math, but 560,000 fish on a fixed area, and  
11 we were doing benthic sampling there, and you could detect that  
12 there was organic enrichment directly beneath the net pens, but  
13 we think that was probably because of the shadowing.

14  
15 That was in 200 feet of water there, and just the amount of  
16 shade and then cleaning the netting, and that would all fall  
17 directly to the bottom, but, if you go up eighty feet up current  
18 or down current of the array, there was no significant  
19 difference between that and the control site that was thousands  
20 of feet away from the net pen, and so I think the -- I think we  
21 have fairly thoroughly addressed the concern.

22  
23 These sorts of questions are able to be modeled, and the  
24 modelers will laugh at this, if you say 20,000 fish. They will  
25 say, no, that's not going to be an issue, but, again, this is an  
26 experiment. We're going to monitor this very carefully.

27  
28 Perhaps the best reassurance you can have is that all of the  
29 evidence that has been done over the years suggests that, even  
30 if you do go massively overfeed your fish, or if you're in an  
31 area where there is really minimal current, if you pull the net  
32 pen out, that will almost invariably return to its pristine site  
33 within six to twelve months, its pristine status within six to  
34 twelve months. Your last concern was -- I know there were  
35 three.

36  
37 **MR. SWINDELL:** The fat content.

38  
39 **DR. SIMS:** Right. The fat content of the fish. As we move  
40 towards more agricultural proteins and oils, that is very much a  
41 concern, and it's something that we are working on very  
42 aggressively. For the last thirteen years in Hawaii, we've been  
43 partnering with the Nebraska Soybean Board to develop a diet  
44 that is more tofu than fish meal and then where a large part of  
45 that research has been highly maintained, that omega-3 levels in  
46 there.

47  
48 There have been some phenomenal advances in the last couple of

1 years in that, and we're going to be running some trials in  
2 Hawaii and La Paz this year which are using a product called  
3 Schizochytrium, which is an algae that doesn't actually need  
4 light. You can just feed it molasses in a bioreactor and it  
5 comes out just loaded with DHA. A lot of the DHA that's put in  
6 baby formula or in milk comes from Schizochytrium, and they are  
7 building a commercial feed-grade plant for this now in one of  
8 the Dakotas, and I think it is South Dakota, and so that is  
9 being addressed at a commercial scale, and we are addressing it  
10 at a research scale, and we understand it's a great concern, and  
11 it's very important for fish health. These EPA and DHA are  
12 important for fish health as well as for human health, and so we  
13 are very much focused on that. Thank you for the question.

14  
15 **MR. SWINDELL:** My last comment was about the length of time that  
16 the fish will be unfished in a storm. Do you have any concerns?  
17 You have dealt with that, I assume, off of Hawaii.

18  
19 **DR. SIMS:** Yes, we have dealt with that in Hawaii, and usually  
20 the practice, when you bring in brood stock from the wild, is  
21 you want to put them through a quarantine situation, and you  
22 don't feed them through that quarantine. You will keep them for  
23 a couple of weeks and get them adjusted to the tanks, and you  
24 will be feeding them squid and sardines, their natural diet, and  
25 then you won't feed them for twenty days. You will hold them in  
26 static water, and so we don't feed them, just because you don't  
27 have to deal with the ammonia waste quite so much, but, for  
28 twenty days, they're fine.

29  
30 These fish, the fat content in them -- They are so chubby that  
31 it's -- They're fine. If you had to have the cage submerged for  
32 a month, you would lose a month of growth on the fish, but they  
33 would be fine. Now, that's not true when the fish are small,  
34 say up until half a pound. They need to be fed four or five  
35 times a day.

36  
37 We don't know what the resilience of those fish under starvation  
38 conditions for five to ten days is. At some stage, we will get  
39 around to figure that out, but, at this point in time, it's an  
40 experiment, and so there are some risks that we have to accept.

41  
42 **MR. SWINDELL:** Just don't put them in the pens until you know  
43 you're not in hurricane season.

44  
45 **CHAIRMAN BOSARGE:** Dr. Mickle.

46  
47 **DR. MICKLE:** Thank you. Sorry, but I just had to take a call,  
48 and I'm hoping we're still talking about benthic nutrient

1 concerns, I guess, but I will just chime in. Have you all ever  
2 had cages in water this shallow before? I may have missed a  
3 part of the presentation, and I apologize for that, but the  
4 proposed area is a-hundred-and-how-many feet? 130 feet? Have  
5 you all ever had cages that shallow before?  
6

7 **DR. SIMS:** No, the net pens in Hawaii that we have worked with  
8 are in around 200-foot depth. We couldn't really come into  
9 shallower water, because that would be getting closer to the  
10 coral reef, inshore of there. In Mexico, the site that we're  
11 looking at there is about 240 feet deep.  
12

13 **DR. MICKLE:** To that point, I think the concern that Madam Chair  
14 has is the nutrient content could potentially, from feeding on -  
15 - It could end up on the bottom, and we would want to monitor  
16 that in this preliminary stage, and I am kind of -- The concern  
17 is going to be, I think, detectable, and there's going to be a  
18 biological response on the bottom from the increased nutrients.  
19

20 Madam Chair and I were just discussing if it should be a  
21 chemical monitoring or I think a visual monitoring, just to --  
22 In this EFP, we're all working through potential concerns, and I  
23 am very confident that a biological response will be seen on the  
24 bottom with increased nutrients, because this a low-nutrient  
25 environment, in a relative sense, of open water in this depth  
26 zone.  
27

28 I think some just visual monitoring on the bottom would provide  
29 a lot of beneficial qualitative information of is this is a  
30 potential issue or not, and additional sampling obviously  
31 wouldn't hurt, but I certainly don't want to make things so  
32 expensive that they don't provide information, but I think both  
33 chemical quantitative analysis as well as just photographing  
34 your control area way far away from the cages of a similar  
35 bottom, in similar depth zones, and then just imaging around and  
36 below all around the area would provide that evidence of  
37 biological response of increased nutrients in this type of depth  
38 zone, but, again, we can make this as complicated or as simple,  
39 but I truly think that that biological response -- I am fairly  
40 confident that that would occur if there's an excess of  
41 nutrients spatially in adherence with this activity. Thank you.  
42

43 **DR. SIMS:** I guess you were out of the room when I talked about  
44 the 20,000 fish versus 500,000 fish and on a single-point  
45 mooring watch circle versus a grid, and I'm happy to engage in  
46 that discussion with you offline, so we're not repeating the  
47 whole thing for the council, but, generally, yes.  
48

1 I mean, I think, if we can find a way to get video monitoring of  
2 the substrate, we will do that. It's not a huge challenge in  
3 130 feet. We don't want to put divers down there doing  
4 transects, but I'm sure we can get a drop camera that would  
5 provide that information, and I'm certain that EPA will be  
6 requiring us to do grab sampling for biological oxygen demand  
7 and for infaunal microfauna. Generally, a lot of the nomotote  
8 worms is what they will monitor for detecting nutrient  
9 enrichment.

10  
11 I would be astonished if EPA didn't ask that of us, and without  
12 committing to too much without knowing exactly what that work  
13 would cost, the whole point of this exercise is to be able to  
14 defray the concerns here at the council and with the community.  
15 You are identifying this as a concern, and we ought to just  
16 belly up and get some of that monitoring done, even if EPA  
17 doesn't ask us to do that. We know it's going to be in the back  
18 of your minds and the back of a number of other minds, and so we  
19 will get as much of that information as we can, both before,  
20 during, and after.

21  
22 **CHAIRMAN BOSARGE:** Mr. Swindell.

23  
24 **MR. SWINDELL:** One last comment, and I have been aboard an  
25 aquaculture facility in the western coast of Canada, in a bay,  
26 and, of course, in a bay, the net pens don't move, unless they  
27 tow them out of there, but they were video monitoring the  
28 feeding as they went through, to make darned certain that -- If  
29 there is too much feed coming through, they quit feeding.

30  
31 I mean, that's the way they control the system, but, in this  
32 system you have, you're going to be tethered, and this unit is  
33 going to be moving around so much in that depth of water that I  
34 guess I'm not really overly concerned, because I know you don't  
35 want to feed the fish too much and waste too much money of it  
36 going down to the bottom, and so I guess I'm confident that this  
37 thing will work for them without the big detrimental pollution  
38 effect to the bottom, because of the tether system. This whole  
39 system is moving with the currents and the winds and everything,  
40 and you are not standing this system right above one small area,  
41 but it's a much larger area compared to the net pen.

42  
43 **CHAIRMAN BOSARGE:** Dr. Stunz.

44  
45 **DR. STUNZ:** I just want to make a brief comment, and one thing I  
46 want to say to the council, but I really appreciate what you  
47 guys did. I mean, the last time, we brought up a lot of  
48 concerns around the table, and I feel that you guys have gone

1 above and beyond in really taking us seriously and addressing  
2 that, and I appreciate that.

3  
4 I mean, I think it's pretty easy to sit here and poke a lot of  
5 holes in things, and that needs to be done. I mean, we  
6 certainly don't want to be doing things that's going to damage  
7 the environment, but, also, from a broader perspective, when you  
8 look at global population trends and such, we have got to come  
9 up with ways to offset or at least improve what we can do in  
10 terms of protein production, and so I really view this as a  
11 chance to be leaders in the Gulf in something like this, and we  
12 certainly want to do our due diligence, but we also want to have  
13 the opportunity to get in on the ground floor on this and work  
14 with responsive groups like this that can allow us to do this in  
15 a feasible manner, and so I'm supportive of this, primarily in  
16 the sense also that it is an exempted fishing permit.

17  
18 We're talking about the pilot study to work out some of these  
19 concerns that we have, and I feel good about what you have  
20 presented to us so far, and I feel comfortable with what you're  
21 doing.

22  
23 **DR. SIMS:** Thank you. To your question about cameras, yes,  
24 there is camera technology available for in-cage monitoring,  
25 but, with this fish, it feeds so vigorously on the surface that  
26 that's a much better metric for us to use, and our experience  
27 with offshore camera systems, with cable systems, is that the  
28 cables will kink and break. That was our experience in Hawaii,  
29 and British Columbia, in a fjord, has it fairly easy, but, yes,  
30 we will be able to provide access to the demonstration pen, and  
31 I hope that all of the council members would want to come out  
32 there and see the fish when they feed, because it is  
33 spectacular.

34  
35 **CHAIRMAN BOSARGE:** Thank you again, guys, for coming. I know it  
36 was an especially long trip for you, sir, and so we appreciate  
37 you all coming, and thanks for putting up with us. I know that  
38 we have put you through the wringer, but I really feel like you  
39 have done your due diligence on your side, and I think you're  
40 really trying to work with us, and I feel good about that. I  
41 think that you're going to take care of the environment, and  
42 you've been patient and listened to us and tried to work with  
43 us, and that means a lot, it really does, and so we appreciate  
44 you being here, and thanks for continuing to plug along with us.

45  
46 **MR. PETERS:** Thank you again. I appreciate the opportunity.

47  
48 **DR. SIMS:** Thank you very much, all.

1  
2 **CHAIRMAN BOSARGE:** Dr. Kilgour, did you want to run through some  
3 public comments with us?  
4

5 **REVIEW OF PUBLIC COMMENTS ON EFP APPLICATIONS**  
6

7 **DR. KILGOUR:** Sure. I am the stand-in for Ms. Muehlstein today,  
8 and so bear with me. These are the summary of comments received  
9 on the golden crab EFP, and so none of the comments received  
10 supported the golden crab EFP.  
11

12 The comments either requested for a delay in the EFP approval to  
13 allow the Coral SSC and Gulf Council additional time to evaluate  
14 the proposal or for the EFP to be denied altogether. Generally,  
15 we heard that the area included in the proposal was  
16 inappropriate. The proposal area contains reef structures with  
17 coral that can be impacted by gear deployment. ROV dives in the  
18 region have shown the presence of dense coral assemblages,  
19 including lophelia pertusa, a federally-managed stony coral.  
20

21 Okeanos Ridge, the area included in the proposal, is well known  
22 for its high currents and healthy deepwater lophelia reefs that  
23 are easily damaged by fishing activities. Golden crabbing  
24 should not occur or on near lophelia reefs. The high currents  
25 and rugged habitat in the proposed area could easily result in  
26 gear loss and habitat damage.  
27

28 The entire region included in the EFP proposal should be  
29 protected from bottom-tending gear. Pulley Ridge has  
30 experienced impacts from fishing gear. The target depth for the  
31 EFP coincides with the optimal depth range for reef-building  
32 deep coral lophelia.  
33

34 Comments received shared the following concerns regarding the  
35 golden crab fishing activities. Coral bycatch was observed  
36 during previous exploratory golden crab fishing efforts that  
37 occurred in the 1980s. There is a large chance of error while  
38 deploying traps. While fishermen don't intend to deploy on  
39 corals, abandoned traps in coral rubble have been observed near  
40 lophelia habitats on the West Florida Slope.  
41

42 The seventeen-day soak time, coupled with the forty trap line  
43 experimental option contained in the proposal, may cause traps  
44 to be pushed along the bottom and become entangled in habitat.  
45 The EFP only mentions isopods and red crabs as bycatch, but  
46 other deep species occurring in these habitats could be  
47 captured, and a seventeen-day soak time could create ghost trap  
48 fishing. Similar fisheries have been documented to have caused

1 significant injury to deepwater coral habitat throughout the  
2 world's oceans.

3  
4 **CHAIRMAN BOSARGE:** All right. Thank you, Dr. Kilgour. I think,  
5 if I am looking correctly here, I think that brings us to our  
6 lunch break. We are five minutes ahead of schedule, and so we  
7 are going to have lunch provided for you eventually. It will be  
8 here shortly, and we're a little, actually, ahead of schedule.  
9 Did you have something, Dr. Mickle?

10  
11 **DR. MICKLE:** There has been some rumors that maybe some folks  
12 want me to go through the Administrative/Budget Committee  
13 report. It's a quick one, and we could knock it out prior to  
14 lunch, and I'm just offering, Madam Chair.

15  
16 **CHAIRMAN BOSARGE:** I think that sound like an excellent idea.  
17 Go for it.

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## COMMITTEE REPORTS

### ADMINISTRATIVE/BUDGET COMMITTEE REPORT

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**DR. MICKLE:** It was not my idea, but I will take credit. For  
the Administrative/Budget Committee, the committee adopted the  
agenda and approved the minutes of the January 2018 meeting as  
written.

Agenda Item IV, Review of Grant Expenditures and Anticipated  
Budget Activities and Funding, Dr. Simmons presented the list of  
proposed 2018 activities in Tab G, Number 4(a). The list  
contains both activities that are anticipated as well as those  
already conducted. We plan to hold five more Scientific and  
Statistical Committee meetings, one less advisory panel, and  
nine more scoping and public hearings than we planned in 2017.

Ms. Hager presented the proposed 2018 budget compared to the  
2017 funded budget in Tab G, Number 4(b). The budget is based  
on anticipated funding. The 2018 budget is slightly lower than  
2017, due to level funding with a slight recession. Ms. Hager  
summarized the various categories and efforts that have been  
made to reduce costs in the 2018 budget.

Once we receive our final funding for 2018, we may bring the  
2018 budget back to the council to approve any necessary  
changes. **The committee recommends, and I so move, to accept the  
2018 activities and budget as written.**

**CHAIRMAN BOSARGE:** We have a committee motion to accept the 2018  
activities and budget as written. Is there any discussion on

1 the motion? Seeing no discussion, is there any opposition to  
2 the motion? Seeing no opposition, the motion carries.

3

4 **DR. MICKLE:** Madam Chair, this concludes my report.

5

6 **CHAIRMAN BOSARGE:** Thank you, Dr. Mickle. That will save us  
7 some time later on today.

8

9 **DR. MICKLE:** Great idea.

10

11 **CHAIRMAN BOSARGE:** I hear that lunch is going to be right  
12 outside these doors, provided for you all, and I hear it's not  
13 quite there yet, but I'm still going to set you free, in case  
14 you want to run to your room real quick, but lunch will be down  
15 there shortly, and it's for council members and staff only.  
16 This is your working lunch, because we have to roll right into  
17 public testimony, and you're not going to have very much time.

18

19 (Whereupon, the meeting recessed for lunch on April 19, 2018.)

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April 19, 2018

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25

THURSDAY AFTERNOON SESSION

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- - -

28

29 The Full Council of the Gulf of Mexico Fishery Management  
30 Council reconvened at the Marriott Courtyard, Gulfport,  
31 Mississippi, Thursday afternoon, April 19, 2018, and was called  
32 to order by Chairman Leann Bosarge.

33

34 **CHAIRMAN BOSARGE:** As I mentioned on Monday, we do have a very  
35 full agenda for a four-and-a-half/five-day meeting, and so that  
36 was pretty much the only way to accomplish everything, and so we  
37 are going to start a little bit early with public testimony  
38 today.

39

40 Before we get started with public testimony, I did want to make  
41 an announcement, and so, as you know, I will sometimes go and  
42 attend the South Atlantic meetings at the Gulf liaison for  
43 species that we manage jointly, and they do something over at  
44 the South Atlantic.

45

46 They have a hospitality in the evenings, where essentially you  
47 will go to whoever has an extra hotel room, like a suite-type of  
48 room, and you will go to their room, and you pay five-dollars,

1 and you all stand around and have drinks together and socialize,  
2 and maybe there's like some French onion dip or something, it's  
3 really nice. It's a nice hospitality hour, and I have wanted to  
4 do that in the Gulf, but I don't want to invite you all into my  
5 hotel room, because I don't keep my stuff that clean, and so  
6 what I have done is I have gotten two sacks of shrimp, and we're  
7 going to try a hospitality hour after we finish today. I have  
8 two sacks of shrimp, and the Mississippi DMR, some of those guys  
9 over there have been sweet enough to help me out a little bit.

10  
11 They're going to help me boil them, and so, right after we  
12 finish up for the day, if you walk out of these doors, on this  
13 side of the room, and hopefully an alarm won't go off, but you  
14 walk out, and you go over to that little grassy area over there,  
15 and we're going to have some boiled shrimp, and I have some beer  
16 in some ice chests that I bought for you all.

17  
18 When the beer and the shrimp are out, the social is over, but I  
19 would love for anybody that wants to come and have hospitality  
20 hour with us, please come and join us, and I'm so excited to let  
21 you know that my two children will be there, and so I have given  
22 birth twice while I have been on this council, and you have  
23 never met my children, and they will be there tonight. Anybody  
24 that sees my son doing anything wrong, which, if he's breathing,  
25 he's doing something wrong, you have my permission to discipline  
26 him. All right. With that, let's get started with public  
27 testimony. I am going to read my statement for you.

28  
29 Good afternoon, everyone. Public input is a vital part of the  
30 council's deliberative process, and comments, both oral and  
31 written, are accepted and considered by the council throughout  
32 the process.

33  
34 The Sustainable Fisheries Act requires that all statements  
35 include a brief description of the background and interest of  
36 the person in the subject of the statement. All written  
37 information shall include a statement of the source and date of  
38 such information.

39  
40 Oral or written communications provided to the council, its  
41 members, or its staff, that relate to matters within the  
42 council's purview are public in nature. Please give any written  
43 comments to the staff, as well as all written comments will also  
44 be posted on the council's website for viewing by council  
45 members and the public, and it will be maintained by the council  
46 as part of the permanent record.

47  
48 Knowingly and willfully submitting false information to the

1 council is a violation of federal law. If you plan to speak and  
2 haven't already done so, please sign in at the iPad registration  
3 station located at the entrance to the meeting room. We do  
4 accept only one registration per person.

5  
6 Each speaker is allowed three minutes for their testimony.  
7 Please note the timer lights on the podium, as they will be  
8 green for the first two minutes and yellow for the final minute  
9 of testimony. At three minutes, the red light will blink, and a  
10 buzzer may be enacted. Time allowed to dignitaries providing  
11 testimony is extended at the discretion of the Chair, and we do  
12 have one dignitary here today, and he is signed up as our first  
13 speaker, and so, Mr. Lawrence Marino, I will ask you to please  
14 come to podium, sir. Thank you.

15  
16 **PUBLIC COMMENT**

17  
18 **MR. LAWRENCE MARINO:** My name is Larry Marino, and I'm here on  
19 behalf of Louisiana Attorney General Jeff Landry. Attorney  
20 General Landry urges the Full Council to reject the Reef Fish  
21 Committee decision to terminate further consideration under  
22 Amendment 36B of requiring commercial shareholders to hold a  
23 reef fish permit.

24  
25 It's undeniable that some commercial shareholders not only do  
26 not, but cannot fish, because they do not even have a reef fish  
27 permit or a related account with a permit. Yet, as currently  
28 constituted, the commercial IFQ programs grant these non-  
29 fishermen, or perhaps retired fishermen, the right to exact a  
30 price from others who actually do fish for these fish, and this  
31 is one of the most objectionable aspects of the IFQ programs.

32  
33 It's sharecropping, and it's not even with respect to the  
34 private property of the landlord though, the way the original  
35 sharecroppers did. Rather, it's the nation's property. It's  
36 natural resources that a chosen few are given the power, for  
37 free, to rent out to those who truly work the resource.

38  
39 IFQ programs can provide benefits to the fishery, to the  
40 fishermen, and to the nation, but protecting non-fishermen's  
41 functional ownership of the fish is not among them, nor is it a  
42 legitimate purpose or a desirable result of this or any other  
43 program. Potential Actions 2.1 and 2.2 of Amendment 36B enable  
44 this council to at least consider means to address this problem,  
45 but, yesterday, sitting as the Reef Fish Committee, this body  
46 decided, with fairly little debate, to terminate further  
47 discussion of such measures.

1 The advisory panel's recommendation to do this was cited as a  
2 key reason, and that's the fox in charge of the henhouse. It's  
3 one thing to listen to a regulated industry when deciding how to  
4 regulate them. That's a good thing, but it makes no sense to  
5 cite their recommendation to protect their own special benefits  
6 as the reason to do that.

7  
8 Attorney General Landry therefore urges this council, sitting as  
9 the council tomorrow, to reconsider and to reject the  
10 committee's decision to stop trying to solve this problem.  
11 Instead, we ask this council to continue work on potential  
12 Actions 2.1 and 2.2.

13  
14 Attorney General Landry also urges the council to reject the  
15 expansion of catch shares into the red snapper recreational  
16 sector through Amendments 41 and 42. These amendments would  
17 further wall off portions of the red snapper quota from the  
18 public. The fish are a public resource, but the public could  
19 access them only by paying others to do so, and the for-hire  
20 industry serves the public interest by providing an option as to  
21 how to fish, but the amendments would force the public to pay to  
22 access 42.3 percent of the recreational quota, and Attorney  
23 General Landry therefore objects to them.

24  
25 He further objects to the amendments because they would limit  
26 competition and opportunity for new entrants by imposing a cost  
27 on them that is not imposed on current operators, namely the  
28 cost of buying catch shares from those already in the business,  
29 and this is particularly objectionable because that cost would  
30 have to be paid to private persons for the right to access a  
31 public resource.

32  
33 Other problems with the amendments include that they would grant  
34 functional ownership of the fish to private parties, certainly  
35 to the extent that there is no reallocation, and they would do  
36 so without charging a fair price for the surrender of the fish  
37 to private interests. Also, the amendments would grant a  
38 monopoly to those already in the business, favoring the biggest  
39 operators most and locking in their advantage and ultimately  
40 squeezing out the smaller operators. The amendments would also  
41 impede adaptive management by largely locking in allocations of  
42 the fish based on old, static data. Attorney General Landry  
43 therefore urges this council to reject both amendments.

44  
45 Finally, this council continues to consider the state management  
46 amendments. Attorney General Landry fully supports state  
47 management, which would enable the states to tailor their  
48 recreational fishing programs to state-specific circumstances,

1 demands, and strengths.

2  
3 The exempted fishing permits will enable the states to  
4 demonstrate their ability to handle this responsibility, and it  
5 will begin to show the benefits to the fishery resource and to  
6 the fishermen of state management. However, the EFPs end in two  
7 years. If the state management amendments aren't in place by  
8 then, all of this progress will be jeopardized.

9  
10 We have heard that this council needs to finish its work on the  
11 amendments within the next couple of meetings for NOAA to have  
12 time to get everything in place for the 2020 season. Attorney  
13 General Landry therefore urges this council to continue the  
14 excellent progress to date, resolve the outstanding questions,  
15 and push through to a completed set of amendments and to do so  
16 quickly, so state management can pick up when the EFPs expire.

17  
18 In particular, among those outstanding questions is whether to  
19 include the for-hire component in state management. Louisiana  
20 and its for-hire industry support doing so. States that don't  
21 want this should not be forced to do it, but those that do  
22 should be able to. It's been suggested that this is  
23 logistically impossible, because fishermen could double-dip,  
24 hurting the other states. However, Mr. Banks from Louisiana has  
25 already suggested measures that could be put in place to prevent  
26 this.

27  
28 It's doable, provided that everyone keeps an open mind towards  
29 reaching this goal. Attorney General Landry therefore urges  
30 this council to continue to work through these problems, again  
31 finalizing the documents within the next couple of meetings.  
32 Thank you very much.

33  
34 **CHAIRMAN BOSARGE:** Thank you, sir. All right. Next, we have  
35 Mr. Shane Cantrell, followed by Mr. Bill Staff.

36  
37 **MR. SHANE CANTRELL:** Good afternoon. I will take the pleasure  
38 of addressing you all this fine day. I'm Shane Cantrell, and  
39 I'm a commercial and charter boat fisherman out of Galveston,  
40 Texas.

41  
42 I've got a number of different things that I wanted to address  
43 you all about today, the first one being the private angler  
44 buffer under these EFPs that I'm looking now that's been  
45 approved to be 10 percent.

46  
47 A couple of years ago, the charter boat buffer in the private  
48 angler buffer was 20 percent. One portion of the fishery has

1 continued to stay under their allocation, and another portion  
2 has exceeded it. Year after year, the charter boat fleet as a  
3 whole, the landings have been held, as predicted, below the  
4 allocation. Private angler landings have continued to be in  
5 excess of what was allocated, and now we're rewarding the  
6 private anglers for that out of charter boat fish.

7  
8 The American public has access to those fish and is now not  
9 getting it. Amendment 40 was put in here to protect the non-  
10 boat-owning public access to the fishery, and now it's being  
11 eroded again. We could address this through a carryover  
12 provision on underharvested red snapper that is left in the  
13 water, through sub-sector-specific accountability measures, and  
14 that would address it, but my fear on that is still that these  
15 fish are being moved from the charter boat sector to the -- From  
16 the charter boat sub-component to the private angler sub-  
17 component.

18  
19 This is a problem. This has been going on for years now, and  
20 what do we have to do at this council to address that and do  
21 things to operate on a level playing field? I thought Amendment  
22 40 was going to do it, and, slowly but surely, it's getting over  
23 there.

24  
25 I think the EFPs are an excellent way to go. They provide a  
26 huge opportunity for the states to prove that they can manage  
27 this, and I fully support it for private anglers. I fully  
28 support state management for private anglers only. That gets  
29 this done. That gets the private anglers where they need to be.

30  
31 As long as they can do it accountably, each state management  
32 system doing a good job, I fully support it. As a federal  
33 permit holder, I don't support being involved in it, and it's  
34 the same thing as regional management. It's the same thing  
35 coming up again. I support moving forward with Amendments 41  
36 and 42 and continue to develop them and get those moving down  
37 the road, and I think it provides a huge opportunity to my  
38 business, despite what others may say.

39  
40 The last thing I had was on the amberjacks, or two things.  
41 Amberjacks, keep them at one fish per person. We've made a lot  
42 of changes, and let's keep those, and the last thing would be on  
43 the golden crab EFP. I am looking at it, and I'm concerned of  
44 the impacts that it may have to the South Reed coral areas. We  
45 have no idea if accountability measures from that EFP -- I'm not  
46 sure what we're gaining by approving it.

47  
48 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Bill

1 Staff, followed by Mr. Gary Bryant.

2  
3 **MR. BILL STAFF:** I'm Bill Staff, owner and operator of the  
4 Charter Boat Sea Spray. I've been charter fishing since 1981.  
5 A year ago, I came to the podium, and I addressed and made  
6 comments towards an inefficient and no-can-do SSC. I want to do  
7 a 180, and I would really like to thank Dr. Clay Porch for what  
8 he's done and his open arms at the meetings and talking to us  
9 and wanting to get the fishermen involved, and I really  
10 appreciate that, and we really do want to help.

11  
12 We spend a lot of time out there, probably as much time out  
13 there as we do on land, and so we would like to help, but I  
14 would also like to thank this council. Most of you all were  
15 here, and some of you weren't, but for listening to us and  
16 working with us. We've got seven-and-a-half months of something  
17 to sell this year, and, with the magical closures that Dr. Roy  
18 does -- He's like David Copperfield, pulling magic, and we can  
19 about target and catch what we go after to target. Triggers are  
20 rebounding, and snappers have rebounded, and I think, looking at  
21 what we're seeing and hearing on jacks, I think they're going to  
22 soon follow.

23  
24 We're doing all of this being accountable, and that's huge.  
25 It's a win/win. Do away with the sunset on 40, or continue on  
26 with 41 and 42, and I would like to even see pushing for sector  
27 separation with triggers and jacks included, and we're in this  
28 for the long haul. Let's continue to do what's right for the  
29 fish. Shoot. Some of you all might even have grandchildren  
30 that might want to buy my boat one day. Thank you.

31  
32 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Gary  
33 Bryant, followed by Casey Price.

34  
35 **MR. GARY BRYANT:** I am Gary Bryant, owner and operator of Red  
36 Eye Charters, and I'm President of the Alabama Charter Fishing  
37 Association. I would like to start off speaking for our charter  
38 association and thanking you all is something I haven't always  
39 got to come up here and do, but, first, I want to thank  
40 Mississippi. This has been a great place to have our meeting,  
41 and I have to say that, of all the places we go, to me, this is  
42 the best food. You all have some really good restaurants, and I  
43 enjoy being here.

44  
45 We want to thank the council for moving forward on the EFPs. We  
46 have continually supported something better for the private  
47 recreational angler, and I think you all did that in record  
48 time. That's about as fast as I've seen anything come through,

1 but we appreciate you doing it.

2  
3 Also, we would like to thank you for our triggerfish seasons,  
4 and I think, the way the amberjack is going to work out, it's  
5 definitely a plus for us. We also -- I know the staff put a lot  
6 of effort into giving us a tool for 41 and 42, and I am not sure  
7 about how the support is going to go for that, but at least now  
8 we have tools where we can look at it and make decisions.

9  
10 For our association, we do have overwhelming support to keep 40,  
11 and so I don't know exactly what it takes, but we talk a lot  
12 about uncertainty in the fishery, and that's something that is  
13 hanging over our charter fleet's head, is this uncertainty, and  
14 we would really like to do away with the sunset on 40, and we're  
15 hoping that you all are working on a new program, the EFPs,  
16 looking at different ways to do private anglers that us being  
17 separate will be a benefit to both groups and we can go forward  
18 with that.

19  
20 On my private comments, on amberjack, I am kind of torn. I  
21 could live with or without one-half, but I think, again, that  
22 may be something we want to look at. If the private anglers  
23 can't live with less than one, what can the charter fleet live  
24 with? Is this a place where it may make sense to do the fishery  
25 different and to take the time to see what both groups are  
26 looking for?

27  
28 Also, just to comment on I believe it's the SDC, the spawning  
29 ratios, I don't really have a clue what that meant, and I have  
30 been to all of the classes, and I think some of you all have  
31 went too, and so I would like some more information. I can't  
32 make an educated comment on that, because I don't know how the  
33 numbers work, but, anyway, I want to thank you all. I feel like  
34 we're making progress, and I felt like this was a positive  
35 meeting, and I appreciate it. Thank you.

36  
37 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question for you,  
38 Mr. Bryant, from Mr. Boyd over here.

39  
40 **MR. BOYD:** Gary, thank you. A question on the decision tool for  
41 allocation. It's been out there now for a while, and have you  
42 run through it and put your numbers into it to see what you  
43 would get?

44  
45 **MR. BRYANT:** It's significantly less than what we've got under  
46 40. My feeling is I believe that the fleet is comfortable right  
47 now where we are under 40 with the seasons growing. No one  
48 wants to go backwards, and one of the things we're talking about

1 is uncertainty, which I mentioned, and I want 40.

2  
3 My goal is not to necessarily own anything, but there is a  
4 feeling that we don't want to lose 40. Do we have to keep 41  
5 and 42 going to keep 40? I mean, we've created uncertainty  
6 among the fleet, but you have given us tools to make the  
7 decision, and we appreciate that, and that will make it easier  
8 for us to make the decision. Thank you.

9  
10 **MR. BOYD:** A follow-up question. I'm not sure I understood. Do  
11 you think it is a requirement of 41 and 42 to keep 40 going? My  
12 understanding is we're talking about separate things.

13  
14 **MR. BRYANT:** Well, we started 40 with the idea of looking at  
15 rights-based management. I think the fleet is -- Most people  
16 are satisfied with where we are now, and, with the information  
17 we have of dividing the fishery up, I can't guarantee that we'll  
18 have industry support, with the way it will be divided up.

19  
20 Now, we have no catch history, and I meant to add that in my  
21 comments. ELBs, we want them. Keep going, but, basically, yes,  
22 there is a feeling that if you take away that, off the table,  
23 and then 40 comes off the table next, and so that is a feeling  
24 that going after 41 and 42 is an attack on 40, and so that may  
25 not be the case, but, if it was, I wish you all would clarify  
26 that, and that's one less thing we've got to worry about.

27  
28 **MR. BOYD:** Thank you.

29  
30 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Casey  
31 Price, followed by Mr. Jason Delacruz.

32  
33 **MR. CASEY PRICE:** How are you all today? I am Casey Price,  
34 owner and operator of Lady D Charters. I am going to make it  
35 short here. I do support sector separation. It has helped my  
36 business a lot, and I would like to see a couple more species  
37 get in that, triggerfish and amberjack, and I do not support  
38 going to half-a-fish per person. I would like to keep it at the  
39 one fish per person, and I think that's about all I've got.  
40 Thank you, all, very much.

41  
42 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Jason  
43 Delacruz, followed by Mr. Ken Haddad.

44  
45 **MR. JASON DELACRUZ:** I'm Jason Delacruz, and I want to thank you  
46 guys for the opportunity to talk, and I appreciate the council  
47 giving us the opportunity. I am the owner of Wild Seafood  
48 Company, Brickyard Fishing Companies, and Don's Dock. I do a

1 little bit of everything, which I have said many times.  
2  
3 Real quick, I will just hit a couple of high points. On the  
4 coral work that we're working on, the Amendment 9 or whatever it  
5 is, I guess my big challenge with that is we're working so hard  
6 to protect corals, and I see the value in that, but we haven't  
7 established what we're protecting them from.  
8  
9 We think we have this future problem, and I think there's more  
10 to it than that, and there definitely is, but we need to  
11 maintain historical access. You need to give me opportunities  
12 for my guys to make a living. We don't want to tear up coral.  
13 It's bad for our business, and so we're not going to do that.  
14  
15 If you look at the research that's been done on corals, we've  
16 had -- There is a ninety-three-mile expansion for the Pulley  
17 Ridge area, and, of that four years of surveying that they have  
18 done, they have identified -- They have sixteen records of human  
19 debris, and, of those sixteen, only three of them are identified  
20 as fishing. Of those three, we don't know if they're  
21 commercial. Most of them are traps.  
22  
23 Again, you guys are protecting something to keep me out and put  
24 me in a position to get a fine when I haven't done anything  
25 wrong, and I am not the one causing a problem. We have over and  
26 over again said that these are pristine corals, even the stuff  
27 in deep water, and these things are worrisome to me, and I think  
28 that's something that's really important that you guys need to  
29 think about.  
30  
31 Maintain my historical access. Don't build a box to give me a  
32 fine when we're already having a bad day because we had a  
33 problem, and that's what it is. It's a simple mistake that  
34 turns into a massive fine, and everybody says, well, we're  
35 protecting it for the future and what if some other gears --  
36 Well, then identify the gear, just like we're doing in the  
37 Pulley Ridge area on the Wall area. That probably wraps most of  
38 that up.  
39  
40 As far as 36B and what your AP put together, there was a lot of  
41 heartburn in who went on that AP and the time that you guys  
42 spent doing that. I appreciate that some of the members have  
43 identified that we're going to listen closer to them, but I  
44 think one of the things you have to realize is that you guys see  
45 us as the experts, but yet, unfortunately, we're in a position  
46 where we have certain people that come up here and say things  
47 about what we're doing and how we're doing it and that it's  
48 problematic, but we are the experts.

1  
2 I think, unfortunately, the people that come to this podium and  
3 say those things don't truly understand what's going to happen  
4 in this fishery. Some of these things that we say we don't  
5 want, you're going to cause further consolidation. You are  
6 going to hurt more small guys, consistently, over and over  
7 again.

8  
9 I mean, as it is now, the conversations about the reef permit  
10 issue has driven the price of permits up more and more, and now  
11 these guys can't afford them, and so leave them alone. Let that  
12 go and let them find -- Give these guys opportunities to get  
13 into the fishery.

14  
15 The only other thing that I really have to say is on amberjack.  
16 I support the commercial 500-pound trip limit, and I don't know  
17 if that's going to be enough, but this fishery is already a  
18 bycatch fishery. It's closed, and we're discarding these fish.  
19 Give us something to try to keep it open longer so that we can  
20 actually maintain it and not throw a dead fish back in the  
21 water. There is no upside to that. Thank you very much.

22  
23 **CHAIRMAN BOSARGE:** Jason, did you say 500 or 1,500?

24  
25 **MR. DELACRUZ:** 500. We're at 1,500 now, and we're closing in  
26 two months, and we caught 106 percent.

27  
28 **CHAIRMAN BOSARGE:** Just checking. I have Ms. Guyas.

29  
30 **MR. GUYAS:** Hi, Jason. I want to go back to your comments about  
31 Coral Amendment 9. I hear what you're saying about what are we  
32 protecting these from, but are you -- I mean, are you saying  
33 that you all are fishing in this whatever we're calling it, the  
34 Wall area?

35  
36 **MR. DELACRUZ:** No, but the problem with the Wall area is that  
37 area is a lot of current. What happens is, if we're setting  
38 gear one day, and these are people on boats. They have bad  
39 days, and, if they have a bad day and they're not paying  
40 attention quite to where the current is and it blows their gear  
41 off closer to the Wall, we're going to get into an area that we  
42 know we're going to hang our gear.

43  
44 That's a \$3,000 to \$5,000 problem, and we don't want that to  
45 happen. We're going to try really hard. The box makes it a  
46 \$30,000 problem, and what have you done? It's going to happen  
47 whether the box is there or not, and so, really, you're just  
48 figuring out a way to penalize me more, and the question is the

1 same issue that happens with the things that I identified on  
2 Pulley Ridge, they have done the look out there with the ROVs,  
3 and they can't find any of our gear either. Consistently, they  
4 say that it's traps we see, and then let's ban it for traps and  
5 not historical guys who have been fishing there since the 1980s.  
6 Thank you.

7

8 **CHAIRMAN BOSARGE:** Mr. Dyskow, did you have a question?

9

10 **MR. DYSKOW:** Yes, I did. Jason, thank you for coming. You  
11 always have good testimony, and I always learn something. Did  
12 you try to say something about 41 and 42? I wasn't quite clear  
13 on what you were saying.

14

15 **MR. DELACRUZ:** I do own a charter permit that I have a partner  
16 that runs the boat, but I have a lot of guys that fish at my  
17 dock that have some fundamental differences on how all that's  
18 coming together, and I think the decision tool gives them a  
19 great opportunity, and I think that needs to continue moving  
20 forward. I can tell you that every one of those charter guys  
21 would love to see the sunset provision in 40 go away, so they at  
22 least had some time to figure that out. I think that's more  
23 than fair.

24

25 Kind of on a different subject, I want to thank you for being a  
26 council member that was willing to stand up and try to get  
27 something to move forward by separating some of those things out  
28 yesterday. I really appreciate that. I didn't get an  
29 opportunity to tell you in person, but now I can tell you in  
30 front of everybody, and so, anyway, thank you.

31

32 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Ken  
33 Haddad, followed by Mr. Tom Wheatley.

34

35 **MR. KEN HADDAD:** Thank you, Madam Chair and council members. I  
36 am Ken Haddad from the American Sportfishing Association. I am  
37 going to talk about barotrauma and a couple other things, but we  
38 do appreciate you moving forward with a policy statement on  
39 venting tools and descending devices.

40

41 ASA has been collaborating with Pew to provide our collective  
42 thoughts on what a policy document could include and suggest  
43 some language for your consideration, and this has been provided  
44 to some of you, but I don't think the Full Council has it.

45

46 Specific to the policy statement, we would like to see Dr.  
47 Stunz's original motion in committee be reinstated with the  
48 terms "and more fishing opportunities" added to the end of the

1 policy statement. We believe it's critical to provide  
2 incentives to the angler in the actual policy statement to help  
3 the voluntary implementation of the policy and the tools.

4  
5 We also submitted some organizing thoughts on monitoring,  
6 education, and science that we hope that you will consider  
7 incorporating into the policy document itself, and this should  
8 help fully integrate these tools into management in the long  
9 run, if you take a look at those and figure out how to include  
10 them.

11  
12 In the state plans that you went over yesterday, we heard a  
13 discussion by the committee and the staff on Action 1 and 2, and  
14 I think it was dealing with Louisiana, but it's in all the  
15 plans, but it was Action 1, Alternative 2, removing e through g,  
16 and that was the discussion, and it didn't happen, but it may  
17 come up again, and those are what we consider the more  
18 innovative categories of management, and that was the use of  
19 descending devices, gear requirements, and depth distance, and  
20 we just ask that you keep those within the documents as you  
21 proceed forward.

22  
23 I know it's an analysis issue, but there may be some innovative  
24 analyses that could satisfy the need for looking at the impacts  
25 of implementing some of these management approaches. We support  
26 continued development of the coral amendment, and I hate to  
27 bring up optimum yield after yesterday, but it's kind of clear,  
28 from the presentation and discussions, that there needs to be a  
29 better way to understand the connection between OY and how the  
30 council manages, and it may not be so important on how MSY, OY,  
31 and ACLs, for example, relate on reef fish, because there is a  
32 lot of connectivity there, but, if you move to something like  
33 mackerel, for example, or recreational fisheries that may  
34 include catch-and-release or a need for a higher abundance  
35 relative to catch, then it may be a different story, and so we  
36 are interested in the decision tool for OY, as presented in  
37 Action 4, Alternative 3. Thank you.

38  
39 **CHAIRMAN BOSARGE:** We have a couple of questions. Dr. Crabtree.

40  
41 **DR. CRABTREE:** Hi, Ken. Thank you for being here. I am  
42 curious. Is ASA still opposed to sector separation, and would  
43 ASA oppose the council removing the sunset provision that was in  
44 Amendment 40?

45  
46 **MR. HADDAD:** We haven't discussed supporting sector separation,  
47 if that's the case. Now, with all the discussions and some  
48 reality, I think there's ways to look at this, and maybe

1 solutions, but the short answer is no.  
2  
3 **DR. CRABTREE:** Thank you.  
4  
5 **CHAIRMAN BOSARGE:** Mr. Diaz.  
6  
7 **MR. DIAZ:** Thank you, Mr. Haddad. Do you have any position that  
8 you could share with us related to amberjack bag limits, and  
9 specifically fractional bag limits? Thank you.  
10  
11 **MR. HADDAD:** I wish I did. We want to make sure that good  
12 conservation measures are put forward and would go with what the  
13 council thinks is best across the fishery in the recreational  
14 sector, particularly, on how to proceed, and so we have no  
15 specific position on it.  
16  
17 **CHAIRMAN BOSARGE:** We have one more question for you from Mr.  
18 Swindell.  
19  
20 **MR. SWINDELL:** In talking about the descending devices, you  
21 mentioned incentives. Have you got an idea on what kind of  
22 incentive would be appropriate?  
23  
24 **MR. HADDAD:** Well, one incentive is a goal of having a payback  
25 into the fishery eventually from reduced mortality. I think  
26 that's a big incentive, and that's what needs to stay in the  
27 forefront. Now, at the recreational fishing summit that NOAA  
28 held recently, there were a lot of ideas on incentives tied to  
29 some of this from both data reporting, descending devices, and  
30 there is -- It's something that hasn't really been thought of as  
31 to what is to incentivize a recreational fisherman to  
32 participate in things, and so we think that needs to be front  
33 and center though.  
34  
35 **CHAIRMAN BOSARGE:** Dr. Crabtree.  
36  
37 **DR. CRABTREE:** Just along those lines, I did have a discussion  
38 with Dr. Porch this week about doing some analyses to look at,  
39 if we could achieve this level of compliance with descending  
40 devices, what sort of impact it might have on the total  
41 allowable catch, so that we could give anglers some idea of what  
42 the gains might be if we --  
43  
44 **MR. HADDAD:** Yes, and it would be different for every species,  
45 of course, and so thank you.  
46  
47 **CHAIRMAN BOSARGE:** All right. Next, we have Mr. Tom Wheatley,  
48 followed by Mr. Mike Rowell.

1  
2 **MR. TOM WHEATLEY:** Good afternoon. I am Tom Wheatley from the  
3 Pew Charitable Trusts. We commend the council for moving  
4 forward with Coral Amendment 9 to safeguard deep-sea coral  
5 communities. Corals have been documented across the Gulf, but  
6 they are not abundant everywhere or as uniformly distributed as  
7 other parts of the world.

8  
9 The Gulf is characterized by mostly muddy bottom with rocky  
10 outcroppings and ledges that harbor corals, sometimes  
11 sporadically. However, dense congregations of corals, or hot  
12 spots, have been discovered in the past decade or so by  
13 scientists exploring the deepest parts of the Gulf with remotely  
14 operated vehicles. In fact, NOAA's Okeanos left out of  
15 Pascagoula this week for a research cruise searching for corals  
16 and exploring habitats.

17  
18 Unlike other councils that have protected coral habitat by  
19 prohibiting bottom fishing gear in large swaths, this council  
20 has chosen a more surgical route to protect the best corals  
21 while minimizing the impacts on fishing.

22  
23 The good news is that significant damage seen elsewhere,  
24 including the South Atlantic, has not been documented in the  
25 Gulf. This doesn't necessarily mean that the sites are  
26 pristine, as scientists have found evidence of fishing-related  
27 damage at some of these sites.

28  
29 Rather, it means these sites represent the healthiest coral  
30 communities in the Gulf, and it is imperative to protect these  
31 corals, because they provide essential fish habitat, shelter and  
32 nursery grounds for a wide array of species, and it could have  
33 potentially significant medical applications. For instance,  
34 discoveries from sponges dwelling among deep-sea corals already  
35 have provided antiviral and cancer drugs, and coral skeletons  
36 are being studied for uses in bone grafting and dental implants.

37  
38 We believe all habitat areas of particular concern should have  
39 fishing regulations, including the two south Texas sites and the  
40 eight very deepwater sites. The boundaries of Southern Bank,  
41 for instance, were significantly reduced after input from the  
42 Shrimp Advisory Panel, and minimal fishing reportedly occurs at  
43 Harte Bank. Even if little to no fishing is occurring, it's  
44 more proactive to put protections in place to prevent later  
45 damage and steer fishing interests away from coral habitats.

46  
47 For example, the target area in an application for the golden  
48 crabbers for an exempted fishing permit overlaps with an area,

1 the South Reed site, identified by the coral experts as  
2 significant coral habitat, and we heard from some of them in the  
3 comments on that EFP.

4  
5 Potential exists, however, for compromise to accommodate the  
6 needs of the fishermen and protect corals. We support combining  
7 the three HAPCs in the Many Mounds region on the West Florida  
8 Shelf. The new boundaries protect more corals along the rocky  
9 escarpment, while more fishable grounds above the drop-off would  
10 actually remain open, and it's a win-win.

11  
12 Overall, we think Coral Amendment 9 represents a compromise  
13 approach at protecting ecologically-significant coral habitats  
14 while attempting to minimize impacts on existing fishing  
15 operations. Thank you.

16  
17 **CHAIRMAN BOSARGE:** Thank you. We have a question for you, sir,  
18 from Mr. Dyskow.

19  
20 **MR. DYSKOW:** Thank you, Tom. I know there are people on the  
21 council, such as Dr. Frazer, that know more about deepwater  
22 coral than I do. I have a fundamental interest, as I'm sure  
23 most of the board does, in protecting deepwater coral, but I  
24 personally, and I think all of us, to some degree, are in  
25 ignorance as to the data on deepwater coral.

26  
27 We seem to have snapshots of areas, as opposed to an overall  
28 picture, and every time I ask about the availability of this  
29 overall picture, everybody says the same thing. Well, it's  
30 never been done, or we don't have the budget to do that kind of  
31 an extensive survey.

32  
33 Organizations like your own are very well funded, and I say that  
34 because my wife gets a flyer from you about every three days,  
35 and, so, indirectly, I have probably helped contribute to your  
36 coffers, but my point is are you folks interested in working  
37 collaboratively with other like-minded organizations to initiate  
38 a meaningful survey that would give us this information so that  
39 we could make good decisions?

40  
41 The way the council operates, and I'm not trying to bore you to  
42 death here, but, when we have great information, we tend to make  
43 great decisions. When we have bad information, we tend to make  
44 bad decisions, and so I view that as a major challenge towards  
45 your goal of protecting deepwater coral, and could you respond  
46 to that, please?

47  
48 **MR. WHEATLEY:** Well, I think that this has been a very high

1 priority for NOAA, and they've spent a lot of money on deepwater  
2 research on deepwater coral, and so, like I said, the Okeanos is  
3 actually out right now doing that work, and I believe it is a  
4 collaborative effort between obviously NOAA and other academic  
5 institutions, and we are always open to working collaboratively.

6  
7 We work collaboratively with fishermen in the room and with  
8 council and NOAA staff and with the state agencies to try and  
9 find solutions. We're a very solution-based organization, and  
10 we always put the science first, and so, no, we don't know where  
11 all the corals are out there in the Gulf of Mexico. We have  
12 only recently been able to get to some of these places with the  
13 submersibles, and so, to me, I find this to be a very exciting  
14 field, where we're actually getting to know what's at the bottom  
15 of the ocean and the bottom of the Gulf in very deepwater  
16 habitats that we have never been able to explore before.

17  
18 We are realizing the importance, I think, of these corals, not  
19 only to the fish and the crabs and other critters that call it  
20 home there, but also potentially for looking at the chemicals  
21 and the chemical processes in these deepwater species that makes  
22 them more resistant to disease and things like that could help  
23 our own families when it comes to disease prevention and cures.

24  
25 I do find this to be a very exciting field, and that's really  
26 what is driving our passion for this, but we would commend NOAA  
27 for really taking the lead and running these research trips into  
28 these deepwater sites and doing it in a collaborative manner,  
29 and I hope that answers your question.

30  
31 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Mike  
32 Rowell, followed by Mr. Ryan Bradley.

33  
34 **MR. MIKE ROWELL:** Good afternoon. I'm Mike Rowell from the  
35 Charter Boat Annie Girl out of Orange Beach, Alabama. I am  
36 usually mad or upset when I get up here, but, today, I'm kind of  
37 in a good mood. I don't have much to fuss about.

38  
39 As a charter captain, I appreciate the work that the council has  
40 done on sector separation and the state EFPs. I support that,  
41 and I am thankful that we have at least one of the big three,  
42 and that's what I call it, triggerfish, amberjack, and red  
43 snapper, to target throughout the year, and not all at once, but  
44 at least, when we take folks fishing, we're not throwing  
45 everything back and we're keeping something, and having a season  
46 like that really makes it nice.

47  
48 I continue to support data reporting. As most of you know, most

1 of the charterboats in Alabama have voluntarily had the VMS  
2 installed on our boats, and we pay for that service out of our  
3 pocket every month, and we full support that, and, after seeing  
4 how things have gone along here now with getting better data and  
5 not overfishing our quota and the fishery recovering and slowly  
6 getting more days, it's positive, and it's taken a long time to  
7 get here, and I like the benefits of all that.

8  
9 I understand the decision tool yesterday was unveiled on 41 and  
10 42 and how we can determine how many fish we could catch on our  
11 data and landings, and that really helps us understand a little  
12 more what's going on. I am a fisherman and not a scientist, and  
13 so, a lot of times, you all are talking over my head, but, when  
14 we get tools like this to help us, it really is a benefit for  
15 us.

16  
17 On that same thought process, it's been pointed out to me that  
18 Amendment 48 seems very technical, and a lot of people don't  
19 understand that, and, before it goes to public hearing, I would  
20 like to see it go back to the SSC, so they can look at it and  
21 maybe make it a little simpler for us to understand that as  
22 well, and so I think that's about it, and I appreciate  
23 everything, and I hope you all have a good day.

24  
25 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question for you  
26 from Mr. Boyd.

27  
28 **MR. BOYD:** Mike, thank you. I appreciate it. You mentioned the  
29 decision tool again, and I'm going to ask you the same question  
30 that I asked a while ago. The decision tool has been out for a  
31 while. Have you used it?

32  
33 **MR. ROWELL:** No, but, in conversation, I have heard what the  
34 numbers might be for some of us, and there's a lot of difference  
35 between that and what we have now, and I don't understand why  
36 there is so much difference, and so I'm still -- I am still out,  
37 as far as what I really feel about it. Does that answer your  
38 question?

39  
40 **MR. BOYD:** Yes, partially. You haven't used it personally, put  
41 your data in there, to see what yours is going to be?

42  
43 **MR. ROWELL:** No, not mine, but, like I said, I've talked to  
44 other folks that run a business similar to mine, and so I've got  
45 some sort of idea, and it certainly doesn't look any better than  
46 what we have now, but, like I said, I've still got work to do on  
47 that to really make a fast comment on it.

48

1 **MR. BOYD:** Thank you.

2  
3 **CHAIRMAN BOSARGE:** All right. Next, we have Mr. Ryan Bradley,  
4 followed by Mr. Mark Tryon.

5  
6 **MR. RYAN BRADLEY:** Hi, council. I'm Ryan Bradley, and I'm the  
7 Director of Mississippi Commercial Fisheries United. Thank you  
8 for the opportunity to speak. When we first started coming to  
9 these meetings, one of our main priorities was Amendment 36B,  
10 and we had the opportunity to attend the IFQ advisory panel in  
11 Tampa last week, and I was really pleased with the diversity of  
12 the people on the panel and the discussions that we had.

13  
14 We generally agree with most of the motion that were made, and  
15 some that were followed up with yesterday on the council, and  
16 one of the big things that we've really been behind in pushing  
17 is this idea of a quota set-aside, and, just to give you some  
18 insight, here in Mississippi, we have about four active reef  
19 fish commercial fishermen, and it's kind of a tough pill to  
20 swallow for us. We would like to see more of that going on here  
21 in Mississippi.

22  
23 We feel like this quota set-aside would help the young guys earn  
24 their way into the fishery and have a little bit of access to  
25 some quota and help to build into this fishery. We definitely  
26 don't want to take anything away from some of the current  
27 participants, with the least amount of harm to them as well, but  
28 we also feel like that quota set-aside will help to reduce  
29 discards in the fishery.

30  
31 It probably would have been a good idea to have that set-aside  
32 implemented in the beginning, but you learn as you go, but the  
33 IFQ program is a program that we admire, and it's been a great  
34 system. Being able to sell fish year-round in a stable market  
35 is big, and so, with that being said, we really would like you  
36 to take a closer look at that set-aside and how can we put quota  
37 into that without taking away too much from some of these other  
38 guys and making that work, giving some new entrants some  
39 opportunities.

40  
41 The last thing that I wanted to mention, and I wanted to address  
42 this to the Florida folks, is we had some shrimpers shrimping  
43 down in the Keys here in the last few months, and we had a high  
44 amount of reports of interactions with derelict lobster traps.  
45 From what they're telling me, these guys are prohibited from  
46 possessing the traps on their boat, and, to me, it makes perfect  
47 sense to allow these guys to bring the traps in and be able to  
48 dispose of them on land, to get them out of the water.

1  
2 Maybe at the next commission meeting in Florida, maybe we could  
3 look at that. I'm sure that I won't be able to make it down  
4 there, but we would like to look at that further, and so that's  
5 all I have, if anybody has any questions.  
6  
7 **CHAIRMAN BOSARGE:** Ms. Guyas.  
8  
9 **MS. GUYAS:** Let's talk offline.  
10  
11 **MR. BRADLEY:** Yes, ma'am. All right. Thank you.  
12  
13 **CHAIRMAN BOSARGE:** Ryan, the four commercial guys that you  
14 mentioned in Mississippi, are they shareholders or do they  
15 mainly lease?  
16  
17 **MR. BRADLEY:** Most of the ones that are active are leasing,  
18 especially when it comes to red snapper, as far as I know. I  
19 think we have about twelve to fourteen shareholders, and I think  
20 we have about six or seven permits, and four are active. Three  
21 are really active, and so it's just something that we would like  
22 to see more of, as the shrimp and the oyster industry has  
23 declined.  
24  
25 Fishermen and fishermen, and, if one fishery goes bad, they move  
26 into another one, and you all have been doing a good job of  
27 managing the red snapper and all that, and we would like to move  
28 into it.  
29  
30 **CHAIRMAN BOSARGE:** So those four guys are in your organization  
31 probably then?  
32  
33 **MR. BRADLEY:** Some of them, yes.  
34  
35 **CHAIRMAN BOSARGE:** All right. Thanks. Next, we have Mr. Mark  
36 Tryon, followed by Mr. Bubba Cochrane.  
37  
38 **MR. MARK TRYON:** Good afternoon. I'm Mark Tryon. I'm a  
39 commercial fisherman from Gulf Breeze, Florida. I just want to  
40 make an observation. I have been to a number of these meetings,  
41 and we have had this new policy of allowing the dignitaries to  
42 speak first. I don't really have a problem with that. What I  
43 do have a problem with is that I have yet to see an advocate  
44 dignity on the commercial sector side, and, as such, I really  
45 don't think it's fair. We should be given equal time to rebut  
46 any testimony with one of our designated spokespeople.  
47  
48 What the gentleman previous to me was speaking about, the set-

1 asides, and set-aside for the inactive account is what is, I  
2 guess, kind of on the table or being discussed right now, and I  
3 think that is a good idea, even though these amounts are not  
4 that large, but at least it's a start. If we move forward with  
5 this, we'll have a system in place to accommodate future set-  
6 asides, which might involve a portion of future increases in the  
7 red snapper quota.

8  
9 There was discussion yesterday about discrepancies or a concern  
10 with the estimated versus actual weights on IFQ species, and I  
11 think, on this -- I think we need to not rush to judgment and  
12 institute yet more rules involving this.

13  
14 For instance, when I'm out fishing, if I catch let's say  
15 predominately red snapper, I know what my capacity on the boat  
16 is, and I can tell you pretty accurately what I have. Once you  
17 start co-mingling let's say the snapper with vermilion snapper  
18 and triggerfish and porgies and so on and so forth, king  
19 mackerel or whatever, and you get this conglomeration of fish,  
20 it becomes more and more difficult to accurately estimate how  
21 much you have.

22  
23 I just think that we need to put some thought into that, and  
24 it's also possible in this instance, and I don't know the facts,  
25 but maybe the person should have been given an amendment of the  
26 three-hour notification, and I know I do that sometimes. I will  
27 be fishing, and you will call in a weight, but you're still  
28 fishing.

29  
30 Then, all of a sudden, you start catching a bunch more fish than  
31 you thought you were going to have, or maybe you catch a couple  
32 of grouper or something, which you didn't declare, and what  
33 you're supposed to do is send in another notification, which  
34 amends the first one, and so perhaps people don't know about  
35 that, or should know about it, but don't, and they need to be  
36 informed regarding that. That's all I have to say in my time  
37 allotted. Thank you.

38  
39 **CHAIRMAN BOSARGE:** We have some questions for you, sir. Mr.  
40 Diaz.

41  
42 **MR. DIAZ:** Mr. Tryon, do you have any thoughts on trip limits  
43 for amberjack?

44  
45 **MR. TRYON:** Yes, I would like the 500 pounds.

46  
47 **MR. DIAZ:** Thank you, sir.

48

1 **CHAIRMAN BOSARGE:** Mr. Tryon, I am sensitive to your comments  
2 about having time to rebut anything. Was there anything else  
3 that you wanted to respond to?  
4

5 **MR. TRYON:** No, I think that's it for today.  
6

7 **CHAIRMAN BOSARGE:** Okay. Thank you, sir. Next, we have Mr.  
8 Bubba Cochrane, followed by Mr. Buddy Guindon.  
9

10 **MR. BUBBA COCHRANE:** I'm Bubba Cochrane from Galveston, Texas.  
11 I'm a commercial fisherman and charter boat fisherman and  
12 owner/operator and also President of the Gulf of Mexico Reef  
13 Fish Shareholders Alliance.  
14

15 I would like to thank the council for working toward the Gulf  
16 state EFPs to manage red snapper for recreational anglers. I am  
17 also glad to see that the charter/for-hire guys are going to  
18 remain under federal management and continue to work through the  
19 council process, which I think will ultimately prevail on what  
20 the charter guys are really wanting to do.  
21

22 I agree with the recommendations that came from the IFQ advisory  
23 panel, with the exception of the additional royalties. I am not  
24 really sure how adding to the already 3 percent cost recovery is  
25 going to improve the IFQ, and I'm not opposed to looking into  
26 what potential effects that it could have on the system, as long  
27 as the money generated goes back into managing the fishery.  
28

29 There was discussion here at the council about the IFQ hail-in  
30 weight estimates, and I'm not sure how much of a problem this  
31 is. I myself don't have a problem being pretty accurate on my  
32 estimates. I remember, in the beginning of the IFQ, there was  
33 no requirement to make an estimate of landing weight, and I feel  
34 that estimating does help law enforcement prioritize their  
35 dockside enforcement, but, other than that, I don't see a need  
36 to be anything more than as accurate as humanly possible. I  
37 don't think holding the boat operators to a certain percentage  
38 of their estimate is doable or a fair requirement. Thank you.  
39

40 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question for you  
41 from Mr. Diaz.  
42

43 **MR. DIAZ:** Again, Mr. Cochrane, do you have any thoughts on the  
44 amberjack trip limits?  
45

46 **MR. COCHRANE:** I think 500 is a -- Given that, most of the time,  
47 when we're catching amberjack, it's typically on a trip where  
48 it's used for discards. We don't really do any directed

1 amberjack, but we don't want to throw them back either, and so I  
2 think 500 would definitely cover my discards on a trip when  
3 amberjack was open.

4  
5 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Buddy  
6 Guindon, followed by Ms. Alicia Paul.

7  
8 **MR. BUDDY GUINDON:** Good afternoon. I promise you that I won't  
9 read anything off my phone. The AP we had back when we were  
10 implementing the IFQs recommended the council to not allow  
11 people without reef fish permits to own quota, and you remember  
12 that, Robin. You were one of the ones that pushed to allow open  
13 access to the red snapper fishery.

14  
15 Now we're trying to change that and take people who have  
16 invested their money and worked hard to get in this business and  
17 take that opportunity back away from them, and so, with that  
18 said, I hope that you take to heart the recommendations of the  
19 advisory panels that you put together. You did a great job  
20 putting together this last red snapper/grouper/tilefish AP, and  
21 they have come up with some really good recommendations, and  
22 they got through the list of things they needed to do, and they  
23 did a good job, and so please listen to them. They have the  
24 best interests of the fishery and the fishermen in mind.

25  
26 I know all of you remember the big fight over Amendment 28 and  
27 how we went back and forth and spent a lot of the council's  
28 time, only to end up in court and have it thrown out, and so I  
29 hope you look clearly at what you want and do it within the  
30 legal structure that is available for this council to operate  
31 under. We don't want to pay for lawyers anymore, and we don't  
32 want to waste the council's and the staff's time. They have  
33 enough work to do without chasing dreams.

34  
35 The scoping document that some of our Texas representatives put  
36 together in January didn't include the biological factors that  
37 need to be considered, and that's probably because of the  
38 overfishing and the discards during closed seasons and all the  
39 things that will reflect badly on that, and so, when we go back  
40 and start looking at that, we need to look at all of these  
41 things, including the biological aspects.

42  
43 I have been hearing some good things about some of our new  
44 council members and what they're doing and how they're standing  
45 up to move things along and quit wasting time on garbage, stuff  
46 that isn't needed, stuff that the industry doesn't want and  
47 stuff that won't improve any of our management systems and that  
48 will only serve to disassemble the successes that you all have

1 put together in our management systems, especially in the  
2 commercial fishery, and now you're well on your way to doing  
3 something for the recreational fishermen, and I applaud you for  
4 that.

5  
6 It's great that we're moving ahead with state management, and  
7 it's great that you allowed the businesses who are separate from  
8 the private recreational angler to have the ability to build  
9 their own system. Thank you.

10  
11 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Ms. Alicia  
12 Paul, followed by Mr. Mark Kelley.

13  
14 **MS. ALICIA PAUL:** Good afternoon. I'm Alicia Paul from Panama  
15 City Beach, Florida, a dually-permitted vessel. Most of you all  
16 know, from hearing me speak before, that I struggle with this a  
17 little bit, and so I'm going to try and get it all out here.

18  
19 The jacks, I would like to see the reduction in the bag limit to  
20 one fish per two people, Action 1, Option 2. Action 2, Option  
21 2, the 60/40 fall to spring. The reduction to 91 percent ACT,  
22 and I think that will ensure longer access for us, and it will  
23 keep us under the estimated ACT there.

24  
25 I don't understand changing the fiscal year date. As I listened  
26 to most of you all yesterday, you all were struggling with it,  
27 and I think it just complicated things a little bit more for  
28 you, and so -- But that's you all's choice though.

29  
30 The commercial trip limit on the amberjack, I'm a dually-  
31 permitted vessel, and I don't fish for them in the summertime,  
32 and so it really doesn't matter to me. Where it does matter is  
33 January and February, where I need those fish the most. I am  
34 not opposed to a reduction. Let's reduce it to 1,000, but I  
35 wouldn't like to see it go to 500. I depend on those fish in  
36 January and February when the water temperature is colder and  
37 the other species aren't biting as well, and so we thrive on  
38 those jacks in the eastern Gulf.

39  
40 Amendment 41 and 42, I would kind of like to see it go away.  
41 Let's secure Amendment 40 and take away the sunset on that. I  
42 think a lot of us would be more comfortable knowing that we were  
43 managed under Amendment 40 and that was secured.

44  
45 Electronic logbooks, I didn't hear you all speak about that, and  
46 I may have missed it, but let's move forward. We need it. We  
47 need accurate data, and let's be accountable. The commercial  
48 IFQ, I really liked where you all are going with the setting

1 aside the inactive accounts, and let's reallocate that for the  
2 next generation of fishermen, based on a commercial reef fish  
3 permit and previous landings of those fish that we have leased,  
4 and that would be great.

5  
6 I heard somebody say something about a loan program, and that  
7 really doesn't help us. For most of us, we can go out and we  
8 can get financed on our own, but the issue is being able to pay  
9 that back. These guys were issued this quota based on their  
10 historical landings, and, if we're going to reallocate it, let's  
11 reallocate it based on our lease landings. If we're active in  
12 the business and we're catching these fish, we're leasing them,  
13 let's reallocate them. If we have to pay for them, great.  
14 That's fine. We'll pay for them. I don't want to see them go  
15 into a quota bank in equal distribution.

16  
17 As far as the commercial accountability, as I heard Ms. Leann  
18 say, it's hard. You've got a basket of fish there, and it might  
19 be a sixty-pound basket, and it might be a seventy-five-pound  
20 basket. If you've got ten baskets of red snapper onboard,  
21 there's a 150-pound difference there, and we do our best to be  
22 accurate, but the example that was used was -- I think you said  
23 the vessel called in 500 pounds and landed with 1,100, and  
24 that's a little much there. Let's keep it a little closer, and  
25 I understand that, but, as far as trying to nail it down to a  
26 percentage, that's going to be hard.

27  
28 I would like to thank you all for a seven-month season. I  
29 really do. We have, as Mr. Rowell stated, we've got the big  
30 three for seven months, and so thank you all. That's really all  
31 I've got for you. Thank you.

32  
33 **CHAIRMAN BOSARGE:** Thank you, ma'am. We appreciate it. Next,  
34 we have Mr. Mark Kelley, followed by Mr. Mike Nugent.

35  
36 **MR. MARK KELLEY:** My name is Mark Kelley, and I'm from Panama  
37 City. I have two charter boats, which are dually permitted.  
38 I'm an IFQ shareholder, and I also set on the AP, the ad hoc  
39 committee, for the charter side. First off, and foremost, I  
40 want to say that -- I am going against -- I stood up here  
41 against sector separation, but I have seen the light, and I  
42 think it's great thing for us.

43  
44 Whatever it takes for Amendment 40, for us to get our percentage  
45 of the allocation, that's what I want. If that means doing away  
46 with the sunset or however it goes about, that's -- Now,  
47 Amendment 41 and 42, I'm opposed to. I have done the numbers on  
48 the models and all, and I am about 30 percent of what I actually

1 catch for the year on the snappers, and it's even worse on the  
2 trigger and amberjacks, but the fifty-one-day season is working  
3 for us.

4  
5 I think, on the percentage, we're 15 percent under our buffer  
6 every year, and to get two days this year was kind of a slap in  
7 the face to me, because you owe us 15 percent as a council, and  
8 then I come and hear that we're reducing the 20 percent buffer  
9 on the recreational side to 10 percent in the EFPs, and that's  
10 even more of a slap in the face.

11  
12 Somewhere down the road, we're going to be fighting with this  
13 extra amount of fish, and it's not going to be that the Gulf  
14 Council didn't let us catch them, but it's going to be the fact  
15 that, hey, they can't catch them, and that's a bold-faced lie,  
16 because the fishermen here can catch the fish, but we've just  
17 got to have the days. Enough said on that.

18  
19 I am fortunate to stand here and tell you that I am thrilled to  
20 have the season I have this year. We've got triggerfish, and  
21 who would have thought that one fish per person on triggers  
22 would make a difference, but it's made a robust difference in  
23 our business just to be able to have something to catch.

24  
25 On to the amberjacks. Now, I am concerned about the amberjacks.  
26 I feel like I'm for one fish per two people, and I wouldn't want  
27 that to be a history thing that I have to deal with for the rest  
28 of my career, but, until we straighten this amberjack and get a  
29 stock assessment that's accurate, whatever is going to get us  
30 more days, and so, that all said, I am scared to death that that  
31 could not -- Even if it passed, it won't be make it by August,  
32 and so, saying that, we're going to be dealing with one fish per  
33 person.

34  
35 I feel, in the eastern Gulf, that the amberjacks were hijacked  
36 from us. In history, we've caught the majority of the jacks,  
37 and then we're going to go and give them to the ones that has  
38 cried the most, the western Gulf, and now we're going to use  
39 that there is the least effort there. Well, there is the least  
40 effort there right now because none of us have been able to  
41 catch the fish in the fall.

42  
43 Saying all that, if I'm going to have to live with a one fish  
44 per person jack in the fall, somewhere we've got to cut that  
45 three-month season in the fall down, in order for me to have a  
46 May season, which I have had in history for thirty-five years,  
47 and so I would love to see the month of August go away, because  
48 your projections, or NMFS's projections, we're going to be right

1 there on the fence.  
2  
3 I don't know what the average size is that we use in these  
4 projections, but I feel like it's going to be nowhere near the  
5 fish we are seeing off the Panhandle. The fish we're seeing,  
6 there's not an average size thirty-four-inch fish, and it's  
7 mighty great in size. As far as the amberjack commercial --  
8  
9 **CHAIRMAN BOSARGE:** Mr. Kelly, the timer is working again. I  
10 just wanted to let you know.  
11  
12 **MR. KELLEY:** All right. I will quit. I mean, I was fixing to  
13 give you a sermon. Anybody have any questions?  
14  
15 **CHAIRMAN BOSARGE:** They do. Mr. Patrick Banks.  
16  
17 **MR. BANKS:** It was a sermon. You saw the light and --  
18  
19 **MR. KELLEY:** I mean, I may be a politician. You never know.  
20  
21 **MR. BANKS:** I appreciate your testimony. About the amberjacks,  
22 and I can understand your concern about not getting a May  
23 season, but, in that August season, that fall season, is  
24 amberjack just not something that you guys would see in your  
25 part of the world? Why wouldn't you also prosecute that fishery  
26 during August, if you could enlighten us.  
27  
28 **MR. KELLEY:** The misnomer here on this council is that we're not  
29 going to catch them in the fall. That is wrong. All we're  
30 doing is a shift in effort. We're going to shift our business  
31 to the fall, because we run in the fall. We're going to catch  
32 our share of jacks, and it's just, in the spring -- I mean, I  
33 don't know if you've ever been in a seasonal business, but,  
34 after you went from November to about the first of March, the  
35 first of April, you're pretty well broke. You have used up what  
36 you made the year before.  
37  
38 Now, you give us another twenty-five or thirty days of snapper,  
39 and we might not be quite so broke, but that is our calling, and  
40 we have pushed hard for this split allocation, and we was really  
41 disappointed to hear that we couldn't do an accountability  
42 measure on each split, because that would give the western Gulf  
43 what they wanted, and it would also -- I mean, we're giving up  
44 time, but May -- We could live with May.  
45  
46 We're terrified of one jack, because the numbers -- I don't  
47 think the numbers are going to add up, and we're going to  
48 sacrifice what we caught, and that's what we don't like about

1 it.

2

3 **MR. BANKS:** So it's not that you wouldn't catch them in -- It's  
4 not that you're not going to fish for them in August, but you're  
5 afraid that there just won't be any left over for May?

6

7 **MR. KELLEY:** That is correct, because of the new change in the  
8 first of August.

9

10 **CHAIRMAN BOSARGE:** Thank you, sir. We have another question  
11 from Mr. Dyskow.

12

13 **MR. DYSKOW:** This is a real quick question. What is the average  
14 size of the triggerfish that's caught on your vessel?

15

16 **MR. KELLEY:** Let me give you a length, because I couldn't tell  
17 you pounds, but it would be a barely legal trigger. Now, on the  
18 longer trips, they are a better size, and I am going to add to  
19 that, seeing as how I've got the podium now.

20

21 I never thought that I could stand up here and tell you that one  
22 triggerfish would make a difference, but we're actually selling  
23 a triggerfish trip, and that's where it has sold me on this one  
24 jack per two people. By God, open is open. You can sell  
25 something, but you can't sell closed.

26

27 **CHAIRMAN BOSARGE:** We have one more question from Dr. Crabtree.

28

29 **DR. CRABTREE:** Mark, is it worth ever thinking about going to  
30 one snapper, because that would get you a lot more days.

31

32 **MR. KELLEY:** Well, in my math, I would get 102 days, but, in  
33 your math, I wouldn't. No, I'm not going there with it.

34

35 **DR. CRABTREE:** All right. Well, I'm working on a math course,  
36 and Dr. Porch is going to straighten me out.

37

38 **CHAIRMAN BOSARGE:** We have a question from Mr. Anson.

39

40 **MR. ANSON:** Mark, it's nice to see you again. Thanks for  
41 coming. I understand your comment about shifting the fish over  
42 to the western side of the Gulf and how the new season is set  
43 up, but one of the things that we also hear from folks is that  
44 the council -- The regulations change quite frequently, and it's  
45 hard for folks to keep up, and so word has gotten out.

46

47 We've got the season, I think, and people are kind of setting up  
48 for that season, and I guess I just want to get maybe a better

1 understanding -- I mean, I heard it from Captain Rowell, and you  
2 have mentioned it here.

3  
4 With triggerfish being open this year, and amberjack will be  
5 open in the spring and then in the fall, and then the snapper  
6 season extending. I mean, the access issue is reducing, and so  
7 a trip in the fall, and I don't run a charter business, but a  
8 trip in the fall, I would think, that you may have not had or  
9 not be able to sell under previous years, or recent years,  
10 because it had closed in the fall, the amberjack, now you have  
11 an opportunity to get it.

12  
13 I do realize that in the springtime the fishermen -- You're used  
14 to that over in the Panhandle, but I'm just trying to sit back  
15 and see what happens this year and see how things shake out, and  
16 there might be benefits that would be realized by all, and  
17 that's just my thought, and you can comment on it if you want.

18  
19 **MR. KELLEY:** Of course, I'm not worried about this May, because  
20 we've been told that we're okay, but it's really the May of 2019  
21 that really concerns us, and it would be like -- This is how the  
22 Panhandle of Florida felt about the jacks and moving the start  
23 date. Whether you want to believe how it's been done or not,  
24 and I know you've sat there, and I listened to all of you, is me  
25 coming in here today and having the dictatorship to say, all  
26 right, all the biomass of the snappers is off of Texas, and so I  
27 want to make Texas a marine preserve for the rest of the Gulf,  
28 and that's how we felt like we've been hostage, but that's just  
29 my feeling, but take it as it is.

30  
31 **CHAIRMAN BOSARGE:** Thank you, sir.

32  
33 **MR. KELLEY:** Thank you.

34  
35 **CHAIRMAN BOSARGE:** Next, we have Mr. Mike Nugent, followed by  
36 Ms. Kelia Paul.

37  
38 **MR. MIKE NUGENT:** Thank you. My name is Mike Nugent, and I'm a  
39 charter boat owner and operator from Aransas Pass, Texas. When  
40 you look at the decision tool from yesterday on 41, I would like  
41 to bring Mark back up here, because that decision tool on 41  
42 pretty much does turn us into a marine preserve for red snapper.  
43 It's too late.

44  
45 I will say that our part of the coast is a little different,  
46 evidently, from what I'm hearing from some others, and Lance  
47 could verify it, because he ran the meeting, but, in our part of  
48 the coast, everybody at the meeting was in favor of keeping the

1 charter boats in with the private recreational.  
2  
3 That segues to what I was just talking about with 41 and the  
4 decision tool, but what I would like for you to do is, when you  
5 think about the factors on that decision tool that you talked  
6 about yesterday, let's add one. You've got the regional  
7 history, and that's all well and good, if you want to use it and  
8 you've got the passenger capacity, but let's take an add one and  
9 let's put one in the category for biomass, because you all are  
10 going to have to address this someday in some form anyway.

11  
12 You've got the western Gulf with small effort and lots of fish,  
13 and you've got the eastern Gulf with lots of effort and small  
14 amounts of fish, and so I would say to you that that would be  
15 just as big and important of a factor to put into that  
16 management tool as anything that I saw, because that management  
17 tool, as it's listed, would just literally gut the charter boat  
18 fleet in Texas. I don't see any way around it.

19  
20 We can go back to San Antonio, I think it was four years ago,  
21 and the comment I made then was that, as a council, you're  
22 putting the cart before the horse, because, instead of having  
23 regional catch histories and this and that, the common-sense way  
24 to do it would be to find out who was catching fish. Then, if  
25 you're doing to divvy the fish up, you would know how to divvy  
26 them up, but that's just been completely thrown by the wayside,  
27 and evidently knowing who catches what fish, regardless of what  
28 state we're from, and that would be the way to go. Put in a  
29 catch record for a couple or three years and then talk about  
30 divvying the fish up. Thank you very much.

31  
32 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from Dr.  
33 Crabtree.

34  
35 **DR. CRABTREE:** Hi, Mike. A lot of the guys have brought up  
36 Amendment 40 and sector separation. Do you have a view on that?

37  
38 **MR. NUGENT:** I have sort of two views. If you will think back,  
39 Roy, we opposed it from the very beginning, and, every time I  
40 stood up in front of a crowd, I said the reason that we opposed  
41 it is because it's nothing more than a preamble to catch shares.

42  
43 For all of the talk we got about -- To hedge my bets, I like us  
44 having a season, and I like having that sub-quota, but it's  
45 certainly not been determined yet whether I was right or wrong  
46 about it being a preamble to catch shares, and so that's the  
47 best I can answer.

48

1 **DR. CRABTREE:** Fair enough. Thank you.  
2  
3 **CHAIRMAN BOSARGE:** Thank you, sir.  
4  
5 **MR. NUGENT:** Thank you very much.  
6  
7 **CHAIRMAN BOSARGE:** Next, we have Ms. Kelia Paul, followed by Mr.  
8 John Law.  
9  
10 **MS. KELIA PAUL:** Good afternoon. My name is Kelia Paul, and I  
11 am the co-owner of the Long Shot, a dually-permitted vessel out  
12 of Panama City Beach. I want to start off by saying that I have  
13 been to quite a few of these meetings, and it's the first one  
14 that I've spoken at, and so please forgive my little bit of  
15 tension here.  
16  
17 I have seen some momentum on better data collection in this  
18 meeting, better than I have in the past, and I would really like  
19 to see that move forward. We need more focus in that direction,  
20 because informed decisions come from information, which we all  
21 know that we're lacking in right now. I am all for electronic  
22 logbooks. Let's get them on there, and let's show you guys what  
23 we're really, really doing, so we can all make informed  
24 decisions.  
25  
26 I would very much support 40 being continued and the sunset  
27 going away. 41 does not give us what we need as far as catch  
28 shares on my six-passenger boat. I can't be sustained on 800 to  
29 1,200 pounds. That will give me about ten fishing days, whereas  
30 we were told yesterday that we have fifty-one, and in no sense  
31 does that make business sense. There is no good math that tells  
32 me that is something that is going to sustain us.  
33  
34 I also do not ever want to be included in state management, as  
35 of right now, and they have not proven their ability to manage  
36 us, and so I would much rather you guys do it, and let's stay  
37 that way.  
38  
39 For the jacks, as most of my predecessors from Panama City have  
40 said, I am in support of the one for two. Open is open, just  
41 like Mark Kelley said, and we do sell these trips in the spring.  
42 If that's what it's going to take, let's do it.  
43  
44 The commercial sector for jacks, I do know that we need to work  
45 on sustaining the fishery a little better, and so I'm okay with  
46 reducing. I think 500 is a little extreme, and I think 1,000  
47 would be plentiful, and the last thing I wanted to touch on is  
48 there is always going to be a margin of error in the estimate of

1 our landings.  
2  
3 We all don't carry scales on our boats, especially for us, and  
4 we're dually-permitted. We're doing this a couple of months out  
5 of the year, and it's just not feasible for us to do that, and  
6 so there is always going to be a margin of error, and we can't  
7 punish the masses for an outlier for breaking the law. I don't  
8 see how that's fair.  
9  
10 I think the councilwoman said it -- She nailed it on the head,  
11 and I think they do 3 percent in shrimp, and so it's kind of the  
12 same outlook, and I think we should be held to that same thing,  
13 and so thank you for your time.  
14  
15 **CHAIRMAN BOSARGE:** Thank you, ma'am. We have a question from  
16 Dr. Crabtree.  
17  
18 **DR. CRABTREE:** Ms. Paul, thank you for being here. Now, you  
19 fish out of Panama City? Is that right?  
20  
21 **MS. K. PAUL:** Yes.  
22  
23 **DR. CRABTREE:** Okay. Thanks.  
24  
25 **MS. K. PAUL:** Thank you.  
26  
27 **CHAIRMAN BOSARGE:** Next, we have Mr. John Law, followed by Mr.  
28 Sherman Muths.  
29  
30 **MR. JOHN LAW:** I appreciate you all hearing me out today. My  
31 name is John Law, and I'm an owner and operator of a federally-  
32 permitted six-pack vessel out of Panama City Beach, and I just  
33 wanted to state that I definitely want to terminate Amendment 41  
34 and 42, if we could do that, and I strongly support one  
35 amberjack per two anglers.  
36  
37 I think that would be the best to promote a longer season for  
38 us, and I want to thank you all very much for the triggerfish  
39 season that we've had in the spring. That has really, really  
40 helped us, and the one fish has just been wonderful, and we're  
41 grateful. The May amberjack season is -- We're ecstatic about  
42 that and to have our federal snapper season to be the days that  
43 we get, and so I really appreciate it. Thank you, all, for your  
44 effort.  
45  
46 **CHAIRMAN BOSARGE:** We have a question for you, sir, from Mr.  
47 Boyd.  
48

1 **MR. BOYD:** John, thank you. You said terminate 41 and 42. Is  
2 your reason for that comment based on what you would receive  
3 under the decision tool, or do you have other reasons?  
4

5 **MR. LAW:** Just, basically, as a small businessman, what that  
6 would put on small six-passenger business, as an owner/operator,  
7 if you go to a quota system and leasing fish, just trying to put  
8 that back on the consumer and the captain, and I just don't  
9 think it would be a good idea. That's why I would like to  
10 terminate it. It just would complicate things even more and  
11 create an economic impact.  
12

13 **MR. BOYD:** Thank you.  
14

15 **CHAIRMAN BOSARGE:** Dr. Crabtree.  
16

17 **DR. CRABTREE:** I don't think I heard you say it, but do you  
18 support continuing with Amendment 40 and sector separation?  
19

20 **MR. LAW:** Yes, sir, if it gives us the seasons that we have. I  
21 just don't want it to be a forefront to a quota system in the  
22 charter business, but it has helped immensely on giving us a  
23 seven-month season on the big three, and I appreciate it. Thank  
24 you.  
25

26 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Sherman  
27 Muths, followed by Mr. Larry Lemieux, and Mr. Sherman is actually  
28 a former council member from Mississippi. He served from 1982  
29 to 1990. Thank you for your service.  
30

31 **MR. SHERMAN MUTHS:** Thank you, Madam Chairman and members of the  
32 Gulf Council. I came here simply to say hello. I haven't seen  
33 any of you in some time, and I don't know most of you, and I was  
34 born and reared here in Gulfport, and I practiced law here for  
35 forty-plus years, but the main thing I was a member of this Gulf  
36 Council for nine years, from 1982 to 1991, and I served as  
37 Chairman and Vice Chairman, and I was a long-time member of the  
38 Shrimp Committee, and I was chairman of other committees.  
39

40 I don't think that I missed a meeting, because I enjoyed it so  
41 much. I worked that around an active law practice by just  
42 starting in advance and doing it regularly, but, while serving  
43 as Chairman and Vice Chairman, that took a long time, and every  
44 minute of it was worth it, and so I wish you well in your  
45 deliberations, and I know you will do your best job you can, as  
46 you always have, and as we always did.  
47

48 I came on with Walter Fondren of Texas and Alex Jernigan of

1 Florida, and we stayed on nine years, and then we voluntarily  
2 left together, but it was a great experience, and I appreciate  
3 all of you giving your service and time to this, because you get  
4 a lot of paperwork, and I'm sure you're attentive to it, and so  
5 good luck to you, and I'm glad to have you on the Gulf Coast,  
6 and keep up the good work. Thank you.

7  
8 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Larry  
9 Lemiux, followed by Mr. Troy Frady. Mr. Larry, thank you for  
10 your patience, sir.

11  
12 **MR. LARRY LEMIUX:** Good afternoon, council. My name is Larry  
13 Lemiux, and I'm from Panama City Beach, Florida. I own a  
14 federally-permitted six-passenger vessel out of Captain  
15 Anderson's Marina for the last twenty years.

16  
17 First of all, I would like to say thank you for the seven-month  
18 season you have given us. At least we can provide our customers  
19 with fish, the amberjack, red snapper, and triggerfish being the  
20 big three.

21  
22 Just a few short things. I am for the one for two people on the  
23 amberjack, to give me the longest sustainable season that I can  
24 have for my customers with the opportunity to catch a big fish  
25 in the spring and hopefully, possibly, we can get this  
26 controlled and have a fall season as well.

27  
28 Number two, I would like to see Amendment 41 and 42 go away.  
29 There is not enough fish in that mathematical equation, and I  
30 believe there's six different equations that you guys came up  
31 with. As a six-passenger boat, I catch twelve snapper per trip  
32 and run two trips a day, and the mathematical equation that I  
33 saw from you guys is not enough fish for me to sustain my  
34 business.

35  
36 Number three, obviously, with the red snapper, I am excited  
37 about the fifty-one-day season. I was hoping for more along the  
38 lines of fifty-six to fifty-eight days, because I knew we were  
39 under the buffer of 15 percent of what you guys gave us as the  
40 council.

41  
42 I am going to say one other thing that has not been mentioned,  
43 and it's totally off-guard, but I've been cobia fishing in the  
44 Panhandle for -- I'm forty years old, and so I want to say  
45 twenty-five years. Ever since April of 2010, when they sprayed  
46 the dispersant in the Gulf of Mexico, and I have commercial  
47 fished cobia and recreational fished at the same time, and we've  
48 seen a major decline in the fish stock.

1  
2 This year, the State of Florida has adopted a new rule. We went  
3 from six fish per boat to two fish per boat, and that is  
4 recreationally and commercially. I don't know if the dispersant  
5 -- I am not a scientist. I'm a fisherman. I do it about 200  
6 days a year, and, this year, I have not seen a fish, not one,  
7 not a single fish.

8  
9 Now, I have a lot of friends here, my colleagues and associates  
10 from Destin, and they have been catching a few fish, but very,  
11 very few. I don't know if the stock is in that bad shape, but I  
12 keep a record just for myself. In 2010, I believe, the boat  
13 caught around 102 fish and this year none. Last year, it was  
14 twenty-seven, and I would be glad to share my notes from 2010 to  
15 this year.

16  
17 It is a major, major decline. Every year, I have caught less,  
18 less, less. I don't know if the fish is in that big danger, or  
19 maybe some of the chemical dispersants they sprayed during the  
20 2010 oil spill changed the migratory patterns.

21  
22 I have some friends on the east coast, on the Atlantic side, and  
23 they've been a rebound in their stock. They caught so many that  
24 they've had to go in and shut it down on the Atlantic side, and  
25 so it just worries me, because I love to fish for them in April  
26 and May, and it takes the pressure off some of the other smaller  
27 fish, such as vermilion, for me.

28  
29 Of course, the amberjack, we only get to catch that for the  
30 thirty days, and so I can offer my customers the cobia fishing,  
31 and they love it. It's a sight fish that we get to catch, but I  
32 am really concerned, because, like I said, I haven't seen a  
33 legal fish, and I have fished probably three weeks this year,  
34 and I haven't seen a keeper fish, fishing eight to ten hours a  
35 day.

36  
37 I have a thirty-five-foot boat with a thirty-foot bridge, and I  
38 haven't seen a fish, and so I'm worried. I think some research  
39 or some science -- Let's get on this now, before it gets to be a  
40 problem. I feel like they're in danger, and I do like to catch  
41 them, and so maybe you guys can look at some numbers, or let's  
42 get some research going. Like I said, the State of Florida  
43 changed the law this year.

44  
45 I don't know if it's the right thing to do. I don't know if to  
46 close them down, and I don't want to close them down, but, if  
47 I've got to to save the stock, I'm all for it. I hope you guys  
48 will maybe take that in consideration and put that in your notes

1 and maybe take a look at it. Again, I appreciate you all's  
2 service, and thank you for the seven-month season.

3  
4 **CHAIRMAN BOSARGE:** All right. We've got a couple of questions  
5 for you. I've got Captain Greene first.

6  
7 **MR. GREENE:** Thanks for coming. That's interesting on your  
8 comments on the cobia fishing. I thought I was just getting  
9 blind and couldn't see anymore, but I appreciate that. I know  
10 that you all normally cobia fish in Panama City, Destin, Orange  
11 Beach, just like we do, riding down the boat and sight fishing  
12 for them.

13  
14 **MR. LEMIUX:** Yes, sir.

15  
16 **MR. GREENE:** Normally, those fish will migrate on through to the  
17 west, and they will spend some time over off the mouth of the  
18 river, and then they migrate through after they spawn, and they  
19 will typically hit the spots as they come back through.

20  
21 **MR. LEMIUX:** Correct.

22  
23 **MR. GREENE:** How about keep an eye out, and, if you don't see  
24 them hitting the spots, as the summer goes by, kind of get back  
25 to us. That may be an indicator. I kind of thought everything  
26 from maybe there's more people out there or maybe there is  
27 different things going on, but get back to us and keep us  
28 informed. We are very interested, and I've heard a lot of  
29 comments along that, and we've had some email traffic about that  
30 as well.

31  
32 **MR. LEMIUX:** Yes, sir. On our dock, we have several dive boats,  
33 and all of us are a big family on the dock, and we've talked at  
34 length. I ask the divers daily, because I see them daily, if  
35 you guys are seeing any fish on the wrecks, and, again, no  
36 offense to you guys, but we're not jack fishing yet. Some boats  
37 are catching and releasing them, and I don't practice it,  
38 because I just think it -- I don't do it. I try to wait for the  
39 season. That way, I know when the season is open on the jacks.

40  
41 We catch a few cobia jack fishing on the wrecks, but even some  
42 of the larger boats that's been offshore, way offshore, way  
43 further than me, we're just not seeing any. There has not been  
44 a legal cobia put on the Captain Anderson dock this year, unless  
45 it happened today or yesterday when I was over here.

46  
47 I mean, I am really worried. I mean, I don't know what the  
48 right thing to say or do is, because, like I said, I'm not a

1 scientist. I'm a fisherman, but I can look through my notes. I  
2 started keeping notes in 1992, and I've seen fluctuations in the  
3 number we've landed, but, this year, it's atrocious. Last year,  
4 I caught twenty-seven fish. I rode two-and-a-half months to  
5 catch twenty-seven fish, and that's nothing.

6  
7 **MR. GREENE:** Thank you.

8  
9 **CHAIRMAN BOSARGE:** Next, I have Dr. Mickle.

10  
11 **DR. MICKLE:** Thank you for coming, and that was informative  
12 testimony. Just a quick question. You answered most of it with  
13 Captain Greene's question, but you talked about the numbers  
14 being down on cobia, and how about the size? Has the size over  
15 the twenty-five years of experience -- Has the size been  
16 smaller? Have you been measuring more than you did ten years  
17 ago? I know the size regulations have changed in the last ten  
18 years, but --

19  
20 **MR. LEMIUX:** No, sir. Florida proposed a two fish bag limit per  
21 boat at thirty-eight inches. Well, they didn't go with that.  
22 They went with a two fish bag limit at thirty-three inches this  
23 year. It was proposed at thirty-eight, and I can live with  
24 thirty-eight, but, again, it kind of goes back to -- I am not a  
25 scientist, but I believe, if you kill all the eighth-graders,  
26 there ain't going to be no ninth-graders.

27  
28 Them ninth-graders can't reproduce if they're not alive, and so  
29 maybe let's put a slot in to take some of the smaller fish, but  
30 let's get the brood females, and I'm just -- I don't know, and I  
31 think a cobia matures if, I read it right, at about three years,  
32 at about forty inches. Let's let some of the breeders breed and  
33 make, obviously, more cobia, where we have some for the future.

34  
35 If we have to shut them down, I think that's a little harsh, but  
36 I could see a one per boat limit. That way, the Destin boys --  
37 The huge tournaments in Destin, and Orange Beach too, and it's  
38 just something that we were raised doing, but, if you had a one  
39 fish per boat limit, at least we could have a tournament and  
40 still -- The economic impact would still be there.

41  
42 As far as to answer your question about the size, this year,  
43 what few fish has been caught in Destin, I understand they're  
44 very nice fish, fifty or sixty or seventy-pound fish, and you  
45 can look that up and do your research, and you can see the nicer  
46 fish, but I'm sure some of them are getting through, but, like I  
47 said, sir, the days of seeing fifty or seventy-five fish a day -  
48 - I haven't seen fifty fish in three years.

1  
2 **DR. MICKLE:** Super quick, this is one -- I think you started  
3 saying that you can fish seven months now, multispecies.  
4  
5 **MR. LEMIUX:** Yes, sir. That's with the big three, the  
6 amberjack, the red snapper, gag grouper, and triggerfish.  
7  
8 **DR. MICKLE:** A quick yes or no question. Have you played with  
9 the decision maker since it has the additional species added to  
10 it?  
11  
12 **MR. LEMIUX:** No, I have not.  
13  
14 **DR. MICKLE:** Thank you.  
15  
16 **CHAIRMAN BOSARGE:** Dr. Frazer and then Mr. Mark Brown.  
17  
18 **DR. FRAZER:** I really appreciate you coming. I don't need to  
19 take up a lot of time, but I'm going to take you up on your  
20 offer to look at your notes, and so, when we're done with this,  
21 why don't you come find me?  
22  
23 **MR. LEMIUX:** Okay.  
24  
25 **DR. FRAZER:** Thank you.  
26  
27 **MR. BROWN:** Larry, do you know if the cobia thing is across the  
28 Gulf? Have you heard about anybody in the western Gulf -- Is  
29 this the same situation? Because I talked to Johnny a little  
30 bit about it, and we're having a lot of conversation with cobia  
31 over on the Atlantic.  
32  
33 **MR. LEMIUX:** Yes, sir. I have some friends on the Atlantic, and  
34 I only hear, obviously, bits and pieces, and believe what you  
35 hear or see, and you know how it is, and my experience is only  
36 in the Panhandle, sir. I would say from Apalachicola to the  
37 Florida state line. That's where I fish. I fish east all the  
38 way to Cape San Blas, and I fish west all the way to the Florida  
39 state line. As far as -- I can't speak for any Alabama or  
40 Georgia or Mississippi. I can't speak for any of those guys,  
41 but just my experience in the State of Florida.  
42  
43 **CHAIRMAN BOSARGE:** Mr. Larry, just to let you know, we do have  
44 cobia on our schedule to assess. I'm sure it's probably not as  
45 soon as you would like. We would all like it tomorrow, but it  
46 is on our schedule for 2019. It's supposed to start in the  
47 spring of 2019, and we will have the results back at the end of  
48 2019, but maybe we can bring some indices or something to the

1 council, similar to what we did for red grouper, to at least  
2 take a look at it and be informed, if we have anything to look  
3 at.

4  
5 **MR. LEMIUX:** Sure, and I would be glad to share my notes with  
6 any of you guys.

7  
8 **CHAIRMAN BOSARGE:** Okay. Thank you. Mr. Troy Frady, followed  
9 by Mr. Clarence Seymour.

10  
11 **MR. TROY FRADY:** Thank you, Madam Chair. I'm Troy Frady, and  
12 I'm a charter boat captain in Orange Beach, Alabama. Thank you  
13 for the opportunity to speak to you today. I really want to  
14 thank you for taking the time at the last meeting to approve the  
15 state exempted fishing permits.

16  
17 I believe that each state now has an opportunity to implement  
18 and tweak your programs so that all anglers will have the  
19 flexible access to our natural resources while maintaining  
20 healthy fish stocks and adhering to accountability and  
21 conservation measures.

22  
23 When it comes to the greater amberjack, I don't want to get all  
24 complicated. I was never good at math, but I can fly a plane  
25 and drive a boat, but don't give me a fractional bag limit to  
26 make me try to figure out who or who cannot keep a fish, and so,  
27 for greater amberjack, just leave it at one, and let's see how  
28 the stock assessment comes out.

29  
30 The gray triggerfish, we have heard mention several times about  
31 having seven months' worth of fish to catch now. The gray  
32 triggerfish, in my opinion, it's one of the best things we've  
33 done is open it up this year at the one fish bag limit. We had  
34 huge successes this year. About half the fish we're catching  
35 were barely legal, but some of the ones we were catching were  
36 trash can lids, and so they're making a comeback, and it's due  
37 to your decisions right here, but thank you for allowing us to  
38 have a season to catch them.

39  
40 When it comes to conservation measures, I fully support the  
41 implementation of looking at fish descenders as being a  
42 requirement. Even recently, I even switched my entire operation  
43 over, and every hook on my boat that is a circle is now a  
44 barbless hook. I ran for the past two weeks using nothing but  
45 barbless hooks, and I was really surprised that I didn't lose  
46 many fish at all, and the customers love the aspect of being  
47 able to have a little bit more of a challenge to catch a fish,  
48 but also the safety aspect of when someone gets on the boat --

1 You may have to lose a trip or go back in early if someone were  
2 to get hooked, and so, from a safety aspect, the parents love  
3 it, by saying, well, if my son gets poked, we'll just put a  
4 Band-Aid and Neosporin on it and he's ready to go back to work.  
5 You don't lose a fishing trip.

6  
7 Those are two things that are very important to me. They are  
8 near and dear, and I have been doing fish descenders for over  
9 ten years, and it's been very successful, and the customers  
10 absolutely love participating.

11  
12 I am sorry, but I will not be able to be with you at the June  
13 meeting, due to prior commitments to work, but I would like to  
14 thank each one of you who have served on this council and who  
15 will be leaving this council. I know it takes a lot to sit  
16 here, especially to put up with me, and thank you for your  
17 service. It means so much to me, and, Mr. Gregory, thank you  
18 for your leadership on the council, and you will be missed, but  
19 now I know where you live, and I may come visit you soon.  
20 Anyway, I want to thank you all so much.

21  
22 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Clarence  
23 Seymour, followed by Mr. Dylan Hubbard.

24  
25 **MR. CLARENCE SEYMOUR:** Good afternoon, Madam Chair. I'm  
26 Clarence Seymour, Charter Boat SYL, Biloxi, Mississippi. I will  
27 go ahead and start off today with Amendment 40. The sunset  
28 needs to be lifted, so we can continue on the path of sector  
29 separation, which is pretty viable to all the industry and what  
30 most of the guys from Panama City -- They seem like they're  
31 onboard, but they're not jibing 41 and 42, but, if we lose the  
32 sunset in 2022, they're going to be kicking and screaming and  
33 hollering again, and you're going to be dragging them on this  
34 podium back and forth again.

35  
36 Let's just continue working on 41 and 42. I would like to say  
37 great thanks to the State of Mississippi's DMR resources and how  
38 good of a job they did with the EFP. It was some of the most  
39 fantastic idea that I ever heard of, allocation for the non-  
40 federally-permitted for-hire charter boat, which is allocated  
41 2,800 pounds in the season starting May 25.

42  
43 To me, that's the user group that gives them an opportunity to  
44 have -- If you're in a bay boat, you can still go out and catch  
45 a few red snappers for your customers. Now, they're screaming  
46 and hollering and all that on social media, but I am trying my  
47 best to keep them at bay on that.

48

1 Now, the last thing I would like to talk about is the cobia  
2 stock assessment. Ms. Leann just said we're due in 2019, and I  
3 have not seen a cobia yet, and I've been out probably twenty-two  
4 times, outside of Horn Island and inside of Horn Island, in the  
5 grass beds, which a lot of Florida guys know that we probably --  
6 We don't sight fish a lot.

7  
8 Every now and then, you see one popped up cruising, but cobia is  
9 in jeopardy. These guys are saying it from Florida, and I'm  
10 saying it from Mississippi. Last year, I caught one migrating  
11 cobia during the two-day cobia tournament, the only cobia caught  
12 at Chandelier Island, and Chandelier Islands is just their  
13 islands, San Blas or the Panhandle of Florida or whatever it is.  
14 They end up pushing westbound, and what they run into is  
15 Chandelier Island, and that's just the way it is, and they take  
16 a left turn.

17  
18 I really would like to see two fish per boat federally, cobia,  
19 and two fish per boat Mississippi, which I would have to talk to  
20 my guys in the state about that. I heard them say something  
21 about one cobia per boat, but I think they could probably get by  
22 with one and let's leave what Florida has done with the cobia  
23 right now, and I think we would be in good shape with the stock.  
24 Anyway, thank you all for you all's time, and that's all I have  
25 today.

26  
27 **CHAIRMAN BOSARGE:** I think we have a question from Dr. Mickle.

28  
29 **DR. MICKLE:** Hi, Sebo. I'm glad you came in. I heard you on  
30 the water this morning, and that's impressive that you made it  
31 in. Just real quick, as the for-hire taskforce chairman for our  
32 state charter folks, do you mind chiming in just on amberjacks?  
33 I have asked you about jacks in the past, your personal view,  
34 and do you sell trips on one or two fish or a half-fish per  
35 person and all that, but how about -- Do you hear about on the  
36 docks if these guys can sell trips with amberjacks or how big is  
37 amberjacks in our state? Do you hear it around the docks, and  
38 is it becoming more hot with the fishery opening up in the  
39 spring and fall, if you don't mind. For a season, spring or  
40 fall?

41  
42 **MR. SEYMOUR:** I think you could bring a better line of sale to  
43 the jack for the guys that might want to -- What would happen,  
44 Paul, is we lost the jacks, and we lost our twelve-hour charter  
45 out of Biloxi, and so we're basically doing four, six, and  
46 eight-hour charters. Yes, the jack in August would help a lot  
47 of guys out, and I agree. I say one jack per boat, two jacks  
48 per boat, whatever makes it worth any for-hire guy that could

1 possibly sell a jack trip along with whatever else, mangroves or  
2 king mackerel or whatever is out there.

3

4 **DR. MICKLE:** Thank you.

5

6 **MR. SEYMOUR:** You're welcome. Thank you.

7

8 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Dylan  
9 Hubbard, followed by Mr. Wayne Werner.

10

11 **MR. DYLAN HUBBARD:** Hello. My name is Captain Dylan Hubbard,  
12 and my family business has been fishing the central west coast  
13 of Florida for nearly ninety years and four generations, or  
14 actually exactly ninety years, as of this year.

15

16 We operate six federally-permitted vessels, both charter and  
17 headboats, and I am here today representing my family business  
18 and my family business's history alone. It's not easy losing  
19 time away from work and my family, and especially my dog, to  
20 follow this council all the way around this Gulf, but my  
21 family's long history of fishing the Gulf is worth protecting.  
22 That's what drives me to make it through these meetings and  
23 stand up here today.

24

25 I have recently completed part of the MREP program, this past  
26 fall, and I will be attending the science portion of the program  
27 this coming week. If you haven't had a chance to join this  
28 program, I would strongly encourage you to do so, and I hope it  
29 continues to grow and flourish, and I thank the council for your  
30 aid in creating that program.

31

32 As far as amberjack season for 2018, thank you guys for getting  
33 the rulemaking in place so we can fish our spring component of  
34 this year's season. I am very happy with May, August,  
35 September, and October, and I am hopeful that we can continue  
36 this season in the future. I am highly in favor of the split  
37 quota idea between the spring and fall season components, to  
38 ensure both the eastern and western Gulf gets their fair shot at  
39 the amberjack.

40

41 Fractional bag limits, however, seem very far-fetched. This  
42 council has tried and tried many different inventive ways to  
43 make our amberjack season longer, and not much has worked.  
44 That, along with the idea that a 50 percent reduction in my bag  
45 limit will give me a 27 percent longer season, that seems like  
46 two good reasons as to why I should not support fractional bag  
47 limits. I have people that do like to harvest amberjack, and  
48 they travel from all over the country, and I don't believe they

1 would travel a long distance to catch half a fish.  
2  
3 Descending devices and venting tools, I feel this policy is very  
4 important, and the additions Dr. Stunz added during the  
5 committee was exactly what I was going to stand up here and  
6 stress needed to be included. I feel the most important part of  
7 making this successful is to get the largest number of anglers  
8 onboard to do that, and, in order to do that, primarily, we need  
9 to illustrate the benefits of this policy, the main benefit  
10 being a lower number of dead discards will allow, perhaps, for  
11 more future fish.

12  
13 I would encourage you to add back in what was taken off your  
14 original motion, and that was a good addition to the ending of  
15 the policy statement. Education on how to properly vent and  
16 descend would be secondary once the anglers are motivated and  
17 onboard.

18  
19 Carryover of unused harvest, the carryover provision should be  
20 very important, and I think it would help access across all  
21 sectors. This amendment should be top priority for this council  
22 at every future meeting until it's completed. Why leave  
23 something that could be so positive and so helpful on the table?  
24 In this current draft, I feel a fixed framework approach would  
25 be the best course, with a predetermined set quota carryover for  
26 each species included.

27  
28 That way, it could be executed quickly and easily once landings  
29 are finalized, and there would be no question over what would be  
30 carried over. I know, myself, and all other charter and  
31 headboat operators and owners in this room, would be overjoyed  
32 to be given back the unused red snapper quota we have been  
33 underfishing for the past three years. We could fill as much  
34 quota as we were given, but we need the days to do it. That's  
35 all.

36  
37 **CHAIRMAN BOSARGE:** Thank you, sir.

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

40  
41 **CHAIRMAN BOSARGE:** Next, we have Mr. Wayne Werner, followed by  
42 Mr. Ted Venker. It looks like Mr. Wayne has brought some props  
43 today, and I love a presentation with props. I can't wait to  
44 see what you have for us, sir.

45  
46 **MR. WAYNE WERNER:** I am Wayne Werner, owner of the Fishing  
47 Vessel Sea Quest. Before we do this, I would like to thank the  
48 council staff and Madam Chairman for the AP meeting the other

1 night and staying late and doing a lot of extra work. We were  
2 forty-five minutes beyond the scope of the meeting, and I hope  
3 the council takes the time to listen to what that AP said. That  
4 was one of the best AP panels that I was ever on and more  
5 diverse and more people with different opinions, and I think  
6 they came up with the right conclusions. As far as that goes, I  
7 think you should listen to what they have to say.

8  
9 Now, we all talk about the selectivity of fish, and Roy talks  
10 about it a lot, and we have two years there. One of them is a  
11 pre-IFQ year, and one of them is after we went to IFQs. The  
12 rationale is it's a lot heavier line and a heavier hook and the  
13 lighter hook and lighter line. We want the fish to escape on  
14 the bottom, and I've said that in public testimony, and I have  
15 talked about it, and so I'm going to leave these here for a  
16 while, so you all can look at them later on.

17  
18 That hook will straighten out twice as fast as that hook, and so  
19 it will let the fish go on the bottom. We don't want to catch  
20 all those big fish, because of marketability, and we don't want  
21 to destroy our spawning stock. We want to leave it in the  
22 water. I always talked about it, and so I brought some gears to  
23 show you guys.

24  
25 As far as that goes, once again, 500 pounds on amberjack for the  
26 western zone, and we're not getting any all summer. In the  
27 winter, they're really not there. They just don't show up. All  
28 right. Thank you.

29  
30 **CHAIRMAN BOSARGE:** Thank you. Any questions for Mr. Werner?  
31 Thank you, sir. Next, we have Mr. Ted Venker, followed by Mr.  
32 Shane Bonnot.

33  
34 **MR. TED VENKER:** Thank you. You don't want to be the last guy  
35 speaking before happy hour, and you don't want to go after the  
36 guy with the visual aid, but I'll give it a shot. I just wanted  
37 to thank you for the opportunity to address the council today.  
38 I think yesterday may have been the most technically dense  
39 meeting that I have ever sat through personally, and so I  
40 commend you all for the job you do and the hours that you put in  
41 managing these fisheries.

42  
43 I would also really like to thank the state reps here for the  
44 exempted fishing permits and their work to addressing the  
45 challenges facing recreational anglers. I think every snapper  
46 fisherman is grateful to NOAA and the council. They are clearly  
47 willing to come at these problems from a new angle, and I think  
48 the states are approaching all of these seasons in slightly

1 different ways, and, while there may be unforeseen developments  
2 or hiccups, every state seems committed to making this work to  
3 the best of their ability.

4  
5 No one, not anglers and not the fishery managers from Texas,  
6 Louisiana, Alabama, Mississippi, or Florida gains anything from  
7 abusing this opportunity or using it as an excuse to plunder red  
8 snapper. I think we're all committed to making it work and  
9 finding a way to get off of this snapper rollercoaster, and so  
10 we would encourage everyone to be patient as the kinks are  
11 worked out of these state management systems as we go forward.

12  
13 Looking down the road, the state management amendments, coupled  
14 with the independent assessment work that is underway and the  
15 recalibration work that Luiz described yesterday, it really  
16 could present this fishery in an entirely new light within a  
17 couple of years, and so I would encourage this council to avoid  
18 making any fundamental or irreversible decisions in this fishery  
19 until the EFPs have run their course and that new information  
20 has come in.

21  
22 Finally, I would, again, like to encourage and echo some of the  
23 earlier comments for the council to consider making descending  
24 devices and/or venting tools a requirement offshore, so we can  
25 begin to lower our release mortality on red snapper and all reef  
26 fish as close to zero as we can get. That was one of the things  
27 that the Ad Hoc Recreational Red Snapper AP asked for, and, as a  
28 member of CCA, and representing CCA here today, we would very  
29 much like to partner with the council on education and outreach,  
30 using those tools to make that policy as effective as possible.  
31 That's all I had. Thank you.

32  
33 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Shane  
34 Bonnot, followed by Mr. Greg Ball.

35  
36 **MR. GREG BONNOT:** Thank you, council, for allowing me to speak  
37 this afternoon. I am just going to echo Mr. Venker's comments  
38 and Mr. Haddad's and Mr. Hubbard's comments, in that I represent  
39 CCA Texas, and CCA Texas wants to echo those comments.

40  
41 We would like the statement "add more fishing opportunities" to  
42 be added at the end of that policy statement, and we strongly  
43 support science and monitoring inclusion in that document, and I  
44 can assure you that CCA Texas will certainly take advantage of  
45 any opportunity that we have to promote the use of descending  
46 devices throughout our membership, whether that be through our  
47 podcasts or magazines or email blasts. We really want to see  
48 this used throughout the recreational community.

1  
2 Finally, I want to thank the council for the work that they've  
3 done on the state exempted fishing permits for the recreational  
4 red snapper fishery, and I appreciate the work that NOAA has  
5 done, and we would like to see that goodwill continued on with  
6 these draft amendments for state management, and we hope that  
7 you guys could use the EFPs a model moving forward, and so thank  
8 you.

9  
10 **CHAIRMAN BOSARGE:** We have a question for you from Mr. Diaz.

11  
12 **MR. DIAZ:** Thank you for coming, Mr. Bonnot. We just don't have  
13 a lot of comments from recreational fishermen related to bag  
14 limits for amberjack. Does your organization have a position on  
15 that?

16  
17 **MR. BONNOT:** I am not prepared to comment on that. I will say  
18 that we would like to use the best science that's available to  
19 make those types of decisions, and, at this point, that's all  
20 that I can give you.

21  
22 **MR. DIAZ:** Thank you, sir.

23  
24 **MR. BONNOT:** Thank you.

25  
26 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Greg Ball,  
27 followed by Mr. Chad Haggert.

28  
29 **MR. GREG BALL:** Good evening, and thank you for the opportunity  
30 to be here today. I'm Greg Ball, from Galveston, Texas, a  
31 charter boat owner and operator, and I'm also President of the  
32 Galveston Professional Boatmen's Association.

33  
34 I want to thank all of you all for your hard work on getting the  
35 EFPs passed through for the state management, and I want to  
36 thank you all for leaving the charter/for-hire out of it. We  
37 have come a long way, and this has been a hard task for you all,  
38 I know, but I think it's a great thing for the snapper fishery,  
39 and we would like to see the sunset go away, and we would like  
40 to continue working with 41 and 42 and see that get worked out.

41  
42 As far as the amberjack goes, we hadn't had a season in about  
43 three years, and the western Gulf has been kind of penalized for  
44 that, but you all finally got that worked out, and I think it  
45 has equaled out to where we'll all have a season that we can  
46 sell something.

47  
48 August is a better time for us. We have to run sixty or seventy

1 miles to get to amberjack, and so half a fish just doesn't work,  
2 and we would like to see it stay at one fish per person. I  
3 think that's about all I've got. Well, no, I was going to tell  
4 you about cobia. I heard some guys talk about cobia, and we  
5 kind of have the same problem in the western Gulf, and probably  
6 not as bad as they have over here, because we have -- The stock  
7 comes from Mexico our way kind of later in the season, but we  
8 still are not catching what we used to.

9  
10 I think, last year, we probably caught forty cobia for the whole  
11 season, and that's probably 50 to 70 percent, even, lower than  
12 it was five years ago, and so it probably does need to be worked  
13 on and see if we can come up with a solution, and so that's  
14 really all I've got.

15  
16 **CHAIRMAN BOSARGE:** Thank you, sir. We appreciate you being  
17 here. Next, we have Mr. Chad Haggert, followed by Mr. Bobby  
18 Kelly.

19  
20 **MR. CHAD HAGGERT:** Good afternoon, council. Thanks for the  
21 opportunity to speak. I'm Chad Haggert, owner and operator of  
22 my family's headboat fishing business, two partyboats, the  
23 Double Eagle II and the Double Eagle III, in Clearwater Beach,  
24 Florida.

25  
26 First, I would like to comment, of course, as most of you know,  
27 on Amendment 42. As a participant in the headboat EFP, it  
28 worked out very well. We are gaining more industry support for  
29 that. Since last night, from last night to this morning, I have  
30 gained four more headboat ownership in southwest Florida, and  
31 the biggest reason I think that we did not have it before, and I  
32 will take some of the blame, as one of the original people that  
33 helped form the EFP, is the lack of outreach.

34  
35 A lot of them didn't have enough information on it, but all four  
36 of the people, out of the six I called that I got a hold of,  
37 they all agreed that it would work. Amendment 41, I can support  
38 whatever it is that the charter fleet is wanting to do, but I  
39 would ask that maybe the charter fleet don't comment on  
40 Amendment 42. The headboats are doing that, and we're trying to  
41 move forward with it.

42  
43 There has been comment on the amount of fish you're going to  
44 get, and I stood up here at the Biloxi meeting and told you last  
45 year, during the forty-six-day season, that I caught over 2,000  
46 red snapper. During the EFP, the two years of that, I made 800  
47 work, and my profits increased, because of the flexibility I had  
48 to offer those trips year-round.

1  
2 That's another thing that I tried to stress, and the EFP did it.  
3 We not only reduced the discards and increased our profits, but  
4 we gave more opportunity to people that can't come to the Gulf  
5 Coast in the summer, when the snapper season is open, and so  
6 that flexibility is what really stuck with our customers.

7  
8 One example is a guy from Michigan said, in June, I'm planting  
9 my cornfield, and I am down there in January, and that's when he  
10 wanted to catch them. My profits increased, because, right now,  
11 in the summer, I can run two four-hour trips and one eight-hour  
12 trip and burn less fuel and less payroll and make just as much  
13 money as I do if I run the long trips.

14  
15 Now, don't get me wrong. With the increased days that you guys  
16 did for this year, I appreciate that, because, within ten  
17 minutes of that announcement, I had that final weekend booked  
18 with a forty-hour trip, somebody waiting in the wings to see  
19 what the snapper season was going to be, and so, within ten  
20 minutes, I booked a \$15,000 trip, and so thank you for that.

21  
22 With that said, as much as I like that, the flexibility -- Two  
23 of the captains that I talked to yesterday said they would trade  
24 their fifty-one days for forty with the ability to fish -- The  
25 flexibility to fish whenever they wanted to throughout the year,  
26 to offer those trips throughout the year.

27  
28 That is all I have to comment on here, and it's about the same  
29 thing over and over. Please keep moving with 42, and I will  
30 support whatever 41 wants to do, and, at the very least, so we  
31 have some stability with this that we're running into, maybe  
32 look at doing away with the sunset on 40. It is working, and we  
33 don't want to go back into what we had before.

34  
35 I will just close out with saying that Randy Boggs is coming up  
36 on the list, but he did not make it today, and so, if you don't  
37 want to call him, or, if you would like to give me his three  
38 minutes, I will do my best to be as big and pretty as he is up  
39 here, but I don't know if I can do that, but thank you.

40  
41 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Bobby  
42 Kelly, followed by Mr. Scott Hickman.

43  
44 **MR. BOBBY KELLY:** Good afternoon, council. I'm Bobby Kelly from  
45 Orange Beach, Alabama. I own and operate a dual-permitted  
46 vessel, commercial and charter/for-hire. First, I want to talk  
47 to you guys about the fractional bag limit on the amberjack,  
48 and, as of right now, I feel it's an unnecessary limit that's

1 going to be placed on this fishery, and, to be honest, I don't  
2 think you guys could get it going in time, because a lot of the  
3 protocols, and I don't think we can get it done for the 2018  
4 season, and so let's not waste the council's time on that right  
5 now.

6  
7 Later down the road, the 2019 season, if this is an option that  
8 needs to be explored, I would like to look at it, but you all  
9 have done so much work on trying to get the amberjack season and  
10 resetting the calendar year on it, and you all have done enough  
11 for jacks. Let's just wait and see how everything comes out  
12 before people start freaking out.

13  
14 Amendment 40 has been an overwhelming success for the  
15 charter/for-hire fleet. Every year, we have underfished the  
16 allocation that you have given us, and I would like to see the  
17 sunset done away with. That's kind of putting a little bit of  
18 pressure on us.

19  
20 Also, there's been a little bit of a discrepancy with the  
21 council and the EFP process and the way you all have treated the  
22 charter/for-hire fleet. It's been my understanding that all of  
23 the EFPs were given a 10 percent buffer to work with, and why,  
24 after four years of underfishing our allocation, is the  
25 charter/for-hire fleet still subjected to a 20 percent buffer,  
26 when we have underfished our allocation and left fish in the  
27 water every year? If somebody wants to tell me that, I would  
28 love to hear it.

29  
30 41 and 42, you're still working on it, and you're still trying  
31 to figure it out, and I'm leery of it. I am not sure how the  
32 decision tool was formulated. Somebody passed me an email a  
33 while ago, and I don't think I like the numbers that I saw for  
34 my vessel, and thanks for the work that you've done on it. Keep  
35 kicking and going back to it, and it probably needs to go back  
36 to the AP, but, right now, I feel, with 40, with the sunset  
37 coming, I almost feel like my fleet is being force-fed 41 and  
38 42.

39  
40 Neither one of them is good for my business. 41 is not good for  
41 my business, and 42 is not good for my business, the way it  
42 sits, and so let's keep working it out. I know you guys are a  
43 lot smarter than me and do a little bit better on it.

44  
45 As a commercial fisherman, I see you guys talking about resource  
46 rent, and it looks like there is certain council members that  
47 it's coming across as a petty, punitive measure on the  
48 commercial fishery, and the little guy, like me, that's been

1 doing it three years, and the American consumer, we're going to  
2 be left paying for this resource rent that it comes up with, and  
3 I'm not really a fan of it.

4  
5 Commercial trip limit for jacks, it needs to be 500 pounds, and  
6 it will help spread it out through the year. While I've got a  
7 second, the cobia need help, guys. Don't hide behind the stock  
8 assessments. The fishermen are here telling you that the fish  
9 aren't here, and there has been zero fish caught in Orange  
10 Beach, Alabama, zero, in the month of April cobia fishing. That  
11 is phenomenal. That is absolutely unheard of. There is not  
12 going to be a fish caught this week, with the weather  
13 conditions, and help these fish out. Every fisherman up here  
14 from Destin and Panama City, these fish need help. Help them.  
15 Thanks, guys.

16  
17 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Scott  
18 Hickman, followed by Mr. Randy Boggs, who I hear is not here.  
19 All right. We've got nobody, and so let's keep going. How  
20 about Mr. Mike Eller? All right. Mr. Mike Eller, followed by  
21 Mr. Jim Green.

22  
23 **MR. MIKE ELLER:** Good afternoon. Thanks for allowing me to  
24 speak. I'm Mike Eller, and this is my thirty-seventh year as a  
25 charter boat fisherman in Destin, Florida. I'm on the AP for  
26 the Amendment 41, and we came together, and we tried to build  
27 something that was going to be very, very fair. We looked at  
28 it, and, if it was something we all agreed -- If it was  
29 something that we could build it and make it work and it was  
30 going to be a beautiful thing, we should move forward. Then, if  
31 it wasn't, if we built it and we didn't like it, then we  
32 wouldn't move forward.

33  
34 I can tell you that myself, and Mark Kelley sat next to me at  
35 the AP, and we built it, and I don't think it's going to work  
36 for me, and I don't think it's going to work for my business.

37  
38 I am much happier with an electronic logbook and counting the  
39 fish than in a derby. I don't like the fact that we are  
40 designing a system to give fish to people that weren't catching  
41 them and then trying to figure out how to lease those fish back  
42 from them, and so we worked really, really hard.

43  
44 Fortunately, the staff at the council and National Marine  
45 Fisheries are really smart people, and they really helped us a  
46 lot, but I don't think it's going to work right now for us. I  
47 think it's putting the cart before the horse. We don't have  
48 catch history, and we don't have ELBs. Why don't we have ELBs?

1  
2 On amberjack, I support anything that's going to go for a longer  
3 season, and so I'm okay with one fish per two persons, and I  
4 also support lowering the trip limit on the commercial side.

5  
6 On Amendment 40, we have stayed underneath our quota, and we  
7 would like to see our buffer reduced. Reduce it down to 15  
8 percent the first year. If we stay under again, reduce it down  
9 to 10 percent, and it's only fair, and let's do what's right for  
10 the fish.

11  
12 I fully support the state EFPs, but the EFPs are only going to  
13 work if the states have enforcement on the water. I have  
14 customers and clients in south Louisiana that fish with me, and  
15 they are CCA members, and they tell me that they absolutely are  
16 not going to report their fish, because it's going to close  
17 their season down even faster. They are where we were fifteen  
18 years ago.

19  
20 I preach to them, and I have worked with them, and they come  
21 fishing with me, and they've got their own boat in Louisiana,  
22 and they're not going to report their fish. I can just tell you  
23 right now that they're not going to report their fish. They are  
24 telling us that they're not going to report their fish, and so  
25 the EFP is only going to be as good as the states make it, and I  
26 think Texas has a lawless problem, and I know Louisiana has a  
27 lawless problem. You guys are just going to have to do your due  
28 diligence and fix that problem.

29  
30 Also, on the historical captain permits, we have a couple of  
31 guys in our community that have historical captain permits, and  
32 what I see is they cannot take a day off in the summer season.  
33 They are exhausted, and they can't, because nobody can run their  
34 boat but them, and so, yes, they can take a day off and have the  
35 boat sit at the dock, but they have no relief whatsoever.

36  
37 I think the historical captain thing has served its purpose, but  
38 it's time now just to go ahead and do away with it and make  
39 their permit just like any other permit. If they've got their  
40 historical captains permit working on a boat that was forty  
41 passengers, then they should be allowed to have something close  
42 to that, and I think it's always going to be much smaller, and  
43 that's all I've got. Thank you very much.

44  
45 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from Dr.  
46 Crabtree.

47  
48 **DR. CRABTREE:** Hi, Mike. Thanks for being here. If the council

1 decided not to go forward with Amendment 41, how would you feel  
2 about us moving forward with Amendment 42?

3  
4 **MR. ELLER:** I don't see how the partyboat fishermen are going to  
5 be able to keep their word to not move the two forward together.  
6 If 41 is not going to fly, and they feel like theirs can fly,  
7 it's not really right for me to stand in their way, though I  
8 will tell you that it causes huge amounts of conflict in our  
9 town.

10  
11 The partyboats in our town, to get to those partyboats, you've  
12 got to walk past a bunch of charter boats, and those people come  
13 off there with their red snappers, and everybody is closed, and  
14 it's a -- You talk about a mess, and so I don't really want to  
15 see 42 go forward, but it's not really my place to stand in  
16 their way. Thank you.

17  
18 **CHAIRMAN BOSARGE:** We have a question for you from Captain  
19 Greene.

20  
21 **MR. GREENE:** Hi, Mike. It's good to see you. On the historical  
22 permit for the captain deal that we've been talking about and  
23 working with, those guys that have those permits on those boats  
24 down there, over the course -- I know it's maybe kind of hard  
25 for you to answer this, but, over the course of the last few  
26 years, are they consistently running the same boat, or are they  
27 jumping from boat to boat to boat?

28  
29 **MR. ELLER:** They consistently run the same boat. That boat's  
30 business is based on that captain's permit, and so, typically --  
31 One or two of them own their own boats, and one or two of them  
32 work for somebody else, and that permit is the business.

33  
34 **MR. GREENE:** Yes, I agree with that, and I think some people  
35 missed that. Those boats range from six-pack to multi-passenger  
36 boats?

37  
38 **MR. ELLER:** Correct.

39  
40 **MR. GREENE:** All right. I think that's it. Thanks for coming.  
41 I appreciate you coming.

42  
43 **MR. ELLER:** Thank you.

44  
45 **CHAIRMAN BOSARGE:** We have a few more questions. Hold on.  
46 Don't run off. All right. We have Mr. Sanchez and then Mr.  
47 Anson.

48

1 **MR. SANCHEZ:** A quick one. I suggested, during our meeting, our  
2 committee meeting, that I would see personally a value, given  
3 this confusion now with the decision tool bringing to light  
4 certain concerns with 41, and then perhaps arguably the  
5 unfairness of 42 that maybe doesn't have those problems, waiting  
6 on the status of 41 and all that, and I, for one, am advocating  
7 that let's put it to the AP, so that both of you guys again,  
8 both ad hoc APs, can figure all of this out and see what you  
9 want to do collectively, since, originally, there was some kind  
10 of an agreement on let's come out of the gate together, and what  
11 are your thoughts on that?

12  
13 **MR. ELLER:** Well, I don't think that -- I think that we tried  
14 our best to design a system that was fair and gave past fish out  
15 to everybody, even though we're going to send fish down, red  
16 snappers, to Key West, where they're not catching it, and it  
17 just doesn't make any sense, especially if what we've got going  
18 on is getting a little bit better over the course of time.

19  
20 I don't know that there is any tweaking that we can do to 41.  
21 We have a diverse group of fishermen, and we had really, really  
22 smart staff people helping us, and we came up with something  
23 that none of us really cared for all that much, because you  
24 weren't going to get as much fish.

25  
26 We're designing a system to give fish away just to figure out  
27 how to get them back, and we were trying to stay away from all  
28 the problems that happened in the red snapper IFQ, and it's big,  
29 and it's messy, and it's complicated, and, without catch  
30 history, in my opinion, it's almost undoable.

31  
32 **MR. SANCHEZ:** I guess what -- To clarify, no matter what you all  
33 come up with together, I would just like the opportunity for you  
34 guys to get together and look at all this new information and  
35 then tell us that we don't like it, or we do like it or we  
36 don't, but just give me a direction and go. I don't want to  
37 make that decision for you without your blessing.

38  
39 **MR. ELLER:** I would love to meet with the AP again. As long as  
40 I don't have to fly on Silver Airlines, I will be fine going to  
41 Tampa. Anything else?

42  
43 **CHAIRMAN BOSARGE:** Mr. Anson.

44  
45 **MR. ANSON:** Captain Eller, thanks for coming. Just to follow  
46 up, a point of clarification for myself on your comment relative  
47 to the historical captain. If they were operating a vessel when  
48 it was originally established, a multi-passenger of some sort,

1 but now they have ended up operating a six-pack vessel, I just  
2 want to clarify what you said. What I thought you said was that  
3 -- Basically give them the vessel capacity that they have now  
4 and not what they may have had when they were first issued the  
5 permit, and is that correct?  
6

7 **MR. ELLER:** It's a little bit of a tricky issue. If they got  
8 their historical permit and they immediately went to a six-  
9 passenger boat and that's where they've been the entire time,  
10 and especially if they came off of a partyboat that's eighty  
11 passengers, I can understand why we wouldn't want to go there.  
12

13 I don't think you should penalize them by putting them  
14 necessarily -- I don't know. I guess we would have to look at  
15 it case-by-case, and we're only talking about nineteen or twenty  
16 permits, and I think the majority of them probably weren't off  
17 of party fishing boats, but I don't know that, and so it's a  
18 little bit of a sticky-wicket.  
19

20 I don't want to penalize them if they have moved to a six-  
21 passenger boat and that's where they've been their whole time.  
22 I don't know, but it also -- What it does is it puts them into -  
23 - If you just make them all six-packs, it puts them into a place  
24 where there is no way for them to go up, where, if you issue  
25 them the permit with a little bit more passenger capacity, based  
26 on where how they got their permit in the first place, it would  
27 be a little bit more fair, especially when you've got guys who  
28 their permit is on an over-six-passenger boat right now. If you  
29 make their permit a six-pack, you would destroy their business.  
30 I guess you would have to look at the whole thing, and I just  
31 don't want to see them punished.  
32

33 **MR. ANSON:** Thank you.  
34

35 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Jim Green,  
36 followed by Mr. Kyle Lowe.  
37

38 **MR. JIM GREEN:** Hello, council. I'm Captain Jim Green,  
39 President of the Destin Charter Boat Association, and I'm also  
40 Vice President of the Charter Fishermen's Association. The DCBA  
41 membership is very happy that we got a chance to comment on  
42 amberjacks again. May is a very important month for us.  
43

44 The DCBA membership is the position where October and May, the  
45 backend of the proposed season, is the most important to us. We  
46 have our seventieth annual Destin Fishing Rodeo this year and  
47 then also May has become a busier time of year for us over the  
48 last handful of years, as everybody comes that first week or two

1 before Memorial Day weekend.

2  
3 We support a one fish per two people max bag limit. We feel  
4 that that reduction in catch will get us a better chance at  
5 hitting those projected dates, and I've heard a lot of talk, and  
6 I understand that it would take quite a bit of action to happen,  
7 but, again, that's our desire in Destin, and we wanted it to be  
8 known.

9  
10 On the carryover provision, this is really a no-brainer. If  
11 we're penalized for overfishing, we should be rewarded for  
12 underfishing. Also, the biological aspect of those fish staying  
13 in the stock for another year, until the next season, that has  
14 benefits in that manner, and so we would like to see that fast-  
15 tracked and implemented in a very timely fashion.

16  
17 As far as red snapper goes, we have really appreciated the  
18 steady growth in our season under Amendment 40. One thing that  
19 we would like to see addressed is the buffer. After three years  
20 of underfishing, we feel that it is very important that that  
21 angling opportunity be passed on to our angler, and we feel that  
22 we have enough dataset to where we can address that, and I have  
23 confidence that we can give the most opportunity to catch those  
24 fish to our anglers.

25  
26 Last week, I emailed out to all of you and staff, NMFS and  
27 council staff, and various charter boat associations, a DCBA  
28 proposal. I wanted to touch base on that, and I got a response  
29 from a few of you all, and I know that, leading up to a council  
30 meeting, that you have quite a bit of information to intake  
31 before your week here, but I do offer up any -- I emailed them  
32 individually to you, and so, if you have questions on intent or  
33 concerns or what exactly our line of thinking is, please feel  
34 free to email me.

35  
36 Really and truly, this is -- With 41 and 42, I believe, and DCBA  
37 believes, that we should continue to work on them, but you hear  
38 a lot of sentiment around the Gulf that people are concerned  
39 about how it's going to play out for them, and this is really  
40 just offering another suite of options to our fishermen, to  
41 where they can see how they could manage their business in the  
42 future, and our industry as a whole. This isn't to take the  
43 place of anything, but it's offering another view.

44  
45 Also, cobia, and I know you've heard a lot about it, and I'm a  
46 director of one of the tournaments in Destin, and the tournament  
47 directors are going to get together, and they will be sending  
48 you a letter, pushing on the momentum that Florida has done with

1 the cobia regulations this year, and really and truly trying to  
2 get everybody in line. I mean, the feds and the State of  
3 Alabama and the State of Florida is where the majority of these  
4 are harvested, these waters, and so we would like to continue  
5 pushing on that momentum and try and help this stock. I see I'm  
6 over my time, and so I appreciate it. Thank you.

7  
8 **CHAIRMAN BOSARGE:** Thank you. We have a question from Dr.  
9 Crabtree.

10  
11 **DR. CRABTREE:** Hi, Jim, and thanks for your comments. I  
12 understand the issues with Amendment 41. It's been a challenge  
13 to figure out how to deal with that, but Amendment 42 is pretty  
14 straightforward, and so how would you guys feel if we stop 41  
15 and moving 42 forward and maybe then considering some of your  
16 proposals with respect to the sunset and those other things?

17  
18 **MR. GREEN:** Yes, sir, and I appreciate it, and I'm kind of in a  
19 very peculiar position. I'm a headboat operator, for those of  
20 you that don't know, and I'm also the chairman of the 41  
21 committee, and so I personally -- To me, if our sub-sector is  
22 going to go into an allocation-based fishery, I feel that our  
23 whole entire sector should do so.

24  
25 Captain Eller made a good point about how our headboats in  
26 Destin is a very compact fishing fleet, even though it's the  
27 largest in the nation, and we have to drag those fish by, and it  
28 caused some social issues during the EFP. I don't want to  
29 digress away from it, and I think 42 inherently, because of the  
30 way it was structured and because they used Southeast Regional  
31 Headboat data to be a prelude to being into the program, it  
32 removed a lot of the problems and the concerns in our industry.

33  
34 41 bore the brunt of no catch history and the unknowns of  
35 latency in our permit system and those type of things, where 42  
36 was very straightforward, and I personally want to see them both  
37 continue to get worked on and see if we can work something out  
38 with them, and I am optimistic of that, but I don't see where my  
39 town, my port, my fleet, or myself could support allowing a  
40 subsector of our industry to move forward with the allocation-  
41 based fishery if the other part of it doesn't have something  
42 similar or something that they are happy with moving forward.  
43 Sorry. I went all the way around the world on that one.

44  
45 **CHAIRMAN BOSARGE:** Thank you, sir.

46  
47 **MR. GREEN:** Thank you all very much for the opportunity.

48

1 **CHAIRMAN BOSARGE:** Next, we have Mr. Kyle Lowe, followed by Mr.  
2 Jim Clements.

3  
4 **MR. KYLE LOWE:** Thank you. I am Captain Kyle Lowe, owner and  
5 operator of the Charter Boat Special K out of Destin, Florida.  
6 It's apparent to me that Amendment 41 needs to be further looked  
7 at by all permit holders, utilizing the decision tools provided.  
8 As I have used the decision tools, it scares the dickens out of  
9 me, quite honestly. The numbers do not work for my six-pack  
10 business whatsoever.

11  
12 I strongly support the exploration of the DCBA proposal, as  
13 written by President Jim Green, and I think this is an excellent  
14 proposal, as it exemplifies the glowing successes of Amendment  
15 40, and it can provide much needed stability to our industry.

16  
17 Concerning greater amberjack, I would like for the council to  
18 further consider a fractional bag limit of one fish per two  
19 people. My concern is not the split season as set, with August  
20 through October and again in May, but, instead, the concern is  
21 that, with the current bag limit of one fish per person, that  
22 the season or seasons will be cut short, not allowing for a May  
23 season, or perhaps not even lasting for the entirety of October.

24  
25 May and October are the most important months of this split  
26 season for our area, and I personally am sponsoring the  
27 amberjack division in the rodeo, and so I would certainly like  
28 to see it go through that month.

29  
30 Finally, and in short, I completely support carryover  
31 provisions. It seems obvious to me that, if penalties are  
32 imposed for overfishing that, in turn, underfishing should be  
33 rewarded. Thank you.

34  
35 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Jim  
36 Clements, followed by Ms. Susan Boggs.

37  
38 **MR. JIM CLEMENTS:** Hello. My name is Jim Clements, and I'm a  
39 commercial fisherman from Carrabelle, Florida. I would love to  
40 express my true feelings of what I heard in the committee  
41 meeting yesterday, but I'm afraid that if I do that I will say  
42 the wrong thing, and so I would like to read my testimony to  
43 you, and I want you to know that it comes from my heart and  
44 nobody else's.

45  
46 I was on the Grouper-Tilefish IFQ AP that designed our IFQ  
47 program. It was based on the red snapper IFQ program that has  
48 been proven to be very successful, and it meets all the goals

1 that were set out before its inception. You heard the five-year  
2 review yesterday of the grouper-tilefish IFQ, and it has done  
3 the same.

4  
5 One of the goals that appealed to me most was that, under an IFQ  
6 program, I would be able to make a firm business plan that would  
7 serve me well in the future. I will be seventy years old in  
8 October, and I would like to retire. I made a choice soon after  
9 the two IFQ programs were put into place to either live off my  
10 savings and investments or to keep my boat and invest in the IFQ  
11 program.

12  
13 I cashed in all my investments, and I used most of my savings to  
14 invest in this IFQ program, and I trusted this council to  
15 protect the IFQ program that we designed and it approved. I was  
16 appalled to find out that this council is considering extracting  
17 royalties from my only income. How would you like it if  
18 somebody, other than the IRS, put a tax on your income? I was  
19 appalled to find out that this council is considering taking my  
20 present or future allocation and auctioning it off to the  
21 highest bidder. How would you like it if somebody took part of  
22 your investments away from you and auctioned them off to the  
23 highest bidder?

24  
25 You are a council governed by the laws of the Congress of this  
26 United States. Is this what this country coming to? Is this  
27 democracy? I was appalled, but not surprised, to find out that  
28 this council is considering placing royalties on commercial  
29 fishermen's present income and auctioning off their future  
30 income. I am not surprised at all. I know exactly where this  
31 push is coming from.

32  
33 It's from the CCA and other recreational organizations and not  
34 the recreational fishermen themselves, but the leadership of  
35 these organizations. No one wants to confront this council  
36 about this, because not just a few, but several of you, are  
37 affiliated with the CCA, and we all know who you are, but I  
38 guess I will be the first.

39  
40 I was a member of the CCA before I became a commercial  
41 fisherman, and, back then, the CCA was truly a conservation  
42 program organization, but not anymore. They should change their  
43 name to the Political Fish Grab Company. If they can't take  
44 fish away from commercial fishermen through reallocation, then  
45 they want to tear down our successful IFQ program by throwing  
46 monkey-wrenches in it.

47  
48 With this new EFP giving states control, which I support,

1 hopefully there will be enough recreational access to the  
2 fishery that the CCA will leave us alone. If you think I'm  
3 being a little harsh, think about how you would feel if someone  
4 tried to take income from you, and especially your family.

5  
6 **CHAIRMAN BOSARGE:** Mr. Clements, are you just about done?

7  
8 **MR. CLEMENTS:** Yes, and there is something wrong with this  
9 thing. Now, if you want to be friends in the hallways, that's  
10 fine with me, but if you continue down this path, I will know  
11 who my real friends are. Have a nice day.

12  
13 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Ms. Susan  
14 Boggs, followed by Mr. Johnny Williams.

15  
16 **MS. SUSAN BOGGS:** Good afternoon, and thank you, Madam  
17 Chairwoman, council members, and staff, for the opportunity to  
18 comment today. My name is Susan Boggs from Orange Beach,  
19 Alabama. I commend NOAA Fisheries and each of the five states  
20 on the approval of the state EFPs. I also thank NOAA Fisheries  
21 for the fifty-one-day federal charter/for-hire season.

22  
23 The goal of the Headboat Collaborative EFP was successful. For  
24 those members who are new to the council, I would like to  
25 provide a brief summary. This was a two-year EFP that included  
26 sixteen federally-permitted headboats in its first year of 2014  
27 and nineteen federally-permitted headboats in 2015.

28  
29 Other than a vessel being federally permitted, the vessel also  
30 had to be reporting to the Southeast Region Headboat Survey.  
31 After this two-year EFP, these headboats had fished over 200,000  
32 recreational anglers, of which 120,000 fished for gag grouper or  
33 red snapper from forty-eight states. Their discards were down  
34 by half.

35  
36 Amendment 42 is before the council now, and it's designed much  
37 like the Gulf Headboat Collaborative EFP. At this time, I will  
38 read aloud the letter that has been signed by twenty Gulf  
39 headboat permit holders, which represent twenty-eight Gulf  
40 headboats. This is representative of 41 percent of the headboat  
41 vessels in the Gulf that have been contacted. As names are  
42 added, I will send updates to the council.

43  
44 As federally-permitted headboat operators who have reported our  
45 catches to NMFS for many years, we strongly urge the council to  
46 move forward promptly on Amendment 42 to the Reef Fish FMP.  
47 Amendment 42 would implement a new approach for managing  
48 headboat fishing in the Gulf of Mexico.

1  
2 The recent Gulf Headboat Collaborative pilot program proved  
3 there is a better way to manage our fishery that increases  
4 angler access, reduces discards, and improves economic  
5 stability. We want to adopt this new approach as soon as  
6 possible, and we ask that the council move forward with  
7 Amendment 42, so we can take more people fishing, better  
8 conserve fish stocks, and improve our businesses.

9  
10 With the decision tools introduced yesterday, I would like for  
11 the council to reconvene the APs for 41 and 42. For amberjack,  
12 I support one fish for every two people and no seasonal quotas  
13 for the recreational sector. For commercial limits, I support a  
14 500-pound trip limit.

15  
16 I would like to make a comment on cobia. I have heard from  
17 several charter boats and one recreational angler that there has  
18 been a serious decline in the spring cobia migration off the  
19 coast of Alabama. This spring, we have not had one cobia landed  
20 at SanRoc Cay Marina.

21  
22 Last January, the council passed the modification to charter  
23 vessel and headboat reporting requirements, and it is imperative  
24 to continue working toward the implementation as soon as  
25 possible. Thank you again for allowing me to speak today.

26  
27 **CHAIRMAN BOSARGE:** Thank you, ma'am. Next, we have Mr. Johnny  
28 Williams, followed by Mr. Tommy Elkins.

29  
30 **MR. JOHNNY WILLIAMS:** Good afternoon. I'm Johnny Williams from  
31 Williams Partyboats Incorporated in Galveston, Texas. I'm a  
32 third-generation partyboat operator out of Galveston. I must  
33 tell you all that I've been involved in this council process for  
34 almost thirty years, and, yesterday, when you all brought up  
35 some of the schedules here on 41, I was disturbed, but not  
36 amazed, that Texas was going to get very few fish as far as the  
37 charter boats in Texas are concerned.

38  
39 Like I said, this greatly disturbs me. I mean, it's not  
40 logical. We've got the biomass off of Texas, and we've got  
41 three of the largest cities in the country in Texas, and we've  
42 got a tremendous amount of coastline in Texas. We have an awful  
43 lot of people fishing in Texas.

44  
45 I believe the problem is, for too long, we've been comparing  
46 apples to oranges. We've got one survey that was covering most  
47 of the Gulf, and Texas has done their own survey, and I can't  
48 really say if either one of them are really accurate, but it's

1 hard to equate the two when you have this discrepancy there.

2  
3 I have been told, in the almost thirty years that I've been  
4 involved in the council, that we're always compelled to use the  
5 best scientific data available. I understand there may be one  
6 year that we do have an MRIP study for Texas, and I think that  
7 we should make that data available and see how the Texas data  
8 compares to that data and maybe adjust other years.

9  
10 It's real tricky to do one year, I agree. I mean, I'm not a  
11 scientific person, basically, but I can look at numbers and kind  
12 of add up to twenty if I have my shoes off, but, anyway, I think  
13 that we should approach this way because this model that we've  
14 been putting data in -- If the Texas data is different than the  
15 other data that we're using, or weighted differently, it's going  
16 to show a different outcome.

17  
18 I personally believe there is a lot more fish out there than the  
19 model has suggested, and I have believed this for a number of  
20 years. For that reason, I think that we need to look at that  
21 MRIP data. I don't know why it's not being forthcoming, but, if  
22 it's available, it should be, and I think we can kind of compare  
23 that with what the Texas data shows. I think, if we do, that  
24 we're going to see that it's going to put everybody on equal  
25 footing.

26  
27 I can't hardly believe that a boat fishing in Key West would get  
28 almost as many fish as a boat fishing in Texas, where the  
29 biomass is and the people are. I have a number of friends of  
30 mine that are charter boat fishermen in Texas. I mean, we catch  
31 plenty of fish on the partyboats, and it's been years since we  
32 came in on a trip, on one of our twelve-hour trips, when we  
33 didn't have a limit of red snapper on the boat for everyone, and  
34 I can't believe that the Texas data -- That it can be compared  
35 with the other data, the way things are right now.

36  
37 Thank you very much for your time. I would like you to go  
38 forward with 42. I don't think you can go forward with 41 until  
39 we get this data straightened out, but I certainly hope we can  
40 do that in a timely fashion to help out the folks in 41 as well.  
41 Thank you.

42  
43 **CHAIRMAN BOSARGE:** Thank you. Mr. Riechers.

44  
45 **MR. RIECHERS:** Thank you for your statements. I agree with you.  
46 I wasn't around the table, or we didn't really get to that  
47 discussion, because we are really using different currencies,  
48 now three different currencies, and it really makes it

1 imperative that the only fair way to do it, if you're going to  
2 do it at this point, is an equal distribution divided amongst  
3 all the vessels.

4  
5 That way, the currencies don't matter anymore, and so I hear  
6 what you're saying, and, of course, from a partyboat  
7 perspective, you've been already answering to the headboat  
8 survey, and so yours is in the same currency as everyone else,  
9 but, from the charter boat perspective, you're exactly correct.  
10 We have got to find a fair way to do that, where it doesn't  
11 matter what currency you were in.

12  
13 **MR. WILLIAMS:** Thank you, Robin. I appreciate that comment.

14  
15 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Tommy  
16 Elkins, followed by Mr. F.J. Eicke. I see Mr. F.J., and so I am  
17 assuming that Mr. Tommy Elkins is not here.

18  
19 **MR. F. J. EICKE:** You're right. Thank you, Madam Chair, for the  
20 opportunity to address the council. My name is F.J. Eicke, and  
21 there are names attached to F.J., but I won't share them with  
22 you. I am the Government Relations Chairman for CCA  
23 Mississippi, and so I address you in that capacity.

24  
25 I want to welcome you to Mississippi. We think we have a  
26 developing coastline here that has a lot to it, including some  
27 new opportunities, such as the research opportunity that you see  
28 down at the port for the University of Southern Mississippi and  
29 the Gulf Coast Research Lab and a new marine education center  
30 that is just beautiful.

31  
32 Beyond that, I attended the very first meeting of recreational  
33 anglers that was held by the Department of Marine Resources, and  
34 I think it was out of that that the state season that we enjoyed  
35 for a number of years became a reality. Where we are now is at  
36 the EFP stage, and CCA Mississippi is in total support of that  
37 process, because our Tails n' Scales measure, we believe, is  
38 both reliable and valid, and it will provide the kind of true  
39 data on virtually a day-by-day basis that will allow us to  
40 manage the red snapper fishery during the season that has just  
41 been announced on Tuesday.

42  
43 Beyond that, if we have a season that runs for some number of  
44 days between Memorial Day and Labor Day and is closed if we  
45 reach that quota that we're assigned, I think that's the  
46 responsible action that the Gulf Council is looking for, and I  
47 think we're in a position to make that happen, but, beyond that,  
48 Paul Mickle, who is our Science Officer at DMR, made a statement

1 the other day that I thought made a lot of sense not only for  
2 Mississippi, but all of the states, and that is to put the  
3 charter/for-hire federally-permitted vessels under state  
4 management.

5  
6 When he said, and I agree with him, that the charter/for-hire  
7 captains in Mississippi would want to have, for example, a fall  
8 schedule, I can see that happening in a lot of places, in each  
9 state for that matter, so that the state management is able to  
10 do that, where the federal management is not. You all are going  
11 to manage across the Gulf, and you can't have the flexibility  
12 that a state management program would have. I recommend that  
13 for consideration by the council. I think it has merit, and I  
14 would recommend that it be a part of future thinking.

15  
16 As far as cobia is concerned, and I didn't come prepared to  
17 really talk about that, but, if you don't know it, we are the  
18 only state that has cobia designated as a gamefish. That group  
19 that Ms. Bosarge was talking about actually met last week. Jim  
20 Franks, who many of you all know, spent three days, I think it  
21 was, in Charleston, and so that process has started, but we're  
22 very proud that we are the only Gulf state, that I know of, that  
23 has cobia as a gamefish, and, therefore, it is not marketed from  
24 fish landed in Mississippi. Thank you very much, and have a  
25 wonderful another night and day in Mississippi.

26  
27 **CHAIRMAN BOSARGE:** Thank you, Mr. F.J. Hang on. Mr. Diaz has a  
28 question for you.

29  
30 **MR. DIAZ:** Thank you, Mr. Eicke, for coming down and your  
31 testimony. As I mentioned earlier, we do not have a lot of  
32 comments from recreational fishermen about bag limits on  
33 amberjack. Has your group in Mississippi talked anything about  
34 that?

35  
36 **MR. EICKE:** I would defer to what Shane said, and, whatever the  
37 science dictates, that seems to be what would work and what we  
38 would support. Contrary to some previous commenters here, CCA  
39 has always been focused on the science first and the resource  
40 first, or, actually, the resource and then a science basis, and  
41 it's only at that point that we start thinking about the  
42 recreational angler and what would be fair treatment of the  
43 recreational angler, and so whatever the science dictates.

44  
45 I don't do a lot of amberjack fishing. I have done it on  
46 charter boats out of Florida and Alabama, and I enjoy catching  
47 amberjack, and I remember releasing one that was very decent  
48 sized, and it floated away and was eaten up by a bunch of

1 porpoises or sharks, whatever it happened to be, and that was a  
2 killer for me, to have to release that fish and see it float  
3 away, but that's what is going to happen, and we know that, with  
4 the amberjack.

5  
6 Discards is always a problem. I have heard of discard problems  
7 with regard to red snapper and with recreational fishermen as  
8 opposed to commercial fishermen, and it's kind of enlightening  
9 and discouraging, but discards are always a problem in fisheries  
10 like we're talking about there.

11  
12 If you're talking about fish inside, which is something that we  
13 deal with very much, liked speckled trout, we know that they're  
14 going to survive at a very high level, but fish that you're  
15 bringing up from a hundred or 200 feet, there is not much  
16 chance. As much as we can do to reduce that is a plus.

17  
18 **CHAIRMAN BOSARGE:** Thank you, Mr. Eicke. Next, we have Ms.  
19 Ashford Rosenberg, followed by Mr. David Walker.

20  
21 **MS. ASHFORD ROSENBERG:** Good afternoon, council, and thank you  
22 for the opportunity to speak. My name is Ashford Rosenberg, and  
23 I'm with the Gulf of Mexico Reef Fish Shareholders Alliance.  
24 There have been a lot of interesting conversations over the last  
25 few days, and I want to start by congratulating the Gulf states  
26 on being awarded their exempted fishing permits.

27  
28 We support the EFP process, and we're anxious to see what the  
29 next two years hold, and we hope that a lot of good data comes  
30 out of these EFPs and accurately captures what's going on on the  
31 recreational side with landings.

32  
33 Regarding 36B, I would like to thank the council for listening  
34 in part to the Grouper-Tilefish/Red Snapper IFQ AP. We  
35 appreciate Action 2.3.1 being moved to Considered but Rejected,  
36 and we appreciate removing the requirement for a shareholder to  
37 possess a reef fish permit in order to have an account. The  
38 diligent work of NMFS staff demonstrates that this is a small  
39 portion of the shareholders, and it is not as significant of a  
40 problem as it is often perceived.

41  
42 I do agree with Mr. Marino from earlier, his comment that taking  
43 advice from a regulated industry member group is a good thing,  
44 and that is exactly what you have in this IFQ AP. These are  
45 invested members of the community who adhere to the regulations  
46 that are placed upon them. They are an invested group, and they  
47 believe that replacement fishermen and access for the next  
48 generation is vital to the survival of the industry, and so we

1 urge the council to stand behind this decision to not require a  
2 permit to have a shareholder account.

3  
4 I am disappointed in the motion regarding the hail-in landings.  
5 If you do move forward with this in 36B, the issue should be  
6 brought to the industry as well as the IFQ AP and discussed in-  
7 depth, to ensure that this is a significant problem, and I place  
8 the emphasis on "significant".

9  
10 Dr. Stephen's statements yesterday indicate that reported  
11 landings are higher than hail-in estimates, which would indicate  
12 that it's not a significant problem. We would also like to  
13 highly encourage the council to listen to the motions from the  
14 IFQ AP.

15  
16 It is a very impressive group, and I think we've heard this  
17 repeatedly, that it's a diverse group with a lot of different  
18 representation, and the motions were passed -- All the motions  
19 passed with a majority in their first meeting, and they are  
20 dedicated to improving this fishery, and so I would emphasize  
21 that listening to their expertise is of key importance.

22  
23 I would also like to caution the council, as reallocations are  
24 considered, to please keep in mind that, according to NOAA's  
25 Fisheries of the U.S. Report, that 70 percent of seafood  
26 consumed in the U.S. is done so in a restaurant, and so it's the  
27 primary access point for the general public for red snapper.  
28 Taking quota away from the commercial sector not only hurts  
29 their businesses, but it does hurt the American consumer.

30  
31 The progress being made in state management may have some  
32 unexpected results, and it may demonstrate that we don't need to  
33 take quota away from the commercial sector to help the  
34 recreational sector. Thank you for your time.

35  
36 **CHAIRMAN BOSARGE:** Thank you, Ashford. Next, we have Mr. David  
37 Walker, followed by Mr. Eric Brazer.

38  
39 **MR. DAVID WALKER:** Thank you, Madam Chair. Good afternoon,  
40 council. I'm David Walker, a commercial fisherman from Alabama.  
41 I would like to start out by just saying that I support the  
42 motions that the AP made, the IFQ motions. It was a very good  
43 group of folks, and they did a good job.

44  
45 There were some folks there from Mississippi, and I was going to  
46 mention David Floyd, and I think he was a fifth-generation  
47 commercial fisherman. Ryan Bradley was in attendance from  
48 Mississippi, and we had some young folks from Alabama, Brian

1 from Alabama. He was there as well. He's on the panel. My  
2 son, John Walker, he's a third-generation fisherman.

3  
4 I would like to kind of begin here with these EFPs. For the  
5 private angler community, it may seem like a baby step, but it's  
6 giant leap for conservation. Today, I have had to revise some  
7 of my comments that I was going to make, and I would just like  
8 to say, first of all, dilly dilly. I am really happy about this  
9 FMP for the recreational industry. I'm excited, and, today,  
10 I've heard a lot of positive comments from the private angler  
11 leadership.

12  
13 As I reminded this council, and I've said before, that both  
14 commercial and charter sectors have been supportive of a fresh  
15 and innovative private angler FMP.

16  
17 I just go back to the IFQ. Numerous decades before the IFQ, the  
18 commercial sector was gifted with chaos and instability and  
19 unsustainable fishery conservation. Our fishery was collapsing  
20 around us. There were exhausted management failures, and it was  
21 the story of the Wild West 101 fishery management. The  
22 commercial fishery was in turmoil during this dark period, and  
23 it was only the commercial sector complaining.

24  
25 The consumer access for the people of this nation was being  
26 threatened, and so, finally, positive-thinking conservation  
27 groups began working with fishermen on solutions, and it was  
28 open-minded folks from the commercial sector that began working  
29 with conservation-minded folks. They worked together in  
30 pioneering healthier opportunities.

31  
32 The new FMP benefited the resource and all the fishermen and  
33 their families and communities and the rest of the nation. An  
34 innovative plan was built on a strong foundation of  
35 accountability and with sustainable, renewable resources. The  
36 commercial sector was finally allowed to develop profiles for a  
37 successful IFQ. The IFQ profiles chartered a course to  
38 rationalize commercial fishery issues.

39  
40 The result is all sectors benefited. They were all awarded  
41 increases in access, and there were a few actions the commercial  
42 sector didn't advocate for, but the council added those anyway.  
43 Over time, we learned how to adjust and adapt to those uninvited  
44 changes. Having conformed to those changes for over a decade  
45 now, the commercial sector has been communicating for no more  
46 disruptive changes.

47  
48 History tells the story about the Wild West and how it was

1 settled. The people of this nation set a course for territories  
2 out west, and they drove a stake in the ground with the living  
3 resources of the fertile soil, and they were pioneering folks  
4 that began a new opportunity of life. They farmed land and  
5 ranched cattle and horses and sheep and goats and chickens.

6  
7 They began manifesting a livelihood that sustained them and  
8 their communities. They worked hard, and they made the best of  
9 their opportunity. Many of the folks became successful from  
10 their resource opportunity that was gifted to them. They paid  
11 taxes from their new income, contributing food and clothing and  
12 numerous resources to the communities.

13  
14 These pioneers settled the Wild West, and IFQs helped settle the  
15 mismanagement of the commercial industry. Disruptions will  
16 weaken folks' livelihoods and have unintended consequences, and  
17 I think about it. If the shoe was the other foot, would you  
18 appreciate being the victim of the same negative circumstances  
19 inflicted by others? Nobody appreciates social undermining.  
20 Thank you, and congratulations on pioneering the FMP for the  
21 private anglers across the Gulf. I am grateful for the positive  
22 news this week, and I am excited for the private anglers. Thank  
23 you.

24  
25 **CHAIRMAN BOSARGE:** Thank you, sir. It's good to see you again.  
26 Next, we have Mr. Eric Brazer, followed by Ms. Pam Anderson.

27  
28 **MR. ERIC BRAZER:** Thank you very much, Madam Chair. I'm Eric  
29 Brazer, Deputy Director of the Gulf of Mexico Reef Fish  
30 Shareholders Alliance. Thank you for the opportunity to speak.  
31 First off, I want to reiterate what a number of folks have said  
32 before me, and thank you all for your hard work on the EFP, and  
33 congratulations on this milestone, and I think we're all going  
34 to look back and see this as the milestone that it truly is.

35  
36 I want to reiterate what others have said in support for the  
37 advisory panel. You really should be commended for your work on  
38 putting that together, and I know I've said that to a number of  
39 you guys over the course of this week, but it's true. This was  
40 a really good group, a diverse group, of hardworking guys and  
41 women that were committed to working through some pretty  
42 contentious issues and coming out the other side in a good  
43 place.

44  
45 To that end, please respect this process by supporting all of  
46 their proposals and not just the ones that the committee had the  
47 chance to discuss and put up yesterday.

1 Regarding resource rent, we urge you to consider the statements  
2 identified in the staff's white paper and approved by the AP,  
3 and we just want you to consider the fact that, if you move this  
4 forward, you will be setting national precedent on something  
5 like this.

6  
7 Regarding corals, we continue to support protecting historical  
8 access and promoting sustainable and low-impact fishing. We do  
9 appreciate the SSC's recommendation on the West Florida Wall as  
10 a compromise, but we do have concerns with who is going to pay  
11 for it. Too soon? I won't quit my day job. Anyway, we look  
12 forward to seeing more analysis and getting some more public  
13 hearing input.

14  
15 Status determination criteria, I believe it was Mr. Dyskow that  
16 had referenced or suggested a cheat sheet, of sorts, and we are  
17 highly supportive of that idea. That was a very dense, very  
18 complicated conversation, and it went over the heads of a lot of  
19 us in the audience. I think we all need a little more time to  
20 digest this, and so taking final action in June might be a  
21 little optimistic at this point, from our perspective.

22  
23 In rapid fire, we support continuing your good work on 41 and 42  
24 and eliminating the sunset provision on sector separation. We  
25 support prioritizing the state plan for private recreational  
26 anglers for red snapper and making sure that you get this done  
27 before the EFPs expire. That is critical.

28  
29 We support bringing back the commercial logbook amendment that  
30 Madam Chair mentioned yesterday and getting this started again.  
31 While this shouldn't interfere with coming up with a permanent,  
32 long-term solution for the private anglers, it should be  
33 something that isn't just sitting on a shelf right now gathering  
34 dust, and, finally, we want to reiterate our support for a loan  
35 program to help the next generation of fishermen and replacement  
36 fishermen by providing them the tools they need to grow their  
37 business. Thank you.

38  
39 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Ms. Pam  
40 Anderson, followed by Ms. Jillian Williams.

41  
42 **MS. PAM ANDERSON:** Good afternoon, Madam Chair, Director  
43 Gregory, Dr. Crabtree, and council members. Thank you for  
44 allowing this time to speak. I'm Pam Anderson from Captain  
45 Anderson's Marina, the Operations Manager, with thirty-three  
46 charter boats, four dive boats, and five headboats, including  
47 three of my husband's boats. I also am the fishery rep on the  
48 Bay County Chamber of Commerce in Panama City.

1  
2 Thank you for the acceptance of each of the states' EFPs for  
3 private anglers. That is a very positive step for them. I want  
4 to also thank Mr. Gregory for bringing attention back to MSA's  
5 National Standard 1. In recent years, the focus has been on  
6 providing optimum yield through many overly restrictive  
7 regulations, while ignoring the last part of that directive of  
8 achieving optimum yield from each fishery for the United States  
9 fishing industry.

10  
11 That changes, or should change, the mindset of any who have only  
12 focused on optimum yield as your prime directive and bring to  
13 the forefront the importance to the writers of the MSA of  
14 economic and social impacts of your regulatory decisions. You  
15 are not solely to be focused on seeing how high the stocks can  
16 grow, although it is important, and so what should this  
17 recreational management look like?

18  
19 Opportunity, as much opportunity to fish as the optimum yield  
20 and MSY will allow. Amendments 41 and 42 significantly decrease  
21 opportunity. Opportunity brings people to the coast and gives  
22 them access to a healthy, vibrant activity that they do not have  
23 back home. It not only puts people on our boats and gets the  
24 private angler boats out of boat barns, but it keeps our  
25 businesses and employees solvent, and hopefully prosperous.

26  
27 It puts people in hotels and restaurants, from waffle shops to  
28 fine dining. They are all negatively impacted when  
29 opportunities to fish are not available in the coastal  
30 communities. One owner of a little hole-in-the-wall bar around  
31 the corner from us said, a couple of weeks ago, that they cooked  
32 a hundred pounds of fish in one evening for families that had  
33 gone on a fishing boat with us, and that economic impact would  
34 not have happened without opportunity.

35  
36 When our guys say that we need to stretch the season for  
37 amberjack by offering one per two people, these are impacts that  
38 increase in opportunity will provide not just for them, but for  
39 our community. When they say Amendments 41 and 42 should stop,  
40 it is due to the obvious restrictions and opportunity for all of  
41 our customers and our community.

42  
43 Opportunity to fish means positive economic impacts all around,  
44 and I have heard from this council many times that what you do  
45 here is all about NS 1, and it's true, but some have only  
46 focused on optimum yield and have forgotten what the optimum  
47 yield was actually for, which is the fishing industry.

48

1 Thank you for beginning to change this dialogue. This council  
2 also needs to clarify if allowing Amendment 40 to sunset will  
3 eliminate the recreational sub-sector allocations. Earlier, it  
4 had been said that it would not, and that needs to be clarified,  
5 and I think that's causing a lot of confusion.

6  
7 Thank you for moving the council's current decisions in a more  
8 positive direction for the stakeholders. I thank God that you  
9 are listening and working together for good, and let's keep  
10 working together and stop recreational catch shares. Thank you.

11  
12 **CHAIRMAN BOSARGE:** Thank you, Ms. Anderson. I have a question  
13 for you, ma'am, from Dr. Crabtree.

14  
15 **DR. CRABTREE:** Just to clarify that, if Amendment 40 sunsets, it  
16 will eliminate the two separate quotas, and you will be back to  
17 fishing on one quota with one season with the private guys.

18  
19 **MS. ANDERSON:** When we asked you before Amendment 40 came into  
20 being, we said can you allocate for headboats and then charter  
21 boats and then private anglers, and you did say yes before, and  
22 is that not so?

23  
24 **DR. CRABTREE:** You can allocate, and Amendment 40 allocates  
25 between the for-hire fishery and the private recreational  
26 fishery, but, if it goes away, then that allocation is gone.

27  
28 **MS. ANDERSON:** Okay, and so that's two answers instead of one, I  
29 think.

30  
31 **DR. CRABTREE:** No, in Amendment 40 -- You can allocate between  
32 the sectors. You do it through a plan amendment, and Amendment  
33 40 is the amendment that did that. If it sunsets, then those  
34 allocations go away, and you're back to fishing a common quota,  
35 but it takes a plan amendment to do that, and that's Amendment  
36 40.

37  
38 **MS. ANDERSON:** Okay. That's not what we were told before.  
39 Thank you.

40  
41 **CHAIRMAN BOSARGE:** Thank you, Ms. Anderson. Next, we have  
42 Jillian Williams, followed by Cody Carter.

43  
44 **MS. JILLIAN WILLIAMS:** I am Jillian Williams, and I'm from  
45 Galveston, Texas. We have two federally-permitted headboats,  
46 and I just want to say that I really am happy that we have  
47 Amendment 40. It seems like it's working good for us, and I  
48 would like to see the sunset removed off of it.

1  
2 Amendment 42, I want to see us still try to go forward with  
3 that. It would be very helpful to have flexibility in our  
4 businesses. This year has already been a pretty tough year for  
5 us. We've had some issues with one of our boats. We lost all  
6 of spring break. We'll recover from that, but, if that happens  
7 in June to us or something, it's just really hard, with how the  
8 snapper season is set up, for us to recover from something like  
9 that, and so I would really love to have some sort of  
10 flexibility, just so we can manage our business better.

11  
12 I am just worried that still, with only fifty days to make our  
13 money, that, if something major happens, like what happened this  
14 year already to me, that we're going to be in big trouble, and  
15 so I would like to move forward with 42.

16  
17 As far as amberjacks go, the one fish per two people would be  
18 kind of confusing for us, and so I don't really support that,  
19 but, if that's what it comes down to, we'll do whatever we have  
20 to do. Thank you.

21  
22 **CHAIRMAN BOSARGE:** Thank you, ma'am. Next, we have Mr. Cody  
23 Carter, followed by Mr. Frank Gandt.

24  
25 **MR. CODY CARTER:** I am Cody Carter, and I work with my wife at  
26 Williams Partyboats. I run our offshore boat, and I would like  
27 to see, in Amendment 40, the sunset clause to be removed. That  
28 has actually helped us out a whole lot. Amendment 42, I would  
29 like to see that continue. I also do not want to see fractional  
30 bag limits on amberjacks. Thank you.

31  
32 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Frank  
33 Gandt, followed by Mr. Kendall Dix.

34  
35 **MR. FRANK GANDT:** My name is Frank Gandt, and I own the Charter  
36 Boat Quite Frankly out of Orange Beach, Alabama. I'm a new  
37 business owner. As of last year, I finally got the boat done,  
38 in July, and I struggled all spring to get it ready. I would  
39 like to see the sunset removed on Amendment 40. I also feel  
40 that Amendment 41 and 42 are dangerous to me as a new business  
41 owner. Under this, there is not enough fish to sustain myself  
42 as a new six-pack charter boat owner.

43  
44 I am for the fractional catch system on amberjacks, but I do not  
45 feel there is enough time for this to be implemented for our  
46 fall season without emergency action. On that note, I feel that  
47 we should keep the current system in place for now and see where  
48 we stand in the spring. Thank you, all, so much for having us,

1 and thank you, all, so much for everything you do. Thank you,  
2 all, and have a great day.

3  
4 **CHAIRMAN BOSARGE:** Thank you, sir. Next, I have Mr. Kendall  
5 Dix, followed by Mr. Mike Jennings.

6  
7 **MR. KENDALL DIX:** Hello. My name is Kendall Dix, and I'm with  
8 the Gulf Restoration Network. I want to thank you for the  
9 opportunity to provide comments on Coral Amendment 9. This is  
10 my first time addressing the council, and I ask that you take it  
11 easy on me, if you can.

12  
13 Corals all over the world face numerous threats, from bleaching  
14 caused by rising temperatures to ocean acidification to oil  
15 spills and the compounding toxic effects of dispersants.  
16 Additionally, corals may also be harmed by bottom-contact  
17 fishing gear, which is why the Gulf Council is considering  
18 Coral Amendment 9.

19  
20 Fragile deep-sea corals, in addition to offering potential  
21 biomedical breakthroughs, provide essential habitat for all  
22 sorts of marine life that are either directly caught by fishers  
23 or for forage species that both recreational and commercial  
24 fishers rely on.

25  
26 Protecting corals is good for target species and for the people  
27 who catch them. We have full faith that all of our skilled  
28 fishers in the Gulf can and want to avoid corals, but we have to  
29 ask ourselves what is our backup plan if less experienced or  
30 skilled people enter the fishery or we have different gear enter  
31 the fishery that could harm the ecosystem.

32  
33 Because we still know so little about the value of Gulf corals,  
34 it is important that we take whatever steps we can to protect  
35 them. Nearly 95 percent of the deep-sea zone of the Gulf is  
36 soft mud bottom, and so the available habitat for deep-sea  
37 corals, which mostly attach to hard-bottom surfaces, is already  
38 quite small.

39  
40 Gulf Restoration Network applauds the Gulf Council for taking  
41 the initiative to work with scientists and fishers and create  
42 narrowly-tailored areas of protection that will be among the  
43 first protections for deep-sea corals, all while minimizing the  
44 impact on the commercial sector. This will truly be a win-win  
45 for corals and for everyone involved.

46  
47 Our diverse membership has been more active in taking action on  
48 deep-sea corals than other issues that we promote, and so I

1 believe the general public is as excited to protect them as we  
2 are. We urge you to pass Coral Amendment 9 and protect corals  
3 in all proposed twenty-three sites. Thank you.

4  
5 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Mike  
6 Jennings, followed by Mr. Jason Vicars.

7  
8 **MR. MIKE JENNINGS:** Hello, Madam Chair and council. Thank you  
9 for letting me speak today. I would like to congratulate the  
10 council. First off, let me back up. I am Captain Mike  
11 Jennings, and I own and operate two federally-permitted charter  
12 boats out of Freeport, Texas, and I am also the managing partner  
13 of a ninety-six-boat marina, Gulf Coast Marina, at Surfside,  
14 Texas.

15  
16 I would like to congratulate the council on moving forward with  
17 the EFPs and getting those into the Federal Register this week.  
18 Our association fully supports those EFPs for the private  
19 recreational anglers, and we would like to ask the council to  
20 take that decision tool that they came up with and send that  
21 back to the AP, and I believe, through some discussion this week  
22 and listening to some of the AP members talk on sidebar  
23 conversations, that, due to some political winds changing and  
24 administrative changes in D.C., there may even still be some  
25 options open to 41 that were explored early on in the  
26 discussions that we were told at that time were not politically  
27 palatable by the administration or D.C. or whoever that may be.

28  
29 I think there is some things that may have opened up that we've  
30 kind of lost in the conversation on 41 that I would like to see  
31 that thing go back to the AP one more time, along with 42 and  
32 tying up some loose ends on that and seeing what the industry  
33 will is on moving 42 forward.

34  
35 We would also like to see the council take up an amendment, and  
36 it would be a simple, one-action amendment, to do away with the  
37 sunset on 40. We all know why it was put there, and we  
38 understand that, and we were all good with it at the time, but I  
39 think that time has passed. It's pushing some issues down the  
40 road faster than probably necessary, because of this feeling of  
41 haste, due to the sunset on 40.

42  
43 I would like to ask the council to go back and have some more  
44 discussions on the payback and the carryover provisions that we  
45 had not long ago and maybe see if we can get some traction on  
46 that also. We have got an industry that has underfished their  
47 fishery that it will be going into the third year this year that  
48 they will come in under their ACT, yet, in light of the EFPs, we

1 would also like to see the council go back and address the --  
2 See what we can do to address the buffer on the charter boat  
3 side.

4  
5 I mean, it was obvious that -- It was made obvious this week  
6 that it can obviously be moved back to 10 percent. You've got  
7 an industry that has struggled to stay within their ACT and  
8 their ACL at a 10 percent buffer while a portion of the sector  
9 that has not is still managed under a 20 percent buffer, and  
10 those are quite a few days of fishing. That's fisheries access.

11  
12 I also want to touch on one thing real quick, and then I will  
13 get off this mic, and that was the day before yesterday in the  
14 conversation -- I was driving here, and I was listening to the  
15 discussion on the EFPs and the charter boats in and the charter  
16 boats out.

17  
18 I know this can be set off and looked at as a figure of speech,  
19 but I do believe that some of us, while we were so skeptical of  
20 the EFPs, it's because we feel like there is a disconnect here.  
21 There was comments made about while so-and-so may want to keep  
22 my charter boats in, he may want to keep his charter boats out,  
23 or my charter boats in and his charter boats out, et cetera.

24  
25 Guys, I broke a shaft on my boat last June, and I will make this  
26 real quick, Madam Chair. I broke a shaft on my boat last June  
27 3, and I rolled that boat into the yard, and we lifted it out of  
28 there, and I laid in the pouring rain changing that shaft out  
29 under my boat. I don't remember a single state director lying  
30 beside me jerking on that shaft. Guys, those aren't your  
31 charter boats, and that's why we distrusted that system. That's  
32 a serious disconnect that we're afraid of, and so, anyway, thank  
33 you, all, for your time.

34  
35 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Jason  
36 Vicars, followed by Mr. Dan Buckley.

37  
38 **MR. JASON VICARS:** Good afternoon. I am Jason Vicars with the  
39 Charter Boat Aqua Star out of Orange Beach, Alabama. I am  
40 federally permitted. First of all, I would like to let you all  
41 know how great Amendment 40 has been for myself and my business.

42  
43 I would love to see that sunset clause lifted off of it and more  
44 time given to the AP and ourselves to view the numbers with the  
45 new division tool for 41 and 42 before I can give an honest  
46 opinion on keeping 41 and 42.

47  
48 As far as amberjack, I would say leave it as it is for now and

1 let's fish it a year like you all have it, starting in August,  
2 and see how it works. If we stay under our quota, let it be.  
3 If we go over, then, yes, go to half-a-fish per person. Cobia  
4 definitely needs attention now. I know you all have said you  
5 all are looking at 2019, and that may be too late. That's it.  
6 Thank you.

7  
8 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Dan  
9 Buckley, followed by Mr. Bryan Reeves.

10  
11 **MR. DAN BUCKLEY:** Good afternoon. My name is Dan Buckley, and  
12 I'm with the Gulf of Mexico Reef Fish Shareholders Alliance. I  
13 would like to start out today by thanking National Marine  
14 Fisheries Service staff and the council for facilitating these  
15 state EFPs in the recreational sector by working with each of  
16 the five Gulf states to facilitate programs that work for the  
17 recreational angler of each state.

18  
19 We applaud the efforts of the Gulf states to work to find  
20 solutions to address the issues of reliable and current data  
21 that will eventually lead to better management. Our hope is  
22 that these EFPs will help progress the Gulf fisheries further  
23 and to eventually become a full accountable and sustainable  
24 fishery.

25  
26 I would also like to thank the council for its use of the APs  
27 and the effort this council has put forth in facilitating the  
28 APs that will have knowledgeable and diverse backgrounds. I  
29 hope all the motions that were passed by the AP will be fully  
30 discussed by this council, and I implore the council to address  
31 all the concerns that are raised during these APs.

32  
33 Finally, I would like to thank each and every one of you that  
34 are here today, especially those current and past council  
35 members and staff. The time and dedication that you have  
36 committed is admirable, and the task you've been given is not  
37 easy, and so thanks for all your service. Thank you.

38  
39 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Bryan  
40 Reeves, followed by Mr. Jason Klosterman.

41  
42 **MR. BRYAN REEVES:** My name is Bryan Reeves, and I'm the owner  
43 and operator of Wild Orange Charters in Orange Beach, Alabama.  
44 The first thing I want to do is thank you guys for Amendment 40.  
45 It's been a major success for my business, and I would like to  
46 see that sunset clause removed.

47  
48 At this point in time, I am not in favor of Amendment 41 or 42.

1 I don't think what is in the framework right now will benefit my  
2 business whatsoever, and it would actually hurt me pretty bad,  
3 and I would like to see some more things in the future on that.

4  
5 Also, the buffer, we're given a 20 percent buffer, and we  
6 haven't been over that buffer or near that buffer, when  
7 everybody else has the 10 percent, and I think you guys should  
8 look at that and maybe reduce it. I think it's only fair.

9  
10 The next thing is cobia. I am a very avid cobia fisherman, and  
11 I fished every single day this month. Last year, I fished every  
12 single day of April, and I've caught one fish, and it was forty  
13 inches, and I released it. I am here to speak for a lot of  
14 guys, and everybody is saying the same thing, and I know you've  
15 heard it tonight. We're just not seeing any fish, and we didn't  
16 see very many fish last year, but there is -- In the month of  
17 April, there has only been one fish brought back to the dock out  
18 of all the people that are out there looking for those fish in  
19 Orange Beach, and, the forty-incher that I caught, I released  
20 it. That fish weighed probably twenty-five pounds. It was  
21 twenty-five to twenty-eight pounds.

22  
23 I do not think that the thirty-three-inch size limit is  
24 sufficient on that fish. If a thirty-three-inch fish gets  
25 caught and he gets killed, it's never been able to reproduce.  
26 The thing about it is that a thirty-three to a forty-inch fish  
27 is usually a two to three-year-old fish, and, if that fish  
28 reaches maturity at three years old and somebody catches him in  
29 Florida, in Destin, or in Alabama, that fish has never  
30 reproduced, and so I think what's happening, in my opinion -- I  
31 would like to see that raised to forty-five inches or whatever  
32 size limit would give that fish three years to reach sexual  
33 maturity before it can be harvested and caught and killed.

34  
35 Other than that, that's pretty much -- Also, I know cobia is not  
36 on the agenda, but, also, I think that it should be one per  
37 person and two per vessel. I think it's crazy to have the  
38 limits like they are now.

39  
40 Amberjack, I am happy with the way it is for now. If you guys  
41 think we need to go to a half-a-fish per person, then I would be  
42 okay with that if that's what we had to do, but I would like for  
43 you guys to wait and take a look at it next spring. Thank you.

44  
45 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Jason  
46 Klosterman, followed by Mr. Richard Fischer.

47  
48 **MR. JASON KLOSTERMAN:** Good afternoon, council. I am Jason

1 Klosterman, owner and operator of a charter boat out of Destin,  
2 Florida, and the Vice President of the Destin Charter Boat  
3 Association.

4  
5 Today, I am here to show support for the DCBA's proposal  
6 submitted to you to continue the success of Amendment 40 that  
7 has proven a high level of accountability, sustainability, and  
8 has kept the charter/for-hire sector under the allocation's ACLs  
9 and ACTs. Because of this, we would like to see the removal of  
10 the sunset provision and to be able to continue the success  
11 without that weighing over us.

12  
13 As far as for a carryover provision, I, of course, do support a  
14 carryover provision for the years that we don't reach our quota  
15 to be accessed in the following year, just as we would be held  
16 accountable in the following year if we were to go over our  
17 quota.

18  
19 I support implementation of the ELBs and daily submission of  
20 catch reports, and I believe that the data is the key to  
21 improving the fishery. I know that you have many regulatory  
22 tools at your disposal that can help as well, but I believe that  
23 that is going to continue to be secondary to improved data. I  
24 believe, whether you use an allocation-based system or whether  
25 you stick with seasons, in my eyes, that's just a regulatory  
26 tool.

27  
28 Either which one you fall under, they still have to be backed by  
29 data, and the improving that accuracy, improving the data  
30 itself, and knowing how many vessels are operating and not just  
31 how many permits are out there, I believe that will give you  
32 better numbers, and having this data from the ELBs I think will  
33 help move along 41 and 42, and that's not to say that I am in  
34 favor of them personally, but I will give you an example that,  
35 as this council has put tools online for vessels to be able to  
36 go on and look and see just how much they believe they might be  
37 able to get, I have seen a lot more business owners -- I would  
38 say opening their eyes to it more.

39  
40 They're not in favor of it, necessarily, but certainly they're  
41 continuing the discussion. When it was first brought up, I  
42 believe it really hit everybody very hard, because there really  
43 was no information behind it, and so I think it would be  
44 imperative for this council to continue to look at that, just as  
45 I think it is for Amendment 40, but, at this time, at least for  
46 all of my constituents, everybody that I fish with and know in  
47 Destin, we want to see a lot more data before improving that and  
48 moving on with that.

1  
2 As far as amberjacks go, I support a split bag limit of one for  
3 every two anglers. For Destin, it's important that we have May  
4 and October to fish for this, and if it takes a reduced bag  
5 limit to span this time, I believe we can make a business  
6 catching less fish and being able to span that time limit out.

7  
8 My time is about to run out, but I would like to make a quick  
9 comment on the cobia. Certainly in recent years we have seen a  
10 reduction in the number of cobia caught. We did have multiple  
11 cobia tournaments this year held, and we did see landings. Many  
12 of the tournaments only saw several to one seeing eight to ten  
13 entries.

14  
15 What I will tell you is that, personally, last year, myself, I  
16 saw many of the larger breeders caught early in the spring,  
17 which is the time of year that you will see most attention given  
18 to the cobia, especially in our region, because that's when we  
19 hold all of our tournaments.

20  
21 At the same time, I saw a large number of vessels bringing in a  
22 large number of cobia later in the year, many times just from  
23 bottom fishing, catching them off reefs and catching them off  
24 wrecks, and it was not necessarily in the conventional manner of  
25 trolling up and down the beach sight fishing for them that we  
26 see in the springtime, and so, while I believe the State of  
27 Florida's reduction to the bag limit is a good measure, I also  
28 wouldn't be so quick to freak out that there is some kind of  
29 demise going on, but I would tell you to certainly monitor it  
30 closely, but sit back this year and let's see what we also catch  
31 later on this year. Thank you.

32  
33 **CHAIRMAN BOSARGE:** Thank you, sir. We appreciate that. Last,  
34 but not least, we have Mr. Richard Fischer.

35  
36 **MR. RICHARD FISCHER:** Thank you, all, for having me this  
37 afternoon. I'm Richard Fischer, here representing the Louisiana  
38 Charter Boat Association, and I will start out with amberjack.  
39 I want to, once again, reiterate to you all that our captains  
40 are against any fractional amberjack measure. If that means the  
41 season has to be a month or so shorter, then that's just what it  
42 means. Our captains, with their business models, do not want to  
43 have to tell some paying customers that you can catch an  
44 amberjack and tell other paying customers that, sorry, too bad  
45 for you.

46  
47 Moving on, the historical permits, I want to thank you all for  
48 what you all are doing with historical permits. It's the right

1 thing to do, and we should be making progress on that. Like I  
2 said at the last meeting, it means very little to all the other  
3 captains, and it means a whole heck of a lot to these captains,  
4 and so thank you all for making progress on that.

5  
6 On to Amendment 41, and the six-pack charter boats in Louisiana  
7 are still staunchly against Amendment 41. From what we're  
8 hearing from most of the Gulf-wide captains, it remains a very  
9 unpopular amendment, and so, quite frankly, we think you all  
10 need to table it and stop focusing on that when there are other  
11 issues that need to be talked about here at the council level  
12 with such a limited time, five meetings per year, to talk about  
13 all the important things Gulf-wide.

14  
15 Now, moving on to the exempted fishing permit. Federally-  
16 permitted captains in Louisiana, to say they are disappointed to  
17 not be in this EFP is a tremendous understatement. We have  
18 demonstrated that our captains who are federally permitted in  
19 Louisiana want to be in the EFP, by more than an 80 percent  
20 clip, and, by the way, even if the EFP would have passed for  
21 them, those who didn't want to be in it would still have the  
22 option to opt out of it, and so that still could have been done  
23 for the minority.

24  
25 We have demonstrated that Louisiana, with LA Creel and with the  
26 great seasons set by our department and our commission, is very  
27 capable of administering an EFP season for charter boats, and we  
28 just kind of feel a bit disappointed and, quite frankly, duped  
29 that it was said in the document that was sent out to the five  
30 state heads that the charter boats could be in this EFP.

31  
32 We were told that we asked for too much allotment, and we then  
33 said, you know what, give us less allotment and we'll be okay  
34 with that, fewer red snapper to catch, and that wasn't accepted  
35 as well. You know, we're hearing there were maybe other  
36 concessions that may or may not have been offered, and that  
37 wasn't accepted as well, and so I think our charter boats in  
38 Louisiana, at the very least, deserve an explanation as to why  
39 that happened and why were our charter boats not put in this  
40 EFP.

41  
42 Without being in the EFP, that makes the state management  
43 documents all the more important, all the more critical, to our  
44 charter boats. We have got to make progress on those state  
45 management documents. We've got to have charter boats in the  
46 Louisiana plan. Our captains desperately want state management,  
47 and now the Louisiana plan is the way to make that happen, and  
48 we really hope that we can get ourselves in that plan moving

1 forward. I see I'm out of time, and thank you, all. Do you all  
2 have any questions?

3  
4 **CHAIRMAN BOSARGE:** Thank you, sir. I will just circle back  
5 around. There were two names that I called out and they didn't  
6 come forward, and I don't think they're here, but let's just  
7 check. There was Scott Hickman and Tommy Elkins. All right. I  
8 don't see them coming forward. Thank you to everybody for  
9 coming to give us comment today. As always, we appreciate it.  
10 Council members, we're going to take a quick fifteen-minute  
11 break, and then we have some more business to do.

12  
13 (Whereupon, a brief recess was taken.)

14  
15 **CHAIRMAN BOSARGE:** We will start back up with our regularly-  
16 scheduled agenda, and, next on that agenda, we're going to start  
17 with our Committee Reports. First on the list will be Coral,  
18 and so, Dr. Frazer, I will turn that over to you.

19  
20 **COMMITTEE REPORTS (CONTINUED)**  
21 **CORAL COMMITTEE REPORT**

22  
23 **DR. FRAZER:** Thank you, Madam Chair. The Coral Committee  
24 Report, the committee adopted the agenda and approved the  
25 minutes. Then we went into Review of Public Hearing Draft of  
26 Coral Amendment 9. Staff presented the committee with the  
27 public hearing draft of Coral Amendment 9, but focused  
28 discussion on the SSC recommended changes. Staff also provided  
29 the committee a summary of the Shrimp AP recommendations and  
30 LETC recommendations.

31  
32 In Action 2, the SSC recommended adding a new alternative based  
33 on findings during outcomes of a recent research expedition.  
34 The new alternative would encompass a wall feature in depths of  
35 400 to 600 meters. The Shrimp AP preferred the new SSC  
36 recommendation, but only in the event that the other  
37 alternatives in Action 2 are no longer selected as preferred.  
38 The new recommendation has not been presented to other APs. **The**  
39 **committee recommends, and I so move, in Action 2 to add the**  
40 **SSC's recommended Alternative 5.**

41  
42 **CHAIRMAN BOSARGE:** All right, and so we have a committee motion  
43 in Action 2 to add the SSC's recommended Alternative 5.  
44 Alternative 5 is establish a new HAPC named West Florida Wall  
45 bound by the following coordinates, connecting in order, and the  
46 coordinates are listed there. Then Option a is do not establish  
47 fishing regulations in the West Florida Wall HAPC. Option b is  
48 prohibit bottom-tending gear in the West Florida Wall HAPC.

1 Bottom-tending gear is defined as bottom longline, bottom trawl,  
2 buoy gear, dredge, pot or trap, and bottom anchoring by fishing  
3 vessels. Is there any discussion on the motion? **Seeing none,**  
4 **is there any opposition to the motion? Seeing no opposition,**  
5 **the motion carries.**  
6

7 **DR. FRAZER: The committee recommends, and I so move, in Action**  
8 **2 to replace the current preferred alternatives with Alternative**  
9 **5, Option b.**

10  
11 **CHAIRMAN BOSARGE:** We have a committee motion in Action 2 to  
12 replace the current preferred alternatives with Alternative 5,  
13 Option b. Alternative 5 is establish a new HAPC named West  
14 Florida Wall bound by the following coordinates, connecting in  
15 order, and they are listed on the board, and Option b is  
16 prohibit bottom-tending gear in the West Florida Wall HAPC.  
17 Bottom-tending gear is defined as bottom longline, bottom trawl,  
18 buoy gear, dredge, pot or trap, and bottom anchoring by fishing  
19 vessels. Is there discussion on the motion? **Seeing none, is**  
20 **there any opposition to the motion? Seeing none, the motion**  
21 **carries.**  
22

23 **DR. FRAZER:** In Action 3, staff provided the committee with the  
24 recommended wording changes in the council's Preferred  
25 Alternative 7, Preferred Option c. The committee discussed the  
26 rationale for the SSC's recommended changes as well as the LETC  
27 and Shrimp AP's recommended modifications to the SSC proposal.  
28

29 The committee determined that it would keep the original wording  
30 of the alternative, because it was the most straightforward for  
31 law enforcement and doesn't add extra language, which could  
32 affect the royal red shrimp fishermen. The committee determined  
33 that the SSC's recommendation would overcomplicate the  
34 exemption.  
35

36 Staff noted that there was discussion added to Chapter 2 to  
37 outline that the exemption was provided to continue to allow the  
38 fishermen to fish for royal red shrimp, but with the  
39 understanding that the gear deployed would not come in contact  
40 with coral.  
41

42 Staff reviewed Actions 5, 6, and 7 and provided to the committee  
43 the recommendations from the SSC on Action 5. The committee  
44 also discussed the Shrimp AP's recommendation that a transit  
45 provision be provided in the document.  
46

47 Staff will add "fishing with" after the word "prohibit" in the  
48 options to clarify that only fishing with the bottom-tending

1 gear is prohibited based on the guidance from NOAA General  
2 Counsel. For example, Option b is prohibit fishing with bottom-  
3 tending gear in the West Florida Wall HAPC. Bottom-tending gear  
4 is defined as bottom longline, bottom trawl, buoy gear, dredge,  
5 pot or trap, and bottom anchoring by fishing vessels. Madam  
6 Chair, this concludes my report.

7  
8 **CHAIRMAN BOSARGE:** Thank you, sir. Was there anything else on  
9 coral? Yes, sir, Dr. Stunz.

10  
11 **DR. STUNZ:** I just have one question. Towards the end, on those  
12 deeper-water areas, in Action 6, just for consistency, as this  
13 is going out, and I am not sure that I would even support this  
14 in the end, but we have each Option a and b, and one does  
15 prohibit, and then Option b prohibits certain activities, but we  
16 don't have that on those really deepwater ones, and so I was  
17 just wondering -- If that's going to out, and then we're going  
18 to come back, and let's say we added something in, does that  
19 need to be in there, from a range of alternatives or not? I  
20 don't know if we want to -- If I need to make a motion to that  
21 or not.

22  
23 **CHAIRMAN BOSARGE:** Dr. Kilgour.

24  
25 **DR. KILGOUR:** If you anticipate that you may want to consider  
26 regulations on those areas, then, yes, I would appreciate you  
27 making that motion now, but I would like to remind the council  
28 that those were areas that were recommended to be HAPCs, but not  
29 necessarily in need of fishing regulations at this time by the  
30 Coral SSC, and so that's why it's not in the document at this  
31 time. However, you are welcome to add those options, and, if  
32 you foresee that you will want to do that in the future, I would  
33 appreciate it now, so I can prepare it.

34  
35 **CHAIRMAN BOSARGE:** Mr. Riechers.

36  
37 **MR. RIECHERS:** I think maybe Greg was -- There is kind of two  
38 approaches here. One is the notice to the public approach, but  
39 the other question is the legal issue of being able to make them  
40 a preferred if we come back and we receive public comment that  
41 would suggest that we would want to do something like that.  
42 Would we be prohibited at that point? I think the answer is no,  
43 but I will let a person who is more expert in these matters than  
44 I answer that question.

45  
46 **CHAIRMAN BOSARGE:** Ms. Levy.

47  
48 **MS. LEVY:** I mean, I think if there's a chance that you're going

1 to want to do that, we should probably add it also, because  
2 we're publishing it as a draft environmental impact statement,  
3 and so we would want to put people probably on notice that those  
4 are under consideration.

5  
6 **CHAIRMAN BOSARGE:** Mr. Gregory.

7  
8 **EXECUTIVE DIRECTOR GREGORY:** Is it still true that if you take  
9 something out to public hearing that after the public hearing  
10 you cannot adopt something more stringent than what you took to  
11 public hearing?

12  
13 **MS. LEVY:** No, I'm not saying that you can't adopt something  
14 more stringent, but I'm just saying that, when we do draft  
15 environmental impact statements, that you like to give folks the  
16 range of what you're considering, so that they're sort of on  
17 notice. I don't know that it would be a legal problem, and we  
18 probably could add it if you want to add it, but, if you feel  
19 like you want consistency between the actions and you want to  
20 put it out there for folks to know that this is a possibility,  
21 then the thing to do is to add it before you send it out as a  
22 draft.

23  
24 **CHAIRMAN BOSARGE:** Greg, are you thinking you're going to want  
25 regulations on those deepwater sites?

26  
27 **DR. STUNZ:** Well, I don't know at this point, and so that's why  
28 I'm a little bit conflicted, but, I mean, it was just for  
29 consistency with everything else, and it just kind of stood out  
30 as why would we not have that, and I didn't want it to limit us  
31 coming back.

32  
33 **CHAIRMAN BOSARGE:** Ms. Guyas.

34  
35 **MS. GUYAS:** I don't have a dog in that fight, but, if you're  
36 looking for input on that, I would suggest that you put it in  
37 the document, if we're about to go out to public hearings.  
38 Typically, if people have a problem with it, they're only going  
39 to come if it's in front of them as a preferred option, and  
40 that's just been my experience.

41  
42 **CHAIRMAN BOSARGE:** Mr. Riechers.

43  
44 **MR. RIECHERS:** Could we get Morgan -- If you remember, do you  
45 recall the discussion at the SSC on that?

46  
47 **DR. KILGOUR:** I can try. I do recall that the reason why they  
48 didn't feel like fishing regulations were necessary at the time

1 of the meeting were a couple of reasons. They are in very deep  
2 water, one, and, two, there is no fishing points it seems like  
3 even remotely close to these areas, and so this was to kind of -  
4 - I think there was concern that there might be additional  
5 deepwater fisheries that advance in the future, but not -- They  
6 didn't think at this time it was even a remote possibility that  
7 fishing gear would interact with these areas.

8  
9 **CHAIRMAN BOSARGE:** All right. Is there further discussion? Dr.  
10 Frazer.

11  
12 **DR. FRAZER:** This is a really tough one for me, because I think  
13 probably most people in this room know that I'm a big fan of  
14 protecting coral habitat, but I've also really, really committed  
15 to working with the industry groups that are involved in this,  
16 and there was two SSCs and two APs, and, the way that I  
17 understood that, and I came into this conversation late, there  
18 was fifteen HAPCs that were recommended with fishing regulations  
19 and eight without.

20  
21 Regardless of my personal opinion, I value the relationship in  
22 working with these groups moving forward, and I would prefer to  
23 wait to see what the public has to say during that public  
24 comment period before I would put something in this document,  
25 for fear of eroding those relationships.

26  
27 **CHAIRMAN BOSARGE:** I have to say that my respect grows more and  
28 more for you every day, sir. Thank you for your comments. Yes,  
29 sir, Dr. Stunz.

30  
31 **DR. STUNZ:** I am not compelled to make a motion. I am sort of  
32 getting the message that we're a little bit conflicted all  
33 around the table, but, I mean, we can always go back. This is  
34 not that big of a deal, and so I'm fine moving forward with it  
35 as is.

36  
37 **CHAIRMAN BOSARGE:** Mr. Boyd.

38  
39 **MR. BOYD:** I did have my hand up, and we know that there's not  
40 any fishing in these areas today, and that's pretty obvious, but  
41 we heard today, with golden crab, that they want to go into  
42 2,000 feet of water, and so we have the potential for fishing  
43 with bottom gear in these areas if we don't have regulations,  
44 and so I think we need to consider it, and, in hearing what Dr.  
45 Kilgour says and what the attorney says, if we don't have it in  
46 there, it's probably not as good as if we had it in there for  
47 discussion purposes.

1 **CHAIRMAN BOSARGE:** Mr. Riechers.

2  
3 **MR. RIECHERS:** Even though we may not explicitly have it under  
4 those alternatives, in the other places in the document, the  
5 public will be on notice that those are the kinds of things that  
6 are being considered. It's not as strong as if you have already  
7 listed it as a preferred, but they're seeing what actions you're  
8 taking here, and I guess where I've been on this is, as I've  
9 discussed this with people at this meeting, was, Tom, kind of  
10 where you are.

11  
12 There was a path that got you to this point, and, even though  
13 everyone is entitled to their opinion, even after they walk away  
14 from those tables, where they come together and try to create  
15 these things, the need, at least from my perspective, and it's  
16 only mine, is to try to go out and hear what the public says.  
17 If we get a lot of feedback, then we've got -- We can either  
18 change it, if legal suggests that we can, or we can always pull  
19 it over to the side and change it in another document that would  
20 basically go quickly, because you've already done all of this  
21 other groundwork.

22  
23 I just look at it as, like you said, Tom, in some respects, you  
24 had a process that got you here, and, in fairness to that  
25 process, let it go out to public hearing without that  
26 designation and then see where we are when we come back, and  
27 that's my thoughts.

28  
29 **CHAIRMAN BOSARGE:** All right. Any other business for the Coral  
30 Committee? Ms. Levy.

31  
32 **MS. LEVY:** I just wanted to mention one thing related to this  
33 amendment, because we didn't really talk about it, but you got  
34 at least one comment, written comment, or maybe two, suggesting  
35 that perhaps there should be some sort of alternatives that deal  
36 with using the deep-sea coral provision, the discretionary  
37 provision, for designating deep-sea coral areas as alternatives  
38 to the HAPC designations.

39  
40 I just wanted to note that there is a discussion in the  
41 amendment about why those are not included as alternatives,  
42 mainly because we already have a coral plan that covers coral  
43 species and essential fish habitat for these corals and provides  
44 a mechanism and actually requires that you minimize impacts from  
45 fishing to that essential fish habitat, and the deep-sea coral  
46 provisions basically are duplicative of that, and so, if you  
47 don't have a coral plan, but you want to protect deep-sea corals  
48 under other fishery management plans, you can use that provision

1 to minimize impacts from fishing gear on those deep-sea coral  
2 areas. I just wanted the council to be aware that there were  
3 those comments, but there is also the discussion in the document  
4 about why that is not being considered here as an alternative.  
5

6 **CHAIRMAN BOSARGE:** Thank you. Anything else? All right.  
7 Seeing none, that concludes our committee report for the Coral  
8 Committee. Next is our Shrimp Committee Report and Mr. Diaz.  
9

#### 10 **SHRIMP COMMITTEE REPORT**

11  
12 **MR. DIAZ:** Thank you, Madam Chair. The Shrimp Committee adopted  
13 the agenda and approved the minutes. Review of the Updated  
14 Stock Assessments, Dr. Hart provided the committee with the  
15 updated stock assessments for pink, brown, and white shrimp.  
16 All stocks are healthy and are not overfished nor undergoing  
17 overfishing.  
18

19 Biological Review of the Texas Closure, Dr. Hart reviewed the  
20 results from the Texas closure. Brown shrimp catch was above  
21 average in August of 2017, and white shrimp catch was slightly  
22 below average. The increase in landings was between 0 and 6.3  
23 percent.  
24

25 There was discussion on whether or not to formalize the Texas  
26 closure so that a recommendation by the council was not  
27 necessary each year. Staff noted that the Shrimp Advisory Panel  
28 recommended to continue the Texas closure in 2018.  
29

30 **The committee recommends, and I so move, to recommend to**  
31 **National Marine Fisheries Service that federal waters be closed**  
32 **out to 200 miles to run concurrent with the date that the State**  
33 **of Texas recommends for the 2018 Texas shrimp closure in the**  
34 **Texas Territorial Sea. Madam Chair.**  
35

36 **CHAIRMAN BOSARGE:** All right, and so we have a committee motion  
37 to recommend to NMFS that the federal waters be closed out to  
38 200 miles to run concurrent with the date that the State of  
39 Texas recommends for the 2018 Texas shrimp closure in the Texas  
40 Territorial Sea. Is there discussion on the motion? **Seeing**  
41 **none, is there any opposition to the motion? Seeing none, the**  
42 **motion carries.**  
43

44 **MR. DIAZ:** Summary of the Shrimp Advisory Panel Meeting, the  
45 staff reviewed the Shrimp Advisory Panel summary. The AP  
46 discussed the Texas closure, the stock assessments, Coral  
47 Amendment 9, and several items under Other Business.  
48

1 The AP made several recommendations regarding Coral Amendment 9,  
2 which were presented during the Coral Committee. However, one  
3 recommendation that was not previously presented was a joint  
4 meeting of shrimp and coral representatives at the onset of  
5 Coral Amendment 10.

6  
7 **The committee recommends, and I so move, to recommend that at**  
8 **such time that Coral Amendment 10 is under development there be**  
9 **a joint meeting of the Shrimp AP, Coral AP, Shrimp SSC, and**  
10 **Coral SSC.**

11  
12 **CHAIRMAN BOSARGE:** All right, and so we have a committee motion  
13 to recommend that at such time that Coral Amendment 10 is under  
14 development that there be a joint meeting of the Shrimp AP,  
15 Coral AP, Shrimp SSC, and Coral SSC. Is there discussion on the  
16 motion? Mr. Gregory.

17  
18 **EXECUTIVE DIRECTOR GREGORY:** I just want to remind the council  
19 that, after the June meeting, when we appoint people to the  
20 SSCs, the special SSCs will be reduced to three people each,  
21 and, historically, with the exception of coral, because it's  
22 such an odd bird among our fisheries, the special SSCs have  
23 always met with the Standing SSC, and so I just want to point  
24 that, and you can do what you want, but this would be a bit  
25 unusual in our normal way of handling things that come before  
26 the SSCs.

27  
28 **CHAIRMAN BOSARGE:** Thank you, sir. All right. Any further  
29 discussion? **Seeing none, is there any opposition to the motion?**  
30 **Seeing none, the motion carries.**

31  
32 **MR. DIAZ:** Staff reviewed the AP's discussion on permitting  
33 issues, hurricane updates, the previously requested economic  
34 analysis of the Texas closure, and the AP's recommendation on a  
35 draft aquaculture bill. The AP recommended that the council  
36 reissue the letter requesting the analysis. It was noted that  
37 there were some data issues that had been presented as hindering  
38 the analysis.

39  
40 **The committee recommends, and I so move, to resend the letter**  
41 **requesting an economic analysis to the Science Center and that**  
42 **appropriations be made for this analysis.** Madam Chair.

43  
44 **CHAIRMAN BOSARGE:** We have a committee motion to resend the  
45 letter requesting an economic analysis to the Science Center and  
46 that appropriations be made for this analysis. Is there any  
47 discussion on the motion? Is there any opposition to the  
48 motion? Dr. Crabtree.

1  
2 **DR. CRABTREE:** What does it mean that "and that appropriations  
3 be made"?

4  
5 **CHAIRMAN BOSARGE:** It means to find some people to do the  
6 analysis.

7  
8 **DR. CRABTREE:** We can try, but it's just that we have a fixed  
9 number of people, and so it's not like I can go out and find new  
10 people and bring them in.

11  
12 **CHAIRMAN BOSARGE:** Well, that's what we're asking, is just to  
13 try. I know we don't usually make the priority list, but just  
14 try. Okay. All right. Is there any further discussion on the  
15 motion? **Seeing none, is there any opposition to the motion?**  
16 **With no opposition, the motion carries.**

17  
18 **MR. DIAZ:** I would like to add one more thing. Dr. Hart has put  
19 together a few slides to illustrate red snapper trawl catch  
20 rates. Dr. Hart.

21  
22 **DR. HART:** It's the annual effort estimates in the juvenile red  
23 snapper zone, and not to correct you, but not red snapper catch  
24 rates.

25  
26 **MR. DIAZ:** Sorry about that, Dr. Hart.

27  
28 **DR. HART:** Clay would really not be happy if I was talking about  
29 that while he's not here. The Gulf of Mexico commercial shrimp  
30 fishing effort in the ten to thirty-fathom depth zone of Stat  
31 Areas 10 to 21, also the Western Gulf, we found that was  
32 directly correlated with juvenile red snapper bycatch mortality  
33 in the shrimp trawls, and so, to address this issue, the Joint  
34 Reef Fish Amendment 27 and Shrimp Amendment 14 of each of their  
35 respective management plans established an initial target  
36 reduction goal for juvenile red snapper mortality of 74 percent  
37 below the benchmark years of 2001 and 2003.

38  
39 This goal was reduced to 67 percent beginning in 2011, and so,  
40 in a nutshell, what that means is the shrimp, commercial shrimp,  
41 fleet has to reduce their effort by 67 percent from that average  
42 in 2001 and 2003.

43  
44 We have reached that goal, we as in the shrimp fleet, every  
45 year, and it's been close. This year, the 2016 effort was  
46 reduced by 68.6 percent, and so there is no -- That's a good  
47 thing, and so there is no action that would need to be taken.

48

1 I talked with Sue, and I think, in 2013, that 67 percent  
2 reduction is reduced even more, but it's another twenty years  
3 from now, but, that being said, there are no issues. Effort has  
4 been reduced to an adequate amount.

5  
6 **CHAIRMAN BOSARGE:** Thank you, sir. Mr. Riechers.

7  
8 **MR. RIECHERS:** As I am recalling, the percent decrease was lower  
9 when we first started getting it and measuring it, and for a  
10 whole host of factors that we don't necessarily need to go into,  
11 more so probably economics than other reasons, but it's been  
12 creeping up, and so have we thought about -- Of course, what is  
13 set up, for those who weren't on the council, is you start  
14 moving over from the Texas closure by zone and taking possible  
15 closures to reach that point.

16  
17 That's what was set up in 27 and 14, and so I guess, before we  
18 get there, I'm thinking is there some proactive discussions that  
19 we can be having with the industry or -- If there is a concern  
20 that it's continuing to rise, or do we think this is just an  
21 anomaly? I will just pose that to you.

22  
23 **DR. HART:** You're right that it's close. I mean, it needs to be  
24 reduced by 67 percent, and so we're only one-and-a-half percent  
25 off, and so, the last few years, it's been right at the wire.  
26 That is something that I do believe that should be discussed, if  
27 we're going to continue to get that close.

28  
29 **CHAIRMAN BOSARGE:** I have some people with their hands up. I  
30 have Mr. Anson and then Mr. Greene.

31  
32 **MR. ANSON:** That's kind of what I was thinking, Robin. Why are  
33 we at this number, and can that number be changed? Can the  
34 number be changed based on the stock, the red snapper stock, is  
35 right now? I mean, we're in a pretty good situation with red  
36 snapper, as far as the latest assessment. The assessment that  
37 will soon be on the street indicates, from what I hear, that  
38 it's a pretty good situation too, and so, Dr. Crabtree, is that  
39 like a number that we would have to just send back to the  
40 Science Center and say what if it was 60 percent and what would  
41 the impact be and what if it was 50 percent and that type of  
42 thing?

43  
44 **DR. CRABTREE:** I think you would have to look at it in the  
45 context of the projections and the catch levels, and then you  
46 would have to see if changing it would change the allowable  
47 catch in the directed fishery and how it would affect things.

1 **CHAIRMAN BOSARGE:** Mr. Riechers.  
2  
3 **MR. RIECHERS:** Kevin, you're spot-on, and I think you could look  
4 at it again. The reason, of course, they were linked was  
5 because we kept working on one side and not both sides, and so  
6 we pulled them together, so that, as we moved that amendment  
7 through, both sides would have that -- You would be working to  
8 achieve the goal of the rebuilding target at the time, but, as  
9 you said, a lot has happened in snapper since then, but, right  
10 now, it's still on the books, and so I think, if we're going to  
11 start thinking about it, we may want to do that sooner rather  
12 than later.  
13  
14 **CHAIRMAN BOSARGE:** Mr. Greene.  
15  
16 **MR. GREENE:** I mean, I vaguely remember some of this. This was  
17 before I got on the council and all, and have they been over  
18 that threshold at any point in the recent last decade or two or  
19 what's the deal?  
20  
21 **DR. HART:** No, but it's been close.  
22  
23 **DR. CRABTREE:** Remember that in the regulations that it's set up  
24 that if they hit it that there is a closure that kicks in for  
25 some period of time, and that's kind of hardwired into the  
26 regulations.  
27  
28 **MR. GREENE:** A closure for who?  
29  
30 **DR. CRABTREE:** The shrimp fishery in that ten to thirty-fathom  
31 zone in certain shrimp grids, mostly in the -- I think it's from  
32 Mobile kind of to the west.  
33  
34 **MR. GREENE:** My understanding is that shrimp effort has been way  
35 down, and what contributes to this increase?  
36  
37 **DR. HART:** It's brown shrimp fishing grounds. It's the good  
38 brown shrimp habitat. It's the prime brown shrimp fishing  
39 grounds, the 10 to 21 Stat Zone in that ten to thirty depth.  
40 It's not necessarily an increase. It's been hovering right  
41 around that level for the last few years.  
42  
43 **CHAIRMAN BOSARGE:** Mr. Riechers.  
44  
45 **MR. RIECHERS:** It's a decrease from the baseline, and, of  
46 course, basically, the decrease was there, and it was large, as  
47 you suggest, but it's just that, in recent years, it's been --  
48 Effort has been going up a little bit, and so they're getting

1 closer to that mark of not meeting the decrease that was built  
2 into that plan.

3  
4 **DR. HART:** The initial decrease, which caused effort to decline,  
5 was primarily believed -- We believe it was economic conditions,  
6 high fuel prices and low shrimp prices. Now, as fuel has gotten  
7 less expensive, shrimp prices may increase, and effort is going  
8 to increase, and so the commercial fleet effort dropped without  
9 any management actions, and so, as the economy gets better,  
10 they're going to fish more and in that area.

11  
12 **CHAIRMAN BOSARGE:** Mr. Riechers, what you're suggesting is to  
13 have the Science Center take a look at it and see if there is  
14 some wiggle room to change that percent decrease from the  
15 baseline to a slightly lower percentage, and is that what you're  
16 looking at?

17  
18 **MR. RIECHERS:** Well, I don't know that there is wiggle room,  
19 because it's based on what was done at the time with the  
20 assessment at the time, but, as we're doing another assessment,  
21 if there is any discussion that they need to be having or  
22 however this could be addressed, we need to -- Again, it's not  
23 there yet, and I'm not panicking, but I'm just say that I  
24 recall, in the last couple of years, it's inching closer to that  
25 line.

26  
27 **CHAIRMAN BOSARGE:** Dr. Crabtree.

28  
29 **DR. CRABTREE:** I mean, I think it's more asking the Science  
30 Center to analyze how it would affect things. It's an  
31 allocation decision, effectively. You are allocating -- If you  
32 raise that target you are allocating more red snapper to the  
33 shrimp fishery, effectively, and so, if you do that, it's likely  
34 going to have some impact on the directed fishery and the rest  
35 of it.

36  
37 Now, maybe a negligible impact, and I don't know, because a lot  
38 of things have changed, but I don't think the Center is going to  
39 tell you that you can't do it. To me, you can clearly do it,  
40 and I can't recall if it would require a plan amendment or if  
41 there's a framework that you could do it in, but I think the  
42 time to look at this is when the new assessment comes out and  
43 we're doing the projections and all of that, the calibration and  
44 all of those things. This could be another thing that we could  
45 ask them to look at some different scenarios.

46  
47 **CHAIRMAN BOSARGE:** Ms. Levy.

48

1 **MS. LEVY:** Just so that -- The amendment that set it up talked  
2 about reducing the goal, the 67 percent, beginning in 2011, and  
3 then it said, thereafter, reduce the target goal as necessary to  
4 achieve a target reduction goal of 60 percent by 2032, and so it  
5 was anticipating that in the future you might want to reduce  
6 that mortality goal, and it basically says that you can do that  
7 by framework, but you need the analysis, I guess, to show where  
8 red snapper is and whether that's appropriate and how much more  
9 to reduce it.

10  
11 **CHAIRMAN BOSARGE:** Got you. Thank you, Ms. Levy. Captain  
12 Greene.

13  
14 **MR. GREENE:** You kind of hit on where I was going earlier, Roy.  
15 You talked about the recalibration, or the calibration, of  
16 effort that will be included in the red snapper stock assessment  
17 that's coming out. If you look at the increased effort over  
18 time, and the effort is way, way higher in the previous red  
19 snapper fishery, and the shrimp fishery has been kind of static,  
20 then that's going to have to require some type of action from  
21 the Center to go back and calibrate that. I mean, am I looking  
22 at this correctly?

23  
24 **DR. CRABTREE:** No, the calibration is not related to shrimp  
25 trawl bycatch. The calibration is the recreational catch  
26 estimates coming out of MRIP, and so all of those things are  
27 going to go into the assessment, and they are undoubtedly going  
28 to have impacts on the outcome and the catch levels and  
29 everything else, and I think, as we go through all of these  
30 things going on in the stock assessment, this is just one more  
31 piece that's going to go in there, but, clearly, if you decide  
32 you're going to allow -- My recollection is consistent with what  
33 Mara said.

34  
35 We anticipated when we put the rebuilding plan in place, thirty  
36 or forty years ago, it seems like, that we would relax this,  
37 because there was a big discussion about everyone benefitting  
38 from successful rebuilding, but all this stuff is interrelated,  
39 and, if you change one thing, it will have an impact on the  
40 other things.

41  
42 **CHAIRMAN BOSARGE:** All right. Thank you for the excellent  
43 discussion. Mr. Anson.

44  
45 **MR. ANSON:** Just to pick up on what Dr. Crabtree said and  
46 relative to -- Since the assessment is coming out, directing the  
47 Science Center to look at this, do we need a motion to direct  
48 them to do that and kind of give them some ideas, or just will

1 they do that?  
2  
3 **DR. CRABTREE:** I don't know that they would unless we asked them  
4 to, and so I think a memo to Dr. Porch would be appropriate and  
5 tell him this is something we would like for them to consider.  
6  
7 **CHAIRMAN BOSARGE:** Okay. If you were going to craft that  
8 motion, exactly what would you tell them to consider?  
9  
10 **DR. CRABTREE:** Well, the impact of making changes to the shrimp  
11 effort threshold, because I think what they've done is, when  
12 they run the projections, they assume that that threshold is  
13 reached, but not exceeded, in the future, and so, if you  
14 increase that threshold, then they'll have to change that in the  
15 projections, and I'm not positive that's what they do, but I  
16 think it might be.  
17  
18 **DR. HART:** That's how I understand it.  
19  
20 **CHAIRMAN BOSARGE:** Did staff pick up on what Dr. Crabtree said,  
21 the first part of his sentence?  
22  
23 **DR. CRABTREE:** My recommendation to you is, Doug, when we get  
24 back to the office, call Clay and tell him what we want to look  
25 at and talk it through with him and then send him a memo.  
26  
27 **EXECUTIVE DIRECTOR GREGORY:** Right. We'll send a memo.  
28 Increase the threshold by 5 percent increments up to 75 or what  
29 range?  
30  
31 **DR. CRABTREE:** No, what did we anticipate in the --  
32  
33 **EXECUTIVE DIRECTOR GREGORY:** So I was lost, too.  
34  
35 **CHAIRMAN BOSARGE:** Mr. Anson.  
36  
37 **MR. ANSON:** I've got some information on that. If my math is  
38 correct, based on what Ms. Levy had said regarding the 60  
39 percent, to kind of use that as the bottoming-out, from 2011,  
40 where it was last changed to 67 percent, as of today, this year,  
41 2018, it would be 2.31 percent reduction, and so to go down just  
42 2.3 and up there from there, and so between 67 and sixty-four-  
43 and-a-half percent, basically.  
44  
45 **CHAIRMAN BOSARGE:** Okay. I am not sure that I followed you, but  
46 I think maybe the first step is to send the -- Before we start  
47 an amendment, it's maybe just to send a letter to Dr. Porch and  
48 get some feedback from him and see what he has to say. Then,

1 once we see that, maybe then we can have some more decision  
2 points and kind of figure out -- Because I think you're crafting  
3 alternatives, and so maybe we'll just send a letter first, and  
4 is that okay?

5  
6 **MR. ANSON:** I wasn't necessarily crafting -- I was just trying  
7 to provide some information to give some sense to everyone that  
8 we're not talking about a major shift, but it's just 2.3 percent  
9 is the maximum, based on where we are on that curve to 2032 and  
10 reaching 60 percent.

11  
12 **CHAIRMAN BOSARGE:** Got you. I am sorry. I thought you were  
13 wanting something in the letter like that. All right. So, Doug  
14 is clear as mud, and he will send that letter when we get back.

15  
16 **EXECUTIVE DIRECTOR GREGORY:** Morgan is clear.

17  
18 **CHAIRMAN BOSARGE:** Right. We have a motion going up on the  
19 board. **The motion on the board reads to send a letter to the**  
20 **Southeast Fisheries Science Center requesting an analysis of the**  
21 **effort reduction threshold for juvenile red snapper bycatch in**  
22 **the shrimp fishery.** All right. Does anybody want to make that  
23 motion?

24  
25 **MR. GREENE:** I will make it.

26  
27 **CHAIRMAN BOSARGE:** Okay. The motion is by Mr. Greene. Is there  
28 a second to the motion? It's seconded by Mr. Anson. Is there  
29 any further discussion on the motion? Seeing none, is there any  
30 opposition to the motion? **No opposition, and the motion**  
31 **carries.**

32  
33 **MR. DIAZ:** Thank you, Dr. Hart, for preparing that information.  
34 Madam Chair, this concludes my report.

35  
36 **CHAIRMAN BOSARGE:** All right. Mr. Greene.

37  
38 **MR. GREENE:** Robin, yesterday, when we were talking, you  
39 suggested something about some type of a motion, a more  
40 permanent motion, for the Texas closure, and I didn't know if  
41 you wanted to follow through on that or if there was anything  
42 that we needed to do.

43  
44 **MR. RIECHERS:** No, and I think it's just, as we maybe move to  
45 the next meeting, if there is some will by the committee that  
46 they would like to do that, instead of hearing -- It's not that  
47 we don't like Rick, but instead of coming here every time and  
48 affirmatively having to do that, since we've been doing it for

1 twenty years, if there is a way we would like to set that up  
2 where the action would take it away if we wanted to, as opposed  
3 to doing it the way we're doing it now.

4  
5 **CHAIRMAN BOSARGE:** Next time we have a Shrimp Committee meeting,  
6 maybe we'll have a little presentation on what that would look  
7 like and things like that, and we could have a little further  
8 discussion and see if that's something we want to do. How does  
9 that sound? Okay. Is there any further business for the Shrimp  
10 Committee? All right. Next on our agenda is our Mackerel  
11 Committee Report, and I am going to turn it over to Dr. Frazer.

12  
13 **MACKEREL COMMITTEE REPORT**

14  
15 **DR. FRAZER:** Thank you, Madam Chair. Mackerel Committee Report,  
16 staff provided a review of CMP Amendment 31, which addresses the  
17 South Atlantic Fishery Management Council's request to withdraw  
18 the Atlantic migratory group of cobia from the Joint Fishery  
19 Management Plan for Coastal Migratory Pelagic Resources, the CMP  
20 FMP.

21  
22 The South Atlantic Fishery Management Council selected Preferred  
23 Alternative 2 to remove Atlantic cobia only from the CMP FMP and  
24 allow the Atlantic States Marine Fisheries Commission to manage  
25 Atlantic cobia in state and, in the absence of federal  
26 management, federal waters. The Atlantic States Marine  
27 Fisheries Commission has management authority under the Atlantic  
28 Coastal Fisheries Cooperative Management Act.

29  
30 The reason for this proposed action is that Atlantic cobia saw  
31 early quota closures in 2016 and 2017. As the majority of  
32 Atlantic cobia are caught in state waters, the federal closure  
33 of Atlantic cobia harvest disproportionately affects the South  
34 Atlantic states which have not yet had an opportunity to fish  
35 for cobia by the time of the closure. Since this amendment is  
36 jointly managed by the South Atlantic and Gulf Councils, the two  
37 councils must concur on a preferred alternative for CMP  
38 Amendment 31 to go forward.

39  
40 Staff noted that, at the recent Gulf and Atlantic cobia stock  
41 identification workshop, it was determined that there was  
42 concurrence among spatial distribution, movement, and genetic  
43 data, which did not support moving the current stock boundary  
44 from the Florida/Georgia state line.

45  
46 The data did show a transition zone between approximately  
47 Savannah, Georgia and Cape Canaveral, Florida, in which Atlantic  
48 and Gulf cobia may interact. However, data in this region are

1 sparse, and more research related to cobia movement in this  
2 region was recommended.

3  
4 If the councils remove Atlantic cobia from the CMP FMP, thereby  
5 determining that Atlantic cobia do not currently require federal  
6 management, then the management measures enacted in state waters  
7 by the Atlantic States Marine Fisheries Commission would be  
8 extended into federal waters.

9  
10 If the councils determine at a future time that Atlantic cobia  
11 again require federal management, the councils would then  
12 complete a plan amendment to add Atlantic cobia back into the  
13 CMP FMP and resume management of Atlantic cobia in federal  
14 waters at that time. Concurrently, if federal management is  
15 resumed by the councils, management of Atlantic cobia by the  
16 ASMFC in federal waters would cease.

17  
18 The committee requested that staff develop language to be added  
19 to the document which would detail the following. The Atlantic  
20 States Marine Fisheries Commission has the authority to manage  
21 species in state waters only. In the absence of federal  
22 management of a species, the states, or the Atlantic States  
23 Marine Fisheries Commission, can extend management into federal  
24 waters. If the councils determine at a later date that Atlantic  
25 cobia require federal management, then the two councils would  
26 implement a plan amendment to reinsert Atlantic cobia into the  
27 CMP FMP and resume federal management. If the councils resume  
28 federal management of Atlantic cobia, management by the Atlantic  
29 States Marine Fisheries Commission in federal waters would end.

30  
31  
32 **Following discussion, the committee made the following motion.**  
33 **The committee recommends, and I so move, to make Alternative 2**  
34 **the preferred alternative.**

35  
36 **CHAIRMAN BOSARGE:** All right. We have a committee motion to  
37 make Alternative 2 the preferred alternative. Alternative 2 is  
38 remove the Atlantic migratory group of cobia from the Fishery  
39 Management Plan for Coastal Migratory Pelagic Resources of the  
40 Gulf of Mexico and Atlantic Region. Is there discussion on the  
41 motion? **Seeing none, is there any opposition to the motion?**  
42 **With no opposition, the motion carries.**

43  
44 **DR. FRAZER:** Before I end the report, I just wanted to say that  
45 we just heard a lot of public comment on cobia, and so I was  
46 wondering if this would be an appropriate time to suggest that  
47 we put cobia on the agenda for the June meeting and possibly  
48 entertain the idea of maybe even an accelerated framework action

1 at that meeting.

2

3 **CHAIRMAN BOSARGE:** I think it's the perfect time to bring it up.  
4 Dr. Crabtree.

5

6 **DR. CRABTREE:** Yes, I agree, and I think what we would like to  
7 see staff look at is a potential reduction in the bag limit and  
8 a potential increase in the size limit.

9

10 **CHAIRMAN BOSARGE:** Okay, and so, if we do want to go down that  
11 route, we're probably going to need a motion, because that's  
12 essentially asking staff to bring us back a document, I'm  
13 assuming an amendment of some sort, and I'm not sure if it's a  
14 framework or what we've got going here, but with two action  
15 items, and I know they're going to want more feedback on what  
16 kind of sizes we want to see, but two action items looking at a  
17 possible reduction in the bag limit, and did you say an increase  
18 in the minimum size limit? Is that what you said?

19

20 **DR. FRAZER:** Correct.

21

22 **CHAIRMAN BOSARGE:** Okay. Dr. Crabtree.

23

24 **DR. CRABTREE:** I am sort of thinking of doing something along  
25 the lines with Florida, and I think they went to a two per  
26 vessel limit and then did you leave the size limit at thirty-  
27 three, Martha?

28

29 **MS. GUYAS:** Yes, we ended up leaving the size limit at thirty-  
30 three, and we were considering a thirty-eight, but we -- We had  
31 mixed feedback on that, and, in the absence of an assessment, we  
32 felt like the vessel limit is kind of getting us -- It's kind of  
33 a stop-gap until we got more information, and so, yes, it's two  
34 per vessel, and I should also mention that, in state waters, the  
35 bag limit is only one per person, and so now it's one per person  
36 or two per vessel, whichever is less, and so I don't know if  
37 that is something the council would want to consider, is looking  
38 at individual bag limits and vessel limits, but that's where we  
39 are in Florida right now, and our intention fully was to come  
40 back and look at this again.

41

42 **CHAIRMAN BOSARGE:** I am going to go to Mr. Rindone in just a  
43 second. Ryan, I see you back there. We have a stock assessment  
44 coming up, and we should hopefully have the results back at the  
45 end of next year, and so, if we do something in this document  
46 right here, it would be essentially like a stop-gap measure to  
47 try and prevent any further damage, if we think that's taking  
48 place, before we get that stock assessment back, and so, having

1 said that, we probably need to keep this amendment as simple as  
2 possible.

3  
4 Otherwise, we won't get it implemented until about the time that  
5 the new stock assessment comes out, and, when that new stock  
6 assessment comes out, then maybe we can get into some more  
7 creative measures, but I'm just throwing that out there. Mr.  
8 Rindone.

9  
10 **MR. RYAN RINDONE:** Thank you, Madam Chair. Just a couple of  
11 things. One, yes, we can do this as a framework, and, two, the  
12 federal bag limit for cobia is actually a possession limit.  
13 It's not a daily bag limit, and so, currently, anglers are  
14 allowed to possess two cobia per person, and it doesn't matter  
15 how many days you've been fishing. You are only ever allowed to  
16 have two on you at any given time.

17  
18 My presumption is that the council would like to continue with a  
19 possession limit, as opposed to switching to a daily bag limit,  
20 and, by seeing lots of nodding heads, I'm assuming that's a yes.  
21 All right.

22  
23 **CHAIRMAN BOSARGE:** Did I make this motion? Is this my motion?  
24 Whose motion is it? It's Dr. Crabtree's motion. We're going to  
25 put it on your shoulders. We are going to, in your motion, if  
26 it's okay, instead of saying "bag limit", which I am the one  
27 that said it, we will say "possession limit".

28  
29 **DR. CRABTREE:** That's what I said in the beginning.

30  
31 **CHAIRMAN BOSARGE:** That's what you said in the beginning, and  
32 that's great. I am glad to hear it. All right. Now, I am sure  
33 that Ryan is going to want some further guidance on maybe what  
34 we would like to see as the minimum and maximum for alternatives  
35 for those two actions.

36  
37 **EXECUTIVE DIRECTOR GREGORY:** Let us bring some options to you  
38 based on the science and past work that's been done, and we need  
39 to look at landings and try to get an analysis of what the  
40 effect of a reduced bag limit would be on current catches. My  
41 concern is that people aren't catching the fish, because of some  
42 other reason, other than overfishing, and then this will have  
43 minimal benefit, but it's worth -- It's going in the right  
44 direction.

45  
46 **CHAIRMAN BOSARGE:** Dr. Crabtree.

47  
48 **DR. CRABTREE:** That could be the case, but I don't think we're

1 ready to shut the fishery down or something that drastic without  
2 the assessment, and so we just take something that's more  
3 conservative and hope that it helps as an interim step until we  
4 get the assessment.

5  
6 **CHAIRMAN BOSARGE:** Council members, are you comfortable with  
7 letting staff go ahead and bring us back some alternatives based  
8 on the science, and I would also encourage staff to maybe at  
9 least look at what some of the Florida work has done and some of  
10 their alternatives that they've considered as well, because I  
11 know a lot of times being consistent there is helpful. Mr.  
12 Greene.

13  
14 **MR. GREENE:** Ryan Rindone, when you talk about let the science  
15 bring back some -- You're going to bring back some size limit  
16 stuff to us based on the science, and I assume that means that  
17 you're going to be looking at when the fish is sexually mature  
18 and those type of things, and I just want to make sure, because  
19 based on the science could be a lot of things to different  
20 people, but I just wanted to make sure that that part of it is  
21 incorporated.

22  
23 **MR. RINDONE:** The first shot at it is going to be size at which  
24 50 percent of the fish are likely to be mature, and then the  
25 next one we might introduce might be like 90 percent, and then,  
26 as far as possession limit reductions, two to one, and then we  
27 can put in options for a vessel limit as well, like no more than  
28 six, no more than two, and a bag limit analysis on that will  
29 cover that spectrum, and, if you guys decide to go somewhere  
30 within that, then we'll be covered.

31  
32 **MR. GREENE:** Thank you.

33  
34 **CHAIRMAN BOSARGE:** Ryan, I think this would be a great  
35 opportunity to bring us our very first cheat sheet. We talked  
36 about this, like a little piece of paper that has all of our  
37 biological information and everything we could want to know on  
38 cobia.

39  
40 **MR. RINDONE:** We'll do it.

41  
42 **CHAIRMAN BOSARGE:** Beautiful. Mr. Swindell.

43  
44 **MR. SWINDELL:** Robin, Texas interference from Mexican fishermen,  
45 I asked this of Lieutenant Mark, I guess, and is cobia any kind  
46 of major part of the fish that they are catching and taking?

47  
48 **MR. RIECHERS:** I will let him follow-up as well, but, typically,

1 and more recently, the targeted effort from those lancha boats  
2 has been at sharks and now, more recently, it has seemed to turn  
3 some, at least a percentage of a higher level, to red snapper,  
4 but I certainly cannot suggest that they don't catch other  
5 species as well.

6  
7 **LT. ZANOWICZ:** They are primarily targeting red snapper. That's  
8 the majority of what they catch, and I would say probably over  
9 80 percent, and they also target shark, but they occasionally  
10 have other species, grouper and amberjack, but that's usually  
11 like maybe one or two, a handful of fish, that they'll have  
12 onboard. I think we did have one case in the last year where  
13 they had a cobia onboard, and I am not entirely sure, but it's  
14 by no means something they are targeting primarily.

15  
16 **CHAIRMAN BOSARGE:** All right. We have a motion on the board.  
17 It was seconded by Mr. Greene. Ms. Guyas.

18  
19 **MS. GUYAS:** Just to be clear, we're talking about possession  
20 limits and size limit changes potentially for both recreational  
21 and commercial, right? I just wanted to be clear about that,  
22 since we only heard, I think, from -- We mostly heard from  
23 recreational people, but that's everybody's intention? I just  
24 wanted to make sure that's good.

25  
26 **CHAIRMAN BOSARGE:** Yes. Ms. Levy, did you want to comment?

27  
28 **MS. LEVY:** Just that in the regulations they're not split up  
29 like that. It's just a straight possession limit for whoever  
30 has it.

31  
32 **CHAIRMAN BOSARGE:** All right. Any further discussion on the  
33 motion? Staff, do you have clear enough direction? Do you need  
34 any other feedback from us? Okay. I am seeing a thumbs-up.  
35 All right. **Is there any opposition to the motion? Seeing none,**  
36 **the motion carries.** Dr. Frazer.

37  
38 **DR. FRAZER:** Madam Chair, this concludes my report.

39  
40 **CHAIRMAN BOSARGE:** Thank you, sir. That actually concludes our  
41 agenda for the day, and so that's going to finish us up.  
42 Tomorrow morning, we start back up at eight o'clock, and so no  
43 sleeping in tomorrow. Dr. Simmons.

44  
45 **DR. SIMMONS:** Thank you, Madam Chair. I was just thinking that  
46 we asked the Science Center for indices of abundance for red  
47 grouper, and we got some bad news regarding red grouper, and the  
48 council decided to wait to take action.

1  
2 Is that something we would want to consider for cobia, since  
3 it's been so long since we had an assessment, to get a better  
4 idea of those indices, and have them go to the SSC? We might  
5 not be able to get them for the June meeting, but at least we  
6 would have more information. I assume that Florida had some  
7 additional information as to why they made those regulation  
8 changes, but I just assume that would help us decide, help you  
9 decide, how conservative to be.

10  
11 **CHAIRMAN BOSARGE:** Dr. Crabtree.

12  
13 **DR. CRABTREE:** Yes, I think we could do that, and we could  
14 probably get it before we took any kind of final action on it,  
15 but you know it won't be like red grouper, where we had the  
16 video camera and some fishery-independent indices. In this  
17 case, I suspect all you would have is the MRIP catch rates,  
18 which are generally pretty noisy, but, if this has really been  
19 as dramatic a fall-off as we're hearing, it might show up.

20  
21 **CHAIRMAN BOSARGE:** All right. Thank you. Before we leave for  
22 the afternoon, I will remind everybody that we are going to have  
23 shrimp and beverages right outside those doors to the right.  
24 There is a little grassy area, and so please come join us for  
25 our first hospitality, starting now.

26  
27 (Whereupon, the meeting recessed on April 19, 2018.)

28  
29 - - -  
30  
31 April 20, 2018

32  
33 FRIDAY MORNING SESSION

34  
35 - - -  
36  
37 The Full Council of the Gulf of Mexico Fishery Management  
38 Council reconvened at the Marriott Courtyard, Gulfport,  
39 Mississippi, Friday morning, April 20, 2018, and was called to  
40 order by Chairman Leann Bosarge.

41  
42 **CHAIRMAN BOSARGE:** Good morning, everybody. I wanted to thank  
43 everybody again for coming out to the hospitality last night. I  
44 really think it was a success, and I'm happy, and I hope we can  
45 do it again, where we're all in the room together. I think we  
46 had a really good time, and I just have to say thank-you again  
47 to Dale, because Dale and Paul -- This was really a Mississippi  
48 contingent effort, I guarantee you that. I didn't just show up

1 with some shrimp and beer and everything happened. No, I leaned  
2 on those two pretty hard, and even Doug here. He went to Wal-  
3 Mart with me. He was a trooper to help me get everything, and  
4 so kudos to everybody.

5  
6 My plan is to do Reef Fish first, just as it is listed. I had a  
7 request to maybe move it around and do Sustainable Fisheries  
8 first, but I've got a feeling that you all have flights this  
9 afternoon, and I think we better do the heavy lifting first, and  
10 so we're going to carry on with that agenda as it's scheduled  
11 there. As we move along throughout the day, if we have a little  
12 time to slide in Mark Brown's liaison report a little early, we  
13 will try and slide that in at some point, because he has a  
14 flight kind of early today. With that, if you're ready,  
15 Chairman Greene, I will turn it over to you.

### 16 17 **REEF FISH COMMITTEE REPORT**

18  
19 **MR. GREENE:** For the second-to-last time, and I'm counting them  
20 down, boys. I'm counting them down. All right. The agenda was  
21 adopted as written. However, Agenda Items XI and XII, Amendment  
22 42 and 41, were reversed so that they would be taken up in  
23 numerical order. The minutes of the January 30, 2018 committee  
24 meeting were approved with the correction of a typo on page 51.

25  
26 Review of Reef Fish Landings, National Marine Fisheries Service  
27 staff reviewed the commercial and recreational reef fish  
28 landings for 2017 and the preliminary commercial landings for  
29 2018.

30  
31 For the recreational sector, gray triggerfish, greater  
32 amberjack, for-hire red snapper, and private angler red snapper  
33 all had an ACL closure in 2017. Gag and red grouper both  
34 remained open, other than for fixed closed season, with 44.3  
35 percent of the gag ACL and 32.26 percent of the red grouper ACL  
36 caught.

37  
38 Commercial and recreational king mackerel preliminary landings  
39 to date for the 2017/2018 fishing year were also presented. For  
40 2018, with landings available through April 2, 2018, commercial  
41 gray triggerfish remains open with 34.24 percent of the ACL  
42 harvested. The commercial greater amberjack closed on April 2,  
43 2018, with 93.79 percent of the ACL harvested.

44  
45 Update on State Management of Recreational Red Snapper EFPs, Tab  
46 B, Number 5, Dr. Crabtree informed the committee that all five  
47 state EFPs have been approved and signed. All five EFPs include  
48 private anglers. For-hire vessels are not included in any of

1 the EFPs.

2  
3 Federal waters will be closed to private angling vessels with  
4 exemptions from the closure made for private anglers during  
5 their respective state's season. There will be a fifty-one-day  
6 season for federal for-hire vessels beginning June 1.

7  
8 Public Hearing Draft, Reef Fish Amendment 48/Red Drum 5, Status  
9 Determination Criteria and Optimum Yield, Tab B, Number 6, staff  
10 reviewed the actions and alternatives in the amendment. Action  
11 1 assigns MSY proxies to red snapper, all other reef fish that  
12 don't currently have an MSY proxy, plus red drum. It's divided  
13 into four sub-actions.

14  
15 Sub-Action 1.1, MSY proxy for red snapper, Dr. Clay Porch stated  
16 that a paper recently published by Science Center staff,  
17 "Establishing Stock Status Determination Criteria for Fisheries  
18 with High Discards and Uncertain Recruitment", concluded that  
19 the spawning potential ratio, SPR, level most closely associated  
20 with achieving global MSY, highest theoretical MSY under ideal  
21 selectivity, for red snapper was 24 percent SPR. Given that the  
22 current red snapper MSY proxy is the yield at F26 percent SPR,  
23 there seemed to be little rationale to change it. A suggestion  
24 was made to have the SSC review the published paper.

25  
26 **Without opposition, the committee recommends, and I so move,**  
27 **that Action 1.1 be moved to Considered but Rejected.**

28  
29 **CHAIRMAN BOSARGE:** We have a committee motion to recommend that  
30 Action 1.1 be moved to Considered but Rejected. Is there any  
31 discussion on the motion? **Seeing none, is there any opposition**  
32 **to the motion? With no opposition, the motion carries.**

33  
34 **MR. GREENE:** Sub-Action 1.2 is MSY proxy for assessed stocks  
35 where the proxy has not been formally adopted. This sub-action  
36 proposes to formally adopt the MSY proxy used unofficially in  
37 five recent assessments of black grouper, yellowedge grouper,  
38 mutton snapper, yellowtail snapper, and tilefish for status  
39 determination. In each case, the MSY proxy used was the yield  
40 at F30 percent SPR. The committee had no comments and took no  
41 action.

42  
43 Sub-Action 1.3 is MSY for stock complexes. This sub-action  
44 proposes to set an MSY proxy for groups of stocks, rather than  
45 individually, based on the stock complexes created in the  
46 Generic ACL/AM Amendment for setting group ACLs. Dr. Porch  
47 stated that, to the extent that stocks are exploited together,  
48 it makes sense to use a group with an indicator species, but, if

1 the stocks are harvested separate, the complex should be  
2 reconsidered. The committee took no action.

3  
4 Sub-Action 1.4 is MSY proxy for unassessed stocks. Staff noted  
5 that an MSY proxy based on SPR for these stocks would be a  
6 placeholder, since SPR cannot currently be calculated.  
7 Committee members asked about the process to change an MSY  
8 proxy.

9  
10 General Counsel responded that changes would have to be made by  
11 a plan amendment, but ACLs and other management actions based on  
12 the new MSY proxy could be implemented in the same amendment as  
13 the one that changes the proxy. However, implementing changes  
14 through a plan amendment takes longer than with a framework  
15 action.

16  
17 Action 2 is minimum stock size threshold. The action would not  
18 change any of the MSSTs recently set in Amendment 44. Some  
19 committee members suggested that those MSSTs should be  
20 reconsidered, given that payback provisions are no longer in  
21 effect for some stocks, such as red snapper.

22  
23 Dr. Crabtree responded that it would be better to reconsider the  
24 accountability measures rather than the MSSTs. He noted that,  
25 with payback provisions, if a stock is recovering faster than  
26 projected, overruns could occur because of the rapid recovery,  
27 unnecessarily triggering payback accountability measures.

28  
29 Action 3 is maximum fishing mortality threshold. The action  
30 contains alternatives to assure that both MFMT and MSST are  
31 related to the same MSY proxy and to consider setting MFMT equal  
32 to F rebuild rather than FMSY for rebuilding the stock. The  
33 committee had no comments.

34  
35 Action 4 is optimum yield. There was considerable discussion  
36 about what OY was and what its relation is to other reference  
37 points, such as MSY or ACL. However, a committee member noted  
38 that the discussion was mostly between National Marine Fisheries  
39 Service and council staff, indicating that this issue was still  
40 unclear to committee members.

41  
42 A suggestion was made that staff create a cheat-sheet with brief  
43 definitions of the reference points, so that committee members  
44 could refer to it during discussions. The committee did not  
45 select any preferred alternatives or approve the amendment for  
46 public hearing. Committee members suggested that the SSC review  
47 the amendment and provide guidance.

48

1 State Management Program for Recreational Red Snapper, Tab B,  
2 Number 7, staff reviewed the state management program amendment.  
3 Action 1 addresses the components to include in state management  
4 programs. The committee discussed the preferred alternative,  
5 which would allow each state to decide whether to manage its  
6 private angling component only or to manage both its private  
7 angling and federal for-hire components.

8  
9 Action 2 addresses how to allocate the recreational ACL among  
10 the states. Staff presented the alternatives and asked if the  
11 committee would be interested in reducing the number of  
12 alternatives. The committee then passed the following two  
13 motions.

14  
15 **Without opposition, the committee recommends, and I so move, in**  
16 **Action 2 to move Alternative 2, Option 2e to Considered but**  
17 **Rejected.**

18  
19 **CHAIRMAN BOSARGE:** Okay, and so we have a committee motion on  
20 the board. Just for the record, Alternative 2 is establish an  
21 allocation of the recreational sector ACL that may be used for  
22 state management programs by apportioning the private angling  
23 ACL and federal for-hire ACL among the states based on the  
24 average of historical landings for the years (excluding 2010).  
25 Option 2e is 2006 through 2009. Is there any discussion on the  
26 motion? **Seeing none, is there any opposition to the motion?**  
27 **Seeing no opposition, the motion carries.**

28  
29 **MR. GREENE:** Without opposition, the committee recommends, and I  
30 so move, in Action 2 to move Alternative 5, Option 5c to  
31 Considered but Rejected. Alternative 5 is establish an  
32 allocation of the recreational sector ACL that may be used for  
33 state management programs by apportioning the private angling  
34 ACL and federal for-hire ACL among the states based on spatial  
35 abundance of red snapper biomass and recreational trips (Options  
36 5a-5f), excluding 2010, and using one of the weightings from  
37 Options 5g through 5i. Option 5c is 2006 through 2009.

38  
39 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any  
40 discussion on the motion? **Seeing none, is there any opposition**  
41 **to the motion? Seeing no opposition, the motion carries.**

42  
43 **MR. GREENE:** In the individual state amendments, staff reviewed  
44 the revised alternative with options for regulations the states  
45 may want to select for delegation. The options for live release  
46 devices, harvest gear, and area or depth-specific regulations  
47 would require lines demarcating federal waters off each state,  
48 as these regulations would need offshore enforcement. The

1 option for area or depth-specific regulations requires  
2 additional information about how the states would use this  
3 authority before it may be selected.

4  
5 Staff reviewed Action 2, post-season accountability measures.  
6 Because red snapper is no longer classified as overfished, the  
7 alternative, as currently written, would not apply a quota  
8 overage adjustment in the event that a state exceeds its portion  
9 of the ACL. The committee discussed whether to require an  
10 overage adjustment for approved state management programs.  
11 While discussing Mississippi's individual state amendment, the  
12 committee passed the following motion.

13  
14 **By a vote of ten to five, the committee recommends, and I so**  
15 **move, in Action 2, in all five individual state amendments, to**  
16 **modify the language in Preferred Alternative 2 to read --**

17  
18 **CHAIRMAN BOSARGE:** We have a committee motion in Action 2 that,  
19 in all five individual state amendments, to modify the language  
20 in Preferred Alternative 2 to read: If the combined Mississippi  
21 recreational landings exceed the Mississippi recreational ACL,  
22 then in the following year reduce the total recreational quota  
23 and Mississippi's ACL by the amount of the ACL overage in the  
24 prior fishing year, unless the best scientific information  
25 available determines that a greater, lesser, or no overage  
26 adjustment is necessary. If appropriate, the Mississippi  
27 recreational ACT, or component ACTs, will be adjusted to reflect  
28 the previously established percent buffer. Dr. Mickle.

29  
30 **DR. MICKLE:** Thank you, Madam Chair. At this point, I would  
31 like to submit a substitute motion. It's the same guts of  
32 what's up there, but there's just a little bit of additional  
33 wording, and it will make sense once we get it up there.

34  
35 **If you can copy and paste that entire motion, and the changes**  
36 **are very small, and so it's the best way to -- Take the**  
37 **Preferred Alternative 2 motion on the board and copy it. I**  
38 **would like to add words. Reading along here, if the combined**  
39 **Mississippi recreational landings exceed, and I would like to**  
40 **add "or be less than". Then it continues on with "the**  
41 **Mississippi recreational ACL, then in the following year**  
42 **reduce". Then add "or increase the total". That is my**  
43 **substitute motion. If I get a second, I will expound.**

44  
45 **CHAIRMAN BOSARGE:** It's seconded by Dr. Frazer. Do you want to  
46 explain, Dr. Mickle?

47  
48 **DR. MICKLE:** Thank you, Madam Chair. Yes, this is just to

1 account for underages and being able to carry over within each  
2 state, and potential with the other action, each state's sector.  
3 With a storm or something, or if there is just bad proficient  
4 weather or some other issue within the fishery within a state,  
5 because, again, this is regional management, and so there is  
6 going to be factors that are not Gulf-wide that could affect  
7 fishing effort for a region.

8  
9 Being able to have underages, and we're working still toward  
10 that ACL and being able to carry over, and it just seems like,  
11 in states that don't fish as hard, I think they should have the  
12 opportunity to carry over overages and underages. Thank you.

13  
14 **CHAIRMAN BOSARGE:** I have Dr. Crabtree.

15  
16 **DR. CRABTREE:** Well, but it's more complicated than just this  
17 motion, because what would happen is, one, if you carry over to  
18 the next year, you would likely exceed the ABC, or at least you  
19 might, and so, to do this, I think you would have to have the  
20 carryover amendment that we're working on approved, which allows  
21 us to do this.

22  
23 The other thing is you could have one state with an underage,  
24 but you might have another state with a very large overage, and  
25 so it could end up that we exceeded the quota for the year, even  
26 though some states were under, and I'm not sure how we could  
27 carry anything over and add it to a higher catch level the next  
28 year, but it might be, if some states paid back and some states  
29 went over, it would work out that way.

30  
31 You are going to have to deal with the fact that what happens if  
32 you carry over an underage and then it goes over the ABC, and it  
33 seems to me that then ties this into the carryover amendment and  
34 the modifications to the control rule, and so I'm not saying we  
35 can't do this, but it's going to be a lot more complicated than  
36 just passing this motion.

37  
38 **CHAIRMAN BOSARGE:** To that point, Dr. Mickle?

39  
40 **DR. MICKLE:** Thank you. Agreed, and I understand that  
41 complicating these state amendments is not a good thing at this  
42 point. I don't want to do that, but I did understand that this  
43 is completely dependent upon the carryover amendment that we're  
44 working on, and so it's something that I don't want to withdraw  
45 it. I want feedback, and I would like to see vote input as  
46 well, but, again, complications at this point may not be a good  
47 thing, and I want a safe bet. Thank you.

48

1 **CHAIRMAN BOSARGE:** Mr. Sanchez.  
2  
3 **MR. SANCHEZ:** Dr. Mickle, just a friendly suggestion. Where we  
4 refer to ACL overage, maybe add "or underage", just to keep it  
5 consistent in the thought process.  
6  
7 **DR. MICKLE:** Agreed and accepted.  
8  
9 **CHAIRMAN BOSARGE:** I had Mr. Banks and then Mr. Dyskow.  
10  
11 **MR. BANKS:** Since Dr. Mickle asked for some input, I will give  
12 my two-cents. I think this a good idea. I think it's the type  
13 of flexibility we would like to see. I understand Roy's  
14 concern, but I do think that amendment we're working on there  
15 will handle it, but I also think that, just as long as you make  
16 that one state that's got a drastic overage pull it off the next  
17 year, then we can add the underage to ours that year, and it all  
18 works out, from a math standpoint, and so I don't see that this  
19 is going to cause a problem, and certainly not if we pass that  
20 carryover provision amendment. Thanks.  
21  
22 **CHAIRMAN BOSARGE:** Mr. Dyskow and then Mr. Riechers.  
23  
24 **MR. DYSKOW:** Thank you. I am in favor of the motion as amended  
25 by Dr. Mickle, but I have an additional question that perhaps  
26 should be addressed to Roy. My concern is, is the verbiage  
27 regarding the use of the best scientific information available  
28 in this amendment robust enough? Let me explain.  
29  
30 We have a fishery that may possibly, or certainly, depending on  
31 who you talk to, be recovering faster than we had anticipated,  
32 and that may be a critical component, because let's use  
33 Mississippi as an example, although I am not picking on you, but  
34 they might overfish their quota simply because there is more  
35 fish out there and they can't control that, to their best  
36 efforts. Yes, they could restrict the season and they could do  
37 all kinds of wonderful things, because they understand this  
38 fishery, but if the stock is recovering faster than anticipated,  
39 we have some verbiage there that allows us to address that  
40 overage or shortfall, based on science, and is that language  
41 robust enough to allow us to do that, because that may be a tool  
42 we have to use.  
43  
44 **CHAIRMAN BOSARGE:** Dr. Crabtree.  
45  
46 **DR. CRABTREE:** I think it is, because it's pretty broad, and so  
47 you could get a new assessment that showed, as you said, the  
48 stock is recovering more rapidly and the quotas could be raised,

1 in which case you would negate the payback.

2  
3 You probably should also say no overage adjustment is necessary,  
4 and you ought to add "or no underage adjustment is possible",  
5 because you could also get an assessment that shows the stock is  
6 recovering more slowly and that in fact we're overfishing and  
7 the quotas have to be reduced, even though no one went over the  
8 quotas.

9  
10 I know that isn't consistent with our experience in recent  
11 years, but we've seen that in other stocks, and so you could  
12 find that out, and then the science would indicate that carrying  
13 the underage forward would not be appropriate, and so I would  
14 probably just -- **I would probably just remove the word "overage"**  
15 **in that third sentence from the bottom and just say "If the**  
16 **science indicates that a greater, lesser, or no adjustment is**  
17 **necessary", and then I think the language is broad enough that**  
18 **it would allow us to deal with most things that I can think of**  
19 **that would happen.**

20  
21 **CHAIRMAN BOSARGE:** All right. I have Mr. Riechers next, but,  
22 before we make that adjustment, is the maker of the motion okay  
23 with that?

24  
25 **DR. MICKLE:** Yes, that's fine. Thank you.

26  
27 **CHAIRMAN BOSARGE:** All right. Mr. Riechers.

28  
29 **MR. RIECHERS:** Kind of going on that same theme, but also  
30 recognizing that I think we probably ought to make sure that  
31 everyone recognizes that 407(d) is still in play, and so, if we  
32 reach a point where we go over egregiously, because we already  
33 have a 20 percent buffer built in, and so, if for some reason we  
34 go over egregiously, you're still going to step in and shut down  
35 federal waters, or ask for that to be shut down, assuming that  
36 can be done in time before the seasons have run out, and so  
37 that's in play, but, beyond that, and certainly I agree with  
38 you, Paul, that there's a place here for overage and underage  
39 adjustment based on what each state can do, and I understand the  
40 complications.

41  
42 I will support the motion, realizing that, if it gets too  
43 complicated, Paul, as we see the next draft, I may pull back,  
44 because of just the need for us getting this through and  
45 timeliness, but I think the other part, and I want to make sure  
46 that I hit Phil's as well, is that I think even Roy has kind of  
47 used the example of we're penalizing people for what's really a  
48 good situation when we get these good year classes coming

1 through and we actually are able to catch more fish, and we  
2 don't want to get into the situation where we're doing that, and  
3 so the language there regarding best scientific information  
4 gives me more comfort than maybe we would have had if we had not  
5 included that.

6  
7 **CHAIRMAN BOSARGE:** Mr. Diaz.

8  
9 **MR. DIAZ:** Thank you, Madam Chair. I just want to make a  
10 comment about the action schedule that is directly tied to this  
11 motion. We have the generic amendment that establishes the  
12 carryover provision to harvest uncaught quota on the action  
13 schedule, and we're supposed to see a public hearing draft on  
14 that in June.

15  
16 There was a public comment yesterday that said that we should  
17 work on that document and make it a top priority, and I agree  
18 with that public comment. I would really like for us to try to  
19 pass this as soon as possible, preferably by the end of the  
20 year, but I don't know if we can get there from here, but I do  
21 agree that we should work on that particular document every  
22 single meeting and move as fast as we possibly can move, where  
23 we could potentially use any uncaught quota next year maybe for  
24 other species that are not in this EFP, and so we should try to  
25 make that a priority for 2019. Thank you.

26  
27 **CHAIRMAN BOSARGE:** Dr. Mickle.

28  
29 **DR. MICKLE:** Thank you, Madam Chair. This is just to clarify  
30 from yesterday, if some folks are listening or are in the  
31 audience that weren't here yesterday, but this substitute motion  
32 is for the motion that carried through Full Council carries for  
33 all states, and so this goes into each state amendment, but the  
34 preferred alternative, selected as preferred, is only for  
35 Louisiana and Mississippi. Correct me if I'm wrong, but that's  
36 my understanding, and I just wanted to reemphasize that.

37  
38 **CHAIRMAN BOSARGE:** Yes, sir, you are correct, and so this would  
39 change the verbiage in each of the five state plans. Now, any  
40 state that had already selected this as the preferred, that  
41 doesn't change that, and it doesn't make it the preferred for  
42 all five states. Whatever you have there as a preferred or not  
43 a preferred remains. This changes just the language in the  
44 actual alternative. All right. Ms. Levy.

45  
46 **MS. LEVY:** Well, I guess we can think more about how this would  
47 work, although I do think it depends on the whole carryover  
48 provision, because of the ABC, but, also, another complication

1 that we'll probably have to work out is you could have a  
2 payback, like an overage, linked directly to a state's  
3 exceedance of its ACL, and so, if Mississippi exceeds its ACL  
4 and you want an incentive for them not to do it and they're  
5 going to pay it back, I see that working.

6  
7 An underage, that probably has to be linked to a total underage  
8 of the recreational ACL, meaning, if there is an actual you meet  
9 the total recreational ACL, but one state was under, there is  
10 nothing to carry over, because it was all harvested, and so, the  
11 way this is written right now, it wouldn't just be that  
12 Mississippi recreational landings were less than the ACL. It  
13 would be that plus that was left over from the total, and do you  
14 see what I am saying?

15  
16 I mean, we can work it out, but I just think it's not as easy as  
17 applying the overage to the state's overage and taking it back.  
18 You have to have something left of the total to actually carry  
19 forward.

20  
21 **CHAIRMAN BOSARGE:** Mr. Greene.

22  
23 **MR. GREENE:** Okay, and so, in a hypothetical situation, where  
24 you have five Gulf states, and you have two of them that  
25 overfish, and they pay back the fishery the amount that they  
26 went over, and that brings us back to 100 percent. However, if  
27 you have one state that is 5 percent under, you are now at 95  
28 percent, and so the issue is rolling that 5 percent forward when  
29 we didn't hit 100 percent?

30  
31 **MS. LEVY:** I am just not sure. Like, I haven't had time to  
32 think about how the numbers would add up and whether you would  
33 have to be equal and like one paying back and one getting more  
34 and how that would affect the totals. I would have to think  
35 about it more. It's just something that I think we would have  
36 to work out.

37  
38 **CHAIRMAN BOSARGE:** Dr. Crabtree.

39  
40 **DR. CRABTREE:** I mean, the more concerning issue would be say  
41 Florida, which has the biggest amount of fishing, had a big  
42 underage and the other states were dead-on, and so we're going  
43 to try to carry Florida's underage over to the next year, but  
44 then, when you add that underage to the ACL in the next year,  
45 you might have an amount that exceeds the ABC that we have, and  
46 that's not allowed by the statute. That's why you have to have  
47 the control rule modification that allows the ABC to be  
48 increased as well to account for that.

1  
2 The other things probably get complicated, because you will have  
3 some underages and some overages, and you would have to sum them  
4 all up and see then if it's below the ABC. If it is, you're  
5 probably okay.

6  
7 **CHAIRMAN BOSARGE:** Okay. Any further discussion on the  
8 substitute motion? Since we've changed it a little bit as we've  
9 discussed it, I am going to read it into the record. The  
10 substitute motion is, in Action 2, in all five individual state  
11 amendments, to modify the language in Preferred Alternative 2 to  
12 read: If the combined Mississippi recreational landings exceed  
13 or are less than the Mississippi recreational ACL, then in the  
14 following year reduce or increase the total recreational quota  
15 and Mississippi's ACL by the amount of the ACL overage or  
16 underage in the prior fishing year unless the best scientific  
17 information available determines that a greater, lesser, or no  
18 adjustment is necessary. If appropriate, the Mississippi  
19 recreational ACT, or component ACTs, will be adjusted to reflect  
20 the previously established percent buffer. Any further  
21 discussion on the motion? Mr. Greene.

22  
23 **MR. GREENE:** I think we need to strike the word "Mississippi" on  
24 the second-to-bottom line, because this is for all five, and is  
25 that correct?

26  
27 **CHAIRMAN BOSARGE:** Well, I think we can leave it in there,  
28 because, at the top, it says "in all five individual state  
29 amendments", and so we understand that this Preferred  
30 Alternative 2 is just an example out of one of the state plans,  
31 and is everybody okay with that? We're all clear? Okay. All  
32 right. **If there is no further discussion, all those in favor,**  
33 **signify by saying aye; all those opposed same sign. The motion**  
34 **carries.**

35  
36 **MR. GREENE:** Currently, the Louisiana and Mississippi individual  
37 state amendments have preferred alternatives selected, while the  
38 remaining three states' amendments do not. In reviewing the  
39 Alabama state management amendment, the committee passed the  
40 following motion.

41  
42 **Without opposition, the committee recommends, and I so move, in**  
43 **Alabama's Action 1, make Alternative 2, Options 2a through 2d**  
44 **preferred. Alternative 2 is establish a management program that**  
45 **delegates management authority in federal waters to Alabama. If**  
46 **Alabama's red snapper harvest plan is determined to be**  
47 **inconsistent with the requirements of delegation, the**  
48 **recreational harvest of red snapper in the federal waters**

1 adjacent to Alabama would be subject to the default federal  
2 regulations for red snapper. Alabama must establish the red  
3 snapper season structure for the harvest of its assigned portion  
4 of the recreational sector annual catch limit. In addition,  
5 delegated authority for managing the recreational harvest of red  
6 snapper may include establishing or modifying the Option 2a, bag  
7 limit; Option 2b, prohibition on for-hire vessel captains and  
8 crew from retaining a bag limit; Option 2c, minimum size limit  
9 within the range of fourteen to eighteen inches total length;  
10 Option 2d, maximum size limit.

11  
12 **CHAIRMAN BOSARGE:** We have a committee motion on the board. Is  
13 there any discussion on the motion? Mr. Anson.

14  
15 **MR. ANSON:** Just to reiterate what I said during Reef Fish  
16 Committee why we didn't select the preferreds for the other  
17 three options is that those options are a little bit harder, I  
18 guess, to define, in the sense of structure in the document and  
19 writing up analysis of the document, and they will be a little  
20 bit harder to implement in the field, we believe. It sets up  
21 the lines in the Gulf issue, and there might be some confusion  
22 with the public and such in doing that, and so we just, at this  
23 point in time, don't want to recognize those as the preferreds.

24  
25 **CHAIRMAN BOSARGE:** All right. Dr. Crabtree.

26  
27 **DR. CRABTREE:** Some of these are going to get complicated,  
28 because, if we have some states that aren't managing the for-  
29 hire sector, and they then change their bag limit and their size  
30 limit, you're going to end up with different bag limits in the  
31 private than you have in the for-hire sector, and that's going  
32 to get complicated.

33  
34 **CHAIRMAN BOSARGE:** All right. Any further discussion? **Seeing**  
35 **none, is there any opposition to the motion? No opposition, and**  
36 **the motion carries.** Mr. Banks.

37  
38 **MR. BANKS:** I would like to make a motion, and I'm sorry, staff,  
39 that I didn't send it to you, but, for the Louisiana plan, I  
40 would like to basically mirror that motion, please, and make it  
41 our preferred. If I get a second, I will give you some of my  
42 rationale.

43  
44 **CHAIRMAN BOSARGE:** All right. You've got a second from Mr.  
45 Swindell, and so do you want to go ahead and give us the  
46 rationale, while they're getting that on the board?

47  
48 **MR. BANKS:** Sure, and it's simply so that it reduces the amount

1 of complexity that would go on in Louisiana as well. I mean,  
2 ultimately, what we want to do is be able to set our seasons and  
3 set our own bag limits, and possibly some size limits, and I  
4 don't think the other things are as necessary at this point.  
5 Thank you.

6  
7 **CHAIRMAN BOSARGE:** All right. Patrick, I realize that the  
8 example alternative down there still says "Alabama", but we  
9 underhand that, in the Louisiana document, that Action 1, add  
10 Options 2a through 2d as preferred.

11  
12 **MR. BANKS:** That's correct, and I would respectfully request  
13 that the other states do this as well.

14  
15 **CHAIRMAN BOSARGE:** Are you okay with it saying "Alabama" in that  
16 preferred as an example? I can change it to "Louisiana" if you  
17 want it. Okay. We will change it. The counsel says to change  
18 it, as in legal counsel, and so we're going to change those.  
19 All right. Now the preferred alternative, all the places where  
20 it said "Alabama" have been replaced with "Louisiana". I think  
21 everything is consistent in your motion. I am going to read it  
22 into the record.

23  
24 In the Louisiana document, Action 1, add Options 2a through 2d  
25 as preferred. Preferred Alternative 2 is establish a management  
26 program that delegates management authority in federal waters to  
27 Louisiana. If Louisiana's red snapper harvest plan is  
28 determined to be inconsistent with the requirements of  
29 delegation, the recreational harvest of red snapper in the  
30 federal waters adjacent to Louisiana would be subject to the  
31 default federal regulations for red snapper. Louisiana must  
32 establish the red snapper season structure for the harvest of  
33 its assigned portion of the recreational sector annual catch  
34 limit. In addition, delegated authority for managing the  
35 recreational harvest of red snapper may include establishing or  
36 modifying the Option 2a, bag limit; Option 2b, prohibition on  
37 for-hire vessel captains and crew from retaining a bag limit;  
38 Option 2c, minimum size limit within the range of fourteen to  
39 eighteen inches total length; Option 2d, maximum size limit.  
40 That is your motion? He is nodding his head yes. Is there any  
41 further discussion on the motion? Ms. Guyas.

42  
43 **MS. GUYAS:** It's not specific to the motion. I am fine with you  
44 doing this, but, to respond to your request here, I think, at  
45 least for Florida, we're fine with all of these options, but, at  
46 this point, I would want to keep those other things on the  
47 table, and so we have an opportunity this year with the EFP, and  
48 we're going to learn some lessons and see what works, and so I

1 don't want to take options off the table, even if they may be  
2 more complicated. We may need some creative options to make  
3 this work, and so that's kind of just where I'm at on this right  
4 now.

5  
6 **CHAIRMAN BOSARGE:** All right. Any further discussion? Yes, Dr.  
7 Mickle.

8  
9 **DR. MICKLE:** Thank you, Madam Chair. Can we stick Mississippi  
10 in there too with this motion? Is that efficient to just put  
11 "Mississippi" after "Louisiana" in this motion?

12  
13 **CHAIRMAN BOSARGE:** Yes, as long as Ms. Levy doesn't make me put  
14 Louisiana and then, in parentheses, Mississippi, all in that  
15 Preferred Alternative 2.

16  
17 **MS. LEVY:** I mean, you can do what you want. It would just be  
18 easier if they were separate, because it starts getting  
19 confusing about what you're actually doing when we start mixing  
20 what the motion is with what's in the alternative, but I'm not  
21 going to say you can't do it.

22  
23 **CHAIRMAN BOSARGE:** All right. We'll vote this one up, and then  
24 we'll copy and paste. Okay. For the Louisiana document, we've  
25 had a lot of discussion. For the motion on the board, any  
26 further discussion? **All those in favor signify by saying aye;**  
27 **all opposed same sign. The motion carries.** Dr. Mickle, would  
28 you like to make a motion?

29  
30 **DR. MICKLE:** Thank you, Madam Chair. **Yes, I would. I would**  
31 **like to make that motion, and so copy and paste and replace**  
32 **"Louisiana" with "Mississippi".** Thank you.

33  
34 **CHAIRMAN BOSARGE:** All right. Let me read this into the record.  
35 In the Mississippi document, Action 1, add Options 2a through 2d  
36 as preferred. Preferred Alternative 2 is establish a management  
37 program that delegates management authority in federal waters to  
38 Mississippi. If Mississippi's red snapper harvest plan is  
39 determined to be inconsistent with the requirements of  
40 delegation, the recreational harvest of red snapper in the  
41 federal waters adjacent to Mississippi would be subject to the  
42 default federal regulations for red snapper. Mississippi must  
43 establish the red snapper season structure for the harvest of  
44 its assigned portion of the recreational sector annual catch  
45 limit. In addition, delegated authority for managing the  
46 recreational harvest of red snapper may include establishing or  
47 modifying the Option 2a, bag limit; Option 2b, prohibition on  
48 for-hire vessel captains and crew from retaining a bag limit;

1 Option 2c, minimum size limit within the range of fourteen to  
2 eighteen inches total length; Option 2d, maximum size limit. Is  
3 that your motion, sir?

4

5 **DR. MICKLE:** Yes.

6

7 **CHAIRMAN BOSARGE:** Okay. Did we have a second for this motion?  
8 It's seconded by Mr. Greene. Any further discussion on the  
9 motion? **Seeing none, all those in favor, signify by saying aye;**  
10 **all those opposed same sign. The motion carries.** Okay,  
11 Chairman Greene.

12

13 **MR. GREENE:** Before we leave this part, I was just thinking back  
14 to the committee, when it was explained to us that in Amendment  
15 50 that there was eighty-eight possible actions in that, and I  
16 know that we have the EFPs moving forward for two years, for  
17 2018 and 2019, and I'm not going to be here, and I just wanted  
18 to remind you, because I am kind of looking forward to that,  
19 but, when you do -- In my brain, when I think backwards, if I  
20 want to have something in place by January of 2020, and knowing  
21 how this council process works after nine years, you all have  
22 got about four meetings, and you had better get rid of some of  
23 those options.

24

25 I am not going to make them for you, but I think I would start  
26 the ball rolling now, if it was me, because I think it's --  
27 Well, I do not agree that the charter boats need to be in this.  
28 I do agree that the recreational anglers absolutely have to have  
29 this, and we need to knock it down somehow. Now, I didn't push  
30 that in the committee report, because it's just -- I kind of  
31 felt that people would pick it up and go, and I don't see that  
32 happening, and so, as the committee chair at Full Council, I  
33 would encourage you guys to think about this before I read on  
34 through this committee report.

35

36 **CHAIRMAN BOSARGE:** Mr. Banks.

37

38 **MR. BANKS:** Well, I was prepared to make a motion in that  
39 regard, Johnny, but I wasn't exactly sure of the right time, and  
40 I was going to do it at the end of your report, but I would like  
41 to talk about allocation and try to get rid of some more of  
42 those possibilities. I know we took care of I think two of them  
43 during committee. Was it two or just one? The 2e, we took that  
44 out, but I am certainly prepared to go all the way to a  
45 preferred and see where that goes in the discussion, if I can  
46 even get a second.

47

48 **I sent a motion to the staff, and it was to make Alternative 2h,**

1 I think, and I'm trying to look through all the -- As the  
2 preferred, and, if I can get a second, I will go through my  
3 rationale with everybody.

4  
5 **CHAIRMAN BOSARGE:** Okay. The motion on the board is, in Action  
6 2 of the general state management document, to make 2h the  
7 preferred. Alternative 2 is establish an allocation of the  
8 recreational sector ACL that may be used for state management  
9 programs by apportioning the private angling ACL and federal  
10 for-hire ACL among the states based on the average of historical  
11 landings for the years, excluding 2010. Option 2h is 50 percent  
12 of average historical landings for the years 1986 through 2015  
13 and 50 percent of average historical landings for the years 2006  
14 through 2015. Do we have a second?

15  
16 **MR. ANSON:** I will second it for discussion.

17  
18 **CHAIRMAN BOSARGE:** It's seconded for discussion by Mr. Anson.  
19 Is there discussion? Mr. Banks.

20  
21 **MR. BANKS:** I will just give some of my rationale and several  
22 points, and we've all talked about these points around the  
23 table, and so, unfortunately, this will be a little bit of  
24 redundancy, but, as I understand this method of using some long-  
25 term time series, as well as a more recent time series, it  
26 follows the general council policy on allocation stuff, and this  
27 type of a method was used and at least accepted in 39, and it  
28 was also used and accepted in Amendment 40.

29  
30 Then what I also think is important is this method underwent  
31 extreme legal scrutiny as well and was upheld in court, I think  
32 twice, if I recall, and so it seems to be a pretty strong  
33 method, and at least the rationale seems to hold up certainly  
34 under legal challenge.

35  
36 Then certainly, in my opinion, it passes the Fox News test. I  
37 believe it's fair and balanced, and it probably doesn't get all  
38 of us exactly where we want to go. Certainly in Louisiana we  
39 would love to have a percent or two more, but I do think that  
40 this is a very fair way to go about it, and it's justifiable,  
41 and I feel like we should certainly consider it, and so I would  
42 appreciate some support. Thank you.

43  
44 **CHAIRMAN BOSARGE:** Mr. Riechers.

45  
46 **MR. RIECHERS:** Could you elaborate on the legal challenge you  
47 were talking about, because I am just not recalling when this  
48 has been challenged, because we haven't been to court with any

1 of this.

2  
3 **MR. BANKS:** I thought Amendment 40 was challenged in court. Was  
4 it not?

5  
6 **MR. RIECHERS:** Yes, but this wasn't part of that amendment, and  
7 so this kind of allocation scenario -- I don't think that's  
8 necessarily -- I was just trying to figure out where it might  
9 have been challenged.

10  
11 **MR. BANKS:** As I understood, this was the method used in  
12 Amendment 40 to allocate between the sectors, and then Amendment  
13 40 was challenged in court, and that's where I was going, and  
14 maybe not this particular number, but that method.

15  
16 **MR. RIECHERS:** Can I follow-up? Patrick, we talked about this  
17 last meeting, and, again, I will just say that I would prefer us  
18 trying to make sure that we get all the states onboard, and I  
19 know that's not been easy, and you know that as well, and so I  
20 don't know whether the timeliness of this is there or not. The  
21 other part that speaks to what Johnny was actually trying to  
22 tell us to do is -- Picking the preferred is one thing, and  
23 getting rid of options is another, and so I think what Johnny  
24 was suggesting is trying to weed out some of the options that we  
25 just don't think are going to be there.

26  
27 I think, once we get a preferred, that becomes easy, and so I  
28 don't think that's a big deal once we get a preferred, because I  
29 think that will help us -- We will still have to umbrella the  
30 options and have other reasonable options and alternatives in  
31 there, but I don't know.

32  
33 I am going to look to my colleagues from Florida and try to  
34 figure out how to vote on this one. Again, it's not that I  
35 don't agree with your methods, but I'm just trying to figure out  
36 how we can all work through this and make sure that we're all  
37 comfortable when we get there.

38  
39 **CHAIRMAN BOSARGE:** All right. I had Mr. Anson next.

40  
41 **MR. ANSON:** I seconded the motion, and, as I stated, it was for  
42 discussion purposes, and so I was just curious to see what you  
43 were thinking, Patrick, and I agree with Robin that -- As Johnny  
44 said, the document needs some streamlining here, and this  
45 doesn't necessarily do that with this motion, but it makes a  
46 signal, I guess, as establishing the preferred, and I kind of  
47 agree with Robin that we need to have some discussions, and we  
48 need to have them quickly, because we've got to get this

1 document wrapped up by April, I think, of next year, in order to  
2 get it set up for 2020, and so I am not going to be in support  
3 of this motion, but I do understand that we're under a little  
4 bit of a tight timeline here, and we're going to have to come  
5 with a decision here fairly soon and establish a preferred, so  
6 we can go through the whole public hearing process and get  
7 something ready for April, and so that's it.

8

9 **CHAIRMAN BOSARGE:** To that point, Dr. Mickle?

10

11 **DR. MICKLE:** Thank you, Madam Chair. At this point, I'm going  
12 to support this motion, because of exactly what Mr. Anson said.  
13 This will definitely spur discussion, and we're just picking  
14 preferreds. We're just picking preferreds to initiate  
15 conversation, and that's my intent in supporting this motion,  
16 solely. Thank you.

17

18 **CHAIRMAN BOSARGE:** I have Ms. Guyas.

19

20 **MS. GUYAS:** I am in the same boat here, I think, as Kevin and  
21 Robin. I think we do need to take things out, number one, and I  
22 agree, and I think there are some things to do here. It does  
23 get easier once we have a preferred, but this week, earlier this  
24 week, we had a historic moment, where all five states and the  
25 Fisheries Service all signed documents where they agreed on  
26 allocations, on a temporary basis.

27

28 This looks really different from that, and so I have concerns  
29 about that, and so, if we're really feeling like we need to put  
30 a preferred in this document right now, that would be what I  
31 would suggest, is that we base those preferreds on what the  
32 states and the Fisheries Service just signed earlier this week.  
33 I will put a substitute there out if I need to, but I just  
34 wanted to kind of put that out there.

35

36 **CHAIRMAN BOSARGE:** Dr. Crabtree.

37

38 **DR. CRABTREE:** First, to Martha's point, that's not even an  
39 option in the document, and so you would need to add an  
40 alternative. Second, I want to point out that this alternative  
41 approves a series of years, and we're going to get a lot of  
42 calibrations later this year that will calibrate for the FES  
43 mail survey, and that means landings in Mississippi, Alabama,  
44 and Florida are going to go up, probably considerably, and so,  
45 when you look at Table 2.2.1, all of those percentages aren't  
46 going to be the actual percentages.

47

48 If we calibrate in Snapper Check, then Alabama's landings, at

1 least in more recent years, are going to come down, and that's  
2 going to change, and I don't really understand how the Florida  
3 survey will affect things, but, undoubtedly, they will be  
4 different, and so, at some point, later in the summer or in the  
5 fall, all of the analysis and all of these numbers are going to  
6 change in ways that I can't really predict, and so we need to  
7 all understand that.

8  
9 Coming back to Johnny's comments and the general comment, I do  
10 believe that you need to narrow down -- If you want to get this  
11 done on the timeline you need to, we need to really narrow down  
12 the range of things we're considering delegating, and we need to  
13 make a decision about the for-hire vessels. Either they should  
14 be in or out, and we ought to be consistent in what we're  
15 delegating to each state, and, as I've suggested from the  
16 beginning of this, we need to take all of these six amendments  
17 and combine them into a single amendment to ensure we bring  
18 consistency in it.

19  
20 I do not believe you are going to get where you want to be the  
21 way you're coming at this, with five or six separate amendments,  
22 and so I really think you need to rethink that, and I think, if  
23 you go down the path of delegating very different things to  
24 different states, and some get for-hire and some don't, you're  
25 going to find all kinds of complicated, unanticipated problems  
26 with that that will end up delaying all of this.

27  
28 **CHAIRMAN BOSARGE:** Mr. Banks.

29  
30 **MR. BANKS:** I appreciate those comments, Roy, and I understand  
31 where you are, and you've said a lot of that before, and I  
32 appreciate what Johnny was trying to get us to do, and so maybe  
33 what we should consider then is each of us, each state, maybe  
34 pick out -- Maybe Florida will end up adding an option, and I  
35 can support that, if that's what they want to do, but I feel  
36 like we do need to pare this way, way down.

37  
38 This is the option that I would like to definitely see stay in  
39 the document, and so maybe if there's a particular option that  
40 each state wants to see stay in the document, and let's each of  
41 us pick one of those, and maybe Florida adds theirs. That way,  
42 we end up with five options to look at, rather than all this  
43 eighty-eight or however many we have. I don't know if there are  
44 any thoughts on that from around the table, but maybe that's a  
45 way to approach it, as a way to pare things down.

46  
47 **CHAIRMAN BOSARGE:** Is there feedback on that? Ms. Guyas.

48

1 **MS. GUYAS:** I am happy to add an option here, and I know we're  
2 trying to cut them down, and so that kind of defeats the  
3 purpose. I guess it's one that you don't need to -- The  
4 analysis is a little bit different here, but we have a motion on  
5 the board though, and so I will hold that thought.

6  
7 **CHAIRMAN BOSARGE:** All right. Any further discussion on the  
8 motion on the board, which is, in Action 2 of the general state  
9 management document, to make Alternative 2, Option 2h, the  
10 preferred? Mr. Diaz.

11  
12 **MR. DIAZ:** This is just one of the difficult decisions that  
13 we've got to make. I have always hoped that the five states  
14 would come to a consensus, because I do believe if you all could  
15 come to -- But it's got to happen pretty quick. I mean, we're  
16 moving at a pace that's too slow. Very soon, we're going to  
17 have to make a vote that's going to be a majority rule vote on  
18 this, and I don't think that's the best way to proceed, because,  
19 if some states are unhappy and they're not compliant, we're just  
20 going to have all kinds of problems.

21  
22 I would much prefer if the states were at consensus with this.  
23 I'm trying to figure out how to vote on this right now, as we  
24 speak, because it might force that consensus, and I don't know  
25 if that's what will happen or not, but, basically, the things  
26 we're struggling with at this meeting and in previous meetings  
27 are the same thing that 39 -- The two things that 39 was -- It's  
28 what to do with charter boats and how to allocate.

29  
30 We're trying to push this along and move, and those two things  
31 are bogging us down, and we don't appear to be making good  
32 progress on either one of them, and so I am extremely concerned.  
33 Thank you, Madam Chair.

34  
35 **CHAIRMAN BOSARGE:** I am going to let Martha go, and then we've  
36 got Dr. Frazer.

37  
38 **MS. GUYAS:** Just to that point, I mean, everyone has agreed on  
39 allocations, right, for two years, and these are not it, and so  
40 that's why I am going to vote against this motion, that it would  
41 not be a preferred, and I realize those are just a starting  
42 point and it's not about the allocations, but each of the five  
43 states signed an agreement, and this is I guess to have an  
44 allocation that at least gives them a place to start and some  
45 options to look at and a season that they can live with and  
46 management they can live with, and that's more than we have with  
47 this alternative. Thank you.

1 **CHAIRMAN BOSARGE:** Dr. Frazer.

2  
3 **DR. FRAZER:** I just want to kind of go back to some comments I  
4 made the other day, and, if you're going to pick a value,  
5 essentially whatever it is, the general tendency, the human  
6 tendency, is going to be to do what's best for me, and I hear  
7 what Dale is saying, and I agree with him. It would be really,  
8 really nice if the five state directors could get together and  
9 come up with a guiding principle to go ahead and pick a  
10 preferred.

11  
12 I don't know -- I can't force anybody to do that, but I would  
13 ask if one of the state directors in this room might take the  
14 initiative to at least start that conversation or invite the  
15 other state directors to the table to have it.

16  
17 **CHAIRMAN BOSARGE:** Okay. Next, I have Mr. Riechers.

18  
19 **MR. RIECHERS:** Tom, let me just assure you that we're trying to  
20 have those conversations, and so we haven't made as much  
21 progress as any of us would like, but we certainly are trying,  
22 and so, in your request, that is ongoing. I do want to make  
23 sure that -- Martha, I agree that this is not the allocation  
24 that was created in the EFPs.

25  
26 Remember that some additional poundage was given late in that  
27 process, and you, of course, adjusted your own season and  
28 buffer, your additional buffer, as well to get extra days for  
29 yourself, and so I am fully supportive of your EFP and how you  
30 went about that. If I had my preferred in here, it would  
31 somehow also include a biomass objective, because biomass, as we  
32 know, as we've talked about around this table, is greater in the  
33 western Gulf, and so there is a lot of considerations here.

34  
35 We could all try to create the one -- I appreciate you, Patrick,  
36 in that you didn't create the one that gave you the most in that  
37 respect, and you went back to a previous one that at least tried  
38 balancing the shifts that have occurred in this fishery, and  
39 those are real. Those are real in terms of the amount of effort  
40 that is shifted and in terms of where the biomass is and in  
41 terms of shifting effort between different sectors, and those  
42 are tough juggling that we all have to come up with.

43  
44 I think we could whittle some of these options down today if we  
45 really went after it, but I don't think it really changes where  
46 we get between today and June, because I don't think they're  
47 going to be making those kinds of analyses between now and June  
48 until we get a preferred, and so, again, I will stand by my

1 previous comments, but with the exception that I don't want the  
2 EFPs to be suggesting that's the percentage that any of us  
3 wanted, and so I think we've got to recognize that.

4  
5 The other part is we have to recognize that we are going to be  
6 getting some new information, hopefully, by the time we get to  
7 the point, and so we've really got two pressure points here.  
8 We've got a percentage of allocation in some way, but, if the  
9 overall stock biomass goes up and we actually have more poundage  
10 to work with as well, that basically works on the other side of  
11 this percentage equation, and so even though your percent may  
12 not be what you wanted or it may be less than you wanted, you  
13 may still end up getting some extra days if that poundage goes  
14 up, and so I think we all need to think about that moving ahead  
15 as well. That may or may not be helpful, because it could come  
16 back and tell us that we get less, and so we just don't know  
17 that yet, but that could be part of the equation here.

18  
19 **CHAIRMAN BOSARGE:** Mr. Anson.

20  
21 **MR. ANSON:** Thank you, Madam Chair. Going back to Robin's  
22 comment about whether or not any staff time will be devoted to  
23 the analysis, if we don't remove anything today, is that --  
24 Between now and June, is that something that will occur or won't  
25 occur, depending upon our actions, or it's just requested and it  
26 won't amount to anything? Doug, do you have anything on that?

27  
28 **CHAIRMAN BOSARGE:** Well, I am kind of looking to either NMFS or  
29 staff, whoever wants to step up to the plate. Dr. Crabtree.

30  
31 **DR. CRABTREE:** Well, it's just any analysis of the allocations  
32 and the impact of the allocations is going to all have to be  
33 redone once we calibrate the landings, because the numbers of  
34 trips and the impacts on the various states will all change.

35  
36 **CHAIRMAN BOSARGE:** Mr. Banks.

37  
38 **MR. BANKS:** I realize that it will change poundage and things  
39 like that, but this is a percentage, and so the percentage is --  
40 If we can agree to a way to come up with a way to come up with a  
41 -- A method to come up with a percentage, I think that works no  
42 matter what the data is. The data is going to be what the data  
43 is going to be, but the method is what I'm interested in. The  
44 method is a strong method, and it's something that the council  
45 has accepted in the past.

46  
47 Maybe not everybody has agreed on it, but, as a body, we have  
48 accepted that method, and I think that's what is most important

1 here, and it will -- You're right that the percentages may  
2 change based on those differences in landings, but the method is  
3 a strong method, and I think that's something we need to  
4 consider.

5  
6 **DR. CRABTREE:** I agree with you on that, but it's just we'll  
7 have to have an analysis in here of the impacts, economic  
8 impacts, of the various -- That part will change. Your  
9 rationale for the basis for choosing these years, that may be  
10 fine under any event.

11  
12 **CHAIRMAN BOSARGE:** Mr. Greene.

13  
14 **MR. GREENE:** To that point, Roy, we have got four or five  
15 meetings to do this, and we're going to have a big game-changer  
16 coming late in the process with the recalibration. That is  
17 almost something that is absolutely -- While we know it's  
18 coming, it's still new and unforeseen, because we don't know  
19 what it's going to be.

20  
21 If we go down this path and we choose this, and it ultimately is  
22 what we do, and then the MRIP recalibration stuff comes in and  
23 changes the numbers, and it's just something that's absolutely,  
24 completely outside the realm of possibility, at what point can  
25 we ask for some type of emergency action for something that is  
26 new and unforeseen?

27  
28 **DR. CRABTREE:** Well, I don't think you would do an emergency  
29 action, because you wouldn't have implemented this yet, and so I  
30 think what you would do would be change this. If this was  
31 actually implemented and in place and you got new and unforeseen  
32 information, then you might take an emergency action, but this  
33 likely won't be implemented until -- I guess the goal is 2020,  
34 and hopefully all of this will be resolved in time to let us  
35 make the changes that are needed.

36  
37 **MR. GREENE:** The reason I prefaced that is that, when you go  
38 down that path, there are comment periods and things that are  
39 waived that could potentially speed this up and still make the  
40 target date which we need. I am trying to figure out some way  
41 that we can still make this happen, because it's going to be a  
42 bombshell in the fourth quarter with two minutes to go, and we  
43 kind of know it's coming, but I'm just trying to see if there is  
44 any other possible way that we could mitigate some of the  
45 comment periods and we can mitigate some of that stuff now, so  
46 that it doesn't happen at the last minute.

47  
48 **DR. CRABTREE:** I don't think you can do that now. I think, as

1 I've said, if you want to streamline this and speed it up, be  
2 consistent in what you're doing and make a decision about the  
3 charter boats and apply it to everyone and combine all of this  
4 into a single amendment and narrow down the scope of what you're  
5 doing.

6  
7 To me, we have a problem with the private recreational part of  
8 this fishery, and that's what we need to address here. My  
9 preference is leave the charter boats out of this. This becomes  
10 much simpler if you do that. You could come back in at a later  
11 date and reconsider or rethink the charter boats, but, to me,  
12 that's how you get this done more quickly, but I don't think  
13 there is agreement on the council to do that, but I don't think  
14 thinking about emergency rules is very helpful at the moment.

15  
16 **CHAIRMAN BOSARGE:** All right. We have got a motion on the  
17 board, and we've got a deadline to get out of this room today,  
18 literally by the hotel, and so, if there is no further  
19 discussion, then let's vote on this. **All in favor, signify by**  
20 **raising your hand.**

21  
22 **EXECUTIVE DIRECTOR GREGORY:** Seven.

23  
24 **CHAIRMAN BOSARGE:** All opposed, same sign.

25  
26 **EXECUTIVE DIRECTOR GREGORY:** Nine. The motion fails.

27  
28 **MR. RIECHERS:** In spirit of the past discussion, I would move  
29 that we remove options that truncate at 2009 in the time series.  
30 If I get a second, I will -- The motion would be to remove the  
31 options that truncate the time series at 2009 and then the two  
32 series of options, the Option 2, and that would be 2a, 2c, and  
33 2e, but I am basically saying that anywhere those occur later  
34 that they also be removed, and I will give rationale if we get  
35 there.

36  
37 **EXECUTIVE DIRECTOR GREGORY:** Would you want to include 2g as  
38 well? That's the 50/50 that stops at 2009.

39  
40 **MR. RIECHERS:** That would be fine.

41  
42 **CHAIRMAN BOSARGE:** So 2a, 2c, 2e, and 2g. I am going to let  
43 them get it on the board, and then we'll ask for a second. Ms.  
44 Gerhart.

45  
46 **MS. GERHART:** I just wanted to point out that Alternative 5 has  
47 some of those as well, if you want to include them.

48

1 **MR. RIECHERS:** Yes, my motion is to include them, but I just was  
2 -- I was trying to -- I tried to point to where it is in the 2s,  
3 but it's basically those where it's truncated at 2009,  
4 regardless of where they occur.

5  
6 **CHAIRMAN BOSARGE:** All right. Is there a second for the motion?  
7 It's seconded by Martha.

8  
9 **MR. RIECHERS:** If I may, can I give a little discussion?

10  
11 **CHAIRMAN BOSARGE:** Yes, sir. Go ahead.

12  
13 **MR. RIECHERS:** I mean, we looked at this option, and we were  
14 doing that for a host of reasons, one of which, the most  
15 important reason, was this is when the season started  
16 truncating, or being very short, and so, as we tried to look at  
17 it, that was an option that some of us wanted to consider.

18  
19 When you actually look at the percentages in the tables as they  
20 are shown, there certainly are some differences there, but we've  
21 got other options that are within the range of that. It hasn't  
22 changed a whole lot, those actual percentages, and so, in lieu  
23 of keeping those -- I still think that's good rationale,  
24 actually, from a perspective of thinking about why you would  
25 exclude some years, but, in trying to actually shorten the  
26 number of options that the staff would have to deal with, since  
27 the percentages in those other options kind of umbrella those  
28 percentages as well, I think that is a way to cut down the  
29 document.

30  
31 **CHAIRMAN BOSARGE:** Ms. Guyas.

32  
33 **MS. GUYAS:** Yes, I agree with all of that, and I mentioned it in  
34 committee, and I still feel the same way. I think I have a  
35 little bit of heartburn about setting allocations starting in  
36 2020 with a time series that ends in 2009. It just seems like  
37 ancient history, and so I am going to support moving these  
38 options. As Robin mentioned, they are somewhat similar to  
39 what's in the other suite there, and so the range is still  
40 there, and this doesn't really change all that much.

41  
42 **CHAIRMAN BOSARGE:** Is there further discussion? We are still  
43 getting it on the board here. I think we've got it up there.  
44 Robin, let's make sure this is what you wanted. In Action 2 of  
45 the general state management document, remove the options that  
46 truncate at 2009, and those would be Options 2a, 2c, 2g, 5a, and  
47 5e. Option 2a is 1986 to 2009, Option 2c is 1996 to 2009,  
48 Option 2g is 50 percent of average historical landings for the

1 years 1986 to 2009 and 50 percent of historical landings for the  
2 years 2006 to 2009, Option 5a is 1986 to 2009 trips, Option 5e  
3 is 50 percent of the average number of recreational trips for  
4 the years 1986 to 2009 (5a) and 50 percent of the average number  
5 of recreational trips for the years 2006 to 2009 (5c) trips.  
6 Mr. Riechers, is that your motion?

7  
8 **MR. RIECHERS:** My trusted colleague suggested that we're missing  
9 2e. Was that already removed? Okay. Sorry.

10  
11 **CHAIRMAN BOSARGE:** Yes. All right. Is that how you want your  
12 motion to read, sir?

13  
14 **MR. RIECHERS:** Yes, that's fine.

15  
16 **CHAIRMAN BOSARGE:** All right. Any further discussion on the  
17 motion on the board? Mr. Banks.

18  
19 **MR. BANKS:** Just a question. If we want to -- If 2009 is the  
20 issue, then I think 5e also contains that and is that listed up  
21 there? Okay. I'm sorry. I didn't see it up there listed, and  
22 I apologize.

23  
24 **CHAIRMAN BOSARGE:** That's okay. It was a work in progress. Is  
25 there any further discussion? All right. **Seeing none, all**  
26 **those in favor, signify by saying aye; all those opposed, same**  
27 **sign. The motion carries.** Ms. Guyas.

28  
29 **MS. GUYAS:** Coming back to the discussion we had on the previous  
30 motion, I guess I would like to offer a motion here to, in  
31 Action 2, add a new alternative. The new alternative would  
32 establish state management allocations for private anglers based  
33 on the allocations set in the five states' EFPs -- In Action 2,  
34 add a new alternative that would establish allocations for state  
35 management of private anglers based on the allocations set in  
36 the five states' EFPs.

37  
38 **CHAIRMAN BOSARGE:** Okay, and so that's going to be -- That will  
39 be in the general state management document, and we can retain  
40 that portion of this? Okay. I think, at the very end of her  
41 motion, it's "allocations set in the five states' EFPs". Is  
42 that right, Martha?

43  
44 **MS. GUYAS:** Yes, thank you.

45  
46 **CHAIRMAN BOSARGE:** Okay. Is there a second for the motion?  
47 It's seconded by Dr. Shipp. Is there further discussion? Ms.  
48 Guyas.

1  
2 **MS. GUYAS:** Right, and so I am just suggesting that we add this  
3 here. This is, I feel, the closest we've gotten on this issue,  
4 and I realize these allocations are not perfect, necessarily,  
5 but at least we are in a place right now with these where each  
6 state has felt like they at least have the ability to provide  
7 something for their anglers. This is where we're testing right  
8 now, and we're going to learn something this year and next year,  
9 but I guess this is the closest we've gotten. Everybody has  
10 agreed to this for two years, and so it just seems like a wise  
11 place to start for this document.

12  
13 **CHAIRMAN BOSARGE:** All right. Is there further discussion? Ms.  
14 Levy.

15  
16 **MS. LEVY:** Well, I guess I would just have a couple of concerns,  
17 I guess, and you can add it as an alternative, but, first, it  
18 only deals with private anglers, when the options are in there  
19 to include the for-hire, and so what -- If this ultimately got  
20 selected or how you analyze it when you were trying to figure  
21 out what the allocation would be if you include the charter  
22 vessels, and I just see some issue with having one allocation  
23 option that only deals with one of the components when all the  
24 other ones deal with both of them.

25  
26 Then, ultimately, I think you would need to establish a  
27 rationale for it, and so all the states came in with their  
28 requests based on all different reasoning, and it just happened  
29 to work out that it was within the recreational quota, and so,  
30 at some point, if this were to move forward, I think there would  
31 have to be some rationale besides the states agreed to it on a  
32 temporary basis in an EFP and some discussion about how it's  
33 fair and equitable, et cetera.

34  
35 **CHAIRMAN BOSARGE:** To that point, Martha?

36  
37 **MS. GUYAS:** Yes, and I realize this is only private anglers  
38 here. I mean, we still need to deal with that decision of  
39 whether it's private anglers or for-hire, and so, if we decide  
40 that we want states to keep the ability to have for-hire in  
41 here, then we would have to restructure this action a little  
42 bit, and so maybe we use the existing actions that are there to  
43 fill the for-hire side of the allocation and then we would use  
44 this for private anglers.

45  
46 Again, this is where we -- We've got an idea that's going to be  
47 in place for two years, and I think our council allocation  
48 policy does allow for allocations to be at least somewhat

1 arrived on by negotiation, and I think it specifically talks  
2 about that, and that's kind of what happened here and not  
3 necessarily with -- It's kind of on an individual basis, I  
4 guess, between the states and the Fisheries Service, but, again,  
5 this is just a place to start and where we are for two years,  
6 and so I thought it might be worth discussing in this document.

7

8 **CHAIRMAN BOSARGE:** Dr. Shipp.

9

10 **DR. SHIPP:** This is going to eventually go to the public, and is  
11 that not correct? Well, it seems to me that we ought to put  
12 some actual percentages in there. When this goes to the public,  
13 they have no numbers, 20 percent or 30 percent, and so I think  
14 this should include that.

15

16 **CHAIRMAN BOSARGE:** Ms. Guyas, to that point?

17

18 **MS. GUYAS:** Yes, and I would support that, but I just don't know  
19 what all of those percentages are, but I think staff does know  
20 what each individual state had.

21

22 **CHAIRMAN BOSARGE:** Mr. Anson.

23

24 **MR. ANSON:** That was my point.

25

26 **CHAIRMAN BOSARGE:** All right, and so I think staff has clear  
27 direction on that. All right. Any further discussion on the  
28 motion on the board? **Seeing none, all those in favor, signify**  
29 **by raising your hand.**

30

31 **EXECUTIVE DIRECTOR GREGORY:** Sixteen.

32

33 **CHAIRMAN BOSARGE:** Dr. Crabtree is out of the room. Somebody go  
34 tell him we had a unanimous vote on something related to  
35 allocation.

36

37 **EXECUTIVE DIRECTOR GREGORY:** She abstains.

38

39 **CHAIRMAN BOSARGE:** Sue, I'm sorry. You're at the table, and so  
40 he abstained, and so that's great. All right. **The motion**  
41 **carries with one abstention.** Anything else, guys? All right,  
42 Chairman Greene, I am going to turn it back over to you, sir.

43

44 **MR. GREENE:** Well, before we go there, I mean, I just -- I know  
45 that we're going to have to deal with these allocations, and I  
46 know it's going to be back and forth, and I know there is going  
47 to be negotiations with this, but we're trying to get down from  
48 eighty-eight options, and we have taken a heck of a stab at it,

1 but one of the biggest things would be the charter boats in this  
2 document.

3  
4 I feel like we have to do something at that point, and I know  
5 it's contentious. I was at the table with 39 when it went  
6 through, and, if it was an eight-to-seven vote one way, it was a  
7 seven-to-eight vote the other way, and it was really a tough  
8 deal.

9  
10 I realize that I'm a charter boat guy, and I know you all are  
11 going to say, well, he's just doing it for the charter boat  
12 guys, but no. I just still think a more streamlined version of  
13 this document will help you get it in place, because,  
14 ultimately, the charter boats can operate under Amendment 40  
15 with the seasons and the bag limits, and we heard a bunch of  
16 people talk about the fact that they were pretty happy with that  
17 yesterday, but I am concerned that it's going to bog this  
18 document down to where you don't have anything in place for them  
19 by 2020.

20  
21 **CHAIRMAN BOSARGE:** Mr. Riechers.

22  
23 **MR. RIECHERS:** Johnny, I hear you, and we certainly had this  
24 discussion in committee, and I think we had a motion, and we did  
25 not pass that motion. I think we can all appreciate the fact  
26 that this is a complicated issue dealing with the private  
27 recreational sectors, but I think, at committee, we basically  
28 decided to leave them in at this point, and we had that vote.

29  
30 It's not necessarily how this will end up, in fact. Ms. Guyas  
31 just made a motion that dealt with the private recreational  
32 sector only, the private recreational sector on their own  
33 vessels only, and let me put it that way. I think, as we move  
34 through this document and reach the point of the next meeting,  
35 we're going to have to be starting to narrow things down, and I  
36 think everyone around this table understands that.

37  
38 While I appreciate your push to try to do it all here today, I  
39 think we have narrowed it down a lot, and I think we just -- We  
40 need to keep some of those options available moving forward, and  
41 I understand the simplification notion, but we all know we have  
42 a deadline ticking in 2020, and whether that's the EFP running  
43 out or a 2022 deadline on Amendment 40, those are deadlines that  
44 are real and out there, and it's just my opinion that we can  
45 work through them if we keep working.

46  
47 **MR. GREENE:** Well, I hear you, and that's why I haven't thrown a  
48 motion up there on the board, because I did sit here, and it's

1 mighty tough to sit there and run that committee and not vote.  
2 I don't think that I have ever voted one time on that, whether I  
3 wanted something really bad or I didn't want something really  
4 bad. I have never voted, and I didn't weigh-in at that point,  
5 but I am just really, really, really worried that you're not  
6 going to make it.

7  
8 I hope between now and the next meeting that we can get this  
9 thing knocked down to where we can all see it and go there, and  
10 I know we're all working hard. Man, I get it. I know. I  
11 understand. I am not going to throw a motion up there now to do  
12 that, because that's just not how I roll with stuff like this,  
13 but we need to see something next meeting, and, next meeting,  
14 perhaps I will, based on how the rest of today goes and future  
15 decisions that are made and seeing how things happen, but I just  
16 am concerned, I really am.

17  
18 **CHAIRMAN BOSARGE:** Well, I hope we will make that decision by  
19 June, because I know that you're going to term out, and, right  
20 now, you are the only charter boat operator on this council, and  
21 I have no idea what appointments look like. I am not that high  
22 up in the ranks. My paygrade is much lower below that, but it  
23 would be a heck of a note if we ended up not having a charter  
24 boat operator, a for-hire operator, on this council and we made  
25 that decision at that point in time. I would rather make that  
26 decision while I know that we have some representation on this  
27 council. Mr. Swindell.

28  
29 **MR. SWINDELL:** I lost track of when the sunset provision is due  
30 to be voted on. What is the ending date of the sunset provision  
31 in Amendment 40?

32  
33 **MR. GREENE:** It's 2022.

34  
35 **CHAIRMAN BOSARGE:** It's 2022, yes. All right. If there is  
36 nothing else, I'm going to let Chairman Greene continue on with  
37 his committee report.

38  
39 **MR. GREENE:** Recreational data challenges and potential South  
40 Atlantic Fishery Management Council responses, Tab B, Number 8,  
41 John Carmichael gave a presentation on actions being taken by  
42 the South Atlantic Council to improve recreational catch data  
43 collection.

44  
45 In addition to the improvements being made in MRIP, the South  
46 Atlantic Council is implementing for-hire reporting, a  
47 MyFishCount voluntary reporting system and, in Snapper-Grouper  
48 Amendment 46, is considering snapper grouper recreational

1 permits and reporting requirements tied to the permit.

2  
3 Following the presentation, one committee member recommended  
4 that any recreational reporting be vessel-based rather than  
5 individual-based. A committee member suggested that a similar  
6 recreational permit and reporting system be considered for the  
7 Gulf.

8  
9 Mr. Carmichael was asked how long it would take the South  
10 Atlantic Council to set up their permit system. He responded  
11 that the council hoped to be ready for approval by early next  
12 year, but it might take longer.

13  
14 Mr. Carmichael was asked if any projects were being planned  
15 under the South Atlantic Council's Citizen Science Program. He  
16 responded that they are developing an app for fishermen to  
17 report discards, primarily scamp. The council has partnered  
18 with the Atlantic Coastal Cooperative Statistics Program and  
19 hopes to be ready this summer.

20  
21 In response to a question on why the South Atlantic Council  
22 chose to collect data on its own, Mr. Carmichael responded that  
23 it was intended to be a cooperative program facilitated by the  
24 council. Committee members asked if a presentation could be  
25 given to the council once the program was in place. Mr.  
26 Carmichael suggested that Amber Von Harten would be the  
27 appropriate staff person to ask.

28  
29 Following the presentation, Dr. Luiz Barbieri gave an update on  
30 plans to coordinate state collections of recreational data. A  
31 steering committee will meet on April 30 to begin the process of  
32 determining how to move forward with integrating the different  
33 surveys. Chair Leann Bosarge asked Dr. Barbieri to provide the  
34 council with another update after the meeting.

35  
36 Commercial IFQ Programs, Grouper/Tilefish IFQ Program Five-Year  
37 review, Tab B, Number 9(a), staff presented the grouper-tilefish  
38 IFQ program five-year review. Issues discussed included goals  
39 and objectives of the IFQ program, data collection,  
40 participation changes, IFQ shares and allocation transfers and  
41 prices, changes in fishing capacity and technical efficiency,  
42 market power, and safety-at sea.

43  
44 The presentation also covered participants, dealers, and captain  
45 and crew surveys. Dr. Luis Barbieri summarized the  
46 recommendations provided by the SSC. Dr. Barbieri stated that  
47 the SSC approved a motion noting that expected outcomes  
48 following the implementation of the IFQ program are being

1 achieved and the program is meeting its objectives.  
2  
3 Staff summarized the recommendations provided by the AP and  
4 noted that the AP approved the review and concluded the program  
5 is meeting its objectives. The committee passed the following  
6 motion. **Without opposition, the committee recommends, and I so**  
7 **move, to accept the grouper-tilefish IFQ five-year program**  
8 **review report.**  
9  
10 **CHAIRMAN BOSARGE:** All right. We have a committee motion. Is  
11 there any discussion on the motion? Mr. Diaz.  
12  
13 **MR. DIAZ:** Yes, ma'am. Later in the report, Johnny is going to  
14 cover this, but I think this motion is related to it. I had  
15 made three recommendations for the review, and, since the  
16 committee met, I've had some conversations with some commercial  
17 folks in the audience, and they have relayed some information to  
18 me about the multiuse shares, and I recommend that that be  
19 pulled out, and I would like to retract that recommendation at  
20 this point, because they relayed some information to me that I  
21 didn't have at the committee at the time, and so I would like  
22 the other two recommendations to stay, but, that recommendation,  
23 I would like to no longer support that at this time. I don't  
24 think it should take a motion, because we didn't take a motion  
25 to make the recommendations. Thank you, ma'am.  
26  
27 **CHAIRMAN BOSARGE:** Thank you for that clarification. Dr.  
28 Diagne.  
29  
30 **DR. ASSANE DIAGNE:** Thank you, Madam Chair. Because we haven't  
31 written the recommendations section yet, the council's  
32 recommendation, we will make a note of that and we will not  
33 include rescinding the multiuse shares.  
34  
35 **CHAIRMAN BOSARGE:** Thank you, sir. All right. Any further  
36 discussion on the motion on the board? **Seeing none, is there**  
37 **any opposition to the motion? No opposition, and the motion**  
38 **carries.**  
39  
40 **MR. GREENE:** Committee members discussed the reasons provided  
41 for IFQ share and allocation transfers. The committee  
42 recommended that in the online drop-down menu for transfer  
43 reasons, that the "No Comment" option be eliminated.  
44  
45 Consistent with SSC recommendations, the committee recommended  
46 that, for future reviews, a joint review of the red snapper and  
47 grouper tilefish IFQ programs be considered.  
48

1 Committee members discussed the effectiveness of gag and red  
2 grouper multiuse shares and recommended multiuse shares be  
3 eliminated. Committee members inquired about loan programs.  
4 Dr. Jessica Stephen indicated that a national IFQ loan program  
5 is in development.

6  
7 Committee members discussed shareholders' access to information  
8 on share and allocation transfers. Dr. Stephen indicated that  
9 NMFS would evaluate the feasibility of an exchange message board  
10 to facilitate share and allocation transfers.

11  
12 White Paper, Discussion of Rents and Royalties for Commercial  
13 Red Snapper Fishing, Tab B, Number 9(d), staff presented a paper  
14 on rents and royalties prepared in response to a January 2018  
15 council motion. The paper included a definition for resource  
16 rent and provided an estimate for the rent that could be derived  
17 from the amount of commercial red snapper quota in excess of  
18 4.65 million pounds.

19  
20 Issues discussed included auctions and other royalty payment  
21 methods in fisheries and other natural resources. Committee  
22 members discussed the destination of funds collected through  
23 auctions and royalties. Staff noted that revenues generated by  
24 royalty programs are subject to annual appropriations and may  
25 not come back to the Gulf region.

26  
27 Revised Options Paper, Amendment 36B, Modifications to  
28 Commercial IFQ Programs, Tab B, Number 9(e), staff reviewed the  
29 options paper for Amendment 36B alongside the AP's  
30 recommendations.

31  
32 For program participation, staff noted that the council had not  
33 yet identified an intent for the action. The committee  
34 discussed potential issues and unintended consequences with  
35 reinstating a requirement for shareholders to have a commercial  
36 reef fish permit. The committee then passed the following  
37 motion.

38  
39 **With one opposed, the committee recommends, and I so move, to**  
40 **accept the Ad Hoc Red Snapper and Grouper/Tilefish IFQ AP's**  
41 **recommendation for program participation to not require a reef**  
42 **fish permit to be a shareholder, thereby retaining the current**  
43 **regulations.**

44  
45 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any  
46 discussion on the motion? Mr. Anson.

47  
48 **MR. ANSON:** I will just bring up my points that I discussed

1 during the Reef Fish Committee. I feel like it went on as the  
2 rest of the proposed actions in 36B basically go away, and they  
3 deal with a lot of the issues that have been raised by the  
4 public relative to the IFQ program and the long-term ownership  
5 of the shares and the property right connotations that go to  
6 those and keeping those within the fishermen, even after they  
7 get out of the fishery and are no longer fished.

8  
9 I just feel like doing it -- Going down this road and continuing  
10 to do that will do away with any of the options that would  
11 address some of those issues that again there seems to be some  
12 issue with amongst the public, and so I will just say that I  
13 will not support this motion, as I did in committee.

14  
15 **CHAIRMAN BOSARGE:** Mr. Riechers.

16  
17 **MR. RIECHERS:** I wasn't at the table as this was deliberated the  
18 first time. My concern is the same as Kevin's, in that we're  
19 put here to actually review these programs and take that input  
20 that we're hearing as we go forward, and while I understand this  
21 is unpopular for those who are in the programs right now, in our  
22 ability to address some of those other issues that we've heard,  
23 whether we choose to address them or not, I think we at least  
24 need to have a document that reflects that we've tried to  
25 consider those things, and so I am going to not support the  
26 motion as well at this point.

27  
28 It's not that I may not support it at some later time, but I  
29 think we need to at least have this in here so that, as we reach  
30 a point where we're actually getting more public input on this,  
31 as opposed to those people on our AP who are kind of wired into  
32 the system and those people who come to the meetings often, we  
33 at least get some additional feedback on this, because this is  
34 what -- The feedback we had gotten drove us to having this in  
35 here the first time around.

36  
37 **CHAIRMAN BOSARGE:** Ms. Guyas.

38  
39 **MS. GUYAS:** To that point, I guess, just to be clear about this  
40 motion, if we pass this, does this mean that we send this to  
41 Considered but Rejected, or is it staying in the document and  
42 it's just not our preferred? That's what I am trying to  
43 understand, and Ava has got her hand up.

44  
45 **CHAIRMAN BOSARGE:** Dr. Lasseter.

46  
47 **DR. LASSETER:** My guess is, because it's still an options paper,  
48 is that there's not a Considered but Rejected section yet.

1 You're still just exploring options, but that doesn't mean that  
2 you couldn't decide to bring it back. I mean, we would go and  
3 get it and put it right back in, but, right now, we don't have a  
4 Considered but Rejected section. You're still developing what  
5 you want to go into the amendment.  
6

7 **CHAIRMAN BOSARGE:** Ms. Guyas.  
8

9 **MS. GUYAS:** I guess, if that's the case, then -- I mean, this is  
10 tough. I guess I would speak against the motion, just because I  
11 would like to get more input on this. We've heard it's an  
12 issue, and I understand there is ramifications, potentially, if  
13 we go one way or the other, and I just want to understand all of  
14 that and get some more feedback on it.  
15

16 **CHAIRMAN BOSARGE:** Dr. Frazer.  
17

18 **DR. FRAZER:** Thank you, Madam Chair. I mean, I'm a big fan of  
19 the APs, and I thought the AP -- The point was made in public  
20 comment that what was put together was a pretty representative  
21 group of people, and I don't know. I think I am going to stand  
22 behind this particular motion.  
23

24 **CHAIRMAN BOSARGE:** Mr. Anson.  
25

26 **MR. ANSON:** I appreciate your comment, Dr. Frazer. I just  
27 wanted to reiterate what Robin said, that this is an options  
28 paper and we want to try to look at the issue and bring it out  
29 in the open and really have a chance to discuss it and its  
30 merits and pros and cons, and I just feel like this would kind  
31 of limit the council's ability to really look at some of those  
32 other options of how to manage the fishery.  
33

34 I appreciate your comments on recognizing the AP and recognizing  
35 the work and the contributions and the motions that they came up  
36 with, but, I mean, we're going to have other APs, and they're  
37 going to come up with motions. A recreational AP may come up  
38 with some motions that may not be palatable, and so do we accept  
39 their recommendations and their motions?  
40

41 I mean, the APs are there to advise us. They are not there to  
42 provide us with motions that we have to rubber-stamp, and so I  
43 just feel like this is a mechanism -- This mechanism, if it  
44 stays and maintains, will not allow us to make some of these  
45 changes to the IFQ program that is expressed out in the general  
46 public, and maybe not within the commercial industry in the same  
47 percentage or ratio, but still this, I think, would hamper us.  
48

1 **CHAIRMAN BOSARGE:** To that point, sir?  
2  
3 **DR. FRAZER:** Again, I appreciate those comments, and, again, my  
4 intent is not to rubber-stamp anything, and so your points are  
5 well taken. Thank you.  
6  
7 **CHAIRMAN BOSARGE:** Mr. Sanchez.  
8  
9 **MR. SANCHEZ:** Having attended -- They had a fantastic meeting at  
10 the -- I would be in support of this, and I don't -- I think  
11 you're going to get the discussion you want for or against  
12 anyway, and so I don't see the big concern with accepting this.  
13  
14 **CHAIRMAN BOSARGE:** Mr. Swindell.  
15  
16 **MR. SWINDELL:** I've read some of the document about the  
17 conversation that the advisory panel had. I mean, you're coming  
18 down to the fact of just whether to require reef fish permits or  
19 not, and it doesn't make any sense to me for us to keep going  
20 through shares and permits and everything else, and we can't  
21 come to an agreement, and that's why you asked the advisory  
22 panel to give us some opinion. They have given us an opinion,  
23 and these are people that I think are more involved in the  
24 fishery, and I agree with them, and so I support the motion.  
25 Thank you.  
26  
27 **CHAIRMAN BOSARGE:** When the AP talked about this, I actually  
28 asked a question, because I knew this was one that the council  
29 was kind of interested in, and it was one that I was interested  
30 in, because my thought process was, well, so, if you require the  
31 permit, then, by requiring the permit, the permit has to be  
32 attached to a boat, and so you're also requiring that individual  
33 to own a boat of some sort.  
34  
35 Then also attached with the permit is the requirement to have a  
36 VMS on that boat, and so then you're requiring a VMS activated  
37 and operating, and so I thought, man, well, maybe if you put  
38 that many hurdles in front of the person, then, if they were one  
39 of those people that is some, I don't know, investment guy  
40 sitting in Minnesota somewhere, buying and selling maybe, that  
41 would weed some of those people out, and so I kind of asked that  
42 question to the AP, while I had all those people in the room,  
43 and, I mean, they had some answers that made sense.  
44  
45 They said, well, you know -- One of them raised their hand and  
46 they said, if you want to make that requirement, you can, and  
47 I've got five permits sitting on my desk that I'm not using  
48 right now, but what's going to happen is -- In other words, I am

1 kind of one of the bigger guys, and you're not going to hurt me,  
2 but what's going to happen is you're going to drive that price  
3 up on those permits, and, if you're really trying to look out  
4 for the new entrant or the next generation, you're going to make  
5 it more expensive for him to try and get in this fishery, which,  
6 from an economic standpoint, I understand that. I get it.

7  
8 There is a tradeoff there, right? There is a tradeoff between  
9 do we think it might weed out some of those people that are just  
10 kind of middlemen, that have never been in the fishery at all,  
11 and they're just doing it for the return on investment, and how  
12 many of those people would we weed out? How big of an impact --  
13 How big of a piece of this system are they, and are they worth  
14 weeding out at the expense of increasing those permits for the  
15 people that we want to get in?

16  
17 I don't know. I don't know the answer to that, and so this is a  
18 -- It's a tough one, and then the other comment I think they  
19 made was that, essentially, for the people that are not like  
20 what I call the pure middlemen, the ones that are in some state  
21 not even located on the Gulf Coast and never were in the  
22 fishery, blah, blah, blah, and that's your pure middleman,  
23 right, your investment guy, but, for those people that maybe  
24 used to fish and don't have boats anymore, but they still own  
25 their shares, those people are going to essentially contract  
26 with somebody that has the boats.

27  
28 There will be a contract involved to do what they need to do to  
29 have permits attached with whatever, and that kind of went over  
30 my head a little bit, but it seemed to be very clear to them at  
31 the table, and so I'm just trying to give you all the feedback  
32 that went around that discussion in the AP, and, like I said,  
33 it's a tough one. You kind of have to figure whether the pros  
34 outweigh the cons or the cons outweigh the pros. Dr. Stunz.

35  
36 **DR. STUNZ:** Leann, that's exactly why -- I mean, I'm debating  
37 this myself as we speak, and there is so many -- The pros and  
38 cons are on both sides of this thing, whether to leave it in or  
39 not, and that's why I think, even though I supported it in  
40 committee, I'm not going to support it now, because, at this  
41 point, it's a little too fluid, and I think, by having it as an  
42 option to consider, it will give us more information, and so I'm  
43 not going to be in favor of the motion.

44  
45 **CHAIRMAN BOSARGE:** Okay. Any further discussion? All those in  
46 favor of the motion, signify by saying aye; all those opposed  
47 same sign. Let's do it again. All right. **All those in favor**  
48 **of the motion, signify by raising your hand.**

1  
2 **EXECUTIVE DIRECTOR GREGORY:** Eight.  
3  
4 **CHAIRMAN BOSARGE:** All those opposed, same sign.  
5  
6 **EXECUTIVE DIRECTOR GREGORY:** Eight. Are you going to vote?  
7  
8 **CHAIRMAN BOSARGE:** I am not going to vote.  
9  
10 **EXECUTIVE DIRECTOR GREGORY:** The motion fails eight to eight.  
11  
12 **CHAIRMAN BOSARGE:** All right.  
13  
14 **MR. GREENE:** The committee discussed the potential alternatives  
15 for a quota redistribution or set-aside. The AP recommended  
16 that shares which will be reclaimed from non-activated accounts  
17 be used to help new entrants to the fishery. Mara Levy noted  
18 that a council AP would be the appropriate group for advising  
19 the council on the administration of a quota bank. The  
20 committee then passed the following motion.  
21  
22 **Without opposition, the committee recommends, and I so move, to**  
23 **create a quota set-aside from non-activated accounts to run a**  
24 **NOAA quota bank for addressing commercial discards. The council**  
25 **shall create an industry steering committee to provide advice in**  
26 **the administration of the program.**  
27  
28 **CHAIRMAN BOSARGE:** We have a motion on the board to create a  
29 quota set-aside from non-activated accounts to run a NOAA quota  
30 bank for addressing commercial discards. The council shall  
31 create an industry steering committee to provide advice in the  
32 administration of the program. Just to refresh your memory,  
33 these are the accounts that we need to do something with. I'm  
34 not sure if it's been officially implemented, that plan. If  
35 not, it's close, but, anyway, those pounds are going to be  
36 sitting at NOAA waiting on a decision, and so this will get us  
37 started on that discussion. Any discussion on the motion? Mr.  
38 Boyd.  
39  
40 **MR. BOYD:** I would just like to note that this would be a  
41 perfect place to start with some type of auction or rents,  
42 because these shares don't belong to any shareholder that is  
43 actively participating at this point, and so it would be a good  
44 place to test. I'm not going to make a motion at this point,  
45 because my intent is for us to learn about rents and royalties  
46 in a long-term scenario and not just in one meeting, but this is  
47 the kind of place that I think we could start. Thank you.  
48

1 **CHAIRMAN BOSARGE:** All right. Any further discussion? **Seeing**  
2 **none, all those in favor, signify by saying aye; all those**  
3 **opposed, same sign. The motion carries.**  
4

5 **MR. GREENE:** Staff reviewed the background of the proposed  
6 lease-to-own provision, noting that existing shareholders would  
7 be unlikely to participate. The AP also recommended removal of  
8 this provision. The committee then passed the following motion.  
9

10 **Without opposition, the committee recommends, and I so move, to**  
11 **move Section 2.3.1, the lease-to-own provision, to Considered**  
12 **but Rejected.**  
13

14 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any  
15 discussion on the motion? **Seeing none, is there any opposition**  
16 **to the motion? No opposition, and the motion carries.**  
17

18 **MR. GREENE:** Staff reviewed the Law Enforcement Committee  
19 discussion regarding concerns that commercial vessels were  
20 underestimating landings on advanced landing notifications. The  
21 law enforcement concern is that some commercial red snapper  
22 landings may be going unreported or reported and sold as a  
23 different species, such as vermilion snapper. The committee  
24 then passed the following motion.  
25

26 **By a vote of ten to five, the committee recommends, and I so**  
27 **move, to add an action to Amendment 36B regarding the LEC/LETC's**  
28 **concerns with the accuracy of landing estimates provided in**  
29 **advance landing notifications in the commercial IFQ programs due**  
30 **to law enforcement observations of under-reporting.**  
31

32 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any  
33 discussion on the motion? Dr. Crabtree.  
34

35 **DR. CRABTREE:** I don't really think that we need an action to  
36 deal with this. In my discussions with folks, some of what is  
37 happening are some of these guys have go-fast boats, and they're  
38 going out and fishing pretty quickly and coming back in, and  
39 they're actually doing their landing notification before they  
40 leave the dock. When they go out and they happen to catch more  
41 or less than they thought they would, what they need to do is  
42 file an amended notification changing the amount when they see  
43 what they have and come in.  
44

45 I think that some outreach encouraging these guys to amend their  
46 notifications and try to be a little more accurate is probably a  
47 better way to deal with this at this point, but I am not  
48 convinced that it warrants an action in the amendment.

1  
2 **CHAIRMAN BOSARGE:** Is there further discussion? Mr. Boyd.

3  
4 **MR. BOYD:** Well, there is several things here. One of them,  
5 Roy's comment, is that I think that could be addressed in the  
6 program and not necessarily just not discussing it. The other  
7 thing is that my take on the LEC/LETC's concern is, if it's not  
8 taken by this council as something that's important to them, we  
9 are again saying we really are not listening to you, and there  
10 is some concern among the law enforcement community that the  
11 council really isn't paying attention to them when they have  
12 concerns about things, and so I would like to see this stay in.  
13 I would like to have discussion about it. We may not approve it  
14 at some point in time to take action to change the program, but  
15 at least we can have discussion about it. Thank you.

16  
17 **CHAIRMAN BOSARGE:** Mr. Diaz.

18  
19 **MR. DIAZ:** This might be for Dr. Crabtree. What is the penalty,  
20 if you know, Dr. Crabtree, if we catch somebody circumventing  
21 the system?

22  
23 **DR. CRABTREE:** There are penalty schedules for various things,  
24 and I believe it would depend on the severity of what they're  
25 doing and the amount of fish involved, and, I don't know, Mara,  
26 if you want to comment, but I think the penalty schedule looks  
27 at different types of offenses, and so, if you're landing  
28 thousands and thousands of pounds outside the IFQ program,  
29 that's going to be a serious offense. If it's something minor  
30 like this, that's a whole different animal.

31  
32 **MR. DIAZ:** I know, on the state level, there are instances where  
33 you actually pull people's licenses, and, generally, for the  
34 State of Mississippi, if you get three violations, then a judge  
35 can pull your license, where you just can't participate in that  
36 fishery.

37  
38 I am probably going to support the motion, but, to me, if we've  
39 got people that are circumventing the system, it would be nice  
40 if we had penalties where we could get these folks out of the  
41 fishery. They just don't deserve to have a reef fish permit,  
42 and they don't deserve to have shares or anything else, and my  
43 only concern with the motion really is how to set this up. I've  
44 been trying to think about a way to do it, where it's realistic  
45 and we don't catch inexperienced people that maybe aren't good  
46 at estimating with some problems. For now, I'm going to support  
47 the motion, but I haven't figured out a good way to do it, and  
48 maybe we'll get some good options. Thank you.

1  
2 **CHAIRMAN BOSARGE:** I had Mr. Anson and then Mr. Swindell and Mr.  
3 Sanchez.

4  
5 **MR. ANSON:** Thank you, Madam Chair. I tend to agree with  
6 comments that Doug had made that, if you put this in the  
7 document and start analyzing it and looking at potential options  
8 and things, it elevates it. It recognizes the comments from the  
9 Law Enforcement Committee, and so there may not be any low-  
10 hanging fruit there, and it may be something that is just an  
11 outreach issue, but it is concerning that, if in fact there are  
12 folks that are submitting landing reports before they even leave  
13 the dock, they have a pretty good crystal ball, in my book, and  
14 that kind of circumvents some of the basic tenets of the  
15 program, in my mind, and so I think we ought to look into this,  
16 and I'm going to support the motion.

17  
18 **CHAIRMAN BOSARGE:** Dr. Crabtree.

19  
20 **DR. CRABTREE:** So we are using some of the cost recovery fees to  
21 pay for auditors in law enforcement, and I know we're doing more  
22 of that now than they have in the past, and this is the kind of  
23 thing, I think, that the auditors could look into, and then we  
24 can determine how much of a problem it is and a strategy for  
25 trying to deal with it.

26  
27 We have had, over the years, lots of investigations and cases in  
28 the IFQ fishery, but I think they are usually looking for  
29 patterns of behaviors and not just that the notification was  
30 off, but that people in fact, when they hit the dock, were not  
31 reporting the catches and those types of behaviors.

32  
33 **CHAIRMAN BOSARGE:** Mr. Swindell.

34  
35 **MR. SWINDELL:** The way I read this motion from the advisory  
36 panel, they're just saying, hey, we think you need to have an  
37 action to address this issue. Whether we want to try to address  
38 it today or in a later Reef Fish Committee meeting, I think  
39 they're not saying what to do. They're just saying, hey, we  
40 think there ought to be something to address it. Thank you. I  
41 have no trouble with the motion, but, as I look at it, it means  
42 almost nothing other than for us to address it.

43  
44 **CHAIRMAN BOSARGE:** Mr. Sanchez.

45  
46 **MR. SANCHEZ:** I am not going to be in support of this, because,  
47 I mean, for quota management, we use reported landings and not  
48 hail-ins, and we heard a myriad of explanations during public

1 testimony of how rough weather and this and that -- It's hard to  
2 estimate exactly what -- Now, granted, if there is egregious  
3 things, I think there is other ways to address this, but, again,  
4 we're focusing on reported landings and not hail-ins, and so I  
5 think I'm going to not be in favor of this.

6

7 **CHAIRMAN BOSARGE:** I had Dr. Stunz and then Mr. Boyd.

8

9 **DR. STUNZ:** Well, I support this motion, and some of my  
10 colleagues, Doug and Dale and Kevin, made most of my points, but  
11 what it really boils down to, to me, at this point is that the  
12 law enforcement is concerned, and so that makes me concerned. I  
13 think, by leaving it in, it does elevate that matter to at least  
14 we can consider it and look at it. Of course, if we decide that  
15 later down the line that maybe it's not as appropriate anymore,  
16 that's fine, but it's a concern now for law enforcement, which I  
17 think should make the council concerned.

18

19 **CHAIRMAN BOSARGE:** Mr. Boyd.

20

21 **MR. BOYD:** I mentioned in the Reef Fish Committee that what I  
22 would like to see happen over time, in talking about this, is  
23 that we ask the law enforcement representative from each state,  
24 as we go along to meetings, to speak to this and see if it is a  
25 problem in their state.

26

27 There was a general consensus at the law enforcement meeting  
28 that there was a concern, but I don't -- It was a general  
29 consensus and a vote, and it wasn't each individual person  
30 giving examples, and so it may not be as big as I think it might  
31 be, and so I'm in favor of it. Thank you.

32

33 **CHAIRMAN BOSARGE:** Dr. Crabtree.

34

35 **DR. CRABTREE:** Well, I'm going to meet with NOAA Law Enforcement  
36 when we get back to the office and talk to them, but, the  
37 conversations I've had, I got the impression that this was not a  
38 real concern with them, but we'll talk to them. The other thing  
39 though is, if you pass this motion, I don't know what this  
40 really means. It's so vague that I don't know what it is you  
41 would want staff to then put into the amendment, because this  
42 doesn't -- This is not something, to me, that would translate  
43 easily into an action and alternatives.

44

45 **CHAIRMAN BOSARGE:** Dr. Mickle.

46

47 **DR. MICKLE:** Listening to these discussions and hearing -- At  
48 this point, it sounds like this may not even be a problem. I

1 feel like we're searching for a problem. In a lot of ways, I  
2 think I need more justification that this is a problem to  
3 support, and I just don't see another way to say it. It sounds  
4 like Roy is going to circle back and get a little bit more  
5 focused discussion on this topic. Sometimes when topics are  
6 mixed in with lots of other topics, they can be emphasized a  
7 little heavier than they may actually be, and so, at this point,  
8 there's not enough information -- We're not providing enough  
9 information to staff to pursue a methodology to approach this.

10  
11 **CHAIRMAN BOSARGE:** Mr. Riechers.

12  
13 **MR. RIECHERS:** Paul, I appreciate that sentiment. I will say  
14 this, just so that we're at least somewhat clear, but I think it  
15 was one of our law enforcement officers that brought this  
16 forward to the LEC/LETC, and we had some confirmation with some  
17 law enforcement officers from at least one other state, and I  
18 don't know what NOAA LE is going to say about it, but certainly  
19 the state folks are the ones intercepting, at least from a  
20 numbers perspective, probably more of those intercepts on IFQs  
21 than other folks.

22  
23 I don't know that it's a problem across all states, and I don't  
24 know that it's a problem even in our state, but it certainly  
25 raised the notion that, if you're reporting landings as you  
26 hail-in and then your IFQ report is considerably lower than  
27 that, from a percentage perspective, what -- I mean, it raises  
28 the eyebrows of what might have occurred.

29  
30 Like I said, I think this is an exploratory effort at this point  
31 to find out both the scope of the problem, and you all shared  
32 some data that said it may be, within the big picture of  
33 everything, not really a problem, but it could be that, within  
34 that big picture, we're also hiding some of the things that  
35 might be going on in certain locations or certain locales or  
36 with certain individuals, and so I think the whole -- I think  
37 the motion at this point, and including a discussion about it in  
38 a scoping document, is certainly a reasonable approach, so that  
39 at least we kind of give it the light of day and have a  
40 discussion about it and let LE go back and look at it in each of  
41 the five states and look to see whether we think there's  
42 anything to do here or whether it's just an education and  
43 outreach approach, and it may very well be that, and hopefully  
44 that's what it is.

45  
46 **CHAIRMAN BOSARGE:** I am going to weigh-in, just for a second. I  
47 think my preference here, before I lay anything else on staff's  
48 shoulders to develop for us, after what we've put on them

1 already, and we just told them we wanted that carryover hurried  
2 up, so that we can get that in place, and we've got hurry up on  
3 state management and get it all done, and, this particular thing  
4 -- I think, me personally, the way I would like to handle it is  
5 to have NOAA OLE give us some feedback on this.

6  
7 Let Roy or whoever get with them, because they're the ones that  
8 are going to be able to look at it and see if there is a  
9 pattern, and I think that's the key. If you see a pattern, then  
10 you've got to -- Yes, you need to address it, but, if you don't  
11 see a pattern, then, going down this path, essentially what  
12 you're doing is, when you have commercial fishermen out there,  
13 like the one lady that came up and spoke and she -- The  
14 gentleman too that said, you know, look, I'm trying, and I am  
15 ballparking it, and I'm doing my best, but I'm on a moving  
16 vessel with a hanging scale and a basket on it, and so it's not  
17 perfect. I may be fifteen pounds off on every basket, and then  
18 you add that up, basket-by-basket, and I have seen those penalty  
19 schedules, and I don't remember seeing any penalties that --  
20 Most of those penalties are four figures and up, and so you're  
21 not talking about chump-change here.

22  
23 I hate to penalize people in the thousands of dollars realm for  
24 an estimation error when it wasn't really a problem. In other  
25 words, we're going to penalize those people that are trying to  
26 get pretty accurate records instead of actually going after who  
27 we, I think, are wanting to go at, which would be somebody with  
28 a pattern of this, over and over, and they're very far off what  
29 they said they were going to land, 100 percent off, and those  
30 are the people that you want to go after, but how big of a  
31 problem is that, and so, before we put something on staff and go  
32 down the road of adding four-figure fines to people that are out  
33 there already hailing-in and hailing-out and trying to give you  
34 an estimate of their landings, and they've got a tracking device  
35 on their boat at all times, so law enforcement knows exactly  
36 where they're at, and they begged us, as a council, to please  
37 give them a two-hour notification, because they are in go-fast  
38 boats, and we said, I'm sorry, but that's too burdensome on law  
39 enforcement and law enforcement really needs three hours ahead  
40 of time of when you're going to be at the dock, and they said,  
41 well, you know, dang-it, we're sitting out there in bad weather  
42 because we can't hit that dock until that three-hour notice is  
43 up or we'll get in trouble.

44  
45 I think there is two sides to this coin, and I would rather let  
46 OLE give us some feedback before we start any kind of document  
47 on this. I think they're pretty heavily regulated, and so I  
48 would like to see how bad the problem is before we start

1 anything. Sorry if I got a little passionate about it. I think  
2 I had maybe Ms. Guyas with her hand up.

3  
4 **MS. GUYAS:** I was just going to say that -- I think I raised  
5 this in committee, but I asked our law enforcement about this,  
6 and they said this is an issue from time to time, and I asked if  
7 they had any ideas about how to deal with it, and nothing off  
8 the top of their head, but, if the council is interested in  
9 looking at it, then that would be something that we would be  
10 interested in, and so I'm going to support this motion.

11  
12 **CHAIRMAN BOSARGE:** All right. Any further discussion? **All**  
13 **those in favor, signify by raising your hand.**

14  
15 **EXECUTIVE DIRECTOR GREGORY:** Nine.

16  
17 **CHAIRMAN BOSARGE:** All those opposed, same sign.

18  
19 **EXECUTIVE DIRECTOR GREGORY:** Seven. **The motion passes nine to**  
20 **seven.**

21  
22 **CHAIRMAN BOSARGE:** Does staff need further feedback then?

23  
24 **EXECUTIVE DIRECTOR GREGORY:** No.

25  
26 **CHAIRMAN BOSARGE:** Okay. Some staff says they're good and some  
27 staff says not good. Okay. Chairman Greene.

28  
29 **MR. GREENE:** Options Paper, Framework Action for Greater  
30 Amberjack Recreational Bag Limits, Seasonal Quotas, and  
31 Commercial Trip Limits, Tab B, Number 10, staff reviewed a draft  
32 options paper, Tab B, Number 10, that considers options to  
33 modify the recreational bag limit, establish seasonal quotas for  
34 the recreational sector, and considers reductions to the  
35 commercial trip limit.

36  
37 The committee reviewed the draft document and considered the  
38 range of options within each action. The committee was  
39 satisfied with the range of options, but requested additional  
40 analyses that combine potential changes in bag limits and split  
41 quotas relative to the season length required to harvest the  
42 recreational quota. Staff will complete the additional analyses  
43 to be reviewed at the next council meeting.

44  
45 Amendment 41, Allocation-Based Management for Federally  
46 Permitted Charter Vessels, Tab B, Number 12, Amendment 42, Reef  
47 Fish Management for Headboat Survey Vessels, Tab B, Number 11,  
48 staff presented Actions 4 and 6 in Amendment 41 to provide

1 context for the National Marine Fisheries Service decision tools  
2 on quota distribution.  
3  
4 Dr. Jessica Stephen presented the red snapper decision tool for  
5 Amendment 41 and the decision tool for Amendment 42. For  
6 Amendment 41, Dr. Stephen presented scenarios from Actions 4 and  
7 6 and the resulting quota distributions for red snapper, greater  
8 amberjack, gray triggerfish, gag, and red grouper.  
9  
10 For Amendment 42, Dr. Stephen presented scenarios from Actions 5  
11 and 7 and the resulting quota distributions for red snapper,  
12 greater amberjack, gray triggerfish, gag, and red grouper. The  
13 committee requested that the decision tools for Amendments 41  
14 and 42 be presented to the advisory panels.  
15  
16 SSC Summary Report, Tab B, Number 13, Dr. Barbieri summarized  
17 items reviewed by the SSC that have not been discussed elsewhere  
18 on the agenda.  
19  
20 National Marine Fisheries Science Center staff reviewed the  
21 current status of a stock prioritization spreadsheet, which  
22 ranks stocks based on twelve prioritization factors. The  
23 spreadsheet is still under development.  
24  
25 The SSC recommended that shrimp be excluded from the  
26 spreadsheet, because shrimp is an annual stock. Ms. Leann  
27 Bosarge added that the economic value of the shrimp fishery is  
28 so large that it dwarfs all the other stocks.  
29  
30 The SSC received a presentation on the status of the MRIP  
31 Fishing Effort Survey, which has replaced the telephone survey  
32 as the effort gathering portion of MRIP. Effort estimates from  
33 the FES are three to six times higher than with the telephone  
34 survey. Recalibrated catch estimates will be available by July  
35 1 for use in stock assessments.  
36  
37 Dr. Barbieri noted that the precision of the FES is much tighter  
38 than for the telephone survey, which should lead to more  
39 accurate estimates. Robin Riechers added that although Texas  
40 does not participate in MRIP, it had been asked to participate  
41 in a recalibration survey. However, he did not have any  
42 information on the methodology or results.  
43  
44 The SSC received a presentation from Dr. Steve Murawski on a  
45 program to map and characterize the sea bottom habitat on the  
46 West Florida Shelf. This survey makes use of underwater camera  
47 arrays plus scientific echo sounders. The SSC felt that the  
48 presentation was very interesting and helpful in sharing new

1 techniques.

2  
3 Steven Atran added that, under Other Business, the SSC was  
4 presented with a paper written by Jakob Tetzloff. The paper  
5 evaluated changes in assumptions about selectivity and  
6 recreational discard mortality on projections and found that the  
7 projections were sensitive to those assumptions.

8  
9 The SSC requested that those changes in assumptions be evaluated  
10 as sensitivity runs in the upcoming SEDAR 52 red snapper  
11 assessment. Mr. Atran indicated that the assessment scientist,  
12 Jeff Isely, was at the SSC meeting and received the request  
13 verbally, but he would follow up with a written request. A  
14 council member asked that the request include information on  
15 discard mortality rates with venting and descending tools  
16 discussed during the Sustainable Fisheries Committee. Madam  
17 Chair, this concludes my second-to-last committee report.

18  
19 **CHAIRMAN BOSARGE:** All right. Anything else for Reef Fish? Mr.  
20 Diaz.

21  
22 **MR. DIAZ:** Yes, ma'am, and thank you, Madam Chair. I would like  
23 to try to start a discussion here at the end of Reef Fish.  
24 During public testimony yesterday, there were several charter  
25 boat fishermen that asked us to try to modify their ACT, and I  
26 think they have a valid reason to ask for that.

27  
28 Last year, and I want to say it was in the August meeting, but  
29 it could have been a different meeting, but we passed a motion  
30 to start a framework action to modify the red snapper ACTs for  
31 the private recreational and the for-hire component. We have a  
32 vehicle, a document, that we've started to accomplish this, and  
33 I personally think we need to try to do something for these  
34 charter boat folks.

35  
36 In 2015, they caught 87 percent of their ACT. Not their ACL,  
37 but ACT. In 2016, they caught 88 percent of their ACT. In  
38 2017, they caught almost 95 percent of their ACT, and so these  
39 guys have been fishing for three years with a 20 percent ACT,  
40 and they have not hit it in three years.

41  
42 Anyway, I am going to see if there's any other discussion. If  
43 there's not, I might talk some more, but I will see how other  
44 folks on the council feel about that and what options and how  
45 fast they -- I will see what other folks think about it. Thank  
46 you, Madam Chair.

47  
48 **CHAIRMAN BOSARGE:** I have Mr. Banks and then Dr. Shipp.

1  
2 **MR. BANKS:** Thank you, Madam Chair, and I agree with you, Dale,  
3 and I remember that you and I worked on that, sort of in  
4 concert, back a year or so ago. I believe we do need to do  
5 something. My concern with what we did at that point had to do  
6 with I think Roy's concern of anything we do for the charter  
7 would spill over into the private rec situation, and we may have  
8 to reduce their ACT, but is there anything -- I guess where I'm  
9 going is there anything we can do without this whole document in  
10 just changing the buffer for them? Is that possible? That's  
11 what I would like to see, is a reduction in that 20 percent  
12 buffer for that sub-sector, and is that where you were going,  
13 Dale?

14  
15 **MR. DIAZ:** That's exactly where I'm going. The document that we  
16 were working on I think is too complicated for what we want to  
17 try to accomplish. If we were to move forward with that  
18 document, I would want us to bring us back an option that's very  
19 simple and just have just some reductions, maybe a 5 percent  
20 reduction or a 10 percent or a 15, but just give us some options  
21 and then us pick one of those options and try to move forward,  
22 maybe, is what I am thinking, but I think you're right.

23  
24 I believe, in past discussions, and Dr. Crabtree might weigh-in  
25 on this, but I think we said that, basically, if we do something  
26 for one sector, we're going to have to basically do it for both,  
27 and so, long-term, I could see where that might be a problem for  
28 the buffer after the EFP is in, if we don't implement these  
29 private recreational plans, and there might be ways to deal with  
30 that. I've got an idea of how we could potentially deal with  
31 that, and so that's exactly what I would like to do, Patrick.  
32 Thank you.

33  
34 **CHAIRMAN BOSARGE:** Dr. Shipp.

35  
36 **DR. SHIPP:** I think both Patrick and Dale have articulated my  
37 sentiments. We definitely need to do something. The 20 percent  
38 buffer is -- It just seems to be too much, given their catch  
39 history over the past three years.

40  
41 **CHAIRMAN BOSARGE:** Mr. Boyd and then Dr. Crabtree.

42  
43 **MR. BOYD:** Just a question and a comment. If they are under  
44 their catch with a 20 percent buffer, does that mean that they  
45 were overallocated?

46  
47 **CHAIRMAN BOSARGE:** Mr. Greene.

48

1 **MR. GREENE:** You give me the days, and I will put the fish on  
2 the dock, Mr. Boyd. There is no doubt about it.

3  
4 **MR. BOYD:** Well, history says that we aren't, and I'm just  
5 saying.

6  
7 **CHAIRMAN BOSARGE:** Okay, and so I skipped Dr. Mickle, and so I'm  
8 going to go to him.

9  
10 **DR. MICKLE:** I don't really want to follow that. To not that  
11 point, but Dale and I have talked about this. We talked about  
12 it a little bit yesterday, and there is two very clear options.  
13 The catch rates obviously could be adjusted, and that's faster,  
14 and that's through the quantitative process, or we go down this  
15 road in the amendment, and so the doing it to both sectors is  
16 tough to do, because the for-hire sector's data is so much more  
17 accurate. I don't think anyone is going to argue with me with  
18 that. I mean, they've done their due diligence, and their data  
19 is more accurate. Let the scientific process take deep roots in  
20 the daily catch rate, and I think Roy is going next, and so I  
21 don't know if I teed it up or not, and so thank you.

22  
23 **DR. CRABTREE:** Well, first off, I don't think this says anything  
24 about anybody being under or overallocated. I would agree that,  
25 on the basis of the performance of the for-hire fishery relative  
26 to their ACLs, you can make a good case that we don't need as  
27 big of a buffer as we have, because their catches, for a variety  
28 of reasons, are much more predictable than the private sector.  
29 One of the biggest parts of those reasons is because they can  
30 only fish in the federal season, and we don't have to deal with  
31 all the vagaries of what the states are going to do.

32  
33 The difficulty with all of this, of course, is that we have, in  
34 recent years, gone over on the private recreational side, and so  
35 the concern earlier was, yes, you have a good reason to say the  
36 for-hire side's buffer is too big, but I think you have equal  
37 record supporting that the private sector's buffer is  
38 potentially too small.

39  
40 When we had these discussions before, no one envisioned that we  
41 would be where we are today with the exempted fishing permits,  
42 and so we've really changed the whole basis of how we manage the  
43 private component of the fishery, and we'll see how that pans  
44 out.

45  
46 It seems to me that you have two ways to go to address this with  
47 the for-hire guys, and one would be to reduce their buffer to  
48 say 10 percent, and the other way to go with it though is to

1 finish the carryover amendment. Then, if they leave 20 percent  
2 on the table, it gets added to their quota the next year, and so  
3 they get to catch it, and I think the net effect of reducing  
4 their buffer or carrying over what they didn't catch is the  
5 same.

6  
7 I think carrying over what they didn't catch in fact would give  
8 them more fish, but I haven't done the calculations to see if  
9 that's the case. How this all fits together at the end of the  
10 day is hard to foresee, and, if we were to end up going over the  
11 overall ACL this year with the EFPs and all, I don't know how  
12 all of that connects, but I think there are two ways to address  
13 it.

14  
15 One is the carryover that we're putting in place, but you could  
16 come in, I guess, and look at the buffer, and I can't argue with  
17 you that their buffer can't be reduced. I think it clearly can,  
18 and the states have basically reduced the buffer on the private  
19 side down to 10 percent.

20  
21 **CHAIRMAN BOSARGE:** Mr. Riechers.

22  
23 **MR. RIECHERS:** I am kind of in line with Paul here. I mean, I  
24 think this is -- Now that you've had enough data in the last  
25 three years, what you're really after is the 5 percent underage  
26 on the buffer, and so what you're trying to ask to do is close  
27 that gap, and I would think, possibly, with projections, you now  
28 might be able to refine those projections a little bit, to where  
29 you have a little less of that.

30  
31 Now, all that being said, a good weather day or a bad weather  
32 day here or there can change that calculation pretty quickly  
33 towards the end of the season, and so I understand that's not  
34 easy, but I think the easiest way may be just in looking hard at  
35 that projection vehicle and see if there is room to modify that  
36 a little bit and get a little closer to that catch target,  
37 basically, is what you're trying to do.

38  
39 **CHAIRMAN BOSARGE:** To that point, Dr. Crabtree?

40  
41 **DR. CRABTREE:** Yes, and, I mean, the projections are pretty  
42 good, but they can't predict that we're going to have a tropical  
43 storm come through, but I don't think it's just an issue of the  
44 amount they were below the ACT. I think there is the issue of  
45 the buffer itself, and that the carryover can address,  
46 effectively, because, if we hit the ACT right on the nose, there  
47 is still that 20 percent that we didn't catch, and, if you  
48 carried that over to the next year, then their sub-quota would

1 be 20 percent higher, and so I think that would effectively deal  
2 with it.

3  
4 **CHAIRMAN BOSARGE:** I don't know about that carryover thing  
5 though, Dr. Crabtree, because what was the total ACL landed for  
6 both for-hire and private anglers last year? I think it was  
7 like a-hundred-and-forty-something percent of the ACL, and so  
8 there wouldn't be a carryover for the for-hire, because it's  
9 been eaten up. Do you see what I'm saying?

10  
11 Now, we hope that that's going to change under these EFPs and  
12 that they're going to stay closer to those allocations and those  
13 quotas, but there's a lot of ifs with that carry forward, and I  
14 would like to see some adjustment to the buffer. That's a whole  
15 lot more sure that you're probably going to get to fish a few  
16 more days and not have to worry that something else doesn't go  
17 wrong in some other component that keeps you from being able to  
18 carry something forward.

19  
20 **DR. CRABTREE:** Well, I think that's fair enough, and then the  
21 two components are fishing under one quota, and, until Congress  
22 changes the statute, we're stuck with that. Then you've got to  
23 recognize that, if we get to the end of this year, and, under  
24 the EFPs, we go over the private ACT, then we're going to have  
25 to come in and re-look at the buffers in the EFPs and put a  
26 larger cushion in place to keep that from happening again.

27  
28 **CHAIRMAN BOSARGE:** I have Mr. Sanchez.

29  
30 **MR. SANCHEZ:** Thank you. It's just amazing to hear that, this  
31 allocation-driven argument. I know MRIP numbers are coming out,  
32 and there is probably going to be an attempt to recalibrate  
33 numbers and reallocate, when in fact what we're essentially  
34 doing then is rewarding arguably bad behavior with overages and  
35 penalizing people with underages who, if they had the days, they  
36 could clearly catch the fish.

37  
38 I just don't get it, and then, a few years back, we had some  
39 pushes to do something essentially -- Not exactly similar, but  
40 to look at leftover underages of recreational catches of  
41 mackerel, and we thought, hey, these are underutilized  
42 resources, and we're supposed to maximize some of these benefits  
43 to the nation, and let's put them over to the group that is  
44 filling their quota, and that was shot down when it was going  
45 the other way, but now it seems to be advocated that we need  
46 these and you're not fishing them. We're not fishing them  
47 because of regulation. If not, the charter/for-hire would be  
48 able to catch these fish.

1  
2 **CHAIRMAN BOSARGE:** Mr. Diaz.  
3  
4 **MR. DIAZ:** In listening, there is some good discussion around  
5 the table right now. I would just like for us to move forward  
6 in a fashion where we know the charter/for-hire is going to get  
7 a better shake than they've been getting. If we don't move on  
8 adjusting the ACT, I am worried that some things might happen  
9 where they don't get a better shake.  
10  
11 **I would like to make a motion that for the June meeting that the**  
12 **staff bring back the framework action that is currently**  
13 **developed to us and add an option, a simple option, with some**  
14 **percentages for us to consider.**  
15  
16 **CHAIRMAN BOSARGE:** All right. Is that your motion, Mr. Diaz?  
17  
18 **MR. DIAZ:** Yes, ma'am.  
19  
20 **CHAIRMAN BOSARGE:** Okay. Is there a second to the motion? It's  
21 seconded by Mr. Sanchez. All right. I still had a few people  
22 on the list, but, if you want to be skipped now that there's a  
23 motion on the board, you just let me know. Next, I had Mr.  
24 Greene.  
25  
26 **MR. GREENE:** My comment is not really related to the motion on  
27 the board, but, if we could pick it back up afterward, I would  
28 appreciate it.  
29  
30 **CHAIRMAN BOSARGE:** Okay. Then I had Ms. Guyas, I believe.  
31 You're good? Okay. Then Mr. Anson.  
32  
33 **MR. ANSON:** Thank you, Madam Chair. Most of my comments were  
34 not associated with the motion, but I think one of them -- No,  
35 it's not really related to the motion either.  
36  
37 **CHAIRMAN BOSARGE:** Mr. Banks.  
38  
39 **MR. BANKS:** I just have a question. Could we go ahead and vote  
40 to change the buffer, or do we have to go through this process  
41 where we add it into an amendment and do an analysis and all of  
42 that, or can we simply just change it?  
43  
44 **CHAIRMAN BOSARGE:** Ms. Levy.  
45  
46 **MS. LEVY:** Well, essentially, you are changing the annual catch  
47 target, and so we have an overall recreational quota that is  
48 reduced 20 percent, and then we have the individual quotas that

1 are also reduced 20 percent, and so you would have to go through  
2 the process of establishing a different annual catch target both  
3 for the overall and then the sub-components.

4  
5 **CHAIRMAN BOSARGE:** Can somebody remind me how many actions were  
6 there in that document? It might be Mr. Rindone. Were you the  
7 lead staff on that document?

8  
9 **MR. RINDONE:** In the old one, there was one. It just had a  
10 whole bunch of options in it, and I admit that they were not as  
11 straightforward as just pick a percent.

12  
13 **CHAIRMAN BOSARGE:** Dr. Simmons.

14  
15 **DR. SIMMONS:** Thank you, Madam Chair. Staff was just trying to  
16 clarify what framework action, and so could you please make sure  
17 that motion is correct for the intent?

18  
19 **CHAIRMAN BOSARGE:** It's the options paper for -- Mr. Rindone, is  
20 that the right name for that document?

21  
22 **MR. RINDONE:** It's Framework Action to Modify Recreational Red  
23 Snapper ACT Buffers. I mean, I know what it is, but that makes  
24 it really clear to anybody else, too.

25  
26 **CHAIRMAN BOSARGE:** Perfect. Thank you. I guess my question  
27 would be to Ms. Levy. Is that the way we need to do this? The  
28 discussion around the table has been for the for-hire component,  
29 and do we need to bring a document with both components, to have  
30 a full range? Is that what we have to do?

31  
32 **MS. LEVY:** Well, maybe. I mean, the issue is the way that it's  
33 set up now is the -- There is a total quota or annual catch  
34 limit that has a 20 percent buffer reduced, and then there is  
35 the components that have a 20 percent buffer, and so they are  
36 linked. They are linked together by the overall that's reduced,  
37 and then each one has its own quota that's reduced, and so we're  
38 going to have to make the totals work, and I haven't really  
39 thought about how to do that without looking at them both. I  
40 mean, I know what your intent is. You want to look at the for-  
41 hire only, but they're kind of linked, and so I would have to  
42 think about how to do that.

43  
44 **CHAIRMAN BOSARGE:** Mr. Diaz.

45  
46 **MR. DIAZ:** My intention would be to give staff the editorial  
47 license to set this document up in a way where we can actually  
48 take an action on it.

1  
2 **CHAIRMAN BOSARGE:** All right. I am going to circle back around,  
3 just to make sure. Mr. Greene, are you still good for now?  
4 Okay. Mr. Diaz.  
5  
6 **MR. DIAZ:** I will wait.  
7  
8 **CHAIRMAN BOSARGE:** Okay. We're going to vote on the motion, if  
9 there is no further discussion. **All those in favor of the**  
10 **motion, signify by saying aye; all those opposed same sign. The**  
11 **motion carries.** Mr. Diaz.  
12  
13 **MR. DIAZ:** I am kind of thinking out loud here, but, the way  
14 this motion is set up, the best that could happen is we work  
15 this through the system and it could impact 2019, but is there  
16 any way that we could adjust this buffer to impact 2018? That  
17 would be my question. I am thinking emergency rules, and I  
18 jotted down that we said that we need new and unforeseen  
19 information for an emergency rule, and so, Dr. Crabtree, is  
20 there any way?  
21  
22 **DR. CRABTREE:** No, I don't think so. I don't think there is any  
23 new or unforeseen information. This has happened for several  
24 years now, and I can just tell you that I couldn't get an  
25 emergency rule done in time to do it, and so I don't think there  
26 is anything that can be done this year.  
27  
28 **CHAIRMAN BOSARGE:** Remind me. Did all the states go to a 10  
29 percent buffer? I don't know. Did they all with the EFPs?  
30  
31 **DR. CRABTREE:** I know at least four of them did, and I'm not  
32 sure if everyone did.  
33  
34 **CHAIRMAN BOSARGE:** Okay. I had Dr. Mickle next.  
35  
36 **DR. MICKLE:** I am thinking out loud, and I am probably just  
37 going to ask a question, and I think the answer will clarify a  
38 lot of the discussion. Dale's inquiry just a second ago about  
39 is there emergency provisions capabilities in this potential  
40 action, I would say that I would like, as a scientist, to look  
41 at the review process of the catch rates that NMFS calculates  
42 the fifty-one days, and I'm pretty sure we've done that on the  
43 council, but I like to argue science a lot.  
44  
45 I enjoy it, and I think I could argue that the best science,  
46 with the data accuracies that have increased in certain time  
47 stretches -- I don't know, but I feel like the SSC could do it  
48 really well, and maybe just looking at the nuts and bolts could

1 get it done faster using science, and I think we should reward  
2 sectors that report good data, and there should be a benefit to  
3 that, and so I'm very in favor of just getting into the weeds of  
4 the science, or allowing the SSC to get in the weeds of it, but,  
5 anyway, is that possible? I see that as a faster route, and try  
6 to talk me out of it.

7

8 **CHAIRMAN BOSARGE:** Dr. Crabtree.

9

10 **DR. CRABTREE:** Well, there is an analysis that looks at the  
11 season length projections, and so they can look at that, but I  
12 don't think that's going to get you where you're trying to go,  
13 but that's done. People can look at it.

14

15 **CHAIRMAN BOSARGE:** Mr. Swindell.

16

17 **MR. SWINDELL:** Somewhere in here, we have an MSY for this  
18 fishery, and even for the sector, and we have an OY somewhere  
19 within this, and the actual catch limit is somewhere within  
20 this, and now we're going to the actual catch target, and so we  
21 keep reducing and reducing and reducing, and the buffer is just  
22 a further reduction.

23

24 Somewhere along the line, we ought to have a system where it  
25 allows us to make easy adjustments every year, and I don't know  
26 how to establish that, but, evidently, we're not going to be  
27 able to do it. Like we're saying right now, if they didn't  
28 catch the limit, even up to the 20 percent buffer, good lord, we  
29 ought to -- Some way or another, we need to be able to quickly  
30 adjust with all these buffers that we've got in the plan. Thank  
31 you.

32

33 **CHAIRMAN BOSARGE:** To that point?

34

35 **DR. CRABTREE:** Well, the complication is we're exceeding all of  
36 those numbers, and that's what makes it -- We have a process to  
37 make quick changes to the buffers, but the problem is we've gone  
38 over the ACL for the last couple of years, for a variety of  
39 reasons, and that's what makes this tricky.

40

41 **MR. SWINDELL:** You mean the total ACL for the fishery?

42

43 **DR. CRABTREE:** The recreational sector, for the last two years,  
44 has exceeded the annual catch limit, and remember the for-hire  
45 component is part of the recreational sector, and so we've got a  
46 problem where -- Yes, you can argue the for-hire guys could have  
47 caught more, but the problem is the private sector has gone way  
48 over, and so it's hard to address one without dealing with the

1 other. Maybe the EFPs will effectively do that, but we don't  
2 know yet.

3

4 **CHAIRMAN BOSARGE:** Mr. Greene.

5

6 **MR. GREENE:** Well, that kind of gets to the crux of what I was  
7 going to bring up earlier, is that the private recreational  
8 sector has remained under quota for the last three years. As  
9 that becomes available through the wave landings, the current  
10 landings and all, some seasons have been extended to allow for  
11 the harvest, to make sure that it's all caught up.

12

13 You had a sub-sector specific quota that is there, and it's not  
14 being harvested to the best of our ability, but it's getting  
15 gobbled up by the recreational overage, and that becomes the  
16 problem, because there is no way for us to have the biological  
17 benefit of leaving those fish in the water, of us to move  
18 forward to get that.

19

20 Now, I certainly hope that the EFPs will be able to hit their  
21 target and not affect my target, and that is ultimately where  
22 we're trying to get to, because, if we look at it from an  
23 underage rolling forward or something to that effect, we're kind  
24 of -- I know that we're all kind of married and hooked together  
25 here, but this is one of those situations that we just can't get  
26 there from here without making a better estimate reducing the  
27 buffer to get to where we need to go to allow that to happen.

28

29 Now, we've got three years of data moving forward, and we have  
30 the EFP coming, and hopefully that will be the case, but that,  
31 at the end of the day, is the issue that we keep running into.  
32 While the season has increased and things will move forward,  
33 without some type of sub-component specific deal, I don't know  
34 how we get there from here.

35

36 **CHAIRMAN BOSARGE:** I am going to make a comment real quick to  
37 spur some discussion, so that maybe we can figure out what we're  
38 going to do, because we've got to hurry up. You said that we  
39 have to have new information of some sort in order to have some  
40 sort of emergency rule, and I would argue that we have had new  
41 information.

42

43 The sector that had been exceeding its ACT and ACL for the last  
44 three years, at this meeting, we were informed that four, I  
45 guess, out of the five states have a 10 percent buffer, and so  
46 they've had a reduction of their buffer by half, after exceeding  
47 it three years in a row, and they're going to get that for this  
48 year, for this season, for 2018, and so how do we justify not

1 putting in place some sort of emergency rule to at least do the  
2 same for the sector that has consistently stayed under theirs?  
3 Mr. Diaz.

4  
5 **MR. DIAZ:** I just want to go on the record that I agree with  
6 Leann that at least for some states the 10 percent buffer was  
7 new information to me until -- I just learned that a couple of  
8 days ago. Thank you, ma'am.

9  
10 **CHAIRMAN BOSARGE:** Mr. Anson.

11  
12 **MR. ANSON:** I want to go back to a comment that Dr. Crabtree  
13 made and make sure that I understood or heard it correctly. You  
14 had said that -- I think it was in the context of the EFPs and  
15 the private recreational ACTs, but, if the ACTs were exceeded,  
16 that they would have to be relooked at, and maybe readjusted,  
17 based on information that came in for the fishing season. Does  
18 that sound familiar, or do you agree with that, because I always  
19 thought the ultimate goal was not to go over the ACL, and we can  
20 go over the ACT, but, as long as we don't go over the ACL, then  
21 we're fine, but I may have misheard you.

22  
23 **DR. CRABTREE:** No, you're right that the ultimate goal is to not  
24 go over the ACL, but the problem is we have gone over the ACL  
25 for the last two years, and I don't see how the EFPs, or the  
26 fact that we've gone over the ACL, bears on this with it, and I  
27 would urge you that you are going down an unproductive path by  
28 talking about emergency rules in this year, and you're going to  
29 just end up spinning a lot of time and wheels on something that  
30 is going to get us nowhere.

31  
32 We need to focus on -- We have a problem with managing the  
33 private recreational fishery. We need to stop dragging the for-  
34 hire fisheries into it and fix it. The reason we still have  
35 this problem is because we won't deal with it, and so let's fix  
36 it, but creating more work in all of this, because we've let a  
37 problem fester until the last minute, isn't going to get us  
38 anywhere.

39  
40 **CHAIRMAN BOSARGE:** Mr. Gregory and then Mr. Banks.

41  
42 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree, it appears that your  
43 algorithm for estimating how much the for-hire sector will catch  
44 grossly underestimates that, and so could this simply be  
45 resolved in some way by you all revisiting that algorithm and  
46 modifying it so that it gives them some more fish or more days?

47  
48 **DR. CRABTREE:** Well, we can look at it, but we're not grossly

1 underestimating the catch rates. We're coming pretty close to  
2 the ACT, and so it's -- Given the uncertainties of doing this,  
3 it's working reasonably well. Now, I am happy for you to take  
4 the analysis and the way it's done and bring it before the SSC,  
5 and, if they can come up with ways to improve it, then that's  
6 great, and we can redo it, but I don't -- I don't think we're  
7 grossly underestimating anything. We have come out a little  
8 below the ACT, it seems to me, for last year, but --

9  
10 **CHAIRMAN BOSARGE:** Mr. Greene.

11  
12 **MR. GREENE:** Dr. Crabtree, can you manage one sub-component of  
13 that fishery to the ACL and one to the ACT?

14  
15 **DR. CRABTREE:** I don't think you can justify managing either  
16 component to the ACL, but that's what the framework you're going  
17 to do looks at doing, is changing the magnitude of the buffers,  
18 but, if you look at this, we caught 95 percent of the ACT.  
19 That's not grossly undershooting anything. That's remarkably  
20 close. We don't come much closer than that with managing  
21 commercial quotas.

22  
23 **CHAIRMAN BOSARGE:** All right. Any further discussion? You all  
24 want to save it for June? Yes? I am seeing some nods yes, and  
25 so we're going to bring that document back, and we will relive  
26 it again in June. All right. Everybody is excited about it.  
27 Was there anything else for Reef Fish? All right.

28  
29 We've got a little bit of time, but not much. Let's do a ten-  
30 minute break. Wait a minute. Don't get up yet. Let Mr. Mark  
31 Brown give us his report real quick. He wanted to do it, and I  
32 know he's got to leave before eleven o'clock, and so go ahead.

33  
34 **SUPPORTING AGENCIES UPDATE**  
35 **SOUTH ATLANTIC COUNCIL LIAISON**  
36

37 **MR. BROWN:** All right. I will try to do it in one minute. The  
38 South Atlantic Council met in Jekyll Island, Georgia, and we had  
39 discussions on Amendment 43, which will allow for a recreational  
40 and commercial season, and the season would -- It's under  
41 review, and, if we have the season, it will be sometime  
42 hopefully in July, and it would allow for a one fish per person  
43 limit recreationally, with no size limit, and, for the  
44 commercial season, the trip limit would be seventy-five pounds  
45 gutted weight, with no size limit.

46  
47 The council also had Amendment 46, which would be the private  
48 recreational permit, private recreational electronic reporting,

1 and then the required use of best fishing practices and an  
2 adjustment to the powerhead prohibition in the South Atlantic,  
3 which is prohibited off of South Carolina, and either open it up  
4 for that or prohibit it for the entire EEZ.

5  
6 The recreational visioning amendment, Regulatory Amendment 26,  
7 would allow for alternatives for modifying the bag limits for  
8 deepwater species and also for size limits for deepwater species  
9 and triggerfish, and it would streamline the regulations for  
10 anglers and law enforcement and managers. Public hearings are  
11 going on right now, and the commercial visioning amendment,  
12 Regulatory Amendment 27, would also -- That has alternatives for  
13 trip limits and size limits and split seasons, and we've got  
14 public hearings going on for that.

15  
16 For-hire moratorium amendment, the guidance on that would be  
17 with the scoping document, which would be under review and  
18 approved for scoping at the June meeting. Golden tilefish, the  
19 council requested the SSC to revisit the ABC recommendations and  
20 its willingness to accept the risk for overfishing associated  
21 with the ABC of the 362,000 pounds for 2019 and 2020, and the  
22 council's rationale is included in the Snapper Grouper Committee  
23 Report.

24  
25 Red grouper, the staff is to begin an amendment to revise the  
26 rebuilding plan for red grouper and review the amendment in  
27 June. Yellowtail, the council directed staff to work on an  
28 amendment to revise the accountability measures and season  
29 closures for either sector until the total ACL is met.

30  
31 Modifications to the sea turtle release gear, the council  
32 directed staff to continue working on the framework amendment  
33 and conduct scoping and review the comments provided and the  
34 guidance and alternatives at the June meeting.

35  
36 Mackerel and cobia, the council revised the actions in Amendment  
37 31 and retained the alternative to remove Atlantic cobia from  
38 the CMP, and the council directed staff to make the requested  
39 revisions and address the NOAA GC concerns and bring the  
40 document back to the council in June.

41  
42 Spiny lobster, review the scoping comments and provide guidance  
43 on actions and alternatives to analyze the Spiny Lobster  
44 Amendment 13. Habitat and ecosystem-based management, the  
45 council provided the Fishery Ecosystem Management Plan II and  
46 Dashboard Implementation Plan and the two-year roadmap.

47  
48 Citizen science, the council received recommendations from the

1 five Action Teams that are busy developing the program, and the  
2 council agreed that the recommendations were on track and that  
3 they would put the motion by the Actions Teams for the scamp  
4 pilot project in 2018.

5  
6 The for-hire recreational reporting, the council received an  
7 update on the amendment, and the Notice of Availability will be  
8 published, and the rule, under the review in Headquarters, is  
9 expected to publish soon.

10  
11 SEDAR, Dr. Werner requested red grouper as the first MRIP  
12 revision assessment, and the council is providing guidance for  
13 the SEDAR Steering Committee. Recommendations for the next king  
14 mackerel assessment to be a standard assessment and request the  
15 Southeast Fisheries Science Center to provide guidance on stocks  
16 to consider for a first benchmark in 2023 and 2024.

17  
18 Then, the ABC control rule, direct staff to work on the  
19 amendment to the Snapper Grouper, Dolphin Wahoo, Golden Crab,  
20 Sargassum, and Coral FMPs to make changes to the ABC control  
21 rule and directed staff to work on amendment changes and in-  
22 season closures for the recreational sector.

23  
24 **CHAIRMAN BOSARGE:** Record time. Thank you, sir. All right.  
25 Thanks for being here, and we loved having you with us. Come  
26 back soon. I know you've got to catch a plane. All right,  
27 council. It's 10:50. Let's take a ten-minute break. At eleven  
28 o'clock, let's start back, sharp.

29  
30 (Whereupon, a brief recess was taken.)

31  
32 **CHAIRMAN BOSARGE:** To get us started, I would like to recognize  
33 Mr. Joe Jewell for just half a second. Mr. Jewell, if you will  
34 come forward. Thank you, sir.

35  
36 **MR. JOE JEWELL:** I see some confused looks. I'm not going to  
37 give a presentation. As you all know, our Executive Director,  
38 Doug Gregory, is going to retire here shortly, and I won't make  
39 his last meeting. I am going to miss the next meeting, and so I  
40 thought, while we're here in Mississippi, that I would present  
41 you with a piece of artwork from a very famous local artist, and  
42 so, if you will come up here, Doug, I will present that to you.

43  
44 I would like to congratulate Doug for all the work he's done  
45 here at the council, and he's certainly been a great help and  
46 asset to me. I have asked him 10,000 questions, and he has  
47 answered 10,000 questions, and so, congratulations, Doug.  
48 (Applause)

1  
2 **EXECUTIVE DIRECTOR GREGORY:** Thank you very much.

3  
4 **MR. JEWELL:** The famous artist is me.

5  
6 **CHAIRMAN BOSARGE:** The famous artist is you?

7  
8 **EXECUTIVE DIRECTOR GREGORY:** Thank you very much. I am honored  
9 by this. It's a pleasure working with everybody. Thank you.

10  
11 **CHAIRMAN BOSARGE:** All right. Thank you, guys. Now, with our  
12 regularly-scheduled agenda, Sustainable Fisheries and Dr.  
13 Mickle.

14  
15 **COMMITTEE REPORTS (CONTINUED)**  
16 **SUSTAINABLE FISHERIES COMMITTEE REPORT**

17  
18 **DR. MICKLE:** Thank you, Madam Chair. The agenda was approved  
19 with the addition of an item under Other Business, and the  
20 minutes of the January 29, 2018 committee meeting were approved  
21 as written.

22  
23 Revised Policy Statement on the Use of Descending Tools and  
24 Venting Devices, Tab E, Number 4, staff reviewed revisions to  
25 the draft policy statement. At the chairman's invitation,  
26 Captain Dylan Hubbard explained that for large groupers and  
27 amberjack, thirty to fifty pounds, the venting tools currently  
28 available are too small to adequately vent the fish.

29  
30 Captain Hubbard had a machinist create larger venting tools out  
31 of aluminum rods. While more effective, they left a large hole  
32 in the fish. He found the most effective tool for venting these  
33 larger fish was a thin knife, where he could control the amount  
34 of penetration into the fish using his thumb.

35  
36 Dr. Stunz felt that the policy and purpose statements could be  
37 revised to better indicate the rationale and presented proposed  
38 revisions to help clarify the statements.

39  
40 Suggested Revisions to the Gulf Council Policy Statement. The  
41 Gulf of Mexico Fishery Management Council strongly encourages  
42 the use of descending devices and/or venting tools as  
43 appropriate when releasing deepwater fish, such as snappers,  
44 groupers and other reef fish, whenever necessary. Proper and  
45 widespread use can significantly increase the likelihood of  
46 survival of released fish and, in turn, contribute to the  
47 overall stock productivity and sustainability. As such,  
48 decreased levels of fishing mortality through higher

1 survivorship of released fish should lead to increased fish  
2 population abundance.

3  
4 Suggested Revisions to the Gulf Council Purpose Statement. Add  
5 as last sentence: Implementation of the council's policy on the  
6 use of descending devices and venting tools is intended to  
7 reduce bycatch and discard mortality, which may lead to  
8 increases in abundance and eventually higher allowable catch  
9 limits.

10  
11 **Without opposition, the committee recommends, and I so move, to**  
12 **accept the suggested revisions to the Gulf Council Policy**  
13 **Statement and the Gulf Council Purpose Statement. Madam Chair.**

14  
15 **CHAIRMAN BOSARGE:** We have a committee motion. Is there  
16 discussion on the motion? Dr. Stunz.

17  
18 **DR. STUNZ:** I have a substitute motion that I would like to  
19 offer for this to clarify a few things, please, and I have  
20 emailed that to staff, and so if you could bring that up, and I  
21 will give some rationale, if I get a second. It's really the  
22 same exact motion with adding five words to that, which were  
23 removed, but I have slightly tweaked that a little bit, I think  
24 to make it more palatable.

25  
26 That is the same motion as we heard in public testimony from  
27 some of the other groups that are real passionate about this  
28 document, and I agree, and they feel, and I do too, that they  
29 wanted to keep that in, and so I tweaked the word "should" to  
30 "could" and retained that original text of "and more fishing  
31 opportunities", and so that's the basis of the motion.

32  
33 **CHAIRMAN BOSARGE:** All right. Do we have a second for the  
34 motion? It's seconded by Mr. Dyskow. All right. Is there  
35 discussion on the motion? I think Dr. Stunz has kind of laid it  
36 out there for us pretty well. As long as you feel comfortable  
37 that "could" is in there, and I feel much more comfortable with  
38 the "could" in there.

39  
40 I just didn't want anything to happen where the public had an  
41 expectation of something coming forward and something totally  
42 outside of our control, if the abundance just goes down for some  
43 reason, environmental or whatever else, and they've been using  
44 these devices and thinking they have more fish and more fishing  
45 opportunities coming and then all of a sudden we tell them,  
46 guess, what your quota is going down and we're going to decrease  
47 the ACLs, and so I think that probably addresses it. I think a  
48 lot of it also will have to do that making sure that in the

1 outreach component of this that that's well presented. Any  
2 other discussion? All right. **Seeing none, is there any**  
3 **opposition to the motion? Seeing no opposition, the motion**  
4 **carries.**  
5

6 **DR. STUNZ:** In addition, Madam Chair, I have another motion that  
7 I would like to add in, and I have emailed that to the staff as  
8 well, and it's related to this. It's that motion there, and  
9 there is a little bit of text below it. **Essentially, the motion**  
10 **is to incorporate the text below into the Gulf Council Policy on**  
11 **the Use of Venting Tools and Descending Devices, and it's that**  
12 **text there with the four bullets.** I will be happy to explain  
13 that if I get a second.  
14

15 **CHAIRMAN BOSARGE:** Let me read it for you all. The motion is to  
16 incorporate the text below into the Gulf Council Policy on the  
17 Use of Venting Tools and Descending Devices Outreach and  
18 Monitoring Plan: To measurably and effectively reduce mortality  
19 associated with discarded reef fish, incorporate any new  
20 mortality rates into stock assessments, and potentially increase  
21 abundance of fish populations, it is important to quantify the  
22 use and effectiveness of descending devices and venting tools.  
23 The primary objectives for this council policy coupled with an  
24 outreach and monitoring plan are as follows: 1)Significantly  
25 increase use and effectiveness of safe discarding practices of  
26 fish caught at depths offshore; 2)Substantially decrease discard  
27 mortality of released fish; 3)Develop best practices and  
28 guidelines for most effective methods for releasing fish from  
29 depths; 4)Incorporate measured effectiveness and quantified use  
30 of safe discarding methods and practices into stock assessments  
31 and management measures. Is there a second for the motion?  
32 It's seconded by Dr. Shipp. Is there discussion on the motion?  
33 Dr. Stunz.  
34

35 **DR. STUNZ:** Yes, and I just felt that, in the policy document,  
36 we needed to be a little bit more explicit in terms of where we  
37 were going with this document. In fact, there was actually a  
38 little bit more to this that was developed by a lot of groups  
39 that, as mentioned earlier, wouldn't normally work together, but  
40 they feel passionate or are interested in moving this initiative  
41 forward, and a lot of that, I think, could be built into the  
42 technical outreach committee we have that is set to address  
43 this, I believe in early May.  
44

45 I think those other components could be built into that, but  
46 this really sets the stage to describe really why we're doing  
47 this and what it means, and the reason I am bringing this  
48 forward is because we are dealing with a policy document at this

1 point and not an amendment, and so I feel like it really gets us  
2 where we need to be in the document and what the overall goals  
3 were, and I will kind of stop there, in the interest of time,  
4 but, if there is more discussion, I will be happy to address it.  
5

6 **CHAIRMAN BOSARGE:** Okay. Any further discussion? Mr. Atran.  
7

8 **MR. STEVEN ATRAN:** Just so I'm clear, assuming this passes, the  
9 intent that is that this will be a section that will go into the  
10 document, probably after the purpose statement and before the  
11 background information?  
12

13 **CHAIRMAN BOSARGE:** Dr. Stunz.  
14

15 **DR. STUNZ:** That is correct, Mr. Atran. Really, it would be  
16 where you feel it's appropriate in the document.  
17

18 **CHAIRMAN BOSARGE:** Okay. I have one question. When we first  
19 started down the road of the descending devices and the venting  
20 tools, we were trying to figure out policy or regulation, and I  
21 think you and I, Greg, were on the same page. We wanted  
22 regulations, but we went down this path with the policy.  
23

24 We had a discussion during that about, if it's a policy, then  
25 can you really incorporate it into the stock assessment and into  
26 your management, and management measures, I guess, there could  
27 be to make it a regulation, but incorporating it -- Quantifying  
28 it and incorporating it into the stock assessment when it's not  
29 required, when it's not a regulation, when it's a suggestion,  
30 and we had a lot of discussion around that, and, if it can be  
31 done, that's fine. I just don't want to put something out there  
32 for the public that makes them think that that's possible if  
33 it's not. Dr. Stunz and then Dr. Mickle.  
34

35 **DR. STUNZ:** To that point, Madam Chairwoman, I think, if --  
36 Reading this carefully, at least my intent in some of that text  
37 was that it incorporated the appropriate verbiage in there that  
38 that's an objective. It's not necessarily going to mean that  
39 it's going to happen, but an overall aim or goal of this is that  
40 would be the larger intent, but it does not, by any means,  
41 specify that has to happen.  
42

43 **CHAIRMAN BOSARGE:** Dr. Mickle.  
44

45 **DR. MICKLE:** We're down the road on policy, and Leann brought up  
46 a great point, or Madam Chair brought up a great point, and that  
47 was how are we going to see if this actually is doing what it's  
48 doing and if it will impact a potential stock assessment, and so

1 I don't know what it is, but I just like messing with MRIP, but,  
2 if there could be one tiny little question in an MRIP intercept  
3 of asking did you vent or didn't you vent, it would provide a  
4 huge metric for estimating discard mortality of using this, and  
5 it could carry into some of the research that Dr. Stunz has  
6 already shown us on those metrics of the potential impacts of  
7 that on the stock assessment.

8  
9 **CHAIRMAN BOSARGE:** Dr. Stunz.

10  
11 **DR. STUNZ:** Well, I -- What you're seeing here is part of a  
12 larger plan, and a lot of groups spent a lot of time on what  
13 they could envision this might look like, and I think it was too  
14 much for this policy document, but the exact type of information  
15 and others is in that that was recommending that that technical  
16 committee take up that might be the most appropriate, and it's  
17 pretty tame stuff. I think it's things that were very popular  
18 among a variety of groups, and that is where I thought that kind  
19 of information would be most appropriate.

20  
21 **CHAIRMAN BOSARGE:** Dave.

22  
23 **MR. DONALDSON:** To your point, Dr. Mickle, the MRIP staff has  
24 always been fairly open to adding one or two questions that  
25 we've had questions about, sea turtles and things like that, and  
26 so I think that would certainly be something that they would be  
27 willing to entertain.

28  
29 **CHAIRMAN BOSARGE:** Dr. Mickle.

30  
31 **DR. MICKLE:** I agree that they're open, and that's why I like  
32 messing with them. On the other hand, I also mess with them on  
33 having too many questions in the intercept.

34  
35 **CHAIRMAN BOSARGE:** All right. Any further discussion on the  
36 motion? **Seeing none, is there any opposition to the motion?**  
37 **Seeing none, the motion carries.** Go ahead, Dr. Mickle.

38  
39 **DR. MICKLE:** Continuing on, staff presented a series of tables  
40 and graphs displaying the number of red snapper total discards  
41 and dead discards from 1981 to 2011. The data was taken from  
42 the SEDAR 31 assessment in 2013. A new red snapper assessment  
43 is currently underway. Dr. Stunz felt that the information was  
44 presented in a manner that would be confusing in an outreach  
45 program, and he made the following motions to simplify and  
46 update the presentation.

47  
48 **Without opposition, the committee recommends, and I so move, to**

1 have staff provide a summary table that includes discard  
2 mortality estimates used in the current assessment and average,  
3 approximately five years, discards by sector (private  
4 recreational, for-hire, headboat, and commercial) for red  
5 snapper and other key reef species, as available. Madam Chair.

6  
7 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any  
8 discussion on the motion? Was there a reason that we only did  
9 approximately five years?

10  
11 **DR. STUNZ:** I put approximately five years in there just because  
12 I'm not really necessarily tied to that. It's just what makes  
13 sense to me, and I don't think we want to go back too far, but  
14 we also don't want to have too short of a history, and so I'm  
15 open to what that would look like.

16  
17 **CHAIRMAN BOSARGE:** Okay. Well, I just remember we saw some  
18 actual gear during public testimony, and they were telling us  
19 about this is how -- This is part of the way that we've reduced  
20 discards, and so I just would like -- You know I always want to  
21 see longer trends, longer than five years, but you've got  
22 "approximately", and so I guess we'll kind of leave it open to  
23 staff, and, if they can see trends further back than that,  
24 hopefully they will incorporate that. All right. Any further  
25 discussion on this motion? **Is there any opposition to the**  
26 **motion? Seeing none, the motion carries.**

27  
28 **DR. MICKLE:** Without opposition, the committee recommends, and I  
29 so move, to have staff provide a preliminary estimate of the  
30 reduction in mortality (numbers of fish) for red snapper and  
31 other key reef species (as available) by sector that may occur  
32 if these devices were actively used in the fishery. Madam  
33 Chair.

34  
35 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any  
36 discussion on the motion? The motion is to have staff provide a  
37 preliminary estimate of the reduction in mortality (numbers of  
38 fish) for red snapper and other key reef species (as available)  
39 by sector that may occur if these devices were actively used in  
40 the fishery. All right. **Is there any opposition to the motion?**  
41 **Seeing none, the motion carries.**

42  
43 **DR. MICKLE:** Committee members suggested that, for the  
44 commercial sector, discards need to be compared both before and  
45 after the red snapper IFQ program was implemented, since the IFQ  
46 program likely reduced the dead discard rate. Another  
47 suggestion was to have the current stock assessment look at the  
48 effects of venting versus not venting on ABC.

1  
2 Dr. Clay Porch responded that the assessment looks at  
3 alternative mortality rates, but does not calculate ABCs for  
4 them. These calculations could be done, but, at the current  
5 state of the red snapper assessment, it would have to be as a  
6 separate project.

7  
8 Five-Year Review of Inclusion/Exclusion of Species and Species  
9 Groupings in Fishery Management Plans, staff noted that during  
10 development of the generic ACL/AM amendment, the council had  
11 asked that the list of species management in FMPs be reviewed by  
12 the council staff and SSC every five years for inclusion or  
13 exclusion. This was the first five-year review.

14  
15 SSC representative Dr. Luiz Barbieri reported that the SSC  
16 reviewed a list of species that have currently or previously  
17 been included in FMPs, but it was unclear what criteria were  
18 used to add or remove species. Dr. Barbieri stated that there  
19 were methods that could be used to detect changes in landings  
20 trend over time that might trigger a need for more in-depth  
21 analysis.

22  
23 Other suggestions from committee members included using MRIP  
24 data to determine species that recreational fishermen identified  
25 as target species and whether they were species currently  
26 managed by the states. Mara Levy added that the National  
27 Standard 1 Guidelines provided guidance on determining whether  
28 species are in need of conservation measures. A suggestion was  
29 made to have the SSC review the relevant NS 1 guidelines.

30  
31 Discussion of Historical Captain Permits, Tab E, Number 6, at  
32 the January 2018 council meeting, the council expressed interest  
33 in the potential to convert for-hire historical captain permits  
34 to standard for-hire permits that are fully transferable.

35  
36 Dr. Froeschke provided a presentation, Tab E, Number 6,  
37 describing decision points about passenger capacity and options  
38 for transferability. Committee members recommended removal of  
39 an option to include consideration of recently terminated  
40 permits, and so it will not be included in the document.

41  
42 Based on the committee discussion, staff will develop an  
43 abbreviated framework action with an option to convert active  
44 historical captain permits to fully transferable for-hire  
45 permits. The current permitted passenger capacity would be  
46 retained for each permit and the document will be provided for  
47 committee review at the August 2018 meeting. Madam Chair, this  
48 concludes my report.

1  
2 **CHAIRMAN BOSARGE:** All right. Thank you, sir. Next on our  
3 agenda -- Kevin. Is there anything else for Sustainable  
4 Fisheries? I usually ask that. Go ahead, Mr. Anson.  
5

6 **MR. ANSON:** Thank you, and I will try to be brief. I recall  
7 that there was discussion about the ABC projections with the  
8 different mortality rates associated with venting tools and non-  
9 use of venting tools and such, but there was mention of that in  
10 the report, and there wasn't any indication that there was any  
11 pathway forward to get that analysis done, and it was just that  
12 Dr. Porch recognized that they needed some extra work to do  
13 that, but I thought we had made a motion or talked about the  
14 staff writing a letter to request that to be done, and was that  
15 answered that it couldn't be done by Dr. Porch and that it's not  
16 going to be done, or is -- It just seems like it's kind of  
17 hanging out there, in my mind, based on the report that was just  
18 read.  
19

20 **CHAIRMAN BOSARGE:** Does anybody remember exactly what Dr. Porch  
21 said? Would you like us to follow up with Dr. Porch and try and  
22 find out if it's possible?  
23

24 **MR. ANSON:** Please do, yes, and I thought Steven was perhaps  
25 going to just contact him directly and -- Yes.  
26

27 **CHAIRMAN BOSARGE:** Mr. Atran.  
28

29 **MR. ATRAN:** I am not sure. You might be thinking about during  
30 the SSC meeting. The SSC reviewed a paper by Jacob Tetzloff  
31 discussing alternative assumptions about mortality rates and  
32 selectivities, and they found that those were very sensitive, as  
33 far as the assessment goes, and I believe it was at that point  
34 at which the SSC was requesting that sensitivity runs be  
35 included in the assessment using these alternative assumptions,  
36 and so I indicated that I had not provided a written request,  
37 because Jeff Isely, who is a member of the SSC, and will  
38 probably be the chief assessment officer for the red snapper  
39 assessment, was in the room, but it probably would be a good  
40 idea to follow up with a written request, so we have a record,  
41 and the committee made a couple of suggestions that would  
42 include the effects of venting versus non-venting, and there was  
43 something else, and so I will be sending that letter when I get  
44 back in the office, but I just need to review my notes to find  
45 out exactly what I'm requesting.  
46

47 **MR. ANSON:** All right. Thank you.  
48

1 **CHAIRMAN BOSARGE:** All right. Anything else for that committee?  
2 Seeing none, next on our agenda is our Announcement of the 2017  
3 Law Enforcement Officer of the Year, and so, Mr. Boyd, I am  
4 going to turn it over to you.

5  
6 **ANNOUNCEMENT OF 2017 LAW ENFORCEMENT OFFICER OF THE YEAR**

7  
8 **MR. BOYD:** All right. On Monday of this week, April 16, the  
9 Full Council met in closed session to review five nominees from  
10 the Law Enforcement Technical Committee for the 2017 Law  
11 Enforcement Officer of the Year. All of the nominees make major  
12 contributions to our collective joint enforcement efforts.

13  
14 The council chose the Conservation Enforcement Officer of the  
15 Year as Mr. Kyle Raybrin of Alabama to be the 2017 Law  
16 Enforcement Officer of the Year, and I want to just make note  
17 that his peers have given him a middle name of Bull, if that  
18 gives you any indication.

19  
20 Officer Raybrin's achievements include, during 2017, he  
21 performed 810 hours of patrol with federal fisheries  
22 enforcement, performed 817 vessel boardings, and intercepted  
23 nearly 3,000 commercial and recreational anglers, which resulted  
24 in 107 citations, which include IFQ vessel violations,  
25 possession of red snapper during the closed season, and he  
26 identified an unpermitted charter vessel in federal waters,  
27 intercepted the same commercial angler multiple times, resulting  
28 in multiple federal violations, and he was able to find illegal  
29 commercial fishing for sharks, and eighty-eight sharks were  
30 recovered, for 2,733 pounds.

31  
32 He actively volunteers to do a variety of public outreach  
33 activities, and he networks with all law enforcement agencies to  
34 foster cohesiveness. As a relatively new officer, his knowledge  
35 of state and federal regulations is excellent, and he helps to  
36 train new officers, and is useful to other agencies and  
37 departments who seek his assistance.

38  
39 He routinely submits recommendations to enhance techniques and  
40 policy to improve efficiency within the division, and he  
41 maintains some of the highest statistics in the marine division  
42 for Alabama, and so that's the nominee for the year. That's who  
43 was elected by the council in closed session.

44  
45 I just want to note that we had two states that submitted  
46 officer of the year candidates, and we had two candidates  
47 submitted by the Coast Guard, and I want to note that the Coast  
48 Guard applicants didn't have the quantity of interceptions or

1 numbers, because they are dealing in kind of a different  
2 environment. They are interdicting for drugs, and they are  
3 interdicting for all kinds of things, but that doesn't mean that  
4 they are not supportive of all the efforts and not doing a good  
5 job out there. In this particular case, Officer Raybrin was  
6 chosen as the Officer of the Year. Madam Chairman.

7  
8 **VOTE ON EXEMPTED FISHING PERMIT APPLICATIONS**

9  
10 **CHAIRMAN BOSARGE:** Thank you, sir. That will bring us to our  
11 Vote on Exempted Fishing Permit Applications. If you will  
12 remember, we saw two of those, and the first one was the golden  
13 crab EFP, to allow them a limited trial at fishing in the Gulf,  
14 in a specific area of the Gulf, down off of south Florida, to  
15 see if there is in fact a fishery out there and if it's viable  
16 and collect us some information on it and get us some biological  
17 information and something that, if we do have to develop some  
18 sort of fishery management plan and some ACLs of some sort that  
19 we'll hopefully have something to start with. Those gentlemen  
20 were here, and so I'm going to open the floor for discussion on  
21 that EFP and see what the council feels. Dr. Frazer.

22  
23 **DR. FRAZER:** I thought the discussion surrounding the EFP was  
24 really good, and I think that the guys that were putting  
25 together have really good intentions, and I had a little  
26 discussion with Sue Gerhart about some thoughts, and I just  
27 wanted to make sure that, when we think about this, that there  
28 is some assurances moving forward that they're not in fact  
29 setting those traps, wherever they set them, on areas that have  
30 high densities of coral, and I think all of the written comments  
31 were kind of addressing that particular issue, but I think there  
32 are ways around it, but that's my primary concern, for sure.

33  
34 **CHAIRMAN BOSARGE:** Ms. Guyas.

35  
36 **MS. GUYAS:** Yes, that was really my only, I guess, holdback. It  
37 was a little bit concerning that all of our comments were from  
38 our SSC members, and they were very concerned about this, but,  
39 otherwise, I mean, I think the -- In the South Atlantic, this is  
40 a fishery that works, and the industry is always willing to work  
41 with the council, and so I want to support these guys, but we've  
42 got to make sure that the corals are -- If there's corals in  
43 these areas, they need to be protected, I think.

44  
45 **CHAIRMAN BOSARGE:** From a shrimp perspective, yes, we have  
46 reached out to the royal red fishery, because that's the one  
47 that they would interact with, and, the one gentleman that we  
48 spoke with that fishes down there in that area, and he said as

1 long as they will set those traps outside of 1,800 feet, and so  
2 deeper.

3  
4 If they set their traps deeper than 1,800 feet, we shouldn't  
5 have any gear conflicts, and I think that's pretty important for  
6 those royal red guys. In the depth of water that they're in,  
7 that is a very dangerous fishery, and you really don't want to  
8 get in a situation where you get hung up or have some sort of  
9 gear problem. That would be my only stipulation on that EFP,  
10 from my perspective, is that they need to set those traps deeper  
11 than 1,800 feet. Any other feedback? Mr. Boyd.

12  
13 **MR. BOYD:** I had the same feeling that Dr. Frazer has and Ms.  
14 Guyas has, that this is probably a good thing to do, and I am  
15 concerned about the corals, but Dr. Crabtree made a comment that  
16 these guys have worked with him in the past and that they're  
17 reputable and that they're honest and that they communicate  
18 well, and so, with his recommendation, I feel a lot more  
19 comfortable.

20  
21 **CHAIRMAN BOSARGE:** All right. Any other feedback from the  
22 group? If we are comfortable with it, we probably need to make  
23 that recommendation in the form of a motion, where we recommend  
24 to NMFS to -- Do we recommend to approve or recommend to  
25 continue on, or how do you want that phrased, Sue, if we were  
26 going to recommend that?

27  
28 **MS. GERHART:** You can recommend to approve if you want. The  
29 agency makes that final decision, and you can say with  
30 consideration to the council's comments or something like that  
31 as well.

32  
33 **CHAIRMAN BOSARGE:** All right, and so it would be a motion to  
34 recommend that National Marine Fisheries approve the golden crab  
35 exempted fishing permit application, noting the council's  
36 recommendations and comments relative to coral and the depth of  
37 the royal red shrimp fishery. I think that pretty much  
38 encompasses our discussion, right? Okay. Since I just made a  
39 motion, can I get a second? Seconded by Dr. Frazer. All right.  
40 Is there any further discussion? Ms. Levy.

41  
42 **MS. LEVY:** I think the motion is fine, but just to make clear to  
43 the public and folks listening that NMFS will still go through  
44 the publication in the Federal Register and request public  
45 comment, and so folks will have a chance to comment on the  
46 proposal before any decision is made.

47  
48 **CHAIRMAN BOSARGE:** Thank you. Yes, this is our recommendation

1 to NMFS, but you have the ultimate decision. Mr. Dyskow.

2  
3 **MR. DYSKOW:** Thank you, Madam Chairman. My comments are pretty  
4 much the same as the ones already given, but I have one  
5 additional question. I don't remember the scale of this  
6 exempted fishing permit. How many traps are we talking about?

7  
8 **CHAIRMAN BOSARGE:** I believe he said 100. Let's let Ms. Gerhart  
9 answer, so we don't have to wrack our brains.

10  
11 **MS. GERHART:** Let's see. They said a maximum of forty traps per  
12 trips and a maximum of sixty trips over the two-year period.

13  
14 **CHAIRMAN BOSARGE:** So forty traps at a time. Okay. Mr. Anson.

15  
16 **MR. ANSON:** I don't know what you'll say in the approval letter,  
17 but I think there is some discrepancy in the text versus the  
18 small little bulleted section for that, and the number of traps  
19 they identified by the different sizes, and that number didn't  
20 match the total that was written in the text of 100 traps, as  
21 well as I think Mr. Whipple cited 100 traps too during his Q&A.

22  
23 **CHAIRMAN BOSARGE:** All right. Any further discussion? **Seeing**  
24 **none, is there any opposition to the motion? No opposition, and**  
25 **the motion carries.**

26  
27 The next EFP application that we reviewed was the aquaculture  
28 EFP, and so I will open the floor for discussion on that  
29 exempted fishing permit. Ms. Guyas.

30  
31 **MS. GUYAS:** Yes, I will start on this one. As was mentioned in  
32 the presentation, the applicants have really been working with  
33 us and the State of Florida on some of the CZMA issues, and so I  
34 think we're comfortable here, and, if we have issues in the  
35 future, we think we can work with them and hopefully have them  
36 addressed through CZMA, and so I'm supportive of moving forward  
37 with this.

38  
39 **CHAIRMAN BOSARGE:** I am going to probably echo those comments as  
40 well. I think we've had good discussion with the applicants,  
41 both at our last meeting and this meeting, and I think they  
42 really have worked very diligently to address all of our  
43 concerns.

44  
45 They have contacted me, and they have dealt with the Southern  
46 Shrimp Alliance, trying to reach out to the stakeholders and the  
47 fishermen that they may interact with, and I really think  
48 they've done a good job.

1  
2 I had those three items that I highlighted during the discussion  
3 yesterday, and it feels like a year ago at this point, but about  
4 having some sort of lights on your buoys or your high-flyer  
5 poles and getting some sort of baseline on that benthic  
6 substrate and then the fin clippings for both the brood stock  
7 and the progeny, and they were amendable to all three of those  
8 things, and so I really have nothing else that I can think of to  
9 ask them about right now, and I'm sure they're thrilled about  
10 that. Mr. Anson.

11  
12 **MR. ANSON:** Thank you, Madam Chair. Yes, I too would support  
13 approval of their EFP request, and I appreciate their diligence  
14 and their transparency and the attention to detail as far as  
15 getting all of these issues kind of buttoned up and addressed,  
16 either in advance or at least as the project goes forward and  
17 the commitment that you all have provided to the council, and so  
18 I do appreciate their sincere attention to those details, and  
19 I'm comfortable with the EFP and kind of using them, or looking  
20 at them, as the first foray into the Gulf for aquaculture, and  
21 so thank you.

22  
23 **CHAIRMAN BOSARGE:** Mr. Greene.

24  
25 **MR. GREENE:** Well, I speak in support of it, but, regardless of  
26 who the presenter is for this, I think that we need to look at  
27 the issues of the hurricanes and the storms that I raised  
28 yesterday and also how to best deal with potential marine growth  
29 in very warm water with lots of sunlight around that particular  
30 unit, but I do speak in favor of this.

31  
32 **CHAIRMAN BOSARGE:** I am sure that we'll be getting some sort of  
33 report on this as you progress, and so anything to that that you  
34 could put in that report to let us know how you dealt -- At what  
35 kind of rates did you see this growth and how did you deal with  
36 it and what were any kind of cons associated with it, that would  
37 be wonderful, so that we'll have something going forward that  
38 maybe we can delve into it further. All right. Any other  
39 feedback from the group?

40  
41 **If there is no other comments, I am hearing kind of consensus**  
42 **around the table that we would entertain a motion to recommend**  
43 **that NMFS approve the aquaculture EFP application, noting the**  
44 **council's recommendations and comments relative to hurricanes,**  
45 **lighting, baseline benthic substrate assessment, and fin**  
46 **clippings of brood stock and progeny, and I think that was**  
47 **pretty much our only thing, and biofouling. Okay. I think**  
48 **that's there. Do we have a second for the motion? It's**

1 seconded by Mr. Banks. Mr. Anson.  
2  
3 **MR. ANSON:** Maybe just add, after "progeny", "for DNA sequencing  
4 or DNA analysis", just to make sure it's clear.  
5  
6 **CHAIRMAN BOSARGE:** Would it be DNA analysis or genetic analysis?  
7 Does it matter?  
8  
9 **MR. ANSON:** Genetic, I'm sorry. You're right that genetic would  
10 be more appropriate.  
11  
12 **CHAIRMAN BOSARGE:** All right, and with the understanding that  
13 we're not asking the applicants to do the genetic analysis,  
14 because they made that clear that that's really kind of outside  
15 of being cost-effective for them, and so we would have to find  
16 someone to do that, which I've already reached out to some  
17 people. Mr. Boyd.  
18  
19 **MR. BOYD:** Just a science question. I'm not sure if you need  
20 the fin clippings from the fish that you're growing if you have  
21 the brood stock. It should be the same. What would be the  
22 reason to have fin clippings? The reason I say that is because  
23 we don't want these guys to have to go through a whole bunch of  
24 extra work and expense if it's really not needed, and so I guess  
25 I'm just asking from a science point of view that I don't  
26 understand.  
27  
28 **CHAIRMAN BOSARGE:** The one scientist that I was speaking to, he  
29 said that, yes, we would like it for the progeny as well, and,  
30 yes, there will probably be some changes between the brood stock  
31 and the progeny. They are not going to do any -- I can pull it  
32 up if you want me to in this long document, but there is some  
33 things that they are allowed to do, some selective breeding, I  
34 think it's called, but they're not allowed to do any  
35 engineering. Yes, there will be some changes, but that was the  
36 recommendation of the scientist that I spoke to, and I don't  
37 know what their methodology is. I haven't had time to get into  
38 that with them, but they said, yes, progeny, too.  
39  
40 All right. Any further discussion? Did we get a second for the  
41 motion? Yes. All right. Great. Keep me on track. Any  
42 further discussion on the motion? **Seeing none, is there any**  
43 **opposition to the motion? No opposition, and the motion**  
44 **carries.**  
45  
46 Congratulations, gentlemen. The first aquaculture EFP permit in  
47 the Gulf of Mexico. You are now famous. Sorry. We're not the  
48 deciding body. Yikes. Okay. NMFS will let you know.

1  
2 Next, we have our Liaison Reports, and we've already received  
3 our South Atlantic Report. Mr. Dave Donaldson, would you like  
4 to give us an update, sir?

5  
6 **SUPPORTING AGENCIES UPDATE (CONTINUED)**  
7 **GULF STATES MARINE FISHERIES COMMISSION**  
8

9 **MR. DONALDSON:** Thank you, Madam Chair. Just quickly, at the  
10 last meeting, I mentioned that the three interstate commissions  
11 received about half-a-million dollars from NOAA Fisheries to  
12 develop marine aquaculture projects in each region.

13  
14 The Pacific and the Atlantic are still in the process of  
15 evaluating the proposals. Here in the Gulf, we have decided  
16 that -- We have selected three projects to be funded, and the  
17 first is dealing with hard clams in Florida. The University of  
18 Florida is the recipient, and they will initiate a selective  
19 breeding program that would provide superior brood stock for  
20 hatchery capacity for clams.

21  
22 The second is permitting of finfish aquaculture operations in  
23 the Gulf of Mexico by the University of Southern Mississippi,  
24 and it's essentially going through the permitting process for a  
25 commercial-scale finfish aquaculture operation in federal waters  
26 and evaluate that process.

27  
28 Then the last is in support of the EFP that you guys just passed  
29 for siting locations, siting-level benthic analysis, for that  
30 particular project, and it will help determine where to site  
31 that project and address some of the issues that you had with  
32 the benthic analysis, and so that's all I've got, Madam Chair.

33  
34 **CHAIRMAN BOSARGE:** Okay. I'm sure that was about a 30,000-foot  
35 view, but, when you go through the permitting, what did you say  
36 that you were going to do with the permitting, kind of go  
37 through it and do what, on the aquaculture?

38  
39 **MR. DONALDSON:** For the University of Southern Mississippi,  
40 Kelly Lucas and her shop is actually going to go through the  
41 process and address some of the issues with doing it and seeing  
42 how viable it actually is and how long it takes, and so it's  
43 kind of a trial run.

44  
45 **CHAIRMAN BOSARGE:** Okay, and just, for open communication, I  
46 think MREP is going to be doing something very similar this  
47 year, and so I don't know if maybe your meetings are like  
48 broadcast via webinar or anything like that, but, as you go

1 through that, if there is any way to allow them to listen in and  
2 to learn from your discussion, I think that would probably be  
3 helpful, because they're looking for that kind of feedback, and  
4 they're actually going to put on something very similar, and I  
5 think it's going to be in New Orleans, and I would have to look  
6 back at the exact date, but, anyway, it will do exactly that  
7 same type of exercise. All right. Next is the Lieutenant.

8  
9 **U.S. COAST GUARD**

10  
11 **LT. ZANOWICZ:** Thanks. Good morning. I just wanted to provide  
12 an update on activity on the U.S./Mexico maritime boundary line  
13 that the Coast Guard is participating in. For this  
14 presentation, I give everything in fiscal year, and that's how  
15 we track our interdictions down there. The fiscal year, for  
16 those who aren't aware, begins on October 1 and concludes on  
17 September 30.

18  
19 So far, in Fiscal Year 2018, which began on October 1, it's been  
20 a record year for us so far for lancha cases. We've had -- It  
21 says on here thirty-seven interdictions, but we actually had two  
22 more just this week, and so the total now for Fiscal Year 2018  
23 is thirty-nine interdictions, and that's since October 1, 2017.

24  
25 For a point of reference, the total number of cases for the  
26 entire year last year, for Fiscal Year 2017, was thirty-two, and  
27 so we've already exceeded that, and we're just over halfway  
28 through the fiscal year, and so we are seeing -- We are  
29 interdicting way more lanchas this year than previously.

30  
31 We had thirteen interdictions last month, in March, which was a  
32 record month for us. Overall, since the last council meeting,  
33 we had twenty-two lancha interdictions and forty-seven lancha  
34 sightings. That number, forty-seven, was as of the end of last  
35 month, and so it's actually probably a little bit higher now.

36  
37 As you can see there, the catch on interdicted lanchas is  
38 approximately 2,000 red snapper. Again, that number is probably  
39 higher now, because I haven't received the final numbers from  
40 the most recent cases, as well as twenty-two sharks. Overall,  
41 there is no sign that the threat is slowing down, and so, as a  
42 result, we're maintaining a strong presence on the maritime  
43 boundary line.

44  
45 In the last year, beginning in the fall of 2017, we had two fast  
46 response cutters commissioned that are now under the control of  
47 Coast Guard District 8, and so that allows us to have an  
48 offshore pursuit capability, which is a huge benefit for us, and

1 so that helps us in interdicting more lanchas as well.

2  
3 The photograph you see here was taken at Coast Guard Station  
4 South Padre Island, after a February 20 case, and that is the  
5 catch recovered from just one interdicted lancha, and so that  
6 concludes my presentation, pending any questions.

7  
8 **CHAIRMAN BOSARGE:** Okay. Dr. Shipp.

9  
10 **DR. SHIPP:** Mark, what's the disposition of those snapper?

11  
12 **LT. ZANOWICZ:** In a standard fisheries case, if we do work with  
13 NOAA to seize the catch, we would obviously try to sell those to  
14 a dealer. The problem with catch on these lanchas is they don't  
15 have refrigeration onboard, typically, and so it's not able to  
16 be sold on the commercial market, and so all the catch that we  
17 recover from the lanchas are disposed of at sea.

18  
19 **CHAIRMAN BOSARGE:** Okay. Mr. Anson.

20  
21 **MR. ANSON:** Lieutenant Zanowicz, what happens with the property,  
22 the boats and motors and all that good stuff?

23  
24 **LT. ZANOWICZ:** We take the crew members into custody and turn  
25 them over to Customs and Border Patrol for repatriation. The  
26 actual lancha itself and the property onboard, we take onboard,  
27 through the Coast Guard, the electronic equipment, and we  
28 process that for intelligence gathering.

29  
30 The actual lancha itself is stored at a boatyard at South Padre  
31 Island, the station you see there in the picture, and we keep it  
32 for forty-five days, to allow Mexico a chance to try to reclaim  
33 it if they want to. From what I understand, historically, they  
34 have never done that, and then we destroy it.

35  
36 **CHAIRMAN BOSARGE:** All right. Anybody else? Thank you, sir.  
37 That was very interesting. I know that we had at least one item  
38 under Other Business, and I believe it was Mr. Greene, and so I  
39 am going to turn it over to you, Mr. Greene.

40  
41 **OTHER BUSINESS**

42  
43 **MR. GREENE:** Thank you. We had a report at the last meeting  
44 about an update on the for-hire reporting document, and I just  
45 wanted to ask Sue or anyone down there if they had any updates  
46 on the progress of that since the last meeting that they could  
47 share.

48

1 **CHAIRMAN BOSARGE:** Ms. Gerhart.

2  
3 **MS. GERHART:** Right now, we're developing the notice of  
4 availability for the amendment itself, so that it can go to the  
5 Secretary of Commerce for potential approval. We expect that to  
6 be out within the next couple of weeks for a comment period, and  
7 that's generally a forty-five to sixty-day comment period on the  
8 amendment itself.

9  
10 Then we hope to get a proposed rule in place in the mid-summer,  
11 to put in the actual things that people need to do, and the  
12 reason it's delayed like that is that we have to have all the  
13 details, or at least a lot of the details, of exactly what kind  
14 of systems that they would be reporting through and what were  
15 the approved devices for the GPS portion of that.

16  
17 We will be working through that, and we hope that in mid-summer  
18 that we'll be able to put out a proposed rule, again with a  
19 comment period, and that's usually a thirty-day comment period,  
20 and then, maybe by fall, have the final rule, where we have all  
21 those details in place.

22  
23 The earliest that we would envision implementing it and having  
24 people start reporting would be spring of next year, but there  
25 are, of course, some other issues other than just what we can  
26 put together in our planning.

27  
28 **CHAIRMAN BOSARGE:** Dr. Crabtree.

29  
30 **DR. CRABTREE:** One of the issues that we have -- We have two  
31 electronic reporting amendments now. The South Atlantic has one  
32 as well, and so we're trying to evaluate what is the cost of the  
33 validation work to check the reporting is accurate, and I think  
34 that's something we'll need to get MRIP certification of the  
35 program, ultimately, so that we can use it for catch levels, and  
36 so we're working on coming up with those costs. Then, of  
37 course, the challenge will be finding the money to actually do  
38 that, and so we are working on that.

39  
40 **CHAIRMAN BOSARGE:** Ms. Guyas.

41  
42 **MS. GUYAS:** I was just going to say I know I've heard that the  
43 South Atlantic is probably going to be rolling out theirs first,  
44 but just keep in mind that that's going to make things pretty  
45 weird for the dual permit holders, and so a lot of them don't  
46 know about the Gulf stuff that they're going to have to do under  
47 that, and they're going to have to switch systems, or  
48 essentially switch what they're doing, even if it's in the same

1 system, and so it would be nice if they moved together. I know  
2 the South Atlantic probably doesn't like it when I say that, but  
3 --

4  
5 **DR. CRABTREE:** I think, in either case, we're not looking to  
6 start reporting until next year. The South Atlantic NOA, I  
7 think, came out two weeks ago, and so it's not much, but the  
8 South Atlantic amendment doesn't require as much gear purchase  
9 and those types of things, and so it's easier to move it,  
10 because of that.

11  
12 **CHAIRMAN BOSARGE:** Dr. Stunz.

13  
14 **DR. STUNZ:** Well, obviously, that amendment was a long time in  
15 coming, and that data would, obviously, have helped some of the  
16 discussions we had just earlier today, and so I would appreciate  
17 just a brief update, and I'm not talking a lot of time or  
18 presentations, unless it's necessary, but just update us each  
19 meeting, so we can sort of stay on top of where we are with that  
20 amendment, mainly the implementation. The amendment is one  
21 thing, but I'm more interested in the implementation of how it's  
22 going.

23  
24 **CHAIRMAN BOSARGE:** All right. I saw a shaking of heads from the  
25 NMFS side of the house down there, a nodding of heads, in the  
26 yes fashion. Guys, if there is no other business, I think that  
27 takes us to the end of our meeting. We have a whole eight  
28 minutes to spare. Dr. Crabtree, are you going to play us a  
29 song? I have been waiting five years now.

30  
31 **DR. CRABTREE:** Motion to adjourn.

32  
33 **CHAIRMAN BOSARGE:** I guess that's a no. All right, guys. Great  
34 meeting. I know it was a marathon, and thanks for hanging in  
35 there. See you all in June.

36  
37 (Whereupon, the meeting adjourned on April 20, 2018.)

38  
39 - - -