

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2  
3 SHRIMP MANAGEMENT COMMITTEE

4  
5 Hilton Galveston Island Resort Galveston, Texas

6  
7 October 7, 2015

8  
9 **VOTING MEMBERS**

10 Leann Bosarge.....Mississippi  
11 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida  
12 Dave Donaldson.....GSMFC  
13 Myron Fischer (designee for Randy Pausina).....Louisiana  
14 Robin Riechers.....Texas

15  
16 **NON-VOTING MEMBERS**

17 Kevin Anson.....Alabama  
18 Martha Bademan (designee for Nick Wiley).....Florida  
19 Doug Boyd.....Texas  
20 Jason Brand.....USCG  
21 Pamela Dana.....Florida  
22 Dale Diaz.....Mississippi  
23 John Greene.....Alabama  
24 Kelly Lucas (designee for Jamie Miller).....Mississippi  
25 Campo Matens.....Louisiana  
26 John Sanchez.....Florida  
27 Greg Stunz.....Texas  
28 Ed Swindell.....Louisiana  
29 David Walker.....Alabama  
30 Roy Williams.....Florida

31  
32 **STAFF**

33 Steven Atran.....Senior Fishery Biologist  
34 Assane Diagne.....Economist  
35 John Froeschke.....Fishery Biologist/Statistician  
36 Doug Gregory.....Executive Director  
37 Ava Lasseter.....Anthropologist  
38 Mara Levy.....NOAA General Counsel  
39 Charlene Ponce.....Public Information Officer  
40 Ryan Rindone.....Fishery Biologist/SEDAR Liaison  
41 Claire Roberts.....Essential Fish Habitat Specialist  
42 Bernadine Roy.....Office Manager  
43 Charlotte Schiaffo.....Research & Human Resource Librarian  
44 Carrie Simmons.....Deputy Director

45  
46 **OTHER PARTICIPANTS**

47 Pam Anderson.....Panama City, FL  
48 Paul Bitner.....TX

1 Ellen Bolen.....Ocean Conservancy, Washington, D.C.  
 2 Tyler Borel.....Galveston, TX  
 3 Steve Branstetter.....NMFS  
 4 Mike Colby.....Clearwater, FL  
 5 Chris Conklin.....SAFMC  
 6 Michael Drexler.....St. Petersburg, FL  
 7 Carter Frank.....Tomball, TX  
 8 Derrick Greene.....Galveston, TX  
 9 Rick Hart.....NMFS, Galveston, TX  
 10 Scott Hickman.....Galveston, TX  
 11 Bill Kelly.....FKCFA, FL  
 12 Zach Lewis.....Galveston, TX  
 13 Walter Lynch.....  
 14 Bart Niquet.....Lynn Haven, FL  
 15 Bonnie Ponwith.....SEFSC  
 16 Michael Regan.....TX  
 17 Robert Reynolds.....Galveston, TX  
 18 Jason Rittenhouse.....  
 19 Chad Wilbanks.....Gulf Coast Leadership Institute

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21  
 22 The Shrimp Management Committee of the Gulf of Mexico Fishery  
 23 Management Council convened at the Hilton Galveston Island  
 24 Resort, Galveston, Texas, Wednesday morning, October 7, 2015,  
 25 and was called to order at 9:25 a.m. by Chairman Leann Bosarge.

26  
 27 **ADOPTION OF AGENDA**  
 28 **APPROVAL OF MINUTES**  
 29 **ACTION GUIDE AND NEXT STEPS**  
 30

31 **CHAIRMAN LEANN BOSARGE:** Let's call the Shrimp Management  
 32 Committee to order. Our agenda is located on Tab D, Number 1,  
 33 and if you take a look at it, we do need to add one item in  
 34 Other Business and that would be the Presentation on Shrimp  
 35 Effort by Dr. Nance for council members. I believe that that  
 36 was emailed to everyone from the Meetings email address, here  
 37 just maybe twenty or thirty minutes ago, and so you should see  
 38 it there.

39  
 40 Are there any other additions or revisions to the agenda?  
 41 Seeing none, do I have a motion to approve the agenda from  
 42 anyone on the Shrimp Committee?

43  
 44 **MR. DAVE DONALDSON:** So moved.

45  
 46 **CHAIRMAN BOSARGE:** Thank you. Do I have a second? Thank you.  
 47 It's seconded by Myron. Yes, Myron.

48

1 **MR. MYRON FISCHER:** Seconded with the caveat of when we were  
2 going to get the presentation? After we discuss the options  
3 papers? It may be germane to some of the discussions.

4  
5 **CHAIRMAN BOSARGE:** I agree with you and I had planned to see if  
6 you all were okay with going ahead with that presentation first  
7 and so that's what we will plan to do. The minutes, has  
8 everyone had a chance to look over the minutes? Are there any  
9 revisions to the minutes? Mara.

10  
11 **MS. MARA LEVY:** Thank you. On page 3, line 2, the speaker is  
12 designated as "Lance Robinson", but I think was Leann who was  
13 speaking and so just from the context, it looks like that was  
14 the case and so maybe someone can check that and make that  
15 correction, if necessary.

16  
17 **CHAIRMAN BOSARGE:** Thank you. Any other revisions to the  
18 minutes? Seeing none, do we have a motion to approve the  
19 minutes?

20  
21 **MR. DONALDSON:** So moved.

22  
23 **CHAIRMAN BOSARGE:** Motion by Dave and do I have a second to the  
24 motion? It's seconded by Steve. Any opposition to the motion?  
25 Hearing none, the motion passes. Next, and I apologize, but  
26 it's going to be Dr. Rick Hart that gives the presentation and  
27 so, Dr. Hart, are you ready for our Presentation on Shrimp  
28 Effort? We may have to chase him down.

29  
30 **PRESENTATION ON SHRIMP EFFORT**

31  
32 **DR. RICK HART:** Thank you, Chairman and council members. I just  
33 want to quickly go over the 2014 shrimp effort estimates and  
34 this is the first year that we have used the new cellular  
35 electronic logbooks to calculate the fishing effort for the Gulf  
36 and this are the program that transitioned from the LGL  
37 electronic logbooks and you folks are all familiar with that.

38  
39 I am going to present, first of all, fishing effort in the 10 to  
40 21 stat zone and ten to thirty-fathom zone. Right now, it is at  
41 67.11 percent of the baseline. Total landings for offshore is  
42 at 69,939,290 pounds, with 73,683 days fished.

43  
44 Now, in what we call the red snapper zone, the Stat Zone 10 to  
45 21, ten to thirty fathoms, landings were at 29,428,876 pounds,  
46 with effort at 27,233 days fished. Now, the baseline, which we  
47 have to be at or below 67 percent of, is 82,811 days fished and  
48 so for 2014, we were close, but we were under the requirements

1 of 67 percent. We came in at 67.11 percent.

2  
3 This is the figure that you are all used to seeing. You should  
4 have this as a handout and it just shows the landings effort,  
5 the baseline, and where we're at and if you look at the little  
6 figure, this is the goal and we need to be at or below that and  
7 we came in at or below that this year.

8  
9 This is just the distribution of effort. These are two points  
10 collected from the cellular electronic logbooks. You can see we  
11 have really good coverage in the Gulf and we've got even some  
12 vessels that we pick up in the South Atlantic.

13  
14 When we look at total landings and effort, and this is inshore  
15 and offshore, effort is -- Landings are right around historical  
16 levels and not a big change. Effort increased a little bit last  
17 year compared to previous years and that may be interesting for  
18 discussion when you guys talk about the permit moratorium.

19  
20 We did see an increase in fishing effort last year compared to  
21 previous years and so that will be of interest. Catch rates  
22 were down, around 989 pounds per day fished. It was down quite  
23 a bit from the last few years, but, overall, catch rates are  
24 still really high compared to the historical time series.

25  
26 When we look at distribution of effort by trimester, this is  
27 January through April and May through August and we're starting  
28 to see quite a bit more effort down here in the Texas area and  
29 then when we look at September through December, the plots show  
30 effort coverage and so the new electronic logbooks are working  
31 really well.

32  
33 We're real comfortable and confident with the results we're  
34 getting from them and showing a real good coverage in the fleet  
35 and so just, in summary, effort in the red snapper zone is below  
36 the baseline. It's at 67.11 percent and so that's good news.

37  
38 The new logbooks are successfully measuring fishing effort.  
39 Total effort increased in 2014, while landings decreased in  
40 2014. While still high, catch rates were lower in 2014 compared  
41 to previous years and so just I would like to acknowledge some  
42 key partners in the effort estimation and in this transition  
43 from the electronic logbooks to the cellular electronic logbook  
44 transition and it's been a lot of work, but it's been very  
45 successful and challenging and the Gulf of Mexico shrimp fishing  
46 industry and the commercial shrimp fishermen, we couldn't do it  
47 without you folks and getting these logbooks on the boats for us  
48 and we've had really good cooperation.

1  
2 Also, with LGL and Dr. Gallaway and Dr. John Cole. The council  
3 has been instrumental in this and the Southern Shrimp Alliance  
4 and the South Atlantic Fisheries Foundation. With that, I will  
5 take any questions that you may have.

6  
7 **CHAIRMAN BOSARGE:** Thank you. Bonnie.

8  
9 **DR. BONNIE PONWITH:** I would just like to echo my thanks for the  
10 people who are listed in these acknowledgements and first and  
11 foremost the shrimp industry themselves. This transition was  
12 hard work and change is hard and it should be hard, because  
13 there is a lot at stake in these numbers.

14  
15 I think nobody knows better than the council what's at stake  
16 with getting good, reliable information, but between the hard  
17 work that the council put into the amendment and moving to the  
18 new device and the industry's collaboration in getting those  
19 instruments deployed, I think this a real success story.

20  
21 We spent a lot of time yesterday talking about electronic  
22 reporting and this is electronic monitoring and I view this as a  
23 remarkable success story in using electronic monitoring as a  
24 tool for understanding what's going on in our fishery to enable  
25 sound management decisions to be made and so I just want to  
26 recognize everybody for the hard work that they've put into  
27 making this a success.

28  
29 **CHAIRMAN BOSARGE:** Dr. Crabtree.

30  
31 **DR. ROY CRABTREE:** Hi, Rick. It's good to see you and Jim here.  
32 We were at 67.11 percent and so we were a tenth of a percent  
33 within the threshold for effort, right?

34  
35 **DR. HART:** Correct.

36  
37 **DR. CRABTREE:** You may recall that that threshold was set up as  
38 part of the red snapper rebuilding plan and had we been a tenth  
39 of a percent or so higher on effort, we would have implemented a  
40 closure of the ten to thirty-fathom zone in the western Gulf for  
41 some period of time.

42  
43 Now, one of the things the council has been discussing of late  
44 is numbers of permits that there ought to be in the shrimp  
45 fishery and there's a divergence of views, I guess, on that, but  
46 just from this, it's pretty clear that we have plenty of permits  
47 and vessels out there now that we could easily break these  
48 effort thresholds if economic conditions were such that people

1 chose to fish. I mean there's enough vessels now to have effort  
2 that would result in closures and things and go through that  
3 threshold. Is that fair to say?  
4

5 **DR. HART:** Yes, I would say that's fair to say. That's a  
6 concern I have. You know I think there's a lot of latent effort  
7 out there and depending on fuel and shrimp prices, this shows  
8 that effort can increase and I have kind of been saying that for  
9 a while, that just because it hasn't, it doesn't mean it can't.  
10

11 **DR. CRABTREE:** I guess my understanding, in talking with a lot  
12 of shrimpers, is that last year we had really good prices and  
13 good catch rates and low fuel prices and so it was kind of  
14 everything lined up. Now, I am told that the prices have come  
15 down considerably this year and are you hearing that as well or  
16 do you have any information on that?  
17

18 **DR. HART:** I really don't have any more information than you  
19 would have, Dr. Crabtree.  
20

21 **DR. CRABTREE:** Thanks, Rick.  
22

23 **DR. HART:** I was just going to make a comment. You know one  
24 thing about the new cellular electronic logbooks we have is  
25 while effort data isn't real time, I mean we have to wait and  
26 the boat has to come in near shore to do the data dump, we can -  
27 - We do have our effort tow times by January of the beginning of  
28 the year and so we still have to wait until September in order  
29 to run these analyses because we're waiting on landings data  
30 from the states.  
31

32 If we could -- That's something I've been asking for, is getting  
33 more timely landings data. If we could get the landings data  
34 sooner, these type of estimates could come out much, much more  
35 in a timely fashion, instead of having to wait until October.  
36 We could run the assessments right away and do these effort  
37 estimates and so we have the potential ability to calculate  
38 these effort estimates much sooner than we're doing right now  
39 and so that's something to think about, if there's a way to get  
40 the states to send out their landings data earlier.  
41

42 **CHAIRMAN BOSARGE:** Dale.  
43

44 **MR. DALE DIAZ:** I am not on your committee, but I am just trying  
45 to think and how is this year shaping up? Can you give us any  
46 insight on what effort is looking like so far this year and are  
47 you able to track that, specifically for --  
48

1 **DR. HART:** Like I said, without having the full picture, without  
2 having all the accurate landings data, you know I would hate to  
3 hazard a guess on where we're at right now.

4

5 **CHAIRMAN BOSARGE:** Kevin and then Robin.

6

7 **MR. KEVIN ANSON:** Dr. Hart, you just brought up one of the  
8 points I was going to bring up about the states and the  
9 timeliness of the data and accuracy of the data and the system  
10 that the states have set up within their own regulations and the  
11 dealers that have to abide by those regulations, at least, and  
12 we're talking about state landings and state-caught shrimp, in  
13 this case.

14

15 I mean that's one of the challenges that we face, is that we've  
16 got certain limitations as far as the schedule for providing  
17 data. Then, within that, we have a system that provides some  
18 flexibility to the various dealers in providing that information  
19 and the requires some checking and making sure that the data is  
20 accurate and certainly accurate data is something that should be  
21 in consideration when you're talking about timeliness of the  
22 data. Thank you.

23

24 **DR. HART:** Right and fair enough. You know it's October is the  
25 way I would look at it. We're ten months into the year and I  
26 don't obviously know the states' limitations and I can't speak  
27 to that, but we're ready for it though as soon as we get it.

28

29 **MR. ROBIN RIECHERS:** Rick, I'm always glad to have you here and  
30 I saw Jim in the background there a little bit ago. I'm going  
31 to go back to Dale's question a little bit. When we're  
32 discussing this regarding red snapper and effort, you just  
33 indicated, I thought, that basically you're receiving that  
34 weekly and so you have that information really fairly up to date  
35 at the end of the year and did I hear that correctly?

36

37 **DR. HART:** We have what you would call the tow times from the  
38 logbooks, but we don't have the landings and we don't have the  
39 ability to estimate catch rates. We have raw tow times.

40

41 **MR. RIECHERS:** You have raw tow times, which obviously you need  
42 to refine more as you get the landings picture, but really the  
43 tow times is what leads you to the effort calculation and the  
44 reduction in effort that we have to meet.

45

46 **DR. HART:** Yes, but we need the landings in order to make those  
47 estimates, because we need to estimate the catch rates to  
48 extrapolate out. You can't do it just with the two times.

1  
2 **MR. RIECHERS:** With the two times. Okay. That answers my  
3 question then.  
4  
5 **CHAIRMAN BOSARGE:** Dave.  
6  
7 **MR. DAVE DONALDSON:** Hi, Rick. It's good to see you again and I  
8 just wanted to kind of reiterate what Kevin was saying, that we  
9 are working with the states and trying to get that data as  
10 quickly as we can.  
11  
12 I want to emphasize that we have made improvements in the  
13 timeliness and there are a variety of different reasons why we  
14 can't provide it as quickly as you would like, but the states  
15 are trying and understand that if we could provide it quicker  
16 that we could get this information, but there are constraints  
17 that, for a variety of different reasons, why we haven't been  
18 able to get it to you sooner, but we are working on that issue.  
19  
20 **CHAIRMAN BOSARGE:** Bonnie.  
21  
22 **DR. PONWITH:** Thank you, Madam Chair. Dr. Hart, hypothetically,  
23 if federally-permitted vessels were -- Shrimp landings from  
24 federally-permitted vessels were included in the requirement for  
25 weekly reporting, would that benefit the pace where these  
26 estimates could be made?  
27  
28 **DR. HART:** I would have to think about that. In that area, I  
29 believe that is all federal waters for that and so those  
30 landings would have to come from permitted vessels and so yes,  
31 it would help. We could do some thinking on how to do that.  
32  
33 **DR. PONWITH:** Because right now, my understanding is shrimp is  
34 excluded from the requirement for the weekly dealer reports. If  
35 shrimp were included for the federally-permitted vessels, if  
36 shrimp were included in those weekly dealer reports, for the  
37 areas that are in federal waters, those data would be available  
38 in at least the same timeframe that the effort data were  
39 available and it would alleviate some of that pressure.  
40  
41 **CHAIRMAN BOSARGE:** Dave.  
42  
43 **MR. DONALDSON:** Bonnie, I understand that. We have to be  
44 careful that -- Yes, we can get it quicker, but then, as Kevin  
45 pointed out, it doesn't go through the rigorous quality  
46 control/quality assurance checks that the states do and there is  
47 potential to have more errors in that. As Rick pointed out, I  
48 think we need to study this a little bit before we move forward.



1  
2 **DR. HART:** Yes and I don't want to belabor that argument, but I  
3 guess it's a level of frustration for me, being the stock  
4 assessment scientist, and this is an annual crop, in that we  
5 can't get all the landings until ten months after the year. By  
6 the time that you try to do any real management actions, it's  
7 almost too late and so I don't -- This year, it seemed like the  
8 landings took longer than usual.

9  
10 Normally, we seem to have gotten them in June or July, which is  
11 still six or seven months, but this was even later and so I  
12 don't want to -- I will just let it go at that. I have a real  
13 level of frustration in wrapping my head around why it takes  
14 that long and I understand the QA/QC issue, but it's ten months  
15 plus, or even six months, and I just -- I have issues with that,  
16 myself.

17  
18 **CHAIRMAN BOSARGE:** Bonnie.

19  
20 **DR. PONWITH:** Thank you, Madam Chair. Would it be possible to  
21 get someone from the Science Center or someone from the Regional  
22 Office and your staff, Dave, to talk about what are the  
23 roadblocks to actually being able to incorporate shrimp into the  
24 weekly dealer reports, just to talk over what the roadblocks and  
25 are they insurmountable and then we can drop it. If they're not  
26 insurmountable, what would it take to overcome those and what  
27 would be the challenges?

28  
29 I know last time we talked about this, one of the challenges,  
30 when we made the weekly electronic reporting by dealers  
31 mandatory, one of the challenges was that including shrimp  
32 created enough of a workload burden to the Regional Office that  
33 there was not a strong incentive to do that including.

34  
35 We have really stood up the weekly dealer reporting and it's  
36 working really well and it's giving us, I think, much more  
37 timely and much more reliable advice in terms of tracking those  
38 commercial ACLs and now might be a good time to have some  
39 discussions about the potential for inclusion of federally-  
40 permitted shrimp.

41  
42 **MR. DONALDSON:** We could certainly do that, Bonnie.

43  
44 **CHAIRMAN BOSARGE:** All right. Excellent discussion and thank  
45 you for the presentation. We appreciate your time, sir.

46  
47 **DR. HART:** Thank you, everyone.

48

1 **CHAIRMAN BOSARGE:** Roy.

2  
3 **MR. ROY WILLIAMS:** A quick question. Are all federally-licensed  
4 shrimp boats required to carry that electronic logbook? Do we  
5 have 100 percent coverage on this?

6  
7 **CHAIRMAN BOSARGE:** No, we don't. I will let Bonnie speak to  
8 this, but they are chosen randomly and I believe it's 500 of  
9 those logbooks that are on the boats. Bonnie or Dr. Hart.

10  
11 **DR. HART:** There's about 1,400 permitted vessels at the time  
12 that we picked them. We did a random selection of about a third  
13 of them and the target was about 500. I believe we have -- I  
14 think it's 463 on vessels right now and the difference between  
15 that and the 500 is some of them have been sent forward to  
16 enforcement for not acknowledging any of the letters that  
17 they've been selected and there's some vessels that are  
18 transferring permits and so it may go off a boat and then it has  
19 to go back on a different one or so on and so forth, but right  
20 now, we're running at about four-hundred-and-sixty-plus.

21  
22 That being said, the goal is to have everyone have one and just  
23 for more complete coverage and that everyone bears the burden.  
24 Everyone that has a permit though has the potential to be  
25 selected for one and so if a boat falls off the map or whatever,  
26 we do another selection and add one in and that's been ongoing.

27  
28 **CHAIRMAN BOSARGE:** Robin, you had a comment?

29  
30 **MR. RIECHERS:** Rick, I think, in some respects, while everyone  
31 would always like full coverage, this is a perfect example of  
32 where sampling can be used and it provides a very good sample  
33 and a robust enough sample to make management decisions. We  
34 certainly have been relying very heavily on this in the past and  
35 now we're relying on it even more and you all have done a great  
36 job of getting the sample and randomly distributing that  
37 appropriately so that you have good coverage.

38  
39 **DR. HART:** I feel that as well and thank you. I do feel the  
40 coverage is excellent that we have thus far.

41  
42 **CHAIRMAN BOSARGE:** Thank you again, Dr. Hart. The next item on  
43 our agenda is going to be Tab D, Number 4. That's the Public  
44 Hearing Draft for Shrimp Amendment 17A and I believe Assane is  
45 going to take us through this.

46  
47 **PUBLIC HEARING DRAFT FOR SHRIMP AMENDMENT 17A - ADDRESSING THE**  
48 **EXPIRATION OF THE SHRIMP PERMIT MORATORIUM**

1  
2 **DR. ASSANE DIAGNE:** Thank you, Madam Chair. The first  
3 amendment, Shrimp 17A, addresses the moratorium and so we will  
4 just quickly review the action and highlight the preferred  
5 alternative that you have selected previously.

6  
7 The action starts on page 7 in the document and, as you recall,  
8 the moratorium is set to expire a year from now in October of  
9 2016 and so that would be our no action alternative if the  
10 council didn't act, essentially. This moratorium would go away  
11 and that would be the no action alternative.

12  
13 We have two more alternatives, including the preferred  
14 alternative that you selected, which is to extend the moratorium  
15 on the issuance of the federal Gulf commercial shrimp vessel  
16 permits and under that alternative, we have two options as far  
17 as the timeframe. One would be five years and the second one,  
18 your preferred option, Option b, would extend this moratorium by  
19 ten years.

20  
21 Finally, a third alternative, Alternative 3, would create a  
22 federal limited access permit for commercial shrimp vessels.  
23 These are the three alternatives in the document and, again,  
24 your preferred alternative is Alternative 2, Option b, extend  
25 this moratorium by ten years. I will stop here and answer  
26 questions, if any. Thank you.

27  
28 **CHAIRMAN BOSARGE:** Any questions or comments for Assane?  
29 Assane, I would just like to mention on our timeline as well.  
30 As you said, the moratorium will expire in October of 2016 and  
31 so as far as our timeline for this document, I believe we have  
32 it slated to go out for public hearings before our next council  
33 meeting and we talked about those locations at the last council  
34 meeting and we made a few adjustments to the locations, per the  
35 request of some of the states.

36  
37 I will go out for public hearings before our next meeting and we  
38 will get that feedback and then we need to take final action on  
39 it, at the latest, at the April meeting.

40  
41 **DR. DIAGNE:** Yes and, as you indicated, we are making plans to  
42 conduct the public hearings in January and our plan is to bring  
43 you the public hearing comments as well as a final document, to  
44 allow you to take final action during the January council  
45 meeting.

46  
47 **CHAIRMAN BOSARGE:** Thank you. Go ahead and continue.  
48

1 **DR. DIAGNE:** Then for this amendment, essentially that would be  
2 it. It's, as you know, a single one and so we'll just proceed  
3 then with the plan, given that you've selected your preferred  
4 alternatives, and then we will just conduct the public hearings  
5 and bring you those comments and, if you so choose, take final  
6 action during the next council meeting. Thank you.

7  
8 **CHAIRMAN BOSARGE:** All right and now I think we still have the  
9 royal red piece that we did leave in this document and so I  
10 think we have one more action. On that one, I don't think we  
11 picked a preferred yet on that action item. I think it's on  
12 page 10 and so that may be one we want to pick a preferred on at  
13 this point.

14  
15 **DR. DIAGNE:** That is true. I lost sight of that. Then to the  
16 second action, which is the royal red endorsement -- Here, you  
17 have really two alternatives, no action, which would continue to  
18 require the endorsement, and then Alternative 2, which would  
19 discontinue the royal red shrimp endorsement. These are the two  
20 alternatives and, as you indicated, you haven't selected a  
21 preferred yet.

22  
23 **CHAIRMAN BOSARGE:** Any discussion from the committee on this  
24 particular action item? Myron.

25  
26 **MR. FISCHER:** Is the royal red endorsement necessary? I would  
27 ask, are we using it for whatever statistical gains we have by  
28 having that endorsement? I am just curious to see what the  
29 agency has to say.

30  
31 **DR. CRABTREE:** My opinion is no, it's not necessary and it's not  
32 giving us anything. There are three-hundred-and-something of  
33 these endorsements and I think there are about ten or fifteen  
34 active vessels and so an awful lot of people are getting them  
35 who aren't really in the fishery and the idea was we could use  
36 this to see how many are in the fishery and it's just not  
37 working that way.

38  
39 **CHAIRMAN BOSARGE:** If you let me give you a little feedback from  
40 what I -- I agree with Dr. Crabtree there are a lot of these out  
41 there and they're really not being used. There is one caveat to  
42 that.

43  
44 In some of the discussions that are taking place right now with  
45 the Coral AP and possibly mapping out some more habitat to be  
46 closed for different types of fishing effort, and typically any  
47 kind of bottom trawling is one of those in a coral area, there  
48 was an exception made, via the Coral AP when they met with the

1 royal red shrimp industry, and they said we can see that you've  
2 been fishing in this area for decades and you obviously are not  
3 damaging the coral. You know that it's there and you are  
4 trawling in such a way that you pull your rigs up and go over  
5 the top of the coral and then let back out after you have passed  
6 the coral.

7  
8 They did make an exception that when and if these areas are  
9 designated as habitats of particular concern, HAPCs, that they  
10 would make an exception that if there was a royal red permit  
11 endorsement, an endorsement on the boat, that they could trawl  
12 there. That shrimp boat could trawl there.

13  
14 I know it's going to be a burden for NMFS to keep up with all of  
15 these permits for that, but it may be something we want to  
16 explore and see if the costs and benefits -- Which one outweighs  
17 each other. Robin.

18  
19 **MR. RIECHERS:** Steve or Roy, in the absence of the permit, can  
20 we identify the active vessels each year, so that if you did  
21 need to go to the actual vessels that were harvesting for some  
22 reason that you would still be able to get to those vessels?

23  
24 **CHAIRMAN BOSARGE:** Steve.

25  
26 **DR. STEVE BRANSTETTER:** The number of vessels changes annually,  
27 just about, and, as you can see in that one table, so it does --  
28 I guess, to come back to Leann's comment about if an endorsement  
29 is onboard that you can trawl in that area, I am not sure where  
30 the endorsement -- Why else would you be out there trawling?

31  
32 But yes, it's -- Most of the data is confidential anyway and I  
33 don't know that we can identify specific vessels on an annual  
34 basis that would be operating in the fishery.

35  
36 **DR. CRABTREE:** But I mean I think the experts are Rick and Jim,  
37 if we might want to get into that sort of thing.

38  
39 **MR. RIECHERS:** Maybe Rick or Jim could come to the mic and we  
40 can repeat the question for them and they may be able to answer  
41 it, but I guess my only point was if there was a -- There was a  
42 past belief that we might want to be able to identify that  
43 universe of people and be able to pull them out and at some  
44 point, if we need to have a management action or have any  
45 discussion, we could identify them.

46  
47 Obviously landings attached to vessels in small numbers becomes,  
48 as you indicated, a privacy issue, in some respects, but would

1 the agency still have the ability -- It's not really a privacy  
2 issue if you're just trying to contact people and would the  
3 agency have the ability to still make that contact, if needed,  
4 just with the landings, as opposed to a permit that you would  
5 then have to narrow down to who is actually fishing, in some  
6 respects, or go to the whole universe?

7  
8 I mean I'm trying to get to a point where maybe we can basically  
9 do away with the permit, but I think there's probably still the  
10 need to determine who are the active vessels at some point, but,  
11 Rick or Jim, the question is whether or not without the permit,  
12 just based on the landings information on the active vessels, is  
13 there a way we can tie that to actual vessels?

14  
15 **DR. JIM NANCE:** In the GSS program, I mean you've got -- Are you  
16 talking about royal red? Okay. For royal red, yes, we have the  
17 landings from royal red and we have the vessel associated with  
18 that landing and how much they caught.

19  
20 **CHAIRMAN BOSARGE:** As far as any boardings that may happen in  
21 that area, I would assume that that's going to be Coast Guard  
22 that would do any boarding on a royal red shrimp boat, because  
23 those types of boats shrimp in very deep offshore waters, and so  
24 as far as the Coast Guard was concerned, if there was a closed  
25 area that's closed to bottom trawling, with the exception of  
26 royal red shrimpers, do you necessarily need to see the royal  
27 red endorsement on the permit on the vessel or can you simply  
28 look at the depth of water they're in and determine these are  
29 obviously royal red shrimpers?

30  
31 **LCDR JASON BRAND:** Thank you, Madam Chair. I think we can  
32 accommodate whichever way you can prefer. We can figure out  
33 where they're located and what they're shrimping for when we get  
34 onboard and we can also determine -- From their name, we can go  
35 back and look them up.

36  
37 **CHAIRMAN BOSARGE:** Mara, did you have a comment?

38  
39 **MS. LEVY:** I'm just -- I mean I don't know how it would play out  
40 in the end about this exception and all that, but, ultimately,  
41 you have three-hundred-and-some-odd vessels that have this  
42 endorsement and you have seven or ten or fifteen that are  
43 actually fishing and catching royal red shrimp and so if you  
44 have this exception, then everyone that wanted to be out there,  
45 even if they weren't, catching royal red shrimp would buy an  
46 endorsement. Do you see what I'm saying?

47  
48 Like it doesn't really -- It doesn't limit the endorsement to

1 only those people that harvest royal red shrimp. It's not  
2 exclusionary in that way and so whether you have it or you  
3 don't, I mean it's an administrative fee for someone to buy it,  
4 although it's not that expensive.

5  
6 There is a lot of administrative fees for the agency to actually  
7 put it out there, but I'm not sure it will get you the goal of  
8 really identifying those that are fishing for royal red shrimp  
9 if you establish some sort of an exception to a closed area.

10  
11 **CHAIRMAN BOSARGE:** Okay. We've had some good discussion on  
12 this. It sounds like there is some pros and cons to both sides.  
13 Myron.

14  
15 **MR. FISCHER:** Thank you, Madam Chair. It sounds as though, in  
16 one case, it's not a necessary permit. However, with what's  
17 been brought up at this discussion, it could become very  
18 necessary for some fishermen down the road, some of these  
19 commercial fishermen, and, being there are so many vessels with  
20 the permit who don't fish according to that, I wonder if some  
21 type of qualifier could be worked out in the future, where it's  
22 only these royal red fishermen who are holding these permits.

23  
24 **CHAIRMAN BOSARGE:** I believe we actually had a qualifier in the  
25 document when we started and so we can probably find that in the  
26 section -- I don't know what page it would be on, Assane, where  
27 we removed it from the document.

28  
29 That may be something that we can look at adding back in, if we  
30 want to do that, to take some burden off of NMFS and get these  
31 permits down somewhere closer to the reasonable realm of what's  
32 really going to be fished, but I would think it would need to be  
33 a long time series, because this is something that some of these  
34 boats may not do every single year.

35  
36 **DR. DIAGNE:** I'm sorry, but did you have a question, Madam  
37 Chair?

38  
39 **CHAIRMAN BOSARGE:** Yes and we were speaking to putting those  
40 poundages as qualifiers back into the document.

41  
42 **DR. DIAGNE:** Yes, those have been removed in the version that  
43 you are seeing right now, but we can -- If you want us to put  
44 them back in, we will do that.

45  
46 **CHAIRMAN BOSARGE:** I think that's what Myron is speaking to. Do  
47 you want to clarify, Myron?

48

1 **MR. FISCHER:** Yes and if you look at the chart on the next page,  
2 on page 10, you can see the amount of endorsements compared to  
3 the amount of activity. It's a grave difference in number and  
4 even if you use a very, very long time series, you will still  
5 probably reduce this 300 to a manageable level and still not  
6 affect those people who engage in the industry and whatever  
7 protection they may have with the -- I am not sure if it was  
8 habitat areas of particular, but the one you brought up.

9  
10 **CHAIRMAN BOSARGE:** Go ahead.

11  
12 **MR. RIECHERS:** Myron, as I am seeing the question before us, if  
13 we don't permit them, then we really have no way of knowing who  
14 is going to be there on any given year and people with a Gulf  
15 shrimp permit can come in and out as they see fit.

16  
17 If you are going down your kind of road now with a qualifier,  
18 you are basically going to issue the permits to a more select  
19 few than those that are there, but they're still going to have  
20 to have a permit that sets themselves off, unless you're going  
21 to issue them some sort of permit for a longer period of time  
22 for that exception. At least that's what I am seeing.

23  
24 I understand the road you guys are trying to think down, which  
25 is how do we get that number down to a more reasonable number  
26 than the 320, and then provide for that exception, but I think  
27 the qualifier may be still having it a little bit more open or  
28 we're still going to have a permit at that point, because you're  
29 still going to have to not only identify them, but give them  
30 something that makes them stand out, at least as I am seeing  
31 that logistically play itself out.

32  
33 **CHAIRMAN BOSARGE:** Yes and, just for clarification, it's an  
34 endorsement to the federal moratorium permit and so it's an  
35 endorsement to that permit and I guess my only other concern  
36 would be that we do have quotas in place, or we do have ACLs in  
37 place, for that portion of the fishery and so there may come a  
38 point in time where we may need some specific effort data, but  
39 it may be that we can generate that through other avenues, but  
40 it is something to think about. Robin.

41  
42 **MR. RIECHERS:** Maybe what we should do, and this is just a  
43 suggestion here, is that since there is this question that  
44 you've brought up regarding the exception to fish in certain  
45 areas, if we include some discussion about that in our  
46 presentation as we go out to have this document in public  
47 hearing -- You know obviously we have a rare chance of even  
48 getting one of these people to our public hearings, but maybe we



1 would get comments from them as a best way to proceed.

2  
3 Obviously the easiest thing to do is just keep the endorsement  
4 and you know we may be back at the next meeting where we could  
5 either just do away with it or keep it. We know we can identify  
6 the people fishing, but if we go down a qualifier road, I think  
7 it probably gets more complex than this document will be able to  
8 -- Then we will be able to work through in the amount of time  
9 that this document has, so that we don't lose the permit  
10 moratorium.

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

13  
14 **DR. CRABTREE:** There's no question that if we wanted to do a  
15 limited entry think with royal red shrimp -- We don't have time  
16 to do it in this document and so if that's what you're actually  
17 thinking about, I would just leave this alone and leave the  
18 permit in place and come back to that in the subsequent  
19 amendment, but we certainly don't have time to develop all of  
20 that in this amendment.

21  
22 **CHAIRMAN BOSARGE:** Okay. Any further discussion? David.

23  
24 **MR. DAVID WALKER:** I'm not on your committee, but I had  
25 discussion with the royal red fishermen out of Alabama and I  
26 understand the price of shrimp has something to do with  
27 participation in it. It seems like the last year they have not  
28 been fishing for royal reds quite as much and it was more to do  
29 with the price.

30  
31 **CHAIRMAN BOSARGE:** Okay. Assane, I -- Myron.

32  
33 **MR. FISCHER:** Madam Chair, I don't know if we need a preferred  
34 to go out to comment and you know it's either no action or  
35 discontinue and we've heard different sides and have pros and  
36 cons on both sides and it's -- Do you want a preferred at this  
37 time or is this something we will just leave be?

38  
39 It's an open permit. It's an open access permit and if we do  
40 the route of the presentations and explain that they need the  
41 permit, that 300 may bump up to 600 real quick. People will get  
42 fearful that they may not be included and so I'm starting to  
43 wonder if it's a necessary permit, once again.

44  
45 **CHAIRMAN BOSARGE:** Whatever the committee wants. We don't  
46 necessarily have to have a preferred. Now, having said that, in  
47 January we hope to take some action on this and in April, at the  
48 latest, take final action and so I'll leave it up to the

1 committee. Steve.

2  
3 **DR. BRANSTETTER:** Maybe a little historical perspective, but I  
4 know when we put the limited access shrimp permit in place that  
5 I talked with a lot of shrimp fishermen who said, well, I think  
6 I'm going to get that royal red endorsement in case you ever go  
7 limited access on it, but if they had no landings with it, then  
8 it wouldn't make any difference, but part of that 300 is a  
9 speculation part.

10  
11 **CHAIRMAN BOSARGE:** Yes, sir.

12  
13 **MR. CHRIS CONKLIN:** Thanks. This discussion is pretty similar  
14 to what we had with our dolphin/wahoo permit issue going on at  
15 our last meeting and what we did, because it's an open access  
16 permit, is we just set a control date to put the fishermen on  
17 notice that we may take further action on looking at putting a  
18 limit on the permits, but you know it does put the fishermen on  
19 notice and you can always change the control date and you don't  
20 actually have to take any action at all, but it might be  
21 something to consider.

22  
23 **CHAIRMAN BOSARGE:** Dr. Crabtree, correct me if I'm wrong, but  
24 right now there is a moratorium on the permit, the shrimp  
25 permit, but as far as the endorsement, you can still float in  
26 and out of the royal red part, correct?

27  
28 **DR. CRABTREE:** Yes.

29  
30 **CHAIRMAN BOSARGE:** So you could do away with your royal red  
31 endorsement one year and, as long as you kept your actual permit  
32 up though, the next year you could go back and get your royal  
33 red endorsement again.

34  
35 **DR. CRABTREE:** Correct.

36  
37 **CHAIRMAN BOSARGE:** Okay. Assane, I believe that finishes up  
38 this document.

39  
40 **DR. DIAGNE:** Yes, Madam Chair. This covers the two actions in  
41 17A.

42  
43 **CHAIRMAN BOSARGE:** Any other comments from the committee on  
44 Shrimp Permit Moratorium Document 17A before we move on to 17B?  
45 All right. If you will turn to Tab D, Number 5 in your briefing  
46 book, Assane is going to take us through Shrimp Amendment 17B,  
47 Yield, Threshold Number of Permits, and Transit Provisions.

48

1                   **DRAFT OPTIONS PAPER FOR SHRIMP AMENDMENT 17B**  
2

3 **DR. DIAGNE:** Thank you. For this amendment, we could start by  
4 reviewing a bit the purpose and need for action, which is on  
5 page 3 in your document. I will not read the entire purpose and  
6 need for action, but essentially it shows that one issue,  
7 perhaps, has not been addressed and that would have to do with  
8 biological issues, such as the one mentioned, the red snapper  
9 issues, in terms of bycatch, as well as the sea turtles.

10  
11 Perhaps if the committee would like to suggest some language so  
12 that the need statement could reflect that we also have to  
13 address some of the biological issues and make sure that  
14 whatever number of permits we end up with does not create a  
15 problem for us down the line.

16  
17 **CHAIRMAN BOSARGE:** All right. Any feedback from the committee  
18 on the purpose and need statement? Robin.

19  
20 **MR. RIECHERS:** Well, I think it kind of goes without saying,  
21 because I mean the presentation we just had, because of other  
22 amendments that we have, and the Endangered Species Act  
23 requirements and biological opinions, that certainly effort  
24 control is paramount or effort being where it is now, in some  
25 respects, is paramount to continuing to meet other goals in  
26 other fishery management plans and in other recovery plans.

27  
28 I don't know if you have to say it here, Assane, but it  
29 certainly doesn't hurt to reiterate that here, because they are  
30 obviously linked and whether we make a note of it here or not,  
31 they are and so --

32  
33 **CHAIRMAN BOSARGE:** Yes, Assane.

34  
35 **DR. DIAGNE:** Yes, Mr. Riechers. The need for action talks about  
36 maintaining increases in catch efficiency, promoting economic  
37 efficiency, and so forth and so perhaps then, at the IPT level,  
38 we may consider adding a statement to the effect of reducing or  
39 controlling our bycatch, if you would, red snapper bycatch and  
40 sea turtle take, something along those lines.

41  
42 **CHAIRMAN BOSARGE:** Thank you, Assane. Any other comments on the  
43 purpose and need? All right, Assane, if you will continue  
44 taking us through the document.

45  
46 **DR. DIAGNE:** Thank you. Let's go ahead and review the actions  
47 that are included in this amendment, but, before that, I will  
48 start by perhaps mentioning giving some information relative to

1 a point Dr. Crabtree made in terms of the shrimp prices.  
2  
3 Dr. Travis shared some information with me and so far this year  
4 the shrimp prices have significantly decreased and, in fact,  
5 when I am looking at the northern Gulf and the western Gulf,  
6 depending on the count size, prices dropped somewhere between 30  
7 and 45 and 47 percent and so a significant drop in shrimp prices  
8 this year so far.  
9  
10 Let us start with Action 1, which is on page 7 in the document,  
11 and this action would address the aggregate MSY for the shrimp  
12 fishery in the Gulf of Mexico. We have two alternatives. The  
13 first one would not establish an aggregate MSY and the second  
14 one would establish an aggregate MSY using a method developed by  
15 the shrimp effort working group.  
16  
17 Essentially, for this action, what the IPT would request is that  
18 the council consider allowing us to set up a working group that  
19 would essentially look at the methods and come up with an  
20 aggregate MSY estimate that we could rely upon later on. Thank  
21 you and I will stop here for Action 1.  
22  
23 **CHAIRMAN BOSARGE:** Just to step back for a moment, right now we  
24 break the penaeid shrimp down into brown shrimp and white and we  
25 have certain metrics for each one and so this will establish an  
26 aggregate, or an overall MSY, that encompasses all three of  
27 those together and the IPT has asked if we would give  
28 instruction to convene a working group that will begin to  
29 evaluate exactly how to go about figuring out what this MSY and  
30 OY would be. Is that something the committee is interested in  
31 doing? Robin and then Dr. Crabtree.  
32  
33 **MR. RIECHERS:** It seems to me that, since the IPT is requesting  
34 this, I assume National Marine Fisheries Service is requesting  
35 this, in some respect, so that we need to put the appropriate  
36 scientists together to do that. I certainly am willing to make  
37 that motion, but before I do, since Mr. Gregory had his hand up  
38 as well, maybe you would like to hear from him, in case he  
39 contradicts what I just suggested.  
40  
41 **CHAIRMAN BOSARGE:** All right. I will get Dr. Crabtree first and  
42 then come to Doug.  
43  
44 **DR. CRABTREE:** No, I was just going to voice my support for  
45 this. I think it something we need to do to flesh this out.  
46  
47 **CHAIRMAN BOSARGE:** Doug.  
48

1 **EXECUTIVE DIRECTOR DOUG GREGORY:** I think the IPT is  
2 recommending a workgroup because they can't figure out how to go  
3 about doing it and I have a concern that it probably cannot be  
4 done.

5  
6 I mean we went through a lot just getting MSYs for the  
7 individual stocks of fish, pink shrimp, white shrimp, and brown  
8 shrimp, and to develop aggregate MSY and OY is -- MSY is a  
9 challenge and OY I think is probably impossible, unless we come  
10 up with some artificial definition of what OY is. We certainly  
11 can't use the guidance in the Magnuson Act, you know MSY as  
12 reduced by ecological, social, and economic factors.

13  
14 The only real model we have for anything would be a maximum  
15 economic yield, which is from the economists, but I think having  
16 a workgroup meet and we can do that and I think the result of  
17 that workgroup is going to be that this is extremely time  
18 consuming and difficult or cannot be done.

19  
20 I understand the reason for this is to tie the number of permits  
21 to some biological construct. I mean I understand the logic  
22 there, but I really doubt that it can be accomplished and that's  
23 all I was going to say.

24  
25 **CHAIRMAN BOSARGE:** Robin, back to you again.

26  
27 **MR. RIECHERS:** All right. Then I will move that the council  
28 convene a working group to evaluate aggregate MSY and OY  
29 methodologies for shrimp.

30  
31 **CHAIRMAN BOSARGE:** Myron had said he was going to second that,  
32 as he walks by.

33  
34 **MR. RIECHERS:** To be more exact, let's say for all penaeid  
35 shrimp species.

36  
37 **CHAIRMAN BOSARGE:** Robin, is that your motion?

38  
39 **MR. RIECHERS:** "To evaluate aggregate MSY and OY" should go  
40 between "group" and "for" there, the way it was constructed.  
41 Just as a quick point of discussion there, Doug, in follow up to  
42 your question, the reason why I am leaving "reasonable  
43 alternatives" and "for determining" is I am not trying to  
44 preclude that they can, but they can then go to work here and  
45 see what they can come up with.

46  
47 **CHAIRMAN BOSARGE:** All right, Robin, is that your motion?  
48

1 **MR. RIECHERS:** Yes, that's the motion.  
2  
3 **CHAIRMAN BOSARGE:** All right. We have a motion on the board and  
4 is there any discussion on the motion? Assane.  
5  
6 **DR. DIAGNE:** Thank you, Madam Chair. Just for the flexibility,  
7 Mr. Riechers, perhaps the motion could just read "for all shrimp  
8 species" and just leave it at that. Also, I believe that in the  
9 past Dr. Hart and their group, and Dr. Nance, have attempted  
10 estimating aggregate MSYs and so there are ways that they can go  
11 about doing that and maybe if you wanted to speak to it, but  
12 that has been tried, I guess, in the past in some ways.  
13  
14 **MR. RIECHERS:** I would certainly accept the "for all shrimp  
15 species" if that's how you prefer it. It's not an issue for me  
16 and yes, I remember. Basically we have pulled them apart and  
17 now we're talking about putting them back together and so I  
18 think you folks -- Let them go to work and see what they come up  
19 with and bring it back to us.  
20  
21 **CHAIRMAN BOSARGE:** Is the seconder okay with that change? Yes?  
22 All right. We have a motion on the board. Any further  
23 discussion on the motion? **Any opposition to the motion? The**  
24 **motion carries.** Assane, do you want to continue leading us  
25 through the document? We have about seven minutes.  
26  
27 **DR. DIAGNE:** Okay and thank you, Madam Chair. In fact, then the  
28 discussion for Action 2 would be very short, because Mr.  
29 Riechers did already include it in his motion. After the  
30 determination of MSY, then the next step would be to determine  
31 an optimum yield, an OY, level and so that has two alternatives  
32 and presumably then we will use the work of the working group to  
33 be able to have a more specific alternative when the time comes.  
34  
35 **CHAIRMAN BOSARGE:** Just to correct my -- We are going to eleven  
36 and so we do have a little more time.  
37  
38 **DR. DIAGNE:** Okay. So then let's go ahead and start Action 3  
39 and Action 3 would discuss the minimum threshold number of  
40 permits. It starts on page 10 in the document. Something that  
41 the IPT has suggested is in the past we discussed target number  
42 of permits and perhaps a threshold number reflects more of what  
43 it is that the council is trying to do and hence, the title of  
44 the action.  
45  
46 It's Minimum Threshold Number of Permits and we have several  
47 alternatives, seven of them as it is right now. The no action  
48 alternative would not set a threshold number of shrimp permits,

1 Gulf shrimp permits. Alternative 2 would set a threshold and  
2 would use to compute that number the results of the working  
3 group, meaning we would base that threshold on the OY determined  
4 by the working group.

5  
6 Alternative 3 would set the threshold of permits by using the  
7 number of active permits during 2009 and that was the number  
8 that was used during the study on the statement for incidental  
9 sea turtle take and that number was 1,074 permits and so  
10 Alternative 3 would use the reference point that was used in the  
11 biological opinion and, again, that's 1,074 permits.

12  
13 Alternative 4 would set a threshold based on the 2011 number,  
14 the highest level of effort during the moratorium, if you would,  
15 and that number is 938 permits.

16  
17 We have various other reference points. For Alternative 5, the  
18 number would be 882 permits and Alternative 6, we have several  
19 options with it and the number of permits there would vary from  
20 909 for Option c to 1,133 for the first option, Option a.

21  
22 Finally, Alternative 7, which uses a variety of years, for  
23 example the end of 2009 or 2014 and so forth, would have numbers  
24 fluctuating from 1,933, and that's the highest number, to  
25 perhaps an unknown number, which would be the number of permits  
26 at the end of the initial moratorium and so the number of valid  
27 permits, valid and renewable, on October 26, 2016.

28  
29 Just one note before I stop on this action is some of these  
30 alternatives have numbers of permits that are higher than the  
31 current number of permits that we have today, meaning that if  
32 those were to be considered, somehow we would have to make new  
33 permits and then I guess put them in whatever place we would  
34 have to put them for the next step. Thank you.

35  
36 **CHAIRMAN BOSARGE:** Thank you, Assane. Any discussion on Action  
37 3 from the committee? I would like to say thank you to staff  
38 and the IPT. I think that this document is much easier to  
39 understand and it flows very well. I think we know a little  
40 better what we're looking at and I kind of like the way they  
41 fleshed it out and turned Action 3 into the threshold and then  
42 the next action will address what we do with the threshold. I  
43 think that makes things a lot easier to understand and so kudos  
44 to them for that.

45  
46 Any feedback or anything you want more discussion on in Action 3  
47 or added to Action 3 or deleted from Action 3 from the  
48 committee? Assane.

1  
2 **DR. DIAGNE:** If I may request from the committee if there are  
3 any alternatives here that you think may not be workable or that  
4 would essentially result in a number of permits similar to  
5 something we already have that you consider perhaps removing,  
6 because we already have seven alternatives and many, many  
7 options. If there are perhaps some alternatives that you may  
8 consider removing from this, that would be helpful in  
9 streamlining the document.

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

12  
13 **DR. CRABTREE:** Well, the one that strikes me that I would remove  
14 is Alternative 7. I don't see any -- I mean we're already  
15 bumping very close to these thresholds and I suspect any under  
16 reasonable estimation of optimum yield that we're close to it  
17 and so I don't see anything that would lead us to increasing the  
18 number of permits. **I would make a motion to remove Alternative**  
19 **7 to the considered but rejected.**

20  
21 **CHAIRMAN BOSARGE:** Okay. We have a motion by Dr. Crabtree and  
22 do we have a second? I will second it for discussion. Is there  
23 any discussion on the motion on the board? Myron.

24  
25 **MR. FISCHER:** Of course I will speak against it, because I was  
26 instrumental in getting it added. This industry, looking at the  
27 active vessels versus number of permits, has historically always  
28 seemed to have many more permits than what is active in a given  
29 year.

30  
31 I do realize that if all permit holders became active that there  
32 would be a lot of effort taking place and I wonder, is there a  
33 way we could track if it's been the same inactive vessel through  
34 time that's just holding on to permits or if it's fishermen  
35 getting in and out of this fishery or getting in or out of other  
36 fisheries that always need the shrimp permit as something to go  
37 back to.

38  
39 Before I could support this, I would like to know where that  
40 resides, because, as of today, we have -- Well, it's probably  
41 changed since the last meeting, but we have around 1,460  
42 permits. I am well aware that probably only 60 or 70 percent of  
43 them are active.

44  
45 The inactive permits has always been part of this fishery, but I  
46 would like to see some analysis, if the permits section could  
47 possibly indicate to us that these are -- If it's the same 300  
48 or 400 or 500 permits that have never been active and just



1 holding on to permits, that could change some of the opinions on  
2 this.

3  
4 **CHAIRMAN BOSARGE:** Okay, Assane, and maybe that's something we  
5 can have some more discussion in the body of the document about.  
6 They address it a little bit under their discussion for  
7 Alternative 7, but I think Myron is wanting a little further  
8 discussion.

9  
10 Mainly what they say in Alternative 7, under the discussion, is  
11 that essentially going back to the 1,933 permits that were  
12 originally issued -- If you look at that throughout the entire  
13 period of the moratorium, if you look at every year, so that you  
14 can see some boats coming in and working it one year, but not  
15 another, only 1,539 of those permits were ever worked. I mean  
16 it's a little confusing the way it's written there, but that's  
17 what I am interpreting that to say, but maybe -- So maybe there  
18 could be a little further discussion about that.

19  
20 **DR. DIAGNE:** Yes and we will contact the permits office and try  
21 to look at that closer, but in the process, let's say some  
22 permits have changed hands and all of that and so to track the  
23 level of activity of a single individual, let's say for the past  
24 ten years, may be challenging in some instances.

25  
26 **CHAIRMAN BOSARGE:** Robin.

27  
28 **MR. RIECHERS:** Just as a point of discussion, Roy, at some point  
29 I may vote for this motion, but at least at this point in the  
30 document, this is really what this whole alternative was about,  
31 in some respects, and so I am probably going to vote against the  
32 motion now and then I have another way to offer what I believe  
33 Assane is trying to get us to do, which is cut down the number  
34 of alternatives, but I will speak to that after we vote on this  
35 motion.

36  
37 **CHAIRMAN BOSARGE:** Myron.

38  
39 **MR. FISCHER:** The entire slate of options under Alternative 7  
40 may have been aggressive. It was just trying to look at the  
41 entire range from the beginning of the moratorium to the end of  
42 the moratorium and that could be trimmed down easily, looking at  
43 some of the less recent years. What you do have to -- What I  
44 was doing when I made the motion was looking at the years that  
45 had the highest CPUE and putting in those amount of permits that  
46 match the higher CPUEs.

47  
48 **CHAIRMAN BOSARGE:** I am with you on the CPUE, which is at the

1 heart of this document, you know is that CPUE and making sure  
2 that we maintain that. I guess the part that scares me is that  
3 that CPUE, if you think about it, that's based on the number of  
4 boats that were actively fishing then.

5  
6 I, as someone in the industry, have to think about worst-case  
7 scenario. If that CPUE was based off of 900 or 1,000 or so  
8 boats actively fishing, right, and getting those catch levels,  
9 then the worst-case scenario, if this was the route we would go,  
10 is even at 1,500 permits in the reserve pool, if those -- If we  
11 got somewhere close to an actively fished level around that  
12 1,500, that is a 50 percent increase in the number of active  
13 boats out there fishing and that means your CPUE just got cut in  
14 half.

15  
16 As someone that is trying to make a living shrimping, obviously  
17 that's not a sustainable level for the shrimp fleet, at 50  
18 percent of the CPUE that we're at now. I don't know that that  
19 will ensure that we keep this fleet viable and maintain these  
20 economic gains that we've seen in CPUE over the past decade or  
21 so. To that, Myron?

22  
23 **MR. FISCHER:** I wouldn't say that that increase would cut the  
24 CPUE in half, because I am looking at the tracking of the effort  
25 and CPUE and I cannot say that that's a very correct statement.  
26 They may have some tracking parallels, but CPUE has gone down  
27 the last four years and so have the amount of permits.

28  
29 **CHAIRMAN BOSARGE:** Dr. Crabtree.

30  
31 **DR. CRABTREE:** The reality of it is if effort goes up any higher  
32 than it was last year, you're going to have closures and that's  
33 just out of the red snapper portion of this. There are other  
34 thresholds and triggers under the biological opinion that could  
35 result in potentially much broader-based closures and so, to me,  
36 there is just no rationale anywhere for that many permits. It's  
37 just begging for all sorts of negative impacts on the fishery  
38 and all kinds of bycatch issues.

39  
40 **CHAIRMAN BOSARGE:** All right. Any further discussion on this  
41 motion? **All those in favor of the motion signify by raising**  
42 **your hand, please; all those opposed same sign. The motion**  
43 **fails and so this will remain in the document.** Robin.

44  
45 **MR. RIECHERS:** Now, to try to help Assane with just reducing the  
46 number of options, Assane, the way I see Alternatives 3 through  
47 6, they basically all are dealing with active permitted vessels  
48 and they have different justifications for the years that you've

1 chosen, but they are basically the years 2007, 2008, 2009, 2011,  
2 2012, and 2013 and the range of active vessels ranges from 882  
3 to 1,133.

4  
5 I think probably what you're trying or wishing that we would do  
6 is cut down on the justification and the amount of write-ups and  
7 comparisons that you have to do. I think you can basically just  
8 speak to those ranges and put that in one option with sub-  
9 options based on those number of active vessels or years or just  
10 a range from 882 to 1,133. I think all of those can be merged,  
11 because they're all just active permit vessel options.

12  
13 **DR. DIAGNE:** Yes, Mr. Riechers. They are all active permit  
14 vessels, but the justifications used to arrive at the number may  
15 be different and that is perhaps why the IPT chose to separate  
16 them. For example, one speaks specifically to the reference  
17 point in the biological opinion and another one talks about the  
18 highest CPUE since the moratorium and to be able to provide  
19 perhaps different justifications and that is why they are  
20 separate alternatives, but we will take a look again and if  
21 there is a way to merge them, I am sure the IPT will consider it  
22 and include them for the next time. Thank you.

23  
24 **CHAIRMAN BOSARGE:** Okay. Any further discussion on Action 3?  
25 All right. Assane, will you continue please?

26  
27 **DR. DIAGNE:** Thank you. On to Action 4, which starts on page 18  
28 in the document. This considers the response when the threshold  
29 number of permits selected in the previous alternative is  
30 reached.

31  
32 We have three alternatives here for your consideration, the no  
33 action alternative and Alternative 2 is if the number of permits  
34 reaches the threshold set in Action 3, any permits that are not  
35 or were not renewed within one year of their expiration date  
36 will go into a reserve pool, a Gulf shrimp vessel reserve pool.

37  
38 Alternative 3 is if the number of permits reaches the threshold,  
39 the council would then form a review panel to review the  
40 threshold and determine if action is needed and so these are the  
41 three alternatives. Alternative 2 automatically puts those  
42 permits in the reserve pool and Alternative 3, which gives you  
43 the flexibility of setting up a review panel and reviewing and  
44 determining whether action is needed at that time. Thank you.

45  
46 **CHAIRMAN BOSARGE:** All right. Any further discussion on Action  
47 4 or anything we would like to see expanded upon here in the  
48 discussion? Seeing none, Assane, continue, please.

1  
2 **DR. DIAGNE:** On to Action 5 and that would be on page 20. This  
3 action has several alternatives, four, and it addresses the  
4 issuance of the reserved Gulf shrimp permits, those permits that  
5 we put in the pool.  
6

7 We have a no action alternative and Alternative 2 is National  
8 Marine Fisheries Service will maintain a waiting list for  
9 reserve Gulf permits and notify the individuals in the order in  
10 which they submitted their applications, meaning in the order in  
11 which they appear on the list when that permit is available and,  
12 once notified, the individual would then apply formally and get  
13 the permit.  
14

15 We have several options here and the options address eligibility  
16 requirements. Option a would not specify any requirements and  
17 Option b would require that one be a U.S. citizen or business  
18 and Option c would assign the permit to a vessel that is of a  
19 certain length and that is highlighted here, to give you the  
20 opportunity to perhaps specify a length, if you so choose.  
21

22 Finally, Option d is to assign the permit to a vessel with a  
23 U.S. Coast Guard Certificate of Documentation and these are the  
24 four options and these options are repeated for each one of the  
25 alternatives, the eligibility options.  
26

27 Alternative 3 is the reserve permits would be available once a  
28 year and would be issued to all eligible applicants in the order  
29 in which their application was submitted or received. Finally,  
30 Alternative 4 would issue these permits and based on the winners  
31 of a lottery that NMFS will conduct to determine which  
32 individuals may have the opportunity to apply for a permit. For  
33 all the alternatives, we have the same eligibility requirements.  
34 Thank you.  
35

36 **CHAIRMAN BOSARGE:** Any discussion on Action 5 in the document?  
37 Mara.  
38

39 **MS. LEVY:** Thank you. I think previously you had asked me about  
40 the potential to limit this to U.S. citizens or businesses and I  
41 said I would follow up on that. I think my comments are  
42 basically going to be towards the reason that you would adopt  
43 this.  
44

45 If we're talking about U.S. citizens versus permanent resident  
46 aliens, people with legal status, I think there is an extremely  
47 high burden for excluding those with legal status versus U.S.  
48 citizenship and saying only those with U.S. citizenship can have

1 these types of permits. I am not sure we could meet that  
2 burden.

3  
4 If we're talking about U.S. citizens and legal residents with  
5 permanent status versus true foreigners, there is still going to  
6 need to be some sort of reasonable, rational explanation for why  
7 it's appropriate to make that distinction and so it's really  
8 going to go towards the reason and especially when we don't have  
9 any other permits in the Gulf that have this type of  
10 requirement.

11  
12 I am not talking about IFQ or LAPP programs, because there is a  
13 specific provision in the Act related to that. I am just  
14 talking about regular fishing permits and if you decide to go  
15 down this path, you sort of need to think about, especially with  
16 respect to corporations, what, quote, unquote, a U.S. citizen  
17 corporation is and so it requires further defining and those  
18 things.

19  
20 It starts to get pretty complicated, but, just at the onset, I  
21 would ask you to think about the rationale for making such a  
22 distinction if you're going to consider this type of eligibility  
23 requirement.

24  
25 **CHAIRMAN BOSARGE:** Okay. Any further discussion from the  
26 committee? Doug, remind me, but I think the Shrimp AP will be  
27 meeting again somewhere around the early part of next year,  
28 before this goes final, and so it's also possible that with that  
29 new information, as well as -- The Shrimp AP did review this and  
30 this was one of their suggestions, to put this in the document,  
31 and maybe we can give them a little more information and get  
32 some more feedback from them, because they also wanted some  
33 information relative to this Action 5 on the length of vessels.

34  
35 They wanted to see some of that data before they could decide on  
36 a length that they would want to see as a threshold and the IPT  
37 and staff has gathered that data and so maybe we can get some  
38 more feedback from them as to do they still want to see this in  
39 the document. Mara.

40  
41 **MS. LEVY:** Right and I would just also -- I mean as you're  
42 considering this, if you think about having a certain length,  
43 who is going to decide what the appropriate measurement of that  
44 length is? Is it just something that somebody is going to say  
45 on their application, this is the length I have decided my  
46 vessel is, or is there going to be some sort of requirement that  
47 they provide proof?

48

1 We have all of these things where we might ask for eligibility  
2 requirements, like when we had the income requirement for a  
3 number of Gulf permits. People were just checking a box and  
4 that's fine and they do it under the penalty of perjury and all  
5 of that, but we weren't asking them to submit anything that  
6 actually verified it and so effective it is also depends on  
7 that, but when you start asking for documentation, you have to  
8 realize you are increasing the burden to the people who are  
9 doing it as well as to the people who are reviewing the  
10 application.

11  
12 I just ask you to consider that when you're looking at these  
13 particular options and the one about having a Coast Guard  
14 documentation, that would necessarily exclude any state-  
15 registered vessel that doesn't meet the requirements for a Coast  
16 Guard documentation and is that -- Again, what would be the  
17 basis for doing that? A lot of this is going to depend on the  
18 reasoning behind any decision.

19  
20 **CHAIRMAN BOSARGE:** Thank you. Any further discussion? Myron.

21  
22 **MR. FISCHER:** If this system were to be enacted, the shrimp  
23 fishermen we spoke with, the feeling was it had to be active  
24 fishermen and they would like to see some type of landings be a  
25 qualifier to maintain this permit and now, I know this is for  
26 the initial issuance of it, but in order to hold the permit,  
27 they actually have to be active fishermen, whereas if there is  
28 200 permits in a pool some entity can't grab them all up and not  
29 fish them.

30  
31 **CHAIRMAN BOSARGE:** Mara.

32  
33 **MS. LEVY:** I will note that this is an initial eligibility  
34 requirement, but it also says that these can only be transferred  
35 to an individual who meets whatever you pick and so it's not --  
36 They would apply to anybody and so if you were to put in some  
37 sort of landings requirement, I guess you would have to decide  
38 whether -- I mean maybe initially they wouldn't have it, but in  
39 some future years they would have to have it and that would  
40 probably be better as a separate action, if you wanted to add  
41 that, because I can see a number of different alternatives on  
42 that type of thing.

43  
44 **CHAIRMAN BOSARGE:** Assane.

45  
46 **DR. DIAGNE:** I think, depending on the method selected for  
47 distribution, it could be very difficult, if not impossible, for  
48 someone to let's say buy 200 permits and turn around to be

1 selling them.

2  
3 For example, if the preferred method was a lottery, it would be  
4 impossible, I mean unless that someone is extremely lucky, to be  
5 able to win the lottery and have 200 permits to turn around and  
6 sell.

7  
8 Perhaps if this action focused on the methods of distribution,  
9 rather than the eligibility criteria, we could presumably  
10 eliminate all of the Options a to d and perhaps even add, if you  
11 would, to the methods of distribution and to make sure that the  
12 concerns expressed, for example by Mr. Fischer, are taken into  
13 account and do away with the eligibility requirement and really  
14 focus on the methods of distribution that we will include in the  
15 document.

16  
17 **CHAIRMAN BOSARGE:** Jason.

18  
19 **LCDR BRAND:** Thank you, Madam Chair. Just one point of  
20 clarification on Option d. Assane, you have a five-net-ton  
21 minimum and is that what you're using as kind of a way to  
22 differentiate between people that get a COD that under five net  
23 tons, which is possible?

24  
25 The five net tons is a requirement and if you exceed five net  
26 tons, you have to have a Certificate of Documentation, but if  
27 you're under five net tons, it doesn't exclude you from getting  
28 a COD.

29  
30 **CHAIRMAN BOSARGE:** In the AP, I believe the discussion revolved  
31 around the five net tons, because they didn't have a lot of data  
32 on the length and so they said, okay, what is another way to  
33 kind of determine, on average, what boats are Gulf boats and  
34 what boats somebody is just putting a permit on to hold it,  
35 essentially, and so the five net tons, that was their rationale.

36  
37 Most of the time if you're going to fish a boat, shrimp a boat,  
38 in federal waters, it's going to be five net tons and then that  
39 leads to the point that is listed under Option d, that if you  
40 are a five-net-ton vessel and you operate outside that state-  
41 water zone, then the Coast Guard requires that you have a  
42 Certificate of Documentation. I don't know if that clarifies a  
43 little bit of that.

44  
45 **LCDR BRAND:** Just one more point to that is to get certified for  
46 your net tonnage, it requires a company such as ABS to document  
47 you officially of your net tonnage and so there is some  
48 additional cost associated to that.

1  
2 **CHAIRMAN BOSARGE:** I don't guess it would necessarily preclude a  
3 state-water vessel, but if that state-water vessel had primarily  
4 been in state waters, but it was five net tons, then if they  
5 were to purchase a, even now, under the system we have now, to  
6 purchase a federal permit and go outside that state-water three-  
7 mile boundary, then they would have to be documented at that  
8 point. They would have to change the way that they're  
9 documented. Mara.

10  
11 **MS. LEVY:** I just want to clarify. Jason, were you saying that  
12 -- I know that if you're five net tons or greater that you have  
13 to be documented, but a vessel -- Someone who has a vessel  
14 that's less than five net tons can choose to be documented and  
15 if that's what he is saying, then this alternative isn't going  
16 to get you only those vessels that are over five net tons if  
17 what the application is going to say is give us Coast Guard  
18 documentation and you get the permit.

19  
20 Someone is going to have to look at whether they have listed  
21 their vessel weight as greater than five net tons. If that's  
22 the intent, then we should probably make it clear that it's not  
23 just about having the documentation and it's about having the  
24 greater than five net tons.

25  
26 **CHAIRMAN BOSARGE:** Dale, did you have a question?

27  
28 **MR. DIAZ:** Kind of a comment. I am not on your committee and  
29 thank you for recognizing me, but I did just look up five net  
30 tons on the internet a few minutes ago and basically what I  
31 think it says is generally if boats are over thirty-five foot  
32 that they generally hit that five-net-ton mark.

33  
34 If somebody wants to get documented at less than thirty-five  
35 foot, then it's a good idea to get a measure to see if they meet  
36 that standard or not. That's kind of what I pulled off the  
37 internet, but I think I made this comment before, but as we go  
38 through this discussion, you know I think about areas of the  
39 Gulf where the bottom gradually tapers off and it's fairly  
40 shallow even beyond three miles.

41  
42 You know that might be a situation where smaller boats that are  
43 in port close to those areas might have to have this permit and  
44 you might have boats that are less than five net tons that -- I  
45 think western Louisiana is an example. It tapers off fairly  
46 slow there and the water is still relatively shallow and these  
47 thirty-foot boats might want to fish out in that area. I just  
48 want to throw that out there for consideration and I'm sure



1 there is other areas of the Gulf besides there, but that's just  
2 an example and thank you.

3  
4 **CHAIRMAN BOSARGE:** All right. Any further discussion on Action  
5 5? All right, Assane, if you will continue.

6  
7 **DR. DIAGNE:** Yes, we will continue on to Action 6 and thank you.  
8 For Action 6, it considers transit provisions for a shrimp  
9 vessel without the federal permit and we have a no action  
10 alternative and two alternatives here. Essentially, the  
11 difference between the two alternatives would be different  
12 definitions for stowed gear.

13  
14 Alternative 2 is a vessel possessing shrimp may transit Gulf  
15 federal waters without a federal permit if fishing gear is  
16 appropriately stowed. Transit means non-stop progression  
17 through the area and fishing gear appropriately stowed means  
18 doors and nets must be out of the water. Essentially, for  
19 Alternative 2, the doors and nets must be out of the water.

20  
21 For Alternative 3, the fishing gears means that the trawl nets  
22 may remain on deck, but the trawl doors, if present, must be  
23 disconnected from the trawl gear and must be secured. That is  
24 the difference between the two alternatives and so these are the  
25 three alternatives considered under the transit provisions.

26  
27 **CHAIRMAN BOSARGE:** Okay. Any discussion on Action 6? Dr.  
28 Crabtree.

29  
30 **DR. CRABTREE:** I guess I am still trying to understand why we  
31 need this and I believe, Myron, this was one you came up with  
32 and can you -- It's not clear to me why -- I know we have areas  
33 where we have closed areas and they fish on the other side of it  
34 and they want to transit to get back home, but that doesn't seem  
35 like it and so can you explain to us why we would need to do  
36 this?

37  
38 **CHAIRMAN BOSARGE:** Myron.

39  
40 **MR. FISCHER:** I won't speak to similar areas in other states,  
41 but in Louisiana, with a three-mile federally-recognized  
42 boundary, we have boats, fishing vessels, fishing on one side of  
43 the river or coming in through Venice, coming out of Tiger Pass,  
44 and they have to cross federal waters to go from that point to  
45 Grand Isle or to Fourchon. They are not actively fishing and  
46 they are in transit, but they may have their shrimp in the hold,  
47 because they are on their way to sell.

48

1 I would not think the transit provision is necessary if we  
2 allowed these vessels to get a permit and then they're permitted  
3 vessels and it would solve it without the transit provision.  
4

5 Also, the three center states, three miles is not very far out  
6 when you look at the shoal areas by the passes and the various  
7 reefs. When a boat is working out of the Pass and making a  
8 turn, many times they are over three miles from the Pass, just  
9 in the process of trying to turn and get back up on the beach.  
10

11 **DR. CRABTREE:** A follow-up. How far out in federal waters would  
12 these vessels normally go?  
13

14 **MR. FISCHER:** It depends on where they are coming from. If they  
15 are coming from Southwest Pass to Grand Isle, it's not very far.  
16 It's only thirty miles, but the majority of the trip crosses  
17 federal waters.  
18

19 **DR. CRABTREE:** Is it like four miles off or five miles offshore?  
20 How far out in federal waters are they going?  
21

22 **MR. FISCHER:** I would say there they are probably about -- More  
23 than five miles. They are five miles into federal waters.  
24 Coming out of Tiger Pass isn't quite as bad.  
25

26 **DR. CRABTREE:** So my concern with it is enforcement. I mean who  
27 is going to enforce it and make sure they are transiting but  
28 they're not cheating on the rules?  
29

30 **MR. FISCHER:** Roy, I feel the same way and I feel that if we  
31 just allow these boats to have permits that it would solve the  
32 problem.  
33

34 **DR. CRABTREE:** They can get permits. They can buy a permit and  
35 then they don't have a problem, but I again come back to one of  
36 the issues with transit provisions is always enforcement. In  
37 this case, we would rely on Louisiana to enforce the provisions  
38 through the JEA, but, given that I am looking at a press release  
39 that Louisiana put out that Louisiana now extends their state  
40 waters out to nine miles, I question whether Louisiana is going  
41 to enforce federal rules between three to nine miles and that  
42 leaves me with some real questions about is there any way to  
43 enforce this.  
44

45 **MR. FISCHER:** As I said, how about we just let the boats get  
46 permits and not worry about the transit provision?  
47

48 **DR. CRABTREE:** As I said, they can get permits. All they have

1 to do is buy one and so I don't know, but it appears to me that  
2 however we set this up that it's going to be a big enforcement  
3 problem, because I am not sure anyone is going to check these  
4 vessels inside of nine miles off of Louisiana, where it sounds  
5 like -- This is the only area where I have heard anyone raise  
6 the issue and without some assurance from Louisiana that they're  
7 going to enforce the regulations in federal waters, which begin  
8 at three miles, I have some real reservations about this.

9  
10 **CHAIRMAN BOSARGE:** Robin.

11  
12 **MR. RIECHERS:** I guess instead of, in some respects, trying to  
13 make this a who-is-going-to-enforce-it issue, I mean, Roy, in my  
14 mind, what if a National Marine Fisheries Service agent was in  
15 that area?

16  
17 So I mean I think what Myron is trying to address is a real  
18 problem, or a problem in their area, and the solution is to  
19 either create transit provisions and certainly the other  
20 solution is for them to go find a permit from someone else, but  
21 if they are truly just transiting, he's just looking for a  
22 solution so that they're not in violation while in transit and  
23 it doesn't matter whether JEA enforces it or whether National  
24 Marine Fisheries Service or even the Coast Guard might be in  
25 shallower water that, though rare, could create an enforcement  
26 action there. Let's not make it a three-to-ten mile debate  
27 here. Let's figure out -- I mean if this is a problem, let's  
28 figure out how to solve it.

29  
30 **CHAIRMAN BOSARGE:** Okay. Well, we've had some good discussion  
31 and -- Dale.

32  
33 **MR. DIAZ:** Again, I am not on your committee, but bear in mind I  
34 have been a commercial shrimper before and I've been in marine  
35 law enforcement before and we don't have -- We've got a -- We  
36 are hung up on having these doors on the deck and I mean I  
37 believe in Mississippi we have some laws where no part of the  
38 net can be in the water. They can't wash it or nothing, but the  
39 doors can be up in the rigging.

40  
41 You know we might want to consider adding an alternative like  
42 that. From an enforcement standpoint, I mean you can see a long  
43 ways away with these nets hanging up in the rigging and I think  
44 that would be fairly easy to enforce.

45  
46 Some of these smaller boats, the deck doors in rough seas is not  
47 very easy to do and I think it would be enforceable and I think  
48 it would be just fine if we had another alternative that would

1 at least give us that option and maybe we will hear some public  
2 testimony and if that option was in there, we could see if they  
3 liked that or they didn't like that or what the industry thought  
4 of the enforceability of that. Thank you for letting me speak  
5 in your committee, Madam Chair.

6  
7 **CHAIRMAN BOSARGE:** Yes and, to Dale's point, you know obviously,  
8 as someone with a federal permit, they're always going to have  
9 to transit through state waters to get back to port, wherever  
10 they are going, and so we do have some transit provisions.

11  
12 Most of the time, the boat is probably going to have a state  
13 water permit as well for the state that he is landing in, but  
14 there are situations, maybe Texas, for example, where you may  
15 not have the permit for state waters, although you have a  
16 federal water permit and you may be transiting for some reason  
17 other than offloading.

18  
19 For the federal fleet, a lot of our transit restrictions in  
20 those situations are pretty tough. We've got to have our doors  
21 decked and nets unshackled and so I mean it's not just, hey,  
22 just get it out of the water. It's pretty steep and they want  
23 to know that you are not shrimping in waters that you are not  
24 permitted for.

25  
26 Now, do I think we necessarily need to be that rigorous if this  
27 is maybe just a small group? I think we probably need to  
28 explore it and one option that I thought, kind of following what  
29 Dale said, is that maybe somewhere in between Alternative 2 and  
30 Alternative 3 and not necessarily deck your doors, but have your  
31 nets up and remove the bag strap.

32  
33 Have your bag straps removed and you are not ready to shrimp at  
34 that point. It doesn't take you very long. It takes you two-  
35 minutes to take it out or put it back in. That may be something  
36 we could add to the document, maybe as a happy medium as well,  
37 that may give people some more peace of mind. Myron.

38  
39 **MR. FISCHER:** Thank you, Madam Chair. Leann, that's what I was  
40 thinking about and that was what I was going to bring up, is  
41 many boats travel with the doors up in the booms, but they do  
42 have the nets in the boat and it's obvious they're not fishing  
43 and they're moving and you could spot a boat with the nets -- If  
44 a boat is moving versus fishing, that is easy to spot and to  
45 spot a boat with the nets hanging versus the nets in the boat,  
46 again, that's not difficult. I am just trying to simplify it  
47 and it may be just for a very few amount of people, but it's  
48 definitely the people I heard from.

1  
2 **CHAIRMAN BOSARGE:** Okay. Assane pointed out that Alternative 2  
3 does actually speak to what Dale was mentioning, the alternative  
4 that he had mentioned as a possible transit provision. Now, it  
5 doesn't go so far as to say the bag straps removed and that was  
6 me trying to get something in between deck your doors and  
7 unshackle everything and just get your doors out of the water.  
8 Maybe that's something we could look at adding to Alternative 2.  
9 I don't think it would be a huge burden on the fishermen. Law  
10 enforcement, did you want to weigh in on this at all, Coast  
11 Guard?

12  
13 **LCDR BRAND:** I think I would have to talk to some of my folks  
14 more on some input from them on that, but we can discuss that at  
15 the next law enforcement meeting and I can get back to Assane  
16 with what I find out, but I think that shouldn't be a problem,  
17 because we can determine, once we get close, whether they have  
18 been fishing or not, but I just want to double check with some  
19 of the enforcement folks.

20  
21 **CHAIRMAN BOSARGE:** I am not sure when you meet next, but surely  
22 you do have some law enforcement from all the states on that law  
23 enforcement and so if we can get any feedback about what it  
24 looks like for them, from an enforcement standpoint, in that  
25 gray area, the three to nine miles, and what would be their  
26 protocol and that may alleviate some concerns there as well.

27  
28 **LCDR BRAND:** Yes, ma'am.

29  
30 **CHAIRMAN BOSARGE:** Assane, would you like to continue?

31  
32 **DR. DIAGNE:** Yes, Madam Chair. That essentially concluded our  
33 discussion on the actions and alternatives included in the  
34 document. Perhaps a bit of information relative to the timeline  
35 that we are considering for this document.

36  
37 You have allowed us to convene a working group and their work on  
38 MSY and OY determinations will help us in having more specific  
39 alternatives for some of these actions and we are planning on  
40 bringing back to the council for your consideration in April or  
41 in June of 2016 a public hearing draft for you to discuss.

42  
43 **CHAIRMAN BOSARGE:** Thank you. Any other comments under Other  
44 Business? Anything that needs to be addressed by the committee?  
45 All right. I will just mention at some point in the future we  
46 would like to revisit that TED boarding form, to maybe add a box  
47 to it, as we discussed before, for voluntary inspections versus  
48 boarding, so that from a compliance standpoint we can make sure

1 that we separate those two categories. Maybe we will revisit  
2 that at some point in the future. I think that concludes our  
3 business.

4  
5 (Whereupon, the meeting adjourned at 11:10 a.m., October 7,  
6 2015.)

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