

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

263RD MEETING

FULL COUNCIL SESSION

Hyatt Regency Birmingham

Birmingham, Alabama

APRIL 5-6, 2017

VOTING MEMBERS

- Kevin Anson.....Alabama
- Leann Bosarge.....Mississippi
- Patrick Banks.....Louisiana
- Doug Boyd.....Texas
- Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- Pamela Dana.....Florida
- Dale Diaz.....Mississippi
- Tom Frazer.....Florida
- Johnny Greene.....Alabama
- Martha Guyas (designee for Nick Wiley).....Florida
- Kelly Lucas (designee for Jamie Miller).....Mississippi
- Campo Matens.....Louisiana
- Lance Robinson (designee for Robin Riechers).....Texas
- John Sanchez.....Florida
- Greg Stunz.....Texas
- Ed Swindell.....Louisiana
- David Walker.....Alabama

NON-VOTING MEMBERS

- Dave Donaldson.....GSMFC
- Leo Danaher.....USCG

STAFF

- Steven Atran.....Senior Fishery Biologist
- Matt Freeman.....Economist
- John Froeschke.....Fishery Biologist-Statistician
- Douglas Gregory.....Executive Director
- Karen Hoak.....Administrative & Financial Assistant
- Morgan Kilgour.....Fishery Biologist
- Ava Lasseter.....Anthropologist
- Mara Levy.....NOAA General Counsel
- Emily Muehlstein.....Public Information Officer
- Bernadine Roy.....Office Manager
- Camilla Shireman.....Administrative Assistant
- Carrie Simmons.....Deputy Director

1 **OTHER PARTICIPANTS**

2 Kirk Abernathy.....Birmingham, AL
3 Greg Abrams.....Panama City, FL
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5 Bill Arant.....Birmingham, AL
6 Darrel Arnold.....Birmingham, AL
7 Roger Ball.....Birmingham, AL
8 Scott Bannon.....Alabama Marine Resources Division
9 Avery Bates.....Organized Seafood Association of Alabama
10 Dean Blanchard.....Grand Isle, LA
11 Randy Boggs.....Orange Beach, AL
12 Ryan Bradley.....Mississippi Commercial Fisheries United
13 Eric Brazer.....Reef Fish Shareholders Alliance
14 David Campbell.....Birmingham, AL
15 Shane Cantrell.....CFA
16 Ted Childress.....Birmingham, AL
17 Chris Conklin.....SAFMC
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20 Jason Delacruz.....FL
21 Tim Essington.....Lenfest, Seattle, WA
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23 Tracy Floyd.....MDMR, Biloxi, MS
24 Susan Gerhart.....NMFS
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26 Ken Haddad.....ASA, FL
27 Scott Hickman.....Galveston, TX
28 Tom Hilton.....Arcola, TX
29 Alison Johnson.....Oceana
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31 Bobby Kelly.....Orange Beach, AL
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33 Richard Lewis.....Birmingham, AL
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37 Bill Owens.....Galveston, TX
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3 Stewart Webb.....Birmingham, AL
4 Bubba Wells.....Birmingham, AL
5 Wayne Werner.....Alachua, FL
6 Johnny Williams.....Galveston, TX
7 David Williamson.....Birmingham, AL
8 Dale Woodruff.....Orange Beach, AL
9
10 - - -
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TABLE OF MOTIONS

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

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

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

PAGE 108: Motion to approve Shrimp Amendment 17B and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. [The motion carried on page 110.](#)

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

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

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

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

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

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

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

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

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

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

19
20 - - -
21

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

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

7
8 **CHAIRMAN LEANN BOSARGE:** Welcome to the 263rd meeting of the Gulf
9 Council. My name is Leann Bosarge, Chair of the Council. If
10 you have a cell phone, pager, or similar device, we ask that you
11 keep them on silent or vibrating mode during the meeting. Also,
12 in order for all to be able to hear the proceedings, we ask that
13 you have any private conversations outside, please.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 where adaptive management is absolutely critical.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

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

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

12
13 **ALABAMA LAW ENFORCEMENT PRESENTATION**

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

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

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

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

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

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

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

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

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

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

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

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

1 field, to enforce the rules and regulations.

2
3 We are headed into our fourteenth year of these JEA contracts,
4 and I still feel that that's the most important part, is that we
5 provide boots on the ground, that we put a face to law
6 enforcement out there, and that personal interaction with the
7 public is how we make these fisheries successful.

8
9 This year, so far, we've done 665 hours of dockside, and this is
10 the numbers game. We've done 738 hours of vessel patrol, 255
11 hours of near-shore. We do near-shore and offshore, coastal
12 waters and then -- Under the program, it's really called
13 midrange, and some of the other states do some further offshore
14 patrols. We just don't have the vessels for that. We did 260
15 hours of TED patrol and 245 hours of outreach, which this is
16 before March.

17
18 We have contacted an estimated 17,000 people during our outreach
19 programs. That number will almost double for March, because we
20 had two major boat shows, and we had several days at Field and
21 Stream and some big stores like that. Those hours spent in
22 outreach are unbelievable for the program. That is an
23 opportunity for an officer to have a one-on-one conversation
24 with the general public.

25
26 They hear things that come out of these meetings, and they hear
27 things that they see on Facebook, and sometimes it's close to
28 being accurate. When they get that chance to meet with an
29 officer one-on-one, that is huge for the state and I believe for
30 our federal partners, to be able to have those conversations.

31
32 The number of hours that we put towards patrol, it's 100 percent
33 patrol. We don't pay for officers going to court, and we don't
34 pay for officers fixing things. We don't pay for officers to do
35 anything but patrol under this program. That is like hiring two
36 officers in Alabama, with the numbers that I have, two officers
37 to do federal fisheries work full-time. That is basically 10
38 percent of my workforce. That adds an extra 10 percent, just in
39 the number of hours alone.

40
41 This year, to date, these are some of the citations we have
42 issued. Everybody likes to hear those things. It's one
43 endangered species, twenty-one Magnuson, which are generally
44 fish cases, eight federal case referrals. Alabama has a
45 regulation that allows us to claim jurisdiction over vessels
46 that have left from, are licensed from, or have some other
47 connection, like are registered in, Alabama. We claim
48 jurisdiction over them in federal waters.

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

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

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

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

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

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

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

48

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

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

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

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

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

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

48

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

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

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

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

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

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

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

1 may pop up.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

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

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

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

3
4 **MAJOR BANNON:** We consume a lot of both. The fuel, there is a
5 cost factor for the vessel. The program pays for a vessel to be
6 on patrol as well as the person to be on patrol, and, in
7 Alabama, we pay overtime, and we pay for patrol. Some states
8 don't. Each state has a different take on it.

9
10 **MR. MATENS:** Also, I am curious about this dolphin interaction.
11 It's something I don't know much about. Are you in a position
12 to maybe give an example or two about what would be a violation?

13
14 **MAJOR BANNON:** Sure. Primarily, what we see in Alabama, which
15 it differs from state-to-state, and Florida is probably the
16 leader in having to deal with that and have come up with some
17 creative solutions, but generally what we see are some of these
18 -- What we have seen in the past is some of these tour boats
19 that would take bait along, take some shrimp and some fish or
20 something like that, and they would even sometimes work in
21 conjunction with guys on jet-skis and things, to kind of stir
22 the dolphins up and that kind of stuff and get them to where
23 they're active, and it makes a great show for the public.

24
25 Well, both of those, feeding the dolphins and harassing them
26 with the jet-skis and personal watercraft, is illegal.
27 Sometimes they would get together and they would run and create
28 a big wake so that the dolphins would come interact with the
29 wake. They have a tendency to want to do that. After some
30 education and some enforcement presence, most of that has gone
31 away. Good business partners generally decide to stick with the
32 best practices to survive.

33
34 **MR. MATENS:** I have a couple more things, if you will indulge
35 me. How do you determine and enforce what is nine miles?

36
37 **MAJOR BANNON:** There is no line on the chart. The folks from
38 NOAA have called us and said, hey, we'll put a nine-mile line on
39 there, and I said, no, there is not a permanent rule for the
40 nine miles.

41
42 What we tell people, in general, is that there is a three-mile
43 line on a chart and on your plotter. I said, if you're sitting
44 in your boat and you run your little cursor back to that three-
45 mile line on your chart, if it's further than six miles, in my
46 math, you're outside of nine miles. That is kind of a generic
47 line.

48

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

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

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

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

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

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

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

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

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

1 about ninety miles offshore doing those. We've been down off
2 the coast of Louisiana. One of my favorite comments from a guy
3 who we checked, and he looked around and he said, am I in
4 Alabama, and I said, no, sir, you're off the coast of Louisiana,
5 in federal waters, but we have several vessels in that range.
6

7 **MR. SWINDELL:** One of the other issues that I am always
8 interested in with our Coast Guard representative here is your
9 cooperation and relationship with the Coast Guard out of the
10 area. I assume that you have a good working relationship and
11 have been involved with them from time to time, and am I
12 correct?
13

14 **MAJOR BANNON:** Unfortunately, I am one for the last twenty-seven
15 years. I am the Command Master Chief for the Coast Guard Sector
16 Mobile Reserve Program, and so we have an "in" with the Coast
17 Guard. Our relationship, it works pretty well. We have a
18 relationship with the sector as well as the stations that are in
19 our area. They have my phone number, and, of course, it rings
20 24/7.
21

22 They have the officers' numbers. They will call us if they have
23 something that they feel is a little quirky for them to handle,
24 and we try and communicate with them as well, with some of the
25 season changes and things and how we are going to conduct
26 ourselves, and so I think the relationship in our area is good.
27

28 **CHAIRMAN BOSARGE:** Lieutenant Commander.
29

30 **LCDR DANAHER:** Thank you, Madam Chair. I appreciate the
31 presentation, Major. I just wanted to go back to one of the
32 slides that you had there, when you cited the twenty-one
33 Magnuson-Stevens Act violations. Amongst those, and I apologize
34 if I missed it during your brief, but any kind of trends or
35 common violations that you're seeing?
36

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32
33 **LAW ENFORCEMENT COMMITTEE REPORT**

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

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

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

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

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

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

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

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

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

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

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

48

1 open for options in the action?

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

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

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

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

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

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

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

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

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

1 details that we'll need to work through.

2

3 **CHAIRMAN BOSARGE:** Lieutenant Commander.

4

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

13

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

15

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

23

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

29

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

31

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

39

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

44

45 **CHAIRMAN BOSARGE:** Lieutenant Commander.

46

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

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

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

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

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

10 - - -

11
12 April 5, 2017

13
14 WEDNESDAY AFTERNOON SESSION

15
16 - - -

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

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

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

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

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

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

10
11 **PUBLIC COMMENT**
12

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

1 go with those.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14

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

16

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

18

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

21

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

29

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

35

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

44

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

1 whatever. You are also going to have to take this, and I didn't
2 see it on your list there, but are you going to be able to get
3 these tags and buy them from people to increase your portion of
4 this recreational fishery, or are they going to be just for one
5 name only?
6

7 You need to have some way to account for them. If they don't
8 turn in the information, after their trip is over, on the tag,
9 it ought to count as a fish that has been caught. That way, you
10 put some teeth into your rules and regulations governing the
11 private recreational angler. Thank you very much for your time.
12

13 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Shane
14 Cantrell, followed by Mr. Robert Spaeth.
15

16 **MR. SHANE CANTRELL:** I'm Shane Cantrell. I'm the Executive
17 Director of the Charter Fishermen's Association. First off, I
18 want to address these buffers that are coming in here and the
19 setting of the recreational season overall.
20

21 The buffers were put in place to address recreational
22 accountability. They fell out of a lawsuit that was brought
23 against the agency. The first year they put them in, they
24 worked. Everybody got a nine-day season, but now we've got a
25 charter/for-hire subsector that has been consistently held
26 within its quota, significantly under their quota. The private
27 anglers have exceeded their portion of the ACT, and, this year,
28 we crossed the 100 percent threshold for the recreational quota
29 as a whole.
30

31 The buffers were working, but the council and the agency were
32 unable to constrain the private recreational harvest of red
33 snapper and the charter boats were punished for it. The charter
34 boats are now being held to a lesser season than they should be
35 while the private anglers are continually able to go fishing and
36 have 80 percent -- Now we have 80 percent of their harvest in
37 state waters.
38

39 It's no fault of their own, but the states have now demonstrated
40 to many people that they would prefer to have this fish in state
41 waters. 80 percent of it is caught there. That may be the only
42 opportunity that they have, but that doesn't change the fact
43 that we need to make sure that the charter boats are no longer
44 being held accountable for fish they are not able to catch, to
45 make sure they get their full season, and do what is necessary
46 to constrain private angler harvest in federal waters where this
47 body has authority.
48

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48

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

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

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

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

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

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

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

1
2 **MR. ANASTASSAKIS:** Absolutely. Thank you so much.
3
4 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. Bill Owens,
5 followed by Ms. Thao Vu.
6
7 **MR. BILL OWENS:** Good afternoon, council. My name is Bill
8 Owens, and I am a commercial fisherman, the Fishing Vessel F/V
9 Grateful. I'm an owner/operator, and I'm here today to talk
10 about -- A friend of mine, a couple of days ago, sent me a
11 screenshot with a little article circled in it.
12
13 I zoomed in on it and started reading on it, and my heart
14 actually dropped. What I am referring to is Amendment 36B to
15 regulate the lease of the quota to the shareholders, to where
16 they basically have to catch their own fish. That would
17 devastate most of the fishing industry, such as myself.
18
19 There is people like me that don't own any quota, and there is
20 people that own a couple hundred pounds or a couple thousand
21 pounds, which that's not enough to support their family for a
22 year, whenever they use that quota up. It would directly
23 bankrupt me the instant you all sign that through. It would
24 impact me, my family, my deckhands, their families, and all the
25 other people out there that just doesn't have quota, like I do.
26
27 This is my life. I have got my entire life invested in this,
28 and, if this was to go through, it would bankrupt me overnight,
29 instantly bankrupt me and put a bunch of people out on the
30 street. I mean, basically, over this last eight years, don't we
31 have enough people on the street? If this goes through, there's
32 going to be a lot more people on the street, because a couple of
33 my guys have got thirty years of experience commercial fishing.
34 They know nothing else, and, if this goes through, there's going
35 to be a lot more people out there.
36
37 That's about all I wanted to say on that, and then I do want to
38 make one comment on the amberjack. When amberjack season is
39 closed, we released probably 1,500 or 2,000 pounds, almost, per
40 trip, most of them dead. We can't even bring them in, but there
41 is plenty, plenty, of amberjack out there. That's all I have.
42 Thank you.
43
44 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from Mr.
45 Anson.
46
47 **MR. ANSON:** Thank you, Mr. Owens. How many pounds of red
48 snapper do you lease?

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

1 targeted outreach.

2

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

12

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

16

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

24

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

33

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

38

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

47

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Williamson, followed by Mr. Ted Childress.

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

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

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

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

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

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

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

1 up here.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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45
46 April 6, 2017

47
48 THURSDAY MORNING SESSION

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

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

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

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

COMMITTEE REPORTS (CONTINUED)
SHRIMP COMMITTEE REPORT

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

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

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

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

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

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

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

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

37 **The committee recommends, and I so move, to recommend the**
38 **council approve Shrimp Amendment 17B and that it be forwarded to**
39 **the Secretary of Commerce for review and implementation, and**
40 **deem the codified text as necessary and appropriate, giving**
41 **staff editorial license to make the necessary changes in the**
42 **document. The Council Chair is given the authority to deem any**
43 **changes to the codified text as necessary and appropriate.**
44

45 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board, and
46 this will be a roll call vote, because this is final action, and
47 so Mr. Gregory.
48

1 EXECUTIVE DIRECTOR GREGORY: Thank you. Dr. Lucas.
2
3 DR. LUCAS: Yes.
4
5 EXECUTIVE DIRECTOR GREGORY: Dr. Crabtree.
6
7 DR. CRABTREE: Yes.
8
9 EXECUTIVE DIRECTOR GREGORY: Mr. Swindell.
10
11 MR. SWINDELL: Yes.
12
13 EXECUTIVE DIRECTOR GREGORY: Mr. Banks.
14
15 MR. BANKS: Yes.
16
17 EXECUTIVE DIRECTOR GREGORY: Dr. Stunz.
18
19 DR. STUNZ: Yes.
20
21 EXECUTIVE DIRECTOR GREGORY: Dr. Dana.
22
23 DR. DANA: Yes.
24
25 EXECUTIVE DIRECTOR GREGORY: Mr. Sanchez.
26
27 MR. SANCHEZ: Yes.
28
29 EXECUTIVE DIRECTOR GREGORY: Mr. Boyd.
30
31 MR. BOYD: Yes.
32
33 EXECUTIVE DIRECTOR GREGORY: Mr. Diaz.
34
35 MR. DIAZ: Yes.
36
37 EXECUTIVE DIRECTOR GREGORY: Mr. Matens.
38
39 MR. MATENS: Yes.
40
41 EXECUTIVE DIRECTOR GREGORY: Mr. Robinson.
42
43 MR. ROBINSON: Yes.
44
45 EXECUTIVE DIRECTOR GREGORY: Mr. Anson.
46
47 MR. ANSON: Yes.
48

1 **EXECUTIVE DIRECTOR GREGORY:** Mr. Greene.
2
3 **MR. GREENE:** Yes.
4
5 **EXECUTIVE DIRECTOR GREGORY:** Dr. Frazer.
6
7 **DR. FRAZER:** Yes.
8
9 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.
10
11 **MR. WALKER:** Yes.
12
13 **EXECUTIVE DIRECTOR GREGORY:** Ms. Guyas.
14
15 **MS. GUYAS:** Yes.
16
17 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.
18
19 **CHAIRMAN BOSARGE:** Yes.
20
21 **EXECUTIVE DIRECTOR GREGORY:** The motion passes unanimously,
22 **seventeen to zero.**
23
24 **MR. DIAZ:** Madam Chair, this concludes my report.
25
26 **CHAIRMAN BOSARGE:** Thank you, Mr. Diaz. Next on our amended
27 agenda will be our Data Collection Committee Report. If Dr.
28 Stunz is ready with that, I will turn it over to him.

29 **DATA COLLECTION COMMITTEE REPORT**

30
31
32 **DR. STUNZ:** The Data Collection Committee met on April 3, 2017.
33 The Southeast Fisheries Science Center Presentation on
34 Recreational Data Procedures was first. Dr. Vivian Matter gave
35 a presentation, which is Tab F, Number 4, summarizing the
36 Southeast Fisheries Science Center practices and procedures for
37 handling recreational data from MRIP, SRHS, TPWD, and LA Creel.
38
39 Adjustments to these data are necessary for a variety of
40 purposes, including assigning landings to the appropriate
41 management region, converting units from whole weight to gutted
42 weight, or calibrating data to the appropriate units for ACL
43 monitoring.
44
45 Additionally, the Southeast Fisheries Science Center uses
46 different procedures than MRIP for estimating average weights
47 and uses a minimum of thirty fish per stratum to calculate mean
48 weight. This procedure is more robust than the MRIP protocol

1 that only requires two fish to estimate mean weight. The final
2 dataset for each species reflects the best estimate of landings
3 that also matches the management region and units necessary for
4 ACL monitoring.

5
6 Next was a Discussion of MRIP Percent Standard Error Methods and
7 Protocols. Dr. Clay Porch led a discussion regarding the
8 procedures for recreational fisheries data with unusually high
9 variance estimates. This typically occurs with rare-event
10 species, but may occur for other reasons as well. Dr. Porch
11 expressed interest in convening a workshop that considers
12 methods to improve estimates for rare-event species and methods
13 to incorporate fisheries data with high variance estimates into
14 management.

15
16 Dr. Porch was interested in gauging the council's support for
17 this potential workshop. Mr. Donaldson noted that the Atlantic
18 Coastal Cooperative Statistics Program has previously held a
19 similar workshop and recommended a review of their findings when
20 developing the proposed workshop. The South Atlantic Council
21 has previously expressed support for the proposed workshop and
22 would work closely with the Gulf to develop terms of reference
23 for the meeting.

24
25 The committee was supportive of the proposed workshop and
26 recommends that the council work closely with the South
27 Atlantic Council and NMFS to facilitate this workshop. Staff
28 will draft a letter to the Southeast Fisheries Science Center
29 indicating the desire of the council to support and participate
30 in the proposed workshop.

31
32 Next was the South Atlantic Council Exemption Request. The
33 South Atlantic Council reviewed the Gulf Council's For-Hire
34 Electronic Reporting Amendment at their March 2017 meeting. The
35 South Atlantic Council approved the Gulf's Amendment, but
36 requested an exemption from Gulf for-hire reporting requirements
37 for vessels with Gulf and South Atlantic for-hire permits when
38 fishing solely in South Atlantic waters, and that's Tab F,
39 Number 6.

40
41 The committee discussed the exemption request, but did not
42 develop a recommendation regarding this request. The exemption
43 would primarily affect vessels with both Gulf and South Atlantic
44 for-hire permits that are homeported in the South Atlantic.
45 Based on the 2016 permits database, there are currently 387
46 vessels with for-hire permits from the Gulf and South Atlantic
47 regions.

1 Region is determined through the vessel homeport, or hailing
2 port, listed on the permit application in Table 1. The proposed
3 exemption would have little effect on the 251 vessels based in
4 the Gulf, but the 136 vessels based in the South Atlantic,
5 Florida Keys, or other regions may be affected.

6
7 The committee noted that accommodating this exemption request
8 would require modification of the Gulf For-Hire Electronic
9 Reporting Amendment, which would require additional review and
10 approval by the Gulf and South Atlantic Councils. These
11 modifications could also require additional council meetings and
12 public hearings to gather stakeholder input, and thus delaying
13 the implementation of the Gulf for-hire electronic reporting
14 program. Madam Chair, how do we handle tables? Do I read that
15 table into this or --

16
17 **CHAIRMAN BOSARGE:** I would, because we didn't discuss it during
18 the committee.

19
20 **DR. STUNZ:** Okay. Table 1 is number of for-hire permitted
21 vessels by homeport in 2016 with a Gulf and South Atlantic
22 federal for-hire permit. The assigned region indicates the
23 homeport provided on the permit application. For-hire permits
24 are managed in the Southeast Regional Office Permits Office.
25 Other Region includes homeport in Delaware, Indiana, Maryland,
26 New Jersey, Pennsylvania, Rhode Island, and Virginia.

27
28 Homeport Region Vessels and Percentages, the table, in the east,
29 there is thirty-three vessels, and that is 9 percent. In Other,
30 there are sixteen vessels that represent 4 percent. In the Gulf
31 of Mexico, there is 251, and that's 65 percent. The Florida
32 Keys has eighty-seven vessels, at 22 percent. The total is 387
33 vessels, at 100 percent. Madam Chair, this concludes my report.

34
35 **CHAIRMAN BOSARGE:** Okay. That is the information that we
36 requested during committee, I think, and we talked about looking
37 at, but staff had to get it together for us. Can we put that
38 table back up on the board, so we can see it, because we do need
39 to give some instruction here on which direction we're headed
40 with this.

41
42 If you will remember, the issue was there are some dually-
43 permitted for-hire vessels, and, in this case, dually-permitted
44 means South Atlantic and Gulf. We went final with that
45 amendment in January. We sent it to the South Atlantic, and the
46 South Atlantic did bless it as well, and so it is capable of
47 being transmitted and being implemented, but then they passed a
48 motion that said, hey, is there any way that you can do

1 something for these dually-permitted vessels.
2
3 It looks like, instead of the total 387 that really need an
4 exemption, the ones that would have a hardship would be those
5 thirty-three in the South Atlantic and the eighty-seven in the
6 Florida Keys. I am assuming that the 251 that are homeported in
7 the Gulf of Mexico, but also hold a South Atlantic permit, that
8 they're probably not all that worried about this. I could be
9 wrong, but I would venture to guess that they've been involved
10 in our process and have been part of that. Then the other, take
11 that for what it is. Pick your pleasure, council. Mr. Chris
12 from the South Atlantic.

13
14 **MR. CONKLIN:** Thank you and good morning. I just wanted to note
15 that, other than Gulf of Mexico, that adds up to 35 percent of
16 the vessel that will be having to report to the Gulf system that
17 may or may not be fishing in the Gulf of Mexico.

18
19 **CHAIRMAN BOSARGE:** Ms. Guyas.

20
21 **MS. GUYAS:** There was a discussion, I guess, at the committee
22 level of, if we wanted to do something, the best path forward --
23 I understand there is concern about holding up the Gulf
24 amendment, and there was a suggestion maybe of doing a framework
25 to deal with this, and is that an option? I guess, if we did
26 that, is that something that we could start before the
27 regulations are implemented, so that we're at least moving on
28 this issue? I am looking at Roy and Mara here.

29
30 **DR. CRABTREE:** Mara is telling me she thinks we probably could
31 do it from a framework, since it's a reporting requirement. I
32 will let her comment on that, but, I mean, you could start work
33 on a framework. We're going to take time to get this
34 implemented and get the regulations written and get there, and
35 so I guess, yes, you could start work on a framework and have
36 the goal of getting it resolved before this happens, if that's
37 really what you want to do, but let me ask Mara to comment on
38 it.

39
40 **CHAIRMAN BOSARGE:** Ms. Levy.

41
42 **MS. LEVY:** It gets a little bit complicated, because you would
43 be starting work on a framework to change regulations that
44 aren't implemented, and so that gets sticky, and so it's not
45 just about whether it's a framework or an amendment, but you're
46 talking about changing something that's not in place, and so the
47 idea of what the no action is versus the alternatives -- It just
48 gets very messy.

1
2 I mean, in my opinion, the cleanest way to do it is to pull it
3 back and change what your preferred is here or change what we're
4 going to implement. If you don't want to do that, maybe we can
5 think of a more creative way to do it, but I would just have to
6 think about the process and how we would actually go about doing
7 that.

8
9 One thing is we know it's going to take time to develop the
10 system, and so I don't know what it would do to pull it back and
11 change it. I don't know if that would mean that NMFS wouldn't
12 be able to start developing the system, because now they're not
13 sure whether the councils are actually going to do it, and so
14 maybe we would have to think about the actual process.

15
16 **CHAIRMAN BOSARGE:** Okay. Dr. Stunz and then Mr. Anson.

17
18 **DR. STUNZ:** Both Roy and Mara sort of made my point that I was
19 going to suggest, but just to reiterate at least what would be
20 my preference, but now I'm listening to Mara's comments, and it
21 complicates things, but I mean it's not like we're going to have
22 something in place in the next few months. I thought we would
23 have plenty of time to fix this, as the program is being
24 developed. If it really does complicate things, then I'm not
25 crazy about this stalling-out, and so I guess I'm on the fence
26 on this deal.

27
28 **CHAIRMAN BOSARGE:** Kevin.

29
30 **MR. ANSON:** Dr. Stunz said what I was going to say, mostly, in
31 that this is a process, as Mara described it, and there was no
32 indication, at least from Dr. Ponwith, that there was any monies
33 that were going to be available here in the immediate future.
34 Obviously that can change in the next budget appropriation, but
35 that this is going to take some time for them to set up the
36 program, and maybe we just let it go as is. Once they set that
37 program up and get all of those things in place, then, at that
38 time, the clock is going to start ticking for those dually-
39 permitted vessels.

40
41 **CHAIRMAN BOSARGE:** I have Dr. Froeschke and then Dr. Stunz.

42
43 **DR. FROESCHKE:** Just some clarification. If the request for
44 exemption was implemented as the South Atlantic requested, would
45 they still need to purchase and install the hardware, as
46 required by the Gulf permit, even if they didn't use it to
47 report? It seems to me, based on that, that it would, and it
48 would also change the ability to validate the trip on a trip-

1 level basis by the Gulf side, because you wouldn't know, if a
2 trip didn't report, if it was because they were fishing in the
3 South Atlantic or they just didn't report.

4
5 **CHAIRMAN BOSARGE:** John, I think we actually had that
6 conversation at the South Atlantic meeting, and, if I remember
7 correctly, yes, they will still have to have the hardware,
8 because that's the only way that we can tell that they're not
9 out fishing, which is a big, big part of our program.

10
11 Now, the exemption, it was my understanding, would be more for
12 that trip-level reporting, where you're having to call in and
13 you can't offload your fish and this and that, and so it was
14 more an exemption for that side of the house. Dr. Stunz.

15
16 **DR. STUNZ:** Another option, and Mara may not like this, but, if
17 you followed her suggestion of pulling this back to fix it,
18 which was her suggestion of the cleanest way, without an
19 approved amendment, can NMFS still continue to proceed with
20 their development of this, or do they need this on the books to
21 officially move forward? In other words, it's still moving
22 forward, but we're just technically fixing some technicalities
23 of the document, and I don't know if that's permissible.

24
25 **CHAIRMAN BOSARGE:** Dr. Crabtree.

26
27 **DR. CRABTREE:** We can consider continuing working on it, but
28 this may affect things, and you're going to run into -- I mean,
29 there are complexities in all of this, and then, if you pull it
30 back and we change it, I would think we would need to have at
31 least one public comment period for it at a council meeting.
32 Then it's going to have to go back to the South Atlantic Council
33 again for them to look at it.

34
35 **CHAIRMAN BOSARGE:** Mr. Gregory.

36
37 **EXECUTIVE DIRECTOR GREGORY:** It's my understanding, and I tried
38 to compile all the public hearing comments from the South
39 Atlantic, and I wasn't successful, but it's my understanding
40 that the concern that was expressed, at least in the Keys, was
41 about requiring the device to be on your boat more so than
42 weekly reporting versus daily reporting. I am not sure, but
43 that seems to be the real problem, which is not what is stated
44 in the letter from the South Atlantic Council, I don't think.

45
46 **CHAIRMAN BOSARGE:** Dr. Crabtree.

47
48 **DR. CRABTREE:** That will get very difficult, to figure out to

1 exempt them from that. Right now, the requirement is, if you
2 have the permit, you've got to have the device affixed to your
3 vessel. Then, if we're going in and saying except we're going
4 to exempt vessels that what, and that's where this gets
5 complicated to figure out.

6
7 **CHAIRMAN BOSARGE:** Dr. Porch, if we exempt the eighty-seven --
8 It sounds like it's the eighty-seven down in the Keys is going
9 to be the bulk of it that are actively fishing, and the thirty-
10 three, but the eighty-seven, it sounds like, is where a lot of
11 the feedback is coming from. If we exempt them somehow from
12 even the hardware requirement, what is this going to do to our
13 uncertainty on our landings?

14
15 In other words, all the other vessels that hold a Gulf permit
16 are going to have a GPS affixed to the boat, and they're going
17 to have to give landing notifications. They're not going to be
18 able to offload. They can't offload their fish -- What was it?
19 When you hit the dock you have to give your landings
20 notification before you offload your fish, and so you can get to
21 the dock, but then, very soon after -- These people would be
22 exempt from all of that.

23
24 **DR. PORCH:** I can't tell you exactly, in terms of precision, but
25 obviously, from a science perspective, we would like as good
26 data as we can get, and so the more information, the more
27 stringent reporting requirements are, it's to the benefit when
28 you're trying to integrate this into assessment and scientific
29 advice.

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

32
33 **DR. CRABTREE:** Remember the South Atlantic permits are open
34 access. If you go down in the Keys and say anyone who fishes in
35 the Gulf and has a Gulf permit is exempt if they have a South
36 Atlantic permit, they're all going to go get South Atlantic
37 permits and this thing just kind of mushrooms on it.

38
39 Then, when they come in to renew their permit, we wouldn't renew
40 it if they didn't have the proper hardware and things on their
41 boat. Now, if they get a South Atlantic permit, the permit shop
42 is going to have to go through this exercise of I'm not exactly
43 sure what. Maybe it's homeport and where are they and where are
44 they fishing, and how do we verify all of that? This gets into
45 a lot of complexities. This is why we made the decision we did
46 not to get into all of these problems with it.

47
48 **CHAIRMAN BOSARGE:** Ms. Guyas.

1
2 **MS. GUYAS:** There were certainly concerns from people in Monroe
3 County about just reporting in general, the device and the trip-
4 level reporting. I will admit that Monroe County is tough,
5 because they can easily be in either jurisdiction on a single
6 trip, but at least my understanding, from listening to the South
7 Atlantic meeting, was there was concerns about people leaving
8 from like Charleston and Jacksonville, places where you're not
9 conceivably going to be able to run to the Gulf of Mexico on a
10 trip, you know this 9 percent of people, which I think is a
11 significant number, that are affected by this.

12
13 I guess my preference, at this point, based on what I am
14 hearing, would be, if -- I guess we pull this back, but if we
15 can still have some of the preparation work going on in the
16 background, so that we are still doing what we need to do to
17 move forward, but I do think this is going to need to be an
18 issue that we address.

19
20 **CHAIRMAN BOSARGE:** Mr. Greene.

21
22 **MR. GREENE:** While I am very sympathetic -- There is nobody more
23 sympathetic to put a regulation on a fisherman than me. We're
24 looking at percentages based on 387, but we're forgetting about
25 the 1,300 charter boats in the Gulf. Now, South Atlantic
26 permits are open access. Maybe I go get a South Atlantic permit
27 and maybe I don't have to report.

28
29 There is some further potential complications, depending on --
30 It seems like we're trying to back up to fix one complication,
31 but, in the process of backing up and trying to fix one
32 complication, we might create four more. Unfortunately, I think
33 I'm going to have to say that, look, I understand that there is
34 a situation here.

35
36 There are people in the South Atlantic jurisdiction that have
37 Gulf of Mexico permits that bought them for business reasons,
38 for whatever they are, thinking that one day they might want to
39 go to the Gulf. Well, one day I might want to go to the South
40 Atlantic, and you can make these arguments back and forth, but
41 we spent a long, long, long time working on this, and it was a
42 lot of compromise, a lot of battles back and forth, and all of
43 you remember it well, and I just hate to pull back on this.

44
45 While I understand we need to do some work on it, I think it's
46 going to take some time to implement, and I think there are some
47 things that could be done and make any amendment better, looking
48 down the road, but, at some point, you just have to say, okay,

1 let's just stop here and put it in place and then we'll come
2 back and fix things as it's implemented and moving forward.
3 Now, what that is, I don't know, but I hate to set a precedent
4 of sending something final up and pulling it back, and I hate to
5 set that precedent, with this or anything else that we do.

6

7 **CHAIRMAN BOSARGE:** Ms. Levy.

8

9 **MS. LEVY:** Thanks, and I don't want to suggest that you can't
10 move forward with this and then move forward with something to
11 change it. I just have to think about, or we have to think
12 about, how that would actually work, but I don't want to give
13 the impression that it's not possible to do it, that, if you
14 move forward with this, that you can't change it and you can't
15 change it before maybe it has an effective date or something
16 like that on it, and so I just want to make sure that's clear.

17

18 **CHAIRMAN BOSARGE:** Dr. Stunz.

19

20 **DR. STUNZ:** Johnny has convinced me, and I think you're right,
21 Johnny. After all of this work and things, let's just move
22 forward and fix this along the way would be my recommendation.
23 We've got plenty of time to do it. I know it may complicate
24 things, Mara, as you suggest, but, otherwise, we might be here a
25 year from now still dealing with this.

26

27 **CHAIRMAN BOSARGE:** Ms. Guyas.

28

29 **MS. GUYAS:** I am trying to figure out how we can keep this
30 moving. I am understanding that people don't want to pull back
31 on what we've already done, and that's fine, but I don't want to
32 make a motion to develop a framework if that's not the right
33 step. I mean, should we bring this back to another meeting for
34 another discussion, after we've done some research? What do you
35 all -- Mara, what do you think is the best way to move here?

36

37 **MS. LEVY:** You may just want to put it on the agenda for the
38 next meeting, and I think you need to think about exactly what
39 you're exempting them, because there's a lot of discussion. Is
40 it just the trip level reporting? Are they still going to have
41 to have the equipment?

42

43 I think there was talk at the South Atlantic Council about only
44 the exemption applying if they only fish in the South Atlantic
45 on that day, meaning, if they go for a trip into the Gulf, then
46 the Gulf reporting will -- That seems really complicated, to me,
47 but I know that's what they talked about.

48

1 Maybe put it on the agenda and then think about really what you
2 would want the exemption to look like, and then we can think
3 about a way to move forward with it while NMFS is moving forward
4 with implementation of the amendment.

5
6 **CHAIRMAN BOSARGE:** Ms. Guyas.

7
8 **MS. GUYAS:** I think I can live with that, if that's the way to
9 move forward.

10
11 **CHAIRMAN BOSARGE:** Mr. Sanchez.

12
13 **MR. SANCHEZ:** This is troubling. I mean, Amendment 41 for the
14 charter boats, they have begged for accountability, and they
15 have begged for logbooks, and this kind of creates a huge
16 loophole, maybe, where somebody, by virtue of having a South
17 Atlantic and a Gulf permit, are they going to have to report or
18 are they not? Are they going to get allocation under Amendment
19 41, if we get far enough along? I am kind of troubled with
20 this, if that's a potential possibility here.

21
22 **CHAIRMAN BOSARGE:** All right. I am hearing that the consensus
23 around the table is that our amendment is final and it's going
24 to stay final. It's going to go on for implementation, which
25 could take a while, just because of the nature of that amendment
26 and the decisions that have to be made at the agency, but that,
27 at our next meeting, we're going to have it on the agenda to
28 discuss some sort of possible framework or this or that, once we
29 look at some data at our next meeting, to get a better handle on
30 the details of these vessels and where the loopholes may be and
31 what direction we may need to go to try and come to some sort of
32 resolution. Ms. Guyas, do you agree with that? All right. Ms.
33 Guyas shakes her head yes. All right. We have a conclusion on
34 that, Dr. Stunz, and you read the last line of that report,
35 right?

36
37 **DR. STUNZ:** Yes, I did. Sorry. Maybe I was ahead of the game.

38
39 **CHAIRMAN BOSARGE:** No, that's fine. The only other thing is I
40 had one item. John.

41
42 **DR. FROESCHKE:** Just so everyone is clear, I am interpreting
43 this as we're still going to transmit the document, and that
44 likely will occur before you meet again in June, and is that the
45 intention?

46
47 **CHAIRMAN BOSARGE:** That was my intention with my comment, but
48 let me make sure that the council is okay with that. I see

1 heads shaking yes, and so, yes, sir. I did have one thing that
2 I was going to add under Other Business during our committee, if
3 we had time, and so I will talk about that real quick, if you
4 don't mind, Dr. Stunz.

5
6 After all this heated discussion about the South Atlantic, I
7 want to say something positive. I went to the last South
8 Atlantic meeting, and they were having a discussion about data
9 and this and that, and this one council member had a really good
10 idea, I thought, and I have taken his idea and kind of tweaked
11 it a little.

12
13 He had an idea about possibly having some sort of data portal,
14 where fishermen could put their observations in, strictly data-
15 type observations, and it could be for a specific species or it
16 could be more of like, forty years ago, we saw this, and now
17 we're seeing this, different things like that.

18
19 Our fishermen obviously gave a lot of testimony last night
20 related to science and how they're not quite happy with where
21 it's at and what they see on the water versus what they see out
22 of some of these assessments.

23
24 I wondered if maybe we couldn't develop a data portal, where a
25 fisherman could go in and actually submit specific observations
26 or information that he has for a specific stock assessment that
27 is coming up. Now, it would have to be a pretty rigid system.
28 You would have to give a lot of information, and you would have
29 to tell what type of fishing you were doing, what depth of
30 water, how far offshore, what type of gear, because, for a
31 scientist, they need all that information to really make heads
32 or tails of what is going on with the information they're being
33 given.

34
35 It would have to be very specific, and it would be for a
36 specific stock assessment. There would have to be opening times
37 for the portal and then cutoff dates for the portal, because you
38 can't have information flowing in continuously as you're getting
39 towards the end of a stock assessment, because the -- My idea
40 would be to actually have this be a qualitative data stream, a
41 qualitative index, essentially, that the scientists would read
42 through at some point during their process and have those
43 observations from the fishermen.

44
45 I mean, a lot of the observations may overlap. They may be
46 repetitive, but you never know. There may be that observation
47 there that has that light-bulb effect, and so I just wanted some
48 feedback from the council to see what you thought about that.

1 Dr. Stunz.

2
3 **DR. STUNZ:** Leann, one, I think it's a great idea. Maybe we
4 should hear what Clay has to say, but, yes, what you're talking
5 about is citizen science, and it's a big deal right now in the
6 field, and, one, it gives a lot of buy-in to the community,
7 outside of the utility of it, but there is useful information
8 they have, but we do have this sort of in place, but it could be
9 supplemented by what you're saying.

10
11 You know, on the stock assessment panels, having sat on many of
12 those, there are fishermen that come to that and say there's no
13 way and that's just out of the ballpark and it would never
14 happen or whatever, but maybe that person could be a liaison
15 that looks through this information and sort of gathers that,
16 because they know more about -- In other words, the fisherman
17 that shows up might only be one guy that doesn't necessarily
18 know about other areas and things.

19
20 Yes, I think that would be useful information. The caveat, of
21 course, which I'm sure Clay will tell you, how much that can be
22 used -- Well, I don't know. That would be a question for Clay.

23
24 **CHAIRMAN BOSARGE:** Yes, exactly, and that's why I said it would
25 be a qualitative data stream, essentially just for informational
26 purposes. I don't expect numbers to actually be pulled out of
27 this and somehow plugged into a stock assessment. No, not at
28 all. It was more like a direct conversation that could
29 essentially be had, a static conversation albeit, but still
30 between the fishermen and the scientists. I have Dr. Porch.

31
32 **DR. PORCH:** Thank you. We're always looking for ways to get
33 fishermen more engaged in the assessment process. As you know,
34 one of the highlights, for me, of the SEDAR process is that data
35 workshop, where we are explicitly hoping that fishermen will
36 show up to that, because that's where we can have a lot of
37 interchange about what this particular signal in the data really
38 means.

39
40 If you see a big drop in catches or you see some change in catch
41 rates, is that because of the changes in the way fishermen have
42 been operating? Sometimes we get information like that, from
43 port agents and observers, but it's really good to hear from the
44 fishermen, in addition to their observations on the water.

45
46 The short answer is, yes, I think it's a great idea. Yes, there
47 is opportunity for mischief, but, when we get all that kind of
48 information, we can take it to the fishermen who do show up at

1 the SEDAR stock assessment meetings and run it by them, and it
2 will stimulate conversation, and so, yes, I think it's a good
3 idea.

4
5 **CHAIRMAN BOSARGE:** Okay. I have Dave Donaldson and then Chris
6 Conklin.

7
8 **MR. DONALDSON:** Thank you, Madam Chair, and I agree with both
9 Greg and Clay. I think it's a good opportunity. It creates
10 buy-in, but the point that you made is we've got to manage
11 expectations of what that data can be used for, and it's
12 important that that's presented upfront, that they don't think
13 that, by providing this, that we will use those numbers, but I
14 think getting the public involved is important. It provides
15 some validity to what we're doing, and it would be a great idea.

16
17 **CHAIRMAN BOSARGE:** Mr. Conklin.

18
19 **MR. CONKLIN:** The idea of a pseudo-SEDAR participant is pretty
20 neat. I share concerns with Dr. Porch as well about validating
21 the information you get, because we do get a lot of angry rants.
22 What we've done in the South Atlantic is we've created this
23 citizen science initiative, and we have taken a big step forward
24 in creating this committee, which I chair, and, while the
25 program is in its infancy, we're out building the infrastructure
26 for it right now and trying to build something that is going to
27 stand the test of time and then come up with programs to fill
28 gaps in the stock assessments that the models require.

29
30 Then we were going to seek funding or participation from outside
31 sources, since we can't do it ourselves, to implement those
32 programs and bring us that data back that could be validated and
33 then put into the SEDAR process and into the stock assessment
34 process, and so I do see merit in it, and that is our step in
35 that direction, along with a suite of other things, but it's
36 going to take some good, solid infrastructure, the good from the
37 bad, and what's true and what's not is going to be very
38 difficult.

39
40 **CHAIRMAN BOSARGE:** Mr. Anson.

41
42 **MR. ANSON:** Thank you, Madam Chair. I also see some benefit
43 with this process, or this way of engaging additional people who
44 may not be able to be at the table during the data workshop.
45 Possibly, as far as the validity, I heard Dr. Porch and having
46 confidence in the information, albeit it's anecdotal, but
47 possibly having a prerequisite that anyone, to be registered to
48 comment, that they go through like the MREP program and they get

1 some background as to what the science is that goes behind it.

2
3 Then, once they go to the class, they get certified, if you
4 will, and then they get a login number that they can go into
5 these portals and then report their information, and you might
6 have a little bit more of a filter at that point, as far as the
7 reliability of the data. That's just a thought.

8
9 You can have a request for general comments relative to a
10 specific stock assessment, but, after the data workshop, if
11 there is some questions that come out of that, actually looking
12 at the data and there are specific questions related to the
13 data, is to maybe have a summary of that. That, again, goes out
14 to the group that has been registered already and then say this
15 data is showing this and what are your responses or what are
16 some reasons that you see or have some input on, and then they
17 provide follow-up to those specific questions that can then be
18 looked at and analyzed for a future workshop.

19
20 **CHAIRMAN BOSARGE:** I am so excited. This is excellent
21 conversation, because now it could possibly eventually lead to
22 something that is a little more interactive. Not real-time
23 conversations between two people, but, okay, well, these were
24 our questions as we went through this and would anybody like to
25 give feedback on it, and so that's pretty interesting. I am
26 excited. John.

27
28 **DR. FROESCHKE:** So, just so you're aware, as part of our CRCP
29 funding, we have a created a web app that you could submit and
30 upload goliath grouper catch information, and so it works on our
31 portal. You can just go and either enter the coordinates and a
32 comment or click on the map, and so we have this capability to
33 do some sort of reporting system from a web interface, and there
34 are other examples.

35
36 The two I can think off, off the tip of my head, are the Tampa
37 Bay Estuary Society, and they have a more complete form system
38 that you might like for something that you guys are discussing,
39 and then the invasive species, through the USGS. They have a
40 system as well that does sort of these things, and so there are
41 examples that we could look through and figure out what fields
42 we want, if we wanted to do something, and we do have this
43 ability to do it, if we had some time to work on it.

44
45 **CHAIRMAN BOSARGE:** Thank you. Yes, I would think it would need
46 to be -- I am open, but I would think it would need to be
47 somewhat spreadsheet oriented, so that there are certain
48 categories that are pretty specific, so that it can be searched

1 that way.

2
3 If the scientists want to see feedback from the longline
4 fishery, you could search it based on that. Do you see what I
5 am saying? Or this or that and things like that. Hold on,
6 John. I've got to get to Dr. Lucas, because I have skipped her
7 about five times.

8
9 **DR. LUCAS:** I was just going to say that you don't have to
10 reinvent the wheel. There is a whole website called
11 citizenscience.gov, where the government was supposed to be
12 using citizen science to collect data, and so you can go on
13 there and search all sorts of different web portals, of which
14 even NOAA already has seven, to do different things.

15
16 That is the one that is specific for federal agencies that use
17 crowd sourcing, but there are plenty of others that are already
18 out there by state agencies as well as non-profits, whether it
19 be to help you locate injured wildlife or whatever, but I know
20 that ornithologists have been using it for years, different
21 crowd sourcing and citizen science, to help them with all their
22 bird surveys and information like that, but it's not something
23 that -- You don't have to create something new.

24
25 There is a whole website devoted to this, where you can search
26 and find one that is already out there maybe can fit your needs
27 and can speak to what Kevin says about training people and how
28 to give you the data that you really need to make it work. I'm
29 just letting you all know.

30
31 **CHAIRMAN BOSARGE:** Mr. Diaz.

32
33 **MR. DIAZ:** Thank you, Ms. Bosarge. I also think the idea has
34 some merit and it's worth us spending some time exploring. I do
35 agree with a few things that have been said around the table
36 that I think is very important.

37
38 I kind of like Kevin's idea of having some type of training for
39 people to look at doing it, because I want it to be a positive
40 thing. I don't want it to be like a social media thing, where
41 we get a lot of comments that we can't use. It would be nice if
42 we get stuff that -- I like Dave's comment too, that we need to
43 manage expectation.

44
45 I would like to see us be able to use the data in some way,
46 shape, or form, but clearly articulate to people the limitations
47 of the data that they're providing and what it can be used for,
48 so they understand that. When I think about this, this might be

1 something that could help us get some early signals when things
2 are different than what maybe our data is showing us.

3
4 Triggerfish is what pops into my mind right now. I mean, this
5 might have been something that could -- I don't know if it could
6 have helped with triggerfish, but definitely I think what most
7 people are seeing on the water is our data is so far back that
8 it's not the reality of what we're having to deal with. Anyway,
9 I do think it's got potential, and I would like to see us
10 continue the discussion on it to see if we can do something.
11 Thank you, Ms. Bosarge.

12
13 **CHAIRMAN BOSARGE:** All right. Then we will put it on the agenda
14 for the next meeting, to try and talk about it a little bit
15 more. Is there anything else under the Data heading that we
16 need to talk about before we move on? All right. Thank you
17 very much for indulging me with that conversation. Next on our
18 report list is going to be our Spiny Lobster Committee Report.
19 Ms. Guyas, if you are ready, I will turn that over to you.

20
21 **SPINY LOBSTER COMMITTEE REPORT**

22
23 **MS. GUYAS:** Okay. The Spiny Lobster Committee Report. Staff
24 presented the options paper for Regulatory Amendment 4 and
25 reviewed the South Atlantic's preferred alternatives. The
26 document has not significantly changed since the January 2017
27 council meeting. **The committee recommends, and I so move, to**
28 **make Alternative 2 the Preferred Alternative in Action 2.**

29
30 **CHAIRMAN BOSARGE:** All right. We have a committee motion. It's
31 on the board. Is there any discussion on the motion? **Seeing no**
32 **discussion, is there any opposition to the motion? The motion**
33 **carries.**

34
35 **MS. GUYAS:** The committee was also updated that the State of
36 Florida has made changes to its bully-netting regulations.
37 Staff will update the committee on this development at the June
38 council meeting. This concludes my report.

39
40 **CHAIRMAN BOSARGE:** Thank you, Ms. Guyas. Any business related
41 to this before we move on? Mr. Conklin.

42
43 **MR. CONKLIN:** Thanks. Someone had a question about the South
44 Atlantic and the bully-netting and whether the states were going
45 to match the federal regulations on that or the feds were going
46 to match the states, and so the feds will be taking the measures
47 to line up the bully-netting regulations for spiny lobster.

1 **CHAIRMAN BOSARGE:** Gotcha. So whatever is in Florida state
2 regulations is going to be mirrored in the federal regulations.
3 Thank you for that update, sir. All right. Next on our agenda
4 is the Coral/Habitat Protection & Restoration Committee Report.
5 Dale, if you are ready with that, I will turn it over to you,
6 sir.

7
8 **JOINT CORAL/HABITAT PROTECTION & RESTORATION COMMITTEE REPORT**
9

10 **MR. DIAZ:** Thank you, Madam Chair. The Joint Coral/Habitat
11 Protection & Restoration Committee met earlier this week. Staff
12 presented s summary of comments that were received regarding the
13 scoping document for Coral Amendment 7.

14
15 Committee members discussed including all forty-seven areas that
16 were proposed by the 2015 Coral Working Group. There was
17 concern that this would be interpreted as disingenuous to
18 fishermen, as it was discussed during the advisory panel
19 meetings that the number of areas would be limited to the
20 proposed areas currently included in the scoping document.

21
22 Staff suggested there could be a second document that included
23 the remaining proposed areas for later consideration. Committee
24 members discussed being upfront with the public at the onset and
25 including all forty-seven proposed areas for consideration into
26 the current Coral Amendment 7.

27
28 There are actually twenty-three areas included in the scoping
29 document. Fifteen were proposed to have regulations by the
30 Coral SSC/AP, and eight were proposed to not have regulations.
31 The remaining twenty-four areas include existing HAPCs with no
32 regulations and include some areas under consideration for the
33 Flower Garden Banks National Marine Sanctuary.

34
35 The committees determined that it would be best to move forward
36 with the proposed areas in the scoping document for Coral
37 Amendment 7. **The committee recommends, and I so move, to add a
38 second amendment that would address the proposed areas not
39 included in the scoping document for Coral Amendment 7.**

40
41 **CHAIRMAN BOSARGE:** Okay. We have a committee motion. Is there
42 any discussion on the motion? Mr. Boyd.

43
44 **MR. BOYD:** Thank you, Madam Chairman. I just have a question.
45 Does this motion mean that we will address the protected areas
46 in two different groups? Is that what this means?

47
48 **EXECUTIVE DIRECTOR GREGORY:** If I may, yes, the second amendment

1 will address the twenty-four areas that the Coral AP and Coral
2 SSC initially recommended that are not included in Amendment 7.
3 The Amendment 7 was to focus on the top-priority areas, because
4 I think, at the time, we thought that forty-seven was a bit much
5 to tackle and it would take a long time to do, and so we had the
6 group prioritize their areas, and that's what we have in
7 Amendment 7. The remaining ones will go in Amendment 8 that
8 we'll start on as soon as we finish Amendment 7.

9
10 **MR. BOYD:** Okay. Just a comment. My thought would be that, if
11 you don't look at all of them together, you may not know that
12 there needs to be some tradeoffs between certain areas that
13 could be high priority, or more high priority, and what the
14 ramifications would be on those other areas, if that makes any
15 sense. Just to look at them all together may give you a better
16 idea of what we need to do in the Gulf than to look at them from
17 a segregated point of view. That's just a thought.

18
19 **EXECUTIVE DIRECTOR GREGORY:** It's my understanding that's what
20 the group did, the joint AP and SSC, and made that distinction,
21 and the thing is that we can better analyze each area, not only
22 in conjunction with the others, but separately, with a smaller
23 number. That's why we tried to prioritize it, but they looked
24 at all forty-seven when they did the prioritization, and the
25 intention was not to drop them from consideration, but just not
26 to focus on them at this point in time.

27
28 **CHAIRMAN BOSARGE:** I am going to have to respectfully disagree
29 with Doug, but that may just be the difference in where we come
30 from, our backgrounds, but, when I was at these meetings, and I
31 was the one that kind of asked to have these groups meet
32 together, and it was to take two very disparate stakeholder
33 groups, one which wanted zero new coral areas designated as
34 HAPCs and one that wanted forty-seven new coral areas designated
35 as HAPCs with regulations that would probably include no
36 commercial fishing and have them sit down and come to some sort
37 of compromise.

38
39 That is how I portrayed it in that meeting to them, because I
40 was there, and they came up with fifteen sites, fifteen or
41 seventeen or whatever it was, whatever you just said, and that
42 was the agreement that they came to.

43
44 If this is the way the council wants to go, that's fine, but I
45 just wanted it on the record that -- If I ever talked about two
46 different amendments, it was mainly because I thought that
47 fifteen sites in one amendment was going to be too much. You
48 have to think that we're going to need to make decisions on the

1 borders, and so we're going to have to look at effort from
2 different fisheries, and so that's going to be a decision point
3 for each site.

4
5 Then, more than likely, from what I hear from some of the
6 stakeholder groups, they're interested in that tiered approach,
7 like we did with the Flower Gardens white paper, remember, and
8 so that's a decision point for each site. Then, depending on
9 what fisheries are working in those areas, sometimes you will
10 actually have to have an exemption for specific fisheries, like
11 the deepwater shrimp fishery in that one site I showed you.
12 Remember where it had shrimp tracks going through it? They
13 essentially pull that gear up and go over the top of the coral
14 and then let back out.

15
16 There is no way to change the borders on that box to make it
17 work for them, and there is no way to do tiered approaches that
18 will work for them. You will essentially have to have a
19 decision point in there that says, if you hold that endorsement
20 on that moratorium permit, you will have an exemption to be able
21 to trawl inside that closed area, because you've shown that you
22 are not damaging that coral.

23
24 That discussion has taken place in the APs, but do you see where
25 I am going with the decision points for each area that would
26 need to be made? That's why, if I said something about having
27 more than one amendment, it was because, in my personal opinion,
28 five or six or seven coral sites in one amendment is about all
29 you probably want to bite off and chew at one time, but we can
30 give it a shot and go with more in one amendment and see if it
31 works.

32
33 If not, we can do like we do with our other amendments and bust
34 it out, when we see that it's too much into one, but obviously I
35 have a little different opinion than the group on this one, and
36 so I'm going to hush. Dr. Kilgour.

37
38 **DR. MORGAN KILGOUR:** Thank you, Madam Chair. I just wanted to
39 reiterate something that's in the summary report, and that is
40 that, in the twenty-four areas that were removed from
41 consideration, I would say, and this is off the top of my head,
42 about half of those areas are currently under consideration for
43 sanctuary expansion, and so that was one of the reasons why
44 those were even removed from discussion when this joint AP met,
45 was because they were already under consideration for Flower
46 Garden Banks expansion, and so that's just something I wanted to
47 make everybody aware of. That would be another confounding
48 factor when you're looking at all of those areas.

1
2 **CHAIRMAN BOSARGE:** Dr. Frazer.

3
4 **DR. FRAZER:** I was the one that obviously made the original
5 motion, and I don't think that I fully appreciated the history
6 there, and so thank you, Leann, for having a little conversation
7 with me about that, and I also listened to the public comment
8 and Corky's comments as well, and I just wanted to say that my
9 intent wasn't really to make these as protected areas.

10
11 I actually just recognize that there is a real data void with
12 regard to deep-sea corals in the Gulf of Mexico, and that HAPC
13 designation provided a potential opportunity to focus some
14 research effort in those areas. It doesn't mean it's going to
15 happen at all, but, again, I wanted to, for the record, to make
16 it clear that my intent wasn't to propose these areas to
17 implement some type of fishing regulations. It was more about
18 trying to take an opportunity of NOAA to prioritize some
19 research in those areas.

20
21 Whatever we do, moving forward, I totally agree that I think
22 that we should do it with complete stakeholder engagement and
23 fishermen, the stakeholders, and the longliners and the
24 shrimpers and everybody, and it may take a very long time, and
25 so, if we decide to move forward with that, I do propose that we
26 do it that way.

27
28 **CHAIRMAN BOSARGE:** Dr. Stunz.

29
30 **DR. STUNZ:** Just to Doug's point, and Tom's too, I am not
31 opposed to this motion, but, just so that we make it clear,
32 Doug, is this going to the public that -- To Doug's point about
33 how one could affect what you do in the other, but now they're
34 going to be in separate amendments, potentially, and that the
35 public is very aware that this one is right behind it.

36
37 As they're debating issues over borders or whatever, it might be
38 that they know that there is these others coming behind it, and
39 so just to let them know that there is multiple amendments doing
40 the same thing would be very key.

41
42 **CHAIRMAN BOSARGE:** Okay. Any other discussion? Mr. Diaz.

43
44 **MR. DIAZ:** I just want to mention something off of something you
45 said, Leann, because to make sure -- To clarify something. What
46 I learned, from going to that meeting and listening to some of
47 the commercial fishermen talk, especially the guys that do this
48 royal red shrimping, they put so much line out, because they're

1 in such deep water, that, once they start towing, they cannot
2 turn. They have to pull straight.

3
4 Really, the exemption that you were talking about in that one
5 area, it wouldn't be to trawl in that area, but it would be for
6 them to pass over that area. They lift their gear up off the
7 bottom and over the top of the coral, but they don't wind it all
8 the way in. It takes a tremendous amount of time to wind this
9 much cable in, and they can't turn, because they've got so much
10 cable out.

11
12 It's just not possible, and so, by just having the exemption for
13 them, it's not for them to trawl in that area, but it's just for
14 them to pass over that area without lifting the gear completely
15 out of the water. I just wanted to clarify that on the record.
16 Thank you, Ms. Bosarge.

17
18 **CHAIRMAN BOSARGE:** Thank you, because I certainly wouldn't have
19 wanted anybody to interpret that as, no, they can trawl straight
20 through the coral. That is definitely not the exemption. Okay.
21 Any further discussion on the motion? **Is there any opposition**
22 **to the motion? Seeing none, the motion carries.**

23
24 **MR. DIAZ:** Madam Chair, that concludes my report.

25
26 **CHAIRMAN BOSARGE:** Okay. That is going to take us to our Reef
27 Fish Report, and I think we should probably take a very short
28 fifteen-minute break before we get into that. It's 9:30, and so
29 we will start back at 9:45.

30
31 (Whereupon, a brief recess was taken.)

32
33 **CHAIRMAN BOSARGE:** All right. I think we pretty much have
34 everybody around the table. The next thing on our agenda is our
35 Reef Fish Committee Report, but, before we jump into that, since
36 we do have pretty much everyone around the table, I think we'll
37 take this opportunity to stop and thank Dr. Lucas for all her
38 hard work and dedication here on the council with us. You will
39 be very much missed.

40
41 We understand you're staying in fisheries though, and so we're
42 excited about that. It's just a new opportunity, a new chapter
43 in your life, and we are excited for you. We very much hope to
44 see you definitely in October, if not before then, when we go to
45 Biloxi for our council meeting, and so thank you very much.

46
47 **DR. LUCAS:** I just wanted to take this opportunity to say it's
48 been great to work with everybody here, including the staff and

1 the community that comes out to continuously comment and help us
2 make decisions. It's been wonderful to get to know you, and I
3 look forward to possibly working with you all in different ways
4 in the future. I think you all will really enjoy Paul. He is
5 pretty entertaining, and so I will definitely see you in Biloxi
6 in October, and I hope to find other ways to work with you.
7 Thanks.

8
9 **CHAIRMAN BOSARGE:** With that, Mr. Greene, I will turn it over to
10 you.

11
12 **REEF FISH COMMITTEE REPORT**

13
14 **MR. GREENE:** Thank you, Madam Chair. The Reef Fish Committee
15 Report of April 4, 2017, the agenda was approved with the
16 additions of a discussion of recent court decisions and a
17 presentation by Acting Assistant Administrator for NOAA
18 Fisheries Sam Rauch. The minutes of the January 30-31, 2017
19 committee meeting were approved as written.

20
21 Discussion of Recent Court Rulings, Mara Levy reviewed the
22 recent court decision regarding Amendment 28, red snapper
23 reallocation. The court vacated the amendment on the basis that
24 it violated National Standard 4, that management measures must
25 be fair and equitable.

26
27 As a result, the recreational/commercial red snapper allocation
28 will revert to the previous allocation ratio of 49/51,
29 respectively. The 2017 recreational red snapper season will be
30 based on this allocation, and the allocation that reverted back
31 to the commercial sector will be released to the commercial IFQ
32 system.

33
34 Ms. Levy also noted that the court ruled in favor of National
35 Marine Fisheries Service in a challenge to Amendment 40, sector
36 separation. National Marine Fisheries Service is waiting to see
37 if the plaintiffs file an appeal.

38
39 **CHAIRMAN BOSARGE:** Mr. Boyd.

40
41 **MR. BOYD:** I have got a question in regard to the court ruling
42 for Dr. Crabtree, if you don't mind. Dr. Crabtree, we are
43 required by Magnuson to visit allocations and revisit
44 allocations. How does this court ruling affect that? I have
45 read through it, and I am confused as to what we are allowed to
46 do as a council now to visit allocation.

47
48 **DR. CRABTREE:** Well, I think making allocation decisions is one

1 of the most fundamental things that councils do. There are a
2 number of areas in the Magnuson Act where it talks about
3 allocations and they need to be fair and equitable. There is a
4 provision in there that says, to the extent that rebuilding
5 plans are necessary, allocations have to ensure that harvest
6 restrictions and recovery benefits are fairly and equitably
7 distributed among the various sectors.

8
9 We have an allocation policy that came out of the Fisheries
10 Service that indicates that councils need to periodically review
11 allocations and make determinations if changes are appropriate.
12 It identifies possible triggers, one of which is a significant
13 change in landings that might be a trigger.

14
15 If you look in the court decision, I mean it does say that it is
16 reasonable for the defendants, meaning NMFS and the council, to
17 pursue a new allocation for the red snapper stock. It's
18 reasonable for the defendants to reexamine past sector landings
19 and reallocate based on their findings.

20
21 Now, ultimately, the judge ruled that the way we did it wasn't
22 fair and equitable, and Mara can talk about her reasons for
23 coming to that finding, but, the decision aside, allocations are
24 still one of the responsibilities of this council, and you still
25 have an obligation to ensure that the allocations are fair and
26 equitable and meet all the provisions of the Magnuson Act.

27
28 I do believe that when revisions to the historical time series
29 of landings occur and your allocations are based on historical
30 landings, that there is an obligation there for you to review
31 those and determine if changes are necessary, and so don't read
32 the court decision as meaning that allocations can't be changed
33 or they're not your responsibility, because they most certainly
34 can be changed, and it is your responsibility to do that and
35 review them. If you decide the allocation needs to be adjusted,
36 you have a responsibility to deal with that.

37
38 **CHAIRMAN BOSARGE:** Mr. Boyd.

39
40 **MR. BOYD:** To that point, I think this council thought that we
41 were adjusting the allocation based on historical time series
42 and on a recalibration, and so does that mean that we can go
43 back and review it and look at it in a different light, as to
44 fair and equitable, or does that mean that we can't review that
45 particular method that we reallocated?

46
47 **DR. CRABTREE:** I certainly think you can go back and review it,
48 and you can certainly look at it in a different light. We

1 periodically have had courts rule against us, and, in some
2 cases, we have gone back in and tried to address the problems
3 the court raised and respond to those and do a better job of it,
4 and so I think, in this case, you can definitely revisit the
5 allocation again, whether you reach the same decision or a
6 different decision, but clearly, whatever we do with the
7 allocation, we're going to need to address the issues raised by
8 the court and do a better job, in terms of explaining the
9 rationale.

10

11 **MR. BOYD:** Well, two questions then. Does the Service intend to
12 appeal that ruling?

13

14 **MS. LEVY:** The agency is still looking at the appeal
15 determination. There hasn't been a decision. We just got the
16 judgment, and so it has to go through an internal review process
17 related to that.

18

19 **CHAIRMAN BOSARGE:** Mr. Diaz.

20

21 **MR. DIAZ:** This is just -- I am trying to clear up something in
22 mind, and, Mara, maybe you can weigh in on this. I did read the
23 decision right after it came out, and so I'm not sure that I can
24 recall exactly how it was worded, but it seemed like there was
25 something in there that said that, because the commercial guys
26 were under a cap, they were limited to where they could go. The
27 IFQ system does hold them within their ACLs, and so that was one
28 of the things that I was thinking about.

29

30 How do you go about -- If we ever wanted to reallocate a species
31 that was under an IFQ program, I mean, is that a limitation on
32 being able to look at reallocation of a particular species that
33 is under an IFQ?

34

35 **MS. LEVY:** I don't think it's a limitation such that you would
36 never have a basis to reallocate or adjust the allocations or
37 consider different allocations. I think you just need to look
38 at what the basis for adjusting the allocation is, and we need
39 to do a good job of explaining how it meets the Magnuson Act
40 requirements, and so we tend to do allocations based on
41 historical landings or recent landings. Maybe there is another
42 way to look at fairly distributing recovery benefits, et cetera.

43

44 Maybe there is different ways to look at the landings, looking
45 some at past landings and some at current landings, like you did
46 in Amendment 40. I mean, there are a number of different ways
47 to do it, and so I don't think there's an across-the-board
48 judgment that you can never look at allocations when it comes to

1 an IFQ fishery.

2
3 I think, in this particular case, it was sort of a more
4 complicated rationale was the basis of the decision, and the
5 court read that as creating a system that would never allow a
6 similar shift to the commercial sector, and I don't know that
7 that's exactly what happened. I don't think that anything the
8 council does creates a system that can never be changed, but,
9 because it was sort of confusing, that's how the court read it,
10 and so that's what her ruling was based on.

11
12 **DR. CRABTREE:** If I could, to that, if you look at the decision,
13 they said that defendants create a system in which one sector
14 must demonstrate an increase in landings in excess of their
15 quota in order to obtain an increase in their allocation. The
16 flaw with that system is the commercial sector can never attain
17 an increase in their allocation, because the commercial system
18 can never exceed their quota.

19
20 The problem I have with the analysis of the court is in fact,
21 had the revisions to MRIP resulted in the recreational landings
22 being revised lower, and had we followed the exact same
23 procedure, in fact the allocation would have shifted more fish
24 to the commercial sector, and so there is nothing inherent in
25 these revisions to MRIP that says the landings are going to be
26 revised upward or downward, and so it could, in fact, result in
27 allocation shifts going in either direction. I think that just
28 didn't come through to the court.

29
30 **CHAIRMAN BOSARGE:** Mr. Matens.

31
32 **MR. MATENS:** I read this thing in great detail, and I concur
33 with -- Not that I am a lawyer, but I concur with most of what's
34 been said around this table. What I wonder, and I don't really
35 know if a motion, and you tell me, Ms. Bosarge, is appropriate,
36 but I would like to see staff take this and look at all options
37 that might be open, whatever they are, and come back with those
38 recommendations at the June meeting. Would that require a
39 motion, Ms. Bosarge?

40
41 **CHAIRMAN BOSARGE:** Yes, sir.

42
43 **MR. MATENS:** Accordingly, if you will indulge me, I will make a
44 motion that staff return to the June council meeting with a
45 suite of recommendations as to options to allow discussion on
46 moving forward with reallocation of red snapper.

47
48 **CHAIRMAN BOSARGE:** Mr. Gregory.

1
2 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens, is this a motion to
3 have it on the agenda? If it's actually for us to come to you
4 with recommendations, there is an infinite number of
5 recommendations, and so we have no guidance, and the other thing
6 that I am not familiar with is I know that MRIP is going through
7 a new survey of using mail surveys instead of telephone surveys,
8 and that is going to change all the historical landings, but I
9 hate to suggest that we wait until that's done, because I don't
10 know how long that will take, but, if you want recommendations,
11 we need more guidance, basically, if it's more than just trying
12 to get it on the agenda for discussion.

13
14 **MR. MATENS:** To that point, sir, if you, for any reason, feel
15 the need to delay this discussion to sometime in the future, as
16 long as it's a reasonable time, I am certainly in favor of that.
17 My intent here is to see if there are options that are out
18 there.

19
20 The judge has thrown this back to us. Now what? If there are
21 options out there that may be a little different than just MRIP
22 numbers and landings and the like -- If there are not, there are
23 not, but I think we should have a discussion about those.

24
25 **CHAIRMAN BOSARGE:** Dr. Crabtree.

26
27 **DR. CRABTREE:** I think what you need to do is just get it on the
28 agenda for the June meeting, to talk about red snapper
29 allocations. Then you need to come in and have a discussion
30 about what options and how you want to look at this and give the
31 guidance to the staff at that point and decide where you want to
32 go, but I really think this is -- This is, as we all know, a
33 very contentious issue, and so it ought to be on the agenda, and
34 people ought to know we're going to talk about it. Then we come
35 in, and I think you as a council need to talk about what you
36 want to look at, how you want to look at it, and give guidance
37 to staff at that point.

38
39 **CHAIRMAN BOSARGE:** Mr. Anson.

40
41 **MR. ANSON:** Mara, do you think by the June meeting that the
42 internal review, legal review, that you have with General
43 Counsel staff will have occurred? If it has, will the kind of
44 recommendations or findings that you all have -- Can that be
45 available for us during discussion at the June meeting?

46
47 **MS. LEVY:** I am not exactly sure what you mean by that.

48

1 **MR. ANSON:** Well, you said you were going to have an internal
2 review to review what the judge had written and kind of have a
3 Monday-morning-quarterback-type of situation as to maybe how you
4 would have approached it differently, is what I took from your
5 statement.

6
7 **MS. LEVY:** Then I misspoke. What I was saying is that there's
8 an internal process that ultimately ends at the Department of
9 Justice as to an appeal decision, and that is a process that the
10 agency has to go through. We just got the decision a week-and-
11 a-half ago, and so we're not done with that process. I wouldn't
12 anticipate any kind of recommendations coming out of my office
13 as to what the council should do. I think what I have said
14 stands, in that this was a ruling on a particular amendment. It
15 doesn't foreclose the close from developing or thinking about
16 allocation in the future.

17
18 **CHAIRMAN BOSARGE:** Dr. Crabtree.

19
20 **DR. CRABTREE:** I think what Mara could do at the June meeting,
21 if we put this on the agenda, is she could go through these were
22 the claims made in the litigation and these are the things the
23 judge said we did right and these are the problems the judge
24 raised.

25
26 There were NEPA claims made, and there were claims relative to
27 the meaning of Section 407(d), and we prevailed on a number of
28 those, but, ultimately, we didn't prevail on one of the counts,
29 and so I think Mara could go through those kinds of things.
30 Then that might be a starting point for you to decide how you
31 want to proceed, if you want to proceed with it.

32
33 **CHAIRMAN BOSARGE:** All right. I have Mr. Matens and then Mr.
34 Diaz.

35
36 **MR. MATENS:** That's a great conversation and great points. I
37 would remind the council that there's a motion on the board. To
38 my knowledge, there was no second.

39
40 **CHAIRMAN BOSARGE:** That was going to be my very next comment,
41 sir. Do we -- Well, first off, let's find out if that's your
42 motion, because we've had a lot of discussion about putting it
43 on the agenda and recommendations and this and that. You want a
44 suite of recommendations as opposed to a discussion? Okay. So
45 that's the motion on the board. Do we have a second?

46
47 **MR. BOYD:** I will second it.

1 **CHAIRMAN BOSARGE:** It's seconded by Mr. Boyd. Mr. Diaz.
2
3 **MR. DIAZ:** I think what DR. Crabtree just laid out a few minutes
4 ago is something that I think would be a good discussion for us
5 to have, have Mara go through that decision and explain it to us
6 in detail and discuss it, but that is very different than what
7 is on the board.
8
9 I don't know that I am speaking against the motion on the board,
10 because I think it's healthy for us to have discussions about
11 reallocation whenever a member of the council thinks there needs
12 to be one, but we did go through a pretty good discussion the
13 last time we took up red snapper reallocation. We settled on
14 that one part, was the only thing we could agree on.
15
16 We just went through this mackerel discussion, where we leave
17 four-million pounds of fish a year in the water, and we couldn't
18 even do a small loan program for a reallocation of mackerel,
19 which, in my mind, was a pretty good case for us to take some
20 action.
21
22 I am not against having the discussion, but, at the end of the
23 day, this council tackling a reallocation issue, I don't really
24 have that much confidence that we're going to do that. Thank
25 you, ma'am.
26
27 **CHAIRMAN BOSARGE:** Dr. Crabtree.
28
29 **DR. CRABTREE:** I am going to offer a substitute motion that we
30 put a red snapper allocation discussion on the agenda for the
31 June council meeting.
32
33 **CHAIRMAN BOSARGE:** We have a substitute motion on the board to
34 put red snapper allocation on the agenda for the June council
35 meeting. I am assuming that's a discussion, as opposed to a
36 suite of options, based on our conversation, and so do we have a
37 second for that motion? Seconded by Dr. Frazer. Is there
38 discussion on the substitute motion? Mr. Boyd.
39
40 **MR. BOYD:** Dr. Crabtree, is implicit in that a review of the
41 court ruling by Mara?
42
43 **DR. CRABTREE:** Yes, my intent would be that Mara goes through
44 the court ruling and that we then provide guidance. If you then
45 decide that you want to proceed with working on this issue, that
46 you then provide guidance to the staff about what options you
47 want them to look at.
48

1 We're not going to get anywhere asking staff to come in and tell
2 us how to do it. We're going to have to figure out what we want
3 to do and why, and we're going to have to give the guidance to
4 staff.

5

6 **CHAIRMAN BOSARGE:** Mr. Gregory.

7

8 **EXECUTIVE DIRECTOR GREGORY:** I know this is the wrong subject to
9 jump in the middle of, but whatever. I thought, from my memory
10 of what was in the ruling, that it had to do with one side not
11 exceeding their allocation or quota and the other side
12 exceeding, and that was not justification.

13

14 Then, earlier today, Dr. Crabtree, you said, well, we do have
15 new numbers coming out and they could be different, and my
16 impression is that could be the basis for reconsidering
17 allocation, but we can't get started with that until we see the
18 new numbers. Can you or Dr. Porch provide any idea as to when
19 we might start seeing the new MRIP numbers, based on the mail
20 survey and the calibrations?

21

22 **DR. PORCH:** We will have the review for the procedure for
23 calibrations in June. The exact date I don't think has quite
24 been set yet, but it's likely in June, and so, once that is
25 done, most of the waves will have been reported, and so, shortly
26 after that, we could have recalibrated numbers.

27

28 That is after two years of side-by-side comparisons of the mail
29 and the phone survey. Then probably a further refinement will
30 be made in 2018, after we've had three years of side-by-side,
31 but the bottom line is the method should have been peer reviewed
32 and hopefully approved in this June.

33

34 **EXECUTIVE DIRECTOR GREGORY:** If I may, so could we get these for
35 our June meeting, or would this be for our August meeting?

36

37 **DR. CRABTREE:** I would think it would be August, but you know
38 that -- Remember Amendment 28. It took a little while, and so I
39 think these estimates will come out as we go through these
40 discussions and look at this over a period of meetings. Then
41 we're just going to have to determine where that leads us and
42 how the timing affects us.

43

44 **CHAIRMAN BOSARGE:** Mr. Anson and then Ms. Guyas.

45

46 **MR. ANSON:** Dr. Crabtree made a point that I was going to bring
47 up, is that, although I appreciate Mr. Matens' desire to proceed
48 with haste, I wouldn't support his motion, and I support the

1 substitute motion, because I think, for this issue, particularly
2 allocation, really those decisions should be coming and
3 direction should be coming from council members and not from
4 staff.

5
6 It puts staff in a little bit of a bind. I served as Chair
7 prior, and I appreciate having those discussions with staff, and
8 I appreciate what kind of position it puts them in, and so I'm
9 going to support the substitute motion.

10
11 **CHAIRMAN BOSARGE:** Ms. Guyas.

12
13 **MS. GUYAS:** Ditto Mr. Anson's comments, and I think this is an
14 important conversation for us to have in understanding this
15 lawsuit. I mean, it has implications for other fisheries as
16 well, and so I think this is a discussion that we need to have,
17 regardless of what path we end up going down.

18
19 **CHAIRMAN BOSARGE:** Dr. Lucas.

20
21 **DR. LUCAS:** I have a question, because, of course, it's not
22 going to be -- When MRIP goes through everything, it probably
23 won't just be red snapper. It's going to be other species. Is
24 there any benefit to -- I mean, I think we had discussed maybe
25 the South Atlantic Council had done one one time where, when the
26 reallocation occurred, they did it as a suite of species. Like
27 they did a bunch of species at one time, in terms of the
28 reallocation. I don't know if you all just want to keep it to
29 red snapper or, knowing that other species are coming up, you
30 want to look at it for that.

31
32 **CHAIRMAN BOSARGE:** Ms. Levy.

33
34 **MS. LEVY:** However you want to proceed is your prerogative,
35 although, with respect to red snapper and maybe even the other
36 species, I think red snapper was a little bit unique, because of
37 the time series used for the original allocation, and so I
38 think, if you had a more recent time series for a bunch of
39 species and you wanted to plug in the new numbers, that might be
40 something.

41
42 I would just suggest that, if you do talk about this in June,
43 that you talk about other options than just the MRIP
44 recalibration numbers. Is there any other reasonable basis to
45 adjust the allocations in either direction? I would suggest
46 broadening the scope of the discussion and thinking about it
47 more broadly, so that you have more options to choose from and
48 can look at the fairness and the equity and the other Magnuson

1 Act requirements with respect to a number of different things.
2
3 **CHAIRMAN BOSARGE:** All right, Mr. Matens. Last word.
4
5 **MR. MATENS:** Mara, I agree completely. That was my -- Maybe I
6 should have been more direct, but that was my attempt in doing
7 this. Unfortunately, I am not a biologist, and I don't know if
8 there are other biological arguments that can be made or other
9 arguments, economic or something, and so I am with you. Thank
10 you.
11
12 **CHAIRMAN BOSARGE:** Mr. Walker, because you have not spoken and
13 it is your fishery, yes, sir, go ahead.
14
15 **MR. WALKER:** I would just like to add a comment. I think we've
16 beaten this broken horse. I mean, I think we should be spending
17 more time on fixing the private angler management problems and
18 focusing our efforts on fixing things instead of keep beating
19 the same old dead horse, but I am going to oppose this motion.
20
21 **CHAIRMAN BOSARGE:** Okay. We have a -- Mr. Swindell, you have
22 not spoken either. Anybody else that has not spoken once? All
23 right. That makes you the last word, sir.
24
25 **MR. SWINDELL:** Thank you, ma'am. I am sorry, but, as I sit on
26 the council, I would like to hear from anybody in our council
27 system that should report to us on such things as this is our
28 Scientific and Statistical Committee. I think, if anything,
29 they need to look at this stuff that the Science Center comes
30 back with and have them meet and then give us a recommendation
31 as to what they see in the statistics of all of this work.
32 Thank you, ma'am.
33
34 **CHAIRMAN BOSARGE:** All right. We have a substitute motion on
35 the board to put discussion of red snapper allocation on the
36 agenda for the June council meeting. **All those in favor,**
37 **signify by raising your hand.**
38
39 **EXECUTIVE DIRECTOR GREGORY:** I have thirteen yea.
40
41 **CHAIRMAN BOSARGE:** **All those opposed, same sign.**
42
43 **EXECUTIVE DIRECTOR GREGORY:** Three no, and so the motion passes.
44
45 **CHAIRMAN BOSARGE:** All right. **The motion carries.** Are we ready
46 to continue on with our committee report? All right. Mr.
47 Greene.
48

1 **MR. GREENE:** Projections for the 2017 Federal Recreational
2 Fishing Season and Discussion of State Seasons, Nick Farmer gave
3 a presentation on factors affecting the 2017 recreational red
4 snapper season projections.

5
6 Based on the preliminary estimates, the private recreational
7 component overfished its allocation by 129,906 pounds, 125
8 percent of the allocation, while the federal for-hire component
9 landed just 70 percent of its allocation. Combined, this
10 resulted in an ACL overharvest of 102 percent, which triggers
11 the payback provision.

12
13 With the overage adjustment applied to the private recreational
14 component, the resulting 2017 ACTs are the all recreational
15 catch target was 5,282,155. The private angler was 3,047,803.
16 The federal for-hire was 2,234,352. The was adjusted by 129,906
17 pounds.

18
19 **CHAIRMAN BOSARGE:** Ms. Gerhart.

20
21 **MS. GERHART:** Thank you. I wanted to point out that we have
22 since found a computational error in those numbers that I would
23 just like to correct before we go on. There is several
24 different steps in the calculation, and the order in which you
25 do those steps does make a difference in the outcome.

26
27 Again, this is still slightly preliminary, because the Texas
28 numbers are preliminary, but we do have -- I would like to
29 change that for the ACT for all recreational would be the same -
30 - It's not quite the same as up there. It's 5,282,475. Then
31 the private would be 3,004,075, and so it's slightly lower
32 number. The for-hire ACT was inappropriately adjusted there,
33 when it should not have been, because there isn't a payback on
34 the for-hire sector, and so that number should be 2,278,000, and
35 we can send those numbers out, if you would like.

36
37 **CHAIRMAN BOSARGE:** Mr. Greene. Excuse me. Mr. Atran.

38
39 **MR. ATRAN:** I was just going to say that I will put those
40 corrected numbers in the committee report for the version that
41 goes into our minutes and backups, if anybody wants to look at
42 it. I can send out a revised report to the council as well.

43
44 **CHAIRMAN BOSARGE:** Thank you, sir. That would be appreciated.
45 Mr. Anson.

46
47 **MR. ANSON:** Since there was some confusion within the agency on
48 that computation, could you include the formula that goes into

1 the computation to produce those numbers? Thank you.
2
3 **MS. GERHART:** Yes, we can do that.
4
5 **CHAIRMAN BOSARGE:** All right, Mr. Greene.
6
7 **MR. GREENE:** In 2017, state seasons are projected to catch 77 to
8 79 percent of the ACT, leaving approximately 0.7 million pounds
9 for the private federal season. Federal seasons will be
10 announced by May 1. The federal for-hire component is expected
11 have about the same or a slightly longer season than in 2016.
12 The private recreational component will likely have a shorter
13 season.
14
15 A motion was made to direct staff to start a framework action to
16 modify the red snapper ACT for the federal for-hire sector.
17 However, the motion failed by a vote of seven to eight.
18
19 **CHAIRMAN BOSARGE:** All right. I have Mr. Banks and then Dr.
20 Crabtree.
21
22 **MR. BANKS:** Thank you, Madam Chair. **I would like to make a**
23 **motion, since Johnny just got through reading the information**
24 **about the red snapper season projections, and I had sent it to**
25 **staff earlier.**
26
27 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board. Mr.
28 Banks, is that your motion? If it is, I will read it.
29
30 **MR. BANKS:** It is. If I get a second, I will provide some
31 rationale for it.
32
33 **CHAIRMAN BOSARGE:** Okay. **The motion is to develop an amendment**
34 **that would allow Louisiana to manage the harvest of its**
35 **historical percentage of the Gulf-wide recreational red snapper**
36 **landings during the Calendar Years of 2019, 2020, 2021, out to**
37 **200 nautical miles. Historical landings refers to landings as**
38 **determined through the preferred alternatives outlined and**
39 **adopted by the council for allocations in Amendment 40, but also**
40 **including the years 2014 and 2015. Is that your motion, sir?**
41
42 **MR. BANKS:** It is. Thank you.
43
44 **CHAIRMAN BOSARGE:** Okay. Do we have a second for the motion?
45 We have a second for the motion. All right. Is there
46 discussion on the motion? Mr. Banks.
47
48 **MR. BANKS:** The rationale for that is, number one, what this

1 motion refers to is a short timeframe, sort of like a sunset
2 situation, for us to show that what we do right now in Louisiana
3 waters, how we manage that fishery in Louisiana waters, can be
4 managed the same exact way, under the same situations, all the
5 way out to 200 nautical miles.

6
7 It's really based on us having solid data and a solid data
8 collection program and us being able to respond very, very
9 quickly to harvest catch rates and things like that through the
10 LA Creel Program. We have that ability to control the season,
11 and this is certainly not intended to harvest anything more than
12 what we're already doing at the current time.

13
14 As you probably all know, we are managing based on that
15 historical catch share, if you will, of the landings that came
16 from Amendment 40, and Amendment 40 was, as I understand the
17 last expression of acceptance of this Louisiana historical share
18 by this council, and I recognize that not everybody probably
19 agreed with that, but, as a council, that was the last
20 acceptance of Louisiana's share, and so that's why we went with
21 that, rather than coming up with a whole new number, because, as
22 we all know, we can come up with numbers in any different
23 calculation, but I felt like that was the last expression of
24 acceptance by this council.

25
26 Another good thing is this will have zero impact on another
27 state. We are doing this right now. We are currently managing
28 to about 14 percent. It wouldn't change that whatsoever, and so
29 it would have no impact whatsoever on another state, and it
30 actually, if you think about it critically, it actually helps
31 other states in that regard, in that there is nothing that
32 really holds us to 14 percent right now.

33
34 We do that based on our word to you guys and to NOAA that that's
35 what we would do, but this, if we get an amendment passed, it
36 would hold us to that. Certainly we would allow payback
37 provisions and things like that to hold us at that, but this
38 would give us at least a try to manage our own resources for the
39 betterment of our people.

40
41 Lastly, I would say I would like to read a statement that was
42 sent to me by a Louisiana person, and I am going to blanks where
43 peoples' names were used, to protect the innocent, of course,
44 and this is what it read.

45
46 The vast majority of blank wants local, regional control. It
47 should be most interesting to all involved that our position is
48 not that we in any way want to tell blank or blank or any of the

1 blank members how to run their fishery, but we just want our
2 share to run the way that we want under a biologically-sound
3 system that is fair to all of Louisiana's citizens. Why is it
4 that it's so important for another group to tell us how we
5 should run our fishery?

6
7 I don't think that person knew that I was going to bring up this
8 motion when that was sent to me yesterday, but it adequately and
9 accurately describes how we feel in Louisiana, and that is that
10 we have a very good data system. We don't want to tell the
11 other states how to run their system. Our system is open and
12 transparent and accountable.

13
14 While I agree with you, what we talked about a couple of days
15 ago, Madam Chair, that I want us all to succeed, I don't feel
16 like we're being allowed to succeed, because we're being held
17 back, and I'm just asking the rest of the council to allow us to
18 move forward and succeed, because we can do it.

19
20 You all spoke very highly of moving the ELB amendment forward.
21 You didn't want to hold progress back, and I think this is a way
22 that we can see some progress, at least in Louisiana, for that
23 section of our coast that right now, even under a state system,
24 does not have access to this fishery.

25
26 The Venice folks have access to this fishery, and that's
27 wonderful, but, if you get to Grand Isle and go west, they can't
28 get to snapper within nine miles, and I think that's the case
29 also in portions of Florida, and so, yes, we have a state
30 season, but it's not fair and open access to all of our
31 citizens, and all I'm trying to do is not take any more fish,
32 but open this up to be fair and equitable for all of Louisiana's
33 citizens. Thank you.

34
35 **CHAIRMAN BOSARGE:** We have a lot of people that want to talk.
36 Dr. Crabtree was next, and then we will have Dr. Lucas and then
37 Mr. Diaz.

38
39 **DR. CRABTREE:** Patrick, can you clarify that you are referring
40 to private recreational and this would not include the
41 federally-permitted for-hire vessels? Is that correct?

42
43 **MR. BANKS:** No, sir. We would like to include our charter fleet
44 as well. Right now, we monitor that charter fleet under LA
45 Creel. We know what they catch, and we know -- We can account
46 for their catch, and they have requested to be included in some
47 sort of regional management approach, and we feel like we can
48 control that harvest, and I think, if you see our data and our

1 record, you can see that we can control that harvest as well.

2
3 **DR. CRABTREE:** Then a couple of points I would make. This would
4 require a plan amendment, which would have to have a regional
5 range of alternatives, and so you can't pre-select what the
6 allocation, what your historical percentage is going to be,
7 which your motion seems to do, but the council will have to
8 analyze a reasonable range of alternatives, some of which may
9 include 2014 and 2015 and others may not. Then the council will
10 have to select a preferred based on that, but you can't specify
11 what it would be just in a motion like this.

12
13 **CHAIRMAN BOSARGE:** Dr. Lucas.

14
15 **DR. LUCAS:** I think my question is -- Maybe staff can clarify
16 this, because I may not remember correctly, but I thought that
17 Amendment 40 only separated the allocation for private recs
18 versus charter/for-hire and didn't do that by state, but I think
19 maybe Roy even might have taken care of that with what he said
20 with the motion, but if Ava could clarify that, and then I had
21 one other question.

22
23 **DR. AVA LASSETER:** That is correct. Amendment 40 just
24 established the separation between the federal for-hire and then
25 the private angling component. The private angling component
26 included state-licensed charter vessels. Now, in Amendment 39,
27 in the later drafts, after you had completed sector separation,
28 we did provide the alternatives based on whether or not states
29 would include the federal for-hire component, and so that was
30 available in the last draft.

31
32 **CHAIRMAN BOSARGE:** Do you have a follow-up, Dr. Lucas?

33
34 **DR. LUCAS:** Yes, and thank you for answering that question. My
35 other question was for Patrick. I mean, are you seeking to do
36 this through delegation entirely or were you looking at some
37 type of conservation equivalency?

38
39 **MR. BANKS:** Conservation equivalency is fine. We are fine with
40 the ACTs being set by the council, as you guys normally do.
41 That's how we're managing it right now. We don't go out and do
42 our own plan, and we don't go out and do our own ACT and ACL
43 calculations. We take what you guys have given us. Excuse me.
44 We take and use what you all and we all have determined for the
45 Gulf. We look at our historical landings, based on the years as
46 outlined in that amendment, and that is what we manage to.

47
48 We stop at that number, because that's what we've committed to

1 do. We have no requirement to stop at that number, but I feel
2 like the good tradeoff for us is that we can commit to stopping
3 at that number if I can get the ability for the rest of our
4 citizens to be able to participate in that fishery.

5
6 Right now, they don't participate in that fishery, because they
7 can't. Unless a Cameron boat comes all the way from Cameron,
8 near the Texas border, all the way to the mouth of the river,
9 it's just not available to them, and so I don't like necessarily
10 being held to that one percentage, but that's a sacrifice we're
11 willing to make to try to increase the access for everybody.
12 Thank you.

13
14 **CHAIRMAN BOSARGE:** Ms. Guyas.

15
16 **MS. GUYAS:** Dr. Lucas asked some of my questions, but, Patrick,
17 I have one for you. Where is LA Creel in the MRIP certification
18 process? Are you all at the point where it's been certified?
19

20 **MR. BANKS:** It has been. The landings portion has been
21 certified, and the effort portion is in the final stages of
22 being certified. I don't know exactly where it is. I know that
23 they were working out the last few kinks.
24

25 **CHAIRMAN BOSARGE:** Lieutenant Commander.

26
27 **LCDR DANAHER:** Thank you, Madam Chair. I am just trying to make
28 sure that I am understanding this correctly. On the
29 recreational side, if you're trying to manage the harvest out to
30 200 miles, is there still going to be a state and federal permit
31 demarcation, or is this going to be totally state managed out to
32 200?
33

34 **MR. BANKS:** The way I envision it is that nothing would change
35 from what it is right now. A federally-permitted charter boat
36 would still have to fish in federal waters. Unfortunately,
37 because of 30B, we couldn't allow him to fish in state waters,
38 but the recreational -- The biggest change for us is the
39 recreational angler would then be able to fish out to 200 miles
40 in whatever season we were able to set to keep us at that
41 historical percentage. For us, when a boat comes into the dock,
42 we sample that catch, and it doesn't really matter to us whether
43 he comes in from nine miles or 200, and we can manage that
44 harvest.
45

46 **LCDR DANAHER:** Okay, and so, even from a recreational
47 standpoint, you're checking every recreational vessel that comes
48 in with red snapper?

1
2 **MR. BANKS:** Well, I wouldn't say every one, but we sample a lot
3 of vessels, so much so that the LA Creel Program has been
4 certified in that regard.

5
6 **LCDR DANAHER:** Okay, and so my follow-on question here is does
7 the Louisiana Department of Wildlife and Fish have the resources
8 to go out and patrol out to 200 miles?

9
10 **MR. BANKS:** We already operate under a joint enforcement
11 agreement with the feds, and we patrol out in federal waters, as
12 we already are, and so it wouldn't be anything different to us.
13 When we spoke about taking over full regional management under
14 HR 3094 last year, our enforcement agents said that they could
15 do it with the same joint enforcement agreement funding that
16 they had.

17
18 **CHAIRMAN BOSARGE:** Mr. Anson.

19
20 **MR. ANSON:** This discussion of the 200 nautical miles brings
21 back some recollection of the discussion we had during the
22 development of Amendment 39, and I don't know. I might need Dr.
23 Crabtree to weigh in on it, and, Patrick, let me ask you the
24 question, I guess, then first. That is that, so as you were
25 starting to describe how you would manage the fishery, it's that
26 you would have an open and closed season, and so are you
27 anticipating then closing the waters off of Louisiana, out to
28 200 miles, when you meet your target pounds?

29
30 **MR. BANKS:** That is correct. We would close red snapper harvest
31 for the recreational component out to 200 miles.

32
33 **MR. ANSON:** Dr. Crabtree, wasn't there an issue with that, as
34 far as access, equitable access, and closing Gulf waters and the
35 federal government being able to do that?

36
37 **DR. CRABTREE:** There are a lot of complexities to this that are
38 going to have to be worked out. I think the issue right now is
39 whether the council is willing to look at this, but exactly how
40 it would work and how we would do it will have to be worked out.

41
42 If the goal was to close the EEZ, Louisiana would have to ask
43 NMFS to close the EEZ, but it could go that way, but there is
44 the issue of what about other vessels fishing in the EEZ off of
45 Louisiana, and we'll have to figure out how that situation plays
46 out and how much of an issue it is, but I can't -- We're not
47 going to solve all of that today, and so I think it's whether
48 you're in agreement with the spirit of this and willing to take

1 a look at it.

2
3 I mean, we are certainly stuck on red snapper, and so we need to
4 try something different, but there will be loads of details to
5 be worked out as we develop an amendment.

6
7 **CHAIRMAN BOSARGE:** Lieutenant Commander.

8
9 **LCDR DANAHER:** Thank you, Madam Chair. Just from listening to
10 what I hear, I mean, I respect what Dr. Crabtree is saying, that
11 this isn't like a done deal if this motion passes, but, from an
12 enforcement standpoint, I see this as a gigantic nightmare. I
13 mean, I have -- I am in the military, and I have a difficult
14 time trying to enforce the regs all the way out to 200 miles,
15 and Louisiana's overlapping area of responsibility with the
16 Coast Guard sector that is responsible for your coastline is
17 rather large. I mean, this is -- You're talking about a lot of
18 resources that I don't know if I can guarantee that we could
19 enforce the law.

20
21 **CHAIRMAN BOSARGE:** Mr. Banks.

22
23 **MR. BANKS:** I certainly respect those comments, Lieutenant
24 Commander. I was not intending to mean that you guys would
25 leave the waters completely. I mean, it would still be federal
26 waters, and so it would just be an allowance of our folks to
27 fish in that, based on the season that we set, and so, the way I
28 envision it, and maybe you would tell me that it can't happen
29 this way, but you would still be patrolling those waters,
30 because certainly, if red snapper season closed down, we
31 wouldn't ask Roy to close the entire waters for everything.

32
33 I mean, boats would still be out there fishing for whatever was
34 open in federal waters anyway, and so I don't envision a time
35 when you would not need to be out there. I mean, we do that
36 certainly in state waters already. There is seasons that some
37 things are open and some things are closed, and I would imagine
38 that you guys deal with that already in federal waters, and so I
39 don't see a difference there. I may be missing something
40 though.

41
42 **CHAIRMAN BOSARGE:** Mr. Diaz.

43
44 **MR. DIAZ:** I just want to jump in on this conversation. I don't
45 see any way this could be done where red snapper fishing was not
46 allowed in the federal waters off the State of Louisiana, and
47 the reason I say that is, if you look at the way the border is
48 for Louisiana and Mississippi, generally the federal waters off

1 of Louisiana are to the east, bordering our state, and the
2 federal waters off of Mississippi are south of our state, and
3 they're the same federal waters, and so there is absolutely no
4 way that we could stop red snapper fishing under any
5 circumstances for this, and so it would have to be worked out
6 where landings couldn't occur in Louisiana, but fishing could
7 occur off of the state, and how we police that, I am not sure,
8 but thank you.

9
10 **CHAIRMAN BOSARGE:** Mr. Banks and then Dr. Crabtree.

11
12 **MR. BANKS:** My only response to that would be that we would
13 certainly enforce that at the dock. I mean, if you guys -- As
14 I understand that, if you went off of Louisiana and caught tuna,
15 but you landed it in Orange Beach, Alabama, it's not considered
16 Louisiana fish, and so I don't know that we would be able to
17 stop you from doing that, but we would certainly enforce it at
18 the dock.

19
20 **CHAIRMAN BOSARGE:** Dr. Crabtree.

21
22 **DR. CRABTREE:** Again, there are a lot of things in the weeds
23 here. It might be that Louisiana's season would have to
24 encompass the Gulf-wide federal season, so that any closure that
25 occurred didn't affect the other states. Then somehow you would
26 have to provide some sort of exemption for the vessels landing
27 in Louisiana from the closure. Now, how that works and how many
28 enforcement issues and problems that produces is hard to say,
29 but, as I said, there are a lot of details that would have to be
30 addressed and figured out.

31
32 **CHAIRMAN BOSARGE:** Mr. Greene.

33
34 **MR. GREENE:** Patrick, I am kind of interested in what you have
35 going on here, but tell me how the charter/for-hire would fit
36 into this.

37
38 **MR. BANKS:** Our charter/for-hire right now, under the way we
39 manage red snapper in the state season, is when the federal
40 season opens up, they go fish, and we continue to sample them
41 through LA Creel, just like we do with anybody else.

42
43 I don't see how that would change at all. They would still be
44 able to go and fish federal waters whenever we opened up that
45 200 nautical miles, and we would continue to sample them just
46 like we have before.

47
48 **MR. GREENE:** So, essentially, you're saying that the

1 charter/for-hire industry in Louisiana would ultimately remain
2 the same, with a June 1 opening, and would be about forty-five
3 days, and is that correct?

4
5 **MR. BANKS:** No, that's not what I'm saying. If you have a
6 federal permit, they should be able to fish whenever those
7 federal waters are open. This would allow us to open those
8 federal waters for our people, whether they are a federally-
9 permitted boat or a private recreational angler, and so those
10 guys would then be able to use the entire season that we set.
11 Again, it's whatever the season is. We would manage to a quota,
12 and we would shut it down.

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

15
16 **MR. ANSON:** Patrick, I don't know if I can support the motion as
17 it's written, and it goes back to a comment that Dr. Crabtree
18 had regarding the second sentence there, primarily, and I was
19 wondering if you wouldn't mind if you dropped that second
20 sentence, because it kind of guides a lot of the discussion or
21 where discussion could go relative to how the allocation is
22 determined. I was just wondering if you would be interested in
23 dropping that from your motion.

24
25 **MR. BANKS:** I don't think that I would, and I have to
26 respectfully disagree with Dr. Crabtree that it can stay in the
27 motion. The thing for Louisiana is this is the last expression
28 of what we felt like was a fair allocation for us, and so that's
29 an important part of the motion.

30
31 **CHAIRMAN BOSARGE:** Ms. Levy.

32
33 **MS. LEVY:** Thank you. Whether it stays in the motion or not, if
34 you decide to move ahead with this, it would not be the only
35 allocation alternative in the amendment. NMFS would have to do
36 some sort of -- We would have to do a NEPA analysis on it, and I
37 don't know that you would be able to justify a fair and
38 equitable allocation and all of those other things if you don't
39 consider other alternatives, and so, I mean, just as a practical
40 matter, I don't know how the document could be developed without
41 having different alternatives for allocation.

42
43 **CHAIRMAN BOSARGE:** Mr. Anson.

44
45 **MR. ANSON:** I was just thinking of it as a practical matter,
46 once this hits the street, thinking of Louisiana anglers, that
47 they're going to then focus in on this particular potential for
48 the allocation, and it just might not end up that way, and I was

1 just trying to save some heartache, potentially, and so that's
2 all.

3
4 **CHAIRMAN BOSARGE:** I guess this would be a question for Mara.
5 If we go down this path, which, on the surface, I kind of like
6 it. I mean, we haven't been able to get all five states to
7 maybe come to an agreement together, but, if we do have one
8 state that is putting it on the table that this is how we're
9 managing our fishery, and we're doing it right now, and we're
10 willing to put it in writing for you and get it vetted, so that
11 you will have less uncertainty about what's going to happen and
12 you will know what we're shooting for, and we're going to show
13 you that we will be sustainable, personally, I am all for that.

14
15 The only thing that is a little different, I guess, that would
16 be a little different, would be the for-hire sector. That is
17 going to be a little change in how they're managed, and I am not
18 necessarily opposed to that, on the surface, because I think
19 that the Louisiana fleet has been a little opposed to some
20 things that we've been doing.

21
22 They kind of have some contrary views, sometimes, from the rest
23 of the for-hire fleet, and so they may be very interested in
24 this. I just wonder, as we move forward, would we have those
25 options sort of the same way that we did in 39, and I forget the
26 numbers, but the regional management amendment, where that would
27 be an option, and you would have an option for both private and
28 for-hire, but there would be a suite, where you could possibly
29 do just one or the other?

30
31 **MS. LEVY:** Sector separation is the status quo, right, and so I
32 think you would have to have some sort of options or
33 alternatives to consider changing that status quo. There are a
34 lot of details that we would have to think about and work out,
35 like the requirement that we don't discriminate based on state
36 residency. That's another thing we would have to deal with, and
37 so I think, at this point, it's the idea of whether to move
38 forward to look at it, but there are a lot of details that would
39 need to be thought about and worked out.

40
41 **CHAIRMAN BOSARGE:** I had Dr. Lucas.

42
43 **DR. LUCAS:** I too, on the face of it, like you said, Leann, and
44 I think it's a way. I mean, you may have -- Paul may come in
45 the next meeting and start one for Mississippi, and each person
46 can do one for each state. I mean, you never know what will
47 happen.

48

1 I think the problem, some of the problem, I guess I have with
2 this is I don't know that it's even valid, just because the 40
3 thing doesn't determine a historical landing for Louisiana or
4 anything like that, and so I don't know where to go with that.
5 I think that's voting on something that doesn't necessarily
6 exist, but I guess I'm on fence about the premise, because I
7 don't know if we want to start taking up each state individually
8 or how we want to go about it.

9

10 **CHAIRMAN BOSARGE:** All right. Did you have a comment?

11

12 **MR. MATENS:** Thank you. I certainly recognize the details. The
13 devil is always in the details. I recognize that, and that's
14 what this body is here for, to work out the details. This is
15 not permanent. Let us try this.

16

17 **CHAIRMAN BOSARGE:** Mr. Banks.

18

19 **MR. BANKS:** I hear what Kelly is saying, and that is -- Maybe I
20 just worded it wrong. What my intent was, it was to use the
21 same type of breakdown of years that occurred in there, and so -
22 - Of course, Mara says we're going to have to look at options
23 anyway, and that is certainly fine. Would it be more -- To at
24 least make a statement about the types of options to look at,
25 one based on historical landings and one based on historical
26 landings plus biomass, as determined by the most recent SEDAR,
27 and things like that? I just want to make sure that we don't
28 get in a situation where all of a sudden it's not based on
29 anything but a back-door deal that has nothing to do with data
30 and legitimate --

31

32 **CHAIRMAN BOSARGE:** Ms. Levy.

33

34 **MS. LEVY:** I mean, I think it's perfectly fine to give guidance
35 to staff as to what types of things you would like to be
36 considered in there.

37

38 **CHAIRMAN BOSARGE:** I don't know that you have to put that in
39 that motion. I think we've had enough discussion. If you want
40 to throw some ideas out, but I don't want to muddy up the motion
41 and start -- I think that we can put that on the record and we
42 can get there with that. Mr. Anson.

43

44 **MR. ANSON:** Patrick, you may have listened to the previous
45 meetings that were held on regional management for Amendment 39,
46 but none of the things that the council would be discussing is
47 really a back-room deal, per se. I don't know what you were
48 trying to infer there, but everything is out in the open when it

1 comes to making decisions through the council process. As Mara
2 said, there will be a suite of things that you could propose to
3 put into the amendment. That's all.

4
5 **CHAIRMAN BOSARGE:** I think we will get to point if we pass this
6 motion and we start developing some sort of document, some sort
7 of amendment, for this. We will get there, and we can have
8 those discussions on what we want those options to be, in they
9 are somewhat out of the box type of things, and I think we'll
10 get there.

11
12 Of course, it will all be open and transparent, because that's
13 who we do things. That's how we operate, but we've had a lot of
14 discussion. Any final thoughts from anyone? No? All right.
15 So, we have a motion on the board to develop an amendment that
16 would allow Louisiana to manage the harvest of its historical
17 percentage of the Gulf-wide recreational red snapper landings.
18 The management would be during the Calendar Years of 2019, 2020,
19 and 2021, out to 200 nautical miles, and historical landings
20 refers to landings as determined through the preferred
21 alternatives outlined and adopted by the council for the
22 allocations in Amendment 40, but also including the years 2014
23 and 2015. We have had some discussion that, yes, there would
24 have to be a reasonable range of alternatives there, and so
25 we're ready to vote. **All those in favor of the motion on the**
26 **board, signify by raising your hand.**

27
28 **EXECUTIVE DIRECTOR GREGORY:** Eleven yes.

29
30 **CHAIRMAN BOSARGE:** All those opposed, same sign.

31
32 **EXECUTIVE DIRECTOR GREGORY:** Five. **The motion passes eleven to**
33 **five.**

34
35 **MR. BANKS:** Thank you, all. I appreciate it.

36
37 **CHAIRMAN BOSARGE:** You're welcome, Mr. Banks. Anything else
38 before we move back into the committee report? Okay. Mr.
39 Greene.

40
41 **MR. GREENE:** Final Action, Amendment 36A, Modifications to
42 Commercial IFQ Programs.

43
44 **CHAIRMAN BOSARGE:** Mr. Banks.

45
46 **MR. BANKS:** Sorry. I have one more motion, and, if I can get a
47 second, I can try to reiterate the rationale that was put forth
48 in committee. I have thought a lot more about what Dale had put

1 forth earlier, about taking a look at the ACT for the charter-
2 for-hire sector and the fact that they're underharvesting their
3 sector while we're overharvesting another one and trying to --
4 Not necessarily taking anything away from one sector, but
5 helping the charter/for-hire to maximize their take. **I would**
6 **like to take the motion that Dale put forth earlier in the week**
7 **and reiterate it here, and hopefully we can get a second and**
8 **talk about it some more.**

9
10 **CHAIRMAN BOSARGE:** We will give staff just a second to get that
11 up on the board.

12
13 **MR. BANKS:** I apologize to staff that I didn't send it to them.
14 Sorry.

15
16 **CHAIRMAN BOSARGE:** Mr. Sanchez, are you seconding the motion
17 when it gets on the board?

18
19 **MR. SANCHEZ:** Yes, being familiar with it from earlier, I will
20 second it.

21
22 **CHAIRMAN BOSARGE:** Okay. **The motion is to direct staff to start**
23 **a framework action to modify the red snapper ACT for the federal**
24 **for-hire sector.** Is that your motion, Mr. Banks? All right.
25 We do have a second, and so let's have some discussion on the
26 motion. Ms. Guyas.

27
28 **MS. GUYAS:** I guess -- He's not at the table right now. Never
29 mind. I will come back when Roy is at the table, because I feel
30 like there was some comments that came from him that indicated
31 that this would be problematic.

32
33 **CHAIRMAN BOSARGE:** Ms. Levy.

34
35 **MS. LEVY:** I think it has to do with the fact that you really
36 need to consider the ACTs for both components when you're
37 looking at one, because we are managing to a recreational sector
38 ACL, and we've got buffers on that total, but we have also got
39 buffers on each component. If we're going to adjust one to make
40 it less conservative, and we have the other component that is
41 going over, we might need to look at adjusting that one to make
42 it more conservative, because the goal is to not exceed the
43 total quota or ACL.

44
45 **CHAIRMAN BOSARGE:** Mr. Banks.

46
47 **MR. BANKS:** I don't know exactly how to amend the wording, but I
48 would be willing to amend it to look at all of it.

1
2 **CHAIRMAN BOSARGE:** To direct staff to start a framework action
3 to modify the red snapper ACT buffers for each component?
4

5 **MR. BANKS:** For the recreational sector, in order to achieve
6 maximum yield of each sector, or something like that. I do feel
7 strongly that it needs to be clear that the purpose here is to
8 try to help the federal for-hire folks obtain their maximum
9 yield.
10

11 **CHAIRMAN BOSARGE:** I think, if we just took that "for the
12 federal for-hire sector" off, then it would include both, but I
13 will get some feedback from the group, and that's your motion
14 all the way. I am just trying to have us not go around and
15 around forever. Mr. Diaz.
16

17 **MR. DIAZ:** Thank you for bringing it up, Patrick. I appreciate
18 it. I hear what Ms. Levy is saying, but I just looked back at
19 the last three years, like I said in committee. In 2014, when
20 they were combined, 89 percent of the ACT was caught. In 2015,
21 the charter boat caught 93 percent of their ACT. In 2016, they
22 caught 88 percent of their ACT.
23

24 I just feel like this is a smaller group that can only fish in
25 federal waters. You don't have the uncertainty around the
26 state-water seasons that can be lengthened. It's a smaller
27 group that can be controlled, and it just is a fairness thing.
28 I wanted to see if we could do this and get more accurate
29 numbers for the charter/for-hire folks.
30

31 I hear what Ms. Levy is saying. I believe National Standard 1
32 says something to the effect that, if you exceed the ACL more
33 than one year in a four-year period, that you are encouraged, or
34 maybe even required, to look at it. From that standpoint, I
35 don't know that you're required to look at the recreational
36 side, although I'm not opposed to it, but the group that is not
37 catching their ACL and could benefit from fishing, if we could
38 get a more accurate ACT for them, is clearly the charter/for-
39 hire at this point. Thank you, Madam Chair.
40

41 **CHAIRMAN BOSARGE:** I think I know where Mara is coming from.
42 Essentially, we don't want another lawsuit, because we were
43 supposed to keep the recreational sector within its allocation.
44 Then we start decreasing buffers and we end up in another
45 lawsuit situation, but I guess my counter to that would be that,
46 at this point, we're looking at one to three days of a federal
47 season on the private angler side and the rest will be a state-
48 water season.

1
2 It's very likely that, by next year, if things keep going the
3 way they are going, there will be no federal season, and so our
4 buffer on the private angler sector is almost null and void at
5 that point. What are we buffering? Something that we don't
6 have any control over, something that we have no jurisdiction
7 over state-water catches at that point, and so the buffer there
8 is -- I don't see why you would have to increase it, because
9 it's being caught in a jurisdiction that we don't control at
10 that point. You don't have to respond to that, Mara. It's
11 fine. Dr. Frazer.

12
13 **DR. FRAZER:** Thank you, Madam Chair. I really appreciate the
14 intent of this particular motion, and I think, as I have
15 listened to a number of public comments from both of those, the
16 for-hire side as well as the recreational side, I think it all
17 revolves around access, right?

18
19 What Dale and Patrick are trying to do here is to increase
20 access to the for-hire sector, and I'm all for that. What I am
21 trying to make sure that we avoid, and perhaps, by going through
22 the process, we will avoid doing it, but, if it does lower the
23 ACT, I guess, for the recreational sector, that's a real
24 problem, because it kind of voids and nullifies the fair and
25 equitable side of all of this. At the very least, I want to
26 make sure that we avoid the perception that we are favoring one
27 group over another.

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

30
31 **DR. CRABTREE:** I apologize that I had to take a call and missed
32 a little bit of the discussion, but the problem is, Dale, I
33 don't see how this is doable, unless you consider both
34 components of the buffer. I just don't see how it -- I just
35 don't know how we can defend it to just look at one, when
36 clearly there are issues with the other side of the buffer, and
37 I don't see how we can reduce the overall buffer immediately
38 after seeing that we went over the ACL and how our response to
39 that can be to reduce the buffer.

40
41 If you just look at the one component and reduce the buffer, you
42 are reducing the overall buffer, and I just don't see how we do
43 that. If you want to readdress this and look at shifting it,
44 okay, but I don't see how this works.

45
46 **CHAIRMAN BOSARGE:** We did -- It's Mr. Banks' motion, and he did
47 add the private recreational component to it, and you know it
48 takes us about a year, minimum really, to finalize anything, and

1 so I have a feeling that, by the time we really get deep into
2 this, which we're going to be sometime into next year, and it
3 may very well be that we have no federal season next year, and
4 so increasing a buffer on the private recreational component at
5 that point may be a very different conversation, even from a
6 legal standpoint, because the catches are coming out of a
7 jurisdiction that we have no control over, and so increasing
8 that buffer -- What is the rationale behind that?

9
10 Anyway, but I think that's a conversation that we'll see how it
11 evolves as it goes, and so I guess I am saying that I'm in favor
12 of the motion. Any other discussion? All right. **All those in**
13 **favor of the motion to direct staff to start a framework action**
14 **to modify the red snapper ACT for the federal for-hire component**
15 **and the private recreational component, please signify by**
16 **raising your hand.**

17
18 **EXECUTIVE DIRECTOR GREGORY:** Fourteen.

19
20 **CHAIRMAN BOSARGE:** All those opposed, same sign.

21
22 **EXECUTIVE DIRECTOR GREGORY:** I see no hands up, and so it's
23 fourteen to zero. **It passes.**

24
25 I just want to say that I am very impressed of the capability
26 that you all put in the staff of the motions that I have seen
27 this morning. We will do our best, but it goes to show that you
28 think very highly of our ability to produce some documents and
29 analysis, and we will definitely do our best.

30
31 **CHAIRMAN BOSARGE:** Of course we do. Anything else before Johnny
32 continues with his committee report? Okay. All right.

33
34 **MR. GREENE:** Final Action, Amendment 36A, Modifications to the
35 Commercial IFQ Programs, staff reviewed the public comments
36 received on Amendment 36A. Staff then reviewed the actions and
37 preferred alternatives in the amendment.

38
39 In Action 2.2, the committee discussed the amount and value of
40 the shares held in non-activated accounts and the proposed
41 recipients of those shares under the alternatives. In Action 4,
42 taking no action remains the preferred alternative.

43
44 **CHAIRMAN BOSARGE:** Ms. Guyas.

45
46 **MS. GUYAS:** Thank you. **Seeing as the preferred in Action 4 is**
47 **no action, before we get to the motion on the board, I want to**
48 **make a motion that, in 36A, we move Action 4 to Considered but**

1 **Rejected.**
2
3 **CHAIRMAN BOSARGE:** Martha, that was the one about the dealer
4 reporting, right?
5
6 **MS. GUYAS:** Yes.
7
8 **CHAIRMAN BOSARGE:** Okay. Martha, let us know when your motion
9 is officially on the board here.
10
11 **MS. GUYAS:** I think we're good.
12
13 **CHAIRMAN BOSARGE:** Okay. There is a motion, in Amendment 36A,
14 that Action 4 be moved to Considered but Rejected. Do we have a
15 second for that motion? It's seconded by Mr. Sanchez. Your
16 rationale, Ms. Guyas?
17
18 **MS. GUYAS:** All I'm trying to do here is make life a little bit
19 easier for staff. It just saves them a little bit of time as
20 they are getting ready for this document to go to the Secretary.
21
22 **CHAIRMAN BOSARGE:** Mr. Boyd.
23
24 **MR. BOYD:** Could staff just put Action 4 up there on the board,
25 so we can see it, rather than have to look it all up?
26
27 **CHAIRMAN BOSARGE:** Certainly. I think they can probably --
28 Well, it's probably pretty long, but they can copy and paste it
29 in there. It's an entire action. Ava.
30
31 **DR. LASSETER:** I just thought that, while they were getting it
32 up there, I would summarize it for you. This is the dealer
33 notification requirement that had been requested by some people
34 during public testimony. You had discussed it for a while, and
35 we had received -- Some dealers supported it and some didn't.
36 It seemed to be a localized Texas problem.
37
38 You considered putting it to Considered but Rejected at the last
39 meeting, and you decided to leave it in, to get more public
40 feedback, and you have not, at this time, changed your preferred
41 alternative, and so that's just a little summary of the
42 background.
43
44 **MR. BOYD:** I wouldn't think we would have to list all the
45 alternatives, but just the action itself.
46
47 **CHAIRMAN BOSARGE:** All right. That gives us a little more
48 information on what we're removing. In Amendment 36A, that

1 Action 4 be moved to Considered but Rejected. 2.4, Action 4,
2 Dealer Notification Requirement for Beginning to Offload IFQ
3 Species. Then the alternatives are listed down there below. As
4 Ms. Guyas stated, our preferred alternative at this point is
5 status quo, no action. Is there further discussion on this
6 motion? **Is there any opposition to the motion? Seeing none,**
7 **the motion carries.** Dr. Crabtree.

8
9 **DR. CRABTREE:** One thing that I am not satisfied we have come to
10 a good resolution on is Action 2.2, and that's the method of
11 redistributing the shares from the non-activated accounts, and
12 we had a good bit of discussion on that, and we've been round
13 and round on it.

14
15 I think there is a lot of desire to see those shares go to
16 smaller account holders in allocation-only accounts, but we
17 haven't been able to figure out exactly how to do that. I have
18 also gotten comments, and I think they were sent around to
19 everybody, about putting them into a quota bank or something.

20
21 I don't think we can fix this now, at this point, and so what I
22 would be interested in hearing some discussion about is what
23 about taking this action and moving it to 36B, allowing us more
24 time to think of what to do with those fish that are in these
25 closed-out accounts and maybe figure out some better way to
26 allocate them.

27
28 **CHAIRMAN BOSARGE:** Essentially, the action right before that
29 gives a date certain for essentially freezing whatever that
30 pounds of fish is. Then this action that you're talking about
31 says what would happen to those pounds of fish in each of those
32 species, and so, if we do what you're saying, then what we'll do
33 is essentially we'll freeze those inactive accounts, as of
34 whatever date, and we will take however many pounds of fish are
35 in those accounts as of that date and we will put them aside,
36 essentially.

37
38 They will be held at NMFS or whatever until we get into 36B,
39 which I think we start that at our next meeting, in June. In
40 36B, we would have an action item to talk about different things
41 that we could do with those fish for some new entrants or
42 smaller guys or quota bank or any of the above?

43
44 **DR. CRABTREE:** Yes, that's the gist of it, and then we could
45 figure out how to define that. I believe 36B had options for
46 quota banks, and so we might -- If we decide to set up a quota
47 bank, we could put them into that, or we could decide that
48 they're going to go to allocation-only accounts or accounts that

1 have below some threshold holdings and shares, something like
2 that. I mean, I know it slows it down, but it seems like we
3 would want to make sure that we are getting the shares out to
4 those who need it.

5

6 **CHAIRMAN BOSARGE:** Mr. Diaz.

7

8 **MR. DIAZ:** I just want to say that I agree with Dr. Crabtree. I
9 am not completely happy with where we're at with this particular
10 item either, and I think we could do better. I myself would be
11 okay with pushing it back to 36B and dealing with it there, and
12 maybe we can come up with a better solution, similar to what Dr.
13 Crabtree was saying. Thank you.

14

15 **CHAIRMAN BOSARGE:** Okay, and we would have like an amount of
16 pounds certain that we knew we were working with. That would be
17 kind of interesting, whereas all the other discussions we have
18 are kind of pie-in-the-sky-type deals. Dr. Dana.

19

20 **DR. DANA:** Thank you, Chairman. Dr. Crabtree, do you have a
21 motion on the board? Are you prepared to make that motion?

22

23 **CHAIRMAN BOSARGE:** Dr. Crabtree.

24

25 **DR. CRABTREE:** I would be prepared, and I will make a motion
26 that we move Action 2.2 out of Amendment 36A and into Amendment
27 36B. Did I get a second?

28

29 **CHAIRMAN BOSARGE:** Yes, you got a second from Mr. Diaz.

30

31 **DR. CRABTREE:** Then my intent would be -- I assume that 36B will
32 be back on the agenda in --

33

34 **CHAIRMAN BOSARGE:** June.

35

36 **DR. CRABTREE:** June? That we would then come in and probably
37 come up with some additional alternatives and discussions as to
38 how to address this at that point.

39

40 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board to move
41 Action 2.2 in Amendment 36A to Amendment 36B. Action 2.2 is
42 Method of Redistributing Shares from Non-Activated Accounts. Of
43 course, there is the alternatives listed below that. Is there
44 discussion on the motion? Is there any opposition? Then let's
45 start this over. **All those in favor, signify by raising your**
46 **hand.**

47

48 **EXECUTIVE DIRECTOR GREGORY:** Thirteen in favor.

1
2 **CHAIRMAN BOSARGE:** Okay. All those opposed, same sign.
3
4 **EXECUTIVE DIRECTOR GREGORY:** Two opposed.
5
6 **CHAIRMAN BOSARGE:** The motion carries. Any other discussion on
7 this amendment in general or actions in it? All right. Mr.
8 Greene, go ahead.
9
10 **MR. GREENE:** The committee passed the following motion. Without
11 opposition, the committee recommends, and I so move, to
12 recommend to the council to approve Reef Fish Amendment 36A and
13 that it be forwarded to the Secretary of Commerce for review and
14 implementation, and deem the codified text as necessary and
15 appropriate, giving staff editorial license to make the
16 necessary changes in the document. The Council Chair is given
17 the authority to deem any changes to the codified text as
18 necessary and appropriate.
19
20 **CHAIRMAN BOSARGE:** Okay. We have a committee motion on the
21 board, and this will be a roll call vote.
22
23 **EXECUTIVE DIRECTOR GREGORY:** Okay. Mr. Robinson. Mr. Robinson
24 is absent. Mr. Diaz.
25
26 **MR. DIAZ:** Yes.
27
28 **EXECUTIVE DIRECTOR GREGORY:** Dr. Lucas.
29
30 **DR. LUCAS:** Yes.
31
32 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.
33
34 **MR. MATENS:** Yes.
35
36 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree.
37
38 **DR. CRABTREE:** Yes.
39
40 **EXECUTIVE DIRECTOR GREGORY:** Mr. Banks.
41
42 **MR. BANKS:** Yes.
43
44 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.
45
46 **DR. STUNZ:** Yes.
47
48 **EXECUTIVE DIRECTOR GREGORY:** Mr. Sanchez.

1
2 **MR. SANCHEZ:** Yes.
3
4 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.
5
6 **MR. ANSON:** Yes.
7
8 **EXECUTIVE DIRECTOR GREGORY:** Dr. Dana.
9
10 **DR. DANA:** Yes.
11
12 **EXECUTIVE DIRECTOR GREGORY:** Mr. Greene.
13
14 **MR. GREENE:** Yes.
15
16 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.
17
18 **MR. WALKER:** Yes.
19
20 **EXECUTIVE DIRECTOR GREGORY:** Dr. Frazer.
21
22 **DR. FRAZER:** Yes.
23
24 **EXECUTIVE DIRECTOR GREGORY:** Mr. Boyd.
25
26 **MR. BOYD:** Yes.
27
28 **EXECUTIVE DIRECTOR GREGORY:** Ms. Guyas.
29
30 **MS. GUYAS:** Yes.
31
32 **EXECUTIVE DIRECTOR GREGORY:** Mr. Swindell.
33
34 **MR. SWINDELL:** Yes.
35
36 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.
37
38 **CHAIRMAN BOSARGE:** Yes.
39
40 **EXECUTIVE DIRECTOR GREGORY:** The motion passes sixteen to zero
41 with one absent.
42
43 **CHAIRMAN BOSARGE:** Mr. Greene.
44
45 **MR. GREENE:** Final Action, Amendment 46, Gray Triggerfish
46 Rebuilding Plan, staff reviewed the public comments received on
47 Amendment 46. Staff then reviewed the actions and preferred
48 alternatives in the final draft amendment.

1
2 During the review of Action 4, Commercial Trip Limits, staff
3 noted that the 2016 commercial landings were closer to reaching
4 the ACT than in previous years. The committee asked staff to
5 summarize the accountability measures for the commercial sector.
6 Staff stated if the commercial sector is expected to reach its
7 ACT, the quota, the Regional Administrator will close the
8 fishery, and any overages of the ACT would be deducted for the
9 following fishing year. No modifications were made to the
10 preferred alternatives during committee.

11
12 **Without opposition, the committee recommends, and I so move, to**
13 **recommend to the council to approve Reef Fish Amendment 46 and**
14 **that it be forwarded to the Secretary of Commerce for review and**
15 **implementation, and deem the codified text as necessary and**
16 **appropriate, giving staff editorial license to make the**
17 **necessary changes in the document. The Council Chair is given**
18 **the authority to deem any changes to the codified text as**
19 **necessary and appropriate.**

20
21 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board. This
22 will be final action on Reef Fish Amendment 46. Before we do
23 our roll call vote, is there any discussion? Mr. Diaz.

24
25 **MR. DIAZ:** Yes, ma'am. Thank you. We're on triggerfish, right?
26 Then I would like to make a motion, and it's based on public
27 comments yesterday. **I would like to make a motion in Action 3.3**
28 **to make Alternative 1 the preferred.**

29
30 This is dealing with the size of triggerfish. We currently, in
31 the document, have fifteen inches as preferred, and all of the
32 public testimony that I heard yesterday was in favor of leaving
33 it at fourteen inches. If I get a second, I will explain a
34 little bit more.

35
36 **CHAIRMAN BOSARGE:** Before we get to the second, let's ask Ms.
37 Levy. Mara, Johnny read the motion in the record for the final
38 action vote, and that is on the board. Dale would like to make
39 a motion to change a preferred alternative in one of the
40 actions, and so does he need to make a substitute motion, just
41 about, or does Johnny need to withdraw his committee motion for
42 the moment or --

43
44 **MS. GREENE:** Madam Chair, I would like to withdraw my motion to
45 **recommend to the Secretary of Commerce for review and**
46 **implementation.**

47
48 **CHAIRMAN BOSARGE:** All right. Thank you. Then, Dale, you want

1 to make the motion that you stated, and so we'll get that on the
2 board and we'll have some discussion, if we get a second.

3
4 **MR. ANSON:** I will second it.

5
6 **CHAIRMAN BOSARGE:** It's seconded by Mr. Anson. All right. Our
7 motion is, in Action 3.3, to make Alternative 1 the preferred
8 alternative. Action 3.3 is modify the recreational minimum size
9 limit. Alternative 1 obviously is no action, do not modify the
10 gray triggerfish recreational minimum size limit of fourteen
11 inches fork length. Is there discussion? Mr. Diaz.

12
13 **MR. DIAZ:** If I could, I am mostly bringing this up based on
14 public testimony yesterday. I heard several people say they
15 would prefer to leave it at fourteen inches. Biologically, if
16 you read in the document, both male and female triggerfish are
17 sexually mature at ten inches, and so I don't think it makes a
18 big difference biologically.

19
20 Just for peoples' information, a fourteen-inch fish is
21 approximately five years old, and a fifteen-inch fish is
22 approximately six years old. Anyway, that is my rationale,
23 Madam Chair. Thank you.

24
25 **CHAIRMAN BOSARGE:** Ms. Guyas.

26
27 **MS. GUYAS:** I am thinking somebody can probably find this in the
28 document faster than I can, but, if we stayed the same on the
29 minimum size limit, I am trying to figure out how that would
30 affect, potentially, the recreational season. Are we looking at
31 more days that way or less days? That is really where I'm at.

32
33 **CHAIRMAN BOSARGE:** Mr. Gregory.

34
35 **EXECUTIVE DIRECTOR GREGORY:** Dr. Simmons just texted me and said
36 that, if this passes to change the size limit, the projected
37 landings would exceed the ACT.

38
39 **CHAIRMAN BOSARGE:** Ms. Guyas.

40
41 **MS. GUYAS:** So we would be looking at some kind of early
42 closure, it sounds like.

43
44 **CHAIRMAN BOSARGE:** Mr. Anson.

45
46 **MR. ANSON:** I too, as everyone here around the table heard some
47 of the public testimony, and fishermen are frustrated, and some
48 of that frustration is coming out of the amberjack situation and

1 the amberjacks were increased in size and they met their ACL
2 that much quicker. Triggerfish isn't quite the same, in regards
3 to the weight difference in the size increment that we're
4 talking about may have an impact.

5
6 I would want to try to provide some relief too, Dale, in them,
7 at least some comfort to the anglers that increasing the size is
8 going to automatically be a detriment to them. I don't know if
9 the Science Center analyzed this or not, but, based on the
10 abundance of triggerfish that we have out there now, based on
11 that we're not going to be able to harvest them recreationally
12 for the remainder of this year, and that they're just going to
13 keep growing, I suspect most of the triggerfish caught over the
14 next year or two, if nothing else changes, are going to be, on
15 average, fifteen inches or larger anyway, and so I have a hard
16 time with this.

17
18 I understand about the potential impact that it would have on
19 the season, as far as meeting the ACT and everything, but I am
20 just a little nervous about increasing the size limit. It
21 seems, at least for some species, that that traditional form of
22 management -- That management tool doesn't really provide the
23 benefits that you're looking for.

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

26
27 **EXECUTIVE DIRECTOR GREGORY:** If you look at the table, and it's
28 Table 2.3.6 in the amendment, the projections, relative to size
29 limits, is showing a higher catch with the smaller size limit.

30
31 **CHAIRMAN BOSARGE:** Mr. Diaz.

32
33 **MR. DIAZ:** Madam Chair, my intent was to -- I did not realize
34 that it would be something that would shorten the season when I
35 made the motion. **Having that information pointed out to me, I**
36 **would prefer to withdraw the motion.**

37
38 **CHAIRMAN BOSARGE:** All right. Mr. Diaz would like to withdraw
39 his motion, but I think it was a good discussion all the same.
40 Ms. Guyas.

41
42 **MS. GUYAS:** Before we get to that motion, we started a
43 conversation in committee about Action 4, and that's the
44 commercial trip limit. I am wondering if we want to follow up
45 on that a little bit.

46
47 The information that we had in committee was that, last year, I
48 think the commercial was at 96 percent of their quota, and so,

1 potentially, if we increase the trip limit, we could end up with
2 a situation where commercial is closing early rather than
3 staying open for the year, and I don't know. I kind of have
4 some mixed feelings about that, and maybe you think we need to
5 talk about it a little bit and see if this something that we
6 really want to do, and I see David has got his hand up.

7

8 **CHAIRMAN BOSARGE:** Mr. Walker.

9

10 **MR. WALKER:** In discussion that I've had with seafood
11 processors, dealers have mentioned to me that they would rather
12 have the fish in the summertime, and that, if there was an early
13 closure, it would not affect them, as far as the markets. I
14 don't know, but there's a lot of triggerfish out there right
15 now. You're hearing a lot of testimony, and a lot of big
16 triggerfish, too. It may get met sooner, but they seem to want
17 them when the demand is stronger.

18

19 **CHAIRMAN BOSARGE:** What were the commercial landings maybe the
20 year before that? That's just one year. How close did they get
21 the year before that, when they had that same limit?

22

23 **MS. GUYAS:** Off the top of my head, they weren't nearly as
24 close, but I would have to go look and see. Somebody can
25 probably find this faster than I can.

26

27 **CHAIRMAN BOSARGE:** Sorry to put you on the spot. Ms. Gerhart.

28

29 **MS. GERHART:** I have those numbers. In 2016, it was 91 percent
30 of the ACL, which was 96 percent of the quota, the ACT. In
31 2015, it was 78 percent of the ACT. In 2014, it was 68 percent.
32 However, in 2012 and 2013, there were overages of that ACT and
33 the ACL as well, and so the last closure was in 2012.

34

35 **CHAIRMAN BOSARGE:** Okay. All right. Is there further
36 discussion? We have a preferred alternative, Preferred
37 Alternative 4, to increase the commercial trip limit for gray
38 triggerfish to sixteen fish per trip. We were discussing
39 whether we want to keep that or change it. Are we going to
40 leave it as is? Mr. Walker.

41

42 **MR. WALKER:** I would like to leave it as is. If the fish are
43 caught early, that's one good thing about triggerfish. Of all
44 the fish that we land, they have the highest survival rate of
45 any fish that we release, and so, later in the year, if we have
46 to release the fish, I don't see that being a big problem, as
47 far as discards.

48

1 **CHAIRMAN BOSARGE:** Mr. Greene.
2
3 **MR. GREENE:** David, this kind of goes against everything that I
4 -- For whatever reason, it's just kind of going against what I
5 normally think. I know you're talking about shutting the
6 fishery down, but, with it being a relatively small fishery and
7 the potential for paybacks, it doesn't concern you as a
8 fisherman?
9
10 **MR. WALKER:** I guess, with the projections, we close the fishery
11 once we reach that, and is that not right?
12
13 **CHAIRMAN BOSARGE:** Ms. Gerhart.
14
15 **MS. GERHART:** With the commercial sector, we get the more rapid
16 landings reports, and so we would shut them down, and we can do
17 that with a projection as well.
18
19 **CHAIRMAN BOSARGE:** David, this is almost a bycatch fishery,
20 essentially. I mean, you all aren't -- This is not a
21 triggerfish trip. I mean, there are sixteen fish here on the
22 board, and that typically does not make a commercial trip.
23
24 **MR. WALKER:** It hasn't always been a bycatch fishery, but it has
25 sort of become one, because of the rules and regulations. I
26 have had trips where I have landed a lot of triggerfish, and I
27 targeted triggerfish, but not everyone has the room, maybe, on
28 their vessel or so forth, but I have targeted them over the
29 years, and I've had some good landings, but, you know, I think
30 the sixteen -- As long as we can get -- You know, we're not
31 fishing every single day and unloading every single day. There
32 is weather, and our trips are spread out, and so I really don't
33 think it will be a problem. I haven't heard anything about it
34 from industry asking to go for a smaller amount.
35
36 **CHAIRMAN BOSARGE:** All right. Any further discussion? All
37 right. Seeing no discussion, the preferred alternative will
38 remain Alternative 4. Any other discussion on the triggerfish
39 amendment before we get back to the motion for final action?
40 Last call. Seeing none, Mr. Greene, would you like to make
41 motion again?
42
43 **MR. GREENE:** Absolutely. **Without opposition, the committee**
44 **recommends, and I so move, to recommend to the council to**
45 **approve Reef Fish Amendment 46 and that it be forwarded to the**
46 **Secretary of Commerce for review and implementation, and deem**
47 **the codified text as necessary and appropriate, giving staff**
48 **editorial license to make the necessary changes in the document.**

1 **The Council Chair is given the authority to deem any changes to**
2 **the codified text as necessary and appropriate.**
3
4 **CHAIRMAN BOSARGE:** All right. We have a motion on the board.
5 This, again, is final action, and so it will be a roll call
6 vote. I think we've had a lot of good discussion, and so I
7 believe we're ready to vote. Mr. Gregory.
8
9 **EXECUTIVE DIRECTOR GREGORY:** Mr. Swindell.
10
11 **MR. SWINDELL:** Yes.
12
13 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.
14
15 **MR. MATENS:** Yes.
16
17 **EXECUTIVE DIRECTOR GREGORY:** Ms. Guyas.
18
19 **MS. GUYAS:** Yes.
20
21 **EXECUTIVE DIRECTOR GREGORY:** Mr. Banks.
22
23 **MR. BANKS:** Yes.
24
25 **EXECUTIVE DIRECTOR GREGORY:** Dr. Lucas.
26
27 **DR. LUCAS:** Yes.
28
29 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree.
30
31 **DR. CRABTREE:** Yes.
32
33 **EXECUTIVE DIRECTOR GREGORY:** Dr. Frazer.
34
35 **DR. FRAZER:** Yes.
36
37 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.
38
39 **MR. ANSON:** Yes.
40
41 **EXECUTIVE DIRECTOR GREGORY:** Mr. Greene.
42
43 **MR. GREENE:** Yes.
44
45 **EXECUTIVE DIRECTOR GREGORY:** Mr. Sanchez.
46
47 **MR. SANCHEZ:** Yes.
48

1 EXECUTIVE DIRECTOR GREGORY: Mr. Walker.
2
3 MR. WALKER: Yes.
4
5 EXECUTIVE DIRECTOR GREGORY: Dr. Stunz.
6
7 DR. STUNZ: Yes.
8
9 EXECUTIVE DIRECTOR GREGORY: Mr. Robinson. Absent. Dr. Dana.
10
11 DR. DANA: Yes.
12
13 EXECUTIVE DIRECTOR GREGORY: Mr. Boyd.
14
15 MR. BOYD: Yes.
16
17 EXECUTIVE DIRECTOR GREGORY: Mr. Diaz.
18
19 MR. DIAZ: Yes.
20
21 EXECUTIVE DIRECTOR GREGORY: Ms. Bosarge.
22
23 CHAIRMAN BOSARGE: Yes.
24
25 EXECUTIVE DIRECTOR GREGORY: The motion passes sixteen to zero
26 with one absent.
27
28 MR. BOYD: Madam Chairman.
29
30 CHAIRMAN BOSARGE: Mr. Boyd.
31
32 MR. BOYD: Just a note that Lance had to go out for a conference
33 call with his state director.
34
35 CHAIRMAN BOSARGE: Thank you, sir. I appreciate that.
36
37 MR. GREENE: Final Action, Framework Action, Mutton Snapper ACL
38 and Management Measures and Gag Commercial Size Limit, the
39 committee reviewed the draft framework action that considers
40 changes to mutton snapper and commercial gag management
41 measures.
42
43 Action 1 considers alternatives to revise the annual catch
44 limits based on the results of the 2015 stock assessment results
45 and the SSC recommendation of OFL and ABC. **Without opposition,**
46 **the committee recommends, and I so move, in Action 1, to make**
47 **Alternative 2, Option 2a the Preferred Alternative.**
48

1
2 **CHAIRMAN BOSARGE:** We have a committee motion on the board. In
3 Action 1, to make Alternative 2, Option 2a the preferred
4 alternative. Alternative 2 is accept the OFLs and ABCs
5 recommended by the Gulf and South Atlantic Scientific and
6 Statistical Committees from 2017 through 2020. Apply the Gulf
7 apportionment of the ACL equal to 18 percent of the stock ABC.
8 Option 2a is remove the Gulf ACT as a management target. **Is**
9 **there any opposition to the motion? Seeing no opposition, the**
10 **motion carries.**

11
12 **MR. GREENE:** Next, the committee considered Action 2 that would
13 modify the Gulf mutton snapper recreational bag limit. **Without**
14 **opposition, the committee recommends, and I so move, in Action**
15 **2, to make Alternative 2, Option 2b the preferred alternative.**

16
17 **CHAIRMAN BOSARGE:** We have a committee motion on the board. In
18 Action 2, to make Alternative 2, Option 2b the preferred
19 alternative. Alternative 2 is retain mutton snapper within the
20 aggregate ten-snapper recreational bag limit in the Gulf, but
21 specify a bag limit for mutton snapper within the aggregate bag
22 limit year-round. Option 2b is five fish per person per day.
23 Is there any discussion on the motion? **Seeing none, is there**
24 **any opposition to the motion? The motion carries.**

25
26 **MR. GREENE:** The committee also considered alternatives to
27 increase the mutton snapper minimum size limit that could slow
28 the rate of harvest and improve the spawning potential of the
29 stock. Increasing the minimum size limit to eighteen inches
30 total length would also establish compatible regulations
31 throughout the Florida Keys, where the vast majority of landings
32 occur. **Without opposition, the committee recommends, and I so**
33 **move, in Action 3, to make Alternative 2 the preferred**
34 **alternative.**

35
36 **CHAIRMAN BOSARGE:** We have a committee motion on the board. In
37 Action 3, to make Alternative 2 the preferred alternative.
38 Alternative 2 is increase the minimum size limit for commercial
39 and recreational mutton snapper in the Gulf to eighteen inches
40 total length. Is there any discussion on the motion? **Seeing**
41 **none, is there any opposition to the motion? The motion**
42 **carries.**

43
44 **MR. GREENE:** The committee reviewed Action 4 that considers
45 increasing the minimum size limit of commercially harvested gag
46 to twenty-four inches total length. That would achieve
47 compatible regulations between the recreational and commercial
48 sectors in the Gulf, as well as between the Gulf and South

1 Atlantic Council jurisdictions. This is expected to simplify
2 regulations and increase the spawning potential of the stock.
3 **Without opposition, the committee recommends, and I so move, in**
4 **Action 4, to make Alternative 2 the preferred alternative.**

5
6 **CHAIRMAN BOSARGE:** We have a committee motion. The committee
7 recommends, and I so move, in Action 4, to make Alternative 2
8 the preferred alternative. Alternative 2 is increase the
9 commercial minimum size limit for gag in the Gulf to twenty-four
10 inches TL. Any discussion on the motion? **Is there any**
11 **opposition to the motion? Seeing none, the motion carries.**

12
13 **MR. GREENE:** Finally, the committee voted to recommend approving
14 the framework action. **Without opposition, the committee**
15 **recommends, and I so move, to recommend that the council approve**
16 **Framework Action Mutton Snapper ACL and Management Measures and**
17 **Gag Commercial Size Limit and that it be forwarded to the**
18 **council for final action and sent to the Secretary of Commerce**
19 **for review and implementation, and deem the codified text as**
20 **necessary and appropriate, giving staff editorial license to**
21 **make the necessary changes in the document. The Council Chair**
22 **is given the authority to deem any changes to the codified text**
23 **as necessary and appropriate.**

24
25 **CHAIRMAN BOSARGE:** We have a motion on the board. This is going
26 to be final action. Is there any discussion on the motion? All
27 right. Then this will be a roll call vote. Mr. Gregory.

28
29 **EXECUTIVE DIRECTOR GREGORY:** Thank you. Dr. Dana.

30
31 **DR. DANA:** Yes.

32
33 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.

34
35 **MR. WALKER:** Yes.

36
37 **EXECUTIVE DIRECTOR GREGORY:** Mr. Swindell.

38
39 **MR. SWINDELL:** Yes.

40
41 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree.

42
43 **DR. CRABTREE:** Yes.

44
45 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.

46
47 **MR. ANSON:** Yes.

1 EXECUTIVE DIRECTOR GREGORY: Dr. Stunz.
2
3 DR. STUNZ: Yes.
4
5 EXECUTIVE DIRECTOR GREGORY: Dr. Lucas.
6
7 DR. LUCAS: Yes.
8
9 EXECUTIVE DIRECTOR GREGORY: Mr. Diaz.
10
11 MR. DIAZ: Yes.
12
13 EXECUTIVE DIRECTOR GREGORY: Mr. Boyd.
14
15 MR. BOYD: Yes.
16
17 EXECUTIVE DIRECTOR GREGORY: Mr. Greene.
18
19 MR. GREENE: Yes.
20
21 EXECUTIVE DIRECTOR GREGORY: Dr. Frazer.
22
23 DR. FRAZER: Yes.
24
25 EXECUTIVE DIRECTOR GREGORY: Mr. Matens.
26
27 MR. MATENS: Yes.
28
29 EXECUTIVE DIRECTOR GREGORY: Ms. Guyas.
30
31 MS. GUYAS: Yes.
32
33 EXECUTIVE DIRECTOR GREGORY: Mr. Sanchez.
34
35 MR. SANCHEZ: Yes.
36
37 EXECUTIVE DIRECTOR GREGORY: Mr. Banks.
38
39 MR. BANKS: Yes.
40
41 EXECUTIVE DIRECTOR GREGORY: Ms. Bosarge.
42
43 CHAIRMAN BOSARGE: Yes. Did you call Lance's name?
44
45 EXECUTIVE DIRECTOR GREGORY: No, I just skipped it.
46
47 CHAIRMAN BOSARGE: Just call his name out, for the record.
48

1 **EXECUTIVE DIRECTOR GREGORY:** Okay. Mr. Robinson. **The motion**
2 **passes sixteen to zero with one absent.**

3
4 **MR. GREENE:** Options Paper, Update Assessment and Framework
5 Action to Adjust Greater Amberjack ACL, the committee reviewed
6 the draft framework action that would adjust the annual catch
7 limit and modify the rebuilding plan for greater amberjack.

8
9 The SEDAR 33 update stock assessment indicated that greater
10 amberjack is still overfished and is experiencing overfishing.
11 The stock assessment results indicate that the stock is not
12 rebuilding as expected, and modification of the rebuilding plan
13 is necessary to end overfishing and rebuild the stock.

14
15 The committee reviewed draft options for ACLs and ACTs for 2018
16 through 2020. Staff asked if the committee wanted to consider
17 other management actions, such as modifying the fixed closed
18 season and minimum size limits, that could be considered as part
19 of the rebuilding program.

20
21 During Full Council, it would be ideal to reduce the range of
22 alternatives for any additional management measures, because the
23 tight timeline would require the framework action be implemented
24 expediently. The committee is expected to be able to review a
25 final draft at the June 2017 meeting.

26
27 **CHAIRMAN BOSARGE:** Dr. Crabtree.

28
29 **DR. CRABTREE:** The only comment I would have would be do we
30 really want to revisit the minimum size limit issue again? I
31 think we just changed that, what, last year, and I am fine if
32 people really feel strongly that we need to relook at it, but I
33 am just not sure that it wouldn't be best to leave it alone.

34
35 **CHAIRMAN BOSARGE:** Mr. Greene.

36
37 **MR. GREENE:** Dr. Crabtree or somebody from the Science Center,
38 in your opinion, we had one year where we went up substantially,
39 to thirty-four inches, and obviously the season closed early
40 this year. I mean, having that one year of that increased size,
41 did it make a huge impact in the reason that we closed the
42 amberjack season early this year?

43
44 **DR. CRABTREE:** I am trying to pull up a catch query and see if
45 it was the numbers of fish caught that jumped up, Johnny. Bear
46 with me a second.

47
48 **CHAIRMAN BOSARGE:** While he is trying to pull that up, I will

1 ask the council another question. It's 11:40, and we were
2 scheduled to go to lunch at 11:45, Doug says, and so we need to
3 finish our Reef Fish Committee Report, and then we have our
4 liaison reports, and then I know we do have one short item under
5 Other Business.

6
7 I am leaving it -- I think I worked you all until like 2:30 with
8 no lunch at our last meeting, and so I am leaving it up to you
9 all around the table if you all would like to take your lunch
10 break here in a minute, find a stopping point and take our lunch
11 break, and then come back and finish this report, the liaison
12 reports, and Other Business, or if you want to work through
13 lunch. It does not matter to me one way or the other. I just
14 need feedback. Mr. Banks.

15
16 **MR. BANKS:** Can we not finish the Reef Fish before we break for
17 lunch at least?

18
19 **CHAIRMAN BOSARGE:** We can do whatever you all want. Mr.
20 Gregory.

21
22 **EXECUTIVE DIRECTOR GREGORY:** We have, I think, three more pages
23 of the committee report, and one of those items is Amendment 41.

24
25 **CHAIRMAN BOSARGE:** Dr. Stunz.

26
27 **DR. STUNZ:** I was going to recommend that we keep working until
28 I heard that, and so I --

29
30 **CHAIRMAN BOSARGE:** We can keep working if you all want to, but I
31 just kind of felt like a slave driver at the last meeting when I
32 didn't let you have lunch. Dr. Crabtree.

33
34 **DR. CRABTREE:** I wasn't going to address the lunch issue. I was
35 going to come back to Johnny's question.

36
37 **CHAIRMAN BOSARGE:** Go ahead, and we will talk about lunch in a
38 minute.

39
40 **DR. CRABTREE:** If you go into the MRFSS and you look at just the
41 numbers of fish caught, and it was Wave 2 that the landings were
42 really high, and so the numbers of fish in Wave 2 caught were
43 very high, much higher than we have seen in the last ten to
44 fifteen years, and so I can't say how much -- If the fish were
45 bigger or not, but it was more than just the size limit. They
46 caught a lot of fish, too. Also, with just one year, it's
47 difficult to see a trend out of that.

48

1 **CHAIRMAN BOSARGE:** Ms. Guyas.
2
3 **MS. GUYAS:** On the lunch issue, I was going to suggest maybe
4 just a break, real quick, where if people wanted to run out to
5 the food court and get something to eat, they can eat. Then, if
6 people need to do other things, check out or whatever, they can
7 do that as well, but it sounds like people might want to take a
8 little break, but not a full lunch.
9
10 **CHAIRMAN BOSARGE:** Maybe like a twenty or twenty-five-minute
11 break. Okay. We could do that. I am hearing thirty around the
12 table. Any further negotiations? Do we want to go forty?
13 Thirty? All right. It sounds like we have settled on a thirty-
14 minute break, and we will let Chairman Greene get to that break
15 when he feels comfortable when it's a good stopping point. Back
16 to the discussion about amberjack. John.
17
18 **DR. FROESCHKE:** Just to point out that the options for closed
19 seasons and size limits and things, we have the associated
20 analysis of that from the prior amendments and things, and so,
21 if that's something that you want to look at, we can provide
22 that to you in short order.
23
24 **CHAIRMAN BOSARGE:** All right. Does staff have sufficient
25 direction on how we want to proceed with that?
26
27 **DR. FROESCHKE:** Yes, I think so, but don't be afraid to be too
28 clear.
29
30 **CHAIRMAN BOSARGE:** Okay. Mr. Greene.
31
32 **MR. GREENE:** I can't believe these words are going to come out
33 of my mouth, but, Dr. Froeschke, I suppose that we should look
34 at additional closures for the amberjack fishery throughout the
35 year, such as considering May, June, and July. Other options
36 would be January through June or July through the end of the
37 year or something that would choreograph in with that.
38
39 I am trying to, as I sit here, think about when other fisheries
40 close and when other fisheries open and trying to keep something
41 open year-round, and so I'm trying to kind of balance that out,
42 but I would like to look at some other alternatives that could
43 potentially yield the recreational fishery more days for the
44 amberjack season.
45
46 **CHAIRMAN BOSARGE:** Dr. Porch, do you know the spawning season,
47 off the top of your head, just to put you on the spot, as we're
48 talking about seasons? John.

1
2 **DR. FROESCHKE:** I think we have that commercial closed season in
3 the spring, and that was primarily to protect them from
4 spawning, or from harvest while spawning.
5
6 **CHAIRMAN BOSARGE:** I know what you're getting after, Johnny, but
7 I was just thinking, if they're going to bring us back
8 alternatives, that is probably going to be something somebody
9 asks at the next meeting, and so we might as well have it on
10 there. Mr. Greene has mentioned something that he would like to
11 see as you get that document ready to bring back to us. Yes,
12 John.
13
14 **DR. FROESCHKE:** Again, if it's something that you're interested
15 in, we do have those analyses from the recreational and
16 commercial closed season in the previous amendments, with
17 estimates on the season length, and so those wouldn't be exact,
18 but it would give you some idea of what parts of the year you
19 might expect to get more or less, depending on how you did that.
20
21 **CHAIRMAN BOSARGE:** That sounds great, but, when we bring back
22 this new document, we will need it in there, so we're not
23 flipping back from one document to another, if you don't mind.
24
25 **DR. FROESCHKE:** Yes, but I'm just trying to facilitate if you
26 had a specific range of closed seasons or something that you
27 wanted to think about. That would help us, rather than having
28 sort of an infinite number, but we can put that together like
29 we've done in the past.
30
31 **CHAIRMAN BOSARGE:** Yes, and I think Mr. Greene gave us some
32 pretty specific dates, and so you can definitely make sure that
33 those are in there, and then we're going to need to look at one
34 probably during the spawning season, although that may not line
35 up with the interests of the fishermen, which is something that
36 we do usually look at. All right. Anything else on our greater
37 amberjack document? Okay.
38
39 **MR. GREENE:** Presentation by Sam Rauch, Mr. Sam Rauch, Acting
40 Assistant Administrator for Fisheries, provided an overview
41 presentation of the MRIP Strategic Plan. He provided
42 information on the objectives, plan structure, and team makeup.
43 Mr. Rauch stated the strategic plan is now ready for review and
44 feedback, and he requested comments by June 30.
45
46 **CHAIRMAN BOSARGE:** All right. It's about 11:50, and we're still
47 going with a thirty-minute break, and so, at about 12:20, we
48 will come back from our whatever you want to call it break, and

1 we will pick back up at 12:20.

2
3 (Whereupon, the meeting recessed for lunch on April 6, 2017.)

4
5 - - -

6
7 April 6, 2017

8
9 THURSDAY AFTERNOON SESSION

10
11 - - -

12
13 The Full Council of the Gulf of Mexico Fishery Management
14 Council reconvened at the Hyatt Regency Birmingham, Birmingham,
15 Alabama, Thursday afternoon, April 6, 2017, and was called to
16 order by Chairman Leann Bosarge.

17
18 **MR. GREENE:** We will jump into some engaging vermilion snapper
19 talk now. Draft Amendment 47, Modify Vermilion Snapper ACLs and
20 MSY Proxy, following a review of the actions and alternatives in
21 the amendment by staff, the committee passed the following
22 motions.

23
24 **Without opposition, the committee recommends, and I so move, in**
25 **Action 1, to make Alternative 2 the preferred alternative.**
26 **Alternative 2 is the proxy for vermilion snapper MSY is the**
27 **yield when fishing at F30 percent SPR.**

28
29 **CHAIRMAN BOSARGE:** Okay. We have a committee motion on the
30 board. In Action 1, to make Alternative 2 the preferred
31 alternative. Alternative 2 is to proxy for vermilion snapper
32 MSY is the yield when fishing at F30 percent SPR. Any
33 discussion on the motion? **Is there any opposition to the**
34 **motion? Seeing none, the motion carries.**

35
36 **MR. GREENE:** Without opposition, the committee recommends, and I
37 **so move, in Action 1, to add a new Alternative 3. Alternative 3**
38 **is the proxy for vermilion snapper MSY is the yield when fishing**
39 **at F26 percent SPR.**

40
41 **CHAIRMAN BOSARGE:** All right. We have a committee motion on the
42 board. In Action 1, to add a new Alternative 3. The new
43 Alternative 3 would be the proxy for vermilion snapper MSY is
44 the yield when fishing at F26 percent SPR. Any discussion on
45 the motion? **Any opposition to the motion? Seeing none, the**
46 **motion carries.**

47
48 **MR. GREENE:** Without opposition, the committee recommends, and I

1 so move, in Action 2, to make Alternative 3 the preferred
2 alternative.

3
4 **CHAIRMAN BOSARGE:** All right. We have a committee motion. In
5 Action 2, to make Alternative 3 the preferred alternative.
6 Alternative 3 is the ACL for vermilion snapper for the years
7 2017 through 2021 will be 3.11 million pounds whole weight, the
8 constant catch average of the five-year annual ACLs. Is there
9 any discussion on the motion? **Is there any opposition to the**
10 **motion? Seeing none, the motion carries.**

11
12 **MR. GREENE:** Staff suggested that Alternatives 2 and 3 be
13 simplified by deleting the options regarding the vermilion
14 snapper ACL after the five-year period of 2017 through 2021.
15 **Without opposition, the committee recommends, and I so move, in**
16 **Action 2, to remove Options a and b under Alternatives 2 and 3.**

17
18 **CHAIRMAN BOSARGE:** Okay. We have a committee motion on the
19 board. In Action 2, to remove Options a and b under
20 Alternatives 2 and 3. Is there any discussion on the motion?
21 **Seeing none, is there any opposition to the motion? Hearing no**
22 **opposition, the motion carries.**

23
24 **MR. GREENE:** Without these options, the intent would be that the
25 ACL remain at the 2021 level, unless changed by subsequent
26 rulemaking.

27
28 **CHAIRMAN BOSARGE:** Yes, sir, Mr. Atran.

29
30 **MR. ATRAN:** I just noticed there is nothing in the committee
31 report, but does the council now have to approve this for public
32 hearing?

33
34 **CHAIRMAN BOSARGE:** Was this the amendment, Mr. Atran, that we
35 discussed the webinar public hearing and we need to approve
36 that?

37
38 **MR. ATRAN:** Yes.

39
40 **CHAIRMAN BOSARGE:** All right. I would entertain a motion then
41 to send Draft Amendment -- Well, it would be a public hearing
42 amendment? Okay. Amendment 47, Modify Vermilion Snapper ACLs
43 and MSY Proxy, out for public hearings via webinar.

44
45 **MR. GREENE:** So moved.

46
47 **CHAIRMAN BOSARGE:** That motion was just made by Mr. Greene. It
48 was seconded by Mr. Boyd. Mr. Greene, is that your motion on

1 the board?

2

3 **MR. GREENE:** Yes, ma'am.

4

5 **CHAIRMAN BOSARGE:** All right. So we have a motion on the board
6 to send Amendment 47 out for public hearings via webinar, and it
7 was seconded by Mr. Boyd. Is there any discussion on the
8 motion? **Seeing none, is there any opposition to the motion?**

9 **The motion carries.** Mr. Atran, was that sufficient? Do you
10 need anything else on this document?

11

12 **MR. ATRAN:** No, that's fine.

13

14 **MR. GREENE:** SEDAR 49, Stock Assessment for Data-Limited Stocks,
15 Luiz Barbieri reviewed the process used under SEDAR 49 for
16 assessing data-limited species using methods included in the
17 National Marine Fisheries Service data-limited toolkit. They
18 attempted to use available data, beyond just the catch history,
19 to estimate a sustainable catch, but not necessarily the maximum
20 sustainable catch.

21

22 SEDAR 49 began with eight species. An initial evaluation
23 indicated that 4 species might be feasible for data-limited
24 methods, but further evaluation determined that only one
25 species, lane snapper, had data of sufficient quality to produce
26 results useable for management.

27

28 Using the Itarget method and applying the results to probability
29 density function, the lane snapper OFL, 50 percent probability
30 of overfishing, was determined to be 364,100 pounds whole
31 weight, and an ABC, at 30 percent probability of overfishing,
32 was 355,500 pounds whole weight. These catch levels are
33 slightly higher than the OFL and ABC previously produced by the
34 Tier 3a of the ABC control rule.

35

36 Once the data-limited approach has been initially applied to a
37 stock, reevaluations are a simple matter of updating the catch
38 history. The SSC recommended that reevaluations be conducted at
39 time intervals not to exceed three years.

40

41 Committee members asked why red drum could not be assessed. Dr.
42 Barbieri explained that the main limitation was data across the
43 entire stock, i.e., there are no indices of abundance or age-
44 distribution of the offshore portion of the stock since the
45 1980s. In the South Atlantic, a red drum assessment was
46 completed, but it had high uncertainty, and it was not
47 considered useful for management.

48

1 **CHAIRMAN BOSARGE:** Mr. Anson.
2
3 **MR. ANSON:** Thank you, Madam Chair. I was wondering, Dr. Porch,
4 if you could speak to the use of data-poor assessment methods
5 for gray triggerfish and/or greater amberjack.
6
7 **DR. PORCH:** Well, in the sense that, yes, we could apply them
8 and see how they compare to the more statistical assessment
9 models, it certainly could be done. In fact, I think there
10 actually has been some work on amberjack already. I don't have
11 it in front of me, but, if the council wanted to see that, or
12 the SSC, we certainly could do it. It's in our work plan
13 anyway.
14
15 **CHAIRMAN BOSARGE:** Mr. Anson.
16
17 **MR. ANSON:** I was going to offer a motion or something to have
18 the SSC look at that, but I'm a little confused as to what you
19 mean by it's in your work plan. You will be looking at using
20 data-poor methods for those two species?
21
22 **DR. PORCH:** Well, to compare the results. Part of our plan for
23 evaluating data-limited methods includes applying them to some
24 of our data-rich species. We've already done some of that, but
25 I just don't have it in front of me to show you.
26
27 **MR. ANSON:** When do you think you might have those completed for
28 amberjack and triggerfish?
29
30 **DR. PORCH:** We could do it rather quickly. I think we've
31 already done it for amberjack, just I just have to check with
32 the lead analyst, but I think that's a fairly simple matter to
33 apply the data-limited techniques.
34
35 **CHAIRMAN BOSARGE:** Maybe the SSC could possibly review it at
36 their next meeting, which is in May? Right, it's May. It's
37 like the second week in May or something like that, I believe,
38 or is that too soon for you, Dr. Porch?
39
40 **DR. PORCH:** That's pretty quick. We could try, but I can't
41 promise that we would have many species ready that quick.
42
43 **EXECUTIVE DIRECTOR GREGORY:** What species would you like to see,
44 just amberjack and gray triggerfish?
45
46 **MR. ANSON:** Well, yes. If amberjack has already been done,
47 obviously it doesn't need to be redone, but those two species in
48 particular to have looked at, and, if it's not the next SSC

1 meeting, then just work it in for the following one, and that
2 would be fine, but I'm certainly interested to make sure that
3 the comparison is done or the analysis is done with those two
4 species. Thank you.

5
6 **CHAIRMAN BOSARGE:** All right. I don't think we need a motion
7 for that, Mr. Anson. I think we're understood.

8
9 **MR. GREENE:** Charter-for-Hire Management Discussion, staff gave
10 an overview presentation of the White Paper on Changes to the
11 Charter For-Hire Allocation-Based Management Program and the
12 Draft Action for Cyclical Redistribution of Red Snapper Shares.

13
14 The committee made the following motion. **Without opposition,**
15 **the committee recommends, and I so move, to add an action item**
16 **to include cyclical redistribution of red snapper to Amendment**
17 **41.**

18
19 **CHAIRMAN BOSARGE:** Okay. We have a committee motion on the
20 board to add an action item to include cyclical redistribution
21 of red snapper to Amendment 41. Any discussion on the motion?
22 **Is there any opposition to the motion? Seeing none, the motion**
23 **carries.**

24
25 **MR. GREENE:** The committee requested an additional alternative
26 be included in the white paper that uses the same range of years
27 as in sector separation for determining the component ACLs. The
28 committee asked, for enforcement purposes, if inclusion of
29 cyclical redistribution in Amendment 41 would mean bag limits
30 would no longer be needed for red snapper. Dr. Stephen
31 responded that any type of catch share program could also
32 include a bag limit provision, similar to how the Headboat
33 Collaborative Pilot Program was conducted, with both bag limits
34 and allocation requirements.

35
36 **CHAIRMAN BOSARGE:** Mr. Sanchez.

37
38 **MR. SANCHEZ:** Before we leave Amendment 41, I would like to make
39 a motion to add the additional species of gag grouper, gray
40 triggerfish, greater amberjack, and red grouper as annual catch
41 limit allocation action items to Amendment 41 and to give staff,
42 again, latitude to be able to incorporate those into Amendment
43 41 as they see fit.

44
45 **EXECUTIVE DIRECTOR GREGORY:** Could you repeat that again,
46 please?

47
48 **MR. SANCHEZ:** Gladly. To add the additional species of gag

1 grouper, gray triggerfish, greater amberjack, and red grouper as
2 annual catch limit allocation action items for consideration in
3 Amendment 41. I don't know if you have to add this, but let
4 staff do whatever.

5
6 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board to add
7 the additional species of gag grouper, gray triggerfish, greater
8 amberjack, and red grouper as annual catch limit allocation
9 action items for consideration in Amendment 41. Do we have a
10 second to the motion? It's seconded by Dr. Dana. Is there
11 discussion on the motion? Ms. Guyas.

12
13 **MS. GUYAS:** John, I'm not really sure what you mean by "annual
14 catch limit allocation action items". Are you just asking for
15 these species to be added to that document?

16
17 **MR. SANCHEZ:** Yes, just like the white paper was going to look
18 at considering them, but, when you say "annual catch limit
19 allocation", that is some of the verbiage used in referring to
20 them, as you're going to be basically taking allocation and
21 allocating it to them.

22
23 **CHAIRMAN BOSARGE:** Mr. Boyd.

24
25 **MR. BOYD:** John, some clarification. Are you talking about
26 trying to start an amendment for allocation of these species
27 between the two recreational sub-components or are you talking
28 about just including them and then having an allocation
29 discussion later?

30
31 **MR. SANCHEZ:** To include them in Amendment 41, so that we can
32 look at them and create some options and see how it all shakes
33 out in discussion down the road.

34
35 **CHAIRMAN BOSARGE:** Mr. Boyd.

36
37 **MR. BOYD:** A follow-up question to Mara, if she is back from
38 lunch. There she is. Would this require an allocation
39 amendment and to go through an allocation process?

40
41 **MS. LEVY:** I think, by doing it, you would be going through an
42 allocation process, and this is an amendment, and so it doesn't
43 require its own amendment, meaning, in order to actually do it
44 and decide that you want to give the different vessels a
45 percentage, you would be going through an allocation decision.

46
47 **MR. BOYD:** Okay. That answers my question. So we're going
48 through an allocation process, but we're doing it within

1 Amendment 41.
2
3 **CHAIRMAN BOSARGE:** All right. Any further discussion? All
4 right. **All those in favor of the motion, signify by raising**
5 **your hand, please.**
6
7 **EXECUTIVE DIRECTOR GREGORY:** Hold them up high. Nine yes. Did
8 you raise your hand?
9
10 **CHAIRMAN BOSARGE:** I did.
11
12 **EXECUTIVE DIRECTOR GREGORY:** I think that would be ten.
13
14 **CHAIRMAN BOSARGE:** That would be ten, yes. All right. **All**
15 **those opposed, same sign.**
16
17 **EXECUTIVE DIRECTOR GREGORY:** So ten yes. Seven no. **The motion**
18 **passes ten to seven.**
19
20 **CHAIRMAN BOSARGE:** Dr. Dana.
21
22 **DR. DANA:** This is just a comment, and thank you, Chair. Just
23 for clarification, on that cyclical redistribution, if
24 eventually this council chose to have multispecies in Amendment
25 41, then can I assume that the cyclical redistribution would
26 also cover those species?
27
28 **EXECUTIVE DIRECTOR GREGORY:** Yes, because the same problem
29 exists with those species as it does with red snapper, in that
30 there is no landings history.
31
32 **CHAIRMAN BOSARGE:** Okay. Any other discussion on this topic or
33 Amendment 41 in general before we move on to the next section of
34 the report? Seeing none, Mr. Greene.
35
36 **MR. GREENE:** SERO/SEFSC Response to Documentation requested by
37 Gulf Angler Fishing Group, Ms. Gerhart gave a presentation that
38 evaluates potential management options proposed by the Gulf
39 Angler Fishing Group.
40
41 SERO evaluated the options based on four criteria: 1)is the
42 option permissible under the Magnuson-Stevens Act; 2)does the
43 option increase the federal red snapper season length for
44 private anglers; 3)what are the assumptions and caveats of each
45 option, 4)will the option achieve a forty-day federal season.
46
47 Ms. Gerhart summarized all seven options relative to these
48 criteria, based on analyses previously completed, and noted that

1 all analyses are preliminary and would need further refinement,
2 based on guidance from the council. Ms. Gerhart stated that a
3 forty-day federal season could likely be achieved through a
4 combination of one or more of the proposed management options.

5
6 Dr. Stunz noted that, under the depth and distance option, a
7 portion of the stock would be protected from harvest and could
8 increase the reproductive potential of the stock. He
9 recommended incorporating this into the evaluation of this
10 option, if possible. Mr. Anson asked about the eligibility
11 requirements that could be included as part of a potential
12 tagging program. Dr. Crabtree stated that possession of a Gulf
13 state fishing license could be considered as a criterion.

14
15 Dr. Lucas asked about the regional component of Option G. Ms.
16 Gerhart noted that stock characteristics vary regionally and
17 could be considered as part of the potential options. Dr.
18 Crabtree suggested that this presentation be given to the Ad Hoc
19 Red Snapper Private Angler Advisory Panel at their May 8 and 9
20 meeting.

21
22 Mr. Banks requested that regional management, Amendment 39, also
23 be provided to the advisory panel for review. The
24 recommendations of the advisory panel will be presented to the
25 council at their June 2017 meeting.

26
27 Standing and Reef Fish SSC Summary for items that were not
28 discussed elsewhere on agenda, Luiz Barbieri reviewed items that
29 were discussed by the SSC, but not included among other council
30 agenda items.

31
32 The SSC received a presentation on the National Marine Fisheries
33 Service Draft Stock Assessment Improvement Plan, which may be
34 useful in beginning the process of integrating ecosystem
35 considerations into the assessment process.

36
37 The SSC also received a demonstration on the National Marine
38 Fisheries Service stock prioritization process from Shannon
39 Calay. That is a method of identifying and scoring parameters
40 that can be used to prioritize stock assessments. This will be
41 further reviewed by the SSC at a subsequent meeting.

42
43 The SSC was asked to evaluate the addition to the MSST amendment
44 of an alternative to set MSST at 85 percent of BMSY versus 75
45 percent of BMSY. The SSC had no scientific concerns about 85
46 percent of BMSY. They felt this was a management decision
47 concerning how conservative the council wants to be.

48

1 The SSC also heard a series of presentations on the social and
2 economic aspects of the IFQ programs. This presented a new
3 perspective on IFQs to the biologists on the SSC and possibly
4 provided a window on how to incorporate socioeconomic aspects
5 into the assessment process.

6
7 Other Business, Mara Levy noted that Amendment 44, which will
8 establish MSST for all reef fish stocks, was originally part of
9 a larger status determination criteria that included MSY proxies
10 and OY. For stocks with no SDC, she was concerned about setting
11 MSST, but not the other SDC.

12
13 She suggested that the council either, one, proceed with MSST
14 definitions only for stocks that currently have SDC and then
15 follow-up with the other stocks in the SDC amendment, or, two,
16 proceed with all of the SDC assignments in one amendment. Staff
17 noted that the SSC has previously stated that it would be too
18 large of a workload to simultaneously work on MSY proxies and
19 ABC control rule revisions. They asked that the council provide
20 guidance on prioritization of these projects.

21
22 Council members discussed the idea of treating red snapper as
23 two stocks, east and west of the Mississippi River. This was
24 one --

25
26 **CHAIRMAN BOSARGE:** Ms. Levy, I see you looking at me.

27
28 **MS. LEVY:** I am just wondering if the council has any guidance
29 on how they would like to see this proceed, the MSST document.

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

32
33 **DR. CRABTREE:** I guess my question is, and maybe this is to
34 Steven, but if we move it into the larger MSY/OY amendment, what
35 would be the timeline we would be looking at to get that done?

36
37 **MR. ATRAN:** I think it's going to depend upon how deep into the
38 literature the SSC wants to get into, but my hope would be that
39 we could come up with something that's either a public hearing
40 draft or very close to a public hearing draft by the end of the
41 year.

42
43 **CHAIRMAN BOSARGE:** If that's the case, then wouldn't it be fine
44 to leave it in its own stand-alone document and finish that off,
45 since it sounds like it would be very quickly followed by the
46 document that will address all the other species and the
47 different requirements?

48

1 **DR. CRABTREE:** So then we would do the MSST document for a
2 select group of stocks and then follow up with the rest, and I'm
3 fine with that approach.
4

5 **CHAIRMAN BOSARGE:** We've done pretty well on taking final action
6 on things today. We're on a roll, and we're finally finishing
7 things. We are pretty close on that document, and I would like
8 to finish it and follow it up with the rest of the species, if
9 Ms. Levy concurs.
10

11 **MS. LEVY:** I am fine with that, as long as we move the other
12 document along, but that means, for staff's purposes, that we
13 would be limiting the MSST document, as we have it right now.
14 We would be taking some species out of that, and so I just want
15 to make sure that's clear.
16

17 **CHAIRMAN BOSARGE:** Yes, I think we had that discussion during
18 the committee. Mr. Atran.
19

20 **MR. ATRAN:** If we're going to do that, if memory serves me
21 correctly, I think you had approved this document to go to
22 public hearings after the SSC reviewed that new alternative that
23 you wanted to go in, and so, if we're going to pull several of
24 the stocks out, do you still approve it to go to public hearings
25 without bringing it back for an additional review by the
26 council?
27

28 **CHAIRMAN BOSARGE:** Any feedback? Dr. Crabtree.
29

30 **DR. CRABTREE:** I would say let's move it and get it done.
31

32 **CHAIRMAN BOSARGE:** Mr. Anson.
33

34 **MR. ANSON:** I am trying to follow which species -- We keep
35 referring to some species are being pulled out and reevaluated
36 and reassessed and will be brought into a future document.
37 Relative to red snapper, which was the original request that I
38 recall, the SSC would be looking at the new literature, Steven,
39 relative to establishing MSY proxy and what is your sense? I
40 think the species that we're talking about taking out included
41 red snapper, or does it not include the red snapper? Where are
42 we on that?
43

44 **MR. ATRAN:** Actually, most of the species that would be taken
45 out are data-limited species that probably MSST would be
46 meaningless, because we would have no way to actually calculate
47 it. The stocks where we have SDC criteria are the ones where
48 we've had full assessments done. I believe it's about seven

1 stocks, and, in many of these cases, this wouldn't change the
2 MSST.

3
4 We've got an MSST of -- I take that back. It might change some
5 of the MSSTs, but it would primarily affect those fish that have
6 very low natural mortalities, which red snapper is one of them.
7 Your preferred alternative is to set MSST 25 percent below BMSY.

8
9 Right now, using that formula that we normally use, it's only
10 about 10 percent below, and so it would widen the buffer between
11 MSY and MSST for red snapper, and there is a few other species.
12 I don't recall, off the top of my head, which they are, and then
13 it would continue to use the formula where the buffer is wider
14 already, and so it's only going to affect about two or three
15 species, and red snapper is one of them. I don't recall what
16 the others are, off the top of my head.

17
18 **CHAIRMAN BOSARGE:** Ms. Levy.

19
20 **MS. LEVY:** Just looking back at the document, there is a table
21 that has the stocks that have the status determination criteria,
22 and it's -- The ones that I think would remain in this document,
23 to move forward more quickly, would be gag, red grouper, red
24 snapper, vermilion snapper, gray triggerfish, and greater
25 amberjack, and hogfish. We just did an MSST for that.

26
27 **CHAIRMAN BOSARGE:** Then, when we get into the second document
28 that's going to follow, the one that's going to look more at the
29 MSY proxies and the OY, red snapper will be included in that
30 document for MSY/OY discussions?

31
32 **MS. LEVY:** I guess that's up to you all. I mean, or maybe
33 that's one thing to -- Whether you are reevaluating the MSY and
34 OY for everything and then just the MSSTs for those that don't
35 have it, but I'm not sure exactly.

36
37 **CHAIRMAN BOSARGE:** Mr. Atran.

38
39 **MR. ATRAN:** You had a specific request to have the SSC
40 reevaluate MSY proxies for red snapper. Even though you already
41 have the proxy, and it's 26 percent SPR, that would be included
42 in the second document, even though we already have the
43 priorities, and then it would include other stocks for which we
44 don't have those particular criteria.

45
46 **CHAIRMAN BOSARGE:** All right. I think we have a much better
47 grip on it. Mr. Atran, are you pretty clear on how to proceed
48 from here?

1
2 **MR. ATRAN:** Mostly. I will check with Doug and clear up what I
3 am confused about.
4
5 **CHAIRMAN BOSARGE:** Okay. Did we have the discussion that, when
6 we take MSST out to the public, that that would be a webinar
7 type public hearing?
8
9 **MR. ATRAN:** Yes, I believe so.
10
11 **CHAIRMAN BOSARGE:** All right. Good. As long as we've dotted
12 all of our I's. Any other discussion before we keep going in
13 our report? All right, Mr. Greene.
14
15 **MR. GREENE:** Council members discussed the idea of treating red
16 snapper as two stocks east and west of the Mississippi River.
17 This was one of the alternatives in Amendment 39 for red snapper
18 regional management, which was postponed indefinitely in January
19 of 2016. A suggestion was made to bring Amendment 39 back for
20 consideration, or at least the private angler portion. No
21 motions were made on any of the Other Business items.
22
23 **CHAIRMAN BOSARGE:** Dr. Lucas.
24
25 **DR. LUCAS:** Before we leave the Reef Fish Committee, I had a
26 motion to offer, and staff has a copy of that motion.
27
28 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board to start
29 an amendment for Mississippi to manage red snapper for the
30 recreational sector out to 200 nautical miles. Do we have a
31 second for the motion on the board? It's seconded by Mr. Diaz
32 for discussion. Is there discussion on the motion on the board?
33 Dr. Lucas.
34
35 **DR. LUCAS:** I thought about it earlier, when I mentioned to
36 Patrick, when he made his motion, that I thought this opened the
37 door for some others, and I think I would be remiss to leave
38 this council and not offer it up for the recreational sector in
39 Mississippi.
40
41 We've heard a lot from our recreational sector in Mississippi
42 about wanting to be managed from Mississippi, and, given that
43 we're about to go through the process for Louisiana, I think at
44 least give staff the option to include some of the similar
45 discussions that are going to come up around doing it for one
46 state. Seeing as we border the State of Louisiana, and my
47 fishermen love to go fish over in their waters on occasion, I
48 thought I would go ahead and offer this up for us to consider.

1
2 **CHAIRMAN BOSARGE:** Dr. Crabtree.
3
4 **DR. CRABTREE:** So this would go into the same amendment as
5 Louisiana, I guess?
6
7 **CHAIRMAN BOSARGE:** I think we better say no on that. I see some
8 heads shaking around the table.
9
10 **DR. CRABTREE:** My other question would be would there be any
11 willingness to entertain the idea of treating Mississippi and
12 Louisiana as a single region, rather than separately? I am
13 seeing --
14
15 **DR. LUCAS:** I am going to take that head shake as a no.
16
17 **DR. CRABTREE:** Yes, I saw the no, and so I guess then we're sort
18 of thinking about doing regional management one state at a time.
19 Interesting.
20
21 **CHAIRMAN BOSARGE:** That's what it looks like to me.
22
23 **MR. BANKS:** Maybe we should bring back Amendment 39.
24
25 **CHAIRMAN BOSARGE:** We had a lot of discussion kind of on the
26 document and how it would be structured for Louisiana. To give
27 staff a little more direction, were you thinking pretty much
28 along those same lines, as far as kind of action items and such,
29 for a Mississippi amendment, too?
30
31 **DR. LUCAS:** I was. I was thinking that would also make it,
32 possibly, a little bit easier for the staff if they were
33 considering some of the same or similar things, so that that
34 discussion can progress along those lines. Like I think
35 everybody pointed out there is a lot to do, and there is a lot
36 of discussions to be had, and there is a lot of different things
37 moving, but as an option to have on the table.
38
39 **CHAIRMAN BOSARGE:** Mr. Sanchez.
40
41 **MR. SANCHEZ:** As far as the thought process for how it applies
42 to a federal for-hire, kind of the same as what we discussed
43 already with Louisiana?
44
45 **DR. LUCAS:** Yes, and with the discussion that knowing that other
46 motions are moving as well in other amendments.
47
48 **CHAIRMAN BOSARGE:** Mr. Gregory.

1
2 **EXECUTIVE DIRECTOR GREGORY:** I just want to point that we're
3 going to have a couple of options papers, at least in the
4 beginning, and two amendments all going forward as alternatives
5 to one another, because 41 and 42 don't mesh with the
6 Mississippi and Louisiana amendments, and so we're going to move
7 forward with all of them in parallel?
8

9 **CHAIRMAN BOSARGE:** Dr. Crabtree.

10
11 **DR. CRABTREE:** That's a very good point, because these two --
12 This motion and the one that we passed earlier on Louisiana
13 would be in conflict with Amendment 41. I am assuming, Kelly,
14 you are talking about including the charter boats in this, but,
15 if the charter boats become part of Amendment 41, then they
16 couldn't be part of this, and so there's a lot of messy stuff
17 that we're going to have to sort out with this at some point,
18 and it seems to me, if we make progress on Amendment 41, then we
19 would need to pull the charter boats out of this, or either they
20 just wouldn't get any fish through Amendment 41.
21

22 If this doesn't work out with the state management, I am not
23 sure where that would leave them, and so there's a lot of things
24 that we need to think about there, and that's not even
25 considering whether Florida and Texas and Alabama are going to
26 make motions before we leave today.
27

28 **CHAIRMAN BOSARGE:** Okay. I had Ms. Guyas next.

29
30 **MS. GUYAS:** I was just going to say one thing, and it's
31 applicable to the previous motion as well. I mean, we've got
32 this -- We've got 41 and 42 out there, and we've got this
33 private rec AP that we're trying to get together and get their
34 feedback. I mean, it seems like we're just throwing stuff out
35 there at this point. I mean, I kind of feel like we need to get
36 this private rec AP going, and let's hear what they have to say,
37 because this seems to go against whatever they are going to do.
38

39 Maybe they do want some kind of regional management, and, if
40 that's the case, then that's something, a road, the council can
41 go down, but all right. If this is what we're going to do, this
42 is what we're going to do, I guess, but we're just kind of going
43 in all kinds of directions right now.
44

45 **CHAIRMAN BOSARGE:** Mr. Banks.

46
47 **MR. BANKS:** I was just going to agree with Roy that there's a
48 lot of things that have to be worked out, but my concern, and I

1 certainly support Kelly's motion. I support each state being
2 able to do their own thing, but my concern is, if 41 were to not
3 make it, then we wouldn't have even started this process, and so
4 I don't believe our fear of 41 actually being successful should
5 hinder us here.

6
7 **CHAIRMAN BOSARGE:** Then Dr. Lucas. Excuse me. Mr. Diaz.

8
9 **MR. DIAZ:** I just want to say that I'm going to support the
10 motion, for the same reason I voted for the Louisiana motion,
11 but I think Mississippi is in a position to handle this, also.
12 The Tails and Scales is up and running. It's a quality data
13 collection program. I have no doubt in my mind that it can stay
14 within the parameters that are set out there.

15
16 Another reason I think this is worth exploring at this point is
17 the unique way that our borders meet. If there was a way to
18 work this out where we had similar programs, I think it would be
19 a lot less confusing on Louisiana and Mississippi residents.
20 Thank you, Madam Chair.

21
22 **CHAIRMAN BOSARGE:** Thank you, sir. Dr. Lucas, are you
23 envisioning a management program kind of similar to -- It sounds
24 like you are, but to what was discussed earlier, where there is
25 some monitoring and there's a target that we're shooting for and
26 the number of pounds and then when we close the season when we
27 get to that point? Is that what you're thinking, too?

28
29 **DR. LUCAS:** Yes, and certainly we've been operating that way,
30 with trying to make sure that we get Tails and Scales certified
31 and all of that, and we are really close to the finalization on
32 that. There are some tweaks with the consultants and making
33 sure we got the same analysis that the statisticians are coming
34 up with as well.

35
36 To Martha's point, yes, we have the private red group coming up
37 to speak, and, yes, they may come up with a better suggestion,
38 and so no amendment is final until it's final, and no action is
39 necessarily final, and so there are a lot of moving things going
40 on, but just having it out there, so that there is something
41 else to consider.

42
43 **CHAIRMAN BOSARGE:** All right. Any other discussion on the
44 motion? **All those in favor of the motion, please signify by**
45 **raising your hand.**

46
47 **EXECUTIVE DIRECTOR GREGORY:** Eleven yes.

48

1 **CHAIRMAN BOSARGE:** All those opposed, same sign.
2
3 **EXECUTIVE DIRECTOR GREGORY:** Four. It's eleven to four, and the
4 motion passes.
5
6 **CHAIRMAN BOSARGE:** Mr. Anson.
7
8 **MR. ANSON:** I would like to offer a motion. Staff, I think, has
9 it already.
10
11 **EXECUTIVE DIRECTOR GREGORY:** Can we just give red snapper to
12 Mexico?
13
14 **DR. STUNZ:** We already have, Doug.
15
16 **MR. ANSON:** While staff is getting it up there, and it's up
17 there now, it's good to hear the comments from other state
18 folks. Mr. Banks wanted other states to have some management
19 capability for the resource and, for his motion, I had mentioned
20 that I would have supported it, or I asked him to do a friendly
21 amendment to remove the second half. I have removed the second
22 half of Louisiana's motion, but, except for "Louisiana" and
23 "Alabama", it's the same.
24
25 That was the motion that I would have supported at the time, and
26 that's the motion that I offer right now, minus the state
27 change, and so we have already had a lot of discussion as to the
28 rationale for doing this and such, and so I'm not going to talk
29 much more, but that's my motion.
30
31 **CHAIRMAN BOSARGE:** Mr. Boyd.
32
33 **MR. BOYD:** Do you have a second?
34
35 **CHAIRMAN BOSARGE:** We do need a second, but let me read the
36 motion first. **To develop an amendment that would allow Alabama**
37 **to manage the harvest of its historical percentage of the Gulf-**
38 **wide recreational red snapper landings during the Calendar Years**
39 **of 2019, 2020, and 2021 out to 200 nautical miles.** Mr. Anson,
40 is that your motion?
41
42 **MR. ANSON:** It is.
43
44 **CHAIRMAN BOSARGE:** All right. Do I have a second for the
45 motion? It's seconded by Mr. Boyd. Any further discussion on
46 the motion? Dr. Dana.
47
48 **DR. DANA:** I guess I am going to direct my question to Kevin and

1 to Johnny. In Orange Beach, or in that area, there's a
2 significant number of charter/for-hire that are federally-
3 permitted. Given that they're worked so hard on 41, in your
4 opinion or experience, do you believe that the charter/for-hire
5 industry there is supportive of such a state management of the
6 entire recreational?

7
8 **MR. ANSON:** Well, I think so. It's going to be interesting to
9 see how these motions develop, or how the amendments develop, 41
10 and 42, or 41 develops, specifically. State leadership, in
11 regards to Marine Fisheries, has been very supportive of the
12 federal for-hire permitted vessels in Alabama. We have had
13 discussions with their leadership and membership with the local
14 charter boat association, to give them our thoughts on how we
15 could manage a quota that's assigned to the state.

16
17 I certainly feel like it's very equitable and fair. As regional
18 management developed and we got into the weeds and started
19 answering some of those questions and such, things were added to
20 the Amendment 39 document that gave some guarantees, and
21 certainly we were comfortable, to a degree, with those
22 guarantees and providing those guarantees, and so, with the
23 history and knowledge of how those discussions went, I am
24 assuming that a lot of these discussions would go down this path
25 as well, and we're certainly prepared to continue to have our
26 federally-permitted vessels at the table when it comes time to
27 apportioning a state quota.

28
29 **MR. GREENE:** I don't know. That's as honest as I can be with
30 you. I have no idea. I've got a feeling that it's going to be
31 all over the map. I mean, it's -- We kind of went through this
32 with 39, and we went back and forth and back and forth, and most
33 of you all were here, and some of you went through the 30B
34 discussion and remember how contentious that was. It's going to
35 be messy.

36
37 **CHAIRMAN BOSARGE:** Mr. Banks.

38
39 **MR. BANKS:** I just want to say, for the record, again that, in
40 Louisiana, it's pretty clear that our charter/for-hire wants to
41 be managed with us. I can say that pretty solidly.

42
43 **CHAIRMAN BOSARGE:** Mr. Boyd.

44
45 **MR. BOYD:** I am going to speak in favor of this motion. I voted
46 against the Louisiana motion for one reason, and that was
47 because it referenced Amendment 40, which did not have a state
48 allocation in it. It had a broad allocation, and so I voted

1 against that, but I would have supported it otherwise, and I
2 will support this motion. Thank you.

3

4 **CHAIRMAN BOSARGE:** Dr. Crabtree.

5

6 **DR. CRABTREE:** I guess, Mr. Boyd, are you or any of your
7 colleagues from Texas contemplating a motion for Texas, or are
8 we at the end of the motions? I am kind of curious.

9

10 **MR. BOYD:** Well, I am not, but I cannot speak for Lance or
11 Robin.

12

13 **DR. STUNZ:** The same here. I would prefer to let my state
14 representative speak on that behalf.

15

16 **CHAIRMAN BOSARGE:** Ms. Levy.

17

18 **MS. LEVY:** Just to point out that, even if you pass motions to
19 develop separate amendments are doing or looking at the same
20 thing, they're going to be interrelated, meaning you're not
21 going to be able to make an allocation decision in one that is
22 inconsistent with an allocation decision in the other one. They
23 are all going to have to jibe at some point, and so maybe, as
24 you go down this path, you will think about integrating them.

25

26 I just don't want to give the impression that, because we're
27 calling them separate amendments, that they're completely
28 separate. They are all dealing with the same thing,
29 essentially.

30

31 **CHAIRMAN BOSARGE:** Dr. Crabtree.

32

33 **DR. CRABTREE:** I agree, and I suspect, at the end of the day, if
34 we figure this out, one amendment will make more sense. I also
35 think the delegation route would be simpler and preferable, if
36 it's possible to do it. I don't know if it's possible for this
37 council to ever get a three-quarter vote majority on something,
38 which is what that would require, but recall in Amendment 39
39 that the conservation equivalency part of it got really sticky
40 and complicated.

41

42 We went down that path because we never thought we could get a
43 three-quarter majority vote on it, but it sure would be nice if
44 we could come to some kind of consensus on what to do with this.
45 That's just a random thought.

46

47 **CHAIRMAN BOSARGE:** Dr. Lucas.

48

1 **DR. LUCAS:** Certainly I think that could be one of the options
2 when you were developing the amendment, to have a true
3 delegation or to have a conservation equivalency.

4

5 **CHAIRMAN BOSARGE:** Mr. Anson.

6

7 **MR. ANSON:** Just to kind of fill in the blanks, so to speak,
8 since it's been brought up by Louisiana and Mississippi, is that
9 our Snapper Check Program is in the final throes of getting
10 certification, and we anticipate that to happen fairly shortly
11 as well, that it will be certified for red snapper.

12

13 **CHAIRMAN BOSARGE:** I am thinking, at least for the private
14 angler portion of this, you are thinking along the same lines as
15 Mississippi and Louisiana, where you have a certain number of
16 pounds that you're shooting for as your quota, and you will
17 monitor the landings and shut the season down when it's
18 appropriate.

19

20 **MR. ANSON:** Yes, for both for-hire and private, yes, because we
21 track both.

22

23 **CHAIRMAN BOSARGE:** All right. Any further discussion on the
24 motion on the board? Yes, sir, Lieutenant Commander.

25

26 **LCDR DANAHER:** Thank you, Madam Chair. I just want to get it on
27 record that the more the states try and -- Or would like to make
28 these regulations across the EEZ, the less the Coast Guard will
29 be able to do to assist in the enforcement. Depending on how
30 the amendment develops down the road, of course, there may be
31 the ability to have some kind of jurisdictional loop there, but
32 I don't -- We don't enforce state laws. We don't do fishery
33 boardings inside of nine nautical miles.

34

35 If you're going to start taking over the entire EEZ, that is up
36 to the state. I can't control you or stop you from doing that,
37 but you are removing me from the equation of assisting you in
38 enforcing the regulations.

39

40 **CHAIRMAN BOSARGE:** Okay. Any further discussion on the motion
41 on the board? All right. **All those in favor of the motion,**
42 **please signify by raising your hand.**

43

44 **EXECUTIVE DIRECTOR GREGORY:** Eleven yes.

45

46 **CHAIRMAN BOSARGE:** All those opposed, same sign.

47

48 **EXECUTIVE DIRECTOR GREGORY:** Five. The motion passes eleven to

1 five.

2

3 **CHAIRMAN BOSARGE:** Mr. Greene.

4

5 **MR. GREENE:** I never saw that one coming, but here is the deal.
6 We have a two-part quota system set up for the recreational
7 system. We have the private rec and a federal for-hire, and so
8 I am assuming that the federal for-hire allocation has already
9 been distributed and it's now going to be further broke down to
10 a state-by-state allocation and that those boats will reserve
11 those rights to fish within that state, and is that what I am
12 understanding from the three states that have provided this
13 forward?

14

15 **MR. BANKS:** I don't know that we know that quite yet. I think
16 that's part of us discussing these amendments.

17

18 **MR. GREENE:** Okay. I can't take an I don't know because I just
19 kind of gave an I don't know vote a second ago, in all fairness,
20 but I want to put it on the record that that was one of the
21 things. I mean, there are certain things that a federal for-
22 hire -- There are certain things that remaining in a federal-
23 type system will provide, a few more rights than perhaps another
24 will.

25

26 However, not knowing how the system is going to be designed, I
27 just want to put it on the record that there is a private
28 recreational sector, there is a federal for-hire sector, there
29 is an allocation that was established. If we're going to go
30 down this road, then I think we need to look at that state-by-
31 state allocation.

32

33 Now, whether we follow the allocation policy we have set forth
34 in our standard operating procedures or we follow our historical
35 past voting that was done through Amendment 40, as to try to
36 find some way to do this, then I think that that should be a
37 consideration of all of the amendments that govern anything
38 between subsector allocations of the recreational fishery.

39

40 **CHAIRMAN BOSARGE:** Yes, sir. Any further discussion? Okay.

41

42 **MR. BANKS:** Maybe this is a question to Mara or Roy, but let's
43 say that we did get this passed and we then had the ability to
44 manage whatever percentage that is in Louisiana. I would think
45 we would still have to then apportion it, as per Amendment 40,
46 amongst our recreational sector, and is that correct?

47

48 **DR. CRABTREE:** I would say that would all have to be decided.

1 You could just go in and pick some period of years and say,
2 okay, here is the percentage of the overall recreational catch,
3 charter and headboat and private, that each state had, and so
4 each state gets that many fish. Then you could say the state
5 can decide whether it's one quota or two quotas or what they're
6 going to do with it.

7
8 Now, we've all been down this path, and there will be a lot of
9 contention around that, but I don't know what we're going to
10 decide to do here, but we really ought to decide which path
11 we're going to go down before we expend lots of energy trying to
12 go down Amendment 41 and 42 and then we're not going to do it,
13 because we're going to do this, or we expend a lot of energy
14 going down this path and a lot of fighting over the for-hire
15 guys and then we pull them out of this entirely, because they're
16 going into Amendment 41 and 42.

17
18 At some point, we need to make some fundamental decisions, and,
19 realistically, and I think all of you all see it, if this is
20 where we're going, it would make far more sense to bring
21 Amendment 39 back up and do this with everybody, and it's much
22 less complicated, and you have far fewer enforcement issues if
23 everyone does it, but I mean we clearly don't have agreement
24 among all of the states to go down that path.

25
26 The other thing that I think, if we broaden these regions -- For
27 example, instead of doing these three amendments, if we did a
28 northern Gulf amendment, it would probably make a lot of the
29 issues less difficult to deal with, and so I would encourage you
30 guys to think about if that's possible, because that would
31 certainly be fewer enforcement problems and people going from
32 one jurisdiction to the other and crossing back than doing all
33 three separately, but, at any rate, those are all, I think,
34 things we're going to have to grapple with.

35
36 **CHAIRMAN BOSARGE:** Ms. Levy.

37
38 **MS. LEVY:** Just to the allocation decision between the private
39 rec and the federal for-hire, I think we had this discussion in
40 Amendment 39, that I don't know that the states could just get
41 an allocation and then decide how to divide it, because we have
42 the concerns of fair and equitable and National Standard 4 and
43 everything.

44
45 In Amendment 39, it was whether we were going to keep them
46 separate or put them together, but, if they were kept separate,
47 they were going to be kept separate at the allocations that had
48 been previously decided. That's not to say that, as a council,

1 that you couldn't reconsider those allocations, if there was a
2 basis to do it, but I think the allocation decision would
3 probably have to happen at the council level.

4
5 **CHAIRMAN BOSARGE:** Mr. Banks.

6
7 **MR. BANKS:** But isn't that split between charter and private rec
8 -- I mean, that's outlined in Amendment 40, correct? The way I
9 envision it, at least in Louisiana, was we would take that
10 historical percentage for recreational and then we would split
11 it up, as per that, but maybe we can't do it that way.

12
13 **MS. LEVY:** It's even -- I think it's 39, because 39 had an
14 alternative that was to keep them separate, but the states would
15 manage both of them. I believe that's correct, and Ava can
16 correct me, and so it had the percentages and how that worked
17 out, if you were going to go that way.

18
19 **CHAIRMAN BOSARGE:** Okay. We have passed three motions for three
20 states. Are we ready to get back into our committee report?
21 Okay. Chairman Greene, I will turn it back over to you.

22
23 **MR. GREENE:** I have been waiting to say this all day. Madam
24 Chair, this concludes my report.

25
26 **CHAIRMAN BOSARGE:** Okay. Mr. Sanchez, I am going to come to you
27 in just half a second, but I see Mr. Atran with his hand raised.
28 He probably has a technical point for us.

29
30 **MR. ATRAN:** It has to go back to when I was asking for guidance
31 on prioritization, and you indicated that you want to give the
32 status determination criteria and MSY proxy work the higher
33 priority. On the ABC control rule, right now, we have the
34 carryover of underharvested red snapper as part of that. Since
35 that may go at a slower pace now, do you want to pull that out
36 and do that as a separate amendment?

37
38 **CHAIRMAN BOSARGE:** Council, would you like to pull that out of
39 that amendment and do it as two separate amendments or leave it
40 in there? This is the carryover of unused harvest that is
41 currently in the -- That's in the second document, right?

42
43 **MR. ATRAN:** That is in what is right now an options paper for
44 revising the ABC control rule.

45
46 **CHAIRMAN BOSARGE:** Dr. Crabtree.

47
48 **DR. CRABTREE:** Here is the thing with carryover. If we get to

1 the end of this year and there is a million pounds left
2 uncaught, there is going to be a mad scramble to get carryover
3 done so that we can add it into the quotas next year.

4
5 Maybe that doesn't happen. Maybe we catch it all up this year,
6 but it has happened three of the last four years, and so I would
7 like to get the carryover done, so we can deal with it, as
8 quickly as we could. This carryover, Steve, is multispecies,
9 right? So we could end up with leftover amberjack or who knows
10 whatever at the end of the year.

11
12 **CHAIRMAN BOSARGE:** Okay. I saw a few shaking of heads yes
13 around the table while Dr. Crabtree was speaking, but is that
14 the consensus of the group, that you would like to see that
15 carryover in a separate document and addressed by itself? I saw
16 one thumbs-up and a couple of heads shaking yes, and so, Mr.
17 Atran, yes, please put that in its own document. Are you clear,
18 Mr. Atran? Are you good?

19
20 **MR. ATRAN:** Yes.

21
22 **CHAIRMAN BOSARGE:** All right. Then I'm going to go back over to
23 Mr. Sanchez now.

24
25 **MR. SANCHEZ:** Thank you. I wanted to make a motion regarding
26 something I heard in public testimony. It had to do with the
27 longliners, and so I will throw it out there and see if we can
28 have some discussion.

29
30 **It's to instruct staff, however they see fit, to develop a**
31 **document to allow longliners to carry any number of unrigged**
32 **hooks on their vessel during longlining, and we can wordsmith**
33 **that as you see fit, but that's the gist of it. If I can get a**
34 **second, I will explain.**

35
36 **CHAIRMAN BOSARGE:** It's seconded by Mr. Walker.

37
38 **MR. SANCHEZ:** Basically, we heard they are right now allowed to
39 deploy their 750 hooks, but they are only allowed to carry
40 1,000, and that presents a lot of problems, potential fines, and
41 the shark situation is bad. This would just give them the
42 ability to operate with some spare hooks, if you will, and
43 promote some efficiency and just -- I don't really see the sense
44 in hamstringing them with that little amount of hooks.

45
46 For instance, if a guy goes out, because one of his colleagues
47 is out fishing, and he needs hooks, because the sharks ate them
48 up, now he's taking him out hooks to pass along to the other

1 boat, and he gets stopped in transit and he has over the excess
2 of hooks, he might be looking at a healthy fine, and I just
3 don't see the need for this kind of stuff. I think it was an
4 oversight and that we can correct it.

5
6 **CHAIRMAN BOSARGE:** Yes, I do too. I think this is one of those
7 things where the regulation was really prescriptive, and, as the
8 environment changed and the ecosystem changed, now those poor
9 guys are looking at a \$10,000 fine because they can't keep
10 enough hooks onboard. If they bring their extra hooks as
11 backup, then they get this -- We know that commercial fines are
12 not a drop in the bucket. Mr. Anson.

13
14 **MR. ANSON:** Thank you, Madam Chair. I wonder if maybe Dr.
15 Crabtree or Sue can refresh my memory. When we were last
16 dealing with this issue, I think we were concentrating on the
17 rigged hooks and putting a hard number on those for interactions
18 with turtles, as I recall.

19
20 Somehow or another, those extra hooks were in play, for
21 enforcement purposes and for making sure that they didn't exceed
22 the number of gangions that were made, and so I am just
23 wondering if we -- We may have done a knee-jerk reaction by
24 setting the 250 above the 750 rigged hooks, but now, if we do an
25 unlimited number of hooks not rigged, does that just create some
26 concerns or problems?

27
28 **CHAIRMAN BOSARGE:** Dr. Crabtree.

29
30 **DR. CRABTREE:** I think when we did this that there were a bunch
31 of things we did, but we limited the number of hooks to help get
32 compliance and make it more difficult. Since then, we've had
33 relatively low turtle captures and things, but we're going to
34 have to go back and check with our Protected Resources folks.

35
36 There will need to be some sort of consultation under Section 7
37 that goes with this. It may just be an informal that it's not
38 likely to have any effect on it, but I will have to check with -
39 - We will have to look at it and see how it fits in within the
40 context of the biological opinion.

41
42 **CHAIRMAN BOSARGE:** Ms. Gerhart.

43
44 **MS. GERHART:** I just want to follow up a little bit with that.
45 The extra hooks were added in kind of at the last minute, at the
46 final action, because of public testimony. That was added on
47 there, but we do have analysis, or did have analysis, in that
48 amendment for up to 1,500 hooks, and so there is some analysis

1 already in existence.

2

3 **CHAIRMAN BOSARGE:** Mr. Walker.

4

5 **MR. WALKER:** I don't see -- I support the motion. I don't see a
6 problem with it. I mean, a lot of times, if you're longlining
7 and you lose your hook, you just have one that's snared up on a
8 line. Maybe it's not on a gangion, but you can add it to your
9 gear and tie it on and get back to work, but the sharks have
10 been horrendous, especially off of Mississippi, and other places
11 as well, but I think it would be good, and I don't think they're
12 going to be -- I still think it would be very enforceable for
13 the 750 hooks. It shouldn't be a problem.

14

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

16

17 **DR. CRABTREE:** I am going to support the motion too, and I don't
18 have a problem with this, and hopefully we'll figure out a way
19 that we can make this work and get this done quickly.

20

21 **CHAIRMAN BOSARGE:** Dr. Frazer.

22

23 **DR. FRAZER:** I am just wondering if we need to develop a whole
24 new document. The whole issue revolves around a specific
25 regulation and whether or not we can just propose a modification
26 of the language in that regulation and then pass it on to NMFS
27 for them to review.

28

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

30

31 **DR. CRABTREE:** Well, that's essentially what a framework is.
32 Now, we may be able to do an abbreviated framework, but there
33 still will be a document and the analysis that goes with it.

34

35 **CHAIRMAN BOSARGE:** Any further discussion? **Is there any**
36 **opposition to the motion? Seeing none, the motion carries.** Dr.
37 Dana.

38

39 **DR. DANA:** I would like to make a motion for Amendment 41 and 42
40 to be placed on the next council agenda for further discussion
41 and action, if I can get a second.

42

43 **CHAIRMAN BOSARGE:** You have a second from Mr. Greene. We have a
44 motion on the board to place Amendment 41 and Amendment 42 on
45 the next council meeting agenda for further discussion. Is that
46 your motion, Dr. Dana? Okay. It has been seconded. Is there
47 further discussion?

48

1 I certainly don't have any opposition to it. I kind of assumed
2 that they probably would be on the agenda, after we -- But
3 that's fine. We can definitely clarify it, but I assumed they
4 probably would be, after we added the multispecies and the
5 cyclical redistribution back in there. Is that going to be okay
6 with your timeframe? Okay. Because a lot of that work has
7 already been done, but we just need to transfer it into the
8 document and probably further it a little bit. Dr. Dana.

9
10 **DR. DANA:** I just wanted it to be clarified, because, in the
11 Reef Fish Report, there was no mention of Amendment 42, and so
12 I, like you, assumed that 41 would be discussed again at the
13 next meeting, but I did not want to assume that Amendment 42
14 would as well, and so thank you for the clarification.

15
16 **CHAIRMAN BOSARGE:** A motion is always good. That way, we make
17 sure that we're all on the same page. Mr. Sanchez.

18
19 **MR. SANCHEZ:** I agree. We've been spending a lot of time on 41,
20 and I don't want them to think that we've forgotten them.

21
22 **CHAIRMAN BOSARGE:** Any further discussion on the motion on the
23 board? **Is there any opposition to the motion? Seeing none, the**
24 **motion carries.** Mr. Greene has finished up his Reef Fish
25 Report. Is there anything else we want to talk about related to
26 Reef Fish? It's been an exciting ride so far. No? All right.

27
28 That takes us to our Liaison Reports. We will start with
29 Lieutenant Commander. Did you have anything to update us on,
30 sir?

31
32 **SUPPORTING AGENCIES UPDATE**
33 **U.S. COAST GUARD**

34
35 **LCDR DANAHER:** Yes, Madam Chair, if I could ask the staff to
36 bring up that single slide that I prepared. Thank you. This is
37 a Marine Affairs and Maritime Boundary Line Update for the 8th
38 Coast Guard District.

39
40 Since our last council meeting in New Orleans, the Coast Guard
41 has been extremely active on the maritime boundary line to
42 protect living marine resources in the U.S. EEZ. There have
43 been eight lancha interdictions, including one of the more
44 significant fisheries seizures, which is noted in the first
45 bullet on the slide.

46
47 Thankfully, many of the interdictions that we've had in the past
48 several months have occurred before the lancha crews could set

1 their gear, thereby preserving the red snapper population in
2 south Texas.

3
4 Additionally, we've been coordinating several exercises with the
5 Mexican navy, including one joint interdiction of a lancha. We
6 continue to nurture our partnership with the Mexican military,
7 but it is a slow process.

8
9 The second bullet highlights an interagency narcotics
10 interdiction, which continues to shape our concerns of lanchas
11 conducting more egregious illicit activity. Additionally, two
12 undocumented aliens were arrested by the Coast Guard and South
13 Padre Island Police after attempting to pilfer outboard engines
14 from the lancha seizure yard. The Coast Guard intends to
15 strengthen the integrity of the outer fence around the lancha
16 seizure yard to curtail further illicit activity.

17
18 Just, in conclusion, District 8 enforcement recently hosted a
19 successful patrol boat roundup in Mobile, Alabama. There were
20 six cutters in attendance from across the Gulf Coast, and events
21 of this nature help to foster teamwork and enable partner
22 agencies and disparate units to share their best practices on
23 tactics. We also saved the U.S. taxpayers over \$100,000 by
24 hosting the training in one location.

25
26 I don't have any significant domestic fishery cases to brief,
27 although a little bit of follow-up on a case that was briefed
28 several months ago. It involved recreational fishermen who were
29 illegally harvesting red snapper out of Freeport, Texas.
30 Because of that interdiction and joint effort with the Coast
31 Guard and Texas Parks and Wildlife, they have uncovered that
32 that vessel and the members that were on it, along with several
33 other vessels, were involved in an illegal red snapper
34 harvesting ring and supplying a particular restaurant owner with
35 about 28,000 pounds of red snapper that was illegally caught
36 from Texas or federal waters. Aside from that, Madam Chair,
37 that concludes my report, pending any questions.

38
39 **CHAIRMAN BOSARGE:** Thank you, sir. Very interesting. Any
40 questions? Mr. Boyd has a question.

41
42 **MR. BOYD:** I just have a question for the Lieutenant Commander.
43 I have heard, kind of through the grapevine, that the lanchas
44 sometimes bring humans in and drop them on the beach and then go
45 out and fish. Are you hearing that there is any human
46 trafficking going on with these?

47
48 **LCDR DANAHER:** There have been some other cases with either

1 narcotics or human trafficking, but we have never caught a
2 lancha that was only fishing or -- I'm sorry. Usually, when we
3 interdict the lanchas, they are only fishing. They are not
4 involved, or they don't have any evidence of being involved, in
5 other illicit activity while simultaneously illegally harvesting
6 red snapper.

7
8 **CHAIRMAN BOSARGE:** Thank you, sir. All right. Mr. Conklin, do
9 you want to give us any updates from the South Atlantic?

10

11

SOUTH ATLANTIC COUNCIL LIAISON

12

13 **MR. CONKLIN:** Sure. If you guys pass that hook limit on the
14 longliners, you wouldn't have to have hook-sniffing dogs trained
15 up, and so, anyway -- The South Atlantic Council met on March 6
16 through 10 in Jekyll Island, Georgia.

17

18 We had a very busy agenda that week. We went over three
19 exempted fishing permits. One was for a lionfish harvest
20 program and one was a pelagic longline EFP to allow fishing in
21 an area off of the east coast of Florida that has been untouched
22 for quite some time, and so our council sent a letter over to
23 HMS with several recommendations. Then there was more EFP that
24 was withdrawn at the last minute concerning a two-year pilot
25 program for allocation-based management.

26

27 We are still looking at for-hire limited entry. We have had a
28 white paper developed. We have taken action, and we're going to
29 discuss that in June. You guys already know about the Gulf for-
30 hire reporting. You have read our letter, and we know what
31 you're going to do.

32

33 Red snapper, we're looking at Amendment 43. We are looking to
34 try and turn our discards into landings somehow. We're really
35 getting creative and thinking outside of the box. I am not so
36 sure how that's going to go, but I can foresee recreational
37 fishing seasons and stuff like that. There is also options on
38 the table, or there were in that amendment, for large-area
39 closures for hotspots where red snapper are. We did remove
40 those items out of the amendment.

41

42 Spiny lobster, we went over that at this meeting. We have a
43 recreational visioning amendment. As you guys know, we just
44 went through a visioning process over two-and-a-half years and
45 countless numbers of port meetings, where you meet with
46 stakeholders. Out of that, we are trying to get a recreational
47 and a commercial amendment out of each one, to patch up and meet
48 stakeholder needs on a little bit more direct and quick basis.

1
2 Yellowtail snapper, we are going to suspend work on that. We
3 took a big hit on our golden tilefish stock assessment. Our
4 longliners are not happy, and so we are coming up with -- We
5 have requested a new ABC recommendation.

6
7 Our cobia stock will remain closed from Georgia through New York
8 for the rest of the year, and then we met about our Citizen
9 Science Committee, and I already told you all about that, and so
10 that concludes my report.

11
12 **CHAIRMAN BOSARGE:** Thank you, sir. This is probably a good time
13 to mention that there is a liaison from the Gulf Council that
14 attends each of the South Atlantic Council meetings, and I am
15 trying to attend like maybe every other one of those, so that we
16 can leave some of those meetings open for other council members
17 around the table that might like to go and sit at the South
18 Atlantic meeting.

19
20 A lot of the things that we do are very similar, but the way
21 it's approached is very different. They have some great ideas,
22 and I usually try and bring at least one or two of their ideas
23 back every time I go to one of their meetings. Mr. Diaz has
24 attended one, and he has brought a few things back to discuss
25 around this table, and so it's pretty interesting.

26
27 It's always neat to see how other people approach a similar
28 problem, and so, if anybody is ever interested in attending one
29 of those meetings, just shoot me an email, and we will see what
30 we can schedule and work out. Yes, sir, Mr. Conklin.

31
32 **MR. CONKLIN:** I just wanted to thank you all for your
33 hospitality and having me at this meeting. It's been quite a
34 time, and I have enjoyed all the different personalities, and so
35 thank you very much.

36
37 **CHAIRMAN BOSARGE:** Thank you, sir. All right. Let's see. Mr.
38 Donaldson, do you have anything for us?

39
40 **GULF STATES MARINE FISHERIES COMMISSION**

41
42 **MR. DONALDSON:** Just briefly. At the last meeting, I mentioned
43 that, at our commission meeting, which happened last month, we
44 had a general session regarding recreational fishing issues. I
45 believe it was a successful meeting. We had six presentations
46 with folks from NOAA Fisheries, MRIP as well as the industry.

47
48 From that, there was some direction from the commission that we

1 stay involved in this issue and provide a forum to further
2 discuss recreational fishing issues and try to come to some
3 resolution. I do want to clarify, when we were talking about
4 regional management a couple of days ago or yesterday, earlier
5 in the week, it may have been interpreted that we were having a
6 meeting to talk specifically about regional management, and
7 that's not actually the case.

8
9 Our state directors are getting together in May, and we will be
10 talking about, continuing talking about, recreational fishing
11 issues and trying to look at alternatives for moving the needle
12 on that, and so I apologize if people thought that we were
13 talking specifically about regional management.

14
15 Based on the motions that we had earlier today, we may need to
16 get together a little sooner than May, but, with that, that's
17 all I've got, and I appreciate the opportunity to talk to you
18 all, and I will answer any questions.

19
20 **CHAIRMAN BOSARGE:** Thank you, sir, and keep us posted on how
21 those discussions go. I have high hopes. Let's see. I believe
22 we do have one item of Other Business. Mr. Anson.

23 24 **OTHER BUSINESS**

25 **DISCUSSION OF PENDING MEETING WITH STATE OFFICIALS**

26
27 **MR. ANSON:** Thank you, Madam Chair. When I brought this item up
28 at the start of Full Council yesterday, I had some information,
29 but not the complete information. I had talked with Luiz
30 Barbieri in between meetings earlier in the week, and he had
31 approached me for, I guess, a commitment that Alabama would
32 attend a meeting that Dr. Barbieri was trying to organize
33 amongst other Gulf states relative to NFWF and the federal
34 agency folks, the Science Center folks, to talk about strategy
35 going forward of developing a plan that would address fisheries
36 needs in the Gulf of Mexico.

37
38 At the time, I thought it was through NFWF, or NFWF would be
39 responsible for funding that, any plan or anything that was
40 developed that would address those identified items, but,
41 subsequent to that conversation, I had spoken to someone else,
42 and their impression was that they were involved with -- Kind of
43 this meeting process was that it was RESTORE Act monies coming
44 through NOAA Fisheries.

45
46 I am wondering if either Dr. Crabtree or Dr. Porch is -- Are you
47 aware of -- I mean, I was glancing over during our discussions
48 at council about this meeting and such, and it looked like you

1 were kind of aware that this meeting was going forward, and is
2 that your understanding, is that it's RESTORE monies that are
3 going to NOAA Fisheries or NOAA's pot of RESTORE monies or is
4 this actually a NFWF pot of money? They are indicating that
5 they don't know anything about -- Dr. Crabtree.

6
7 **DR. CRABTREE:** If you want to send me an email laying out the
8 question, I can pass it onwards and try and find out, but I
9 don't know.

10
11 **MR. ANSON:** All right, and it's more of -- It's not a real big
12 deal, because, at the end of the day, I think we all would want
13 to have an opportunity to get more information and more data,
14 and certainly to have everyone at the table that's involved with
15 the data collection and data analysis type aspects of data
16 collection -- That we would probably go forward anyways, and, at
17 the time I made the request for this agenda item, I was just
18 looking to see if, either at the table here today or certainly
19 for the next meeting, if we have some time set aside, so that we
20 can identify maybe some priority species that the council would
21 be interested in if another round of meetings were to be held,
22 relative to additional funds or additional priorities that could
23 be identified with those funds, so that we can kind of have --
24 The council can have their ideas in the hat, so to speak, and
25 make sure that their needs and priorities were addressed.

26
27 Again, I don't think that it needs to have any final, concrete
28 ideas right now, but certainly, if we are going to talk about it
29 in June, just to make sure that we had time to talk about it in
30 June.

31
32 **CHAIRMAN BOSARGE:** Yes, most definitely, because we had several
33 items thrown out at this meeting that we identified as research
34 priorities to improve some of our stock assessments, and so, I'm
35 assuming you're going to go to that meeting, and hopefully you
36 will bring us back some information from that meeting, and
37 hopefully that's not the last meeting, but, yes, we will
38 definitely try and put something on the agenda.

39
40 Maybe you can email me after that meeting and give me and
41 update, and we will see exactly how we need to approach
42 everything, but I think that sounds good. The other thing that
43 I wanted to mention -- Go ahead, Mr. Walker.

44 45 **DISCUSSION OF REFERENDUM**

46
47 **MR. WALKER:** Just one more item, after you finish this. I have
48 some folks from the industry that kind of asked me if the staff

1 has begun to work on how the referendum might work for 41 and
2 42, and, if not, when might be a good time to start looking at
3 that, for 41 and 42?
4

5 **CHAIRMAN BOSARGE:** Where did we leave that last?
6

7 **DR. CRABTREE:** Recall that we went through the voting procedures
8 for 42, and we even had chosen a preferred alternative. That
9 was the meeting when we got a lot of concerns expressed by the
10 charter boat operators on the sequence of implementation, and we
11 decided to hold back.
12

13 42 is probably complete enough that we could have done it, but,
14 for 41, we don't even have a fleshed-out amendment yet, and so
15 that's not -- That's a long way from being ready to go to a
16 referendum, but, if we're still in the line of thought that
17 we're going to implement them together, then we have a ways to
18 go.
19

20 **CHAIRMAN BOSARGE:** Okay, and so we don't need to look at any
21 referendum items at our next meeting is what you're saying.
22

23 **DR. CRABTREE:** Not unless you're wanting to move 42 ahead before
24 41 goes.
25

26 **MR. WALKER:** I think they had agreed on moving them forward at
27 the same time, but I just wasn't sure how far along we were
28 maybe on 41.
29

30 **DR. CRABTREE:** If we're moving them together, which I think is
31 what we decided, then we still have more work to do on 41.
32

33 **DISCUSSION OF PRIVATE ANGLER RED SNAPPER AD HOC AP MEETING**

34
35 **CHAIRMAN BOSARGE:** All right. I had one thing that I was going
36 to mention, and I meant to mention it earlier, when we were
37 talking about the Private Angler Red Snapper Ad Hoc Meeting that
38 is coming up, the ad hoc AP that is coming up in May.
39

40 The way we've traditionally handled those meetings is that the
41 chairman of that committee will be the one that is the liaison
42 for that meeting, and so that means that Mr. Greene is the
43 official liaison for that meeting. That meeting is being held
44 in the northern Gulf, in New Orleans, to make travel a little
45 easier.
46

47 I would assume there will probably be a lot of interest around
48 the table for attending that meeting. At this point, we

1 anticipate having budget cuts. I don't think we've mentioned it
2 yet, but we may not even have an SSC meeting in July, to try and
3 save some money, unless something really important comes up that
4 we have to have them meet. I mean, that's where we're at. We
5 are trying our best to tighten our belt.

6
7 I encourage everyone to come, but, if we were to start paying
8 peoples' way to come, not only is that travel, but that is per
9 diem. That's a salary every day that that individual is there,
10 and so that gets very expensive very quickly. I hope people
11 will come, but that is the protocol for now. If something
12 happens with Chairman Greene's schedule and for some reason he
13 cannot attend, I will have to decide at that point where to go
14 from there. Mr. Anson.

15
16 **MR. ANSON:** I am trying to remember. You normally do a webinar.
17 I know you can't talk or call in, but you will have the webinar,
18 so people can listen to it, at least, while it's going on,
19 correct?

20
21 **EXECUTIVE DIRECTOR GREGORY:** Correct. Yes, it will be streamed
22 over the webinar.

23
24 **CHAIRMAN BOSARGE:** Any council member can come. That's not a
25 problem, if they don't want to listen, but it's just paid to
26 come, being essentially on the ticket to come, and I know that's
27 probably going to hurt some peoples' feelings around this table,
28 but we just -- Funds are getting tight, and we've got to make
29 sure that we don't end up in the red. Any feedback? Mr. Boyd.

30
31 **MR. BOYD:** I would like to speak a minute to who will be the
32 liaison to the meeting. I don't know that we have a precedent
33 that the chairman of the committee is the head of a particular
34 AP or is the representative. Lots of times, we have the
35 representative from a particular state that will go to an AP
36 meeting.

37
38 This particular AP was conceived very contentiously. This
39 particular AP has been on the books and in the works for a long
40 time. Nothing against Mr. Greene, but I think to have a
41 charter/for-hire person heading up this particular AP meeting
42 would send the wrong message to the private boat recreational
43 community, and we have Mr. Matens, who lives within an hour or
44 two of New Orleans.

45
46 He is a private boat recreational representative for the
47 council, and so I would recommend to you that we need to use
48 what we have in the state and not complicate this whole process

1 with someone other than a private boat recreational person.

2
3 **CHAIRMAN BOSARGE:** Mr. Sanchez.

4
5 **MR. SANCHEZ:** I don't really much mind whoever goes, but, Doug,
6 you were at the same joint for-hire AP, the headboat AP, and I
7 don't think that caused anybody any heartburn whatsoever, and so
8 I don't know what the concern is, really.

9
10 **MR. BOYD:** To that point, I was not there as the council
11 representative. I was there like you were as an attendee.

12
13 **CHAIRMAN BOSARGE:** I will take it under consideration, Mr. Boyd.
14 You make some decent points. There has been a precedent that
15 the chairman though of that AP is typically the first person
16 that is chosen to be the representative, but I will take it
17 under consideration. Thank you, sir.

18
19 **MR. BOYD:** Ma'am, I would like you to take it strongly under
20 consideration. I believe anything else would send the wrong
21 message.

22
23 **CHAIRMAN BOSARGE:** So noted, sir. Yes, sir, Mr. Swindell.

24
25 **MR. SWINDELL:** I think you're being very misguided, let's say.
26 I can't believe that you're going to send a -- That the people
27 that we have chosen to be on this committee are going to be so
28 shallow in their thoughts to think that just because he is a
29 charter boat fisherman that it makes a bit of difference to
30 them.

31
32 We are all on this council to serve the whole group of people,
33 including this advisory panel, and, if they're going to be so
34 shallow in their thoughts that they don't like a charter boat
35 person, or a commercial person even, being as the chairman or
36 representing the council, who we get there and we don't hardly
37 say anything at that point. We are not telling them what to do
38 and what to think. The staff is doing all of the work, and I
39 think that's a very shallow thought, and I don't agree.

40
41 **CHAIRMAN BOSARGE:** Just to kind of bring this conversation to a
42 close, Mr. Matens, that is not a reflection on you at all. The
43 fact that Mr. Greene is the chairman is what I was getting at,
44 and I think you would make an absolutely amazing representative,
45 and I will take it under consideration, and I will let you all
46 know how we land on it, okay?

47
48 All right. Thank you, guys. I think we've done some pretty

1 interesting things at this meeting, and let's leave it on a
2 happy note. You can go get you some real lunch now.

3

4 (Whereupon, the meeting adjourned on April 6, 2017.)

5

6

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