

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 271ST MEETING

4
5 FULL COUNCIL SESSION

6
7 Renaissance Battle House Mobile, Alabama

8
9 OCTOBER 24-25, 2018

10
11 **VOTING MEMBERS**

12 Kevin Anson (designee for Scott Bannon).....Alabama
13 Patrick Banks.....Louisiana
14 Susan Boggs.....Alabama
15 Leann Bosarge.....Mississippi
16 Doug Boyd.....Texas
17 Roy Crabtree.....NMFS
18 Dale Diaz.....Mississippi
19 Jonathan Dugas.....Louisiana
20 Tom Frazer.....Florida
21 Martha Guyas (designee for Jessica McCawley).....Florida
22 Paul Mickle (designee for Joe Spraggins).....Mississippi
23 Robin Riechers.....Texas
24 John Sanchez.....Florida
25 Greg Stunz.....Texas
26 Ed Swindell.....Louisiana

27
28 **NON-VOTING MEMBERS**

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

31
32 **STAFF**

33 Assane Diagne.....Economist
34 Matt Freeman.....Economist
35 John Froeschke.....Deputy Director
36 Beth Hager.....Administrative Officer
37 Karen Hoak.....Administrative & Financial Assistant
38 Morgan Kilgour.....Fishery Biologist
39 Ava Lasseter.....Anthropologist
40 Mara Levy.....NOAA General Counsel
41 Emily Muehlstein.....Public Information Officer
42 Ryan Rindone.....Fishery Biologist & SEDAR Liaison
43 Bernadine Roy.....Office Manager
44 Carrie Simmons.....Executive Director

45
46 **OTHER PARTICIPANTS**

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

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

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

TABLE OF CONTENTS

1
2
3 Table of Motions.....5
4
5 Call to Order, Announcements, and Introductions.....9
6
7 Adoption of Agenda and Approval of Minutes.....10
8
9 2017 Law Enforcement Officer of the Year Award.....12
10
11 Review of Exempted Fishing Permit Applications.....12
12
13 Presentations.....13
14 Alabama Law Enforcement Efforts.....13
15 Summary on HMS AP Efforts.....15
16
17 Public Comment.....17
18
19 Committee Reports.....74
20 Coral Committee Report.....74
21 Administrative/Budget Committee Report.....80
22 Gulf SEDAR Committee Report.....90
23 Mackerel Committee Report.....100
24 Ecosystem Committee Report.....109
25 Sustainable Fisheries Committee Report.....112
26 Data Collection Committee Report.....121
27 Shrimp Committee Report.....124
28 Law Enforcement Committee Report.....126
29
30 South Atlantic Council Liaison Report.....127
31
32 Committee Reports (Continued).....128
33 Reef Fish Committee Report.....128
34
35 U.S. Coast Guard Report.....182
36
37 Discussion of Ad Hoc AP Meeting.....187
38
39 Supporting Agencies Update.....189
40 Gulf States Marine Fisheries Commission.....189
41 NOAA Office of Law Enforcement.....189
42
43 Other Business.....192
44 Discussion of Aquaculture Court Decision.....192
45 Discussion of Hurricane Michael Disaster Relief.....194
46
47 Adjournment.....196
48

TABLE OF MOTIONS

1
2
3 [PAGE 11](#): Motion to approve the final council committee roster
4 for October 2018 through October 2019. [The motion carried on](#)
5 [page 11](#).

6
7 [PAGE 80](#): Motion to accept the 2018 proposed budget as written.
8 [The motion carried on page 82](#).

9
10 [PAGE 83](#): Motion to amend Section 2.5, Scientific and
11 Statistical Committee, section of the SOPPs to read as follows:
12 During the appointment process of the Standing SSC, the council
13 shall appoint no more than eighteen individuals, which will
14 include seven stock assessment or quantitative
15 biologists/ecologists; three economists; three quantitative
16 anthropologists/ sociologists; and five other scientists. Each
17 of the above scientists will be identified in one of the above
18 categories. Each Special SSC will consist of no more than three
19 members. When a Special SSC meets with the Standing SSC the
20 combined SSC votes as a whole committee. [The motion carried on](#)
21 [page 88](#).

22
23 [PAGE 90](#): Motion to accept the SOPPs as modified. [The motion](#)
24 [carried on page 90](#).

25
26 [PAGE 92](#): Motion to inform the SEDAR Steering Committee and the
27 SEFSC that the council wishes to forego the MRIP calibration
28 update assessments and have the new MRIP calibrated data
29 considered for species in their next scheduled assessments. [The](#)
30 [motion carried on page 96](#).

31
32 [PAGE 101](#): Motion in Action 2 to change the language in
33 Alternative 3 and its options to reflect a vessel trip limit as
34 opposed to a daily vessel limit. [The motion carried on page](#)
35 [103](#).

36
37 [PAGE 102](#): Motion in Action 2 to make Alternative 1 the
38 Preferred. [The motion carried on page 105](#).

39
40 [PAGE 107](#): Motion to approve the CMP Framework Amendment 7,
41 Modifications to Gulf Cobia Size and Possession Limits, and that
42 it be forwarded to the Secretary of Commerce for review and
43 implementation, and deem the codified text as necessary and
44 appropriate, giving staff editorial license to make the
45 necessary changes in the document. The Council Chair is given
46 the authority to deem any changes to the codified text as
47 necessary and appropriate. [The motion carried on page 109](#).

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

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

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

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

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

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

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

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

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

48

1 [PAGE 148](#): Motion in Action 1 of each state amendment to remove
2 Option 2g and create a new action to allow NMFS to implement
3 closures in the EEZ through a framework. [The motion carried on](#)
4 [page 149](#).
5
6 [PAGE 160](#): Motion in Action 1 of each state amendment to remove
7 Options 2e and 2f. [The motion carried on page 160](#).
8
9 [PAGE 161](#): Motion in Action 1 of Florida's amendment to make
10 Alternative 2, Options 2a, 2c, and 2d the preferred. [The motion](#)
11 [carried on page 161](#).
12
13 [PAGE 161](#): Motion in Action 2 to move Option 2b to Considered
14 but Rejected in all five state amendments. [The motion carried](#)
15 [on page 161](#).
16
17 [PAGE 161](#): Motion in Action 2 to make Alternative 2, as
18 modified, the preferred in all five state plan amendments. [The](#)
19 [motion carried on page 161](#).
20
21 [PAGE 165](#): Motion to take Amendment 50, State Management Program
22 for Recreational Red Snapper and Individual State Amendments,
23 out for public hearings. [The motion carried on page 165](#).
24
25 [PAGE 166](#): Motion in Objective 1 to reword as follows: "To
26 prevent overfishing and rebuild overfished stocks." [The motion](#)
27 [carried on page 166](#).
28
29 [PAGE 166](#): Motion: To combine Objectives 2 and 7 to read: "To
30 maintain robust fishery reporting and data collection systems
31 for monitoring the reef fish fishery." [The motion carried on](#)
32 [page 166](#).
33
34 [PAGE 166](#): Motion to reword Objective 3 as follows: "To conserve
35 and protect reef fish habitats." [The motion carried on page](#)
36 [166](#).
37
38 [PAGE 166](#): Motion to reword Objective 4, as follows: "To
39 minimize conflicts between user groups", add a new objective "To
40 minimize and reduce dead discards," and to eliminate Objective
41 6. [The motion carried on page 166](#).
42
43 [PAGE 166](#): Motion to remove Objectives 5, 9, 11, and 16 and
44 replace with an Objective that defines OY. Objective: "To
45 manage Gulf stocks at OY as defined in MSA." [The motion carried](#)
46 [on page 167](#).
47
48 [PAGE 167](#): Motion to reword Objective 10 as follows: "To

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

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

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

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

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

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

26
27
28

- - -

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

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

7
8 **CHAIRMAN TOM FRAZER:** Welcome to the 271st meeting of the Gulf
9 Council. My name is Tom Frazer, Chair of the Council. If you
10 have a cell phone, pager, or similar device, we ask that you
11 keep them on silent or vibrating mode during the meeting. Also,
12 in order for all to be able to hear the proceedings, we ask that
13 you please have any private conversations outside. Please be
14 advised that alcoholic beverages are not permitted in the
15 meeting room.

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

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

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

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

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

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

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

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

46
47 **CHAIRMAN FRAZER:** All right. Thank you, everybody. We will
48 move right into the agenda, and that's Tab A, Number 3, and so

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

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

3

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

5

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

10

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

14

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

21

22

PRESENTATIONS

23

ALABAMA LAW ENFORCEMENT EFFORTS

24

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

29

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

34

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

44

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

1 on admin and clerical.

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

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

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

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

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

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

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

1 making.

2

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

12

13

SUMMARY ON HMS AP EFFORTS

14

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

20

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

30

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

39

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

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

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

7
8 - - -

9
10 October 24, 2018

11
12 WEDNESDAY AFTERNOON SESSION

13
14 - - -

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

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

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

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

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

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

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

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

13
14 **PUBLIC COMMENT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

1 other states.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 curve.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4
5 First, as a young fisherman, I know that it is as difficult as
6 ever to maintain a sustainable career in the commercial fishing
7 industry. The average age of the commercial fishermen is
8 getting older at a rapid pace, with fewer and fewer young
9 fishermen coming into the industry.

10
11 As an organization, we ask that the council give due
12 consideration to the next generation of fishermen with each and
13 every decision that it makes. As the industry undergoes the
14 graying of the fleet, as it is often referred to, our coastal
15 communities face increased vulnerabilities and resiliency issues
16 that threaten the very fabric that our local communities are
17 built upon.

18
19 Maintaining sustainable fisheries and accountability from all
20 fishing sectors and user groups is a key component to
21 maintaining the resiliency of the commercial fishing industry.
22 This is why we call to the council to truly consider the future
23 of our fisheries when discussing the reallocation of any
24 species.

25
26 When it comes to red snapper, the data is clear that the
27 recreational sector has continued to overfish their allocations
28 year after year, with the exception of the charter/for-hire. We
29 currently do not believe that reallocation of red snapper away
30 from the commercial sector of any amount would be consistent
31 with the standards for fishery management and conservation at
32 this time.

33
34 Specifically, discard mortality within the recreational sector
35 must be addressed and minimized. Some of our Mississippi
36 commercial snapper fishermen have indicated that there are so
37 many discards during the recreational season that they can go
38 around pulling dead, floating discards from the water, and,
39 while Mississippi has one of the best recreational smartphone
40 reporting apps in the Gulf, much thanks to Dr. Paul Mickle, some
41 concerns of abuse in reporting have arisen.

42
43 For example, recreational fishermen have learned that they can
44 cancel their trip after returning from snapper fishing if they
45 are not intercepted, and subsequently report zero catch,
46 undermining self-reporting methods and increasing uncertainty in
47 both fishing efforts and landings.

48

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 followed by Chris Horton.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

6
7 **CHAIRMAN FRAZER:** Thank you, Mr. Woodruff. Next, we have Bart
8 Niquet, followed by Chris Niquet.

9
10 **MR. BART NIQUET:** Good afternoon. Here we are again. I'm Bart
11 Niquet from Panama City, Florida. I've been fishing the Gulf
12 waters for over seventy years, and several people from my area
13 were building artificial reefs thirty or forty years ago in the
14 local waters. Two things became immediately self-evident. If
15 we release the gear -- Or it wouldn't be any good, and, if more
16 than one boat found it, it won't be any good either. It would
17 just be another spot for a skin diver to work on. The only
18 exception to that were oil rigs or shipwrecks that were high
19 enough in the water column so that the amberjacks would relieve
20 the pressure on the snappers.

21
22 Gary has said most of what I wanted to say, but I do have a few
23 observations here. This council has been under intentional
24 lobbying by recreational associations who either don't care
25 about the fishery or have other motives. They have almost
26 persuaded the council to consider changes, and we don't need to
27 change. The consumers of fresh seafood should have their needs
28 placed ahead of people who are playing and sometimes wasting a
29 valuable resource.

30
31 You had a presentation of various rules and regulations on red
32 snapper earlier today on various call-in preparations and
33 procedures and rules and penalties, and all this on a segment of
34 the fishery which is trying their darndest to comply. On the
35 other hand, nothing is being done to bring the only segment that
36 is continually overfishing underway. Their quotas are either
37 being ignored or are not prosecuted for breaking the law. Come
38 on. Get real. You might as well give them a license to steal.
39 Let's face it. These people are usually considered criminals,
40 and they should be penalized. Thank you.

41
42 **CHAIRMAN FRAZER:** Thank you, Mr. Niquet. We now have Chris
43 Niquet, followed by Steve Tomeny.

44
45 **MR. CHRIS NIQUET:** Thank you, council, for letting me speak. I
46 am going to read something here, and you're going to say, well,
47 what is this fool talking about, but just hear me out. Former
48 Treasury Secretary Larry Summers predicted that if Donald Trump

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

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

10
11 People who we have often trusted as experts often have been
12 wrong beyond imagination, and it's nothing new. Irving Fisher,
13 a distinguished Yale University economics professor, in 1929,
14 predicted the stock prices at what looks like a permanent high
15 plateau. Three days later, the stock market crashed.

16
17 In 1903, the President of the Michigan Savings Bank, advising
18 Henry Ford's lawyer not to invest in Ford Motor Company, said
19 the horse is here to stay, but the automobile is only a novelty,
20 a fad.

21
22 Albert Einstein, largely recognized as one of the smartest men
23 that ever lived, said this. There is not the slightest
24 indication that a nuclear energy will ever be obtainable. It
25 would mean that the atom would have to be shattered at will. In
26 1899, Charles H. Duell, the U.S. Commissioner of Patents, said
27 that everything that can be invented has been invented.

28
29 Finally, the world's greatest geniuses are by no means exempt
30 from out and out nonsense. Sir Isaac Newton was probably the
31 greatest scientist of all time. He laid the foundation for
32 classical mechanics, and his genius transformed our
33 understanding of physics, mathematics, and astronomy. What is
34 not widely known is that Newton spent most of his waking hours
35 on alchemy, trying to turn lead into gold.

36
37 When you come to me and you say that we're using the best
38 available science, you can understand why the people out here
39 that fish for a living have our doubts. Use science that works
40 and not the science you have, because what you're doing ain't
41 working. Thank you very much for your time.

42
43 **CHAIRMAN FRAZER:** Thank you, Mr. Niquet. Next, we have Steve
44 Tomeny, followed by Jim Zurbrick.

45
46 **MR. STEVE TOMENY:** Thank you, and it's good to see everybody.
47 I'm Steve Tomeny, and I run a charter boat operation out of Port
48 Fourchon, Louisiana, and we commercial fish, also. There's not

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10
11 **CHAIRMAN FRAZER:** Leann.

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

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

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

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

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

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

1 might could live with it, and then we made it down to two, and
2 we survived.
3
4 I sat back here for a long time, and I thought, man, what am I
5 going to say, and so here's the deal. I know you've got to go
6 to the bathroom. If you need to go, I ain't going to get mad.
7
8 It's challenging, and it's really hard to sit in the back of the
9 room. When I first got appointed, man, I had more buddies in
10 the back of the room than you could imagine. Everybody wanted
11 to buy me a drink and wanted to talk to me. I got appointed and
12 sat at the table, and, about two weeks later, nobody wanted to
13 talk to me.
14
15 It's a challenging deal. It's hard to understand what you have
16 to do when you sit up there at the table, and so let me start
17 off by congratulating Carrie and John on the positions. I
18 haven't seen Phil or Bob, and I hope that they're okay, and, if
19 they're not, I hope that they have a speedy recovery, and
20 obviously my thoughts and concerns are with the people in Panama
21 City and Mexico Beach.
22
23 To new council members, let me go ahead and help you out a
24 little bit here. Nobody ever told me anything when I got into
25 it, and I was just barely -- A guy that barely graduated from
26 high school that got put on the council because I wouldn't leave
27 the Governor alone long enough, and I didn't shut up, and he
28 said, well, if you think you can do better, have at it. I was
29 the dog chasing the car, and I caught the bumper, and I didn't
30 know what to do with it.
31
32 As I sat at the council table, I used to keep notes about
33 everything, and I have always been a pretty good note keeper,
34 and so remember the guy that you're mad at today. He might be
35 your buddy tomorrow, maybe, and you don't really know anybody
36 until it comes time to vote. No matter what they say, until
37 it's time to vote, you really don't know somebody. Don't be
38 afraid to ask a question. Don't be afraid. If you don't get
39 it, the people in the back of the room may not get it either.
40 Three minutes isn't a long time. You didn't take me up on the
41 bathroom break, or I would have followed back up with that.
42
43 You have a wealth of information before you, or actually behind
44 you, and you don't know how to make a motion, and you don't know
45 what to say, and ask somebody for some help. Don't be afraid.
46 If you make a motion or you second a motion, you don't have to
47 vote for it. In fact, you can change your mind and say, hey, I
48 want to withdraw it, or you can do a lot of things. Don't be

1 afraid to do that. Don't be afraid to ask the question.
2
3 I can remember when I went to new council member orientation
4 with Steve Bortone. Man, his background was about that thick,
5 and mine was maybe two sentences, and it was bothersome, but
6 Corky Perret, of all people, came up to me, and he put his arm
7 around me, the way he always did, and he would grab you right
8 there and almost take you to your knees, and he said, boy, they
9 didn't put you on here for your knowledge or your education.
10 They put you on here for your experience. He said, think about
11 it. You spend 150 to 200 days on the water a year, and you've
12 done it for the last twenty years, and you can go back to school
13 and get a PhD, but I doubt many of those people can spend that
14 much time on the water.
15
16 That was a huge part of my life. That was the point to where I
17 just stepped back and had to think about a lot of different
18 things, and so don't be afraid. Step up and ask the question,
19 and it's like Wayne Gretsky says. You're going to miss 100
20 percent of the shots that you don't take. Don't be afraid.
21
22 Allocation meetings are the worst. They suck. Don't take
23 anything personal. Move on with it. It is what it is. With
24 that, that's my three minutes. The only thing that I want to
25 follow-up on is do something with historical permits. Make it
26 happen. Amberjack, if you want to ask me, I would be glad to
27 elaborate, but I'm out of time.
28
29 **CHAIRMAN FRAZER:** Johnny, we have a question.
30
31 **MS. BOSARGE:** Amberjacks.
32
33 **MR. GREENE:** Well, I'm glad you asked me, because now the light
34 is off. It was pretty annoying. I think thirty-six inches is a
35 good start. Steve Tomeny made a good point about carrying a
36 bunch of people and limiting it to a vessel limit, and I've
37 never been a fan of vessel limits, I never have, because it's
38 challenging for somebody who has a bigger vessel that carries
39 more people, and it just seems a little unfair.
40
41 2018 has been a challenging year on a lot of fronts, and, this
42 year, I've only caught fifty-three yellowfin tuna, and last year
43 I caught 1,572. King mackerels haven't been in our area very
44 well this year, and cobia hasn't been in our area very well this
45 year, and the amberjack bite has been a little tough at times,
46 but, in 1997, 2009, and 2018, we had a predominant southwest to
47 west wind flow, and it's been a choppy year, and we've had a lot
48 of west tide, and we've had a lot of things happen in our area.

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

9
10 **CHAIRMAN FRAZER:** Thank you, Johnny. Next, we have Gary Bryant,
11 followed by Chad Hanson.

12
13 **MR. GARY BRYANT:** Well, I hate to have to follow that, and so
14 back to reality now. I'm Gary Bryant, owner and operator of Red
15 Eye Charters and the current President of the Alabama Charter
16 Fishing Association.

17
18 I would like to start off my comments on behalf of the
19 association. We really encourage you all to move forward with
20 Amendment 50, and we feel this needs to be done for the
21 recreational angler. We just ask that the charter boats be left
22 out of it and that you all move forward and do this for the
23 recreational angler.

24
25 We support the historical captains being given regular charter
26 boat permits. That should be done. We also, on the cobia,
27 support the preferred alternatives, and we want to encourage you
28 to go forward with the ELBs.

29
30 Now for my personal comments. Sitting here and listening to the
31 comments today, it is really just eye-opening how they have
32 changed from a few years ago. For years, we came up here and
33 asked for things for ourselves and told you all how good things
34 were and we needed more, but, today, I have just been amazed at
35 the comments.

36
37 As the president of a charter fishing association, my main
38 comment was for you to help the recreational angler. We have
39 commercial fishermen asking you to take their quota, and we have
40 charter boats telling you to reduce their limits on cobia. It's
41 amazing to me the difference in what people are trying to pull
42 together for the greater good, and so I want to challenge you as
43 council members.

44
45 I know, as you're moving forward with 50, each state has its own
46 agenda, but I would like to challenge you to rise up to the
47 comments you're hearing and come together and do something for
48 the greater good. Thank you for your time.

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

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

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

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

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

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

1 the notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1
2 **CHAIRMAN FRAZER:** Thank you, Mr. Rowell. We have two questions,
3 if we could have you stay here. Susan.
4
5 **MS. BOGGS:** Thank you, Mike. I know you're a multi-passenger
6 boat, and how do you feel about a boat limit for cobia?
7
8 **MR. ROWELL:** Well, I don't know. We need some kind of limit,
9 because we're not catching them, and so a strict limit is not
10 going to hurt me, because we're not catching them, and I also
11 think they should be -- We should be able to sell them. I know
12 in some states they sell them, and I think there should be a --
13 What do you call it, where you don't sell the fish, where you
14 can't sell them? A game fish, yes.
15
16 **CHAIRMAN FRAZER:** Did you have a question, Ed?
17
18 **MR. SWINDELL:** How about last year on cobia? Did you catch a
19 lot of cobia last year?
20
21 **MR. ROWELL:** No, sir, I did not. I think you made the comments
22 about all these cobia coming into Alabama, and I cannot believe
23 that. I don't know where that data came from, but that's
24 totally unbelievable.
25
26 **CHAIRMAN FRAZER:** Thank you. Our next speaker is Ashford
27 Rosenberg, followed by Chris Garner.
28
29 **MS. ASHFORD ROSENBERG:** Good afternoon, council. It's good to
30 see everybody. My name is Ashford Rosenberg, and I'm a Policy
31 Analyst with the Gulf of Mexico Reef Fish Shareholders Alliance.
32 Once again, I would like to extend a congratulations to the
33 states on the first year of the red snapper EFPs for state
34 management. They have been successful in granting access to the
35 private anglers, and they've been a positive step forward in
36 increasing accountability for private anglers.
37
38 It is important to have state management in place for the 2020
39 fishing season, to continue giving private anglers access, and
40 the easiest and more streamlined way to do this would be to
41 exclude the charter/for-hire vessels. They have repeatedly said
42 that this is what they want, and, therefore, we do support
43 keeping Alternative 2 in Action 1.1, which does exclude the
44 charter/for-hire fleets, as the preferred alternative. It would
45 also eliminate the sunset provision in Amendment 40, which has
46 been successful in providing more stability in the charter/for-
47 hire fleet.
48

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 speckled trout and redbfish, and what happens? The recreational
2 users get to keep it and the only way you can sell that fish to
3 the markets is to be a properly-licensed commercial fisherman.
4

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

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

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

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

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

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

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

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

48

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

3

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

5

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

15

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

17

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

19

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

21

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

23

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

26

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

33

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

39

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4

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

6

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

8

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

11

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

13

14 **MR. HICKMAN:** Yes.

15

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

17

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

19

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

22

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

32

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

36

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

43

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

10
11 I just want to start off with Amendment 50. As most everybody
12 here that knows us, they know we support Amendment 50, as far as
13 the private recreational anglers are concerned. We as a charter
14 boat industry do not want to be included in Amendment 50, and
15 one of the things that struck me the most, I think, yesterday,
16 in listening to the conversation, is you all have set this up in
17 a timeline, and you're trying to push yourselves forward to this
18 next meeting, and it was the discussions about the state
19 endorsements and whether you can transfer a permit from one
20 state to the next or whether I can fish in the State of
21 Louisiana or Alabama, et cetera, and, if those permits are sold
22 sometime during the season, there was some discussion from staff
23 about maybe limiting that permit to not be able to fish in
24 another state until they can get to the next year and buy this
25 endorsement, et cetera, et cetera.
26

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

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

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

1 can do with it.

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

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

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

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

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

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

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

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

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

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

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

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

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

32
33 **CHAIRMAN FRAZER:** We are going to go through some committee
34 reports this afternoon. We're going to do the Coral Committee
35 Report, the Administrative/Budget Committee Report, and Gulf
36 SEDAR. We will start off with the Coral Committee Report, and I
37 will take care of that one.

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

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

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

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

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

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

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

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

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

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

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

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

3

4 **CHAIRMAN FRAZER:** Morgan.

5

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

15

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

17

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

19

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

25

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

31

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

38

39 **CHAIRMAN FRAZER:** Martha.

40

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

45

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

48

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

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

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

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

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

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

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

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

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

19

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

21

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

28

29 **CHAIRMAN FRAZER:** Leann.

30

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

34

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

38

39 **CHAIRMAN FRAZER:** Leann.

40

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

47

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

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

8
9 **CHAIRMAN FRAZER:** Mara.

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

21
22 **CHAIRMAN FRAZER:** Greg.

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

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

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

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

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

15
16 **ADMINISTRATIVE/BUDGET COMMITTEE REPORT**

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

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

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

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

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

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

47
48 **CHAIRMAN FRAZER:** Carrie.

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

13
14 **CHAIRMAN FRAZER:** Beth.

15
16 **MS. BETH HAGER:** At this point, we're at 75 percent, and we've
17 only expended 71 percent of our funds, and so we're 4 percent
18 under where we would expect to be at this point. By the end of
19 year, I expect it to be less than 10 percent of a variance,
20 probably closer to 6 or 7 percent, but we'll still achieve a
21 little more savings between now and the end of the year, but we
22 do have quite a bit of expenses left to come up in the last
23 quarter.

24
25 **MR. SWINDELL:** But it is a calendar year, and is that correct?

26
27 **MS. HAGER:** Yes, sir. It's January to December, and these
28 financials are as of September 30 only, and so no accruals for
29 anything that's happening right now, this council meeting
30 included.

31
32 **CHAIRMAN FRAZER:** Mr. Swindell.

33
34 **MR. SWINDELL:** One of the things that concerns me is that the
35 SSC -- We've been, for almost a whole year now, and the SSC
36 still has 70 percent of their budget left, or fifty-some percent
37 of their budget, and the advisory panels still have seventy-some
38 percent of their budget left, and it's just amazing that we've
39 gone this far in the year, and have we not properly utilized the
40 SSC and the advisory panels as we need to to get all the
41 information we're asking of these people?

42
43 **MS. HAGER:** Over the summer, we did have a little bit of
44 scheduling issues, and I think the SSC had some shorter
45 meetings, and so we did not have all the activities that we had
46 planned.

47
48 **MR. SWINDELL:** So what you're telling me is we are going to have

1 another SSC meeting?

2

3 **CHAIRMAN FRAZER:** Carrie.

4

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

16

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

21

22 **CHAIRMAN FRAZER:** Is there any further discussion with regard to
23 this motion? Seeing none, we're going to vote on this motion.

24 **Is there any opposition to the motion? Seeing none, the motion**
25 **passes.** Mr. Boyd.

26

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

34

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

37

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

44

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

47

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

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

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

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

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

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

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

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

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

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

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

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

5

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

7

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

13

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

15

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

22

23 **CHAIRMAN FRAZER:** Susan.

24

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

28

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

30

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

40

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

44

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

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

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

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

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

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

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

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

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

1
2 **CHAIRMAN FRAZER:** Carrie.
3
4 **EXECUTIVE DIRECTOR SIMMONS:** Thank you. Could we say with
5 expertise in any of these categories or something like that?
6 Would that help, because many of these folks are going to self-
7 identify, as I mentioned I think in the committee, with many of
8 these categories, like I think Dr. Porch is also bringing up.
9
10 **CHAIRMAN FRAZER:** Are you okay with that? Dr. Crabtree.
11
12 **DR. CRABTREE:** One way out of this would be, rather than
13 specifying the three ecosystem scientists, we would just say
14 "and five other scientists" and leave it more open-ended there,
15 because I'm kind of like Clay. That's pretty hard to say
16 someone is not an ecosystem scientist if they have worked on a
17 whole host of various things.
18
19 **CHAIRMAN FRAZER:** Dr. Mickle.
20
21 **DR. MICKLE:** Yes, I think that's a good idea. I know the
22 scientist background is important, and I think it's fine. **I**
23 **would agree with that amended motion of five other scientists,**
24 **and to remove three ecosystem scientists as a category.** Then I
25 think we would have to change it to four categories, right?
26
27 **CHAIRMAN FRAZER:** That's correct.
28
29 **DR. MICKLE:** Thank you.
30
31 **CHAIRMAN FRAZER:** I believe that we've already taken that out.
32 It's one of the above categories. Okay. Is there any further
33 discussion on this motion? Patrick, are you good with the
34 amendments?
35
36 **MR. BANKS:** I have a comment. It seems like we should add the
37 term "fisheries-management-related scientist" or something of
38 that nature. Are you saying we should consider a meteorologist
39 or something like that? I mean, I'm just curious, and I'm not
40 putting down meteorologists at all, and I'm sorry, but I just
41 want to make sure they have some expertise in fisheries
42 management.
43
44 **CHAIRMAN FRAZER:** Dr. Crabtree.
45
46 **DR. CRABTREE:** I mean, I think -- I don't object to that, but
47 how much do you want to try and box in future councils because
48 we're afraid we'll do something crazy, which is a legitimate

1 concern, but I'm not sure how much we can successfully do that.
2
3 **CHAIRMAN FRAZER:** To that point, and then Dr. Stunz.
4
5 **DR. STUNZ:** I was just going to say that I think we're really
6 overthinking this, because -- I mean, I don't disagree with you,
7 Patrick, but then you've got the word "economist". I mean, we
8 could put a world trade economist, and so, at some point, I
9 think we know what we want with this motion, and we give -- I
10 think that's what the word "approximately" was doing, but
11 anyway. If we're going to do that, then we need to probably do
12 it for all of them.
13
14 **MR. BANKS:** I would be supportive of that, because I don't want
15 us to do what we did with the last council member and put
16 somebody who is not qualified to be on this SSC on the SSC.
17
18 **CHAIRMAN FRAZER:** Dr. Mickle.
19
20 **DR. MICKLE:** I am done talking, but I just have one thing to
21 add. I had a mental image of Jim Cantore on the SSC. Thank
22 you.
23
24 **CHAIRMAN FRAZER:** Dr. Crabtree.
25
26 **DR. CRABTREE:** Just bear in mind that I have seen this council
27 do things that weren't according to the SOPPs before, and so I
28 don't know that changing it, Patrick, can stop something from
29 happening.
30
31 **CHAIRMAN FRAZER:** Paul, are you happy with the way that the
32 motion is written now?
33
34 **DR. MICKLE:** I am happy. Thank you.
35
36 **CHAIRMAN FRAZER:** Patrick, you're happy as well?
37
38 **MR. BANKS:** I recommend we put "fisheries-management-related
39 stock assessment or quantitative biologist/ecologist, three
40 marine fisheries-management-related economists, something to
41 that effect.
42
43 **CHAIRMAN FRAZER:** Let's wait and see what it looks like once
44 it's on the board here.
45
46 **MR. BANKS:** If we're going to hit the home run, we might as well
47 hit it into the upper deck, is what I'm saying.
48

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

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

13
14 **CHAIRMAN FRAZER:** Patrick.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31
32 **GULF SEDAR COMMITTEE REPORT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 motion?

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

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

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

29
30 **CHAIRMAN FRAZER:** Ryan.

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

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

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

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

1 states.

2

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

4

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

10

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

12

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

18

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

27

28 **CHAIRMAN FRAZER:** Ed.

29

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

37

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

39

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

46

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

48

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

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

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

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

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

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

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

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

1 with the state surveys and maybe combine them.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38
39 **CHAIRMAN FRAZER:** Yes.

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

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

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

6

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

8

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

14

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

30

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

41

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

45

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

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

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

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

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

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

17
18 - - -

19
20 October 25, 2018

21
22 THURSDAY MORNING SESSION

23
24 - - -

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

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

34
35 **MACKEREL COMMITTEE REPORT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34
35 **CHAIRMAN FRAZER:** Thank you, John. Martha.

36
37 **MS. GUYAS:** I certainly sympathize with where you're at on this,
38 Patrick, but I have to speak against the motion on this one.
39 People have been ringing the bell on cobia, definitely in
40 Florida, and certainly at this council, for a little bit, and I
41 even heard, I think, some people from the western Gulf saying
42 that, yes, they're still catching cobia, but not what they had
43 been seeing, fewer numbers or smaller sizes or whatever the
44 testimony was from different folks.

45
46 Yes, the impact, I guess, from the vessel limit and the bag
47 limit is a lot more modest, probably, than the size limit, but
48 not so much long-term, right, because, when we make changes to

1 the size limit, there is a big difference the first couple of
2 years, but then the effect of that tends to decline, I guess,
3 but my intention, I guess, would be, since we don't have an
4 assessment, once we do have an assessment, definitely look at
5 what we've done, and we may need to make changes at that time,
6 and I think that was our commission's intent when they passed
7 similar regulations for state waters.

8

9 **CHAIRMAN FRAZER:** Dr. Mickle.

10

11 **DR. MICKLE:** Two things. A quick question. With this motion,
12 we currently have two preferreds in Action 2, and is that
13 correct? Does this remove all preferreds except Alternative 1
14 as the single preferred, or does this move it to -- We still
15 have two preferreds, but they have changed from Alternative 2
16 and Alternative 3 to Alternative 1 and Alternative 2.

17

18 **CHAIRMAN FRAZER:** Patrick.

19

20 **MR. BANKS:** I can at least tell you what my intent was. It was
21 to remove those two as the preferred and make the preferred no
22 action.

23

24 **CHAIRMAN FRAZER:** Ms. Levy.

25

26 **MS. LEVY:** I think that's correct, because, if you choose
27 Alternative 1, it's do not change the per-person daily
28 recreational limit, and so you're not -- Alternative 1
29 automatically means that you're not changing anything, and so,
30 if you just want to remove one of the preferreds, then you would
31 just remove Alternative 3 as preferred, but, once you choose
32 Alternative 1, you automatically are getting rid of anything
33 else that's an action.

34

35 **CHAIRMAN FRAZER:** So you want to retain the motion as it exists?

36

37 **MR. BANKS:** I do, and I would like to also respond to Martha,
38 and Martha makes good points, which is clear there is some
39 concern, and, when the state director in Florida believes that
40 there's a reason to be concerned, then that's why I am willing,
41 without a stock assessment, to look at the size limit, but I
42 just feel like taking the step all the way to the vessel limit
43 and the per-person limit is just too far.

44

45 **CHAIRMAN FRAZER:** Leann.

46

47 **MS. BOSARGE:** But, Patrick, it's your intent to keep the size
48 limit increase on the books in Action 1?

1
2 **MR. BANKS:** Yes, it is.
3

4 **MS. BOSARGE:** I did hear a little bit of public testimony last
5 night that said maybe you shouldn't throw the whole toolbox at
6 it at once, and, I mean, I listen pretty hard to public
7 testimony, and I typically err on the side of caution when it
8 comes to our fishermen are telling us we have a problem, but my
9 heart is in that Action 1. I really believe that that's where
10 we could actually see a little bit of progress, and so I guess
11 I'm okay with this, so long as we keep it on our radar and we
12 check in with this again and make sure that hopefully we're
13 making a little bit of progress there.
14

15 **CHAIRMAN FRAZER:** Mr. Sanchez.
16

17 **MR. SANCHEZ:** Thank you, Mr. Chairman. I think that, as we wait
18 this out, any fear of the fish -- The size limit increase and
19 catching up to it, in terms of the bag limit and all this being
20 a non-issue, I think we'll have the assessment out before that
21 becomes a -- Before that materializes, and then we'll be able to
22 make a science-based decision on what really, I guess, needs to
23 be done going forward.
24

25 **CHAIRMAN FRAZER:** Dr. Mickle.
26

27 **DR. MICKLE:** Just to share a little bit of what -- The State of
28 Mississippi has been through this on flounder and spotted
29 seatrout, where we had a lot of indications that the stocks were
30 in decline, and we ran analyses, and the big bang for the buck
31 was a potential size change, and the bag reduction had very
32 little effect on reducing harvest, and it did have an effect,
33 but not a large effect.
34

35 I know this is a migratory fish and it's a different species and
36 everything, but it's the same story, and you get your big bang
37 for the buck with thirty-six inches. It's what the -- The stock
38 assessment is around the corner, and this is a reduction as we
39 work towards the true science of the assessment and getting some
40 management advice from the assessment directly. Thank you.
41

42 **CHAIRMAN FRAZER:** Is there any further discussion on this
43 motion? We will vote it up or down. **Those in favor, raise your**
44 **hand, eleven in favor; all those opposed, two opposed. The**
45 **motion carries.** Mr. Rindone.
46

47 **MR. RINDONE:** Thank you, Mr. Chair. If the council's preferred
48 alternative in Action 2 is Alternative 1, or no action, maybe

1 you guys might consider removing Action 2 to Considered but
2 Rejected.

3

4 **CHAIRMAN FRAZER:** Ms. Levy.

5

6 **MS. LEVY:** I advise against this at this time. I mean, you're
7 supposed to take final action, and there's been a lot of
8 discussion, and the analysis is in the document, and I think
9 it's helpful, at this date, to just leave it as no action, so we
10 can have a full explanation of what happened and just leave it
11 there.

12

13 **CHAIRMAN FRAZER:** Okay. Any further discussion at this point?
14 No discussion on Action 1? I just want to make sure we're good.
15 Okay. Kevin, you can finish.

16

17 **MR. ANSON:** Thank you. Staff noted that there was no effect on
18 the commercial sector with respect to whether the vessel limit
19 was per trip or per day, since the average commercial trip
20 landing cobia lasts approximately four days. Further, the
21 recreational sector lands greater than 90 percent of Gulf cobia
22 annually, meaning that the majority of the effects of any
23 changes in management would be observed most in the recreational
24 landings.

25

26 An analysis of the effect of a per-trip vessel limit on
27 recreational landings was requested, including a cumulative
28 analysis of the combined effects of the increase in the minimum
29 size limit and the decrease in the possession limit. For the
30 analysis, it was assumed that every for-hire vessel makes two
31 trips per day, since the data on the number of daily trips by
32 each for-hire vessel is unknown.

33

34 The analysis is shown below. Table 1 is cumulative effects of
35 the proposed regulations in CMP Framework Amendment 7. The
36 effects of the proposed regulations for the recreational sector
37 including the private and for-hire components, as shown in the
38 top table. That's provided here, and it gives a range of sizes
39 from thirty-three to forty-two inches and then the effect on the
40 possession limit, one per person, at two per vessel per day, and
41 one per person and two per trip. Then the cumulative effects
42 for commercial, with the same range of size limits and the same
43 possession limits.

44

45 The committee heard a review of the public comments received on
46 the document and that an updated version of the codified text
47 would be generated to reflect the change made in the motion.

48

1 Staff added that, generally speaking, the reduction in fishing
2 mortality resulting from an increase in the minimum size limit
3 would decrease with time, while the same for a decrease in the
4 possession limit would increase, assuming the amount of spawning
5 stock biomass also increases with time.

6
7 The committee directed staff to make sure that research
8 recommendations for the upcoming SEDAR update stock assessment
9 reflected a need for increased sampling of cobia in the Gulf.
10 Staff were also directed to notify the South Atlantic Fishery
11 Management Council of any changes ultimately made to the
12 management of Gulf cobia in the Gulf Zone. Mr. Chair, this
13 concludes my report.

14
15 **CHAIRMAN FRAZER:** Thank you, Kevin. We are set to take final
16 action on this document, and so I guess we need to pull up the
17 appropriate motion. Ms. Levy.

18
19 **MS. LEVY:** Just to note that you received a revised codified
20 text that reflected the committee motions, but now you have
21 changed the preferred to basically no action on the possession
22 limit, and so you can just ignore that part of the codified
23 text. I mean, there won't be any change there. The only change
24 would be to the size limit.

25
26 **CHAIRMAN FRAZER:** Yes, and we'll just make the changes to the
27 codified text, right, and not here, but -- Yes. Okay. **The**
28 **motion on the board is as follows: To approve the CMP Framework**
29 **Amendment 7, Modifications to Gulf Cobia Size and Possession**
30 **Limits, and that it be forwarded to the Secretary of Commerce**
31 **for review and implementation and deem the codified text as**
32 **necessary and appropriate, giving staff editorial license to**
33 **make the necessary changes to the document. The Council Chair**
34 **is given the authority to deem any changes to the codified text**
35 **as necessary and appropriate. This is a roll call vote. Dr.**
36 **Simmons.**

37
38 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Ms. Bosarge.

39
40 **MS. BOSARGE:** Yes.

41
42 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.

43
44 **MS. BOGGS:** Yes.

45
46 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Boyd.

47
48 **MR. BOYD:** Yes.

1
2 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Mickle.
3
4 **DR. MICKLE:** Yes.
5
6 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp is absent. Mr. Dyskow is
7 absent. Dr. Crabtree.
8
9 **DR. CRABTREE:** Yes.
10
11 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Swindell.
12
13 **MR. SWINDELL:** Yes.
14
15 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.
16
17 **MR. DUGAS:** Yes.
18
19 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Banks.
20
21 **MR. BANKS:** Yes.
22
23 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
24
25 **MR. ANSON:** Yes.
26
27 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Guyas.
28
29 **MS. GUYAS:** Yes.
30
31 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.
32
33 **MR. DIAZ:** Yes.
34
35 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Riechers.
36
37 **MR. RIECHERS:** Yes.
38
39 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.
40
41 **DR. STUNZ:** Yes.
42
43 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Sanchez.
44
45 **MR. SANCHEZ:** Yes.
46
47 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.
48

1 **CHAIRMAN FRAZER:** Yes.

2
3 **EXECUTIVE DIRECTOR SIMMONS:** The motion carried fifteen to zero
4 with two absent.

5
6 **CHAIRMAN FRAZER:** Okay. Thank you very much. If we're ready,
7 we're going to move on to the Sustainable Fisheries Report.

8
9 **ECOSYSTEM COMMITTEE REPORT**

10
11 **DR. MICKLE:** Thank you, Mr. Chair. The committee adopted the
12 agenda and approved the minutes. Draft Outline of a Fishery
13 Ecosystem Document, the staff presented an outline of a fishery
14 ecosystem plan and highlighted various ecosystem efforts that
15 have been conducted to date.

16
17 Staff noted that the outline was based on the Pacific Fishery
18 Management Council's Fishery Ecosystem Plan and that the FEP is
19 a strategic planning tool and not an actionable document. The
20 committee discussed the benefits of an ecosystem plan, how
21 cumulative effects could be quantified, and how the document
22 should start small with key features and expand from there.
23 Specifically, the plan should be efficient in identifying
24 species that are most susceptible to effects of environmental
25 change.

26
27 **The committee recommends, and I so move, to direct staff to**
28 **develop a fishery ecosystem plan using the outline presented,**
29 **Agenda Item Q-4, which shall include recommendations for how to**
30 **integrate ecosystem factors into the council decision-making**
31 **process. The motion carried with no opposition.**

32
33 **CHAIRMAN FRAZER:** Okay. Just so everybody is clear, we're
34 actually doing the Ecosystem Report right now.

35
36 **DR. MICKLE:** What's that?

37
38 **CHAIRMAN FRAZER:** We're doing the Ecosystem Report right now,
39 right? I said the Sustainable Fisheries, and that was my
40 problem. I didn't communicate effectively, Dr. Mickle, and I
41 apologize.

42
43 **DR. MICKLE:** I thought you said Ecosystem.

44
45 **CHAIRMAN FRAZER:** Nevertheless, we have a committee motion on
46 the board. All right. Just to get us all back on track, the
47 motion reads as follows: to direct staff to develop a fishery
48 ecosystem plan using the outline presented, Agenda Item Q-4,

1 which shall include recommendations for how to integrate
2 ecosystem factors into the council decision-making process. Is
3 there any further discussion on the motion? **Seeing none, is**
4 **there any opposition to the motion? Seeing none, the motion**
5 **carries.**
6

7 **DR. MICKLE:** All right. Continuing on with Ecosystem, the
8 committee discussed how an FEP should be developed and
9 recommended that a broad range of stakeholders and scientists be
10 included. It was noted that there are several members of the
11 SSC and an Ecosystem SSC that can be helpful in developing an
12 FEP. Committee members discussed that including stakeholders in
13 the FEP development would be key.
14

15 **The committee recommends, and I so move, to establish a**
16 **Technical Ecosystem Committee to consist of no more than**
17 **thirteen ecosystem scientists from the Science Center, SSCs,**
18 **academia and other stakeholders to assist the council on the**
19 **development and implementation of a fishery ecosystem plan. The**
20 **motion carried with no opposition.**
21

22 **CHAIRMAN FRAZER:** We have a committee motion on the board. Is
23 there any further discussion on this motion? Mr. Anson.
24

25 **MR. ANSON:** I would like to offer a substitute motion, and I
26 just sent it to staff, and so it might be showing up in their
27 mailbox any second.
28

29 **CHAIRMAN FRAZER:** I will go ahead and read it in. **The Ecosystem**
30 **Technical Committee consist of no more than eleven people. The**
31 **membership includes two staff from NMFS; the Ecosystem SSC,**
32 **three members; two Standing SSC representatives; and up to four**
33 **other stakeholder representatives. Members are appointed**
34 **jointly by the Executive Director and Council Chair. That's the**
35 **motion, right? Is there a second for this motion? Second by**
36 **Dr. Stunz. Any further discussion on the motion? Kevin.**
37

38 **MR. ANSON:** Just to provide, I guess, guidance from the council,
39 and this motion does that in how the membership would be
40 populated and into what ratios, as far as the bins and such. It
41 just kind of helps clarify that.
42

43 **CHAIRMAN FRAZER:** Again, I think what this does is the language
44 is consistent with the SOPPs, ultimately, that we tried to make
45 some changes to recently as well, and so is there any further
46 discussion? Leann.
47

48 **MS. BOSARGE:** Just two questions. The stakeholder

1 representatives, we're hoping those will be fishermen? Okay.
2 Then, on the two staff from NMFS, I'm assuming that will
3 probably be those Science Center staff that Dr. Shannon was
4 talking about, and I just wondered if there are more than two
5 that you have in that area of expertise? I just didn't want to
6 limit us if they had, you know, three or something like that.

7
8 **CHAIRMAN FRAZER:** Dr. Porch, would you like to address that?

9
10 **DR. PORCH:** We have several people working in that area, but not
11 each full-time, and so we could have some people that serve on
12 that committee, and I don't know that I would want to commit
13 three, but we certainly could have one or two serve on the
14 committee.

15
16 **CHAIRMAN FRAZER:** Thank you, Dr. Porch. Any further discussion?
17 Morgan.

18
19 **DR. KILGOUR:** Just to address two things. Does the council want
20 to add a sentence to this motion that establishes the Ecosystem
21 Technical Committee before you decide -- Like it's to establish
22 an Ecosystem Technical Committee and then decide who is going to
23 be on it first, and that's one question, and then the second
24 comment was our Ecosystem SSC does have some Science Center
25 representation on it. Mandy is on our Ecosystem SSC, and so
26 she'll also be represented there as well.

27
28 **CHAIRMAN FRAZER:** Thank you, Morgan. Kevin, do you want to make
29 that change to the motion?

30
31 **MR. ANSON:** Yes, that's fine. **Go ahead and insert, at the**
32 **beginning, to establish an Ecosystem Technical Committee, which**
33 **would consist of no more than eleven people, or that consists**
34 **of. That's fine.**

35
36 **CHAIRMAN FRAZER:** Dr. Stunz, you're the seconder of this. Are
37 you okay with that change?

38
39 **DR. STUNZ:** Yes, that's fine.

40
41 **CHAIRMAN FRAZER:** Thank you. Is there any further discussion on
42 this motion? **Seeing none, is there any opposition to the**
43 **motion? No opposition, and the motion carries.** Dr. Mickle.

44
45 **DR. MICKLE:** The committee discussed that this technical
46 committee should have an application process. The committee did
47 not determine if it would require a formal call for
48 applications, such as is the case with an AP or SSC, or if it

1 would allow staff to populate the technical committee. Staff
2 will begin the process of developing an FEP and bring it to the
3 council at a later date. Mr. Chair, this concludes my report of
4 the Ecosystem Committee.
5

6 **CHAIRMAN FRAZER:** Thank you, Dr. Mickle. Unless there is any
7 further discussion on this committee report, we'll move on to
8 Sustainable Fisheries and Mr. Diaz.
9

10 **SUSTAINABLE FISHERIES COMMITTEE REPORT**

11
12 **MR. DIAZ:** Thank you, Mr. Chair. The committee adopted the
13 agenda and approved the minutes. Conversion of Historical
14 Captain Endorsements to Federal For-Hire Permits, Ms. Levy
15 stated that some of the letters of eligibility sent to
16 historical captains in 2003 have not been redeemed, but are
17 still valid. About sixty-seven historical captains could redeem
18 their letters of eligibility and receive historical captain
19 permits.
20

21 Ms. Levy noted that the purpose of the current framework action
22 is to replace the already issued historical captain permits.
23 Ms. Levy also indicated that the council could continue to honor
24 or take action to invalidate these outstanding letters. The
25 committee discussed the potential impact of additional for-hire
26 permits in both terms of vessels and passenger capacity.
27

28 Staff presented the distributions of historical captain permits
29 by state, permit capacity, and vessel capacity. Staff noted
30 that the council's initial intent was to replace historical
31 captain permits with standard for-hire permits with the same
32 permit capacity.
33

34 Staff then presented options addressing the permit capacity to
35 be associated with the standard for-hire permits that would be
36 issued in replacement of existing historical captain permits.
37 Staff indicated that, if the council wanted to further consider
38 these options, an abbreviated framework would no longer be
39 appropriate and that an environmental assessment would have to
40 be developed.
41

42 Committee members suggested the addition of language to the
43 document to render outstanding letters of eligibility invalid.
44 Committee members noted that some historical captains have not
45 redeemed their eligibility letters because they are fishing on a
46 vessel that already has a standard for-hire permit.
47

48 The committee stated that the council's intent is to only

1 convert the thirty-two existing historical captain permits
2 identified in the document into standard for-hire permits. If
3 historical captains redeem outstanding letters of eligibility,
4 they would receive historical captain permits, but would not be
5 allowed to convert these permits into standard for-hire permits.
6

7 **The committee recommends, and I so move, to add language to the**
8 **Conversion of Historical Captain Endorsements to Federal For-**
9 **Hire Permits document that would render eligibility letters for**
10 **historical captains invalid as of the implementation date and**
11 **not add Options 2 through 6 to the document.** If it's all right
12 with you, Mr. Chair, I was not going to read Options 2 through
13 6. It's fairly lengthy. The motion carried without opposition.
14

15 **CHAIRMAN FRAZER:** Okay. Mr. Diaz, I think that's fine. We have
16 a committee motion on the board. Is there any further
17 discussion of this motion? Ms. Bosarge.
18

19 **MS. BOSARGE:** Just out of curiosity, what is our timeline on
20 this? When do we expect to go final?
21

22 **CHAIRMAN FRAZER:** Dr. Simmons.
23

24 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I think we
25 can go final on this, since you simplified it, at the next
26 meeting, at the January meeting. Is that correct, Sue? Okay.
27

28 **CHAIRMAN FRAZER:** Ms. Bosarge.
29

30 **MS. BOSARGE:** Remind me again what the complication was if
31 essentially we allow those letters to turn into historical
32 captain permits up until this goes final, and, when this goes
33 final, any that have been turned into historical captain permits
34 at that time could be changed over into the regular permit, and
35 why is that so complicated?
36

37 **CHAIRMAN FRAZER:** Sue.
38

39 **MS. GERHART:** No, that wasn't the complication. The
40 complication was all the options for changing the passenger
41 capacity on the permits.
42

43 **CHAIRMAN FRAZER:** Real quick, do you need any further
44 clarification?
45

46 **MS. BOSARGE:** I thought the complication was that we are only
47 analyzing thirty-two or thirty-three permits in here, and I
48 guess what I'm saying is there seems to be a few of those

1 letters out there that haven't been changed into the historical
2 captain permit yet, and so I was hoping that any of those that
3 get switched over before we actually take final and this is
4 implemented -- When they go to renew those the next time, it
5 will change over to a regular permit, but that seems to be
6 complicated.

7
8 **DR. CRABTREE:** Well, so the thirty-two permits that this
9 amendment deals with, when they renew, they will be changed over
10 to permits. If someone else comes up with a letter after we
11 take final action on this, but before we get to a final rule,
12 they would be issued a historical captain's permit, but they
13 wouldn't be eligible to be converted over, because they are not
14 part of the thirty-two.

15
16 We could have still a couple of historical captains in existence
17 after this is done, but they would -- At the end of their
18 fishing time, that permit would go away, and they would be gone.
19 Did I get that right, Mara?

20
21 **CHAIRMAN FRAZER:** Ms. Levy.

22
23 **MS. LEVY:** I think you got it right in terms of what it says
24 now, but, Leann, I hear your question as can't we change it such
25 that it's not limited to just the thirty-two current permits,
26 but anyone who comes and gets a permit before the council takes
27 final action would be folded into this.

28
29 I don't think there is anything preventing you from doing that,
30 but I guess the question for you as a policy decision is whether
31 you want to do it, right, and so, potentially, there are sixty-
32 seven letters out there for folks who have had this letter since
33 2003 and haven't turned it in, and so do you want them to be
34 able to come in and get a historical captain permit, which is
35 really a regular permit that is a transferable, valuable permit,
36 I guess?

37
38 **CHAIRMAN FRAZER:** Okay. We have a couple of people lined up.
39 I'm going to go to Dr. Crabtree and then Dr. Diagne and then
40 Patrick.

41
42 **DR. CRABTREE:** To that, from my perspective, I don't want them
43 to do that, because they're not fishing, and they haven't been
44 fishing, and those letters were sent out in 2003. If they
45 haven't turned them in by now, I don't particularly want someone
46 to come in and turn it in just so they can get a permit that's
47 worth some money and then sell it to somebody. What we're
48 trying to deal with are the people who have permits now and are

1 actually fishing and not people who may just be able to make a
2 few dollars off of it.

3

4 **CHAIRMAN FRAZER:** To that point?

5

6 **MS. BOSARGE:** Sure. So, from what I heard, there may be a
7 couple of people that have these letters that actually are
8 fishing, and I guess, from industry's perspective, I can
9 understand why you would sit on the letter, rather than turn it
10 in and get the permit, because, once you get the permit, there
11 is a whole host of requirements that go along with every single
12 permit, and so, if you don't need it right then, you really
13 don't want to have to spend all the extra time and money that
14 goes along with sending in this report and that report and
15 everything else if you're already reporting what you're doing
16 just by being on that boat and fishing under somebody else's
17 permit, and so I do sort of get it, that you would sit on it
18 until you actually need it, but, at this point, you would
19 understand that, uh oh, well, I better go ahead and turn it in
20 and do all the extra work that goes along with it, because
21 they're about to change this thing, and my letter is not going
22 to be worth anything any more.

23

24 **DR. CRABTREE:** To that, Tom, I mean, I don't have strong
25 feelings about this. If you want to let them be part of this,
26 go ahead. I suspect there's not but a handful of them that
27 would come in anyway, and so that's just up to you.

28

29 **CHAIRMAN FRAZER:** Martha.

30

31 **MR. GUYAS:** I think I expressed this in committee, but I would
32 have concerns about going beyond the thirty-two or whatever
33 permits that we have identified in this document. I mean, it's
34 probably unlikely, but, if we moved forward and converted all of
35 these letters into historical captains permits and then into the
36 full-blown for-hire permit, I mean, that's a three-fold increase
37 on what we were considering initially, and I don't think we
38 really have analyzed or considered the ramifications of that,
39 and so that would be my concern. I am good with what we're
40 doing here, no problem, but I'm a little bit concerned about
41 opening this up even more.

42

43 **CHAIRMAN FRAZER:** Mr. Anson.

44

45 **MR. ANSON:** I would echo the same sentiments as Martha. I think
46 the intent was just to help those out that are in the business,
47 that got the permit, and they may not be utilizing it, but
48 they've got it as a historical captain, and they went through

1 the motions, so to speak, and they are paying their dues by
2 renewing it each year, and, to Dr. Crabtree's point, I mean, I
3 think it could be a money grab, to some degree, because, once
4 they get the permit, activate that letter, they're going to have
5 to go through those things that may have been the reason why
6 they haven't been renewing their permit each year. If they had
7 the permit, they would be fishing it. If they have a letter, it
8 doesn't allow them really to go fish with it, and so I would
9 have -- I am comfortable with this, what we're doing, and the
10 intent.

11
12 We've had a lot of testimony of other captains that have the
13 standard permits come up and say that they're supportive of
14 those that have the historical captain permit and getting full
15 status, and so I don't think they're much keen among those
16 captains to bring in the other folks.

17
18 **CHAIRMAN FRAZER:** Mr. Banks.

19
20 **MR. BANKS:** I think, when this original motion was made, the
21 intent was to factor in those folks who are in the business
22 right now, and that's why my intent was. I don't think there's
23 anything that would prevent us from coming back in a couple of
24 years and looking at this again if these guys with these letters
25 decide they want to get in the business and start fishing, and
26 they're clearly part of the business, and I don't see us
27 preventing -- Anything preventing us from coming back and doing
28 this same thing in a few years, after we evaluate those folks
29 who turned their letters into historical permits and get in the
30 business.

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

33
34 **MS. BOGGS:** To address Leann's and Patrick's points, I mean, I'm
35 okay with this, but, again, I know of two fishermen that have
36 these letters that are currently actively fishing, but they are
37 fishing under other permits, and this is their insurance, if you
38 will, if their owner sells their vessel, and maybe they're not
39 financially able right now to go purchase their own vessel, and
40 I would be okay to leave the language as it is, and, as Patrick
41 states, I think, if some of these letters come forward between
42 now and the final rule, at some point we would have to address
43 converting those into regular permits to just make this go away.

44
45 **CHAIRMAN FRAZER:** Is there any further discussion on this
46 motion? **Seeing none, is there any opposition to this motion?**
47 **Seeing no opposition, the motion carries.** Mr. Diaz.

48

1 **MR. DIAZ:** The committee inquired about the next steps for this
2 regulatory action. Staff indicated that this action would be
3 prepared for final action in January 2019.

4
5 Revised Draft Generic Amendment Carryover of Unharvested Quota,
6 staff reviewed the purpose and need and actions in the Generic
7 Amendment to Establish Carryover Provisions and Framework
8 Modifications. In reviewing Alternative 2 of Action 1, the
9 committee asked whether there needed to be a time series
10 specified for Option 2c. This option would not allow a
11 carryover if the fishing season wasn't closed prematurely
12 because the ACL was met or projected to be met.

13
14 Staff clarified that no time series was necessary, because
15 Option 2c would only be looking at the present fishing year to
16 determine whether a carryover would happen. Some revision to
17 the wording was proposed to clarify the options in Alternative
18 2. The committee also noted that the tilefish species should be
19 deleted from Table 2.1.1.

20
21 The necessity of Option 2d was questioned, since it did not
22 currently apply to any species otherwise eligible for the
23 carryover provision. Staff clarified that, just because Option
24 2d did not apply now, it does not mean it might not be
25 applicable in the future. Also, the council may prefer to have
26 the protection of excluding a stock without a peer-reviewed
27 assessment at that time, if such a stock becomes eligible for a
28 carryover in the future.

29
30 In reviewing Alternative 2 in Action 2, the committee clarified
31 that the ABC control rule operated on scientific uncertainty
32 based on the merits of the stock assessment, while the ACL/ACT
33 control rule operated on management uncertainty about the
34 landings for a given species.

35
36 Staff noted that, for some species, there was not much
37 difference between the ACL and the OFL and that establishing
38 some form of safety net under Alternative 2 of Action 2 could
39 help the council to prevent overfishing in a carryover year.
40 Without Alternative 2, it is possible for the ABC to be set
41 equal to the OFL and, if the OFL is landed, the Department of
42 Commerce could assume that overfishing had occurred in the
43 carryover year. The council would then have to take immediate
44 action to end overfishing.

45
46 Considering this risk, the committee decided to change the
47 proposed options in Alternative 2 to 25 percent, 50 percent, and
48 75 percent of the difference between the ABC and the OFL, as the

1 90 percent option was determined to be too risky. An example
2 using red snapper will be developed for the next draft of the
3 document.

4
5 Action 3 makes several changes to the framework procedures for
6 the listed fishery management plans. Alternative 2 allows for
7 the automation of the carryover procedure if established in
8 Action 1. Alternative 3 allows for the specification of the ABC
9 for a species once a stock assessment is reviewed by the SSC and
10 an ABC is determined using the ABC control rule.

11
12 Alternative 4 allows for changes to the accountability measures
13 to be made for the Corals and Coral Reefs and Spiny Lobster FMPs
14 though the normal framework procedure, as opposed to the plan
15 amendment process.

16
17 The committee asked whether the South Atlantic Council was
18 considering a carryover provision for their ABC Control Rule.
19 The South Atlantic Council representative said that there was
20 interest in a carryover provision for yellowtail snapper, which
21 is not presently being considered in the Gulf Council carryover
22 provision. Consideration of a carryover procedure for a
23 jointly-managed species like yellowtail snapper could be done in
24 a separate action at a later date.

25
26 The committee postulated including a carryover provision for
27 fishing sectors managed under an individual fishing quota
28 program in Amendment 36B. Staff will look into this and will
29 bring a public hearing draft of the current document to the
30 council in January of 2019.

31
32 Gulf of Mexico Allocation Triggers, staff gave a presentation on
33 the fisheries allocation review policy and the procedural
34 directive on triggers for initiating allocation reviews. Staff
35 described the three steps included in the adaptive management
36 process recommended by the policy.

37
38 Staff listed the fisheries allocations that would be subject to
39 the policy and noted that they were identified with NOAA GC's
40 assistance. Staff noted that the council must select review
41 triggers by August 2019, or as soon as practicable. Staff
42 discussed the types of allocation review triggers, including
43 public interest-based, time-based, and indicator-based triggers.

44
45 The SSC representative, Luiz Barbieri, stated that the SSC was
46 concerned that petitions could be influenced by special interest
47 groups. Dr. Barbieri noted that other public interest-based
48 triggers could be used as secondary triggers. He indicated that

1 time-based triggers would provide a practical approach, due to
2 their ease of implementation. He also noted that indicator-
3 based criteria could be suitable triggers, but are more
4 complicated to establish.

5
6 Staff noted that fisheries allocations subject to the policy
7 include stocks managed under limited access privilege programs
8 and non-limited access privilege program stocks. For the LAPP
9 stocks, time-based triggers would constitute the most
10 practicable review triggers. By selecting time-based triggers,
11 the council could plan allocation reviews that would coincide
12 with the mandated IFQ program reviews.

13
14 For non-LAPP stocks, the challenges associated with indicator-
15 based criteria and the potential diversion of some public-
16 interest triggers by special interest groups suggest that time-
17 based triggers would be better suited as primary review
18 triggers. Public interest-based criteria such as the council's
19 public input process could be used as secondary triggers.

20
21 Committee members inquired about the flexibility afforded when
22 setting time-based triggers. Staff noted that the council could
23 select different timeframes for different stocks. Committee
24 members suggested that the three trigger types could be
25 retained. The Committee suggested the inclusion of criteria
26 such as changes to data collection processes and data revisions
27 following a recalibration.

28
29 Committee members discussed getting background information from
30 Russell Dunn. Mara Levy indicated that the intent of the
31 allocation review policy is to inform the public, not to
32 restrict the council's ability to review its allocations at
33 other times. Mr. Chairman, this concludes my report.

34
35 **CHAIRMAN FRAZER:** Thank you, Mr. Diaz. Is there any other
36 discussion related to the Sustainable Fisheries Committee
37 Report? Seeing none, we're going to move forward, and we'll go
38 to Data Collection. Dr. Simmons.

39
40 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I would just
41 ask what you would like us to bring at the next meeting
42 regarding the allocation-based triggers review policy that we
43 need to get accomplished hopefully by August of next year, and
44 so is there particular agenda items -- I think we talked a
45 little bit about it in committee, but I wasn't sure if there was
46 other things that we need to be working on, and I thought we
47 talked about having a presentation from Headquarters or perhaps
48 going through the policy again and looking at those highlighted

1 text to see what the responsibility of the council was. I don't
2 know if you would like to do that now, but we just need some
3 feedback as to what you expect at the next meeting.

4
5 **CHAIRMAN FRAZER:** Sure. I think, given the comments that were
6 raised during the committee discussion, we should probably place
7 on the agenda for the next meeting some discussion and review of
8 the policy directive from NOAA, review that again, to make sure
9 that everybody is clear on what we need to accomplish here.

10
11 At that point, I think probably, and I'm going to look at Dr.
12 Diagne here, we can -- Based on some of the conversation that
13 we've had around the table, perhaps we could initiate a draft
14 document that could serve as a framework for discussion during
15 that meeting as well. Is that enough direction?

16
17 **DR. DIAGNE:** Just a quick question. A draft document, if I
18 could get a little more information about -- Because in our
19 understanding, should the council select triggers, however many
20 there may be, we would turn around and draft a letter, if you
21 would, that would inform the agency of the council's choice. If
22 by document you mean essentially propose a draft letter, then we
23 could certainly do that.

24
25 **CHAIRMAN FRAZER:** That's my intent. Again, for clarification,
26 if we could take the -- If you felt like you had sufficient
27 discussion around the table to draft a letter, specifically,
28 then we could review that at the next council meeting, in
29 addition to reviewing the policy directives, I guess.

30
31 **DR. DIAGNE:** Yes, and perhaps we can start with highlighting
32 some of the key points of the policy directive and then offer
33 that draft letter as an example, and the council would have the
34 latitude of modifying it as necessary.

35
36 **CHAIRMAN FRAZER:** I'm looking around at folks, and is that okay
37 with everybody for the next meeting? Kevin.

38
39 **MR. ANSON:** I need to ask Mara a question, or I would like to
40 ask Mara a question, and I think I asked it at the committee
41 meeting, but how specific, as far as the information relative to
42 the species and sectors, do we need to be in this letter? I
43 mean, is it just the 30,000-foot, yes, the council is going to
44 set a baseline -- Just the standard ten years to review, for
45 instance, and that applies to all species, or do we want to -- I
46 mean, how specific does this need to be, if it's just a letter?

47
48 **MS. LEVY:** I think it can be as specific or detailed as you

1 want, but I think it has to have a clear indication of a
2 definite time when it's going to trigger a review, and so, if
3 the council wants to say we're going to look at every
4 allocation, or we're going to look at every potential, I guess,
5 IFQ allocation with a review and every other allocation every
6 ten years, at least every ten years, so they know, when the ten
7 years comes up, you're going to look at it.

8
9 To the extent you want to say that we'll also review it when we
10 hear enough public comment -- I think the thing that needs
11 specificity is if you want to do the indicator-based. Then the
12 indicator has to be fairly specific, because you have to know
13 when it's going to trigger the review.

14
15 **CHAIRMAN FRAZER:** During that discussion -- Well, we had a
16 discussion about kind of the fisheries where there's an
17 obligatory, I guess, review, and I think that, coming back to
18 the next meeting, we can have a list of those particular
19 fisheries and the times and then also identify potential time
20 triggers for the other fisheries, and then that would be a good
21 starting point for our discussion. Are you okay with that,
22 Kevin?

23
24 **MR. ANSON:** That suits me.

25
26 **CHAIRMAN FRAZER:** Is everybody else -- Okay, and so that's the
27 plan. The next committee report is Data Collection and Dr.
28 Stunz.

29
30 **DATA COLLECTION COMMITTEE REPORT**

31
32 **DR. STUNZ:** Thank you, Mr. Chairman. The Data Collection
33 Committee Report, the modified agenda and minutes were approved.
34 For the Revisions to MRIP Recreational Data Collection, Dr.
35 Richard Cody summarized the recent changes to the MRIP survey
36 design, including the Access Point Angler Intercept Survey
37 (APAIS) to measure catch and the Fishing Effort Survey (FES) to
38 measure effort.

39
40 The FES replaces the previous landline telephone survey with a
41 mail survey. The mail survey generates higher estimates of
42 effort than the legacy telephone survey. Improvements to the
43 APAIS are more subtle than those for FES, but include better
44 survey coverage over twenty-four hours and more statistically-
45 sound catch estimation.

46
47 A transition plan has been developed to move from the old MRIP
48 methodologies to the new combination of FES and APAIS survey

1 design. The transition plan included a benchmarking period from
2 2015 to 2018 that allowed for comparison of differences in the
3 estimates of catch effort for both methods. This allowed for
4 the development of calibration methodologies to move between the
5 old and new MRIP survey designs.

6
7 These increased historical estimates of harvest based on the new
8 survey methodologies may impact stock status for some species,
9 prompt reconsideration of allocation strategies between fishing
10 sectors, and other necessary resource management changes. Catch
11 from 2018 will be back-calibrated to the old MRIP methodology to
12 ensure that data are in the same currency as the data presently
13 in use for setting catch advice. Between 2019 and 2020, it is
14 likely that many management changes based on the new catch and
15 effort data will be developed.

16
17 For-Hire Electronic Reporting Implementation Update, Dr. Stephen
18 reviewed the quality management workshop, which explored the
19 for-hire electronic reporting program. The quality management
20 workshop selected small groups of individuals actively engaged
21 in either inputting or using the data generated to determine
22 where deficiencies in quality management may exist. Generally,
23 the workshop sought to understand the flow of data, the inputs
24 and outputs expected, and the data requirements to make the
25 program successful.

26
27 Stakeholder concerns with the program were identified and some
28 specific needs were to: 1)close feedback loops, 2)provide 24/7
29 customer support, 3)data validation prior to use in management,
30 and 4)compliance. Outreach materials will need to be developed
31 to detail how to report using the program, program expectations,
32 and funding and program costs.

33
34 The committee asked about the use of a unique trip identifier
35 and whether it would be possible to include that in the new
36 program. Dr. Stephen replied that the Atlantic Coast
37 Cooperative Statistics Program is working to develop the unique
38 trip identifier tool and will house all the data collected by
39 the SEFHIER program.

40
41 The implementation schedule for the SEFHIER program was reviewed
42 by Mr. Malinowski of SERO. The final rule is expected to
43 publish on January 31, 2019, with training sessions held in
44 2019, from February to March and August to September. Phase 1
45 for the Electronic Logbook will be implemented on or about April
46 15, 2019 as a web-based platform, with Phase 2 and the GPS/VMS
47 reporting implemented on or about October 1, 2019.

1 Data from the program will likely not be used for management
2 until after 2020, to ensure that the data are being properly
3 collected and can be validated appropriately.

4
5 The ACCSP will be responsible for housing the data generated by
6 SEFHIER. A federal audit is underway to verify data security,
7 and system modifications are underway to accommodate the
8 program's needs. The necessary data elements were detailed and
9 have been finalized, acknowledging some differences between
10 headboats and charter boats. Hail-out and hail-in questions
11 will be included in the program.

12
13 Pilot testing is underway for five GPS units, which will be
14 conducted between November 2018 and June 2019. SERO is working
15 on a system approval process and a VMS reimbursement program.
16 The SEFHIER program does not currently have a long-term funding
17 source, and annual operating expenses are estimated at \$6 to \$7
18 million.

19
20 A committee member asked whether the states will have access to
21 data reported through SEFHIER at the state level. Mr.
22 Malinowski replied that data from SEFHIER will be shared as
23 necessary with the states.

24
25 A committee member asked whether a brief report on how the
26 SEFHIER program is evolving at each meeting, with updates on how
27 system is working, difficulties encountered by the captains, and
28 any other information. The Committee Chair requested to receive
29 updates on this program as they become available.

30
31 A committee member asked about the use of port agents, state law
32 enforcement officers, and other enforcement agents to validate
33 compliance and accuracy of trip reports. Mr. Malinowski replied
34 that training opportunities will be offered to prepare those
35 agents involved in compliance and validation prior to and during
36 the roll-out of the program. The committee suggested NOAA reach
37 out to the Gulf States Marine Fisheries Commission to
38 investigate the possibility of using state staff to assist with
39 dockside validation activities. Mr. Chairman, this concludes my
40 report.

41
42 **CHAIRMAN FRAZER:** Thank you, Dr. Stunz. Is there any further
43 discussion about the report? Seeing none, we're going to move
44 on. Excuse me. Sue. Sorry.

45
46 **MS. GERHART:** Sorry, but I just wanted to remind everybody that
47 the proposed rule for the electronic reporting publishes
48 tomorrow, and so that will be out there and open for a thirty-

1 day comment period.

2
3 **CHAIRMAN FRAZER:** Thank you, Sue. Any other things? Kevin.

4
5 **MR. ANSON:** I just wanted to, I guess, reiterate, and it was
6 brought up a little bit, and Dr. Stephen's presentation
7 mentioned something about the logistics and the planning and all
8 that stuff for implementation, and the initial outreach and then
9 the continued follow-through, as far as the support 24/7, is
10 going to be critical, I think, to the success and the continued
11 excitement, I guess, of the captains to continue with the
12 program and buy-in, and certainly on this timeline too is kind
13 of have a partial year, and that's kind of looked upon as kind
14 of the testing phase, which is good, but there was just some
15 issues with CLS, and I'm not pointing them out, per se, but just
16 simple things that you just wouldn't even remember or know that
17 could happen and making sure that the captains are aware.

18
19 For instance, one of the captains -- The battery on their vessel
20 died, and so they replaced the battery, and they didn't know
21 they needed to press a certain button once they repowered the
22 unit to get it to connect to the satellite, and so they were
23 entering the information in, but it sat on their machine and
24 never got uploaded to the satellite, and so, I mean, there's
25 just simple things like that that, you know, are going to be
26 needed in the assistance there to help them through that and get
27 it so it's working effectively, and it's important.

28
29 **CHAIRMAN FRAZER:** I would agree with those comments, Kevin.
30 Thank you. Any further discussion? Seeing none, Ms. Bosarge.

31
32 **SHRIMP COMMITTEE REPORT**

33
34 **MS. BOSARGE:** All right. The Shrimp Committee Report. The
35 Shrimp Committee adopted the agenda and approved the minutes.
36 Draft Options Shrimp Amendment 18: Evaluation of Shrimp Effort
37 Threshold Reduction in the Area Monitored for Juvenile Red
38 Snapper Bycatch, staff provided the committee with the
39 background and the action and alternatives for reducing the
40 effort threshold placed on the shrimp fishery in the area
41 monitored for juvenile red snapper.

42
43 Staff explained that the current effort threshold was put in
44 place in Amendment 14 and that the amendment outlined that the
45 effort threshold should be reduced to 60 percent by 2032. The
46 red snapper fishery is no longer overfished nor undergoing
47 overfishing, though it is still in a rebuilding plan. The ABC
48 for red snapper has increased, but the shrimp industry has not

1 seen similar benefits of the red snapper rebuilding.
2 Additionally, the natural mortality estimates of juvenile red
3 snapper are much higher than previously estimated when Amendment
4 14 was developed.

5
6 Action 1 outlines two alternatives that would reduce the effort
7 threshold, i.e. allow shrimp effort to increase. Alternative 2
8 provides a static reduction in the threshold. Alternative 3
9 provides a stepdown approach to reducing the effort threshold.
10 The committee discussed that Alternative 3 was overly
11 complicated and unnecessary, based on the analysis provided.

12
13 **The committee recommends, and I so move, in Action 1, to remove**
14 **Alternative 3. Alternative 3 is modify the target reduction**
15 **goal for red snapper shrimp trawl bycatch mortality on red**
16 **snapper from 67 percent less than the benchmark years of 2001 to**
17 **2003 to the percentage chosen by increments. Each increment**
18 **would be an approximately equal percent reduction designed to**
19 **reach the target reduction by 2032. The incremental changes**
20 **would begin in the year of the effective date of the**
21 **implementing rule and then occur, and then the sub-options are**
22 **there. The motion carried with one opposed.**

23
24 **CHAIRMAN FRAZER:** Okay, and so we have a committee motion on the
25 board. Is there any further discussion of this motion? **Seeing**
26 **none, is there any opposition to the motion? Seeing no**
27 **opposition, the motion carries. Ms. Bosarge.**

28
29 **MS. BOSARGE:** The committee discussed staff's question about an
30 action for a framework procedure for future reductions in the
31 effort threshold and made the following motion.

32
33 **The committee recommends, and I so move, to add an action to do**
34 **any future changes for shrimp effort reduction threshold through**
35 **a framework procedure. Motion carried with no opposition.**

36
37 **CHAIRMAN FRAZER:** Okay, and so, again, we have a committee
38 motion on the board. Is there any discussion regarding that
39 motion? **Seeing none, is there any opposition to the motion? No**
40 **opposition, and the motion carries.**

41
42 **MS. BOSARGE:** The committee discussed the timeline for the
43 document and noted that it would like a public hearing draft in
44 January. The Shrimp AP will also be convened between the
45 January and April 2019 council meetings and will be asked to
46 provide input. Mr. Chair, this concludes my report.

47
48 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. Is there any more

1 discussion? Kevin.

2
3 **MR. ANSON:** I may be out of line here, and you tell me if I am,
4 but I am just curious. I would ask Roy if the agency has any
5 plans to temporarily remove the TEDs around the affected area
6 associated with Hurricane Michael. Have you heard anything
7 about that or do you have any plans to do that?

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

10
11 **DR. CRABTREE:** I have not, and we haven't received any requests
12 from the state to do something like that.

13
14 **MR. ANSON:** All right. Thank you.

15
16 **CHAIRMAN FRAZER:** Any further discussion regarding this
17 committee? Seeing none, we will move on to the Law Enforcement
18 Committee. Mr. Boyd, if you're ready.

19
20 **LAW ENFORCEMENT COMMITTEE REPORT**

21
22 **MR. BOYD:** Thank you, Mr. Chairman. You should have received
23 the Law Enforcement Committee Report this morning via email.
24 The Law Enforcement Committee adopted the agenda, and staff
25 reviewed the action guide. Staff noted that there are no
26 minutes to approve, as the Law Enforcement Committee last met in
27 closed session.

28
29 Law Enforcement Technical Committee Meeting Summary, Tab L,
30 Number 3, staff reviewed the LETC meeting summary. LETC members
31 discussed several issues, including the new HAPCs that will be
32 created through Coral Amendment 9, IUU fishing and the Mexican
33 lanchas issue, and fish attracting devices. Staff will add the
34 LETC's statement on the advance landing notification issue to
35 the January 2018 council meeting, at which the council will
36 review Amendment 36B.

37
38 **Approval of 2019 to 2020 Operations Plan, Tab L, Numbers 4(a)**
39 **and 4(b), staff summarized the changes to the 2019 to 2020**
40 **operations plan. The committee had no questions and passed the**
41 **following motion. The committee recommends, and I so move, to**
42 **approve the 2019 to 2020 operations plan. Mr. Chairman.**

43
44 **CHAIRMAN FRAZER:** We have a committee motion on the board. Is
45 there any further discussion on that motion? **Seeing none, is**
46 **there any opposition to the motion? With no opposition, the**
47 **motion carries. Mr. Boyd.**

48

1 **MR. BOYD:** Under Other Business, Lieutenant Zanolowicz pointed out
2 to the committee the large spatial extent of the areas with
3 regulations that will need to be enforced following
4 implementation of Coral Amendment 9 and the potential expansion
5 of the Flower Garden Banks National Marine Sanctuary.

6
7 He noted that Coral Amendment 9 will add approximately 200
8 square miles of areas with regulations across thirteen new
9 HAPCs, and the recommendation for the Flower Garden Banks
10 expansion would add fourteen new banks, increasing the size by
11 approximately 150 square miles. Mr. Chairman, that concludes my
12 report.

13
14 **CHAIRMAN FRAZER:** Thank you, Mr. Boyd. We're just a little bit
15 ahead of schedule, and that's good, but I'm going to give
16 everybody an opportunity if they need to check-out of their
17 hotel room that opportunity, and so we'll reconvene in twenty
18 minutes.

19
20 (Whereupon, a brief recess was taken.)

21
22 **CHAIRMAN FRAZER:** We are scheduled to move into the last
23 committee report, but, before we do that, we're going to let Tim
24 Griner from the South Atlantic Fishery Management Council
25 provide the liaison report, because he has to leave shortly,
26 around lunchtime. Go ahead, Tim.

27
28 **SOUTH ATLANTIC COUNCIL LIAISON REPORT**

29
30 **MR. GRINER:** Thank you, Mr. Chairman. I have thoroughly enjoyed
31 my time here with the council, and I have found it very
32 informative, as always. You have a summary report in your
33 briefing materials, and so I'm just going to really touch on a
34 few items.

35
36 Red grouper, we're having the same problems you guys are having
37 with red grouper. We have seen the problem come, and I think
38 we're really now into the thick of it, and so what we're going
39 to do, or what we're trying to do, is we're going to add another
40 month to our four-month spawning closure off of the Carolinas
41 and see if that helps some, and we're also going to establish a
42 200-pound commercial trip limit. We're just not seeing any red
43 grouper.

44
45 Our yellowtail snapper issues, the recreational sector is not
46 coming close to their ACL, and we're having some in-season
47 closures on the commercial side, and so what we're looking to
48 do, in an effort to try to stem some of that, is keep the

1 commercial sector open until 80 percent of the total ACL is
2 caught, and then, if that happens, we'll go ahead and close the
3 commercial sector.

4
5 Our spiny lobster bully net amendment is a joint amendment, and
6 we finally got that done. We directed staff to work with your
7 staff and get that document prepared and sent out for formal
8 review.

9
10 I want to tough a little bit on the habitat and ecosystem plan.
11 I was really happy to see this council, your council, moving
12 forward with a plan there. The South Atlantic has done an
13 enormous amount of work on ours, and it is a big undertaking.
14 We actually have an entire section of our website dedicated to
15 it, and it's complete with digital dashboards and mapping
16 applications, and it's really, really impressive. If you get a
17 chance, I would highly suggest checking it out. Just make sure
18 you have some time, because you will find yourself there for a
19 while.

20
21 I also very much appreciated the overview and infographic on the
22 stock status determination criteria. I thought that was very,
23 very helpful and useful, and I will certainly take that back
24 with me. Again, thanks again for the week, and I always enjoy
25 being here. Thank you.

26
27 **CHAIRMAN FRAZER:** Thank you, Tim, for being here. We appreciate
28 your contributions and providing that report. Is there any
29 questions for Tim? Tim, I know you have to leave early, and so
30 have a safe travel back. We're going to move now into the Reef
31 Fish Committee Report and Ms. Guyas.

32
33 **COMMITTEE REPORTS (CONTINUED)**
34 **REEF FISH COMMITTEE REPORT**

35
36 **MS. GUYAS:** Thank you, Mr. Chair. I think staff sent that out
37 earlier this morning, and so I'll get right into it. I will
38 start with our Reef Fish Landings Update. Ms. Gerhart reviewed
39 the commercial and recreational landings for various reef fish
40 stocks. The commercial landings of greater amberjack have
41 exceeded the ACL and will be subject to a payback in 2019.
42 Recreational landings were available through Wave 2 only. Waves
43 3 and 4 are expected to be available soon.

44
45 Private recreational red snapper landings were provided for each
46 Gulf state. Landings from Texas are preliminary, as Texas state
47 waters remain open. Landings in Florida exceeded its portion of
48 the ACL by 13 percent and will be subject to an overage

1 adjustment in 2019.

2
3 Revised Draft Amendment 50: State Management Program for
4 Recreational Red Snapper and Individual State Amendments, staff
5 provided the LETC's comments pertaining to the use of JEA funds
6 for enforcing recreational red snapper under state management.
7 LETC members will request that their state directors communicate
8 with the appropriations staff regarding this priority. The
9 committee requested an update on the outcome of this issue.

10
11 Staff reviewed the actions and preferred alternatives in the
12 state management amendments. In the program amendment, staff
13 reviewed a new action considering a mechanism to implement
14 optional state management of federal for-hire vessels. Because
15 this action would only be applicable if Alternative 4 in Action
16 1 is selected as preferred, a preferred alternative is not
17 needed at this time.

18
19 The committee discussed Action 2 for apportioning the
20 recreational red snapper ACL among the states. Mr. Anson
21 informed the committee that the state directors met to discuss
22 allocation and made a motion to add this proposed allocation to
23 the document.

24
25 **By a vote of ten to two, the committee recommends, and I so**
26 **move, in Action 2, to add a new alternative for allocation used**
27 **for apportioning the private angling ACL: Alabama 28 percent;**
28 **Florida 42.74 percent; Louisiana 18.5 percent; Mississippi 3.55**
29 **percent; Texas 7.21 percent; for a total of 100 percent.**

30
31 **CHAIRMAN FRAZER:** Okay. We have a committee motion on the
32 board. Is there any further discussion regarding this motion?
33 Seeing none, is there any opposition to the motion? Two
34 opposed. Let's step back. **All those in favor of the motion,**
35 **signify by raising their hand, eight in favor; all those**
36 **opposed, four. The motion carries eight to four.** Kevin Anson.

37
38 **MR. ANSON:** I would like to offer a motion. **The motion is to**
39 **make the new alternative allocation the preferred alternative.**

40
41 **CHAIRMAN FRAZER:** We will let staff get that up on the board.
42 While staff is putting this on the board, is there a seconder to
43 this motion?

44
45 **EXECUTIVE DIRECTOR SIMMONS:** Bernie, it's not in this document,
46 because it was that new alternative that they just added.

47
48 **CHAIRMAN FRAZER:** Okay. Kevin, that's your motion, correct?

1
2 **MR. ANSON:** Yes.

3
4 **CHAIRMAN FRAZER:** It was seconded by Mr. Riechers. Is there
5 further discussion on the motion? Ms. Boggs and then Mr. Boyd.

6
7 **MS. BOGGS:** Thank you, Mr. Chair. One of my concerns, and I'm
8 not really opposing this, or I may, but it's we heard Dr.
9 Barbieri talk, and we have the FES surveys now, and we have all
10 these different currencies of how we're counting these fish, and
11 can we look at maybe a way to figure out how this is going to be
12 effective with these new allocations, where we calibrate these
13 and get a better indication of how it's going to affect this
14 motion, or any of them?

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

17
18 **DR. CRABTREE:** Well, to that point, I mean, to me, this motion
19 is premature, because we have absolutely no analysis whatsoever
20 of this, which I think is getting at Susan's point, and our
21 normal practice is we don't choose a preferred until we have
22 some analysis of it, and so, aside from the problems with this
23 that I raised in the committee, it seems to me this is
24 premature, and it's important, and it's central to everything
25 we're doing, and to do this without having any understanding of
26 the impacts and how it relates to things seems premature.

27
28 **CHAIRMAN FRAZER:** Thank you, Dr. Crabtree. Mr. Sanchez.

29
30 **MR. SANCHEZ:** Thank you. I speak against this. To me, it's
31 divisive, and we were moving forward with these state plans, and
32 apparently there is going to be some bumps in the road as
33 different respective states play with how they're going to give
34 access to their fishermen.

35
36 They may meet their target, or they may not, and that's one of
37 the things in an experiment. You have to massage it along as
38 you do it, but we all agreed to the original allocation
39 percentages, and we went from there, and I think the angling
40 public is far better served with the days that they just had in
41 this past season than we were before we started these plans, and
42 now we're kind of going back to the trough to address respective
43 issues with certain states, and it may jeopardize the whole
44 thing, and then it's going to be déjà vu Amendment 39.

45
46 **CHAIRMAN FRAZER:** Thank you, Mr. Sanchez. I have Kevin and then
47 Martha.

1 **MR. ANSON:** Potentially making it the preferred alternative
2 maybe is premature without some analysis, but, I mean, there's
3 not much analysis for the EFP alternative that we're currently
4 under in the document. I mean, it's a couple of paragraphs, if
5 that, and so, I mean, I can kind of see where you're coming
6 from, just administratively, but we're not going to get much
7 more, as far as analysis is concerned, because we have the EFP
8 alternative that's in there, and it has very limited
9 information.

10
11 **CHAIRMAN FRAZER:** Martha.

12
13 **MS. GUYAS:** I am going to speak against this motion, for many of
14 the reasons that Roy raised in committee. I do have some
15 concerns about this and the rationale with it. I would speak in
16 favor of the current preferred, which is the EFP allocations. I
17 mean, in terms of analysis of that, there is a little bit in the
18 document and, I mean, we're living that now, right, and so
19 everything we've heard about what happened this year --
20 Everybody thinks that this was a success.

21
22 Everybody came to the table, all of the states came to the
23 table, not knowing what other people were going to ask for, and
24 said -- Basically, their charge was what can work for you? What
25 do you need to make this successful for this two-year pilot, and
26 everybody did that, and it just kind of happened to work out,
27 and so I would speak in favor of retaining the EFP allocation
28 current preferred and speak against this motion, and I will stop
29 there.

30
31 **CHAIRMAN FRAZER:** Thank you, Martha, and so I have Patrick and
32 then Roy.

33
34 **MR. BANKS:** I just want to make a few points on the record.
35 Florida's EFP, original EFP, asked for a certain poundage that
36 turned out to be 42 percent of the total Gulf allocation. The
37 finalized EFP, they were allowed to move up to 45 percent, and
38 so, while this does show Florida coming back down to 42.74, it's
39 still 0.74 percent above what you originally asked for, and so I
40 just wanted to make sure that everybody is aware of that.

41
42 Louisiana, in this case, went down from 19.1 to 18.5. Now, I've
43 taken some heat, and rightly so, for giving up 0.6 percent, but,
44 when we all sat in the room as state directors, I tried to
45 figure out a way for us to all work together, and I just --
46 That's the reason why I chose to take that cut, to try to make
47 it work for everybody, and so that's why I'm in support of this,
48 because we all sat around the table, and I respect and recognize

1 that Florida did not agree, but the rest of us agreed to this,
2 and I feel like that I need to follow my word from that meeting,
3 and I will vote in favor of this motion.

4
5 **CHAIRMAN FRAZER:** Martha, to that point, and then Roy.

6
7 **MS. GUYAS:** I mean, to speak to the percentage here and what was
8 in our original EFP allocation and what happened, if you rewind
9 back to when we were discussing what the seasons would look
10 like, each of the states came forward and presented in front of
11 the council, and our season was significantly shorter than other
12 states, and, once that -- Once people really understood that,
13 there were some concerns, and I think pretty real ones, about
14 whether that was fair and equitable, and I don't think it was.

15
16 I mean, I understand Kevin's concerns that he raised about this
17 in the past, and about how Alabama maybe got the short end of
18 the stick here, but, if you think about it, you all had a
19 twenty-eight-day season, and ours was forty, but your season was
20 weekends only, and ours was continuous days.

21
22 The analysis that we had indicated that, if we did a weekends-
23 only season, we would need to cut our season down by like 30 or
24 40 percent. Had we done that, we would be right about where you
25 all are, and we still went over our quota, and so I actually
26 kind of feel like, with the EFPs, we actually may be on a level
27 playing field here between Alabama and Florida, since that was a
28 concern that was raised. I mean, that's just back-of-the-napkin
29 calculations here, but just to illustrate what happened here and
30 compare those two seasons, since that was raised in committee.

31
32 **CHAIRMAN FRAZER:** Roy, you're next.

33
34 **DR. CRABTREE:** I really haven't heard any rationale for this,
35 and, Kevin, you're right that there wasn't nearly the extensive
36 analysis in the EFPs that we would normally do with a plan
37 amendment. The EFPs are experimental by nature, and they are
38 temporary, and so I think that's understandable. This is a
39 long-term plan we're putting together, and the other thing is --
40 I agree with Martha.

41
42 When the EFPs were issued, Florida's proposed season was
43 significantly shorter than anybody else. Alabama put out a
44 press release, before the EFPs were issued, with a very long
45 season, and all the other states were expected to have much
46 longer seasons, and so, in order to address that inequity, some
47 additional fish were awarded to Florida, and that's where we
48 were.

1
2 It looks to me, and I think if we wait for an analysis, it will
3 show that the only reason Alabama's season was shorter than
4 Florida's was Alabama made a decision to go weekends only, and I
5 don't know, Kevin, if you all just underestimated the impact of
6 going weekends only, but you ended up with a season that was
7 shorter, but I don't see how it makes sense to take fish away
8 from Florida because Alabama made a decision that they would
9 like to fish weekends. I think Martha is probably right that,
10 had they fished weekends only, they would have been probably on
11 the order of twenty-some days.

12
13 To me, I mean, Texas has, by far, the most generous season in
14 the Gulf right now, eighty days in federal waters and 365 days
15 in state waters, and so I don't see any rationale for why you
16 would take fish away from Louisiana and Alabama and award more
17 fish to Texas, and so I think this needs to be -- I mean, we
18 don't even have any place right now you can see where all the
19 landings are written down, and it may be on our website now. We
20 briefly talked about them a little bit at this meeting, but I
21 just think this is way jumping the gun, and I don't think there
22 is really any rationale that supports doing this.

23
24 **CHAIRMAN FRAZER:** We have a number of people on the list, and so
25 I'm going to just go in order. John Sanchez.

26
27 **MR. SANCHEZ:** Thank you, Mr. Chairman. It seems, originally, we
28 had all the battles when we arrived at the original percentages.
29 All the deliberations were done of how many boats one state has
30 versus another and the effort and the ability to catch fish and
31 the length of coastline.

32
33 All of these things were hashed out, and we arrived and agreed
34 to those percentages coming out of the gate, and now it seems to
35 me this -- To me, it's moving the goal post after the game has
36 started, and I'm not in support of this.

37
38 **CHAIRMAN FRAZER:** Kevin.

39
40 **MR. ANSON:** Number of days. It's interesting that all of a
41 sudden now number of days is a metric. I mean, when the states
42 added season days in state waters, that was a problem for the
43 feds. You can't do that. We're providing more access to our
44 anglers, but yet that was a problem, but now the number of days
45 is -- We've got to have more days. We've got to have more days
46 over in the eastern Gulf, and the eastern Gulf was a problem at
47 one point. We needed to constrain that effort in the eastern
48 Gulf, and now we're just going to just pull fish out of the air

1 and give it to the eastern Gulf.
2
3 We're trying to get to a point where there is some equity in
4 here, John, and I understand what you're trying to say, but
5 42.74 percent exceeds any of the combinations that we have
6 analyzed, as far as any of the historical effort and historical
7 catches. I mean, the highest one is 41.57 for Florida, and so
8 all we were trying to do was to kind of spread those fish around
9 and such in a way that was a little bit more effective.
10
11 Alabama chose weekend days, and Florida chose a continuous
12 season. I mean, that was what our anglers wanted. We were
13 trying to satisfy the wants and needs of our anglers, and so we
14 chose a weekend season, and we ended up getting less days.
15 We're not as much concerned about number of days as we are
16 trying to get as much access to our anglers.
17
18 The anglers wanted access in the form of weekend days, and so
19 that's simply what we're trying to do here, is to just kind of
20 get that back into a little bit more of reality and percentage
21 and using the historical catch as the basis for that.
22
23 **CHAIRMAN FRAZER:** Martha, do you have a comment to that point?
24 If not, I'm going to move to Robin.
25
26 **MS. GUYAS:** Robin can go first.
27
28 **CHAIRMAN FRAZER:** Robin.
29
30 **MR. RIECHERS:** I want to echo a little bit about what Kevin just
31 said, which is certainly -- First of all, as far as this not
32 having the analysis, it's well within the percentages of other
33 allocation discussions that are here, and so certainly it's
34 within the realm of possibility of any of the other
35 alternatives, and so I don't think that it's in any way out of
36 order, in that respect.
37
38 The other part is obviously what we're looking at, and this is
39 the whole purpose of this plan, is to base an allocation based
40 on some sort of past history of allocations, and then I don't --
41 The whole point is if Kevin and his state wants to have weekend
42 days, then he gets to have weekend days, and he knows what that
43 implication means to him.
44
45 If I want to keep state waters open, those poundages are being
46 accounted for, and so that's my decision as a state director, in
47 that respect. If Paul wants to have every other week from when
48 he starts to when his quota gets used up, that's his prerogative

1 as this state plan goes forward, and so, again, we shouldn't be
2 focusing on days. We should be focusing on the percentages that
3 go there.

4
5 Now, I want to go to Susan's question, because I'm afraid it
6 kind of got glossed over, Susan, which is, really, how do we
7 deal with the different currencies that are going on. Assuming
8 that everyone has a calibration they can walk back to their
9 historical time periods, for those people who have new
10 currencies, they should be able to walk that back, and that's
11 how they account for the days that they get and the poundage
12 that they get, and so, for instance, my currency hasn't changed,
13 and so it's simple for me, but if there is someone's currency
14 that changed, then they should be able to walk that back, based
15 on that calibration, to how that percentage had been derived in
16 the past.

17
18 I may not be explaining that well, Susan, but there is a way to
19 walk it back. Then they each may have to make their decisions
20 based on -- Or their estimations then based on that currency and
21 the pounds of fish they were catching per day, and that's all I
22 have now.

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

25
26 **DR. MICKLE:** Thank you, Chair. I will weigh-in. Just to make
27 clear that Mississippi, between Alternative 6 and this new
28 alternative, potentially, or it is Alternative 7, I guess, is
29 3.55 percent in both for the State of Mississippi, and so our
30 dog in the fight is moving forward on the amendment itself and
31 making sure that it goes forward in a timely manner that we
32 ensure a season in 2020 that falls under state management,
33 potentially, and so I support the alternative, but it's hard to
34 support as a preferred, because we're currently fishing under
35 Alternative 6.

36
37 I think everyone can agree with that, for this year and next
38 year, and, also, with this alternative now in the document, even
39 as a not preferred, now, when we go out for public comment, each
40 state is going to be screaming for the one that favors them the
41 most, and, before this one was created, that potentially wasn't
42 going to be the case.

43
44 No, I don't have a problem with this as an alternative, even
45 though it's going to give us, I think, some friction in the
46 process, but it's hard to support as a preferred, just because,
47 even though the percentages for the State of Mississippi didn't
48 change, again, it's providing friction in a process, and, also,

1 the currency unknowns that Robin was just talking about and
2 Susan has brought up, we have so many currency unknowns that
3 that's the risk that Mississippi has between these two
4 alternatives, and that's what we have to move forward on.

5
6 We can change -- We can go fight about allocation the day this
7 goes final, and we can bring it up in Full Council as soon as
8 we're done with this, voting it final, and so it's going to be a
9 constant battle, but we have a timeline, and we should stick to
10 it. I don't have a problem with this in the document, even
11 though it probably causes a problem overall, in my opinion, but
12 I can't support it as a preferred. Thank you.

13
14 **CHAIRMAN FRAZER:** Martha.

15
16 **MS. GUYAS:** Thank you. I want to circle back to a couple of
17 points that were made around the table. One was in reference to
18 using historical landings here and how the EFP percentage,
19 particularly for Florida, seems to be out of sync with those
20 historical landings. Well, my response to that would be, yes,
21 that's true.

22
23 I mean, if you go back to some of the times in those historical
24 landings period, the time, there were hardly any fish in the
25 eastern Gulf, particularly off the West Florida Shelf. I mean,
26 this has been a very dynamic fishery. We have seen tremendous
27 rebuilding off the West Florida Shelf.

28
29 We have fish spawning where they have not spawned in probably
30 most of our lifetimes, and people are catching fish and seeing
31 fish where they hadn't seen them before, and that has continued,
32 as far as we know, with this current stock assessment. That was
33 one of the results of that, was, wow, the West Florida Shelf is
34 really improving, and we can see the results of that, and
35 anglers are seeing that when they're out on the water.

36
37 I will make that one point, and the other point, in terms of
38 recreational access, is, yes, I think that should be a really
39 big concern with this, and the place where a large number,
40 almost the majority of people, are going to access this fishery
41 is Florida. I mean, we have a huge coastline, a huge
42 population, a large number of visitors, and what do they want to
43 do when they come to Florida? They want to come fish. Even if
44 they're not fishing for red snapper, they're still interacting
45 with this fishery.

46
47 We can constrain Florida's season down to zero days, and we're
48 still going to be in this box, because we're just going to be

1 throwing back dead discards, and so I just can't understate
2 that, for state management to be a success, it needs to be a
3 success in Florida. If Florida ends up being left behind here,
4 this is not going to be a success, and this is not going to go
5 away, and I will leave it at that.

6

7 **CHAIRMAN FRAZER:** Roy, you're next.

8

9 **DR. CRABTREE:** This idea of historical landings and the
10 calibrations is significant, and this is part of the problem
11 with moving ahead with this without having looked at it. If you
12 look at the state programs, the Texas program is the only one
13 we've had. LA Creel's red snapper landings, we ran them side-
14 by-side, and they were about the same as MRIP. The Florida GFRS
15 program is giving landings that are similar to MRIP.

16

17 The one survey, Kevin, that is giving consistently different
18 answers is Snapper Check, which is coming out with estimates, I
19 believe, that are around 40 percent less than the MRIP
20 estimates, and so, when I look at the historical catch in
21 Alabama, it's in the 35 percent neighborhood, but that is based
22 on MRIP, and we're using Snapper Check, and so, if you correct
23 that for that 40 percent, your historical share of the fishery
24 is closer to 20 percent.

25

26 It's not like you're not being allocated properly, and we need
27 to be careful, when we look at the historical shares, that we're
28 not comparing apples and oranges here. The real problem that I
29 see here is we still have a fight going on between the states
30 over fish, and you can say what you want about days, but fish
31 equal days, and days equal access, and that's what a lot of this
32 is about.

33

34 I agree with Martha that any solution here that leaves any state
35 behind is no solution. The notion that we can do this for one
36 state or two states or four states is, I think, unrealistic.
37 This is everyone is in or this isn't going to work and it's not
38 going to happen, and I think what you guys need to do is go back
39 to the table and work this out.

40

41 We need to come to an agreement among everyone on the
42 allocation, and we need to pass this amendment with, I hope, a
43 unanimous vote for it, but, if we're going to do a delegation,
44 we're going to need thirteen votes, at least, out of this
45 council, but we need to analyze this stuff, and you guys need to
46 talk some more. We need to come up with a solution that five
47 states buy-in and not four.

48

1 **CHAIRMAN FRAZER:** Mr. Swindell.

2
3 **MR. SWINDELL:** I don't like the allocations, because, and I will
4 say it again, is because you five states got together without
5 doing this in the face of the council of seventeen members. We
6 came on this council as a member to help with all of this stuff
7 and to try to make it all work, and here you went and tried to
8 do your thing separately, and I don't like it at all, people,
9 and I will tell you time and time again. As states, you have, I
10 think, broken the basic rules of being council members.

11
12 You do this stuff, and why in the world didn't you do it as a
13 council member at a council meeting, or as a council committee?
14 No, you didn't even choose to do it as a council committee of
15 some sort. You just decided to go and do it on your own, and I
16 don't like it. I think it's totally wrong in doing it this way,
17 and every time that I -- Since I have been on this council, for
18 over three years now, the biggest problem has been Florida, and
19 so what are you seeing now? Florida is still the problem.
20 Florida and Alabama are still the main problem.

21
22 We have such a huge resource west of the Mississippi River, and
23 we are the ones that are losing in this whole case. This is
24 absolutely absurd, people. I don't like it, and I will not vote
25 for this to be an alternative preferred, and I didn't vote for
26 it to be the way you guys have set it up now, because I don't
27 like the way it was done. I have no opportunity to express any
28 opinion or to hear other opinions on this council as to how the
29 numbers were devised to start with. Thank you.

30
31 **CHAIRMAN FRAZER:** There is nobody else on the list. Kevin
32 Anson.

33
34 **MR. ANSON:** Just to Ed's comment, and I want to comment on that.
35 Ed, part of the reason that the states got together outside of
36 the council process, and all of this information -- The
37 percentages come back to the council, and so there's an
38 opportunity for the council to discuss it, but part of the
39 reason is to logistically try to work within the framework of
40 each of the states, as far as letting their folks know.

41
42 Not all of the state directors are here, and so the
43 representatives for the state have got to go back and talk to
44 the state directors, and sometimes those directors have got to
45 go back and talk to their commissions, and so it's just a little
46 bit more of a clunkier process, and that's what we were trying
47 to do, was to get to a point where the states could all come
48 together as five states and come to an agreement.

1
2 We haven't been successful in doing that, as you noted, and as
3 we can see here today, but that's part of the reason why. It
4 wasn't anything to try to obfuscate or not be transparent in
5 that regard, because, again, we're bringing this back to the
6 council to discuss, but there's just other mechanics of that
7 decision-making process that are on a different timeline than
8 the council is all.

9
10 **CHAIRMAN FRAZER:** Is there any further discussion on this
11 motion? Okay. I appreciate the comments that everybody has
12 made, and I think they're fairly well thought out. There is
13 certainly a lot to consider here, but we're going to vote this
14 up at this point. I am going to see a raise of hands here. **All**
15 **those in favor of the motion, raise your hand, five in favor;**
16 **all those opposed. The motion failed five to nine.** Martha.
17 Excuse me. Kevin.

18
19 **MR. ANSON:** I didn't realize that she was going to be reading
20 the report. **I would like to offer a new motion, and I've**
21 **already sent it to staff.** I will read it, or do you want to
22 read it, Mr. Chair?

23
24 **CHAIRMAN FRAZER:** I will go ahead and read it. **The new motion**
25 **is in Action 2 of Amendment 50A to add a new alternative and**
26 **make it the preferred alternative. Alabama 26.3 percent;**
27 **Florida 43.73 percent; Louisiana 19.84 percent; Mississippi 3.68**
28 **percent; Texas 6.44 percent; for a total of 100 percent.** Kevin.

29
30 **MR. ANSON:** I will do a couple of things here. I will first
31 describe how the math was done.

32
33 **CHAIRMAN FRAZER:** Kevin, before we get there, is there a second
34 for this motion?

35
36 **MR. RIECHERS:** Second.

37
38 **CHAIRMAN FRAZER:** Second from Mr. Riechers. Go ahead, Kevin.

39
40 **MR. ANSON:** Thank you. I will describe the math that was used
41 to come up with this, and so, as was mentioned previously, there
42 was some percentage, if you will, left on the table during the
43 first submissions of the state EFPs, and that math, when you
44 added up all the percentages, including the 42 percent that
45 Florida had submitted, it came up to like 96.4 percent.

46
47 I took the difference, the balance, if you will, the 3.8
48 percent, and then I multiplied, based on the final percentage of

1 the EFPs for all the states. For instance, Alabama, in its
2 final EFP, got 25.34 percent of that 3.8 percent difference.
3 Florida got their 44.74 percent portion of the 3.8 percent, and
4 then I added it, or deducted, as the case may be, to each of the
5 respective states. That's the math side.

6
7 What it did was then take that, in a more equitable balance, was
8 redistribute that extra percentage back to the states based on
9 the percentage they felt comfortable with, whatever method and
10 idea they decided was a good percentage for them to come up
11 with.

12
13 For Alabama, we took the spirit, again, of the language that
14 kind of was the impetus for the EFPs and utilized our fishery-
15 independent program, which we have funded for the last seven
16 years, and came up with a number that was -- It happened to
17 reach 25.34 percent, and so that's how it was done, and so it
18 bumped us up a little bit. It doesn't make us completely happy,
19 by all means, certainly, but it bumps us up a little bit,
20 because we felt like, based on historical landings and such and
21 the time series of all the alternatives we've been looking at,
22 we probably could have an argument for more.

23
24 Certainly, in light of Roy's comment with the difference between
25 the MRIP and Snapper Check, we're going to have to deal with
26 that, I mean, going forward, for anything we do management-wise,
27 whether it's allocation percentages or not.

28
29 Florida doesn't quite get to exactly where they were, but they
30 don't take as big of a hit on the reduction. Louisiana gets an
31 increase. Mississippi gets an increase. Texas gets an increase
32 from what it had, and so it redistributes and kind of spreads
33 that in a more equitable and fair fashion, that 3.8 percent, and
34 so that's all this was trying to do, is to put some more balance
35 in there and try to get more people to accept it.

36
37 **CHAIRMAN FRAZER:** Thank you, Kevin, for that explanation. We've
38 got a couple of people on the list. We've got Roy and then
39 Martha.

40
41 **DR. CRABTREE:** I appreciate your work to find a compromise,
42 Kevin. My problem, and the reason I can't support this, is
43 because you make it the preferred. None of us have ever seen
44 this, and none of us can check your math, and none of us can
45 look at the mechanics of it. There is nothing. It's the last
46 day of the council meeting, and I think it's just inappropriate
47 to make it the preferred at this time.

48

1 I would vote for the motion if you would not make it the
2 preferred and add it to the document, but I can't support making
3 something we have never seen before, and we've never talked
4 about it, and we've never discussed it, and we don't have any
5 allocation, and no one has checked the numbers. I just can't
6 support that, and I don't mind adding it, but I can't support
7 making it the preferred.

8
9 **CHAIRMAN FRAZER:** Martha.

10
11 **MS. GUYAS:** Thanks. I will be brief. I can't support this, for
12 many of the reasons discussed with the previous motion. I think
13 we have the same problems that we had before, in terms of what
14 Dr. Crabtree just mentioned and in terms of rationale.

15
16 **CHAIRMAN FRAZER:** Thank you, Martha. Mr. Diaz.

17
18 **MR. DIAZ:** Thank you, Mr. Chairman. The EFP has been very
19 successful, and I think most folks like it. We are very close
20 right now, and I'm sitting here thinking what can I do to try to
21 make all of this stuff work.

22
23 We had a nine-to-five vote a little while ago, and we've got a
24 couple of council members that are absent, but we at least have
25 to hit the 75 benchmark to get past -- When we get to voting for
26 the delegation.

27
28 I think we had a lot of public testimony yesterday, and some of
29 them used some phrases that I thought were good, that we're
30 staring down the barrel of a gun, try to do something for the
31 greater good, and, I mean, those were good comments, and I think
32 it accurately reflects where we're at right now.

33
34 We absolutely have to get to a point where we can settle, and
35 we're right here close, gentlemen, and probably a good
36 allocation is when everybody walks away and everybody is a
37 little unhappy. We've got to get there, and so thank you,
38 Kevin, for offering a compromise to try to get this nine-to-five
39 vote somewhere closer. Thank you.

40
41 **CHAIRMAN FRAZER:** Kevin.

42
43 **MR. ANSON:** Thank you. Martha, I understand where you're at. I
44 mean, we all have needs, and we all have anglers that want more
45 access, and you mentioned that the stock is growing. It appears
46 to be, and that's great. Again, we put forward a percentage
47 that was based on monitoring of our resource off of Alabama, a
48 fishery-independent survey looking at both natural bottom as

1 well as artificial structures, and, based on the biomass that
2 those two habitats support, we came up with our 25.34 percent.

3
4 This year, we deployed nearly 600 reefs off of Alabama, and we
5 have plans in the near future to deploy hundreds more. Those
6 600 reefs, in three to four years, will support about 1 percent
7 of the recreational, private recreational, ACL, as far as the
8 biomass, on a sustainable harvest, what we believe to be
9 sustainable based on the information that we have, and so, I
10 mean, as we go through time, we're going to continually add more
11 fish, and we should benefit from it, if the assessment can
12 capture that, but the benefits will be shared amongst all the
13 states, because they get a percentage of that pie.

14
15 I mean, it puts us in a little bit of a bind, when we know we're
16 going to be creating habitat, which was an objective in our Reef
17 Fish Management Plan that we just went over of creating habitat,
18 and that should be an objective that the council is concerned
19 with, and so the State of Alabama has done that.

20
21 It's put in the financial resources and made the commitment, not
22 only on deploying material, but then followed up with that by
23 doing studies and research to document and track what impact
24 that has on the resource, and so that's what we've done and
25 we've attempted to do, and we just feel like we should get some
26 share of that as well, and the 25.34 percent just doesn't
27 provide that opportunity for us to do that. Thank you.

28
29 **CHAIRMAN FRAZER:** Mr. Sanchez.

30
31 **MR. SANCHEZ:** Thank you. I will speak against this, because I
32 think we're missing the point here. We already had the battle
33 on percentages early on. We have the benefit of these plans
34 right now working, and the public is far better off than they
35 were before we had this.

36
37 Now to be arguing over nominal percentages back and forth, it's
38 like picking the old wound again. We're missing the boat.
39 We're so close to going through this together, based on those
40 old percentages, and now, to be throwing out napkin computations
41 done on Thursday afternoon and just to change the percentages to
42 try to make it the preferred, I think it's the wrong way to go,
43 and that's just the wrong approach.

44
45 We were kind of there, and we were going together, as we should,
46 in doing this, and none of us were originally happy, everybody
47 happy, which is a sign that there was compromise, and here we're
48 just picking that wound again, and I don't think we're going to

1 be able to agree, and we're not going to go through this
2 together, if we keep just throwing different numbers out.

3
4 **CHAIRMAN FRAZER:** I have Robin and then Kevin.

5
6 **MR. RIECHERS:** Well, Kevin, I certainly appreciate you trying to
7 look back and say, okay, how do we go forward from the point
8 where the EFPs started, because, as we recall, when we all did
9 our EFPs, we -- Again, there were three to four different
10 methods used, because no one said you had to come up with your -
11 - Use this time series to come up with the allocation, and so
12 there was a biomass-based decision by Alabama, and Patrick and I
13 took a long time series approach, and I think Mississippi took a
14 one-year percentage approach, and Florida took an approach that
15 used the most recent years.

16
17 We all turned that in, and there was poundage left on the table,
18 and so, due to whatever circumstances that caused it, those
19 percentage shares that were left were given to one state, and it
20 so happens, when you look at that alternative, Alternative 6, it
21 has that state at its highest level of any of the other
22 alternatives that were brought forward, and so, to then, frankly
23 -- A meeting ago, or two meetings ago, making it the preferred
24 alternative, and first putting it in the document, without any
25 rationale as to why it actually is a better alternative than any
26 of the others, and just saying because we did the EFP that way.

27
28 When we all went into the EFP, we said that wasn't necessarily
29 how we were going to do it long-term, and so I appreciate you
30 offering it, and I will support the motion. It's at least an
31 attempt to say, okay, let's go back to those allocations and
32 then move forward from that.

33
34 If none of the other allocations -- I mean, from my perspective,
35 we should be looking at a biomass calculation of some sort, of
36 some weighting, because that's actually dealing with the biology
37 of the fish, as opposed to what we're doing here anyhow, but,
38 obviously, that has not gone anywhere around this council, but
39 it probably should, but bringing it up --

40
41 Some of the arguments about bringing it up at the last minute,
42 guys, we're here until we adjourn, and at any point in time, as
43 long as it's within the realm of what's legally allowable here,
44 it's allowable, and so, on the last day, when we all make
45 motions for preferreds that we're still trying to get, that's
46 allowable, and so I don't consider any of those arguments --
47 Frankly, they are disingenuous to the process, because the
48 process goes until we forward a document to the Secretary of

1 Commerce, and then, frankly, the process still goes, because you
2 can do a minority report, or you can -- When it's published, you
3 can write a letter, and that's all part of the process.

4
5 It's disingenuous when we say it's out of line on the last day
6 or not -- I mean, the math is simple. We can do the math now,
7 and anybody can do the math right now, and so, with that, I will
8 support the motion.

9
10 **CHAIRMAN FRAZER:** We have a number of people on the list. We
11 will go back to Kevin and then Patrick.

12
13 **MR. ANSON:** I was just going to amend my motion then and remove
14 the preferred, just to say to add a new alternative.

15
16 **CHAIRMAN FRAZER:** Okay. Robin, you were the seconder of this
17 motion, I believe. You're good with that? Okay. We still have
18 a number of people to move through the list, and I'm assuming
19 it's all going to be relevant to this motion, and so next is
20 Patrick.

21
22 **MR. BANKS:** I think Kevin handled my concern by removing the
23 preferred, because I think this is a worthwhile alternative to
24 look at, because, in my mind, this is how the extra 3 or 4
25 percent, whatever it was, should have been allocated to begin
26 with, and so I think it's worth exploring, but I am not quite
27 comfortable enough to make it the preferred yet.

28
29 **CHAIRMAN FRAZER:** Thank you. Martha.

30
31 **MS. GUYAS:** I just wanted to reiterate one point from before.
32 You know, I understand there is a lot of heartburn about how
33 that extra percent went to Florida, but, again, I will raise the
34 point that the reason that that happened was because the
35 opportunities that were afforded to all five states originally
36 as proposed under these EFPs was not fair and equitable, and so
37 what this does is it backs us up a little bit and redistributes
38 it again, so that we're in the same situation.

39
40 **CHAIRMAN FRAZER:** Roy and then Mara, unless, Mara, you have
41 something that --

42
43 **MS. LEVY:** I was just going to ask if you -- If you add this new
44 alternative, I guess to consider the other alternative that was
45 added that then didn't get made preferred, and, I mean, you
46 could keep them all in there, but I'm not sure how many of these
47 you want in the document.

48

1 **CHAIRMAN FRAZER:** Okay. We will circle back to that. Roy.
2
3 **DR. CRABTREE:** I appreciate you changing it, Kevin, because
4 Robin's comment that the math is so simple that you can do it
5 your head, has anyone noticed that those numbers don't add up to
6 100 percent? They add up to 99.99 percent, and they leave
7 40,000 pounds unaccounted for, and so that's the trouble with
8 doing things and making things preferred on the fly like that.
9
10 I don't have a problem with bringing things in and adding them
11 on the last day, but we have, many, many times, talked about we
12 shouldn't choose preferreds until we have an analysis, and that
13 is our normal procedure, although I wouldn't say that we always
14 follow it, but I appreciate your change, and I'm fine with
15 adding it.
16
17 **CHAIRMAN FRAZER:** Dr. Mickle.
18
19 **DR. MICKLE:** Just real quick, it's Mississippi gets a bump, and
20 so every state gets a bump but Florida, and so there is some
21 picking here, but it's showing that the EFP was a quantitative
22 miracle, right? We all got there, and we came to the table, and
23 it went through, and we're fishing at an allocation on a state
24 level, and that's an amazing thing.
25
26 A lot of people say that, and I'm saying it, but it gets
27 difficult, and I mentioned it in the motion prior to this. Now
28 we're going to have three alternatives that the folks in each
29 state are going to be barking for, and is this helping the
30 process or not? Let's move forward, and I will probably support
31 it, because it's what I said prior, and it's not a preferred
32 now, and it's in the document, but I have to warn my opinion to
33 the group of we're complicating this, and we're pitting the
34 states against each other by these alternatives, and that's the
35 way it is.
36
37 **CHAIRMAN FRAZER:** Mr. Swindell and then Mr. Boyd.
38
39 **MR. SWINDELL:** Does these numbers match what the EFPs were
40 issued at?
41
42 **CHAIRMAN FRAZER:** No.
43
44 **MR. SWINDELL:** What numbers then were the EFPs, because I don't
45 have those numbers in front of me.
46
47 **CHAIRMAN FRAZER:** Sure, and so the numbers in the original EFP
48 were Alabama -- Do you have them? Okay. Go ahead.

1
2 **DR. MICKLE:** The Alternative 6, which is the EFP, which is
3 identified as the current preferred, is Alabama is 25.34
4 percent, Florida is 45.78 percent, Louisiana is 19.12 percent,
5 Mississippi is 3.55 percent, and Texas is 6.21 percent. That's
6 the current preferred, Alternative 6.

7
8 **CHAIRMAN FRAZER:** Thank you, Dr. Mickle. Do you have any
9 additional comments on this, Mr. Swindell?

10
11 **MR. SWINDELL:** Well, I was just trying to look at -- Go back to
12 the original motion slide. I'm trying to get a handle on just
13 where are we, and I don't know the reason for the numbers to
14 start with. I think that these came up with some analysis as to
15 what had been done in the past, and so I was reasonably
16 satisfied to go with the EFPs the way they were, and I am just
17 wondering why are we getting into this now until we get down to
18 close to another year, perhaps this time next year, of the last
19 EFP that we're going to have available.

20
21 Let's look and see just what are the states really doing. I
22 mean, that was the reason not to have the preferred, is that we
23 don't have any particular reason to do a preferred at all at
24 this point, and I agree with Roy about that, but I just don't
25 know where we are. To me, we ought to either stay with the EFP
26 numbers that we had or -- I don't see a problem with what we
27 were doing before. I mean, let's manage it as best we can, and
28 let's see what the states can do with what we've got. Now we're
29 trying to mix it all up, and that doesn't make any sense to me.
30 I'm sorry.

31
32 **CHAIRMAN FRAZER:** Mr. Boyd and then Ms. Bosarge.

33
34 **MR. BOYD:** Thank you, Mr. Chairman. I want to applaud Kevin for
35 making a good-faith effort to try to bring equity and a
36 consensus to this problem, but we've got to remember that, over
37 a year ago, before the EFPs, we were facing possibly
38 congressional action to fix this program, congressional action
39 to do what NMFS and the council have not been able to come to an
40 agreement on, and, if we don't do something to continue this
41 process after the EFP, we are probably going to be facing some
42 kind of congressional action again, or at least the pressure
43 from the congressional delegations to make something happen.

44
45 I applaud Kevin for trying to come to a consensus. I think this
46 does reach the numbers better than we had a while ago, and I
47 also applaud Kevin for taking out making this the preferred
48 alternative. I think this is a workable situation, and I think

1 the states should really give consideration for this.

2
3 **CHAIRMAN FRAZER:** Ms. Bosarge.

4
5 **MS. BOSARGE:** I will probably step on some toes, but I guess I'm
6 looking at this 3 percent that was sitting there that got doled
7 out how somehow with these EFPs at the very end, and I am
8 looking at what happened after the first year, right, and I can
9 see where the effort is. I can see where the anglers are, by
10 and large, and I guess I see it as that 3 percent -- Alabama and
11 Florida are going to have to come together and figure out how
12 you all can split that 3 percent and live with each other.

13
14 I feel like the other three states did okay. We always more,
15 and don't get me wrong, but I feel like our anglers had some
16 pretty decent access, and so I just hope that, when you all go
17 back -- I mean, I get it. This is to get votes, because this is
18 four states out of five will vote for it, because it gives an
19 increase for their anglers, but you've got to look at where the
20 real issue is, and, to me, it's in Alabama and Florida. There
21 is 3 percent, and how are you all going to divide it up?

22
23 Somebody has got to give a little, but I don't see where, for
24 sure, Mississippi and Texas -- I mean, we had some pretty decent
25 seasons, and, yes, we always want more, but this doesn't solve
26 the problem of where all the effort is at.

27
28 **CHAIRMAN FRAZER:** Mr. Boyd.

29
30 **MR. BOYD:** There is a possibility, and Roy would have to speak
31 to this, of other components here. We are anticipating an
32 increase in the TAC for recreational, a possibility. We have
33 some commercial latent permits that have allocation left in
34 them, which could be reallocated at some point.

35
36 We have the possibility of an increase in the TAC for
37 commercial, and there is the possibility that you can reallocate
38 some of that increase in TAC and not take anything away from the
39 commercial other than a future lottery ticket, and so, Roy, is
40 there any way that we could bring that into the mix here?

41
42 **CHAIRMAN FRAZER:** Dr. Crabtree, would you like to respond?

43
44 **DR. CRABTREE:** Well, I don't know, because I don't know what
45 you're going to do with the allocation, and so it's not clear to
46 me how it is. Now, it is correct that, if the TAC increase that
47 you have approved goes in place, all of the states will get
48 additional pounds, and I can tell you how many additional pounds

1 each state will get under the current EFP, and I can do that
2 right now, if you would like.

3
4 Florida would get an additional 175,791 pounds, Alabama would
5 get an additional 97,289 pounds, Mississippi an additional
6 13,635, Louisiana an additional 73,439, and Texas an additional
7 23,845. Then bear in mind, for next season, there will be a
8 payback of I think a few thousand pounds for Alabama and a
9 payback of I think it was 13 percent for Florida, which is, I
10 believe, something close to 240,000 pounds or so.

11
12 **CHAIRMAN FRAZER:** Kevin, you were on the list.

13
14 **MR. ANSON:** Just for -- Dr. Simmons, for staff's clarity, I
15 mean, I explained how I got to it, and I can explain it to staff
16 offline, and nothing needs to be in the motion to explain how
17 that was done? Okay.

18
19 **CHAIRMAN FRAZER:** Thank you, Kevin. Is there any further
20 discussion on the motion? Okay. Seeing none, we're going to
21 vote it up. **All those in favor of the motion, raise your hands,**
22 **eight in favor; all those opposed, four. The motion carries**
23 **eight to four.** Martha, carry on.

24
25 **MS. GUYAS:** Okay. In Action 1 in the individual state
26 amendments, staff reviewed the options under delegation. For
27 Option 2g, staff noted that this option cannot be included in
28 delegation as written.

29
30 Ms. Levy suggested the creation of a new action to establish a
31 process for NMFS to implement closures in the EEZ off a state
32 under state management. The states would need to provide
33 sufficient detail of any potential closures so that they may be
34 analyzed in the amendments. The committee then passed the
35 following motion.

36
37 **Without opposition, the committee recommends, and I so move, in**
38 **Action 1 of each state amendment, to remove Option 2g and create**
39 **a new action to allow NMFS to implement closures in the EEZ**
40 **through a framework. Option 2g is use of area or depth-specific**
41 **regulations.**

42
43 I will just note that, if the council approves the preceding
44 motion, the council could review the draft new action and
45 discuss the information needed from the states on the potential
46 closures, and I think Ava has that ready when we finish with
47 this.

1 **CHAIRMAN FRAZER:** Okay. We have a committee motion on the
2 board. Is there any further discussion on the motion? **Seeing**
3 **none, is there any opposition to the motion? No opposition, and**
4 **the motion carries.** Martha.
5

6 **MS. GUYAS:** I think it would be good if we could look at that
7 new action that's been created here, just take a break from the
8 committee report and take a look at that, and then I want to
9 speak to the Florida plan on this new action, and so if we can
10 get it on the board.
11

12 **CHAIRMAN FRAZER:** Okay. That's great. We will wait until it
13 gets on the board.
14

15 **DR. AVA LASSETER:** Okay, and so we have this proposal for what a
16 new action would look like. This is how it would be framed in
17 the program amendment, 50A, and, if we do want to look at what
18 it would look like in each individual state amendment, that's
19 actually already been composed down below.
20

21 The idea is that this would be a procedure for allowing a state
22 to request the closure of areas of federal waters adjacent to
23 its state waters to red snapper recreational fishing, and so the
24 no action, Alternative 1, would be do not establish a procedure
25 to allow a state to request that NMFS close areas of federal
26 waters adjacent to its state waters to red snapper recreational
27 fishing.
28

29 Alternative 2 would establish a procedure to allow a state to
30 request NMFS to close areas of federal waters adjacent to its
31 state waters to red snapper recreational fishing. The process
32 would be the state would request the closure by letter,
33 providing dates and coordinates for the closure. If the request
34 is within the scope of the analysis in this amendment, NMFS
35 would publish a notice in the Federal Register implementing the
36 closure. The closure would apply to the recreational sector
37 component or components included in the state's approved
38 management program.
39

40 Again, this broad 50A document is the EIS, and so everything
41 would be analyzed included in there, and then each individual
42 state amendment would pertain to that individual state's
43 specific proposals of what they might want to do. I will pause
44 there.
45

46 **CHAIRMAN FRAZER:** Martha, you wanted to talk about this a little
47 bit? Excuse me. Mara, sorry.
48

1 **MS. LEVY:** Thanks. Well, it's not written in the alternative,
2 but, just thinking about it, and I guess we would put it in the
3 discussion, this would be sort of an annual thing, right,
4 because the way we would implement this is through a notice in
5 the Federal Register, which is like a temporary rule, and so it
6 wouldn't be effective forever, and so, each year the state
7 wanted to do this, they would be required to request it, and we
8 can make that clear in the discussion.

9
10 **CHAIRMAN FRAZER:** Thank you, Mara. Martha.

11
12 **MS. GUYAS:** I briefly mentioned this in committee, but, when our
13 commission was talking about the tools that they would like to
14 have in implementing state management, they did discuss this
15 possibility of being able to close portions of federal waters.
16 Specifically, the options that we would want included in the
17 Florida plan would be closures beyond twenty fathoms and thirty
18 fathoms in the EEZ off of Florida, and so I don't know if you
19 would want a motion to add an alternative here or just a motion
20 to add that to the discussion of the Florida plan, and what's
21 the best way to do this mechanically?

22
23 **CHAIRMAN FRAZER:** Roy and then Mara.

24
25 **DR. CRABTREE:** I think the plan is we add this to all five
26 plans, correct?

27
28 **MS. GUYAS:** Right, but I'm speaking to this specific, I guess,
29 options to be analyzed for the Florida plan. If other states
30 don't want to do closures beyond twenty or thirty fathoms, then
31 I'm not suggesting they add those to the plan. I think those
32 would just be for the Florida plan.

33
34 **CHAIRMAN FRAZER:** Ms. Levy.

35
36 **MS. LEVY:** I guess I envisioned it as not needing a motion, but
37 more, if that is what your intent is to include in the Florida
38 plan, for purposes of analysis, then that's what we would
39 include and analyze and indicate that that relates to Florida's
40 plan, and, to the extent other states have other things that
41 they would like analyzed for their purposes, we would do that,
42 and so, if you could just indicate to staff the types of things
43 you want analyzed, we could do that, because, as you see in this
44 alternative, whether NMFS is going to be able to do it is going
45 to be dependent on whether we've actually analyzed it in the
46 document, but I don't think you necessarily would need a motion
47 to do that. We would have to add this, hopefully, for the
48 public hearing draft, and you would have to look at it again

1 when it comes back to you.
2
3 **CHAIRMAN FRAZER:** Martha, to that point?
4
5 **MS. GUYAS:** Okay, and so I would just ask staff whether it's
6 clear and if you guys understand what I'm looking for here for
7 the Florida plan.
8
9 **DR. LASSETER:** I will request some feedback from NMFS staff as
10 well, but does this mean the entire EEZ? Would you be wanting
11 to do smaller areas within that? Just I guess to be specific as
12 what you are aware of at this time.
13
14 **MS. GUYAS:** I think the intent would be the entire EEZ off of
15 Florida. In terms of coordinates, I think we have coordinates
16 for both of those lines already in the CFR. The twenty-fathom
17 line is the grouper line, and then thirty fathoms I think we had
18 in the rule maybe for longlines, and I envision that this would
19 be a closure like for the entire season, and so like fishing
20 would be restricted to within twenty or thirty fathoms from
21 shore, and, again, not necessarily that the commission is going
22 to do this, but just these are options on the table, tools that
23 they could use, to optimize opportunities off of Florida. Does
24 that make sense? Cool.
25
26 **CHAIRMAN FRAZER:** Ms. Levy and then Roy.
27
28 **MS. LEVY:** I think you got to this, Martha, but just to make
29 sure. We're talking about potential closures when Florida is
30 open. Meaning, if Florida's season is closed, it doesn't matter
31 whether the EEZ depth of twenty-five fathoms is open or not,
32 because they will be landing somewhere else.
33
34 **MS. GUYAS:** Correct
35
36 **CHAIRMAN FRAZER:** Roy.
37
38 **DR. CRABTREE:** I guess this is the path we're going to go, but I
39 would point out that this is a slippery slope, because we're
40 letting one state regulate vessels from the other states, and,
41 if we start getting in the northern Gulf, with Alabama,
42 Mississippi, and Louisiana, that states start doing these kinds
43 of things, it's likely to have a big impact on fishermen from
44 adjacent states who may fish in the EEZ off of other states, and
45 so just be aware.
46
47 **CHAIRMAN FRAZER:** Sue.
48

1 **MS. GERHART:** Martha has told us what Florida is interested in
2 looking at analyzing for their document. Just any of the other
3 states, if they want something as well, please make sure staff
4 knows what that is, so we can put that in there.

5

6 **CHAIRMAN FRAZER:** Thank you, Sue, for that direction. Any
7 further discussion? Mara and then Kevin.

8

9 **MS. LEVY:** Well, I'm not sure exactly what Sue meant, but I
10 wouldn't want the states just communicating with staff. To me,
11 because this is going into a draft that's going to go to the
12 public that you're not going to see again, I would want the
13 states to say now, during the meeting on the record, what they
14 want analyzed. I would not want it just communicated with staff
15 and it end up in the document with nobody else knowing that it
16 was going to be in there.

17

18 **CHAIRMAN FRAZER:** Okay. We'll go to Florida first. Martha, are
19 you prepared to do that?

20

21 **MS. GUYAS:** I think we're good, right? You've got what you need
22 from me. Okay. Perfect. I think Robin had his hand up.

23

24 **CHAIRMAN FRAZER:** Can we get some discussion from the other
25 states? Robin.

26

27 **MR. RIECHERS:** The analysis you need in the document for Texas
28 would be similar to the way we've conducted our EFP, where we
29 keep our state waters open year-round and pull the poundage off
30 the top, meaning we account for that in our overall poundage,
31 and then we run a federal season, however many days that will
32 allow us to run, with the remaining poundage. Right now, the
33 start date on that was June 1, but we anticipate that we could
34 move that, and, of course, when you move it, it may change the
35 number of days you run.

36

37 **CHAIRMAN FRAZER:** I am going to work my way around the table.
38 Dr. Mickle and Mississippi.

39

40 **DR. MICKLE:** Our recommendations are premature. We really need
41 to sit down and look at our areas. We have really good red
42 snapper data, and we have locales and things like that we need
43 to look at, but, most likely, it would start at the state level
44 and then the federal water line of closing, and we don't have
45 that need to elongate seasons like some of the other states, but
46 I truly appreciate what Florida is doing here. They have a
47 harvest rate issue, and this is a good tool to have, and I
48 completely support their intention.

1
2 **CHAIRMAN FRAZER:** Dr. Crabtree.
3
4 **DR. CRABTREE:** I'm not sure that gave us any guidance, Paul.
5 Does Mississippi have any intent of using this provision?
6
7 **DR. MICKLE:** Like I was trying to -- I don't really know yet. I
8 really need to --
9
10 **DR. CRABTREE:** Remember that we're trying to vote this up at the
11 next meeting and so we --
12
13 **DR. MICKLE:** Believe me, I know. It's a toolbox, and it would
14 be nice to have a toolbox that we don't know if we would use,
15 and so my direction would be, yes, it would be closing the EEZ
16 down adjacent to state waters without fathom designations at
17 this time.
18
19 **CHAIRMAN FRAZER:** Paul, can you repeat that? I'm not sure that
20 Ava heard that.
21
22 **DR. MICKLE:** It would be closing areas -- It would be request
23 NMFS to close areas adjacent to state waters for recreational
24 red snapper fishing.
25
26 **CHAIRMAN FRAZER:** Ms. Levy.
27
28 **MS. LEVY:** I understand you don't know the details, but just, in
29 terms of an analysis, that doesn't really put any bounds on it.
30 Like I don't know that we're going to be able to do an analysis
31 that would actually allow you to request this. Meaning, at
32 least for Florida, we know that they want their closure at this
33 depth area during their open season, right, and, for Texas, we
34 know that they want to have a year-round state season, and so
35 federal waters would be closed at some point in time, all of the
36 EEZ off of their state.
37
38 For yours, I am not sure if your intention is to sort of do the
39 same thing, like have a federal closure in an area while your
40 state season is open, or you're going to have a state season and
41 then a different federal season, and I suspect you don't know,
42 and the issue with that is going to be -- The issue with that is
43 just going to be the analysis isn't going to be there, and so
44 there's not necessarily going to be a mechanism that's going to
45 allow you to do it. I am not really sure how to address this,
46 because, again, this is kind of coming up at the end of the
47 process a little bit.
48

1 **DR. MICKLE:** Understanding the -- I am been preaching the need
2 for speed more than anyone, I think, this week on this
3 amendment, and so I will delve into pretty much mimicking what
4 Texas is, to allow the state season to be open when the federal
5 season waters are wanting to be closed and having that open, and
6 so, to keep things consistent and for speed, I will do similar
7 respects to Texas's strategy.

8
9 **CHAIRMAN FRAZER:** Thank you, Paul. Patrick, Louisiana.

10
11 **MR. BANKS:** Well, I'm with Paul. I want to make sure this thing
12 goes, and, as much as I want to have as many tools in the
13 toolbox for each state, I just think we need to -- The more I am
14 hearing all the discussion at this meeting and listening to the
15 confusion and all this kind of stuff, it just seems like we just
16 need to do what we're doing in the EFP and structure these
17 things that way, and let's move this thing forward.

18
19 Then let's spend the next couple of years figuring out how we
20 get these depth/distance things into our toolbox and how we get
21 these other tools into our toolbox, because I do believe we need
22 them all in our toolbox in the state, but I'm afraid, if we try
23 to throw too much at this, we're just going to bog it down, and
24 so I would rather just not complicate it any more. Thanks.

25
26 **CHAIRMAN FRAZER:** Just to confirm, there is nothing coming from
27 Louisiana here?

28
29 **MR. BANKS:** I don't plan to add this to our document, no.

30
31 **CHAIRMAN FRAZER:** Thank you. Mara, it looks like you want to
32 say something here.

33
34 **MS. LEVY:** Well, I mean, the council already voted to add it to
35 all the documents, but I guess I take that to mean that
36 Alternative 1 would be your preferred, right, and so it's going
37 to be there, but, to the extent that there is no indication of
38 what you would want to do and there is no analysis, you would
39 just pick Alternative 1 as the preferred.

40
41 **CHAIRMAN FRAZER:** Martha, go ahead.

42
43 **MS. GUYAS:** I think I already know the answer to this, but this
44 is a new alternative, and, at least for Florida, we've indicated
45 that we're going to go with Alternative 2 here, and is it
46 appropriate now to designate that as a preferred alternative for
47 the Florida plan, just so that it's there for public hearings?

1 I get that there is not a lot of analysis with this, but I know
2 that you also have been thinking about it, and the reason this
3 is here is because you guys knew this was coming, and so I'm not
4 sure what is most appropriate here. We just had a big
5 discussion about not adding preferreds for things that aren't
6 analyzed, but I also want to signal to the public, at public
7 hearings, kind of where we're going.

8

9 **CHAIRMAN FRAZER:** Okay, and so Mara and then Kevin.

10

11 **MS. LEVY:** I guess I don't have a strong opinion. I mean, you
12 could always signal at the public hearings what was stated at
13 the council, and you can say it wasn't picked as preferred yet,
14 but Florida outlined these as the possible options, and then
15 it's stated here, and I guess it's up to you.

16

17 **CHAIRMAN FRAZER:** Mr. Anson.

18

19 **MR. ANSON:** I know it's been passed, but I'm kind of with
20 Patrick. I mean, this potentially could slow it down, and I
21 guess I'm curious as to how the public hearings will go, and
22 whether there will be enough meat on the bones, so to speak,
23 when you bring this action item up for each of the states to
24 kind of really explain it, and then we've got kind of a time
25 schedule that we're trying to get this thing passed and out the
26 door, and this is a pretty big item.

27

28 I understand the flexibility it provides, and, again, we've
29 started down the road of state management to provide as much
30 flexibility as possible to the states, and so I'm certainly
31 onboard in that regard for Alabama. I guess I can ask staff how
32 confident they are in putting this in a public hearing document
33 and having enough or at least some semblance of explanation.

34

35 **DR. LASSETER:** We will definitely do what you request us to do.
36 I am definitely concerned about getting the entire analysis
37 done, and, the more complicated it is -- I am wondering if, just
38 to help me explain some of this, could we put up the Figure
39 1.1.1 in the 50A document and just look at what we're talking
40 about here?

41

42 Dr. Crabtree just mentioned that, if a state does use then this
43 procedure, you're talking about the closed areas would affect
44 anglers of all states, and let's just take a look at -- Can we
45 get Figure 1.1.1 up in Amendment 50A? There we go.

46

47 This is just reminding me of some of the discussions that we had
48 going back to Amendment 39, where we ended up starting to go

1 down a path of there was an alternative that would have combined
2 Mississippi and Louisiana into a common area, and that was
3 because of this issue of access to federal waters, and so what I
4 just heard from Mississippi was that you would potentially want
5 to be closing that little sliver, and closing that little sliver
6 is going to be closing it to all three of those -- Well, to all
7 five states, and so I would really think about that, because
8 that's going to come out in the analysis. That's exactly what
9 we're going to be analyzing.

10
11 The more of these that we do have to address, I am a little
12 worried about getting this all done in the next three weeks, so
13 that we can get these documents posted for public hearings.

14
15 **CHAIRMAN FRAZER:** We're going to go to Dr. Crabtree and then Dr.
16 Simmons.

17
18 **DR. CRABTREE:** As I read it, if Mississippi closed their stretch
19 of coast, you would not be allowed to possess red snapper there,
20 no recreational vessels, and so that would mean that boats in
21 Alabama could not go red snapper fish off of Louisiana, which I
22 think some of them do, because they wouldn't be allowed to cross
23 back to Alabama, because the EEZ is closed.

24
25 This is the problem with this, and we're taking something that
26 we're running out of time on now, and we haven't come to
27 agreement on the most fundamental part of it, and we need to get
28 it done, and we're throwing in unenforceable complexities. Part
29 of the reason we went down this path from the get-go was to get
30 rid of lines in the water that we couldn't enforce and to create
31 something that we could enforce at the dock, and now we're
32 throwing all of these complexities in that I don't see any need
33 for, frankly, but, particularly from Louisiana, Mississippi, and
34 Alabama, I see lots of problems if one state starts closing that
35 sliver and the other anglers can't have access to places they
36 would normally fish.

37
38 **CHAIRMAN FRAZER:** Dr. Mickle, to that point?

39
40 **DR. MICKLE:** Thank you, Chair. With council staff saying there
41 is a direct impact on the time for analysis because of
42 Mississippi supportive of the motion, that's pretty strong
43 evidence of -- I mean, there is no reason that we can't take
44 this on after the amendment is complete and finalized. It's a
45 great tool to have, but, like I said, I mean, it's pretty
46 obvious that I was caught off-guard today by this a little bit,
47 because we don't have the problems that the other states have.

1 We don't have the analysis to show what benefit this would be.
2 We have a very long season, and, frankly, we don't really want
3 to fish a whole lot more right now than we are, right now, and
4 so the raw part of it is that this is impacting the timing, and
5 I have preached multiple days this week and the last meeting on
6 we don't want that from the State of Mississippi. We want to
7 move forward fast, and so I withdraw my comments earlier on the
8 support for this motion.

9
10 **CHAIRMAN FRAZER:** Dr. Simmons.

11
12 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. I was
13 just looking at the calendar, and I think the council added two
14 new alternatives for allocation, plus we have the action for the
15 endorsement for the for-hire that we don't have the effects
16 completed on yet and trying to get that turned around and do a
17 review, plus adding this in, and we essentially need to have the
18 public hearing document posted -- I would like to try to get it
19 up two weeks in advance of our hearing, and our first hearings
20 are December 3, and so that's trying to turn it around by
21 November 19, and so that's a tough timeline for us with the NMFS
22 staff to do.

23
24 **CHAIRMAN FRAZER:** I have on the list Kevin, Patrick, and then
25 Robin. Kevin is done. Patrick. Robin.

26
27 **MR. RIECHERS:** We are now talking about how big of a hurry this
28 is. This has been known, folks. I mean, we've had this as a
29 sub-bullet from the get-go. It's not been a secret what I
30 wanted, and Martha's may be a little bit newer, because she's
31 put her arms around maybe how she wants to try to control her
32 fishery.

33
34 I understand it may be somewhat difficult if you're trying to
35 get it done in the analytical way it needs to go forward with,
36 but this is not a new thing that we're talking about here, and
37 so I think what staff has to do now, the IPT team has to do, is
38 roll up their sleeves and let's figure out how to do it.

39
40 The whole notion of it being a framework came up yesterday, or
41 the day before yesterday, and I understand the reason why. It's
42 the handshake so that we can actually get the waters closed, and
43 I get it, but I know I used it as an example many meetings ago,
44 the Texas shrimp closure, because we've been doing it that way
45 for a long time, and so I understand -- I appreciate no one
46 wanting to slow the document up. I don't want to slow the
47 document up either.

48

1 We need to get this done, but I don't think it's too big of a
2 hurdle to climb, and I don't really know where we are right now
3 on the motion and the inclusion of the piece that Ava presented
4 us, but it needs to go in the documents, and we need to keep
5 this moving.

6
7 **CHAIRMAN FRAZER:** Let me step back and see where I think that we
8 might be. In 50A, if we continue on with the action item with
9 the two alternatives, and we would need some analysis, right, in
10 order to pick a preferred, those analyses, based on the
11 information that we have now, could be specific to one or two or
12 possibly three states. In Mississippi's case, for example, they
13 don't intend to employ this tool. Similarly, Louisiana may not
14 intend to employ the tool, or Alabama, but, sometime down the
15 road, they certainly could, and so, from an analysis
16 perspective, if we limited it to Florida and Texas, would that
17 streamline the workload or reduce the workload?

18
19 **DR. LASSETER:** Again, we're going to get as much of this done as
20 we can. We are going to work really hard and get it as complete
21 as possible. My concern really was more about what Mississippi
22 was proposing, because this just goes back to -- I was seeing us
23 then at the next meeting discussing that we're going to really
24 have to look at combining Mississippi and Louisiana, and that
25 particularly was what was causing me concern, rather than this
26 broader action of being developed. Again, we are going to go
27 back and meet and start writing furiously.

28
29 **CHAIRMAN FRAZER:** I really appreciate that. I do, but now I'm
30 going to look at the states that I think are complicating
31 things, potentially, for Ava, and not necessarily for the
32 fishing. That would be Paul and Patrick and Kevin, and so, at
33 this point, is it fair to assume that you don't necessarily want
34 to have this analysis at this time in the document? Patrick.

35
36 **MR. BANKS:** That's correct. I mean, this is going to go into
37 Florida's plan, and possibly Texas's plan, and so there would be
38 no analysis, no inclusion, in Louisiana's plan, and so the main
39 document would be ready for final action at the next meeting.
40 The Louisiana document would be ready for final action, and we
41 could take final action on that, and, if the analysis is not
42 finished for Florida and Texas, then their specific plans just
43 may not make it a final action at the next meeting, but
44 everything else would.

45
46 **CHAIRMAN FRAZER:** Dr. Crabtree.

47
48 **DR. CRABTREE:** As I said earlier, this is all or none, and I

1 would think we would look very skeptically at you submitting
2 some and not all. I don't think any of this works unless all
3 five states are in.

4
5 **CHAIRMAN FRAZER:** Kevin, would you like to weigh-in on this?

6
7 **MR. ANSON:** I guess if Ava is fairly convinced that she can have
8 some analysis done in the timeline that she needs to get it
9 done, so that it's in the document, because I know you will have
10 some that will be reviewing the documents and they will say,
11 well, wait a minute, why does Texas and Florida want this, but
12 my state doesn't, and so, I mean, I am hesitant to do -- You
13 know, in the northern Gulf, we're at the intersection, and so it
14 is more complicating than the other states on the ends, and so,
15 although I recognize the importance of having it as a tool, I
16 just feel uncomfortable, maybe, going in with nothing for
17 Alabama just to have the analysis and discussion.

18
19 We can always pull it back and such, because there's been quite
20 a few fishermen and comments that people I have talked to, as
21 well as on the fishing forums, that, when this hit the street,
22 it was almost a hair-on-fire reaction to folks as to whether or
23 not they can cross this line and be over here when they've got
24 fish or not fish and all this other stuff, and so I guess go
25 ahead and do it similar to what Florida is doing, as far as the
26 state water closure, just so that we can have that analysis,
27 since it needs to be done.

28
29 **DR. LASSETER:** Okay, and so I'm understanding, for Alabama, to
30 examine closing federal waters past twenty and/or thirty fathoms
31 for the entire EEZ off of Alabama and for the entire season, so
32 that all fishing would be essentially restricted past that
33 depth.

34
35 **MR. ANSON:** Yes, that would be correct, the fathom line.

36
37 **CHAIRMAN FRAZER:** Okay. I have a question for Dr. Crabtree. I
38 would like to follow-up or pursue the all-or-none discussion a
39 little bit more here with regard to this particular action item.

40
41 **DR. CRABTREE:** Well, I'm not saying all or none for this
42 particular action item. I meant that I don't believe -- I would
43 not support moving forward with approval of a couple of states
44 plans if the other state plans weren't even submitted. I don't
45 think this can work if it's just one or two states, and so I was
46 talking about the approval of the plans and submission of the
47 plans as a whole and not this specific action.

48

1 **CHAIRMAN FRAZER:** Sure, and I appreciate that, and so, Ava, do
2 you think you have enough direction at this point? I realize
3 that it's a steep climb and we're putting a tremendous amount of
4 pressure on the staff, but I think there is an attempt on the
5 part of the council at all costs to try to move this particular
6 amendment and the state plans forward, and so I appreciate that.
7 Thank you. We are going to go back to the committee report, and
8 so if we can get that back up on the board.

9
10 **MS. GUYAS:** Okay, and so I think where we left off is we
11 dispensed with the Option 2g discussion, which led to this
12 discussion of this action, and now we are at the top of page 2,
13 a little bit down.

14
15 For Options 2e and 2f, staff noted that delegation for live-
16 release devices and harvest gear is not needed, as the states
17 could require possession of such devices and gear and enforce
18 the requirements dockside. The committee then passed the
19 following motion.

20
21 **Without opposition, the committee recommends, and I so move, in**
22 **Action 1 of each state amendment to remove Options 2e and 2f.**
23 **Option 2e is requirements for live-release devices (e.g.,**
24 **descending devices) and Option 2f is requirements for harvest**
25 **gear.**

26
27 **CHAIRMAN FRAZER:** Okay. We have a committee motion on the
28 board. Is there any further discussion of this motion? Martha,
29 you have a comment?

30
31 **MS. GUYAS:** Yes, just a comment, because I think I heard some
32 public comments about this yesterday and concern that this was
33 not -- That descending devices and venting tools and those kinds
34 of things were kind of off the table here.

35
36 Well, not really, because the states can still do this, and they
37 would just be enforcing that as boats are coming back through
38 state waters, and so our commission discussed this as a tool
39 that they would want to have, but it's just that it wouldn't go
40 in the delegation. It would just be something that FWC
41 potentially would do in state rule and apply to anglers that are
42 landing in Florida, if that makes -- Hopefully that clarifies
43 kind of where we are with this.

44
45 **CHAIRMAN FRAZER:** Yes, I think so. Is there further discussion?
46 **Is there any opposition to the motion? Seeing none, the motion**
47 **carries.**

1 **MS. GUYAS:** A motion was then made to add a preferred
2 alternative and options to Florida's amendment. **Without**
3 **opposition, the committee recommends, and I so move, in Action 1**
4 **of Florida's amendment, to make Alternative 2, Options 2a, 2c,**
5 **and 2d the preferred.** I can read that if you want, but it's
6 kind of long.

7
8 **CHAIRMAN FRAZER:** I think that, unless there is anybody that
9 wants that to be read, it's on the record, or it will be on the
10 record, and so we have that motion on the board. Is there any
11 further discussion on that motion? **Seeing none, is there any**
12 **opposition to the motion? There is no opposition, and the**
13 **motion carries.**

14
15 **MS. GUYAS:** Action 2 addresses post-season quota adjustments.
16 Staff noted that Option 2b could be removed, as it could be
17 considered unfair to apply overage or underage adjustments
18 equally to both components. The committee then passed the
19 following motion.

20
21 **Without opposition, the committee recommends, and I so move, in**
22 **Action 2 to move Option 2b to Considered but Rejected in all**
23 **five state amendments. Option 2b is, if a state has both a**
24 **private-angling ACL and a federal for-hire ACL, the adjustment**
25 **will be applied equally to both components.**

26
27 **CHAIRMAN FRAZER:** We have a committee motion on the board.
28 Okay. Is there further discussion on this motion? **Seeing none,**
29 **is there any opposition to the motion? Seeing none, the motion**
30 **carries.** Martha.

31
32 **MS. GUYAS:** Staff noted that, if Option 2b is removed, as the
33 council just did, Option 2a would be incorporated into
34 Alternative 2.

35
36 Some states had not yet selected a preferred alternative in
37 Action 2 for a post-season quota adjustment. The committee then
38 passed the following motion.

39
40 **Without opposition, the committee recommends, and I so move, in**
41 **Action 2 to make Alternative 2, as modified, the preferred in**
42 **all five state plan amendments.**

43
44 **CHAIRMAN FRAZER:** Okay. We will let staff put that up on the
45 board. That's fine. Is there any further discussion on this
46 motion? **Is there any opposition to the motion? Seeing none,**
47 **the motion carries.** Kevin.

1 **MR. ANSON:** Just a little housekeeping before we go into public
2 hearing and talking about the document. In 50A, the motion was
3 added into the document that had the first iteration, I guess,
4 of the post-EFP percentages from Tuesday, and so that should
5 still be in the document. In order to kind of clean it up a
6 little bit, I was thinking of offering a motion to remove that.
7 If I can do that, if I can make a motion to remove what would
8 have been Alternative 7 at the time, with those percentages,
9 remove that from the document. I still want to keep the one we
10 voted in today, this other one, and I would still like to keep
11 that in there, but I want to, just for housekeeping and for
12 reduction, is to remove that first one.

13

14 **CHAIRMAN FRAZER:** Can you repeat that, specifically?

15

16 **MR. ANSON:** Again, I don't know if it officially received a
17 number, but I think it was the Alternative 7, the new
18 Alternative 7, with those prior percentages, and I don't know
19 how else to define it, other than to look at the percentages
20 that were sent, and maybe I will do that, to make sure it's
21 clear.

22

23 **CHAIRMAN FRAZER:** Just to clarify, this is the one that came
24 from the committee report, right, and that was put forward with
25 a preferred?

26

27 **MR. ANSON:** Yes, that's correct.

28

29 **CHAIRMAN FRAZER:** So your intent is to make a motion to remove
30 this from the document?

31

32 **MR. ANSON:** Yes, remove the one with Alabama at 28 percent, yes,
33 to remove that one.

34

35 **CHAIRMAN FRAZER:** Okay. I would go ahead and feel free to make
36 that motion.

37

38 **MR. ANSON:** I would like to make a motion to do that, to remove
39 it from 50A.

40

41 **CHAIRMAN FRAZER:** Sure. We have a procedural question right
42 now, and we might need Ms. Levy for this one. We can make a
43 motion, perhaps, to reconsider. Roy.

44

45 **DR. CRABTREE:** I think, procedurally, since we passed a motion
46 to add it, that someone who voted in favor of adding it would
47 have to vote for a motion to reconsider. Kevin, did you vote in
48 favor of adding it? You probably should start with a motion to

1 reconsider and then make the motion to remove it. If you pass
2 the motion to reconsider, then we would be back to voting
3 whether to add it or not, and we could vote not to add it.
4
5 **CHAIRMAN FRAZER:** Okay. I appreciate and understand that
6 approach. Kevin, would you like to make that motion?
7
8 **MR. ANSON:** I will attempt to. **I will make a motion to**
9 **reconsider the addition of the new Alternative 7 in Action 2.**
10
11 **CHAIRMAN FRAZER:** Okay. While that's getting up there, is there
12 a second for that? Mr. Boyd seconded it. Is there further
13 discussion? **Seeing none, is there any opposition to the motion?**
14 **Seeing none, the motion carries.**
15
16 **DR. CRABTREE:** I think what we do, Tom, now is go back to the
17 motion where we added it and vote on that again.
18
19 **CHAIRMAN FRAZER:** Okay. We will let staff get that back on the
20 board. What we're going to do is go back to the motion where we
21 actually voted on it. We're going to pull it back up, and we're
22 going to re-vote on it.
23
24 **EXECUTIVE DIRECTOR SIMMONS:** It was the eight-to-four vote,
25 Bernie. We are going to reconsider this motion, and we're going
26 to vote on it again, essentially.
27
28 **DR. CRABTREE:** Could you correct -- The motion to reconsider, I
29 think, passed unanimously and not eight-to-four.
30
31 **CHAIRMAN FRAZER:** That's correct. Thank you, Roy. Again,
32 Kevin, just to clarify, your intent is to remove this from the
33 document, and so we're going to take another vote. Patrick, go
34 ahead.
35
36 **MR. BANKS:** I just want to make sure that everybody -- That we
37 know which way we're voting for this. Since we're
38 reconsidering, then a vote for the motion would be to add it,
39 and a vote against the motion would be to remove it, correct, or
40 to not add it?
41
42 **CHAIRMAN FRAZER:** Hold on. Roy.
43
44 **DR. CRABTREE:** Yes, it's not to remove. We're going to vote
45 again on adding it to begin with, and so Kevin then would vote
46 against this motion, if you don't want it in there, right?
47
48 **CHAIRMAN FRAZER:** Right. So, if you don't want it in, you're

1 going to vote no, just so everybody knows. All right. **All**
2 **those in favor of the motion, raise your hand; all those against**
3 **the motion, raise your hand. It's a unanimous vote.** Martha,
4 carry on. Ms. Bosarge.

5
6 **DR. CRABTREE:** The motion failed, not carried.

7
8 **CHAIRMAN FRAZER:** Sorry, Roy. I am very confused. **The motion**
9 **failed unanimously.**

10
11 **MS. BOSARGE:** All right, and so I'm trying to think about our
12 next meeting, where I think we're going to try and possibly take
13 final action on this, and so I'm trying to think ahead, and I
14 was thinking about -- Can you pull up that Figure 1.1.1? I want
15 to make sure -- This wouldn't affect my state, but I want to
16 make sure that, Alabama and Florida, if this is something that
17 you all might look at this when it comes back to you next time
18 and consider, and I just wanted to make sure it's in the
19 document, if you all want it.

20
21 You will have to tell us, but the discussion was how, if we go
22 down this route of having federal waters closed and state-water
23 seasons ongoing, which Texas is already doing, I think, and it
24 sounds like Florida may want to do something like that, and I
25 can see where maybe Alabama might want to do something like that
26 in the future, possibly, just to curtail some of your catch
27 rates, if you're trying to extend things, and so my question
28 was, if you look at that map, Figure 1.1.1, if you ever wanted
29 to join up with Florida, possibly, in that federal-water
30 closure, then it's still the ends of the Gulf, and do you see
31 what I'm saying?

32
33 If you are combined with Florida on that closure, if you all
34 were on the same page about it, then you don't end up in that
35 situation where we have this sliver that's closed in the middle
36 of the Gulf and you can't transit and this and that. I just was
37 looking at the map, and it made sense. If you all two were
38 together, then you're that end of the coast, just for that one
39 item. If you all don't ever want to consider that, that's fine,
40 but I just didn't want to get to the next meeting and you all
41 see it and go, well, dang, if we had hooked up on that, it would
42 have worked, and so I'm just throwing it out there. If you want
43 some sort of option like that, it would probably be best to tell
44 staff now.

45
46 **CHAIRMAN FRAZER:** Ms. Levy.

47
48 **MS. LEVY:** When Martha was first describing what Florida was

1 thinking of doing, it was the fathom closure in conjunction with
2 their state season, right, and so they would want the EEZ closed
3 at a certain depth while their state season was running, and,
4 when they didn't have a state season, the EEZ would be open, but
5 what you're suggesting is that they might want to consider the
6 opposite, and I guess I'm just trying to be clear on what is --

7

8 **CHAIRMAN FRAZER:** Point made. Kevin.

9

10 **MR. ANSON:** I guess, just administratively, the way I would see
11 it is that, if we were all on the same page and we had the same
12 boundary, if you will, the fathom break, that we would just get
13 together and we would say we want to close it on this date and
14 open it on that date, and then we would submit to SERO that this
15 is what our -- Then it would get signed in, and it would be
16 concurrent, and that's how we would -- I don't think they need
17 to be lumped together for the analysis.

18

19 **MS. GUYAS:** I think I would agree with that.

20

21 **CHAIRMAN FRAZER:** Okay. Martha, carry on.

22

23 **MS. GUYAS:** Okay. We're almost done with this, maybe. Staff
24 noted that public hearings have been set up for the dates and
25 locations provided in the action guide. Dr. Simmons informed
26 the committee that, since Hurricane Michael, the office has not
27 been able to contact the hotel in Panama City at which that
28 meeting is scheduled. As an update, the meeting will now be
29 held in Pensacola on the same date, which was December 3, 2018,
30 and so we are moving Panama City to Pensacola for the public
31 hearings. I have one last motion here for this item.

32

33 **With no opposition, the committee recommends, and I so move, to**
34 **take Amendment 50: State Management Program for Recreational Red**
35 **Snapper and Individual State Amendments out for public hearings.**

36

37 **CHAIRMAN FRAZER:** Okay. We have a committee motion on the
38 board. Any further discussion on the motion? **Seeing none, is**
39 **there any opposition to the motion? No opposition, and the**
40 **motion carries.**

41

42 **MS. GUYAS:** Review of Reef Fish Management Objectives, staff
43 presented a review of the objectives of the Reef Fish Fishery
44 Management Plan with background information and relevant
45 amendments. Staff noted that changes to the Reef Fish Fishery
46 Management Plan objectives would need to be included in a plan
47 amendment.

48

1 The committee discussed the extent to which the objectives had
2 been met and whether the current objectives should be retained,
3 modified, or removed. The committee then made the following
4 motions.

5
6 **With no opposition, the committee recommends, and I so move, in
7 Objective 1 to reword as follows: "To prevent overfishing and
8 rebuild overfished stocks."**

9
10 **CHAIRMAN FRAZER:** All right, and so I realize that we have a
11 list of motions coming here, and so we're going to probably go
12 through this process for each one of them, and so is there any
13 further discussion on the motion on the board? Is there any
14 discussion on the motion? **Any opposition to the motion? Seeing
15 none, the motion carries.** Carry on.

16
17 **MS. GUYAS:** With no opposition, the committee recommends, and I
18 so move, to combine Objectives 2 and 7 to read: "To maintain
19 robust fishery reporting and data collection systems for
20 monitoring the reef fish fishery."

21
22 **CHAIRMAN FRAZER:** Okay. Any further discussion on this motion?
23 **Seeing none, is there any opposition to the motion? Seeing
24 none, the motion carries.**

25
26 **MS. GUYAS:** With no opposition, the committee recommends, and I
27 so move, to reword Objective 3, as follows: "To conserve and
28 protect reef fish habitats."

29
30 **CHAIRMAN FRAZER:** Okay. We have a motion on the board. Is
31 there any further discussion on this motion? **Seeing none, is
32 there any opposition to the motion? Seeing no opposition, the
33 motion carries.**

34
35 **MS. GUYAS:** With no opposition, the committee recommends, and I
36 so move, to reword Objective 4, as follows: "To minimize
37 conflicts between user groups", add a new objective "To minimize
38 and reduce dead discards," and to eliminate Objective 6.
39 Objective 6 was to reduce user conflicts and near-shore fishing
40 mortality.

41
42 **CHAIRMAN FRAZER:** Okay. We have a motion on the board. Any
43 further discussion? **Seeing none, is there any opposition?
44 Seeing none, the motion carries.**

45
46 **MS. GUYAS:** With no opposition, the committee recommends, and I
47 so move, to remove Objectives 5, 9, 11, and 16 and replace with
48 an objective that defines OY. The objective would be: "To

1 manage Gulf stocks at OY as defined in MSA."

2
3 **CHAIRMAN FRAZER:** Okay. We have a motion on the board. Is
4 there any further discussion? Ms. Levy.

5
6 **MS. LEVY:** I think I mentioned this during committee, and I will
7 just mention again that it's not clear to me that Objective 11
8 or 16 are necessarily captured in the definition of OY, meaning
9 they are fairly specific, maximizing net socioeconomic benefits
10 and optimizing, to the extent practicable, blah, blah, blah, net
11 benefits from the fishery, and so there may be pieces of those
12 that are in OY, and I'm not saying you can't pass this motion,
13 but I don't think that those very precise concepts are
14 necessarily captured in the very specific definition of OY as
15 well.

16
17 **CHAIRMAN FRAZER:** Okay. Thank you. Any further discussion? **Is**
18 **there any opposition to the motion? Seeing none, the motion**
19 **carries.**

20
21 **MS. GUYAS:** With no opposition, the committee recommends, and I
22 so move, to reword Objective 10 as follows: "To encourage and
23 periodically review research on the efficacy of artificial reefs
24 for management purposes."

25
26 **CHAIRMAN FRAZER:** Okay. We have a motion on the board. Any
27 further discussion? Dr. Stunz.

28
29 **DR. STUNZ:** Just very quickly, Mr. Chairman. This isn't
30 specifically to this motion, but I think it's a cutting-and-
31 pasting thing. We keep cutting and pasting "motion carried with
32 opposition", if you see that above that. The last few, they all
33 should --

34
35 **CHAIRMAN FRAZER:** Thank you. Good catch, Dr. Stunz.

36
37 **DR. STUNZ:** There are several of those.

38
39 **CHAIRMAN FRAZER:** All right. We will correct those. Thank you.
40 Again, I will just make sure there is -- Is there any further
41 discussion? **Seeing none, is there any opposition to this**
42 **motion? Seeing none, the motion carries.**

43
44 **MS. GUYAS:** With no opposition, the committee recommends, and I
45 so move, to remove Objectives 14 and 18 and reword Objective 12,
46 as follows: "To promote stability in the fishery by allowing for
47 enhanced fisher flexibility and increasing fishing opportunities
48 to the extent practicable."

1
2 **CHAIRMAN FRAZER:** Okay. We have a motion on the board. Is
3 there further discussion? **Seeing none, is there any opposition?**
4 **Seeing none, the motion carries.**

5
6 **MS. GUYAS:** With no opposition, the committee recommends, and I
7 so move, to remove Objective 17.

8
9 **CHAIRMAN FRAZER:** Okay. We have a committee motion on the
10 board. Any further discussion? **Seeing none, is there any**
11 **opposition? Seeing no opposition, the motion carries.**

12
13 **MS. GUYAS:** The overall goal of the Reef Fish Fishery Management
14 Plan is to manage the reef fish fishery of the United States
15 within the waters of the Gulf of Mexico Fishery Management
16 Council jurisdiction to attain the greatest overall benefit to
17 the nation with particular reference to food production and
18 recreational opportunities on the basis of the maximum
19 sustainable yield as reduced by relevant ecological, economic,
20 or social factors.

21
22 If the Reef Fish Committee motions are approved, the new Reef
23 Fish FMP objectives would be stated as seen in Table 1, and I
24 will just note here that the revised version of the committee
25 report fixed a typo under Number 1 to match what we actually
26 approved in our motion, and so we have all eleven of our
27 objectives here now, and I guess, if people have additions, now
28 would be a good time to look at those, but we will see these
29 again in another amendment at some point.

30
31 **CHAIRMAN FRAZER:** Anybody care to add anything at this point? I
32 don't see anything, Martha. Carry on.

33
34 **MS. GUYAS:** Establish Gray Snapper Status Determination Criteria
35 and Modify ACLs, staff provided a presentation summarizing the
36 components of status determination criteria and the requirement
37 to define reference points for managed fish stocks.

38
39 Staff also prepared and presented an infographic with a list of
40 common definitions used that can be used as reference materials
41 when evaluating options to establish status determination
42 criteria. Staff also reviewed a gray snapper hot sheet, which
43 is a one-page summary of the biology and fishery for gray
44 snapper.

45
46 Staff then reviewed draft Reef Fish Amendment 51 that would
47 establish status determination criteria and modify the ACLs for
48 Gulf gray snapper. The committee reviewed the purpose and need

1 and the range of alternatives in each of the five actions of the
2 document.

3
4 The committee was satisfied with the range of alternatives in
5 Actions 1 through 4. In Action 5, the committee discussed that
6 Alternatives 4 and 5 would specify both an ACL and ACT.
7 However, staff noted the accountability measures for gray
8 snapper are associated with the ACL, while the ACT serves no
9 purpose for managing gray snapper. Based on this discussion,
10 the committee determined that the alternatives with ACTs were
11 unnecessary.

12
13 **With no opposition, the committee recommends, and I so move, in**
14 **Action 5 to move Alternatives 4 and 5 to Considered but**
15 **Rejected.**

16
17 **CHAIRMAN FRAZER:** We will let staff get that on the board.
18 Okay. Is there any further discussion on this motion? **Is there**
19 **any opposition to the motion? Seeing none, the motion carries.**

20
21 **MS. GUYAS:** Staff will revise the draft amendment and bring it
22 back for committee review at the next council meeting. The
23 Great Red Snapper Count, Dr. Drymon gave a presentation
24 summarizing the status, preliminary findings, and timeline for a
25 comprehensive effort to estimate absolute red snapper abundance
26 in the Gulf.

27
28 He described five components of the study: 1) data mining and
29 habitat mapping, 2) calibration and validation, 3) sampling,
30 4) results, and 5) conclusions. He stated that the objective of
31 the data mining and habitat mapping was to predict the
32 probability of the presence of red snapper to inform sample
33 selection protocols for red snapper sampling.

34
35 The study uses multiple gear types, and calibration efforts are
36 ongoing to ensure accurate estimates of fish density and
37 abundance. Data collected during the spring and summer of 2018
38 are currently being analyzed, and the project will be completed
39 in summer 2019. Stakeholder engagement is a large part of this
40 effort. Investigators are working closely with key partners to
41 provide background information about the project and results as
42 they become available.

43
44 The committee asked if this project could be expanded for other
45 stocks and if cost-savings could be achieved in future efforts.
46 Dr. Drymon stated that the methods used are appropriate for
47 other species and some data, such as video surveys, are being
48 collected for multiple species. He stated that considerable

1 cost savings could be realized to complete similar projects for
2 other reef fish species.
3
4 SSC Summary Report, The Great Red Snapper Count, the SSC
5 received a summary presentation on the Great Red Snapper Count.
6 The SSC was interested in the research project and was satisfied
7 that the methods and protocols being used are appropriate to
8 estimate the abundance of Gulf red snapper. The SSC requested
9 to receive additional updates about the progress of this project
10 as they become available.
11
12 Best Scientific Information Available, the SSC discussed the
13 concept of Best Scientific Information Available (BSIA) as it
14 relates to the scientific advice they provide to the council,
15 and they also discussed best practices and policies to improve
16 communication between the SSC and the council.
17
18 NOAA General Counsel instructed the SSC to be explicit when
19 making determinations about BSIA and in identifying the scope of
20 this recommendation. For example, the SSC should note if they
21 thought a stock assessment was suitable for stock status
22 determination, but not for harvest advice.
23
24 Red Grouper Interim Analysis, the Southeast Fisheries Science
25 Center conducted an interim analysis that could be used to
26 provide updated harvest recommendations for red grouper in a
27 period between operational stock assessments. This type of
28 analysis could allow for a yield stream of a species to be
29 updated on an annual basis. This process could allow for better
30 resolution on the status of a stock and may improve the advice
31 conveyed to the council.
32
33 The interim analysis uses indices of abundance, or a specific
34 representative index of abundance, and a harvest control rule
35 used to provide some continuity in the catch advice provided
36 from the previous assessment. The responsiveness of the harvest
37 control rule to the data is determined by a scalar, which can be
38 manipulated to better track the previous management advice or
39 the representative index of abundance. A lower scalar value
40 will track the index, while a higher scalar value will track the
41 previous catch advice from the harvest control rule.
42
43 For red grouper, the inclusion of the catch advice from SEDAR 42
44 had an impact on the subsequent advice generated by the interim
45 analysis. By including the SEDAR 42 data, the catch advice was
46 much more optimistic. However, the SSC did not necessarily
47 think the SEDAR 42 catch advice was appropriate to use for
48 future catch advice, given the recent red grouper landings in

1 the Gulf.

2
3 The SSC endorsed the interim analysis approach and recommended
4 the exclusion of the SEDAR 42 data and a scalar value of 1 (out
5 of 10), to more closely track the representative index of
6 abundance. However, given the preliminary nature of the interim
7 analysis approach, the SSC did not think the methodology was yet
8 robust enough to change the existing ABC recommendation.
9 Instead, the SSC recommended that the interim analysis approach
10 could be used to generate a revised ACL value for 2019. Based
11 on this analysis, the SSC recommended an updated ACL for red
12 grouper of 4.6 million pounds gutted weight for 2019.

13
14 The committee determined that it would not be able to implement
15 a change in the 2019 ACL for red grouper through the current
16 open framework action process. As an alternative, the committee
17 asked whether the issues described with red grouper would
18 qualify as an emergency, allowing the implementation of an
19 emergency rule to reduce the red grouper ACL.

20
21 NOAA General Counsel did not think the situation qualified as an
22 emergency rule, since it did not appear that overfishing was
23 occurring, nor that the stock was imperiled. An emergency
24 council meeting could be held to vote on a framework action,
25 which would facilitate the withholding of IFQ allocation to the
26 commercial fishery. However, the timing of such an effort makes
27 its full implementation in time to be effective in 2019
28 unlikely. I will pause there for a minute, because I suspect we
29 have discussion.

30
31 **CHAIRMAN FRAZER:** I will start off with Roy and then Mara, or
32 vice versa. It's up to you guys.

33
34 **DR. CRABTREE:** Reflecting on this, and particularly on all of
35 the public comment we got from grouper fishermen about the dire
36 status of red grouper and the need to do something, I am
37 concerned that overfishing may well be happening here. In fact,
38 the stock may well be overfished at this point, and I am further
39 concerned that the status of the stock has likely worsened since
40 the interim analysis was done, due to the red tide that has been
41 so severe.

42
43 I have become unsatisfied with our discussion in reef fish and
44 where we came down, but we didn't think we could get anything
45 done, and so, if you as a council would want to request an
46 interim or an emergency rule and ask us to implement a lower
47 catch level, I will go back and do my best to try and get that
48 done.

1
2 I think, at this point, it would be the right thing to do to try
3 and lower the catch levels for next year, and I think what we
4 got from the interim recommendation was 4.6 million pounds, and
5 so I will leave it up to you, but I'm willing to give it a try
6 and see if we can't get something done by next year, but I think
7 you would have to pass a motion and make a request today for us
8 to try and do that.

9
10 **CHAIRMAN FRAZER:** Sure. Thank you, Roy. Before we move on and
11 do perhaps do that, and we'll have a little more discussion, but
12 Mara.

13
14 **MS. LEVY:** Well, so I just wanted to I think correct what it
15 says that NOAA General Counsel did or did not do, and so I think
16 I indicated that it wasn't clear to me that this met the
17 definition of an emergency, but I don't think that I said -- I
18 mean, I think I said that we didn't have any solid information
19 that overfishing was undergoing, but I don't think I said
20 anything about the stock not being imperiled.

21
22 I said we've been hearing a lot of people come forward over the
23 last couple of council meetings expressing some issues with red
24 grouper, and so I just don't want that to be -- Like that part
25 of the committee report, and whether or not an emergency rule is
26 appropriate -- It depends on looking at whether there is an
27 emergency and such and not necessarily some of these other
28 things.

29
30 **CHAIRMAN FRAZER:** Roy, to that point?

31
32 **DR. CRABTREE:** Yes, and so we do have new information, and so I
33 guess new and unforeseen information. We had never seen this
34 interim analysis until this meeting, and we had never seen the
35 SSC recommendation until this meeting, and we certainly have
36 cause to believe that the stock is in very poor shape, and I've
37 had discussions with Dr. Porch, and we're going to explore those
38 further, to see whether we could reach a determination of
39 whether or not overfishing is -- We do have new information, and
40 we do have new and unforeseen circumstances here, and we have a
41 stock that's in trouble, and so I think that gives us reason to
42 feel some urgency in acting.

43
44 **CHAIRMAN FRAZER:** Thank you, Roy. A couple of things. I
45 realize there is a number of people waiting here, but I want to
46 go back and make sure that -- Mara, you're asking to correct the
47 meeting notes here to accurately reflect General Counsel's
48 statement, and is that correct? The way that it reads now, it

1 says: NOAA General Counsel did not think the situation qualified
2 as an emergency rule, since it did not appear that overfishing
3 was occurring nor that the stock was imperiled. Would you like
4 to modify that sentence?
5

6 **MS. LEVY:** I guess so. I guess it would be more that NOAA
7 General Counsel questioned whether the situation qualified for
8 an emergency rule, period.
9

10 **CHAIRMAN FRAZER:** Okay. There is a couple of hands that I saw.
11 You might have to raise them again, but I saw Leann, and I think
12 I might have seen Kevin's hand, and so Leann first.
13

14 **MS. BOSARGE:** I think everybody knows that I am definitely
15 interested in pursuing that option that Dr. Crabtree laid out.
16 I think I've heard enough in public testimony, not just at this
17 meeting, but consistently in public testimony in our meetings
18 that we have a problem and it's getting worse, and I did have
19 one question for you, Dr. Crabtree.
20

21 The option that appealed to me the most that I heard thrown out
22 by our fishermen last night was to set the quota equal to last
23 year's landings, to essentially not do any more damage than
24 we're already doing. The 4.6 that the SSC recommended, and I
25 don't have the landings in front of me, but I don't think we
26 came anywhere close to that, and I think the point is to
27 essentially get some hooks out of the water at some point. If
28 you set it at 4.6, you're going to keep hooks in the water
29 trying to catch fish, and so what do you think? Is that doable,
30 to set it at last year's landings for one year, for 2019?
31

32 **DR. CRABTREE:** We would need to know what that number is, and I
33 don't know what that number is off the top of my head, and
34 perhaps someone else does.
35

36 **CHAIRMAN FRAZER:** Kevin.
37

38 **MR. ANSON:** I don't recall the number. I mean, I was looking at
39 the 2018 landings right now, and, according to the Southeast
40 Regional Office IFQ page, they have 1.98 million pounds that
41 have been harvested out of 7.78 million pounds of quota, which
42 represents 25.4 percent of the quota, and I recall the fishermen
43 saying that it was around 2.4 or 2.5 was what last year's
44 landings were, and I was just going to bring up that very same
45 comment.
46

47 If there is enough science or enough information that the agency
48 could use to justify lowering it even further below what the

1 Science Center had reviewed, that 4.6 number, that's what I
2 would be more in favor of too, to help with the stock.

3
4 **CHAIRMAN FRAZER:** I am seeing a couple of people nodding to
5 that. Maybe we can get those numbers. Sue, can you provide
6 those? We'll give her just a second to find those. In the
7 interim, Martha?

8
9 **MS. GUYAS:** Yes, I will filibuster while Sue is doing that. I
10 think I would be supportive of doing something here, and I'm
11 okay with what was just suggested. Clearly something is
12 happening here, and we, unfortunately, haven't been able to deal
13 with it, because of our assessment schedule, and it's kind of
14 like the cobia situation, but a little bit different.

15
16 We wish we had the science in front of us, but, I mean, there's
17 compelling reasons here, again, as with cobia, to move forward
18 with something in the interim. Then, again, I would expect
19 that, once we do get this assessment, we will look at the
20 information in front of us, and we may need to change our tack
21 with managing this fishery.

22
23 **CHAIRMAN FRAZER:** Dr. Crabtree.

24
25 **DR. CRABTREE:** You can go into the website and pull up the red
26 grouper commercial landings out of the IFQ. The trickier part
27 is the recreational landings, and so you've got to have both,
28 because the 4.6 that they gave us in the interim analysis is
29 total allowable catch, and so it's commercial and recreational.

30
31 **CHAIRMAN FRAZER:** Sure, and so one approach might be to say 4.6
32 or the 2017 landings, whichever is lower. Then, once we have
33 that number, then that would be -- Perhaps.

34
35 **DR. CRABTREE:** You could do that, and then staff, in their
36 request, could put the actual number in, because they will need
37 to write us -- If you do, they will write us a letter asking for
38 it, and they could plug that number in.

39
40 **CHAIRMAN FRAZER:** Okay. Are people good with that suggestion?
41 Okay. Are we going to have a motion on the board, Leann?

42
43 **MS. BOSARGE:** I will make a stab at it. **To request that**
44 **National Marine Fisheries Service implement -- Is it an ACL? Is**
45 **that what I want to say for the red grouper fishery?**

46
47 **DR. CRABTREE:** I would say implement an interim or emergency
48 rule to establish a total allowable catch of 4.6 million pounds

1 or the 2017 total landings, whichever is lower. Is that what
2 you were looking for?
3
4 **MS. BOSARGE:** I think so. Thank you.
5
6 **CHAIRMAN FRAZER:** Is there a second? It's seconded by Martha.
7 Is there further discussion? Mr. Swindell.
8
9 **MR. SWINDELL:** The SSC recommended the 4.6 million pounds gutted
10 weight.
11
12 **CHAIRMAN FRAZER:** Susan and then Sue.
13
14 **MS. BOGGS:** I was just thinking, since we didn't have the
15 numbers, maybe if you did just 75 percent of the 4.6 million
16 pounds, and you're still leaving 25 percent out there on the
17 table.
18
19 **CHAIRMAN FRAZER:** I am going to quickly go to Dr. Simmons, and I
20 think she had the total catch, but maybe Sue does as well.
21 We'll see if they agree.
22
23 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. Really
24 quickly, just looking at the SSC presentation from the Science
25 Center, it looks like 4.206498, and so a little over 4.2
26 million.
27
28 **CHAIRMAN FRAZER:** Is that the same that you have?
29
30 **MS. GERHART:** It's not exactly the same, but, yes, mine was kind
31 of very quick adding, and so that's close enough. I had 4.16.
32
33 **CHAIRMAN FRAZER:** Roy.
34
35 **DR. CRABTREE:** I would suggest, since it's in the SSC report,
36 that you just put that number in there that that's what you want
37 us to implement.
38
39 **CHAIRMAN FRAZER:** Leann, would you like to modify the motion
40 then?
41
42 **MS. BOSARGE:** No, I think it just want to leave it like that.
43 That way, whatever you all decide, staff and NMFS, whatever you
44 all decide those final landings were, that gives you a little
45 leeway. I don't want to assume that one was correct over the
46 other, and I will let you all hammer that out.
47
48 **CHAIRMAN FRAZER:** I understand. Dr. Crabtree.

1
2 **DR. CRABTREE:** Even though I sort of suggested this, I will be
3 voting against it, in order to avoid a unanimous vote, to
4 preserve the Secretary's -- It's policy in the National Marine
5 Fisheries Service that the Regional Administrator votes against
6 emergency rules and interim rule requests, and the reason is the
7 statute says that if the council's request is unanimous that the
8 Secretary shall implement, but, if it's not unanimous, the
9 Secretary may implement, and we have been instructed to vote no,
10 so that the Secretary has the option. Sorry, but that's the
11 rule.
12
13 **CHAIRMAN FRAZER:** Okay. Thank you. Mr. Donaldson.
14
15 **MR. DONALDSON:** Do we need to put something specific about red
16 grouper in there, because there is nothing that says "red
17 grouper". I thought that might be --
18
19 **CHAIRMAN FRAZER:** Thank you, Dave. Ms. Bosarge, would you like
20 to amend the motion?
21
22 **MS. BOSARGE:** I would love to put red grouper in there
23 somewhere. Implement an emergency rule to establish a -- I love
24 it. That looks great.
25
26 **CHAIRMAN FRAZER:** Who was the seconder of this motion?
27
28 **MS. GUYAS:** Me, and I'm good with that.
29
30 **CHAIRMAN FRAZER:** I'm sure you are. Okay. Is there any further
31 discussion on the motion? We will proceed with a roll call
32 vote, and we'll let Dr. Simmons get that ready.
33
34 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp is absent. Dr. Stunz.
35
36 **DR. STUNZ:** Yes.
37
38 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.
39
40 **MR. DUGAS:** Yes.
41
42 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow is absent. Mr. Banks.
43
44 **MR. BANKS:** Yes.
45
46 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Crabtree.
47
48 **DR. CRABTREE:** No.

1
2 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Guyas.
3
4 **MS. GUYAS:** Yes.
5
6 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Sanchez.
7
8 **MR. SANCHEZ:** Yes.
9
10 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Bosarge.
11
12 **MS. BOSARGE:** Yes.
13
14 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Mickle.
15
16 **DR. MICKLE:** Yes.
17
18 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Riechers.
19
20 **MR. RIECHERS:** Yes.
21
22 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Boyd.
23
24 **MR. BOYD:** Yes.
25
26 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.
27
28 **MS. BOGGS:** Yes.
29
30 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Swindell.
31
32 **MR. SWINDELL:** Yes.
33
34 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
35
36 **MR. ANSON:** Yes.
37
38 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.
39
40 **MR. DIAZ:** Yes.
41
42 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.
43
44 **DR. FRAZER:** Yes.
45
46 **EXECUTIVE DIRECTOR SIMMONS:** It's fourteen to one with two
47 **absent.**
48

1 **CHAIRMAN FRAZER:** Ms. Bosarge.
2
3 **MS. BOSARGE:** Roy, procedurally, because I was asking you some
4 questions about this before, does the council have to have any
5 kind of amendment on the agenda to look at something with red
6 grouper for next meeting, in order to actually make all this be
7 able to be passed and implemented, or no?
8
9 **DR. CRABTREE:** Yes, we're going to need to start work on a
10 framework to put in place a new catch level for next year and
11 until we change it again, because the interim rule will be six
12 months, and it can be extended once, but what this does is, in
13 the FMP, I'm able to withhold the IFQ extra fish going out to
14 the IFQ fishermen, if the council has already approved an
15 action, and so we can do that, but we'll need to get, I guess, a
16 framework to adjust the catch levels somewhere.
17
18 **CHAIRMAN FRAZER:** Leann.
19
20 **MS. BOSARGE:** So we would essentially need to copy and paste the
21 old motion, and then we'll kind of wordsmith it so that it now
22 instructs staff to essentially start on a framework amendment
23 that looks at the exact same thing.
24
25 **CHAIRMAN FRAZER:** That's correct. Mr. Swindell.
26
27 **MR. SWINDELL:** Does the red grouper venture over into the South
28 Atlantic some?
29
30 **DR. CRABTREE:** Yes, they have red grouper in the South Atlantic,
31 and they have an assessment over there, and they've been
32 notified that they are not making sufficient progress in
33 rebuilding, and so they're working on amendment to revise the
34 rebuilding plan and lower the catch levels over there. Their
35 stock doesn't appear to be faring any better than ours.
36
37 **CHAIRMAN FRAZER:** Okay. Thank you, Dr. Crabtree. Do we want to
38 go ahead, Leann, and get this motion going?
39
40 **MS. BOSARGE:** Yes.
41
42 **CHAIRMAN FRAZER:** So let's wordsmith it now.
43
44 **MS. BOSARGE:** That looks pretty good, but I'm going to let Mara
45 and Roy look at that, just to make sure that we get this right.
46
47 **DR. CRABTREE:** I would say to draft a framework action to revise
48 the red grouper total allowable catch. You don't want numbers

1 in it here, because we'll have to look at a reasonable range of
2 alternatives.

3
4 **MS. BOSARGE:** I think I like that. **To request staff draft a**
5 **framework action to adjust the red grouper total allowable**
6 **catch.** Yes, sir.

7
8 **CHAIRMAN FRAZER:** Okay. **Maybe we should say to request that**
9 **staff draft a framework action.** Is there a second to the
10 motion?

11
12 **MS. GUYAS:** Second.

13
14 **CHAIRMAN FRAZER:** It's seconded by Martha. Any further
15 discussion on the motion? **Seeing none, is there any opposition**
16 **to the motion? No opposition, and the motion carries.** Martha.

17
18 **MS. GUYAS:** Other Topics, staff reviewed the council's
19 monitoring and research priorities with the SSC. The SSC plans
20 to review a draft of a new plan by the middle of 2019, with
21 goals of expanding upon outreach and education and socio-
22 economics.

23
24 The SSC also reviewed the Something's Fishy tool, which is
25 designed to query stakeholders in a general manner about a
26 particular species or issue. The SSC strongly supported the
27 continued development of the Something's Fishy tool and thought
28 it represented a valuable avenue for the consideration of
29 stakeholder viewpoints.

30
31 Status of Convening the Ad Hoc Reef Fish Headboat and Red
32 Snapper Charter For-Hire APs, Dr. Simmons informed the committee
33 that the AP meetings have been scheduled. The Ad Hoc Reef Fish
34 Headboat AP will meet Tuesday, December 11 and the Ad Hoc Red
35 Snapper Charter for-hire AP will meet Wednesday, December 12.
36 In addition, the Ad Hoc Red Snapper-Grouper Tilefish IFQ AP will
37 meet on Wednesday, November 7. All three meetings will be held
38 in the council office. Mr. Chair, this concludes my report.

39
40 **CHAIRMAN FRAZER:** Thank you, Martha. Kevin.

41
42 **MR. ANSON:** I don't want to open any old wounds here, but staff
43 brought it to my attention about to address the 100th of a
44 percent of the new alternative that was passed for the state
45 management document. If we don't need to address it here
46 beforehand, it can be sorted out. 100th of a percent equates to
47 around 400 pounds of fish and not 40,000 pounds of fish, and so
48 it's up to you. Either staff can just do it down to three

1 decimal places or what, and so --
2
3 **CHAIRMAN FRAZER:** Mr. Boyd.
4
5 **MR. BOYD:** Mine is a different topic, and I will let the
6 response come to Kevin.
7
8 **CHAIRMAN FRAZER:** My preference is, if there's no objection
9 around the council, let the staff carry it out to three decimal
10 places. Mr. Boyd.
11
12 **MR. BOYD:** I just wanted to ask Carrie -- We're convening the Ad
13 Hoc Reef Fish Headboat and Red Snapper AP for Charter, and where
14 are we on reconvening the Private Boat Ad Hoc Recreational AP?
15 If I remember correctly, at their last meeting, they had a
16 request to meet again, but I haven't heard anything about when
17 that would be scheduled or if it's going to be scheduled.
18
19 **EXECUTIVE DIRECTOR SIMMONS:** I will start, and maybe John can
20 help me, but when did we give that report to the council? Was
21 it in January? I think they were convened and we reported out,
22 and it was earlier this year, right, that they met and then we
23 reported out to the council, and the council really didn't tell
24 us any direction, as far as reconvening them again, the issues
25 they requested, and so I think we didn't understand that that
26 was the intent at this time, but we can look at doing something
27 next year, and we need to think about what the goals and
28 objectives would be for that.
29
30 **MR. BOYD:** A follow-up, Mr. Chairman?
31
32 **CHAIRMAN FRAZER:** Go ahead.
33
34 **MR. BOYD:** Well, I guess that would be my next question. Does
35 staff and council feel like the goals and objectives of that AP
36 were met out of those? Did they have two meetings? They had
37 one meeting or two? Personally, I don't know that the goals and
38 objectives were met to come up with a consensus of how to manage
39 the private boat recreational fishermen, and I think that --
40 Personally, I think that ought to be an ongoing discussion.
41
42 **CHAIRMAN FRAZER:** Thank you. Martha.
43
44 **MS. GUYAS:** People are going to start shooting arrows at me for
45 saying this, but it seems to me that one thing that would be
46 appropriate for this group to do would be to review the state
47 management amendments that we're working on here, since that
48 significantly affects the private angler red snapper fishery.

1
2 **CHAIRMAN FRAZER:** Any other thoughts from the council at this
3 point? A question from Leann.

4
5 **MS. BOSARGE:** John, it might be for you. Did they review --
6 They have had two meetings, and have they reviewed the state
7 management plans at all?

8
9 **DR. FROESCHKE:** I don't believe they have. I am trying to pull
10 up the information from the most recent meeting, but I don't
11 believe so.

12
13 **MR. BOYD:** We could ask Mr. Dugas, and he was on that committee,
14 if he remembers whether they reviewed it or not.

15
16 **CHAIRMAN FRAZER:** It looks like there was a review in there,
17 Doug. Dr. Crabtree.

18
19 **DR. CRABTREE:** Assuming we're going to approve Amendment 50, the
20 state management plans, at our January meeting, it seems to me,
21 unless there is something constructive they can do before then,
22 that if they have concerns about private red snapper management,
23 they need to go talk to their states and not so much to us, and
24 so I'm not sure -- I mean, if we delegate management of the
25 private recs to the states, it seems to me, Doug, that that's an
26 issue for them to discuss with the states at that point, isn't
27 it?

28
29 **CHAIRMAN FRAZER:** Mr. Boyd.

30
31 **MR. BOYD:** Well, I have not reviewed the purpose of the AP, but
32 I thought it wasn't just for red snapper. I thought it was for
33 all of the reef fish complex and all the fish that the private
34 boat people fish for.

35
36 **CHAIRMAN FRAZER:** Why don't we just chew on this just a bit?
37 It's lunch, and we're going to take an hour break, and then
38 we'll maybe have a brief discussion about this just following
39 lunch, and then we'll continue on. We will return at 1:30.

40
41 (Whereupon, the meeting recessed for lunch on October 25, 2018.)

42
43 - - -

44
45 October 25, 2018

46
47 THURSDAY AFTERNOON SESSION

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

CHAIRMAN FRAZER: We are going to continue with our discussion about the Ad Hoc Red Snapper AP, and we'll get back to that, but I want to first give Lieutenant Zanolwicz an opportunity to give the Coast Guard report, because some other folks need to leave, and I wanted them to have an opportunity to hear this presentation. Lieutenant Zanolwicz.

U. S. COAST GUARD REPORT

LT. ZANOWICZ: Thank you, Mr. Chairman. Fiscal Year 2018 ended for the U.S. Coast Guard on September 30, and so this is a presentation that I put together summarizing the performance in that mission, in the fisheries enforcement mission, for Fiscal Year 2018.

This is specific to Coast Guard District 8, which is the district where I am stationed at, and that district stretches from the U.S./Mexico border in southwest Texas to the Apalachicola area of the Florida Panhandle, which encompasses about 80 percent of the Gulf of Mexico, with the remaining 20 percent being Coast Guard District 7,

As you see here, we have our Fiscal Year 2018 LMR performance, and LMR stands for living marine resources, and that's the acronym we use to talk about the fisheries enforcement mission. This picture right here is a picture of one of our fast-response cutters, which I mentioned during a couple of previous council sessions.

These are new cutters, which we just received in District 8 at the end of 2017, and so Fiscal Year 2018 was the first full year we have had them. We currently have two, and we'll be getting a couple more in the coming years. These are 154 feet long, and it's hard to see in this picture, but they actually have a stern launch pursuit boat and better detection capabilities than some of our other platforms, and so we're really excited to have them, and they have really helped us out in this mission.

This graph here shows you our boardings by fishery by year from Fiscal Year 2014 to last year, Fiscal Year 2018, and so we set a new record for total fisheries boardings in Fiscal Year 2018,

1 with a total of 1,014 boardings. You can see there that total
2 shrimp boardings were 499 and total reef fish boardings were
3 444. HMS was fifty-five, and then CMP was sixteen.

4
5 One thing to note here is you will see there's an increase in
6 HMS boardings last year compared to previous years. The fast-
7 response cutter that I showed in the title slide allows us to
8 board vessels further offshore, and so it has allowed us to do
9 more boardings of the HMS fleet.

10
11 This slide here breaks down our violations by fishery from
12 Fiscal Year 2014 to last year in Fiscal Year 2018, and so, as a
13 result of the increase in boardings that I mentioned on the last
14 slide, we saw a corresponding increase in boardings with
15 violations, and so just a quick explanation of this slide.
16 While it does say "violations", you will see there is a category
17 for multiple there, and so what it really means is any boarding
18 that occurs with a violation counts as one violation on this
19 slide, and so that's why you have multiple, because you might
20 have, for example, a shrimp vessel that is retaining a red
21 snapper out of season, and they might also have a TED violation,
22 and so, in that case, they would have a violation in multiple
23 fisheries, and so it would count as a multiple violation.

24
25 You see here that reef fish violations made up just a little
26 over half of our total of forty-nine violations. In the
27 commercial fishery, a lot of that was turtle mitigation gear,
28 and, in the recreational fishery, most of those were closed
29 season violations. In the shrimp fishery, you will see there
30 that we had nine violations, and most of those were TED
31 violations.

32
33 This graph here shows you violations by type for the last year,
34 and so a lot of these are pretty self-explanatory. Gear
35 violations includes everything from TEDs, and it also includes
36 turtle mitigation gear. There weren't any large deviations last
37 year, in terms of violations by type, from historic numbers,
38 although, interestingly enough, there was a slight increase in
39 boardings with multiple violations.

40
41 Moving on to some notable cases we had last year, Coast Guard
42 Station Destin Florida cited a vessel for using undersized red
43 snapper as bait. The individual onboard was actually cutting
44 pieces from the fish and putting it on his hook, and so the
45 Coast Guard completed a case package for this and turned it over
46 to a local NOAA Enforcement agent for disposition, and that's
47 Picture A there in this slide.

48

1 Another notable case is we had Coast Guard Cutter Kingfisher,
2 which is a patrol boat out of Panama City, Florida, and they
3 sighted a vessel in the Madison-Swanson Closed Area and
4 conducted a boarding on the vessel. They found them in
5 possession of several reef fish, including red snapper. You can
6 see Picture B there relates to that case.

7
8 The final notable case was Coast Guard Cutter Jacob Poroo, which
9 is one of the fast-response cutters that I mentioned in the
10 title slide, and they had a NOAA OLE officer onboard for part of
11 the patrol, and they were able to conduct boardings of some HMS
12 vessels. They found multiple violations during this boarding,
13 mainly concerning issues with gear. Overall, we really
14 appreciated having a NOAA OLE officer onboard. It was extremely
15 helpful to us, and we're looking to capitalize on those
16 opportunities in the future.

17
18 That's the end of my presentation. I just wanted to mention,
19 with the end of the fiscal year, we do have final lancha
20 numbers. We had a total of sixty lanchas seized last year,
21 which was a new record, and a 33 percent increase over our
22 previous record of forty-five interdictions, and we also had 179
23 detections, which is also above average.

24
25 The cutter you see here in this picture is one of our 210-foot
26 medium-endurance cutters, and so, as you can see, these have the
27 ability to have a helicopter onboard and also extended offshore
28 endurance, and they have a pursuit and detection capability
29 similar to our fast-response cutters. These cutters are owned
30 by our Atlantic area, and so they're not actually a District 8
31 unit, but they do deploy them to us for several months of the
32 year, and so we'll be having several of these in Fiscal Year
33 2019, and we'll definitely be utilizing them to conduct the
34 mission.

35
36 One other thing that I wanted to mention, and not related to
37 this presentation, but, earlier, during the LE Committee
38 session, I mentioned that the Flower Garden Banks expansion was
39 approximately 150 square miles, and it's actually -- The latest
40 estimate was 104 square miles, and so I just wanted to mention
41 that, for the record. Thank you for your time, and that
42 completes my presentation, if you have any questions.

43
44 **CHAIRMAN FRAZER:** Thank you, Lieutenant Zanowicz. Are there
45 questions? Kevin.

46
47 **MR. ANSON:** Thank you for the presentation. A couple of
48 questions. When you showed the number of violations, that first

1 slide there, there's a dip there in 2015 that picks up, and is
2 that just because the mission priorities had changed during that
3 year, or was it related to fishing effort?
4

5 **LT. ZANOWICZ:** I would suspect it's probably mission priorities
6 thing.
7

8 **MR. ANSON:** Thank you. I said I had a couple, but I got to see
9 the slides again, and I thought there was a pretty good
10 correlation between this slide and the next slide, as far as --
11 But there's not. It's a little off, but it's around 4 or 5
12 percent, I guess, of the boardings that you have a violation.
13

14 **LT. ZANOWICZ:** Yes, that's correct. I think the average,
15 historically, has been about four-and-a-half percent of our
16 boardings we find a violation on.
17

18 **CHAIRMAN FRAZER:** Leann.
19

20 **MS. BOSARGE:** I was looking at the slide before that one, and so
21 I was just wondering -- I noticed you hit a good portion of the
22 shrimp fleet, and I can tell you that, which that's fine. We
23 get boarded a lot, but we're pretty used to it, and then I would
24 assume, on that reef fish number, which is about the same as
25 your shrimp boardings, a good portion of those are commercial,
26 and obviously almost all of the shrimp fleet -- That's pretty
27 much all commercial boardings, or maybe you may find somebody
28 every once in a while trying to do something recreationally in
29 state waters, and then some of the HMS is commercial, too. I
30 was just wondering, do you all have some kind of structure that
31 says that 75 or 80 percent of your interceptions are geared
32 towards commercial or --
33

34 **LT. ZANOWICZ:** It's kind of interesting the way we break it
35 down, and so, first off, what we do is we'll take all the
36 fishery management plans here in the Gulf and classify about
37 whether or not they're considered high-precedence or low-
38 precedence, just based on their socioeconomic importance, and
39 that's something we've done historically, in consultation with
40 NOAA.
41

42 For us here in the Gulf, or in District 8 rather, we classify
43 HMS, reef fish, and shrimp as all high-precedence fisheries, and
44 so that's where we focus a lot of our efforts, and then, based
45 on that, we take the estimates of the active fishing vessels in
46 those fleets and attempt to board approximately 20 percent of
47 them a year.
48

1 The one thing I do want to note for shrimp is that also includes
2 shrimp vessels that don't operate in federal waters and not
3 enforcing Magnuson, but enforcing Endangered Species Act for TED
4 violations.

5

6 **CHAIRMAN FRAZER:** Mr. Swindell.

7

8 **MR. SWINDELL:** I was looking at the reef fish, your 444
9 boardings on one of your slides, and what you have reported
10 several times before has been mostly on the Mexican coast, the
11 Mexican border, and are you getting these anywhere else other
12 than Mexico?

13

14 **LT. ZANOWICZ:** Sorry, and I should have specified at the
15 beginning of the presentation that all these numbers pertain
16 specifically to the domestic mission, and the Mexican lanchas
17 are all tallied separately.

18

19 **MR. SWINDELL:** I wasn't attending the Corpus Christi meeting,
20 but you reported 26,440 pounds of catch off of the lanchas in
21 2018, and was that all red snapper, or was that other fish? I
22 mean, what else do they have in that?

23

24 **LT. ZANOWICZ:** The vast majority of that is red snapper.
25 Occasionally, we get other species. Predominantly, it's red
26 snapper, and then you will also get a shark in there as well,
27 but the historic breakdown we've seen in recent years has been
28 roughly 80 percent red snapper, 20 percent shark, and then a
29 handful of other species.

30

31 **MR. SWINDELL:** Okay. What do we do, council, or Robin, about
32 anything about the red snapper pounds that are caught that he is
33 reporting, the Coast guard is reporting? Is that going anywhere
34 in any of your numbers at all?

35

36 **MR. RIECHERS:** No, those are outside any of the landings
37 statistics we would report. They have basically done an
38 analysis where they expanded those estimates at one point in
39 time, and he didn't present any expanded estimates at the Corpus
40 Christi meeting, but, no, Ed, to answer your question. They are
41 not incorporated in the, quote, unquote, Texas landings that we
42 would provide to you all or provide to NMFS.

43

44 **CHAIRMAN FRAZER:** Mr. Swindell.

45

46 **MR. SWINDELL:** Being that a lot of this is red snapper, I assume
47 it's not too far out of your nine-mile limit, and are your
48 enforcement catching any of these people doing anything, or is

1 this all Coast Guard work?

2
3 **MR. RIECHERS:** No, and I think he could testify to this, that
4 it's a joint effort down there on the border in trying to do
5 this. It's Coast Guard, Texas Parks and Wildlife Law
6 Enforcement, National Marine Fisheries Service Law Enforcement,
7 as well as I suspect Border Patrol also has a role that they
8 play on various operations if they see stuff going on, but you
9 may clarify as well.

10
11 **LT. ZANOWICZ:** Yes, absolutely. There is definitely multiple
12 agencies operating there on the Southwest border to combat the
13 threat, and part of that is due to the fact that not only are
14 these vessels fishing the red snapper, but we also encounter
15 lancha vessels engaged in drug smuggling as well, and so there
16 is multiple issues here, and it really is a multi-agency effort.

17
18 **CHAIRMAN FRAZER:** Mr. Swindell.

19
20 **MR. SWINDELL:** Do you have any problem off the coast of the
21 Florida Keys anywhere with Cuba or anyone else coming in?

22
23 **LT. ZANOWICZ:** That's in District 7, which is outside of my
24 district, and so I would be hesitant to comment on that, but I
25 will say, from my position, I haven't heard of any issues in
26 that area.

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

29
30 **DISCUSSION OF AD HOC AP MEETING**

31
32 **CHAIRMAN FRAZER:** Are there any additional questions? Okay.
33 Thank you, Lieutenant Zanowicz. All right. I think what we're
34 going to do is we're going to go back to the discussion that we
35 left off with, with regard to the Ad Hoc Red Snapper AP, and
36 there was an email that was sent out by staff just before 1:30,
37 and I don't know if, Doug, you were able to see that email yet.

38
39 **MR. BOYD:** No, I haven't.

40
41 **CHAIRMAN FRAZER:** That's okay. We're going to pull it up right
42 here. They are going to pull it up here as well. While you're
43 pulling it up, I will just have a few comments. The ad hoc AP
44 did meet last year, and they did have an opportunity to review
45 an early draft, obviously, of the state management plans, and
46 there was a motion, ultimately, that came out of the last
47 meeting, I believe, to support state management of all
48 recreational red snapper, and that motion carried unanimously.

1
2 One of the things that happens is, and we have four ad hoc APs,
3 and in January, we typically will look at the composition of
4 those ad hoc APs and reconstitute them, as necessary, and I will
5 let Dr. Simmons speak to this in a second, but perhaps in this
6 coming January, we might think about making that a -- Specific
7 to red snapper, we might think about making that a recreational
8 reef fish AP, and so perhaps we could get a little feedback on
9 that. Dr. Simmons.

10
11 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. I just
12 wanted to add that we don't reconstitute them until the council
13 directs us to do that. What we do is we just review those ad
14 hoc APs and say are these still necessary or have they reached
15 their mission or objectives that they were developed or put
16 together for regarding council activities, and so we start doing
17 that, I think, at the January meeting, and I think it's been
18 pretty successful, and so, at that time, perhaps, if you wanted
19 to modify their name and look at the composition, we could do
20 that later on and think about re-advertising, if you need to,
21 but we could do that in January.

22
23 **MR. BOYD:** The reason I bring it up, and let me just clarify, is
24 I'm not trying to make a motion or force the council to review
25 it, but there was such a push from all sectors, from the
26 commercial, from the charter/for-hire, and from the recreational
27 people, to convene a group that talks about how to manage the
28 recreational sector, and it just seems to me like that has kind
29 of fallen flat, and that's why I was bringing it back up,
30 because there was an across-the-board interest in convening
31 that, but we'll address it in January. Thank you.

32
33 **CHAIRMAN FRAZER:** Sure, and that's a good idea. I guess one of
34 the other points that was brought up earlier -- I mean, so we
35 have a number of public hearings across the various states, in
36 anticipation of looking at this Amendment 50 again in January,
37 and so there will be a lot of opportunity for recreational
38 anglers in each of the states to weigh-in on this, and so
39 hopefully that will be sufficient in the interim.

40
41 Okay. Any other discussion about that at this time? Seeing
42 none, we're going to move forward. On the agenda, we'll just
43 kind of work through them. Some of the things are no longer
44 applicable. We have discussed the golden crab EFP, and NMFS is
45 going to provide us with a revised EFP to look at at the next
46 council meeting, and so we'll look for that in January.

47
48 With regard to the supporting agencies updates, we've had a

1 South Atlantic Council liaison report by Tim before he left, and
2 we've had a Coast Guard report, and, Dave, did you want to do a
3 Gulf States Marine Fisheries Commission report?
4

5 **SUPPORTING AGENCIES UPDATE**
6 **GULF STATES MARINE FISHERIES COMMISSION**
7

8 **MR. DONALDSON:** Thank you, Mr. Chairman. Just a couple of
9 things. We recently held our 69th Annual Meeting in South Padre
10 Island, last week, and, this week, we met with council staff to
11 discuss the barotrauma workshop that we had discussed here a
12 couple of meetings ago, but we were initially focusing on doing
13 it in conjunction with the March commission meeting, but we may
14 look to have a meeting outside of that to give us a little more
15 flexibility. By having it within the commission meeting, it
16 kind of constrains our time block, and we're afraid that that
17 might not be enough time, but we're looking at those.
18

19 The commission and the council staff is planning on meeting with
20 Jamie Rinehart with NRDA to discuss the timing of the workshop,
21 and I will report back to the council when that's going to be,
22 but that concludes my report.
23

24 **CHAIRMAN FRAZER:** Thank you, Dave. Any questions? Okay. No
25 questions, and so let's revisit the schedule here. Is there
26 anything from NOAA Law Enforcement?
27

28 **NOAA OFFICE OF LAW ENFORCEMENT**
29

30 **LT. JOSEPH SCARPA:** Good afternoon, council. I'm Joe Scarpa
31 from the Office of Law Enforcement in St. Petersburg. I am the
32 Supervising Enforcement Officer for the Gulf Region for the
33 uniformed officers, from Texas all the way around the Gulf and
34 including the Florida Keys.
35

36 I've been away from the Southeast Region for six years, since
37 leaving FWC, and so it's good to be back and refamiliarizing
38 myself with Gulf regulations and current issues, and so I'm here
39 to review the NOAA OLE 4th Quarter Report, but first I would like
40 to say, since it's the first one I've seen here in the
41 Southeast, the purpose of the report is to give you guys some
42 useful information on the activities of OLE and some enforcement
43 statistics, and so, if there's anything in the report that you
44 don't find useful or there is information that you would find
45 useful that's not in the report, then just please get with us,
46 and we will make sure that we get that information to you.
47

48 I will go through this briefly, but this first slide is our

1 enforcement activity with respect to face-to-face interactions
2 with the public. As you can see, it's 39 percent of our time
3 spent in patrols. Now, this slide doesn't break down types of
4 patrols. It's simply percentages of time. Also, the rest of
5 the time is spent in meetings and outreach events, and so that's
6 how we break down our time, and that doesn't include
7 investigative time. That's just face-to-face time with the
8 public, and I thought that would be useful information.

9
10 This incident information, in each one of those categories, any
11 time an officer or an agent goes out on patrol and there is an
12 outreach event, and they create an incident, and part of that is
13 this slide shows you incident breakdown by -- This is the South
14 Atlantic Council, and I also have the Gulf and the Caribbean,
15 and so it breaks it down by law/reg program and area, and so, as
16 you can see, most of the regulations or violations are occurring
17 under the Magnuson Act, with a total of 117, and so I'm not
18 going to bore you with the stats. You have this emailed to you,
19 and so you can look at it, but, in summary, Magnuson is where we
20 have most of our violations.

21
22 This is the number of incident violations broken down by law/reg
23 program, and it's just another way of showing you that, under
24 the Magnuson Act, that is our greatest area of violations,
25 followed by Lacey and Marine Sanctuaries Act. If you see the
26 number, the 186, the reason that's different is because, in any
27 given violation or encounter, or incident rather, there could be
28 multiple violations under that same incident.

29
30 The next one is on the Gulf region, and it's the same thing.
31 It's 173 total, with 166 violations. This is just thrown in
32 here for the Caribbean. We actually had four in this quarter,
33 even though we have no staff in the Caribbean, and we did have
34 to send some agents out there to respond to some complaints.

35
36 This is a caseload snapshot of total cases of 269 for the
37 quarter. We have 141 that are currently open and ongoing, and
38 we have 128 that were closed and adjudicated in some way, and
39 this is a breakdown of those adjudications. It's everything
40 from compliance assistance written warnings and ongoing cases,
41 and this is the graph showing you how each one of those
42 incidents was broken down, and so it's a variety of
43 adjudications, everything from compliance assistance to
44 forwarding to General Counsel for processing.

45
46 These are some of the enforcement highlight cases. These were
47 cases that went to NOAA General Counsel as a Notice of
48 Violation. This one was reported as -- This is a TED violation

1 from the U.S. Coast Guard, a case referral by the U.S. Coast
2 Guard, and it was adjudicated with a \$14,000 summary settlement,
3 and that one was referred by the Louisiana Department of
4 Wildlife and Fisheries, and I believe that is a TED case with a
5 seventy-inch angle, and so that was sent to counsel as well.

6
7 FWC reported a case using multiple violations, and there is not
8 a number on that one, but that was an FWC case referral. The
9 next one is a case that was generated by NOAA OLE, and so that
10 was an internally-generated case, and the final one was a case
11 that was initiated by -- I guess it was a joint patrol by FWC
12 and the Coast Guard, and it was a violation of the Tortugas
13 Shrimp Sanctuary.

14
15 These slides are just statistics on summary settlements, which
16 are violation amounts in lieu of going to formal proceedings.
17 One thing to note on these slides is that it doesn't break it
18 down by what agency reported these violations or referred the
19 violation. The far column on the right is simply the location
20 where the violation occurred, and so it's not telling you
21 whether Texas referred the case or any other JEA partner or the
22 Coast Guard. That's just the location of where it occurred, and
23 so those statistics aren't in this.

24
25 As you can see, most of our violations are handled via the
26 summary settlement process. That's a large part of them, and
27 this is the investigative support program, our VMS folks, and
28 they monitor 1,036 vessels, and this is their statistics on --
29 That's just a graph showing the different types of units.

30
31 Noting that the VMS folks -- Most of their violations that they
32 encounter are handled by themselves and they don't ever get to
33 OLE for enforcement action. They make a phone call, and someone
34 is out on the water and their permit is not up-to-date, and many
35 times the VMS tech will call them, and they will come in and get
36 it corrected before it ever gets to OLE for enforcement action.

37
38 The observer program, sixty-nine trips, 757 sea-days, and this
39 is the chart showing the results of both the Gulf reef fish and
40 the HMS observer program, and so these are -- They have had it
41 looks like one gear and no observer harassment complaints and it
42 looks like some MARPOL violations that they reported. This is a
43 list of all the Notice of Violations that were referred to OLE
44 or General Counsel for prosecution. I think that's it.

45
46 There is one other note that I wanted to make. There is a
47 photograph of our patrol boat, if you could pull that one up,
48 and so OLE recently took possession of two thirty-six-foot metal

1 shark patrol boats. They will be put into service next month,
2 and so you may be seeing them out in the regions. OLE officers
3 will be trailering those vessels to do targeted enforcement
4 around the Gulf region.

5
6 The idea is that the vessel is large enough to get us offshore,
7 but it's small enough to be trailer-able and mobile, so we can
8 go to different regions and different areas and do targeted
9 enforcement, and so we're excited to get those into service, and
10 we're expecting to have both state officers and Coast Guard
11 personnel onboard to do joint operations, and so we're looking
12 forward to that, and that's it. Thank you.

13
14 **CHAIRMAN FRAZER:** Thank you for that presentation. Are there
15 any questions? Okay. Have a good day. That brings us, I
16 believe, to Other Business. We actually have two things, and
17 the first is going to be the Discussion of the Aquaculture Court
18 Decision and Ms. Levy.

19
20 **OTHER BUSINESS**
21 **DISCUSSION OF THE AQUACULTURE COURT DECISION**
22

23 **MS. LEVY:** Thank you. I don't know that there is much to
24 discuss. I think you've all heard or seen the decision, and,
25 basically, the District Court in Louisiana concluded that the
26 Magnuson Act doesn't authorize the regulation of aquaculture, so
27 that NMFS doesn't have the authority to regulate that.
28 Therefore, the Gulf rule that was implemented was basically
29 invalid.

30
31 The rule is no longer effective, and we're waiting still on the
32 final judgment. She has to enter the judgment, and the agency
33 has sixty days to file an appeal after the judgment is issued,
34 and so the agency is still looking at their appeal options, but,
35 for the time being, there is no Magnuson regulation of
36 aquaculture in the Gulf of Mexico. That doesn't mean that
37 aquaculture can't occur, but it just means the council's rules
38 are invalid and the agency is not regulating it. If you have
39 any questions, I'm happy to answer it, but it's just a pretty
40 straightforward statutory interpretation.

41
42 **CHAIRMAN FRAZER:** I do have a question. Who is regulating it?

43
44 **MS. LEVY:** Well, and so different agencies have different
45 jurisdictions over different types of things, right, and so the
46 Army Corps of Engineers generally has some sort of regulatory
47 authority when you're going to put things on the bottom of the
48 sea floor, and so, a lot of times, you need an Army Corps

1 Section 10 permit under the Rivers and Harbors Act if you're
2 going to attach things to the bottom, and so, to the extent
3 there is going to be things anchored, that would be the Army
4 Corps' jurisdiction.

5
6 The Environmental Protection Agency has jurisdiction over
7 discharges of pollutants, and so, a lot of times, you would
8 potentially need an EPA permit to have these aquaculture
9 operations out there, and so they would regulate it, but there
10 is no entity regulating it as fishing, and so the EPA and the
11 Army Corps have their very specific jurisdictions, and they are
12 going to issue permits for what they cover, and they have done
13 that in other areas of the country, where the agency doesn't
14 have a -- Well, where the councils didn't have aquaculture plans
15 and such.

16
17 **CHAIRMAN FRAZER:** Martha, you had a question?

18
19 **MS. GUYAS:** We had this EFP that was pending, and so obviously
20 that's out the window at this point, but are they -- Have you
21 heard anything or are they planning to move forward and deploy
22 the --

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

25
26 **DR. CRABTREE:** To the best of my knowledge, yes, and we're still
27 working with them to complete the NEPA analysis, but, at this
28 time, I don't believe they need an EFP in order to move forward
29 with their project.

30
31 **CHAIRMAN FRAZER:** Dave.

32
33 **MR. DONALDSON:** Martha, that's my understanding as well,
34 because, through our RFP for the regional pilot programs, we
35 funded a component of that project to do the siting, and, as far
36 as we know, they are moving forward with that project.

37
38 **CHAIRMAN FRAZER:** Sue.

39
40 **MS. GERHART:** While you're talking about the EFP, just with the
41 project, just to let you know that they completed the baseline
42 environmental survey, and there were no significant issues with
43 that, and so they did select a site to go forward with, and they
44 are working with the EPA and the Corps to get those permits.

45
46 **CHAIRMAN FRAZER:** Any other questions? Okay. Seeing none, we
47 will move on to the last item of business on the agenda, and I
48 believe Doug Boyd brought up the issue of what we might do in

1 the wake of Hurricane Michael and address that to NMFS, and is
2 that correct?

3
4 **DISCUSSION OF HURRICANE MICHAEL DISASTER RELIEF**
5

6 **MR. BOYD:** Yes, and I just wanted to bring it up to the council
7 and ask Roy. It seems to me that we have a catastrophic issue,
8 an event, like we had last year in Texas in the Rockport/Port
9 Aransas area, and we have a lot of our for-hire fishermen who
10 may have either damaged boats or lost boats and are going to
11 have to replace them, and I'm just concerned, and I will tell
12 you that I've had conversations with several of my for-hire
13 friends around the Gulf, and they are all concerned about their
14 friends who may be in peril of losing their permits because of
15 the timeframes here in order to either repair or replace a boat.

16
17 I just wanted to bring it up to the council, and I don't know
18 what our procedure would be, other than to write a letter to
19 NMFS saying do everything you can to help these people, and I
20 just wanted to have that discussion.

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

23
24 **DR. CRABTREE:** It is our intent to do everything that we can to
25 help folks, and so we have already put in place the emergency
26 IFQ reporting procedures that allow you to report on paper. We
27 are waiving fees on replacement permits for folks whose permits
28 are gone, and we are going to exercise flexibility on the
29 various grace periods and renewal deadlines.

30
31 My goal is to ensure that no one loses their permit as a result
32 of the storms, either in the Panama City area or in the North
33 Carolina areas that were affected.

34
35 People who have lost their boats, we'll make an arrangement to
36 put their permit in some sort of no-vessel status, temporarily,
37 until they are able to come up with another vessel to transfer
38 it. In the meantime, folks who need to renew their permits or
39 need to do something need to go ahead and contact our Permits
40 Office and take care of business, but we're certainly going to
41 go out of our way to help them out and do what we can to get
42 them back on their feet.

43
44 There are only a couple, I think, of permits, because we've
45 looked, that need to be renewed or they would be lost in these
46 areas, and we're trying to contact those people, but there may
47 be people who we're unable to contact, and so we'll do the best
48 we can, but my goal is to make sure that they do not lose their

1 permits.

2
3 I don't really think you need to do anything. None of this will
4 be done in a rulemaking basis. This is all just in terms of
5 operating procedures in the Permits Office, and I don't really
6 want to put out a Fishery Bulletin or anything, because I want
7 people who have permits that they're able to renew their
8 permits, they need to renew them and do it on time, but we're
9 going to work with them and be flexible on deadlines and things
10 as best we can.

11
12 Someone asked about a TED provision, and I think there is a
13 provision in the regulations that the state can come in and ask
14 for a TED exemption, because, if there is sufficient amounts of
15 debris in the water, the TEDs clog up and don't work, and so
16 we'll put in place tow-time restrictions and not require them to
17 use TEDs until the water is debris free, but that's typically
18 something that the state comes in and requests, and we require
19 them to provide documentation that there is actually enough
20 debris in the area to warrant it.

21
22 None of that has happened yet, and I don't think there's a great
23 deal of shrimping activity in the area that got hit by this,
24 but, after Hurricane Katrina, we did several months with a TED
25 exemption.

26
27 The only other thing I would point out is that Governor Scott of
28 Florida has already sent a letter requesting a fishery disaster
29 declaration for Hurricane Michael, and so that will be going
30 before the Secretary at some point.

31
32 **CHAIRMAN FRAZER:** Dale.

33
34 **MR. DIAZ:** I just want to make it clear, and I'm pretty sure
35 it's implied, but, for permits, Dr. Crabtree, are we talking
36 about all permits, commercial and charter/for-hire permits?

37
38 **DR. CRABTREE:** Sure.

39
40 **MR. DIAZ:** Thank you.

41
42 **CHAIRMAN FRAZER:** Martha.

43
44 **MS. GUYAS:** I was going to bring up the same request from
45 Governor Scott, and then, as far as the TED thing goes, this is
46 the first I have learned about this, and so it's something that
47 we can look at in Florida.

48

1 **CHAIRMAN FRAZER:** Okay. I just want to circle back to Doug and
2 make sure, based on Dr. Crabtree's comments, that you're
3 satisfied with the agency's effort?

4

5 **MR. BOYD:** Absolutely. I think it's a great effort.

6

7 **CHAIRMAN FRAZER:** Okay. Great. At this point, is there any
8 other business? Seeing none, the meeting is adjourned. I wish
9 everybody a safe travel back home.

10

11 (Whereupon, the meeting adjourned on October 25, 2018.)

12

13

- - -