

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

254<sup>TH</sup> MEETING

FULL COUNCIL SESSION

Marriott Beachside Hotel Key West, Florida

JUNE 10-12, 2015

June 10, 2015

**VOTING MEMBERS**

- Kevin Anson (designee for Chris Blankenship).....Alabama
- Martha Bademan (designee for Nick Wiley).....Florida
- Leann Bosarge.....Mississippi
- Doug Boyd.....Texas
- Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- Pamela Dana.....Florida
- Dale Diaz (designee for Jamie Miller).....Mississippi
- Myron Fischer (designee for Randy Pausina).....Louisiana
- Johnny Greene.....Alabama
- Campo Matens.....Louisiana
- Harlon Pearce.....Louisiana
- Corky Perret.....Mississippi
- Lance Robinson (designee for Robin Riechers).....Texas
- John Sanchez.....Florida
- Greg Stunz.....Texas
- David Walker.....Alabama
- Roy Williams.....Florida

**NON-VOTING MEMBERS**

- LCDR Jason Brand.....USCG
- Dave Donaldson.....GSMFC

**STAFF**

- Steven Atran.....Senior Fishery Biologist
- Assane Diagne.....Economist
- John Froeschke.....Fishery Biologist/Statistician
- Doug Gregory.....Executive Director
- Karen Hoak.....Administrative and Financial Assistant
- Morgan Kilgour.....Fishery Biologist
- Ava Lasseter.....Anthropologist
- Mara Levy.....NOAA General Counsel
- Emily Muehlstein.....Fisheries Outreach Specialist
- Charlene Ponce.....Public Information Officer
- Ryan Rindone.....Fishery Biologist/SEDAR Liaison

1 Bernadine Roy.....Office Manager  
2 Charlotte Schiaffo.....Research & Human Resource Librarian  
3 Carrie Simmons.....Deputy Director  
4

5 **OTHER PARTICIPANTS**

6 Pam Anderson.....Panama City Beach, FL  
7 Steve Branstetter.....NMFS  
8 Eric Brazer.....Reef Fish Shareholder's Alliance  
9 JP Brooker.....Ocean Conservancy, St. Petersburg, FL  
10 Shane Cantrell.....Galveston Charter Fleet, TX  
11 John Carmichael.....SAFMC/SEDAR  
12 Mike Colby.....Clearwater, FL  
13 Tim Daniels.....FL  
14 Jason Delacruz.....Reef Fish Shareholders Alliance/Gulf Wild  
15 Beth Dieveney.....Florida Keys National Marine Sanctuary, FL  
16 Michael Drexler.....St. Petersburg, FL  
17 Martin Fisher.....FL  
18 Richard Gomez.....Key West, FL  
19 Ken Haddad.....American Sportfishing Association  
20 Chad Hanson.....Pew Charitable Trusts  
21 Frank Helies.....Tampa, FL  
22 Scott Hickman.....Galveston, TX  
23 Mark Hubbard.....FL  
24 Van Hubbard.....FL  
25 Judi Jamison.....FL  
26 Bill Kelly.....Marathon, FL  
27 Shelly Krueger.....Key West, FL  
28 Kelly Lucas.....MS  
29 T.J. Marshall.....  
30 Kristen McConnell.....EDF, Austin, TX  
31 George Niles.....FL  
32 Bart Niquet.....Panama City, FL  
33 Chris Niquet.....Panama City, FL  
34 Kelli O'Donnell.....NMFS Contractor, Summerland Key, FL  
35 Bonnie Ponwith.....SEFSC  
36 Joe Powers.....  
37 John Schmidt.....  
38 George Sedberry.....NOAA  
39 Steve Tomeny.....Fourchon, LA  
40 Rick Turner.....Marathon, FL  
41 Russell Underwood.....Panama City, FL  
42 Wayne Werner.....Alachua, FL  
43 Daniel Willard.....EDF, Austin, TX  
44 Johnny Williams.....Galveston, TX  
45

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47  
48 The Full Council of the Gulf of Mexico Fishery Management

1 Council convened at the Marriott Beachside Hotel, Key West,  
2 Florida, Wednesday afternoon, June 10, 2015, and was called to  
3 order at 1:35 p.m. by Chairman Kevin Anson.

4  
5 **CALL TO ORDER AND INTRODUCTIONS**  
6

7 **CHAIRMAN KEVIN ANSON:** Welcome to the Gulf Council session, the  
8 full council session. It is the 254<sup>th</sup> meeting of the Gulf  
9 Council. My name is Kevin Anson, Chairman of the Council. The  
10 Gulf Council is one of eight regional councils established in  
11 1976 by the Fishery Conservation and Management Act, known today  
12 as the Magnuson-Stevens Act.

13  
14 The council's purpose is to serve as a deliberative body to  
15 advise the Secretary of Commerce on fishery management measures  
16 in the federal waters of the Gulf of Mexico. These measures  
17 help ensure that fishery resources in the Gulf are sustained,  
18 while providing the best overall benefit to the nation.

19  
20 The council has seventeen voting members, eleven of whom are  
21 appointed by the Secretary of Commerce and include individuals  
22 from a range of geographical areas in the Gulf of Mexico and  
23 with experience in various aspects of fisheries.

24  
25 The membership also includes five state fishery managers from  
26 each Gulf state and the Regional Administrator from NOAA's  
27 Southeast Fisheries Service, as well as several non-voting  
28 members.

29  
30 Anyone wishing to speak during public comment should complete a  
31 public comment registration card on the back table and drop it  
32 in the box or give it to council staff. One card per person,  
33 please. A digital recording of the meeting is used for the  
34 public record. Therefore, for the purpose of voice  
35 identification, each member is requested to identify him or  
36 herself, starting on my left.

37  
38 **MR. ROY WILLIAMS:** Roy Williams, Florida.

39  
40 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine  
41 Fisheries Commission.

42  
43 **LCDR JASON BRAND:** Lieutenant Commander Jason Brand, U.S. Coast  
44 Guard, District 8.

45  
46 **MR. DAVID WALKER:** David Walker, Alabama.

47  
48 **MR. JOHNNY GREENE:** Johnny Greene, Alabama.

1  
2 **MR. CAMPO MATENS:** Camp Matens, Louisiana.  
3  
4 **MR. MYRON FISCHER:** Myron Fischer, Louisiana.  
5  
6 **MR. JOHN SANCHEZ:** John Sanchez, Florida.  
7  
8 **DR. PAMELA DANA:** Pam Dana, Florida.  
9  
10 **MS. MARTHA BADEMAN:** Martha Bademan, Florida.  
11  
12 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.  
13  
14 **DR. STEVE BRANSTETTER:** Steve Branstetter, NOAA Fisheries.  
15  
16 **DR. BONNIE PONWITH:** Bonnie Ponwith, NOAA Fisheries.  
17  
18 **DR. GREG STUNZ:** Greg Stunz, Texas.  
19  
20 **MR. LANCE ROBINSON:** Lance Robinson, Texas.  
21  
22 **MR. DOUG BOYD:** Doug Boyd, Texas.  
23  
24 **MS. LEANN BOSARGE:** Leann Bosarge, Mississippi.  
25  
26 **MR. DALE DIAZ:** Dale Diaz, Mississippi.  
27  
28 **MR. CORKY PERRET:** Corky Perret, Mississippi.  
29  
30 **EXECUTIVE DIRECTOR DOUG GREGORY:** Doug Gregory, council staff.  
31  
32 **CHAIRMAN ANSON:** I think we have a person -- Mr. Pearce, are you  
33 on the phone? Harlon, are you online? All right. He might  
34 call in in a minute. Next, it's the Adoption of the Agenda and  
35 do I have anyone with any changes to the agenda?  
36  
37 **ADOPTION OF AGENDA**  
38  
39 **MS. BADEMAN:** I just want to talk for a minute about barracuda.  
40  
41 **CHAIRMAN ANSON:** We can do that at the end?  
42  
43 **MS. BADEMAN:** Sure, whenever you want to do it. It will just  
44 take a minute.  
45  
46 **CHAIRMAN ANSON:** That will be on Friday at the end.  
47  
48 **EXECUTIVE DIRECTOR GREGORY:** I would like to add to Other

1 Business a discussion of MAFAC. They are asking for new  
2 nominees and stuff this year and I just wanted to bring that to  
3 everybody's attention.

4  
5 **CHAIRMAN ANSON:** Yes and I want to -- I would like to include,  
6 after the Approval of the Minutes and before EFPs, I would like  
7 to go ahead and announce the membership to the SSC and AP, the  
8 Reef Fish AP. Any other changes to the agenda? Do I have a  
9 motion to adopt the agenda with those changes?

10  
11 **MR. PERRET:** So moved.

12  
13 **MR. DIAZ:** Second.

14  
15 **CHAIRMAN ANSON:** We've got Mr. Perret that made the motion and  
16 Mr. Diaz seconded. Anyone in opposition to the motion? Seeing  
17 none, the motion is approved. We have Approval of Minutes from  
18 the last meeting and are there any changes to the minutes?  
19 Seeing none, is there an adoption to approve the minutes as  
20 written?

21  
22 **APPROVAL OF MINUTES**

23  
24 **MS. BOSARGE:** So moved.

25  
26 **CHAIRMAN ANSON:** Ms. Bosarge made the motion and Mr. Greene  
27 seconds. Anyone in opposition to the motion? Seeing none, the  
28 minutes are approved. Next, that brings us to the SSC  
29 membership and so for -- Do we have it up on the board as well?

30  
31 **ANNOUNCEMENT OF SSC PANELISTS AND REEF FISH AP MEMBERS**

32  
33 For Standing SSC, the members are Lee Anderson, Luiz Barbieri,  
34 Harry Blanchet, Benjamin Blount, Mary Christman, Bob Gill, David  
35 Griffith, Jack Isaacs, John Isely, Walter Keithly, Lisa Landry,  
36 Kai Lorenzen, Paul Mickle, Will Patterson, Joe Powers, Sean  
37 Powers, Kenneth Roberts, Steven Scyphers, Robert Shipp, and  
38 James Tolen.

39  
40 For Spiny Lobster SSC, we have Ryan Gandy, John Hunt, and Sherry  
41 Larkin. For Socioeconomic SSC, we have Matthew Freeman, Steve  
42 Jacob, Sherry Larkin, and Gabriella Stocks. For Shrimp SSC,  
43 Richard Burris, Ryan Gandy, Leslie Hartman, Jeffrey Marx, James  
44 Nance. Reef Fish SSC, Jason Adriance, James Drymon, Robert  
45 Ellis, Jennifer Herbig, John Mareska. Red Drum SSC, Jason  
46 Adriance, Robert Leaf, Susan Lowerre-Barbieri, Emily  
47 Satterfield.

48

1 For Coastal Migratory Pelagic SSC, Jason Adriance and Melissa  
2 Recks. For Coral SSC, Sandra Brooke, Walter Jaap, Judith Lang,  
3 Richard Ruzicka, Paul Sammarco, George Schmahl.

4  
5 **MR. FISCHER:** Do you think it's possible that staff could email  
6 that out to members now?

7  
8 **CHAIRMAN ANSON:** I think it's possible, yes. They will also be  
9 putting these lists on the website as well, but they can I think  
10 send out the individuals that were selected as well.

11  
12 That takes us to the Other Business that was taken care of in  
13 closed session the other day and that's the Reef Fish AP. For  
14 the Reef Fish AP, the members are Ralph Allen, Pamela Anderson,  
15 Patrick Bennett, Jane Black, James Clements, Jason Delacruz,  
16 Francis Eicke, James Eliason, George Eller, Martin Fisher, Troy  
17 Frady, Buddy Guindon, Scott Hickman, George Huye, Chris Jenkins,  
18 David Krebs, Michael Nugent, Mike Thierry, Thomas Turke, Ed  
19 Walker, James Whitfield, Troy Williamson, and Jim Zurbrick.  
20 Next on the agenda is Review of and Vote on Any Exempted Fishing  
21 Permits. Dr. Branstetter, are you going to handle that?

22  
23 **DR. BRANSTETTER:** We have none this time, Mr. Chairman.

24  
25 **MR. HARLON PEARCE:** Can you hear me?

26  
27 **CHAIRMAN ANSON:** Mr. Pearce, you're there. Go ahead and can you  
28 recognize yourself, please?

29  
30 **MR. PEARCE:** Thank you, Mr. Chairman. We had a little technical  
31 difficulty, so to speak. Harlon Pearce from the great state of  
32 Louisiana and the delicious city of New Orleans, reporting for  
33 my last tour of duty on this great council.

34  
35 **CHAIRMAN ANSON:** Thank you, Mr. Pearce. That will take us to  
36 our presentations and so first on the agenda is Mara and Review  
37 Changes from Proposed to Final Rule Implementation of the Gulf  
38 Aquaculture FMP. Are you ready to give that? You can go ahead.  
39 Thank you.

40  
41 **PRESENTATIONS**  
42 **REVIEW CHANGES FROM PROPOSED TO FINAL RULE IMPLEMENTATION OF THE**  
43 **GULF AQUACULTURE FMP**

44  
45 **MS. LEVY:** Thank you and I don't really have a presentation.  
46 There is the document in your briefing book, Tab A, Number 6.  
47 It's up on the screen and it's basically my attempt to summarize  
48 and explain changes from the proposed rule that the Fisheries

1 Service is considering that are based on review of public  
2 comment and other internal review.

3

4 I just wanted to give this document to you and just go through  
5 them fairly quickly, so that everyone is aware of what the  
6 changes are. Just a little historical perspective is we're  
7 talking about the Aquaculture FMP that was approved by operation  
8 of law in 2009 and last August the Fisheries Service promulgated  
9 proposed rules to implement the FMP and so right now the  
10 Fisheries Service is in the process of preparing the final rule.

11

12 There are a total of fourteen and the first three go towards the  
13 definitions section in the proposed rule and none of these  
14 really change anything substantive about what's in the FMP or  
15 what was proposed, except maybe the last one, which I will talk  
16 about in a little more detail, but the first three, as I said,  
17 go to the definition.

18

19 The first one relates to the term "genetically-modified  
20 organism" and that's the term that was used in the FMP and in  
21 the proposed rule with a specific definition and the agency got  
22 a number of comments from the Food and Drug Administration as  
23 well as other people asking that this definition be modified or  
24 that this term be changed to "genetically-engineered animal",  
25 which is a more precise term.

26

27 There are actually two terms in the proposed rule, genetically-  
28 modified organism and transgenic, but the agencies looked at  
29 this and determined that the term "genetically-engineered  
30 animal" actually encompasses both of these other terms and so  
31 it's going to take the place of genetically-modified organism  
32 and transgenic and we're just going to use this one term, but  
33 it's not changing the substance of what that means in the rule.

34

35 Number 2 and Number 3 deal with the definition of aquaculture  
36 and aquaculture facility and it's a fairly minor change,  
37 changing an "and" to an "or" with relate to what aquaculture  
38 means.

39

40 The proposed definition said that aquaculture means a number of  
41 activities, including those involved in propagation and rearing  
42 and we are just changing that to "propagation or rearing", to  
43 make it clear that it can be either one of those activities and  
44 you are still engaging in aquaculture.

45

46 Similar to that, in the definition of "aquaculture facility",  
47 there is language about an aquaculture facility being something  
48 that holds, propagates, and rears these animals and we are

1 changing the "and" to the "or", just to make it clear that  
2 they're not -- It can be either one of those.

3  
4 In Number 4, it talks about adding a prohibition which was not  
5 proposed that states that it's unlawful to land allowable  
6 aquaculture species at non-U.S. ports unless first landed at a  
7 U.S. port. This is in the FMP, but the language was not in the  
8 codified text as proposed.

9  
10 The explanation there is just basically explaining why it was  
11 reasonably foreseeable that this was what we should have  
12 proposed and the idea that if you're a dealer -- If you have one  
13 of these dealer permits, because we require both the permits to  
14 sort of operate the facility and then we have aquaculture dealer  
15 permits and those are the people that are allowed to first  
16 receive these aquaculture fish.

17  
18 The requirement for those permits are that you have a valid  
19 wholesale license from the state in which you operate, if that's  
20 required, and that you have to have a physical facility in that  
21 state, which implies that you're in the U.S. This really isn't  
22 anything new and we're just making it very clear that they have  
23 to be landed -- That they cannot be landed at a non-U.S. port  
24 first.

25  
26 The fifth change that's listed on there is originally as  
27 proposed the -- If someone wanted to apply for an aquaculture  
28 permit, they had to submit to the Fisheries Service a copy of  
29 the Army Corps permit that they need to actually have the  
30 facility in the water and the EPA permit that they're going to  
31 have to have as well to operate this facility, but after  
32 reviewing this, the Fisheries Service decided that really what  
33 we need is these other permits before we actually issue the  
34 aquaculture permit and so we don't really need it at the  
35 application stage, but before it's issued.

36  
37 There is a lot of work that's going on behind the scenes between  
38 the different agencies to come up with a process that will allow  
39 an applicant to sort of get all these permits at the same time,  
40 so they're not sort of having to go apply for the same sort of  
41 thing at all these different agencies and give the same  
42 information. The idea was that if we require it before we  
43 actually issue the permit that that allows that process to  
44 actually be complete. They don't have to go through those other  
45 processes first.

46  
47 The sixth change was a change that we mentioned and it's in both  
48 the FMP and the preamble to the proposed rule, but it was not

1 actually in the codified text and there are a number of those in  
2 here, which is in the explanation box. There were some  
3 instances where we explained in the preamble where we go over  
4 what we're doing that this is what the FMP required and this is  
5 what the rule requires, but then there was an oversight and that  
6 language was not actually added to the codified text that's  
7 going to be in the regulations and so that's one of these and  
8 it's language about the brood stock needing to come from the  
9 same population or subpopulation where the facility is located.

10  
11 Like I said, that was in the FMP and we have discussed it in the  
12 preamble, but we just didn't put it in the codified text and so  
13 that would be put in during the final rule stage.

14  
15 The seventh change on here is just a very minor change. In the  
16 proposed rule, it says that one basis for denial of a permit is  
17 significant risk to the well-being of wild fish stocks, but the  
18 well-being part is sort of superfluous and doesn't add anything  
19 and so all the Fisheries Service is going to do is remove that,  
20 so that it will say that NMFS may deny a permit that would pose  
21 significant risk to marine resources and that's not substantive  
22 at all.

23  
24 The eighth change isn't substantive either. The Fisheries  
25 Service is just going to be changing the term "baseline  
26 environmental assessment" to "baseline environmental survey" and  
27 the reason for that is that we got a number of public comments  
28 that read baseline environmental assessment and associated that  
29 with NEPA, like when we do an environmental assessment under  
30 NEPA, and that's not what this is talking about.

31  
32 This is talking about what folks need to do and what they need  
33 to submit for their application in terms of giving the agency  
34 the information about the water and the sediment and all of that  
35 sort of thing and so all the Fisheries Service is thinking about  
36 doing is changing that term to be "baseline environmental  
37 survey", but it means the exact same thing.

38  
39 Number 9 was another one of those things that's in the FMP and  
40 was discussed in the preamble to the proposed rule, but it just  
41 did not make it into the codified text of the proposed rule and  
42 that's to require that permittees maintain and make available to  
43 NMFS or authorized officers a written or electronic daily record  
44 of the number of cultured animals introduced into and the number  
45 of pounds and average weight of fish removed from each  
46 aquaculture system for the most recent three years. Again, we  
47 discussed this and we just need to stick it in the codified  
48 text.

1  
2 Number 10 is another one that is also in the FMP and was  
3 discussed in the preamble and that's a requirement for  
4 permittees to specify or to record the date, time, and weight of  
5 cultured animals to be harvested and report this information to  
6 NMFS at least seventy-two hours prior to harvesting cultured  
7 animals from the facility and so it's a notice requirement and  
8 we need to add that to the codified text.

9  
10 Number 11, again, deals with the type of documents that  
11 permittees are required to keep the original of or copies of  
12 purchase invoices of feed.

13  
14 This was discussed in the preamble of the proposed rule, but it  
15 wasn't put in the codified text, because at the time the  
16 proposed rule was published, NMFS referred to the EPA, the  
17 Environmental Protection Agency, regulations that cover feed  
18 reporting requirements and thought that that would have the same  
19 requirement and didn't want to be duplicative and require people  
20 to comply with two agencies' record keeping requirement, but  
21 after further review, they determined that the EPA regulation  
22 actually doesn't do this and so it's going to get added to the  
23 codified text.

24  
25 Number 12 is just a clarification that the floating devices that  
26 are used to mark the restricted access zone that's required have  
27 to be authorized by the U.S. Coast Guard and so it's just to  
28 make clear that that's a Coast Guard requirement.

29  
30 Then 13 has to do with the term "landed ashore" versus "offload"  
31 and so in the FMP and in the codified text of the proposed rule,  
32 it states that species cultured at an aquaculture facility must  
33 be, quote, landed ashore between a certain time and it's kind of  
34 like the IFQ program, between 6:00 A.M. and 6:00 P.M., but the  
35 preamble to the proposed rule talked about having to offload  
36 between that time.

37  
38 After looking at the IFQ regulations and the difference between  
39 landed ashore and offload, NMFS determined that using the more  
40 precise term of "offload" in this context is consistent with the  
41 objective of the requirement, which is to aid enforcement and to  
42 make sure somebody is there when the fish are actually getting  
43 offloaded of the vessel, but it also allows vessels the  
44 flexibility to arrive at the dock anytime, because landed can be  
45 arriving at the dock or offloading and so if you restrict  
46 landing to a certain period of time, then you're sort of  
47 stopping vessels from getting to the dock. This way, they can  
48 land, but they just can't offload unless they are within that

1 time period.

2  
3 The last one has to do with the definition of "significant  
4 risk". When the council -- This was a definition that the  
5 council reviewed and deemed as necessary and appropriate in  
6 February of 2013 and so when the council first submitted this  
7 plan for secretarial review and implementation and deem the  
8 codified text, like I said, that was back in 2009 and so there  
9 were a lot of intervening factors that happened.

10  
11 Then when NMFS was going forward with proposing the rule, there  
12 were some things that they wanted to change with respect to the  
13 codified text and one of those things was adding a definition of  
14 what "significant risk" meant.

15  
16 The agency came back to the council in 2013 and went over the  
17 changes to the codified text and the council deemed those as  
18 necessary and appropriate and in this particular case,  
19 significant risk, part of the meaning was likely to adversely  
20 affect endangered or threatened species or their critical  
21 habitat. That was a piece of it.

22  
23 When we published the proposed rule in the Federal Register,  
24 this definition was changed with respect to that and said,  
25 instead of "likely to adversely affect", it said "likely to  
26 jeopardize the continued existence of endangered or threatened  
27 species or adversely modify their critical habitat" and that's a  
28 much different standard than what was originally proposed.

29  
30 There was some public comments on that and NMFS actually had  
31 something in the proposed rule that expressly asked for public  
32 comments on this part of the definition and so the Fisheries  
33 Service is considering going back to the original definition  
34 that was deemed by the council in 2013 and so it would no longer  
35 be "likely to jeopardize the continued existence of" and it  
36 would be "likely to adversely affect".

37  
38 That is a review of the changes. I went through that rather  
39 quickly, but you did have it in your briefing book and I think  
40 hopefully the explanations are pretty self-explanatory. If  
41 anyone has any questions, I would be happy to answer them.

42  
43 **MS. BADEMAN:** Mara, is there going to be another opportunity for  
44 folks to comment on some of these changes? We have some  
45 concerns about that FDA definition of "genetically-engineered  
46 animal" and I am just trying to figure out what the best way for  
47 us to move forward would be.

48

1 **MS. LEVY:** The comment period on the proposed rule closed. If  
2 you have any comments that you want to raise at the council  
3 meeting, I would be happy to take those back to the agency with  
4 respect to that, because I am here to fulfill the requirement  
5 that we consult with this body on changes from proposed to final  
6 rule.

7  
8 If you have something specific about that, that would be  
9 appropriate. I believe in the final rule that you can still  
10 comment on the final rule, but obviously at that time it's final  
11 and so it's not necessarily -- I mean not to say it couldn't be  
12 changed in the future, but I would be happy to take any comments  
13 that you have back.

14  
15 **MR. PERRET:** Mara, thank you very much for that presentation.  
16 Mr. Atran may be the only one here -- My memory is not that  
17 good, but here is a good example of the process. Do you recall,  
18 Steve, when we first started working on this aquaculture  
19 amendment? We approved it in 2009 and is that right? This is  
20 2015 and we probably started on it in 2006 or so?

21  
22 **MR. STEVEN ATRAN:** I think it was before that. Do you recall  
23 when Joe Hendrix was appointed to the council?

24  
25 **MR. PERRET:** Joe Hendrix, yes, I remember. I've got Joe's name  
26 written down and I hope he is still around and will see that one  
27 of these days it will be finally approved, but this is the  
28 process that we have gone through for this. We started in 2005,  
29 maybe, and here we are in 2015, but thank you for that  
30 presentation.

31  
32 **CHAIRMAN ANSON:** Any other questions for Mara? All right.  
33 There was one thing that I thought Dr. Branstetter was going to  
34 mention under the EFPs and he did not and so I would like to go  
35 back to that and, Dr. Branstetter, if you could just give a  
36 summary of an EFP that you all had made a decision on recently.

37  
38 **REVIEW OF EXEMPTED FISHING PERMITS**

39  
40 **DR. BRANSTETTER:** Yes, sir. Back in March, the State of  
41 Mississippi submitted an EFP to our office requesting us to  
42 exempt them from the prohibition of harvest of red drum in  
43 federal waters.

44  
45 They proposed to have their charter boat fleet opportunistically  
46 sample adult red drum in federal waters off of Mississippi to  
47 increase the biological data for a stock assessment. During  
48 March, we sent the application to the council, to all five Gulf

1 states, to the Coast Guard, and to the Fisheries Science Center  
2 to ask for their input and feedback on the proposal.

3  
4 We also announced that we would take public comment on this for  
5 thirty days. During the thirty-day comment period, more than  
6 2,700 comments were received. The council and the State of  
7 Alabama submitted letters in support as well as a congressman  
8 from the state of Mississippi. However, the comments from the  
9 general public were overwhelmingly opposed to the activity that  
10 would allow a select group to have access to red drum while the  
11 private anglers would not.

12  
13 The State of Louisiana opposed the application, noting that it  
14 probably was better to do such a sampling effort through or  
15 develop fishery regulations through the council process and they  
16 also felt that it would be of limited utility for a Gulf-wide  
17 assessment.

18  
19 The Science Center also suggested that the data collected from  
20 the survey would probably have little utility for an assessment  
21 of Gulf-wide and recommended that they try to follow the same  
22 protocols as the current fishery-independent surveys that are  
23 sampling adult offshore red drum and based on all of these  
24 comments and the rationale provided in the comments, out office  
25 denied it and on June 5, we sent a letter back to Mississippi  
26 denying the application.

27  
28 **CHAIRMAN ANSON:** Thank you, Steve.

29  
30 **MR. PERRET:** Steve, can you enlighten us a little on the bulk of  
31 those 2,700 comments against? Were those the form emails that  
32 you press a button and I'm for or against it?

33  
34 **DR. BRANSTETTER:** Yes, the vast majority of them were an email  
35 campaign.

36  
37 **MR. PERRET:** The vast majority were just a form email and press  
38 a button and it goes?

39  
40 **DR. BRANSTETTER:** Correct. They were slightly modified in many  
41 cases, but they contained a lot of the base text that was  
42 offered in the email campaign.

43  
44 **MR. PERRET:** The State of Louisiana's objection was from the  
45 Department?

46  
47 **DR. BRANSTETTER:** Yes, sir.

1 **MR. PERRET:** Department or Commission? Do you know? That's the  
2 same commission that said Louisiana has got nine miles to go  
3 fishing.

4  
5 **DR. BRANSTETTER:** It came from Barham's office.

6  
7 **MR. PERRET:** Okay. That's the Department. Thank you.

8  
9 **MR. DIAZ:** I mean I just want to comment. Naturally we are  
10 disappointed that the EFP was disapproved. I did read the  
11 letter and I do understand it. I know some of the comments that  
12 I personally got I hope were not taken into consideration,  
13 because I think some of the traffic that I had seen on it, a lot  
14 of people thought that this was the vast amount of the brood  
15 stock that was going to be used for research, when in reality we  
16 was only talking about 2,000 fish and about 15,000 pounds per  
17 year over a two-year period of a stock where we're harvesting  
18 about nineteen-million pounds and I don't know how that got a  
19 head of steam behind it.

20  
21 As a state, we are very interested in trying to do some research  
22 and we may come back with a different EFP in the future. We do  
23 have red drum stock that we manage in the State of Mississippi,  
24 in our waters, and under our current sampling programs, we do  
25 not see certain sized red drum and we cannot include them in our  
26 assessments and so we are going to evaluate and look and see if  
27 there's another way to try to get this data.

28  
29 I do want to respond to the using a select group. I understand  
30 that comment, but you know when we came to the council, we said  
31 we were going to use folks that had the federal permit, where we  
32 had a group that we could monitor and stay on top of and make  
33 sure that we did it appropriately and so I mean our -- Part of  
34 our rationale for using that group is because we had a defined  
35 universe of people that we could make sure that we could  
36 officially control and make sure that the permit was executed  
37 properly.

38  
39 We are disappointed and we look for some guidance in the future  
40 on how to move forward and we're willing to spend some of the  
41 resources of the State of Mississippi to collect this data and  
42 we'll be looking for some guidance from some folks on how to do  
43 that in the future.

44  
45 **MR. PEARCE:** Mr. Chairman, I am disappointed too, because any  
46 data is better than no data at all and I think the State of  
47 Mississippi really put a good program together that would help  
48 us get to the size fish that they don't get in their normal

1 datasets, but I also talked to a bunch of the charter boats in  
2 Louisiana and they were concerned about taking fish off of the  
3 coast of Mississippi and how it might affect them and I asked  
4 the charter guys in Louisiana -- I said, well, how many fish a  
5 day are you taking in Louisiana as a charter boat and they said  
6 it's well over thousand and I said you're talking about a  
7 thousand fish a year in Mississippi, where we're taking well  
8 over a thousand fish a day in Louisiana.

9  
10 So I mean the reference to even coming close to affecting the  
11 stock in the federal waters is just ludicrous and we also know  
12 that it doesn't take a lot of redfish to propagate the whole  
13 doggone Gulf with the number of eggs that they lay, but that's  
14 beside the point.

15  
16 I think that maybe the utility of the data wouldn't be great for  
17 a stock assessment, but any data we get on red drum is better  
18 than the data we have and it disappoints me that we don't take  
19 this opportunity to do a very small program that could do a lot  
20 for the State of Mississippi.

21  
22 **MS. BOSARGE:** I hope that in the future too as we evaluate some  
23 of these permits -- The thing that I liked about this permit, as  
24 someone coming from business and industry, was that we wanted to  
25 gather some data, scientific data, on these fish. Well, we're  
26 going to kill these fish in order to do that and at least we  
27 were going to take those fish that we were going to kill and  
28 find a way to allow the people that own that resource, the  
29 citizens of the United States, to enjoy it at the same time, to  
30 allow recreational fishermen to catch that fish and then we'll  
31 use it for data purposes and I thought that was an amazing use  
32 of our resource to be able to multitask and get two things from  
33 it at the same time and so hopefully that will be taken into  
34 account in the future.

35  
36 **CHAIRMAN ANSON:** All right. Thank you. Continuing on with the  
37 agenda, that will take us to the Florida Keys National Marine  
38 Sanctuary Issues and, Ms. Dieveney, welcome.

39  
40 **PRESENTATIONS (CONTINUED)**

41 **FLORIDA KEYS NATIONAL MARINE SANCTUARY ISSUES**

42  
43 **MS. BETH DIEVENEY:** Thank you and good afternoon. Sean Morton,  
44 Sanctuary Superintendent, sends his regrets, but he is in  
45 Washington, D.C., participating in Capital Hill Ocean Week  
46 activities.

47  
48 I am here to just give a brief update on recent activities of

1 the Florida Keys National Marine Sanctuary, which primarily what  
2 I am going to share is information related to our current  
3 activities to review and potentially update our management plan,  
4 associated regulations, and marine zones.

5  
6 I will go through the beginning rather quickly, because it's a  
7 lot of the background of the Sanctuary and the existing  
8 Sanctuary regulations, and spend a little more time on the  
9 specific issues that might be of interest to this commission.

10  
11 Here is just a general map of the Florida Keys National Marine  
12 Sanctuary. The boundary is the broad line in blue, if you can  
13 make that out. The Sanctuary was established in 1990 by  
14 congressional act and in 1997, the first management plan was put  
15 in place and that included regulations and marine zones.

16  
17 In 2001, the first major modification was made, which was the  
18 addition of the Tortugas Ecological Reserve, and so what we're  
19 currently doing right now is a comprehensive review of that 1997  
20 management plan. Some of the resources that the Sanctuary  
21 protects and manages are obviously the ecosystems, the habitats,  
22 the coral reef ecosystems, as well as submerged cultural  
23 resources.

24  
25 Some of the things that both the Sanctuary and the National  
26 Wildlife Refuge regulate include dumping and discharges; certain  
27 fishing activities in certain places; vessel speed; personal  
28 watercraft use; vessel access in certain places; marine  
29 construction; dredging and other impacts to the seafloor; oil  
30 and gas exploration and development; touching, standing,  
31 impacting coral and other listed species; diving; snorkeling;  
32 and marine life aquarium collection. This is just a very  
33 general list of some of the items we regulate Sanctuary-wide.

34  
35 Next, this is our existing marine zoning plan and this is one of  
36 the things that we are reviewing. We clearly have the entire  
37 Sanctuary is a marine area protected and Sanctuary-wide  
38 regulations and we also have existing management areas and these  
39 are areas that were designated prior to the 1990 designation,  
40 National Wildlife Refuges, the Key Largo, and Looe Key existing  
41 Sanctuary areas.

42  
43 In 1997, the next areas were identified for zoning and those are  
44 Sanctuary preservation areas generally set aside to reduce  
45 conflicting uses between diving and fishing; ecological reserves  
46 protecting the broad ecosystem services in that area; wildlife  
47 management areas, primarily nearshore shallow areas to protect  
48 the wildlife and generally restrict the type of access you can

1 do using vessels. No motor idle speed and the like.

2  
3 Special use areas, there are four and those have primarily been  
4 used for research and, finally, the area to be avoided, which is  
5 it excludes large ships over fifty meters.

6  
7 Since 1997, a lot of research, data, and information has been  
8 collected and this was compiled and released in a 2011 Sanctuary  
9 Condition Report. Over forty scientists contributed and it's  
10 peer reviewed and it looks at ecosystem conditions, pressures,  
11 trends on those ecosystem conditions and, importantly, what  
12 management actions are being taken to address those pressures  
13 and trends as well as what can be done.

14  
15 This condition report is really the foundation and what kicked  
16 off this review. How are we doing and where might we make  
17 improvements?

18  
19 Why conduct an overview? Clearly community interest. We have  
20 had these regulations in place since 1997 and we have learned a  
21 lot from that time. A lot more science is available and new  
22 emerging threats, as well as it's required both by NOAA, the  
23 National Marine Sanctuary Act, as well as the National Wildlife  
24 Refuge.

25  
26 This process is being led or has been led by for the last  
27 several years our Sanctuary Advisory Council, which is a  
28 voluntary community advisory council that is charged with two  
29 things. One is giving advice to the Sanctuary on management and  
30 two is serving as a liaison between the community and the  
31 Sanctuary and so we really use this body as a group to provide  
32 what the community is looking at and what the needs are and  
33 where we should go.

34  
35 The list here shows the breadth of representatives on the  
36 Advisory Council. There are twenty members with twenty  
37 alternate members and we have, just to give an example, the  
38 boating industry, citizen at large, education, diving, tourism.

39  
40 For the fishing representation, we have charter fishing,  
41 commercial fishing, recreational fishing. In recreational  
42 fishing, both charter and flats guide and marine life collection  
43 and so a broad range of representation. On the Advisory  
44 Council, we also have ten non-voting local, state, and other  
45 federal agency members.

46  
47 This slide, I will go over this a little bit more in detail at  
48 the end, but I just have this up here now to show the process

1 and the long timeline of this effort. As I noted, it really  
2 started in 2011 with the release of the condition report and the  
3 Advisory Council kicked off the review in 2012. We are  
4 currently now in 2015, summer of 2015, in the yellow box, where  
5 Sanctuary staff is currently reviewing everything that has come  
6 in from the public, from the Advisory Council, in developing a  
7 draft environmental impact statement for what potential  
8 modifications to our management plan.

9  
10 To get into specifics, these are the nine priority items that  
11 the Advisory Council identified to look at for review through  
12 this process. I am going to talk about three in particular that  
13 I feel might be of most interest and value to this commission.

14  
15 The first one is the shallow-water wildlife and habitat  
16 protection priority; the next is Number 3, ecosystem protection,  
17 ecological reserve preservation areas, and wildlife protection;  
18 and the next is Number 6, study areas and boundary  
19 modifications.

20  
21 Those three are those that affect the marine zoning of the  
22 Sanctuary, either Sanctuary-wide boundary, or specific zones  
23 within the Sanctuary and so the first two, the shallow-water  
24 wildlife and habitat protection and the ecosystem protection,  
25 the Advisory Council had three community working groups looking  
26 at these issues and these are the specific marine zones within  
27 the larger Sanctuary boundary and just as the Advisory Council  
28 is a community advisory body, the Advisory Council had three  
29 community working groups reviewing information and providing  
30 advice and input to the Advisory Council, who then advises the  
31 Sanctuary.

32  
33 This list here shows the representation that sat on those  
34 working groups. It included people from the Advisory Council  
35 and people from the general public throughout the Florida Keys  
36 region.

37  
38 This slide shows the main charge to those working groups. The  
39 Ecosystem Protection Working Group was charged with reviewing  
40 the zones that are put in place to address ecosystem-level  
41 protections and so generally the ecological reserves, Sanctuary  
42 preservation areas, and special use areas.

43  
44 The Shallow-Water Wildlife and Habitat Protection Working Group  
45 was charged with evaluating the zones for habitat and wildlife  
46 protection. These are the smaller near-shore boating  
47 restriction type of zones to protect wildlife and habitat. They  
48 were also charged with identifying concentrated uses that may be

1 harming resources, for example priority congregation areas,  
2 high-use marine events. As well, they evaluated potential  
3 impacts for marine salvage activities.

4  
5 Both of these working groups met over a series of -- One working  
6 group met over a series of seven months and the other working  
7 group met over a series of about fifteen months and they met for  
8 a lot of time and considered a lot of data and information and  
9 here is just a sampling of the natural resource data and  
10 information that they were provided with and deliberated about.  
11 Both our state partners and other agency partners helped to  
12 facilitate this process.

13  
14 They also looked at a suite of human use data and information  
15 related to both commercial and recreational fishing,  
16 recreational diving, and then some impact datasets from vessel  
17 groundings, marine debris, and prop scarring.

18  
19 With all of this information, they have provided recommendations  
20 to the Advisory Council that the Advisory Council has considered  
21 and forwarded on to the Sanctuary for consideration and just  
22 real briefly, and I can go into a lot more specifics offline if  
23 anyone is interested, and all of this information is available  
24 on our website, but very quickly, the Ecosystem Protection  
25 Working Group looked at twenty-four existing zones altogether  
26 and of those, they recommended modifications to eleven of those  
27 zones and those could be minor spatial area changes or  
28 modifications to the regulations of activities allowed in those  
29 zones.

30  
31 They did recommend slight modifications to the Sanctuary  
32 boundary as well as to the area to be avoided. They proposed  
33 seven new marine zones. These are largely smaller zones to  
34 capture additional ecosystems that are not adequately captured  
35 in the current marine zoning scheme or other sensitive areas and  
36 habitats that they felt needed additional protection. They also  
37 recommended removing certain exceptions in four of the existing  
38 marine zones and recommended restricting anchoring in some of  
39 the zones.

40  
41 The Shallow-Water Working Group, looking at impacts to shallow-  
42 water wildlife and habitat, they looked at twenty-seven existing  
43 marine zones and those are the wildlife management areas and  
44 they recommended removing two of the existing zones. Those are  
45 areas that actually no longer exist due to storm events.

46  
47 They recommended, of the twenty-four, modifying nineteen of  
48 them. Again, these could be small spatial changes or additional

1 or changes in how vessels are able to access those areas and,  
2 finally, they proposed twenty-four new zones to look at for the  
3 need for potential shallow-water wildlife and habitat  
4 protection.

5  
6 The next item I thought you might be interested in hearing a  
7 little bit more about that would be relevant for the Gulf of  
8 Mexico Fishery Management Council is the study area and  
9 potential boundary modifications. Whenever a Sanctuary reviews  
10 its management plan, it has to first define where is the area  
11 that will be reviewed and that is considered the study area.

12  
13 The study area will always include the existing Sanctuary  
14 boundary, but could also include areas outside of that boundary  
15 and the value of identifying a study area is such that the  
16 zoning and any regulations could be considered in these other  
17 areas and through this process, the economic and environmental  
18 impacts of applying any additional regulations in these areas  
19 could be analyzed and studied.

20  
21 This is the area of particular concern, habitat area of  
22 particular concern, in the Gulf of Mexico within your purview  
23 and this was identified as a potential study area for potential  
24 boundary expansion during this review and the circle there is  
25 just a representation of the general area and it's not the  
26 boundaries that would be considered, but rather looking at what  
27 does the ecosystem data show and what are the potential resource  
28 impacts and what additional protections may or may not be  
29 necessary and so the inset there does show, and it's very faint  
30 there, but it does show the existing habitat area of particular  
31 concern as well as some of the additional data that's coming in  
32 from the recent University of Miami and other academic work  
33 that's going on.

34  
35 This area was identified as a potential area to look at for  
36 additional protections afforded by the National Marine Sanctuary  
37 Act and largely due to its special place as well as the  
38 potential connectivity with the Florida Keys National Marine  
39 Sanctuary.

40  
41 Finally, back to this slide. All of the first two-thirds of the  
42 slide has been going on with the public and the Advisory  
43 Council, with the Advisory Council really looking at the nine  
44 priority issues and reviewing the data and the information and  
45 providing their recommendation to the Sanctuary, to the agency,  
46 on what they would like to be reviewed and analyzed in a draft  
47 environmental impact statement.

48

1 The Advisory Council provided all of that information to us at  
2 their October 2014 meeting and so since that time, staff have  
3 been trying to -- Well, we have been organizing that information  
4 and developing it into a suite of alternatives.

5  
6 The Advisory Council gave us over 200 recommendations and not  
7 all were easily categorized. Some are conflicting and so staff  
8 has been working with our own staff and with state partners as  
9 well as other federal agency partners to sort of shape that into  
10 alternatives and so that's what we're doing right now.

11  
12 We hope to have a draft environmental impact statement out for  
13 public review and agency review by late 2015 or early 2016.  
14 That draft environmental impact statement will not have  
15 associated regulations with it and that's an important point, in  
16 that we're really looking to get the response from the public  
17 and the agencies before we develop the suite of final  
18 regulations and so regulations and the final rules will not  
19 likely be in place until 2017.

20  
21 This is just that slide in words and we're currently in that  
22 green box and so lots yet to go through and lots of opportunity  
23 for additional engagement with the council. Thank you.

24  
25 **CHAIRMAN ANSON:** Thank you. Do we have any questions?

26  
27 **MR. PERRET:** Thank you very much for your presentation. I have  
28 got two or three comments and questions. Relative to the  
29 Sanctuary and the regulations, do you have your own law  
30 enforcement people that does the enforcement work, the  
31 regulating, or is it the State of Florida and the federal  
32 agents? Like I said, do you have your own enforcement  
33 personnel?

34  
35 **MS. DIEVENY:** We have a joint enforcement agreement through  
36 NOAA and we have -- We partner with the state Florida Fish and  
37 Wildlife Conservation Commission and we have agents who work for  
38 FWC who are charged to enforce our regulations and so we work in  
39 close partnership with FWC.

40  
41 **MR. PERRET:** One of the things, just out of curiosity, one of  
42 the things you regulate, and I am sure I know the answer, but  
43 you've got it listed as oil and gas development and development  
44 is one thing, but what about exploration, seismic activities?  
45 Is that prevented also?

46  
47 **MS. DIEVENY:** That is prohibited, yes, and that is one of the  
48 regulations that is Sanctuary-wide.

1  
2 **MR. PERRET:** Okay. Now, my biggest concern is two weeks ago I  
3 sat in on the coral meeting and your presentation shows that you  
4 want to double the size of the existing Sanctuary and north of  
5 it is very important shrimping grounds and south of it is the  
6 royal red grounds, but I don't see that on the presentation  
7 today. Are you telling me that you all have already excluded  
8 those proposed areas or why don't we see them here?  
9

10 **MS. DIEVENEY:** What you are referring to is indeed a map that  
11 was created for the Advisory Council and by the Advisory Council  
12 that includes the entire study area and unfortunately I do not  
13 have that in this presentation.  
14

15 **MR. PERRET:** That is very unfortunate for us.  
16

17 **MS. DIEVENEY:** But can I explain? So the area that you're  
18 seeing north of the Sanctuary has been considered but rejected  
19 and that is clearly a decision that has been made. That area  
20 was added by and in discussion with the Sanctuary Advisory  
21 Council to consider and largely that area was added to make  
22 straight lines for ease of enforcement.  
23

24 However, in reviewing, that is an area that we have already  
25 considered but rejected due to the lack of resources that  
26 necessarily need additional Sanctuary protection.  
27

28 **MR. PERRET:** The area to the south that's proposed in what we  
29 saw two or three weeks ago is very important royal red shrimping  
30 grounds and is that area still considered in the proposal today?  
31

32 **MS. DIEVENEY:** A portion of that area is still considered and  
33 the area that is still considered aligns with the existing area  
34 to be avoided and so the Sanctuary already has some regulations  
35 that apply in that area. The area to be avoided is also aligned  
36 with the particularly sensitive sea area, which is an IMO  
37 regulation. There is a small sliver to the south that is not  
38 included.  
39

40 **MR. PERRET:** Well, I am not sure what you're talking about, but  
41 what is on this map when we met a few weeks ago with the coral  
42 people, it was pointed out that this is extremely important  
43 royal red shrimping grounds. I would hope, Morgan, that that  
44 information is related to the Sanctuary people somewhere during  
45 this process, because it's extremely important shrimping  
46 grounds.  
47

48 **MS. DIEVENEY:** I will definitely want that information and to

1 clarify, if the boundary is expanded, if the general Sanctuary  
2 regulations are expanded, it does not necessary affect fishing  
3 activity.

4  
5 **MR. PERRET:** All I heard you say is you want to straighten the  
6 line out for ease of enforcement and ease of enforcement is  
7 certainly important, but also those grounds are extremely  
8 important. Thank you though. I appreciate your input.

9  
10 **MS. BOSARGE:** Thank you for an excellent presentation and to  
11 reiterate what Corky said, we did talk about that at the Coral  
12 AP/SSC meeting a while back. I just want to make sure and so  
13 the research area that was to the north of the Sanctuary that  
14 was proposed, that whole thing has been removed or has it been  
15 adjusted?

16  
17 **MS. DIEVENEY:** On that and I do apologize that I didn't include  
18 that entire map in this presentation, but in the north region,  
19 there were two distinct areas, one that is sort of in the  
20 Florida Bay area that would create a more contiguous habitat  
21 protection between the Everglades National Park and the  
22 Sanctuary and it's sort of a triangular area that connects there  
23 and, actually, I can maybe go back to the original map.

24  
25 That area is still being considered, due to connectivity between  
26 Everglades and the Sanctuary. The area, and that is if this --  
27 It's kind of like right there, this triangular sliver. It is  
28 still being considered in this review. What is not is a  
29 connection from there across and that's the area that our  
30 Advisory Council included to make a straight line across.

31  
32 **MS. BOSARGE:** I am glad to hear that. I saw where you did have  
33 two commercial fishermen on your working group and that's  
34 excellent. I don't know what the background of those fishermen  
35 are, but I would venture to guess, just the little research that  
36 I've done, I don't think they are shrimpers and I would  
37 appreciate it if you could reach out to the shrimp fishery in  
38 your working group and if you want to add one on as a non-voting  
39 member -- I realize that it probably is not sitting right in  
40 your backyard anymore. We used to have a very large shrimp  
41 fleet down here in the Keys, but as tourism has taken over, the  
42 shrimp boats we move on out, typically. That's become condos.

43  
44 Please reach out to them and please make sure you talk to the  
45 royal red fishery and the penaeid shrimp fishery and get their  
46 input on the front end of this. We would much rather work with  
47 you. We had a great meeting doing that the other day with our  
48 Coral AP and SSC, rather than reaching out to us at the end,

1 when you're just asking for comment after you're done with it.  
2 We would really appreciate working with you. Thanks.

3  
4 **MS. DIEVENEY:** Will do. I will follow up with you here and then  
5 I will also speak with our Advisory Council fishing reps to have  
6 them as well reach out to their colleagues.

7  
8 **MR. GREENE:** Thank you for your presentation. I am not familiar  
9 with the Keys and the Sanctuary is certainly intriguing to me.  
10 On the very last slide you provided to us, it does give a  
11 definition of fishing regulations and I guess the interpretation  
12 of what we're supposed to follow.

13  
14 Are there differing regulations on size and bag limits for  
15 fishing inside the Sanctuary versus outside? Can you give me a  
16 little background on what are you going to ask from us? Are you  
17 going to need input and where and at what point will we be  
18 allowed to weigh in?

19  
20 **MS. DIEVENEY:** Yes and so if through the review if there are any  
21 activities that are identified that might affect fishing or  
22 fishing activities, we do -- The National Marine Sanctuary Act,  
23 Section 304(a)(5), provides that the Secretary of Commerce, and  
24 it will be the Sanctuary, shall provide the appropriate regional  
25 fishery management council with the opportunity to prepare draft  
26 regulations for fishing within the EEZ and in preparing draft  
27 regulations for the Sanctuary, if any activity might affect  
28 fishing, we first come to the councils to provide an opportunity  
29 to review draft regulations that are aligned with Sanctuary  
30 goals. This is distinct from a fishery management plan.

31  
32 **MR. GREENE:** When you are determining the regulations that are  
33 going to need that, is it just -- How is the determination made?  
34 Is it science-based or is it -- I mean what are the qualifiers  
35 for those particular fishery regulations?

36  
37 **MS. DIEVENEY:** So the primary goal of the National Marine  
38 Sanctuary Act is to protect the natural resources of the  
39 Sanctuary and secondly providing sustainable use of those  
40 resources and so throughout this review, and particularly the  
41 Ecosystem Protection Working Group and why they met over fifteen  
42 months versus the seven that the Shallow-Water Working Group  
43 did, is because they were grappling with some of those issues.

44  
45 They were charged with looking at ecosystem-wide protections and  
46 so looking at potentially larger areas that might impact the  
47 access to fishing and those recommendations, the data, they had,  
48 as I showed, a whole suite of natural resource data and

1 information and the social science, the use data and  
2 information, and each of the community members also brought  
3 their own anecdotal personal experience information as well.  
4 Their recommendations to the Advisory Council, we are now taking  
5 those and doing a full economic and environmental analysis.  
6 Does that help answer your question?

7  
8 **MR. GREENE:** Yes, I believe so, but will it go to like a  
9 scientific assessment body like what we use with the stock  
10 assessments and all? Does it go that far in there? You touched  
11 on the economic side, which I was glad to hear about, but does  
12 it go for a -- If you put a regulation in, for example the Dry  
13 Tortugas area, will it go before our scientific review panel,  
14 such as the SSC review, or does that --

15  
16 **MS. DIEVENEY:** I don't believe so. We will be using the best  
17 available science and we'll be using the best available  
18 scientists that have been working in the environment and have  
19 the data and information to both provide the scientific findings  
20 that we'll use when drafting the EIS and analyzing the  
21 alternatives as well as we'll be using a team to look at our  
22 scientific findings, to verify.

23  
24 **EXECUTIVE DIRECTOR GREGORY:** Beth, thank you very much. You  
25 mentioned the condition report and that was done in 2011 and you  
26 are going to be producing an EIS and I would like to point out  
27 that National Marine Fisheries Service, or NOAA Fisheries, has  
28 done some very excellent stock assessments on a number of  
29 species that occur here in the Sanctuary and the Fish and  
30 Wildlife Commission has done the same.

31  
32 The condition report does not seem to reference those studies,  
33 but rather it references repeatedly some studies done in the  
34 late 1990s or early 2000s, 2001, that are now out of date and so  
35 for the environmental impact statement, I really encourage the  
36 Sanctuary to refer back to the peer-reviewed stock assessments  
37 that NOAA has produced as the basis for the science rather than  
38 some old publications that are no longer really accurate.

39  
40 You mentioned sustainability and I know we have -- We do a lot  
41 of single species management and we're all trying to go to  
42 ecosystem management and we do have maximum sustainable yield as  
43 a measureable target for sustainability and so it would be nice  
44 if you all could come up with -- I know it's a big challenge,  
45 but some measureable target for what you mean by sustainability.  
46 Thank you very much.

47  
48 **MS. DIEVENEY:** Thank you and just quick in response to your

1 comment about the 2011 condition report, that served as the  
2 foundation for kicking off the management review process and  
3 while that will be one source of information, we will definitely  
4 be looking for the most recent science that's available.  
5

6 **MR. PERRET:** I have a suggestion for you and I don't know if  
7 you're able to make the decision or not, but your advisory group  
8 that's made up from the boating industry all the way through to  
9 restoration people and then you have a bullet that says "ten  
10 non-voting local, state, and federal agency representatives" and  
11 I want to volunteer the Gulf Council staff to have a  
12 representative on that group if your board so allows it. I  
13 think it would be important if we were able to keep up with the  
14 process as you develop these things.  
15

16 **MS. DIEVENEY:** I will speak with Sean about that, but we welcome  
17 more engagement and more opportunities to have these  
18 discussions.  
19

20 **MR. PERRET:** Are we aware when they have their meetings so we  
21 can have a representative to attend them? If you could put the  
22 staff on your mailing list or whatever, because you're dealing  
23 with things that we're involved with and I think if we're  
24 involved on the early end that it sure helps rather than all of  
25 a sudden find out on the back end that you may be wanting to  
26 double an area that's extremely important to a lot of our users  
27 and so thank you very much.  
28

29 **MS. DIEVENEY:** Our next meeting is next Tuesday in Marathon, if  
30 anyone is available and interested.  
31

32 **CHAIRMAN ANSON:** Any other questions? Ms. Dieveney, thank you  
33 very much for coming and giving the presentation. Thank you.  
34

35 **MS. DIEVENEY:** Thank you very much.  
36

37 **CHAIRMAN ANSON:** Next, we will have a presentation by Dr. Joe  
38 Powers on Spawning Potential Ratio. Dr. Powers.  
39

#### 40 **SPAWNING POTENTIAL RATIO**

41  
42 **DR. JOE POWERS:** Thank you. Doug asked me to go into a little  
43 bit about spawning potential ratios, because apparently there  
44 are some misconceptions about what it is and what it isn't and  
45 so what I was going to do here is basically go back to SPR 101.  
46 Now, I realize many of you have as long a history as I have with  
47 this and how it's evolved over time, but I am going to start  
48 back at the basics as well. We will end up with basically a few

1 key points that I would like you to remember and also where the  
2 real debate is scientifically in terms of SPR.

3  
4 First, the definition of what is SPR? It's basically the ratio  
5 of the amount of spawn produced over a cohort, in this case red  
6 snapper, over its life span under a particular fishing regime  
7 divided by the same cohort, the same spawning, and in that case  
8 it's no fishing and so basically you're just talking about a  
9 ratio there with fishing and no fishing and so one of the key  
10 things you have to know though about this is what do you mean by  
11 a cohort?

12  
13 Basically, a cohort is just a group of animals that are born the  
14 same year and the other aspect of it is what do you mean by  
15 spawn and it's basically the number of eggs. What happens to a  
16 cohort over the life span? Basically, what you're saying is  
17 that all the fish that are recruited are the same age and that's  
18 all the reproduction that's going to go on for that cohort.

19  
20 The only thing that can happen to a cohort after that is they  
21 get smaller in size, because they basically die and so they die  
22 from both natural mortality and fishing, but they also  
23 individually they grow and then they do mature and produce eggs.

24  
25 What do you mean by spawn? You're really talking about the  
26 number of eggs that are produced and what happens to that number  
27 of eggs, presumably in the first year of life, they come out at  
28 the end as, quote, unquote, recruits, which are basically  
29 getting toward the size where it actually enters the fishery.

30  
31 One of the things that we as scientists I think are a little bit  
32 lax about is the terminology. The spawning stock biomass, SSB,  
33 is a commonly used term. Now, in many cases, that's a good  
34 index of the number of eggs that are actually produced, but in  
35 the case of red snapper, it probably isn't and, therefore, we  
36 actually do try to estimate the number of eggs that are produced  
37 over the life span of a cohort and so you'll see in the graphs  
38 for red snapper on the X-axis, the bottom axis, they will often  
39 say number of eggs, but still some people refer to it as SSB,  
40 where in actuality it's number of eggs.

41  
42 How do you get there? Basically it's just a ratio and so  
43 therefore it goes between zero and one and so quite often the  
44 way we express that is like 30 percent SPR or 30 percent  
45 spawning potential ratio, which means basically that that level  
46 of cohort has been reduced 30 percent or the spawning  
47 contribution of it has been reduced to 30 percent of what it  
48 would be with no fishing.

1  
2 How do you calculate it? This is where the crux of it really  
3 is, is the life history parameters. What do you mean by life  
4 history parameters? Basically, it's the mortality rate schedule  
5 and the fishing mortality rate schedule and how big they are at  
6 a particular age and when they mature and so on.

7  
8 This is a particular example of that. It's just an arbitrary  
9 example, but basically what you do is you just get a list from  
10 age one to the largest age. In this case, I just said fifty.  
11 Then you look at what's the weighted age for each age and it  
12 starts out small and gets big and this is based on growth rate  
13 information.

14  
15 The maturity age is usually expressed as a percent and so this  
16 in this case, 50 percent of the age three are mature and as they  
17 get older, they are all mature. Then you also look at  
18 fecundity, which is per capita eggs, and so eggs per female and  
19 that changes with age and, again, you expect it to be somewhat  
20 similar to the weighted age, but in the case of red snapper,  
21 it's actually -- The contribution of older fish is a bit larger.

22  
23 Then you have natural mortality rate and fishing mortality rate  
24 at age and these are just rates that can be converted into the  
25 percent that you're actually removing and so basically what you  
26 do is all these rates except fishing are things that can be  
27 measured independent of the assessment, per se, and you can do  
28 these calculations independent of the assessment, per se.

29  
30 You end up with one without fishing and then basically you use  
31 the same information with fishing and from that, you calculate  
32 for each age what the contribution of the number of eggs is and  
33 then sum them up over all the ages and then that's either the  
34 numerator or the denominator of a particular ratio.

35  
36 It's important, these life history characteristics or life  
37 history schedules. As I said, they can be measured  
38 independently of the assessment itself and one of the key things  
39 to note though is that the real advantage of this is you don't  
40 need any estimate of recruitment like you would get from an  
41 assessment, because you're talking about a ratio here and so  
42 whatever those recruits of a cohort is, the number in the  
43 numerator and the number in the denominator are the same and so  
44 therefore it cancels out.

45  
46 That's why you use it or we use it as scientists, because it has  
47 some good properties and it avoids certain issues in terms of  
48 what is the effect on recruitment and that sort of thing, but

1 that can be related to the recruitment relationship, the  
2 reproductive relationship.

3  
4 One other thing to mention about the life history tables is what  
5 happens when something changes. Well, obviously for fishing,  
6 when that changes, if the fishing is larger than the spawning  
7 potential ratio, it goes down, but it also effects what we call  
8 the selectivity at age.

9  
10 If you look at the right-hand column there, we are saying there  
11 at age one the fishing mortality rate is zero and at age two  
12 it's 0.2 and if you put in a minimum size, that would change.  
13 If you put in a minimum size that was equivalent to an age  
14 three, then the first two would be zero and so that's what we  
15 call selectivity and basically any regulation will, to some  
16 extent, change selectivity, even if you close certain areas  
17 because certain sizes of fish and ages of fish will be more  
18 predominant in one area versus another and so all that enters  
19 into the actual calculation.

20  
21 Again, the advantage is you're not dealing with the issue of  
22 recruitment and you're not dealing with the reproduction.  
23 You're saying that over the life span of the cohort this is  
24 what's going to happen to that, but the disadvantage of this is  
25 that you are not really dealing with the reproductive aspects of  
26 it and also, when you say over the life span of a cohort, you  
27 are really talking about generation times and so the real effect  
28 of a change in fishing will not be -- It will not be really  
29 detected completely, in terms of SPR, until it actually gets  
30 through most of the age classes.

31  
32 You also, as I mentioned there, changing the fishing mortality  
33 rates and how those are distributed across ages will change the  
34 SPR.

35  
36 The notation we use for the fishing mortality rate at a  
37 particular SPR, and I call it XX here, and so let's say that was  
38 30 percent. F 30 percent SPR, the way to interpret that, this  
39 is the rate of fishing that will eventually reduce the SPR ratio  
40 to 30 percent.

41  
42 This is sort of an example of it and two plots here and on the  
43 X-axis, the bottom axis, we're talking about fishing mortality  
44 rate and on the Y-axis is SPR and so if the fishing mortality  
45 rate is small, then basically the SPR is close to one and as it  
46 gets larger, the SPR gets smaller.

47  
48 In this particular case, I had a couple lines here which are

1 basically just changing a maturity schedule and saying what  
2 happens if they actually mature a little bit earlier than we  
3 thought? If they mature earlier, they're more productive  
4 earlier and so on like that.

5  
6 In this particular case, for the blue line, a fishing mortality  
7 rate of 0.4 would be, roughly speaking, F -- For the red line, a  
8 fishing mortality of 0.4 would roughly be an F 30 percent SPR  
9 and so what you would say there is F 30 percent SPR equals 0.4  
10 and so the rate, 0.4, that will reduce the cohort to 30 percent  
11 is that F of 30 percent SPR.

12  
13 For any year that we do an assessment, we have the life history  
14 schedule and in many cases that's not going to change over time  
15 very much and you also have the fishing mortality rate schedule  
16 for that particular year and so you can calculate for any  
17 individual year what the SPR is, but remember that the actual  
18 gains in terms of the reproductive potential won't be achieved  
19 until you have an equivalent amount of fishing reduction or gain  
20 over the life span of the cohort, so that what you look at is  
21 not only just one cohort, but all cohorts that existed and if in  
22 fact their recruitment isn't all that much different, then  
23 that's equivalent to the, quote, unquote, equilibrium SPR.

24  
25 Think of the SPR as the amount of spawn that could be produced  
26 relative to the amount which could have been produced without  
27 fishing and it's also -- Because almost all the things will stay  
28 constant, all the schedule will stay constant, from one year to  
29 the next, the differences in SPR are really reflective more of  
30 the differences in the rate at which you're fishing and so when  
31 you look at SPR, in many cases you're talking -- Even though you  
32 refer to it as SPR, you are talking about shifts in the amount  
33 of fishing or how that fishing is distributed across ages.

34  
35 What do you mean by an objective is to recover to SPR within a  
36 particular recovery period? Essentially when you talk about  
37 recovery in terms of SPR, you are trying to rebuild the age  
38 structure.

39  
40 Basically, you're always going to have -- If you have few young  
41 fish over time, if the recruitment increases, you have more  
42 younger fish and then it builds up into more older fish and so  
43 the whole distribution of numbers at age will change over time  
44 and that's essentially what you're trying to do with SPR, is  
45 rebuild the age structure to something not as if there was no  
46 fishing, but some sort of middle ground there that is acceptable  
47 from the management side.

48

1 In the case of red snapper, you go through this process that it  
2 has to recover within a generation plus the amount of time that  
3 you could occur with no fishing and basically this is a  
4 mechanism that you're trying to adjust for the fact that it  
5 takes a while and so you move through the age structure and it  
6 takes a while for the age structure to be rebuilt.

7  
8 In the case of when we use the example of the 26 SPR, we also  
9 use that, in many cases, things like that, as a proxy for FMSY  
10 and as you know, the legislative act, the Magnuson-Stevens Act,  
11 in fact stipulates that there are certain objectives and certain  
12 limits that are related to MSY and so when we are given advice  
13 about what the total allowable catch is, what we're saying is  
14 given that the stock size now and given that the fishing  
15 mortality rate is equal to that which would eventually produce  
16 biomass at MSY, what's the catch this year that will keep it  
17 along that trajectory?

18  
19 Now the problem, of course, is that for a lot of stocks you  
20 can't really estimate FMSY all that well and so the -- So what  
21 you do is use surrogates, basically substitutes, and how do you  
22 select those substitutes? That becomes more of an issue.

23  
24 There has been lots of studies in which people have looked at  
25 particular life histories for different kinds of fish, sharks  
26 versus red snapper versus herring, and what that means is that  
27 table that I showed you before of life history schedules will be  
28 quite different and so therefore the SPR will be different and  
29 also in general the amount of recruitment is different.

30  
31 There has been lots of studies that looked at many different  
32 kind of stocks and also simulation studies that would say, well,  
33 if their particular life history schedule in this, then what  
34 consequences will that have in terms of recruitment?

35  
36 In general, we have, particularly for reef fish sorts of stocks,  
37 we have come to some sort of agreement that typically F --  
38 Somewhere between F 20 percent SPR and F 40 percent SPR,  
39 somewhere in there, is the equivalent of FMSY and so the  
40 objective of the Act is really dealing with FMSY and the best  
41 way to estimate that in many cases -- Not all, but in many cases  
42 it's somewhere in that range of 20 percent and 40 percent. Now,  
43 where in that range really depends on the particular stock  
44 you're dealing with and that life history schedule.

45  
46 So how do you relate this to the reproduction? The reproduction  
47 basically is what we call a stock recruitment relationship and  
48 so the spawning stock biomass is on the X-axis, which is really

1 the number of eggs, and the number of recruits, the number of  
2 fish that come into the population at age one, we think of it in  
3 terms of a curve like this, but, of course, there is lots of  
4 uncertainty in that and so what we're trying to do is where  
5 would be the spawning stock biomass at MSY? Is it there?

6  
7 Then, also, a corollary to that would be where are the R over  
8 SSB and that would be the number of recruits per spawning  
9 biomass and so it's just the flip side of the other and you can  
10 draw lines on that curve there and so you can see that R over  
11 SSB with no fishing is to the right and R over SSB with fishing  
12 is to the left.

13  
14 That could be basically the same information. Those diagonal  
15 lines are providing information about SPR and so what I've done  
16 here in this particular graph is sort of a schematic and  
17 diagonal to the right would be SPR with no fishing, which would  
18 be 100 percent, and the diagonal to the left is SPR of 30  
19 percent.

20  
21 Now, in the stock recruitment relationship, at some point when  
22 you have very small stock sizes, very few eggs produced, then  
23 you will get very few recruits, but there is a whole wide range  
24 where there isn't much change in it and so what we're trying to  
25 do is establish, for MSY and things like that, is how far over  
26 that left diagonal ought to be and so that is essentially the  
27 case.

28  
29 In the case of red snapper, this is actually from the  
30 assessment, the red snapper sort of recruits, and, again, this  
31 is sort of an example with SPR of 30 percent. That's the left-  
32 hand diagonal and how does that relate to what actually  
33 occurred? You can see with that huge scatter of points that  
34 it's going to be hard to detect whether something on the very  
35 far left is going to go down if the stock size goes down and so  
36 that's what we mean that we can't really estimate MSY all that  
37 well for a stock like this anyway and so what you're looking for  
38 is what's the appropriate diagonal there and I drew it up here  
39 as 30 percent.

40  
41 Now, to finish up, what we're really talking about here, when  
42 you're talking about SPR, and particularly in this sort of  
43 management context, is you're using that as a surrogate for  
44 FMSY, because it is measurable, the SPR, and using metanalysis,  
45 which basically means looking at what other people did, and  
46 simulation analysis and that sort of thing and you can kind of  
47 box in what that is.

48

1 A particular SPR that over time can be thought of as producing a  
2 spawning stock biomass over time and in this case, it would be  
3 20 percent, 26 percent. This is a proxy or surrogate for SSB,  
4 MSY. One of the things to remember in terms of the take-home  
5 thoughts here is SPR or MSY or SPR of 26 percent or SPR of  
6 anything, you really wouldn't expect it to change that much from  
7 year to year unless you change the fishing or unless there's  
8 some change in our understanding of the life history schedule.

9  
10 Again, when you're talking about year-to-year changes in SPR,  
11 they are really reflective more of changes in the fishing  
12 mortality rate from year to year rather than changes in the  
13 spawning biomass and so there's been a long history of this  
14 within this council, and I think all the councils, of how this  
15 thought process has gone on.

16  
17 I have sort of become a little further away from red snapper  
18 over the last few years, but at one time, and prior to I guess  
19 it was the 1996 Act, there was less of an impetus to actually  
20 estimate MSY and SPR was used again as a surrogate for a  
21 management procedure.

22  
23 I think, and I'm not sure, but I think some of that, the 26 that  
24 was actually chosen, was actually a carryover from that, but it  
25 can be equivalently justified on the basis of, well, F 26 SPR is  
26 probably a reasonable estimate of FMSY, which is what you're  
27 trying to do in terms of the Act as well. I will stop there and  
28 take questions.

29  
30 **CHAIRMAN ANSON:** Thank you, Dr. Powers. We have a question from  
31 Mr. Williams.

32  
33 **MR. WILLIAMS:** Joe, it's good to see you again and very nice  
34 job. You left out one parameter that we see sometimes, quite a  
35 bit actually, and that's Fmax and can you give us what that is  
36 real quick?

37  
38 **DR. POWERS:** The what?

39  
40 **MR. WILLIAMS:** Fmax.

41  
42 **DR. POWERS:** If you look at the spawning stock biomass per  
43 recruit things, where when you had increased fishing mortality  
44 rate the SPR goes down, you could do the same sort of thing with  
45 yield, the amount of catch there. If you have an F of zero on  
46 age one, that is zero catch and if you have an F of 0.2 on age  
47 two, that would be some catch and, again, you would just go  
48 through the same process and sum them up over all ages.

1  
2 The way those curves typically look is you get increased yield  
3 as  $F$  gets larger, up to a point, and then sometimes, and for a  
4 lot of stocks it's not up to a point and it just keeps getting  
5 bigger and bigger, but not very much bigger, sort of an  
6 asymptote around.

7  
8  $F_{max}$  is basically -- It's the fishing mortality that would  
9 maximize yield per recruit. I mean that's the definition of it  
10 and so is that a good conservation objective? Because, as I  
11 mentioned, a lot of these curves are sort of flat curves and so  
12  $F_{max}$  would be infinity.

13  
14 For cases where you do have a peak to it, that  $F_{max}$  is something  
15 that exists and it's basically the fishing mortality rate that  
16 would produce the maximum yield of a cohort over the life span  
17 of the cohort. The problem is that that's not necessarily a  
18 good conservation objective and a lot of work has been done in  
19 terms of simulations and history and retrospective analysis and  
20 those sorts of things.

21  
22 That  $F_{max}$  is pushing it in terms of conservation objectives and  
23 in many cases, it's going to be larger than  $F_{MSY}$ , which is the  
24 legal quantity that we're trying to estimate and so that's the  
25 crux of it. There was lots of history where people were using  
26  $F_{max}$ , the North Atlantic and the North Sea, and I mean it's  
27 pretty ubiquitous around the world, but there's been a number of  
28 studies that would indicate that that's a pretty aggressive  
29 criteria.

30  
31 **DR. STUNZ:** Thanks, Joe, for a very nice presentation and it was  
32 informative and as you probably well know, we've been talking  
33 about, for red snapper, in the case of where should that SPR be  
34 set, around that 26 or go up or go down, and as you pointed out  
35 -- I guess I'm sort of looking for your opinion or maybe if my  
36 train of thought is off here or something.

37  
38 Because there is a very weak relationship, if one at all, and  
39 we're at 26, there is no guarantee, I guess, in my mind that if  
40 you kept it at 26 or even went up that you would see an increase  
41 there and by leaving it at 26 percent or not moving it up or  
42 potentially moving it down to the 23 realm, there is a lot of  
43 fish that we're leaving on the table by keeping it there with no  
44 assurance by being conservative at 26 that we're actually even  
45 getting any bang for our buck, but is that --

46  
47 **DR. POWERS:** Yes, but I prefer to think of this as the debate is  
48 what is  $MSY$  or what's  $F_{MSY}$ . To me, the SPRs are just a

1 mechanism to try to estimate that and so the MSY, FMSY, and  
2 things like that, as I said, are required, certainly in terms of  
3 the assessment, and some sort of mechanism to calculate that.

4  
5 We have chosen SPR as a reasonable calculation of that and so  
6 what we're really talking about is 26 percent and is that a  
7 reasonable estimate? F 26 percent SPR, is that a reasonable  
8 estimate of FMSY?

9  
10 It's hard for me to -- I mean obviously given the constraints  
11 and limits established by the law, the council could do what  
12 they want within those sorts of constraints, but the debate, to  
13 me, about what is FMSY is largely a scientific discussion and  
14 now, the actual consequences of that are, as you say, that if  
15 you allow a higher fishing mortality rate that you get more  
16 catch and if you have a smaller fishing mortality rate, you get  
17 less and whatever you do, it probably should be carried over  
18 over the whole life span and in other words, don't change the  
19 fishing mortality rate year to year up and down and that sort of  
20 thing.

21  
22 That's one of the reasons there has been a lot of advocacy for  
23 what they call constant mortality rate recover rather than  
24 constant catch. In other words, don't think you're going to  
25 keep the catch the same year after year after year, but rather  
26 keep the rate the same year after year.

27  
28 **DR. STUNZ:** Let me just quickly follow up. I know we're running  
29 out of time, Kevin. We heard a report from the SSC yesterday  
30 that they evaluated different scenarios of SPR and while they  
31 recommended that we stay at 26 was their suggestion, they  
32 couldn't give us good evidence that 23 was any worse or better  
33 than a higher SPR.

34  
35 I guess we're probably struggling, at least I am as a  
36 councilman, to see where that really needs to be in light of the  
37 fact that with no relationship we're potentially foregoing some  
38 yield that we would have and so any opinion on that?

39  
40 **DR. POWERS:** Well, yes. You can't -- I mean for any sort of  
41 limit you get, there is going to be uncertainty associated with  
42 it, which is why when you go through the difference between ACL  
43 and whatever the other acronyms are, that's building in a buffer  
44 for uncertainty and so yes, it could be smaller and in some  
45 cases it could be a lot smaller, depending on how good we are at  
46 doing that. It could be larger, too.

47  
48 One of the ways to look at it in terms of history is these kinds

1 of graphs, to me anyway. It's basically, well, what's the  
2 history of the implied SPRs? What are those diagonal lines  
3 relative to the actual data points there and if you have lots of  
4 data points to the left of SPR, the 30 percent, that would argue  
5 that the criterion you use should be maybe to the right of 30  
6 percent SPR.

7  
8 If you start getting down to diagonals there that are less than  
9 any of those dots, to the left of any of those dots, that is  
10 implying that at that point you don't really have any observed  
11 values of what it does to recruitment and so one should be very  
12 circumspect in how aggressive you are to bring things over to  
13 that side.

14  
15 What that means is, when I say the left, you are basically  
16 increasing the slope of that diagonal curve and so in this  
17 particular case, and this is just sort of a rough estimate,  
18 you're saying that the 30 percent mark goes through there and if  
19 you got a higher slope, then basically none of those data points  
20 would go through there and so, again, that's a good way to think  
21 of it, in my mind.

22  
23 **CHAIRMAN ANSON:** Thank you. As you mentioned, Dr. Stunz, we are  
24 running a little bit behind and so with that, I don't see any  
25 more questions and thank you, Dr. Powers, for the presentation  
26 and your time.

27  
28 **DR. POWERS:** Thank you.

29  
30 **CHAIRMAN ANSON:** That will move us along to the Southeast Data  
31 Assessment and Review 101 by Mr. John Carmichael. John, good  
32 afternoon and welcome.

33  
34 **SOUTHEAST DATA ASSESSMENT AND REVIEW (SEDAR) 101**

35  
36 **MR. JOHN CARMICHAEL:** Thank you. I am John Carmichael and I am  
37 the SEDAR Program Manager housed at the South Atlantic Council  
38 and I just want to give you a picture of how SEDAR operates,  
39 with focus on the responsibilities of the councils.

40  
41 SEDAR stands for the Southeast Data Assessment and Review and it  
42 started in 2002 with an assessment of red porgy in the South  
43 Atlantic and a realization that an assessment done and published  
44 in a peer-reviewed journal had some data problems and so what  
45 was done at that time was come up with a way that got more  
46 people involved in the stock assessment process and to have more  
47 people contributing the data and more people evaluating the data  
48 and those that collect the data being more participatory in the

1 stock assessment program and so getting it out of the office of  
2 an analyst asking for information and doing the best they can  
3 with it.

4  
5 It quickly expanded, in 2003, to cover the full region. It was  
6 originally the Science Center and the South Atlantic Council  
7 that came up with the core idea. As you can see, SEDAR-3  
8 covered yellowtail done by the Fish and Wildlife Commission in  
9 Florida and it covered yellowtail, the Gulf and South Atlantic  
10 stock, and it also did a review of the ASMFC stock of croaker.

11  
12 Then you will see SEDAR-7 being the full first stand-alone Gulf  
13 of Mexico stock assessment that was done and then in 2005 and  
14 2006, we brought in HMS and so the program has pretty well grew  
15 quickly to encompass more of the region and fill more of the  
16 stock assessment needs.

17  
18 The goals within SEDAR as set up originally was to improve  
19 quality and reliability and transparency and relevance of stock  
20 assessments and so, as I said, to get the assessments out of  
21 sort of the single office and not seeing what went into it and  
22 not seeing the nuts and bolts, but to bring it out and make it  
23 more transparent and make the assessments better across the  
24 board.

25  
26 SEDAR is a council process. There are similar programs around  
27 the country. There is the SARC in the Northeast and there is  
28 the STAR out west and there is the WPSAR in the West Pacific.  
29 Everybody has some type of program for doing stock assessments  
30 and getting people involved in it and providing peer review.

31  
32 SEDAR is fairly unique in that it's a council process. It's run  
33 by the councils and it follows all of the council policies and  
34 guidelines and so SEDAR meetings are under the same restrictions  
35 and rules as any other council meeting, AP, SSC, et cetera,  
36 which is kind of different from some of the ones that are run by  
37 the agency.

38  
39 The oversight of the program is provided by a steering committee  
40 and their primary duties now are scheduling and dealing with how  
41 the program is run, the approach and the guidelines. Originally  
42 they helped design and did most of the design decisions and now  
43 they are largely dealing with the scheduling.

44  
45 Administrative support is primarily through the South Atlantic  
46 Council. It's a grant from the agency that supports the staff  
47 and supports the travelers and then there is some support  
48 provided by the Gulf of Mexico in helping the administrative

1 support at the different workshops.

2  
3 As the Program Manager, I largely oversee the process and I  
4 provide staff to the steering committee and I supervise the  
5 coordinators, which are the ones who run the day-to-day  
6 assessments and we call them assessment projects.

7  
8 Right now, there is two of them and we have had different levels  
9 of staff in the past and we at one time had dedicated admin  
10 support and we trimmed that out in the interest of saving money.  
11 We've had a flat budget for many years and travel costs go up  
12 and the amount of people we try to bring to workshops go up and  
13 so that was cost saving, but through the support of the  
14 councils, we've been able to keep things running.

15  
16 I mentioned the steering committee and one thing to know is who  
17 is on the steering committee. These are what we call cooperator  
18 representatives and so we have the councils and we have the  
19 interstate commissions and we have the agency, through the  
20 Science Center, the Regional Office, and HMS and so "cooperator"  
21 was just chosen as a word to use within SEDAR which encompasses  
22 all of those different organizations.

23  
24 Initially it was "council representatives", but that didn't deal  
25 with the commission and then it was "council and commission",  
26 but then as we brought in HMS, we needed a broader word and so  
27 that's really all that refers to. If you were to look at the  
28 guidelines, you will see a lot of use of that word "cooperator",  
29 but that's just the folks that are parties to the process who  
30 serve on the steering committee and help keep it going.

31  
32 The representatives we have is the Science Center Director,  
33 Bonnie Ponwith and she is the chair of the steering committee.  
34 We also have Roy, the Regional Administrator, and then we have  
35 the chairs and EDs of the councils and the EDs of the  
36 commissions and then we have an HMS representative. As I said,  
37 they primarily deal with the process and they deal with the  
38 scheduling issues and I will talk a lot about the scheduling,  
39 actually, because that's one of the biggest things that we have  
40 to manage.

41  
42 I said we have guidelines and they are very similar to a council  
43 SOPPs. They lay out what the process does. It evolved from  
44 more of a history and overview of the program to now it's a  
45 series of bullets to try and make it brief and understandable  
46 and so being a council process, we can change those SOPPs and  
47 the steering committee can change those SOPPs as they see fit  
48 and changes can come from SSCs, from APs, and they can come from

1 people who participate in the process.

2  
3 The general approach is that changes are brought to the  
4 attention of the steering committee and they decide how to  
5 handle them. We've dealt with major changes in the past, where  
6 workgroups and such were convened with technical reps from the  
7 different cooperators to work out the details and then have it  
8 vetted through the steering committee to decide the final  
9 approach that we're going to use.

10  
11 What does each cooperator need to do? As I said, they serve on  
12 the steering committee and the most important thing they do  
13 there is establish their assessment priorities and so the  
14 steering committee doesn't decide what assessments are going to  
15 be done. It's each cooperator. The South Atlantic decides what  
16 their needs are and you guys decide what your needs are and the  
17 Caribbean decides their needs.

18  
19 They come to the steering committee to work out the details of  
20 balancing those needs, but it's ultimately up to each cooperator  
21 to establish their priorities and they also appoint the  
22 participants that take part in the SEDAR workshops. They  
23 approve the schedules, which by that, I am referring to the  
24 detailed project schedules which say when each workshop is going  
25 to be held and when different things are due within the project  
26 and when the final product is getting to a cooperator for them  
27 to then take action.

28  
29 SEDAR doesn't -- As you can see, we have many cooperators and so  
30 the steering committee and SEDAR itself doesn't dictate to each  
31 cooperator how they do that. There is latitude given to each  
32 group to decide how they want to handle making participants,  
33 appointing participants, and how they want to handle approving  
34 schedules.

35  
36 The one requirement, and this comes from the agency and from  
37 NOAA, being that we're a council process, is all the  
38 participants have to be in essentially an AP. We call it the  
39 SEDAR pool and it just allows us to comply with FACA and have  
40 these groups actually make consensus recommendations, which, as  
41 you know, otherwise would be illegal.

42  
43 I think it's important to point out that is a requirement that  
44 started in the very beginning. When this was a council process,  
45 that's one of the things we had to do. Overall, being a council  
46 process, I think the benefits far outweigh the few minor  
47 difficulties like this that we have to deal with.

48

1 One of the other important things that the cooperators do is  
2 they review the assessments through their technical body and so  
3 you view the product, the assessment that comes out of it.  
4 Within SEDAR, they don't provide things like your ABC and your  
5 OFL. It's more of a tool. It's a tool that can give you those  
6 numbers, but per the Magnuson Act, it's the SSCs that make those  
7 recommendations and so the SEDAR panels, the SEDAR review panel,  
8 doesn't tell the council what their OFL is going to be.

9  
10 They give them an assessment and they give them an assessment  
11 tool. It may consider several states of nature and several  
12 scenarios that are considered reliable and possible and then  
13 it's up to the cooperator to go through its technical review and  
14 its fishermen review, such as it is, to decide what their actual  
15 recommendations are going to be and what your management choices  
16 are going to be and I think that's an important thing to  
17 iterate, is SEDAR doesn't give management recommendations and we  
18 make sure that people in workshops don't get into that.

19  
20 I mentioned the cooperators determine the assessment priorities  
21 and not the SEDAR steering committee and the way this is  
22 envisioned as happening is that it includes input from your  
23 different technical and advisory bodies, in case of a council,  
24 such as your SSC and AP. There is input that comes from the  
25 agency and so the Regional Administrator and certainly the  
26 Science Center Director sit around this table and have an  
27 opportunity to influence the discussions of priorities.

28  
29 Ideally, each cooperator has some sort of designated body, you  
30 know call it a SEDAR Committee, and that's what the South  
31 Atlantic calls it, and they review the priorities that come up  
32 from the SSC and other things within the South Atlantic system  
33 and decide the list of the projects they would like to have  
34 accomplished.

35  
36 Here, we're thinking both short term, the things that are going  
37 to be addressed in the next couple of years, as well as long  
38 term, the things that might be four or five years down the road,  
39 because within the stock assessment process, it's not as simple  
40 as deciding tomorrow we want to do an assessment of a particular  
41 species and think we'll get it done next year, because there's a  
42 lot of processing that has to go into data. There's aging  
43 structures that have to be read and there may be survey analyses  
44 that have to be done and so there's a pretty good time lag.

45  
46 By giving long-term priorities, the folks who do that work, such  
47 as prioritize which otoliths they're going to read for 2018,  
48 have an opportunity to get that work done.

1  
2 Then once they get the prioritized list, what we ask for of each  
3 one, before we go to the steering committee, is that you give  
4 some indication of what's most important to you in terms of when  
5 that project should be done and the two things that really  
6 determine when a project can be completed are either when you  
7 want it, if you need it by a particular time, or what's the  
8 terminal data you would like to use.

9  
10 It's kind of hard to balance both. If you want an assessment  
11 that uses 2015 data, that means that it's going to need to start  
12 somewhere in the middle of 2016, because it's not until then  
13 that the data are available. If you want an assessment by  
14 December 2015, it probably means that it's going to use 2014  
15 data and so that's one of the critical pieces of information  
16 that actually goes into the scheduling process.

17  
18 The final part is within SEDAR we are trying to increase  
19 efficiency by focusing on updates as much as possible and so we  
20 look to the cooperators and if they believe an assessment needs  
21 say a benchmark, and I will talk more about those in a second,  
22 or a standard as opposed to an update, to provide some  
23 justification back to the steering committee so they can help  
24 judge that, because the resources and the timing are quite  
25 different between the different approaches.

26  
27 What I want to give you here is just a view of really the nuts  
28 and bolts of what goes on with scheduling, because when we get  
29 to the steering committee and we deal with this, one of the  
30 biggest issues that we're always grappling with is how do we  
31 schedule projects and, in particular, how do we deal with the  
32 scant resources we have?

33  
34 We all know that we need ten times as many assessments as we can  
35 ever get done and that's the balancing act of the steering  
36 committee and all of the cooperators, really, is to deal with  
37 that.

38  
39 First and foremost is having cooperators identify their  
40 priorities two to five years ahead, because that's the kind of  
41 planning window we're working on. This gives you years that  
42 sort of show you the timing, in a real-world sense, of how this  
43 works through the SEDAR process.

44  
45 The Science Center will give us, the cooperators as well as the  
46 SEDAR staff, an estimate of what their capability is in terms of  
47 the number of assessments that they can produce and what we look  
48 for is for Bonnie to tell us that information by the summer of

1 2015 to tell us what she can do for 2017. That's the kind of  
2 lag time that we're working on.

3  
4 Then that gives you, the cooperator, an opportunity to figure  
5 out, okay, in the fall of 2015, if we have five assessment  
6 projects that Bonnie can commit to completing for us, what are  
7 our priorities? That's your short-term priorities. What five  
8 things can you do? There may be ten things, and there usually  
9 is, but what five are the most important, because the Center is  
10 saying I can do five.

11  
12 Then that information goes to the steering committee and  
13 normally they meet in the fall and so in the fall of 2015 we'll  
14 be meeting to set the schedule for 2017 and how they arrange  
15 projects is going to be driven by the capability of the Center  
16 and, as an aside, the capability of the Fish and Wildlife  
17 Commission as well, but also what your cooperator priorities  
18 are.

19  
20 What really informs that process is the information that comes  
21 from a council, from a cooperator, that says these are the  
22 assessments we've got to do and once the steering committee  
23 balances that across all the cooperators and the way this  
24 normally goes is there's a lot of discussion between Bonnie and  
25 the Gulf representatives and then there's a lot of discussion  
26 between Bonnie and the South Atlantic representatives to fill in  
27 the South Atlantic schedule and if we're dealing with something  
28 like king mackerel that crosses cooperators, then there may be  
29 some joint discussion, but for the most part, it's going to be  
30 the Chair and ED of the Gulf negotiating with Bonnie to get the  
31 assessments they need to get done for 2017 when we have this  
32 meeting coming up in the fall.

33  
34 Once that's done, then the SEDAR staff will go and start  
35 developing the overall big picture all of SEDAR project  
36 milestones and that's things like when are workshops going to be  
37 held and when is data going to be due, because we have a real  
38 bottleneck within the Center of the data program.

39  
40 There is one data group and there is a small number of people  
41 that feed data, fishery-dependent data, to all of our  
42 assessments, whether it's Gulf, South Atlantic, Caribbean, or  
43 Florida.

44  
45 One of the important things the SEDAR staff tries to do is  
46 balance the workload of those people so that we don't, for  
47 instance, tell someone like Steve Turner at the Center that you  
48 have six benchmark assessment datasets due in August and so

1 that's just a project management thing that they do.  
2  
3 Once that's done, we go out to the SEDAR technical committee,  
4 which is representatives of all the different SSCs, to just get  
5 some review and to say are there any things that stand out here?  
6 Is there an assessment we're trying to do at a time where there  
7 is research coming that will be too late and those types of  
8 housekeeping.  
9  
10 Then, finally, in the spring, the SEDAR committee has taken all  
11 this input back and had an opportunity for cooperators to look  
12 at it and if there's any issues to be resolved, any shuffling of  
13 projects, that gives them a last chance to do that and so the  
14 scheduling, it is complicated and it is working quite far in the  
15 future, which is why we get back to really needing good  
16 information on what the cooperator priorities are.  
17  
18 Now that I've said all of that, of course changes are  
19 inevitable. We always have to change the assessment schedule  
20 and we know that and one of the things the steering committee  
21 has done to streamline this is to say that if there's a change  
22 that only involves a single cooperator, that can be addressed by  
23 the cooperator and the Director.  
24  
25 If you wanted to change the order of a couple of assessments or  
26 you wanted to swap a species for something say that you had  
27 scheduled for 2016, you discuss it here with Bonnie and whoever  
28 is involved relative to data and they can accommodate that and  
29 you don't need any further decision from the steering committee,  
30 because it's really between the cooperator and the Science  
31 Center.  
32  
33 That's something the steering committee did a couple of years  
34 ago, to just say why should we have representatives of the other  
35 cooperators having to rubber stamp a decision that doesn't  
36 affect them in any way.  
37  
38 Now, if the changes did involve others, like it were a king  
39 mackerel change that could affect others, then we may need to  
40 have steering committee action, but, again, that could be worked  
41 out by the cooperators and the Science Center in such a way that  
42 we wouldn't have to do that.  
43  
44 The biggest challenges that we face here -- People have heard  
45 the old joke of do you want it fast, good, or cheap and pick any  
46 two. Within the stock assessment world and SEDAR, what we're  
47 dealing with here, as you know, is we're balancing thorough,  
48 which is the best assessment that addresses all the data and all

1 the research and all the possibilities, versus a very  
2 transparent process, so that everyone can see what's going on  
3 and know what's going on and holding workshops and all of that,  
4 versus a very timely process, which means you get more  
5 assessments and you get faster.

6  
7 SEDAR was designed really to be transparent and thorough. It  
8 was intended to deal with the biggest, most controversial  
9 issues. It wasn't intended to be timely and it wasn't designed  
10 to be timely and now we're dealing with more timely issues and  
11 so one of the things that the steering committee has done in the  
12 evolution of SEDAR over time has been to apply different types  
13 of approaches for developing assessments and so that's the green  
14 words that you see.

15  
16 We have the benchmark, the standard, and the update. The  
17 benchmark assessment is where SEDAR was born. That's the  
18 initial way of doing it. That's the data, assessment, and  
19 review workshop, the full three-step process that takes like  
20 eighteen months to get done. That's extremely transparent and  
21 extremely thorough, but it's also very slow.

22  
23 Then we have the update, which is the other end of the spectrum.  
24 That's where the analysts take an existing benchmark model and  
25 they just add new data to it and that's very timely, but it's  
26 not as transparent as the benchmark, in that the analyst does  
27 that work and submits it to the SSC, and it may not be as  
28 thorough, because there may be some changes in there that they  
29 simply cannot accommodate within that, but it does give you  
30 information much faster and we know within fisheries that a lot  
31 of times timeliness can be everything and so it can often be  
32 good to have a really good assessment that you get now than to  
33 have a perfect assessment that you can't get for ten years or  
34 five years or what have you.

35  
36 Then kind of in the middle we have what's called the standard  
37 and this is the one that there's a gray area. You can make some  
38 changes to the model and you may bring in some new data and you  
39 may use a different model package. It's not as much as a  
40 benchmark, but it's not as rigid as an update and the people who  
41 get to decide, who really should decide whether you've crossed  
42 the line, is the SSC.

43  
44 The steering committee has designated to the SSC that you should  
45 review what's being proposed for a standard and if you decide  
46 that you as the people who have to recommend ABC would not be  
47 comfortable with that approach, then you should say that this  
48 should be a benchmark and so recognizing there is a gray area

1 and giving each cooperator's SSC the ability to interpret that  
2 gray area.

3  
4 The next couple are just some details on the three approaches  
5 and so the benchmark, that's the original three-step. It takes  
6 a long time and it has the full independent peer review of the  
7 SSC and the CIE folks.

8  
9 The standard is in the middle and this takes about six months  
10 and the peer review of this is provided by the SSC and there may  
11 or may not be a workshop. There is usually a panel appointed to  
12 give the analysts some guidance and to help them deal with  
13 whatever issues are specified that they're going to explore in  
14 that assessment.

15  
16 Then the update is the quickest and easiest, the most  
17 streamlined, and that is where the analyst solicits the new data  
18 and adds it to the model and gives the results to the SSC and  
19 those can take about three months and where the steering  
20 committee now is saying in the interest of being more timely is  
21 that subsequent assessments should be updates and so once we've  
22 done a benchmark, the next assessment should be an update and if  
23 there's need to do more, to be more complicated, then the burden  
24 of proof is on the cooperator to say why this assessment needs  
25 to be done as say a standard or a benchmark. That's SEDAR 101  
26 condensed to twenty-five-and-a-quarter and so if you have any  
27 questions, I will be glad to take them.

28  
29 **CHAIRMAN ANSON:** Thank you, John. Any questions? I will make  
30 one comment. This is kind of something that I was involved with  
31 early on in bringing to the council and I looked at it from the  
32 perspective, from this side of the table, is, okay, we've got  
33 the process on the front end, which is the SEDAR process, and  
34 then trying to relate products that we receive from those and  
35 trying to manage the species that we manage and then the  
36 timelines that we have to deal with there.

37  
38 That's the other end that we'll probably have to get somebody to  
39 maybe do a summary, if we don't have the information already,  
40 but, for instance, if we have an assessment that is going to be  
41 completed, relative to the resources that are available, when  
42 will that assessment be done or when could it be done in order  
43 for the council then to take the results, after it goes to the  
44 SSC review and they come back with their recommendations, for us  
45 to implement the results of the assessment in the earliest  
46 timeframe possible, for instance for fishing seasons and such.

47  
48 That's something that the cooperators, I think, will have to key

1 in on as they develop their lists of priorities for species and  
2 such, data availability and all those things, so that when we  
3 have products that come to us that they're in the most timely  
4 position for us to actually take action and use those updates in  
5 the most recent fishing year and so that's what I was trying to  
6 achieve, was to get an understanding of the front-end process so  
7 that we can make a better decision when we make the  
8 recommendations from the get-go, so that we can utilize those as  
9 soon as possible.

10  
11 **MR. CARMICHAEL:** That's why I mentioned the idea of knowing when  
12 you need an assessment, because obviously you recognize if your  
13 SSC is meeting April 15 that getting an assessment on April 30  
14 is obviously not meeting your needs and so that's where we would  
15 say we want that assessment completed by April 1, because  
16 otherwise we might incur another six-month lag before you can  
17 deal with it and so that's where cooperators letting their SEDAR  
18 reps and certainly letting SEDAR staff know if there's an  
19 absolute date by which you need to have this or else your  
20 process lags behind, that's critical for us.

21  
22 **CHAIRMAN ANSON:** John, thank you very much and we will see you  
23 tomorrow.

24  
25 **MR. CARMICHAEL:** Yes, you will. Thank you.

26  
27 **CHAIRMAN ANSON:** That wraps up the presentation portion of full  
28 council today and we're going to go ahead and, since we do have  
29 some cards for public testimony, we'll take a ten-minute break  
30 and we will reconvene in ten minutes. Thank you.

31  
32 (Whereupon, a brief recess was taken.)

33  
34 **CHAIRMAN ANSON:** If council members can start coming back to  
35 their seats, please. Good afternoon, everyone. Public input is  
36 a vital part of the council's deliberative process and comments,  
37 both oral and written, are accepted and considered by the  
38 council throughout the process.

39  
40 The Sustainable Fisheries Act requires that all statements  
41 include a brief description of the background and interest of  
42 the persons and the subject of the statement. All written  
43 information shall include a statement of the source and date of  
44 such information.

45  
46 Oral and written communications provided to the council, its  
47 members, or its staff that relate to matters within the  
48 council's purview are public in nature. Please give any written

1 comments to the staff, as all written comments will be posted on  
2 the council's website for viewing by council members and the  
3 public and will be maintained by the council as part of the  
4 permanent recording.

5  
6 Knowingly and willfully submitting false information to the  
7 council is a violation of federal law. If you plan to speak and  
8 haven't already done so, please complete a public comment  
9 registration card and give it to council staff. We accept only  
10 one card per person. Each speaker is allowed three minutes for  
11 their testimony.

12  
13 Please note the timer lights on the podium, as they will be  
14 green for the first two minutes and yellow for the final minute  
15 of testimony. At three minutes, the red light will blink and a  
16 buzzer may be enacted, if needed.

17  
18 Time allowed to dignitaries providing testimony is extended at  
19 the discretion of the Chair and for this instance and since we  
20 have a joint meeting with the South Atlantic Council, there is a  
21 group of fishermen in the audience and they have submitted  
22 twelve cards and they have asked to have two of their twelve to  
23 come up and relay the comments of the group and so at three  
24 minutes of twelve individuals, that would be thirty-six minutes,  
25 but the two individuals have requested a total of fifteen and so  
26 I am going to allow that, again with the special circumstance  
27 that they're going to be going over to the South Atlantic  
28 Council meeting as well.

29  
30 First up then we'll have Mr. George Niles, who is going to have  
31 five minutes, followed by Tim Daniels, who will have ten  
32 minutes. Mr. Niles.

33  
34 **PUBLIC COMMENT**

35  
36 **MR. GEORGE NILES:** I am Mr. George Niles and I am Past President  
37 of Florida Keys Commercial Fishermen's Association and I am also  
38 on the Coastal Pelagic AP and I hold both a gillnet endorsement  
39 for king mackerel and Spanish mackerel and also a hook and line  
40 for king mackerel. I will be representing both gillnet and hook  
41 and line fishermen in Key West.

42  
43 First, I would like to say that Key West is in favor of the new  
44 boundary line being formed at Dade/Monroe County. I am going to  
45 jump around real quick here, because time is limited.

46  
47 Fifteen active commercial net fishermen had a meeting here  
48 recently after your last meeting in Mississippi and all fifteen

1 members requested that the council approve a 45,000-pound trip  
2 limit for the commercial king net fishermen in the southwest  
3 region. One of the main reasons we want 45,000 instead of  
4 35,000 is there will be fast boats that could make it back the  
5 next day and could potentially catch 70,000 pounds in two days  
6 rather than the 45,000 in one. If you catch 45,000, you're not  
7 going back the next day. You just can't handle the fish that  
8 fast and we feel it would give an unfair advantage to the faster  
9 boats.

10  
11 Also, we want to continue to get our net quota over as quickly  
12 as possible. Traditionally, it's been less than a week fishery  
13 and it negatively impacts the hook and line price and so the  
14 hook-and-liners are definitely onboard with getting that fishery  
15 over as soon as possible. They don't want it strung out.

16  
17 Only 5 percent of the strikes in the gillnet fishery are over  
18 the 45,000-pound threshold and we feel like that 45,000 pounds  
19 would solve a lot of our problems with giving that away on the  
20 water and having it returned and just streamline our fishery a  
21 lot more than what it is now, especially with a quota increase.  
22 We are also in favor of getting rid of all latent permits in the  
23 gillnet fishery.

24  
25 As far as the split with the Atlantic Council, we are for  
26 traditional allocations across the Gulf. We feel like we've  
27 been waiting for the stock to go up for twenty years down here  
28 and we were told to bite the bullet by this very council. Most  
29 of it was before any of you all were on here, except probably  
30 for Roy Williams. Me and Roy have been around a long time and  
31 Corky, but we were told to bite the bullet and when the stocks  
32 were in better shape that we would get our raise.

33  
34 Well, the stocks are not overfished any longer and we're  
35 supposed to get our raise and I've seen some documents where the  
36 northern Gulf wants a bigger raise than we do and I don't think  
37 that's fair. We've been waiting a long time, twenty-five plus  
38 years, for a raise and we bit the bullet and we want our raise.

39  
40 Now I would like to talk about fish that aren't being used and  
41 the quota going up. The recreational industry for the last  
42 twelve years has not used more than three-million pounds of  
43 their quota. I would like to see those fish be used somehow by  
44 the commercial side, both hook and line and gillnet.

45  
46 There was a suggestion when you had a workshop down here that  
47 maybe we take half of the leftovers, the average leftovers, and  
48 see how that works. However you do it, those fish should be

1 used.

2  
3 I was on the AP five years ago in Louisiana and we had a meeting  
4 in New Orleans and I suggested that the recreational fishery go  
5 to three fish because they weren't catching their allotment and  
6 the recreational fishermen on the AP told me they didn't need  
7 three fish. I don't think any commercial fisherman has any  
8 problem with them going to three fish. I still don't think that  
9 quota will be near full. Your own statistics suggest that.

10  
11 I don't think they will catch a third of what they haven't been  
12 using by going to three fish. We are definitely in favor of  
13 them getting three fish, but we would like to see the rest of  
14 the fish be used too somehow. We would like for you all to come  
15 up with some way that the commercial sector could use that fish,  
16 whether we borrow it or get it permanent somehow. I would  
17 definitely like to see that be used.

18  
19 **CHAIRMAN ANSON:** Mr. Niles, if you can wrap it up. Your five  
20 minutes is up.

21  
22 **MR. NILES:** I am pretty much done and I will turn it over to  
23 Tim.

24  
25 **CHAIRMAN ANSON:** Yes and just hang around or just be ready for  
26 questions when Mr. Daniels is done. Mr. Daniels.

27  
28 **MR. TIM DANIELS:** We thought he needed more than five minutes  
29 and he ran out and so I'm sure going to run out. I would like  
30 to thank all of you for listening to us today on this kingfish  
31 issue.

32  
33 My primary subject is to raise to 45,000. It's an economic  
34 decision for us, because we cannot haul enough -- Every boat in  
35 this fishery can carry 45,000 and when you limit us to the  
36 25,000, it's economically unfeasible for us to make money and so  
37 we need that extra fish and that extra fish -- I have heard a  
38 lot of things said about the 45,000 will cause you to run over  
39 the limit.

40  
41 It ain't the boats that catch the fish. It's the nets. It's  
42 how many boats haul them fish to the dock that's the valuable  
43 thing and so if you let me carry 45,000, I am going to make  
44 money. If you keep it at 25,000, I am not going to make a lot  
45 of money and that's the big issue with me.

46  
47 We have an internal system that we use and try our best to  
48 comply with everything to help shut this system down when we

1 catch the quota and that is that we stop fishing at around  
2 100,000 left. We internally close the season.

3  
4 Then we go to a hat system and draw names out of a hat and we  
5 reduce ourselves, and this is our newest agreement, to the  
6 25,000 and we draw names to fit whatever is left after we've  
7 stopped ourselves. When we catch that out, that slows it down  
8 and pulls some of them out of the fishery, where they can go to  
9 other things to do and those that are left then, there is no  
10 pressure and there is no competition and they can go out there  
11 and catch that down at a slow pace to the end and close the  
12 fishery.

13  
14 We have been participating in this for some time and we've done  
15 a pretty good job of making it work and the 45,000 will not  
16 change the end result in this fishery. I want to make it clear  
17 to everyone here today, and the audience too, that there is no  
18 one that can close this fishery without running it over  
19 sometimes.

20  
21 It's a high-yield fishery and every boat that fishes is capable  
22 of catching 60,000 or 70,000 pounds of fish and with that  
23 capability, there is times that -- I am a spotter pilot in this  
24 process and my son runs the boat and I have seen times when I  
25 thought this net will produce 10,000 or 15,000 or 20,000 and  
26 that net produces 45,000.

27  
28 I've seen a time when I said that's a good bunch of fish and  
29 you're going to catch 50,000 and they catch 10,000 and there is  
30 no way, no way, nobody, that can do this exact. This is not  
31 science. This is everyday life and with that capability, you're  
32 going to go over.

33  
34 I can stand here with certainty and tell you we will go over  
35 that quota and not intentionally. We are doing our very best to  
36 cooperate and I am sure some of these sitting at this table will  
37 verify that, that we're trying very hard.

38  
39 What we've been waiting on in this fishery and the reason we've  
40 come to this point is because twenty-five years ago when these  
41 systems were put in place, we were told, by your predecessors,  
42 when this fishery rises up, the maximum sustainable yield will  
43 get better and then the fishermen will make money, because they  
44 will have more fish to catch. That's the reason everybody in  
45 this fishery is still here, to get to the point we can make  
46 money and make this a viable fishery for us fishermen.

47  
48 The permits can't be sold and so it's a dying fishery and so our

1 hope has been all this time that the quotas would raise and we  
2 would wind up catching more fish in the end and make this a good  
3 fishery for some of us that's left, especially with sons that  
4 want to do it.

5  
6 The 25,000 has not been working and we've not been making a lot  
7 of money and holding on and waiting on that promise to come  
8 true. It has raised and the quota is higher than it used to be,  
9 but we are very much -- Everyone in this is in agreement and we  
10 work together to close this fishery down as close to the line as  
11 we can and, again, it will go over again and I thank you for  
12 your time.

13  
14 **CHAIRMAN ANSON:** Thank you, Mr. Daniels.

15  
16 **MR. NILES:** Can I use up his other five minutes? I've got one  
17 more thing to say.

18  
19 **CHAIRMAN ANSON:** One more thing, yes. Go ahead.

20  
21 **MR. NILES:** As far as the quota going up, from what I've seen at  
22 the past meetings that I've been to in the past couple of  
23 months, it looks like it's going to rise a little bit and then  
24 fall over a million pounds in the Gulf in the next five years.

25  
26 With the recreational underrunning their quota three to four-  
27 million pounds a year the last twelve years, thirty-six million  
28 pounds were left out there and they had babies and kingfish live  
29 for seven years and this has been going on for twelve.

30  
31 Their babies had babies and we're into the end of the second  
32 generation of thirty-six million pounds of having babies and the  
33 quota is going to rise a little bit and then fall over the next  
34 five years with all of these extra fish in this healthy fishery?

35  
36 I think the scientists that figured this out need new batteries  
37 for their calculator, because that doesn't compute to any  
38 fisherman in Key West, how in the world you can leave this many  
39 fish on the table and they can have babies and their babies can  
40 have babies and it's a healthy fishery now and the quota is  
41 going to go up and then it's going to fall a million pounds over  
42 the next five years.

43  
44 There is nobody in Key West that understands that and I think  
45 that needs to be looked at again definitely and I thank you for  
46 your time and if there's any questions, I will be happy to  
47 answer them.

48

1 **CHAIRMAN ANSON:** Thank you. I think we have at least one.  
2

3 **MR. WILLIAMS:** I was going to comment or ask Tim Daniels  
4 something, just to follow up. Tim, when we were down here in  
5 January, I was kind of influenced by something you said back  
6 then and that was some of us were stewing over running over the  
7 quota and if we go from 25,000 to 45,000 pounds, the chances of  
8 going over the quota are a lot higher.  
9

10 You said something to the effect that we would go over the quota  
11 every year if we didn't shut this down ourselves and that we  
12 talk back and forth among ourselves and when we're near the  
13 quota, we shut it down and is that still your testimony?  
14

15 **MR. DANIELS:** Yes, that's pretty close to the way we -- There is  
16 fifteen permits in the fishery and we had a meeting a month ago  
17 and we decided if we get the 45,000 when we come to the 100,000  
18 mark to shut it down so we don't go over it that we then draw  
19 names in a hat to do the last 100,000, which would be four boats  
20 to go fishing.  
21

22 Then those four boats are less likely -- They will work together  
23 and if one of them puts a net on a good bunch of fish, the other  
24 one probably won't and he will catch more fish and give him some  
25 and they try to work it out.  
26

27 This industry is working together 100 percent and we've got our  
28 own system to do that. We call the fishery. When we get to 75  
29 percent or 80 percent, we call it and we stop and we've got  
30 people that get upset about it and sometimes can't remember this  
31 or that and things do happen, but the bottom line is we call it  
32 and we stop it and we fish it out slow and finish the season and  
33 then we stop fishing. We tie our boats to the dock before it's  
34 ever law and we quit fishing. That's our contribution to try to  
35 make this thing work, where we all win, you and I. Is that what  
36 you're asking?  
37

38 **MR. WILLIAMS:** Yes, thank you. That's it.  
39

40 **CHAIRMAN ANSON:** We have another question from Martha.  
41

42 **MS. BADEMAN:** Thank you, Tim and George, for being here and  
43 coming down here. I just wanted to ask you a question. When  
44 you all met back I think in January, Bill Kelly had put together  
45 the list of kind of what everybody was looking at and what  
46 everybody's hold capacity was and, Tim, I think you said  
47 everybody now is at a point where they can hold 45,000 pounds on  
48 their boat. Are people upgrading their boats? Is that what's

1 going on, because I think back then we still were at a point  
2 where there were a few folks that could not hold the 45,000.

3  
4 **MR. DANIELS:** I think there was one boat that couldn't do it and  
5 he switched his permit from a father to a son where they could  
6 handle it. There was only one boat that was really in the  
7 problem and that's took care of and it's done. On the newest  
8 information you have, every permit signed 45,000 and we didn't  
9 break no arms.

10  
11 **MR. SANCHEZ:** This question is for either of you. Because it is  
12 a high-yield fishery and, let's face it, when you're dealing  
13 with that quantity of fish, there may be a chance for an overage  
14 one year and there may be an underage another year as you're  
15 trying to shut it down and when you're dealing with these  
16 numbers, you've got to do these things.

17  
18 That said, if there is an overage in a given season, I want to  
19 make it clear that we're all in agreement that there will be an  
20 accountability measure where that overage will just come off of  
21 the next year's quota and then we just move on.

22  
23 **MR. DANIELS:** Yes, sir. That's what we was asking for and I  
24 wasn't smart enough to remember it. We are presenting to the  
25 council that we up our boat landings to 45,000 and if we run it  
26 over one pound, take it off of next year's quota and reduce that  
27 to fit, where every year we're back in place. That's what we're  
28 asking for.

29  
30 **MR. FISCHER:** Thank you and I want to just make sure I  
31 understand or I guess I'm trying to make you say it, but all  
32 fourteen or fifteen members of your consortium understand that  
33 if they overharvest that it will come off of next year?

34  
35 **MR. DANIELS:** Yes, sir.

36  
37 **MS. BADEMAN:** Just to clarify, I wasn't trying to say that folks  
38 were changing their opinion, but I just wanted to make sure that  
39 everybody -- I think you said everybody has the capacity to  
40 carry 45,000 pounds now and that wasn't the case at least in  
41 January and is that the case now?

42  
43 **MR. DANIELS:** Every boat in the fleet has signed on. You are  
44 supposed to have a paper. Mr. Kelly was supposed to have sent  
45 it to somebody and I don't know where it is, but you have a  
46 paper with all those signatures on it.

47  
48 **MS. BADEMAN:** Yes, they support it, but I just am making sure

1 that they all have the capacity to carry that on their boat.  
2  
3 **MR. DANIELS:** Everyone as far as to my knowledge. The one  
4 permit in question, the man transferred it to his son on a  
5 bigger boat and he can do it, yes.  
6  
7 **CHAIRMAN ANSON:** No other questions? One more from Corky.  
8  
9 **MR. PERRET:** Tim, you say when there's a hundred or whatever  
10 thousand pounds left that you all are going to draw out of a hat  
11 and there will be four boats that will be selected to continue  
12 fishing and is that right?  
13  
14 **MR. DANIELS:** Yes, sir.  
15  
16 **MR. PERRET:** If one or more of those four boats causes the  
17 overage that has to come off the top for the following year,  
18 it's going to impact all of the permit holders and you all have  
19 agreed on that? You all understand that? It's not going to  
20 just come off of those four guys, but it's going to come off the  
21 whole, the total, and you all --  
22  
23 **MR. DANIELS:** Yes, sir, and I think -- To my knowledge, it's  
24 been discussed in our meetings and we've had meetings and like a  
25 month ago, we all had a meeting and went through this to try to  
26 present this and to make some rules to fit it and that's when we  
27 reduce -- When we hit the cutoff for us, then we go to the  
28 25,000 to keep it in place better and everyone, as far as I  
29 know, everybody was represented at that meeting when we voted  
30 that and so everybody understands it comes off next year's  
31 quota, yes.  
32  
33 **MR. NILES:** Corky, we agreed to go back to 25,000 once we drew  
34 the names and I want to make sure everybody understands that.  
35 It's nothing to do with you all, but we agreed that amongst  
36 ourselves, to go back to 25,000.  
37  
38 **MR. DANIELS:** To control the last little catch. Sometimes it's  
39 two boats or sometimes it's three or four boats, but it depends  
40 on how it lands at the end how much we've got left and then when  
41 we close it down, the whole group is agreeing to do that and we  
42 close it down and we call and say close your season and we're  
43 done. We're taking the nets off and going to something else.  
44 We cut it off ourselves and quit.  
45  
46 **CHAIRMAN ANSON:** Thank you very much. Next we have Bill Kelly,  
47 followed by Ken Haddad.  
48

1 **MR. BILL KELLY:** Mr. Chairman and members of the council, I just  
2 want to talk to you briefly about this South Florida Regional  
3 Management Plan. We've been engaged in this for a long, long  
4 time. In fact, I was one of the first guys that asked for a  
5 South Florida Regional Management Plan, as far back as 2000 with  
6 the South Atlantic Council.

7  
8 We really wanted to simplify the rules and regulations and we  
9 wanted to get consistency, as Mr. Perret said the other day. I  
10 think that in fact is maybe a much better word to use here. We  
11 want to see the same things happen on both sides of the islands  
12 in a reasonable geographic area by species.

13  
14 It has certainly morphed far beyond that. We now see the State  
15 of Florida seeking jurisdiction on economically-important  
16 species of yellowtail snapper, mutton snapper, and groupers that  
17 are important to everyone across the board, not only the  
18 commercial fishing industry, but the recreational and charter  
19 for-hire.

20  
21 It adds so much complexity to this that the consensus of opinion  
22 up and down this archipelago is this. If we're going to make it  
23 more difficult than it already was, we would just as soon go  
24 back and work with the individual councils and if we're going to  
25 relinquish authority of these species to the State of Florida,  
26 relinquish protections that we have under Magnuson, we would  
27 just as soon give the whole deal back to you and call it all  
28 off. Thank you.

29  
30 **CHAIRMAN ANSON:** Thank you, Bill. Bill, we've got a couple of  
31 questions for you.

32  
33 **MS. BOSARGE:** Bill, I actually had my hand raised for the last  
34 speaker, Mr. Tim Daniels, but you're in the same group and I  
35 just wanted to say that we've heard the anecdote that you did  
36 have a fisherman that went over the 25,000-pound limit and he  
37 tried to cut the net and do whatever he had to do to give those  
38 fish to another boat.

39  
40 Unfortunately, at that point it just wasn't feasible. Some of  
41 the other boats had already hit the dock and instead of doing  
42 something that some people might have done, he took those fish  
43 to the dock, knowing that he was going to get fined for landing  
44 over the 25,000, but he did it anyway. He had the integrity to  
45 bring it in to the dock and take his hit for it and I think that  
46 speaks very much to the integrity of the group of fishermen that  
47 we're dealing with and I think it has a lot of value when we go  
48 to make our decisions on this. We appreciate it.

1  
2 **MR. KELLY:** You are absolutely correct with that statement. It  
3 was the integrity of the fisherman and what are your options?  
4 Are you going to cut that net and leave it at sea? That won't  
5 work. That will put us out of business in a skinny minute.

6  
7 Are you going to take all these dead fish and throw them over  
8 the side? That doesn't work either and some of the fishermen  
9 said, look, this is the reality and this is what goes on. We  
10 are over and oftentimes we're under and every strike is not  
11 45,000 pounds, but I need to go in there and do the responsible  
12 thing.

13  
14 We offered those overages be given to non-profit organizations,  
15 the proceeds and so forth, and so, again, we've seen it over the  
16 course of the past five years. The seventeen active members  
17 engaged in this fishery are doing everything they can to work  
18 with the councils to make it a clean, healthy, robust fishery,  
19 which it is, with virtually zero bycatch. Thank you.

20  
21 **CHAIRMAN ANSON:** Thank you, Bill. Ken Haddad, followed by Wayne  
22 Werner.

23  
24 **MR. KEN HADDAD:** My name is Ken Haddad and I'm with the American  
25 Sportfishing Association. Mr. Chairman and council members,  
26 thank you for the opportunity to speak. First, I would like to  
27 thank Corky and Harlon for their contributions to the Gulf  
28 fisheries management. As they step off the council, I don't  
29 think we agreed on hardly anything, but, hey, I'm an optimist  
30 and I'm sure there is common ground somewhere and emphasis on  
31 "ground".

32  
33 We thank you for proceeding with Amendment 28. While the  
34 Preferred Alternative 8 acknowledges a sampling bias resulted in  
35 a long-term underestimate of catch and adjusts for that, we  
36 believe you have not spent enough time considering Alternative  
37 9. We continue to believe that the fair allocation should  
38 include both sampling bias and include some recognition that the  
39 selectivity adjustment was due to the change in the average  
40 weight of catch in the recreational sector and so we ask for  
41 more discussion on this relative to Alternative 9.

42  
43 My final request, and I haven't brought it forth in a while, is  
44 the topic of barotrauma. There has been seemingly a bit of a  
45 lack of proactive interest in the council and I am hoping we can  
46 change that. We believe you're missing a great opportunity by  
47 not pursuing in a more rigorous way the recreational fishing  
48 mortality tied to barotrauma and proper fish handling.

1  
2 The science is showing great promise and new tools, but how to  
3 implement new tools from a management perspective is not being  
4 considered and we ask that you reopen the issue and look for  
5 ways to implement the use of these new tools in the recreational  
6 fishing in the Gulf. Thank you.

7  
8 **CHAIRMAN ANSON:** Thank you, Ken. We have a comment from Dr.  
9 Crabtree and Harlon.

10  
11 **MR. PEARCE:** Ken, as always, thanks for coming and giving us a  
12 presentation and you know it may seem like we're on opposite  
13 ends of the spectrum, but I think we're both coming at this  
14 problem, but just from different directions.

15  
16 My heart has always been trying to help the private recreational  
17 fishermen and maybe it doesn't seem that way, but that's how I  
18 feel and that's how I try to react. We just look at it in  
19 different ways and I still want to try to help the private  
20 recreational fishermen move into the future, as the harvesting  
21 component has done on it and as the charter fishing component is  
22 trying to do now.

23  
24 I so believe there are some ways that we can continue to work  
25 together to manage the private recreational fishery into the  
26 future. Now, maybe it's misunderstandings, Ken, between my goal  
27 is to try and get things done and maybe if we tied science to  
28 thought processes that if we do this, this is what would happen  
29 scientifically and this is what it would mean and I think maybe  
30 if we explained better to the private recreational fishermen  
31 what certain actions might do and how it might help them, maybe  
32 that will move us down the road.

33  
34 I do really, in my heart, really want to try to help the private  
35 recreational fishermen move into the future and to really relook  
36 at their fishery and sit down and reevaluate it and understand  
37 that maybe there is a better way. Maybe there is a better way.  
38 This derby fishery really doesn't work.

39  
40 I hope that you share my thoughts on this and I hope that you  
41 and I can work together in the future, whether I'm on the  
42 council or not, to help the private recreational fishermen move  
43 ahead.

44  
45 **MR. HADDAD:** I look forward to it, Harlon.

46  
47 **MR. PEARCE:** Thank you, Ken.

48

1 **DR. CRABTREE:** Hi, Ken, and thanks for being here. On the  
2 barotrauma devices, I kind of thought of this as an outreach and  
3 education and encourage kind of thing, but are you suggesting  
4 you think we might be at a point where regulatory things may be  
5 order? I'm curious as to your thoughts.  
6

7 **MR. HADDAD:** I don't know if we're at that point. I guess what  
8 I'm asking, and I don't know if that's ever a point we want to  
9 be at, but unless it's kind of brought forward as an issue and  
10 see where the science is and start thinking about how it could  
11 be better implemented, we won't know.  
12

13 I mean we do know that out on the west coast, the Pacific side,  
14 there has been council use of this as a -- Truly a management  
15 tool that fits into their stock assessments and everything else.  
16 It would be nice to see us get to that at some point. I don't  
17 know if we're ready, but we won't know unless we keep asking the  
18 question.  
19

20 **CHAIRMAN ANSON:** Thank you, Ken. Wayne Werner, followed by Bart  
21 Niquet.  
22

23 **MR. WAYNE WERNER:** Good afternoon. I'm Wayne Werner, owner of  
24 the Fishing Vessel Sea Quest. I would like to, once again,  
25 address Amendment 28. I was looking at the way this council  
26 allocated amberjacks and when I looked at it, I noticed that we  
27 had a certain selectivity in our own fishery there. We had a  
28 thirty-six-inch size limit and about a thirty-pound fish versus  
29 a fifteen-pound fish for the recreational.  
30

31 When it came time to set the allocation, we were penalized for  
32 catching a larger fish and now you're looking at the  
33 selectivity, where you're catching a larger red snapper  
34 recreational and you're going to give that benefit to that  
35 fishery and this is contradicting each other and it doesn't make  
36 any sense.  
37

38 You also, when you looked at these other fish, thought it would  
39 be prudent to use a long historical catch average and now that's  
40 out the door and you're no longer looking at that and my  
41 feelings are that you're not looking at it properly.  
42

43 I believe there is selectivity. I see it running around all  
44 over the place with sixty-mile-per-hour boats everywhere I go.  
45 They are going further offshore and they're fishing deeper water  
46 and we see them all the time and I didn't understand why your  
47 SSC didn't get a chance to evaluate it. I wanted to ask them  
48 the question at the last meeting of is anybody looking at these

1 fishing boats that are fishing further offshore in deeper water  
2 and catching more fish?

3  
4 This has to be part of the selectivity. It can't be just hooks  
5 and baits. There has got to be a lot more to it than that and I  
6 just think you all need to reconsider some of the stuff you're  
7 looking at in Amendment 28. Thank you.

8  
9 **CHAIRMAN ANSON:** Thank you, Wayne. Bart Niquet, followed by  
10 Mike Colby.

11  
12 **MR. BART NIQUET:** Bart Niquet, commercial fisherman. I've been  
13 fishing for a little over seventy years and concerning the  
14 leasing of allocation, this amounts to putting a new entrant  
15 into the snapper fishery while still not overcapitalizing this  
16 fishery.

17  
18 To date, I personally know of at least seventeen boats that are  
19 retaining snapper that previously they had to discard. I would  
20 gladly furnish the names if you want them.

21  
22 The one thing that would better recruitment to the red snapper  
23 stock would be to ban retention of any red snapper over twenty  
24 pounds, both recreational and commercial. This would stop most  
25 of the impact on the offshore reefs and that's where most of  
26 your big snapper are.

27  
28 Regarding this red snapper accounts and grouping them by the  
29 same name in the allocation, how do you get around the Smiths  
30 and Jones and Davis and so forth? This is an unworkable  
31 situation and also on page 8 of Tab B, Number 8, Table 2, the  
32 shareholdings with and without permits between related pairs, I  
33 don't know how you're going to solve that problem either.

34  
35 My two boats work off of my shareholder's account and we have to  
36 transfer stock, allocation, to one boat or the other when we're  
37 operating and if one of the boats comes in and he's got more  
38 fish than the IFQ has allotted to him, I have to transfer them  
39 over from my other account, which means it's two or three  
40 separate transactions every time something like that happens.

41  
42 That's one of the reasons that your estimates of transfer of  
43 fish is up so high. It's not an accurate data that you're  
44 working on, like a lot of this other data that you're working on  
45 is not quite correct.

46  
47 Another thing is I don't know why the council cares if a  
48 shareholder wants to put all his allocation on one boat or

1 spread them around. It looks to me like that would be none of  
2 the council's business and like most people, I don't like being  
3 told how to run my business by people who have never run a  
4 business like mine and one of the final words is no more closed  
5 areas. You've got areas closed for twenty or thirty miles  
6 protecting one rock that may be a hundred feet across and you're  
7 closing a lot of area to fishing which is needful and  
8 unnecessary and puts a hardship on the rest of us. Thank you.

9  
10 **CHAIRMAN ANSON:** Thank you, Mr. Niquet. I don't see any  
11 questions. Thank you, sir. Mike Colby, followed by Mark  
12 Hubbard.

13  
14 **MR. MIKE COLBY:** Mike Colby with the Clearwater Marine  
15 Association in Clearwater, Florida. I'm a headboat and charter  
16 operator. Thank you, Corky, and thank you, Harlon, for your  
17 good service on the council and a message for Harlon and the  
18 council is I hope this logbook project will be the game-changer  
19 that I think the charter for-hire boats are looking for. I  
20 think it's a good pathway and I am excited to see it roll in and  
21 take place and provide the information that we all need.

22  
23 Also to the council, thank you for starting the motions on an  
24 options paper for the headboat and the charter boat APs. I met  
25 with some of those AP members and I know they worked very hard  
26 to get all of that in line and it was lengthy, but I am glad  
27 they did it and I am glad that we'll be expediting this  
28 hopefully as quickly as we can.

29  
30 On gag grouper in the eastern Gulf, I have talked with a lot of  
31 our operators and some guys down in Cortez and in Naples and I  
32 think erring on the side of caution in terms of where we set  
33 this ACL and the ACT is probably where they want to go. I know  
34 it's very, very inviting to look at all the different  
35 alternatives where we could get more days and close this part of  
36 February and March down, et cetera, et cetera, but I think under  
37 Action 1, Alternative 1 is kind of where we fall, considering  
38 what I've heard here yesterday concerning some of the  
39 uncertainty that the SSC has. I think that's the way to go.

40  
41 Now, on Action 2, it almost sounds like a bit of a disconnect,  
42 but on Action 2, Alternative 2 would, I think, provide just a  
43 little bit of push for our eastern Gulf boats, where we can get  
44 a few days during the Christmas holiday. That's a big, big time  
45 for us and the advantages there is that you've got twenty days  
46 in December where we're not fishing. Nobody is fishing. The  
47 private anglers are producing very little effort in those first  
48 three weeks of December and obviously Christmas and family and

1 this and that and the other.

2  
3 I think with essentially what would be a six to eight-day  
4 extension for us in the eastern Gulf, that may be just enough to  
5 keep us at the ACT or below without jeopardizing any kind of  
6 future problems or issues with gag and so I would say Action 1,  
7 Alternative 1 and Action 2, Alternative 2 would be where I think  
8 our guys will fall in line.

9  
10 Finally, just a comment on the discussion of the spawning  
11 potential ratio issues raised on red snapper. I am, again,  
12 falling on the line of caution. I think that arbitrarily or  
13 even if it's we try to find a science solution for lowering that  
14 SPR, I think 26 percent is where we should stay. Thank you.

15  
16 **CHAIRMAN ANSON:** Thank you, Mike. Harlon.

17  
18 **MR. PEARCE:** Thanks for recognizing me. Mike, thanks for your  
19 testimony and I appreciate all the hard work you're doing. Give  
20 me a number or a percentage of boats in your area that are going  
21 to want to be or will be a part of this VMS volunteer program.

22  
23 **MR. COLBY:** Right now, Harlon, I've got eleven federally-  
24 permitted boats that are charter and not headboats out of about  
25 thirteen in the Association and so we've got pretty close over  
26 to 90 percent and I think that's pretty interesting, because we  
27 oftentimes think of this as red snapper driven and yet, these  
28 guys see this as an opportunity to put some reliability in it  
29 and we can look at harvest trends now.

30  
31 There is all kinds of great things we can do with the data flow  
32 out of this and I think getting Clearwater boats and Cortez  
33 boats and Naples boats and Fort Myers boats is a real tip of the  
34 hat to get a wide participation in the Gulf for the program.

35  
36 **MR. PEARCE:** You're correct, Mike, that this is not just about  
37 snapper and it's about whatever you catch and so I appreciate  
38 your participation and I appreciate the eleven of the thirteen.  
39 You've got two more to work on and so good work. Thank you,  
40 Mike.

41  
42 **MR. COLBY:** Thank you, Harlon.

43  
44 **CHAIRMAN ANSON:** Next we will have Mark Hubbard, followed by Pam  
45 Anderson.

46  
47 **MR. MARK HUBBARD:** Hello and my name is Captain Mark Hubbard and  
48 I operate Hubbard's Marina up at John's Pass, Madeira Beach, and

1 the Tampa Bay area. We have two partyboats and a charter boat  
2 that's a multi-passenger charter boat, up to twenty-two  
3 passengers, but we are due to report as a charter boat and  
4 that's the reports that we've been given.

5  
6 I am also the Co-Chair on the Headboat Reef Fish Advisory Panel  
7 and the thing that I noticed up on that panel is it was heavily  
8 weighted towards the pilot program, the headboat pilot program  
9 gentlemen that were involved in it.

10  
11 There were a few of the partyboats that weren't in it there  
12 represented and so the information and the report you got this  
13 morning from Tab B, Number 13 -- If you read down, you noticed  
14 some of the votes and it pretty much went along the lines of who  
15 was in the pilot program.

16  
17 One of the gentlemen actually made a motion to duplicate the  
18 pilot program for the partyboat sector and it seems a large  
19 reach, to the point to where that motion was repealed. I don't  
20 feel it represents all the, the majority, of the partyboats in  
21 the sector's positions, that panel.

22  
23 The majority of the members were involved in the partyboat pilot  
24 program and they wish to duplicate that system and so I want you  
25 to -- When you heard that paper this morning, to take it with  
26 that in mind, that as we move forward in this sector separation  
27 and the headboat sector and the charter boat sector that perhaps  
28 as you develop the program to send it out for a vote to all the  
29 participating members.

30  
31 Mike was talking about 90 percent of the people involved in his  
32 club are for the new program. Well, that's because those are  
33 the people right there in Clearwater. I talked to a lot of  
34 other people in the Tampa Bay area that are not for the program  
35 and that they liked the more traditional-based management system  
36 of seasons, bag limits, and sizes.

37  
38 Moving right from where we are to a partyboat allocation-based  
39 and in the charter sector a permit IFQ-based management system  
40 is just a huge step and it's going to be a challenge.

41  
42 The partyboats and headboats, we need some flexibility measures  
43 and moving right into the VMS is a challenge for a lot of us  
44 because we aren't all fishermen. I know our boats, we jam on  
45 fishing.

46  
47 I mean we take a lot of people fishing and we catch a lot of  
48 fish, but because of the economic pressure, I am doing ash

1 scatterings when I come back in. We quick wash the boat and  
2 send it out for a wedding and we do sightseeing and dolphin  
3 watch trips on our partyboats and so they're not all fishing  
4 boats that represent the partyboat industry, the headboat  
5 industry. We are doing a lot of different things. We are  
6 moving and shaking to stay alive out there.

7  
8 **CHAIRMAN ANSON:** Mark, if you could wrap it up. Your time is  
9 up.

10  
11 **MR. M. HUBBARD:** Oh my goodness. The traditional management  
12 system of seasons, bag limits, and sizes, coupled with Amendment  
13 40, should meet our goals that we voted for in our AP. It will  
14 give us a year-round fishery and the red snapper fishery is the  
15 only one we wouldn't get a year-round fishery on, but we  
16 obviously got a lot more days just in doing the Amendment 40.  
17 What kills me is that --

18  
19 **CHAIRMAN ANSON:** If you could wrap it up. Your time is up. I  
20 am sorry.

21  
22 **MR. M. HUBBARD:** This morning, the AP volunteered paying for the  
23 cost of the --

24  
25 **CHAIRMAN ANSON:** Mark, you're going to have to wrap it up,  
26 please. Thank you. Any questions for Mark? Pam.

27  
28 **DR. DANA:** Thank you, Chairman Anson, and thank you, Captain  
29 Hubbard, for being here today. I know, just from your  
30 reputation, that you have quite a significant clientele in the  
31 John's Pass area and the Tampa Bay area and I appreciate you  
32 coming here today to give kind of the other side of the picture  
33 from the headboats and the partyboats and so that's about it. I  
34 just appreciate you being here. You do have some significant  
35 passenger tickets for your boats and probably some of the  
36 biggest in the Gulf of Mexico and so I appreciate your input.

37  
38 **MR. M. HUBBARD:** Thank you. I will go ahead and just submit  
39 this written and that way at least you will get the other half  
40 or two-thirds of my statement.

41  
42 **CHAIRMAN ANSON:** That will be fine. Go ahead and submit it to  
43 staff and I appreciate it.

44  
45 **MR. M. HUBBARD:** I hope someone is going to rewrite this thing  
46 for me.

47  
48 **CHAIRMAN ANSON:** All right, Mark. Thank you. We have Pam

1 Anderson, followed by Steve Tomeny.

2  
3 **MS. PAM ANDERSON:** Hello, Mr. Chairman and council members. I  
4 am Pam Anderson, Operations Manager at Captain Anderson's  
5 Marina, home of five large headboats, twenty-five charter boats,  
6 and four dive boats. I am also the Vice President of PCBA and  
7 the fishery rep on the Bay County Chamber of Commerce Government  
8 Affairs Committee.

9  
10 On the reallocation of Amendment 28, we still prefer Alternative  
11 9, to allocate increases due to the recalibration of MRIP  
12 estimates and to the change in size selectivity to the  
13 recreational sector. We think that this is very important and  
14 it's certainly warranted.

15  
16 Just as the charter boat AP was stacked with catch share  
17 proponents, the headboat AP was stacked with participants of the  
18 headboat EFP and you've just heard that, with some of the same  
19 people on both of the APs. We in the minority watched these  
20 folks read from a prepared script that had been agreed upon in  
21 advance.

22  
23 Each item was quickly stated and the motion was made and  
24 seconded, almost before anyone could comment. I was able to  
25 comment on most of what they brought up, but it was still very  
26 difficult and you had to be quick.

27  
28 The rest of us are not puppets, giving the approving nod to this  
29 list. We wanted discussion and practical solutions that will  
30 work out on the water and the work of this AP had already been  
31 decided before the meeting started.

32  
33 We already write up daily reports and electronically submit them  
34 weekly. We are the accountable component of the recreational  
35 sector. Due to the excess regulations, we must not get  
36 ourselves into unnecessary expenses. Again, a VMS is not  
37 necessary and is a burdensome expense to those who, for whatever  
38 reason, do not have one.

39  
40 Our trips are scheduled usually weeks or months in advance and a  
41 text or an email from a cell phone can confirm hail-in and hail-  
42 out requirements. Due to FCC regulations, it's required that  
43 the captain report over the radio upon departure already and  
44 most cell phones have a GPS tracker.

45  
46 A motion that was not brought to the committee's attention  
47 earlier was to recommend to the council to manage the headboat  
48 fleet with seasons, bag limits, and size limits along with

1 additional appropriate accountability measures, allowing  
2 scientists to determine what they need and applying that request  
3 of data to the current headboat survey.

4  
5 This motion failed, but even so, the headboat component is  
6 almost already to the point of complete accountability. I  
7 believe it's this council's responsibility to spell out what  
8 data you need that is missing from the current headboat survey  
9 and submit that to the headboat AP for consideration of ways to  
10 collect it.

11  
12 For the charter boat AP, if you are going to require all  
13 federally-permitted holders to acquire any additional monitoring  
14 equipment for use in your data collection, any funding  
15 designated for this purpose from Congress should be divided  
16 equally among all the permit holders.

17  
18 On the motion made by the charter boat AP to recommend that the  
19 council extend the sunset Amendment 40, the only reason  
20 Amendment 40 passed in the first place was due to the addition  
21 of the existing sunset provision. This recommendation by the AP  
22 goes against the understanding or agreement of those who voted  
23 due to the existing sunset period.

24  
25 On the recommendation that council remove the charter boat for-  
26 hire component from Amendment 39, this amendment is for the  
27 recreational sector, of which they are a part.

28  
29 Headboats and charter boats should be included in Amendment 39  
30 going forward and my question regarding any of the suggested  
31 reporting requirements is do you have the manpower and funding  
32 to actually collect and process this requested data and to  
33 provide the results that substantially improve assessments and  
34 regulations? If not, we are going down the wrong path. I would  
35 like to charge the AP -- The charge of the AP to be more  
36 specific. Thank you.

37  
38 **CHAIRMAN ANSON:** Thank you, Pam. Steve Tomeny, followed by  
39 Richard Gomez.

40  
41 **MR. STEVE TOMENY:** Hi and I'm Steve Tomeny and I operate a  
42 charter headboat out of Port Fourchon, Louisiana and I also am a  
43 commercial fisherman. I would like to thank Corky and Harlon  
44 for their long service on the council and a good job.

45  
46 I heard a lot about they didn't like the way the APs were going,  
47 but I am all for getting this headboat thing just rolling on  
48 down and the charter boat AP. Let's keep it moving. I am also

1 an advocate for VMS on every charter boat. I think it's the  
2 gold standard and if it's something a little less, it will work,  
3 but it is by far the best.

4  
5 I think it's just the cost of doing business to pay the monthly  
6 fees that you have involved with it. I have them on both of my  
7 boats right now and it's not a big deal and everybody needs to  
8 have one.

9  
10 Amendment 28, I am still not for it. I think you should vote  
11 for no action on that. We've spent a lot of time talking about  
12 how to reallocate and basically it feels like, from somebody  
13 that's a shareholder, it feels like we're being punished.

14  
15 I don't think you're going to get any real results from the end  
16 of it. Even if you had 50 percent or 100 percent of the  
17 commercial quota or if you had it all, the recreational fishery  
18 still has some really big problems. You've got a fishery that's  
19 in good shape and it's recovered and effort is out the roof,  
20 from what I see on the coast, and you still got more people that  
21 want red snapper than you've got pounds and so taking a little  
22 bit that are going to be bought and sold in the commercial  
23 market, where they do some good, to be gobbled up in the  
24 recreational fishery right now is not going to help.

25  
26 The state non-compliant seasons are really one of the biggest  
27 problems that we have going on. I read a couple of newspaper  
28 articles recently and they were written and really knocking the  
29 ten-day season for the sport boats and really complaining about  
30 the forty-four-day season through Amendment 40 and nowhere in  
31 any of those articles do you see anything about 277 days of  
32 fishing in state waters in Louisiana or 360 days in Texas. They  
33 just seem to fail to forget that snapper are dying in those  
34 seasons.

35  
36 Let's address where some of the big problems are and the same  
37 thing with Amendment 36. It's rocking along pretty good and  
38 there is fine-tuning that can be done, but it seems like we're  
39 making problems where they don't exist. Thank you.

40  
41 **CHAIRMAN ANSON:** Thank you, Steve.

42  
43 **MR. PEARCE:** I've got a question for Steve. Steve, thanks for  
44 your presentation. I know you're sitting right down there in  
45 lower coast Louisiana right now and I know you're a VMS advocate  
46 and how the charter boats, say down in the Venice area, are they  
47 ready to jump on this VMS program that's being developed right  
48 now, the volunteer program?

1  
2 **MR. TOMENY:** I think we'll be able to get a bunch of them,  
3 Harlon. I don't get to talk to the Venice guys that much since  
4 I'm over in that Grande Isle area, but I have several of the  
5 guys in my area that we've been talking to about getting on this  
6 electronic -- We're going to have a good representation and I  
7 think we'll probably get a bunch of the Venice boats, too. I  
8 think there's plenty of them that see where we've been going is  
9 starting to have results and I think this is the -- We've got to  
10 know what everybody is catching and everything they're catching  
11 and it's not just red snapper and so I think we'll get a good  
12 representation out of Louisiana.

13  
14 **MR. PEARCE:** Thank you, Steve.

15  
16 **CHAIRMAN ANSON:** Richard Gomez, followed by Rick Turner.

17  
18 **MR. RICHARD GOMEZ:** Hi. My name is Richard Gomez, former  
19 president of the Key West Charter Boat Association and acting  
20 board member. The charter boat industry in Key West supports  
21 the commercial fishermen's proposal to take half of the  
22 recreational kingfish quota, especially since we are not allowed  
23 to sell our bag limit anymore, though we would like to someday  
24 be allowed to again.

25  
26 In regards to the Sanctuary, I would like to speak about the  
27 opinion of most lower Keys fishermen besides the Flats Guides  
28 Association, who have aligned with the Sanctuary for their own  
29 personal agenda, which, for one, is proposed no wake zone south  
30 of Key West and the Keys to extend out to ten feet of water that  
31 would supposedly protect the tarpon migration, though I have  
32 never heard of a tarpon being run over by a boat. The real  
33 reason for this wake zone, in most fishermen's opinion, is to  
34 keep jet skis out of the flat guides' fishing areas.

35  
36 The rest of the fishing industry feel that the Sanctuary singled  
37 us out as the scapegoat for the problem with water quality and  
38 coral die-off. We would like nothing better than to work with  
39 the Sanctuary to help solve some of these real problems.

40  
41 In the lower Keys, the charter boat industry has lost most of  
42 its ability to fish our low-water reefs, which are very  
43 important to our industry, even though it has been proven with  
44 their own science that these areas where we are not allowed to  
45 fish are in worse shape than the areas where we are allowed to  
46 fish.

47  
48 We feel that the Sanctuary has entered fisheries management

1 under the guise of environmental protection zones and we have  
2 made numerous suggestions that are generally ignored. The way  
3 that the Sanctuary board is stacked, there is no way the  
4 fishermen can win any vote and that is proven time and time  
5 again.

6  
7 I personally feel that the Sanctuary is full of hidden agendas  
8 and hidden maps and hidden truths and are very, very dangerous  
9 to the fishing industry as a whole. As an example of my  
10 feelings, I would like to give you an example at the last  
11 Sanctuary meeting.

12  
13 There was a presentation given by an invited speaker by the name  
14 of Jeremy Jackson. Among other things, he spoke of the  
15 fisheries role in the death of the coral reef. He spoke of  
16 fishermen targeting fish that feed on algae growth on our  
17 corals. The prime fish he spoke of was the parrotfish. I  
18 personally have never participated in the parrotfish fishery,  
19 nor have ever heard of such a fishery. When I called him out on  
20 this, he told me he could show us pictures if he needed to.

21  
22 The bottom line is I stand before a council that cares about our  
23 opinion and our future. When I stand before the Sanctuary, I  
24 stand in front of a group consisting of an environmental-minded  
25 majority and hold little hope in swaying their opinion. I think  
26 that all fishery-minded councils need to pay closer attention to  
27 the Sanctuary proceedings. That is it.

28  
29 **CHAIRMAN ANSON:** Thank you, sir. Do you have any questions?  
30 Corky.

31  
32 **MR. PERRET:** Are you a member of one of their advisory boards or  
33 is a member of your organization a member of any of their  
34 advisory boards?

35  
36 **MR. GOMEZ:** No, there is no member of our association and not  
37 only that, I don't think we would be invited or accepted. There  
38 was a mayor -- The Mayor of Key West asked to be on the advisory  
39 council recently and was rejected, when I felt that it was very  
40 important that we have more of a say in the City of Key West. I  
41 mean the tourist industry is major in Key West, but for some  
42 reason -- Well, their reasoning was that there were too many  
43 people on the board already and they didn't want to leave it  
44 open for the mayor and then possibly have other Keys also want  
45 to jump into the board.

46  
47 **MR. PERRET:** Thank you, sir.

48

1 **CHAIRMAN ANSON:** Thank you. Rick Turner, followed by J.P.  
2 Brooker.

3  
4 **MR. RICK TURNER:** Hello, council. My name is Rick Turner,  
5 commercial fisherman. My first point I want to hit on is the  
6 restructuring of the management of the snapper grouper to the  
7 state. I don't think that would be a good idea. That's Action  
8 1.

9  
10 The state has no money for stock assessments and the science  
11 that needs to be put forth to manage these stocks and I also  
12 believe that we would lose some of the protection that we're  
13 afforded with the Magnuson-Stevens Act if the state were to take  
14 over. I don't believe they're going to have that same  
15 protection for the stock allocations and such.

16  
17 There is no protection for us with reallocation of stocks with  
18 the state. The state is prone to pressure from recreational  
19 interests that could possibly force their hand to reallocate  
20 stocks from the commercial sector to the recreational sector.  
21 We all know there is a huge, huge recreational fishery and they  
22 have a loud voice in this state and you guys aren't prone to  
23 that pressure like the state is.

24  
25 We basically asked to simplify the rules and make everything the  
26 same, to where it was easier to figure out what was what and  
27 it's morphed into something that's more complex than what we  
28 have now. It's going to turn into a huge nightmare and now you  
29 have two government entities, a state, and a federal entity that  
30 are trying to work together and I just don't see where that's  
31 going to combine real well.

32  
33 I would like to also touch on Action 9, the circle hook  
34 exemption. I would support Alternative 2, which was to do away  
35 with the circle hook. The circle hooks, we can't use those with  
36 our de-hookers. They are inefficient and the mortality is  
37 pretty much the same as the j-hook. We've looked at it.

38  
39 I have tried it and other fishermen have tried it and charter  
40 fishermen have tried it and you gut-hooked just as many fish,  
41 but it's so much less efficient than a j-hook. We can't modify  
42 the hooks to catch fish fast and it's just -- I think that we  
43 would be better off without the circle hooks, the exemption on  
44 that, especially for the snapper fishery.

45  
46 A lot of the grouper fishermen do like the circle hooks and they  
47 will probably stick with it, whatever is going to work for them,  
48 but me personally, the j-hook, I can bend it out and I can

1 modify it and I can catch thirty times as many fish in the same  
2 amount of time as with a circle hook.

3  
4 A circle hook, you have to hold each fish and de-hook it and de-  
5 slime it and so if it's undersized, you're handling a fish way  
6 too much. We can flip an undersized fish off with a de-hooker,  
7 a hand de-hooker, and in four seconds it's back in the water and  
8 gone. That's all I have to say.

9  
10 **CHAIRMAN ANSON:** Thank you, Rick. Any questions? All right.  
11 J.P. Brooker, followed by Shane Cantrell.

12  
13 **MR. J.P. BROOKER:** Thank you, Chairman Anson, and thank you to  
14 the council for the opportunity to give comments on behalf of  
15 the Ocean Conservancy. My name is J.P. Brooker and I'm a policy  
16 analyst and attorney in the Ocean Conservancy's Fish  
17 Conservation Program based in St. Petersburg.

18  
19 I would like to address four issues and I will try and keep my  
20 comments brief. First, we recommend that the council takes a  
21 precautionary approach on gag by selecting the no action  
22 alternative in the framework adjustment currently before the  
23 council.

24  
25 Taking no action to change the gag ACL would be in harmony with  
26 the advice of the SSC, which has recommended that the council  
27 takes a conservative approach when setting catch limits for the  
28 stock. While there is an assessment scheduled for the end of  
29 next year, early indications from the SSC show that the stock is  
30 in decline. Furthermore, the Reef Fish AP has recommended a  
31 conservative approach for gag and on the water, both  
32 recreational and commercial fishermen are not landing their  
33 ACLs.

34  
35 Next, we urge the council should heed the SSC's repeated  
36 recommendations to make no change to the red snapper SPR and  
37 keep the level at 26 percent. Lowering the SPR reference point  
38 carries considerable scientific and biological risk. A lower  
39 SPR allows for younger stock that has less reproductive  
40 potential per individual that is more susceptible to  
41 fluctuations in recruitment, which is problematic since red  
42 snapper recruitment is highly variable and uncertain.

43  
44 Estimates of long-term MSY at lower SPR levels assume  
45 recruitment will look the same as it does now even at a lower  
46 reproductive capacity. Furthermore, SPR values for long-lived  
47 fish with low natural mortality are typically set somewhere  
48 between 30 and 40 percent and so the current 26 percent is

1 already a compromise.

2  
3 Third, we recommend that the council select the no action  
4 alternative under Amendment 28, which would keep the red snapper  
5 allocation at its current split. It would be premature to  
6 adjust the allocation at this point, since this would constitute  
7 a shift in quota from a commercial sector with established  
8 accountability to a recreational sector that has been  
9 historically unaccountable.

10  
11 Until it is reliably demonstrated that the accountability  
12 measures that have been recently implemented are working for the  
13 recreational sector, it is untimely to reallocate quota.  
14 Furthermore, shifting allocation at the level proposed in the  
15 current preferred alternative wouldn't do much to increase the  
16 recreational red snapper season, which is ultimately what  
17 fishermen on the water are seeking.

18  
19 If the recreational fishery is to enjoy longer seasons, the  
20 council should explore new management ideas that will help the  
21 anglers. More comprehensive data collection can improve  
22 accountability and prevent the sector from exceeding its  
23 allowable catch, but other solutions should be addressed too,  
24 beginning with state consistency that would allow greater  
25 federal water access for all anglers and allowing managers the  
26 stability to set durable and resilient private angler management  
27 tools into place.

28  
29 Finally, we urge the council to select Alternative 2 in Action 2  
30 under Amendment 39. Taking this action would preserve the  
31 achievements made in Amendment 40 and would have the long-term  
32 impact of providing more flexible and customized management  
33 tools for the private recreational component.

34  
35 As seasons are substantially throttled, better solutions are  
36 needed to provide relief to private recreational fishermen to  
37 ensure quotas are not exceeded and progress continues in  
38 rebuilding the red snapper stock. Again, thanks for the  
39 opportunity to give comment.

40  
41 **CHAIRMAN ANSON:** Thank you, J.P. Shane Cantrell, followed by  
42 Van Hubbard.

43  
44 **MR. SHANE CANTRELL:** Good afternoon. I'm Shane Cantrell and I'm  
45 the Executive Director of the Charter Fishermen's Association  
46 and I'm from Galveston, Texas. I appreciate the opportunity to  
47 address the council on a variety of issues today facing Gulf  
48 fishermen and their businesses.

1  
2 For Amendment 39, I would like to see the charter boats left out  
3 of it. We have made it abundantly clear that we prefer to be  
4 managed under the federal system and Amendment 40 has moved  
5 forward and it's already proving that it's working and we would  
6 really like to see some more management moving forward for  
7 Amendment 41 and 42. Members of the APs have worked really hard  
8 to get the motions that they did passed in both fairly and well-  
9 attended advisory panel meetings.

10  
11 I was able to attend both of them and both of them went very  
12 well and fishermen worked out their issues before, during, and  
13 after the council meeting and anything that needed to be  
14 addressed was typically handled and done from a grassroots  
15 effort.

16  
17 I spent a lot of time preparing for that meeting and talking  
18 with fishermen on the panel and it was very, very productive and  
19 a lot of motions came out of there and I would like to see it  
20 continue moving forward.

21  
22 On Amendment 36, moving forward with the red snapper IFQ  
23 program, it's been very successful in helping this fishery  
24 rebuild. A lot of the commercial fishermen in our organization  
25 like that system and they want to see it benefit the fishery  
26 more and be able to improve this fishery and to help it continue  
27 to meet its goals like it has been, whereas a lot of the  
28 recommended changes don't necessarily do that.

29  
30 We would like to see the removal of the crew size limit on dual-  
31 permitted vessels. That requirement has outlived its use with  
32 the VMS and you could couple that with adding a hail-in  
33 provision for all commercial trips. You would no longer need  
34 that. The last time we addressed it, it went from three people  
35 to four people to accommodate for the divers and now with the  
36 VMS, you don't really need that in the IFQ system.

37  
38 For Amendment 28, we see no reason to shift or reallocate quota  
39 from the commercial fishery to the recreational fishery, as it  
40 will not yield meaningful results for recreational fishermen.  
41 There is significantly more to gain from the accountability and  
42 shrinking the current 20 percent buffer rather than shifting any  
43 amount of allocation being considered.

44  
45 We support moving forward with Alternative 1, no action, and we  
46 recommend removing Alternative 9 to considered but rejected,  
47 because the size selectivity is a reflection of fishermen  
48 behavior due to recent management changes and should not be

1 justified to increase allocation.

2  
3 King mackerel, we support a 45,000-pound trip limit for king  
4 mackerel fishery. Let those guys do what's going to work best  
5 for their fishery and couple it with an accountability measure,  
6 conservation measure, and that would be very good and be  
7 cautious on gag grouper.

8  
9 **CHAIRMAN ANSON:** Thank you, Shane. Next is Van Hubbard, but,  
10 Harlon, go ahead.

11  
12 **MR. PEARCE:** Shane, thanks for all your organization's help and  
13 service on the AP and everything you guys are doing. I know you  
14 guys are actively involved in this volunteer program that's  
15 being set up now and in talking with Scott, I think you guys  
16 have got forty or fifty boats that probably are going to get  
17 involved in this program and is that pretty much right?

18  
19 **MR. CANTRELL:** Yes, sir. It looks like we'll probably have  
20 about forty to fifty boats ready to go on this and there are  
21 concerns with current units, the VMS units, and we're working  
22 hard with CLS America and we've got a lot of their  
23 representatives here at this meeting and they have been very  
24 helpful in the customer service side of things and we're -- At  
25 this point, we've got a flawless VMS system, the best system  
26 that we know of in the commercial industry and I've got it on my  
27 boat.

28  
29 It's been very successful and I would like to see it coupled  
30 with a good ELB. That's one of my concerns, is we don't really  
31 see it yet and I would like to see MRIP and the folks at CLS put  
32 together something that's going to go right in the system and  
33 streamline this data process. We want to know exactly what's  
34 coming in on these boats and take out the guesswork. Coming  
35 from Texas, I would like to see our data collection improved.

36  
37 **MR. PEARCE:** You do know that MRIP is working closely with this  
38 volunteer program and that there's a statistician that's going  
39 to be working right along with MRIP to calibrate your volunteer  
40 data with MRIP for the first time ever and so it may not hit the  
41 books yet, but we're working in that direction and thanks to  
42 Bonnie's help and other people at MRIP, it's all of us working  
43 together to try and figure it out and make this fishery better  
44 and it's all in your hands, guys. If you want your fishery to  
45 change, you've got to do it.

46  
47 **MR. CANTRELL:** Absolutely. Thank you for all your help and  
48 thanks to Harlon and Corky for all their years of service on

1 this council. They've done great work for the fishermen and I  
2 look forward to continuing to work with them whenever I can.

3  
4 **CHAIRMAN ANSON:** Thank you, Shane. Van Hubbard, followed by  
5 Russell Underwood.

6  
7 **MR. VAN HUBBARD:** I am Captain Van Hubbard and I fish out of the  
8 Boca Grande area. I do charter fishing inshore and near shore  
9 and I do commercial king fishing and mackerel fishing.  
10 Yellowtail are ranging -- I did take the time to go through the  
11 MREP classes and coming down here was an expensive hardship. I  
12 am losing a lot of business in my prime season and so I  
13 appreciate you all's time and patience. I will run through  
14 things as quick as I can.

15  
16 Yellowtail are ranging farther north in the Gulf and so you all  
17 are considering modifications there. We are definitely getting  
18 a lot of them up by Boca Grande and they are moving as far north  
19 as Tampa Bay.

20  
21 On the kingfish, one of the considerations is to move the mixing  
22 boundary to the Dade/Monroe line year-round and that seems like  
23 a good, simple solution and keep it simple always makes sense.  
24 If you're going to divide the stocks, it seems to make sense to  
25 go ahead and divide the management and not have to share the  
26 joint council.

27  
28 I am in the northern Gulf zone and ever since the closure of  
29 1986, we really haven't had much opportunity to participate in  
30 the fishery with it opening in July and now you all have done  
31 nice enough to help us with an October opening and that's going  
32 to help some, but the only time we've really gotten to fish is  
33 in 2010 because of the BP oil spill.

34  
35 We appreciate your help and consideration, but the area from  
36 Fort Myers to the Big Bend has been pretty well shut out since  
37 the 1986 closure and we didn't really have the recordkeeping and  
38 everything before that. I participated in the kingfish fishery  
39 actively from the early 1970s when I got out of the Navy until  
40 it was shut down.

41  
42 We need to promote the good mackerel and kingfish fishing we  
43 have and going to three fish on the kingfish is a great idea.  
44 We want liberal bag limits and we've got problems with everybody  
45 wanting to do more red snapper fishing and not everybody can  
46 afford to do that. You can afford to fish for at least mackerel  
47 and probably king mackerel, because there is plenty of shore,  
48 piers, and bridges you can catch them off of.

1  
2 I would really appreciate if you would consider, as we increase  
3 allocations or ACLs on kingfish and stuff, trying to consider  
4 that we have been left out with a very minimal stock allocation  
5 for kingfish.

6  
7 The VMS and the monitoring systems are a great idea. I don't  
8 have a problem with it. I just have a problem with -- I have a  
9 twenty-five-foot center console boat and trying to keep  
10 something like that functional and sensitive like that and iPads  
11 and stuff, sensitive even in cases, is challenging in trying to  
12 work it out. I do a lot of kids trips and stuff and I've got my  
13 hands full already. Thank you for your time and your  
14 dedication, all of you, especially Corky and Harlon. Thank you  
15 all very much and if you have any questions, I will be glad to  
16 answer them.

17  
18 **CHAIRMAN ANSON:** Thank you, Van. Thank you for coming down and  
19 seeing us and giving your comments. Thank you. Russell  
20 Underwood, followed by Chris Niquet.

21  
22 **MR. RUSSELL UNDERWOOD:** Thank you, Mr. Chairman. I am Russell  
23 Underwood from Panama City, Florida. I've got a little small  
24 fleet of boats over in Louisiana, Leesville, Louisiana. I have  
25 been fishing all my life, forty years or so.

26  
27 Anyway, the first thing I would like to do is thank Mr. Corky  
28 and Mr. Harlon Pearce for their service to this council and to  
29 these fishermen out here in the audience. They have always  
30 thought a lot about the resource and it wasn't their personal  
31 gain they was looking for. They were trying to help the fishery  
32 and help these other people manage this fishery the way it  
33 should be and I appreciate that. I sure do and thank you.

34  
35 On the real side of the world, the snapper IFQ is doing real  
36 good and you're still seeing a lot of the size of fish in the  
37 western Gulf and I do have some concerns and we'll start off  
38 with Amendment 28.

39  
40 I am still against that and I've got a lot of good reasons to be  
41 against that. I think things have moved in too off of a fast  
42 mode. I deal with reality every day with my boats and my  
43 business and my kids and the reality is the recreational  
44 fishery, none of this is constant. We've got a constant quota  
45 in the next two or three years, but things have changed.

46  
47 You know we've got boats going offshore that are thirty-foot  
48 long on the recreational side and it's got three engines and I

1 don't think they're fishing in sixty-foot of water no more and  
2 if you listened to the testimony today about SPR and the other  
3 day I was at an SSC meeting and I was shocked to hear about in  
4 the future -- We had a presentation today about SPR and still a  
5 lot of people don't understand about it and I've still got some  
6 problems with SPR, but I've had to deal with it for the last  
7 thirty years and it really concerns me when you have maybe an  
8 estimate of 2 percent in the eastern Gulf in the future and  
9 maybe a 20 percent in the western Gulf.

10  
11 Folks, you all need to slow down and think about where we're  
12 headed in the future. It's all about the resource and the  
13 effort has switched in the last two or three years to the  
14 eastern Gulf and I am really concerned about that. I want my  
15 friends in the charter boat and headboat industry to have a  
16 good, viable fishery, but your own SSC said if there is any kind  
17 of significant giving fish away to the recreational side that  
18 we're going to have to come back and recalibrate everything and  
19 that's what your own SSC said.

20  
21 You know the sensitivity, I think it's a bad word, personally.  
22 It's got a few things that I don't understand and I think a lot  
23 of people don't understand that word and I am strictly against  
24 reallocating fish to a sector that has not been accountable.

25  
26 You've got the new program coming up with the charter boats and  
27 headboats and sector separation and I thank God that you all  
28 have given these people a chance to better their fishery and I  
29 think all user groups need to be accountable and find their own  
30 plan. The small boat recreational needs to develop their own  
31 plan.

32  
33 **CHAIRMAN ANSON:** Russell, if you can wrap it up.

34  
35 **MR. UNDERWOOD:** Yes, sir. Thank you. On Amendment 36, I would  
36 like to -- We've got this program and it's not be redesigned and  
37 it's just to go over and relook at it again and I don't think we  
38 need no significant changes in the Amendment 36. We might do a  
39 couple of Band-Aids, but as far as anything major about telling  
40 who can fish and how many fish you can have on one boat, I don't  
41 think that's the way we planned it. Thank you.

42  
43 **CHAIRMAN ANSON:** Thank you, Russell. Any questions? We have a  
44 question from Mr. Walker.

45  
46 **MR. WALKER:** Thank you, Russell. I would like to hear your  
47 thoughts on gag grouper.

48

1 **MR. UNDERWOOD:** Gag grouper is still in trouble. I would like  
2 to see some of my boats in the western Gulf catch them and the  
3 reality is they're not there like these scientists speculate  
4 they're going to be there. We're not seeing the fish and the  
5 fish is still in trouble and you all better be real careful  
6 about what you all decide. Thank you.

7  
8 **CHAIRMAN ANSON:** Thank you, Russell. All right. We have Chris  
9 Niquet, followed by Chad Hanson.

10  
11 **MR. CHRIS NIQUET:** Chris Niquet from Panama City, Florida. The  
12 main thing I'm here for is Amendment 28 and the part of  
13 Amendment 28 that I am worried about is the state non-compliance  
14 with the federal fishing. I realize they're two separate  
15 entities.

16  
17 The federal season is nine or ten days and the state season,  
18 well, who knows? Texas is 360 and Louisiana is 279 and Florida  
19 is seventy and Mississippi, I don't know and Alabama, I have no  
20 idea, but they're more than nine or ten.

21  
22 I don't think that some of the enforcement tools are being used  
23 like they're supposed to to keep them within these limits  
24 onshore, whether it be three miles, four miles, six miles, nine  
25 miles. They are catching these fish where they're not supposed  
26 to and they're not being accounted for. They're coming off the  
27 TAC and they're coming off the TAC and they're hurting  
28 everybody.

29  
30 I think there needs to be some kind of a way that this council,  
31 being a federal agency, should be able to pull in some kind of a  
32 law enforcement entity and enforce the law. If they're out  
33 there catching them in federal waters and they're not supposed  
34 to, write them a ticket and put it on them and make them  
35 accountable. Get in that wallet and you'll see some compliance.

36  
37 The next thing I'm worried about is reallocation. Reallocation,  
38 the premise of 28, including the specific purpose of  
39 Alternatives 8 and 9, is to increase the recreational quota to  
40 reflect its prior harvests in excess of the recreational  
41 allocation.

42  
43 The Magnuson-Stevens Act doesn't allow this. Section 407(d)  
44 Paragraph 2 requires the council to ensure that the red snapper  
45 quotas reflect allocations among such commercial and  
46 recreational sectors and do not reflect any harvest in excess of  
47 such allocation. Any reallocation to the recreational sector  
48 would recognize recreational overages, which were essentially a

1 de facto reallocation and were worse than anybody previously  
2 thought in the previous years.

3  
4 This has already been up before the judge one time and I think  
5 it was Pritzker v. Guindon and it didn't turn out good and we  
6 don't want to go back. This stuff needs to be addressed now  
7 before it goes any further. Thank you for your time.

8  
9 **CHAIRMAN ANSON:** Thank you, Mr. Niquet. We have Chad Hanson,  
10 followed by Eric Brazer.

11  
12 **MR. CHAD HANSON:** Good evening, Mr. Chairman and council members  
13 and staff. First of all, I would like to thank you. I am Chad  
14 Hanson with the Pew Charitable Trusts and thank you for the  
15 opportunity to give some testimony this afternoon on a few  
16 number of things.

17  
18 First, I want to thank and acknowledge Corky and Mr. Harlon on  
19 their many years of experience and dedication to the council and  
20 the fisheries. Come August, that knowledge and experience will  
21 be definitely missed sitting around the table.

22  
23 Just a couple of things I want to discuss today and first, on  
24 gag, the latest science from the most recent information that  
25 was provided to the SSC, in addition to what we're hearing from  
26 a lot of fishermen, if not all, is that gag is not all that  
27 healthy and that we need to stay status quo with catch limits  
28 and so we recommend Alternative 1 in Action 1.

29  
30 For red snapper, there is a couple of things I would like to  
31 note there. We recommend maintaining the SPR at the target of  
32 26 percent. This is the recommendation, once again, from your  
33 SSC, which has been consistent as you've looked at this issue.  
34 They have consistently applied that recommendation of staying at  
35 26 percent and we think that's the best route to go at this  
36 point.

37  
38 Amendment 39, in Action 2, we urge the preferred alternative of  
39 Alternative 2 and this will apply Amendment 39 just to the  
40 private boats and we think this is the best option to start to  
41 design management strategies for both the charter and the  
42 private recreational fishery and with that, we also urge forward  
43 momentum with Amendments 41 and 42 for designing plan amendments  
44 for the for-hire and the headboat fisheries.

45  
46 Lastly, on coral, we urge the council to continue moving forward  
47 in gathering input from fishermen and the APs on their help in  
48 designing potential coral habitat areas that need protection and

1 we look forward to working through that amendment with their  
2 input early in the process and with that, I will end my comments  
3 and if there is any questions, I will take those.

4  
5 **CHAIRMAN ANSON:** I don't see any questions. Thank you, Chad.  
6 Eric Brazer, followed by Martin Fisher.

7  
8 **MR. ERIC BRAZER:** Thank you for the opportunity to comment. The  
9 subject of Amendment 28, I want to raise five key issues that  
10 reiterate our support for status quo and I would please ask you  
11 to refer to our submitted comments for more detail.

12  
13 Number one, we believe recreational discards must be  
14 reevaluated. The 10 percent discard mortality assumption in  
15 Amendment 28 is unrealistically low. It's based on the use of a  
16 venting tool, which is no longer required, and it doesn't fully  
17 acknowledge the technical, social, and other changes that are  
18 happening in this fishery to shift effort farther offshore into  
19 deeper water, where discard mortality is generally higher.

20  
21 Number two is we believe the biological impacts of reallocation  
22 aren't sufficiently analyzed. The SSC has determined that  
23 reallocating to the recreational sector will exacerbate the  
24 decline in SPR in the eastern Gulf. As Dr. Barbieri showed you,  
25 the SSC unanimously concluded that if the council changes the  
26 allocation between the two sectors that this would prompt the  
27 need to reevaluate the OFL and ABC projections. We believe the  
28 SSC needs to analyze this and the council needs to fully  
29 evaluate these changes before taking any action.

30  
31 Number three is state compliance. We all know it and nobody  
32 wants to talk about it. Amendment 28 is clear that state  
33 noncompliance is directly shortening the federal recreational  
34 season. As stated in Amendment 28, reallocation will have  
35 little to no effect on the problem of shortened recreational  
36 fishing seasons, partially because 28 does not stop non-  
37 compliance.

38  
39 Number 4 is we believe reallocation would violate Magnuson-  
40 Stevens. The entire premise of Amendment 28, including the  
41 specific purpose of Alternatives 8 and 9, is to increase the  
42 recreational quota to reflect prior harvests, which were almost  
43 always in excess of the recreational allocation and we believe  
44 Magnuson doesn't allow this.

45  
46 Section 407(d)(2) requires the council to ensure that red  
47 snapper quotas reflect allocations among such sectors and do not  
48 reflect any harvest in excess of such allocations.

1  
2 Number 5, we believe the range of alternatives in Amendment 28  
3 at this point is too narrow. All of the alternatives in  
4 Amendment 28 except status quo reallocate from the commercial  
5 sector to the recreational sector and this is because the  
6 previous purpose and need was to increase net benefits, which  
7 used an economic justification that is now discredited.

8  
9 You now have a purpose and need to ensure fair and equitable  
10 allocations, but you didn't go back and change the alternatives  
11 to match this new purpose and need. Amendment 28 is now founded  
12 upon a false assumption that the only fair and equitable  
13 allocation is one that shifts more quota to the recreational  
14 sector.

15  
16 This does ignore the fact that the commercial sector has stayed  
17 within its quota every year since 2007, while the recreational  
18 sector drastically exceeded its quota almost every year and  
19 sometimes by millions of pounds, because it didn't have a  
20 workable management plan.

21  
22 Thank you for the opportunity to comment. My last note is that,  
23 like many before me, I want to thank Harlon and Corky. It's  
24 been an honor to be here with you and we are certainly going to  
25 miss you. Thank you, guys.

26  
27 **CHAIRMAN ANSON:** Thank you, Eric. We have a question from  
28 David.

29  
30 **MR. WALKER:** Thank you, Eric. What's your position on Amendment  
31 36?

32  
33 **MR. BRAZER:** I would refer you to the detailed letter we  
34 submitted during the scoping period, but personally, we believe  
35 that most of the options right now in Amendment 36 don't  
36 actually match its purpose and don't align with the goals of the  
37 IFQ program and don't match the conclusions of the five-year  
38 review and aren't supported and weren't supported by a majority  
39 of those who were at the scoping meeting.

40  
41 You know we do look forward to working with the council. We  
42 know this is in the very early stages, but we want to make sure  
43 Amendment 36 does what it's supposed to do, which is improve the  
44 program that it's intended to and solve legitimate problems.  
45 Thank you.

46  
47 **CHAIRMAN ANSON:** Thank you, Eric. Martin Fisher, followed by  
48 Johnny Williams.

1  
2 **MR. MARTIN FISHER:** Good afternoon. My name is Martin Fisher  
3 and I want to thank the council for this opportunity to speak  
4 and hats off to Corky and Harlon for doing an amazing job for  
5 all these years. Thank you for your time and your wisdom and  
6 your commitment.

7  
8 In terms of Amendment 28, if you take a million pounds of red  
9 snapper at an eight-pound average, that's 125,000 fish. At a  
10 two fish per day bag limit, that's 62,500 angler opportunities.  
11 If you take that same million pounds in the commercial sector at  
12 a 44 percent conservative filet yield at an eight-ounce portion,  
13 that's 220,000 dinner opportunities, more than three times the  
14 opportunities for American citizens to enjoy the same fish if  
15 you reallocate fish away from the commercial sector to the  
16 recreational sector in Amendment 28.

17  
18 Yellowtail snapper is increasing its range. We're seeing  
19 yellowtail all the way up to the Middle Grounds and I've heard  
20 even further west. I support three king mackerel as a bag limit  
21 for king mackerel fishermen and the gag fishing is horrendous.

22  
23 In the last five years, the commercial sector has averaged  
24 500,000 pounds and that's from a quota of anywhere from 1.4  
25 million, at a high in 2010, to 430,000 pounds of a low in 2011.  
26 In 2014, we had a 30 percent foregone yield and that's fish left  
27 in the water.

28  
29 The commercial industry is very adept at catching gag grouper.  
30 If the gag grouper are there, we are going to catch them and we  
31 are going to fill our quotas. There is absolutely no reason to  
32 increase gag at this point and so I would highly recommend that  
33 you stay with Action 1, Alternative 1.

34  
35 Also, in terms of the SPR for red snapper, I think it would be  
36 irresponsible to go below a 26 percent SPR and the most  
37 responsible thing, especially in response to what we're seeing  
38 in the western Gulf in terms of recruitment -- We are not seeing  
39 the small fish that we saw years ago. For the last three or  
40 four years, those small fish have just not appeared and so I  
41 would recommend raising the SPR to 30 percent to follow other  
42 fishery management plans. Thank you very much.

43  
44 **CHAIRMAN ANSON:** Thank you, Martin. We have Johnny Williams,  
45 followed by Scott Hickman.

46  
47 **MR. JOHNNY WILLIAMS:** Hi and I'm Johnny Williams from Williams  
48 Partyboats Incorporated from Galveston, Texas. I was on the ad

1 hoc headboat program and we actually did have more members there  
2 that did have a boat in the program than were not in the  
3 program. However, the balance was seven to seven, but there  
4 were a couple of people that chose not to show up and so it was  
5 set up to be seven to seven and it ended up being seven to five.

6  
7 That being said, if you notice, we did elect Mark as the Vice  
8 Chairman and if you look at the votes that passed, they were  
9 eight to three, eleven to one, ten to one, ten to two, eight to  
10 four, eleven to one, nine to two, eleven to one, seven to three,  
11 and eight to three.

12  
13 In a couple of those votes, I voted on the losing side. I guess  
14 you would say I'm a half a vote, because I have one boat that's  
15 in the program and one boat that's not, but that being said, I  
16 want to talk about what I actually come up here to talk about  
17 and that's these programs that we're trying to initiate.

18  
19 You know you all's charge is not only to protect the fish, but  
20 try to protect the fishermen and Amendment 40 went a long way to  
21 do that for the for-hire sector, but let's not drop the ball  
22 here at the goal line. I think we need to carry it across the  
23 goal and I was looking at the National Standards and trying to  
24 determine how better these programs like Amendment 40 and 41  
25 will satisfy the National Standards in something like regional  
26 management.

27  
28 Number one, conservation and management measures shall prevent  
29 overfishing, you know if we have a quota with the charter boats  
30 and the partyboats, similar to what we have in the headboat  
31 program, we know exactly how many red snapper are going to be  
32 harvested that year. That's the maximum amount that are going  
33 to be harvested that year. With regional management, you don't  
34 know what -- It's just a crapshoot.

35  
36 Conservation and management measures shall be based on the best  
37 scientific data, I mean we've got good scientific data and with  
38 these issues that we have brought forth in these two panels,  
39 we're going to get better scientific data so we can make better  
40 decisions.

41  
42 Number three, individual stocks should be managed as a unit. If  
43 you divide it up among all the states, this is going to be all  
44 fragmented. Number four, conservation and management measures  
45 shall not discriminate between residents of different states, I  
46 mean Texas has a four fish bag limit and a fifteen-inch size  
47 limit and an all-year season and other states have different  
48 things and so it looks to me like that's discrimination between

1 the states.  
2  
3 Number five, conservation and management measures shall, where  
4 practical, consider efficiency. I mean I can run my business  
5 better than the federal government can run my business. I can  
6 run my business more efficient and so I think that's satisfied.  
7  
8 Regional management, I don't think that will do anything for me  
9 at all. As a matter of a fact, I think it will really be  
10 devastating for me.  
11  
12 Number seven is they should, where practical, minimize costs and  
13 avoid unnecessary duplication and if we have all these different  
14 groups doing their own stock assessments, that's not going to  
15 happen and the rest of them too, the safety at sea and helping  
16 the communities and the bycatch. There will be much less  
17 bycatch in our program than there will be in regional  
18 management. Thank you.  
19  
20 **CHAIRMAN ANSON:** Thank you, Johnny. We have Scott Hickman and  
21 just to let you all know, the council members, we have three  
22 more cards. Scott Hickman, followed by Kristen McConnell.  
23  
24 **MR. SCOTT HICKMAN:** Ladies and gentlemen of the council, thank  
25 you very much for letting me speak today. First off, I would  
26 like to thank Harlon Pearce and Corky Perret for their service  
27 here at the Gulf Council and for all of our fishermen across the  
28 Gulf and for the resource and how blessed we have been to have  
29 you all's public service period and I think if anybody was to  
30 look at how they would want to serve on this Gulf Council, they  
31 would look at both of these individuals.  
32  
33 They worked with all the user groups fairly and equally and just  
34 to think we're going to go come to these meetings in the future  
35 and not have Corky's historical perspective on how things have  
36 gone over the years, he will be sorely missed and, once again,  
37 my fishermen at home have really appreciated everything you all  
38 have done. Thank you very much.  
39  
40 I am going to make this quick, because I know everybody wants to  
41 get out of here. Amendment 28, no action, or at least strip  
42 Alternative 9 out of it. Thanks for moving ahead on Amendment  
43 41 and 42. I support the 45,000-pound trip limit for the  
44 gillnet king mackerel fishery.  
45  
46 I support implementing VMS and electronic logbooks with  
47 mandatory reporting prior to landing fish on the charter for-  
48 hire fleet.

1  
2 I want yellowtail snapper to be continued to be managed by the  
3 Gulf Council. We've got a very quick growing yellowtail snapper  
4 population on salt domes off the Texas coast and it's getting to  
5 be a popular fish for our recreational fishermen and our charter  
6 boats and I think you all will do a better job managing my fish  
7 off of Texas than the people in the South Atlantic. On that,  
8 thank you very much and everybody have a nice night.  
9

10 **CHAIRMAN ANSON:** Scott, we have a question for you. Harlon,  
11 I've got Dale and then you will be next, Harlon.  
12

13 **MR. DIAZ:** Scott, real quick, what's your thoughts on the  
14 kingfish bag limit?  
15

16 **MR. HICKMAN:** I sit on the Coastal Migratory Advisory Panel and  
17 actually, I was one of the ones that pushed to go to a three  
18 fish bag limit. We're only harvesting half of the annual catch  
19 limit and people say kingfish aren't that important, but I know  
20 a lot of recreational guys on my dock would love to have that  
21 extra king mackerel and so I would support that.  
22

23 **MR. PEARCE:** Scott, thanks for your presentation and all your  
24 hard work in Texas trying to get these charter guys to do the  
25 right thing. How excited are they about this new volunteer  
26 program?  
27

28 **MR. HICKMAN:** You know my guys are real excited. I think out of  
29 forty-six boats that we met right before charter season to talk  
30 about what turtle stuff they had to have on their boat this year  
31 and all that kind of good stuff, we took a poll and I think out  
32 of the forty-something federally-permitted boats, everybody said  
33 they wanted to participate in the program.  
34

35 **MR. PEARCE:** Keep up the good work and let's make this program  
36 work.  
37

38 **MR. HICKMAN:** Thank you.  
39

40 **CHAIRMAN ANSON:** Thank you, Scott. Kristen McConnell, followed  
41 by John Schmidt.  
42

43 **MS. KRISTEN MCCONNELL:** Thank you, Chairman Anson, and thanks to  
44 the council for the opportunity to comment. I would also like  
45 to echo the thanks to Corky and Harlon for all of your work on  
46 the council and wish you the best of luck and a lot of  
47 relaxation in the future.  
48

1 My name is Kristen McConnell and I am with Environmental Defense  
2 Fund and I am based in Austin, Texas. On behalf of EDF and our  
3 one-million-plus members, I would like to talk a little bit  
4 about red snapper management in the Gulf of Mexico.

5  
6 We are pleased to see that the council continues to make  
7 progress on reforming charter for-hire and headboat management  
8 and we do agree with the recent advisory panel meetings that  
9 recommended that the management goals be three-fold to increase  
10 flexibility, to decrease management uncertainty, and to increase  
11 accountability to catch limits.

12  
13 We also agree that allocation-based management is a good way to  
14 address these goals and also achieve important conservation  
15 benefits like reduced discards and social benefits like  
16 increased access.

17  
18 A good example of this is the result of the Headboat  
19 Collaborative's first year, which you guys saw at the last  
20 meeting, but I just wanted to remind you that it was very clear  
21 that that program allowed more people to go fishing and headboat  
22 businesses did better and discards were way down and so we would  
23 also say that private anglers deserve something better too and  
24 we encourage the council to develop a real management plan for  
25 private anglers by tailoring Amendment 39 to meet their needs.

26  
27 That would involve selecting Alternative 2 in Action 2 and I  
28 think that would be really exciting, because the council could  
29 set the stage for meaningful reform for the entire recreational  
30 fishery.

31  
32 On the other hand, we are disappointed that the council  
33 continues to try to undermine the commercial red snapper  
34 management plan, which is successfully meeting its economic and  
35 conservation objectives. We have discussed Amendment 28 at  
36 length over the last several years, but at this point I would  
37 just like to remind the council that it remains a solution in  
38 search of a problem.

39  
40 The new alternatives, 8 and 9, are not justified. Reallocation  
41 does not promote conservation and it will not stabilize or  
42 lengthen the season or reduce the likelihood of overages and it  
43 will not increase net economic benefits and so the only  
44 reasonable alternative for the amendment is status quo.

45  
46 Additionally, when the Reef Fish Committee selected the issues  
47 to explore in Amendment 36, an amendment that is expressly  
48 designed to improve the performance of the IFQ program, it

1 overlooked not only that purpose, but also all of the analysis  
2 that was completed through the five-year review, the  
3 recommendations of the AP, and the public hearings.

4  
5 It is clear that the program is working and some improvements  
6 can certainly be made. However, the committee chose to focus  
7 their attention on changes that create additional red tape and  
8 do nothing to make it more effective and so, in summary, we ask  
9 the council to focus the remainder of this week and in the  
10 future on continuing to reform recreational management and  
11 making changes to the commercial program that sustain its  
12 success. Thank you very much for the opportunity to comment.

13  
14 **CHAIRMAN ANSON:** Thank you, Kristen. John Schmidt, followed by  
15 Jason Delacruz.

16  
17 **MR. JOHN SCHMIDT:** Hi, everybody, and thank you for this  
18 opportunity to make my comments. I want to thank Harlon and  
19 Corky too and all of you guys that help make the policies. I  
20 think we've got some kind of crazy stuff going on and it's  
21 interesting really to me that most of these policy  
22 considerations and all of this labor stuff that's going on is  
23 about the private recreational fishery. I know she thinks I'm  
24 funny and that's okay. I do, too.

25  
26 The private recreational fishery, I have been a private  
27 recreational fisherman for twenty years and I've also been in  
28 the commercial industry for the last fourteen and all of these  
29 policies and ideas and crazy things that are coming out of  
30 Congress that are driven by the recreational industry  
31 leadership, not one of those things is going to fix things for  
32 the recreational fishermen.

33  
34 I think it's irresponsible, honestly, and I think -- I don't  
35 want the recreational fishermen to be shortchanged and when we  
36 put these crazy policies into effect, the day we do, those guys  
37 are still being shortchanged. Sixteen of seventeen votes on the  
38 council come from the states and five of them come from their  
39 DNR departments and they can go non-compliant, but they still  
40 get a vote. If I go non-compliant, you think they're going to  
41 let me vote?

42  
43 Here's the point. I can't wait for somebody in the recreational  
44 industry to step up and have the guts to start dealing with how  
45 many fishermen are fishing and how well are we enforcing it and  
46 how do we take the uncertainty out of it and give back some of  
47 whatever fat we have to put in because of uncertainty and  
48 implement more freedoms and benefits from each fish we catch

1 rather than just trying to make this out-of-control thing  
2 bigger.

3  
4 When somebody steps up and starts doing that, that's when we're  
5 going to start to make progress. When we get all done with all  
6 this crazy stuff you're doing here, we're going to be right back  
7 where we are and so thank you for your time.

8  
9 **CHAIRMAN ANSON:** Thank you. Last, but certainly not least, is  
10 Jason Delacruz.

11  
12 **MR. JASON DELACRUZ:** It's hard to follow up John after that one.  
13 That was good. I want to thank Corky and Harlon and Corky  
14 mostly, from the standpoint of he is our historian. I am afraid  
15 that we're going to get lost without you, because that's what  
16 they say, is history is how you repeat things and if you're not  
17 here to remind us, we're going to run amuck. Also Harlon. He's  
18 an incredibly tireless advocate for the commercial fishery and  
19 for the fisheries in general. You can't really thank him  
20 enough.

21  
22 I am just going to try to read down the laundry list and be  
23 quick, guys. I do represent access to the 97 percent of  
24 Americans who own this resource and eat these fish and I think  
25 that's an important thing to note and that my thoughts mirror  
26 their thoughts, I think in a lot of cases.

27  
28 Amendment 28, it really is a challenging amendment, because it  
29 really has no solutions in it and it only has problems. It's  
30 one of those things that every time I look at it, every time I  
31 talk about it and think about it, I go, why are we doing this?  
32 We are accomplishing nothing and we continually go in this  
33 circle and I understand the need to want to finish it and get  
34 done with it, but I am still very scared of the concept that  
35 we're going to do something that accomplishes nothing and then  
36 they're going to see that as a solution later and that other 97  
37 percent of the people that I get to feed don't get access and  
38 that really doesn't sit well with me.

39  
40 I also have issues that a lot of our problems that we have in  
41 our recreational fishery comes from the fact that the states are  
42 non-compliant and the non-compliance that the states do that  
43 burn up that extra quota doesn't do any good for the guys that  
44 fish at my dock, the recreational fishermen that pull up and buy  
45 fuel, bait, and ice at my dock.

46  
47 There is no red snapper in our neck of the woods inside of nine  
48 miles. We've got to go further than that and they have

1 resentment to the feds about this ten-day season and really it's  
2 not the feds fault. It's a box that they got put in. I mean  
3 John hit it on the head. You go non-compliant, but we still get  
4 to vote and it doesn't put us in the position to really have to  
5 do the right things for the right reasons and that always has  
6 struggled with me.

7  
8 Amendment 36, it really is, the way it's developing now, in my  
9 eyes, it's trying to chop down what is arguably one of the best  
10 management plans in the world. I mean Buddy just got back from  
11 Tokyo talking with the administrator of fisheries about our red  
12 snapper plan and how well we've rebuilt the stock, but we're  
13 going to come in and undermine the way our system works now  
14 simply so that we can chop it down because we don't like the  
15 fact that some people end up in an advantage over other people,  
16 but yet certain lines in here -- If the gentleman would have  
17 made it today and unfortunately he didn't, the king of mackerel  
18 fishermen, he landed 35,000 pounds at my dock and if you build  
19 this system the way it's starting to develop now, he's not going  
20 to get to do any of it and so it doesn't make any sense, because  
21 I'm certainly not going to put quota in his hands that I'm going  
22 to lose to him later down the line. That's there to protect my  
23 fish house.

24  
25 I am not real fond of the quota withholding framework. I  
26 understand the reasoning, but the whole point of the system is  
27 to manage ourselves and if you do that to us, it kind of takes  
28 that uncertainty in there and is always a challenge.

29  
30 Last is gag and I mean gag grouper, man, you guys have got to be  
31 careful, man. These fish aren't here. I mean I've got some  
32 great young captains that are good fishermen and there's no  
33 reason for them not to go catch those fish. It's the most  
34 valuable fish in the Gulf of Mexico, period, and we cannot catch  
35 them. They are just not there. It doesn't matter what we do  
36 across the board. Thank you.

37  
38 **CHAIRMAN ANSON:** Thank you. We have a question for you, Jason.

39  
40 **MR. WILLIAMS:** Jason, we talked yesterday and I am glad you  
41 mentioned gag. We talked yesterday about what's happening to  
42 the value of gag IFQ and could you tell us real quickly about  
43 that?

44  
45 **MR. DELACRUZ:** The allocation price, I have always felt and  
46 actually talked to NMFS's -- One of their writers that was  
47 developing a paper to talk about how good they're doing. I  
48 said, you know, one of your best indicators of the quality of a

1 stock is the cost of allocation.

2  
3 In an allocated fishery, there is a cost associated with that  
4 and when we were down to 100,000 pounds or even 400,000 for that  
5 year in 2011, gag was three or three-and-a-quarter or \$3.50 and  
6 steadily gag allocation has continued to go down. Right now,  
7 it's hovering in the two's and I think you're going to see it at  
8 a buck-and-a-half or even a buck.

9  
10 If we get the framework action that increases the allocation  
11 because of the incredible stock increase that everybody thinks  
12 happened, if it's even at the lowest consideration, it's going  
13 to just deplete it and they're not going to be worth anything.

14  
15 It's not that I mind that. I mean that's fine, but the fish  
16 aren't there and the other side of the ramification is that if  
17 you open it up year-round and we're killing more fish, you're  
18 not protecting something that we're already having a big problem  
19 with and it's clear. It's like night and day clear.

20  
21 I mean Martin said it and he's got Jamie that fishes for him  
22 that's an awesome fishermen and if they can't catch gags, I  
23 don't -- I mean he's been doing it for thirty years and he's one  
24 of the best and I've got young men that are really skilled  
25 fishermen that just cannot find these fish right now and there  
26 is no reason for them not to.

27  
28 If you can't look at the cost of allocation and the whole  
29 purpose of an IFQ is when you build in an economic model and let  
30 it run purely and if you do, it will answer most of your  
31 questions inside of itself and if you look at it, there is a  
32 reason that red snapper allocation is high.

33  
34 The CPUE is through the roof. There is a reason that you see  
35 red grouper keep tripping up a little bit there. It's a more  
36 expensive fishery to prosecute, but the allocation keeps going  
37 up, because it's a robust fishery. There is a reason gag is  
38 going the other way and so thank you.

39  
40 **MR. BOYD:** Jason, thank you for your testimony. We've heard a  
41 lot of people talk about gag and would you be willing to -- If  
42 you were on this council, would you vote to close the gag season  
43 for commercial and recreational during the spawning season to  
44 help gag?

45  
46 **MR. DELACRUZ:** I think we addressed that more succinctly when we  
47 did the Edges closure and I did. I pushed for that and I asked  
48 for it. I was part of that group and so when we did the Edges,

1 the whole point was we know that the real spawning area for gag  
2 is essentially the Panhandle all the way down just below the  
3 Middle Grounds and east and west of the forty-break. That's  
4 pretty well established by Chris Koenig and a couple of other  
5 people and so we kind of already did that and we closed that bad  
6 boy for six months or four months. It closes January 1 and it  
7 doesn't open until after April and so I think clearly I'm  
8 willing to do that and I've already actually done it.

9  
10 **CHAIRMAN ANSON:** Thank you, Jason. That concludes public  
11 testimony for this evening and thanks to everyone who came and  
12 provided their public testimony. A reminder that tomorrow a  
13 shuttle will leave from the hotel at 7:00, 7:30, and 8:00.  
14 There will be a notice of where to stand and so stand at the X  
15 and get your seat to ride over to the hotel for the Joint South  
16 Atlantic Committee meeting tomorrow. Thank you.

17  
18 (Whereupon, the meeting recessed at 5:50 p.m., June 10, 2015.)

19  
20 - - -  
21  
22 June 12, 2015

23  
24 FRIDAY MORNING SESSION

25  
26 - - -

27  
28 The Full Council of the Gulf of Mexico Fishery Management  
29 Council reconvened at the Marriott Beachside Hotel, Key West,  
30 Florida, Friday morning, June 12, 2015, and was called to order  
31 at 8:30 a.m. by Chairman Kevin Anson.

32  
33 **CHAIRMAN ANSON:** Let's get started with our first report, the  
34 Reef Fish Committee Report. We would like to take care of  
35 something here. Mr. Perret, if you wouldn't mind standing up,  
36 the council -- Of course, Corky, on behalf of the council, we  
37 appreciate all your many years of service and your dedication to  
38 managing the Gulf's fisheries while you were in many states, it  
39 seems.

40  
41 **MR. PERRET:** Alabama may be next, Chris.

42  
43 **CHAIRMAN ANSON:** I just want to open it up. It's a nice weather  
44 station for you and it's in honor of your dedicated service to  
45 the Gulf of Mexico Fishery Management Council from 1979 to 2015.

46  
47 **MR. PERRET:** Thank all of you very much. Thank you, all.

48

1 **MR. FISCHER:** Mr. Chairman, if I could add one thing. He has  
2 done so many things correct, but he has made a grave error. In  
3 1976, he hired me.

4  
5 **CHAIRMAN ANSON:** I think he knew that already, Myron. That will  
6 take us into our first committee report, Reef Fish, and Mr.  
7 Greene.

8  
9 **COMMITTEE REPORTS**

10 **REEF FISH MANAGEMENT COMMITTEE REPORT**

11  
12 **MR. GREENE:** Yes, sir, and good morning. This will be Tab B, as  
13 always. I think what I'm going to do is move the Options Paper,  
14 Joint South Florida, to the very end, because we did not finish  
15 that yesterday and perhaps it would be better just to get the  
16 other stuff out of the way before we pick that document back up  
17 and go through that and unless there are any objections by any  
18 council member, I will proceed on to the SSC.

19  
20 Not seeing anybody having any heartburn over that, we will move  
21 into SSC Review of Alternative Red Snapper MSY Proxies. Dr.  
22 Luis Barbieri presented the SSC's review of analysis of  
23 alternative SPR proxies for red snapper.

24  
25 The SSC concluded that there is insufficient biological evidence  
26 for a better MSY proxy than what is currently used by the  
27 council, the yield corresponding to 26 percent SPR, for Gulf red  
28 snapper.

29  
30 In response to a question from a committee member, Dr. Barbieri  
31 stated that he does not know of any way to quantify the risk  
32 associated with different SPR proxies. In response to another  
33 question as to whether there was biological evidence that the  
34 updated MSY link estimate of 23 percent SPR was either better or  
35 worse than the earlier estimate of 26 percent SPR, Dr. Barbieri  
36 stated that the preferred SPR was 30 percent, based on other  
37 species with similar life history characteristics, but the SSC  
38 felt that 26 percent was close enough to 30 percent, and  
39 therefore, the SSC did not recommend a change.

40  
41 Moving on to SSC Review of the effect of recalibrated  
42 recreational removals and recreational selectivity on estimates  
43 of OFL, ABC, and MSY for Gulf Red Snapper, Dr. Barbieri reported  
44 that the SSC reviewed the effects of alternative red snapper  
45 allocations for the commercial and recreational sectors. The  
46 SSC concluded that if the council changes the allocation between  
47 the two sectors, this would prompt the need to reevaluate the  
48 OFL and ABC projections.

1  
2 **MR. FISCHER:** I would like to back up about a minute, just if  
3 someone wanted to have further discussion. During the  
4 presentation, I did understand that if you lower the SPR that  
5 there would be more risk involved, but the end statement is that  
6 26 is close to 30 and therefore didn't recommend a change.

7  
8 Well, is 26 close to 24? If it's close and doesn't have a  
9 biological difference, it definitely has a harvest difference  
10 and I think that's my question and I don't know who is available  
11 to answer it. There is many species we're struggling for fish  
12 and this is one of the species we're struggling for fish and if  
13 anyone else had a feeling to discuss, I would be happy to  
14 entertain and otherwise, let's move on back to what section  
15 you're on.

16  
17 **DR. STUNZ:** A comment I have on this is that last sentence says  
18 "the SSC felt that 26 was close to 30" and my understanding and,  
19 of course, we need to have more discussion from the experts on  
20 this, is that there wasn't real clear biological justification  
21 that 23 or 24 or anything was any worse than 30 or 26 or  
22 whatever. It was just a matter of how much risk we felt we were  
23 taking on.

24  
25 My personal opinion was that I would be willing to take a little  
26 bit of that risk not to leave those fish on the table. Of  
27 course, I have been saying this for a couple of meetings and I  
28 don't necessarily have any heartburn on leaving it at 26 if the  
29 support isn't around the table, but I think we're foregoing some  
30 benefits by not reducing it some and I think that the fishery  
31 could handle it.

32  
33 Now, if the SSC was to come back and say no, the projections  
34 show at 23 that things would really turn downhill, but I didn't  
35 get that from the report.

36  
37 **MR. DIAZ:** I was just going to maybe try to just bring forward  
38 an idea. If there is some specific question, Myron, that you  
39 feel maybe we should ask again to the SSC, they will be meeting  
40 again before our next meeting and having attended the last SSC  
41 meeting -- If we decide to craft the question, we need to really  
42 craft it very carefully and make sure that it's designed to get  
43 the exact answer that we want, but that may be an option for  
44 you, Myron.

45  
46 **DR. CRABTREE:** So there is the risk side of this and then  
47 there's the question of what is the most appropriate proxy for  
48 MSY in this case. I think what you're hearing from all the

1 scientists is there is no scientific support for using a proxy  
2 of a lower SPR than 26 percent and, in fact, there is more  
3 scientific support for 30 percent than there is for going lower  
4 and then there is the issue of the risk.

5  
6 Going to Myron's comment, if you look at the projections that we  
7 have, you do see a decline. You see a dramatic decline in the  
8 eastern Gulf and if you go to a more aggressive or lower SPR  
9 proxy and higher fishing mortality rates, you end up driving the  
10 eastern Gulf back down to SPRs on the order of 5 or 6 percent.  
11 Well, that's about where we were when the stock collapsed and we  
12 lost all the fish on the west coast of Florida and so there is  
13 substantial risk involved in the eastern Gulf about changing  
14 this proxy, but I have yet to see any of the scientists provide  
15 any scientific support for going to a lower SPR as a proxy.

16  
17 In fact, the further we explore this, I think you're building a  
18 record for going to 30 percent and not the other way around and  
19 so it seems to me this is something we've explored and looked  
20 and there is just no scientific basis to make a change at this  
21 point and I think we ought to move on to other issues.

22  
23 **CHAIRMAN ANSON:** All right, Mr. Greene.

24  
25 **MR. GREENE:** Options Paper, Framework Action to set Gag ACL and  
26 Recreational Season, Dr. Barbieri reported that gag indices of  
27 abundance updated through 2014 by the SEFSC indicate that gag  
28 have had below average recruitment since 2010.

29  
30 The SSC recommended that, given the recent declines in fishery-  
31 dependent and fishery-independent indices of abundance for gag,  
32 that the council use caution when setting the ACL and ACT for  
33 2015 through 2017. Council staff reviewed the actions and  
34 alternatives in an options paper to set gag ACL and recreational  
35 season for 2016 and 2017. Committee members felt that since  
36 they had just seen the options paper, they were not yet prepared  
37 to select preferred alternatives.

38  
39 Hogfish and Mutton Snapper OFL and ABC, Dr. Barbieri reported  
40 that based on an FWC mutton snapper update assessment, the  
41 mutton snapper stock is neither overfished nor experiencing  
42 overfishing.

43  
44 The SSC approved OFL and ABC projections through 2020. These  
45 projections are lower than the current mutton snapper ABC  
46 because the current assessment used an updated version of the  
47 ASAP assessment model that is able to take into account  
48 selectivity and other issues. This resulted in a change in the

1 productivity of the stock, which is more reflective of the  
2 actual stock status.

3  
4 The mutton snapper stock crosses the Gulf and South Atlantic  
5 jurisdictions, with 18 percent of the stock ABC apportioned to  
6 the Gulf in the Generic ACL/AM Amendment. Staff indicated that  
7 they would begin development of a framework action to adjust the  
8 ACL in Gulf waters.

9  
10 Dr. Barbieri also reported that the SSC reviewed an FWC hogfish  
11 assessment that divided hogfish into three stocks. The West  
12 Florida Shelf stock is neither overfished nor experiencing  
13 overfishing. The SSC recommended annual OFLs and ABCs through  
14 2018.

15  
16 The SSC considered offering an alternative constant catch ABC,  
17 but an analysis of a constant catch scenario had not been done.  
18 If the council requests a constant catch ABC, the SSC can review  
19 analysis at its next meeting and report back to the council.

20  
21 Council staff reported that since this was the first time that a  
22 separate West Florida Shelf hogfish stock has been identified, a  
23 plan amendment would be needed to define the stock in the  
24 management unit and set status determination criteria and ACLs.

25  
26 **By a voice vote with no opposition, the committee recommends,**  
27 **and I so move, that the council initiate a plan amendment to**  
28 **define a West Florida Shelf hogfish stock with associated status**  
29 **determination criteria and ACLs.**

30  
31 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on  
32 the motion?

33  
34 **DR. CRABTREE:** Didn't we pass this motion in the joint committee  
35 yesterday when we went through hogfish and didn't the South  
36 Atlantic pass this and we passed it? I mean I guess we can pass  
37 it again.

38  
39 **DR. SIMMONS:** That was a slightly different motion. That was to  
40 remove the hogfish from the FMU and then establish the West  
41 Florida Shelf hogfish and this one is to initiate a plan  
42 amendment to define our stock, the West Florida stock, and also  
43 to define those ACLs with the new yield stream projections and I  
44 guess we would use the Shark Point boundary that was voted on  
45 yesterday.

46  
47 **CHAIRMAN ANSON:** Any other discussion on the motion? **Any**  
48 **opposition to the motion that's on the board? Seeing none, the**

1 **motion carries.** We have a question from Dale.  
2  
3 **MR. DIAZ:** Mr. Chairman, do we have to make a motion to request  
4 a constant catch ABC from the SSC or do we ask for that or does  
5 it need a motion?  
6  
7 **CHAIRMAN ANSON:** It probably needs a motion.  
8  
9 **MR. DIAZ:** In that case, I would request the council staff to  
10 work with the SSC to provide a constant catch ABC for the next  
11 meeting for hogfish.  
12  
13 **CHAIRMAN ANSON:** We have a motion and it's being typed onto the  
14 board and the motion is to request council staff work with the  
15 SSC to request a constant ABC for hogfish and is that correct,  
16 Dale?  
17  
18 **MR. DIAZ:** Provide.  
19  
20 **CHAIRMAN ANSON:** Change that to "provide". To request council  
21 staff work with the SSC to provide a constant catch ABC for  
22 hogfish and do I have a second on the motion? It's been  
23 seconded by Martha. Is there any discussion on the motion?  
24  
25 **MS. BADEMAN:** Just a question. I want to make sure that this is  
26 what we need to say to actually make this happen, because I feel  
27 like the last couple of times where we've discussed having a  
28 constant catch that we've gotten a different yield stream and  
29 they were like, well, you can just pick the lowest one and make  
30 that your ABC for four years or whatever and that's been the  
31 constant catch. Bonnie is not here, of course, and I don't  
32 think Luiz is, but --  
33  
34 **EXECUTIVE DIRECTOR GREGORY:** I think I was asking Clay that the  
35 other day and to do an exact constant catch like they did for us  
36 with red snapper a couple of years ago requires them to put in  
37 trial values and run the whole model until they get the right  
38 poundage that equals the same ABC as before cumulative and  
39 that's very time consuming and so we would have to go through  
40 the Science Center first and get the analyses.  
41  
42 At one point, Clay did something with one species and he said,  
43 well, if you just average the three years, you will come up with  
44 a number slightly above the number you get if you go through all  
45 those iterations, because I have noticed the same thing you  
46 have, that the SSC is very reluctant to do this. I think it's  
47 because of the workload.  
48

1 At our level, the staff level, we will keep pushing for that,  
2 because we've even been asking the Center and the SSC that we  
3 want constant catch for every stock assessment we get, so that  
4 we don't have to keep asking this and we're not getting it. So  
5 we'll just keep pushing on that and I would say the council  
6 could take the average of those three numbers and see if the SSC  
7 will accept that and if the Science Center will accept that.

8  
9 They haven't done what you call a metanalysis of a variety of  
10 these to see if it always works that way, but Clay said that if  
11 you take the average of the three that you're slightly above  
12 what it would really be if you do the iterations, but we will  
13 certainly pursue that for you.

14  
15 **MR. MATENS:** To Mr. Gregory's comments, I think it depends on  
16 whether the catch is increasing or decreasing. If the catch is  
17 decreasing, you are correct, but if the catch is increasing,  
18 then the opposite is true. Maybe it's because I'm an engineer  
19 and not a scientist, but I don't understand why these iterations  
20 are so time consuming. I mean I think I could probably do them  
21 having coffee, but be that as it may, I am in favor of whatever  
22 it takes to get to a constant catch scenario.

23  
24 **CHAIRMAN ANSON:** Any other discussion relative to the motion?  
25 **Is there any opposition to the motion? Seeing none, the motion**  
26 **carries.** Mr. Greene.

27  
28 **MR. GREENE:** Dr. Barbieri reported that the South  
29 Florida/Florida Keys hogfish stock is overfished and  
30 experiencing overfishing. The SSC approved the South Atlantic  
31 SSC's OFL and ABC recommendations to rebuild the stock in ten  
32 years or less.

33  
34 A small portion of the stock extends into the Gulf Council's  
35 jurisdictional waters south of the Monroe/Collier County line  
36 and needs to be part of the rebuilding plan. This will be  
37 discussed during the joint Gulf and South Atlantic Council  
38 meeting.

39  
40 **CHAIRMAN ANSON:** Mr. Greene, we've got a question from Ms.  
41 Bosarge.

42  
43 **MS. BOSARGE:** I didn't get to get my question in when we were on  
44 gag, but I just wanted a quick update. It seems like we didn't  
45 do much with that amendment at the last meeting and we didn't do  
46 much with it at this meeting and what is our timeframe on that?

47  
48 I know we have a while until we take final action, but if we're

1 not looking at it really and going through it, I just worry that  
2 we may end up at the end going, well, we would really like more  
3 analysis on this or that or something that's in the document and  
4 we won't have time to get it.

5  
6 **CHAIRMAN ANSON:** Dr. Crabtree or Doug, do you have any response  
7 to the question of what's the timeline?

8  
9 **EXECUTIVE DIRECTOR GREGORY:** If we had the time, we were going  
10 to bring it here for final action at this meeting, but because  
11 of us including Amendment 39 and we didn't bring it for final  
12 action, but just an options paper. We can bring it for final  
13 action either in August or October and that would allow us to  
14 extend the fishing season through December or start the fishing  
15 season earlier and for you all to decide whether you want to  
16 keep the ACL as it is or raise it slightly.

17  
18 The other thing we can do with this, and I've talked with Steven  
19 and it doesn't delay it that much, is we can also look at size  
20 limits and we have a twenty-two-inch size limit with gag in the  
21 Gulf. They mature at twenty-four inches and we can look at  
22 raising that size limit two inches for the recreational sector  
23 and see what that does and the added benefit of that would be it  
24 will bring us in line with the South Atlantic Council's size  
25 limit for gag and so it would help us to reduce some of the  
26 confusion that's existing here in South Florida at the same  
27 time.

28  
29 If there is a rush or an urgency by the council to do something,  
30 then we can talk about if including the size limit would  
31 measurably decrease our speed and so we're ready to go with it.

32  
33 **MS. BOSARGE:** I guess that was my point. As we get into that  
34 document again, if we were going to take final action today, but  
35 we didn't because red snapper dominates most of our discussion  
36 and we were running out of time, if we need to take final action  
37 next time, we're already a meeting behind on it and if we want  
38 any analysis on changing these size limits, then that puts us  
39 another meeting behind.

40  
41 I mean it's a stock that -- I know it's not red snapper, but we  
42 have a lot of people standing up saying we've got a problem and  
43 we don't need it to end up being something like red snapper,  
44 where we go off the deep-end with it as far as rebuilding and  
45 having a problem with it.

46  
47 **EXECUTIVE DIRECTOR GREGORY:** Well, it's different. The ABCs  
48 recommended by the stock assessment actually suggest an

1 increase. The public is asking us to be cautious. The SSC is  
2 saying to be cautious and so the real question is not are we  
3 going to do a decrease in the ACL that's going to impact the  
4 fishery, but how much of an increase is the council comfortable  
5 providing?  
6

7 Steven was trying originally to get something in place so that  
8 we would not have a December closed season this year. We've  
9 missed that and that was the only urgency from the staff  
10 standpoint and so whether we do it in August or October will not  
11 slow us down from doing that season analysis, because the  
12 council could decide do they want to leave the opening of the  
13 season at July and just open December or do they want to have a  
14 shorter season?  
15

16 The framework procedure, if we finished it in October, could  
17 probably be put in place by March, at the latest, and so it  
18 doesn't take a long time. He thought if we did the framework  
19 and final action in August that we might even be able to get it  
20 by January, but I think that's rushing it.  
21

22 **MS. BOSARGE:** Okay and well, we're not going to look at the  
23 document, but I would like to see some analysis on different  
24 size limits that may match the South Atlantic, if staff can do  
25 that in the interim, so we'll have it for the next meeting.  
26

27 **CHAIRMAN ANSON:** I have Martha, but, Steven, do you have  
28 something to that point?  
29

30 **MR. ATRAN:** Yes and I just wanted to say that if you want the  
31 size limit analysis, we can probably get it to you for the next  
32 meeting, but we're probably going to also have to reanalyze the  
33 season lengths, because that's going to affect that. I would  
34 say it's probably not going to be possible to take final action  
35 in August if you want that.  
36

37 **MS. BADEMAN:** Just a comment. I think that's all okay, adding  
38 the size limit stuff, and especially since it's not really going  
39 to slow it down in terms of implementation time. I did want to  
40 say that I wanted to come back to gag later and throw some  
41 motions out there, but I am cool with adding the size limit  
42 thing.  
43

44 One thing I don't know that we would want to open here, but if  
45 we are going to consider changing the size limit for gag, I  
46 think we should also consider something similar for black  
47 grouper, because there are some people that have some struggles  
48 with identifying the two. That's just food for thought.

1  
2 **MR. WILLIAMS:** Why can't we go back to the document, to B-6(a)?  
3 There is only two options in there and we can choose the  
4 preferreds and tell the public what we're thinking about. I  
5 would like to do that, personally.  
6  
7 **CHAIRMAN ANSON:** This might be the best time.  
8  
9 **MR. WILLIAMS:** I don't think it would be very difficult  
10 actually. Do you want a motion?  
11  
12 **CHAIRMAN ANSON:** If you wouldn't mind.  
13  
14 **MR. WILLIAMS:** I am going to then go back to B-6(a), the options  
15 paper for the 2015 Gag ACL/ACT, and move that we endorse our  
16 preferred option be Action 1, in modifications to the gag annual  
17 catch limits and catch targets, that it be Alternative 1, no  
18 action.  
19  
20 **CHAIRMAN ANSON:** We will give staff a little bit of time to  
21 catch up. We have a motion that the preferred alternative in  
22 the modifications to the gag annual catch limits and annual  
23 catch targets document be Alternative 1, no action. David  
24 Walker was the second. Any discussion on the motion?  
25  
26 **MR. WILLIAMS:** Just briefly, we've heard repeatedly from the  
27 public that we need to be cautious in this. Most everybody that  
28 -- In fact, everyone that I have talked to that is a fisherman  
29 who regularly catches gag grouper says that they are not as  
30 abundant as they used to be and they are not as abundant as the  
31 assessment indicates and that at the very least we need to leave  
32 things as they are and not increase the catch on this species  
33 and so that's the basis of this motion and I will value what the  
34 public says a lot on this one.  
35  
36 **MS. BADEMAN:** I mean it's not just what the public has said and  
37 we've heard a lot of that, but the CPUE analyses that the SSC  
38 looked at were also not so good news and so I think I'm okay  
39 with a conservative approach here.  
40  
41 **MR. WALKER:** It's the same from the Reef Fish AP. They were  
42 concerned about that as well and they wanted a conservative  
43 approach.  
44  
45 **CHAIRMAN ANSON:** All right and so the motion is that the  
46 preferred alternative in the modifications to the gag annual  
47 catch limits and annual catch targets document be Alternative 1,  
48 no action. **All those opposed to that motion please raise your**

1 hand. No opposition and the motion carries.  
2  
3 **MS. BADEMAN:** I want to make a motion also. I move that in  
4 Action 2 that Alternative 2 be the preferred alternative.  
5  
6 **MR. WILLIAMS:** Second.  
7  
8 **CHAIRMAN ANSON:** I have a motion and a second by Mr. Williams.  
9 The motion is in Action 2 that Alternative 2 be the preferred  
10 alternative. Any discussion on the motion?  
11  
12 **MS. BADEMAN:** Just real quick, I think Mike Colby is someone who  
13 talked about this in public comment. We have not been catching  
14 the quota in the pretty conservative catch limit that we have  
15 now. We're choosing the conservative option in Action 1.  
16  
17 This would extend the season out a couple of days and it would  
18 give a couple of really important days of at least the  
19 opportunity to fish for gag for some folks in southwest Florida,  
20 which is late December, Christmastime, and that's a pretty  
21 important time of year for them and so it just provides a little  
22 bit of opportunities, probably with some minimal impact on the  
23 stock. That's my rationale.  
24  
25 **CHAIRMAN ANSON:** Any other discussion on the motion? Any  
26 opposition to the motion? Seeing none, the motion carries.  
27  
28 **MR. WILLIAMS:** I mean the other thing that we've talked about  
29 here, perhaps, is size limit analysis for increasing the minimum  
30 size on gag grouper back to twenty-four inches and we don't have  
31 a preferred here, but I would offer a motion that we ask staff  
32 to prepare a size limit analysis on the effects of increasing  
33 the minimum size on gag and black grouper to twenty-four inches.  
34  
35 **CHAIRMAN ANSON:** We have a motion to have staff prepare a size  
36 limit alternative on gag and black grouper to twenty-four  
37 inches. Is there a second to the motion? It's seconded by Ms.  
38 Bosarge. Any discussion on the motion? Seeing none, is there  
39 any opposition to the motion? Seeing no opposition, the motion  
40 carries.  
41  
42 **MS. BADEMAN:** Just so I'm clear, our timeline now is potentially  
43 approving this final action in October? Okay. Cool. Thank  
44 you.  
45  
46 **DR. SIMMONS:** Just since we're adding some analysis in here and  
47 you unanimously voted no action on Action 1, could we move that  
48 entire Action 1 to the considered but rejected section, since

1 we're adding some additional analysis, or at least reduce the  
2 number of alternatives in there that staff is analyzing? I  
3 think we have five alternatives currently and is that a  
4 possibility?  
5

6 **CHAIRMAN ANSON:** Mara, what's your recommendation?  
7

8 **MS. LEVY:** Well, we're at the options paper stage and I think  
9 maybe we -- Now you're going to look at adding things like black  
10 grouper into this and right now, the document is titled "Gag  
11 ACLs and ACTs and Closed Seasons" and so maybe what we need to  
12 do is restructure the entire thing to address what now you're  
13 looking at addressing, which is really gag seasons and different  
14 size limits for gag and black grouper.  
15

16 You can either reduce the number of alternatives in Action 1 if  
17 you still want those alternatives to go out to the public to  
18 still consider them. If you don't want to change the ACLs -- I  
19 guess we can move it to considered but rejected, but I would  
20 advise having some discussion in the document about the new  
21 assessment and the reasons for choosing not to do anything at  
22 this time.  
23

24 **MS. BOSARGE:** Carrie, would it help if we at least got rid of  
25 maybe Alternative 2 out of that first action? I mean I want to  
26 cut down some of your staff time and that seems to have -- It  
27 looks like it would require the most analysis and it looks like  
28 we're not considering going up on this ACL at all and so tell us  
29 what we can do to help you out.  
30

31 **CHAIRMAN ANSON:** Carrie, do you have any recommendations or what  
32 your preference would be?  
33

34 **DR. SIMMONS:** I am going to defer to Steven. I'm sorry, but  
35 Karen was talking to me at the same time and this is -- He is  
36 lead staff on this, but I think removing Alternative 2 would  
37 help us.  
38

39 **MR. WILLIAMS:** On Alternative 2, you're talking about  
40 Alternative 2, the 3.8-million-pound TAC? I mean we added that  
41 one last time, I think, or a 3.8-million-pound ACL. We added  
42 that last time on David's motion, as I recall, so that we had an  
43 intermediate between Alternative 1 and 3, that we had an  
44 intermediate level. I am of a mind just to send the whole thing  
45 to considered but rejected. Mara seemed to be all right with it  
46 and why put it in here at all?  
47

48 **DR. CRABTREE:** I think you could do that, but if you just want

1 to get rid of alternatives, I wouldn't get rid of Alternative 2.  
2 I would get rid of one of the ones like 5 that has the really  
3 high ACLs, but if you're pretty well set that we're all in  
4 agreement and we're not going to change it, I think you do like  
5 Mara said and remove it to considered but rejected and then just  
6 put some discussion in there as to why we've decided not to  
7 pursue that.

8  
9 **MS. BOSARGE:** I am good with that. Let's do it.

10  
11 **CHAIRMAN ANSON:** Do you have a motion?

12  
13 **MS. BOSARGE:** Let Roy make the motion. It will be cleaner.

14  
15 **MR. WILLIAMS:** I would then move that we move Action 1,  
16 modifications to gag annual catch limits and annual catch  
17 targets, to considered but rejected.

18  
19 **CHAIRMAN ANSON:** We have a motion. Is there a second to the  
20 motion? David seconds. Any other discussion on the motion? **Is**  
21 **there any opposition to the motion? Seeing none, the motion**  
22 **carries.**

23  
24 I guess, going back to the other point that Ms. Levy had said in  
25 regards to the title, I guess we'll give just editorial license  
26 to staff to go ahead and modify the title so it more  
27 appropriately reflects the actions that are in the document.

28  
29 **MR. GREENE:** Just a question and I guess I'm going to look at  
30 Martha at this. I completely understand why you're wanting to  
31 do the gag grouper and black grouper, because I don't know that  
32 I could tell the difference in them, but probably because I have  
33 never looked at a bunch of them, but would it not be more  
34 advantageous to just simply pull out the black grouper and  
35 potentially look at should we look at -- I don't know the size  
36 differences between the Gulf and the South Atlantic, but what if  
37 we did red grouper, black grouper, maybe scamp or something,  
38 just to kind of look and see if that would be a better way?

39  
40 I think we do need to definitely do something with the black,  
41 but I'm just wondering about the other species as well and just  
42 after everything we went through yesterday, just a way to try to  
43 ease things out and at least look at it and see if we can't do  
44 something.

45  
46 **MS. BADEMAN:** That's a good question and kind of one that was  
47 kind of in the back of my mind as well. For black, I am not  
48 very worried about the vehicle. If we do it in here and

1 everybody is okay with that, then that's fine, but if we expand  
2 to other grouper species, I think for the South Atlantic for gag  
3 and black, they're at twenty-four and we're at twenty-two for  
4 both and so that's an easy change, I think, there.

5  
6 With the other grouper species, I don't know if we maybe would  
7 want to consider some give and take with the South Atlantic  
8 Council. I can't remember where they are on all of their size  
9 limits versus relative to us, but I am not worried about the  
10 vehicle as long as we're making things consistent and that makes  
11 me happy.

12  
13 **MR. GREENE:** Well, then perhaps we just do one for black and I  
14 don't know what the size difference between the South Atlantic  
15 and Gulf is between black. I am just trying to help you and so  
16 that -- Maybe just do it for black and then we can go to the  
17 South Atlantic and say, okay, we've changed these two and now  
18 perhaps maybe you all need to look at these other two and I'm  
19 just trying to help you find some common ground so we don't have  
20 to go back through that mess we went through yesterday.

21  
22 **EXECUTIVE DIRECTOR GREGORY:** In the South Florida restructured  
23 and consolidated document, I think it's Action 8, I've got the  
24 differences for the recreational size limits and for black and  
25 gag, yes, it's twenty-two on our side and twenty-four on the  
26 Atlantic side.

27  
28 For scamp, yellowmouth, and yellowfin, the South Atlantic has  
29 twenty inches for all of those species and we have twenty inches  
30 for yellowfin and we have no size limit for yellowmouth and we  
31 have sixteen inches for scamp and I think the sixteen inches for  
32 scamp is a holdover from the early days when we put sixteen  
33 inches on everything to begin with and I think the State of  
34 Florida went to eighteen inches and then we went to twenty  
35 inches for some of them and then eventually up to twenty-four.

36  
37 That's there and there are no stock assessments on those  
38 miscellaneous species and I called scamp, yellowmouth, and  
39 yellowfin. We are expecting a stock assessment on black at some  
40 point in the next year or two and so that -- Blacks do mature at  
41 thirty-two inches and so twenty-two and twenty-four inches,  
42 we're still fishing on immature blacks, but the last stock  
43 assessment said that the black grouper population was not  
44 undergoing overfishing and it was not overfished and so there  
45 hasn't been much concern about that and so we can address black  
46 here or we can wait until we get the black stock assessment from  
47 FWC and that is the difference for the other species.

48

1 We don't have any stock assessments and we would have to dig  
2 into the life history and try to -- It would be more, I think,  
3 work to try to address scamp, yellowmouth, and yellowfin at this  
4 time.

5

6 **CHAIRMAN ANSON:** No other discussion? Dr. Branstetter.

7

8 **DR. BRANSTETTER:** One of the things that was just pointed out is  
9 we are talking recreational size limits?

10

11 **CHAIRMAN ANSON:** Seeing no other discussion, I think you can  
12 carry on, Mr. Greene.

13

14 **MR. GREENE:** East Florida/Florida Keys Hogfish Stock Decision  
15 Document was covered in Tab 5(e) at the Gulf and South Atlantic  
16 Joint Session. Updated Draft Amendment 28, Red Snapper  
17 Allocation, staff summarized the revisions included in the  
18 updated draft of Amendment 28.

19

20 Committee members discussed the timeline for final action. Dr.  
21 Crabtree indicated that the comment period for the DEIS ends  
22 July 20 and that final action could be scheduled during the  
23 August council meeting.

24

25 Draft Framework Action to Allow National Marine Fisheries  
26 Service to Withhold a Portion of the Commercial Red Snapper  
27 Quota in 2016, staff presented the management alternatives and  
28 noted that the percentage of the 2016 commercial red snapper  
29 quota to withhold will be determined once the council takes  
30 final action on Amendment 28, Red Snapper Allocation. Committee  
31 members indicated that final action would be taken during the  
32 August council meeting.

33

34 Revised Alternatives, Amendment 39, Regional Management of  
35 Recreational Red Snapper, the committee discussed the revised  
36 actions and alternatives and the timeline for final action.  
37 Staff indicated that a completed draft could be brought to the  
38 August meeting for the council to review and select remaining  
39 preferred alternatives, but the DEIS would be filed after the  
40 August council meeting.

41

42 **CHAIRMAN ANSON:** Excuse me, Johnny, but we have a question from  
43 Ms. Bademan.

44

45 **MS. BADEMAN:** Before we leave Amendment 39, I want to discuss  
46 two things. One is one of the things that I think I brought up  
47 in committee about getting estimates of days for all of the --  
48 Equivalent days, I guess, for the allocation action. I think it

1 would be helpful to have some idea of what all these percentages  
2 mean for each state with all these different options.

3  
4 **DR. LASSETER:** I do have that table and I could send it quickly  
5 to Meetings if you would like to have it projected on the board  
6 or would you just like to have it for the next council meeting?

7  
8 **MS. BADEMAN:** I'm okay with projecting it now, but I definitely  
9 want to see this incorporated in the document for sure.

10  
11 **CHAIRMAN ANSON:** You had two things, Martha?

12  
13 **MS. BADEMAN:** Yes and so the other thing that I wanted to do or  
14 bring up with this amendment is I wanted to make a motion to  
15 send Amendment 39 out to public hearings again and I can explain  
16 why if I get a second.

17  
18 **CHAIRMAN ANSON:** All right. Motion to send Amendment 39 out to  
19 public hearings and it's been seconded by Mr. Perret. Any  
20 discussion? Do you want to go ahead?

21  
22 **MS. BADEMAN:** Yes and so where I'm coming from here is it's been  
23 quite some time since this went out to public hearing and this  
24 document has evolved a lot. We now have the conservation  
25 equivalency options in here, which is the preferred by the  
26 council, and we will now have some more information about what  
27 this will look like, potentially, with days with each state in  
28 this document now and sector separation is a factor,  
29 potentially, in this document now.

30  
31 I think a lot has changed since we went out before and I want to  
32 make sure people know what they're getting into and that the  
33 public understands what all of this document means and so that's  
34 kind of where I'm coming from here.

35  
36 **CHAIRMAN ANSON:** I have Corky, followed by Dr. Dana.

37  
38 **MR. PERRET:** Thank you and I think it's going to be extremely  
39 important, if indeed we take it out to public hearings again,  
40 that the public be made aware of just what it means. It does  
41 not necessarily mean they're going to get a heck of a lot more  
42 fish or days or so on and so forth, but it will give each  
43 entity, i.e., if each state has their own management area, to  
44 put their own type of alternatives in there, but I want to ask  
45 staff -- Doug, on a timing standpoint, and you know I'm sure  
46 we're talking about at least eight, and I'm just guessing,  
47 public hearings and so what schedule do you think we could fit  
48 that in if this passes?

1  
2 **EXECUTIVE DIRECTOR GREGORY:** Our next four council meetings are  
3 in the northern Gulf and so we'll definitely have opportunity to  
4 hear from the public through the public testimony there. At  
5 this point, to do this, I would say November or December, in  
6 between our October and our January council meetings, where we  
7 have the most time, because we have such a short period of time  
8 between council meetings, approximately six weeks between the  
9 end of this council meeting and the briefing book for the next.  
10 If we could put them off until we had more time to work it in,  
11 that would be best.

12  
13 **MS. BADEMAN:** I mean I know we have some council meetings coming  
14 up, but one of the issues that I see with this also is we had  
15 pretty good attendance at the public hearings that we had  
16 specifically about regional management. At least in Florida we  
17 had a hundred people.

18  
19 We don't have a lot of people that would be affected by this  
20 amendment that come to the council meetings, to be fair. We  
21 don't have a lot of private anglers that typically show up.  
22 Commercial is very well represented and the charter sector is  
23 also very well represented and so it seems like going out to  
24 communities and doing the road show seems to be a way that we're  
25 at least talking to the people that we need to talk to on this.

26  
27 **DR. DANA:** My question is a question. When was the last time  
28 that we went out for the regional meetings or public hearings on  
29 the regional management?

30  
31 **DR. LASSETER:** August of 2013.

32  
33 **DR. DANA:** So we're talking about close to two years ago? Okay.  
34 For some reason, I was thinking it was closer in time and there  
35 gets a point where the public just gets exhausted with all the  
36 meetings that we have out there and then they don't show up, but  
37 I have to agree with Martha that there was quite a lot of folks  
38 that did attend the regional management meetings two years ago.

39  
40 **DR. CRABTREE:** I do think when we went out to public hearings --  
41 I am not sure we even had the state-by-state allocation  
42 preferred alternative there, but we certainly didn't have any  
43 analysis of what it meant to the various states and that's  
44 really a big part of what the public needs to focus on and so I  
45 would support the motion.

46  
47 **CHAIRMAN ANSON:** All right. Any other discussion on the motion?  
48

1 **MS. BADEMAN:** One more thing. I think when we did these before,  
2 when we talked about Amendment 39 in scoping and at public  
3 hearings, we tried to have a state person at each of the  
4 meetings for the respective state to explain on that end how the  
5 process works at the state level, too. I think that would be  
6 helpful here, just to note.  
7  
8 **CHAIRMAN ANSON:** All right. The motion is to send Amendment 39  
9 out to public hearings. **All those in favor of the motion please**  
10 **raise your hand; any opposed. One.**  
11  
12 **EXECUTIVE DIRECTOR GREGORY:** **It passes fourteen to one.**  
13  
14 **CHAIRMAN ANSON:** It probably would be appropriate right now to  
15 go ahead and pick locations for those.  
16  
17 **DR. LASSETER:** We actually have the information on the August  
18 2013 public hearings posted up here, just so you could see where  
19 you went before and what the attendance was at each location,  
20 just for your information.  
21  
22 **CHAIRMAN ANSON:** Very good. Thank you. On the board were the  
23 meeting locations for the last public hearings for Amendment 39  
24 and the number to the right of each location signifies the  
25 number of attendees. Is this the right summary for 39?  
26  
27 **DR. LASSETER:** It is. I received it from Emily and there was  
28 also a webinar where seventeen people participated.  
29  
30 **MS. BADEMAN:** Clearly I must be thinking of the scoping meetings  
31 that we held, because we were at a meeting and there was a  
32 hundred people there on Amendment 39.  
33  
34 **CHAIRMAN ANSON:** I remember ours in Alabama was heavily attended  
35 as well and --  
36  
37 **MS. EMILY MUEHLSTEIN:** I think what's happening is that you guys  
38 are confusing our attendance for the allocation public hearings  
39 with the attendance for this, for the red snapper allocation. I  
40 looked back at our briefing book and this was the numbers that  
41 were given on the public hearing summaries that I gave you in  
42 August of 2013 and so these numbers are true and I think the  
43 meetings where you guys had a lot of people was for the  
44 allocation document and not for this one. I mean you can look  
45 at the -- I can pull up the actual summaries if you want to see  
46 them.  
47  
48 **CHAIRMAN ANSON:** I don't think that will be necessary, Emily.

1 At least you have the locations where the last public hearing  
2 was held for this amendment and if the state reps have some  
3 comments or changes to that list to make recommendations, we'll  
4 start with Texas and Lance.  
5  
6 **MR. ROBINSON:** I think the Corpus and League City area is okay.  
7 I would ask that we consider adding San Antonio into this.  
8 There is a lot of anglers, saltwater anglers, out of that  
9 region, based on our surveys and zip codes and stuff like that.  
10 There is a tremendous number of anglers in that locale.  
11  
12 **CHAIRMAN ANSON:** All right. Thank you. Mr. Fischer.  
13  
14 **MR. FISCHER:** Baton Rouge is sufficient.  
15  
16 **CHAIRMAN ANSON:** Dale.  
17  
18 **MR. DIAZ:** I would say just change ours to the Biloxi/Gulfport  
19 area and wherever the staff can find a suitable location in  
20 either one of those cities would be fine.  
21  
22 **CHAIRMAN ANSON:** I think Mobile is still appropriate for  
23 Alabama. Martha.  
24  
25 **MS. BADEMAN:** I am going to switch Panama City with Destin. I  
26 think the last few times that we've hit both of those at state  
27 workshops that we've done a little bit better at Destin, but  
28 they're still close enough where you can run from one to the  
29 other.  
30  
31 **EXECUTIVE DIRECTOR GREGORY:** Do you think we should keep St.  
32 Petersburg/Tampa?  
33  
34 **MS. BADEMAN:** Something in that area. Yes, I think so.  
35  
36 **CHAIRMAN ANSON:** Does anyone care to make a formal motion to  
37 include these locations?  
38  
39 **MR. PERRET:** I so move.  
40  
41 **CHAIRMAN ANSON:** Mr. Perret makes the motion to include those  
42 cities for public hearing locations for Amendment 39. Is there  
43 a second? Mr. Diaz seconds. Any further discussion on the  
44 motion? **Any opposition to the motion? Seeing none, the motion**  
45 **carries.** Mr. Fischer.  
46  
47 **MR. FISCHER:** Thank you, Mr. Chair. If we're going to take this  
48 out, I think we do have a little bit of housekeeping we need to

1 do or we have to do it regardless. We had some discussion a  
2 couple of days ago and it referred to size limits.

3  
4 **In Action 1, I would like to make a motion, and I can explain**  
5 **after and let me make the motion, that in Action 1 that we**  
6 **remove the term "size limits" from the alternatives,**  
7 **specifically Alternatives 2, 3, and 4.** The regions would manage  
8 red snapper with the federal minimum size limit that will be  
9 established in Action 4. I will see if someone will second it.

10  
11 **CHAIRMAN ANSON:** We have a second by Dale.

12  
13 **MR. FISCHER:** At the inception of this, we always thought that  
14 size limits could conflict with the stock assessments if  
15 different states had different size limits. When we start  
16 trying to calculate the proportional catch per state, it could  
17 create a lot of analysis. If we went with a standard size  
18 limit, it would simplify the document and simplify the analysis,  
19 the proportion that could serve as conservation equivalency for  
20 each state.

21  
22 **CHAIRMAN ANSON:** Any other discussion to the motion? All right.  
23 **Anyone opposed to the motion? No opposition and the motion**  
24 **carries.** Any other -- Mr. Robinson.

25  
26 **MR. ROBINSON:** Just a question first. Under Action 2,  
27 Alternative 2 in this document, the question is, is that  
28 alternative specifically designed to eliminate what has happened  
29 in Amendment 40, to negate Amendment 40?

30  
31 **CHAIRMAN ANSON:** I don't know. Dr. Lasseter.

32  
33 **DR. LASSETER:** Yes and we did discuss this action at a previous  
34 meeting, but it's come to my attention that there is some  
35 confusion. The first sentence says "Extend the separate  
36 management of the federal for-hire and private angling  
37 components and have this amendment applied to the private  
38 angling component only" and so essentially yes, that would  
39 remove the sunset and that is detailed in the discussion and in  
40 the tables.

41  
42 To make it even more clear, we will add the phrase to the  
43 beginning of this alternative that says "remove the sunset and  
44 extend the", just to make sure it is very clear for everybody.

45  
46 **MR. ROBINSON:** Okay. Well, I guess then I would like to make a  
47 **motion under this same action and I think they can pull the**  
48 **motion up, but my motion would be that in Action 2 to add the**

1 following alternative in the separate management of the federal  
2 for-hire and private angling components upon implementation of  
3 this amendment and have this amendment apply to the entire  
4 recreational sector. The private angling and federal for-hire  
5 components would be managed by each region under regional ACLs  
6 based on the allocations selected in Action 6. A region may  
7 establish different management measures for its private angling  
8 and for-hire vessels, specifying these measures in the region's  
9 CEP or state regulations under delegation. For such a region,  
10 the regional component ACLs would be created based on: Option a,  
11 the average of the region's historical landings for the years  
12 1986 to 2013; Option b, the average of the region's historical  
13 landings for the years 1996 to 2013; Option c, the average of  
14 the region's historical landings for the years 2006 through  
15 2013; Option d, 50 percent of the region's average historical  
16 landings from 1986 to 2013 and 50 percent of the region's  
17 average historical landings from 2006 to 2013; Option e,  
18 excluding landings from 2006; Option f, excluding landings from  
19 2010.

20  
21 **CHAIRMAN ANSON:** All right. A motion is on the board. Is there  
22 a second for the motion? It's seconded by Dr. Stunz. Any  
23 discussion on the motion?

24  
25 **DR. DANA:** Why are you making the motion, Lance?

26  
27 **MR. ROBINSON:** I think the rationale here is that I think in our  
28 particular case the states would like to see in regional  
29 management as much flexibility as possible and if a state wishes  
30 to manage their recreational sector as a whole, they ought to be  
31 allowed to do that, but there also may be states that would like  
32 to manage based on the separate sectors and they ought to be  
33 allowed to do that as well.

34  
35 This particular action would give the states the ability for  
36 that flexibility, to incorporate whatever flexibility they  
37 believe would work best for their fishermen.

38  
39 **MR. WILLIAMS:** I speak in opposition to this. The state  
40 agencies do not own the private for-hire vessels and the private  
41 for-hire vessels have come to us meeting after meeting after  
42 meeting and asked for sector separation. They want to be  
43 managed by the federal government and they don't want to be  
44 managed by the states.

45  
46 They want to be managed under the Magnuson Act and we have spent  
47 several years figuring that out. We have approved Amendment 40,  
48 which separated them. It only gives them three years to try to

1 figure out how to extend it on a permanent basis and this would  
2 end that and I think we're doing exactly the wrong thing and I  
3 speak against it.

4  
5 **CHAIRMAN ANSON:** I have Corky, followed by John and Myron.

6  
7 **MR. PERRET:** Lance, I want to compliment you on a well-crafted  
8 motion, but I can't support it. Mr. Williams I think expressed  
9 the same feelings I would have relative to this. The federal  
10 for-hire guys have repeatedly asked us to maintain them under  
11 federal management and they didn't want to be a part of the  
12 regional management at the state level and, like I said, Roy  
13 Williams summarized his opposition very well and I feel  
14 basically the same way.

15  
16 **MR. SANCHEZ:** I am curious. I can't support it either, for  
17 everything that's been said already, but I am curious to know if  
18 someone can answer how many pounds of landings reported,  
19 documented, come from the for-hire versus how many come from the  
20 private recreational in Texas.

21  
22 **CHAIRMAN ANSON:** I don't know if any -- Ava, is that information  
23 -- Do you have it handy?

24  
25 **DR. LASSETER:** I want to say it's definitely much more charter,  
26 I believe, than private. I could look it up and get back to you  
27 in a few minutes, but I want to say 65 or 75 percent are  
28 charter, but Roy Crabtree is nodding his head yes and so I  
29 believe that's correct.

30  
31 **CHAIRMAN ANSON:** All right. Myron and Harlon, we'll get you in  
32 just a couple of speakers.

33  
34 **MR. FISCHER:** Thank you, Mr. Chair. Well, if we're taking this  
35 back out to scoping, as Martha had passed in a previous motion,  
36 and one of the things she stated is the numerous people who  
37 don't attend these meetings.

38  
39 I have heard for a couple of years the same twenty people  
40 testify and they follow us to every meeting we go and I want to  
41 hear what new blood has to say about it. I think we ought to go  
42 out, if we're going to go to scoping, and let new people look at  
43 this and get their opinions. That's the silent majority, silent  
44 opinion, we're not hearing from, the people who don't attend. I  
45 would like to see what they have to say and we're not saying  
46 it's a preferred. We're just saying it's another alternative on  
47 the wall that they could comment about.

48

1 **DR. CRABTREE:** Lance, is your vision on this that if the council  
2 were to add this and then choose this as their preferred  
3 alternative that we would choose one of those suboptions and  
4 then that would be the allocation the state would have to use if  
5 they chose to do this? Is that your intent?  
6

7 **MR. ROBINSON:** Those options came right out of Amendment 40 and  
8 so yes, it would be selecting one of those options and if the  
9 state chose to manage based on split sectors, then those options  
10 are the same ones that were in 40. If we wanted to choose the  
11 same option that prevailed in 40, then that would be --  
12

13 **DR. CRABTREE:** But the council would choose that option in  
14 Amendment 39 and then if the state wanted to go that path, they  
15 would have to follow it. We would essentially be redoing the  
16 allocation that was just approved in Amendment 40 and relooking  
17 at that all over again, right?  
18

19 **MR. ROBINSON:** Right.  
20

21 **MR. PEARCE:** I have to speak in opposition to this and I want to  
22 remind some of the states, all the states out there, that I wish  
23 I could be there to help you get regional management passed. I  
24 know you guys have worked really, really hard on it, but just  
25 listening to the discussion today and listening to everything  
26 that's going on, this amendment could last for another three  
27 years before it happens, if it happens.  
28

29 I don't think the states can agree or get along on anything in  
30 this amendment and I don't think that the allocations in the  
31 amendment are going to work and every time we do something like  
32 this, we just throw something else in it that complicates the  
33 issue and makes it that much harder for regional management to  
34 pass.  
35

36 I just really need to speak against this and I would love to see  
37 regional management simplified and I would love to be able to  
38 help you make it happen, but I won't be there, but this is just  
39 another reason why it's going to take years, again, to get  
40 anything done in this amendment.  
41

42 **CHAIRMAN ANSON:** Thank you. Ms. Bosarge.  
43

44 **MS. BOSARGE:** This goes back to allocation again and if you  
45 remember yesterday when we talked about mackerel, I tried to  
46 come up with an alternative that would essentially make both  
47 sectors happy and not truly reallocate, but let somebody go  
48 catch the fish. I did that because it takes us forever to make

1 a decision on a hard shift in allocation.  
2  
3 We already did this once in 40 and it was a bloody, nasty, long  
4 battle. These guys need some type of new management and why  
5 would we add this into this document and go through that whole  
6 exercise again and slow this down for another two years? I  
7 don't know. Is that the strategy so that sector separation can  
8 reach its sunset and we still have nothing for these guys?  
9  
10 I don't see the point in revisiting this exercise again and  
11 essentially punishing the private angler by doing so because we  
12 cannot move this forward. It will slow it down. We can't turn  
13 anything over to the states until we have this long, drawn-out,  
14 bloody allocation battle again.  
15  
16 I want to see this document move forward and I want to try and  
17 let the states do something for their private anglers and I  
18 don't want to slow it down and to me this slows it down.  
19  
20 **MS. LEVY:** I have just a couple of concerns that I want you to  
21 think about before you vote on this, the first one being the  
22 allocation decision and the idea of revisiting the same question  
23 shortly after you made the determination on an allocation and a  
24 finding that it's fair and equitable and meets all those  
25 requirements of the Magnuson Act that just got implemented.  
26  
27 If you end up going down this path, there is going to have to be  
28 some real discussion and justification about why it would be  
29 appropriate so shortly after that to change the allocation.  
30  
31 The other concern I have is how this would get implemented,  
32 because what we're talking about now is not the states adjusting  
33 measures that are sort of discretionary under the Act and so  
34 like seasons and bag limits, those are discretionary management  
35 measures. Annual catch limits are not discretionary management  
36 measures and so I am just trying to sort of think through in my  
37 head how the agency would implement a state coming in and saying  
38 now we want component accountability measures.  
39  
40 It's like we would probably have to do some sort of proposed  
41 final rule framework action to actually change that in the  
42 regulations, which is a little bit different than what we were  
43 thinking about when we were thinking about conservation  
44 equivalency and approving, kind of with a notice, that the  
45 state's bag limit and season meet that conservation equivalency  
46 and so there's a procedural hurdle that would have to occur and  
47 I haven't thought through it all in my head, but I just wanted  
48 to raise those two issues for you to think about.

1  
2 **CHAIRMAN ANSON:** Any other discussion on the motion?

3  
4 **MR. WALKER:** Lance, how does the State of Texas -- How do you  
5 visualize managing them, as a whole or separate, with the  
6 recreational and the charter and private angler?

7  
8 **MR. ROBINSON:** I don't think we've made a final decision on that  
9 yet, David. I think the idea behind regional management is that  
10 it affords the state the opportunity to work with all of their  
11 fishermen, all of their sectors, to come up with a plan that  
12 works best for everyone and so we have not made any preconceived  
13 decisions on how we would proceed.

14  
15 The whole idea behind this one is just to provide some  
16 additional flexibility so the states can have those  
17 conversations with their constituents, all of their  
18 constituents, charter for-hire and all the for hire sector as  
19 well as the private recreational. I believe this motion allows  
20 us to have that dialogue.

21  
22 **MR. WALKER:** But under Amendment 40, the charter for-hire has  
23 the flexibility.

24  
25 **CHAIRMAN ANSON:** We are going to go ahead and vote on the  
26 motion. Can staff assist with counting? Ava, can you help with  
27 counting the votes? **All those in favor of the motion please**  
28 **raise your hand; all opposed. It's eight to eight and the**  
29 **motion fails.** All right. Do we have any other -- Lance.

30  
31 **MR. ROBINSON:** Thank you, Mr. Chairman. I have another motion,  
32 please. **The next motion would be to remove Alternative 3 from**  
33 **Action 2. The proposed motion would be in Action 2 to move**  
34 **Alternative 3 to the considered but rejected section.**

35  
36 **CHAIRMAN ANSON:** We have a motion on the board in Action 2 to  
37 remove Alternative 3 to the considered but rejected section and  
38 on the board that alternative is listed that's currently in the  
39 document. Do we have a second to the motion?

40  
41 **MR. BOYD:** I'll second it.

42  
43 **CHAIRMAN ANSON:** It's been seconded by Mr. Boyd. Any discussion  
44 on the motion?

45  
46 **MR. GREENE:** Mr. Robinson, why?

47  
48 **MR. ROBINSON:** I think this particular alternative -- When I

1 read through it, it was pretty confusing and if you looked at  
2 the document with the different matrices that came out, this one  
3 just didn't -- It was just kind of cumbersome to me. I just  
4 think that this is one that separate management -- I am just  
5 looking to see it considered, but in that rejected section.

6  
7 **MR. DIAZ:** I would speak against that motion at this time,  
8 because I think Lance's previous motion was an attempt to try to  
9 get something that was better than this motion, but this motion  
10 does still have some flexibility for a state to manage both  
11 sectors and I think some states would like to do that and so at  
12 this time, even though it's probably not as good as the motion  
13 that just failed, I think it's better to leave it in the  
14 document.

15  
16 **CHAIRMAN ANSON:** All right. Any other discussion on the motion?  
17 The motion is in Action 2 to move Alternative 3 to the  
18 considered but rejected section. **All those in favor of the**  
19 **motion please raise your hand; all those opposed to the motion**  
20 **please raise your hand. The motion fails five to nine.** Mr.  
21 Williams.

22  
23 **MR. WILLIAMS:** As long as we're doing this considered but  
24 rejected and moving things to considered but rejected, I would  
25 like to move that Alternative 4 be moved to the considered but  
26 rejected section in the same action, in Action 2. Alternative 4  
27 would end the separate management of federal for-hire and  
28 private angling components upon implementation of this amendment  
29 and the amendment would apply to the entire recreational sector  
30 and so I move that we move Alternative 4 in Action 2 to  
31 considered but rejected.

32  
33 **CHAIRMAN ANSON:** We have a motion on the board and is there a  
34 second to the motion?

35  
36 **MR. PERRET:** Second.

37  
38 **CHAIRMAN ANSON:** It's been seconded. Is there discussion?

39  
40 **DR. CRABTREE:** I might be sympathetic to your ultimate view of  
41 how to manage the fishery, but in the interest of a reasonable  
42 range of alternatives and things, I don't support removing this.  
43 Ultimately we're going to have to pick a preferred and make a  
44 decision on it, but it seems to me this has a lot of interest in  
45 it and probably ought to remain in the document.

46  
47 **MR. DIAZ:** I agree with Dr. Crabtree. We're sending this back  
48 out to public hearing and let's hear what the public has to say

1 on that option.

2  
3 **DR. DANA:** I wanted to see what that language was, but Martha  
4 has shown me on her screen, but maybe somebody else wants to see  
5 the actual language of what we're proposing to move to the  
6 rejected section.

7  
8 **CHAIRMAN ANSON:** I think staff is trying to get that in the  
9 motion. The Alternative 4 that is currently in the document is  
10 now inserted into the motion. Is there any other discussion on  
11 the motion?

12  
13 **MS. LEVY:** I just want to reiterate that I think for the  
14 purposes of NEPA that the agency is going to have to analyze it  
15 regardless of whether the council chooses to move it or not. I  
16 think it is a reasonable alternative and we probably have to do  
17 the comparative analysis anyway.

18  
19 **MR. WILLIAMS:** Given the comments of both Mara and Dr. Crabtree,  
20 I would like to withdraw my motion, if the seconder would agree.

21  
22 **CHAIRMAN ANSON:** All right and Mr. Perret does agree and so the  
23 motion has been withdrawn. Do we have any other comments on 39  
24 while we're here? Dr. Stunz.

25  
26 **DR. STUNZ:** My comment is in the same action and maybe staff or  
27 Ava can explain a little better on Alternative 2. I understand  
28 on the other alternatives why the separate management and within  
29 the context of Amendment 40 is extended, but not so much in  
30 Alternative 2. It's not listed there in the actual alternative  
31 under that action, but when you read later down in the  
32 discussion, this would essentially remove the sunset provision  
33 that's in Amendment 40 and I'm not clear -- Maybe Ava can  
34 explain and then I have another comment, depending on what she  
35 tells us there.

36  
37 **DR. LASSETER:** As I mentioned in the beginning of this  
38 discussion, the confusion had been brought to my attention  
39 regarding this and that staff will add to the beginning of this  
40 alternative "remove the sunset and extend the separate  
41 management", just to make it fully clear. It is addressed in  
42 the discussion and in the table, but we will go ahead and add  
43 that.

44  
45 **DR. STUNZ:** Well, that certainly would make it clearer, but I  
46 don't remember us having discussion, and maybe this occurred  
47 before I had joined the council, but in the other ones it  
48 totally makes sense to have that and in this one, I could just

1 envision a hypothetical scenario that under Amendment 40 there  
2 is a lot of complaint -- Not complaint, but others have  
3 mentioned that what if it's not successful and the sunset  
4 provision being in there allows us to -- That would end that,  
5 obviously.

6  
7 It may very well be successful and you want to keep it ,but it  
8 may not be and this alternative, it seems to me, that it would  
9 end that provision in Amendment 40 and I'm not sure I'm  
10 comfortable with going there. I mean I would recommend that  
11 alternative just start -- You know removing the first half of  
12 that first sentence, essentially.

13  
14 **DR. CRABTREE:** This one has always been clear to me from the  
15 get-go. We're making a decision as to whether regional  
16 management is going to apply to just the private vessels or to  
17 the federally-permitted for-hire vessels or not and that's the  
18 decision we need to make.

19  
20 If our decision is it's only going to apply to the private  
21 vessels, then we would remove the sunset and sector separation  
22 continues and so that's always been my understanding of how this  
23 one works and it seems quite reasonable to me. I am all for  
24 clarifying the language so that there's no confusion about it,  
25 but it seems okay to me.

26  
27 **CHAIRMAN ANSON:** Mara, you had your hand up too and did you want  
28 to make a comment?

29  
30 **MS. LEVY:** Just that this whole action was added when Amendment  
31 40 was passed to allow the council to make a decision in this  
32 document about whether to keep it and remove the sunset or not.  
33 That's why each alternative either extends it or ends it,  
34 because it has a sunset. If you don't do anything -- If you  
35 never do anything with this document and you never do anything  
36 else, it will sunset.

37  
38 It was if you actually go through this document and decide to  
39 take final action that you make the decision in this document  
40 about what happens with sector separation.

41  
42 **CHAIRMAN ANSON:** To that point, Dr. Crabtree?

43  
44 **DR. CRABTREE:** Yes and if we don't come to a decision point on  
45 this amendment over the next couple of meetings, then we're  
46 going to need to discuss a separate amendment to reevaluate the  
47 sunset and decide whether we want to allow the sunset to occur  
48 or whether we want to remove the sunset and have Amendment 40

1 continue or whether you want to extend the sunset to some  
2 distance in the future.

3  
4 Now, I don't know if we need to do that right now, but if this  
5 amendment -- If ultimately we don't move forward with it, we're  
6 still going to need to deal with the sunset.

7  
8 **DR. STUNZ:** That's my exact point, Roy, but at this point  
9 though, I mean if we're going out for additional public hearings  
10 and that kind of thing, I don't see that this is going to be  
11 that much of an issue then.

12  
13 **MR. PEARCE:** I agree with Dr. Crabtree and I don't think at this  
14 particular moment is the time to talk about developing another  
15 amendment to discuss the sunset, but I am going to present an  
16 amendment at the end of the Reef Fish Committee to do just that.  
17 I don't think it's the time to do it right now, but I will  
18 present a motion like that at the end of the committee, before  
19 the end of the committee.

20  
21 **MR. GREENE:** I think the way that I read this -- It's been clear  
22 to me since the beginning, but you know you've had a lot of  
23 charter guys that have always been fully supportive of the  
24 recreational fishery being managed by the state agencies around  
25 and I think that was kind of the intent and I think that there  
26 has been a lot of support for that and so I just wanted to bring  
27 that to your attention.

28  
29 **CHAIRMAN ANSON:** All right. Any other comments on Amendment 39  
30 while we're here? Mr. Fischer.

31  
32 **MR. FISCHER:** I just want to bring it up for discussion in case  
33 I'm missing something. I am on 39 on page 6 and it's on Action  
34 5 and someone may want to make a motion to this effect. I  
35 suspect this is some of Dr. Shipp's language and as much as he  
36 is my mentor, I'm not certain about it. It's on Alternative 3  
37 and I would like to get that back up for discussion.

38  
39 What we're doing is we're forcing vessels to fish shallow water  
40 for juvenile fish and I don't think red snapper is a species you  
41 can use depth of water as a method of creating a regulation,  
42 because you fish them off the bottom. You might be in 200 foot  
43 of water, but you might be fishing seventy-five feet down.  
44 **There is a motion on the board and I will move that.**

45  
46 **CHAIRMAN ANSON:** We have a motion in Action 5 to move  
47 Alternative 3 to the considered but rejected section.  
48 Alternative 3 is listed there and it is pulled from the current

1 document and do we have a second?

2

3 **MR. DIAZ:** I'll second it.

4

5 **CHAIRMAN ANSON:** We have a second by Mr. Diaz. Any other  
6 discussion on the motion?

7

8 **MR. WILLIAMS:** What page is this on, so I can look at the  
9 context?

10

11 **MR. FISCHER:** I am on page 36 in my document.

12

13 **MR. PERRET:** If it were my druthers, I would move the whole  
14 thing to considered but rejected, but since the plan is to take  
15 all this out to public hearings, I suggest doing just that with  
16 what's in there, but can you imagine the enforcement nightmare  
17 this option could create?

18

19 One state could be nine miles and one could be twenty nautical  
20 and one could be twenty fathoms and one could be thirty fathoms  
21 and we're kidding ourselves. There is no way in the world, with  
22 the current capabilities, to have any sort of effective  
23 enforcement, but let the public comment on this type of thing.  
24 It's options and I don't think they're very doable options from  
25 an enforcement standpoint.

26

27 **DR. CRABTREE:** I agree with Mr. Perret and my preference would  
28 be to take the whole action out. I have never agreed with this,  
29 but I think what this alternative was trying to do was get at  
30 something that could be analyzed, because if you take this out,  
31 what do you analyze?

32

33 You just have some vague notions about closed areas and so if  
34 you take this out, there won't be any NEPA analysis done on this  
35 and so if a state ever did want to do some sort of a closed  
36 area, they would have to come back to the council and we would  
37 have to go through the entire amendment process with a NEPA  
38 document and everything and so I tend to agree with Myron that  
39 this seems kind of really strange to me, but I think the problem  
40 with this is the whole action just isn't a very workable deal.

41

42 **MR. DIAZ:** I guess to that point, Dr. Crabtree, couldn't a NEPA  
43 analysis be done on the Preferred Alternative 2?

44

45 **DR. CRABTREE:** What do you analyze? You don't know what areas  
46 might be closed and it's too vague. I mean without knowing what  
47 the areas that are being proposed, what is there to analyze and  
48 that preferred alternative doesn't have any specifics and so I'm

1 just not sure what there is to analyze.

2  
3 **CHAIRMAN ANSON:** Anyone else? Martha, did you have a comment?  
4

5 **MS. BADEMAN:** I think I'm okay with getting rid of -- Myron's  
6 motion or whoever's motion this is, but I am hesitant to throw  
7 the whole action out, because at least the way the discussion  
8 for Alternative 2 is right now, it's talking about doing -- A  
9 state could do not necessarily EEZ water and state water  
10 regions, but you could do a north/south or something like that.  
11 Florida could do with red snapper what we do with spotted  
12 seatrout or red drum, for example. We have different management  
13 areas in different parts of the state and that extends -- We  
14 would extend state waters and federal waters, potentially. I am  
15 not ready to totally let this action go, but I can part with  
16 this alternative.

17  
18 **MR. DIAZ:** I agree with Martha. I think we could get rid of  
19 this alternative and I agree with a lot of what Corky said.  
20 It's very complicated and it would ease a little bit of work on  
21 the staff and a lot of these alternatives would be very  
22 difficult for law enforcement and I think it's going to be  
23 difficult for the public to wrestle with these things too and so  
24 I'm in favor of removing it.

25  
26 **MR. GREENE:** I support getting rid of Alternative 3 and I  
27 really, at first, thought maybe we need to get rid of the whole  
28 action, but if we're going to keep Preferred Alternative 2 in  
29 there and we're going to go to the public, I think we need to  
30 show the public what areas we're talking about so that we can  
31 get input from them as well as law enforcement.

32  
33 **MS. BOSARGE:** Just a question for the states. I mean are any of  
34 these things that you may consider, I mean if you were managing  
35 all of it? Are these things that if you were going to change  
36 some boundary lines that you might consider having open or  
37 closed or doing at some point? I mean if they're reasonable  
38 things that you may consider, I think we would want to leave it  
39 in there for analysis.

40  
41 **CHAIRMAN ANSON:** Anyone from the states want to answer that?  
42

43 **MS. BADEMAN:** This is going to be kind of a non-answer. I mean  
44 ultimately what happens in our state is decided by our  
45 commission and I haven't gotten an indication that they would go  
46 in this direction, just in discussions that we've had and I know  
47 that this suite of alternatives has been problematic for some  
48 people and problematic for analysis and so that probably doesn't

1 really help much, but that's kind of where I'm at.

2  
3 **MR. MATENS:** I am a little confused. We're talking about  
4 Alternative 2 and 3 and unless I read this incorrectly, and  
5 maybe I have the wrong document, but Alternative 3 says  
6 establish a Gulf-wide boundary and so arguing about whether  
7 states are going to have two different mile limits seems  
8 inappropriate.

9  
10 I am focusing on Alternative 2. I have had some level of  
11 discomfort with this all along. I understand the rationale for  
12 wanting to do it and I certainly understand what Florida and  
13 Texas are saying, but it looks like we're voting on a pig and a  
14 poke. We don't know how this is going to affect us.

15  
16 My personal opinion is if this something that Texas wants and  
17 this is something that Florida wants then they can have it, but  
18 I don't think it's something that Louisiana would worry about.

19  
20 **MR. WILLIAMS:** A question then. Given Camp's comments, a  
21 question for Dr. Crabtree or possibly Mara. Would we be better  
22 off removing Alternative 2, because at least Alternative 3 is  
23 analyzable. Alternative 2 is an up-in-the-air alternative and  
24 why don't we remove Alternative 2 instead of Alternative 3? At  
25 least you can analyze 3.

26  
27 **DR. CRABTREE:** Yes, but it's just why would you do 3 is what I'm  
28 trying to figure out.

29  
30 **MR. WILLIAMS:** I can't figure out why we would do 2, so --

31  
32 **DR. CRABTREE:** If you do 3 too, it's not something the states  
33 get to change or anything, because, as Camp pointed out, it's  
34 Gulf-wide and so you could get rid of Alternative 2 and 3.

35  
36 **CHAIRMAN ANSON:** That would require a substitute motion, Dr.  
37 Crabtree.

38  
39 **MR. WILLIAMS:** I would offer a substitute motion that Action 5,  
40 closures in the Gulf EEZ, be moved to the considered but  
41 rejected.

42  
43 **CHAIRMAN ANSON:** We have a substitute motion that Action 5 be  
44 moved to the considered but rejected section.

45  
46 **MR. PERRET:** I'll second.

47  
48 **CHAIRMAN ANSON:** It's been seconded. Any discussion on the

1 substitute motion?

2  
3 **MS. LEVY:** I think I've said this before about the closed areas  
4 and it's similar to the concern with the alternative we tried to  
5 add for Action 2, is that there are going to be procedural  
6 questions down the road if you end up going -- Not removing it  
7 and going with the current preferred alternative about what  
8 would have to happen with these conservation equivalency plans  
9 and what additional NEPA analysis and rulemaking would have to  
10 be done and just so you're thinking about it.

11  
12 It does complicate the whole idea of submitting these plans and  
13 getting them approved and just implementing them in terms of  
14 timeline and how fast things can happen.

15  
16 **MR. WILLIAMS:** Mara, I'm sorry, but I didn't really follow your  
17 point. Are you speaking for my motion or against my motion?

18  
19 **MS. LEVY:** I'm not giving an opinion on your motion. That's for  
20 you all to decide, but just for you to think about that if this  
21 action doesn't get removed and the preferred goes through, which  
22 is Preferred Alternative 2, that there are procedural  
23 complications with respect to approving these conservation  
24 equivalency plans that would have these various closed areas in  
25 them.

26  
27 **MR. PERRET:** Thank you for that input, but it seems to me this  
28 whole action requires an extremely difficult amount of analysis,  
29 number one, and the potential with the current preferred that if  
30 this action passes we're doing away with it as well as the rest  
31 of this particular action, creates just ungainly possibilities  
32 as to what could be done in each area and I assume it could be  
33 changed on an annual basis or a semiannual basis or whatever.

34  
35 I think, from an enforcement standpoint, we're just -- If we  
36 keep this in and we have this type of management, it's going to  
37 create ungodly enforcement issues and so I support Mr.  
38 Williams's motion.

39  
40 **MS. BADEMAN:** Just so that I understand, let's pretend we throw  
41 away this action. This is a Mara question, just so you're teed  
42 up. If we throw out this action and we implement regional  
43 management and we have the conservation equivalencies and a  
44 state does want to split their state into areas, they would be  
45 able to do that or they would not be able to do that?

46  
47 **MS. LEVY:** Essentially the council would have to do it and so  
48 the state would have to come to the council and the council

1 would have to do some sort of framework action or a plan  
2 amendment, depending on what we decide needs to happen, to  
3 actually establish the closed areas, but essentially I'm not  
4 sure that that's much different than what would have to happen  
5 under the conservation equivalency plan, because we don't really  
6 have an analysis we can do at this point with the vague  
7 alternatives and so we would have to know what the states want  
8 to do and we would have to do some sort of regulatory action to  
9 implement it and so it might be a distinction without a  
10 difference in the end. We would have to work out what that  
11 procedure would be.

12  
13 **DR. CRABTREE:** But I'm not reading what Martha is asking about  
14 as having anything to do with closed areas. I think Martha is  
15 saying could the state set a different season in one part of the  
16 state than in the other and it seems to me they could, because  
17 we're delegating them the authority to set seasons, right? Not  
18 delegating, but they're allowed in the conservation equivalency  
19 to specify the season.

20  
21 For example, if Florida wanted to say the season in the  
22 Panhandle is this and the season in South Florida is that and  
23 here's the analysis that shows that, I think you could do that  
24 under the current thing, because that's not creating a closed  
25 area in the way we're thinking of it. I mean I guess you could  
26 say any seasonal closure is a closed area, but this action is  
27 talking about closing discreet areas in the EEZ and that's not  
28 what you're asking about, at least as I understand your  
29 question.

30  
31 **MS. BADEMAN:** Well, yes. I mean that's been unclear to me,  
32 especially because in the discussion about Preferred Alternative  
33 2, it specifically talks about -- The example is Florida and you  
34 could do one thing in the Panhandle and another thing off of St.  
35 Petersburg and so I think that's been unclear to me and I think  
36 maybe, regardless of what happens in this action, we need to lay  
37 that out and how that will work.

38  
39 **DR. CRABTREE:** Maybe we ought to clarify that in the language  
40 here, that a state could have a different season in one area  
41 than the others.

42  
43 **MR. DIAZ:** I think this might be a question for Ava or possibly  
44 Dr. Crabtree, but listening to Mara talk, if a state decided to  
45 close a boundary of the part of the EEZ off their state, it  
46 would require a NEPA analysis, which might be very complicated.  
47 That's what I heard Mara say.

48

1 Right now, the states have to turn in their conservation  
2 equivalency plans in July of the year and is that enough time  
3 for a state, if they want to do this type of action, to have the  
4 NEPA analysis done or would the state have to turn in their plan  
5 sometime earlier in the year if they went down this road?  
6

7 **DR. LASSETER:** My understanding is they would be due July 1 and  
8 you would not have time to do the full plan amendment by the  
9 next year. If only a framework action was required, I think  
10 that could be done more quickly, but it's the determination of  
11 what type of document would be required and I will turn this  
12 over to Mara and perhaps she can speak further.  
13

14 **MS. LEVY:** I don't know that we've sort of worked out exactly  
15 what would have to happen. I guess we would need to know  
16 exactly what type of regulatory thing we needed to do and what  
17 was being proposed. I mean we can think about that more.  
18

19 I know we had like a timeline set out and that assumed that we  
20 wouldn't have to do any of these more complicated types of  
21 actions and so I think we would have to go back and think about  
22 what the mechanisms would be and how long they would take and  
23 then while I have the mic on, I do see Roy's distinction with  
24 respect to what Martha said.  
25

26 The distinction between setting the state season and it being  
27 applicable to the adjoining federal waters -- Like it's about  
28 where you land, right? At this time of the year, you can land  
29 in this part of Florida and fish in this part of Florida and at  
30 this time -- Because all of this was landings-based with respect  
31 to the EEZ and so I guess that's a distinction.  
32

33 We were saying the EEZ was open, but if you land in X state, you  
34 have to abide by their bag and size limits. That was what the  
35 whole premise was that we were talking about and so it's a  
36 difference about whether you're saying that or whether you're  
37 saying you're actually prohibited maybe from fishing in a  
38 particular area and then also a difference between having state  
39 waters open but somehow closing the adjoining federal waters as  
40 a closed area. Those are all different ways to look it, but I  
41 guess we would need to make very clear what we're talking about.  
42

43 **LCDR BRAND:** Mara, just to further clarify that, this  
44 distinction is important for us just because yesterday we talked  
45 about this, where a closed area could be considered by the  
46 council and then the Coast Guard could enforce it, but a state  
47 seasonal closure would have to be enforced by the state and is  
48 that right and it would be landings-based and so the Coast Guard

1 wouldn't have the authority to enforce a seasonal closure that  
2 you're talking about, because we're talking about landings.

3  
4 **MS. LEVY:** That's what I'm saying, that we need to be careful  
5 about what we're saying about, quote, unquote, closed area. Is  
6 it a truly closed area where you can't fish, you're prohibited  
7 from fishing or possessing or whatever this particular species  
8 or are we talking about what we were talking about as the EEZ is  
9 open, but you just can't land in this particular part of the  
10 state, because that's what this regional management was  
11 contemplating.

12  
13 The EEZ is open, but if you're going to land in a particular  
14 state, then you need to comply with their bag limit and season  
15 and so we need to be very clear about what we're talking about.

16  
17 **MS. BADEMAN:** In my mind, I think we would want to look at both  
18 things. I think it makes it a lot easier if we can just do a  
19 hard closure and if you're north of this line in Florida that  
20 you cannot have red snapper on your boat. That certainly makes,  
21 I think, things easier in the EEZ and that would be easier for  
22 the Coast Guard to enforce also.

23  
24 I mean our boats go offshore and if they pull up on somebody  
25 twenty miles off of Panama City and they've got red snapper but  
26 the Panhandle is closed, they're not going to be able to do  
27 anything about it, even though clearly they're going to land in  
28 Panama City or whatever.

29  
30 **DR. CRABTREE:** That creates problems, because particularly in  
31 the northern Gulf, Alabama and Mississippi, I mean those guys  
32 commonly go fish off of other states and my understanding of all  
33 this is that would be okay.

34  
35 If, for example, Alabama is open, they could go into the EEZ off  
36 of Louisiana or Mississippi or whatever and fish and they would  
37 be legal and they could land. It's when states start getting  
38 into closing areas down that now they're starting to infringe on  
39 the activities of folks in the adjacent states and I don't think  
40 that's in keeping with the spirit of how we've come at this and  
41 it gets all gummed up when you go down this area path.

42  
43 I think, and Johnny can correct me if I'm wrong, that you've got  
44 states with relatively small coastlines, but big fleets and  
45 those guys -- They don't just fish off of Alabama.

46  
47 **MR. GREENE:** He's right and I've made that point before. I mean  
48 I can go off the coast of Alabama and I can go sixty or seventy

1 miles in one direction and I can be off of four states. It's up  
2 to interpretation and it's the wrong way to go and Dr. Crabtree  
3 is correct.

4  
5 **MR. DIAZ:** This question is to Roy. Roy, if a state overfishes  
6 in a given year and the next year -- Or there is some reason  
7 that the federal government has to do a closure, then there  
8 would be a closure initiated in the federal waters off of that  
9 state and is that correct?

10  
11 **DR. CRABTREE:** I think the accountability measure is a payback  
12 and so if we go over the overall ACL because a state allowed  
13 overfishing, then the state would have to come in and close  
14 themselves and prohibit harvest or at least shorten their season  
15 or whatever to pay back their part of it and so it seems to me  
16 part of the deal is the state is going to come in and do that  
17 themselves in their conservation plan the next year, because  
18 their quota is going to be reduced and so their opening is going  
19 to be reduced to stay within that lowered quota.

20  
21 **CHAIRMAN ANSON:** We've had lots of discussion and I think we're  
22 ready to go ahead and vote. We have a substitute motion that  
23 Action 5 in Amendment 39, closures in the Gulf EEZ, be moved to  
24 the considered but rejected section. **All those in favor please**  
25 **raise your hand, eight; all those opposed raise your hand,**  
26 **eight. It's eight to eight and the motion fails.**

27  
28 That will take us back to our previous motion and that motion is  
29 in Action 5 to move Alternative 3 to the considered but rejected  
30 section. **All those in favor of the motion to remove Alternative**  
31 **3 and put it in the considered but rejected section please raise**  
32 **your hand, twelve; all those opposed to that motion please raise**  
33 **your hand. It was twelve to nothing and the motion passes.**

34  
35 While we're on Amendment 39, Dr. Crabtree, how will -- If you  
36 could just briefly explain how will further reductions in  
37 landings data affect the allocation decisions that are based  
38 here. You know we've got the timing of it, I guess, and the  
39 impacts to like changes to MRIP and such and will future revised  
40 landings result in modifying the regional allocations or do  
41 these remain the same in perpetuity or how is that going to  
42 occur or how will that impact it?

43  
44 **DR. CRABTREE:** I think if there are future calibrations to the  
45 landings time series that it will affect the allocations and I  
46 think one thing you could do is clarify in your state-by-state  
47 allocation that when these calibrations come through and are  
48 approved as the best available science that the landings just

1 are put into the formula years you've selected and recalculated  
2 and we, I guess, would do a rule and say here's the new  
3 allocation or I guess you could decide it comes before the  
4 council and we have a prolonged debate about it, but it does  
5 seem to me -- Because, for example, the mail survey that's going  
6 to happen on effort tends to indicate -- The expectation is that  
7 effort results are going to be higher.

8  
9 That survey only is for the private sector and the charter boat  
10 effort still comes from the charter boat survey. Because there  
11 is different mixes in the states of private and for-hire, it  
12 would change how things are done and change the whole thing and,  
13 of course, Texas wouldn't be affected by any of the calibrations  
14 and so that would change Texas's share of it.

15  
16 If you want to go through a prolonged debate and do this through  
17 an amendment, I guess that's one way, but probably the more  
18 straightforward way would just be to indicate in this document  
19 that the allocation would be updated and that would just happen.

20  
21 **CHAIRMAN ANSON:** Thank you. Do we have any other discussion on  
22 Amendment 39? All right, David, you had come to me and did you  
23 have one point you wanted to bring up for this or something  
24 else?

25  
26 **MR. WALKER:** This is back on 28. I am really concerned about  
27 Alternative 9 and I think changes in size selectivity are not an  
28 appropriate way to look at allocations. Otherwise, you're just  
29 giving folks more reasons to high-grade.

30  
31 I have talked with scientists about this and they agree that  
32 it's a bad idea and for this reason, I think it's irresponsible  
33 to have this in the document and so I want to make a motion and  
34 I have my motion. **The motion is to move Alternative 9 to the  
35 considered but rejected section of Amendment 28.**

36  
37 **CHAIRMAN ANSON:** We have a motion on the board and is there a  
38 second to the motion? Leann, do you second? All right. Any  
39 discussion on the motion?

40  
41 **DR. CRABTREE:** I think you can reasonably argue either side of  
42 whether it's a wise thing to do, but I don't regard it as  
43 unreasonable to consider and so my preference would be to leave  
44 it in the document.

45  
46 **DR. STUNZ:** My preference would be to leave it in the document  
47 as well. I think it gives us a broader range of alternatives  
48 and I think that there is some merit to consideration of size

1 selectivity under this amendment.

2  
3 **MS. BOSARGE:** To the people that want to leave it in the  
4 document and obviously probably make a motion eventually to try  
5 and move to that, I would caution you that that is based on the  
6 last three or so years of data, that that's where this shift is  
7 coming from that we can see this size selectivity.

8  
9 That's based on a trend for the last three years and a change in  
10 the way that private angling sector is fishing. The trend  
11 probably will not continue to go in your favor if you choose to  
12 go that route and at some point we will be shifting something in  
13 the other direction, because now the trend in the private  
14 angling sector, at this point, which I don't see anything  
15 changing at this point, is toward state water seasons and the  
16 fact is that you don't have the abundance of red snapper in  
17 state waters that you do in federal waters and hence the reason  
18 we manage it at the federal system for the most part and hence  
19 the reason if we turn it over to state management that we're  
20 giving them federal waters, because that's where the fish are.

21  
22 As you fish more and more in state waters, which is what is  
23 happening right now with the non-compliant state seasons, you're  
24 putting effort on a smaller amount of fish and what happens is  
25 those larger fish that may be in state waters, that handful,  
26 you're going to fish them out pretty quick and you're going to  
27 see your smaller fish being caught and I think you're going to  
28 see your average weight and average size of red snapper start to  
29 decrease from the private angling sector as we have these longer  
30 and longer state seasons. I would just caution you about  
31 setting this precedent, because it may come back and bite you a  
32 few years from now.

33  
34 **DR. CRABTREE:** I think those are all fair points, Leann, and I  
35 do think if you were to select this as a preferred that you're  
36 sort of saying we're going to revisit this allocation  
37 potentially every time you get a new stock assessment.

38  
39 Those are all arguments that we ought to have when it comes down  
40 to choosing the preferred, but I don't think that in and of  
41 itself makes this completely unreasonable, such that it ought  
42 not be considered and go to the considered but rejected. That's  
43 really the issue here and not whether it's a wise course of  
44 action, but is it completely unreasonable and I think that's a  
45 hard argument to make.

46  
47 **MS. LEVY:** I tend to agree with that, just in terms of  
48 reasonable range, because what both Alternative 8 and 9 address

1 are quota changes that are attributable to something that the  
2 assessment shows and so the quota went up and a piece of that  
3 was attributable to the MRIP calibrations and a piece of that  
4 was attributable to the change in size selectivity and that's  
5 what those both address.

6  
7 We sort of have these different categories of basis for  
8 considering reallocation and that's one of those that's included  
9 in the attributable to the quota increase category and so it  
10 makes sense to keep it in there as a reasonable alternative, but  
11 if you don't want to do it or if there are issues with it, to  
12 not select it as a preferred.

13  
14 **DR. STUNZ:** Both Mara and Roy made two of my points, but the  
15 third point would be what I would be looking for in this  
16 alternative is what is the best science and it's another piece  
17 of data that we have.

18  
19 I mean we have mechanisms in place through either maybe update  
20 assessments and I'm not so sure, but for sure in benchmark  
21 assessments that if we need to relook at the selectivity and if  
22 that's changing, then just like MRIP or whatever, that's what it  
23 is and that would indicate we needed a shift back or whatever  
24 the data happened to show, but we have mechanisms for some  
25 periodic review of selectivity that we would be able to capture  
26 and readjust, if necessary, under that alternative.

27  
28 **MS. BOSARGE:** The part, to me, that makes this an alternative  
29 that doesn't fall into our reasonable realm of alternatives is  
30 that it does not follow the precedent that we have set in the  
31 past as far as how we choose allocations.

32  
33 We use long time series of data to allocate fish and this is a  
34 short time trend that we've seen over three years. A lot of  
35 that short-term trend is due to the rebuilding of the stock and  
36 the point I made just a minute ago is that that short-term trend  
37 is likely to change, because that's what short-term trends do.  
38 They fluctuate a lot and they go up and they go down.

39  
40 This does not follow our precedent. This is not a reasonable  
41 alternative when you compare it to how we typically make  
42 allocation decisions on long-term trends.

43  
44 **CHAIRMAN ANSON:** We are going to go ahead and vote on the  
45 motion. The motion is to move Alternative 9 in Amendment 28 to  
46 the considered but rejected section. **All those in favor of the**  
47 **motion please raise your hand; all those opposed please raise**  
48 **your hand. The motion fails five to ten.** David, you had one

1 other point?  
2  
3 **MR. WALKER:** Just if we're not going to -- I would like to have  
4 the SSC evaluate it and give us a presentation on the  
5 selectivity.  
6  
7 **CHAIRMAN ANSON:** Evaluate what?  
8  
9 **MR. WALKER:** The effects of selectivity with regards to  
10 allocation and reallocation.  
11  
12 **CHAIRMAN ANSON:** I think that's been analyzed and discussed at  
13 the SSC.  
14  
15 **MR. WALKER:** I don't think they discussed it at the last  
16 meeting. It was on the agenda, I think.  
17  
18 **CHAIRMAN ANSON:** They may not have discussed it at the last  
19 meeting, but it's been discussed at the SSC and has it not, Dr.  
20 Stunz?  
21  
22 **DR. STUNZ:** I recall reading a report last time when I was  
23 making some points about Alternative 9 and somewhere in our  
24 documents from last time and I'm pretty sure -- I'm not sure  
25 where the report came from and I guess the Science Center, but  
26 it talked about the effects of selectivity and there were a  
27 bunch of graphs and other things about how it affected -- What  
28 led me to this was I recall that it was just as much as MRIP  
29 recalibration in terms of what it did in moving that allocation  
30 issue.  
31  
32 **CHAIRMAN ANSON:** Steven, is that -- It was a document, correct?  
33  
34 **MR. ATRAN:** Yes, we did get a report. At the last SSC meeting,  
35 one of the agenda items was the effects of MRIP recalibration,  
36 selectivity changes, and allocation. The SSC did receive a  
37 report and basically the motion they made was that if you change  
38 the allocation that the ABC would have to be revisited, but that  
39 incorporated that there would also be changes in selectivity.  
40  
41 **CHAIRMAN ANSON:** Corky.  
42  
43 **MR. PERRET:** It's not on this issue.  
44  
45 **CHAIRMAN ANSON:** It's not on this issue. Leann, is it on this  
46 issue, because I would like to take a break if we're done with  
47 28.  
48

1 **MS. BOSARGE:** I was just going to refer to that report. I  
2 believe the last line from the SSC report on that section said  
3 this would need further analysis and consideration in looking at  
4 ABCs and OFLs and all these other things and so I want to see  
5 the full analysis if this is the path we're going down, because  
6 they also discussed certain things in the eastern Gulf versus  
7 western Gulf and as you allocate more to the recreational  
8 sector, what is that going to -- How are those going to end up  
9 offsetting, where you have more pressure in the eastern Gulf and  
10 at what point is your tipping point and things of this nature.

11  
12 **DR. ASSANE DIAGNE:** What they indicated is should you decide to  
13 reallocate that once you make that decision, then they will look  
14 at those basically OFL and ABC. That's the motion that Steven  
15 just mentioned. After reallocation, they would have to  
16 reevaluate, essentially, OFL and ABC based on the new allocation  
17 that you would have picked.

18  
19 **MR. GREENE:** I know we're ready for a break and nobody more than  
20 I am, but you've got me wound up at this point. Let me tell you  
21 something. I am not an SSC guy, but I do spend 200 days on the  
22 water for the last twenty-four years.

23  
24 Selectivity, I have talked to a bunch of people this morning and  
25 it's really basically just fishermen's behavior and how it goes  
26 and it changes, believe me. You make an action today and I am  
27 going to go change the way I fish to make a living and the  
28 people who own small boats are going to go change the way they  
29 fish and you make a change in the commercial industry, they're  
30 going to change the way they fish. You change the size limit on  
31 grouper, I'm going to go chase a bigger grouper or I'm going to  
32 do something else.

33  
34 Selectivity, in my opinion, goes hand in hand with discards and  
35 you need to be very careful with what you're doing here, because  
36 you are setting yourself up and I don't care what fishery it is,  
37 this is something that's going to have some unintended  
38 consequences that you really need to think about. It's just the  
39 way it is. Fishermen respond to what's going on in the  
40 selectivity of the fish that they choose to target is how that  
41 goes.

42  
43 **CHAIRMAN ANSON:** To that point?

44  
45 **DR. CRABTREE:** You know we went through this in five minutes in  
46 committee and not one person said a word and now here we get to  
47 full council on the last day and we can't get to a bathroom  
48 break and so let's have some of these discussions in committee

1 the next meeting, please, and use the committees the way we're  
2 supposed to.

3

4 **CHAIRMAN ANSON:** Good point.

5

6 **MR. PERRET:** All of you have heard how often I talk about  
7 purpose and need and I just want to make this comment. The  
8 purpose and need of 28 was to increase net benefits. It's been  
9 changed now so that recovery benefits are fairly and equitably  
10 allocated between the commercial and recreational sectors.

11

12 Personally, I don't think we've done that. There is not one  
13 option in here that has an allocation shift, possible allocation  
14 shift, from recreational to commercial. It seems to me we  
15 should have those type of options just like you have commercial  
16 to recreational and get the analysis. I don't have any idea  
17 what the analysis says, but it seems to me this is all one way,  
18 commercial to recreational. We want to be fair and equitable  
19 and we should have alternatives the other way as well and have  
20 them analyzed, but thank you.

21

22 **CHAIRMAN ANSON:** Thank you. We will go ahead and take a --  
23 John, last thing.

24

25 **MR. SANCHEZ:** I don't know either that we're on the money with  
26 the estimation of the discard mortality rates associated with  
27 high-grading and so I would like to see some more, and I don't  
28 know if it's possible, analysis just to flesh that out and see  
29 what we're really considering here with doing this.

30

31 **CHAIRMAN ANSON:** Let's take a break and then we'll come back. A  
32 ten-minute break, ten minutes.

33

34 (Whereupon, a brief recess was taken.)

35

36 **CHAIRMAN ANSON:** If everyone can make it back to their seats.

37

38 **MR. GREENE:** Mr. Chair, do you want to pick up where we left  
39 off?

40

41 **CHAIRMAN ANSON:** Yes, I think if you want to continue on with --  
42 David.

43

44 **MR. WALKER:** I had them put the chart up on the board here and  
45 this is the red snapper landings from 1990 to 2014 and I just  
46 wanted everybody to get a look at -- We hear people speak about  
47 efficiency and the top there in the red graph is red snapper and  
48 the numbers are all over the place, way above it and below it.

1 Commercial is more stable below and then you look at the bottom  
2 with overages and that was just the efficiency.

3  
4 Then I was going to hit on one thing that Leann said, that a lot  
5 of things are based on long term and this short term just  
6 doesn't cut it with me and the SSC is -- They said they needed  
7 to look at this again. When you've got a lower biomass in the  
8 eastern Gulf and lower recruitment and higher fishing effort and  
9 you look at the efficiency and you look at the different things  
10 and it doesn't make any sense to me how you could justify  
11 reallocating to something that's inefficient and it's not going  
12 to promote conservation when you have issues with the  
13 recruitment and then you look at amberjack.

14  
15 The commercial fishery was fishing under a thirty-six-inch size  
16 limit and I think the recreational was under a twenty-inch size  
17 limit and so it limited what we were able to catch and they  
18 based the allocation on that type of selectivity and so I'm just  
19 -- Not going to the long term, it just doesn't make any sense to  
20 me at all how we can justify any of the reallocation.

21  
22 Like Corky said, there is no alternatives in there for fair and  
23 equitable. Where is something for the 97 percent of the country  
24 that doesn't recreationally fish that owns this resource too?  
25 Where is their access? Where is their alternative? You don't  
26 get any alternative because you're not a recreational fisherman?  
27 It just doesn't seem fair.

28  
29 **MR. WILLIAMS:** That brings up a point that I would like to have  
30 some discussion of. I have had several people tell me, and I've  
31 had letters that indicate, that it's unlawful for the council to  
32 do any kind of reallocation that might be based on any landings  
33 that exceeded a quota or an allocation and I have had some of  
34 that in written letters and I've had a bunch of it in the hall  
35 and in Amendment 8 and 9, we're considering reallocations based  
36 on these MRIP recalibrations. Are they correct, Roy or Mara,  
37 that it is illegal for us to be doing that?

38  
39 **MS. LEVY:** I am going to answer that with my initial impressions  
40 or reaction to what the language is in Section 407, and  
41 407(d)(2) in particular, but I want to caveat that with this is  
42 an issue that I intend to discuss further with other people in  
43 my office and develop, at least in my mind, a more formal  
44 opinion.

45  
46 These are -- Not to say that there's going to be some written  
47 opinion, but I feel like it's something that needs to be vetted  
48 through others than just me, but my initial reaction is that

1 that is not a correct statement and my reason for that is that  
2 when you're looking at the meaning of a statute or a particular  
3 very specific provision in the statute, there is the idea that  
4 you look at it in the context in which it is written.  
5

6 In my mind, you need to read 407(d)(2) in context with all of  
7 407(d) and all of 407 in particular and -- 407(c), at least, (c)  
8 and (d) in particular, because they dealt with specifically the  
9 management of red snapper in the Gulf of Mexico and the idea  
10 with the referendum and the idea that you had to establish catch  
11 limits, which were put into the Act in 1996.  
12

13 When 407(d) was put into the Act in 1996, it said that any  
14 fishery management plan, plan amendment, or regulation submitted  
15 by the Gulf Council for the red snapper fishery after the date  
16 of the enactment of the Sustainable Fisheries Act shall contain  
17 conservation and management measures that establish separate  
18 quotas. That's the first part and the second part is ensure  
19 that such quotas reflect allocation among such sectors and do  
20 not reflect any harvest in excess of such allocations.  
21

22 Recall in 1996 in the Gulf of Mexico that you already had an  
23 allocation between commercial and recreational. The  
24 recreational sector did not have a hard quota and they were  
25 managed under management measures, but there was that allocation  
26 established way back in Amendment 1 before this provision was  
27 ever put in there.  
28

29 This Act then required that when the council submits a fishery  
30 management plan or amendment that it had to establish two  
31 separate quotas, one for the commercial and one for the  
32 recreational, and those quotas that were established had to  
33 ensure that it reflected the allocations and not a harvest in  
34 excess of allocation.  
35

36 In my mind, the council did that. The council established the  
37 two quotas based on the allocation that was previously adopted.  
38 I do not read this provision as requiring that that remain  
39 static throughout time regardless of new information that's  
40 received that's considered better scientific information in the  
41 future and my personal opinion, legal opinion, with respect to  
42 that is that that's sort of an unreasonable reading of the  
43 statute to say that this many years later it somehow requires  
44 that you can't take any action based on new and better  
45 information that the agency and the science has developed, but,  
46 again, with my caveat that I'm going to go back and talk to my  
47 colleagues and see what the consensus is with respect to General  
48 Counsel and see if that changes, but that's my initial reaction

1 to that provision.

2  
3 **MR. WALKER:** The 51/49 split was adopted in 1991. Congress  
4 adopted 407(d)(2) in 1996 and between 1991 and 1996, the  
5 recreational sector caught more than 49 percent every year,  
6 going as high as 68 percent in 1993. It's pretty clear Congress  
7 was concerned about the recreational red snapper overages that  
8 were happening at the time and calibration is now showing us  
9 that those recreational overages were higher than we thought.

10  
11 **MS. LEVY:** Just one other point with respect to Alternatives 8  
12 and 9. Recall that you just -- We just increased the red  
13 snapper quotas across the board based on the new update  
14 assessment and the results of that assessment and the reasons  
15 the quotas could be increased was due, in part, to the MRIP  
16 recalibration and the change in size selectivity.

17  
18 Alternative 8 and 9 deal with the fact that the quotas went up  
19 in part because of these two things and looking at whether  
20 shifting that increase is something that's fair and equitable  
21 and all those other things and so it's based on that piece and  
22 it's not a we're going back and recalibrating the whole  
23 historical time series and deciding that you should really get  
24 20 percent because of all your overages, et cetera, et cetera.  
25 To me, that's a very important distinction that will need to be  
26 addressed further probably.

27  
28 **MR. WALKER:** Based on this -- This nation is based on  
29 apportionment of the electoral votes and so forth and what  
30 representation do we have here? You look at the nation and 97  
31 percent are non-saltwater anglers and you look around and I just  
32 don't see the representation. I don't see them getting a fair  
33 and equitable cut here.

34  
35 You shouldn't penalize the commercial sector for being  
36 conservationists and doing everything that the Magnuson-Stevens  
37 Act requires and then you have another one that's going over and  
38 then you want to say let's just reallocate some more fish to  
39 these guys that have been going over and just look at it. Look  
40 the chart. They're inconsistent and it's not fair and equitable  
41 and it's not a fair representation.

42  
43 There is not an alternative in this document that gives the  
44 nation that owns the resource one pound. Then how is it  
45 unreasonable to ask -- Where are the graphs and the charts for  
46 this selectivity? We don't have analysis and it's not fair for  
47 this nation to be treated like this. They deserve access just  
48 like everyone else.

1  
2 **MS. BOSARGE:** Mara, when you go back and you talk to others  
3 about this, I would ask a favor of you to also think about this  
4 on the flip side when you're evaluating these quota overruns and  
5 whether they should be considered or shouldn't be considered.  
6

7 Yes, this will and does increase the TAC, because that sector  
8 was catching more than what we previously thought, but if you  
9 look at that retroactively, that TAC should have been increased  
10 a long time ago. In other words, in these prior years when they  
11 were catching more of these fish and when there were more fish  
12 out there than what we had estimated in the stock assessment,  
13 one sector got to go out and catch those fish, whereas the other  
14 sector did not get to go catch those fish.  
15

16 It was used against that sector if you look at it retroactively  
17 and yet now that we know it, you can't go back and retroactively  
18 give those fish to the other sector that should have been  
19 allowed to catch them that however many years it was and in the  
20 future, instead of trying to offset that balance, essentially  
21 what you do is say now we know and so we're going to shift it  
22 over here to you all.  
23

24 That may be why that statute is in there, that 407(d)(2) or  
25 (c)(2) or whatever it is, because of that. If you allow those  
26 overruns to increase the TAC and give that and then shift  
27 allocation based on that, then the sector that was punished for  
28 it in the past -- Punishment may be a bad word, but again is  
29 being punished again for it.  
30

31 **MS. LEVY:** I just want to clarify that my intent is not to go  
32 back and make any determination about what the appropriate  
33 allocation is or what the basis is for shifting it. My only  
34 inquiry is the legality or the interpretation of that provision  
35 and what the agency or NOAA General Counsel or whatever -- What  
36 the position is on the interpretation of the provision and how  
37 it affects or doesn't affect the allocation decision, but I and  
38 my office are not going to make any determination about the  
39 merits of the shift or things like that and so I don't want  
40 there to be a misunderstanding that my intent is to go back and  
41 make some sort of judgment about what the appropriate allocation  
42 is or how much it should be shifted or shouldn't be shifted,  
43 because that's not what I am going to do.  
44

45 **CHAIRMAN ANSON:** We need to be getting back on track here and  
46 so, David, one last comment.  
47

48 **MR. WALKER:** It's just going to get here on some of the

1 objectives of the reef fish fishery. Number 15 is maximize  
2 available days to recreational fishermen and does one fish not  
3 maximize the days? I mean the charter boats from Orange Beach  
4 get up here and say I can sell one fish, but I can't sell no  
5 fish. That's one of the objectives and it talks about Objective  
6 14 to reduce the harvesting capacity of the red snapper fleet in  
7 a manner and historical dependence.

8  
9 Well, you look back in the 1870s, that's when the commercial  
10 fishery began. That's when America's access began to this  
11 resource and we could just look down and go up and down these  
12 conflicts. This is causing conflict and everybody knows that  
13 and look here. Optimize, to the extent practicable, the social  
14 and economic benefits from the fishery.

15  
16 Currently, right now, the recreational bag limit is two fish and  
17 they average about seven-and-a-half pounds and two times that is  
18 fifteen pounds and that same fifteen pounds to the commercial  
19 fishery will net you about seventeen consumer access and so for  
20 every one recreational angler constituent to gain access, you  
21 have to decrease access for seventeen constituents.

22  
23 **CHAIRMAN ANSON:** All right. Johnny, if you can continue on.

24  
25 **MR. GREENE:** Yes, sir. Thank you, Mr. Chairman. We are going  
26 to start where we left off under Scoping Summaries, Amendment  
27 36, Red Snapper IFQ Modifications.

28  
29 Staff reviewed the items included in the scoping document and  
30 requested guidance as to the items that may be removed from the  
31 document and those which the committee intends to further  
32 evaluate in an options paper. The committee discussed the items  
33 and passed the following motions.

34  
35 **By a voice vote with no opposition, the committee recommends,**  
36 **and I so move, to retain the item to restrict future transfer of**  
37 **shares to only shareholder accounts that hold a valid commercial**  
38 **reef fish permit.**

39  
40 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on  
41 the motion? **Any opposition to the motion? Seeing none, the**  
42 **motion carries.**

43  
44 **MR. GREENE:** **By a voice vote with no opposition, the committee**  
45 **recommends, and I so move, to delete the item to allow accounts**  
46 **with shares but without a commercial reef fish permit to harvest**  
47 **the allocation associated with those shares.**

48

1 **CHAIRMAN ANSON:** It's a committee motion. Any discussion on the  
2 motion? **Any opposition to the motion? Seeing none, the motion**  
3 **carries.**

4  
5 **MR. GREENE:** By a voice vote with no opposition, the committee  
6 recommends, and I so move, to retain the item to limit the  
7 amount of shares/allocation non-permitted IFQ accounts may  
8 possess.

9  
10 **CHAIRMAN ANSON:** It's a committee motion. Any discussion on the  
11 motion?

12  
13 **MS. BOSARGE:** David, was this one that you wanted in there? I  
14 just didn't know if it was a big problem or -- I mean I did read  
15 through that document and I know we had some discussion on all  
16 these motions during committee, but it was really confusing.

17  
18 There is currently a cap on the amount of shares that IFQ  
19 holders can have and this would limit the amount of  
20 shares/allocation that non-permitted IFQ accounts -- David, are  
21 you okay with it?

22  
23 **MR. WALKER:** Like it was discussed, I think things can be taken  
24 out and added as we go along and have more discussion on it.

25  
26 **CHAIRMAN ANSON:** **Any opposition to the motion? Seeing none, the**  
27 **motion carries.**

28  
29 **MR. GREENE:** By a voice vote with no opposition, the committee  
30 recommends, and I so move, to eliminate the item to adopt a  
31 rollover provision for unused IFQ allocation.

32  
33 **CHAIRMAN ANSON:** It's a committee motion. Any discussion on the  
34 motion? **Any opposition to the motion? Seeing none, the motion**  
35 **carries.**

36  
37 **MR. GREENE:** Based on committee discussion, the items to  
38 eliminate the commercial red snapper minimum size limit and to  
39 consider the full retention of commercially-caught red snapper  
40 will also be removed. Staff will bring an options paper to the  
41 October council meeting.

42  
43 Grouper/Tilefish IFQ Five-Year Review, Matthew McPherson  
44 presented main elements of the draft guidance for the review of  
45 catch share programs and provided an overview of the five-year  
46 review of the grouper and tilefish IFQ program. Dr. McPherson  
47 noted that a detailed presentation on the guidance for catch  
48 share reviews will be provided to the council once the guidance

1 document is finalized. Larry Perruso discussed the studies  
2 initiated or planned for the five-year review. These studies  
3 include evaluations of potential changes in fleet capacity and  
4 in fishermen behavior.

5  
6 Report of the Ad Hoc Red Snapper Charter For-Hire AP, staff  
7 summarized the report from the AP meeting. AP members passed  
8 numerous motions, including recommendations to require  
9 electronic log books and an allocation-based management plan  
10 using permit fishing quotas, or PFQs, with tags for validating  
11 landings as their preferred management approach. The committee  
12 discussed the report and passed the following motion.

13  
14 **By a voice vote with no opposition, the committee recommends,**  
15 **and I so move, to direct staff to begin developing an options**  
16 **paper for Amendment 41, including consideration of the motions**  
17 **from the Charter For-Hire Advisory Panel.**

18  
19 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on  
20 the motion? Mr. Fischer.

21  
22 **MR. FISCHER:** Thank you, Mr. Chairman. First, I would like to  
23 applaud this committee. They adjourned at three o'clock and  
24 between lunch and electing a chair and a vice chair, they  
25 managed to pass I think was something like twenty-five motions  
26 and I counted them up. It's about the same amount of people we  
27 have sitting here and maybe that's our future replacements, but  
28 I don't know if we could blanket approve staff to begin working  
29 on all of those twenty-six motions they passed. Some of them  
30 may be contentious and some of them we just may not want and I  
31 will just bring it up for discussion.

32  
33 **CHAIRMAN ANSON:** All right. Anyone?

34  
35 **MR. GREENE:** I think that we had brought this up during the Reef  
36 Fish Committee and I think it was correct that we did need a  
37 motion that they were going to continue moving forward and am I  
38 correct? We did have that discussion and with all the confusion  
39 of yesterday and Reef Fish Committee, it's one of those things  
40 and my apologies to the Chair.

41  
42 **MR. FISCHER:** I am not saying we shouldn't move forward, but I  
43 think we just renamed some intent and we're discussing  
44 individual shares and discussing quotas as part of these  
45 motions, but yet trying to get Amendment 40 passed, everyone  
46 went forward and said we don't want quotas and we won't take  
47 intersector trading or quotas, but yet now it's in their first  
48 document. That's why I say I don't know if I would want to

1 accept all twenty-five motions and tell staff to move forward.

2  
3 **CHAIRMAN ANSON:** If you feel strongly about it, Myron, you might  
4 want to make a motion.

5  
6 **MR. FISCHER:** It's also something we could remove further down.  
7 It's difficult to look at all the motions as we're talking.  
8 That is one that I would -- Well, or we could keep it in,  
9 because keeping it in might actually slow the process and -- I  
10 think it's very aggressive to write up an options paper on  
11 twenty-five motions.

12  
13 **DR. CRABTREE:** It seems to me, given where we are in this  
14 meeting, we're not going to sort that out today and so we're  
15 going to need to come back in at the next meeting with the  
16 options paper staff puts together and then we can talk about  
17 what things we want to take out at that point, but I don't see  
18 how we're going to get to that today.

19  
20 **MR. PERRET:** Thank you and Dr. Crabtree is certainly right, but  
21 I would think, Myron, that staff probably can figure out which  
22 of the -- How many did you say, twenty or twenty-one? Pick out  
23 those that, in their opinion, are most important and provide as  
24 much input on those, rather than the entire twenty-one. I'm not  
25 saying they're not all important, but certainly they should be  
26 able to determine which ones should be provided in the next  
27 document.

28  
29 **CHAIRMAN ANSON:** We have a motion on the board and is there any  
30 opposition to the motion? **Seeing none, the motion carries.**

31  
32 **MR. GREENE:** Report of the Ad Hoc Reef Fish Headboat A, staff  
33 summarized the AP report and discussed the motions made by the  
34 AP. The motions approved by the AP cover a range of issues,  
35 including the establishment of a stand-alone headboat sector,  
36 the consideration of allocation-based measures as the preferred  
37 management approach for headboats, and the inclusion of key  
38 features of the Headboat EFP in Amendment 42.

39  
40 Committee members inquired about the next steps. In response,  
41 staff indicated that a draft options paper would be presented  
42 during the August meeting.

43  
44 **CHAIRMAN ANSON:** Thank you, Mr. Greene.

45  
46 **MR. PEARCE:** Chairman Greene, before we leave Reef Fish, I've  
47 got a couple of motions I want us to consider and if the staff  
48 will put my first motion on the board. I can read it to you,

1 basically.

2  
3 **It's to develop a plan amendment with alternatives to the sunset**  
4 **provision of Amendment 40 to allow adequate consideration of the**  
5 **charter for-hire performance under that amendment, including**  
6 **extensions of the sunset timeframe, as recommended by the AP.**  
7 If I get a second, I will give you my rationale.

8  
9 **CHAIRMAN ANSON:** It's been seconded by Ms. Bosarge.

10  
11 **MR. PEARCE:** Thank you. Dr. Crabtree intimated that when we  
12 were discussing 39 a little while ago, that at some point we  
13 really need to reevaluate the sunset based on performance of the  
14 charter for-hire fleet. We've got a 350 boat volunteer VMS  
15 program beginning to see how that would work for them and we  
16 have an AP committee that did many things, mandatory electronic  
17 reporting, same day reporting, VMS, even discussed fish tags for  
18 enforcement, and they suggested stretching the sunset.

19  
20 Some of my friendly state directors feel that we might be able  
21 to address this in Amendment 39, but as I just watched what  
22 happened to Amendment 39 today, it's a long way from getting  
23 done and so it may not ever happen before the sunset is  
24 developed. I would like to see it happen, but I saw a lot of  
25 problems with it today as we went through it in 39.

26  
27 We also know that Amendment 41 and probably 42 will be coming up  
28 that could have maybe some of these provisions in there, but we  
29 also know that that takes quite a bit of time to get these  
30 amendments and looked at and brought to fruition.

31  
32 The amendment I'm considering is a simple one and it's not hard  
33 for staff to put together. It's a one-action amendment that may  
34 have three to five or so alternatives, depending upon what the  
35 staff comes up with.

36  
37 It will allow the council to at least evaluate charter for-hire  
38 growth under 40 and make decisions based on whether the sunset  
39 is needed, the sunset should be stretched, or the sunset would  
40 be kept, but I do think that the council should be able to weigh  
41 in on it and reevaluate and make sure that what that Amendment  
42 40 has done for the charter for-hire fishery before all of a  
43 sudden in three years it just happens.

44  
45 If we don't put something in place now that works towards that  
46 three years, we may be too late to even discuss it in three  
47 years and at the council, three years council time is like a  
48 month real time. Snap your fingers and it's done.

1  
2 I really believe that if we put this amendment in place -- It's  
3 very easy and I believe that it's a necessary amendment so that  
4 we will reevaluate Amendment 40 and how it helped or hurt the  
5 charter fishery and see if we want to keep it or kill it or  
6 stretch it, either way. Mr. Chairman, that's my motion.

7  
8 **CHAIRMAN ANSON:** Any other discussion on the motion?  
9

10 **MR. BOYD:** Harlon, I've got a question for you. I don't know  
11 what "performance" means and can you define "performance" for me  
12 and can you tell me what time series of performance you would  
13 want to use to evaluate whether a sunset should be rescinded or  
14 not?

15  
16 **MR. PEARCE:** No, I really can't. I think it's just going to be  
17 up for debate at the council at that time, when this amendment  
18 comes up and before the sunset happens. I think the sitting  
19 council members at that time have to evaluate what that is and  
20 have to take all the considerations.

21  
22 The charter guys could fall on their face and do nothing and it  
23 doesn't work. I think will be easy to see once we get down this  
24 trail whether it's working or not for the charter for-hire  
25 sector or not, but I think the sitting council at that time will  
26 have to evaluate that and make a decision based on what they  
27 feel is performance.

28  
29 **MR. BOYD:** A follow-up. It seems to me that if you're going to  
30 evaluate performance that you're going to do it over some time  
31 series. If you do it over a time series of let's say two years,  
32 the sunset provision is already there and we'll be into an  
33 amendment to either consider allowing it to sunset or to  
34 continue and so I'm not sure that this motion does anything.

35  
36 **MR. PEARCE:** I don't think you have another option on the table  
37 that will even address the sunset. I mean in three years, it's  
38 going to happen or if we do something with an amendment like  
39 this, it at least allows the council to weigh in. The sitting  
40 council at the time can see if they want the sunset or if they  
41 want to stretch the sunset or keep the sunset.

42  
43 I do think it makes a difference and I think that -- I know we  
44 have in Amendment 39 something that basically gets away with the  
45 sunset, but you saw what happened in 39 today. I feel you might  
46 have something in 41 and 42, but these things aren't going to be  
47 timely enough. 39 is already pushed back a year or maybe two  
48 now and so I do believe we need something in place so that the

1 council does have the opportunity to visit this one more time  
2 before the sunset happens.

3  
4 I don't see anything in place right now that would allow them to  
5 do that. I think the sunset will show up and happen unless we  
6 do something like this.

7  
8 **MS. BOSARGE:** Thanks for this motion, Harlon. This motion  
9 simply will have us do something that is essentially standard  
10 operating procedure for the council. We are doing the same  
11 thing with the shrimp amendment, which had a sunset provision on  
12 it that it would expire in 2016 if we didn't go back and do  
13 anything.

14  
15 Two years before it was to expire, we had to start work on a  
16 document to evaluate the performance of that particular program  
17 to see what we wanted to do. Do we want to allow it to expire  
18 or do we want to extend it and have another sunset, however many  
19 years down the road, or do we want to make it permanent?

20  
21 We are doing that right now with the shrimp industry and now the  
22 fact that we may not have a whole lot of data to evaluate the  
23 performance for Amendment 40, that's a box we put ourselves in  
24 when we picked a three-year sunset, which was not my preference,  
25 but I believe all the states were in favor of that and maybe a  
26 few other people, to have a three-year sunset when we knew we  
27 would have to start working on it two years before that and so  
28 we would have one year of data.

29  
30 It is appropriate to go ahead and start the document that will  
31 begin this analysis so that we're proactive about this. This is  
32 standard operating procedure and I don't see a problem with  
33 moving forward with this.

34  
35 **MR. WILLIAMS:** Harlon, I speak in favor of your amendment. I  
36 have felt ever since we approved Amendment 40 that three years  
37 just wasn't enough to do it. It might be enough to do the  
38 headboat portion of the fishery, because they've got landings  
39 data back for twenty or thirty years, but the charter for-hire  
40 is going to be a lot more difficult. I have always felt that  
41 that three years just probably was not enough and so for that  
42 reason, I'm in favor of this.

43  
44 **MR. PEARCE:** You know it could be as simple as, if you don't  
45 have enough data yet, pushing it back two years, as the AP  
46 suggested. There's a lot of decisions that we can make to make  
47 sure that we're doing the right thing and so I think this is an  
48 amendment that's very important and I think it is proactive and

1 it will help us better judge what's going on in Amendment 40.

2  
3 To the state directors that really would like to see Amendment  
4 39 happen, understand that what I'm going to do doesn't  
5 circumvent that, but it just makes sure that we have something  
6 in place in three years. Right now, you can say all you want,  
7 but I'm not sure that 39 is going to be here in three years.

8  
9 **CHAIRMAN ANSON:** I have Camp, followed by Dale.

10  
11 **MR. MATENS:** Thank you, Mr. Chairman. My comment would be to  
12 the three-year provision, the three-year sunset, but that was a  
13 decision made by this body and I see no reason at all to change  
14 it. At the end of that sunset period, at the end of that three  
15 years, this council or whoever else is sitting here can do  
16 anything they want. They can extend it for another two years  
17 while they develop a plan or they can extend it because we don't  
18 have enough data or they can do whatever they want and so I  
19 speak to leaving it as originally prescribed.

20  
21 **MR. PEARCE:** To that point, Mr. Chairman. Amendment 39 extended  
22 it forever. The state directors put that in Amendment 39 or  
23 some of them and I am pretty sure Louisiana's director did it  
24 too. Evidently they were considering changing it already and so  
25 I don't think it's fair to assume that just because we did it  
26 during the battle of Amendment 40 that we should not revisit it  
27 as we go down the road and give it a fair hearing, but it's  
28 already being suggested that we get rid of it in Amendment 39.

29  
30 **MR. DIAZ:** I am just trying to sort this out. I think in  
31 concept of what Harlon is trying to do that I would not be  
32 opposed to it at a future date, as we see how a few things shake  
33 out. I think just right now it's a little bit too early. I  
34 know Harlon is not too high on Amendment 39, but I do have some  
35 hopes that we'll deal with it later on and we are just starting  
36 work on Amendment 41 and 42 and so I just think it's just a  
37 shade too early.

38  
39 **MR. PEARCE:** To that point, Mr. Chairman. Dale, I want 39 to  
40 pass. I do, but I'm watching everything that's going on and  
41 it's becoming more and more difficult as it moves down the road  
42 here and, Dale, what happens if in three years none of this has  
43 happened and the sunset happens? All this is is a safety valve  
44 to make sure that the council can make some solid decisions.

45  
46 It has nothing to do with affecting Amendment 39 and nothing to  
47 do with affecting 41 or 42 or whatever. If 39 comes down the  
48 pike and it chooses Action 2, Alternative 3 or 2, then the

1 sunset dies and this is a moot point, but right now that's not  
2 happening.

3  
4 Right now, I think you're a year or two off, maybe, before you  
5 come to some closure, particularly with what happened today on  
6 39. All I'm hoping is that you can help me support this. It's  
7 not a tough amendment. It's an easy thing for staff to put  
8 together. It's one action and maybe three to five alternatives  
9 and it just makes sure that we're prepared to address it before  
10 the sunset happens and if we should stretch it, keep it, or kill  
11 it. That's all I'm asking and I'm hoping, Dale, that you can  
12 support me on this, because it does not affect 39 at all and I  
13 wish I could be here to help you pass 39, but I won't.

14  
15 **MR. GREENE:** I just -- If this was something that you were for,  
16 you would obviously be wanting to get rid of a sunset, but it  
17 seems like that it may be setting precedent for moving things in  
18 the future. It's almost like training wheels and it's like,  
19 well, I'm not sure if I want to do this or not, but in three  
20 years, I can get rid of it.

21  
22 Well, if we had a three-year sunset provision on Amendment 28,  
23 imagine where we would be. I mean put this in context of other  
24 stuff and I think Dr. Crabtree summed it up several meetings  
25 back when we were deliberating 39 and we discussed having a  
26 three-year sunset in that.

27  
28 I mean why are we using a sunset? I understand it's a new  
29 concept and I understand wanting it, but in previous actions  
30 we've had five-year reviews and we've had a host of other things  
31 and it may be that three years from now we want to make a change  
32 and we can make that change at that time. At any point that we  
33 see that we need to make a change, we should take action and do  
34 so.

35  
36 I think we're setting precedent in moving forward, because it  
37 may be that, well, let's just do a three-year sunset on stuff  
38 because we're not sure and the truth is that if we're going to  
39 do sunset type of stuff, maybe we should use the mean average of  
40 how long it takes us to get a plan amendment or a motion  
41 through.

42  
43 **CHAIRMAN ANSON:** All right. Let's go ahead and vote on the  
44 motion. The motion is to develop a plan amendment with  
45 alternatives to the sunset provision of Amendment 40 to allow  
46 adequate consideration of the charter for-hire performance under  
47 that amendment, including extensions of the sunset timeframe, as  
48 recommended by the AP. **All those in favor of the motion please**

1 raise your hand; all those opposed to the motion please raise  
2 your hand. The motion failed eight to eight.

3  
4 **MR. PEARCE:** Mr. Chairman, I've got one more bite at this apple  
5 before you get rid of me. Could you bring my second motion up,  
6 please? Before I make this second motion, I am going to try to  
7 discuss some things that I think maybe should happen and we may  
8 not need this motion at the present time. Is Ken Haddad in the  
9 audience and is Dick Brame in the audience?

10  
11 **CHAIRMAN ANSON:** I see Ken and Dick I don't see.

12  
13 **MR. PEARCE:** Would you ask Ken to come to the podium, please?

14  
15 **CHAIRMAN ANSON:** He is considering it, Harlon.

16  
17 **MR. PEARCE:** Tell him I'm not going to hurt him.

18  
19 **MR. HADDAD:** I am here, Harlon.

20  
21 **MR. PEARCE:** Ken, I understand that it would be difficult for  
22 you to support this motion if I make it as it is and so what I'm  
23 going to suggest to you is maybe as an alternative to this  
24 motion would you be able to support the development of an ad hoc  
25 private recreational committee that discusses possible  
26 management changes to the private recreational red snapper  
27 fishery with scientists sitting right in and trying to analyze  
28 what those changes might mean and what can maybe happen?

29  
30 We had a great charter boat ad hoc committee and we had a great  
31 headboat ad hoc committee and I would sure love to see the  
32 private recreational fishermen get together and discuss ways to  
33 maybe better manage their fishery. We all know that  
34 reallocation on its own is not really the end-all of everything.  
35 It's not going to solve your problem.

36  
37 I do think you need to look at different actions or alternatives  
38 into the future. The one constant in life is change and we have  
39 to figure out how to change to make things work, whether it's  
40 better data collection for the private angler or whatever it  
41 might be, whatever you might come up with, fish tags or permits  
42 or I don't know. That's for you guys to discuss and not for me.  
43 That's your fishery, but could you live or could you -- Would  
44 you work with me on an amendment like that, I mean a committee  
45 like that?

46  
47 **MR. HADDAD:** Wow. I think my preference in an answer would be I  
48 would hate to see us start discussion on red snapper as the only

1 discussion. I would rather see something a little more general  
2 that talks about the entire recreational fishery and how to get  
3 better management into it.

4  
5 **MR. PEARCE:** I agree, Ken, and that was my motion. If I develop  
6 an amendment that would do that, I could take red snapper out of  
7 it. I agree with you completely. I agree with you completely  
8 and so if I were not to do the motion I've got on the board, but  
9 to create an ad hoc private recreational committee to discuss  
10 possible management changes to the private recreational fishery,  
11 period, would you help me do that?

12  
13 **MR. HADDAD:** Yes and, frankly, I would like to see some  
14 involvement of the for-hire part of the recreational fishery and  
15 not just leave it to the private recreational.

16  
17 That's assuming everything is going to be divided and I think we  
18 need to be talking about that in a committee, if an ad hoc  
19 committee is put together, but I would say, overall, we have  
20 been advocating some sort of council bringing the recreational  
21 community together to talk about these issues and we've never  
22 had that forum and it's been very species specific and it hasn't  
23 been done. In a measured way, I would say I would agree with an  
24 ad hoc committee. After it's put together and we see how things  
25 are going -- I mean this would have to be almost pre ad hoc. We  
26 need some preliminary discussions to get this going.

27  
28 **MR. PEARCE:** I understand. I sure appreciate your comments,  
29 Ken, as always. I mean I trust your judgment, I really do.  
30 Thank you for coming to the podium.

31  
32 Now, I am going to address some of these same questions to some  
33 of my good friends on the council, some of my good private  
34 recreational fishermen on the council, and see how they feel  
35 about something like this. Not considering the first motion and  
36 let's go to the development of a -- Let me put another motion on  
37 the board. I am not going to do the first one. That motion  
38 would be to create an ad hoc private recreational committee to  
39 discuss possible management changes to --

40  
41 **MR. BOYD:** A point of order. Don't we already have a motion on  
42 the board or did it not get seconded?

43  
44 **MR. PEARCE:** I didn't make it. I didn't make the first motion.  
45 I said I'm not going to make it until I had this discussion. I  
46 did not make the first motion. I put it up to look at it, but I  
47 didn't make it.

1 The motion I want to do, and not this first one, is to create an  
2 ad hoc private recreational committee to discuss possible  
3 management changes to the private recreational fishery. If I  
4 get a second, I will continue.  
5

6 **CHAIRMAN ANSON:** It's been seconded by Ms. Bosarge.  
7

8 **MR. PEARCE:** Good. All right. Now I'm going to ask my good  
9 friend, Doug Boyd, what he thinks about this as a private  
10 recreational fisherman, knowing that allocation alone is not  
11 going to do your job and knowing that I think you really have to  
12 reevaluate the management schemes that are in place for your  
13 fishery and at least take a good, hard look at it and take a  
14 good, hard look at what it means scientifically if you did make  
15 any changes. Doug, how do you feel about this?  
16

17 **MR. BOYD:** I think there needs to be some discussion before we  
18 move into an ad hoc committee. There needs to be a lot of  
19 discussions and there maybe needs to be some scoping among the  
20 recreational community about where they want to head.  
21

22 **MR. PEARCE:** I think that's what this committee would do. I  
23 would sort of give some direction, with a good committee, to  
24 where they want to head and I think you guys are on it and not  
25 me. I want the solid private recreational guy to look at it and  
26 really flesh out some ideas and maybe you don't have any and  
27 maybe you won't have any, but maybe you do and so I think we  
28 need to look at that and I think the creation of this ad hoc  
29 would do exactly what you just asked.  
30

31 It would give us the ability to have people sitting around the  
32 table, as we did with the headboats and as we did with the for-  
33 hire guys. I mean I think it gives you the opportunity to say,  
34 hey, let me sit back and look at this fishery. Let me look back  
35 and see if there's ways we can do it other than just going out  
36 there and catching it and working on this silly days-at-sea idea  
37 that you have to live with every year.  
38

39 I think it gives you a chance to start deliberating on what  
40 might be a better fishery for you in the future and so I really  
41 believe that I'm doing that with this committee. I am going to  
42 go to my good buddy, Camp Matens, and ask him the same question.  
43

44 **MR. MATENS:** Harlon, as my attorney friends say, with the  
45 greatest possible respect, I don't think this is the venue to  
46 work this thing. I really don't know what I would think until  
47 there was a lot more discussion about it and so I, again,  
48 respectfully decline.

1  
2 **MR. PEARCE:** What are the private recreational fishermen afraid  
3 of? What are you afraid of? I mean all you're going to sit  
4 around the table and do is discuss how to change or maybe not  
5 change your fishery and it gives you the forum to do that.  
6 Right now, you don't really have one like the ad hoc committee  
7 for the charter and the headboats.

8  
9 This committee would give you that opportunity to do it and I  
10 think if you back off of it that you tell me that you're not  
11 interested in talking at all. If you don't do this, it tells me  
12 that your door is closed and that you're not interested in  
13 anything at all. You're not interested in trying to figure out  
14 what might be a better way for you to prosecute your fishery.  
15 You're just shutting the door again.

16  
17 This opens the door for some great discussion and who knows what  
18 is going to come out of it, but I think it's needed. I think  
19 that a private recreational fishery management amendment is  
20 needed, but I don't think I can -- I think that's going too far  
21 right now.

22  
23 I think it's in your court with this committee. I think it's in  
24 your court to decide what you want or don't want to do with your  
25 fishery other than this days-at-sea idea that you have to live  
26 with right now.

27  
28 I really do and I don't see any harm in good private  
29 recreational fishermen sitting around the table with science and  
30 trying to figure out if this can help or not help and how to  
31 stretch that season out for you throughout the year or whatever  
32 it takes to get it done, but I do believe if you don't want to  
33 do this that you're shutting the door in your own face and  
34 you're not allowing yourself to think about ways that you could  
35 better your fishery in the future. I really believe that.

36  
37 **MR. DIAZ:** Harlon, this is just a quick question. The word  
38 "private" is in your motion two times and we use private  
39 differently on this council and what exactly do you mean when  
40 you say "private" and think about the comments that Ken made a  
41 few minutes ago.

42  
43 **MR. PEARCE:** Basically not charter boats and not commercial  
44 fishermen. It's the average recreational fisherman that  
45 prosecutes the fishery independent of charter and the harvesting  
46 component.

47  
48 By the way, we've seen the harvesting component do their job and

1 we've seen the charter for-hire component working hard to do  
2 their job and I think the last component of that is to get the  
3 private -- I don't have a -- If you want to change "private",  
4 that's fine with me, but I want the real recreational fishermen  
5 to sit around this table and discuss what they think they could  
6 do better than they are doing now. Did I answer your question,  
7 Dale?

8  
9 **MR. DIAZ:** Yes, thank you.

10  
11 **MR. WALKER:** I just have a question. I would ask Doug, do you  
12 consider the private angler a separate sector?

13  
14 **MR. BOYD:** I'm sorry, but I didn't understand the question.

15  
16 **MR. WALKER:** Do you consider the private angler a separate  
17 sector?

18  
19 **MR. BOYD:** I consider all recreational fishermen in one sector.  
20 Everybody who walks and gets on a boat that doesn't have a  
21 commercial license is a recreational fisherman. I think we've  
22 divided that sector, but I believe that they're all recreational  
23 fishermen, whether they go on a charter boat or whether they go  
24 on a private boat.

25  
26 **MR. WALKER:** You're not considering that the charter and the  
27 private angler have different needs in managing their fisheries?

28  
29 **MR. BOYD:** No, I really don't. I believe that we're talking  
30 about the fishermen and not the captain or the driver of the  
31 boat, in my opinion.

32  
33 **MR. PERRET:** I don't see all the discussion back and forth about  
34 whether or not to create or not to create. We create ad hoc  
35 committees all the time, but, Harlon, my question would be if  
36 indeed we create this ad hoc committee, we always have to give  
37 them a charge and what would be the charge, in your mind? I  
38 have my own ideas, but just what direction are you going in if  
39 this were approved, charge-wise?

40  
41 **MR. PEARCE:** First off, Corky, let me go back to a couple of  
42 meetings ago when you told me to fire, ready, aim. You made me  
43 go back and study what that really means. Believe it or not,  
44 I've read a book on it since then and it's really ready, fire,  
45 aim. It's not fire, ready, aim.

46  
47 Ready means when you've analyzed something in your head and you  
48 know it's the right thing to do and you know that's the logical

1 thing to do and your heart says it's the right thing to do and  
2 you fire and you don't worry about aiming. The problem with  
3 this council is that's all we do, is aim. We aim at moving  
4 targets and we never get on the target and we never pull the  
5 trigger.

6  
7 I think this helps me pull the trigger to help the private  
8 recreational fishermen, but the charge is basically -- I don't  
9 think I need to write it today and it can be done when you  
10 populate this committee, but it's basically for the private  
11 recreational fishermen to sit down and really analyze different  
12 management schemes that they could bring to the table to help  
13 them stretch their seasons or fish year-round or whatever. It's  
14 just to lay things on the table just like the other ad hoc  
15 committees have done, if that answers your question.

16  
17 **CHAIRMAN ANSON:** Is there any other discussion on the motion?

18  
19 **MS. BOSARGE:** I am in support of this, obviously. I seconded  
20 Harlon's motion and it is something that I actually wanted  
21 Harlon to do at the last meeting and I wanted to start an  
22 amendment to do something for the private angling sector.

23  
24 Yes, we have one amendment in the works right now, Amendment 39,  
25 that could possibly do something for them. I am sorry, but we  
26 just realized that we went out to public hearings on this for  
27 the first time two years ago, on Amendment 39. We need a back-  
28 up plan. We need something else in case that keeps getting  
29 delayed and delayed and delayed.

30  
31 It's time to really step up to the plate and look at something.  
32 Therefore, the other comment that I have to make -- It's a  
33 little touchy, but I will make it anyway and that's that there  
34 are certain people on the council that have said that this  
35 shouldn't be managed under the federal system because we're not  
36 -- All we do is status quo, status quo, status quo.

37  
38 This is an avenue to look at something for the private angler  
39 that's not status quo besides 39 that's not going anywhere and  
40 so I don't see how somebody that has been against status quo and  
41 says that that's broken management for the private angler could  
42 vote against something to simply discuss something besides  
43 status quo. I would like to see how that goes.

44  
45 **DR. STUNZ:** Kevin, sort of to Corky's point on the charge,  
46 because I am not sure what that charge would look like either  
47 and not having sort of been through this process, do we develop  
48 the charge after a motion like this or before a motion? It's

1 sort of leading me to believe that there's got to be a little  
2 bit of a discussion so that we know what we even want a group  
3 like this to consider.

4  
5 **CHAIRMAN ANSON:** As I recall, the major talking points or  
6 discussion points would be included in the motion and so you  
7 might want to add "to discuss possible management changes to the  
8 private recreational fishery to include" and then you list the  
9 individual items that you are most concerned with or want  
10 specific feedback to.

11  
12 **DR. STUNZ:** To that point, I'm not necessarily opposed to doing  
13 this and start the discussion going, but what that would center  
14 around is where I have sort of an issue with this motion and  
15 maybe this is something we move on forward, but not necessarily  
16 through a motion to think about in the meantime, of our next  
17 meeting, what would some of those key points look like, to begin  
18 developing a charge for the committee before we actually act on  
19 a motion like this.

20  
21 **MR. WALKER:** I was just going to say I spoke with one of the  
22 leaders of the private angler groups and he was not opposed to  
23 forming an ad hoc committee. He had no opposition and I told  
24 him that they could develop it and it would be their plan and  
25 make it a good plan and use whatever you think is going to work  
26 best for you in your fishery and they weren't opposed to it.

27  
28 Then I look at the objectives and go back to the objectives of  
29 the reef fish and Objective 2 talks about data and you know we  
30 hear recreational fishermen say we need better data, we need  
31 better data, and what is it? Is it fish tags or a card or a  
32 hail-in or a hail-out or whatever? Better data is an objective  
33 and that's something they could discuss.

34  
35 Moving to Objective 5, it talks about stability of the fishery  
36 and you've seen the graph. They could use a better fishery  
37 management plan to give them stability. They were a million-  
38 and-a-half pounds under last year and that's not fishing very  
39 efficiently.

40  
41 Objective 7 is optimum yield. They couldn't reach optimum yield  
42 last year because the plan they had they were fishing under  
43 didn't allow it. Giving them more access, I think it was a 20  
44 percent buffer and get a plan and you can get rid of the 20  
45 percent buffer and have a rollover.

46  
47 Let's go over to here 11. Derby fishery. You know there's been  
48 people that go out and the charter fishery and the private

1 anglers. I think it was either Scott Hickman or Buddy Guindon  
2 that was telling me about they had to haul some people in that  
3 went out fishing during the recreational season and fished  
4 because it was such a time constraint and they went out there in  
5 some really bad weather and they had to be towed back in and  
6 that's another thing.

7  
8 I just think it's a good thing and you hear all the time that we  
9 want better data and we want a better fishery management plan  
10 and here. Here it is. Get the ad hoc committee and form it up  
11 and what's wrong with it? I mean there's no rationale, to me,  
12 that can tell and I hear it all the time and I can tell you  
13 this.

14  
15 The commercial industry and the recreational charter for-hire  
16 will be excited to help you. We will work with you and there is  
17 no reason that we can't all work together on this and get  
18 something that these people -- The private anglers deserve. I  
19 mean they continue on on this and keep beating the same old drum  
20 and everyone is running around saying it's the council's fault,  
21 it's the council's fault. Well, here's the chance, council.  
22 Let's vote on this and let's get something going. We can't just  
23 keep going with status quo.

24  
25 **MR. PEARCE:** Mr. Chairman?

26  
27 **CHAIRMAN ANSON:** Yes, Harlon. I think you're going to be the  
28 last commenter on this motion.

29  
30 **MR. PEARCE:** That's fine. You know I would love to say what to  
31 include in this, but it's not for me to do that. My whole goal  
32 here is for the private angler to tell us what they want to  
33 include in this and if we create this and we come back and you  
34 guys at the next meeting can figure out the charge and maybe  
35 begin to populate the committee, but I want the private angler  
36 to tell me what he wants to come out of this and not me.

37  
38 It's not for me. It's not my committee and it's to try to open  
39 the eyes and ears of the private recreational angler to look at  
40 different ideas and to open up other ideas other than simply  
41 reallocating, which doesn't solve the problem, and get away from  
42 days at sea, which is terrible.

43  
44 I think it's for them to come up with the ideas and not for me  
45 to add it into this motion. I just clearly want to create this  
46 committee so that they can sit down and figure out what they  
47 want to do and how they want to prosecute their fishery, as the  
48 harvesting component has done and as the for-hire component is

1 doing now. That's all it is.

2  
3 It doesn't tie them up to anything and it doesn't make them do  
4 anything if there's nothing they want to do. It just hopefully  
5 lets them begin to sit around the table and address how they  
6 want to manage their fisheries into the future. They may not  
7 want any changes, which would be sad. That's all I'm trying to  
8 do.

9  
10 **CHAIRMAN ANSON:** Thank you, Harlon. To that point?

11  
12 **DR. STUNZ:** To that point and quickly. What I see with this  
13 motion is a fundamental difference if we considered some of the  
14 for-hire ad hoc panels, where it's really coming from the bottom  
15 up.

16  
17 There is guys at public testimony saying they want this and they  
18 want to work and come together and figure out solutions and  
19 we're kind of coming from a top-down approach here, where we're  
20 saying, okay, you guys form this committee and it's not -- At  
21 least I haven't heard and maybe there is and I would be totally  
22 supportive if there was groups of anglers coming together and  
23 saying, hey, we really want this committee to solve this  
24 problem.

25  
26 I don't know how successful it would be in the realm of we're  
27 saying, okay, we're going to form this and the guys coming into  
28 the committee necessarily aren't behind it or not -- I think  
29 we're just a little bit earlier. I support this initiative  
30 completely to start developing things, but I don't know if we're  
31 there yet.

32  
33 **MR. PEARCE:** Mr. Chairman, I won't belabor the point.

34  
35 **CHAIRMAN ANSON:** We've had lots of discussion on this and so  
36 we're going to go ahead and vote on it. The motion is to create  
37 an ad hoc private recreational committee to discuss possible  
38 management changes to the private recreational fishery. **All**  
39 **those in favor of the motion please raise your hand; all those**  
40 **opposed please raise your hand. The motion carries nine to six.**

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

43  
44 **CHAIRMAN ANSON:** You are finished, right, Harlon?

45  
46 **MR. PEARCE:** I am going to go out on top, Mr. Chairman. If I  
47 would have been there, the first one would have passed. That's  
48 the way it is.

1  
2 **CHAIRMAN ANSON:** That would be a yes, right?

3  
4 **MR. PEARCE:** What's that?

5  
6 **CHAIRMAN ANSON:** That would be a yes, that you're finished,  
7 right?

8  
9 **MR. PEARCE:** Yes and I just want to say thank you to the staff  
10 and the council to allow me to participate by webinar and to  
11 voice my opinions and hopefully try to pass motions. It's been  
12 a very tough meeting for me sitting in front of this boring  
13 computer and not being able to goof off with my buddy, Camp, and  
14 just walk around the table and see all of my friendly council  
15 members. Thank you for what you've allowed me to do.

16  
17 **CHAIRMAN ANSON:** We appreciate providing that opportunity to  
18 you, Harlon. We have just a couple more folks here that want to  
19 say something. Dr. Crabtree.

20  
21 **DR. CRABTREE:** I am moving on to a new topic though and so is  
22 that okay?

23  
24 **CHAIRMAN ANSON:** Sure. Why not?

25  
26 **DR. CRABTREE:** All right. Last year, in the red snapper fishery  
27 when we put the buffers in place, when all was said and done, we  
28 were under the quota by I think close to a million-and-a-half  
29 pounds. I don't know what's going to happen this year, but with  
30 a 20 percent buffer and the quotas where they are, if we project  
31 things perfectly and everything works out right, we're going to  
32 have over million pounds left.

33  
34 I would like to have staff work with Mara and give some thoughts  
35 and come back to us at the next council meeting with ways we  
36 might address that. I've had a number of people ask me why  
37 can't you just open up in the fall and then catch all the rest  
38 of the ACL and the trouble with that is then you might run over.

39  
40 The thought I've had is it might be possible, when we get the  
41 June catch estimates in August, to see approximately how much is  
42 left and then apply another buffer to that, and so set an annual  
43 catch target for a second half, and then reopen and try to catch  
44 a little bit more of the quota before the year is out and I  
45 think that's worth looking at.

46  
47 I mean we want the fishery to catch as much of their quota as  
48 they can, but we just don't want to go over and so I would like

1 to have staff explore some possible ways to look at how we might  
2 do that and have a discussion of that in August.

3  
4 We're not going to be able to get this done for this year, but  
5 there might be a framework here or something we could do to try  
6 and address the situation next year.

7  
8 **CHAIRMAN ANSON:** Thank you, Dr. Crabtree. Dale.

9  
10 **MR. DIAZ:** First, I want to congratulate Harlon for going out on  
11 a high note, but being as we did just decide to move forward  
12 with this ad hoc private recreational committee, about a year-  
13 and-a-half ago or maybe two years, we all agreed to have some  
14 type of interaction with our recreational fishermen.

15  
16 In Mississippi, we did a red snapper summit and now I understand  
17 this ad hoc committee is not specifically red snapper, but some  
18 ideas might cross over. Emily went around the Gulf and did a  
19 whole host of RAP sessions, which I think altogether brought out  
20 a lot of good ideas.

21  
22 I think between now and the next meeting if we had maybe a staff  
23 person that we could collectively submit ideas that maybe  
24 Louisiana got from their survey and we got from our recreational  
25 red snapper summit and the RAP sessions and if we could all  
26 independently send some of the ideas that were commonly  
27 mentioned in those interactions, then we probably would end up  
28 with at least a starting point of a lot of good ideas that could  
29 at least be relayed to the ad hoc committee to kick around.

30  
31 I heard Leann say a minute ago that she really wants to see this  
32 committee come up with some original ideas that maybe we haven't  
33 thought of before and I really hope we come up with some, but at  
34 least it would be a starting point and even some of the ideas  
35 that we brought up in the past that maybe didn't get any  
36 traction on this council might get traction now, because we're  
37 in a different world and the different world we're in right now  
38 is we've got a 20 percent buffer.

39  
40 If we can start moving towards things that eliminate the 20  
41 percent buffer, I can see where that could be a big benefit to  
42 the recreational sector and so if Doug could maybe assign a  
43 staff person that we could submit ideas to, I would be willing  
44 to submit them from Mississippi.

45  
46 **CHAIRMAN ANSON:** To add to that, I guess, and this is just for  
47 conversation for the council members, but potentially go ahead  
48 and list it on the website for applicants to this and then we

1 might have a list in August of which to choose from.

2  
3 **EXECUTIVE DIRECTOR GREGORY:** Yes, we can advertise the opening  
4 for this committee and have the closing date in time to get a  
5 list together for the August meeting and I just want to check  
6 with staff before I volunteer somebody.

7  
8 **MR. FISCHER:** There is two issues I wanted to bring up on the  
9 charter and headboat reports. We may have already done this.  
10 It's in my mind that we worked on it, but I don't have the  
11 answer and I don't see the answer.

12  
13 **MR. PERRET:** Excuse me, Myron, but before you go ahead, can I  
14 say something relative to what Dale said before I forget?

15  
16 **MR. FISCHER:** Go for it.

17  
18 **MR. PERRET:** I was just going to suggest when the state people  
19 submit their information that they also submit -- Because they  
20 have names of the people that provided that input, to maybe  
21 contact them to see if they would be willing to serve on this  
22 particular committee and then submit that also. Thank you,  
23 Myron, for letting me go first.

24  
25 **MR. FISCHER:** Sure thing, Corky. Anyway, it's things we talked  
26 about for the last couple of years and one of you all might  
27 produce the document, but it is the current 2015 -- What  
28 definition are we using of a headboat and a charter boat and an  
29 overload boat?

30  
31 When I was at the Headboat AP meeting, the definition -- Anyway,  
32 I just think we ought to have a firm definition that the council  
33 is going to use as it moves forward to manage these fish,  
34 possibly by their individual sectors and individual boat types.  
35 Do we have that today?

36  
37 **MS. LEVY:** I guess I'm just wondering. A definition in what  
38 respect? Because we do have a definition of what charter vessel  
39 means and what headboat means with respect to vessel length and  
40 passenger capacity and we also have in the definition what  
41 operating as means with respect to dual-permitted vessels.

42  
43 So if you have a charter/headboat and a commercial, what it  
44 means -- When you're operating as a charter vessel, what that  
45 means and so I guess I would need more clarification of exactly  
46 what you're looking for, because then we also talked about for  
47 reporting requirements and if we wanted to define them  
48 differently or say if you're part of the headboat survey, fine,

1 and everyone else does this and so just a little more  
2 clarification would be helpful.

3  
4 **MR. FISCHER:** Sure. We have the Beaufort Survey and that survey  
5 is headboats and what we would call an overload boat. To me, a  
6 headboat would be a vessel that you pay by the head and that I  
7 buy a ticket and I walk on by the head, but I have seen  
8 discussions lately where it's anything over a six-pack boat. If  
9 it's a seven-passenger boat, it's a headboat.

10  
11 It doesn't matter what the definition is, but I think we just  
12 need a definition and then stick with it as we progress. Assane  
13 probably has some light to shed on this.

14  
15 **MS. LEVY:** Right and so right now, the current codified  
16 definition relates to passenger capacity and length with respect  
17 to charter vessels and I don't know exactly why that was picked  
18 except for the fact that that's a very discreet thing that you  
19 can measure. You either have a passenger capacity of six or  
20 less or more.

21  
22 The idea of how people charge and for what is probably something  
23 that's a lot more difficult to track and so I don't know that  
24 you want to change it for that purpose, although you could, but  
25 if you want to have a specific -- To make sure that everyone is  
26 reporting in a specific way and that it applies to a specific  
27 type of vessel, then we could look at how we can be more clear  
28 about what things apply to.

29  
30 **MR. FISCHER:** Okay and I am not looking to change it. I am  
31 looking to find out what the definition is and we've had people  
32 -- The last couple of months, there's been a lot of discussion.  
33 We've had people who have multi-passenger boats, but they're not  
34 a headboat and they don't know what category and where they are  
35 and they don't know if they're their own category or if they're  
36 part of the headboat category. We have a subquota that we  
37 established possibly for headboats, but --

38  
39 **CHAIRMAN ANSON:** Perhaps Dr. Diagne can shed more light.

40  
41 **DR. DIAGNE:** Thank you, Mr. Chair. The issue Mr. Fischer is  
42 talking about was discussed during the Headboat AP meeting. We  
43 now have I guess a portion of the quota for the for-hire  
44 component in general. At some point, that quota would be  
45 subdivided between the charter vessels and the headboat vessels.

46  
47 In terms of landings, we have established catch histories for  
48 the vessels participating in the Southeast Survey and so for

1 practical purposes, after this discussion and the presentation  
2 from Mr. Brennan from the survey, the definition that we are  
3 going to use to move forward in Amendment 42 is that if you  
4 participate in the headboat survey, you are a headboat.  
5 Everybody else would be considered as a charter vessel and be  
6 then in Amendment 41.

7  
8 **CHAIRMAN ANSON:** Just some clarification, Assane. I am trying  
9 to think of -- Were there any or many circumstances where a boat  
10 was designated into one category, a headboat let's say, and then  
11 the following year he decided to participate as a charter boat?  
12 I mean I don't recall that, at least in my part of the Gulf of  
13 Mexico, occurring. Once you were in, basically you were  
14 designated that for as long as you were operating the vessel and  
15 the vessel stayed in the fishery and is that correct?

16  
17 **DR. DIAGNE:** Yes, my recollection is the same, but I can check  
18 further.

19  
20 **DR. JOHN FROESCHKE:** One comment though is that the vessels  
21 themselves don't get to pick. It's if they're selected and it's  
22 the Science Center that selects that and so just to be clear  
23 that it's not that a particular vessel could opt in or opt out  
24 as they please.

25  
26 **CHAIRMAN ANSON:** Right. I just wanted to make sure that they  
27 weren't opting in and opting out into the two subcomponents.

28  
29 **MR. FISCHER:** Thank you all very much. Could we -- I guess it  
30 is in writing, but could we be emailed this definition? Like I  
31 said, I'm not looking to change it and I might have a better  
32 understanding, but I will probably be forwarding this to a few  
33 of the operators.

34  
35 My second item is related to permitted vessel and I guess it's  
36 what was the intent of the council and then what's the  
37 interpretation and are they the same and is that what the  
38 council intended and it has to do with a licensed vessel, a  
39 permitted vessel, that is owned by someone and so whether I'm  
40 taking my private vessel out on a fun trip or whether it's a  
41 wealthy doctor who has the vessel and he's going out on a  
42 private trip, are they constrained by the limits of the permit  
43 while they're on the private trip?

44  
45 Meaning if I own -- If I'm a charter owner and I have my 32  
46 Contender, but I bring my wife and son to fish, according to the  
47 permit I still can't catch fish, because I'm the captain of the  
48 boat. I don't know what the intent of the council was when we

1 passed it. I don't know if it needs clarification, but it's an  
2 issue that we've been asked about and it's more or less are you  
3 always under the permit or is it only when you are -- The last  
4 meeting confused some as much as it solved the problem.  
5

6 If goods and services aren't being transferred, we said that  
7 wasn't a charter, but do you still have to fish under the  
8 charter permit, because it's in your name? I think that's the  
9 clarification I'm trying to find.

10  
11 **DR. CRABTREE:** You are constrained by the permit and so if  
12 you're on a vessel that has a charter permit attached to it, you  
13 have to follow those rules.  
14

15 **MR. FISCHER:** The whole discussion of goods and services, in a  
16 sense, in this case, was moot, because even though no goods --  
17 We stated that if no goods and services were exchanged that it  
18 wasn't a charter and so if someone gets the permit, they  
19 essentially give up their rights to ever fish again.  
20

21 **DR. CRABTREE:** No, but if you are fishing on a vessel that has a  
22 charter boat permit on it and if federal waters are closed, you  
23 can't fish in state waters on that vessel. You have to follow  
24 the rules that apply to the vessels that have the permit you  
25 have.  
26

27 **MR. FISCHER:** I wasn't referring to going in a closed season,  
28 but I was referring to just on an open day. It could be  
29 amberjack fishing in the fall and you still have to follow is  
30 what you're saying.  
31

32 **DR. CRABTREE:** I mean if you're on a federally-permitted vessel  
33 and amberjack is open, you can go out and catch an amberjack. I  
34 don't get your question.  
35

36 **MR. FISCHER:** But I am the captain of the boat and it says the  
37 captain and crew can't fish. If I am bringing my wife and son  
38 to fish on my boat and not on a charter trip --  
39

40 **DR. CRABTREE:** That I would have to get Mara to look into.  
41

42 **MR. FISCHER:** I thought that's what we -- That's what I thought  
43 the last meeting we were solving when we stated that if no goods  
44 or services were exchanged. Since then, it's come to our  
45 attention that that didn't accomplish any goals.  
46

47 **DR. CRABTREE:** I think what you're asking about with the bag  
48 limit is linked to whether the vessel is under charter or not

1 and not so much the permit, but that's a question that staff can  
2 easily research and get you an answer to.

3  
4 **MS. BOSARGE:** I think, Myron, as we move along in this process  
5 that that may become a lot clearer, because commercial boats,  
6 especially the smaller red snapper boats that are more of the  
7 Contender-style boats, they essentially have to operate under  
8 that permit at all times and so what they do is they have to  
9 hail -- If that boat leaves the dock, they've got to hail-in or  
10 hail-out.

11  
12 Now, if they're putting their family on it to go to the Barrier  
13 Islands off of Mississippi and have a nice day, they can do  
14 that, but they have to hail-in to the government and let the  
15 government know where they're going and that they're taking it  
16 out for pleasure that day and the VMS is still on. Do you see  
17 what I'm saying? There is some sort of accountability in  
18 enforcement attached to it.

19  
20 **CHAIRMAN ANSON:** What happens with the -- Can they go fishing  
21 under private recreational limits when they hail in that the  
22 boat is leaving the dock? What's the status of -- Can they not  
23 catch any fish then? Because if they do, don't they necessarily  
24 have to bring them back and sell them?

25  
26 **MS. BOSARGE:** If they're telling the government that they're  
27 going out for pleasure, they better be going out for pleasure  
28 and they better not be commercial fishing.

29  
30 **CHAIRMAN ANSON:** But they can keep their recreational limits  
31 under that scenario?

32  
33 **MS. BOSARGE:** We might have to ask law enforcement and the Coast  
34 Guard, but they better have a recreational license. They've got  
35 a boat with a VMS and the VMS better be operating and they still  
36 have to operate under all the rules and regulations that apply  
37 to that permit and so I would guess that you would have to check  
38 with law enforcement, but that seems the way it would work.

39  
40 **MS. LEVY:** There are two different things. There are the  
41 regulations that apply to the permitted vessel, which is like  
42 anyone who has a charter/headboat permit has to comply with the  
43 more restrictive regulations. That is linked to the vessel  
44 permit.

45  
46 Then there is the regulations like the bag limit, which say, for  
47 example, that no grouper may be retained by the captain or crew  
48 of a vessel operating as a charter vessel or headboat. There's

1 a distinction there. One is linked to how you're operating and  
2 one is linked to the permitted vessel.

3  
4 I think with respect to the operating that as long as you're not  
5 carrying a passenger that pays a fee or over the passenger limit  
6 on those dually-permitted vessels that distinguish them between  
7 commercial and charter/headboat trips that the captain and crew  
8 probably could keep the bag limit. That's the slight  
9 distinction between those two types of regulations.

10  
11 **CHAIRMAN ANSON:** I will just throw it in there, since we're  
12 talking about them, was that part of the discussion last time  
13 when we brought up trying to define charter boats and when is a  
14 charter trip and a private trip, it's just the reporting aspect  
15 of it and the identification of where those vessels were going  
16 to fall in as we get into two differing season lengths now and  
17 when that vessel is encountered out of the recreational season,  
18 but it has a permit, and they're encountered at the dock, I  
19 assume they will be encountered as a recreational trip now and  
20 then that will be applied to the recreational effort, but yet  
21 we're talking about a very small universe of those federally-  
22 permitted for-hire vessels relative to the overall fishing  
23 effort.

24  
25 I am concerned that when you go to the expansion that you're  
26 going to be overestimating the amount of harvest that's  
27 attributed to that catch for red snapper out of season, but yet  
28 during the for-hire season, but we'll see how it goes. Do we  
29 have any other -- Johnny, do we have one other?

30  
31 **MR. GREENE:** Well, not about that, but I just wanted to --  
32 Before we left Reef Fish, just point you to the fact that we  
33 still have seven pages of the Joint South Florida Management  
34 Document. However, I do have an idea, if you would like for me  
35 to proceed.

36  
37 **CHAIRMAN ANSON:** Please.

38  
39 **MR. GREENE:** It's kind of my idea here to try to discontinue  
40 working on this document and try to somehow come up with a  
41 couple of framework options that we could perhaps finish before  
42 the year's end and then go back and see what's left over and  
43 pick up that document at that time.

44  
45 **CHAIRMAN ANSON:** Anybody have any comments to what Johnny is  
46 proposing?

47  
48 **MS. BADEMAN:** I am not ready to discontinue this document. I do

1 realize, and we chatted a little bit, that there may be some  
2 things that are Gulf changes only that maybe we could pull out  
3 and do a little bit faster, but I am not ready to throw in the  
4 towel on this. This is a really, really important issue for  
5 Florida, for South Florida in particular, and so that's my two-  
6 cents.

7  
8 **MR. GREENE:** To that point, it's not a motion and it's just an  
9 idea. Maybe perhaps "discontinue" is not the right word, but I  
10 am just trying to find some way to move forward, because it  
11 seems like that with the -- I am not trying to discredit the  
12 importance of that document in any manner, but I'm just trying  
13 to find some way to take the sure wins and, for example, the j-  
14 hook for the yellowtail snapper and potentially looking at the  
15 recreational harvest of mutton during the spawning season.

16  
17 Trying to think back, I think there was something about size  
18 limits and trying to balance those out as well and so I  
19 certainly am not a South Florida person and I am not trying to  
20 push anyone in one direction, but I just figured this might be  
21 something that would move on and maybe we could ask staff for  
22 their opinion, but I certainly don't want to drive the train  
23 here.

24  
25 **EXECUTIVE DIRECTOR GREGORY:** Johnny, we addressed the size  
26 limits earlier with gag and the mutton snapper thing was taken  
27 out and we're going to be working on that along with development  
28 of the ABCs and ACLs for mutton snapper and so they will go in  
29 tandem.

30  
31 The only other thing I can think of that was a request to us  
32 that's strictly Gulf would be the yellowtail and possibly gray  
33 snapper circle hook exemption. The South Atlantic Council  
34 already exempts all reef fish from having to use a circle hook  
35 and staff discussion was that we don't -- Circle hooks are  
36 proven to be a good conservation tool and so we didn't want to  
37 encourage the council to remove circle hooks from all reef fish,  
38 but to accommodate the request from the commercial industry for  
39 yellowtail and possibly gray snapper. We could work on a  
40 framework action for that and bring it to you in August.

41  
42 **MR. GREENE:** Okay and so would you need a motion to do that?

43  
44 **EXECUTIVE DIRECTOR GREGORY:** It would be nice.

45  
46 **MR. GREENE:** I don't want to make a South Florida motion, but  
47 whatever. Somebody help me. **I mean I don't mind making a**  
48 **motion to direct staff to begin work on a framework for**

1 commercial yellowtail snapper fishermen that would allow the use  
2 of j-hooks and I don't know if there's any stipulation for bait  
3 types or anything. I don't know this fishery that well and if  
4 somebody would like to help, I would certainly take it.  
5

6 **MR. RYAN RINDONE:** You might add "the use of j-hooks with  
7 natural bait".  
8

9 **MR. GREENE:** Okay. Before I'm done, does this give you clear  
10 direction of what we're trying to do? I mean does staff  
11 understand? I don't want to turn a motion loose that's not  
12 attainable.  
13

14 **EXECUTIVE DIRECTOR GREGORY:** Yes, that is something we could do.  
15

16 **MR. GREENE:** Mr. Chairman, that's my motion.  
17

18 **CHAIRMAN ANSON:** We have a motion on the board and has it been  
19 seconded?  
20

21 **MR. WALKER:** I'll second it.  
22

23 **CHAIRMAN ANSON:** It's seconded by David. Any further  
24 discussion on the motion? **Any opposition to the motion? Seeing**  
25 **none, the motion carries.** Doug, I did have you and I apologize  
26 that I skipped over you.  
27

28 **MR. BOYD:** That's okay and thank you. I am going back to the  
29 motion to create the ad hoc private recreational committee.  
30 We've done that and I've got a question about that. What charge  
31 are we going to announce and who are we going to try to recruit  
32 for this?  
33

34 **EXECUTIVE DIRECTOR GREGORY:** Well, the announcement we're going  
35 to do probably next week or the week after that and have a  
36 closing date in time for us to get a list for you in August.  
37 The charge really hasn't been discussed other than to develop  
38 possible management changes for the private recreational  
39 fishery.  
40

41 We can develop a charge in August. It would be best to have a  
42 charge when we advertise it, so that people have a better idea  
43 of what they're going to be working on. If we don't have a  
44 charge from the council here, we'll use what's in that motion.  
45

46 **MR. BOYD:** I guess I'm confused then. What are we going to  
47 advertise in the next few weeks?  
48

1 **EXECUTIVE DIRECTOR GREGORY:** We're going to do two things.  
2 We're going to send a notice out to everybody that came to one  
3 of our RAP sessions that we have emails for and tell them that  
4 we're creating an ad hoc private recreational committee to  
5 discuss possible management changes for the private recreational  
6 fishery. That's what we'll be advertising, that we have  
7 availability of membership on this new committee.  
8

9 **MR. BOYD:** Are we not going to advertise to the general public?

10  
11 **EXECUTIVE DIRECTOR GREGORY:** Yes, I'm sorry. I forgot that.  
12 Yes, but we're also going to target the ones that came to our  
13 RAP sessions.  
14

15 **MR. BOYD:** Okay. If I am someone out there in the public, how  
16 do I know what I might apply for and what I'm going to be doing?  
17

18 **EXECUTIVE DIRECTOR GREGORY:** I don't know how to answer that.  
19 If we don't have something better, I will use the language in  
20 this motion.  
21

22 **MR. BOYD:** Okay. I'm a charter for-hire captain in the State of  
23 Texas and I am not in the headboats and I'm not a federally-  
24 permitted person and do I apply?  
25

26 **EXECUTIVE DIRECTOR GREGORY:** Carrie had her hand up, but we  
27 certainly wouldn't exclude people in the advertisement, because  
28 the council has routinely in the last year said they want a  
29 diversity of people on committees and so this committee could be  
30 made up of only private anglers or it could be a mixture of  
31 private anglers and for-hire anglers, like some of our other  
32 committees.  
33

34 **MR. BOYD:** That's where I'm leading. This says "private  
35 recreational committee" and I don't think that defines who we're  
36 looking for and I think -- Frankly, I think that going out and  
37 asking for people to submit to be on this committee is premature  
38 until we figure out exactly what this committee is going to do  
39 and who needs to population it or who should populate it. We're  
40 going to do it, but I'm just saying I think we're premature.  
41

42 **DR. CRABTREE:** I have mixed feelings about it. I mean it struck  
43 me in watching the vote here that the private recreational  
44 members of the council voted against it and if we're going to  
45 get anywhere with something like this, it's got to be the  
46 private recreational people who want to do this and it's got to  
47 come from them.  
48

1 Doug may be right that we're a little premature. We need to be  
2 very careful with this and we need to make sure we get the right  
3 people and the right atmosphere to make this happen and it can't  
4 be the commercial guys on the council pushing this on them.  
5 That's going to backfire on us.

6  
7 We passed the motion and so I guess we're going down this path,  
8 but I think we need to be sensitive to this and to make this  
9 happen in a productive way is going to be a lot of sensitivities  
10 to that and we need to make sure that we get the right  
11 combination of people and that we get support from the overall  
12 recreational people to make this happen.

13  
14 **EXECUTIVE DIRECTOR GREGORY:** I am open to guidance. If you  
15 don't want to do it right away, tell us. I mean we try not to  
16 delay on things the council wants. If you want to develop  
17 categories of people to go on this committee, we can do it that  
18 way and advertise it that way.

19  
20 **DR. CRABTREE:** I don't know what the answer to that is and I  
21 think some discussions with Doug and maybe Ken and Dick Brame  
22 and some of the private recreational representatives would be  
23 worthwhile, but I think it's more important that we do this  
24 right than we do it quickly. Otherwise, I think it's just not  
25 going to be productive.

26  
27 **CHAIRMAN ANSON:** We aren't eating into lunch time, because we're  
28 going to have a short lunch, and so we're still continuing the  
29 morning session, in my eyes, but we do need to come to a point  
30 here to stop before lunch and so that's something to consider, I  
31 think, is the comments made relative to that motion that we  
32 passed previously and looking at how we go forward in  
33 advertising and trying to populate it.

34  
35 **DR. DANA:** This is just a suggestion in that we are going into  
36 the lunch hour and I'm sure that people want to take a break.  
37 Perhaps we temporarily adjourn the Reef Fish Committee and when  
38 we come back to our council, full council, meeting after lunch,  
39 we take care of the other committees and then we -- In that  
40 timeframe when we're taking care of the other committees --  
41 Chairman Anson.

42  
43 **CHAIRMAN ANSON:** I'm sorry, but I'm not following. I apologize.

44  
45 **DR. DANA:** In the timeframe that we are going through the other  
46 committees, that allows the staff to craft a charge, if we want  
47 to have a charge, and then after the other committees go through  
48 their whatever, their stuff, then we can go back into Reef Fish,

1 because I think Reef Fish has a lot more to go and you're going  
2 to lose a lot of folks from the public that are here for some of  
3 the other committee stuff.

4  
5 **MR. BOYD:** My feeling is that staff should not a craft a charge.  
6 The charge should come from this council and not from staff.

7  
8 **CHAIRMAN ANSON:** I would concur with that and I mean I think  
9 there's interest on both sides that we get the best product that  
10 we can and give them explicit instructions as to what they would  
11 be doing and so I think that would be appropriate, that we just  
12 try to come back and we can just add it as an Other Business  
13 item or keep the Reef Fish open and come back to it at a later  
14 time during the session. We can recess for lunch right now and  
15 then try to pick it up immediately after if folks can put a few  
16 minutes towards that.

17  
18 (Whereupon, the meeting recessed at 11:35 a.m., June 12, 2015.)

19  
20 - - -

21  
22 June 12, 2015

23  
24 FRIDAY AFTERNOON SESSION

25  
26 - - -

27  
28 The Full Council of the Gulf of Mexico Fishery Management  
29 Council reconvened at the Marriott Beachside Hotel, Key West,  
30 Florida, Friday afternoon, June 12, 2015, and was called to  
31 order at 12:45 p.m. by Chairman Kevin Anson.

32  
33 **CHAIRMAN ANSON:** Let's get things going again. We talked about  
34 postponing Reef Fish. We have a couple more items in Reef Fish,  
35 but we're going to postpone that until we get through all the  
36 rest of the committee reports and then we'll have a good idea as  
37 to how much time is left in the day. We'll go ahead and start  
38 with the next committee report and that would be Mackerel and  
39 Dr. Dana.

40  
41 **MACKEREL MANAGEMENT COMMITTEE REPORT**

42  
43 **DR. DANA:** Thank you, Chairman Anson. The Mackerel Committee  
44 met on June 8 and, among other things, discussed CMP Framework  
45 Amendment 3. Staff reviewed CMP Framework Amendment 3, Tab C,  
46 Number 4(a), which addresses changes to the gillnet component of  
47 the commercial king mackerel fishery in the Gulf.

1 The committee heard public comments from an industry  
2 representative and a gillnet fisherman who outlined their  
3 preferred outcomes, including a 45,000-pound trip limit, no  
4 additional accountability measures, no change to electronic  
5 monitoring practices, and ideas for the elimination of latent  
6 permits. Committee members thought that a higher trip limit was  
7 feasible if paired with strict accountability measures and  
8 improved and more appropriate monitoring methods.

9  
10 **The committee recommends, and I so move, to recommend to the**  
11 **council that the preferred alternative in Action 1 be**  
12 **Alternative 3, which is to increase the trip limit to 45,000**  
13 **pounds.**

14  
15 **CHAIRMAN ANSON:** Thank you, Dr. Dana. We have a committee  
16 motion. Any discussion on the motion? **Any opposition to the**  
17 **motion? Seeing none, the motion carries.**

18  
19 **DR. DANA:** The committee went on to recommend, and I so move, to  
20 recommend to the council that the preferred alternative in  
21 Action 2 be Alternative 3, Option a. Alternative 3 is f the  
22 Florida West Coast Southern Subzone gillnet ACL is exceeded in a  
23 year, NMFS would reduce the Florida West Coast Southern Subzone  
24 gillnet ACL in the following year by the amount of the overage.  
25 The ACT, if established, will also be adjusted to reflect the  
26 previously established percent buffer. Option a is payback  
27 regardless of stock status.

28  
29 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on  
30 the motion?

31  
32 **MR. FISCHER:** Just to confirm, the payback would strictly out of  
33 this subsector?

34  
35 **CHAIRMAN ANSON:** I am hearing Doug say yes.

36  
37 **EXECUTIVE DIRECTOR GREGORY:** Yes, that is the understanding.

38  
39 **CHAIRMAN ANSON:** Any other discussion? **Any opposition to the**  
40 **motion? Seeing none, the motion carries.**

41  
42 **DR. DANA:** Thank you. The committee then recommends, and I so  
43 move, to recommend that the council add a new Alternative 4 to  
44 Action 2. The new Alternative 4 reads: If the Florida West  
45 Coast Southern Subzone gillnet ACL is exceeded in a year, NMFS  
46 will reduce the gillnet trip limit for subsequent seasons until  
47 that trip limit is modified by the council with Option a, 35,000  
48 pounds and Option b, 25,000 pounds. Mr. Chairman.

1  
2 **CHAIRMAN ANSON:** We have a committee motion.  
3  
4 **MR. SANCHEZ:** I make a motion to remove the new Alternative 4  
5 from Action 2 and get rid of it. After a lot of discussion --  
6 Well, I make the motion and see if I get a second. Considered  
7 but rejected or however you want to remove it is fine with me.  
8  
9 **MS. LEVY:** This is a motion before the council to add the  
10 alternative and so if you don't want to add it, vote it down.  
11  
12 **MR. SANCHEZ:** I would speak against this motion, the rationale  
13 being we discussed this with all of the participants in the  
14 fishery and they're all onboard and they are very aware that if  
15 they overrun their allocation apportioned to them that it's  
16 going to come off of next year's quota and so I don't see the  
17 reason to dually penalize them with a lowered reduction in trip  
18 limit, given that they've asked for the 45,000 and it's so hard  
19 to get a group of fishermen to agree on anything and that's what  
20 they've done and this is what they want and let's give them a  
21 chance. If it fails, then we'll come back and adjust it.  
22 That's my rationale and my thought process.  
23  
24 **CHAIRMAN ANSON:** John, just so we're clear, the motion you had  
25 offered, you want that removed, right? We didn't get a second,  
26 but I just wanted to make sure it's off the table.  
27  
28 **MR. SANCHEZ:** Yes.  
29  
30 **CHAIRMAN ANSON:** So we are talking about the committee motion  
31 right now and that's on the board.  
32  
33 **MR. FISCHER:** If he needed a second, I would second it, to  
34 further this. With the payback, I don't think this is  
35 necessary.  
36  
37 **DR. DANA:** I would just defer to Steve Branstetter to just make  
38 comment on this particular new alternative and the discussion  
39 item brought up by John Sanchez and just your perspective, being  
40 the expert.  
41  
42 **DR. BRANSTETTER:** John and I met with the industry  
43 representatives and we've come to the agreement that this isn't  
44 necessary and that payback is sufficient.  
45  
46 **CHAIRMAN ANSON:** Any other discussion? Anyone in favor of the  
47 motion on the board please raise your hand. If you vote for  
48 this motion, you are adding this as an alternative in the

1 document. If you don't want it in the document, vote no. Let's  
2 do this over. **Anyone in support of this motion, please raise**  
3 **your hand, if you're in favor of this motion; all those opposed**  
4 **like sign. The motion fails.** Dr. Dana.

5  
6 **DR. DANA:** Thank you, Chairman Anson. Committee members  
7 discussed including a buffer into the previous motion to add a  
8 new Alternative 4 to Action 2. However, some committee members  
9 thought that adding any sort of buffer would simply allow  
10 fishermen to fish up to that buffer, effectively acting as an  
11 ACL increase. Accuracy of landings data was also discussed, and  
12 NMFS staff assured the committee that the landings were accurate  
13 to the pound.

14  
15 Committee members asked how preferred Alternative 3 in Action 3  
16 would change the existing electronic reporting requirements and  
17 staff indicated that Alternative 3 would codify the current  
18 practice of industry cooperation combined with weekly electronic  
19 reporting.

20  
21 The committee considered latent permits in the gillnet fishery.  
22 Committee members thought it important to protect historical  
23 fishermen, but didn't want to remove permits which may have gone  
24 a few years without landings.

25  
26 **The committee recommends, and I so move, to recommend to the**  
27 **council that the preferred alternative in Action 4 be**  
28 **Alternative 3, Option a. Alternative 3 is allow commercial king**  
29 **mackerel gillnet permits to be renewed only if landings for a**  
30 **single year during 2006 through 2015 were greater than one of**  
31 **the options listed below. Gillnet permits that do not qualify**  
32 **will be non-renewable and non-transferable. Option a is one**  
33 **pound.**

34  
35 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on  
36 the motion?

37  
38 **MR. WILLIAMS:** Just a question. Steve Branstetter, is it  
39 possible for someone maybe that didn't have any landings to go  
40 back and fix a reporting for last year to indicate that he did  
41 have a hundred pounds or is that all closed now and it can't be  
42 done? Do you know?

43  
44 **DR. BRANSTETTER:** I think landings are adjusted for several  
45 years, but I suppose they could, but they would have to have  
46 some documentation of it. I don't think you could just walk  
47 into a dealer and -- If a dealer doesn't have a trip ticket,  
48 you're not going to be able to just walk in and say hey, I

1 caught fish last year.

2  
3 **MR. WILLIAMS:** There's three or four people that are going to be  
4 affected by this and so I'm just concerned that they may  
5 suddenly come up with some kind of landings to keep them in the  
6 fishery.

7  
8 **CHAIRMAN ANSON:** A question I have is when it says 2015, is that  
9 -- I would assume at this point it's the calendar year 2015 and  
10 so anytime between now and the end of the year any fisherman  
11 that had more than one pound would then qualify and is that  
12 correct?

13  
14 **DR. BRANSTETTER:** The fishery is over for 2015. It doesn't  
15 reopen until 2016.

16  
17 **CHAIRMAN ANSON:** Right and so that's considered a fishing year.

18  
19 **EXECUTIVE DIRECTOR GREGORY:** On the gillnet fishery, but the  
20 fishing season is July 1 for king mackerel, right?

21  
22 **DR. BRANSTETTER:** Gillnet is closed until the day after Martin  
23 Luther King in January of 2016.

24  
25 **CHAIRMAN ANSON:** All right. I just wanted to make sure. Thank  
26 you. Was that your point, Ryan?

27  
28 **MR. RYAN RINDONE:** Yes, Mr. Chair. I was just going to say it's  
29 legally impossible for a fisherman to use gillnet to harvest  
30 king mackerel from this point until the end of the year.

31  
32 **CHAIRMAN ANSON:** To Roy's point, I guess, just making sure that  
33 -- Does it occur where you might get a report submitted well  
34 after the season has ended? I mean three months later or six  
35 months later, do you get those? Have you gotten those in the  
36 past, Steve, do you know, or Mara?

37  
38 **MS. LEVY:** The requirements for reporting are the requirements  
39 for reporting and so you're technically in violation of the  
40 regulations if you don't submit them timely. However, on  
41 occasion, I know that when people come in to renew their permits  
42 if it shows that their logbooks are not up to date or they  
43 haven't met the reporting requirements that they won't get their  
44 permit until they actually do that and so sometimes you do have  
45 a lag time with respect to that.

46  
47 For this particular action, if you look at the way that codified  
48 text is drafted with respect to initial determinations about who

1 qualifies and then the appeals process for that, there is  
2 language in there that says: Determinations of appeals regarding  
3 landings data for 2006 to 2015 will be based on NMFS logbook  
4 records submitted on or before" and then we have a blank for the  
5 date.

6  
7 The reason we've done that is to give folks notice of some  
8 period of time after this rule is published that they have until  
9 this date to be sure that their logbooks are up to date and so  
10 sixty or ninety days, I don't think that we've decided exactly  
11 what the appropriate time period is. If the council members  
12 want to suggest any time period with which to do that, you  
13 certainly can.

14  
15 I think the issue is that we didn't want to leave it open for a  
16 potential two-year period to let people come in and somehow  
17 update their logbooks, but they're also going to have to have  
18 documentation that they actually landed it. They're not just  
19 going to be able to come in and say yes, I had five pounds four  
20 months ago or three months ago.

21  
22 **CHAIRMAN ANSON:** Right and so if they had come to you and wanted  
23 to renew and then showed a recent logbook of which there were  
24 landings that weren't already entered in, you would accept them  
25 even though they were in violation. You would accept them and  
26 then that individual would be eligible to have their permit  
27 renewed, correct?

28  
29 **MS. LEVY:** Yes, I think that's happened in the past, but in this  
30 case we want to put in some cutoff date that says hey, if your  
31 stuff isn't submitted by this date, we're not going to consider  
32 it for the purposes of your appeal and so if you think you have  
33 landings, get your logbooks up to date and get them in.

34  
35 **CHAIRMAN ANSON:** We may want to address that or you're asking  
36 for some guidance or suggestions and we might be able to do  
37 that, but we have a motion on the board and so maybe we can  
38 handle that after we dispense with the motion. Any other  
39 discussion on the motion? **All those in favor of the motion  
40 please raise your hand; any opposition. The motion carries.**

41  
42 **DR. DANA:** Mr. Chairman, this concludes my report.

43  
44 **CHAIRMAN ANSON:** Thank you very much. Mr. Fischer.

45  
46 **MR. FISCHER:** In the codified text, do we have to put a date  
47 forward? Sometimes with a control date we actually use the  
48 present date and I think this opens the door for the remaining

1 two or three permit holders to get in.

2  
3 **MS. LEVY:** This isn't really a control date. What you're doing  
4 is putting people on notice about when you're going to consider  
5 the -- How long they have to get information to you that you're  
6 going to consider for an appeal.

7  
8 In the past when we've done this, it hasn't been that much of a  
9 problem, because the dates that you've used to decide  
10 eligibility have been way in the past and so eligibility ended  
11 in 2010 and then the rules say NMFS will consider logbook data  
12 submitted on or before something in 2011 and then the thing is  
13 actually implemented in 2012 and so it hasn't been an issue, but  
14 here the issue is that we're saying 2015, which we're in right  
15 now.

16  
17 We have to tell folks we're going to consider landings data that  
18 you've submitted on or before some specified date in the future,  
19 so that we give them that notice.

20  
21 **CHAIRMAN ANSON:** Ryan, did you have a comment?

22  
23 **MR. RINDONE:** I was just indicating to Dr. Dana that if the  
24 council has selected preferred alternatives for all the actions  
25 in the framework amendment that you guys might consider  
26 recommending it to the Secretary for implementation.

27  
28 **DR. DANA:** I guess that didn't conclude my report and thank you,  
29 Ryan. **I would like, on behalf of the committee, to make the**  
30 **motion to approve the CMP Framework Amendment 3 and that it be**  
31 **forwarded to the Secretary of Commerce for review and**  
32 **implementation and deem the codified text, as modified in**  
33 **discussion, as necessary and appropriate, giving staff editorial**  
34 **license to make the necessary changes in the document. The**  
35 **Council Chair is given the authority to deem any changes to the**  
36 **codified text as necessary and appropriate, if I can get a**  
37 **second.**

38  
39 **CHAIRMAN ANSON:** There's a second by Ms. Bademan. Any  
40 discussion on the motion?

41  
42 **MS. LEVY:** Just before you do that, a couple of things with  
43 respect to the codified text that I wanted to point out. There  
44 are a couple of places in there that talk about making a  
45 correction from something that was done in a previous amendment  
46 when we did the codified text for that amendment and that has to  
47 do with the language in the ACL and accountability measures for  
48 the recreational sector for these species that says when

1 landings are estimated or projected to reach the ACL, you close  
2 and then there's a sentence in there that's similar to what we  
3 have in reef fish that says the bag and possession limit would  
4 also apply in the Gulf onboard a vessel for which a valid  
5 federal charter vessel headboat permit for coastal migratory  
6 pelagic fish has been issued without regard to where such  
7 species are harvested, i.e., in state of federal waters.

8  
9 It reduces the bag limit to zero and then there's that section  
10 in there about it applying no matter where the species are  
11 harvested and NMFS has determined that that was put in there in  
12 error when you did the ACL/AM amendments. This is going to take  
13 that out. This particular rulemaking will take that out and so  
14 that's what that correction thing is in the codified text.

15  
16 Then the other thing that I wanted to point out was the date  
17 that we just discussed about the determinations. Again, if  
18 anyone has any strong feelings about how much time folks should  
19 be given, please let us know.

20  
21 Then the other thing in there is that we put the trip limit  
22 reduction language in there to show you what it would look like,  
23 since you were contemplating adding that alternative, but since  
24 you didn't do that, that language will be removed before the  
25 rule is proposed.

26  
27 **EXECUTIVE DIRECTOR GREGORY:** So we could do an amendment to this  
28 motion to put a timeline for logbook appeals?

29  
30 **MS. LEVY:** You don't need to do an amendment. It's just that,  
31 like I said, the agency is going to have to put a date in there  
32 about how far in the future after the rulemaking comes out that  
33 we're going to allow looking at landings -- People to submit  
34 logbook landings.

35  
36 We have in there "date" and we were thinking sixty to ninety  
37 days after promulgation of the rule would be the cutoff and if  
38 you don't submit any updated logbooks by then, then we're not  
39 going to consider them later in time once we tell you that you  
40 can't renew, but if there is some other time period that the  
41 council feels is more appropriate than sixty or ninety days,  
42 then to let us know that.

43  
44 **EXECUTIVE DIRECTOR GREGORY:** What's the best way to let you know  
45 that? Is it a motion?

46  
47 **MS. LEVY:** You could make a motion.

48

1 **EXECUTIVE DIRECTOR GREGORY:** If it's not an amendment to this  
2 motion, can it come after this motion?  
3  
4 **MS. LEVY:** If you're in agreement. I mean you can do this and  
5 then tell us what time period you think is appropriate.  
6  
7 **CHAIRMAN ANSON:** Any other discussion on the motion? It's a  
8 roll call vote.  
9  
10 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.  
11  
12 **MS. BOSARGE:** Yes.  
13  
14 **EXECUTIVE DIRECTOR GREGORY:** Mr. Perret.  
15  
16 **MR. PERRET:** Yes.  
17  
18 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bademan.  
19  
20 **MS. BADEMAN:** Yes.  
21  
22 **EXECUTIVE DIRECTOR GREGORY:** Mr. Robinson.  
23  
24 **MR. ROBINSON:** Yes.  
25  
26 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree or Steve Branstetter.  
27  
28 **DR. BRANSTETTER:** Yes.  
29  
30 **EXECUTIVE DIRECTOR GREGORY:** Dr. Dana.  
31  
32 **DR. DANA:** Yes.  
33  
34 **EXECUTIVE DIRECTOR GREGORY:** Mr. Boyd.  
35  
36 **MR. BOYD:** Yes.  
37  
38 **EXECUTIVE DIRECTOR GREGORY:** Mr. Diaz.  
39  
40 **MR. DIAZ:** Yes.  
41  
42 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.  
43  
44 **DR. STUNZ:** Yes.  
45  
46 **EXECUTIVE DIRECTOR GREGORY:** Mr. Sanchez.  
47  
48 **MR. SANCHEZ:** Yes.

1  
2 **EXECUTIVE DIRECTOR GREGORY:** Mr. Pearce. He can't vote. Mr.  
3 Williams.  
4  
5 **MR. WILLIAMS:** Yes.  
6  
7 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.  
8  
9 **MR. WALKER:** Yes.  
10  
11 **EXECUTIVE DIRECTOR GREGORY:** Mr. Greene.  
12  
13 **MR. GREENE:** Yes.  
14  
15 **EXECUTIVE DIRECTOR GREGORY:** Mr. Fischer.  
16  
17 **MR. FISCHER:** Yes.  
18  
19 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.  
20  
21 **MR. MATENS:** Yes.  
22  
23 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.  
24  
25 **CHAIRMAN ANSON:** Yes.  
26  
27 **EXECUTIVE DIRECTOR GREGORY:** It's unanimous sixteen to zero with  
28 one absentee.  
29  
30 **CHAIRMAN ANSON:** All right and so Mr. Williams.  
31  
32 **MR. WILLIAMS:** Mara, what you typically take about, what, five  
33 months to approve a regulatory amendment like this? I am just  
34 trying to figure out when this would take effect and then --  
35 This would take effect probably in October or November or  
36 something like that and if we gave people until the end of the  
37 year to get any landings they have in.  
38  
39 **MS. LEVY:** I am getting direction that it might be a little  
40 later than that. You may want to just specify thirty days after  
41 the publication of the final rule or sixty days or how much time  
42 do you think is appropriate after we publish the final rule and  
43 say this is it, because also think about the fact that we have  
44 to mail out these determination letters letting them know  
45 whether they qualify and you kind of want to have the date that  
46 you can submit the logbooks either before or with that date,  
47 because you don't want the letter to go out and the people to be  
48 like, oh, yes, here's my logbook. You want to sort of prompt

1 the action to happen before you send the letter.  
2  
3 **MR. WILLIAMS:** I think people have known this is coming and they  
4 will have plenty of time to know it's coming. **I would offer a**  
5 **motion then that -- I am not sure quite how to craft it, but**  
6 **thirty days is what I'm thinking about, that a person have**  
7 **thirty days to submit their logbook in order to qualify for a**  
8 **coastal migratory pelagics gillnet permit.** Did I frame that  
9 correctly or not? Did I leave something out? I probably did.  
10  
11 **MR. SANCHEZ:** I will second it, even though it's not finished  
12 yet.  
13  
14 **CHAIRMAN ANSON:** Let's wait for it to go up on the board.  
15  
16 **MR. WILLIAMS:** Could you help here, Mara?  
17  
18 **MS. LEVY:** Why don't we make it thirty days from the effective  
19 date of the final rule?  
20  
21 **MR. WILLIAMS:** That's fine with me.  
22  
23 **CHAIRMAN ANSON:** We have a motion on the board that a person has  
24 thirty days to submit their logbook -- A person can submit their  
25 logbook for thirty days from the effective date of the final  
26 rule. Remove the first "thirty days" reference. A person has  
27 thirty days to submit their logbook from the effective date of  
28 the final rule for CMP Amendment 3. It's been seconded and any  
29 discussion on the motion?  
30  
31 **MS. BOSARGE:** Just a question. I was just thinking about it  
32 from -- It sounds like we're thinking about it from the  
33 perspective of somebody that maybe is trying to show landings  
34 and keep their permit. John, there's not -- I am just thinking  
35 about when these permit renew and usually you go get your permit  
36 right before the season opens. At least in a lot of the stuff  
37 that we do, that's when they typically renew.  
38  
39 We won't have anybody that surely is not aware of this and that  
40 didn't have landings and they go to renew their permit and it's  
41 after this thirty days and they go, oh, shoot, are you kidding?  
42  
43 **MR. SANCHEZ:** To that point, I just don't see with a fishery  
44 that's already closed and you're expected to have submitted your  
45 landings already in a timely manner for them to be able to  
46 justifiably come back after the fact so late and be able to say  
47 here's my whatever landings. It would be, in my mind, very  
48 suspect, very incredulous. I don't see it happening, really.

1  
2 **MS. BOSARGE:** Okay. Thanks.  
3

4 **DR. BRANSTETTER:** As Mara mentioned, we will be sending  
5 notification letters out to all permit holders, letting them  
6 know, based on our interpretation, whether they have qualified  
7 for a permit renewal or not.  
8

9 **CHAIRMAN ANSON:** Any other discussion on the motion? **Is there**  
10 **any opposition to the motion? Seeing none, the motion carries.**  
11

12 **DR. DANA:** Mr. Chairman, that really does conclude my report.  
13

14 **CHAIRMAN ANSON:** All right. Thank you. Sustainable  
15 Fisheries/Ecosystem and Ms. Bosarge.  
16

#### 17 **SUSTAINABLE FISHERIES/ECOSYSTEM MANAGEMENT COMMITTEE REPORT**

18

19 **MS. BOSARGE:** All right. The first topic discussed by the  
20 Sustainable Fisheries/Ecosystem Management Committee was  
21 National Standard 1, 3, and 7 Proposed Revisions. Council staff  
22 reviewed the proposed recommendations contained in the draft  
23 letter to National Marine Fisheries Service. The following  
24 comments for modification of the recommendations were made by  
25 individuals.  
26

27 Recommendation 1 was to reassess the objectives of the fishery  
28 on a regular basis. Committee members suggested that the time  
29 period for reviewing objectives should be more specific. A  
30 suggestion was made to reassess the objectives of the fishery on  
31 a regular basis, not to exceed five or some other number of  
32 years.  
33

34 Recommendation 11, the rebuilding time period shall not exceed  
35 ten years, except where biology of the stock or other  
36 environmental conditions -- Committee members suggested that the  
37 inclusion of the social and economic environments be explicitly  
38 included by changing the wording to "The time period shall not  
39 exceed ten years except where biology of the stock, impacts to  
40 the socioeconomic environment or other environmental conditions,  
41 or management measures under an international agreement to which  
42 the U.S. participates dictates otherwise.  
43

44 Recommendation 14, emergency actions and interim measures, the  
45 committee had no opposition to staff's proposal to recommend  
46 adding the 1997 criteria for emergency action to the section.  
47 Mara Levy stated that the section only included criteria for  
48 interim rules because National Standard 1 pertains only to

1 prevent overfishing and achieving optimum yield.

2  
3 Other comments made but not recommending changes to the letter  
4 included Recommendation 2, stocks that require conservation and  
5 management. Mara Levy stated that the proposed revisions  
6 eliminate the criteria for determining ecosystem component  
7 species and replace them with more general language for  
8 determining species that are in need of management. Species  
9 that do not meet that guidance could be declared ecosystem  
10 component stocks.

11  
12 Recommendation 8, ABC phase-in, Mara stated that the proposal to  
13 allow ending of overfishing to be phased in over a period not to  
14 exceed three years is inconsistent with the Magnuson-Stevens Act  
15 requirement to end overfishing immediately.

16  
17 Recommendation 13, adequate progress, Mara stated that the  
18 reason why National Standard 1 proposed revisions called for a  
19 review every two years is because the Magnuson-Stevens Act  
20 specifies that for any overfished fishery the Secretary review  
21 any fishery management plan, plan amendment, or regulations at  
22 routine intervals that may not exceed two years. **The committee**  
23 **recommends, and I so move, to give staff editorial license in**  
24 **amending the document found as Tab B-4(a).**

25  
26 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on  
27 the motion?

28  
29 **EXECUTIVE DIRECTOR GREGORY:** A question. The Recommendation 8  
30 and 13, where NOAA General Counsel indicates that National  
31 Marine Fisheries Service in National Standards has their hands  
32 tied by the Magnuson Act, we might consider not keeping those in  
33 the letter, since there's nothing National Marine Fisheries  
34 Service can do about that. Those are a carryover from comments  
35 we were making to Congress last year and so maybe Recommendation  
36 8 and 13 could be removed from the letter.

37  
38 **MS. BOSARGE:** Okay. I think it says the -- The heading that  
39 that Recommendation 2, 8, and 13 fall under are other comments  
40 made but not recommending changes to the letter and so they fall  
41 under there and so would that be okay, Doug, or are you asking  
42 for something different?

43  
44 **EXECUTIVE DIRECTOR GREGORY:** Yes, I'm suggesting that they could  
45 be removed from the letter, which would be a change, since it's  
46 been indicated that NMFS cannot make the changes we've asked  
47 for, because they are constrained by the Magnuson Act. It could  
48 be confusing to them for us to be asking things that they can't

1 do. That was an oversight on staff's part.  
2  
3 **CHAIRMAN ANSON:** That's a major change to the letter and that's  
4 what Doug is asking, is in order to clean up the letter, as it  
5 were, to possibly remove those references to those in the  
6 letter.  
7  
8 **MR. PERRET:** It's a committee motion and can I amend the  
9 committee motion just to remove those items that NMFS has no  
10 control over because of requirements of the Magnuson Act? Is an  
11 amendment in order?  
12  
13 **EXECUTIVE DIRECTOR GREGORY:** Sure.  
14  
15 **MR. PERRET:** I would amend the motion to allow staff to remove  
16 those issues that NMFS is prevented from doing due to  
17 requirements in the Magnuson Act or some language of that type.  
18  
19 **MS. BOSARGE:** And give them editorial license in amending the  
20 remainder of the document, Corky.  
21  
22 **MR. PERRET:** Yes.  
23  
24 **CHAIRMAN ANSON:** There's an amended motion on the board and is  
25 there a second for the motion? Mara.  
26  
27 **MS. LEVY:** Just a suggestion that it's actually a substitute  
28 motion, because it's a committee motion that the council is now  
29 looking at.  
30  
31 **CHAIRMAN ANSON:** So it's a substitute motion. Is there a second  
32 to the substitute motion?  
33  
34 **MR. DIAZ:** Second.  
35  
36 **CHAIRMAN ANSON:** It's been seconded by Mr. Diaz. Any further  
37 discussion on the motion? **Any opposition to the motion? Seeing**  
38 **none, the motion carries.**  
39  
40 **MS. BOSARGE:** The next topic discussed by the committee was the  
41 Review of Draft CCC NEPA White Paper.  
42  
43 **CHAIRMAN ANSON:** Excuse me one second, Leann. I am sorry, but  
44 Mr. Atran.  
45  
46 **MR. ATRAN:** There is another issue on the letter, Recommendation  
47 Number 1, where it says to reassess the objectives on a regular  
48 basis. You recommended that it be a more specific reporting

1 time, but one person suggested five years and what we put in the  
2 report was not to exceed five or some other number of years. Do  
3 you want to try to reach some agreement on how many years that  
4 should be? This is still a very vague recommendation to put in  
5 the way it's worded right now.

6  
7 **CHAIRMAN ANSON:** Anyone have any comments? My comment would be  
8 possibly not to exceed five years or some other time period  
9 greater than that. I mean unless we have any specific heartburn  
10 about a number that we want to pass on, I mean we can give them  
11 the opportunity to think about it and such and I mean if six is  
12 better than five in some instances, but ten is better than five  
13 too and so I don't know. Council members, do you have any hard  
14 feelings on that as to providing a different number or a solid  
15 number? No?

16  
17 **MS. BOSARGE:** No, I think that's a good suggestion.

18  
19 **MR. ATRAN:** Okay and so I wouldn't put in a specific number. I  
20 would just say we recommend you have a specific number and that  
21 you determine what is the most appropriate number of years or  
22 something along those lines.

23  
24 **EXECUTIVE DIRECTOR GREGORY:** But think about it. How many FMPs  
25 do we have? Five? I mean five years comes up pretty quickly  
26 and to start reviewing the objectives for each one, it could be  
27 just a short period of time it takes to go over them and not  
28 change anything, but it -- At least five years and nothing  
29 shorter than five years.

30  
31 **MR. ATRAN:** At least five years. Okay. I'm clear on that now.

32  
33 **CHAIRMAN ANSON:** A minimum of five years. Right. Okay, Leann.

34  
35 **MS. BOSARGE:** That five years, we wouldn't want to do it more  
36 frequently than every five years. Five years or greater. Yes,  
37 because I mean we have some management plans that we started in  
38 the early 1980s and I think reviewing those every once in a  
39 while is okay, but maybe not every five years, the objectives of  
40 them anyway.

41  
42 **CHAIRMAN ANSON:** Staff is good on that? Are you good, Steven?  
43 Okay.

44  
45 **MS. BOSARGE:** Okay. Review of Draft CCC NEPA White Paper,  
46 council staff reviewed the intent of the proposal to integrate  
47 NEPA requirements into the Magnuson-Stevens Act. The CCC  
48 proposal contains the same language that is in HR 1335. There

1 is some opposition, due to concern that this would weaken the  
2 council requirements relative to current NEPA requirements.

3  
4 The proposal is intended to maintain the requirements, but  
5 incorporate them into the Magnuson-Stevens Act. The committee  
6 had no opposition to incorporating the proposed changes into the  
7 Magnuson-Stevens Act. Staff will present the council's  
8 recommendations at the CCC meeting. Mr. Chairman, this  
9 concludes my report.

10  
11 **CHAIRMAN ANSON:** Thank you, Ms. Bosarge. Next we have the  
12 Shrimp Committee Report and Mr. Perret.

13  
14 **SHRIMP MANAGEMENT COMMITTEE REPORT**

15  
16 **MR. PERRET:** Thank you, Mr. Chairman. For my final report, the  
17 Shrimp Committee met and discussed Final Action Shrimp Amendment  
18 15, Status Determination Criteria for Penaeid Shrimp and  
19 Adjustments to the Shrimp Framework Procedure.

20  
21 The committee reviewed Shrimp Amendment 15 and the new  
22 alternative for Action 1.3. This new alternative gives an MSY-  
23 based overfished definition which is consistent with the  
24 preferred alternative for overfishing.

25  
26 **The committee recommends, and I so move, in Action 1.3 that**  
27 **Alternative 4 be the preferred alternative. Alternative 4 is**  
28 **the overfished threshold is defined as the MSST. The MSST for**  
29 **each penaeid shrimp stock is defined as the minimum spawning**  
30 **stock biomass at MSY (SSBMSY). SSBMSY values for the penaeid**  
31 **shrimp stocks are values produced by the stock synthesis model.**  
32 **Species specific SSBMSY values will be recomputed during the**  
33 **updated assessments, but only among the fishing years 1984**  
34 **through 2012. The values for each species will be updated every**  
35 **five years through the framework procedure unless changed**  
36 **earlier by the council. Currently, the stock synthesis model**  
37 **produces the following values: for Brown shrimp, SSBMSY is**  
38 **6,098,868 pounds of tail; white shrimp, SSBMSY is 365,715,146**  
39 **pounds of tails; pink shrimp, SSBMSY is 23,686,906 pounds of**  
40 **tails. The motion carried with no opposition.**

41  
42 **CHAIRMAN ANSON:** We have a committee motion. Is there any  
43 discussion on the motion? **Any opposition to the motion?**

44  
45 **MR. FISCHER:** I just want to verify the brown shrimp pounds as  
46 being correct.

47  
48 **MR. PERRET:** Yes, it looks low, Myron, and remember that's a

1 minimum, a minimum number, but it does look really low compared  
2 to the white and pink and I asked about that myself and, Morgan,  
3 do you want to give any more explanation on that lower number on  
4 brown?

5

6 **MR. FISCHER:** I think it's incorrect.

7

8 **DR. MORGAN KILGOUR:** Sure. If you look at the rest of the  
9 document, you'll see a really big discrepancy between the other  
10 MSST values as well and it's pretty consistent, but that is the  
11 number that I got from the Science Center. I can double check  
12 and make sure and get back to you.

13

14 **MR. FISCHER:** I just can't imagine the magnitude between brown  
15 shrimp and white shrimp being that significant.

16

17 **MR. PERRET:** Morgan, please check on that and, Myron, you had  
18 good training. I asked the same question. It looks very low to  
19 me.

20

21 **CHAIRMAN ANSON:** We still have the motion. **Is there any**  
22 **opposition to the motion?**

23

24 **MR. FISCHER:** Until we verify the numbers.

25

26 **CHAIRMAN ANSON:** Until we verify.

27

28 **MS. BOSARGE:** This may take going back to the people that are  
29 the ones that crafted those numbers and maybe we can not take  
30 final action on this today and let them get back to us and  
31 double check everything and get back to us on this.

32

33 **EXECUTIVE DIRECTOR GREGORY:** I am not familiar with the details,  
34 but I do know that, given all the mandates of the Magnuson Act  
35 and stuff, the people working on the shrimp analysis in the  
36 shrimp industry do what they can to make sure it's not described  
37 as overfished.

38

39 It would have to be like an environmental disaster and so that  
40 could account for that low number and why the other fisheries  
41 are not equally low, I don't know, but if we submit this and  
42 during NMFS's approval process, particularly given this  
43 discussion, they will double check the numbers and they'll send  
44 it back to us if there is an error and so I wouldn't encourage  
45 any delay because of this potential confusion.

46

47 **MR. FISCHER:** Did we vote?

48

1 **CHAIRMAN ANSON:** No, we haven't voted. I guess I will do it the  
2 other way. All those, based on Doug's comments and, Mara and  
3 Stave Branstetter, if that is incorrect and it's found out that  
4 it needs to be changed, I mean obviously that will be reflected  
5 in what goes up to the Secretary, correct?  
6

7 **DR. BRANSTETTER:** Yes, but Sue and Morgan both said that is the  
8 number. That's what came out of Galveston.  
9

10 **DR. KILGOUR:** I just went back and checked and the number that I  
11 was given was in metric tons of tails, which is consistent with  
12 converting it to pounds of tails, and that looks to be about the  
13 right number and I can do the calculation again, but there was  
14 about two orders of magnitude difference in the metric tons of  
15 tails between white shrimp and brown shrimp and so I'm pretty  
16 sure that's the correct number.  
17

18 **CHAIRMAN ANSON:** Okay. All those in favor of the motion on the  
19 board please raise your hand.  
20

21 **EXECUTIVE DIRECTOR GREGORY:** Fourteen.  
22

23 **CHAIRMAN ANSON:** All those opposed to the motion please raise  
24 your hand.  
25

26 **EXECUTIVE DIRECTOR GREGORY:** Zero.  
27

28 **CHAIRMAN ANSON:** Zero, okay.  
29

30 **MR. PERRET:** Thank you. For Action 1.3, it was requested that  
31 language outlining the differences between Alternatives 2 and 3  
32 and Alternative 4, similar to what is in Action 1.2, be added to  
33 the document.  
34

35 **The committee recommends, and I so move, to approve the Shrimp**  
36 **Amendment 15 and recommend that it be forwarded to the Secretary**  
37 **of Commerce for review and implementation, and deem the codified**  
38 **text as modified in discussion as necessary and appropriate,**  
39 **giving staff editorial license to make the necessary changes in**  
40 **the document. The Council Chair is given the authority to deem**  
41 **any changes to the codified text as necessary and appropriate.**  
42 This motion carried with no opposition and I think we need a  
43 roll call on this one, Mr. Chairman.  
44

45 **CHAIRMAN ANSON:** Hold on one second.  
46

47 **MS. BOSARGE:** Mara, you will double check that white shrimp  
48 number too, because really, that would be the one that would

1 probably be most concerning, because this is supposed to be a  
2 minimum number of spawning stock biomass and so I know you're  
3 going to double check it all, but I just wanted to throw it out  
4 there that really white shrimp would be the concern, that you  
5 would need that much biomass as a minimum.  
6  
7 **MS. LEVY:** I would have no mechanism on how to check that. I  
8 mean I have to rely on whatever the Science Center says is  
9 correct, but I am sure we'll look into it.  
10  
11 **EXECUTIVE DIRECTOR GREGORY:** For this roll call vote,  
12 appropriately, Mr. Perret.  
13  
14 **MR. PERRET:** Yes.  
15  
16 **EXECUTIVE DIRECTOR GREGORY:** Mr. Williams. Mr. Sanchez.  
17  
18 **MR. SANCHEZ:** Yes.  
19  
20 **EXECUTIVE DIRECTOR GREGORY:** Mr. Pearce is absent. Dr. Dana.  
21  
22 **DR. DANA:** Yes.  
23  
24 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.  
25  
26 **MR. MATENS:** Yes.  
27  
28 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.  
29  
30 **MS. BOSARGE:** Yes.  
31  
32 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.  
33  
34 **MR. WALKER:** Yes.  
35  
36 **EXECUTIVE DIRECTOR GREGORY:** Mr. Branstetter.  
37  
38 **UNIDENTIFIED FEMALE:** Yes.  
39  
40 **DR. BRANSTETTER:** That's on her performance plan now that she  
41 can say she acted for Roy.  
42  
43 **EXECUTIVE DIRECTOR GREGORY:** Mr. Diaz.  
44  
45 **MR. DIAZ:** Yes.  
46  
47 **EXECUTIVE DIRECTOR GREGORY:** Mr. Boyd.  
48

1 **MR. BOYD:** Yes.  
2  
3 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.  
4  
5 **DR. STUNZ:** Yes.  
6  
7 **EXECUTIVE DIRECTOR GREGORY:** Mr. Greene.  
8  
9 **MR. GREENE:** Yes.  
10  
11 **EXECUTIVE DIRECTOR GREGORY:** Mr. Robinson.  
12  
13 **MR. ROBINSON:** Yes.  
14  
15 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bademan.  
16  
17 **MS. BADEMAN:** Yes.  
18  
19 **EXECUTIVE DIRECTOR GREGORY:** Mr. Fischer.  
20  
21 **MR. FISCHER:** Yes.  
22  
23 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.  
24  
25 **CHAIRMAN ANSON:** Yes.  
26  
27 **EXECUTIVE DIRECTOR GREGORY:** Mr. Williams.  
28  
29 **MR. WILLIAMS:** Yes.  
30  
31 **EXECUTIVE DIRECTOR GREGORY:** It's unanimous, sixteen to zero  
32 with one absence.  
33  
34 **MR. PERRET:** Thank you, Mr. Chairman. Continuing on, on the  
35 Options Paper for Shrimp Amendment 17, which is addressing the  
36 expiration for the shrimp permit moratorium, the committee  
37 reviewed the options paper for Shrimp Amendment 17. The  
38 committee requested that in the purpose and need section that  
39 maintaining a high CPUE be incorporated into the section.  
40  
41 After considerable discussion, the committee felt that it was  
42 appropriate to select a preferred alternative for Action 1. **The**  
43 **committee recommends, and I so move, in Action 1, to select**  
44 **Alternative 2, Option b as the preferred alternative.**  
45 **Alternative 2 is to extend the moratorium on the issuance of**  
46 **federal Gulf commercial shrimp vessel permits. The moratorium**  
47 **would be extended for Option b, ten years. This motion carried**  
48 with no opposition.

1  
2 **CHAIRMAN ANSON:** We have a committee motion. Is there any  
3 discussion on the motion? **Is there any opposition to the**  
4 **motion? Seeing none, the motion carries.**

5  
6 **MR. PERRET:** The committee discussed Action 2.1. It was noted  
7 that prior to the moratorium that permits were open access and  
8 not monitored and so a number can only be estimated. The  
9 committee requested that for future discussion that the number  
10 of latent permits be provided.

11  
12 It was discussed whether or not a permit pool was necessary or  
13 if it would be more appropriate for the council to review the  
14 fishery if a target number of permits was reached. Staff will  
15 revise the alternatives in Action 2.1 to address this and add  
16 two options to each alternative. One, if the number of permits  
17 drops below the target, then a permit pool will be created and  
18 two, if the number of permits drops below the target, the  
19 council will review the fishery to determine if action is  
20 needed.

21  
22 There was also discussion about the eligibility requirements for  
23 a permit pool permit in Action 2.2. Eligibility requirements  
24 will complicate the document and the process and the committee  
25 will have to revisit this issue at a later date. It was  
26 requested that the "once per year" provision be removed from  
27 Action 2.2, Alternative 2.

28  
29 Lastly, the committee reviewed Action 3, which addresses the  
30 royal red shrimp endorsement. **The committee recommends, and I**  
31 **so move, in Action 3, to move Alternative 3 to considered but**  
32 **rejected.** The motion carried with no opposition.

33  
34 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on  
35 the motion? **Any opposition to the motion? Seeing none, the**  
36 **motion carries.**

37  
38 **MR. PERRET:** Thank you, Mr. Chairman. The committee also  
39 requested that the Shrimp Advisory Panel review the public  
40 hearing draft of Shrimp Amendment 17 prior to the October 2015  
41 council meeting and that concludes my last report. Thank you.

42  
43 **CHAIRMAN ANSON:** Thank you, Mr. Perret.

44  
45 **MS. SUE GERHART:** Just a clarification. In that paragraph that  
46 said you requested the number of latent permits, I believe that  
47 was the number of active permits that was requested, Ms.  
48 Bosarge.

1  
2 **MS. BOSARGE:** Yes, ma'am, that is correct.

3  
4 **MR. PERRET:** Thank you. That's my error.

5  
6 **CHAIRMAN ANSON:** All right. Next we have Mr. Williams and the  
7 Joint Coral/Habitat Protection Committee Report.

8  
9 **JOINT CORAL/HABITAT PROTECTION COMMITTEE REPORT**

10  
11 **MR. WILLIAMS:** Thank you, Mr. Chairman. The joint committee  
12 reviewed the report from the Coral SSC and AP May 2015 meeting.  
13 The Coral SSC and AP recommended that forty-seven known coral  
14 areas be considered as new HAPCs with regulations that are  
15 concurrent with those of Pulley Ridge.

16  
17 There were several areas identified by the Coral SSC and AP as  
18 needing boundary revision to accommodate for shrimping effort.  
19 Staff reviewed all proposed HAPCs in the Gulf and reviewed  
20 current HAPCs with no regulations.

21  
22 There was considerable discussion about including more  
23 fisheries, namely reef fish, shrimp, lobster, and any bottom  
24 longliners, in the discussion about the boundaries once the  
25 revised boundaries were identified. This process of stakeholder  
26 involvement should happen before a document is initiated.

27  
28 Additionally, the features with corals in the proposed areas  
29 should be outlined for future reference. It was also requested  
30 that the revised boundaries and report be presented to the  
31 Shrimp AP at its next meeting.

32  
33 **The committee recommends, and I so move, to instruct staff to**  
34 **convene a meeting of the appropriate coral scientists along with**  
35 **other fishery stakeholders to review potential coral HAPCs.**

36  
37 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on  
38 the motion? **Is there any opposition to the motion? Seeing**  
39 **none, the motion carries.**

40  
41 **MR. WILLIAMS:** That concludes my report, Mr. Chairman.

42  
43 **SSC PANELISTS AND AP MEMBERS**

44  
45 **CHAIRMAN ANSON:** Thank you, Mr. Williams. We provided the SSC  
46 panelists and AP membership lists the other day. Those are on  
47 the website and is that correct, Doug, that those lists are on  
48 the website or Charlene?

1  
2 **MS. CHARLENE PONCE:** Yes.

3  
4 **CHAIRMAN ANSON:** Thank you. Mr. Williams.

5  
6 **MR. WILLIAMS:** Mr. Chairman, I will tell you that I've been  
7 approached by several of the NGOs that are concerned that our  
8 Reef Fish Advisory Panel does not include an NGO. An NGO has  
9 been on that Reef Fish Advisory Panel for a long time and I know  
10 we had Pam Baker in my old term as a council member. I know she  
11 was on it and I know we had some discussion at the committee  
12 level and I know that it's a big committee, but one of the NGOs  
13 would really like to have a position, just so they would have a  
14 place from which they could talk at the table and have a  
15 position on the table.

16  
17 I would just ask that we consider at the August meeting  
18 selecting an NGO for that advisory panel and I don't know if  
19 that -- Should that be in the form of a motion or can we just do  
20 it? Can we just understand that --

21  
22 **EXECUTIVE DIRECTOR GREGORY:** It has to be a closed session.

23  
24 **MR. WILLIAMS:** That is all right with me. I would do it right  
25 now, except I don't think we can legally close.

26  
27 **MR. PERRET:** Roy, as you know, we spent several hours on this  
28 and while I probably agree with you and we had this discussion  
29 in private. I am sure there is a lot of commercial and  
30 recreational people that were probably here that would like  
31 another shot too that didn't feel that they represented well  
32 enough or would like to be on it.

33  
34 I just hate to open anything like that up just to consider one  
35 particular group. If we open it up, we may want -- We may be  
36 here, and I've got no place to go, but we may be here with other  
37 things that would come up. We have already announced the list  
38 and if we start adding to it, I think we're opening things up.  
39 I really do.

40  
41 **CHAIRMAN ANSON:** I was just going to add that since we created  
42 the committee and we voted as a motion to create the committee  
43 that we dispensed of that motion by formulating a list in our  
44 minds that was complete and we would probably need another  
45 motion to have a closed session and whether or not we would re-  
46 advertise or not or use the existing list, I don't know, but we  
47 probably would at least need another motion so that the council  
48 is clear as to what we're doing. Again, because I considered

1 the action that addressed the previous motion to be done. Mara.  
2  
3 **MS. LEVY:** It almost seems like it would be a motion to  
4 reconsider, although I am not sure who was on the prevailing  
5 side at this point, but I think it seems to be that that would  
6 be more appropriate, but I don't know if we have any tally or  
7 remembrance of who voted for what right now.  
8  
9 **CHAIRMAN ANSON:** Could we not just make it as a separate motion  
10 that we would have another closed session to do that very task  
11 of selecting an NGO to Reef Fish and just have that separate  
12 motion and just a stand-alone?  
13  
14 **MS. LEVY:** I mean I guess you could. We don't necessarily  
15 follow Roberts Rules to the T, but I guess I am trying to  
16 recollect how it was, but it was a motion to accept the panel as  
17 listed and so if you're going to reconsider that at the same  
18 meeting, I think it's technically a motion to reconsider, but,  
19 like I said, we don't always follow the procedure to a T.  
20  
21 **MR. WILLIAMS:** Mara, couldn't we approve a motion to just  
22 specifically hold a closed session at our next meeting in order  
23 to consider appointing an NGO to the Reef Fish Committee and  
24 make it as simple as that?  
25  
26 **MS. LEVY:** I guess so.  
27  
28 **MR. WILLIAMS:** I would like to make that motion then. **I would**  
29 **like to move that we reconvene the AP Selection Committee, if**  
30 **there is such a thing and I guess we're a committee of the**  
31 **whole, but to reconvene the AP Selection Committee to consider**  
32 **appointment of an NGO to the Reef Fish Advisory Panel at our**  
33 **next meeting.**  
34  
35 **CHAIRMAN ANSON:** There is a motion on the board. Is there a  
36 second? I see hands, but I don't hear a second.  
37  
38 **MR. WALKER:** I will second it.  
39  
40 **CHAIRMAN ANSON:** We have a second from Mr. Walker. I have Camp,  
41 Dr. Dana, and Dale.  
42  
43 **MR. MATENS:** Thank you, Mr. Chairman. Clear this up for me.  
44 Are we going to consider one name or a suite of names?  
45  
46 **MR. WILLIAMS:** I would think we would just use the applicants  
47 that we had last time and look at selecting one of those NGOs.  
48 I think they were all identified as such.

1  
2 **MR. MATENS:** To that point, we have a system and went through  
3 the system and when are we going to repopulate this AP again?  
4 It will be next June of next year and will it not, Doug? When  
5 is the next chance to repopulate this?  
6

7 **EXECUTIVE DIRECTOR GREGORY:** It could be as long as three years,  
8 but we're at a point now where -- I forgot what our staggering  
9 was, but we've staggered the APs so that we're selecting a third  
10 of them every year and I don't recall what year the Reef Fish AP  
11 fell into, the first, second, or third year, but that would be a  
12 good mechanism to do something like that.  
13

14 **MR. MATENS:** Thank you, sir.  
15

16 **DR. DANA:** I am just going back to the time when we had  
17 complications with the For-Hire Charter AP, I think it was an  
18 AP, and we decided as a council at that time that we were not  
19 going to in the future entertain revisiting APs once they were  
20 established and so we're kind of going back against what we  
21 already established as future protocol.  
22

23 **MR. DIAZ:** I just want to make a point that there is a gentleman  
24 from Mississippi and his name is F.J. Eicke and he is an officer  
25 in the Mississippi Chapter of the Coastal Conservation  
26 Association and I don't know that that even came up in  
27 discussion. He is a long-standing member of -- I believe he was  
28 on the Reef Fish AP for multiple years and so I just want to  
29 bring that out so that folks know that at least a state member  
30 of an NGO is on there.  
31

32 **MR. BOYD:** In honor of Corky, I think for the first time in four  
33 years that I'm going to agree with him. I don't think we ought  
34 to reopen this. We spent hours going through the process and we  
35 made decisions and names were brought up of many different  
36 people and some of those were rejected and some of them were  
37 accepted and so I think we ought to stay with the list we had  
38 and we will reconsider this at the next round.  
39

40 **MR. WALKER:** I know in the past on ad hoc committees that we've  
41 had NGOs that were members and they participated and we had law  
42 enforcement that participated, but they weren't voting members.  
43 That's all I might add.  
44

45 **CHAIRMAN ANSON:** We have a motion on the board to reconvene a  
46 closed session of the AP Selection Committee to consider  
47 appointment of an NGO member to the Reef Fish AP at the next  
48 council meeting. **All those in favor of the motion please raise**

1 **your hand, three; all those opposed same sign, ten. The motion**  
2 **fails.**

3  
4 Next is we have to attend one other thing. The Data Collection  
5 Committee Report, there was one item that was not read into the  
6 record and, Johnny, since you were Vice Chair, if you can go  
7 ahead and read that, please.

8  
9 **MR. GREENE:** MRIP Fishing Effort Survey Transition Plan, the  
10 committee received a presentation from Dave Van Voorhees  
11 regarding the MRIP transition plan that is moving the  
12 recreational effort survey from a telephone to a mail-based  
13 approach that improves response rates and sample frame coverage.  
14 Mr. Chairman, this concludes my report.

15  
16 **CHAIRMAN ANSON:** Thank you, Mr. Greene. That will take us back  
17 around to Reef Fish. We will conclude the Reef Fish Report and  
18 Mr. Greene.

19  
20 **REEF FISH MANAGEMENT COMMITTEE REPORT (CONTINUED)**

21  
22 **MR. GREENE:** I think at this point we probably need to go to Dr.  
23 Simmons for just an overview.

24  
25 **DR. SIMMONS:** Thank you, Mr. Chair. I just -- For completeness,  
26 staff's understanding regarding the South Florida Options Paper,  
27 that we would take those few remaining committee motions and  
28 defer the council working on those until October, after we see  
29 what the South Atlantic Council does at their September meeting,  
30 and then bring the draft options paper back with that  
31 information to the committee and council at that time and so I  
32 just want to make sure that that's clear and that's staff's  
33 plan. Thank you.

34  
35 **CHAIRMAN ANSON:** Okay. Anybody have any objection to that or  
36 heartburn with that? Okay. Mr. Greene.

37  
38 **MR. GREENE:** Mr. Chairman, that concludes my report.

39  
40 **CHAIRMAN ANSON:** Thank you, sir. Mr. Williams.

41  
42 **MR. WILLIAMS:** Mr. Chairman, as Dr. Crabtree left this morning  
43 to go over to the South Atlantic Council meeting, he made some  
44 reference to the motion that we passed earlier regarding the  
45 formation of an ad hoc recreational group and he pointed out the  
46 fact that all the recreational representatives voted against it.

47  
48 Over the lunch hour, I considered to -- I considered to think

1 about it and I am concerned that this gives the impression that  
2 we're just shoving something down their throat and that they  
3 haven't bought into this thing. I mean we don't have a charge  
4 for them and I really think that we ought to -- I don't want to  
5 do away with this panel, but I really don't think that we're  
6 prepared to have them assembled and brought to us at the August  
7 meeting.

8  
9 **I am going to offer a motion that this ad hoc private**  
10 **recreational committee -- That the staff take no action**  
11 **regarding the formation of this committee between now and the**  
12 **August meeting.**

13  
14 **DR. STUNZ:** Second.

15  
16 **CHAIRMAN ANSON:** We have a motion that staff take no action on  
17 formation of the ad hoc private recreational committee and it's  
18 been seconded by Dr. Stunz. Is there any other discussion?

19  
20 **MR. PERRET:** Roy, I assume you voted for the motion and is the  
21 reason you don't want to take action now is to have council  
22 members think about it for a charge and then come back at the  
23 next meeting with the charge? Is that what you're trying to do?

24  
25 **MR. WILLIAMS:** Well, yes, I did vote for the motion. I voted to  
26 create this group, but the vote itself, the people who we  
27 normally consider to be recreational people all voted against it  
28 and I think this thing is doomed to failure if we simply shove  
29 it down the throat of the recreational fishery. There has got  
30 to be some buy-in from them and I'm not sure how to do it,  
31 Corky, but I don't think we did it correctly today.

32  
33 I am all in favor of having some kind of group, but I mean we  
34 don't know what the charge of this group is going to be and we  
35 need to think about this for a few months before we direct staff  
36 to begin forming this group. We're just not ready for it.

37  
38 **DR. STUNZ:** I agree with your comments, Roy. I am all about  
39 doing something like this and I think a lot of people are and,  
40 like you, a lot of us had discussions over lunch and I think  
41 we're getting just a little bit ahead of ourselves and if we  
42 gave these groups time to think about this, that this is  
43 happening and getting that buy-in upfront, it's going to make a  
44 big difference than just proceeding ahead with it and I am happy  
45 to support this at the next meeting or whenever it's appropriate  
46 that we have that type of support going on.

47  
48 **MR. PEARCE:** I labored over this a long time and the reason I

1 brought Ken Haddad to the podium is I wanted to get his opinion.  
2 Ken Haddad represents ACA and he is the one that thought this  
3 would be a good thing to do. My original motion was to start an  
4 amendment and I said no, that's going too far and so I backed up  
5 and I talked to Ken and I talked to other recreational groups in  
6 the audience as well and not this time, but last time.

7  
8 I know David Walker talked to some influential recreational  
9 groups in the audience about this particular motion and they  
10 agreed that it would be a good idea to start it and so I've got  
11 buy-in from people other than the people on this council and so  
12 that's why I did what I did. It wasn't because I just pulled it  
13 out of a hat in thin air.

14  
15 Ready, fire, aim. Ready is you analyze the situation and you  
16 talk to people and you get things done and if your heart says  
17 it's right, you do it and that's what I did. I do think that  
18 this is a necessary panel to do.

19  
20 I think that every time you slow this down that it's one more  
21 meeting slower or behind that they're going to be, but I think  
22 that the private recreational fishermen just need to reevaluate  
23 their fishery like all the other components have done and will  
24 be doing and that's all I'm asking, is to sit back and look and  
25 tell us how you want to prosecute your fishery. I did have buy-  
26 in from two major groups before I did this and that's all I need  
27 to say.

28  
29 **MS. BADEMAN:** I was just going to say I think I would support  
30 this motion also, just holding off. I understand that this may  
31 be a direction the council wants to go, but I'm concerned that  
32 since this wasn't specific to the species that is now under  
33 sector separation right now -- I am concerned that people are  
34 going to misinterpret that and they're going to assume that  
35 we're trying to do sector separation for everything and it's  
36 just going to start off poorly and we're not going to have buy-  
37 in from folks. I think the council maybe needs to think about  
38 the charge and what we really want this group to focus on, if we  
39 do really want to get them together.

40  
41 **MR. DIAZ:** I am kind of going to follow up on what a couple  
42 other folks have said. I was having trouble a little while ago  
43 trying to get this exactly straight about what we're meaning,  
44 because as I hear different people talk, I hear different words  
45 used.

46  
47 I just heard "component" used and we're talking about all  
48 recreational fisheries now and we're not talking about just red

1 snapper and so there is no components there and so we've got to  
2 get all of our language straight and what we're trying to do  
3 straight and then by waiting until August and thinking about  
4 this and trying to come up with some ideas is probably a wise  
5 thing to do.

6  
7 In my mind, we're thinking about all recreational fishermen and  
8 so this would include people with private boats and people that  
9 go out on charter boats. I mean it's not limited and so anyway,  
10 I think we can still accomplish what we wanted. It probably  
11 won't go as fast as some people would like, but at least when we  
12 go into it we will have thought it out better and maybe we can  
13 get some buy-in before the August meeting also and that would  
14 help this out tremendously. Thank you, sir.

15  
16 **DR. DANA:** I would be okay to wait until the August meeting to  
17 move forward on this ad hoc. However, I just want to remind  
18 folks that I don't think it's a good argument to say just  
19 because all the private recreational representatives didn't want  
20 this -- I mean they may not want this and voted against it.  
21 However, when we've had Amendment 40 discussion or earlier we  
22 had something on an amendment to extend the sunset or to get rid  
23 of the sunset for the Amendment 40, all the charter  
24 representatives were opposed to that, but yet it passed. What's  
25 good for one needs to be good for the other. Thank you.

26  
27 **CHAIRMAN ANSON:** Any other discussion?

28  
29 **MR. WALKER:** I just don't want to be known as the one who slowed  
30 down the solutions here. Again, we've got some time left and  
31 maybe someone could come up with another motion.

32  
33 **MS. BOSARGE:** Well, it really saddens me to see it slow down.  
34 If you all believe that it needs to go slower, then okay, but I  
35 would like to know from Greg -- You said you want to get buy-in  
36 between now and August and so what are you going to do? What is  
37 your game plan? How is it -- I want to know what's going to  
38 happen between now and August so that when we come back we can  
39 say, okay, we feel better about this and we can make a decision.

40  
41 **DR. STUNZ:** I don't have a direct answer for you, but this just  
42 kind of came up at the meeting and I don't know if other  
43 recreational components have had a chance to really think about  
44 this. We don't have a charge to the committee of exactly what  
45 they would be looking at and so I think by giving some time for  
46 groups that would be involved in something like this or  
47 particularly other members that might actually be on this panel  
48 or want to be on this panel and give them some idea of what the

1 charge would look like and what topics would be addressed.

2  
3 Those could come back and maybe we could get some public  
4 testimony on this at the next meeting and at that point, I am  
5 happy to support it and move forward. I think it's a good idea,  
6 but I just don't want to get in the situation kind of like what  
7 Roy and -- This can be a real touchy situation if we're coming  
8 from the top down and forcing this. There is just real  
9 potential for it not to be successful rather than letting them  
10 come together and bringing this up through a different  
11 direction.

12  
13 **MR. DIAZ:** This is kind of similar to the points I had made  
14 earlier in the meeting, but the motion here says for the staff  
15 to take no action on the formation of the committee, but I think  
16 we all can be talking to people that are recreational  
17 representatives who might be good candidates for these  
18 committees and we also can be sending in those suggestions that  
19 I said earlier.

20  
21 You know we all had different ways of engaging the recreational  
22 community about a year or so ago and we can look over those and  
23 we can be getting those together and getting those into the  
24 staff and that will kind of help us get ready for the August  
25 meeting. I just wanted to make those two points. Thank you.

26  
27 **CHAIRMAN ANSON:** The motion is that staff take no action on  
28 formation of the ad hoc private recreational committee before  
29 the August 2015 council meeting. **All those in favor of the**  
30 **motion please raise your hand, nine; all those opposed same**  
31 **sign, five. The motion passes.** Any other business in Reef  
32 Fish? Camp.

33  
34 **MR. MATENS:** Thank you, Mr. Chairman. I just want to say one  
35 thing after the conclusion of this and I am not saying this  
36 because of the way it went and I am saying this as a matter of  
37 procedure.

38  
39 The issue of Amendment 40, whether I agree or disagree, is not  
40 important. This thing was banged out over this table over a  
41 long period of time and there were lots of discussions. I got  
42 to hear all the pros and all the cons and then I decided how I  
43 was going to vote.

44  
45 This thing came to us an hour ago and I don't think it's  
46 appropriate for measures to pop up like this that have this  
47 sense of importance without our ability to talk about it among  
48 ourselves and talk to our constituents and think about it a

1 little bit before we vote for it and I agree with the people  
2 here that said this might be just a little bit premature.

3  
4 As to the motion itself, I am not necessarily against it, but  
5 I'm still not sure I understand it. Are we talking about all  
6 fish or are we talking about -- What group of fishermen are we  
7 talking about?

8  
9 The bottom line is are we talking about doing something that is  
10 similar to what my friends in the commercial industry think and,  
11 to some extent, my friends in the charter industry? They would  
12 prefer not to be regulated by the states, but by the federal  
13 government and I think many of our recreational fishermen would  
14 prefer to be regulated by the states and there is no difference.  
15 It's just a difference in attitude.

16  
17 Most of our state guys regulate their fish by doing stock  
18 assessments from time to time and cranking the season or the  
19 limit or the bag size up or down. It seems to work for us in  
20 speckled trout and some other issues.

21  
22 We in Louisiana have instituted our Louisiana Offshore Landing  
23 Program and I think it's pretty successful and I think it can  
24 manage our fisheries. We can add or subtract any species we  
25 want to that and so I just want to leave that on the table. If  
26 anybody wants to ask a question, I will be happy to try to  
27 answer it, but I think these are things that we need to think  
28 about as this thing moves forward in time and, again, don't take  
29 this to mean that I am necessarily against this.

30  
31 **CHAIRMAN ANSON:** Thank you, Camp. Do you want to address that  
32 point, Leann?

33  
34 **MS. BOSARGE:** I respect Camp's opinion a lot and what do you  
35 want to see, Camp? Do you want to see this address purely red  
36 snapper? Is that the way you would like to see it go? Do you  
37 want to make sure we have private anglers that own their own  
38 boat as well as private anglers that go out on a charter boat?  
39 Give me some specifics and point me in the direction you want to  
40 go.

41  
42 **MR. MATENS:** Off the cuff right now, Leann, I think I would like  
43 to see this discussion encompass all species of interest and I'm  
44 not so sure what that is. I think it's going to be a growing  
45 list.

46  
47 Insofar as the population of our public that should be involved  
48 in this, I think it should be people like myself that are

1 recreational fishermen and I think it should be people that go  
2 on Mr. Greene's charter boat and I think it should be, because I  
3 still think we ought to have two sectors, the charter for-hire  
4 guys.

5  
6 **CHAIRMAN ANSON:** That takes us to Other Business and Marshall is  
7 listed, but I understand someone else --

8  
9 **OTHER BUSINESS**

10 **GULF OF MEXICO HABITAT MAPPING AND WATER QUALITY MONITORING**  
11 **PROJECT**

12  
13 **MR. WILLIAMS:** If I may, Mr. Chairman, T.J. approached me about  
14 the Gulf Coast Ecosystem Restoration Council and this is -- They  
15 are asking and I am asking that we consider writing a letter to  
16 the Executive Director of the Gulf Coast Ecosystem Restoration  
17 Council supporting a habitat mapping and water quality project.

18  
19 I guess this is actually a Department of Commerce project, but  
20 this is money that was set aside from the Deepwater Horizon Oil  
21 Spill and I think -- T.J., could I get you to come up here to  
22 the podium, because you know this issue a lot better than I do,  
23 but one of the projects that's -- I think there's like fifty  
24 projects that have been proposed for a pool of \$150 million or  
25 something like that.

26  
27 **MR. T.J. MARSHALL:** The transition settlement of a billion  
28 dollars after the RESTORE Act was passed, the Department of  
29 Justice, that billion dollars is considered Clean Water Act  
30 fines and so the RESTORE Act -- That rough calculation of 80  
31 percent goes into the RESTORE Act and you all are on the  
32 advisory panel for the 2.5 percent Science Fund.

33  
34 One of the buckets of money is 35 percent goes to the  
35 Restoration Council. Their charge was to do things beyond what  
36 the Natural Resources Damage Assessment would do for the oil  
37 spill and address things of long-term damage to the Gulf.

38  
39 The Department of Commerce has sponsored a project that's  
40 estimated at about \$21 million. It's a combination of doing  
41 water quality monitoring and habitat mapping and in previous  
42 letters that this council has written to the Department of  
43 Commerce and to NOAA of things that would assist the council in  
44 doing its stock assessments, habitat mapping was one of those  
45 items in there.

46  
47 Essentially the Restoration Council has about \$220 million and  
48 they have a short list of about fifty projects and those are the

1 only projects they can choose from. They can't fund them all  
2 and so they're in this kind of competitive process of which of  
3 these fifty are we going to fund and so we recommended that --  
4 You have weighed in on this before and this is something that's  
5 been listed as important to improving your stock assessments and  
6 so we just brought this to Roy and brought this to Kevin. This  
7 is something we had mentioned at the last meeting.

8  
9 If you want to weigh in on this, this is a project that's  
10 competing out there to get funded and now is the time to take  
11 advantage of that.

12  
13 **MR. PERRET:** T.J., this may be the greatest project in the whole  
14 Gulf, but I suspect we could have everybody in the world come up  
15 here asking us to endorse particular projects and we've got  
16 state directors and we've got all sorts of people that would  
17 like to have their projects funded and we've got this one on the  
18 agenda and how much money are we talking about?

19  
20 I don't know what the project is -- It may be great, but I just  
21 don't think -- Every member you can come to and if we want to  
22 support it, we can write a letter and support it, but just one  
23 group coming up here and asking us to support a project, I don't  
24 think it's fair to all the other people that have got  
25 applications for this money. I really don't.

26  
27 **MR. MARSHALL:** That's fine. It's not us asking you to support  
28 this project. It was that we've always been advisors to you on  
29 oil spill restoration and you guys have put this in previous  
30 letters that you've written and so, again, it was one of those  
31 things and this is something that you've commented on before.

32  
33 This is a comment period and I realize the council members don't  
34 really follow the restoration process closely and so all we were  
35 doing is saying this comment period is coming out here. The  
36 Restoration Council is its own animal and it's not like you guys  
37 where it has regularly scheduled meetings of this time period  
38 and the public shows up.

39  
40 They were created by the RESTORE Act and money is starting to  
41 flow to them. They have a fifty-project list and so all we did  
42 was supply the information of this is what the Department of  
43 Commerce got on the short list and I think that's all in the  
44 briefing book and, again, it's totally up to you. If it's  
45 something that's important to the council to improve their stock  
46 assessments, so be it and if not, it's no worries.

47  
48 **MR. WILLIAMS:** To answer Corky's question, it's \$11 million over

1 five years.  
2  
3 **MR. PERRET:** It could be eleven-dollars. I just don't like this  
4 process.  
5  
6 **CHAIRMAN ANSON:** Roy, did you have another comment or question?  
7  
8 **MR. WILLIAMS:** All of this is in the briefing book, but there is  
9 a draft letter to Justin Ehrenwerth of the Gulf Coast  
10 Restoration Council endorsing this Department of Commerce  
11 proposal. I am going to offer a motion that we send a letter to  
12 Mr. Ehrenwerth -- To send the letter giving staff the editorial  
13 license to endorse this habitat mapping proposal by the  
14 Department of Commerce.  
15  
16 **CHAIRMAN ANSON:** Let's wait until the motion gets on the board.  
17 Is that your motion, Roy?  
18  
19 **MR. WILLIAMS:** To send the Ehrenwerth letter endorsing the  
20 habitat mapping project proposed by the Department of Commerce.  
21  
22 **CHAIRMAN ANSON:** We have a motion on the board and we need a  
23 second. No second and the motion fails.  
24  
25 **MR. PERRET:** Now, do we want staff to put out a request that any  
26 group that has a project to the Department of Commerce to come  
27 and make that request to us? If it's a fair playing field, I  
28 have no problem.  
29  
30 **MR. MATENS:** I just want to note that for some of us at this  
31 table, myself included, this is a conflict and I couldn't vote  
32 on this.  
33  
34 **DR. STUNZ:** I was going to bring that up as well. I am actually  
35 very supportive of that project and it would enhance our ability  
36 just on some of this HAPC discussion we had, but I don't know  
37 what other fifty projects are on that list and there might be  
38 some that are very relevant to us and some not and it's kind of  
39 right back to what Corky is saying.  
40  
41 I think if we made it available to everyone that it's no problem  
42 and this might be the only one, but there could be a lot of  
43 other things that could be relevant and just there is some  
44 conflicts there, I think.  
45  
46 **MR. DIAZ:** I think this is kind of along the lines of what Dr.  
47 Stunz was saying. Several of the states sitting at this table  
48 right now probably have projects that would be in this list also

1 and so there would be some other conflicts with some of the  
2 state folks and so it's fairly complicated.

3  
4 **CHAIRMAN ANSON:** Okay. We had two items that were added at the  
5 beginning of the meeting and the first one being a discussion on  
6 barracuda and Martha.

7  
8 **DISCUSSION OF BARRACUDA**

9  
10 **MS. BADEMAN:** I will be quick. I think the letter that we sent  
11 to Chairman Anson was forwarded around to the council, but just  
12 a heads-up that the Fish and Wildlife Commission in Florida is  
13 considering regulating barracuda. They're going to be  
14 discussing it at their meeting in two weeks in Sarasota and as  
15 part of that, they are considering regulating in federal waters  
16 off of Florida as well.

17  
18 In the past, we've come to you guys and written a letter just as  
19 an FYI. I think most of the time the council hasn't responded  
20 and that's fine, but if anybody has any questions about it, come  
21 chat with me. That's all.

22  
23 **CHAIRMAN ANSON:** Of course, keep us up to date, Martha, at the  
24 next meeting. Thank you. The next item that we added at the  
25 beginning was a discussion on MAFAC and Doug Gregory.

26  
27 **DISCUSSION OF MAFAC**

28  
29 **EXECUTIVE DIRECTOR GREGORY:** I just wanted to bring to your  
30 attention that nominations are now open for the Marine Fisheries  
31 Advisory Committee through July 20 and unfortunately, council  
32 members, state employees, and federal employees cannot  
33 participate, but they are seeking nominations for this coming  
34 fall.

35  
36 **MS. BOSARGE:** They are seeking nominations and when would they  
37 need the nominations by? When did you say?

38  
39 **EXECUTIVE DIRECTOR GREGORY:** By July 20.

40  
41 **MS. BOSARGE:** This is June. It's kind of strange, because he's  
42 sitting at the table, but since this would be due by July, I  
43 think that with Corky's years of expertise that he would make a  
44 wonderful nominee for that. Somebody tell me what the process  
45 is for doing something like this and we may need to do it after  
46 he's officially gone, but I would hate to not discuss it until  
47 the next meeting.

1 **DR. DANA:** I actually sat on MAFAC and it's a nice organization  
2 if the makeup of the committee is strong and they come from all  
3 around our nation as well as some of the representative islands.  
4 There's a guy I think right now from one of the Pacific Islands  
5 on there, too. Corky would be an awesome addition for there and  
6 he would be good for representing the Gulf. A lot of issues are  
7 brought up on that commission that deal with the Gulf and when I  
8 was there, I was the only person from the Gulf. If we could  
9 push for you to go, that would be awesome.

10  
11 **MR. PERRET:** Do you think I could get the environmental  
12 community's support right now?

13  
14 **MR. DAVE DONALDSON:** Leann, it's a matter of simply providing a  
15 bit of information to the MAFAC Executive Director and it's a  
16 fairly simple process.

17  
18 **MS. BOSARGE:** Would that be something that could come from the  
19 council if the council so agreed or does it need to come from  
20 one individual person or --

21  
22 **MR. DONALDSON:** It usually comes from an individual person.

23  
24 **EXECUTIVE DIRECTOR GREGORY:** People can self-nominate  
25 themselves. They can apply. Each nomination submission should  
26 include a nominee's name, cover letter, qualifications and  
27 interest in serving, a résumé, and no more than three supporting  
28 letters describing the nominee's qualifications and interest in  
29 serving on the committee. Self-nominations are acceptable and  
30 so we could write a letter of nomination or of support, I would  
31 think.

32  
33 **MR. BOYD:** What does MAFAC stand for? What is the acronym?

34  
35 **EXECUTIVE DIRECTOR GREGORY:** Marine Fisheries Advisory Council.

36  
37 **CHAIRMAN ANSON:** What's the pleasure? Do you want to make a  
38 motion, Leann, or not?

39  
40 **MS. BOSARGE:** I definitely want to go forward with it. I am  
41 just not sure what the motion is. Can you help me out with what  
42 the motion is? I think Corky is interested in applying for this  
43 or being nominated for this. You are, right, Corky? Do you  
44 need to speak to this? Do you want anything to do with this?

45  
46 **MR. PERRET:** I am not going to nominate myself.

47  
48 **MS. BOSARGE:** Look, Dave wants to say something.

1  
2 **MR. DONALDSON:** I think maybe what the Chairman was thinking is  
3 if Corky does apply that the council could write a letter of  
4 support in support of Corky.  
5  
6 **CHAIRMAN ANSON:** Or, in light of the information Corky just  
7 said, I mean -- You said it's a very simple process, I guess,  
8 and it's just there's a letter and there's no application and  
9 everything that goes?  
10  
11 **EXECUTIVE DIRECTOR GREGORY:** Right.  
12  
13 **CHAIRMAN ANSON:** So either way, that would be the -- In  
14 deference to Corky's loyal years and many years of service, we  
15 could probably write the letter that nominates him or puts his  
16 name in the hat rather than him writing the letter and we just  
17 provide support and so if that's what we want to do.  
18  
19 **EXECUTIVE DIRECTOR GREGORY:** If you want to vote on this, we can  
20 do it by secret ballot. Staff can pick up the ballots and count  
21 them, but we can draft a -- We can do a letter of nomination  
22 easy enough.  
23  
24 **MR. WILLIAMS:** Doug, when did you say all of this was due?  
25  
26 **EXECUTIVE DIRECTOR GREGORY:** July 20.  
27  
28 **MS. BOSARGE:** I would like to make a motion that we do just  
29 that, that we write that letter of nomination and recommendation  
30 on behalf of Corky Perret for MAFAC.  
31  
32 **CHAIRMAN ANSON:** We have a motion and we'll wait until it's on  
33 the board. The motion is that the council write a letter of  
34 recommendation nominating Corky Perret to MAFAC. Is that your  
35 nomination, Leann?  
36  
37 **MS. BOSARGE:** Yes, sir. That's my motion.  
38  
39 **CHAIRMAN ANSON:** All right and it's been seconded by Dale.  
40  
41 **DR. BRANSTETTER:** I have a question of clarification here, I  
42 guess. Are we writing a letter of recommendation or are we  
43 writing a letter to nominate him?  
44  
45 **CHAIRMAN ANSON:** Nominate. Are you fine with that, Leann and  
46 Dale?  
47  
48 **MS. BOSARGE:** Yes, sir.

1  
2 **CHAIRMAN ANSON:** Any other discussion on the motion?  
3

4 **DR. DANA:** Martin can help me on this, because Martin Fisher  
5 also sat on MAFAC and so I guess I wasn't the only Gulf  
6 representative. Sorry about that. Anyway, Corky will have to  
7 fill out an application, but it's standard and if anyone -- If  
8 he doesn't fill out that application, we can fill it out for him  
9 and, Kevin, you can sign his name.

10  
11 **CHAIRMAN ANSON:** Any other discussion on the motion?  
12

13 **MR. FISHER:** Thank you, Mr. Chairman. Julie Morris, also a  
14 former council person -- My name is Martin Fisher, but she's  
15 also sitting on MAFAC at the current time and so they would get  
16 along really great. Thanks and thank you, Pam, for realizing  
17 that you weren't there by yourself.

18  
19 **CHAIRMAN ANSON:** I think she had some help in jogging her  
20 memory, but anyway, any other discussion on the motion? **Is**  
21 **there any opposition to the motion? Seeing no opposition, the**  
22 **motion carries.**

23  
24 That concludes all of the items that I had on my list for Other  
25 Business and is there any other business to come before the  
26 council? Seeing none, the meeting is adjourned.

27  
28 (Whereupon, the meeting adjourned at 4:00 p.m., June 12, 2015.)  
29

30 - - -  
31

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4 define a West Florida Shelf hogfish stock with associated status  
5 determination criteria and ACLs. The motion carried on page 95.  
6  
7 PAGE 95: Motion to request council staff work with the SSC to  
8 provide a constant catch ABC for hogfish. The motion carried on  
9 page 96.  
10  
11 PAGE 99: Motion that the preferred alternative in the  
12 modifications to the gag annual catch limits and annual catch  
13 targets document be Alternative 1, no action. The motion  
14 carried on page 100.  
15  
16 PAGE 100: Motion that in Action 2 that Alternative 2 be the  
17 preferred alternative. The motion carried on page 100.  
18  
19 PAGE 100: Motion to have staff prepare a size limit alternative  
20 on gag and black grouper to twenty-four inches. The motion  
21 carried on page 100.  
22  
23 PAGE 102: Motion to move Action 1, modifications to gag annual  
24 catch limits and annual catch targets, to considered but  
25 rejected. The motion carried on page 102.  
26  
27 PAGE 105: Motion to send Amendment 39 out to public hearings.  
28 The motion carried on page 107.  
29  
30 PAGE 108: Motion to approve the cities for public hearing  
31 locations for Amendment 39. The motion carried on page 108.  
32  
33 PAGE 109: Motion in Action 1 to remove the term "size limits"  
34 from the alternatives, specifically Alternatives 2, 3, and 4.  
35 The motion carried on page 109.  
36  
37 PAGE 109: Motion in Action 2 to add the following alternative:  
38 End the separate management of the federal for-hire and private  
39 angling components upon implementation of this amendment and  
40 have this amendment apply to the entire recreational sector.  
41 The private angling and federal for-hire components would be  
42 managed by each region under regional ACLs based on the  
43 allocation selected in Action 6. A region may establish  
44 different management measures for its private angling and for-  
45 hire vessels, specifying these measures in the region's CEP or  
46 state regulations under delegation. For such a region, the  
47 regional component ACLs would be created based on: Option a,  
48 the average of the region's historical landings for the years

1 1986 through 2013; Option b, the average of the region's  
2 historical landings for the years 1996 through 2013; Option c,  
3 the average of the region's historical landings for the years  
4 2006 through 2013; Option d, 50 percent of the region's average  
5 historical landings from 1986 through 2013 and 50 percent of the  
6 region's average historical landings from 2006 through 2013;  
7 Option e, and excluding landings from 2006; Option f, and  
8 excluding landings from 2010. The motion failed on page 114.

9  
10 PAGE 114: Motion in Action 2 to move Alternative 3 to the  
11 considered but rejected section. The motion failed on page 115.

12  
13 PAGE 118: Motion in Action 5 to move Alternative 3 to the  
14 considered but rejected section. The motion carried on page  
15 126.

16  
17 PAGE 127: Motion to move Alternative 9 in Amendment 28 to the  
18 considered but rejected section. The motion failed on page 129.

19  
20 PAGE 137: Motion to retain the item to restrict future transfer  
21 of shares to only shareholder accounts that hold a valid  
22 commercial reef fish permit. The motion carried on page 137.

23  
24 PAGE 137: Motion to delete the item to allow accounts with  
25 shares but without a commercial reef fish permit to harvest the  
26 allocation associated with those shares. The motion carried on  
27 page 138.

28  
29 PAGE 138: Motion to retain the item to limit the amount of  
30 shares/allocation non-permitted IFQ accounts may possess. The  
31 motion carried on page 138.

32  
33 PAGE 138: Motion to eliminate the item to adopt a rollover  
34 provision for unused IFQ allocation. The motion carried on page  
35 138.

36  
37 PAGE 139: Motion to direct staff to begin developing an options  
38 paper for Amendment 41, including consideration of the motions  
39 from the Charter For-Hire Advisory Panel. The motion carried on  
40 page 140.

41  
42 PAGE 141: Motion to develop a plan amendment with alternatives  
43 to the sunset provision of Amendment 40 to allow adequate  
44 consideration of the charter for-hire performance under that  
45 amendment, including extensions of the sunset timeframe, as  
46 recommended by the AP. The motion failed on page 146.

47  
48 PAGE 148: Motion to create an ad hoc private recreational

1 committee to discuss possible management changes to the private  
2 recreational fishery. The motion carried on page 154.  
3  
4 PAGE 163: Motion to direct staff to begin work on a framework  
5 for commercial yellowtail snapper fishermen that would allow the  
6 use of j-hooks with natural bait. The motion carried on page  
7 164.  
8  
9 PAGE 168: Motion that the preferred alternative in Action 1 be  
10 Alternative 3, which is to increase the trip limit to 45,000  
11 pounds. The motion carried on page 168.  
12  
13 PAGE 168: Motion that the preferred alternative in Action 2 be  
14 Alternative 3, Option a. Alternative 3 is if the Florida West  
15 Coast Southern Subzone gillnet ACL is exceeded in a year, NMFS  
16 would reduce the Florida West Coast Southern Subzone gillnet ACL  
17 in the following year by the amount of the overage. The ACT, if  
18 established, will also be adjusted to reflect the previously  
19 established percent buffer. Option a is payback regardless of  
20 stock status. The motion carried on page 168.  
21  
22 PAGE 168: Motion that the council add a new Alternative 4 to  
23 Action 2. The new Alternative 4 reads: If the Florida West  
24 Coast Southern Subzone gillnet ACL is exceeded in a year, NMFS  
25 will reduce the gillnet trip limit for subsequent seasons until  
26 that trip limit is modified by the council with Option a, 35,000  
27 pounds and Option b, 25,000 pounds. The motion failed on page  
28 170.  
29  
30 PAGE 170: Motion to recommend to the council that the preferred  
31 alternative in Action 4 be Alternative 3, Option a. Alternative  
32 3 is allow commercial king mackerel gillnet permits to be  
33 renewed only if landings for a single year during 2006 through  
34 2015 were greater than one of the options listed below. Gillnet  
35 permits that do not qualify will be non-renewable and non-  
36 transferable. Option a is one pound. The motion carried on  
37 page 172.  
38  
39 PAGE 173: Motion to approve the CMP Framework Amendment 3 and  
40 that it be forwarded to the Secretary of Commerce for review and  
41 implementation and deem the codified text, as modified in  
42 discussion, as necessary and appropriate, giving staff editorial  
43 license to make the necessary changes in the document. The  
44 Council Chair is given the authority to deem any changes to the  
45 codified text as necessary and appropriate, if I can get a  
46 second. The motion carried on page 176.  
47  
48 PAGE 177: Motion that person has thirty days to submit their

1 logbook from the effective date of the final rule for CMP  
2 Amendment 3. The motion carried on page 178.  
3  
4 PAGE 179: Motion to allow staff to remove those issues that  
5 NMFS is prevented from doing due to requirements in the Magnuson  
6 Act and to give staff editorial license in amending the document  
7 found as Tab B-4(a). The motion carried on page 180.  
8  
9 PAGE 182: Motion that Alternative 4 be the preferred  
10 alternative. Alternative 4 is the overfished threshold is  
11 defined as the MSST. The MSST for each penaeid shrimp stock is  
12 defined as the minimum spawning stock biomass at MSY (SSBMSY).  
13 SSBMSY values for the penaeid shrimp stocks are values produced  
14 by the stock synthesis model. Species specific SSBMSY values  
15 will be recomputed during the updated assessments, but only  
16 among the fishing years 1984 through 2012. The values for each  
17 species will be updated every five years through the framework  
18 procedure unless changed earlier by the council. Currently, the  
19 stock synthesis model produces the following values: for Brown  
20 shrimp, SSBMSY is 6,098,868 pounds of tail; white shrimp, SSBMSY  
21 is 365,715,146 pounds of tails; pink shrimp, SSBMSY is  
22 23,686,906 pounds of tails. The motion carried with no  
23 opposition. The motion carried on page 184.  
24  
25 PAGE 184: Motion to approve the Shrimp Amendment 15 and  
26 recommend that it be forwarded to the Secretary of Commerce for  
27 review and implementation, and deem the codified text as  
28 modified in discussion as necessary and appropriate, giving  
29 staff editorial license to make the necessary changes in the  
30 document. The Council Chair is given the authority to deem any  
31 changes to the codified text as necessary and appropriate. The  
32 motion carried on page 186.  
33  
34 PAGE 186: Motion in Action 1 to select Alternative 2, Option b  
35 as the preferred alternative. Alternative 2 is to extend the  
36 moratorium on the issuance of federal Gulf commercial shrimp  
37 vessel permits. The moratorium would be extended for Option b,  
38 ten years. The motion carried on page 187.  
39  
40 PAGE 187: Motion in Action 3 to move Alternative 3 to  
41 considered but rejected. The motion carried on page 187.  
42  
43 PAGE 188: Motion to instruct staff to convene a meeting of the  
44 appropriate coral scientists along with other fishery  
45 stakeholders to review potential coral HAPCs. The motion  
46 carried on page 188.  
47  
48 PAGE 190: Motion to reconvene a closed session of the AP

1 Selection Committee to consider appointment of an NGO member to  
2 the Reef Fish AP at the next council meeting. The motion failed  
3 on page 192.

4

5 PAGE 193: Motion that staff take no action on formation of the  
6 ad hoc private recreational committee before the August 2015  
7 council meeting. The motion carried on page 196.

8

9 PAGE 203: Motion to write that letter of nomination on behalf  
10 of Corky Perret for MAFAC. The motion carried on page 204.

11

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