

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2  
3 263<sup>RD</sup> MEETING

4  
5 FULL COUNCIL SESSION

6  
7 Hyatt Regency Birmingham Birmingham, Alabama

8  
9  
10 APRIL 5-6, 2017

11  
12 **VOTING MEMBERS**

13 Kevin Anson.....Alabama  
14 Leann Bosarge.....Mississippi  
15 Patrick Banks.....Louisiana  
16 Doug Boyd.....Texas  
17 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida  
18 Pamela Dana.....Florida  
19 Dale Diaz.....Mississippi  
20 Tom Frazer.....Florida  
21 Johnny Greene.....Alabama  
22 Martha Guyas (designee for Nick Wiley).....Florida  
23 Kelly Lucas (designee for Jamie Miller).....Mississippi  
24 Campo Matens.....Louisiana  
25 Lance Robinson (designee for Robin Riechers).....Texas  
26 John Sanchez.....Florida  
27 Greg Stunz.....Texas  
28 Ed Swindell.....Louisiana  
29 David Walker.....Alabama

30  
31 **NON-VOTING MEMBERS**

32 Dave Donaldson.....GSMFC  
33 Leo Danaher.....USCG

34  
35 **STAFF**

36 Steven Atran.....Senior Fishery Biologist  
37 Matt Freeman.....Economist  
38 John Froeschke.....Fishery Biologist-Statistician  
39 Douglas Gregory.....Executive Director  
40 Karen Hoak.....Administrative & Financial Assistant  
41 Morgan Kilgour.....Fishery Biologist  
42 Ava Lasseter.....Anthropologist  
43 Mara Levy.....NOAA General Counsel  
44 Emily Muehlstein.....Public Information Officer  
45 Bernadine Roy.....Office Manager  
46 Camilla Shireman.....Administrative Assistant  
47 Carrie Simmons.....Deputy Director

1 **OTHER PARTICIPANTS**

2 Kirk Abernathy.....Birmingham, AL

3 Greg Abrams.....Panama City, FL

4 Andreas Anastassakis.....Bessemer, AL

5 Bill Arant.....Birmingham, AL

6 Darrel Arnold.....Birmingham, AL

7 Roger Ball.....Birmingham, AL

8 Scott Bannon.....Alabama Marine Resources Division

9 Avery Bates.....Organized Seafood Association of Alabama

10 Dean Blanchard.....Grand Isle, LA

11 Randy Boggs.....Orange Beach, AL

12 Ryan Bradley.....Mississippi Commercial Fisheries United

13 Eric Brazer.....Reef Fish Shareholders Alliance

14 David Campbell.....Birmingham, AL

15 Shane Cantrell.....CFA

16 Ted Childress.....Birmingham, AL

17 Chris Conklin.....SAFMC

18 Russell Cunningham.....Birmingham, AL

19 Scott Dagget.....Madeira Beach, FL

20 Jason Delacruz.....FL

21 Tim Essington.....Lenfest, Seattle, WA

22 Price Evans.....

23 Tracy Floyd.....MDMR, Biloxi, MS

24 Susan Gerhart.....NMFS

25 Buddy Guindon.....Galveston, TX

26 Ken Haddad.....ASA, FL

27 Scott Hickman.....Galveston, TX

28 Tom Hilton.....Arcola, TX

29 Alison Johnson.....Oceana

30 Bill Kelly.....FKCFA, FL

31 Bobby Kelly.....Orange Beach, AL

32 Randy Lauser.....SOFA, Madeira Beach, FL

33 Richard Lewis.....Birmingham, AL

34 Joe Nash.....Orange Beach, AL

35 Bart Niquet.....Panama City, FL

36 Chris Niquet.....Panama City, FL

37 Bill Owens.....Galveston, TX

38 Wiley Parks.....Montgomery, AL

39 Clay Porch.....SEFSC

40 David Rainer.....AL DCNR

41 Mike Rowell.....Orange Beach, AL

42 Lee Shook.....Birmingham, AL

43 Jay Skinner.....Birmingham, AL

44 Robert Spaeth.....SOFA, Madeira Beach, FL

45 Bill Staff.....Orange Beach, AL

46 Mike Thierry.....Dauphin Island, AL

47 Skipper Thierry.....Dauphin Island, AL

48 Mark Tryon.....Gulf Breeze, FL

1 Russell Underwood.....Panama City, FL  
2 Thao Vu.....MS Coalition for Vietnamese-American Fishermen  
3 Stewart Webb.....Birmingham, AL  
4 Bubba Wells.....Birmingham, AL  
5 Wayne Werner.....Alachua, FL  
6 Johnny Williams.....Galveston, TX  
7 David Williamson.....Birmingham, AL  
8 Dale Woodruff.....Orange Beach, AL  
9  
10 - - -  
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TABLE OF MOTIONS

PAGE 39: Motion to accept the revised language as stated in the SOPPs. 6.4 Check Signatures: All checks issued will bear two authorizing signatures, these signatures being two of either: the Administrative Officer, the Executive Director, or the Deputy Executive Director. All checks processed through accounts payable for amounts greater than \$5,000 must be manually signed. [The motion carried on page 40.](#)

PAGE 42: Motion to instruct staff to develop an action to require either descending devices or venting tools onboard vessels possessing reef fish to reduce discard mortality. [The motion carried on page 45.](#)

PAGE 108: Motion that the Texas closure out to 200 miles run concurrent with the date the State of Texas recommends for the 2017 shrimp season. [The motion carried on page 108.](#)

PAGE 108: Motion to approve Shrimp Amendment 17B 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 110.](#)

PAGE 125: Motion to make Alternative 2 the preferred alternative in Action 2. Alternative 2 is prohibit the use of traps for recreational harvest of spiny lobster in the South Atlantic EEZ. [The motion carried on page 125.](#)

PAGE 126: Motion to add a second amendment that would address the proposed areas not included in the scoping document for Coral Amendment 7 (Coral Amendment 8). [The motion carried on page 130.](#)

PAGE 134: Motion to put discussion of red snapper allocation on the agenda for the June council meeting. [The motion carried on page 140.](#)

PAGE 142: Motion to develop an amendment that would allow Louisiana to manage the harvest of its historical percentage of the Gulf-wide recreational red snapper landings during the calendar years of 2019, 2020, and 2021 out to 200 nautical miles. Historical landings refers to landings as determined through the preferred alternatives outlined and adopted by the

1 council for allocations in Amendment 40, but also including the  
2 years 2014 and 2015. [The motion carried on page 153.](#)  
3  
4 [PAGE 154:](#) Motion to direct staff to start a framework action to  
5 modify the red snapper ACT for the federal for-hire component  
6 and the private recreational component. [The motion carried on](#)  
7 [page 157.](#)  
8  
9 [PAGE 157:](#) Motion that in Amendment 36A that Action 4 be moved  
10 to considered but rejected. [The motion carried on page 159.](#)  
11  
12 [PAGE 160:](#) Motion to move Action 2.2 in Amendment 36A to  
13 Amendment 36B. [The motion carried on page 161.](#)  
14  
15 [PAGE 161:](#) Motion to approve Reef Fish Amendment 36A and that it  
16 be forwarded to the Secretary of Commerce for review and  
17 implementation, and deem the codified text as necessary and  
18 appropriate, giving staff editorial license to make the  
19 necessary changes in the document. The Council Chair is given  
20 the authority to deem any changes to the codified text as  
21 necessary and appropriate. [The motion carried on page 162.](#)  
22  
23 [PAGE 163:](#) Motion to approve Reef Fish Amendment 46 and that it  
24 be forwarded to the Secretary of Commerce for review and  
25 implementation, and deem the codified text as necessary and  
26 appropriate, giving staff editorial license to make the  
27 necessary changes in the document. The Council Chair is given  
28 the authority to deem any changes to the codified text as  
29 necessary and appropriate. [The motion carried on page 169.](#)  
30  
31 [PAGE 169:](#) Motion in Action 1 to make Alternative 2, Option 2a  
32 the preferred alternative. Alternative 2 is accept the OFLs and  
33 ABCs recommended by the Gulf and South Atlantic Scientific and  
34 Statistical Committees from 2017 through 2020. Apply the Gulf  
35 apportionment of the ACL equal to 18 percent of the stock ABC.  
36 Option 2a is remove the Gulf ACT as a management target. [The](#)  
37 [motion carried on page 170.](#)  
38  
39 [PAGE 170:](#) Motion in Action 2 to make Alternative 2, Option 2b  
40 the preferred alternative. Alternative 2 is retain mutton  
41 snapper within the aggregate ten-snapper recreational bag limit  
42 in the Gulf, but specify a bag limit for mutton snapper within  
43 the aggregate bag limit year round. Option 2b is five fish per  
44 person per day. [The motion carried on page 170.](#)  
45  
46 [PAGE 170:](#) Motion in Action 3 to make Alternative 2 the  
47 preferred alternative. Alternative 2 is increase the minimum  
48 size limit for commercial and recreational mutton snapper in the

1 Gulf to eighteen inches total length. [The motion carried on](#)  
2 [page 170.](#)  
3  
4 [PAGE 171:](#) Motion in Action 4 to make Alternative 2 the  
5 preferred alternative. Alternative 2 is increase the commercial  
6 minimum size limit for gag in the Gulf to twenty-four inches TL.  
7 [The motion carried on page 171.](#)  
8  
9 [PAGE 171:](#) Motion to recommend that the council approve  
10 Framework Action Mutton Snapper ACL and Management Measures and  
11 Gag Commercial Size Limit and that it be forwarded to the  
12 council for final action and sent to the Secretary of Commerce  
13 for review and implementation, and deem the codified text as  
14 necessary and appropriate, giving staff editorial license to  
15 make the necessary changes in the document. The Council Chair  
16 is given the authority to deem any changes to the codified text  
17 as necessary and appropriate. [The motion carried on page 173.](#)  
18  
19 [PAGE 177:](#) Motion in Action 1 to make Alternative 2 the  
20 preferred alternative. Alternative 2 is the proxy for vermilion  
21 snapper MSY is the yield when fishing at F30 percent SPR. [The](#)  
22 [motion carried on page 177.](#)  
23  
24 [PAGE 177:](#) Motion in Action 1 to add a new Alternative 3.  
25 Alternative 3 is the proxy for vermilion snapper MSY is the  
26 yield when fishing at F26 percent SPR. [The motion carried on](#)  
27 [page 177.](#)  
28  
29 [PAGE 177:](#) Motion in Action 2 to make Alternative 3 the  
30 Preferred Alternative. Alternative 3 is the ACL for vermilion  
31 snapper for the years 2017 through 2021 will be 3.11 million  
32 pounds whole weight, which is the constant catch average of the  
33 five-year annual ACLs. [The motion carried on page 178.](#)  
34  
35 [PAGE 178:](#) Motion in Action 2 to remove Options a and b under  
36 Alternatives 2 and 3. [The motion carried on page 178.](#)  
37  
38 [PAGE 178:](#) Motion to send Amendment 47 out for public hearing  
39 via webinar. [The motion carried on page 179.](#)  
40  
41 [PAGE 181:](#) Motion to add an action item to include cyclical  
42 redistribution of red snapper to Amendment 41. [The motion](#)  
43 [carried on page 181.](#)  
44  
45 [PAGE 181:](#) Motion to add the additional species of gag grouper,  
46 gray triggerfish, greater amberjack and red grouper as annual  
47 catch limit allocation action items for consideration in  
48 Amendment 41. [The motion carried on page 183.](#)

1  
2 [PAGE 188](#): Motion to start an amendment for Mississippi to  
3 manage red snapper for the recreational sector out to 200  
4 nautical miles. [The motion carried on page 192.](#)

5  
6 [PAGE 192](#): Motion to develop an amendment that would allow  
7 Alabama to manage the harvest of its historical percentage of  
8 the Gulf-wide recreational red snapper landings during the  
9 calendar years of 2019, 2020, and 2021 out to 200 nautical  
10 miles. [The motion carried on page 195.](#)

11  
12 [PAGE 199](#): Motion to instruct staff to develop a document to  
13 allow longliners to carry any number of unrigged hooks. [The](#)  
14 [motion carried on page 201.](#)

15  
16 [PAGE 201](#): Motion to place Amendment 41 and Amendment 42 on the  
17 next council meeting agenda for further discussion. [The motion](#)  
18 [carried on page 202.](#)

19  
20 - - -  
21



1 The Full Council of the Gulf of Mexico Fishery Management  
2 Council convened at the Hyatt Regency Birmingham, Birmingham,  
3 Alabama, Wednesday morning, April 5, 2017, and was called to  
4 order by Chairman Leann Bosarge.

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

7  
8 **CHAIRMAN LEANN BOSARGE:** Welcome to the 263<sup>rd</sup> meeting of the Gulf  
9 Council. My name is Leann Bosarge, Chair of the Council. If  
10 you 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 have any private conversations outside, please.

14  
15 The Gulf Council is one of eight regional councils established  
16 in 1976 by the Fishery Conservation and Management Act, known  
17 today as the Magnuson-Stevens Act. The council's purpose is to  
18 serve as a deliberative body to advise the Secretary of Commerce  
19 on fishery management measures in the federal waters of the Gulf  
20 of Mexico. These measures help ensure that fishery resources in  
21 the Gulf are sustained, while providing the best overall benefit  
22 to the nation.

23  
24 The council has seventeen voting members, eleven of whom are  
25 appointed by the Secretary of Commerce and include individuals  
26 from a range of geographical areas in the Gulf of Mexico with  
27 experience in various aspects of fisheries.

28  
29 The membership also includes five state fishery managers from  
30 each Gulf state and the Regional Administrator from NOAA's  
31 Southeast Fisheries Service, as well as several non-voting  
32 members.

33  
34 Public input is a vital part of the council's deliberative  
35 process, and comments, both oral and written, are accepted and  
36 considered by the council throughout the process. Anyone  
37 wishing to speak during public comment should sign in at the  
38 registration kiosk located at the entrance to the meeting room.  
39 We accept only one registration per person. A digital recording  
40 is used for the public record. Therefore, for the purpose of  
41 voice identification, each person at the table is requested to  
42 identify him or herself, starting on my left.

43  
44 **MR. JOHNNY GREENE:** Johnny Greene, Alabama.

45  
46 **MR. KEVIN ANSON:** Kevin Anson, Alabama.

47  
48 **MR. DAVID WALKER:** David Walker, Alabama.

1  
2 **MR. ED SWINDELL:** Ed Swindell, Louisiana.  
3  
4 **MR. PATRICK BANKS:** Patrick Banks, Louisiana.  
5  
6 **MR. CAMPO MATENS:** Camp Matens, Louisiana.  
7  
8 **DR. TOM FRAZER:** Tom Frazer, Florida.  
9  
10 **MR. JOHN SANCHEZ:** John Sanchez, Florida.  
11  
12 **DR. PAMELA DANA:** Pam Dana, Florida.  
13  
14 **MS. MARTHA GUYAS:** Martha Guyas, Florida.  
15  
16 **MR. CHRIS CONKLIN:** Chris Conklin, South Atlantic liaison, South  
17 Carolina.  
18  
19 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.  
20  
21 **DR. ROY CRABTREE:** Roy Crabtree, NOAA Fisheries.  
22  
23 **MS. SUSAN GERHART:** Susan Gerhart, NOAA Fisheries.  
24  
25 **DR. CLAY PORCH:** Clay Porch, NOAA Fisheries.  
26  
27 **MR. LANCE ROBINSON:** Lance Robinson, Texas.  
28  
29 **MR. DOUG BOYD:** Doug Boyd, Texas.  
30  
31 **DR. GREG STUNZ:** Greg Stunz, Texas.  
32  
33 **DR. KELLY LUCAS:** Kelly Lucas, Mississippi.  
34  
35 **MR. DALE DIAZ:** Dale Diaz, Mississippi.  
36  
37 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine  
38 Fisheries Commission.  
39  
40 **LCDR LEO DANAHER:** Lieutenant Commander Leo Danaher, U.S. Coast  
41 Guard.  
42  
43 **MR. DOUGLAS GREGORY:** Doug Gregory, Gulf Council staff.  
44

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

46  
47 **CHAIRMAN BOSARGE:** Thank you. Our agenda for this meeting, for  
48 Full Council, can be found on Tab A, Number 3. Are there any

1 changes or revisions or additions to the agenda that we need to  
2 make? Mr. Anson.

3  
4 **MR. ANSON:** Madam Chair, I was wondering if we could add, under  
5 Other Business, some time to discuss some items that the council  
6 might want to offer and potentially some staff time towards a  
7 meeting that is pending between state and federal officials and  
8 NFWF officials to talk about additional data needs and things  
9 that could help and assist with management.

10  
11 **CHAIRMAN BOSARGE:** Yes, sir. So noted. Any other revisions or  
12 additions? All right. I will entertain a motion to adopt the  
13 agenda as revised.

14  
15 **MR. GREENE:** So moved.

16  
17 **CHAIRMAN BOSARGE:** It's so moved by Mr. Greene.

18  
19 **MR. BOYD:** Second.

20  
21 **CHAIRMAN BOSARGE:** It's seconded by Mr. Boyd. Any opposition to  
22 the motion? Seeing none, the motion carries. Next, the minutes  
23 from our last meeting can be found on Tab A, Number 4. Were  
24 there any revisions to the minutes that we may need to make?  
25 Seeing none, I will consider those minutes approved.

26  
27 Next on our agenda is Review of Exempted Fishing Permit  
28 Applications. Do we have any of those for review at this  
29 meeting?

30  
31 **REVIEW OF EXEMPTED FISHING PERMIT (EFP) APPLICATIONS, IF ANY**

32  
33 **DR. CRABTREE:** No, Madam Chairman.

34  
35 **CHAIRMAN BOSARGE:** Thank you, sir. That will take us directly  
36 into our presentations for the day. I believe our first  
37 presentation is going to be from the Lenfest Ecosystem Task  
38 Force, and that can be found under Tab A, Number 8 in our  
39 briefing book. I believe we have Dr. Tim Essington that is  
40 going to present today. Thank you, sir.

41  
42 **PRESENTATIONS**  
43 **LENFEST ECOSYSTEM TASK FORCE**

44  
45 **DR. TIM ESSINGTON:** Thank you, council, for giving me some time  
46 to talk about this product, this Fishery Ecosystem Task Force  
47 Report, which came out in November. It's something that I have  
48 a lot of excitement about, and I am particularly excited to talk

1 to this group. This is the exactly the group that we wrote it  
2 for, and so we wanted to create a document that would provide  
3 guidance for fishery management councils, to make it easier to  
4 make concrete steps towards adopting the ecosystem approach to  
5 fisheries management.

6  
7 I was just going to suggest, on the outset that, while, I do  
8 have a PowerPoint, and I will march through that, I am happy to  
9 stop along the way. If a thought comes to mind or a question or  
10 a clarification at any point, I am happy to stop and field those  
11 along the way. It would be fun if this was kind of a  
12 conversation.

13  
14 Just for some context, I think it might have been some point in  
15 the last year that Dr. Jason Link came and spoke and talked a  
16 little bit about NOAA Fisheries' agenda and movement towards  
17 adopting the ecosystem approach, and I think that gives really a  
18 big context on what I'm going to be talking about right now.

19  
20 NOAA Fisheries Headquarters is very much pushing the NOAA  
21 Regional Offices and the Science Centers and, of course, the  
22 councils to be making progress towards adopting ecosystem-based  
23 fisheries management, and so this is not an idea that is  
24 probably going to go away anytime soon. What I hope to do today  
25 is to show you one tool, a fishery ecosystem plan, that will  
26 make it a lot easier to do that.

27  
28 Before I go too much into that, I also want to talk about why  
29 this thing is sort of coming down the road. What sort of  
30 benefits might it give to you, as a decision-making body, to  
31 adopt this approach? A lot of these are going to overlap quite  
32 a bit with Dr. Jason Link's statements.

33  
34 The first is the idea that thinking about decisions that you're  
35 making across the entire Gulf, whether it's across your  
36 different FMPs, and you've got your Reef Fish and you've got  
37 your Coastal Pelagics and you've got your Spiny Lobster and  
38 crabs and you name it, but it's providing improved coordination  
39 of those decisions, and so making sure that the decisions that  
40 you're making in one area make sense, given the decisions you're  
41 making in another area.

42  
43 Another thing is obviously a central goal of these councils is  
44 to balance all of the needs and demands of fisheries, and what  
45 that means is we want to maintain fishing livelihoods and  
46 communities and cultural values. We want to maintain profitable  
47 fisheries, and we want to be able to hand off the natural  
48 resources to the next generation, and really the ecosystem

1 approach is perfectly suited to try to do that sort of thing.

2  
3 The way that it does that is by fully acknowledging and  
4 confronting that there are tradeoffs and constraints on systems.  
5 As you're all aware, you can't optimize everything, and so, in  
6 one way, the ecosystem approach really is a framework for sort  
7 of thinking about decision making when there are conflicts  
8 between different things that different people want.

9  
10 With that said, I will talk a little bit now in more depth about  
11 what our particular task force did, and so this figure here  
12 shows the members of the task force, and we were charged with  
13 providing guidance for all of the U.S. fishery management  
14 councils of how do we go from all of these nice-sounding ideas  
15 and principles of ecosystem-based fisheries management and turn  
16 those into practice. It's really going from lofty aspirations  
17 to operationalizing and having action.

18  
19 We convened a couple of bodies. There is the task force, which  
20 is pictured here, which is a very diverse group of scientists  
21 that have expertise across a range of disciplines, from  
22 modeling, fisheries stock assessment, economics, and  
23 anthropology, and we also had individuals from all over the  
24 United States that had different experiences in working with  
25 fisheries management issues, and we had external people, and so  
26 people from Australia and people from Canada, to share their  
27 experiences as well.

28  
29 I don't have a cool photo of this, but we also had an advisory  
30 body, and that advisory body consisted of current and former  
31 council members. It consisted of some of the NOAA senior  
32 scientists and other key NOAA scientists who are heavily engaged  
33 in ecosystem-based management.

34  
35 They were fantastic in making sure that we provided a product  
36 that would be as useful as possible. What we really wanted to  
37 do was avoid sort of drifting off into academic la-la land, and  
38 they did a terrific job of sort of tethering us to the reality  
39 of how decisions really get made.

40  
41 Our framework for then going about trying to give this guidance  
42 was to have essentially this traveling road show, where we went  
43 around to different regions in the United States and we invited  
44 people, different stakeholders, to come and talk with us, and we  
45 just asked them questions, like what things are happening in  
46 your region that you are excited about and what things are not  
47 happening that you would like to see happening and maybe what  
48 are some of the barriers to seeing that happen.

1  
2 We sort of collated all of those and digested those and turned  
3 those into a series of recommendations. I will mention that we  
4 do have the task force report, which I believe is available in  
5 your briefing book. Allegedly, they are somewhere in this  
6 hotel. They were delivered, but no one seems to know where they  
7 are, and so, if we find them, we will put them out on the table,  
8 if we ever manage to track them down.

9  
10 I am going to start this by giving you really what our main  
11 findings and recommendations are and then kind of go through a  
12 little bit of detail about sort of the guts of a fishery  
13 ecosystem plan. Then what I hope to do is really tailor it to  
14 some of the things that are going on in the Gulf of Mexico.

15  
16 The first main thing is this idea of trying to truly  
17 operationalize ecosystem-based fisheries management, and so that  
18 would be going beyond platitudes and talking about, gee,  
19 wouldn't it be a great idea, really requires a structured  
20 planning process that is specifically designed to operationalize  
21 it. That is, just talking about it isn't going to do it alone.  
22 It has to be fairly intentional.

23  
24 The second thing is our vision of a fishery ecosystem plan uses  
25 existing tools, so we're not wanting for the science tools or  
26 the policy tools to implement these fishery ecosystem plans.  
27 Thirdly, the fishery ecosystem plans are really a perfect way to  
28 integrate the social, economic, and ecological goals of any  
29 fishery management council, such as this one, or any fishery  
30 governance body.

31  
32 Finally, the way that we have thought through the process of  
33 fishery ecosystem plans is really try to be consistent with the  
34 way the council operates, by involving stakeholders quite a bit  
35 and being very transparent about the way decisions are being  
36 made, and particularly with respect to how tradeoff decisions  
37 are being made. That is sort of what we're going to conclude,  
38 and now I'll try to show you how we got there a little bit.

39  
40 First of all, we took a very broad view of what ecosystem-based  
41 fisheries management is. That is, in our view, ecosystem-based  
42 management isn't just about the fish in the ocean, the coral,  
43 the oceanographic conditions, what I call the biophysical part.  
44 That is, of course, one part of the ecosystem-based fisheries  
45 management, but it's a whole lot more than that.

46  
47 It should just be called "fishery system management", because  
48 it's also about the people that are involved in fisheries, the

1 things that they value, the jobs that are produced, and it's  
2 also about the governance systems, and so it's really  
3 essentially a concept of thinking about management decisions  
4 through this lens that sort of appreciates that any particular  
5 fishery is operating in a broader system, and just identifying  
6 some of those connections across those systems can hopefully  
7 lead to better decision-making.

8  
9 With that in mind, what we did is really said, well, how then  
10 would we give guidance on how a body such as this might go  
11 forward and put together a fishery ecosystem plan whose intent  
12 was actually to try to operationalize a lot of the principles  
13 here.

14  
15 What we did is we took a very generic planning document, generic  
16 planning framework, the same type of framework that I'm sure  
17 many of you are familiar with. It's the same type of planning  
18 framework you would use to figure out where to put an airport or  
19 really do anything, but we then viewed that sort of planning  
20 framework through the lens of ecosystem-based fisheries  
21 management.

22  
23 I am not going to get into a lot of the nuts and bolts of this,  
24 partly because it's in the document, and also because I think a  
25 lot of this overlaps with knowledge that this body has. You  
26 guys know plans really, really well, but I do want to highlight  
27 some key points that hopefully underscore some of our main  
28 recommendations.

29  
30 Sort of the first step is obviously sort of taking inventory of  
31 sort of where are we now, and that's this tracking key  
32 indicators of the system and, when I sort of look at what is  
33 happening in the Gulf of Mexico, in terms of the science that's  
34 available, this is a step where I think, in the Gulf of Mexico,  
35 you guys are actually pretty far ahead.

36  
37 You have your ecosystem status reports, and there is habitat  
38 mapping. Obviously there is a lot of work on the oceanography  
39 of the system, and so this is a step that is probably mostly  
40 done, for the most part, in the Gulf of Mexico.

41  
42 The next step has been asking the questions of where are we  
43 going and where do we want to go, and this is just like any old  
44 plan, where you're setting some sort of objectives. The thing  
45 that I want to emphasize here is that, when we're talking about  
46 doing ecosystem-based fisheries management, we're not talking  
47 about managing the ecosystem or thinking about every single  
48 thing in the ecosystem for every decision, but rather it's

1 thinking about a broader range of possible solutions to problems  
2 and a broader range of potential issues that could be solved.

3  
4 A key step in this process is a prioritization step. Nobody is  
5 going to be able to address every ecosystem issue all at once.  
6 There is just way too many things, and so this is a process of  
7 flagging what are some of the main risks that we're facing right  
8 now and then choosing a subset of those for action, because you  
9 can't tackle every single thing at once.

10  
11 I hope I am going to dispel this idea that ecosystem-based  
12 management is intractable because of the enormity of it, but  
13 rather the way you proceed is by choosing a subset of those  
14 issues, those things that you can have the most impact and  
15 benefit the most people, and you take action on those.

16  
17 Once you decide what you're trying to achieve in this fishery  
18 ecosystem plan, then there's the whole process of what steps do  
19 you want to take to get there, and just like as you would within  
20 a fisheries management plan, you would do things like let's look  
21 at a bunch of different alternative strategies, just like this  
22 morning you looked at many different possible actions to solve  
23 things.

24  
25 The thing that I wanted to emphasize here is this is not just  
26 about protecting the ecosystem. That, of course, is a big part  
27 of it, but it's also thinking about the ecosystem and also  
28 looking at the tradeoffs across all the different things that we  
29 also value in these fishery systems, and so I hope you don't get  
30 the idea that ecosystem-based management is simply -- That it's  
31 putting more precautionary buffers on things, because that  
32 provide some buffer of risk of some threats, but that introduces  
33 risk in other areas in fisheries.

34  
35 This is really just a holistic view of when you're making  
36 decisions and where does that move risk, and so one decision  
37 might pose a lot of risk to maybe one particular sector within  
38 the fishery while it does do a really fabulous job of protecting  
39 something else.

40  
41 How you actually come to that decision is the same way, of  
42 course, you do a lot of your management decisions. A lot of  
43 times, there is not going to be a perfect decision that is going  
44 to satisfy everyone. Then, of course, you actually do the plan  
45 and then, of course, you ask whether or not it was effective,  
46 and so the typical sort of effectiveness monitoring.

47  
48 This whole thing, like many plans, is sort of perceived to exist



1 in an adaptive loop, because there is an enormous amount of  
2 uncertainty about the structure of fisheries systems, and so we  
3 have to make decisions with limited knowledge, but we hope that  
4 when we make actions that it reveals something about how the  
5 system actually works and that it allows us to tinker with  
6 things.

7  
8 We see that tinkering happening at a couple of different time  
9 scales. The life of a fishery ecosystem plan might be ten  
10 years. That might be the whole outer loop, but then, even  
11 within the operation of a ten-year lifespan, there could, of  
12 course, be iterations and adjustments as learning happens.

13  
14 That's really our vision of fishery ecosystem plan, and I think  
15 one of the high point is we are bundling in many different parts  
16 of the fishery system to be considered as part of a fishery  
17 ecosystem plan. It's not going to tackle everything all at  
18 once, but it's a way to sort of lay on the table all the  
19 different priorities and concerns and try to wade through them  
20 in a sort of systematic way.

21  
22 When we sort of view our version of a fishery ecosystem plan and  
23 we sort of compare that against sort of commonly-stated  
24 challenges to actually operationalizing ecosystem-based  
25 fisheries management, we see that this framework can potentially  
26 really overcome a lot of those things, and so one challenge of  
27 ecosystem-based fisheries management is the enormous complexity  
28 of fisheries systems.

29  
30 Just look at the natural part. There are so many different  
31 species, and the species move around, and they interact with the  
32 environment in ways that we partially understand, but we don't  
33 fully understand. The fishery people who are engaged in the  
34 fishery themselves, they might be involved in multiple different  
35 fisheries, and they might move across different fisheries in  
36 ways that we don't fully understand.

37  
38 The way we deal with that complexity is, one, we use some  
39 broader indicators to sort of track overall status, without  
40 looking at every single thing, and, of course, the  
41 prioritization step is how we actually start moving forward and  
42 making decisions without getting mired in all the possible  
43 things we could do.

44  
45 Coupled with complexity is all the uncertainty, and so this is  
46 decision-making uncertainty 101. When you have that high-level  
47 uncertainty, that is where this sort of structured decision-  
48 making process is really important, and, of course, this is

1 where adaptive management is absolutely critical.

2  
3 People have posed thoughts that there is a lot of cost to doing  
4 a fishery ecosystem plan, and certainly there is an investment  
5 cost, and I am not going to minimize that, but the potential  
6 benefit of that is to hopefully streamline management decisions  
7 down the road.

8  
9 One example might be a fishery ecosystem plan might provide one  
10 overarching set of guidelines for all of the individual fishery  
11 management plans of say how do biological reference points  
12 change when there is new information about environmental  
13 productivity or something like that. Rather than have that  
14 discussion repeatedly for each individual fishery management  
15 plan, you could have that discussion once, at the scale of a  
16 fishery ecosystem plan.

17  
18 Then, finally, the last challenge that many people oppose  
19 against ecosystem-based management are the objectives are often  
20 very muddled, and that's one of the reasons why we put forward  
21 objective setting as a really important part.

22  
23 A couple of other pieces that we really heard from people in our  
24 conversations about what really needs to happen for these things  
25 to be successful, and there are a couple of things that I wanted  
26 to flag.

27  
28 First is stakeholder participation is absolutely crucial for all  
29 of these different steps of the loop. When I mean stakeholders,  
30 I mean that as broadly as it is, whether it's the fishing  
31 participants, whether it's processors or scientists or people  
32 who are fully aware of the legalities of how the law works and  
33 people involved in the governance.

34  
35 All of those people contain a lot of information about how the  
36 system works, and it's very hard to think about, well, what is  
37 the system and where do we want to go without that full  
38 knowledge, and so they need to be involved. They also need to  
39 be involved in flagging what are the different alternative  
40 strategies, because, in many ways, once you start looking at  
41 problems from a system view, you can come up with really novel  
42 solutions that you might not have thought of, just by sort of  
43 understanding some of the connections between things.

44  
45 That is really, really important, and that's something where  
46 councils already have an excellent track record, and the other  
47 thing that we concluded is we looked over the science and policy  
48 tools and saw where and when they have been applied, and we

1 basically find that the science and policy tools to do the  
2 things that we are talking about already exist across the entire  
3 spectrum of data availability and levels of uncertainty about  
4 how the system operates.

5  
6 There is a whole cadre of science tools that have already been  
7 applied to address these things and a whole suite of policy  
8 tools that have often been applied, often for other reasons, but  
9 have had secondary benefits for broader ecosystem objectives.

10  
11 It might just take some clever calibration of maybe some  
12 existing policy tools, or using them in novel combinations, in  
13 order to reach the goals of a fishery ecosystem plan, and so the  
14 bottom line is we don't have to wait for more and more and  
15 bigger and better science or bigger and better policy to come  
16 down the pipe.

17  
18 What I hope I have sort of underscored are sort of the main  
19 themes of the task force, and that is that a fishery ecosystem  
20 plan is really a tool, and it's a tool that will help groups go  
21 from these principles of ecosystem-based fisheries management to  
22 action, and we can do it right now.

23  
24 The data that are available and the tools that are available,  
25 our document contains a pretty dense appendix that is only for  
26 the most devout people, because it's very, very dry and  
27 technical, and that is a survey of all of the tools and the  
28 recommendations of how to use them.

29  
30 It's a great way to deal with this issue of triple-bottom-line  
31 fisheries sustainability and also it's a great way to help sort  
32 of choose among the different tradeoffs. With that, at some  
33 point, this report might be showing up outside here, but I will  
34 end now, and thank you again for this opportunity to talk, and I  
35 would love to have a conversation and answer any questions you  
36 have.

37  
38 **CHAIRMAN BOSARGE:** Thank you. Any questions or feedback for Dr.  
39 Essington? Dr. Stunz.

40  
41 **DR. STUNZ:** Thanks, Madam Chair. That was an informative  
42 presentation, Tim, and I've got a couple of questions for you.  
43 I guess one of the things I learned, which I was interested in -  
44 - By the way, I'm a marine ecologist, and I feel like I have a  
45 pretty good handle on this, but I certainly have some questions  
46 for you.

47  
48 It was that your task force feels that there is enough

1 information in hand currently to do this, and that's been  
2 somewhat of a criticism that I've heard a lot, and so that's  
3 good news, but I guess my question really has two parts.  
4 Sitting here as a marine ecologist and then dealing with all the  
5 issues we deal with of allocation and other things that aren't  
6 really ecosystem-based stuff, I am still not real clear how,  
7 from a practical standpoint it would work.

8  
9 For example, my first question would be -- By the way, your  
10 timing is perfect, because Clay Porch there is the lead  
11 assessment guy that could make this happen, but what is the  
12 linkages between the FEP that you guys proposed and the FMP that  
13 drives our system here?

14  
15 Then, maybe after you answer that, it would help me to know if  
16 there is a practical example that you guys -- Have you got a  
17 success story that says, hey, by the way, in your council and in  
18 your region, this is how it worked and we built this into the  
19 process? That might help me figure out how this would work.

20  
21 **DR. ESSINGTON:** Those are absolutely terrific questions. The  
22 first one is what is the interplay between an FMP and an FEP,  
23 and we are not suggesting to do away with FMPs at all. FMPs are  
24 the instrument by which regulations happen, and that will  
25 continue to be so.

26  
27 FEPs are voluntary. They don't have the legal weight, and so,  
28 when we have talked to people, council members and council  
29 staff, they view that as actually an advantage of an FEP,  
30 because it's sort of playground, where you can think about  
31 things without worrying about this is going to lead to  
32 regulation.

33  
34 One example is I sort of use this biological reference point as  
35 an example. This kind of came out in conversations in New  
36 England, where they are dealing with rapid environmental change,  
37 and they don't really know what is their biological reference  
38 point, and so they're having the conversation separately within  
39 every sort of plan team.

40  
41 It would be sort of more efficient if, at a broader level, if  
42 they basically said, well, here are what we think are best  
43 practices for how you take information and use that to adjust  
44 biological reference points, and so what is the types of  
45 evidence that are appropriate to bring to bear, what is the  
46 standard of evidence and those types of things.

47  
48 That is our view of a fishery ecosystem plan. It's a document

1 that sort of is an umbrella, but it's obviously non-regulatory,  
2 but hopefully it assists the implementation and use of the  
3 fishery management plans.

4  
5 In my region, and so I live in Seattle, Washington, and so the  
6 Pacific Council is sort of the nearest one. They developed a  
7 fishery ecosystem plan, and their sort of approach to doing it  
8 was to essentially have a lot of description of the ecosystem,  
9 which was great, and then they had a series of amendments, which  
10 are basically things that the council wanted to flag for  
11 priorities for thinking about let's take some action on this,  
12 and they range from fleet demographics, and so basically the  
13 average age of the people fishing is getting older and older.  
14 No new people are joining the fishery, and they want to make  
15 sure this is a fishery that can be turned over to the next  
16 generation. That goes all the way over to forage fish  
17 considerations.

18  
19 The review of that, I think, is going to happen in three years,  
20 sort of the initial review of the FEP, and see how did it do,  
21 but that was sort of their approach, is using this sort of bunch  
22 of priority items that could be addressed, either within an FMP  
23 or in some other venue.

24  
25 **CHAIRMAN BOSARGE:** Thank you. Any other questions or comments?  
26 Mr. Gregory.

27  
28 **MR. GREGORY:** Thank you, Madam Chair. That was a good  
29 presentation, Dr. Essington. We do fishery management plans on  
30 a fishery-by-fishery basis, and I guess it just dawned on me  
31 here that you could do a fishery ecosystem plan the same way. I  
32 mean, we have a multispecies reef fish fishery, but we also have  
33 a single species fishery.

34  
35 Up until now, I was envisioning this would be like a Gulf-wide  
36 fishery ecosystem plan, which is intimidating, and we do some of  
37 this in our existing documents, under the umbrella of the FMP,  
38 and the other thing we've been trying to do is incorporate more  
39 environmental indices in our stock assessments.

40  
41 I know you're familiar with our traditional stock assessments,  
42 and one of the challenges, or the biggest challenge I think  
43 we've had here in the Southeast, is, unlike the North Pacific  
44 and unlike the Northwest Atlantic, we have had no international  
45 agreements that have forced us to have a long history of  
46 fisheries-independent surveys.

47  
48 When we started, twenty years ago or so, doing assessments, it

1 was all fishery-dependent stuff, and we are gradually doing  
2 that, and so we feel like we're very data limited, and I think,  
3 psychologically, that's been a barrier to trying to encompass  
4 something more complex, but I do see light at the end of the  
5 tunnel, so to speak, that there are ways to kind of build on  
6 what we're doing now in this direction, but thank you very much.

7  
8 **DR. ESSINGTON:** Maybe I will just follow up really, really  
9 quickly. I think I agree with your synopsis of sort of our  
10 take. This idea that the ideas that we're talking about here  
11 could apply just to one part, like maybe one FMP, is totally  
12 appropriate. That would be part of the prioritization process,  
13 and the prioritization can be that, hey, we think this is  
14 actually doable, and so that makes it a higher priority, and we  
15 think you start with what you have.

16  
17 Everyone always says they don't know anything, but it turns out  
18 that people know a lot, and you can do a lot with what you have,  
19 and that's kind of what we tried to map out in this report is,  
20 given the level of information you have, there are different  
21 things that you can do, much like where you have data-poor stock  
22 assessment. That doesn't mean that you don't make actions. You  
23 just do them in a slightly different way.

24  
25 **CHAIRMAN BOSARGE:** Mr. Boyd.

26  
27 **MR. BOYD:** Thank you. Thank you for your presentation. When I  
28 think of ecosystems, I think of below the water level, what we  
29 would normally think of as biology and habitat and species  
30 interaction, the environment. It sounds to me like this also  
31 includes the above the water, the economics and the politics and  
32 governmental entities and everything, and is that where you're  
33 going?

34  
35 **DR. ESSINGTON:** Yes, that is our view, and it is inspired by the  
36 idea that people are a big part of fisheries. That's what we  
37 actually manage, and we don't want this to be -- Ecosystem-based  
38 management isn't about protecting the environment from people.  
39 That's been a mindset for a long time, but we want this to be a  
40 cohesive way to think about all the different goals that we have  
41 for fisheries systems, and that includes people having jobs and  
42 having livelihoods and appreciating being able to go out on the  
43 water, because that's what they really -- They appreciate the  
44 opportunity to go out and have a livelihood by fishing. To us,  
45 it encompasses all of those different things.

46  
47 **CHAIRMAN BOSARGE:** Mr. Anson.

48

1 **MR. ANSON:** Thank you, and thank you for coming, Dr. Essington.  
2 I don't know if it's really a question or just a general  
3 comment. It's kind of a process question. Obviously we're in  
4 the infancy of this type of process here for fisheries  
5 management in this country, but you made a comment regarding  
6 that these FEPs are not legally-binding documents, and then yet  
7 you talk about social implications and jobs and it's politics  
8 and such like that.

9  
10 Again, it's a general comment, but I am a little still unsure as  
11 to how we can work this into our existing framework and the  
12 existing policy and legal requirements that the agency has,  
13 trying to take something like this then and get it incorporated  
14 into our process, working it into an FMP, as Doug had mentioned.

15  
16 I am curious and excited, I guess, to watch it kind of grow.  
17 Conceptually, I can see it has potential, but it's just, again,  
18 trying to overlay it into our current process is a little bit  
19 daunting, to me, in regards to costs, in regards to time  
20 management for us to get things done and those types of things.  
21 That is just something I am thinking about and are concerned of.

22  
23 **DR. ESSINGTON:** Absolutely, and, in some other iterations of  
24 this talk, I often emphasize that one of the things that we  
25 really thought about when we went through this is we didn't want  
26 to just give the council, hey, here's a whole bunch of new work  
27 to do.

28  
29 If we did say that, we wanted to make sure that there would be  
30 some benefit down the road of doing that sort of investment, and  
31 so, along the way, we were trying to be very cognizant of not  
32 trying to say, hey, in addition to all the other stuff that  
33 you're doing, here's a bunch more stuff, because nobody told us  
34 that they didn't have enough stuff to do. That was never a  
35 comment that we have ever received.

36  
37 In terms of this interplay between the FEP and the FMP, we  
38 talked a lot about it. This was where the advisory panel was  
39 incredibly helpful, and I think you're absolutely right. I  
40 think it's really just going to be people taking stabs at it.  
41 Some things are going to work and some things are not going to  
42 work.

43  
44 Then, within five to ten years, there should be another  
45 iteration of this, basically saying, well, what really happened  
46 when all the councils tried to do fishery ecosystem plans? What  
47 were the good successes and what were the things that just  
48 flopped and then how can we do it even better?

1  
2 **CHAIRMAN BOSARGE:** Anyone else have any questions for Dr.  
3 Essington? Thank you for coming and helping to shed some light  
4 on something that has been somewhat of a daunting task for us,  
5 and so we appreciate it, sir.

6  
7 **DR. ESSINGTON:** Thank you very much. My pleasure.

8  
9 **CHAIRMAN BOSARGE:** Next on our agenda, we have our Alabama Law  
10 Enforcement Presentation, and I believe that's going to be Major  
11 Bannon.

12  
13 **ALABAMA LAW ENFORCEMENT PRESENTATION**

14  
15 **MAJOR SCOTT BANNON:** Madam Chair and members of the council, I  
16 appreciate the opportunity, and it seems like the enforcement  
17 guy always gets penalized, gets the slot right before lunch or  
18 right after lunch, but I will try and make this fairly light-  
19 hearted and fairly quick, and I thought about putting some real  
20 neat pictures, some cool-guy law enforcement stuff on here, and  
21 I said, why change the theme? I am going to throw numbers at  
22 you, like all the other presentations.

23  
24 For those that don't know, I am Scott Bannon, the Acting  
25 Director of the Marine Resources Division. Kevin Anson is our  
26 Chief Biologist. We have two sections, a Biological and an  
27 Enforcement Section, and we work together to manage the  
28 fisheries in Alabama.

29  
30 This particular little blurb that I am going to give you is  
31 really focused on our joint enforcement agreement with NOAA. I  
32 am going to skip a slide, because I have attention issues, and  
33 so everything is all out of order.

34  
35 How we're set up for our enforcement folks in Alabama is we have  
36 a Chief of Enforcement, an Administrative Captain, who is  
37 Captain Beau Willis, sitting in the back there, keeping all the  
38 snacks safe. We have a Training Sergeant, and then we have two  
39 districts. In Alabama, we are limited in our saltwater contact.  
40 We only have Mobile and Baldwin Counties that are adjoined to  
41 the saltwater jurisdiction, and so we have seven officers and a  
42 supervisor for each district.

43  
44 We are currently not fully staffed, yet, but we are at the  
45 highest level of employment for law enforcement in my career,  
46 and I think in Chris Blankenship's career. He did the smart  
47 thing and he left before I started speaking. I don't want to  
48 put him in the hospital two days in a row.



1  
2 Right now, we're staffed with eighteen people. A couple of us  
3 are administrators, and we are primarily responsible for the two  
4 counties. The joint enforcement agreement, as most of you know,  
5 is a cooperative agreement between the states and territories.  
6 There are twenty-eight states and territories. Unfortunately,  
7 North Carolina, and they're on the Atlantic side, is not part of  
8 it. I think you're from South Carolina, and is that correct,  
9 Mr. Conklin? They are, but North Carolina is not part of it.

10  
11 These programs are designed to enforce federal fisheries laws,  
12 and I feel like it is probably one of the most productive  
13 programs in law enforcement. I go to lots of meetings with law  
14 enforcement folks, and I think the way the money is spent in the  
15 Southeast Region, where I work -- The program is very  
16 successful, and it's taken very seriously by the states that are  
17 all represented here.

18  
19 This year's agreement for Alabama was worth about \$460,000, and  
20 that was a little bit less than we've gotten before, but we all  
21 understand that budgets are tight, and so it's neither here nor  
22 there. Under our program, I generally spend about 26 to 27  
23 percent of the amount of money we are allocated on direct  
24 purchases. Those direct purchases are items that are used  
25 directly related to enforcement of fisheries rules.

26  
27 I generally spend it on some vehicles and outboard engines,  
28 major repairs, some surveillance equipment, those kinds of  
29 things. Since we are saltwater-specific, all of our money is  
30 spent directly in the saltwater fisheries enforcement.

31  
32 This year, they added an extra little thing for TED enforcement,  
33 so that 25 percent of our funding was directed towards TED  
34 enforcement, and that's the first year that we've kind of had  
35 these directed sections of our contracts, and that will expand,  
36 and I will talk about that in just a minute.

37  
38 2 percent of it is put towards administrative costs. We have to  
39 have some staff that track some records, and thankfully I have a  
40 lady in the office who is way smarter than me and way more  
41 organized than I am, and she keeps these records that are  
42 unbelievable, and we pass our audits with flying colors, because  
43 I am the guy that has stacks of papers around my desk.

44  
45 The balance is patrol time. For this year, it was just over  
46 3,100 hours that are directed towards patrol. In my personal  
47 opinion, for Alabama, the best way that we can spend NOAA's  
48 money is to put boots on the ground, to put officers in the

1 field, to enforce the rules and regulations.  
2  
3 We are headed into our fourteenth year of these JEA contracts,  
4 and I still feel that that's the most important part, is that we  
5 provide boots on the ground, that we put a face to law  
6 enforcement out there, and that personal interaction with the  
7 public is how we make these fisheries successful.  
8  
9 This year, so far, we've done 665 hours of dockside, and this is  
10 the numbers game. We've done 738 hours of vessel patrol, 255  
11 hours of near-shore. We do near-shore and offshore, coastal  
12 waters and then -- Under the program, it's really called  
13 midrange, and some of the other states do some further offshore  
14 patrols. We just don't have the vessels for that. We did 260  
15 hours of TED patrol and 245 hours of outreach, which this is  
16 before March.  
17  
18 We have contacted an estimated 17,000 people during our outreach  
19 programs. That number will almost double for March, because we  
20 had two major boat shows, and we had several days at Field and  
21 Stream and some big stores like that. Those hours spent in  
22 outreach are unbelievable for the program. That is an  
23 opportunity for an officer to have a one-on-one conversation  
24 with the general public.  
25  
26 They hear things that come out of these meetings, and they hear  
27 things that they see on Facebook, and sometimes it's close to  
28 being accurate. When they get that chance to meet with an  
29 officer one-on-one, that is huge for the state and I believe for  
30 our federal partners, to be able to have those conversations.  
31  
32 The number of hours that we put towards patrol, it's 100 percent  
33 patrol. We don't pay for officers going to court, and we don't  
34 pay for officers fixing things. We don't pay for officers to do  
35 anything but patrol under this program. That is like hiring two  
36 officers in Alabama, with the numbers that I have, two officers  
37 to do federal fisheries work full-time. That is basically 10  
38 percent of my workforce. That adds an extra 10 percent, just in  
39 the number of hours alone.  
40  
41 This year, to date, these are some of the citations we have  
42 issued. Everybody likes to hear those things. It's one  
43 endangered species, twenty-one Magnuson, which are generally  
44 fish cases, eight federal case referrals. Alabama has a  
45 regulation that allows us to claim jurisdiction over vessels  
46 that have left from, are licensed from, or have some other  
47 connection, like are registered in, Alabama. We claim  
48 jurisdiction over them in federal waters.

1  
2 Generally, it's easier for us to write a state ticket, even for  
3 violations of federal regulations in federal waters, because  
4 they are generally small cases. It's administratively  
5 burdensome for NOAA to try and handle some of those, and so we  
6 handle those at the state level.

7  
8 There are some cases we can't. We can't handle TED cases. We  
9 don't have any state rules for that. Marine mammal protection,  
10 by federal law, it has to go to the feds. Then, if we don't  
11 have concurrent rules, or there is some way that I can't write a  
12 state ticket, we refer our cases to NOAA.

13  
14 We have a uniformed officer in our area, Pete Harwell. He  
15 happened to work for us previously, and so he's a great fit. We  
16 work very well with him. The officers have him on speed dial.  
17 If they have a case, they call him, and he helps guide them  
18 through it and says, yes, refer that to us or, no, you guys  
19 handle it or we'll work together to see what's the best  
20 solution. That part of our program has been very successful.

21  
22 We have a great working relationship with our agents. With now  
23 the uniformed officer taking on these smaller thing, we call him  
24 most of the time, and the agents work on larger cases, some  
25 undercover cases, things that they can focus their talents on,  
26 and we assist them in any way possible in those.

27  
28 We engaged 653 commercial anglers so far, over 2,000  
29 recreational, and 594 charter anglers. Even checking those  
30 charter boats we feel is important, because we get a lot of  
31 people from all over the country, and it gives them an  
32 opportunity to see the face of law enforcement, generally with a  
33 smile on our face, and generally it's a hey-neighbor-type  
34 contact.

35  
36 I think that works well for both us and our federal partners,  
37 that somebody is there, showing them that we're here to make  
38 sure that this resource is here for you the next time that you  
39 come fishing.

40  
41 These are the priorities for the Southeast Division. These are  
42 written into our contract, and so these are the things that we  
43 focus our efforts on. As you can see right there, it's not a  
44 shocker. Mostly it's red snapper and those type of items, the  
45 reef fish, and marine mammal protection. In Alabama, mostly  
46 that has some things to do with like dolphin cruises. Lacey Act  
47 and Endangered Species Act is where the TED falls.

48

1 Now I'm going to get to the slightly negative portion of my  
2 program, and that is our concerns with the JEA program. I think  
3 the JEA program is an extremely successful program because it's  
4 a cooperative agreement between the states and our federal  
5 partners.

6  
7 We work together to decide how do we address the challenges in  
8 fisheries enforcement, and my concern is that is starting to go  
9 away a little bit. There is always problems with funding, and  
10 we all know that. The budgets go down, and it is what it is,  
11 and so we've worked at how do we divide up the money when the  
12 budgets go down, and they've come up with some creative  
13 solutions to assigning a general amount to each division, and  
14 then we kind of divide that money up inside the division and we  
15 have some flexibility on how that works.

16  
17 We have worked very well with the Regional Office on doing that,  
18 but there is some discussion of changes to the way the overhead  
19 cost -- Most of the biological grants and things are done with  
20 an indirect cost rate included in there, to help with the  
21 background costs that it takes to administer a program.

22  
23 Under the JEA, there is a specific percentage of 35 percent, and  
24 that sounds pretty high, and that was put in place years ago  
25 because some states actually have to pay their state to  
26 administer a program. 35 percent came about because that was  
27 the highest rate paid by several states that they had to pay to  
28 their state coffers, whether it's their general fund or  
29 whatever, to administer their programs, and so they immediately  
30 lose 35 percent of their program.

31  
32 The initial discussions were that NOAA or the states didn't want  
33 to lose a big chunk of money that should be directed at patrol,  
34 and so, to counter that, the 35 percent overhead cost was  
35 applied. There is some talk of going to the indirect cost rate.  
36 The money that is given to each state will still stay the same,  
37 but the way that that is gathered is a little bit different. We  
38 haven't totally wrapped our brains around that, but I do have  
39 some concerns, and I believe some other states will too.

40  
41 A potential decrease in the percentage spent on direct  
42 purchases. Right now, a state can choose to spend 50 percent of  
43 their contract money. This year, I could have done \$230,000 on  
44 direct purchases. I don't, because I feel it's important to  
45 have boots on the ground, but, if I needed a large piece of  
46 equipment to support the missions, I would move more money  
47 towards that direct purchase.

48

1 There is some discussion of reducing the ability to spend 50  
2 percent. Most states do not. Each state runs their program  
3 differently. I will pick on Mississippi, slightly, of Rusty,  
4 and he's back here from Mississippi, and not pick on him, but  
5 they purchased a large vessel last year, and so they maxed out  
6 their direct purchase money, at 50 percent. That is an offshore  
7 patrol vessel designed to work offshore to enforce federal  
8 fisheries.

9  
10 If we reduce those percentages, it makes it a lot harder for  
11 small states like us and Mississippi to purchase such a large  
12 item. It is very challenging for us to get the funds to do  
13 that.

14  
15 The loss of flexibility in assigning hours to priorities, we've  
16 been given a lot of flexibility, and that's a big responsibility  
17 for a state, to say how do I manage the hours and the money that  
18 NOAA has provided, and how do I make sure that I am giving a  
19 good product to NOAA.

20  
21 We try and put the fires out, so to speak, in the patrol world.  
22 You go looking for the bad guy, you go and try and make your  
23 presence known, and so we put our hours to where the hottest  
24 fires are. In Alabama, the hottest fire is reef fish, and  
25 specifically red snapper. The majority of our time and effort  
26 goes towards those types of activities.

27  
28 We do have TED activity, and we do not have a state law to help  
29 enforce TED rules, and so we do put some time to that, but, if  
30 you tell me that I have to spend a specific amount of time on a  
31 project and there is no activity in that particular fishery, I  
32 am wasting your money, and I am the little old enforcement thug  
33 from Alabama and I can barely count, but I hate to waste money.  
34 I promise you that the number-one priority that I have is that  
35 we spend our time and money in the correct areas in this  
36 project.

37  
38 There is talk this year that we're going to go to another  
39 priority, which will be red snapper, and they're going to assign  
40 a percentage of time to that. I believe it's probably going to  
41 be 25 percent, and that takes us to 50 percent of our time will  
42 be outlined and say you will spend this much time in these  
43 priorities.

44  
45 For us, doing -- We could do 50 percent of our time in red  
46 snapper all by itself. That's not a problem. That's where most  
47 of our hours go. My concern is that, when we exceed 50 percent,  
48 we have now lost the flexibility to address the other fires that

1 may pop up.

2  
3 We have very few problems with the Marine Mammal Protection Act,  
4 but, a couple of years ago, we did have a little flare-up. We  
5 had some problems with some dolphin cruises, and we had to put a  
6 couple of weeks of man-hours towards that, and we used some of  
7 the JEA money. Since then, I don't think we have put an hour to  
8 it, other than officers when they ride through take a quick look  
9 and say it's okay. One year, I may need to put hours into it  
10 and the next year I may not.

11  
12 I like having the flexibility to address the issues as they  
13 arise. It is hard to pre-plan for the crime that's going to  
14 occur.

15  
16 Right now, our push from some states, and I am only speaking  
17 mainly for Alabama, is that we like to make sure that we do not  
18 exceed 50 percent of the time being directed by the Office of  
19 Law Enforcement as to where we spend our patrol time.

20  
21 I do not like narrow-minded patrols. I was asked one time, they  
22 said, well, how much of a percentage of your time is directed to  
23 red snapper? I said 100 percent. Well, how much is directed to  
24 TEDs? I said 100 percent. Scott, that's 200 percent. Then I  
25 said, well, I can't add, but I told you that in the beginning.  
26 I said that every patrol is 100 percent directed towards every  
27 priority that we have.

28  
29 I do not want officers putting blinders on. I do not want them  
30 to avoid contact with people because that's not this type of  
31 patrol. That is my concern. I want them to address every issue  
32 on every patrol.

33  
34 Reduced input from the states, these are cooperative enforcement  
35 programs, and I do have a little bit of concern that when there  
36 is directives that come down that that's no longer cooperative.  
37 That is a directive. We are working through that, and I will  
38 tell you that's at the administrator level, and I just want the  
39 council to be aware of that.

40  
41 On the officer-to-officer level and the Office of Law  
42 Enforcement, the agents and uniform guys, we work seamless in  
43 Alabama. I feel like they work very well with some other  
44 states, and that relationship really helps us to support  
45 everything that comes out of here, the rules and regulations  
46 that are changed.

47  
48 I don't want to end on a negative note, but that's just the

1 world that we live in. There are some successes to the program.  
2 There are huge successes to the program. TEDs has been a hot  
3 topic for the last couple of years, with the compliance rates,  
4 and even though Enforcement and the Office of Protected  
5 Resources kind of look at what is a non-compliant and compliant  
6 vessel slightly different, we do not see tied-shut TEDs anymore.  
7 We don't see missing TEDs. I have seen one in upside-down.  
8 When the guy scratched his head for a minute and he said, oh,  
9 yes, that is upside down, that's probably not a deliberate  
10 violation. It was kind of an accidental violation.

11  
12 Because of the amount of enforcement that out there and the  
13 number of officers that are in the field making contact with  
14 these vessels, they know that they can't get away with it, and I  
15 think that's the beauty of the program, is that people know that  
16 they're going to get checked.

17  
18 Alabama does supply the TED enforcement form. I do think that  
19 is a great tool for officers to provide a standard evaluation of  
20 a shrimp vessel and that it's the same from state-to-state and  
21 the Coast Guard. We all operate under utilizing the same form.

22  
23 Bag limits and closed seasons, if you're off the coast of  
24 Alabama, you know that our folks are going to be out there  
25 enforcing bag limits, and we're going to enforce closed seasons.  
26 I realize that there is some challenges between non-compliant  
27 seasons and non-congruent seasons and things like that.

28  
29 I assure you that, outside of any conflicted area, outside of  
30 nine miles, our officers are giving 100 percent to enforcing  
31 federal fisheries rules when we are out there, and we will  
32 continue to do that. What we have found is that the public  
33 likes to see you out there. That's the benefit.

34  
35 We have several thousand hours designated to offshore patrols,  
36 and when we first started this program, we got the looking over  
37 the shoulder and why are you guys out here and what are you  
38 doing, and now, if we're not out there, people will call me and  
39 say I haven't seen your guys out there in a while.

40  
41 That's a huge benefit that, when the public says that I want you  
42 out there, because I am doing the right thing and I'm following  
43 the rules and this guy next to me is not, they want somebody to  
44 check them, and we're more than happy to do that.

45  
46 We get decreased complaints with these patrols. Over the years  
47 that we have done this, the number of offshore complaints have  
48 decreased dramatically. Last year, we had a decrease in what I

1 put on there as our Filet-and-Release Program. It was getting  
2 to be very popular, and we demonstrated the K-9 program that was  
3 developed in Alabama at another meeting.

4  
5 The number one reason for creating that program, from my  
6 perspective, the guy that sits in the chair, was to change  
7 behavior. NOAA provided some funding for us to start a K-9  
8 program. Last March was the first month that the dogs went to  
9 work.

10  
11 Almost immediately, my phone quit ringing with filet complaints.  
12 It was unbelievable, but that's not a measureable. I can only  
13 directly relate three cases to the dogs, where the dogs have  
14 made cases, but I can tell you that my phone quit ringing and I  
15 can tell you that social media blows up every time somebody sees  
16 the dogs, and it's not always positive, and I'm okay with that.  
17 It's kind of the Miley Cyrus effect. Some publicity is better  
18 than no publicity.

19  
20 We have deterred behavior, and that's not measureable, but it's  
21 hugely important in the enforcement world. If I can keep you  
22 from becoming a criminal, then I have won. Writing the ticket  
23 is really not the end-game. The end-game is to change the  
24 behavior, and having these JEA programs changes behavior.  
25 People know that they're going to get checked. We spend a lot  
26 of time at the docks, and the dogs are so popular. They hit the  
27 dock, and immediately the phones come out.

28  
29 I take them to school, well I don't, but the handlers take them  
30 to schools. If you can change the way a kid thinks about the  
31 rules, you have changed behavior, and that's been a huge product  
32 that has come out of the JEA program.

33  
34 That's where we are with the JEA. We think it's a valuable tool  
35 for us, and, for a small state like Alabama, \$460,000, adding  
36 two officers to do federal fisheries full-time, by numbers, and  
37 not real-life officers, but that's a big benefit, because that's  
38 how we support what goes on here, is through those patrols.

39  
40 The dogs look terrible in here. It was before they were  
41 groomed, and I need to update the pictures. They are much  
42 prettier now, but that's -- I will be more than happy to  
43 entertain any questions about our enforcement program here. I  
44 didn't put up a lot of cool pictures and I didn't give you a  
45 tremendous amount of stats, but it was mainly I wanted to show  
46 you how we support what comes out of the Gulf Council, how we  
47 support that in Alabama.

48



1 **CHAIRMAN BOSARGE:** Thank you. It looks like we have several  
2 questions for you. I have Mr. Dale Diaz first.

3  
4 **MR. DIAZ:** Thank you, Major Bannon. That was a very good  
5 report, and I want to thank you for not putting too many graphs  
6 and numbers up there. It's nice to take a break. I do think  
7 your agency has been innovative over the years, and I want to  
8 compliment you on that. I think you all have done and continue  
9 to do things that are innovative, and so you all are very  
10 proactive.

11  
12 I did not take anything you said in your presentation as  
13 negative. I think you are basically relaying to us some of your  
14 concerns, and that's very valuable, and so I appreciate you  
15 doing that.

16  
17 I did want to ask you a question. Do you all do courtesy checks  
18 for TEDs? If somebody calls and they're at the dock and they  
19 want you to come check their TED before they go out, do you all  
20 do that?

21  
22 **MAJOR BANNON:** Absolutely. We don't get it a lot, but if  
23 somebody calls, and occasionally it does happen, especially if  
24 they've been out of the water for a while, or people that are  
25 getting into the business, and if they want us to come check  
26 their stuff, I am more than happy to send someone to go and  
27 check that, because, again, why wait until it's a problem if we  
28 can prevent the problem.

29  
30 **MR. DIAZ:** I really like the courtesy checks, and so I'm glad  
31 you all do that. Thank you for your presentation. Thank you  
32 for being here.

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

35  
36 **MR. MATENS:** Major Bannon, I've got a bunch of stuff. You've  
37 got to forgive me. First of all, I say this every time one of  
38 you guys shows up, but you guys have the most difficult  
39 enforcement job, in my mind, certainly in Louisiana, in law  
40 enforcement. All of you guys do such a great job. I am curious  
41 about a bunch of things. Does Alabama, and forgive me for not  
42 knowing this, does your department get money from the general  
43 fund or are you from self-generated funds?

44  
45 **MAJOR BANNON:** No, all of our money is self-generated.

46  
47 **MR. MATENS:** I was curious, when you talk about whatever percent  
48 that was that you use to buy equipment, what do you do about

1 things like consumables, you know fuel and honeybuns or  
2 whatever?

3

4 **MAJOR BANNON:** We consume a lot of both. The fuel, there is a  
5 cost factor for the vessel. The program pays for a vessel to be  
6 on patrol as well as the person to be on patrol, and, in  
7 Alabama, we pay overtime, and we pay for patrol. Some states  
8 don't. Each state has a different take on it.

9

10 **MR. MATENS:** Also, I am curious about this dolphin interaction.  
11 It's something I don't know much about. Are you in a position  
12 to maybe give an example or two about what would be a violation?

13

14 **MAJOR BANNON:** Sure. Primarily, what we see in Alabama, which  
15 it differs from state-to-state, and Florida is probably the  
16 leader in having to deal with that and have come up with some  
17 creative solutions, but generally what we see are some of these  
18 -- What we have seen in the past is some of these tour boats  
19 that would take bait along, take some shrimp and some fish or  
20 something like that, and they would even sometimes work in  
21 conjunction with guys on jet-skis and things, to kind of stir  
22 the dolphins up and that kind of stuff and get them to where  
23 they're active, and it makes a great show for the public.

24

25 Well, both of those, feeding the dolphins and harassing them  
26 with the jet-skis and personal watercraft, is illegal.  
27 Sometimes they would get together and they would run and create  
28 a big wake so that the dolphins would come interact with the  
29 wake. They have a tendency to want to do that. After some  
30 education and some enforcement presence, most of that has gone  
31 away. Good business partners generally decide to stick with the  
32 best practices to survive.

33

34 **MR. MATENS:** I have a couple more things, if you will indulge  
35 me. How do you determine and enforce what is nine miles?

36

37 **MAJOR BANNON:** There is no line on the chart. The folks from  
38 NOAA have called us and said, hey, we'll put a nine-mile line on  
39 there, and I said, no, there is not a permanent rule for the  
40 nine miles.

41

42 What we tell people, in general, is that there is a three-mile  
43 line on a chart and on your plotter. I said, if you're sitting  
44 in your boat and you run your little cursor back to that three-  
45 mile line on your chart, if it's further than six miles, in my  
46 math, you're outside of nine miles. That is kind of a generic  
47 line.

48

1 What my officers do is they encourage people -- If they feel  
2 that somebody is over that line, based on the latitude and  
3 longitude of where the people are fishing, they will say, well,  
4 we think you're a little over the line, and we will encourage  
5 them to move back into the nine-mile line, but, yes, right now,  
6 it is a challenge. When it becomes a permanent rule, there will  
7 be a line on a chart. The folks at NOAA that take care of that  
8 will do it almost immediately.

9  
10 **MR. MATENS:** One more thing, just a personal thing. I'm a dog  
11 guy. Where did you get the dogs?

12  
13 **MAJOR BANNON:** Auburn University was who we sought out to train  
14 the dogs. Auburn has a K-9 Performance Science Center that is  
15 amazing. They have taught dogs to find pythons down in the  
16 Everglades, and they find cancer. Since this was kind of a  
17 unique program, we wanted a science-based training group, and so  
18 we went to Auburn. They went to Europe to get the dogs.

19  
20 The top dog right there is an English springer, and she is from  
21 Germany. Then the bottom one is an English working cocker, and  
22 he is from Great Britain. In Europe, they have a very strong  
23 line of working dogs that are bird dogs that do bombs and  
24 narcotics. They are air sniffers. They sniff with their head  
25 up. They are very good at it. They are small, and part of our  
26 program, for some of you that did not see the presentation  
27 before, I specifically requested no pointy-eared dogs.

28  
29 I love Belgian Malinois and German Shepherds. I have one that  
30 is half of each. They are great dogs. They are very smart, but  
31 I did not want our officers walking down the dock with this big  
32 monster dog with his tongue hanging out and they're thinking  
33 that I'm about to get eaten, and so these dogs are about thirty  
34 pounds.

35  
36 I need the officers to be able to pick them up. Big dogs don't  
37 like climbing, and so these little dogs wear a harness, and you  
38 can carry them like a suitcase. You put them in the boat.  
39 Probably the average search time for a dog is thirty seconds to  
40 do the average boat. They are unbelievable at detecting, but  
41 they came from Europe.

42  
43 **MR. MATENS:** I am a hunter, and we use both of these dogs for  
44 flush-and-retrieve dogs. They are great dogs.

45  
46 **MAJOR BANNON:** They are very personable. What we have found is  
47 that -- I should have put a picture up there, but they are named  
48 Morgan and Gaines.

1  
2 **MR. MATENS:** That would be Officer Morgan and Officer Gaines,  
3 right?  
4  
5 **MAJOR BANNON:** Yes, Officer Morgan and Officer Gaines. They are  
6 named after the forts that are at the mouth of Mobile Bay, Fort  
7 Morgan and Fort Gaines. My little quirky thing was the forts  
8 protected Alabama and these dogs protect the resources of  
9 Alabama.  
10  
11 They are very personable. We can take them into schools. They  
12 roll over on the floor, and they are pretty vicious with their  
13 tongues out with their bellies up and the kids are rubbing on  
14 them, but I will tell you, if you do get a K-9 program and you  
15 take them into the schools, you must be prepared for the number  
16 of tennis balls that are on the feet of the chairs and tables,  
17 because the dogs kind of go into sensory overload.  
18  
19 **MR. MATENS:** I don't want to take too much of your time, but  
20 thank you very much for indulging me.  
21  
22 **MAJOR BANNON:** Thank you.  
23  
24 **CHAIRMAN BOSARGE:** Mr. Banks.  
25  
26 **MR. BANKS:** Thanks, Scott, for the presentation. I was curious  
27 to know what your thoughts are on why you guys have to spend so  
28 much time on red snapper compliance.  
29  
30 **MAJOR BANNON:** I mean, it's a no-brainer. There is some  
31 frustration with short seasons and small bag limits, and,  
32 naturally, with the state seasons and the federal seasons, it  
33 causes some confusion with the public, and so we work very hard  
34 to make sure that people are aware of what are state waters and  
35 what are state seasons and what are federal waters and what are  
36 federal seasons, but it is the most popular fish that is sought  
37 after in Alabama.  
38  
39 **CHAIRMAN BOSARGE:** Mr. Swindell.  
40  
41 **MR. SWINDELL:** I can't let the other two Louisiana people talk  
42 without me talking. Thank you for your presentation. Your  
43 presentation has been very good. What size vessel do you have  
44 to use for offshore work?  
45  
46 **MAJOR BANNON:** The biggest vessels we have are about thirty-nine  
47 feet. For the areas that we generally work, that works pretty  
48 well. We man them with a crew of three. We have gone as far as

1 about ninety miles offshore doing those. We've been down off  
2 the coast of Louisiana. One of my favorite comments from a guy  
3 who we checked, and he looked around and he said, am I in  
4 Alabama, and I said, no, sir, you're off the coast of Louisiana,  
5 in federal waters, but we have several vessels in that range.

6  
7 **MR. SWINDELL:** One of the other issues that I am always  
8 interested in with our Coast Guard representative here is your  
9 cooperation and relationship with the Coast Guard out of the  
10 area. I assume that you have a good working relationship and  
11 have been involved with them from time to time, and am I  
12 correct?

13  
14 **MAJOR BANNON:** Unfortunately, I am one for the last twenty-seven  
15 years. I am the Command Master Chief for the Coast Guard Sector  
16 Mobile Reserve Program, and so we have an "in" with the Coast  
17 Guard. Our relationship, it works pretty well. We have a  
18 relationship with the sector as well as the stations that are in  
19 our area. They have my phone number, and, of course, it rings  
20 24/7.

21  
22 They have the officers' numbers. They will call us if they have  
23 something that they feel is a little quirky for them to handle,  
24 and we try and communicate with them as well, with some of the  
25 season changes and things and how we are going to conduct  
26 ourselves, and so I think the relationship in our area is good.

27  
28 **CHAIRMAN BOSARGE:** Lieutenant Commander.

29  
30 **LCDR DANAHER:** Thank you, Madam Chair. I appreciate the  
31 presentation, Major. I just wanted to go back to one of the  
32 slides that you had there, when you cited the twenty-one  
33 Magnuson-Stevens Act violations. Amongst those, and I apologize  
34 if I missed it during your brief, but any kind of trends or  
35 common violations that you're seeing?

36  
37 **MAJOR BANNON:** These are generally closed season red snapper  
38 cases is probably the majority of those, people out there when  
39 they're not supposed to be out there, and that happens year-  
40 round. We have seen a change in that. When the seasons started  
41 getting shorter and shorter, there was kind of an uptick in the  
42 cases, but now there is -- I think it's kind of on the downside,  
43 and, actually, over the years of this program -- I tell people  
44 that I should have been on the debate team in high school,  
45 because I could argue that writing tickets shows that you're  
46 working really hard and doing a great job or I can argue that  
47 you're doing a terrible job, because you're still writing a  
48 bunch of tickets.

1  
2 Under the JEA program, these cases have dropped over the years,  
3 and I think it's because of that presence that we can put out  
4 there because of the program.  
5  
6 **LCDR DANAHER:** Thank you.  
7  
8 **CHAIRMAN BOSARGE:** Dr. Lucas.  
9  
10 **DR. LUCAS:** Major Director or Director Major or however --  
11  
12 **MAJOR BANNON:** Just Scott. Scott is the easiest one to  
13 remember. I won't tell you what my wife calls me.  
14  
15 **DR. LUCAS:** When you were pointing out some of the issues with  
16 JEA and the JEA program, you made mention of indirect rates. Is  
17 that the indirect -- Is JEA trying to cap the indirect rate or  
18 is that a kind suggestion by JEA of that?  
19  
20 **MAJOR BANNON:** That is a proposal on the table from the Office  
21 of Law Enforcement, is to move to that, doing indirect cost rate  
22 instead of just putting in the 35 percent overhead, and what  
23 most states use that money for, and that is part of the program,  
24 and it's no secret, is to fund things like all the items it  
25 takes for an officer to get into the field, help with uniforms  
26 and help with the background supplies. That's really what that  
27 is for, but some states have to pay to even support the program,  
28 and so they lose that money. That automatically goes to their  
29 state general funds. I believe Mississippi may pay some  
30 percentage. Rusty may know.  
31  
32 **DR. LUCAS:** Yes, all grants that come in are subject to whatever  
33 the indirect federally-negotiated rate is.  
34  
35 **MAJOR BANNON:** So please nobody stop by Montgomery on their way  
36 out of here and tell them that we're not paying into the general  
37 fund with that.  
38  
39 **CHAIRMAN BOSARGE:** Anybody else? It was obviously an excellent  
40 presentation. You had lots of feedback.  
41  
42 **MAJOR BANNON:** Either that or I talked too much.  
43  
44 **CHAIRMAN BOSARGE:** No, I loved it, and I love that you bring the  
45 dogs into the school to change the behavior via the children and  
46 then have it flow up from there, and so I think that's an  
47 excellent idea. Thank you. That was a great presentation, sir,  
48 and we appreciate it.

1  
2 **MAJOR BANNON:** Thank you.  
3

4 **CHAIRMAN BOSARGE:** We have a little bit of time before we are  
5 scheduled for lunch, and so we are going to try and maybe do a  
6 few committee reports, if that's okay with the group. Let's see  
7 if Dr. Lucas is ready with the Admin/Budget Report. I will turn  
8 it over to you.  
9

10 **COMMITTEE REPORTS**  
11 **ADMINISTRATIVE/BUDGET COMMITTEE REPORT**  
12

13 **DR. LUCAS:** All right, Madam Chair. The committee adopted the  
14 agenda and minutes of the January 2017 Administrative/Budget  
15 Committee meeting as written.  
16

17 Agenda Item IV, Review of Grant Expenditures and Anticipated  
18 Budget Activities & Funding, Dr. Simmons presented the list of  
19 proposed 2017 activities in Tab G, Number 4(a). The list  
20 contains both activities that are anticipated as well as those  
21 that are already conducted.  
22

23 Ms. Hager presented a summary of council expenditures to date  
24 from the first two years of our five-year grant and preliminary  
25 estimate of 2017 budget in Tab G, Number 4(b). The presented  
26 2017 budget is a 1 percent increase above the 2016 funding.  
27 Once we get clarification from National Marine Fisheries Service  
28 regarding our final funding level for 2017, we anticipate  
29 bringing the final 2017 budget back to the council for approval  
30 in June.  
31

32 Agenda Item V, Approval of Changes to Check Writing Procedures,  
33 current council policy, as shown in Tab G, Number 5, is to allow  
34 electronic signatures only for checks less than \$2,000. We are  
35 printing more checks manually in the office that range between  
36 \$2,000 and \$5,000.  
37

38 The ability to electronically sign these checks will help us  
39 prevent payment delays in the event we have two of the three  
40 council officers out of the office. The \$5,000 threshold should  
41 cover most normal operating costs, including individual travel  
42 and meeting expenses.  
43

44 **The committee recommends, without opposition, and I so move, to**  
45 **accept the revised language as stated in the SOPPs. 6.4 Check**  
46 **Signatures: All checks issued will bear two authorizing**  
47 **signatures, these signatures being two of either: the**  
48 **Administrative Officer, the Executive Director, or the Deputy**

1 **Executive Director.** All checks processed through accounts  
2 payable for amounts greater than \$5,000 must be manually signed.  
3 Those are the changes that are listed in red.

4  
5 **CHAIRMAN BOSARGE:** We have a committee motion on the board. Any  
6 discussion on the motion? **Seeing none, is there any opposition**  
7 **to the motion? The motion carries.**

8  
9 **DR. LUCAS:** Agenda Item VI was Review of H.R. 200, which is MSA  
10 reauthorization and the potential impacts. House of  
11 Representatives Bill 200 has been introduced into committee and  
12 has a number of items that are directly pertinent to the Gulf of  
13 Mexico. Staff noted that NOAA General Counsel has advised the  
14 councils they could no longer indicate to Congress preferences  
15 for particular sections of a bill, but rather should only  
16 comment on the potential impacts of proposed legislation.

17  
18 Staff first presented a summary of potential impacts in Sections  
19 12, 14, 16, 17, 20, 23, and 29 of H.R. 200, as listed in Tab G,  
20 Number 6, directly related to the Gulf of Mexico. Afterward,  
21 staff was also able to review Sections 1 through 6.

22  
23 Committee comments and suggestions will be incorporated into the  
24 impact analysis, and additional review of the remaining ten  
25 sections of H.R. 200 will continue during the June council  
26 meeting. There was no other business to come before the  
27 committee. Madam Chair, this concludes my report.

28  
29 **CHAIRMAN BOSARGE:** Thank you, Dr. Lucas. We have a little bit  
30 of time left still, and so I am going to see if Mr. Boyd is  
31 ready with the Law Enforcement Committee Report.

32  
33 **LAW ENFORCEMENT COMMITTEE REPORT**

34  
35 **MR. BOYD:** I am, Madam Chairman. The Law Enforcement Committee  
36 agenda was approved as written, and the minutes of the October  
37 19, 2016 committee meeting were approved with the correction of  
38 two typos.

39  
40 The committee met in closed session. Staff reviewed the five  
41 nominees for officer of the year, and the committee discussed  
42 the nominations. Voting was conducted by secret ballot, with  
43 each committee member voting for two candidates, and I will  
44 explain that if anybody needs to understand why we voted for two  
45 candidates, but the result was a three-way tie.

46  
47 The names of the three nominees who were tied were forwarded to  
48 the Full Council for its closed session immediately following



1 the Law Enforcement Committee meeting. Voting by the Full  
2 Council was conducted by secret ballot, with each voting council  
3 member voting for one candidate. The 2016 Officer of the Year  
4 is Officer Roy Lipscomb of Mississippi.

5  
6 I would like to read a few brief items that were in the letter  
7 from the Governor and from Jamie Miller. Officer Lipscomb is a  
8 full-time officer in the Office of Marine Patrol since 2014, and  
9 this is going to sound sketchy, because I am just pulling out  
10 pieces.

11  
12 He was a fisheries technician for eleven years. He worked as a  
13 technician, and Lipscomb served as an unpaid marine patrol  
14 reserve officer. Lipscomb has distinguished himself as a  
15 highly-productive, self-motivated law enforcement officer.

16  
17 Officer Lipscomb has many fisheries contacts that have resulted  
18 in numerous referrals to NOAA regarding fisheries violations.  
19 Those included seized TEDs and possession of dozens of illegal  
20 shark fins, and inspection of licensed Mississippi food dealers.  
21 At one point, at a dealer, he found a large fish head that he  
22 presumed to be a goliath grouper, and that particular fish head  
23 has been referred to scientists for verification.

24  
25 Outside of his federal fisheries duties, Officer Lipscomb is  
26 actively involved in other aspects serving his community. He  
27 has rescued countless injured birds, reptiles, and amphibians,  
28 transporting them to animal hospitals and rehabilitation  
29 centers, often on his personal time and at his own personal  
30 expense.

31  
32 Officer Lipscomb is also a Sergeant First Class in the United  
33 States Army National Guard, where he has served numerous  
34 deployments to Iraq and Afghanistan in support of the war on  
35 terror.

36  
37 This was not a difficult decision, but it was obviously a  
38 thoughtful decision by the committee. That's not in the  
39 minutes, but I wanted you to know that the council spent time  
40 and read every one of the officer recommendations, and Officer  
41 Lipscomb became the winner of our Officer of the Year. Madam  
42 Chairman, that is my report.

43  
44 **CHAIRMAN BOSARGE:** Thank you, sir, and congratulations to  
45 Officer Lipscomb of Mississippi. I think we have time for one  
46 more report. If Mr. Walker is ready, I will let him give the  
47 Sustainable Fisheries Report.

48

1                                   **SUSTAINABLE FISHERIES COMMITTEE REPORT**

2  
3 **MR. WALKER:** Thank you, Madam Chair. The agenda and the minutes  
4 of the October 5, 2015 committee meeting were approved as  
5 written.  
6

7 Effectiveness of Techniques to Reduce Barotrauma Effects, Dr.  
8 Greg Stunz gave a presentation on the results of research into  
9 the effectiveness of various types of devices to reduce  
10 barotrauma and improve survival of released red snapper.

11  
12 Based on both laboratory studies, using compression chamber and  
13 field studies, both rapid descent and venting tools, when used  
14 properly, resulted in high survival in depths down to forty to  
15 fifty meters. However, non-vented and non-descended fish showed  
16 poor survival when caught at sixty meters, and all fish showed  
17 poor survival, over 80 percent mortality, when caught at depths  
18 greater than eighty meters.

19  
20 Although venting tools can be effective, they are often  
21 improperly used. In addition, the fish may face predators  
22 during its descent, and may face stress, due to differences in  
23 water temperature at the surface versus at depth, particularly  
24 in the summer. For these reasons, Dr. Stunz recommended the use  
25 of rapid descent tools over venting tools. Following Dr.  
26 Stunz's presentation, the committee passed the following motion.

27  
28 **By a voice vote with one opposed, the committee recommends, and**  
29 **I so move, to instruct staff to develop an action to require**  
30 **either descending devices or venting tools onboard vessels**  
31 **possessing reef fish in federal waters to reduce discard**  
32 **mortality.**

33  
34 **CHAIRMAN BOSARGE:** All right. We have a committee motion. Is  
35 there any discussion on the motion? Mr. Greene.

36  
37 **MR. GREENE:** I was the one that was in dissent on this vote,  
38 and my hang-up was I really just wanted to make this very simple  
39 and very easy. My hope was to have an action to require  
40 descending devices or venting tools onboard the vessel if you  
41 were in possession of reef fish, and that was really all I  
42 wanted to do, and I can put that in the form of a motion, or a  
43 substitute motion, if you would like, but I just wanted to throw  
44 that out there now. That was my hang-up in committee, and  
45 that's where I'm at.

46  
47 **CHAIRMAN BOSARGE:** So the motion was a little too specific for  
48 you. You were hoping it would be a little bit broader and left

1 open for options in the action?

2  
3 **MR. GREENE:** Yes, ma'am. I mean, I've gotten to where I really  
4 try to look at stuff -- I don't want to pass something if we  
5 can't really enforce it, and it's pretty simple. If you possess  
6 reef fish, you've got to have a descender device onboard, and  
7 that's really all I'm trying to get to. I mean, that's it. It  
8 doesn't matter what you're doing. If you've got them, you need  
9 to have this equipment on the boat.

10  
11 **CHAIRMAN BOSARGE:** Dr. Crabtree.

12  
13 **DR. CRABTREE:** I am not understanding how that's not exactly  
14 what this motion does. It requires, if you're going to possess  
15 a reef fish, you have to have a descending device or a venting  
16 tool onboard.

17  
18 **MR. GREENE:** I just didn't like the last part, where it starts  
19 off with "possessing reef fish in federal waters to reduce  
20 discard mortality", because it seems like it could cause a lot  
21 of uncertainty on the water of, well, I was just in state waters  
22 or I was just here or I was just there, and I was trying to  
23 avoid all of that.

24  
25 **DR. CRABTREE:** We can take the "federal waters" out of it, I  
26 suppose, but, really, our jurisdiction is federal waters, and  
27 so, from a practical standpoint in the regulation, I don't know  
28 that that would change things.

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

31  
32 **MS. GUYAS:** Johnny, I understand that concern, and so I can tell  
33 you, at least in Florida, there has been a lot of discussion  
34 about descending devices, particularly on the South Atlantic  
35 side, because they are dealing with some red snapper issues, and  
36 that's one of the options that they're looking at.

37  
38 This has caught the attention of our commission. We're going to  
39 be discussing it at our next meeting, under the South Atlantic  
40 item, and so it's something that is on our commissioners' minds,  
41 and so having some consistency there, if the council goes in  
42 this direction.

43  
44 I think there are some challenges there. We wouldn't want  
45 people using these devices when they don't need to, and I think  
46 we will have to work through that as we are doing this, at the  
47 council level and at the commission, if the commission does  
48 something with it, but there is a lot of complexities here and

1 details that we'll need to work through.

2  
3 **CHAIRMAN BOSARGE:** Lieutenant Commander.

4  
5 **LCDR DANAHER:** Thank you, Madam Chair. Just to pulse in on the  
6 comment from Mr. Greene and from Dr. Crabtree, Dr. Crabtree is  
7 correct. If you're making a comparison with some of the turtle  
8 mitigation equipment that is already required on vessels that  
9 are fishing for Gulf reef fish, the jurisdiction can only be  
10 enforced in federal waters, and so I mean I agree with the  
11 tools. I think it's an impressive piece of equipment, and worth  
12 implementation, but I have my limits.

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

15  
16 **MR. GREENE:** Lieutenant Commander is absolutely correct, because  
17 I had the turtle information in mind when I was thinking about  
18 this, and I was just trying to see if there wasn't a -- I  
19 understand the jurisdiction and boundaries, and it seems like  
20 maybe the states will fall in line if we do something in federal  
21 waters, but I was just trying to make it a little more subtle  
22 and a little easier to enforce.

23  
24 While I understand good intent doesn't always work out, that was  
25 my sole intention and motivation, because the turtle stuff is  
26 rather confusing to begin with, especially with not having to  
27 have it inside the state waters, or inside the federal waters,  
28 excuse me.

29  
30 **CHAIRMAN BOSARGE:** Dr. Crabtree.

31  
32 **DR. CRABTREE:** The turtle stuff is different, because it's an  
33 Endangered Species Act requirement, and so it can -- It's not  
34 limited by state and federal waters. I think Johnny may be  
35 right that we ought to take the words "federal waters" out. The  
36 fact is, for the for-hire fleet, we can require them to have  
37 them onboard regardless of where they are as a condition of the  
38 permit.

39  
40 Johnny, if you want to make a substitute motion and remove  
41 "federal waters" from that statement, I don't have any objection  
42 to that. Then, when we develop the requirement, we can deal  
43 with the details of it.

44  
45 **CHAIRMAN BOSARGE:** Lieutenant Commander.

46  
47 **LCDR DANAHER:** Thanks, Madam Chair. Dr. Crabtree, I just want  
48 to make sure that we're on the same page. The TED material,

1 you're correct, sir, that that's Endangered Species Act, but the  
2 turtle mitigation gear, to my knowledge, is Magnuson-Stevens.

3  
4 **DR. CRABTREE:** I will have to look at it. There is some turtle  
5 stuff we have that's done under ESA stuff and some is probably  
6 done under the HMS things, but it could be done either way. In  
7 this case, we can require these devices onboard federally-  
8 permitted vessels, for-hire or commercial, regardless of where  
9 they are fishing. It's just the private guys who don't have any  
10 federal permit that it's a little different.

11  
12 **CHAIRMAN BOSARGE:** Mr. Greene.

13  
14 **MR. GREENE:** With all of that being said, I would like to make a  
15 substitute motion to instruct staff to develop an action to  
16 require either descending devices or venting tools onboard  
17 vessels possessing reef fish to reduce discard mortality.

18  
19 **CHAIRMAN BOSARGE:** We have a substitute motion on the board. Do  
20 we have a second to the motion? It's seconded by Dr. Frazer.  
21 Is there discussion on the substitute motion? **Seeing no**  
22 **discussion, is there any opposition to the substitute motion?**  
23 **Seeing no opposition, the motion carries.** Mr. Walker.

24  
25 **MR. WALKER:** Thank you.

26  
27 **CHAIRMAN BOSARGE:** Mr. Walker, hang on just a second. Mr.  
28 Gregory has a question about it.

29  
30 **MR. GREGORY:** Some clarification. When this motion was made in  
31 committee, I had the impression that we would come back with an  
32 action that would have some alternatives that might say  
33 descending devices and venting tools or just descending devices  
34 or just venting, alternatives like that, but, if that's not  
35 necessary, we can just have this as an action without  
36 alternatives, just status quo and this. What is the preference  
37 of the committee?

38  
39 We could keep it simple or we could look at different things,  
40 because I thought -- When I was wording this, I felt like, if  
41 somebody didn't like the idea of descending devices or venting  
42 tools, and so I was just thinking we would have some  
43 alternatives and flesh it out a little bit more.

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

46  
47 **DR. STUNZ:** Doug, I am certainly about simplicity, but it was me  
48 that you are probably thinking of, because of the skill of use

1 of the venting tool. I didn't know if -- In my professional  
2 opinion, I would much rather see descending devices than venting  
3 tools onboard, and that would have given us that option. Now, I  
4 don't know if we could simplify and maybe still have some very  
5 simple options as well.

6  
7 Also, something else, while I have the floor, and I am not  
8 opposed to the motion at all, but it did say "when possessing".  
9 Maybe we can have some discussion when that comes up about if  
10 you're targeting reef fish, because what if you're just  
11 releasing them all? You never have possession of them, but you  
12 didn't descend any of them. Anyway, that's just a small nuance,  
13 but maybe, through some alternatives, we can develop that  
14 further.

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

17  
18 **DR. CRABTREE:** I think the intricacies of this are something for  
19 the IPT and the NEPA people to all work out, and maybe it needs  
20 alternatives and maybe it doesn't. I don't know, but I don't  
21 think we need to solve that now.

22  
23 **CHAIRMAN BOSARGE:** Staff, would you scroll up a little, so that  
24 we could see that motion on the board as we are further fleshing  
25 it out? Thank you. Mr. Greene.

26  
27 **MR. GREENE:** I think Dr. Stunz makes a good point, in the word  
28 "possessing", and I don't want to get hung up on a word, because  
29 we're just trying to develop an action, but I think he makes a  
30 very good point there, and I want to make sure that it's  
31 captured.

32  
33 I don't know if I should modify my substitute motion to  
34 encompass that or if we should just make sure it's on the record  
35 and go forward with it, because I also want to make sure that we  
36 have some form of an education and outreach component or a  
37 placard that goes along with it that is going to help people  
38 understand when does a group like Dr. Stunz represents -- When  
39 do you suggest is the ideal time to vent a fish or use a  
40 descender? If you catch a fish in twenty feet of water, do you  
41 do it then or is it 200 feet? I think we need to follow along  
42 with that as well.

43  
44 **CHAIRMAN BOSARGE:** I think it sounds like we're having some  
45 discussion here, Doug, that would lead you to believe that we're  
46 going to need some alternatives, and so I think that's pretty  
47 well spelled out. Nothing we do is simple, right?

48

1 **MR. GREGORY:** Thank you.  
2  
3 **CHAIRMAN BOSARGE:** All right. Lieutenant Commander.  
4  
5 **LCDR DANAHER:** Thank you, Madam Chair. I just wanted to kind of  
6 clean up the battlefield a little bit. Dr. Crabtree, you are  
7 correct, sir. Getting into the turtle mitigation equipment and  
8 the TEDs is probably bad form on my part, because you are  
9 talking about the Endangered Species Act, and I was actually  
10 looking at the wrong page, and so I'm citing the incorrect  
11 information, but, for reef fish release gear, it can be enforced  
12 in federal waters under Magnuson-Stevens. That is my limitation  
13 there.  
14  
15 **CHAIRMAN BOSARGE:** Thank you for the clarification, sir. Ms.  
16 Levy.  
17  
18 **MS. LEVY:** You can definitely talk about this more when it comes  
19 back, but I think the reason the "possessing" was in there was  
20 because, I think if you talk to enforcement folks, the idea of  
21 enforcing a fishing for or targeting requirement is just -- It  
22 is extremely hard to show that somebody was targeting reef fish  
23 species or even just was fishing for. Proving that becomes  
24 difficult, whereas possession is very easy. It's on the vessel  
25 and they possess it. I would just think about that as you're  
26 moving forward when you're developing this.  
27  
28 **CHAIRMAN BOSARGE:** We will take that into consideration. Mr.  
29 Swindell.  
30  
31 **MR. SWINDELL:** No offense, but I think this whole idea has a lot  
32 of work yet to be done. There is no definition given about what  
33 descending device is approved by the council, just how do these  
34 descending devices work, or what a venting tool really means to  
35 anybody or a descending device. A descending device could be a  
36 lead weight with a string on it. Unless we've got good  
37 definitions here to describe these things, I think we're just  
38 putting words in the motion. Thank you.  
39  
40 **CHAIRMAN BOSARGE:** Dr. Crabtree.  
41  
42 **DR. CRABTREE:** We will develop definitions of what they mean and  
43 what meets the definition of it. That will come when we're  
44 putting this together and have a rule.  
45  
46 **CHAIRMAN BOSARGE:** Okay. Real quick, Dr. Stunz.  
47  
48 **DR. STUNZ:** Very quick, because I just want to make sure that we

1 get this on the record, to Mara's point. I completely  
2 understand the enforcement side of the possessing, but the real  
3 value of these tools is when you are not wanting to possess fish  
4 and it's out of season and you're releasing them, and so surely  
5 staff has got enough discussion now that we can hash this out  
6 later, but I want to make sure that it's very clear that it's  
7 not just when you're keeping these fish that they're of value.

8  
9 **CHAIRMAN BOSARGE:** Very valid point. All right. We're going to  
10 have a lot of discussion about this when staff brings us back  
11 this action item, I can tell already, but it's good discussion.  
12 Mr. Walker, are you ready to continue?

13  
14 **MR. WALKER:** Yes, and thank you, Madam Chair. Options Paper on  
15 ABC Control Rule Revisions, Mr. Atran reviewed a preliminary  
16 options paper on possible revisions to the ABC control rule to  
17 improve accounting for uncertainty in setting ABC.

18  
19 These revisions included several approaches to determining P\*,  
20 which is probability of overfishing, or Q\*, a qualitative  
21 adjustment to setting ABC. Additional possible revisions  
22 included alternatives regarding construction of probability  
23 density functions, or PDFs. Options for add-ons to the ABC  
24 control rule were also discussed, including carryover of  
25 unharvested quota, phase-in of changes to ABC, and consideration  
26 of socioeconomic factors when setting ABC.

27  
28 Mr. Ryan Rindone provided additional details about the actions  
29 to allow carryover of unharvested quota. The SSC was to have  
30 reviewed the options at last week's SSC meeting, but ran out of  
31 time. They will review the options paper at their next meeting  
32 in May. Madam Chair, this concludes my report.

33  
34 **CHAIRMAN BOSARGE:** Thank you, sir. That takes us right up to  
35 our scheduled lunch break. Dr. Crabtree, do you have a --

36  
37 **DR. CRABTREE:** One thing we've been discussing is the  
38 possibility of removing the carryover provisions from all of the  
39 ABC control rules and dealing with it as a separate amendment, I  
40 guess to move it forward more quickly. There is something to  
41 think about, if you are interested in doing that.

42  
43 **CHAIRMAN BOSARGE:** Okay. Any discussion from the council on  
44 that idea? Does anybody have strong feelings or opposition to  
45 that idea? Everybody is ready for lunch, it seems. I haven't  
46 heard any strong opposition to it. Maybe we need to talk to  
47 staff a little bit, too. That's the first I've heard of that,  
48 and so maybe we'll kind of chew on it a little bit and talk to



1 staff and see what that looks like with their workload and get  
2 back with you on that.

3  
4 All right. If there is nothing else, we will go to lunch. We  
5 will reconvene at 1:30 for public comment, and so please be on  
6 time and in your chair and ready at 1:30. Thank you.

7  
8 (Whereupon, the meeting recessed for lunch on April 5, 2017.)  
9

10 - - -

11  
12 April 5, 2017

13  
14 WEDNESDAY AFTERNOON SESSION

15  
16 - - -

17  
18 The Full Council of the Gulf of Mexico Fishery Management  
19 Council reconvened at the Hyatt Regency Birmingham, Birmingham,  
20 Alabama, Wednesday afternoon, April 5, 2017, and was called to  
21 order by Chairman Leann Bosarge.

22  
23 **CHAIRMAN BOSARGE:** I am going to read our statement for public  
24 testimony and then we will dive right in. Public input is a  
25 vital part of the council's deliberative process. Comments,  
26 both oral and written, are accepted and considered by the  
27 council throughout the process.

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

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

42  
43 Knowingly and willfully submitting false information to the  
44 council is a violation of federal law. If you plan to speak and  
45 haven't already done so, please sign in at the iPad registration  
46 station located at the entrance to the meeting room. We accept  
47 only one registration per person.  
48

1 Each speaker is allowed three minutes for their testimony.  
2 Please note the timer lights on the podium, as they will be  
3 green for the first two minutes and yellow for the final minute  
4 of testimony. After the three minutes is up, the red light will  
5 blink, and a buzzer may be enacted, although we try not to do  
6 that to you. Time allowed to dignitaries providing testimony is  
7 extended at the discretion of the Chair. Welcome, everyone. We  
8 are glad to have you here. First on our list this afternoon is  
9 Mr. Avery Bates, who will be followed by Mr. Ken Haddad.

10  
11 **PUBLIC COMMENT**  
12

13 **MR. AVERY BATES:** My name is Avery Bates, and I am Vice  
14 President of Organized Seafood Association and five generations  
15 of commercial fishermen. This hat proves one thing, that I want  
16 to see everybody enjoy wild-caught seafood. Through management,  
17 and we haven't seen very good management along the Gulf coast,  
18 to make sure that our ancestors will enjoy it.

19  
20 One thing, what we've seen, is open water disbursement of dredge  
21 material in Mobile Bay that is getting ready to take place with  
22 deepening and widening. It's closing down fishing bottoms and  
23 critical habitat and causing environmental damage that will last  
24 for generations to come, and it seems like they don't think that  
25 commercial fishermen have a right to navigate Mobile Bay or fish  
26 in these areas they're going to cover up.

27  
28 Our problem is already seeing places that's been covered up by  
29 dredge and spoil that's considered pollution, and I want you all  
30 to know that these certain groups that say it's all right to put  
31 a two-mile island right where people are working and producing  
32 good, healthy seafood, they don't work in the bay.

33  
34 In fact, they have interworking groups that totally left the  
35 commercial fishermen out. We need a word in the scheme of  
36 things to keep our people fishing. Don't leave the commercial  
37 fishermen out when you're making certain guidelines for us to go  
38 by.

39  
40 Even the redfish is so plentiful in Mobile Bay and around. We  
41 had a whole shutdown of the State of Louisiana for crabs, for  
42 one month. We see the proliferation of redfish all over, every  
43 angler, every sports show you get on. Go to the mouth of the  
44 river. Go to the mouth of the bay. There is plenty of  
45 abundance of redfish, and then we turn loose 70,000 more. Every  
46 state is pouring them out.

47  
48 Then every state is saying we are 1.4 million off of crabs, and

1 guess what the main diet of a redfish is? It's a crab. The  
2 black drum is the same thing. We are adding to the problem of  
3 the depletion of resources that is crucial to feeding our  
4 people, and, when you call them a gamefish, according to Law  
5 912-125, you are taking these fish away from the people that can  
6 sell them.

7  
8 A licensed commercial fisherman can only be the one that is  
9 selling them to the restaurants and the markets. Every fish  
10 that's named a gamefish denies the public that property, and it  
11 is property.

12  
13 Does anybody know the U.S. Constitution says that you are  
14 entitled to life, liberty, and property? Read Amendment 5 and  
15 Amendment 14 of the Alabama state constitution. It's the same  
16 thing. Section 1, on 35, on that section, and Section 6.  
17 They say the Magnuson-Stevens Act, and why give 100 percent of  
18 any particular species to one user group? George W. Bush did it  
19 with the stroke of a pen.

20  
21 **CHAIRMAN BOSARGE:** Mr. Bates, I am sorry, but the three minutes  
22 is up. I am sorry your three minutes is up, but we will be here  
23 all day and all week, and we are more than happy to talk to you.  
24 I am sorry, sir.

25  
26 **MR. BATES:** Does anybody have any questions?

27  
28 **CHAIRMAN BOSARGE:** We do have a question from Mr. Anson.

29  
30 **MR. ANSON:** Not a question, but just a comment. Avery, thanks  
31 for coming, and I just want to make sure you are aware or clear  
32 that the Mobile District of the U.S. Army Corps of Engineers is  
33 overseeing and the lead agency responsible for the widening and  
34 deepening of the Mobile ship channel, and I just wanted to make  
35 sure that -- They're going through a public comment process  
36 right now, and I just wanted to make sure, if you haven't  
37 already done so, to go ahead and provide your comments to them.

38  
39 **MR. BATES:** I have made my comments to Mr. Curtis Flakes, and  
40 these people with the Corps, they don't care if we keep our  
41 jobs. We have seen it over and over. In 1979, we had a little  
42 storm called Frederic that went through. We oystered on all the  
43 west side, the White House dumps and the West dumps, and guess  
44 what? They come right by with open water disbursement, where  
45 seventy-five oystermen was working down these reefs, and they  
46 put that much dirt on top of it. You don't catch oysters when  
47 you've got that much dirt on top of it.

48

1 I want you to be aware that the profit of the earth does belong  
2 to everybody, and we supply a lot of that profit, and if you  
3 don't think so, go try to buy a fish from a foreign country that  
4 is very seldom suitable to eat. It's either got chemicals in  
5 it, shrimp with chloramphenicol, but we like to eat wild-caught,  
6 Alabama, Gulf-caught oysters and shrimp and fish and crabs. If  
7 you let other species dominate and proliferate to such a point  
8 where it eats it all --

9  
10 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Ken  
11 Haddad, followed by Ms. Alison Johnson.

12  
13 **MR. KEN HADDAD:** Thank you, Madam Chair and council members. My  
14 name is Ken Haddad, and I'm with the American Sportfishing  
15 Association, out of Lloyd, Florida. I have got some general  
16 comments. I wanted to first talk about our management options  
17 report. We appreciate you taking it seriously. We also  
18 appreciate NOAA doing a first-cut analysis.

19  
20 We think a lot more needs to go into this to think about the  
21 management paths, and I will just make a few comments towards  
22 that. One, we hope you will break with tradition and not start  
23 the evaluation process for any of these with an amendment. We  
24 would like to see preliminary work done.

25  
26 We get kind of antsy when an amendment is started, because it  
27 kind of indicates there is already a path, and we think we  
28 provided a good suite of options that need integrated  
29 evaluation.

30  
31 I wanted to reemphasize the discussion on the forty-day minimum.  
32 That was kind of a highlight of the NOAA presentation, and I  
33 want to make sure that we keep it in context. That was a  
34 minimum of forty days, which was considered a breaking point  
35 that could be better than the status quo, and so, again, that  
36 forty days is always measured against the status quo, and we  
37 just need to keep that in mind.

38  
39 We think that Dr. Barbieri's discussion on management strategy  
40 evaluations, kind of the poor -- When you don't have a lot of  
41 data, and we think those could be applied to these options in  
42 more of an innovative way, to think about how those options may  
43 play forward. We would like to see some innovative thinking in  
44 evaluating the options.

45  
46 It's very easy to look at them and just say this is going to be  
47 hard. We would like to kind of think of how can we get past  
48 hard and get into actually making some estimates of where we can

1 go with those.

2  
3 Amendment 39, that came up in discussion. We fully support  
4 regional management. We kind of think it would be a waste of  
5 time to just jump right back into it. We hope this getting  
6 together of the states and resolving some of the big issues  
7 outside the council would be a more productive way to look at  
8 this.

9  
10 Then, finally, I have forwarded to Doug Gregory the results of a  
11 meeting we had with the recreational community with Dr.  
12 Barbieri, this time as his co-chair position with the National  
13 Academy of Science MRIP review. You haven't seen it, and  
14 hopefully Mr. Gregory will send that next week, but this short  
15 summary document highlights recreational thoughts and priorities  
16 relative to the MRIP review. It has some things that I think  
17 the council would be interested in. It's a very thoughtful and  
18 good short summary report, and we hope that you will read it and  
19 maybe talk about it in the next meeting. Thank you.

20  
21 **CHAIRMAN BOSARGE:** Thank you. That is what you forwarded to Mr.  
22 Gregory?

23  
24 **MR. HADDAD:** Yes.

25  
26 **CHAIRMAN BOSARGE:** Okay. I am sure he will forward it to the  
27 council. Thank you, sir. We appreciate it. Next, we have Ms.  
28 Alison Johnson, followed by Mr. Bart Niquet.

29  
30 **MS. ALISON JOHNSON:** Good afternoon, Chairwoman Bosarge and Gulf  
31 Council members. I am Alison Johnson, Southeast Campaign  
32 Manager for Oceana. I would like to commend the council on  
33 their work on the deep-sea coral Amendment 7 and thank you very  
34 much for incorporating some of our last comments in your most  
35 recent scoping document.

36  
37 Although we feel that great progress has been made, we feel  
38 there might still be a few improvements. Number one, we would  
39 like Amendment 7 to include a mechanism to protect deep-sea  
40 coral under the discretionary provisions of the Magnuson-Stevens  
41 Act, should protection under essential fish habitat not work or  
42 be ineffective.

43  
44 Number two, Amendment 7 should include an alternative that also  
45 manages deep-sea coral using the pathways described in the  
46 management approach in NOAA's 2010 Strategic Plan. This  
47 includes freezing the footprint for areas that have not been  
48 surveyed.

1  
2 Number three is we would like Amendment 7 to include a pathway  
3 for new areas to be considered when new science is available and  
4 also that it's dynamic for when new species of coral are  
5 discovered.

6  
7 Again, in my public comment letter, which is available on the  
8 council website, this goes into much more detail. Thank you  
9 very much for your time, and I appreciate the opportunity to  
10 provide public comment today.

11  
12 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. Bart Niquet,  
13 followed by Mr. Chris Niquet.

14  
15 **MR. BART NIQUET:** I'm Bart Niquet. I've been fishing for a  
16 lifetime, mine and yours. It's pretty hard to get interested in  
17 a program for vermilion snapper that the first six pages of it  
18 all say error. I don't know whether you have noticed that or  
19 not. Probably not, but, anyway, after hearing a presentation by  
20 Dr. Barbieri yesterday about the lack of ability to tell a  
21 yellowmouth grouper from a scamp when they're filmed, I had a  
22 brilliant, if I do say so, idea.

23  
24 Perhaps they should hire one of our drunk deckhands off of a  
25 grouper boat to instruct them. After all, you expect us to  
26 identify a fish that comes over the rail by his species, his  
27 length, and his weight, as soon as they clear the rail. Better  
28 yet, send some of these film observers out on a boat for a field  
29 trip for at least once a year before they can make judgments.  
30 Perhaps then we would be more inclined to maybe put faith in  
31 some of your proposals.

32  
33 Too many of your proposals sound more like guesswork. If you  
34 are trying to manage a fishery, or anything else, and you can't  
35 identify what you are managing, maybe -- I don't know. It's as  
36 bad as what happened where they mislabeled the groups in the  
37 Edges in the northwestern Gulf or misplaced the Steamboat Lumps.  
38 They are wrong.

39  
40 On vermilion snapper, I vote status quo. The TAC has never been  
41 reached, and it's a highly-erratic fishery. Sometimes you go  
42 for months with just barely scraping by and, all of a sudden,  
43 everybody catches them everywhere.

44  
45 The divers would go down and they say there's the same amount of  
46 fish it seems like year-round, and nobody knows what happens.  
47 The old-timers say that the vermilion snapper went in cycles and  
48 their cycles were erratic. Sometimes they would be on a three-

1 year cycle for a high or a low and sometimes they would be  
2 seven, and so who knows what is going on? I know I don't, and I  
3 don't believe you do.

4  
5 We had an area off of Panama City called the B-Liner Lumps,  
6 which you would go there day after day after day, and some days  
7 you would catch a boat-load of fish. Some days you wouldn't  
8 catch any b-liners at all, but you could see them. It's the  
9 same thing off of Louisiana, the place called Jackman's Hole.  
10 It's an impact crater, only I don't know how we know about it,  
11 but that's what it is. It shows all the same physical  
12 characteristics as an impact crater on the moon, and maybe  
13 that's where we need to be fishing. Thank you.

14

15 **CHAIRMAN BOSARGE:** Thank you, Mr. Niquet.

16

17 **MR. NIQUET:** Any questions?

18

19 **CHAIRMAN BOSARGE:** No, sir. I don't see anything. Thank you.  
20 Next, we have Mr. Chris Niquet, followed by Mr. Shane Cantrell.

21

22 **MR. CHRIS NIQUET:** I'm Chris Niquet from Panama City, Florida.  
23 The council and the staff, in my opinion, are being hindered in  
24 their assessment of the private recreational fishery and the  
25 charter and headboat fishery because of these reasons, and I  
26 know you're going by the data you're given, but the time lag  
27 from when this data is gathered and when it's presented here for  
28 action is sometimes one, two, three, or four years.

29

30 It would seem, to me, due to the condition of the gray  
31 triggerfish off the Gulf Coast, which anybody here that fishes  
32 regularly will tell you there is plenty of them, but your data  
33 says that there is a shortage and the season is to be closed.  
34 That would be a perfect example.

35

36 I think your information came from about three years ago, and  
37 that's not good enough. You need to have observers on the dock  
38 talking to charter people and headboat people and private  
39 recreational anglers that are out there and asking them what are  
40 their observations. Get real-time data and present it to the  
41 staff and let them make their computations. Let them make their  
42 calculations, and maybe they will have more regular seasons, or  
43 seasons that are more realistic.

44

45 As far as the stuff that was presented yesterday about the tags,  
46 I think that's a good idea for the private recreational anglers.  
47 There is going to have to be some serious study done to it about  
48 how they're distributed, a lottery system or auction system or

1 whatever. You are also going to have to take this, and I didn't  
2 see it on your list there, but are you going to be able to get  
3 these tags and buy them from people to increase your portion of  
4 this recreational fishery, or are they going to be just for one  
5 name only?

6  
7 You need to have some way to account for them. If they don't  
8 turn in the information, after their trip is over, on the tag,  
9 it ought to count as a fish that has been caught. That way, you  
10 put some teeth into your rules and regulations governing the  
11 private recreational angler. Thank you very much for your time.

12  
13 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Shane  
14 Cantrell, followed by Mr. Robert Spaeth.

15  
16 **MR. SHANE CANTRELL:** I'm Shane Cantrell. I'm the Executive  
17 Director of the Charter Fishermen's Association. First off, I  
18 want to address these buffers that are coming in here and the  
19 setting of the recreational season overall.

20  
21 The buffers were put in place to address recreational  
22 accountability. They fell out of a lawsuit that was brought  
23 against the agency. The first year they put them in, they  
24 worked. Everybody got a nine-day season, but now we've got a  
25 charter/for-hire subsector that has been consistently held  
26 within its quota, significantly under their quota. The private  
27 anglers have exceeded their portion of the ACT, and, this year,  
28 we crossed the 100 percent threshold for the recreational quota  
29 as a whole.

30  
31 The buffers were working, but the council and the agency were  
32 unable to constrain the private recreational harvest of red  
33 snapper and the charter boats were punished for it. The charter  
34 boats are now being held to a lesser season than they should be  
35 while the private anglers are continually able to go fishing and  
36 have 80 percent -- Now we have 80 percent of their harvest in  
37 state waters.

38  
39 It's no fault of their own, but the states have now demonstrated  
40 to many people that they would prefer to have this fish in state  
41 waters. 80 percent of it is caught there. That may be the only  
42 opportunity that they have, but that doesn't change the fact  
43 that we need to make sure that the charter boats are no longer  
44 being held accountable for fish they are not able to catch, to  
45 make sure they get their full season, and do what is necessary  
46 to constrain private angler harvest in federal waters where this  
47 body has authority.

48



1 Additionally, we need to add a sector allocation portion to  
2 Amendment 41, a multispecies action. We need to go ahead and  
3 get this in there. Gentlemen have been coming to this podium  
4 for longer than I have been alive to work on what is best for  
5 the charter boat industry, and they've been in this industry for  
6 a long time.

7  
8 Now, after all the years of hard work, and they've finally got a  
9 little bit of relief with the red snapper on sector separation,  
10 and they fought through three legal challenges, and it was  
11 upheld in every single one of them, saying you all did the right  
12 thing, and now we're sitting here in a situation where amberjack  
13 are closed and triggerfish are closed, and all of this could  
14 have been avoided if you all would have taken the hard steps to  
15 go ahead and develop appropriate management for the charter boat  
16 sector in the first place.

17  
18 You are going to hear a lot of frustration today on amberjack  
19 and triggerfish that could have been avoided. We also need to  
20 add the cyclical redistribution portion into Amendment 41. The  
21 staff has been listening to the Charter Boat AP and the joint  
22 AP, and they have done a phenomenal job at developing what is  
23 going to be the right thing to do, and we need to go ahead and  
24 add that in.

25  
26 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Robert  
27 Spaeth, followed by Mr. Bill Kelly.

28  
29 **MR. ROBERT SPAETH:** My name is Robert Spaeth, and I am the  
30 Executive Director of the Southern Offshore Fishing Association.  
31 Thank you for the public hearing today. What I wanted to do is  
32 -- At the last meeting, we looked at an EFP, and, as I was here  
33 for that meeting, I went back home, and there seemed to be a lot  
34 of the fishermen that were against the way it was done, even  
35 though they saw a lot of merit in opening up inside of thirty  
36 fathoms if there was no turtle interaction.

37  
38 About thirty, or half, of the longline industry, which we polled  
39 them. We asked them what was the problem, or what did they  
40 think, and, if we were going to go forward at another time,  
41 maybe we could do it by a different method, but, surprisingly  
42 enough, a lot of the guys that said that -- There are some of  
43 them here today, but they had said, well, you know, it's pretty  
44 good that we let those fish rest in there for two months. The  
45 other issue they had was that they wanted to make sure that it  
46 was fair to the seafood houses and to the fishermen that  
47 everybody had an equal opportunity to participate.

48

1 The third biggest one was the risk of turtles and us going  
2 through, where, all of a sudden, one day we wake up and we're  
3 looking at a total shut-down of the whole industry over our  
4 interaction with turtles.

5  
6 Most of us don't understand what a biological opinion is or how  
7 many turtles we're allowed to take, and I know that they have  
8 put some mechanisms in there where, if we did catch some  
9 turtles, that they would stop fishing in that area, but, still,  
10 the industry, or the people that we talked to, don't understand  
11 all of that. While it does have some merit, at the present  
12 form, we were not for it.

13  
14 The other issue that we would like to address was that, through  
15 all of the regulations and all the time that our industry used  
16 to be overcapitalized, and now we are undercapitalized, and you  
17 will see that when the end of the year comes up and we have a  
18 lot of fish left under the IFQ program and the grouper fishery.

19  
20 We would like to work in the future of how we can either  
21 increase harvest capabilities for the industry, so we could get  
22 closer to the Magnuson Act, where it's good for the nation to  
23 harvest the fish. The other issue that we're concerned about  
24 is, if we don't catch them up, we're always fighting  
25 reallocation, and so that's kind of what I wanted to bring  
26 forward, and thank you very much.

27  
28 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Bill  
29 Kelly, followed by Mr. Mark Tryon.

30  
31 **MR. BILL KELLY:** Madam Chair and council members, I'm Bill  
32 Kelly, representing approximately 273 members of the Florida  
33 Keys Commercial Fishermen's Association. I would like to  
34 address two issues with you. The first is Spiny Lobster  
35 Amendment 4. I want to thank the council for setting an ACL  
36 appropriate to the resource and fully supporting the evidence  
37 that we've seen on external recruitment and that is where our  
38 fishery is coming from. I think it's very appropriate.

39  
40 As I have mentioned to you in the past, if the Magnuson  
41 reauthorization ever sees the light of day in Washington, we  
42 will most likely see a transboundary ACL exemption for that  
43 fishery.

44  
45 I also want to thank you for your strong stance against the use  
46 of commercial fishing traps in the recreational lobster fishery.  
47 We have addressed numerous problems that we've seen in the stone  
48 crab fishery in the use of traps by recreational fishermen, like

1 abandoned gear and gear left out intentionally, so they can  
2 harvest year-round, and inappropriate identification and so  
3 forth that results in cleanup problems in some areas in the  
4 Florida Keys. The recoverable traps in a trap cleanup is more  
5 than 51 percent recreational that's been left out there.

6  
7 Secondly, on yellowtail snapper, at the March meeting of the  
8 South Atlantic Council, I was approached and asked by several  
9 council members to maybe consider setting commercial trip limits  
10 for day trips and extended trips. I made some quick calls and  
11 volunteered some information, and, much to my chagrin, it was  
12 totally inappropriate.

13  
14 When I got back to the Keys and discussed these issues with a  
15 broader base of stakeholders, we found that it would have --  
16 What I volunteered would have had severe negative impacts on  
17 multispecies fishermen.

18  
19 Considering that they are not undergoing overfishing and not  
20 overfished and we have changed, through the help of both  
21 councils, that fishing year to start on August 1 and end on July  
22 31, if any closures would be necessary and appropriate, they  
23 would occur during the months of June and July and provide more  
24 than adequate protection for spawning stocks of yellowtail  
25 snapper. I have since sent a written retraction to both  
26 councils and Jessica McCawley at the Fish and Wildlife  
27 Commission. Thank you.

28  
29 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Mark  
30 Tryon, followed by Mr. Scott Dagget.

31  
32 **MR. MARK TRYON:** I'm Mark Tryon. I'm a commercial fisherman  
33 from Gulf Breeze, Florida. I am going to start out with just  
34 making some generalized comments, based on observations. I've  
35 been going to these meetings for some time now, and it seems  
36 that there is a lot of inconsistencies in the ways that various  
37 species are being managed.

38  
39 For instance, obviously everybody agrees, or I mean at least the  
40 fishermen agree, that there is plenty of red snapper and  
41 triggerfish, and so that would suggest, to me, and especially if  
42 you look at the landings data on the IFQ, where red snapper were  
43 running away with landings and are well on the way to a 100  
44 percent catch rate, and you've got like red grouper and the  
45 vermilion snapper, particularly red grouper, way below where we  
46 should be, if in fact we can catch the amount of quota.

47  
48 Now, perhaps it is -- I believe it was Mr. Spaeth that made a

1 comment that we're undercapitalized in the grouper business. I  
2 wouldn't know that personally, because I am basically a snapper  
3 fisherman, but that may be true, but it just seems to be, if you  
4 just compare those four fish, they are managed totally opposite.

5  
6 Vermilion snapper, for instance, we don't get to catching the  
7 quota, and I don't really see very many of them out there at  
8 all. I have been fishing in the Pensacola area for twenty-four  
9 years, and the whole mix of fish that I catch now is very  
10 different than it was twenty-four years ago. Twenty-four years  
11 ago, you really didn't know what you were going to pull in next,  
12 whereas now it's red snapper or triggerfish and, if you catch  
13 something different, it's unusual, believe it or not.

14  
15 Anyway, regarding the triggerfish, I would suggest you go with  
16 that nine-year plan with the corresponding quota. I actually  
17 prefer the ten-year plan, but I guess the nine-year was the  
18 preferred alternative, and not go with the status quo quota,  
19 which is the existing quota now. It's just way, way, way too  
20 low.

21  
22 I am just wondering, kind of relating to the mix of fish, are  
23 there any studies being conducted now which determine the impact  
24 of like runaway populations of red snapper and triggerfish and  
25 the impact they have on the other fish, because it would seem to  
26 me that they're going to eat whatever they can eat to survive,  
27 and so that could mean the snapper and the triggerfish are  
28 gobbling down the mangrove snapper and the red porgies and what  
29 have you, just to survive.

30  
31 Anyway, I guess that's about it. I have just one last thing,  
32 the possibility of considering regional management in terms of  
33 species being managed, because, if you have the overabundance in  
34 our area of triggerfish, and I understand some other areas don't  
35 have that many, and so perhaps we should have a different quota  
36 or bag limit for recreational people than let's say off of  
37 Tampa, and so that's just an idea. Thank you.

38  
39 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Scott  
40 Dagget, followed by Mr. Randy Lauser.

41  
42 **MR. SCOTT DAGGET:** Good afternoon. My name is Scott Dagget.  
43 I'm an owner/operator out of Madeira Beach, two longline boats.  
44 I've been fishing for thirty years now, and I don't know if I  
45 will be able to make it to Naples, and so that's why I came to  
46 this one, but about the expansion of Pulley Ridge.

47  
48 As guys know, come June, we're pushed out to thirty-five

1 fathoms. That leaves us very little room to work, as a fleet.  
2 If you take that bottom away from us down there, you're just  
3 going to condense us all into one area and pretty much wipe out  
4 the summertime fishery. We're really not going to be able to do  
5 anything with it.

6  
7 You're going to condense us in one area, and we're going to keep  
8 beating up the same bottom and really get nothing done. With  
9 the reallocation of fish this year, I really don't see us ever  
10 being able to reach the quota, because you're taking I think  
11 it's 312 square miles or something like that for the Pulley  
12 Ridge expansion, if I remember right. I don't think we would  
13 ever be able to catch the reallocated red grouper, and that's  
14 pretty much what I've got to say. Thank you.

15  
16 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Randy  
17 Lauser, followed by Mr. Lee Shook.

18  
19 **MR. RANDY LAUSER:** Good afternoon, council. I'm here for  
20 Southern Offshore Fishing Association. I've been fishing the  
21 Gulf for like thirty-two years, longlining red grouper, and I am  
22 here about the Pulley Ridge too, about taking the bottom away.

23  
24 It seems like it's been great. Ever since we put the 750 hooks  
25 in place, we haven't had any interaction with turtles, and the  
26 fishing has been great. We are not beating up the bottom, and  
27 then it just -- Like Scott said, my business partner, if you  
28 take away that extra Pulley Ridge, it's going to put a lot more  
29 pressure on everything. Then the box is out there in a hundred  
30 fathoms.

31  
32 All the coral is way on the downside of the break. We fish the  
33 topside of the break, and that's just going to ruin the  
34 yellowedge fishing business, because all that bottom, that's  
35 where we fish.

36  
37 There is plenty of other options of bottom to look at besides  
38 where we fish, and it just seems to happen that all these boxes  
39 that you all have lined up lines up with our VMS tracks.  
40 Whenever we put the VMS on the boat, that was supposed to be for  
41 law enforcement only, and it seems like -- We feel that that's  
42 being used against us that we pay for every month, pretty much,  
43 and there is other options besides taking all the bottom away  
44 from us. We could all work together on this instead of against  
45 each other, and so that's all I have to say. Thank you.

46  
47 **CHAIRMAN BOSARGE:** I think we have a question for you, Randy,  
48 from Dr. Frazer.

1  
2 **DR. FRAZER:** Thank you, Randy. A real quick question. I know  
3 that you reduced the number of hooks on your sets to 750. Did  
4 you reduce the set time as well? If so, what was it?  
5  
6 **MR. LAUSER:** Well, I'm still stringing five miles of gear, but,  
7 back in the day, they were putting 2,000 hooks on five miles of  
8 gear, and so we're selective fishing instead of just all out  
9 fishing. We are fishing smaller pieces and breaks and stuff  
10 like that.  
11  
12 **CHAIRMAN BOSARGE:** Thank you. We have another question from Mr.  
13 Swindell.  
14  
15 **MR. SWINDELL:** How deep do you fish with your longlines?  
16  
17 **MR. LAUSER:** It depends on what time of year. Summertime,  
18 usually during the thirty-five-fathom closure, we go out to  
19 anywhere from seventy fathoms to 120 fathoms and we yellowedge.  
20 Other than that, the wintertime, it's pretty much from forty  
21 fathoms inshore to twenty fathoms.  
22  
23 **CHAIRMAN BOSARGE:** Mr. Sanchez.  
24  
25 **MR. SANCHEZ:** Thank you for coming. Are you seeing more sharks?  
26  
27 **MR. LAUSER:** You know what, that's another issue with our hooks.  
28 We're only allowed to bring so many hooks on our boat, and we're  
29 getting ate up by sharks. We are going through 500 bite-offs,  
30 and I only fish for like seven-day trips. I go through 500  
31 bite-offs in a trip, easy, no problem. There is no tackle store  
32 out there to go pick up any hooks either, but the shark  
33 population has exploded.  
34  
35 I used to shark fish, back in the day, and then we got cut out  
36 of that, but it has just exploded. Everywhere you go, about --  
37 Last year, Mote Marine was chartering my boat, and I would take  
38 them right off the beach, right off of Madeira Beach a couple of  
39 miles, and we would shark fish. We were catching dusky and  
40 sandbar and bull sharks one mile off of the beach. I have never  
41 seen dusky that close to the beach either.  
42  
43 **CHAIRMAN BOSARGE:** Mr. Sanchez.  
44  
45 **MR. SANCHEZ:** One more question. Is it safe to say that you  
46 could benefit from having more than a thousand hooks on a trip?  
47  
48 **MR. LAUSER:** We're only allowed to fish with 750 hooks, and

1 we're only allowed to carry 250 extra. It would be a lot better  
2 if we could carry 500 extra and not made up. We could make them  
3 up every night, but, as long as we have them stowed down below  
4 in a box, that would be terrific for us.

5  
6 **CHAIRMAN BOSARGE:** Thank you, sir.

7  
8 **MR. LAUSER:** Thank you.

9  
10 **CHAIRMAN BOSARGE:** Next, we have Mr. Lee Shook, followed by Mr.  
11 Richard Lewis.

12  
13 **MR. LEE SHOOK:** Thank you very much. We appreciate you all  
14 coming to Birmingham and holding your meeting here. I am a  
15 recreational angler from Birmingham, but I have always fished on  
16 the Gulf Coast in Florida and Alabama.

17  
18 I have never seen, in my life, the fishery so, for lack of a  
19 better word, badly managed, from my perspective, from what I see  
20 as a fisherman. I don't understand how a public resource, like  
21 the fishes that we have out there, which we as American  
22 taxpayers, in my opinion, are entitled to equally, whether we be  
23 commercial fishermen or whether we be recreational fishermen.

24  
25 It's so controlled by, apparently, the commercial interests now,  
26 and it's not right. The licenses and allocations now are traded  
27 like stock certificates, like the New York Stock Exchange, and  
28 it only benefits obviously a handful of people and not the  
29 general public.

30  
31 I think the states, in light of what is going on, could do a  
32 better job of managing our Gulf fisheries. I think that's been  
33 proven in Alabama. We've had a reef-building program since I  
34 was ten years old, fishing off of Perdido Pass on bridge rubble,  
35 and, today, you can see all the benefits of that. We have a  
36 proven track record in Alabama of managing the fisheries and the  
37 habitat, and a lot of that credit goes to Kevin Anson and Chris  
38 Blankenship with the Marine Resources Division.

39  
40 To me, it's absurd that the commercial harvest is so large and  
41 ours, the recreational fishermen, is so small. Economically, I  
42 think it should be vice-versa, because, economically, the  
43 recreational fishery produces much more revenue than the  
44 commercial harvest. If you figure fuel and boats and lodging  
45 and everything combined, the impact is tremendous.

46  
47 There has to be a more equitable balance. Sport fishermen  
48 impact the economy, as I said, in many different ways, and,

1 today, with all the limited catches or closures, I mean people  
2 are getting so discouraged that they're not going to go and  
3 spend that money as recreational anglers. I mean, why go and  
4 spend \$2,000 and catch one snapper or fish for one day? I mean,  
5 it just doesn't make sense.

6  
7 I urge you to let the states manage our fisheries. Every state  
8 is different. Every habitat is different, from Washington State  
9 to Maine, and the issues are similar, but they're different. I  
10 think turning that over to the states would be much more  
11 effective management. Thank you very much.

12  
13 **CHAIRMAN BOSARGE:** Thank you, Mr. Shook. Next, we have Mr.  
14 Richard Lewis, followed by Mr. Roger Ball.

15  
16 **MR. RICHARD LEWIS:** First, I want to thank you all for coming to  
17 Birmingham. Welcome to Birmingham. I appreciate you all giving  
18 us an opportunity to speak to you, because it's a long way for  
19 us to go to the coast sometimes when you all meet down there.

20  
21 I am also -- I want to speak for some folks that aren't here,  
22 folks that have jobs every day, and I echo what Mr. Shook just  
23 said. I remember -- I am not as old as Mr. Shook, thank God,  
24 but I hopefully will get there, but I do believe that -- I have  
25 been doing this and fishing offshore for forty years. I have  
26 fished in Florida and I have fished in Louisiana, and  
27 specifically Orange Beach, and we started with LORAN and looking  
28 just at sight lines. You would go out and you would hopefully  
29 find a wreck and maybe catch a couple of red snapper.

30  
31 At one point, we were overharvesting, and there is no doubt  
32 about it, and things had to be done, and people did things, and  
33 we've had some unintended consequences as a result of it, but  
34 then we went to fourteen inches and then we went to sixteen  
35 inches. Then we went to a nine-day limit, and now someone is  
36 talking about a two-day limit.

37  
38 I would just urge the council to simply just kill the  
39 recreational sector completely and don't let us fish at all.  
40 Then maybe people will wake up and see what's really going on.  
41 It's a shame.

42  
43 There are people that have a livelihood, and I don't dispute  
44 that. They need to be able to make a livelihood. We all  
45 should, but there is a lot of people out there that are working  
46 today that couldn't take off, like me, that are really impacted  
47 by you all's decisions, and we would ask you to really  
48 reconsider and see how it's impacting the average Joe out there



1 that doesn't understand it. Right now, the whole playing field  
2 has been skewed, and it's an unintended consequence, but it is a  
3 consequence that you guys need to address. Thank you.

4  
5 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Roger  
6 Ball, followed by Mr. Jay Skinner.

7  
8 **MR. ROGER BALL:** Good afternoon, members. Thank you again for  
9 coming to Birmingham. I grew up on the coast and came to  
10 Birmingham and went to school up here, and I have now made  
11 Birmingham my home. However, if there is anything that I can do  
12 on the weekends, it's not go to the woods and it's not go to the  
13 lake, but it's go back down to the coast.

14  
15 I now have a three-year-old son, and I want recreational fishing  
16 to be a big part of his life, like it was for me. Some of my  
17 most fond memories growing up in Pensacola were fishing with my  
18 father and my late uncle. These are memories that you can't put  
19 a price on, and these are memories that I want to have with my  
20 son, and now it is so difficult, as a recreational angler, to be  
21 able to go down there and make these memories with my son.

22  
23 I work extremely hard up here in Birmingham five days a week,  
24 and I want to be able to go down to the coast to fish with my  
25 son, and hopefully one day my grandson. The way that the system  
26 is managed now, there will be no recreational fishing for them,  
27 and I implore you all to please consider turning everything over  
28 to the state and letting them manage our resource. Thank you.

29  
30 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. Jay Skinner,  
31 followed by Mr. David Williamson.

32  
33 **MR. JAY SKINNER:** Good afternoon. My name is Jay Skinner, and I  
34 am from Birmingham also, and I want to thank you all for coming  
35 up here to hear us here in Birmingham. As you've heard the  
36 other people say, it's oftentimes hard for us to go to the coast  
37 to be heard and talk, but we do appreciate you all coming up  
38 here.

39  
40 I am a recreational fisherman. I grew up going to the coast,  
41 going to Gulf Shores, going to Orange Beach, and fishing out of  
42 Mobile Bay, Perdido Bay, Pensacola, all the way to Destin. It's  
43 something that have I enjoyed doing my whole life, and I still  
44 like to do that myself. I want to have the opportunity to take  
45 my children down to the coast and enjoy those same memories and  
46 do that, too.

47  
48 I like to do that. I like to take our boat down there.

1 However, it's gotten to the point where doing that is extremely  
2 hard and difficult. The current management practices don't  
3 reflect or don't allow us the opportunity to fish it like we  
4 would really enjoy it and be able to use it.

5  
6 This is a resource that belongs to all the people of our  
7 country, and we need to be careful when we start dividing things  
8 up and chopping it into sections for the benefit of certain  
9 individual people. It's a resource that belongs to all of us.

10  
11 I would also like to point out that the State of Alabama has an  
12 excellent history with managing its resources. We have one of  
13 the top conservation departments in the country. They've done  
14 an outstanding job with managing all the wildlife in Alabama,  
15 and I would submit that the Alabama Department of Conservation  
16 Resources and their Marine Resources Division have the  
17 capability and can do the job to effectively manage the  
18 resources on a local level, and I would implore and ask that the  
19 board consider that and look to that in the future. Again,  
20 thank you all for the opportunity to speak, and thank you for  
21 coming to Birmingham.

22  
23 **CHAIRMAN BOSARGE:** Mr. Skinner, I think we have a question from  
24 Dr. Crabtree.

25  
26 **DR. CRABTREE:** Just following up on you and the last few, you're  
27 asking the council to allow the state to manage the resource,  
28 and so the provision in the Magnuson Act that allows a council  
29 to do that is to delegate management to a state, and so that's  
30 what you're -- I mean, that's the way we would do that, and so  
31 that's what you are supporting?

32  
33 **MR. SKINNER:** Yes, I am.

34  
35 **DR. CRABTREE:** Okay. We have an amendment that was set up to do  
36 that, and it got tabled about two years ago. It's Amendment 39,  
37 and so that's something you might want to take a look at.

38  
39 **MR. SKINNER:** I would be happy to take a look at it. I  
40 appreciate you pointing that out, but, again, I believe that, in  
41 our situation here in Alabama, Alabama would do a great job of  
42 managing it. Thank you.

43  
44 **CHAIRMAN BOSARGE:** I think we have one more question for you,  
45 Mr. Skinner, from Mr. Banks.

46  
47 **MR. BANKS:** Thank you, Mr. Skinner. I wanted to follow up on  
48 what Dr. Crabtree asked. In Amendment 39, there seemed to be

1 some difficulties among some of the states on Amendment 39. If  
2 we were to reduce that concept of regional management to just  
3 the recreational or possibly just the private recreational  
4 sector, would you still be in favor of something like that?  
5

6 **MR. SKINNER:** I am not fully versed in Amendment 39. I don't  
7 have it in front of me to review, and so it's really hard for me  
8 to agree one way or the other on that. That is something I  
9 would look into, but I'm not in a position right now to answer  
10 one way or the other.  
11

12 **CHAIRMAN BOSARGE:** Thank you, sir.  
13

14 **MR. SKINNER:** Thank you again.  
15

16 **CHAIRMAN BOSARGE:** Okay. Next, we have Mr. David Williamson,  
17 followed by Mr. Wayne Werner. All right. We will skip Mr.  
18 Williamson. Mr. Wayne Werner, you will be next, followed by Mr.  
19 Bill Staff.  
20

21 **MR. WAYNE WERNER:** Good afternoon. Thank you for the  
22 opportunity to speak. I'm Wayne Werner, owner and operator of  
23 the Fishing Vessel Sea Quest. You know, I would like to see  
24 this council, and it seems to be the direction that it's going  
25 and all, take a look at the new entrant program that you all  
26 passed about eight years ago and sent up and basically let it go  
27 by the wayside. I would like to see it looked at again. I  
28 don't think there's a big problem getting the money. They're  
29 doing well with it in the halibut fishery in Alaska, and I would  
30 just like to see this council move forward in that direction.  
31

32 As far as state management, everybody knows commercial fishermen  
33 just want to be excluded from it, and that's basically all I  
34 have to say today. Thank you.  
35

36 **CHAIRMAN BOSARGE:** Thank you, Mr. Werner. Next, we will have  
37 Mr. Bill Staff, followed by Mr. Dale Woodruff.  
38

39 **MR. BILL STAFF:** I'm Bill Staff, owner and operator of the  
40 Charter Boat Sea Spray. I've been providing a platform for the  
41 non-boat-owning public for thirty-five years. With what has  
42 happened in the last year, I am wondering how many years more I  
43 am going to get to take people fishing.  
44

45 These people have the same right to catch a fish that any boat  
46 owner does. Where would a Church's Chicken be without any  
47 chicken to sell? We are about to that point, with no amberjack  
48 and no snapper and no triggerfish. On our snapper season, half

1 of you all up here, with the stroke of a pen, would take that  
2 forty-five days away, and there's no doubt in my mind.

3  
4 I feel like a coal miner in the Obama administration. Should we  
5 not be upset? Purely recreational should be upset. After the  
6 amberjack experiment we just went through, I feel like a  
7 laboratory rat, and in no way am I in favor of any more size  
8 increases.

9  
10 On November 8, 2016, the American public, including myself,  
11 spoke, trying to get rid of inefficiency, over taxation, and  
12 overregulation. I hope this trickles down into our fishery  
13 management. I think the Science Center would be a good place to  
14 start.

15  
16 For years, we have done everything short of getting on our knees  
17 and begging you for help, and look at where we are. Now the  
18 ELBs are more important than ever. They are on our boats.  
19 We're willing to use them, and let's get it done. We need  
20 today's data yesterday and not four years and not seven years  
21 and not junk that we can't make a decision on.

22  
23 I feel like, until we do get to use this real data, the payback  
24 on amberjack and trigger should be lifted. Snapper are good and  
25 triggers are good. I think, with a legitimate stock assessment,  
26 amberjack will show up good. It doesn't take a PhD to see what  
27 is happening out in the Gulf.

28  
29 It really stinks, guys, to ride twice as far and burn twice as  
30 much fuel and go by the best fishery in the world to catch  
31 something this long. We have to run from triggers and run from  
32 snapper, and that stinks. Amendment 41 and 42 needs to be  
33 pushed through with the five fish included. Thank you for the  
34 opportunity to speak.

35  
36 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Dale  
37 Woodruff, followed by Mr. Joe Nash.

38  
39 **MR. DALE WOODRUFF:** All right. How are you all doing? I'm Dale  
40 Woodruff with the Charter Boat Class Act, and I've got a new  
41 boat, and I sold the other boat, Daddy's Baby, and it's dually-  
42 permitted.

43  
44 We need to keep moving on with Amendment 41 and 42. 42 can't be  
45 passed without 41. They need to go in together. I think all  
46 reef fish should be included under 41 and 42 and not just five.  
47 We've already got history on some of that anyway, and we can go  
48 ahead and throw it in there.

1  
2 Like Bill said, today's data should have been used yesterday. I  
3 know the private recs have a big argument. They feel like they  
4 should be able to fish more days, and so do the charter/for-  
5 hire, because we see what is out there. The private recs have  
6 yet not to catch their quota. They have actually gone over  
7 their quota, and so where is the shortage? Where are they being  
8 overregulated? They can't fish nine days outside of nine miles?

9  
10 I mean, they are catching their fish, and so what -- I mean, I  
11 understand that everybody wants to go past nine miles, but, if  
12 they are catching 80 percent of the fish inside nine miles, what  
13 is the problem now? That is my argument. If they wasn't  
14 catching any fish, then, yes, I could understand that, but they  
15 are catching fish, or they're bringing them in illegally.  
16 That's a good thought.

17  
18 The non-compliance through the private recs with the states, the  
19 states are regulated. I mean, the Gulf Council is made up of  
20 the five Gulf states, like Dr. Crabtree just said. You know,  
21 the best available data is what we're dealing with. Do we have  
22 the best available scientists? Do we have that to go along with  
23 the data, or do we have activists to go along with this data?

24  
25 The ELBs start in 2018, and I would like to -- We sit here and  
26 watch these things, these presentations and everything, and  
27 there needs to be a direct impact study. Once the ELBs start  
28 getting used and we start seeing what's going on, there needs to  
29 be a direct impact study of the areas that are being used and  
30 not random searches of the fish in the Gulf.

31  
32 The trigger data is way off. I am catching and releasing over a  
33 hundred triggerfish on a six-hour trip inside of twenty miles.  
34 I ran eighteen days in March, and do the math. I have caught  
35 over 1,800 triggerfish.

36  
37 The fish are there, guys. They are everywhere. Scientists,  
38 they're there. We've got more triggerfish than we know what to  
39 do with, just like the red snapper, but, again, we are being  
40 regulated. Why? We went over. The payback should be taken off  
41 until the ELBs are in place. The payback is what is killing us,  
42 due to mismanagement. Thank you.

43  
44 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Joe Nash,  
45 followed by Mr. David Campbell.

46  
47 **MR. JOE NASH:** My name is Joe Nash, and I'm from Orange Beach,  
48 Alabama. I've been in the charter business for a tad over

1 thirty years. The first council meeting I went to was in 1988,  
2 and I didn't understand it then, and I barely understand it now,  
3 but we need 41 and 42 gone through.

4  
5 Triggerfish, we need to go with the longest plan that we have, I  
6 think, which is Alternative 4, due to the fact that we have a  
7 moratorium on the charter boats and the recreational sector  
8 keeps growing every year, and so it would be kind of unfair to  
9 go with anything shorter than that, because we're this many, and  
10 we're always going to be this many. The recreational is going  
11 to keep on growing.

12  
13 State waters, I have a real problem with that. The recreational  
14 guys say they don't have very much fishing time, and I have  
15 wrote you before and told you how I feel about this. I feel  
16 that each governor for each state should be fined, because they  
17 are actually poaching our fish, everybody's fish, because they  
18 are opening up their state waters.

19  
20 This is a federally-regulated fish, red snapper and triggerfish  
21 and amberjack, whatever it may be. They are federally-regulated  
22 fish, highly regulated, and they think they're doing the people  
23 a favor by doing this, and the people aren't to blame. It's the  
24 government that is to blame, because they let them open it up.  
25 Let's get on the ball and let's get them to quit and go ahead  
26 and then they will have a good, healthy federal season.

27  
28 I mean, that's -- The other issue with that is it's becoming a  
29 fact that, within nine miles, it's very hard to catch some of  
30 these snapper, for the average fisherman, and so they kind of  
31 fudge a little bit, and they go out there fifteen or twenty or  
32 thirty miles and catch their fish and blast on in. It's not  
33 helping anybody, and so we really need compliance with the  
34 states.

35  
36 Then that leads me to the other thing. If we ever do go to  
37 state and regional management, since these fish were caught  
38 illegally, they should not be included in their quotas for what  
39 they caught within state waters, because they were caught  
40 illegally, out of season, out of federal season, and so these  
41 are just my thoughts.

42  
43 Other than that, you've got to look at the Gulf of Mexico.  
44 You've got your sampling a very small area, within twenty-five  
45 miles, and the Gulf of Mexico is huge. What you're seeing come  
46 to the dock basically is fish that are caught within twenty-five  
47 miles, because the smaller boats aren't running that far. The  
48 charter boats are doing half-day trips.

1  
2 We're just basically sampling a small section of the Gulf of  
3 Mexico, and so there are plenty of fish out there. We don't  
4 want to slaughter the fish. We just want what's right, that's  
5 all. That's all I really have to say. Thank you.

6  
7 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. David  
8 Campbell, followed by Mr. Price Evans.

9  
10 **MR. DAVID CAMPBELL:** Ladies and gentlemen, I want to thank you  
11 very much for coming up here today. We greatly appreciate it.  
12 It's the first time it's been up here, as far as I can recall,  
13 and thank you for allowing us to speak. I am from Mobile. I  
14 live in Birmingham now, but I grew up in Mobile. I am a  
15 recreational fisherman.

16  
17 I wanted to give you a quick background. I grew up fishing  
18 Dauphin Island and Gulf Shores and Mobile Bay. I was also a  
19 deckhand, and so I've got a little bit different view than  
20 probably some of the individuals may have from a recreational or  
21 commercial or from charter boat.

22  
23 I can tell you that, when I first fishing, we could catch any  
24 fish that we wanted to. We could take people out and it was  
25 fine. We could go ourselves and it was fine. It then changed  
26 and the limits came and everybody fished for b-liners. Then the  
27 b-liners were gone. They are gone now. I now have a daughter,  
28 who is fourteen years old, and I have a son that is eleven years  
29 old.

30  
31 The only fish we've been able to catch and really keep are  
32 Spanish mackerel and king mackerel. I have caught one snapper  
33 that I've been able to keep, and I figure that it cost about  
34 \$1,500 in the cost of food, boat, gas, and everything else. I  
35 have no problem with that, but there are more triggerfish and  
36 more snapper than I can ever count.

37  
38 We fish within the three miles, normally, for the kids, and I  
39 can tell you that I appreciate what Chris Blankenship has done  
40 and what the state has done very much with all the reefs, and  
41 actually with allowing us to have a season, but I can't run down  
42 and have two days of bad weather and not fish.

43  
44 I do have a different suggestion. What I keep hearing is  
45 there's a lot of fights among the commercial fishermen and among  
46 the recs and among the charter. The reality is that, if this is  
47 a resource that we all have and it's free, everybody should have  
48 equal amount to it. Now, the other thing is, if it's a resource

1 that needs to be replenished, there is probably a cost to  
2 replenish that resource, whether it be fingerlings or anything  
3 else or setting it aside.

4  
5 I bet this commission, or this group, can figure out very  
6 quickly how much it costs to replenish a fish. You take a fish  
7 and you put a fish back. If you're a commercial fisherman and  
8 you take 200 and it's a dollar, it's \$200. If you're a  
9 recreational fisherman and it costs two-dollars when you take  
10 two fish, it's two-dollars.

11  
12 The people don't have a problem, and, from a commercial  
13 fisherman, that will be passed on to the consumer when they go  
14 ahead and they purchase that fish, but the reality is that there  
15 is a number, and there is a price, and there is a cost, at least  
16 in my view, that would allow us to bring fish back into the  
17 fishery, and it's just kind of the golden rule. If you're going  
18 to take one, you put one back. I don't know what the cost is to  
19 that.

20  
21 I understand that that's way beyond what you have the ability to  
22 do, but I can tell you that recreational fishermen, and I  
23 guarantee you charter fishermen, because they're bringing  
24 individuals as well, are willing to, whatever that cost may be  
25 to keep these fisheries sustainable, so we can fish more than  
26 one day or two days or six days and not have to have some type  
27 of rodeo where we go out there, we would be in favor of.

28  
29 I am just asking you to look at that, and I would say that,  
30 given that that can't happen or will not happen or may not  
31 happen, I would rather see the state -- I can tell you that I do  
32 appreciate everything that the State of Alabama has done and  
33 Chris Blankenship and Marine Resources, with at least having a  
34 bunch of artificial reefs and an area for us to be able to fish.  
35 Thank you very much.

36  
37 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Price Evans,  
38 followed by Mr. Russell Underwood. Price Evans? Okay. Next,  
39 we have Mr. Russell Underwood, followed by Mr. Jason Delacruz.

40  
41 **MR. RUSSELL UNDERWOOD:** Thank you, Madam Chair. I am glad to be  
42 able to speak today to the council. I am Russell Underwood from  
43 Panama City, Florida. I have fished most of my career, in the  
44 last thirty-five years, off of Louisiana. I love that state.  
45 It's got a lot of fish, and I have worked hard in that area, in  
46 Leesville, for a long time.

47  
48 Let me speak about the stock on the western Gulf, say from the



1 mouth of the Mississippi River to back west, toward Brownsville,  
2 Texas. Louisiana is my boats' specialty. There is a lot of  
3 fish. You all have got to pat yourselves on the back. The  
4 fishery has just rebounded tenfold in the last ten years. There  
5 is just a lot of fish. I have never seen that many fish in my  
6 lifetime, and I've been fishing for forty-five years. The stock  
7 in the western Gulf is very strong.

8  
9 Speaking about the b-liners, or the vermilion snapper, I was a  
10 little concerned a few years back about the b-liner stock in the  
11 western Gulf, and what I am seeing in the last year or two,  
12 we're starting to see a big rebound in the b-liners, especially  
13 off the mouth of the Mississippi River, around the Second Bank,  
14 and back to the west toward the 45-Lump, which is just a few  
15 miles to the northwest.

16  
17 We're seeing a rebound on the vermilion stock. I think that it  
18 should maybe stay status quo, and, speaking on behalf of the  
19 recreational fishermen -- You know, I came from the recreational  
20 business years ago. I was a partyboat captain for years out of  
21 Panama City. I was born with a steering wheel in my hand, and  
22 so I've been on both sides of the fence.

23  
24 If the small boat recreational fishermen want a state-ran  
25 business, maybe they should get it for the small-boat fishery.  
26 The commercial sector, and from what I have heard from the  
27 charter boat friends of mine and the partyboat friends, they  
28 don't want no part of the state-managed fishery, and this might  
29 work.

30  
31 I think Amendment 41 and 39 and 42 is doing good for the charter  
32 boat industry. These people are just fully invested, like I am,  
33 in their fishing career, and they need -- I am seeing progress,  
34 which is very well, for that industry. We are all in this  
35 business together, and another thing is let's talk about  
36 representation.

37  
38 I am begging the NMFS and the council to have fair and equal  
39 representation for everybody. I would like to continue seeing  
40 that. It takes a few years for the young people to get on this  
41 council and learn the process, but I still would ask for a fair  
42 representation for the entire industry, and I thank you.

43  
44 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Jason  
45 Delacruz, followed by Mr. Stewart Webb.

46  
47 **MR. JASON DELACRUZ:** Thank you for the opportunity to speak. I  
48 want to hit a couple or three things. First, real quick, on the

1 EFP, yes, I got some resistance from guys in my area. We have  
2 talked about it, and we're going to try to go back together and  
3 put something together that everybody likes and then come back.

4  
5 We have even reached out with some of the new cameras that are  
6 coming out that NFWF are giving out, and we've already sent out  
7 names to call to those different fish houses so they can put  
8 cameras on their boats so they can move into the fishery, if  
9 that's what they want to do, if we come up with a good solution,  
10 and we'll try to resubmit in the future. It's not going to  
11 happen this year anyway, and so it works out well.

12  
13 I guess one of the things that really is bothering me here is we  
14 put a lot of time and energy with the APs in working on this  
15 coral issue, and I probably was at five different meetings,  
16 total, myself, or maybe four. It really is frustrating to me  
17 that we put all this time and energy to come back with what the  
18 AP wanted and what the actual users wanted, until we look up  
19 and, all of a sudden, it feels like we're back at square one.

20  
21 We identified what clearly were the areas that we had in our  
22 southern Florida area that were problematic and really went out  
23 of our way to show just how much we use these areas and how the  
24 VMS verifies that that's our historical access.

25  
26 It's just killing me that you guys keep trying to figure out a  
27 way to squeeze us. Maybe not "you guys" is the right phrase,  
28 but how this council is in a position right now to squeeze me  
29 down into a smaller and smaller box. We make these boxes to  
30 protect corals, but yet we can't verify whether I have hurt  
31 corals or am doing anything, and so I'm really kind of confused  
32 of what are we protecting corals from.

33  
34 The idea of protecting them from some future thing is great,  
35 especially if it's not your livelihood, which is kind of what it  
36 looks like to me, because it is my livelihood. It's my guys,  
37 and it's my fish house, and it's the whole nine yards. To me,  
38 it seems really challenging, and so hopefully this council can  
39 be more wise and say, hey, this is a bad idea, because I don't  
40 think it's solving anything. It's not fixing anything.

41  
42 Then the other thing that Randy brought up is the hook issue. I  
43 am kind of asking this council to, if they would, start an  
44 amendment that would look at the hooks. In Amendment 31, we had  
45 a rule that limited us to 1,000 hooks onboard and 750 rigged  
46 hooks, and the problem is that my guys are consistently losing  
47 500 or 600 or 800 hooks, or it can be higher.

48

1 I actually have the verbiage that I worked with NMFS a little  
2 bit about, and that's why we came to the conclusion that we  
3 needed to kind of do this under a full amendment, or at least a  
4 very thinned-down amendment, and I sent that to a couple of  
5 people, and I will try to send it to everybody else on the  
6 council so you can look at it. It's literally like a sentence-  
7 and-a-half pulled out of one section and then one word added in  
8 to kind of clarify this, so we don't put me in this weird spot  
9 like I am with the corals.

10  
11 The corals, you are making boxes to fine me, and, in the case of  
12 this hook issue, I've got one box that costs me \$150 for hooks  
13 that's on my boats, and, if one of my guys forgets it, I'm  
14 potentially looking at a \$10,000 fine. I said, that just  
15 doesn't make logical sense for business and how we work, and so  
16 I hope you guys think about that and we can get some resolution  
17 with these things and move forward. Thank you.

18  
19 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from Mr.  
20 Diaz.

21  
22 **MR. DIAZ:** I just want to pin you down a little bit. Another  
23 gentleman, I think Mr. Lauser, mentioned it earlier, but he  
24 specifically said 500 hooks, but you went 500 or 600 or 800.  
25 What number of hooks do you all actually need to solve the  
26 problem?

27  
28 **MR. DELACRUZ:** The stuff that I will send around actually  
29 doesn't identify a total count on the boat, because here is  
30 where the problem with that lies. Say we say it's 500 and my  
31 guys go out and we have 750 rigged hooks and we buy five extra  
32 boxes of hooks and set them off to the side. We go fishing and  
33 then we look up and it's the world of unintended consequences.

34  
35 We forget that we had an extra box left over there laying on the  
36 side. It literally becomes a \$10,000 box of hooks for me, and  
37 all it takes is one overzealous enforcement officer that he is  
38 going to make a point, because he wants to make a name for  
39 himself, and we haven't really effectively protected anything.

40  
41 You haven't stopped -- The way the definition is defined or the  
42 way I am looking to define it, it says very clearly rigged hooks  
43 being used to fish. The extra count of hooks shouldn't be a  
44 relevant factor. I can't rig them up in ten minutes. It takes  
45 these guys days to rig these things to do this trip, and so the  
46 idea is that we take away what that big number is and just focus  
47 on those rigged hooks being fished. That way, in case there is  
48 an extra set or box of hooks, or I got in a position where I

1 have a guy taking hooks to another guy, he's not in violation.

2  
3 That's kind of why I don't really want a number. I want to  
4 focus down on how many hooks we can use and fish with those,  
5 rigged hooks for fishing. In the stuff that I will send around,  
6 it's really a small adjustment. When you read it, it's pretty  
7 clear.

8  
9 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. Stewart Webb,  
10 followed by Mr. Bill Arant. Mr. Stewart Webb? Okay. Next, we  
11 have Mr. Bill Arant, followed by Mr. Skipper Thierry. Bill  
12 Arant? Okay. Next, we have Mr. Skipper Thierry, followed by  
13 Mr. Mike Thierry.

14  
15 **MR. SKIPPER THIERRY:** Good afternoon. I am Skipper Thierry. I  
16 have a headboat out of Dauphin Island, Alabama. After the  
17 presentation on the charter management plan yesterday, there was  
18 just so little discussion. It was pretty disappointing. I  
19 really hope that this council will have a lot more discussion,  
20 possibly tomorrow, on it, on Amendment 41.

21  
22 Please continue to develop this amendment with cyclical  
23 redistribution and a multispecies approach. The cyclical  
24 redistribution should be done in a manner that gets the fish to  
25 the fishermen that need them as quickly as possible, and a  
26 multispecies approach is clearly needed, the more and more we  
27 see all these closures.

28  
29 The triggerfish and amberjack closures hurt, and let's think  
30 outside the box. How about a half-an-amberjack per person on  
31 your boat, to lengthen the season? One triggerfish, you guys  
32 talked about that, and that would be great, to help lengthen the  
33 season. I do think that the size limit should stay at fourteen  
34 inches, because that's already a big triggerfish, and history  
35 tells us if we catch the bigger fish that we have shorter  
36 seasons.

37  
38 Let's just please keep both amendments, 41 and 42, moving  
39 forward. I have heard of no other alternatives that gives the  
40 for-hire sector a path forward, and we would like to move  
41 forward. Without them, what happens to the for-hire sector? Do  
42 we go back to an even shorter season after Amendment 40 expires?  
43 What if we don't drastically change our approach to triggers and  
44 amberjack? Will we ever have a season for them again? Without  
45 major changes, does the recreational sector ever have a decent  
46 season again?

47  
48 I heard it said earlier today, as I was trying to figure out

1 what to say, that the only two positives in these fisheries are  
2 the commercial IFQ program and Amendment 40, and I just think  
3 that maybe combining some of the components of both of those  
4 programs could be the way forward for both the for-hire and  
5 recreational fisheries. Nothing about it will be easy, but, if  
6 it's worth doing, it never is, and so thanks.

7  
8 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. Mike Thierry,  
9 followed by Mr. Bobby Kelly.

10  
11 **MR. MIKE THIERRY:** Thank you, all. I'm Captain Mike Thierry,  
12 from Dauphin Island, Alabama. I have been blessed to be able to  
13 fish in that Gulf for over fifty years. We need to keep moving  
14 forward with Amendments 41 and 42, with multispecies included in  
15 these, in the charter/headboats.

16  
17 The charter/headboat industry desperately needs a business plan,  
18 and these plans should be able to do that for us. 41 and 42  
19 should give us a way forward, and we desperately need to move  
20 forward.

21  
22 Charter/headboats need something to catch now. Pretty much the  
23 only species we can catch right now is vermilion snapper. We go  
24 way offshore for tuna fishing, and that's good, but a lot of  
25 boats don't have that capability, and so that's why I would like  
26 to see Amendment 46 go ahead and go with a one-fish limit. Keep  
27 it at fourteen inches. We don't need to go up. Like everybody  
28 has said, history has showed that it gives us shorter seasons  
29 when we go up on the size limit.

30  
31 I would like to see a half-of-an-amberjack, and maybe round up  
32 to the next one. Let's say, for instance, you had ten people on  
33 the boat, and you could keep five amberjack. If you had eleven  
34 people, you could round it up to six. Hopefully this would give  
35 us a longer season. It would be a way where we would have  
36 something to catch that we really need to do. The size limit on  
37 amberjack needs to stay the same.

38  
39 When the season is being set for this year for red snapper, it  
40 needs to be set so that each subsector will stay within its  
41 quota and each sector will be held accountable. We need to move  
42 ahead with the electronic logbooks.

43  
44 I can remember, back through the years, we needed the data and  
45 we wanted the data. Well, we've got the opportunity to get that  
46 data, and it seems like we've dragged our feet on this, and we  
47 need to really move ahead and get on with this.

48

1 Again, this is the way we make our living. This is the way we  
2 pay our bills and send our kids to college and are able to  
3 further our lives. We count on these fish, and we count on you  
4 all helping us with this. Thank you.

5  
6 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Bobby  
7 Kelly, followed by Mr. Russell Cunningham.

8  
9 **MR. BOBBY KELLY:** Good afternoon, council. Bobby Kelly here. I  
10 own a dual-permitted boat in Orange Beach, Alabama. I am  
11 actually a Birmingham native. I grew up ten miles from here,  
12 and actually my first job, waiting tables, was downstairs at the  
13 Ruby Tuesday, but I made my way down to the beach as fast as I  
14 could. I own a boat, and I paid somebody to run my boat  
15 yesterday and today so I could be here to express to you all  
16 some of my feelings.

17  
18 First and foremost is you guys are going to set our charter/for-  
19 hire season length coming up in red snapper. It's very  
20 important to me that we get our full access. We have left a lot  
21 of our fish in the water over the last few years. The  
22 scientific community -- Surely there is some uncertainty, or  
23 there is some fish counting, but we've got two years behind us.  
24 We know what's there.

25  
26 My fleet fought very hard to get our own allocation in Amendment  
27 40, and to see that our access is continually eroded away and  
28 given to the private recreational sector, that doesn't really  
29 seem right for all these guys that have put in all of this time  
30 over the last five or ten years to try and get this, and so we  
31 ask the council to give us our full pull on our fish for the red  
32 snapper season coming up. That's all we ask. We know it's  
33 there.

34  
35 I think we left 33 percent of our fish in the water last year,  
36 and we want them. Give us as much as we can and let's go catch  
37 them, please. It's good for business, and it helps everybody.  
38 It puts smiles on Americans' faces, and that's what we want.

39  
40 I appreciate the work that the council has done on Amendment 41  
41 and 42. I read the white paper a while ago. There is some new  
42 ideas in there. It means a lot that you guys are trying to do  
43 this for us and work forward and work for the solution coming  
44 in. I would like to see you guys add the five species into that  
45 white paper and let's keep developing this out.

46  
47 You all have come a long way with it. A lot of work has come  
48 into it. I appreciate it, and I think there is still a little

1 bit more to go, but I am in favor of it, and I appreciate the  
2 work that you all have done.

3  
4 The spring has been kind of tough for us, with all the closures  
5 and stuff like that. I have pretty much adopted on my boat -- I  
6 say, if it's big and it tastes good, we've got to throw it back.  
7 It sucks. I know, but it's just what we've done. The  
8 triggerfish amendment is coming up, and I'm hoping that we can  
9 get through some of that. I support a March and April opening,  
10 and I support a one-fish bag limit. I absolutely do not support  
11 an increase in size limit, after what we saw with the amberjack  
12 season and the thirty-four inches, there is no way in hell I  
13 will ever support another size increase ever. It's just not  
14 going to happen. Thanks, guys. I hope you have a safe ride  
15 home.

16  
17 **CHAIRMAN BOSARGE:** We have a question for you, Mr. Kelly, from  
18 Mr. Swindell.

19  
20 **MR. SWINDELL:** How deep is the water -- When you're catching  
21 snapper, how deep are you fishing in?

22  
23 **MR. BOBBY KELLY:** I am actually -- Where I love to fish is forty  
24 to eighty-foot of water. I have built reefs in there. That's  
25 just me personally. It's not most of the fleet. Most, if I had  
26 to say it, the average for my fleet, is between sixty and maybe  
27 a hundred. Probably sixty to ninety out of Orange Beach.

28  
29 **MR. SWINDELL:** Were you here at the council meeting when we were  
30 talking about the fish descending device?

31  
32 **MR. BOBBY KELLY:** Yes, the Seaqualizer. Yes, sir. I carry one  
33 on my boat.

34  
35 **MR. SWINDELL:** You carry one on your boat?

36  
37 **MR. BOBBY KELLY:** Yes, sir. It's part of our trophy program on  
38 the boat. If somebody catches a big fish, we have a 6/0 with a  
39 three-pound lead on it. Once they get there, we have the boga  
40 grips. We don't poke holes in the fish. We net the fish, the  
41 big fish, out of the water for the customer to do the photo and  
42 the release thing. I am vomiting in my mouth saying this,  
43 because I want to kill him, but it's just what we've had to do  
44 to adapt. As part of the trophy program, we have a 6/0 with a  
45 three-pound lead and the customer actually gets to release the  
46 fish in that manner.

47  
48 **MR. SWINDELL:** Thank you very much.

1  
2 **CHAIRMAN BOSARGE:** Mr. Walker.

3  
4 **MR. WALKER:** Thank you, Bobby. I've heard you give testimony on  
5 the abundance of triggers you've seen. Give me a little bit of  
6 what you have witnessed as far as amberjack.

7  
8 **MR. BOBBY KELLY:** The amberjack fishery is increasing. It's  
9 nice. It was on paper when the council brought it up to us, and  
10 Dr. Dana herself said that she supported a thirty-four-inch  
11 fish, because it allows them to come to sexual maturity. That  
12 apparently was a double-edged sword, and we reached the TAC  
13 faster on it.

14  
15 Now, like I said, we were sold this new thirty-four-inch  
16 increase, which I understand the numbers are there and we're  
17 supposed to get year-round access, and now we had eighty days of  
18 access, and so it wasn't what it was supposed to be, and I think  
19 everybody on the council knows that.

20  
21 **CHAIRMAN BOSARGE:** A follow-up from Mr. Walker.

22  
23 **MR. WALKER:** But as far as abundance.

24  
25 **MR. BOBBY KELLY:** Yes, they're everywhere. The measurements are  
26 working, Mr. Walker. The measurements are working just fine.

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

29  
30 **MR. BOBBY KELLY:** Thank you, guys.

31  
32 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Russell  
33 Cunningham, followed by Mr. Eric Brazer.

34  
35 **MR. RUSSELL CUNNINGHAM:** Good afternoon, ladies and gentlemen.  
36 My name is Russell Cunningham. I am a recreational angler from  
37 Birmingham, Alabama. I do most of my fishing in the Gulf and  
38 Mississippi Sound. I want to thank you all for coming to  
39 Birmingham. It's been a while, and it's good to see you all  
40 here.

41  
42 I want to keep my comments brief. The main thing I want to say  
43 is that I think the Marine Resources Division in our state has  
44 been doing an excellent job in their management and monitoring  
45 of snapper and reef fish. Chris Blankenship and Kevin Anson  
46 deserve a lot of credit. I think the Snapper Check Program that  
47 MRD has come up with has been a good source for getting some  
48 localized data for the State of Alabama that appears to conflict



1 somewhat with the federal data, but I think that that's a move  
2 in the positive direction for data collection.

3  
4 I really feel that I would like to see management of reef fish,  
5 and specifically snapper, moved to the states. I think that  
6 they are more than capable of handling it, and that's really the  
7 end of my comments. Thank you.

8  
9 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question for you  
10 from Mr. Banks.

11  
12 **MR. BANKS:** I appreciate the comments. I was just wanting to  
13 know if your idea of the state managing it -- Is that for the  
14 entire fishery or would you be also okay with managing just the  
15 recreational component?

16  
17 **MR. CUNNINGHAM:** My personal preference is for managing the  
18 entire fishery. Thank you.

19  
20 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Eric  
21 Brazer, followed by Mr. Ted Childress.

22  
23 **MR. ERIC BRAZER:** Thank you very much, Madam Chair. My name is  
24 Eric Brazer, and I'm Deputy Director of the Gulf of Mexico Reef  
25 Fish Shareholders' Alliance. Thank you for the chance to speak.  
26 On Amendment 36A, I wanted to point out that we continue to  
27 support the advisory panel's preferred alternatives,  
28 unfortunately most of which were not the preferreds chosen by  
29 the council.

30  
31 We do wish the council would have gone a bit further in  
32 improving the accountability of the industry, but we recognize  
33 that, through their preferreds, some of these loopholes that we  
34 have addressed will be closed, and so we do appreciate that.

35  
36 With regards to the corals discussion, the fishermen we  
37 represent will always continue to recognize the value in these  
38 coral systems, but we continue to have strong reservations about  
39 closing off more areas of the Gulf, and, given the discussion  
40 this week, we have even more concerns about how this  
41 conversation, the scope of this conversation, seems to have  
42 taken a left-hand turn.

43  
44 If we are going to go down this road, we really urge the council  
45 to fully understand the unintended consequences of closing off  
46 more access and to take a hard look at the data being used to  
47 define some of these proposed areas.

48

1 I say this because I want to read something into the record from  
2 the 2015 Harbor Branch and NOAA Report on the Pulley Ridge  
3 expansion. It says, and I quote, there is no evidence of  
4 extensive damage from fish traps or trawls, although there have  
5 been ghost traps observed, primarily along the south drop-off,  
6 south of the Pulley Ridge HAPC, and one apparent trawl track was  
7 seen on the West Ridge. This leaves coral disease or upwelling  
8 as the most reasonable culprit, end quote.

9  
10 Moving on, I do want to mention our EFP. It was brought up  
11 earlier, and I wanted to provide you guys an update. We are  
12 taking it back to the industry, to address some of the concerns  
13 that you have heard. We are really committed to coming back to  
14 the table with a better proposal and something that we can all  
15 agree on and work together on.

16  
17 We are trying to build a program from the bottom-up, a  
18 grassroots fishermen program, that protects fishing access and  
19 protects turtles at the same time. The ESA has been a real  
20 success, and we're trying to figure out how to manage that  
21 success. If you have feedback on the document, please send it  
22 to us. We want to continue to work with you and the rest of the  
23 industry to put together a real solution, something that's  
24 really going to work on the water.

25  
26 Jason and Captain Randy had touched on the hook limit issue.  
27 This is a real problem. The longline fleet is trying to be  
28 compliant with the existing rules, but the increasing shark  
29 populations are making it very difficult, and so we hope that  
30 you will initiate a very simple, very straightforward amendment  
31 to address this issue. If you have any questions, I would defer  
32 you to Jason and Captain Randy and the other fishermen to speak  
33 on it.

34  
35 Finally, in light of the recreational season information and the  
36 pleas from the charter/for-hire fleet, it seems like it's pretty  
37 clear to restart the state management conversations for the  
38 private angler fishery, either through Amendment 39 or some  
39 other similar council vehicle. Thank you for the opportunity to  
40 speak.

41  
42 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. Ted Childress,  
43 followed by Mr. Randy Boggs. Mr. Ted Childress. All right.  
44 Next, we have Mr. Randy Boggs, followed by Mr. Bubba Wells.

45  
46 **MR. RANDY BOGGS:** Good afternoon. I would like to talk to you a  
47 little bit about triggerfish. I read through the amendment, and  
48 I've got something a little bit different to propose. Right

1 now, we're looking at about eighteen or nineteen months before  
2 we reopen triggerfish, with the closure that we've had with the  
3 past year and then a full year of closure.

4  
5 I am scared to death that, if we open this triggerfish for a  
6 long-term season, right off the bat, without a wave in there to  
7 do an assessment on what we're actually catching, that very  
8 quickly we're going to overfish. I think it would be really  
9 prudent for us, after a nineteen to twenty-month closure, to  
10 maybe open it in February.

11  
12 It's a month that historically there is fish harvested in that  
13 month, but it will give us time to fish maybe twenty-eight days  
14 in February. Then it will give us six months, maybe, and reopen  
15 it in August, when everything else kind of is shut down. I  
16 would hate to see us open it indefinitely, waiting on a catch  
17 wave to come in. That could be really, really detrimental to  
18 our fish.

19  
20 I would encourage the council, again, to move 41 and 42 forward.  
21 I think what Jason's point was about the longline boats, and I  
22 know some of these guys that fish, is it's utterly ridiculous to  
23 have a boat in the Gulf that loses 500 or 600 hooks and he can't  
24 carry enough hooks to go back and he's got to go -- Some of  
25 these boat fish twenty to twenty-five days. Not to be able to  
26 carry spare hooks onboard the boat that are not rigged, that's  
27 kind of ridiculous, and then you can't send a boat out to meet  
28 him that's going fishing and legally do that.

29  
30 Then the last thing that I want to talk to you about, guys, is I  
31 hear a lot of people talking about taking this to state  
32 management on the fishery. I live in Alabama, and I have lived  
33 here and worked here my whole life. I am an Alabama native.

34  
35 The State of Alabama faces a huge budget deficit every year.  
36 Our state can't pay for Medicare and Medicaid, and they can't  
37 pay for road maintenance. I heard Scott this morning give a  
38 great presentation about what his budget was this year, and, if  
39 I paid attention, I heard Scott say that he got less money this  
40 year than he has got in the past.

41  
42 I don't think the State of Alabama can afford to pay for the  
43 management of this fish. I don't think that we can afford the  
44 enforcement or the management. I don't think we can afford the  
45 stock assessments, and I don't think anybody in here wants to  
46 support a tax increase to pay for the stock assessments, and so  
47 I really have to believe that the State of Alabama can't afford  
48 to pay for the management of this fish.

1  
2 I just don't see where it would come from in the budget, and, if  
3 somebody can explain that to me and how we can afford to pay for  
4 that, I would love to hear it, but, when your state is millions  
5 of dollars in debt and can't come out, I don't see how we can  
6 put this burden off on the state to manage that fishery. Thank  
7 you, guys.

8  
9 **CHAIRMAN BOSARGE:** Thank you, Mr. Boggs. Next, we have Mr.  
10 Bubba Wells, followed by Mr. Darrel Arnold.

11  
12 **MR. BUBBA WELLS:** Thanks for having me. My sheer horror of  
13 public speaking will keep this short and sweet. It's getting  
14 later in the day, and I'm sure you all will appreciate that.  
15 Thank you for allowing me to voice my opinion.

16  
17 I came way, way, way ill-prepared compared to the ones who went  
18 before me, and probably the ones that will go after me, but I am  
19 from Birmingham. I have, since I was a young man, gone to the  
20 Alabama Gulf Coast to go fishing.

21  
22 I do not have my own boat, and I'm obviously not a commercial  
23 fisherman, but I use charter services, and I thought, when I saw  
24 that you all were coming here to town, that it would be neat  
25 just to sit in front of you all, because my Google research  
26 showed me that you all are sort of the ones that get the  
27 thinking caps on to determine the fish limits and the seasons  
28 for the fish.

29  
30 I can say, as a fisherman that uses charter services, that, over  
31 the years -- I am fifty-three, and I started going when I was  
32 eleven, and I wasn't paying for it when I was eleven like I am  
33 now, but I've got to kind of look at how long I can continue to  
34 -- It's a pretty good investment. I take customers. I have a  
35 used truck business, and I take customers fishing. I take my  
36 family fishing and my son and his buddies, et cetera, et cetera,  
37 wanting them to, like those who went before me said, wanting him  
38 to enjoy the sport like I have all of my life.

39  
40 I come stand in front of you all to just make it known that it  
41 would be hard for me to support the fishermen, or the charter  
42 services that I use, if I can't -- When I started out, we could  
43 catch snapper and trigger and amberjack, all kinds of stuff, and  
44 then it seems like, over the years, it's just gotten smaller and  
45 smaller and smaller.

46  
47 Now, I realize that it depends on the time of year that I go  
48 too, but me being in Birmingham and owning my own business and

1 trying to put a couple of kids through college, there is only  
2 certain times of the year that I can go, and so June,  
3 historically, has not been a good month for me to take off and  
4 go down there, and so that kind of throws the snapper out.

5  
6 Now I understand that the trigger is just -- There's no season  
7 and no catching. It's yellow, and there is one more thing that  
8 I wanted to say. I am going to stop there and change gears and  
9 let you all in on my adult ADD here. I am going to just swap it  
10 around.

11  
12 Like I said, I have a used truck dealership, and this is looking  
13 at the guys that I go fishing with. If Ford came into tomorrow  
14 and said you can no longer sell an F150, I would start selling a  
15 bunch of Chevrolets. If they came in four months later and said  
16 you can no longer sell Chevrolets, I would start running out of  
17 stuff to sell and I wouldn't be able to make a living. My red  
18 light is on, and I'm done. Thank you, all.

19  
20 **CHAIRMAN BOSARGE:** Thank you for coming, sir. Next, we have Mr.  
21 Darel Arnold, followed by Mr. Dean Blanchard.

22  
23 **MR. DAREL ARNOLD:** Thank you, council. I am a Birmingham  
24 native. I do go fishing, mainly with charters down at the  
25 beach. I do try to take the family and take employees. I do  
26 own my own company, and so it's nice to entertain down there.

27  
28 Over the years, probably seven or eight years, it has gotten  
29 tougher and tougher to have trips designed where it's worth even  
30 going. A lot of my customers and spouses and family, when we go  
31 down there, because I own my own business, getting the days set  
32 up, with as short as they are, it's almost non-existent to go to  
33 try to catch snapper.

34  
35 Trigger is gone. That is useless now, and then you've got  
36 amberjack. Basically, if I'm going, I have got to go on a two  
37 or three-day, usually, out in the Gulf, to catch tuna. It's got  
38 to be hurting the captains.

39  
40 I have talked to a lot of captains, because we do charter, and  
41 it's got to be hurting them. It's got to be hurting the hotels  
42 and anything that has to deal with the food. It's got to be  
43 hurting everybody, and so I would ask if you would think about  
44 my side, which most everybody, in general -- There are some  
45 recreational people here, if you all would think about the other  
46 side of it. There is a lot of people from not the Gulf that go  
47 down there that support everything that occurs in the Gulf.  
48 Thank you very much.

1  
2 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Dean  
3 Blanchard, followed by Mr. Mike Rowell.  
4  
5 **MR. DEAN BLANCHARD:** Hello. My name is Dean Blanchard, and I'm  
6 a shrimp processor from Grand Isle, Louisiana. I am here to  
7 talk about this trying to pull the permits. You all just heard  
8 Mr. Russell Underwood say the snapper is tenfold, and so I don't  
9 guess the permits are the problem with the snapper.  
10  
11 National Marine Fisheries can't find three documented cases of  
12 dead turtles on a boat, and we've got more turtles than we've  
13 ever had, and so it can't be the turtles, and what's the  
14 problem? I mean, the shrimp is different than the red snapper.  
15 Red snapper permits went up. As you keep making the shrimp  
16 industry smaller and smaller, you've got less of a market share.  
17 We are competing against foreign imports, and they don't have  
18 that problem.  
19  
20 There is no reason to take those permits, no reason whatsoever.  
21 I mean, I want you to tell me if I'm wrong. I tell you what I  
22 hear down in the bayou, whether it's true or not. They've got  
23 people that sit on the advisory board and they say your daddy  
24 said that he wants to cut the permits so his permit is worth  
25 more money, and then you're sitting up here pushing that agenda.  
26  
27 I mean, I thought they put people in jail for stuff like that,  
28 conflict of interest. I mean, how can you vote on something  
29 that affects you? I mean, that don't make no sense. I mean,  
30 there is no council you can go to in America that you could vote  
31 on something that affects you. I mean, this is wrong. I mean,  
32 this whole meeting is wrong.  
33  
34 I think you all had this meeting in Birmingham to stop the  
35 stakeholders from coming here. I mean, this is ridiculous. You  
36 all need to change you all's name to the Mideast Council or  
37 something. You all ain't the Gulf Council. It took me eight  
38 hours to get here. I left Grand Isle at 2:30 this morning. I  
39 mean, that's why there is no fishermen here, and he is wrong on  
40 one point. Fishermen never had -- The shrimpers never had  
41 enough money to sue. Thanks to BP and all, we do now, and we're  
42 going to sue you. We're going to sue you, I promise.  
43  
44 I mean, if Jesus comes back and the Bible is right, you all  
45 wouldn't give him a license. I mean, there is something wrong  
46 with you all. You all are trying to make the business smaller.  
47 I mean, we just elected a new President that said more American  
48 jobs, and you all are over here taking them away.

1  
2 We had a \$19.8 trillion deficit this morning, and you all are  
3 sitting in the Hyatt Hotel. You all should be in a tent  
4 outside. If I owed \$19 trillion dollars, I ain't spending the  
5 government's money in the Hyatt Hotel. What is wrong with you  
6 all? We've got to work together. You all are just spending our  
7 money like nothing. We've got a \$19.8 trillion deficit. Put us  
8 back to work and don't take our jobs away. Tell me, what good  
9 is that going to do?

10  
11 We aren't killing the turtles with a -- You need to change the  
12 system. That's what you need to do. I mean, one thing I  
13 learned out of BP is a scientist and a prostitute ain't no  
14 different. If you pay them enough money, you get the same  
15 result, anything you all want.

16  
17 I mean, you all's scientists are terrible. I mean, they're just  
18 terrible. It's plain terrible. You all ain't got no science.  
19 You all ain't got enough hours out there. A man like Mr.  
20 Underwood has been out there for thirty-five years. You could  
21 put all of you all's scientists together and it don't make a  
22 drop in the hat of what he knows, and so why do you want to take  
23 our permits? Why?

24  
25 Give me one reason. One reason and prove me wrong. It's just  
26 to make yourself money. It's using government money to enrich  
27 yourself.

28  
29 **CHAIRMAN BOSARGE:** Thank you, Mr. Blanchard.

30  
31 **MR. BLANCHARD:** You ain't got no questions, huh? No questions,  
32 huh? My grandma always told me that the lord takes care of the  
33 fishermen, and you all are going to end up in hell.

34  
35 **CHAIRMAN BOSARGE:** Thank you, Mr. Blanchard.

36  
37 **MR. BLANCHARD:** I'm going back to Grand Isle.

38  
39 **CHAIRMAN BOSARGE:** Next, we have Mr. Mike Rowell, followed by  
40 Mr. Tom Hilton.

41  
42 **MR. MIKE ROWELL:** I don't know how to follow up on that, but I  
43 am frustrated as well. I am Mike Rowell from Orange Beach, for  
44 the record, charter boat. I am frustrated as well with the  
45 whole system.

46  
47 I come to these meetings, and it reminds me of a joke where the  
48 preacher bought a lawnmower from a guy and he couldn't get it

1 cranked, and he said, well, you've just got to keep pulling on  
2 it, and he said that you've got to cuss it when you pull on it.  
3 He said, well, I'm a preacher and I forgot how to cuss. He  
4 said, just keep pulling on that rope and it will come back to  
5 you.

6  
7 That's the way I feel when I come here. I get so aggravated  
8 when I get here. My blood pressure goes up, and I don't mean  
9 any offense to anybody, but, just like he was saying, our fleet,  
10 the fishermen out here that have years and years of experience,  
11 we see what's going on right now.

12  
13 The scientists are doing their job and all the data, and it  
14 seems to be getting better, and it's wonderful to learn all  
15 about the species of the different fish and whatnot, but, when  
16 we see the triggerfish out there right now as thick as they are  
17 and we can't catch them, it makes me sick. It makes me sick to  
18 my stomach.

19  
20 My momma said you don't waste things. If I had all the fish  
21 that I threw back dead, I could probably use that to make my  
22 entire year, because we are killing fish every day to catch what  
23 little fish we are able to bring back, and that does not make  
24 sense. What sense does that make to go out there and we've got  
25 this fishery, robust, and you're just letting us kill it and not  
26 bring it to the dock? It makes no sense whatsoever.

27  
28 I am sick of it. You need to listen to us. You need to listen  
29 to the scientists, and you need to listen to us. Let us manage  
30 the fishery. Let us set the bag limits and let us decide what  
31 needs to be caught and what doesn't. We will make the right  
32 decisions. We don't want to overfish this fishery. We want it  
33 to survive. We've got bills to pay. We've got everything  
34 invested in this. You need to let us do it.

35  
36 Who says that the government or the scientists or whoever has  
37 all the right to make all the rules? If it doesn't work right,  
38 nobody is punished except us. Let us make the decisions. Thank  
39 you.

40  
41 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Tom  
42 Hilton, followed by Mr. Johnny Williams.

43  
44 **MR. TOM HILTON:** Howdy, council. I'm Tom Hilton from Texas.  
45 I've been fishing offshore for fifty years. I think what we're  
46 seeing today is a result of the changes that were done to  
47 Magnuson in 2006. We've had ten full years to observe the  
48 effects of those changes, and what do we have today, or in 2016?



1  
2 The commercial sector has 300 percent more access than they had  
3 in 2006. The private recreational fishermen have 3 percent. I  
4 think any reasonable person would look at this situation we're  
5 in now and say the answer is you have to come in and revise  
6 Magnuson, and I read HB 200. I don't see anything in this new  
7 document to correct the problems that we're seeing today.

8  
9 State management is a good answer. The problem with 39 was that  
10 NMFS still controlled the allocation. If you gave the states  
11 the opportunity to do the assessments and the effort and  
12 landings data and create their own allocation based on the best  
13 science that they do, you will have a very viable fishery, and I  
14 would like to see -- Your job is to fairness and equity to this  
15 fishery, and we don't have it.

16  
17 I know you have to follow the law, but you can do things in  
18 management to -- Let's just say, if you split the difference and  
19 you give the commercial guys 180 days and you give all these  
20 charter guys and the private recs 180 days, and that's equity,  
21 and you all could do that. Then, if you have the data, you make  
22 sure that you're not overfishing.

23  
24 Managing the Gulf as one unit is, again, required by law. You  
25 all need to change that. It's like managing deer in Alabama  
26 based on what the deer in Texas are doing. It makes no sense.  
27 Thank you.

28  
29 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Johnny  
30 Williams, followed by Mr. Ryan Bradley.

31  
32 **MR. JOHNNY WILLIAMS:** I'm Johnny Williams from Williams  
33 Partyboats Incorporated in Galveston, Texas. I'm a third-  
34 generation partyboat operator out of Galveston. I have been  
35 involved in the council since 1989. The only face that I see on  
36 the council up here now that was here back in those days is Doug  
37 Gregory. Corky, you're not up there right now.

38  
39 Anyway, the point I want to make is I have been involved with  
40 this for a long time. People's faces have changed over the  
41 years, but the one thing that hasn't changed is status quo. We  
42 are still trying to manage this fishery the way we did back in  
43 1990 with Amendment 1, and it's been failing us. I mean it has.  
44 Who on this council really feels good about how the recreational  
45 sector is being managed right now? I mean, last year, the  
46 purely recreational fishermen got about ten days. We got about  
47 forty-five. Who really feels good about that?

48

1 I mean, we're kind of stuck, and there is things that can try.  
2 We've got less than two months before the recreational season  
3 opens for red snapper, and we don't know how many days we're  
4 going to have. Our customers call, and they try to schedule  
5 their vacations and stuff like that around the red snapper  
6 season. When they call, we say, well, it's going to open June  
7 1. When is it going to close? We don't have a clue. Maybe  
8 forty-five days, or probably less.

9  
10 How can you run a business like this? Red snapper, in Galveston  
11 anyway, is our real bread-and-butter, and so we can't give them  
12 an answer of what the duration is, and so what's on the horizon?  
13 What can we do differently? Well, we looked at state  
14 management, and we talked about that on the council for a number  
15 of years, and it never happened.

16  
17 It didn't seem like people could agree on it, and it didn't seem  
18 like it was really a good plan, and then we looked at Amendments  
19 41 and 42, and those are really the only alternatives out there  
20 that we have in the for-hire sector. I suspect the purely  
21 recreational fishermen could design something on their own, but,  
22 for us, 41 and 42 look like the only alternatives in the for-  
23 hire sector.

24  
25 Our pilot program that we had for two years was overwhelmingly  
26 successful. A cliché that I always use is individuals can run  
27 their businesses better than the government can. I can operate  
28 my business better than the government can tell me how to do it.

29  
30 When we were in the pilot program, we knew how many fish we were  
31 going to get at the beginning of the season, and we could  
32 prosecute our fishery with that knowledge. We have an issue  
33 with safety at sea with the current program.

34  
35 As the seasons become shorter and shorter, there is going to be  
36 people that are probably going to be out there fishing when they  
37 shouldn't be, and so I urge to move forward with 41 and 42, and  
38 I would really like to see you all do a referendum immediately  
39 on 42 and see if the industry really wants it, see if we have  
40 support from the industry for it. If we do, let's move forward.  
41 If not, then let's scrap that and maybe go to something else,  
42 but status quo is not working. You all need to do something to  
43 help us. Thank you.

44  
45 **CHAIRMAN BOSARGE:** Thank you, sir. Mr. Williams, we have a  
46 question for you.

47  
48 **MR. WALKER:** Thank you, Johnny. I was going to ask you, in the

1 western Gulf, as far as vermilion snapper has been on the agenda  
2 as well, have you noticed years that they're running in cycles,  
3 that some years are better than others, with vermilion snapper?  
4

5 **MR. WILLIAMS:** Could you speak up just a little bit, David? I'm  
6 getting hard-of-hearing here.  
7

8 **MR. WALKER:** Vermilion snapper, have you noticed in years that  
9 it cycles and there's good years and bad years?  
10

11 **MR. WILLIAMS:** Well, you know, the vermilion snapper in the  
12 western Gulf, as far as I'm concerned, aren't nearly as  
13 plentiful as they used to be. I remember, back in the early  
14 1970s, when I first became a captain, we would go out and fish  
15 in 115 or 120 feet of water and we would catch about half red  
16 snapper and half vermilion snapper.  
17

18 They're off of Galveston now. I can't speak for the rest of the  
19 coast, but, off of Galveston, it's getting harder and harder to  
20 catch vermilion snapper. The red snapper are just so plentiful  
21 over there that it's just taking -- They're just taking over  
22 everything.  
23

24 I mean, I was out fishing with Randy Boggs on his boat, with my  
25 fiancé there, on Valentine's Day, and we could see condos on  
26 Orange Beach, and we were catching vermilion snapper, and the  
27 captain said we were in a hundred feet of water. You know, we  
28 used to do that too, but we can't do it anymore. The red  
29 snapper have just taken over, as far as I am concerned in my  
30 part of the Gulf.  
31

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

34 **MR. WILLIAMS:** Thank you.  
35

36 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Ryan  
37 Bradley, followed by Mr. Wiley Parks.  
38

39 **MR. RYAN BRADLEY:** Thank you, council. My name is Ryan Bradley,  
40 and I represent the Mississippi Commercial Fisheries United  
41 Incorporated out of Long Beach, Mississippi. I am also a fifth-  
42 generation commercial fisherman as well. I would like to make a  
43 brief comment today on the management of IFQ programs and what  
44 we believe is a fatal flaw in the IFQ system that could lead to  
45 some very serious issues in the not-so-distant future.  
46

47 This may pertain more to the upcoming Reef Fish Amendment 36B  
48 than 36A, but I wanted to go ahead and plant the seeds for that

1 today, to give you all something to think about. We must find  
2 ways to fairly and equitably get new entrants into the  
3 commercial IFQ fishery.

4  
5 The current barriers to entry are just simply too great for new  
6 entrants to gain access to the commercial fishery. Currently,  
7 the only option is to have a pretty substantial amount of money  
8 to invest to purchase allocation or shares and a permit and all  
9 the mandatory equipment that one must have to participate in the  
10 fishery. It's just simply too much to get new entrants into the  
11 system.

12  
13 Not only is that tough on the small guys to get in, but it's  
14 also not a good thing for the big guys, because there's just not  
15 very many people there to lease their shares or buy their  
16 allocation.

17  
18 We did hear some good ideas here recently on some private deals  
19 that could be made in which shareholders would owner-finance  
20 allocation transfers. I think there is some good ideas there,  
21 but we still need to look at better options to recruit future  
22 fishermen and future business owners, fishing business owners,  
23 into the industry that is profitable and sustainable for all  
24 participants, and so, with that, if anybody has any questions --

25  
26 **CHAIRMAN BOSARGE:** Thank you. We do have a question from Dr.  
27 Lucas.

28  
29 **DR. LUCAS:** It's really more of a comment here, Mr. Bradley. I  
30 know your organization is new, and I am glad to see you  
31 attending your first council meeting, and I hope you will  
32 continue to join us and share the views of the commercial  
33 fishermen in Mississippi.

34  
35 **MR. BRADLEY:** Thank you so much, Ms. Lucas. You've been doing a  
36 fantastic job as well.

37  
38 **CHAIRMAN BOSARGE:** I will echo what she said, too. I appreciate  
39 you reaching out and always trying to keep us in touch with the  
40 fishermen in Mississippi, because sometimes we don't get to hear  
41 a lot from them, and so thank you.

42  
43 **MR. BRADLEY:** Thank you, all.

44  
45 **CHAIRMAN BOSARGE:** Next, we have Mr. Wylie Parks, followed by  
46 Mr. Scott Hickman.

47  
48 **MR. WYLIE PARKS:** I am Wylie Parks, and I'm from Montgomery,

1 Alabama, and I have grown up fishing for thirty-plus years out  
2 of Orange Beach, Alabama. I just wanted to take the time to  
3 come up here and just voice my opinion on the snapper days.  
4 Last year, we had nine. I planned on coming down the first part  
5 of the season and bringing some clients and some customers down,  
6 and I mean we got blown out the first three days.

7  
8 We don't have any control over the weather, and you all don't  
9 either, but, if we only have nine days to come down, we've got  
10 to book some part of those nine days to come down, and now  
11 you're talking about two. What are the chances of weather  
12 blowing that out? We all know it's pretty likely that we're  
13 going to get blown out of that.

14  
15 The money we spend to upkeep our boats, the thousands of  
16 dollars, I could buy solid gold snapper filets for what I spend  
17 on a snapper filet, but it's about the experience with my child,  
18 with my family, with my friends. It's not about the fish. It's  
19 about enjoying the outside, the Gulf, the fisheries that we all  
20 enjoy, that is all of ours.

21  
22 Part of that, I would just like to say that we need to come up  
23 with something that's logical that we can all enjoy these  
24 fisheries and the state -- Alabama has done a wonderful job with  
25 Snapper Check. It was easy to use and simple, and it was  
26 painless.

27  
28 I obviously used it every time I went out, and it was painless.  
29 I had some people come up to me on the dock and ask me if I used  
30 it and checked on me, and they were saying that we just want to  
31 make sure that everybody is using it. They were very polite,  
32 and it was very easy to use.

33  
34 We are giving you all data. I want to give you all data. I  
35 want you all to make right decisions, but, when you come back  
36 and say it's not the correct data, you all are arguing with the  
37 data that we're giving you, and so it's just frustrating, as  
38 recreational fishermen, when we following the rules and do what  
39 we're supposed to do and we still get penalized for that. Thank  
40 you.

41  
42 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from Mr.  
43 Walker.

44  
45 **MR. WALKER:** Thank you, Wiley, for driving up from Montgomery.  
46 Would you be in support of some type of tagging system that  
47 provided better data?

48

1 **MR. PARKS:** Definitely.  
2  
3 **MR. WALKER:** Thank you.  
4  
5 **MR. PARKS:** Thank you, all.  
6  
7 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Scott  
8 Hickman, followed by Mr. Greg Abrams.  
9  
10 **MR. SCOTT HICKMAN:** Good afternoon, Madam Chair and Gulf Council  
11 and the gracious presence of the South Atlantic Council's Chris  
12 Conklin. I would like the council to consider adding the  
13 multispecies element to the Amendment 41 document, add the  
14 cyclical redistribution to the Amendment 41 document.  
15  
16 I attended the National Marine Fisheries Service rec workshop in  
17 Houston last week. Dr. Barbieri did a fabulous job on his MRIP  
18 presentation, and the agency and the folks that came did a  
19 really good job on describing how the process works and the  
20 science behind it, and I invited some marina owners and some  
21 boat dealers, some recreational fishermen, and I got really  
22 positive feedback from it, and they were guys that were just  
23 angry all the time about the fishery being managed in the Gulf.  
24  
25 I would say do more of those. Get more people in the room and  
26 give them those presentations. I know everybody's budgets may  
27 not be what they were, but education and outreach is an  
28 important part of this.  
29  
30 The states basically are already managing red snapper. The  
31 majority of you are put on here by your state's governor, and it  
32 obviously looks like the state directors like the state water  
33 seasons. 80 percent of the fish are being caught that way, but  
34 I would like to say -- You know, I hear this from time-to-time  
35 about the commercial fishery, on how the initial allocations  
36 were done, the picking winners from losers, and my guys in  
37 Galveston are losers.  
38  
39 We've got a thirty-mile run just to get to deep enough water to  
40 catch fish. If you go down the coast, the lower Texas coast,  
41 those folks are winners. They've got deeper water, and they've  
42 got good access to those state-water seasons. In Venice,  
43 Louisiana, they've got a good, deepwater fishery. Those guys  
44 are happy, and so basically, with the state-water seasons, you  
45 have picked millions of winners and losers, and that needs to be  
46 fixed.  
47  
48 In fact, at the recreational summit that I attended, the

1 majority of the recreational -- In fact, Doug Boyd was there. A  
2 big chunk of the recreational fishermen there asked to do away  
3 with the state-water seasons and come up with a better system.  
4 Give them some flexibility that they can choose when they want  
5 to go.

6  
7 Ken Haddad's work shows that -- Some of those products I saw  
8 this week were great, and, once again, I would like to thank  
9 Chris Blankenship, as the others did, for the Snapper Check  
10 Program. They are doing a great job, and Louisiana for the LA  
11 Creel Program. They're doing a great job.

12  
13 Maybe you all could pitch in and get on a bus and go to Texas  
14 and teach our folks to do a little better job collecting our  
15 catch data, because, looking at those charts, it doesn't look  
16 like Texas is catching anything, and I know we are, because we  
17 see those people up and down the coast going fishing, and that's  
18 about it. Thank you, all, for your time.

19  
20 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Greg  
21 Abrams, followed by Mr. Buddy Guindon.

22  
23 **MR. GREG ABRAMS:** Thank you. I am Greg Abrams from Panama City,  
24 commercial. You all have listened to everybody today about  
25 triggerfish. Now, in the last two years, since we have  
26 lionfish, we have a lot of divers here in Panama City, and I'm  
27 buying a lot of lionfish and getting more knowledge from the  
28 divers of how many triggerfish we do have.

29  
30 We have them in the bays, in our rocks, in our passes. We can't  
31 fish at daytime, the b-liner boats can't. They have to fish at  
32 nighttime. If you all don't do something with the trigger  
33 fishery, you're not going to have a b-liner fishery. Triggers  
34 have the aggression of a red snapper. They're the most  
35 aggressive two fish there is in the Gulf, and they are eating  
36 the juvenile grouper. They are eating the b-liners, and there  
37 never was a problem with triggerfish.

38  
39 Commercial, we never targeted triggerfish. It was a bycatch.  
40 You have to use the smallest hook you can to catch a  
41 triggerfish, and so, really, there never was a problem, but you  
42 all need to correct this problem about that, or we will have a  
43 problem with b-liners, and b-liners is a fish that's very  
44 finicky. He will eat by the full moon and sleep by the day  
45 moon. It's up and down, and so there's a problem with  
46 triggerfish, and it's a major problem, and that's what I am here  
47 for.

48

1 Then the amberjack. We've been talking about amberjack since  
2 I've been coming to these meetings for fifteen or twenty years,  
3 and we ain't solved the problem. We've got it closed three  
4 months and open it back up for a month in June and then close it  
5 again. The month we open it back up, that's when they have roe,  
6 and we haven't accomplished anything, and we need a bycatch.

7  
8 You all have turned amberjack fishing into a derby fishing.  
9 1,200 a trip, every day. That's all boats are doing out of  
10 Alabama, Panama City, and Destin. You've got to put a thousand-  
11 pound trip limit with a bycatch. Slow it down, because  
12 restaurants need to put it on their menu, and we're forgetting  
13 about the restaurants.

14  
15 That's about all I have to say, except, for the recreational  
16 fishermen, 90 percent of your recreational fishermen are  
17 hunters. They don't need but about thirty or forty days to  
18 fish, and get them a tagging program, because I hunt in  
19 different states, and every state I go hunt in -- I am either in  
20 a lottery in Wyoming or I'm in Georgia buying tags, and it don't  
21 bother me.

22  
23 The money goes to enforcement and for the resource, and we've  
24 been telling you all to get a tagging program for the  
25 recreational, because they deserve to fish and they deserve the  
26 resource, too. Thank you.

27  
28 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Buddy  
29 Guindon, followed by Andreas Anastassakis.

30  
31 **MR. BUDDY GUINDON:** Hello. Thank you for having me here. I'm  
32 Buddy Guindon. I am many things to many people, but a  
33 commercial fisherman at heart. I feel bad for the recreational  
34 fishermen that have come in this room that really don't  
35 understand why they are where they are.

36  
37 I think they need the management plan to change. You have been  
38 managing them the same way since the implementation of Magnuson-  
39 Stevens, and it's time for that to change, and I think we're  
40 working towards that, maybe with our recreational groups meeting  
41 soon, and so I hope you can move a management plan along for  
42 them, because they do deserve it, and they are asking for it  
43 desperately.

44  
45 State management isn't for commercial fishermen, and I will tell  
46 you why. Back in the 1980s, when the federal government decided  
47 they would no longer manage or allow harvest of redfish and  
48 turned it over to the states, the states decided to make it a



1 gamefish, and we lost that commercial fishery. We lost trout  
2 along with it at that time.

3  
4 For us to try to go into a state management program, it would  
5 seem like the death of our industry, and that's not what we  
6 want, and so, as you look towards managing the recreational  
7 fishermen, manage them like you do in the states, pure  
8 recreational fishermen. Manage the heck of them. I think they  
9 need it. I think you're the ones to do it.

10  
11 Alabama is doing a great job collecting data. Louisiana is  
12 right behind them. I think that the other states could step up  
13 and start producing the information that we need to properly  
14 manage our fishery. There may be a lot more fish out there. It  
15 would take away the uncertainty and give you 20 percent.

16  
17 We really need to start thinking about moving these things  
18 along, because these people are very dissatisfied, and they are  
19 taking their dissatisfaction out on people like me, and I'm  
20 getting tired of it, because I've done nothing but work hard all  
21 my life and invest in my business and made it great for my  
22 family, and that's what I was told that I was supposed to do  
23 when I got out of the Marine Corps and moved into the private  
24 sector.

25  
26 I would like you to take the onus off of the commercial fishery,  
27 because we have a great management system, and put it on where  
28 it belongs, the poor data collection in the recreational fishery  
29 and the poor management system that we have allowed them to be  
30 managed under for all this time.

31  
32 We have a few things moving forward. Our EFP needs some work.  
33 It needs some outreach to the industry. We didn't realize that  
34 there would be that kind of pushback for something that we were  
35 trying to do to help people, but they didn't understand it, and  
36 their leadership kind of got ahold of it and dragged it around  
37 in the mud a little before they kind of explained it to them,  
38 and so we're working on that, getting the industry outreach, and  
39 we would like to see us open up that fishery.

40  
41 The coral thing, the overreach of the amount of reefs that they  
42 want to put into the program, is crazy. They didn't listen to  
43 the advice of their own council, and they are paying for that  
44 now, and so thank you for your time.

45  
46 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Andreas  
47 Anastassakis.

48

1 **MR. ANDRES ANASTASSAKIS:** My name is Andreas Anastassakis. I am  
2 the managing partner of Bright Star Restaurant in Bessemer,  
3 Alabama. Bright Star is now in our 110<sup>th</sup> year of business, and  
4 the backbone of our business is red snapper and black grouper.

5  
6 We buy anywhere from 1,200 to 1,500 pounds a week, is what we  
7 average. We have served as much as 2,500 pounds in a week  
8 before. We have our own fish processing room. We buy whole  
9 fish. We cut snapper throats, which is one of our most popular  
10 menu items. We put our snapper -- We clean the bones, the back  
11 of our heads, and that's the meat we put in our gumbo. We  
12 utilize 50 percent of the fish, and so we're in Bessemer,  
13 Alabama, a place where we attract 3,500 to 4,500 guests a week,  
14 and they all come there for the fresh fish.

15  
16 We have Easter coming up next week, and we serve 1,000 people.  
17 500 of those people will order snapper, and so it's the backbone  
18 of our business, as I said. We employ seventy people in  
19 Bessemer, and we have, like I said, two fish cutters, and those  
20 people -- The reason people come to our restaurant is for the  
21 fish.

22  
23 Last night alone, I had people from Boston come in, and I had  
24 people from California come in. I talk to guests from all over,  
25 and they tell me -- People tell me all the time that your fish  
26 here in Birmingham is the freshest fish around, fresher than we  
27 get at the Gulf, and so we've been doing it for a long time.  
28 We've been doing it for a hundred years.

29  
30 We are very proud of the people we have working for us, and it's  
31 our great relationship that we have with our Gulf Coast  
32 fishermen that allows us to provide that great product to our  
33 guests and keep the economy going in Bessemer, Alabama. Thank  
34 you very much for giving me the opportunity to speak here today.

35  
36 **CHAIRMAN BOSARGE:** Thank you. We have a question for you.

37  
38 **MR. SANCHEZ:** It's more of a comment. I was lucky enough to eat  
39 at your restaurant, and it was wonderful. It was the best meal  
40 I've had in a long time, and I just want to say that I am very  
41 glad that you took time out of an obviously busy schedule to  
42 come speak to us, because, I, for one, living on the coast --  
43 You know, you always equate fresh seafood and fresh seafood  
44 restaurants being right on the shore, right on the coast, and  
45 you have definitely demonstrated to me that there is a desire, a  
46 demand, and a fantastic job with bringing fresh seafood to  
47 people a little bit far removed from the coast, and so I  
48 appreciate you coming.

1  
2 **MR. ANASTASSAKIS:** Absolutely. Thank you so much.

3  
4 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. Bill Owens,  
5 followed by Ms. Thao Vu.  
6

7 **MR. BILL OWENS:** Good afternoon, council. My name is Bill  
8 Owens, and I am a commercial fisherman, the Fishing Vessel F/V  
9 Grateful. I'm an owner/operator, and I'm here today to talk  
10 about -- A friend of mine, a couple of days ago, sent me a  
11 screenshot with a little article circled in it.  
12

13 I zoomed in on it and started reading on it, and my heart  
14 actually dropped. What I am referring to is Amendment 36B to  
15 regulate the lease of the quota to the shareholders, to where  
16 they basically have to catch their own fish. That would  
17 devastate most of the fishing industry, such as myself.  
18

19 There is people like me that don't own any quota, and there is  
20 people that own a couple hundred pounds or a couple thousand  
21 pounds, which that's not enough to support their family for a  
22 year, whenever they use that quota up. It would directly  
23 bankrupt me the instant you all sign that through. It would  
24 impact me, my family, my deckhands, their families, and all the  
25 other people out there that just doesn't have quota, like I do.  
26

27 This is my life. I have got my entire life invested in this,  
28 and, if this was to go through, it would bankrupt me overnight,  
29 instantly bankrupt me and put a bunch of people out on the  
30 street. I mean, basically, over this last eight years, don't we  
31 have enough people on the street? If this goes through, there's  
32 going to be a lot more people on the street, because a couple of  
33 my guys have got thirty years of experience commercial fishing.  
34 They know nothing else, and, if this goes through, there's going  
35 to be a lot more people out there.  
36

37 That's about all I wanted to say on that, and then I do want to  
38 make one comment on the amberjack. When amberjack season is  
39 closed, we released probably 1,500 or 2,000 pounds, almost, per  
40 trip, most of them dead. We can't even bring them in, but there  
41 is plenty, plenty, of amberjack out there. That's all I have.  
42 Thank you.  
43

44 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from Mr.  
45 Anson.  
46

47 **MR. ANSON:** Thank you, Mr. Owens. How many pounds of red  
48 snapper do you lease?

1  
2 **MR. OWENS:** As far as red snapper, about 1,000 pounds a trip. I  
3 usually -- I am a longline fisherman, grouper and tilefish and  
4 things like that.  
5  
6 **MR. ANSON:** Where are you from?  
7  
8 **MR. OWENS:** Galveston, Texas.  
9  
10 **MR. ANSON:** The other folks that you mentioned that have to  
11 lease red snapper, about how many pounds do they have to lease,  
12 on average, a year?  
13  
14 **MR. OWENS:** A year? I don't know. I would say 20,000 or 30,000  
15 pounds, I guess, or maybe more. I don't lease it, because I  
16 basically fish in deepwater, and we do catch a lot of snapper  
17 out there in deepwater, on a longline.  
18  
19 **CHAIRMAN BOSARGE:** We have one more question for you, sir, from  
20 Mr. Swindell.  
21  
22 **MR. SWINDELL:** What size snapper are you seeing now in your  
23 area?  
24  
25 **MR. OWENS:** Very large hogs. We call them hogs. They are big  
26 snapper. They are blooming so fast and growing so fast that  
27 they're getting enormous out there.  
28  
29 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Ms. Thao Vu.  
30  
31 **MS. THAO VU:** Good afternoon, Chairwoman Bosarge as well as the  
32 members of the council. My name is Thao Vu, and I am currently  
33 the Director of a community-based organization called the  
34 Mississippi Coalition for Vietnamese American Fisher Folks and  
35 Families. It's a long name, but I didn't come up with it.  
36  
37 Our primary constituency is Vietnamese-American and other  
38 multiethnic fishermen on the Mississippi Gulf Coast, and, for  
39 the public record, these are my comments, concerns, and  
40 recommendations.  
41  
42 First of all, I recently attended the public meeting in  
43 Gulfport, and there were some serious concerns we had, because  
44 there are hundreds of licensed shrimpers on the Mississippi Gulf  
45 Coast, and we have -- East Biloxi was once known as the seafood  
46 capital of the world. However, that meeting, in terms of  
47 attendance, was very low. It was very poor, because we were  
48 informed at the last minute. We didn't have enough time to do

1 targeted outreach.

2

3 There are some of us who work with these fishing communities  
4 that do a lot of outreach at the docks, and we would need more  
5 advance notice to get the word out, and we really want to work  
6 with the council, in terms of improving that communication and  
7 coordination and addressing language access needs, because the  
8 majority of them -- There seems to be a number of the fishermen  
9 on the Gulf Coast that are Vietnamese-American, and they arrived  
10 here as older fishermen, and they never had the opportunity to  
11 attain a higher education.

12

13 They are very hard-working though, and so I want to work with  
14 the council in helping to improve that and bridge any gaps we  
15 have, in terms of moving forward.

16

17 The other concerns we have is I attend many public meetings, and  
18 normally the typical process is -- In this kind of setting, you  
19 are afforded more time after the public meeting. You can make  
20 public comments, and you can submit written letters and  
21 comments, and we would like the council to really structure that  
22 similar to other structures that are set up, for example the  
23 RESTORE Council and the Natural Resource Damage Assessment.

24

25 A lot of other councils that have been set up, their public  
26 participation model and the way that they engage with the public  
27 and allow us to provide input is different, and so we would like  
28 additional time. Many of us didn't have enough time to really  
29 provide written documentation or comment letters three days  
30 before this meeting. We would like you to accommodate us and  
31 give us more time in the future, particularly maybe a few weeks  
32 after this kind of meeting, before you take any final action.

33

34 In terms of the Shrimp Amendment 17B, the shrimp fishery is an  
35 annual crop species. We think it's highly unnecessary and  
36 inappropriate to try to set up some kind of maximum sustainable  
37 yield or optimum yield, because it's only a one-year species.

38

39 At the public meeting, there are these technical documents that  
40 are generally hundreds of pages. However, the PowerPoint  
41 presentations may be ten minutes or fifteen minutes at the most,  
42 the maximum, and we're never given sufficient background  
43 information on the rationale, the basis, the reasoning why or  
44 the development of these amendments and regulations, and that is  
45 critically important for us to understand where you are coming  
46 from or why. We are missing that, and so --

47

48 **CHAIRMAN BOSARGE:** Ms. Vu, I am sorry. Your three minutes is

1 up, but I really appreciate you coming, and I am definitely here  
2 all day, and I would love to talk to you some more later.

3  
4 **MS. VU:** Okay. Thank you.

5  
6 **CHAIRMAN BOSARGE:** Thank you very much.

7  
8 **EXECUTIVE DIRECTOR GREGORY:** Ms. Vu, as far as getting more  
9 outreach, please get with our Public Information Officer, Emily.

10  
11 **MS. EMILY MUEHLSTEIN:** We've already spoken. We are in touch.

12  
13 **EXECUTIVE DIRECTOR GREGORY:** If you all could work together,  
14 that would be great. Thank you again.

15  
16 **MS. VU:** Thank you.

17  
18 **CHAIRMAN BOSARGE:** Okay. We have a few more names on the board,  
19 and a lot of these are the ones that we had called earlier that  
20 maybe were not in the room when we called their names, and so  
21 we're going to go back through these. Mr. Bill Arant will be  
22 followed by Mr. David Williamson.

23  
24 **MR. BILL ARANT:** My name is Bill Arant, and I am a recreational  
25 fisherman. I live here in Birmingham. I first want to thank  
26 you all for holding this here, because I have been to a number  
27 of these meetings scattered around the Gulf Coast, and it's kind  
28 of nice to have one close to home, even though we have a good,  
29 stormy day today.

30  
31 I guess what I have listened to today is a huge amount of  
32 frustration, I think, in all quadrants about the fishery, and I  
33 think everybody has a different cure. From my standpoint, I  
34 would very much like to see our fishery for Alabama basically  
35 turned over to Chris Blankenship and his folks, because they  
36 have done a superb job of working, I believe, with all factions,  
37 and I would hope that that could become a reality, sooner rather  
38 than later.

39  
40 Basically, I have been fishing since the early 1950s, which  
41 gives you a hint as to how old I am, and I just am personally  
42 frustrated with the fact that, with these nine-day seasons or  
43 two-day seasons or whatever, but it's not always convenient for  
44 me as a businessman to break away and take customers and clients  
45 and friends or family fishing in that narrow window, but thank  
46 you very much.

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

1 Williamson, followed by Mr. Ted Childress.

2  
3 **MR. DAVID WILLIAMSON:** Good afternoon. Thank you so much for  
4 coming to Birmingham. We can't tell you how excited we are to  
5 have you here. I know it's a long trek for some of you, and so  
6 we're glad to have you in Birmingham.

7  
8 My name is David Williamson. I am a native Mobilian, but I have  
9 lived in Birmingham for probably the past twenty-seven years,  
10 and so this home too, and I am a life-long angler, recreational  
11 angler, and I have fished the entire Gulf Coast, but primarily  
12 from Apalachicola, the Mobile Bay area, and south Louisiana.

13  
14 As a recreational angler, I can't tell you how many times,  
15 talking to other fellow recreational anglers, we hear about the  
16 season for snapper is just too short and the bag limit is just  
17 too low. I think you've heard a lot of testimony here today  
18 from others, particularly in the commercial industry, that there  
19 is not a shortage of mature red snapper in the Gulf. There is  
20 an overabundance, and so I personally am in favor of moving that  
21 management back to the states.

22  
23 Here in Alabama, the Department of Natural Resources, Scott  
24 Bannon and his group, do a fantastic job. The Snapper Check  
25 Program is innovative, and it's going to be yielding a lot of  
26 good data. In fact, we started using a similar program to  
27 manage our whitetail deer herd this year, and so, as far as not  
28 being able to afford it, and I heard somebody mention that, the  
29 fishing license alone will be more than adequate to fund any  
30 overage there.

31  
32 By profession, I am a banker, and so I want you to consider also  
33 the impact on the economy that recreational anglers have. It's  
34 a multi, multimillion dollar impact on the State of Alabama, and  
35 I'm sure on every state. Everything from people who rent their  
36 houses out to the gas stations, the restaurants, and it's just a  
37 tremendous impact, and I want you to consider that as you make  
38 your decisions. Thank you so much for allowing us to speak, and  
39 I'm happy to answer any questions you have for me.

40  
41 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Ted  
42 Childress, followed by Mr. Kirk Abernathy.

43  
44 **MR. TED CHILDRESS:** Thank you for letting me speak. I grew up  
45 in Orange Beach, and so I'm one of these that has done it all  
46 with the charter fishing, commercial fishing, commercial  
47 shrimping, and recreational. I moved up here about thirteen  
48 years ago, and I still go down a lot, and thanks for having it

1 up here.

2  
3 Obviously something is wrong, with all these people here, and  
4 you all have been having these meetings, and I know progress is  
5 slow and a lot of people are frustrated, and I am one of them.  
6 One of the things I was curious about, and I am learning more  
7 and more about this, and so you all have a council that votes on  
8 this, and am I correct?

9  
10 On the people that are allowed to vote on this, either  
11 recreational, charter, or commercial, that it implies with the  
12 fisheries, do any of them make a living from the commercial, the  
13 charter, and the -- Well, of course, recreational, but I mean  
14 it's kind of like a conflict of interest if someone is sitting  
15 on there having a vote that is in the commercial industry. I  
16 mean, just raise your hand. Are you in the commercial industry  
17 and you're on this board and you make a living from it? No one?

18  
19 **EXECUTIVE DIRECTOR GREGORY:** Sir, we just are taking testimony.  
20 We don't really engage. There is questions and answers  
21 afterwards.

22  
23 **MR. CHILDRESS:** Well, let's not be shy here. We're all friends.  
24 The other thing is -- One of them is I won't beat around the  
25 bush. I know Mr. Walker is in the commercial industry, and  
26 that's fine, but you can't -- You have to separate this conflict  
27 of interest, in my opinion.

28  
29 The next thing that is a -- It just seems really not right, and  
30 I don't know if any of you all have taken this into  
31 consideration, but the Gulf is big, and the one size does not  
32 fit all deal here. There is -- Like in Florida, the further  
33 east you go, there is more grouper.

34  
35 The further west you go, there is more snapper, but the feds  
36 have -- You all have it set up where it's all the same all the  
37 way across the board. I don't know if you have ever considered  
38 breaking it up into sections. I mean, that's how it is. Maybe  
39 ask around and get more data on that, but that's the truth.

40  
41 It looks like I don't have much time here, and so I will be  
42 quick. A lot of us feel like -- I'm sure you all have heard  
43 this many times, but the commercial industry has all of a sudden  
44 gotten this strong foothold, and they get a lot more than  
45 everybody else.

46  
47 I mean, you know that adage of -- They can keep doing that, but,  
48 eventually, enough people are going to get mad. It's like the



1 pigs get fed and the hogs get slaughtered. Enough people will  
2 get mad and keep on and on and on. I am one of them, and so  
3 please you all -- You know, try to do this where everyone is  
4 happy, because obviously everyone is not happy right now. Any  
5 questions?  
6

7 **CHAIRMAN BOSARGE:** Thank you, Mr. Childress. We have a question  
8 from Mr. Boyd.  
9

10 **MR. BOYD:** Thank you. You mentioned three different things,  
11 commercial and recreational and --  
12

13 **MR. CHILDRESS:** Recreational and charter, and charter and  
14 recreational are kind of the same.  
15

16 **MR. BOYD:** What affiliation are you now? Were you all three at  
17 one time?  
18

19 **MR. CHILDRESS:** I was all three at one time, and now I am a --  
20 Basically, I am more recreational, and I'm a part-time charter  
21 fisherman, very part-time, and so I'm kind of like -- It's  
22 weird, and I can see it with all of these guys. I get it.  
23

24 I was talking to Buddy, who is in it, and I get that he -- The  
25 commercial guys need to eat, and the charter guys need to eat,  
26 and the recreational guys want to eat too, but it seems like it  
27 is not even close to fair. It's all one-sided.  
28

29 It's a ten-day season. Really? Ten days. There is 365 days a  
30 year. That's it? Somebody told me that it's going to be even  
31 shorter. That just -- I'm sorry, but that doesn't make sense.  
32 That is pretty bad.  
33

34 **MR. BOYD:** Thank you. I appreciate it.  
35

36 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. Kirk Abernathy.  
37

38 **MR. KIRK ABERNATHY:** How are you doing? My name is Kirk  
39 Abernathy, and I'm with Evans Meats and Seafood. I buy seafood  
40 for our company. This is my first council meeting, and I am  
41 still learning, and I did not know what to expect today.  
42

43 Listening, we buy a lot of fish from some gentlemen in this  
44 room, commercial fishermen, and, right now, we cannot get enough  
45 fish to supply our customers. We employ about seventy people  
46 that all live in the Birmingham area. We sell fish and supply  
47 fresh seafood, mainly Gulf seafood, to Nashville and all over  
48 the State of Tennessee and all over the State of Mississippi,

1 Nashville and Memphis and Jackson, Mississippi being some of our  
2 biggest markets.

3  
4 When we get the fish, we sell it to those guys, and those guys  
5 sell it to the restaurants. They employ chefs, and they employ  
6 wait staff. They reap benefits and reap money from the  
7 commercial fishermen out of the Gulf supplying us with fish and  
8 us supplying them with fish, and so the economic impact is not  
9 just on the coast.

10  
11 It's far-reaching, whether it be the State of Alabama, the State  
12 of Tennessee, and the State of Mississippi, as far as our  
13 company goes, as far as helping everyone get products and  
14 actually getting the fish to the people and having the people  
15 have a livelihood from the fish we supply them. Thanks for the  
16 time.

17  
18 **CHAIRMAN BOSARGE:** Thank you, sir. I do have two names that I  
19 called earlier that I don't think have spoken. I am going to  
20 call them one more time, in case they are back in the room.  
21 That is Price Evans and Stewart Webb, if my list was correct.  
22 Come on down, sir. Thank you.

23  
24 **MR. STEWART WEBB:** I am sorry for my lateness. My name is  
25 Stewart Webb. I'm a resident of Birmingham, Alabama, and I am  
26 just here to express my interest in recreational fishing. I  
27 visit the Gulf Coast occasionally, a couple of times a year, and  
28 I look to just simply take my family, or maybe a few customers,  
29 fishing.

30  
31 Quite simply, the nine-day limit seems a little bit unfair.  
32 It's hard to time vacations or business trips around that  
33 limited timeframe, and I think you all just need to reconsider  
34 and give a little bit more consideration to the recreational  
35 angler. Thank you.

36  
37 **CHAIRMAN BOSARGE:** Thank you, sir. Last call for Price Evans.  
38 All right. That wraps up our public testimony for today and our  
39 agenda for today. We will reconvene tomorrow morning at 8:30.  
40 See you then.

41  
42 (Whereupon, the meeting recessed for on April 5, 2017.)

43  
44 - - -

45  
46 April 6, 2017

47  
48 THURSDAY MORNING SESSION

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The Full Council of the Gulf of Mexico Fishery Management Council reconvened at the Hyatt Regency Birmingham, Birmingham, Alabama, Thursday morning, April 6, 2017, and was called to order by Chairman Leann Bosarge.

**CHAIRMAN BOSARGE:** Good morning, everyone. Several people have asked me to maybe rearrange our committee reports, and I know that's a big surprise for everybody, but we have travel plans, and so this is what I have in front of me here, and I would like some feedback to make sure that this is going to work for everybody.

Shrimp will stay first, because we have a flight that's going to need to be caught for that, for someone that presented during the actual committee, and then Data Collection will be next and then Spiny Lobster, Coral/Habitat Protection, Reef Fish, Liaison reports, and Other Business.

I polled the audience, and I think I know when everybody's flights are, and I think that should work for everybody, but I just want to make sure. Everybody is good with that? All right. Strangely enough, no one asked me to rearrange Reef Fish. It was everything else. We are going to get started with our Shrimp Committee Report then. Mr. Diaz, I will turn it over to you, sir.

**COMMITTEE REPORTS (CONTINUED)**  
**SHRIMP COMMITTEE REPORT**

**MR. DIAZ:** Thank you, Madam Chair. This is the Shrimp Committee Report. The first thing up was the Biological Review of the Texas Closure. Dr. Hart reviewed the results from the Texas closure. The goal of the closure is to increase the size of brown shrimp for harvest. Most shrimp harvested were thirty-one-to-forty count shrimp or larger. There was a shift in landings from one port to another. White shrimp had increased, but are slightly below the long-term average.

There was discussion on the economics of the closure and the Shrimp AP motions regarding extending the closure. The committee requested that staff send a letter to the Southeast Fisheries Science Center requesting an analysis that would address the motions made by the Shrimp AP for an economic analysis of the Texas closure and an analysis on extending the closure to adjacent areas.

1  
2 **The committee recommends, and I so move, recommend that the**  
3 **Texas closure out to 200 miles run concurrent with the date the**  
4 **State of Texas recommends for the 2017 shrimp season.**  
5

6 **CHAIRMAN BOSARGE:** Okay. We have a committee motion. Is there  
7 any discussion on the motion? **Seeing no discussion, is there**  
8 **any opposition to the motion? No opposition and the motion**  
9 **carries.**

10  
11 **MR. DIAZ:** The next was Review of the Updated Stock Assessments.  
12 Dr. Hart provided the committee with the updated stock  
13 assessments for pink, brown, and white shrimp. All stocks are  
14 healthy and are not overfished nor undergoing overfishing.  
15 There was some discussion on the potential for terminal year  
16 bias within the assessment. The SSC felt that these assessments  
17 were the best scientific information available.  
18

19 Next up was the Summary of the Shrimp Advisory Panel Meeting.  
20 Staff reviewed the Shrimp Advisory Panel summary. The AP  
21 discussed the Texas closure, the stock assessments, the new  
22 proposed TED rule, and Shrimp Amendment 17B. The AP concurred  
23 with the preferred alternatives that were selected in Shrimp 17B  
24 by the council at its January 2017 meeting.  
25

26 The AP requested that, for all future shrimp amendments, the  
27 council include locations in Belle Chasse and Abbeville,  
28 Louisiana. Mr. Perret, the Shrimp AP Chair, also provide  
29 information to the committee regarding the AP meeting.  
30

31 Next was Final Action on Shrimp Amendment 17B. Staff reviewed  
32 the public comments that were received. Staff then presented  
33 the final draft of Shrimp Amendment 17B and reviewed the changes  
34 in the document. The committee reviewed the preferred  
35 alternatives selected at the January 2017 council meeting.  
36

37 **The committee recommends, and I so move, to recommend the**  
38 **council approve Shrimp Amendment 17B and that it be forwarded to**  
39 **the Secretary of Commerce for review and implementation, and**  
40 **deem the codified text as necessary and appropriate, giving**  
41 **staff editorial license to make the necessary changes in the**  
42 **document. The Council Chair is given the authority to deem any**  
43 **changes to the codified text as necessary and appropriate.**  
44

45 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board, and  
46 this will be a roll call vote, because this is final action, and  
47 so Mr. Gregory.  
48

1 EXECUTIVE DIRECTOR GREGORY: Thank you. Dr. Lucas.  
2  
3 DR. LUCAS: Yes.  
4  
5 EXECUTIVE DIRECTOR GREGORY: Dr. Crabtree.  
6  
7 DR. CRABTREE: Yes.  
8  
9 EXECUTIVE DIRECTOR GREGORY: Mr. Swindell.  
10  
11 MR. SWINDELL: Yes.  
12  
13 EXECUTIVE DIRECTOR GREGORY: Mr. Banks.  
14  
15 MR. BANKS: Yes.  
16  
17 EXECUTIVE DIRECTOR GREGORY: Dr. Stunz.  
18  
19 DR. STUNZ: Yes.  
20  
21 EXECUTIVE DIRECTOR GREGORY: Dr. Dana.  
22  
23 DR. DANA: Yes.  
24  
25 EXECUTIVE DIRECTOR GREGORY: Mr. Sanchez.  
26  
27 MR. SANCHEZ: Yes.  
28  
29 EXECUTIVE DIRECTOR GREGORY: Mr. Boyd.  
30  
31 MR. BOYD: Yes.  
32  
33 EXECUTIVE DIRECTOR GREGORY: Mr. Diaz.  
34  
35 MR. DIAZ: Yes.  
36  
37 EXECUTIVE DIRECTOR GREGORY: Mr. Matens.  
38  
39 MR. MATENS: Yes.  
40  
41 EXECUTIVE DIRECTOR GREGORY: Mr. Robinson.  
42  
43 MR. ROBINSON: Yes.  
44  
45 EXECUTIVE DIRECTOR GREGORY: Mr. Anson.  
46  
47 MR. ANSON: Yes.  
48

1 **EXECUTIVE DIRECTOR GREGORY:** Mr. Greene.  
2  
3 **MR. GREENE:** Yes.  
4  
5 **EXECUTIVE DIRECTOR GREGORY:** Dr. Frazer.  
6  
7 **DR. FRAZER:** Yes.  
8  
9 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.  
10  
11 **MR. WALKER:** Yes.  
12  
13 **EXECUTIVE DIRECTOR GREGORY:** Ms. Guyas.  
14  
15 **MS. GUYAS:** Yes.  
16  
17 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.  
18  
19 **CHAIRMAN BOSARGE:** Yes.  
20  
21 **EXECUTIVE DIRECTOR GREGORY:** The motion passes unanimously,  
22 **seventeen to zero.**  
23  
24 **MR. DIAZ:** Madam Chair, this concludes my report.  
25  
26 **CHAIRMAN BOSARGE:** Thank you, Mr. Diaz. Next on our amended  
27 agenda will be our Data Collection Committee Report. If Dr.  
28 Stunz is ready with that, I will turn it over to him.  
29  
30 **DATA COLLECTION COMMITTEE REPORT**  
31  
32 **DR. STUNZ:** The Data Collection Committee met on April 3, 2017.  
33 The Southeast Fisheries Science Center Presentation on  
34 Recreational Data Procedures was first. Dr. Vivian Matter gave  
35 a presentation, which is Tab F, Number 4, summarizing the  
36 Southeast Fisheries Science Center practices and procedures for  
37 handling recreational data from MRIP, SRHS, TPWD, and LA Creel.  
38  
39 Adjustments to these data are necessary for a variety of  
40 purposes, including assigning landings to the appropriate  
41 management region, converting units from whole weight to gutted  
42 weight, or calibrating data to the appropriate units for ACL  
43 monitoring.  
44  
45 Additionally, the Southeast Fisheries Science Center uses  
46 different procedures than MRIP for estimating average weights  
47 and uses a minimum of thirty fish per stratum to calculate mean  
48 weight. This procedure is more robust than the MRIP protocol

1 that only requires two fish to estimate mean weight. The final  
2 dataset for each species reflects the best estimate of landings  
3 that also matches the management region and units necessary for  
4 ACL monitoring.

5  
6 Next was a Discussion of MRIP Percent Standard Error Methods and  
7 Protocols. Dr. Clay Porch led a discussion regarding the  
8 procedures for recreational fisheries data with unusually high  
9 variance estimates. This typically occurs with rare-event  
10 species, but may occur for other reasons as well. Dr. Porch  
11 expressed interest in convening a workshop that considers  
12 methods to improve estimates for rare-event species and methods  
13 to incorporate fisheries data with high variance estimates into  
14 management.

15  
16 Dr. Porch was interested in gauging the council's support for  
17 this potential workshop. Mr. Donaldson noted that the Atlantic  
18 Coastal Cooperative Statistics Program has previously held a  
19 similar workshop and recommended a review of their findings when  
20 developing the proposed workshop. The South Atlantic Council  
21 has previously expressed support for the proposed workshop and  
22 would work closely with the Gulf to develop terms of reference  
23 for the meeting.

24  
25 The committee was supportive of the proposed workshop and  
26 recommends that the council work closely with the South  
27 Atlantic Council and NMFS to facilitate this workshop. Staff  
28 will draft a letter to the Southeast Fisheries Science Center  
29 indicating the desire of the council to support and participate  
30 in the proposed workshop.

31  
32 Next was the South Atlantic Council Exemption Request. The  
33 South Atlantic Council reviewed the Gulf Council's For-Hire  
34 Electronic Reporting Amendment at their March 2017 meeting. The  
35 South Atlantic Council approved the Gulf's Amendment, but  
36 requested an exemption from Gulf for-hire reporting requirements  
37 for vessels with Gulf and South Atlantic for-hire permits when  
38 fishing solely in South Atlantic waters, and that's Tab F,  
39 Number 6.

40  
41 The committee discussed the exemption request, but did not  
42 develop a recommendation regarding this request. The exemption  
43 would primarily affect vessels with both Gulf and South Atlantic  
44 for-hire permits that are homeported in the South Atlantic.  
45 Based on the 2016 permits database, there are currently 387  
46 vessels with for-hire permits from the Gulf and South Atlantic  
47 regions.

1 Region is determined through the vessel homeport, or hailing  
2 port, listed on the permit application in Table 1. The proposed  
3 exemption would have little effect on the 251 vessels based in  
4 the Gulf, but the 136 vessels based in the South Atlantic,  
5 Florida Keys, or other regions may be affected.

6  
7 The committee noted that accommodating this exemption request  
8 would require modification of the Gulf For-Hire Electronic  
9 Reporting Amendment, which would require additional review and  
10 approval by the Gulf and South Atlantic Councils. These  
11 modifications could also require additional council meetings and  
12 public hearings to gather stakeholder input, and thus delaying  
13 the implementation of the Gulf for-hire electronic reporting  
14 program. Madam Chair, how do we handle tables? Do I read that  
15 table into this or --

16  
17 **CHAIRMAN BOSARGE:** I would, because we didn't discuss it during  
18 the committee.

19  
20 **DR. STUNZ:** Okay. Table 1 is number of for-hire permitted  
21 vessels by homeport in 2016 with a Gulf and South Atlantic  
22 federal for-hire permit. The assigned region indicates the  
23 homeport provided on the permit application. For-hire permits  
24 are managed in the Southeast Regional Office Permits Office.  
25 Other Region includes homeport in Delaware, Indiana, Maryland,  
26 New Jersey, Pennsylvania, Rhode Island, and Virginia.

27  
28 Homeport Region Vessels and Percentages, the table, in the east,  
29 there is thirty-three vessels, and that is 9 percent. In Other,  
30 there are sixteen vessels that represent 4 percent. In the Gulf  
31 of Mexico, there is 251, and that's 65 percent. The Florida  
32 Keys has eighty-seven vessels, at 22 percent. The total is 387  
33 vessels, at 100 percent. Madam Chair, this concludes my report.

34  
35 **CHAIRMAN BOSARGE:** Okay. That is the information that we  
36 requested during committee, I think, and we talked about looking  
37 at, but staff had to get it together for us. Can we put that  
38 table back up on the board, so we can see it, because we do need  
39 to give some instruction here on which direction we're headed  
40 with this.

41  
42 If you will remember, the issue was there are some dually-  
43 permitted for-hire vessels, and, in this case, dually-permitted  
44 means South Atlantic and Gulf. We went final with that  
45 amendment in January. We sent it to the South Atlantic, and the  
46 South Atlantic did bless it as well, and so it is capable of  
47 being transmitted and being implemented, but then they passed a  
48 motion that said, hey, is there any way that you can do



1 something for these dually-permitted vessels.

2  
3 It looks like, instead of the total 387 that really need an  
4 exemption, the ones that would have a hardship would be those  
5 thirty-three in the South Atlantic and the eighty-seven in the  
6 Florida Keys. I am assuming that the 251 that are homeported in  
7 the Gulf of Mexico, but also hold a South Atlantic permit, that  
8 they're probably not all that worried about this. I could be  
9 wrong, but I would venture to guess that they've been involved  
10 in our process and have been part of that. Then the other, take  
11 that for what it is. Pick your pleasure, council. Mr. Chris  
12 from the South Atlantic.

13  
14 **MR. CONKLIN:** Thank you and good morning. I just wanted to note  
15 that, other than Gulf of Mexico, that adds up to 35 percent of  
16 the vessel that will be having to report to the Gulf system that  
17 may or may not be fishing in the Gulf of Mexico.

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

20  
21 **MS. GUYAS:** There was a discussion, I guess, at the committee  
22 level of, if we wanted to do something, the best path forward --  
23 I understand there is concern about holding up the Gulf  
24 amendment, and there was a suggestion maybe of doing a framework  
25 to deal with this, and is that an option? I guess, if we did  
26 that, is that something that we could start before the  
27 regulations are implemented, so that we're at least moving on  
28 this issue? I am looking at Roy and Mara here.

29  
30 **DR. CRABTREE:** Mara is telling me she thinks we probably could  
31 do it from a framework, since it's a reporting requirement. I  
32 will let her comment on that, but, I mean, you could start work  
33 on a framework. We're going to take time to get this  
34 implemented and get the regulations written and get there, and  
35 so I guess, yes, you could start work on a framework and have  
36 the goal of getting it resolved before this happens, if that's  
37 really what you want to do, but let me ask Mara to comment on  
38 it.

39  
40 **CHAIRMAN BOSARGE:** Ms. Levy.

41  
42 **MS. LEVY:** It gets a little bit complicated, because you would  
43 be starting work on a framework to change regulations that  
44 aren't implemented, and so that gets sticky, and so it's not  
45 just about whether it's a framework or an amendment, but you're  
46 talking about changing something that's not in place, and so the  
47 idea of what the no action is versus the alternatives -- It just  
48 gets very messy.

1  
2 I mean, in my opinion, the cleanest way to do it is to pull it  
3 back and change what your preferred is here or change what we're  
4 going to implement. If you don't want to do that, maybe we can  
5 think of a more creative way to do it, but I would just have to  
6 think about the process and how we would actually go about doing  
7 that.

8  
9 One thing is we know it's going to take time to develop the  
10 system, and so I don't know what it would do to pull it back and  
11 change it. I don't know if that would mean that NMFS wouldn't  
12 be able to start developing the system, because now they're not  
13 sure whether the councils are actually going to do it, and so  
14 maybe we would have to think about the actual process.

15  
16 **CHAIRMAN BOSARGE:** Okay. Dr. Stunz and then Mr. Anson.

17  
18 **DR. STUNZ:** Both Roy and Mara sort of made my point that I was  
19 going to suggest, but just to reiterate at least what would be  
20 my preference, but now I'm listening to Mara's comments, and it  
21 complicates things, but I mean it's not like we're going to have  
22 something in place in the next few months. I thought we would  
23 have plenty of time to fix this, as the program is being  
24 developed. If it really does complicate things, then I'm not  
25 crazy about this stalling-out, and so I guess I'm on the fence  
26 on this deal.

27  
28 **CHAIRMAN BOSARGE:** Kevin.

29  
30 **MR. ANSON:** Dr. Stunz said what I was going to say, mostly, in  
31 that this is a process, as Mara described it, and there was no  
32 indication, at least from Dr. Ponwith, that there was any monies  
33 that were going to be available here in the immediate future.  
34 Obviously that can change in the next budget appropriation, but  
35 that this is going to take some time for them to set up the  
36 program, and maybe we just let it go as is. Once they set that  
37 program up and get all of those things in place, then, at that  
38 time, the clock is going to start ticking for those dually-  
39 permitted vessels.

40  
41 **CHAIRMAN BOSARGE:** I have Dr. Froeschke and then Dr. Stunz.

42  
43 **DR. FROESCHKE:** Just some clarification. If the request for  
44 exemption was implemented as the South Atlantic requested, would  
45 they still need to purchase and install the hardware, as  
46 required by the Gulf permit, even if they didn't use it to  
47 report? It seems to me, based on that, that it would, and it  
48 would also change the ability to validate the trip on a trip-

1 level basis by the Gulf side, because you wouldn't know, if a  
2 trip didn't report, if it was because they were fishing in the  
3 South Atlantic or they just didn't report.

4  
5 **CHAIRMAN BOSARGE:** John, I think we actually had that  
6 conversation at the South Atlantic meeting, and, if I remember  
7 correctly, yes, they will still have to have the hardware,  
8 because that's the only way that we can tell that they're not  
9 out fishing, which is a big, big part of our program.

10  
11 Now, the exemption, it was my understanding, would be more for  
12 that trip-level reporting, where you're having to call in and  
13 you can't offload your fish and this and that, and so it was  
14 more an exemption for that side of the house. Dr. Stunz.

15  
16 **DR. STUNZ:** Another option, and Mara may not like this, but, if  
17 you followed her suggestion of pulling this back to fix it,  
18 which was her suggestion of the cleanest way, without an  
19 approved amendment, can NMFS still continue to proceed with  
20 their development of this, or do they need this on the books to  
21 officially move forward? In other words, it's still moving  
22 forward, but we're just technically fixing some technicalities  
23 of the document, and I don't know if that's permissible.

24  
25 **CHAIRMAN BOSARGE:** Dr. Crabtree.

26  
27 **DR. CRABTREE:** We can consider continuing working on it, but  
28 this may affect things, and you're going to run into -- I mean,  
29 there are complexities in all of this, and then, if you pull it  
30 back and we change it, I would think we would need to have at  
31 least one public comment period for it at a council meeting.  
32 Then it's going to have to go back to the South Atlantic Council  
33 again for them to look at it.

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

36  
37 **EXECUTIVE DIRECTOR GREGORY:** It's my understanding, and I tried  
38 to compile all the public hearing comments from the South  
39 Atlantic, and I wasn't successful, but it's my understanding  
40 that the concern that was expressed, at least in the Keys, was  
41 about requiring the device to be on your boat more so than  
42 weekly reporting versus daily reporting. I am not sure, but  
43 that seems to be the real problem, which is not what is stated  
44 in the letter from the South Atlantic Council, I don't think.

45  
46 **CHAIRMAN BOSARGE:** Dr. Crabtree.

47  
48 **DR. CRABTREE:** That will get very difficult, to figure out to

1 exempt them from that. Right now, the requirement is, if you  
2 have the permit, you've got to have the device affixed to your  
3 vessel. Then, if we're going in and saying except we're going  
4 to exempt vessels that what, and that's where this gets  
5 complicated to figure out.

6  
7 **CHAIRMAN BOSARGE:** Dr. Porch, if we exempt the eighty-seven --  
8 It sounds like it's the eighty-seven down in the Keys is going  
9 to be the bulk of it that are actively fishing, and the thirty-  
10 three, but the eighty-seven, it sounds like, is where a lot of  
11 the feedback is coming from. If we exempt them somehow from  
12 even the hardware requirement, what is this going to do to our  
13 uncertainty on our landings?

14  
15 In other words, all the other vessels that hold a Gulf permit  
16 are going to have a GPS affixed to the boat, and they're going  
17 to have to give landing notifications. They're not going to be  
18 able to offload. They can't offload their fish -- What was it?  
19 When you hit the dock you have to give your landings  
20 notification before you offload your fish, and so you can get to  
21 the dock, but then, very soon after -- These people would be  
22 exempt from all of that.

23  
24 **DR. PORCH:** I can't tell you exactly, in terms of precision, but  
25 obviously, from a science perspective, we would like as good  
26 data as we can get, and so the more information, the more  
27 stringent reporting requirements are, it's to the benefit when  
28 you're trying to integrate this into assessment and scientific  
29 advice.

30  
31 **CHAIRMAN BOSARGE:** Dr. Crabtree.

32  
33 **DR. CRABTREE:** Remember the South Atlantic permits are open  
34 access. If you go down in the Keys and say anyone who fishes in  
35 the Gulf and has a Gulf permit is exempt if they have a South  
36 Atlantic permit, they're all going to go get South Atlantic  
37 permits and this thing just kind of mushrooms on it.

38  
39 Then, when they come in to renew their permit, we wouldn't renew  
40 it if they didn't have the proper hardware and things on their  
41 boat. Now, if they get a South Atlantic permit, the permit shop  
42 is going to have to go through this exercise of I'm not exactly  
43 sure what. Maybe it's homeport and where are they and where are  
44 they fishing, and how do we verify all of that? This gets into  
45 a lot of complexities. This is why we made the decision we did  
46 not to get into all of these problems with it.

47  
48 **CHAIRMAN BOSARGE:** Ms. Guyas.

1  
2 **MS. GUYAS:** There were certainly concerns from people in Monroe  
3 County about just reporting in general, the device and the trip-  
4 level reporting. I will admit that Monroe County is tough,  
5 because they can easily be in either jurisdiction on a single  
6 trip, but at least my understanding, from listening to the South  
7 Atlantic meeting, was there was concerns about people leaving  
8 from like Charleston and Jacksonville, places where you're not  
9 conceivably going to be able to run to the Gulf of Mexico on a  
10 trip, you know this 9 percent of people, which I think is a  
11 significant number, that are affected by this.

12  
13 I guess my preference, at this point, based on what I am  
14 hearing, would be, if -- I guess we pull this back, but if we  
15 can still have some of the preparation work going on in the  
16 background, so that we are still doing what we need to do to  
17 move forward, but I do think this is going to need to be an  
18 issue that we address.

19  
20 **CHAIRMAN BOSARGE:** Mr. Greene.

21  
22 **MR. GREENE:** While I am very sympathetic -- There is nobody more  
23 sympathetic to put a regulation on a fisherman than me. We're  
24 looking at percentages based on 387, but we're forgetting about  
25 the 1,300 charter boats in the Gulf. Now, South Atlantic  
26 permits are open access. Maybe I go get a South Atlantic permit  
27 and maybe I don't have to report.

28  
29 There is some further potential complications, depending on --  
30 It seems like we're trying to back up to fix one complication,  
31 but, in the process of backing up and trying to fix one  
32 complication, we might create four more. Unfortunately, I think  
33 I'm going to have to say that, look, I understand that there is  
34 a situation here.

35  
36 There are people in the South Atlantic jurisdiction that have  
37 Gulf of Mexico permits that bought them for business reasons,  
38 for whatever they are, thinking that one day they might want to  
39 go to the Gulf. Well, one day I might want to go to the South  
40 Atlantic, and you can make these arguments back and forth, but  
41 we spent a long, long, long time working on this, and it was a  
42 lot of compromise, a lot of battles back and forth, and all of  
43 you remember it well, and I just hate to pull back on this.

44  
45 While I understand we need to do some work on it, I think it's  
46 going to take some time to implement, and I think there are some  
47 things that could be done and make any amendment better, looking  
48 down the road, but, at some point, you just have to say, okay,

1 let's just stop here and put it in place and then we'll come  
2 back and fix things as it's implemented and moving forward.  
3 Now, what that is, I don't know, but I hate to set a precedent  
4 of sending something final up and pulling it back, and I hate to  
5 set that precedent, with this or anything else that we do.

6  
7 **CHAIRMAN BOSARGE:** Ms. Levy.

8  
9 **MS. LEVY:** Thanks, and I don't want to suggest that you can't  
10 move forward with this and then move forward with something to  
11 change it. I just have to think about, or we have to think  
12 about, how that would actually work, but I don't want to give  
13 the impression that it's not possible to do it, that, if you  
14 move forward with this, that you can't change it and you can't  
15 change it before maybe it has an effective date or something  
16 like that on it, and so I just want to make sure that's clear.

17  
18 **CHAIRMAN BOSARGE:** Dr. Stunz.

19  
20 **DR. STUNZ:** Johnny has convinced me, and I think you're right,  
21 Johnny. After all of this work and things, let's just move  
22 forward and fix this along the way would be my recommendation.  
23 We've got plenty of time to do it. I know it may complicate  
24 things, Mara, as you suggest, but, otherwise, we might be here a  
25 year from now still dealing with this.

26  
27 **CHAIRMAN BOSARGE:** Ms. Guyas.

28  
29 **MS. GUYAS:** I am trying to figure out how we can keep this  
30 moving. I am understanding that people don't want to pull back  
31 on what we've already done, and that's fine, but I don't want to  
32 make a motion to develop a framework if that's not the right  
33 step. I mean, should we bring this back to another meeting for  
34 another discussion, after we've done some research? What do you  
35 all -- Mara, what do you think is the best way to move here?

36  
37 **MS. LEVY:** You may just want to put it on the agenda for the  
38 next meeting, and I think you need to think about exactly what  
39 you're exempting them, because there's a lot of discussion. Is  
40 it just the trip level reporting? Are they still going to have  
41 to have the equipment?

42  
43 I think there was talk at the South Atlantic Council about only  
44 the exemption applying if they only fish in the South Atlantic  
45 on that day, meaning, if they go for a trip into the Gulf, then  
46 the Gulf reporting will -- That seems really complicated, to me,  
47 but I know that's what they talked about.

48

1 Maybe put it on the agenda and then think about really what you  
2 would want the exemption to look like, and then we can think  
3 about a way to move forward with it while NMFS is moving forward  
4 with implementation of the amendment.

5  
6 **CHAIRMAN BOSARGE:** Ms. Guyas.

7  
8 **MS. GUYAS:** I think I can live with that, if that's the way to  
9 move forward.

10  
11 **CHAIRMAN BOSARGE:** Mr. Sanchez.

12  
13 **MR. SANCHEZ:** This is troubling. I mean, Amendment 41 for the  
14 charter boats, they have begged for accountability, and they  
15 have begged for logbooks, and this kind of creates a huge  
16 loophole, maybe, where somebody, by virtue of having a South  
17 Atlantic and a Gulf permit, are they going to have to report or  
18 are they not? Are they going to get allocation under Amendment  
19 41, if we get far enough along? I am kind of troubled with  
20 this, if that's a potential possibility here.

21  
22 **CHAIRMAN BOSARGE:** All right. I am hearing that the consensus  
23 around the table is that our amendment is final and it's going  
24 to stay final. It's going to go on for implementation, which  
25 could take a while, just because of the nature of that amendment  
26 and the decisions that have to be made at the agency, but that,  
27 at our next meeting, we're going to have it on the agenda to  
28 discuss some sort of possible framework or this or that, once we  
29 look at some data at our next meeting, to get a better handle on  
30 the details of these vessels and where the loopholes may be and  
31 what direction we may need to go to try and come to some sort of  
32 resolution. Ms. Guyas, do you agree with that? All right. Ms.  
33 Guyas shakes her head yes. All right. We have a conclusion on  
34 that, Dr. Stunz, and you read the last line of that report,  
35 right?

36  
37 **DR. STUNZ:** Yes, I did. Sorry. Maybe I was ahead of the game.

38  
39 **CHAIRMAN BOSARGE:** No, that's fine. The only other thing is I  
40 had one item. John.

41  
42 **DR. FROESCHKE:** Just so everyone is clear, I am interpreting  
43 this as we're still going to transmit the document, and that  
44 likely will occur before you meet again in June, and is that the  
45 intention?

46  
47 **CHAIRMAN BOSARGE:** That was my intention with my comment, but  
48 let me make sure that the council is okay with that. I see

1 heads shaking yes, and so, yes, sir. I did have one thing that  
2 I was going to add under Other Business during our committee, if  
3 we had time, and so I will talk about that real quick, if you  
4 don't mind, Dr. Stunz.

5  
6 After all this heated discussion about the South Atlantic, I  
7 want to say something positive. I went to the last South  
8 Atlantic meeting, and they were having a discussion about data  
9 and this and that, and this one council member had a really good  
10 idea, I thought, and I have taken his idea and kind of tweaked  
11 it a little.

12  
13 He had an idea about possibly having some sort of data portal,  
14 where fishermen could put their observations in, strictly data-  
15 type observations, and it could be for a specific species or it  
16 could be more of like, forty years ago, we saw this, and now  
17 we're seeing this, different things like that.

18  
19 Our fishermen obviously gave a lot of testimony last night  
20 related to science and how they're not quite happy with where  
21 it's at and what they see on the water versus what they see out  
22 of some of these assessments.

23  
24 I wondered if maybe we couldn't develop a data portal, where a  
25 fisherman could go in and actually submit specific observations  
26 or information that he has for a specific stock assessment that  
27 is coming up. Now, it would have to be a pretty rigid system.  
28 You would have to give a lot of information, and you would have  
29 to tell what type of fishing you were doing, what depth of  
30 water, how far offshore, what type of gear, because, for a  
31 scientist, they need all that information to really make heads  
32 or tails of what is going on with the information they're being  
33 given.

34  
35 It would have to be very specific, and it would be for a  
36 specific stock assessment. There would have to be opening times  
37 for the portal and then cutoff dates for the portal, because you  
38 can't have information flowing in continuously as you're getting  
39 towards the end of a stock assessment, because the -- My idea  
40 would be to actually have this be a qualitative data stream, a  
41 qualitative index, essentially, that the scientists would read  
42 through at some point during their process and have those  
43 observations from the fishermen.

44  
45 I mean, a lot of the observations may overlap. They may be  
46 repetitive, but you never know. There may be that observation  
47 there that has that light-bulb effect, and so I just wanted some  
48 feedback from the council to see what you thought about that.



1 Dr. Stunz.

2  
3 **DR. STUNZ:** Leann, one, I think it's a great idea. Maybe we  
4 should hear what Clay has to say, but, yes, what you're talking  
5 about is citizen science, and it's a big deal right now in the  
6 field, and, one, it gives a lot of buy-in to the community,  
7 outside of the utility of it, but there is useful information  
8 they have, but we do have this sort of in place, but it could be  
9 supplemented by what you're saying.

10  
11 You know, on the stock assessment panels, having sat on many of  
12 those, there are fishermen that come to that and say there's no  
13 way and that's just out of the ballpark and it would never  
14 happen or whatever, but maybe that person could be a liaison  
15 that looks through this information and sort of gathers that,  
16 because they know more about -- In other words, the fisherman  
17 that shows up might only be one guy that doesn't necessarily  
18 know about other areas and things.

19  
20 Yes, I think that would be useful information. The caveat, of  
21 course, which I'm sure Clay will tell you, how much that can be  
22 used -- Well, I don't know. That would be a question for Clay.

23  
24 **CHAIRMAN BOSARGE:** Yes, exactly, and that's why I said it would  
25 be a qualitative data stream, essentially just for informational  
26 purposes. I don't expect numbers to actually be pulled out of  
27 this and somehow plugged into a stock assessment. No, not at  
28 all. It was more like a direct conversation that could  
29 essentially be had, a static conversation albeit, but still  
30 between the fishermen and the scientists. I have Dr. Porch.

31  
32 **DR. PORCH:** Thank you. We're always looking for ways to get  
33 fishermen more engaged in the assessment process. As you know,  
34 one of the highlights, for me, of the SEDAR process is that data  
35 workshop, where we are explicitly hoping that fishermen will  
36 show up to that, because that's where we can have a lot of  
37 interchange about what this particular signal in the data really  
38 means.

39  
40 If you see a big drop in catches or you see some change in catch  
41 rates, is that because of the changes in the way fishermen have  
42 been operating? Sometimes we get information like that, from  
43 port agents and observers, but it's really good to hear from the  
44 fishermen, in addition to their observations on the water.

45  
46 The short answer is, yes, I think it's a great idea. Yes, there  
47 is opportunity for mischief, but, when we get all that kind of  
48 information, we can take it to the fishermen who do show up at

1 the SEDAR stock assessment meetings and run it by them, and it  
2 will stimulate conversation, and so, yes, I think it's a good  
3 idea.

4  
5 **CHAIRMAN BOSARGE:** Okay. I have Dave Donaldson and then Chris  
6 Conklin.

7  
8 **MR. DONALDSON:** Thank you, Madam Chair, and I agree with both  
9 Greg and Clay. I think it's a good opportunity. It creates  
10 buy-in, but the point that you made is we've got to manage  
11 expectations of what that data can be used for, and it's  
12 important that that's presented upfront, that they don't think  
13 that, by providing this, that we will use those numbers, but I  
14 think getting the public involved is important. It provides  
15 some validity to what we're doing, and it would be a great idea.

16  
17 **CHAIRMAN BOSARGE:** Mr. Conklin.

18  
19 **MR. CONKLIN:** The idea of a pseudo-SEDAR participant is pretty  
20 neat. I share concerns with Dr. Porch as well about validating  
21 the information you get, because we do get a lot of angry rants.  
22 What we've done in the South Atlantic is we've created this  
23 citizen science initiative, and we have taken a big step forward  
24 in creating this committee, which I chair, and, while the  
25 program is in its infancy, we're out building the infrastructure  
26 for it right now and trying to build something that is going to  
27 stand the test of time and then come up with programs to fill  
28 gaps in the stock assessments that the models require.

29  
30 Then we were going to seek funding or participation from outside  
31 sources, since we can't do it ourselves, to implement those  
32 programs and bring us that data back that could be validated and  
33 then put into the SEDAR process and into the stock assessment  
34 process, and so I do see merit in it, and that is our step in  
35 that direction, along with a suite of other things, but it's  
36 going to take some good, solid infrastructure, the good from the  
37 bad, and what's true and what's not is going to be very  
38 difficult.

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

41  
42 **MR. ANSON:** Thank you, Madam Chair. I also see some benefit  
43 with this process, or this way of engaging additional people who  
44 may not be able to be at the table during the data workshop.  
45 Possibly, as far as the validity, I heard Dr. Porch and having  
46 confidence in the information, albeit it's anecdotal, but  
47 possibly having a prerequisite that anyone, to be registered to  
48 comment, that they go through like the MREP program and they get

1 some background as to what the science is that goes behind it.

2  
3 Then, once they go to the class, they get certified, if you  
4 will, and then they get a login number that they can go into  
5 these portals and then report their information, and you might  
6 have a little bit more of a filter at that point, as far as the  
7 reliability of the data. That's just a thought.

8  
9 You can have a request for general comments relative to a  
10 specific stock assessment, but, after the data workshop, if  
11 there is some questions that come out of that, actually looking  
12 at the data and there are specific questions related to the  
13 data, is to maybe have a summary of that. That, again, goes out  
14 to the group that has been registered already and then say this  
15 data is showing this and what are your responses or what are  
16 some reasons that you see or have some input on, and then they  
17 provide follow-up to those specific questions that can then be  
18 looked at and analyzed for a future workshop.

19  
20 **CHAIRMAN BOSARGE:** I am so excited. This is excellent  
21 conversation, because now it could possibly eventually lead to  
22 something that is a little more interactive. Not real-time  
23 conversations between two people, but, okay, well, these were  
24 our questions as we went through this and would anybody like to  
25 give feedback on it, and so that's pretty interesting. I am  
26 excited. John.

27  
28 **DR. FROESCHKE:** So, just so you're aware, as part of our CRCP  
29 funding, we have a created a web app that you could submit and  
30 upload goliath grouper catch information, and so it works on our  
31 portal. You can just go and either enter the coordinates and a  
32 comment or click on the map, and so we have this capability to  
33 do some sort of reporting system from a web interface, and there  
34 are other examples.

35  
36 The two I can think off, off the tip of my head, are the Tampa  
37 Bay Estuary Society, and they have a more complete form system  
38 that you might like for something that you guys are discussing,  
39 and then the invasive species, through the USGS. They have a  
40 system as well that does sort of these things, and so there are  
41 examples that we could look through and figure out what fields  
42 we want, if we wanted to do something, and we do have this  
43 ability to do it, if we had some time to work on it.

44  
45 **CHAIRMAN BOSARGE:** Thank you. Yes, I would think it would need  
46 to be -- I am open, but I would think it would need to be  
47 somewhat spreadsheet oriented, so that there are certain  
48 categories that are pretty specific, so that it can be searched

1 that way.

2  
3 If the scientists want to see feedback from the longline  
4 fishery, you could search it based on that. Do you see what I  
5 am saying? Or this or that and things like that. Hold on,  
6 John. I've got to get to Dr. Lucas, because I have skipped her  
7 about five times.

8  
9 **DR. LUCAS:** I was just going to say that you don't have to  
10 reinvent the wheel. There is a whole website called  
11 citizenscience.gov, where the government was supposed to be  
12 using citizen science to collect data, and so you can go on  
13 there and search all sorts of different web portals, of which  
14 even NOAA already has seven, to do different things.

15  
16 That is the one that is specific for federal agencies that use  
17 crowd sourcing, but there are plenty of others that are already  
18 out there by state agencies as well as non-profits, whether it  
19 be to help you locate injured wildlife or whatever, but I know  
20 that ornithologists have been using it for years, different  
21 crowd sourcing and citizen science, to help them with all their  
22 bird surveys and information like that, but it's not something  
23 that -- You don't have to create something new.

24  
25 There is a whole website devoted to this, where you can search  
26 and find one that is already out there maybe can fit your needs  
27 and can speak to what Kevin says about training people and how  
28 to give you the data that you really need to make it work. I'm  
29 just letting you all know.

30  
31 **CHAIRMAN BOSARGE:** Mr. Diaz.

32  
33 **MR. DIAZ:** Thank you, Ms. Bosarge. I also think the idea has  
34 some merit and it's worth us spending some time exploring. I do  
35 agree with a few things that have been said around the table  
36 that I think is very important.

37  
38 I kind of like Kevin's idea of having some type of training for  
39 people to look at doing it, because I want it to be a positive  
40 thing. I don't want it to be like a social media thing, where  
41 we get a lot of comments that we can't use. It would be nice if  
42 we get stuff that -- I like Dave's comment too, that we need to  
43 manage expectation.

44  
45 I would like to see us be able to use the data in some way,  
46 shape, or form, but clearly articulate to people the limitations  
47 of the data that they're providing and what it can be used for,  
48 so they understand that. When I think about this, this might be

1 something that could help us get some early signals when things  
2 are different than what maybe our data is showing us.

3  
4 Triggerfish is what pops into my mind right now. I mean, this  
5 might have been something that could -- I don't know if it could  
6 have helped with triggerfish, but definitely I think what most  
7 people are seeing on the water is our data is so far back that  
8 it's not the reality of what we're having to deal with. Anyway,  
9 I do think it's got potential, and I would like to see us  
10 continue the discussion on it to see if we can do something.  
11 Thank you, Ms. Bosarge.

12  
13 **CHAIRMAN BOSARGE:** All right. Then we will put it on the agenda  
14 for the next meeting, to try and talk about it a little bit  
15 more. Is there anything else under the Data heading that we  
16 need to talk about before we move on? All right. Thank you  
17 very much for indulging me with that conversation. Next on our  
18 report list is going to be our Spiny Lobster Committee Report.  
19 Ms. Guyas, if you are ready, I will turn that over to you.

20  
21 **SPINY LOBSTER COMMITTEE REPORT**

22  
23 **MS. GUYAS:** Okay. The Spiny Lobster Committee Report. Staff  
24 presented the options paper for Regulatory Amendment 4 and  
25 reviewed the South Atlantic's preferred alternatives. The  
26 document has not significantly changed since the January 2017  
27 council meeting. **The committee recommends, and I so move, to**  
28 **make Alternative 2 the Preferred Alternative in Action 2.**

29  
30 **CHAIRMAN BOSARGE:** All right. We have a committee motion. It's  
31 on the board. Is there any discussion on the motion? **Seeing no**  
32 **discussion, is there any opposition to the motion? The motion**  
33 **carries.**

34  
35 **MS. GUYAS:** The committee was also updated that the State of  
36 Florida has made changes to its bully-netting regulations.  
37 Staff will update the committee on this development at the June  
38 council meeting. This concludes my report.

39  
40 **CHAIRMAN BOSARGE:** Thank you, Ms. Guyas. Any business related  
41 to this before we move on? Mr. Conklin.

42  
43 **MR. CONKLIN:** Thanks. Someone had a question about the South  
44 Atlantic and the bully-netting and whether the states were going  
45 to match the federal regulations on that or the feds were going  
46 to match the states, and so the feds will be taking the measures  
47 to line up the bully-netting regulations for spiny lobster.

1 **CHAIRMAN BOSARGE:** Gotcha. So whatever is in Florida state  
2 regulations is going to be mirrored in the federal regulations.  
3 Thank you for that update, sir. All right. Next on our agenda  
4 is the Coral/Habitat Protection & Restoration Committee Report.  
5 Dale, if you are ready with that, I will turn it over to you,  
6 sir.

7  
8 **JOINT CORAL/HABITAT PROTECTION & RESTORATION COMMITTEE REPORT**  
9

10 **MR. DIAZ:** Thank you, Madam Chair. The Joint Coral/Habitat  
11 Protection & Restoration Committee met earlier this week. Staff  
12 presented s summary of comments that were received regarding the  
13 scoping document for Coral Amendment 7.

14  
15 Committee members discussed including all forty-seven areas that  
16 were proposed by the 2015 Coral Working Group. There was  
17 concern that this would be interpreted as disingenuous to  
18 fishermen, as it was discussed during the advisory panel  
19 meetings that the number of areas would be limited to the  
20 proposed areas currently included in the scoping document.

21  
22 Staff suggested there could be a second document that included  
23 the remaining proposed areas for later consideration. Committee  
24 members discussed being upfront with the public at the onset and  
25 including all forty-seven proposed areas for consideration into  
26 the current Coral Amendment 7.

27  
28 There are actually twenty-three areas included in the scoping  
29 document. Fifteen were proposed to have regulations by the  
30 Coral SSC/AP, and eight were proposed to not have regulations.  
31 The remaining twenty-four areas include existing HAPCs with no  
32 regulations and include some areas under consideration for the  
33 Flower Garden Banks National Marine Sanctuary.

34  
35 The committees determined that it would be best to move forward  
36 with the proposed areas in the scoping document for Coral  
37 Amendment 7. **The committee recommends, and I so move, to add a**  
38 **second amendment that would address the proposed areas not**  
39 **included in the scoping document for Coral Amendment 7.**

40  
41 **CHAIRMAN BOSARGE:** Okay. We have a committee motion. Is there  
42 any discussion on the motion? Mr. Boyd.

43  
44 **MR. BOYD:** Thank you, Madam Chairman. I just have a question.  
45 Does this motion mean that we will address the protected areas  
46 in two different groups? Is that what this means?

47  
48 **EXECUTIVE DIRECTOR GREGORY:** If I may, yes, the second amendment

1 will address the twenty-four areas that the Coral AP and Coral  
2 SSC initially recommended that are not included in Amendment 7.  
3 The Amendment 7 was to focus on the top-priority areas, because  
4 I think, at the time, we thought that forty-seven was a bit much  
5 to tackle and it would take a long time to do, and so we had the  
6 group prioritize their areas, and that's what we have in  
7 Amendment 7. The remaining ones will go in Amendment 8 that  
8 we'll start on as soon as we finish Amendment 7.

9  
10 **MR. BOYD:** Okay. Just a comment. My thought would be that, if  
11 you don't look at all of them together, you may not know that  
12 there needs to be some tradeoffs between certain areas that  
13 could be high priority, or more high priority, and what the  
14 ramifications would be on those other areas, if that makes any  
15 sense. Just to look at them all together may give you a better  
16 idea of what we need to do in the Gulf than to look at them from  
17 a segregated point of view. That's just a thought.

18  
19 **EXECUTIVE DIRECTOR GREGORY:** It's my understanding that's what  
20 the group did, the joint AP and SSC, and made that distinction,  
21 and the thing is that we can better analyze each area, not only  
22 in conjunction with the others, but separately, with a smaller  
23 number. That's why we tried to prioritize it, but they looked  
24 at all forty-seven when they did the prioritization, and the  
25 intention was not to drop them from consideration, but just not  
26 to focus on them at this point in time.

27  
28 **CHAIRMAN BOSARGE:** I am going to have to respectfully disagree  
29 with Doug, but that may just be the difference in where we come  
30 from, our backgrounds, but, when I was at these meetings, and I  
31 was the one that kind of asked to have these groups meet  
32 together, and it was to take two very disparate stakeholder  
33 groups, one which wanted zero new coral areas designated as  
34 HAPCs and one that wanted forty-seven new coral areas designated  
35 as HAPCs with regulations that would probably include no  
36 commercial fishing and have them sit down and come to some sort  
37 of compromise.

38  
39 That is how I portrayed it in that meeting to them, because I  
40 was there, and they came up with fifteen sites, fifteen or  
41 seventeen or whatever it was, whatever you just said, and that  
42 was the agreement that they came to.

43  
44 If this is the way the council wants to go, that's fine, but I  
45 just wanted it on the record that -- If I ever talked about two  
46 different amendments, it was mainly because I thought that  
47 fifteen sites in one amendment was going to be too much. You  
48 have to think that we're going to need to make decisions on the

1 borders, and so we're going to have to look at effort from  
2 different fisheries, and so that's going to be a decision point  
3 for each site.

4  
5 Then, more than likely, from what I hear from some of the  
6 stakeholder groups, they're interested in that tiered approach,  
7 like we did with the Flower Gardens white paper, remember, and  
8 so that's a decision point for each site. Then, depending on  
9 what fisheries are working in those areas, sometimes you will  
10 actually have to have an exemption for specific fisheries, like  
11 the deepwater shrimp fishery in that one site I showed you.  
12 Remember where it had shrimp tracks going through it? They  
13 essentially pull that gear up and go over the top of the coral  
14 and then let back out.

15  
16 There is no way to change the borders on that box to make it  
17 work for them, and there is no way to do tiered approaches that  
18 will work for them. You will essentially have to have a  
19 decision point in there that says, if you hold that endorsement  
20 on that moratorium permit, you will have an exemption to be able  
21 to trawl inside that closed area, because you've shown that you  
22 are not damaging that coral.

23  
24 That discussion has taken place in the APs, but do you see where  
25 I am going with the decision points for each area that would  
26 need to be made? That's why, if I said something about having  
27 more than one amendment, it was because, in my personal opinion,  
28 five or six or seven coral sites in one amendment is about all  
29 you probably want to bite off and chew at one time, but we can  
30 give it a shot and go with more in one amendment and see if it  
31 works.

32  
33 If not, we can do like we do with our other amendments and bust  
34 it out, when we see that it's too much into one, but obviously I  
35 have a little different opinion than the group on this one, and  
36 so I'm going to hush. Dr. Kilgour.

37  
38 **DR. MORGAN KILGOUR:** Thank you, Madam Chair. I just wanted to  
39 reiterate something that's in the summary report, and that is  
40 that, in the twenty-four areas that were removed from  
41 consideration, I would say, and this is off the top of my head,  
42 about half of those areas are currently under consideration for  
43 sanctuary expansion, and so that was one of the reasons why  
44 those were even removed from discussion when this joint AP met,  
45 was because they were already under consideration for Flower  
46 Garden Banks expansion, and so that's just something I wanted to  
47 make everybody aware of. That would be another confounding  
48 factor when you're looking at all of those areas.



1  
2 **CHAIRMAN BOSARGE:** Dr. Frazer.

3  
4 **DR. FRAZER:** I was the one that obviously made the original  
5 motion, and I don't think that I fully appreciated the history  
6 there, and so thank you, Leann, for having a little conversation  
7 with me about that, and I also listened to the public comment  
8 and Corky's comments as well, and I just wanted to say that my  
9 intent wasn't really to make these as protected areas.

10  
11 I actually just recognize that there is a real data void with  
12 regard to deep-sea corals in the Gulf of Mexico, and that HAPC  
13 designation provided a potential opportunity to focus some  
14 research effort in those areas. It doesn't mean it's going to  
15 happen at all, but, again, I wanted to, for the record, to make  
16 it clear that my intent wasn't to propose these areas to  
17 implement some type of fishing regulations. It was more about  
18 trying to take an opportunity of NOAA to prioritize some  
19 research in those areas.

20  
21 Whatever we do, moving forward, I totally agree that I think  
22 that we should do it with complete stakeholder engagement and  
23 fishermen, the stakeholders, and the longliners and the  
24 shrimpers and everybody, and it may take a very long time, and  
25 so, if we decide to move forward with that, I do propose that we  
26 do it that way.

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

29  
30 **DR. STUNZ:** Just to Doug's point, and Tom's too, I am not  
31 opposed to this motion, but, just so that we make it clear,  
32 Doug, is this going to the public that -- To Doug's point about  
33 how one could affect what you do in the other, but now they're  
34 going to be in separate amendments, potentially, and that the  
35 public is very aware that this one is right behind it.

36  
37 As they're debating issues over borders or whatever, it might be  
38 that they know that there is these others coming behind it, and  
39 so just to let them know that there is multiple amendments doing  
40 the same thing would be very key.

41  
42 **CHAIRMAN BOSARGE:** Okay. Any other discussion? Mr. Diaz.

43  
44 **MR. DIAZ:** I just want to mention something off of something you  
45 said, Leann, because to make sure -- To clarify something. What  
46 I learned, from going to that meeting and listening to some of  
47 the commercial fishermen talk, especially the guys that do this  
48 royal red shrimping, they put so much line out, because they're

1 in such deep water, that, once they start towing, they cannot  
2 turn. They have to pull straight.

3  
4 Really, the exemption that you were talking about in that one  
5 area, it wouldn't be to trawl in that area, but it would be for  
6 them to pass over that area. They lift their gear up off the  
7 bottom and over the top of the coral, but they don't wind it all  
8 the way in. It takes a tremendous amount of time to wind this  
9 much cable in, and they can't turn, because they've got so much  
10 cable out.

11  
12 It's just not possible, and so, by just having the exemption for  
13 them, it's not for them to trawl in that area, but it's just for  
14 them to pass over that area without lifting the gear completely  
15 out of the water. I just wanted to clarify that on the record.  
16 Thank you, Ms. Bosarge.

17  
18 **CHAIRMAN BOSARGE:** Thank you, because I certainly wouldn't have  
19 wanted anybody to interpret that as, no, they can trawl straight  
20 through the coral. That is definitely not the exemption. Okay.  
21 Any further discussion on the motion? **Is there any opposition**  
22 **to the motion? Seeing none, the motion carries.**

23  
24 **MR. DIAZ:** Madam Chair, that concludes my report.

25  
26 **CHAIRMAN BOSARGE:** Okay. That is going to take us to our Reef  
27 Fish Report, and I think we should probably take a very short  
28 fifteen-minute break before we get into that. It's 9:30, and so  
29 we will start back at 9:45.

30  
31 (Whereupon, a brief recess was taken.)

32  
33 **CHAIRMAN BOSARGE:** All right. I think we pretty much have  
34 everybody around the table. The next thing on our agenda is our  
35 Reef Fish Committee Report, but, before we jump into that, since  
36 we do have pretty much everyone around the table, I think we'll  
37 take this opportunity to stop and thank Dr. Lucas for all her  
38 hard work and dedication here on the council with us. You will  
39 be very much missed.

40  
41 We understand you're staying in fisheries though, and so we're  
42 excited about that. It's just a new opportunity, a new chapter  
43 in your life, and we are excited for you. We very much hope to  
44 see you definitely in October, if not before then, when we go to  
45 Biloxi for our council meeting, and so thank you very much.

46  
47 **DR. LUCAS:** I just wanted to take this opportunity to say it's  
48 been great to work with everybody here, including the staff and

1 the community that comes out to continuously comment and help us  
2 make decisions. It's been wonderful to get to know you, and I  
3 look forward to possibly working with you all in different ways  
4 in the future. I think you all will really enjoy Paul. He is  
5 pretty entertaining, and so I will definitely see you in Biloxi  
6 in October, and I hope to find other ways to work with you.  
7 Thanks.

8  
9 **CHAIRMAN BOSARGE:** With that, Mr. Greene, I will turn it over to  
10 you.

11  
12 **REEF FISH COMMITTEE REPORT**  
13

14 **MR. GREENE:** Thank you, Madam Chair. The Reef Fish Committee  
15 Report of April 4, 2017, the agenda was approved with the  
16 additions of a discussion of recent court decisions and a  
17 presentation by Acting Assistant Administrator for NOAA  
18 Fisheries Sam Rauch. The minutes of the January 30-31, 2017  
19 committee meeting were approved as written.

20  
21 Discussion of Recent Court Rulings, Mara Levy reviewed the  
22 recent court decision regarding Amendment 28, red snapper  
23 reallocation. The court vacated the amendment on the basis that  
24 it violated National Standard 4, that management measures must  
25 be fair and equitable.

26  
27 As a result, the recreational/commercial red snapper allocation  
28 will revert to the previous allocation ratio of 49/51,  
29 respectively. The 2017 recreational red snapper season will be  
30 based on this allocation, and the allocation that reverted back  
31 to the commercial sector will be released to the commercial IFQ  
32 system.

33  
34 Ms. Levy also noted that the court ruled in favor of National  
35 Marine Fisheries Service in a challenge to Amendment 40, sector  
36 separation. National Marine Fisheries Service is waiting to see  
37 if the plaintiffs file an appeal.

38  
39 **CHAIRMAN BOSARGE:** Mr. Boyd.

40  
41 **MR. BOYD:** I have got a question in regard to the court ruling  
42 for Dr. Crabtree, if you don't mind. Dr. Crabtree, we are  
43 required by Magnuson to visit allocations and revisit  
44 allocations. How does this court ruling affect that? I have  
45 read through it, and I am confused as to what we are allowed to  
46 do as a council now to visit allocation.

47  
48 **DR. CRABTREE:** Well, I think making allocation decisions is one

1 of the most fundamental things that councils do. There are a  
2 number of areas in the Magnuson Act where it talks about  
3 allocations and they need to be fair and equitable. There is a  
4 provision in there that says, to the extent that rebuilding  
5 plans are necessary, allocations have to ensure that harvest  
6 restrictions and recovery benefits are fairly and equitably  
7 distributed among the various sectors.

8  
9 We have an allocation policy that came out of the Fisheries  
10 Service that indicates that councils need to periodically review  
11 allocations and make determinations if changes are appropriate.  
12 It identifies possible triggers, one of which is a significant  
13 change in landings that might be a trigger.

14  
15 If you look in the court decision, I mean it does say that it is  
16 reasonable for the defendants, meaning NMFS and the council, to  
17 pursue a new allocation for the red snapper stock. It's  
18 reasonable for the defendants to reexamine past sector landings  
19 and reallocate based on their findings.

20  
21 Now, ultimately, the judge ruled that the way we did it wasn't  
22 fair and equitable, and Mara can talk about her reasons for  
23 coming to that finding, but, the decision aside, allocations are  
24 still one of the responsibilities of this council, and you still  
25 have an obligation to ensure that the allocations are fair and  
26 equitable and meet all the provisions of the Magnuson Act.

27  
28 I do believe that when revisions to the historical time series  
29 of landings occur and your allocations are based on historical  
30 landings, that there is an obligation there for you to review  
31 those and determine if changes are necessary, and so don't read  
32 the court decision as meaning that allocations can't be changed  
33 or they're not your responsibility, because they most certainly  
34 can be changed, and it is your responsibility to do that and  
35 review them. If you decide the allocation needs to be adjusted,  
36 you have a responsibility to deal with that.

37  
38 **CHAIRMAN BOSARGE:** Mr. Boyd.

39  
40 **MR. BOYD:** To that point, I think this council thought that we  
41 were adjusting the allocation based on historical time series  
42 and on a recalibration, and so does that mean that we can go  
43 back and review it and look at it in a different light, as to  
44 fair and equitable, or does that mean that we can't review that  
45 particular method that we reallocated?

46  
47 **DR. CRABTREE:** I certainly think you can go back and review it,  
48 and you can certainly look at it in a different light. We

1 periodically have had courts rule against us, and, in some  
2 cases, we have gone back in and tried to address the problems  
3 the court raised and respond to those and do a better job of it,  
4 and so I think, in this case, you can definitely revisit the  
5 allocation again, whether you reach the same decision or a  
6 different decision, but clearly, whatever we do with the  
7 allocation, we're going to need to address the issues raised by  
8 the court and do a better job, in terms of explaining the  
9 rationale.

10

11 **MR. BOYD:** Well, two questions then. Does the Service intend to  
12 appeal that ruling?

13

14 **MS. LEVY:** The agency is still looking at the appeal  
15 determination. There hasn't been a decision. We just got the  
16 judgment, and so it has to go through an internal review process  
17 related to that.

18

19 **CHAIRMAN BOSARGE:** Mr. Diaz.

20

21 **MR. DIAZ:** This is just -- I am trying to clear up something in  
22 mind, and, Mara, maybe you can weigh in on this. I did read the  
23 decision right after it came out, and so I'm not sure that I can  
24 recall exactly how it was worded, but it seemed like there was  
25 something in there that said that, because the commercial guys  
26 were under a cap, they were limited to where they could go. The  
27 IFQ system does hold them within their ACLs, and so that was one  
28 of the things that I was thinking about.

29

30 How do you go about -- If we ever wanted to reallocate a species  
31 that was under an IFQ program, I mean, is that a limitation on  
32 being able to look at reallocation of a particular species that  
33 is under an IFQ?

34

35 **MS. LEVY:** I don't think it's a limitation such that you would  
36 never have a basis to reallocate or adjust the allocations or  
37 consider different allocations. I think you just need to look  
38 at what the basis for adjusting the allocation is, and we need  
39 to do a good job of explaining how it meets the Magnuson Act  
40 requirements, and so we tend to do allocations based on  
41 historical landings or recent landings. Maybe there is another  
42 way to look at fairly distributing recovery benefits, et cetera.

43

44 Maybe there is different ways to look at the landings, looking  
45 some at past landings and some at current landings, like you did  
46 in Amendment 40. I mean, there are a number of different ways  
47 to do it, and so I don't think there's an across-the-board  
48 judgment that you can never look at allocations when it comes to

1 an IFQ fishery.

2  
3 I think, in this particular case, it was sort of a more  
4 complicated rationale was the basis of the decision, and the  
5 court read that as creating a system that would never allow a  
6 similar shift to the commercial sector, and I don't know that  
7 that's exactly what happened. I don't think that anything the  
8 council does creates a system that can never be changed, but,  
9 because it was sort of confusing, that's how the court read it,  
10 and so that's what her ruling was based on.

11  
12 **DR. CRABTREE:** If I could, to that, if you look at the decision,  
13 they said that defendants create a system in which one sector  
14 must demonstrate an increase in landings in excess of their  
15 quota in order to obtain an increase in their allocation. The  
16 flaw with that system is the commercial sector can never attain  
17 an increase in their allocation, because the commercial system  
18 can never exceed their quota.

19  
20 The problem I have with the analysis of the court is in fact,  
21 had the revisions to MRIP resulted in the recreational landings  
22 being revised lower, and had we followed the exact same  
23 procedure, in fact the allocation would have shifted more fish  
24 to the commercial sector, and so there is nothing inherent in  
25 these revisions to MRIP that says the landings are going to be  
26 revised upward or downward, and so it could, in fact, result in  
27 allocation shifts going in either direction. I think that just  
28 didn't come through to the court.

29  
30 **CHAIRMAN BOSARGE:** Mr. Matens.

31  
32 **MR. MATENS:** I read this thing in great detail, and I concur  
33 with -- Not that I am a lawyer, but I concur with most of what's  
34 been said around this table. What I wonder, and I don't really  
35 know if a motion, and you tell me, Ms. Bosarge, is appropriate,  
36 but I would like to see staff take this and look at all options  
37 that might be open, whatever they are, and come back with those  
38 recommendations at the June meeting. Would that require a  
39 motion, Ms. Bosarge?

40  
41 **CHAIRMAN BOSARGE:** Yes, sir.

42  
43 **MR. MATENS:** Accordingly, if you will indulge me, I will make a  
44 motion that staff return to the June council meeting with a  
45 suite of recommendations as to options to allow discussion on  
46 moving forward with reallocation of red snapper.

47  
48 **CHAIRMAN BOSARGE:** Mr. Gregory.

1  
2 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens, is this a motion to  
3 have it on the agenda? If it's actually for us to come to you  
4 with recommendations, there is an infinite number of  
5 recommendations, and so we have no guidance, and the other thing  
6 that I am not familiar with is I know that MRIP is going through  
7 a new survey of using mail surveys instead of telephone surveys,  
8 and that is going to change all the historical landings, but I  
9 hate to suggest that we wait until that's done, because I don't  
10 know how long that will take, but, if you want recommendations,  
11 we need more guidance, basically, if it's more than just trying  
12 to get it on the agenda for discussion.

13  
14 **MR. MATENS:** To that point, sir, if you, for any reason, feel  
15 the need to delay this discussion to sometime in the future, as  
16 long as it's a reasonable time, I am certainly in favor of that.  
17 My intent here is to see if there are options that are out  
18 there.

19  
20 The judge has thrown this back to us. Now what? If there are  
21 options out there that may be a little different than just MRIP  
22 numbers and landings and the like -- If there are not, there are  
23 not, but I think we should have a discussion about those.

24  
25 **CHAIRMAN BOSARGE:** Dr. Crabtree.

26  
27 **DR. CRABTREE:** I think what you need to do is just get it on the  
28 agenda for the June meeting, to talk about red snapper  
29 allocations. Then you need to come in and have a discussion  
30 about what options and how you want to look at this and give the  
31 guidance to the staff at that point and decide where you want to  
32 go, but I really think this is -- This is, as we all know, a  
33 very contentious issue, and so it ought to be on the agenda, and  
34 people ought to know we're going to talk about it. Then we come  
35 in, and I think you as a council need to talk about what you  
36 want to look at, how you want to look at it, and give guidance  
37 to staff at that point.

38  
39 **CHAIRMAN BOSARGE:** Mr. Anson.

40  
41 **MR. ANSON:** Mara, do you think by the June meeting that the  
42 internal review, legal review, that you have with General  
43 Counsel staff will have occurred? If it has, will the kind of  
44 recommendations or findings that you all have -- Can that be  
45 available for us during discussion at the June meeting?

46  
47 **MS. LEVY:** I am not exactly sure what you mean by that.

48

1 **MR. ANSON:** Well, you said you were going to have an internal  
2 review to review what the judge had written and kind of have a  
3 Monday-morning-quarterback-type of situation as to maybe how you  
4 would have approached it differently, is what I took from your  
5 statement.

6  
7 **MS. LEVY:** Then I misspoke. What I was saying is that there's  
8 an internal process that ultimately ends at the Department of  
9 Justice as to an appeal decision, and that is a process that the  
10 agency has to go through. We just got the decision a week-and-  
11 a-half ago, and so we're not done with that process. I wouldn't  
12 anticipate any kind of recommendations coming out of my office  
13 as to what the council should do. I think what I have said  
14 stands, in that this was a ruling on a particular amendment. It  
15 doesn't foreclose the close from developing or thinking about  
16 allocation in the future.

17  
18 **CHAIRMAN BOSARGE:** Dr. Crabtree.

19  
20 **DR. CRABTREE:** I think what Mara could do at the June meeting,  
21 if we put this on the agenda, is she could go through these were  
22 the claims made in the litigation and these are the things the  
23 judge said we did right and these are the problems the judge  
24 raised.

25  
26 There were NEPA claims made, and there were claims relative to  
27 the meaning of Section 407(d), and we prevailed on a number of  
28 those, but, ultimately, we didn't prevail on one of the counts,  
29 and so I think Mara could go through those kinds of things.  
30 Then that might be a starting point for you to decide how you  
31 want to proceed, if you want to proceed with it.

32  
33 **CHAIRMAN BOSARGE:** All right. I have Mr. Matens and then Mr.  
34 Diaz.

35  
36 **MR. MATENS:** That's a great conversation and great points. I  
37 would remind the council that there's a motion on the board. To  
38 my knowledge, there was no second.

39  
40 **CHAIRMAN BOSARGE:** That was going to be my very next comment,  
41 sir. Do we -- Well, first off, let's find out if that's your  
42 motion, because we've had a lot of discussion about putting it  
43 on the agenda and recommendations and this and that. You want a  
44 suite of recommendations as opposed to a discussion? Okay. So  
45 that's the motion on the board. Do we have a second?

46  
47 **MR. BOYD:** I will second it.



1 **CHAIRMAN BOSARGE:** It's seconded by Mr. Boyd. Mr. Diaz.  
2  
3 **MR. DIAZ:** I think what DR. Crabtree just laid out a few minutes  
4 ago is something that I think would be a good discussion for us  
5 to have, have Mara go through that decision and explain it to us  
6 in detail and discuss it, but that is very different than what  
7 is on the board.  
8  
9 I don't know that I am speaking against the motion on the board,  
10 because I think it's healthy for us to have discussions about  
11 reallocation whenever a member of the council thinks there needs  
12 to be one, but we did go through a pretty good discussion the  
13 last time we took up red snapper reallocation. We settled on  
14 that one part, was the only thing we could agree on.  
15  
16 We just went through this mackerel discussion, where we leave  
17 four-million pounds of fish a year in the water, and we couldn't  
18 even do a small loan program for a reallocation of mackerel,  
19 which, in my mind, was a pretty good case for us to take some  
20 action.  
21  
22 I am not against having the discussion, but, at the end of the  
23 day, this council tackling a reallocation issue, I don't really  
24 have that much confidence that we're going to do that. Thank  
25 you, ma'am.  
26  
27 **CHAIRMAN BOSARGE:** Dr. Crabtree.  
28  
29 **DR. CRABTREE:** I am going to offer a substitute motion that we  
30 put a red snapper allocation discussion on the agenda for the  
31 June council meeting.  
32  
33 **CHAIRMAN BOSARGE:** We have a substitute motion on the board to  
34 put red snapper allocation on the agenda for the June council  
35 meeting. I am assuming that's a discussion, as opposed to a  
36 suite of options, based on our conversation, and so do we have a  
37 second for that motion? Seconded by Dr. Frazer. Is there  
38 discussion on the substitute motion? Mr. Boyd.  
39  
40 **MR. BOYD:** Dr. Crabtree, is implicit in that a review of the  
41 court ruling by Mara?  
42  
43 **DR. CRABTREE:** Yes, my intent would be that Mara goes through  
44 the court ruling and that we then provide guidance. If you then  
45 decide that you want to proceed with working on this issue, that  
46 you then provide guidance to the staff about what options you  
47 want them to look at.  
48

1 We're not going to get anywhere asking staff to come in and tell  
2 us how to do it. We're going to have to figure out what we want  
3 to do and why, and we're going to have to give the guidance to  
4 staff.

5

6 **CHAIRMAN BOSARGE:** Mr. Gregory.

7

8 **EXECUTIVE DIRECTOR GREGORY:** I know this is the wrong subject to  
9 jump in the middle of, but whatever. I thought, from my memory  
10 of what was in the ruling, that it had to do with one side not  
11 exceeding their allocation or quota and the other side  
12 exceeding, and that was not justification.

13

14 Then, earlier today, Dr. Crabtree, you said, well, we do have  
15 new numbers coming out and they could be different, and my  
16 impression is that could be the basis for reconsidering  
17 allocation, but we can't get started with that until we see the  
18 new numbers. Can you or Dr. Porch provide any idea as to when  
19 we might start seeing the new MRIP numbers, based on the mail  
20 survey and the calibrations?

21

22 **DR. PORCH:** We will have the review for the procedure for  
23 calibrations in June. The exact date I don't think has quite  
24 been set yet, but it's likely in June, and so, once that is  
25 done, most of the waves will have been reported, and so, shortly  
26 after that, we could have recalibrated numbers.

27

28 That is after two years of side-by-side comparisons of the mail  
29 and the phone survey. Then probably a further refinement will  
30 be made in 2018, after we've had three years of side-by-side,  
31 but the bottom line is the method should have been peer reviewed  
32 and hopefully approved in this June.

33

34 **EXECUTIVE DIRECTOR GREGORY:** If I may, so could we get these for  
35 our June meeting, or would this be for our August meeting?

36

37 **DR. CRABTREE:** I would think it would be August, but you know  
38 that -- Remember Amendment 28. It took a little while, and so I  
39 think these estimates will come out as we go through these  
40 discussions and look at this over a period of meetings. Then  
41 we're just going to have to determine where that leads us and  
42 how the timing affects us.

43

44 **CHAIRMAN BOSARGE:** Mr. Anson and then Ms. Guyas.

45

46 **MR. ANSON:** Dr. Crabtree made a point that I was going to bring  
47 up, is that, although I appreciate Mr. Matens' desire to proceed  
48 with haste, I wouldn't support his motion, and I support the

1 substitute motion, because I think, for this issue, particularly  
2 allocation, really those decisions should be coming and  
3 direction should be coming from council members and not from  
4 staff.

5  
6 It puts staff in a little bit of a bind. I served as Chair  
7 prior, and I appreciate having those discussions with staff, and  
8 I appreciate what kind of position it puts them in, and so I'm  
9 going to support the substitute motion.

10  
11 **CHAIRMAN BOSARGE:** Ms. Guyas.

12  
13 **MS. GUYAS:** Ditto Mr. Anson's comments, and I think this is an  
14 important conversation for us to have in understanding this  
15 lawsuit. I mean, it has implications for other fisheries as  
16 well, and so I think this is a discussion that we need to have,  
17 regardless of what path we end up going down.

18  
19 **CHAIRMAN BOSARGE:** Dr. Lucas.

20  
21 **DR. LUCAS:** I have a question, because, of course, it's not  
22 going to be -- When MRIP goes through everything, it probably  
23 won't just be red snapper. It's going to be other species. Is  
24 there any benefit to -- I mean, I think we had discussed maybe  
25 the South Atlantic Council had done one one time where, when the  
26 reallocation occurred, they did it as a suite of species. Like  
27 they did a bunch of species at one time, in terms of the  
28 reallocation. I don't know if you all just want to keep it to  
29 red snapper or, knowing that other species are coming up, you  
30 want to look at it for that.

31  
32 **CHAIRMAN BOSARGE:** Ms. Levy.

33  
34 **MS. LEVY:** However you want to proceed is your prerogative,  
35 although, with respect to red snapper and maybe even the other  
36 species, I think red snapper was a little bit unique, because of  
37 the time series used for the original allocation, and so I  
38 think, if you had a more recent time series for a bunch of  
39 species and you wanted to plug in the new numbers, that might be  
40 something.

41  
42 I would just suggest that, if you do talk about this in June,  
43 that you talk about other options than just the MRIP  
44 recalibration numbers. Is there any other reasonable basis to  
45 adjust the allocations in either direction? I would suggest  
46 broadening the scope of the discussion and thinking about it  
47 more broadly, so that you have more options to choose from and  
48 can look at the fairness and the equity and the other Magnuson

1 Act requirements with respect to a number of different things.  
2  
3 **CHAIRMAN BOSARGE:** All right, Mr. Matens. Last word.  
4  
5 **MR. MATENS:** Mara, I agree completely. That was my -- Maybe I  
6 should have been more direct, but that was my attempt in doing  
7 this. Unfortunately, I am not a biologist, and I don't know if  
8 there are other biological arguments that can be made or other  
9 arguments, economic or something, and so I am with you. Thank  
10 you.  
11  
12 **CHAIRMAN BOSARGE:** Mr. Walker, because you have not spoken and  
13 it is your fishery, yes, sir, go ahead.  
14  
15 **MR. WALKER:** I would just like to add a comment. I think we've  
16 beaten this broken horse. I mean, I think we should be spending  
17 more time on fixing the private angler management problems and  
18 focusing our efforts on fixing things instead of keep beating  
19 the same old dead horse, but I am going to oppose this motion.  
20  
21 **CHAIRMAN BOSARGE:** Okay. We have a -- Mr. Swindell, you have  
22 not spoken either. Anybody else that has not spoken once? All  
23 right. That makes you the last word, sir.  
24  
25 **MR. SWINDELL:** Thank you, ma'am. I am sorry, but, as I sit on  
26 the council, I would like to hear from anybody in our council  
27 system that should report to us on such things as this is our  
28 Scientific and Statistical Committee. I think, if anything,  
29 they need to look at this stuff that the Science Center comes  
30 back with and have them meet and then give us a recommendation  
31 as to what they see in the statistics of all of this work.  
32 Thank you, ma'am.  
33  
34 **CHAIRMAN BOSARGE:** All right. We have a substitute motion on  
35 the board to put discussion of red snapper allocation on the  
36 agenda for the June council meeting. **All those in favor,**  
37 **signify by raising your hand.**  
38  
39 **EXECUTIVE DIRECTOR GREGORY:** I have thirteen yea.  
40  
41 **CHAIRMAN BOSARGE:** **All those opposed, same sign.**  
42  
43 **EXECUTIVE DIRECTOR GREGORY:** Three no, and so the motion passes.  
44  
45 **CHAIRMAN BOSARGE:** All right. **The motion carries.** Are we ready  
46 to continue on with our committee report? All right. Mr.  
47 Greene.  
48

1 **MR. GREENE:** Projections for the 2017 Federal Recreational  
2 Fishing Season and Discussion of State Seasons, Nick Farmer gave  
3 a presentation on factors affecting the 2017 recreational red  
4 snapper season projections.

5  
6 Based on the preliminary estimates, the private recreational  
7 component overfished its allocation by 129,906 pounds, 125  
8 percent of the allocation, while the federal for-hire component  
9 landed just 70 percent of its allocation. Combined, this  
10 resulted in an ACL overharvest of 102 percent, which triggers  
11 the payback provision.

12  
13 With the overage adjustment applied to the private recreational  
14 component, the resulting 2017 ACTs are the all recreational  
15 catch target was 5,282,155. The private angler was 3,047,803.  
16 The federal for-hire was 2,234,352. The was adjusted by 129,906  
17 pounds.

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

20  
21 **MS. GERHART:** Thank you. I wanted to point out that we have  
22 since found a computational error in those numbers that I would  
23 just like to correct before we go on. There is several  
24 different steps in the calculation, and the order in which you  
25 do those steps does make a difference in the outcome.

26  
27 Again, this is still slightly preliminary, because the Texas  
28 numbers are preliminary, but we do have -- I would like to  
29 change that for the ACT for all recreational would be the same -  
30 - It's not quite the same as up there. It's 5,282,475. Then  
31 the private would be 3,004,075, and so it's slightly lower  
32 number. The for-hire ACT was inappropriately adjusted there,  
33 when it should not have been, because there isn't a payback on  
34 the for-hire sector, and so that number should be 2,278,000, and  
35 we can send those numbers out, if you would like.

36  
37 **CHAIRMAN BOSARGE:** Mr. Greene. Excuse me. Mr. Atran.

38  
39 **MR. ATRAN:** I was just going to say that I will put those  
40 corrected numbers in the committee report for the version that  
41 goes into our minutes and backups, if anybody wants to look at  
42 it. I can send out a revised report to the council as well.

43  
44 **CHAIRMAN BOSARGE:** Thank you, sir. That would be appreciated.  
45 Mr. Anson.

46  
47 **MR. ANSON:** Since there was some confusion within the agency on  
48 that computation, could you include the formula that goes into

1 the computation to produce those numbers? Thank you.

2

3 **MS. GERHART:** Yes, we can do that.

4

5 **CHAIRMAN BOSARGE:** All right, Mr. Greene.

6

7 **MR. GREENE:** In 2017, state seasons are projected to catch 77 to  
8 79 percent of the ACT, leaving approximately 0.7 million pounds  
9 for the private federal season. Federal seasons will be  
10 announced by May 1. The federal for-hire component is expected  
11 have about the same or a slightly longer season than in 2016.  
12 The private recreational component will likely have a shorter  
13 season.

14

15 A motion was made to direct staff to start a framework action to  
16 modify the red snapper ACT for the federal for-hire sector.  
17 However, the motion failed by a vote of seven to eight.

18

19 **CHAIRMAN BOSARGE:** All right. I have Mr. Banks and then Dr.  
20 Crabtree.

21

22 **MR. BANKS:** Thank you, Madam Chair. I would like to make a  
23 motion, since Johnny just got through reading the information  
24 about the red snapper season projections, and I had sent it to  
25 staff earlier.

26

27 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board. Mr.  
28 Banks, is that your motion? If it is, I will read it.

29

30 **MR. BANKS:** It is. If I get a second, I will provide some  
31 rationale for it.

32

33 **CHAIRMAN BOSARGE:** Okay. The motion is to develop an amendment  
34 that would allow Louisiana to manage the harvest of its  
35 historical percentage of the Gulf-wide recreational red snapper  
36 landings during the Calendar Years of 2019, 2020, 2021, out to  
37 200 nautical miles. Historical landings refers to landings as  
38 determined through the preferred alternatives outlined and  
39 adopted by the council for allocations in Amendment 40, but also  
40 including the years 2014 and 2015. Is that your motion, sir?

41

42 **MR. BANKS:** It is. Thank you.

43

44 **CHAIRMAN BOSARGE:** Okay. Do we have a second for the motion?  
45 We have a second for the motion. All right. Is there  
46 discussion on the motion? Mr. Banks.

47

48 **MR. BANKS:** The rationale for that is, number one, what this

1 motion refers to is a short timeframe, sort of like a sunset  
2 situation, for us to show that what we do right now in Louisiana  
3 waters, how we manage that fishery in Louisiana waters, can be  
4 managed the same exact way, under the same situations, all the  
5 way out to 200 nautical miles.

6  
7 It's really based on us having solid data and a solid data  
8 collection program and us being able to respond very, very  
9 quickly to harvest catch rates and things like that through the  
10 LA Creel Program. We have that ability to control the season,  
11 and this is certainly not intended to harvest anything more than  
12 what we're already doing at the current time.

13  
14 As you probably all know, we are managing based on that  
15 historical catch share, if you will, of the landings that came  
16 from Amendment 40, and Amendment 40 was, as I understand the  
17 last expression of acceptance of this Louisiana historical share  
18 by this council, and I recognize that not everybody probably  
19 agreed with that, but, as a council, that was the last  
20 acceptance of Louisiana's share, and so that's why we went with  
21 that, rather than coming up with a whole new number, because, as  
22 we all know, we can come up with numbers in any different  
23 calculation, but I felt like that was the last expression of  
24 acceptance by this council.

25  
26 Another good thing is this will have zero impact on another  
27 state. We are doing this right now. We are currently managing  
28 to about 14 percent. It wouldn't change that whatsoever, and so  
29 it would have no impact whatsoever on another state, and it  
30 actually, if you think about it critically, it actually helps  
31 other states in that regard, in that there is nothing that  
32 really holds us to 14 percent right now.

33  
34 We do that based on our word to you guys and to NOAA that that's  
35 what we would do, but this, if we get an amendment passed, it  
36 would hold us to that. Certainly we would allow payback  
37 provisions and things like that to hold us at that, but this  
38 would give us at least a try to manage our own resources for the  
39 betterment of our people.

40  
41 Lastly, I would say I would like to read a statement that was  
42 sent to me by a Louisiana person, and I am going to blanks where  
43 peoples' names were used, to protect the innocent, of course,  
44 and this is what it read.

45  
46 The vast majority of blank wants local, regional control. It  
47 should be most interesting to all involved that our position is  
48 not that we in any way want to tell blank or blank or any of the

1 blank members how to run their fishery, but we just want our  
2 share to run the way that we want under a biologically-sound  
3 system that is fair to all of Louisiana's citizens. Why is it  
4 that it's so important for another group to tell us how we  
5 should run our fishery?

6  
7 I don't think that person knew that I was going to bring up this  
8 motion when that was sent to me yesterday, but it adequately and  
9 accurately describes how we feel in Louisiana, and that is that  
10 we have a very good data system. We don't want to tell the  
11 other states how to run their system. Our system is open and  
12 transparent and accountable.

13  
14 While I agree with you, what we talked about a couple of days  
15 ago, Madam Chair, that I want us all to succeed, I don't feel  
16 like we're being allowed to succeed, because we're being held  
17 back, and I'm just asking the rest of the council to allow us to  
18 move forward and succeed, because we can do it.

19  
20 You all spoke very highly of moving the ELB amendment forward.  
21 You didn't want to hold progress back, and I think this is a way  
22 that we can see some progress, at least in Louisiana, for that  
23 section of our coast that right now, even under a state system,  
24 does not have access to this fishery.

25  
26 The Venice folks have access to this fishery, and that's  
27 wonderful, but, if you get to Grand Isle and go west, they can't  
28 get to snapper within nine miles, and I think that's the case  
29 also in portions of Florida, and so, yes, we have a state  
30 season, but it's not fair and open access to all of our  
31 citizens, and all I'm trying to do is not take any more fish,  
32 but open this up to be fair and equitable for all of Louisiana's  
33 citizens. Thank you.

34  
35 **CHAIRMAN BOSARGE:** We have a lot of people that want to talk.  
36 Dr. Crabtree was next, and then we will have Dr. Lucas and then  
37 Mr. Diaz.

38  
39 **DR. CRABTREE:** Patrick, can you clarify that you are referring  
40 to private recreational and this would not include the  
41 federally-permitted for-hire vessels? Is that correct?

42  
43 **MR. BANKS:** No, sir. We would like to include our charter fleet  
44 as well. Right now, we monitor that charter fleet under LA  
45 Creel. We know what they catch, and we know -- We can account  
46 for their catch, and they have requested to be included in some  
47 sort of regional management approach, and we feel like we can  
48 control that harvest, and I think, if you see our data and our



1 record, you can see that we can control that harvest as well.

2  
3 **DR. CRABTREE:** Then a couple of points I would make. This would  
4 require a plan amendment, which would have to have a regional  
5 range of alternatives, and so you can't pre-select what the  
6 allocation, what your historical percentage is going to be,  
7 which your motion seems to do, but the council will have to  
8 analyze a reasonable range of alternatives, some of which may  
9 include 2014 and 2015 and others may not. Then the council will  
10 have to select a preferred based on that, but you can't specify  
11 what it would be just in a motion like this.

12  
13 **CHAIRMAN BOSARGE:** Dr. Lucas.

14  
15 **DR. LUCAS:** I think my question is -- Maybe staff can clarify  
16 this, because I may not remember correctly, but I thought that  
17 Amendment 40 only separated the allocation for private recs  
18 versus charter/for-hire and didn't do that by state, but I think  
19 maybe Roy even might have taken care of that with what he said  
20 with the motion, but if Ava could clarify that, and then I had  
21 one other question.

22  
23 **DR. AVA LASSETER:** That is correct. Amendment 40 just  
24 established the separation between the federal for-hire and then  
25 the private angling component. The private angling component  
26 included state-licensed charter vessels. Now, in Amendment 39,  
27 in the later drafts, after you had completed sector separation,  
28 we did provide the alternatives based on whether or not states  
29 would include the federal for-hire component, and so that was  
30 available in the last draft.

31  
32 **CHAIRMAN BOSARGE:** Do you have a follow-up, Dr. Lucas?

33  
34 **DR. LUCAS:** Yes, and thank you for answering that question. My  
35 other question was for Patrick. I mean, are you seeking to do  
36 this through delegation entirely or were you looking at some  
37 type of conservation equivalency?

38  
39 **MR. BANKS:** Conservation equivalency is fine. We are fine with  
40 the ACTs being set by the council, as you guys normally do.  
41 That's how we're managing it right now. We don't go out and do  
42 our own plan, and we don't go out and do our own ACT and ACL  
43 calculations. We take what you guys have given us. Excuse me.  
44 We take and use what you all and we all have determined for the  
45 Gulf. We look at our historical landings, based on the years as  
46 outlined in that amendment, and that is what we manage to.

47  
48 We stop at that number, because that's what we've committed to

1 do. We have no requirement to stop at that number, but I feel  
2 like the good tradeoff for us is that we can commit to stopping  
3 at that number if I can get the ability for the rest of our  
4 citizens to be able to participate in that fishery.

5  
6 Right now, they don't participate in that fishery, because they  
7 can't. Unless a Cameron boat comes all the way from Cameron,  
8 near the Texas border, all the way to the mouth of the river,  
9 it's just not available to them, and so I don't like necessarily  
10 being held to that one percentage, but that's a sacrifice we're  
11 willing to make to try to increase the access for everybody.  
12 Thank you.

13  
14 **CHAIRMAN BOSARGE:** Ms. Guyas.

15  
16 **MS. GUYAS:** Dr. Lucas asked some of my questions, but, Patrick,  
17 I have one for you. Where is LA Creel in the MRIP certification  
18 process? Are you all at the point where it's been certified?  
19

20 **MR. BANKS:** It has been. The landings portion has been  
21 certified, and the effort portion is in the final stages of  
22 being certified. I don't know exactly where it is. I know that  
23 they were working out the last few kinks.  
24

25 **CHAIRMAN BOSARGE:** Lieutenant Commander.

26  
27 **LCDR DANAHER:** Thank you, Madam Chair. I am just trying to make  
28 sure that I am understanding this correctly. On the  
29 recreational side, if you're trying to manage the harvest out to  
30 200 miles, is there still going to be a state and federal permit  
31 demarcation, or is this going to be totally state managed out to  
32 200?  
33

34 **MR. BANKS:** The way I envision it is that nothing would change  
35 from what it is right now. A federally-permitted charter boat  
36 would still have to fish in federal waters. Unfortunately,  
37 because of 30B, we couldn't allow him to fish in state waters,  
38 but the recreational -- The biggest change for us is the  
39 recreational angler would then be able to fish out to 200 miles  
40 in whatever season we were able to set to keep us at that  
41 historical percentage. For us, when a boat comes into the dock,  
42 we sample that catch, and it doesn't really matter to us whether  
43 he comes in from nine miles or 200, and we can manage that  
44 harvest.  
45

46 **LCDR DANAHER:** Okay, and so, even from a recreational  
47 standpoint, you're checking every recreational vessel that comes  
48 in with red snapper?

1  
2 **MR. BANKS:** Well, I wouldn't say every one, but we sample a lot  
3 of vessels, so much so that the LA Creel Program has been  
4 certified in that regard.

5  
6 **LCDR DANAHER:** Okay, and so my follow-on question here is does  
7 the Louisiana Department of Wildlife and Fish have the resources  
8 to go out and patrol out to 200 miles?

9  
10 **MR. BANKS:** We already operate under a joint enforcement  
11 agreement with the feds, and we patrol out in federal waters, as  
12 we already are, and so it wouldn't be anything different to us.  
13 When we spoke about taking over full regional management under  
14 HR 3094 last year, our enforcement agents said that they could  
15 do it with the same joint enforcement agreement funding that  
16 they had.

17  
18 **CHAIRMAN BOSARGE:** Mr. Anson.

19  
20 **MR. ANSON:** This discussion of the 200 nautical miles brings  
21 back some recollection of the discussion we had during the  
22 development of Amendment 39, and I don't know. I might need Dr.  
23 Crabtree to weigh in on it, and, Patrick, let me ask you the  
24 question, I guess, then first. That is that, so as you were  
25 starting to describe how you would manage the fishery, it's that  
26 you would have an open and closed season, and so are you  
27 anticipating then closing the waters off of Louisiana, out to  
28 200 miles, when you meet your target pounds?

29  
30 **MR. BANKS:** That is correct. We would close red snapper harvest  
31 for the recreational component out to 200 miles.

32  
33 **MR. ANSON:** Dr. Crabtree, wasn't there an issue with that, as  
34 far as access, equitable access, and closing Gulf waters and the  
35 federal government being able to do that?

36  
37 **DR. CRABTREE:** There are a lot of complexities to this that are  
38 going to have to be worked out. I think the issue right now is  
39 whether the council is willing to look at this, but exactly how  
40 it would work and how we would do it will have to be worked out.

41  
42 If the goal was to close the EEZ, Louisiana would have to ask  
43 NMFS to close the EEZ, but it could go that way, but there is  
44 the issue of what about other vessels fishing in the EEZ off of  
45 Louisiana, and we'll have to figure out how that situation plays  
46 out and how much of an issue it is, but I can't -- We're not  
47 going to solve all of that today, and so I think it's whether  
48 you're in agreement with the spirit of this and willing to take

1 a look at it.

2  
3 I mean, we are certainly stuck on red snapper, and so we need to  
4 try something different, but there will be loads of details to  
5 be worked out as we develop an amendment.

6  
7 **CHAIRMAN BOSARGE:** Lieutenant Commander.

8  
9 **LCDR DANAHER:** Thank you, Madam Chair. Just from listening to  
10 what I hear, I mean, I respect what Dr. Crabtree is saying, that  
11 this isn't like a done deal if this motion passes, but, from an  
12 enforcement standpoint, I see this as a gigantic nightmare. I  
13 mean, I have -- I am in the military, and I have a difficult  
14 time trying to enforce the regs all the way out to 200 miles,  
15 and Louisiana's overlapping area of responsibility with the  
16 Coast Guard sector that is responsible for your coastline is  
17 rather large. I mean, this is -- You're talking about a lot of  
18 resources that I don't know if I can guarantee that we could  
19 enforce the law.

20  
21 **CHAIRMAN BOSARGE:** Mr. Banks.

22  
23 **MR. BANKS:** I certainly respect those comments, Lieutenant  
24 Commander. I was not intending to mean that you guys would  
25 leave the waters completely. I mean, it would still be federal  
26 waters, and so it would just be an allowance of our folks to  
27 fish in that, based on the season that we set, and so, the way I  
28 envision it, and maybe you would tell me that it can't happen  
29 this way, but you would still be patrolling those waters,  
30 because certainly, if red snapper season closed down, we  
31 wouldn't ask Roy to close the entire waters for everything.

32  
33 I mean, boats would still be out there fishing for whatever was  
34 open in federal waters anyway, and so I don't envision a time  
35 when you would not need to be out there. I mean, we do that  
36 certainly in state waters already. There is seasons that some  
37 things are open and some things are closed, and I would imagine  
38 that you guys deal with that already in federal waters, and so I  
39 don't see a difference there. I may be missing something  
40 though.

41  
42 **CHAIRMAN BOSARGE:** Mr. Diaz.

43  
44 **MR. DIAZ:** I just want to jump in on this conversation. I don't  
45 see any way this could be done where red snapper fishing was not  
46 allowed in the federal waters off the State of Louisiana, and  
47 the reason I say that is, if you look at the way the border is  
48 for Louisiana and Mississippi, generally the federal waters off

1 of Louisiana are to the east, bordering our state, and the  
2 federal waters off of Mississippi are south of our state, and  
3 they're the same federal waters, and so there is absolutely no  
4 way that we could stop red snapper fishing under any  
5 circumstances for this, and so it would have to be worked out  
6 where landings couldn't occur in Louisiana, but fishing could  
7 occur off of the state, and how we police that, I am not sure,  
8 but thank you.

9

10 **CHAIRMAN BOSARGE:** Mr. Banks and then Dr. Crabtree.

11

12 **MR. BANKS:** My only response to that would be that we would  
13 certainly enforce that at the dock. I mean, if you guys -- As  
14 I understand that, if you went off of Louisiana and caught tuna,  
15 but you landed it in Orange Beach, Alabama, it's not considered  
16 Louisiana fish, and so I don't know that we would be able to  
17 stop you from doing that, but we would certainly enforce it at  
18 the dock.

19

20 **CHAIRMAN BOSARGE:** Dr. Crabtree.

21

22 **DR. CRABTREE:** Again, there are a lot of things in the weeds  
23 here. It might be that Louisiana's season would have to  
24 encompass the Gulf-wide federal season, so that any closure that  
25 occurred didn't affect the other states. Then somehow you would  
26 have to provide some sort of exemption for the vessels landing  
27 in Louisiana from the closure. Now, how that works and how many  
28 enforcement issues and problems that produces is hard to say,  
29 but, as I said, there are a lot of details that would have to be  
30 addressed and figured out.

31

32 **CHAIRMAN BOSARGE:** Mr. Greene.

33

34 **MR. GREENE:** Patrick, I am kind of interested in what you have  
35 going on here, but tell me how the charter/for-hire would fit  
36 into this.

37

38 **MR. BANKS:** Our charter/for-hire right now, under the way we  
39 manage red snapper in the state season, is when the federal  
40 season opens up, they go fish, and we continue to sample them  
41 through LA Creel, just like we do with anybody else.

42

43 I don't see how that would change at all. They would still be  
44 able to go and fish federal waters whenever we opened up that  
45 200 nautical miles, and we would continue to sample them just  
46 like we have before.

47

48 **MR. GREENE:** So, essentially, you're saying that the

1 charter/for-hire industry in Louisiana would ultimately remain  
2 the same, with a June 1 opening, and would be about forty-five  
3 days, and is that correct?  
4

5 **MR. BANKS:** No, that's not what I'm saying. If you have a  
6 federal permit, they should be able to fish whenever those  
7 federal waters are open. This would allow us to open those  
8 federal waters for our people, whether they are a federally-  
9 permitted boat or a private recreational angler, and so those  
10 guys would then be able to use the entire season that we set.  
11 Again, it's whatever the season is. We would manage to a quota,  
12 and we would shut it down.  
13

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

16 **MR. ANSON:** Patrick, I don't know if I can support the motion as  
17 it's written, and it goes back to a comment that Dr. Crabtree  
18 had regarding the second sentence there, primarily, and I was  
19 wondering if you wouldn't mind if you dropped that second  
20 sentence, because it kind of guides a lot of the discussion or  
21 where discussion could go relative to how the allocation is  
22 determined. I was just wondering if you would be interested in  
23 dropping that from your motion.  
24

25 **MR. BANKS:** I don't think that I would, and I have to  
26 respectfully disagree with Dr. Crabtree that it can stay in the  
27 motion. The thing for Louisiana is this is the last expression  
28 of what we felt like was a fair allocation for us, and so that's  
29 an important part of the motion.  
30

31 **CHAIRMAN BOSARGE:** Ms. Levy.  
32

33 **MS. LEVY:** Thank you. Whether it stays in the motion or not, if  
34 you decide to move ahead with this, it would not be the only  
35 allocation alternative in the amendment. NMFS would have to do  
36 some sort of -- We would have to do a NEPA analysis on it, and I  
37 don't know that you would be able to justify a fair and  
38 equitable allocation and all of those other things if you don't  
39 consider other alternatives, and so, I mean, just as a practical  
40 matter, I don't know how the document could be developed without  
41 having different alternatives for allocation.  
42

43 **CHAIRMAN BOSARGE:** Mr. Anson.  
44

45 **MR. ANSON:** I was just thinking of it as a practical matter,  
46 once this hits the street, thinking of Louisiana anglers, that  
47 they're going to then focus in on this particular potential for  
48 the allocation, and it just might not end up that way, and I was

1 just trying to save some heartache, potentially, and so that's  
2 all.

3  
4 **CHAIRMAN BOSARGE:** I guess this would be a question for Mara.  
5 If we go down this path, which, on the surface, I kind of like  
6 it. I mean, we haven't been able to get all five states to  
7 maybe come to an agreement together, but, if we do have one  
8 state that is putting it on the table that this is how we're  
9 managing our fishery, and we're doing it right now, and we're  
10 willing to put it in writing for you and get it vetted, so that  
11 you will have less uncertainty about what's going to happen and  
12 you will know what we're shooting for, and we're going to show  
13 you that we will be sustainable, personally, I am all for that.

14  
15 The only thing that is a little different, I guess, that would  
16 be a little different, would be the for-hire sector. That is  
17 going to be a little change in how they're managed, and I am not  
18 necessarily opposed to that, on the surface, because I think  
19 that the Louisiana fleet has been a little opposed to some  
20 things that we've been doing.

21  
22 They kind of have some contrary views, sometimes, from the rest  
23 of the for-hire fleet, and so they may be very interested in  
24 this. I just wonder, as we move forward, would we have those  
25 options sort of the same way that we did in 39, and I forget the  
26 numbers, but the regional management amendment, where that would  
27 be an option, and you would have an option for both private and  
28 for-hire, but there would be a suite, where you could possibly  
29 do just one or the other?

30  
31 **MS. LEVY:** Sector separation is the status quo, right, and so I  
32 think you would have to have some sort of options or  
33 alternatives to consider changing that status quo. There are a  
34 lot of details that we would have to think about and work out,  
35 like the requirement that we don't discriminate based on state  
36 residency. That's another thing we would have to deal with, and  
37 so I think, at this point, it's the idea of whether to move  
38 forward to look at it, but there are a lot of details that would  
39 need to be thought about and worked out.

40  
41 **CHAIRMAN BOSARGE:** I had Dr. Lucas.

42  
43 **DR. LUCAS:** I too, on the face of it, like you said, Leann, and  
44 I think it's a way. I mean, you may have -- Paul may come in  
45 the next meeting and start one for Mississippi, and each person  
46 can do one for each state. I mean, you never know what will  
47 happen.

48

1 I think the problem, some of the problem, I guess I have with  
2 this is I don't know that it's even valid, just because the 40  
3 thing doesn't determine a historical landing for Louisiana or  
4 anything like that, and so I don't know where to go with that.  
5 I think that's voting on something that doesn't necessarily  
6 exist, but I guess I'm on fence about the premise, because I  
7 don't know if we want to start taking up each state individually  
8 or how we want to go about it.

9

10 **CHAIRMAN BOSARGE:** All right. Did you have a comment?

11

12 **MR. MATENS:** Thank you. I certainly recognize the details. The  
13 devil is always in the details. I recognize that, and that's  
14 what this body is here for, to work out the details. This is  
15 not permanent. Let us try this.

16

17 **CHAIRMAN BOSARGE:** Mr. Banks.

18

19 **MR. BANKS:** I hear what Kelly is saying, and that is -- Maybe I  
20 just worded it wrong. What my intent was, it was to use the  
21 same type of breakdown of years that occurred in there, and so -  
22 - Of course, Mara says we're going to have to look at options  
23 anyway, and that is certainly fine. Would it be more -- To at  
24 least make a statement about the types of options to look at,  
25 one based on historical landings and one based on historical  
26 landings plus biomass, as determined by the most recent SEDAR,  
27 and things like that? I just want to make sure that we don't  
28 get in a situation where all of a sudden it's not based on  
29 anything but a back-door deal that has nothing to do with data  
30 and legitimate --

31

32 **CHAIRMAN BOSARGE:** Ms. Levy.

33

34 **MS. LEVY:** I mean, I think it's perfectly fine to give guidance  
35 to staff as to what types of things you would like to be  
36 considered in there.

37

38 **CHAIRMAN BOSARGE:** I don't know that you have to put that in  
39 that motion. I think we've had enough discussion. If you want  
40 to throw some ideas out, but I don't want to muddy up the motion  
41 and start -- I think that we can put that on the record and we  
42 can get there with that. Mr. Anson.

43

44 **MR. ANSON:** Patrick, you may have listened to the previous  
45 meetings that were held on regional management for Amendment 39,  
46 but none of the things that the council would be discussing is  
47 really a back-room deal, per se. I don't know what you were  
48 trying to infer there, but everything is out in the open when it



1 comes to making decisions through the council process. As Mara  
2 said, there will be a suite of things that you could propose to  
3 put into the amendment. That's all.

4  
5 **CHAIRMAN BOSARGE:** I think we will get to point if we pass this  
6 motion and we start developing some sort of document, some sort  
7 of amendment, for this. We will get there, and we can have  
8 those discussions on what we want those options to be, in they  
9 are somewhat out of the box type of things, and I think we'll  
10 get there.

11  
12 Of course, it will all be open and transparent, because that's  
13 who we do things. That's how we operate, but we've had a lot of  
14 discussion. Any final thoughts from anyone? No? All right.  
15 So, we have a motion on the board to develop an amendment that  
16 would allow Louisiana to manage the harvest of its historical  
17 percentage of the Gulf-wide recreational red snapper landings.  
18 The management would be during the Calendar Years of 2019, 2020,  
19 and 2021, out to 200 nautical miles, and historical landings  
20 refers to landings as determined through the preferred  
21 alternatives outlined and adopted by the council for the  
22 allocations in Amendment 40, but also including the years 2014  
23 and 2015. We have had some discussion that, yes, there would  
24 have to be a reasonable range of alternatives there, and so  
25 we're ready to vote. **All those in favor of the motion on the**  
26 **board, signify by raising your hand.**

27  
28 **EXECUTIVE DIRECTOR GREGORY:** Eleven yes.

29  
30 **CHAIRMAN BOSARGE:** All those opposed, same sign.

31  
32 **EXECUTIVE DIRECTOR GREGORY:** Five. **The motion passes eleven to**  
33 **five.**

34  
35 **MR. BANKS:** Thank you, all. I appreciate it.

36  
37 **CHAIRMAN BOSARGE:** You're welcome, Mr. Banks. Anything else  
38 before we move back into the committee report? Okay. Mr.  
39 Greene.

40  
41 **MR. GREENE:** Final Action, Amendment 36A, Modifications to  
42 Commercial IFQ Programs.

43  
44 **CHAIRMAN BOSARGE:** Mr. Banks.

45  
46 **MR. BANKS:** Sorry. I have one more motion, and, if I can get a  
47 second, I can try to reiterate the rationale that was put forth  
48 in committee. I have thought a lot more about what Dale had put

1 forth earlier, about taking a look at the ACT for the charter-  
2 for-hire sector and the fact that they're underharvesting their  
3 sector while we're overharvesting another one and trying to --  
4 Not necessarily taking anything away from one sector, but  
5 helping the charter/for-hire to maximize their take. **I would**  
6 **like to take the motion that Dale put forth earlier in the week**  
7 **and reiterate it here, and hopefully we can get a second and**  
8 **talk about it some more.**

9  
10 **CHAIRMAN BOSARGE:** We will give staff just a second to get that  
11 up on the board.

12  
13 **MR. BANKS:** I apologize to staff that I didn't send it to them.  
14 Sorry.

15  
16 **CHAIRMAN BOSARGE:** Mr. Sanchez, are you seconding the motion  
17 when it gets on the board?

18  
19 **MR. SANCHEZ:** Yes, being familiar with it from earlier, I will  
20 second it.

21  
22 **CHAIRMAN BOSARGE:** Okay. **The motion is to direct staff to start**  
23 **a framework action to modify the red snapper ACT for the federal**  
24 **for-hire sector.** Is that your motion, Mr. Banks? All right.  
25 We do have a second, and so let's have some discussion on the  
26 motion. Ms. Guyas.

27  
28 **MS. GUYAS:** I guess -- He's not at the table right now. Never  
29 mind. I will come back when Roy is at the table, because I feel  
30 like there was some comments that came from him that indicated  
31 that this would be problematic.

32  
33 **CHAIRMAN BOSARGE:** Ms. Levy.

34  
35 **MS. LEVY:** I think it has to do with the fact that you really  
36 need to consider the ACTs for both components when you're  
37 looking at one, because we are managing to a recreational sector  
38 ACL, and we've got buffers on that total, but we have also got  
39 buffers on each component. If we're going to adjust one to make  
40 it less conservative, and we have the other component that is  
41 going over, we might need to look at adjusting that one to make  
42 it more conservative, because the goal is to not exceed the  
43 total quota or ACL.

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

46  
47 **MR. BANKS:** I don't know exactly how to amend the wording, but I  
48 would be willing to amend it to look at all of it.

1  
2 **CHAIRMAN BOSARGE:** To direct staff to start a framework action  
3 to modify the red snapper ACT buffers for each component?  
4

5 **MR. BANKS:** For the recreational sector, in order to achieve  
6 maximum yield of each sector, or something like that. I do feel  
7 strongly that it needs to be clear that the purpose here is to  
8 try to help the federal for-hire folks obtain their maximum  
9 yield.  
10

11 **CHAIRMAN BOSARGE:** I think, if we just took that "for the  
12 federal for-hire sector" off, then it would include both, but I  
13 will get some feedback from the group, and that's your motion  
14 all the way. I am just trying to have us not go around and  
15 around forever. Mr. Diaz.  
16

17 **MR. DIAZ:** Thank you for bringing it up, Patrick. I appreciate  
18 it. I hear what Ms. Levy is saying, but I just looked back at  
19 the last three years, like I said in committee. In 2014, when  
20 they were combined, 89 percent of the ACT was caught. In 2015,  
21 the charter boat caught 93 percent of their ACT. In 2016, they  
22 caught 88 percent of their ACT.  
23

24 I just feel like this is a smaller group that can only fish in  
25 federal waters. You don't have the uncertainty around the  
26 state-water seasons that can be lengthened. It's a smaller  
27 group that can be controlled, and it just is a fairness thing.  
28 I wanted to see if we could do this and get more accurate  
29 numbers for the charter/for-hire folks.  
30

31 I hear what Ms. Levy is saying. I believe National Standard 1  
32 says something to the effect that, if you exceed the ACL more  
33 than one year in a four-year period, that you are encouraged, or  
34 maybe even required, to look at it. From that standpoint, I  
35 don't know that you're required to look at the recreational  
36 side, although I'm not opposed to it, but the group that is not  
37 catching their ACL and could benefit from fishing, if we could  
38 get a more accurate ACT for them, is clearly the charter/for-  
39 hire at this point. Thank you, Madam Chair.  
40

41 **CHAIRMAN BOSARGE:** I think I know where Mara is coming from.  
42 Essentially, we don't want another lawsuit, because we were  
43 supposed to keep the recreational sector within its allocation.  
44 Then we start decreasing buffers and we end up in another  
45 lawsuit situation, but I guess my counter to that would be that,  
46 at this point, we're looking at one to three days of a federal  
47 season on the private angler side and the rest will be a state-  
48 water season.

1  
2 It's very likely that, by next year, if things keep going the  
3 way they are going, there will be no federal season, and so our  
4 buffer on the private angler sector is almost null and void at  
5 that point. What are we buffering? Something that we don't  
6 have any control over, something that we have no jurisdiction  
7 over state-water catches at that point, and so the buffer there  
8 is -- I don't see why you would have to increase it, because  
9 it's being caught in a jurisdiction that we don't control at  
10 that point. You don't have to respond to that, Mara. It's  
11 fine. Dr. Frazer.

12  
13 **DR. FRAZER:** Thank you, Madam Chair. I really appreciate the  
14 intent of this particular motion, and I think, as I have  
15 listened to a number of public comments from both of those, the  
16 for-hire side as well as the recreational side, I think it all  
17 revolves around access, right?

18  
19 What Dale and Patrick are trying to do here is to increase  
20 access to the for-hire sector, and I'm all for that. What I am  
21 trying to make sure that we avoid, and perhaps, by going through  
22 the process, we will avoid doing it, but, if it does lower the  
23 ACT, I guess, for the recreational sector, that's a real  
24 problem, because it kind of voids and nullifies the fair and  
25 equitable side of all of this. At the very least, I want to  
26 make sure that we avoid the perception that we are favoring one  
27 group over another.

28  
29 **CHAIRMAN BOSARGE:** Dr. Crabtree.

30  
31 **DR. CRABTREE:** I apologize that I had to take a call and missed  
32 a little bit of the discussion, but the problem is, Dale, I  
33 don't see how this is doable, unless you consider both  
34 components of the buffer. I just don't see how it -- I just  
35 don't know how we can defend it to just look at one, when  
36 clearly there are issues with the other side of the buffer, and  
37 I don't see how we can reduce the overall buffer immediately  
38 after seeing that we went over the ACL and how our response to  
39 that can be to reduce the buffer.

40  
41 If you just look at the one component and reduce the buffer, you  
42 are reducing the overall buffer, and I just don't see how we do  
43 that. If you want to readdress this and look at shifting it,  
44 okay, but I don't see how this works.

45  
46 **CHAIRMAN BOSARGE:** We did -- It's Mr. Banks' motion, and he did  
47 add the private recreational component to it, and you know it  
48 takes us about a year, minimum really, to finalize anything, and

1 so I have a feeling that, by the time we really get deep into  
2 this, which we're going to be sometime into next year, and it  
3 may very well be that we have no federal season next year, and  
4 so increasing a buffer on the private recreational component at  
5 that point may be a very different conversation, even from a  
6 legal standpoint, because the catches are coming out of a  
7 jurisdiction that we have no control over, and so increasing  
8 that buffer -- What is the rationale behind that?

9  
10 Anyway, but I think that's a conversation that we'll see how it  
11 evolves as it goes, and so I guess I am saying that I'm in favor  
12 of the motion. Any other discussion? All right. **All those in**  
13 **favor of the motion to direct staff to start a framework action**  
14 **to modify the red snapper ACT for the federal for-hire component**  
15 **and the private recreational component, please signify by**  
16 **raising your hand.**

17  
18 **EXECUTIVE DIRECTOR GREGORY:** Fourteen.

19  
20 **CHAIRMAN BOSARGE:** All those opposed, same sign.

21  
22 **EXECUTIVE DIRECTOR GREGORY:** I see no hands up, and so it's  
23 fourteen to zero. **It passes.**

24  
25 I just want to say that I am very impressed of the capability  
26 that you all put in the staff of the motions that I have seen  
27 this morning. We will do our best, but it goes to show that you  
28 think very highly of our ability to produce some documents and  
29 analysis, and we will definitely do our best.

30  
31 **CHAIRMAN BOSARGE:** Of course we do. Anything else before Johnny  
32 continues with his committee report? Okay. All right.

33  
34 **MR. GREENE:** Final Action, Amendment 36A, Modifications to the  
35 Commercial IFQ Programs, staff reviewed the public comments  
36 received on Amendment 36A. Staff then reviewed the actions and  
37 preferred alternatives in the amendment.

38  
39 In Action 2.2, the committee discussed the amount and value of  
40 the shares held in non-activated accounts and the proposed  
41 recipients of those shares under the alternatives. In Action 4,  
42 taking no action remains the preferred alternative.

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

45  
46 **MS. GUYAS:** Thank you. **Seeing as the preferred in Action 4 is**  
47 **no action, before we get to the motion on the board, I want to**  
48 **make a motion that, in 36A, we move Action 4 to Considered but**

1 **Rejected.**  
2  
3 **CHAIRMAN BOSARGE:** Martha, that was the one about the dealer  
4 reporting, right?  
5  
6 **MS. GUYAS:** Yes.  
7  
8 **CHAIRMAN BOSARGE:** Okay. Martha, let us know when your motion  
9 is officially on the board here.  
10  
11 **MS. GUYAS:** I think we're good.  
12  
13 **CHAIRMAN BOSARGE:** Okay. There is a motion, in Amendment 36A,  
14 that Action 4 be moved to Considered but Rejected. Do we have a  
15 second for that motion? It's seconded by Mr. Sanchez. Your  
16 rationale, Ms. Guyas?  
17  
18 **MS. GUYAS:** All I'm trying to do here is make life a little bit  
19 easier for staff. It just saves them a little bit of time as  
20 they are getting ready for this document to go to the Secretary.  
21  
22 **CHAIRMAN BOSARGE:** Mr. Boyd.  
23  
24 **MR. BOYD:** Could staff just put Action 4 up there on the board,  
25 so we can see it, rather than have to look it all up?  
26  
27 **CHAIRMAN BOSARGE:** Certainly. I think they can probably --  
28 Well, it's probably pretty long, but they can copy and paste it  
29 in there. It's an entire action. Ava.  
30  
31 **DR. LASSETER:** I just thought that, while they were getting it  
32 up there, I would summarize it for you. This is the dealer  
33 notification requirement that had been requested by some people  
34 during public testimony. You had discussed it for a while, and  
35 we had received -- Some dealers supported it and some didn't.  
36 It seemed to be a localized Texas problem.  
37  
38 You considered putting it to Considered but Rejected at the last  
39 meeting, and you decided to leave it in, to get more public  
40 feedback, and you have not, at this time, changed your preferred  
41 alternative, and so that's just a little summary of the  
42 background.  
43  
44 **MR. BOYD:** I wouldn't think we would have to list all the  
45 alternatives, but just the action itself.  
46  
47 **CHAIRMAN BOSARGE:** All right. That gives us a little more  
48 information on what we're removing. In Amendment 36A, that

1 Action 4 be moved to Considered but Rejected. 2.4, Action 4,  
2 Dealer Notification Requirement for Beginning to Offload IFQ  
3 Species. Then the alternatives are listed down there below. As  
4 Ms. Guyas stated, our preferred alternative at this point is  
5 status quo, no action. Is there further discussion on this  
6 motion? **Is there any opposition to the motion? Seeing none,**  
7 **the motion carries.** Dr. Crabtree.  
8

9 **DR. CRABTREE:** One thing that I am not satisfied we have come to  
10 a good resolution on is Action 2.2, and that's the method of  
11 redistributing the shares from the non-activated accounts, and  
12 we had a good bit of discussion on that, and we've been round  
13 and round on it.  
14

15 I think there is a lot of desire to see those shares go to  
16 smaller account holders in allocation-only accounts, but we  
17 haven't been able to figure out exactly how to do that. I have  
18 also gotten comments, and I think they were sent around to  
19 everybody, about putting them into a quota bank or something.  
20

21 I don't think we can fix this now, at this point, and so what I  
22 would be interested in hearing some discussion about is what  
23 about taking this action and moving it to 36B, allowing us more  
24 time to think of what to do with those fish that are in these  
25 closed-out accounts and maybe figure out some better way to  
26 allocate them.  
27

28 **CHAIRMAN BOSARGE:** Essentially, the action right before that  
29 gives a date certain for essentially freezing whatever that  
30 pounds of fish is. Then this action that you're talking about  
31 says what would happen to those pounds of fish in each of those  
32 species, and so, if we do what you're saying, then what we'll do  
33 is essentially we'll freeze those inactive accounts, as of  
34 whatever date, and we will take however many pounds of fish are  
35 in those accounts as of that date and we will put them aside,  
36 essentially.  
37

38 They will be held at NMFS or whatever until we get into 36B,  
39 which I think we start that at our next meeting, in June. In  
40 36B, we would have an action item to talk about different things  
41 that we could do with those fish for some new entrants or  
42 smaller guys or quota bank or any of the above?  
43

44 **DR. CRABTREE:** Yes, that's the gist of it, and then we could  
45 figure out how to define that. I believe 36B had options for  
46 quota banks, and so we might -- If we decide to set up a quota  
47 bank, we could put them into that, or we could decide that  
48 they're going to go to allocation-only accounts or accounts that

1 have below some threshold holdings and shares, something like  
2 that. I mean, I know it slows it down, but it seems like we  
3 would want to make sure that we are getting the shares out to  
4 those who need it.

5

6 **CHAIRMAN BOSARGE:** Mr. Diaz.

7

8 **MR. DIAZ:** I just want to say that I agree with Dr. Crabtree. I  
9 am not completely happy with where we're at with this particular  
10 item either, and I think we could do better. I myself would be  
11 okay with pushing it back to 36B and dealing with it there, and  
12 maybe we can come up with a better solution, similar to what Dr.  
13 Crabtree was saying. Thank you.

14

15 **CHAIRMAN BOSARGE:** Okay, and we would have like an amount of  
16 pounds certain that we knew we were working with. That would be  
17 kind of interesting, whereas all the other discussions we have  
18 are kind of pie-in-the-sky-type deals. Dr. Dana.

19

20 **DR. DANA:** Thank you, Chairman. Dr. Crabtree, do you have a  
21 motion on the board? Are you prepared to make that motion?

22

23 **CHAIRMAN BOSARGE:** Dr. Crabtree.

24

25 **DR. CRABTREE:** I would be prepared, and I will make a motion  
26 that we move Action 2.2 out of Amendment 36A and into Amendment  
27 36B. Did I get a second?

28

29 **CHAIRMAN BOSARGE:** Yes, you got a second from Mr. Diaz.

30

31 **DR. CRABTREE:** Then my intent would be -- I assume that 36B will  
32 be back on the agenda in --

33

34 **CHAIRMAN BOSARGE:** June.

35

36 **DR. CRABTREE:** June? That we would then come in and probably  
37 come up with some additional alternatives and discussions as to  
38 how to address this at that point.

39

40 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board to move  
41 Action 2.2 in Amendment 36A to Amendment 36B. Action 2.2 is  
42 Method of Redistributing Shares from Non-Activated Accounts. Of  
43 course, there is the alternatives listed below that. Is there  
44 discussion on the motion? Is there any opposition? Then let's  
45 start this over. **All those in favor, signify by raising your**  
46 **hand.**

47

48 **EXECUTIVE DIRECTOR GREGORY:** Thirteen in favor.



1  
2 **CHAIRMAN BOSARGE:** Okay. All those opposed, same sign.  
3  
4 **EXECUTIVE DIRECTOR GREGORY:** Two opposed.  
5  
6 **CHAIRMAN BOSARGE:** The motion carries. Any other discussion on  
7 this amendment in general or actions in it? All right. Mr.  
8 Greene, go ahead.  
9  
10 **MR. GREENE:** The committee passed the following motion. Without  
11 opposition, the committee recommends, and I so move, to  
12 recommend to the council to approve Reef Fish Amendment 36A and  
13 that it be forwarded to the Secretary of Commerce for review and  
14 implementation, and deem the codified text as necessary and  
15 appropriate, giving staff editorial license to make the  
16 necessary changes in the document. The Council Chair is given  
17 the authority to deem any changes to the codified text as  
18 necessary and appropriate.  
19  
20 **CHAIRMAN BOSARGE:** Okay. We have a committee motion on the  
21 board, and this will be a roll call vote.  
22  
23 **EXECUTIVE DIRECTOR GREGORY:** Okay. Mr. Robinson. Mr. Robinson  
24 is absent. Mr. Diaz.  
25  
26 **MR. DIAZ:** Yes.  
27  
28 **EXECUTIVE DIRECTOR GREGORY:** Dr. Lucas.  
29  
30 **DR. LUCAS:** Yes.  
31  
32 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.  
33  
34 **MR. MATENS:** Yes.  
35  
36 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree.  
37  
38 **DR. CRABTREE:** Yes.  
39  
40 **EXECUTIVE DIRECTOR GREGORY:** Mr. Banks.  
41  
42 **MR. BANKS:** Yes.  
43  
44 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.  
45  
46 **DR. STUNZ:** Yes.  
47  
48 **EXECUTIVE DIRECTOR GREGORY:** Mr. Sanchez.

1  
2 **MR. SANCHEZ:** Yes.  
3  
4 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.  
5  
6 **MR. ANSON:** Yes.  
7  
8 **EXECUTIVE DIRECTOR GREGORY:** Dr. Dana.  
9  
10 **DR. DANA:** Yes.  
11  
12 **EXECUTIVE DIRECTOR GREGORY:** Mr. Greene.  
13  
14 **MR. GREENE:** Yes.  
15  
16 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.  
17  
18 **MR. WALKER:** Yes.  
19  
20 **EXECUTIVE DIRECTOR GREGORY:** Dr. Frazer.  
21  
22 **DR. FRAZER:** Yes.  
23  
24 **EXECUTIVE DIRECTOR GREGORY:** Mr. Boyd.  
25  
26 **MR. BOYD:** Yes.  
27  
28 **EXECUTIVE DIRECTOR GREGORY:** Ms. Guyas.  
29  
30 **MS. GUYAS:** Yes.  
31  
32 **EXECUTIVE DIRECTOR GREGORY:** Mr. Swindell.  
33  
34 **MR. SWINDELL:** Yes.  
35  
36 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.  
37  
38 **CHAIRMAN BOSARGE:** Yes.  
39  
40 **EXECUTIVE DIRECTOR GREGORY:** The motion passes sixteen to zero  
41 with one absent.  
42  
43 **CHAIRMAN BOSARGE:** Mr. Greene.  
44  
45 **MR. GREENE:** Final Action, Amendment 46, Gray Triggerfish  
46 Rebuilding Plan, staff reviewed the public comments received on  
47 Amendment 46. Staff then reviewed the actions and preferred  
48 alternatives in the final draft amendment.

1  
2 During the review of Action 4, Commercial Trip Limits, staff  
3 noted that the 2016 commercial landings were closer to reaching  
4 the ACT than in previous years. The committee asked staff to  
5 summarize the accountability measures for the commercial sector.  
6 Staff stated if the commercial sector is expected to reach its  
7 ACT, the quota, the Regional Administrator will close the  
8 fishery, and any overages of the ACT would be deducted for the  
9 following fishing year. No modifications were made to the  
10 preferred alternatives during committee.

11  
12 **Without opposition, the committee recommends, and I so move, to**  
13 **recommend to the council to approve Reef Fish Amendment 46 and**  
14 **that it be forwarded to the Secretary of Commerce for review and**  
15 **implementation, and deem the codified text as necessary and**  
16 **appropriate, giving staff editorial license to make the**  
17 **necessary changes in the document. The Council Chair is given**  
18 **the authority to deem any changes to the codified text as**  
19 **necessary and appropriate.**

20  
21 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board. This  
22 will be final action on Reef Fish Amendment 46. Before we do  
23 our roll call vote, is there any discussion? Mr. Diaz.

24  
25 **MR. DIAZ:** Yes, ma'am. Thank you. We're on triggerfish, right?  
26 Then I would like to make a motion, and it's based on public  
27 comments yesterday. **I would like to make a motion in Action 3.3**  
28 **to make Alternative 1 the preferred.**

29  
30 This is dealing with the size of triggerfish. We currently, in  
31 the document, have fifteen inches as preferred, and all of the  
32 public testimony that I heard yesterday was in favor of leaving  
33 it at fourteen inches. If I get a second, I will explain a  
34 little bit more.

35  
36 **CHAIRMAN BOSARGE:** Before we get to the second, let's ask Ms.  
37 Levy. Mara, Johnny read the motion in the record for the final  
38 action vote, and that is on the board. Dale would like to make  
39 a motion to change a preferred alternative in one of the  
40 actions, and so does he need to make a substitute motion, just  
41 about, or does Johnny need to withdraw his committee motion for  
42 the moment or --

43  
44 **MS. GREENE:** Madam Chair, I would like to withdraw my motion to  
45 **recommend to the Secretary of Commerce for review and**  
46 **implementation.**

47  
48 **CHAIRMAN BOSARGE:** All right. Thank you. Then, Dale, you want

1 to make the motion that you stated, and so we'll get that on the  
2 board and we'll have some discussion, if we get a second.

3  
4 **MR. ANSON:** I will second it.

5  
6 **CHAIRMAN BOSARGE:** It's seconded by Mr. Anson. All right. Our  
7 motion is, in Action 3.3, to make Alternative 1 the preferred  
8 alternative. Action 3.3 is modify the recreational minimum size  
9 limit. Alternative 1 obviously is no action, do not modify the  
10 gray triggerfish recreational minimum size limit of fourteen  
11 inches fork length. Is there discussion? Mr. Diaz.

12  
13 **MR. DIAZ:** If I could, I am mostly bringing this up based on  
14 public testimony yesterday. I heard several people say they  
15 would prefer to leave it at fourteen inches. Biologically, if  
16 you read in the document, both male and female triggerfish are  
17 sexually mature at ten inches, and so I don't think it makes a  
18 big difference biologically.

19  
20 Just for peoples' information, a fourteen-inch fish is  
21 approximately five years old, and a fifteen-inch fish is  
22 approximately six years old. Anyway, that is my rationale,  
23 Madam Chair. Thank you.

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

26  
27 **MS. GUYAS:** I am thinking somebody can probably find this in the  
28 document faster than I can, but, if we stayed the same on the  
29 minimum size limit, I am trying to figure out how that would  
30 affect, potentially, the recreational season. Are we looking at  
31 more days that way or less days? That is really where I'm at.

32  
33 **CHAIRMAN BOSARGE:** Mr. Gregory.

34  
35 **EXECUTIVE DIRECTOR GREGORY:** Dr. Simmons just texted me and said  
36 that, if this passes to change the size limit, the projected  
37 landings would exceed the ACT.

38  
39 **CHAIRMAN BOSARGE:** Ms. Guyas.

40  
41 **MS. GUYAS:** So we would be looking at some kind of early  
42 closure, it sounds like.

43  
44 **CHAIRMAN BOSARGE:** Mr. Anson.

45  
46 **MR. ANSON:** I too, as everyone here around the table heard some  
47 of the public testimony, and fishermen are frustrated, and some  
48 of that frustration is coming out of the amberjack situation and

1 the amberjacks were increased in size and they met their ACL  
2 that much quicker. Triggerfish isn't quite the same, in regards  
3 to the weight difference in the size increment that we're  
4 talking about may have an impact.

5  
6 I would want to try to provide some relief too, Dale, in them,  
7 at least some comfort to the anglers that increasing the size is  
8 going to automatically be a detriment to them. I don't know if  
9 the Science Center analyzed this or not, but, based on the  
10 abundance of triggerfish that we have out there now, based on  
11 that we're not going to be able to harvest them recreationally  
12 for the remainder of this year, and that they're just going to  
13 keep growing, I suspect most of the triggerfish caught over the  
14 next year or two, if nothing else changes, are going to be, on  
15 average, fifteen inches or larger anyway, and so I have a hard  
16 time with this.

17  
18 I understand about the potential impact that it would have on  
19 the season, as far as meeting the ACT and everything, but I am  
20 just a little nervous about increasing the size limit. It  
21 seems, at least for some species, that that traditional form of  
22 management -- That management tool doesn't really provide the  
23 benefits that you're looking for.

24  
25 **CHAIRMAN BOSARGE:** Mr. Gregory.

26  
27 **EXECUTIVE DIRECTOR GREGORY:** If you look at the table, and it's  
28 Table 2.3.6 in the amendment, the projections, relative to size  
29 limits, is showing a higher catch with the smaller size limit.

30  
31 **CHAIRMAN BOSARGE:** Mr. Diaz.

32  
33 **MR. DIAZ:** Madam Chair, my intent was to -- I did not realize  
34 that it would be something that would shorten the season when I  
35 made the motion. **Having that information pointed out to me, I**  
36 **would prefer to withdraw the motion.**

37  
38 **CHAIRMAN BOSARGE:** All right. Mr. Diaz would like to withdraw  
39 his motion, but I think it was a good discussion all the same.  
40 Ms. Guyas.

41  
42 **MS. GUYAS:** Before we get to that motion, we started a  
43 conversation in committee about Action 4, and that's the  
44 commercial trip limit. I am wondering if we want to follow up  
45 on that a little bit.

46  
47 The information that we had in committee was that, last year, I  
48 think the commercial was at 96 percent of their quota, and so,

1 potentially, if we increase the trip limit, we could end up with  
2 a situation where commercial is closing early rather than  
3 staying open for the year, and I don't know. I kind of have  
4 some mixed feelings about that, and maybe you think we need to  
5 talk about it a little bit and see if this something that we  
6 really want to do, and I see David has got his hand up.

7

8 **CHAIRMAN BOSARGE:** Mr. Walker.

9

10 **MR. WALKER:** In discussion that I've had with seafood  
11 processors, dealers have mentioned to me that they would rather  
12 have the fish in the summertime, and that, if there was an early  
13 closure, it would not affect them, as far as the markets. I  
14 don't know, but there's a lot of triggerfish out there right  
15 now. You're hearing a lot of testimony, and a lot of big  
16 triggerfish, too. It may get met sooner, but they seem to want  
17 them when the demand is stronger.

18

19 **CHAIRMAN BOSARGE:** What were the commercial landings maybe the  
20 year before that? That's just one year. How close did they get  
21 the year before that, when they had that same limit?

22

23 **MS. GUYAS:** Off the top of my head, they weren't nearly as  
24 close, but I would have to go look and see. Somebody can  
25 probably find this faster than I can.

26

27 **CHAIRMAN BOSARGE:** Sorry to put you on the spot. Ms. Gerhart.

28

29 **MS. GERHART:** I have those numbers. In 2016, it was 91 percent  
30 of the ACL, which was 96 percent of the quota, the ACT. In  
31 2015, it was 78 percent of the ACT. In 2014, it was 68 percent.  
32 However, in 2012 and 2013, there were overages of that ACT and  
33 the ACL as well, and so the last closure was in 2012.

34

35 **CHAIRMAN BOSARGE:** Okay. All right. Is there further  
36 discussion? We have a preferred alternative, Preferred  
37 Alternative 4, to increase the commercial trip limit for gray  
38 triggerfish to sixteen fish per trip. We were discussing  
39 whether we want to keep that or change it. Are we going to  
40 leave it as is? Mr. Walker.

41

42 **MR. WALKER:** I would like to leave it as is. If the fish are  
43 caught early, that's one good thing about triggerfish. Of all  
44 the fish that we land, they have the highest survival rate of  
45 any fish that we release, and so, later in the year, if we have  
46 to release the fish, I don't see that being a big problem, as  
47 far as discards.

48

1 **CHAIRMAN BOSARGE:** Mr. Greene.  
2  
3 **MR. GREENE:** David, this kind of goes against everything that I  
4 -- For whatever reason, it's just kind of going against what I  
5 normally think. I know you're talking about shutting the  
6 fishery down, but, with it being a relatively small fishery and  
7 the potential for paybacks, it doesn't concern you as a  
8 fisherman?  
9  
10 **MR. WALKER:** I guess, with the projections, we close the fishery  
11 once we reach that, and is that not right?  
12  
13 **CHAIRMAN BOSARGE:** Ms. Gerhart.  
14  
15 **MS. GERHART:** With the commercial sector, we get the more rapid  
16 landings reports, and so we would shut them down, and we can do  
17 that with a projection as well.  
18  
19 **CHAIRMAN BOSARGE:** David, this is almost a bycatch fishery,  
20 essentially. I mean, you all aren't -- This is not a  
21 triggerfish trip. I mean, there are sixteen fish here on the  
22 board, and that typically does not make a commercial trip.  
23  
24 **MR. WALKER:** It hasn't always been a bycatch fishery, but it has  
25 sort of become one, because of the rules and regulations. I  
26 have had trips where I have landed a lot of triggerfish, and I  
27 targeted triggerfish, but not everyone has the room, maybe, on  
28 their vessel or so forth, but I have targeted them over the  
29 years, and I've had some good landings, but, you know, I think  
30 the sixteen -- As long as we can get -- You know, we're not  
31 fishing every single day and unloading every single day. There  
32 is weather, and our trips are spread out, and so I really don't  
33 think it will be a problem. I haven't heard anything about it  
34 from industry asking to go for a smaller amount.  
35  
36 **CHAIRMAN BOSARGE:** All right. Any further discussion? All  
37 right. Seeing no discussion, the preferred alternative will  
38 remain Alternative 4. Any other discussion on the triggerfish  
39 amendment before we get back to the motion for final action?  
40 Last call. Seeing none, Mr. Greene, would you like to make  
41 motion again?  
42  
43 **MR. GREENE:** Absolutely. **Without opposition, the committee**  
44 **recommends, and I so move, to recommend to the council to**  
45 **approve Reef Fish Amendment 46 and that it be forwarded to the**  
46 **Secretary of Commerce for review and implementation, and deem**  
47 **the codified text as necessary and appropriate, giving staff**  
48 **editorial license to make the necessary changes in the document.**

1   **The Council Chair is given the authority to deem any changes to**  
2   **the codified text as necessary and appropriate.**  
3  
4   **CHAIRMAN BOSARGE:** All right. We have a motion on the board.  
5   This, again, is final action, and so it will be a roll call  
6   vote. I think we've had a lot of good discussion, and so I  
7   believe we're ready to vote. Mr. Gregory.  
8  
9   **EXECUTIVE DIRECTOR GREGORY:** Mr. Swindell.  
10  
11   **MR. SWINDELL:** Yes.  
12  
13   **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.  
14  
15   **MR. MATENS:** Yes.  
16  
17   **EXECUTIVE DIRECTOR GREGORY:** Ms. Guyas.  
18  
19   **MS. GUYAS:** Yes.  
20  
21   **EXECUTIVE DIRECTOR GREGORY:** Mr. Banks.  
22  
23   **MR. BANKS:** Yes.  
24  
25   **EXECUTIVE DIRECTOR GREGORY:** Dr. Lucas.  
26  
27   **DR. LUCAS:** Yes.  
28  
29   **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree.  
30  
31   **DR. CRABTREE:** Yes.  
32  
33   **EXECUTIVE DIRECTOR GREGORY:** Dr. Frazer.  
34  
35   **DR. FRAZER:** Yes.  
36  
37   **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.  
38  
39   **MR. ANSON:** Yes.  
40  
41   **EXECUTIVE DIRECTOR GREGORY:** Mr. Greene.  
42  
43   **MR. GREENE:** Yes.  
44  
45   **EXECUTIVE DIRECTOR GREGORY:** Mr. Sanchez.  
46  
47   **MR. SANCHEZ:** Yes.  
48



1 EXECUTIVE DIRECTOR GREGORY: Mr. Walker.  
2  
3 MR. WALKER: Yes.  
4  
5 EXECUTIVE DIRECTOR GREGORY: Dr. Stunz.  
6  
7 DR. STUNZ: Yes.  
8  
9 EXECUTIVE DIRECTOR GREGORY: Mr. Robinson. Absent. Dr. Dana.  
10  
11 DR. DANA: Yes.  
12  
13 EXECUTIVE DIRECTOR GREGORY: Mr. Boyd.  
14  
15 MR. BOYD: Yes.  
16  
17 EXECUTIVE DIRECTOR GREGORY: Mr. Diaz.  
18  
19 MR. DIAZ: Yes.  
20  
21 EXECUTIVE DIRECTOR GREGORY: Ms. Bosarge.  
22  
23 CHAIRMAN BOSARGE: Yes.  
24  
25 EXECUTIVE DIRECTOR GREGORY: The motion passes sixteen to zero  
26 with one absent.  
27  
28 MR. BOYD: Madam Chairman.  
29  
30 CHAIRMAN BOSARGE: Mr. Boyd.  
31  
32 MR. BOYD: Just a note that Lance had to go out for a conference  
33 call with his state director.  
34  
35 CHAIRMAN BOSARGE: Thank you, sir. I appreciate that.  
36  
37 MR. GREENE: Final Action, Framework Action, Mutton Snapper ACL  
38 and Management Measures and Gag Commercial Size Limit, the  
39 committee reviewed the draft framework action that considers  
40 changes to mutton snapper and commercial gag management  
41 measures.  
42  
43 Action 1 considers alternatives to revise the annual catch  
44 limits based on the results of the 2015 stock assessment results  
45 and the SSC recommendation of OFL and ABC. **Without opposition,**  
46 **the committee recommends, and I so move, in Action 1, to make**  
47 **Alternative 2, Option 2a the Preferred Alternative.**  
48

1  
2 **CHAIRMAN BOSARGE:** We have a committee motion on the board. In  
3 Action 1, to make Alternative 2, Option 2a the preferred  
4 alternative. Alternative 2 is accept the OFLs and ABCs  
5 recommended by the Gulf and South Atlantic Scientific and  
6 Statistical Committees from 2017 through 2020. Apply the Gulf  
7 apportionment of the ACL equal to 18 percent of the stock ABC.  
8 Option 2a is remove the Gulf ACT as a management target. **Is**  
9 **there any opposition to the motion? Seeing no opposition, the**  
10 **motion carries.**

11  
12 **MR. GREENE:** Next, the committee considered Action 2 that would  
13 modify the Gulf mutton snapper recreational bag limit. **Without**  
14 **opposition, the committee recommends, and I so move, in Action**  
15 **2, to make Alternative 2, Option 2b the preferred alternative.**

16  
17 **CHAIRMAN BOSARGE:** We have a committee motion on the board. In  
18 Action 2, to make Alternative 2, Option 2b the preferred  
19 alternative. Alternative 2 is retain mutton snapper within the  
20 aggregate ten-snapper recreational bag limit in the Gulf, but  
21 specify a bag limit for mutton snapper within the aggregate bag  
22 limit year-round. Option 2b is five fish per person per day.  
23 Is there any discussion on the motion? **Seeing none, is there**  
24 **any opposition to the motion? The motion carries.**

25  
26 **MR. GREENE:** The committee also considered alternatives to  
27 increase the mutton snapper minimum size limit that could slow  
28 the rate of harvest and improve the spawning potential of the  
29 stock. Increasing the minimum size limit to eighteen inches  
30 total length would also establish compatible regulations  
31 throughout the Florida Keys, where the vast majority of landings  
32 occur. **Without opposition, the committee recommends, and I so**  
33 **move, in Action 3, to make Alternative 2 the preferred**  
34 **alternative.**

35  
36 **CHAIRMAN BOSARGE:** We have a committee motion on the board. In  
37 Action 3, to make Alternative 2 the preferred alternative.  
38 Alternative 2 is increase the minimum size limit for commercial  
39 and recreational mutton snapper in the Gulf to eighteen inches  
40 total length. Is there any discussion on the motion? **Seeing**  
41 **none, is there any opposition to the motion? The motion**  
42 **carries.**

43  
44 **MR. GREENE:** The committee reviewed Action 4 that considers  
45 increasing the minimum size limit of commercially harvested gag  
46 to twenty-four inches total length. That would achieve  
47 compatible regulations between the recreational and commercial  
48 sectors in the Gulf, as well as between the Gulf and South

1 Atlantic Council jurisdictions. This is expected to simplify  
2 regulations and increase the spawning potential of the stock.  
3 **Without opposition, the committee recommends, and I so move, in**  
4 **Action 4, to make Alternative 2 the preferred alternative.**

5  
6 **CHAIRMAN BOSARGE:** We have a committee motion. The committee  
7 recommends, and I so move, in Action 4, to make Alternative 2  
8 the preferred alternative. Alternative 2 is increase the  
9 commercial minimum size limit for gag in the Gulf to twenty-four  
10 inches TL. Any discussion on the motion? **Is there any**  
11 **opposition to the motion? Seeing none, the motion carries.**

12  
13 **MR. GREENE:** Finally, the committee voted to recommend approving  
14 the framework action. **Without opposition, the committee**  
15 **recommends, and I so move, to recommend that the council approve**  
16 **Framework Action Mutton Snapper ACL and Management Measures and**  
17 **Gag Commercial Size Limit and that it be forwarded to the**  
18 **council for final action and sent to the Secretary of Commerce**  
19 **for review and implementation, and deem the codified text as**  
20 **necessary and appropriate, giving staff editorial license to**  
21 **make the necessary changes in the document. The Council Chair**  
22 **is given the authority to deem any changes to the codified text**  
23 **as necessary and appropriate.**

24  
25 **CHAIRMAN BOSARGE:** We have a motion on the board. This is going  
26 to be final action. Is there any discussion on the motion? All  
27 right. Then this will be a roll call vote. Mr. Gregory.

28  
29 **EXECUTIVE DIRECTOR GREGORY:** Thank you. Dr. Dana.

30  
31 **DR. DANA:** Yes.

32  
33 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.

34  
35 **MR. WALKER:** Yes.

36  
37 **EXECUTIVE DIRECTOR GREGORY:** Mr. Swindell.

38  
39 **MR. SWINDELL:** Yes.

40  
41 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree.

42  
43 **DR. CRABTREE:** Yes.

44  
45 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.

46  
47 **MR. ANSON:** Yes.

1 EXECUTIVE DIRECTOR GREGORY: Dr. Stunz.  
2  
3 DR. STUNZ: Yes.  
4  
5 EXECUTIVE DIRECTOR GREGORY: Dr. Lucas.  
6  
7 DR. LUCAS: Yes.  
8  
9 EXECUTIVE DIRECTOR GREGORY: Mr. Diaz.  
10  
11 MR. DIAZ: Yes.  
12  
13 EXECUTIVE DIRECTOR GREGORY: Mr. Boyd.  
14  
15 MR. BOYD: Yes.  
16  
17 EXECUTIVE DIRECTOR GREGORY: Mr. Greene.  
18  
19 MR. GREENE: Yes.  
20  
21 EXECUTIVE DIRECTOR GREGORY: Dr. Frazer.  
22  
23 DR. FRAZER: Yes.  
24  
25 EXECUTIVE DIRECTOR GREGORY: Mr. Matens.  
26  
27 MR. MATENS: Yes.  
28  
29 EXECUTIVE DIRECTOR GREGORY: Ms. Guyas.  
30  
31 MS. GUYAS: Yes.  
32  
33 EXECUTIVE DIRECTOR GREGORY: Mr. Sanchez.  
34  
35 MR. SANCHEZ: Yes.  
36  
37 EXECUTIVE DIRECTOR GREGORY: Mr. Banks.  
38  
39 MR. BANKS: Yes.  
40  
41 EXECUTIVE DIRECTOR GREGORY: Ms. Bosarge.  
42  
43 CHAIRMAN BOSARGE: Yes. Did you call Lance's name?  
44  
45 EXECUTIVE DIRECTOR GREGORY: No, I just skipped it.  
46  
47 CHAIRMAN BOSARGE: Just call his name out, for the record.  
48

1 **EXECUTIVE DIRECTOR GREGORY:** Okay. Mr. Robinson. **The motion**  
2 **passes sixteen to zero with one absent.**

3  
4 **MR. GREENE:** Options Paper, Update Assessment and Framework  
5 Action to Adjust Greater Amberjack ACL, the committee reviewed  
6 the draft framework action that would adjust the annual catch  
7 limit and modify the rebuilding plan for greater amberjack.

8  
9 The SEDAR 33 update stock assessment indicated that greater  
10 amberjack is still overfished and is experiencing overfishing.  
11 The stock assessment results indicate that the stock is not  
12 rebuilding as expected, and modification of the rebuilding plan  
13 is necessary to end overfishing and rebuild the stock.

14  
15 The committee reviewed draft options for ACLs and ACTs for 2018  
16 through 2020. Staff asked if the committee wanted to consider  
17 other management actions, such as modifying the fixed closed  
18 season and minimum size limits, that could be considered as part  
19 of the rebuilding program.

20  
21 During Full Council, it would be ideal to reduce the range of  
22 alternatives for any additional management measures, because the  
23 tight timeline would require the framework action be implemented  
24 expediently. The committee is expected to be able to review a  
25 final draft at the June 2017 meeting.

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

28  
29 **DR. CRABTREE:** The only comment I would have would be do we  
30 really want to revisit the minimum size limit issue again? I  
31 think we just changed that, what, last year, and I am fine if  
32 people really feel strongly that we need to relook at it, but I  
33 am just not sure that it wouldn't be best to leave it alone.

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

36  
37 **MR. GREENE:** Dr. Crabtree or somebody from the Science Center,  
38 in your opinion, we had one year where we went up substantially,  
39 to thirty-four inches, and obviously the season closed early  
40 this year. I mean, having that one year of that increased size,  
41 did it make a huge impact in the reason that we closed the  
42 amberjack season early this year?

43  
44 **DR. CRABTREE:** I am trying to pull up a catch query and see if  
45 it was the numbers of fish caught that jumped up, Johnny. Bear  
46 with me a second.

47  
48 **CHAIRMAN BOSARGE:** While he is trying to pull that up, I will

1 ask the council another question. It's 11:40, and we were  
2 scheduled to go to lunch at 11:45, Doug says, and so we need to  
3 finish our Reef Fish Committee Report, and then we have our  
4 liaison reports, and then I know we do have one short item under  
5 Other Business.

6  
7 I am leaving it -- I think I worked you all until like 2:30 with  
8 no lunch at our last meeting, and so I am leaving it up to you  
9 all around the table if you all would like to take your lunch  
10 break here in a minute, find a stopping point and take our lunch  
11 break, and then come back and finish this report, the liaison  
12 reports, and Other Business, or if you want to work through  
13 lunch. It does not matter to me one way or the other. I just  
14 need feedback. Mr. Banks.

15  
16 **MR. BANKS:** Can we not finish the Reef Fish before we break for  
17 lunch at least?

18  
19 **CHAIRMAN BOSARGE:** We can do whatever you all want. Mr.  
20 Gregory.

21  
22 **EXECUTIVE DIRECTOR GREGORY:** We have, I think, three more pages  
23 of the committee report, and one of those items is Amendment 41.

24  
25 **CHAIRMAN BOSARGE:** Dr. Stunz.

26  
27 **DR. STUNZ:** I was going to recommend that we keep working until  
28 I heard that, and so I --

29  
30 **CHAIRMAN BOSARGE:** We can keep working if you all want to, but I  
31 just kind of felt like a slave driver at the last meeting when I  
32 didn't let you have lunch. Dr. Crabtree.

33  
34 **DR. CRABTREE:** I wasn't going to address the lunch issue. I was  
35 going to come back to Johnny's question.

36  
37 **CHAIRMAN BOSARGE:** Go ahead, and we will talk about lunch in a  
38 minute.

39  
40 **DR. CRABTREE:** If you go into the MRFSS and you look at just the  
41 numbers of fish caught, and it was Wave 2 that the landings were  
42 really high, and so the numbers of fish in Wave 2 caught were  
43 very high, much higher than we have seen in the last ten to  
44 fifteen years, and so I can't say how much -- If the fish were  
45 bigger or not, but it was more than just the size limit. They  
46 caught a lot of fish, too. Also, with just one year, it's  
47 difficult to see a trend out of that.

48

1 **CHAIRMAN BOSARGE:** Ms. Guyas.  
2  
3 **MS. GUYAS:** On the lunch issue, I was going to suggest maybe  
4 just a break, real quick, where if people wanted to run out to  
5 the food court and get something to eat, they can eat. Then, if  
6 people need to do other things, check out or whatever, they can  
7 do that as well, but it sounds like people might want to take a  
8 little break, but not a full lunch.  
9  
10 **CHAIRMAN BOSARGE:** Maybe like a twenty or twenty-five-minute  
11 break. Okay. We could do that. I am hearing thirty around the  
12 table. Any further negotiations? Do we want to go forty?  
13 Thirty? All right. It sounds like we have settled on a thirty-  
14 minute break, and we will let Chairman Greene get to that break  
15 when he feels comfortable when it's a good stopping point. Back  
16 to the discussion about amberjack. John.  
17  
18 **DR. FROESCHKE:** Just to point out that the options for closed  
19 seasons and size limits and things, we have the associated  
20 analysis of that from the prior amendments and things, and so,  
21 if that's something that you want to look at, we can provide  
22 that to you in short order.  
23  
24 **CHAIRMAN BOSARGE:** All right. Does staff have sufficient  
25 direction on how we want to proceed with that?  
26  
27 **DR. FROESCHKE:** Yes, I think so, but don't be afraid to be too  
28 clear.  
29  
30 **CHAIRMAN BOSARGE:** Okay. Mr. Greene.  
31  
32 **MR. GREENE:** I can't believe these words are going to come out  
33 of my mouth, but, Dr. Froeschke, I suppose that we should look  
34 at additional closures for the amberjack fishery throughout the  
35 year, such as considering May, June, and July. Other options  
36 would be January through June or July through the end of the  
37 year or something that would choreograph in with that.  
38  
39 I am trying to, as I sit here, think about when other fisheries  
40 close and when other fisheries open and trying to keep something  
41 open year-round, and so I'm trying to kind of balance that out,  
42 but I would like to look at some other alternatives that could  
43 potentially yield the recreational fishery more days for the  
44 amberjack season.  
45  
46 **CHAIRMAN BOSARGE:** Dr. Porch, do you know the spawning season,  
47 off the top of your head, just to put you on the spot, as we're  
48 talking about seasons? John.

1  
2 **DR. FROESCHKE:** I think we have that commercial closed season in  
3 the spring, and that was primarily to protect them from  
4 spawning, or from harvest while spawning.  
5  
6 **CHAIRMAN BOSARGE:** I know what you're getting after, Johnny, but  
7 I was just thinking, if they're going to bring us back  
8 alternatives, that is probably going to be something somebody  
9 asks at the next meeting, and so we might as well have it on  
10 there. Mr. Greene has mentioned something that he would like to  
11 see as you get that document ready to bring back to us. Yes,  
12 John.  
13  
14 **DR. FROESCHKE:** Again, if it's something that you're interested  
15 in, we do have those analyses from the recreational and  
16 commercial closed season in the previous amendments, with  
17 estimates on the season length, and so those wouldn't be exact,  
18 but it would give you some idea of what parts of the year you  
19 might expect to get more or less, depending on how you did that.  
20  
21 **CHAIRMAN BOSARGE:** That sounds great, but, when we bring back  
22 this new document, we will need it in there, so we're not  
23 flipping back from one document to another, if you don't mind.  
24  
25 **DR. FROESCHKE:** Yes, but I'm just trying to facilitate if you  
26 had a specific range of closed seasons or something that you  
27 wanted to think about. That would help us, rather than having  
28 sort of an infinite number, but we can put that together like  
29 we've done in the past.  
30  
31 **CHAIRMAN BOSARGE:** Yes, and I think Mr. Greene gave us some  
32 pretty specific dates, and so you can definitely make sure that  
33 those are in there, and then we're going to need to look at one  
34 probably during the spawning season, although that may not line  
35 up with the interests of the fishermen, which is something that  
36 we do usually look at. All right. Anything else on our greater  
37 amberjack document? Okay.  
38  
39 **MR. GREENE:** Presentation by Sam Rauch, Mr. Sam Rauch, Acting  
40 Assistant Administrator for Fisheries, provided an overview  
41 presentation of the MRIP Strategic Plan. He provided  
42 information on the objectives, plan structure, and team makeup.  
43 Mr. Rauch stated the strategic plan is now ready for review and  
44 feedback, and he requested comments by June 30.  
45  
46 **CHAIRMAN BOSARGE:** All right. It's about 11:50, and we're still  
47 going with a thirty-minute break, and so, at about 12:20, we  
48 will come back from our whatever you want to call it break, and



1 we will pick back up at 12:20.

2  
3 (Whereupon, the meeting recessed for lunch on April 6, 2017.)

4  
5 - - -

6  
7 April 6, 2017

8  
9 THURSDAY AFTERNOON SESSION

10  
11 - - -

12  
13 The Full Council of the Gulf of Mexico Fishery Management  
14 Council reconvened at the Hyatt Regency Birmingham, Birmingham,  
15 Alabama, Thursday afternoon, April 6, 2017, and was called to  
16 order by Chairman Leann Bosarge.

17  
18 **MR. GREENE:** We will jump into some engaging vermilion snapper  
19 talk now. Draft Amendment 47, Modify Vermilion Snapper ACLs and  
20 MSY Proxy, following a review of the actions and alternatives in  
21 the amendment by staff, the committee passed the following  
22 motions.

23  
24 **Without opposition, the committee recommends, and I so move, in**  
25 **Action 1, to make Alternative 2 the preferred alternative.**  
26 **Alternative 2 is the proxy for vermilion snapper MSY is the**  
27 **yield when fishing at F30 percent SPR.**

28  
29 **CHAIRMAN BOSARGE:** Okay. We have a committee motion on the  
30 board. In Action 1, to make Alternative 2 the preferred  
31 alternative. Alternative 2 is to proxy for vermilion snapper  
32 MSY is the yield when fishing at F30 percent SPR. Any  
33 discussion on the motion? **Is there any opposition to the**  
34 **motion? Seeing none, the motion carries.**

35  
36 **MR. GREENE:** Without opposition, the committee recommends, and I  
37 **so move, in Action 1, to add a new Alternative 3. Alternative 3**  
38 **is the proxy for vermilion snapper MSY is the yield when fishing**  
39 **at F26 percent SPR.**

40  
41 **CHAIRMAN BOSARGE:** All right. We have a committee motion on the  
42 board. In Action 1, to add a new Alternative 3. The new  
43 Alternative 3 would be the proxy for vermilion snapper MSY is  
44 the yield when fishing at F26 percent SPR. Any discussion on  
45 the motion? **Any opposition to the motion? Seeing none, the**  
46 **motion carries.**

47  
48 **MR. GREENE:** Without opposition, the committee recommends, and I

1 so move, in Action 2, to make Alternative 3 the preferred  
2 alternative.

3  
4 **CHAIRMAN BOSARGE:** All right. We have a committee motion. In  
5 Action 2, to make Alternative 3 the preferred alternative.  
6 Alternative 3 is the ACL for vermilion snapper for the years  
7 2017 through 2021 will be 3.11 million pounds whole weight, the  
8 constant catch average of the five-year annual ACLs. Is there  
9 any discussion on the motion? **Is there any opposition to the**  
10 **motion? Seeing none, the motion carries.**

11  
12 **MR. GREENE:** Staff suggested that Alternatives 2 and 3 be  
13 simplified by deleting the options regarding the vermilion  
14 snapper ACL after the five-year period of 2017 through 2021.  
15 **Without opposition, the committee recommends, and I so move, in**  
16 **Action 2, to remove Options a and b under Alternatives 2 and 3.**

17  
18 **CHAIRMAN BOSARGE:** Okay. We have a committee motion on the  
19 board. In Action 2, to remove Options a and b under  
20 Alternatives 2 and 3. Is there any discussion on the motion?  
21 **Seeing none, is there any opposition to the motion? Hearing no**  
22 **opposition, the motion carries.**

23  
24 **MR. GREENE:** Without these options, the intent would be that the  
25 ACL remain at the 2021 level, unless changed by subsequent  
26 rulemaking.

27  
28 **CHAIRMAN BOSARGE:** Yes, sir, Mr. Atran.

29  
30 **MR. ATRAN:** I just noticed there is nothing in the committee  
31 report, but does the council now have to approve this for public  
32 hearing?

33  
34 **CHAIRMAN BOSARGE:** Was this the amendment, Mr. Atran, that we  
35 discussed the webinar public hearing and we need to approve  
36 that?

37  
38 **MR. ATRAN:** Yes.

39  
40 **CHAIRMAN BOSARGE:** All right. I would entertain a motion then  
41 to send Draft Amendment -- Well, it would be a public hearing  
42 amendment? Okay. Amendment 47, Modify Vermilion Snapper ACLs  
43 and MSY Proxy, out for public hearings via webinar.

44  
45 **MR. GREENE:** So moved.

46  
47 **CHAIRMAN BOSARGE:** That motion was just made by Mr. Greene. It  
48 was seconded by Mr. Boyd. Mr. Greene, is that your motion on

1 the board?

2

3 **MR. GREENE:** Yes, ma'am.

4

5 **CHAIRMAN BOSARGE:** All right. So we have a motion on the board  
6 to send Amendment 47 out for public hearings via webinar, and it  
7 was seconded by Mr. Boyd. Is there any discussion on the  
8 motion? **Seeing none, is there any opposition to the motion?**

9 **The motion carries.** Mr. Atran, was that sufficient? Do you  
10 need anything else on this document?

11

12 **MR. ATRAN:** No, that's fine.

13

14 **MR. GREENE:** SEDAR 49, Stock Assessment for Data-Limited Stocks,  
15 Luiz Barbieri reviewed the process used under SEDAR 49 for  
16 assessing data-limited species using methods included in the  
17 National Marine Fisheries Service data-limited toolkit. They  
18 attempted to use available data, beyond just the catch history,  
19 to estimate a sustainable catch, but not necessarily the maximum  
20 sustainable catch.

21

22 SEDAR 49 began with eight species. An initial evaluation  
23 indicated that 4 species might be feasible for data-limited  
24 methods, but further evaluation determined that only one  
25 species, lane snapper, had data of sufficient quality to produce  
26 results useable for management.

27

28 Using the Itarget method and applying the results to probability  
29 density function, the lane snapper OFL, 50 percent probability  
30 of overfishing, was determined to be 364,100 pounds whole  
31 weight, and an ABC, at 30 percent probability of overfishing,  
32 was 355,500 pounds whole weight. These catch levels are  
33 slightly higher than the OFL and ABC previously produced by the  
34 Tier 3a of the ABC control rule.

35

36 Once the data-limited approach has been initially applied to a  
37 stock, reevaluations are a simple matter of updating the catch  
38 history. The SSC recommended that reevaluations be conducted at  
39 time intervals not to exceed three years.

40

41 Committee members asked why red drum could not be assessed. Dr.  
42 Barbieri explained that the main limitation was data across the  
43 entire stock, i.e., there are no indices of abundance or age-  
44 distribution of the offshore portion of the stock since the  
45 1980s. In the South Atlantic, a red drum assessment was  
46 completed, but it had high uncertainty, and it was not  
47 considered useful for management.

48

1 **CHAIRMAN BOSARGE:** Mr. Anson.  
2  
3 **MR. ANSON:** Thank you, Madam Chair. I was wondering, Dr. Porch,  
4 if you could speak to the use of data-poor assessment methods  
5 for gray triggerfish and/or greater amberjack.  
6  
7 **DR. PORCH:** Well, in the sense that, yes, we could apply them  
8 and see how they compare to the more statistical assessment  
9 models, it certainly could be done. In fact, I think there  
10 actually has been some work on amberjack already. I don't have  
11 it in front of me, but, if the council wanted to see that, or  
12 the SSC, we certainly could do it. It's in our work plan  
13 anyway.  
14  
15 **CHAIRMAN BOSARGE:** Mr. Anson.  
16  
17 **MR. ANSON:** I was going to offer a motion or something to have  
18 the SSC look at that, but I'm a little confused as to what you  
19 mean by it's in your work plan. You will be looking at using  
20 data-poor methods for those two species?  
21  
22 **DR. PORCH:** Well, to compare the results. Part of our plan for  
23 evaluating data-limited methods includes applying them to some  
24 of our data-rich species. We've already done some of that, but  
25 I just don't have it in front of me to show you.  
26  
27 **MR. ANSON:** When do you think you might have those completed for  
28 amberjack and triggerfish?  
29  
30 **DR. PORCH:** We could do it rather quickly. I think we've  
31 already done it for amberjack, just I just have to check with  
32 the lead analyst, but I think that's a fairly simple matter to  
33 apply the data-limited techniques.  
34  
35 **CHAIRMAN BOSARGE:** Maybe the SSC could possibly review it at  
36 their next meeting, which is in May? Right, it's May. It's  
37 like the second week in May or something like that, I believe,  
38 or is that too soon for you, Dr. Porch?  
39  
40 **DR. PORCH:** That's pretty quick. We could try, but I can't  
41 promise that we would have many species ready that quick.  
42  
43 **EXECUTIVE DIRECTOR GREGORY:** What species would you like to see,  
44 just amberjack and gray triggerfish?  
45  
46 **MR. ANSON:** Well, yes. If amberjack has already been done,  
47 obviously it doesn't need to be redone, but those two species in  
48 particular to have looked at, and, if it's not the next SSC

1 meeting, then just work it in for the following one, and that  
2 would be fine, but I'm certainly interested to make sure that  
3 the comparison is done or the analysis is done with those two  
4 species. Thank you.

5  
6 **CHAIRMAN BOSARGE:** All right. I don't think we need a motion  
7 for that, Mr. Anson. I think we're understood.

8  
9 **MR. GREENE:** Charter-for-Hire Management Discussion, staff gave  
10 an overview presentation of the White Paper on Changes to the  
11 Charter For-Hire Allocation-Based Management Program and the  
12 Draft Action for Cyclical Redistribution of Red Snapper Shares.

13  
14 The committee made the following motion. **Without opposition,**  
15 **the committee recommends, and I so move, to add an action item**  
16 **to include cyclical redistribution of red snapper to Amendment**  
17 **41.**

18  
19 **CHAIRMAN BOSARGE:** Okay. We have a committee motion on the  
20 board to add an action item to include cyclical redistribution  
21 of red snapper to Amendment 41. Any discussion on the motion?  
22 **Is there any opposition to the motion? Seeing none, the motion**  
23 **carries.**

24  
25 **MR. GREENE:** The committee requested an additional alternative  
26 be included in the white paper that uses the same range of years  
27 as in sector separation for determining the component ACLs. The  
28 committee asked, for enforcement purposes, if inclusion of  
29 cyclical redistribution in Amendment 41 would mean bag limits  
30 would no longer be needed for red snapper. Dr. Stephen  
31 responded that any type of catch share program could also  
32 include a bag limit provision, similar to how the Headboat  
33 Collaborative Pilot Program was conducted, with both bag limits  
34 and allocation requirements.

35  
36 **CHAIRMAN BOSARGE:** Mr. Sanchez.

37  
38 **MR. SANCHEZ:** Before we leave Amendment 41, I would like to make  
39 a motion to add the additional species of gag grouper, gray  
40 triggerfish, greater amberjack, and red grouper as annual catch  
41 limit allocation action items to Amendment 41 and to give staff,  
42 again, latitude to be able to incorporate those into Amendment  
43 41 as they see fit.

44  
45 **EXECUTIVE DIRECTOR GREGORY:** Could you repeat that again,  
46 please?

47  
48 **MR. SANCHEZ:** Gladly. To add the additional species of gag

1 grouper, gray triggerfish, greater amberjack, and red grouper as  
2 annual catch limit allocation action items for consideration in  
3 Amendment 41. I don't know if you have to add this, but let  
4 staff do whatever.

5  
6 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board to add  
7 the additional species of gag grouper, gray triggerfish, greater  
8 amberjack, and red grouper as annual catch limit allocation  
9 action items for consideration in Amendment 41. Do we have a  
10 second to the motion? It's seconded by Dr. Dana. Is there  
11 discussion on the motion? Ms. Guyas.

12  
13 **MS. GUYAS:** John, I'm not really sure what you mean by "annual  
14 catch limit allocation action items". Are you just asking for  
15 these species to be added to that document?

16  
17 **MR. SANCHEZ:** Yes, just like the white paper was going to look  
18 at considering them, but, when you say "annual catch limit  
19 allocation", that is some of the verbiage used in referring to  
20 them, as you're going to be basically taking allocation and  
21 allocating it to them.

22  
23 **CHAIRMAN BOSARGE:** Mr. Boyd.

24  
25 **MR. BOYD:** John, some clarification. Are you talking about  
26 trying to start an amendment for allocation of these species  
27 between the two recreational sub-components or are you talking  
28 about just including them and then having an allocation  
29 discussion later?

30  
31 **MR. SANCHEZ:** To include them in Amendment 41, so that we can  
32 look at them and create some options and see how it all shakes  
33 out in discussion down the road.

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

36  
37 **MR. BOYD:** A follow-up question to Mara, if she is back from  
38 lunch. There she is. Would this require an allocation  
39 amendment and to go through an allocation process?

40  
41 **MS. LEVY:** I think, by doing it, you would be going through an  
42 allocation process, and this is an amendment, and so it doesn't  
43 require its own amendment, meaning, in order to actually do it  
44 and decide that you want to give the different vessels a  
45 percentage, you would be going through an allocation decision.

46  
47 **MR. BOYD:** Okay. That answers my question. So we're going  
48 through an allocation process, but we're doing it within

1 Amendment 41.  
2  
3 **CHAIRMAN BOSARGE:** All right. Any further discussion? All  
4 right. **All those in favor of the motion, signify by raising**  
5 **your hand, please.**  
6  
7 **EXECUTIVE DIRECTOR GREGORY:** Hold them up high. Nine yes. Did  
8 you raise your hand?  
9  
10 **CHAIRMAN BOSARGE:** I did.  
11  
12 **EXECUTIVE DIRECTOR GREGORY:** I think that would be ten.  
13  
14 **CHAIRMAN BOSARGE:** That would be ten, yes. All right. **All**  
15 **those opposed, same sign.**  
16  
17 **EXECUTIVE DIRECTOR GREGORY:** So ten yes. Seven no. **The motion**  
18 **passes ten to seven.**  
19  
20 **CHAIRMAN BOSARGE:** Dr. Dana.  
21  
22 **DR. DANA:** This is just a comment, and thank you, Chair. Just  
23 for clarification, on that cyclical redistribution, if  
24 eventually this council chose to have multispecies in Amendment  
25 41, then can I assume that the cyclical redistribution would  
26 also cover those species?  
27  
28 **EXECUTIVE DIRECTOR GREGORY:** Yes, because the same problem  
29 exists with those species as it does with red snapper, in that  
30 there is no landings history.  
31  
32 **CHAIRMAN BOSARGE:** Okay. Any other discussion on this topic or  
33 Amendment 41 in general before we move on to the next section of  
34 the report? Seeing none, Mr. Greene.  
35  
36 **MR. GREENE:** SERO/SEFSC Response to Documentation requested by  
37 Gulf Angler Fishing Group, Ms. Gerhart gave a presentation that  
38 evaluates potential management options proposed by the Gulf  
39 Angler Fishing Group.  
40  
41 SERO evaluated the options based on four criteria: 1)is the  
42 option permissible under the Magnuson-Stevens Act; 2)does the  
43 option increase the federal red snapper season length for  
44 private anglers; 3)what are the assumptions and caveats of each  
45 option, 4)will the option achieve a forty-day federal season.  
46  
47 Ms. Gerhart summarized all seven options relative to these  
48 criteria, based on analyses previously completed, and noted that

1 all analyses are preliminary and would need further refinement,  
2 based on guidance from the council. Ms. Gerhart stated that a  
3 forty-day federal season could likely be achieved through a  
4 combination of one or more of the proposed management options.  
5

6 Dr. Stunz noted that, under the depth and distance option, a  
7 portion of the stock would be protected from harvest and could  
8 increase the reproductive potential of the stock. He  
9 recommended incorporating this into the evaluation of this  
10 option, if possible. Mr. Anson asked about the eligibility  
11 requirements that could be included as part of a potential  
12 tagging program. Dr. Crabtree stated that possession of a Gulf  
13 state fishing license could be considered as a criterion.  
14

15 Dr. Lucas asked about the regional component of Option G. Ms.  
16 Gerhart noted that stock characteristics vary regionally and  
17 could be considered as part of the potential options. Dr.  
18 Crabtree suggested that this presentation be given to the Ad Hoc  
19 Red Snapper Private Angler Advisory Panel at their May 8 and 9  
20 meeting.  
21

22 Mr. Banks requested that regional management, Amendment 39, also  
23 be provided to the advisory panel for review. The  
24 recommendations of the advisory panel will be presented to the  
25 council at their June 2017 meeting.  
26

27 Standing and Reef Fish SSC Summary for items that were not  
28 discussed elsewhere on agenda, Luiz Barbieri reviewed items that  
29 were discussed by the SSC, but not included among other council  
30 agenda items.  
31

32 The SSC received a presentation on the National Marine Fisheries  
33 Service Draft Stock Assessment Improvement Plan, which may be  
34 useful in beginning the process of integrating ecosystem  
35 considerations into the assessment process.  
36

37 The SSC also received a demonstration on the National Marine  
38 Fisheries Service stock prioritization process from Shannon  
39 Calay. That is a method of identifying and scoring parameters  
40 that can be used to prioritize stock assessments. This will be  
41 further reviewed by the SSC at a subsequent meeting.  
42

43 The SSC was asked to evaluate the addition to the MSST amendment  
44 of an alternative to set MSST at 85 percent of BMSY versus 75  
45 percent of BMSY. The SSC had no scientific concerns about 85  
46 percent of BMSY. They felt this was a management decision  
47 concerning how conservative the council wants to be.  
48



1 The SSC also heard a series of presentations on the social and  
2 economic aspects of the IFQ programs. This presented a new  
3 perspective on IFQs to the biologists on the SSC and possibly  
4 provided a window on how to incorporate socioeconomic aspects  
5 into the assessment process.

6  
7 Other Business, Mara Levy noted that Amendment 44, which will  
8 establish MSST for all reef fish stocks, was originally part of  
9 a larger status determination criteria that included MSY proxies  
10 and OY. For stocks with no SDC, she was concerned about setting  
11 MSST, but not the other SDC.

12  
13 She suggested that the council either, one, proceed with MSST  
14 definitions only for stocks that currently have SDC and then  
15 follow-up with the other stocks in the SDC amendment, or, two,  
16 proceed with all of the SDC assignments in one amendment. Staff  
17 noted that the SSC has previously stated that it would be too  
18 large of a workload to simultaneously work on MSY proxies and  
19 ABC control rule revisions. They asked that the council provide  
20 guidance on prioritization of these projects.

21  
22 Council members discussed the idea of treating red snapper as  
23 two stocks, east and west of the Mississippi River. This was  
24 one --

25  
26 **CHAIRMAN BOSARGE:** Ms. Levy, I see you looking at me.

27  
28 **MS. LEVY:** I am just wondering if the council has any guidance  
29 on how they would like to see this proceed, the MSST document.

30  
31 **CHAIRMAN BOSARGE:** Dr. Crabtree.

32  
33 **DR. CRABTREE:** I guess my question is, and maybe this is to  
34 Steven, but if we move it into the larger MSY/OY amendment, what  
35 would be the timeline we would be looking at to get that done?

36  
37 **MR. ATRAN:** I think it's going to depend upon how deep into the  
38 literature the SSC wants to get into, but my hope would be that  
39 we could come up with something that's either a public hearing  
40 draft or very close to a public hearing draft by the end of the  
41 year.

42  
43 **CHAIRMAN BOSARGE:** If that's the case, then wouldn't it be fine  
44 to leave it in its own stand-alone document and finish that off,  
45 since it sounds like it would be very quickly followed by the  
46 document that will address all the other species and the  
47 different requirements?

48

1 **DR. CRABTREE:** So then we would do the MSST document for a  
2 select group of stocks and then follow up with the rest, and I'm  
3 fine with that approach.  
4

5 **CHAIRMAN BOSARGE:** We've done pretty well on taking final action  
6 on things today. We're on a roll, and we're finally finishing  
7 things. We are pretty close on that document, and I would like  
8 to finish it and follow it up with the rest of the species, if  
9 Ms. Levy concurs.  
10

11 **MS. LEVY:** I am fine with that, as long as we move the other  
12 document along, but that means, for staff's purposes, that we  
13 would be limiting the MSST document, as we have it right now.  
14 We would be taking some species out of that, and so I just want  
15 to make sure that's clear.  
16

17 **CHAIRMAN BOSARGE:** Yes, I think we had that discussion during  
18 the committee. Mr. Atran.  
19

20 **MR. ATRAN:** If we're going to do that, if memory serves me  
21 correctly, I think you had approved this document to go to  
22 public hearings after the SSC reviewed that new alternative that  
23 you wanted to go in, and so, if we're going to pull several of  
24 the stocks out, do you still approve it to go to public hearings  
25 without bringing it back for an additional review by the  
26 council?  
27

28 **CHAIRMAN BOSARGE:** Any feedback? Dr. Crabtree.  
29

30 **DR. CRABTREE:** I would say let's move it and get it done.  
31

32 **CHAIRMAN BOSARGE:** Mr. Anson.  
33

34 **MR. ANSON:** I am trying to follow which species -- We keep  
35 referring to some species are being pulled out and reevaluated  
36 and reassessed and will be brought into a future document.  
37 Relative to red snapper, which was the original request that I  
38 recall, the SSC would be looking at the new literature, Steven,  
39 relative to establishing MSY proxy and what is your sense? I  
40 think the species that we're talking about taking out included  
41 red snapper, or does it not include the red snapper? Where are  
42 we on that?  
43

44 **MR. ATRAN:** Actually, most of the species that would be taken  
45 out are data-limited species that probably MSST would be  
46 meaningless, because we would have no way to actually calculate  
47 it. The stocks where we have SDC criteria are the ones where  
48 we've had full assessments done. I believe it's about seven

1 stocks, and, in many of these cases, this wouldn't change the  
2 MSST.

3  
4 We've got an MSST of -- I take that back. It might change some  
5 of the MSSTs, but it would primarily affect those fish that have  
6 very low natural mortalities, which red snapper is one of them.  
7 Your preferred alternative is to set MSST 25 percent below BMSY.

8  
9 Right now, using that formula that we normally use, it's only  
10 about 10 percent below, and so it would widen the buffer between  
11 MSY and MSST for red snapper, and there is a few other species.  
12 I don't recall, off the top of my head, which they are, and then  
13 it would continue to use the formula where the buffer is wider  
14 already, and so it's only going to affect about two or three  
15 species, and red snapper is one of them. I don't recall what  
16 the others are, off the top of my head.

17  
18 **CHAIRMAN BOSARGE:** Ms. Levy.

19  
20 **MS. LEVY:** Just looking back at the document, there is a table  
21 that has the stocks that have the status determination criteria,  
22 and it's -- The ones that I think would remain in this document,  
23 to move forward more quickly, would be gag, red grouper, red  
24 snapper, vermilion snapper, gray triggerfish, and greater  
25 amberjack, and hogfish. We just did an MSST for that.

26  
27 **CHAIRMAN BOSARGE:** Then, when we get into the second document  
28 that's going to follow, the one that's going to look more at the  
29 MSY proxies and the OY, red snapper will be included in that  
30 document for MSY/OY discussions?

31  
32 **MS. LEVY:** I guess that's up to you all. I mean, or maybe  
33 that's one thing to -- Whether you are reevaluating the MSY and  
34 OY for everything and then just the MSSTs for those that don't  
35 have it, but I'm not sure exactly.

36  
37 **CHAIRMAN BOSARGE:** Mr. Atran.

38  
39 **MR. ATRAN:** You had a specific request to have the SSC  
40 reevaluate MSY proxies for red snapper. Even though you already  
41 have the proxy, and it's 26 percent SPR, that would be included  
42 in the second document, even though we already have the  
43 priorities, and then it would include other stocks for which we  
44 don't have those particular criteria.

45  
46 **CHAIRMAN BOSARGE:** All right. I think we have a much better  
47 grip on it. Mr. Atran, are you pretty clear on how to proceed  
48 from here?

1  
2 **MR. ATRAN:** Mostly. I will check with Doug and clear up what I  
3 am confused about.  
4  
5 **CHAIRMAN BOSARGE:** Okay. Did we have the discussion that, when  
6 we take MSST out to the public, that that would be a webinar  
7 type public hearing?  
8  
9 **MR. ATRAN:** Yes, I believe so.  
10  
11 **CHAIRMAN BOSARGE:** All right. Good. As long as we've dotted  
12 all of our I's. Any other discussion before we keep going in  
13 our report? All right, Mr. Greene.  
14  
15 **MR. GREENE:** Council members discussed the idea of treating red  
16 snapper as two stocks east and west of the Mississippi River.  
17 This was one of the alternatives in Amendment 39 for red snapper  
18 regional management, which was postponed indefinitely in January  
19 of 2016. A suggestion was made to bring Amendment 39 back for  
20 consideration, or at least the private angler portion. No  
21 motions were made on any of the Other Business items.  
22  
23 **CHAIRMAN BOSARGE:** Dr. Lucas.  
24  
25 **DR. LUCAS:** Before we leave the Reef Fish Committee, I had a  
26 motion to offer, and staff has a copy of that motion.  
27  
28 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board to start  
29 an amendment for Mississippi to manage red snapper for the  
30 recreational sector out to 200 nautical miles. Do we have a  
31 second for the motion on the board? It's seconded by Mr. Diaz  
32 for discussion. Is there discussion on the motion on the board?  
33 Dr. Lucas.  
34  
35 **DR. LUCAS:** I thought about it earlier, when I mentioned to  
36 Patrick, when he made his motion, that I thought this opened the  
37 door for some others, and I think I would be remiss to leave  
38 this council and not offer it up for the recreational sector in  
39 Mississippi.  
40  
41 We've heard a lot from our recreational sector in Mississippi  
42 about wanting to be managed from Mississippi, and, given that  
43 we're about to go through the process for Louisiana, I think at  
44 least give staff the option to include some of the similar  
45 discussions that are going to come up around doing it for one  
46 state. Seeing as we border the State of Louisiana, and my  
47 fishermen love to go fish over in their waters on occasion, I  
48 thought I would go ahead and offer this up for us to consider.

1  
2 **CHAIRMAN BOSARGE:** Dr. Crabtree.  
3  
4 **DR. CRABTREE:** So this would go into the same amendment as  
5 Louisiana, I guess?  
6  
7 **CHAIRMAN BOSARGE:** I think we better say no on that. I see some  
8 heads shaking around the table.  
9  
10 **DR. CRABTREE:** My other question would be would there be any  
11 willingness to entertain the idea of treating Mississippi and  
12 Louisiana as a single region, rather than separately? I am  
13 seeing --  
14  
15 **DR. LUCAS:** I am going to take that head shake as a no.  
16  
17 **DR. CRABTREE:** Yes, I saw the no, and so I guess then we're sort  
18 of thinking about doing regional management one state at a time.  
19 Interesting.  
20  
21 **CHAIRMAN BOSARGE:** That's what it looks like to me.  
22  
23 **MR. BANKS:** Maybe we should bring back Amendment 39.  
24  
25 **CHAIRMAN BOSARGE:** We had a lot of discussion kind of on the  
26 document and how it would be structured for Louisiana. To give  
27 staff a little more direction, were you thinking pretty much  
28 along those same lines, as far as kind of action items and such,  
29 for a Mississippi amendment, too?  
30  
31 **DR. LUCAS:** I was. I was thinking that would also make it,  
32 possibly, a little bit easier for the staff if they were  
33 considering some of the same or similar things, so that that  
34 discussion can progress along those lines. Like I think  
35 everybody pointed out there is a lot to do, and there is a lot  
36 of discussions to be had, and there is a lot of different things  
37 moving, but as an option to have on the table.  
38  
39 **CHAIRMAN BOSARGE:** Mr. Sanchez.  
40  
41 **MR. SANCHEZ:** As far as the thought process for how it applies  
42 to a federal for-hire, kind of the same as what we discussed  
43 already with Louisiana?  
44  
45 **DR. LUCAS:** Yes, and with the discussion that knowing that other  
46 motions are moving as well in other amendments.  
47  
48 **CHAIRMAN BOSARGE:** Mr. Gregory.

1  
2 **EXECUTIVE DIRECTOR GREGORY:** I just want to point that we're  
3 going to have a couple of options papers, at least in the  
4 beginning, and two amendments all going forward as alternatives  
5 to one another, because 41 and 42 don't mesh with the  
6 Mississippi and Louisiana amendments, and so we're going to move  
7 forward with all of them in parallel?  
8

9 **CHAIRMAN BOSARGE:** Dr. Crabtree.

10  
11 **DR. CRABTREE:** That's a very good point, because these two --  
12 This motion and the one that we passed earlier on Louisiana  
13 would be in conflict with Amendment 41. I am assuming, Kelly,  
14 you are talking about including the charter boats in this, but,  
15 if the charter boats become part of Amendment 41, then they  
16 couldn't be part of this, and so there's a lot of messy stuff  
17 that we're going to have to sort out with this at some point,  
18 and it seems to me, if we make progress on Amendment 41, then we  
19 would need to pull the charter boats out of this, or either they  
20 just wouldn't get any fish through Amendment 41.  
21

22 If this doesn't work out with the state management, I am not  
23 sure where that would leave them, and so there's a lot of things  
24 that we need to think about there, and that's not even  
25 considering whether Florida and Texas and Alabama are going to  
26 make motions before we leave today.  
27

28 **CHAIRMAN BOSARGE:** Okay. I had Ms. Guyas next.

29  
30 **MS. GUYAS:** I was just going to say one thing, and it's  
31 applicable to the previous motion as well. I mean, we've got  
32 this -- We've got 41 and 42 out there, and we've got this  
33 private rec AP that we're trying to get together and get their  
34 feedback. I mean, it seems like we're just throwing stuff out  
35 there at this point. I mean, I kind of feel like we need to get  
36 this private rec AP going, and let's hear what they have to say,  
37 because this seems to go against whatever they are going to do.  
38

39 Maybe they do want some kind of regional management, and, if  
40 that's the case, then that's something, a road, the council can  
41 go down, but all right. If this is what we're going to do, this  
42 is what we're going to do, I guess, but we're just kind of going  
43 in all kinds of directions right now.  
44

45 **CHAIRMAN BOSARGE:** Mr. Banks.

46  
47 **MR. BANKS:** I was just going to agree with Roy that there's a  
48 lot of things that have to be worked out, but my concern, and I

1 certainly support Kelly's motion. I support each state being  
2 able to do their own thing, but my concern is, if 41 were to not  
3 make it, then we wouldn't have even started this process, and so  
4 I don't believe our fear of 41 actually being successful should  
5 hinder us here.

6

7 **CHAIRMAN BOSARGE:** Then Dr. Lucas. Excuse me. Mr. Diaz.

8

9 **MR. DIAZ:** I just want to say that I'm going to support the  
10 motion, for the same reason I voted for the Louisiana motion,  
11 but I think Mississippi is in a position to handle this, also.  
12 The Tails and Scales is up and running. It's a quality data  
13 collection program. I have no doubt in my mind that it can stay  
14 within the parameters that are set out there.

15

16 Another reason I think this is worth exploring at this point is  
17 the unique way that our borders meet. If there was a way to  
18 work this out where we had similar programs, I think it would be  
19 a lot less confusing on Louisiana and Mississippi residents.  
20 Thank you, Madam Chair.

21

22 **CHAIRMAN BOSARGE:** Thank you, sir. Dr. Lucas, are you  
23 envisioning a management program kind of similar to -- It sounds  
24 like you are, but to what was discussed earlier, where there is  
25 some monitoring and there's a target that we're shooting for and  
26 the number of pounds and then when we close the season when we  
27 get to that point? Is that what you're thinking, too?

28

29 **DR. LUCAS:** Yes, and certainly we've been operating that way,  
30 with trying to make sure that we get Tails and Scales certified  
31 and all of that, and we are really close to the finalization on  
32 that. There are some tweaks with the consultants and making  
33 sure we got the same analysis that the statisticians are coming  
34 up with as well.

35

36 To Martha's point, yes, we have the private red group coming up  
37 to speak, and, yes, they may come up with a better suggestion,  
38 and so no amendment is final until it's final, and no action is  
39 necessarily final, and so there are a lot of moving things going  
40 on, but just having it out there, so that there is something  
41 else to consider.

42

43 **CHAIRMAN BOSARGE:** All right. Any other discussion on the  
44 motion? **All those in favor of the motion, please signify by**  
45 **raising your hand.**

46

47 **EXECUTIVE DIRECTOR GREGORY:** Eleven yes.

48

1 **CHAIRMAN BOSARGE:** All those opposed, same sign.  
2  
3 **EXECUTIVE DIRECTOR GREGORY:** Four. It's eleven to four, and the  
4 motion passes.  
5  
6 **CHAIRMAN BOSARGE:** Mr. Anson.  
7  
8 **MR. ANSON:** I would like to offer a motion. Staff, I think, has  
9 it already.  
10  
11 **EXECUTIVE DIRECTOR GREGORY:** Can we just give red snapper to  
12 Mexico?  
13  
14 **DR. STUNZ:** We already have, Doug.  
15  
16 **MR. ANSON:** While staff is getting it up there, and it's up  
17 there now, it's good to hear the comments from other state  
18 folks. Mr. Banks wanted other states to have some management  
19 capability for the resource and, for his motion, I had mentioned  
20 that I would have supported it, or I asked him to do a friendly  
21 amendment to remove the second half. I have removed the second  
22 half of Louisiana's motion, but, except for "Louisiana" and  
23 "Alabama", it's the same.  
24  
25 That was the motion that I would have supported at the time, and  
26 that's the motion that I offer right now, minus the state  
27 change, and so we have already had a lot of discussion as to the  
28 rationale for doing this and such, and so I'm not going to talk  
29 much more, but that's my motion.  
30  
31 **CHAIRMAN BOSARGE:** Mr. Boyd.  
32  
33 **MR. BOYD:** Do you have a second?  
34  
35 **CHAIRMAN BOSARGE:** We do need a second, but let me read the  
36 motion first. **To develop an amendment that would allow Alabama**  
37 **to manage the harvest of its historical percentage of the Gulf-**  
38 **wide recreational red snapper landings during the Calendar Years**  
39 **of 2019, 2020, and 2021 out to 200 nautical miles.** Mr. Anson,  
40 is that your motion?  
41  
42 **MR. ANSON:** It is.  
43  
44 **CHAIRMAN BOSARGE:** All right. Do I have a second for the  
45 motion? It's seconded by Mr. Boyd. Any further discussion on  
46 the motion? Dr. Dana.  
47  
48 **DR. DANA:** I guess I am going to direct my question to Kevin and



1 to Johnny. In Orange Beach, or in that area, there's a  
2 significant number of charter/for-hire that are federally-  
3 permitted. Given that they're worked so hard on 41, in your  
4 opinion or experience, do you believe that the charter/for-hire  
5 industry there is supportive of such a state management of the  
6 entire recreational?

7  
8 **MR. ANSON:** Well, I think so. It's going to be interesting to  
9 see how these motions develop, or how the amendments develop, 41  
10 and 42, or 41 develops, specifically. State leadership, in  
11 regards to Marine Fisheries, has been very supportive of the  
12 federal for-hire permitted vessels in Alabama. We have had  
13 discussions with their leadership and membership with the local  
14 charter boat association, to give them our thoughts on how we  
15 could manage a quota that's assigned to the state.

16  
17 I certainly feel like it's very equitable and fair. As regional  
18 management developed and we got into the weeds and started  
19 answering some of those questions and such, things were added to  
20 the Amendment 39 document that gave some guarantees, and  
21 certainly we were comfortable, to a degree, with those  
22 guarantees and providing those guarantees, and so, with the  
23 history and knowledge of how those discussions went, I am  
24 assuming that a lot of these discussions would go down this path  
25 as well, and we're certainly prepared to continue to have our  
26 federally-permitted vessels at the table when it comes time to  
27 apportioning a state quota.

28  
29 **MR. GREENE:** I don't know. That's as honest as I can be with  
30 you. I have no idea. I've got a feeling that it's going to be  
31 all over the map. I mean, it's -- We kind of went through this  
32 with 39, and we went back and forth and back and forth, and most  
33 of you all were here, and some of you went through the 30B  
34 discussion and remember how contentious that was. It's going to  
35 be messy.

36  
37 **CHAIRMAN BOSARGE:** Mr. Banks.

38  
39 **MR. BANKS:** I just want to say, for the record, again that, in  
40 Louisiana, it's pretty clear that our charter/for-hire wants to  
41 be managed with us. I can say that pretty solidly.

42  
43 **CHAIRMAN BOSARGE:** Mr. Boyd.

44  
45 **MR. BOYD:** I am going to speak in favor of this motion. I voted  
46 against the Louisiana motion for one reason, and that was  
47 because it referenced Amendment 40, which did not have a state  
48 allocation in it. It had a broad allocation, and so I voted

1 against that, but I would have supported it otherwise, and I  
2 will support this motion. Thank you.

3

4 **CHAIRMAN BOSARGE:** Dr. Crabtree.

5

6 **DR. CRABTREE:** I guess, Mr. Boyd, are you or any of your  
7 colleagues from Texas contemplating a motion for Texas, or are  
8 we at the end of the motions? I am kind of curious.

9

10 **MR. BOYD:** Well, I am not, but I cannot speak for Lance or  
11 Robin.

12

13 **DR. STUNZ:** The same here. I would prefer to let my state  
14 representative speak on that behalf.

15

16 **CHAIRMAN BOSARGE:** Ms. Levy.

17

18 **MS. LEVY:** Just to point out that, even if you pass motions to  
19 develop separate amendments are doing or looking at the same  
20 thing, they're going to be interrelated, meaning you're not  
21 going to be able to make an allocation decision in one that is  
22 inconsistent with an allocation decision in the other one. They  
23 are all going to have to jibe at some point, and so maybe, as  
24 you go down this path, you will think about integrating them.

25

26 I just don't want to give the impression that, because we're  
27 calling them separate amendments, that they're completely  
28 separate. They are all dealing with the same thing,  
29 essentially.

30

31 **CHAIRMAN BOSARGE:** Dr. Crabtree.

32

33 **DR. CRABTREE:** I agree, and I suspect, at the end of the day, if  
34 we figure this out, one amendment will make more sense. I also  
35 think the delegation route would be simpler and preferable, if  
36 it's possible to do it. I don't know if it's possible for this  
37 council to ever get a three-quarter vote majority on something,  
38 which is what that would require, but recall in Amendment 39  
39 that the conservation equivalency part of it got really sticky  
40 and complicated.

41

42 We went down that path because we never thought we could get a  
43 three-quarter majority vote on it, but it sure would be nice if  
44 we could come to some kind of consensus on what to do with this.  
45 That's just a random thought.

46

47 **CHAIRMAN BOSARGE:** Dr. Lucas.

48

1 **DR. LUCAS:** Certainly I think that could be one of the options  
2 when you were developing the amendment, to have a true  
3 delegation or to have a conservation equivalency.

4

5 **CHAIRMAN BOSARGE:** Mr. Anson.

6

7 **MR. ANSON:** Just to kind of fill in the blanks, so to speak,  
8 since it's been brought up by Louisiana and Mississippi, is that  
9 our Snapper Check Program is in the final throes of getting  
10 certification, and we anticipate that to happen fairly shortly  
11 as well, that it will be certified for red snapper.

12

13 **CHAIRMAN BOSARGE:** I am thinking, at least for the private  
14 angler portion of this, you are thinking along the same lines as  
15 Mississippi and Louisiana, where you have a certain number of  
16 pounds that you're shooting for as your quota, and you will  
17 monitor the landings and shut the season down when it's  
18 appropriate.

19

20 **MR. ANSON:** Yes, for both for-hire and private, yes, because we  
21 track both.

22

23 **CHAIRMAN BOSARGE:** All right. Any further discussion on the  
24 motion on the board? Yes, sir, Lieutenant Commander.

25

26 **LCDR DANAHER:** Thank you, Madam Chair. I just want to get it on  
27 record that the more the states try and -- Or would like to make  
28 these regulations across the EEZ, the less the Coast Guard will  
29 be able to do to assist in the enforcement. Depending on how  
30 the amendment develops down the road, of course, there may be  
31 the ability to have some kind of jurisdictional loop there, but  
32 I don't -- We don't enforce state laws. We don't do fishery  
33 boardings inside of nine nautical miles.

34

35 If you're going to start taking over the entire EEZ, that is up  
36 to the state. I can't control you or stop you from doing that,  
37 but you are removing me from the equation of assisting you in  
38 enforcing the regulations.

39

40 **CHAIRMAN BOSARGE:** Okay. Any further discussion on the motion  
41 on the board? All right. **All those in favor of the motion,**  
42 **please signify by raising your hand.**

43

44 **EXECUTIVE DIRECTOR GREGORY:** Eleven yes.

45

46 **CHAIRMAN BOSARGE:** All those opposed, same sign.

47

48 **EXECUTIVE DIRECTOR GREGORY:** Five. The motion passes eleven to

1 five.

2

3 **CHAIRMAN BOSARGE:** Mr. Greene.

4

5 **MR. GREENE:** I never saw that one coming, but here is the deal.  
6 We have a two-part quota system set up for the recreational  
7 system. We have the private rec and a federal for-hire, and so  
8 I am assuming that the federal for-hire allocation has already  
9 been distributed and it's now going to be further broke down to  
10 a state-by-state allocation and that those boats will reserve  
11 those rights to fish within that state, and is that what I am  
12 understanding from the three states that have provided this  
13 forward?

14

15 **MR. BANKS:** I don't know that we know that quite yet. I think  
16 that's part of us discussing these amendments.

17

18 **MR. GREENE:** Okay. I can't take an I don't know because I just  
19 kind of gave an I don't know vote a second ago, in all fairness,  
20 but I want to put it on the record that that was one of the  
21 things. I mean, there are certain things that a federal for-  
22 hire -- There are certain things that remaining in a federal-  
23 type system will provide, a few more rights than perhaps another  
24 will.

25

26 However, not knowing how the system is going to be designed, I  
27 just want to put it on the record that there is a private  
28 recreational sector, there is a federal for-hire sector, there  
29 is an allocation that was established. If we're going to go  
30 down this road, then I think we need to look at that state-by-  
31 state allocation.

32

33 Now, whether we follow the allocation policy we have set forth  
34 in our standard operating procedures or we follow our historical  
35 past voting that was done through Amendment 40, as to try to  
36 find some way to do this, then I think that that should be a  
37 consideration of all of the amendments that govern anything  
38 between subsector allocations of the recreational fishery.

39

40 **CHAIRMAN BOSARGE:** Yes, sir. Any further discussion? Okay.

41

42 **MR. BANKS:** Maybe this is a question to Mara or Roy, but let's  
43 say that we did get this passed and we then had the ability to  
44 manage whatever percentage that is in Louisiana. I would think  
45 we would still have to then apportion it, as per Amendment 40,  
46 amongst our recreational sector, and is that correct?

47

48 **DR. CRABTREE:** I would say that would all have to be decided.

1 You could just go in and pick some period of years and say,  
2 okay, here is the percentage of the overall recreational catch,  
3 charter and headboat and private, that each state had, and so  
4 each state gets that many fish. Then you could say the state  
5 can decide whether it's one quota or two quotas or what they're  
6 going to do with it.

7  
8 Now, we've all been down this path, and there will be a lot of  
9 contention around that, but I don't know what we're going to  
10 decide to do here, but we really ought to decide which path  
11 we're going to go down before we expend lots of energy trying to  
12 go down Amendment 41 and 42 and then we're not going to do it,  
13 because we're going to do this, or we expend a lot of energy  
14 going down this path and a lot of fighting over the for-hire  
15 guys and then we pull them out of this entirely, because they're  
16 going into Amendment 41 and 42.

17  
18 At some point, we need to make some fundamental decisions, and,  
19 realistically, and I think all of you all see it, if this is  
20 where we're going, it would make far more sense to bring  
21 Amendment 39 back up and do this with everybody, and it's much  
22 less complicated, and you have far fewer enforcement issues if  
23 everyone does it, but I mean we clearly don't have agreement  
24 among all of the states to go down that path.

25  
26 The other thing that I think, if we broaden these regions -- For  
27 example, instead of doing these three amendments, if we did a  
28 northern Gulf amendment, it would probably make a lot of the  
29 issues less difficult to deal with, and so I would encourage you  
30 guys to think about if that's possible, because that would  
31 certainly be fewer enforcement problems and people going from  
32 one jurisdiction to the other and crossing back than doing all  
33 three separately, but, at any rate, those are all, I think,  
34 things we're going to have to grapple with.

35  
36 **CHAIRMAN BOSARGE:** Ms. Levy.

37  
38 **MS. LEVY:** Just to the allocation decision between the private  
39 rec and the federal for-hire, I think we had this discussion in  
40 Amendment 39, that I don't know that the states could just get  
41 an allocation and then decide how to divide it, because we have  
42 the concerns of fair and equitable and National Standard 4 and  
43 everything.

44  
45 In Amendment 39, it was whether we were going to keep them  
46 separate or put them together, but, if they were kept separate,  
47 they were going to be kept separate at the allocations that had  
48 been previously decided. That's not to say that, as a council,

1 that you couldn't reconsider those allocations, if there was a  
2 basis to do it, but I think the allocation decision would  
3 probably have to happen at the council level.

4  
5 **CHAIRMAN BOSARGE:** Mr. Banks.

6  
7 **MR. BANKS:** But isn't that split between charter and private rec  
8 -- I mean, that's outlined in Amendment 40, correct? The way I  
9 envision it, at least in Louisiana, was we would take that  
10 historical percentage for recreational and then we would split  
11 it up, as per that, but maybe we can't do it that way.

12  
13 **MS. LEVY:** It's even -- I think it's 39, because 39 had an  
14 alternative that was to keep them separate, but the states would  
15 manage both of them. I believe that's correct, and Ava can  
16 correct me, and so it had the percentages and how that worked  
17 out, if you were going to go that way.

18  
19 **CHAIRMAN BOSARGE:** Okay. We have passed three motions for three  
20 states. Are we ready to get back into our committee report?  
21 Okay. Chairman Greene, I will turn it back over to you.

22  
23 **MR. GREENE:** I have been waiting to say this all day. Madam  
24 Chair, this concludes my report.

25  
26 **CHAIRMAN BOSARGE:** Okay. Mr. Sanchez, I am going to come to you  
27 in just half a second, but I see Mr. Atran with his hand raised.  
28 He probably has a technical point for us.

29  
30 **MR. ATRAN:** It has to go back to when I was asking for guidance  
31 on prioritization, and you indicated that you want to give the  
32 status determination criteria and MSY proxy work the higher  
33 priority. On the ABC control rule, right now, we have the  
34 carryover of underharvested red snapper as part of that. Since  
35 that may go at a slower pace now, do you want to pull that out  
36 and do that as a separate amendment?

37  
38 **CHAIRMAN BOSARGE:** Council, would you like to pull that out of  
39 that amendment and do it as two separate amendments or leave it  
40 in there? This is the carryover of unused harvest that is  
41 currently in the -- That's in the second document, right?

42  
43 **MR. ATRAN:** That is in what is right now an options paper for  
44 revising the ABC control rule.

45  
46 **CHAIRMAN BOSARGE:** Dr. Crabtree.

47  
48 **DR. CRABTREE:** Here is the thing with carryover. If we get to

1 the end of this year and there is a million pounds left  
2 uncaught, there is going to be a mad scramble to get carryover  
3 done so that we can add it into the quotas next year.

4  
5 Maybe that doesn't happen. Maybe we catch it all up this year,  
6 but it has happened three of the last four years, and so I would  
7 like to get the carryover done, so we can deal with it, as  
8 quickly as we could. This carryover, Steve, is multispecies,  
9 right? So we could end up with leftover amberjack or who knows  
10 whatever at the end of the year.

11  
12 **CHAIRMAN BOSARGE:** Okay. I saw a few shaking of heads yes  
13 around the table while Dr. Crabtree was speaking, but is that  
14 the consensus of the group, that you would like to see that  
15 carryover in a separate document and addressed by itself? I saw  
16 one thumbs-up and a couple of heads shaking yes, and so, Mr.  
17 Atran, yes, please put that in its own document. Are you clear,  
18 Mr. Atran? Are you good?

19  
20 **MR. ATRAN:** Yes.

21  
22 **CHAIRMAN BOSARGE:** All right. Then I'm going to go back over to  
23 Mr. Sanchez now.

24  
25 **MR. SANCHEZ:** Thank you. I wanted to make a motion regarding  
26 something I heard in public testimony. It had to do with the  
27 longliners, and so I will throw it out there and see if we can  
28 have some discussion.

29  
30 **It's to instruct staff, however they see fit, to develop a**  
31 **document to allow longliners to carry any number of unrigged**  
32 **hooks on their vessel during longlining, and we can wordsmith**  
33 **that as you see fit, but that's the gist of it. If I can get a**  
34 **second, I will explain.**

35  
36 **CHAIRMAN BOSARGE:** It's seconded by Mr. Walker.

37  
38 **MR. SANCHEZ:** Basically, we heard they are right now allowed to  
39 deploy their 750 hooks, but they are only allowed to carry  
40 1,000, and that presents a lot of problems, potential fines, and  
41 the shark situation is bad. This would just give them the  
42 ability to operate with some spare hooks, if you will, and  
43 promote some efficiency and just -- I don't really see the sense  
44 in hamstringing them with that little amount of hooks.

45  
46 For instance, if a guy goes out, because one of his colleagues  
47 is out fishing, and he needs hooks, because the sharks ate them  
48 up, now he's taking him out hooks to pass along to the other

1 boat, and he gets stopped in transit and he has over the excess  
2 of hooks, he might be looking at a healthy fine, and I just  
3 don't see the need for this kind of stuff. I think it was an  
4 oversight and that we can correct it.

5  
6 **CHAIRMAN BOSARGE:** Yes, I do too. I think this is one of those  
7 things where the regulation was really prescriptive, and, as the  
8 environment changed and the ecosystem changed, now those poor  
9 guys are looking at a \$10,000 fine because they can't keep  
10 enough hooks onboard. If they bring their extra hooks as  
11 backup, then they get this -- We know that commercial fines are  
12 not a drop in the bucket. Mr. Anson.

13  
14 **MR. ANSON:** Thank you, Madam Chair. I wonder if maybe Dr.  
15 Crabtree or Sue can refresh my memory. When we were last  
16 dealing with this issue, I think we were concentrating on the  
17 rigged hooks and putting a hard number on those for interactions  
18 with turtles, as I recall.

19  
20 Somehow or another, those extra hooks were in play, for  
21 enforcement purposes and for making sure that they didn't exceed  
22 the number of gangions that were made, and so I am just  
23 wondering if we -- We may have done a knee-jerk reaction by  
24 setting the 250 above the 750 rigged hooks, but now, if we do an  
25 unlimited number of hooks not rigged, does that just create some  
26 concerns or problems?

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

29  
30 **DR. CRABTREE:** I think when we did this that there were a bunch  
31 of things we did, but we limited the number of hooks to help get  
32 compliance and make it more difficult. Since then, we've had  
33 relatively low turtle captures and things, but we're going to  
34 have to go back and check with our Protected Resources folks.

35  
36 There will need to be some sort of consultation under Section 7  
37 that goes with this. It may just be an informal that it's not  
38 likely to have any effect on it, but I will have to check with -  
39 - We will have to look at it and see how it fits in within the  
40 context of the biological opinion.

41  
42 **CHAIRMAN BOSARGE:** Ms. Gerhart.

43  
44 **MS. GERHART:** I just want to follow up a little bit with that.  
45 The extra hooks were added in kind of at the last minute, at the  
46 final action, because of public testimony. That was added on  
47 there, but we do have analysis, or did have analysis, in that  
48 amendment for up to 1,500 hooks, and so there is some analysis



1 already in existence.

2

3 **CHAIRMAN BOSARGE:** Mr. Walker.

4

5 **MR. WALKER:** I don't see -- I support the motion. I don't see a  
6 problem with it. I mean, a lot of times, if you're longlining  
7 and you lose your hook, you just have one that's snared up on a  
8 line. Maybe it's not on a gangion, but you can add it to your  
9 gear and tie it on and get back to work, but the sharks have  
10 been horrendous, especially off of Mississippi, and other places  
11 as well, but I think it would be good, and I don't think they're  
12 going to be -- I still think it would be very enforceable for  
13 the 750 hooks. It shouldn't be a problem.

14

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

16

17 **DR. CRABTREE:** I am going to support the motion too, and I don't  
18 have a problem with this, and hopefully we'll figure out a way  
19 that we can make this work and get this done quickly.

20

21 **CHAIRMAN BOSARGE:** Dr. Frazer.

22

23 **DR. FRAZER:** I am just wondering if we need to develop a whole  
24 new document. The whole issue revolves around a specific  
25 regulation and whether or not we can just propose a modification  
26 of the language in that regulation and then pass it on to NMFS  
27 for them to review.

28

29 **CHAIRMAN BOSARGE:** Dr. Crabtree.

30

31 **DR. CRABTREE:** Well, that's essentially what a framework is.  
32 Now, we may be able to do an abbreviated framework, but there  
33 still will be a document and the analysis that goes with it.

34

35 **CHAIRMAN BOSARGE:** Any further discussion? **Is there any**  
36 **opposition to the motion? Seeing none, the motion carries.** Dr.  
37 Dana.

38

39 **DR. DANA:** I would like to make a motion for Amendment 41 and 42  
40 to be placed on the next council agenda for further discussion  
41 and action, if I can get a second.

42

43 **CHAIRMAN BOSARGE:** You have a second from Mr. Greene. We have a  
44 motion on the board to place Amendment 41 and Amendment 42 on  
45 the next council meeting agenda for further discussion. Is that  
46 your motion, Dr. Dana? Okay. It has been seconded. Is there  
47 further discussion?

48

1 I certainly don't have any opposition to it. I kind of assumed  
2 that they probably would be on the agenda, after we -- But  
3 that's fine. We can definitely clarify it, but I assumed they  
4 probably would be, after we added the multispecies and the  
5 cyclical redistribution back in there. Is that going to be okay  
6 with your timeframe? Okay. Because a lot of that work has  
7 already been done, but we just need to transfer it into the  
8 document and probably further it a little bit. Dr. Dana.

9  
10 **DR. DANA:** I just wanted it to be clarified, because, in the  
11 Reef Fish Report, there was no mention of Amendment 42, and so  
12 I, like you, assumed that 41 would be discussed again at the  
13 next meeting, but I did not want to assume that Amendment 42  
14 would as well, and so thank you for the clarification.

15  
16 **CHAIRMAN BOSARGE:** A motion is always good. That way, we make  
17 sure that we're all on the same page. Mr. Sanchez.

18  
19 **MR. SANCHEZ:** I agree. We've been spending a lot of time on 41,  
20 and I don't want them to think that we've forgotten them.

21  
22 **CHAIRMAN BOSARGE:** Any further discussion on the motion on the  
23 board? **Is there any opposition to the motion? Seeing none, the**  
24 **motion carries.** Mr. Greene has finished up his Reef Fish  
25 Report. Is there anything else we want to talk about related to  
26 Reef Fish? It's been an exciting ride so far. No? All right.

27  
28 That takes us to our Liaison Reports. We will start with  
29 Lieutenant Commander. Did you have anything to update us on,  
30 sir?

31  
32 **SUPPORTING AGENCIES UPDATE**  
33 **U.S. COAST GUARD**

34  
35 **LCDR DANAHER:** Yes, Madam Chair, if I could ask the staff to  
36 bring up that single slide that I prepared. Thank you. This is  
37 a Marine Affairs and Maritime Boundary Line Update for the 8<sup>th</sup>  
38 Coast Guard District.

39  
40 Since our last council meeting in New Orleans, the Coast Guard  
41 has been extremely active on the maritime boundary line to  
42 protect living marine resources in the U.S. EEZ. There have  
43 been eight lancha interdictions, including one of the more  
44 significant fisheries seizures, which is noted in the first  
45 bullet on the slide.

46  
47 Thankfully, many of the interdictions that we've had in the past  
48 several months have occurred before the lancha crews could set

1 their gear, thereby preserving the red snapper population in  
2 south Texas.

3  
4 Additionally, we've been coordinating several exercises with the  
5 Mexican navy, including one joint interdiction of a lancha. We  
6 continue to nurture our partnership with the Mexican military,  
7 but it is a slow process.

8  
9 The second bullet highlights an interagency narcotics  
10 interdiction, which continues to shape our concerns of lanchas  
11 conducting more egregious illicit activity. Additionally, two  
12 undocumented aliens were arrested by the Coast Guard and South  
13 Padre Island Police after attempting to pilfer outboard engines  
14 from the lancha seizure yard. The Coast Guard intends to  
15 strengthen the integrity of the outer fence around the lancha  
16 seizure yard to curtail further illicit activity.

17  
18 Just, in conclusion, District 8 enforcement recently hosted a  
19 successful patrol boat roundup in Mobile, Alabama. There were  
20 six cutters in attendance from across the Gulf Coast, and events  
21 of this nature help to foster teamwork and enable partner  
22 agencies and disparate units to share their best practices on  
23 tactics. We also saved the U.S. taxpayers over \$100,000 by  
24 hosting the training in one location.

25  
26 I don't have any significant domestic fishery cases to brief,  
27 although a little bit of follow-up on a case that was briefed  
28 several months ago. It involved recreational fishermen who were  
29 illegally harvesting red snapper out of Freeport, Texas.  
30 Because of that interdiction and joint effort with the Coast  
31 Guard and Texas Parks and Wildlife, they have uncovered that  
32 that vessel and the members that were on it, along with several  
33 other vessels, were involved in an illegal red snapper  
34 harvesting ring and supplying a particular restaurant owner with  
35 about 28,000 pounds of red snapper that was illegally caught  
36 from Texas or federal waters. Aside from that, Madam Chair,  
37 that concludes my report, pending any questions.

38  
39 **CHAIRMAN BOSARGE:** Thank you, sir. Very interesting. Any  
40 questions? Mr. Boyd has a question.

41  
42 **MR. BOYD:** I just have a question for the Lieutenant Commander.  
43 I have heard, kind of through the grapevine, that the lanchas  
44 sometimes bring humans in and drop them on the beach and then go  
45 out and fish. Are you hearing that there is any human  
46 trafficking going on with these?

47  
48 **LCDR DANAHER:** There have been some other cases with either

1 narcotics or human trafficking, but we have never caught a  
2 lancha that was only fishing or -- I'm sorry. Usually, when we  
3 interdict the lanchas, they are only fishing. They are not  
4 involved, or they don't have any evidence of being involved, in  
5 other illicit activity while simultaneously illegally harvesting  
6 red snapper.

7  
8 **CHAIRMAN BOSARGE:** Thank you, sir. All right. Mr. Conklin, do  
9 you want to give us any updates from the South Atlantic?

10

11

#### **SOUTH ATLANTIC COUNCIL LIAISON**

12

13 **MR. CONKLIN:** Sure. If you guys pass that hook limit on the  
14 longliners, you wouldn't have to have hook-sniffing dogs trained  
15 up, and so, anyway -- The South Atlantic Council met on March 6  
16 through 10 in Jekyll Island, Georgia.

17

18 We had a very busy agenda that week. We went over three  
19 exempted fishing permits. One was for a lionfish harvest  
20 program and one was a pelagic longline EFP to allow fishing in  
21 an area off of the east coast of Florida that has been untouched  
22 for quite some time, and so our council sent a letter over to  
23 HMS with several recommendations. Then there was more EFP that  
24 was withdrawn at the last minute concerning a two-year pilot  
25 program for allocation-based management.

26

27 We are still looking at for-hire limited entry. We have had a  
28 white paper developed. We have taken action, and we're going to  
29 discuss that in June. You guys already know about the Gulf for-  
30 hire reporting. You have read our letter, and we know what  
31 you're going to do.

32

33 Red snapper, we're looking at Amendment 43. We are looking to  
34 try and turn our discards into landings somehow. We're really  
35 getting creative and thinking outside of the box. I am not so  
36 sure how that's going to go, but I can foresee recreational  
37 fishing seasons and stuff like that. There is also options on  
38 the table, or there were in that amendment, for large-area  
39 closures for hotspots where red snapper are. We did remove  
40 those items out of the amendment.

41

42 Spiny lobster, we went over that at this meeting. We have a  
43 recreational visioning amendment. As you guys know, we just  
44 went through a visioning process over two-and-a-half years and  
45 countless numbers of port meetings, where you meet with  
46 stakeholders. Out of that, we are trying to get a recreational  
47 and a commercial amendment out of each one, to patch up and meet  
48 stakeholder needs on a little bit more direct and quick basis.

1  
2 Yellowtail snapper, we are going to suspend work on that. We  
3 took a big hit on our golden tilefish stock assessment. Our  
4 longliners are not happy, and so we are coming up with -- We  
5 have requested a new ABC recommendation.

6  
7 Our cobia stock will remain closed from Georgia through New York  
8 for the rest of the year, and then we met about our Citizen  
9 Science Committee, and I already told you all about that, and so  
10 that concludes my report.

11  
12 **CHAIRMAN BOSARGE:** Thank you, sir. This is probably a good time  
13 to mention that there is a liaison from the Gulf Council that  
14 attends each of the South Atlantic Council meetings, and I am  
15 trying to attend like maybe every other one of those, so that we  
16 can leave some of those meetings open for other council members  
17 around the table that might like to go and sit at the South  
18 Atlantic meeting.

19  
20 A lot of the things that we do are very similar, but the way  
21 it's approached is very different. They have some great ideas,  
22 and I usually try and bring at least one or two of their ideas  
23 back every time I go to one of their meetings. Mr. Diaz has  
24 attended one, and he has brought a few things back to discuss  
25 around this table, and so it's pretty interesting.

26  
27 It's always neat to see how other people approach a similar  
28 problem, and so, if anybody is ever interested in attending one  
29 of those meetings, just shoot me an email, and we will see what  
30 we can schedule and work out. Yes, sir, Mr. Conklin.

31  
32 **MR. CONKLIN:** I just wanted to thank you all for your  
33 hospitality and having me at this meeting. It's been quite a  
34 time, and I have enjoyed all the different personalities, and so  
35 thank you very much.

36  
37 **CHAIRMAN BOSARGE:** Thank you, sir. All right. Let's see. Mr.  
38 Donaldson, do you have anything for us?

39  
40 **GULF STATES MARINE FISHERIES COMMISSION**

41  
42 **MR. DONALDSON:** Just briefly. At the last meeting, I mentioned  
43 that, at our commission meeting, which happened last month, we  
44 had a general session regarding recreational fishing issues. I  
45 believe it was a successful meeting. We had six presentations  
46 with folks from NOAA Fisheries, MRIP as well as the industry.

47  
48 From that, there was some direction from the commission that we

1 stay involved in this issue and provide a forum to further  
2 discuss recreational fishing issues and try to come to some  
3 resolution. I do want to clarify, when we were talking about  
4 regional management a couple of days ago or yesterday, earlier  
5 in the week, it may have been interpreted that we were having a  
6 meeting to talk specifically about regional management, and  
7 that's not actually the case.

8  
9 Our state directors are getting together in May, and we will be  
10 talking about, continuing talking about, recreational fishing  
11 issues and trying to look at alternatives for moving the needle  
12 on that, and so I apologize if people thought that we were  
13 talking specifically about regional management.

14  
15 Based on the motions that we had earlier today, we may need to  
16 get together a little sooner than May, but, with that, that's  
17 all I've got, and I appreciate the opportunity to talk to you  
18 all, and I will answer any questions.

19  
20 **CHAIRMAN BOSARGE:** Thank you, sir, and keep us posted on how  
21 those discussions go. I have high hopes. Let's see. I believe  
22 we do have one item of Other Business. Mr. Anson.

23  
24 **OTHER BUSINESS**

25 **DISCUSSION OF PENDING MEETING WITH STATE OFFICIALS**

26  
27 **MR. ANSON:** Thank you, Madam Chair. When I brought this item up  
28 at the start of Full Council yesterday, I had some information,  
29 but not the complete information. I had talked with Luiz  
30 Barbieri in between meetings earlier in the week, and he had  
31 approached me for, I guess, a commitment that Alabama would  
32 attend a meeting that Dr. Barbieri was trying to organize  
33 amongst other Gulf states relative to NFWF and the federal  
34 agency folks, the Science Center folks, to talk about strategy  
35 going forward of developing a plan that would address fisheries  
36 needs in the Gulf of Mexico.

37  
38 At the time, I thought it was through NFWF, or NFWF would be  
39 responsible for funding that, any plan or anything that was  
40 developed that would address those identified items, but,  
41 subsequent to that conversation, I had spoken to someone else,  
42 and their impression was that they were involved with -- Kind of  
43 this meeting process was that it was RESTORE Act monies coming  
44 through NOAA Fisheries.

45  
46 I am wondering if either Dr. Crabtree or Dr. Porch is -- Are you  
47 aware of -- I mean, I was glancing over during our discussions  
48 at council about this meeting and such, and it looked like you

1 were kind of aware that this meeting was going forward, and is  
2 that your understanding, is that it's RESTORE monies that are  
3 going to NOAA Fisheries or NOAA's pot of RESTORE monies or is  
4 this actually a NFWF pot of money? They are indicating that  
5 they don't know anything about -- Dr. Crabtree.

6  
7 **DR. CRABTREE:** If you want to send me an email laying out the  
8 question, I can pass it onwards and try and find out, but I  
9 don't know.

10  
11 **MR. ANSON:** All right, and it's more of -- It's not a real big  
12 deal, because, at the end of the day, I think we all would want  
13 to have an opportunity to get more information and more data,  
14 and certainly to have everyone at the table that's involved with  
15 the data collection and data analysis type aspects of data  
16 collection -- That we would probably go forward anyways, and, at  
17 the time I made the request for this agenda item, I was just  
18 looking to see if, either at the table here today or certainly  
19 for the next meeting, if we have some time set aside, so that we  
20 can identify maybe some priority species that the council would  
21 be interested in if another round of meetings were to be held,  
22 relative to additional funds or additional priorities that could  
23 be identified with those funds, so that we can kind of have --  
24 The council can have their ideas in the hat, so to speak, and  
25 make sure that their needs and priorities were addressed.

26  
27 Again, I don't think that it needs to have any final, concrete  
28 ideas right now, but certainly, if we are going to talk about it  
29 in June, just to make sure that we had time to talk about it in  
30 June.

31  
32 **CHAIRMAN BOSARGE:** Yes, most definitely, because we had several  
33 items thrown out at this meeting that we identified as research  
34 priorities to improve some of our stock assessments, and so, I'm  
35 assuming you're going to go to that meeting, and hopefully you  
36 will bring us back some information from that meeting, and  
37 hopefully that's not the last meeting, but, yes, we will  
38 definitely try and put something on the agenda.

39  
40 Maybe you can email me after that meeting and give me and  
41 update, and we will see exactly how we need to approach  
42 everything, but I think that sounds good. The other thing that  
43 I wanted to mention -- Go ahead, Mr. Walker.

#### 44 45 **DISCUSSION OF REFERENDUM**

46  
47 **MR. WALKER:** Just one more item, after you finish this. I have  
48 some folks from the industry that kind of asked me if the staff

1 has begun to work on how the referendum might work for 41 and  
2 42, and, if not, when might be a good time to start looking at  
3 that, for 41 and 42?  
4

5 **CHAIRMAN BOSARGE:** Where did we leave that last?  
6

7 **DR. CRABTREE:** Recall that we went through the voting procedures  
8 for 42, and we even had chosen a preferred alternative. That  
9 was the meeting when we got a lot of concerns expressed by the  
10 charter boat operators on the sequence of implementation, and we  
11 decided to hold back.  
12

13 42 is probably complete enough that we could have done it, but,  
14 for 41, we don't even have a fleshed-out amendment yet, and so  
15 that's not -- That's a long way from being ready to go to a  
16 referendum, but, if we're still in the line of thought that  
17 we're going to implement them together, then we have a ways to  
18 go.  
19

20 **CHAIRMAN BOSARGE:** Okay, and so we don't need to look at any  
21 referendum items at our next meeting is what you're saying.  
22

23 **DR. CRABTREE:** Not unless you're wanting to move 42 ahead before  
24 41 goes.  
25

26 **MR. WALKER:** I think they had agreed on moving them forward at  
27 the same time, but I just wasn't sure how far along we were  
28 maybe on 41.  
29

30 **DR. CRABTREE:** If we're moving them together, which I think is  
31 what we decided, then we still have more work to do on 41.  
32

### 33 **DISCUSSION OF PRIVATE ANGLER RED SNAPPER AD HOC AP MEETING**

34  
35 **CHAIRMAN BOSARGE:** All right. I had one thing that I was going  
36 to mention, and I meant to mention it earlier, when we were  
37 talking about the Private Angler Red Snapper Ad Hoc Meeting that  
38 is coming up, the ad hoc AP that is coming up in May.  
39

40 The way we've traditionally handled those meetings is that the  
41 chairman of that committee will be the one that is the liaison  
42 for that meeting, and so that means that Mr. Greene is the  
43 official liaison for that meeting. That meeting is being held  
44 in the northern Gulf, in New Orleans, to make travel a little  
45 easier.  
46

47 I would assume there will probably be a lot of interest around  
48 the table for attending that meeting. At this point, we



1 anticipate having budget cuts. I don't think we've mentioned it  
2 yet, but we may not even have an SSC meeting in July, to try and  
3 save some money, unless something really important comes up that  
4 we have to have them meet. I mean, that's where we're at. We  
5 are trying our best to tighten our belt.

6  
7 I encourage everyone to come, but, if we were to start paying  
8 peoples' way to come, not only is that travel, but that is per  
9 diem. That's a salary every day that that individual is there,  
10 and so that gets very expensive very quickly. I hope people  
11 will come, but that is the protocol for now. If something  
12 happens with Chairman Greene's schedule and for some reason he  
13 cannot attend, I will have to decide at that point where to go  
14 from there. Mr. Anson.

15  
16 **MR. ANSON:** I am trying to remember. You normally do a webinar.  
17 I know you can't talk or call in, but you will have the webinar,  
18 so people can listen to it, at least, while it's going on,  
19 correct?

20  
21 **EXECUTIVE DIRECTOR GREGORY:** Correct. Yes, it will be streamed  
22 over the webinar.

23  
24 **CHAIRMAN BOSARGE:** Any council member can come. That's not a  
25 problem, if they don't want to listen, but it's just paid to  
26 come, being essentially on the ticket to come, and I know that's  
27 probably going to hurt some peoples' feelings around this table,  
28 but we just -- Funds are getting tight, and we've got to make  
29 sure that we don't end up in the red. Any feedback? Mr. Boyd.

30  
31 **MR. BOYD:** I would like to speak a minute to who will be the  
32 liaison to the meeting. I don't know that we have a precedent  
33 that the chairman of the committee is the head of a particular  
34 AP or is the representative. Lots of times, we have the  
35 representative from a particular state that will go to an AP  
36 meeting.

37  
38 This particular AP was conceived very contentiously. This  
39 particular AP has been on the books and in the works for a long  
40 time. Nothing against Mr. Greene, but I think to have a  
41 charter/for-hire person heading up this particular AP meeting  
42 would send the wrong message to the private boat recreational  
43 community, and we have Mr. Matens, who lives within an hour or  
44 two of New Orleans.

45  
46 He is a private boat recreational representative for the  
47 council, and so I would recommend to you that we need to use  
48 what we have in the state and not complicate this whole process

1 with someone other than a private boat recreational person.

2  
3 **CHAIRMAN BOSARGE:** Mr. Sanchez.

4  
5 **MR. SANCHEZ:** I don't really much mind whoever goes, but, Doug,  
6 you were at the same joint for-hire AP, the headboat AP, and I  
7 don't think that caused anybody any heartburn whatsoever, and so  
8 I don't know what the concern is, really.

9  
10 **MR. BOYD:** To that point, I was not there as the council  
11 representative. I was there like you were as an attendee.

12  
13 **CHAIRMAN BOSARGE:** I will take it under consideration, Mr. Boyd.  
14 You make some decent points. There has been a precedent that  
15 the chairman though of that AP is typically the first person  
16 that is chosen to be the representative, but I will take it  
17 under consideration. Thank you, sir.

18  
19 **MR. BOYD:** Ma'am, I would like you to take it strongly under  
20 consideration. I believe anything else would send the wrong  
21 message.

22  
23 **CHAIRMAN BOSARGE:** So noted, sir. Yes, sir, Mr. Swindell.

24  
25 **MR. SWINDELL:** I think you're being very misguided, let's say.  
26 I can't believe that you're going to send a -- That the people  
27 that we have chosen to be on this committee are going to be so  
28 shallow in their thoughts to think that just because he is a  
29 charter boat fisherman that it makes a bit of difference to  
30 them.

31  
32 We are all on this council to serve the whole group of people,  
33 including this advisory panel, and, if they're going to be so  
34 shallow in their thoughts that they don't like a charter boat  
35 person, or a commercial person even, being as the chairman or  
36 representing the council, who we get there and we don't hardly  
37 say anything at that point. We are not telling them what to do  
38 and what to think. The staff is doing all of the work, and I  
39 think that's a very shallow thought, and I don't agree.

40  
41 **CHAIRMAN BOSARGE:** Just to kind of bring this conversation to a  
42 close, Mr. Matens, that is not a reflection on you at all. The  
43 fact that Mr. Greene is the chairman is what I was getting at,  
44 and I think you would make an absolutely amazing representative,  
45 and I will take it under consideration, and I will let you all  
46 know how we land on it, okay?

47  
48 All right. Thank you, guys. I think we've done some pretty

1 interesting things at this meeting, and let's leave it on a  
2 happy note. You can go get you some real lunch now.

3

4 (Whereupon, the meeting adjourned on April 6, 2017.)

5

6

- - -