

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

275TH MEETING

FULL COUNCIL SESSION

Hyatt Centric French Quarter New Orleans, Louisiana

AUGUST 14-15, 2019

VOTING MEMBERS

- Kevin Anson (designee for Scott Bannon).....Alabama
- Patrick Banks.....Louisiana
- Susan Boggs.....Alabama
- Leann Bosarge.....Mississippi
- Roy Crabtree.....NMFS
- Dale Diaz.....Mississippi
- Jonathan Dugas.....Louisiana
- Phil Dyskow.....Florida
- Tom Frazer.....Florida
- Martha Guyas (designee for Jessica McCawley).....Florida
- Lance Robinson (designee for Robin Riechers).....Texas
- John Sanchez.....Florida
- Bob Shipp.....Alabama
- Joe Spraggins.....Mississippi
- Greg Stunz.....Texas
- Ed Swindell.....Louisiana

NON-VOTING MEMBERS

- Glenn Constant.....USFWS
- Dave Donaldson.....GSMFC
- Lt. Mark Zanowicz.....USCG

STAFF

- Matt Freeman.....Economist
- John Froeschke.....Deputy Director
- Beth Hager.....Administrative Officer
- Lisa Hollensead.....Fishery Biologist
- Ava Lasseter.....Anthropologist
- Mara Levy.....NOAA General Counsel
- Natasha Mendez-Ferrer.....Fishery Biologist
- Emily Muehlstein.....Public Information Officer
- Ryan Rindone.....Fishery Biologist & SEDAR Liaison
- Bernadine Roy.....Office Manager
- Carrie Simmons.....Executive Director

OTHER PARTICIPANTS

- George Arneson.....LA

1 Kindra Arneson.....LA
2 Greg Ball.....Galveston, TX
3 Scott Bannon.....AL
4 Avery Bates.....Organized Seafood Association of Alabama, AL
5 John Black.....Panama City, FL
6 Eric Brazer.....Reef Fish Shareholders Alliance
7 Chester Brewer.....SAFMC
8 James Bruce.....Magnolia, MS
9 Nikki Bruce.....Magnolia, MS
10 Gary Bryant.....Fort Morgan, AL
11 B.J. Burkett.....Panama City, FL
12 Joe Cain.....
13 Commander Drew Casey.....USCG
14 Shannon Cass-Calay.....SEFSC
15 David Chalona.....Globalstar, LA
16 Ronald Chicola.....
17 John Coulon.....Venice, LA
18 Scott Daggett.....Madeira Beach, FL
19 Kenneth Daniels.....
20 Kendall Dix.....Healthy Gulf, New Orleans, LA
21 Mike Eller.....Destin, FL
22 Richard Fischer.....LA
23 Troy Frady.....AL
24 Susan Gerhart.....NMFS
25 Neil Gryder.....Venice, LA
26 Ken Haddad.....ASA, FL
27 Chad Hanson.....Pew Charitable Trusts
28 Scott Hickman.....Galveston, TX
29 Mike Jennings.....Freeport, TX
30 Robert Jones.....EDF
31 Benjamin Kelley.....Panama City, FL
32 Mark Kelley.....Panama City, FL
33 Bobby Kelly.....Orange Beach, AL
34 Jason Klosterman.....Destin, FL
35 Randy Lauser.....
36 John Law.....Panama City, FL
37 Larry Lemieux.....Panama City, FL
38 Lawrence Marino.....LA
39 Jack Montoucet.....LA DFW, LA
40 Lance Nacio.....Montegut, LA
41 Bart Niquet.....Lynn Haven, FL
42 Brian Niquet.....FL
43 Chris Niquet.....FL
44 Alicia Paul.....Panama City Beach, FL
45 Kelia Paul.....Panama City Beach, FL
46 Harlon Pearce.....Kenner, LA
47 Ken Pearson.....Fort Myers, FL
48 Cliff Penick.....Slidell, LA

1 Michael Pittman.....Dauphin Island, AL
2 Scott Robson.....Destin, FL
3 Ashford Rosenberg.....Reef Fish Shareholders Alliance
4 Eric Schmidt.....Fort Myers, FL
5 Chance Seymour.....Ocean Springs, MS
6 Clarence Seymour.....Ocean Spring, MS
7 Major Edward Skena.....LA
8 Robert Spaeth.....Madeira Beach, FL
9 Randy Sobieraj.....Casselberry, FL
10 Joe Spraggins.....MS
11 Casey Streeter.....FL
12 Charles Tyer.....NOAA OLE
13 Johnny Williams.....Galveston, TX
14 Bob Zales, II.....Panama City, FL
15 Jim Zurbrick.....Steinhatchee, FL

16
17
18

- - -

TABLE OF CONTENTS

1
2
3 Table of Motions.....5
4
5 Call to Order, Announcements, and Introductions.....8
6
7 Induction of New Council Members.....11
8
9 Adoption of Agenda and Approval of Minutes.....11
10
11 Review of Exempted Fishing Permit (EFP) Applications.....12
12
13 Review of Public Comments on EFP Applications.....12
14
15 Presentations.....17
16 Louisiana Law Enforcement Efforts.....17
17 IUU Fishing Report to Congress.....21
18
19 Committee Reports.....22
20 Administrative/Budget Committee Report.....22
21
22 Other Business.....24
23 Blackfin Tuna Discussion.....24
24 Release Mortality Workshop Discussion.....25
25
26 Supporting Agencies Update.....27
27 South Atlantic Council Liaison Report.....27
28 Gulf States Marine Fisheries Commission.....29
29 U.S. Fish and Wildlife Service.....30
30
31 Public Comment.....31
32
33 Committee Reports (continued).....102
34 Habitat Protection and Restoration Committee Report.....102
35 Data Collection Committee Report.....104
36 Sustainable Fisheries Committee Report.....106
37 Reef Fish Committee Report.....120
38
39 U.S. Coast Guard Report.....151
40
41 NOAA OLE Report.....156
42
43 Vote on EFP Applications.....162
44
45 Election of Chair and Vice Chair.....162
46
47 Adjournment.....163
48

TABLE OF MOTIONS

1
2
3 [PAGE 23](#): Motion to approve the 2019 revised funded budget. [The](#)
4 [motion carried on page 23](#).

5
6 [PAGE 24](#): Motion to approve the proposed budget request for 2020
7 through 2024. [The motion carried on page 24](#).

8
9 [PAGE 107](#): Motion in Action 1 to make Alternative 2, Option 2b
10 the preferred. Alternative 2 is the onboard possession limit
11 for federal for-hire trips in the Gulf exceeding a given trip
12 duration will be two daily bag limits per angler (or vessel for
13 speckled hind and warsaw grouper), excluding captain and crew.
14 The second daily bag limit can be retained anytime during a trip
15 with a minimum trip duration of: Option 2b, which is greater
16 than thirty hours. [The motion carried on page 110](#).

17
18 [PAGE 110](#): Motion to accept the revised language from the SSC in
19 Action 1, Sub-Action 1.1, Alternative 3. The motion carried on
20 page 110. SSC Motion: Alternative 3: set MSY proxy as yield at
21 F 30 percent SPR. SSC Motion: For future assessments of reef
22 fish stocks and red drum, the MSY or MSY proxy equals the yield
23 produced by FMSY or F proxy recommended by the council's SSC
24 and subject to approval by the council through a plan amendment.
25 [The motion carried on page 110](#).

26
27 [PAGE 122](#): Motion to reconvene the ABC Control Rule Working
28 Group to evaluate the existing rule and propose improvements.
29 [The motion carried on page 122](#).

30
31 [PAGE 124](#): Motion in Action 2 to modify Alternative 5 to read:
32 Alternative 5: Distribute to a non-profit, third-party-
33 administered quota bank the reclaimed shares with oversight from
34 NMFS, the council, and other involved parties. The quota bank
35 will retain the shares and distribute the allocation associated
36 with the shares each year. [The motion carried on page 125](#).

37
38 [PAGE 125](#): Motion to instruct staff to explore the feasibility
39 to establish a non-NOAA quota bank using regional fishery
40 associations as an example. [The motion carried on page 126](#).

41
42 [PAGE 126](#): Motion in Action 2 to modify Alternative 3 to read:
43 Alternative 3: Distribute in inverse proportion the reclaimed
44 shares held by NMFS among accounts with shareholdings of each
45 share category within one month of the effective date of the
46 final rule implementing this amendment. [The motion carried on](#)
47 [page 126](#).

1 [PAGE 126](#): Motion in Action 2 to remove Alternative 2. [The](#)
2 [motion carried on page 126](#).
3
4 [PAGE 127](#): Motion to begin a stand-alone document for Actions
5 1.1 and 1.2. Action 1.1 is Permit Requirements and Action 1.2
6 is Share Divestment. [The motion carried on page 127](#).
7
8 [PAGE 128](#): Motion to request that the Science Center provide
9 estimates of discards in both weight and numbers of fish, as
10 well as estimated release mortality for each gear type used to
11 harvest commercial IFQ species for incorporation into Amendment
12 36B. [The motion carried on page 128](#).
13
14 [PAGE 128](#): Motion to approve the Framework Action to Modify the
15 Recreational For-Hire Red Snapper Annual Catch Target Buffer and
16 that it be forwarded to the Secretary of Commerce for review and
17 implementation and deem the codified text as necessary and
18 appropriate, giving staff editorial license to make the
19 necessary changes in the document. The Council Chair is given
20 the authority to deem any changes to the codified text as
21 necessary and appropriate. [The motion carried on page 130](#).
22
23 [PAGE 130](#): Motion to approve the Amendment 51: Establish Gray
24 Snapper Status Determination Criteria, Reference Points, and
25 Modify Annual Catch Limits and that it be forwarded to the
26 Secretary of Commerce for review and implementation and deem the
27 codified text as necessary and appropriate, giving staff
28 editorial license to make the necessary changes in the document.
29 The Council Chair is given the authority to deem any changes to
30 the codified text as necessary and appropriate. [The motion](#)
31 [carried on page 132](#).
32
33 [PAGE 132](#): Motion in Action 3 to add an Alternative 5.
34 Alternative 5 is modify the recreational seasonal closure to be
35 Oct 1 through April 30 and May 21 through June 30 and open May 1
36 through May 20 and July 1 through September 30). [The motion](#)
37 [carried on page 132](#).
38
39 [PAGE 132](#): Motion in Action 1 to make Alternative 2 the
40 preferred. Alternative 2 is reduce the recreational bag limit
41 to one fish per two or fewer anglers per day. [The motion was](#)
42 [withdrawn on page 136](#).
43
44 [PAGE 140](#): Motion to direct staff to develop an amendment that
45 would allow for state management of the recreational greater
46 amberjack fishery. [The motion was withdrawn on page 145](#).
47
48 [PAGE 145](#): Motion in Action 1 to add an alternative that reduces

1 the recreational possession limit on a multiday trip to one fish
2 per angler. [The motion carried on page 148.](#)
3
4 [PAGE 148](#): Motion to add an Action 4 to the document that
5 provides options for zone management of greater amberjack
6 harvest. [The motion carried on page 148.](#)
7
8 [PAGE 150](#): Motion to rephrase Objective Number 2 of the Reef
9 Fish FMP Objectives to read: To achieve robust fishery reporting
10 and data collection systems across all sectors for monitoring
11 the reef fish fishery which minimizes management uncertainty to
12 "minimizes scientific, management, and risk uncertainty". [The](#)
13 [motion carried on page 150.](#)
14
15 [PAGE 150](#): Motion to delay consideration of Amendment 52: Red
16 Snapper Allocation until the January 2020 council meeting. [The](#)
17 [motion carried on page 150.](#)
18
19 [PAGE 162](#): Motion to recommend that NMFS approve the FWC
20 lionfish exempted fishing permit application. [The motion](#)
21 [carried on page 162.](#)
22
23

24 - - -
25

1 The Full Council of the Gulf of Mexico Fishery Management
2 Council convened at the Hyatt Centric French Quarter, New
3 Orleans, Louisiana, Wednesday morning, August 14, 2019, and was
4 called to order by Chairman Tom Frazer.

5
6 **CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS**
7

8 **CHAIRMAN TOM FRAZER:** Before we get started with the Full
9 Council session, I would like to invite Jeff Montoucet, who is
10 the Secretary of the Louisiana Department of Wildlife and
11 Fisheries, to say a few words. Welcome, Mr. Montoucet.

12
13 **MR. JEFF MONTOUCET:** Thank you, Mr. Chairman and members. On
14 behalf of Governor John Bel Edwards and the Louisiana Department
15 of Wildlife and Fisheries and the citizens of Louisiana, we want
16 to take the opportunity to thank you for coming to Louisiana to
17 hold your conference. Louisiana is known as the sportsmen's
18 paradise, and we are trying to maintain and keep that status
19 throughout the United States, and we certainly appreciate it.

20
21 We are committed to being part of the council process, and I
22 want to applaud your dedication for what you all do and the
23 thoughtful work that provides all of the interested parties a
24 clear and transparent opportunity for input on how the
25 management of the fisheries resources will take place.

26
27 I would like to touch on a couple of recent decisions that the
28 council made that certainly had a huge impact on Louisiana, and
29 the state management that you have allowed us to do on private
30 recreational red snapper is an awesome benefit for our anglers,
31 but not only for the anglers, but the business people who are
32 involved in the fishing industry and that support that important
33 activity.

34
35 Our season, by the way, continues to go on this weekend, and
36 I've got my fingers crossed and my toes crossed and my arms
37 crossed that we can survive and go through Labor Day, but, if
38 the numbers aren't there, we're not going to move forward,
39 because we certainly don't want to exceed our quota.

40
41 Your decision providing our charter captains with the historical
42 reef fishing permits the opportunity to turn those into regular
43 reef fish permits is certainly important to the future of our
44 small businesses in Louisiana and across the Gulf that depend on
45 charter fishing for their income.

46
47 I would like to ask the council to please continue to consider
48 state management for other reef species in the Gulf. We feel

1 strongly that we have the accountability tools and the staff
2 dedicated to account for the fish that we catch in the Gulf,
3 along with our LA Creel Program, which has proven to be one of
4 the leading tools that we have in our tool chest to monitor
5 that. It gives us the flexibility and responsibility to be able
6 to manage additional species, and we would like to ask you that
7 you consider amberjack and triggerfish.

8
9 Lastly, please enjoy your stay in New Orleans. We're glad to
10 have you here. Stick around and enjoy the natural wonder of our
11 state and our food and our music here and just the people in
12 general. We love to have visitors come here, and we certainly
13 do a good job of that. Thank you, all, for being here in New
14 Orleans with us.

15
16 **CHAIRMAN FRAZER:** Thank you, Mr. Montoucet. It's always a
17 pleasure to come to New Orleans, and it's good to see you.

18
19 **MR. MONTOUCET:** Thank you.

20
21 **CHAIRMAN FRAZER:** We're going to go ahead and call to order the
22 Full Council. Welcome to the 275th meeting of the Gulf Council.
23 My name is Tom Frazer, Chair of the Council. If you have a cell
24 phone or similar device, we ask that you place it on silent or
25 vibrating mode during the meeting. Also, in order for all to be
26 able to hear the proceedings, we ask that you have any private
27 conversations outside. Please be advised that alcoholic
28 beverages are not permitted in the meeting room.

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

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

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

48

1 Public input is a vital part of the council's deliberative
2 process, and comments, both oral and written, are accepted and
3 considered by the council throughout the process. Anyone
4 wishing to speak during public comment should sign in at the
5 registration kiosk located at the entrance to the meeting room.
6 We accept only one registration per person. A digital recording
7 is used for the public record. Therefore, for the purpose of
8 voice identification, each person at the table is requested to
9 identify him or herself, starting on my left.

10

11 **MR. DALE DIAZ:** Dale Diaz, Mississippi.

12

13 **MS. LEANN BOSARGE:** Leann Bosarge, Mississippi.

14

15 **MR. JOE SPRAGGINS:** Joe Spraggins, Mississippi.

16

17 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine
18 Fisheries Commission.

19

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

21

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

23

24 **MR. J.D. DUGAS:** J.D. Dugas, Louisiana.

25

26 **MS. SUSAN BOGGS:** Susan Boggs, Alabama.

27

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

29

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

31

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

33

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

35

36 **MS. SUSAN GERHART:** Susan Gerhart, NOAA Fisheries Service,
37 Southeast Region.

38

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

40

41 **MR. CHESTER BREWER:** Chester Brewer, South Atlantic liaison.

42

43 **MR. LANCE ROBINSON:** Lance Robinson, Texas.

44

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

46

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

48

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

2
3 **MS. MARTHA GUYAS:** Martha Guyas, Florida.

4
5 **MR. GLENN CONSTANT:** Glenn Constant, U.S. Fish and Wildlife
6 Service.

7
8 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Carrie Simmons, council
9 staff.

10
11 **CHAIRMAN FRAZER:** All right. Thank you, everybody. Before we
12 actually move on to the Adoption of the Agenda and the Approval
13 of the Minutes, I am going to invite Dr. Crabtree up for
14 induction of the new council members.

15
16 **INDUCTION OF NEW COUNCIL MEMBERS**

17
18 **DR. CRABTREE:** We have three members, actually, who are starting
19 this meeting, Tom and Leann, but also Troy Williamson has been
20 appointed from Texas, but, due to a conflict and a previous
21 engagement, he is unable to be with us this week, but he will be
22 at our October meeting, and so we're going to just read the oath
23 together and state your name. As trustees of the nation's
24 fishery resources, all voting members must take an oath
25 specified by the Secretary as follows.

26
27 (Whereupon, Dr. Frazer and Ms. Bosarge read the oath.)

28
29 **DR. CRABTREE:** Congratulations and welcome back. Let's give
30 them a big hand. (*Applause*)

31
32 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**

33
34 **CHAIRMAN FRAZER:** I guess what we've got going on here now is
35 the first order of business is Adoption of the Agenda, and the
36 agenda would be Tab A, Number 3. Can I get a motion to adopt
37 the agenda? Dr. Simmons.

38
39 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. Can we
40 add, under Other Business, just a quick update on the release
41 mortality workshop? Ms. Muehlstein would like to do that, and
42 it will be very short. Thank you.

43
44 **CHAIRMAN FRAZER:** All right. We will add that to Other
45 Business. Ms. Guyas.

46
47 **MS. GUYAS:** I also want to add, under Other Business, just a
48 quick update on blackfin tuna.

1
2 **CHAIRMAN FRAZER:** Okay. Noted. We will add that as well. Any
3 other modifications to the agenda or additions? Seeing none, is
4 there a motion to adopt the agenda with the modifications?

5
6 **MR. SWINDELL:** I move that we adopt the agenda as written and
7 with the additions.

8
9 **CHAIRMAN FRAZER:** There you go. Can we get a second to that
10 motion by Mr. Swindell? It's seconded by Ms. Guyas. Is there
11 any opposition? Seeing none, we will consider the agenda
12 adopted.

13
14 The next item of business is Approval of the Minutes. Is there
15 any edits or modifications to the minutes? Seeing none, can I
16 get a motion to approve the minutes?

17
18 **MR. SPRAGGINS:** I make a motion that we approve the minutes.

19
20 **CHAIRMAN FRAZER:** Okay. Motion made by General Spraggins. Is
21 there a second? Second by Mr. Diaz. Is there any opposition?
22 Seeing none, the minutes are approved. Moving forward to the
23 next agenda item, that would be the Review of Exempted Fishing
24 Permit Applications, and I believe Sue Gerhart with SERO is
25 going to lead us through that.

26
27 **REVIEW OF EXEMPTED FISHING PERMIT APPLICATIONS**

28
29 **MS. GERHART:** Thank you. I have a short presentation. We
30 received an application from FWC requesting an EFP to test
31 lobster traps, modified lobster traps, for catching lionfish,
32 and so we have actually already issued an EFP to FWC to do this
33 kind of work for the South Atlantic, and so what they would like
34 to do now is expand their area in the South Atlantic where they
35 were working as well as move into the Gulf.

36
37 The purpose of this, as I said, was to test different
38 modifications to the lobster traps, and these are wire lobster
39 traps, to capture lionfish and to try to minimize bycatch and
40 other impacts on the environment while getting the most lionfish
41 possible.

42
43 The traps are going to be, and have been, through the South
44 Atlantic EFP, in a trawl line that has a maximum of thirty-two
45 traps, and they are minimizing lines in the water by just having
46 two lines, one at each end of the trawl line, with buoys on
47 them, and so they are going to vary the funnel and escape gap
48 dimensions, to try to reduce the bycatch, while still catching

1 lionfish.

2

3 As I said, we had an application and issued an EFP, and they
4 have made some changes to what we have already issued. By the
5 way, these terms and conditions are posted on our website, and
6 so you can see the EFP that's been issued already as well as the
7 terms and conditions, which we always attach to an EFP, telling
8 them what they can and can't do under that EFP.

9

10 One thing, as I said, is they want to expand the area that they
11 are looking at, and so they originally were just in one area of
12 the Keys, and they want to expand, at least for the South
13 Atlantic, to all of Monroe County and then add an area in the
14 Gulf, which I will show you in just a minute.

15

16 All of their traps will be set between 100 and 300 feet, or
17 thirty to ninety meters, and, obviously, if they're expanding
18 their area, they're going to expand the number of traps that
19 they want to use, and so, originally, they had 100 traps that
20 they were using in the South Atlantic, and they want to expand
21 to 300 total traps, 100 of which will be in the Gulf.

22

23 Again, because there is a larger area and more traps, there will
24 be more trips each year, and there is going to be more vessels
25 that will participate in this project. They also want to
26 increase their soak time. Now, I want to point out that their
27 general soak time is fourteen days, about two weeks. However,
28 things happen, and sometimes they just can't get out within
29 fourteen days, and they have had some struggles getting within
30 the twenty-one days that were part of the previous EFP, and so
31 they would like to have a little longer soak time of twenty-
32 eight days, just as a buffer for them, if they can't get out in
33 the time that they want to, due to weather or equipment failure
34 or whatever the issue is.

35

36 The biggest change probably is the last two lines there.
37 Originally, with the EFP, only currently permitted lobster
38 fishermen with traps that had certifications associated with
39 them were to be used, so that there were no additional traps
40 that were going to be added.

41

42 In compensation for that, those fishermen were allowed to keep
43 any lobster, for example, that they caught and be able to sell
44 them. What they want to change now is to be able to do their
45 own traps and not just have fishermen take out the traps, and so
46 they want to be able to have traps that do not have
47 certifications on them, additional traps out there, but,
48 consequently, they will not allow sale of anything except the

1 lionfish from those traps, and so that's a tradeoff that they
2 are requesting and that we will consider in the terms and
3 conditions.

4
5 This is the area that they want to look at. Now, I want to
6 remind you that, in January of 2018, we reviewed a couple of
7 different applications for EFPs to catch lionfish using lobster
8 traps. One of those was from Keys Fisheries, and that later
9 changed the name to Salty Bones, and they came with an area that
10 looked very similar to what you're seeing here, except the part
11 below the D-C line was also there, and, in looking at the shrimp
12 points, we found that there was a lot of shrimping area in that
13 area south of the D-C line, and so the council, at that time,
14 approved that EFP, or recommended approval of the EFP, with the
15 exception that they wanted them to stay north of that D-C line.

16
17 We brought that back, and the applicants made that change.
18 However, they later withdrew their application for the EFP, and
19 so they never carried out that project they were talking about,
20 but FWC is working with some of those same fishermen and took
21 that same area that was part of that application, and so that's
22 what you're seeing here, is the site that we had modified for
23 Keys Fisheries, Salty Bones, and so it's the same as what the
24 council had recommended previously.

25
26 Now, this is a map that was put together by Basher, who is on
27 the council staff, and it shows some of the things that we want
28 to see, and so you can see that that light green box is the
29 proposed area for the EFP, and, in this case, the green area is
30 the Gulf location, and then the blue area is the South Atlantic,
31 and so, if you look towards the bottom of the map, you can see
32 the line that goes through Point G and H, and that's the council
33 boundary, the jurisdictional area, and so everything to the east
34 of that is the area for the South Atlantic, that the South
35 Atlantic is going to be considering when they review this.

36
37 All of these areas are between, again, the thirty and ninety-
38 meter contours, which are very close together along the Keys,
39 but are farther apart in the Gulf. The yellow and orange points
40 are the shrimp ELB points, and so you can see that area that
41 they've taken out south of the D-C line, and it is a pretty
42 productive shrimp area.

43
44 Now, these points that are being shown, I believe, are for a
45 nine-year period, and so it's a total over a nine-year period,
46 and so, when you see the very lightest yellow color, that
47 represents perhaps one point, and that would be one point during
48 that total nine years, and so it's not a lot of activity, and so

1 there is still some shrimp activity around that Point C, but
2 those lighter colored ones are very uncommon occurrences that
3 are there.

4
5 Another thing I want to point out is the box on the left side of
6 the map that is sort of a purplish color. That is the Pulley
7 Ridge HAPC area. The large box there is the full Pulley Ridge
8 area. Remember that most of Pulley Ridge does not have any
9 fishing regulations in it, except for that pink part down
10 towards the bottom that is sort of an odd trapezoid shape. That
11 is Pulley Ridge South, which is the area that has had, for a
12 while now, fishing regulations prohibiting bottom-tending gear.

13
14 Then the blue section right next to it is the area of expansion
15 for those fishing regulations that was in Coral Amendment 9,
16 which is in the process of being implemented, and so those
17 areas, even though they're within the box of where the EFP is
18 for, it would be off limits in our terms and conditions, if we
19 were to issue this EFP, and so that would be one of the things
20 that we would require from them.

21
22 These are the terms and conditions, some of the terms and
23 conditions, we have with the current EFP that was issued for the
24 South Atlantic for the same project, and so, again, there is a
25 restriction on where the traps can be set, in not too shallow
26 water, because we have ESA-listed corals that are there. Not in
27 the HAPCs, and this will probably be revised for this one in the
28 Gulf, because the Pulley Ridge HAPC -- There is an allowance for
29 traps to be in that larger area, and just not in that south
30 area, and so we already have traps that are allowed in that
31 area, and so they would continue to be allowed.

32
33 Then various things that are to try to protect our protected
34 resources and habitats, and so returning bycatch and trap and
35 other gear requirements that will reduce the chance of
36 interaction with projected species, and all of these are marked,
37 as we have with any lionfish traps that we have out there, with
38 an "LF", so that, if there is some sort of entanglement or trap
39 loss, we can identify that it came from an experimental trap
40 rather than one of the fisheries.

41
42 Although these are the conditions of the current EFP, they are
43 most likely going to be very similar, again, should we issue
44 this EFP to FWC to do this work, and we would have a list of
45 terms and conditions that would be similar to this. That is all
46 I have for you. Thank you.

47
48 **CHAIRMAN FRAZER:** Thank you, Ms. Gerhart. Are there any

1 questions? Dr. Shipp.

2

3 **DR. SHIPP:** Susan, what kind of background data do they have as
4 to the possibility of these traps being effective? Have they
5 done any work at all?

6

7 **MS. GERHART:** I am trying to remember when we issued the one for
8 the South Atlantic, but they have been doing the work in the
9 South Atlantic already under the EFP that we provided, and they
10 did come to our office and present those results, which,
11 unfortunately, I was not there for that, and so I don't know
12 exactly what they were, but they have found some information
13 about certain modifications that are better than others, and so
14 they are refining that trap design based on that information and
15 just trying to get a little bit more information about really
16 which is the best design to use.

17

18 **CHAIRMAN FRAZER:** Ms. Bosarge.

19

20 **MS. BOSARGE:** I just want to put it on the record that there is
21 an area in there, if you go back to that map, and some of that
22 is yellow, but some of it is brown, and it's hard to see with
23 that overlay, and I can visualize that on our plotter, and we
24 shrimp in there, and you have to remember too that not every
25 shrimp boat is outfitted with an ELB, and that's not
26 extrapolated to the whole fleet. That's only a third of the
27 fleet that you have those dots for.

28

29 Do what you want to do, but it's just that -- Just understand
30 that, when we tear up one of those nets, if we come across one
31 of these traps and we get it, and we tear up that net, that's a
32 \$2,000 to \$3,000 net, if we just get one net, and so it's not a
33 minimal cost that we incur, and not to mention that you're
34 probably not going to get your trap back, and so I'm sure it's
35 not a minimal cost for FWC either, and so, if there's any way
36 you can look at that, look into it, see if it's possible to
37 avoid it, and then you want to catch the lionfish, but I will
38 mention also that, down there in that area, the shrimpers are
39 catching the lionfish when they're in there, and we're retaining
40 them, and so we're trying to do a good job of eliminating them
41 as well, because we actually have a dockside price for them that
42 we can get down there in south Florida, and so we're retaining
43 that catch and landing it, and so that's just a few things to
44 throw out there.

45

46 **CHAIRMAN FRAZER:** Are there any other questions for Ms. Gerhart?
47 I have one for Ms. Bosarge. What kind of lionfish bycatch are
48 you getting in these shrimp trawls?

1
2 **MS. BOSARGE:** It depends on where you're at. I asked my guys to
3 try and keep them, and I called them last time, and I said, hey,
4 are you catching any decent lionfish down there, and he said,
5 well, we were last week, when we were on that side, but he said
6 that we're on the other side today, and so we're not catching
7 anymore. You would have to talk to the guys that have actually
8 been landing them. I hope to land them this year when we go
9 down there, but we're not there yet.

10
11 **CHAIRMAN FRAZER:** But they are keeping records of them?
12

13 **MS. BOSARGE:** We do things in sacks, and so, yes. If they are
14 catching a few sacks, then they're going to start keeping them,
15 and so that's the best way I know to explain it to you. I don't
16 have it in pounds.
17

18 **CHAIRMAN FRAZER:** That's helpful. Thank you. Are there any
19 other questions? Okay. Seeing none, I guess we will ask Ms.
20 Muehlstein if there are any public comments related to this EFP.
21

22 **REVIEW OF PUBLIC COMMENTS ON EFP APPLICATIONS**

23
24 **MS. EMILY MUEHLSTEIN:** We did not receive any public comments on
25 this EFP.
26

27 **CHAIRMAN FRAZER:** Okay. So we will move forward with the next
28 agenda item then. We will have a presentation by Major Skena
29 from the Louisiana Law Enforcement Office.
30

31 **PRESENTATIONS**

32 **LOUISIANA LAW ENFORCEMENT EFFORTS**

33
34 **MAJOR EDWARD SKENA:** Good morning, Mr. Chairman and members of
35 the council. My name is Edward Skena, and I'm representing the
36 Department of Wildlife and Fisheries today, and I'm going to
37 give you a brief presentation on our joint enforcement agreement
38 program.
39

40 This is my first time addressing the council, and my
41 predecessor, Chad Hebert, was promoted to Lieutenant Colonel,
42 and he's bringing me up to speed, and so I hope I don't trip
43 much. If I do, we'll blame it all on him, especially since he's
44 not here today. Thank you for your time, and I know it's close
45 to lunch, and I will be brief, and, if there are any questions,
46 I will do my best to answer them.
47

48 For this reporting period, I am happy to report that we had a

1 little bit more than 9,600 patrol hours. This is actually time
2 spent in patrol status with uniformed agents that are actually
3 out there working, and, as you can see, we have it broken down
4 into commercial and recreational, and we have dockside hours and
5 at-sea hours. In my opinion, those are pretty impressive
6 numbers, and it represents a lot of hard work by the men and
7 women that wear our uniform.

8
9 This slide shows the public contacts, and this is the actual
10 number of people that were contacted that were engaged in the
11 fishery. It's close to 8,300 total public contacts, broken down
12 commercially and recreationally as well.

13
14 This number, in my opinion, is also very impressive. Of all of
15 the hours that we spent patrolling, we only have about a little
16 less than 500 hours, and that is actually for administrative
17 duties, writing reports and attending court, and it just further
18 shows that, the allotment of hours that we get, we're spending
19 the majority of that time actually in patrol status, which I
20 believe is what everyone wants, and I think that's where you get
21 the most bang for your buck, when you're out there contacting
22 the user groups and people that are involved in the resource.

23
24 I will try not to get in the weeds here. If we need to come
25 back and look at some of these -- These slides are a little bit
26 hard to see, but I will certainly come back, and this is
27 basically -- The next two slides will be observed compliance as
28 it pertains to the commercial fishery as well as the
29 recreational fishery.

30
31 It talks about the number of vessels inspected and what it was
32 actually broken down into. Probably the most important of all
33 of these, or the most impressive, is the observed compliance,
34 and you can see that we do have, as far as the commercial
35 industry goes, a pretty high rate of compliance. As it pertains
36 to reef fish, there is still some work to be done, which is why
37 we're doing what we're doing. If it was 100 percent compliance,
38 you guys wouldn't need us, but there is still some work to be
39 done there, and we are doing our best to educate everyone and
40 get everyone on the same page, and, if we need to circle back to
41 those slides, we certainly will.

42
43 This is for recreational, and it's broken down the same way,
44 and, as you can see, in Louisiana, we do have, even on the
45 recreational side, a high rate of compliance. This category, it
46 looks we're -- Where we have a slight dip is under highly
47 migratory species, and we could certainly come back to this.
48 Charter vessels, you can see down there it's actually 100

1 percent compliance, which is pretty impressive.

2
3 Of course, we have a few major cases that were made the last
4 reporting period. A seafood company in St. Bernard Parish were
5 found guilty and ordered to pay \$750 in fines, one year of
6 probation, and, of course, the special assessment fee, and this
7 related to Lacey Act violations as it pertains to dealing with
8 and selling out-of-state, failure to comply with trip tickets,
9 and failure to comply with federal reporting requirements.

10
11 Three subjects on a commercial shrimp trawl were cited for
12 closed season red snapper, over the limit of red snapper,
13 undersized red snapper, and over the limit or overweight of fish
14 fillets. A total of nineteen snapper were seized, and twenty-
15 four pounds of fillets were seized.

16
17 The last major case that I want to report to you is a subject
18 was cited for taking a bluefin tuna during the closed season,
19 and he was ordered to pay \$4,900 in civil restitution. That is
20 it, in a nutshell, and we're happy with the way the program is
21 going.

22
23 As I stated, we are enjoying some high compliance rates, but we
24 feel like there is a few people out there that will try to take
25 advantage of the situation, and that's what we're here for.
26 We're here to help, and we will continue to educate where we
27 can, and, if that doesn't work, we will issue citations and
28 conduct investigations to get full compliance. I certainly
29 appreciate your time. If there are any questions, I will be
30 happy to take them.

31
32 **CHAIRMAN FRAZER:** Thank you, Major Skena. We certainly
33 appreciate all the work that you do, and we appreciate the
34 updates that you provided here today. Are there any questions?
35 Mr. Diaz.

36
37 **MR. DIAZ:** Thank you, Major Skena, and I echo what Dr. Frazer
38 just said. I appreciate the work that you do. Without the
39 enforcement part, nothing works. That was a good presentation,
40 but I do want to ask a question though on the commercial vessel
41 observed compliance.

42
43 Everything looks high, about where I would have thought it would
44 have been, but that particular one is low, and it's nineteen
45 vessels inspected and ten cited, and the compliance rate is
46 47.37, and, if you happen to know, with those ten cases you have
47 made there, what type of cases were those, if you can recall?

48

1 **MAJOR SKENA:** The majority of those, sir, were commercial boats,
2 commercial shrimp trawlers, in possession of red snapper during
3 the closed season. A lot of times, we get on those boats to do
4 just regular compliance inspections, and then we go down into
5 the hold, and we find red snapper. In the majority of those
6 cases, that was the case there.
7
8 **MR. DIAZ:** Thank you.
9
10 **CHAIRMAN FRAZER:** Mr. Swindell.
11
12 **MR. SWINDELL:** I am looking at the one with the bluefin tuna,
13 and it says one subject was cited, and was this the person that
14 actually had the line on the tuna, or was there no penalty for
15 the vessel operator?
16
17 **MAJOR SKENA:** That was for the gentleman that actually caught
18 that fish.
19
20 **CHAIRMAN FRAZER:** Mr. Banks.
21
22 **MR. BANKS:** Thank you, Major Skena. I appreciate all the work
23 that you guys do. You all work really, really well with our
24 biologists, and we couldn't -- Like Dale said, we couldn't do it
25 without you guys, and I appreciate the relationship we have with
26 you all.
27
28 The question I did have is with the tuna as well, and I'm just
29 curious about the price. Since we're doing a civil restitution
30 right now, and the agency is updating it, is that a civil
31 restitution set at the federal level, or is that our state civil
32 restitution level?
33
34 **MAJOR SKENA:** That particular case was prosecuted in state
35 court, in Plaquemine Parish, and I think the -- You will have to
36 forgive me, but I think the price per pound that was set by the
37 department for bluefin tuna was \$8.50 a pound, which I think is
38 pretty cheap, considering, but that case was prosecuted in state
39 court, sir.
40
41 **CHAIRMAN FRAZER:** All right. Are there any other questions for
42 Major Skena? Seeing none, thank you for your time, sir.
43
44 **MAJOR SKENA:** Thank you, all, and have a good day.
45
46 **CHAIRMAN FRAZER:** Okay. Next on the agenda, we have an update
47 with Dr. Lasseter regarding illegal, unreported, and unregulated
48 fishing report to Congress.

1
2 **ILLEGAL, UNREPORTED, AND UNREGULATED (IUU) FISHING REPORT TO**
3 **CONGRESS**
4

5 **DR. AVA LASSETER:** Thank you, Mr. Chairman. This is a very
6 brief update, because, unfortunately, the report we were
7 expecting for this agenda item has not yet been released, and so
8 the Texas Parks and Wildlife representative on the Law
9 Enforcement Technical Committee, Assistant Commander Jarret
10 Barker, contacted me, because he wanted to make the council
11 aware of this upcoming report that they are expecting, and this
12 will be a new determination on the Mexican lancha issue that is
13 released from the NOAA Fisheries Office of International Affairs
14 in Seafood Inspection, and so that's the office that produces
15 these biennial reports on the IUU fishing.

16
17 Assistant Commander Barker informed me that he was told that the
18 office has not yet made the final certification or
19 identification decisions, but that they were expecting the
20 report to be released in July. It hasn't come out yet, but we
21 will keep you updated, and I just wanted to pass it to the Coast
22 Guard for just a moment and see if there's anything they wanted
23 to add regarding this issue as well.

24
25 **LT. ZANOWICZ:** Thank you. I know this was a very important
26 topic for the council when it came up last year as well, and one
27 of the things that I wanted to stress was that the Coast Guard
28 was not directly involved in the decision to certify or not
29 certify a country or to list them on the IUU list.

30
31 Our involvement consists of providing input to NOAA's Office of
32 International Affairs regarding what we're seeing. Obviously,
33 the Coast Guard is a primary at-sea enforcement agency, and so
34 we have numbers on detections going back several years, as well
35 as interdictions, and we also provide our input on enforcement
36 actions that we think Mexico should be taking to combat this
37 issue.

38
39 For example, in the past, we have asked Mexico to install VMS or
40 AIS devices onboard that tracked the location of these vessels,
41 and that was several years ago that we made that recommendation,
42 and, to date, we have never interdicted a Mexico lancha with a
43 VMS or AIS device installed onboard.

44
45 That is pretty much the Coast Guard's involvement in this
46 decision. Again, we're not directly involved in the decision,
47 and that is NOAA's Office of International Affairs, and so I'm
48 sure there's a lot of factors they consider, but, if the council

1 is curious about the specifics of that decision, I would
2 definitely encourage engagement with that office.

3

4 **CHAIRMAN FRAZER:** Dr. Stunz.

5

6 **DR. STUNZ:** I have a question, and I don't know, Mark, if this
7 is something you can answer, or maybe other enforcement
8 officers, but, if Mexico was to be de-certified, I have some
9 vague understanding that that increases your enforcement
10 capability or something like that, or I don't -- There is some
11 nuanced reason of this certification that allows you all to do a
12 better job of enforcing this or something?

13

14 **LT. ZANOWICZ:** My understanding is, if they are de-certified,
15 they could be subject to sanctions. I don't have any specifics,
16 in terms of increasing our enforcement capability. However,
17 sort of related to that, one of our recommendations to NOAA to
18 require Mexico to do is to increase patrols, Mexican navy
19 patrols, south of the maritime boundary line and patrolling for
20 these vessels, and so that could possibly help as well.

21

22 **CHAIRMAN FRAZER:** Okay. Are there any other questions? Seeing
23 none, thank you, Dr. Lasseter. We're about thirty minutes or so
24 ahead of schedule, and we're going to try to knock out at least
25 one of these committee reports before we break for lunch, and,
26 General Spraggins, if you're willing to give us the report of
27 the Administrative and Budget Committee, that would be great.

28

29

30 **COMMITTEE REPORTS**
31 **ADMINISTRATIVE/BUDGET COMMITTEE**

32

33 **MR. JOE SPRAGGINS:** Yes, sir, Mr. Chairman. The
34 Administrative/Budget Committee met on August 12, and the
35 committee adopted the agenda and approved the minutes of the
36 April 2019 meeting as written.

37

38 I would like to bring up a couple of the agenda items. Item IV
39 is 2017-2018 Audit Report. Staff presented the results of the
40 2017-2018 biennial council audit. The audit was conducted in
41 accordance with the Office of Management and Budget guidance and
42 was found to be free of material weaknesses. The full audit
43 report has been uploaded and accepted to the Federal Audit
44 Clearing House, so that we remain in compliance with our funding
45 requirements.

46

47 Agenda Item V is Approval of the Final 2019 Funded Budget.
48 Staff reviewed the revised budget for 2019, which was based on
the final funded total of \$3,950,758. The funded budget

1 incorporates the council's April 2019 request to include
2 budgeting for a council member to attend in-person and webinar
3 SEDAR stock assessment meetings and a one-time \$20,000
4 allocation to the five Gulf states and the Gulf States Marine
5 Fisheries Commission for liaison activity. With the indicated
6 revisions, staff anticipates liquidating the 2019 funding by the
7 end of the year. **With no opposition, the committee recommends,**
8 **and I so move, to approve the 2019 revised funded budget.**

9
10 **CHAIRMAN FRAZER:** We will get that motion up on the board. We
11 have got a committee motion on the board to approve the 2019
12 revised funded budget. Is there any further discussion of this
13 motion? Mr. Anson.

14
15 **MR. ANSON:** I just want to clarify -- Dr. Simmons had a little
16 bit of discussion during committee about some of the states may
17 not be able to accept additional money if they couldn't spend it
18 out, and so that's something that staff can do, and you can do
19 with the 10 percent, moving within the budget categories, if a
20 state -- That's not going to create a problem for you?

21
22 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I don't
23 think it will create a problem, but I think we could keep up
24 with communication on that, and that would be good, as we get
25 closer to the end of the year, so we have a better idea of who
26 will spend those funds and who won't be able to spend those
27 funds before the October meeting, and that would be helpful, and
28 then we can potentially -- We can come back with a more final
29 number and look at those other projects, and hopefully we'll
30 have found out from our grant coordinator how the carryover
31 budget narrative works and how our next five-year grant cycle
32 looks, and so we'll have more information on that and a better
33 idea of where we stand. Thank you.

34
35 **CHAIRMAN FRAZER:** Is there any additional discussion regarding
36 the motion? **Seeing none, is there any opposition to this**
37 **motion? Seeing none, the motion carries.** General Spraggins.

38
39 **MR. SPRAGGINS:** Thank you, sir. Agenda Item VI is Review of
40 2015-2019 Projected Expenditures and Budget Carryover to 2020.
41 Staff presented a projection of the council's fiscal position at
42 the end of the 2015-2019 award period. The current projections
43 indicate that the remaining unexpended funds may be \$335,398.
44 This will be revised and revisited again for the October 2019
45 council meeting, when staff will bring a list of possible
46 projects for council consideration.

47
48 Until then, any ideas or suggestions should be provided to the

1 Council Chair and Executive Director by September 30th, to
2 provide adequate time to compose a potential scope of work and
3 related budget for review during the October 2019 meeting.

4
5 The next thing is Agenda Item VII, and that is Guidance from
6 NMFS on the Multi-Year 2020-2024 Council Budget Requests and
7 Gulf Council Projection. Staff have developed a draft budget
8 for the 2020 through 2024 administrative award request. This
9 request does not include funding for any activity included in
10 the anticipated carryover activities request for the 2015
11 through 2019 award. The funding process is not anticipated to
12 change, and so staff will continue to bring budgets to the
13 council annually, based on the actual funding.

14
15 The funding request was prepared in accordance with the budget
16 guidance provided by NMFS. The 2020 request is level with 2019
17 funding, and there is an annual increase projected at an average
18 of 5.7 percent through 2024. If funded at these levels, the
19 total request for the five years will be \$22,740,700. **With no
20 opposition, the committee recommends, and I so move, to approve
21 the proposed budget request for 2020 through 2024.**

22
23 **CHAIRMAN FRAZER:** All right, and so we've got a committee
24 motion, and we'll put it up on the board. We've got a motion to
25 approve the proposed budget request for 2020 through 2024. Is
26 there any further discussion on this motion? Mr. Swindell
27 seconded that motion. Is there any further discussion on this
28 motion? **Seeing none, is there any opposition? Seeing no
29 opposition, the motion carries.** General Spraggins.

30
31 **MR. SPRAGGINS:** Mr. Chairman, this concludes my report.

32
33 **CHAIRMAN FRAZER:** Thank you, Mr. Spraggins. Let's take a look,
34 Dr. Simmons, at what we might be able to check off on our list.
35 We will go ahead and take care of some of the Other Business
36 items, and, Martha, if you want to go through the blackfin tuna.

37
38 **OTHER BUSINESS**
39 **BLACKFIN TUNA DISCUSSION**

40
41 **MS. GUYAS:** I just wanted to give you all an update, because I
42 think we talked about this at our last meeting, that the
43 commission was looking at implementing regulations for blackfin
44 tuna and potentially extending those regulations into federal
45 waters.

46
47 The commission sent a letter to the council about this back in
48 June. Since that time, our commission met and has developed a

1 proposed rule that will be considered at their next meeting in
2 October for final action, and what this would do is it would
3 create a recreational limit of two fish per person or ten fish
4 per vessel per day, whichever is greater, and then that would
5 apply into federal waters adjacent to Florida, and so I just
6 wanted to kind of keep you guys posted about what's going on,
7 since there was some interest in that. That's it.

8
9 **CHAIRMAN FRAZER:** Thank you, Ms. Guyas. Is there any questions?
10 Mr. Anson.

11
12 **MR. ANSON:** Martha, have you all received any comments, initial
13 comments, from the public about that?

14
15 **MS. GUYAS:** Before we went to the commission, we had public
16 workshops to kind of learn about how people are interacting with
17 these fish now and kind of what they wanted to see and what they
18 would be comfortable with, and this seems to be okay with most
19 folks, and so we mostly got good feedback.

20
21 **CHAIRMAN FRAZER:** Are there any other questions for Martha?
22 Okay. Thank you, Martha. The second item under Other Business
23 was the release mortality workshop and Ms. Muehlstein.

24
25 **RELEASE MORTALITY WORKSHOP DISCUSSION**

26
27 **MS. MUEHLSTEIN:** Thank you, and so I just wanted to give you
28 guys a quick update on this release mortality workshop that we
29 will be hosting, and that workshop is going to take place on
30 October 7 through 9 in St. Pete Beach, Florida.

31
32 It's sort of a two-part workshop. The first two days will focus
33 primarily on the science behind release mortality and sort of
34 what we have now and what we might need to gather in the future,
35 in order to incorporate any sort of changes into assessments, if
36 we are able to sort of promote the use of these devices.

37
38 The actual objective that we have of that first part, the first
39 few days of the meeting, is focusing primarily on the
40 recreational sector to create a roadmap or action plan to
41 promote the use of barotrauma mitigation tools, data collection
42 efforts for discard mortality by fleet and species, and
43 incorporate those results into the stock assessments.

44
45 Now, we have sort of talked about this in the past, but there is
46 a good bit of restoration funds available through the Deepwater
47 Horizon Open Ocean TIG, and so part of what we're hoping to do
48 is to help inform that group of sort of the best ways to promote

1 as well as incorporate the use of those devices in the Gulf of
2 Mexico and into our scientific process.

3
4 Now, the meeting will be open to the public, and we will have a
5 panel, and that panel consists of about twenty-five people, and
6 that includes our presenters, and it is a mix of scientists as
7 well as agency and Gulf Council folks and some invited fishermen
8 as well that will sit around the table and sort of help make
9 those recommendations.

10
11 We have invited speakers from the west coast who have had
12 experience with incorporating the use of barotrauma mitigation
13 devices into their management plans as well as into stock
14 assessments, and it actually ended in having increased harvest
15 because of their reduction in discard mortality, and then we
16 will also have some presenters from across the Gulf coast who
17 will present about some of the current science that's already
18 been done on discard mortality in the Gulf of Mexico
19 specifically.

20
21 Following the first two days of the meeting, which is really
22 focused on the science, we will convene our council's Outreach
23 and Education Technical Committee, and that committee will do a
24 similar thing, and they're actually going to create a roadmap
25 for the Open Ocean TIG folks on how to best communicate and
26 promote the use of the devices across the Gulf.

27
28 Just to remind you, our Outreach and Education Technical
29 Committee consists of the different five state agency personnel
30 and also Sea Grant agents from across the Gulf coast, and so
31 hopefully, by the end of the three days, we'll really have a
32 two-part roadmap that outlines both the science and the
33 communications necessary to successfully promote the use of
34 these devices and incorporate the use of those devices into sort
35 of the scientific body of knowledge and our stock assessments,
36 ultimately, and so I will take any questions.

37
38 **CHAIRMAN FRAZER:** There you go. Thank you, Ms. Muehlstein. Mr.
39 Dyskow.

40
41 **MR. DYSKOW:** Thank you, Mr. Chair. Emily, who are the people
42 that are coming from the west coast?

43
44 **MS. MUEHLSTEIN:** There is a council member as well as a council
45 staff member, and it's John Devore and Dan Wolford, and, off the
46 top of my head, I don't know which one of them is which. Okay.
47 John Devore is the staff member, and Dan Wolford is the council
48 member that was present during all of the discussions on their

1 release mortality stuff, and they are using yelloweye rockfish
2 as sort of our case study.

3

4 **CHAIRMAN FRAZER:** Mr. Dyskow.

5

6 **MR. DYSKOW:** I just wanted to point out that the biggest success
7 story in that fishery has been with headboats, long-range boats,
8 in that they have significantly increased their catch and their
9 days on the water through this activity of using descending
10 devices primarily, and so it would be nice if we could get
11 someone from the fleet to attend, but, if not, I'm sure the
12 council members could handle it.

13

14 **CHAIRMAN FRAZER:** Are there any other questions for Ms.
15 Muehlstein? Okay. Thank you, Emily, for that update. If
16 people are interested in learning more about that workshop, let
17 me know, or Dr. Simmons or Ms. Muehlstein, and we can get you
18 more details, if needed.

19

20 I don't think that we have any other materials that we can
21 actually accomplish without putting anybody on the spot. I
22 mean, I could ask Chester if you want to do the South Atlantic
23 liaison report.

24

25 **MR. BREWER:** I would prefer to do it now.

26

27 **CHAIRMAN FRAZER:** Then you're on. Give it a go, Chester.

28

29 **MR. BREWER:** I didn't know when you were going to get through
30 tomorrow, and I'm going to have to catch a plane, but, the way
31 it looks right now, you're going to get through early tomorrow.

32

33 **CHAIRMAN FRAZER:** There you go, if you're willing.

34

35

36 **SUPPORTING AGENCIES UPDATE**
37 **SOUTH ATLANTIC COUNCIL LIAISON REPORT**

38

39 **MR. BREWER:** I am willing to be moving. You all have the rather
40 extensive report in your briefing materials, and I am not going
41 to sit here and read that report to you. There are, however, a
42 couple of items that are on there that I think would be of
43 interest to the Gulf Council.

44

45 We have had a request from some of our snapper grouper
46 commercial guys, and this would strictly be Georgia, South
47 Carolina, and North Carolina, that if they have an unlimited
48 snapper grouper permit and they have a lobster tailing permit,
that they be allowed to retain a commercial limit, which,

1 incidentally, is the exact same as the recreational, and it's
2 two lobsters, but that they be able to retain the two lobster
3 per person per trip.

4
5 Essentially, when they're out snapper grouper fishing, they want
6 to have the ability to get a couple of lobster and bring them
7 in, and they have to run a pretty good distance to get out
8 there, and so this would help them a little bit with their
9 income, and so we're taking a look at that. As I said, this
10 would only apply to the waters off of Georgia, North Carolina,
11 and South Carolina.

12
13 Obviously, those are not waters that are regulated by the Gulf,
14 but the fishery is under a joint management plan, and so, if the
15 South Atlantic Council decides to go forward with this, anything
16 that we come up with would have to be approved by this council.

17
18 The other one is a request out of our Mackerel AP, and they have
19 been having some -- The Spanish mackerel folks have been having
20 some difficulties, and those difficulties appear to be related
21 to overcapacity, and we have had to close down both the Northern
22 and the Southern Zones early, and so the AP has come to the
23 council with a request that we take a look at potentially having
24 limited entry with regard to those commercial permits and that,
25 in the Southern Zone, we have a -- We take a look at an
26 endorsement for gillnets, which are legal in federal waters and
27 not legal in state waters, but they are legal in federal waters,
28 and, when I say state, I'm talking about the State of Florida.

29
30 We have agreed to go forward taking a look at that, and staff
31 has been requested to give us a white paper with several options
32 on it and not just limited entry, but to see what options might
33 be available, and we will be looking at that, and I don't know
34 any timetable for it. It's kind of in the initial stages, but,
35 again, because of the joint management between the Gulf and the
36 South Atlantic Council, if we do come up with something, it
37 would need to be approved by this council. Mr. Chair, that
38 concludes my report.

39
40 **CHAIRMAN FRAZER:** Thank you, Chester. Ms. Bosarge.

41
42 **MS. BOSARGE:** Chester, are you all still following up on going
43 back and looking at some of those closed areas? You closed them
44 back in 2013 or 2014, and it was closed based on coral modeling,
45 some modeling results that you had, and you all -- I have to say
46 that I give you kudos, because you followed through on this.
47 You said you would go back and look at them after a certain
48 number of years, once you had more actual hard data, and you

1 were looking at them because there were some golden crabbers and
2 some rock shrimp guys that said, hey, you know, this is our
3 primetime rock shrimp grounds, and there is not coral here, and
4 I know the model is telling you there is, but there is not, but
5 those guys came in real late in your process, and I think it was
6 just too late to do anything, and are you still working on
7 looking at that and possibly opening some of that back up?

8
9 **MR. BREWER:** I am not 100 percent sure what area you're asking
10 me about, and you're not talking about any of the special
11 management zones that went into place, and this was like the
12 Oculina Bank area? Okay.

13
14 I know that they are looking at it, and nothing has been brought
15 before the council formally, to see about reopening some of the
16 -- These are the areas around the Oculina Bank, I'm sure, up
17 around -- Not Sebastian, but actually a little bit north of
18 Sebastian, up around the -- Well, I think around the Cape
19 Canaveral area and then north. Nothing formal has been started
20 on looking at that, although you are quite correct that there
21 were some people that came in and said, hey, this is where we
22 rock shrimp, and you don't need to close it, and so, yes, it's
23 still on the table, but it has not been moved forward formally.

24
25 **CHAIRMAN FRAZER:** Are there any further questions for Chester?
26 All right. Thank you, Chester. I appreciate that. All right,
27 and so we will go ahead and try to knock out the Gulf States
28 Marine Fisheries Commission liaison report. Mr. Donaldson.

29
30 **GULF STATES MARINE FISHERIES COMMISSION**

31
32 **MR. DONALDSON:** Thank you, Mr. Chairman. Just a couple of
33 notes. The commission's annual meeting is scheduled the week
34 prior to the October council meeting, October 15th through 17th,
35 in Biloxi, Mississippi, and, as always, everyone is welcome to
36 attend, and we hope to see you there.

37
38 The other issue is the commission -- We talked a little bit
39 about artificial reefs and materials and whatnot, and Dale
40 alluded to it, that we have a guidelines for marine artificial
41 reef materials document, and we produced it a number of years
42 ago, in January of 2004, and we're currently in the process of
43 revising that document.

44
45 It kind of outlines suitable materials for artificial reefs, and
46 it was a joint document done by the Gulf as well as the Atlantic
47 artificial reef groups, and we are hoping to get final approval
48 at our October meeting for that document, and I can provide that

1 link, once it's available, to council staff, and they can
2 distribute it to the group. With that, that concludes my
3 report.

4
5 **CHAIRMAN FRAZER:** Thank you, Dave. We appreciate that, and we
6 appreciate you getting the report to the staff when it becomes
7 available. Are there any questions for Dave? Okay. Seeing
8 none, I think Mr. Constant might want to say a few words from
9 the U.S. Fish and Wildlife Service.

10
11 **U.S. FISH AND WILDLIFE SERVICE**

12
13 **MR. CONSTANT:** Thanks. Just a brief comment about Emily's
14 report and a reminder, I think, that the connection that she has
15 now with this Deepwater Horizon Open Ocean TIG group and the
16 funding resources available and coming up in the future is a
17 great connection for the council.

18
19 The Gulf States Marine Fisheries Commission has also kind of
20 inserted themselves into the decision-making process on what
21 gets funded in the next round, even though that's not imminent,
22 and I think this is a great time to continue that connection to
23 that body and to help drive those resources to things that might
24 help manage or help with the things that influence the species
25 that the council manages.

26
27 Both of those avenues I think direct project connections, like
28 with the release mortality study that Emily is involved in and
29 the kind of pre-proposal preparation, I think, that the
30 commission is doing are great places to invest, I think, in some
31 possible resources for the future, and that's all that I have.

32
33 **CHAIRMAN FRAZER:** Thank you, Glenn. Any questions for Glenn?
34 All right. Seeing none, I think that's about all of the
35 materials that we're allowed to knock out before lunch, and so
36 we will break for lunch, and we are scheduled for public comment
37 to begin at 2:00 p.m. At 2:00 p.m., we will start.

38
39 (Whereupon, the meeting recessed for lunch on August 14, 2019.)

40
41 - - -

42
43 August 14, 2019

44
45 WEDNESDAY AFTERNOON SESSION

46
47 - - -

1 The Full Council of the Gulf of Mexico Fishery Management
2 Council reconvened at the Hyatt Centric French Quarter, New
3 Orleans, Louisiana, Wednesday afternoon, August 14, 2019, and
4 was called to order by Chairman Tom Frazer.

5
6 **CHAIRMAN FRAZER:** Good afternoon, everyone. Public input is a
7 vital part of the council's deliberative process, and comments,
8 both oral and written, are accepted and considered by the
9 council throughout the process.

10
11 The Sustainable Fisheries Act requires that all statements
12 include a brief description of the background and interest of
13 the persons in the subject of the statement. All written
14 information shall include a statement of the source and date of
15 such information.

16
17 Oral or written communications provided to the council, its
18 members, or its staff that relate to matters within the
19 council's purview are public in nature. Please give any written
20 comments to the staff, as all written comments will also be
21 posted on the council's website for viewing by council members
22 and the public, and it will be maintained by the council as part
23 of the permanent record.

24
25 Knowingly and willfully submitting false information to the
26 council is a violation of federal law. If you plan to speak and
27 haven't already done so, please sign in at the iPad registration
28 station located at the entrance to the meeting room. We accept
29 only one registration per person.

30
31 Each speaker is allowed three minutes for their testimony.
32 Please note the timer lights on the podium, as they will be
33 green for the first two minutes and yellow for the final minute
34 of testimony. At three minutes, the red light will blink, and a
35 buzzer may be enacted. Time allowed to dignitaries providing
36 testimony is extended at the discretion of the Chair.

37
38 If you have a cell phone or similar device, we ask that you keep
39 them on silent or vibrating mode during the meeting. Also, in
40 order for all to be able to hear the proceedings, we ask that
41 you have any private conversations outside, and please be
42 advised that alcoholic beverages are not permitted in the
43 meeting room. Our first speaker is Lawrence Marino, followed by
44 James Bruce.

45
46 **PUBLIC COMMENT**
47
48 **MR. LAWRENCE MARINO:** Good afternoon. My name is Lawrence

1 Marino, and I'm here on behalf of Louisiana Attorney General
2 Jeff Landry. Attorney General Landry supports reducing the red
3 snapper for-hire ACT buffer to 9 percent. For-hire has proven
4 its ability to meet its ACTs, and its buffer still allows a
5 significant margin of safety.

6
7 However, Attorney General Landry continues to urge the council
8 to authorize state management of the for-hire component for the
9 states that want it. Louisiana does want it, and the Louisiana
10 Department of Wildlife and Fisheries has proven that it can do a
11 good job of it.

12
13 As to Amendment 36B, the council members' comments seem to
14 indicate momentum for the idea that catch shares should be
15 reserved to active fishermen, use-it-or-lose-it. This is
16 encouraging, and Attorney General Landry supports it. Requiring
17 a reef fish permit doesn't fully solve the problem, but it's a
18 start, and Attorney General Landry supports requiring this of
19 all shareholders. An additional action requiring actual
20 landings by the shareholders would go even further to
21 restricting shares to those actually doing the fishing.

22
23 Attorney General Landry also supports creation of the quota bank
24 to hold shares after divestiture, as well as the set-aside quota
25 increases into the bank. This is an opportunity to fine-tune
26 the IFQ program to enable it to address current and future
27 problems and priorities.

28
29 A non-governmental operator of the quota bank would increase its
30 flexibility, although it creates other risks. The operator must
31 be fairly representative of the industry as well as
32 knowledgeable of the industry, and it must comply with policy
33 directives and goals set by this council, which must be broad
34 enough to allow flexibility, but specific enough to enable
35 compliance to be policed.

36
37 Among the goals of the quota bank must be minimizing merely
38 choosing new winners and losers in the allocation of quota. Any
39 reallocation involves this to some degree, but it's reasonable
40 if done in furthering specific, legitimate goals. Covering
41 bycatch is one such legitimate goal, though, even there, the
42 operator must be vigilant to avoid merely incentivizing creation
43 of even more bycatch.

44
45 The IFQ program itself created the original winners, and the
46 quota bank would at least enable specific problems to be
47 targeted as they are identified, and is therefore a step in the
48 right direction. Thank you.

1
2 **CHAIRMAN FRAZER:** Mr. Marino, we have a question from Mr.
3 Sanchez.

4
5 **MR. SANCHEZ:** It's more of a comment. I enjoyed eating dinner
6 with you the other night, and that was pretty brave of you.

7
8 **MR. MARINO:** I had a great time. Thank you.

9
10 **CHAIRMAN FRAZER:** Thank you, Mr. Marino. Our next speaker is
11 James Bruce, followed by Scott Robson.

12
13 **MR. JAMES BRUCE:** I'm James Bruce, owner and operator of the
14 Snapper Fishing Vessel Dulac. When we started this program, it
15 was just snappers, and I've been trying to ask some people, and
16 they explained to me what happened. What we've got is a permit
17 and the endorsement, which we did away with, but the fish was
18 assigned to the fishermen. Then, in 2010, when the grouper
19 joined us, the system went from fishermen to vessel, and it went
20 out of the fishermen's hands.

21
22 Then, in the regulations, it says that we was compatible to the
23 groupers, which we're not. We don't have no allocation caps,
24 and our rules are totally different, and so that would be
25 putting like us trading with China, and it's unfair. They have
26 got allocation caps, and they've got every cap that you need,
27 leasing caps, and they've got catching caps, and their system
28 was set up for the vessel accounts, and, when you throw that
29 extra account in there and you don't assign the fisherman
30 account, it's even harder to track where that fish is going.

31
32 Instead of having six accounts, like was first issued to the max
33 person, they combined that to one account, but they left it two
34 accounts, because that's just like a permit. Why do we need to
35 pass new laws where the stuff is going to go if it's taken by
36 National Marine Fisheries? On the books, they've got it
37 already, where the fish goes if National Marine Fisheries takes
38 it.

39
40 They also -- How about when somebody dies? You can inherit
41 this, and how that's in the fishermen, and it's not. It's up to
42 the council to pass it, whatever is going to happen to it. If
43 you all want the fishermen, and I know you've got the
44 longliners, and there's about eight of them they told me that's
45 owner-operated, and I'm owner-operated, and we didn't know what
46 this would do, but we could at least get compatible, and how can
47 you have two systems that is not in line and working, and this
48 hasn't been working for nine years, and it's very easy to change

1 it.

2

3 **CHAIRMAN FRAZER:** Mr. Bruce, you've got a question from Mr.
4 Banks.

5

6 **MR. BANKS:** James, thanks for giving those comments. Can you
7 clarify for me -- What you're saying is you believe a permit
8 should be required to own shares?

9

10 **MR. BRUCE:** Yes, sir. It should be effective the day it goes
11 into effect, and they've got laws already where the fish goes,
12 and why do we got to drag it on? That would be a first step,
13 and then you see what's going to happen after, and can't you
14 take that permit -- If you've got only two chapters, and can't
15 you take that second chapter and throw it away, and you've got
16 to do the -- Whatever you all call it to do it right there, to
17 pass it. The laws are there.

18

19 **CHAIRMAN FRAZER:** Thank you, Mr. Bruce. Our next speaker is
20 Scott Robson, followed by Avery Bates.

21

22 **MR. SCOTT ROBSON:** Good afternoon, Gulf Council, ladies and
23 gentlemen. My name is Scott Robson, and I run the Charter Boat
24 Phoenix in Destin, Florida. I have been fishing for thirty-
25 some-plus years.

26

27 I am here for a couple of reasons, but, first, I would start out
28 with the amberjack. I would prefer the Action 2, Alternative 2,
29 and that's a May 1 through May 20 season and a September 1
30 through October 31 season. Possibly, out of that season, we
31 might get at least two months of fishing time out of it,
32 hopefully, and I would also still prefer, as I've been speaking
33 about for a couple of years now, the fractional bag limit of one
34 fish per two people. I think, in the long run, it's going to
35 show that that's a good action to have, and it's going to reduce
36 catch rates.

37

38 What I am mostly here about is to kind of have the -- How can I
39 say it, but the adult conversation about the bottlenose dolphin
40 problem in the Gulf, and I mean Gulf-wide, and I think sector-
41 wide, and everybody -- I think everybody got this thing, and
42 it's got some listings from NOAA, and, now, granted, it doesn't
43 list the mammals on there as the bottlenose dolphin, and they do
44 it on the seals, a couple of different types of seals, on the
45 west coast, but it's approved listings there of deterrent
46 methods, and I just think that we need to start this
47 conversation of how -- Where do we go from here, and who do we
48 talk to to start this conversation with how can we start to slow

1 this bottlenose dolphin problem down in the Gulf?

2

3 Here again, like I said, on the west coast, they use rubber
4 bullets, and we're thinking that's probably a good, viable way
5 here in the Gulf, and I don't know where this is going to go
6 from here, but I just, once again, feel like this conversation
7 needs to start, because it's not just a small problem anymore,
8 and it's kind of a thing we all created, and, when I say all, I
9 mean National Marine Fisheries, fishermen, and all, and it
10 started off with the discards, and we had to do all of that to
11 rebuild this fishery, but we've rebuilt a lot of fisheries here,
12 and now we've got the dolphin taking them, and it's in a serious
13 way, and not like a light little pull. They about jerk poles
14 out of people's hands.

15

16 I know we kind of made it all quiet for a while, because it
17 seemed like the only answer from National Marine Fisheries was,
18 well, we need to shorten the season because of bycatch
19 mortality, and I think we're way beyond that. I think we need
20 serious talk about this, and I don't know if it's through the
21 Gulf Council way, if you can make recommendations to NOAA, but I
22 think this conversation needs to be done, and we need to start
23 really getting serious.

24

25 Here again, I don't know if it's on the Gulf Council level, but
26 who do we talk to and get serious discussions about this,
27 because it's becoming a bigger and bigger problem, and I just
28 think it's an avenue to deter them. Thank you.

29

30 **CHAIRMAN FRAZER:** Thank you, Mr. Robson. Our next speaker will
31 be Avery Bates, followed by Scott Daggett.

32

33 **MR. AVERY BATES:** My name is Avery Bates, and I'm a fifth-
34 generation commercial fisherman, and I'm also Vice President of
35 the Organized Seafood Association. I've been in that position
36 for a while, and I'm a commercial fisherman, and I gillnet and
37 troll and oysters, and I want to tell you what, but our family
38 has fed a lot of people through the years, good, wholesome,
39 wild-caught seafood.

40

41 I hate to see that seafood is being stolen away, even violating
42 our Constitution. We are entitled to three things by our
43 Constitution, life, liberty, and property. The common property
44 that I am talking about is fish. The fish that has been given
45 solely to one user group is red drum. In our state, it's red
46 drum and speckled trout.

47

48 When you take and give one user group sole access and name it a

1 gamefish, you cannot put it on the restaurant table unless it's
2 pond-raised, and that is stealing from the citizens of this
3 country. If a President takes and names gamefish status on red
4 drum, that seafood, he has violated the Constitution of the
5 United States. No President, no Governor, no entity, should be
6 allowed to steal property that belongs to everybody in this
7 country.

8
9 Through the markets -- We supply the markets, the commercial
10 fishermen, and we have fed a lot of people food from our waters,
11 and why would somebody want to take more food by taking gamefish
12 status on more species and more species? Every time you look,
13 it's either cobia, and I have seen them try to -- In Alabama,
14 try to make pompano, Spanish mackerel, sheepshead, gamefish.
15 You are robbing the citizens of these fish that people ought to
16 eating in our restaurants and enjoying at their own -- Even
17 their business.

18
19 Seafood and my business belongs to everybody. Just think that
20 the Corps of Engineers got up here this morning, who is a
21 permitting agency, and they are permitting the destroying of
22 natural habitat, and has destroyed natural habitat in Mobile
23 Bay, and they will destroy it for the next fifty years if they
24 allow what they are allowing, open-water disbursement. They
25 have covered up hundreds and hundreds of acres of healthy
26 habitat for oysters and clams.

27
28 They was here before the Corps was here, and they allowed them
29 to be covered up by permitting open-water disbursement, and we
30 was not even, as shareholders, invited to the initial meetings,
31 as shareholders, and they just forgot us, the crabbers, the
32 shrimpers, the fishermen, and what happens when you forget us?
33 You cover up reefs, and you cover up habitat, and you smother
34 the bottom, and you will do it for the next fifty years in
35 Mobile Bay and other bays around this area.

36
37 If you think that ain't a travesty against the property that
38 belongs to everybody -- You are robbing the recreational
39 fishermen by permitting these agencies to do this for the people
40 of America, and not just Alabama. It happens here in this
41 state, and it's happened in Mississippi, and it's happened along
42 the Gulf coast by covering up good, healthy reefs that gives
43 oxygen and cleans the water, and, yet, they're saying they're
44 doing a good job. What is a good job?

45
46 **CHAIRMAN FRAZER:** Mr. Bates, I am going to have to ask you to
47 bring it to a close, okay?

48

1 **MR. BATES:** Okay. I am just getting started, but anyway.
2
3 **CHAIRMAN FRAZER:** Please try to keep that to a limit.
4
5 **MR. BATES:** We understand, but we are trying to give expository
6 -- Defending our right to work our base and see you enjoy good,
7 healthy seafood that my great, great grandfather put on your
8 tables, through the restaurants and through the markets.
9
10 If you don't think that we're going to rob the people of Alabama
11 and the people of this country, keep allowing gamefish status
12 and keep letting Presidents make Executive Orders like 13449,
13 which Mr. George W. Bush done, without a Supreme Court to
14 overturn it, just like what happened here three years ago, when
15 they tried to give an excessive share of snapper, and the judge
16 overturned it. He had to, according to federal law, and that
17 was Article III, Section 2. He had to rule on justice. Thank
18 you.
19
20 **CHAIRMAN FRAZER:** Thank you. Our next speaker is Scott Daggett,
21 followed by Robert Spaeth.
22
23 **MR. SCOTT DAGGETT:** Hello. I'm Scott Daggett, owner and
24 operator of a longline boat in Madeira Beach. What the guy
25 said, and I don't know where he was at, but talking about the
26 porpoises earlier, and that's a problem up and down the coast,
27 but I really didn't come here for that.
28
29 The last meeting I was at, we talked about red snappers, and
30 somehow it got turned into a full-retainment fishery, I think
31 it's called, and I keep hearing this unseen consequences, and,
32 if you can't see the consequences of a full-retainment fishery
33 for the eastern Gulf, then there is a huge issue there, because
34 that would just kill us. We would be carrying fish -- In the
35 western Gulf, they would be able to name their lease price, and
36 we would have to carry that fish just to catch our grouper, and
37 so I don't see how that would be viable.
38
39 Another thing that I would like to hit on real quick is what a
40 new entrant is, because me and my partner bought my boat five
41 years ago, and we're trying to buy his boat now, and we don't
42 own any IFQs, and we just bought a couple thousand just a couple
43 of weeks ago, but I would really like a definition of what a new
44 entrant is for this industry.
45
46 I've been in it for thirty-two years, but I own a boat with no
47 quota, and so am I a new entrant, or do I just get forgotten
48 about in that process? I heard you guys talking about new

1 entrants the other day, and I just never heard what the
2 definition was of a new entrant into the fishery. Is it
3 ownership, or is it permits, or is it IFQs?
4

5 **CHAIRMAN FRAZER:** Dr. Crabtree.
6

7 **DR. CRABTREE:** I don't believe it's ever been defined anywhere
8 in any official way, and so I imagine that it means different
9 things to different people.
10

11 **MR. DAGGETT:** All right. Thank you.
12

13 **CHAIRMAN FRAZER:** Thank you, Mr. Daggett. Our next speaker is
14 Robert Spaeth, followed by Cliff Penick.
15

16 **MR. ROBERT SPAETH:** Thank you, council members. I'm Bob Spaeth,
17 Executive Director of the Southern Offshore Fishing Association.
18 To follow up with the previous speaker, the fishery -- A closed
19 fishery won't work for us, because, if we have a choke species
20 in there, the abundance of snapper, in all the numbers that we
21 saw here, it won't come close to working, and we'll have such a
22 high underharvest of grouper that it will be amazing, and so we
23 oppose the fishery being closed.
24

25 The other thing we need to look for is we have a big problem
26 with sharks and bite-offs, and sometimes -- I will give you an
27 example of, between the porpoises and the sharks, and we had to
28 have more hooks, and, if you took -- I have talked to a bunch of
29 the longliners.
30

31 If we took a ten-day trip, roughly, they would go through 600
32 hooks, and, if there was a five-pound average, or pick a number,
33 if you would, that would be 3,000 pounds of fish, on probably an
34 average trip would be 6,000 or 7,000, and so what I'm trying to
35 say is we're losing a lot of fish that aren't getting counted.
36 Sometimes there is more fish there than we realize, because of
37 some of the degradation, and I don't know what those numbers
38 are, but I think we need to seriously look at it.
39

40 We also believe that to own an IFQ, or have an IFQ, you must
41 have the ability to harvest the fish. It doesn't mean that you
42 have to harvest the fish, but you have to have the ability. By
43 the ability, you need to have a reef fish permit, and you need
44 to have a boat, and you need to have a VMS, and you need to have
45 all the requirements that an IFQ fisherman that's fishing has to
46 have an IFQ, or what's the sense? Why would you have an IFQ?
47 Thank you.
48

1 **CHAIRMAN FRAZER:** Thank you, Mr. Spaeth. Our next speaker is
2 Cliff Penick, followed by Bob Zales.

3
4 **MR. CLIFF PENICK:** My name is Cliff Penick, and I'm from
5 Slidell, Louisiana. I'm a snapper shareholder that does not
6 hold a reef permit. I want to discuss some of the divestment
7 language that's in Amendment 36B.

8
9 I worked offshore, and I'm a CPA, and I've been a real estate
10 developer, and I own and operate a recreational marina, and now,
11 in retirement, I'm an investor. As I say, for over fifty years,
12 I've been a recreational fisherman, and I even served on one of
13 you all's committees way back for king mackerel and cobia.

14
15 In 2015, you allowed the public to purchase snapper shares
16 without having a reef permit. I formed an LLC with my two sons,
17 and we purchased some shares, after being vetted by you all to
18 approve shareholders. I paid for these, and I didn't inherit
19 them, and I wasn't given them. I paid for them.

20
21 I did it for two reasons. It looked like a good investment, and
22 I wanted to help a small fisherman friend of mine grow his
23 business, by supplying him with -- I leased my allocation to
24 him, and he presently leases my entire allocation every year,
25 and he has grown his business to the point where he's a full-
26 time fisherman now, and he's very successful.

27
28 Although we're not in a legal partnership, our business form is
29 one of the oldest around. It's one guy has the money and one
30 guy has the expertise, and this is the arrangement that I have
31 with him. Shareholders like myself supply the capital for
32 leased allocation. If you can't afford to buy shares, you can
33 afford to lease shares and operate a successful fishing
34 operation. We're essentially just like bankers lending money on
35 a boat. We get paid rental rather than interest, but this is a
36 capital infusion into this industry.

37
38 Divestment, you put me in business in 2015, when share ownership
39 was opened to the public. Now, only four years later, this
40 language is wanting me to divest my shares, and, if forced to
41 divest, share prices will probably drop, and the only fishermen
42 that would be able to purchase them would be fishermen with reef
43 permits and money, and the scope of this -- Let me do the math.

44
45 About 30 percent of the entire snapper allocation is owned by
46 shareholders that lease, and that's 30 percent of seven million
47 pounds, and that's 2.1 million pounds. If you equate one pound
48 to one share, and you use a forty-dollar share price, that's \$84

1 million of capital infusion that's in this industry because of
2 shareholders like myself.

3

4 Who is going to buy back these \$84 million worth of shares?
5 That's my question. This proposal is going to have a negative
6 effect on small fishermen, who rely on the leasing to operate
7 their business. Not to mention the 30 percent of the
8 shareholders that have \$84 million at stake. I think, if you
9 force us out, and we have losses involved, I think you're
10 opening yourselves up to a lawsuit, and there's no way around
11 it.

12

13 In conclusion, the red snapper management has been a success.
14 The stock of the fish is strong. I have been fishing for fifty
15 years, and it's absolutely the best there is. Your mandate is
16 to manage fish and not to manage investors who are operating in
17 a free market. Either stay with the status quo or, at worst,
18 grandfather in shareholders like myself, who invested in good
19 faith. Some small changes on your part can have tremendous
20 effects down the road, and I think these things all have to be
21 thought out. Thank you. Any questions?

22

23 **CHAIRMAN FRAZER:** Mr. Banks.

24

25 **MR. BANKS:** Thank you for being here, Mr. Penick. I appreciate
26 that testimony. The small fisherman that you work with, was it
27 pretty clear to you that he could not be in this business if it
28 weren't for you all's business arrangement, because it's that
29 kind of a fisherman that we certainly want to see stay in the
30 business, and so the fact that you were able to keep him in
31 business is important.

32

33 **MR. PENICK:** This fellow was a friend of mine, and he had been a
34 small fisherman for a number of years, and he wanted to expand
35 his business. I saw the opportunity to make a good investment
36 and help him at the same time. I lease him -- My allocation
37 that's leased to him is at a little bit lower price than the
38 going rate.

39

40 Now, the going rate on leasing allocation and on share price is
41 on the free market. Any transactions that take place, buying or
42 selling or leasing, go through your website. You are the
43 trading platform for all these transactions. He doesn't survive
44 strictly on my shares, but I'm a large part of it, and we have a
45 good business relationship, and I'm glad to help him, but this
46 is the same relationship that other investors like myself might
47 have with other fishermen.

48

1 Now, we provide -- If they can't afford it, they can lease fish,
2 and they can work, and the goal of all these guys is to lease
3 them and build up their money and buy shares that they own
4 themselves, but, to me, you've got an \$84 million capital
5 investment in this fishery, and that's 30 percent of the total,
6 and you want to fool around with it by making us divest, and I
7 just -- That's not free enterprise, and that's not the American
8 way at all, in my mind.

9
10 **CHAIRMAN FRAZER:** Mr. Penick, I think Dr. Crabtree has a
11 question as well.

12
13 **DR. CRABTREE:** We spoke on the phone, you may recall, a few
14 weeks ago, and so I appreciate you being here and your interest
15 in it. In the alternative that I guess you're referring to that
16 would establish a permit requirement, there are two alternatives
17 in there. One is that it would only apply to people who came in
18 after January of 2015, and then the other one is it would apply
19 after the effective date of the final rule, which would be at
20 some date in the future. Did you come in as a shareholder after
21 January 1?

22
23 **MR. PENICK:** Right.

24
25 **DR. CRABTREE:** The guy you lease to, he's a small operation, but
26 it sounds like he's not what you would call a new entrant in the
27 fishery. He's been in the fishery for a while.

28
29 **MR. PENICK:** He's been in it for a while, but basically part-
30 time.

31
32 **DR. CRABTREE:** So just a question. You're an investor, and
33 you've been in business for a long time, and so, when you look
34 at investing into something like red snapper shares -- Normally
35 someone makes an investment or a loan, and they evaluate how
36 risky an investment is, and then they weigh the return. How did
37 you judge the riskiness of this as an investment?

38
39 **MR. PENICK:** I knew something about the industry. I fished out
40 of Venice for fifty years, and I know commercial fishermen, and
41 I know recreational fishermen, and I know the hardships they go
42 through, the good times and the bad times. I looked at it,
43 initially, as a dollar investment, and let's say you get \$3.25 a
44 pound lease for one pound, and it costs you -- I have paid
45 anywhere, for the allocation, \$32.00 a share to \$38.00 a share
46 with the allocation. If you compare \$3.25 to a \$35.00
47 investment, it's a good return. It's a good return.

48

1 In addition, if you write this permit off, or this share off, if
2 you amortize it, the same as depreciation, it amortizes over
3 fifteen years, and so this is a good investment. Number one, I
4 thought that it would be inflation proof, because, as the price
5 of commodities -- You know, everything goes up together, and
6 then I thought it would be price protected, meaning that, if the
7 catch went up, the price would go down slightly, or, if the
8 catch went down -- It would cross at the same place, and that
9 would be the amount of dollars that are willing to be spent on
10 red snapper, and I don't know that that changes year to year,
11 whether the quota goes up and down, and that was my feeling.

12
13 I surely, surely, never dreamed that somebody would try to pull
14 the rug out from me four years after this investment, and I'm
15 just speaking for myself, and I don't know who has come up
16 complaining or written to you all, but you're talking about
17 serious money. I don't know if you could replace \$84 million in
18 capital in this market.

19
20 **DR. CRABTREE:** Well, we're still a way from making any final
21 decisions on it, and so I would say stay engaged, because we'll
22 be talking about this at future meetings, for sure.

23
24 **MR. PENICK:** Okay.

25
26 **CHAIRMAN FRAZER:** Thank you, Mr. Penick.

27
28 **MR. PENICK:** Thank you, all.

29
30 **CHAIRMAN FRAZER:** Our next speaker is Bob Zales, followed by Ken
31 Haddad.

32
33 **MR. BOB ZALES, II:** Bob Zales, II. I am wearing a new
34 additional hat now. I am the Fishery Management Consultant for
35 Southern Offshore Fishing Association, the grouper people, and
36 so I've got the commercial people on one hand and the charter
37 people on the other, which is going to be a big challenge, but
38 we're going to see what we can do with it.

39
40 For SOFA, number one, the full retention thing, there's no way
41 that they can stand that. You probably wouldn't see a grouper
42 on the market if you continued that, because they would load up
43 with red snapper, and so we're completely opposed to that.

44
45 Discard mortality, we've got all this excitement about it. When
46 you look at every assessment that I've been involved with for
47 the past thirty-some-odd years, every assessment includes
48 information in their computer model about discards and

1 associated mortality with them.

2

3 As an example, in red snapper, it includes all of that, and what
4 we've seen over the years with red snapper is we have seen a
5 stock biomass continue to increase in size every year, even
6 though it had discard mortality, and so I think people are
7 getting all excited probably about nothing now, and clearly we
8 don't like discards. I don't know any fisherman that likes
9 throwing fish back, especially fish that are not going to
10 survive, and so, in that respect, we need to try to do something
11 about it, but it really doesn't have an adverse impact on the
12 stock.

13

14 When it comes to the quota banks and the IFQ situation, I was
15 one of two 200-pound permit holders that was on the initial
16 advisory panel that created or recommended the IFQ plan, and my
17 recollection is the original intent of the IFQ plan was not to
18 create investment opportunities or create a commodity, but it
19 was a tool to be used by commercial fishermen to help them be
20 able to fish when conditions were best for them and to try to
21 reduce discards and discard mortality and to do all of that, and
22 so, sitting at this table, you all have got Dr. Shipp, and I
23 think Kevin was probably there for a lot of it, under Vernon,
24 and Roy, and Robin, who is not here, and they were the only
25 people sitting here that really were involved in the creation of
26 that plan.

27

28 I think, if you talked to all of them, they would probably agree
29 with what I'm saying, and so, in 36B, you need to look at some
30 of this. The leaseholders that are there, that plan never was
31 created for somebody to not have a permit and not have a boat
32 and to be able to get on the telephone one day a year and knock
33 down a whole bunch of money, and so you will need to look at
34 that.

35

36 You have got the grouper longline fleet that can use some quota
37 to try to help, because, at the time this was done, snapper
38 weren't down there on the west coast of Florida, and they're
39 there now, and so, in that respect, we need to try to help. Any
40 questions?

41

42 **CHAIRMAN FRAZER:** We've got a question from Mr. Diaz.

43

44 **MR. DIAZ:** Thank you, Captain Zales, for providing your
45 testimony and coming. You had sent us an email about the
46 problems that you all are having with dolphins, and sharks too,
47 and I was just going to see if you wanted to talk about that
48 just for a minute, because I am very interested in that.

1
2 **MR. ZALES:** Scott Robson sent me that thing that you got about
3 what they're doing on the west coast, and so I sent it to you
4 all with some information, because people that I have spoken to
5 -- This is a Gulf-wide problem, or, actually, it's a national
6 problem, because it depends on the mammal that you have, east
7 coast or west coast or Gulf, and it's a problem.

8
9 Apparently there is a way to try to help deter some of this on
10 the west coast that the Fisheries Service has allowed, and this
11 is a universal problem, and it's across all sectors, and it's
12 one of those issues to where somebody like me, that's working
13 both sides of the fence, have an issue that it works for
14 everybody to try to resolve, because the commercial guys have
15 this problem, whether you're hook-and-line, and the longliners
16 clearly have the problem with the sharks and the dolphins.

17
18 Sharks, in our area, in Panama City -- My family and I have been
19 in business for fifty-four years in Panama City, and I have
20 never seen as many sharks as we've seen over the past several
21 years fishing. Fishing is tough enough trying to keep fish,
22 and, when you've got dolphins pulling them off, and you've got
23 sharks pulling them off, and you've got dolphins playing with
24 them, and it creates a problem, and it's something that needs to
25 be addressed. However we're going to do it, I don't know, but
26 it's something that definitely needs to be done.

27
28 **CHAIRMAN FRAZER:** Thank you, Mr. Zales. Our next speaker is Ken
29 Haddad, followed by Eric Schmidt.

30
31 **MR. KEN HADDAD:** Thank you, Mr. Chairman and council members. I
32 am Ken Haddad from the American Sportfishing Association.
33 First, I want to -- I didn't have a lot to say, and so I want to
34 thank Executive Director Simmons and her staff, and you don't
35 get enough thanks, I don't think, for all the work you do for
36 these council meetings, and at least a lot of us in the audience
37 appreciate what you do.

38
39 We support postponing further discussion on Amendment 52 until
40 the winter meeting. We hope you will continue to work a
41 solution in the IFQ program to deal with the discards, and
42 you're hearing a lot about it, and we're also anxious to move
43 forward on recreational discards. We're looking forward to the
44 outcome of the upcoming mortality workshop, and we'll be pushing
45 for action from that workshop.

46
47 Kind of another area that came up yesterday was a discussion on
48 OY, which makes everybody glaze over, but what I got out of the

1 discussion was that there hasn't been enough thought put into
2 how you actually calculate OY, and it's just some percentages
3 thrown out, and we think that that's going to be an important
4 value, based on Magnuson, in the future, and we hope that the
5 council will spend some time on it, with the SSC, to come up
6 with a way to calculate OY appropriately, taking into account
7 socioeconomic and ecological factors.

8
9 Finally, I want to thank the Chairman for putting the needed
10 discussion on an allocation process on the agenda yesterday, and
11 hopefully it will continue. It seems to be deafening silence
12 revolving around it right now, but there is a NOAA Policy
13 Directive requiring this discussion and an outcome, and we hope
14 you get dialogue going that meets the letterhead and the intent
15 of that policy directive. Thank you.

16
17 **CHAIRMAN FRAZER:** Thank you, Mr. Haddad. Our next speaker is
18 Eric Schmidt, followed by Ken Pearson.

19
20 **MR. ERIC SCHMIDT:** Good afternoon. My name is Eric Schmidt from
21 Fort Myers, Florida. I've been a licensed captain for thirty-
22 seven years, and I have a dual-permitted vessel, and I both
23 commercial fish and charter fish, and I also operate a multiday
24 headboat out of southwest Florida.

25
26 I also am representing twenty-three charter captains out of the
27 southwest Florida region. First of all, we would show our
28 support for the 9 percent buffer for ACT for red snapper.
29 Second, we also fully support Option 2b, the thirty-hour
30 requirement for the two-day bag limit.

31
32 I was the one that came before you in Destin and requested the
33 council consider putting African pompano in the federal
34 management plan. The State of Florida is the only state that
35 regulates African pompano, and, because there is no federal
36 management, the State of Florida regulation carries into federal
37 waters for charter boats and recreational fishermen only. As
38 you heard in your presentation, there is no limitation on a
39 commercial harvest. There really is no commercial harvest of
40 them.

41
42 The FWC came up with a two-fish per vessel limit, and that was
43 an arbitrary number. That's not based on science, and there was
44 no stock assessment, and there was nothing done. It was
45 stakeholders that made a recommendation. From the best
46 information I can gather, that's how the FWC arrived at the two-
47 fish limit.

48

1 It's getting very difficult in our area, in southwest Florida,
2 to put a trip together. In thirty-seven years, I have never
3 seen red grouper fishing this bad. Red snapper are everywhere,
4 and we only have a sixty-day season for the charter side. When
5 you're commercial fishing, you're lucky if you can find IFQs.

6
7 Amberjack season is open when we don't have any fish, and, if
8 they were open in the springtime or in the beginning of the
9 year, that would be one thing, but they're open at the end of
10 the year, when the fish really aren't around, and I have heard
11 other testimony about sharks, and sharks are an absolute
12 nightmare.

13
14 My last commercial trip, a rod-and-reel trip, in four days, I
15 went through 125 hooks, and so I re-urge the council to possibly
16 consider putting African pompano in the fishery management plan.
17 If the FWC just randomly decides that it's two fish per vessel,
18 based on no science, and every other state in the Gulf of
19 Mexico, Texas, Louisiana, Mississippi, and Alabama, they have no
20 regulations, and there is no regulation on how many they can
21 harvest, but only on the west coast of Florida are we
22 constricted to two fish per vessel.

23
24 **CHAIRMAN FRAZER:** Mr. Schmidt, it looks like we have two or
25 three questions, and I'm going to start off with John Sanchez.

26
27 **MR. SANCHEZ:** Thank you for your testimony. What would you want
28 to see on African pompano?

29
30 **MR. SCHMIDT:** Why couldn't we do one fish per person?

31
32 **CHAIRMAN FRAZER:** Ms. Guyas.

33
34 **MS. GUYAS:** That was my question, but thanks for being here, and
35 we've had a lot of conversation about this, and I appreciate it.

36
37 **CHAIRMAN FRAZER:** Dr. Shipp.

38
39 **DR. SHIPP:** Eric, your desire for the pompano thing, is it
40 because that makes it easier to sell trips, and is it something
41 that people are really interested in catching?

42
43 **MR. SCHMIDT:** Well, we're selling trips, but it's getting harder
44 to keep something in the box. If it's not red snapper season,
45 then the fish go back. If it's not amberjack season, then the
46 fish go back. If it's not one of the six months that gags are
47 open, then the fish go back. Not all fisheries are catch-and-
48 release. Most of the people that do offshore fishing like to

1 have a bag of fish to take home at the end of the day.

2

3 **DR. SHIPP:** Can you target African pompano?

4

5 **MR. SCHMIDT:** Yes. We have seen a biomass in the last five to
6 six years that has really exploded.

7

8 **CHAIRMAN FRAZER:** Dr. Crabtree.

9

10 **DR. CRABTREE:** Hi, Eric. I heard you say that the red grouper
11 fishing was the worst you've ever seen it, and what's the gag
12 fishing like?

13

14 **MR. SCHMIDT:** Not much better.

15

16 **DR. CRABTREE:** Thanks.

17

18 **CHAIRMAN FRAZER:** Thank you, Mr. Schmidt. Our next speaker is
19 Ken Pearson, followed by Robert Jones.

20

21 **MR. KEN PEARSON:** Good afternoon. My name is Ken Pearson, and
22 I'm a forty-four-year veteran of running charter boats out of
23 Fort Myers Beach. I own a boat called the Seatrek, and we do
24 overnight trips, two and three-day trips. I do support the
25 option of 2b on the multiday bag limit of thirty hours, and I
26 have no issues there, and I'm all for it.

27

28 One of the issues I do have is, when I was looking at your chart
29 on the amberjack, the current chart really alienates the
30 southeastern Gulf recreational fishermen. It's almost biased,
31 in a way, and it favors the western and northern Gulf. Now, I
32 know this council is aware of the catch landings in the
33 southeast Gulf, especially that time of year, September and
34 October and August.

35

36 These amberjack are like tourists. Come after Easter, and I-75
37 is a main hub, and they head north, and so do the amberjack.
38 The amberjack in the southeastern Gulf, the water gets so hot
39 that they head north, and there is no doubt. Then those waters
40 get invested with barracuda and shark, and then the little
41 amberjack that are on the wrecks and the springs and the ledges,
42 when they get caught, they get eaten by the sharks and the
43 barracudas.

44

45 In the last two weeks, I have probably put in 400 miles on
46 overnight trips that we caught six keeper amberjack. Since
47 June, I logged in almost 4,000 miles, and we threw back about
48 fifteen keeper amberjack. These amberjack are not in our area,

1 and so, when I look at that chart, and I see the months that are
2 opening for those months, all those fish are up in those areas.

3

4 What I'm getting at is, to be fair, and you guys do this for
5 king mackerel, it's got to be a sector for each part of the
6 Gulf, when it comes to amberjack. You have the western, and you
7 have the north, and you have the southeastern, and it's not hard
8 to copy that format, like you do the king mackerel, where each
9 area, for an economic impact of when their season is, it helps
10 them and benefits them in the time of need, and so, in August,
11 the kids go back to school, and the Fort Myers area, the whole
12 southeastern area, there is no season.

13

14 In September, you have storms. In October, you have storms, and
15 that does nobody any good in the southeast Gulf, from Tampa all
16 the way down to Marco. There is just no business, and so we're
17 not even fishing.

18

19 In January and February and December, the northern guys will
20 tell you that those fish -- That water gets real cold, and those
21 fish migrate south, and we catch the big amberjacks on all the
22 areas I fish in January, December, and February. Those
23 amberjacks are anywhere from thirty to eighty pounds. This time
24 of year, they are gone. They are non-existent, like I just told
25 you, the amount of fish that we catch, and it goes way below --
26 It's almost non-existent.

27

28 **CHAIRMAN FRAZER:** Mr. Pearson, I'm going to have to ask you to
29 wrap it up.

30

31 **MR. PEARSON:** Not a problem. On the recreational bag limit, I
32 do prefer the one per person. If the quota is met, then it gets
33 shut down. Making people divide fish isn't good. Let them have
34 one fish.

35

36 On the final, I would like to see the Gulf of Mexico be brought
37 up in different zones, where it's fair for all recreational
38 fishermen, and not just the western and northern Gulf of Mexico,
39 in those times of the year. Thank you.

40

41 **CHAIRMAN FRAZER:** Thank you, Mr. Pearson. Our next speaker is
42 Robert Jones, followed by David Chalona.

43

44 **MR. ROBERT JONES:** Good afternoon, council members. I wanted to
45 start by saying that my name is Robert Jones, and I'm the
46 Director of the Gulf of Mexico Program for Environmental Defense
47 Fund.

48

1 I wanted to say congratulations to Councilwoman Bosarge and
2 Chairman Frazer on your reappointment, and also to Troy, who is
3 not here today, and I also wanted to say thank you to all of the
4 states in their second year of the EFP, and it looks like you
5 had a pretty successful year. In particular, Lance, I wanted to
6 say thank you for Texas, for doing the politically hard thing
7 and doing the right thing in the fishery there, even though you
8 had to shut it a little bit early.

9
10 On Amendment 52, we're supportive of delaying until the January
11 council meeting, and, on the for-hire buffer framework action,
12 we're supportive of Alternative 2, of going down to 9 percent.
13 As you know, we were supportive of sector separation from the
14 beginning, and we thought it would be a good move for both of
15 the components of the recreational fishery, and it has worked.

16
17 It has allowed that industry to stabilize their businesses and
18 provide more access to the American public, and I think that
19 they've been responsible, and they have earned the opportunity
20 to keep that buffer a little bit lower and put more fish on the
21 table for them.

22
23 Finally, I just wanted to make a little personal note, and this
24 is my last two weeks at Environmental Defense Fund, and I will
25 be leaving, and so it will probably be my last Gulf Council
26 meeting, and I just wanted to say thank you to everybody at this
27 table who I have worked with over the years.

28
29 I have the ultimate respect for the staff of both NMFS and the
30 Gulf Council and all of the council members for the work that
31 you do. I know, a lot of times, it's not rewarding work, and
32 you take a lot of beatings, but we know you're all here for the
33 right reasons, and you've done a pretty incredible job, and I
34 have enjoyed working with you, and so thank you so much, and
35 have a good day.

36
37 **CHAIRMAN FRAZER:** Thank you, Mr. Jones, and good luck in your
38 new position. Our next speaker is David Chalona, followed by
39 Bart Niquet. Is David Chalona in the audience? Then we're
40 going to move forward. The next speaker will be Bart Niquet,
41 followed by Chris Niquet.

42
43 **MR. BART NIQUET:** Bart Niquet, and I've been fishing since 1946,
44 and I'm a veteran of World War II. I have had three commercial
45 boats, one charter boat, and I ran headboats for about twenty
46 years, and I have learned a little bit about fishing.

47
48 One of the things I learned is that we were told that the fleet

1 of snapper and grouper fishing was overcapitalized and we had to
2 reduce the fleet and diversify. I think we have reduced the
3 fleet some, but not enough, according to your own people. We
4 keep talking about new entrants, and, according to the rules you
5 have, you cannot get a new entrant, and the entrance has to come
6 from the reef fish program, and there are no extra reef fish,
7 and it's restricted. You restricted it. Your own rules are
8 what has caused this problem in the red snapper fishery, if you
9 call it a problem.

10
11 I would like somebody to explain to me the difference between my
12 leasing red snapper allocation, which, incidentally, I got paid
13 a good price for, and the council setting up a so-called quota
14 bank. The view from the dock is the same to the fishermen.

15
16 You already require a reef fish permit and restricted species
17 endorsement, and your plan would put all of the allocation,
18 within just a matter of a few years, in the hands of the big
19 players, the big money, and there would be no place in there for
20 anybody else to get into the fishery.

21
22 There now exists such a demand for allocation that, if I had
23 200,000 or 300,000 pounds today, I could make two phone calls
24 and get rid of all of it at \$4.00 a pound, and I know you won't
25 believe that, but there's some people in the audience right here
26 now that will take 100,000 and be glad to get them, and so there
27 is something wrong, and there needs to be more allocation.

28
29 The charter/headboat sector this year took a beating. They
30 won't tell you that, but they did. They need an additional five
31 to eight days for a season, and the recreational fishermen, even
32 though they went over again, they could probably use another
33 week or so, but you're talking about discards in the eastern
34 Gulf, and what about the western Gulf? They have more discards
35 than the eastern Gulf does, and so that's all I've got to say.

36
37 One more thing. Your own fishery expert and a council member
38 stated in public hearings, five or six years ago, that, at that
39 time, the snapper fishery could stand a sixteen to twenty-
40 million-pound TAC, and it hasn't happened yet, and, if you can't
41 believe your own biologist, why should we believe you? Thank
42 you.

43
44 **CHAIRMAN FRAZER:** Thank you, Mr. Niquet. Our next speaker is
45 Chris Niquet. Mr. Niquet, just a minute.

46
47 **MR. SPRAGGINS:** Mr. Niquet, I just wanted to tell you, real
48 quick, that thank you, sir, for your service, for serving our

1 country and for what you're doing now in fighting for it still
2 today. Thank you. (Applause)

3
4 **MR. CHRIS NIQUET:** My name is Chris Niquet, and I have a letter
5 here from a fellow that needs allocation, and I'm going to read
6 the letter to you. It says that my name is Billy Currie, and I
7 used to lease fish from you about six or seven years ago, small
8 amounts of 1,000 or 2,000 pounds, and I have been leasing 50,000
9 to 70,000 pounds in the last few years, but I can't find much.
10 I lost your number, and so I figured I would write you, but I am
11 looking for 40,000 pounds of red snapper. I am willing to pay
12 whatever the going price is. If you don't have any, maybe you
13 know somebody that does. I am an independent fisherman. Thanks
14 for your help.

15
16 When he wrote me this letter, it was January 2, when I received
17 it, and all of my poundage had been leased by the 15th of
18 January. It was gone, and I couldn't help him. The reason you
19 have a problem with discards is because the council will not
20 issue enough allocation to cover it.

21
22 It's very simple. Anybody with any background in economics can
23 tell you that, if there is an increased demand, or not enough
24 supply, the price will go up on any commodity, and I don't care
25 if it's sugar or snapper, and it don't matter.

26
27 The next thing I need to talk to you about is the value of
28 poundage, quota, and some of you people may have heard of a
29 fellow called Warren Buffet, and he's the most successful
30 investor of our time, and he started buying Coca-Cola shares in
31 1951, and he's never sold a share, not one share, at the present
32 date. Coca-Cola returns about 3 percent.

33
34 If you charge \$4.00 for allocation, and you think 4 percent is a
35 good return, above that of Coca-Cola, that makes shares worth
36 \$100. Do the math. I'm against full retention in the fishery,
37 and I will give you a scenario.

38
39 If you go out and you catch some fish, and maybe you catch some
40 red snapper down in south Florida, and you don't have any in
41 your account, and you're coming in, and you can't land them
42 legally, and Chris's phone call comes at 3:30 in the morning,
43 and you've got to have them.

44
45 Don't put these fishermen in a position to where they've got to
46 have them and Chris can charge \$15.00 a pound, because you've
47 got to have them, because believe me, people. If I don't do it,
48 someone will. Thank you for your time, and I will take any

1 questions.

2

3 **CHAIRMAN FRAZER:** Thank you, Mr. Niquet. Our next speaker is
4 Brian Niquet, followed by Kendall Dix.

5

6 **MR. BRIAN NIQUET:** How are you all doing? My name is Brian
7 Niquet, and I'm an IFQ shareholder, and I've been fishing all my
8 life, since my father started, and I would like to make a couple
9 of points. You cannot have a partnership with recreational
10 fishermen, and I've seen a piece of paper over here where it
11 says that you all had a partnership started.

12

13 The IFQ program on the commercial boats have had cameras and
14 observers and everything else, all the pounds, and pounds come
15 back as a pound. On recreational or charter boats for-hire,
16 what do you get on the paperwork? We've got six fish, seven
17 fish, or eight fish, and usually a pound is a pound is a pound.
18 Charter boats and commercial boats aren't seen the same if
19 they're catching a pound of fish. The estimates have got to be
20 off.

21

22 I believe that there need to be surveyors or observers on the
23 boats, since the longliners had to take them ten or fifteen
24 years ago, why shouldn't everybody else, to have a non-biased
25 opinion. It's just something that I have seen this year and
26 last year and the year before, but that's about all I've got to
27 say.

28

29 **CHAIRMAN FRAZER:** Thank you, Mr. Niquet. Our next speaker is
30 Kendall Dix, followed by Casey Streeter.

31

32 **MR. KENDALL DIX:** Hi. My name is Kendall Dix, and I used to be
33 a restaurant cook, where I relied on the commercial fishing
34 industry, and I'm a recreational inshore fisherman, and now I
35 work for a conservation group called Healthy Gulf, which is
36 based here in New Orleans, and so I try to see it from a lot of
37 different sides.

38

39 I haven't been to a council meeting in a while, and I've missed
40 everyone here very dearly, but I've been spending a lot of my
41 time on some petrochemical development stuff here in Louisiana,
42 and I have started to have some experience looking at how some
43 of the stuff on inshore can affect sort of like what's going on
44 in the water here and whether it's in St. James Parish here or
45 in Florida, seeing how fertilizer production creates these large
46 phosphogypsum piles that create serious environmental hazards
47 for fisheries.

48

1 What they're making as fertilizer -- Well, first of all, it's
2 synthesized, usually, from oil and gas, which anyone in this
3 room can tell you what happened in 2010 with BP, and it doesn't
4 really matter how well you manage your fishery. If something
5 goes wrong outside of the control of what happens in this room,
6 everyone suffers for it.

7
8 Anyway, those fertilizers go upstream, and they get put onto
9 fields to make industrial food, and the nitrogen and phosphorous
10 comes back down here, and we have harmful algae blooms, and
11 whether that's the dead zone that Former Chairwoman Bosarge
12 alluded to earlier today, or also the red tide, blue-green
13 algae, and a lot of these problems are happening upstream,
14 onshore, and there's not really -- We think that there's not
15 really a lot that we can do about it, but what I would like
16 everyone in this room to think about today, on either side of
17 this, is what can we do to start to address some of these
18 issues.

19
20 What we've seen this year with the fresh water coming down, I
21 attribute a lot of that to the filling in of wetlands upstream,
22 and we're having more extreme rain events, and the levee system
23 and all of these things that are happening are affecting all of
24 us, and I don't think any of us really have a good answer for
25 how we're going to do that, but I think that it's time that we
26 start thinking outside of our silos here, because I honestly
27 think that everyone here works really hard on this and is doing
28 a pretty good job managing the fishery.

29
30 A lot of species have come back, and I know that there's still a
31 ton of challenges, and everyone gets really mad, but we can only
32 do so well here if we don't start to break out of our silos.
33 There is not going to be as many fish to fight over here in a
34 lot of years, and I wish I had a good answer for how to go about
35 that, but all I know is that we need to start thinking more big-
36 picture and whatever actions that we can take.

37
38 I know recreational and commercial fishermen and conservation
39 groups are all united in wanting to protect the resource, and we
40 need to start looking at who some of the other villains are that
41 are working to sort of take those fish away from us, and so
42 thanks.

43
44 **CHAIRMAN FRAZER:** Thank you, Mr. Dix. Our next speaker is Casey
45 Streeter, followed by Ronald Chicola.

46
47 **MR. CASEY STREETER:** I want to thank you guys for having me.
48 I'm Casey Streeter, and I'm a first-generation fisherman, owner

1 of three commercial bandit boats, and one is dually-permitted,
2 and I own a fish house in southwest Florida.

3

4 I am for lowering the buffer for the for-hire sector for red
5 snapper, and I am very against the full-retention fishery in the
6 eastern Gulf. I think it's got some consequences that will be
7 sewn into, and it will increase, obviously, the red snapper
8 lease, and you won't be able to leave the dock unless you've got
9 the fish, and it's going to disrupt fish supply. I count on
10 fish from longline boats, and it's important to my business, and
11 it's important to my customers.

12

13 I am grateful that you guys are looking at our fishery issues
14 that we have, and I think that a good way to do it would be some
15 of the exempted fishing permits, maybe regionally done, to see
16 what we're really actually working with in our fishery and what
17 it would take to be sustainable.

18

19 Dr. Crabtree, two meetings ago, said a profitable fishery is an
20 easier fishery to manage, and to put fish in the hands of the
21 men that are out on the water making their living is important.
22 I mean, you can't call a carpenter a carpenter if he doesn't
23 have nails.

24

25 Also, with the ecosystem-based management, hopefully you guys
26 will be moving forward with that in the next couple of years. I
27 mean, the fishery is diverse, and the eastern Gulf is diverse,
28 compared to the western and compared to itself, the northeastern
29 Gulf and the southeast Gulf, and so they need to be recognized
30 just how different they are and how important they are to the
31 economies that depend on the fisheries, and so that's about it.
32 Thank you.

33

34 **CHAIRMAN FRAZER:** Thank you, Mr. Streeter. Our next speaker is
35 Ronald Chicola, followed by Jim Zurbrick.

36

37 **MR. RONALD CHICOLA:** Good afternoon. I wanted to clear up a few
38 things first on the discards. I have got the exact numbers, and
39 we've been filling out the discards all year long and sending
40 them to NOAA, and they've sure got the numbers, but they just
41 haven't put them together yet, I guess is their problem, but the
42 numbers are about a pound, 0.5 snapper per grouper, in deep
43 water, deepwater grouper, 500 or 600 or 700 feet of water. I've
44 got the exact numbers here if you want.

45

46 The next thing is there is rumors and people talking, and
47 *National Geographic* is on my boat. I signed a contract with
48 them and let them go on the boat, and they want to film weather

1 and fishing and oil platforms. They want the whole nine yards,
2 and we're getting some pretty dramatic film the other day in
3 that little hurricane thing, but, anyway, I get to edit the film
4 before it's shown on TV, and it's going to be six episodes, and
5 I can put on there whatever or take off whatever I want, and I
6 made sure of that when they put it on the boat, but it should be
7 good for everybody, and it's not going to be bad. I think it
8 will be a good thing.

9
10 One more thing about the snapper is they don't belong out there.
11 Mr. Roy and others, they don't belong out there. 400 or 500 or
12 600 feet of water, snappers don't barely live. They're not even
13 built for that. They've got small eyes, and they have hard
14 bodies. To live in that kind of water, you're supposed to have
15 big eyes and be soft, but they have adapted, and they need to be
16 harvested out of the deep water.

17
18 I don't see why we can't do like they did with red drum. The
19 red drum are born in shallow water, in the bays, and the state
20 takes care of them. When they go out into the Gulf, the state
21 changes the regulations and still takes care of them. When he
22 goes out a bit further, then the federal government takes care
23 of them. Them deepwater snapper need to be caught and
24 harvested, and they need to be pushed back into the shallow
25 water where they belong, and they don't need to be out there in
26 the grouper grounds.

27
28 To do that, Mr. Roy will say, where do you get the fish to give
29 you for the discards, and I think it's pretty simple. You are
30 writing a death certificate for a million-and-a-half pounds of
31 year that we're going to kill to harvest a million pounds of
32 grouper, and go to NOAA and say here's the death certificate for
33 next year for a million-and-a-half pounds of snapper to go along
34 with the million pounds of grouper, and, if you will sign it, we
35 will put it on people's tables to eat instead of for sharks to
36 eat. That's all I've got to say about it.

37
38 **CHAIRMAN FRAZER:** Thank you, Mr. Chicola. Our next speaker is
39 Jim Zurbrick, followed by Randy Lauser.

40
41 **MR. JIM ZURBRICK:** Thank you, council, for allowing me to speak.
42 That last gentleman had some good thoughts, actually. The
43 charter ELBs, and I'm a commercial fisherman from Steinhatchee,
44 but, the charter guys, they have to get this January 1. We have
45 been watching the postponement, and we've got to get them on the
46 ELB program with positioning. Positioning is the key.

47
48 It's the ground-truthing, and, by the way, you would know

1 exactly where we were at. If we had this a year ago, we could
2 have been looking at this amberjack better, because at least the
3 charter guys would have been reporting very accurately,
4 hopefully, what they've been catching.

5
6 Just as anecdotal evidence, and not that it's going to mean
7 anything, and I don't know, but we have four charter boats in
8 Steinhatchee, and they did eleven trips for amberjacks, and not
9 a single boat came back with a thirty-four-inch amberjack. I
10 don't know if it means anything, and we're only fishing eighty-
11 five or ninety feet, but we keep going a little farther, but
12 it's just something, and it's kind of weird. I wouldn't have
13 expected that.

14
15 Also, as far as 36B, I am for a permit requirement, but you have
16 to have something else to go along with it. You're going to
17 have to have a lease cap allocation price. Otherwise, the
18 people who have invested for just speculation purposes only are
19 just going to look at the permit as a cost of doing business.
20 They will put it on an old boat and put it in the yard, and so
21 you're going to have to have some other things of actively
22 fishing, and, just like when we developed the grouper IFQ,
23 "substantial fisherman" was the term that came up.

24
25 First we had it at 4,000 pounds, and I don't think there was any
26 limit at first, and then it was 4,000 pounds, and then it went
27 to 8,000, and so, when you go forward with this, just having a
28 permit requirement is just not going to be good by its own
29 standalone, and I have some more.

30
31 I have caught 5,862 individual red snappers this year. I am
32 fortunate. I own some snappers, a small amount, really, but I
33 get them from a friend of mine that is reasonable with his
34 lease, or I think it's reasonable, and I only had five discards.
35 If I wasn't able to secure the kind of poundage that I'm getting
36 through leasing, if we were to have reallocation and take that
37 away from me, I am going to be discarding a lot more fish. I
38 only did five because they were actually under thirteen inches,
39 because I get paid the same for a thirteen-and-a-half-inch
40 snapper as I do a twenty-three-inch snapper.

41
42 The people that I deal with, Lombardi Seafood in Orlando, are
43 very good about it, and they want -- Actually, small fish is
44 really coming back. They cook them individually now, I guess.

45
46 Set-asides, set-asides is a discussion we could have, but it
47 would have to be from going forward. Had we had a set-aside
48 discussion and really gotten some traction before this last

1 increase, maybe there could have been a set-aside, but my wife
2 Patty and I, who a lot of you know, we bought -- Only because of
3 this increase was there some snappers available for us to buy
4 some more, because nobody was getting off of any before the
5 increase, and so that increase made some available for us to
6 buy, but now I think it should only be for future increases, and
7 we can have that discussion. Thank you.

8
9 **CHAIRMAN FRAZER:** Thank you, Mr. Zurbrick. Our next speaker is
10 Randy Lauser, followed by Gary Bryant.

11
12 **MR. RANDY LAUSER:** Good afternoon, council. I'm Randy Lauser,
13 owner and operator of a longline vessel in the eastern Gulf. I
14 just wanted to reiterate about the full-retention fishery, and
15 it would totally kill us. Just the numbers don't add up. We
16 would probably be able to fish one month, and then we would be
17 done for the whole year, and that would kill the new
18 participants, which I am training right now to have one, and my
19 partner, Scott, just put one on his other boat, which is a new
20 participant, and we've got to keep -- Because there's no new
21 blood in our fishery, and so we've got to keep it going.

22
23 Another thing is, at the beginning of this year, we lost 65
24 percent of our red grouper quota, and that's partly because of
25 sharks and porpoises. Three years ago -- I'm a smaller boat. I
26 go for seven or eight days at a time, and I was catching 7,000
27 or 8,000 pounds in seven or eight days.

28
29 It slowly got less and less and less, as the sharks came in, the
30 porpoises came in, and it just -- We are losing a couple
31 thousand pounds a trip just to these fish, and so, when you look
32 at the stock assessment, you need to take that into
33 consideration, because that's fish that we are catching, but we
34 just can't get it to the surface, and that's about all I've got
35 to say. Thank you.

36
37 **CHAIRMAN FRAZER:** Thank you, Mr. Lauser. The next speaker is
38 Gary Bryant, followed by Kenneth Daniels.

39
40 **MR. GARY BRYANT:** Good afternoon. I'm Gary Bryant from Fort
41 Morgan, Alabama. I own three six-pack boats, one of which is
42 dual-permitted, and I'm President of the Alabama Charter Fishing
43 Association.

44
45 Some of the issues are the electronic logbooks, and we're ready
46 to move ahead. I'm glad you are sending out information, and
47 I've had people asking me questions, and I really haven't had a
48 good answer for them on what was happening, and so I'm glad to

1 know that you all will be putting out some information for us.
2 We appreciate that.

3
4 Charter boats in our association would like to support the
5 buffer for our red snapper going to 9 percent, and, the
6 amberjacks, I think they're in trouble off of Alabama, and they
7 haven't come back, and we've got a lot of boats fishing, and not
8 a lot of people are having the success that we expect to have.

9
10 We would support fractional bag limits if it made a difference.
11 The numbers I saw of 9 percent doesn't appear to make a
12 difference, and so, if it's only 9 percent, I don't think we
13 need to go there. If it would give us the full fall and May, I
14 would like to look at it, but I don't see a reason to go there
15 if it's not going to make a difference. We don't want to open
16 that can if it's not going to be a benefit. We also agree with
17 postponing 52, and I think that was a good decision.

18
19 Some of the future issues we would like to look at, we would
20 like to have a carryover provision. Right now, I think we're
21 subject to a payback if we overfish, and we would like to be
22 able to carry some of these fish, and I know we lost some days
23 for weather this year, and I think our catch rates are down, and
24 our average size is probably going to be done, which that is a
25 good thing for longer seasons, but we would like to look at a
26 possibility of a carryover.

27
28 King mackerel, for whatever reason, we're not catching them at
29 the rate we normally catch them, and I have only caught two this
30 year, and not that I fish for them, but usually we catch them
31 just by accident, and one thing that I would like to suggest is
32 the size limit.

33
34 Some of the fish that are being caught by our trolling boats now
35 are undersized, and we're throwing them back, and I don't think
36 the survival is real good on those, and so we would like to look
37 at reducing the size, or not having a size limit, and we're not
38 coming near our quota, and so these are fish that may not be
39 surviving anyway after we have caught them trolling and had to
40 deal with not getting the teeth, and so I think it would be good
41 if we could keep the smaller kings.

42
43 On some of the other issues coming up, on ecosystem, the dolphin
44 and the sharks, that is an issue, and it's getting worse in our
45 area, and I think we would like a way to deal with discouraging
46 dolphins legally, and I don't want to see any people getting in
47 trouble for shooting dolphins and all this, but it is a problem,
48 and it is hard to deal with.

1
2 The dolphins are training their young to do the same thing
3 they're doing. I mean, if you've got a dolphin out there with
4 little dolphins, they are teaching them to steal your fish and
5 to do it, and so it's an issue that's not going to go away, and
6 I would like to encourage something to be started that would be
7 approved to discourage the dolphins from being around the boats.
8 Thank you.

9
10 **CHAIRMAN FRAZER:** Mr. Bryant, we've got a question from Dr.
11 Shipp.

12
13 **DR. SHIPP:** Hi, Gary, and thanks for coming. You covered a
14 number of species, but how about cobia this year compared to
15 last year? Are things better or worse or pretty much the same?

16
17 **MR. BRYANT:** They were down for me. The boats at my dock were
18 down. You had to make a big effort to catch cobia. In the
19 past, I caught cobia without trying, and they would come up --
20 When you were snapper fishing, the cobia would come up to the
21 boat, and we would catch them, and that hasn't happened in
22 several years, and so the people that are catching cobia have to
23 go specifically to go to a lot of trouble to catch one. They
24 are just not appearing like they did in the past, when we would
25 pull up on a spot and they would swim around the boat.

26
27 **CHAIRMAN FRAZER:** Thank you, Mr. Bryant. Our next speaker is
28 Kenneth Daniels, followed by Mark Kelley.

29
30 **MR. KENNETH DANIELS:** Good afternoon, council and NMFS. Thank
31 you for your time. I am Kenneth Daniels, a commercial fisherman
32 and owner operator of a longline vessel in the eastern Gulf of
33 Mexico, and I'm also part of the SOFA organization, and I sit on
34 the chair for membership.

35
36 I would like to talk to you guys today about the stocks of red
37 snapper in the eastern Gulf of Mexico, and we're seeing them
38 rebound even stronger, and we're even seeing hybrid snapper in
39 the southern Gulf of Mexico, 60 percent American red snapper and
40 40 percent possibly Caribbean snapper, and so we're seeing
41 influxes of different breeding inside the species stock also,
42 which is helping to make our stock bigger, and we believe that,
43 between the TEDs and the bycatch excluder devices in the shrimp
44 fishery in the southern Gulf of Mexico, especially the pink
45 shrimp fishery, it has helped for those stocks to rebound, and
46 that's why we're seeing more fish there, and, with this hybrid
47 kind of snapper, possibly we do have our own biomass of snapper
48 in the eastern Gulf that is separate than the western Gulf, and

1 so there might be something there.

2

3 Then, also, cooperative research, and I have just volunteered
4 with Mote, and we've got the cameras set on the boat this trip,
5 and it's heading offshore right now, and so this will be the
6 first time that we've got cameras on the boat to monitor
7 bycatch, to see the sharks, and we do have a big porpoise
8 problem.

9

10 I think a lot more fishermen would be interested in research
11 programs like this, but we really kind of need a biological
12 opinion on sea turtles and then also a definition of a positive
13 interaction with a sea turtle versus a negative interaction with
14 a sea turtle. That way, guys would be more open to seeing
15 what's going on out there, because there are some interactions,
16 but we've been taught, and we've been trained, and we're doing
17 our best to release any interaction that we have with sea
18 turtles the proper way of detangling them and unhooking them and
19 making it viable.

20

21 Definitions of crew, we have no definition of crew, and a
22 definition of the new entrants and a definition of small
23 operators in the industry. The industry would like to be part
24 of that also, helping to define these definitions, because it is
25 defining us and what we do. Thank you for your time today,
26 guys.

27

28 **CHAIRMAN FRAZER:** We've got a question from Ms. Bosarge.

29

30 **MS. BOSARGE:** Not a question, but just a comment. I think
31 that's the first time I have ever heard that, that we need to
32 have a definition for a positive interaction with a sea turtle
33 versus a negative interaction with a sea turtle, and that's a
34 really good idea. Thank you.

35

36 **MR. DANIELS:** Yes, ma'am. You're welcome. Thank you, guys.

37

38 **CHAIRMAN FRAZER:** Thank you. Our next speaker is Mark Kelley,
39 followed by Larry Lemieux.

40

41 **MR. MARK KELLEY:** My name is Mark Kelley, and I'm from Panama
42 City, and I have two charter boats. Both boats are dually-
43 permitted, and I am fully invested in the IFQ program.

44

45 The first thing I want to say is that we're the home of the
46 Hurricane Michael, and we're not real proud of it, but we've got
47 it. The fishermen of Panama City were helped by several
48 organizations, and I just want to pay a little public thanks to

1 the Destin Charter Boat Association, Panama Boatmen's
2 Association, NACO, IGFA, American Sportfishing Association, Lake
3 of Ozark, and Yamaha, and there are several more that I couldn't
4 think of at the time, but they gave money to help the fishermen
5 and their crew, which was a big asset, and so thank you.

6
7 Amberjacks, the first thing I want to talk about is I can't read
8 that packet and believe anything I hear, because of all the crap
9 we've been fed over the years. If we went to thirty-four
10 inches, we would have had a ten-month season, and the season --
11 Our spring season in the eastern Gulf was stolen from us,
12 because we threw out there that we were going to change the
13 start date to August 1, because of the spawning, and then I sat
14 in here yesterday, and we pull up that, oh, we'll start the
15 season in July now, and so, one of the months we were going to
16 use for spawning, now we're going to start it. I mean, this
17 amberjack is our livelihood, and we need you to get it right.

18
19 I am proposing that let's go back to a regular physical year of
20 January 1, and let's open it on May 1, and that gives the
21 eastern Gulf their May season, which we was robbed of, and I
22 believe to open it back up in August and let it run, and we're
23 going to have to let it run until we see what we actually get,
24 as far as amount of days.

25
26 I am for a permanent 9 percent buffer on the snapper, which
27 would help us drastically, and I want to talk a little bit about
28 the quota bank. I sat in the committee yesterday and listened,
29 and, when I started, I was grandfathered, and I was given, or
30 however you want to say it, 800 pounds of red snapper.

31
32 I didn't have no quota bank, and I tied everything I had up, and
33 I am fully invested in the snapper industry now, and I bought
34 them the way a normal businessman gets into business. He went
35 to a bank and he borrowed the money, and so the new entrants can
36 get in it. The small businessman can buy, but it's just a
37 matter of sacrifice. I would love for a small interest loan,
38 and I would buy me some more.

39
40 Also, the king mackerel, what Gary Bryant -- If we have all this
41 fish that are dying, I guess, by your numbers, that we're not
42 catching a year, let's do away with this king mackerel size
43 limit, and the king mackerel -- By the time you handle them, the
44 mortality rate is high, and so at least let's cut out a little
45 bit of that waste.

46
47 One last thing I want to talk about is the descending device. I
48 have used the descending device with the FWC projects, and I am

1 not crazy about it, and I'm not for it being mandated. Right at
2 this particular time, if I put a descending device on my boat,
3 I'm going to have a fifty-five-gallon drum of them, because,
4 everything we descend down, that thing is going to be eaten off
5 by a shark. We have got a massive shark problem to go along
6 with a massive porpoise problem. If you have not experienced
7 it, you need to go on one of them charter boats and see it. If
8 you want you a big pull, we've got it for you. Thank you.

9
10 **CHAIRMAN FRAZER:** Thank you, Mr. Kelley. Our next speaker is
11 Larry Lemieux, followed by Kelia Paul.

12
13 **MR. LARRY LEMIEUX:** Good afternoon, Gulf Council. My name is
14 Larry Lemieux, and I'm the owner of North Bay Light Tackle,
15 again in Panama City. I am going to just follow-up on what Mr.
16 Kelley said. On October 10, 2018, we endured a Category 5
17 hurricane, and we lost not only our houses, but some of us lost
18 our businesses, and, not only that, we lost the habitat for the
19 fish.

20
21 I have been fishing in Panama City for more than twenty-five
22 years, and I am going to say, inside of twenty miles, we
23 probably lost more than 50 percent of our habitat for red
24 snapper and black grouper and gag grouper and amberjack and
25 black snapper. We lost it all.

26
27 Some of us have been in business a long time and can afford to
28 rebuild places, but I feel like, in my heart, I feel like the
29 state should come in, and we had a great presentation this
30 morning by the Army Corps of Engineers in Panama City. I felt a
31 little opposition from some of you guys up here, like you just
32 kind of shrugged it off, and we need help.

33
34 Not only did we lose our house, but we lost places to fish. The
35 fish have got to have a place to live too, and, if there's no
36 place for the fish to live, then how are we supposed to go out
37 there and catch them? Anyway, again, I want to also say, like
38 Mark said, to NACO and IGFA and some of the people that came in
39 and shared some dollars with some of our families and crews, we
40 really did appreciate that.

41
42 The next thing is the amberjack. The amberjack, we want to
43 start the physical year on January 1, and what calendar do we
44 have where we start a calendar in the middle of the year? You
45 all, January 1 is the beginning of the year, and let's start it
46 on January 1 and go from there.

47
48 I am for I believe it's Action 3, Alternative 2, where you have

1 the full month of May with a split season and also having a fall
2 season of September and October, and I am for the fractional bag
3 limit if it keeps us a longer season staying in business, and I
4 believe that Mr. Crabtree said yesterday that we've got to have
5 some kind of fish to offer a customer at each part of the
6 season, whether it be spring or summer or fall. It gives me an
7 opportunity to offer my customers something to catch.

8
9 On the snapper, I'm also on the 9 percent on the buffer. The
10 sixty-one-day season was the longest season that I have endured
11 since I started when I was in my early teens. Snapper has
12 definitely done some rebounding, and you all did some great
13 work, and let's keep up the good work.

14
15 As far as the descending devices, as Mark said, unless you're
16 going to give us to them by the barrels, we are not going to be
17 able to keep up with them. The sharks are just a -- Pardon my
18 French, but they're a hell of a problem. I mean, I fished a
19 fourteen-hour trip the last day of snapper season, and I lost
20 100 hooks with six people, and that's ridiculous. It's just
21 plain ridiculous.

22
23 We have let the sharks, and now the dolphin has learned to pull
24 our fish, and we can't even go trolling in the morning. I had
25 some four and five-year-old kids two mornings ago, and you can't
26 get a fish to the boat. How am I supposed to tell a four-year-
27 old that they can't catch a fish because he's got to compete
28 with an animal as smart as I am? It's hard. It's real hard.
29 Real hard, but I try. I try.

30
31 Other than that, that's about all I had to say. Like I said,
32 not only are the sharks picking on us guys that fish in the
33 Gulf, but I am fortunate to have a light tackle business, and I
34 do a lot of bait fishing, and I do a lot of speckled trout and
35 red fishing, and the dolphins are just as bad on the trout and
36 redfish as they are on the grouper and snapper.

37
38 It has just gotten out of hand, and I don't know what we can do
39 to combat it, and I don't -- We can't shoot them, and I don't
40 want to go to prison. I have a little girl to raise, but we've
41 got to do something at some point. Something has got to give,
42 and so let's see if we can find somebody to get us some kind of
43 resolution to fix this problem. Thank you, all.

44
45 **CHAIRMAN FRAZER:** Thank you, Mr. Lemieux. Our next speaker is
46 Kelia Paul, followed by B.J. Burkett.

47
48 **MS. KELIA PAUL:** Good afternoon. My name is Kelia Paul, and I

1 am with the Fishing Vessel Longshot out of Panama City Beach,
2 which is dually-permitted. I have sent a full statement to
3 everybody on the council via email, because I tend to be a
4 little verbose and can't get all my points in.

5
6 The most important for us is what a lot of the people before me
7 have said, my colleagues have said, is amberjack. I sat and
8 listened to all the council meetings and the committee meetings
9 over the last couple of months, and there are multiple comments
10 that have been made that this program is in its infancy and it
11 needs more time to prove successful. However, we all sat up
12 here, years ago when this was implemented, and we told you guys
13 this was how it was going to go. We were going to lose May, and
14 we were going to lose revenue, and we were going to lose tourism
15 over it, and it still got implemented, and here we are,
16 unfortunately, and I don't like to play that card, but we were
17 right, and it's hurting us.

18
19 The decision that you guys made by not listening to us really
20 hurt our businesses, and we need some rectification on that.
21 Change the year back to the calendar year, and Dr. Hollensead,
22 and I listened, said that, just because you do so, it doesn't
23 mean that you have to start the harvest on January 1.

24
25 I don't know if you guys know, but we don't get a whole lot of
26 tourism in January, February, and March, and so I don't think
27 that's going to be an issue. Give us May and start it back in
28 August, and it seems pretty simple.

29
30 The other thing that I have noticed is a lot of the back-and-
31 forth is between the spring and the fall in the eastern and the
32 western Gulf, and that seems to be the holdup. If you guys --
33 We would like to see an additional action, or alternative, which
34 would be to split the quota. Don't ask me percentages. I don't
35 know, and that's you guys, but I would like to see a split quota
36 between the spring and fall seasons and then paybacks to each of
37 those if they overfish, and that seems to be the simplest
38 resolution, as far as I see.

39
40 If that is not the case, which right now it's not, 2.1, Action
41 1, Alternative 1, no action. 2.2, Action 2, modify that back to
42 1/1 to 12/31, which is what I said, and, for 2.3, Action 3, no
43 action, leave the months as they are.

44
45 The red snapper buffer, 9 percent is good. We are also in
46 support of the thirty-hour minimum for the multiday bag limit,
47 and, for my last point, I listened to the committee for Data
48 Collection this morning, and I see that we're rolling back the

1 VMS implementation for electronic logbooks.

2

3 I know there's a new letter coming out, and I'm really anxious
4 to see that, because the whole thing was -- My issue was that we
5 were only going to get the time between our trips -- The times
6 these captains get back into service and then dealing with their
7 customers to be able to report, but, if we're not going to have
8 those VMS, how are we implementing it in January? Are we going
9 to paper? If so, that would mean there is a turnaround time,
10 which is what I think that we need anyway.

11

12 We should be able to have the time to take it and gather all
13 that data. Fish is one thing, but fuel prices, the amount of
14 consumption of fuel, all that stuff takes time for them to
15 compile, and doing it in a turnaround on a multiday trip,
16 dealing with customers and regulations and things, it's almost
17 an unfair ask, but, if we're not doing electronic logbooks, and
18 it's okay to have a difference in the time and the turnaround,
19 then why can't we just let that slide? That's my thing.

20

21 **CHAIRMAN FRAZER:** Thank you, Ms. Paul.

22

23 **MS. PAUL:** Thank you.

24

25 **CHAIRMAN FRAZER:** All right. Our next speaker is B.J. Burkett,
26 followed by John Black.

27

28 **MR. B.J. BURKETT:** My name is B.J. Burkett, and I own and
29 operate a charter boat overload vessel out of Panama City,
30 Florida. It's dual-permitted, and I'm an IFQ holder, and I also
31 have a full-time commercial boat based out of Apalachicola.

32

33 The main reason I'm here is mainly charter boat stuff. The
34 amberjack is a real big issue with us. The start date needs to
35 get back to January 1. Get the start date back to January 1,
36 and I would propose a split season, 50 percent in the spring and
37 50 percent in the fall, or if it's got to be 60/40, whatever it
38 needs to be, but give us a split season with payback provisions
39 for each season.

40

41 If they go over one year, punish them the next year, whatever
42 you've got to do. If that cannot be done, the Action 3,
43 Alternative 2 I guess would suffice, but, first and foremost, we
44 really need the calendar year back to January 1.

45

46 The next thing I want to talk about would be the red snapper,
47 and the buffer definitely needs to be permanent at 9 percent,
48 and it's worked for several years, and so let's stick with the 9

1 percent buffer.

2

3 Next would be, as you've heard today, and in many meetings past,
4 the sharks and the porpoises. If we don't do something soon, as
5 a council, because it's going to be on you all's shoulders,
6 there won't be no need for you all as a council, because there
7 won't be nothing left. It's getting serious.

8

9 The sharks -- I mean, there is days that we lose upwards of
10 fifty fish due to the sharks. If you can get them through the
11 sharks, then you've still got to get them through the dolphins,
12 and it's a major issue, and you all are kind of just leaving it
13 and not saying much about it, and I know that everybody loves
14 Flipper, but a lot of fishermen hate him, and so you all really
15 need to get serious about it. I mean, it is a laughing matter,
16 but it's hurting our fishery bad, and it's gotten really bad
17 over the last three or four years.

18

19 The descending device, like everybody else has been saying, it's
20 going to take a pile of them, and that's all I can say. The
21 last thing that I want to talk about, and I've heard a couple of
22 people up here, the gentleman earlier from the Corps of
23 Engineers about artificial reefs and all, and we need more
24 habitat, habitat, habitat.

25

26 I mean, the easiest way I look at it is it's kind of like
27 farming. You've got to plant new plants to grow crops, and so,
28 I mean, put some more reefs out there, artificial or natural,
29 and your natural structures change, and they cover up, and some
30 have covered, and some have uncovered, but artificial -- I
31 personally witnessed reefs that have only been out for six
32 months in the last few years that have fish on them from this
33 big to this big, and they are growing these fish. We are
34 farming these fish, and we need you all to help us get more
35 reefs in the Gulf. Thank you, all.

36

37 **CHAIRMAN FRAZER:** Thank you, Mr. Burkett. Our next speaker is
38 John Black, followed by Alicia Paul.

39

40 **MR. JOHN BLACK:** That's kind of what I feel like when a dolphin
41 grabs hold of my fish multiple, multiple times a day, and that's
42 a four-year-old girl right there that had a rod smashed out of
43 her hand on my boat. They are dangerous, and it is a monumental
44 problem, and it is not just a problem, but it's a plague.

45

46 This is not an every-once-in-a-while problem. It's an everyday
47 problem, and it's a drag fish across the top of the surface at
48 ten or twelve knots and greyhounding dolphins after them, and

1 please help us with this. Sharks are the same way.

2

3 I am sorry. I'm John Black, and I'm from Panama City, Florida,
4 home, unfortunately, of Hurricane Michael, and we have taken a
5 massive hit, and we had a lot of help, and we do appreciate it,
6 as Captain Mark Kelley said, and we appreciate everybody that
7 helps us, and we appreciate the council. This is my first
8 meeting.

9

10 I appreciate the work that you've done, and I've seen it
11 firsthand, and I have fished out of Panama City my entire life,
12 since I was five years old, in a canoe with a hole in it, and I
13 didn't have the sense not to row in the Gulf and go fishing, but
14 I have always loved fishing, and I have always loved our
15 resource.

16

17 We need to change our fishing year back on amberjack to January,
18 and we need to open up in May, so we have a May fishery. That's
19 when we are able to make some money and have something to fish
20 for, and at the same time protecting our resources, and please
21 help us with that.

22

23 I really feel like, if we don't deal with the dolphin -- That's
24 the main thing that I wanted to speak about, is the dolphin and
25 the sharks. If we don't do something, we're going to continue
26 to damage our resources, and it's not going to go away. This is
27 not going to go away, and I hope that I get to stand up here at
28 some point and thank you all, and, from what I've seen of the
29 way you work, I think I will at some point, and I think you will
30 take hold of this and do whatever you can. I have never met
31 you, Dr. Crabtree, but I've known about you for many years, and
32 I trust you all will take care of this and help us be able to
33 take care of our resource. Thank you, sir.

34

35 **CHAIRMAN FRAZER:** Than you, Mr. Black. Our next speaker is
36 Alicia Paul, followed by Mike Eller.

37

38 **MS. ALICIA PAUL:** Good afternoon, everyone. I'm Alicia Paul
39 from Panama City, the dually-permitted vessel Longshot. I will
40 start with the amberjack. We need a spring season.
41 Historically, we've had a three-month spring season and caught
42 75 percent of the quota. At this point, we have no spring
43 season, based on the current regulations and start date change
44 that you all set last year, against our recommendations in the
45 fall of 2017.

46

47 I am completely against the fractional bag limit, if it's only
48 going to give us a nine-and-a-half-percent reduction, and I'm

1 not a math major, but that's 10 percent. 10 percent on a
2 ninety-day season is nine days, and that ain't helping us. I
3 would prefer a 50/50 split for spring and fall with paybacks and
4 overages taken from its respective season, whether it be spring
5 or fall.

6
7 Unfortunately, at this time, that's not an alternative choice,
8 and so, under the current alternatives, I prefer Action 3,
9 Alternative 2, under Table 2.3.1. This is going to reestablish
10 a January to December start date for both the recreational and
11 commercial sectors, to allow the harvest in the same timeframe
12 for a more accurate stock assessment and help the rebuilding
13 process, which ultimately is the goal, right? That's about it
14 for amberjack.

15
16 For 36B, its purpose is to assist small participants and new
17 entrants to the IFQ programs and to reduce discards and to
18 increase access to shares to actively fishing eligible
19 commercial fishermen, and so you asked who are these eligible or
20 new entrants, and I believe Ms. Bosarge said it right when she
21 said they're not new participants, and we've already got a
22 moratorium on these permits, and access is already limited. We
23 are the fishermen, and we are the people out there leasing these
24 fish, and we are catching them, and we are your new
25 participants.

26
27 We are having to lease these fish in order to go catch them, and
28 it's not just to go target that species. We are leasing these
29 fish simply for bycatch, to reduce our discard mortality. By
30 the time I cover the cost to lease the red snapper allocation
31 and I lease that allocation and I pay that cost to lease it, I
32 am making a dollar a pound or less. It's a flawed system.

33
34 You said you would like to have a quota bank, but you all have
35 no plan to achieve those fish or to support that quota bank.
36 There are flaws in the program, and you all are struggling with
37 distribution of the reclaimed quota, and I support distribution
38 either being weighted based on participation or adaptive
39 management, as Dr. Crabtree said, where it cycles.

40
41 The bottom line is there needs to be an easier way for the
42 actively-fishing fishermen to obtain allocation, or even shares,
43 and that are needed to be able to survive in the industry as it
44 is now. Cliff Penick, and I think that was the gentleman's
45 name, got up here, and he's a private investor, and at what
46 point did we take the fish away from the fishermen? The
47 fishermen are now fighting to go back out there and catch those
48 same fish, because we don't have the means or the capital to

1 achieve those fish. Sorry. I know I'm out of time, but I've
2 got a little more to say.

3

4 **CHAIRMAN FRAZER:** Just a little bit.

5

6 **MS. A. PAUL:** Okay. The dolphins and sharks are a real big
7 problem. The dolphins are a nuisance, and the sharks are -- We
8 need some sort of legal deterrent for the dolphins, and we need
9 to be able to harvest these sharks, particularly sandbar sharks.

10

11 The king mackerel mortality rate is high, and, when you catch
12 those fish, they're dying already, and let's do away with that
13 size limit, so we get a little closer to our ACL, and that's
14 about it. Thank you, all.

15

16 **CHAIRMAN FRAZER:** Thank you, Ms. Paul. Our next speaker is Mike
17 Eller, followed by Greg Ball.

18

19 **MR. MIKE ELLER:** Thanks, council. I'm Mike Eller from the
20 world's luckiest fishing village, Destin, Florida. I am amazed
21 to say this is my thirty-seventh consecutive year fishing out of
22 Destin, and I average between 190 and 220 days a year, mostly
23 charter fishing, four-hour trips to three-day trips, with some
24 commercial fishing.

25

26 On amberjacks, please revisit the reduction numbers for the
27 fractional bag limits. They don't seem credible. Amberjacks
28 are much more important to me in May than they are in August.
29 The most important months for me, and for a lot of people in
30 Destin, would be May, September, and October.

31

32 I'm an IFQ shareholder, and I purchased my shares, starting in
33 2009, and I've invested a lot of money in it. For the last four
34 years, I have not commercial fished, because my crew is worn out
35 after the charter season, and so we lease our fish to the fish
36 house where my boat docks, and there is three small boats there,
37 and those guys are smaller operations, and they don't have a lot
38 of money, and my fish goes to those guys right there.

39

40 My fish house that I lease to does not have a commercial permit
41 anymore, because they sold their boat, and so, if you make
42 everybody have a reef fish permit, it's going to wreak some
43 havoc.

44

45 I do think that the IFQ system needs to be tweaked. The thing
46 that gets me the most is the fact that the fish can be passed on
47 generation to generation to generation, and one day these fish
48 are going to be owned by somebody in Ohio that their uncle left

1 them to them and so we need to -- There is tweaking, and there's
2 things that need to be done.

3

4 I wanted to read to you from NOAA's website: Feeding and
5 attempting to feed dolphins is harmful and illegal, because it
6 changes their natural behaviors and reduces their wariness of
7 people and vessels. They learn to associate humans with easy
8 meals and change their natural hunting practices by begging for
9 handouts and taking bait and catch directly off the fishing
10 gear. Dolphins also teach these unnatural and risky feeding
11 strategies to their calves and other dolphins. Dolphins are
12 then more vulnerable to vessel strikes and to fishing gear
13 entanglements and ingestion. They may also fall victim to
14 extreme retaliatory acts, such as shooting, by frustrated
15 boaters and fishermen. Harassment is illegal and occurs when
16 any act of pursuit, torment, or annoyance has the potential to
17 injure the animal or disrupt its behavior. Any human-caused
18 change to a dolphin's behavior may constitute disturbance or
19 harassment. Certain critical survival behaviors are
20 particularly vulnerable, and disturbance may lead to injuries or
21 death. Long-term negative impacts includes compromised health,
22 reduced reproductive displacement, blah, blah, blah.

23

24 We've got a dolphin problem, and it's gotten worse and worse and
25 worse and worse and worse. They bring the little babies around,
26 and I mean it's just incredible. They snatch the rod out of a
27 seven-year-old girl's hands and slam them to the rail. If we
28 can use a rubber bullet to deter a sea lion, we can use a rubber
29 bullet, which is actually a pellet and it's not a bullet, to
30 deter the porpoises. They are not an endangered species. They
31 are strictly listed as protected. We have got to do something.
32 It's out of control.

33

34 Sharks, we have to have some type of incidental catch.
35 Normally, when you have a shark interaction, it's down deep, and
36 you don't ever see the shark. Nowadays, three or four sharks
37 circling around your boat is not uncommon at all, and it's
38 incredible, and have never seen anything like it.

39

40 As far as -- There was a couple other things. The king mackerel
41 thing, we don't catch king mackerel anymore, and it's amazing,
42 and I don't know what happened to them. I don't know where
43 they're at, but we don't catch them. We don't catch them at
44 all. We used to catch them, and they used to be a big part of
45 our fishery, and we don't see them, and we don't catch them.
46 The boats that do catch them right outside the inlet, if you get
47 one on, you've got about one minute, and those dolphins come
48 greyhounding towards you, and it is incredible.

1
2 I mean, if you want to see them, you just go -- Jim Green, the
3 president of our association, told me the other day that he had
4 thirty dolphins attacking his people and attacking their fish.
5 Typically, for me, I will see one or two, and the dolphins will
6 follow you. The NOAA website tells you to leave the area, and
7 the dolphins follow you. If you go slow, they get in your wake,
8 and they use your little perpetual motion machine, and they just
9 follow you, if you go three or four miles.

10
11 If you pick up and run and burn a lot of fuel, you get about
12 five or six miles, and you will get about ten or fifteen minutes
13 before other dolphins set in on you. The dolphins are
14 territorial, and not all dolphins are alike. The offshore ones,
15 they come around, and these are ones that they stake out their
16 territory, and they are waiting for you in the morning when you
17 get there. When you go over here, there is another set over
18 there, and it's a very, very serious problem. Thank you for
19 your time.

20
21 **CHAIRMAN FRAZER:** Thank you, Mr. Eller. Our next speaker is
22 Greg Ball, followed by Scott Hickman.

23
24 **MR. GREG BALL:** Good evening. I am Greg Ball from Galveston,
25 Texas. I'm a charter boat operator and President of the
26 Galveston Professional Boatmen's Association. We're in the
27 middle of amberjack season, and it's going well in Texas. We've
28 got to go a long way to get them. We've got to go about seventy
29 miles, minimum, but we get there, and we get full limits of
30 amberjack, and we're fishing just about every day.

31
32 The half a fish just doesn't work for us. We need to keep it as
33 a whole fish. We've got plenty of amberjack, and I don't see a
34 problem with it. We need to stay with a whole fish.

35
36 On the reallocation, Amendment 52, we support postponing that.
37 On the charter/for-hire buffer for snapper, 9 percent is good.
38 It was a great season this year, and we would like to see it
39 stay that way.

40
41 On the study that Dr. Stunz has done with the Great Snapper
42 Count, they use SeaQualizer to send those fish down, and I don't
43 know the numbers yet, but I know it's pretty high, the tagged
44 fish that's been caught, and it's a great program. We were the
45 first organization to use those SeaQualizer, and we made it
46 mandatory for all of our members to use the barotrauma device
47 that they used in sending the snapper down.

48

1 We have sent them down through sharks, and we've sent them down
2 through dolphins, and they survive. They don't get eaten.
3 Snappers go, and we get the SeaQualizer back up, and so I think
4 they work. We are using them, and we've used them all summer
5 long, and it's been great, and we've saved a lot of fish. I
6 think it ought to be that everybody should use them, and so it's
7 a good idea. Thanks to Dr. Stunz for working on that program,
8 that snapper count.

9
10 The other thing is Preferred Alternative 2, Option b, in the
11 multiday trip document for allowing trips over thirty hours, two
12 days or more, to keep their two-day bag limit at any time
13 throughout that trip, and I think that would cut down a lot on
14 discards and fishing mortality if they can keep their two-day
15 catch anytime during that trip. That's all I've got.

16
17 **CHAIRMAN FRAZER:** We've got a question for you, Mr. Ball, from
18 Greg Stunz.

19
20 **DR. STUNZ:** Captain Ball, thank you, and I have a question, just
21 to be clear. When you're talking about descending those fish,
22 clearly the dolphin or sharks could get them once they're
23 released, but have you lost your gear from sharks or dolphins,
24 the actual SeaQualizer gear from sharks?

25
26 **MR. BALL:** We have not. We get it back, and so, if they get
27 them after they've got down, they did, and we don't know that,
28 and we don't know if they got them or they didn't, but we get
29 our gear back.

30
31 **DR. STUNZ:** Right. From the scientific releases we've done, the
32 thousands we've observed, animals are depredating or whatever
33 off of your released fish, but we have never lost any -- Not a
34 single SeaQualizer yet to a shark.

35
36 **MR. BALL:** That's awesome. I appreciate it.

37
38 **CHAIRMAN FRAZER:** Thank you, Mr. Ball. Our next speaker is
39 Scott Hickman, followed by Lance Nacio.

40
41 **MR. SCOTT HICKMAN:** Mr. Chairman and members of the council, I
42 appreciate you hearing from us today. I'm Captain Scott Hickman
43 from Galveston, Texas, a thirty-five-year licensed captain and
44 participant in both the federal charter/for-hire and commercial
45 reef fish fishery and an IFQ shareholder.

46
47 First off, I would like to thank the Gulf Council staff and the
48 agency folks for all their hard work on the Gulf charter/for-

1 hire ELBs and getting this program on the water soon. I would
2 like to thank Phil Dyskow for his comments on really bringing to
3 light the big problems that we're having in discards on red
4 snapper in the Gulf of Mexico and embracing solutions to fix
5 that, and that's everybody's problem. It's the commercial side,
6 and it's the charter boat side, and it's the recreational side.
7 We are discarding probably millions of pounds of perfectly good
8 red snapper in the Gulf of Mexico every year.

9
10 Everybody fights in this room over we want more fish from your
11 side, and we need more fish, we need more fish, but we're
12 throwing back the fish that could help solve those problems.
13 One way to do it, and I'll eat crow here today, because I sat at
14 this microphone and argued with Dr. Stunz a few meetings ago,
15 and we participated in helping tag some of those fish, and I
16 didn't think it would be successful, because I had been involved
17 in other tagging programs where we used cages to release fish,
18 mark and recapture type things, and the SeaQualizer works.

19
20 It is absolutely the gold standard to use for releasing red
21 snapper back into the water where they will survive, and that's
22 why we get such a high recapture rate coming from his program.
23 I see social media, all summer long, with people catching red
24 snappers with tags in them, and it obviously worked.

25
26 I didn't believe that it would be that successful, but I saw it
27 with my own eyes. It works. It works so well that we provided
28 a SeaQualizer for everybody in our organization, and we made it
29 mandatory that everybody in the Galveston Professional Boatmen's
30 Association uses these devices when snapper fishing now, and
31 we're going to lead by example, and we want to see this thing
32 mandatory, and we want to stop throwing fish back in the water
33 dead for dolphins and sharks to eat and to float off, and we
34 want those fish to be able to reproduce and create more red
35 snapper and for people to catch in these different sectors.
36 Enough on the SeaQualizer.

37
38 I speak in favor of the current Preferred Alternative 2, Option
39 b in the for-hire multiday trip document. This would also
40 reduce discards, because you're not forcing these people to fish
41 twice for red snappers in two days, and they can do all their
42 snapper fishing at once, and then they can go out and carry on a
43 different activity.

44
45 Recreational or charter/for-hire jacks season, I would like to
46 see it stay status quo until we get more data on that, and then
47 we can make a better decision. The charter/for-hire buffer
48 amendment, Action 1, Preferred Alternative 2.

1
2 As far as shooting bottlenose dolphins with rubber bullets, even
3 though that sounds like a lot of fun, because they bother me
4 too, I would have to get a really good divorce attorney if I
5 started shooting at dolphins. My wife loves dolphins, and so
6 good luck with that. Thank you, all.

7
8 **CHAIRMAN FRAZER:** Mr. Hickman, we've got a question from John
9 Sanchez.

10
11 **MR. SANCHEZ:** I want to congratulate you on being elected
12 Chairman of the Flower Garden Banks Sanctuary.

13
14 **MR. HICKMAN:** I appreciate that, John.

15
16 **CHAIRMAN FRAZER:** We have another question from Dr. Stunz.

17
18 **DR. STUNZ:** Thank you, Captain Hickman. Not so much a question,
19 but just a comment, and I appreciate you and your group being
20 leaders in terms of taking that leadership role to reduce
21 discard mortality in our region of the Gulf, and so I appreciate
22 that.

23
24 **MR. HICKMAN:** Thanks for the work that you're doing on that. It
25 has opened a lot of people's eyes, how successful this can be,
26 and I would hope that this council would embrace this movement,
27 and it will leave a lot more fish in the water, and we need more
28 fish, obviously, by listening to these public comments. Thank
29 you, all.

30
31 **CHAIRMAN FRAZER:** Thank you. Our next speaker is Lance Nacio,
32 followed by Neil Gryder.

33
34 **MR. LANCE NACIO:** Good afternoon. I'm Lance Nacio from
35 Montegut, Louisiana. I'm a third-generation commercial
36 fisherman. I have been in the shrimp business since 1997, and,
37 probably by 2002, we created markets to sell about 80 percent of
38 our shrimp, and we have a plate freezer onboard, and we sell
39 whatever bycatch we can sell, and so, about three years ago, I
40 started buying reef fish, because we do eight farmers markets a
41 month, and fish is something that consumers want, and so we
42 started buying reef fish from a fellow fisherman, and I have two
43 boats, and I just decided to diversify and buy a permit and
44 start handling the fish ourselves.

45
46 We've got an offloading permit, and we have a processing room,
47 and we do everything we can to get the most we can get out of
48 the fish, and, because we have no access to quota, other than

1 leasing, we target like all kinds of bycatch, and we created a
2 network of chefs and people who are buying all this bycatch, but
3 it's still like one of the most challenging things I've ever
4 done, as far as making a successful business out of it.

5
6 My nephew, he's twenty-eight years old, and he's the captain of
7 the boat, and he's always worked for me, and he made really good
8 money shrimping, and, I mean, it's real challenging for him, and
9 he's got a new baby on the way, and about 80 percent of what we
10 come in with is red snapper, because that's the easiest fish to
11 catch, but we're targeting all the other fish that we can bring
12 in, and he brings in probably twenty species of fish a trip, and
13 we have found homes for all of them, and most of it goes
14 directly to a consumer or to a chef, and it doesn't go to the
15 fish house, and, I mean, it's still really challenging to make
16 it in this industry. If I didn't have a successful business
17 going on, I wouldn't have made it three months in the reef fish
18 fisheries. That's all I've got to say.

19
20 **CHAIRMAN FRAZER:** Thank you. I'm sure we've got a couple of
21 questions. Mr. Banks.

22
23 **MR. BANKS:** Thanks, Lance, for being here. I appreciate that
24 testimony. You said that you are leasing red snapper so that
25 you can sell those when you catch them.

26
27 **MR. NACIO:** Right.

28
29 **MR. BANKS:** What was the business reason behind not buying those
30 from somebody?

31
32 **MR. NACIO:** Just the cost. I had to borrow \$100,000 to convert
33 the boat and buy a permit and everything it took to get into
34 that, and I didn't have the capital to buy it, and so, luckily,
35 I was able to work with a fish buyer that gives us quota every
36 trip to fill for him, and then we lease some for other reasons,
37 but, every trip, the boat comes in with 4,000 to 5,000 pounds of
38 fish, which is not a lot, but 80 percent of that fish is red
39 snapper, and the margins on the red snapper is so thin that no
40 one really makes money, at the end of the day.

41
42 **MR. BANKS:** Thank you.

43
44 **CHAIRMAN FRAZER:** Thank you very much. Our next speaker is Neil
45 Gryder, followed by John Law.

46
47 **MR. NEIL GRYDER:** Good afternoon, council. My name is Neil
48 Gryder, and I own Relentless Sportfishing out of Venice,

1 Louisiana, as well as Sportsmen Management, which is based out
2 of Ocean Springs, Mississippi. I have been owning Relentless
3 for about two-and-a-half years now down in Venice, and we do
4 about 150 to 180 days a year, and I also have been recreational
5 fishing and hunting for my whole life, and so I've noticed that
6 there is a lack of data coming in on the recreational side.

7
8 What we've been doing at Sportsmen Management is we've actually
9 developed a mobile app for data collection for recreational
10 fishermen, as well as hunters, throughout the five Gulf states
11 for now, but we're going to go up the east coast as well, go to
12 the South Atlantic and everything, I guess, starting on January
13 1, and we have a beta product coming out for the data collection
14 process this next month, and we're going to be testing with
15 groups from the Florida Keys all the way to Freeport, about 450
16 guys across the whole Gulf of Mexico.

17
18 We will also do points of license sales for all fifty states,
19 and so you'll be able to have a proof of purchase for all of
20 your hunting and fishing licenses right there in the palm on
21 your hand on one mobile app, and it will have all the news feeds
22 for all the government agencies for each state, and it will have
23 all the rules and regulations for each state, and I just wanted
24 to kind of introduce myself and see if you all have any
25 questions, and I will stick around and give out business cards
26 or set up meetings or whatever we need to do. Thank you, all.

27
28 **CHAIRMAN FRAZER:** Thank you, Mr. Gryder. Our next speaker is
29 John Law, followed by Benjamin Kelley.

30
31 **MR. JOHN LAW:** I am John Law from Panama City, and I'm a six-
32 pack passenger permit holder, and I've been in business for
33 twenty-three years, and I just basically wanted to say thank you
34 for all your work and help on the red snapper, and it has helped
35 us immensely, and, after all we've been through in Panama City,
36 we could use all the help we can get.

37
38 The 9 percent buffer, I definitely support that, and I would
39 like to say that I would love it if we could have the jacks --
40 The calendar year start on January 1, where we could get a May
41 season, and that would be great, and I'm against the descending
42 devices, and you've heard all the dolphin stories, and I was
43 going to tell you another one.

44
45 They have actually learned to lay back and wait, and, when
46 you're trolling for king mackerel, they wait, and they wait for
47 you to hook a fish up, and, when you hook a fish, then they come
48 in and attack and get the kings.

1
2 When you're trolling for Spanish, you have to be careful to
3 watch your deckhand, when he starts the leader in the Spanish,
4 to release it, so it doesn't cut his fingers while he's trying
5 to pull the Spanish mackerel in. When you have women and
6 children on the boat, you have to alert the deckhand to be ready
7 for when they grab the fish to not actually pull the little kids
8 over, or snatch the poles from their hands. It's beyond -- I
9 had a full head of brown hair when I started out this season,
10 and so it's just something special.

11
12 The sharks, their population has just become very populated, and
13 they're there, and they're eating a lot of fish, and the
14 mortality rate and the discards -- They are more getting the
15 fish you hook and pull up then the discards, and that's more the
16 dolphins' line of work there.

17
18 I heard a captain talk about tagging snapper, and I was going to
19 give you all some info on that that I saw that was pretty
20 interesting. The FWC used to pay us to tag snapper, and so we
21 would go tag 200 or 300 snapper in an eight or ten-hour trip,
22 and we would have different colors on the tags. On one
23 particular artificial reef that was one of my favorites, with
24 big-class snapper, we tagged that one, and that was probably in
25 April. Then, when snapper opened in June, I started harvesting
26 snapper on that particular place, and we started out with ten or
27 twelve-pound fish, and, as we put pressure on them, harvesting
28 them, then the sizes reduced to five or eight-pound fish.

29
30 Me being a six-passenger boat, I would move on and fish, looking
31 for bigger-class fish for my few customers, since I would be
32 keeping eight, ten, or twelve fish on a trip, and so, with that
33 said, the next year, I went, and those same fish were on that
34 reef, and the same tags had gotten mold on them, and a lot of
35 growth and grass on them, and those fish had stayed on that same
36 particular reef and went from eight-pound fish to twelve to
37 fifteen-pound fish.

38
39 Where I'm going with that was it's neat that they stayed there
40 locally, and I pictured them moving a lot more than that, and so
41 I just thought that I would throw that in there. I appreciate
42 you all. Thank you.

43
44 **CHAIRMAN FRAZER:** Thank you, Mr. Law. Our next speaker is
45 Benjamin Kelley, followed by Clarence Seymour.

46
47 **MR. BENJAMIN KELLEY:** My name is Benjamin Kelley, and I've got a
48 sixteen-passenger charter boat in Panama City Beach. We did

1 have Hurricane Michael, and it wiped out about 40 percent of our
2 spots out there, and we need the council and the Marine
3 Fisheries to help however they can, so we can get some spots
4 rebuilt out there with the Corps and everything.

5
6 I do support the 9 percent buffer for the charter sector. The
7 amberjack, we desperately need a May season, and I used to have
8 a Canadian business January through May that caught amberjack,
9 and, this year, the boats and all them hardworking people sat
10 there waiting on June 1, after we re-roofed our houses, and so
11 we need to be able to catch some amberjack in the spring. The
12 best way to do that would be to split the quota and split the
13 payback provision. That way, open it May 1 and open it
14 September 1, and then each party is happy.

15
16 The sharks and dolphins, you all have heard enough of that. The
17 descending devices, they will not work. I mean, they might work
18 in here, but they won't work offshore, but the amberjack is the
19 most important thing. We need them in May. Otherwise, the
20 fleet and all them hardworking people just sit there until June
21 1, and so thank you very much.

22
23 **CHAIRMAN FRAZER:** Patrick.

24
25 **MR. BANKS:** Just a quick question. Back in 2017, when it --
26 What was the feeling amongst everybody in 2017? Did you have
27 enough business during that January/February time period that
28 May wasn't -- It didn't hurt as bad in 2017, because I don't
29 remember hearing this. You're talking about needing May,
30 needing May, and what about in 2017, when it was closed in the
31 middle of March?

32
33 **MR. KELLEY:** I am not a good example, because I have the
34 Canadian business. There is two of us that take and fish, and
35 we caught -- I mean, I caught more than my share of fish,
36 because we started amberjack fishing on January 1, and then we
37 quit and started snapper fishing on June 1, but you all have
38 taken all of that from me.

39
40 Like now we have a fall season, which the water is very hot, and
41 it's hard to catch bait, and we have to go way offshore, and
42 we're still catching some jacks now, but it's like five a trip,
43 and it's painful, and we've got sharks, and, my god. This is
44 thirty-six years for me, and I have never seen this many sharks.

45
46 **MR. BANKS:** I guess where I was going was it was open in January
47 and February and part of March, and so was that business good
48 enough to not --

1
2 **MR. KELLEY:** It was for me.
3
4 **MR. BANKS:** So May didn't hurt as bad at that point?
5
6 **MR. KELLEY:** May is our prettiest weather month there, and there
7 is no hurricanes, and the weather is perfect, and the people
8 will come and fish if there is something to catch, but, when you
9 have only b-liners and Spanish to offer them, they don't come.
10
11 **CHAIRMAN FRAZER:** Thank you, Mr. Kelley. Our next speaker is
12 Clarence Seymour, followed by Chance Seymour.
13
14 **MR. CLARENCE SEYMOUR:** Hello. I'm Clarence Seymour from Biloxi,
15 Mississippi, the Charter Boat SYL, federally-permitted, and I've
16 been a recreational angler for about twenty-one years now in
17 Biloxi.
18
19 I came here yesterday, and I brought State Senator Mike Seymour
20 with me to -- We was expecting the redfish EFP to be on the
21 agenda, and I was kind of disappointed, and I was kind of
22 wondering what happened to it or whatever, but it's not that the
23 red drum is -- It's federally protected from 1986, and we all
24 know that. The three-mile line, eight-mile line, nine-mile
25 line, the boundaries are not that far for -- I think we figured
26 it was about -- It's probably going to be about seventeen
27 charter boats available for the EFP, if we could get this thing
28 through, but I think we have a little pushback because of some
29 state guides that might want a piece of the federal redfish.
30
31 Well, number one, the three-mile boundary, a state guide has no
32 business across that line without a pelagic permit. They can't
33 keep Spanish mackerel, and they can't keep king mackerel, and
34 they can't keep cobia. The federal fleet is the ones that can
35 cross that line legally on king mackerel, Spanish mackerel, et
36 cetera.
37
38 We would really like to see it back up in Mississippi, because
39 it's a bread-and-butter, but I really think that we need to
40 start figuring out how many is harvested in the State of
41 Mississippi from the federal for-hire fleet, and we was ready
42 for it, and I think our guys in resource management with
43 Mississippi was -- They had all their -- They was ready.
44
45 Anyway, I am not going to go on on that, and I appreciate you
46 all's help with that in the future. We brought it up in 2010,
47 and it got shot down, and it's been a long time, and we're nine
48 years in it, and I just think we might could still use that

1 research.

2

3 Amberjacks, some guys went out early and did good, and the
4 sharks got them on that last one, and nobody is talking about
5 sharks, and so maybe the May opening may be the thing for some
6 guys in Mississippi and the private anglers.

7

8 King mackerel, zero, negative, none, so far since March for me.
9 Cobia, eight in my career, and we normally caught a bunch.
10 ELBs, I am running a pelagic ELB by the pelagic system, and it's
11 the little bitty one with the solar panel, and it's perfect. It
12 meets our goals, and all we need is the app, which I think Emily
13 and the staff with NOAA is all working on that, but they did
14 call me the other day and checked in to see how my unit was
15 working, and it's perfect. It's a great tracker, and it pings
16 me plenty of times during the day.

17

18 The next thing, real quick, is the 9 percent buffer for sure,
19 and our reef fish program in the State of Mississippi is the
20 same way as Panama City. Hurricane Katrina cleaned them out,
21 and we need our structure back down too, and so thank you, guys.

22

23 **CHAIRMAN FRAZER:** We have got a quick question for you from Dale
24 Diaz.

25

26 **MR. DIAZ:** Just because we're getting so much comment on
27 bottlenose dolphins and sharks, are you having the same problem
28 to the same extent as you're hearing the other guys talk about
29 it?

30

31 **MR. SEYMOUR:** Dolphins are sporadic at times, and I watched the
32 shrimp boat fleet come through, and they was kind of with them
33 for a while, and they would be on one reef site pretty good and
34 not on another one, but what we were doing was taking our
35 discards, and I would watch them roll up, and I would give my
36 deckhand a whistle, and he would flip it over the starboard
37 side, because we was trying to outsmart them, but I think they
38 made it down pretty good, because we're fishing in under eighty-
39 foot wrecks, but they are smart.

40

41 Now, the guys from Alabama was telling me that they learned to
42 get them on the way up. I have not lost none on the way up. I
43 have watched them take them on the way down, and so that's
44 pretty well it.

45

46 **CHAIRMAN FRAZER:** We have another question from General
47 Spraggins.

48

1 **MR. SPRAGGINS:** As far as the EFP, it's not a dead issue, and I
2 think what has happened is there was a lot of unanswered
3 questions on it, before we brought it up, and I think it's going
4 to be something that we're looking at in the very near future,
5 for maybe the next -- Try to have it on or either something of
6 some other form of it, but we are looking at it, to try to keep
7 it going.

8
9 **MR. SEYMOUR:** I appreciate it, Mr. Spraggins. That's great
10 news. Thank you.

11
12 **CHAIRMAN FRAZER:** Thank you. Our next speaker is Chance
13 Seymour, followed by Johnny Williams.

14
15 **MR. CHANCE SEYMOUR:** How are you all? I am Chance Seymour, and
16 I'm a second-generation charter captain, and Clarence is my dad.
17 I just wanted to come up here, and I'm new in the business.
18 This is my second season running my own boat, and I don't really
19 have a whole lot to say today, but this is my first meeting, and
20 I just want the best for my future career, and so thank you,
21 all.

22
23 **CHAIRMAN FRAZER:** We've got a question from Ms. Bosarge.

24
25 **MS. BOSARGE:** No, but I just wanted to say thanks for coming.
26 We like to see all of you all.

27
28 **MR. SEYMOUR:** Thanks for having me.

29
30 **CHAIRMAN FRAZER:** All right. Our next speaker is Johnny
31 Williams, followed by Randy Sobieraj.

32
33 **MR. JOHNNY WILLIAMS:** Johnny Williams from Williams Partyboats
34 in Galveston, Texas, a third-generation partyboat operator out
35 of Galveston.

36
37 The first thing I would like to comment on is the trips that are
38 over twenty-four hours for partyboats and charter boats, and I
39 support Option 2b. I think there's a little bit of confusion on
40 that, and maybe I might have been confused. When I would run
41 twenty-five-hour trips, I would usually leave at like 6:30 in
42 the evening and run out kind of slow at night and get out there
43 in the morning and start fishing and come in with a double limit
44 and come in at 7:30.

45
46 I guess I probably wouldn't be in violation, but, unless you
47 leave at noon, it's kind of hard to catch half the catch on one
48 day and half the catch on the other day, and so you would have

1 to basically, in my opinion, leave around noon or something to
2 do something like that, and so, as long as it's over twenty-four
3 hours duration, I think it doesn't matter if you catch all the
4 fish in the first fifteen minutes of the trip or the last
5 fifteen minutes of the trip. I think that 2b is the option to
6 go with.

7
8 As far as saving fish, I agree with Scott Hickman that we need
9 to try to do everything we can to reduce mortality. The fish
10 that are released, however, I think a partyboat and a charter
11 boat are different. I think, on a partyboat, these SeaQualizers
12 would actually be the antithesis of what we need. On the
13 charter boats, you've got more or less one deckhand and one
14 captain for generally about six people. My boat will
15 accommodate up to eighty-three, and we generally have four
16 deckhands. If one of them doesn't show up, then we're kind of
17 in a bind already.

18
19 If you're trying to take a fish off for a person and handle them
20 that way and trying to take them back to the back of the boat
21 and hook them up and drop them down, and then try to get back
22 and get the next fish, when the fish are coming in real fast,
23 like they do on a partyboat, it's going to be very, very
24 detrimental to the fish to do that, and so, if we're really
25 trying to reduce mortality -- Yes, it might work out really well
26 on a charter boat, but it's not going to work on a partyboat.
27 For that reason, I don't think that -- It's not a one-size-fits-
28 all.

29
30 Also, the last thing I would like to comment on is we heard
31 several people get up here and talk about different times of the
32 year that they like to fish for this or that or the other, and
33 what we tried to do with our pilot program for red snapper was
34 allow people to fish for the fish when they wanted to, and I
35 think it would be wise to initiate a catch share program for
36 different species for the for-hire sector.

37
38 I think that's something we should initiate, and then people, if
39 they want to fish for them in May, they can. Some people said
40 they want to fish for them then, and some people want to fish
41 for them in -- The season is not open when they want to fish for
42 them, or when the fish are there, and let them fish when they
43 need to fish. That's about all my time. Thank you so much for
44 your time, and I appreciate it.

45
46 **CHAIRMAN FRAZER:** Mr. Williams, we have a question from Chester
47 Brewer.

48

1 **MR. BREWER:** How are you, sir? I am not on the Gulf Council. I
2 am on the South Atlantic Council, and we have been looking at
3 the issue of descending devices and what we could do to try to
4 help reduce mortality, and the comments that you have made on --
5 We call them drift boats in Florida, and we might have like
6 forty or fifty people onboard, and maybe four mates, or
7 something like that.

8
9 The issue was the same as what you just mentioned. When you've
10 got that number of folks fishing all at one time, these
11 descending devices may do more harm than good, and so what we
12 did, and what we're working towards, is requiring that there be
13 a descending device essentially on all boats that are bottom
14 fishing, but that -- We don't require that they be used. We
15 encourage them, but we don't require it, with the idea that what
16 people call partyboats, headboats, drift boats, the mates would
17 vent the fish. I'm sure you know what I'm talking about.

18
19 **MR. WILLIAMS:** Yes.

20
21 **MR. BREWER:** Would something like that, or an arrangement like
22 that, work for you?

23
24 **MR. WILLIAMS:** Yes, sir. If you maybe have one on the boat, I
25 don't have a problem with that. I would have one on the boat,
26 but I think they would be counterproductive, and you're talking
27 about the venting devices, and we find, or at least I have
28 found, over the years, that, at certain times of the year, fish
29 seem to be more hardy than they are at other times of the year.

30
31 For instance, in the wintertime, it's not necessary to vent the
32 fish like it is in the summertime, because they're a lot
33 hardier. You throw them back, and they swim down. In the
34 summertime, they don't do nearly as well, and so it's wise to
35 vent them, and, of course, it depends on the depth of water,
36 too. If you're in shallow water -- Like sometimes my deckhands
37 are out there, and they're venting fish that don't really need
38 to be vented, and I will tell them that, hey, look, we're
39 fishing in shallow water today, and, unless you see a fish
40 that's really distressed, don't vent it.

41
42 Like I said, I'm third-generation, and my daughter is the fourth
43 generation, and we want these fish to be out there for future
44 generations, and so we want to try to conserve the fish.
45 Requiring us to use the SeaQualizer I think would be
46 counterproductive on a boat similar to mine.

47
48 **CHAIRMAN FRAZER:** A quick follow-up, Chester?

1
2 **MR. BREWER:** What we did is we're going to require a SeaQualizer
3 or a descending device be onboard, but we don't require that
4 they actually be used. That's up to the discretion of the
5 captain.

6
7 **MR. WILLIAMS:** I have no issue with that.

8
9 **CHAIRMAN FRAZER:** Dr. Stunz, did you have a question?

10
11 **DR. STUNZ:** A quick follow-up, Captain Williams. You know,
12 there is some other options too, kind of outside of the box,
13 where options for headboats, for example, is you can rig
14 multiple SeaQualizers together, so you can descend more than one
15 fish at a time, or you can rig it in line with your terminal
16 gear, so that, as you're dropping your next bait, you're also
17 releasing a fish, and so those are some options, but I don't
18 remember if you were here at the last meeting or not, and it may
19 be something to think about, and we can talk offline or bring
20 this back to the council, but venting does work, if it's done
21 properly, just as well as descending, from a scientific
22 perspective, and that's been shown, and there are campaigns
23 going on with other headboats where you're educating your
24 anglers and deckhands about how to properly vent, so you can do
25 that on a level when all those fish are hitting the deck. I
26 guess my question would be, and you don't have to answer me now,
27 but to think about are those some viable options to conserve
28 those fish a little better.

29
30 **MR. WILLIAMS:** Well, I will tell you what, Greg. If you all
31 would have passed 42, where we wouldn't be taking out tourists
32 catching red snapper like we do currently. The way the scenario
33 is set up now is we're red snapper fishing in the summer months,
34 and a lot of the folks that we have that go fishing on the boat,
35 they don't know the difference between a red snapper and a red
36 drum, and they probably would rather catch a shark than
37 anything, but we're forced to fish for red snapper during the
38 summer, when the tourists are in town, and so we take a lot of
39 tourists out, and it's a lot more difficult to convince a
40 tourist that they need to grab a red snapper that has short fins
41 and sharp gill plates and bites you and everything else.

42
43 It would be very, very difficult to try to get these tourists,
44 and a lot of them don't even want to touch a fish, and so,
45 unfortunately, that's when we're forced to fish for the red
46 snapper, and so we do it, but, if you would be happy to pass 42,
47 I would be real happy, and we would fish for the red snapper
48 outside of the season, when we're carrying the tourists, and

1 then we can all be happy.

2

3 **CHAIRMAN FRAZER:** Thank you, Mr. Williams.

4

5 **MR. WILLIAMS:** Thank you so much. You all have a great day.

6

7 **CHAIRMAN FRAZER:** Our next speaker is Randy Sobieraj, followed
8 by Ashford Rosenberg.

9

10 **MR. RANDY SOBIERAJ:** How are you doing? My name is Randy
11 Sobieraj, owner and operator of the Commercial Vessel Last
12 Sight, and I am new to the Gulf of Mexico fishery, but not to
13 the fishing industry itself, as I fished the South Atlantic for
14 years.

15

16 As I look around this room, I have noticed a few familiar faces,
17 and there is a lot of talented individuals here, both on the
18 commercial and charter sector, but I can't help but notice that
19 I am one of the youngest in attendance today, and being a travel
20 fisherman around the docks, too.

21

22 At these fishery meetings, the council discusses ACLs and
23 management and increases and decreases, and I applaud the
24 council, as I'm sure you all receive a lot of scorn from all
25 ends of the spectrum, but, while we're here to discuss the
26 fishery and management as a whole, I sit here and wonder who
27 will be the ones to catch these fish when some of these guys
28 retire.

29

30 As a whole, the IFQ system has a lot of positive points, but
31 there are a lot of flaws within. Especially how things are
32 currently, it makes it hard for any young, new-generation
33 fisherman to enter the fishery, just from the cost side of
34 everything, and I would hate to see another Carlos Raphael case
35 in the Gulf of Mexico fishery.

36

37 In school, you learn about socialism and capitalism, and, as
38 forms of socialism, it decides what you should have and how much
39 you should pay for it. I was once told that capitalism leads to
40 an economic democracy, while socialism leads to economic
41 dictatorship of the elite.

42

43 Growing up, I was raised to work hard and honest for what you
44 want out of life, and I'm not looking for handouts. I just want
45 opportunities to grow in this fishery and have the same
46 opportunity as many of these other guys have before. Thank you.

47

48 **CHAIRMAN FRAZER:** Thank you, Mr. Sobieraj. We've got a question

1 from Ms. Bosarge.

2

3 **MS. BOSARGE:** I was just wondering, and so we shrimp in both the
4 Gulf of Mexico and the South Atlantic, and so are you keeping up
5 doing both bodies of water, or are you just Gulf now?

6

7 **MR. SOBIERAJ:** I am trying to stay in the Gulf, and so I'm
8 trying to stay predominantly in the Gulf.

9

10 **CHAIRMAN FRAZER:** John Sanchez.

11

12 **MR. SANCHEZ:** Thank you for coming. I had a similar question,
13 and you mentioned traveling fishermen, and I'm curious, but what
14 are you fishing for?

15

16 **MR. SOBIERAJ:** Right now I'm king mackerel fishing, but reef
17 fishing in between, just because it's more fair-weather fishing,
18 and, when it gets a little rough, I will just go to reef
19 fishing. Thank you.

20

21 **CHAIRMAN FRAZER:** All right. Thank you. Our next speaker is
22 Ashford Rosenberg, followed by Eric Brazer.

23

24 **MS. ASHFORD ROSENBERG:** Good afternoon, council, and thank you
25 for the opportunity to speak. My name is Ashford Rosenberg, and
26 I'm the Policy Analyst for the Gulf of Mexico Reef Fish
27 Shareholder's Alliance.

28

29 First, I would like to congratulate Ms. Bosarge and Dr. Frazer
30 on your reappointment to the Gulf Council. We look forward to
31 working with you for another three years, and you're both very
32 valued members, and we look forward to continuing to work with
33 you, and thank you for your service.

34

35 First, we support continuing the conversation about developing a
36 unique trip identifier. While the commercial sector is highly
37 accountable, as Dr. Stephen highlighted, there are multiple
38 reports generated for commercial fishing trips, but there isn't
39 a system to tie these reports together.

40

41 We support the collaboration between agencies to streamline
42 these systems, which could lead to more real-time and consistent
43 data. As a first step, we support changes to the IFQ system
44 that would link dealer reports, trip tickets, and IFQ data.

45

46 We also support the lionfish EFP as a way to start exploring new
47 gears to harvest this invasive species, and we were also
48 encouraged to hear that the red drum EFP is still in play and

1 would be potentially presented at the October meeting. More
2 data is always good, and so more data on this stock would be
3 very valuable.

4
5 Lastly, we continue to oppose Amendment 52. We maintain that
6 this amendment is unnecessary and is a solution in search of a
7 problem. Commercial red snapper allocation continues to be
8 fully utilized by the sector. Additionally, private anglers are
9 enjoying increased access under state management. Charter
10 vessels are close to implementing ELBs, which will help with
11 data collection, improve accountability, and improve management
12 and stock assessment processes.

13
14 I will continue to ask what is the goal of reallocation? What
15 is the council trying to achieve? How will reallocation solve
16 the supposed problem, and what is the point? Thank you so much
17 for your time.

18
19 **CHAIRMAN FRAZER:** Thank you, Ms. Rosenberg. Our next speaker is
20 Eric Brazer, followed by Richard Fischer.

21
22 **MR. ERIC BRAZER:** Thank you very much, Mr. Chairman and council
23 members and staff. I'm Eric Brazer, Deputy Director of the Gulf
24 of Mexico Reef Fish Shareholders Alliance.

25
26 I want to start off on 36B, and I applaud you guys. It looks
27 like you're making some progress on this document. It's been a
28 long time coming, and it's not an easy debate, but we appreciate
29 you guys rolling up your sleeves and digging in and starting to
30 address some of these questions that we've been asking since
31 day-one, notably, what do you want to do and do these
32 alternatives do that.

33
34 Regarding Action 1.1 and 1.2, if these are the top priority in
35 Amendment 36, we continue to urge you to really think through
36 what this action will mean for permit prices and which user
37 group this action is going to impact the most. We understand
38 why you consider 2015 as a control date, but I just wanted to
39 remind you that going with Alternative 4 would allow you to move
40 this forward without having to debate divestment.

41
42 As I mentioned in June, if you go with Alternatives 2 or 3, it
43 would directly impact our work that we're doing with the reef
44 fish quota bank, because our LLC was formally established in
45 2018, and so, if you go this route, we would have to modify our
46 business plan for this added business expense, and we would have
47 to recalculate our projected yield streams accordingly. This
48 may have some impacts on our programmatic work, and it

1 ultimately could mean that less allocation is available for
2 fishermen who are coming to us for help, and so I just ask that
3 you consider that in your conversations.
4

5 Big picture allocation, you know where we stand on reallocation,
6 but, that being said, we are supportive of this process led by
7 Mr. Chairman to start clarifying goals and objectives and values
8 and metrics. We urge you to consider things like direct and
9 indirect economic valuations, including NOAA data, other
10 independent valuations, management uncertainty, and
11 accountability. Impacts to end users is a big thing, and we
12 would strongly urge you to consider that, biological and
13 conservation parameters and things like data timeliness and
14 accuracy and precision.
15

16 The concept of encounter rates is intriguing, and we think this
17 might have some implications with discards and discard
18 mortality, which we've heard a lot about today, and it seems
19 like everybody is on the same page. Everybody is trying to find
20 ways to reduce discards and discard mortality. It's great, and
21 it's a common thread that we're all working on together.
22

23 Should the council explore a third-party facilitated option,
24 we're open to discussing this idea, but we would want to have a
25 clear understanding of the parameters, the process, and
26 participation levels by the public, and that's a lot of Ps.
27

28 Finally, in ten seconds, I would support the 9 percent for-hire
29 ACT buffer, and I would just ask that, once you guys make this
30 decision and move past it, to start to identify the changes, the
31 necessary changes, that would need to be made in order to allow
32 that buffer to shrink even further, and so thank you for your
33 time.
34

35 **CHAIRMAN FRAZER:** Thank you, Mr. Brazer. Our next speaker would
36 be Richard Fischer, followed by Bobby Kelly.
37

38 **MR. RICHARD FISCHER:** Good afternoon, council. I'm Richard
39 Fischer, here on behalf of the Louisiana Charter Boat
40 Association. Thank you for having me. I will, first of all,
41 start on amberjack, and specifically the issue of fractional
42 amberjack.
43

44 The vast majority of our federally-permitted guides are
45 staunchly against any fractional amberjack discussion, and our
46 guides here in Louisiana rely on repeat business, and it's not a
47 tourism of, hey, maybe I feel like going fishing today fishery
48 like maybe they have in certain other parts of the Gulf, and so

1 we've got to get customers back, and telling customers that,
2 hey, you can catch amberjack and you can't, that's not really
3 what we would be looking for, and, even if it's one per six
4 people, that's still only a 16 percent difference, and so we
5 don't really feel like that's appreciably enough of a change to
6 go to fractional.

7
8 I am going to spend the rest of my comments now addressing NOAA
9 Fisheries on the electronic logbook issue. Based off the
10 presentation that was on earlier, we're not really understanding
11 why reporting needs to begin on January 1 if we're still so far
12 away from the electronic portion of this being ready.

13
14 Today is August 14, and January 1 is four-and-a-half months from
15 now, and, in my opinion, this morning's presentation didn't
16 really adequately explain how captains are going to be able to
17 report. Again, that's only four-and-a-half months from today.

18
19 We just don't understand the urgency of getting that in as
20 quickly as possible, and, if you would like to start with non-
21 affixed device reporting, then that brings up a couple of
22 questions, like why does it have to be daily reporting? The
23 South Atlantic is going to be doing weekly, and why do we have
24 to do daily?

25
26 Why does it eventually need to be through an affixed device
27 after all, if going through offline, whatever that process is
28 going to be, whether it's by paper or by app? If that's going
29 to be good enough to collect data, then why do we have to go to
30 a more cumbersome system that is eventually going to cost
31 captains money, whether they have to pay for the device or not,
32 whether they have to pay for a monthly service charge or not,
33 upkeep and other things that we don't know about yet?

34
35 We feel like, in the last presentation, and not the one at this
36 council meeting, but the last council meeting, there were three
37 full pages of things that NOAA Fisheries either didn't have the
38 money in place yet to address or didn't know yet how they were
39 going to address it yet, and I didn't really feel like we're
40 still in a place yet where that's going to be taken care of.

41
42 I am getting calls from captains on this, and they're asking me
43 several questions, such as when is this program going to start
44 and what am I going to need for it to start and what money is in
45 place from a NOAA Fisheries standpoint for it to start? I kind
46 of have to tell them that I don't know yet, and, really, since
47 this date keeps being pushed back and back, they don't really
48 know yet either.

1
2 As for the mandatory economic data portion of this, we think
3 that optional economic data would be better. The majority of
4 our guides are against that being mandatory. We just think
5 there are so many other ways for NOAA Fisheries to get this
6 information, and economic data is not germane to counting fish,
7 and this discussion really only came up because certain members
8 of the fleet said that we would like to hold ourselves
9 accountable with daily reporting for fish, or for reporting in
10 general for fish, and maybe not daily, and economic data we just
11 don't necessarily feel is germane to catching fish, and we don't
12 feel that the sector should be penalized in that respect for
13 needing to go ahead and report that in a mandatory sense.

14
15 In conclusion, we just think that electronic logbooks should be
16 backed up until the program is ready to go, and it certainly
17 appears that it's nowhere near ready to go, based off of the
18 most recent presentation, and so thank you all for your
19 attention, and I would be happy to take any questions.

20
21 **CHAIRMAN FRAZER:** Thank you, Mr. Fischer.

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

24
25 **CHAIRMAN FRAZER:** Our next speaker is Bobby Kelly, followed by
26 Michael Pittman.

27
28 **MR. BOBBY KELLY:** Good afternoon, guys. I'm Bobby Kelly out of
29 Orange Beach, Alabama. I have a dual-permitted boat, and I
30 commercial fish and charter fish. First off, I want to
31 congratulate the states on the final successful year of the red
32 snapper EFP. It seems like it has worked gangbusters for all
33 the states, and it has increased access, and it has stopped
34 overfishing, and so I think it's going to work out just like you
35 want it to, and so congratulations on that, and I'm sure it
36 wasn't real easy.

37
38 I am going to speak as a commercial fisherman, and I know that
39 there is some council members that are very eager to change the
40 IFQ system, and I get it. It's exciting, and we want to do
41 this, and we want to tweak that, but, ask yourselves, are you
42 really just making it better?

43
44 At the end of the day, and I'm one of the newer ones that
45 started commercial fishing, and I've only had my permit for a
46 couple of years, and is there anything that you have got to
47 start tweaking and managing and adding and stuff like that, and
48 I'm the new guy, and usually the new guys, the young guys, we're

1 the ones that are going to lose out, and so just keep that mind
2 before you go tweaking the system. Ask yourselves who it's
3 going to affect.

4
5 I know there's an amendment up to allow the charter/for-hire
6 vessels on the two-day trip to catch the two-day bag limit, and
7 let them catch it whenever. These guys aren't breaking the law
8 or anything. I know, me personally, when I do a two-day trip,
9 most of my second day is just spent traveling and coming home
10 from way offshore, and so it would work out better for the guys,
11 whatever that preferred alternative is, and I think anything
12 over a twenty-hour trip. As long as these guys are within the
13 letter of the law and the provisions you work for, let them
14 catch their fish on day-one.

15
16 I did support a fractional bag limit on amberjack, and I had
17 been hearing about that for quite a while, and I was like, oh, a
18 fractional bag limit, and I walked in here today, and they say,
19 oh, it's only going to give you a 9 percent increase. Well, I
20 ain't no fishologist or nothing, but 9 percent, when I'm
21 reducing my take by half, that don't add up, and so we're going
22 to have to hold on that.

23
24 As far as the season goes, please don't change it. We are just
25 getting our customers to understand that we can go catch them on
26 August 1. I understand the different parts of the place need
27 them in May, and, man, we've got to have something to catch in
28 the fall, and we've got to have a nice, long run, and that's
29 what builds business, all right?

30
31 Just let it go, and I promise you, if we give them to them in
32 May, they're going to be in here and say that I've got to have
33 them in October, and you guys did a lot of work to get them on
34 August 1, and it allows the capture of the data, to make sure
35 that we don't overharvest and plenty of time, and that's
36 awesome. Thank you.

37
38 I am glad to hear that Mississippi is going to be bringing that
39 red drum EFP back to the table, and that's great. That's really
40 exciting. I mean, 1986, there's a lot of stuff that has changed
41 between now and then to allow that harvest in the EEZ.

42
43 I heard something in the hall, and Mike Eller, and you guys know
44 him, he came up with a great idea, but he ran out of time before
45 he got to say it, but we've got to get the sharks to eat the
46 dolphins. Problem solved. Thank you.

47
48 **CHAIRMAN FRAZER:** We've got a question for you from Patrick.

1
2 **MR. BANKS:** Thanks, Bobby. I appreciate those comments. I was
3 just curious about -- You said you had just gotten into the IFQ
4 system two years ago, and did you buy your shares, or can you
5 lease them?
6
7 **MR. KELLY:** Actually, I have a very small percentage of shares
8 that I own, that I bought, and I lease 99.95 percent of my
9 shares.
10
11 **MR. BANKS:** So you're a new entrant that is slowly buying your
12 way into the fishery?
13
14 **MR. KELLY:** Yes, and, if there was a system in play to borrow
15 money to buy into the system even more, I promise you that I
16 would do it even more.
17
18 **MR. BANKS:** Thank you.
19
20 **CHAIRMAN FRAZER:** Thank you. Our next speaker is Michael
21 Pittman, followed by Joe Cain.
22
23 **MR. MICHAEL PITTMAN:** How are you all doing this afternoon? My
24 name is Michael Pittman, and I run out of Dauphin Island,
25 Alabama, and I charter fish and commercial fish. I guess you
26 would call me the next-generation fisherman, at the end of the
27 day.
28
29 I know there's some hype about what you all were speaking with
30 Mr. Bobby on, the doing some tweaking to the IFQ, and I am
31 actually now an IFQ small, very small, shareholder in red
32 snapper. It took me a while to finally get it up, and I am
33 trying to build it up slowly, but that is the American way. You
34 try to work with what you've got, and I just hope that, whatever
35 changes are made in place, that they don't negatively impact
36 especially us smaller guys who are trying to build up and build
37 up.
38
39 It's not that easy getting ahold of it, and much less on the
40 price, but, besides that, like I said, I bought my first small
41 increment based on the system that has been created, and
42 hopefully I will try to slowly work my way up on the system
43 that's been provided at this point in time.
44
45 When it comes to the sharks and the dolphins, on another note,
46 that is a very bad issue right now in our area, the Dauphin
47 Island and Fort Morgan area, and I'm sure they're seeing it
48 everywhere else, but you can't get past them. Hopefully

1 something can come out of that in the future, but that's pretty
2 much all I have right now, and I appreciate you all's time.

3
4 **CHAIRMAN FRAZER:** Thank you, Mr. Pittman. We have a question
5 from Ms. Boggs.

6
7 **MS. BOGGS:** Thank you, Mr. Pittman. Do you have an opinion on
8 amberjack?

9
10 **MR. PITTMAN:** Yes, ma'am. The bite is very slow right now, and
11 I would say to leave it on the for-hire sector the way it is at
12 this point in time, now that we're starting a new system up
13 somewhat, and see what happens before we start rushing to
14 conclusions. Thank you.

15
16 **CHAIRMAN FRAZER:** Thank you. Our next speaker is Joe Cain,
17 followed by Kindra Arneson. Joe Cain is not here. The next
18 speaker is Kindra Arneson, followed by George Arneson.

19
20 **MS. KINDRA ARNESON:** Good afternoon. Thank you for letting me
21 speak. On the red snapper IFQ allocation lease program, we've
22 been in this fishery for a long time, for a lot of years, and,
23 at \$4.00 a pound, and dockside landing at \$5.00 a pound, it's
24 just not affordable.

25
26 After I pay for fuel and boat expense and my deckhand and taking
27 the fish in and whatever, it's just all the expenses, and it's
28 just not affordable, and so an IFQ allocation bank would be, I
29 think, a good thing. I think that we should make sure that all
30 of our Is are dotted and our Ts are crossed and make sure that
31 some of these investors can't come in there and release these
32 other allocations and then turn around the jack the price up.

33
34 This reminds me a lot of the shrimp processors in Louisiana. A
35 lot of them get together, and they create a price across the
36 board for our shrimp, and then they get our stock for next to
37 nothing, but yet that value added pipeline of shrimp balls and
38 shrimp burgers and shrimp this and shrimp that, they make a lot
39 of money off of that, and so we have all these business owners -
40 - Commercial fishing is one of the most dangerous jobs in this
41 country.

42
43 We have all these business owners and these commercial fishermen
44 going out here and putting their very lives on the line to
45 deliver this product to market for consumers to consume, and
46 they're making nothing off of it. This has become a windfall
47 for a few, and this is price fixing for many, and I'm sorry, and
48 I'm sure that I won't be popular when I turn around in this

1 room, and that's okay with me.

2

3 On the sharks, I keep hearing sharks and dolphins, sharks and
4 dolphins, and commercial fishermen generally try to stay away
5 from the dolphin conversation, because we've always been a
6 target because of it.

7

8 In the State of Louisiana, we just went from forty-five to
9 fifty-five head per day on our limits for sharks. We have seen
10 a shark explosion since the BP oil spill across the entire
11 northern Gulf of Mexico. I truly believe, my personal opinion
12 on this, is it's because of a huge influx of available food
13 source. The sharks are your cleanup crew. When a food source
14 is readily available, its predator, their population explodes,
15 and that's fair enough.

16

17 I do think, on the federal shark permits, we do need to -- I
18 don't own one, but I do think that we need an increase on those
19 sharks for them to be able to land.

20

21 In June of this year, on the greater amberjack, we were cut from
22 1,500 pounds to 1,000 pounds per day limit. At \$2.50 a pound,
23 and I can show you my trip tickets if you would like, that's a
24 \$1,250 a day cut for me. At a 75 percent max, once we meet the
25 75 percent amount of the quota overall, we're cut to 250 pounds
26 a day, and that cuts my husband and I and fishermen like me that
27 land 80 percent of the amberjack that are landed in the State of
28 Louisiana are landing between 1,000 and 1,500 pounds, and that
29 cuts all of us out of 25 percent of the overall Gulf quota, and
30 it's not fair.

31

32 It's not a stock issue, and this is a special-interest issue.
33 This is a bias issue, and this was for shareholders that had IFQ
34 allocations to come in here and take 25 percent of the overall
35 allocation for the Gulf of Mexico of the greater amberjack
36 commercial sector for themselves.

37

38 Last, but not least, essential fish habitat. In the State of
39 Louisiana, essential fish habitat has been slammed by the Bonnet
40 Carre Spillway and Mardi Gras Pass and Fort St. Phillip Crevasse
41 and others. They are not doing a good job of managing the
42 situation, and now we have these large-scale river diversions,
43 and there is proposed projects on the federal level, and they
44 are trying to redefine the essential fish habitat protection for
45 two of the largest estuaries in the state, 1.5 million acres on
46 the west side and half-a-million acres on the east side.

47

48 These estuaries feed all of everything that you're trying to

1 protect and keep as sustainable fisheries in the Gulf of Mexico
2 all the way through the Gulf of Mexico and up the Atlantic coast
3 on our migratory fish. These two estuaries provide not only a
4 nursery for some of those species, but also a food source. If
5 we open up these diversions, allowing these things to go
6 through, at 75,000 CFS from January 1 to June 13, it's going to
7 wipe those estuaries out, and so I urge you to educate
8 yourselves, and I urge you to do it in a way that you don't just
9 take their word for it. Thank you.

10
11 **CHAIRMAN FRAZER:** Thank you, Ms. Arneson. Our next speaker is
12 George Arneson, followed by Jason Klosterman.

13
14 **MR. GEORGE ARNESON:** Good evening. Thank you for allowing me to
15 speak. I'm a commercial reef fisherman, and I have been for
16 thirty years, and my wife hit on most of the points. The IFQ
17 shares are not affordable for a fisherman. At \$40.00 a share, I
18 have to catch that fish for ten years before I make a penny on
19 him, by the time you talk about the money to buy the allocation
20 and the bait and tackle and diesel to go get him. In ten years,
21 is the program even going to be here?

22
23 I mean, it could change, and it changes all the time, and we're
24 here today talking about change, and so how can a fisherman
25 mortgage his home, mortgage his house, to buy these \$40.00
26 shares when we don't even know if the share program is going to
27 be here five years from now, when it's going to take me ten
28 years to see one penny of profit from them fish?

29
30 At \$4.00 a pound, when I'm getting \$5.00 at the dock, it's like
31 we said, and we're catching them for free, with a lot of work
32 involved. For the small fisherman, the quota, the whole share
33 program, has been a disaster, and I think for the public, too.
34 They are paying a whole lot more money for the fish, and the
35 fishermen are not making the money. The shareholders is making
36 the money, because now it's just a big lease thing, how much
37 money can we get for a lease, and it went from \$3.00 to \$3.25 to
38 \$3.50, and now it's \$4.00. You can't touch them at \$4.00.

39
40 The amberjack, I am a day boat on the amberjack, and we run in
41 and out and make trips, and we have seen no limit, 2,000, 1,500,
42 and now we're at 1,000, and it's getting real close to not being
43 worth making the trip, because it's open in January and
44 February, the worst weather of the year, and we have to fight
45 six or eight-foot seas, or ten-foot seas, to go get the fish,
46 and then I can catch 1,000 pounds.

47
48 It's getting real hard to be a fisherman in this fishery that

1 we've created here, and we would like to see some changes more
2 geared toward the fishermen being able to make a living and not
3 the shareholders making money. Thank you for your time.

4
5 **CHAIRMAN FRAZER:** Mr. Arneson, we've got a question from Patrick
6 Banks.

7
8 **MR. BANKS:** Thank you, Mr. Arneson, for your testimony. I am
9 interested in your amberjack trips. It sounds like, to me, that
10 you're a targeted amberjack trip, and you're not a -- Amberjack
11 is not a bycatch of some other targeted trip.

12
13 **MR. ARNESON:** No, it isn't. It's a directly targeted fish.

14
15 **MR. BANKS:** Okay, because we have heard so much from folks about
16 this trip limit and that it was just a bycatch fishery and this
17 would help us with the bycatch situation, but that's not the
18 case for you, and you guys take targeted trips for amberjack,
19 and so your whole trip is based on amberjack, and so this has
20 drastically cut into what you're able to do on a trip basis.

21
22 **MR. ARNESON:** Yes, and a lot of the people with the -- Also, on
23 the red snapper, they can afford to make a dollar a pound,
24 because they are catching grouper and other stuff for their
25 trip, and we don't get a lot of grouper in Louisiana, and so, if
26 I lease snapper, I am targeting snapper, and I don't have much
27 bycatch to make money on the trip.

28
29 At the dollar a pound, you're not making nothing at the end of
30 your -- The same thing with the amberjack. We're not targeting
31 other species with them. We need to make the money on that fish
32 for the trip, and it's getting tough the way things is going.

33
34 **CHAIRMAN FRAZER:** Another question from Dr. Crabtree.

35
36 **DR. CRABTREE:** What are you getting at the dock for amberjack
37 now?

38
39 **MR. ARNESON:** Well, I don't sell them directly to the dock. I
40 actually load them on my truck and haul them here to the city,
41 and we sell them to buyers at fillet houses, to get enough money
42 to even allow us to do it, and we're getting \$2.50 a pound.

43
44 **DR. CRABTREE:** Okay. Thanks.

45
46 **MR. ARNESON:** That's the only reason we can afford to do it at
47 the 1,000 pounds. Thank you.

48

1 **CHAIRMAN FRAZER:** Thank you, Mr. Arneson. Our next speaker is
2 Jason Klosterman, followed by Mike Jennings.

3
4 **MR. JASON KLOSTERMAN:** Good afternoon, council. I'm Jason
5 Klosterman. I'm a second-generation charter fisherman from
6 Destin, Florida. I'm Vice President of the Destin Charter Boat
7 Association.

8
9 I would like to see this council and NOAA scientists revisit the
10 reduction percentage of what a fractional bag limit would give
11 us. I would be able to better make that decision.

12
13 As far as what you've heard a lot of today for dolphin, for me
14 personally, growing up in this industry the last twenty years,
15 as a young child growing up, I have watched this, and it's a
16 slow, gradual change. This wasn't something that just happened,
17 and, in a way, it's given me more respect for just the sheer
18 level of intelligence of this animal, and I personally run a
19 six-pack charter business, and now -- Let's take mackerel
20 fishing.

21
22 Live-bait mackerel fishing, we'll have them come up and pull
23 them off the hook and eat them, and I have also seen a lot of
24 times where they will pull them off the hook and toss them back
25 and forth to each other, just playing with them, and that's
26 something that I didn't see as much ten or fifteen years ago.

27
28 At the same time, let's say bottom fishing offshore, and, years
29 ago, I feel like they would hang twenty or thirty feet away from
30 the vessel, maybe twenty feet down, and come up every so often,
31 more just taking the fish that you throw back.

32
33 While my personal boat is a six-pack boat, I also fill in and
34 work on some partyboats in town, and, two weeks ago, we had a
35 trip with seventy people, thirty-five lines on each side of the
36 boat, and the dolphin were two feet from the side of the hull
37 and breaking the surface of the water and catching them the
38 second they go in the water, and so this is something that I
39 believe has been a slow, steady adaptation.

40
41 These animals are extremely intelligent, extremely intelligent,
42 and they're going to do what's easier. They are a lot like us
43 in that fashion, and I don't know that this is going to go away,
44 and so I believe that, if you can find the deterrent that will
45 work, I believe it will work, because, I mean, they're smart
46 enough to realize that, if you're shooting rubber bullets at
47 them, they're going to start knowing what's going on.

1 They are smart enough to swim up and grab the backend of a fish
2 and rip it off, and, the vast majority of the time, we don't
3 actually hook the dolphins. I have seen it happen a couple of
4 times, but, out of the hundreds to thousands of fish I have seen
5 pulled off the hook, they rarely ever get hooked.

6
7 It's to the point of a problem where like, with triggerfish, and
8 they don't really grab triggerfish very much, and I'm not too
9 worried about that, but it's obviously frustrating if it's
10 snapper season, and let's say, on a partyboat, you were going to
11 catch red snapper and vermilion snapper, and all you're bringing
12 up is triggerfish that are out of season, because they're taking
13 all of them.

14
15 This is something where they've gotten a lot more brazen, a lot
16 more bold, and I just don't see it going away, and I would like
17 to see -- I mean, I would love to take out a group of scientists
18 to study this and to see what they can do and maybe come up with
19 a long-term solution, because I don't think anything in the
20 short run is going to stop it, and I don't think it's going
21 away.

22
23 Something else I would like to briefly touch on is I heard you
24 all mention African pompano earlier, and it's not something that
25 we have ever normally caught in Destin, but I would say, in like
26 the last three years, I have probably seen maybe ten to fifteen
27 probably throughout whole fleet caught, but now caught consists
28 of -- I don't know if that means they are just making their way
29 to the northern Gulf a little bit more, but, in years past, you
30 would see one or two caught, and then you wouldn't see any
31 caught for a few years, and I would say, the last three years, I
32 have seen a handful or two probably caught each year. Thank you
33 for your time.

34
35 **CHAIRMAN FRAZER:** Thank you. Our next speaker is Mike Jennings,
36 followed by John Coulon.

37
38 **MR. MIKE JENNINGS:** Hello. My name is Mike Jennings, and I'm
39 the President of the Charter Fishermen's Association, and I own
40 and operate three federally-permitted charter boats out of
41 Freeport, Texas, and I appreciate you all having me today. I
42 see I'm the second-to-last on the list, and I will try to make
43 this quick.

44
45 We would like to ask the council to re-explore some of this
46 discussion that we were having earlier on the carryover issue on
47 the recreational side, and I know that's kind of gotten quiet,
48 and we've kind of got away from that, and I think it offers some

1 good alternatives, if we can find that we're leaving fish in the
2 water, and we can have that opportunity to carry those over from
3 one year to the next.

4
5 Our association supports the for-hire catch target buffer, and I
6 believe it was -- Was it Action 1, Alternative 2, and I believe
7 that's the 9 percent.

8
9 On the multiday document, on the headboats on over twenty-four
10 hours, we would like to see that language corrected so that they
11 can -- If they're going to be out there that long with two
12 captains and meet all the other necessary requirements, that
13 they can pick those fish up on their first stop and not have to
14 make those double stops, and I think that's just kind of a silly
15 wording in the law that doesn't change the outcome of the
16 overall trip, other than making them make multiple stops for a
17 fish that they're on, and we've had lots of discussion today on
18 release mortality.

19
20 You stop on that red snapper spot twice, you're going to drive
21 that release mortality up the next time around, and so there may
22 be some biological benefits even to not making them stop on
23 those two trips.

24
25 Amberjacks, the discussion has really come up here lately about
26 the fractional bag limit, and, as you all know, finding --
27 Within an association that's based within one port and getting
28 an overall consensus may be difficult at times, and you can only
29 imagine what it's like to get a consensus from guys that are
30 stretched from central Texas to central Florida, and we took an
31 official vote on it, and it went in one direction, and then it
32 went the other, and then we backed off and changed our minds,
33 and then some of the guys that took a stance one way have
34 changed their minds again, from listening to the lack of benefit
35 that it may offer.

36
37 What we would like to do is see those, and I think the numbers
38 that we're seeing on the increase, going to a fractional bag
39 limit, or the lack of increase, scared everyone, but, at the
40 same token, we have kind of scratched our heads and questioned
41 that. It just doesn't make a lot of sense to us.

42
43 We would at least like the agency to give us a little better
44 number on what that may or may not do for us in the future.
45 Right now, the consensus from our association is that there
46 isn't one, and that's kind of -- You've got one extreme to the
47 other, and you've heard these different members come up here, an
48 we've had several come up today and kind of speak their own

1 personal mind on it. I believe that's it, and I will step down.
2 Thank you.

3
4 **CHAIRMAN FRAZER:** Thank you, Mr. Jennings. We've got a question
5 for you from Dr. Greg Stunz.

6
7 **DR. STUNZ:** Captain Jennings, thanks. I have a question for
8 you. If you personally, or maybe your association, have you all
9 had any discussions on descending devices and discard mortality
10 and that sort of thing?

11
12 **MR. JENNINGS:** Yes, sir, we have, and, again, we've got several
13 members. Me personally, I have used them, in association with
14 some work that you allowed me to do, and, for me personally,
15 they worked really well, and I didn't lose one, and I sent down
16 -- In about two weeks' time, I probably sent down 300 fish with
17 a descending device, and I didn't lose a single device, and they
18 seem to work really quick and really easy, and it didn't really
19 cause us a lot of problems on a six-pack boat with a few people
20 onboard.

21
22 There is some individuals in our association that are staunchly
23 against them and some that are fully in favor of them. Me
24 personally, I would like to see some more discussion on this
25 barotrauma issue, and it's not just a barotrauma issue with
26 those fish. You've heard people talking today about predators,
27 and, when you're sending fish back over -- This time of the
28 year, I'm amberjack fishing, and we're vermilion snapper fishing
29 in amongst that.

30
31 In that vermilion snapper fishing, you have what I call the
32 victims of war, and there is going to be some red snapper come
33 up in those, and we try to move off those red snapper when we
34 get on them, different spots that we'll fish differently, but,
35 even with that, those vermilion snapper we're targeting, we're
36 catching a few red snappers, and those dolphins are sitting
37 there, and they are eating every one of them that we release,
38 whether they float off or they try to go down.

39
40 The customers sit there and talk to you all day about, well,
41 they got that one too, and they're going to get every one of
42 them that we send back, and so, if we catch more than two or
43 three, we're just going to move spots and try to get off of
44 them, but there has been some discussion on the barotrauma
45 devices feeding those fish as they go down, and I don't know
46 whether they eat them after they're released or not, but I just
47 do know that I didn't lose any, and I didn't feel anything odd
48 in the release of those fish, and I didn't lose a single device

1 or a weight or a piece of the mono that we had everything tied
2 to.

3
4 I just do know that, when you send those fish by hand over the
5 side, those dolphins are sitting there, and those sharks are
6 sitting there waiting on them, and they will eat every one of
7 them before they get out of sight, and so that discussion needs
8 to continue, and we need to work towards some way of
9 successfully putting those fish back down in a manner other than
10 just feeding a bunch of marine mammals. Thank you.

11
12 **CHAIRMAN FRAZER:** Thank you. Our final speaker is John Coulon.

13
14 **MR. JOHN COULON:** Good afternoon, council. I'm John Coulon, and
15 I operate a twenty-passenger partyboat out of Venice, Louisiana,
16 and we just finished our sixty-one-day red snapper season, and
17 it was quite overwhelming for a vessel my size, and it requires
18 a lot of upkeep and maintenance, not to mention hurricanes and
19 other weather issues.

20
21 A sixty-one-day season would be awesome, but it would take at
22 least three months to get those sixty-one days in, and I am all
23 for the 9 percent buffer for the red snapper, and I am glad to
24 see you guys finally put a termination date notice on the
25 federal permits, and I lost a twenty-passenger boat back in
26 2003, due to someone in National Marine Fisheries Office there
27 in St. Petersburg that did not understand the termination date
28 from the expiration date, and that's about all I've got for you
29 guys.

30
31 Sharks are very much an issue, and sharks have got more red
32 snapper, between the commercial and recreational sector this
33 year, than I have witnessed in over fifty years in this
34 industry, and red snapper got the rest of our species, and now
35 it looks like the sharks are getting our red snapper. That's
36 all I've got.

37
38 **CHAIRMAN FRAZER:** Thank you, Mr. Coulon. I would like to thank
39 everybody for taking the time to participate in the process, and
40 we value the input. Thank you very much. We're going to take a
41 ten-minute break.

42
43 (Whereupon, a brief recess was taken.)

44
45 **CHAIRMAN FRAZER:** We will start off with the Habitat Protection
46 and Restoration Committee Report, and we'll get that up on the
47 board. Then I will let Mr. Banks go through it.

48

1
2 **CHAIRMAN FRAZER:** Thank you, Mr. Banks. Is there any further
3 discussion having to do with Habitat Protection and Restoration
4 Committee report? Seeing none, we will move on. As soon as I
5 can find Dr. Stunz, we will attack the Data Collection report.
6 Let me go hunt him up. Mr. Dyskow.

7
8 **MR. DYSKOW:** Thank you, Mr. Chair. While we're waiting for
9 Greg, on that subject that Patrick just brought up of trying to
10 stay in the loop on the aquaculture permitting process that's
11 being handled I guess by the Corps of Engineers, how difficult
12 would it be for them to just give us a list of the permits that
13 they're currently considering, because it does have impact on
14 what we're doing, and we at least need to be in the loop to that
15 extent.

16
17 **CHAIRMAN FRAZER:** To that point, Dr. Crabtree.

18
19 **DR. CRABTREE:** Well, for aquaculture, it would be easy, and we
20 can give you a list of that. Right now, there is just two under
21 consideration, one that we've talked about with Velella, and
22 then there's a second one that Kelly Lucas and her company have
23 been doing that, but we're involved in the NEPA documents, and
24 we have an aquaculture coordinator who is talking to both of
25 those agencies, and so we're following aquaculture very closely,
26 and that's much easier to follow than something like artificial
27 reefs, with the number of permit requests coming in, and it's
28 ten-times higher.

29
30 **CHAIRMAN FRAZER:** Ms. Guyas.

31
32 **MS. GUYAS:** Just to be clear, Phil, you're looking for federal
33 waters projects for aquaculture?

34
35 **MR. DYSKOW:** Yes.

36
37 **MS. GUYAS:** Okay. In state waters, it gets a little more
38 complicated.

39
40 **CHAIRMAN FRAZER:** Ms. Bosarge.

41
42 **MS. BOSARGE:** Roy, on that sargassum aquaculture thing that was
43 talked to us, and you said you were going to get back to us,
44 have you been able to find anything out about that yet?

45
46 **DR. CRABTREE:** To the best of my knowledge, the applicants have
47 not pursued that, and we haven't had much contact with them, as
48 far as I know, since they presented at the meeting, and so, Sue,

1 have you got an update? I could be wrong though, and so let Sue
2 correct me.

3

4 **CHAIRMAN FRAZER:** Ms. Gerhart.

5

6 **MS. GERHART:** We did contact Ms. Myers and asked her what they
7 were doing, and they have gotten, I guess, past the next step of
8 their granting process, and so they're going forward, but they
9 have moved where they are going to do this to the Caribbean,
10 because sargassum has become an issue in the Caribbean, and so
11 it's really not within the Gulf Council's jurisdiction anymore,
12 as far as we understand it.

13

14 **DR. CRABTREE:** Recall that issue had more to do with them using
15 gear to collect sargassum out there, and so it was not strictly
16 an aquaculture project, although I think they may have called it
17 that.

18

19 **CHAIRMAN FRAZER:** Is there any further discussion? Okay.
20 Seeing none, we're going to move forward. Greg, sorry to rush
21 you, and I apologize for that, but if you're ready to go.

22

23 **DR. STUNZ:** I'm ready.

24

25 **CHAIRMAN FRAZER:** Okay.

26

27 **DATA COLLECTION COMMITTEE REPORT**

28

29 **DR. STUNZ:** Thank you, Mr. Chairman. This is the Data
30 Collection Committee Report for August 14, 2019. The agenda and
31 minutes of the June 2019 meeting were approved.

32

33 NOAA Fisheries Permit Office 101 Presentation, and that's Tab F,
34 Number 4, Mr. McIntosh presented a procedural overview of the
35 NOAA Permitting Office. The presentation included an
36 introduction to the application process and online permit system
37 along with information regarding logbook reporting, Office of
38 Law Enforcement issues, and individual fishery quota (IFQ)
39 reporting.

40

41 The committee inquired whether hardship considerations were
42 provided for stakeholders involved in limited-access fisheries
43 who may experience difficulty with timely renewal of their
44 permits. Dr. Crabtree stated that hardship considerations are
45 not usually granted. However, extreme circumstances have
46 sometimes warranted exceptions.

47

48 The committee asked how many permit staff were responsible for

1 processing the thousands of permit applications received
2 annually. Mr. McIntosh indicated that seven staff members were
3 employed in the permit office.

4
5 Next was a Discussion of Commercial Fishing Unique Trip
6 Identifiers, Tab F, Number 5, Dr. Stephen presented information
7 highlighting data gaps associated with linking vessel monitoring
8 systems with federally-permitted reef fish and IFQ participants.
9 She also presented some possible solutions for addressing
10 challenges in creating unique trip identifiers.

11
12 The committee asked if switching entirely to electronic
13 reporting would be helpful to create unique identifiers. Dr.
14 Stephen stated that paper reporting can be used to generate
15 unique identifiers, but that electronic records would reduce
16 time lags in data management processing.

17
18 The committee also asked if any other regions in the country
19 were working on these issues. Dr. Stephen indicated she was
20 aware of current work being conducted by the Greater Atlantic
21 Regional Fisheries Office and the Northwest Fisheries Science
22 Center to develop solutions for generating unique trip
23 identifiers and that she would monitor their progress.

24
25 The next presentation was the Net Gains Alliance Presentation,
26 Tab F, Number 6. Mr. Lapointe presented the overview on the
27 objective and mission of the Net Gains Alliance, which is a
28 global initiative committed to accelerating the modernization,
29 implementation, and adaptation of robust information systems to
30 support sustainable marine management. The presentation also
31 outlined grant-making procedures to complement current funds for
32 established data collection programs.

33
34 The committee agreed that an approach to potentially include
35 some business incentives for fishing captains to increase data
36 collection participation may be an effective approach. Mr.
37 Lapointe agreed and reiterated the importance of communication
38 with stakeholders is critical for achieving Net Gains Alliance's
39 goals.

40
41 Next was the Update on SEFHIER, Tab F, Number 7. Ms. Gerhart
42 gave a progress report updating the committee on the
43 implementation timeline for the Southeastern For-Hire Integrated
44 Electronic Reporting (SEFHIER) program. She indicated that
45 outreach would continue into the fall of 2019, with a two-phased
46 roll out of the program tentatively set to begin in early 2020.

47
48 The Committee asked whether NOAA had considered implementing the

1 program in a single phase. Ms. Gerhart stated that, while a
2 single-phase implementation had been considered, several
3 challenges, such as approval of VMS and non-VMS units, have
4 caused for delays to the initiation of the program. Ms. Gerhart
5 highlighted that a two-phase implementation did allow for both
6 for-hire stakeholders and NOAA staff to adjust to the new rules
7 before the program is fully implemented. Mr. Chair, this
8 concludes my report.

9
10 **CHAIRMAN FRAZER:** Thank you, Dr. Stunz. Is there any further
11 discussion on this committee report? Okay. Seeing none, I
12 think we will adjourn for the day. That leaves us tomorrow with
13 two committee reports, and we'll start off at 8:30 in the
14 morning with Sustainable Fisheries, and then we'll move into the
15 Reef Fish Report, and then, finally, we have two more liaison
16 reports and an EFP to discuss, and so I will see you guys
17 tomorrow at 8:30 in the morning.

18
19 (Whereupon, the meeting recessed on August 14, 2019.)

20
21 - - -

22
23 August 15, 2019

24
25 THURSDAY MORNING SESSION

26
27 - - -

28
29 The Full Council of the Gulf of Mexico Fishery Management
30 Council reconvened at the Hyatt Centric French Quarter, New
31 Orleans, Louisiana, Thursday morning, August 15, 2019, and was
32 called to order by Chairman Tom Frazer.

33
34 **CHAIRMAN FRAZER:** We will start with the Sustainable Fisheries
35 Committee report, and we're going to pull that up on the board,
36 and then I'm going to hand it over to Dale Diaz.

37
38 **SUSTAINABLE FISHERIES COMMITTEE REPORT**

39
40 **MR. DIAZ:** Thank you, Mr. Chairman. The Sustainable Fisheries
41 Committee Report, the Sustainable Fisheries Committee met on
42 August 12, and the agenda and minutes of the June 2019 meeting
43 were approved.

44
45 Draft Framework Action to Modify Federal For-hire Trip Limits,
46 this draft framework action addresses the rules for possessing a
47 second daily bag limit for reef fish and coastal migratory
48 pelagic species on for-hire vessels making trips greater than

1 twenty-four hours in duration.

2

3 Under Reef Fish Amendment 1, no explicit direction was given to
4 when a second bag limit could be retained on a trip longer than
5 twenty-four hours. After the regulations were consolidated in
6 1996, retaining the second daily bag limit before twenty-four
7 hours had elapsed was prohibited.

8

9 Staff reviewed data from 2009 through 2018 from the Southeast
10 Region Headboat Survey for headboats making trips in excess of
11 twenty-four hours in duration and described the nature and
12 general proportion of those trips compared to headboat effort in
13 the Gulf in general. Conversely, the Marine Recreational
14 Information Program survey, which covers charter/for-hire and
15 private vessels, does not record trip duration, but rather hours
16 fished.

17

18 A committee member noted that the Coastal Household Telephone
19 Survey data from 2015 through 2017 recorded trip duration for
20 Mississippi, Alabama, and west Florida and may be informative in
21 identifying the universe of effort for trips exceeding twenty-
22 four hours in duration by charter/for-hire vessels.

23

24 Committee members asked for clarification with respect to the
25 U.S. Coast Guard regulations and what is still required of
26 vessel operators making trips greater than twenty-four hours.
27 Staff will look for ways to reference this information in the
28 appropriate way.

29

30 The committee asked how changing the regulations would affect
31 enforcement. The U.S. Coast Guard noted that passengers on the
32 vessel will still need to possess a receipt detailing trip
33 duration for enforcement purposes. Safety-at-sea was also
34 discussed, with concerns about how vessels would deal with
35 weather and passenger illness. Public comments previously given
36 by for-hire operators demonstrated ways by which these operators
37 have addressed these concerns while still abiding by harvest
38 regulations.

39

40 **Without opposition, the committee recommends, and I so move, in**
41 **Action 1, to make Alternative 2, Option 2b the preferred.**
42 **Alternative 2 is the onboard possession limit for federal for-**
43 **hire trips in the Gulf exceeding a given trip duration will be**
44 **two daily bag limits per angler (or vessel for speckled hind and**
45 **warsaw grouper), excluding captain and crew. The second daily**
46 **bag limit can be retained anytime during a trip with a minimum**
47 **trip duration of Option 2b, greater than thirty hours.**

48

1 **CHAIRMAN FRAZER:** We have got a committee motion on the board.
2 Is there any further discussion of this motion? Mark.

3
4 **LT. ZANOWICZ:** Thank you, Mr. Chairman. I just wanted to expand
5 on something that I mentioned in committee. Under this
6 alternative in this amendment, the charter vessel catches its
7 two daily bag limits, and it's required to stay out for a
8 minimum of thirty hours. Otherwise, it commits a fisheries
9 violation, and, for the Coast Guard, it definitely poses a
10 safety concern, because there could be very good safety reasons
11 why a vessel would need to pull in before these thirty hours or
12 pull in earlier than anticipated.

13
14 I know we have heard public comments from charter captains
15 saying that there's been workarounds for this, where they will
16 pull into a safe harbor and anchor, but I'm not sure that works
17 in all cases. For example, if a vessel has an equipment
18 casualty that makes it unsafe to stay on the water, I don't know
19 if staying anchored out on the water is a good idea. Really,
20 the bottom line is there is times when a vessel is going to get
21 underway on a trip and it's going to need to pull in earlier
22 than expected, and, under this alternative in this amendment,
23 for certain vessels in certain circumstances, that prevents that
24 from happening.

25
26 I know we talked about officer discretion too, and I'm not sure
27 that relying on that is wise either, and the officer may be of a
28 different opinion than the charter boat captain, in terms of
29 what warranted pulling in early.

30
31 I think it might be worth exploring, just as a suggestion, to
32 see if other councils have a similar amendment and ways they
33 dealt with this issue or trying to brainstorm possible
34 solutions, and I know we mentioned a waiver, possibly, during
35 committee, and Dr. Crabtree said that probably wasn't possible,
36 but maybe there are other solutions out there. I think, if this
37 alternative remains as-is, it's definitely going to continue to
38 be a concern for the Coast Guard, and so I just wanted to make
39 the council aware of that. Thank you.

40
41 **CHAIRMAN FRAZER:** Dr. Crabtree.

42
43 **DR. CRABTREE:** Well, I think officer discretion is one, but, you
44 know, at some point, the captain of the vessel has got to use
45 some sense, and surely a captain is not going to put himself and
46 his crew and his vessel in danger over some fish, and I would
47 think, if they were really in a safety-at-sea issue, they would
48 either come on it and pay the fine for being over the bag limit

1 or, more likely, they would toss the extra bag limit over the
2 side and come in, and so there are options here, and, to some
3 extent, when a captain goes out, if the weather is marginal,
4 they ought to think about whether they are going to keep the two
5 bag limits the first day or just keep one, in case they've got
6 to come in early, and so I think, at some point, the onus has to
7 go on the captain to exercises due diligence, to make sure that
8 folks on his boat are safe.

9
10 **CHAIRMAN FRAZER:** Susan Boggs.

11
12 **MS. BOGGS:** Because this has been so confusing, I want to just
13 clarify, where it says excluding captain and crew, there are
14 some species that the captain and crew are allowed to retain or
15 have possession, and so does this mean that we're excluding
16 captain and crew from all species? Like triggerfish, you can
17 retain captain and crew, and, the way this reads, this excludes
18 captain and crew, and I want to -- That's an ambiguity there.

19
20 **CHAIRMAN FRAZER:** I am going to punt this one over to Mara. Go
21 ahead, Ms. Levy.

22
23 **MS. LEVY:** I am not sure why we wrote it like that, because
24 that's not what the current language is in the regs, and so I
25 would just suggest that we don't change the current language in
26 the regs that is under the possession limits, and all we're
27 changing is the hours and the fact that you can keep it at any
28 time during the trip. Whether captain and crew can keep it is
29 guided by the individual bag limits that are above the
30 possession limit, and so we should probably just modify the
31 language in the alternatives, before it comes back to you, to
32 reflect what's actually in the regulations.

33
34 **CHAIRMAN FRAZER:** Dr. Crabtree.

35
36 **DR. CRABTREE:** Mara, I assume you're looking at the codified
37 text, and is this --

38
39 **MS. LEVY:** We don't have codified text. This wasn't set to go
40 final.

41
42 **DR. CRABTREE:** All right, and so we can address, when we do have
43 the codified text, and make sure that's --

44
45 **CHAIRMAN FRAZER:** Just so I'm clear, we're just going to go
46 ahead and modify this alternative as we're putting the
47 documentation together, right? Okay. I guess what we're
48 getting from staff here is to strike "excluding captain and

1 crew" from this language, and so go ahead and do that.

2
3 **The motion would read: In Action 1, to make Alternative 2,**
4 **Option 2b the preferred, and Alternative 2 as modified. Okay.**
5 **Is there any further discussion? Seeing none, is there any**
6 **opposition to the motion? Seeing none, the motion carries.**
7

8 **MR. DIAZ:** Draft Amendment Reef Fish 48/Red Drum 5: Status
9 Determination Criteria and Optimum Yield for Reef Fish and Red
10 Drum, Action 1: Sub-Action 1.1, Defining Maximum Sustainable
11 Yield Proxies for Assessed Stocks, Sub-Action 1.1 allows for the
12 definition of MSY for four assessed species of black grouper,
13 yellowedge grouper, mutton snapper, and yellowtail snapper in
14 the Reef Fish Fishery Management Plan. The committee agreed
15 with the Scientific and Statistical Committee's recommendation
16 for this action.

17
18 **Without opposition, the committee recommends, and I so move, to**
19 **accept the revised language from the SSC in Action 1, Sub-Action**
20 **1.1, Alternative 3. The SSC Motion was: Alternative 3 to set**
21 **MSY proxy as yield at F 30 percent SPR. SSC Motion: For future**
22 **assessments of reef fish stocks and red drum, the MSY or MSY**
23 **proxy equals the yield produced by FMSY or F proxy recommended**
24 **by the council's SSC and subject to approval by the council**
25 **through a plan amendment. Mr. Chair.**

26
27 **CHAIRMAN FRAZER:** Okay, and so we have a committee motion on the
28 board. is there any further discussion on the motion? **Seeing**
29 **none, is there any opposition to the motion? Seeing none, the**
30 **motion carries. Mr. Diaz.**

31
32 **MR. DIAZ:** Action 1: Sub-Action 1.2, Defining MSY Proxies for
33 Stock Complexes and Unassessed Stocks, Dr. Crabtree stated that
34 the latest black grouper assessment was not completed because of
35 species identification issues with the historical landings data.
36 He stated that black grouper would not be appropriate as an
37 indicator species for the shallow-water grouper complex and
38 recommended using the most recently assessed species in the
39 shallow-water grouper complex as the indicator species.

40
41 Dr. Froeschke cautioned using this approach, as this could
42 result in multiple changes to status determination for the
43 complex in a short period of time. The committee recognized
44 that most reef fish species, with a few exceptions, such as
45 goliath grouper, use an MSY proxy of yield at F 30 percent SPR.
46 After discussion, the committee recommended combing sub-actions
47 1.1 and 1.2 to more efficiently organize the document.

1 Action 1: Sub-Action 1.3, Defining MSY Proxy for Red Drum, Dr.
2 Barbieri reported that the SSC had made no recommendation for
3 Sub-Action 1.3, since the relationship between juvenile red drum
4 escapement and MSY is not well understood. The committee
5 suggested that MSY definition alternatives for red drum be
6 consolidated along with Sub-Actions 1.1 and 1.2 and reviewed
7 again at the next council meeting.

8
9 Action 2, Defining Maximum Fishing Mortality Threshold, the
10 Committee discussed whether MFMT should be related to MSY or F
11 rebuild when stocks are in a rebuilding program. Dr. Cass-Calay
12 stated that this alternative is more conservative than what is
13 required by law, as overfishing occurs when the fishing level
14 exceeds FMSY, but that it is possible to exceed F rebuild
15 without overfishing. She also indicated that F rebuild is
16 subject to change based on the length of the rebuilding period
17 or model projections. Thus, the acceptable biological catch
18 yield stream is often set to this level. The committee decided
19 to keep the action alternatives as written, but indicated that
20 revisions to this action may occur in future meetings.

21
22 Action 3, Defining Minimum Stock Size Threshold, Dr. Barbieri
23 reported that the SSC had recommended that the committee not
24 consider Alternatives 4 or 5 for defining MSST. This
25 recommendation was based on simulation analyses conducted by the
26 Southeast Fisheries Science Center that indicated that fish
27 populations do not fall below 50 percent BMSY due to
28 environmental conditions or due to natural mortality alone.
29 Removal due to fishing harvest is responsible for driving
30 populations below 50 percent BMSY, and therefore may not be
31 recommended as an alternative.

32
33 Action 4, Defining Optimum Yield, the committee agreed with the
34 SSC that more discussion was necessary before considering the
35 presented action alternatives on how to best define OY. The
36 council staff indicated that they would hold another meeting
37 with the IPT to more clearly outline the goals for this action.

38
39 Discussion of Council Research and Monitoring Priorities for
40 2020 through 2024, staff and Dr. Barbieri recounted the SSC's
41 efforts to make changes and new recommendations to the council's
42 research and monitoring priorities for 2020 through 2024. These
43 priorities are generally used to inform the council's
44 collaborators in academia, government and elsewhere of key needs
45 which would improve the council's ability to meet its resource
46 management obligations.

47
48 The SSC recommended emphasis on characterizing the efficacy of

1 improvements in recreational discard mortality resulting from
2 the use of descending devices and their adoption by the
3 recreational angling community. Funds were made available by
4 the Natural Resource Damage Assessment and Restoration Program
5 to explore this priority, as it was not yet a regulatory
6 requirement. It was the availability of these funds which led
7 the council to tentatively abstain from making the use of
8 descending devices mandatory in the Gulf.

9
10 The South Atlantic Fishery Management Council is working on its
11 best practices for fleet-specific fishing activity, which
12 considers the mandatory possession of descending devices and
13 venting tools by the components of the recreational fishing
14 fleets. Dr. Stunz noted that all red snapper tagged and
15 released as part of the Great Red Snapper Count research
16 initiative in the Gulf were released using descending devices
17 and these tagged fish, approximately 4,000 individuals, have a
18 tag return rate approaching 20 percent, which is an exceptional
19 return rate.

20
21 Presentation by National Marine Fisheries Service Southeast
22 Regional Strategic Plan, Andy Strelcheck from NOAA Fisheries
23 noted that the National Strategic Plan was released July 25,
24 2019 and provided an overview of the Southeast Geographic
25 Strategic Plan.

26
27 Mr. Strelcheck discussed the strategic landscape and noted that
28 the regional plan unifies planning between the Regional Office
29 and the Science Center. He discussed the strategic goals,
30 strategies, and approaches to be included in the plan. Finally,
31 Mr. Strelcheck discussed the proposed schedule and indicated
32 that the southeast regional plan is expected to be finalized by
33 October 1.

34
35 Committee members noted that the Southeast Region could discuss
36 issues related to the hypoxic zone in the Gulf of Mexico in
37 various settings, because the Southeast Region covers several
38 states along the Mississippi River.

39
40 Presentation on Endangered Species Act Listing of Bryde's whale,
41 Ms. Zoodsma from NOAA Fisheries presented information on the
42 biology, distribution, and potential threats to the Gulf of
43 Mexico Bryde's whale.

44
45 The Bryde's whale was listed on the Endangered Species Act in
46 April 2019 and basic life history information is still being
47 collected. Ms. Zoodsma indicated that the population of fewer
48 than 100 individuals is generally constrained to the eastern

1 Gulf of Mexico in water depths primarily ranging from 100 to 400
2 meters. Fishing effort with several different gears types does
3 overlap within the Bryde's whale distribution and could result
4 in entanglements.

5
6 The committee inquired what specific manmade factors had been
7 identified as potentially high hazards to Bryde's whales. Ms.
8 Zoodsma indicated those factors were offshore energy exploration
9 and development. The committee asked how this recent listing
10 would affect current fishing regulations. Southeast Regional
11 Office staff indicated that consultation reinitiation would be
12 included in the affected environment section of the policy
13 documents.

14
15 Committee Discussion on Allocation Issues, the committee
16 discussed that not all desired information that could be used to
17 support allocation decisions will be easily measurable or
18 available for many stocks.

19
20 When information that would support allocation decisions is not
21 available, the committee should consider what a metric would
22 look like for items that cannot be easily quantified. The
23 committee noted the need to recognize information gaps and
24 develop a process that will incorporate these issues. In
25 addition, recognition of these information gaps can impact
26 research priorities and data needs.

27
28 Staff updated the committee that two conference calls have taken
29 place with the allocation review group, with personnel from
30 council staff, SERO, and the Southeast Science Center, and that
31 allocation and reallocation is on the agenda for the Southeast
32 Social Scientists meeting scheduled for early September. The
33 committee proposed having a presentation on natural resource
34 valuation at a future council meeting. Mr. Chair, this
35 concludes my report.

36
37 **CHAIRMAN FRAZER:** Thank you, Mr. Diaz. We've got a couple of
38 questions, and I will start with Dr. Stunz.

39
40 **DR. STUNZ:** Thanks, Dale. I just wanted to back up to those
41 research priorities, and, in light of some public comment that
42 we had last night regarding all the dolphin and shark
43 interactions with the fisheries that we're having, and I don't
44 know, Tom, and maybe you can provide some guidance on where this
45 would fit in, or if it was a letter, but there are options
46 available that avoid that.

47
48 For the dolphin specifically, there is things called ADDs or

1 DDDs, which are dolphin deterrent devices, and they send an
2 acoustic signal that we can't hear, but the dolphins can, and it
3 kind of freaks them out, and it doesn't hurt them or anything
4 like that, and we experimented with those a while back, and we
5 showed clearly that they work, and they don't interfere with
6 fishing, but, unfortunately, the Regional Office shut us down
7 from doing any further testing, because they said it was Class A
8 harassment, and so we couldn't continue that work, but I think
9 maybe it's time, in light of some of that, to do that.

10
11 The argument was that the pingers didn't hurt the dolphin, and
12 it created a dinner-bell effect, and that eventually they would
13 learn that, well, that's where you come for food. Well,
14 obviously, based on the testimony, the dinner-bell effect is
15 probably diesel engines going into neutral and not the ADD at
16 this point. I would suggest that maybe it's time to consider
17 that.

18
19 They're super cheap, and they are little, tiny devices, and you
20 don't even turn it on. You just drop it in the water when the
21 dolphin show up, and they are required in some fisheries,
22 particularly drift gillnet fisheries, and so, I mean, it's not
23 like we're dealing with things that aren't used in other places.

24
25 Regarding the sharks, there is some work by some of our own
26 members of the SSC developing some gear that could potentially
27 deter sharks. Now, I don't know, and it's pretty early on in
28 their process of how that is working and that kind of thing,
29 but, anyway, there is some stuff going on out there, and so, as
30 we're discussing these research priorities, based on what we
31 heard last night, obviously, those are a couple of things that
32 we might want to prioritize, in my opinion.

33
34 **CHAIRMAN FRAZER:** I am just trying to think about what's the
35 best way to tackle that, whether that's just simply an update or
36 a presentation, perhaps, on some types of technologies or
37 devices that might be available and whether they are legal or
38 not. If that's something that people want to hear, I mean, we
39 could try to put something together as a presentation, perhaps.
40 Are people interested in that? Kevin.

41
42 **MR. ANSON:** A comment to that is, after the meeting yesterday,
43 in conversation with some other council members, maybe just --
44 Maybe because this is just an easy outlet for fishermen to come
45 and talk to the council about and let us know of the problem,
46 but these are some species that we really don't have any direct
47 management authority for, and so maybe we can have the service
48 come and talk about sharks, HMS, and what the management is and

1 what might be able to occur, as far as any changes to fishing
2 practices and such, as well as for dolphins.

3

4 **CHAIRMAN FRAZER:** Dr. Crabtree.

5

6 **DR. CRABTREE:** Well, we could certainly have someone from HMS,
7 and I believe Randy Blankenship, who a lot of you have met, is
8 now the Director of HMS, and he is in the St. Pete office, and
9 so we could invite him to a council meeting to talk about
10 sharks.

11

12 I have already been in contact with our Protected Resources
13 Marine Mammal folks, and I passed on that blurb that was handed
14 out in public testimony, and the agency is in the process of
15 revising the marine mammal deterrent guidelines, and I don't
16 know what it's going to allow and in what types of situations,
17 but I am going to, when I get back to the office, get briefed on
18 where that stands, and then we could provide you a briefing on
19 it, if you would like.

20

21 Perhaps some of these acoustic devices would be useful, and I
22 have had discussions with those in the past, and there tends to
23 be a feeling that they may deter them initially, but they get
24 used to them, and I don't know if that's correct or not, but we
25 can certainly look at it.

26

27 **CHAIRMAN FRAZER:** Dr. Stunz and then Kevin.

28

29 **DR. STUNZ:** Just briefly, Roy, to tell you where we left off
30 with that, is we did the studies on what they call vessels of
31 opportunity, because we couldn't do this on our own
32 scientifically, because your office suspected that that might
33 increase incidental take or harm of the dolphin.

34

35 We clearly showed that they worked on these vessels. What we
36 couldn't do was do the experiments we needed to, where some
37 people have them on and some people have them off, and really
38 test those kinds of things that you're talking about, do they
39 learn or a whole variety of things, and so we ended that right
40 there, and it never was much of an issue, but it's obviously
41 cropping back up again, but at least the preliminary work shows
42 that they do work, but the main concern wasn't that it harmed
43 the dolphin or anything like that, and the fish can't really
44 detect that, and so it doesn't impact the fishing or anything,
45 but it was that it would increase the interactions with the
46 dolphins, and so that's something that obviously needs to be
47 tested, but, because of the regulations, the harassment
48 regulations, you can't do the testing you need, and so you're

1 kind of in a catch-22 situation.

2

3 **DR. CRABTREE:** Yes, and a lot of those Marine Mammal Protection
4 Act permits and things are issued out of Headquarters and not
5 out of the Regional Office, and so it's complicated, and there
6 are a lot of people involved in those decisions.

7

8 **CHAIRMAN FRAZER:** Kevin Anson.

9

10 **MR. ANSON:** I don't know what the schedule looks like and such
11 for the next meeting, but certainly there is some interest in
12 just generally management of sharks, and so maybe a brief
13 summary of whoever comes from the agency can provide, for Gulf
14 of Mexico species at least, provide a summary of assessments
15 that may have been done and timelines and such for future
16 assessments and what the general trends are for landings, maybe
17 just a couple or few slides, to kind of give everybody some
18 back-drop to that. Thank you.

19

20 **CHAIRMAN FRAZER:** Dr. Crabtree.

21

22 **DR. CRABTREE:** I would just remind everybody that we have, for
23 probably two decades now, spent a lot of time and money and
24 effort on rebuilding shark populations, and so the fact that
25 we're seeing, and everyone is seeing, more sharks is not
26 surprising, but that's kind of by design.

27

28 Now, I get it that people have questions about how many sharks
29 do we really need, and there is no question that the shark
30 assessments and the numbers are really uncertain, but there's
31 been active shark management designed to improve shark
32 populations.

33

34 **CHAIRMAN FRAZER:** I am going to first, Chester, go to Leann, if
35 it's on this subject.

36

37 **MS. BOSARGE:** It is, yes. I just wanted to echo everything that
38 Kevin said. I think that kind of presentation would be great,
39 and I even had one fisherman, yesterday evening, ask if it was
40 possible -- Would an EFP possibly help this situation, and is
41 there some data that's needed on these sharks to show HMS what
42 they're having as bycatch and the issues that we're having and
43 maybe increase some quotas, and, obviously, the hope was that,
44 if they do that, they would be able to land those fish for
45 research, and Mote Marine Lab is here, and they have a shark
46 facility, and they have ongoing shark research, and this was
47 some of the commercial guys out of the eastern Gulf.

48

1 Anyway, I think that would be a great presentation. My question
2 actually, very quickly, was there was a number in the report,
3 under that MSST, that I thought Dr. Cass-Calay said 75 percent,
4 but the report said 50, and it's just a minor thing to correct,
5 but if you could scroll up to that part, the MSST section. The
6 Science Center indicated that fish populations do not fall below
7 75 percent BMSY, is what I thought, and that's what I wanted to
8 see, which way it was supposed to be.

9
10 **CHAIRMAN FRAZER:** Shannon.

11
12 **DR. CASS-CALAY:** I think it's correct as written. 75 percent,
13 there was some probability you would fall below that level, and
14 so I think it correctly reads 50 in this case, but thank you
15 very much, Leann.

16
17 **CHAIRMAN FRAZER:** I think the point there is that it was a
18 relatively low proportion at 75 percent, and there was no effect
19 at 50 percent, essentially, and what we're trying to do is
20 discuss an alternative that might fall in between that, at 60
21 percent or something like that, and so thanks for that
22 clarification. Mr. Diaz.

23
24 **MR. DIAZ:** I just wanted to mention that I attended the South
25 Atlantic Fishery Management Council meeting last December, and,
26 at their public testimony, they had a fair amount of testimony,
27 especially from commercial fishermen, about major problems
28 they're having in the South Atlantic with sharks also, and so
29 other councils are certainly hearing similar things.

30
31 **CHAIRMAN FRAZER:** Chester.

32
33 **MR. BREWER:** Just to follow-up on what Dale says, it's not just
34 at December meeting. every time we have public comment, sharks
35 come up, and almost every commenter -- They have got their one
36 point that they want to make for whatever is going on, but then
37 the second half of the comment is about sharks.

38
39 We don't seem to have the dolphin problem as bad, and we don't
40 hear that, but we do hear about sharks. Now, our sort of
41 solution to it, I think, was probably very ineffective, and that
42 is we wrote a letter to the head of HMS, who now is Randy
43 Blankenship, and just said, listen, this is a problem out there,
44 and you all really need to look at it.

45
46 I don't know what that's going to do, and it seems to me that we
47 need some sort of discussion on what the fishermen that are on
48 the water can actually do themselves that will keep the sharks

1 away from the boat, and I don't know what that solution is, but
2 we're going to have the sharks with us always, and there do seem
3 to be a lot more of them on the water, and I can testify that,
4 off of Palm Beach County and Martin County, there is more sharks
5 than I have ever seen, ever, and we have great difficulty
6 getting fish to the boat, because they will come up and get a
7 hooked fish, and that's all my comments. Thank you.

8
9 **CHAIRMAN FRAZER:** We have got two more, and then I think we're
10 going to rein this discussion in. Kevin Anson and then Roy
11 Crabtree.

12
13 **MR. ANSON:** Mine was just an edit, potential edit. Bernie, if
14 you can scroll up to the top, right there near the end, the last
15 sentence that says the "Coastal Household Telephone Survey", I
16 think that should be the "For-Hire Survey". According to the
17 MRIP website, it's just the for-hire survey and not the
18 telephone survey, and so FHS is the abbreviation.

19
20 **CHAIRMAN FRAZER:** Thanks, Kevin, for that. Dr. Crabtree.

21
22 **DR. CRABTREE:** Just that none of this will come as unexpected
23 news to the folks at HMS, and we've been hearing these comments
24 for several years now, and pretty widely, everywhere I've been,
25 and so what you do about it is the more difficult thing, because
26 it is a multispecies complex, and some shark species are
27 overfished and some aren't, and some shark species are listed
28 under the Endangered Species Act, and so you end up with choke
29 species that make it difficult to have high quotas on the other
30 species, and so it's a tricky management situation, but I think
31 having Randy come down and talk to us is probably a good idea.

32
33 **CHAIRMAN FRAZER:** Okay. I think there is general consensus
34 around the table that we'll contact HMS and see if we can get a
35 presentation, so they can kind of let us know what's going on
36 with sharks, at least from a data collection effort, and what
37 their authority is. Go ahead, Dr. Simmons.

38
39 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. Yes, we
40 could do that, and then, also, I think, if I understood Dr.
41 Stunz correctly, he also wanted us to maybe draft some text to
42 consider putting these interactions in the research priorities,
43 possibly under ecosystem or another area that might be relevant.

44
45 **DR. STUNZ:** Yes, and I think that would be of value as well.

46
47 **CHAIRMAN FRAZER:** Then one other part to that would be if Dr.
48 Crabtree would be willing to provide a little update as well, a

1 briefing, with regard to the -- I guess it would be the
2 Protected Species Branch, and so we'll put all three of those
3 things down. Is there any further discussion? Mr. Swindell.

4
5 **MR. SWINDELL:** I assume you're on Other Business within the
6 Sustainability?

7
8 **CHAIRMAN FRAZER:** Yes.

9
10 **MR. SWINDELL:** If you go to Section E.4, it has -- You're
11 talking about the for-hire multiday trip, and, if you look at
12 the last page of that document, you have Appendix A of current
13 regulations on possession limits. I think this is the most --
14 Mara, you can -- It's Section 622.11, and is that part of the
15 law, of the plan?

16
17 **CHAIRMAN FRAZER:** Let's take an opportunity to get this on the
18 board, so we can all see what you're referring to.

19
20 **MR. SWINDELL:** Is that written in the law? I got concerned,
21 when we got talking about multiday trips, about when the Coast
22 Guard or anyone stops a vessel, just who is responsible for the
23 amount of fish that is on that boat, and I got to thinking that
24 it has to be the vessel operator, rather than an individual,
25 because, suddenly, if the vessel happened to come in early, as
26 was mentioned before, for some unusual reason, it's got to be
27 the vessel operator and not the individual fishermen that has to
28 be responsible.

29
30 If you look at this 622.11 for the bag and possession limits,
31 you get that, and it's highlighted there, and I don't know if we
32 made the highlight or if that's in the law and it's written that
33 way, that the possession limits apply to a person on a trip
34 after the first twenty-four hours, but, if you go on down to the
35 last sentence of that paragraph, the operator of a vessel that
36 fishes in the EEZ is responsible for ensuring that the bag and
37 possession limits specified in Subparts B through V of this part
38 are not exceeded.

39
40 That puts it strictly on the operator of the vessel, and does
41 that apply to any trip on any vessel? I don't really know where
42 this is in the law. Even a recreational vessel, is the operator
43 responsible, the operator of the vessel responsible, for
44 assuring that the regulations are not exceeded? It's just a
45 good question that I am concerned about for enforcement purposes
46 as well as our management of regulations. Thank you.

47
48 **CHAIRMAN FRAZER:** Okay, and so I think -- I mean, it's a good

1 question, and I think we can explore that a little bit, and it's
2 a question, and we'll note it as that, and we'll try to bring an
3 answer back for the next committee meeting. All right. Thank
4 you, Mr. Swindell. Is there any further discussion? Okay.
5 Seeing none, we're going to move straightaway into the Reef Fish
6 Committee Report, if you're ready, Ms. Guyas, and we'll get it
7 pulled up on the board.

8
9 **REEF FISH COMMITTEE REPORT**

10
11 **MS. GUYAS:** All right. The agenda was adopted, Tab B, Number 1,
12 and the minutes from the June 2019 Committee meeting were
13 approved.

14
15 Review of Reef Fish Landings, commercial harvest of gray
16 triggerfish is below the commercial ACL and is not projected to
17 close before the end of 2019. The commercial sector's harvest
18 for greater amberjack closed on June 9, 2019. The recreational
19 sector for gray triggerfish closed on May 11, 2019, with 105.9
20 percent of the ACL landed.

21
22 Recreational landings of greater amberjack opened on August 1,
23 2018 and did not reopen May 2019. Some greater amberjack
24 landings data are outstanding, and the recreational ACL for the
25 2018/2019 season is expected to be caught. Recreational seasons
26 for gag and red grouper are not projected to close in 2019.

27
28 For-hire landings for red snapper are not yet available, and
29 landings for the private angling component remain below the
30 state-specific ACLs at this time. Landings for hogfish, lane
31 snapper, mutton snapper, and vermilion snapper are all currently
32 below their stock ACLs, with lane snapper projected to close in
33 the fall of 2019.

34
35 Commercial landings for king mackerel are under the quota for
36 the handline component, at 97.1 percent, and over for the
37 gillnet component, at 107.7 percent, for the 2018/2019 fishing
38 season. The gillnet component will be subject to a payback of
39 the overage in the 2019/20 fishing season.

40
41 Recreational landings for king mackerel were approximately 3.6
42 million pounds below the recreational quota for the 2017/2018
43 fishing year, and landings seem to be on a similar track for the
44 2018/2019 fishing year. Landings for cobia and Spanish mackerel
45 are both well below their stock ACLs. African Pompano Hot
46 Sheet, staff presented a hot sheet about African pompano to the
47 committee.

1 **CHAIRMAN FRAZER:** Excuse me, Martha. Roy.

2
3 **DR. CRABTREE:** Just because we were talking king mackerel
4 landings here, and I know it's the Reef Fish Report, but one
5 thing that we did hear in public comment that I thought had a
6 lot of merit was the idea of eliminating the king mackerel size
7 limit.

8
9 I suspect that the mortality rate of released king mackerel is
10 very high, and so I think that's something, Carrie, that would
11 be worth taking a look at the next time the Mackerel Committee
12 meets.

13
14 **CHAIRMAN FRAZER:** Okay. Thank you, Dr. Crabtree. Go ahead,
15 Martha.

16
17 **MS. GUYAS:** Staff presented a hot sheet about African pompano to
18 the committee which summarized available biological information
19 and recent landings data in the Gulf. African pompano is more
20 frequently caught in federal waters by the recreational sector,
21 with the majority of these landings in Alabama and Florida.

22
23 Life history and reproduction data for this species are limited.
24 Florida is the only Gulf state with fishing regulations for
25 African pompano, with a two-fish vessel limit and a minimum size
26 limit of twenty-four inches fork length. These limits apply in
27 federal waters adjacent to Florida for the recreational fishery
28 only.

29
30 The committee inquired about the establishment of the
31 regulations by the State of Florida and were informed that a
32 series of stakeholder meetings had been held for this data-
33 limited species. Issues remain with species identification, as
34 African pompano can be confused with permit when the streamers
35 or fin rays have been broken off.

36
37 A committee member asked that the Florida Fish and Wildlife
38 Conservation Commission consider adding a transit provision to
39 Florida African pompano regulations to clarify that state
40 commercial limits do not apply in federal waters. The committee
41 also recommended that council staff share the published hot
42 sheets for all available species on the council website.

43
44 SSC Summary Report and Presentation, the NOAA Office of Science
45 and Technology provided updated guidance to the SSC on National
46 Standard 2 and the best scientific information available, with
47 guidance being given to the national fishery management regions
48 on how to develop their respective frameworks for determining

1 best scientific information available. These frameworks should
2 be developed by each region within the next three years.

3
4 NOAA S&T also discussed a policy directive for National Standard
5 1 as guidance for decision-making as it relates to reference
6 points, carryover and phase-in of catch, and data-limited
7 stocks. Guidance on these areas will be rolled out as it
8 becomes available.

9
10 Dr. Barbieri then clarified how steepness is used within a stock
11 assessment model. Generally, when steepness is fixed at 1.0, it
12 means that the assessment assumes that stock size is not related
13 to the recruitment of individuals into the stock, and that
14 recruitment does not vary with time. Recruitment is known to
15 vary, so this assumption is likely violated. When steepness is
16 below 1.0, the model assumes an increasingly strong relationship
17 between stock size and recruitment as the steepness decreases.

18
19 The Southeast Fisheries Science Center sets steepness at 1.0 for
20 some species. However, recruitment is not ignored. Rather, the
21 Southeast Fisheries Science Center fixes recruitment at the mean
22 of the previous three to five years of data, thereby using the
23 most recent time series to inform this reference point within
24 the model. The new version of Stock Synthesis will allow for
25 even greater flexibility with respect to handling steepness and
26 recruitment.

27
28 The SSC evaluated the current ABC control rule, discussed its
29 shortcomings, and reviewed an alternative rule presented by the
30 Southeast Fisheries Science Center. The SSC ultimately
31 recommended reconvening the ABC Control Rule Working Group to
32 work on improving the rule.

33
34 **Without opposition, the committee recommends, and I so move, to**
35 **reconvene the ABC Control Rule Working Group to evaluate the**
36 **existing rule and propose improvements.**

37
38 **CHAIRMAN FRAZER:** Okay, and so we'll put that committee motion
39 on the board. We have a committee motion to reconvene the ABC
40 Control Rule Working Group to evaluate the existing rule and
41 propose improvements. Is there any further discussion on that
42 motion? **Is there any opposition to the motion? Seeing none,**
43 **the motion carries.** Martha.

44
45 **MS. GUYAS:** NOAA S&T reviewed efforts to develop calibration
46 methods between MRIP and the state-conducted catch and effort
47 surveys in the Gulf. There is a clear need to rectify the issue
48 of differing currencies of data between these surveys. NMFS

1 recently released a white paper on the topic, which will be
2 reviewed by the South Atlantic Council's SSC in August and the
3 Gulf Council's SSC in September 2019.

4
5 The ongoing SEDAR 62 assessment for gray triggerfish identified
6 biases with aging efforts between otoliths and spines. The
7 model was modified to a length-based approach, and only minimal
8 delays in progress are anticipated.

9
10 The scopes of work for gray snapper and west Florida hogfish
11 were reviewed by the SSC, and the latter was approved and sent
12 to the Southeast Fisheries Science Center. Gray snapper will be
13 reviewed further with the Southeast Fisheries Science Center,
14 with final SSC consideration in September 2019.

15
16 A presentation on the fishery biomass present on oil rigs and
17 effects of explosive removal of rigs in the western Gulf was
18 given to the SSC, and it suggested that large portions of stock
19 biomass for several species may be present on these rigs. This
20 was particularly the case with greater amberjack, raising
21 questions by the SSC about the projected size of the greater
22 amberjack stock in the Gulf.

23
24 Biological data on almaco jack were presented to the SSC, though
25 many gaps in knowledge exist compared to other species managed
26 by the council. Staff will develop and publish a hot sheet for
27 almaco jack in the near future.

28
29 Under Other Business, the SSC was presented with work evaluating
30 fluctuations in yield projections following stock assessments.
31 This work is of particular interest to the SSC and the Southeast
32 Fisheries Science Center, and it will be discussed further at a
33 future SSC meeting.

34
35 **CHAIRMAN FRAZER:** Shannon.

36
37 **DR. CASS-CALAY:** Thank you very much. I think that the SSC
38 actually requested that we bring additional information to them
39 about those fluctuations in yield, and that will be discussed at
40 a future meeting. The way the paragraph is written, it appears
41 that we have already presented that work, and so the SSC
42 requested work. We have conducted that work, but we have not
43 yet presented it. We will present it in September, and so I
44 think it's okay the way it's written now. Thank you very much.

45
46 **CHAIRMAN FRAZER:** Thank you, Shannon, for that clarification.
47 Hold on. We've got a little technological issue that we're
48 going to deal with here for a second. Ms. Guyas.

1
2 **MS. GUYAS:** Mr. Paul Parker of Catch Together gave a
3 presentation on his work with quota banks around the U.S. Staff
4 reviewed the council motions used to develop the purpose
5 statement and new program goals. Committee members discussed
6 red snapper discards from the grouper fishing fleet as a
7 significant problem in the fishery, and they intend to address
8 through a quota set-aside.

9
10 Staff reviewed Actions 2 and 3. Action 2 addresses the
11 distribution of shares reclaimed through Amendment 36A. The
12 committee discussed the pros and cons of establishing a NOAA-run
13 quota bank and expressed interest in alternates to a government-
14 run quota bank.

15
16 **By a vote of ten to three, the committee recommends, and I so**
17 **move, in Action 2, to modify Alternative 5 to read: Alternative**
18 **5: Distribute to a non-profit, third-party-administered quota**
19 **bank the reclaimed shares with oversight from NMFS, the council,**
20 **and other involved parties. The quota bank will retain the**
21 **shares and distribute the allocation associated with the shares**
22 **each year.**

23
24 **CHAIRMAN FRAZER:** We've got a committee motion on the board, and
25 we'll get it up there. All right. The motion is, in Action 2,
26 to modify Alternative 5 to read: Distribute to a non-profit,
27 third-party-administered quota bank the reclaimed shares with
28 oversight from NMFS, the council, and other involved parties.
29 The quota bank will retain the shares and distribute the
30 allocation associated with the shares each year. All right. Is
31 there any further discussion? Dr. Crabtree.

32
33 **DR. CRABTREE:** One thing we need to think about, because we
34 split this amendment I guess into a -- Is it going to be a 38C
35 now? I don't know, but we took the action to require a permit,
36 and so that's going to affect quota banks, which I think we
37 decided that we want to facilitate quota banks, but now the
38 Shareholder Alliance quota bank, I think, would be no longer
39 eligible to hold shares, because they don't have a -- If we
40 approve it and we put that requirement in place, because they
41 don't have a vessel and a permit.

42
43 Somehow along the way, we're either going to require quota banks
44 to have a vessel and a permit, which seems awfully awkward to
45 me, or we're going to have to carve out some sort of exception
46 along the way, but we need to think about it, because I think
47 our goal to facilitate quota banks and fishery management
48 associations and things is in conflict with our desire to

1 require permits and vessels and all those kinds of things, and
2 we're going to need to reconcile that.

3
4 **CHAIRMAN FRAZER:** That's a good observation, and I think we have
5 a couple of motions away when we get to revising the document,
6 perhaps, and putting that together. Ava, you will have to think
7 about the potential consequences of that. All right. Thank
8 you. Any further discussion on the motion? Mara.

9
10 **MS. LEVY:** I don't know that we need to hash this out now, but,
11 the way the motion reads, distribute to a non-profit third-party
12 -- I mean, it's sort of like, already upfront, the decision is
13 that it's a quota bank that somehow is going to be defined.

14
15 It may be, in the future, if this motion passes, and you're
16 looking at allowing non-profit quota banks to hold shares and
17 then distribute out allocation, that it may need to be more like
18 allow non-profit third-party quota banks to hold shares, meaning
19 I don't know that it's going to be one non-profit quota bank
20 that somehow gets designated by the council as the quota bank.

21
22 I am not sure about the legal implications of that. It's one
23 thing to allow certain entities to hold shares, and it's another
24 to specify that it's this entity, and so I just want to bring
25 that up as something we're going to have to think about if this
26 passes and we're looking at non-profit privates doing this
27 rather than the agency.

28
29 **CHAIRMAN FRAZER:** Thank you for that comment as well. Is there
30 any further discussion? **Is there any opposition to the motion?**
31 **One opposed, and the motion carries.**

32
33 **MS. GUYAS:** **With one opposed, the committee recommends, and I so**
34 **move, to instruct staff to explore the feasibility to establish**
35 **a non-NOAA quota bank using regional fishery associations as an**
36 **example.**

37
38 **CHAIRMAN FRAZER:** I think we just took care of that, didn't we?

39
40 **MS. GUYAS:** No, that was a different motion.

41
42 **CHAIRMAN FRAZER:** Okay. All right, and so we'll put that one on
43 the board. Sorry. Is there any further discussion on this
44 motion? Mara.

45
46 **MS. LEVY:** We don't have to add this to the motion, but I just
47 want to make sure, and so this is very specific, but, at the end
48 of the discussion on this Tuesday, I mentioned an Alaska example

1 that doesn't necessarily use these regional fishery
2 associations, but it's another way that they have identified
3 communities to hold this and give out quota to members of those
4 communities, and so a non-profit corporation formed by
5 communities, and so I just wanted to make sure that this motion,
6 if it passes, that you would still be open to staff looking at
7 other ways and options of allowing this sort of private quota
8 bank.

9
10 **CHAIRMAN FRAZER:** Okay. Thank you. Any further discussion?
11 **Seeing none, is there any opposition to the motion? Seeing**
12 **none, the motion carries.**

13
14 **MS. GUYAS:** The committee discussed the alternatives in Action 2
15 that would distribute the reclaimed shares to existing
16 shareholders and passed the following motions.

17
18 **Without opposition, the committee recommends, and I so move, in**
19 **Action 2, to modify Alternative 3 to read: Alternative 3:**
20 **Distribute in inverse proportion the reclaimed shares held by**
21 **NMFS among accounts with shareholdings of each share category**
22 **within one month of the effective date of the final rule**
23 **implementing this amendment.**

24
25 **CHAIRMAN FRAZER:** Okay. We're getting it up on the board.
26 Okay. Is there any further discussion of this motion? **Seeing**
27 **none, is there any opposition to the motion? Seeing none, the**
28 **motion carries.**

29
30 **MS. GUYAS:** Without opposition, the committee recommends, and I
31 so move, in Action 2, to remove Alternative 2. Alternative 2 is
32 equally distribute reclaimed shares held by NMFS among all
33 accounts with shares of each share category to shareholders
34 within one month of the effective date for the final rule
35 implementing this amendment.

36
37 **CHAIRMAN FRAZER:** Okay. Again, we have another committee motion
38 on the board. Any further discussion of this motion? **Seeing**
39 **none, is there any opposition to the motion? Seeing none, the**
40 **motion carries.**

41
42 **MS. GUYAS:** The committee discussed the current effects and
43 long-term implications for the fishery of the participation in
44 the IFQ programs by shareholders who do not possess a commercial
45 reef fish permit. Committee members noted that a commercial
46 reef fish permit is required to land IFQ allocation, and
47 shareholders should have the ability to land the allocation
48 associated with their shares.

1
2 The committee also noted that Actions 1.1 and 1.2 include a full
3 range of alternatives and could move forward more quickly, while
4 other actions in the document remain to be developed.

5
6 **Without opposition, the committee recommends, and I so move, to**
7 **begin a stand-alone document for Actions 1.1 and 1.2. Action**
8 **1.1 is Permit Requirements and Action 1.2 is Share Divestment.**

9
10 **CHAIRMAN FRAZER:** Okay. We will put that up on the board. The
11 motion is to begin a stand-alone document for Actions 1.1 and
12 1.2. Action 1.1 is Permit Requirements and Action 1.2 is Share
13 Divestment. Is there any further discussion of this motion?
14 **Seeing none, is there any opposition to the motion? Seeing**
15 **none, the motion carries.**

16
17 **MS. GUYAS:** During Full Council, the purpose of the action will
18 be further discussed, so that staff may draft a purpose and need
19 for review at the next council meeting. I assume you want to
20 pause there, so we can discuss that.

21
22 **CHAIRMAN FRAZER:** Okay. Is there any discussion with regard to
23 the development of the purpose and need for this particular
24 document? Ava.

25
26 **DR. LASSETER:** I just wanted to re-read one of the sentences
27 that is right here in the report. Basically, this is the
28 rationale that we heard from committee discussion, and, if it's
29 consistent with your intent, then this is what we will take back
30 to the IPT.

31
32 In terms of the committee members noted that a commercial reef
33 fish permit is required to land IFQ allocation, and the
34 shareholders should have the ability to land the allocation
35 associated with those shares. That is what we pulled out of the
36 committee discussion, and is that consistent with your intent
37 for this action?

38
39 **CHAIRMAN FRAZER:** If I recall, Leann made the motion.

40
41 **MS. BOSARGE:** Yes, and so that was essentially my sentiment,
42 that there should be a link, a close link, a marriage, between
43 the right to harvest the fish and the license which gives you
44 the ability to harvest the fish. I give you editorial license
45 to adjust that however you need and add to it as you see fit.

46
47 **CHAIRMAN FRAZER:** Ava, do you feel like you've got enough
48 guidance there? Okay. We're good to go. Is there any further

1 discussion? Seeing none, Martha.

2

3 **MS. GUYAS:** The committee inquired about the available data on
4 discards in the longline grouper fleet in the eastern Gulf and
5 discussed the amount of quota that would be needed to address
6 red snapper discards through use of a quota set-aside.

7

8 **Without opposition, the committee recommends, and I so move, to**
9 **request that the Science Center provide estimates of discards in**
10 **both weight and numbers of fish, as well as estimated release**
11 **mortality for each gear type used to harvest commercial IFQ**
12 **species for incorporation into Amendment 36B.**

13

14 **CHAIRMAN FRAZER:** We have got a committee motion, and we'll put
15 it on the board. It's all good. Is there any further
16 discussion of this motion? **Seeing none, is there any opposition**
17 **to the motion? Seeing none, the motion carries.**

18

19 **MS. GUYAS:** Draft Framework Action to Modify the Recreational
20 For-Hire Red Snapper Annual Catch Target Buffer, staff reviewed
21 the council's preferred alternative in the framework action,
22 Alternative 2, which would apply the council's ACL/ACT Control
23 Rule, using federal for-hire landings data from 2014 to 2017, to
24 set the ACT buffer for the federal for-hire component 9 percent
25 below the federal for-hire component ACL.

26

27 Public comments supported decreasing the buffer. The codified
28 text was reviewed, and NOAA General Counsel clarified that the
29 codified text assumes that Reef Fish Amendment 50 will be
30 implemented by the Secretary of Commerce.

31

32 **Without opposition, the committee recommends, and I so move, to**
33 **approve the Framework Action to Modify the Recreational For-Hire**
34 **Red Snapper Annual Catch Target Buffer and that it be forwarded**
35 **to the Secretary of Commerce for review and implementation and**
36 **deem the codified text as necessary and appropriate, giving**
37 **staff editorial license to make the necessary changes in the**
38 **document. The Council Chair is given the authority to deem any**
39 **changes to the codified text as necessary and appropriate.**

40

41 **CHAIRMAN FRAZER:** This is a final action item. Is there any
42 further discussion of this motion? It's a roll call vote for
43 this one. Dr. Simmons.

44

45 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Mr.
46 Robinson.

47

48 **MR. ROBINSON:** Yes.

1
2 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.
3
4 **MR. DUGAS:** Yes.
5
6 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.
7
8 **DR. STUNZ:** Yes.
9
10 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson is absent. Mr.
11 Swindell.
12
13 **MR. SWINDELL:** Yes.
14
15 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.
16
17 **MS. BOGGS:** Yes.
18
19 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Banks.
20
21 **MR. BANKS:** Yes.
22
23 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp. We will come back. Dr.
24 Crabtree.
25
26 **DR. CRABTREE:** Yes.
27
28 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Spraggins.
29
30 **MR. SPRAGGINS:** Yes.
31
32 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Sanchez.
33
34 **MR. SANCHEZ:** Yes.
35
36 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.
37
38 **MR. DYSKOW:** Yes.
39
40 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
41
42 **MR. ANSON:** Yes.
43
44 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Bosarge.
45
46 **MS. BOSARGE:** Yes.
47
48 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.

1
2 **MR. DIAZ:** Yes.
3
4 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Guyas.
5
6 **MS. GUYAS:** Yes.
7
8 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.
9
10 **CHAIRMAN FRAZER:** Yes.
11
12 **EXECUTIVE DIRECTOR SIMMONS:** Fifteen to zero with two absent.
13 **The motion carried.**
14
15 **CHAIRMAN FRAZER:** Okay. Ms. Guyas.
16
17 **MS. GUYAS:** Public Hearing Draft Amendment 51: Establish Gray
18 Snapper Status Determination Criteria, Reference Points, and
19 Modify Annual Catch Limits, the committee reviewed Amendment 51
20 that would establish status determination criteria and modify
21 annual catch limits for gray snapper. The committee discussed
22 the preferred alternatives for each action and noted that the
23 modified Reef Fish Fishery Management Plan objectives have been
24 included in this document.
25
26 **Without opposition, the committee recommends, and I so move, to**
27 **approve the Amendment 51: Establish Gray Snapper Status**
28 **Determination Criteria, Reference Points, and Modify Annual**
29 **Catch Limits and that it be forwarded to the Secretary of**
30 **Commerce for review and implementation and deem the codified**
31 **text as necessary and appropriate, giving staff editorial**
32 **license to make the necessary changes in the document. The**
33 **Council Chair is given the authority to deem any changes to the**
34 **codified text as necessary and appropriate.**
35
36 **CHAIRMAN FRAZER:** Okay. This is also a final action item. Is
37 there any further discussion of the motion on the board? Seeing
38 none, we will take a vote. Dr. Simmons.
39
40 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Ms. Bosarge.
41
42 **MS. BOSARGE:** Yes.
43
44 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Banks.
45
46 **MR. BANKS:** Yes.
47
48 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.

1
2 **MR. DYSKOW:** Yes.
3
4 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
5
6 **MR. ANSON:** Yes.
7
8 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Sanchez.
9
10 **MR. SANCHEZ:** Yes.
11
12 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Guyas.
13
14 **MS. GUYAS:** Yes.
15
16 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp is still not back. Mr.
17 Spraggins.
18
19 **MR. SPRAGGINS:** Yes.
20
21 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Williamson is absent. Dr.
22 Crabtree.
23
24 **DR. CRABTREE:** Yes.
25
26 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.
27
28 **MR. DUGAS:** Yes.
29
30 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Swindell.
31
32 **MR. SWINDELL:** Yes.
33
34 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.
35
36 **MS. BOGGS:** Yes.
37
38 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.
39
40 **MR. DIAZ:** Yes.
41
42 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.
43
44 **DR. STUNZ:** Yes.
45
46 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Robinson.
47
48 **MR. ROBINSON:** Yes.

1
2 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.

3
4 **CHAIRMAN FRAZER:** Yes.

5
6 **EXECUTIVE DIRECTOR SIMMONS:** It's fifteen to zero with two
7 absent. The motion carries.

8
9 **MS. GUYAS:** Draft Framework Action to Modify Greater Amberjack
10 Recreational Management Measures, staff presented a draft
11 framework action to modify recreational bag limits, fishing
12 year, and season for Gulf greater amberjack. The purpose of the
13 framework action is to maximize recreational fishing
14 opportunities while constraining harvest to the management
15 target and rebuild the stock.

16
17 **By a motion of eight to five, the committee recommends, and I so**
18 **move, in Action 3, to add an Alternative 5: Alternative 5 is**
19 **modify the recreational seasonal closure to be Oct 1 through**
20 **April 30 and May 21 through June 30 and open May 1 through May**
21 **20 and July 1 through September 30.**

22
23 **CHAIRMAN FRAZER:** We will put that committee motion on the
24 board. Is there any further discussion of this motion? **Seeing**
25 **none, is there any opposition to the motion? Seeing none, the**
26 **motion carries.**

27
28 **MS. GUYAS:** The committee also requested that NOAA SERO present
29 greater amberjack recreational landings data by month and state
30 at the October council meeting.

31
32 **CHAIRMAN FRAZER:** Mr. Sanchez.

33
34 **MR. SANCHEZ:** I would like to quickly go through the document
35 and pick some preferreds. We have been kicking this document
36 around for a while, and we've been hearing from the public, and
37 I kind of didn't do this during committee because I wanted to
38 have the benefit of public testimony, and I've heard that, and I
39 would like to go ahead and run through some of the action items,
40 and there are not many, and pick some preferreds and see where
41 that goes.

42
43 **CHAIRMAN FRAZER:** Okay. The floor is yours, Mr. Sanchez.

44
45 **MR. SANCHEZ:** Thank you very much. With that, if we can go back
46 to Action 1, Modify the Recreational Bag Limit for Greater
47 Amberjack, and make Alternative 2 the preferred, which is reduce
48 the recreational bag limit to one fish per two or fewer anglers

1 per day.

2

3 **CHAIRMAN FRAZER:** Let's take a minute to get it on the board and
4 make sure everybody knows what we're dealing with. Okay. In
5 Action 1, Modify the Recreational Bag Limit for Greater
6 Amberjack, the motion is to make Alternative 2, reduce the
7 recreational bag limit to one fish per two or fewer anglers --
8 Alternative 2 reads to reduce the recreational bag limit to one
9 fish per two or fewer anglers per day. Is there a second to
10 this motion? It's seconded by Ms. Guyas for discussion. John.

11

12 **MR. SANCHEZ:** As far as discussion goes, we have heard support
13 for this, and we've heard people that are against this, but it
14 seems like -- I don't know that I agree with the percentages,
15 because, early on, it seemed like the reduction -- This would
16 create -- It was originally thrown out of possibly thirty-some
17 percent reduction in harvest, and then, as of late, it went down
18 to 9 percent, and I know we discussed trying to shed some light
19 on that and bringing those numbers forward with some analysis,
20 but clearly I think we've got to do something to try to stretch
21 the season out, and there seems to be some support, albeit some
22 opposition, to do that. Let's pick a preferred, and let's do
23 something with this document. Right now, we're not getting any
24 traction.

25

26 **CHAIRMAN FRAZER:** Dr. Crabtree.

27

28 **DR. CRABTREE:** When I looked at the percentage of that last
29 week, I was a little surprised that it didn't get you more, and
30 so I asked Mike Larkin, who did the analysis, and the thing is
31 that, on most vessels and most trips, they are not bringing in
32 one per person. They're bringing in fewer fish than there are
33 people onboard the boat, and so people aren't limiting out every
34 trip, and so reducing it doesn't get you as much as it otherwise
35 might.

36

37 When you hear reports, like we heard from some, that they're not
38 catching a lot of amberjack, then it's going to get you even
39 less, but that's the reason it's not getting you a whole lot
40 more, is because people aren't limiting out that often, and so
41 what I heard in the public testimony was, when people saw the
42 percent reduction, I didn't hear that much support for it at
43 that point.

44

45 Now, if the amberjack fishing improves and gets better, and we
46 have a hotter fishery, then I think it would get you more
47 reduction, and so it's just one of those things that depends on
48 how often people are catching the bag limit.

1
2 **CHAIRMAN FRAZER:** Ms. Guyas.
3
4 **MS. GUYAS:** I guess, to go back to I think it's Table 2.1.2,
5 which has the reductions in there, and probably Dr. Hollensead
6 can clarify this, but I think what we discussed in committee was
7 the data that went into this table are from since the size limit
8 change, and that's why this looks different than the previous
9 similar data or analyses that we've had, and is that right?
10
11 **DR. LISA HOLLENSHAD:** Yes, that's correct, and so Mike Larkin
12 and I even investigated could we use data from that size limit
13 change, and, in his appendix, he did some comparative analysis,
14 and, as you might imagine, they are different, once that size
15 limit went in, and so we were constrained by that,
16 unfortunately.
17
18 **CHAIRMAN FRAZER:** Do you want to add to that, John?
19
20 **DR. FROESCHKE:** Yes, please. We have done this, as you recall,
21 several times, and the biggest change in the percent reductions
22 in the past document is this allowance for fewer anglers, and
23 so, I believe when we originally did these analyses for the
24 first time, we didn't have that exception, for example, for an
25 odd number of anglers, and so, if a single person was on the
26 boat, and it was one per two anglers, that single person would
27 still be allowed to retain a fish. That, I am pretty sure, is
28 what is driving the reduction, compared to what we did in the
29 past.
30
31 **CHAIRMAN FRAZER:** Thanks, John. Sue.
32
33 **MS. GERHART:** Just to go back to the motion, just a correction.
34 It says Action 2, and this is Action 1.
35
36 **CHAIRMAN FRAZER:** Thank you, Sue. Mr. Banks.
37
38 **MR. BANKS:** John, you know me, and I want us to move some stuff
39 forward, and so I appreciate you trying to get us there, but I'm
40 just not ready to pick preferreds, because I think we need to
41 consider some additional actions in here, and so I want to
42 support your notion of moving issues forward, because I agree
43 with that, but I just don't think we're ready to pick preferreds
44 here, and I would have to speak against picking a preferred at
45 this time.
46
47 **CHAIRMAN FRAZER:** Mr. Diaz.
48

1 **MR. DIAZ:** Mr. Banks is kind of where I'm at with it right now,
2 too. I heard public testimony yesterday where a handful of
3 people were in favor of this and a handful were against it, but
4 the ones that did speak against it didn't like what little they
5 got for it, and I believe that we would like to accomplish with
6 this document, what people are asking us for, is to make sure
7 there is some time of a spring season and some type of a fall
8 season, and I'm not really sure that we can get there with this
9 document, and I'm not sure that we can get there at all.

10
11 One of the problems is we cannot monitor the catch in real
12 enough time to actually set up annual catch limits for each
13 season, and I feel like there is going to be a derby whenever we
14 open it, and so, anyway, I would like to try to think if there's
15 a better way to do this, and I don't have one at this time, but
16 I would have to speak against the motion at this time.

17
18 **CHAIRMAN FRAZER:** Mr. Anson.

19
20 **MR. ANSON:** To follow-up on what Dale was saying regarding the
21 public testimony and the comments relative to a spring and fall
22 quota, and I thought we had discussed that in a prior meeting,
23 and we just couldn't do that, because of the science, I thought,
24 in trying to -- I mean, management-wise, we can monitor the
25 quotas, and there will be enough time lag, if you will, or
26 enough of a down season between the spring and the fall that you
27 could monitor that, but I thought that, when it came to actually
28 doing the assessment and trying to give back carryovers and all
29 that stuff and manage it, it just became a little more
30 problematic for the data.

31
32 **CHAIRMAN FRAZER:** Dr. Crabtree.

33
34 **DR. CRABTREE:** Well, the trouble is that you could set a fall
35 quota, but, by the time you got the data to tell you where you
36 were, the fall would have already closed, and whatever was
37 caught would have been caught.

38
39 I guess you could project the fall, based on previous years, but
40 that's likely to be pretty inaccurate as well, and so it's just
41 a timing thing that, by the time you could tell what they
42 caught, they have already caught it.

43
44 **CHAIRMAN FRAZER:** To that point, Kevin?

45
46 **MR. ANSON:** I thought what I heard a couple of the folks at the
47 public comment to was you would set your spring and fall quota,
48 and, yes, it's a shot in the dark as to how many days, and you

1 might go over and such, but I thought they were saying you would
2 have a fall and a spring quota and then any of the overages
3 would apply to the following spring quota, for instance. If you
4 went over in the spring, you would take it off the following
5 spring's quota and not the fall quota.

6
7 **DR. CRABTREE:** Yes, and I had a discussion with Captain Zales
8 about that, and I plan to, when we get back to the office, to
9 sit down with Sue and Mara and folks and talk about how that
10 would work. That would be a change to the accountability
11 measure, and I don't think we've done it. It's kind of getting
12 to where you're having a multiyear catch limit, and so it's
13 different, and it's not something we've done in the past, but I
14 am not prepared to say that there's not a way to figure out how
15 to do it, and so we'll look at it.

16
17 **CHAIRMAN FRAZER:** John.

18
19 **MR. SANCHEZ:** All right, and so I stuck my big toe in the pool,
20 and, if the seconder agrees, I will withdraw it, but let's do
21 something. Maybe this is the poster child for regional
22 management or something. Clearly Florida needs a season in the
23 spring, and let's figure out something, and I know we're working
24 with a small amount of fish, but we've got to be able to come up
25 with something better than what we're doing. Thank you.

26
27 **CHAIRMAN FRAZER:** Okay. Martha, it's okay if we withdraw the
28 motion?

29
30 **MS. GUYAS:** Yes, I'm good with that, and I appreciate Dr.
31 Crabtree and the SERO Office being willing to look at maybe how
32 we could make some of these scenarios that the public talked
33 about work. Clearly, we're in a tough spot with this one, and,
34 if we're going to get even close to being somewhere where
35 everybody can live with what we've got, we've got to think
36 outside of the box.

37
38 **CHAIRMAN FRAZER:** Dr. Crabtree.

39
40 **DR. CRABTREE:** What I heard was the guys from Tampa south
41 actually want to fish in the wintertime, and the guys from Tampa
42 maybe to Destin want to fish in the springtime, and the folks
43 west of Destin seem to want to fish in the fall, and so we could
44 go with something like we do with king mackerel, where we have
45 geographic seasons.

46
47 Of course, that means you've got to allocate who gets how many
48 fish, and, if everybody is fishing at their preferred time, I

1 assume they're going to catch more fish, and I'm pretty sure
2 that south Florida is going to catch more amberjack if you let
3 them fish in the wintertime. They basically told us that in
4 their testimony, and so that could mean that everybody's season
5 gets a little shorter, but it might mean they get to fish when
6 they want to fish, and so that's one way to do it.

7
8 The other downside is it makes the catches much more uncertain,
9 because we're breaking up the MRIP catches geographically, but
10 state management essentially does the same thing, and so there
11 are ways you could break this up and have different seasons.
12 It's just a matter of whether the benefits of that outweigh the
13 negatives of doing it.

14
15 **CHAIRMAN FRAZER:** We've got a couple other folks. Dr. Stunz and
16 then Mr. Diaz.

17
18 **DR. STUNZ:** I kind of wanted to echo what Roy was saying, but I
19 would go a little bit further. This is probably at least the
20 third, or maybe the fourth, meeting about regional management,
21 and, as John pointed out, the poster-child for this, and, while
22 I'm not ready to make a motion, I guess to move in that
23 direction, I would like to see that happen, and I really think
24 that the states, not being a state agency representative, need
25 to talk about -- Because, obviously, it's back to an allocation
26 issue and getting that right before we could go down that path,
27 and that's the hard part, obviously, but we did it for red
28 snapper.

29
30 It seems like, if we can do it for red snapper, we can do it for
31 amberjack, and so I don't know even what the other states'
32 willingness to do this is, but, obviously, this makes sense, and
33 I would like to see us move in that direction sooner than later.

34
35 **CHAIRMAN FRAZER:** Thank you, Dr. Stunz. Mr. Diaz.

36
37 **MR. DIAZ:** I just want to speak to the mackerel model of setting
38 it up by zones, and, I mean, I would be willing to look at that
39 and explore it a little bit more, but I am concerned that we're
40 going to get to the point where we can't make anybody happy.

41
42 Even though the majority of the fish last year were caught in
43 the fall, still about seventy-plus, or eighty-plus, percent of
44 those were caught in the eastern Gulf, and so we're probably not
45 hearing from people that caught those fish in the August and
46 September and October timeframe, but, when we take and set them
47 up a zone, where they can only catch them in the spring, we're
48 going to hear from those folks.

1
2 Anyway, it's kind of a catch-22, I believe. The regional
3 management might have more legs, like Greg is talking about, and
4 then at least the state people could try to get with their state
5 folks and figure out what really is best for that region and try
6 to accommodate it that way, and probably has the best chance of
7 making people happy, but, anyway, I just wanted to voice my
8 concerns. Thank you, Mr. Chair.

9
10 **CHAIRMAN FRAZER:** Martha, do you want to provide a state
11 perspective on this?

12
13 **MS. GUYAS:** I was just going to say, if we're going to go down
14 this road of discussing regional management, we probably need to
15 think about both models, right, and so I know there's some
16 people around the table who are interested in the state
17 management, sort of like red snapper, and the king mackerel
18 model is another way we could go, and I think there is pluses
19 and minuses to both.

20
21 I think, at least right now, amberjack is a little different
22 than red snapper. I mean, right now, only Florida and Louisiana
23 are collecting data on amberjack separate from MRIP, and I guess
24 Texas too, but I don't know that you all have a specialized
25 survey for amberjack or reef fish, and so that's a little bit
26 different.

27
28 Obviously, there is a big charter component to this and whether
29 or not we deal with them if we do state management and how that
30 goes, and there's -- At least with red snapper, there was not
31 the appetite, at least across the Gulf, for that, for red
32 snapper, and I think another thing that's different here is just
33 the status of amberjack.

34
35 I mean, the quota is low, and it's overfished, and how you split
36 the baby. Then, also, if we end up splitting the baby, try to
37 anticipate, as we rebuild this fishery, how those benefits --
38 How the stock is going to rebuild and how to allocate those
39 increases, and it gets complicated fast, and it's a lot to think
40 about.

41
42 **CHAIRMAN FRAZER:** Dr. Crabtree.

43
44 **DR. CRABTREE:** I think almost everyone we heard from yesterday
45 was a charter boat/for-hire operator, and that's who I am
46 hearing from for this, and so I think that does make state
47 management a much more complicated thing.

48

1 The biggest downside with the splitting up by region is I think
2 you would have to be very conservative and have pretty big
3 buffers, because, otherwise, you could get yourselves back in a
4 position where south Florida fishes first in the wintertime, and
5 then maybe the spring comes and the quota is caught, or, if you
6 stay on the August year, the quota could all be caught before
7 south Florida even got to open, and so you still have that same
8 difficulty there, unless you're pretty conservative on the
9 seasons you set up.

10

11 **CHAIRMAN FRAZER:** Dr. Stunz.

12

13 **DR. STUNZ:** Briefly, that point, Roy, just thinking outside of
14 the box a little bit, and I don't know if I want to open this
15 can of worms or not, but there is not anything saying that the
16 states couldn't manage the for-hire fleet in this situation for
17 amberjack, and at least I would suspect there would probably be
18 some popularity for that coming from Texas, and maybe even
19 Louisiana, and I don't know, but I know that was a difficult
20 issue for the snapper situation with Amendment 40 and all that,
21 but, in this case, I think it might be a little bit different,
22 where I suspect the for-hire guys would want to come into a
23 regional management scenario, in that case.

24

25 **CHAIRMAN FRAZER:** Mr. Banks.

26

27 **MR. BANKS:** This will probably come as a surprise, but we're
28 very interested in regional or state management for amberjack in
29 Louisiana, and so I would like to, at the appropriate time, make
30 the motion to add an action to that in regard to the document.

31

32 **CHAIRMAN FRAZER:** We had a couple more questions, and then we'll
33 come back to that. I'm going to take two more, one from John
34 Sanchez and one from Susan Boggs.

35

36 **MR. SANCHEZ:** You're right. I did hear a can opening.

37

38 **CHAIRMAN FRAZER:** Thank you, John. Susan.

39

40 **MS. BOGGS:** I am going to open it. I would not support state
41 management for charter/for-hire for amberjack, and I have talked
42 to many people in our fleet, and they would not either.

43

44 **CHAIRMAN FRAZER:** Okay. I am going to try to round this up a
45 little bit. Patrick, I'm going to give you an opportunity to
46 make a motion, if you want, right now.

47

48 **MR. BANKS:** Sure. I have not sent this to staff, because,

1 unfortunately, I just decided to go this route, and so I'm sorry
2 for dropping this on everybody. **To add Action 4 to the document**
3 **that would allow for state management of the recreational**
4 **greater amberjack fishery.** Would that have to be a new
5 amendment?
6

7 **CHAIRMAN FRAZER:** Dr. Crabtree.
8

9 **DR. CRABTREE:** Given what it took to do it with red snapper, my
10 guess is that, yes, it would be an amendment with multiple
11 actions. It would take multiple years to do.
12

13 **MR. BANKS:** I am not so sure that it would take multiple years
14 to do. We just went through red snapper, guys, and everybody
15 thought that we couldn't get that done, and everybody said that
16 we can't come up with an allocation between states, and we got
17 that done. The idea of we can't do this, or it's going to take
18 years and years and years, those arguments are gone, because we
19 did it, and we can do it in amberjack. All we have to do is
20 have the resolve.
21

22 **CHAIRMAN FRAZER:** Okay, and so we've got a motion on the board.
23 Is there a second for that motion? It's seconded by Dr. Stunz.
24 Is there some further discussion? Given the concerns that Dr.
25 Crabtree raised, I do think that this is a heavy lift, and it's
26 not necessarily a long-drawn-out exercise, but it is a heavy
27 lift, and so it would be an amendment, and we would probably
28 would change that motion, I would suggest, to develop an
29 amendment plan, I guess. Are you okay with that wording,
30 Patrick?
31

32 **MR. BANKS:** Yes.
33

34 **CHAIRMAN FRAZER:** The seconder? Okay. Any further discussion?
35 Dr. Crabtree.
36

37 **DR. CRABTREE:** Well, if this passes, does that mean we're not
38 going to work on the framework anymore and this is what we're
39 going to do, or are we going to work on the framework and this,
40 or what would that -- What is your vision there, Patrick?
41

42 **MR. BANKS:** Well, my preference would be to move out of the
43 framework and give the changes to the season that we just made
44 some time to occur, so that we can analyze how that goes for a
45 few years, and work on this document, and that would be my
46 preference.
47

48 This flip-flopping back and forth of changing the season and

1 changing the structure, we can never get a handle on what really
2 happens, and folks are unhappy about this past year, but we
3 don't even know whether that was an anomaly on the fishing year,
4 because we've only given it one year.

5
6 We need to give it some time, and that's the frustrating thing
7 for me about that amberjack document, is here we go, after one
8 year of a management strategy, and we go to try to change it,
9 and so my preference would be to stop the framework and start on
10 a state management document.

11
12 **CHAIRMAN FRAZER:** Dr. Stunz.

13
14 **DR. STUNZ:** My preference would be to move in that direction as
15 well and just dedicate that staff time and resources to
16 expediting this motion or document as fast as we can and not
17 spend the time on trying to salvage the framework.

18
19 **CHAIRMAN FRAZER:** Ms. Guyas.

20
21 **MS. GUYAS:** I am not opposed to looking at this, as I mentioned
22 before, and I think we may be -- If we're going to go down that
23 road again, we'll probably need to look at the mackerel model
24 too, but my preference would be to keep the framework going as
25 well. A lot of the analysis is already there. If we're going
26 to do something, we could do that something fairly quickly with
27 that.

28
29 This is going to take time, and it's going to be multiple
30 actions, and it's a full amendment, and so, even if we speed
31 through the process, after we do scoping and public hearings and
32 it goes through all the analysis and takes six months to a year
33 for NMFS to implement it, it's going to be a while before this
34 could be a reality, and so that would be my preference.

35
36 **CHAIRMAN FRAZER:** General Spraggins.

37
38 **MR. SPRAGGINS:** Just real quick, Patrick, are you talking
39 private only?

40
41 **MR. BANKS:** No. My hope would be to have the option, like we
42 did for red snapper, and let's try to get a handle on, from a
43 Gulf-wide perspective, what different states want, and we may
44 end up right there, General, and I don't know, like we did with
45 red snapper, but, certainly in Louisiana, we have the ability to
46 manage our for-hire fleet as well as the private recs, and I
47 think we need to give ourselves as much latitude as we can to
48 evaluate those options.

1
2 Now, Susan just said, they don't want to do that in Alabama, and
3 I respect that, but I think we need to look at all of the
4 options, and, on that topic of options, state management, state-
5 by-state, is one, but I think what Dale said on the zone idea,
6 and I think Martha talked about looking at all of these
7 different ideas, and regional, maybe splitting the Gulf east and
8 west at a certain line, and I don't know where, but I think we
9 need to consider all of those things, because state-by-state may
10 not be the right way to go. It may be more appropriate to do an
11 east-west zone or a south-north-west zone, and so I want to make
12 sure that the staff has the ability to consider all of those
13 options for us.

14
15 **CHAIRMAN FRAZER:** Okay. I've got a number of people on the list
16 here, but I am going to first -- Roy, did you want to speak to
17 that point?

18
19 **DR. CRABTREE:** Yes. Now you're talking about sector separation,
20 and you're going to have to allocate between the for-hire and
21 the private, and then, if you go down the some states have the
22 for-hire and others don't, I think you get in the same
23 unworkable situation we ended up in with red snapper, and I
24 think, Patrick, to think this will happen quickly is just not
25 realistic, and I also think this will be viewed as precedent
26 setting, and I think it will be viewed as having implications
27 for red snapper, and I think some people will see it as an
28 attempt to eliminate sector separation, and a whole host of
29 other things, and so I think we're taking what was a pretty
30 straightforward idea of having some different seasons
31 geographically, but to turn it into state management, I think,
32 is a whole different thing, and so I am not going to support the
33 motion at this time, at least, and I don't think we have
34 explored more straightforward options enough yet.

35
36 **CHAIRMAN FRAZER:** Briefly to that point, Patrick?

37
38 **MR. BANKS:** Straightforward in terms of having different seasons
39 in different regions, and so that would not be the same thing as
40 doing a state or regional management situation, because we would
41 be asking for a lot more latitude than just a season situation
42 in state management, and is that what you're saying?

43
44 **DR. CRABTREE:** Yes, and, if we just looked at a different
45 recreational season in a couple of areas, we wouldn't be getting
46 into sector separation and all of those allocation -- Really,
47 the only thing you would have to do geographically is decide
48 when, and I heard enough yesterday to feel like I sort of know

1 when people want to fish in the different areas.

2

3 Now you've got to allocate how many fish are in each region and
4 then how is the accountability measure going to work for it, but
5 we went through this with red snapper, and it's an extremely
6 complicated thing, and it took us years and years to get there,
7 and I just don't -- I think it would take us years to do this
8 here.

9

10 **CHAIRMAN FRAZER:** Okay. We're going to go next to Leann Bosarge
11 and then Phil Dyskow.

12

13 **MS. BOSARGE:** Usually, on things like this -- I was very
14 supportive of the red snapper state management, most definitely,
15 but I think that was from a -- That was a bottom-up-type deal.
16 We had angler after angler come to that podium and say we want
17 to be managed by the states, we want to be managed by the
18 states, and so I think that that was a grassroots amendment,
19 because it came from our anglers, and we took it on, and I think
20 we did a good job with it, and I think the states are doing a
21 good job with it.

22

23 This one though, I haven't heard -- I mean, there might have
24 been a handful over the past year or so that I might have heard
25 it from, but I haven't heard an overwhelming sentiment from the
26 private anglers coming and saying we want the state to manage
27 amberjack, and the for-hire fleet is the one coming to the
28 podium and saying can we make some changes, and I would say, at
29 this point, Gulf-wide, what I have heard from the bulk of the
30 for-hire fleet is that this probably wouldn't be something they
31 would want to support as an option for them, and so, at this
32 time, I probably won't support it, just because I would hate to
33 get started on something like that for staff.

34

35 That is a lot, lot of work for them, and then, at the next
36 meeting, have public comment saying, no, we don't want that. I
37 would rather hear it from the public first, let them come in and
38 beat the drum, before I put it on the staff.

39

40 **CHAIRMAN FRAZER:** Mr. Dyskow.

41

42 **MR. DYSKOW:** Thank you, Mr. Chairman. I agree with everything
43 that Leann said. I was asked by a number of charter/for-hire
44 people to have this discussion with the State of Florida,
45 whether this would be a feasible option, and Martha gave me all
46 sorts of good reasons why it would be difficult and wouldn't
47 accomplish what we wanted to.

48

1 Also, there was not a strong consensus between the charter and
2 for-hire fleet and the private rec anglers, and I came away
3 thinking this was a larger issue for charter and for-hire than
4 it was for private rec, and so, if we go to state management of
5 private rec, we haven't really addressed the issue, and so,
6 although I would support state management of practically
7 anything, I don't think it would fix the problem in this
8 specific case.

9
10 **CHAIRMAN FRAZER:** Thank you, Mr. Dyskow. Susan Boggs.

11
12 **MS. BOGGS:** I kind of lost my thought, but I would like to see
13 the framework move forward, and, when we get this motion voted
14 up or down, I am working on a motion that I would like to offer
15 to the framework that maybe will help. Thank you.

16
17 **CHAIRMAN FRAZER:** We will take two more comments. I think
18 Shannon.

19
20 **DR. CASS-CALAY:** Thank you. I just wanted to point out that the
21 Science Center has made comments all along about the state
22 management systems requiring potentially additional resources,
23 both in terms of data collection and analysis and being, at this
24 point, unclear on how much uncertainty we would add to the stock
25 assessment processes and to analyses in general, and so I think
26 we need to be wary that, as we move toward more species that
27 might enter state management, there is a multiplication of the
28 data that would be required as well as the analytical staffing
29 to support this management process.

30
31 **CHAIRMAN FRAZER:** Thank you, Shannon. Patrick.

32
33 **MR. BANKS:** I would be willing to withdraw this if somebody
34 could help me get to the point that Roy mentioned about at least
35 us looking at different seasons for different regions of the
36 Gulf, because, ultimately, I think that's what the issue was
37 that we were hearing about, and so, if somebody can help us with
38 a motion that would add an action like that to the framework
39 document, I would be willing to remove this at this time.

40
41 **CHAIRMAN FRAZER:** Okay. Is there anybody around the table that
42 thinks that they can work on that motion, or is that something
43 that we might need to bring back at the next meeting? Dr.
44 Crabtree, I'm going to look at you.

45
46 **DR. CRABTREE:** Well, what I heard, and what I heard consistently
47 over the testimony, is south Florida wants to fish more in the
48 winter, and the Panhandle wants to fish -- Their priority is the

1 spring, and, from I guess the Florida/Alabama line west, the
2 priority is the fall, and so, if you follow that language, you
3 could look at setting three recreational seasons for the Gulf
4 along those lines.

5
6 The trick with it is I think you're going to have to have --
7 You're going to have to really look at the accountability
8 measures, and you're going to want to set the seasons pretty
9 conservatively and make sure that everything still doesn't get
10 caught up in the fall in the western Gulf and then there's no
11 fish left when the south Florida part would open up, but that's
12 what I have heard from people, and so, to me, it's kind of three
13 different zones.

14
15 **CHAIRMAN FRAZER:** I just want to make sure that I'm clear. Do
16 you think that you can accomplish that as an action item in a
17 framework?

18
19 **DR. CRABTREE:** I think it's just setting sub-quotas, which I
20 think our framework allows.

21
22 **CHAIRMAN FRAZER:** Patrick.

23
24 **MR. BANKS:** I would be willing to withdraw this motion, if the
25 seconder agrees.

26
27 **CHAIRMAN FRAZER:** Greg? Okay. **The motion is withdrawn.** Susan,
28 did you want to make a motion?

29
30 **MS. BOGGS:** I will go ahead and make this motion. I mean, I
31 like the idea of Dr. Crabtree, but, until we get somewhere, and
32 I did email it to staff. **My motion would be to reduce the
33 recreational bag limit on a multiday trip to a single-day bag
34 limit of one fish per angler per day.**

35
36 I understand the only data that we have is from the headboats,
37 but that could reduce it significantly and help to carry the
38 seasons, like we want them, August, September, October, and May,
39 if you eliminate the multiday trips of having multiple bag
40 limits. Thank you.

41
42 **CHAIRMAN FRAZER:** Let's get the motion up on the board, so
43 everybody can take a look at it. I am just trying to seek some
44 clarification and guidance from the staff. Would this just
45 simply be a new action item in the document? Okay. We will
46 assume it's going to be a new action item in the document. the
47 motion reads to reduce the recreational bag limit on a multiday
48 trip to a single-day bag limit of one fish per angler per day.

1 Is there a second for that motion? It's seconded by Mr. Banks.
2 Is there further discussion? Dr. Simmons.
3
4 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. Just a
5 question from staff. I guess, if this motion were to pass, it
6 would be easier to put it in the possession limit framework and
7 just exclude greater amberjack from the two-day possession limit
8 under that thirty-hour current preferred alternative, if
9 appropriate.
10
11 **CHAIRMAN FRAZER:** Is there any discussion about the
12 appropriateness? Is that okay with everybody, if we move that?
13 Kevin Anson.
14
15 **MR. ANSON:** Not to that question. I have another prior
16 question.
17
18 **CHAIRMAN FRAZER:** We'll hold off for a second. Martha.
19
20 **MS. GUYAS:** That's what I was going to bring up. I mean, to me,
21 it doesn't really matter. It seems like the multiday document
22 is moving faster, especially if we're going to add a bunch of
23 other stuff to this one, regional quotas and that, and so that
24 might make more sense, to put it in that document, but I don't
25 have a strong preference.
26
27 **CHAIRMAN FRAZER:** Ms. Levy.
28
29 **MS. LEVY:** Well, you could certainly make an exception in the
30 other document. I guess what you would be lacking is you
31 wouldn't know how everything works together to do a reduction in
32 the amount caught, and so you wouldn't know how this is going to
33 work with a potential seasonal change, with a potential this,
34 and how it would all come together, because that analysis would
35 be in the amberjack document, and so it may be better just to
36 have everything together, so you can look at that.
37
38 **CHAIRMAN FRAZER:** Ms. Boggs.
39
40 **MS. BOGGS:** Maybe I didn't approach this right, but my intention
41 was to add it as an alternative to Action 1 in the amberjack
42 document, because, in Action 1, we're talking about bag limits,
43 and so that was my intent.
44
45 **CHAIRMAN FRAZER:** Okay. I got that. Ms. Gerhart.
46
47 **MS. GERHART:** Just some of the wording. I think the first
48 reference to bag limit should be "possession limit", because

1 we're talking about the two-day thing.

2

3 **CHAIRMAN FRAZER:** Mr. Diaz.

4

5 **MR. DIAZ:** This is a question for Ms. Levy. Ms. Levy, in Action
6 1, if we picked Alternative 1, which would leave it as one per
7 person per day, could you pick Action 1, which is basically
8 always the no action, and then have another alternative in that
9 same action that would be a preferred? It just seems like it's
10 unorthodox, if we were to go with Action 1.

11

12 **CHAIRMAN FRAZER:** Ms. Levy.

13

14 **MS. LEVY:** I don't know that you would have to pick Action 1,
15 meaning you're not going to change the current bag limit, unless
16 you choose an alternative that will change it. If this
17 alternative is just going to change the possession limit, then
18 that would be what goes forward, but you wouldn't be changing
19 the bag limit. We may need to tweak the wording of the
20 alternative to accurately convey what it's doing, but we
21 understand what you want to do if you pass this.

22

23 **CHAIRMAN FRAZER:** Mr. Anson.

24

25 **MR. ANSON:** We're not ready to go final on this, I don't
26 suspect, next meeting, and so I don't necessarily -- I am not
27 opposed to the motion, but I am, I guess, curious. Dr. Calay,
28 do you recall, about the recreational data -- There has, I
29 recall, been an issue with the charter boats, in particular, or
30 any trip, really, but most of the landings for amberjack, in
31 Alabama at least, are from charter boats, and, when they are
32 intercepted at the dock on the MRIP survey, there was a
33 distinction made on the number of fish that were caught on their
34 fishing trip, and their fishing trip was defined as the point of
35 when they either left the dock or, if it was a multiday trip,
36 oftentimes it then is asked when the waking moments for that
37 particular time since they've been interviewed.

38

39 They may have gone to sleep, for instance, early in the morning,
40 but they may have caught two trips -- Going back to this
41 possession versus daily bag limit issue, they may have caught
42 actually both limits of amberjack on the previous day, and then
43 they went to sleep, and then they fished a little bit more on
44 the day they were interviewed, but they didn't catch and keep
45 any amberjack, and so those amberjack, essentially, don't get
46 recorded.

47

48 I am just curious, because most of our trips are caught and

1 landed in that manner, and we don't have a lot of amberjack
2 being recorded now, and we certainly wouldn't in this case,
3 because I think they will all be caught on the first day, is my
4 opinion. Susan, you maybe can comment on that, but I am just
5 wondering, Dr. Calay, if there's any talk or discussion about
6 that in the assessment.

7
8 **CHAIRMAN FRAZER:** Shannon.

9
10 **DR. CASS-CALAY:** We have not specifically discussed that or
11 examined it, to my knowledge, and so that would be a
12 conversation that I would have to have with the folks who
13 actually collect that are expert in the recreational data.

14
15 **CHAIRMAN FRAZER:** John.

16
17 **MR. SANCHEZ:** I would just make an observation that a fractional
18 bag limit gives us the same thing.

19
20 **CHAIRMAN FRAZER:** Okay. I am going to try to rein this one back
21 in at this point. As I understand it, the motion is to add an
22 alternative in Action 1, and I think -- **Is there any opposition**
23 **to this motion? Seeing none, the motion carries.**

24
25 One other quick thing before we -- Actually, let's take a
26 fifteen-minute break.

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

29
30 **CHAIRMAN FRAZER:** We are going to, in an effort to try to
31 accommodate Patrick's request, we're going to put a new motion
32 on the board here. **That motion will be to add an Action 4 to**
33 **the document that provides options for zone management of**
34 **greater amberjack harvest.** Can I get a second to that motion?
35 It's seconded by Patrick. All right. Any further discussion of
36 this motion? **Seeing none, is there any opposition to the**
37 **motion? Seeing none, the motion carries.** Ms. Guyas.

38
39 **MS. GUYAS:** Okay. Presentation on Decision Points for
40 Implementing Full-Retention Bottom Longline Reef Fish Fishery:
41 Viability, Monitoring, and Costs, Southeast Regional Office
42 staff gave a presentation on key decision points for
43 implementing a red snapper full-retention eastern Gulf bottom
44 longline fishery.

45
46 Concerned fishermen have expressed interest in a full-retention
47 fishery, which would eliminate red snapper dead discards to the
48 greatest extent practical. For red snapper, additional

1 allocation would come from the Southeast Fisheries Science
2 Center estimates of dead discards from the bottom longline fleet
3 and would constitute a new IFQ category. This would result in a
4 mortality-neutral allocation.

5
6 In order to ensure mortality-neutrality, all fishing with bottom
7 longline gear would need to cease when red snapper shares or
8 allocation are unavailable. The council would need to determine
9 whether shares or allocation for discards would be assigned to
10 the vessel or the permit holder, how the allocation or shares
11 are distributed (e.g. proportionally or equally), whether the
12 program would be mandatory or voluntary for eastern Gulf bottom
13 longline fishermen, and whether a minimum amount of allocation
14 would be necessary to fish.

15
16 The main target species for the eastern Gulf bottom longline
17 fleet is red grouper, but they also encounter red snapper.
18 Discard rates vary between fishermen and may be dependent on
19 various elements such as allocation available, encounter rate,
20 number of trips, et cetera. Observer coverage for bottom
21 longline trips vary by year. However, observer coverage is
22 generally low, and discard estimates are highly uncertain.

23
24 Electronic monitoring will be necessary to ensure full retention
25 is effectively implemented. This would require equipment
26 installation and maintenance, vessel monitoring system plans,
27 data transfer and storage, video processing and review, data
28 quality control and archiving, analysis, and reporting.

29
30 Based on a NOAA Fisheries Policy Directive, some of these costs
31 would be borne by the bottom longline industry and some by NMFS.
32 However, NMFS will not proceed with developing the program
33 unless there is funding to do so. Some cost recovery can be
34 collected for administrative and sampling requirements, but this
35 program will likely generate very little additional cost
36 recovery. Annual costs to run the program can be up to \$2
37 million, and who pays the costs would be determined during an
38 amendment process based on the policy directive.

39
40 Mote Marine Laboratory in Florida has been pilot testing some of
41 the equipment and methodologies necessary to facilitate
42 electronic monitoring. With sixteen participants across the
43 Gulf, Mote has collected data from over 160 trips over the last
44 three years, totaling over 800 sea days. Costs for this
45 research thus far are approximately \$800,000.

46
47 With a primary target species of red grouper, vessels have been
48 discarding approximately 21 percent of the red snapper they

1 catch. The committee requested that the SSC review and evaluate
2 the data collected thus far by Mote.

3
4 Draft Amendment 52: Reallocation of Red Snapper, the SSC
5 recommended a modification to Reef Fish FMP Objective Number 2
6 during its March meeting. The committee initially discussed
7 this recommendation at its April Council meeting and decided to
8 revisit this when Amendment 52 was next brought back to a
9 council meeting.

10
11 **Without opposition, the committee recommends, and I so move, to**
12 **rephrase Objective Number 2 of the Reef Fish FMP Objectives.**
13 **That would be to achieve robust fishery reporting and data**
14 **collection systems across all sectors for monitoring the reef**
15 **fish fishery which minimizes management uncertainty" to**
16 **"minimizes scientific, management, and risk uncertainty".**

17
18 **CHAIRMAN FRAZER:** We've got a committee motion on the board. Is
19 there any further discussion of this motion? **Seeing none, is**
20 **there any opposition to the motion? Seeing none, the motion**
21 **carries.**

22
23 **MS. GUYAS:** Staff presented the revised purpose and need from
24 the April council meeting. Staff then requested direction from
25 the committee on further development of Amendment 52. The
26 committee noted that a GAO report on allocation is anticipated
27 by the end of 2019 and that the MRIP data recalibration is also
28 needed for further development of Amendment 52. Dr. Crabtree
29 stated that the MRIP data recalibration should be completed in
30 2020. The committee requested a presentation of the GAO report,
31 once available, at an upcoming council meeting.

32
33 **Without opposition, the committee recommends, and I so move, to**
34 **delay consideration of Amendment 52: Red Snapper Allocation**
35 **until the January 2020 council meeting.**

36
37 **CHAIRMAN FRAZER:** We have got a committee motion on the board.
38 Any further discussion of the motion? **Seeing none, is there any**
39 **opposition to the motion? Seeing none, the motion carries.**

40
41 **MS. GUYAS:** Mr. Chair, this concludes my report.

42
43 **CHAIRMAN FRAZER:** Thank you, Martha. Is there any additional
44 discussion having to do with the Reef Fish Committee? Dr.
45 Crabtree.

46
47 **DR. CRABTREE:** Just before we go by the total retention, it was
48 pretty clear to me that the longline fleet has no interest in

1 that at this point, and so, while I think having the Mote
2 information go to the SSC, like we discussed, is a good idea, I
3 think where we are with red grouper at this point is let the
4 assessment play out and see what comes out of the catch
5 recommendations and then, when we see where we stand, in terms
6 of red grouper catches into the future and all, I think the
7 fleet will be in a better position to think about ways to go.

8
9 I wasn't surprised at their reaction to it, because, as soon as
10 I saw that the discard numbers were relatively low, it seemed to
11 me that that would be a challenge for them, but I didn't hear
12 much support for that concept at this time.

13
14 **CHAIRMAN FRAZER:** Thank you, Dr. Crabtree. Is there any further
15 discussion? Okay. Thank you again, Ms. Guyas, for moving
16 quickly through the Reef Fish Committee Report. Good job. We
17 are going to finish up a couple of liaison reports, and first on
18 the list would be the Coast Guard.

19
20 **U.S. COAST GUARD REPORT**

21
22 **LT. ZANOWICZ:** I have a report for this meeting, and we also
23 have our Coast Guard District 8 Enforcement Chief, Commander
24 Drew Casey, in the audience, and, following my update, I will be
25 inviting him up to share a few words as well.

26
27 The Coast Guard is continuing domestic and foreign fishing
28 vessel enforcement. For examples of recent domestic operations,
29 we had two operations last month, in July, following the end of
30 the Texas shrimp closure, when we see a higher concentration of
31 shrimping vessels off of Texas. That was focusing on,
32 obviously, fisheries compliance, but also safety as well.

33
34 We had two operations this month, partnering with both Texas
35 Parks and Wildlife and NOAA OLE on recreational red snapper
36 enforcement in the western Gulf, and we definitely appreciate
37 the support from our enforcement partners in those operations,
38 one of which is currently ongoing, and so we will be looking for
39 the results from that here at the end of this week.

40
41 In terms of foreign fishing vessel enforcement, it's been a
42 record year for lancha interdictions for us. As of Tuesday, we
43 interdicted our sixty-seventh lancha, which breaks the previous
44 year's record of sixty, and we still have a few months left in
45 the year to interdict even more.

46
47 Total catch recovered from lanchas this year was 4,424 red
48 snapper, totaling over 21,000 pounds, as well as 426 shark of

1 various species, and several other species as well, but they
2 primarily target red snapper and sharks.

3
4 At previous meetings, I have discussed our Atlantic Area Data
5 Analysis Branch was conducting an analysis to estimate the total
6 number of lancha incursions. The latest update I have on that
7 is the branch identified an error in the model that was causing
8 it to actually underestimate the number of lancha incursions,
9 and so they're working to fix the model, and we hope to have
10 that analysis completed in the next couple of months, and my
11 plan is to present some of that information to the council at a
12 future meeting. That concludes my verbal update, and I'm happy
13 to take any questions at this time, before I invite Commander
14 Casey up.

15
16 **CHAIRMAN FRAZER:** Are there any questions for Mark? Okay.
17 Commander Casey. Welcome.

18
19 **COMMANDER DREW CASEY:** Again, Dr. Frazer, I appreciate you and
20 the council leadership's willingness to let me provide some
21 comments this morning. I have been here for a couple of years,
22 and I haven't had the opportunity to speak to the council, but
23 it's a great opportunity, and thanks for accommodating Mark's
24 request.

25
26 I am going to keep my comments pretty brief, and I am really
27 here to really foot-stomp and emphasize some of the points that
28 Mark just made, as far as some of the presentations and his
29 contributions to the council. I do want to speak on the Mexican
30 lancha threat on the southwest border, and then I will
31 transition to domestic fisheries enforcement, and, by the way, I
32 think my flesh just stopped dripping off the bone on my walk
33 here, just in time to catch pneumonia with this sixty-degree air
34 conditioning, and so lots of fun, and I love the -- Always in
35 uniform, walking across Canal Street, I always love the warm
36 greeting that I get from the local residents. I have been in
37 New Orleans too long.

38
39 Also, I wanted to let you know a little bit about myself. I'm
40 an avid inshore fisherman, and keep in mind that I've been
41 stationed in Florida and Alabama and other places, and there is
42 nothing like southeast Louisiana, and not in the summer, but in
43 the cooler months in Louisiana, there is nothing that I would
44 prefer to do in those months than get out in my kayak.

45
46 I do want to just provide a few comments on what the Coast Guard
47 is doing on the southwest border, and so, as Mark indicated,
48 2018 and 2019 have been historic years, and I can provide a

1 little bit of context, which I think Mark has also provided that
2 as well, but the bottom line is our Coast Guard crews are
3 getting much, much better at how we conduct our business.

4
5 We are not seeing any indication that this threat is slowing
6 down, and we are hoping to get some more of that data in that
7 analysis on the number of incursions, but we are -- You know,
8 it's really a full-court press, as far as our force package.

9
10 One of the best new capabilities that we have is the fast
11 response cutter, and we call it the FRC. It's 154 feet, and I
12 will just give you an idea of how effective this cutter is. The
13 cutter itself, not just the small boat, but the cutter itself,
14 can catch up with Mexican lanchas, and they can run at about
15 thirty knots, and so it's really a highly-effective capability,
16 not just for the southwest border, but also for really across
17 the Gulf of Mexico.

18
19 By next summer, we're going to have a pretty robust fleet out of
20 Pascagoula and Galveston, and so our goal is to have really
21 persistent, as much as we can, a persistent presence on the
22 maritime boundary line, and so the numbers that Mark just talked
23 about for 2018 and 2019 might increase if the level of activity
24 stays the same, but our immediate goal with what's happening on
25 the southwest border is to reduce the number of incursions, and
26 we can probably -- Again, it's very difficult to measure in
27 number of incursions, but we can certainly measure trends, as
28 far as the activity and what our Coast Guard teams are seeing.

29
30 I do want to thank -- For the southwest border mission, I really
31 want to thank the State of Texas, and so I think everyone is
32 aware, but Texas Parks and Wildlife is always extremely
33 proactive and forward-leaning posture if we interdict a Mexican
34 lancha in state waters, and so they're able to use their state
35 law to prosecute. I will just make some general comments about
36 what we're trying to do, and so, again, a huge thanks to Texas
37 Parks and Wildlife for that.

38
39 We are also looking at some -- For the lanchas that are
40 interdicted in federal waters, we are looking at some legal
41 options, working with the Department of Justice, for a potential
42 prosecution, but, again, customary international law doesn't
43 really allow incarceration for fisheries offenses, and so that's
44 all I had on the southwest border.

45
46 I do want to just briefly talk about our domestic fisheries law
47 enforcement emphasis, and, as Mark has emphasized, our high-
48 precedence fisheries are shrimp, reef fish, and HMS, and they

1 will continue to be. We don't plan on changing that anytime
2 soon, and those FRCs that we have give us a little bit of an
3 added advantage. We can spend more time farther offshore, and
4 so, with the FRC fleet and with the other visiting major
5 cutters, we can -- The Coast Guard can pretty much get to
6 anywhere in the Gulf of Mexico pretty easily.

7
8 I do want to express the same concern that Mark has expressed
9 with regard to the Reef Fish Amendment 50. It seems like the
10 council is moving towards a place where it's going to be very
11 difficult to enforce, and the way I describe that is it's more
12 for our boarding officers to have to know, and it seems like the
13 state management regime could be potentially complex, and so I
14 just wanted to kind of foot-stomp that same message that Mark
15 has delivered, potentially having to understand and enforcement
16 five different sets of state regulations. I don't think that's
17 anything new. I just listened to the proposal for the
18 amberjack, and so, in general, it doesn't seem like the
19 fisheries regulations are getting any simpler.

20
21 I think that the habitat areas of particular concern, as well as
22 the expansion of the Flower Garden Banks, that will require some
23 creativity and a lot more effort on the part of the Coast Guard,
24 and so we're going to have to work very closely with our state
25 law enforcement agencies and the council, to make sure we have a
26 good enforcement posture for those.

27
28 Those are all the comments I had. I did want to just close by
29 saying that the Coast Guard is fully committed to the living
30 marine resources enforcement mission in the Gulf of Mexico, and
31 we're not stopping anytime soon, and we will continue to make
32 this one of our highest priorities, and so thank you for the
33 opportunity, sir.

34
35 **CHAIRMAN FRAZER:** Thank you for being here, and we've got a
36 couple of questions from Greg Stunz and then Lance.

37
38 **DR. STUNZ:** Thank you for that update and briefing us on what's
39 going on. Being from Texas, we really appreciate the attention
40 on that southwest border, because it's a big concern for us that
41 I don't think gets the attention that it always needs.

42
43 My question would be -- Because, as the council, we are in a
44 little bit of a difficult situation with issues like lanchas of
45 what we can and can't do, and my question would be what would be
46 your needs from us, or how could we help you alleviate some of
47 these problems on that southern border? Is it letters we could
48 write, or what -- I'm not sure we all -- Obviously, we want to

1 do something, but we just don't quite know what that is.

2
3 **COMMANDER CASEY:** Sure. That's a good question. As far as what
4 the council can do, I don't have necessarily a good answer, but
5 I can tell you what we are doing, and I don't want to step on
6 NOAA's toes, because NOAA is very much involved in working with
7 the Department of State and others in D.C. with the IUU
8 Enforcement, the Illegal, Unregulated, and Unreported
9 Enforcement Act, or they will call it MSRA.

10
11 I am really not in a position to speak to it, but I can just
12 tell you that the report to Congress should be issued, or it may
13 have already been issued just in the last few days, and NOAA is
14 making a recommendation on what Mexico's status is as an IUU
15 fishing nation, and so the Coast Guard provides input to that
16 process, but we don't have the final decision there, but that's
17 a good question, and I think, Mark, did you want to speak to
18 that?

19
20 **LT. ZANOWICZ:** Just a comment on that. We actually talked about
21 this, and we had the Chief of Staff for lunch with some of the
22 council leadership earlier this week, but some of the
23 initiatives that our Commander talked about, like, for example,
24 looking at other ways we can prosecute these individuals, I
25 think it would be helpful if the council provided their support
26 for those as well, one of which is like a pilot prosecution
27 program, which I don't want to get into too much detail now, but
28 it would essentially be incarcerating people for not showing up
29 to court, as opposed to committing a fisheries violation.

30
31 That would, obviously, require a lot of consultation with a lot
32 of agencies, and I can definitely work with council leadership
33 at the appropriate time, if the council would be willing to
34 support that, to see the best way for the council to express
35 their support for those initiatives.

36
37 **COMMANDER CASEY:** The Coast Guard is in the initial stages of
38 engagement with the Department of Justice on that.

39
40 **CHAIRMAN FRAZER:** Thank you. I think we can have a couple of
41 those conversations offline, Mark, and see what we can do.
42 Greg, did you have a follow-up to that, real quick?

43
44 **DR. STUNZ:** Yes, and it was just to that point, and it was to
45 that very thing, Tom. I would like to see this group work with
46 the Coast Guard to form a letter or whatever we can do to help
47 them with the tools that they need to do a better job down
48 there.

1
2 **CHAIRMAN FRAZER:** Okay. I think we can, again, get with some of
3 the guys from the Coast Guard and figure out what that might
4 look like and bring it back to you. Mr. Robinson.

5
6 **MR. ROBINSON:** Thank you. Speaking on behalf of the State of
7 Texas, we certainly appreciate all the help the Coast Guard has
8 provided to our agency. One question that I would have is it
9 was brought to our attention earlier this year, by our LE staff,
10 of I guess a repositioning, if you will, of an aerial asset that
11 proved to be very helpful in helping identify some of these
12 vessels that were coming in, and, just for your benefit, we have
13 certainly indicated our willingness to provide any letters of
14 support from our agency to whatever entity and to our
15 congressional staff, asking for that reassessment or
16 reevaluation of that aerial asset to kind of help, and so, if
17 there is anything else we can do, certainly let us know.

18
19 **COMMANDER CASEY:** Yes, sir. Thank you. We appreciate it.

20
21 **CHAIRMAN FRAZER:** Are there any additional questions for the
22 Commander? I don't see any. Thank you again for being here. I
23 appreciate it.

24
25 **COMMANDER CASEY:** Thanks, Dr. Frazer. I appreciate it.

26
27 **CHAIRMAN FRAZER:** Okay. We're going to go ahead and move on for
28 the supporting agency updates, and we'll look at Charles Tyer
29 from the NOAA Office of Law Enforcement.

30
31 **NOAA OLE REPORT**

32
33 **MR. CHARLES TYER:** Mr. Chairman and council and awesome staff, I
34 appreciate your dedication to living marine resources. My name
35 is Charles Tyer. I have been with NOAA Enforcement for twenty-
36 seven years in the Gulf of Mexico, and I am currently the
37 supervisor in the Gulf of Mexico for our investigative agents.

38
39 I am here today just to give a brief overview of our third-
40 quarter council report, and the report has been provided to
41 staff and to the whole council. The report is a council report
42 for all of our councils in the Southeast that we deal with, and
43 so it's Gulf and South Atlantic and the Caribbean as well. What
44 I intend to do is just highlight some of the sections of the
45 report that deal directly with this council.

46
47 If we go to page 6, this chart, and there is two charts on page
48 6, shows the number of incidents that NOAA Law Enforcement has

1 had in this quarter, the third quarter, that dealt directly with
2 regulations administered through this council, and so this shows
3 that we had 100 incidents, and then it breaks them down by law
4 or regulation, and so, for example, we had seventy-one Magnuson
5 Act incidents in this quarter, and I won't read every number,
6 that's just -- I want to explain that that's what this chart and
7 the chart below it is showing, and so my main highlight here is
8 to just show how many incidents we had and that they're broken
9 down for you guys by regulation.

10
11 On page 8, we have a summary of incidents by our joint
12 enforcement agreement and Coast Guard partners, and I also would
13 say that, without our JEAs and our Coast Guard -- Without those
14 partners, I don't know that we could do the job all by
15 ourselves. There is tremendous support from each of the state
16 JEAs and the Coast Guard.

17
18 On page 8, it shows that there were nineteen incidents referred
19 to NOAA OLE through our partners, and then the pie chart breaks
20 it down to show, of those nineteen during that quarter, which
21 JEA or Coast Guard partner that came from.

22
23 The following page, page 9, breaks that same data down by
24 regulation or act, and so, really, almost every time, it shows
25 that the Magnuson Act is what we call our bread-and-butter, but
26 it's the act that we have the most incidents regarding.

27
28 On page 10, this is a caseload snapshot, and it shows the status
29 of incidents, and so, earlier, I was saying how many incidents
30 we had, and this shows the status of those incidents, and there
31 were a total of 168, and then the chart that's on the screen
32 will show whether they were -- Whether a summary settlement
33 offer was paid or, the largest portion of them there, the
34 largest line, shows that they are currently ongoing, OLE
35 ongoing, and so we have -- When we have an incident, we complete
36 an investigation, and we cut off our summary settlement amount
37 to that individual, or we could close it as unfounded, or we
38 could send it to our General Counsel attorneys for issuance of a
39 fine, and so this chart just breaks down, of the incidents we
40 had, what their status is.

41
42 On page 11, probably more interesting topics, is I will go over
43 some enforcement highlights, some cases that we're working on,
44 or that we have completed, really. Under the Highly Migratory
45 Species Act, enforcement officers with NOAA OLE and also with
46 Florida Fish and Wildlife conducted fisheries patrols off the
47 coast of Destin, Florida, and we found multiple HMS violations,
48 including shark finning and reef fish violations. We were also

1 able to maintain a presence in the area, off of Grayton Beach,
2 where marine mammal harassment was previously reported.

3
4 Under the illegal, unregulated, and unreported section, the IUU
5 section, I would just like to highlight that a NOAA OLE special
6 agent conducted port state measure foreign fishing vessel exams
7 on four Mexican shrimp boats which made port of calls in
8 Brownsville, Texas. Although we didn't find any violations, I
9 wanted to highlight this, just to let the council know that we
10 do inspect, or do examinations, on vessels, foreign vessels,
11 that come into our ports for whatever reason.

12
13 In this case, it was to get more fuel, but, when they land in
14 our port, we do an examination of those vessels, to make sure
15 that they don't have any illegal or unregulated or unreported
16 fish onboard in the United States.

17
18 In addition, NOAA OLE special agents conducted multi-agency IUU
19 port of entry examinations in Brownsville, Texas. We inspected
20 import shipments of blue crab, shrimp, and red snapper, and
21 these were from Mexico, which they were all examined for
22 compliance with all of our regulations that we have in place.
23 We frequently do those IUU port inspections as well.

24
25 On page 12, under the Marine Mammal Protection Act, these
26 sections are just highlighting that we did get underway for MMPA
27 patrol in Galveston Bay, and we had received reports of hundreds
28 of deceased mammals washing ashore, and so we did a patrol, and,
29 on our patrol, we didn't find any, but we were assisting the
30 local marine mammal stranding networks in those patrols.

31
32 On page 13, at the top, OLE Enforcement officers conducted
33 underway Marine Mammal Protection Act patrols in South Padre
34 Island, following complaints of dolphin watching tours harassing
35 dolphins, and the enforcement officers boarded two dolphin
36 watching vessels and provided outreach to the captains and
37 owners of the vessels. In fact, the owners agreed to mount
38 signs around the dock for us that inform the customers not to
39 feed the dolphins during the tours. Yes, we are working hard to
40 protect the same marine mammals that we heard the fishermen are
41 trying to deter.

42
43 Under the sanctuary section, just to highlight that NOAA OLE
44 completed an investigation in which the agents boarded a
45 recreational vessel fishing in the Florida Keys National Marine
46 Sanctuary North Ecological Reserve in the Dry Tortugas, and they
47 had possession of yellowtail and red snapper, and that case was
48 forwarded to our General Counsel.

1
2 In Key West, an enforcement officer conducted an investigation
3 of a shrimp vessel which was trawling in the same area, the
4 Tortugas North Ecological Reserve, and that case was forwarded
5 to General Counsel for prosecution.

6
7 On page 14, the observer program section, not only do we work
8 with the observers for any violations they might see, but we
9 also provide training to all of the observer programs, and this
10 is highlighting that, saying that we conducted training for the
11 Panama City observer program, and the new trainees were
12 presented with OLE's mission and support and incident reporting
13 protocols.

14
15 Materials presented allowed observers to understand how they are
16 protected while performing job duties remotely. We emphasize a
17 lot, and, in fact, it's a priority of our law enforcement
18 branch, to provide enforcement of safety of the observers while
19 they are doing their jobs.

20
21 Under the Magnuson Act section, I highlighted a case where an
22 OLE special agent received notice that our General Counsel --
23 That GCES is General Counsel Enforcement Section. They issued a
24 \$24,000 NOVA, and NOVA is our way of saying a fine, and it's a
25 Notice of Violation and Assessment, to a Texas-based charter
26 operation for conducting reef fish charter trips in federal
27 waters without a federal permit, fishing during a closed season,
28 and using circle hooks, or circle hook violations. Excuse me.
29 It was for not using circle hooks.

30
31 The NOAA-led investigation was assisted by agents from the U.S.
32 Coast Guard Investigative Service, and we used various law
33 enforcement techniques to complete that investigation.

34
35 Lastly, under ESA, an enforcement officer with OLE and an
36 Louisiana Fish and Wildlife agent conducted two offshore
37 patrols, and the patrols resulted in one shrimp vessel in
38 federal waters without a federal permit and for having bycatch
39 reduction devices sewn shut, and a commercial HMS longline
40 vessel was issued a fix-it ticket for failing to have high-
41 flyers and buoys. Those were case highlights for basically each
42 regulation that we enforce.

43
44 The next few pages are an overview of summary settlements, and I
45 am definitely not going to read each one of these, but, on the
46 right side, under "state", you can pick out the states that are
47 pertinent to the Gulf of Mexico Council, and you can see the
48 violation, which act was violated, a description of the

1 violation, and the amount of the summary settlement that was
2 offered in that case, and, as an example, the first one is the
3 Endangered Species Act, and there was a TED/bycatch reduction
4 device violation that resulted in a \$600 summary settlement.
5 That goes for the next couple of pages, and that is there for
6 you guys to look through.

7
8 On page 19, this is a little more on the observer program, and
9 these are just to show the council that the observer program
10 does report violations that they see, and this chart on this
11 page breaks down that, for this quarter, there were twenty-three
12 notable incidents, or fishery violations, that observers
13 reported to OLE, and it breaks them down by type of complaint or
14 incident or violation.

15
16 For example, handling, like handling the fish, there were seven
17 reported violations, and, under that, for gear, there were two
18 gear type violations submitted to us during this quarter, and we
19 follow-up on those and investigate.

20
21 Lastly, page 20, cases referred to NOAA General Counsel, as I
22 was saying earlier, some cases we may close out for lack of
23 evidence, and some we may issue a summary settlement offer.
24 Others we forward to General Counsel for issuance of a larger
25 fine.

26
27 This chart shows that we referred twenty-eight cases, or
28 forwarded twenty-eight cases, to General Counsel, and, like the
29 summary settlements, it breaks it down by law and a brief
30 description of the violation and the state, and so, using the
31 state column, council members can see which pertain to this
32 council. I definitely don't want to read all of those, and I
33 will gladly entertain any questions on the report or any
34 questions that you have at all.

35
36 **CHAIRMAN FRAZER:** Thank you, Mr. Tyer. Kevin Anson.

37
38 **MR. ANSON:** Thank you for presenting your report. I would like
39 to -- Could you pull up the Quarter 2 report? I have a question
40 about one of the tables that you have in there, and it's just a
41 couple of pages down.

42
43 For Texas, on the Magnuson-Stevens Act line, Texas has sixty-
44 nine, and that represents a large percentage of the total of
45 violations under Magnuson-Stevens, and are those the lanchas?
46 Are the lanchas included in that?

47
48 **MR. TYER:** I do not believe -- I will find out for sure, but I

1 do not believe that we include lanchas in this, and there is a
2 total of seventy-eight for Texas. Sixty-nine is just the
3 Magnuson Act.

4
5 **MR. ANSON:** Yes, and, I mean, we deal a lot with the Magnuson
6 Act, and it's what gave us our authority, and so that's what I
7 am keyed in on, and I just noted that it's a big difference in
8 Quarter 2 versus Quarter 3, and I just didn't know if it
9 correlated with the report from the Coast Guard or something or
10 how that worked and whether or not you all kind of piggyback the
11 violations on your report, and so that's all. Thank you.

12
13 **CHAIRMAN FRAZER:** Mr. Swindell.

14
15 **MR. SWINDELL:** In all of these violations, I assume some of them
16 are also recreational violations, and is that not correct?

17
18 **MR. TYER:** That is correct.

19
20 **MR. SWINDELL:** Citations issued for violations for undersized
21 fish or anything of that nature, for over the limit, was any of
22 that done to individual fishermen or the vessel operator?

23
24 **MR. TYER:** Both. In other words, the vessel operator could
25 receive a citation, and also an individual could receive one as
26 well. Any of the violations assessed through General Counsel
27 are issued joint and several to both parties, and, as long as
28 either party pays the violation -- It's issued to them equally.

29
30 **CHAIRMAN FRAZER:** Mr. Banks.

31
32 **MR. BANKS:** I appreciate the presentation, and this is
33 interesting information, and it brings up the question, sort of
34 piggybacking on what Kevin said, of you see some discrepancies
35 in different states here, and I was just wondering if some of
36 that has to do with just the number of patrol hours in those
37 respective states. Is that what is driving some of these
38 numbers, or do you have an idea about that?

39
40 **MR. TYER:** It definitely could be. I will have to look on this
41 specific one to see why that number is higher for Q2 versus Q3.
42 I will definitely report back to the council on why exactly that
43 is in this case, but if, for example, we received complaints in
44 Texas for a lot of dead marine mammals, and we increased patrols
45 in that area, and because of those patrols we had several
46 incidents of violations found, maybe not related to the dead
47 marine mammals, but maybe we also checked fishing boats, and so
48 that could drive these numbers, depending on where we are doing

1 more patrols.

2

3 **MR. BANKS:** Just a quick follow-up. I would think that would
4 likely be the case. I can't imagine that Lance would agree that
5 there's a lot more outlaws in Texas than there are in the other
6 states, and so it would be helpful for us to see whether this is
7 driven by manhours, manhours per citation or something,
8 something like sort of what we do in the biological world, catch
9 per unit effort, basically, and that would be helpful for us to
10 see what's driving these numbers.

11

12 **MR. TYER:** I agree. I will find out for you guys.

13

14 **VOTE ON EXEMPTED FISHING PERMIT APPLICATIONS**

15

16 **CHAIRMAN FRAZER:** Do we have any further questions for Mr. Tyer?
17 Okay. Mr. Tyer, thank you for your time. I appreciate it. I
18 think that we have run through all of the supporting agency
19 updates, and we have the EFP vote still to take place, and so if
20 we can -- I am going to pull up a motion here. Sue.

21

22 **MS. GERHART:** I just wanted to let you know that today the
23 Federal Register notice published and opened the comment period
24 on that, and so that will be open until August 31.

25

26 **CHAIRMAN FRAZER:** Mr. Diaz.

27

28 **MR. DIAZ:** Mr. Chairman, I would like to make the motion that is
29 currently on the board to recommend that National Marine
30 Fisheries Service approve the FWC lionfish exempted fishing
31 permit EFP application.

32

33 **CHAIRMAN FRAZER:** Is there a second to that motion? Second by
34 Mr. Swindell. Is there any discussion on the motion? **Seeing**
35 **none, is there any opposition to the motion? Seeing none, the**
36 **motion carries.**

37

38 Is there any other business to come before the council today?
39 Okay. Seeing none, our final action item is our election of a
40 Chair and a Vice Chair. Mr. Donaldson.

41

42 **ELECTION OF CHAIR AND VICE CHAIRMAN**

43

44 **MR. DONALDSON:** Thank you, Mr. Chairman. I will open the floor
45 for nominations for Chairman. Mr. Dyskow.

46

47 **MR. DYSKOW:** Thank you, Dave. I nominate Tom Frazer for Chair.

48

1 **MR. DONALDSON:** Do I have a second? It's seconded by Patrick.
2 Any other nominations? Patrick.
3
4 **MR. BANKS:** I make a motion to close nominations.
5
6 **MR. SWINDELL:** Second.
7
8 **MR. DONALDSON:** By acclamation, congratulations, Dr. Frazer.
9
10 **CHAIRMAN FRAZER:** Thank you, I believe.
11
12 **MR. DONALDSON:** Now I will open the floor for Vice Chair.
13
14 **MR. SPRAGGINS:** I nominate Dale Diaz.
15
16 **MR. DONALDSON:** It's seconded. Any other nominations?
17
18 **MR. BANKS:** I make a motion to close nominations.
19
20 **MR. SWINDELL:** Second.
21
22 **MR. DONALDSON:** By acclamation, congratulations, Dale. I will
23 turn it back to you, Mr. Chairman.
24
25 **CHAIRMAN FRAZER:** I enjoyed being here this week. Meeting
26 adjourned. Thank you for your time.
27
28 (Whereupon, the meeting adjourned on August 15, 2019.)
29
30 - - -
31