

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

270TH MEETING

FULL COUNCIL SESSION

Omni Hotel Corpus Christi, Texas

AUGUST 22-23, 2018

VOTING MEMBERS

- Kevin Anson (designee for Scott Bannon).....Alabama
- Patrick Banks.....Louisiana
- Susan Boggs.....Alabama
- Leann Bosarge.....Mississippi
- Doug Boyd.....Texas
- Dale Diaz.....Mississippi
- Jonathan Dugas.....Louisiana
- Phil Dyskow.....Florida
- Tom Frazer.....Florida
- Martha Guyas (designee for Jessica McCawley).....Florida
- Paul Mickle (designee for Joe Spraggins).....Mississippi
- Robin Riechers.....Texas
- John Sanchez.....Florida
- Bob Shipp (via webinar).....Alabama
- Andy Strelcheck (designee for Roy Crabtree).....NMFS
- Greg Stunz.....Texas
- Ed Swindell (via webinar).....Louisiana

NON-VOTING MEMBERS

- Dave Donaldson.....GSMFC
- Lt Mark Zanowicz.....USCG

STAFF

- Steven Atran.....Acting Deputy Director
- Zeenatul Basher.....Coral and Habitat Biologist
- Assane Diagne.....Economist
- Matt Freeman.....Economist
- John Froeschke.....Fishery Biologist-Statistician
- Morgan Kilgour.....Fishery Biologist
- Ava Lasseter.....Anthropologist
- Mara Levy.....NOAA General Counsel
- Jessica Matos.....Administrative Assistant
- Emily Muehlstein.....Public Information Officer
- Ryan Rindone.....Fishery Biologist & SEDAR Liaison
- Bernadine Roy.....Office Manager
- Carrie Simmons.....Executive Director

1 **OTHER PARTICIPANTS**

2 Charlie Alegria.....Corpus Christi, TX
3 Pam Anderson.....Panama City Beach, FL
4 Billy Archer.....Panama City, FL
5 Greg Ball.....Galveston, TX
6 Anna Beckwith.....SAFMC
7 John Blaha.....CCA, TX
8 Shane Bonnot.....CCA, TX
9 William Bradley.....
10 Eric Brazer.....Shareholders Association
11 Karyl Brewster-Geisz.....NOAA HMS, Silver Spring, MD
12 Gary Bryant.....Gulf Shores, AL
13 Rick Burris.....MDMR, Biloxi, MS
14 Shane Cantrell.....Galveston, TX
15 Servando Cantu.....TX
16 Lt. Les Casterline.....TPWD, TX
17 Bubba Cochrane.....Galveston, TX
18 Conner Cochrane.....Galveston, TX
19 Mike Colby.....Clearwater, FL
20 Traci Floyd.....MDMR, Biloxi, MS
21 Troy Frady.....AL
22 Tyson Gaenzel.....San Antonio, TX
23 B.J. Gallaway.....TX
24 Susan Gerhart.....NMFS
25 Dan Green.....Galveston, TX
26 Jim Green.....Destin, FL
27 Bobby Grumbles.....Port Aransas, TX
28 Buddy Guindon.....TX
29 Ken Haddad.....ASA, FL
30 Evan Harrington.....TX
31 Jake Herring.....TX
32 Scott Hickman.....Galveston, TX
33 Dylan Hubbard.....FL
34 Clifford Hutt.....NMFS, Silver Spring, MD
35 Mike Jennings.....Freeport, TX
36 Cliff Johnstone.....TX
37 Bud Kittle.....TX
38 Lawrence Marino.....LA
39 Ron Moser.....
40 John McCain.....TX
41 Bart Niquet.....Lynn Haven, FL
42 Chris Niquet.....Panama City, FL
43 Mike Nugent.....Aransas Pass, TX
44 Clay Porch.....SEFSC
45 Johnny Rab.....Freeport, TX
46 Matt Robertson.....NOAA OLE
47 Ashford Rosenberg.....Shareholders Association
48 Andrew Ropicki.....Texas Sea Grant, TX

1 Chris Schieble.....LA
2 Lisa Schmidt.....Madeira Beach, FL
3 Ed Schroeder.....Galveston Party Boats, TX
4 Clarence Seymour.....Biloxi, MS
5 Daniel Willard.....EDF, Austin, TX
6 Johnny Williams.....Galveston, TX
7 Nick Spilrotis.....
8 Lauren Sponsler.....Rockport, TX
9 Jen Thomasson.....Rockport, TX
10 Steve Tomeny.....Port Fourchon, LA
11 Abby Webster.....Freeport, TX
12 Troy Williamson.....Corpus Christi, TX

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3 [PAGE 10](#): The motion to replace the language in Section 3, page
4 11, of the SOPPs that reads: "Council members must be physically
5 present at council meetings in order to present a motion or
6 vote." Replace it with: "In the event that a council member is
7 not present at a council meeting, their level of participation,
8 in relation to making motions and voting, will be at the
9 discretion of the Chair and Vice Chair." [The motion failed on](#)
10 [page 19](#).

11
12 [PAGE 87](#): Motion to approve the Abbreviated Framework Action:
13 Clarification of Fishing in HAPCs and that it be forwarded to
14 the Secretary of Commerce for review and implementation, and
15 deem the codified text as necessary and appropriate, giving
16 staff editorial license to make the necessary changes in the
17 document. The Council Chair is given the authority to deem any
18 changes to the codified text as necessary and appropriate. [The](#)
19 [motion carried on page 89](#).

20
21 [PAGE 90](#): Motion to approve the Spiny Lobster Amendment 13 and
22 that it be forwarded to the Secretary of Commerce for review and
23 implementation, and deem the codified text as necessary and
24 appropriate, giving staff editorial license to make the
25 necessary changes in the document. The Council Chair is given
26 the authority to deem any changes to the codified text as
27 necessary and appropriate. [The motion carried on page 92](#).

28
29 [PAGE 93](#): Motion to add the alternatives related to passenger
30 capacity as discussed by the committee. [The motion carried on](#)
31 [page 94](#).

32
33 [PAGE 96](#): Motion to develop a plan amendment to look at reducing
34 the effort threshold in the area monitored for juvenile red
35 snapper bycatch to 60 percent. [The motion carried on page 98](#).

36
37 [PAGE 103](#): Motion in Action 1 to make Alternative 3 the
38 preferred alternative. [The motion carried on page 104](#).

39
40 [PAGE 104](#): Motion in Action 2 to make Alternative 2 the
41 preferred alternative. [The motion carried on page 104](#).

42
43 [PAGE 105](#): Motion that the council approve the Reef Fish
44 Framework Action: Modification of Gulf of Mexico Red Snapper and
45 West Florida Hogfish Annual Catch Limits and that it be
46 forwarded to the Secretary of Commerce for review and
47 implementation, and deem the codified text as necessary and
48 appropriate, giving staff editorial license to make the

1 necessary changes in the document. The Council Chair is given
2 the authority to deem any changes to the codified text as
3 necessary and appropriate. [The motion carried on page 107.](#)

4
5 [PAGE 107](#): Motion in Action 1.1, Alternatives 2 through 5,
6 remove the Option b from all alternatives. [The motion carried](#)
7 [on page 107.](#)

8
9 [PAGE 107](#): Motion in Action 1.1 to amend Alternative 3 to say:
10 Alternative 3 is, in order to obtain (transfer into an account),
11 or maintain shares (hold existing shares in an account), all
12 shareholders who entered the IFQ programs after January 1, 2015,
13 must possess one of the following. [The motion carried on page](#)
14 [108.](#)

15
16 [PAGE 108](#): Motion in Action 1.2 to remove Option 2a. [The motion](#)
17 [carried on page 108.](#)

18
19 [PAGE 108](#): Motion in Action 1.2 to remove Option 2b from
20 Alternative 2 and Option 3a from Alternative 3. [The motion](#)
21 [carried on page 108.](#)

22
23 [PAGE 110](#): Motion that the council approve the Reef Fish
24 Framework Action: Modification to the Recreational Red Snapper
25 Annual Catch Target Buffers and that it be forwarded to the
26 Secretary of Commerce for review and implementation, and deem
27 the codified text as necessary and appropriate, giving staff
28 editorial license to make the necessary changes in the document.
29 The Council Chair is given the authority to deem any changes to
30 the codified text as necessary and appropriate. [The motion](#)
31 [carried on page 111.](#)

32
33 [PAGE 114](#): Motion to leave charter/for-hire vessels under
34 federal management and select in Action 1, Alternative 2 as
35 preferred. [The motion carried on page 115.](#)

36
37 [PAGE 115](#): Motion to instruct staff to begin an amendment for
38 state management for the federal for-hire industry. [The motion](#)
39 [failed on page 126.](#)

40
41 [PAGE 127](#): Motion to add alternatives, if necessary, in
42 Amendment 50A that set up an endorsement system or other ways
43 for identifying federal vessels in the federal for-hire
44 component to be included in the state management plan. [The](#)
45 [motion carried on page 136.](#)

46
47 [PAGE 144](#): Recommendation to accept the recommended locations
48 for public hearings for Amendment 50A and the individual state

1 plans: Mobile, Alabama; Destin, Florida; Fort Myers, Florida;
2 Panama City, Florida; Tampa/St. Petersburg, Florida; Baton
3 Rouge, Louisiana; Biloxi area, Mississippi; Brownsville, Texas;
4 Corpus Christi, Texas; League City, Texas.

5

6 PAGE 150: Motion in Action 1 to select Alternative 2 as the
7 preferred alternative. The motion carried on page 151.

8

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10

1 The Full Council of the Gulf of Mexico Fishery Management
2 Council convened at the Omni Hotel, Corpus Christi, Texas,
3 Wednesday morning, August 22, 2018, and was called to order by
4 Chairman Leann Bosarge.

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

7
8 **CHAIRMAN LEANN BOSARGE:** I am going to read my Chairman's
9 opening statement, for the last time. Welcome to the 270th
10 meeting of the Gulf Council. My name is Leann Bosarge, Chair of
11 the Council. If you have a cell phone, pager, or similar
12 device, we ask that you keep them on silent or vibrating mode
13 during the meeting. Also, in order for all to be able to hear
14 the proceedings, we ask that you please have any private
15 conversations outside the meeting room.

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

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

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

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

45
46 **MS. MARTHA GUYAS:** Martha Guyas, Florida.

47
48 **DR. TOM FRAZER:** Tom Frazer, Florida.

1
2 **MR. JOHN SANCHEZ:** John Sanchez, Florida.
3
4 **MR. PHIL DYSKOW:** Phil Dyskow, Florida.
5
6 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine
7 Fisheries Commission.
8
9 **MR. KEVIN ANSON:** Kevin Anson, Alabama.
10
11 **MS. SUSAN BOGGS:** Susan Boggs, Alabama.
12
13 **MR. PATRICK BANKS:** Patrick Banks, Louisiana.
14
15 **MR. JONATHAN DUGAS:** Jonathan Dugas, Louisiana.
16
17 **MS. ANNA BECKWITH:** Anna Beckwith, South Atlantic Council.
18
19 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.
20
21 **MS. SUSAN GERHART:** Susan Gerhart, NOAA Fisheries.
22
23 **MR. ANDY STRELCHECK:** Andy Strelcheck, NOAA Fisheries.
24
25 **DR. CLAY PORCH:** Clay Porch, NOAA Fisheries.
26
27 **MR. DOUG BOYD:** Doug Boyd, Texas.
28
29 **MR. ROBIN RIECHERS:** Robin Riechers, Texas.
30
31 **DR. GREG STUNZ:** Greg Stunz, Texas.
32
33 **DR. PAUL MICKLE:** Paul Mickle, Mississippi.
34
35 **MR. DALE DIAZ:** Dale Diaz, Mississippi.
36
37 **LT. MARK ZANOWICZ:** Lieutenant Mark Zanowicz, U.S. Coast Guard.
38
39 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Carrie Simmons, Gulf Council
40 staff.
41
42 **CHAIRMAN BOSARGE:** Just for the record, we have Mr. Ed Swindell
43 and Dr. Bob Shipp that have been participating at various times
44 throughout the meeting via webinar. Now we're going to move on
45 to our induction of our council members, and so if I could get
46 Ms. Susan Boggs, Mr. Jonathan Dugas, Mr. John Sanchez, Mr. Dale
47 Diaz, and Mr. Ed Swindell, and those are our new or reappointed
48 council members, if you would come to the front, and if I can

1 get Dr. Strelcheck to meet us there, we will induct you to the
2 council formally.

3
4 **INDUCTION OF NEW COUNCIL MEMBERS**

5
6 (Whereupon, new and reappointed council members are inducted.)

7
8 **CHAIRMAN BOSARGE:** Next, council, if we'll look through our
9 agenda, it can be found under Tab A, Numbers 3 and 4. Were
10 there any changes, modifications, or additions to the agenda as
11 it's presented? Mr. Diaz.

12
13 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**

14
15 **MR. DIAZ:** I would like to add an item under Other Business, and
16 I would ask that we take up that other business as soon as
17 possible, and the item would be to look at participation by
18 council members that are absent and how that's handled. Thank
19 you.

20
21 **CHAIRMAN BOSARGE:** Thank you, sir. So noted. Lieutenant
22 Zanowicz.

23
24 **LT. ZANOWICZ:** Thank you, Madam Chair. I just wanted to move
25 the U.S. Coast Guard Presentation, if possible, to follow the
26 Texas Parks and Wildlife Presentation later this morning. We'll
27 both be talking about the illegal fishing threat on the
28 southwest border, and so matching them up makes sense.

29
30 **CHAIRMAN BOSARGE:** I agree that I think that makes perfect
31 sense. So noted. With those two amendments, can I get a motion
32 to approve the agenda as amended?

33
34 **MS. GUYAS:** So moved.

35
36 **CHAIRMAN BOSARGE:** So moved by Ms. Guyas. Seconded by Dr.
37 Mickle. Any discussion? Any opposition to the motion? Seeing
38 none, the motion carries. Our minutes from our last meeting are
39 in your briefing book under Tab A, Number 4. Were there any
40 changes that needed to be made to the minutes? Mara, don't tell
41 me that you were Maria again.

42
43 **MS. LEVY:** No, and this is just a minor correction. Page 131,
44 line 15, there is a reference to the Magnuson Act that is 303A,
45 and it should be 303(a).

46
47 **CHAIRMAN BOSARGE:** All right. So noted. Any other changes?
48 Seeing none, the minutes are adopted as amended. All right.

1 That is going to bring us to our presentations, and our first
2 presentation today is going to be from HMS, and we're going to
3 have a presentation on HMS Amendment 11, which is relative to
4 shortfin mako sharks.

5
6 Actually, you know what? See, this is where I'm missing my Vice
7 Chair. They always keep me straight on the things that aren't
8 on the agenda that I am supposed to go through, and so, if you
9 wouldn't mind for just a second, we have one more thing that we
10 want to take care of before we delve into the presentation. Dr.
11 Simmons, I am going to turn it over to you for a moment.

12
13 **RECOGNITION OF MR. ATRAN'S SERVICE TO THE COUNCIL**

14
15 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. Thank you
16 for allowing me a few minutes here to recognize one of our
17 wonderful staff members, and that is Mr. Steven Atran. He is
18 our Senior Fishery Biologist, and he is currently our Acting
19 Deputy Director.

20
21 Although Mr. Steven Atran has not given me an official
22 retirement date, he expects this to be his last council meeting,
23 and we're hoping to keep him around for a little work, a couple
24 of hours a week, in the coming months, after we receive that
25 notice, but I wanted to just tell you a little bit about Steven.
26 Many of you know him well, but just a few notes on him.

27
28 He has worked for the council for twenty-seven years, and I have
29 estimated that he has probably attended over 150 council
30 meetings, because we used to have six council meetings a year.
31 I think he has trained, or at least tutored at some point, or in
32 some form or another, every single technical staff member we
33 have, even past staff members, and so he has really done his
34 part with that.

35
36 Steven has a bachelor's degree from the University of Washington
37 and a master's degree from the Virginia Institute of Marine
38 Science, VIMS. His thesis was on fluctuations in the
39 catchability coefficient of Atlantic menhaden, and you may know
40 this or not, but, in his personal life, he has a love for
41 animals. He has adopted a cat from my family, and he has also
42 adopted other cats that needed homes, and he has provided
43 wonderful homes for them.

44
45 At the council office, Steven has served as the lead coordinator
46 of SSC meetings, which, as you know, takes a lot of
47 coordination, and he has also coordinated the Reef Fish
48 Committee agendas for as long as I have been around, which is

1 over ten years now, and that also takes a lot of patience and
2 coordination.

3
4 He has worked on every single reef fish species in our FMP and
5 some that are no longer in our FMPs in some form or fashion. He
6 has served as lead staff on the LETC/LEAP, and he served as the
7 lead staff on ecosystem for several years, sustainable
8 fisheries, and he has assisted the council and staff with the
9 various reauthorizations of the Magnuson-Stevens Act, the
10 changes to the National Standard Guidelines, and he has taken
11 that through the SSC process as well as HMS issues.

12
13 Mr. Atran has always put the council's and the organization's
14 needs first, thinking about what is best for the resources in
15 the Gulf of Mexico, and he is our historical institution at the
16 Gulf Council, and he is a true role model for all of our staff.
17 As he spends less time with us, and this is his last council
18 meeting, he will truly be missed.

19
20 **CHAIRMAN BOSARGE:** Mr. Steven Atran, if you will come forward,
21 we have a small token of our appreciation for you, sir.
22 *(Applause)*

23
24 With that, if I remember correctly, Dale, you did ask that your
25 other business be brought up at the beginning of the agenda, if
26 possible, and I think we have just a second, if you would like
27 to elaborate, sir.

28
29 **OTHER BUSINESS**

30 **DISCUSSION OF ABSENT COUNCIL MEMBER PARTICIPATION**

31
32 **MR. DIAZ:** Thank you, Madam Chair. What I hope to do is I hope
33 for us to look at consideration of changing our SOPPs. I do
34 have a motion prepared to spur some discussion, and, if the
35 staff would put that motion up on the board, I would appreciate
36 it.

37
38 **The motion is, effective immediately, replace the language in**
39 **Section 3, page 11, of the SOPPs that reads: "Council members**
40 **must be physically present at council meetings in order to**
41 **present a motion or vote." Replace it with: "In the event that a**
42 **council member is not present at a council meeting, their level**
43 **of participation, in relation to making motions and voting, will**
44 **be at the discretion of the Chair and Vice Chair." If I get a**
45 **second, I will present some rationale.**

46
47 **CHAIRMAN BOSARGE:** It's seconded by Mr. Banks. Go ahead, Dale.

48

1 **MR. DIAZ:** My rationale is -- It's a couple of things, and I'm
2 going to talk for a couple of minutes. Members that can't be
3 here for legitimate reasons, I just think it's important that
4 they should be able to participate by making motions and voting.

5
6 Obligatory and at-large members, if for some reason we can't
7 make a meeting, and I think the bar should be set high for this,
8 by the way, but, if we can't make meetings, we can't appoint a
9 designee. The state folks and the federal folks, if they can't
10 make a meeting, they can have somebody else fill in for them.
11 Dr. Strelcheck is filling in this meeting for Dr. Crabtree, and
12 so, I mean, they can do that, but the at-large people and the
13 obligatory people can't do that.

14
15 I did attend the South Atlantic Fishery Management Council
16 meeting recently, and they had a member that couldn't make the
17 meeting for a health reason, and that member participated
18 remotely, and there was no problem at that meeting. I don't
19 remember him making a motion. He might have made a motion, but
20 he did vote on every single vote, and I don't think it took more
21 than an extra ten seconds. At the end of every vote, they would
22 ask him what his vote was, and he would say yes or no, and so I
23 don't think it took more than five or ten seconds per vote.

24
25 We've got two members out at this meeting, and all of our
26 members are good, but these are folks with a wealth of
27 experience that are out at this meeting, and I think they have
28 legitimate reasons why they have to be out at this meeting, and,
29 why we don't use every bit of that experience that these folks
30 have -- To me, it seems like a better way to go if we alter our
31 SOPPs, and so I'm going to leave it at that. Thank you, Madam
32 Chair.

33
34 **CHAIRMAN BOSARGE:** All right. Is there further discussion? I
35 have Mr. Banks and then Mr. Dyskow.

36
37 **MR. BANKS:** I seconded the motion for discussion, but I have
38 just a question about the history of the SOPPs as they read
39 right now. Is this a part of our SOPPs that's been in place
40 forever, or is a recent occurrence? Can somebody help me with
41 the history there, maybe Carrie or somebody with the staff, or
42 Mara?

43
44 **CHAIRMAN BOSARGE:** Ms. Levy, do you want to respond?

45
46 **MS. LEVY:** Well, I know it's been in discussion at various
47 points in time. My last recollection is maybe a year or two ago
48 there was a big discussion about whether you wanted to change

1 the SOPPs to allow folks to participate and vote when remote,
2 and the decision was, no, we want them to be present. I can't
3 remember exactly what council meeting that was, but it wasn't
4 too far in the past that that happened.

5
6 Obviously, you have the option to change your SOPPs. I mean, I
7 will note that the history has been that you have a lot of
8 discussion and vote for something in your SOPPs and then
9 something happens that doesn't fit with the SOPPs and then you
10 decide that you might want to make an exception or change it
11 again, and so I think you should just keep that in mind when
12 you're looking at this sort of stuff.

13
14 **CHAIRMAN BOSARGE:** All right. I have Mr. Dyskow.

15
16 **MR. DYSKOW:** Thank you, Madam Chair. I would like to support
17 Dale's motion, because I think he brings up a valid point, and
18 we would like these remotely-attending members to participate,
19 and they do bring a wealth of experience and knowledge to the
20 table, but, the way the motion is written, it allows that
21 participation to be at the discretion of the Chair and the Vice
22 Chair, and that potentially gives a future Chair or Vice Chair
23 the ability to alter the vote substantially by deciding to allow
24 or disallow those remotely-attending members to vote, and so I
25 would like to see some clarification of how we're going to
26 prevent that from happening.

27
28 **CHAIRMAN BOSARGE:** To that point? Do you want to respond, Mr.
29 Diaz?

30
31 **MR. DIAZ:** Yes, ma'am, and, Anna, I'm not wanting to put you on
32 the spot, but I did ask Anna how the South Atlantic handles it,
33 and theirs reads something similar to this, where I think their
34 Chair, their Vice Chair, and their Executive Director have to be
35 in agreement that the person could participate.

36
37 I think, the last time we did this, folks were concerned that --
38 The reason that I put something in there where the Chair and
39 Vice Chair make the decision is they were concerned that people
40 would not come to the meeting for some minor reasons and then
41 want to participate, and that's not really what my intention is.

42
43 I would want only people that have legitimate, serious issues
44 that can't make it to the meeting, and I had thought about other
45 ways to do it, but, at work, if you take off sick leave, you
46 have to have a doctor's excuse, but I wasn't willing to go that
47 far with this motion, but, anyway, that's the history of how I
48 came up with that, Mr. Dyskow, but I am perfectly willing to

1 accept alterations to the motion if it makes it better.

2
3 To Mara's point a minute ago about us changing the SOPPs here
4 and there, throughout my entire career, I have always felt like,
5 whatever we're doing, we can do a better job. Even when we're
6 doing a great job, we can do a better job, and so, if we see
7 something that's an improvement and we get a chance -- In my
8 opinion, this is an improvement, and I know this is going to be
9 voted, and it might get voted down, where it's not the opinion
10 of the group that it's an improvement, but, if we get a chance
11 that we can do something better, then we should always be
12 looking to do something better. Thank you, ma'am.

13

14 **CHAIRMAN BOSARGE:** Ms. Guyas and then Ms. Beckwith.

15

16 **MS. GUYAS:** Just to, I think, remind or I guess inform some of
17 the newer council members, we have been in this situation
18 before, right, where we had a council member who was not able to
19 attend the meeting and participated remotely, and I think was
20 making motions.

21

22 After that meeting occurred, the council really discussed how
23 that went, and they felt like our current practice would be the
24 way to go, where we -- They can participate online, but they
25 can't make the motions and vote, just because of the experience
26 that we had at that meeting. I know there are some around the
27 table that were here at that time that can probably fill in
28 more, but we've been in this case before.

29

30 **CHAIRMAN BOSARGE:** Ms. Beckwith.

31

32 **MS. BECKWITH:** In terms of how we've handled this and a couple
33 of examples of where this was used is -- Dale is correct that we
34 do have a -- Because of that concern, we do have three folks
35 that weigh-in. It is our Executive Director, our Chair, and our
36 Vice Chair.

37

38 Typically, the last two examples was, again, someone who was out
39 for a back surgery and participated remotely from a laid-down
40 position in his home, and I actually benefited from it when the
41 hurricane came through and we had to reschedule our meeting, and
42 I had a conflict for business travel, and so I was able to
43 participate for two days remotely from that travel, but those
44 were special circumstances.

45

46 I think, while we don't have it in our SOPPs, I think neither
47 myself nor the other council member ever attempted to make any
48 motions remotely. We did vote on things, and it's not forbidden

1 for us to make motions, but I just think we sort of chose that
2 to be our practice at that point, but that's our experience, and
3 it has worked fine for us, but we are also a slightly smaller
4 council than you guys are.

5
6 **CHAIRMAN BOSARGE:** Mr. Sanchez and then Mr. Anson and then Mr.
7 Dyskow.

8
9 **MR. SANCHEZ:** I recall recently, during the reappointment
10 process, one of the questions I was asked in the questionnaire
11 was have you ever missed one of the meetings that you were asked
12 to attend and, if so, why.

13
14 Apparently it's very important that if you sign-on for this that
15 you attend, and I understand. I have been in automobile
16 accidents and such, and these things happen, where you're
17 debilitated, and maybe you can't attend, and, while I sympathize
18 for that, I believe it's very important to be here and to face
19 the public that we're serving, and I would be against this, for
20 that reason, and we do have the ability, if you need to
21 participate remotely, to weigh-in and weigh-in on any discussion
22 that we may have, and I feel we have enough dialogue amongst
23 ourselves that if something is very important to you, but you
24 are physically unable to attend, that would be taken into
25 consideration by your colleagues. As far as being able to vote
26 remotely, I don't agree with that, because I think then where
27 does it end? What's a legitimate reason and what isn't, and it
28 just goes on and on.

29
30 **CHAIRMAN BOSARGE:** Mr. Anson and then Mr. Dyskow.

31
32 **MR. ANSON:** John, I had similar concerns as well as you just
33 stated, and I too would have some concerns that it be at the
34 discretion of the Chair and Vice Chair. There was a time when
35 this council was a little bit divided on some of the issues and
36 things became contentious, and I recall -- I think, during that
37 discussion we had relative to making the last SOPPs change,
38 which this motion attempts to change again, I think some of the
39 back story on that was that there was concern among some council
40 members that folks could be -- They could have greater access by
41 individuals or groups relative to certain ways to vote, and so
42 that there was the possibility of them being able to be at home
43 and to be away from the public eye as to maybe how that could be
44 going on.

45
46 That's not to say that's what was actually happening, but I
47 think that was part of the discussion, is that there was not the
48 transparency that would be -- As much transparency in the

1 process if that individual was outside of the meeting, and so I
2 tend to lean towards John's comments, that I don't think that
3 it's -- While I recognize that there is a little bit of a
4 hardship or more pressure put on the council members that are
5 not working for a state, and they don't have somebody that can
6 come and fill in for them, but I think it underscores the
7 importance of being here at the meetings and participating, is
8 that we don't have the provision for them to be able to vote
9 currently, and I will be in opposition to this motion.

10
11 **CHAIRMAN BOSARGE:** Next, I have Mr. Dyskow and then Mr. Atran.

12
13 **MR. DYSKOW:** Again, I am looking for a way that I could support
14 this motion, but I have problems with the terminology of
15 "effective immediately", and I also have problems with it at the
16 discretion of only the Chair and the Vice Chair. I would like
17 to say, and I think we had this in discussion earlier, if my
18 mind isn't failing me, that we have the Chair, the Vice Chair,
19 and the Executive Director, and I think that that approval needs
20 to be unanimous amongst those three, but, since none of that
21 verbiage is in this motion, and I'm not prepared to offer a
22 substitute motion, I can't support it, even though I would like
23 to.

24
25 **CHAIRMAN BOSARGE:** I will just speak to the discretion part.
26 Personally, I think that's a good idea, to have the Chair, the
27 Vice Chair, and the Executive Director, unanimous, but I think
28 that the important piece of having that in this motion, and you
29 can change the word "discretion" to "prior approval" or "prior
30 notification and approval", something like that, but that if
31 this was to be put in place, for it to actually function
32 efficiently, that council member needs to notify the leaders of
33 the council, and the leaders of the staff, to let them know that
34 they are not going to be there and why they're not going to be
35 there and make sure it's legitimate and then make sure the
36 logistics are put in place for that member to be able to
37 participate remotely.

38
39 If that's something they have never done before, council staff
40 actually has a whole training process that they go through with
41 council members and with SSC members and with AP members to be
42 able to participate remotely in an effective manner, and so
43 that, to me, is the important piece of that, that there needs to
44 be some logistical, on-the-ground things that have to happen.
45 You can't just not show up and then, hey, by the way, I'm on the
46 webinar. No, there needs to be some communication prior to
47 that. Okay. Next, I had Mr. Atran and then Dr. Stunz.

48

1 **MR. ATRAN:** Thank you, Madam Chairman. Two things. First of
2 all, Morgan looked up the minutes and discovered that the
3 current policy was adopted in August of 2017, and so it's been
4 in place for exactly one year.

5
6 The other thing that I wanted to mention is that, for the past
7 two or three years, the SSC has been allowing its members to
8 participate in either in person or via webinar. When votes are
9 taken on motions, the Chairman needs to double-check with anyone
10 who is on the webinar to see what their vote is. It means a
11 little bit of additional work for the council staff and the
12 Chair, to make sure that everyone is getting their vote in, but
13 it hasn't been too much of a problem.

14
15 Sometimes we get people who are not able to get their audio
16 working, but, with the webinar, there is several different ways
17 they can contact us, either audio, using the chat box that is in
18 Go to Webinar, or emailing us, and so, with the SSC, it's been
19 in place for a couple of years now.

20
21 **CHAIRMAN BOSARGE:** I have Dr. Stunz and then Mr. Boyd.

22
23 **DR. STUNZ:** Dale, I really support what you're trying to do here
24 in spirit, and I want to support the motion, but I'm speaking
25 not in favor of the motion simply because -- I think John
26 pointed it out best, but we need to face the public here.

27
28 We make some serious decisions around this table, and not
29 always, but many times we do that affect people's businesses and
30 their lives and a whole variety of things that I think it's just
31 enough value that you're here in person at this table, and,
32 believe me, I know these folks that miss it have pure,
33 legitimate reasons to miss it, and I completely understand that,
34 but, at the same time, we are a council that's been appointed to
35 do very specific things and make the tough decisions, and I
36 think that only can be fully accomplished if you're here in
37 person.

38
39 That being said, I have no problem with participating and that
40 sort of thing and getting your point across, but, when it comes
41 down to making an actual vote that has such broad-ranging
42 implications, I feel strongly that you need to be in person to
43 do that.

44
45 **CHAIRMAN BOSARGE:** Mr. Boyd.

46
47 **MR. BOYD:** Thank you, Madam Chairman. At the time that the
48 SOPPs were changed to the current procedure, there was a lot of

1 discussion, a lot of detailed discussion, about personnel
2 administration and about salary and about transparency and all
3 kinds of different topics, and I can't remember all of them.
4 One of the questions was, if you participate and you vote, are
5 you eligible to receive a salary if you're absent. The question
6 would come up again, I think.

7
8 The other would be what if there are more than one person? What
9 if there is two or three people who happen to be out at that
10 time and one person has a doctor's appointment or can't get on
11 the phone or can't get a hold of the council and that person
12 can't vote and the other two can and, if we're in a very
13 contentious vote, that's a problem.

14
15 I agree with Mr. Dyskow about the current language. I think it
16 needs to be modified if we go any further with it, and I think
17 that there are significant technical difficulties that we run
18 into. I am on a lot of webinars, and I call in quite a bit for
19 different meetings, and almost every one of them has some
20 difficulty.

21
22 The other thing is, as Mr. Anson said, there is a requirement
23 for transparency, and, if you're here, the public can see you,
24 and the public can talk to you, and you can listen to public
25 testimony and react to that, and it's important to have that
26 public persona.

27
28 The other thing is we are coming up on a vote for Chairman and
29 Vice Chairman, and that vote is taken with a secret ballot,
30 basically. The difficulty that you run into with that can be
31 overcome, but, if you're here, it doesn't have to be, and, with
32 that said, I cannot support this motion. Thank you.

33
34 **CHAIRMAN BOSARGE:** All right. Is there further discussion?
35 Mara.

36
37 **MS. LEVY:** Well, just to point out that there is -- I mean, I
38 don't know which way you're going to go with this, but, the way
39 that it's written right now, the level of participation in
40 relation to making motions and voting -- I mean, I would assume
41 they're either in or out, right, and like can either make
42 motions and vote or they can't, meaning I don't know if that was
43 the intent, but I don't think there should be a sliding scale of
44 like you can make motions, but you can't vote, or you can do
45 voting but -- I mean, it should be -- I read it as they're in or
46 they're out, if this were to pass, and I'm just trying to make
47 sure that folks are reading it that way, too.

48

1 **CHAIRMAN BOSARGE:** Mr. Riechers.
2
3 **MR. RIECHERS:** I am going to suggest that you may be reading it
4 that way, but I don't know that it's necessarily worded that
5 way, and so --
6
7 **MS. LEVY:** Well, so, as long as folks are clear on what they're
8 voting on, and so, the way this reads to me, if I don't sort of
9 make my own interpretation, is that there is a sliding -- There
10 is potentially a sliding scale, meaning the Chair and the Vice
11 Chair have the ability to decide the level of participation in
12 relation to those two things and they are not necessarily hand-
13 in-hand. I don't think it's super clear about what's meant here
14 is what I am trying to say.
15
16 **CHAIRMAN BOSARGE:** Mr. Boyd. Hang on, Mr. Boyd. Is it to that
17 point, Mr. Diaz?
18
19 **MR. DIAZ:** Without changing the motion, my intent is for them to
20 be able to participate by making motions and voting, and so that
21 is the intent, and so I'm sorry if it's not clear.
22
23 **CHAIRMAN BOSARGE:** Mr. Boyd.
24
25 **MR. BOYD:** Just one other additional comment. There were
26 several people that said that they valued the participation and
27 the knowledge of sometimes people who are not here. Under the
28 current SOPPs, the participation is there. They can comment,
29 and they can react, and they can give additional data, and they
30 can give their expertise in discussion. The prohibition is on
31 voting and making motions and not on discussion and
32 participation.
33
34 **CHAIRMAN BOSARGE:** All right. Dr. Shipp wanted me to let you
35 know that he is participating and listening in and that at this
36 point he is neutral on the topic, speaking for him. That is
37 verbatim. I have a lot of back story on this.
38
39 **DR. BOB SHIPP:** Leann, how do I get recognized?
40
41 **CHAIRMAN BOSARGE:** Yes, sir. Go ahead, Dr. Shipp.
42
43 **DR. SHIPP:** I have really enjoyed this discussion. I have
44 served for eighteen years, and this is the first meeting that I
45 have missed. I talked last night to Dale about this, and, boy,
46 I sure see his point, but, during the discussion, I can see it
47 going either way.
48

1 Of course, personally, it doesn't bother me. I don't think
2 there is anything crucial that is coming up right now, and I
3 guess, on ballots, this is where one of those cases where
4 listening to the discussion of the council has really made a
5 difference. I think John's comments and Greg's comments are
6 very valid, and I understand where Dale is coming from, and,
7 philosophically, I agree, but I am certainly content, and I know
8 Ed is too, if we decide to keep the SOPPs the way they are.
9 Thank you.

10
11 **CHAIRMAN BOSARGE:** Thank you, sir. We appreciate your input.
12 Is there further discussion? Well, I am going to vote in favor
13 of it, and I can't really give you a whole lot of information on
14 why, because the discussions I had involved health issues, and
15 we can't talk about that on the record, but I know that there
16 are people that have to miss meetings, and they want to be here
17 so much that they would even see if they could move things
18 around, and some of those movements may have long-standing
19 impacts for them, and that's how much they care about being
20 here. That's how seriously they take it. That's about all I'm
21 going to say about that, and so I'm going to vote in favor of
22 the motion. Any further discussion? Mr. Anson.

23
24 **MR. ANSON:** Just a point of clarification. Just because someone
25 isn't here, it doesn't preclude them from being nominated and
26 voted on for Chair and Vice Chair, correct? I am just kidding.

27
28 **CHAIRMAN BOSARGE:** Kevin, you're killing me. All right. We
29 have a motion on the board. Any further discussion on the
30 motion? **Seeing none, let's just do a show of hands. All of**
31 **those in favor of the motion, signify by raising your hand,**
32 **four; all those opposed, same sign, ten. The motion fails ten**
33 **to four, and so the SOPPs will remain as they are.**

34
35 **MR. DIAZ:** Thank you for the opportunity for the discussion,
36 Madam Chair.

37
38 **CHAIRMAN BOSARGE:** I appreciate it, Dale. Thank you. Okay.
39 That brings us back to our presentations. We will go to our
40 very patient HMS representative, and if you would, please,
41 ma'am, come back to the podium, we are ready to hear all about
42 the shortfin mako shark with Mr. Karyl Brewster-Geisz.

43
44 **PRESENTATIONS**
45 **HIGHLY MIGRATORY SPECIES AMENDMENT 11**
46
47 **MS. KARYL BREWSTER-GEISZ:** Thank you, Madam Chair, and thank
48 you, everybody, for the opportunity to be here. My name is

1 Karyl Brewster-Geisz, and I'm here from the Highly Migratory
2 Species Management Division to talk to you about shortfin mako
3 sharks.

4
5 I believe Cliff Hutt, who is also in the room, was here in April
6 to go over our scoping presentation with you, and so the purpose
7 of Amendment 11 is to address overfishing and take steps to
8 rebuilding shortfin mako sharks.

9
10 We have been managing shortfin mako sharks since 1993. They
11 have been part of our pelagic shark group. In the last decade,
12 ICCAT has assessed the stock several times, and this is the
13 first time they have found that the stock is both overfished and
14 has overfishing occurring.

15
16 Recent catches across all nations, and not just the U.S., are
17 between 3,600 and 4,700 metric tons a year, and the stock
18 assessment says they need to be reduced below 1,000 metric tons
19 in order to start rebuilding the stock, and that is 1,000 metric
20 tons by all countries, and so that's about a 72 to 79 percent
21 reduction.

22
23 After receiving the results of the assessment, ICCAT came up
24 with a recommendation at its November meeting. Now, in ICCAT
25 parlance, it's a recommendation, but that does not mean that we
26 do it only if we want to. Its recommendation is a binding
27 action on the U.S. We are required to do it, and so there are a
28 lot of derogations within that recommendation.

29
30 The two that I am going to focus on that's most applicable to
31 the U.S. fisheries would be retention. They are trying to
32 maximize live releases in this recommendation, and so, under
33 retention, shortfin mako sharks are allowed to be kept as long
34 as they are dead at the boat, and that would be verified through
35 either an observer or through electronic monitoring or, in other
36 words, video.

37
38 The other derogation that applies to us is the minimum size
39 limit. They came up with two, one for males of 180 centimeters
40 fork length, which is about seventy-one inches, or about 210
41 centimeters fork length for females, and that's about eighty-
42 three inches. ICCAT is going to be looking at this again in
43 November and then, in 2019, reevaluating everything.

44
45 We looked at four topics when we were coming up with Amendment
46 11, and the first topic is commercial, and, in all of these
47 topics, the first alternative is always the no action
48 alternative, and this no action is the status quo before the

1 emergency rule and not the emergency rule that is currently in
2 place.

3
4 Alternatives A2, A3, and A5 are all similar. They allow the
5 retention of shortfin mako sharks that are dead at the boat if
6 the person has a limited access shark permit and then different
7 variations of that. Our preferred alternative is allowing them
8 to keep the dead shortfin mako shark if there is a functioning
9 electronic monitoring system on the vessel.

10
11 This is similar to what's in place now through the emergency
12 rule, but the difference is that this would also allow anyone
13 who has authorized gear onboard and the video recording to be
14 able to retain shortfin mako sharks. Right now, under the
15 emergency rule, it's just people with pelagic longline gear.

16
17 Alternative A3 would allow somebody to land it only if they have
18 told the agency that, yes, we agree that you can use electronic
19 monitoring to monitor our shortfin mako sharks. This came about
20 during scoping, and we originally put electronic monitoring on
21 pelagic longline vessels to monitor bluefin tuna, and a number
22 of fishermen were upset that we were expanding that to allow for
23 shortfin mako sharks. Alternative A5 would allow the retention
24 of the dead shortfin mako sharks only if there was an observer
25 onboard.

26
27 Moving on to Alternative A4 -- No, we didn't forget A4, but we
28 just messed up the ordering somewhat, but it would allow
29 retention of live or dead shortfin mako sharks as long as they
30 met eighty-three inches straight-line fork length, and there
31 would need to be an observer or electronic monitoring onboard to
32 verify that length ahead of time.

33
34 Commercial fishermen, unlike recreational, are allowed to cut
35 the head off the shortfin mako, and so we would need to get that
36 verification that it met the fork length before they removed the
37 head. Then Alternative A6 is prohibiting the retention of
38 shortfin mako live or dead, and I don't think there's anything
39 else to say on that.

40
41 Moving on to the next topic, it's the recreational alternatives.
42 Again, Alternative B1 is the no action alternative, and
43 Alternative B2 through B5 are all similar. They allow for the
44 increase in the minimum size from fifty-four inches to another
45 minimum size.

46
47 Alternative B2 is a straight read from the ICCAT recommendation
48 of seventy-one inches straight-line fork length for males and

1 eighty-three straight-line fork length for females. Alternative
2 B3 is our preferred alternative, and that would increase it up
3 to eighty-three inches fork length for males and females. B4
4 and B5 are both increasing the female length, B4 to 108 inches,
5 which is the size at which 50 percent of all female mako sharks
6 are mature, and 120 under Alternative B5 would allow for world-
7 record-breaking sharks to be landed.

8
9 Alternative B6 looks complicated. They are all similar in
10 nature. They would allow the retention of shortfin mako sharks
11 over certain size limits, but it comes up in two seasonal size
12 limits, and this was an alternative developed as a result of
13 scoping comments, and so, outside of the seasons, the minimum
14 size would be 120 inches.

15
16 Within the season, it would change, depending upon which
17 alternative we chose, and so, for example, under B6a, if you
18 were to land a male -- I will stick with females. If you were
19 to land a female mako shark, you could only land it if it was
20 over eighty-three inches say in June, but, in November, it would
21 have to be 120 inches before you could land it, and that's what
22 all of those alternatives work.

23
24 Under Alternative B6e, we would derive specific criteria that
25 would allow us to change the minimum size limits as we go along,
26 depending upon what's happening in the water and what happened
27 in previous years.

28
29 Alternative B7 would develop a slot limit for males and females.
30 Again, this would have to make sure that it matches or is larger
31 than the minimum size required by ICCAT. Alternative B8 is
32 establishing a landings tag. Again, if you meet a minimum size
33 and you received a landings tag when you applied for your
34 angling permit with the shark endorsement, you could land that
35 shortfin mako.

36
37 Under Alternative B9, this is a preferred alternative, and this
38 would require the use of circle hooks everywhere. In the Gulf
39 of Mexico, we already require the use of circle hooks when shark
40 fishing, but this is applicable to people north of Chatham,
41 Massachusetts, where they currently do not need to use circle
42 hooks. B10 would prohibit the retention of any shortfin mako.

43
44 Moving on to the third alternative, and we only looked at three
45 alternatives, we are preferring no action. This is we don't
46 change any reporting or monitoring by fishermen, and we are
47 planning on requiring that sharks be reported through
48 tournaments. Most sharks are already required, because we do

1 require reporting for swordfish and billfish tournaments, and so
2 you would just be making this applicable to sharks as well.

3
4 Alternative C2 is establishing VMS reporting on the commercial
5 vessels. We decided that we have enough information coming in
6 from the commercial vessels and did not need to do this, and
7 Alternative C3 would require recreational reporting, mandatory
8 recreational reporting, and we actually, for shortfin mako
9 sharks, have really good estimates already, and so we did not
10 feel we needed this.

11
12 Then we have several alternatives on the last topic, which is
13 rebuilding. The first one, of course, is the no action, and the
14 second one, Alternative D2, would say that the United States
15 would act on its own to rebuild shortfin mako sharks. The U.S.
16 is only responsible for about 11 percent of all the landings,
17 and so we did not feel that the United States acting alone could
18 rebuild shortfin mako sharks.

19
20 Alternative D3 is we would work with ICCAT to rebuild the stock.
21 Alternative D4, we would implement a shortfin mako quota if
22 ICCAT established one. ICCAT has not yet acted to establish a
23 quota. Alternative D5 would implement some sort of area
24 management if ICCAT did that. ICCAT is planning on looking at
25 area management in 2019, and so it is a possibility, and, in the
26 Alternative D6, it would establish bycatch caps for fisheries
27 that interact with shortfin mako sharks. This is an alternative
28 that was raised during scoping, and the vast majority of
29 shortfin mako sharks are actually caught in our HMS pelagic
30 longline fishery or in our HMS recreational fisheries, and so we
31 did not feel that was needed at this time.

32
33 This is a proposed rule. In summary, we have a commercial
34 measure that would require dead shortfin mako to be landed with
35 electronic monitoring onboard. No live shortfin mako could be
36 landed commercially. Two recreational measures, one of
37 increasing the minimum size to eighty-three inches straight-line
38 fork length and one requiring circle hooks everywhere. We are
39 not changing the monitoring, and we are implementing -- We are
40 working with ICCAT to rebuild the stock, and so those are the
41 four proposed measures we have.

42
43 The comment period closes on October 1, and we hope to have this
44 in effect this coming spring when the emergency rule extension
45 expires, and, with that, I am happy to take any questions or
46 comments you have.

47
48 **CHAIRMAN BOSARGE:** All right. Are there questions or comments?

1 Dr. Stunz.
2
3 **DR. STUNZ:** I have one, and I understand that you all have a
4 public hearing going on this afternoon as well, and I didn't
5 know if maybe -- Did I miss you saying that or not? I thought
6 you maybe you might want to --
7
8 **MS. BREWSTER-GEISZ:** Thank you for reminding me. Yes, we have a
9 public hearing starting at five o'clock at the public library in
10 Corpus Christi.
11
12 **CHAIRMAN BOSARGE:** Mr. Boyd.
13
14 **MR. BOYD:** Thank you for the presentation. A question. In the
15 total tonnage that is taken worldwide, do we know how many
16 animals that is, how many physical animals?
17
18 **MS. BREWSTER-GEISZ:** Not off the top of my head, no.
19
20 **MR. BOYD:** Thank you.
21
22 **CHAIRMAN BOSARGE:** Mr. Atran.
23
24 **MR. ATRAN:** Do you know what the discard mortality rate is on
25 these fish? It might make a difference on some of these size
26 limit options.
27
28 **MS. BREWSTER-GEISZ:** I believe they used 30 percent in the stock
29 assessment.
30
31 **CHAIRMAN BOSARGE:** Lieutenant Zanowicz.
32
33 **LT. ZANOWICZ:** Thank you for the presentation. For me in the
34 Coast Guard, this is interesting, because, obviously, we enforce
35 not just species managed by the Gulf Council, but also HMS
36 regulations, and I did have a question on the Alternative A,
37 where it mentions to retain the sharks that they have to be dead
38 at haul-back.
39
40 I was curious if there was any discussion on how that would be
41 enforced, because it seems like, if there is an enforcement
42 officer that goes onboard and they already have a shortfin mako
43 shark onboard, there is no way to determine whether or not that
44 was retained when it was alive or if it was dead at haul-back.
45
46 **MS. BREWSTER-GEISZ:** That is what the electronic monitoring
47 would do, and so that video would show when the shark was bring
48 brought onboard and once it's onboard and whether or not it was

1 alive or dead.

2
3 **CHAIRMAN BOSARGE:** I had a question. I noticed you have the
4 different size limits, minimum size limits, for males and
5 females, and I would assume the females are typically bigger or
6 grow faster, one of the two, because your female sizes are
7 bigger, and I was just wondering how that discussion went and
8 how you came to the decision to have two size limits, one for
9 each sex, rather than either going with the greater, which would
10 be the more conservative for both sexes, or the lesser or some
11 average.

12
13 **MS. BREWSTER-GEISZ:** What we are proposing is actually one size
14 limit for both. It's eighty-three inches for both. We did get
15 a lot of comments through scoping, with pretty mixed comments.
16 A lot of people wanted us to go straight with what was
17 recommended by ICCAT, the two size limits, saying that it was
18 very easy to tell a male from a female and it wasn't that
19 difficult and a lot of other people saying, when these sharks
20 come up, they are really active, and they're jumping around, and
21 it's just a safety hazard to try to stop and try to figure out
22 what the sex was, which is why we are proposing at this point
23 the eighty-three inches and why that's in the emergency rule.

24
25 **CHAIRMAN BOSARGE:** Thank you. Sorry. I didn't realize that was
26 your preferred. Yes, sir, Dr. Stunz.

27
28 **DR. STUNZ:** I just thought that I would just share with this
29 group, and nice presentation, by the way, but our research
30 program here does a lot of work on mako, and I know some of you
31 know, and I have commented at previous meetings, and we would
32 definitely be supportive of doing some type of regulatory
33 changes, obviously, with mako, but what is interesting, from our
34 Gulf populations that we catch right off of here, we can't
35 really quite figure out what's going on.

36
37 Some end up -- One right now is off of New Jersey, and another
38 one goes back and forth to the Caribbean, but the point is that
39 our sharks aren't our sharks. They are highly migratory, and
40 so, anyway, as far as the discard mortality, we see -- I would
41 suggest it's fairly low, which is good news for these
42 regulations.

43
44 Now, we don't have that many, because they are pretty rare just
45 to catch them in the first place, but we generally have trouble
46 sometimes not catching them again after we release them, because
47 they are pretty aggressive, and so I think some of these
48 regulations that you're putting out could be successful, in the

1 sense that I think they are surviving pretty well, or at least
2 that's what our work is showing in the Gulf, but the larger
3 point is that they cross many territorial seas and thousands and
4 thousands of miles even over the course of a year, and so it
5 obviously is well beyond just the scope of what we're doing
6 here.

7
8 **CHAIRMAN BOSARGE:** Any other questions? Thank you. That was
9 very interesting and informative, and we appreciate you coming.

10
11 **MS. BREWSTER-GEISZ:** Thank you for the opportunity.

12
13 **CHAIRMAN BOSARGE:** All right, and so next is our Texas Law
14 Enforcement Presentation, which can be found under Tab A, Number
15 8, and so I would invite Lieutenant Casterline to come to the
16 podium, and then I believe that Lieutenant Zanowicz wants to
17 follow-up with the Coast Guard presentation after that.

18
19 **TEXAS LAW ENFORCEMENT PRESENTATION**

20
21 **LT. LES CASTERLINE:** Thank you, Madam Chair, and thank you,
22 council. I appreciate the opportunity to speak here to you
23 today about some very important efforts that are going on in the
24 State of Texas, not only with Texas Game Wardens, but with the
25 rest of our state and federal enforcement partners as well.

26
27 The efforts that we'll discuss today are -- Since we're in
28 Region 8's law enforcement region, I figured I would pick a
29 couple of topics related to our fisheries enforcement along the
30 Texas/Mexico border. This is an effort that the law enforcement
31 community is very involved with in south Texas.

32
33 To start off today, I would like to start with a new program
34 that took effect this year within our JEA agreement with the
35 NOAA Office of Law Enforcement. There was actually a line item
36 and funding provided to increase enforcement for IUU operations
37 at port of entries along the Texas coast, to include airports
38 and deepwater ports as well as our land port of entries down in
39 south Texas.

40
41 Just a small overview of how that came about is this came about
42 as we were approached by the NOAA Office of Law Enforcement with
43 their addition of Seafood Import Monitoring Program. We were
44 asked to participate in a task force to combat IUU fishing and
45 seafood fraud. As I discussed earlier, this would take effect
46 at our port of entries.

47
48 Just a little bit of background on the driving factors for this

1 action is illegal, unreported, and unregulated fishing and
2 seafood fraud threaten the valuable natural resources that are
3 critical to the global food security and put law-abiding fishers
4 and seafood producers here in the U.S. and abroad at a
5 disadvantage when these illegal products are actually put into
6 the global market.

7
8 This action began, actually, in June of 2014, and it took
9 effect, for the most part, in January, excluding abalone and
10 shrimp, which took effect in April, as far as the requirements
11 that are within this program. The Seafood Import Monitoring
12 Program established permitting, data reporting, and
13 recordkeeping requirements for the importation of certain
14 priority fish and fish products that have been identified as
15 being particularly vulnerable to the IUU fishing or seafood
16 fraud.

17
18 Just a slide overview of this information, and this rule applies
19 to products that are being imported into the U.S. from foreign
20 countries as well as applies to products that are re-imported
21 products of priority species originally harvested in the U.S.

22
23 It establishes that certain data be collected that will allow
24 the priority species of seafood to be traced from the point of
25 entry into U.S. commerce back to the point of harvest or
26 production, to verify that the lawful harvest was actually
27 occurring. The mechanism for the reporting data will actually
28 be the International Trade Data System, and it will allow for
29 the data to be observed by our federal partners.

30
31 Just an overview of some of the information that will be
32 provided through this program is it will be related to not only
33 the harvesting and producing agencies, or entities, but the fish
34 itself. A lot of the landing information, as we would actually
35 collect on our domestic fishermen here in the U.S., would be
36 available.

37
38 Right now, the number of species is thirteen priority species,
39 and the importer that actually is importing the product into the
40 U.S. is responsible to maintain records from that point of entry
41 all the way back to the landing of that product.

42
43 Moving forward, one thing I would like to highlight is, when
44 dealing with the importation of these products, and this is a
45 multiagency effort. Here in south Texas, and across the whole
46 state of Texas, I am proud to say that the law enforcement
47 community is very tight knit, and, very often, we work
48 interagency operations, and we each bring our own unique

1 capabilities to the table for the greater good of the resource
2 in this situation.

3
4 The example I'm going to give you today was at a port of entry
5 down in south Texas, within the Brownsville area, and over
6 closer into Hidalgo County, and it included Texas Parks and
7 Wildlife, the NOAA Office of Law Enforcement, Customs Office of
8 Field Operations, the U.S. Fish and Wildlife Service, and the
9 FDA.

10
11 This operation included the port of entry inspections. As you
12 can see in this right here, these are some trucks full of red
13 snapper that were being imported from Mexico. This is at the
14 commercial docks, and we're seeing eighteen-wheelers as well as
15 small cargo trucks, cargo vans, and what we're able to do is,
16 when these fisheries come through, they are actually identified
17 by Customs, and then we're able to actually inspect them, to
18 make sure that they're in compliance.

19
20 Some of the things you'll be looking for are the type of
21 species, make sure that the paperwork is matching up with the
22 actual product that's being imported, and tracing back to make
23 sure that the actual product was lawfully obtained in the
24 country in which it originated.

25
26 In this particular instance, within a week, we inspected six
27 vehicles. Although that doesn't sound like a lot of vehicles,
28 if you pay attention to the numbers there, we issued fifty-two
29 citations and two warnings and seized 255 red snapper that were
30 being illegally imported into the State of Texas from Mexico.

31
32 These were actually -- The 255 red snapper were seized due to
33 the fact that they did not meet the state requirements of
34 meeting state size limits to be entered into and landed in the
35 State of Texas from Mexico.

36
37 Just to give you a visual of those seizures, these are the two
38 seizures of the red snapper. You're looking at 255 red snapper,
39 and they're all under fifteen inches, and those were going to be
40 put into commerce here in the State of Texas.

41
42 Another topic that -- I don't know if you all have any questions
43 about that portion, but we're going to be moving into the actual
44 illegal fishing aspect of things, but, without any questions, I
45 will move on.

46
47 Another very important priority that we have in south Texas is
48 also dealing with our illegal fishing along the Texas/Mexico

1 border. As we discussed earlier, we look at the IUU vessels
2 when we're talking about importation, but, also, being on the
3 Texas/Mexico border, we are constantly dealing with the illegal
4 fishing along the Texas/Mexico border.

5
6 As I know that this council is very aware of the activities in
7 the Gulf of Mexico, I also wanted to give a short overview of
8 the entirety of what we deal with along the border in the State
9 of Texas. In addition to the Gulf of Mexico, we also have to
10 deal with the illegal fishing that occurs on Lake Amistad, the
11 Falcon Lake, and the Rio Grande River along the Texas south
12 border.

13
14 We see types of illegal fishing from gillnetting, longlining,
15 crabbing, shrimping, cast-netting, and, on the freshwater lakes,
16 we'll see some illegal hoop-nets as well. I am just kind of
17 giving a few pictures, so that folks that aren't familiar with
18 any of this type of gear can visually see what we run into.
19 This is in the lower Rio Grande River, close to the mouth of
20 where it enters the Gulf of Mexico. As you can see, we've got
21 some trout and some snook that are entangled into this picture
22 here.

23
24 This would have been a fairly long gillnet that was removed from
25 the Gulf of Mexico, and, had that crew had been brought in, we
26 would have arrested this crew and seized that vessel and seized
27 that gear, and it would have been destroyed.

28
29 Also, we look at the efforts by the longline in the Gulf of
30 Mexico. We run into, in state waters, sharks, red drum, and
31 other species that are caught up in these longlines that are
32 illegal in state waters. We don't allow longline fishing in the
33 State of Texas, in the Gulf of Mexico, and so whether this would
34 be a foreign vessel or a Texas vessel, this would have been an
35 illegal activity.

36
37 The hours and hours that the officers put into pulling this
38 longline, sometimes multiple miles in length, to be pulled by
39 hand, there's a lot of effort that goes into removing this gear
40 once it's located in the Gulf of Mexico. Unfortunately, we see
41 quite a few different species that are taken within this gear.

42
43 Most recently, we've had to assist the Gear Management Team from
44 NOAA with going down and identifying some of the seized gear on
45 some of the lanchas in South Padre, because there's been a
46 slight uptick in the stranding of sea turtles along the Texas
47 coast that have been found with what is consistent with the
48 illegal gear from the Mexican shark fishermen or longline

1 fishermen still attached to the turtles.

2
3 We're doing everything we can to assist the GMT group, so that
4 they can better identify that gear and get the best data back to
5 NOAA. As we spoke before, we've got different species of red
6 drum, sharks, and what you'll see throughout this presentation
7 is actually a shift over the last few years in not only the
8 targeted areas, but the targeted species that are being
9 harvested by these vessels.

10
11 What you've got in front of you is the -- This is the most
12 common vessel used for this illegal fishing. It's about a
13 twenty-six-foot panga, and you will see this one here has a
14 cooler in the front, and it will probably hold anywhere from
15 several hundred pounds to some of these hold upwards of about
16 2,000 pounds of red snapper, specifically. They will have
17 anywhere from a seventy to a 200-horsepower tiller-drive engine,
18 and they are very effective at making it the distance back and
19 forth and committing these illegal actions.

20
21 As you can see there, this is a recent harvest of illegal red
22 snapper, and I believe the Coast Guard will probably speak about
23 some of their landings coming up, but some of the vessels that
24 have been encountered have had over 2,000 pounds onboard at the
25 time of their capture.

26
27 Looking at some of the different types, we've also got crabbing,
28 and this is the Rio Grande River, and so these are the blue crab
29 that are being illegally harvested from U.S. waters in the Rio
30 Grande River.

31
32 Shrimping, this is probably a different picture than somebody in
33 the shrimping industry would see, but I am pretty sure that you
34 all know what a shrimp boat looks like, and we see those too,
35 but this was actually a net that was being used similar to a
36 gillnet. They put it into a little slew and covered the whole
37 slew that dumped into the Rio Grande River, and, as you know,
38 there is no BRDs or TEDs in this net, and so anything that was
39 pulled through it with the current was actually obtained by the
40 illegal fishermen.

41
42 Cast-netting, of course, this is a huge issue that we have. A
43 lot of cast-nets are used along the border. In Texas, we don't
44 allow a cast-net to be more than fourteen feet. Some of these
45 that are being used in U.S. waters from the fishermen from
46 Mexico are twenty-plus feet in size, and it's actually pretty
47 interesting to stand there and watch them deploy one of these
48 nets. They probably one better than I throw a five or six-

1 footer.

2

3 These are actually a couple of different recent cases that I
4 wanted to just throw you some recent cases, to let you view some
5 of the activities that our officers have been involved in. I
6 guess one of the main things that I would stress is, if you're
7 looking at these, this is specifically in the Rio Grande River,
8 in the saltwater portions.

9

10 In this instance here, on August 11, our Cameron County Game
11 Wardens were able to seize this lancha and possession of
12 multiple gillnets. Just to give you an idea of how difficult
13 that actually is along the Rio Grande River, we recognize the
14 middle of the river as being where we divide U.S. and Mexican
15 waters, and so, when you're patrolling this area, for the
16 vessel, it's very simple for him just to move back to his side.

17

18 You will get the gear, but it's very difficult to actually get
19 in a position to seize the lancha on this side, as far as the
20 river. This gentleman was actually in the middle of either
21 pulling or setting his net, which made it difficult for him to
22 flee, and they were able to actually seize the lancha. Because
23 of the gillnet, that vessel -- That triggers some ability for us
24 to seize the gear as well as the vessel, and that will go to a
25 property hearing, and a judge will decide whether that vessel
26 will be forfeited to the State of Texas.

27

28 Just to give you some background, within the same week, the Game
29 Wardens from that county actually were on that same river, and
30 they pulled ten gillnets and eight traps earlier that week, and
31 so that's just to show you that, just because you have regular
32 enforcement, it's often seen along the Texas/Mexico border that
33 this is actually not reducing the effort. They have an endless
34 supply of fishing gear, and they will set it out as soon as you
35 leave. They will put another net or another trap out, and the
36 only way to get ahead of it is just to continue increasing and
37 providing officer presence in those areas.

38

39 We also had our Cameron County Game Wardens as well as our
40 Marine Tactical Operations Group that ran a week-long operation
41 this year as well, and the -- I will just kind of -- I know that
42 you all are probably waiting on us to go to lunch, and so I will
43 try to hit some of the high points for you all, as well as if
44 you will pay attention to the amount of consecutive days that
45 the enforcement occurred and the fact that you're going to see
46 gillnets being taken every day.

47

48 The first day actually occurred in the Gulf of Mexico, and they

1 were able to seize 5,280 feet of Mexican longline from Texas
2 waters, and that's -- A positive note is that we were actually
3 seeing less illegal fishing gear in the Gulf of Mexico in state
4 waters, because of increased officer presence, throughout
5 agencies as well. We think it's also being driven by supply and
6 demand for red snapper.

7
8 These officers shifted to the Rio Grande River the following
9 day, and they encountered several Mexican fishermen working
10 their gillnets. That day, they seized seven gillnets, about
11 2,100 feet, and they patrolled about thirty-six miles of river.

12
13 The next day, they actually went back to the Rio Grande River,
14 the same situation. They encountered several fishermen and
15 seized twelve gillnets, for 3,600 feet worth of gillnet the
16 following day. Also, that was within an about eleven-mile
17 stretch. This is just to give you a few pictures of what they
18 encountered.

19
20 If you will see -- I mean, just looking at the amount of
21 gillnet, they are literally filling their boats up and having to
22 return to the dock and unload the gillnet and then go back to
23 work. On the 18th, during this patrol, they actually seized
24 forty-nine gillnets totaling 14,700 feet, and we were able to
25 successfully remove that from Texas waters. This is just a few
26 more of the photos of the officers conducting this.

27
28 In all, this operation will total sixty-eight Rio Grande River
29 gillnets were removed, 25,680 feet of illegal fishing gear,
30 which is approximately 4.9 miles, and they patrolled 103 miles
31 of the Rio Grande River and 110 miles of the Gulf of Mexico
32 within this timeframe.

33
34 The Rio Grande River is -- Although we have some success stories
35 with border fishing along the Texas/Mexico border, the Rio
36 Grande River is probably, along with the EEZ, going to be one of
37 our main areas of concern that we still have, because of the
38 amount of illegal fishing effort that's being put by the Mexican
39 fleet. I figured I would throw one of the success stories in
40 here though, and I know this is not a coastal area, but it's
41 important to us, but over on Falcon Lake.

42
43 I would like you to look at just some of the numbers that we
44 historically saw in the past. From 2011 to 2014, we seized
45 eighty illegal fishing vessels on Falcon Lake alone, and thirty-
46 five of those were between 2013 and 2014, in which we seized
47 113,520 feet of gillnet and thirty-five hoop-nets.

48

1 What I am going to tell you today is that, due to increased
2 presence from law enforcement in that area, we have basically
3 brought that to a standstill. Very seldom do we even see
4 illegal fishing vessels or illegal gear now on that lake. I
5 know we did seize, within the last few weeks, a few hoop-nets,
6 but, overall, compliance has risen at a rate that I don't know
7 that anybody would have thought that we would have seen, and I'm
8 very proud of our officers and our partner agency officers for
9 the efforts that they provided.

10
11 To speak to the other area of concern that we have, the Gulf of
12 Mexico, as far as state waters, increased resources in this area
13 by the state and federal partners, they have been effective in
14 reducing illegal fishing activity by the Mexican fishing vessels
15 in the Gulf of Mexico, but, although illegal fishing by Mexican
16 fishing vessels has been reduced in state waters, illegal
17 fishing activity has not been reduced in the Gulf of Mexico EEZ
18 off of Texas.

19
20 As I stated earlier, we have seen a pretty big shift in area
21 that the effort is being conducted in, being further offshore,
22 and we're seeing vessels thirty up to maybe up to forty or fifty
23 miles offshore, and north of Port Mansfield and approaching up
24 to this area in Corpus in some cases. Then it is shifting from
25 more of what we used to historically see would be the shark
26 population being targeted to red snapper being the majority of
27 the fish that are being harvested.

28
29 I would note that that shift, even though what I'm showing you
30 today for the State of Texas is very positive, as far as what
31 we've seen in a trend in state waters, but the trend in federal
32 waters still shows -- I think what I'm going to do here is I'm
33 going to pass to our partners at the Coast Guard to actually
34 present what's being found in the EEZ, as you will see that the
35 activity is still very active.

36
37 I just want to throw this up here, but this is actually an
38 effort that we did to gain information from the public. This is
39 a wanted poster that was put out for illegal fishing vessel
40 across the border to report any of that activity to Texas Parks
41 and Wildlife, Operation Game Thief, or Sector Corpus Christi.
42 That is the end of my presentation, and I would ask if there is
43 any questions. If not, I will pass it over to our colleagues at
44 the Coast Guard.

45
46 **MR. RIECHERS:** First of all, Les, thanks for the presentation.
47 I appreciate you being here all week and also for the
48 presentation. Just to give these folks a little bit of a

1 mileage check here, when you're talking about the incursion
2 coming up towards Port Mansfield, about how far south of the
3 water are we to Port Mansfield from here, and how far up from
4 the border is that? That's about what?

5
6 **LT. CASTERLINE:** We're seeing -- I used Port Mansfield, but I
7 think it's safe to say that it's fairly common to see these
8 vessels up to forty or fifty miles north of the border, but it's
9 not unheard of to see them further, up here closer to Corpus, to
10 give you kind of a mileage of what we're seeing, and then it's
11 very common to see, twenty or thirty or forty miles offshore, to
12 where they're running longlines. We're not seeing the amount of
13 gillnet that we historically did. It is more of a longline
14 fishery at this point.

15
16 **CHAIRMAN BOSARGE:** Thank you, sir, and I think Lieutenant
17 Zanowicz has about four slides for us that kind of go right
18 hand-in-hand with this, and so I will let you quickly run
19 through those, sir. We have a question from Mr. Strelcheck.

20
21 **MR. ANDY STRELCHECK:** I know I'm holding you up from lunch, but
22 I do have a question. Thank you, Les, for being here. I'm
23 curious -- I have two questions. The gears that you are
24 seizing, especially along the Rio Grande River, are those
25 allowable gears in Mexican waters? Then can you talk a little
26 bit about the Mexican enforcement presence? Are there any
27 efforts on the Mexican side to enforce this illegal activity
28 that's occurring?

29
30 **LT. CASTERLINE:** As far as the gear and the legality in Mexico,
31 I don't know that I can speak to what they would or wouldn't
32 allow in those certain areas. I do know, along the river, we've
33 had some Game Wardens that we've actually trained through our
34 academy from Mexico that would tell us that a portion of the
35 gear that we were finding that they did not allow on their side.

36
37 To speak to the enforcement efforts on the northern coast for
38 Mexico, mainly those vessels in the Gulf are coming out of the
39 Playa Baghdad area, and I would say that a minimal, if any,
40 enforcement is occurring on that beach, due to the threat by the
41 cartel in that area.

42
43 I do know that, and the Coast Guard can probably speak more to
44 the interaction with the military, as far as their efforts in
45 the Gulf, but, overall, I would say that the enforcement efforts
46 are minimal on their side.

47
48 **CHAIRMAN BOSARGE:** All right, Lieutenant Zanowicz.

1
2 **U.S. COAST GUARD UPDATE**
3

4 **LT. ZANOWICZ:** Thank you. As Lieutenant Casterline mentioned,
5 the Coast Guard and Texas Parks and Wildlife have been working
6 together to combat this threat. I did want to mention, before I
7 jumped into my presentation, that I did receive the letter from
8 the council following our last meeting formalizing the request
9 for some information, and this presentation provides the data
10 that was requested.

11
12 This graph here we're looking at shows the time series of lancha
13 detections and seizures by the Coast Guard for the past ten
14 years, and so the blue bars that you're looking at, and it's a
15 little difficult to see, is the total number of detections every
16 year, and the red bars are the total number of seizures, and so
17 detections includes both actually sighting a lancha as well as
18 recovering illegal gear.

19
20 You can see, for the past ten years, it has been steadily
21 increasing, and there is no sign that the threat is slowing
22 down. We're seeing a consistent level of detections for several
23 years now.

24
25 This chart here shows the total number of red snapper and shark
26 that we've recovered from these vessels themselves, and so you
27 can see that there is some fluctuation from year-to-year. This
28 year, currently, we've recovered a total of 4,959 red snapper
29 and 121 sharks. Again, that is the total number of fish that
30 we've actually recovered.

31
32 This shows the total catch weights of what we recovered from
33 those lanchas from 2014 to the present, and so, again, you will
34 see that it fluctuates from year-to-year. I don't know for
35 certain why that is, but I will say that we interdict lanchas at
36 all phases of their fishing activity, and so, traditionally, the
37 means they use while fishing is both transit north of the
38 U.S./Mexico Maritime Boundary Line and put their gear in the
39 water and transit back south and let it soak for several hours
40 and return north and recover their gear with the fish.

41
42 We can interdict those vessels when they're transiting north,
43 when they're transiting back south after placing the gear, or
44 when they're transiting back north to recover the gear, and so,
45 many times when we interdict them, we actually have the master
46 onboard actually admit to fishing in the U.S. EEZ, which is
47 sufficient for us to seize the vessel, and so there doesn't
48 necessarily need to be catch onboard for us to seize it, and,

1 again, because of that, you will have us seize vessels that
2 don't necessarily have any catch onboard.

3

4 These total catch weights, as well as the catch counts in the
5 previous slide, were provided to the Southeast Fisheries Science
6 Center, and, in addition to that, I'm working with our office
7 that did the lancha economic impact analysis presentation from
8 several years back to conduct an estimate of the total lancha
9 threats. In other words, how many vessels we believe are
10 operating in the U.S. EEZ.

11

12 Here is two pictures from several recent cases we had. The
13 picture on the left shows just the catch laid out from one
14 lancha, demonstrating the total quantity of red snapper we have
15 recovered, and then the catch there on the right just shows the
16 condition of one of these vessels.

17

18 As you can see, the red snapper in this lancha are not in any
19 kind of cooler. They are just thrown there on the deck with no
20 sort of refrigeration, and that's pretty consistent with what we
21 typically see.

22

23 In response to all of this, we are continuing regular Coast
24 Guard enforcement efforts, and, obviously, as indicated by these
25 graphs, no sign that the threat is slowing down, and so that
26 concludes my presentation, pending any questions. Thank you.

27

28 **CHAIRMAN BOSARGE:** Questions? Yes, Dr. Porch.

29

30 **DR. PORCH:** Thank you very much for that presentation. One, the
31 information that we received actually doesn't quite match up
32 with the bars on the graph, but, more importantly, I think you
33 explained to us that the Coast Guard does not plan to provide
34 actual catch estimates, where you're expanding, as you did in --
35 I can't remember if it was 2014 or 2015, maybe.

36

37 For us to do anything with this, basically you're just -- If you
38 expand it up, in terms of the number of lanchas detected, versus
39 the number that you actually seized red snapper from, even if
40 it's basically a factor of three difference, I think, and so it
41 wouldn't be that many red snapper, but the big part that's
42 missing here is the probability of detecting a lancha to begin
43 with, and that's what you had addressed back a couple of years
44 ago.

45

46 **LT. ZANOWICZ:** Thank you for those comments. The analysis that
47 was conducted several years ago did include catch estimates as
48 part of it, and the feedback that the Coast Guard received was

1 an analysis of that sort was stepping outside our role as an
2 enforcement organization, and so that's why, for this future
3 analysis, what we're planning to do is focus solely on the
4 lancha threat. In other words, how many vessels we believe are
5 operating, based on our probability of detection by the Coast
6 Guard and how many we're actually seeing out there.

7

8 **CHAIRMAN BOSARGE:** Yes, sir, Dr. Stunz.

9

10 **DR. STUNZ:** I know it's getting late, but just really briefly
11 and to follow up on Clay, and, if that's outside of the realm of
12 what you guys wanted to do, I don't know that it's out of the
13 realm of what the council could request that we could do within
14 our purview, but I guess I still am not totally clear on the
15 detection part, and we don't have to have that answered today,
16 but my understanding is the detections that you're showing here
17 are not what really is happening and that it's a little bit
18 harder to put our fingers on, which would obviously play into a
19 lot more catch that's going on, and that is the missing piece
20 that I think would very useful to have.

21

22 **LT. ZANOWICZ:** Absolutely. The figures we showed here were
23 simply the number of lanchas we actually see in the EEZ. We
24 obviously don't have the resources to see all of them, and, even
25 if we did have more resources, we probably wouldn't see all of
26 them anyway, and so the analysis that we plan to conduct is an
27 estimate of the total number based on the number of lanchas that
28 we are actually seeing.

29

30 **CHAIRMAN BOSARGE:** Dr. Mickle.

31

32 **DR. MICKLE:** I appreciate both of the presentations, and just
33 one little point. It's very interesting that the illegal
34 fishing seems to be switching to offshore waters. That's very
35 interesting to actually see, and, also, I assume the effort
36 levels of your on-the-water for both agencies is probably
37 dictated by funding, or is it standardized?

38

39 If we go back to the figures, the first couple of figures, and
40 we don't have to, but there is a lot of variability in your
41 detection of illegal -- Is it standardized patrols? I think we
42 talked about this before, but has anything changed, or is it
43 highly standardized or not? Thank you.

44

45 **LT. ZANOWICZ:** The number of hours that we're allocated for our
46 resources has remained relatively steady over the past few
47 years. That being said, we're constantly adapting our
48 strategies and tactics on the southwest border to improve

1 detection.

2
3 Obviously, this threat has been going on for a while, and so
4 there is indication that the Mexican fishermen are probably
5 aware of some of the tactics we use, and so it's kind of a cat-
6 and-mouse game, where we're constantly trying to change our
7 tactics, and that probably represents some of the fluctuation we
8 were seeing in those graphs.

9
10 **CHAIRMAN BOSARGE:** All right. I think we've had some good
11 discussion. We are set for a lunch break at this point, because
12 our next agenda is public comment, and we don't have a lot of
13 wiggle room on that, but, if you all want to continue this
14 conversation, we can do so during the liaison reports tomorrow
15 or if we have time after public comment. If we have a little
16 time left, we can do it then. It's obviously very interesting.
17 Thank you, gentlemen, both of you. We're going to break for
18 lunch now. We have public comment at 1:30, and so let's be in
19 our seats and ready to go at 1:30, please.

20
21 (Whereupon, the meeting recessed for lunch on August 22, 2018.)

22
23 - - -

24
25 August 22, 2018

26
27 WEDNESDAY AFTERNOON SESSION

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31 The Full Council of the Gulf of Mexico Fishery Management
32 Council reconvened at the Omni Hotel, Corpus Christi, Texas,
33 Wednesday afternoon, August 22, 2018, and was called to order by
34 Chairman Leann Bosarge.

35
36 **CHAIRMAN BOSARGE:** All right. I think we have most of our
37 council members around the table. For the public, if you're
38 having a conversation in the back, just so that we can hear
39 everybody that's at the microphone, if you could keep it to
40 whisper or take it outside, we would appreciate it.

41
42 Good afternoon, everyone. Public input is a vital part of the
43 council's deliberative process, and comments, both oral and
44 written, are accepted and considered by the council throughout
45 the process.

46
47 The Sustainable Fisheries Act requires that all statements
48 include a brief description of the background and interest of

1 the person in the subject of the statement. All written
2 information shall include a statement of the source and date of
3 such information.

4
5 Oral or written communications provided to the council, its
6 members, or its staff that relate to matters within the
7 council's purview are public in nature. Please give any written
8 comments to the staff, as all written comments will also be
9 posted on the council's website for viewing by council members
10 and the public, and it will be maintained by the council as part
11 of the permanent record.

12
13 Knowingly and willfully submitting false information to the
14 council is a violation of federal law. If you plan to speak and
15 haven't already done so, please sign in at the iPad registration
16 station located at the entrance to the meeting room. We accept
17 only one registration per person, please.

18
19 Each speaker is allowed three minutes for their testimony.
20 Please note the timer lights on the podium, as they will be
21 green for the first two minutes and yellow for the final minute
22 of testimony. At three minutes, the red light will blink, and a
23 buzzer may be enacted. Time allowed to dignitaries providing
24 testimony is extended at the discretion of the Chair. We do
25 have one dignitary that I know of in the audience that would
26 like to give public testimony, and so our first gentleman this
27 afternoon will be Mr. Lawrence Marino.

28

29

PUBLIC COMMENT

30

31 **MR. LAWRENCE MARINO:** Good afternoon. My name is Larry Marino,
32 and I'm here on behalf of Louisiana Attorney General Jeff
33 Landry. Regarding Action 1 under state management Amendment
34 50A, addressing the components of the recreational sector to
35 include, Attorney General Landry urges the Full Council to
36 reject the Reef Fish Committee decision yesterday to make
37 Alternative 2 the preferred instead of Alternative 4.

38

39 This change would back-burner state management of for-hire, even
40 though some states and their fleets want to be included in state
41 management. It would also eliminate the sunseting of component
42 separation between for-hire and private angling.

43

44 There is obviously disagreement on state for-hire management,
45 and, given the immediate need to pass state management in time
46 for the end of the EFPs, the council separated for-hire out into
47 a separate amendment. However, the way that Alternative 2 would
48 accomplish this separation would prejudice the discussion in the

1 for-hire amendment by eliminating the sunseting of component
2 separation within the recreational sector.

3
4 By contrast, all of the analysis that went into imposing
5 component separation under Amendment 40 -- The separation would
6 be made permanent with very little discussion or analysis by the
7 inclusion of a single sentence in Alternative 2 in Amendment
8 50A. Under Alternative 2, component separation would become the
9 default condition for a for-hire amendment, again, despite the
10 fact that some states and their fleets oppose it and also
11 despite the fact that, under Alternative 2, Amendment 50A would
12 not even address the for-hire component.

13
14 At a minimum, this significant change should be removed from
15 Alternative 2 in Amendment 50A and left for more rigorous
16 discussion in the state for-hire amendment. More importantly,
17 rather than eliminating state for-hire management under
18 Amendment 50A, the better solution is to address it now in 50A,
19 as did the previous preferred Alternative 4. The only problems
20 identified were the allocations among the states and the concern
21 for how to regulate the for-hire fishing if only some states
22 choose to manage for-hire.

23
24 As to the allocations, whether now or under a separate state
25 for-hire amendment, that decision will ultimately have to be
26 made. Mr. Banks moved Option 2d, which failed resoundingly,
27 though it's not exactly clear why. The council accepted it
28 before, and it appears to be fair. Mr. Riechers moved Option 5b
29 and 5d, which incorporates biomass into the weighting and which
30 failed almost as badly. Again, this appears fair, and
31 incorporating biomass into the allocation seems appropriate.

32
33 Regardless, there is a wide range of options here. Maybe a path
34 forward is to do a straw vote on the options among the council
35 members and start with whatever gets the most votes or take the
36 top three solutions and use them all and weight them equally.
37 It seems the conversation just needs a place to get started.

38
39 Many members commented about the need to decide based on what's
40 right for the fishery overall and not what's most advantageous
41 for any particular state. That is both commendable and correct,
42 but we need to follow through on that and work toward developing
43 an option that's reasonable and that everyone can live with.

44
45 It's doable, but we need to hear why members have deal-killer
46 problems with particular options and tweak the options to
47 satisfy or reduce those problems without creating deal-killer
48 problems for the other members. It may facilitate this to start

1 with one option and then start tweaking it, instead of up or
2 down votes and for council members to identify the particular
3 tweaks they need to see in order to accept that option.

4
5 As to allowing each state to decide whether to include for-hire,
6 the concern now seems to focus on difficulties that might arise
7 if some states manage for-hire and some don't. Drawing lines in
8 the Gulf is not necessary. For states managing for-hire, the
9 state for-hire permit could specify that the vessel can land
10 only in that state. Its catch would be deducted from that
11 state's allocation.

12
13 For states not managing for-hire, the federal permit could
14 specify that the vessel can land only in states that do not
15 manage for-hire. Its catch would be deducted from the remaining
16 allocation, and this should not be that complicated to
17 accomplish. Whether the permit requirement is called an
18 endorsement or something else, focusing on where the vessels
19 land rather than where it fishes simplifies the process.
20 Certainly it will take time to implement, but, if this is
21 accepted now, there is no reason that it can't be done in time
22 for the 2020 fishing season.

23
24 Finally, while many members indicated their intent to pursue
25 state for-hire management on a parallel track with state private
26 angling management, the reality is there is time pressure to
27 complete state management for private angling but not for for-
28 hire. The inevitable result is that for-hire will tend to
29 languish if it's separated out, despite members best intentions.

30
31 It is therefore in the best interest of timely development of
32 state for-hire that it remain part of Amendment 50A. For these
33 reasons, Attorney General Landry urges the council to reject the
34 committee recommendation to make Alternative 2 the preferred
35 under Action 1 and to select a preferred under Action 2, so that
36 the process can move forward timely. Thank you.

37
38 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Jake
39 Herring, followed by Mr. Cliff Johnstone.

40
41 **MR. JAKE HERRING:** Good afternoon and, first, welcome to Corpus
42 Christi, and thank you all for coming here today. As a
43 recreational angler, I am in support of the management of red
44 snapper by the State of Texas to manage both for the
45 charter/for-hire and for the private recreational angler sector.

46
47 I think this will maximize the ability for fishing flexibility
48 while still meeting the prescribed quotas. As an angler, I

1 appreciate what the state has been doing, and I hope that
2 Amendment 50 moves along, and so, essentially, coming from me,
3 as a person, just a normal guy that likes to go fishing from
4 time to time, I hope that I am still allowed to continue to do
5 it, and I hope that my kids and their grandkids are still
6 allowed to do it, and so I sincerely really appreciate you all
7 coming here to hear everybody out today and thank you, and I
8 hope you enjoy your stay in this town.

9
10 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Cliff
11 Johnstone, followed by Mr. Chris Niquet.

12
13 **MR. CLIFF JOHNSTONE:** Good afternoon. I am Cliff Johnstone, and
14 I'm from Corpus Christi, Texas, and I'm a recreational
15 fisherman, but, first, once again, welcome to our city. I hope
16 you all are having a good time. I do support the Amendment 50
17 for the states to continue the management of the red snapper and
18 the recreational fishing, and that's it. Thank you very much.

19
20 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question for you,
21 Mr. Cliff, from Mr. Doug Boyd right over here.

22
23 **MR. BOYD:** Thank you for coming today and giving us testimony.
24 A question. You said state management of recreational fishing.
25 Do you mean just private boat, or do you mean charter/for-hire
26 and headboat, or none of the above or --

27
28 **MR. JOHNSTONE:** Well, I agree with what the current states are
29 doing as far as the management of the red snapper fishing and
30 really no changes.

31
32 **MR. BOYD:** Thank you.

33
34 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Chris
35 Niquet, followed by Mr. Dylan Hubbard.

36
37 **MR. CHRIS NIQUET:** My name is Chris Niquet, and I'm from Panama
38 City, Florida. I'm a commercial fisherman. I have heard some
39 talk around the council today about the allocation issue, and
40 I've heard that it may go up as high as 10 percent in the coming
41 year, which has been long overdue, and increasing the TAC will
42 be good for the recreational for-hire industry and the private
43 recreational and the commercial.

44
45 I think it would be good for the entire fishery overall. It
46 seems like there is a pile of red snapper out there that nobody
47 is accounting for, and, as far as the commercial fleet, you've
48 got a moratorium, I think, on reef fish permits being issued,

1 and that's an impingement to the new entries that everybody is
2 talking about. If you're not going to issue any more reef fish
3 permits, I'm assuming the new entries are the people who are in
4 the fishery but are not catching red snapper, due to the lack of
5 allocation of shares.

6
7 I have heard talk among people that these allocation and shares
8 are, quote, unquote, not available at any price. They're either
9 sadly mistaken or let's say they're fibbing, because this
10 January, coming January, when I get the snapper in my account,
11 they will all be for sale, every last one of them. Tell your
12 people don't say that they're not for sale. You've got my
13 number and have them call me.

14
15 Now, the charter boat fleet has been within their limits for the
16 last two or three years, I think sometimes 20 or 30 percent
17 below their limits, and it's not because they can't catch them.
18 It's because they don't have enough days to catch them. Give
19 them the time to catch them, and they will catch 90 percent and
20 up of the fish, but if you don't give them enough days, it's
21 impossible and you can't do it.

22
23 Commercial is the same way. We're catching 95 plus percent of
24 the fish that we're allotted every year, and these are going
25 through fish houses and restaurants and to the general public.
26 We are within our limits, and I don't think we need any
27 reduction. The 10 percent increase is good if you have a three
28 or four-year constant catch, so that people will know what
29 they're getting and they can make a business plan. Thank you
30 very much for your time, and I will answer any questions you
31 have.

32
33 **CHAIRMAN BOSARGE:** Thank you, sir. All right. Next, we have
34 Mr. Dylan Hubbard, followed by Mr. Bart Niquet. Our lights
35 aren't really working on the podium for some reason, and so I
36 guess I'll hold my finger up and tell you when you have one
37 minute left. I will do my best. Go ahead.

38
39 **MR. DYLAN HUBBARD:** Hello. My name is Captain Dylan Hubbard,
40 and my family business has been fishing in central west Florida
41 for over ninety years and four generations. We operate six
42 federally-permitted vessels, both charter and headboats, and I'm
43 here today representing my family business alone. I'm also a
44 graduate of the Marine Resource Education Program, and I hold a
45 spot on the Reef Fish AP.

46
47 As far as state management for red snapper, please leave the
48 federal for-hire fleet out of state management. It was said

1 yesterday at the meeting that only a small, vocal portion of the
2 for-hire fleet are outspoken against this. I would challenge
3 that by saying that only a small, vocal portion of this council
4 are in support of this, and nearly all of the federally-
5 permitted for-hire fleet does not want to see their largest
6 business asset, their federal permits, endangered by moving into
7 a state management plan.

8
9 Thank you for removing federal for-hire from the current
10 Amendment 50, and please continue to keep it out of the plan, as
11 including it will only serve to hinder the goal of having an
12 option in place for the private recreational anglers at the
13 expiration of the EFPs.

14
15 Amendments 41 and 42 need to be dropped from the council agenda.
16 The once heavily weighted in support ad hoc APs can't even reach
17 a quorum to discuss these further, and it's a clear sign that
18 these amendments are not working and have lost support among the
19 constituents, and we're wasting too much of the council time and
20 energy on an unsupported set of amendments.

21
22 Electronic reporting for the federal for-hire fleet coming in
23 2019 is very exciting, but I am very worried about an unfunded
24 mandate rolling out without a way for that data to be used.
25 Currently, we're a long way before this is ready to be
26 implemented, and the public comment period just ended two days
27 ago. What if public comment causes things to change more?

28
29 We must electronically report. The industry wanted this for
30 decades, but we cannot roll this out prematurely and have a
31 positive step forward become a disaster. Also, I continue to
32 voice my distaste in the vessel monitoring requirement. I would
33 prefer that it not be involved. Finally, please be sure to
34 include the transparency discussed by the SEFHIER group and the
35 flexibility needed for anglers to prosecute this fishery.

36
37 The carryover provision was not discussed at this meeting.
38 Please discuss it at the October meeting. Why leave something
39 that could be so positive and helpful on the table? We need the
40 ability to fish our quota. There has been talk of the for-hire
41 fleet's inability to land our quota, and we don't have an
42 overallocation of quota issue. We have an under allocation of
43 days issue.

44
45 As far as gray snapper are concerned, why are they not being
46 included in the 50 SSB MSY with other species? I hope they will
47 not receive an overfished designation or be considered
48 undergoing overfishing, as this is a very healthy fishery.

1
2 At the last meeting, I felt reassured that the stock status
3 criteria used in the assessment would be changed and this
4 fishery would not be considered overfished or experiencing
5 overfishing. Yet, the SSC recommendation does not reflect that.
6 I urge the council to adopt a stock status criteria that would
7 avoid creating an unneeded issue. I wanted to talk about
8 hogfish too, but I ran out of time. Thank you.

9
10 **CHAIRMAN BOSARGE:** Since you were sweet and didn't make me
11 scream at you, what did you want to say about hogfish? I would
12 like to know.

13
14 **MR. HUBBARD:** As far as the hogfish goes, the updated assessment
15 that was discussed, talking about the uncertainty, didn't
16 address the minimum size limit change, and I feel that we just
17 made a 16 percent change in the minimum size limit, and that
18 reduces -- In cobia, that was the largest change to reducing the
19 catch landings, and so reducing the ACL on top of increasing the
20 minimum size limit and what's happening with red grouper and gag
21 grouper and other species out in deep water -- Along the West
22 Florida Shelf, hogfish is becoming more and more of a directed
23 hook-and-line fishery.

24
25 A lot of charter boats, especially state-permitted boats, and
26 even federally-permitted boats, are now shifting gears to a
27 directed hook and line hog fishery, and I feel increasing the
28 minimum size limit and not assessing that and then also
29 decreasing the ACL is going to create an unneeded issue.

30
31 **CHAIRMAN BOSARGE:** Thank you, sir.

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

34
35 **CHAIRMAN BOSARGE:** Next, we're going to have Mr. Bart Niquet,
36 followed by Mr. John McCain.

37
38 **MR. BART NIQUET:** Good afternoon. I'm glad to be here. You all
39 listen to that man. He knows what he's talking about. My name
40 is Bart Niquet, sometimes called Captain Buster, and, as one
41 former council member called me, the White-Headed SOB in the
42 Back.

43
44 I started working on snapper boats when I was thirteen, and that
45 was in 1937. I started running the boats when I was twenty-two,
46 and I've had a six-pack license, a hundred-ton license, a 300-
47 ton oil and mineral license, and I have owned one charter vessel
48 and three commercial vessels, with permits for all of them.

1
2 First, an observation. About half the council members turn away
3 from the microphone when they're speaking, and we can't hear you
4 in the back, and the men are worse at it than the women.

5
6 I would say that, and we still have problems in trying to manage
7 and reallocate snapper without input from the principals in this
8 process. Get some fish dealers and lease holders in an open
9 forum, and, for God's sakes, listen to what they have to say
10 before you try to make any rules. That might save time and
11 legal fees on both sides. We already have dual-permitted
12 vessels. Ask them how it works.

13
14 A senator known worldwide said this to his senate. Chaos is
15 created by any political body by overeducated and disgruntled
16 employees. A person who is not happy in his work should leave.
17 That happened back in the time of Caesar, and the man's name was
18 Livy. I would be happy to answer any questions, and I agree
19 with most of what these fellows are saying. Thank you.

20
21 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. John
22 McCain, followed by Mr. Jen Thomasson.

23
24 **MR. JOHN MCCAIN:** My name is John McCain, and I'm a recreational
25 angler from Corpus Christi, Texas. I would like to welcome you
26 all here and tell you that I appreciate the job that you're
27 doing. I am here in support of the council getting together and
28 passing Amendment 50. I think Texas Parks and Wildlife does an
29 excellent job taking care of the fish stocks in Texas, and I
30 think they would do a good job taking care of the recreational
31 end of the red snapper. Basically, that's all I have to say,
32 and I thank you for the job that you're doing.

33
34 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Ms. Jen
35 Thomasson, followed by Ms. Lauren Sponsler.

36
37 **MS. JEN THOMASSON:** Hi. My name is Jen Thomasson, and I'm a
38 recreational angler from Rockport, Texas. As a recreational
39 angler, I am in support of state management of red snapper that
40 would allow Texas to manage both the charter/for-hire and
41 private recreational angler sectors. I appreciate the work the
42 states are doing to ensure that Amendment 50 moves along. We
43 want access and opportunity. You all enjoy your time in Corpus
44 Christi.

45
46 **CHAIRMAN BOSARGE:** Thank you, ma'am. Next, we have Ms. Lauren
47 Sponsler, followed by Mr. Tyson Gaenzel.

48

1 **MS. LAUREN SPONSLER:** My name is Lauren Sponsler, and I'm from
2 Rockport, Texas. As a recreational angler, I just wanted to say
3 that I appreciate the work the states are doing to ensure that
4 Amendment 50 moves along. We hope that you all just keep it
5 moving forward, and that's all. Thank you.

6
7 **CHAIRMAN BOSARGE:** Thank you, ma'am. Next, we have Mr. Tyson
8 Gaenzel, followed by Mr. Ron Moser.

9
10 **MR. TYSON GAENZEL:** Hi. My name is Tyson Gaenzel, and I'm a
11 recreational angler from San Antonio, Texas. I fish right here
12 out of Corpus. I would like to let you know that recreational
13 anglers support state management of red snapper, and I believe
14 the states should manage all recreational fishing effort, both
15 the for-hire and private anglers.

16
17 We believe managing the species on a state basis versus Gulf-
18 wide is more efficient and effective for the entire fishery.
19 The Florida fishery is different than the Texas fishery. Our
20 fishing days are different, and the distances we have to travel
21 to fish are different, and so I think Mexico probably has a
22 bigger impact on our red snapper fishery than Florida does, and
23 so managing us with Florida doesn't work well for us, I don't
24 believe.

25
26 The recreational community is supportive of the state's effort
27 to collect data, harvest data, and I know our Texas Parks and
28 Wildlife biologists are at the boat ramps often. I used
29 iSnapper on every trip I took this year, and the other
30 recreational anglers I know have used iSnapper, and we really
31 got behind it this year, with the state management. I think you
32 have seen -- I think it has increased that effort, having state
33 management. It's made us all get involved in that process.
34 Thank you.

35
36 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Ron Moser,
37 followed by Mr. John Blaha. We will circle back to Mr. Ron, if
38 he's not in the room at the moment, and so, next, we have Mr.
39 John Blaha, which will be followed by Mr. Troy Williamson.

40
41 **MR. JOHN BLAHA:** Good afternoon, Madam Chairman and Gulf
42 members. I appreciate the opportunity to speak today. My name
43 is John Blaha, and I am a Habitat Director for CCA Texas's
44 Habitat Program, Habitat Today for Fish Tomorrow, and I'm an
45 assistant director with several CCA chapters in our state, four
46 of which are here in the coastal bend area. These include
47 Corpus Christi, Rockport, Port Aransas, and the Brush Country
48 Chapter.

1
2 I just wanted to take the opportunity to relay some recent
3 feedback that I have heard from our members. Fishing this
4 summer for red snapper under the EFP has been a positive
5 experience for many of our members. Although there were many
6 days in early summer that the conditions weren't conducive for
7 them to go out and enjoy themselves on the water, the guys and
8 gals knew that they had future opportunities later in the
9 summer, which recently they have reaped the benefits from.

10
11 They really enjoyed having the chance when they could go during
12 the eighty-two-day federal season, which just recently ended.
13 Opportunity to access the resource is important to recreational
14 anglers, and we seem to have gotten that under the first year of
15 the EFP.

16
17 In an effort through our social media channels, our membership
18 meetings that we hold, and magazine publications, we encourage
19 our members to utilize tools such as iSnapper and to participate
20 in the data collection process. We understand this is
21 important, and we also encourage them to use descending devices
22 to practice safe catch-and-release.

23
24 Our participants at Harte Research Institute have done a lot of
25 great studies with this and shown the benefits of it, and we're
26 looking forward to the next snapper season under the second year
27 of the EFP and hopefully permanent state management after that.
28 Thank you for the work you are doing on Amendment 50, and please
29 keep it moving forward. Again, thank you for this opportunity
30 to give public comment, and I hope you have enjoyed your time in
31 Corpus Christi, and safe travels back home. Thank you.

32
33 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Troy
34 Williamson, followed by Mr. Ken Haddad.

35
36 **MR. TROY WILLIAMSON:** Good afternoon, Madam Chair and council
37 members. My name is Troy Williamson, and I'm a resident here in
38 Corpus Christi. Thank you for the opportunity to give public
39 comment here today. I'm a recreational angler, and I support
40 state management of red snapper and the inclusion of the
41 charter/for-hire and private recreational angler sectors in that
42 management plan.

43
44 I was a member of this council's ad hoc advisory panel that
45 voted against sector separation of charter/for-hire and
46 recreational anglers. I'm of the opinion that many members of
47 the charter/for-hire sector now agree that sector separation was
48 a mistake.

1
2 I am in favor of the concept of individual state amendments,
3 which would allow each Gulf state to adapt their management
4 plans to the needs of their citizens and the conservation of the
5 public resource.

6
7 I have been privileged to serve as a commissioner on the Gulf
8 States Marine Fisheries Commission for the past nine years. In
9 that capacity, I have witnessed the cooperation between the
10 state agencies, and I have every confidence that each of the
11 five Gulf states will work together for the benefit of the
12 resource and resolve the issue of allocation of that resource in
13 a fair and judicious manner.

14
15 As far as the provisions of aquaculture that you're going to be
16 dealing with in the future, I am in favor of NOAA and this
17 council using the best available science to explore a safe and
18 environmentally conscious aquaculture initiative. Importing 90
19 percent of this nation's seafood is not in our best interest.

20
21 As far as your discussions regarding shrimp is concerned, I am
22 in favor of keeping the shrimp effort threshold at current
23 levels until the red snapper rebuilding target date is reached.
24 Thank you again for the opportunity to address this council on
25 these very important issues and have a good day.

26
27 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Ken
28 Haddad, followed by Mr. Gary Bryant.

29
30 **MR. KEN HADDAD:** Thank you, Madam Chair and council members. My
31 name is Ken Haddad with the American Sportfishing Association.
32 I want to cover two topics, allocation and state management. We
33 ask that you adopt the federal guidelines for allocation. It is
34 our opinion that NOAA prescribes an accountable process-oriented
35 policy, while the council policy is more a list of things to
36 consider, and it does not prescribe an accountable process. We
37 would like a policy or an amendment that prescribes a process
38 that is fair and equitable and accountable.

39
40 On the scoping document, and there is new members here, back in
41 2015, you were given compelling science, vetted by the SSC, that
42 concluded a long-term underestimate of recreational landings and
43 in size selectivity. This produced additional catch. Then Reef
44 Fish Amendment 28 acknowledges this long-term underestimate and
45 proposed a small change in allocation. That was struck down in
46 a lawsuit based on violation of National Standard 4.

47
48 You have started a new process with the understanding that a new

1 amendment is warranted and NOAA, in discussions with this
2 council, NOAA said that there is no reason not to start a new
3 amendment looking at allocation for snapper, and this new
4 amendment should readdress allocation that does not violate
5 National Standard 4 and takes into account IFQs and the impacts
6 and considers a broad range of social, economic, data
7 collection, and management factors, and we just ask that you
8 move forward with this.

9
10 In state management, we still prefer alternatives that give the
11 maximum allowable technical and management authority to the
12 states and allows innovative management approaches such as depth
13 and distance. We prefer a state decision on including or
14 excluding for-hire. A mix is very doable. States have to deal
15 with cross-jurisdictional boundaries all the time, and so it can
16 be done.

17
18 Finally, we hope the states will please find a way to agree on
19 allocation or an allocation process in time to have a system in
20 place at the conclusion of the EFPs. Thank you.

21
22 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Gary
23 Bryant, followed by Mr. Billy Archer.

24
25 **MR. GARY BRYANT:** Good afternoon. I'm Gary Bryant from Gulf
26 Shores, Alabama. I am going to speak to you today as president
27 and representative of the Alabama Charter Fishing Association.
28 We represent ninety boats along the Alabama Gulf coast.

29
30 First and foremost, I would like to reaffirm how important
31 sector separation is to our fishing community. It has helped
32 stabilize our business and stabilize our customers, knowing when
33 we're going to fish. Our membership is fully behind keeping
34 sector separation and staying under the federal jurisdiction, I
35 guess for lack of a better word.

36
37 Moving forward, we would like to see the buffer for the for-hire
38 sector lowered. For the last -- I have seen information for two
39 years, but, for the last three years, as far as I know, we have
40 stayed under our catch target. We have not come even to our
41 buffer, and we feel like the charter/for-hire industry has been
42 held down to act as a secondary buffer for the entire
43 recreational catch. We would like the opportunity to catch our
44 fish, and so that is important to us.

45
46 On Amendment 50, we would really like to see -- We support the
47 private anglers getting Amendment 50. We would like the charter
48 boats left out of it. There is no reason to bog this down and

1 draw it out and cause confusion when it can go forward just for
2 the private anglers in a streamlined fashion, and we support the
3 private anglers having that opportunity.

4
5 Our fishing community feels that cobia are in trouble, and we
6 would like to see something done and you all move forward. We
7 would support lower bag limits and an increased size. We are
8 not seeing the fish we've seen in the past. We are seeing small
9 fish, and we think something needs to be done for them.

10
11 On the logbooks, we are looking forward to logbooks. There were
12 some comments made about being transparent, and I feel that is
13 very important. Some of these charter guys are pretty contrary,
14 and so, if you give us a false start and tell us to start paying
15 that monthly fee and nothing is being done with the data, it is
16 not going to set well, and it's going to be, well, we tried
17 that, and it didn't work, and I'm not doing it again, and so we
18 want the logbooks, and we fully support it, but tell us upfront.

19
20 If you're not going to use the data for a year -- You know, I've
21 got two federally-permitted boats, and it's seventy-nine-dollars
22 a month now on our CLS plan, and we just don't want to waste the
23 money and the time. We want to give you the data, and we want
24 you to use the data, and so just be upfront with us, but we are
25 excited to do that when you all are ready for us to do it.
26 Thank you very much.

27
28 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question for you
29 from Mr. Boyd.

30
31 **MR. BOYD:** Gary, thank you. I appreciate your testimony all the
32 time. It's very informative, but I do have a question for you.

33
34 **MR. BRYANT:** Okay.

35
36 **MR. BOYD:** At the last meeting, 41 and 42 were postponed for
37 some period of time, and the reason that we did that was because
38 we wanted to give the captains and the owners time to look at
39 the decision tool that NMFS had created on what the fishing
40 productivity would be for each sector. My question is do you
41 know if the people that you're associated with have looked at
42 that tool, and have they reviewed it and do they understand what
43 they might be receiving?

44
45 **MR. BRYANT:** The latest tools, I have not seen the -- I can't
46 say that I've seen the final numbers. I haven't seen any
47 numbers that were advantageous to our fleet. We would be taking
48 a dramatic cut. My fleet basically supports staying, right now,

1 under sector separation fishing. We would prefer the derby
2 under the current scenario. I haven't seen a scenario that
3 would come close to -- We would have to take a dramatic cut,
4 from the numbers that I have seen so far, and we make a living
5 fishing, and so we need to go fishing.

6
7 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Billy
8 Archer, followed by Ms. Pam Anderson.

9
10 **MR. BILLY ARCHER:** Good afternoon, Madam Chair and the council
11 members. My name is Captain Billy Archer, and I'm third-
12 generation from Panama City, Florida. I would like to address
13 the issues that the council is considering right now.

14
15 The first one is Amendment 50. Trying to include the federal
16 charter/for-hire boats in this amendment is a mistake.
17 Amendment 40, or sector separation, was passed by this council
18 three years ago for the purpose to insulate the limited access
19 charter component from the continued loss of access from the
20 private recreational sector.

21
22 Amendment 40 is one of the most successful amendments to date.
23 Amendment 40 has provided both stability and access to the for-
24 hire industry and the American fishing public. That being said,
25 I cannot support Amendment 50 and including the federally-
26 permitted for-hire boats.

27
28 On red snapper reallocation, I strongly oppose this from the
29 commercial and charter sectors to the private recs. Taking
30 commercial quota and giving it to the private angler is unfair
31 to the American public that enjoys these fish in their favorite
32 restaurants, supermarkets, and fish houses. The commercial
33 sector has been working under an accountable management system
34 for the last decade, and they shouldn't be punished for the
35 overharvesting by private recs. Giving private recs commercial
36 quota is not the answer. Maybe Amendment 50 is. I strongly
37 urge this council not to go down this path again on the
38 reallocation of red snapper.

39
40 I also strongly recommend that the council consider the plans
41 put forth by the Destin Charter Boat Association on recommending
42 logbooks and sector allocation. I believe it will further
43 stabilize the recreational fishing industry and we need to get
44 our logbook program online as soon as possible.

45
46 Also, we would like to ask that this council consider an ACT
47 adjustment that reduces the buffer for the charter/for-hire
48 sector. Leaving underharvested red snapper in the water serves

1 no purpose.

2
3 Amendment 36, I urge this council to consider the amendment as a
4 stand-alone amendment for the purpose of set-asides as a fair
5 percentage that means for the future of red snapper increases to
6 be used for new entrants only. On the cobia, my last comment is
7 the consensus is Action 1, Alternative 1 and Action 2,
8 Alternative 3. Thank you very much.

9
10 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Ms. Pam
11 Anderson, followed by Mr. Troy Frady.

12
13 **MS. PAM ANDERSON:** Good afternoon, Madam Chair and council
14 members. Thank you for this opportunity to speak on issues
15 concerning our fishery. I am Pam Anderson, Operations Manager
16 for Captain Anderson's Marina and the Fishery Rep on the Bay
17 County Chamber of Commerce.

18
19 In modifying the ACL for red snapper, I agree that the constant
20 catch choice is best, to keep some consistency in seasons. What
21 concerns me with this is, with a growing fishery, fish obviously
22 grow from year to year, thus weigh more, and, in recent times,
23 that has been used as a reason to decrease the days the next
24 year. Hopefully that will not be the case here.

25
26 In modifying the ACT for red snapper, I agree that the preferred
27 Alternative 3 is fair. Since the private anglers are still
28 overfishing their ACT, I understand why you must keep their
29 buffer in place for now. Soon though, with the state management
30 EFPs, I'm sure we're all hoping that that will resolve that
31 issue, with better data collection plans for the private
32 recreational.

33
34 As for the state management programs, I think it was well said
35 that, in order for it to work, all involved will have to give
36 some, and it will be a great achievement once you've gotten it
37 done.

38
39 Thank you, Dr. Stunz, for your report on the great red snapper
40 count. I, personally, and others have requested this
41 independent study for quite a few years to be funded in
42 Congress. There has been a lot rhetoric over the years in
43 reference to accurate red snapper data, but this should
44 eliminate concerns of stakeholders and legislators on the
45 accuracy of science used in regulations.

46
47 Having a mandatory VMS on a headboat is still not necessary.
48 Hail-in and hail-out is fine, but having an accurate count

1 programmed into a device very long before you get to the dock is
2 going to be difficult as well as verification and short
3 turnarounds that will hold up the boat going back out again in a
4 short time. If these things are not being required in other
5 regions, we shouldn't have the requirements either.

6
7 Thank you, Mr. Brennan, for the headboat summary report. We
8 appreciate your staff's efforts in gathering correct data as
9 well as reporting it in such detail. I think it would help make
10 the harvest in pounds more accurate for headboats if you knew
11 which of the boats ran short or long trips in their area.

12
13 The trips show us the average size fish for the length of the
14 trip. The longer the trip, the deeper the water, the bigger the
15 fish. If you broke the harvest down so the average size fish
16 that were known with inshore and offshore boats, it could make
17 your harvest data that much more accurate.

18
19 I would like to see the trends in lengths of trips over the
20 years. At our marina, with the shorter seasons and two-fish bag
21 limits, we are trending much toward the shorter trips in
22 headboats. With that, each year, we have left more of the
23 larger fish in the water to grow and spawn.

24
25 With that additional artificial reef habitat that our fishermen
26 are setting out throughout the year, except in red snapper
27 season, there should be plenty for all species to multiply. We
28 look forward to seeing data that will show how greater habitat
29 has increased all species exponentially. Thank you for moving
30 forward on all this data. I appreciate it.

31
32 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. Troy Frady,
33 followed by Mr. Shane Cantrell.

34
35 **MR. TROY FRADY:** Good evening. I am Troy Frady. Madam Chair,
36 thank you for your service and the way that you have guided this
37 council right here. Martha, thank you for doing the Reef Fish.
38 You did a good job on that, and I really appreciate it. I would
39 also like to welcome Susan Boggs and J.D. to the council process
40 and those of you who have been reappointed. We appreciate your
41 service.

42
43 I would also like to thank the State of Alabama for shutting
44 down the red snapper season in the EFP, and even though their
45 plan, or our plan, for the State of Alabama is not perfect, it
46 does provide hope and promise for private recreational anglers.

47
48 As a federally-permitted charter boat operator in Orange Beach,

1 I would like to remain sector separated, but I would also like
2 to be -- I would like to see the sunset go away. I would also
3 like to cautiously see, the words "cautiously see", the for-hire
4 buffer reduced to 10 percent, with the implementation of
5 electronic logbooks, hopefully as soon as 2019.

6
7 I would like to give you a little feedback about where we are in
8 the fishery off of Orange Beach, or in the world that I live in.
9 I have spent over 120 days on the water this year, and fishing
10 has been great for the past ten years, but catching now is
11 becoming difficult.

12
13 I remember the council talking a few years ago about giving all
14 recreational anglers an opportunity to catch and keep a trophy
15 fish. You have done a good job, but your job is not finished.
16 Fishing off of Orange Beach has been great. The economy this
17 year, with a 4.1 GDP, is really good for our businesses. I
18 mean, my business is up over 20 percent over the previous year,
19 but with that comes an unintended consequence on the natural
20 resources.

21
22 I hear people tell me all the time that, no, Troy, you're just -
23 - You live in a zone that it doesn't reflect what is really
24 going on. Well, when you spend 120 days a year within thirty-
25 five miles of shore, I provide a pretty good pulse of what's
26 going on out there, and so, where we had an abundance of fish
27 growing about two inches a year, now we see negative trending
28 out to thirty-five miles now.

29
30 What is happening is the charter fishermen -- We are full of ego
31 and testosterone, and, now that we have female captains,
32 estrogen. Everybody has this big fish contest going on, and
33 it's sad, because what happens is everybody is trying to
34 maintain an eight-pound average, and so we all beat our chests
35 and say that we're successfully managing red snapper.

36
37 Well, the reality is that, toward the last thirty days of the
38 season, and all of the boats that are running double six-hour
39 trips this year, everyone has settled, for the last thirty days,
40 of catching TPs. Do you know what a tail pincher is? Well,
41 it's pretty sad when you've got a fishery that has been -- All
42 the fish have been removed to a point to where you're satisfied
43 having a tail pincher, where, a couple of years ago, we were
44 happy having a trophy fish.

45
46 Anyway, I think we all can do better. I would like to see the
47 implementation of a -- Just look at the idea of going to keeping
48 the first three fish and clean up this fishery for the discards

1 that we have. I also would like to go to a 500-pound commercial
2 trip limit on the amberjack and turn it into a bycatch fishery,
3 and I think that sums it up. Thank you so much.

4
5 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Shane
6 Cantrell, followed by Mr. Clarence Seymour.

7
8 **MR. SHANE CANTRELL:** Good afternoon. I am Shane Cantrell from
9 Galveston, Texas. I run a charter boat and commercial fishing
10 boat there. I am going to speak today on a variety of different
11 things, the first being state management and Amendment 50. I
12 think we are learning, through the EFPs, that this is a great
13 opportunity here and that we have a huge opportunity moving
14 forward to do the right thing for the private anglers. You have
15 heard it today and you continue to hear it. They want to be
16 managed by the states.

17
18 I think that Amendment 50 has a lot of opportunity to be that
19 vehicle and be what begins to be the first of many solutions for
20 the private anglers, if it's done correctly. It's very
21 complicated, and I don't think that we need to put the
22 federally-permitted charter boats in there to overcomplicate
23 this issue.

24
25 The private anglers are the ones that have suffered over the
26 past six or seven years in this process. They are the ones that
27 have been left behind, and it's going to take a lot of work, and
28 I am happy to see that this council is addressing that. Leaving
29 the federally-permitted charter fleet out of it makes this a
30 much more manageable amendment and leaves the states to do what
31 they're already doing, which is manage the private anglers for
32 red snapper.

33
34 Every state has done it successfully, as far as I know. I
35 haven't heard -- The only feedback I've heard negative is a
36 state closed the season early, but, every time, it's been based
37 on the data that they reported, and so that's a pretty good way
38 to do it, and so I applaud you all for doing that.

39
40 On Amendment 36B, the IFQ system is meeting its goals. We need
41 to let it keep operating as it has been successfully. The
42 changes that are being proposed are a big problem for the next
43 generation of fishermen, people like myself that want to build a
44 future in the commercial fishery. Putting permit requirements
45 to own shares and finding ways to limit the ability to purchase
46 allocation limits my ability to grow a business, and it raises
47 the barrier of entry. It makes it a weaker system and not a
48 stronger system.

1
2 On reallocation, we've got MRIP recalibrations coming up. The
3 EFPs are going on right now, and we've got allocation policies
4 to revise and state management, Amendment 50. Those are all
5 solutions-oriented things, and we don't need to be figuring out
6 how to have a fish grab and reallocate this fishery among all of
7 this. That's a distraction, and we can put that off for another
8 day.

9
10 One thing that I haven't heard a lot of today is I would like to
11 see this council revisit the crew size limit on dual-permitted
12 vessels. This is an unnecessary and burdensome regulation for
13 vessels like me to be able to operate as a commercial and a
14 charter vessel with a VMS that says that I'm going fishing and
15 this is the activity that's on my boat. That is an unnecessary
16 rule, and it needs to be revisited. Thank you, all.

17
18 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Clarence
19 Seymour, followed by Mr. Charlie Alegria.

20
21 **MR. CLARENCE SEYMOUR:** Good afternoon, Madam Chair. Thank you
22 for having us. Clarence Seymour from Biloxi, Mississippi,
23 Charter Boat SYL, federally permitted. I have just been elected
24 to the Reef Fish AP as a Mississippi representative, and so I'm
25 pretty proud of that at the moment.

26
27 I would like to start with the cobia amendment, which is the
28 modification of a bag and size limit of cobia. It looks like
29 the consensus is that we could possibly go for thirty-three
30 inches to the fork and two per boat, and that would probably be
31 acceptable to most of the Mississippi anglers that I have spoke
32 with, but I do have a share that likes the forty, but we're
33 afraid that, if you reach the forty-inch limit without a dipnet,
34 the guys could have a mortality problem with gaffing undersized
35 fish that need to go back in the water safely, that need to be
36 tagged and released. As long as the framework carries on, I
37 think we can make big steps on rebuilding the cobia stock.

38
39 The next thing is Amendment 50 needs to push on without the
40 federal for-hire sector in it, and there needs to be some -- I
41 listened yesterday about the guidelines about the states could
42 have to have in the amendment how they're going to manage the
43 private anglers and all the rules, because the EFP is totally
44 different, which I think it needs to be considered in the
45 Amendment 50 to where a state guide vessel without a federal
46 permit cannot keep the captain and crew limit, and so that would
47 also reduce any type of -- It's going to take effect on lower
48 ACLs and ACTs.

1
2 The other thing is I heard a lot about the iSnapper app, and I'm
3 going to do a little comparison about iSnapper and Tails n'
4 Scales. I dug into it, and it says a fellow can -- Fishing for
5 red snapper, I'm going to put my data in and the total number of
6 red snapper kept, and I'm going to put twelve. Then the number
7 of anglers is six, and I'm going to put my boat registration and
8 did I fish from a boat ramp or what have you. Did I leave the
9 dock by six, and I'm going to submit it.

10
11 Then I'm going to go over here to Tails n' Scales, and I'm going
12 to give a comparison on the strenuous law enforcement aspect of
13 Mississippi's app. It starts out that you have to start a trip,
14 and you hit that, and this is at 6:00 a.m. or 7:00 a.m. or
15 whatever. I'm going trip in, and it's going to ask for county,
16 which I will put in Harrison County, and landings site, which
17 I'll put in Biloxi Small Craft Harbor, and the reason they ask
18 for a landings site is so that we can get MRIP data and law
19 enforcement can also check visually on what's caught and what
20 data is brought in.

21
22 Then we're going to also start the trip. Then, as the trip is
23 ended -- Say I do a six-hour trip in the morning and a six-hour
24 trip in the afternoon. I can get a --

25
26 **CHAIRMAN BOSARGE:** The time is up, but I want to hear the final
27 Tails n' Scales, because I'm from Mississippi, and so keep
28 going.

29
30 **MR. SEYMOUR:** Okay. Well, I heard that we were having trouble
31 logging in and logging out on a double trip. I can flip out
32 within an hour, and all I've got to do is log out and log back
33 in and I've got a new number, and, if I don't have a number, I'm
34 getting a \$500 fine, and they're going to take my fish with all
35 of my passengers'.

36
37 That is serious business in the State of Mississippi, and I know
38 a lot of folks that have got tickets this year, and that's what
39 we need. Amendment 50 needs, all across the board, law
40 enforcement on Amendment 50. Thank you.

41
42 **CHAIRMAN BOSARGE:** Thank you, sir. We've got a question for
43 you, a couple of them. Dr. Frazer.

44
45 **DR. FRAZER:** Thank you very much. I just wanted to get some
46 clarification on your thoughts again on the cobia size limit. I
47 didn't quite get it. Was it thirty-three or thirty-six inches?

48

1 **MR. SEYMOUR:** Well, what I did was, yesterday, I took a picture
2 of the front cover of our thing, and so I put it on Facebook. I
3 had 193 comments from my Mississippi friends, and it was 50/50
4 from thirty inches to thirty-nine, and so they're still shuffled
5 in on the size limit.

6
7 I think it's probably going to be about 70/30 on anything over
8 two fish per boat, and there was a lot of guys that wanted more
9 than, but it looks like that a two fish per boat could be lived
10 with with the Mississippi anglers, and it was pretty interesting
11 how I did this, and it worked out pretty good.

12
13 **CHAIRMAN BOSARGE:** Okay. Mr. Diaz.

14
15 **MR. DIAZ:** Just a clarification on that size limit. Do you mean
16 50/50 between thirty-six and thirty-nine?

17
18 **MR. SEYMOUR:** Yes, and I think the framework needs to be carried
19 on. When we get the public testimony, I think we can fine-tune
20 between either thirty-three inches to fork or thirty-nine inches
21 to fork.

22
23 **MR. DIAZ:** Thank you for taking your time to come all the way
24 over here, Clarence. I appreciate it.

25
26 **MR. SEYMOUR:** Thank you, all. You all have a great day.

27
28 **CHAIRMAN BOSARGE:** Thank you, sir. Next, I have Mr. Charlie
29 Alegria, followed by Mr. Servando Cantu.

30
31 **MR. CHARLIE ALEGRIA:** Servando is not going to make it. That's
32 my son, and he had to go make a delivery. We're from Corpus
33 Christi, and the fish you're going to eat tonight, my son and I
34 filleted it this morning. At 2:30 in the morning, we started
35 cutting fish.

36
37 I speak not for -- I am not a fisherman. I speak for the
38 thousands of people that come here to eat our fish. We need red
39 snapper, and we need cobia. We need the support of you all to
40 make sure that the people that come to the coast, or even go to
41 Dallas or wherever, but we also ship fish to Houston and here
42 and there and everywhere, but they can have this kind of fish.

43
44 I want the sports to have their fish, and I want the commercial
45 to have their fish. It's got to be fair for both sides, but, at
46 the same time, I speak for the thousands of people that come to
47 the market or eat at Water Street Oyster Bar or the Railroad or
48 the Yardarm, but they have that chance to have that wonderful

1 snapper or cobia or grouper, and that's all we want, and we want
2 that fair chance.

3
4 I am up, lots of times, at two o'clock in the morning, and
5 sometimes I don't go home until ten or eleven o'clock at night,
6 because I have a call that a snapper boat is going unload, and
7 I've got to go. Six o'clock is our limit there, and so we're
8 going there, and then we're having to load it up and come back
9 and re-ice it and re-weigh it, and there's a lot of work in what
10 we do.

11
12 I see all the numbers, and they are wonderful numbers and
13 everything, but, in the end, we've got to weigh it, and we've
14 got to count it, and we've got fillet it, and we've got to serve
15 it. Thank you all for coming to Corpus Christi. Tonight,
16 you're eating my fish. I hope that I didn't leave any bones in
17 there. We try hard, but it was 2:30 in the morning, but it will
18 be wonderful fish, fresh, this morning's catch. Thank you, all.

19
20 **CHAIRMAN BOSARGE:** Thank you, sir. We can't wait for this
21 evening. All right. You said that Servando would not be here,
22 and so I will go to the next one, Mr. Ed Schroeder, followed by
23 Mr. Dan Green.

24
25 **MR. ED SCHROEDER:** Hello. I'm Ed Schroeder with Galveston
26 Partyboats, obviously from Galveston, Texas. We operate
27 partyboats, and we have permits for approximately 280 people. I
28 would like to talk about a couple of things that are sort of off
29 the agenda here, under general fishing.

30
31 First is the discussions about the VMS requirements for the for-
32 hire sector. I really don't like that. We ran under the pilot
33 program for one year, and we had a VMS on our partyboat for --
34 We had to hail-in and hail-out, and we had technical problems
35 with that a lot.

36
37 We could never get the thing to broadcast anything but the
38 eastern time zone, no matter what we did, and so our time out
39 and time in was always wrong, and we were able to work around
40 that with the feds, but I don't want that to become a serious
41 issue in the future.

42
43 I also don't like any system in which there is a potential to
44 say, despite the fact that you have a hundred people on your
45 headboat that travel from all over the place and made
46 reservations months in advance, if the VMS conks out, then you
47 can't say that you can't sail. That is going to be a fiasco for
48 us, and I really oppose that.

1
2 The other issue I have is a lot of discussions about IFQs, and I
3 am really greatly concerned about an IFQ for the headboats. The
4 Excel program that was floating around last winter that I worked
5 on -- No matter what I did and what kind of numbers I made up, I
6 could never come up with an allocation for us greater than 1,960
7 pounds. That was one-and-a-half trips on one of our boats under
8 that system.

9
10 Now, we caught over 60,000 pounds of red snapper this season on
11 our headboats, and so I -- The IFQ that I have seen looks like
12 it would be a fiasco for the headboats, especially in Texas.
13 We're part of the Beaufort Headboat Survey, and we have been
14 since at least 1987, and we do not want to lose -- We do not
15 want to be part of a system or a process that would jeopardize
16 the historical data that we have been reporting in that
17 timeframe, and that's basically all I would like to talk about,
18 and so thank you very much.

19
20 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Dan Green,
21 followed by Mr. Mike Colby.

22
23 **MR. DAN GREEN:** Hello. I'm Dan Green, and I'm from Galveston,
24 Texas. I own a federally-permitted charter boat along with a
25 state-water charter boat. I do support state management for the
26 private recreational anglers, because that's what they want,
27 and, so far, they've had a way longer season than years in the
28 past, but I am asking you to leave the federally-permitted
29 charter boats out of state management.

30
31 Although we had a shorter season than we would have with the
32 state, I am still behind having our own sub-sector and being
33 managed federally to protect our industry. I also own a
34 commercial reef fish permit and a small amount of shares, and,
35 at this time, I don't support reallocation of snapper from the
36 commercial sector to the recreational sector.

37
38 I wasn't going to bring this up, but I agree with what Shane
39 said about lifting the crew size restrictions on dual-permitted
40 vessels. To me, it seems pointless whether you take four crew
41 or a hundred crew, as long as you're catching the same amount of
42 allocation at the end of the day.

43
44 Also, along the coast, we have had one of the worst cobia
45 seasons and catches since I have been in the fishery for
46 thirteen years. I didn't even see one keeper-sized cobia the
47 whole month of June, and I fished quite a bit offshore. I would
48 be in support of a two-boat limit and the size limit being the

1 same. Thanks.

2
3 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Mike
4 Colby, followed by Ms. Ashford Rosenberg.

5
6 **MR. MIKE COLBY:** Good afternoon. I'm Mike Colby from
7 Clearwater, Florida. I'm current President of the Clearwater
8 Marine Association and Executive Committee of the Gulf Seafood
9 Institute. Hello to the new Director and the new council
10 members.

11
12 I'm going to give you another update on the voluntary electronic
13 logbook work that's being done through Woods Hole, CLS, and GSI.
14 We have received, as of three days ago, the final contract
15 signing for a third year from the National Fish and Wildlife
16 Foundation, and so NFWF has signed-off on this, and we have 250
17 updated CLS units available now for fishermen that choose to use
18 the traditional VMS.

19
20 In year-three, changes were made not only to the template and
21 the lexicon of the number of fish that you'll be able to add
22 into it, but also the new tablet will feature a hail-out and
23 hail-in function. This is to essentially coordinate with what
24 will happen on the directive to report next year, and so we'll
25 gradually work that into year-one and year-two participants for
26 hail-in and hail-out.

27
28 I'm still working on the old tablet, and so my hail-out is
29 essentially when the boat leaves the dock, but there will be a
30 formal hail-out and hail-in on the new tablet, and we'll work
31 other fishermen into that later, and, of course, when we move
32 into mid to late 2019, when it becomes a mandatory effort, those
33 guys will already be up and running on that kind of function and
34 will be used to working to it.

35
36 Thank you, Sue Gerhart, for the update on the Fisheries Service
37 workshop that occurred in July, and I believe, hearing the
38 presentation today, probably the most important thing to do, and
39 I believe Martha even made some reference to it relating to
40 dockside intercepts and the frequency of and who is going to
41 provide them, but also the close coordination that we feel, at
42 GSI and Woods Hole, that the states will need to have with the
43 Fisheries Service.

44
45 It's probably going to be really imperative that everybody kind
46 of start their gears and get moving to entertain this new
47 concept of electronic reporting. The outreach, and, again, I
48 think Sue mentioned something about outreach, and that will also

1 be important, and I've mentioned it to the council before, that
2 you're going to need a lot of boots on the ground, and those
3 boots on the ground are going to help sell this on the dock.

4
5 I think, in terms of datasets, or data inputs, that we're asking
6 the fishermen to do on the tablet, I would be cautious about
7 adding in an economic survey. Having said that, I understand
8 the relevance of it and the importance of it. FWC has conducted
9 those at our dockside for two years in a row, but I also
10 believe, as I've said before, if you ask that fisherman to do
11 just a little too much on the rollout, and if you want to shoot
12 an arrow in this, that's a good way to start, and I highly would
13 recommend working that into say year-two or something of that
14 sort. Thank you.

15
16 **CHAIRMAN BOSARGE:** Thank you, sir. Wait. We have a question
17 for you, Mr. Colby, from Mr. Anson.

18
19 **MR. ANSON:** Hi, Mike. Thanks for coming, and thanks for giving
20 some testimony. I'm just curious. Will the CLS group be
21 producing a summary of the first couple of years of the pilot
22 program?

23
24 **MR. COLBY:** Well, yes, and, next week, I am giving a webinar to
25 the Gulf of Mexico Alliance Business Advisory Council, and I
26 have asked Lynn Stokes and those at Woods Hole and CLS to
27 provide -- I have got the 2016 data, but to provide me the best
28 wrap-up for 2017. Now, we obviously don't have 2018 yet, but we
29 can make that available, and she's working on it right now, and
30 I need the darned thumb drive by Monday, and so she better
31 hurry.

32
33 **MR. ANSON:** I would just like to make a comment that if we can
34 squeeze it into a future council meeting, and I know you won't
35 be Chair, but we would like to see it if there's an opportunity
36 to see it. We would certainly like to see it. Thank you.

37
38 **CHAIRMAN BOSARGE:** Sure thing, Kevin. Thanks.

39
40 **MR. COLBY:** Thank you.

41
42 **CHAIRMAN BOSARGE:** Next, we have Ms. Ashford Rosenberg, followed
43 by Mr. Greg Ball.

44
45 **MS. ASHFORD ROSENBERG:** Good afternoon, council, and thank you
46 for the opportunity to comment. My name is Ashford Rosenberg,
47 and I'm with the Gulf of Mexico Reef Fish Shareholders Alliance.
48 First, I would like to extend congratulations to Dr. Simmons as

1 her first meeting as Executive Director, and so thank you. I
2 would also like to welcome J.D. Dugas and Susan Boggs to the
3 council, and I look forward to getting to know both of you.

4
5 First of all, I would like to thank the Reef Fish Committee for
6 being precautionary and supporting the constant catch option for
7 the red snapper ACL adjustment. The red snapper populations are
8 increasing and expanding, thanks to science-based management and
9 the rebuilding plan, and it's good news that we're in a scenario
10 to again raise the ACL. By supporting constant catch, you are
11 providing stability for American fishermen and precautionary
12 management for this important Gulf resource. I hope that the
13 Full Council supports this motion tomorrow.

14
15 I would also like to comment on 36B. I appreciate the
16 conversations yesterday about this amendment. It does still
17 have a bit of a way to go, but some of the discussions were
18 positive. We appreciate the council's efforts to find ways to
19 address some challenges in the reef fish fishery, including
20 replacement and next-generation fishermen and discards.
21 Discards have become an increasing problem for red grouper
22 fishermen, who are interacting with more red snapper as the
23 population expands.

24
25 Regarding Action 3, I appreciate the conversation around a quota
26 bank, and I know that that will be complicated, but these
27 conversations are worth having, and issues such as the primary
28 problem the quota bank will address, defining eligible
29 participants, and quota distribution methods should come from
30 industry, and I would encourage the council to look to the
31 diverse group of the IFQ AP to discuss this or further explore
32 the option of some kind of workshop to see what priorities the
33 industry has for a quota bank or potential future quota set-
34 asides.

35
36 Regarding the allocation policy, thank you, Dr. Freeman, for
37 your presentation and your comparison. I found that incredibly
38 helpful. My take-away from that comparison is that the current
39 Gulf policy addresses all of the directives in the NOAA policy,
40 and it even goes a step beyond to address issues that are
41 specific to the Gulf of Mexico, and I would encourage the
42 council to keep that current policy, and I would be interested
43 to hear the history of how that was developed and where it's
44 falling short now.

45
46 I would also like to quickly talk about the reallocation
47 triggers. I think it's important that the council identify
48 these triggers for future allocation reviews, but we do have a

1 red snapper allocation scoping document, and no triggers have
2 been identified that warrant an allocation review. What is the
3 process for identifying these triggers, and how do we know when
4 they have been met?

5
6 Once triggers have been identified for this fishery and how
7 they've been met, I would encourage the council to be diligent
8 and identify allocation review triggers for all mixed-use
9 fisheries before proceeding with any more allocation
10 discussions. Thank you for your time.

11
12 **CHAIRMAN BOSARGE:** Thank you, ma'am. Next, we have Mr. Greg
13 Ball, followed by Mr. Mike Nugent.

14
15 **MR. GREG BALL:** Good evening. I'm Greg Ball from Galveston,
16 Texas. I own a couple of federally-permitted charter boats, and
17 I also serve as President of the Galveston Professional
18 Boatmen's Association.

19
20 We totally support Amendment 50. That is a good program going,
21 and we would like to see that keep going like it is, but we ask
22 that we just keep the charter boats out of it. We like
23 Amendment 40, and it has worked well for us, and we want to try
24 to stay with that and just see where that goes. We would like
25 to see electronic logbooks come back into play somewhere. We
26 did that for one year in Galveston, and I know some of these
27 other guys have done it longer, but it's a good program.

28
29 What the state is doing, I don't see that as a good program,
30 like Sebo from Mississippi said a while ago. The program they
31 have over there is a much better way of getting better data on
32 what's caught, and so we would like to see something along that
33 lines for the state and maybe something for us, and I don't know
34 what kind of electronic logbook, but something like we had, and
35 we used the VMS system, and it was a good system.

36
37 Also, on the cobia, we have kind of had a bad year for cobia
38 too, and so I think two per boat would be okay and stay
39 somewhere along the thirty-three to thirty-six-inch length, but
40 two per boat would be okay. That's really about all I have, and
41 I appreciate it. Enjoy the rest of your stay in Texas.

42
43 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Mike
44 Nugent, followed by Mr. Steve Tomeny.

45
46 **MR. MIKE NUGENT:** My name is Mike Nugent, and I'm a charter boat
47 owner/operator from Aransas Pass, Texas. I serve as Chairman of
48 the Board of Directors for Port Aransas Boatmen's Association.

1 Just going back through them, our association, and, when you
2 look at the public hearing results, it can be documented that,
3 indeed, almost our entire community, beginning with Amendment
4 40, was in opposition to it, not because it was going to give
5 the for-hire boats our own season, which would have been great,
6 but we knew from the get-go that it was going to be a preamble
7 to catch shares and IFQs.

8
9 We were onboard from the very beginning as opposing it, and
10 we're the same way today about 41 and 42. Our association, and,
11 again, most of our community, would like those to go away
12 because of the opposition to IFQs. When you see, from that
13 spreadsheet, what it would do to Texas -- We were opposed to it
14 before, and we were really opposed to it when you see that, in
15 effect, it just amounts to a fish steal.

16
17 Then, when we move to Amendment 50, we, as an association, have
18 supported, and continue to support, the state management of the
19 fishery, and, again, our community did in the public hearing,
20 and we, as an association, as a community, we strongly supported
21 the for-hire boats being in with the recreational fishermen and
22 managed by our state, which is different from what you hear from
23 a lot of people.

24
25 When you talk about complications and trying to keep things
26 simple and you talk about logic and not so much logic, it seems
27 logical to me that you would keep the private recreational
28 anglers as private recreational anglers no matter what boat they
29 are going on, and it just seems like a natural progression, and
30 we would like to see that included in Amendment 50 as well.

31
32 Going back, I guess it was three or four years ago, and these
33 things kind of run together, but, in August, in San Antonio, I
34 made the comment that the cart was getting pulled before the
35 horse, because there was this talk of IFQs and dividing these
36 fish and yanking them out, and we didn't even have a way of
37 telling what the charter boats were catching.

38
39 Well, fast-forward to today, and that cart is way out there in
40 front of the horse, because we still don't. You know, people
41 are wanting IFQs so badly, and there's not even a way to do it,
42 and, even discounting the fish that would be taken from Texas
43 under the present system, which I don't want to discount, but
44 you can't reward someone in Destin, for example, that is fishing
45 every day and working and grinding and give him the same amount
46 of fish as someone in Destin in the same harbor that is not
47 fishing, and so it's just an inherently bad system, as far as
48 we're concerned. Thank you very much.

1
2 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from Mr.
3 Sanchez.
4
5 **MR. SANCHEZ:** Thank you. It's good to see you again, Mike. I
6 haven't seen you, I guess, since the hurricane, but I wanted to
7 ask you how many federally-permitted for-hire boats are in your
8 association.
9
10 **MR. NUGENT:** I don't know. How's that for an answer? Right
11 now, I can't even tell you how many members are in our
12 association for sure, after the storm. If you give me to the
13 next meeting, and maybe the next one, and we'll be able to have
14 better numbers, but we haven't even taken membership dues since
15 the storm, to try to get everybody back together again, and so I
16 have no clue.
17
18 **MR. SANCHEZ:** Well, it's good to see you.
19
20 **MR. NUGENT:** Thank you.
21
22 **CHAIRMAN BOSARGE:** Thank you, sir. Next, I have Mr. Steve
23 Tomeny, followed by Mr. Shane Bonnot.
24
25 **MR. STEVE TOMENY:** Good afternoon. I'm Steve Tomeny. I'm a
26 dual-permitted charter/commercial fisherman from Port Fourchon,
27 Louisiana. I would like to welcome our new council members and
28 our new Executive Director. Congrats.
29
30 I am going to change up a little of what I was going to say. I
31 have been up here a bunch asking for IFQs and stuff, and I don't
32 think that I heard anybody, the last couple of meetings, really
33 beating the hammer on raising hell about having to have an IFQ
34 to be happy in the world, and Amendment 40 has done a lot for
35 us.
36
37 It was something we fought for to save our little piece of the
38 pie, because we were being overrun by an unconstrained fishery
39 that we were fishing in the same group or pot of fish with, and
40 that has really calmed a lot of -- The whole deal to IFQs was it
41 sounds good to me, and I'm not opposed to it, but you don't hear
42 people just saying we've got to have it and this is our means to
43 the end.
44
45 If we've got enough to make a living out there and get a decent
46 time on the water, we're going to be happy. Amendment 40,
47 through federal management, is on its way to accomplishing that
48 for us, and so I just don't think there's these IFQ conspiracy

1 theories that are running rampant here, and so I just kind of
2 wanted to clear that up.

3
4 I am against any reallocation efforts at this time. I think the
5 EFPs have been a great thing. As long as we're all counting
6 fish and getting good data and making sense out of it, I am
7 okay, and I want to see the private recs get a better shake.
8 Closing state waters in most of the states have got it where you
9 know where everybody is fishing in a season that's fixed and not
10 having the odd state times and all kind of stuff that was going
11 on with that.

12
13 Let's let the EFPs run their course and see what we end up with
14 after that and go -- I don't have a bit of a problem with
15 Amendment 50 for the private anglers. As a federally-permitted
16 charter boat, I would rather stay where we are under federal
17 management, and I also was glad to hear the conversation over
18 the constant catch scenario for the quota.

19
20 We find that's a lot more stable than going up one year and down
21 a couple more, and so I'm good with that, and our hail-outs that
22 are mentioned in 36B, I find it -- I have problems estimating
23 fish when I go. It's just tough, and so I think it works the
24 way it is. The fish are counted, and, the way we're doing it,
25 everything gets weighed, and I'm okay with it like it is. Thank
26 you.

27
28 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Shane
29 Bonnot, followed by Mr. Carlos Alegria, and, if that's the same
30 as Charlie, I apologize. Go ahead, sir.

31
32 **MR. SHANE BONNOT:** Good afternoon, Madam Chair and council
33 members. My name is Shane Bonnot, and I'm the Advocacy Director
34 for the Texas Chapter of the Coastal Conservation Association.
35 Thank you for this opportunity to speak.

36
37 I'm going to limit my comments to Amendment 50, the state
38 management program for recreational red snapper. Our membership
39 appreciates all the work that this body and the states are doing
40 to try to secure a path forward beyond 2019, so that we have a
41 recreational snapper season in federal waters.

42
43 Our guys value opportunity and access, and I think you heard
44 that this evening, or this afternoon. They want to get out and
45 have an opportunity to go and enjoy a day on the water and
46 practice conservation and catch some fish and bring a few home
47 and release them and use the same devices and report their
48 landings with iSnapper and participate in dockside creel

1 surveys.

2
3 They want to be in the process, they want to participate, and
4 they want to have access, and I think you heard that today, and
5 Amendment 50 is that path forward, and so please keep working on
6 that. I think we had a good exchange yesterday with Mr. Banks
7 and Mr. Riechers and giving their reasoning behind why they had
8 particular motions. I would just encourage you guys to keep
9 that conversation going.

10
11 I think, if you look closely at Alternative 5, there is biomass
12 components, and there is time series components, where you guys
13 can come to a compromise, and everyone should be happy, because
14 it gets you close to those allocations that all of the states
15 originally submitted under the EFP process, at the beginning of
16 the process, and so I'm looking forward to the next meeting.

17
18 I have confidence that the states will be able to come together
19 and this council will be able to come together by the end of the
20 October meeting and hammer out that allocation, those details,
21 and we'll secure a season for 2020, and so please don't get
22 bogged down on how one state is going to manage and the other
23 state is going to manage. States have been managing --
24 Neighboring states have been managing our resources without any
25 problems.

26
27 Texas and Louisiana share Sabine Lake, with totally different
28 fishing regulations on one side of the lake versus the other,
29 and we seem to get along just fine, and so don't get bogged down
30 on those details. Thank you.

31
32 **CHAIRMAN BOSARGE:** Thank you. We have a question from Mr.
33 Strelcheck.

34
35 **MR. STRELCHECK:** Shane, it was a pleasure meeting you last
36 night. Thanks for your testimony. Can you talk to me about
37 CCA's position regarding including the for-hire or not?

38
39 **MR. BONNOT:** We are supportive of the states being able to make
40 that decision for themselves. I think it's important, and I
41 made this comment at the last meeting, but you seem to have kind
42 of an east and a west split. There is regional differences even
43 in Texas, but we're supportive of the states being able to make
44 that decision.

45
46 For some reason, there is distrust with the charter/for-hire
47 fleet in some states and not so much in other states, and I
48 don't get that. I don't know why that is, and I don't

1 completely understand it, to be honest with you, and so, that
2 being said, we think the states should be able to make the
3 decision for each one.

4

5 **CHAIRMAN BOSARGE:** Thank you, sir. We appreciate it.

6

7 **MR. BONNOT:** Thank you.

8

9 **CHAIRMAN BOSARGE:** Next we have Mr. Carlos, who I think has
10 already gone, but he calls himself Charlie, but, if I'm wrong,
11 please come to the podium. I don't see anybody. Okay. Next,
12 we have Mr. Bobby Grumbles, followed by Mr. Eric Brazer.

13

14 **MR. BOBBY GRUMBLES:** I am Bobby Grumbles from Port Aransas,
15 Texas, an operator at Fisherman's Wharf. We have two boats, two
16 permits. I'm speaking for Dolphin Docks, which have four boats
17 and four permits, and Texas -- and Osprey Fishing Trips, four
18 boats and three permits.

19

20 We do not support IFQs in the headboat sector. We do not
21 support sector separation for Texas, and we feel that we should
22 table the 41 and 42 amendments. Out of the million saltwater
23 anglers of Texas, we feel like they should be able to pick what
24 port they sail from to access the natural resources and also
25 what type of vessel or what type of vehicle they access or
26 however to get to the resource that is theirs. Thank you.

27

28 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Eric
29 Brazer, followed by Mr. Bubba Cochrane.

30

31 **MR. ERIC BRAZER:** Thank you, Madam Chair. I'm Eric Brazer,
32 Deputy Director of the Gulf of Mexico Reef Fish Shareholders
33 Alliance. I want to thank Susan and J.D. for getting yourselves
34 appointed to this council. Congratulations, Dr. Simmons, on
35 your new position, and congratulations to John, Dale, and Ed, if
36 you're listening in, for getting reappointed.

37

38 With that, I am going to dive right into reallocation. As I
39 have referenced in my comment letter that you all received, we
40 continue to remain opposed to reallocation, for a laundry list
41 of reasons, many of which are contained in the council's
42 Amendment 28 minority report, which I would encourage you to
43 read if you haven't already.

44

45 To the point about the objectives of the FMP, it looks like
46 there are eighteen objectives implemented by four separate
47 actions over the course of more than thirty-five years. Some
48 appear to conflict, and some may not be relevant anymore. We

1 may want to add others, and some of which just don't seem to
2 make sense to us, and so are these objectives being met? How
3 would we even know? If they're not, or even if they are, what
4 do we do? How do we respond?

5
6 Because these serve as the foundation for the FMP, we should
7 really carefully and methodically evaluate them and update them
8 as necessary, keeping in mind that, in our opinion, conservation
9 should be a core principle, a thread that ties everything
10 together.

11
12 Given that this is something that affects all sectors in the
13 reef fish fishery, we feel that all of the APs should probably
14 get a chance to take a look at these. Regarding allocation
15 triggers, it seems like there is a lot of confusion out there.
16 We have a long way to go before we understand what this process
17 actually looks like. We disagree, however, that a trigger has
18 already been met, especially when we don't have a list of what
19 those triggers are.

20
21 I will speak briefly to 36B. We oppose Action 4, which is a
22 hail weight estimation requirement, because hail weights have
23 nothing to do with quota management. It's as simple as that.

24
25 We continue to go around and around on the permit requirements.
26 Action 1 in Amendment 36B, we seem to be getting nowhere. Look.
27 I know that there is some heartburn about the way that the IFQ
28 system is structured, but requiring a permit to own or hold
29 shares just doesn't do anything. It doesn't address a number of
30 these issues.

31
32 I should take that back. The one thing that it does do is make
33 sure that any reef fish permit that shows up in the marketplace
34 gets snapped up pretty quickly, and basic economics of supply
35 and demand -- The prices of these permits are going through the
36 roof right now.

37
38 What that's going to do is -- That's not going to impact the big
39 guys. It's not going to impact the guys that have the access to
40 the capital to buy these. It's going to impact the younger guys
41 the most, the ones who have the small businesses that are just
42 starting out, and so just please keep that in mind as we
43 continue to have this conversation.

44
45 In my last remaining seconds, I get that some feel the need to
46 do something. If that is the case with 36B, drop Action 1 and
47 drop Action 4 and then double-down on quota banks and set-
48 asides, and let's figure out how to make them work. Thank you

1 very much. I'm out of time.

2
3 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from Dr.
4 Stunz.

5
6 **DR. STUNZ:** Eric, I've got a quick question for you. I'm just
7 curious about your comment about the hail-in weight and that
8 didn't have any impact on the fishery. I mean, the discussion
9 around the table, obviously, was that was a means for snapper,
10 illegal snapper, to enter the fishery, which ultimately would
11 affect your group's bottom line and that sort of thing, and so
12 I'm just curious why you guys wouldn't support a means to
13 prevent that activity from occurring.

14
15 **MR. BRAZER:** Well, I mean, in our opinion, and I stand to be
16 corrected, it's the presence or the absence of the hail that
17 triggers the presence of enforcement at the dock, right? So
18 it's not the weight itself, but it's the fact that there is a
19 hail that indicates when that boat is going to be landing, and,
20 if there are concerns with certain captains or certain boats or
21 certain crew, law enforcement would have the opportunity to meet
22 that vessel, based on the presence of the hail and not based on
23 whether that captain hailed-in 200 pounds or 300 pounds or 5,000
24 pounds.

25
26 I guess the last point that I want to make to that is we had a
27 similar discussion with Amendment 36A, where we talked about an
28 offload hail requirement, where the dealers would notify law
29 enforcement of when a vessel would offload, because the offload
30 time may not be the same as the landing time, and so, if the
31 concern was that boats were landing and that there was fish that
32 was disappearing between the landing and the offload -- Again, I
33 don't see how a hail weight would address that, but an offload
34 hail might.

35
36 **CHAIRMAN BOSARGE:** Thank you, sir. We appreciate that.

37
38 **MR. BRAZER:** Thank you.

39
40 **CHAIRMAN BOSARGE:** Okay. Next, we have Mr. Bubba Cochrane,
41 followed by Conner Cochrane.

42
43 **MR. BUBBA COCHRANE:** Bubba Cochrane from Galveston, Texas. I'm
44 President of the Gulf of Mexico Reef Fish Shareholder's
45 Alliance, and I'm also a commercial fisherman, recreational
46 fisherman, and charter boat fisherman.

47
48 I'm against any reallocation of red snapper from the commercial

1 sector to the recreational sector. The split now is fair to
2 both recreational fishermen and seafood consumers, and I get
3 pretty tired of hearing about this fight between recreational
4 interests and commercial fishermen over red snapper. The fact
5 is the commercial fishermen are not asking for more of the red
6 snapper quota, but we're just trying to hold on to what we have
7 and continue to grow our businesses with stronger stocks, which
8 equal quota increases that we can all benefit from.

9
10 At this time, there is no mandatory reporting for red snapper
11 landings here in Texas for recreational fishermen. I'm not sure
12 how Texas Parks and Wildlife is keeping track of snapper
13 landings off of Texas without all anglers reporting what they
14 are catching. What I am sure of is that I personally ran forty-
15 five recreational snapper trips out of Galveston during the
16 eighty-two-day season.

17
18 I was surveyed by Texas Parks and Wildlife zero times, and we
19 had an average of ten to twelve people per trip with a twenty to
20 twenty-four-fish limit, each weighing an average of at least
21 twelve pounds, but probably more.

22
23 I also didn't hear from any other recreational fishermen being
24 surveyed in my area, not to mention the private boat owners who
25 keep their boats at their homes. My point is there are a lot of
26 fish not being counted. I realize that Texas Parks and Wildlife
27 did ask recreational fishermen to voluntarily report with the
28 iSnapper app, which good luck with that. Why don't we give the
29 commercial fishermen the same option and see how that works? We
30 need to hold both sectors to the same standards of
31 accountability to ensure that stocks are managed correctly.

32
33 On 36B, I don't see much that needs to be changed with the
34 current red snapper IFQ. The reef fish permit should remain
35 necessary to land reef fish, and I don't believe a reef fish
36 permit should be required to buy shares, but, if there is going
37 to be such a requirement, it should not affect people who have
38 already put out money for shares and do not have a permit.

39
40 The requirement for more accurate estimates of landing weight is
41 a little ridiculous. This is just an estimate, and I'm not sure
42 how this would help law enforcement. What would help them, if
43 this is a matter of enforcement, would be a call-in by the fish
44 dealers for vessel unloading times. That way, law enforcement
45 would know for sure when fish are going to be unloaded and not
46 just landed.

47
48 Sector separation for the charter boats continues to be a

1 success story. I really hope the council continues to see the
2 value in working with the charter/for-hire sector to improve its
3 management further. Keeping the charter/for-hire sector out of
4 state management will ensure this council and many other charter
5 boat captains and owners haven't wasted time in getting where
6 they are today. Thank you.

7
8 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Conner
9 Cochrane, followed by Mr. Mike Jennings.

10
11 **MR. CONNER COCHRANE:** Hi. I'm Conner Cochrane, and I'm fourteen
12 years old from Galveston, Texas, and I'm a commercial red
13 snapper fisherman. Getting into the commercial fishery for us
14 isn't just a job, but it's a way of life.

15
16 Getting to go out there and getting to come to places like this
17 is a great opportunity. I'm against reallocation. I don't
18 think it's right to take quota from the commercial and give it
19 to the recreational, and my dad taught me everything that I know
20 about this industry, and I want to be able to do it one day and
21 follow in his footsteps, and, to do that, I hope it keeps going
22 great, the way it's going. Growing up, it was never video
23 games. It was going out with my dad and learning about how to
24 do this stuff. I would like to thank you for your time. Thank
25 you.

26
27 **CHAIRMAN BOSARGE:** Conner, thank you for coming, sir. All
28 right. Next, we have Mr. Mike Jennings, followed by Ms. Lisa
29 Schmidt.

30
31 **MR. MIKE JENNINGS:** Hello and good afternoon, and welcome to the
32 great state of Texas. I hope you all enjoy your stay here. I
33 am Captain Mike Jennings, and I'm the owner and operator of two
34 federally-permitted charter boats out of Freeport, Texas, and
35 I'm the managing partner of Gulf Coast Marina there in Freeport.
36 I'm also the President of the Charter Fishermen's Association.

37
38 I will start off by saying that we still want to express our
39 desire to remove the sunset on Amendment 40, and, on the issue
40 of Amendment 50, we fully support Amendment 50 and the state
41 management for the private recreational sector. We do not, as
42 an industry, want to be included. Our association has been
43 almost basically unanimous on that when we've had any types of
44 discussions or meetings, which one was held yesterday.

45
46 The council approved Amendment 40, and we defended it at every
47 angle, all the way up to and including the 5th Circuit Court of
48 Appeals, and we are prepared to move beyond that. It just

1 didn't go there.

2
3 This point that Amendment 40 was put in place -- Its purpose was
4 basically to insulate the limited access charter boat industry
5 against their loss of access to an open access recreational
6 fishery, and, whether you agreed with that or disagreed with it,
7 it made enough sense and it was factual to the point that this
8 council passed that, and it has stopped that bleeding, so to
9 speak, or that loss of access.

10
11 To force us into Amendment 50 is basically to force us back into
12 that loss of access, and we're just wanting to be left out of
13 it, just as simple as it can be, and I know you've heard some
14 discussion today about how difficult it may be to put us in it
15 or how difficult or simple it may be to not put us in it. That
16 is irregardless of where the difficulties lie. It's pretty
17 simple to just be left alone, and so we just ask you to leave us
18 alone and leave us out of Amendment 50.

19
20 I would like to support the reduction in the buffer, and I
21 caution the council to take advice from the agency on how to do
22 that. I see the difficulty in doing that without reducing the
23 overall buffer and the political pitfalls of doing so, and so
24 it's going to be a difficult road to haul and kind of hard to
25 pull off, but I would like to see the council continue to
26 discuss that as we move forward. Thank you.

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

30
31 **MS. LISA SCHMIDT:** My name is Lisa Schmidt, and I'm a commercial
32 IFQ shareholder, and I own three commercial longline boats out
33 of Madeira Beach, Florida. I am also a recreational
34 spearfishing woman. I wanted to welcome Susan and J.D. to the
35 Gulf Council. I look forward to working with you both, and I
36 also want to congratulate Dr. Simmons on her new role as
37 Executive Director.

38
39 I want to comment on two things. First, I want to put my
40 opposition to reallocation on the record. You know this is
41 going to be controversial, and you know it's going to pit
42 commercial, charter, and recreational fishermen against each
43 other, and you know that it's going to take years to deal with.
44 You know this because you did this with Amendment 28 three years
45 ago, and the reallocation does not solve any problems, but it
46 just creates new ones and creates hard feelings. It's just
47 unfair to punish one group by taking away some of their access.

48

1 Second, I would like you to look at everything in Amendment 36B
2 and ask yourself if this is going to help young fishermen like
3 Conner, and is this going to help reduce discards?
4

5 I stopped counting how many times yesterday, during the
6 Amendment 36B conversation, that someone asked what are we
7 doing. Figure out what the real problems are and then work on
8 figuring out the real solution to those problems. Otherwise,
9 put this amendment down and focus on something more important,
10 like getting a private angler state management plan in place
11 before the EFPs expire.
12

13 Finally, I want to ask you why we seem to make it harder on
14 commercial fishermen. Reallocation, permit requirements,
15 additional hail requirements, all these are unnecessary. You
16 should be working on how to make it easier on commercial
17 fishermen and not how to complicate their lives and undermine
18 their business plans, and I do want to thank Leann and Patrick
19 for clarifying and educating what a three-hour declaration is
20 and the commonsense to it.
21

22 We don't want to be putting more fishermen on welfare. We want
23 to be giving them opportunities to make a living by working hard
24 and making sustainable decisions, and are we not supposed to
25 encourage a person who wants to work for a living and who wants
26 to earn a paycheck? Thank you for your time.
27

28 **CHAIRMAN BOSARGE:** Thank you, ma'am. Next, we have Mr. Buddy
29 Guindon, followed by Mr. Scott Hickman.
30

31 **MR. BUDDY GUINDON:** Hi. I'm Buddy Guindon, commercial
32 fishermen, and I'm the Executive Director of the Gulf of Mexico
33 Reef Fish Shareholders Alliance and soon to be a restaurant
34 operator, and I hope that doesn't bring me down.
35

36 I welcome everyone that got a new job here, and thanks for your
37 service, but this council is going to lose a lot of historical
38 knowledge in its staff very soon, and I want to thank Steve
39 Atran for his hard work and his dedication to our country and
40 fisheries. The historical knowledge that man has is going to be
41 greatly missed by the staff and this council, and so thank you.
42

43 I don't know if you know this, but, here in Texas, we're held to
44 a different standard as commercial fishermen than the other
45 states. Here in Texas, when we make a mistake, and it's called
46 a violation of the law, we have to pay restitution, and so if
47 you could imagine going out on a snapper fishing trip and
48 catching 25,000 pounds of snapper over a three-day period and

1 doing your best to keep track of that, but you're working day
2 and night, and you're right it down, and maybe your math is bad,
3 and maybe you make some kind of mistake, where the tally doesn't
4 come out right, could you imagine the restitution of being one
5 pound off on your 10 percent that you would have to pay in Texas
6 for 25,000 pounds of red snapper?

7
8 I know a guy that had -- He didn't have the quota in his boat
9 account, but he had it in his shareholder account, and now we've
10 changed this rule, but, in Texas, he got a ticket. He came from
11 Florida over here for a season to try it out, and he got a
12 ticket because he had 700 pounds more tilefish on his boat, and
13 he called it in properly. He said that I've got this much, and
14 it flagged the Parks and Wildlife, and they came down, and they
15 gave him a ticket. It cost him \$10,000 for having 700 pounds of
16 tilefish.

17
18 He never came back to Texas to fish here, because they don't do
19 that in Florida. When you come to the dock and your account is
20 wrong, they give you a little bit of time to get it straightened
21 out. They treat their fishermen with respect over there, and,
22 while my local guys are very good guys, it's the letter of the
23 law that they go by, and, whether it's fair or not, that's up to
24 you, but please don't give them a shot at me every trip because
25 something happened in the math or something happened in the
26 bookkeeping of the amount of fish that you're putting on the
27 boat.

28
29 We do the best we can to report what we have, and you can look
30 at our records and see that we're hitting pretty close most of
31 the time. There are times when they're a chunk off, but the
32 financial penalty that would be associated with that, just here
33 in Texas, would be huge, and so please think about that.

34
35 Reallocation, everybody here knows how I feel about
36 reallocation. We've had this battle before, and it doesn't do
37 anything but pick winners and losers, and it's not going to
38 solve the access problem that is needed in the private
39 recreational anglers' arena.

40
41 **CHAIRMAN BOSARGE:** Mr. Buddy, are you just about done?

42
43 **MR. GUINDON:** Yes. As soon as you get to that subject, please
44 try to think about what has happened in the past and do
45 something different, so that we can all move forward and get
46 some of the work this council needs done done. Thank you.

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

1 Hickman, followed by Mr. Johnny Williams.

2
3 **MR. SCOTT HICKMAN:** Hello, Madam Chair. It still sounds good.
4 We appreciate your service as Chairwoman over your last two
5 terms. Captain Scott Hickman from Galveston, Texas. I'm a
6 dual-permitted owner/operator of a charter boat and a commercial
7 fishing boat. I'm a member of the Galveston Professional
8 Boatmen's Association, founding board member, and a founding
9 board member of the Charter Fishermen's Association.

10
11 I would like to thank Steven Atran for the great job he's done.
12 Much appreciated, and I would like to congratulate Carrie for
13 her new position, and she did a great job, and we know she's
14 going to keep doing that. I would like to say thank you and
15 congratulations to J.D. for being on the council and my friend,
16 Susan. What a blessing it is to have you represent the charter
17 fleet on this council.

18
19 First off, I would like to say Amendment 50 is a great thing for
20 the recreational folks. Longer seasons and better data
21 collection now, and you all are doing a good job, and that's a
22 good thing. The charter boats don't want to be in Amendment 50.
23 Our charter boat association in Galveston, the Boatmen, we're
24 the largest federally-permitted charter boat association west of
25 the river and the largest marina west of the river. We don't
26 want to be in Amendment 50.

27
28 I would like to see the crew size limit on dual-permitted
29 vessels done away with. It makes no sense. I would like to see
30 no reallocation of commercial or charter/for-hire allocation.
31 We are gaining more access, and we're getting better at managing
32 this, and why are we going to cause all that strife?

33
34 Cobia are definitely in trouble. I used to catch about 200-plus
35 a year, and I'm down to catching fifty or sixty a year, and
36 that's over about a ten or fifteen-year time that I've seen that
37 decrease, and I would support two fish per vessel.

38
39 I would like to see mandatory iSnapper for the recreational and
40 charter boats in the State of Texas, and I think you could put
41 that in Amendment 50 and tune up what we're doing for data
42 collection in Texas. I think that the creel survey in Texas
43 works good for trout and redfish, but I don't think it works
44 real good for the offshore species, and I think we can do a
45 better job.

46
47 36B, the IFQ system is working great, and it's meeting all of
48 its goals, and I would like to see no action on that, and, if

1 you've got something that's working great, don't fix it, and so
2 that's it. Everybody enjoy our state, and I hope you have a
3 safe trip home.

4

5 **CHAIRMAN BOSARGE:** All right. I think we've got a question from
6 Mr. Diaz.

7

8 **MR. DIAZ:** Thank you, Captain Hickman, for coming. You
9 mentioned cobia on the possession limit, but do you have any
10 thoughts on the size limit?

11

12 **MR. HICKMAN:** In Texas, we can land a fish that's thirty-seven
13 inches long, and so it's -- I like a thirty-seven-inch limit.
14 It lets those smaller fish grow up. I've actually designed a
15 net that I carry on my boat now that's made out of aluminum,
16 real thick aluminum. It's like a giant, long-handled landing
17 net.

18

19 I used shrimp boat mesh, rubber coated, and, if a fish is even
20 questionable, I net that fish, because we see a lot of people
21 gaff fish that they think are keepers, and then they measure it
22 and it may be a quarter-inch too short, and there's a lot of
23 those fish right now, and so we're throwing back a lot of dead
24 fish that have got holes in them, and so I think a thirty-seven-
25 inch minimum would be great.

26

27 **MR. DIAZ:** Thank you, sir.

28

29 **MR. HICKMAN:** Thank you.

30

31 **CHAIRMAN BOSARGE:** All right. We have another question from
32 Andy.

33

34 **MR. STRELCHECK:** Scott, thanks for your testimony. I am just
35 curious. In the Galveston Boatmen's Association, how many
36 federally-permitted vessels are part of the association?

37

38 **MR. HICKMAN:** The last time that we had a meeting, I think it
39 was in the neighborhood of over thirty, and that's about how
40 many federal permits are in our marina. I think we're the
41 third-largest concentration of charter boats, in the
42 Houston/Galveston/Freeport area, in the Gulf of Mexico, and
43 we've got about forty-something members that are just state-
44 water guideboats, too. We're a new association, but we're a
45 large association, and it's growing even faster.

46

47 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Johnny
48 Williams, followed by Mr. Johnny Rab.

1
2 **MR. JOHNNY WILLIAMS:** Johnny Williams from Williams Partyboats,
3 Incorporated, a third-generation partyboat operator out of
4 Galveston, Texas. This hotel is the first council meeting that
5 I ever attended, and I think it was in January of 1990, and
6 everyone that was on the council then is gone now, and I guess
7 Doug was the last remnant, and he left the last meeting, but,
8 anyway, to all of you new council members, I have been involved
9 in this for a long time, needless to say.

10
11 I have a few comments today. Number one, I want to see the
12 sunset go away on Amendment 40. Number two, as far as Amendment
13 50, it's great for the recreational fishermen, but I don't
14 believe the partyboats and charter boats want to be
15 participating in state management, and I know that I don't want
16 to be.

17
18 I want to go forward with 41 and 42, and I've heard comments to
19 the contrary, that, well, if we get some sort of catch share
20 program or something, that that will be basically giving away a
21 natural resource.

22
23 I will give you a little bit of history on my family. My
24 grandfather started the business in 1946, and, back in those
25 days, the only access that people really had to catch red
26 snapper was on a partyboat. They had a commercial fleet that
27 the commercial fishermen were very skilled, and they would go
28 out there, and there was no electronics, so to speak, like we
29 have today, and we didn't even have LORAN-A back in those days,
30 and so folks had to go out there with lead lines, and I remember
31 going out with my dad, and we would go like -- If we were going
32 to fish at Heel Bank or Fifteen Fathoms, we would go to a buoy
33 that was out there about thirty miles offshore and then we would
34 run so many minutes at such-and-such course to arrive where we
35 were going to get, and we would try to find the biggest spot in
36 the area. Then, from there, we would run different times and
37 different directions to get to the next spot. You had to be
38 skilled, and you had to have some knowledge.

39
40 Back in those days, we didn't have the Magnuson-Stevens Act, and
41 so, basically, those were our fish. The recreational fishermen,
42 they really didn't get involved to any degree until they started
43 putting oil rigs off the State of Texas. Then that was easy to
44 see. Anybody can see an oil rig sticking up out of the water,
45 and it was easy to access it.

46
47 When people say that that's giving away a public resource, this
48 was the public resource that my family had and the commercial

1 fishermen had before the Magnuson-Stevens Act, and so I would be
2 a very good person to look after the resource, and I understand
3 the Magnuson-Stevens Act came about because we were trying to
4 protect our resources off our coast, and there has been a lot of
5 good things that have happened, but I want to continue with 41
6 and 42.

7
8 I don't see anything wrong with the catch share program, and,
9 also, I want to support, once again, some sort of a logbook
10 system for both the partyboats and the charter boats. Thank you
11 very much.

12
13 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Johnny
14 Rab, followed by Mr. Evan Harrington.

15
16 **MR. JOHNNY RAB:** Hi. I'm Johnny Rab out of Freeport, Texas. I
17 operate and own a federally-permitted charter boat. I would
18 like to state that I would like to leave charter/for-hire out of
19 Amendment 50.

20
21 Amendment 40 seems to be working pretty well. It's pretty easy
22 to book our trips, and we know a lot better -- I feel like I've
23 got a better idea of what we may have next year without the
24 overfishing that the recreational sector was giving us with the
25 payback fishery.

26
27 I do not oppose a reallocation of red snapper. Like I said,
28 there is no point in rearranging the quota from commercial and
29 messing all that stuff up and starting back over from where we
30 started a few years ago. I have got no comment at this moment
31 on the cobia. Maybe at the next council meeting I will have
32 something that I can talk about with that. That's it.

33
34 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Evan
35 Harrington, followed by Mr. Jim Green.

36
37 **MR. EVAN HARRINGTON:** Good afternoon. My name is Evan
38 Harrington, and I'm a federally-operated charter boat owner. I
39 just want to start off by saying that we -- As the charter boat
40 industry, we appreciate the sector separation. It gives us a
41 predictable season and length, and I know, as a business owner,
42 that I appreciate it, as well as our clients do.

43
44 As far as the Amendment 50, I would like to see the responsible
45 charter/for-hire fleet left out of the state management. I not
46 only see Amendment 40 working well as devised, but I also know
47 that our clients appreciate the access to their fishery. Thus,
48 I believe the council should not force the charter industry's

1 participation in Amendment 50. I am also opposed to
2 reallocation of red snapper whatsoever. Thank you.

3
4 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Jim Green,
5 followed by Ms. Abby Webster.

6
7 **MR. JIM GREEN:** Hello. I'm Captain Jim Green, President of the
8 Destin Charter Boat Association. Thank you, Madam Chair, for
9 all you've done. I want to congratulate the reappointment and
10 the new members of the Gulf Council and also, Mr. Atran, we
11 appreciate all your work with reef fish. Thank you for all of
12 your hard work.

13
14 Concerning the framework action on the red snapper ACT and ACL,
15 the DCBA supports a constant catch, Alternative 3. On the
16 modification of the annual catch target buffers, the DCBA
17 supports the selected preferreds, Alternative 3 and 4. We had a
18 discussion that we wanted to convey that we support removing the
19 buffer as much as possible, but we find it very imperative for
20 us to stay within our sub-sector's quota. We support Number 4,
21 in case this is too much reduction, but not because it ends with
22 the state EFPs.

23
24 On cobia, the DCBA supports Action 1, Alternative 1 and Action
25 2, Alternative 3a, consistent with the State of Florida's
26 regulation. On the historical captain endorsement, we wanted to
27 throw in that we fully support these endorsements becoming
28 standards for higher federal permits.

29
30 On Amendment 50, the DCBA supports Action 1, Alternative 2 being
31 the committee's recommendation, and we support that being in the
32 document, and we feel that the for-hire fleet should stay under
33 federal management. The federal permits shouldn't have an
34 advantage or a disadvantage depending on their geographic
35 location. State commissions are more susceptible to political
36 pressure, and some stakeholders don't have the level of access
37 to those governing commissions as we do in Florida. While
38 federal management is more cumbersome, it offers more
39 protections, and we are able to be more involved in that
40 process.

41
42 As you know, back in April, the DCBA released the DCBA plan, and
43 that was emailed to all the council members and staff and
44 various fishing associations. This plan was developed after
45 hearing testimony from the for-hire fleet last year, with the
46 majority praising Amendment 40 and the stability brought to our
47 industry.

1 With that, the DCBA appreciates the current work and discussion
2 on the current amendments under development for our industry,
3 but we are removing support at this time for a for-hire catch
4 share for the charter or headboat sub-sector. We feel that
5 securing historical access through sector allocations and
6 removing the sunset in 40 and implementing ELBs are more of a
7 priority.

8
9 The DCBA plan offers this direction, keeping traditional season
10 and bag limits and applying them to a sub-sector and validating
11 through an ELB. We hope that that brings the stability that we
12 were granted in 40 for the red snapper and, as an association,
13 we support discussing different season opening dates for this
14 side of the Gulf, as we know our peers have issues with weather
15 in June.

16
17 I know I'm out of time, but I just wanted to say that this is
18 our association's opinion after looking at decision tools and
19 kind of seeing where we're at and how much time we have left
20 until the sunset, and so thank you very much.

21
22 **CHAIRMAN BOSARGE:** Thank you, sir. Last, but not least, we have
23 Ms. Abby Webster.

24
25 **MS. ABBY WEBSTER:** My name is Abby Webster, and I'm a charter
26 boat owner and operator out of Freeport, Texas, and I'm also the
27 current Executive Director for the Charter Fishermen's
28 Association.

29
30 We fully support state management for the private recreational
31 sector. As for the charter/for-hire fleet, sector separation is
32 working, and we ask that you continue to let it work. We are
33 opposed to any type of reallocation at this time, and we are in
34 support of a buffer reduction, as long as it stays within the
35 legal guidelines. Thank you.

36
37 **CHAIRMAN BOSARGE:** Thank you, ma'am. We have a question for
38 you, Ms. Webster, from Dr. Mickle over here.

39
40 **DR. MICKLE:** Thank you, Ms. Webster, for your testimony. With
41 your association, do the captains in the association target
42 cobia? Do they sell trips targeting cobia specifically, and,
43 also, could you weigh-in on the minimum size of what could
44 possibly work on that?

45
46 **MS. WEBSTER:** As far as the possession, the two per vessel has
47 kind of been the going thing, and, on the size, status quo. I
48 mean, Texas is already at thirty-seven, and so somewhere --

1
2 **DR. MICKLE:** But you're selling trips targeting cobia or are
3 they kind of on the way in and on the way out?
4

5 **MS. WEBSTER:** For the most part, no.
6

7 **DR. MICKLE:** Thank you.
8

9 **MS. WEBSTER:** Thank you.
10

11 **CHAIRMAN BOSARGE:** Thank you, ma'am. All right, council. It's
12 about 3:30, and that just wrapped us up, and so you know I'm
13 going to make you go back to work. Let's take a short break.
14 We did have one gentleman to circle back to. Is Mr. Ron Moser -
15 - I called him earlier, but he wasn't available. He is not
16 here, and so let's take a fifteen-minute break, guys. Let's
17 come back at about 3:50, let's say.
18

19 (Whereupon, a brief recess was taken.)
20

21 **CHAIRMAN BOSARGE:** We are going to start with Coral. We do have
22 a few that are ready, and we'll start with Coral. Dr. Frazer, I
23 will turn it over to you.
24

25 **COMMITTEE REPORTS**
26 **CORAL COMMITTEE REPORT**
27

28 **DR. FRAZER:** Thank you, Madam Chair. This is the Coral
29 Committee Report. The committee adopted the agenda and approved
30 the minutes. The Flower Garden Banks National Marine Sanctuary
31 Update, Mr. Schmahl provided the committee with an update on the
32 proposed expansion of the Flower Garden Banks National Marine
33 Sanctuary.
34

35 A Boundary Expansion Working Group was developed by the
36 Sanctuary Advisory Council to evaluate the proposed boundaries
37 in the Draft EIS. The recommendations from the working group
38 and the Sanctuary Advisory Council are different than those that
39 were outlined in the DEIS, though all are within the DEIS
40 Preferred Alternative 3.
41

42 The committee requested that staff provide information on
43 fishing activities from VMS and ELB data within the new proposed
44 boundaries for review at the October council meeting and may
45 choose to provide an updated recommendation on the fishing
46 regulations in the proposed sanctuary expansion.
47

48 Final Action on Abbreviated Framework Action: Clarification of

1 Fishing in HAPCs, staff reviewed the final action abbreviated
2 framework, which clarifies that deployment of bottom-tending
3 fishing gear should be prohibited in HAPCs. The committee felt
4 it encompassed the council's previous concerns and made the
5 following motion.

6
7 **The committee recommends, and I so move, to approve the**
8 **Abbreviated Framework Action: Clarification of Fishing in HAPCs**
9 **and that it be forwarded to the Secretary of Commerce for review**
10 **and implementation, and deem the codified text as necessary and**
11 **appropriate, giving staff editorial license to make the**
12 **necessary changes in the document. The Council Chair is given**
13 **the authority to deem any changes to the codified text as**
14 **necessary and appropriate.**

15
16 **CHAIRMAN BOSARGE:** All right, and so we have a committee motion,
17 and probably, before we launched into committee reports, just to
18 kind of brief our new council members, and so you have been
19 sworn-in, and so you are now fully-participating council
20 members. As we read through these reports and a motion goes up
21 on the board, the Full Council will then approve or disapprove
22 the motion that the committee recommended, and so you will be
23 able to vote there.

24
25 Now, this is a special kind of motion, because this is final
26 action, and so this will actually be a roll call vote, and so,
27 when Dr. Simmons calls your name out, you vote yes or no if
28 you're in favor of it or not.

29
30 Don't start with the new members, because I will never forget
31 the first roll call vote that came around when I was a new
32 council member, and I was the first one to vote, and it was a
33 hell of a vote, too. It was controversial, and I was like, oh
34 gosh, and so go ahead, Dr. Simmons.

35
36 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.

37
38 **MR. DYSKOW:** Yes.

39
40 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.

41
42 **MR. DIAZ:** Yes.

43
44 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.

45
46 **DR. STUNZ:** Yes.

47
48 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.

1
2 **MR. STRELCHECK:** Yes.
3
4 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.
5
6 **MS. BOGGS:** Yes.
7
8 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp is on the webinar, and so
9 he cannot vote. Mr. Swindell is on the webinar, and so he
10 cannot vote. Dr. Mickle.
11
12 **DR. MICKLE:** Yes.
13
14 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.
15
16 **DR. FRAZER:** Yes.
17
18 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Sanchez.
19
20 **MR. SANCHEZ:** Yes.
21
22 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Schieble.
23
24 **MR. SCHIEBLE:** Yes.
25
26 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.
27
28 **MR. DUGAS:** Yes.
29
30 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Guyas.
31
32 **MS. GUYAS:** Yes.
33
34 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Riechers.
35
36 **MR. RIECHERS:** Yes.
37
38 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
39
40 **MR. ANSON:** Yes.
41
42 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Boyd.
43
44 **MR. BOYD:** Yes.
45
46 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Bosarge.
47
48 **CHAIRMAN BOSARGE:** Yes.

1
2 **EXECUTIVE DIRECTOR SIMMONS:** The motion carried fifteen to zero.
3

4 **DR. FRAZER:** Coral Reef Conservation Program Grant Update, staff
5 provided the committee with a brief summary of the CRCP grant.
6 Staff also highlighted the final products of the previous three-
7 year grant.
8

9 In the current grant, staff highlighted the accomplishments to
10 date, the tasks and objectives, and the new staff member. The
11 committee requested that staff add current events to the portal
12 banner, such as the bleaching event that is happening in the
13 Florida Keys. Staff was also requested to stay up-to-date on
14 the development of the Florida Keys National Marine Sanctuary
15 possible expansion. Madam Chair, this concludes my report.
16

17 **CHAIRMAN BOSARGE:** Thank you, sir. I just wanted to thank staff
18 and Mara, legal counsel, for figuring out how to hone-in on that
19 fishing issue that we had in the HAPCs. You all did that very
20 quickly and got it back to us in a very easily-understandable
21 format, and I just wanted to say that we appreciate it. Thank
22 you. All right. Next, we're going to do Spiny Lobster, and so,
23 Ms. Guyas, if you're ready, I will let you take us through that
24 report, please, ma'am.
25

26 **SPINY LOBSTER COMMITTEE REPORT**

27

28 **MS. GUYAS:** All right. Thank you very much. The committee
29 adopted the agenda and approved the minutes. Ms. Gerhart
30 provided the committee with final landings for the 2016/2017 and
31 2017/2018 seasons. She noted that in the 2017/2018 season there
32 were no recreational landings provided because of the
33 hurricanes.
34

35 On Final Action for Spiny Lobster Amendment 13, staff reviewed
36 the public comments on Spiny Lobster Amendment 13, and NMFS
37 staff provided an overview of the codified text. NOAA General
38 Counsel noted that the codified text in the briefing book lacks
39 the comments available in the Word version of the document.
40 Staff will provide the Word version to the council for
41 discussion at Full Council. Staff noted that the changes in the
42 codified text are also outlined in the amendment in Appendix B.
43 Do you want to discuss that codified text before I put the
44 motion, or are we good? I have one thing to note about it,
45 actually.
46

47 **CHAIRMAN BOSARGE:** Mara, did you want to tell us anything about
48 the codified text? If not, Ms. Guyas, you can give your note.

1
2 **MS. GUYAS:** Remember, when we looked at this in committee, we
3 didn't have the Word bubbles to go with it, and so, since that
4 time -- There is a couple of things that maybe need to be
5 cleaned up, as far as matching up with the FWC regulations. I
6 think the permit and endorsement was backwards for a couple of
7 things, and there were two items on the list for the procedure
8 that, at least glancing at this, I didn't feel like were
9 reflected in the codified text, and so we might need to fix
10 that, but I can send that over to Mara, Sue, and Morgan, and
11 maybe we can figure that out after. I don't know that it really
12 affects the intent of what we're trying to do, but it's just
13 making sure that we have all the details and know that they're
14 right.

15
16 **CHAIRMAN BOSARGE:** Mara.

17
18 **MS. LEVY:** I mean, if you can just send us what you saw, and I
19 don't think any of it changes the substance or probably -- I
20 mean, they're minor things that we can just fix before we
21 propose it.

22
23 **CHAIRMAN BOSARGE:** Yes, Ms. Gerhart.

24
25 **MS. GERHART:** I would just ask Martha that you like maybe do
26 that in track changes in that Word version that was sent around,
27 and that would be best. Thank you.

28
29 **MS. GUYAS:** It's coming to you right now.

30
31 **CHAIRMAN BOSARGE:** All right, council. You're okay with that?
32 It doesn't sound like these are going to be substantial changes.

33
34 **MS. GUYAS:** Right.

35
36 **CHAIRMAN BOSARGE:** Okay. All right, and then I will proof that
37 final codified text before we send it off, as Chair. All right.
38 Go ahead, Ms. Guyas.

39
40 **MS. GUYAS:** All right. With that, the committee made the
41 following motion. **The committee recommends, and I so move, to**
42 **approve the Spiny Lobster Amendment 13 and that it be forwarded**
43 **to the Secretary of Commerce for review and implementation, and**
44 **deem the codified text as necessary and appropriate, giving**
45 **staff editorial license to make the necessary changes in the**
46 **document. The Council Chair is given the authority to deem any**
47 **changes to the codified text as necessary and appropriate.**

48

1 **CHAIRMAN BOSARGE:** All right. So we have a committee motion,
2 and, again, this is final action, and so this will be another
3 roll call vote. Was there any discussion on the motion before
4 we go into that? All right. Seeing none, Dr. Simmons, do you
5 want to take us through that?
6
7 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.
8
9 **MR. STRELCHECK:** Yes.
10
11 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.
12
13 **MR. DUGAS:** Yes.
14
15 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Schieble.
16
17 **MR. SCHIEBLE:** Yes.
18
19 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.
20
21 **DR. FRAZER:** Yes.
22
23 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Boyd.
24
25 **MR. BOYD:** Yes.
26
27 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Mickle.
28
29 **DR. MICKLE:** Yes.
30
31 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Guyas.
32
33 **MS. GUYAS:** Yes.
34
35 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
36
37 **MR. ANSON:** Yes.
38
39 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.
40
41 **DR. STUNZ:** Yes.
42
43 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp is on the webinar, again,
44 and so he cannot vote. Mr. Riechers.
45
46 **MR. RIECHERS:** Yes.
47
48 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.

1
2 **MR. DIAZ:** Yes.
3
4 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.
5
6 **MR. DYSKOW:** Yes.
7
8 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Swindell is on the webinar,
9 again, and so he cannot vote. Ms. Boggs.
10
11 **MS. BOGGS:** Yes.
12
13 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Sanchez.
14
15 **MR. SANCHEZ:** Yes.
16
17 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Bosarge.
18
19 **CHAIRMAN BOSARGE:** Yes.
20
21 **EXECUTIVE DIRECTOR SIMMONS:** Fifteen to zero with two
22 abstentions, and the motion carried.
23
24 **MS. GUYAS:** Madam Chair, this concludes my report.
25
26 **CHAIRMAN BOSARGE:** Thank you, ma'am. Next is Sustainable
27 Fisheries, and so, if Dr. Mickle has his report handy, I will
28 turn it over to him.
29
30 **SUSTAINABLE FISHERIES COMMITTEE REPORT**
31
32 **DR. MICKLE:** Thank you, Madam Chair. The agenda and the minutes
33 of the June 18, 2018 committee meeting were approved as written.
34 Draft Abbreviated Framework Action for Conversion of Historical
35 Captain Endorsements to Federal For-Hire Permits, Tab E, Number
36 4, staff provided a summary of the document that would convert
37 historical captain endorsements to federal for-hire permits.
38
39 Staff noted that the draft document could affect approximately
40 twenty-five historical captains with reef fish or coastal
41 migratory pelagic endorsements. As of March 2018, there were
42 nineteen captains with valid endorsements and six captains with
43 expired endorsements, but within the renewal period. The
44 nineteen active historical captains collectively possessed
45 nineteen reef fish and eighteen CMP endorsements.
46
47 If implemented, this action would extend the same rights and
48 responsibilities of existing reef fish and CMP for-hire permits

1 to captains with a historical captain endorsement. Each
2 historical captain endorsement has an associated passenger
3 capacity that was based on the vessel capacity at the time of
4 issuance.

5
6 In the current draft, the new federal for-hire permits would
7 maintain the same passenger capacity as the existing historical
8 captain endorsement. The committee requested that staff add
9 options to consider other passenger capacities, including the
10 passenger capacity of the vessel that the historical captain
11 currently operates and an option using the mean permit capacity
12 of all vessels in the for-hire fleet.

13
14 Based on this discussion, the committee passed the following
15 motion. **The committee recommends, and I so move, to add the**
16 **alternatives related to passenger capacity as discussed by the**
17 **committee.** Madam Chair.

18
19 **CHAIRMAN BOSARGE:** All right. We have a committee motion on the
20 board. Is there discussion on the motion? Andy.

21
22 **MR. STRELCHECK:** Just a clarification related to the minutes.
23 We refer to mean permit capacity, and I think the intent there
24 would be to select the mean capacity or the current permit
25 capacity, whichever is less, correct? Because you could have
26 instances where the permit capacity is actually greater than the
27 mean. I just wanted to make sure that was our intent.

28
29 **DR. MICKLE:** That was our intent.

30
31 **CHAIRMAN BOSARGE:** Yes, I think it was.

32
33 **DR. MICKLE:** I am assuming that was our intent.

34
35 **CHAIRMAN BOSARGE:** Because it was that 150 capacity that was
36 really kind of an outlier, and maybe, when we look at it a
37 little further, maybe we'll see others that we're not real
38 comfortable with, but that one jumped out to everyone, and so,
39 if you looked at the average, or the mean, capacity in the
40 fleet, then that would give you a different alternative that
41 would be hopefully lower, and I guess maybe we didn't think
42 through of, well, what about with the other ones, and that may
43 raise the others up, and so I believe it would be whatever is
44 lower, unless the council wants to explore it both ways, and
45 that's fine. Please speak up.

46
47 **DR. MICKLE:** If we have a unified intent, then doesn't the staff
48 have the direction to bring it forth for the next meeting, which

1 should be fine, unless someone has an opposition to the overall
2 intent.

3

4 **CHAIRMAN BOSARGE:** Robin.

5

6 **MR. RIECHERS:** I think the intent was as Andy put it, because
7 the other thing that would happen then is you would then have to
8 keep track of those individuals. If you allowed them to go up
9 sometime later, you're going to have to keep track that you now
10 have granted them this new status, but they can only increase to
11 this mean or median, and that wasn't what we were talking about.
12 We were trying to bring those higher ones down. Again, we will
13 see it again at the next meeting, and maybe we can help clarify
14 that, but I don't think it was, at least the way it was
15 discussed, a notion of going up at some time in the future.

16

17 **CHAIRMAN BOSARGE:** I agree. Mr. Dyskow.

18

19 **MR. DYSKOW:** Just so I'm clear, and maybe I missed this
20 conversation between Andy and Dr. Mickle, but could you just
21 state again what it means as far as what capacity they will have
22 when they are readmitted? In other words, it was at the higher
23 of the current versus the original?

24

25 **CHAIRMAN BOSARGE:** What we've been speaking to would be the
26 lower of the two. In other words --

27

28 **MR. DYSKOW:** Okay. I get it. I understand.

29

30 **CHAIRMAN BOSARGE:** Are you good? Okay. All right. Andy,
31 you're okay? You're good? All right. Any further discussion
32 on this motion? **Seeing none, is there any opposition to the**
33 **motion? No opposition, and the motion carries.**

34

35 **DR. MICKLE:** The committee also requested an additional analysis
36 of the change in passenger capacity over time for captains with
37 historical captain endorsements. Staff will prepare a revised
38 draft and bring to the October 2018 council meeting for
39 committee review.

40

41 **CHAIRMAN BOSARGE:** Yes, sir, Mr. Anson.

42

43 **MR. ANSON:** Sorry to interrupt, and I should have done it when
44 we discussed the motion, but I didn't think it was quite
45 appropriate. They will bring it to us in October, staff will,
46 the new change, and then it will be up for final at that
47 meeting, correct?

48

1 **CHAIRMAN BOSARGE:** Yes, we can notice that for final action,
2 yes.

3

4 **MR. ANSON:** Great. Thank you.

5

6 **DR. MICKLE:** Moving on, Review of Senate Bill 3138, A Bill to
7 Establish a Regulatory System for Marine Aquaculture in the
8 United States Exclusive Economic Zone, Tab E, Number 5, and the
9 summary is Tab E, Number 5(b).

10

11 Staff reviewed the Senate bill. The bill contains many of the
12 elements that are included in the Gulf Aquaculture FMP. Staff
13 highlighted areas in the bill which varied substantially from
14 the Gulf Aquaculture FMP.

15

16 The committee discussed several items that were concerning
17 including: 1)the authority for aquaculture appears to be defined
18 as extending into state waters and state lands; 2)the length of
19 the permit was longer than the council's Aquaculture permit and
20 may result in the permit becoming outdated due to developing
21 technology; 3)a waiver of fees for aquaculture established for
22 stock enhancement might be worth considering; 4)a bonding
23 procedure may be needed to facilitate removal of gear left in
24 the water by companies that go out of business; and 5)the level
25 of involvement of regional management councils in the
26 aquaculture process and possible consideration of developing
27 regionalized aquaculture subcommittees. Madam Chair, this
28 concludes my report.

29

30 **CHAIRMAN BOSARGE:** Thank you, sir. Maybe I am missing it in
31 there, but I think one of our other concerns had to do with
32 using drugs or biologics in the facility that were approved by
33 the FDA or other governmental entities for use in aquaculture,
34 if I'm not mistaken, and so maybe if we can just have that on
35 the record as well.

36

37 **DR. MICKLE:** So noted.

38

39 **CHAIRMAN BOSARGE:** Thank you. I appreciate that. With shrimp
40 and coral, we had issues with having shrimp and coral in
41 aquaculture, and we voiced that as well, and did I catch them
42 all now? That is prohibited in our FMP, under our Aquaculture
43 FMP, and so I voiced that concern, that it's not prohibited
44 there. Okay. I think that gets to most of them that I remember
45 hearing in committee. Okay. Anything else for Sustainable
46 Fisheries? All right.

47

48 I am not done with the SEDAR Report yet. I've got one final

1 edit to make to that, and we just finished Data Collection, and
2 so Shrimp. Go ahead, Dr. Stunz.

3
4 **DR. STUNZ:** John and I have been kicking back and forth the Data
5 Collection Report, which I think is almost done now, unless the
6 staff needs to do something, and so it's pretty short, if you
7 want to proceed with that at some point.

8
9 **CHAIRMAN BOSARGE:** Okay. We'll give them a minute to get it all
10 finalized and sent out to the group. Do you think you can take
11 us through Shrimp pretty quickly, Dale?

12
13 **MR. DIAZ:** Yes, ma'am.

14
15 **CHAIRMAN BOSARGE:** All right. Then we'll do that and then we'll
16 follow up with Data Collection, if that's out to the group by
17 then.

18
19 **SHRIMP COMMITTEE REPORT**

20
21 **MR. DIAZ:** The committee adopted the agenda and approved the
22 minutes. Review of Council Request Regarding Shrimp Effort
23 Threshold Reduction in the Area Monitored for Juvenile Red
24 Snapper Bycatch, staff presented the letter submitted to the
25 Southeast Fisheries Science Center regarding the council's
26 requested analysis of the shrimp effort reduction threshold in
27 the area monitored for juvenile red snapper bycatch.

28
29 Dr. Barbieri provided the committee with an overview of the
30 analysis and noted that the SSC concluded that a moderate
31 increase in shrimping effort would have little impact on the
32 rebuilding of red snapper.

33
34 The committee discussed the mechanism for reducing the threshold
35 and the precedent. Staff noted that, in Amendment 14, there was
36 prescriptive guidance to reduce the threshold from 74 percent to
37 67 percent by 2011, but a further reduction to 60 percent was
38 not outlined, other than a statement that the threshold would
39 subsequently decline from 67 to 60 percent between 2011 and
40 2032.

41
42 Since there was no framework for reducing the threshold, any
43 change would need to be done in a plan amendment. The committee
44 discussed the timing of producing an amendment to modify this
45 threshold and made the following motion.

46
47 **The committee recommends, and I so move, to develop a plan**
48 **amendment to look at reducing the effort threshold in the area**

1 monitored for juvenile red snapper bycatch to 60 percent. Madam
2 Chair.

3
4 **CHAIRMAN BOSARGE:** We have a committee motion. Is there
5 discussion on the motion? Mr. Riechers.

6
7 **MR. RIECHERS:** As we talked about this, of course, the evidence
8 suggested that it can go down to that level, but there are
9 several ways we can go down to that level, and it could be a
10 stair-step approach all the way to 2032, or it could be even
11 based on what it may have suggested, almost an immediate step.

12
13 Those things will have some impact on the rebuilding schedule
14 and the biomass as well, and we also heard that, because -- Even
15 though it had gone up a little bit, it wasn't all that close to
16 the threshold level, even in this last year, and I think 2014 or
17 2015 was the time it was the closest, and so, at least from a
18 staff perspective, when we come back with the alternatives, I at
19 least would like to see both where we've been in the past,
20 which, of course, led us to this last time, and so when we come
21 back next time with that, but also think about there is more
22 than one way to get there. I don't want to make it overly
23 complicated, but also think about a gradual step-down as well
24 and just maybe two alternatives as opposed to just the one going
25 directly to 60.

26
27 **CHAIRMAN BOSARGE:** Ms. Gerhart.

28
29 **MS. GERHART:** Just a couple of things to point out. When the
30 Science Center did the analysis, they were asked to do it in
31 these 2 percent increments. However, they did not do that,
32 because, when they did the 60 percent, they found that it had no
33 effect at all, and so there was no point in looking at the
34 levels that were higher than that.

35
36 Now, they did do some lower numbers, I think down to 54 percent,
37 that they looked at, and they did see some impact there, and
38 that is the analysis that we have, but 60 is the largest number
39 that they analyzed.

40
41 **MR. RIECHERS:** Well, we're going to come back with an amendment,
42 and so is there a chance -- Because that paper wasn't that -- I
43 mean, I'm not minimizing the work effort, but I did notice some
44 changes in poundage when you look at those scenarios through
45 time, going from now to 2032, as you went below 60. Now, are
46 you saying there is no effect until you get to 60, or they just
47 started at 60?

1 **MS. GERHART:** We're at 67 now, and anything between 60 and 67
2 doesn't have an effect. If you go lower than 60, which is not
3 part of what was in the original amendment, and 60 was the
4 lowest number, then there starts to become effects after that
5 point.

6
7 **MR. RIECHERS:** Okay.

8
9 **CHAIRMAN BOSARGE:** Dr. Porch.

10
11 **DR. PORCH:** It's only a difference of 100,000 pounds when you
12 get to 60, and so anything less than that, 61, 62, 63, is going
13 to be even less than a 100,000-pound difference, and so it's
14 very small. That's why.

15
16 **CHAIRMAN BOSARGE:** That's a 100,000-pound difference by 2032.
17 There was a 100,000-pound difference, and so --

18
19 **MR. RIECHERS:** It's annually, and that's why I am at least
20 suggesting when we come back that we may want to at least look
21 at that. I mean, I realize that's not a lot of poundage, in
22 terms of all the poundage we're talking about, but there may be
23 ways to help us get there without taking any poundage away from
24 red snapper at this time, which I don't think any of us would
25 really want to do at this time.

26
27 **CHAIRMAN BOSARGE:** Well, there might be one that might want to.

28
29 **MR. STRELCHECK:** Keep in mind this is a threshold, and so, if
30 effort levels remain where they're at today, we're not taking
31 away unless that effort goes up, right, unless we start
32 approaching the 60 percent threshold relative to where are at
33 today, and so that's the nuance here, is that will effort then
34 creep up if we change the standard which we're managing them to.
35 If not, then the yield levels would not be changed, as long as
36 effort remains where we're at currently.

37
38 **CHAIRMAN BOSARGE:** Okay. All right. Any further discussion on
39 the motion? **Seeing none, is there any opposition to the motion?**
40 **No opposition, and the motion carries.** Mr. Diaz.

41
42 **MR. DIAZ:** Under Other Business, Dr. Porch provided the
43 committee with a brief review on the technical memo regarding
44 sea turtle bycatch in the shrimp fishery. Overall, the memo
45 outlines a methodology for producing bycatch estimates of sea
46 turtles in the shrimp fishery. The results of the memo
47 highlight that Kemp's Ridley and loggerhead turtle bycatch has
48 decreased and bycatch of green turtles has remained relatively

1 constant. Madam Chair, this concludes my report.
2

3 **CHAIRMAN BOSARGE:** Thank you, sir. I don't have my email up in
4 front of me. Is Data Collection out to the group? Okay. All
5 right. Dr. Stunz, do you want to take us through that? I am
6 kind of pushing Mackerel off until the end, to see how much time
7 we have left, because I have a feeling that we may take a little
8 bit of time with that committee report, and so go ahead.
9

10 **DATA COLLECTION COMMITTEE REPORT**

11
12 **DR. STUNZ:** This is the Data Collection Committee Report for
13 August 22, 2018. The agenda was modified to add a discussion of
14 unique trip identifiers for reporting and tracking of commercial
15 fishing trips. The amended agenda was adopted, and the minutes
16 of the June 7, 2017 committee meeting were approved as written.
17

18 Gulf of Mexico 2017 Headboat Summary Report, Mr. Brennan of the
19 Southeast Fisheries Science Center gave a presentation
20 summarizing the activities of the Gulf headboat fleet in 2017.
21 The report is a standardized summary of biological and fishery
22 information for fifty species.
23

24 He stated that this presentation was intended to inform the
25 committee about trends in the headboat fleet and to solicit
26 feedback on this report. This report will be updated annually,
27 available in quarter two of each year, and will include the most
28 recent landings and fishery information. The intent is to
29 distribute this information to stakeholders, managers, and other
30 interested parties. The committee requested that future reports
31 include a summary of trips on a regional rather than on a Gulf-
32 wide basis.
33

34 Next was Southeast For-Hire Integrated Electronic Reporting,
35 SEFHIER, Implementation. Ms. Gerhart from the Southeast
36 Regional Office provided an update on the status of for-hire
37 reporting implementation in the Gulf of Mexico. She stated that
38 the proposed rule to implement electronic for-hire reporting in
39 the Gulf is anticipated to publish on September 14, 2018, and
40 the decision day is September 19, 2018.
41

42 Implementation could occur April 1, 2019, although the GPS
43 portion of the program may be implemented after this date. The
44 committee discussed that a start date later in the year, when
45 fishing activity is lower, may be better time to begin a new
46 reporting program and address any unanticipated challenges.
47

48 Other Business, Discussion of Unique Trip Identifiers for

1 Commercial Fishing Trips, Ms. Bosarge stated that there is not a
2 single trip identifier for commercial fishing trips that could
3 be used to track trip information from initial harvest to sale
4 of the product.

5
6 She also noted that the Ad Hoc Red Snapper/Grouper-Tilefish IFQ
7 requested the development of a unique trip identifier for the
8 trips. Mr. Strelcheck stated that this is an on-going topic of
9 discussion and that NMFS staff can prepare a presentation and
10 lead a discussion about this issue at a future council meeting.
11 The committee also requested that staff query other councils
12 about how they have addressed the need for unique trip
13 identifiers in their regions. Madam Chair, this concludes my
14 report.

15
16 **CHAIRMAN BOSARGE:** Thank you, sir. Dr. Frazer, what do you
17 think? Do you think we can make it through Mackerel? It's
18 4:24. Do you think we can get through that before five o'clock?
19 All right. If we want to hold off on that one, how about we do
20 our liaison reports? I will start with the South Atlantic and
21 Ms. Beckwith.

22
23 **SUPPORTING AGENCIES UPDATES**
24 **SOUTH ATLANTIC COUNCIL LIAISON**

25
26 **MS. BECKWITH:** Thanks. First, I wanted to thank you guys for
27 hosting us. You guys are always a trip to sit and listen to.
28 We do have our liaison report posted on the website, but I just
29 wanted to point out just a couple of things that we're doing.

30
31 We did manage to have a red snapper season on our side this
32 year, and our recreational guys got all of six days, and our
33 commercial guys have a seventy-five-pound limit, and so that's
34 going well.

35
36 We do have our for-hire amendment that is considering a
37 moratorium on our for-hire charter fleet, and that has gone out
38 to scoping. As expected, we don't appear to have gotten a lot
39 of feedback in this first round of scoping, and so we're going
40 to follow up with public hearings here early in the fall.

41
42 We do have an amendment that is considering a private
43 recreational permit and private recreational electronic
44 reporting, and we are currently piloting an app called
45 MyFishCount, and so that should be an interesting process to
46 watch, and we continue to move forward on our Citizen Science
47 Program, and so that has been developing well, and it's getting
48 organized, and hopefully we will be getting together a mechanism

1 to sort of receive and organize types of funds to be able to do
2 some research and get some questions answered, and so that's a
3 work in progress. Those are the main points that I think you
4 guys would be interested in, and everything else is in the
5 report for your review. Thanks.

6
7 **CHAIRMAN BOSARGE:** All right. Thank you, ma'am. We're going to
8 save NOAA OLE for tomorrow. Mr. Dave Donaldson and Gulf States.

9
10 **GULF STATES MARINE FISHERIES COMMISSION**

11
12 **MR. DONALDSON:** Thank you, Madam Chair. Just a reminder that
13 Red Snapper 4 is scheduled for next month, and we'll be looking
14 at the various state programs and looking where we can make them
15 more consistent with the existing recreational survey, and then
16 our commission meeting is going to be in October in South Padre.

17
18 A couple of things to note there. Chris Blankenship is going to
19 be receiving the Lyles-Simpson Award, and our general session
20 will be about sea turtles, a Kemp's ridley sea turtles update on
21 where we're at with that, and I will answer any questions.

22
23 **CHAIRMAN BOSARGE:** Yes, sir, Mr. Anson.

24
25 **MR. ANSON:** Dave, that red snapper workshop in September, mid-
26 September, is that going to be available by webinar to people?

27
28 **MR. DONALDSON:** It is not.

29
30 **CHAIRMAN BOSARGE:** I hope we hear good news about the Kemp's.
31 Keep us posted. Anybody else have questions for Dave? All
32 right. Lieutenant Commander, did you have any -- We kind of cut
33 you short earlier, and did you have anything else that you
34 wanted to go into with us?

35
36 **U.S. COAST GUARD**

37
38 **LT. ZANOWICZ:** Everything I presented was all I had for my
39 presentation. I do want to make one minor point though. When I
40 was talking about the red snapper and shark counts and weights,
41 Dr. Porch mentioned that there was a discrepancy between the
42 data provided to the Southeast Fisheries Science Center and the
43 data presented today, and I looked into that issue.

44
45 The data provided to the Southeast Fisheries Science Center was
46 in calendar years, and the data presented today was in fiscal
47 years, which, for the Coast Guard, starts on October 1 and
48 concludes at the end of the September, September 30, and the

1 fiscal year is just how we track our lancha interdictions and
2 detections, and so, to remain consistent with that, that's how I
3 presented the catch today as well, and so I just wanted to
4 denote that for the record. If there's any further questions on
5 my presentation, of course, I'm happy to answer those at this
6 time as well.

7
8 **CHAIRMAN BOSARGE:** Thank you, sir. Any questions? All right.
9 We'll have one Liaison Report tomorrow, and we'll do our
10 Mackerel Report, and we have a SEDAR Committee Report, and, of
11 course, as always, Reef Fish. Then we'll have our election of
12 Chair and Vice Chair. We didn't have anything under Other
13 Business, I don't believe, for Full Council, and so we can check
14 that off the list. All right.

15
16 Then we're going to wrap up a little bit early today. Don't
17 forget though that we have a social this evening, and it is at
18 the Texas State Aquarium, and so we're going to be drinking with
19 the sharks. It's going to be fun. I'm excited. It's at 6:30,
20 and it's being hosted by CFA, Share the Gulf, the Shareholders
21 Alliance, and the Galveston Professional Boatmen's Association.
22 Don't forget that Mr. Charlie filleted all the fish for us, and
23 so I'm excited. I can't wait. I can't wait to see him there,
24 and I hope to see everybody else there. It is open to the
25 public. Have a wonderful evening, and I will see you back here
26 tomorrow morning at 8:30.

27
28 (Whereupon, the meeting recessed on August 22, 2018.)

29
30 - - -

31
32 August 23, 2018

33
34 THURSDAY MORNING SESSION

35
36 - - -

37
38 The Full Council of the Gulf of Mexico Fishery Management
39 Council reconvened at the Omni Hotel, Corpus Christi, Texas,
40 Thursday morning, August 23, 2018, and was called to order by
41 Chairman Leann Bosarge.

42
43 **CHAIRMAN BOSARGE:** Good morning, everybody. We have a few more
44 reports to go through. Just in case anybody has a plane, we're
45 going to go ahead and do Reef Fish first and knock that out, and
46 then we'll circle back to Mackerel and SEDAR. I will turn it
47 over to you, Ms. Guyas.

48

1 **COMMITTEE REPORTS (CONTINUED)**
2 **REEF FISH COMMITTEE REPORT**

3
4 **MS. GUYAS:** Thank you very much. All right. I think the
5 committee report is on the website now. The agenda was modified
6 to add two items under Other Business. The amended agenda and
7 the minutes of the June 19, 2018 committee meeting were
8 approved.

9
10 SERO staff provided updated landings of selected reef fish
11 species. For the commercial sector, 2018 preliminary landings
12 estimates through August 13, 2018 indicate that 78 percent of
13 the gray triggerfish ACL has been caught. Greater amberjack
14 commercial harvest closed April 3, and 103 percent of the ACL
15 was taken.

16
17 Preliminary 2018 recreational harvests were presented for
18 several species, including private recreational red snapper
19 landings for all Gulf states except Florida. Recreational
20 landings for other reef fish species included data from MRIP
21 through April 30, 2018 and LA Creel data through July 28, 2018.

22
23 Let me just note here that since the committee met that our
24 Florida landings have come in. I think they may be on the
25 website now, Peter? No, not yet, but they will be, but it looks
26 like we are, and I don't have those numbers in front of me,
27 about at 63 percent by the end of June.

28
29 Final Action, Framework to Modify Red Snapper and Gulf Hogfish
30 ACLs, staff reviewed public comments received on red snapper and
31 west Florida Gulf hogfish. Action 1 examines increasing red
32 snapper catch limits in response to the SSC's review of the
33 recent SEDAR 52 stock assessment, which found that red snapper
34 are not overfished nor experiencing overfishing.

35
36 The SSC provided both a declining yield stream for 2019 through
37 2021 and subsequent years and a constant catch scenario and
38 recommended both equally. Committee members agreed that
39 stability in catch levels was preferable over catch levels which
40 changed each year.

41
42 **Without opposition, the committee recommends, and I so move, in**
43 **Action 1, to make Alternative 3 the preferred alternative.**
44 Madam Chair.

45
46 **CHAIRMAN BOSARGE:** Okay. We have a committee motion on the
47 board. I will just read Alternative 3, for the record.
48 Alternative 3 is modify the red snapper ACLs and recreational

1 ACTs based on the constant catch ABC recommendations of the SSC
2 for 2019 through 2021 and subsequent years, as determined from
3 the SEDAR 52 stock assessment. The total ACL is equal to the
4 ABC, and allocations and ACTs are applied as appropriate.

5
6 That means, for 2019 through 2021 and forward, our total ACL
7 would be 15.1 million pounds for red snapper. All right. Any
8 discussion on the motion? **Seeing none, is there any opposition**
9 **to the motion? No opposition and the motion carries.**

10
11 **MS. GUYAS:** Action 2 examines decreasing west Florida hogfish
12 ACLs in response to the SSC's review of the recent SEDAR 37
13 update stock assessment, which found that west Florida hogfish
14 are not overfished nor experiencing overfishing.

15
16 However, due to increased uncertainty in the assessment, widely
17 variable landings data, and inconsistent recruitment, the
18 resultant catch advice from the stock assessment represents a
19 decrease from the status quo.

20
21 The committee noted that the proportional standard error of the
22 recreational landings varied from 17.9 to 47.4 between 2008 and
23 2017, and total landings for the stock, which is managed without
24 sector allocations, ranged from about 61,000 pounds to 306,000
25 pounds between 2001 and 2017. The SSC thought a constant catch
26 scenario was unnecessary for west Florida hogfish, since the
27 yield stream would be increasing over the projection period of
28 2019 to 2021.

29
30 **Without opposition, the committee recommends, and I so move, in**
31 **Action 2, to make Alternative 2 the preferred alternative.**

32
33 **CHAIRMAN BOSARGE:** All right. We have a committee motion, and
34 Alternative 2 says to modify the West Florida hogfish OFL, ABC
35 and ACL based on the recommendations of the SSC for 2019 through
36 2021 and subsequent years, as determined from the 2018 SEDAR 37
37 update stock assessment. The ACL is equal to the ABC, which
38 means, for hogfish, 2019 is going to be an ACL of 129,500
39 pounds, 2021 is 141,300 pounds, and 2021 forward is 150,400
40 pounds. All right. Any discussion on the motion? **Seeing none,**
41 **is there any opposition to the motion? No opposition and the**
42 **motion carries.** Mr. Diaz.

43
44 **MR. DIAZ:** I just want to mention something. There is no way to
45 impact that, but there was some public testimony and some
46 people's concern about where we're at with this, considering
47 that we raised the size limit not that long ago, but we really
48 didn't have any other options. I mean, this is really the only

1 way, legally, that we could move forward, and so I just wanted
2 to put that on the record, but I understand the people's
3 concerns in the public, and so thank you.

4
5 **MS. GUYAS:** SERO staff advised the committee that they would
6 receive an updated version of the codified text for this
7 document which would reflect the decisions made during committee
8 discussions and the updated catch levels considered in this
9 document. The codified text would also include the framework
10 action modifications to the recreational red snapper ACT
11 buffers.

12
13 **Without opposition, the committee recommends, and I so move,**
14 **that the council approve the Reef Fish Framework Action:**
15 **Modification of Gulf of Mexico Red Snapper and West Florida**
16 **Hogfish Annual Catch Limits, and that it be forwarded to the**
17 **Secretary of Commerce for review and implementation and deem the**
18 **codified text as necessary and appropriate, giving staff**
19 **editorial license to make the necessary changes in the document.**
20 **The Council Chair is given the authority to deem any changes to**
21 **the codified text as necessary and appropriate.**

22
23 **CHAIRMAN BOSARGE:** All right, and so this is final action, and
24 so this will end up being a roll call vote, but, before we get
25 to that, do we need to look at the codified text on this one,
26 Mara? Did we not accomplish that in committee?

27
28 **MS. LEVY:** I don't think you have the updated codified text
29 right now. I think we did do the hogfish changes, but I don't -
30 - Or was it the red snapper that we had to change? We had to
31 change one of the numbers, but I don't think we have the
32 combined yet for the ACT document and this, and I would actually
33 prefer that we probably do that after the meeting and then just
34 send it to the Chair to re-deem, like the combined, if you want
35 to look at the combined, because I feel like, if we rush with
36 the numbers, that there is a chance that we're going to have to
37 change it anyway, because we're going to check them and they
38 might be off, and so I think we should just send it to the Chair
39 to look at.

40
41 **CHAIRMAN BOSARGE:** Yes, I'm remembering that discussion now.
42 What we decided in the ACT document was going to affect what the
43 final codified text was here, and you want all that to jibe
44 together and meld and go all up at one time. All right.
45 Council, do you all have a problem with that? Are you good with
46 it? Okay. Is there any other discussion on this motion before
47 we vote? Seeing none, this will be a roll call vote. Dr.
48 Simmons.

1
2 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. Dr.
3 Frazer.
4
5 **DR. FRAZER:** Yes.
6
7 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.
8
9 **DR. STUNZ:** Yes.
10
11 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.
12
13 **MR. STRELCHECK:** Yes.
14
15 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Riechers.
16
17 **MR. RIECHERS:** Yes.
18
19 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Diaz.
20
21 **MR. DIAZ:** Yes.
22
23 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
24
25 **MR. ANSON:** Yes.
26
27 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp is on the webinar, and so
28 he cannot vote. Mr. Sanchez.
29
30 **MR. SANCHEZ:** Yes.
31
32 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.
33
34 **MS. BOGGS:** Yes.
35
36 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Banks.
37
38 **MR. BANKS:** Yes.
39
40 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Mickle.
41
42 **DR. MICKLE:** Yes.
43
44 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Swindell is on the webinar, and
45 so he cannot vote. Mr. Dyskow.
46
47 **MR. DYSKOW:** Yes.
48

1 EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.
2
3 MS. GUYAS: Yes.
4
5 EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.
6
7 MR. DUGAS: Yes.
8
9 EXECUTIVE DIRECTOR SIMMONS: Mr. Boyd.
10
11 MR. BOYD: Yes.
12
13 EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge.
14
15 CHAIRMAN BOSARGE: Yes.
16
17 EXECUTIVE DIRECTOR SIMMONS: The motion carried fifteen to zero
18 with two absent.
19
20 MS. GUYAS: The committee encouraged staff to continue providing
21 the species-specific hot sheets during committee meetings.
22 Draft Amendment 36B, Modification to Commercial IFQ Programs
23 ACLs, staff reviewed the draft actions and alternatives and
24 noted that more guidance on the purpose and need would help to
25 further develop the actions and alternatives. Action 1.1 would
26 establish new requirements for program eligibility. Following
27 discussion, the committee passed two motions.
28
29 Without opposition, the committee recommends, and I so move, in
30 Action 1.1, Alternatives 2 through 5, remove the Option b from
31 all alternatives. Option b was a valid Gulf of Mexico and South
32 Atlantic dealer permit with an IFQ dealer account.
33
34 CHAIRMAN BOSARGE: All right. We have a committee motion. Is
35 there any discussion on the motion? Seeing none, is there any
36 opposition to the motion? No opposition, and the motion
37 carries.
38
39 MS. GUYAS: Without opposition, the committee recommends, and I
40 so move, in Action 1.1 to amend Alternative 3 to say:
41 Alternative 3: In order to obtain (transfer into an account), or
42 maintain shares (hold existing shares in an account), all
43 shareholders who entered the IFQ programs after January 1, 2015,
44 must possess one of the following.
45
46 CHAIRMAN BOSARGE: All right. We have a committee motion going
47 up on the board. There we go. Just to refresh your memory,
48 because it looks a little strange, but this is our motion.

1 Remember there were two dates in this alternative to begin with,
2 and, to streamline this, we made it one date for both programs,
3 and so that's why it says one of the following and there is no
4 following, because that's the only part we were changing right
5 there. All right. Any discussion on the motion? **Seeing none,**
6 **any opposition to the motion? No opposition, and the motion**
7 **carries.**

8
9 **MS. GUYAS:** Action 1.2 addresses share divestment in the event
10 shareholders are unable to meet new requirements established
11 through the previous action. The committee discussed the
12 proposed amount of time to allow shareholders to comply with any
13 new permit requirement and passed the following two motions.

14
15 **Without opposition, the committee recommends, and I so move, in**
16 **Action 1.2 to remove Option 2a. Option 2a is on the effective**
17 **date of the final rule implementing this amendment.**

18
19 **CHAIRMAN BOSARGE:** All right, and so we have a committee motion.
20 Is there any discussion on the motion? **Seeing none, is there**
21 **any opposition to the motion? No opposition, and the motion**
22 **carries.**

23
24 **MS. GUYAS:** Without opposition, the committee recommends, and I
25 so move, in Action 1.2 to remove Option 2b from Alternative 2
26 and Option 3a from Alternative 3. Option 2b is before the
27 beginning of the calendar year following the effective date of
28 the final rule implementing this amendment. Option 3a is before
29 the beginning of the calendar year following the sale or
30 termination of the permit.

31
32 **CHAIRMAN BOSARGE:** Okay. We have a committee motion. Is there
33 any discussion on the motion? **Seeing none, is there any**
34 **opposition to the motion? No opposition, and the motion**
35 **carries.**

36
37 **MS. GUYAS:** The committee discussed the remaining sections of
38 the amendment, including development of a quota bank and the
39 accuracy of weight estimates in landing notifications, but made
40 no additional motions.

41
42 **CHAIRMAN BOSARGE:** Yes, sir, Andy.

43
44 **MR. STRELCHECK:** I just wanted to talk about a few items. The
45 first question is when does the Law Enforcement Technical
46 Committee meet? Is it prior to the October council meeting?

47
48 **CHAIRMAN BOSARGE:** Dr. Simmons.

1
2 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I think
3 it's the week before the council meeting.

4
5 **MR. STRELCHECK:** Okay, and so we can get guidance from them
6 regarding the weight estimations, which would be helpful. I
7 certainly heard some differences between NOAA Law Enforcement
8 and state law enforcement, and the fishermen did not seem to be
9 supportive of a weight estimation, and so I think it would be
10 good to ask the Law Enforcement Technical Committee to weigh-in
11 on that.

12
13 The second question would be, and I don't know which advisory
14 panels we have available to us, but, with the quota bank -- I
15 mean, there is a lot of devil in the details in terms of how we
16 would design a quota bank, and I would think it would be very
17 helpful to get input from our commercial fishermen on an
18 advisory panel.

19
20 I don't know the timing of when we would want to do that. Maybe
21 it's a little too premature, but it would be good to get them to
22 weigh-in at some point, sooner rather than later, as this
23 develops.

24
25 **CHAIRMAN BOSARGE:** Dr. Simmons and I had kind of talked about
26 that offline, and we were going to try and look at the schedule.
27 We're not sure if it will be able to happen before the next
28 meeting, but maybe sometime after that. We'll see when we can
29 convene that group for that specific purpose, to really hone-in
30 on that and give us some feedback, and so, okay.

31
32 **MS. GUYAS:** Final Action Modification to the Recreational Red
33 Snapper ACT Buffers, staff reviewed the framework action to
34 modify the recreational red snapper component ACT buffers. The
35 council currently prefers Alternative 3, which sets the for-hire
36 component's ACT at 9 percent below that component's ACL while
37 leaving the private angling component's ACT at 20 percent below
38 that component's ACL.

39
40 The council also prefers Alternative 4, which would sunset the
41 change in the for-hire component's buffer between the ACT and
42 ACL established in Alternative 3 at the end of the 2019 red
43 snapper fishing season.

44
45 The committee heard public comments received about this
46 framework action. SERO staff reminded the committee that the
47 framework action, if it is approved for final action, would be
48 reviewed with due consideration of how the recreational

1 components for red snapper have been managed in the last few
2 years and with deference to Section 407(d) of the Magnuson-
3 Stevens Act, which states that the recreational sector for red
4 snapper will be managed under a single recreational ACL.

5
6 Without opposition, the committee recommends, and I so move,
7 that the council approve the Reef Fish Framework Action:
8 Modification to the Recreational Red Snapper Annual Catch Target
9 Buffers and that it be forwarded to the Secretary of Commerce
10 for review and implementation and deem the codified text as
11 necessary and appropriate, giving staff editorial license to
12 make the necessary changes in the document. The Council Chair
13 is given the authority to deem any changes to the codified text
14 as necessary and appropriate.

15
16 **CHAIRMAN BOSARGE:** All right, and so this is a final action
17 vote, and so it will end up being a roll call. Is there
18 discussion on the motion? All right. If there is no
19 discussion, Dr. Simmons, will you take us through the roll call
20 vote, please?

21
22 **EXECUTIVE DIRECTOR SIMMONS:** Thank you. Mr. Banks.

23
24 **MR. BANKS:** Yes.

25
26 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Boggs.

27
28 **MS. BOGGS:** Yes.

29
30 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Sanchez.

31
32 **MR. SANCHEZ:** Yes.

33
34 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Strelcheck.

35
36 **MR. STRELCHECK:** Abstain.

37
38 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Stunz.

39
40 **DR. STUNZ:** Yes.

41
42 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Shipp is on the webinar, and so
43 he cannot vote. Dr. Mickle.

44
45 **DR. MICKLE:** Yes.

46
47 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dyskow.

48

1 **MR. DYSKOW:** Yes.
2
3 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Boyd.
4
5 **MR. BOYD:** Yes.
6
7 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Guyas.
8
9 **MS. GUYAS:** Yes.
10
11 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Swindell is on the webinar, and
12 so he cannot vote. Mr. Diaz.
13
14 **MR. DIAZ:** Yes.
15
16 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Riechers.
17
18 **MR. RIECHERS:** Yes.
19
20 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Dugas.
21
22 **MR. DUGAS:** Yes.
23
24 **EXECUTIVE DIRECTOR SIMMONS:** Dr. Frazer.
25
26 **DR. FRAZER:** Yes.
27
28 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Anson.
29
30 **MR. ANSON:** Yes.
31
32 **EXECUTIVE DIRECTOR SIMMONS:** Ms. Bosarge.
33
34 **CHAIRMAN BOSARGE:** Yes.
35
36 **EXECUTIVE DIRECTOR SIMMONS:** Fourteen to zero with one
37 abstention and two absent.
38
39 **MS. GUYAS:** Gulf of Mexico Allocation Review Triggers, staff
40 gave a presentation on the fisheries allocation review policy
41 and the procedural directive addressing review triggers, which
42 are criteria for initiating allocation reviews.
43
44 The presentation described the three steps included in the
45 adaptive management process recommended by the policy.
46 Allocation review triggers, including public-interest-based,
47 time-based, and indicator-based triggers, were discussed.
48 Fisheries resource allocations between sectors, states, and

1 councils were presented. Staff noted that the council should
2 identify review triggers by August 2019, or as soon as
3 practicable.

4
5 The committee inquired about the South Atlantic Council's
6 progress in developing triggers and stressed the importance of a
7 collaboration between councils to set triggers for shared
8 stocks. Ms. Beckwith indicated that the South Atlantic Council
9 is in the preliminary discussion phase.

10
11 Comparison of Council's Allocation Policy with NMFS Allocation
12 Review Policy, staff reviewed the side-by-side comparison of the
13 current Gulf Council Fishery Allocation Policy with NMFS
14 Procedural Directive 01-119-02. The committee discussed that
15 the current Gulf Council's Policy appears flexible enough in its
16 approach, particularly with suggested methods for determining
17 reallocation, and that the council would not need to modify the
18 current Gulf Council's Policy. Scoping Document for
19 Reallocation of the Red Snapper ACL, staff noted --

20

21 **CHAIRMAN BOSARGE:** Yes, sir, Mr. Boyd.

22

23 **MR. BOYD:** On the allocation policy, we had some discussion
24 about whether we needed to go ahead and start some kind of
25 procedure, and I had asked if the presentation that Dr. Diagne
26 gave, which was Tab B, Number 8(a), was the start of that, and I
27 didn't get a response that it was and that we would just review
28 it.

29

30 I think it's important, because this is a policy directive from
31 NMFS about adaptive management. It establishes criteria that we
32 should look at for setting triggers for allocation, and, in
33 Section 5 of it, it even says that, three years after the
34 publication of this policy, NMFS will work with the councils to
35 determine whether or not trigger mechanisms have been
36 established.

37

38 With that, I would like to offer a motion that we -- I don't
39 know exactly how to say this, and if somebody will help me, but
40 that we start a procedure to review the NMFS policy directive on
41 allocation and meet the timeline for implementation of triggers
42 as set forth in that document.

43

44 **CHAIRMAN BOSARGE:** Dr. Simmons.

45

46 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I think we
47 may have had some confusion during the committee on this, but
48 our plan is to bring it back to the council in October, and,

1 because this is kind of setting up a policy, or if you decide to
2 put it in a fishery management plan, this is the start of that
3 and us just first giving the council an idea of what the policy
4 was that came from Headquarters regarding the triggers.

5
6 Remember this will include more species than just reef fish, and
7 so we probably should have put this under Sustainable Fisheries,
8 and so you probably will see that next time under Sustainable
9 Fisheries, but our plan is to continue to work on this and work
10 with the Regional Office on deciding, when you review that
11 presentation, all those different species, the CMP, and then
12 there was also questions about the jurisdictional
13 apportionments, and there is some other allocations that we have
14 set up, and do all of those fall in this type of review, and so
15 we do plan to bring something in October, more work on this.

16
17 **MR. BOYD:** Okay. I didn't get that from the conversation
18 yesterday. All right. Thank you.

19
20 **CHAIRMAN BOSARGE:** So do you want a motion, or are you good with
21 that conversation? They plan to bring it back in October, after
22 they flesh it out some more. They didn't have any of those
23 allocations. Like, on the commercial side, we have allocations
24 in different areas of the Gulf, and they've got to add that, and
25 we're supposed to have a more in-depth discussion on the actual
26 triggers at our next meeting too and give them feedback on how
27 we want to proceed with that piece of it, and so are you good?

28
29 **MR. BOYD:** I am not really comfortable, but I will withdraw my
30 motion, because we're looking at a deadline, based on this
31 directive, to be finished in 2019, and, if we don't get started
32 on it in earnest, I think we're going to miss that deadline, but
33 I will withdraw my motion, because the Executive Director says
34 we're going to work on it, and I believe her. Thank you.

35
36 **CHAIRMAN BOSARGE:** Thank you, sir. Ms. Guyas.

37
38 **MS. GUYAS:** Okay. Scoping Document for Reallocation of the Red
39 Snapper ACL, staff noted that the section on allocation reviews
40 had been expanded in the scoping document since the June 2018
41 council meeting.

42
43 Staff requested guidance from the committee on developing the
44 Purpose and Need. The committee noted that the recalibration of
45 landings data needs to be part of the purpose and need, yet
46 recalibration did not seem to fit with any specific Reef Fish
47 FMP objective. Ms. Levy noted that part of the allocation
48 review process involves reviewing the FMP objectives to

1 determine whether they are still relevant, and if not, the
2 council should revise the objectives.

3
4 In order to assist with evaluating current objectives, the
5 committee requested that council staff provide an analysis of
6 the Reef Fish FMP objectives in terms of background information,
7 context, and relevant amendments, so the council could evaluate
8 the extent to which those objectives have been achieved.

9
10 Revised Draft Amendment 50, State Management Program for
11 Recreational Red Snapper and Individual State Amendments, staff
12 provided a presentation highlighting implications of state
13 management alternatives.

14
15 In the program amendment, the current preferred alternatives are
16 not compatible with one another, as the preferred alternative
17 for Action 1 would include for-hire vessels in state management,
18 but the preferred alternative in Action 2 for allocation applies
19 to the private angling component only.

20
21 The committee discussed the alternatives to allocate red snapper
22 among the states and made a motion to deselect Alternative 6 in
23 Action 2 as the preferred, followed by two substitute motions to
24 modify the preferred alternative to Alternative 2, Option 2d and
25 to Alternative 5, Options 5b and 5e. However, all three motions
26 failed.

27
28 The committee then discussed the inclusion of the federal for-
29 hire component in state management programs. It was noted that
30 inclusion of the for-hire component may not allow for the
31 implementation of state management by 2020. Following
32 discussion, the committee passed two motions.

33
34 **By a vote of seven to five, the committee recommends, and I so**
35 **move, to leave charter for-hire vessels under federal management**
36 **and select in Action 1, Alternative 2 as preferred. Alternative**
37 **2 is, for a state with an approved state management program, the**
38 **state will manage its private angling component only and must**
39 **constrain landings to the state's private angling component ACL**
40 **as determined in Action 2. The federal for-hire component will**
41 **continue to be managed Gulf-wide. For states without an**
42 **approved state management program, a private angling fishing**
43 **season will be estimated using the remainder of the private**
44 **angling component ACL, reduced by the established buffer. The**
45 **sunset provision ending the separate management of the private**
46 **angling and federal for-hire ACLs (currently 2022) is removed.**

47
48 **CHAIRMAN BOSARGE:** All right. We have a committee motion. Is

1 there any discussion on the motion? Mr. Riechers.

2
3 **MR. RIECHERS:** We obviously went over this in committee, but I
4 think it's worth at least putting it on the record again here at
5 Full Council. Obviously, I am against this motion. Alternative
6 4, which will be the preferred if you don't approve this, still
7 gives the states the option of whether or not they will manage
8 their charter/for-hire and with some decision timeframe to do
9 that thirty days after it would be granted to them, the
10 delegation of authority.

11
12 You heard testimony yesterday, and obviously we're in a state
13 here where it's somewhat mixed as to whether they want to be in
14 or not. We found that when we did our hearings on the EFP as
15 well, and that's no news to anyone around this table, nor is it
16 new news to us, but, in reality, we want to try to keep the
17 flexibility for this, and so, again, I speak against the motion.

18
19 **CHAIRMAN BOSARGE:** Okay. Any further discussion? I know I have
20 at least one opposed. **All those in favor, signify by raising**
21 **your hand; all those opposed, same sign. The motion carries**
22 **eight to six.**

23
24 **MS. GUYAS:** By a vote of ten to two, the committee recommends,
25 and I so move, to instruct staff to begin an amendment for state
26 management for the federal for-hire industry.

27
28 **CHAIRMAN BOSARGE:** All right, and so we have a committee motion.
29 Any discussion on the motion? Mr. Riechers.

30
31 **MR. RIECHERS:** Since the time of committee, and I have talked
32 with many members around the table since that time, and part of
33 it is when this is occurring, and we can have a complete debate
34 about will it ever occur if it's split out now, which I think is
35 a reasonable debate to have, given past history, but, more
36 importantly, this is one of the most contentious issues
37 surrounding this amendment, and it has been all along, regarding
38 sector separation and how you deal with charters.

39
40 I am speaking against the motion, because I think this is the
41 one item, along with the allocation, that our angling,
42 recreational angling public and charter/for-hire public, needs
43 to be able to weigh-in on, and so to do anything to remove it
44 completely before we go to public hearing is just, in my mind,
45 not the right thing to do now.

46
47 If we want to, after public hearing or after the final vote on
48 this current amendment, start a new amendment doing that, that

1 is certainly appropriate, I believe, but to just remove it now
2 and put it over in the corner and say, well, we'll come back to
3 it, I don't think that's the appropriate thing to do.

4
5 I think we need to leave the document intact, as it is, and
6 debate it however many more meetings we have a chance to debate
7 it, and go forward with it at that time, as opposed to trying to
8 strip all this stuff out and put it in another document and just
9 go forward with one option of private angling only.

10
11 **CHAIRMAN BOSARGE:** All right. I have Patrick and then Andy.

12
13 **MR. BANKS:** I agree with a lot of what Robin said, but I am
14 scared to take this off the table. I guess I have more of a
15 question, maybe for staff or maybe to try to give some
16 direction, but I want to make sure that, even though the
17 preferred alternative was changed in our overall Amendment 50,
18 that we're not going to -- We're not going to just remove, like
19 Robin just described, all of this charter information from that
20 document, because I don't think that's fair to the public.

21
22 I think the public needs to see our Amendment 50 document when
23 it goes out for public notice and that it shows that we did
24 consider the charter/for-hire and we do want to try to keep them
25 in, and we need them to give us that information, and I'm afraid
26 if -- I think Robin has a legitimate concern that, if this
27 passes, we may end up stripping all of the charter/for-hire
28 stuff out of Amendment 50A, and I still think we need to
29 consider charters in 50A and have the public given the chance to
30 make comments, and so I'm in favor of the motion, but I want to
31 make sure that just because -- If this passes, that that doesn't
32 give us license to remove the charter information from 50A, and
33 what are some thoughts from around the table?

34
35 **CHAIRMAN BOSARGE:** All right. I've got a whole list here, and I
36 think that's the guidance that we have to give staff. We need
37 to tell them which way we're going on this, and maybe we had
38 enough discussion in committee that there is a determination,
39 but I don't remember what it was, if there was one. Mara, do
40 you want to speak to that point, before I go down this list?

41
42 **MS. LEVY:** The motion was to change the preferred in 50, and I
43 didn't hear any motion about removing -- That is just
44 instructing staff to begin an amendment for charter/for-hire,
45 but, in my opinion, if you actually want to remove the
46 discussion of charter/for-hire from Amendment 50, that, to me,
47 would need to be explicit. Like, I wouldn't implicitly read
48 that from this. I read this as we're going to start a new

1 amendment that may end up being duplicative, right, if we end up
2 changing in 50, but not that it means that you're getting rid of
3 what's in 50.

4
5 **CHAIRMAN BOSARGE:** All right. We've got people going on and off
6 the list. All right. Next, I have Mr. Patient Andy over there.
7 Go ahead.

8
9 **MR. STRELCHECK:** I spoke in support of this motion during
10 committee, and that certainly is my view as well, that this was
11 not stripping information out of the existing amendment, but my
12 concern is bogging down Amendment 50 as we try to wrestle with
13 inclusion of the charter vessels and some of the complexities of
14 adding the charter vessels and the need to get this in place by
15 2020, once the EFPs expire, and so, by splitting the amendments,
16 that gives us an opportunity to work on the charter regional
17 management.

18
19 If we're able to figure out something and plug it into Amendment
20 50, then great. If we're not, then we have this back-up
21 amendment that we can continue working on to address charter
22 regional management.

23
24 **CHAIRMAN BOSARGE:** All right. Next, I have Mr. Sanchez.

25
26 **MR. SANCHEZ:** I think everybody knows my sentiments on this. We
27 have discussed this for years, ad nauseum, and even yesterday we
28 heard public testimony from differing members of the fleet, in
29 Texas for instance, saying that they want it or they don't want
30 it, and I think, when you break it down, the overwhelming
31 majority of the for-hire fleet in Texas does not want to be a
32 part of state management. There are a smaller sub-group,
33 perhaps, that feels differently, but, then again, they are in
34 the smaller sub-group. We have discussed this for years, and I
35 don't know why we have to keep kicking this can down the road.

36
37 **CHAIRMAN BOSARGE:** Next, I have Dr. Stunz.

38
39 **DR. STUNZ:** Well, just briefly, and Andy made my point, and I
40 agree both with Patrick and Robin about keeping the document the
41 way it is, short of that motion, of course, although I don't
42 support this next motion coming up. I think we need to hear
43 from the public the way that the document is currently, and so I
44 definitely would not support changing it to that extent.

45
46 **CHAIRMAN BOSARGE:** Ms. Guyas.

47
48 **MS. GUYAS:** I was just going to say, as to the question of

1 whether they're in 50A or not, until the council makes a motion
2 to send those alternatives to Considered but Rejected, they're
3 there. I mean, it's that simple, and we did not do that in
4 committee.

5

6 **CHAIRMAN BOSARGE:** Dr. Frazer.

7

8 **DR. FRAZER:** I think a lot of really good points have been made,
9 and I think we're at a really unprecedented opportunity to move
10 forward with this amendment and include the recreational sector,
11 the true recreational guys, and I don't think there's any
12 intent, really, to, at this point, remove the charter/for-hire
13 options in 50A as it's presented.

14

15 I think it is good to get some feedback from the public, but, in
16 the absence of any compelling feedback from the public moving
17 forward, I like the idea of having an alternative to fall back
18 to.

19

20 **CHAIRMAN BOSARGE:** Mr. Diaz.

21

22 **MR. DIAZ:** I support the motion on the board, and I agree with
23 most of what's been said. I would like to see the information
24 that's in 50 stay in 50. What I hope comes out of this motion
25 here is we go down this path and we design a document where it's
26 optional for charter guys to get in or out.

27

28 I think John is right that in some states it looks like the
29 charter guys don't want to be in, and I think there might be
30 other states where they do want to be in, but, as these EFPs
31 play out and charter guys get to see what they're getting, as
32 opposed to what they could potentially get with the states -- I
33 have been trying to talk about flexibility through both of these
34 documents, and I know, in our state, I have had so many people
35 tell me that they can sell a trip in the summertime, because the
36 people are there, and they need something to sell in the fall
37 sometime.

38

39 This document could put a state in the position where they could
40 set them up to where they could give them a fall season if they
41 wanted it. In Texas, they talk about how windy it is in the
42 month of June, and, I mean, the State of Texas could work around
43 that, and so folks might not see the advantages now that might
44 come to where they realize those advantages as these EFPs play
45 out.

46

47 Another thing is we got some emails from at least one
48 charter/for-hire group that said that their state did not catch

1 their historical average for the charter/for-hire, and they were
2 concerned about that, and, you know, they might rethink that and
3 figure out, if they go with their state, maybe they could get
4 back to their historical average, and so flexibility.

5
6 You know, they might see how things work out, and so, anyway, I
7 support the document, and I think some good things could
8 potentially come out of it, and we'll just have to see, but I
9 hope that, at the end of the day, states have an option and we
10 get the majority of the people what they want. Thank you.

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

13
14 **MR. ANSON:** I voted in support of this motion during committee,
15 and, after Robin made a point regarding, I guess, some of the
16 optics of this going out, or we start reviewing this document
17 while the regional management document is still being considered
18 and discussed with the alternatives in it as it's currently set,
19 it could be a little confusing, maybe, to the public, who are
20 wondering why we've got all these other options out there that
21 we're discussing, potentially, but yet one or a couple of those
22 options, alternatives, are going out in a separate document.

23
24 I am just wondering -- I still support this document, I think,
25 and, as Dale just summarized, there is some valid points, or
26 there are some things in there that could be beneficial to
27 charter boats, to operators, that might make it more palatable
28 to them or a better business decision for them under a state
29 management regime, and, yes, there are some complexities, but we
30 would be able to discuss those and flesh those out during
31 development of the document, and so I'm just -- I've got the
32 issue of the timing while we're trying to work through regional
33 management and not providing too much of a confusing signal, I
34 guess, to the public.

35
36 I'm just wondering if maybe we ought to look at coming back and
37 not working on the document until there is a final vote on 50A
38 or we come to some point where it's gone already out to the
39 public and we get some comment back from the public, which could
40 be the January meeting or something like that, and so, in
41 October, we're coming and reviewing the two documents, and yet
42 we're still discussing them as potential options and
43 alternatives with the for-hire being under state management in
44 50 and then we're also then going to be working on this separate
45 document where they're already taken out, and so it just seems a
46 little quirky, administratively, if we're able to or staff is
47 able to bring back some documentation relative to this specific
48 motion and we're still dealing with 50.

1
2 **CHAIRMAN BOSARGE:** Dr. Simmons.

3
4 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I guess my
5 question would be maybe for Andy and/or Ava and Sue. So, if
6 this passes, this amendment would look -- We would at least put
7 in there what Ava presented during committee, which was the
8 endorsement, the state endorsements or Gulf endorsement, and
9 perhaps allocation, an action for allocation, and is that what
10 you think this document would kind of consist of?

11
12 **CHAIRMAN BOSARGE:** Sue.

13
14 **MS. GERHART:** Whatever we do, if the preferred alternative in
15 50A changes, we would have to put those things into 50A, and so,
16 if we start another document that has those things, it's sort of
17 working in concert there anyway, but, yes, obviously the
18 allocation would have to be there, and then I think we would
19 have maybe an action about for each of the states to be in there
20 or not and then the delegation, a similar sort of delegation
21 list of items to be delegated, and accountability measures.

22
23 **CHAIRMAN BOSARGE:** All right, and so I have a whole list of
24 people. Kevin just went. Ms. Boggs.

25
26 **MS. BOGGS:** Thank you, Madam Chair. I am hoping that the
27 alternative in 50 sticks, because that's what I know the Alabama
28 fleet wants. We have taken a poll of our membership, and they
29 want to stay under federal management.

30
31 I would support this amendment, again, as some others have
32 expressed, as a fallback, but I just hope that the 50 stays as
33 it is and we can move forward with this. I think removing the
34 federal for-hire component from 50 will certainly help the
35 states move forward with their private recreational anglers, who
36 need help desperately, and I think that's where we need to stay
37 focused on. Thank you.

38
39 **CHAIRMAN BOSARGE:** All right. Next, I have Mr. Sanchez.

40
41 **MR. SANCHEZ:** I just wanted to add to that I believe, and
42 correct me if I'm wrong, that this council does have the
43 authority to correct some inequities that may exist, such as
44 weather, that I have witnessed here all week. Today is the
45 first morning that I noticed the flags draped on the pole, and
46 so there are some legitimate concerns with a start date in June
47 for Texas, but I do believe also that this council perhaps has
48 the authority to -- Not that I want to go to drawing lines all

1 over the Gulf, but you could perhaps draw a line at the Texas
2 boundary and to the west and create a different start date as a
3 council for Texas and have a simple public hearing draft
4 document created where the essence of it is just one action item
5 of what month do you all want to start your season at and
6 resolve matters like that for an industry that has repeatedly
7 said we don't want to be a part of state management.

8
9 **CHAIRMAN BOSARGE:** Thank you, Mr. Sanchez. Next, I have Mr.
10 Riechers and then Mr. Dyskow.

11
12 **MR. RIECHERS:** I am going to ask for some clarifications.
13 Remind me of the schedule on 50A completely, down to what we
14 think is the last possible moment, because I may make a
15 substitute motion. Then I have a comment after that.

16
17 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I think my
18 understanding, and I will look to Ava as well to help me with
19 this, and the Regional Office staff, but we're planning to bring
20 a public hearing draft to you in October and go out to public
21 hearings between the October and January council meeting, if you
22 approve the public hearing draft in October, and then slate it
23 for final action in January.

24
25 If you don't take final action in January, I think the last -- I
26 believe the drop-dead date that we talked about was in April,
27 again, for taking final action, in order to get it implemented
28 in time.

29
30 **CHAIRMAN BOSARGE:** Your follow-up, Mr. Riechers?

31
32 **MR. RIECHERS:** Once we dispense with this motion one way or the
33 other, I am going to try to make another motion, but it's going
34 to deal with some of the same things that we're trying to shove
35 off into this document, and I think we really owe it to everyone
36 involved to try to work through this whole permit or lines in
37 the water kind of notion and really, basically, ask staff to
38 come back with a lot of that discussion.

39
40 I mean, it was kind of talked about yesterday, but with not any
41 real alternatives that we brought forward, and I think there's a
42 way that we can think about that and bring that back to the next
43 meeting and have true options to look at, where I think we can
44 either include in both documents -- It gets you further down the
45 road no matter which document it would go in, because, as you
46 say, John, and that's the first time we've heard it at the mic
47 in a long time, the possibility of changing seasons over here,
48 which would solve some of the problems even for our charter/for-

1 hire that want to be in or those that don't want to be in. It
2 would solve problems for both of them, but it deals with that
3 same problem that we're trying to get at over here.

4
5 It's the same issue of opening in one place in the Gulf and
6 closed in another, and so I think what we need to do is work
7 diligently towards bringing some more of that information back
8 in October and reviewing that.

9
10 The only way I know to maybe fix this motion, or to work
11 constructively towards both, and I'm glad to hear everyone
12 saying they're not going to change any of the other parts of the
13 document, but there is the question of, when you talk about
14 slowing stuff down, if we start working on another document
15 while still trying to dispense with 50A, no matter how it's
16 dispensed with, we will be -- I mean, we're spending less time
17 and energy on that, and so, for all those who always want to
18 talk about us wasting our time, it seems like, when we start
19 this, we may be doing some of that.

20
21 **I will make a substitute motion to instruct staff to begin an**
22 **amendment for state management for the federal for-hire industry**
23 **upon final vote on 50A.**

24
25 **CHAIRMAN BOSARGE:** Do you want to repeat it for staff, Mr.
26 Riechers?

27
28 **MR. RIECHERS:** If I may, if I get a second --

29
30 **CHAIRMAN BOSARGE:** All right, and so we have a motion going up
31 on the board. Do we have a second? Dr. Stunz. Then, after Dr.
32 Stunz, I'm going to let Mr. Dyskow. He's been patiently
33 waiting. I mean, after Robin, I'm going to let Mr. Dyskow.

34
35 **MR. RIECHERS:** Well, I just want to -- Obviously, what I'm
36 trying to do here is speak to some of the problems around the
37 table about timing of two documents and kind of alluding that
38 we're moving on to a different document when we're still
39 reviewing parts of one that would keep them in or -- Keep
40 charters inside of the states or not inside of the states, and
41 so it just seems a little less clunky, from a timing
42 perspective, and, again, what I hope to do is follow this,
43 whenever we dispense with this, with a motion that really tries
44 to bring more to the table in regards to that permit discussion
45 and/or lines in the water discussion that we had yesterday.

46
47 **CHAIRMAN BOSARGE:** All right. Mr. Dyskow.

48

1 **MR. DYSKOW:** Thank you, Madam Chair. I like this motion better
2 than the -- I like the substitute motion better than the
3 previous one, but there is one big issue that we are not
4 addressing. We keep discussing this as if it were a matter of
5 state management of charter/for-hire or federal management.

6
7 The reality is, if we move forward with some form of state
8 management, we're talking about half of the fishing effort,
9 charter and for-hire fishing effort, in the Gulf being managed
10 by the feds and half by the states, because you don't have a
11 unanimous consent of the states.

12
13 That is really what we're talking about. We're not talking
14 about state management. We're talking about partial state
15 management, and that's a whole different thing for the public to
16 deal with and for the charter/for-hire industry to deal with,
17 and so that's my whole concern with this. I like the substitute
18 motion better, but we're not talking about state management of
19 charter and for-hire.

20
21 We're talking about partial state management, and, somehow, we
22 need to make that clear in whatever motion and whatever
23 amendment we go forward with. This is not unanimous among the
24 states, and that's my stumbling block with this whole thing.
25 How do we evaluate this and how do we communicate it when it's
26 clearly not a unanimous decision?

27
28 **CHAIRMAN BOSARGE:** Next, I have Dr. Frazer.

29
30 **DR. FRAZER:** I just wanted to get some clarification from Robin.
31 The way that this motion reads, you would be looking to,
32 potentially, at the earliest, to start the development of this
33 new alternative amendment, I guess, in January, at the end of
34 that time? It could be April, but -- Okay. Thank you.

35
36 **CHAIRMAN BOSARGE:** All right. Andy.

37
38 **MR. STRELCHECK:** Robin, can I ask a clarification? This
39 presumes that for-hire would not be in 50A? What happens if we
40 move forward with for-hire in 50A?

41
42 **MR. RIECHERS:** Well, if we move forward with for-hire in 50A,
43 this wouldn't necessarily be needed anymore, and so that's -- I
44 mean, that's part of the question here. We kind of went a
45 little quicker to this yesterday, and, with us still going out
46 with the document intact, the way it is, unless that changes at
47 the next meeting, considering that, then -- Again, this may or
48 may not be needed even, and so that's why it is confusing if you

1 have both of these working through the process with similar
2 discussion elements at the same time.

3
4 Now, this one could add more things, as you're suggesting,
5 possibly, if there were other issues that got brought up along
6 the way to add to this one, but, as of now, it would be really
7 the same kind of document.

8
9 **MR. STRELCHECK:** I am not necessarily supportive or opposed to
10 this at this point, but I guess my concern continues to remain
11 that we have a lot that we have to figure out between now and
12 October, or now and January, with regard to the charter sector,
13 and, by not proceeding on that now, and if there is a decision
14 just to move forward with private, now you have delayed any
15 progress on the charter by six or eight months, and so that was
16 why I was suggesting considering a tandem amendment that could
17 proceed forward in conjunction with 50A.

18
19 **CHAIRMAN BOSARGE:** Robin.

20
21 **MR. RIECHERS:** Well, and what I'm asking is that lot that you
22 have to figure out is we're asking you to go ahead and start to
23 be figuring that out, because it can go in 50A as you get as
24 much of it figured out as you can. Then, if we reach a point
25 where we're pushing 50A forward with private recs only and then
26 we still want to have a for-hire amendment, that lot that you
27 have been trying to figure out will just transfer from one
28 document to the next.

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

31
32 **MS. GUYAS:** Just to completely make it clear, so that everybody
33 is on the same page, Robin, are you -- Was your intention here,
34 after this motion, to add the endorsement stuff to the 50A, so
35 that that is in that document and all that, so it is --

36
37 **MR. RIECHERS:** Yes, I was going to follow it up with a motion to
38 add an alternative for a permit system in 50A.

39
40 **MS. GUYAS:** All right.

41
42 **MR. RIECHERS:** Myself -- We could have the discussion about
43 adding lines in the water too, and I thought permit was simpler
44 than lines in the water, but --

45
46 **CHAIRMAN BOSARGE:** Okay, and so we've had a lot of discussion.
47 Everybody has spoken that wants to speak? Okay. We have a
48 substitute motion that we're going to be voting on, the

1 substitute, and the substitute motion says to begin an amendment
2 for state management for the federal for-hire industry upon
3 final vote on Amendment 50A.

4
5 We have some new members at the table, and so the way this
6 works, because this will be your first time to actually vote for
7 substitutes, is we're going to vote on this substitute. If it
8 passes, that's what we go with. If it fails, we go back and we
9 vote on the first motion and go with that, if it passes. All
10 right, and so we're good. **All those in favor of the substitute**
11 **motion, signify by raising your hand; all those opposed, same**
12 **sign. The motions fails eight to six, or six to eight, however**
13 **you want to look at it.**

14
15 That means we circle back to the original motion, and the
16 original motion is to instruct staff to begin an amendment for
17 state management for the federal for-hire industry. Mr. Dyskow.

18
19 **MR. DYSKOW:** Excuse me, Madam Chair, but is discussion closed on
20 this motion?

21
22 **CHAIRMAN BOSARGE:** No, it's not. Go ahead.

23
24 **MR. DYSKOW:** This isn't what we're voting on. What this motion
25 should say is that we're discussing an amendment for an
26 individual state to elect to manage the for-hire industry,
27 because we don't have universal support from all states on going
28 forward with state management of the for-hire sector, and so
29 this is an individual state decision.

30
31 Some states are going to decide to do this, and other states are
32 not going to decide to do this, and so it's not a blanket where
33 we're moving from federal management of the for-hire industry to
34 state management. The best scenario that this could achieve
35 would be 50 percent of the effort stays under federal management
36 and 50 percent stays under state management, and so it's not a
37 universal amendment. It allows an individual state to make that
38 decision. Some will and some won't.

39
40 **CHAIRMAN BOSARGE:** All right. Ms. Gerhart, to that point?

41
42 **MS. GERHART:** Sure. Just to let you know what we would likely
43 do is the first action would be a decision about which states
44 would be included and which ones weren't, and so it would be
45 delegation, I guess, to a state, and then we would have the
46 options for each state, with the states choosing which they
47 would have.

1 **CHAIRMAN BOSARGE:** All right. I have Dr. Frazer and then Mr.
2 Sanchez. Okay. I have Mr. Sanchez.

3
4 **MR. SANCHEZ:** Am I missing something? I think we went through
5 this when we created the EFPs, and, after a lot of deliberation,
6 we decided that the federal for-hire would stay out of it, for
7 all of the problems that came up by inclusion in some states and
8 exclusion by others, and here we are trying to get them roped
9 back into those same dilemmas, and I don't think they've gone
10 away, how you're going to keep track of landings and how the
11 allocation is going to go, with some in and some out, and it's
12 not clean. This muddies up the whole waters again, trying to
13 revisit this.

14
15 **CHAIRMAN BOSARGE:** Mr. Anson, you're looking like you want to
16 raise your hand.

17
18 **MR. ANSON:** Since you called me out. To John's point, a
19 document, an amendment, can be as simple or as complicated as
20 possible, and so it may not take an amendment. It may take a
21 framework action, but, to address one of the points that you
22 brought up about having a state like Texas, who feels like they
23 have a fishing season that isn't in the most desirable for
24 fishing conditions, that could be one action item.

25
26 Then it could have other action items that deal with more
27 complex, potentially less-palatable options or discussion
28 points, but you said -- You said there are problems. Well,
29 there are problems right now because we haven't worked through
30 the mechanics of how to address them, and we may come to a point
31 where, administratively, the agency just can't do some of the
32 things that may come up as some of the action items, but the
33 agency has probably never been tested before like this document
34 could potentially test and probe and find out what is doable and
35 what might be hard to do, from the agency perspective, but,
36 legally, they're allowed to do, but it's just that has not been
37 implemented yet, and some of those things may turn out to be
38 that some people may like, because it may affect their
39 businesses positively, and therefore they would be more
40 supportive of it, but, without probing and finding out what the
41 limits are, I guess, then we never know.

42
43 **CHAIRMAN BOSARGE:** Okay. Any further discussion on the original
44 motion that's on the board? All right. Then we're going to
45 vote. **All those in favor of instructing staff to begin an**
46 **amendment for state management for the federal for-hire**
47 **industry, signify by raising your hand; all those opposed, same**
48 **sign. It's six to eight, and so the motion fails. It was five**

1 to eight. I apologize. Okay, Mr. Riechers.

2
3 **MR. RIECHERS:** I would like to move a motion that says to ask
4 staff to begin or to put in, and, Carrie, I will say put in 50A,
5 but I will have a follow-up in discussion, but to place in 50A
6 alternatives that would set up a permit system or -- I'm sorry.
7 An endorsement system. If I get a second, then I will try to
8 explain a little bit.

9
10 **CHAIRMAN BOSARGE:** Okay. The motion is to instruct staff to add
11 alternatives to Amendment 50A which set up an endorsement system
12 to the federal for-hire permits, and is that what you --

13
14 **MR. RIECHERS:** That's where the discussion centered on
15 yesterday, was regarding how you're going to treat federal for-
16 hires if there are waters open and closed at the same time.
17 Again, it's a discussion that would have to occur if we start
18 changing season dates across the Gulf.

19
20 **CHAIRMAN BOSARGE:** Yes, and I just wanted to be clear, so that,
21 when we look at this two months from now, we'll know what it was
22 referring to. All right. Do we have a second for the motion?
23 It's seconded by Dr. Stunz. Is there discussion on the motion?
24 Would you like to explain, Mr. Riechers?

25
26 **MR. RIECHERS:** I mean, this is following what -- What we're
27 really asking for here is we heard all the difficulties of that
28 yesterday, but what we would like for staff to do is try to come
29 back with some concrete examples of how we're going to handle
30 that, a timeline on that permit system, because I'm still not
31 convinced that you couldn't get something done by January 1 of
32 2020, or the start of the fishing season in 2020, because that's
33 when that would really have to be done, and so that may be later
34 than January of 2020.

35
36 All of us have licenses already, and so there may be other
37 vehicles that are already out there that serve as that
38 endorsement system, de facto, in some respects, and so I think
39 those should be considered as well, and I would like to have
40 that so that it can -- Either it's placed in the document we see
41 it the next meeting or it could be very easily placed in the
42 document, so that it can be in the public hearing draft, because
43 we're going to be hoping to get out to public hearing. Again, I
44 don't know how far we can get between now and October, but I
45 think we get as far as we can.

46
47 **CHAIRMAN BOSARGE:** All right. I had Dr. Mickle and then Mr.
48 Strelcheck.

1
2 **DR. MICKLE:** Thank you, Madam Chair. I just want to weigh-in.
3 I think Robin has some really good points to bring up there.
4 Now, whether this is going to bog down 50A, that's up for
5 debate, I guess, but the endorsement system is something that
6 Mississippi does in their state fisheries, and it works fairly
7 well.

8
9 I am intrigued by the endorsement angle, and we talked about
10 other angles again yesterday, and I really want to commend the
11 council staff and NOAA staff for bringing that to us, but that's
12 the point that I want to make, is the public hasn't really
13 weighed-in at all on these things, and it's interesting to see
14 which amendment it falls in to get comment, and valuable
15 comment, to that point, for that matter, and so it's really
16 important that we keep things organized and keep working, and
17 this is obviously going to get very complicated, because that's
18 been the roadblock with the federal for-hire, is everyone
19 getting what they want, and so I really -- I think I'm going to
20 support this motion, because it's so important that we get
21 feedback, and we have literally discussed the endorsement issue,
22 unless I'm mistaken, for about seventy-two hours, and so thank
23 you.

24
25 **CHAIRMAN BOSARGE:** All right. I had Andy, and then I have Dr.
26 Frazer.

27
28 **MR. STRELCHECK:** Robin, would you consider a friendly amendment
29 that would expand the scope of this? I think it's important
30 that we look at an endorsement system, but it would be, I think,
31 valuable to look at other ways that we potentially could
32 identify federal for-hire vessels participating in state
33 management, in the event that we discover options that might be
34 simpler or faster to implement.

35
36 **MR. RIECHERS:** Absolutely, I would accept that, if you want to
37 give her the wording there.

38
39 **MR. STRELCHECK:** Set up an endorsement system or other ways for
40 identifying federal vessels in the federal for-hire component or
41 -- At the end, it would be "to be included in a state management
42 plan". Are you good with that, Robin?

43
44 **MR. RIECHERS:** Yes, I'm good with that.

45
46 **CHAIRMAN BOSARGE:** Dr. Stunz, are you okay with that as well, as
47 the seconder? Yes? All right. Dr. Frazer.

48

1 **DR. FRAZER:** I just want to go back to a comment that Dr. Mickle
2 made, I believe it was yesterday, or perhaps the day before,
3 that we want to keep our eye on the prize here, and I appreciate
4 what people are trying to do and work through these alternatives
5 in a very limited amount of time, these options, excuse me, and
6 we may or may not get there, but, if we don't, let's don't
7 forget what we're aiming for, and let's don't throw the baby out
8 with the bathwater on this one. I think you did say let's keep
9 our eye on the prize earlier, if that's right.

10
11 **CHAIRMAN BOSARGE:** Mr. Riechers.

12
13 **MR. RIECHERS:** Tom, I fully agree, and that's why I think you
14 heard several of us speak to wanting to make sure that we kept
15 the full range of alternatives in this amendment, so that, no
16 matter what, we end up in a better place in 2020 or following up
17 the EFPs than we would be if we didn't do something, and so I
18 don't think you hear anyone suggesting that we should slow
19 anything up or not look to that forward-looking better place,
20 but we're just still trying to look at what all the alternatives
21 are and work as diligently as we can to find some solutions for
22 the problems that have been raised.

23
24 Again, those problems are going to have to be solved even if we
25 use some other alternatives and keep them in the federal for-
26 hire fishery. This is a good exercise no matter where that ends
27 up.

28
29 **CHAIRMAN BOSARGE:** Mr. Anson.

30
31 **MR. ANSON:** I too have concerns, Dr. Frazer, about the timing of
32 this much verbiage, work, and how it will affect the document
33 and the timeline that we're trying to achieve. I am just
34 wondering and thinking in those terms, and I'm wondering just
35 how much this constitutes an action item versus, hey, we have
36 these alternatives for who would be included in the state
37 management plan, private recs or for-hire, and the private recs
38 are going to do this and the for-hire you would be operating
39 this way and just generally include that maybe in the discussion
40 of the alternative, rather than having it as an actual decision
41 point as to what needs to be done administratively, because it's
42 an administrative thing.

43
44 All you're trying to do is say, if your state is participating,
45 then you just need a way of identifying those vessels, and Mara
46 has got her hand up, and I had hoped she would, but, again, I'm
47 just trying to think if there's a way of not including it as an
48 action item and if it's more just an administrative thing that

1 the agency would take up if a state were to choose or want their
2 federally-permitted vessels to be included under their
3 management, but they just need to be identified and generally
4 this is how they would be identified type of thing.

5

6 **CHAIRMAN BOSARGE:** Mara.

7

8 **MS. LEVY:** So I've been racking my brain about ways to do this
9 that would be easier, and I'm still thinking about it, but I
10 think, to the extent that it comes down to needing some sort of
11 endorsement system or where people self-identify or somehow we
12 identify what state they belong to or we need some other
13 regulatory action to actually show where people are allowed to
14 fish or what state they're associated with, I think we do need
15 an action item, because that is sort of a council -- It's a
16 policy decision of how do you want to move forward with doing
17 this if there are various options or ways to do it.

18

19 To the extent we can come up with some way to not need,
20 necessarily, that type of system -- I mean, I'm still trying to
21 think about that and see if there's an easier way to do it, and
22 I've been grappling with that for a while, and so I may enlist
23 some other folks to think about it too, but to -- Up until now,
24 I haven't come up with sort of an easy, administrative way to
25 just figure out who belongs to who, especially when the states
26 are going to choose if they're in or out and they're going to
27 choose after the fact, if that alternative were to come back and
28 they were going to choose and they were going to choose after
29 the amendment went final, and so you don't have all the
30 information before that decision happens or you need to know who
31 is in or out.

32

33 **CHAIRMAN BOSARGE:** That was kind of my concern, too. I was
34 almost wondering if we could come back with a presentation on
35 this with a suite of either action items that we would have to
36 take, alternatives that we would have to take, and take a look
37 at that and come to a decision on do we want to put this in the
38 document or not and how far is this going to slow the document
39 down, and that's not how this motion is lined up. This motion
40 is lined up that all of that would be in the document as
41 decision points when it comes back, knowing that we need to pick
42 preferreds at the next meeting, the first time we see it. Mr.
43 Riechers.

44

45 **MR. RIECHERS:** To that point, and I think to Kevin's point,
46 certainly it will not have been the first time, if staff comes
47 back and suggests that there is really an operational fix for
48 this and we don't need to add alternatives. Now, Mara is

1 suggesting she doesn't really believe that may be the case, but,
2 if you found that, then that's what I would expect that you
3 would come back and do.

4
5 If you find that we need alternatives and that's really the only
6 solution, then, yes, we're asking to see if we can't get enough
7 of those alternatives in here that at least the public would
8 know some of those alternatives when we were going out.

9
10 Again, I don't know how far one can get with that. I think one
11 could get pretty far with that if you decide what alternatives
12 you're going to put in and you try to write your discussion
13 around that. We're not talking about a suite of ten or fifteen
14 alternatives here.

15
16 We're talking about a suite of a couple of alternatives that you
17 would have a choice of, and I think there may be -- As alluded
18 to by Mara and others, if there are simpler ways that come up,
19 then this may be more simple than people are thinking at this
20 point in time. Patrick and I have had offline conversations,
21 and we think it's simpler than -- Or it could be fairly simple,
22 but we'll have to figure that out, and that's for the council to
23 look at.

24
25 **CHAIRMAN BOSARGE:** Mara, to that point?

26
27 **MS. LEVY:** Well, it's just that I would be interested in hearing
28 that, because, I mean, we as staff are like trying to figure out
29 how to implement this and how to make it work, and I am never
30 going to say that I know the way to do things and it's the best
31 way, and so what I may be thinking or what staff may be thinking
32 -- If folks think that there is some sort of more
33 straightforward way to get it done, then, I mean, I think that's
34 a discussion that we should be having, because you all are
35 supposed to be deciding what the best way is to do this, and
36 certainly I will offer my opinions, but I would welcome hearing
37 any other creative ideas that would make this easier.

38
39 **CHAIRMAN BOSARGE:** Dr. Simmons has a presentation pulled up from
40 the last time we went through state management, and it's giving
41 options on for-hire permits and endorsements, and there is
42 alternatives, and then it gets down into, all right, so then
43 what do you do if a permit is transferred to a new permit holder
44 that is fishing in a different jurisdiction and then there's
45 more decision points then on when that's going to take place and
46 how that happens. Anyway, I guess that was my point, is it gets
47 complicated really fast, and there is going to be a lot of
48 decision points that we're just about to add to this document

1 that we hope to pick preferreds on in October. I have a couple
2 of hands. I've got Dr. Stunz and then Mr. Banks.

3
4 **DR. STUNZ:** I just wanted to say something that might fix this
5 motion to account for that and move it along, and it's just to
6 add, after "alternative", to say "add alternatives if
7 necessary", and then that gives the staff the flexibility they
8 need as they go back and figure this out to move that along and
9 leave those options open.

10
11 **CHAIRMAN BOSARGE:** All right. I see the motion maker shaking
12 his head yes, and so if you can add the words "if necessary" to
13 "alternatives, if necessary, in 50A". All right. Then I have
14 Mr. Banks.

15
16 **MR. BANKS:** I was just going to say, about the discussion about
17 how things would work, we had all of that discussion surrounding
18 the EFPs, if you guys remember. We talked about all of these
19 difficulties, and we heard from Roy about one difficulty and
20 this difficulty and that difficulty, and we discussed it, and we
21 debunked all of them, and so we've had that discussion, and it's
22 on the record, and the issues are still the same. You don't
23 need lines in the Gulf, and you don't need endorsements. We
24 have state licenses, and we have federal permits, and that's all
25 the endorsement you need.

26
27 If your state is open and you have an applicable license, then
28 you get to fish, because you're going to have to come in to --
29 Or whatever state you want to land in has to be open, and, if
30 you have a Texas license and a Louisiana license and you have
31 the federal permit and Louisiana is open and Texas is not, well
32 then you darned sure better not be landing those fish in Texas,
33 and so you don't need all of that. You don't even need lines.
34 You can enforce it at the dock. You can enforce it in state
35 waters, and it's actually quite simple, and we talked about all
36 of that stuff already.

37
38 **CHAIRMAN BOSARGE:** All right, and so we've had a lot of
39 discussion, and let's vote this thing up or -- Only for you, Ms.
40 Levy. Go ahead.

41
42 **MS. LEVY:** Well, so just -- I hate to continue to say this, but
43 the EFPs are a different animal, and so, thinking about it in
44 context of a plan amendment versus an EFP and what they do, I
45 hear what you're saying, and I think that's great if all the
46 states are managing all the for-hire vessels and, again, even
47 with the private angling. That makes it easy. If you're all in
48 it, you're managing it, and we know who is open and closed, and

1 the EEZ is just open, and we don't need some different federal
2 season. I think it works very smoothly.

3
4 What I think we're grappling with is the idea that that's not
5 going to happen, especially given the prior preferred that was
6 you choose whether they're in or out, and so what do you do with
7 the fact that you're potentially going to have some of these
8 vessels that need their own federal season?

9
10 How do you identify who those are versus the ones that are not
11 and can you do that, and I don't know how all the states
12 operate. Do they all require for-hire licenses if people have a
13 federal for-hire license, and so, I mean, maybe we need to have
14 more discussion about that, but it's really about what happens
15 if not all the states are consistently managing all the for-hire
16 vessels and how you deal with that.

17
18 **CHAIRMAN BOSARGE:** Andy.

19
20 **MR. STRELCHECK:** Patrick, you said it's simpler than maybe we're
21 thinking about it, and I'm hearing comments being made about
22 other ideas that are being floated, and I think we need to get
23 these out on the table and let's start talking about them and
24 run them past the attorneys and see what may or may not work.

25
26 I keep racking my brain in terms of the differences between how
27 we're having to deal with private versus for-hire, and the main
28 difference is states issue private angler licenses and we don't.
29 We issue the federal permits and the states don't, but are all
30 states requiring state charter/for-hire licenses for federally-
31 permitted vessels? Is there ways that we could impose landing
32 restriction requirements for federally-permitted vessels?

33
34 Those are questions that we can't fully answer without state
35 input, but, if we can get those ideas on the table, we can look
36 at them and see if there is some other alternatives to an
37 endorsement system or something that is more complicated than
38 has been tossed out at this stage.

39
40 **CHAIRMAN BOSARGE:** Mr. Anson.

41
42 **MR. ANSON:** Just to answer Andy's question, for Alabama, yes.
43 If you have a charter boat license -- Anyone in possession of
44 fish in Alabama needs to have a state license, whether it's
45 private angler -- They need to have a license, unless they're
46 exempted, if they're under sixteen or over sixty-five, but
47 charter boats, state-licensed only -- If they're just operating
48 in state waters, they need to have a charter boat license, and

1 federally-permitted vessels coming back to Alabama need to have
2 a state license.

3

4 I guess my question was we talked a little bit on Tuesday about,
5 I guess, the phase-in or the time the agency would need to
6 actually implement a program, and so I'm wondering -- You want
7 to give enough information, when we go out to the public in the
8 amendment, to say here's some of the issues that arise that need
9 to be addressed that may impact you if you are a federally-
10 permitted vessel, for that sector at least, and recognize that,
11 yes, there might be some boundaries, maybe, if that's what it
12 comes to, and we don't know.

13

14 I kind of agree with Patrick that maybe we don't need to have
15 boundaries, but have kind of some of those points discussed in
16 the document, in print, so people can use that before they make
17 a comment, before they weigh-in on the issue, but, again, trying
18 to still keep some focus on the private recs and looking at the
19 season for 2020, that's what I am still most concerned about,
20 is, yes, I would like to have a document that gives as much
21 information for both sides, both sectors, to really weigh-in on,
22 because it's a recreational amendment, but, nonetheless, I'm
23 still concerned about the timing issue, and so I think I will
24 support this motion, but I may have some different discussions
25 come October, depending upon what shape and form it takes and
26 the direction of some of the discussions then. Thank you.

27

28 **CHAIRMAN BOSARGE:** Okay. Ms. Gerhart.

29

30 **MS. GERHART:** Just speaking to the timing issue, when we spoke
31 earlier about how the timing might be delayed with having this
32 stuff in there, it wasn't about -- Partially, it's about just
33 figuring out what we would do and how to put that in actions and
34 alternatives, if needed, and, yes, we can write up some
35 discussion by October, but there is also the whole environmental
36 impacts analysis that we have to do, and that's the real timing
37 thing, particularly on the economic side.

38

39 That is what is going to take the extra time, because we have to
40 go in there and look at all the different options that are put
41 forward and how they interact and what those impacts are going
42 to be on the physical, the biological, the economic, the social,
43 and the administrative environments. That's what we're required
44 by NEPA to analyze, and that's the part that takes a lot of
45 time, and so, come October, if you want a public hearing draft,
46 those analyses generally are going to be in there, so that the
47 public has those analyses to look at and help make their
48 decisions when they comment. That is the part that we're not

1 sure that we can get done by October, and I just wanted to let
2 you know that.

3
4 **CHAIRMAN BOSARGE:** That's a lot of discussion. I'm starting to
5 raise my hand to call on myself, guys, but, no, one other thing
6 to think about, if we go down this path, is what are we going to
7 do with the vessels that are ported in another body of water?
8 What are we going to do with those South Atlantic vessels that
9 hold these permits? Where are you going to put their quota?
10 Where can they fish? Where can they not fish?

11
12 Because we went through that when we went through the electronic
13 logbook amendment, and we have quite a few over there that hold
14 these permits, from North Carolina all the way down to the Keys,
15 and so you're going to have to think about where they go, too.
16 Ms. Guyas and then Dr. Frazer.

17
18 **MS. GUYAS:** To respond to Andy's question about whether we
19 require a state license in addition to the federal for-hire
20 license for the federally-licensed vessels, the answer is yes.
21 If they're going to come into Florida waters and land in
22 Florida, they need to have a Florida license. It can be a
23 vessel license or a captain license, but they have to have some
24 sort of for-hire operational permit.

25
26 **CHAIRMAN BOSARGE:** Dr. Frazer and then Andy. Is it to that
27 point, Andy? Then go ahead.

28
29 **MR. STRELCHECK:** That's fine, and I think the point I was trying
30 to make is that we need to have a broader conversation and pull
31 all the states together to gather that information to see if we
32 have full consistency across the Gulf. If we don't, does that
33 present a problem, and then is workable in terms of
34 identification of vessels or not.

35
36 **CHAIRMAN BOSARGE:** Dr. Frazer.

37
38 **DR. FRAZER:** I would like to get to Sue's point, actually.
39 Since we have six weeks to create some alternatives that we
40 haven't seen yet, and so we're not sure what the appropriate
41 language is that you would have to add, that might parallel
42 those action items, and so I'm asking, I guess, for a reality
43 check. Is that in fact doable in five to six weeks?

44
45 **CHAIRMAN BOSARGE:** Sue.

46
47 **MS. GERHART:** It's very tight, considering the complexity of
48 what we're talking about, unless we come up with something that

1 doesn't require actions and alternatives, and then there's not
2 that complexity, and then it would be fine, but, at this point,
3 we don't know that, and part of our time is going to be spent
4 just figuring out what we can and can't do and what will work
5 and won't work before we even develop those alternatives and
6 then can do that analysis.

7

8 **CHAIRMAN BOSARGE:** A follow-up?

9

10 **DR. FRAZER:** Yes, and so, I mean, regardless, we're going to
11 have to go through this, and I get that, right, and so the work
12 won't be wasted if, somewhere down the road, we're going to use
13 it, but I do appreciate that it's going to be a tremendous
14 amount of work on the part of the NOAA folks and staff here, and
15 so that's all I have to say.

16

17 **CHAIRMAN BOSARGE:** All right. Have we had plenty of discussion,
18 guys? Are you all ready to vote? Okay. The motion is to add
19 alternatives, if necessary, in Amendment 50A that set up an
20 endorsement system or other ways for identifying federal vessels
21 in the federal for-hire component to be included in the state
22 management plan. **All those in favor, signify by raising your**
23 **hand; all those opposed, same sign. The motion carries nine to**
24 **five.** Ms. Guyas.

25

26 **MS. GUYAS:** The committee discussed the timeline for the
27 amendment and will review public hearing drafts at the next
28 council meeting. The council should consider recommending
29 public hearing locations for this amendment.

30

31 **CHAIRMAN BOSARGE:** Okay, and so we will need to do that for
32 staff, and so be thinking about that, and I had a question,
33 before we leave this topic. In the individual state amendments,
34 there is an action item for the accountability measures, but it
35 seems to me that's pretty much got to be all or none, like all
36 the states have to agree to it or it's not going to work. Are
37 you all with me over there? Okay.

38

39 In the individual state management plans, the accountability
40 mechanism, we have some states that have picked a preferred on
41 that, but it seems to me that that's something that all states
42 are going to have to agree on and have to be participating in
43 for it to work, for it to be fair and equitable, and I just
44 wanted to have a discussion about that action item moving up to
45 the overall document. I don't know if NMFS feels like that's
46 where it should be or not, and let me tell you what this action
47 item is.

48

1 For example, the preferred alternative in the Mississippi plan
2 says, if Mississippi has both a private angling ACL and federal
3 for-hire ACL, the adjustment will be applied, and this is a
4 payback, essentially, an overage adjustment, will be applied
5 only to the component that exceeded or were under the applicable
6 ACL. Do you see what I'm saying?

7
8 Not all states have picked preferreds on this yet, but if
9 different states pick different preferreds, like if some of them
10 have it going equally to both components or some states are just
11 like, no, I'm not going to have a payback at all, and then
12 you've got some states coming off the overall ACL, and it's just
13 not going to work, and I think that's one of those things where
14 we're all going to have to be consistent. I just wanted to have
15 a discussion now and throw it out there and see what other
16 people's feedback was about that moving into the overall
17 document. Anybody? Mr. Banks and then Dr. Mickle.

18
19 **MR. BANKS:** I agree with your concern, but I don't agree that it
20 has to be consistent. I agree that everybody has to be held
21 accountable, but, if one state and their anglers are okay with
22 sharing the pain across sectors, I think that should be their
23 choice.

24
25 If one state wants to choose to only have the overage applied to
26 that same sector in the next year, I think that should be their
27 choice, but I do agree with you that there's got to be some
28 accountability here, and the reason why I think this is a good
29 discussion is because of my fear about the EFP and the way we
30 will be held accountable for the EFP.

31
32 It's clear in our EFPs that, if we have an overage this year, we
33 have to take it off of next year, but there is nothing in those
34 EFPs that I am aware of that if you have an overage next year
35 that what happens, and so we stay within our quota this year and
36 everything looks good, but what if our commission in Louisiana
37 says 365 days you're open, and how will we be held accountable
38 for being a bad actor in that year-two?

39
40 The same way with the state management. I think there's got to
41 be something in the overall document that holds a state
42 accountable for being a bad actor, and that's how you get
43 consistency through the whole thing. That doesn't mean that we
44 can't choose our accountability measures in each of our state
45 amendments, but I do think there's got to be something in the
46 overall document that describes how a bad actor will be dealt
47 with.

48

1 **CHAIRMAN BOSARGE:** I think you make a good point. There may be
2 a piece of this that needs to move up to the overarching
3 document, but you're right that there would be options for each
4 state on exactly how to kind of implement that accountability
5 measure. Good point. Okay. I had Dr. Mickle next.

6
7 **DR. MICKLE:** Yes, and thank you, Madam Chair. I just wanted to,
8 I guess, address Patrick's point. Let's not get too confused.
9 The EFP is designed for experimentation and testing things, and
10 so the accountability, on some level, is very different from the
11 state amendments.

12
13 Now, it gets confusing, but it's difficult to lay out the actual
14 understanding of what the accountability will be even in the
15 state amendments, and I think we need to flesh that out here as
16 soon as we can, but I did want to ask a question. Can we review
17 which states have picked preferreds on Action 2, just to show
18 the group how far or close we are to a unified preferred? Thank
19 you.

20
21 **CHAIRMAN BOSARGE:** Okay. Dr. Simmons.

22
23 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I think,
24 looking at Ava's presentation, it looks like Louisiana and
25 Mississippi have both selected preferreds, and they're the same,
26 currently.

27
28 **CHAIRMAN BOSARGE:** Mara.

29
30 **MS. LEVY:** Well, I mean, the way that this action is currently
31 structured, I mean, really, your choice is between Option 2a and
32 2b, right, and you can't stick with Alternative 1, and so, to
33 the extent a state wants their plan to go, they're going to have
34 to basically choose Alternative 2 and then pick between a or b,
35 and that requires a payback if they exceed their apportionment,
36 and so I guess I'm sort of wondering what other accountability
37 you would be looking for to move into the main document.

38
39 **CHAIRMAN BOSARGE:** Well, I think we've had some hesitation to
40 pick Alternative 2 as we've had these discussions and make it a
41 preferred, but what I hear you -- I mean, obviously, some states
42 have already done that, but there's been some hesitation, and so
43 what I'm hearing you say is that's the way it's going to have to
44 go down.

45
46 **MS. LEVY:** Because Alternative 1 is retain the current post-
47 season accountability measure from the federal water total ACL,
48 and that's not going to exist. If they actually want their

1 state plan to go, they're going to have to have an
2 accountability measure that is not the status quo, and the only
3 choice is 2, and then it's how do you want to divide either the
4 overage or the underage.

5
6 Do you want to give it to the one side that caused it or allowed
7 it to happen, or do you want to divide it equally, but that
8 seems to be the only decision point here. They're going to have
9 to have their own accountability measure for their piece of the
10 pie.

11
12 **CHAIRMAN BOSARGE:** Okay. That sounds good. Mr. Banks.

13
14 **MR. BANKS:** To that point, just I guess my concern is -- So we
15 have this accountability measure in, but what -- If we just blow
16 that off every year and don't follow it, what can be done, and
17 that's what my concern is. It's how can a bad actor, and I know
18 none of us are in the five states, but how can a bad actor be
19 dealt with, and is there anything we need to put in the
20 overarching document that will deal with a bad actor?

21
22 **CHAIRMAN BOSARGE:** All right. Dr. Frazer.

23
24 **DR. FRAZER:** I think Patrick makes a good point, and so did
25 Mara. That's exactly right that Alternative 1 is not an option,
26 and so what you have to do is come up with an accountability
27 measure or payback provisions, even if they're unique among the
28 states, that they don't penalize a bad actor or one of the other
29 states if you blow it up.

30
31 **CHAIRMAN BOSARGE:** To that point, Mara?

32
33 **MS. LEVY:** I guess, to the extent the council -- I guess we
34 would have to think about how to do it. If you want to write
35 something in the plan that directly impacts a state that, I
36 don't know, exceeds its portion of the ACL or its ACL so many
37 times and then something automatic happens, we would have to
38 think about how that happens, because the Act -- If you're
39 actually delegating the authority under the Act, it's delegated.

40
41 However, it has to be consistent with the FMP, right, and so
42 that's the provision that basically says, if the Secretary finds
43 that what you're doing is no longer consistent with the FMP,
44 then your delegation basically gets suspended. You get notice
45 that it's not active anymore unless you fix the inconsistency.

46
47 **CHAIRMAN BOSARGE:** All right, and so everybody just crossed
48 their name off the list to speak. Mara, you cleared it up.

1 Anybody else? Andy.

2
3 **MR. STRELCHECK:** I guess, just to the point of selecting
4 preferred alternatives, we've had a number of meetings now with
5 Florida not having preferred alternatives as well as, at least
6 for Action 2, three of the other states. We're going to be
7 going to public hearing after the October meeting, and so you'll
8 be prepared to select preferreds at the next meeting?

9
10 **MS. GUYAS:** Let me speak to that. Our commission meets in
11 September. They have not met since -- Well, they met in June,
12 but that was during the council meeting, and so they haven't had
13 a chance to look at this issue for quite some time, and so that
14 would be my intention, to bring preferreds to October.

15
16 **CHAIRMAN BOSARGE:** All right. If there's no further discussion
17 on the action items in the document, then we're going to go on
18 to those public hearing locations. Mr. Banks.

19
20 **MR. BANKS:** I just have one more comment, and it gets to
21 accountability still, and that's the quality and the timeliness
22 of the data that we would need if the delegation was going to be
23 pulled by NMFS or something like that or you're going to pull
24 the conservation equivalency plan or whatever, to deal with a
25 bad actor.

26
27 When the timeliness of getting the data -- I mean, were sitting
28 here right now, and I'm concerned about the whole EFPs, and we
29 don't even have all the data in yet, and so -- We certainly
30 won't -- I guess, if Texas is running a 365-day season, how will
31 we even know for next year on the EFP, and I know it's different
32 than state management, but how will we even know next year where
33 we all stand if we don't have the timeliness of the data? I
34 don't know how to fix it, and I'm just bringing it up as a
35 concern.

36
37 **CHAIRMAN BOSARGE:** No, I'm with you. We would be running two
38 years behind, possibly. Mara.

39
40 **MS. LEVY:** Well, I think some of that goes to the decision point
41 of what you're offering the states. You as the council, are you
42 willing to delegate the state the authority to do this? If you
43 are, then you're expressing some sort of confidence that the
44 state that you're delegating to is able to comply with the FMP
45 requirements and exercise the delegation.

46
47 I mean, the other option was the conservation equivalency plan,
48 which doesn't quite give as much authority to a state, because

1 you actually have to submit a plan on an annual or biannual
2 basis to the agency for approval. This is what we're going to
3 do, and it worked last year, and we know it's going to work this
4 year, and so, I mean, I really think some of those things that
5 you're going to go to the authority you're giving the states and
6 what you feel comfortable with.

7

8 **CHAIRMAN BOSARGE:** Dr. Mickle.

9

10 **DR. MICKLE:** With the bad actor comment, it may be two years,
11 and is that what I heard over there, until the landings come in
12 to identify if it's a bad actor or not and the overfishing has
13 occurred and the payback issue, and so I would think it would
14 take that much longer to get it back open, because of non-
15 compliant seasons and all these other things, and so there is
16 some hidden accountability there.

17

18 If a state actually does do that, it's going to take so long to
19 get it back open, I wouldn't think they would ever want to do
20 that, because they could potentially really be in a real bad
21 spot, and am I misidentifying that, because, with the lag in the
22 data of some certain states, it would take a really long time to
23 get it back open, from NOAA's standpoint, if they are playing
24 that role. Thank you.

25

26 **CHAIRMAN BOSARGE:** Well, I don't know. I guess it depends on
27 how you look at it. Mr. Riechers.

28

29 **MR. RIECHERS:** Someone mentioned not having the info in a timely
30 manner. I mean, we're going to continue to report our landings
31 through the end of the year, and so only a couple of weeks after
32 the end of the year is when you will have the estimate of what
33 our landings are, and it's based on the way that was approved
34 for us to do it in the EFP, because we do have a different
35 landings system that wouldn't allow us to completely give it to
36 you for a longer period of time, but we have basically created
37 an estimation method that has been accepted by National Marine
38 Fisheries Service in the EFP to do that.

39

40 We also are continuing the same approach with iSnapper, which
41 helps us calibrate our other landings system, that every other
42 state is doing, in some respects. I mean, none of them are
43 exactly alike, but they're all similar in nature, and so the
44 notion that there is not an ability to account for these fish is
45 just not necessarily true.

46

47 Now, we can all question our accuracy and precision, because
48 there is standard errors around those sorts of things, but

1 whether it's Florida and their MRIP coming in a little bit later
2 after they've closed, or whether it's Texas or Alabama, we're
3 all attempting to do that.

4
5 **CHAIRMAN BOSARGE:** Robin, and you know these EFPs changed after
6 we gave our recommendations, and so I may not know what was in
7 your final EFP, and so I remember that I asked you, during the
8 EFP presentation, when we were giving our council
9 recommendations, and you said, no, we will still submit our
10 actual landings, like hard landings that can be used for
11 management purposes, which is what we're talking about here, for
12 accountability purposes twice a year, and so is that not the way
13 you're functioning in your EFP? Are you doing it every two
14 months or -- Hard landings that can be used for accountability
15 measures.

16
17 **MR. RIECHERS:** Well, hard numbers -- I mean, it's just depending
18 on what you want to call a hard number. What we've done is an
19 estimate of what we expect our creels to be, because we have a
20 very tight relationship as those fish come in across and we
21 account for them.

22
23 We basically have done an estimation. Frankly, it's an
24 estimation of an estimation, but most of these are, but that's
25 what we've done to adjust to this timing and trying to account
26 for fish on a weekly or biweekly basis, yes, but it was in my
27 EFP when you saw it.

28
29 **CHAIRMAN BOSARGE:** Okay, and so, if it didn't change from that -
30 - Like, say for this year, and so you're going to be open until
31 December 31, a portion of your waters, and so you're going to
32 have landings coming in. When will we see Texas final landings
33 to know if there needs to be an accountability mechanism payback
34 on whatever that may be triggered for the 2019 season?

35
36 **MR. RIECHERS:** You will see the estimate shortly thereafter
37 December 31. Now, that will be trued up at a later period of
38 time, because that's just the way it's going to work. We have
39 not changed our waves, and we don't have an ability to -- Well,
40 we do have the ability, but we haven't changed our survey wave
41 design. They are still stratified into two times of the year,
42 and that's going to continue, but we have offered an
43 alternative, like I said, which was a reasonable alternative, of
44 a way to do it quicker, and that's where we are.

45
46 It's interesting that we always get down to this discussion. If
47 we want to have a discussion about inputs into reporting
48 systems, I would love for Dave to bring the slide that he shared

1 with me about federal support of landings systems, because you
2 will find that Texas doesn't have any.

3
4 We have had our system for a long time, and MRIP has chosen to
5 do their thing, and we were before MRIP, and what we're doing is
6 -- I mean, we've all adjusted to a system that's requiring a
7 different accounting timeframe, whether it's a two-month wave or
8 whether it's a longer wave, and then, beyond that, as the
9 seasons shortened, we all went to an electronic reporting system
10 that helped us in trying to deal with seasons that were even
11 shorter than two-month wave periods, and so we are all working
12 through the same kind of systems.

13
14 **CHAIRMAN BOSARGE:** I appreciate that, and I wasn't trying to
15 pick on you, and I apologize, but I just am trying to think
16 through how this will really work and if we do need to have hard
17 deadlines and if we do need to have some sort of -- Go ahead and
18 start a process to get Texas some federal funding to make
19 whatever changes they need to make in their data collection
20 system, and that's way above my paygrade, but I would like to
21 have those discussions and make sure this is actually going to
22 work in a practical sense. Okay. Anything else? Andy.

23
24 **MR. STRELCHECK:** Let me just provide a little bit more
25 perspective on this issue, and so my viewpoint -- All of the
26 landings we have right now are preliminary, right, and the
27 states are doing estimation procedures in-season, but they're
28 going to go through quality control and quality assurance, and
29 there might be some refinements.

30
31 What Texas is doing is a projection methodology, which falls
32 somewhat outside of what they normally do in terms of their
33 estimation procedures, and they will finalize landings sometime
34 next year, and some other states might finalize them before
35 then, but I think the key for accountability measures and
36 determining if there was an overage, based on those final
37 landings, is when does the season open and when does that
38 deduction need to be made from the catch limit.

39
40 If you're not opening the season in January or if you're having
41 a season that runs late in the year, there might be some
42 differences between states that will have to be considered in
43 terms of when those adjustments occur. I think the timing
44 component is really contingent on some of the management
45 measures that are also in place and when those adjustments would
46 need to take place.

47
48 **CHAIRMAN BOSARGE:** Gotcha. That's a totally different way to

1 look at it. I like that. In other words, you have to look at
2 when you can start your next year's season based on when your
3 finalized landings are actually going to come in, and so that's
4 interesting.

5
6 **MR. STRELCHECK:** Yes, and it's not unlike what we've been doing
7 in federal management for quite some time now. We do not get
8 final landings, typically, until March or April, and then we
9 adjust the catch limits and seasons accordingly based on that
10 information.

11
12 **CHAIRMAN BOSARGE:** All right. We're going to move on to the
13 public hearing discussion. Dr. Simmons.

14
15 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I guess,
16 as we're thinking about taking this out to the public and
17 selecting public hearing locations, I wanted to request that if
18 the states could provide a staff member to assist with those
19 that can help answer angler questions about what the state may
20 be envisioning with this delegation and how do they think their
21 seasons may be set up and are they looking at changing size
22 limits and would that differ for private anglers versus for-
23 hire. We would certainly need help with answering some of those
24 specific questions for the specific state plans, and we would
25 request that you send a staff member to assist with that.

26
27 **CHAIRMAN BOSARGE:** Does that sound good to all of our state
28 directors? I am seeing nodding of heads yes. Ms. Guyas.

29
30 **MS. GUYAS:** Yes, I think that is very necessary. Because of
31 that, I would ask that, as you guys are figuring out and
32 scheduling actual meetings, just coordinate with us, so that we
33 don't have meetings scheduled and we can't be there. That would
34 be very, very helpful.

35
36 **CHAIRMAN BOSARGE:** All right, and so are states ready to throw
37 out some public hearing locations for these, so that we can try
38 and get the logistics started on our end? All right, Mr. Banks.

39
40 **MR. BANKS:** Baton Rouge, Louisiana.

41
42 **CHAIRMAN BOSARGE:** We're going to put these on the board. This
43 will be public hearings for Amendment 50A and the individual
44 state plans. All right, and so Louisiana is Baton Rouge.
45 Anywhere else, Patrick? Think about it, and we'll come back to
46 you. All right. Kevin.

47
48 **MR. ANSON:** Mobile.

1
2 **CHAIRMAN BOSARGE:** Alabama will be Mobile. Martha.
3
4 **MS. GUYAS:** Well, so Tom and I have been kicking this around a
5 little bit, and I've been talking with my FWC people about this,
6 and so I assume that you guys are willing to cover three or
7 four, right, and I think that we are going to need to have more
8 meetings than that on our coast. We have a wide coast, and this
9 is a very -- There are very different situations happening in
10 different parts of the state and even in different communities
11 that are somewhat close to each other.
12
13 I think what we would do is FWC would plan to supplement these
14 meetings in additional locations, but I guess, for council-
15 sponsored meetings, I would say Tampa/St. Pete, Fort Myers,
16 Destin, and then, if you're willing to do a fourth one, probably
17 Panama City, because there's going to be a ton of interest in
18 this in the Panhandle.
19
20 Then likely we'll add to that the Pensacola area, and maybe
21 either Tallahassee or Carrabelle or somewhere in that area, the
22 Crystal River area, and then maybe even all the way down to Key
23 West, because we hear about red snapper in Key West too, and so
24 that would be our intention here, and so that's also why I want
25 to work with you on scheduling these meetings, because we're
26 going to have a lot to deal with.
27
28 **CHAIRMAN BOSARGE:** So give us the three or four, whatever it
29 was, for the council.
30
31 **MS. GUYAS:** Tampa/St. Pete, Fort Myers, Destin, and Panama City.
32 The other ones, you can delete that, because FWC is going to
33 have to figure that out.
34
35 **CHAIRMAN BOSARGE:** Okay. If, heaven forbid, FWC wasn't able to
36 supplement and go to the other locations, do you think that
37 that's a broad enough -- That it's hitting the right ports to
38 get all the input you would need if worse came to worse?
39
40 **MS. GUYAS:** I think that's as good a geographical coverage as
41 we're going to get with four meetings, I guess.
42
43 **CHAIRMAN BOSARGE:** All right. I'm just checking. Mississippi?
44
45 **DR. MICKLE:** In Mississippi, I'm going to recommend Biloxi as
46 the location. When we pull up Tails n' Scales and our landing
47 areas, Pascagoula has a couple of ramps that are the highest,
48 but, looking at the addresses on the trips, the majority of

1 those folks are from Harrison County, and they go over there
2 because it's closer to the snapper grounds, and so I just wanted
3 to justify my decision on the record, so that folks don't get
4 too upset. Thank you.

5
6 **CHAIRMAN BOSARGE:** I am not going to get upset if you make me
7 drive from Pascagoula to Biloxi to go to the public hearing.
8 Can we write Biloxi area, Paul, because I know, every once in a
9 while, we get into that D'Iberville or a Gulfport hotel or
10 something, and so the Biloxi area is okay?

11
12 **DR. MICKLE:** The Biloxi area, around I-110, and that allows
13 everyone to get there fairly quickly and without getting into a
14 mess of traffic from out of the area.

15
16 **CHAIRMAN BOSARGE:** Sounds great. All right. Texas.

17
18 **MR. RIECHERS:** League City area, which is really the Galveston
19 component and that surrounding area, but we've been holding it
20 kind of off the island, Corpus, and Brownsville.

21
22 **CHAIRMAN BOSARGE:** All right, and so League City, Corpus
23 Christi, and Brownsville for Texas. Now I will circle back to
24 Patrick. Did you want to add another location to Louisiana,
25 Patrick? I mean, you don't have to. It's fine. All right.
26 Okay. We have our public hearing locations lined out, and that
27 will give staff the ability to start pricing some hotels and
28 making arrangements for those.

29
30 **EXECUTIVE DIRECTOR SIMMONS:** I guess just another thing, kind of
31 in my mind that I was thinking of, is if there is specific
32 things that the states have in mind that they would want us to
33 put in any of the outreach materials regarding the states'
34 individual ideas of how their seasons or size limits or how this
35 might change, and we would want to work with you quite a bit
36 beforehand and try to get any of that information in whatever
37 we're presenting to the public. If you're not ready yet, then
38 we would just need to have that understanding.

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

41
42 **MS. LEVY:** I am certainly not opposed to the states sort of
43 outlining what they think they might do, but I think we need to
44 be really clear that this is delegating them the authority to
45 pretty much do whatever they want with respect to those
46 particular things that we're delegating, and so I don't want to
47 make it seem like -- Because this is their idea now that somehow
48 this document is limiting them to that. It's fairly broad, and

1 so, if we can just make sure the public knows that, that would
2 be helpful.

3
4 **CHAIRMAN BOSARGE:** Yes, you make a good point. Dr. Simmons.

5
6 **EXECUTIVE DIRECTOR SIMMONS:** Thank you. That is a good point,
7 but I just know we're going to get a lot of those types of
8 questions, and I just want to work with the states to make sure
9 that we're answering them consistently.

10
11 **MS. GUYAS:** All right. The Great Red Snapper Count, Dr. Greg
12 Stunz provided an update of the progress and planned work on The
13 Great Red Snapper Count. The project is a large scale,
14 collaborative project to produce an estimate of the red snapper
15 abundance in the Gulf of Mexico.

16
17 He stated that the project will be completed at the end of 2019,
18 and the results of this work will be used in the upcoming red
19 snapper stock assessment. To date, the research group has
20 developed some outreach materials, and the most up to date
21 information can be found at www.snappercount.org. Dr. Stunz is
22 willing to provide subsequent updates to the committee when
23 requested.

24
25 **CHAIRMAN BOSARGE:** I talked about our SSC looking at this, but I
26 think I should be clear that that was for informational purposes
27 only. I talked to Dr. Stunz about that, and that's our
28 scientific body, and I think we should keep them up-to-date on
29 the latest and greatest scientific work, but it's not for them
30 to be blessing it or requesting changes or anything like that.
31 That is just a presentation to give them information on your
32 project.

33
34 **DR. STUNZ:** Very briefly, we are happy to provide those updates
35 and get feedback and that sort of thing, but, for the
36 congressional mandate of the independent assessment, I think
37 that's the proper way to go, and it would be no different than
38 any other study that the SSC evaluates when an independent group
39 of researchers does a study and they complete it and ideally
40 write a peer-reviewed paper or something, or a report, and that
41 gets built into the assessment process through the data workshop
42 that occurs, and, at that point, the SSC becomes involved and
43 evaluates that, and, in this case, it would be no different than
44 that, but, at this point, because of the whole way that project
45 came down, we're kind of past that initial point.

46
47 **MS. GUYAS:** Are you ready?
48

1 **CHAIRMAN BOSARGE:** Yes.
2
3 **MS. GUYAS:** Procedure for Red Grouper Interim Analysis, Dr. Luiz
4 Barbieri provided a summary of the SSC's recommendations from
5 its August 2, 2018 meeting. The SSC supported the proposal for
6 the red grouper interim analysis, which will provide interim
7 management advice for the stock in between scheduled operational
8 assessments.
9
10 The Southeast Fisheries Science Center is preparing a management
11 strategy evaluation to further review the proposed interim
12 analysis approach. The Southeast Fisheries Science Center will
13 present the updated analysis at the October 2018 SSC meeting.
14
15 Gray Snapper Global SPR Analysis, the SSC reviewed the gray
16 snapper global SPR analysis that considered a range of FMSY
17 proxies ranging from 23 to 40 percent. The SSC recommended an
18 FMSY proxy no less than F30 percent SPR, considering fishery
19 characteristics and life history of each species. At F30
20 percent SPR, gray snapper was experiencing overfishing in 2015,
21 which is the terminal year of the assessment, but overfishing is
22 expected to end by 2019.
23
24 The SSC was also requested to recommend a minimum stock size
25 threshold value for gray snapper. The SSC considered two
26 methods for determining MSST, one minus M times SSB MSY and 0.5
27 times SSB MSY.
28
29 Using F30 percent SPR and MSST equals one minus M times SSB MSY,
30 gray snapper is overfished, but is expected to be rebuilt in
31 2024. If MSST equals 0.5 times SSB MSY is selected, then no
32 corrective action is required.
33
34 SSC members recommended the use of one minus M times SSB MSY as
35 a proxy for MSST, based on guidance given in Restrepo et al. and
36 because of its traditional use as a proxy for several snapper
37 species. Dr. Porch noted that using one minus M times SSB MSY
38 as a proxy could lead to overfished declarations based only
39 on natural variation in the stock size.
40
41 Draft Reef Fish Amendment 48/Red Drum Amendment 5, Dr. Barbieri
42 noted that this is a complex document with a long development
43 timeline. He indicated that the SSC will remain engaged in
44 evaluating the amendment and will review and provide guidance to
45 the council as requested.
46
47 **CHAIRMAN BOSARGE:** Yes, and I asked Dr. Simmons if, the next
48 time that we see that document, and we've done this before with

1 the council, but do our refresher that goes through all the
2 acronyms and what they mean and how they meld together to create
3 the management system that we use for our different stocks, and
4 so she's going to work on trying to get that and to bring us all
5 up to speed and really hone us in before we get into that
6 document.

7
8 **MS. GUYAS:** Other Business, Ad Hoc Red Snapper Charter For-Hire
9 and Ad Hoc Reef Fish Headboat Advisory Panels Meeting, the
10 council requested staff to jointly convene these advisory panels
11 to review the decision tools developed by SERO for Reef Fish
12 Amendments 41 and 42. Staff is still working to find a suitable
13 date when a quorum can be met. Staff anticipates that this
14 meeting will be held before the January 2019 council meeting.

15
16 Greater Amberjack, the committee discussed the draft framework
17 action that considers changes to recreational and commercial
18 management measures for greater amberjack. The committee last
19 reviewed this document at its April 2018 meeting and requests
20 that staff prepare a revised draft with only the action
21 addressing commercial trip limits for committee review at the
22 October 2018 council meeting. Madam Chair, this concludes my
23 report.

24
25 **CHAIRMAN BOSARGE:** All right. Would you all like to take a
26 quick fifteen-minute break before we delve into any other
27 reports? I could see it in your eyes. Let's come back at
28 10:45.

29
30 (Whereupon, a brief recess was taken.)

31
32 **CHAIRMAN BOSARGE:** We are going to pick back up with committee
33 reports, and we're going to circle back around to our Mackerel
34 Committee Report, Tab C. Dr. Frazer, I will turn it over to
35 you, sir.

36
37 **MACKEREL COMMITTEE REPORT**

38
39 **DR. FRAZER:** Thank you, Madam Chair. We're going to start out
40 with the CMP Landings Update. National Marine Fisheries staff
41 noted that the commercial king mackerel ACL is being caught,
42 while the recreational sector is under its ACL. Landings for
43 Spanish mackerel and cobia are below their respective stock
44 ACLs.

45
46 Gulf Cobia Catch Per Unit Effort Indices Update, the committee
47 reviewed the updated catch per unit effort indices for Gulf
48 cobia from the Marine Recreational Fisheries Statistics Survey,

1 MRFSS, and the headboat survey, along with comments provided by
2 the SSC. The MRFSS index did not show an obvious trend in CPUE,
3 while the headboat index showed a decrease over the last five
4 years.

5
6 Generally, the SSC thought the updated indices provided no clear
7 indication of a problem with Gulf cobia. The SSC did
8 acknowledge that the headboat index might be used as a type of
9 fishery-independent index, since headboats do not explicitly
10 target cobia. However, a shift in effort to other species may
11 have occurred in the last five years and may explain that trend
12 in CPUE.

13
14 Council members from Alabama and Louisiana reported that
15 landings of cobia by private anglers had increased since 2016 in
16 those states. Landings of cobia in Alabama by for-hire
17 operators were lower since 2016.

18
19 CMP Framework Amendment 7, staff reviewed the size and
20 possession limit analyses in CMP Framework Amendment 7. The SSC
21 determined that the analyses were appropriate and noted that an
22 increase in the minimum size limit would result in a greater
23 reduction in fishing mortality than any of the proposed
24 decreases in possession limits.

25
26 Discard mortality for Gulf cobia was discussed in light of the
27 action items in CMP Framework Amendment 7. The liaison for the
28 South Atlantic Fishery Management Council added that the size
29 limit increase to thirty-six inches fork length for Atlantic
30 cobia has now been in effect for one year and that fishermen
31 have readily adjusted to the minimum size limit increase.

32
33 Committee members discussed the possible disproportionate
34 harvest of females at larger minimum size limits. Staff agreed
35 that there could be such a disproportionate harvest, as females
36 reach a larger size at age compared to males. The committee
37 also discussed the possibility of a closed season corresponding
38 with peak spawning activity. However, this approach did not
39 receive strong support, due, in large part, to the migratory
40 nature of cobia and the potential to disadvantage harvest
41 opportunities in some Gulf coast states.

42
43 **The committee recommends, and I so move, in Action 1, to select**
44 **Alternative 2 as the preferred alternative.**

45
46 **CHAIRMAN BOSARGE:** We have a committee motion in Action 1 to
47 select Alternative 2 as the preferred alternative. Alternative
48 2 is increase the recreational and commercial minimum size limit

1 for Gulf cobia to thirty-six inches fork length in the Gulf
2 Council's jurisdictional area. Is there discussion on the
3 motion? **Seeing none, is there any opposition to the motion?**
4 **One opposed, and so let's turn it around. All those in favor,**
5 **signify by saying aye. All right. The motion carries.**
6

7 **DR. FRAZER:** Madam Chair, this concludes my report.
8

9 **CHAIRMAN BOSARGE:** Wow, and we held that until today? Okay.
10 Mr. Boyd.
11

12 **MR. BOYD:** I'm sorry, but I didn't realize that we were that
13 quick, but I just have a comment. In Action 2 of this document
14 that we just worked with, about the possession limits, we made
15 Alternative 3 the preferred, as far as the total vessel limit,
16 and I would just like to express my opinion about that and see
17 if there's any discussion, but I am not prepared to make a
18 motion to change that preferred right now.
19

20 What we've said is that the recreational and commercial daily
21 vessel limit for cobia is two fish per vessel, and, currently,
22 on a six-pack boat, we're at twelve fish. I am concerned that
23 going from twelve fish to two fish for a vessel limit could hurt
24 the charter/for-hire industry, and it could hurt their marketing
25 ability, and subsequently hurt them economically.
26

27 I think I may be in favor next time of Option 3c, which would go
28 to six fish. On a six-pack boat with the bag limit of one per
29 person, it would give you six fish, and that's a 50 percent
30 reduction in the number of fish, but it would still give the
31 charter/for-hire industry something to sell, and so I just
32 wanted to make that comment. Thank you.
33

34 **CHAIRMAN BOSARGE:** Thank you, and I had a few other hands that I
35 saw. I saw Ms. Boggs and then Mr. Banks.
36

37 **MS. BOGGS:** I was going to express Preferred Alternative 3,
38 Preferred Option 3a, because, in public testimony yesterday,
39 that's what I picked up on that the charter/for-hire industry
40 would like to see, and, last night, I had some more discussion
41 with them, and that was what the consensus was.
42

43 **CHAIRMAN BOSARGE:** Mr. Banks.
44

45 **MR. BANKS:** Well, I go back to a couple of things. Number one,
46 the SSC didn't feel like we had the data to really make a good
47 scientific-based decision. These preferred alternatives -- I
48 agree with Doug. I think it's a major impact to the fishers and

1 the businesses for us to make a decision on something like this
2 when we don't even have the data, as per the SSC, that we need
3 to justify it, and so I'm not in favor of these preferred
4 alternatives on Action 2 at all right now.

5
6 **CHAIRMAN BOSARGE:** Is there further -- Ms. Beckwith.

7
8 **MS. BECKWITH:** Just to let you guys know, I mean, we went with a
9 one per person with up to a six-boat limit, and so that's what
10 we implemented, and then individual states went through the
11 conservation equivalency procedure and ended up with some
12 slightly different modifications, depending on which state, but
13 that was what we set forth in Amendment 31.

14
15 **CHAIRMAN BOSARGE:** Let's look at what we have chosen and let's
16 refresh our memories, because we have two preferreds right now.
17 We have a preferred that would, first off, decrease the per
18 person recreational and commercial possession limit for Gulf
19 cobia to one fish per day, and so one per person, and then we
20 have Preferred Alternative 3 to create a recreational and
21 commercial daily vessel limit for Gulf cobia. Anglers may not
22 exceed the per person possession limit, and so that's above, and
23 so the Preferred Option 3a says that the recreational and
24 commercial daily vessel limit for cobia is two fish.

25
26 All right, and so we've had some discussion about possibly six
27 fish, and I was trying to find my document, but my question is -
28 - So I thought that in the for-hire fleet that this is mainly a
29 bycatch-type fishery. In other words, it's not targeted cobia
30 trips, and that's what the CPUE index discussion was. For
31 headboats, but, for charter boats, it's different. All right,
32 and so we're kind of honing-in on these six-pack charter boats
33 and what this may do to them. All right. I'm just making sure
34 that I'm following this discussion. All right, and so I had
35 Andy next.

36
37 **MR. STRELCHECK:** With Figure 2.2.2 in the document, I think it
38 helps to frame the impacts to the two-fish, four-fish, six-fish
39 vessel limit, and, just eyeballing it, it looks like about 85
40 percent of trips report two or less fish, and so you can see,
41 over to the far right, the six-plus fish -- That's a small
42 number of trips, but those are the ones, it sounds like, that
43 Doug or others might be concerned about impacting, and so it's a
44 small percentage, but there is potential for impact.

45
46 **CHAIRMAN BOSARGE:** To that point, Dr. Mickle, and then I have
47 Mr. Sanchez.

1 **DR. MICKLE:** Real quickly, thank you, Andy, but the biologics
2 are strong that show the two fish, the 85 percent or whatever
3 you said, but, again, it's about selling the trip. In the for-
4 hire, we do sell trips targeting cobia in certain times of the
5 year, when our tournaments are hot, and when you tell them two
6 fish per vessel, that's a tougher sell. Even though the
7 biologics and the impact -- From what Andy just said, I think
8 it's a little bit more than that. It's the sales pitch for the
9 captains.

10
11 **CHAIRMAN BOSARGE:** To that point, Andy?

12
13 **MR. STRELCHECK:** I don't disagree with Dr. Mickle. The major
14 reduction that you're going to get in harvest is associated with
15 the size limit. The bag limit reduction, or the vessel limit
16 reduction, is fairly small in this instance between choosing two
17 versus some other number.

18
19 **CHAIRMAN BOSARGE:** All right. Mr. Sanchez.

20
21 **MR. SANCHEZ:** I recall the reason why we engaged in this cobia
22 discussion was it was a couple of years of the for-hire sector
23 coming before us repeatedly and saying, hey, we're seeing these
24 fish diminish and you need to do something and we need to get
25 ahead of this and it's happening, and I don't know if the
26 science is in line with that yet, if it's caught up to it, but
27 we're seeing a big decline and do something, do something, and
28 so I would support the two fish, because that's kind of what a
29 good majority of them have asked for.

30
31 **CHAIRMAN BOSARGE:** All right. I have Ms. Boggs and then Mr.
32 Boyd. You're good? Mr. Boyd.

33
34 **MR. BOYD:** Thank you, Madam Chair. That's all right.

35
36 **CHAIRMAN BOSARGE:** Okay. Mr. Diaz.

37
38 **MR. DIAZ:** I guess I'm echoing what Andy just said. I mean, the
39 SSC told us that the biggest bang for the buck is to do
40 something with size limits, and so we're looking at a 26.1
41 percent reduction based off of the preferred size limit that we
42 have now. I mean, that's where we're getting the biggest bang
43 for the buck. The possession limit is to a lesser extent, and
44 so I feel strongly about keeping the size limit. The possession
45 limit, I just don't think we get that much for it.

46
47 **CHAIRMAN BOSARGE:** Dr. Simmons, can you remind us -- This is a
48 framework, right, and so it's a little bit different than our

1 regular plan amendments. Tell us where we're headed and what
2 our schedule looks like.

3
4 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. Right now,
5 we need to complete the effects section and the environment
6 section, Chapter 3 and 4, and I think we can have this ready for
7 final action in October, and, since this is a framework action,
8 I guess Emily would put a video online, and we would collect
9 comments, but one thing that Ryan and I have been discussing is
10 trying to see if we could get like a webinar together or a
11 conference call for our AP. At first, it seemed like we could
12 try to bring them in, but, just for this one issue, I don't
13 think it would take all day, but we'll try to do a conference
14 call with them before the October meeting.

15
16 **GULF SEDAR COMMITTEE REPORT**

17
18 **CHAIRMAN BOSARGE:** All right. Any further discussion on cobia?
19 Seeing none, that brought your report to a close, correct? All
20 right, and so I'm up next with the SEDAR Committee. The SEDAR
21 Committee met on August 20, 2018.

22
23 SEDAR Process Changes, Southeast Fisheries Science Center staff
24 reviewed the proposed changes to the SEDAR stock assessment
25 process. Prior to SEDAR, stock assessments were completed by a
26 limited number of participants, required fewer data streams,
27 simpler models, and relied almost entirely on the SSC as the
28 primary review body. The process was timely, but not
29 transparent.

30
31 At the sacrifice of timeliness and throughput, SEDAR was created
32 as an assessment structure that used consensus decision-making
33 by interdisciplinary panels, independent peer-review, and SSC
34 review. SEDAR was not intended to handle all stock assessments,
35 but rather those key stocks that required more scrutiny.

36
37 Many assessments have benefited from additional data streams and
38 improved models. However, as the number of datasets and model
39 complexity have increased, so have the number of potential
40 failure points in terms of data provision.

41
42 The proposed changes introduce the research track, operational
43 assessment, and the interim analysis. The research track is
44 similar to the current benchmark assessment process and is
45 designed to create the tools to perform the analyses necessary
46 for the assessment, but does not yield management advice.
47 Therefore, it does not require the most recent data.

1 The operational assessment uses the tools created in the
2 research track, along with the most recent data for all
3 pertinent data streams, to yield management advice. The interim
4 analysis occurs outside the SEDAR process and updates the most
5 critical indices from the previous operational assessment to
6 update management advice.

7
8 An advanced approach to scheduling using a stock assessment
9 prioritization tool is anticipated to better manage workloads
10 and tasking, allowing for improved planning of stock
11 assessments.

12
13 Southeast Fisheries Science staff noted a need to right-size
14 assessments for the data available for a given species. Stock
15 assessment reports will also be streamlined to improve general
16 comprehension. Finally, continued outreach and education of the
17 stock assessment process and how those data are used for
18 management should continue through the Marine Recreational
19 Education Program, otherwise known as MREP.

20
21 SEDAR Assessment Schedule, delays resulting from the Marine
22 Recreational Information Program, MRIP, data recalibration have
23 resulted in delays for the scamp research track and operational
24 assessments, the red grouper and gray triggerfish operational
25 assessments, and changes to the terminal year considerations for
26 the gag and greater amberjack operational assessments.

27
28 With red drum listed for a possible assessment in 2021, some
29 concern was expressed about the data available at that point
30 compared to the data available in 2016 during the previous data-
31 limited stock assessment, SEDAR 49. The committee noted that
32 some research projects were ongoing, and those data could be
33 examined when they become available. This concludes my report.
34 Dr. Simmons.

35
36 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. I wanted
37 to bring something up and ask Dr. Porch if it was possible to
38 do. I know we've been requested not to make changes to the
39 schedule, but if you could please bring up Tab I, Number 5(b)
40 regarding the calibration updates.

41
42 Since these are just getting started, I was wondering if it
43 would be possible, since we just completed the gray snapper
44 assessment, if we could switch out gray snapper, perhaps, for
45 either Spanish mackerel or vermilion snapper, so that we can get
46 those in the model then, if there are differences in those
47 projections, since we were looking at starting a whole new plan
48 amendment for gray snapper. I know that you have asked us not

1 to do that, but is that possible?

2
3 **DR. PORCH:** The short answer is yes. This isn't the same as
4 switching up full assessments. We're only talking about really
5 one data series, the recreational catches, and so it wouldn't be
6 any problem, really, to switch for one of those species. I
7 mean, we'll try and get them all done, but it certainly wouldn't
8 be a problem to switch it up for either Spanish mackerel or
9 vermilion snapper.

10
11 **CHAIRMAN BOSARGE:** I've got a question. On 2019, HMS, which is
12 your shop, is going to do the king mackerel update. Will that
13 also include our MRIP lite recalibration for king mackerel
14 landings?

15
16 **DR. PORCH:** I mean, it wouldn't be the MRIP lite. We would just
17 use the MRIP -- The FES estimates in that assessment, and so we
18 would use the new estimates. We're not going to run it both
19 ways. We will just use the new estimates, yes.

20
21 **CHAIRMAN BOSARGE:** Okay. That answers my question. I just
22 wanted to see, eventually, how -- I'm assuming it's an increased
23 recreational landing and what that does to how we're meeting our
24 quotas or not, and so thank you. Dr. Simmons.

25
26 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, and so one final
27 question. Could we go ahead and write a letter requesting that,
28 or do we need to wait until the Steering Committee meeting for
29 that change?

30
31 **DR. PORCH:** No, it's kind of done outside anyway, and so just
32 send us a letter to remind us that we're committing to doing
33 that.

34
35 **CHAIRMAN BOSARGE:** All right. Anything else for the SEDAR
36 Committee? That concludes that discussion, and now we still
37 have one liaison report, and so NOAA OLE. That's the one that
38 we still have left to do, and he's been patiently waiting out
39 there all week. Thank you for being with us, sir.

40
41 **NOAA OLE LIAISON REPORT**

42
43 **MR. MATT ROBERTSON:** Good morning, Madam Chair and council. I
44 am Special Agent Matt Robertson with NOAA OLE. I appreciate you
45 all having me this morning to give our quarterly enforcement
46 report.

47
48 As you can see on here, the data in this report will represent

1 NOAA Fisheries Office of Law Enforcement Southeast Division's
2 enforcement effort conducted throughout Fiscal Year Quarter 3
3 2018. The pie chart there captures our enforcement
4 interactions, which included ninety-five documented patrols,
5 seventy-five documented instances of outreach, and forty-six
6 meetings.

7
8 As far as incidents, this quarter, OLE opened 330 incidents in
9 the Southeast Division, 186 violation counts in the South
10 Atlantic, and 166 in the Gulf area. The summary incidents for
11 the South Atlantic you can see in that chart there, for those
12 186, and they were primarily Magnuson-Stevens and Marine Mammal
13 violations. Below that, it's broken down per state, program and
14 state.

15
16 As far as incidents in the Gulf area, those 166 represented
17 primarily Magnuson-Stevens and Endangered Species Act, most
18 likely TED violations in those thirty-one, and, once again,
19 below that, it's broken down per program and state.

20
21 There were no reported incidents in the Caribbean. Currently,
22 we have two vacant positions in Puerto Rico that they're working
23 to fill, and so, this quarter, we have no reported incidents.

24
25 For a caseload snapshot, status of incidents this quarter for
26 the Southeast Division, for a total of 333, and there were 124
27 cases opened and 209 cases closed. Below that, their
28 dispositions are represented. As you can see, we have primarily
29 OLE ongoing and compliance assistance provided, along with all
30 the others.

31
32 As far as some enforcement highlights, there is two cases
33 represented here. The first one is a Magnuson-Stevens case. In
34 March, a NOAA OLE Enforcement officer from Panama City initiated
35 an investigation after receiving notice from the NOAA OLE VMS
36 team that a bottom longline vessel was reported within a bottom
37 longline restricted area. After an at-sea boarding with Florida
38 Fish and Wildlife approximately thirty miles offshore, the
39 documented longline fishing vessel was in a restricted area, and
40 NOAA OLE seized the vessel's catch, which consisted
41 approximately of 3,010 pounds of reef fish, and that case is
42 ongoing.

43
44 Below that, this case represented a Lacey Act violation. Also
45 in March, Shell Beach Seafood was charged in a one count Bill of
46 Information for violation of the Lacey Act. Between 2012 and
47 2013, Shell Beach Seafood did knowingly transport blue crabs in
48 interstate commerce, which were acquired and possessed in

1 violation under the State of Louisiana law.

2
3 In May, Shell Beach Seafood pled guilty to the Lacey Act
4 violation and was sentenced to one year of probation and a
5 \$7,500 fine to the Louisiana Department of Wildlife and
6 Fisheries. That case was investigated by NOAA OLE and the
7 Louisiana Department of Wildlife and Fisheries Southern Strike
8 Force.

9
10 The next few pages highlight the seventy-three summary
11 settlements that were issued this quarter. They range from
12 Endangered Species Act, HMS, Lacey Act, Magnuson-Stevens, and
13 also some Marine Mammal Protection Act and Marine Sanctuaries.
14 There is three pages of them there.

15
16 On page 11, our Investigative Support Program, the Southeast
17 Division Active Vessel Monitoring System has a population of
18 1,055, represented by this chart. During this quarter, the
19 staff conducted 340 calls with industry relating to compliance
20 during the quarter.

21
22 Significant investigative support issues, thirty-six compliance
23 assistance letters were issued to owners of vessels if they were
24 traveling in excess of the ten-knot speed limit inside the Mid-
25 Atlantic U.S. Seasonal Management Area and/or the Southeast.
26 Activities violated the Marine Mammal Protection Act and
27 occurred through federal and multiple state waters.

28
29 As far as our observer program, during Fiscal Year 2018, Quarter
30 3, the observer program deployed on 128 trips, or 990 sea-days.
31 Approximately 98 percent of selected trips were completed
32 without an observer-related enforcement incident, and those
33 incidents are below there, captured in that chart.

34
35 On page 13, cases sent to NOAA General Counsel, thirty cases
36 during this quarter were forwarded to General Counsel, and these
37 included cases involving Endangered Species Act, Highly
38 Migratory Species, Lacey Act, Magnuson-Stevens, the Marine
39 Mammal Protection Act, and the Marine Sanctuaries Act. Madam
40 Chair, this concludes my quarterly report, and I would be happy
41 to take any questions.

42
43 **CHAIRMAN BOSARGE:** Thank you, sir.

44
45 **MR. ROBERTSON:** Thank you.

46
47 **CHAIRMAN BOSARGE:** Any questions, council? Yes, sir, Mr. Diaz.

48

1 **MR. DIAZ:** Thank you for coming. Good report. On your overview
2 of summary settlements, I was just looking at the TED fines, and
3 it looks like there is a pretty good variation. There is a
4 couple that is zeroes, \$200, \$400, \$600, all the way up to
5 \$1,500. Anyway, is there any rationale of why the fines are so
6 different?

7
8 **MR. ROBERTSON:** I don't have one in front of me, but if you
9 refer to our summary settlement schedule, depending on -- As an
10 example, illegally possessed red snapper, there is a charge for
11 that violation plus a charge per fish, and so, for each one of
12 these cases, there may have been five fish involved or two fish
13 involved or ten fish involved, and that will give you a great
14 variance in the amount that was assessed.

15
16 **CHAIRMAN BOSARGE:** Mr. Boyd.

17
18 **MR. BOYD:** Thank you, Madam Chairman, and thank you for your
19 report. A question on the chart where it shows the individual
20 states and the violations. I see, under Texas, that we had
21 eight Lacey Act violations. Are those all interstate commerce
22 kinds of violations? You had mentioned the Louisiana Lacey Act,
23 but I saw that there were eight in Texas.

24
25 **MR. ROBERTSON:** I don't currently have that information in front
26 of me to talk specifically on those cases, but most likely it
27 would be interstate, but I don't have those specific cases.

28
29 **MR. BOYD:** Okay. Thank you.

30
31 **CHAIRMAN BOSARGE:** Any further questions? Thank you. We really
32 enjoy having you up there giving a liaison report to us too, and
33 I hope you all will continue to do so. We appreciate it.

34
35 **MR. ROBERTSON:** Great. Thank you.

36
37 **CHAIRMAN BOSARGE:** All right. Under Other Business, I don't
38 think there was any other business under our Full Council
39 agenda, and I'm going to look around and make sure. Lunch, of
40 course, you know you're not going to get that on the last day,
41 right? So we don't have to worry about that, and so that brings
42 us to the last item, which is going to be our Election of Chair
43 and Vice Chair, and Mr. Donaldson typically leads us through
44 that.

45
46 Before we get into it, I just want to say thank you all for
47 allowing me to be your Chair for two years. I have thoroughly
48 enjoyed it, and it was quite an honor, but you know that all

1 good things must come to an end, and so I will pass the torch.
2 All right. Mr. Donaldson, if you want to take us through that,
3 sir.

4
5 **ELECTION OF CHAIRMAN AND VICE CHAIRMAN**
6

7 **MR. DONALDSON:** Thank you, Madam Chair. I will open the floor
8 for nominations for Chairman. Ms. Guyas.

9
10 **MS. GUYAS:** I would like to nominate Dr. Tom Frazer.

11
12 **MR. DONALDSON:** Do I have a second for that? Second by Patrick.
13 Any other nominations? Yes, ma'am.

14
15 **CHAIRMAN BOSARGE:** I move that we close the nominations for
16 Chair.

17
18 **MR. DONALDSON:** So moved. Congratulations, Dr. Frazer.
19 *(Applause)*

20
21 **DR. FRAZER:** Thank you.

22
23 **MR. DONALDSON:** I think the council is in good hands with your
24 leadership, and so I appreciate your willingness to serve.

25
26 **DR. FRAZER:** I will do my best. There's a lot of experience
27 around this table, and, when I screw up, I'm sure people will
28 help me through it.

29
30 **MR. DONALDSON:** I will now open the floor for nominations of
31 Vice Chair. Anyone?

32
33 **CHAIRMAN BOSARGE:** Dr. Stunz.

34
35 **DR. STUNZ:** I will nominate Dale Diaz.

36
37 **MR. DONALDSON:** Do I have a second? Second by Doug Boyd. Any
38 other nominations? Madam Chair.

39
40 **CHAIRMAN BOSARGE:** I move that we close the nominations.

41
42 **MR. DONALDSON:** Congratulations, Mr. Diaz. *(Applause)* With
43 that, I will turn it back to you, Madam Chair.

44
45 **CHAIRMAN BOSARGE:** Congratulations to both Tom and Dale. We're
46 going to take a picture of you today, and then we'll take a
47 picture of you a year from now and see what your hair looks
48 like.

1
2 Just for council members, just to remind you, Tom and Dale will
3 be emailing you, and Dr. Simmons will be emailing you, your
4 committee assignment spreadsheet, and so rank your committees
5 and get those back to them, and we will do committee assignments
6 at the next meeting. Otherwise, it's been nice, and it's been
7 great, and let's go to lunch. Meeting adjourned.

8
9 (Whereupon, the meeting adjourned on August 23, 2018.)

10
11

- - -