

## GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

271<sup>ST</sup> MEETING

FULL COUNCIL SESSION

Renaissance Battle House

Mobile, Alabama

OCTOBER 24-25, 2018

**VOTING MEMBERS**

Kevin Anson (designee for Scott Bannon).....Alabama  
 Patrick Banks.....Louisiana  
 Susan Boggs.....Alabama  
 Leann Bosarge.....Mississippi  
 Doug Boyd.....Texas  
 Roy Crabtree.....NMFS  
 Dale Diaz.....Mississippi  
 Jonathan Dugas.....Louisiana  
 Tom Frazer.....Florida  
 Martha Guyas (designee for Jessica McCawley).....Florida  
 Paul Mickle (designee for Joe Spraggins).....Mississippi  
 Robin Riechers.....Texas  
 John Sanchez.....Florida  
 Greg Stunz.....Texas  
 Ed Swindell.....Louisiana

**NON-VOTING MEMBERS**

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

**STAFF**

Assane Diagne.....Economist  
 Matt Freeman.....Economist  
 John Froeschke.....Deputy Director  
 Beth Hager.....Administrative Officer  
 Karen Hoak.....Administrative & Financial Assistant  
 Morgan Kilgour.....Fishery Biologist  
 Ava Lasseter.....Anthropologist  
 Mara Levy.....NOAA General Counsel  
 Emily Muehlstein.....Public Information Officer  
 Ryan Rindone.....Fishery Biologist & SEDAR Liaison  
 Bernadine Roy.....Office Manager  
 Carrie Simmons.....Executive Director

**OTHER PARTICIPANTS**

Avery Bates.....Organized Seafood Association of Alabama, AL  
 Jane Black-Lee.....MS

1	Randy Boggs.....	Orange Beach, AL
2	Ryan Bradley.....	Mississippi Commercial Fisheries United, MS
3	Eric Brazer.....	Reef Fish Shareholders Alliance
4	Gary Bryant.....	Orange Beach AL
5	Shannon Calay.....	SEFSC
6	Bubba Cochrane.....	Galveston, TX
7	Conner Cochrane.....	Galveston, TX
8	Jason Delacruz.....	FL
9	Kendall Dix.....	Gulf Restoration Network
10	Major Jason Downey.....	AL
11	Michael Drexler.....	FL
12	Mike Eller.....	Destin, FL
13	Blakeley Ellis.....	CCA, AL
14	Richard Fischer.....	LA
15	Traci Floyd.....	MDMR, Biloxi, MS
16	Troy Frady.....	AL
17	Chris Garner.....	Orange Beach, AL
18	Susan Gerhart.....	NMFS
19	Jim Green.....	Destin, FL
20	Johnny Greene.....	Orange Beach, AL
21	Tim Griner.....	SAFMC
22	Ken Haddad.....	ASA, FL
23	Chad Hanson.....	Pew Charitable Trusts
24	Scott Hickman.....	Galveston, TX
25	Chris Horton.....	Congressional Sportsmen's Foundation
26	Dylan Hubbard.....	FL
27	Gary Jarvis.....	Destin, FL
28	Mike Jennings.....	Freeport, TX
29	Joe Jewell.....	MS
30	Bobby Kelly.....	Orange Beach, AL
31	David Krebs.....	Destin, FL
32	Rich Malinowski.....	NMFS
33	Lawrence Marino.....	LA
34	Adam Miller.....	Fish and Game Scales
35	Bart Niquet.....	Lynn Haven, FL
36	Chris Niquet.....	Panama City, FL
37	Clay Porch.....	SEFSC
38	David Rainer.....	ADCNR
39	Bryan Reeves.....	Orange Beach, AL
40	Christopher Rhodes.....	MSCFU, Biloxi, MS
41	Ashford Rosenberg.....	Reef Fish Shareholders Alliance
42	Mike Rowell.....	Orange Beach, AL
43	Lt Joseph Scarpa.....	NOAA OLE
44	Chris Schieble.....	LA
45	Tom Steber.....	Orange Beach, AL
46	Nick Spiliotis.....	TX
47	Tom Steber.....	Elberta, AL
48	Steve Tomeny.....	Port Fourchon, LA

1 Mark Tryon.....Gulf Breeze, FL  
2 Ted Venker.....CCA  
3 David Walker.....AL  
4 Wayne Werner.....Alachua, FL  
5 Johnny Williams.....Galveston, TX  
6 Dale Woodruff.....Orange Beach, AL  
7 Jim Zurbrick.....Steinhatchee, FL  
8  
9 - - -  
10

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PAGE 80: Motion to accept the 2018 proposed budget as written. [The motion carried on page 82.](#)

PAGE 83: Motion to amend Section 2.5, Scientific and Statistical Committee, section of the SOPPs to read as follows: During the appointment process of the Standing SSC, the council shall appoint no more than eighteen individuals, which will include seven stock assessment or quantitative biologists/ecologists; three economists; three quantitative anthropologists/ sociologists; and five other scientists. Each of the above scientists will be identified in one of the above categories. Each Special SSC will consist of no more than three members. When a Special SSC meets with the Standing SSC the combined SSC votes as a whole committee. [The motion carried on page 88.](#)

PAGE 90: Motion to accept the SOPPs as modified. [The motion carried on page 90.](#)

PAGE 92: Motion to inform the SEDAR Steering Committee and the SEFSC that the council wishes to forego the MRIP calibration update assessments and have the new MRIP calibrated data considered for species in their next scheduled assessments. [The motion carried on page 96.](#)

PAGE 101: Motion in Action 2 to change the language in Alternative 3 and its options to reflect a vessel trip limit as opposed to a daily vessel limit. [The motion carried on page 103.](#)

PAGE 102: Motion in Action 2 to make Alternative 1 the Preferred. [The motion carried on page 105.](#)

PAGE 107: Motion to approve the CMP Framework Amendment 7, Modifications to Gulf Cobia Size and Possession Limits, and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. [The motion carried on page 109.](#)

1 [PAGE 109](#): Motion to direct staff to develop a fishery ecosystem  
2 plan using the outline presented (Agenda Item Q-4), which shall  
3 include recommendations for how to integrate ecosystem factors  
4 into the council decision-making process. [The motion carried on](#)  
5 [page 110](#).

6  
7 [PAGE 110](#): Motion to establish an ecosystem technical committee  
8 that consists of no more than eleven people. Membership  
9 includes two staff from NMFS, the Ecosystem SSC (three members),  
10 two Standing SSC representatives, and up to four other  
11 stakeholder representatives. Members are appointed jointly by  
12 the Executive Director and Council Chair. [The motion carried on](#)  
13 [page 111](#).

14  
15 [PAGE 113](#): Motion to add language to the Conversion of  
16 Historical Captain Endorsements to Federal For-Hire Permits  
17 document that would render eligibility letters for historical  
18 captains invalid as of the implementation date and not add  
19 Options 2 through 6 to the document. [The motion carried on page](#)  
20 [116](#).

21  
22 [PAGE 125](#): Motion in Action 1 to remove Alternative 3. [The](#)  
23 [motion carried on page 125](#).

24  
25 [PAGE 125](#): Motion to add an action to do any future changes for  
26 shrimp effort reduction threshold through a framework procedure.  
27 [The motion carried on page 125](#).

28  
29 [PAGE 126](#): Motion to approve the 2019 to 2020 Operations Plan.  
30 [The motion carried on page 126](#).

31  
32 [PAGE 129](#): Motion in Action 2 to add a new alternative for  
33 allocation used for apportioning the private angling ACL:  
34 Alabama 28 percent; Florida 42.74 percent; Louisiana 18.5  
35 percent; Mississippi 3.55 percent; Texas 7.21 percent; for a  
36 total of 100 percent. [The motion carried on page 129](#). [The](#)  
37 [motion was reconsidered on page 163](#). [The motion failed on page](#)  
38 [163](#).

39  
40 [PAGE 129](#): Motion in Action 2 to make the new alternative the  
41 preferred. [The motion failed on page 139](#).

42  
43 [PAGE 139](#): Motion in Action 2 of Amendment 50A to add a new  
44 alternative of Alabama 26.3 percent; Florida 43.73 percent;  
45 Louisiana 19.84 percent; Mississippi 3.68 percent; Texas 6.44  
46 percent; for a total of 100 percent. [The motion carried on page](#)  
47 [148](#).

1 [PAGE 148](#): Motion in Action 1 of each state amendment to remove  
2 Option 2g and create a new action to allow NMFS to implement  
3 closures in the EEZ through a framework. [The motion carried on](#)  
4 [page 149](#).

5  
6 [PAGE 160](#): Motion in Action 1 of each state amendment to remove  
7 Options 2e and 2f. [The motion carried on page 160](#).

8  
9 [PAGE 161](#): Motion in Action 1 of Florida's amendment to make  
10 Alternative 2, Options 2a, 2c, and 2d the preferred. [The motion](#)  
11 [carried on page 161](#).

12  
13 [PAGE 161](#): Motion in Action 2 to move Option 2b to Considered  
14 but Rejected in all five state amendments. [The motion carried](#)  
15 [on page 161](#).

16  
17 [PAGE 161](#): Motion in Action 2 to make Alternative 2, as  
18 modified, the preferred in all five state plan amendments. [The](#)  
19 [motion carried on page 161](#).

20  
21 [PAGE 165](#): Motion to take Amendment 50, State Management Program  
22 for Recreational Red Snapper and Individual State Amendments,  
23 out for public hearings. [The motion carried on page 165](#).

24  
25 [PAGE 166](#): Motion in Objective 1 to reword as follows: "To  
26 prevent overfishing and rebuild overfished stocks." [The motion](#)  
27 [carried on page 166](#).

28  
29 [PAGE 166](#): Motion: To combine Objectives 2 and 7 to read: "To  
30 maintain robust fishery reporting and data collection systems  
31 for monitoring the reef fish fishery." [The motion carried on](#)  
32 [page 166](#).

33  
34 [PAGE 166](#): Motion to reword Objective 3 as follows: "To conserve  
35 and protect reef fish habitats." [The motion carried on page](#)  
36 [166](#).

37  
38 [PAGE 166](#): Motion to reword Objective 4, as follows: "To  
39 minimize conflicts between user groups", add a new objective "To  
40 minimize and reduce dead discards," and to eliminate Objective  
41 6. [The motion carried on page 166](#).

42  
43 [PAGE 166](#): Motion to remove Objectives 5, 9, 11, and 16 and  
44 replace with an Objective that defines OY. Objective: "To  
45 manage Gulf stocks at OY as defined in MSA." [The motion carried](#)  
46 [on page 167](#).

47  
48 [PAGE 167](#): Motion to reword Objective 10 as follows: "To

1 encourage and periodically review research on the efficacy of  
2 artificial reefs for management purposes." [The motion carried](#)  
3 [on page 167.](#)

4  
5 [PAGE 167:](#) Motion to remove Objectives 14 and 18 and reword  
6 Objective 12, as follows: "To promote stability in the fishery  
7 by allowing for enhanced fisher flexibility and increasing  
8 fishing opportunities to the extent practicable." [The motion](#)  
9 [carried on page 168.](#)

10  
11 [PAGE 168:](#) Motion to remove Objective 17. [The motion carried on](#)  
12 [page 168.](#)

13  
14 [PAGE 169:](#) Motion in Action 5 to move Alternatives 4 and 5 to  
15 Considered but Rejected. [The motion carried on page 169.](#)

16  
17 [PAGE 174:](#) Motion to request that NMFS implement an  
18 interim/emergency rule to establish a red grouper total  
19 allowable catch of 4.6 million pounds gross weight or the 2017  
20 total landings, whichever is lower. [The motion carried on page](#)  
21 [177.](#)

22  
23 [PAGE 178:](#) Motion to request that staff draft a framework action  
24 to adjust red grouper total allowable catch. [The motion carried](#)  
25 [on page 179.](#)

26  
27 - - -  
28



1 The Full Council of the Gulf of Mexico Fishery Management  
2 Council convened at the Renaissance Battle House, Mobile,  
3 Alabama, Wednesday morning, October 24, 2018, and was called to  
4 order by Chairman Tom Frazer.

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

8 **CHAIRMAN TOM FRAZER:** Welcome to the 271<sup>st</sup> meeting of the Gulf  
9 Council. My name is Tom Frazer, Chair of the Council. If you  
10 have a cell phone, pager, or similar device, we ask that you  
11 keep them on silent or vibrating mode during the meeting. Also,  
12 in order for all to be able to hear the proceedings, we ask that  
13 you please have any private conversations outside. Please be  
14 advised that alcoholic beverages are not permitted in the  
15 meeting room.

16  
17 The Gulf Council is one of eight regional councils established  
18 in 1976 by the Fishery Conservation and Management Act, known  
19 today as the Magnuson-Stevens Act. The council's purpose is to  
20 serve as a deliberative body to advise the Secretary of Commerce  
21 on fishery management measures in the federal waters of the Gulf  
22 of Mexico. These measures help ensure that fishery resources in  
23 the Gulf are sustained, while providing the best overall benefit  
24 to the nation.

25  
26 The council has seventeen voting members, eleven of whom are  
27 appointed by the Secretary of Commerce and include individuals  
28 from a range of geographical areas in the Gulf of Mexico with  
29 experience in various aspects of fisheries.

30  
31 The membership also includes the five state fishery managers  
32 from each Gulf state and the Regional Administrator from NOAA's  
33 Southeast Fisheries Service, as well as several other non-voting  
34 members.

35  
36 Public input is a vital part of the council's process, and  
37 comments, both oral and written, are accepted and considered by  
38 the council throughout the process. Anyone wishing to speak  
39 during public comment should sign in at the registration kiosk  
40 located at the entrance to the meeting room. We accept only one  
41 registration per person. A digital recording is used for the  
42 public record. Therefore, for the purpose of voice  
43 identification, each person at the table is requested to  
44 identify him or herself, starting on my left.

45  
46 **MR. DALE DIAZ:** Dale Diaz, Mississippi.

47  
48 **MS. LEANN BOSARGE:** Leann Bosarge, Mississippi.

1  
2 **DR. PAUL MICKLE:** Paul Mickle, Mississippi.  
3  
4 **MR. ED SWINDELL:** Ed Swindell, Louisiana.  
5  
6 **MR. CHRIS SCHIEBLE:** Chris Schieble, Louisiana.  
7  
8 **MR. J.D. DUGAS:** J.D. Dugas, Louisiana.  
9  
10 **MR. KEVIN ANSON:** Kevin Anson, Alabama.  
11  
12 **MS. SUSAN BOGGS:** Susan Boggs, Alabama.  
13  
14 **LT. MARK ZANOWICZ:** Lieutenant Mark Zanowicz, U.S. Coast Guard.  
15  
16 **MR. TIM GRINER:** Tim Griner, North Carolina, South Atlantic  
17 Council liaison.  
18  
19 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.  
20  
21 **MS. SUSAN GERHART:** Susan Gerhart, NOAA Fisheries, Southeast  
22 Regional Office.  
23  
24 **DR. ROY CRABTREE:** Roy Crabtree, NOAA Fisheries.  
25  
26 **DR. SHANNON CALAY:** Shannon Calay, Southeast Fisheries Science  
27 Center.  
28  
29 **MR. ROBIN RIECHERS:** Robin Riechers, Texas.  
30  
31 **MR. DOUGLAS BOYD:** Douglas Boyd, Texas.  
32  
33 **DR. GREG STUNZ:** Greg Stunz, Texas.  
34  
35 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine  
36 Fisheries Commission.  
37  
38 **MR. JOHN SANCHEZ:** John Sanchez, Florida.  
39  
40 **MS. MARTHA GUYAS:** Martha Guyas, Florida.  
41  
42 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Carrie Simmons, Gulf Council  
43 staff.  
44

45 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**  
46

47 **CHAIRMAN FRAZER:** All right. Thank you, everybody. We will  
48 move right into the agenda, and that's Tab A, Number 3, and so

1 if I can get a motion from a council member to approve the  
2 agenda.

3  
4 **MS. BOSARGE:** So moved.

5  
6 **CHAIRMAN FRAZER:** All right. Is there a second? It's seconded  
7 by Robin Riechers. Is there any changes or discussion regarding  
8 the agenda? Mr. Boyd.

9  
10 **MR. BOYD:** Under whatever portion of the agenda you would like  
11 to put it, I would like to have a discussion about the hurricane  
12 disaster at Mexico Beach and the other areas down there and how  
13 the council can help, through some sort of emergency rule or  
14 rulemaking, to help the charter/for-hire and the headboat people  
15 in that area, just a general discussion.

16  
17 **CHAIRMAN FRAZER:** I appreciate that comment, and we'll find a  
18 spot on the schedule over the next day-and-a-half or so to do  
19 that. Is there any further discussion on the agenda? Seeing  
20 none, we'll consider the agenda adopted.

21  
22 **One of the things that we failed to do, actually, on the very**  
23 **first morning, was to approve the final council committee**  
24 **roster, and so there is a motion on the board here to approve**  
25 **the final council committee roster for October of 2018 through**  
26 **October of 2019.** Has everybody had a chance to review the  
27 roster? Assuming that there are no changes to the roster --  
28 Okay. **I guess I will go ahead and make that motion.** Does  
29 anybody want to second that?

30  
31 **MR. DIAZ:** Second.

32  
33 **CHAIRMAN FRAZER:** It's seconded by Mr. Diaz. Is there any  
34 further discussion on the motion? **Seeing none, the motion**  
35 **carries.**

36  
37 The next item on the agenda would be the minutes, and that will  
38 be Tab A, Number 4. I am assuming that everybody has had an  
39 opportunity to review those, and can I get a motion to approve  
40 those minutes? Motion to approve the minutes by Ms. Guyas. Is  
41 there a second? Second by Mr. Diaz. Is there any further  
42 discussion or modifications or comments on the minutes? Okay.  
43 Seeing none, the motion carries.

44  
45 I am going to ask Mr. Boyd, at this point, who is the chairman  
46 of the council's Law Enforcement Committee, to proceed with the  
47 Law Enforcement Officer of the Year Award.

1                   **2017 LAW ENFORCEMENT OFFICER OF THE YEAR AWARD**

2  
3 **MR. BOYD:** Thank you, Mr. Chairman. First, I would like to just  
4 give a few points. The council has seen fit to select a very,  
5 very talented gentleman, Senior Conservation Enforcement Officer  
6 Kyle Rabren of Alabama. He is with the Alabama Department of  
7 Conservation and Natural Resources.

8  
9 He has been noted by his peers as being highly regarded and with  
10 his knowledge and intimate understanding of fisheries and laws  
11 and regulations. Officer Rabren is recognized as an energetic  
12 and enthusiastic officer in his division. He displays  
13 incredible leadership and has worked diligently to develop  
14 relationships with officers across state, local, and federal  
15 agencies.

16  
17 Officer Rabren conducted 810 hours of patrol on federal  
18 fisheries enforcement. He participated in 817 vessel boardings,  
19 intercepting nearly 3,000 commercial and recreational anglers  
20 and assisted in 107 state and federal citations or cases.  
21 Officer Rabren, would you please come up? As he comes up, I  
22 want you to know that his fellow officers call him Bull. We  
23 thank you very much, again. This is a very important job that  
24 is very important to fisheries. Mr. Chairman. *(Applause)*

25  
26                   **REVIEW OF EXEMPTED FISHING PERMIT APPLICATIONS**

27  
28 **CHAIRMAN FRAZER:** Congratulations, Officer Rabren. Moving on to  
29 the next item on the agenda, that would be the Review of  
30 Exempted Fishing Permit Applications. I think we had some good  
31 discussion about the golden crab EFP as part of the Coral  
32 Committee, and we'll revisit that in the committee report. As  
33 there are no new EFP applications currently pending, I think we  
34 can move on from there as well, after some consultation with the  
35 NOAA Regional Office. Mr. Boyd.

36  
37 **MR. BOYD:** I just wanted to ask Roy -- There has been some  
38 discussion about the golden crab EFP has changed somewhat and  
39 that the location of the traps has moved, and is that right?  
40 Does that make it a new EFP application, or is that just  
41 something that the agency deals with?

42  
43 **DR. CRABTREE:** No, I think there were some tweaks made to the  
44 locations in response to concerns that came out of our  
45 consultation with our Protected Resources Division. I believe,  
46 Sue, it was related to sperm whale entanglement possibilities,  
47 and the EFP is, I believe, still in the comment period, and so  
48 then we'll review the comments and make a decision about whether

1 to issue or not and report back to you at the next council  
2 meeting.

3  
4 **CHAIRMAN FRAZER:** Mr. Boyd.

5  
6 **MR. BOYD:** Just as a follow-up to that, was the change, the  
7 tweak, significant enough for the council's approval to have to  
8 be re-done, or do you think the council approval was still  
9 within the parameters of the original EFP?

10  
11 **DR. CRABTREE:** Well, I don't regard them as significant enough  
12 to come back to the council, but we're in the comment period,  
13 and, if the council wants to comment on it, that's up to you.

14  
15 **CHAIRMAN FRAZER:** Given that dialogue right there, what I think  
16 we'll do is we'll revisit this slightly during the Coral  
17 Committee, when we give the report. Is that okay? Okay. Next  
18 on the agenda are some presentations, and the first presentation  
19 is from the Alabama law enforcement group, and so I would like  
20 to invite Major Downey. Thank you.

21  
22 **PRESENTATIONS**  
23 **ALABAMA LAW ENFORCEMENT EFFORTS**  
24

25 **MAJOR JASON DOWNEY:** I know I'm standing between you guys and  
26 lunch, and so I'm going to make this pretty quick. Thanks for  
27 having me. I just want to go over briefly our enforcement  
28 efforts with the JEA program this past year.

29  
30 With Marine Resources in Alabama, we have nineteen positions for  
31 enforcement. We have a Chief, and we have an administrative  
32 section, with an Administrative Captain, and we have a Sergeant,  
33 which is over training, seafood reporting, and outreach.

34  
35 Then we're broken down into two districts, the Mobile County  
36 District and the Baldwin County District. That's our two  
37 coastal counties in Alabama. Each district has a Supervisor,  
38 which is over day-to-day operations, and we will have seven  
39 officers in each county. Right now, we have seven in Baldwin  
40 and five in Mobile, and so we're going to hire two more pretty  
41 quick. There is a picture of our enforcement staff, but,  
42 basically, that was almost our whole enforcement staff standing  
43 over there, and so you got a good look at them.

44  
45 Last year, we got \$460,000 for the JEA program, and our contract  
46 runs from July 1 to June 30 of each year. The money is broken  
47 down into 41 percent direct purchases, 15 percent overhead, 35  
48 percent spent on patrols, 7 percent on outreach, and 2 percent

1 on admin and clerical.

2  
3 Here is a breakdown of our patrol hours and how they're spent,  
4 and, basically, we have three types of patrols. We have at-sea  
5 patrol, which is patrol in federal waters, and it's mandatory to  
6 have a three-man crew for those patrols, and we have near-shore  
7 patrols, which is in state waters and has a two-man crew, and  
8 then we have dockside efforts, which an individual officer can  
9 do or multiple officers can do.

10  
11 At the bottom, you see our outreach hours. Those are hours  
12 spent talking with fishing organizations and attending fishing  
13 tournaments, boat shows, festivals, setting up our booth and  
14 talking with people about marine fisheries. You see that number  
15 down there of over 36,000 contacts doing the outreach.

16  
17 Here are our numbers of contacts as far as fishermen, commercial  
18 and recreational and charter, and we are a small division, and  
19 we definitely check a lot of people, and you can look at these  
20 numbers and tell, and so, as a small division, we do a lot of  
21 work with this JEA.

22  
23 This past year, we had six Endangered Species Act violations  
24 involving TEDs. One was a federal case referral for a shrimp  
25 permit. The majority of our TED cases are minor things that  
26 they can fix onsite, and our officers usually stay there while  
27 they're fixing it and get them back into compliance and let them  
28 get back underway. We had forty-five Magnuson-Stevens Act  
29 violations. Thirty-one of those were involving red snapper or  
30 Gulf reef fish.

31  
32 Here were our priorities last year under the contract. They  
33 have changed a little bit this year. This year, we added the  
34 IFQ back in there and the IUU, and we're still doing the red  
35 snapper, reef fish, and the TED enforcement.

36  
37 Some of the concerns we have, or basically the main concern we  
38 have, is whether the funding is going to be there in 2019. We  
39 haven't heard anything on that, and we know they were talking  
40 about some cuts in the program, and I've heard talks about them  
41 doing away with the program altogether, and so that would be our  
42 main concern with the program.

43  
44 Overall, the JEA has been a success. The added funding allows  
45 us to put more enforcement efforts towards these priorities, and  
46 we've definitely seen an increase in compliance, and there's  
47 been a decrease in the complaints from the public, and  
48 definitely a decrease in our fillet cases that we've been

1 making.

2  
3 As you see there, we have our K9s. I know you all want a K9  
4 update, and so, basically, this past year, we had several K9  
5 deployments. Unfortunately, there were no cases made using K9s,  
6 but I think the word is out that we have these K9s and what  
7 their capabilities are, and so, overall, I think they're doing  
8 the job that we intended. All of our outreach efforts, the K9s  
9 attend the events, and so, like I said, everybody knows we have  
10 them, and so I think the deterrent is there, and that's all I  
11 have.

### 12 13 SUMMARY ON HMS AP EFFORTS

14  
15 **CHAIRMAN FRAZER:** Thank you very much, Major Downey. Are there  
16 any questions for our speaker? No questions? Thank you for  
17 your time. Okay. The last agenda item prior to our breaking  
18 for lunch is a summary on the HMS AP efforts, and so the HMS AP  
19 actually met in Silver Spring earlier in September.

20  
21 I went to that meeting, and I will just kind of hit on some of  
22 the highlights there about the materials that were discussed.  
23 They had a fairly lengthy discussion about ecosystem-based  
24 fishery management and an implementation plan for HMS. Kind of  
25 regarding that EBFM implementation plan, there was a lot of  
26 discussion regarding increased shark numbers and changes in  
27 distributional patterns along the Atlantic seaboard, and so that  
28 gets into some of the things that we talked about here about the  
29 value of having those ecosystem-based fishery management plans.

30  
31 The AP also spent a fair amount of time talking about spatial  
32 closures and other space-related user conflicts. Again, there  
33 is a lot of -- With fisheries kind of shifting their  
34 distribution northward, some of the fishermen are having  
35 conflicts with some wind energy facilities in the Northeast, and  
36 that is an increasingly, I guess, common source of conflict for  
37 those fishers, and people are paying attention to that quite a  
38 bit.

39  
40 Similar to what we do here, there was a lot of discussion as  
41 well on discards and discard mortality and how to deal with  
42 that, and they are also dealing with the new MRIP numbers, and  
43 they have some similar concerns that were voiced around this  
44 table as well, and, finally, there was some discussion about  
45 implementing the recent NMFS policy directives with regard to  
46 allocation triggers, and so they too are struggling with some of  
47 the same things that we are, and so, overall, it was a fairly  
48 productive meeting, and I learned a lot, and perhaps we could

1 try to continue to make a presence at those AP meetings. I  
2 don't think there is any other thing pressing at the moment, and  
3 so we're back on schedule. We'll break for lunch, and then  
4 we'll pick up with our public comment period at 1:30.

5  
6 (Whereupon, the meeting recessed for lunch on October 24, 2018.)

7  
8 - - -

9  
10 October 24, 2018

11  
12 WEDNESDAY AFTERNOON SESSION

13  
14 - - -

15  
16 The Full Council of the Gulf of Mexico Fishery Management  
17 Council reconvened at the Renaissance Battle House, Mobile,  
18 Alabama, Wednesday afternoon, October 24, 2018, and was called  
19 to order by Chairman Tom Frazer.

20  
21 **CHAIRMAN FRAZER:** Good afternoon, everyone. Public input is a  
22 vital part of the council's deliberative process, and comments,  
23 both oral and written, are accepted and considered by the  
24 council throughout the process.

25  
26 The Sustainable Fisheries Act requires that all statements  
27 include a brief description of the background and interest of  
28 the person in the subject of the statement. All written  
29 information shall include a statement of the source and date of  
30 such information.

31  
32 Oral or written communications provided to the council, its  
33 members, or its staff that relate to matters within the  
34 council's purview are public in nature. Please give any written  
35 comments to the staff, as all written comments will also be  
36 posted on the council's website for viewing by council members  
37 and the public, and it will be maintained by the council as part  
38 of the permanent record.

39  
40 Knowingly and willfully submitting false information to the  
41 council is a violation of federal law. If you plan to speak and  
42 haven't already done so, please sign in at the iPad registration  
43 station located at the entrance to the meeting room. We accept  
44 only one registration per person, please.

45  
46 Each speaker is allowed three minutes for their testimony.  
47 Please note the timer lights on the podium, as they will be  
48 green for the first two minutes and yellow for the final minute



1 of testimony. At three minutes, the red light will blink, and a  
2 buzzer may be enacted. Time allowed to dignitaries providing  
3 testimony is extended at the discretion of the Chair.

4  
5 If you have a cell phone or similar device, we ask that you keep  
6 them on silent or vibrating mode during the meeting. Also, in  
7 order for all to be able to hear the proceedings, we ask that  
8 you have any private conversations outside, and please be  
9 advised that alcoholic beverages are not permitted in the  
10 meeting room. We do have two dignitaries in the building today,  
11 and so we are going to start with Gary Jarvis, followed by  
12 Lawrence Marino.

13  
14 **PUBLIC COMMENT**

15  
16 **MR. GARY JARVIS:** My, how things have changed. I don't know if  
17 I'm still supposed to be Captain or Mayor, but I'm going to go  
18 with Captain. I am Captain Gary Jarvis, a legacy fisherman that  
19 has been fishing out of the port of Destin for over forty years.  
20 I am a member and Past President of the Destin Charter Boat  
21 Association and of the Charter Fishermen's Association, based  
22 out of Corpus Christi, Texas.

23  
24 I am also a member of the Charter/For-Hire AP, presently, and  
25 the Coastal Migratory Pelagics AP. I'm an investing partner  
26 with my sons, with five seafood restaurants that really rely on  
27 wild-caught, fresh Gulf seafood. In my spare time, I'm the  
28 Mayor of the luckiest fishing village in the world and also home  
29 to the largest federally-permitted charter fleet in North  
30 America.

31  
32 I just want to say that the Destin private angling community and  
33 the charter/for-hire industry in our community really want to  
34 applaud your efforts in the development and execution of the EFP  
35 for the private angling community. I just want to encourage you  
36 that you continue with that with Amendment 50 and come up with a  
37 good management plan for the private anglers.

38  
39 I highly recommend that you use the allocations that you have  
40 established in the EFP as your allocation base for Amendment 50.  
41 I would sure hate to see a little wrangling for 1 or 2 or 3  
42 percent of fish between states end up leading us to what  
43 happened with the failure of Amendment 39, and the reason is  
44 increased accountability in the private angling sector, as we've  
45 seen just in the first year of the EFP, has increased angling  
46 access in the EEZ.

47  
48 Folks, that's where the fish live, and when people can go where

1 the fish live, their angling experience is more successful and  
2 more enjoyable, and our recreational anglers in Destin had a  
3 great red snapper as a result of the EFP, and I just hope that  
4 you can take those lessons learned, or the lessons you will  
5 learn in year-two, and apply them to Amendment 50.

6  
7 The DCBA, the Charter Boat Association, our fleet, and the  
8 super-majority of the members of the Gulf of Mexico charter  
9 industry, are really excited about the fifty-plus days we've  
10 experienced in the charter/for-hire industry in the red snapper  
11 fishery, and Amendment 40 is what did that for us. It gave us a  
12 higher level of accountability, it's been good for the fish, we  
13 haven't overfished, and it's brought stability and economic  
14 success to every community that has a charter fleet in the Gulf  
15 of Mexico.

16  
17 Our FWC commissioners have recognized that success, even though  
18 in the early days, back in the sector separation SOS days they  
19 were pretty much -- They were against everything we were trying  
20 to do, but our commissioners have recognized, over the last  
21 three years, that Amendment 40 has been good for Floridians, and  
22 it's been good for tourism, and it's been good for public  
23 access, not only just for residents of the states, but the  
24 tourists as well.

25  
26 Amendment 40 has lived up to every tenet of the ten National  
27 Standards. Like I said, it's been good for the fish, and so our  
28 commissioners have recognized that not only has Amendment 40  
29 been a good management practice, but they also recognized and  
30 mandated to our state chair that they remove the sunset  
31 provision, and I'm asking this council to do that, to make it  
32 permanent, to maintain that stability and that economic success  
33 that Amendment 40 has brought us.

34  
35 While the DCBA at this time has removed its support for any  
36 rights-based management system, we haven't given up on federal  
37 management. The MSA gives us the right to exist and the  
38 protections necessary, and that's why we do not want to be part  
39 of a state management plan, and our FWC commissioners have  
40 recognized that, and they listened to us, and they have told our  
41 state chair here on this council that we will not be included in  
42 Amendment 50, and I hope that you understand and support that,  
43 because the majority of our moratorium-permitted fishermen want  
44 to stay under the management, your management, under MSA.

45  
46 I want to thank all of you for the actions taken on cobia this  
47 past year, and you're about to bring it to final action, and I  
48 hope you will vote for and pass the preferred alternatives of

1 one fish per person or two fish per boat. These preferred  
2 alternatives are strongly supported in Destin by both  
3 recreational private anglers, and our charter fleet.

4  
5 These are actions that are desperately needed to protect a  
6 fishery and help bring back the stocks to pre-2005 levels.  
7 There is nothing wrong with managing fish for abundance, and, in  
8 this case, this fish is a highly-sought-after fish, and we need  
9 to bring it back.

10  
11 I listened to some of the comments about best available science.  
12 Well, sometimes the best available science is our anecdotal  
13 evidence coming from the people that are on the water the most,  
14 and that's us, and this is a classic case where, again, the FWC  
15 commissioners listened to us, and Florida enacted the stringent  
16 cobia regulations last year, prior to the actions you're about  
17 to take, and I just hope that you can take that lead and follow  
18 suit with making the right decision for that fishery.

19  
20 I listened yesterday to the council working on changing and  
21 removing and defining management objectives for existing  
22 amendments and the amendments to come. I hope the motivation  
23 behind this exercise is to improve management of these  
24 resources, establish stability for each user group, and create  
25 pathways for better management decisions, but I want to express  
26 my concern that this is not a negative action and that this is  
27 the motivation behind the definitions and redefining your  
28 objectives, is to make things better and not be used as a  
29 pathway to harm other user groups or take away access from other  
30 stakeholders in this process. I hope that the intent and  
31 integrity of these actions on this particular issue with the  
32 objectives is an honorable one.

33  
34 Economic success is not evil. It's not something to ashamed of,  
35 and it's essential to the generational transfer of our fishing  
36 village in Destin. That economic success, through a fair and  
37 equitable management system, has put our community in a position  
38 to share those benefits with others in a time of need.

39  
40 The commercial industry and the charter industry in my community  
41 is being successful. They are having economic gain. They are  
42 adding to the economic engine of our community, but, in this  
43 last couple of weeks, it has also put our small fishing  
44 companies and their employees and their families and our fish  
45 houses and our restaurants -- It has put us in a position where  
46 we had the wherewithal and the financial capability to help  
47 those that were devastated in Hurricane Michael.

1 There is more to just decisions about fish. There is more to  
2 worrying about a percentage or how much allocation I get. There  
3 needs to be a spirit of sharing this Gulf of Mexico and making  
4 both the fish and the fishers prosperous.

5  
6 There is no harm in that, and the most important thing is that  
7 ensures the generational transfer and success of our working  
8 waterfronts in the Gulf of Mexico, and, as we all know, working  
9 waterfronts in the entire United States is something that is  
10 slowly disappearing, and so I just hope that you will think  
11 about those things and how important it is to our communities,  
12 and, when you make those hard decisions, that you keep some  
13 semblance of fair-mindedness and take all the stakeholders into  
14 account. Thank you very much.

15  
16 **CHAIRMAN FRAZER:** Thank you, Captain Jarvis. Next, we have Mr.  
17 Lawrence Marino, followed by Mike Eller.

18  
19 **MR. LAWRENCE MARINO:** Good afternoon. My name is Lawrence  
20 Marino, and I'm here on behalf of Louisiana Attorney General  
21 Jeff Landry. My comments will relate to the state management  
22 amendments and allowing each state to decide whether to include  
23 the for-hire component in it.

24  
25 The purpose of state management is to allow the states to manage  
26 their respective portions of the fishery. The need for state  
27 management is because each state knows best what is the best  
28 interest of that state's fishermen and that state's portion of  
29 the fishery. It may be different from state to state, and it  
30 often is. Whether to include for-hire in state management is a  
31 perfect example of this.

32  
33 Louisiana believes that state management of for-hire is in the  
34 best interest of its fishermen and its portion of the fishery,  
35 and its charter fleet agrees. Louisiana should be allowed to do  
36 so, along with any other state that wants it. The objections  
37 have related to complexity and to the allocations.

38  
39 As to complexity, we heard yesterday that including for-hire is  
40 doable, including through Action 1.2, and it has to be done for  
41 private angling anyway. As to the allocation, staff have  
42 presented numerous options for allocating the fish. Again, it's  
43 not easy to agree, but it's doable to pick one. There have also  
44 been objections by the charter fleets in other states. They  
45 want to remain under federal management, and that's perfectly  
46 fine. No one is trying to prevent that. Rather, the point is  
47 that federal management is good for some states, but it  
48 shouldn't and does not need to prevent state management for

1 other states.

2  
3 Attorney General Landry therefore urges this council to restore  
4 Alternative 4 as the preferred under Action 1.1 of Amendment  
5 50A, to allow each state to decide whether to include for-hire  
6 in state management. Thank you very much.

7  
8 **CHAIRMAN FRAZER:** Thank you, Mr. Marino. Next, we have Mike  
9 Eller, followed by Ken Haddad.

10  
11 **MR. MIKE ELLER:** Council members, thanks for allowing me to  
12 speak. I'm Captain Mike Eller with thirty-seven consecutive  
13 years recreational fishing in Destin, Florida. I'm Past  
14 President of the Charter Boat Association in Destin, blah, blah,  
15 blah. I'm on the AP for the for-hire management.

16  
17 I do applaud the states' efforts to take over the fisheries  
18 management and try a new plan. The fact that we're looking  
19 outside the box is a wonderful thing. It's not going to happen  
20 overnight. States are going to have to work real hard, and  
21 they're going to have to be real honest with themselves though  
22 about what they're allowing and how much fish they're killing,  
23 though we do not want to be in the state management plan.

24  
25 The day that National Marine Fisheries separated us and gave us  
26 a limited moratorium, they put 50 percent of all of the  
27 recreational anglers into a limited access, and so, on any given  
28 day, you can only have so many recreational anglers on the Gulf  
29 of Mexico on for-hire boats, because we are limited. It is not  
30 that way in the private sector. There are no limitations.  
31 Boats are faster and newer. As our economy grows and our  
32 country does better, there is more and more boats every day.  
33 Where we used to see no boats offshore forty or fifty miles, now  
34 we see boats all the time.

35  
36 We're never going to be able to slow those boats down. We are  
37 never going to be able to restrict them, and so what we better  
38 do is better get a grip on what they're catching. How many of  
39 them go fishing and turn around after a few miles because it's  
40 rough or their child got sick or they have boat problems?

41  
42 The way we do it right now is boat registrations, boat licenses,  
43 all that, and it's so far off base, and so what we really need  
44 is to get a plan for these people, because they are kind of  
45 where we were. They don't have a plan. They don't have a  
46 method for counting their fish. They don't have a method for  
47 being accountable. They have been let down time and time and  
48 time again by the leadership in the recreational fishing

1 industry, such as the CCA, whose real plan is just to take fish  
2 from other people and put them in their pile, and then they will  
3 have enough fish. Well, that's not a plan.

4  
5 I hear it more and more, but, the recreational fishermen that  
6 have their own boats, they want a plan. They want a way to be  
7 accountable just like we're trying to be accountable, and so we  
8 need to keep working on them. They didn't used to want to  
9 participate, but now they do. They want to give data, and they  
10 want to be a part of the system.

11  
12 Red groupers are in trouble, and you just need to shut it down.  
13 Cobia are in big trouble, and both of these fisheries we're  
14 watching collapse in front of our eyes, and so the fact that the  
15 National Marine Fisheries says there is no problem with red  
16 groupers -- The fishery is collapsing, and so obviously there is  
17 a big problem. The fishery has collapsed, I would say, and so  
18 we need to do something pretty drastic on red groupers. Cobia,  
19 we support the most stringent size limits and bag limits that we  
20 can possibly get.

21  
22 We would like to be kept -- The sunset provision on Amendment 40  
23 removed. We have proved already that the recreational for-hire  
24 fishermen -- We can be accountable. We can make our  
25 recreational anglers accountable by giving data. We're a  
26 microcosm. If we get it right with us, we can get it right with  
27 everybody else. Thanks.

28  
29 **CHAIRMAN FRAZER:** Hold on. We've got a question from Dr.  
30 Crabtree.

31  
32 **DR. CRABTREE:** I just want to respond to you said the National  
33 Marine Fisheries Service believes there is not a problem with  
34 red grouper. We believe there is a problem with red grouper,  
35 and the science we have clearly shows there is a problem with  
36 red grouper, and so it's not at all that we're saying there is  
37 not. There has been a marked decline in the stock. The problem  
38 is figuring out what we're going to do about it.

39  
40 **MR. ELLER:** Didn't I just read something that says that all of  
41 the groupers are not overfished and not undergoing overfishing,  
42 currently? I read something right back there in that paperwork.

43  
44 **DR. CRABTREE:** You may have, and we haven't made a determination  
45 on the status of the stock, but the indications, all that we  
46 have, are showing that it's going down, and going down a lot.

47  
48 **MR. ELLER:** Typically, we're about six or seven years behind the

1 curve.

2  
3 **DR. CRABTREE:** I recognize that, and we're trying to improve  
4 that situation, but I just wanted to get on the record that  
5 there is clearly a problem with red grouper, and the science  
6 shows that.

7  
8 **MR. ELLER:** Thanks, Dr. Crabtree.

9  
10 **CHAIRMAN FRAZER:** Okay. Next, we have Ken Haddad, followed by  
11 Randy Boggs.

12  
13 **MR. KEN HADDAD:** Thank you, Mr. Chairman and council members.  
14 My name is Ken Haddad with the American Sportfishing  
15 Association. First, I would like to say that our hearts and  
16 encouragement go out to the recreational, commercial, and for-  
17 hire folks that felt the hurt from Michael. If any of you have  
18 driven that stretch of I-10, you get a glimpse of how  
19 devastating Mother Nature can be.

20  
21 In the state management plans, we're somewhat concerned that any  
22 management tools except for bag limits, size, and seasons seem  
23 to either have objections or concerns and are tending to be  
24 shoved -- I'm not sure where yet, but shoved somewhere. We  
25 would like to see such things as descending devices, gear  
26 requirements, and depth/distance remain in the document or a  
27 process by which a state can employ new or non-traditional  
28 management tools without a time-consuming council process, and  
29 so we hope that will be addressed as you move forward.

30  
31 The states are very close to finding compromise on many of the  
32 issues. Of course, the big issue is allocation across the  
33 states. There is a readily-available solution, and I'm sure  
34 Mike Eller won't like the solution I have, but to find the extra  
35 couple of percent quota to be put in place to have a really  
36 agreeable plan across the states, and that was pretty clear in  
37 the discussions over the last day.

38  
39 The red snapper allocation document being slowly discussed,  
40 along with new recalibrations and past recalibrations, along  
41 with socioeconomic implications of actually creating an  
42 acceptable solution and stability for the private recreational  
43 fishers seems to be sitting out there for your access now. It  
44 can likely be done without taking existing fish from anyone, or  
45 at least minor adjustments, and I mean minor adjustments to  
46 allocation.

47  
48 We were told that if the private recreational side can come up

1 with an effective management system and accountability process  
2 that this could be a discussion item on the table. I think we  
3 see, with EFPs and with the state management plans, that we have  
4 reached that point, and so we're asking that -- Can you push it  
5 over the edge and make this a final solution that will really  
6 provide at least a somewhat lasting compromise satisfaction in  
7 the private recreational industry by having these plans in place  
8 with the stability that we need?

9  
10 We ask that you link allocations to solving the recreational  
11 dilemma. If you can do this, you will really temper the red  
12 snapper burden that you've had on yourselves, and I think the  
13 recreational community is ready for this, and it's a minor  
14 adjustment. Thank you.

15  
16 **CHAIRMAN FRAZER:** Thank you, Mr. Haddad. Next, we have Randy  
17 Boggs, followed by Mark Tryon.

18  
19 **MR. RANDY BOGGS:** Randy Boggs from Reel Surprise Charters in  
20 Orange Beach, Alabama. I've got a lot to say, guys, and I'm  
21 going to try to keep it fairly quick. King mackerel, we're in  
22 trouble on king mackerel. Every day at the dock, we're not  
23 seeing these fish landed, and we know there's a big net fishery  
24 in south Florida. Those fish are really, really in trouble.

25  
26 Whatever you do to the cobia is not going to be enough. The  
27 cobia are not there. It's so bad that people that used to be  
28 really good at this fishery have even quit trying to fish for  
29 them. They are just not there, guys. That stock is really,  
30 really in trouble.

31  
32 The red and gag grouper, it's more rare to see one come to the  
33 dock than not. We're just not seeing the landings. Guys, I've  
34 been doing this for -- As best I can remember, it's about  
35 twenty-one or twenty-two years that I've been coming to these  
36 council meetings, and I have seen us go all over the board on  
37 this thing.

38  
39 I headed up the Headboat Collaborative, and, when we talked  
40 about allocation splits then, that was a really dirty word, but,  
41 when you talk about states getting allocation, that seems to be  
42 fine. I was told that this council, with the exempted fishing  
43 permits, were not, were not, the way to manage the fishery. Now  
44 every one of the states have an exempted fishing permit.

45  
46 We put together and we paid for a plan, Amendment 42, or it  
47 wasn't Amendment 42, but it was the Headboat Collaborative, and  
48 it worked. It gave us the data, and it did everything that we



1 could do. I was told we shouldn't do that, because there is  
2 safety in numbers. The headboats, the recreational fishermen,  
3 and the charter/for-hire guys, we should all stick together, and  
4 now we're up here talking about allocating the fish between the  
5 states, and the states are going to allocate it between the  
6 recreational and the charter/for-hire.

7  
8 I just heard a gentleman tell me that the federal government, or  
9 the state government in Louisiana, knows more about how to run a  
10 charter boat business than the charter boat guys do. Guys, I'm  
11 here from the government to help you, and I don't think that's  
12 where we're going. You know, when I say allocation for a  
13 headboat, that's a terrible thing, but, when you say allocation  
14 for a state, that's perfectly acceptable.

15  
16 The terms over the last four or five years have changed. When  
17 we put the moratorium in place, it was to reward the fishermen  
18 that endured and that had stayed in the fishery, and now we're  
19 talking about how we're losing fishermen and we need to keep  
20 people in the industry, and we're chasing our tails here, guys.

21  
22 Amendment 42 needs to stay alive. It needs to stay an option,  
23 because, sooner or later, when all this comes down, it's going  
24 to come down to an allocation issue. We know what we've caught,  
25 and we can show you what we've caught. It's a good, solid plan,  
26 and everything is there. The guys are so disappointed that they  
27 didn't get to vote on this that it's unreal, and now we're  
28 talking about moving the charter/for-hire into a state managed  
29 fishery.

30  
31 When the headboats tried to come out and do something on their  
32 own, we were told that we would have to go through a referendum,  
33 and we were denied the ability to go through the referendum, but  
34 now you're telling me that I may be moved into a state-managed  
35 fishery, and am I going to get the referendum for that? Do I  
36 get to vote on my future and who is going to manage it?

37  
38 I've got a federal permit, and I've been a federally-permitted  
39 boat, and the Magnuson Act was put there to protect me and the  
40 federally-managed fishery, and that's where I want to stay.  
41 Kevin and the state did a poll, and our boats said clearly that  
42 we want to stay in the federal management system and not the  
43 state. Thank you, guys.

44  
45 **CHAIRMAN FRAZER:** Thank you, Mr. Boggs. Randy, we've got a few  
46 questions for you.

47  
48 **MR. SWINDELL:** Thank you, sir. I do have a question about

1   cobia. Do you have any problem with cobia this year?

2  
3   **MR. BOGGS:** We operate a marina at San Roc Cay, and we've got  
4 about twenty-something boats that fish out of there. Fifteen  
5 years ago, we used to see cobia in the spring come to the dock  
6 regularly. I haven't caught a cobia in probably two or three  
7 years. One of my headboats did catch one this year, but I  
8 didn't see a charter boat land a cobia in the typical cobia  
9 season, maybe one or two during the entire year.

10  
11 This is hearsay, and this is not fact, and this is hearsay,  
12 which is rare for me to say that, but we actually had a  
13 tournament that usually has fifty or sixty fish weighed, and,  
14 from what I understand, the fishery was so bad this year that  
15 only three or four fish were weighed in the entire month-long  
16 tournament. Three in the whole season.

17  
18   **MR. SWINDELL:** I am looking here at some data that we have, and  
19 it shows that the amount of cobia caught in Alabama were the  
20 largest amount they have ever had last year, in 2017, and I'm  
21 just saying this is what is being reported to the council. You  
22 have 216,680 pounds of cobia that were caught in 2017.

23  
24   **MR. BOGGS:** I will tell you this. Out of our marina, with all  
25 the boats operating out of our marina, and there's a lot of  
26 charter boats and a lot of recreational guys, and everybody  
27 there has a tower to go look for cobia. In our marina, I saw  
28 less than two or three fish landed in the entire fishing season.

29  
30 I don't know where these two-hundred-and-something thousand  
31 pounds of cobia were caught and landed, but it was not at our  
32 marina, and you can ask some of the guys coming behind me.  
33 Zeke's is one of the larger fishing fleets there, and some of  
34 the guys behind me were echoing that, and where those fish were  
35 caught, I don't know. I don't know how that data came about,  
36 but the fish are not there. We're not seeing them. I mean, I  
37 don't believe that's correct.

38  
39   **CHAIRMAN FRAZER:** Thank you, Mr. Boggs. Next, we have Mark  
40 Tryon, followed by Wayne Werner.

41  
42   **MR. MARK TRYON:** I'm Mark Tryon, a commercial fisherman from  
43 Gulf Breeze, Florida. A couple of things that I want to talk  
44 about. Initially, the estimated weight provision for IFQ  
45 species, going back to the original system, we didn't have  
46 estimated weights at all, and then we incorporated it eventually  
47 into the three-hour notification process.

1 My understanding of the reason why we did this is it's to  
2 determine if you have sufficient allocation, based on the  
3 system, and then it will say so in your confirmation, or what  
4 you get on the email when it comes through, and so, anyway, it's  
5 really -- I don't think it's that practical, in terms of -- A  
6 lot of times, when you get multiple species, it's kind of hard  
7 to determine exactly how many red snapper you have. I'm a  
8 snapper fisherman, and so, if I get like a fair amount of  
9 triggerfish, b-liners, et cetera, the more I get of them, the  
10 more difficult it is to determine, within reasonable accuracy,  
11 how many snapper I have.

12  
13 If you were to look at my records over a period of time, let's  
14 say a year, it would be pretty accurate though. Anyway, if  
15 there are discrepancies that are apparent, law enforcement can  
16 use this as a tool right now to identify potential violators and  
17 then determine action, surveilling them or investigating or  
18 whatnot.

19  
20 On to the red grouper. In the past, I have caught red grouper  
21 just as a bycatch in the snapper fishery. The last two years, I  
22 have literally caught zero red grouper, and so, in the IFQ  
23 system, I have about 4,000 pounds of red grouper. This year, my  
24 revenue from red grouper, between leasing and catching, is zero,  
25 because you can't get rid of the allocation. There is just such  
26 a glut of it, and so, I mean, this is a big problem, and  
27 hopefully something can be done to right-size the quota, and the  
28 sooner the better. It would be better if it could be done by  
29 January 1.

30  
31 Perhaps reduce the recreational bag limit to one fish. I am not  
32 sure. On our side, we've already said that we're willing to  
33 take a reduction, and so I don't know what more I can say on  
34 that.

35  
36 Finally, the last thing that I would like to talk about, and I'm  
37 running out of time, is on the potential reallocation involving  
38 red snapper, and I think there should be no reallocation  
39 discussed whatsoever until the recreational sector becomes as  
40 accountable as the IFQ sector, and that's going to take some  
41 doing. Thank you for your time.

42  
43 **CHAIRMAN FRAZER:** Thank you, Mr. Tryon. Next, we have Wayne  
44 Werner, followed by Chris Rhodes.

45  
46 **MR. WAYNE WERNER:** Good afternoon. I'm Wayne Werner, owner and  
47 operator of the Fishing Vessel Sea Quest. I would like to talk  
48 about red grouper a little bit. From here, it's only went

1 downhill over the last few years. If I was going to set a quota  
2 for next year, I wouldn't set it any higher than the landings of  
3 this year, and I would look at a couple of months closure during  
4 the spawning season. You can't go anywhere but up from here, I  
5 don't believe.

6  
7 The availability of fish and abundance of fish are two different  
8 things, and we might be seeing a lot of small fish out there  
9 that are coming into the fishery, but that's not going to help  
10 if you're just going to repeat the pattern over and over again  
11 and end up right back where we're at, and so we need to look at  
12 this year's harvest and go from there. That's the only thing  
13 that I can say about that.

14  
15 As far as estimating fish on a boat, weighing fish on a boat,  
16 we've been taking observers with scales, and I mentioned that  
17 first, and I think we lost seven scales with observers since we  
18 started taking them. It's kind of hard to weigh your fish when  
19 your scale is in 600 feet of water on the bottom, and the scale  
20 gets beat up and all that.

21  
22 As far as estimating the fish, you're going to get no better  
23 data. We've got great data. You get every pound of our fish,  
24 and we talk to TIP reporters when we come in. I mean, I tell  
25 them exactly how many hooks and what depth of water and  
26 different places that we fish, and I give more information than  
27 they can handle, more information than their bosses want, and I  
28 know that, because I've been told that, and so you're not going  
29 to get any type of information.

30  
31 As far as following the law, we have always seemed to make our  
32 estimate just a little low, and we've always brought in more  
33 fish, and we've never had a problem. We've been consistent in  
34 that since day-one.

35  
36 As far as triggering for reallocation, you need to look at this  
37 thing biologically, and, biologically, the recreational has a  
38 way to go. You've got a lot of waste, and you've got a lot of  
39 closed season waste, and you've got overages. From what I see,  
40 those are triggers, and it doesn't make any sense. I think  
41 you've got a long way to go in the fishery before you even talk  
42 about that, and, with that, my time is up. Thank you.

43  
44 **CHAIRMAN FRAZER:** Thank you, Wayne. Next, we have Chris Rhodes,  
45 followed by Jason Delacruz.

46  
47 **MR. CHRISTOPHER RHODES:** Council, my name is Christopher Rhodes.  
48 I am the Chief Information Officer for the Mississippi

1 Commercial Fisheries United, and I'm also a third-generation  
2 fisherman. I come forth today to awaken the council to the  
3 concerns of the commercial fishing sector in Mississippi.  
4

5 First, as a young fisherman, I know that it is as difficult as  
6 ever to maintain a sustainable career in the commercial fishing  
7 industry. The average age of the commercial fishermen is  
8 getting older at a rapid pace, with fewer and fewer young  
9 fishermen coming into the industry.  
10

11 As an organization, we ask that the council give due  
12 consideration to the next generation of fishermen with each and  
13 every decision that it makes. As the industry undergoes the  
14 graying of the fleet, as it is often referred to, our coastal  
15 communities face increased vulnerabilities and resiliency issues  
16 that threaten the very fabric that our local communities are  
17 built upon.  
18

19 Maintaining sustainable fisheries and accountability from all  
20 fishing sectors and user groups is a key component to  
21 maintaining the resiliency of the commercial fishing industry.  
22 This is why we call to the council to truly consider the future  
23 of our fisheries when discussing the reallocation of any  
24 species.  
25

26 When it comes to red snapper, the data is clear that the  
27 recreational sector has continued to overfish their allocations  
28 year after year, with the exception of the charter/for-hire. We  
29 currently do not believe that reallocation of red snapper away  
30 from the commercial sector of any amount would be consistent  
31 with the standards for fishery management and conservation at  
32 this time.  
33

34 Specifically, discard mortality within the recreational sector  
35 must be addressed and minimized. Some of our Mississippi  
36 commercial snapper fishermen have indicated that there are so  
37 many discards during the recreational season that they can go  
38 around pulling dead, floating discards from the water, and,  
39 while Mississippi has one of the best recreational smartphone  
40 reporting apps in the Gulf, much thanks to Dr. Paul Mickle, some  
41 concerns of abuse in reporting have arisen.  
42

43 For example, recreational fishermen have learned that they can  
44 cancel their trip after returning from snapper fishing if they  
45 are not intercepted, and subsequently report zero catch,  
46 undermining self-reporting methods and increasing uncertainty in  
47 both fishing efforts and landings.  
48

1 The data indicates a substantial increase in cancelled trips  
2 year over year since the inception of Mississippi's Tales 'n  
3 Scales reporting program. Although these management measures  
4 are a step in the right direction, we strongly encourage the  
5 council to improve upon both the discard mortality of the  
6 recreational reef fish fishery as well as the mandatory  
7 recreational reporting requirements.

8  
9 Our organization strongly supports mandatory reporting for all  
10 recreational finfish landings. Until we have more certainty in  
11 recreational landings, it is incredulous to even consider any  
12 type of carryover provision for the recreational sector.  
13 Lastly, we look forward to bringing forth additional  
14 recommendations on Amendment 36B at the upcoming Ad Hoc Red  
15 Snapper/Grouper-Tilefish AP meeting, and we continue to support  
16 the creation of a quota set-aside.

17  
18 Just recently, I went to a local Taco Bell, and the guy in front  
19 of me was asked by the receptionist -- He says, do you have any  
20 fish today, and so my ears perked up, and I asked the guy -- I  
21 said, man, I really wish that these guys would let us have some  
22 more snapper on the recreational sector, and it's really not  
23 fair to have two, and this guy -- I said, man, I would do pretty  
24 much anything if I could come back with more, and he had no clue  
25 who he was talking to, and so he admits that these cancelled  
26 trip tickets -- He even goes as far as preparing people at the  
27 docks to record DMR going out and coming back in and tying fish  
28 off to buoys. When I asked his name, he says, oh, my name is  
29 Bubba, and, every joke aside, and I don't know if it's his real  
30 name or not, but here it is admitted straight to my face that  
31 this is happening right in front of us.

32  
33 **CHAIRMAN FRAZER:** Mr. Rhodes, I am going to have to ask you to  
34 end your talk.

35  
36 **MR. RHODES:** Thank you.

37  
38 **CHAIRMAN FRAZER:** Thank you. The next speaker is Jason  
39 Delacruz, followed by Eric Brazier.

40  
41 **MR. JASON DELACRUZ:** Thank you very much. My name is Jason  
42 Delacruz, and I own Wild Seafood Company, Don's Dock, and I also  
43 have a foot in all aspects, which I repeatedly continue to tell  
44 you folks, but you know that.

45  
46 I want to congratulate our returning council members and our new  
47 council members. I am looking forward to working with you guys.  
48 I guess, first, I want to talk about the hail-in and hail-out

1 provision. I don't think this is going to effectively solve any  
2 problems. Unfortunately, I think this may be another sector  
3 trying to poke at another sector without really accomplishing  
4 anything.

5  
6 I do work real closely with federal enforcement and local  
7 enforcement, and that's not really a factor for us. I mean, all  
8 you're really going to do is cause a situation where a small  
9 dealer and a small fisherman is going to call a number in and  
10 then, if he never gets checked or inspected, that will be the  
11 number that it is, but you still don't know whether you have  
12 solved that problem or not, whether he's made a stop or not made  
13 a stop.

14  
15 Essentially, you're trying to take away the investigation side  
16 of law enforcement, and that's the whole point of enforcement,  
17 is to investigate and see if that guy made three or four stops,  
18 and so I don't think, in the grand scheme of things, that you're  
19 going to accomplish anything with that. It doesn't make us more  
20 accountable, and it doesn't change anything.

21  
22 I tried to speak with Tracy before I got here, and I was hoping  
23 to talk to one of the local enforcements, because that's their  
24 opinion, too. They don't see it as a change or a way to fix  
25 anything.

26  
27 As far as Amendment 50, I don't like the fact that we're trying  
28 to do a little bit of a percentage change right here at the end.  
29 I think we need to be, and I know this is going to sound bad,  
30 but more considerate of Florida. I mean, it's not really our  
31 fault that we're paradise and everybody wants to live there.  
32 It's just the way it is. We've got a lot of people, and a lot  
33 of people want access to that fishery there, and this still is a  
34 natural resource for everybody to access and not somebody to  
35 access more because they happen to live in another state, and so  
36 I think fair and equitable is important, and it needs to stay  
37 that way.

38  
39 As far as the goals and objectives that the council is working  
40 on, I hope, as we move forward with this, we can get a good  
41 opportunity to look at these before they get finished. I really  
42 think this is a thing, and I think Gary had a good point.  
43 Hopefully this is not a way for somebody to put pressure on  
44 another sector. Let's make sure these are legit and honest ways  
45 to help give access to more people throughout the United States.  
46 Thank you.

47  
48 **CHAIRMAN FRAZER:** Thank you, Jason. Next, we have Eric Brazer,

1 followed by Chris Horton.

2  
3 **MR. ERIC BRAZER:** Thank you very much, Mr. Chair. My name is  
4 Eric Brazer, Deputy Director of the Gulf of Mexico Reef Fish  
5 Shareholders Alliance. First off, congratulations to you and  
6 Dale in your new leadership roles. I'm looking forward to  
7 working with you guys at the head of the table.

8  
9 First, I want to speak briefly to reallocation. While we  
10 continue to oppose reallocation, for all the reasons we laid out  
11 in Amendment 28, we are supportive of the Council Coordinating  
12 Committee's process for discussing and developing these triggers  
13 nationwide.

14  
15 Regarding reef fish FMP objectives, I want to thank Martha for  
16 navigating the committee through what was a challenging  
17 conversation yesterday, and we are looking forward to seeing  
18 what the final list, or that draft final list, looks like. We  
19 do have some initial concerns of what we heard yesterday,  
20 including the removal of rebuilding language that specifies the  
21 rebuilding of stocks wherever they occur within a fishery.

22  
23 Just thinking about red snapper here, I don't think we would  
24 want to forego rebuilding red snapper in the eastern Gulf, if  
25 that starts to crash, yet the western portion of the population  
26 continues to increase, but it looks good overall, and that's  
27 great, but it may not be indicative of more localized  
28 challenges.

29  
30 We would also like to see some consideration eventually given to  
31 an objective that focuses on increasing compliance,  
32 accountability, and reducing management uncertainty, and so we  
33 commend the committee for taking the first swipe at this, and we  
34 think there is now a role for the APs, for all the APs, to play  
35 in refining and further developing these objectives. As Mara  
36 mentioned yesterday, we're likely going to need to be a bit more  
37 specific with some of them, and we're certainly going to need to  
38 ensure that we have a process for evaluating progress towards  
39 meeting these objectives.

40  
41 I would like to speak briefly to carryover. There is probably  
42 very specific and targeted situations where carryover should be  
43 allowed, and we think that the council should think through this  
44 very carefully through each one of the managed stocks. There  
45 should be some -- We think there should be some consideration  
46 given to some sort of minimum harvesting threshold, and so, all  
47 things considered, should we be carrying over quota where we're  
48 leaving 75 or 90 percent of it on the table in year-X? Should



1 we be carrying a portion of that over into year-X-plus-one, or  
2 is there a bigger issue at stake that may not be showing up on  
3 paper or through the assessment process yet? The document has  
4 come a long way, and it still has a long way to go, and we look  
5 forward to working with you guys on that.

6  
7 I want to talk briefly about hails. I know that commercial hail  
8 estimate thresholds are on the agenda for January, and you've  
9 heard some folks talk about it now, and I know Ava mentioned it  
10 earlier, but I just wanted to reiterate our concern that NOAA  
11 Law Enforcement doesn't support this kind of thing, and NOAA  
12 staff have already explained why this has already come up and  
13 been identified as a non-issue. We think that adding this  
14 restriction to the entire fleet for the purpose of dealing with  
15 a few small dayboat issues doesn't seem fair or a good use of  
16 resources. Finally, we support the development of an EBFM  
17 workgroup. Thank you.

18  
19 **CHAIRMAN FRAZER:** Thank you, Eric. Next, we have Chris Horton,  
20 followed by Dale Woodruff.

21  
22 **MR. CHRIS HORTON:** Thank you, Mr. Chairman and members of the  
23 council. I am Chris Horton, and I'm with the Congressional  
24 Sportsmen's Foundation. I want to thank you for your continued  
25 efforts on state amendments and Amendment 50 and moving that  
26 forward. We continue to support an alternative that will allow  
27 the charter/for-hire to opt in or opt out. You know, every  
28 charter captain, I believe, should have the opportunity to  
29 choose the management option that works best for them.

30  
31 While it may add some management complexity, it is consistent  
32 with several of the FMP objectives that you all discussed  
33 yesterday, including reducing conflict among users and providing  
34 flexibility for fishermen.

35  
36 Relative to the allocation among the states, we support the  
37 state efforts to get together and come to a consensus on the  
38 individual state allocations. Again, Amendment 39 kind of died  
39 because we couldn't get there, and we're almost there now, and I  
40 know that not everybody is happy, but we've got to find a  
41 compromise. We can't let the perfect get in the way of the  
42 good, and we need to keep this thing moving forward.

43  
44 While I know that the disparity between states relative to the  
45 number of days was discussed quite a bit yesterday, the number  
46 of days isn't necessarily the measure of a successful season or  
47 outcome. As an annual Alabama license holder myself, I think  
48 Kevin and the Alabama DCNR are doing a great job, and the

1 weekend-only seasons, though they resulted in fewer days  
2 overall, was one way to maximize the fishery for Alabama's  
3 anglers, and it certainly did that for me.

4  
5 Finally, on cobia management, this is another fishery, I think,  
6 that's a good example of the shortfalls of federal fisheries  
7 management. We're not exceeding the ACLs, but obviously there  
8 is definitely something going on with that fishery, and I can  
9 attest to that personally myself.

10  
11 We support reducing the bag to one per person, or one per person  
12 and two per vessel, but, ultimately, at the end of the day, that  
13 doesn't really reduce overall harvest rates. You're going to  
14 have to increase the minimum length limit, and we would support  
15 increasing that minimum length limit to thirty-six inches.  
16 Thank you.

17  
18 **CHAIRMAN FRAZER:** Thank you, Chris. We have a question from  
19 Paul.

20  
21 **DR. MICKLE:** Thank you, Chris. I appreciate it. Do you have  
22 any comments towards the vessel or per-person bag for cobia?

23  
24 **MR. HORTON:** Again, I mean, if you look at the data, one per  
25 person, up to two per vessel, that helps to constrict it, but I  
26 don't think -- From my standpoint as a recreational angler and  
27 those that I know, we wouldn't have a problem at all going to  
28 one per person, or even two per vessel, the most restrictive. I  
29 think it honestly just reflects that fishery.

30  
31 **CHAIRMAN FRAZER:** Thank you, Chris. Next, we have Dale  
32 Woodruff, followed by Bart Niquet.

33  
34 **MR. DALE WOODRUFF:** Good afternoon. I'm Dale Woodruff, and I  
35 have two charter boats, and one of them is dually-permitted, out  
36 of Orange Beach, Alabama. I would like to talk a little bit  
37 about the historical captains, and I know you all spoke on some  
38 of that, talking about thirty-two people, thirty-two guys that I  
39 think that -- I know two of them personally, and it sounds like  
40 they're already fully invested in the industry.

41  
42 They're already being accounted for, as far as the fish, and  
43 they have ownership. There is nothing that's really going to  
44 change with this. I mean, it's already in the data collection,  
45 and so let's go ahead and give them a permit and let them change  
46 it over to a regular permit. I mean, nothing is going to change  
47 with that.

1 The letter dated back to 2003, is that the only thing that's  
2 open-ended in this fishery management? That's kind of weird,  
3 isn't it? I mean, everything else has a date on it but this  
4 one. If they're not invested in it by now, they're never going  
5 to be invested. That letter just needs to be torn up and thrown  
6 away and be done with it. Go back to a five-year period, maybe,  
7 and see if these people are fully invested, and let's get them.  
8 Let's get them into the industry 100 percent with the historical  
9 captain becoming a permit that they can have for themselves.

10  
11 ELBs need to start in 2019. Even if the funding is not there,  
12 this data can go somewhere. It can be put in a bank somewhere,  
13 a data bank. Then, once we get funding, we can go back and look  
14 at this. We can go back and see what was caught in 2019 as far  
15 as ELBs, but it's got to start now. We can't wait later. We  
16 can't keep waiting, and we can't keep kicking the can down the  
17 road. We've been asking for this for years. The whole  
18 charter/for-hire industry has been asking for this for a long  
19 time.

20  
21 Amendment 50, the states can't get along. We always can't get  
22 along. We're talking about a percent here and a percent there,  
23 but Amendment 50 -- Guys, you all are staring down the barrel of  
24 a gun. If you can't get it together, you're going to be back to  
25 zero.

26  
27 Charter/for-hire in Alabama, also I'm a OBFA board member, and  
28 we don't want to be part of the state management plan, and we've  
29 also voiced that to our state guys in Alabama, and they respect  
30 us 100 percent, and I wish some of our other states would  
31 respect them.

32  
33 At this time, I would like to see 41 and 42 be tabled, and not  
34 to be thrown away, but just to be tabled, and we can bring it up  
35 later, if need be, but let's get 50 taken care of. Let's get  
36 the sunset off the charter/for-hire industry in Amendment 40.  
37 The access, and I don't know how much longer, but I hear  
38 somebody talk about, well, the states want this and the states  
39 want that.

40  
41 Right now, in Louisiana, the private land owners in the State of  
42 Louisiana have shut down public access for waterways to where  
43 the public can navigate through these areas, and that don't  
44 sound like that's in the best interest of the public to me, and  
45 so, if the state takes private ownership for the recreational  
46 anglers to set their seasons, what is the state really going to  
47 do with those fish? The State of Louisiana has done that.  
48 There is some waterways that you can't navigate through.

1  
2 Cobia, something needs to be done with cobia. As the migration  
3 changes, I don't know, but we can count on our hands and toes  
4 how many the charter/for-hire fleet in Alabama caught of cobia  
5 this past year, too. Thank you.  
6

7 **CHAIRMAN FRAZER:** Thank you, Mr. Woodruff. Next, we have Bart  
8 Niquet, followed by Chris Niquet.  
9

10 **MR. BART NIQUET:** Good afternoon. Here we are again. I'm Bart  
11 Niquet from Panama City, Florida. I've been fishing the Gulf  
12 waters for over seventy years, and several people from my area  
13 were building artificial reefs thirty or forty years ago in the  
14 local waters. Two things became immediately self-evident. If  
15 we release the gear -- Or it wouldn't be any good, and, if more  
16 than one boat found it, it won't be any good either. It would  
17 just be another spot for a skin diver to work on. The only  
18 exception to that were oil rigs or shipwrecks that were high  
19 enough in the water column so that the amberjacks would relieve  
20 the pressure on the snappers.  
21

22 Gary has said most of what I wanted to say, but I do have a few  
23 observations here. This council has been under intentional  
24 lobbying by recreational associations who either don't care  
25 about the fishery or have other motives. They have almost  
26 persuaded the council to consider changes, and we don't need to  
27 change. The consumers of fresh seafood should have their needs  
28 placed ahead of people who are playing and sometimes wasting a  
29 valuable resource.  
30

31 You had a presentation of various rules and regulations on red  
32 snapper earlier today on various call-in preparations and  
33 procedures and rules and penalties, and all this on a segment of  
34 the fishery which is trying their darndest to comply. On the  
35 other hand, nothing is being done to bring the only segment that  
36 is continually overfishing underway. Their quotas are either  
37 being ignored or are not prosecuted for breaking the law. Come  
38 on. Get real. You might as well give them a license to steal.  
39 Let's face it. These people are usually considered criminals,  
40 and they should be penalized. Thank you.  
41

42 **CHAIRMAN FRAZER:** Thank you, Mr. Niquet. We now have Chris  
43 Niquet, followed by Steve Tomeny.  
44

45 **MR. CHRIS NIQUET:** Thank you, council, for letting me speak. I  
46 am going to read something here, and you're going to say, well,  
47 what is this fool talking about, but just hear me out. Former  
48 Treasury Secretary Larry Summers predicted that if Donald Trump

1 were elected that there would be a protracted recession of  
2 eighteen months. Heeding its experts, the month before the  
3 election, the *Washington Post* ran an editorial with the headline  
4 of "A President Trump Could Destroy the World Economy".  
5

6 When Donald Trump's electoral victory became apparent, Nobel  
7 prize winning economist and *New York Times* columnist Paul  
8 Krugman warned that the world was very probably looking at a  
9 global recession with no end in sight.  
10

11 People who we have often trusted as experts often have been  
12 wrong beyond imagination, and it's nothing new. Irving Fisher,  
13 a distinguished Yale University economics professor, in 1929,  
14 predicted the stock prices at what looks like a permanent high  
15 plateau. Three days later, the stock market crashed.  
16

17 In 1903, the President of the Michigan Savings Bank, advising  
18 Henry Ford's lawyer not to invest in Ford Motor Company, said  
19 the horse is here to stay, but the automobile is only a novelty,  
20 a fad.  
21

22 Albert Einstein, largely recognized as one of the smartest men  
23 that ever lived, said this. There is not the slightest  
24 indication that a nuclear energy will ever be obtainable. It  
25 would mean that the atom would have to be shattered at will. In  
26 1899, Charles H. Duell, the U.S. Commissioner of Patents, said  
27 that everything that can be invented has been invented.  
28

29 Finally, the world's greatest geniuses are by no means exempt  
30 from out and out nonsense. Sir Isaac Newton was probably the  
31 greatest scientist of all time. He laid the foundation for  
32 classical mechanics, and his genius transformed our  
33 understanding of physics, mathematics, and astronomy. What is  
34 not widely known is that Newton spent most of his waking hours  
35 on alchemy, trying to turn lead into gold.  
36

37 When you come to me and you say that we're using the best  
38 available science, you can understand why the people out here  
39 that fish for a living have our doubts. Use science that works  
40 and not the science you have, because what you're doing ain't  
41 working. Thank you very much for your time.  
42

43 **CHAIRMAN FRAZER:** Thank you, Mr. Niquet. Next, we have Steve  
44 Tomeny, followed by Jim Zurbrick.  
45

46 **MR. STEVE TOMENY:** Thank you, and it's good to see everybody.  
47 I'm Steve Tomeny, and I run a charter boat operation out of Port  
48 Fourchon, Louisiana, and we commercial fish, also. There's not

1 a whole lot on my plate today, but the state management plan  
2 just needs to leave the charter boats out. We want to stay with  
3 our federal management. I'm a big believer in Amendment 40 and  
4 all the good things it did for us, and so I would like to see  
5 the sunset gone and keep us out of state management.

6  
7 The hail-in on the commercial fishery, I think what we've been  
8 doing in the past has worked, and it's very difficult to get  
9 this super accurate weight, and I've had my good and bad days  
10 with that, and so we're still weighing every fish that comes in  
11 at the dock, and you still know what we're catching. Just being  
12 able to make good guesses is -- Some of us are better and some  
13 of us are worse than others at it.

14  
15 Not a whole lot else. The cobia is a little -- We don't catch  
16 as many as we used to. We're still catching them pretty good  
17 off of Louisiana, and there is one other -- I mentioned it to a  
18 couple of guys, and I kind of had my head bit off at dinner last  
19 night, but, running a larger boat that takes fifteen or twenty  
20 people regularly, when you start talking about the two-fish per  
21 boat limit, I feel very penalized by that, and so just keep that  
22 in mind.

23  
24 Two per six or -- When you take people and it's their one big  
25 trip for the year to get out on the water, and you've got  
26 eighteen of them out there, and you catch two cobia, they don't  
27 even get a good taste out of that, because we usually -- Our  
28 folks will divide up their fish, and, if you catch two, it just  
29 doesn't go a long way.

30  
31 Then, of course, I hear -- We've got guys over here saying it's  
32 crashed, and I do recognize that they're not catching them where  
33 they normally were, and so we'll go along with lower bag limits  
34 and things, but just keep in mind that, when you deal with the  
35 bigger boats, sometimes it is a little math problem, and so  
36 thank you.

37  
38 **CHAIRMAN FRAZER:** Steve, we've got a question for you.

39  
40 **MR. SWINDELL:** Steve, one question. Did I hear you say that  
41 you're okay with the cobia right now, or are you having any  
42 problems at all with the cobia resource?

43  
44 **MR. TOMENY:** We're not catching near the size fish that we used  
45 to catch a few years back, and we had probably fewer hit the  
46 dock this year than we normally see. It's noticeable the last  
47 couple of years that it's not been as good, but I just think  
48 you're going to hear -- What you do hear from people off of

1 Louisiana is it's not as dire as what you're hearing off the  
2 Panhandle, but something is happening, and so I don't doubt that  
3 we need to do something, but, with the big boats, we very seldom  
4 ever catch a bag limit anyway for everybody.

5  
6 It's once in a while, and it's happened a few times in my  
7 career, and so it's whether you catch four or five. I know the  
8 thought is that you've got lower the take some or raise the size  
9 limit and get fewer of them coming in.

10  
11 **MR. SWINDELL:** Do you also operate some like six-pack charter  
12 boats or something, or do you just have headboats?

13  
14 **MR. TOMENY:** I just have the larger boats. We're called a  
15 headboat, and we've been in the Headboat Survey, and we  
16 typically are private charters, just large private charters, and  
17 we have other ones in the harbor with us that do the six-pack  
18 thing, but I don't right now.

19  
20 **CHAIRMAN FRAZER:** Thank you, Steve. Next, we have Jim Zurbrick,  
21 followed by Johnny Greene.

22  
23 **MR. JIM ZURBRICK:** Thank you, council, for allowing me to speak.  
24 I'm Jim Zurbrick from Steinhatchee, Florida. I'm an active  
25 commercial fisherman, and I'm a fish dealer, and I'm also one of  
26 the Directors of Fish for America USA.

27  
28 The Amendment 40, the sunset needs to go away. Listen. These  
29 guys have proven far beyond any limits that this works. The  
30 accountability, it's just something we have to keep. It's just  
31 a no-brainer.

32  
33 The cobia, I don't catch enough cobia, but, my last trip,  
34 wouldn't you know it, but a couple of weeks ago, I had 150  
35 pounds of cobia on my commercial boat, and so I'm limited to two  
36 per person on that boat, but, if we go to two, and on that  
37 particular boat I did have three people on that trip, and so I  
38 had my fish, my five fish, and they weighed 150 pounds. I had  
39 one sixty-pounder, which, in talking to these charter guys, is  
40 unheard of. That was a big fish.

41  
42 If we do something commercially, maybe, because of the VMS  
43 tracking, we might give a little bit more, because we can prove  
44 -- If you go by a trip limit commercially, if a guy is out there  
45 for ten days, he still only gets two, and so that might be  
46 something that we're going to need to look at.

47  
48 As far as red grouper, I was on that reef fish panel two years

1 ago when we begged everybody that something is wrong. Fourteen  
2 out of the seventeen members of that reef fish panel,  
3 commercial, the people who actually have shares and catching  
4 whatnot, knew something was wrong two years ago, and we started  
5 mentioning it, and it's on the record.

6  
7 We were right. We sensed it. It was a no-brainer. Commercial  
8 fishermen said, hey, don't raise it, and we were even talking  
9 amongst ourselves that, my god, I think we're going to need to  
10 cut it, and so here we are at this particular point, and the  
11 record will speak for itself, and I don't know where this goes  
12 from here, but I know that the science -- The folks in science  
13 are working really hard to do the best job they can, but, by  
14 god, the truth of the matter is that listening to a fisherman is  
15 still like the last resort. It really is. It's like -- I was  
16 on the SEDAR red snapper review, and I respect so much of the  
17 folks down there, and the knowledge is so great, and I'm sitting  
18 there, and I know how much goes into this, but sometimes you've  
19 really got to sit down with a group of fishermen, knowledgeable  
20 fishermen, and feel them out and get a real sense.

21  
22 By the way, the Commerce Secretary, if he opened up red snapper  
23 and gave that forty-nine-day season here a while back overnight,  
24 he could surely shut down red grouper to a point, to at least  
25 this year's landings. Wayne Werner is a very knowledgeable guy,  
26 and he's really spelling it out for you.

27  
28 If we catch two-million pounds commercially this year -- Let's  
29 limit it two-million pounds going forward for this coming year,  
30 if we can, and we'll see where it ends up. If it ends up that  
31 we're in better shape, we did the right thing. If it ends up in  
32 worse shape, we didn't go far enough.

33  
34 **CHAIRMAN FRAZER:** Jim, we're going to have to ask you to --

35  
36 **MR. ZURBRICK:** That's it. Thank you very much.

37  
38 **CHAIRMAN FRAZER:** But I do have a question for you, if you would  
39 like to stay. I know that you are fishing for red grouper up  
40 off of Steinhatchee and that area, and so are you catching a lot  
41 of small fish?

42  
43 **MR. ZURBRICK:** We're catching an extremely lot of small fish,  
44 but, by the same token, I wouldn't be honest if I didn't say --  
45 We mentioned it yesterday in Roy's open house there, that a lot  
46 of those small fish die. You've got a mortality, and so, as  
47 great as it is to catch them, it is worrisome, because we're out  
48 there fishing sometimes 200 feet, or 100 feet, but we are seeing



1 -- I never say anything like this in my area.

2  
3 Don't forget that we were the landfall for that worst red tide  
4 in the northern Gulf in many years, and it was an offshore red  
5 tide, and so we haven't seen any red groupers. You couldn't  
6 catch an undersized one for about three-and-a-half years. Now  
7 this recruitment is showing up, and it's encouraging, but I  
8 don't think we lose anything by going back to this year's  
9 landings.

10  
11 **CHAIRMAN FRAZER:** Leann.

12  
13 **MS. BOSARGE:** One more question for you regarding red grouper.  
14 Wayne also mentioned the possibility of maybe looking at a  
15 closure, I assume both recreationally and commercially, during  
16 the spawning season. Do you have any feedback on that?

17  
18 **MR. ZURBRICK:** Well, commercially, we run a long way, with  
19 closing the forty-break and whatnot, and we have it -- Listen.  
20 Right now, it's all hands on deck. Just like that hurricane in  
21 Panama City, Leann, and you didn't worry about somebody's  
22 building. You're worried about just saving the folks that were  
23 there and the immediate, and, right now, this issue is really  
24 bad.

25  
26 Now, maybe we're all missing it. Maybe next year at this time  
27 we're like, wow, can you believe that, we all thought it was the  
28 end of the world, and it's not, but it's apparent to us who are  
29 doing it that something is seriously wrong, and so, if we need  
30 to take that two months -- If we feel that it will give us a leg  
31 up, it's just -- It's tough love. It's like putting your mom or  
32 you dad in rehab, for god's sake, you know?

33  
34 **CHAIRMAN FRAZER:** Thank you, Jim. Next, we have Johnny Greene,  
35 followed by Gary Bryant.

36  
37 **MR. JOHNNY GREENE:** Good afternoon. Johnny Greene, former  
38 council member. It's good to see all of you. It's been since  
39 Destin in 2008 that I stood up here in front of the podium  
40 before you, and, back then, I talked about let's keep the first  
41 three reef fish we catch and be done with it.

42  
43 Let's get rid of the discards, and let's get rid of all of that  
44 stuff, and the concern back then was high-grading, and some of  
45 that stuff has not changed, and it's unfortunate, and it's  
46 something we should look at, but, back then, I wanted to keep  
47 the first three snapper, because, man, if we went from four to  
48 three, it would be huge, but, if it was the first three, we

1 might could live with it, and then we made it down to two, and  
2 we survived.

3  
4 I sat back here for a long time, and I thought, man, what am I  
5 going to say, and so here's the deal. I know you've got to go  
6 to the bathroom. If you need to go, I ain't going to get mad.

7  
8 It's challenging, and it's really hard to sit in the back of the  
9 room. When I first got appointed, man, I had more buddies in  
10 the back of the room than you could imagine. Everybody wanted  
11 to buy me a drink and wanted to talk to me. I got appointed and  
12 sat at the table, and, about two weeks later, nobody wanted to  
13 talk to me.

14  
15 It's a challenging deal. It's hard to understand what you have  
16 to do when you sit up there at the table, and so let me start  
17 off by congratulating Carrie and John on the positions. I  
18 haven't seen Phil or Bob, and I hope that they're okay, and, if  
19 they're not, I hope that they have a speedy recovery, and  
20 obviously my thoughts and concerns are with the people in Panama  
21 City and Mexico Beach.

22  
23 To new council members, let me go ahead and help you out a  
24 little bit here. Nobody ever told me anything when I got into  
25 it, and I was just barely -- A guy that barely graduated from  
26 high school that got put on the council because I wouldn't leave  
27 the Governor alone long enough, and I didn't shut up, and he  
28 said, well, if you think you can do better, have at it. I was  
29 the dog chasing the car, and I caught the bumper, and I didn't  
30 know what to do with it.

31  
32 As I sat at the council table, I used to keep notes about  
33 everything, and I have always been a pretty good note keeper,  
34 and so remember the guy that you're mad at today. He might be  
35 your buddy tomorrow, maybe, and you don't really know anybody  
36 until it comes time to vote. No matter what they say, until  
37 it's time to vote, you really don't know somebody. Don't be  
38 afraid to ask a question. Don't be afraid. If you don't get  
39 it, the people in the back of the room may not get it either.  
40 Three minutes isn't a long time. You didn't take me up on the  
41 bathroom break, or I would have followed back up with that.

42  
43 You have a wealth of information before you, or actually behind  
44 you, and you don't know how to make a motion, and you don't know  
45 what to say, and ask somebody for some help. Don't be afraid.  
46 If you make a motion or you second a motion, you don't have to  
47 vote for it. In fact, you can change your mind and say, hey, I  
48 want to withdraw it, or you can do a lot of things. Don't be

1 afraid to do that. Don't be afraid to ask the question.

2  
3 I can remember when I went to new council member orientation  
4 with Steve Bortone. Man, his background was about that thick,  
5 and mine was maybe two sentences, and it was bothersome, but  
6 Corky Perret, of all people, came up to me, and he put his arm  
7 around me, the way he always did, and he would grab you right  
8 there and almost take you to your knees, and he said, boy, they  
9 didn't put you on here for your knowledge or your education.  
10 They put you on here for your experience. He said, think about  
11 it. You spend 150 to 200 days on the water a year, and you've  
12 done it for the last twenty years, and you can go back to school  
13 and get a PhD, but I doubt many of those people can spend that  
14 much time on the water.

15  
16 That was a huge part of my life. That was the point to where I  
17 just stepped back and had to think about a lot of different  
18 things, and so don't be afraid. Step up and ask the question,  
19 and it's like Wayne Gretsky says. You're going to miss 100  
20 percent of the shots that you don't take. Don't be afraid.

21  
22 Allocation meetings are the worst. They suck. Don't take  
23 anything personal. Move on with it. It is what it is. With  
24 that, that's my three minutes. The only thing that I want to  
25 follow-up on is do something with historical permits. Make it  
26 happen. Amberjack, if you want to ask me, I would be glad to  
27 elaborate, but I'm out of time.

28  
29 **CHAIRMAN FRAZER:** Johnny, we have a question.

30  
31 **MS. BOSARGE:** Amberjacks.

32  
33 **MR. GREENE:** Well, I'm glad you asked me, because now the light  
34 is off. It was pretty annoying. I think thirty-six inches is a  
35 good start. Steve Tomeny made a good point about carrying a  
36 bunch of people and limiting it to a vessel limit, and I've  
37 never been a fan of vessel limits, I never have, because it's  
38 challenging for somebody who has a bigger vessel that carries  
39 more people, and it just seems a little unfair.

40  
41 2018 has been a challenging year on a lot of fronts, and, this  
42 year, I've only caught fifty-three yellowfin tuna, and last year  
43 I caught 1,572. King mackerels haven't been in our area very  
44 well this year, and cobia hasn't been in our area very well this  
45 year, and the amberjack bite has been a little tough at times,  
46 but, in 1997, 2009, and 2018, we had a predominant southwest to  
47 west wind flow, and it's been a choppy year, and we've had a lot  
48 of west tide, and we've had a lot of things happen in our area.

1  
2 I know it ain't going to make a lot of people happy, but I think  
3 cobia -- If you take it to thirty-six inches, let's see what  
4 happens. We can take some of these other tools out of the  
5 toolbox if we need to, but, if we go in with one fell swoop  
6 right now and throw the whole toolbox over, and next year we  
7 have things change and have a southeast wind flow and a few  
8 cobia show back up, it might change that dynamic.  
9

10 **CHAIRMAN FRAZER:** Thank you, Johnny. Next, we have Gary Bryant,  
11 followed by Chad Hanson.  
12

13 **MR. GARY BRYANT:** Well, I hate to have to follow that, and so  
14 back to reality now. I'm Gary Bryant, owner and operator of Red  
15 Eye Charters and the current President of the Alabama Charter  
16 Fishing Association.  
17

18 I would like to start off my comments on behalf of the  
19 association. We really encourage you all to move forward with  
20 Amendment 50, and we feel this needs to be done for the  
21 recreational angler. We just ask that the charter boats be left  
22 out of it and that you all move forward and do this for the  
23 recreational angler.  
24

25 We support the historical captains being given regular charter  
26 boat permits. That should be done. We also, on the cobia,  
27 support the preferred alternatives, and we want to encourage you  
28 to go forward with the ELBs.  
29

30 Now for my personal comments. Sitting here and listening to the  
31 comments today, it is really just eye-opening how they have  
32 changed from a few years ago. For years, we came up here and  
33 asked for things for ourselves and told you all how good things  
34 were and we needed more, but, today, I have just been amazed at  
35 the comments.  
36

37 As the president of a charter fishing association, my main  
38 comment was for you to help the recreational angler. We have  
39 commercial fishermen asking you to take their quota, and we have  
40 charter boats telling you to reduce their limits on cobia. It's  
41 amazing to me the difference in what people are trying to pull  
42 together for the greater good, and so I want to challenge you as  
43 council members.  
44

45 I know, as you're moving forward with 50, each state has its own  
46 agenda, but I would like to challenge you to rise up to the  
47 comments you're hearing and come together and do something for  
48 the greater good. Thank you for your time.

1  
2 **CHAIRMAN FRAZER:** Thank you, Gary. Next, we have Chad Hanson,  
3 followed by Dylan Hubbard.  
4

5 **MR. CHAD HANSON:** Good afternoon, members of the Gulf Council.  
6 My name is Chad Hanson with the Pew Charitable Trusts. Thank  
7 you for the opportunity to speak with you today. I want to  
8 address two issues, but, first, I want to acknowledge Dr. Shipp  
9 and hope that his health recovers quickly, as well as Mr.  
10 Dyskow, and our thoughts are with the victims of Hurricane  
11 Michael. I too drove through that area on the way over here  
12 this week, and I just touched the surface, but it's a pretty  
13 devastated area, and I hope those people get back on the water  
14 as soon as possible and their lives back together.  
15

16 The first thing I want to mention is that we are encouraged by  
17 the discussion during the Ecosystem Committee that met earlier  
18 today. We support the motions to initiate a Fishery Ecosystem  
19 Plan, or FEP, and to assemble a technical committee to help the  
20 council develop that plan. The council has an important role to  
21 integrate ecosystem science into management decisions for long-  
22 term fisheries civility and sustainability.  
23

24 NOAA and the Science Center provided the council good direction  
25 via the national policy, the regional roadmaps, the ecosystem  
26 status reports, all of which can feed into this plan. The  
27 council staff has also done a good job developing the outline  
28 for an FEP. The primary purpose of this plan would be to help  
29 the council address important issues such as red tide and how  
30 red tide impacts species like gag and red grouper and what to do  
31 about it.  
32

33 The proposed Ecosystem Technical Committee that consists of  
34 scientists, fishermen, and other stakeholders is similar to the  
35 approach taken in other regions, and this group can help support  
36 the council in developing and implementing the FEP that is  
37 tailored to the unique needs and issues pertinent to the Gulf  
38 region, and we encourage you to establish that and utilize that  
39 committee as well.  
40

41 The second thing I would like to bring up is the proposed  
42 exempted fishing permit application for a golden crab  
43 exploratory fishery in the Gulf. Back in April, the council  
44 reviewed this application in which the proposed fishery area was  
45 located off of southwest Florida. NMFS recently published a  
46 federal notice for that EFP with a significant change. The area  
47 addressed and recommended for approval by the council is not  
48 what was reviewed by the council. It's much different than in

1 the notice.

2  
3 The new proposed area now overlaps the escarpment off the West  
4 Florida Slope that includes the West Florida Wall Habitat Area  
5 of Particular Concern recently approved by the council in Coral  
6 Amendment 9 as well as a proposed HAPC called the Okeanos Ridge  
7 in that area.

8  
9 Corals occur throughout the ridge along that area, according to  
10 data provided by NOAA coral scientists, and some of those coral  
11 observations have come on recent research cruises. However,  
12 this information is not referenced in the Federal Register  
13 notice.

14  
15 Due to the substantial changes and this potential harm to deep-  
16 sea corals, we believe further and thorough review of this EFP  
17 by this council, coral scientists, stakeholders, and the public  
18 is warranted before NOAA makes its final decision. Thank you.

19  
20 **CHAIRMAN FRAZER:** Thank you, Chad. Next, we have Dylan Hubbard,  
21 followed by Mike Rowell.

22  
23 **MR. DYLAN HUBBARD:** Hello. My name is Captain Dylan Hubbard,  
24 and my family business has been fishing central west Florida for  
25 ninety years and four generations. We operate six federally-  
26 permitted charter vessels and headboats, and I'm here today  
27 representing my family business alone.

28  
29 The state management amendment, Amendment 50, please continue to  
30 leave federal for-hire out of this amendment. As far as the  
31 carryover of unused harvest, the federal for-hire recreational  
32 sector needs to be able to land the fish that we are given.  
33 It's not an issue of over-allocation of pounds, but it's an  
34 issue of under-allocation of days. This carryover provision  
35 would allow us the ability to fully prosecute our red snapper  
36 quota. Please allow that to happen.

37  
38 Gray snapper stock status criteria, please adopt the criteria  
39 that keeps us out of a rebuilding plan. This is a healthy  
40 fishery, and it has not had a single person stand at this podium  
41 lobbying for more regulation or regulation changes. I would  
42 like to see a 50 percent minimum stock size threshold and a 26  
43 percent spawning potential ratio for this stock. This is a  
44 paramount fishery for those of us on the West Florida Shelf, and  
45 we don't want to see an unneeded issue arise.

46  
47 Electronic reporting requirements for the federal for-hire  
48 fleet, I am super pumped that this electronic reporting is

1 finally beginning across the federal for-hire fleet. However, I  
2 want to encourage the council and the SEFHIER workgroup to keep  
3 the following five items in mind moving forward.

4  
5 First, the fleet needs flexibility in multiple ways, especially  
6 in the first year. However, flexibility moving forward will be  
7 required as well. For example, if a VMS or GPS malfunctions,  
8 we're not a commercial boat with a few deck hands. We have  
9 clients traveling from all over the country, and sometimes the  
10 world, ticketed, and sitting on the boat ready to leave. We  
11 need to have the flexibility to run the trip and address that  
12 issue later.

13  
14 This amendment is going to be challenging, especially in the  
15 outreach and education process, but we need to focus on how this  
16 can improve our effort, landings, and economic impact data  
17 streams. VMS is all about validating effort, but landings still  
18 need validation as well.

19  
20 VMS and GPS subsidy program for the initial cost, if validation  
21 through boots on the ground is too expensive, then the cost of  
22 validation is now being placed on the anglers through that VMS  
23 requirement, and it would be nice to have an option to subsidize  
24 that initial cost of hardware for those who aren't in CLS  
25 America or who aren't here and have the ability to get on those  
26 testing programs.

27  
28 The fifth thing is we need to be transparent with this roll-out  
29 and let anglers know that we're five or six years,  
30 realistically, away from using this data in the SEDAR process.  
31 First, we need to implement and work the bugs out, and then  
32 validation needs to occur, and then we need to get compliance  
33 levels up and then calibrate, and so we're a long way away from  
34 this data ever being useful in the SEDAR process, and I think  
35 that needs to be super transparent to people who aren't in this  
36 room. Thank you.

37  
38 **CHAIRMAN FRAZER:** Thank you, Dylan. Next, we have Mike Rowell,  
39 followed by Ashford Rosenberg.

40  
41 **MR. MIKE ROWELL:** Hello. I'm Mike Rowell with the Charter Boat  
42 Annie Girl out of Orange Beach, Alabama, for you folks that  
43 don't know me. Welcome, Susan. I feel like I'm a scout. I  
44 just come to these meetings, and I want to report what I've seen  
45 out there in the field, and so, first of all, grouper, off of  
46 Alabama, I don't guess we've really been known for grouper, but  
47 we catch gag grouper and red grouper and scamp, but, boy, red  
48 grouper and gag grouper are just non-existent, practically, for

1 us. We just catch a very few a year.

2  
3 We do catch scamp, and we target scamp for our grouper, and I am  
4 happy to be able to catch them, and we have pretty good success,  
5 but I am not so sure that we don't need to be proactive and look  
6 at maybe reducing the bag limit on that, and some people  
7 probably wouldn't want me to say that, but I am just kind of  
8 cautious.

9  
10 The other thing is cobia, and I grew up cobia fishing, and I  
11 would rather cobia fish than eat, and you won't believe that,  
12 but I would, but I don't even go anymore. It's just they are  
13 non-existent. I went to a meeting in Washington, D.C., and I  
14 met some folks from Maryland, and they said that there is a lots  
15 of cobia on the east coast now, and I don't know what has  
16 happened.

17  
18 That leads me into what I have seen on migratory species.  
19 Cobia, king mackerel, wahoo, tuna, all the highly-migratory  
20 species, have really gone down in our part of the Gulf, and I  
21 don't know why. I don't know if it has something to do with  
22 this red tide. Just simply speaking, there is two doors into  
23 this Gulf of Mexico pond, and something is -- For some reason, I  
24 don't think they're coming in here, or they're staying on the  
25 west side, and I don't know.

26  
27 State management, I am a federally-permitted vessel, and I do  
28 not want to be in the state management. I would like for you to  
29 leave us alone. I have made my comments before on how I feel  
30 about that, and I have VMS on my boat, and I like reporting.

31  
32 As far as reef fish go in my business, we have what I call the  
33 big three: red snapper, triggerfish, and amberjack. I love the  
34 way it worked out this year, where we had -- At some point in  
35 time in the year when people come down and go fishing with us,  
36 we have something to target and something to keep and bring  
37 back. We are now selling -- I have changed my wording. I don't  
38 sell fishing trips.

39  
40 I sell experiences, for lack of a better word, and we're going  
41 through a transition in our business, and we have been for  
42 years, from where people would justify how much they paid to go  
43 fishing by how many fish they're bringing home, and those days  
44 are over, and I preach every day about how it's more like  
45 hunting now. There is different species at different times of  
46 the year, and, on the cobia, and I haven't heard anybody say  
47 anything about it, but maybe we need to go to seasons on the  
48 cobia, to help them out, too. Thank you.



1  
2 **CHAIRMAN FRAZER:** Thank you, Mr. Rowell. We have two questions,  
3 if we could have you stay here. Susan.

4  
5 **MS. BOGGS:** Thank you, Mike. I know you're a multi-passenger  
6 boat, and how do you feel about a boat limit for cobia?

7  
8 **MR. ROWELL:** Well, I don't know. We need some kind of limit,  
9 because we're not catching them, and so a strict limit is not  
10 going to hurt me, because we're not catching them, and I also  
11 think they should be -- We should be able to sell them. I know  
12 in some states they sell them, and I think there should be a --  
13 What do you call it, where you don't sell the fish, where you  
14 can't sell them? A game fish, yes.

15  
16 **CHAIRMAN FRAZER:** Did you have a question, Ed?

17  
18 **MR. SWINDELL:** How about last year on cobia? Did you catch a  
19 lot of cobia last year?

20  
21 **MR. ROWELL:** No, sir, I did not. I think you made the comments  
22 about all these cobia coming into Alabama, and I cannot believe  
23 that. I don't know where that data came from, but that's  
24 totally unbelievable.

25  
26 **CHAIRMAN FRAZER:** Thank you. Our next speaker is Ashford  
27 Rosenberg, followed by Chris Garner.

28  
29 **MS. ASHFORD ROSENBERG:** Good afternoon, council. It's good to  
30 see everybody. My name is Ashford Rosenberg, and I'm a Policy  
31 Analyst with the Gulf of Mexico Reef Fish Shareholders Alliance.  
32 Once again, I would like to extend a congratulations to the  
33 states on the first year of the red snapper EFPs for state  
34 management. They have been successful in granting access to the  
35 private anglers, and they've been a positive step forward in  
36 increasing accountability for private anglers.

37  
38 It is important to have state management in place for the 2020  
39 fishing season, to continue giving private anglers access, and  
40 the easiest and more streamlined way to do this would be to  
41 exclude the charter/for-hire vessels. They have repeatedly said  
42 that this is what they want, and, therefore, we do support  
43 keeping Alternative 2 in Action 1.1, which does exclude the  
44 charter/for-hire fleets, as the preferred alternative. It would  
45 also eliminate the sunset provision in Amendment 40, which has  
46 been successful in providing more stability in the charter/for-  
47 hire fleet.

1 Regarding red grouper, we support the SSC's motion to decrease  
2 the 2019 ACL to 4.6 million pounds. Both the commercial and  
3 recreational sectors are drastically underutilizing their quota  
4 for the 2018 fishing season, and there are obvious concerns  
5 about the status of the population.

6  
7 A quota reduction is a step in the right direction, but we do  
8 urge NOAA and the council to continue exploring methods to  
9 provide more up-to-date information in shorter timeframes,  
10 therefore leading to more real-time understanding of stock  
11 status. It was a little disappointing yesterday to hear that it  
12 will be difficult to implement a quota reduction quickly.

13  
14 I appreciate the discussion about allocation review triggers,  
15 but no action should be taken at this meeting. This is an issue  
16 that will have wide implications, and I would urge the council  
17 to bring these triggers in front of all the advisory panels  
18 before they are finalized. Furthermore, if the council is  
19 considering indicator-based triggers regarding changes to data  
20 collection or scientific methods, any of these changes should be  
21 labeled as best available science before they are considered  
22 triggers for allocation review. Thank you.

23  
24 **CHAIRMAN FRAZER:** Thank you, Ashford. The next person is Chris  
25 Garner, followed by Adam Miller.

26  
27 **MR. CHRIS GARNER:** Good afternoon, everybody. Welcome to new  
28 council people and old. I think you guys have done a tremendous  
29 job over my fishing career, and I may not have always agreed  
30 with what you've done, but it certainly has helped the fish.

31  
32 I am tied pretty closely to the historical permit. I operate  
33 under one, and I haven't seen a graduation, and I haven't seen a  
34 baseball game, meet the teacher, and I haven't been able to do  
35 anything like that, due to having to be tied to the business  
36 that I built.

37  
38 It's taken me from 2002 to February of this year to ultimately  
39 purchase and run my business outright as my own, and my life's  
40 work is no different than anybody else's in the room, and I  
41 believe that it should be recognized as such.

42  
43 I have enjoyed the EFPs that have been introduced, and I applaud  
44 the council for letting those things happen. I think they  
45 generate great ideas, and I don't wish to be a part of the  
46 state's plan. If I'm held by a federal rule, I choose to go by  
47 that rule, and, if that can be worked out later down the line,  
48 that would be great.

1  
2 Cobia, I haven't seen two cobia on my back deck in probably  
3 three years, and so a boat limit for me has -- I don't think I  
4 will get it, unless I just get lucky and see two in one day, or  
5 catch a pair or something of that nature. I heard Gary Jarvis  
6 mention that -- Now, a lot of folks don't think that fishery is  
7 in that bad shape, because they haven't seen what the fishery  
8 was like, but I haven't seen a lot of fish, greater than three,  
9 in five years, probably.

10  
11 Regardless, I appreciate your time, and I think you guys are  
12 saints. I could not even come close to putting up with the  
13 paint drying that you all watch every day, much less listening  
14 to a room full of whiners that we are, and we seem to always  
15 have problems, and never solutions, and I appreciate you all's  
16 time.

17  
18 **CHAIRMAN FRAZER:** Thank you, Chris. Chris, we've got a question  
19 from Susan Boggs.

20  
21 **MS. BOGGS:** Thank you, Chris. Are you a multi-passenger or a  
22 six-passenger vessel?

23  
24 **MR. GARNER:** I am multi-passenger, and that actually brings me  
25 back to something that I need to speak about. The historical  
26 permits have a little bit of inconsistencies. I have mine with  
27 a baseline of twenty-two passengers. I operate under seventeen  
28 passengers, and I suggest, obviously, that we have worked and  
29 maintained the baseline, and we have kept up with our permits in  
30 that manner, and that we be honored at that baseline. The  
31 people that have fought and scratched and clawed to get to be  
32 able to fish every day have done so in the twenty-five-plus  
33 years that this has been in existence.

34  
35 I kind of consider my permit to be a personal buffer for my  
36 fishing. I carry seventeen, and I have a baseline of twenty-  
37 two, and I feel like that's almost like a built-in quota  
38 protection, if you will. I never tend to catch what I am  
39 permitted to carry. That reduces further for me, and I base on  
40 ten people, and my pricing and my charters typically are ten  
41 people or less, and, again, I am counted as seventeen, and I  
42 always will come in, yearly, in each fishery under what is  
43 allowed, and I think that's just an ingenious, easy way, easy  
44 math, and a no-fail method of being able to create a safety net.  
45 Any other questions?

46  
47 **CHAIRMAN FRAZER:** Thank you, Chris. Next, we have Adam Miller,  
48 followed by Ted Venker.

1  
2 **MR. ADAM MILLER:** Good afternoon. I am Bud Miller from Fish and  
3 Game Scales out of Destin, Florida. One year ago, we displayed  
4 our recreational angler weigh scale system in Mississippi, and  
5 the scale system was developed to help in the information  
6 collected dockside as anglers returned from their fishing trip.

7  
8 We are supporters of the states' EFPs, and we feel that the  
9 states should oversee all recreational anglers. Through their  
10 licensing process, the states can require all fishermen to  
11 obtain a permit. Whether they are fishing on private or for-  
12 hire vessels, every fisherman should be counted.

13  
14 We support the use of phone apps, and we believe that if phone  
15 apps were used to hail-out and our scale system was used at the  
16 time of returning, recreational anglers would and could do  
17 better than the current 0.005 percent of harvested weights now  
18 being collected.

19  
20 The Magnuson-Stevens Act sets goals for recreational anglers in  
21 the form of a buffered ACT, so the anglers do not go over their  
22 ACL. It also states where we use the best available data to  
23 prevent overfishing, and the Magnuson-Stevens Act is setting  
24 goals in pounds, and shouldn't the best available data  
25 incorporate more than just 0.005 percent of the pounds?

26  
27 That is leaving 99.995 percent of anglers' harvest open for a  
28 lot of assuming, estimating, guessing, and recalculating. When  
29 anglers first see the self scale system, they will be  
30 apprehensive to weigh their catch, but, when they see others  
31 using the scales and fishing seasons getting longer, they will  
32 trust the information being collected is the best available  
33 data.

34  
35 These fishermen behind me right here, they are better than 0.005  
36 percent. They just need the opportunity to show it. Fish and  
37 Game Scales is asking for the same opportunity as anglers to  
38 show how the information collected from our system should be and  
39 become an integral part of the best available data. Lastly, we  
40 believe in hailing-out and weighing-in your fish. Thank you.

41  
42 **CHAIRMAN FRAZER:** Thank you, Bud. Next, we have Ted Venker,  
43 followed by Tom Steber.

44  
45 **MR. TED VENKER:** Good afternoon, everybody. My name is Ted  
46 Venker, and I'm with the Coastal Conservation Association. It  
47 has been a long and somewhat confusing couple of days here at  
48 the old council meeting.

1  
2 We heard a fairly technical explanation of a fishery that has  
3 data indicating that it's been overfished, or overfishing has  
4 been occurring, for forty years, yet it's not overfished, and we  
5 heard the value of artificial habitat reduced to being mostly  
6 mere fishing spots, as opposed to centers of production. We  
7 heard that the recalibration of historical recreational catch  
8 data is indicating such significant changes that no one even  
9 knows what to do with the data at this point, because the  
10 results are just too mind-boggling.

11  
12 We heard, again, that descending devices and other release tools  
13 don't seem to have much a role here as a management tool in the  
14 reef fish fishery, and we heard that even as the states were  
15 given the specific task of negotiating how to manage the private  
16 recreational sector in the red snapper fishery, we did hear from  
17 skepticism from NMFS about the results of those negotiations.

18  
19 It's been a fascinating couple of days, and we would like to  
20 commend the states for doing exactly what they were asked to do  
21 with regard to developing a state management amendment and  
22 determining allocations between the states. As everyone here  
23 remembers, allocation is the single issue that sank Amendment 39  
24 a few years ago, and so clearly this is not an easy decision,  
25 and I think it's important to point out that this is the very  
26 beginning of the state management solution, and so no one should  
27 be under an illusion that it's going to be perfect right out of  
28 the box.

29  
30 Attempts to identify and address every contingency before you  
31 take any action often results in no action being taken at all,  
32 or at least not taken very quickly, and one of the advantages  
33 that states have always had seems to be the personnel and the  
34 willingness to adapt relatively quickly to address issues and  
35 new information as it develops, and so it would be our hope that  
36 the states will be able to address the allocation between them  
37 on a regular basis and to address any issues as they develop  
38 going forward or take advantage of any new opportunities that  
39 develop in the future.

40  
41 As we've seen from the extremely close votes on controversial  
42 management actions that have been decided by this council in  
43 recent years, and votes of nine-to-eight or ten-to-seven are  
44 fairly common in this room, unanimous agreement is extremely  
45 difficult to come by, proving that it's impossible to please  
46 everyone, but we believe that you have a much better chance of  
47 pleasing everyone when management is driven to the lowest  
48 effective level, which is why we are in favor of letting each

1 state decide whether it wants to manage its charter/for-hire  
2 sector in its state management amendments.

3  
4 The results of the first year of the EFP have been really  
5 encouraging, and I thank all the state agency representatives  
6 here for the progress you've made, and we look forward to this  
7 process continuing, and we appreciate all the work you've put  
8 into it. Thank you.

9  
10 **CHAIRMAN FRAZER:** Thank you, Ted. Next, we have Tom Steber,  
11 followed by Avery Bates.

12  
13 **MR. TOM STEBER:** Good afternoon. I'm Tom Steber. As a marine  
14 operator for over twenty years and six-term President and ten  
15 years plus on the Board of Directors of the Alabama Charter  
16 Fishing Association, formerly Orange Beach Charter Fishing  
17 Association, and a recreational angler for over sixty years, I  
18 want to echo my counterpart for everything, basically, he said,  
19 Gary Jarvis from Destin.

20  
21 I would like to support Amendment 50, leaving the charter/for-  
22 hire sector in the federally-managed program, at least until we  
23 get collection data, electronic logbooks with real-time data,  
24 which we need on all reef fish and not just snapper. I support  
25 Amendment 7, all of the preferreds, and the most stringent on  
26 cobia, because I have operated in the marina for all this time,  
27 and I've seen a huge decline in cobia. Thank you.

28  
29 **CHAIRMAN FRAZER:** Thank you, Tom. Next, we have Avery Bates,  
30 followed by David Krebs.

31  
32 **MR. AVERY BATES:** My name is Avery Bates, Vice President of the  
33 Organized Seafood Association, five generations plus of  
34 commercial fishermen, and I'm here to try to represent the  
35 commercial fishermen in a lot of ways. I am going to give you  
36 some of my points, too.

37  
38 Our industry depends on seafood. If there's no seafood out  
39 there, we don't exist, and people don't get to eat fresh  
40 seafood. It's imperative that you make laws that protect our  
41 way of life. Many restaurants depend on us that supply seafood.  
42 It's imperative that we keep any regulation that is  
43 constitutionally sound, any law that is constitutionally sound.

44  
45 On this Amendment 50, I'm kind of worried about it,  
46 constitutionally. Every time I see a state that puts a game  
47 fish status on a species of fish, guess who loses? The people  
48 of the country. Why? Only one fish. If you take it, two fish,

1 speckled trout and redbfish, and what happens? The recreational  
2 users get to keep it and the only way you can sell that fish to  
3 the markets is to be a properly-licensed commercial fisherman.

4  
5 If you take that property away from the people of the states,  
6 and not just state, because our property goes all around the  
7 country, and sometimes the world, and it's your responsibility  
8 to make sure that the Magnuson-Stevens Act don't give what we  
9 call a monopoly to one user group.

10  
11 If you give a monopoly and take all the resources -- Take  
12 redbfish, for instance. In 1980, or 1988, there was a study made  
13 on redbfish, and 78 percent was taken by the recreational  
14 fishermen, and 22 percent was taken by the commercial fishermen.  
15 What happened? They gave 100 percent to the recreational  
16 fishermen.

17  
18 Now, what is a monopoly? You take everything away from one  
19 group and you give it to another group, and what happened to  
20 speckled trout? In our state, we did the same thing on both  
21 species of fish, and so, if the National Marine Fisheries is  
22 over it, why don't they enforce the Constitution? They swear,  
23 by their raising of their hand, to make sure that they enforce  
24 the Constitution.

25  
26 The last meeting I got to in Birmingham, I asked the National  
27 Marine Fisheries about the overabundance of redbfish that's  
28 eating our crabs up, and I'm sorry that we have to go by a  
29 presidential order, Executive Order -- If you want to know the  
30 order, it's 13449. Guess what happened? No redbfish was taken  
31 from the Gulf. The overabundance is quite evident to us. If  
32 you say there is no red drum, you must not be putting your line  
33 in the water, because our shrimpers are running through miles of  
34 them.

35  
36 In fact, Dr. Shipp showed us a clip a while back on TV off of  
37 Sand Island Light of acres and acres and acres of red drum.  
38 People was reporting to me in the bay acres and acres and acres  
39 of red drum, and the crabbers are saying there is no crabs,  
40 there is no crabs, and guess what the number-one food of red  
41 drum is?

42  
43 **CHAIRMAN FRAZER:** Mr. Bates.

44  
45 **MR. BATES:** I'm on red.

46  
47 **CHAIRMAN FRAZER:** Yes, you are.

1 **MR. BATES:** I hadn't even got started for some of the other  
2 species.

3  
4 **CHAIRMAN FRAZER:** That was my fear.  
5

6 **MR. BATES:** But this is important. If you keep taking fish and  
7 giving them to one user group, you are not only violating state  
8 constitutions, and don't remember -- If you make a law in  
9 Alabama against 282 of Alabama Code 1910, the constitution, that  
10 law must show effect to what you swore to in 279 to protect our  
11 property rights. It is your property, and it is the rest of the  
12 people in this country's property, and don't give it to one  
13 group, and watch out for these shrimpers, because guess what I  
14 saw that Dr. Shipp's little movie showed?  
15

16 **CHAIRMAN FRAZER:** Mr. Bates.  
17

18 **MR. BATES:** Cannibalism by their own species.  
19

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

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

24 **CHAIRMAN FRAZER:** Next, we have David Krebs, followed by Johnny  
25 Williams.  
26

27 **MR. DAVID KREBS:** Good afternoon, council. My name is David  
28 Krebs, and I own Ariel Seafoods in Destin, Florida and  
29 Sebastian, Florida. We buy fish throughout the Gulf and in the  
30 South Atlantic. Congratulations to Dr. Simmons. We're glad to  
31 have you where you're at, and to Dr. Porch, and welcome to the  
32 new and returning council members.  
33

34 A few things that -- I was driving over today, and I thought,  
35 well, I haven't been to a meeting in so long that everybody will  
36 forget who I am, and so here I am, but I didn't really think  
37 that I had much to say, and then I listened to some of the  
38 testimony, and I thought, well, you probably have a lot to say.  
39

40 Here we are again talking about tools to reallocate red snapper,  
41 triggers. If we spent half the amount of time with staff of how  
42 to encourage recreational anglers to get more days that we do to  
43 try to find one more fish for them from a different sector, what  
44 a fishery they might have, because, just like Mayor Jarvis said,  
45 it doesn't matter how many fish you add to that sector. They  
46 are growing every day. If you go to Destin or Orange Beach and  
47 you look at the boat racks of new boats for sale, they're  
48 everywhere. If you move to the coast, you want to go fishing.



1  
2 You can give them fish, but, for every fish you give them,  
3 there's another two anglers that come along that want to catch  
4 that one fish. Until you address capacity in the private  
5 angling sector, you're going to have this problem forever, and  
6 it's frustrating to me that, after ten years of talking about  
7 reallocation, now we're going to try to find another back-door  
8 way into reallocation.

9  
10 We're operating under fair and equitable, and we've discussed  
11 that, and we've looked at all the things that have to do with  
12 this American fishery that the consumer depends on that doesn't  
13 fish just as much as the recreational boater does that does.

14  
15 The charter/for-hire sector, listen to them. I don't know about  
16 Louisiana. They seem to be in a world of their own, and maybe  
17 they are, and I'm a commercial guy, but I understand the need  
18 for the charter industry to have some kind of guarantee that  
19 their industry will survive, and, if they're lumped into the  
20 private anglers in the states, there is no guarantees.

21  
22 Lastly, Dr. Crabtree, sitting next to you you've got a great  
23 man, and you and I have -- We've been in front of the Deputy  
24 Under Secretary of Commerce before about size limits, and we  
25 know what the Secretary of Commerce can do. When you have an  
26 episodic event like red tide, and you know a fishery is crippled  
27 because of it, go to Washington. Take your best stab at it and  
28 stop things from getting worse.

29  
30 You have heard from all these fishermen that you've got a  
31 problem in the red grouper resource, and don't wait until new  
32 science comes in. Do something today about it and protect those  
33 guys in the future. Lastly, thank you for allowing me to sit on  
34 your advisory panels. I take a lot of honor in that, and  
35 especially thank you to Dr. Ava on the last meeting for helping  
36 get us through that one. Thank you very much

37  
38 **CHAIRMAN FRAZER:** Thank you, David. We have a question.

39  
40 **MR. DIAZ:** Hi, Mr. Krebs. Thank you for coming. I know, in the  
41 past, you have testified that you have purchased a fair amount  
42 of king mackerel, and, at the podium today, two separate people  
43 have said that their king mackerel is starting to be scarce, or  
44 something to that effect, and are your fishermen telling you  
45 anything that makes you stop and pause about king mackerel?

46  
47 **MR. KREBS:** The fishery was healthier this year, from what we  
48 landed, than last year. The fish were bigger, and I don't know

1 what the final ended up, but we bought a little over 800,000 out  
2 of the Western Zone this past season that just closed, and we  
3 saw a lot of fish coming out of Venice, out of South Pass, right  
4 on the east side of the delta, and they seem to have mirrored a  
5 little bit better with less effort than the boats fishing out of  
6 Grand Isle did.

7  
8 My feeling is we're seeing some fish off of Destin right now,  
9 and the weather has been such -- I don't know how the fish are  
10 moving, but there is nothing that leads me or the fishermen that  
11 are fishing for us right now to think that the fishery is in  
12 trouble, other than maybe the fish are just late or moving  
13 somewhere else. They are bigger than they were last year. If  
14 you remember, we talked last year about the small fish. Well,  
15 this fish did grow this year, and so we're not seeing the amount  
16 of five and six-pound fish in the Gulf that we saw last year.

17  
18 **MR. DIAZ:** Thank you, Mr. Krebs.

19  
20 **MR. KREBS:** Thank you.

21  
22 **CHAIRMAN FRAZER:** Our next speaker is Johnny Williams, followed  
23 by Bubba Cochrane.

24  
25 **MR. JOHNNY WILLIAMS:** Good afternoon. Johnny Williams from  
26 Williams Partyboats, Incorporated, a third-generation partyboat  
27 operator out of Galveston, Texas. I would like to say that I  
28 want to continue out of state management with the for-hire  
29 sector. I want to do away with the sunset that we're going to  
30 be facing here in a few years.

31  
32 I have argued, since I got involved with the council back in  
33 1989 or 1990, that really there should be three distinct  
34 sectors, and actually now there is four, with the sub-sector of  
35 the for-hire charter and the for-hire partyboats. Anyway, I  
36 want to keep everything on an even keel there.

37  
38 I want to progress with Amendments 41 and 42. We have had these  
39 now ways of prosecuting the fishery for a number of years, where  
40 you have a season and a bag limit, and this would be more  
41 creative to let people manage their own businesses the way they  
42 think best.

43  
44 My business is definitely different than people's businesses are  
45 in Florida, or even in other parts of Texas, and so I want to  
46 continue with 41 and 42, and I think that's a better way to  
47 manage the fishery.

1 As far as amberjacks and ling, or you all call them cobia, but  
2 we call them ling over in Texas, that doesn't make up a big  
3 component of my fishery, and so I would kind of defer that to  
4 the charter boat captains. I agree that the ling are in bad  
5 shape, and we need to do what we can to try to help some of  
6 these charter boat folks, but, anyway, that's pretty much it.

7  
8 Like I said, I got involved in the council back in the late  
9 1980s, and it's kind of a distant memory now, and I remember the  
10 first letter that I wrote to the council, and I said there  
11 should be three different distinct sectors, and I was in the  
12 pilot program that we had for partyboats for the red snapper,  
13 and it was an overwhelming success, but, to be honest, it's  
14 getting to be a memory now, too. It seems like it happened  
15 quite a while back, and I would like to see us go forward with  
16 all haste and try to accomplish these things for the fishermen  
17 and the fish and our customers as well. It would benefit all  
18 three. Thank you very much, and I hope you have a great  
19 afternoon.

20  
21 **CHAIRMAN FRAZER:** Thank you, Mr. Williams. Next, we have Bubba  
22 Cochrane, followed by Conner Cochrane.

23  
24 **MR. BUBBA COCHRANE:** My name is Bubba Cochrane from Galveston,  
25 Texas. I'm a commercial fisherman and charter boat fisherman,  
26 and I'm also the President of the Gulf of Mexico Reef Fish  
27 Shareholder's Alliance.

28  
29 I'm glad to see the council working towards next year's  
30 recreational red snapper fishing season being managed by the  
31 states. I feel that the EFP was a success in giving  
32 recreational fishermen more access to red snapper, especially my  
33 home state of Texas, where we got more days of red snapper  
34 fishing than any other state in the Gulf.

35  
36 I hope there are state representatives here on the council that  
37 will learn something from the other Gulf states that are doing a  
38 much better job of counting fish. I still believe that  
39 individual reporting for recreational landings of snapper should  
40 be mandatory and not optional. Only in this way will we ever be  
41 able to make an accurate count of what's really being landed.

42  
43 The commercial sector is required to report all landings. The  
44 charter/for-hire sector is willing to participate in logbooks to  
45 keep track of what they are catching. The federally-permitted  
46 headboats have already been reporting, and so why not  
47 recreational fishermen?

1 I also hope the council continues to not try and force the  
2 charter/for-hire sector into state management when it's clear  
3 that the majority of federally-permitted charter boats want to  
4 remain under sector separation and work on their own management  
5 plan.

6  
7 I still don't understand the need for any additional enforcement  
8 on the IFQ fish pounds landing estimate. I realize the need for  
9 fishermen to be as accurate as possible with these estimates,  
10 but I fail to see how adding a penalty for not estimating  
11 accurately enough is going to help law enforcement.

12  
13 I would like to see this removed from 36B, as it is not going to  
14 help improve anything for the IFQ. If law enforcement is  
15 worried about individuals cheating the system, they should wait  
16 until they unload their fish and get a DL from their buyer and  
17 then do an intercept and weigh the fish to see what they really  
18 have. That's how you will catch people cheating, not by getting  
19 a better pre-landing estimate. Even our own federal law  
20 enforcement agents in Texas don't see the need for this. Thank  
21 you.

22  
23 **CHAIRMAN FRAZER:** Hold on, Mr. Cochrane. We have a question  
24 from Ed Swindell.

25  
26 **MR. SWINDELL:** Let's talk about cobia. Are you getting any  
27 cobia?

28  
29 **MR. COCHRANE:** I will say for sure on the -- I also recreational  
30 fish too, and on the charter boat and on the commercial boat,  
31 we're not seeing near as many cobia as we have in the past two  
32 or three years. Every year, it seems to be declining more and  
33 more, and so a boat limit, or even a one per person, we need to  
34 do something, for sure.

35  
36 **CHAIRMAN FRAZER:** Thank you. Next, we have Conner Cochrane,  
37 followed by David Walker.

38  
39 **MR. CONNER COCHRANE:** Council members, I would like to thank you  
40 for your time in letting me get up here and speak. My name is  
41 Conner Cochrane, and I'm fifteen years old, and I'm a commercial  
42 red snapper fisherman from Galveston, Texas.

43  
44 Getting to come to these meetings with my dad, it's a great way  
45 for us to spend time, and it's a great way to learn new things.  
46 I don't like to look at the commercial red snapper fishery as  
47 just as a job. I like to look at it as a way of life. When I  
48 see a red snapper, I see someone eating at a restaurant and

1 saying, damn, that's good, and I love what I do. I love  
2 providing seafood for the public, and that's the one and only  
3 job I will ever want. Come see us in Galveston, please. Come  
4 eat some red snapper. Thank you for your time. (Applause)

5  
6 **CHAIRMAN FRAZER:** Thank you, Conner. Next, we have David  
7 Walker, followed by Jim Green.

8  
9 **MR. DAVID WALKER:** Good afternoon, council. New council  
10 members, welcome. Carrie and Clay, just a lot of things seem to  
11 be moving right along here. I can't follow what Johnny had to  
12 say earlier, but I can remember, when I first got on the  
13 council, a council member came up to me, right before we had our  
14 first meeting, and he told me -- He said, congratulations, now  
15 you're part of the problem, and so you can imagine. I came from  
16 the audience, and, all of a sudden, at the very next meeting,  
17 I'm part of the problem, and so you have a lot to get -- We  
18 worked on problems.

19  
20 I can remember when we started moving to the states doing  
21 something different, something for the private anglers, and it  
22 was years that they fought against it, and we finally got it  
23 moving, and, with this exempted fishing permit, I'm just  
24 thrilled that it got through, and I felt good that I helped to  
25 get the ball rolling with others.

26  
27 I've been coming to a lot of council meetings here in Alabama  
28 for a long time, and I can remember the first one was in a  
29 concrete building around Orange Beach, and the council was this,  
30 and there was probably six or seven of us in the audience, but  
31 things have changed. I think you heard Wayne Werner say before  
32 and talking about, when there was no fish, there was no one  
33 here.

34  
35 Well, there's more fish, and there's more folks here too today,  
36 and so it's a lot that is important to folks, and try to listen  
37 to what the commercial industry said and has communicated to  
38 you. Some of the things I've looked at is these allocation  
39 review triggers, the triggers for it, and I would like to see  
40 the APs get the chance to look at it and work on it. The reef  
41 fish management plan objectives, I would like to see the same  
42 thing. I would like to see the APs get a chance.

43  
44 Red groupers, you're hearing the truth. They're telling you the  
45 truth about that. I would still like to see the charter  
46 industry separated. That seems to be what Alabama wants, and I  
47 support them.

1 I am going to hit on these hails, you know you hail-in the  
2 weights, and I know everyone on the council, and I don't know  
3 anyone who has ever been a commercial red snapper fisherman, and  
4 you had to weigh these fish on the deck. Some baskets weigh  
5 fifty pounds, and some weigh seventy pounds, and just imagine  
6 doing that right here on this concrete. Just put yourself on a  
7 boat, whether it's thirty-foot or sixty-foot, and put them in  
8 three to five or five to eight or six to nine-foot seas, and it  
9 gets hard to get an accurate count.

10  
11 I don't think there's a need for that. If there is a need for  
12 it, and if it's better data, maybe it's something that both  
13 sectors need, all sectors need, and I don't know, the hail-in  
14 and the hail-out, but we don't need it, the commercial industry,  
15 for a percentage, to stay within that percentage. Thank you.

16  
17 **CHAIRMAN FRAZER:** Thank you, David. We've got a question from  
18 Patrick.

19  
20 **MR. PATRICK BANKS:** Hi, David. Welcome back. It's good to see  
21 you. I appreciate your comments, and my question was about  
22 cobia. Do you have any thoughts on the cobia issue in front of  
23 us, from a commercial standpoint?

24  
25 **MR. WALKER:** There is no cobia. They are telling the truth.  
26 They're inshore earlier in the year, and then they fall offshore  
27 to the reefs, and the fish are not there. Cobia are pretty much  
28 non-existent, and you've heard the truth here about that. They  
29 are trying to -- Fishermen are trying to show their concerns,  
30 and that is a concern about the cobia, and I've been hearing it  
31 a lot, and I hear there are plenty of triggerfish, though. To  
32 answer your question, yes, there is a problem with it.

33  
34 **CHAIRMAN FRAZER:** Thank you, David. Next, we have Jim Green,  
35 followed by Scott Hickman.

36  
37 **MR. JIM GREEN:** Hello. Captain Jim Green from Destin, Florida,  
38 President of the Charter Boat Association in Destin, and I'm  
39 also Vice President of the Charter Fishermen's Association.  
40 Thank you, council members and Chairman and staff, for being  
41 able to speak today.

42  
43 Amendment 50, while we support the states finding a solution for  
44 their private recreational anglers, the DCBA opposes the  
45 federally-permitted fleet from being included into this  
46 amendment. The FWC voted to keep us out of this document, and  
47 we would hope that other states would follow their lead and keep  
48 their focus on the private angling component.

1  
2 The for-hire industry has a proven and successful path  
3 concerning red snapper moving forward. With overwhelming for-  
4 hire support for Amendment 40 by even those who were opposed or  
5 on the fence in the beginning, the for-hire fleet has no desire  
6 to remove the stability that it has developed over the last four  
7 years.

8  
9 With the sunset provision in Amendment 40, the FWC has given  
10 guidance to Martha to support the removal of this provision.  
11 Amendment 40 has a great track record not only in the  
12 perspective of angling access and stability, but also from a  
13 biological standpoint, by operating within the quota.

14  
15 This burdensome item has been hanging over the heads of the for-  
16 hire industry, and it should be removed. We ask that the  
17 council start a stand-alone process or mechanism for removal of  
18 the sunset provision from 40. For our industry, it is not  
19 conducive for this to be tied in with another amendment. It is  
20 that important to us.

21  
22 Concerning cobia, the DCBA recently polled our membership on the  
23 alternatives in the cobia document. From that survey, it was  
24 concluded that our membership supported the current preferred  
25 alternatives of one fish per person and a two-fish vessel  
26 possession limit. When it came to minimum size, the DCBA  
27 supports a more restrictive measure, with a supermajority of our  
28 membership wanting a thirty-nine-inch or better fish.

29  
30 I know there's been a lot of talk about taking such a drastic  
31 measure, but you really have to look at what would spark this  
32 many fishermen to be outspoken and concerned about this fishery.  
33 Those who are claiming to see a bunch of catch and are catching  
34 plenty, they're not catching the big ones, and, while you do  
35 have a certain amount of poundage that may be brought in, that  
36 poundage doesn't reflect the class of fish that you're bringing  
37 in, and so please be cognitive of that. I don't know if it's  
38 the oil spill or if it's overfishing or what exactly it is  
39 that's causing us to see less of them, but that is very  
40 apparent.

41  
42 Concerning red groupers, I'm not going to bend your ear anymore  
43 on that. I echo every fisherman that has stood up here and said  
44 something about them. They are in deep trouble, and I'm scared  
45 that we are seeing the beginning of the collapse.

46  
47 Historical captains license, we wholeheartedly support these  
48 individual permits becoming vessel permits. There is a lot of

1 things -- That was a thoughtful way of keeping the fishermen  
2 with a future moving forward, and a lot of things come up in  
3 their businesses, such as medical, family, and personal reasons,  
4 that they have to leave their business, and we would like to see  
5 them have something to where their business can operate with  
6 them absent. Thank you.

7  
8 **CHAIRMAN FRAZER:** Captain Green, we've got a couple of questions  
9 for you. John Sanchez.

10  
11 **MR. SANCHEZ:** How are you?

12  
13 **MR. GREEN:** I'm doing good, John.

14  
15 **MR. SANCHEZ:** I wanted to ask you -- In south Florida, the  
16 fishing for cobia might be structure related, and, of course,  
17 opportunistic fish happen by, but I'm worried that if we go much  
18 bigger than like thirty-six inches, at least in south Florida,  
19 they swim and they play real nice with the bull sharks and that  
20 you hook one, and you might end up feeding quite a few of them  
21 to the bull sharks, trying to get to that thirty-nine one, and  
22 is that an issue in your neck of the woods?

23  
24 **MR. GREEN:** Predation has been a growing issue on not just  
25 cobia, but all reef fish and pelagic species that I've seen.  
26 It's a growing trend. If you protect a predator, you're going  
27 to have more predation, it seems like.

28  
29 Our guys are really looking at it not so much in that detailed  
30 perspective, but they're looking at trying to get that fish to  
31 have one or two breeding cycles before that fish is legally --  
32 That you would be able to obtain it through harvest, and so  
33 they're kind of looking at the perspective of trying to get that  
34 fish to breed more than once, as our discussion went, and so  
35 predation wasn't really part of it. I guess it's become kind of  
36 the norm for us.

37  
38 **CHAIRMAN FRAZER:** Thank you, Jim. Next, we have Scott Hickman,  
39 followed by Bobby Kelly.

40  
41 **MR. SCOTT HICKMAN:** Good afternoon. I got used to saying Madam  
42 Chair, but now I've got to -- We're back to having Mr. Chairman,  
43 and so thank you, Mr. Chairman, and, Carrie, congratulations on  
44 your promotion. I'm Captain Scott Hickman from Galveston,  
45 Texas. I'm a little over thirty-year professional, charter, and  
46 commercial fisherman.

47  
48 Today, I'm giving testimony for the Galveston Professional



1 Boatmen's Association, and we do not want the charter/for-hire  
2 permit holders to be added into Amendment 50. In fact, I don't  
3 think we had any members that said that they would even support  
4 that.

5  
6 There is definitely an issue with cobia. I don't think that  
7 we're at the point where we're just not seeing many fish at all,  
8 like the eastern Gulf, but I used to catch about two-hundred-  
9 plus a summer, and I'm down to catching fifty or sixty now  
10 during the season. We would support, our association would  
11 support, going to one cobia per angler and the status quo on the  
12 size limit.

13  
14 We want the charter/for-hire fleet to get their ELBs on the  
15 water as early as we can in 2019. Many of our members  
16 participated in the CLS America pilot. We like the equipment,  
17 and we like reporting, and so we're ready to get that going.

18  
19 Our members also support an EEZ stock assessment on red drum,  
20 and we would like to know -- We see these massive schools of red  
21 drum offshore in the nine-mile line, and I think that, at some  
22 point, if we've got a harvestable number, we should look at  
23 that.

24  
25 The charter/for-hire historical permits, we've got a few in  
26 Galveston, and we would like to see those permits made whole or  
27 regular like the rest of our permits, and one last point.

28  
29 I have heard some people talk about Hurricane Michael, and Mayor  
30 Jarvis, Buddy Guindon, myself, and Scott Gordon from the  
31 Lighthouse Charity out of Texas went to the affected areas about  
32 two days after the storm. Our Texas charity has been providing  
33 relief efforts since about that time, and I want everybody that  
34 can donate to a charity or any relief folks that they know that  
35 is providing relief over there to do so and help those folks  
36 out. It's terrible, and their fishing fleet has been totally  
37 devastated, the commercial, recreational, and charter boat  
38 fleet, and those are our friends and neighbors, and that's why  
39 you're not seeing those folks here, and it's been a terrible  
40 thing for them, and so keep them in our thoughts and prayers,  
41 and, if you can donate to any charity organization, please do  
42 so. Thank you.

43  
44 **CHAIRMAN FRAZER:** Scott, we've got a couple of questions.  
45 Kevin.

46  
47 **MR. ANSON:** Scott, thanks for being here, and kudos to you and  
48 your group for providing that charitable donation. You

1 mentioned that you wanted the vessel limit, but you didn't say  
2 anything about the size limit for cobia. You wanted that to  
3 stay the same, and is that correct?

4  
5 **MR. HICKMAN:** Status quo.

6  
7 **MR. ANSON:** What is the size limit currently in Texas?

8  
9 **MR. HICKMAN:** Thirty-seven, which works out to like the federal  
10 regulation of thirty-three fork.

11  
12 **MR. ANSON:** Okay, and so it's the same. Okay. Thank you.

13  
14 **MR. HICKMAN:** Yes.

15  
16 **CHAIRMAN FRAZER:** Thanks, Scott.

17  
18 **MR. HICKMAN:** Thank you.

19  
20 **CHAIRMAN FRAZER:** Next, we have Bobby Kelly, followed by Kendall  
21 Dix.

22  
23 **MR. BOBBY KELLY:** My name is Bobby Kelly, and I'm out of Orange  
24 Beach, Alabama. I own the boat the Miss Brianna, and I charter  
25 and commercial fish. First off, I want to thank you guys from  
26 the very bottom of my heart for the work you've done over the  
27 last couple of years to get all of the fishing seasons together.  
28 It seems like this year we were able to have a fish to catch  
29 every season, and sometimes the council gets a bad rap for not  
30 doing anything, and I do realize it's a very long and arduous  
31 process, but it made charter fishing very easy this year.

32  
33 Next, let's make the historical permits -- Let's go ahead and  
34 turn those into vessel permits. There is no need for these guys  
35 to keep having that hanging over their head.

36  
37 As far as Amendment 50 goes, I fully supported the EFPs, and I  
38 still support them, and I think it's great for the recreational  
39 anglers. I think Amendment 50 is a good idea, but I don't like  
40 being forced into something, and so, again, I ask for you guys  
41 to leave the charter/for-hire fleet out. I think you've heard  
42 from everybody in the fleet that has felt that way, also.

43  
44 Red grouper, it's no secret. The cat is out of the bag there.  
45 You guys are smart people, and I'm sure there is some mechanism  
46 somewhere, somehow, that you all can cut a corner somewhere.  
47 However, get in there and use whatever mechanism you've got to  
48 help improve the stock of the red grouper, okay?

1  
2 Finally, I have saved the best for last, cobia. You're going to  
3 be hard-pressed to find a guy in Orange Beach, Alabama that  
4 spends more time on the water than I do, about 200 days a year,  
5 both charter and commercial. I have seen these fish, and I have  
6 seen the lack of them.

7  
8 Mr. Swindell, just to address the cobia matter a little further  
9 for you, you specifically asked Mr. Boggs about the 2017  
10 landings, and I believe Captain Boggs was up here very adamant  
11 about the 2018 sightings that he has seen. My marina is the  
12 largest charter boat marina in the State of Alabama. We have  
13 over forty offshore charter vessels in there, and we chose to  
14 impose, ourselves, as a conservation measure, a forty-inch fork  
15 length cobia limit on ourselves, and nobody made us do it. It  
16 was just what we decided to do for the good of the species.

17  
18 Now, I'm not getting up here and saying that's what you guys  
19 should do. I fully support all the preferred alternatives on  
20 the cobia amendment, and I like the two per vessel limit, and I  
21 like the thirty-six-inch limit. I myself -- We had twenty cobia  
22 caught this year over thirty-three inches, and we kept four that  
23 were over forty inches.

24  
25 These fish, the stock is just like the red snapper were in the  
26 early 2000s, and, yes, there is people up here saying there is  
27 plenty of time, but the scientists know that the catch per unit  
28 effort was through the roof and that there were no females, big,  
29 large females, which is indicative of a healthy stock. These  
30 fish are in trouble. I think that's all I've got. Any  
31 questions?

32  
33 **CHAIRMAN FRAZER:** Yes, we've got a question for you, Bobby, from  
34 Kevin.

35  
36 **MR. ANSON:** Thank you for coming, Bobby. Could you describe,  
37 briefly, if possible, your method for measuring those fish that  
38 are under forty inches? How do you handle those fish that are  
39 different from something that's a thirty-three-inch fish?

40  
41 **MR. KELLY:** Okay. Automatically, if we see a fish, we can tell  
42 if he's over forty. You can kind of ballpark it right off the  
43 get-go. I mean, nobody is going to sit there and going to write  
44 you a ticket or slap you with a yardstick, if you're from  
45 Zeke's, but, if we see a fish that we know is under, the first  
46 thing we do, believe it or not, the turtle gear that we're  
47 required to have with 150 percent of the thing, and I hated that  
48 daggone dip net, and now it's my best friend.

1  
2 Any fish that is questionable right off the get-go, we throw it  
3 back in the water, and I'm going to go ahead and tell you  
4 something. If you tell these charters, and I've done it before,  
5 when I didn't have anything in that fish box. I had one b-liner  
6 and a lane snapper one day, and we caught a fish that was  
7 thirty-eight inches, and you go down there and explain to these  
8 people that, hey, this fish is rare, and they get to be a  
9 hundred pounds and they're in jeopardy, and I'm talking I was  
10 three-quarters of the way through my trip and had two fish in my  
11 box, and these people paid \$1,400 to go fishing, and they threw  
12 it back, and they were happy to. Basically, I use a dip net on  
13 a fish that's questionable. Anything else?

14  
15 **CHAIRMAN FRAZER:** No, you're good to go. Thank you. Next, we  
16 have Kendall Dix, followed by Bryan Reeves.

17  
18 **MR. KENDALL DIX:** Thank you, all, for the opportunity to speak.  
19 I am Kendall Dix from the Gulf Restoration Network. The red  
20 tide, as we know, is still killing fish in Florida. During our  
21 Q&A after the meeting last night, it seemed like most everybody  
22 here was in agreement that this is having an effect on the red  
23 grouper population, and it is undoubtedly affecting many more.

24  
25 Now is the time to incorporate ecosystem-based fisheries  
26 management into our response to this disaster. It makes sense  
27 that we use all of the best data available so that we can  
28 respond more quickly and proactively when an ecosystem issue  
29 like red tide arises.

30  
31 Whether or not you believe nitrogen and phosphorous pollution is  
32 making things worse, the red tides are getting more frequent and  
33 more persistent. We should consider other ecosystem pressures  
34 that may affect fishermen as well, like the dead zone at the  
35 mouth of the Mississippi River. The dead zone is exacerbated by  
36 nitrogen and phosphorous runoff as well from farms, soy and  
37 other crops grown to feed farmed fish.

38  
39 Changes in estuary and ocean conditions can affect fish  
40 populations and the businesses that rely on them, including  
41 restaurants, which I have worked in for my entire career. A  
42 plan provides a way for managers to use -- Forecast biological,  
43 social, and economic trends, such as the amount and kind of  
44 fishing expected or changes in domestic seafood supply and  
45 security to help fishermen and coastal businesses plan for such  
46 shifts.

47  
48 This kind of planning increases order and accountability in the

1 fishery management process. In addition, the plans give fishery  
2 managers more direction about how to use the scientific  
3 information they already regularly receive and opportunity to  
4 weigh-in on what research will help them do their jobs better.  
5 Therefore, we support the creation of an EBFM working group and  
6 the eventual adoption of a fishery ecosystem plan. Thank you.

7  
8 **CHAIRMAN FRAZER:** Thank you, Kendall. The next speaker is Bryan  
9 Reeves, followed by Richard Fischer.

10  
11 **MR. BRYAN REEVES:** Hi. I'm Captain Bryan Reeves, owner and  
12 operator of Wild Orange Charters, located in Orange Beach,  
13 Alabama. I am here today to talk about the cobia, which is a  
14 fish that I am very passionate about, and it's the only fish  
15 that I target during my spare time.

16  
17 Over the past six years, I have fished pretty much every single  
18 day during the migration, which the migration in our area  
19 usually lasts between March 20 through the end of April. I have  
20 seen a decline in fish every single year, a tremendous decline  
21 in large fish every single year. This year, I fished  
22 legitimately every single day of April, and I -- Like Randy  
23 Boggs was talking about, the tournament that we held there in  
24 Orange Beach this year, I caught one fish. I killed one fish  
25 during the thirty-day period, and, believe it or not, up until  
26 the very last day, I was leading the tournament, and that was  
27 the only fish that had been weighed-in for the entire thirty  
28 days.

29  
30 There were two other fish caught the very last day of that  
31 tournament. This year, I put 1,253 hours on my engine since the  
32 start of the migration. To date, I have caught and killed three  
33 cobia. I have released around ten fish that were legal, that we  
34 did not keep. All of those fish, like Bobby was just talking  
35 about, we net those fish, if they're questionable. It's a fish  
36 that I don't see that needs to be killed.

37  
38 You know, we're talking about a fish that grows rapidly for the  
39 first two years. These fish, the average size is forty to  
40 ninety pounds, and, when you're talking about a thirty-three to  
41 a thirty-six-inch fish, even a thirty-nine to forty-inch fish --  
42 A forty-inch fish, which one of the three fish that we killed  
43 was thirty-nine inches, and it weighed twenty-two pounds, and  
44 the reason we killed that fish is because we hooked it in the  
45 gills and it wouldn't survive.

46  
47 These fish aren't being allowed to spawn. They are not being  
48 allowed to sexually mature during the time that they are coming

1 through, and the fish that are being killed -- A thirty-three-  
2 inch fish, or even a thirty-six-inch fish, has never been  
3 allowed -- The majority of those fish have never been allowed to  
4 breed, and that's why we're seeing a massive decline in these  
5 fish, is because we're killing all the breeding stock. They are  
6 not being allowed to reproduce, and so I'm in favor of -- To be  
7 honest with you, I think it should be one per person, two per  
8 vessel, and it should be a minimum of forty inches, or even  
9 forty-three inches.

10  
11 As the preferred right now, I could live with thirty-six inches,  
12 because I think the biggest thing that can help us immediately  
13 in this situation is to reduce the catch limits, reduce them to  
14 one per person or two per vessel.

15  
16 Also, you're talking about upping the size limit with these  
17 fish, and how are going to be able to distinguish between a  
18 thirty-three-inch fish to a thirty-six-inch fish, or maybe, if  
19 you up it to forty inches, I think it should be set in rule to  
20 use a dip net, a dip net only, on landing these smaller fish.  
21 That way, the people are not sticking them and measuring them  
22 and, if they don't make it, throwing them back and killing the  
23 fish.

24  
25 Also, one thing that you guys asked Jim Green earlier about was  
26 the predatory situation, and I have never, since 1995, seen a  
27 cobia get eaten by a shark, and I have fished for those -- Like  
28 I said, I have fished for cobia pretty much more than anybody  
29 that I know. I am very passionate about it, and, like I said, I  
30 have never seen a cobia get eaten by a shark. I've seen  
31 amberjack, and I've seen king mackerel, and I've seen numerous  
32 red snapper and a lot of other species, grouper, but I've never  
33 seen a cobia get eaten by a shark. That's all I have.

34  
35 **CHAIRMAN FRAZER:** Thank you, Bryan. Our next speaker is Richard  
36 Fischer, followed by Mike Jennings.

37  
38 **MR. RICHARD FISCHER:** Good afternoon, council. Thank you all  
39 for having me here this afternoon. I'm Richard Fischer, here  
40 representing the Louisiana Charter Boat Association. I want to  
41 start out by saying that we in Louisiana want to go ahead and  
42 acknowledge the destruction and devastation of Hurricane  
43 Michael. We might disagree on the issues sometimes, but we're  
44 all brothers and sisters here in this fishery, and we just  
45 wanted to let you all know that we've been thinking about you  
46 all and praying about you all, and it's horrible, horrible  
47 events.

1 I want to start out with historical permits. We agree with the  
2 majority of the people who have come up so far, and we think  
3 it's the right thing to do, and we want to thank you as the  
4 council for going ahead and looking into normalizing these  
5 historical permits, and so thank you all for that.

6  
7 With that said, that's probably where the agreements are going  
8 to end with my few minutes up here at the podium. On cobia,  
9 from our conversations with our captains, they are not in favor  
10 of taking any action on cobia. They believe that the science  
11 doesn't necessarily dictate that yet, and we're going to have a  
12 stock assessment come out in about fifteen months on cobia, and  
13 we would like to wait until that stock assessment comes out and  
14 see what it dictates.

15  
16 If that stock assessment says there needs to be action, we will  
17 absolutely come up here and support action, but we just don't  
18 believe that we have reached that point yet. The science says  
19 it's not overfished, and it's not undergoing overfishing. If  
20 this body though does decide tomorrow that something does need  
21 to happen with cobia, we would like it if you all would limit it  
22 to either only doing the size limit or only limiting it to one  
23 per angler on the vessel. If you're bringing out six people,  
24 you could go ahead and bring home six cobia.

25  
26 We would like it if you all would go ahead and consider changing  
27 what was discussed earlier this week, where it was discussed to  
28 take out the word "daily". We, from the Louisiana perspective,  
29 kind of -- It's the unfortunate reality of the situation that  
30 our captains can only take one trip per day, and captains from  
31 other parts of the Gulf can take multiple trips per day.

32  
33 Well, those captains taking those trips are now saying, well,  
34 we've got to do something about cobia, and so let's go ahead and  
35 limit it to two, but, if we take more than one trip per day, we  
36 can catch more than two, but, in Louisiana, we would be stuck  
37 with two, and so we just don't necessarily see the fair and  
38 equitable side of that there, though we, of course, would be  
39 open to continuing that conversation.

40  
41 Finally, on state management, the ship has probably sailed on  
42 that for charter guides in Louisiana having the option and  
43 possibility to be in Amendment 50A or 50B, and so just -- Until  
44 it's out of the document, we're going to come up and we're going  
45 to say that our guides would in fact like to be part of state  
46 management, kind of until that document goes final. That's all  
47 I had for you all this afternoon, and I'm happy to take any  
48 questions.

1  
2 **CHAIRMAN FRAZER:** Thank you, Richard. Next, we have Mike  
3 Jennings, followed by Troy Frady.  
4

5 **MR. MIKE JENNINGS:** Good afternoon. I am Captain Mike Jennings,  
6 and I own and operate two federally-permitted charter boats in  
7 Freeport, Texas, and I'm the managing partner of a ninety-four-  
8 boat dry-stack marina there on Surfside Beach. I'm also the  
9 President of the Charter Fishermen's Association.  
10

11 I just want to start off with Amendment 50. As most everybody  
12 here that knows us, they know we support Amendment 50, as far as  
13 the private recreational anglers are concerned. We as a charter  
14 boat industry do not want to be included in Amendment 50, and  
15 one of the things that struck me the most, I think, yesterday,  
16 in listening to the conversation, is you all have set this up in  
17 a timeline, and you're trying to push yourselves forward to this  
18 next meeting, and it was the discussions about the state  
19 endorsements and whether you can transfer a permit from one  
20 state to the next or whether I can fish in the State of  
21 Louisiana or Alabama, et cetera, and, if those permits are sold  
22 sometime during the season, there was some discussion from staff  
23 about maybe limiting that permit to not be able to fish in  
24 another state until they can get to the next year and buy this  
25 endorsement, et cetera, et cetera.  
26

27 It struck me funny as one of the issues on Amendment 50, as I  
28 was listening to all of that, how this conversation just became  
29 convoluted and sometimes confusing, or at least it was to me as  
30 I was listening to it.  
31

32 The original idea behind what is now Amendment 40, when we  
33 started talking about this and originally coming to the council  
34 on it, and then it became the SOS, and then it became sector  
35 separation, the ugly word, and now Amendment 40, was that our  
36 biggest concern with that, or our thoughts on it, was that it  
37 was to take two industries, or two user groups, that are  
38 obviously regulated differently, massive differences in the  
39 regulations and requirements on these industries, and that was  
40 one of the issues that we felt made it -- In our minds at least,  
41 it made commonsense to move forward with two separate  
42 allocations.  
43

44 Now, through Amendment 50, we are being put in a position where  
45 we might be forced back into this one singular common allocation  
46 with added restrictions and separatist-type regulations. It  
47 makes absolutely no sense. To me, the idea there is it's easy.  
48 Forget it and leave us out of it. Move forward and see what you



1 can do with it.

2  
3 Cobia, just real quick, and I know I'm on the yellow, but we  
4 support moving with the reduction of the cobia, be it one per  
5 person or two per vessel, et cetera, with our association strung  
6 from south Texas to south Florida, and we have members in all  
7 five states, and from one end to the other, and obviously the  
8 opinions vary on what degree of regulation that we need to take  
9 to do this, but I think the overall consensus is that we are  
10 seeing a decline, regardless of whether you're looking at the  
11 eastern stock or the western stock, and so I see I'm at the red  
12 light, and so I will leave it at that. Thank you.

13  
14 **CHAIRMAN FRAZER:** Thank you, Mike. Next, we have Troy Frady,  
15 followed by Blakeley Ellis.

16  
17 **MR. TROY FRADY:** Good afternoon. I'm Troy Frady, and I'm a  
18 federally-permitted offshore fishing guide, educator, and now  
19 entertainer. I would like to just get down to the lick log, as  
20 my attorney buddies call it, and encourage you to go ahead and  
21 pick the final preferreds on Amendment 50.

22  
23 The private recreational angler is going to be faced against  
24 some severe consequences if you all don't make a decision at  
25 this meeting. I want you to pick the preferreds and agree on  
26 allocations that were based upon your EFPs, to keep things  
27 simple.

28  
29 That way, you all can go final by June, and it can be  
30 implemented at the end of the EFP. After seeing the success of  
31 what Tails 'n Scales has done in Mississippi, I would also  
32 encourage you state managers to come up with a tool that is  
33 equal to or better than what Dr. Mickle and the people in  
34 Mississippi have done. Congratulations on that. That is the  
35 gold standard of all data collection. I appreciate it.

36  
37 Finally, on the historical permitting, my buddy Chris Garner  
38 back here, please let people like him go ahead and get their  
39 permits for their vessels, their historical permits, converted  
40 into regular permits. These guys have earned their way in this  
41 fishery, and they deserve that respect, and I would like to end  
42 with that. Thank you so much.

43  
44 **CHAIRMAN FRAZER:** Thank you, Troy. Blakeley Ellis.

45  
46 **MR. BLAKELEY ELLIS:** Thank you. I'm Blakeley Ellis, and I'm  
47 with CCA Alabama, but also I'm a private recreational angler,  
48 and I have fished in Alabama all thirty-five of my years, and so

1 I wanted to take a second and thank all of you for your time  
2 committed to serving on the council. I wanted to thank our  
3 state officials here, Kevin, Scott, and Chris, for all the work  
4 they've done on working towards forms of state management and  
5 working hard to get their reporting certified and even down to  
6 just getting the word out before the season started, during,  
7 after, and Scott Bannon was just about as available to --  
8 Anybody that wanted to talk to him could and ask him questions,  
9 and, not only would he answer, but he would answer quickly, and  
10 so, Scott, I appreciate your willingness and commitment to being  
11 available and working us for as Alabamians.

12  
13 I would encourage everybody to continue working towards that  
14 path of state management. As far as the cobia goes, some sort  
15 of an action I would be supportive of, and I think you all have  
16 got several on your plate, and I don't know the answer to which  
17 one is the right one, but that is a consistent complaint you  
18 hear from all across the board, as far as I was concerned. I  
19 guess that's about it. I appreciate the opportunity to speak.  
20 Thank you.

21  
22 **CHAIRMAN FRAZER:** Thank you, Blakeley. That looks like we're at  
23 the end of our speaker list, and so I thank everybody for their  
24 comments. We're going to take a short break, a twenty-minute  
25 break, and we'll see you then. We're going to do some committee  
26 reports. We'll come back at 4:25.

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

29  
30 **COMMITTEE REPORTS**  
31 **CORAL COMMITTEE REPORT**  
32

33 **CHAIRMAN FRAZER:** We are going to go through some committee  
34 reports this afternoon. We're going to do the Coral Committee  
35 Report, the Administrative/Budget Committee Report, and Gulf  
36 SEDAR. We will start off with the Coral Committee Report, and I  
37 will take care of that one.

38  
39 The committee adopted the agenda and added one item under Other  
40 Business and approved the minutes. Analysis of VMS and ELB  
41 Information for Flower Garden Banks National Marine Sanctuary  
42 Expansion, staff presented the committee with an analysis of the  
43 fishing activity within the Flower Garden Banks National Marine  
44 Sanctuary Expansion areas that it requested at the August 2018  
45 meeting.

46  
47 Staff also highlighted that the council's previous  
48 recommendations were a tiered approach for fishing regulations,

1 an endorsement to fish in the sanctuary, and mooring buoys on  
2 the banks. If the Flower Garden Banks National Marine Sanctuary  
3 chooses the Sanctuary Advisory Council's recommended boundaries,  
4 the tiered approach no longer makes sense, as the no activity  
5 zones outlined in the council's recommendations are mostly less  
6 than one mile different from the new proposed boundaries.  
7 Historically, bandit rig gear has been used on every bank, but  
8 activity with other fishing gear appears limited. Bright Bank  
9 had several spearfishing points.

10  
11 Mr. Schmahl clarified that the Final Environmental Impact  
12 Statement is still in progress, but that it is anticipated a  
13 proposed rule would publish in May of 2019. Mr. Schmahl also  
14 clarified that bandit rig gear would still be an allowable gear  
15 type. Staff will prepare a letter outlining the council's  
16 support for the new SAC boundary recommendations as well as the  
17 fishing regulations within these areas that would allow  
18 spearfishing in the expanded area.

19  
20 Other Business, the committee requested an update on the golden  
21 crab EFP that was reviewed at the April 2018 council meeting.  
22 NMFS stated that the fishing area described in the Federal  
23 Register for this EFP is different than the area described in  
24 the original proposal, because of concern about potential  
25 interactions with sperm whales in the original proposed area.  
26 NMFS also stated that the current proposed fishing area  
27 encompasses some coral HAPCs, but the golden crab fishery would  
28 be required to avoid these areas as part of the EFP. This  
29 concludes my report. Doug.

30  
31 **MR. BOYD:** Thank you, Mr. Chairman. I just wanted to ask you if  
32 -- Roy, do you all have a new map of where this is going to go,  
33 as opposed to where it was, that we could see?

34  
35 **CHAIRMAN FRAZER:** Morgan, do you have that map?

36  
37 **DR. MORGAN KILGOUR:** I do, and I sent it to Meetings, and so it  
38 should be available.

39  
40 **CHAIRMAN FRAZER:** Thank you. There it is. Morgan.

41  
42 **DR. KILGOUR:** I can barely see that, and I made the map, and so  
43 I apologize for that. The bottom red square is the original EFP  
44 location, and the large rectangle that is outlined in red that  
45 is along the West Florida Shelf, that is the new EFP location  
46 outlined in the Federal Register notice.

47  
48 **MR. BOYD:** Morgan, what is that distance? I mean, I'm assuming

1 that the EFP allows them to drop anywhere in that area, in that  
2 new box?

3  
4 **CHAIRMAN FRAZER:** Morgan.

5  
6 **DR. KILGOUR:** NMFS needs to keep me honest here, but it's my  
7 understanding that the new EFP area recommends a depth zone of  
8 1,800 to 2,200 feet, which is -- If you look in the large  
9 rectangle, those depth contours outlined are 1,500 and 2,500  
10 feet, and so it's a really narrow, steep wall that also  
11 corresponds with the West Florida Wall HAPC, which is basically  
12 a long wall of coral. I am pulling up my ArcMap right now, so I  
13 can tell you what the length and width of that is, but it's --  
14 If you give me a minute, I will get that for you.

15  
16 **MR. BOYD:** Mr. Chairman, just a follow-up question.

17  
18 **CHAIRMAN FRAZER:** Sure. Go ahead.

19  
20 **MR. BOYD:** Dr. Crabtree said that if the council wanted to make  
21 a comment that we could do that during this comment period.  
22 Does the council want to make comments or not, or does this seem  
23 like a small tweak or a big move or -- What is the council's  
24 thought?

25  
26 **CHAIRMAN FRAZER:** I would defer to Roy for one part of this, but  
27 I do believe it's an open comment period, and I think it would  
28 be appropriate for the council, perhaps, to comment during this  
29 period. It depends how the rest of the council feels about  
30 this.

31  
32 **DR. CRABTREE:** I would like to ask Sue to make sure and confirm  
33 that we're all on the same page, in terms of the exact location  
34 of that, and we'll probably have to come back to that tomorrow,  
35 but, if you guys do want to make a comment on it, you could  
36 certainly pass a motion or something like that, and we would  
37 take that into account.

38  
39 **CHAIRMAN FRAZER:** Martha.

40  
41 **MS. GUYAS:** I think that kind of addresses it, but I was going  
42 to ask what would be the appropriate method for that. Is it a  
43 letter, or is it a motion? If it's as simple as a motion, then  
44 I guess that's okay.

45  
46 **DR. CRABTREE:** Well, it would be a motion, and then Carrie would  
47 write me a letter saying the council passed this motion.

1 **MS. GUYAS:** Okay, and so I guess one of my concerns is that the  
2 comment period for this is pretty narrow, and I think it closes  
3 like mid-next week, and so I don't know, but one thought here  
4 would be if there is any way to extend that comment period,  
5 since, at least looking at the map that is in front of us,  
6 assuming that's correct, this is a pretty big change in area and  
7 in actual location from what we saw and considered when we  
8 looked at the EFP.

9  
10 I guess my other question and concern that I will put out there  
11 would be have we had deepwater coral folks consider this? Like  
12 is that part of the NMFS internal review to have the NOAA  
13 deepwater coral people review this and make sure that -- I mean,  
14 obviously, we know there is coral there, and we know there is  
15 coral outside of the HAPCs that we've already identified, right?

16  
17 **DR. CRABTREE:** Well, the first thing I want to do is make sure  
18 we're all on the same page, because, when I look at that, that's  
19 a much bigger change than what I thought we were talking about,  
20 and so I'm asking Sue to make sure where it is. You can pass a  
21 motion and ask us to have whoever you want look at it. You can  
22 pass a motion asking us to defer any action on this, and that's  
23 up to you guys what you want to do, but I would like to make  
24 sure about the location and that we're all on the same page, and  
25 I can't do that until tomorrow morning.

26  
27 **CHAIRMAN FRAZER:** Then what we'll do, if the council is okay  
28 with this, is we'll defer this until tomorrow. We have an  
29 available space under Exempted Fishing Permits, and we'll bring  
30 this back at that time. Is everybody okay with that? Okay.  
31 That's what we will do then. Is there any other issues with  
32 regard to the Coral Committee Report? Greg.

33  
34 **DR. STUNZ:** I had a comment regarding the coral report, or not  
35 so much the report, but we were having this discussion, and it  
36 didn't quite occur to me until after the committee had met, and  
37 I've talked with Morgan, and I was really trying to look at the  
38 real definition of what bottom-tending gear really is, and  
39 something that occurred to me was this bandit gear, or these  
40 vertical longlines, and how they're fished, especially over  
41 coral.

42  
43 I don't know, and I should have asked David Walker while he was  
44 giving testimony, but I would suggest that the council seek to  
45 get more information, and I'm happy to put this in a motion,  
46 Carrie, if we need to, or not, but at least the SEAMAP protocol.  
47 I am not a commercial fisherman, but we drop a lot of vertical  
48 longlines, and the protocol is to drop it to the bottom, and

1 it's a ten-pound weight that's a piece of rebar that's about two  
2 feet long, and it's pretty hefty gear, and it's dropped to the  
3 bottom and then cranked up a certain distance, because the  
4 protocol requires that you fish a certain distance off the  
5 bottom.

6  
7 Now, I don't know if that's how the fishery actually occurs, but  
8 if you imagine that you've got four bandit rigs running on the  
9 boat and you're dropping the weights back and forth over a  
10 period of time, that could cause significant damage to coral, at  
11 least in my opinion, but I don't know that that's occurring, but  
12 that brings up a concern about that particular gear over those  
13 sensitive habitats and what impact the weight might have.

14  
15 I don't know where we need to go, Mr. Chairman, with that, if  
16 you need a motion or we just would explore that further, but I  
17 think that's something we should look into in these sensitive  
18 areas. Of course, it's not a problem over just other bottoms.

19  
20 **CHAIRMAN FRAZER:** Sure. Morgan.

21  
22 **DR. KILGOUR:** I have more information on the golden crab stuff,  
23 but, yes, Dr. Stunz and I did talk about all of that. However,  
24 those are currently allowable gears in the sanctuary, and, if  
25 you would like me to reflect the concerns of the council in the  
26 letter, with the modification of the council's advice, I can  
27 absolutely do that.

28  
29 **CHAIRMAN FRAZER:** Leann.

30  
31 **MS. BOSARGE:** I think we actually asked G.P. that question  
32 though, and he said that they had talked about it, and they  
33 didn't feel it was an issue. We did ask him about that.

34  
35 **DR. STUNZ:** Yes, and I don't recall, but, anyway, I wouldn't  
36 mind it being in the letter, even if they address it and maybe  
37 he points out again, but I just don't remember that.

38  
39 **CHAIRMAN FRAZER:** Leann.

40  
41 **MS. BOSARGE:** Well, then, if it's in the letter and it's the  
42 weights that we're worried about, then it would be any fisherman  
43 that has weights that big, and I don't care if you're a bandit  
44 fisherman or if you're a recreational fisherman doing deep-  
45 dropping or whatever you're doing. If it's that weight, and  
46 that's our issue, they shouldn't be able to fish there either.

47  
48 **CHAIRMAN FRAZER:** Dr. Stunz.

1  
2 **DR. STUNZ:** To that point, that's exactly it, because one of the  
3 gears that was specifically prohibited was deep-dropping, and so  
4 that's why I was wondering -- To me, this is very similar to  
5 deep-dropping, for example, and that wasn't permitted, and so  
6 then that's what actually led me to wonder why that was, when  
7 deep-dropping would not be permitted.

8  
9 **CHAIRMAN FRAZER:** Mara.

10  
11 **MS. LEVY:** I was trying to look this up really fast, but I can't  
12 get there that quick. Just it may depend on how the gear is  
13 defined, right, for that particular regulatory action, meaning,  
14 for our regs in the 622, we have a definition of bandit gear,  
15 and then we have a definition of bottom longline, and one of  
16 them anticipates that the gear is capable of being deployed to  
17 maintain contact with the ocean bottom, whereas bandit gear  
18 doesn't talk about that. I don't how the Marine Sanctuary  
19 defines their gears, but it may depend on how it's defined  
20 versus how you're used to seeing it used.

21  
22 **CHAIRMAN FRAZER:** Greg.

23  
24 **DR. STUNZ:** That's exactly why I wanted some clarity, because, I  
25 mean, we don't know that that's happening, but I think, unless  
26 your people are familiar with deploying bandit gear, and  
27 realizing that's kind of what happens, you probably wouldn't  
28 realize that they're sending pretty heavy weights to the bottom  
29 on a frequent basis, at least in some cases, and so that's why I  
30 just thought we wanted some clarity, especially in those  
31 particular areas.

32  
33 **CHAIRMAN FRAZER:** Are there any more thoughts here? I guess,  
34 given those comments, one of the things that we could do is have  
35 a discussion with G.P. about what they talked about, and, if it  
36 isn't explicitly considered, then we could add it to our letter  
37 that it was a discussion item and a concern. Carrie.

38  
39 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. I think  
40 we did talk to G.P. a little bit about this on a call, and I  
41 don't remember, Morgan, how early it was, but I think they  
42 typically anchor to use this gear type, and, since anchoring is  
43 not allowed, I don't know if they would still go into those  
44 areas as much and hold the boat over those areas or, if because  
45 of that, they wouldn't fish there that often, but my  
46 understanding of the gear is they might do a test, drop a couple  
47 of lines down and see how the area is, and then, if it's good to  
48 go, they would anchor up and fish for several hours, and so, if

1 they're not allowed to anchor there, I don't know if they would  
2 hold the boat or if it's based on various conditions, but we did  
3 talk about this with G.P., I think in advance of one of these  
4 meetings, either this meeting or the August meeting, and so  
5 maybe we could also get that clarification for Full Council  
6 tomorrow, and so I apologize for not being prepared for this  
7 committee.

8  
9 **CHAIRMAN FRAZER:** Okay, and so it sounds to me like we're going  
10 to seek some clarification, and we'll try to get in touch with  
11 G.P. and get some more information, and, if appropriate, we'll  
12 add that to the letter. Okay. Is everybody okay with that?  
13 We're going to move on then at this point to the  
14 Administrative/Budget Committee Report. Mr. Boyd.

15  
16 **ADMINISTRATIVE/BUDGET COMMITTEE REPORT**

17  
18 **MR. BOYD:** Yes, sir, I'm ready. The Administrative/Budget  
19 Committee, the committee adopted the agenda and approved the  
20 minutes of the April 2018 meeting as written.

21  
22 Agenda Item IV, Approval of the 2018 Funded Budget, Ms. Hager  
23 presented the original 2018 budget, a proposed budget based on  
24 the total amount funded for 2018, and the year-to-date  
25 expenditures for 2018 with balances.

26  
27 The council received \$146,000 more in funding than originally  
28 budgeted for 2018. The additional funds were provided for  
29 regulatory review activities and budgeted for staff support.  
30 Staff employed several cost saving measures throughout the year,  
31 and we anticipate ending 2018 slightly under budget.

32  
33 Planning for the next five-year budget will commence in early  
34 2019. Additional activities for 2019 include contracts with  
35 NOAA-SERO for Southeast For-Hire Integrated Electronic Reporting  
36 and Essential Fish Habitat projects. **The committee recommends,**  
37 **and I so move, to accept the 2018 proposed budget as written.**  
38 Mr. Chairman.

39  
40 **CHAIRMAN FRAZER:** We have a committee motion on the board. Is  
41 there any discussion on that motion? Mr. Swindell.

42  
43 **MR. SWINDELL:** I assume that we're talking also about the -- I  
44 have in front of me the 2018 budget detail, and I'm just  
45 wondering why is it that we have so much remaining balance? Are  
46 these budgets on a calendar-year budget?

47  
48 **CHAIRMAN FRAZER:** Carrie.



1  
2 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. Yes,  
3 we're on a calendar year, and so it does look like we have a lot  
4 leftover, and we probably will have some funds remaining, but we  
5 have several meetings planned that does not include this council  
6 meeting. This was only through September 30 of this meeting,  
7 and so we'll have this council meeting, and we have like four AP  
8 meetings, and we have a Law Enforcement Technical Committee  
9 meeting, and so we have several other outstanding meetings that  
10 we haven't completed yet, that haven't been expended, and so I  
11 think Ms. Hager could probably comment on where she projects us  
12 landing at the end of year, again, if you wouldn't mind.  
13

14 **CHAIRMAN FRAZER:** Beth.  
15

16 **MS. BETH HAGER:** At this point, we're at 75 percent, and we've  
17 only expended 71 percent of our funds, and so we're 4 percent  
18 under where we would expect to be at this point. By the end of  
19 year, I expect it to be less than 10 percent of a variance,  
20 probably closer to 6 or 7 percent, but we'll still achieve a  
21 little more savings between now and the end of the year, but we  
22 do have quite a bit of expenses left to come up in the last  
23 quarter.  
24

25 **MR. SWINDELL:** But it is a calendar year, and is that correct?  
26

27 **MS. HAGER:** Yes, sir. It's January to December, and these  
28 financials are as of September 30 only, and so no accruals for  
29 anything that's happening right now, this council meeting  
30 included.  
31

32 **CHAIRMAN FRAZER:** Mr. Swindell.  
33

34 **MR. SWINDELL:** One of the things that concerns me is that the  
35 SSC -- We've been, for almost a whole year now, and the SSC  
36 still has 70 percent of their budget left, or fifty-some percent  
37 of their budget, and the advisory panels still have seventy-some  
38 percent of their budget left, and it's just amazing that we've  
39 gone this far in the year, and have we not properly utilized the  
40 SSC and the advisory panels as we need to to get all the  
41 information we're asking of these people?  
42

43 **MS. HAGER:** Over the summer, we did have a little bit of  
44 scheduling issues, and I think the SSC had some shorter  
45 meetings, and so we did not have all the activities that we had  
46 planned.  
47

48 **MR. SWINDELL:** So what you're telling me is we are going to have

1 another SSC meeting?

2  
3 **CHAIRMAN FRAZER:** Carrie.

4  
5 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. Again,  
6 remember this is our 2018 funded budget, and we got some  
7 additional funds from Headquarters, the \$146,000 that we talked  
8 about during committee, and that was added to our funded budget  
9 that we're asking you to approve, and so, regarding the SSC  
10 meetings, our meetings were shorter this year, yes, and we  
11 didn't have as many long SSC meetings, but, to my knowledge, as  
12 materials became available, we put whatever before the SSC that  
13 we could to review and provide to the council. We have to wait  
14 for materials from the Science Center a lot of times as well  
15 before we can put items before the SSC.

16  
17 **MS. HAGER:** Also, the most recent SSC meeting, and I'm sorry,  
18 just occurred in October, and so it isn't reflected here either,  
19 and so that's the thing about it ending September 30. There is  
20 nothing from October forward in these numbers.

21  
22 **CHAIRMAN FRAZER:** Is there any further discussion with regard to  
23 this motion? Seeing none, we're going to vote on this motion.  
24 **Is there any opposition to the motion? Seeing none, the motion**  
25 **passes.** Mr. Boyd.

26  
27 **MR. BOYD:** Agenda Item V, Review Proposed Modifications to  
28 SOPPs, Dr. Simmons reviewed the proposed changes to the SOPPs by  
29 section. Committee discussion included the following points and  
30 requests. Mr. Chairman, I have five points that I could read,  
31 but I think it would probably be better, since we're making  
32 changes to those points, that Carrie go back through those five,  
33 rather than me just read them. Is that all right?

34  
35 **CHAIRMAN FRAZER:** I think that's appropriate. Carrie, are you  
36 prepared?

37  
38 **EXECUTIVE DIRECTOR SIMMONS:** Yes. Thank you, Mr. Chair. What  
39 we've tried to do is take the track change document that you  
40 viewed during committee of the SOPPs, and then we've added some  
41 highlighting where we've made further modifications after the  
42 committee meeting for your review. Could we start on page 5,  
43 please?

44  
45 **MR. BOYD:** Carrie, this document came out earlier in the day via  
46 email?

47  
48 **EXECUTIVE DIRECTOR SIMMONS:** Yes, this was emailed at the same

1 time as the report. The committee reviewed this, and there were  
2 no changes during the committee, and so I will pause here and  
3 see if there is additional discussion.

4  
5 **CHAIRMAN FRAZER:** Dr. Mickle.

6  
7 **DR. MICKLE:** Thank you, Chair. I have sent a motion in to amend  
8 the language of this section, if staff could pull it up. **While**  
9 **they're pulling it up, it's to remove the word "approximately"**  
10 **from that particular paragraph and also after "scientists",**  
11 **further on, to add "each individually identified in one of five**  
12 **categories".** If I get a second, I will explain.

13  
14 **CHAIRMAN FRAZER:** It's seconded by Mr. Banks.

15  
16 **DR. MICKLE:** These are language changes just designed to create  
17 just a little more structure, and it may be a little bit more  
18 work and difficulty on assigning these, but many of these  
19 scientists fall under multiple disciplines, and I think it would  
20 be fairly easy, and my overall intent is to reduce the category  
21 of Other to two, so we get nice, robust scientists that are  
22 really specialized. I voiced my opinion on this at multiple  
23 meetings, that I think the SSC should be highly specialized, as  
24 specialized as we can get it, and the SOPPs are not true law,  
25 and they're directional, and I don't think the word  
26 "approximate" is needed in the document, because approximate is  
27 a guidance, and it just creates a little bit more structure.

28  
29 My feeling, when things come out of the SSC, is that it is the  
30 absolute best scientists that we can physically get within the  
31 SSC, and we should put all of our intention into providing the  
32 best science to come out of that committee. Thank you.

33  
34 **CHAIRMAN FRAZER:** Mr. Banks.

35  
36 **MR. BANKS:** I seconded this motion, and, if you recall, at the  
37 last meeting, when we were discussing whether to place a former  
38 council member on the SSC, even though the council member is  
39 from my home state, I spoke vehemently against it, and I am  
40 still against that. We need the SSC to be a scientific body to  
41 give us very good scientific information, and we don't need non-  
42 scientists that is going to sit there and not provide help to  
43 that group, and that's why I seconded this motion. Thank you.

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

46  
47 **DR. MICKLE:** Thank you. This is based on my past experiences on  
48 the SSC. There needs to be a lot of conversation from a lot of

1 different scientists, and I've been wanting to do this for a  
2 long time, and I just think I'm sold on the idea of just create  
3 as much structure as we can to these disciplines on the  
4 committee.

5  
6 **CHAIRMAN FRAZER:** Ms. Levy.

7  
8 **MS. LEVY:** Just a clarification. The language of "each  
9 individually identified in one of the five categories" means --  
10 You are referring to each of the members that is appointed and  
11 not the two other scientists, right? Like that clause goes with  
12 the whole list?

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

15  
16 **DR. MICKLE:** So identify the categories as seven stock  
17 assessment or quantitative biologist/ecologist, Category 1;  
18 Category 2 are three ecosystem scientists; Category 3 is  
19 economists; Category 4 is three quantitative  
20 anthropologists/sociologists; and the last category, Category  
21 Number 5, and two other scientists.

22  
23 **CHAIRMAN FRAZER:** Susan.

24  
25 **MS. BOGGS:** This is a little out of my realm, but, to me, Paul,  
26 would it be each individually identified -- The four categories,  
27 because, your fifth category, you are identifying the other --

28  
29 **CHAIRMAN FRAZER:** Dr. Mickle.

30  
31 **DR. MICKLE:** I consider other a category, because we want folks  
32 on there with management backgrounds that may not fit into those  
33 other four categories, and so I'm identifying other as a formal  
34 category. Now, whether people agree with that or not, I just  
35 have a vision of what the SSC is, in my mind, and it may be  
36 different from other folks, but, as a council member, I am  
37 trying to show what I envision the SSC and would see the most  
38 efficient and most impactful material coming up to us in this  
39 manner of this categorical structure.

40  
41 **MS. BOGGS:** To that point, I understand what you're trying to  
42 do, but I'm trying to help maybe clarify the meaning of what  
43 we're trying to do, and Tom can help me.

44  
45 **CHAIRMAN FRAZER:** I think I can probably help with this. Why  
46 don't we just put a period after "two other scientists", and  
47 then start a new sentence that says: Each of the above  
48 scientists will be identified as -- Each of the above scientists

1 will be identified in one of the above categories. I just think  
2 it was the way that the sentence was structured, to be honest  
3 with you. Dr. Mickle.

4  
5 **DR. MICKLE:** That's fine. I have no problem with that. I just,  
6 as a scientific writer, I'm heading back into my old ways here,  
7 and I will identify categories before listing, and so identified  
8 into five categories identified as -- Anyway, I would make it  
9 too long. If everybody is okay with the present wording, that's  
10 fine.

11  
12 **CHAIRMAN FRAZER:** I'm okay with this. You're okay with this?  
13 We're all -- Clay.

14  
15 **DR. PORCH:** I may be okay with it, but can you tell me what an  
16 ecosystem scientist is? I mean, is it intended to be sort of a  
17 catchall, or is there something more specific that you're  
18 looking at here, because all those people listed are ecosystem  
19 scientists in some sense, and so do you mean something more  
20 specific there?

21  
22 **CHAIRMAN FRAZER:** Dr. Mickle.

23  
24 **DR. MICKLE:** Well, we can as a group -- I don't want to box it  
25 into so tight that we're having a hard time finding eighteen,  
26 but it's a group decision. I don't have a problem. I think any  
27 one of the eighteen could get into ecosystem scientists in some  
28 level or form. I mean, we can rack this up into number of  
29 publications and provide tenure tracks for these things, and I  
30 don't know, but, I mean, everything is bound by something, and I  
31 don't want to put too stringent of a categorical -- Anyway.

32  
33 **CHAIRMAN FRAZER:** Maybe I will just add a little bit here as  
34 well. I mean, those quantitative biologists or ecologists -- I  
35 guess the ecologists could be defined by perhaps the level of  
36 biological organization that they work at. There could be a  
37 physiological-level, population-level, a community-level  
38 ecologist, or perhaps an ecosystem-level ecologist. Those  
39 community and ecosystem-level ecologists might kind of self-  
40 define themselves in either Category 1 or 2. That's just my  
41 attempt at trying to organize that a little bit. Dr. Porch.

42  
43 **DR. PORCH:** I mean, if you know what you mean, but I know, if I  
44 were trying to administer this, I would -- I mean, ecosystem  
45 scientist could be almost any discipline that has anything to do  
46 with ecosystem. There is no general title of I'm an ecosystem  
47 scientist. You might as well just say that I'm a scientist.  
48 It's really, really broad to say I'm an ecosystem scientist.

1  
2 **CHAIRMAN FRAZER:** Carrie.

3  
4 **EXECUTIVE DIRECTOR SIMMONS:** Thank you. Could we say with  
5 expertise in any of these categories or something like that?  
6 Would that help, because many of these folks are going to self-  
7 identify, as I mentioned I think in the committee, with many of  
8 these categories, like I think Dr. Porch is also bringing up.

9  
10 **CHAIRMAN FRAZER:** Are you okay with that? Dr. Crabtree.

11  
12 **DR. CRABTREE:** One way out of this would be, rather than  
13 specifying the three ecosystem scientists, we would just say  
14 "and five other scientists" and leave it more open-ended there,  
15 because I'm kind of like Clay. That's pretty hard to say  
16 someone is not an ecosystem scientist if they have worked on a  
17 whole host of various things.

18  
19 **CHAIRMAN FRAZER:** Dr. Mickle.

20  
21 **DR. MICKLE:** Yes, I think that's a good idea. I know the  
22 scientist background is important, and I think it's fine. **I**  
23 **would agree with that amended motion of five other scientists,**  
24 **and to remove three ecosystem scientists as a category.** Then I  
25 think we would have to change it to four categories, right?

26  
27 **CHAIRMAN FRAZER:** That's correct.

28  
29 **DR. MICKLE:** Thank you.

30  
31 **CHAIRMAN FRAZER:** I believe that we've already taken that out.  
32 It's one of the above categories. Okay. Is there any further  
33 discussion on this motion? Patrick, are you good with the  
34 amendments?

35  
36 **MR. BANKS:** I have a comment. It seems like we should add the  
37 term "fisheries-management-related scientist" or something of  
38 that nature. Are you saying we should consider a meteorologist  
39 or something like that? I mean, I'm just curious, and I'm not  
40 putting down meteorologists at all, and I'm sorry, but I just  
41 want to make sure they have some expertise in fisheries  
42 management.

43  
44 **CHAIRMAN FRAZER:** Dr. Crabtree.

45  
46 **DR. CRABTREE:** I mean, I think -- I don't object to that, but  
47 how much do you want to try and box in future councils because  
48 we're afraid we'll do something crazy, which is a legitimate

1 concern, but I'm not sure how much we can successfully do that.

2  
3 **CHAIRMAN FRAZER:** To that point, and then Dr. Stunz.

4  
5 **DR. STUNZ:** I was just going to say that I think we're really  
6 overthinking this, because -- I mean, I don't disagree with you,  
7 Patrick, but then you've got the word "economist". I mean, we  
8 could put a world trade economist, and so, at some point, I  
9 think we know what we want with this motion, and we give -- I  
10 think that's what the word "approximately" was doing, but  
11 anyway. If we're going to do that, then we need to probably do  
12 it for all of them.

13  
14 **MR. BANKS:** I would be supportive of that, because I don't want  
15 us to do what we did with the last council member and put  
16 somebody who is not qualified to be on this SSC on the SSC.

17  
18 **CHAIRMAN FRAZER:** Dr. Mickle.

19  
20 **DR. MICKLE:** I am done talking, but I just have one thing to  
21 add. I had a mental image of Jim Cantore on the SSC. Thank  
22 you.

23  
24 **CHAIRMAN FRAZER:** Dr. Crabtree.

25  
26 **DR. CRABTREE:** Just bear in mind that I have seen this council  
27 do things that weren't according to the SOPPs before, and so I  
28 don't know that changing it, Patrick, can stop something from  
29 happening.

30  
31 **CHAIRMAN FRAZER:** Paul, are you happy with the way that the  
32 motion is written now?

33  
34 **DR. MICKLE:** I am happy. Thank you.

35  
36 **CHAIRMAN FRAZER:** Patrick, you're happy as well?

37  
38 **MR. BANKS:** I recommend we put "fisheries-management-related  
39 stock assessment or quantitative biologist/ecologist, three  
40 marine fisheries-management-related economists, something to  
41 that effect.

42  
43 **CHAIRMAN FRAZER:** Let's wait and see what it looks like once  
44 it's on the board here.

45  
46 **MR. BANKS:** If we're going to hit the home run, we might as well  
47 hit it into the upper deck, is what I'm saying.

1 **CHAIRMAN FRAZER:** Patrick, can you take a peek at this, and is  
2 this where you want to end with the modifications? Okay. Back  
3 to Paul, the original maker of the motion. Are you good with  
4 this?

5  
6 **DR. MICKLE:** I think it's a little too stringent, Patrick. I  
7 mean, we have some folks on the SSC right now that are  
8 incredibly brilliant and would fit into those other five  
9 scientists. Are you saying to amend other five scientists to be  
10 fisheries scientists, and are we losing economists with the  
11 amendment to the motion? Those are my questions to the group.  
12 We can't lose the economists.

13  
14 **CHAIRMAN FRAZER:** Patrick.

15  
16 **MR. BANKS:** If you didn't like it, Paul, I will support it, but  
17 I just want to make sure that we are hesitant to do what we did  
18 at the last council meeting, which I think was inappropriate,  
19 and I am challenging the council on that.

20  
21 **DR. MICKLE:** I am saying I don't agree with the fisheries  
22 terminology added to the motion.

23  
24 **CHAIRMAN FRAZER:** Okay. Staff, can we remove "fisheries-  
25 management-related" and just keep it "economists"? We can  
26 delete that. Okay. One final go-round at this, Paul.

27  
28 **DR. MICKLE:** I feel so high maintenance. I'm fine with the  
29 motion as it is. Thank you.

30  
31 **CHAIRMAN FRAZER:** Okay. Is there any further discussion on the  
32 motion? **Seeing none, is there any opposition to the motion?**  
33 **Seeing none, the motion carries.** Carrie.

34  
35 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Bernie,  
36 could we please go back to the SOPPs? Now, under Section 2.6.2,  
37 this is the language that staff proposed that formalizes the  
38 requests of outgoing council members for advisory panel  
39 appointments and processes.

40  
41 There was quite a bit of discussion during the committee about  
42 this, and staff has tried to revise the language, and you can  
43 see the highlighting is where we've tried to be explicit and  
44 meet the committee's requests.

45  
46 **CHAIRMAN FRAZER:** If you could go ahead and read that, Carrie.

47  
48 **EXECUTIVE DIRECTOR SIMMONS:** Okay. It would read: Outgoing



1 council members may request to be placed on an AP of their  
2 choice, at the discretion of the Chair and Vice Chair, until the  
3 time of the reappointment. When the AP term has expired, the  
4 outgoing council member must apply for the appointment through  
5 the regular appointment process.

6  
7 **CHAIRMAN FRAZER:** Thank you. Does anybody have any concern with  
8 this language? Is there any concern with this language? Robin.

9  
10 **MR. RIECHERS:** No concern, and I think I was the one pushing for  
11 a little more clarification here between as it read before,  
12 "choice until the time of reappointment", and I think it now  
13 makes it clear that you ask the Vice Chair and Chair, and they  
14 can appoint you, and then, when your next term comes up, you  
15 reapply.

16  
17 **CHAIRMAN FRAZER:** Okay, and so we can move on.

18  
19 **EXECUTIVE DIRECTOR SIMMONS:** In Section 2.7, I think page 8,  
20 this language was requested by Ms. Levy to explain that  
21 technical committees are special advisory panels. Technical  
22 committees are special advisory panels made up of academics,  
23 agency, and industry personnel with expertise in relevant  
24 subject matter that can advise and assist the council by  
25 reviewing relevant subject matter and providing recommendations,  
26 and so that was requested during the committee.

27  
28 **CHAIRMAN FRAZER:** Is there any discussion about this particular  
29 language? Any opposition to it? Okay. Carry on.

30  
31 **EXECUTIVE DIRECTOR SIMMONS:** Okay. Moving on, under Section  
32 2.7.1, Outreach and Education Technical Committee, we have added  
33 "the" in front of "Outreach and Education Technical Committee",  
34 and then the next sentence, Membership, includes six  
35 communication or education and outreach staff, and then there  
36 are no other changes, based on the committee discussion.

37  
38 **CHAIRMAN FRAZER:** Again, any concern with the language? Seeing  
39 none, carry on.

40  
41 **EXECUTIVE DIRECTOR SIMMONS:** Again, we've added "the" in front  
42 of "Law Enforcement Technical Committee", and then there were  
43 the other few minor verbiage changes, and those were in Section  
44 3.7.3, Public Hearings, and this is just changing "council  
45 hearing officers" to "council hearing representatives".

46  
47 The next suggestion was 4.12, Travel Reimbursements, and that  
48 would be on page 23, I think, and this was just updating the

1 language, a minor change here, and then the next section,  
2 Invitational Travel, 4.15, page 24, just removing the word  
3 "regional".

4  
5 **CHAIRMAN FRAZER:** I didn't see any objection to any of those  
6 changes, and so, Mr. Boyd.

7  
8 **MR. BOYD:** Yes, sir. I will continue with the report. Thank  
9 you, Carrie. I appreciate you going through that. One  
10 committee member suggested that the Council consider indicating  
11 on the website what the area of expertise is for each Standing  
12 SSC member. Staff requested this be made in a separate motion  
13 if desired. I will stop there for a second and see if there is  
14 anyone who wants to make a motion about that.

15  
16 Hearing none, staff was instructed to work with the Chair and  
17 Vice Chair to revise the proposed SOPPs language and bring the  
18 revised document back for review during the Full Council, which  
19 we have done. Dr. Shipp was absent from the meeting. Mr.  
20 Chairman, that concludes my report.

21  
22 **CHAIRMAN FRAZER:** Thank you, Mr. Boyd. Martha.

23  
24 **MS. GUYAS:** Thank you. I will make a motion that we accept the  
25 SOPPs as modified.

26  
27 **CHAIRMAN FRAZER:** Is there a second to that motion? Second by  
28 Mr. Diaz. We'll get it on the board. Is there any further  
29 discussion on that motion? **Seeing none, is there any opposition**  
30 **to the motion? Seeing none, the motion carries.**

31  
32 **GULF SEDAR COMMITTEE REPORT**

33  
34 We are going to move on, and we're going to knock out one more,  
35 the SEDAR Committee Report, and I will take care of that. SEDAR  
36 Steering Committee Summary, staff summarized the September 2018  
37 webinar meeting of the SEDAR Steering Committee.

38  
39 The SEDAR Steering Committee discussed the ongoing MRIP  
40 calibration efforts and the issues inherent with comparing the  
41 new MRIP effort estimation methods against both the old method  
42 and those methods being employed by the individual Gulf states.

43  
44 Generally, the new Fishing Effort Survey (FES) is estimating an  
45 approximate two-fold increase in recreational fishing effort in  
46 recent years. However, the adjustment of the FES against the  
47 old MRIP effort survey is attenuated with time, meaning that the  
48 old and new methods have more similar values at the beginning of

1 the time series in 1981. The ability to convert between the old  
2 and new MRIP effort estimates has been demonstrated. However,  
3 methods for converting the FES and the Gulf state surveys have  
4 not yet been developed and/or finalized.

5  
6 SEDAR Schedule, staff reviewed modifications to the SEDAR stock  
7 assessment schedule. The terminal year for the 2020 operational  
8 assessment for greater amberjack was changed to 2017 to exclude  
9 the recent change in the recreational fishing year. Committee  
10 members thought the inclusion of 2018 data should be attempted,  
11 and the Southeast Fisheries Science Center concurred. Staff  
12 will notify the Southeast Fisheries Science Center and SEDAR  
13 staff of this request.

14  
15 The committee discussed whether to proceed with the MRIP-Lite  
16 update assessments. Some council members suggested waiting to  
17 make a decision until after receiving the presentation on the  
18 MRIP calibration efforts in the Data Collection Committee.  
19 Foregoing the MRIP calibration update assessments will alleviate  
20 some of the burden on the remainder of the 2018 and 2019  
21 assessment schedule. Foregoing these assessments is the  
22 recommendation of the Gulf SSC. New MRIP data would then be  
23 considered during the next scheduled assessment for each  
24 species. Unfortunately, the decision to remove the MRIP  
25 calibration update assessments does not allow for another  
26 assessment to be moved up into 2019, since that assessment year  
27 is less than two years from the present. I am going to stop  
28 here. Dr. Porch.

29  
30 **DR. PORCH:** Thank you, Chair. In that last sentence, that  
31 wasn't the reason that it wouldn't allow for another assessment  
32 to be moved up, and it's not that the assessment year was less  
33 than two years from the present, although that's a general issue  
34 that we need to address.

35  
36 The reason is that we've already done quite a bit of the work,  
37 and, in any case, they don't take that long, and so they  
38 wouldn't free up enough staff time to actually conduct another  
39 assessment, and so I would recommend amending that to say the  
40 decision to remove the MRIP calibration update assessments does  
41 not free up enough time to allow another assessment.

42  
43 We also mentioned that, and, in fact, I think it was you, that  
44 the SEFSC staff would use that time to focus on working with  
45 MRIP and state staff to develop methods to combine or calibrate  
46 the various surveys.

47  
48 **CHAIRMAN FRAZER:** That is correct. I did say that, and so I'm

1 happy if we can go ahead and make those changes. Can we do it  
2 here? Clay, correct me if I'm wrong here, and so,  
3 unfortunately, the decision to remove the MRIP calibration  
4 update assessments does not allow for another assessment to be  
5 moved up into 2019, and just end it there, right? Period, and  
6 then we'll just leave it at that? Okay. Is there any other  
7 discussion at this point?

8  
9 I think there's a discussion here of whether or not we need a  
10 motion or not to forego the MRIP-Lite assessments, and it was  
11 discussed, but do we need a formal motion to do that, to remove  
12 them from the schedule? Ryan.

13  
14 **MR. RYAN RINDONE:** Yes.

15  
16 **CHAIRMAN FRAZER:** Thank you, Ryan. Would somebody like to make  
17 that motion? Leann.

18  
19 **MS. BOSARGE:** If somebody can help me craft what it's supposed  
20 to say, then, yes, I will make that motion.

21  
22 **CHAIRMAN FRAZER:** Martha, do you have some suggested language?

23  
24 **MS. GUYAS:** Well, I think what we really are trying to do here  
25 is -- I think we want to take the SSC's advice, which was to  
26 address the MRIP calibrations during the already scheduled  
27 assessments for those species, rather than doing them in one  
28 hunk. That's probably not the best way to word that in a  
29 motion, but that was the intent. Ryan is coming to save all of  
30 us.

31  
32 **CHAIRMAN FRAZER:** Dr. Simmons.

33  
34 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I think we  
35 could just send a letter, is my understanding, and we don't have  
36 to have another Steering Committee meeting for this, if this  
37 motion passes, just letting the Science Center know that's the  
38 council's intent, since it's just the Gulf Council.

39  
40 **CHAIRMAN FRAZER:** But we still need to complete this motion,  
41 correct? Okay. I'm going to read the motion. **The motion**  
42 **reads: To inform the SEDAR Steering Committee and the Southeast**  
43 **Fisheries Science Center that the council wishes to forego the**  
44 **MRIP calibration update assessments and have the new MRIP**  
45 **calibrated data considered by species in their next scheduled**  
46 **assessments.** Is that the motion?

47  
48 **MS. BOSARGE:** Yes, I like it. Martha, do you want to second my

1 motion?

2  
3 **MS. GUYAS:** Yes, I will, and I can read the SSC's motion, if  
4 that helps us, and we can make sure that we feel like we're  
5 speaking the same language, but in different words. Their  
6 motion was to recommend that the MRIP calibration updates  
7 currently scheduled for 2018/2019 for gag, greater amberjack,  
8 gray snapper, vermilion, and red snapper be incorporated into  
9 regularly-scheduled stock assessments when stock status  
10 determination and management advice can be provided. If we're  
11 in a wordsmithing mood, and we kind of are, and if we want to  
12 continue doing that, maybe we could add the specific species.  
13 If not, then let's just roll with it, I think.

14  
15 **CHAIRMAN FRAZER:** Mr. Anson.

16  
17 **MR. ANSON:** I am just wondering -- As I recall from the  
18 discussion from Dr. Barbieri, Leann, since you're the maker of  
19 the motion, I think he specifically -- Probably for those  
20 species it applies, but I think he meant that they only wanted  
21 to utilize that and do it on a schedule that lined up with  
22 benchmark assessments, because then they would be able to really  
23 kind of dig into the numbers and such and not just a standard  
24 assessment and/or something else, and so I think we might want  
25 to say "benchmark", because then that's the trigger or that's  
26 the go-ahead for them to analyze and look into the data much  
27 more deeply, and certainly Dr. Porch can chime in if that's  
28 wrong or incorrect.

29  
30 **CHAIRMAN FRAZER:** Ryan.

31  
32 **MR. RINDONE:** Thank you, Mr. Chair. We don't actually use  
33 benchmark assessments anymore. We are transitioning to the  
34 research track/operational assessment framework, and I will let  
35 Dr. Porch speak to whether he thinks this could be part of an  
36 operational assessment.

37  
38 **CHAIRMAN FRAZER:** Dr. Porch.

39  
40 **DR. PORCH:** Yes, it can be part of an operational assessment,  
41 provided that we can get the states and relevant federal  
42 agencies to agree on what recreational catch statistics we  
43 should be using, and so this is the point that Dr. Barbieri  
44 brought up of how we're going to combine these various surveys.

45  
46 I've been pushing hard with our own agency to basically come up  
47 with a white paper that explains why we would use one approach  
48 or another, and preferably we would do that jointly with the

1 states.

2  
3 **CHAIRMAN FRAZER:** Dr. Simmons.

4  
5 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Right now,  
6 the Science Center is working on the red grouper assessment, and  
7 I think they're in the middle of looking at this right now, and  
8 then triggerfish is soon to follow, and so could you explain how  
9 that might work out, if this motion passes?

10  
11 **CHAIRMAN FRAZER:** Dr. Porch.

12  
13 **DR. PORCH:** Well, right now, the red grouper assessment is using  
14 the FES, because we don't have any guidance there on how we  
15 would combine federal and state assessments, and I don't  
16 anticipate that we will get it in time for that particular  
17 assessment, and so it would be based on the FES estimates.

18  
19 If we can accelerate the process and get the states and the  
20 relevant federal agencies to agree on an approach well before  
21 that assessment is complete, then we could plug those in. I  
22 have not seen either sets of agencies work that fast in the  
23 past, but that is something we're pushing, trying to get it done  
24 as soon as possible, and, if we can get it done in the next six  
25 months, say, then conceivably we could incorporate that in the  
26 red grouper assessment.

27  
28 **CHAIRMAN FRAZER:** Ed.

29  
30 **MR. SWINDELL:** I have a question that I'm concerned about, and  
31 that is that MRIP-calibrated data -- If the MRIP is not  
32 recognizing the true data from the Louisiana Creel and from  
33 data, perhaps, that Texas has in their calibrations for these  
34 four species, how are we possibly going to update anything of  
35 the fisheries that are in these areas that Louisiana Creel or  
36 Texas has data on, but MRIP is not recognizing?

37  
38 **CHAIRMAN FRAZER:** Dr. Crabtree.

39  
40 **DR. CRABTREE:** I mean, they are working on a calibration factor  
41 for LA Creel, and we have had those discussions, and we did run  
42 MRIP side-by-side with LA Creel, I believe for one year, and I'm  
43 not sure what the solution will be for Texas, but LA Creel has  
44 been certified by MRIP, and they are working on a way to  
45 calibrate that data.

46  
47 **CHAIRMAN FRAZER:** Mr. Swindell.

1 **MR. SWINDELL:** It just concerns me that here we're passing a  
2 motion that we want it done, and we're not certain that they're  
3 going to even use it at all.

4  
5 **DR. CRABTREE:** Well, they will use LA Creel and Texas data. We  
6 have used it in the past, and we have no alternative, because  
7 it's the only data we have. No one is considering not using LA  
8 Creel or Texas Parks and Wildlife data, but it's just a matter  
9 of how we correct the historical time series and adjust for  
10 changes in the surveys.

11  
12 **MR. SWINDELL:** Then perhaps the motion needs to include LA Creel  
13 and Texas Parks and Wildlife data and not just MRIP.

14  
15 **CHAIRMAN FRAZER:** Leann, and I'm going to come back to that, Ed,  
16 in a minute.

17  
18 **MS. BOSARGE:** Okay, and so I'm okay with the motion. I like the  
19 motion, and I was just going to say -- I have been wondering  
20 about that red grouper assessment, because I know we postponed  
21 it to try and get these new numbers, and then I heard some of  
22 these new numbers were plugged into the South Atlantic  
23 assessments and the model just -- I don't know if it's the model  
24 or whatever, but there were some issues in trying to plug those  
25 new numbers in, and I hope that we'll be forward-thinking enough  
26 that if we plug something in, and we get an assessment that  
27 doesn't tell us much, especially with a species that we've been  
28 waiting and waiting and we know we have a problem, whatever we  
29 can do to get some decent scientific advice and quotas on where  
30 we need to be.

31  
32 If we need to step back and punt and run both sets of numbers  
33 and recalibrate something or whatever, but I just -- I would  
34 hate to see something come out that goes to the SSC and we get a  
35 response that it's not suitable for management advice after  
36 we've been round-and-round about red grouper, and so whatever we  
37 have to do there. Roy's office needs to get with whoever, and  
38 let's get a game plan on that and see what it's looking like.

39  
40 **CHAIRMAN FRAZER:** Dr. Porch.

41  
42 **DR. PORCH:** Just to be clear, we called it the MRIP Update Lite  
43 assessments because the intent always was to examine the effect  
44 of going from the CHTS to the FES, and so, in other words, go  
45 from the telephone survey to the mail survey. Now, since we had  
46 all those discussions, we've also had the state surveys get  
47 certified in Florida, or almost certified, and so now we have  
48 the whole other issue of how you calibrate the FES MRIP survey

1 with the state surveys and maybe combine them.

2  
3 That is why -- The MRIP updates were always meant just for  
4 looking at the effect of going from the telephone survey to the  
5 mail survey, and, like I said, we have whole new issues now that  
6 arose when we certified the state surveys and what does  
7 certification mean and all that good stuff.

8  
9 **CHAIRMAN FRAZER:** Okay. I think we're getting into the weeds  
10 here a little bit, right? This motion is very specific to kind  
11 of foregoing the MRIP-Lites in the schedule. I realize and  
12 appreciate that there is a lot of complicated issues moving  
13 forward with the assessments, but I don't think that's the  
14 intent of this motion, necessarily, and so is there any further  
15 discussion on the motion? **Seeing none, is there any opposition**  
16 **to the motion? Seeing none, the motion carries.**

17  
18 I am going to continue on with the committee report. The Scope  
19 of Work for 2020 Gag and Greater Amberjack Operational  
20 Assessments, the SSC representative reviewed the scope of work  
21 for the 2020 operational assessments for gag and greater  
22 amberjack, which is the precursor to the final terms of  
23 reference.

24  
25 Reference points for gag will include spawning stock biomass  
26 estimates determined for females only and sexes combined, as was  
27 done in the previous SEDAR assessment, SEDAR 33. Dr. Porch  
28 reminded the committee that adding too many items to the terms  
29 of reference of an operational assessment may slow down the  
30 assessment process. Staff requested a feedback mechanism from  
31 the Southeast Fisheries Science Center to determine if the terms  
32 of reference are too exhaustive.

33  
34 Right-sizing Stock Assessments, the SSC representative discussed  
35 the Southeast Fisheries Science Center's effort to right-size  
36 stock assessment models with the data available for a given  
37 species. This effort recognizes that the quantity and quality  
38 of data available for a stock assessment can vary widely among  
39 managed species, and this effort may help realize increases in  
40 assessment quality and throughput.

41  
42 Right-sizing will be achieved through stock assessment  
43 prioritization, stock assessment classification, and assessment  
44 gap analysis. The Southeast Fisheries Science Center has  
45 invested in new technology and automation to realize efficiency  
46 gains despite level funding, with the ultimate goal of doubling  
47 the current assessment capacity in the future. This concludes  
48 my report. Ms. Bosarge.



1  
2 **MS. BOSARGE:** I just wanted to remind the council that we did,  
3 in committee, talk a little bit about the terminal year for  
4 greater amberjack, and it was listed on our SEDAR schedule, the  
5 October 3 version, as 2017, and we were trying to get as many  
6 new years of data into that assessment as possible, and we had  
7 talked about moving that terminal year to 2018, since the  
8 assessment is not scheduled to start until Q2 of 2020, and so I  
9 would like to try and get that changed, if possible.

10  
11 **CHAIRMAN FRAZER:** To that point, real quick, Leann -- John, go  
12 ahead, first.

13  
14 **DR. JOHN FROESCHKE:** One thing that I just remembered, when we  
15 talked about this, it seems that my understanding is that  
16 amberjack tends to be a landings-driven assessment, and, based  
17 on the way that the landings are in 2018, because we changed the  
18 fishing year, the landings might be really low, just because of  
19 a management thing, and I am concerned that that might be enough  
20 to affect how the stock status looks, just based on the  
21 landings, and so we might want to do a sensitivity or something,  
22 and I don't know, but, when we originally came up with that, I  
23 think that was one of the points of concern.

24  
25 **CHAIRMAN FRAZER:** Leann, go ahead.

26  
27 **MS. BOSARGE:** Well, it's been overfished for twenty years, and  
28 so I don't think it's -- If your landings are low, I don't think  
29 it's going to change you from a nice, pretty condition to a  
30 worse one, and so I would rather try and get as many years of  
31 data in there as possible with that increase in the minimum size  
32 limit that may actually have some positive effects on the stock,  
33 and so we know if maybe we're headed in the right direction,  
34 right?

35  
36 **DR. FROESCHKE:** Yes, understood, but I just -- The concern was  
37 that, if the landings are low solely because of a management  
38 change, if you close the stock, that wouldn't necessarily mean  
39 that the stock condition was bad, but we just don't have a lot  
40 of good indicators of abundance outside of the fishery-dependent  
41 data for that one, and it's just curious that that assessment --  
42 Every time that there's an assessment, we lower the landings,  
43 and the next time we lower the landings again, and so forth, and  
44 so that was just one thing to think about.

45  
46 **CHAIRMAN FRAZER:** I am just going to make sure -- Leann, I'm  
47 just going to re-read this paragraph here in the report, where  
48 it says that the terminal year for the 2020 operational

1 assessment for greater amberjack was changed to 2017 to exclude  
2 the recent change. Committee members thought the inclusion of  
3 the 2018 data should be attempted, and the Southeast Fisheries  
4 Science Center concurred, and so that's in the report.

5  
6 **MS. BOSARGE:** You know, I'm so glad you re-read that to me.  
7 Thank you. I missed it the first time you read it.

8  
9 **CHAIRMAN FRAZER:** That concludes the report. Dr. Crabtree.

10  
11 **DR. CRABTREE:** Not on the report, but, before we leave, I wanted  
12 to say something.

13  
14 **CHAIRMAN FRAZER:** Go ahead.

15  
16 **DR. CRABTREE:** Well, I want to apologize to all of you. I made  
17 some misstatements with respect to the golden crab EFP. I was  
18 not aware of how extensive the changes to the location were, and  
19 that's my fault for not staying up-to-date, and I want to  
20 apologize to Morgan for questioning the locations of it. She is  
21 correct, and she always does a terrific job, and I should have  
22 known better.

23  
24 I think I characterized those changes as minor before, and  
25 they're not minor. It's a very different, completely different,  
26 location, and so, unless you object, we'll plan on bringing it  
27 back before you at the next meeting and give you an opportunity  
28 to comment on it.

29  
30 **CHAIRMAN FRAZER:** Thank you, Dr. Crabtree.

31  
32 **DR. CRABTREE:** Sorry.

33  
34 **CHAIRMAN FRAZER:** Mr. Swindell.

35  
36 **MR. SWINDELL:** Is this Other Business time for the SEDAR  
37 Committee?

38  
39 **CHAIRMAN FRAZER:** Yes.

40  
41 **MR. SWINDELL:** Today, we heard from one of the guest speakers  
42 today that there are large schools of red drum out there, and I  
43 think we're doing ourselves wrong by now pushing the red drum  
44 completely off the list for any kind of stock assessment.

45  
46 I mean, we're doing wrong for the people of the nation. We're  
47 supposed to be managing these resources not only for the  
48 fishermen and for the stock itself, but also for the people of

1 the nation, and I do think that we need to take a look at the  
2 red drum resource and see if it's -- Are we utilizing it  
3 properly, and is it growing out of control at this point? I do  
4 think that the SEDAR Committee needs to address that somewhere  
5 in the near future. Thank you, sir.

6  
7 **CHAIRMAN FRAZER:** Mr. Diaz.

8  
9 **MR. DIAZ:** Being as Mr. Swindell brought that up, Dr. Porch, the  
10 last time we tried to do a data-poor stock assessment, there was  
11 not even enough data to do a data-poor stock assessment, and do  
12 you know if anything has changed with the data and if doing any  
13 type of stock assessment is possible on red drum at this point?

14  
15 **DR. PORCH:** I mean, part of the problem was that particular  
16 methods that were available for that didn't really suit it. The  
17 issue with red drum is it's primarily state fisheries on  
18 juveniles, right, and so, while we have historical data on the  
19 size and age composition of the offshore population, we haven't  
20 really had it since the fishery was closed, and there has been a  
21 few studies, and I think Sean Powers was involved in them, and I  
22 think we can review those, but what I recall from the last data-  
23 poor assessment is we still didn't have a proper sample of the  
24 offshore population for recent years, and so the reason why  
25 that's important is we know what the age composition of the  
26 offshore stock looked like in the 1980s, from work by Chuck  
27 Wilson and other folks, but we don't have a comparable picture  
28 of what the age structure looks like across the Gulf now, and we  
29 especially need it for the northern Gulf.

30  
31 We could review and see what we have to date from Sean Powers  
32 and whoever else has surveyed those schools, but the key is we  
33 need purse seine -- We have purse seine catches from the 1980s,  
34 and we need to see purse seine catches in the same places,  
35 especially in the core of the fishery, Louisiana, and see how  
36 those age compositions compare. If we had that, we could do a  
37 full-blown stock assessment. If we don't have that, then the  
38 best thing you've got going is what the states have already done  
39 in their local state stock assessments on most of the inshore  
40 population.

41  
42 **MR. DIAZ:** A follow-up. Would you mind checking, between now  
43 and the next meeting, and seeing if those data are available and  
44 maybe give us a report on the next meeting?

45  
46 **DR. PORCH:** Yes, I can check with the ones that I know of that  
47 have done some work in that area. The question is, is there  
48 some other work that we're not aware of, if there is various

1 other -- I know there is some work out of the State of Florida,  
2 off of Tampa Bay and Charlotte Harbor, but, again, that's a  
3 small area. I am not sure how extensive Sean Powers' surveys  
4 are, but I can ask him.

5  
6 **CHAIRMAN FRAZER:** One of the things we could do is we could  
7 discuss this at the next SEDAR Steering Committee meeting, if  
8 that's okay. Will that serve your purpose, Dale?

9  
10 **MR. DIAZ:** Yes.

11  
12 **CHAIRMAN FRAZER:** Okay. We'll do it then. Is there any other  
13 business? Okay. We're going to adjourn for the day, and I will  
14 see you tomorrow at 8:30.

15  
16 (Whereupon, the meeting recessed on October 24, 2018.)

17  
18 - - -

19  
20 October 25, 2018

21  
22 THURSDAY MORNING SESSION

23  
24 - - -

25  
26 The Full Council of the Gulf of Mexico Fishery Management  
27 Council reconvened at the Renaissance Battle House, Mobile,  
28 Alabama, Thursday morning, October 25, 2018, and was called to  
29 order by Chairman Tom Frazer.

30  
31 **CHAIRMAN FRAZER:** We are going to work through the remaining  
32 committee reports as they're scheduled in the agenda, and first  
33 up would be Mackerel. Kevin, are you ready?

34  
35 **MACKEREL COMMITTEE REPORT**

36  
37 **MR. ANSON:** Yes, sir, Mr. Chair. Thank you. We had the  
38 Mackerel Committee that met on the 22<sup>nd</sup>. CMP Landings Update,  
39 NMFS staff noted that the commercial king mackerel ACL was  
40 caught in the 2017/2018 fishing season and, excluding MRIP Wave  
41 3 data, the recreational sector landed approximately 28.4  
42 percent of its ACL. The 2017/2018 fishing season was the first  
43 with the three-fish per person recreational bag limit for king  
44 mackerel. Landings for Spanish mackerel and cobia from the 2017  
45 fishing season were below their respective stock ACLs.

46  
47 CMP Framework Amendment 7, staff reviewed the council's purpose  
48 and need and preferred alternatives for CMP Framework Amendment

1 7. The CMP Advisory Panel reviewed the document via webinar on  
2 October 9, 2018 and agreed with the council's current preferred  
3 alternative, Alternative 2, in Action 1 to increase the minimum  
4 size limit for Gulf cobia to thirty-six inches fork length.

5  
6 The AP discussed at length the merits of the changes to the  
7 possession limit proposed in Action 2. The AP thought that  
8 establishing a daily vessel limit would unfairly affect for-hire  
9 operators, who may make more than one trip in a single day. If  
10 the possession limit is met on the first trip, then fishermen on  
11 the second trip would be unable to retain any cobia. As such,  
12 the AP agreed with the council on reducing the per-person daily  
13 possession limit to one-fish but recommended that the vessel  
14 limit be set to two-fish per trip, as opposed to per day.

15  
16 The committee discussed the AP's perspective on Action 2. Staff  
17 noted that the analysis cannot examine the exact number of for-  
18 hire vessels making two trips per day as opposed to one.  
19 Therefore, the follow-up analysis assumed that all for-hire  
20 vessels made two trips per day and landed the vessel trip limit  
21 for Gulf cobia. This resulted in less of a reduction in the  
22 recreational landings than using the daily vessel limit alone.

23  
24 **Without opposition, the committee recommends, and I so move, in**  
25 **Action 2, to change the language in Alternative 3 and its**  
26 **options to reflect a vessel trip limit as opposed to a daily**  
27 **vessel limit. The report mentions the original Preferred**  
28 **Alternative 3, which now becomes Preferred Alternative 3: Create**  
29 **a recreational and commercial vessel limit for Gulf cobia.**  
30 **Anglers may not exceed the per person possession limit.**  
31 **Preferred Option 3a is the recreational and commercial daily**  
32 **vessel limit for cobia is two fish. Option 3b is the**  
33 **recreational and commercial daily vessel limit for cobia is four**  
34 **fish. Option 3c is the recreational and commercial daily vessel**  
35 **limit for cobia is six fish.**

36  
37 **CHAIRMAN FRAZER:** Okay. We have a committee motion on the  
38 board. Is there any further discussion of the motion? Mr.  
39 Banks.

40  
41 **MR. BANKS:** I am not sure when the correct time is to discuss  
42 this, because I don't necessarily have a problem with this  
43 language, but I have a problem with this being a preferred, just  
44 in Louisiana, and so I would look for some guidance as to when  
45 to try to make an appropriate motion to remove this as a  
46 preferred.

47  
48 **CHAIRMAN FRAZER:** I mean, we would either have to vote for this

1 or vote it down, Patrick. Mr. Riechers.

2  
3 **MR. RIECHERS:** I think this is just to make the changes in the  
4 language in this preferred, and so he can come back in  
5 afterwards and make a motion to change the preferred.

6  
7 **CHAIRMAN FRAZER:** Yes, he could do that. Is there any further  
8 discussion on the motion as it exists? Seeing none, we will use  
9 a raise of hands on this one. **All those in favor of the motion,**  
10 **raise their hands; all those opposed. The motion carries ten to**  
11 **two.** Mr. Banks.

12  
13 **MR. BANKS:** Before we get off of this topic, I would like to ask  
14 some consideration from the council to -- Or some  
15 reconsideration about all of these preferreds. The preferreds  
16 in this document change the size limit from thirty-three to  
17 thirty-six, and that gives us a lot of bang for our buck, from a  
18 biological standpoint, and so I can understand why we wouldn't  
19 do that.

20  
21 Changing the per-person limit from two to one doesn't really  
22 give us a lot of bang for the buck, and it really hurts anglers  
23 in Louisiana as well as the same thing with a vessel limit of  
24 two per vessel. It just doesn't give us much bang for the buck,  
25 and we don't have a stock assessment yet. I just think we need  
26 to consider what I feel like is taking three pretty big steps to  
27 try to address a problem without a stock assessment.

28  
29 Now, I have heard a lot of conversation that there is a problem,  
30 and I respect those feelings or those comments, and I respect  
31 the other state directors telling us they feel like there's  
32 problem, and so, because of hearing those comments, I think it's  
33 appropriate for us to look at maybe a size limit change, but, to  
34 go all the way to a per-vessel change, it seems to be a step too  
35 far without a stock assessment, and I would just like for the  
36 council to reconsider these preferreds and move that we only  
37 prefer to change the size limit at this time, and then we can  
38 wait for a stock assessment and then come back and look at what  
39 other steps need to be taken. **I would like to make a motion to**  
40 **change the preferreds on Action 2 to the Option 1, which is no**  
41 **change.**

42  
43 **CHAIRMAN FRAZER:** We'll let staff get that on the board.

44  
45 **MR. BANKS:** I apologize to staff, but I couldn't get my email to  
46 send up, and so I couldn't send it to you, and I apologize.

47  
48 **CHAIRMAN FRAZER:** While staff is getting that on the board, is

1 there a second for this motion? Seconded by John Sanchez.  
2 That's the motion, right, Patrick?

3  
4 **MR. BANKS:** I am trying to bring up the document to make sure  
5 that that's -- I'm pretty sure it's Action 2, which deals with  
6 the per-person and per-vessel limit, and Option 1 would be no  
7 change.

8  
9 **CHAIRMAN FRAZER:** That is correct.

10  
11 **MR. BANKS:** I would just like for you guys to consider taking a  
12 measured step rather than a full leap, especially without a  
13 stock assessment, please.

14  
15 **CHAIRMAN FRAZER:** Mr. Sanchez.

16  
17 **MR. SANCHEZ:** Originally, I was in support of doing I guess more  
18 for cobia, but Patrick brings up a valid point that the bang for  
19 the buck is in the size limit change, in terms of gaining some  
20 biological credit. The bag limit or vessel limit is not going  
21 to really accomplish much, but, based on public testimony -- I  
22 heard from a lot of people in more the western Gulf that it  
23 would have more of an impact, and so, being that there is a  
24 stock assessment around the corner, this might be the more  
25 prudent way to go.

26  
27 Let's crawl a little bit before we run with this and wait and  
28 see what the stock assessment says. If it warrants doing more  
29 even draconian measures, then we could do that at that time,  
30 but, right now, I think this would give us a lot of bang for the  
31 buck and not impact folks in Louisiana, and perhaps in Texas,  
32 that might be hurt while we're addressing the more eastern Gulf  
33 fishery.

34  
35 **CHAIRMAN FRAZER:** Thank you, John. Martha.

36  
37 **MS. GUYAS:** I certainly sympathize with where you're at on this,  
38 Patrick, but I have to speak against the motion on this one.  
39 People have been ringing the bell on cobia, definitely in  
40 Florida, and certainly at this council, for a little bit, and I  
41 even heard, I think, some people from the western Gulf saying  
42 that, yes, they're still catching cobia, but not what they had  
43 been seeing, fewer numbers or smaller sizes or whatever the  
44 testimony was from different folks.

45  
46 Yes, the impact, I guess, from the vessel limit and the bag  
47 limit is a lot more modest, probably, than the size limit, but  
48 not so much long-term, right, because, when we make changes to

1 the size limit, there is a big difference the first couple of  
2 years, but then the effect of that tends to decline, I guess,  
3 but my intention, I guess, would be, since we don't have an  
4 assessment, once we do have an assessment, definitely look at  
5 what we've done, and we may need to make changes at that time,  
6 and I think that was our commission's intent when they passed  
7 similar regulations for state waters.

8  
9 **CHAIRMAN FRAZER:** Dr. Mickle.

10  
11 **DR. MICKLE:** Two things. A quick question. With this motion,  
12 we currently have two preferreds in Action 2, and is that  
13 correct? Does this remove all preferreds except Alternative 1  
14 as the single preferred, or does this move it to -- We still  
15 have two preferreds, but they have changed from Alternative 2  
16 and Alternative 3 to Alternative 1 and Alternative 2.

17  
18 **CHAIRMAN FRAZER:** Patrick.

19  
20 **MR. BANKS:** I can at least tell you what my intent was. It was  
21 to remove those two as the preferred and make the preferred no  
22 action.

23  
24 **CHAIRMAN FRAZER:** Ms. Levy.

25  
26 **MS. LEVY:** I think that's correct, because, if you choose  
27 Alternative 1, it's do not change the per-person daily  
28 recreational limit, and so you're not -- Alternative 1  
29 automatically means that you're not changing anything, and so,  
30 if you just want to remove one of the preferreds, then you would  
31 just remove Alternative 3 as preferred, but, once you choose  
32 Alternative 1, you automatically are getting rid of anything  
33 else that's an action.

34  
35 **CHAIRMAN FRAZER:** So you want to retain the motion as it exists?

36  
37 **MR. BANKS:** I do, and I would like to also respond to Martha,  
38 and Martha makes good points, which is clear there is some  
39 concern, and, when the state director in Florida believes that  
40 there's a reason to be concerned, then that's why I am willing,  
41 without a stock assessment, to look at the size limit, but I  
42 just feel like taking the step all the way to the vessel limit  
43 and the per-person limit is just too far.

44  
45 **CHAIRMAN FRAZER:** Leann.

46  
47 **MS. BOSARGE:** But, Patrick, it's your intent to keep the size  
48 limit increase on the books in Action 1?



1  
2 **MR. BANKS:** Yes, it is.  
3

4 **MS. BOSARGE:** I did hear a little bit of public testimony last  
5 night that said maybe you shouldn't throw the whole toolbox at  
6 it at once, and, I mean, I listen pretty hard to public  
7 testimony, and I typically err on the side of caution when it  
8 comes to our fishermen are telling us we have a problem, but my  
9 heart is in that Action 1. I really believe that that's where  
10 we could actually see a little bit of progress, and so I guess  
11 I'm okay with this, so long as we keep it on our radar and we  
12 check in with this again and make sure that hopefully we're  
13 making a little bit of progress there.  
14

15 **CHAIRMAN FRAZER:** Mr. Sanchez.  
16

17 **MR. SANCHEZ:** Thank you, Mr. Chairman. I think that, as we wait  
18 this out, any fear of the fish -- The size limit increase and  
19 catching up to it, in terms of the bag limit and all this being  
20 a non-issue, I think we'll have the assessment out before that  
21 becomes a -- Before that materializes, and then we'll be able to  
22 make a science-based decision on what really, I guess, needs to  
23 be done going forward.  
24

25 **CHAIRMAN FRAZER:** Dr. Mickle.  
26

27 **DR. MICKLE:** Just to share a little bit of what -- The State of  
28 Mississippi has been through this on flounder and spotted  
29 seatrout, where we had a lot of indications that the stocks were  
30 in decline, and we ran analyses, and the big bang for the buck  
31 was a potential size change, and the bag reduction had very  
32 little effect on reducing harvest, and it did have an effect,  
33 but not a large effect.  
34

35 I know this is a migratory fish and it's a different species and  
36 everything, but it's the same story, and you get your big bang  
37 for the buck with thirty-six inches. It's what the -- The stock  
38 assessment is around the corner, and this is a reduction as we  
39 work towards the true science of the assessment and getting some  
40 management advice from the assessment directly. Thank you.  
41

42 **CHAIRMAN FRAZER:** Is there any further discussion on this  
43 motion? We will vote it up or down. **Those in favor, raise your**  
44 **hand, eleven in favor; all those opposed, two opposed. The**  
45 **motion carries.** Mr. Rindone.  
46

47 **MR. RINDONE:** Thank you, Mr. Chair. If the council's preferred  
48 alternative in Action 2 is Alternative 1, or no action, maybe

1 you guys might consider removing Action 2 to Considered but  
2 Rejected.

3  
4 **CHAIRMAN FRAZER:** Ms. Levy.

5  
6 **MS. LEVY:** I advise against this at this time. I mean, you're  
7 supposed to take final action, and there's been a lot of  
8 discussion, and the analysis is in the document, and I think  
9 it's helpful, at this date, to just leave it as no action, so we  
10 can have a full explanation of what happened and just leave it  
11 there.

12  
13 **CHAIRMAN FRAZER:** Okay. Any further discussion at this point?  
14 No discussion on Action 1? I just want to make sure we're good.  
15 Okay. Kevin, you can finish.

16  
17 **MR. ANSON:** Thank you. Staff noted that there was no effect on  
18 the commercial sector with respect to whether the vessel limit  
19 was per trip or per day, since the average commercial trip  
20 landing cobia lasts approximately four days. Further, the  
21 recreational sector lands greater than 90 percent of Gulf cobia  
22 annually, meaning that the majority of the effects of any  
23 changes in management would be observed most in the recreational  
24 landings.

25  
26 An analysis of the effect of a per-trip vessel limit on  
27 recreational landings was requested, including a cumulative  
28 analysis of the combined effects of the increase in the minimum  
29 size limit and the decrease in the possession limit. For the  
30 analysis, it was assumed that every for-hire vessel makes two  
31 trips per day, since the data on the number of daily trips by  
32 each for-hire vessel is unknown.

33  
34 The analysis is shown below. Table 1 is cumulative effects of  
35 the proposed regulations in CMP Framework Amendment 7. The  
36 effects of the proposed regulations for the recreational sector  
37 including the private and for-hire components, as shown in the  
38 top table. That's provided here, and it gives a range of sizes  
39 from thirty-three to forty-two inches and then the effect on the  
40 possession limit, one per person, at two per vessel per day, and  
41 one per person and two per trip. Then the cumulative effects  
42 for commercial, with the same range of size limits and the same  
43 possession limits.

44  
45 The committee heard a review of the public comments received on  
46 the document and that an updated version of the codified text  
47 would be generated to reflect the change made in the motion.

1 Staff added that, generally speaking, the reduction in fishing  
2 mortality resulting from an increase in the minimum size limit  
3 would decrease with time, while the same for a decrease in the  
4 possession limit would increase, assuming the amount of spawning  
5 stock biomass also increases with time.

6  
7 The committee directed staff to make sure that research  
8 recommendations for the upcoming SEDAR update stock assessment  
9 reflected a need for increased sampling of cobia in the Gulf.  
10 Staff were also directed to notify the South Atlantic Fishery  
11 Management Council of any changes ultimately made to the  
12 management of Gulf cobia in the Gulf Zone. Mr. Chair, this  
13 concludes my report.

14  
15 **CHAIRMAN FRAZER:** Thank you, Kevin. We are set to take final  
16 action on this document, and so I guess we need to pull up the  
17 appropriate motion. Ms. Levy.

18  
19 **MS. LEVY:** Just to note that you received a revised codified  
20 text that reflected the committee motions, but now you have  
21 changed the preferred to basically no action on the possession  
22 limit, and so you can just ignore that part of the codified  
23 text. I mean, there won't be any change there. The only change  
24 would be to the size limit.

25  
26 **CHAIRMAN FRAZER:** Yes, and we'll just make the changes to the  
27 codified text, right, and not here, but -- Yes. Okay. **The**  
28 **motion on the board is as follows: To approve the CMP Framework**  
29 **Amendment 7, Modifications to Gulf Cobia Size and Possession**  
30 **Limits, and that it be forwarded to the Secretary of Commerce**  
31 **for review and implementation and deem the codified text as**  
32 **necessary and appropriate, giving staff editorial license to**  
33 **make the necessary changes to the document. The Council Chair**  
34 **is given the authority to deem any changes to the codified text**  
35 **as necessary and appropriate. This is a roll call vote. Dr.**  
36 **Simmons.**

37  
38 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Ms. Bosarge.

39  
40 **MS. BOSARGE:** Yes.

41  
42 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.

43  
44 **MS. BOGGS:** Yes.

45  
46 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Boyd.

47  
48 **MR. BOYD:** Yes.

1  
2 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Mickle.

3  
4 **DR. MICKLE:** Yes.

5  
6 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp is absent. Mr. Dyskow is  
7 absent. Dr. Crabtree.

8  
9 **DR. CRABTREE:** Yes.

10  
11 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Swindell.

12  
13 **MR. SWINDELL:** Yes.

14  
15 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.

16  
17 **MR. DUGAS:** Yes.

18  
19 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Banks.

20  
21 **MR. BANKS:** Yes.

22  
23 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.

24  
25 **MR. ANSON:** Yes.

26  
27 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Guyas.

28  
29 **MS. GUYAS:** Yes.

30  
31 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.

32  
33 **MR. DIAZ:** Yes.

34  
35 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Riechers.

36  
37 **MR. RIECHERS:** Yes.

38  
39 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.

40  
41 **DR. STUNZ:** Yes.

42  
43 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Sanchez.

44  
45 **MR. SANCHEZ:** Yes.

46  
47 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.

1 **CHAIRMAN FRAZER:** Yes.

2  
3 **EXECUTIVE DIRECTOR SIMMONS:** The motion carried fifteen to zero  
4 with two absent.

5  
6 **CHAIRMAN FRAZER:** Okay. Thank you very much. If we're ready,  
7 we're going to move on to the Sustainable Fisheries Report.

8  
9 **ECOSYSTEM COMMITTEE REPORT**

10  
11 **DR. MICKLE:** Thank you, Mr. Chair. The committee adopted the  
12 agenda and approved the minutes. Draft Outline of a Fishery  
13 Ecosystem Document, the staff presented an outline of a fishery  
14 ecosystem plan and highlighted various ecosystem efforts that  
15 have been conducted to date.

16  
17 Staff noted that the outline was based on the Pacific Fishery  
18 Management Council's Fishery Ecosystem Plan and that the FEP is  
19 a strategic planning tool and not an actionable document. The  
20 committee discussed the benefits of an ecosystem plan, how  
21 cumulative effects could be quantified, and how the document  
22 should start small with key features and expand from there.  
23 Specifically, the plan should be efficient in identifying  
24 species that are most susceptible to effects of environmental  
25 change.

26  
27 **The committee recommends, and I so move, to direct staff to**  
28 **develop a fishery ecosystem plan using the outline presented,**  
29 **Agenda Item Q-4, which shall include recommendations for how to**  
30 **integrate ecosystem factors into the council decision-making**  
31 **process. The motion carried with no opposition.**

32  
33 **CHAIRMAN FRAZER:** Okay. Just so everybody is clear, we're  
34 actually doing the Ecosystem Report right now.

35  
36 **DR. MICKLE:** What's that?

37  
38 **CHAIRMAN FRAZER:** We're doing the Ecosystem Report right now,  
39 right? I said the Sustainable Fisheries, and that was my  
40 problem. I didn't communicate effectively, Dr. Mickle, and I  
41 apologize.

42  
43 **DR. MICKLE:** I thought you said Ecosystem.

44  
45 **CHAIRMAN FRAZER:** Nevertheless, we have a committee motion on  
46 the board. All right. Just to get us all back on track, the  
47 motion reads as follows: to direct staff to develop a fishery  
48 ecosystem plan using the outline presented, Agenda Item Q-4,

1 which shall include recommendations for how to integrate  
2 ecosystem factors into the council decision-making process. Is  
3 there any further discussion on the motion? **Seeing none, is**  
4 **there any opposition to the motion? Seeing none, the motion**  
5 **carries.**

6  
7 **DR. MICKLE:** All right. Continuing on with Ecosystem, the  
8 committee discussed how an FEP should be developed and  
9 recommended that a broad range of stakeholders and scientists be  
10 included. It was noted that there are several members of the  
11 SSC and an Ecosystem SSC that can be helpful in developing an  
12 FEP. Committee members discussed that including stakeholders in  
13 the FEP development would be key.

14  
15 **The committee recommends, and I so move, to establish a**  
16 **Technical Ecosystem Committee to consist of no more than**  
17 **thirteen ecosystem scientists from the Science Center, SSCs,**  
18 **academia and other stakeholders to assist the council on the**  
19 **development and implementation of a fishery ecosystem plan. The**  
20 **motion carried with no opposition.**

21  
22 **CHAIRMAN FRAZER:** We have a committee motion on the board. Is  
23 there any further discussion on this motion? Mr. Anson.

24  
25 **MR. ANSON:** I would like to offer a substitute motion, and I  
26 just sent it to staff, and so it might be showing up in their  
27 mailbox any second.

28  
29 **CHAIRMAN FRAZER:** I will go ahead and read it in. **The Ecosystem**  
30 **Technical Committee consist of no more than eleven people. The**  
31 **membership includes two staff from NMFS; the Ecosystem SSC,**  
32 **three members; two Standing SSC representatives; and up to four**  
33 **other stakeholder representatives. Members are appointed**  
34 **jointly by the Executive Director and Council Chair. That's the**  
35 **motion, right? Is there a second for this motion? Second by**  
36 **Dr. Stunz. Any further discussion on the motion? Kevin.**

37  
38 **MR. ANSON:** Just to provide, I guess, guidance from the council,  
39 and this motion does that in how the membership would be  
40 populated and into what ratios, as far as the bins and such. It  
41 just kind of helps clarify that.

42  
43 **CHAIRMAN FRAZER:** Again, I think what this does is the language  
44 is consistent with the SOPPs, ultimately, that we tried to make  
45 some changes to recently as well, and so is there any further  
46 discussion? Leann.

47  
48 **MS. BOSARGE:** Just two questions. The stakeholder

1 representatives, we're hoping those will be fishermen? Okay.  
2 Then, on the two staff from NMFS, I'm assuming that will  
3 probably be those Science Center staff that Dr. Shannon was  
4 talking about, and I just wondered if there are more than two  
5 that you have in that area of expertise? I just didn't want to  
6 limit us if they had, you know, three or something like that.

7  
8 **CHAIRMAN FRAZER:** Dr. Porch, would you like to address that?

9  
10 **DR. PORCH:** We have several people working in that area, but not  
11 each full-time, and so we could have some people that serve on  
12 that committee, and I don't know that I would want to commit  
13 three, but we certainly could have one or two serve on the  
14 committee.

15  
16 **CHAIRMAN FRAZER:** Thank you, Dr. Porch. Any further discussion?  
17 Morgan.

18  
19 **DR. KILGOUR:** Just to address two things. Does the council want  
20 to add a sentence to this motion that establishes the Ecosystem  
21 Technical Committee before you decide -- Like it's to establish  
22 an Ecosystem Technical Committee and then decide who is going to  
23 be on it first, and that's one question, and then the second  
24 comment was our Ecosystem SSC does have some Science Center  
25 representation on it. Mandy is on our Ecosystem SSC, and so  
26 she'll also be represented there as well.

27  
28 **CHAIRMAN FRAZER:** Thank you, Morgan. Kevin, do you want to make  
29 that change to the motion?

30  
31 **MR. ANSON:** Yes, that's fine. **Go ahead and insert, at the**  
32 **beginning, to establish an Ecosystem Technical Committee, which**  
33 **would consist of no more than eleven people, or that consists**  
34 **of. That's fine.**

35  
36 **CHAIRMAN FRAZER:** Dr. Stunz, you're the seconder of this. Are  
37 you okay with that change?

38  
39 **DR. STUNZ:** Yes, that's fine.

40  
41 **CHAIRMAN FRAZER:** Thank you. Is there any further discussion on  
42 this motion? **Seeing none, is there any opposition to the**  
43 **motion? No opposition, and the motion carries.** Dr. Mickle.

44  
45 **DR. MICKLE:** The committee discussed that this technical  
46 committee should have an application process. The committee did  
47 not determine if it would require a formal call for  
48 applications, such as is the case with an AP or SSC, or if it

1 would allow staff to populate the technical committee. Staff  
2 will begin the process of developing an FEP and bring it to the  
3 council at a later date. Mr. Chair, this concludes my report of  
4 the Ecosystem Committee.

5  
6 **CHAIRMAN FRAZER:** Thank you, Dr. Mickle. Unless there is any  
7 further discussion on this committee report, we'll move on to  
8 Sustainable Fisheries and Mr. Diaz.

9  
10 **SUSTAINABLE FISHERIES COMMITTEE REPORT**

11  
12 **MR. DIAZ:** Thank you, Mr. Chair. The committee adopted the  
13 agenda and approved the minutes. Conversion of Historical  
14 Captain Endorsements to Federal For-Hire Permits, Ms. Levy  
15 stated that some of the letters of eligibility sent to  
16 historical captains in 2003 have not been redeemed, but are  
17 still valid. About sixty-seven historical captains could redeem  
18 their letters of eligibility and receive historical captain  
19 permits.

20  
21 Ms. Levy noted that the purpose of the current framework action  
22 is to replace the already issued historical captain permits.  
23 Ms. Levy also indicated that the council could continue to honor  
24 or take action to invalidate these outstanding letters. The  
25 committee discussed the potential impact of additional for-hire  
26 permits in both terms of vessels and passenger capacity.

27  
28 Staff presented the distributions of historical captain permits  
29 by state, permit capacity, and vessel capacity. Staff noted  
30 that the council's initial intent was to replace historical  
31 captain permits with standard for-hire permits with the same  
32 permit capacity.

33  
34 Staff then presented options addressing the permit capacity to  
35 be associated with the standard for-hire permits that would be  
36 issued in replacement of existing historical captain permits.  
37 Staff indicated that, if the council wanted to further consider  
38 these options, an abbreviated framework would no longer be  
39 appropriate and that an environmental assessment would have to  
40 be developed.

41  
42 Committee members suggested the addition of language to the  
43 document to render outstanding letters of eligibility invalid.  
44 Committee members noted that some historical captains have not  
45 redeemed their eligibility letters because they are fishing on a  
46 vessel that already has a standard for-hire permit.

47  
48 The committee stated that the council's intent is to only



1 convert the thirty-two existing historical captain permits  
2 identified in the document into standard for-hire permits. If  
3 historical captains redeem outstanding letters of eligibility,  
4 they would receive historical captain permits, but would not be  
5 allowed to convert these permits into standard for-hire permits.

6  
7 **The committee recommends, and I so move, to add language to the**  
8 **Conversion of Historical Captain Endorsements to Federal For-**  
9 **Hire Permits document that would render eligibility letters for**  
10 **historical captains invalid as of the implementation date and**  
11 **not add Options 2 through 6 to the document.** If it's all right  
12 with you, Mr. Chair, I was not going to read Options 2 through  
13 6. It's fairly lengthy. The motion carried without opposition.

14  
15 **CHAIRMAN FRAZER:** Okay. Mr. Diaz, I think that's fine. We have  
16 a committee motion on the board. Is there any further  
17 discussion of this motion? Ms. Bosarge.

18  
19 **MS. BOSARGE:** Just out of curiosity, what is our timeline on  
20 this? When do we expect to go final?

21  
22 **CHAIRMAN FRAZER:** Dr. Simmons.

23  
24 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I think we  
25 can go final on this, since you simplified it, at the next  
26 meeting, at the January meeting. Is that correct, Sue? Okay.

27  
28 **CHAIRMAN FRAZER:** Ms. Bosarge.

29  
30 **MS. BOSARGE:** Remind me again what the complication was if  
31 essentially we allow those letters to turn into historical  
32 captain permits up until this goes final, and, when this goes  
33 final, any that have been turned into historical captain permits  
34 at that time could be changed over into the regular permit, and  
35 why is that so complicated?

36  
37 **CHAIRMAN FRAZER:** Sue.

38  
39 **MS. GERHART:** No, that wasn't the complication. The  
40 complication was all the options for changing the passenger  
41 capacity on the permits.

42  
43 **CHAIRMAN FRAZER:** Real quick, do you need any further  
44 clarification?

45  
46 **MS. BOSARGE:** I thought the complication was that we are only  
47 analyzing thirty-two or thirty-three permits in here, and I  
48 guess what I'm saying is there seems to be a few of those

1 letters out there that haven't been changed into the historical  
2 captain permit yet, and so I was hoping that any of those that  
3 get switched over before we actually take final and this is  
4 implemented -- When they go to renew those the next time, it  
5 will change over to a regular permit, but that seems to be  
6 complicated.

7  
8 **DR. CRABTREE:** Well, so the thirty-two permits that this  
9 amendment deals with, when they renew, they will be changed over  
10 to permits. If someone else comes up with a letter after we  
11 take final action on this, but before we get to a final rule,  
12 they would be issued a historical captain's permit, but they  
13 wouldn't be eligible to be converted over, because they are not  
14 part of the thirty-two.

15  
16 We could have still a couple of historical captains in existence  
17 after this is done, but they would -- At the end of their  
18 fishing time, that permit would go away, and they would be gone.  
19 Did I get that right, Mara?

20  
21 **CHAIRMAN FRAZER:** Ms. Levy.

22  
23 **MS. LEVY:** I think you got it right in terms of what it says  
24 now, but, Leann, I hear your question as can't we change it such  
25 that it's not limited to just the thirty-two current permits,  
26 but anyone who comes and gets a permit before the council takes  
27 final action would be folded into this.

28  
29 I don't think there is anything preventing you from doing that,  
30 but I guess the question for you as a policy decision is whether  
31 you want to do it, right, and so, potentially, there are sixty-  
32 seven letters out there for folks who have had this letter since  
33 2003 and haven't turned it in, and so do you want them to be  
34 able to come in and get a historical captain permit, which is  
35 really a regular permit that is a transferable, valuable permit,  
36 I guess?

37  
38 **CHAIRMAN FRAZER:** Okay. We have a couple of people lined up.  
39 I'm going to go to Dr. Crabtree and then Dr. Diagne and then  
40 Patrick.

41  
42 **DR. CRABTREE:** To that, from my perspective, I don't want them  
43 to do that, because they're not fishing, and they haven't been  
44 fishing, and those letters were sent out in 2003. If they  
45 haven't turned them in by now, I don't particularly want someone  
46 to come in and turn it in just so they can get a permit that's  
47 worth some money and then sell it to somebody. What we're  
48 trying to deal with are the people who have permits now and are

1 actually fishing and not people who may just be able to make a  
2 few dollars off of it.

3  
4 **CHAIRMAN FRAZER:** To that point?

5  
6 **MS. BOSARGE:** Sure. So, from what I heard, there may be a  
7 couple of people that have these letters that actually are  
8 fishing, and I guess, from industry's perspective, I can  
9 understand why you would sit on the letter, rather than turn it  
10 in and get the permit, because, once you get the permit, there  
11 is a whole host of requirements that go along with every single  
12 permit, and so, if you don't need it right then, you really  
13 don't want to have to spend all the extra time and money that  
14 goes along with sending in this report and that report and  
15 everything else if you're already reporting what you're doing  
16 just by being on that boat and fishing under somebody else's  
17 permit, and so I do sort of get it, that you would sit on it  
18 until you actually need it, but, at this point, you would  
19 understand that, uh oh, well, I better go ahead and turn it in  
20 and do all the extra work that goes along with it, because  
21 they're about to change this thing, and my letter is not going  
22 to be worth anything any more.

23  
24 **DR. CRABTREE:** To that, Tom, I mean, I don't have strong  
25 feelings about this. If you want to let them be part of this,  
26 go ahead. I suspect there's not but a handful of them that  
27 would come in anyway, and so that's just up to you.

28  
29 **CHAIRMAN FRAZER:** Martha.

30  
31 **MR. GUYAS:** I think I expressed this in committee, but I would  
32 have concerns about going beyond the thirty-two or whatever  
33 permits that we have identified in this document. I mean, it's  
34 probably unlikely, but, if we moved forward and converted all of  
35 these letters into historical captains permits and then into the  
36 full-blown for-hire permit, I mean, that's a three-fold increase  
37 on what we were considering initially, and I don't think we  
38 really have analyzed or considered the ramifications of that,  
39 and so that would be my concern. I am good with what we're  
40 doing here, no problem, but I'm a little bit concerned about  
41 opening this up even more.

42  
43 **CHAIRMAN FRAZER:** Mr. Anson.

44  
45 **MR. ANSON:** I would echo the same sentiments as Martha. I think  
46 the intent was just to help those out that are in the business,  
47 that got the permit, and they may not be utilizing it, but  
48 they've got it as a historical captain, and they went through

1 the motions, so to speak, and they are paying their dues by  
2 renewing it each year, and, to Dr. Crabtree's point, I mean, I  
3 think it could be a money grab, to some degree, because, once  
4 they get the permit, activate that letter, they're going to have  
5 to go through those things that may have been the reason why  
6 they haven't been renewing their permit each year. If they had  
7 the permit, they would be fishing it. If they have a letter, it  
8 doesn't allow them really to go fish with it, and so I would  
9 have -- I am comfortable with this, what we're doing, and the  
10 intent.

11  
12 We've had a lot of testimony of other captains that have the  
13 standard permits come up and say that they're supportive of  
14 those that have the historical captain permit and getting full  
15 status, and so I don't think they're much keen among those  
16 captains to bring in the other folks.

17  
18 **CHAIRMAN FRAZER:** Mr. Banks.

19  
20 **MR. BANKS:** I think, when this original motion was made, the  
21 intent was to factor in those folks who are in the business  
22 right now, and that's why my intent was. I don't think there's  
23 anything that would prevent us from coming back in a couple of  
24 years and looking at this again if these guys with these letters  
25 decide they want to get in the business and start fishing, and  
26 they're clearly part of the business, and I don't see us  
27 preventing -- Anything preventing us from coming back and doing  
28 this same thing in a few years, after we evaluate those folks  
29 who turned their letters into historical permits and get in the  
30 business.

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

33  
34 **MS. BOGGS:** To address Leann's and Patrick's points, I mean, I'm  
35 okay with this, but, again, I know of two fishermen that have  
36 these letters that are currently actively fishing, but they are  
37 fishing under other permits, and this is their insurance, if you  
38 will, if their owner sells their vessel, and maybe they're not  
39 financially able right now to go purchase their own vessel, and  
40 I would be okay to leave the language as it is, and, as Patrick  
41 states, I think, if some of these letters come forward between  
42 now and the final rule, at some point we would have to address  
43 converting those into regular permits to just make this go away.

44  
45 **CHAIRMAN FRAZER:** Is there any further discussion on this  
46 motion? **Seeing none, is there any opposition to this motion?**  
47 **Seeing no opposition, the motion carries.** Mr. Diaz.  
48

1 **MR. DIAZ:** The committee inquired about the next steps for this  
2 regulatory action. Staff indicated that this action would be  
3 prepared for final action in January 2019.

4  
5 Revised Draft Generic Amendment Carryover of Unharvested Quota,  
6 staff reviewed the purpose and need and actions in the Generic  
7 Amendment to Establish Carryover Provisions and Framework  
8 Modifications. In reviewing Alternative 2 of Action 1, the  
9 committee asked whether there needed to be a time series  
10 specified for Option 2c. This option would not allow a  
11 carryover if the fishing season wasn't closed prematurely  
12 because the ACL was met or projected to be met.

13  
14 Staff clarified that no time series was necessary, because  
15 Option 2c would only be looking at the present fishing year to  
16 determine whether a carryover would happen. Some revision to  
17 the wording was proposed to clarify the options in Alternative  
18 2. The committee also noted that the tilefish species should be  
19 deleted from Table 2.1.1.

20  
21 The necessity of Option 2d was questioned, since it did not  
22 currently apply to any species otherwise eligible for the  
23 carryover provision. Staff clarified that, just because Option  
24 2d did not apply now, it does not mean it might not be  
25 applicable in the future. Also, the council may prefer to have  
26 the protection of excluding a stock without a peer-reviewed  
27 assessment at that time, if such a stock becomes eligible for a  
28 carryover in the future.

29  
30 In reviewing Alternative 2 in Action 2, the committee clarified  
31 that the ABC control rule operated on scientific uncertainty  
32 based on the merits of the stock assessment, while the ACL/ACT  
33 control rule operated on management uncertainty about the  
34 landings for a given species.

35  
36 Staff noted that, for some species, there was not much  
37 difference between the ACL and the OFL and that establishing  
38 some form of safety net under Alternative 2 of Action 2 could  
39 help the council to prevent overfishing in a carryover year.  
40 Without Alternative 2, it is possible for the ABC to be set  
41 equal to the OFL and, if the OFL is landed, the Department of  
42 Commerce could assume that overfishing had occurred in the  
43 carryover year. The council would then have to take immediate  
44 action to end overfishing.

45  
46 Considering this risk, the committee decided to change the  
47 proposed options in Alternative 2 to 25 percent, 50 percent, and  
48 75 percent of the difference between the ABC and the OFL, as the

1 90 percent option was determined to be too risky. An example  
2 using red snapper will be developed for the next draft of the  
3 document.

4  
5 Action 3 makes several changes to the framework procedures for  
6 the listed fishery management plans. Alternative 2 allows for  
7 the automation of the carryover procedure if established in  
8 Action 1. Alternative 3 allows for the specification of the ABC  
9 for a species once a stock assessment is reviewed by the SSC and  
10 an ABC is determined using the ABC control rule.

11  
12 Alternative 4 allows for changes to the accountability measures  
13 to be made for the Corals and Coral Reefs and Spiny Lobster FMPs  
14 through the normal framework procedure, as opposed to the plan  
15 amendment process.

16  
17 The committee asked whether the South Atlantic Council was  
18 considering a carryover provision for their ABC Control Rule.  
19 The South Atlantic Council representative said that there was  
20 interest in a carryover provision for yellowtail snapper, which  
21 is not presently being considered in the Gulf Council carryover  
22 provision. Consideration of a carryover procedure for a  
23 jointly-managed species like yellowtail snapper could be done in  
24 a separate action at a later date.

25  
26 The committee postulated including a carryover provision for  
27 fishing sectors managed under an individual fishing quota  
28 program in Amendment 36B. Staff will look into this and will  
29 bring a public hearing draft of the current document to the  
30 council in January of 2019.

31  
32 Gulf of Mexico Allocation Triggers, staff gave a presentation on  
33 the fisheries allocation review policy and the procedural  
34 directive on triggers for initiating allocation reviews. Staff  
35 described the three steps included in the adaptive management  
36 process recommended by the policy.

37  
38 Staff listed the fisheries allocations that would be subject to  
39 the policy and noted that they were identified with NOAA GC's  
40 assistance. Staff noted that the council must select review  
41 triggers by August 2019, or as soon as practicable. Staff  
42 discussed the types of allocation review triggers, including  
43 public interest-based, time-based, and indicator-based triggers.

44  
45 The SSC representative, Luiz Barbieri, stated that the SSC was  
46 concerned that petitions could be influenced by special interest  
47 groups. Dr. Barbieri noted that other public interest-based  
48 triggers could be used as secondary triggers. He indicated that

1 time-based triggers would provide a practical approach, due to  
2 their ease of implementation. He also noted that indicator-  
3 based criteria could be suitable triggers, but are more  
4 complicated to establish.

5  
6 Staff noted that fisheries allocations subject to the policy  
7 include stocks managed under limited access privilege programs  
8 and non-limited access privilege program stocks. For the LAPP  
9 stocks, time-based triggers would constitute the most  
10 practicable review triggers. By selecting time-based triggers,  
11 the council could plan allocation reviews that would coincide  
12 with the mandated IFQ program reviews.

13  
14 For non-LAPP stocks, the challenges associated with indicator-  
15 based criteria and the potential diversion of some public-  
16 interest triggers by special interest groups suggest that time-  
17 based triggers would be better suited as primary review  
18 triggers. Public interest-based criteria such as the council's  
19 public input process could be used as secondary triggers.

20  
21 Committee members inquired about the flexibility afforded when  
22 setting time-based triggers. Staff noted that the council could  
23 select different timeframes for different stocks. Committee  
24 members suggested that the three trigger types could be  
25 retained. The Committee suggested the inclusion of criteria  
26 such as changes to data collection processes and data revisions  
27 following a recalibration.

28  
29 Committee members discussed getting background information from  
30 Russell Dunn. Mara Levy indicated that the intent of the  
31 allocation review policy is to inform the public, not to  
32 restrict the council's ability to review its allocations at  
33 other times. Mr. Chairman, this concludes my report.

34  
35 **CHAIRMAN FRAZER:** Thank you, Mr. Diaz. Is there any other  
36 discussion related to the Sustainable Fisheries Committee  
37 Report? Seeing none, we're going to move forward, and we'll go  
38 to Data Collection. Dr. Simmons.

39  
40 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I would just  
41 ask what you would like us to bring at the next meeting  
42 regarding the allocation-based triggers review policy that we  
43 need to get accomplished hopefully by August of next year, and  
44 so is there particular agenda items -- I think we talked a  
45 little bit about it in committee, but I wasn't sure if there was  
46 other things that we need to be working on, and I thought we  
47 talked about having a presentation from Headquarters or perhaps  
48 going through the policy again and looking at those highlighted

1 text to see what the responsibility of the council was. I don't  
2 know if you would like to do that now, but we just need some  
3 feedback as to what you expect at the next meeting.

4  
5 **CHAIRMAN FRAZER:** Sure. I think, given the comments that were  
6 raised during the committee discussion, we should probably place  
7 on the agenda for the next meeting some discussion and review of  
8 the policy directive from NOAA, review that again, to make sure  
9 that everybody is clear on what we need to accomplish here.

10  
11 At that point, I think probably, and I'm going to look at Dr.  
12 Diagne here, we can -- Based on some of the conversation that  
13 we've had around the table, perhaps we could initiate a draft  
14 document that could serve as a framework for discussion during  
15 that meeting as well. Is that enough direction?

16  
17 **DR. DIAGNE:** Just a quick question. A draft document, if I  
18 could get a little more information about -- Because in our  
19 understanding, should the council select triggers, however many  
20 there may be, we would turn around and draft a letter, if you  
21 would, that would inform the agency of the council's choice. If  
22 by document you mean essentially propose a draft letter, then we  
23 could certainly do that.

24  
25 **CHAIRMAN FRAZER:** That's my intent. Again, for clarification,  
26 if we could take the -- If you felt like you had sufficient  
27 discussion around the table to draft a letter, specifically,  
28 then we could review that at the next council meeting, in  
29 addition to reviewing the policy directives, I guess.

30  
31 **DR. DIAGNE:** Yes, and perhaps we can start with highlighting  
32 some of the key points of the policy directive and then offer  
33 that draft letter as an example, and the council would have the  
34 latitude of modifying it as necessary.

35  
36 **CHAIRMAN FRAZER:** I'm looking around at folks, and is that okay  
37 with everybody for the next meeting? Kevin.

38  
39 **MR. ANSON:** I need to ask Mara a question, or I would like to  
40 ask Mara a question, and I think I asked it at the committee  
41 meeting, but how specific, as far as the information relative to  
42 the species and sectors, do we need to be in this letter? I  
43 mean, is it just the 30,000-foot, yes, the council is going to  
44 set a baseline -- Just the standard ten years to review, for  
45 instance, and that applies to all species, or do we want to -- I  
46 mean, how specific does this need to be, if it's just a letter?

47  
48 **MS. LEVY:** I think it can be as specific or detailed as you



1 want, but I think it has to have a clear indication of a  
2 definite time when it's going to trigger a review, and so, if  
3 the council wants to say we're going to look at every  
4 allocation, or we're going to look at every potential, I guess,  
5 IFQ allocation with a review and every other allocation every  
6 ten years, at least every ten years, so they know, when the ten  
7 years comes up, you're going to look at it.

8  
9 To the extent you want to say that we'll also review it when we  
10 hear enough public comment -- I think the thing that needs  
11 specificity is if you want to do the indicator-based. Then the  
12 indicator has to be fairly specific, because you have to know  
13 when it's going to trigger the review.

14  
15 **CHAIRMAN FRAZER:** During that discussion -- Well, we had a  
16 discussion about kind of the fisheries where there's an  
17 obligatory, I guess, review, and I think that, coming back to  
18 the next meeting, we can have a list of those particular  
19 fisheries and the times and then also identify potential time  
20 triggers for the other fisheries, and then that would be a good  
21 starting point for our discussion. Are you okay with that,  
22 Kevin?

23  
24 **MR. ANSON:** That suits me.

25  
26 **CHAIRMAN FRAZER:** Is everybody else -- Okay, and so that's the  
27 plan. The next committee report is Data Collection and Dr.  
28 Stunz.

#### 29 30 **DATA COLLECTION COMMITTEE REPORT**

31  
32 **DR. STUNZ:** Thank you, Mr. Chairman. The Data Collection  
33 Committee Report, the modified agenda and minutes were approved.  
34 For the Revisions to MRIP Recreational Data Collection, Dr.  
35 Richard Cody summarized the recent changes to the MRIP survey  
36 design, including the Access Point Angler Intercept Survey  
37 (APAIS) to measure catch and the Fishing Effort Survey (FES) to  
38 measure effort.

39  
40 The FES replaces the previous landline telephone survey with a  
41 mail survey. The mail survey generates higher estimates of  
42 effort than the legacy telephone survey. Improvements to the  
43 APAIS are more subtle than those for FES, but include better  
44 survey coverage over twenty-four hours and more statistically-  
45 sound catch estimation.

46  
47 A transition plan has been developed to move from the old MRIP  
48 methodologies to the new combination of FES and APAIS survey

1 design. The transition plan included a benchmarking period from  
2 2015 to 2018 that allowed for comparison of differences in the  
3 estimates of catch effort for both methods. This allowed for  
4 the development of calibration methodologies to move between the  
5 old and new MRIP survey designs.

6  
7 These increased historical estimates of harvest based on the new  
8 survey methodologies may impact stock status for some species,  
9 prompt reconsideration of allocation strategies between fishing  
10 sectors, and other necessary resource management changes. Catch  
11 from 2018 will be back-calibrated to the old MRIP methodology to  
12 ensure that data are in the same currency as the data presently  
13 in use for setting catch advice. Between 2019 and 2020, it is  
14 likely that many management changes based on the new catch and  
15 effort data will be developed.

16  
17 For-Hire Electronic Reporting Implementation Update, Dr. Stephen  
18 reviewed the quality management workshop, which explored the  
19 for-hire electronic reporting program. The quality management  
20 workshop selected small groups of individuals actively engaged  
21 in either inputting or using the data generated to determine  
22 where deficiencies in quality management may exist. Generally,  
23 the workshop sought to understand the flow of data, the inputs  
24 and outputs expected, and the data requirements to make the  
25 program successful.

26  
27 Stakeholder concerns with the program were identified and some  
28 specific needs were to: 1)close feedback loops, 2)provide 24/7  
29 customer support, 3)data validation prior to use in management,  
30 and 4)compliance. Outreach materials will need to be developed  
31 to detail how to report using the program, program expectations,  
32 and funding and program costs.

33  
34 The committee asked about the use of a unique trip identifier  
35 and whether it would be possible to include that in the new  
36 program. Dr. Stephen replied that the Atlantic Coast  
37 Cooperative Statistics Program is working to develop the unique  
38 trip identifier tool and will house all the data collected by  
39 the SEFHIER program.

40  
41 The implementation schedule for the SEFHIER program was reviewed  
42 by Mr. Malinowski of SERO. The final rule is expected to  
43 publish on January 31, 2019, with training sessions held in  
44 2019, from February to March and August to September. Phase 1  
45 for the Electronic Logbook will be implemented on or about April  
46 15, 2019 as a web-based platform, with Phase 2 and the GPS/VMS  
47 reporting implemented on or about October 1, 2019.

1 Data from the program will likely not be used for management  
2 until after 2020, to ensure that the data are being properly  
3 collected and can be validated appropriately.

4  
5 The ACCSP will be responsible for housing the data generated by  
6 SEFHIER. A federal audit is underway to verify data security,  
7 and system modifications are underway to accommodate the  
8 program's needs. The necessary data elements were detailed and  
9 have been finalized, acknowledging some differences between  
10 headboats and charter boats. Hail-out and hail-in questions  
11 will be included in the program.

12  
13 Pilot testing is underway for five GPS units, which will be  
14 conducted between November 2018 and June 2019. SERO is working  
15 on a system approval process and a VMS reimbursement program.  
16 The SEFHIER program does not currently have a long-term funding  
17 source, and annual operating expenses are estimated at \$6 to \$7  
18 million.

19  
20 A committee member asked whether the states will have access to  
21 data reported through SEFHIER at the state level. Mr.  
22 Malinowski replied that data from SEFHIER will be shared as  
23 necessary with the states.

24  
25 A committee member asked whether a brief report on how the  
26 SEFHIER program is evolving at each meeting, with updates on how  
27 system is working, difficulties encountered by the captains, and  
28 any other information. The Committee Chair requested to receive  
29 updates on this program as they become available.

30  
31 A committee member asked about the use of port agents, state law  
32 enforcement officers, and other enforcement agents to validate  
33 compliance and accuracy of trip reports. Mr. Malinowski replied  
34 that training opportunities will be offered to prepare those  
35 agents involved in compliance and validation prior to and during  
36 the roll-out of the program. The committee suggested NOAA reach  
37 out to the Gulf States Marine Fisheries Commission to  
38 investigate the possibility of using state staff to assist with  
39 dockside validation activities. Mr. Chairman, this concludes my  
40 report.

41  
42 **CHAIRMAN FRAZER:** Thank you, Dr. Stunz. Is there any further  
43 discussion about the report? Seeing none, we're going to move  
44 on. Excuse me. Sue. Sorry.

45  
46 **MS. GERHART:** Sorry, but I just wanted to remind everybody that  
47 the proposed rule for the electronic reporting publishes  
48 tomorrow, and so that will be out there and open for a thirty-

1 day comment period.

2  
3 **CHAIRMAN FRAZER:** Thank you, Sue. Any other things? Kevin.

4  
5 **MR. ANSON:** I just wanted to, I guess, reiterate, and it was  
6 brought up a little bit, and Dr. Stephen's presentation  
7 mentioned something about the logistics and the planning and all  
8 that stuff for implementation, and the initial outreach and then  
9 the continued follow-through, as far as the support 24/7, is  
10 going to be critical, I think, to the success and the continued  
11 excitement, I guess, of the captains to continue with the  
12 program and buy-in, and certainly on this timeline too is kind  
13 of have a partial year, and that's kind of looked upon as kind  
14 of the testing phase, which is good, but there was just some  
15 issues with CLS, and I'm not pointing them out, per se, but just  
16 simple things that you just wouldn't even remember or know that  
17 could happen and making sure that the captains are aware.

18  
19 For instance, one of the captains -- The battery on their vessel  
20 died, and so they replaced the battery, and they didn't know  
21 they needed to press a certain button once they repowered the  
22 unit to get it to connect to the satellite, and so they were  
23 entering the information in, but it sat on their machine and  
24 never got uploaded to the satellite, and so, I mean, there's  
25 just simple things like that that, you know, are going to be  
26 needed in the assistance there to help them through that and get  
27 it so it's working effectively, and it's important.

28  
29 **CHAIRMAN FRAZER:** I would agree with those comments, Kevin.  
30 Thank you. Any further discussion? Seeing none, Ms. Bosarge.

31  
32 **SHRIMP COMMITTEE REPORT**

33  
34 **MS. BOSARGE:** All right. The Shrimp Committee Report. The  
35 Shrimp Committee adopted the agenda and approved the minutes.  
36 Draft Options Shrimp Amendment 18: Evaluation of Shrimp Effort  
37 Threshold Reduction in the Area Monitored for Juvenile Red  
38 Snapper Bycatch, staff provided the committee with the  
39 background and the action and alternatives for reducing the  
40 effort threshold placed on the shrimp fishery in the area  
41 monitored for juvenile red snapper.

42  
43 Staff explained that the current effort threshold was put in  
44 place in Amendment 14 and that the amendment outlined that the  
45 effort threshold should be reduced to 60 percent by 2032. The  
46 red snapper fishery is no longer overfished nor undergoing  
47 overfishing, though it is still in a rebuilding plan. The ABC  
48 for red snapper has increased, but the shrimp industry has not

1 seen similar benefits of the red snapper rebuilding.  
2 Additionally, the natural mortality estimates of juvenile red  
3 snapper are much higher than previously estimated when Amendment  
4 14 was developed.

5  
6 Action 1 outlines two alternatives that would reduce the effort  
7 threshold, i.e. allow shrimp effort to increase. Alternative 2  
8 provides a static reduction in the threshold. Alternative 3  
9 provides a stepdown approach to reducing the effort threshold.  
10 The committee discussed that Alternative 3 was overly  
11 complicated and unnecessary, based on the analysis provided.

12  
13 **The committee recommends, and I so move, in Action 1, to remove**  
14 **Alternative 3. Alternative 3 is modify the target reduction**  
15 **goal for red snapper shrimp trawl bycatch mortality on red**  
16 **snapper from 67 percent less than the benchmark years of 2001 to**  
17 **2003 to the percentage chosen by increments. Each increment**  
18 **would be an approximately equal percent reduction designed to**  
19 **reach the target reduction by 2032. The incremental changes**  
20 **would begin in the year of the effective date of the**  
21 **implementing rule and then occur, and then the sub-options are**  
22 **there. The motion carried with one opposed.**

23  
24 **CHAIRMAN FRAZER:** Okay, and so we have a committee motion on the  
25 board. Is there any further discussion of this motion? **Seeing**  
26 **none, is there any opposition to the motion? Seeing no**  
27 **opposition, the motion carries.** Ms. Bosarge.

28  
29 **MS. BOSARGE:** The committee discussed staff's question about an  
30 action for a framework procedure for future reductions in the  
31 effort threshold and made the following motion.

32  
33 **The committee recommends, and I so move, to add an action to do**  
34 **any future changes for shrimp effort reduction threshold through**  
35 **a framework procedure. Motion carried with no opposition.**

36  
37 **CHAIRMAN FRAZER:** Okay, and so, again, we have a committee  
38 motion on the board. Is there any discussion regarding that  
39 motion? **Seeing none, is there any opposition to the motion? No**  
40 **opposition, and the motion carries.**

41  
42 **MS. BOSARGE:** The committee discussed the timeline for the  
43 document and noted that it would like a public hearing draft in  
44 January. The Shrimp AP will also be convened between the  
45 January and April 2019 council meetings and will be asked to  
46 provide input. Mr. Chair, this concludes my report.

47  
48 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. Is there any more

1 discussion? Kevin.

2  
3 **MR. ANSON:** I may be out of line here, and you tell me if I am,  
4 but I am just curious. I would ask Roy if the agency has any  
5 plans to temporarily remove the TEDs around the affected area  
6 associated with Hurricane Michael. Have you heard anything  
7 about that or do you have any plans to do that?

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

10  
11 **DR. CRABTREE:** I have not, and we haven't received any requests  
12 from the state to do something like that.

13  
14 **MR. ANSON:** All right. Thank you.

15  
16 **CHAIRMAN FRAZER:** Any further discussion regarding this  
17 committee? Seeing none, we will move on to the Law Enforcement  
18 Committee. Mr. Boyd, if you're ready.

19  
20 **LAW ENFORCEMENT COMMITTEE REPORT**

21  
22 **MR. BOYD:** Thank you, Mr. Chairman. You should have received  
23 the Law Enforcement Committee Report this morning via email.  
24 The Law Enforcement Committee adopted the agenda, and staff  
25 reviewed the action guide. Staff noted that there are no  
26 minutes to approve, as the Law Enforcement Committee last met in  
27 closed session.

28  
29 Law Enforcement Technical Committee Meeting Summary, Tab L,  
30 Number 3, staff reviewed the LETC meeting summary. LETC members  
31 discussed several issues, including the new HAPCs that will be  
32 created through Coral Amendment 9, IUU fishing and the Mexican  
33 lanchas issue, and fish attracting devices. Staff will add the  
34 LETC's statement on the advance landing notification issue to  
35 the January 2018 council meeting, at which the council will  
36 review Amendment 36B.

37  
38 **Approval of 2019 to 2020 Operations Plan, Tab L, Numbers 4(a)**  
39 **and 4(b), staff summarized the changes to the 2019 to 2020**  
40 **operations plan. The committee had no questions and passed the**  
41 **following motion. The committee recommends, and I so move, to**  
42 **approve the 2019 to 2020 operations plan. Mr. Chairman.**

43  
44 **CHAIRMAN FRAZER:** We have a committee motion on the board. Is  
45 there any further discussion on that motion? **Seeing none, is**  
46 **there any opposition to the motion? With no opposition, the**  
47 **motion carries. Mr. Boyd.**

1 **MR. BOYD:** Under Other Business, Lieutenant Zanowicz pointed out  
2 to the committee the large spatial extent of the areas with  
3 regulations that will need to be enforced following  
4 implementation of Coral Amendment 9 and the potential expansion  
5 of the Flower Garden Banks National Marine Sanctuary.

6  
7 He noted that Coral Amendment 9 will add approximately 200  
8 square miles of areas with regulations across thirteen new  
9 HAPCs, and the recommendation for the Flower Garden Banks  
10 expansion would add fourteen new banks, increasing the size by  
11 approximately 150 square miles. Mr. Chairman, that concludes my  
12 report.

13  
14 **CHAIRMAN FRAZER:** Thank you, Mr. Boyd. We're just a little bit  
15 ahead of schedule, and that's good, but I'm going to give  
16 everybody an opportunity if they need to check-out of their  
17 hotel room that opportunity, and so we'll reconvene in twenty  
18 minutes.

19  
20 (Whereupon, a brief recess was taken.)

21  
22 **CHAIRMAN FRAZER:** We are scheduled to move into the last  
23 committee report, but, before we do that, we're going to let Tim  
24 Griner from the South Atlantic Fishery Management Council  
25 provide the liaison report, because he has to leave shortly,  
26 around lunchtime. Go ahead, Tim.

27  
28 **SOUTH ATLANTIC COUNCIL LIAISON REPORT**

29  
30 **MR. GRINER:** Thank you, Mr. Chairman. I have thoroughly enjoyed  
31 my time here with the council, and I have found it very  
32 informative, as always. You have a summary report in your  
33 briefing materials, and so I'm just going to really touch on a  
34 few items.

35  
36 Red grouper, we're having the same problems you guys are having  
37 with red grouper. We have seen the problem come, and I think  
38 we're really now into the thick of it, and so what we're going  
39 to do, or what we're trying to do, is we're going to add another  
40 month to our four-month spawning closure off of the Carolinas  
41 and see if that helps some, and we're also going to establish a  
42 200-pound commercial trip limit. We're just not seeing any red  
43 grouper.

44  
45 Our yellowtail snapper issues, the recreational sector is not  
46 coming close to their ACL, and we're having some in-season  
47 closures on the commercial side, and so what we're looking to  
48 do, in an effort to try to stem some of that, is keep the

1 commercial sector open until 80 percent of the total ACL is  
2 caught, and then, if that happens, we'll go ahead and close the  
3 commercial sector.

4  
5 Our spiny lobster bully net amendment is a joint amendment, and  
6 we finally got that done. We directed staff to work with your  
7 staff and get that document prepared and sent out for formal  
8 review.

9  
10 I want to tough a little bit on the habitat and ecosystem plan.  
11 I was really happy to see this council, your council, moving  
12 forward with a plan there. The South Atlantic has done an  
13 enormous amount of work on ours, and it is a big undertaking.  
14 We actually have an entire section of our website dedicated to  
15 it, and it's complete with digital dashboards and mapping  
16 applications, and it's really, really impressive. If you get a  
17 chance, I would highly suggest checking it out. Just make sure  
18 you have some time, because you will find yourself there for a  
19 while.

20  
21 I also very much appreciated the overview and infographic on the  
22 stock status determination criteria. I thought that was very,  
23 very helpful and useful, and I will certainly take that back  
24 with me. Again, thanks again for the week, and I always enjoy  
25 being here. Thank you.

26  
27 **CHAIRMAN FRAZER:** Thank you, Tim, for being here. We appreciate  
28 your contributions and providing that report. Is there any  
29 questions for Tim? Tim, I know you have to leave early, and so  
30 have a safe travel back. We're going to move now into the Reef  
31 Fish Committee Report and Ms. Guyas.

32  
33 **COMMITTEE REPORTS (CONTINUED)**  
34 **REEF FISH COMMITTEE REPORT**  
35

36 **MS. GUYAS:** Thank you, Mr. Chair. I think staff sent that out  
37 earlier this morning, and so I'll get right into it. I will  
38 start with our Reef Fish Landings Update. Ms. Gerhart reviewed  
39 the commercial and recreational landings for various reef fish  
40 stocks. The commercial landings of greater amberjack have  
41 exceeded the ACL and will be subject to a payback in 2019.  
42 Recreational landings were available through Wave 2 only. Waves  
43 3 and 4 are expected to be available soon.

44  
45 Private recreational red snapper landings were provided for each  
46 Gulf state. Landings from Texas are preliminary, as Texas state  
47 waters remain open. Landings in Florida exceeded its portion of  
48 the ACL by 13 percent and will be subject to an overage



1 adjustment in 2019.

2  
3 Revised Draft Amendment 50: State Management Program for  
4 Recreational Red Snapper and Individual State Amendments, staff  
5 provided the LETC's comments pertaining to the use of JEA funds  
6 for enforcing recreational red snapper under state management.  
7 LETC members will request that their state directors communicate  
8 with the appropriations staff regarding this priority. The  
9 committee requested an update on the outcome of this issue.

10  
11 Staff reviewed the actions and preferred alternatives in the  
12 state management amendments. In the program amendment, staff  
13 reviewed a new action considering a mechanism to implement  
14 optional state management of federal for-hire vessels. Because  
15 this action would only be applicable if Alternative 4 in Action  
16 1 is selected as preferred, a preferred alternative is not  
17 needed at this time.

18  
19 The committee discussed Action 2 for apportioning the  
20 recreational red snapper ACL among the states. Mr. Anson  
21 informed the committee that the state directors met to discuss  
22 allocation and made a motion to add this proposed allocation to  
23 the document.

24  
25 **By a vote of ten to two, the committee recommends, and I so**  
26 **move, in Action 2, to add a new alternative for allocation used**  
27 **for apportioning the private angling ACL: Alabama 28 percent;**  
28 **Florida 42.74 percent; Louisiana 18.5 percent; Mississippi 3.55**  
29 **percent; Texas 7.21 percent; for a total of 100 percent.**

30  
31 **CHAIRMAN FRAZER:** Okay. We have a committee motion on the  
32 board. Is there any further discussion regarding this motion?  
33 Seeing none, is there any opposition to the motion? Two  
34 opposed. Let's step back. **All those in favor of the motion,**  
35 **signify by raising their hand, eight in favor; all those**  
36 **opposed, four. The motion carries eight to four.** Kevin Anson.

37  
38 **MR. ANSON:** I would like to offer a motion. **The motion is to**  
39 **make the new alternative allocation the preferred alternative.**

40  
41 **CHAIRMAN FRAZER:** We will let staff get that up on the board.  
42 While staff is putting this on the board, is there a seconder to  
43 this motion?

44  
45 **EXECUTIVE DIRECTOR SIMMONS:** Bernie, it's not in this document,  
46 because it was that new alternative that they just added.

47  
48 **CHAIRMAN FRAZER:** Okay. Kevin, that's your motion, correct?

1  
2 **MR. ANSON:** Yes.

3  
4 **CHAIRMAN FRAZER:** It was seconded by Mr. Riechers. Is there  
5 further discussion on the motion? Ms. Boggs and then Mr. Boyd.

6  
7 **MS. BOGGS:** Thank you, Mr. Chair. One of my concerns, and I'm  
8 not really opposing this, or I may, but it's we heard Dr.  
9 Barbieri talk, and we have the FES surveys now, and we have all  
10 these different currencies of how we're counting these fish, and  
11 can we look at maybe a way to figure out how this is going to be  
12 effective with these new allocations, where we calibrate these  
13 and get a better indication of how it's going to affect this  
14 motion, or any of them?

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

17  
18 **DR. CRABTREE:** Well, to that point, I mean, to me, this motion  
19 is premature, because we have absolutely no analysis whatsoever  
20 of this, which I think is getting at Susan's point, and our  
21 normal practice is we don't choose a preferred until we have  
22 some analysis of it, and so, aside from the problems with this  
23 that I raised in the committee, it seems to me this is  
24 premature, and it's important, and it's central to everything  
25 we're doing, and to do this without having any understanding of  
26 the impacts and how it relates to things seems premature.

27  
28 **CHAIRMAN FRAZER:** Thank you, Dr. Crabtree. Mr. Sanchez.

29  
30 **MR. SANCHEZ:** Thank you. I speak against this. To me, it's  
31 divisive, and we were moving forward with these state plans, and  
32 apparently there is going to be some bumps in the road as  
33 different respective states play with how they're going to give  
34 access to their fishermen.

35  
36 They may meet their target, or they may not, and that's one of  
37 the things in an experiment. You have to massage it along as  
38 you do it, but we all agreed to the original allocation  
39 percentages, and we went from there, and I think the angling  
40 public is far better served with the days that they just had in  
41 this past season than we were before we started these plans, and  
42 now we're kind of going back to the trough to address respective  
43 issues with certain states, and it may jeopardize the whole  
44 thing, and then it's going to be déjà vu Amendment 39.

45  
46 **CHAIRMAN FRAZER:** Thank you, Mr. Sanchez. I have Kevin and then  
47 Martha.

1 **MR. ANSON:** Potentially making it the preferred alternative  
2 maybe is premature without some analysis, but, I mean, there's  
3 not much analysis for the EFP alternative that we're currently  
4 under in the document. I mean, it's a couple of paragraphs, if  
5 that, and so, I mean, I can kind of see where you're coming  
6 from, just administratively, but we're not going to get much  
7 more, as far as analysis is concerned, because we have the EFP  
8 alternative that's in there, and it has very limited  
9 information.

10  
11 **CHAIRMAN FRAZER:** Martha.

12  
13 **MS. GUYAS:** I am going to speak against this motion, for many of  
14 the reasons that Roy raised in committee. I do have some  
15 concerns about this and the rationale with it. I would speak in  
16 favor of the current preferred, which is the EFP allocations. I  
17 mean, in terms of analysis of that, there is a little bit in the  
18 document and, I mean, we're living that now, right, and so  
19 everything we've heard about what happened this year --  
20 Everybody thinks that this was a success.

21  
22 Everybody came to the table, all of the states came to the  
23 table, not knowing what other people were going to ask for, and  
24 said -- Basically, their charge was what can work for you? What  
25 do you need to make this successful for this two-year pilot, and  
26 everybody did that, and it just kind of happened to work out,  
27 and so I would speak in favor of retaining the EFP allocation  
28 current preferred and speak against this motion, and I will stop  
29 there.

30  
31 **CHAIRMAN FRAZER:** Thank you, Martha, and so I have Patrick and  
32 then Roy.

33  
34 **MR. BANKS:** I just want to make a few points on the record.  
35 Florida's EFP, original EFP, asked for a certain poundage that  
36 turned out to be 42 percent of the total Gulf allocation. The  
37 finalized EFP, they were allowed to move up to 45 percent, and  
38 so, while this does show Florida coming back down to 42.74, it's  
39 still 0.74 percent above what you originally asked for, and so I  
40 just wanted to make sure that everybody is aware of that.

41  
42 Louisiana, in this case, went down from 19.1 to 18.5. Now, I've  
43 taken some heat, and rightly so, for giving up 0.6 percent, but,  
44 when we all sat in the room as state directors, I tried to  
45 figure out a way for us to all work together, and I just --  
46 That's the reason why I chose to take that cut, to try to make  
47 it work for everybody, and so that's why I'm in support of this,  
48 because we all sat around the table, and I respect and recognize

1 that Florida did not agree, but the rest of us agreed to this,  
2 and I feel like that I need to follow my word from that meeting,  
3 and I will vote in favor of this motion.

4  
5 **CHAIRMAN FRAZER:** Martha, to that point, and then Roy.

6  
7 **MS. GUYAS:** I mean, to speak to the percentage here and what was  
8 in our original EFP allocation and what happened, if you rewind  
9 back to when we were discussing what the seasons would look  
10 like, each of the states came forward and presented in front of  
11 the council, and our season was significantly shorter than other  
12 states, and, once that -- Once people really understood that,  
13 there were some concerns, and I think pretty real ones, about  
14 whether that was fair and equitable, and I don't think it was.

15  
16 I mean, I understand Kevin's concerns that he raised about this  
17 in the past, and about how Alabama maybe got the short end of  
18 the stick here, but, if you think about it, you all had a  
19 twenty-eight-day season, and ours was forty, but your season was  
20 weekends only, and ours was continuous days.

21  
22 The analysis that we had indicated that, if we did a weekends-  
23 only season, we would need to cut our season down by like 30 or  
24 40 percent. Had we done that, we would be right about where you  
25 all are, and we still went over our quota, and so I actually  
26 kind of feel like, with the EFPs, we actually may be on a level  
27 playing field here between Alabama and Florida, since that was a  
28 concern that was raised. I mean, that's just back-of-the-napkin  
29 calculations here, but just to illustrate what happened here and  
30 compare those two seasons, since that was raised in committee.

31  
32 **CHAIRMAN FRAZER:** Roy, you're next.

33  
34 **DR. CRABTREE:** I really haven't heard any rationale for this,  
35 and, Kevin, you're right that there wasn't nearly the extensive  
36 analysis in the EFPs that we would normally do with a plan  
37 amendment. The EFPs are experimental by nature, and they are  
38 temporary, and so I think that's understandable. This is a  
39 long-term plan we're putting together, and the other thing is --  
40 I agree with Martha.

41  
42 When the EFPs were issued, Florida's proposed season was  
43 significantly shorter than anybody else. Alabama put out a  
44 press release, before the EFPs were issued, with a very long  
45 season, and all the other states were expected to have much  
46 longer seasons, and so, in order to address that inequity, some  
47 additional fish were awarded to Florida, and that's where we  
48 were.

1  
2 It looks to me, and I think if we wait for an analysis, it will  
3 show that the only reason Alabama's season was shorter than  
4 Florida's was Alabama made a decision to go weekends only, and I  
5 don't know, Kevin, if you all just underestimated the impact of  
6 going weekends only, but you ended up with a season that was  
7 shorter, but I don't see how it makes sense to take fish away  
8 from Florida because Alabama made a decision that they would  
9 like to fish weekends. I think Martha is probably right that,  
10 had they fished weekends only, they would have been probably on  
11 the order of twenty-some days.

12  
13 To me, I mean, Texas has, by far, the most generous season in  
14 the Gulf right now, eighty days in federal waters and 365 days  
15 in state waters, and so I don't see any rationale for why you  
16 would take fish away from Louisiana and Alabama and award more  
17 fish to Texas, and so I think this needs to be -- I mean, we  
18 don't even have any place right now you can see where all the  
19 landings are written down, and it may be on our website now. We  
20 briefly talked about them a little bit at this meeting, but I  
21 just think this is way jumping the gun, and I don't think there  
22 is really any rationale that supports doing this.

23  
24 **CHAIRMAN FRAZER:** We have a number of people on the list, and so  
25 I'm going to just go in order. John Sanchez.

26  
27 **MR. SANCHEZ:** Thank you, Mr. Chairman. It seems, originally, we  
28 had all the battles when we arrived at the original percentages.  
29 All the deliberations were done of how many boats one state has  
30 versus another and the effort and the ability to catch fish and  
31 the length of coastline.

32  
33 All of these things were hashed out, and we arrived and agreed  
34 to those percentages coming out of the gate, and now it seems to  
35 me this -- To me, it's moving the goal post after the game has  
36 started, and I'm not in support of this.

37  
38 **CHAIRMAN FRAZER:** Kevin.

39  
40 **MR. ANSON:** Number of days. It's interesting that all of a  
41 sudden now number of days is a metric. I mean, when the states  
42 added season days in state waters, that was a problem for the  
43 feds. You can't do that. We're providing more access to our  
44 anglers, but yet that was a problem, but now the number of days  
45 is -- We've got to have more days. We've got to have more days  
46 over in the eastern Gulf, and the eastern Gulf was a problem at  
47 one point. We needed to constrain that effort in the eastern  
48 Gulf, and now we're just going to just pull fish out of the air

1 and give it to the eastern Gulf.

2  
3 We're trying to get to a point where there is some equity in  
4 here, John, and I understand what you're trying to say, but  
5 42.74 percent exceeds any of the combinations that we have  
6 analyzed, as far as any of the historical effort and historical  
7 catches. I mean, the highest one is 41.57 for Florida, and so  
8 all we were trying to do was to kind of spread those fish around  
9 and such in a way that was a little bit more effective.

10  
11 Alabama chose weekend days, and Florida chose a continuous  
12 season. I mean, that was what our anglers wanted. We were  
13 trying to satisfy the wants and needs of our anglers, and so we  
14 chose a weekend season, and we ended up getting less days.  
15 We're not as much concerned about number of days as we are  
16 trying to get as much access to our anglers.

17  
18 The anglers wanted access in the form of weekend days, and so  
19 that's simply what we're trying to do here, is to just kind of  
20 get that back into a little bit more of reality and percentage  
21 and using the historical catch as the basis for that.

22  
23 **CHAIRMAN FRAZER:** Martha, do you have a comment to that point?  
24 If not, I'm going to move to Robin.

25  
26 **MS. GUYAS:** Robin can go first.

27  
28 **CHAIRMAN FRAZER:** Robin.

29  
30 **MR. RIECHERS:** I want to echo a little bit about what Kevin just  
31 said, which is certainly -- First of all, as far as this not  
32 having the analysis, it's well within the percentages of other  
33 allocation discussions that are here, and so certainly it's  
34 within the realm of possibility of any of the other  
35 alternatives, and so I don't think that it's in any way out of  
36 order, in that respect.

37  
38 The other part is obviously what we're looking at, and this is  
39 the whole purpose of this plan, is to base an allocation based  
40 on some sort of past history of allocations, and then I don't --  
41 The whole point is if Kevin and his state wants to have weekend  
42 days, then he gets to have weekend days, and he knows what that  
43 implication means to him.

44  
45 If I want to keep state waters open, those poundages are being  
46 accounted for, and so that's my decision as a state director, in  
47 that respect. If Paul wants to have every other week from when  
48 he starts to when his quota gets used up, that's his prerogative

1 as this state plan goes forward, and so, again, we shouldn't be  
2 focusing on days. We should be focusing on the percentages that  
3 go there.

4  
5 Now, I want to go to Susan's question, because I'm afraid it  
6 kind of got glossed over, Susan, which is, really, how do we  
7 deal with the different currencies that are going on. Assuming  
8 that everyone has a calibration they can walk back to their  
9 historical time periods, for those people who have new  
10 currencies, they should be able to walk that back, and that's  
11 how they account for the days that they get and the poundage  
12 that they get, and so, for instance, my currency hasn't changed,  
13 and so it's simple for me, but if there is someone's currency  
14 that changed, then they should be able to walk that back, based  
15 on that calibration, to how that percentage had been derived in  
16 the past.

17  
18 I may not be explaining that well, Susan, but there is a way to  
19 walk it back. Then they each may have to make their decisions  
20 based on -- Or their estimations then based on that currency and  
21 the pounds of fish they were catching per day, and that's all I  
22 have now.

23  
24 **CHAIRMAN FRAZER:** Dr. Mickle.

25  
26 **DR. MICKLE:** Thank you, Chair. I will weigh-in. Just to make  
27 clear that Mississippi, between Alternative 6 and this new  
28 alternative, potentially, or it is Alternative 7, I guess, is  
29 3.55 percent in both for the State of Mississippi, and so our  
30 dog in the fight is moving forward on the amendment itself and  
31 making sure that it goes forward in a timely manner that we  
32 ensure a season in 2020 that falls under state management,  
33 potentially, and so I support the alternative, but it's hard to  
34 support as a preferred, because we're currently fishing under  
35 Alternative 6.

36  
37 I think everyone can agree with that, for this year and next  
38 year, and, also, with this alternative now in the document, even  
39 as a not preferred, now, when we go out for public comment, each  
40 state is going to be screaming for the one that favors them the  
41 most, and, before this one was created, that potentially wasn't  
42 going to be the case.

43  
44 No, I don't have a problem with this as an alternative, even  
45 though it's going to give us, I think, some friction in the  
46 process, but it's hard to support as a preferred, just because,  
47 even though the percentages for the State of Mississippi didn't  
48 change, again, it's providing friction in a process, and, also,

1 the currency unknowns that Robin was just talking about and  
2 Susan has brought up, we have so many currency unknowns that  
3 that's the risk that Mississippi has between these two  
4 alternatives, and that's what we have to move forward on.

5  
6 We can change -- We can go fight about allocation the day this  
7 goes final, and we can bring it up in Full Council as soon as  
8 we're done with this, voting it final, and so it's going to be a  
9 constant battle, but we have a timeline, and we should stick to  
10 it. I don't have a problem with this in the document, even  
11 though it probably causes a problem overall, in my opinion, but  
12 I can't support it as a preferred. Thank you.

13  
14 **CHAIRMAN FRAZER:** Martha.

15  
16 **MS. GUYAS:** Thank you. I want to circle back to a couple of  
17 points that were made around the table. One was in reference to  
18 using historical landings here and how the EFP percentage,  
19 particularly for Florida, seems to be out of sync with those  
20 historical landings. Well, my response to that would be, yes,  
21 that's true.

22  
23 I mean, if you go back to some of the times in those historical  
24 landings period, the time, there were hardly any fish in the  
25 eastern Gulf, particularly off the West Florida Shelf. I mean,  
26 this has been a very dynamic fishery. We have seen tremendous  
27 rebuilding off the West Florida Shelf.

28  
29 We have fish spawning where they have not spawned in probably  
30 most of our lifetimes, and people are catching fish and seeing  
31 fish where they hadn't seen them before, and that has continued,  
32 as far as we know, with this current stock assessment. That was  
33 one of the results of that, was, wow, the West Florida Shelf is  
34 really improving, and we can see the results of that, and  
35 anglers are seeing that when they're out on the water.

36  
37 I will make that one point, and the other point, in terms of  
38 recreational access, is, yes, I think that should be a really  
39 big concern with this, and the place where a large number,  
40 almost the majority of people, are going to access this fishery  
41 is Florida. I mean, we have a huge coastline, a huge  
42 population, a large number of visitors, and what do they want to  
43 do when they come to Florida? They want to come fish. Even if  
44 they're not fishing for red snapper, they're still interacting  
45 with this fishery.

46  
47 We can constrain Florida's season down to zero days, and we're  
48 still going to be in this box, because we're just going to be



1 throwing back dead discards, and so I just can't understate  
2 that, for state management to be a success, it needs to be a  
3 success in Florida. If Florida ends up being left behind here,  
4 this is not going to be a success, and this is not going to go  
5 away, and I will leave it at that.

6  
7 **CHAIRMAN FRAZER:** Roy, you're next.

8  
9 **DR. CRABTREE:** This idea of historical landings and the  
10 calibrations is significant, and this is part of the problem  
11 with moving ahead with this without having looked at it. If you  
12 look at the state programs, the Texas program is the only one  
13 we've had. LA Creel's red snapper landings, we ran them side-  
14 by-side, and they were about the same as MRIP. The Florida GRFS  
15 program is giving landings that are similar to MRIP.

16  
17 The one survey, Kevin, that is giving consistently different  
18 answers is Snapper Check, which is coming out with estimates, I  
19 believe, that are around 40 percent less than the MRIP  
20 estimates, and so, when I look at the historical catch in  
21 Alabama, it's in the 35 percent neighborhood, but that is based  
22 on MRIP, and we're using Snapper Check, and so, if you correct  
23 that for that 40 percent, your historical share of the fishery  
24 is closer to 20 percent.

25  
26 It's not like you're not being allocated properly, and we need  
27 to be careful, when we look at the historical shares, that we're  
28 not comparing apples and oranges here. The real problem that I  
29 see here is we still have a fight going on between the states  
30 over fish, and you can say what you want about days, but fish  
31 equal days, and days equal access, and that's what a lot of this  
32 is about.

33  
34 I agree with Martha that any solution here that leaves any state  
35 behind is no solution. The notion that we can do this for one  
36 state or two states or four states is, I think, unrealistic.  
37 This is everyone is in or this isn't going to work and it's not  
38 going to happen, and I think what you guys need to do is go back  
39 to the table and work this out.

40  
41 We need to come to an agreement among everyone on the  
42 allocation, and we need to pass this amendment with, I hope, a  
43 unanimous vote for it, but, if we're going to do a delegation,  
44 we're going to need thirteen votes, at least, out of this  
45 council, but we need to analyze this stuff, and you guys need to  
46 talk some more. We need to come up with a solution that five  
47 states buy-in and not four.

1 **CHAIRMAN FRAZER:** Mr. Swindell.

2  
3 **MR. SWINDELL:** I don't like the allocations, because, and I will  
4 say it again, is because you five states got together without  
5 doing this in the face of the council of seventeen members. We  
6 came on this council as a member to help with all of this stuff  
7 and to try to make it all work, and here you went and tried to  
8 do your thing separately, and I don't like it at all, people,  
9 and I will tell you time and time again. As states, you have, I  
10 think, broken the basic rules of being council members.

11  
12 You do this stuff, and why in the world didn't you do it as a  
13 council member at a council meeting, or as a council committee?  
14 No, you didn't even choose to do it as a council committee of  
15 some sort. You just decided to go and do it on your own, and I  
16 don't like it. I think it's totally wrong in doing it this way,  
17 and every time that I -- Since I have been on this council, for  
18 over three years now, the biggest problem has been Florida, and  
19 so what are you seeing now? Florida is still the problem.  
20 Florida and Alabama are still the main problem.

21  
22 We have such a huge resource west of the Mississippi River, and  
23 we are the ones that are losing in this whole case. This is  
24 absolutely absurd, people. I don't like it, and I will not vote  
25 for this to be an alternative preferred, and I didn't vote for  
26 it to be the way you guys have set it up now, because I don't  
27 like the way it was done. I have no opportunity to express any  
28 opinion or to hear other opinions on this council as to how the  
29 numbers were devised to start with. Thank you.

30  
31 **CHAIRMAN FRAZER:** There is nobody else on the list. Kevin  
32 Anson.

33  
34 **MR. ANSON:** Just to Ed's comment, and I want to comment on that.  
35 Ed, part of the reason that the states got together outside of  
36 the council process, and all of this information -- The  
37 percentages come back to the council, and so there's an  
38 opportunity for the council to discuss it, but part of the  
39 reason is to logistically try to work within the framework of  
40 each of the states, as far as letting their folks know.

41  
42 Not all of the state directors are here, and so the  
43 representatives for the state have got to go back and talk to  
44 the state directors, and sometimes those directors have got to  
45 go back and talk to their commissions, and so it's just a little  
46 bit more of a clunkier process, and that's what we were trying  
47 to do, was to get to a point where the states could all come  
48 together as five states and come to an agreement.

1  
2 We haven't been successful in doing that, as you noted, and as  
3 we can see here today, but that's part of the reason why. It  
4 wasn't anything to try to obfuscate or not be transparent in  
5 that regard, because, again, we're bringing this back to the  
6 council to discuss, but there's just other mechanics of that  
7 decision-making process that are on a different timeline than  
8 the council is all.

9  
10 **CHAIRMAN FRAZER:** Is there any further discussion on this  
11 motion? Okay. I appreciate the comments that everybody has  
12 made, and I think they're fairly well thought out. There is  
13 certainly a lot to consider here, but we're going to vote this  
14 up at this point. I am going to see a raise of hands here. **All**  
15 **those in favor of the motion, raise your hand, five in favor;**  
16 **all those opposed. The motion failed five to nine.** Martha.  
17 Excuse me. Kevin.

18  
19 **MR. ANSON:** I didn't realize that she was going to be reading  
20 the report. **I would like to offer a new motion, and I've**  
21 **already sent it to staff.** I will read it, or do you want to  
22 read it, Mr. Chair?

23  
24 **CHAIRMAN FRAZER:** I will go ahead and read it. **The new motion**  
25 **is in Action 2 of Amendment 50A to add a new alternative and**  
26 **make it the preferred alternative. Alabama 26.3 percent;**  
27 **Florida 43.73 percent; Louisiana 19.84 percent; Mississippi 3.68**  
28 **percent; Texas 6.44 percent; for a total of 100 percent.** Kevin.

29  
30 **MR. ANSON:** I will do a couple of things here. I will first  
31 describe how the math was done.

32  
33 **CHAIRMAN FRAZER:** Kevin, before we get there, is there a second  
34 for this motion?

35  
36 **MR. RIECHERS:** Second.

37  
38 **CHAIRMAN FRAZER:** Second from Mr. Riechers. Go ahead, Kevin.

39  
40 **MR. ANSON:** Thank you. I will describe the math that was used  
41 to come up with this, and so, as was mentioned previously, there  
42 was some percentage, if you will, left on the table during the  
43 first submissions of the state EFPs, and that math, when you  
44 added up all the percentages, including the 42 percent that  
45 Florida had submitted, it came up to like 96.4 percent.

46  
47 I took the difference, the balance, if you will, the 3.8  
48 percent, and then I multiplied, based on the final percentage of

1 the EFPs for all the states. For instance, Alabama, in its  
2 final EFP, got 25.34 percent of that 3.8 percent difference.  
3 Florida got their 44.74 percent portion of the 3.8 percent, and  
4 then I added it, or deducted, as the case may be, to each of the  
5 respective states. That's the math side.

6  
7 What it did was then take that, in a more equitable balance, was  
8 redistribute that extra percentage back to the states based on  
9 the percentage they felt comfortable with, whatever method and  
10 idea they decided was a good percentage for them to come up  
11 with.

12  
13 For Alabama, we took the spirit, again, of the language that  
14 kind of was the impetus for the EFPs and utilized our fishery-  
15 independent program, which we have funded for the last seven  
16 years, and came up with a number that was -- It happened to  
17 reach 25.34 percent, and so that's how it was done, and so it  
18 bumped us up a little bit. It doesn't make us completely happy,  
19 by all means, certainly, but it bumps us up a little bit,  
20 because we felt like, based on historical landings and such and  
21 the time series of all the alternatives we've been looking at,  
22 we probably could have an argument for more.

23  
24 Certainly, in light of Roy's comment with the difference between  
25 the MRIP and Snapper Check, we're going to have to deal with  
26 that, I mean, going forward, for anything we do management-wise,  
27 whether it's allocation percentages or not.

28  
29 Florida doesn't quite get to exactly where they were, but they  
30 don't take as big of a hit on the reduction. Louisiana gets an  
31 increase. Mississippi gets an increase. Texas gets an increase  
32 from what it had, and so it redistributes and kind of spreads  
33 that in a more equitable and fair fashion, that 3.8 percent, and  
34 so that's all this was trying to do, is to put some more balance  
35 in there and try to get more people to accept it.

36  
37 **CHAIRMAN FRAZER:** Thank you, Kevin, for that explanation. We've  
38 got a couple of people on the list. We've got Roy and then  
39 Martha.

40  
41 **DR. CRABTREE:** I appreciate your work to find a compromise,  
42 Kevin. My problem, and the reason I can't support this, is  
43 because you make it the preferred. None of us have ever seen  
44 this, and none of us can check your math, and none of us can  
45 look at the mechanics of it. There is nothing. It's the last  
46 day of the council meeting, and I think it's just inappropriate  
47 to make it the preferred at this time.

1 I would vote for the motion if you would not make it the  
2 preferred and add it to the document, but I can't support making  
3 something we have never seen before, and we've never talked  
4 about it, and we've never discussed it, and we don't have any  
5 allocation, and no one has checked the numbers. I just can't  
6 support that, and I don't mind adding it, but I can't support  
7 making it the preferred.

8  
9 **CHAIRMAN FRAZER:** Martha.

10  
11 **MS. GUYAS:** Thanks. I will be brief. I can't support this, for  
12 many of the reasons discussed with the previous motion. I think  
13 we have the same problems that we had before, in terms of what  
14 Dr. Crabtree just mentioned and in terms of rationale.

15  
16 **CHAIRMAN FRAZER:** Thank you, Martha. Mr. Diaz.

17  
18 **MR. DIAZ:** Thank you, Mr. Chairman. The EFP has been very  
19 successful, and I think most folks like it. We are very close  
20 right now, and I'm sitting here thinking what can I do to try to  
21 make all of this stuff work.

22  
23 We had a nine-to-five vote a little while ago, and we've got a  
24 couple of council members that are absent, but we at least have  
25 to hit the 75 benchmark to get past -- When we get to voting for  
26 the delegation.

27  
28 I think we had a lot of public testimony yesterday, and some of  
29 them used some phrases that I thought were good, that we're  
30 staring down the barrel of a gun, try to do something for the  
31 greater good, and, I mean, those were good comments, and I think  
32 it accurately reflects where we're at right now.

33  
34 We absolutely have to get to a point where we can settle, and  
35 we're right here close, gentlemen, and probably a good  
36 allocation is when everybody walks away and everybody is a  
37 little unhappy. We've got to get there, and so thank you,  
38 Kevin, for offering a compromise to try to get this nine-to-five  
39 vote somewhere closer. Thank you.

40  
41 **CHAIRMAN FRAZER:** Kevin.

42  
43 **MR. ANSON:** Thank you. Martha, I understand where you're at. I  
44 mean, we all have needs, and we all have anglers that want more  
45 access, and you mentioned that the stock is growing. It appears  
46 to be, and that's great. Again, we put forward a percentage  
47 that was based on monitoring of our resource off of Alabama, a  
48 fishery-independent survey looking at both natural bottom as

1 well as artificial structures, and, based on the biomass that  
2 those two habitats support, we came up with our 25.34 percent.

3  
4 This year, we deployed nearly 600 reefs off of Alabama, and we  
5 have plans in the near future to deploy hundreds more. Those  
6 600 reefs, in three to four years, will support about 1 percent  
7 of the recreational, private recreational, ACL, as far as the  
8 biomass, on a sustainable harvest, what we believe to be  
9 sustainable based on the information that we have, and so, I  
10 mean, as we go through time, we're going to continually add more  
11 fish, and we should benefit from it, if the assessment can  
12 capture that, but the benefits will be shared amongst all the  
13 states, because they get a percentage of that pie.

14  
15 I mean, it puts us in a little bit of a bind, when we know we're  
16 going to be creating habitat, which was an objective in our Reef  
17 Fish Management Plan that we just went over of creating habitat,  
18 and that should be an objective that the council is concerned  
19 with, and so the State of Alabama has done that.

20  
21 It's put in the financial resources and made the commitment, not  
22 only on deploying material, but then followed up with that by  
23 doing studies and research to document and track what impact  
24 that has on the resource, and so that's what we've done and  
25 we've attempted to do, and we just feel like we should get some  
26 share of that as well, and the 25.34 percent just doesn't  
27 provide that opportunity for us to do that. Thank you.

28  
29 **CHAIRMAN FRAZER:** Mr. Sanchez.

30  
31 **MR. SANCHEZ:** Thank you. I will speak against this, because I  
32 think we're missing the point here. We already had the battle  
33 on percentages early on. We have the benefit of these plans  
34 right now working, and the public is far better off than they  
35 were before we had this.

36  
37 Now to be arguing over nominal percentages back and forth, it's  
38 like picking the old wound again. We're missing the boat.  
39 We're so close to going through this together, based on those  
40 old percentages, and now, to be throwing out napkin computations  
41 done on Thursday afternoon and just to change the percentages to  
42 try to make it the preferred, I think it's the wrong way to go,  
43 and that's just the wrong approach.

44  
45 We were kind of there, and we were going together, as we should,  
46 in doing this, and none of us were originally happy, everybody  
47 happy, which is a sign that there was compromise, and here we're  
48 just picking that wound again, and I don't think we're going to

1 be able to agree, and we're not going to go through this  
2 together, if we keep just throwing different numbers out.

3  
4 **CHAIRMAN FRAZER:** I have Robin and then Kevin.

5  
6 **MR. RIECHERS:** Well, Kevin, I certainly appreciate you trying to  
7 look back and say, okay, how do we go forward from the point  
8 where the EFPs started, because, as we recall, when we all did  
9 our EFPs, we -- Again, there were three to four different  
10 methods used, because no one said you had to come up with your -  
11 - Use this time series to come up with the allocation, and so  
12 there was a biomass-based decision by Alabama, and Patrick and I  
13 took a long time series approach, and I think Mississippi took a  
14 one-year percentage approach, and Florida took an approach that  
15 used the most recent years.

16  
17 We all turned that in, and there was poundage left on the table,  
18 and so, due to whatever circumstances that caused it, those  
19 percentage shares that were left were given to one state, and it  
20 so happens, when you look at that alternative, Alternative 6, it  
21 has that state at its highest level of any of the other  
22 alternatives that were brought forward, and so, to then, frankly  
23 -- A meeting ago, or two meetings ago, making it the preferred  
24 alternative, and first putting it in the document, without any  
25 rationale as to why it actually is a better alternative than any  
26 of the others, and just saying because we did the EFP that way.

27  
28 When we all went into the EFP, we said that wasn't necessarily  
29 how we were going to do it long-term, and so I appreciate you  
30 offering it, and I will support the motion. It's at least an  
31 attempt to say, okay, let's go back to those allocations and  
32 then move forward from that.

33  
34 If none of the other allocations -- I mean, from my perspective,  
35 we should be looking at a biomass calculation of some sort, of  
36 some weighting, because that's actually dealing with the biology  
37 of the fish, as opposed to what we're doing here anyhow, but,  
38 obviously, that has not gone anywhere around this council, but  
39 it probably should, but bringing it up --

40  
41 Some of the arguments about bringing it up at the last minute,  
42 guys, we're here until we adjourn, and at any point in time, as  
43 long as it's within the realm of what's legally allowable here,  
44 it's allowable, and so, on the last day, when we all make  
45 motions for preferreds that we're still trying to get, that's  
46 allowable, and so I don't consider any of those arguments --  
47 Frankly, they are disingenuous to the process, because the  
48 process goes until we forward a document to the Secretary of

1 Commerce, and then, frankly, the process still goes, because you  
2 can do a minority report, or you can -- When it's published, you  
3 can write a letter, and that's all part of the process.

4  
5 It's disingenuous when we say it's out of line on the last day  
6 or not -- I mean, the math is simple. We can do the math now,  
7 and anybody can do the math right now, and so, with that, I will  
8 support the motion.

9  
10 **CHAIRMAN FRAZER:** We have a number of people on the list. We  
11 will go back to Kevin and then Patrick.

12  
13 **MR. ANSON:** I was just going to amend my motion then and remove  
14 the preferred, just to say to add a new alternative.

15  
16 **CHAIRMAN FRAZER:** Okay. Robin, you were the seconder of this  
17 motion, I believe. You're good with that? Okay. We still have  
18 a number of people to move through the list, and I'm assuming  
19 it's all going to be relevant to this motion, and so next is  
20 Patrick.

21  
22 **MR. BANKS:** I think Kevin handled my concern by removing the  
23 preferred, because I think this is a worthwhile alternative to  
24 look at, because, in my mind, this is how the extra 3 or 4  
25 percent, whatever it was, should have been allocated to begin  
26 with, and so I think it's worth exploring, but I am not quite  
27 comfortable enough to make it the preferred yet.

28  
29 **CHAIRMAN FRAZER:** Thank you. Martha.

30  
31 **MS. GUYAS:** I just wanted to reiterate one point from before.  
32 You know, I understand there is a lot of heartburn about how  
33 that extra percent went to Florida, but, again, I will raise the  
34 point that the reason that that happened was because the  
35 opportunities that were afforded to all five states originally  
36 as proposed under these EFPs was not fair and equitable, and so  
37 what this does is it backs us up a little bit and redistributes  
38 it again, so that we're in the same situation.

39  
40 **CHAIRMAN FRAZER:** Roy and then Mara, unless, Mara, you have  
41 something that --

42  
43 **MS. LEVY:** I was just going to ask if you -- If you add this new  
44 alternative, I guess to consider the other alternative that was  
45 added that then didn't get made preferred, and, I mean, you  
46 could keep them all in there, but I'm not sure how many of these  
47 you want in the document.



1 **CHAIRMAN FRAZER:** Okay. We will circle back to that. Roy.

2  
3 **DR. CRABTREE:** I appreciate you changing it, Kevin, because  
4 Robin's comment that the math is so simple that you can do it  
5 your head, has anyone noticed that those numbers don't add up to  
6 100 percent? They add up to 99.99 percent, and they leave  
7 40,000 pounds unaccounted for, and so that's the trouble with  
8 doing things and making things preferred on the fly like that.

9  
10 I don't have a problem with bringing things in and adding them  
11 on the last day, but we have, many, many times, talked about we  
12 shouldn't choose preferreds until we have an analysis, and that  
13 is our normal procedure, although I wouldn't say that we always  
14 follow it, but I appreciate your change, and I'm fine with  
15 adding it.

16  
17 **CHAIRMAN FRAZER:** Dr. Mickle.

18  
19 **DR. MICKLE:** Just real quick, it's Mississippi gets a bump, and  
20 so every state gets a bump but Florida, and so there is some  
21 picking here, but it's showing that the EFP was a quantitative  
22 miracle, right? We all got there, and we came to the table, and  
23 it went through, and we're fishing at an allocation on a state  
24 level, and that's an amazing thing.

25  
26 A lot of people say that, and I'm saying it, but it gets  
27 difficult, and I mentioned it in the motion prior to this. Now  
28 we're going to have three alternatives that the folks in each  
29 state are going to be barking for, and is this helping the  
30 process or not? Let's move forward, and I will probably support  
31 it, because it's what I said prior, and it's not a preferred  
32 now, and it's in the document, but I have to warn my opinion to  
33 the group of we're complicating this, and we're pitting the  
34 states against each other by these alternatives, and that's the  
35 way it is.

36  
37 **CHAIRMAN FRAZER:** Mr. Swindell and then Mr. Boyd.

38  
39 **MR. SWINDELL:** Does these numbers match what the EFPs were  
40 issued at?

41  
42 **CHAIRMAN FRAZER:** No.

43  
44 **MR. SWINDELL:** What numbers then were the EFPs, because I don't  
45 have those numbers in front of me.

46  
47 **CHAIRMAN FRAZER:** Sure, and so the numbers in the original EFP  
48 were Alabama -- Do you have them? Okay. Go ahead.

1  
2 **DR. MICKLE:** The Alternative 6, which is the EFP, which is  
3 identified as the current preferred, is Alabama is 25.34  
4 percent, Florida is 45.78 percent, Louisiana is 19.12 percent,  
5 Mississippi is 3.55 percent, and Texas is 6.21 percent. That's  
6 the current preferred, Alternative 6.

7  
8 **CHAIRMAN FRAZER:** Thank you, Dr. Mickle. Do you have any  
9 additional comments on this, Mr. Swindell?

10  
11 **MR. SWINDELL:** Well, I was just trying to look at -- Go back to  
12 the original motion slide. I'm trying to get a handle on just  
13 where are we, and I don't know the reason for the numbers to  
14 start with. I think that these came up with some analysis as to  
15 what had been done in the past, and so I was reasonably  
16 satisfied to go with the EFPs the way they were, and I am just  
17 wondering why are we getting into this now until we get down to  
18 close to another year, perhaps this time next year, of the last  
19 EFP that we're going to have available.

20  
21 Let's look and see just what are the states really doing. I  
22 mean, that was the reason not to have the preferred, is that we  
23 don't have any particular reason to do a preferred at all at  
24 this point, and I agree with Roy about that, but I just don't  
25 know where we are. To me, we ought to either stay with the EFP  
26 numbers that we had or -- I don't see a problem with what we  
27 were doing before. I mean, let's manage it as best we can, and  
28 let's see what the states can do with what we've got. Now we're  
29 trying to mix it all up, and that doesn't make any sense to me.  
30 I'm sorry.

31  
32 **CHAIRMAN FRAZER:** Mr. Boyd and then Ms. Bosarge.

33  
34 **MR. BOYD:** Thank you, Mr. Chairman. I want to applaud Kevin for  
35 making a good-faith effort to try to bring equity and a  
36 consensus to this problem, but we've got to remember that, over  
37 a year ago, before the EFPs, we were facing possibly  
38 congressional action to fix this program, congressional action  
39 to do what NMFS and the council have not been able to come to an  
40 agreement on, and, if we don't do something to continue this  
41 process after the EFP, we are probably going to be facing some  
42 kind of congressional action again, or at least the pressure  
43 from the congressional delegations to make something happen.

44  
45 I applaud Kevin for trying to come to a consensus. I think this  
46 does reach the numbers better than we had a while ago, and I  
47 also applaud Kevin for taking out making this the preferred  
48 alternative. I think this is a workable situation, and I think

1 the states should really give consideration for this.

2  
3 **CHAIRMAN FRAZER:** Ms. Bosarge.

4  
5 **MS. BOSARGE:** I will probably step on some toes, but I guess I'm  
6 looking at this 3 percent that was sitting there that got doled  
7 out how somehow with these EFPs at the very end, and I am  
8 looking at what happened after the first year, right, and I can  
9 see where the effort is. I can see where the anglers are, by  
10 and large, and I guess I see it as that 3 percent -- Alabama and  
11 Florida are going to have to come together and figure out how  
12 you all can split that 3 percent and live with each other.

13  
14 I feel like the other three states did okay. We always more,  
15 and don't get me wrong, but I feel like our anglers had some  
16 pretty decent access, and so I just hope that, when you all go  
17 back -- I mean, I get it. This is to get votes, because this is  
18 four states out of five will vote for it, because it gives an  
19 increase for their anglers, but you've got to look at where the  
20 real issue is, and, to me, it's in Alabama and Florida. There  
21 is 3 percent, and how are you all going to divide it up?

22  
23 Somebody has got to give a little, but I don't see where, for  
24 sure, Mississippi and Texas -- I mean, we had some pretty decent  
25 seasons, and, yes, we always want more, but this doesn't solve  
26 the problem of where all the effort is at.

27  
28 **CHAIRMAN FRAZER:** Mr. Boyd.

29  
30 **MR. BOYD:** There is a possibility, and Roy would have to speak  
31 to this, of other components here. We are anticipating an  
32 increase in the TAC for recreational, a possibility. We have  
33 some commercial latent permits that have allocation left in  
34 them, which could be reallocated at some point.

35  
36 We have the possibility of an increase in the TAC for  
37 commercial, and there is the possibility that you can reallocate  
38 some of that increase in TAC and not take anything away from the  
39 commercial other than a future lottery ticket, and so, Roy, is  
40 there any way that we could bring that into the mix here?

41  
42 **CHAIRMAN FRAZER:** Dr. Crabtree, would you like to respond?

43  
44 **DR. CRABTREE:** Well, I don't know, because I don't know what  
45 you're going to do with the allocation, and so it's not clear to  
46 me how it is. Now, it is correct that, if the TAC increase that  
47 you have approved goes in place, all of the states will get  
48 additional pounds, and I can tell you how many additional pounds

1 each state will get under the current EFP, and I can do that  
2 right now, if you would like.

3  
4 Florida would get an additional 175,791 pounds, Alabama would  
5 get an additional 97,289 pounds, Mississippi an additional  
6 13,635, Louisiana an additional 73,439, and Texas an additional  
7 23,845. Then bear in mind, for next season, there will be a  
8 payback of I think a few thousand pounds for Alabama and a  
9 payback of I think it was 13 percent for Florida, which is, I  
10 believe, something close to 240,000 pounds or so.

11  
12 **CHAIRMAN FRAZER:** Kevin, you were on the list.

13  
14 **MR. ANSON:** Just for -- Dr. Simmons, for staff's clarity, I  
15 mean, I explained how I got to it, and I can explain it to staff  
16 offline, and nothing needs to be in the motion to explain how  
17 that was done? Okay.

18  
19 **CHAIRMAN FRAZER:** Thank you, Kevin. Is there any further  
20 discussion on the motion? Okay. Seeing none, we're going to  
21 vote it up. **All those in favor of the motion, raise your hands,**  
22 **eight in favor; all those opposed, four. The motion carries**  
23 **eight to four.** Martha, carry on.

24  
25 **MS. GUYAS:** Okay. In Action 1 in the individual state  
26 amendments, staff reviewed the options under delegation. For  
27 Option 2g, staff noted that this option cannot be included in  
28 delegation as written.

29  
30 Ms. Levy suggested the creation of a new action to establish a  
31 process for NMFS to implement closures in the EEZ off a state  
32 under state management. The states would need to provide  
33 sufficient detail of any potential closures so that they may be  
34 analyzed in the amendments. The committee then passed the  
35 following motion.

36  
37 **Without opposition, the committee recommends, and I so move, in**  
38 **Action 1 of each state amendment, to remove Option 2g and create**  
39 **a new action to allow NMFS to implement closures in the EEZ**  
40 **through a framework. Option 2g is use of area or depth-specific**  
41 **regulations.**

42  
43 I will just note that, if the council approves the preceding  
44 motion, the council could review the draft new action and  
45 discuss the information needed from the states on the potential  
46 closures, and I think Ava has that ready when we finish with  
47 this.

1 **CHAIRMAN FRAZER:** Okay. We have a committee motion on the  
2 board. Is there any further discussion on the motion? **Seeing**  
3 **none, is there any opposition to the motion? No opposition, and**  
4 **the motion carries.** Martha.  
5

6 **MS. GUYAS:** I think it would be good if we could look at that  
7 new action that's been created here, just take a break from the  
8 committee report and take a look at that, and then I want to  
9 speak to the Florida plan on this new action, and so if we can  
10 get it on the board.  
11

12 **CHAIRMAN FRAZER:** Okay. That's great. We will wait until it  
13 gets on the board.  
14

15 **DR. AVA LASSETER:** Okay, and so we have this proposal for what a  
16 new action would look like. This is how it would be framed in  
17 the program amendment, 50A, and, if we do want to look at what  
18 it would look like in each individual state amendment, that's  
19 actually already been composed down below.  
20

21 The idea is that this would be a procedure for allowing a state  
22 to request the closure of areas of federal waters adjacent to  
23 its state waters to red snapper recreational fishing, and so the  
24 no action, Alternative 1, would be do not establish a procedure  
25 to allow a state to request that NMFS close areas of federal  
26 waters adjacent to its state waters to red snapper recreational  
27 fishing.  
28

29 Alternative 2 would establish a procedure to allow a state to  
30 request NMFS to close areas of federal waters adjacent to its  
31 state waters to red snapper recreational fishing. The process  
32 would be the state would request the closure by letter,  
33 providing dates and coordinates for the closure. If the request  
34 is within the scope of the analysis in this amendment, NMFS  
35 would publish a notice in the Federal Register implementing the  
36 closure. The closure would apply to the recreational sector  
37 component or components included in the state's approved  
38 management program.  
39

40 Again, this broad 50A document is the EIS, and so everything  
41 would be analyzed included in there, and then each individual  
42 state amendment would pertain to that individual state's  
43 specific proposals of what they might want to do. I will pause  
44 there.  
45

46 **CHAIRMAN FRAZER:** Martha, you wanted to talk about this a little  
47 bit? Excuse me. Mara, sorry.  
48

1 **MS. LEVY:** Thanks. Well, it's not written in the alternative,  
2 but, just thinking about it, and I guess we would put it in the  
3 discussion, this would be sort of an annual thing, right,  
4 because the way we would implement this is through a notice in  
5 the Federal Register, which is like a temporary rule, and so it  
6 wouldn't be effective forever, and so, each year the state  
7 wanted to do this, they would be required to request it, and we  
8 can make that clear in the discussion.

9  
10 **CHAIRMAN FRAZER:** Thank you, Mara. Martha.

11  
12 **MS. GUYAS:** I briefly mentioned this in committee, but, when our  
13 commission was talking about the tools that they would like to  
14 have in implementing state management, they did discuss this  
15 possibility of being able to close portions of federal waters.  
16 Specifically, the options that we would want included in the  
17 Florida plan would be closures beyond twenty fathoms and thirty  
18 fathoms in the EEZ off of Florida, and so I don't know if you  
19 would want a motion to add an alternative here or just a motion  
20 to add that to the discussion of the Florida plan, and what's  
21 the best way to do this mechanically?

22  
23 **CHAIRMAN FRAZER:** Roy and then Mara.

24  
25 **DR. CRABTREE:** I think the plan is we add this to all five  
26 plans, correct?

27  
28 **MS. GUYAS:** Right, but I'm speaking to this specific, I guess,  
29 options to be analyzed for the Florida plan. If other states  
30 don't want to do closures beyond twenty or thirty fathoms, then  
31 I'm not suggesting they add those to the plan. I think those  
32 would just be for the Florida plan.

33  
34 **CHAIRMAN FRAZER:** Ms. Levy.

35  
36 **MS. LEVY:** I guess I envisioned it as not needing a motion, but  
37 more, if that is what your intent is to include in the Florida  
38 plan, for purposes of analysis, then that's what we would  
39 include and analyze and indicate that that relates to Florida's  
40 plan, and, to the extent other states have other things that  
41 they would like analyzed for their purposes, we would do that,  
42 and so, if you could just indicate to staff the types of things  
43 you want analyzed, we could do that, because, as you see in this  
44 alternative, whether NMFS is going to be able to do it is going  
45 to be dependent on whether we've actually analyzed it in the  
46 document, but I don't think you necessarily would need a motion  
47 to do that. We would have to add this, hopefully, for the  
48 public hearing draft, and you would have to look at it again

1 when it comes back to you.

2  
3 **CHAIRMAN FRAZER:** Martha, to that point?

4  
5 **MS. GUYAS:** Okay, and so I would just ask staff whether it's  
6 clear and if you guys understand what I'm looking for here for  
7 the Florida plan.

8  
9 **DR. LASSETER:** I will request some feedback from NMFS staff as  
10 well, but does this mean the entire EEZ? Would you be wanting  
11 to do smaller areas within that? Just I guess to be specific as  
12 what you are aware of at this time.

13  
14 **MS. GUYAS:** I think the intent would be the entire EEZ off of  
15 Florida. In terms of coordinates, I think we have coordinates  
16 for both of those lines already in the CFR. The twenty-fathom  
17 line is the grouper line, and then thirty fathoms I think we had  
18 in the rule maybe for longlines, and I envision that this would  
19 be a closure like for the entire season, and so like fishing  
20 would be restricted to within twenty or thirty fathoms from  
21 shore, and, again, not necessarily that the commission is going  
22 to do this, but just these are options on the table, tools that  
23 they could use, to optimize opportunities off of Florida. Does  
24 that make sense? Cool.

25  
26 **CHAIRMAN FRAZER:** Ms. Levy and then Roy.

27  
28 **MS. LEVY:** I think you got to this, Martha, but just to make  
29 sure. We're talking about potential closures when Florida is  
30 open. Meaning, if Florida's season is closed, it doesn't matter  
31 whether the EEZ depth of twenty-five fathoms is open or not,  
32 because they will be landing somewhere else.

33  
34 **MS. GUYAS:** Correct

35  
36 **CHAIRMAN FRAZER:** Roy.

37  
38 **DR. CRABTREE:** I guess this is the path we're going to go, but I  
39 would point out that this is a slippery slope, because we're  
40 letting one state regulate vessels from the other states, and,  
41 if we start getting in the northern Gulf, with Alabama,  
42 Mississippi, and Louisiana, that states start doing these kinds  
43 of things, it's likely to have a big impact on fishermen from  
44 adjacent states who may fish in the EEZ off of other states, and  
45 so just be aware.

46  
47 **CHAIRMAN FRAZER:** Sue.

1 **MS. GERHART:** Martha has told us what Florida is interested in  
2 looking at analyzing for their document. Just any of the other  
3 states, if they want something as well, please make sure staff  
4 knows what that is, so we can put that in there.

5  
6 **CHAIRMAN FRAZER:** Thank you, Sue, for that direction. Any  
7 further discussion? Mara and then Kevin.

8  
9 **MS. LEVY:** Well, I'm not sure exactly what Sue meant, but I  
10 wouldn't want the states just communicating with staff. To me,  
11 because this is going into a draft that's going to go to the  
12 public that you're not going to see again, I would want the  
13 states to say now, during the meeting on the record, what they  
14 want analyzed. I would not want it just communicated with staff  
15 and it end up in the document with nobody else knowing that it  
16 was going to be in there.

17  
18 **CHAIRMAN FRAZER:** Okay. We'll go to Florida first. Martha, are  
19 you prepared to do that?

20  
21 **MS. GUYAS:** I think we're good, right? You've got what you need  
22 from me. Okay. Perfect. I think Robin had his hand up.

23  
24 **CHAIRMAN FRAZER:** Can we get some discussion from the other  
25 states? Robin.

26  
27 **MR. RIECHERS:** The analysis you need in the document for Texas  
28 would be similar to the way we've conducted our EFP, where we  
29 keep our state waters open year-round and pull the poundage off  
30 the top, meaning we account for that in our overall poundage,  
31 and then we run a federal season, however many days that will  
32 allow us to run, with the remaining poundage. Right now, the  
33 start date on that was June 1, but we anticipate that we could  
34 move that, and, of course, when you move it, it may change the  
35 number of days you run.

36  
37 **CHAIRMAN FRAZER:** I am going to work my way around the table.  
38 Dr. Mickle and Mississippi.

39  
40 **DR. MICKLE:** Our recommendations are premature. We really need  
41 to sit down and look at our areas. We have really good red  
42 snapper data, and we have locales and things like that we need  
43 to look at, but, most likely, it would start at the state level  
44 and then the federal water line of closing, and we don't have  
45 that need to elongate seasons like some of the other states, but  
46 I truly appreciate what Florida is doing here. They have a  
47 harvest rate issue, and this is a good tool to have, and I  
48 completely support their intention.



1  
2 **CHAIRMAN FRAZER:** Dr. Crabtree.

3  
4 **DR. CRABTREE:** I'm not sure that gave us any guidance, Paul.  
5 Does Mississippi have any intent of using this provision?  
6

7 **DR. MICKLE:** Like I was trying to -- I don't really know yet. I  
8 really need to --  
9

10 **DR. CRABTREE:** Remember that we're trying to vote this up at the  
11 next meeting and so we --  
12

13 **DR. MICKLE:** Believe me, I know. It's a toolbox, and it would  
14 be nice to have a toolbox that we don't know if we would use,  
15 and so my direction would be, yes, it would be closing the EEZ  
16 down adjacent to state waters without fathom designations at  
17 this time.  
18

19 **CHAIRMAN FRAZER:** Paul, can you repeat that? I'm not sure that  
20 Ava heard that.  
21

22 **DR. MICKLE:** It would be closing areas -- It would be request  
23 NMFS to close areas adjacent to state waters for recreational  
24 red snapper fishing.  
25

26 **CHAIRMAN FRAZER:** Ms. Levy.  
27

28 **MS. LEVY:** I understand you don't know the details, but just, in  
29 terms of an analysis, that doesn't really put any bounds on it.  
30 Like I don't know that we're going to be able to do an analysis  
31 that would actually allow you to request this. Meaning, at  
32 least for Florida, we know that they want their closure at this  
33 depth area during their open season, right, and, for Texas, we  
34 know that they want to have a year-round state season, and so  
35 federal waters would be closed at some point in time, all of the  
36 EEZ off of their state.  
37

38 For yours, I am not sure if your intention is to sort of do the  
39 same thing, like have a federal closure in an area while your  
40 state season is open, or you're going to have a state season and  
41 then a different federal season, and I suspect you don't know,  
42 and the issue with that is going to be -- The issue with that is  
43 just going to be the analysis isn't going to be there, and so  
44 there's not necessarily going to be a mechanism that's going to  
45 allow you to do it. I am not really sure how to address this,  
46 because, again, this is kind of coming up at the end of the  
47 process a little bit.  
48

1 **DR. MICKLE:** Understanding the -- I am been preaching the need  
2 for speed more than anyone, I think, this week on this  
3 amendment, and so I will delve into pretty much mimicking what  
4 Texas is, to allow the state season to be open when the federal  
5 season waters are wanting to be closed and having that open, and  
6 so, to keep things consistent and for speed, I will do similar  
7 respects to Texas's strategy.

8  
9 **CHAIRMAN FRAZER:** Thank you, Paul. Patrick, Louisiana.

10  
11 **MR. BANKS:** Well, I'm with Paul. I want to make sure this thing  
12 goes, and, as much as I want to have as many tools in the  
13 toolbox for each state, I just think we need to -- The more I am  
14 hearing all the discussion at this meeting and listening to the  
15 confusion and all this kind of stuff, it just seems like we just  
16 need to do what we're doing in the EFP and structure these  
17 things that way, and let's move this thing forward.

18  
19 Then let's spend the next couple of years figuring out how we  
20 get these depth/distance things into our toolbox and how we get  
21 these other tools into our toolbox, because I do believe we need  
22 them all in our toolbox in the state, but I'm afraid, if we try  
23 to throw too much at this, we're just going to bog it down, and  
24 so I would rather just not complicate it any more. Thanks.

25  
26 **CHAIRMAN FRAZER:** Just to confirm, there is nothing coming from  
27 Louisiana here?

28  
29 **MR. BANKS:** I don't plan to add this to our document, no.

30  
31 **CHAIRMAN FRAZER:** Thank you. Mara, it looks like you want to  
32 say something here.

33  
34 **MS. LEVY:** Well, I mean, the council already voted to add it to  
35 all the documents, but I guess I take that to mean that  
36 Alternative 1 would be your preferred, right, and so it's going  
37 to be there, but, to the extent that there is no indication of  
38 what you would want to do and there is no analysis, you would  
39 just pick Alternative 1 as the preferred.

40  
41 **CHAIRMAN FRAZER:** Martha, go ahead.

42  
43 **MS. GUYAS:** I think I already know the answer to this, but this  
44 is a new alternative, and, at least for Florida, we've indicated  
45 that we're going to go with Alternative 2 here, and is it  
46 appropriate now to designate that as a preferred alternative for  
47 the Florida plan, just so that it's there for public hearings?

1 I get that there is not a lot of analysis with this, but I know  
2 that you also have been thinking about it, and the reason this  
3 is here is because you guys knew this was coming, and so I'm not  
4 sure what is most appropriate here. We just had a big  
5 discussion about not adding preferreds for things that aren't  
6 analyzed, but I also want to signal to the public, at public  
7 hearings, kind of where we're going.

8  
9 **CHAIRMAN FRAZER:** Okay, and so Mara and then Kevin.

10  
11 **MS. LEVY:** I guess I don't have a strong opinion. I mean, you  
12 could always signal at the public hearings what was stated at  
13 the council, and you can say it wasn't picked as preferred yet,  
14 but Florida outlined these as the possible options, and then  
15 it's stated here, and I guess it's up to you.

16  
17 **CHAIRMAN FRAZER:** Mr. Anson.

18  
19 **MR. ANSON:** I know it's been passed, but I'm kind of with  
20 Patrick. I mean, this potentially could slow it down, and I  
21 guess I'm curious as to how the public hearings will go, and  
22 whether there will be enough meat on the bones, so to speak,  
23 when you bring this action item up for each of the states to  
24 kind of really explain it, and then we've got kind of a time  
25 schedule that we're trying to get this thing passed and out the  
26 door, and this is a pretty big item.

27  
28 I understand the flexibility it provides, and, again, we've  
29 started down the road of state management to provide as much  
30 flexibility as possible to the states, and so I'm certainly  
31 onboard in that regard for Alabama. I guess I can ask staff how  
32 confident they are in putting this in a public hearing document  
33 and having enough or at least some semblance of explanation.

34  
35 **DR. LASSETER:** We will definitely do what you request us to do.  
36 I am definitely concerned about getting the entire analysis  
37 done, and, the more complicated it is -- I am wondering if, just  
38 to help me explain some of this, could we put up the Figure  
39 1.1.1 in the 50A document and just look at what we're talking  
40 about here?

41  
42 Dr. Crabtree just mentioned that, if a state does use then this  
43 procedure, you're talking about the closed areas would affect  
44 anglers of all states, and let's just take a look at -- Can we  
45 get Figure 1.1.1 up in Amendment 50A? There we go.

46  
47 This is just reminding me of some of the discussions that we had  
48 going back to Amendment 39, where we ended up starting to go

1 down a path of there was an alternative that would have combined  
2 Mississippi and Louisiana into a common area, and that was  
3 because of this issue of access to federal waters, and so what I  
4 just heard from Mississippi was that you would potentially want  
5 to be closing that little sliver, and closing that little sliver  
6 is going to be closing it to all three of those -- Well, to all  
7 five states, and so I would really think about that, because  
8 that's going to come out in the analysis. That's exactly what  
9 we're going to be analyzing.

10  
11 The more of these that we do have to address, I am a little  
12 worried about getting this all done in the next three weeks, so  
13 that we can get these documents posted for public hearings.

14  
15 **CHAIRMAN FRAZER:** We're going to go to Dr. Crabtree and then Dr.  
16 Simmons.

17  
18 **DR. CRABTREE:** As I read it, if Mississippi closed their stretch  
19 of coast, you would not be allowed to possess red snapper there,  
20 no recreational vessels, and so that would mean that boats in  
21 Alabama could not go red snapper fish off of Louisiana, which I  
22 think some of them do, because they wouldn't be allowed to cross  
23 back to Alabama, because the EEZ is closed.

24  
25 This is the problem with this, and we're taking something that  
26 we're running out of time on now, and we haven't come to  
27 agreement on the most fundamental part of it, and we need to get  
28 it done, and we're throwing in unenforceable complexities. Part  
29 of the reason we went down this path from the get-go was to get  
30 rid of lines in the water that we couldn't enforce and to create  
31 something that we could enforce at the dock, and now we're  
32 throwing all of these complexities in that I don't see any need  
33 for, frankly, but, particularly from Louisiana, Mississippi, and  
34 Alabama, I see lots of problems if one state starts closing that  
35 sliver and the other anglers can't have access to places they  
36 would normally fish.

37  
38 **CHAIRMAN FRAZER:** Dr. Mickle, to that point?

39  
40 **DR. MICKLE:** Thank you, Chair. With council staff saying there  
41 is a direct impact on the time for analysis because of  
42 Mississippi supportive of the motion, that's pretty strong  
43 evidence of -- I mean, there is no reason that we can't take  
44 this on after the amendment is complete and finalized. It's a  
45 great tool to have, but, like I said, I mean, it's pretty  
46 obvious that I was caught off-guard today by this a little bit,  
47 because we don't have the problems that the other states have.

1 We don't have the analysis to show what benefit this would be.  
2 We have a very long season, and, frankly, we don't really want  
3 to fish a whole lot more right now than we are, right now, and  
4 so the raw part of it is that this is impacting the timing, and  
5 I have preached multiple days this week and the last meeting on  
6 we don't want that from the State of Mississippi. We want to  
7 move forward fast, and so I withdraw my comments earlier on the  
8 support for this motion.

9  
10 **CHAIRMAN FRAZER:** Dr. Simmons.

11  
12 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. I was  
13 just looking at the calendar, and I think the council added two  
14 new alternatives for allocation, plus we have the action for the  
15 endorsement for the for-hire that we don't have the effects  
16 completed on yet and trying to get that turned around and do a  
17 review, plus adding this in, and we essentially need to have the  
18 public hearing document posted -- I would like to try to get it  
19 up two weeks in advance of our hearing, and our first hearings  
20 are December 3, and so that's trying to turn it around by  
21 November 19, and so that's a tough timeline for us with the NMFS  
22 staff to do.

23  
24 **CHAIRMAN FRAZER:** I have on the list Kevin, Patrick, and then  
25 Robin. Kevin is done. Patrick. Robin.

26  
27 **MR. RIECHERS:** We are now talking about how big of a hurry this  
28 is. This has been known, folks. I mean, we've had this as a  
29 sub-bullet from the get-go. It's not been a secret what I  
30 wanted, and Martha's may be a little bit newer, because she's  
31 put her arms around maybe how she wants to try to control her  
32 fishery.

33  
34 I understand it may be somewhat difficult if you're trying to  
35 get it done in the analytical way it needs to go forward with,  
36 but this is not a new thing that we're talking about here, and  
37 so I think what staff has to do now, the IPT team has to do, is  
38 roll up their sleeves and let's figure out how to do it.

39  
40 The whole notion of it being a framework came up yesterday, or  
41 the day before yesterday, and I understand the reason why. It's  
42 the handshake so that we can actually get the waters closed, and  
43 I get it, but I know I used it as an example many meetings ago,  
44 the Texas shrimp closure, because we've been doing it that way  
45 for a long time, and so I understand -- I appreciate no one  
46 wanting to slow the document up. I don't want to slow the  
47 document up either.

1 We need to get this done, but I don't think it's too big of a  
2 hurdle to climb, and I don't really know where we are right now  
3 on the motion and the inclusion of the piece that Ava presented  
4 us, but it needs to go in the documents, and we need to keep  
5 this moving.

6  
7 **CHAIRMAN FRAZER:** Let me step back and see where I think that we  
8 might be. In 50A, if we continue on with the action item with  
9 the two alternatives, and we would need some analysis, right, in  
10 order to pick a preferred, those analyses, based on the  
11 information that we have now, could be specific to one or two or  
12 possibly three states. In Mississippi's case, for example, they  
13 don't intend to employ this tool. Similarly, Louisiana may not  
14 intend to employ the tool, or Alabama, but, sometime down the  
15 road, they certainly could, and so, from an analysis  
16 perspective, if we limited it to Florida and Texas, would that  
17 streamline the workload or reduce the workload?

18  
19 **DR. LASSETER:** Again, we're going to get as much of this done as  
20 we can. We are going to work really hard and get it as complete  
21 as possible. My concern really was more about what Mississippi  
22 was proposing, because this just goes back to -- I was seeing us  
23 then at the next meeting discussing that we're going to really  
24 have to look at combining Mississippi and Louisiana, and that  
25 particularly was what was causing me concern, rather than this  
26 broader action of being developed. Again, we are going to go  
27 back and meet and start writing furiously.

28  
29 **CHAIRMAN FRAZER:** I really appreciate that. I do, but now I'm  
30 going to look at the states that I think are complicating  
31 things, potentially, for Ava, and not necessarily for the  
32 fishing. That would be Paul and Patrick and Kevin, and so, at  
33 this point, is it fair to assume that you don't necessarily want  
34 to have this analysis at this time in the document? Patrick.

35  
36 **MR. BANKS:** That's correct. I mean, this is going to go into  
37 Florida's plan, and possibly Texas's plan, and so there would be  
38 no analysis, no inclusion, in Louisiana's plan, and so the main  
39 document would be ready for final action at the next meeting.  
40 The Louisiana document would be ready for final action, and we  
41 could take final action on that, and, if the analysis is not  
42 finished for Florida and Texas, then their specific plans just  
43 may not make it a final action at the next meeting, but  
44 everything else would.

45  
46 **CHAIRMAN FRAZER:** Dr. Crabtree.

47  
48 **DR. CRABTREE:** As I said earlier, this is all or none, and I

1 would think we would look very skeptically at you submitting  
2 some and not all. I don't think any of this works unless all  
3 five states are in.

4  
5 **CHAIRMAN FRAZER:** Kevin, would you like to weigh-in on this?

6  
7 **MR. ANSON:** I guess if Ava is fairly convinced that she can have  
8 some analysis done in the timeline that she needs to get it  
9 done, so that it's in the document, because I know you will have  
10 some that will be reviewing the documents and they will say,  
11 well, wait a minute, why does Texas and Florida want this, but  
12 my state doesn't, and so, I mean, I am hesitant to do -- You  
13 know, in the northern Gulf, we're at the intersection, and so it  
14 is more complicating than the other states on the ends, and so,  
15 although I recognize the importance of having it as a tool, I  
16 just feel uncomfortable, maybe, going in with nothing for  
17 Alabama just to have the analysis and discussion.

18  
19 We can always pull it back and such, because there's been quite  
20 a few fishermen and comments that people I have talked to, as  
21 well as on the fishing forums, that, when this hit the street,  
22 it was almost a hair-on-fire reaction to folks as to whether or  
23 not they can cross this line and be over here when they've got  
24 fish or not fish and all this other stuff, and so I guess go  
25 ahead and do it similar to what Florida is doing, as far as the  
26 state water closure, just so that we can have that analysis,  
27 since it needs to be done.

28  
29 **DR. LASSETER:** Okay, and so I'm understanding, for Alabama, to  
30 examine closing federal waters past twenty and/or thirty fathoms  
31 for the entire EEZ off of Alabama and for the entire season, so  
32 that all fishing would be essentially restricted past that  
33 depth.

34  
35 **MR. ANSON:** Yes, that would be correct, the fathom line.

36  
37 **CHAIRMAN FRAZER:** Okay. I have a question for Dr. Crabtree. I  
38 would like to follow-up or pursue the all-or-none discussion a  
39 little bit more here with regard to this particular action item.

40  
41 **DR. CRABTREE:** Well, I'm not saying all or none for this  
42 particular action item. I meant that I don't believe -- I would  
43 not support moving forward with approval of a couple of states  
44 plans if the other state plans weren't even submitted. I don't  
45 think this can work if it's just one or two states, and so I was  
46 talking about the approval of the plans and submission of the  
47 plans as a whole and not this specific action.

1 **CHAIRMAN FRAZER:** Sure, and I appreciate that, and so, Ava, do  
2 you think you have enough direction at this point? I realize  
3 that it's a steep climb and we're putting a tremendous amount of  
4 pressure on the staff, but I think there is an attempt on the  
5 part of the council at all costs to try to move this particular  
6 amendment and the state plans forward, and so I appreciate that.  
7 Thank you. We are going to go back to the committee report, and  
8 so if we can get that back up on the board.

9  
10 **MS. GUYAS:** Okay, and so I think where we left off is we  
11 dispensed with the Option 2g discussion, which led to this  
12 discussion of this action, and now we are at the top of page 2,  
13 a little bit down.

14  
15 For Options 2e and 2f, staff noted that delegation for live-  
16 release devices and harvest gear is not needed, as the states  
17 could require possession of such devices and gear and enforce  
18 the requirements dockside. The committee then passed the  
19 following motion.

20  
21 **Without opposition, the committee recommends, and I so move, in**  
22 **Action 1 of each state amendment to remove Options 2e and 2f.**  
23 **Option 2e is requirements for live-release devices (e.g.,**  
24 **descending devices) and Option 2f is requirements for harvest**  
25 **gear.**

26  
27 **CHAIRMAN FRAZER:** Okay. We have a committee motion on the  
28 board. Is there any further discussion of this motion? Martha,  
29 you have a comment?

30  
31 **MS. GUYAS:** Yes, just a comment, because I think I heard some  
32 public comments about this yesterday and concern that this was  
33 not -- That descending devices and venting tools and those kinds  
34 of things were kind of off the table here.

35  
36 Well, not really, because the states can still do this, and they  
37 would just be enforcing that as boats are coming back through  
38 state waters, and so our commission discussed this as a tool  
39 that they would want to have, but it's just that it wouldn't go  
40 in the delegation. It would just be something that FWC  
41 potentially would do in state rule and apply to anglers that are  
42 landing in Florida, if that makes -- Hopefully that clarifies  
43 kind of where we are with this.

44  
45 **CHAIRMAN FRAZER:** Yes, I think so. Is there further discussion?  
46 **Is there any opposition to the motion? Seeing none, the motion**  
47 **carries.**



1 **MS. GUYAS:** A motion was then made to add a preferred  
2 alternative and options to Florida's amendment. **Without**  
3 **opposition, the committee recommends, and I so move, in Action 1**  
4 **of Florida's amendment, to make Alternative 2, Options 2a, 2c,**  
5 **and 2d the preferred.** I can read that if you want, but it's  
6 kind of long.

7  
8 **CHAIRMAN FRAZER:** I think that, unless there is anybody that  
9 wants that to be read, it's on the record, or it will be on the  
10 record, and so we have that motion on the board. Is there any  
11 further discussion on that motion? **Seeing none, is there any**  
12 **opposition to the motion? There is no opposition, and the**  
13 **motion carries.**

14  
15 **MS. GUYAS:** Action 2 addresses post-season quota adjustments.  
16 Staff noted that Option 2b could be removed, as it could be  
17 considered unfair to apply overage or underage adjustments  
18 equally to both components. The committee then passed the  
19 following motion.

20  
21 **Without opposition, the committee recommends, and I so move, in**  
22 **Action 2 to move Option 2b to Considered but Rejected in all**  
23 **five state amendments. Option 2b is, if a state has both a**  
24 **private-angling ACL and a federal for-hire ACL, the adjustment**  
25 **will be applied equally to both components.**

26  
27 **CHAIRMAN FRAZER:** We have a committee motion on the board.  
28 Okay. Is there further discussion on this motion? **Seeing none,**  
29 **is there any opposition to the motion? Seeing none, the motion**  
30 **carries.** Martha.

31  
32 **MS. GUYAS:** Staff noted that, if Option 2b is removed, as the  
33 council just did, Option 2a would be incorporated into  
34 Alternative 2.

35  
36 Some states had not yet selected a preferred alternative in  
37 Action 2 for a post-season quota adjustment. The committee then  
38 passed the following motion.

39  
40 **Without opposition, the committee recommends, and I so move, in**  
41 **Action 2 to make Alternative 2, as modified, the preferred in**  
42 **all five state plan amendments.**

43  
44 **CHAIRMAN FRAZER:** Okay. We will let staff put that up on the  
45 board. That's fine. Is there any further discussion on this  
46 motion? **Is there any opposition to the motion? Seeing none,**  
47 **the motion carries.** Kevin.

1 **MR. ANSON:** Just a little housekeeping before we go into public  
2 hearing and talking about the document. In 50A, the motion was  
3 added into the document that had the first iteration, I guess,  
4 of the post-EFP percentages from Tuesday, and so that should  
5 still be in the document. In order to kind of clean it up a  
6 little bit, I was thinking of offering a motion to remove that.  
7 If I can do that, if I can make a motion to remove what would  
8 have been Alternative 7 at the time, with those percentages,  
9 remove that from the document. I still want to keep the one we  
10 voted in today, this other one, and I would still like to keep  
11 that in there, but I want to, just for housekeeping and for  
12 reduction, is to remove that first one.

13

14 **CHAIRMAN FRAZER:** Can you repeat that, specifically?

15

16 **MR. ANSON:** Again, I don't know if it officially received a  
17 number, but I think it was the Alternative 7, the new  
18 Alternative 7, with those prior percentages, and I don't know  
19 how else to define it, other than to look at the percentages  
20 that were sent, and maybe I will do that, to make sure it's  
21 clear.

22

23 **CHAIRMAN FRAZER:** Just to clarify, this is the one that came  
24 from the committee report, right, and that was put forward with  
25 a preferred?

26

27 **MR. ANSON:** Yes, that's correct.

28

29 **CHAIRMAN FRAZER:** So your intent is to make a motion to remove  
30 this from the document?

31

32 **MR. ANSON:** Yes, remove the one with Alabama at 28 percent, yes,  
33 to remove that one.

34

35 **CHAIRMAN FRAZER:** Okay. I would go ahead and feel free to make  
36 that motion.

37

38 **MR. ANSON:** I would like to make a motion to do that, to remove  
39 it from 50A.

40

41 **CHAIRMAN FRAZER:** Sure. We have a procedural question right  
42 now, and we might need Ms. Levy for this one. We can make a  
43 motion, perhaps, to reconsider. Roy.

44

45 **DR. CRABTREE:** I think, procedurally, since we passed a motion  
46 to add it, that someone who voted in favor of adding it would  
47 have to vote for a motion to reconsider. Kevin, did you vote in  
48 favor of adding it? You probably should start with a motion to

1 reconsider and then make the motion to remove it. If you pass  
2 the motion to reconsider, then we would be back to voting  
3 whether to add it or not, and we could vote not to add it.

4  
5 **CHAIRMAN FRAZER:** Okay. I appreciate and understand that  
6 approach. Kevin, would you like to make that motion?

7  
8 **MR. ANSON:** I will attempt to. I will make a motion to  
9 reconsider the addition of the new Alternative 7 in Action 2.

10  
11 **CHAIRMAN FRAZER:** Okay. While that's getting up there, is there  
12 a second for that? Mr. Boyd seconded it. Is there further  
13 discussion? **Seeing none, is there any opposition to the motion?**  
14 **Seeing none, the motion carries.**

15  
16 **DR. CRABTREE:** I think what we do, Tom, now is go back to the  
17 motion where we added it and vote on that again.

18  
19 **CHAIRMAN FRAZER:** Okay. We will let staff get that back on the  
20 board. What we're going to do is go back to the motion where we  
21 actually voted on it. We're going to pull it back up, and we're  
22 going to re-vote on it.

23  
24 **EXECUTIVE DIRECTOR SIMMONS:** It was the eight-to-four vote,  
25 Bernie. We are going to reconsider this motion, and we're going  
26 to vote on it again, essentially.

27  
28 **DR. CRABTREE:** Could you correct -- The motion to reconsider, I  
29 think, passed unanimously and not eight-to-four.

30  
31 **CHAIRMAN FRAZER:** That's correct. Thank you, Roy. Again,  
32 Kevin, just to clarify, your intent is to remove this from the  
33 document, and so we're going to take another vote. Patrick, go  
34 ahead.

35  
36 **MR. BANKS:** I just want to make sure that everybody -- That we  
37 know which way we're voting for this. Since we're  
38 reconsidering, then a vote for the motion would be to add it,  
39 and a vote against the motion would be to remove it, correct, or  
40 to not add it?

41  
42 **CHAIRMAN FRAZER:** Hold on. Roy.

43  
44 **DR. CRABTREE:** Yes, it's not to remove. We're going to vote  
45 again on adding it to begin with, and so Kevin then would vote  
46 against this motion, if you don't want it in there, right?

47  
48 **CHAIRMAN FRAZER:** Right. So, if you don't want it in, you're

1 going to vote no, just so everybody knows. All right. **All**  
2 **those in favor of the motion, raise your hand; all those against**  
3 **the motion, raise your hand. It's a unanimous vote.** Martha,  
4 carry on. Ms. Bosarge.

5  
6 **DR. CRABTREE:** The motion failed, not carried.

7  
8 **CHAIRMAN FRAZER:** Sorry, Roy. I am very confused. **The motion**  
9 **failed unanimously.**

10  
11 **MS. BOSARGE:** All right, and so I'm trying to think about our  
12 next meeting, where I think we're going to try and possibly take  
13 final action on this, and so I'm trying to think ahead, and I  
14 was thinking about -- Can you pull up that Figure 1.1.1? I want  
15 to make sure -- This wouldn't affect my state, but I want to  
16 make sure that, Alabama and Florida, if this is something that  
17 you all might look at this when it comes back to you next time  
18 and consider, and I just wanted to make sure it's in the  
19 document, if you all want it.

20  
21 You will have to tell us, but the discussion was how, if we go  
22 down this route of having federal waters closed and state-water  
23 seasons ongoing, which Texas is already doing, I think, and it  
24 sounds like Florida may want to do something like that, and I  
25 can see where maybe Alabama might want to do something like that  
26 in the future, possibly, just to curtail some of your catch  
27 rates, if you're trying to extend things, and so my question  
28 was, if you look at that map, Figure 1.1.1, if you ever wanted  
29 to join up with Florida, possibly, in that federal-water  
30 closure, then it's still the ends of the Gulf, and do you see  
31 what I'm saying?

32  
33 If you are combined with Florida on that closure, if you all  
34 were on the same page about it, then you don't end up in that  
35 situation where we have this sliver that's closed in the middle  
36 of the Gulf and you can't transit and this and that. I just was  
37 looking at the map, and it made sense. If you all two were  
38 together, then you're that end of the coast, just for that one  
39 item. If you all don't ever want to consider that, that's fine,  
40 but I just didn't want to get to the next meeting and you all  
41 see it and go, well, dang, if we had hooked up on that, it would  
42 have worked, and so I'm just throwing it out there. If you want  
43 some sort of option like that, it would probably be best to tell  
44 staff now.

45  
46 **CHAIRMAN FRAZER:** Ms. Levy.

47  
48 **MS. LEVY:** When Martha was first describing what Florida was

1 thinking of doing, it was the fathom closure in conjunction with  
2 their state season, right, and so they would want the EEZ closed  
3 at a certain depth while their state season was running, and,  
4 when they didn't have a state season, the EEZ would be open, but  
5 what you're suggesting is that they might want to consider the  
6 opposite, and I guess I'm just trying to be clear on what is --

7  
8 **CHAIRMAN FRAZER:** Point made. Kevin.

9  
10 **MR. ANSON:** I guess, just administratively, the way I would see  
11 it is that, if we were all on the same page and we had the same  
12 boundary, if you will, the fathom break, that we would just get  
13 together and we would say we want to close it on this date and  
14 open it on that date, and then we would submit to SERO that this  
15 is what our -- Then it would get signed in, and it would be  
16 concurrent, and that's how we would -- I don't think they need  
17 to be lumped together for the analysis.

18  
19 **MS. GUYAS:** I think I would agree with that.

20  
21 **CHAIRMAN FRAZER:** Okay. Martha, carry on.

22  
23 **MS. GUYAS:** Okay. We're almost done with this, maybe. Staff  
24 noted that public hearings have been set up for the dates and  
25 locations provided in the action guide. Dr. Simmons informed  
26 the committee that, since Hurricane Michael, the office has not  
27 been able to contact the hotel in Panama City at which that  
28 meeting is scheduled. As an update, the meeting will now be  
29 held in Pensacola on the same date, which was December 3, 2018,  
30 and so we are moving Panama City to Pensacola for the public  
31 hearings. I have one last motion here for this item.

32  
33 **With no opposition, the committee recommends, and I so move, to**  
34 **take Amendment 50: State Management Program for Recreational Red**  
35 **Snapper and Individual State Amendments out for public hearings.**

36  
37 **CHAIRMAN FRAZER:** Okay. We have a committee motion on the  
38 board. Any further discussion on the motion? **Seeing none, is**  
39 **there any opposition to the motion? No opposition, and the**  
40 **motion carries.**

41  
42 **MS. GUYAS:** Review of Reef Fish Management Objectives, staff  
43 presented a review of the objectives of the Reef Fish Fishery  
44 Management Plan with background information and relevant  
45 amendments. Staff noted that changes to the Reef Fish Fishery  
46 Management Plan objectives would need to be included in a plan  
47 amendment.

1 The committee discussed the extent to which the objectives had  
2 been met and whether the current objectives should be retained,  
3 modified, or removed. The committee then made the following  
4 motions.

5  
6 **With no opposition, the committee recommends, and I so move, in**  
7 **Objective 1 to reword as follows: "To prevent overfishing and**  
8 **rebuild overfished stocks."**

9  
10 **CHAIRMAN FRAZER:** All right, and so I realize that we have a  
11 list of motions coming here, and so we're going to probably go  
12 through this process for each one of them, and so is there any  
13 further discussion on the motion on the board? Is there any  
14 discussion on the motion? **Any opposition to the motion? Seeing**  
15 **none, the motion carries.** Carry on.

16  
17 **MS. GUYAS:** With no opposition, the committee recommends, and I  
18 so move, to combine Objectives 2 and 7 to read: "To maintain  
19 robust fishery reporting and data collection systems for  
20 monitoring the reef fish fishery."

21  
22 **CHAIRMAN FRAZER:** Okay. Any further discussion on this motion?  
23 **Seeing none, is there any opposition to the motion? Seeing**  
24 **none, the motion carries.**

25  
26 **MS. GUYAS:** With no opposition, the committee recommends, and I  
27 so move, to reword Objective 3, as follows: "To conserve and  
28 protect reef fish habitats."

29  
30 **CHAIRMAN FRAZER:** Okay. We have a motion on the board. Is  
31 there any further discussion on this motion? **Seeing none, is**  
32 **there any opposition to the motion? Seeing no opposition, the**  
33 **motion carries.**

34  
35 **MS. GUYAS:** With no opposition, the committee recommends, and I  
36 so move, to reword Objective 4, as follows: "To minimize  
37 conflicts between user groups", add a new objective "To minimize  
38 and reduce dead discards," and to eliminate Objective 6.  
39 Objective 6 was to reduce user conflicts and near-shore fishing  
40 mortality.

41  
42 **CHAIRMAN FRAZER:** Okay. We have a motion on the board. Any  
43 further discussion? **Seeing none, is there any opposition?**  
44 **Seeing none, the motion carries.**

45  
46 **MS. GUYAS:** With no opposition, the committee recommends, and I  
47 so move, to remove Objectives 5, 9, 11, and 16 and replace with  
48 an objective that defines OY. The objective would be: "To

1 manage Gulf stocks at OY as defined in MSA."

2  
3 **CHAIRMAN FRAZER:** Okay. We have a motion on the board. Is  
4 there any further discussion? Ms. Levy.

5  
6 **MS. LEVY:** I think I mentioned this during committee, and I will  
7 just mention again that it's not clear to me that Objective 11  
8 or 16 are necessarily captured in the definition of OY, meaning  
9 they are fairly specific, maximizing net socioeconomic benefits  
10 and optimizing, to the extent practicable, blah, blah, blah, net  
11 benefits from the fishery, and so there may be pieces of those  
12 that are in OY, and I'm not saying you can't pass this motion,  
13 but I don't think that those very precise concepts are  
14 necessarily captured in the very specific definition of OY as  
15 well.

16  
17 **CHAIRMAN FRAZER:** Okay. Thank you. Any further discussion? **Is**  
18 **there any opposition to the motion? Seeing none, the motion**  
19 **carries.**

20  
21 **MS. GUYAS:** With no opposition, the committee recommends, and I  
22 so move, to reword Objective 10 as follows: "To encourage and  
23 periodically review research on the efficacy of artificial reefs  
24 for management purposes."

25  
26 **CHAIRMAN FRAZER:** Okay. We have a motion on the board. Any  
27 further discussion? Dr. Stunz.

28  
29 **DR. STUNZ:** Just very quickly, Mr. Chairman. This isn't  
30 specifically to this motion, but I think it's a cutting-and-  
31 pasting thing. We keep cutting and pasting "motion carried with  
32 opposition", if you see that above that. The last few, they all  
33 should --

34  
35 **CHAIRMAN FRAZER:** Thank you. Good catch, Dr. Stunz.

36  
37 **DR. STUNZ:** There are several of those.

38  
39 **CHAIRMAN FRAZER:** All right. We will correct those. Thank you.  
40 Again, I will just make sure there is -- Is there any further  
41 discussion? **Seeing none, is there any opposition to this**  
42 **motion? Seeing none, the motion carries.**

43  
44 **MS. GUYAS:** With no opposition, the committee recommends, and I  
45 so move, to remove Objectives 14 and 18 and reword Objective 12,  
46 as follows: "To promote stability in the fishery by allowing for  
47 enhanced fisher flexibility and increasing fishing opportunities  
48 to the extent practicable."

1  
2 **CHAIRMAN FRAZER:** Okay. We have a motion on the board. Is  
3 there further discussion? **Seeing none, is there any opposition?**  
4 **Seeing none, the motion carries.**

5  
6 **MS. GUYAS:** With no opposition, the committee recommends, and I  
7 so move, to remove Objective 17.

8  
9 **CHAIRMAN FRAZER:** Okay. We have a committee motion on the  
10 board. Any further discussion? **Seeing none, is there any**  
11 **opposition? Seeing no opposition, the motion carries.**

12  
13 **MS. GUYAS:** The overall goal of the Reef Fish Fishery Management  
14 Plan is to manage the reef fish fishery of the United States  
15 within the waters of the Gulf of Mexico Fishery Management  
16 Council jurisdiction to attain the greatest overall benefit to  
17 the nation with particular reference to food production and  
18 recreational opportunities on the basis of the maximum  
19 sustainable yield as reduced by relevant ecological, economic,  
20 or social factors.

21  
22 If the Reef Fish Committee motions are approved, the new Reef  
23 Fish FMP objectives would be stated as seen in Table 1, and I  
24 will just note here that the revised version of the committee  
25 report fixed a typo under Number 1 to match what we actually  
26 approved in our motion, and so we have all eleven of our  
27 objectives here now, and I guess, if people have additions, now  
28 would be a good time to look at those, but we will see these  
29 again in another amendment at some point.

30  
31 **CHAIRMAN FRAZER:** Anybody care to add anything at this point? I  
32 don't see anything, Martha. Carry on.

33  
34 **MS. GUYAS:** Establish Gray Snapper Status Determination Criteria  
35 and Modify ACLs, staff provided a presentation summarizing the  
36 components of status determination criteria and the requirement  
37 to define reference points for managed fish stocks.

38  
39 Staff also prepared and presented an infographic with a list of  
40 common definitions used that can be used as reference materials  
41 when evaluating options to establish status determination  
42 criteria. Staff also reviewed a gray snapper hot sheet, which  
43 is a one-page summary of the biology and fishery for gray  
44 snapper.

45  
46 Staff then reviewed draft Reef Fish Amendment 51 that would  
47 establish status determination criteria and modify the ACLs for  
48 Gulf gray snapper. The committee reviewed the purpose and need



1 and the range of alternatives in each of the five actions of the  
2 document.

3  
4 The committee was satisfied with the range of alternatives in  
5 Actions 1 through 4. In Action 5, the committee discussed that  
6 Alternatives 4 and 5 would specify both an ACL and ACT.  
7 However, staff noted the accountability measures for gray  
8 snapper are associated with the ACL, while the ACT serves no  
9 purpose for managing gray snapper. Based on this discussion,  
10 the committee determined that the alternatives with ACTs were  
11 unnecessary.

12  
13 **With no opposition, the committee recommends, and I so move, in**  
14 **Action 5 to move Alternatives 4 and 5 to Considered but**  
15 **Rejected.**

16  
17 **CHAIRMAN FRAZER:** We will let staff get that on the board.  
18 Okay. Is there any further discussion on this motion? **Is there**  
19 **any opposition to the motion? Seeing none, the motion carries.**

20  
21 **MS. GUYAS:** Staff will revise the draft amendment and bring it  
22 back for committee review at the next council meeting. The  
23 Great Red Snapper Count, Dr. Drymon gave a presentation  
24 summarizing the status, preliminary findings, and timeline for a  
25 comprehensive effort to estimate absolute red snapper abundance  
26 in the Gulf.

27  
28 He described five components of the study: 1)data mining and  
29 habitat mapping, 2)calibration and validation, 3)sampling,  
30 4)results, and 5)conclusions. He stated that the objective of  
31 the data mining and habitat mapping was to predict the  
32 probability of the presence of red snapper to inform sample  
33 selection protocols for red snapper sampling.

34  
35 The study uses multiple gear types, and calibration efforts are  
36 ongoing to ensure accurate estimates of fish density and  
37 abundance. Data collected during the spring and summer of 2018  
38 are currently being analyzed, and the project will be completed  
39 in summer 2019. Stakeholder engagement is a large part of this  
40 effort. Investigators are working closely with key partners to  
41 provide background information about the project and results as  
42 they become available.

43  
44 The committee asked if this project could be expanded for other  
45 stocks and if cost-savings could be achieved in future efforts.  
46 Dr. Drymon stated that the methods used are appropriate for  
47 other species and some data, such as video surveys, are being  
48 collected for multiple species. He stated that considerable

1 cost savings could be realized to complete similar projects for  
2 other reef fish species.

3  
4 SSC Summary Report, The Great Red Snapper Count, the SSC  
5 received a summary presentation on the Great Red Snapper Count.  
6 The SSC was interested in the research project and was satisfied  
7 that the methods and protocols being used are appropriate to  
8 estimate the abundance of Gulf red snapper. The SSC requested  
9 to receive additional updates about the progress of this project  
10 as they become available.

11  
12 Best Scientific Information Available, the SSC discussed the  
13 concept of Best Scientific Information Available (BSIA) as it  
14 relates to the scientific advice they provide to the council,  
15 and they also discussed best practices and policies to improve  
16 communication between the SSC and the council.

17  
18 NOAA General Counsel instructed the SSC to be explicit when  
19 making determinations about BSIA and in identifying the scope of  
20 this recommendation. For example, the SSC should note if they  
21 thought a stock assessment was suitable for stock status  
22 determination, but not for harvest advice.

23  
24 Red Grouper Interim Analysis, the Southeast Fisheries Science  
25 Center conducted an interim analysis that could be used to  
26 provide updated harvest recommendations for red grouper in a  
27 period between operational stock assessments. This type of  
28 analysis could allow for a yield stream of a species to be  
29 updated on an annual basis. This process could allow for better  
30 resolution on the status of a stock and may improve the advice  
31 conveyed to the council.

32  
33 The interim analysis uses indices of abundance, or a specific  
34 representative index of abundance, and a harvest control rule  
35 used to provide some continuity in the catch advice provided  
36 from the previous assessment. The responsiveness of the harvest  
37 control rule to the data is determined by a scalar, which can be  
38 manipulated to better track the previous management advice or  
39 the representative index of abundance. A lower scalar value  
40 will track the index, while a higher scalar value will track the  
41 previous catch advice from the harvest control rule.

42  
43 For red grouper, the inclusion of the catch advice from SEDAR 42  
44 had an impact on the subsequent advice generated by the interim  
45 analysis. By including the SEDAR 42 data, the catch advice was  
46 much more optimistic. However, the SSC did not necessarily  
47 think the SEDAR 42 catch advice was appropriate to use for  
48 future catch advice, given the recent red grouper landings in

1 the Gulf.

2  
3 The SSC endorsed the interim analysis approach and recommended  
4 the exclusion of the SEDAR 42 data and a scalar value of 1 (out  
5 of 10), to more closely track the representative index of  
6 abundance. However, given the preliminary nature of the interim  
7 analysis approach, the SSC did not think the methodology was yet  
8 robust enough to change the existing ABC recommendation.  
9 Instead, the SSC recommended that the interim analysis approach  
10 could be used to generate a revised ACL value for 2019. Based  
11 on this analysis, the SSC recommended an updated ACL for red  
12 grouper of 4.6 million pounds gutted weight for 2019.

13  
14 The committee determined that it would not be able to implement  
15 a change in the 2019 ACL for red grouper through the current  
16 open framework action process. As an alternative, the committee  
17 asked whether the issues described with red grouper would  
18 qualify as an emergency, allowing the implementation of an  
19 emergency rule to reduce the red grouper ACL.

20  
21 NOAA General Counsel did not think the situation qualified as an  
22 emergency rule, since it did not appear that overfishing was  
23 occurring, nor that the stock was imperiled. An emergency  
24 council meeting could be held to vote on a framework action,  
25 which would facilitate the withholding of IFQ allocation to the  
26 commercial fishery. However, the timing of such an effort makes  
27 its full implementation in time to be effective in 2019  
28 unlikely. I will pause there for a minute, because I suspect we  
29 have discussion.

30  
31 **CHAIRMAN FRAZER:** I will start off with Roy and then Mara, or  
32 vice versa. It's up to you guys.

33  
34 **DR. CRABTREE:** Reflecting on this, and particularly on all of  
35 the public comment we got from grouper fishermen about the dire  
36 status of red grouper and the need to do something, I am  
37 concerned that overfishing may well be happening here. In fact,  
38 the stock may well be overfished at this point, and I am further  
39 concerned that the status of the stock has likely worsened since  
40 the interim analysis was done, due to the red tide that has been  
41 so severe.

42  
43 I have become unsatisfied with our discussion in reef fish and  
44 where we came down, but we didn't think we could get anything  
45 done, and so, if you as a council would want to request an  
46 interim or an emergency rule and ask us to implement a lower  
47 catch level, I will go back and do my best to try and get that  
48 done.

1  
2 I think, at this point, it would be the right thing to do to try  
3 and lower the catch levels for next year, and I think what we  
4 got from the interim recommendation was 4.6 million pounds, and  
5 so I will leave it up to you, but I'm willing to give it a try  
6 and see if we can't get something done by next year, but I think  
7 you would have to pass a motion and make a request today for us  
8 to try and do that.

9  
10 **CHAIRMAN FRAZER:** Sure. Thank you, Roy. Before we move on and  
11 do perhaps do that, and we'll have a little more discussion, but  
12 Mara.

13  
14 **MS. LEVY:** Well, so I just wanted to I think correct what it  
15 says that NOAA General Counsel did or did not do, and so I think  
16 I indicated that it wasn't clear to me that this met the  
17 definition of an emergency, but I don't think that I said -- I  
18 mean, I think I said that we didn't have any solid information  
19 that overfishing was undergoing, but I don't think I said  
20 anything about the stock not being imperiled.

21  
22 I said we've been hearing a lot of people come forward over the  
23 last couple of council meetings expressing some issues with red  
24 grouper, and so I just don't want that to be -- Like that part  
25 of the committee report, and whether or not an emergency rule is  
26 appropriate -- It depends on looking at whether there is an  
27 emergency and such and not necessarily some of these other  
28 things.

29  
30 **CHAIRMAN FRAZER:** Roy, to that point?

31  
32 **DR. CRABTREE:** Yes, and so we do have new information, and so I  
33 guess new and unforeseen information. We had never seen this  
34 interim analysis until this meeting, and we had never seen the  
35 SSC recommendation until this meeting, and we certainly have  
36 cause to believe that the stock is in very poor shape, and I've  
37 had discussions with Dr. Porch, and we're going to explore those  
38 further, to see whether we could reach a determination of  
39 whether or not overfishing is -- We do have new information, and  
40 we do have new and unforeseen circumstances here, and we have a  
41 stock that's in trouble, and so I think that gives us reason to  
42 feel some urgency in acting.

43  
44 **CHAIRMAN FRAZER:** Thank you, Roy. A couple of things. I  
45 realize there is a number of people waiting here, but I want to  
46 go back and make sure that -- Mara, you're asking to correct the  
47 meeting notes here to accurately reflect General Counsel's  
48 statement, and is that correct? The way that it reads now, it

1 says: NOAA General Counsel did not think the situation qualified  
2 as an emergency rule, since it did not appear that overfishing  
3 was occurring nor that the stock was imperiled. Would you like  
4 to modify that sentence?

5  
6 **MS. LEVY:** I guess so. I guess it would be more that NOAA  
7 General Counsel questioned whether the situation qualified for  
8 an emergency rule, period.

9  
10 **CHAIRMAN FRAZER:** Okay. There is a couple of hands that I saw.  
11 You might have to raise them again, but I saw Leann, and I think  
12 I might have seen Kevin's hand, and so Leann first.

13  
14 **MS. BOSARGE:** I think everybody knows that I am definitely  
15 interested in pursuing that option that Dr. Crabtree laid out.  
16 I think I've heard enough in public testimony, not just at this  
17 meeting, but consistently in public testimony in our meetings  
18 that we have a problem and it's getting worse, and I did have  
19 one question for you, Dr. Crabtree.

20  
21 The option that appealed to me the most that I heard thrown out  
22 by our fishermen last night was to set the quota equal to last  
23 year's landings, to essentially not do any more damage than  
24 we're already doing. The 4.6 that the SSC recommended, and I  
25 don't have the landings in front of me, but I don't think we  
26 came anywhere close to that, and I think the point is to  
27 essentially get some hooks out of the water at some point. If  
28 you set it at 4.6, you're going to keep hooks in the water  
29 trying to catch fish, and so what do you think? Is that doable,  
30 to set it at last year's landings for one year, for 2019?

31  
32 **DR. CRABTREE:** We would need to know what that number is, and I  
33 don't know what that number is off the top of my head, and  
34 perhaps someone else does.

35  
36 **CHAIRMAN FRAZER:** Kevin.

37  
38 **MR. ANSON:** I don't recall the number. I mean, I was looking at  
39 the 2018 landings right now, and, according to the Southeast  
40 Regional Office IFQ page, they have 1.98 million pounds that  
41 have been harvested out of 7.78 million pounds of quota, which  
42 represents 25.4 percent of the quota, and I recall the fishermen  
43 saying that it was around 2.4 or 2.5 was what last year's  
44 landings were, and I was just going to bring up that very same  
45 comment.

46  
47 If there is enough science or enough information that the agency  
48 could use to justify lowering it even further below what the

1 Science Center had reviewed, that 4.6 number, that's what I  
2 would be more in favor of too, to help with the stock.

3  
4 **CHAIRMAN FRAZER:** I am seeing a couple of people nodding to  
5 that. Maybe we can get those numbers. Sue, can you provide  
6 those? We'll give her just a second to find those. In the  
7 interim, Martha?

8  
9 **MS. GUYAS:** Yes, I will filibuster while Sue is doing that. I  
10 think I would be supportive of doing something here, and I'm  
11 okay with what was just suggested. Clearly something is  
12 happening here, and we, unfortunately, haven't been able to deal  
13 with it, because of our assessment schedule, and it's kind of  
14 like the cobia situation, but a little bit different.

15  
16 We wish we had the science in front of us, but, I mean, there's  
17 compelling reasons here, again, as with cobia, to move forward  
18 with something in the interim. Then, again, I would expect  
19 that, once we do get this assessment, we will look at the  
20 information in front of us, and we may need to change our tack  
21 with managing this fishery.

22  
23 **CHAIRMAN FRAZER:** Dr. Crabtree.

24  
25 **DR. CRABTREE:** You can go into the website and pull up the red  
26 grouper commercial landings out of the IFQ. The trickier part  
27 is the recreational landings, and so you've got to have both,  
28 because the 4.6 that they gave us in the interim analysis is  
29 total allowable catch, and so it's commercial and recreational.

30  
31 **CHAIRMAN FRAZER:** Sure, and so one approach might be to say 4.6  
32 or the 2017 landings, whichever is lower. Then, once we have  
33 that number, then that would be -- Perhaps.

34  
35 **DR. CRABTREE:** You could do that, and then staff, in their  
36 request, could put the actual number in, because they will need  
37 to write us -- If you do, they will write us a letter asking for  
38 it, and they could plug that number in.

39  
40 **CHAIRMAN FRAZER:** Okay. Are people good with that suggestion?  
41 Okay. Are we going to have a motion on the board, Leann?

42  
43 **MS. BOSARGE:** I will make a stab at it. **To request that**  
44 **National Marine Fisheries Service implement -- Is it an ACL? Is**  
45 **that what I want to say for the red grouper fishery?**

46  
47 **DR. CRABTREE:** I would say implement an interim or emergency  
48 rule to establish a total allowable catch of 4.6 million pounds

1 or the 2017 total landings, whichever is lower. Is that what  
2 you were looking for?  
3  
4 **MS. BOSARGE:** I think so. Thank you.  
5  
6 **CHAIRMAN FRAZER:** Is there a second? It's seconded by Martha.  
7 Is there further discussion? Mr. Swindell.  
8  
9 **MR. SWINDELL:** The SSC recommended the 4.6 million pounds gutted  
10 weight.  
11  
12 **CHAIRMAN FRAZER:** Susan and then Sue.  
13  
14 **MS. BOGGS:** I was just thinking, since we didn't have the  
15 numbers, maybe if you did just 75 percent of the 4.6 million  
16 pounds, and you're still leaving 25 percent out there on the  
17 table.  
18  
19 **CHAIRMAN FRAZER:** I am going to quickly go to Dr. Simmons, and I  
20 think she had the total catch, but maybe Sue does as well.  
21 We'll see if they agree.  
22  
23 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. Really  
24 quickly, just looking at the SSC presentation from the Science  
25 Center, it looks like 4.206498, and so a little over 4.2  
26 million.  
27  
28 **CHAIRMAN FRAZER:** Is that the same that you have?  
29  
30 **MS. GERHART:** It's not exactly the same, but, yes, mine was kind  
31 of very quick adding, and so that's close enough. I had 4.16.  
32  
33 **CHAIRMAN FRAZER:** Roy.  
34  
35 **DR. CRABTREE:** I would suggest, since it's in the SSC report,  
36 that you just put that number in there that that's what you want  
37 us to implement.  
38  
39 **CHAIRMAN FRAZER:** Leann, would you like to modify the motion  
40 then?  
41  
42 **MS. BOSARGE:** No, I think it just want to leave it like that.  
43 That way, whatever you all decide, staff and NMFS, whatever you  
44 all decide those final landings were, that gives you a little  
45 leeway. I don't want to assume that one was correct over the  
46 other, and I will let you all hammer that out.  
47  
48 **CHAIRMAN FRAZER:** I understand. Dr. Crabtree.

1  
2 **DR. CRABTREE:** Even though I sort of suggested this, I will be  
3 voting against it, in order to avoid a unanimous vote, to  
4 preserve the Secretary's -- It's policy in the National Marine  
5 Fisheries Service that the Regional Administrator votes against  
6 emergency rules and interim rule requests, and the reason is the  
7 statute says that if the council's request is unanimous that the  
8 Secretary shall implement, but, if it's not unanimous, the  
9 Secretary may implement, and we have been instructed to vote no,  
10 so that the Secretary has the option. Sorry, but that's the  
11 rule.

12  
13 **CHAIRMAN FRAZER:** Okay. Thank you. Mr. Donaldson.

14  
15 **MR. DONALDSON:** Do we need to put something specific about red  
16 grouper in there, because there is nothing that says "red  
17 grouper". I thought that might be --

18  
19 **CHAIRMAN FRAZER:** Thank you, Dave. Ms. Bosarge, would you like  
20 to amend the motion?

21  
22 **MS. BOSARGE:** I would love to put red grouper in there  
23 somewhere. Implement an emergency rule to establish a -- I love  
24 it. That looks great.

25  
26 **CHAIRMAN FRAZER:** Who was the seconder of this motion?

27  
28 **MS. GUYAS:** Me, and I'm good with that.

29  
30 **CHAIRMAN FRAZER:** I'm sure you are. Okay. Is there any further  
31 discussion on the motion? We will proceed with a roll call  
32 vote, and we'll let Dr. Simmons get that ready.

33  
34 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp is absent. Dr. Stunz.

35  
36 **DR. STUNZ:** Yes.

37  
38 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.

39  
40 **MR. DUGAS:** Yes.

41  
42 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow is absent. Mr. Banks.

43  
44 **MR. BANKS:** Yes.

45  
46 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Crabtree.

47  
48 **DR. CRABTREE:** No.



1  
2 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Guyas.  
3  
4 **MS. GUYAS:** Yes.  
5  
6 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Sanchez.  
7  
8 **MR. SANCHEZ:** Yes.  
9  
10 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Bosarge.  
11  
12 **MS. BOSARGE:** Yes.  
13  
14 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Mickle.  
15  
16 **DR. MICKLE:** Yes.  
17  
18 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Riechers.  
19  
20 **MR. RIECHERS:** Yes.  
21  
22 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Boyd.  
23  
24 **MR. BOYD:** Yes.  
25  
26 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.  
27  
28 **MS. BOGGS:** Yes.  
29  
30 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Swindell.  
31  
32 **MR. SWINDELL:** Yes.  
33  
34 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.  
35  
36 **MR. ANSON:** Yes.  
37  
38 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.  
39  
40 **MR. DIAZ:** Yes.  
41  
42 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.  
43  
44 **DR. FRAZER:** Yes.  
45  
46 **EXECUTIVE DIRECTOR SIMMONS:** It's fourteen to one with two  
47 **absent.**  
48

1 **CHAIRMAN FRAZER:** Ms. Bosarge.

2  
3 **MS. BOSARGE:** Roy, procedurally, because I was asking you some  
4 questions about this before, does the council have to have any  
5 kind of amendment on the agenda to look at something with red  
6 grouper for next meeting, in order to actually make all this be  
7 able to be passed and implemented, or no?

8  
9 **DR. CRABTREE:** Yes, we're going to need to start work on a  
10 framework to put in place a new catch level for next year and  
11 until we change it again, because the interim rule will be six  
12 months, and it can be extended once, but what this does is, in  
13 the FMP, I'm able to withhold the IFQ extra fish going out to  
14 the IFQ fishermen, if the council has already approved an  
15 action, and so we can do that, but we'll need to get, I guess, a  
16 framework to adjust the catch levels somewhere.

17  
18 **CHAIRMAN FRAZER:** Leann.

19  
20 **MS. BOSARGE:** So we would essentially need to copy and paste the  
21 old motion, and then we'll kind of wordsmith it so that it now  
22 instructs staff to essentially start on a framework amendment  
23 that looks at the exact same thing.

24  
25 **CHAIRMAN FRAZER:** That's correct. Mr. Swindell.

26  
27 **MR. SWINDELL:** Does the red grouper venture over into the South  
28 Atlantic some?

29  
30 **DR. CRABTREE:** Yes, they have red grouper in the South Atlantic,  
31 and they have an assessment over there, and they've been  
32 notified that they are not making sufficient progress in  
33 rebuilding, and so they're working on amendment to revise the  
34 rebuilding plan and lower the catch levels over there. Their  
35 stock doesn't appear to be faring any better than ours.

36  
37 **CHAIRMAN FRAZER:** Okay. Thank you, Dr. Crabtree. Do we want to  
38 go ahead, Leann, and get this motion going?

39  
40 **MS. BOSARGE:** Yes.

41  
42 **CHAIRMAN FRAZER:** So let's wordsmith it now.

43  
44 **MS. BOSARGE:** That looks pretty good, but I'm going to let Mara  
45 and Roy look at that, just to make sure that we get this right.

46  
47 **DR. CRABTREE:** I would say to draft a framework action to revise  
48 the red grouper total allowable catch. You don't want numbers

1 in it here, because we'll have to look at a reasonable range of  
2 alternatives.

3  
4 **MS. BOSARGE:** I think I like that. To request staff draft a  
5 framework action to adjust the red grouper total allowable  
6 catch. Yes, sir.

7  
8 **CHAIRMAN FRAZER:** Okay. Maybe we should say to request that  
9 staff draft a framework action. Is there a second to the  
10 motion?

11  
12 **MS. GUYAS:** Second.

13  
14 **CHAIRMAN FRAZER:** It's seconded by Martha. Any further  
15 discussion on the motion? Seeing none, is there any opposition  
16 to the motion? No opposition, and the motion carries. Martha.

17  
18 **MS. GUYAS:** Other Topics, staff reviewed the council's  
19 monitoring and research priorities with the SSC. The SSC plans  
20 to review a draft of a new plan by the middle of 2019, with  
21 goals of expanding upon outreach and education and socio-  
22 economics.

23  
24 The SSC also reviewed the Something's Fishy tool, which is  
25 designed to query stakeholders in a general manner about a  
26 particular species or issue. The SSC strongly supported the  
27 continued development of the Something's Fishy tool and thought  
28 it represented a valuable avenue for the consideration of  
29 stakeholder viewpoints.

30  
31 Status of Convening the Ad Hoc Reef Fish Headboat and Red  
32 Snapper Charter For-Hire APs, Dr. Simmons informed the committee  
33 that the AP meetings have been scheduled. The Ad Hoc Reef Fish  
34 Headboat AP will meet Tuesday, December 11 and the Ad Hoc Red  
35 Snapper Charter for-hire AP will meet Wednesday, December 12.  
36 In addition, the Ad Hoc Red Snapper-Grouper Tilefish IFQ AP will  
37 meet on Wednesday, November 7. All three meetings will be held  
38 in the council office. Mr. Chair, this concludes my report.

39  
40 **CHAIRMAN FRAZER:** Thank you, Martha. Kevin.

41  
42 **MR. ANSON:** I don't want to open any old wounds here, but staff  
43 brought it to my attention about to address the 100<sup>th</sup> of a  
44 percent of the new alternative that was passed for the state  
45 management document. If we don't need to address it here  
46 beforehand, it can be sorted out. 100<sup>th</sup> of a percent equates to  
47 around 400 pounds of fish and not 40,000 pounds of fish, and so  
48 it's up to you. Either staff can just do it down to three

1 decimal places or what, and so --

2  
3 **CHAIRMAN FRAZER:** Mr. Boyd.

4  
5 **MR. BOYD:** Mine is a different topic, and I will let the  
6 response come to Kevin.

7  
8 **CHAIRMAN FRAZER:** My preference is, if there's no objection  
9 around the council, let the staff carry it out to three decimal  
10 places. Mr. Boyd.

11  
12 **MR. BOYD:** I just wanted to ask Carrie -- We're convening the Ad  
13 Hoc Reef Fish Headboat and Red Snapper AP for Charter, and where  
14 are we on reconvening the Private Boat Ad Hoc Recreational AP?  
15 If I remember correctly, at their last meeting, they had a  
16 request to meet again, but I haven't heard anything about when  
17 that would be scheduled or if it's going to be scheduled.

18  
19 **EXECUTIVE DIRECTOR SIMMONS:** I will start, and maybe John can  
20 help me, but when did we give that report to the council? Was  
21 it in January? I think they were convened and we reported out,  
22 and it was earlier this year, right, that they met and then we  
23 reported out to the council, and the council really didn't tell  
24 us any direction, as far as reconvening them again, the issues  
25 they requested, and so I think we didn't understand that that  
26 was the intent at this time, but we can look at doing something  
27 next year, and we need to think about what the goals and  
28 objectives would be for that.

29  
30 **MR. BOYD:** A follow-up, Mr. Chairman?

31  
32 **CHAIRMAN FRAZER:** Go ahead.

33  
34 **MR. BOYD:** Well, I guess that would be my next question. Does  
35 staff and council feel like the goals and objectives of that AP  
36 were met out of those? Did they have two meetings? They had  
37 one meeting or two? Personally, I don't know that the goals and  
38 objectives were met to come up with a consensus of how to manage  
39 the private boat recreational fishermen, and I think that --  
40 Personally, I think that ought to be an ongoing discussion.

41  
42 **CHAIRMAN FRAZER:** Thank you. Martha.

43  
44 **MS. GUYAS:** People are going to start shooting arrows at me for  
45 saying this, but it seems to me that one thing that would be  
46 appropriate for this group to do would be to review the state  
47 management amendments that we're working on here, since that  
48 significantly affects the private angler red snapper fishery.

1  
2 **CHAIRMAN FRAZER:** Any other thoughts from the council at this  
3 point? A question from Leann.

4  
5 **MS. BOSARGE:** John, it might be for you. Did they review --  
6 They have had two meetings, and have they reviewed the state  
7 management plans at all?

8  
9 **DR. FROESCHKE:** I don't believe they have. I am trying to pull  
10 up the information from the most recent meeting, but I don't  
11 believe so.

12  
13 **MR. BOYD:** We could ask Mr. Dugas, and he was on that committee,  
14 if he remembers whether they reviewed it or not.

15  
16 **CHAIRMAN FRAZER:** It looks like there was a review in there,  
17 Doug. Dr. Crabtree.

18  
19 **DR. CRABTREE:** Assuming we're going to approve Amendment 50, the  
20 state management plans, at our January meeting, it seems to me,  
21 unless there is something constructive they can do before then,  
22 that if they have concerns about private red snapper management,  
23 they need to go talk to their states and not so much to us, and  
24 so I'm not sure -- I mean, if we delegate management of the  
25 private recs to the states, it seems to me, Doug, that that's an  
26 issue for them to discuss with the states at that point, isn't  
27 it?

28  
29 **CHAIRMAN FRAZER:** Mr. Boyd.

30  
31 **MR. BOYD:** Well, I have not reviewed the purpose of the AP, but  
32 I thought it wasn't just for red snapper. I thought it was for  
33 all of the reef fish complex and all the fish that the private  
34 boat people fish for.

35  
36 **CHAIRMAN FRAZER:** Why don't we just chew on this just a bit?  
37 It's lunch, and we're going to take an hour break, and then  
38 we'll maybe have a brief discussion about this just following  
39 lunch, and then we'll continue on. We will return at 1:30.

40  
41 (Whereupon, the meeting recessed for lunch on October 25, 2018.)

42  
43 - - -

44  
45 October 25, 2018

46  
47 THURSDAY AFTERNOON SESSION

The Full Council of the Gulf of Mexico Fishery Management Council reconvened at the Renaissance Battle House, Mobile, Alabama, Thursday afternoon, October 25, 2018, and was called to order by Chairman Tom Frazer.

**CHAIRMAN FRAZER:** We are going to continue with our discussion about the Ad Hoc Red Snapper AP, and we'll get back to that, but I want to first give Lieutenant Zanolowicz an opportunity to give the Coast Guard report, because some other folks need to leave, and I wanted them to have an opportunity to hear this presentation. Lieutenant Zanolowicz.

#### **U.S. COAST GUARD REPORT**

**LT. ZANOWICZ:** Thank you, Mr. Chairman. Fiscal Year 2018 ended for the U.S. Coast Guard on September 30, and so this is a presentation that I put together summarizing the performance in that mission, in the fisheries enforcement mission, for Fiscal Year 2018.

This is specific to Coast Guard District 8, which is the district where I am stationed at, and that district stretches from the U.S./Mexico border in southwest Texas to the Apalachicola area of the Florida Panhandle, which encompasses about 80 percent of the Gulf of Mexico, with the remaining 20 percent being Coast Guard District 7,

As you see here, we have our Fiscal Year 2018 LMR performance, and LMR stands for living marine resources, and that's the acronym we use to talk about the fisheries enforcement mission. This picture right here is a picture of one of our fast-response cutters, which I mentioned during a couple of previous council sessions.

These are new cutters, which we just received in District 8 at the end of 2017, and so Fiscal Year 2018 was the first full year we have had them. We currently have two, and we'll be getting a couple more in the coming years. These are 154 feet long, and it's hard to see in this picture, but they actually have a stern launch pursuit boat and better detection capabilities than some of our other platforms, and so we're really excited to have them, and they have really helped us out in this mission.

This graph here shows you our boardings by fishery by year from Fiscal Year 2014 to last year, Fiscal Year 2018, and so we set a new record for total fisheries boardings in Fiscal Year 2018,

1 with a total of 1,014 boardings. You can see there that total  
2 shrimp boardings were 499 and total reef fish boardings were  
3 444. HMS was fifty-five, and then CMP was sixteen.

4  
5 One thing to note here is you will see there's an increase in  
6 HMS boardings last year compared to previous years. The fast-  
7 response cutter that I showed in the title slide allows us to  
8 board vessels further offshore, and so it has allowed us to do  
9 more boardings of the HMS fleet.

10  
11 This slide here breaks down our violations by fishery from  
12 Fiscal Year 2014 to last year in Fiscal Year 2018, and so, as a  
13 result of the increase in boardings that I mentioned on the last  
14 slide, we saw a corresponding increase in boardings with  
15 violations, and so just a quick explanation of this slide.  
16 While it does say "violations", you will see there is a category  
17 for multiple there, and so what it really means is any boarding  
18 that occurs with a violation counts as one violation on this  
19 slide, and so that's why you have multiple, because you might  
20 have, for example, a shrimp vessel that is retaining a red  
21 snapper out of season, and they might also have a TED violation,  
22 and so, in that case, they would have a violation in multiple  
23 fisheries, and so it would count as a multiple violation.

24  
25 You see here that reef fish violations made up just a little  
26 over half of our total of forty-nine violations. In the  
27 commercial fishery, a lot of that was turtle mitigation gear,  
28 and, in the recreational fishery, most of those were closed  
29 season violations. In the shrimp fishery, you will see there  
30 that we had nine violations, and most of those were TED  
31 violations.

32  
33 This graph here shows you violations by type for the last year,  
34 and so a lot of these are pretty self-explanatory. Gear  
35 violations includes everything from TEDs, and it also includes  
36 turtle mitigation gear. There weren't any large deviations last  
37 year, in terms of violations by type, from historic numbers,  
38 although, interestingly enough, there was a slight increase in  
39 boardings with multiple violations.

40  
41 Moving on to some notable cases we had last year, Coast Guard  
42 Station Destin Florida cited a vessel for using undersized red  
43 snapper as bait. The individual onboard was actually cutting  
44 pieces from the fish and putting it on his hook, and so the  
45 Coast Guard completed a case package for this and turned it over  
46 to a local NOAA Enforcement agent for disposition, and that's  
47 Picture A there in this slide.

1 Another notable case is we had Coast Guard Cutter Kingfisher,  
2 which is a patrol boat out of Panama City, Florida, and they  
3 sighted a vessel in the Madison-Swanson Closed Area and  
4 conducted a boarding on the vessel. They found them in  
5 possession of several reef fish, including red snapper. You can  
6 see Picture B there relates to that case.

7  
8 The final notable case was Coast Guard Cutter Jacob Poroo, which  
9 is one of the fast-response cutters that I mentioned in the  
10 title slide, and they had a NOAA OLE officer onboard for part of  
11 the patrol, and they were able to conduct boardings of some HMS  
12 vessels. They found multiple violations during this boarding,  
13 mainly concerning issues with gear. Overall, we really  
14 appreciated having a NOAA OLE officer onboard. It was extremely  
15 helpful to us, and we're looking to capitalize on those  
16 opportunities in the future.

17  
18 That's the end of my presentation. I just wanted to mention,  
19 with the end of the fiscal year, we do have final lancha  
20 numbers. We had a total of sixty lanchas seized last year,  
21 which was a new record, and a 33 percent increase over our  
22 previous record of forty-five interdictions, and we also had 179  
23 detections, which is also above average.

24  
25 The cutter you see here in this picture is one of our 210-foot  
26 medium-endurance cutters, and so, as you can see, these have the  
27 ability to have a helicopter onboard and also extended offshore  
28 endurance, and they have a pursuit and detection capability  
29 similar to our fast-response cutters. These cutters are owned  
30 by our Atlantic area, and so they're not actually a District 8  
31 unit, but they do deploy them to us for several months of the  
32 year, and so we'll be having several of these in Fiscal Year  
33 2019, and we'll definitely be utilizing them to conduct the  
34 mission.

35  
36 One other thing that I wanted to mention, and not related to  
37 this presentation, but, earlier, during the LE Committee  
38 session, I mentioned that the Flower Garden Banks expansion was  
39 approximately 150 square miles, and it's actually -- The latest  
40 estimate was 104 square miles, and so I just wanted to mention  
41 that, for the record. Thank you for your time, and that  
42 completes my presentation, if you have any questions.

43  
44 **CHAIRMAN FRAZER:** Thank you, Lieutenant Zanowicz. Are there  
45 questions? Kevin.

46  
47 **MR. ANSON:** Thank you for the presentation. A couple of  
48 questions. When you showed the number of violations, that first



1 slide there, there's a dip there in 2015 that picks up, and is  
2 that just because the mission priorities had changed during that  
3 year, or was it related to fishing effort?

4  
5 **LT. ZANOWICZ:** I would suspect it's probably mission priorities  
6 thing.

7  
8 **MR. ANSON:** Thank you. I said I had a couple, but I got to see  
9 the slides again, and I thought there was a pretty good  
10 correlation between this slide and the next slide, as far as --  
11 But there's not. It's a little off, but it's around 4 or 5  
12 percent, I guess, of the boardings that you have a violation.

13  
14 **LT. ZANOWICZ:** Yes, that's correct. I think the average,  
15 historically, has been about four-and-a-half percent of our  
16 boardings we find a violation on.

17  
18 **CHAIRMAN FRAZER:** Leann.

19  
20 **MS. BOSARGE:** I was looking at the slide before that one, and so  
21 I was just wondering -- I noticed you hit a good portion of the  
22 shrimp fleet, and I can tell you that, which that's fine. We  
23 get boarded a lot, but we're pretty used to it, and then I would  
24 assume, on that reef fish number, which is about the same as  
25 your shrimp boardings, a good portion of those are commercial,  
26 and obviously almost all of the shrimp fleet -- That's pretty  
27 much all commercial boardings, or maybe you may find somebody  
28 every once in a while trying to do something recreationally in  
29 state waters, and then some of the HMS is commercial, too. I  
30 was just wondering, do you all have some kind of structure that  
31 says that 75 or 80 percent of your interceptions are geared  
32 towards commercial or --

33  
34 **LT. ZANOWICZ:** It's kind of interesting the way we break it  
35 down, and so, first off, what we do is we'll take all the  
36 fishery management plans here in the Gulf and classify about  
37 whether or not they're considered high-precedence or low-  
38 precedence, just based on their socioeconomic importance, and  
39 that's something we've done historically, in consultation with  
40 NOAA.

41  
42 For us here in the Gulf, or in District 8 rather, we classify  
43 HMS, reef fish, and shrimp as all high-precedence fisheries, and  
44 so that's where we focus a lot of our efforts, and then, based  
45 on that, we take the estimates of the active fishing vessels in  
46 those fleets and attempt to board approximately 20 percent of  
47 them a year.

1 The one thing I do want to note for shrimp is that also includes  
2 shrimp vessels that don't operate in federal waters and not  
3 enforcing Magnuson, but enforcing Endangered Species Act for TED  
4 violations.

5  
6 **CHAIRMAN FRAZER:** Mr. Swindell.

7  
8 **MR. SWINDELL:** I was looking at the reef fish, your 444  
9 boardings on one of your slides, and what you have reported  
10 several times before has been mostly on the Mexican coast, the  
11 Mexican border, and are you getting these anywhere else other  
12 than Mexico?

13  
14 **LT. ZANOWICZ:** Sorry, and I should have specified at the  
15 beginning of the presentation that all these numbers pertain  
16 specifically to the domestic mission, and the Mexican lanchas  
17 are all tallied separately.

18  
19 **MR. SWINDELL:** I wasn't attending the Corpus Christi meeting,  
20 but you reported 26,440 pounds of catch off of the lanchas in  
21 2018, and was that all red snapper, or was that other fish? I  
22 mean, what else do they have in that?

23  
24 **LT. ZANOWICZ:** The vast majority of that is red snapper.  
25 Occasionally, we get other species. Predominantly, it's red  
26 snapper, and then you will also get a shark in there as well,  
27 but the historic breakdown we've seen in recent years has been  
28 roughly 80 percent red snapper, 20 percent shark, and then a  
29 handful of other species.

30  
31 **MR. SWINDELL:** Okay. What do we do, council, or Robin, about  
32 anything about the red snapper pounds that are caught that he is  
33 reporting, the Coast guard is reporting? Is that going anywhere  
34 in any of your numbers at all?

35  
36 **MR. RIECHERS:** No, those are outside any of the landings  
37 statistics we would report. They have basically done an  
38 analysis where they expanded those estimates at one point in  
39 time, and he didn't present any expanded estimates at the Corpus  
40 Christi meeting, but, no, Ed, to answer your question. They are  
41 not incorporated in the, quote, unquote, Texas landings that we  
42 would provide to you all or provide to NMFS.

43  
44 **CHAIRMAN FRAZER:** Mr. Swindell.

45  
46 **MR. SWINDELL:** Being that a lot of this is red snapper, I assume  
47 it's not too far out of your nine-mile limit, and are your  
48 enforcement catching any of these people doing anything, or is

1 this all Coast Guard work?

2  
3 **MR. RIECHERS:** No, and I think he could testify to this, that  
4 it's a joint effort down there on the border in trying to do  
5 this. It's Coast Guard, Texas Parks and Wildlife Law  
6 Enforcement, National Marine Fisheries Service Law Enforcement,  
7 as well as I suspect Border Patrol also has a role that they  
8 play on various operations if they see stuff going on, but you  
9 may clarify as well.

10  
11 **LT. ZANOWICZ:** Yes, absolutely. There is definitely multiple  
12 agencies operating there on the Southwest border to combat the  
13 threat, and part of that is due to the fact that not only are  
14 these vessels fishing the red snapper, but we also encounter  
15 lancha vessels engaged in drug smuggling as well, and so there  
16 is multiple issues here, and it really is a multi-agency effort.

17  
18 **CHAIRMAN FRAZER:** Mr. Swindell.

19  
20 **MR. SWINDELL:** Do you have any problem off the coast of the  
21 Florida Keys anywhere with Cuba or anyone else coming in?

22  
23 **LT. ZANOWICZ:** That's in District 7, which is outside of my  
24 district, and so I would be hesitant to comment on that, but I  
25 will say, from my position, I haven't heard of any issues in  
26 that area.

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

29  
30 **DISCUSSION OF AD HOC AP MEETING**

31  
32 **CHAIRMAN FRAZER:** Are there any additional questions? Okay.  
33 Thank you, Lieutenant Zanowicz. All right. I think what we're  
34 going to do is we're going to go back to the discussion that we  
35 left off with, with regard to the Ad Hoc Red Snapper AP, and  
36 there was an email that was sent out by staff just before 1:30,  
37 and I don't know if, Doug, you were able to see that email yet.

38  
39 **MR. BOYD:** No, I haven't.

40  
41 **CHAIRMAN FRAZER:** That's okay. We're going to pull it up right  
42 here. They are going to pull it up here as well. While you're  
43 pulling it up, I will just have a few comments. The ad hoc AP  
44 did meet last year, and they did have an opportunity to review  
45 an early draft, obviously, of the state management plans, and  
46 there was a motion, ultimately, that came out of the last  
47 meeting, I believe, to support state management of all  
48 recreational red snapper, and that motion carried unanimously.

1  
2 One of the things that happens is, and we have four ad hoc APs,  
3 and in January, we typically will look at the composition of  
4 those ad hoc APs and reconstitute them, as necessary, and I will  
5 let Dr. Simmons speak to this in a second, but perhaps in this  
6 coming January, we might think about making that a -- Specific  
7 to red snapper, we might think about making that a recreational  
8 reef fish AP, and so perhaps we could get a little feedback on  
9 that. Dr. Simmons.

10  
11 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. I just  
12 wanted to add that we don't reconstitute them until the council  
13 directs us to do that. What we do is we just review those ad  
14 hoc APs and say are these still necessary or have they reached  
15 their mission or objectives that they were developed or put  
16 together for regarding council activities, and so we start doing  
17 that, I think, at the January meeting, and I think it's been  
18 pretty successful, and so, at that time, perhaps, if you wanted  
19 to modify their name and look at the composition, we could do  
20 that later on and think about re-advertising, if you need to,  
21 but we could do that in January.

22  
23 **MR. BOYD:** The reason I bring it up, and let me just clarify, is  
24 I'm not trying to make a motion or force the council to review  
25 it, but there was such a push from all sectors, from the  
26 commercial, from the charter/for-hire, and from the recreational  
27 people, to convene a group that talks about how to manage the  
28 recreational sector, and it just seems to me like that has kind  
29 of fallen flat, and that's why I was bringing it back up,  
30 because there was an across-the-board interest in convening  
31 that, but we'll address it in January. Thank you.

32  
33 **CHAIRMAN FRAZER:** Sure, and that's a good idea. I guess one of  
34 the other points that was brought up earlier -- I mean, so we  
35 have a number of public hearings across the various states, in  
36 anticipation of looking at this Amendment 50 again in January,  
37 and so there will be a lot of opportunity for recreational  
38 anglers in each of the states to weigh-in on this, and so  
39 hopefully that will be sufficient in the interim.

40  
41 Okay. Any other discussion about that at this time? Seeing  
42 none, we're going to move forward. On the agenda, we'll just  
43 kind of work through them. Some of the things are no longer  
44 applicable. We have discussed the golden crab EFP, and NMFS is  
45 going to provide us with a revised EFP to look at at the next  
46 council meeting, and so we'll look for that in January.

47  
48 With regard to the supporting agencies updates, we've had a

1 South Atlantic Council liaison report by Tim before he left, and  
2 we've had a Coast Guard report, and, Dave, did you want to do a  
3 Gulf States Marine Fisheries Commission report?

4  
5 **SUPPORTING AGENCIES UPDATE**  
6 **GULF STATES MARINE FISHERIES COMMISSION**  
7

8 **MR. DONALDSON:** Thank you, Mr. Chairman. Just a couple of  
9 things. We recently held our 69<sup>th</sup> Annual Meeting in South Padre  
10 Island, last week, and, this week, we met with council staff to  
11 discuss the barotrauma workshop that we had discussed here a  
12 couple of meetings ago, but we were initially focusing on doing  
13 it in conjunction with the March commission meeting, but we may  
14 look to have a meeting outside of that to give us a little more  
15 flexibility. By having it within the commission meeting, it  
16 kind of constrains our time block, and we're afraid that that  
17 might not be enough time, but we're looking at those.

18  
19 The commission and the council staff is planning on meeting with  
20 Jamie Rinehart with NRDA to discuss the timing of the workshop,  
21 and I will report back to the council when that's going to be,  
22 but that concludes my report.

23  
24 **CHAIRMAN FRAZER:** Thank you, Dave. Any questions? Okay. No  
25 questions, and so let's revisit the schedule here. Is there  
26 anything from NOAA Law Enforcement?

27  
28 **NOAA OFFICE OF LAW ENFORCEMENT**  
29

30 **LT. JOSEPH SCARPA:** Good afternoon, council. I'm Joe Scarpa  
31 from the Office of Law Enforcement in St. Petersburg. I am the  
32 Supervising Enforcement Officer for the Gulf Region for the  
33 uniformed officers, from Texas all the way around the Gulf and  
34 including the Florida Keys.

35  
36 I've been away from the Southeast Region for six years, since  
37 leaving FWC, and so it's good to be back and refamiliarizing  
38 myself with Gulf regulations and current issues, and so I'm here  
39 to review the NOAA OLE 4<sup>th</sup> Quarter Report, but first I would like  
40 to say, since it's the first one I've seen here in the  
41 Southeast, the purpose of the report is to give you guys some  
42 useful information on the activities of OLE and some enforcement  
43 statistics, and so, if there's anything in the report that you  
44 don't find useful or there is information that you would find  
45 useful that's not in the report, then just please get with us,  
46 and we will make sure that we get that information to you.

47  
48 I will go through this briefly, but this first slide is our

1 enforcement activity with respect to face-to-face interactions  
2 with the public. As you can see, it's 39 percent of our time  
3 spent in patrols. Now, this slide doesn't break down types of  
4 patrols. It's simply percentages of time. Also, the rest of  
5 the time is spent in meetings and outreach events, and so that's  
6 how we break down our time, and that doesn't include  
7 investigative time. That's just face-to-face time with the  
8 public, and I thought that would be useful information.

9  
10 This incident information, in each one of those categories, any  
11 time an officer or an agent goes out on patrol and there is an  
12 outreach event, and they create an incident, and part of that is  
13 this slide shows you incident breakdown by -- This is the South  
14 Atlantic Council, and I also have the Gulf and the Caribbean,  
15 and so it breaks it down by law/reg program and area, and so, as  
16 you can see, most of the regulations or violations are occurring  
17 under the Magnuson Act, with a total of 117, and so I'm not  
18 going to bore you with the stats. You have this emailed to you,  
19 and so you can look at it, but, in summary, Magnuson is where we  
20 have most of our violations.

21  
22 This is the number of incident violations broken down by law/reg  
23 program, and it's just another way of showing you that, under  
24 the Magnuson Act, that is our greatest area of violations,  
25 followed by Lacey and Marine Sanctuaries Act. If you see the  
26 number, the 186, the reason that's different is because, in any  
27 given violation or encounter, or incident rather, there could be  
28 multiple violations under that same incident.

29  
30 The next one is on the Gulf region, and it's the same thing.  
31 It's 173 total, with 166 violations. This is just thrown in  
32 here for the Caribbean. We actually had four in this quarter,  
33 even though we have no staff in the Caribbean, and we did have  
34 to send some agents out there to respond to some complaints.

35  
36 This is a caseload snapshot of total cases of 269 for the  
37 quarter. We have 141 that are currently open and ongoing, and  
38 we have 128 that were closed and adjudicated in some way, and  
39 this is a breakdown of those adjudications. It's everything  
40 from compliance assistance written warnings and ongoing cases,  
41 and this is the graph showing you how each one of those  
42 incidents was broken down, and so it's a variety of  
43 adjudications, everything from compliance assistance to  
44 forwarding to General Counsel for processing.

45  
46 These are some of the enforcement highlight cases. These were  
47 cases that went to NOAA General Counsel as a Notice of  
48 Violation. This one was reported as -- This is a TED violation

1 from the U.S. Coast Guard, a case referral by the U.S. Coast  
2 Guard, and it was adjudicated with a \$14,000 summary settlement,  
3 and that one was referred by the Louisiana Department of  
4 Wildlife and Fisheries, and I believe that is a TED case with a  
5 seventy-inch angle, and so that was sent to counsel as well.

6  
7 FWC reported a case using multiple violations, and there is not  
8 a number on that one, but that was an FWC case referral. The  
9 next one is a case that was generated by NOAA OLE, and so that  
10 was an internally-generated case, and the final one was a case  
11 that was initiated by -- I guess it was a joint patrol by FWC  
12 and the Coast Guard, and it was a violation of the Tortugas  
13 Shrimp Sanctuary.

14  
15 These slides are just statistics on summary settlements, which  
16 are violation amounts in lieu of going to formal proceedings.  
17 One thing to note on these slides is that it doesn't break it  
18 down by what agency reported these violations or referred the  
19 violation. The far column on the right is simply the location  
20 where the violation occurred, and so it's not telling you  
21 whether Texas referred the case or any other JEA partner or the  
22 Coast Guard. That's just the location of where it occurred, and  
23 so those statistics aren't in this.

24  
25 As you can see, most of our violations are handled via the  
26 summary settlement process. That's a large part of them, and  
27 this is the investigative support program, our VMS folks, and  
28 they monitor 1,036 vessels, and this is their statistics on --  
29 That's just a graph showing the different types of units.

30  
31 Noting that the VMS folks -- Most of their violations that they  
32 encounter are handled by themselves and they don't ever get to  
33 OLE for enforcement action. They make a phone call, and someone  
34 is out on the water and their permit is not up-to-date, and many  
35 times the VMS tech will call them, and they will come in and get  
36 it corrected before it ever gets to OLE for enforcement action.

37  
38 The observer program, sixty-nine trips, 757 sea-days, and this  
39 is the chart showing the results of both the Gulf reef fish and  
40 the HMS observer program, and so these are -- They have had it  
41 looks like one gear and no observer harassment complaints and it  
42 looks like some MARPOL violations that they reported. This is a  
43 list of all the Notice of Violations that were referred to OLE  
44 or General Counsel for prosecution. I think that's it.

45  
46 There is one other note that I wanted to make. There is a  
47 photograph of our patrol boat, if you could pull that one up,  
48 and so OLE recently took possession of two thirty-six-foot metal

1 shark patrol boats. They will be put into service next month,  
2 and so you may be seeing them out in the regions. OLE officers  
3 will be trailering those vessels to do targeted enforcement  
4 around the Gulf region.

5  
6 The idea is that the vessel is large enough to get us offshore,  
7 but it's small enough to be trailer-able and mobile, so we can  
8 go to different regions and different areas and do targeted  
9 enforcement, and so we're excited to get those into service, and  
10 we're expecting to have both state officers and Coast Guard  
11 personnel onboard to do joint operations, and so we're looking  
12 forward to that, and that's it. Thank you.

13  
14 **CHAIRMAN FRAZER:** Thank you for that presentation. Are there  
15 any questions? Okay. Have a good day. That brings us, I  
16 believe, to Other Business. We actually have two things, and  
17 the first is going to be the Discussion of the Aquaculture Court  
18 Decision and Ms. Levy.

19  
20 **OTHER BUSINESS**  
21 **DISCUSSION OF THE AQUACULTURE COURT DECISION**  
22

23 **MS. LEVY:** Thank you. I don't know that there is much to  
24 discuss. I think you've all heard or seen the decision, and,  
25 basically, the District Court in Louisiana concluded that the  
26 Magnuson Act doesn't authorize the regulation of aquaculture, so  
27 that NMFS doesn't have the authority to regulate that.  
28 Therefore, the Gulf rule that was implemented was basically  
29 invalid.

30  
31 The rule is no longer effective, and we're waiting still on the  
32 final judgment. She has to enter the judgment, and the agency  
33 has sixty days to file an appeal after the judgment is issued,  
34 and so the agency is still looking at their appeal options, but,  
35 for the time being, there is no Magnuson regulation of  
36 aquaculture in the Gulf of Mexico. That doesn't mean that  
37 aquaculture can't occur, but it just means the council's rules  
38 are invalid and the agency is not regulating it. If you have  
39 any questions, I'm happy to answer it, but it's just a pretty  
40 straightforward statutory interpretation.

41  
42 **CHAIRMAN FRAZER:** I do have a question. Who is regulating it?

43  
44 **MS. LEVY:** Well, and so different agencies have different  
45 jurisdictions over different types of things, right, and so the  
46 Army Corps of Engineers generally has some sort of regulatory  
47 authority when you're going to put things on the bottom of the  
48 sea floor, and so, a lot of times, you need an Army Corps



1 Section 10 permit under the Rivers and Harbors Act if you're  
2 going to attach things to the bottom, and so, to the extent  
3 there is going to be things anchored, that would be the Army  
4 Corps' jurisdiction.

5  
6 The Environmental Protection Agency has jurisdiction over  
7 discharges of pollutants, and so, a lot of times, you would  
8 potentially need an EPA permit to have these aquaculture  
9 operations out there, and so they would regulate it, but there  
10 is no entity regulating it as fishing, and so the EPA and the  
11 Army Corps have their very specific jurisdictions, and they are  
12 going to issue permits for what they cover, and they have done  
13 that in other areas of the country, where the agency doesn't  
14 have a -- Well, where the councils didn't have aquaculture plans  
15 and such.

16  
17 **CHAIRMAN FRAZER:** Martha, you had a question?

18  
19 **MS. GUYAS:** We had this EFP that was pending, and so obviously  
20 that's out the window at this point, but are they -- Have you  
21 heard anything or are they planning to move forward and deploy  
22 the --

23  
24 **CHAIRMAN FRAZER:** Dr. Crabtree.

25  
26 **DR. CRABTREE:** To the best of my knowledge, yes, and we're still  
27 working with them to complete the NEPA analysis, but, at this  
28 time, I don't believe they need an EFP in order to move forward  
29 with their project.

30  
31 **CHAIRMAN FRAZER:** Dave.

32  
33 **MR. DONALDSON:** Martha, that's my understanding as well,  
34 because, through our RFP for the regional pilot programs, we  
35 funded a component of that project to do the siting, and, as far  
36 as we know, they are moving forward with that project.

37  
38 **CHAIRMAN FRAZER:** Sue.

39  
40 **MS. GERHART:** While you're talking about the EFP, just with the  
41 project, just to let you know that they completed the baseline  
42 environmental survey, and there were no significant issues with  
43 that, and so they did select a site to go forward with, and they  
44 are working with the EPA and the Corps to get those permits.

45  
46 **CHAIRMAN FRAZER:** Any other questions? Okay. Seeing none, we  
47 will move on to the last item of business on the agenda, and I  
48 believe Doug Boyd brought up the issue of what we might do in

1 the wake of Hurricane Michael and address that to NMFS, and is  
2 that correct?

3  
4 **DISCUSSION OF HURRICANE MICHAEL DISASTER RELIEF**  
5

6 **MR. BOYD:** Yes, and I just wanted to bring it up to the council  
7 and ask Roy. It seems to me that we have a catastrophic issue,  
8 an event, like we had last year in Texas in the Rockport/Port  
9 Aransas area, and we have a lot of our for-hire fishermen who  
10 may have either damaged boats or lost boats and are going to  
11 have to replace them, and I'm just concerned, and I will tell  
12 you that I've had conversations with several of my for-hire  
13 friends around the Gulf, and they are all concerned about their  
14 friends who may be in peril of losing their permits because of  
15 the timeframes here in order to either repair or replace a boat.

16  
17 I just wanted to bring it up to the council, and I don't know  
18 what our procedure would be, other than to write a letter to  
19 NMFS saying do everything you can to help these people, and I  
20 just wanted to have that discussion.

21  
22 **CHAIRMAN FRAZER:** Dr. Crabtree.

23  
24 **DR. CRABTREE:** It is our intent to do everything that we can to  
25 help folks, and so we have already put in place the emergency  
26 IFQ reporting procedures that allow you to report on paper. We  
27 are waiving fees on replacement permits for folks whose permits  
28 are gone, and we are going to exercise flexibility on the  
29 various grace periods and renewal deadlines.

30  
31 My goal is to ensure that no one loses their permit as a result  
32 of the storms, either in the Panama City area or in the North  
33 Carolina areas that were affected.

34  
35 People who have lost their boats, we'll make an arrangement to  
36 put their permit in some sort of no-vessel status, temporarily,  
37 until they are able to come up with another vessel to transfer  
38 it. In the meantime, folks who need to renew their permits or  
39 need to do something need to go ahead and contact our Permits  
40 Office and take care of business, but we're certainly going to  
41 go out of our way to help them out and do what we can to get  
42 them back on their feet.

43  
44 There are only a couple, I think, of permits, because we've  
45 looked, that need to be renewed or they would be lost in these  
46 areas, and we're trying to contact those people, but there may  
47 be people who we're unable to contact, and so we'll do the best  
48 we can, but my goal is to make sure that they do not lose their

1 permits.

2  
3 I don't really think you need to do anything. None of this will  
4 be done in a rulemaking basis. This is all just in terms of  
5 operating procedures in the Permits Office, and I don't really  
6 want to put out a Fishery Bulletin or anything, because I want  
7 people who have permits that they're able to renew their  
8 permits, they need to renew them and do it on time, but we're  
9 going to work with them and be flexible on deadlines and things  
10 as best we can.

11  
12 Someone asked about a TED provision, and I think there is a  
13 provision in the regulations that the state can come in and ask  
14 for a TED exemption, because, if there is sufficient amounts of  
15 debris in the water, the TEDs clog up and don't work, and so  
16 we'll put in place tow-time restrictions and not require them to  
17 use TEDs until the water is debris free, but that's typically  
18 something that the state comes in and requests, and we require  
19 them to provide documentation that there is actually enough  
20 debris in the area to warrant it.

21  
22 None of that has happened yet, and I don't think there's a great  
23 deal of shrimping activity in the area that got hit by this,  
24 but, after Hurricane Katrina, we did several months with a TED  
25 exemption.

26  
27 The only other thing I would point out is that Governor Scott of  
28 Florida has already sent a letter requesting a fishery disaster  
29 declaration for Hurricane Michael, and so that will be going  
30 before the Secretary at some point.

31  
32 **CHAIRMAN FRAZER:** Dale.

33  
34 **MR. DIAZ:** I just want to make it clear, and I'm pretty sure  
35 it's implied, but, for permits, Dr. Crabtree, are we talking  
36 about all permits, commercial and charter/for-hire permits?

37  
38 **DR. CRABTREE:** Sure.

39  
40 **MR. DIAZ:** Thank you.

41  
42 **CHAIRMAN FRAZER:** Martha.

43  
44 **MS. GUYAS:** I was going to bring up the same request from  
45 Governor Scott, and then, as far as the TED thing goes, this is  
46 the first I have learned about this, and so it's something that  
47 we can look at in Florida.

1 **CHAIRMAN FRAZER:** Okay. I just want to circle back to Doug and  
2 make sure, based on Dr. Crabtree's comments, that you're  
3 satisfied with the agency's effort?

4  
5 **MR. BOYD:** Absolutely. I think it's a great effort.

6  
7 **CHAIRMAN FRAZER:** Okay. Great. At this point, is there any  
8 other business? Seeing none, the meeting is adjourned. I wish  
9 everybody a safe travel back home.

10  
11 (Whereupon, the meeting adjourned on October 25, 2018.)

12  
13 - - -