

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

268<sup>TH</sup> MEETING

FULL COUNCIL SESSION

Hyatt Centric New Orleans, Louisiana

JANUARY 29-FEBRUARY 1, 2018

**VOTING MEMBERS**

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

**NON-VOTING MEMBERS**

- Glenn Constant.....USFWS
- Dave Donaldson.....GSMFC
- LT Mark Zanowicz.....USCG

**STAFF**

- Steven Atran.....Senior Fishery Biologist
- Assane Diagne.....Economist
- Matt Freeman.....Economist
- John Froeschke.....Fishery Biologist-Statistician
- Douglas Gregory.....Executive Director
- Karen Hoak.....Administrative & Financial Assistant
- Morgan Kilgour.....Fishery Biologist
- Ava Lasseter.....Anthropologist
- Mary Levy.....NOAA General Counsel
- Bernadine Roy.....Office Manager
- Carrie Simmons.....Deputy Director

**OTHER PARTICIPANTS**

1 Ben Allen.....Biloxi, MS  
2 Ken Anderson.....Panama City Beach, FL  
3 Pam Anderson.....Panama City Beach, FL  
4 Billy Archer.....Panama City, FL  
5 Tom Ard.....Orange Beach, AL  
6 Greg Ball.....Galveston, TX  
7 Luiz Barbieri.....FL  
8 Kevin Beach.....  
9 Jane Beach-Lee.....MS  
10 Susan Boggs.....Orange Beach, AL  
11 Ryan Bradley.....Mississippi Commercial Fisheries United, MS  
12 Eric Brazer.....Reef Fish Shareholders Alliance  
13 J.P. Brooker.....Ocean Conservancy, St. Petersburg, FL  
14 Donna Brooks.....Gulf Wild, FL  
15 Glen Brooks.....Gulf Wild, FL  
16 James Bruce.....LA  
17 Gary Bryant.....Gulf Shores, AL  
18 Shane Cantrell.....Galveston, TX  
19 Daryl Carpenter.....  
20 David Cavelle.....LA  
21 Brian Chevront.....SAFMC  
22 John Coulon.....Buras, LA  
23 David Cresson.....LA  
24 Leslie Davis.....LA Sea Grant, Lafayette, LA  
25 Jason Delacruz.....FL  
26 Nicholas Derbes.....LA  
27 Josh Ellender.....St. Bernard Parish, LA  
28 Richard Fischer.....LA  
29 Traci Floyd.....MDMR, Biloxi, MS  
30 Brad Forhand.....Panama City Beach, FL  
31 Troy Frady.....Orange Beach, AL  
32 Kory Freed.....  
33 Stephanie Freed.....  
34 Sue Gerhart.....NMFS  
35 Brad Gorst.....Clearwater, FL  
36 Mike Graef.....Destin, FL  
37 Jim Green.....DCBA, Destin, FL  
38 Buddy Guindon.....Galveston, TX  
39 Kenneth Haddad.....ASA, FL  
40 Chad Hanson.....  
41 Darren Haydel.....Cocodrie, LA  
42 Chad Hebert.....LA  
43 Scott Hickman.....Galveston, TX  
44 Larry Hooper.....Empire, LA  
45 Chris Horton.....Congressional Sportsmen's Foundation  
46 Dylan Hubbard.....FL  
47 George Huye.....  
48 Gary Jarvis.....DCBA, Destin, FL

1 Peter Jarvis.....Hollywood, FL  
2 Mike Jennings.....Freeport, TX  
3 Benjamin Kelley.....Panama City, FL  
4 Marie Kelley.....  
5 Mark Kelley.....Panama City, FL  
6 Bill Kelly.....FKCFA, FL  
7 Bobby Kelly.....Orange Beach, AL  
8 John Law.....Panama City Beach, FL  
9 Douglas "Kyle" Lowe.....Destin, FL  
10 Brad Miller.....  
11 Bud Miller.....  
12 Stewart Miller.....  
13 Jack Montoucet.....LA Department of Wildlife and Fisheries, LA  
14 David Morgan.....Venice, LA  
15 Billy Neff.....OBFA, Orange Beach, AL  
16 Bart Niquet.....Lynn Haven, FL  
17 Chris Niquet.....Panama City, FL  
18 Chris Padilla.....Panama City, FL  
19 Alicia Paul.....Panama City, FL  
20 Dennis Peters.....GSRC, FL  
21 Charlie Phillips.....SAFMC  
22 Corey Pitre.....LA  
23 Clay Porch.....SEFSC  
24 Samuel Rauch.....NOAA  
25 Scott Robson.....Destin, FL  
26 Ashford Rosenberg.....New Orleans, LA  
27 Mike Rowell.....Orange Beach, AL  
28 Brett Ryan.....Venice, LA  
29 Chris Schieble.....LA  
30 Lisa Schmidt.....Madeira Beach, FL  
31 Dominique Seibert.....LA Sea Grant, LA  
32 Clarence Seymour.....Biloxi, MS  
33 Neil Anthony Sims.....Kampachi Farms, HI  
34 Mike Sullivan.....Panama City, FL  
35 Bill Staff.....Orange Beach, AL  
36 Steve Tomeny.....Port Fourchon, LA  
37 Rebecca Triche.....LA Wildlife Federation LA  
38 Mark Tryon.....Gulf Breeze, FL  
39 Ted Venker.....CCA  
40 Pierre Villere.....LA  
41 Suzie Villere.....LA  
42 Gunner Waldmann.....LA  
43 Ed Walker.....Tarpon Springs, FL  
44 Donald Waters.....  
45 Billy Wells.....Venice, LA  
46 Wayne Werner.....Alachua, FL  
47 Tom Wheatley.....Pew, Tampa, FL  
48 Johnny Williams.....Galveston, TX

1 Dale Woodruff.....Orange Beach, AL  
2 Bob Zales, II.....Panama City, FL  
3 Jerome Zeringue.....LA  
4 Jim Zurbrick.....Steinhatchee, FL

5  
6  
7

- - -

TABLE OF CONTENTS

1  
2  
3 Table of Contents.....5  
4  
5 Table of Motions.....7  
6  
7 Proposed Committee Roster Recommendations.....10  
8  
9 Call to Order, Announcements, and Introductions.....11  
10  
11 Adoption of Agenda and Approval of Minutes.....14  
12  
13 Supporting Agencies Updates.....15  
14     U.S. Coast Guard.....15  
15  
16 Presentations.....16  
17     Louisiana Law Enforcement.....16  
18     Overview of Aquaculture FMP.....20  
19  
20 Review of Exempted Fishing Permit Applications .....28  
21     Florida EFP Request.....31  
22     Alabama EFP Request.....38  
23     Mississippi EFP Request.....49  
24     Louisiana EFP Request.....58  
25     Texas EFP Request.....65  
26     General EFP Discussion.....75  
27  
28 Update on Open Ocean Restoration Planning.....91  
29  
30 Aquaculture EFP Request.....93  
31     Review of Public Comments on EFP Applications.....115  
32  
33 Public Comment.....117  
34  
35 Committee Reports.....211  
36     Administrative/Budget Committee Report.....211  
37     Sustainable Fisheries Committee Report.....215  
38     Ad Hoc Red Snapper and Grouper-Tilefish IFQ AP Appointments.240  
39  
40 Vote on Exempted Fishing Permit Applications.....241  
41  
42 Supporting Agencies Updates.....271  
43     South Atlantic Council Liaison.....271  
44  
45 Vote on Exempted Fishing Permit Applications (Continued).....273  
46  
47 Committee Reports (Continued).....277  
48     Reef Fish Committee Report.....277

1           Spiny Lobster Committee Report.....334  
2  
3   Supporting Agencies Updates (Continued).....335  
4           Gulf States Marine Fisheries Commission.....335  
5  
6   Other Business.....337  
7  
8   Adjournment.....338  
9  
10                                   - - -  
11

TABLE OF MOTIONS

PAGE 10: Motion to approve the 2018 committee roster. The motion carried on page 10.

PAGE 211: Motion to make Alternative 3 the preferred alternative. The motion carried on page 214.

PAGE 216: Motion in Action 1 to move Alternative 4 to Considered but Rejected. The motion carried on page 216.

PAGE 217: Motion to move Action 4 to Considered but Rejected. The motion carried on page 218.

PAGE 218: Motion in Action 1 to make Alternative 2 the preferred alternative. The motion carried on page 219.

PAGE 219: Motion in Action 2 to make Alternative 2, Options a and b the preferred alternative. The motion carried on page 219.

PAGE 220: Motion to forward the letter to Open Ocean Trustee Implementation Group regarding the use of descending devices and venting tools to increase survival of released fish. The motion carried on page 220.

PAGE 225: Motion to direct staff to develop a document that outlines the component parts of an ecosystem plan. The motion carried on page 225.

PAGE 227: Motion to recommend that NMFS move forward with the implementation of the FKCFA Lionfish EFP request with the recommended modifications to the sampling area and to add a one-year update reporting requirement. The motion carried on page 332.

PAGE 234: Motion to recommend that NMFS move forward with the implementation of the Keys Fisheries Lionfish EFP request with the recommended modifications to the sampling area and to add a one-year update reporting requirement. The motion carried on page 234.

PAGE 241: Motion to recommend approval of each state's EFP, but such that if federal for-hire vessels are included in any state's EFP this will not impact the length of the federal for-hire season. The motion carried on page 270.

1 [PAGE 276](#): Motion to direct staff to draft a letter outlining  
2 concerns regarding the Aquaculture EFP Request and forward the  
3 letter to NMFS. [The motion carried on page 276.](#)  
4  
5 [PAGE 278](#): Motion to direct staff to develop a scoping document  
6 to evaluate the allocations of red snapper, taking into account  
7 previous deliberations in Amendment 28 and any new information  
8 and consider a broad range of social, economic, data correction,  
9 and management factors. [The motion carried on page 285.](#)  
10  
11 [PAGE 286](#): Motion to remove Alternative 4, Option 4b, and add  
12 language to all alternatives that 2010 landings will be  
13 excluded. [The motion carried on page 286.](#)  
14  
15 [PAGE 286](#): Motion in Action 2, Alternative 6, evaluate  
16 recreational trips using the following range of years from  
17 Alternatives 2 and 3. [The motion carried on page 287.](#)  
18  
19 [PAGE 287](#): Motion in Action 2 to make Alternative 2, Option 2d,  
20 the preferred alternative. [The motion failed on page 293.](#)  
21  
22 [PAGE 296](#): Motion to instruct staff to assess requested  
23 delegation items from the Mississippi, Florida, and Louisiana  
24 letters, determine through the IPT process if there are any  
25 items that cannot be delegated, and incorporate those items that  
26 can be delegated for the next iteration of the individual State  
27 Management Amendments. [The motion carried on page 297.](#)  
28  
29 [PAGE 298](#): Motion in Action 1 to make Alternative 3 the  
30 preferred alternative. [The motion carried on page 302.](#)  
31  
32 [PAGE 302](#): Motion in Action 2 to make Alternative 2, Option 2a,  
33 the preferred alternative. [The motion carried on page 302.](#)  
34  
35 [PAGE 306](#): Motion to add a new Action 5.4, Reclamation of Latent  
36 Shares. [The motion carried on page 306.](#)  
37  
38 [PAGE 306](#): Motion to add a new Action X, Units of Measure for  
39 Quota Distribution and Reporting. [The motion carried on page](#)  
40 [306.](#)  
41  
42 [PAGE 311](#): Motion in Action 4 to make Alternative 4, Option 4d  
43 the preferred alternative. [The motion failed on page 318.](#)  
44  
45 [PAGE 324](#): Motion to instruct staff to start a white paper  
46 exploring rents and royalties in the Gulf commercial red snapper  
47 fishery for allocation above 4.65 million pounds. The white  
48 paper should include, but not be limited to, a definition of

1 rents and royalties, examples of resource rent collection in  
2 other public resource uses, a calculation of Gulf red snapper  
3 rents and royalties value, alternative methods of rents and  
4 royalties collection and alternative methods for redistribution  
5 of shares. [The motion carried on page 328.](#)

6  
7 [PAGE 332](#): Motion to instruct staff to begin development of an  
8 action in the appropriate document that considers removing the  
9 historical captain endorsement to reef fish and CMP permits and  
10 allow those permits to be fully transferable. [The motion](#)  
11 [carried on page 334.](#)

12  
13 - - -  
14

1 The Full Council of the Gulf of Mexico Fishery Management  
2 Council convened at the Hyatt Centric, New Orleans, Louisiana,  
3 Monday morning, January 29, 2018, and was called to order by  
4 Chairman Leann Bosarge.

5  
6 **PROPOSED COMMITTEE ROSTER RECOMMENDATIONS**

7  
8 **CHAIRMAN LEANN BOSARGE:** We are actually going to call to order  
9 the Full Council, because the first thing on our agenda is our  
10 2018 Committee Roster Selection. I am sure all of you have  
11 probably had a chance to look over that.

12  
13 I tried my best to go through and at least your top one through  
14 three choices, and I tried my best to get you on those  
15 committees, for sure. Obviously the most important thing is to  
16 try and keep balance on the committees, but did anybody have any  
17 questions or concerns about the committee roster? All right.  
18 If we don't, then we will need a motion to approve the committee  
19 roster. Dale.

20  
21 **MR. DALE DIAZ:** I don't want to stop anybody from saying  
22 anything, but, if nobody has any objection, I make a motion that  
23 we approve the committee roster.

24  
25 **CHAIRMAN BOSARGE:** All right. We have a motion from Mr. Diaz,  
26 and we have a second from Dr. Shipp. We will give them just a  
27 minute to get that on the board. We have our motion on the  
28 board. Is there any discussion? **Seeing none, is there any**  
29 **opposition to the motion? Seeing no opposition, the motion**  
30 **carries.**

31  
32 Now we will recess Full Council until Wednesday, and we're going  
33 to back into our committee sessions.

34  
35 (Whereupon, the meeting recessed on January 29, 2018.)

36  
37 - - -

38  
39 January 31, 2018

40  
41 WEDNESDAY MORNING SESSION

42  
43 - - -

44  
45 The Full Council of the Gulf of Mexico Fishery Management  
46 Council reconvened at the Hyatt Centric, New Orleans, Louisiana,  
47 Wednesday morning, January 31, 2018, and was called to order by  
48 Chairman Leann Bosarge.

1  
2 **CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS**  
3

4 **CHAIRMAN BOSARGE:** Good morning, everyone. Welcome back. This  
5 morning, we're going to call the Full Council to order. I will  
6 read my Chairman's statement, and then we'll add introduce  
7 ourselves.  
8

9 Welcome to the 267<sup>th</sup> meeting of the Gulf Council. My name is  
10 Leann Bosarge, Chair of the Council. If you have a cell phone,  
11 pager, or similar devices, we ask that you keep them on silent  
12 or vibrating mode during the meeting. Also, in order for all to  
13 be able to hear the proceedings, we ask that you have any  
14 private conversations outside.  
15

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

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

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

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

45 **MR. JOHNNY GREENE:** Johnny Greene, Alabama.  
46

47 **MR. KEVIN ANSON:** Kevin Anson, Alabama.  
48

1 DR. BOB SHIPP: Bob Shipp, Alabama.  
2  
3 MR. ED SWINDELL: Ed Swindell, Louisiana.  
4  
5 MR. PATRICK BANKS: Patrick Banks, Louisiana.  
6  
7 MR. CAMP MATENS: Camp Matens, Louisiana.  
8  
9 DR. TOM FRAZER: Tom Frazer, Florida.  
10  
11 MR. JOHN SANCHEZ: John Sanchez, Florida.  
12  
13 MS. MARTHA GUYAS: Martha Guyas, Florida.  
14  
15 MR. PHIL DYSKOW: Phil Dyskow, Florida.  
16  
17 MR. GLENN CONSTANT: Glenn Constant, U.S. Fish and Wildlife  
18 Service.  
19  
20 MR. CHARLIE PHILLIPS: Charlie Phillips, liaison for the South  
21 Atlantic Council.  
22  
23 MS. MARA LEVY: Mara Levy, NOAA Office of General Counsel.  
24  
25 MS. SUSAN GERHART: Susan Gerhart, NOAA Fisheries Service.  
26  
27 DR. ROY CRABTREE: Roy Crabtree, NOAA Fisheries.  
28  
29 DR. CLAY PORCH: Clay Porch, NOAA Fisheries, Southeast Fisheries  
30 Science Center.  
31  
32 MR. ROBIN RIECHERS: Robin Riechers, Texas.  
33  
34 MR. DOUG BOYD: Doug Boyd, Texas.  
35  
36 DR. GREG STUNZ: Greg Stunz, Texas.  
37  
38 DR. PAUL MICKLE: Paul Mickle, Mississippi.  
39  
40 MR. DIAZ: Dale Diaz, Mississippi.  
41  
42 MR. DAVE DONALDSON: Dave Donaldson, Gulf States Marine  
43 Fisheries Commission.  
44  
45 LT. MARK ZANOWICZ: Mark Zanowicz, U.S. Coast Guard.  
46  
47 EXECUTIVE DIRECTOR DOUG GREGORY: Doug Gregory, council staff.  
48

1 **CHAIRMAN BOSARGE:** Thank you, and we do have a few special  
2 people in the audience with us today that I would like to stop  
3 and introduce. We have Mr. Sam Rauch, who is the Deputy  
4 Director for National Marine Fisheries Service. Sam, we're glad  
5 to have you with us. Thanks for being here. I do believe that  
6 Mr. Chris Oliver will be here a little bit later, and so we'll  
7 stop at that point and make our introductions then.

8  
9 We also have Louisiana Department of Wildlife and Fisheries  
10 Secretary Jack Montoucet. Good morning, sir. Did you want to  
11 address us this morning, because I've been looking forward to  
12 it, but I have to tell you that I didn't have time to brush up  
13 on my French.

14  
15 **MR. JACK MONTOU CET:** If you will remember correctly, last year,  
16 I gave you a little taste of French, and I kind of expanded that  
17 this year, and, if you come back next year, we're going to  
18 expand it some more, and, hopefully, by the time you finish your  
19 term here, you will be able to do a complete sentence in French.  
20 That's my goal for you.

21  
22 It's certainly a pleasure to have you here in New Orleans and  
23 our great state of Louisiana. I have to tell you that we set up  
24 an ATM so that you can go and withdraw your money from your  
25 state and bring it here and spend it. We have a budget deficit  
26 here in Louisiana, and we accept anything that you can bring to  
27 the table, especially during this time, and so I hope that  
28 you're enjoying New Orleans.

29  
30 We have a lot of great things to offer in this state, and  
31 fishing is one, and I certainly hope that you can come to some  
32 resolution and give me some Pepcid, so that I don't have  
33 heartburn this coming year, especially when it pertains to red  
34 snapper, and so I look forward to your work here.

35  
36 Our commission meeting is tomorrow morning, and so I'm waiting  
37 for Patrick to be able to send me some good news tonight that I  
38 can share with the commission tomorrow. I know your work is  
39 very important, and you all take it seriously, and we certainly  
40 appreciate that.

41  
42 Enjoy our city, and we have a lot to offer here. If you have an  
43 opportunity to visit the World War II museum, I can assure you  
44 that it's going to be some time well spent, and so thank you for  
45 coming to Louisiana. I look forward to work with all of you in  
46 the future, and, realizing how important your work is, hopefully  
47 we can all come out of here and leave Louisiana with some good  
48 news for all of the Southeast states, and especially for all of

1 our fishermen in these areas, and so thank you so much for being  
2 here. I appreciate it.

3  
4 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**  
5

6 **CHAIRMAN BOSARGE:** Thank you, sir. Merci beaucoup, and, during  
7 this time of the year, there is one sentence that I always  
8 remember, and that's let the good times roll, and so, thank you,  
9 sir. We appreciate it.

10  
11 Next on our agenda, we're actually going to look at our agenda,  
12 and we need to see if there is any amendments or additions that  
13 need to be made to our Full Council agenda, and, before I ask  
14 for that, I do know that there are a couple.

15  
16 If it's okay with Louisiana Law Enforcement, Captain Hebert, and  
17 Dr. Kilgour, we're going to go ahead and move up our Coast Guard  
18 presentation that would have been tomorrow, and we'll allow him  
19 to do that first thing this morning, if that doesn't conflict  
20 with anybody's schedules. I am getting a thumbs-up from the  
21 audience, and so that will work.

22  
23 Then I did have one thing during Other Business about the shrimp  
24 electronic logbooks, but it won't take very long, and we can do  
25 that at the end. Now, were there any other amendments or  
26 additions to the agenda as presented? Seeing none, I will  
27 entertain a motion to adopt the agenda as amended.

28  
29 **MR. DIAZ:** So moved.

30  
31 **CHAIRMAN BOSARGE:** We have a motion from Mr. Diaz, and it's  
32 seconded by Mr. Swindell. Any opposition to the motion? Seeing  
33 none, the motion carries. Next, our minutes from our last  
34 meeting are under Tab A, Number 4. Were there any corrections  
35 or amendments? Mr. Donaldson.

36  
37 **MR. DONALDSON:** Just a couple of clarifications. On page 49,  
38 line 10, strike "in menhaden port sampling". On line 17, change  
39 "AIS" to "ANS". Then, on page 50, line 7, strike "also". Line  
40 8, change "Lyle" to "Lyles".

41  
42 **CHAIRMAN BOSARGE:** Thank you, sir. Anyone else? All right.  
43 Then I will entertain a motion to adopt the minutes as amended.

44  
45 **MR. GREENE:** So moved.

46  
47 **CHAIRMAN BOSARGE:** It's so moved by Mr. Greene, and it's  
48 seconded by Mr. Diaz. Is there any discussion? Seeing none,

1 any opposition? With no opposition, the motion carries. That  
2 will bring us to Lieutenant Zanowicz, and I will turn it over to  
3 you, sir.

4  
5 **SUPPORTING AGENCIES UPDATES**  
6 **U.S. COAST GUARD**  
7

8 **LT. ZANOWICZ:** Good morning, and thank you for your time and  
9 allowing me to present early. I just have a quick discussion on  
10 Coast Guard enforcement activities since our last meeting. The  
11 Coast Guard continues to combat illegal foreign fishing vessels  
12 near the U.S./Mexico maritime boundary line.

13  
14 Since our last meeting, the Coast Guard has interdicted fifteen  
15 Mexican lanchas found illegally fishing in the EEZ off of Texas.  
16 This is more lanchas interdicted at this point in the fiscal  
17 year than at the same point in any of the past three fiscal  
18 years. These lanchas represent forty-five of the total number  
19 of lanchas that Coast Guard assets have visually sighted in the  
20 area since October.

21  
22 Additionally, since October, we have recovered approximately  
23 21,000 yards of longline gear thought to have been illegally  
24 placed by these Mexican lanchas. From these lanchas and year,  
25 we recovered a total of 1,067 red snapper, 138 sharks, and  
26 twenty eels, along with various other species. Fortunately,  
27 most of the longline gear was recovered before it had any catch  
28 on it.

29  
30 Overall, we are projecting that we will meet or exceed the  
31 previous record for total number of lancha interdictions this  
32 year. The photograph you see here was taken at Coast Guard  
33 Station South Padre Island from a December 21 case. This is a  
34 catch recovered from just one Mexican lancha, totaling 362 red  
35 snapper.

36  
37 Additionally, we have continued to remain vigilant in enforcing  
38 domestic fisheries laws, with thirteen violations this fiscal  
39 year, including five cases where vessels were found in  
40 possession of red snapper without a commercial permit and  
41 outside of the federal recreational season.

42  
43 Lastly, we recently received the final adjudication for a March  
44 2016 case, in which a vessel was found with 488 red snapper, 152  
45 vermilion snapper, and two grouper onboard that were illegally  
46 harvested in federal waters. The photograph you see here was  
47 from that case.

1 Two individuals onboard received criminal sentencing, including  
2 imprisonment, for making false statements to the Coast Guard  
3 Investigative Service and NOAA Office of Law Enforcement  
4 officials. While the boarding was initiated by a local Coast  
5 Guard station, this case represented a collaborative effort  
6 between the Coast Guard, Texas Parks and Wildlife, and our NOAA  
7 partners.

8  
9 We thank them for their efforts in these and other cases, and we  
10 look forward to continuing to work with our state and federal  
11 partners in the future. Thank you. This concludes my  
12 presentation, pending any questions.

13  
14 **CHAIRMAN BOSARGE:** Thank you, sir. Dr. Stunz.

15  
16 **DR. STUNZ:** Thank you for the presentation. I had a question.  
17 I didn't quite catch the fact that you said in the very  
18 beginning slide. So far this year, what was the status relative  
19 to the other years?

20  
21 **LT. ZANOWICZ:** At this point in the year, we have interdicted  
22 more Mexican lanchas than we have at the same point in any of  
23 the past three years, fiscal years that is.

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

26  
27 **MR. RIECHERS:** It's worth noting that thank you all for the  
28 cooperation down there on the border. I know, on behalf of our  
29 law enforcement group, the coordination with you all, National  
30 Marine Fisheries Service Law Enforcement, and our group as well,  
31 as well as Border Patrol down there, and thank you all for that  
32 effort, and thank you for the continued cooperation as a group.  
33 You guys are doing as wonderful of a job as we can do there, but  
34 it's just a tough place to work right now.

35  
36 **LT. ZANOWICZ:** Thank you.

37  
38 **CHAIRMAN BOSARGE:** Thank you, sir. We appreciate that, and we  
39 look forward to more of those updates. That is going to bring  
40 us to our Louisiana Law Enforcement Presentation, if Captain  
41 Hebert is ready. It's good to see you again, sir.

42  
43 **PRESENTATIONS**  
44 **LOUISIANA LAW ENFORCEMENT**

45  
46 **MAJOR CHAD HEBERT:** Thank you, Madam Chair. This is going to be  
47 a real quick, brief presentation. This is concerning our  
48 2016/2017 JEA year. In 2016/2017, our total patrol hours were

1 12,719, and we broke those down between commercial and  
2 recreational.

3  
4 Commercial was 8,161 hours, which was broken down 2,257 to  
5 dockside hours, and we had 2,031 vessel hours. We had a total  
6 of 3,873 at-sea man hours. On the recreational side, we worked  
7 4,558 hours. That was broken down into 2,065 vessel hours and  
8 2,493 man hours for those vessel hours.

9  
10 In the public contacts for that same fiscal year, it totaled  
11 11,782, and that was broken down between commercial and  
12 recreational, with commercial being 5,066 contacts and  
13 recreational being 6,716 contacts.

14  
15 Of course, with that, we have to do the other aspect of it,  
16 which is investigations, report writing, court and  
17 administrative hours, and that totaled 2,431, which is broken  
18 down to 1,050 commercial and 1,381 towards recreational  
19 administrative hours.

20  
21 In this slide here, this is our observed compliance slide. The  
22 top two boxes, the one on the left is our vessel inspection  
23 breakdown between the different fishery management plans. As  
24 you can see, we inspected 425 vessels, commercial vessels, and  
25 those fishery management plans were broken down into percentages  
26 of the different types of fisheries that we inspected.

27  
28 On the right side, the top box, is the observed compliance rates  
29 for each different fishery management plan and those percentages  
30 of observed compliance. It also included our TED inspections  
31 and observed compliance in that box. In the bottom box is the  
32 dockside observed compliance and inspection percentages.

33  
34 This slide is the same, but this is for our recreational  
35 activities. The top boxes are the recreational inspections and  
36 the breakdowns and percentages of each different fishery  
37 management plan, and the right side, the top box, is vessel  
38 observed compliance rates for the different fishery management  
39 plans. The bottom two boxes are the same thing on our charter  
40 vessels, inspections and observed compliance rates.

41  
42 One case in particular that I wanted to bring to your attention  
43 is we had a commercial red snapper violation. The individuals  
44 landed some red snapper in Mississippi and brought it into  
45 Louisiana. They didn't have any federal IFQ red snapper  
46 transaction approval code for the transfer of red snapper to the  
47 business, and they failed to maintain records. They were  
48 charged with two counts of the federal Lacey Act, and they were

1 issued NOVAs totaling \$10,500. That will conclude my  
2 presentation, pending any questions.

3

4 **CHAIRMAN BOSARGE:** Mr. Swindell.

5

6 **MR. SWINDELL:** I am looking at the data here that you presented  
7 on compliance between the vessel, which was Slide 6, and I was  
8 noticing that, in complement to the recreational side, of the  
9 ones that you observed, you had around 90 percent or so  
10 compliance, and I assume that that means that you found no  
11 reason to issue any kind of citation at that time, and is that  
12 right?

13

14 **MAJOR HEBERT:** That's correct. Our observed compliance rates  
15 are the percentage of people that were in full compliance.

16

17 **MR. SWINDELL:** However, on the commercial side, you are less  
18 than 50 percent overall. The highly migratory inspection, only  
19 14 percent compliance, and can you tell me anything particular  
20 about that reason?

21

22 **MAJOR HEBERT:** That was on the commercial side, you said?

23

24 **MR. SWINDELL:** Yes, on the highly migratory inspection on the  
25 Slide 6 commercial.

26

27 **MAJOR HEBERT:** The top-left box is the percent of vessels that  
28 we inspected that were engaging in that particular fisheries  
29 management, and so, basically, it was 14 percent of the 624  
30 vessels that we inspected were actually catching or targeting  
31 highly migratory species, and so that's the breakdown of the  
32 percentage of inspections of the vessels. The box on the right  
33 is the actual observed compliance rates, and so 14 percent of  
34 the 624 vessels we checked had highly migratory species onboard.

35

36 **MR. SWINDELL:** Okay. That's better. I was getting confused on  
37 this. Thank you.

38

39 **MAJOR HEBERT:** Yes, sir. That's the inspection breakdown, and  
40 then the right box is the observed compliance rates.

41

42 **MR. SWINDELL:** Very good. Thank you.

43

44 **MAJOR HEBERT:** Yes, sir.

45

46 **CHAIRMAN BOSARGE:** Mr. Diaz.

47

48 **MR. DIAZ:** Thank you for coming, and that was a good

1 presentation. On your compliance rate for TEDs, I see it's  
2 95.93 percent, and that's very good, and I am impressed with  
3 that, and so I'm glad to see that, but, on the eleven citations,  
4 and I know this is kind of digging way down into the weeds, but  
5 do you happen to know how many of those would be for people who  
6 just didn't have them or had them sewn shut?

7  
8 **MAJOR HEBERT:** Actually, I think there was only one that had  
9 absolutely no TED in it. Those eleven citations are including  
10 written citations, criminal, and written warning citations, and  
11 so it's not eleven criminal citations, but I included both  
12 warnings and criminal in there, but, if I'm not mistaken, and  
13 I'm not 100 percent sure on that, but I think it was only one  
14 that had completely no TED.

15  
16 **MR. DIAZ:** I think that's remarkable. That's a giant success  
17 story, I think, that we've got that kind of compliance rate with  
18 the shrimp industry. Thank you for the hard work you do and for  
19 -- I know this is dangerous work, and we appreciate it, and that  
20 was a very good report. Thank you, sir.

21  
22 **MAJOR HEBERT:** Yes, sir. Thank you.

23  
24 **CHAIRMAN BOSARGE:** I would just like to chime in and say that I  
25 love your spreadsheet graphs in there. We usually don't get  
26 quite that much detail, but it's very interesting that way,  
27 especially when you actually break it down by fishery management  
28 plan that we have. I love that, and thank you, sir. That makes  
29 it very easy to follow. Thanks for being with us today.

30  
31 **MAJOR HEBERT:** Yes, ma'am. Thank you, all.

32  
33 **CHAIRMAN BOSARGE:** We have one more question from Mr. Swindell.

34  
35 **MR. SWINDELL:** Not a question, but I just think we all ought to  
36 be aware of how well both the recreational and commercial people  
37 are being compliant with the regulations that we've had to put  
38 in place, and I think that's to speak very highly of the people  
39 that are out there on the water. Thank you.

40  
41 **CHAIRMAN BOSARGE:** I agree, Ed. Thank you, sir. Next on our  
42 agenda, we're going to have a presentation by Dr. Kilgour to  
43 give us a little overview of our Aquaculture FMP, and this is  
44 just kind of a refresher for us, because we are going to see an  
45 aquaculture EFP, exempted fishing permit, later today, and this  
46 is not an FMP that is in front of us all the time, and so I  
47 thought it would be nice, before we get into that EFP, to have a  
48 brief refresher, and so thanks, Morgan.

1  
2 **OVERVIEW OF AQUACULTURE FMP**  
3

4 **DR. MORGAN KILGOUR:** No problem. In the Aquaculture FMP and  
5 final rule that came out of that, there are ten actions, and  
6 hopefully I will go through them very quickly, to keep you guys  
7 all on track for your EFP discussions after the break.  
8

9 The very first action established permit requirements,  
10 eligibility, and transferability. It established the Gulf  
11 aquaculture permit, or the GAP permit, and it's required to  
12 operate and sell aquacultured fish. It also establishes that  
13 you must be a U.S. citizen or permanent resident alien in order  
14 to have a GAP permit, and it also established that the permit  
15 was only allowed for the allowable aquaculture species, which  
16 are covered later on in the fourth action in the FMP.  
17

18 The second action outlines the application requirements, the  
19 operational requirements, and the restrictions. This included  
20 exactly what needed to be in an aquaculture application, such as  
21 the description of the equipment that would be used, gear  
22 stowage, modifications, GPS coordinates, assurances of bond  
23 documentation, an emergency disaster plan, and certifications  
24 that the brood stock was from federal waters of the Gulf and  
25 were not genetically engineered or transgenic. It also  
26 established that any application must comply with other  
27 regulatory requirements, such as those of the USDA, the FDA, the  
28 EPA, and, anybody else that needed to be consulted, they needed  
29 to have all of their obligations met, too.  
30

31 The third action established that there would be a maximum of  
32 twenty permits issued, and a permit would be valid for ten  
33 years, with five-year renewals after that initial ten-year  
34 period. The species allowed for aquaculture must be native,  
35 non-genetically engineered, and non-transgenic council-managed  
36 species.  
37

38 In the Aquaculture FMP, it has an appendix that outlined the  
39 species that would be allowable, and that would have been  
40 Appendix A, and, some of those species in that list, the council  
41 doesn't have in the fishery management unit anymore. It also  
42 prohibits shrimp and coral aquaculture, and it does specify only  
43 federally-managed species.  
44

45 The fifth action established the allowable marine aquaculture  
46 system, and so NOAA will evaluate each proposed system on a  
47 case-by-case basis. Some of the rationale provided in the FMP  
48 was to allow for flexibility, since there would be -- Things

1 would change over time, and the FMP provided the rationale that  
2 it didn't want to restrict types of facilities as the technology  
3 changed.

4  
5 The evaluations of these facilities will include an analysis of  
6 the risk to essential fish habitat, risks to threatened and  
7 endangered species, risks to wild stocks, and risks to public  
8 health and safety.

9  
10 The marine aquaculture siting requirements and conditions, none  
11 are allowed in marine protected areas, marine reserves, HAPCs,  
12 SMZs, permitted artificial reef areas, and coral reef areas in  
13 the council's jurisdiction. They must have a baseline  
14 environmental survey, and they must be two times larger than the  
15 actual encompassed systems, and the sites must be at least 1.6  
16 nautical miles apart. The site can be denied if the proposed  
17 system proposes a significant risk or results in user conflicts.

18  
19 The seventh action established restricted access zones, and so  
20 each facility would have a restricted zone based on the  
21 coordinates and the Army Corps of Engineers Section 10 Permit.  
22 No fishing may occur in the restricted access zone. No fishing  
23 vessels may operate or transit through the zone unless they have  
24 a copy of the facility's aquaculture permit onboard, and the  
25 zone must be marked at each corner with some type of floating  
26 device.

27  
28 The eighth action in the FMP outlines recordkeeping and  
29 reporting. This includes reporting requirements for escapement,  
30 entanglements, interactions with marine species and migratory  
31 birds, pathogens, disease, brood stock harvest, and law  
32 enforcement requirements. The facility must maintain reports  
33 and sale records for the most recent three years.

34  
35 The ninth action established biological reference points and  
36 status determination criteria, and so this set the proxy MSY and  
37 OY at sixty-four million pounds. That MSY can be changed by  
38 framework, and it would be reviewed by the Aquaculture AP, and I  
39 will get into a little bit of what the Aquaculture AP is. It's  
40 not a typical advisory panel on the council, and then no  
41 individual corporation or any entity can be permitted to produce  
42 more than 20 percent of the optimum yield.

43  
44 The framework procedure in Action 10 establishes the role and  
45 makeup of the Aquaculture AP, and it is prescriptive in the FMP.  
46 It says that it would consist of council members, council staff,  
47 NMFS staff, and academic individuals who have the expertise in  
48 aquaculture, and so it wouldn't be like a typical AP, where you

1 request for -- You make a call. Those individuals with  
2 expertise can be identified by the council or staff to be on the  
3 AP.

4  
5 The items that can be adjusted through a framework are the  
6 maximum sustainable yield and optimum yield, application and  
7 operation requirements and restrictions, siting and system  
8 requirements, and recordkeeping and reporting requirements. It  
9 also establishes that the Aquaculture AP, when established,  
10 should meet biannually and provide very -- It's very precise in  
11 the FMP on what information the Aquaculture AP needs to provide  
12 to the council when those meetings take place.

13  
14 I don't want to go into this, because this overview of the Gulf  
15 aquaculture permit process is outside of the council process.  
16 This is strictly with NMFS, and that's why I have all this text  
17 on the slide. The one place where the council is consulted is  
18 after a permit is received, and the Regional Administrator can  
19 decide to bring that to the council and consult with you, but  
20 that's the only step in this process where the council is  
21 involved. Once a permit is received by NMFS, they hold the  
22 ball.

23  
24 The next council steps would be, if a permit was granted or  
25 there was an aquaculture facility, to appoint that Aquaculture  
26 AP to meet at least biannually and evaluate the management  
27 program, and, again, that role is prescriptive, and that AP  
28 would provide a written report and rationale for any recommended  
29 changes to the Gulf Council.

30  
31 Again, that report would include production levels relative to  
32 MSY and OY, the status of adverse effects to wild stock, marine  
33 mammals, protected resources, essential fish habitat, other  
34 managed resources from aquaculture, some more economic and  
35 social considerations of aquaculture relating to Gulf fishing  
36 communities, and a review of management measures regarding  
37 aquaculture that may be needed or may need to be changed. With  
38 that, I am happy to take any questions.

39  
40 **CHAIRMAN BOSARGE:** Mr. Banks.

41  
42 **MR. BANKS:** Thanks, Dr. Kilgour. The AP, is there anything that  
43 directs us as to the makeup? Like, do they have to be one from  
44 academia and things like that? Would we go through the same  
45 process of just opening it up for applications?

46  
47 **DR. KILGOUR:** No, and it's in the FMP on who would be on the  
48 Aquaculture AP, and that, again, would be like council staff,

1 council members, NMFS staff, and experts in the field, and so  
2 those can be identified by either council staff or NMFS staff as  
3 needing to be on the Aquaculture AP, but it's not -- It's a  
4 little bit misleading, because it's not our typical advisory  
5 panel.

6  
7 **EXECUTIVE DIRECTOR GREGORY:** Due to the prescribed nature of  
8 this AP and our Law Enforcement, that's why, a year or so ago,  
9 we took certain APs and made them technical committees, and we  
10 tried to make that distinction. The only other two technical  
11 committees, and they're not prescribed, is the SEDAR workshop  
12 panelists and the Outreach and Education Technical Committee,  
13 and so, in our parlance, we'll be calling this a technical  
14 committee, but, back then, everything was an AP.

15  
16 **CHAIRMAN BOSARGE:** I have Dr. Stunz and then Mr. Matens and Mr.  
17 Anson.

18  
19 **DR. STUNZ:** Morgan, I've got a question for you, because I  
20 haven't been familiar with this since I've been on the council,  
21 and so I'm wondering about this restricted area where they put  
22 these facilities, and so how does that -- The reason I'm asking  
23 that, I guess I should say, is it's a restricted area, and it  
24 won't allow others in it, if you put these in key fishing areas,  
25 I assume, and is that something the AP takes up, or where does  
26 the council input come when they decide where they're going to  
27 go?

28  
29 **DR. KILGOUR:** I am probably going to punt that to the Regional  
30 Office staff, but, when an aquaculture permit is given, they  
31 have to give the coordinates, and the onus is on the Southeast  
32 Regional Office to look and see if there are potential user  
33 conflicts. I think there is an aquaculture EFP that's coming  
34 before you, and that is exactly what they're doing, to look and  
35 see if there are potential user conflicts before those areas are  
36 established.

37  
38 **DR. STUNZ:** One follow-up.

39  
40 **CHAIRMAN BOSARGE:** I think Dr. Crabtree was going to answer your  
41 question.

42  
43 **DR. CRABTREE:** Just that, when we get a permit application for  
44 aquaculture, it would come before the council, and you would  
45 have an opportunity to review it and make suggestions about it  
46 and those kinds of things.

47  
48 **DR. STUNZ:** The last question is that, because I'm not as

1 familiar as I should be, is what was the history of why not  
2 shrimp and coral? It seems like there could be some opportunity  
3 there.

4  
5 **DR. KILGOUR:** I am not sure, and I will get back to you. I will  
6 go back and read the minutes on -- Mara has her hand up in the  
7 air, but I will go back and read the minutes as well for you.

8  
9 **MS. LEVY:** I am not sure about the shrimp, although I think we  
10 could probably look in the FMP and see that, but, the coral, you  
11 already have -- We already have a live rock permit that is  
12 authorized under the Coral FMP, and so that is sort of coral  
13 aquaculture. People put down live rock and grow coral, and so  
14 that's probably why it's not in here as well.

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

17  
18 **DR. CRABTREE:** This is really looking at net-pen-type  
19 aquaculture, and, most coral aquaculture, there is no pens  
20 involved, because obviously it's not going to go anywhere. In  
21 terms of shrimp, at the time we did this plan, there were a  
22 great many imports of shrimp coming in from various places, and  
23 most shrimp aquaculture is being done either inshore, state  
24 waters, or onshore even, in a lot of places, and there was a lot  
25 of industry concerns about shrimp aquaculture, and so the  
26 council elected not to make that a part of it, and, really, I  
27 don't think felt like shrimp aquaculture was likely to be a  
28 candidate for offshore projects in the EEZ.

29  
30 **CHAIRMAN BOSARGE:** I have Mr. Matens and then Mr. Anson.

31  
32 **MR. MATENS:** Thank you, Madam Chair. Actually, let me preface  
33 what I'm going to say by I personally think this is the coming  
34 thing, and I'm certainly not against it. In Number 6, it says  
35 the site must be two times larger than the actual area  
36 encompassed by the system. Without going into details, I don't  
37 know whether that's area or -- I don't care, but, back down here  
38 later, it talks about a restricted zone, but it doesn't talk  
39 about how large the restricted zone might be, and has that come  
40 up, Morgan?

41  
42 **DR. KILGOUR:** I am speaking from memory, and I don't sometimes  
43 have the best, but I believe that the site is the restricted  
44 zone. I don't think that there is a buffer outside of the site  
45 coordinates, but, if I'm incorrect on that, I am happy to be  
46 corrected.

47  
48 **MR. MATENS:** Additionally, based on what you know now, what

1 species seem to be of interest here?

2  
3 **DR. KILGOUR:** There is an aquaculture EFP that will come before  
4 you and enlighten us all on the species, and I would like to  
5 punt that to Ms. Gerhart, since she's going to be presenting  
6 that to you.

7  
8 **CHAIRMAN BOSARGE:** Dr. Crabtree.

9  
10 **DR. CRABTREE:** The EFP is do almaco jack, and the other species  
11 that I hear most often about have been cobia and also red drum,  
12 and a lot of it has to do with their growth rates and how  
13 quickly they can convert feed into biomass and come to market,  
14 but those are the three species that I have heard more about  
15 than anything else.

16  
17 **MR. MATENS:** Roy, I understand that, and I'm curious that  
18 yellowfin, and maybe even dolphin, aren't on that list.

19  
20 **DR. CRABTREE:** When you say yellowfin, are you referring to the  
21 tuna? That's a highly migratory species, and we didn't include  
22 them in any of this. What was the other one that you mentioned?

23  
24 **MR. MATENS:** Dolphin. It's a fast-growing fish.

25  
26 **DR. CRABTREE:** That again, is not a managed species in the Gulf,  
27 and we didn't include that. Now, as this progresses, my  
28 expectation is that we're going to come in at some point and do  
29 a plan amendment, and we may well want to consider adding some  
30 species to this, if the ability to do it is there, and dolphin  
31 may be one of those.

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

34  
35 **CHAIRMAN BOSARGE:** Mr. Anson.

36  
37 **MR. ANSON:** Dr. Kilgour, the framework action that you  
38 referenced that will be developed, is that specific to just  
39 kicking off the review of permits and that the AP that is  
40 structured within that framework will remain for an undetermined  
41 amount of time, or maybe a time described in the framework, or  
42 is that something that will be created for each kind of permit?

43  
44 I guess, looking at the expertise and such, design and siting  
45 and engineering of the actual pen structures, or structures that  
46 are going to be used to contain the fish, that might differ, and  
47 so there might be some new membership needed for that, and is  
48 that something that the council would review or amend through

1 the framework or just NOAA?

2  
3 **DR. KILGOUR:** You're asking if the AP members would have to be  
4 amended through a framework action? I think that that could --  
5 I will look into if the AP makeup can be modified via a  
6 framework action or if it would have to be a full plan  
7 amendment. I am not 100 percent sure. I don't think that  
8 that's outlined in the current framework on how to modify the  
9 AP, but I will go back and check and see, but it seems to me  
10 that it might be a full plan amendment.

11  
12 **CHAIRMAN BOSARGE:** I have Mr. Diaz and then Mr. Swindell.

13  
14 **MR. DIAZ:** Dr. Kilgour, you probably said this, but what would  
15 be the timeline for us to appoint the Aquaculture AP? When  
16 exactly would the council do that?

17  
18 **DR. KILGOUR:** I will come at this from a staff perspective.  
19 Because of the intensity on what the AP would be required to do,  
20 meeting biannually and providing this extensive report to the  
21 Gulf Council, I think it would make sense to appoint or to  
22 establish that AP after there is a permit in place that is  
23 active in the Gulf of Mexico. Before then, there is really  
24 nothing to report on, because you can't weigh apples and oranges  
25 when there is nothing out there to grow your fruit on.

26  
27 **MR. DIAZ:** Thank you.

28  
29 **CHAIRMAN BOSARGE:** Mr. Swindell.

30  
31 **MR. SWINDELL:** My first response to your response there would be  
32 I would hate for us to be behind the ball somewhat. If you're  
33 going to wait for an application to come in and then us try to  
34 put together an AP, it could take a half-a-year for us to put an  
35 AP together. I think that could be a little difficult, and  
36 hopefully we could do something faster than that.

37  
38 I will tell you that I worked on a short project looking for a  
39 place to raise cobia fingerlings for an aquaculture facility in  
40 Mexico, and do we have any data as to how -- Are there  
41 aquaculture facilities off the shore of Mexico that are perhaps  
42 even close to our EEZ? Do we have any idea?

43  
44 **DR. KILGOUR:** As far as your second question, I am not sure, and  
45 I will go and find out if I can find that information for you,  
46 but, as far as the Aquaculture AP, I saw Doug raise his hand,  
47 and so if that's okay for him to address that.

48

1 **EXECUTIVE DIRECTOR GREGORY:** Since this is now a technical  
2 committee, the Chair and Executive Director can appoint the  
3 members, and so we don't have to wait for a council meeting,  
4 but, if the Chair wanted to have the council do it, I think the  
5 permit process would probably be lengthy enough to allow that.  
6 I don't think we would get behind the curve very easily.

7  
8 **CHAIRMAN BOSARGE:** Ms. Levy.

9  
10 **MS. LEVY:** Just to clarify, there is no process by which the AP  
11 reviews the application. The application goes to the agency,  
12 and the agency decides it is complete and puts out a public  
13 Federal Register notice. During approximately that same time,  
14 they would bring the application to the council for the council  
15 to review, kind of like an EFP, but there is no mechanism to  
16 then submit that to an AP to then get feedback to then have the  
17 council make recommendations.

18  
19 The whole application process and all of the requirements have  
20 already been set up through the FMP, and I think the AP is  
21 supposed to be looking at specific things like whether you want  
22 to make any changes to the FMP, to the MSY, to the OY, to the  
23 certain restrictions that are already in place, based on some  
24 experience or information that you get about how things are  
25 working, and so I just want to make sure there is no  
26 misunderstanding about the AP looking in at the structural  
27 design of a particular application and things like that.

28  
29 **CHAIRMAN BOSARGE:** Mr. Anson.

30  
31 **MR. ANSON:** Then, referring to one of the slides that Dr.  
32 Kilgour presented, one of the things that I thought I saw that  
33 this AP would be reviewing, on a permit-by-permit basis, would  
34 be things like siting and engineering of the particular pen  
35 structures and that type of thing. Is that something then that  
36 -- I mean, NOAA will handle that internally, and is there staff,  
37 or will NOAA seek experts in the field, to get some sort of  
38 determination as to whether or not those particular engineering  
39 criteria or specifics are safe and worthy?

40  
41 **MS. LEVY:** Right, and so, the way that the FMP and the  
42 regulations set up the structure, it's that there is all of that  
43 consideration, but it's within the agency to look at all the  
44 parameters and decide whether it meets the criteria that the  
45 council has outlined.

46  
47 The agency has put out some guidance on various things, and it  
48 is working on other guidance for various things about structural

1 integrity and all those pieces, and so they are setting up a  
2 process to go through to look at the permits and have the people  
3 in place to review what folks are proposing and things like  
4 that.

5  
6 **REVIEW OF EXEMPTED FISHING PERMIT APPLICATIONS**

7  
8 **CHAIRMAN BOSARGE:** Any other questions for NMFS or Dr. Kilgour?  
9 All right. Excellent presentation. I think we are up to speed,  
10 as much as we can be, before we look at our EFP on that later.  
11 I will pause just for a second, and I see that we have the  
12 Assistant Administrator for Fisheries in the room, Mr. Chris  
13 Oliver. Thank you, and we're glad to have you with us, sir. We  
14 look forward to talking to you later.

15  
16 Next on our agenda, we're going to get into our Exempted Fishing  
17 Permit Applications, and, just to kind of outline it for you,  
18 it's my understanding that we're going to have a short  
19 presentation. There are six exempted fishing permits on the  
20 agenda today, and five of them are from one of each of the Gulf  
21 states, and then the last one is actually going to be to do with  
22 aquaculture.

23  
24 For the state plans, what we were thinking is we're going to get  
25 a presentation from each of the states, and we will let you roll  
26 through your presentations, and we can give feedback or ask  
27 questions or anything like that after each of the presentations.  
28 Then I'm sure there will be some sort of feedback that we'll  
29 have to give about all the presentations working together  
30 somehow, in tandem, and so that's how I planned to go through  
31 that.

32  
33 Today is really the review of those, and the vote on these  
34 exempted fishing permits actually comes before us tomorrow, and  
35 so today is our day to ask all of our questions. First on the  
36 agenda, I believe we have Florida up first. Wait a minute. Ms.  
37 Gerhart.

38  
39 **MS. GERHART:** We do have the aquaculture EFP as well. Did we  
40 want to do that first, since we just went over the aquaculture  
41 information?

42  
43 **CHAIRMAN BOSARGE:** It's on the internet, on our agenda on the  
44 internet, that it's actually scheduled for after lunch, and I  
45 wanted it to come right after the presentation. I thought that  
46 made a lot of sense, but I think there are going to be some  
47 people that want to listen in for that, and so I really hate to  
48 kind of change the schedule on that and have them thinking it's

1 after lunch and we do it right now, and so is it okay if we go  
2 into the state ones first? Before we get into each of the state  
3 presentations, did you have like an overview that you wanted to  
4 give us? All right. Go ahead, Sue.

5  
6 **MS. GERHART:** Thank you, Madam Chair. Last summer, there was a  
7 Senate report directing NMFS to support state management of reef  
8 fish, particularly over artificial habitat. When NMFS discussed  
9 how to do this, we decided the best vehicle was through an  
10 exempted fishing permit, or EFP.

11  
12 We sent a letter to the states in September of last year,  
13 encouraging them to submit applications to manage reef fish,  
14 particularly red snapper, in federal waters off of their states.  
15 We received draft applications from each of the five Gulf states  
16 in December, and we worked with those states to make sure that  
17 those applications were complete.

18  
19 Now, the process, just to remind you, for an EFP is that, right  
20 now, the council has an opportunity to make a recommendation to  
21 the agency on whether to approve or not approve these  
22 applications. We will also put out a Federal Register notice  
23 with a comment period from fifteen to forty-five days for the  
24 public to comment, and then we expect, if these are approved by  
25 the agency, to issue the EFPs in mid-April sometime.

26  
27 All of the applications that we have received cover red snapper  
28 management, recreational management, in the EEZ off of the state  
29 for two years, starting in 2018, this year, and then also in  
30 2019. All of the applications cover the private angling  
31 component, and some of the states have submitted applications  
32 that also include the for-hire component as well.

33  
34 A little bit about how this would work. For the private angling  
35 component, because all of the states are involved, essentially  
36 there will be no federal season for red snapper. The EEZ will  
37 be closed, and then the EFP will exempt the participants under  
38 each of the states from that closure, and so, with an EFP, we  
39 don't delegate any authority to the states. We simply exempt  
40 from regulations, and so, in this case, we will be exempting  
41 anyone who holds the appropriate permit from a state from the  
42 closure in the EEZ.

43  
44 Because the EEZ will be open, vessels can fish anywhere in the  
45 EEZ, but they just have to have a permit for a state that is  
46 open, and so the enforcement will be on landing. When a vessel  
47 lands somewhere, that state has to be open, and so, if someone  
48 is fishing, for example, off of the State of Florida, if Florida

1 is closed, but they have a permit from Alabama, and they're  
2 landing in Alabama and it is open, then they would be legally  
3 fishing and could land in Alabama.

4  
5 The state will close to landings, as we said, and, wherever  
6 those fish are landed, it will count against that quota for that  
7 state. Please understand that this is not exactly how the  
8 amendments that you talked about yesterday would work, because  
9 that would be a delegation, which is different than this  
10 exemption, and so, although a lot of this will be pilot for what  
11 would happen during those amendments, how the actual regulations  
12 would work would be different than what we're talking about  
13 here.

14  
15 For the for-hire component, we're exploring ways to deal with  
16 that, because, if some states are including the for-hire  
17 component and others aren't, we will have to have a federal  
18 season for vessels from those states that are not including them  
19 in the EFP, and so we will have to open up federal waters, and  
20 we cannot open only off of certain states. We have to open all  
21 of the EEZ, and so one of the concerns is that, states where  
22 they are including federal for-hire vessels, those vessels would  
23 still be able to fish during the federal season. That's what  
24 their federal permit allows them to do.

25  
26 We're exploring ways and how to do that, and we looked at  
27 subtracting out the quotas as would be assigned to those states  
28 that are including for-hire vessels in the EFP, and the federal  
29 season would be based on the quota for the states that are not  
30 in the EFPs, based on their catch rates.

31  
32 One of the things that we have done in the past, with the  
33 headboat EFP that we did in 2014 and 2015, was the vessels that  
34 were involved in the EFP signed a binding agreement saying that  
35 they would not fish during the federal season and they would  
36 only fish during the EFP season, and so that's something that  
37 we're exploring as well in this case.

38  
39 One of the things, of course, is that we have to allocate  
40 between the states, the quotas, and we have two separate quotas  
41 now of a private angling quota and a for-hire quota, and each of  
42 the states, in their applications, has requested a certain  
43 amount be assigned to them.

44  
45 For the private angling quota, the amounts that were requested  
46 by the states do add up to less than the ACL, and so there is  
47 not a problem there. However, because with the for-hire  
48 vessels, two states did not request any quota, we have to do a

1 little bit of calculation and figure that out, and we can talk  
2 about that some more in a little bit. What we would prefer is  
3 that all the states work together and come to an agreement  
4 amongst themselves about how that would work, but we will need  
5 to do that allocation somehow.

6  
7 What we would assign is the annual catch limit and not the  
8 annual catch target to each of the states, but we would expect  
9 that the states would implement some sort of buffer, and all of  
10 them, I believe, have put in that there would be a buffer of  
11 some sort between the ACL and what their actual quota was, and  
12 that would be dependent on the reporting that they have. For  
13 example, LA Creel has near real-time reporting, and so the  
14 buffer can be a little bit smaller than other states where they  
15 don't have as timely reporting involved.

16  
17 Finally, I want to talk about the enforcement. Again, it's  
18 going to be mostly on landing. We will have enforcement on the  
19 water to make sure that people have an appropriate permit from a  
20 state that is open at the time, and, of course, if none of the  
21 states are open, then no one should be fishing for red snapper  
22 in the EEZ.

23  
24 Also, the bag and size limits will remain the same as the  
25 federal under all of these EFPs, and so those will be enforced  
26 as well, and so, having said that, I think we're prepared to go  
27 to the individual states to discuss their specific applications.

28  
29 **CHAIRMAN BOSARGE:** All right. Ms. Guyas, would you like to get  
30 us started?

31  
32 **FLORIDA EFP REQUEST**

33  
34 **MS. GUYAS:** I will be relatively brief and just give an overview  
35 of what we are envisioning this would look like in Florida for  
36 our EFP. I will start with our goal, which would be to test  
37 data collection and quota monitoring methods by the state for  
38 management of the private recreational component, and we would  
39 also include in that, not necessarily under the EFP, but the  
40 state waters charter and for-hire vessels that are working in  
41 state waters for the red snapper fishery.

42  
43 I will start right off the bat with the allocation that we  
44 requested under this EFP, and we based that on landings from  
45 2016 through 2015, excluding 2010, similar to what we discussed  
46 yesterday with the state management amendments.

47  
48 This approximates about 42 percent of the private recreational

1 angler quota, and this reflects recent trends in angler effort  
2 off of our state as well as abundance trends off the West  
3 Florida Shelf. With that ACL, we would set a 20 percent buffer  
4 ACT, similar to what we have now, and then we would be setting  
5 seasons based on the ACT, what would be caught, based on the  
6 quota that we get.

7  
8 What this would look like, we would set regional seasons in our  
9 state. We would have a Panhandle season, which would encompass  
10 Escambia through Gulf Counties, and this is the area of the  
11 state where there is a lot of effort that actually happens in  
12 state waters for recreational red snapper, as well as offshore  
13 in federal waters. Then the rest of the Gulf Coast would have a  
14 separate Peninsula season, and so this is everywhere south of  
15 there, all the way down to Monroe County.

16  
17 If we were allocated the quota that we're requesting, we are  
18 projecting that the seasons would be two different seasons for  
19 that area. The first one would open on May 25 and run for  
20 twelve days, closing June 5, and then we would open the  
21 Peninsula season right after that, starting June 6 and run  
22 through that time. Again, these are estimates, and it depends  
23 on what quota we have, and it depends on when the EFP is issued  
24 and when we can actually issue the season and let our anglers  
25 know, and so this is fluid right now. It's not set in stone.

26  
27 Then, based on what happens during those seasons, we would look  
28 at the landings that come in, and, if there was still quota  
29 available, we would potentially reopen for a fall season in  
30 2018, and then we would look at what happened in 2018 before we  
31 set our 2019 season. As Sue mentioned, these are two-year  
32 projects.

33  
34 Also, as Sue mentioned, we would have a two-fish bag limit and  
35 the sixteen-inch minimum size limit that's in place now, and we  
36 would also be encouraging the anglers that are participating in  
37 this to use descending devices and venting tools, as  
38 appropriate, when they are fishing for red snapper, interacting  
39 with red snapper.

40  
41 As far as data collection and quota monitoring goes, I did  
42 mention that we would be projecting the seasons in advance, but  
43 we would be requiring anglers that wanted to participate in this  
44 opportunity to sign up for our Gulf Reef Fish Survey. They  
45 already should be signed up for that, if they're fishing for  
46 reef fish or red snapper in the Gulf of Mexico, but we'll be  
47 providing those lists to NOAA Fisheries Service, so that they  
48 know the participants.

1  
2 We'll be doing something similar for the state for-hire  
3 operations that want to take advantage of this opportunity, and  
4 so, if they are fishing in state waters for red snapper or reef  
5 fish in the Gulf, they would need to identify themselves to us.  
6 We would, in turn, provide that information to NOAA Fisheries,  
7 and we would also use that population of people to do,  
8 potentially, special for-hire surveys, so that we can have a  
9 little bit better information about what they're harvesting.

10  
11 We would use MRIP, the Gulf Reef Fish Survey, and then these  
12 potential special for-hire surveys to estimate harvest and  
13 effort. There are dockside and mail surveys for all of these  
14 things, and the special for-hire one could be different.

15  
16 We're still working on the details of what that design would be,  
17 but there definitely would be dockside components to these, and  
18 so, as part of this EFP, we would be requiring that fish that  
19 are landed under the EFP must be landed in Florida, so that we  
20 can intercept those fish, potentially.

21  
22 Then, in addition to that, we would also be encouraging  
23 participants in this program to report via the iAngler app.  
24 We're trying to gauge the participation and interest in that,  
25 and this would be voluntary, at least for the first year, and we  
26 would just be evaluating how that goes at this point.

27  
28 At the state level, I just wanted to describe our next steps.  
29 Sue already talked about the federal steps that need to happen,  
30 but we'll be discussing this next week at our commission's  
31 meeting. It's in Havana, which is right outside of Tallahassee.  
32 We'll be going through where we are with our EFP, and our  
33 commission has already seen the concept for this, and we'll just  
34 be giving them a little bit more detail, and we will also be  
35 discussing a draft rule that would set up the state for-hire  
36 reporting part of this, since that's somewhat new. We have a  
37 statute that allows for this, but we just need to set up the  
38 rule to go along with it and direct exactly how this is going to  
39 happen.

40  
41 Then we'll do the final public hearing for that and another  
42 review of the EFP at our April meeting, and that's at the end of  
43 the month, and so, maybe at that point, we'll have an approved  
44 EFP. Then we would issue an Executive Order to set the seasons  
45 for 2018.

46  
47 Then, after that, if we feel like we could open it for a fall  
48 season, we would do that in late 2018, and then evaluate the

1 2018 season before we move forward with 2019, and that's the big  
2 picture. If you have questions, please let me know, and I think  
3 Luiz is on the phone, if you have very technical questions and I  
4 can't answer them.

5

6 **CHAIRMAN BOSARGE:** All right. I have Mr. Banks.

7

8 **MR. BANKS:** Martha, I saw on your slide and I hear you say that  
9 they're required to sign up for the survey, but does that mean,  
10 when they are actually surveyed, are they required or mandated  
11 to actually report, or can they say, thank you very much,  
12 Martha, but I decline giving the information?

13

14 **MS. GUYAS:** What they're signing up for, actually, it's more  
15 like they are signing up to be eligible to be surveys, and so we  
16 are not surveying everyone that signs up. They are basically  
17 just saying, hey, I'm out in the Gulf of Mexico and I'm fishing  
18 for -- Actually, there is ten species of reef fish that they  
19 have to sign up for.

20

21 We survey a subpopulation of that group, and our return rate is  
22 fairly good, and Luiz may know it off the top of his head, and  
23 just feel free and chime in if you know that, but they're not  
24 required to respond to those surveys, but we have gotten a good  
25 return rate.

26

27 **CHAIRMAN BOSARGE:** Mr. Dyskow.

28

29 **MR. DYSKOW:** Thank you. The question I have is, obviously, you  
30 will be collecting some data on catch, and, presumably, some  
31 data will still be collected via NMFS, and whose data is going  
32 to be used to determine the result of this season?

33

34 **MS. GUYAS:** That's a good question. I will start answering it,  
35 and I heard Luiz's audio, I think, a minute ago, and I will let  
36 him flesh out some details. Our Gulf Reef Fish Survey is not --  
37 It's more of a supplement to MRIP. The two work together in  
38 concert, and so it's not like we would be using one set of  
39 information versus another. Luiz, do you want to expand on  
40 that?

41

42 **DR. LUIZ BARBIERI:** Yes, thank you, Martha. Madam Chair, if I  
43 may.

44

45 **CHAIRMAN BOSARGE:** Yes, sir. Go ahead.

46

47 **DR. BARBIERI:** There's not much to add to that point. Martha, I  
48 think what you said is correct. The Gulf Reef Fish Survey, from

1 the very beginning, was designed to be a boost, an add-on, to  
2 MRIP, because we never intended to discontinue use of the MRIP  
3 in Florida. What we wanted to do is to develop a methodology  
4 that would be complementary to MRIP, and it would be more  
5 accurate and precise to survey the reef fish offshore component,  
6 and so the two surveys, right now, are very compatible, and we  
7 have been working with the MRIP staff in adjusting the draws,  
8 the estimation weights that are used, and so our final estimates  
9 actually integrate data from both surveys together.

10  
11 **CHAIRMAN BOSARGE:** Thank you, Luiz. Dr. Crabtree.

12  
13 **DR. CRABTREE:** That is going to be an issue that will evolve  
14 with the EFPs. Snapper Check in Alabama and Tails n' Scales in  
15 Mississippi are well along in the certification process now, and  
16 we're assuming they will be certified before the fishing begins,  
17 and, contingent on the wording of it, presumably those then can  
18 be used. LA Creel is already certified.

19  
20 I think Florida is starting the certification process soon, and  
21 so it's possible that the Florida survey will be certified  
22 sometime as this goes on, and so we're just going to have to  
23 follow those processes and work with the scientists to decide  
24 what are the best estimates and then react accordingly.

25  
26 **CHAIRMAN BOSARGE:** Ms. Guyas.

27  
28 **MS. GUYAS:** Our certification meeting is actually next week, and  
29 so we were scheduled to have that meeting during Hurricane Irma,  
30 and that didn't go so well, and so this is when we could  
31 reschedule.

32  
33 **CHAIRMAN BOSARGE:** Martha, I had a question. Are you planning,  
34 and you may have said this already. Sometimes I have to  
35 multitask up here, but are you planning to somehow beef up your  
36 MRIP survey in Florida, because I think, when I read your EFP,  
37 you're going to have about a twelve-day season on the Panhandle,  
38 and you're going to have a twelve-day season on the Peninsula,  
39 and so that's two pretty short seasons, and we know MRIP is not  
40 the best when it comes to short seasons and extrapolating from  
41 there, and so do you plan to beef up those intercepts and those  
42 surveys?

43  
44 **MS. GUYAS:** That's kind of where the Gulf Reef Fish Survey comes  
45 into play. What we do with that survey, that's essentially what  
46 we do. We make sure that we have more agents at the docks to  
47 interview anglers at these sites where we know that there are  
48 reef fish coming in, and so we target those areas specifically

1 to get more refined information. Luiz, do you have anything to  
2 add to that?

3  
4 **DR. BARBIERI:** What you said is correct, but, Madam Chair, we do  
5 work with the MRIP staff, in terms of adjusting the draws for  
6 the MRIP sampling locations and the number of samples that are  
7 collected. We did last year as well during the red snapper  
8 season, so as to maximize the probability of encounter with  
9 anglers that are catching reef fish, red snapper included, and  
10 so, basically, by working with them, we can adjust the draws and  
11 adjust the weights accordingly, so we end up with valid  
12 estimates, even though we increase our sampling during those  
13 times, and so the short answer to your question is, yes, we will  
14 be sampling more intensively during those times, for the reasons  
15 that Martha presented as well as because we are increasing the  
16 number of samples, draws, for that specific period.

17  
18 **CHAIRMAN BOSARGE:** Thank you, Luiz. All right, and I had one  
19 other question. When I read through all five of the different  
20 permits, I noticed that, in most of them, they said, if they had  
21 an overage, if they had a quota overrun during the first year,  
22 during 2018, that that would be deducted off of 2019 and then  
23 they would make whatever decisions they needed to make to adjust  
24 their season and the way they manage their fishery in 2019 to  
25 try and ensure that they don't have a subsequent overrun again,  
26 if it was a data collection issue or whatever it may be, length  
27 of season, and there's a lot of things that you could tweak,  
28 after you account for what was overrun the first year and take  
29 that off the second year.

30  
31 In Florida's permit, it said that, in the event of a red snapper  
32 quota overage in 2018, the 2019 season would be adjusted as  
33 needed to avoid a subsequent overage, and so I'm assuming that  
34 means cut a day or so off the season, if you need to, and then  
35 it says that FWC would consult with NOAA Fisheries to determine  
36 if a payback of the overage is required as an accountability  
37 measure.

38  
39 I just think, as we go forward with these, so that everybody is  
40 on a level playing field, that's pretty much in the rest of the  
41 states' plans, that it's going to come off -- From what I saw  
42 anyway, it's going to come off the second year, and I think  
43 that's probably an accountability mechanism that really needs to  
44 be in there. I mean, this is a -- It's a pretty big deal, and  
45 we required it in the EFP that we did for the headboats. That  
46 was an accountability measure that was in there. If they had an  
47 overage, it had to come off the second year of that EFP.

48

1 They had a lot of accountability built in, where that probably  
2 would never even happen, accountability that we are not able to  
3 put into some of these, just because it's a different type of  
4 fishery. They were actually working with tags, and so the  
5 ability to overrun your quota, when you have to tag a fish, is a  
6 little bit more difficult. Is that something that Florida would  
7 consider to put into their EFP, in order to be in line with the  
8 other states?

9  
10 **MS. GUYAS:** I think, if we were in that situation, that would be  
11 a discussion that we would need to have.

12  
13 **CHAIRMAN BOSARGE:** Mr. Banks.

14  
15 **MR. BANKS:** A discussion that you would need to have is a lot  
16 different than saying, yes, we will be accountable for overages.

17  
18 **MS. GUYAS:** Right, and so, it would be up to the commission to  
19 make that decision. That is something that we can discuss when  
20 we meet next week, but I can't stand here and tell you yes or no  
21 that we're going to do that.

22  
23 **MR. BANKS:** That's fair enough. We would have to do the same  
24 thing with our commission, but we've made it abundantly clear  
25 that we will recommend certain things to our commission, and I  
26 feel very confident that they, being the conservationists that  
27 they are, would do that, and so I would hope that you all would  
28 commit to the same thing, Martha. If you guys drastically  
29 overfish, or if we drastically overfish, it hurts us all, and I  
30 think we need to all be on the same page there, please.

31  
32 **MS. GUYAS:** Sure, and we have set -- The seasons that we've set  
33 here, we think they're pretty conservative, and so the goal,  
34 from the beginning, is to avoid being in that situation at all.

35  
36 **CHAIRMAN BOSARGE:** I agree, and that's a tough question for me  
37 to ask you, and I hate to have to do that, but, on the same  
38 token, not only does it have ramifications for all the other  
39 states, but, because Florida is such a big player in this  
40 discussion -- I mean, you've got 42 percent of the private  
41 recreational quota in this EFP, and, if you have an overrun,  
42 even a small overrun, on the percentage side, it's going to  
43 impact more than just private anglers and for-hire. You're  
44 going to impact the commercial sector, too.

45  
46 One way or another, it gets paid back, right, and whether it  
47 gets paid back the next year from the sector that had the  
48 overrun or when we do a new stock assessment and we've got to

1 reduce our quotas because the stock is not quite as healthy as  
2 it was before, and it gets paid back one way or the other, and I  
3 just want to make sure we have that.

4  
5 I want to make sure, on the frontend, that we have an  
6 understanding of, with the privilege, what is the responsibility  
7 and what are the consequences, and I think that's important to  
8 have that laid out upfront, so that we don't get into a  
9 situation on the backend where it's a tough one. We all know  
10 what we're getting into. Any other questions for Martha? Thank  
11 you, Martha. Next, we're going to roll to Alabama, and Mr.  
12 Kevin Anson is going to give us a brief presentation.

### 13 14 **ALABAMA EFP REQUEST**

15  
16 **MR. ANSON:** Thank you, Madam Chair. Everybody knows why we're  
17 all here. The EFP request that Alabama made is to test an  
18 alternative red snapper management plan for Alabama's  
19 recreational anglers, and this is strictly for private  
20 recreational anglers and anglers fishing from state-licensed  
21 charter boats.

22  
23 Private anglers will be allowed to venture into the EEZ and fish  
24 state waters when the season is open. State-licensed charter  
25 boats, however, will be restricted to the state waters, which is  
26 nine nautical miles, currently. They will not be able to go  
27 into federal waters.

28  
29 The EFP is anticipated to provide several benefits to this group  
30 of anglers through increasing accountability, with the use of a  
31 mandatory electronic reporting system, and that is Snapper  
32 Check, as previously mentioned at this meeting and at prior  
33 council meetings. Increasing fishing opportunities through the  
34 use of near real-time landings through Snapper Check to reduce  
35 the initial buffer compared to the buffer used in the existing  
36 management strategy.

37  
38 Again, we feel like -- We've had Snapper Check in place now  
39 since 2014, and, as mentioned earlier, it is going through the  
40 certification process with MRIP, and we hope to have that within  
41 the next month or two, certified, and we feel fairly confident  
42 in the trends in fishing behavior and that we can forecast  
43 through Snapper Check.

44  
45 It provides an opportunity to increase the season length if  
46 fishing is reduced due to unforeseen circumstances. Again, if  
47 bad weather comes up and fishing is impacted, potentially we can  
48 document that and quantify, or put that into numbers, and then

1 add more days to the season, if available.

2  
3 It would also provide additional access to artificial habitat  
4 created through the state and private individuals. Again, the  
5 spirit and intent of the EFP was originally through the funding  
6 bill and related to artificial reef areas off of the Gulf  
7 states, and so we have kept that message throughout this whole  
8 EFP, and Alabama, which has the largest artificial reef area  
9 permitted in the Gulf, or any of the states, the state, as well  
10 as private individuals, have invested a lot of resources over  
11 the years to build that program up and to build the habitat  
12 which red snapper utilize.

13  
14 Some of the highlights of the EFP, the EFP will be requested for  
15 a two-year period, beginning with 2018, this year. The  
16 allocation is based on a three-year average of biomass estimated  
17 from fishery-independent surveys of habitat, which includes both  
18 artificial and natural habitat, and abundance of red snapper.

19  
20 Dr. Sean Powers at the University of South Alabama, a few years  
21 ago, came to the council and summarized his methods for how he  
22 estimates the abundance of red snapper off of Alabama, and he  
23 has been doing that program since 2011, and he is going to  
24 develop a paper and submit a paper this year, to have it, in  
25 effect, peer reviewed, through the journal process, but he is  
26 certainly available to talk to the council at any point in the  
27 coming months to more succinctly provide a summary of those.

28  
29 I mentioned the reef review that we're going to have on March  
30 22, and he will also be there and summarizing his methodology  
31 and how he comes up with the estimate there, but, essentially,  
32 we use a three-year average of the biomass estimate, and we take  
33 10 percent of that biomass estimate, and we deduct a three-year  
34 average of commercial landings off of that biomass estimate, and  
35 then we take out the landings, the biomass, associated with  
36 landings with the federally-permitted vessels, and that would be  
37 based on the percentage of sector separation, which is the 42.3  
38 percent number, and so we take 42.3 percent of the balance  
39 remaining after the commercial distribution, if you will, and  
40 what is remaining is what is available for the private  
41 recreational.

42  
43 For our calculations, it's 984,000 pounds, and a summary of that  
44 is provided in the appendix of the EFP, and we will apply a 10  
45 percent buffer to that prior to making the initial season  
46 estimate, and the initial season estimate that we calculated  
47 would provide us, in 2018, with forty-seven days, and we're  
48 envisioning a three-day weekend season starting June 1 and going

1 through Labor Day, and we have also identified the week of the  
2 4<sup>th</sup> of July that the season would be open during that time.  
3 Depending upon how things go in 2018, we may open a little  
4 earlier, to encompass Memorial Day, in 2019. Our size and bag  
5 limits will remain the same as they have been, sixteen inches  
6 total length and two fish per person per day.

7  
8 I mentioned Snapper Check earlier, and that's going to be our  
9 accountability tool, or monitoring tool. Again, we've had that  
10 program established since 2014, and it's been reviewed by MRIP  
11 consultants, and we've taken a lot of their recommendations to  
12 heart and incorporated those into the system.

13  
14 Just briefly, it is tied in with a mandatory requirement, and  
15 then we have dockside surveys to determine non-reporting rates  
16 by matching the vessel registration number of the vessels that  
17 we observe in the field to those that show up in the landings  
18 reporting database, and we make a correction factor for the  
19 reported trips based on that proportion of vessels that we  
20 observe out in the field that are not showing up in the  
21 database.

22  
23 Enforcement will conduct dockside patrols, as they have been, to  
24 check vessels for compliance with the reporting requirement.  
25 They can access the database real-time and see if a vessel has  
26 reported or not.

27  
28 Estimates of total landings will be sent to NOAA Fisheries  
29 Southeast Regional Office each week for landings from the prior  
30 week, and so we'll be sharing that information as we basically  
31 determine it, and we'll both be able to monitor relative to the  
32 allocation that is provided. If the landings are projected to  
33 exceed the allocation, the Commissioner of the Department of  
34 Conservation will close state waters to possession of red  
35 snapper.

36  
37 If the season ends and significant allocation is remaining, a  
38 fall season may be established. Again, that will depend on how  
39 many pounds are available and some other factors. That's it, in  
40 a nutshell.

41  
42 **CHAIRMAN BOSARGE:** Thank you. Are there questions? Dr. Shipp.

43  
44 **DR. SHIPP:** Kevin, Florida gave their numbers in a percentage of  
45 the total. What is Alabama's, if you add the two together, the  
46 for-hire and the recreational? What is the percentage?

47  
48 **MR. ANSON:** Alabama's is 25.3 percent, and that's of the

1 recreational allocation and not the Gulf total, but just the  
2 recreational.

3

4 **CHAIRMAN BOSARGE:** Dr. Crabtree.

5

6 **DR. CRABTREE:** That matches the number I have, and so Alabama is  
7 unique among the applications, because of the use of your  
8 biomass estimate and the derivation of a catch level from that,  
9 and we are viewing it more in terms of the context of the amount  
10 of fish that Kevin is requesting and how that fits into recent  
11 catch history, and it's pretty consistent with the last couple  
12 of years. In fact, it's a little less than what Alabama caught  
13 in 2017, and so we're viewing the rationale for the catch level  
14 more in terms of the context of recent catch levels rather than  
15 biomass.

16

17 I think, if we progress down this way, we could develop that way  
18 of doing it, but we would need to get that in front of the SSC  
19 and figure out how that estimate lines up with the stock  
20 assessment and the catch level that comes out of that, but it  
21 does turn out that it gives you a catch level estimate that is  
22 pretty consistent with the historical performance of the fishery  
23 in Alabama.

24

25 **CHAIRMAN BOSARGE:** Okay. Well, I was just going to highlight a  
26 few things. I like that your Snapper Check is mandatory. I  
27 like that a lot, and I like that it's been in place for a couple  
28 of years, and so it's established. I think that's going to be  
29 very beneficial to you.

30

31 One question I did have -- I am assuming it's a -- You're doing  
32 weekends only, right, Friday, Saturday, and Sunday, and so you  
33 said it takes about a week, and so the season, or mini-season,  
34 that week's season, that stops on Sunday night, the data is  
35 going to flow in for that by Thursday or Friday of the next  
36 week, and you're going to try and analyze that data before you  
37 open the following weekend, and is that your game plan,  
38 hopefully?

39

40 **MR. ANSON:** No, and how that would work is that we would  
41 establish the season and announce it. Again, let's assume June  
42 1 through Labor Day, three-day weekends, with the 4<sup>th</sup> of July  
43 week, and so we would, after the first weekend, we would collect  
44 the data and run the numbers and have those available by Friday,  
45 and then we would just put that in the chart and monitor that.

46

47 We would have, in the chart, the threshold, including our 10  
48 percent buffer, as our target, if you will. Each week, as a

1 number is added to the previous week's information, it would  
2 just simply increase, and it would get larger and go closer to  
3 that line, if you will, the buffer line.

4  
5 We would, at that time, also then project, based on in-season  
6 landings information, because each year is different. You may  
7 have more effort or less effort, larger fish or smaller fish,  
8 increases in catches or whatever, catch rates, and so that is  
9 what we would be monitoring in-season.

10  
11 We would make adjustments based on what the trend is up to that  
12 point, so that we can forecast out and say, okay, based on the  
13 trend for this season, if the fish are larger than the previous  
14 season, that means we would probably not be able to meet our  
15 number of days that we initially announced, and so, halfway  
16 through the season, or two-thirds through the season, we would  
17 kind of compare that and see, okay, if we continue allowing them  
18 access for the remainder of the fishing days, the fishing  
19 season, we will go over our allocation, and so we need to back  
20 that off and shut the season down X number of days before that,  
21 to make sure that we don't reach our allocation.

22  
23 **CHAIRMAN BOSARGE:** Perfect. I love it, Kevin. All right. I've  
24 got one more follow-up, and then I'm going to go to John.  
25 Obviously, with a mandatory system like that, compliance is  
26 pretty important, and so I was wondering, if you are checking  
27 people and you see that they're out of compliance, either they  
28 didn't participate in Snapper Check at all, or whatever the case  
29 may be, what do the penalties look like?

30  
31 Is there a penalty schedule, or what are the ramifications,  
32 because I think that enforcement is an important piece. If  
33 we're going to rely on the data, we've got to make sure that we  
34 have the enforcement and compliance there.

35  
36 **MR. ANSON:** The enforcement side of things, as far as those  
37 details, I am not too up to speed on. I do know that our  
38 enforcement officers will check, and they have written some  
39 citations for non-compliance, and I don't know exactly what the  
40 fee structure is. Scott Bannon is here, and he can answer that,  
41 if you really want to know, but there is court costs included in  
42 that and all of that, but there is a small fee, and then there  
43 is the court costs included with that.

44  
45 **CHAIRMAN BOSARGE:** All right, and then, in order to get their  
46 license the next year, do they have to show maybe that they  
47 somehow came into compliance and did whatever they needed to do  
48 with their reporting?

1  
2 **MR. ANSON:** We haven't considered that for additional penalties  
3 for non-compliance for future years. We have not considered  
4 that, and we'll just have to discuss that.  
5  
6 **CHAIRMAN BOSARGE:** I like it. Maybe we can discuss it. Sounds  
7 good. All right, but, overall, I really like it, Kevin. I  
8 think it sounds like a great plan, and I love that it's going to  
9 be sensitive to changes in-season, and you all have a history, a  
10 track record, already with this data collection program, and I  
11 like it. Thank you. John and then Mr. Diaz.  
12  
13 **MR. SANCHEZ:** Kevin, I just had a question, out of curiosity.  
14 The state charter boats in your plan, are they going to be  
15 weekend-only also?  
16  
17 **MR. ANSON:** Yes, they will be weekends as well.  
18  
19 **CHAIRMAN BOSARGE:** Mr. Diaz.  
20  
21 **MR. DIAZ:** I am an optimist, and the question that you asked him  
22 a minute ago about shutting down early, I think what Kevin has  
23 laid out, tracking their average daily catch rates, naturally,  
24 if your catches are coming in under, you also could make some  
25 plans to extend that season, in some way, shape, or form, and  
26 benefit folks, and so that is what is really good about this.  
27  
28 By the way, I think Martha's presentation was very good also,  
29 and I think Kevin's was very good, and I am really excited about  
30 the work that the states have put into this and the thought they  
31 have put into it, and I like your Snapper Check program, Kevin.  
32 I think I have a tremendous amount of confidence that you can  
33 manage and stay within your ACT, I do, and so thank you, Kevin.  
34  
35 **MR. ANSON:** Thank you, Dale.  
36  
37 **CHAIRMAN BOSARGE:** Mr. Banks.  
38  
39 **MR. BANKS:** I likewise like that you all are doing the  
40 electronic reporting. I think that's the wave of the future,  
41 and I think it's a good tool to use to stay within your ACT, and  
42 I think you'll be able to use it. My only concern is, if that  
43 data ends up, at the end of the season, showing a lot different  
44 than MRIP, and if you have stayed well within your ACT,  
45 according to Snapper Check, but then somehow MRIP shows that  
46 you're way over, do we have a good confidence that that 10  
47 percent is going to account for that and keep that from  
48 happening? Is there any way to understand that?

1  
2 **MR. ANSON:** I don't know. The 10 percent buffer was an ACT, and  
3 so we would kind of shoot for that, but we may go over that, but  
4 our real intention is to stay below the allocation. It was good  
5 to hear Dr. Crabtree mention that they have kind of looked at  
6 the numbers to see -- As I interpreted it, at least, to count  
7 the -- Change the currency into MRIP currency compared to what  
8 Snapper Check currency is, and it's running about half as much  
9 as what Snapper Check is showing. Compared to the MRIP  
10 landings, it's about half that, and so it sounds like Dr.  
11 Crabtree had addressed that. Even if -- Under normal  
12 conditions, and if it continues to track at half, it sounds like  
13 we would probably be okay.

14  
15 **DR. CRABTREE:** Because Snapper Check and Tails n' Scales are  
16 still in the certification process, we don't have the final  
17 anything on it, and so I don't have final calibrations or  
18 numbers for either one of them, and so it's one of those things  
19 that we're just going to have to be able to react to as we go  
20 forward, but I certainly don't consider it to be a show-stopper,  
21 by any means, but we're going to have to see what comes out of  
22 the certification, just like we're going to have to see what  
23 comes out of the new assessment and the various calibrations.  
24 Then we'll make adjustments, as appropriate.

25  
26 **CHAIRMAN BOSARGE:** I have Mr. Riechers and then Mr. Donaldson.

27  
28 **MR. RIECHERS:** In follow-up to Roy's comment there, I just want  
29 to kind of lay a marker out here, and I've already talked to  
30 Kevin about it. One of the things we're going to have to do,  
31 especially after the EFPs, and if we move forward with  
32 amendments that would establish state plans, it's how we rectify  
33 those new collection methods, as opposed to a time series or a  
34 percentage of catch that was built on a time series under a  
35 whole different system, because we're going to have to tie it  
36 back into that, in some way, if we get to that point, and I'm  
37 just assuming we would get to that point.

38  
39 **DR. CRABTREE:** If I could, even outside the context of regional  
40 management, we do have these new data collection programs for  
41 catch accounting coming online. On top of that, we have the  
42 transition in MRIP from the telephone survey to the mail survey,  
43 and so I know Clay and company are focused on how to calibrate,  
44 as best we can, all of these programs and integrate it into the  
45 stock assessment, and so we're going to have to deal with that  
46 issue, whether we go down this path or not, because it is an  
47 issue that will have to be rectified if we're going to use these  
48 systems.

1  
2 **MR. RIECHERS:** Just simply either -- I mean, it either penalizes  
3 you or helps you if your new method either consistently is under  
4 or is consistently over, unless we go back and calibrate, and  
5 so, very simplistically, you either -- In Alabama's case, you  
6 almost double the days, or you might hurt your -- If you have  
7 consistently have shown you have overestimated, you would then -  
8 - It's not an overestimation. I'm sorry, but there is two  
9 different estimations, and, if the one you're now calibrating or  
10 say is the calibrated estimate is quite a bit different, like I  
11 said, it either hurts you or helps you, and, since we're trying  
12 to create the percentages of allocation based on the old time  
13 series, we've just got to figure our way through that, as we  
14 think about those recalibrations.

15  
16 **DR. CRABTREE:** Yes, and, until we sort through all of that,  
17 there are just some uncertainties with all of this that we have  
18 to live with, at the moment. Hopefully, as we go through the  
19 next couple of years, we can reduce those uncertainties and pull  
20 things together, but, right now, that's just what we have to  
21 deal with.

22  
23 **CHAIRMAN BOSARGE:** Mr. Donaldson.

24  
25 **MR. DONALDSON:** Thank you, Madam Chair. Patrick, to your point,  
26 and, as Kevin pointed out, hopefully both Snapper Check and  
27 Tails n' Scales will be certified sooner than later, and  
28 potentially we will have some calibration between MRIP and those  
29 programs.

30  
31 To Roy and Robin's point, we've had a variety of various red  
32 snapper workshops, and the fourth in the series is scheduled --  
33 Hopefully it's scheduled this year sometime, and the focus is on  
34 this data calibration and trying to reconcile all these various  
35 data collection programs. Martha mentioned the Florida review  
36 program, and that's one of the things, kind of as a side  
37 discussion, that we're going to talk about, scheduling that  
38 workshop.

39  
40 **CHAIRMAN BOSARGE:** Great. Please keep us informed, because, if  
41 we can be there or listen in or something, I would love to hear  
42 that. Dr. Frazer.

43  
44 **DR. FRAZER:** Thank you, Madam Chair. Again, just for Kevin and  
45 Roy, I am just trying to seek some clarification here. At this  
46 point, because Snapper Check is not certified, and let's say,  
47 for example, you were allocated a million pounds. Snapper Check  
48 says you get 500,000 pounds, or that's what you've got, and,

1 because it's running 50 percent below, does that mean that's  
2 when you stop fishing at this point? I just need some  
3 clarification here.

4  
5 **MR. ANSON:** Well, at least from our perspective, and what is  
6 identified in the EFP, that would be in the currency of the  
7 biomass estimate and 10 percent of the biomass estimate, and so  
8 we would then be tracking the pounds.

9  
10 The pounds would be coming in through Snapper Check as the  
11 pounds, and so there is the exchange, if you will, or conversion  
12 from those to MRIP pounds, and it has been coming in about half  
13 of what we estimate, and so it all comes in to what the total --  
14 When you include all the other states in, relative to the final  
15 ACL, and so I don't --

16  
17 **DR. FRAZER:** Then I guess this a question for NMFS. Is it the  
18 prerogative of the agency to kind of decide when to stop, I  
19 guess?

20  
21 **DR. CRABTREE:** Well, I mean, the agency issues the EFP, and so,  
22 yes, I would guess that's true. What we have now is, one, we  
23 don't know what's really going to come out of the certification,  
24 and so there could be tweaks that would develop over the next  
25 couple of months, but the process isn't finished.

26  
27 Then, outside of the certification process, there is the issue  
28 of the calibration, and I don't have a calibration factor right  
29 now, and I am not at all convinced that we will have the  
30 calibration factor before the fishery opens, and so I don't know  
31 that we'll be able to reconcile this until after the fact, and  
32 then we're just going to have to see how it shakes out, and then  
33 we'll figure out how to proceed with next year and what kind of  
34 adjustments we would make, and I know this isn't a very  
35 satisfactory answer, but, right now, we just don't have all  
36 these calibration models and things that we would need to sort  
37 through, and I am not sure that we're going to have that until  
38 well into the summer, and, by then, things have already  
39 happened.

40  
41 **CHAIRMAN BOSARGE:** Essentially, if there is not a certification  
42 for Alabama that happens before the end of this year, and if  
43 there is not a calibration factor that's developed by the end of  
44 this year, then the measuring stick that Alabama is going to be  
45 measured by, to see if they stayed within quota, is going to be  
46 the MRIP landings, and is that what I am hearing?

47  
48 **DR. CRABTREE:** I suppose that's possible, but I don't believe

1 that's what is going to happen. I believe the certification  
2 issue will be resolved before June, but the certification is  
3 done by scientists and all, and I'm not directly involved in it,  
4 and so I can't tell you -- It hasn't happened, and so I can't  
5 tell you what the details of that are going to be.

6  
7 **CHAIRMAN BOSARGE:** Kevin, you have a provision in yours, if I  
8 remember correctly, where if, whatever the measuring stick ends  
9 up being, if there is an overage, it comes off the next year's  
10 season.

11  
12 **MR. ANSON:** Yes, we have a payback provision for the 2019 season  
13 if the 2018 landings exceed the allocation, yes.

14  
15 **CHAIRMAN BOSARGE:** Thank you, sir.

16  
17 **DR. CRABTREE:** I guess the bottom line, Leann, is we will have  
18 to -- We're going to have to see how this process sorts itself  
19 out, and then we'll have to work with Alabama to deal with where  
20 we wind up, in terms of calibration and certification and all  
21 those things.

22  
23 **CHAIRMAN BOSARGE:** I'm okay with that, because I think Alabama  
24 has got -- They have enough safeguards built into their system,  
25 and enough accountability, that, whichever way it shakes out,  
26 it's going to be okay. One way or another, it will be dealt  
27 with, and so I'm hoping it shakes out in the former, where we  
28 get certification and calibration and we can move right on, but,  
29 if not, I can see where it's already written into the plan what  
30 will happen, what are the outcomes, and it's not questionable.  
31 I had Mr. Sanchez.

32  
33 **MR. SANCHEZ:** I am just curious. Given the Snapper Check, what  
34 would you say, in your experience, is the compliance level of  
35 every angler that's out there catching fish and reporting and  
36 it's human nature. If there is a level of folks that just  
37 aren't reporting, because there are some folks that won't do  
38 anything, what have you modeled in to capture them, so that,  
39 again, as you go to estimate your seasonal closure and all that,  
40 that all of these things are accounted for?

41  
42 **MR. ANSON:** I mentioned earlier about the dockside surveys that  
43 we do, and so we'll send our staff down to boat ramps and  
44 marinas and such, and we will interview folks as they are  
45 departing their vessels, confirm they have red snapper, and then  
46 ask them questions.

47  
48 We will identify and count the red snapper, and we have some

1 additional questions as to where they conducted their fishing  
2 activity and what type of bottom, what type of habitat, they  
3 were fishing on, but, basically, we get about eight minimum  
4 elements to match to the report, because there is about eight  
5 elements that is required on the report.  
6

7 Then we try to match those, and, depending upon if all the  
8 validations that we get in the field of red snapper vessels are  
9 then showing up in the database, there is no conversion, because  
10 we assume that 100 percent of the vessels are reporting, but, if  
11 there is a ratio of those that we don't find a report for, then  
12 we do the correction, and so that has been running -- This year  
13 was the highest, this last year, during the federal season, was  
14 the highest compliance rate, if you will, that we had, and that  
15 was 35 percent. It's been running anywhere from 25 to 30 for  
16 the prior years, and so we did see an uptick of reporting  
17 compliance this last year.  
18

19 With the advertisement of this, I'm sure we'll get more people  
20 that will see the value of reporting, because there are going to  
21 be some folks that don't comply, and they may not hear about it  
22 and that type of thing, but we are trying to document the rate  
23 of non-compliance through our dockside sampling.  
24

25 **CHAIRMAN BOSARGE:** Kevin, I kind of knew what some of those  
26 numbers were, and I wasn't going to bring them up, and I think  
27 that's kind of where the gist of my question came in with the  
28 idea of what do the penalties for that non-reporting look like,  
29 to try and improve that compliance, because it's going to be so  
30 important to your monitoring of your in-season catches.  
31

32 I think you all do a great -- I mean, I'm right next door to you  
33 all, right, and so I see your boat launches and stuff, and I  
34 think you all are doing a great job of advertising it, that this  
35 is mandatory and you have to do this.  
36

37 It's right there where you put your boat in the water, and  
38 you've got signage everywhere, and I think that's great, and I  
39 think you're over the hurdle of that learning-curve, where it  
40 just takes people a little time to get used to it, of, oh, yeah,  
41 I've got to do that, and so I guess that's why I was wondering  
42 if maybe it might be the right time to maybe put some more teeth  
43 into the penalty side of it, and, I mean, I hate to have such  
44 negative energy up here, but, anyway, really, if you think about  
45 it, I mean, that's what keeps us all in line. Why don't we all  
46 speed all the time? Because we might get a two-hundred-dollar  
47 speeding ticket.  
48

1 I think, really, also, the idea that you might not be able to  
2 renew that license, that -- Because, I think, in this sense,  
3 it's a recreational angler. It's something he loves to do, and  
4 so, if there's a question that he might not get that privilege,  
5 he or she might not get that privilege, again next year, it  
6 might just be the seed that makes him remember to report the  
7 data. It's not that he is violating some huge law, but it's  
8 just remembering to do it, that's all.

9  
10 **DR. PORCH:** I just think it's well to keep in mind that the ABC  
11 advice, as it stands, is set in MRIP currency, and so, if it  
12 turns out that the Alabama Snapper Check -- If we had gone  
13 forward with the Alabama Snapper Check estimates when we did the  
14 last assessment, which are, I think, around half of what the  
15 MRIP estimates are for Alabama, and that's where a large  
16 fraction of the recreational catch is, if we had plugged those  
17 into the assessment, then we would have gotten a lower ABC, and  
18 that's what would have come out of the SSC, is a lower ABC.

19  
20 **CHAIRMAN BOSARGE:** Any other questions for Kevin? Thank you,  
21 sir. All right. Next on the hot seat is Mississippi.

#### 22 23 **MISSISSIPPI EFP REQUEST**

24  
25 **DR. MICKLE:** First of all, I will be presenting Mississippi's  
26 EFP, and, first of all, I want to thank NOAA/NMFS for taking the  
27 opportunity to offer these EFPs. There is risk involved, as  
28 we've already discussed here today, and having that experimental  
29 mindset in the middle of the Magnuson-Stevens Act is a difficult  
30 thing to do, and I just want to tip my hat to the people have  
31 gone out and identified the ability to be able to do this and  
32 use the five states, and it's not an easy thing, and I'm pulling  
33 for all of us, including Mississippi.

34  
35 Moving on, the purpose of the exempted fishing permit is to  
36 study, to determine, if the recreational Mississippi-landed ACL  
37 for red snapper can be accurately attained. Accurate and timely  
38 estimation of recreational red snapper harvest and angler effort  
39 is crucial for successful management, which I will get into our  
40 state ability to do so.

41  
42 The purpose, continued, is MDMR will gather the scientific data  
43 that is currently limited on red snapper, especially off of  
44 Mississippi. The EFP will provide private recreational anglers  
45 and state for-hire anglers a better opportunity to sustainably  
46 harvest the fish, and it will add to the economy of the local  
47 coastal communities and allow them an extended, more stable  
48 season.

1  
2 MDMR uses the electronic reporting system Tails n' Scales for  
3 data collection that's been previously discussed today. It's  
4 unique from the other states, and I have addressed the council,  
5 but, for some of the public who may not have heard the  
6 presentation back in June, what makes us unique is we offer a  
7 prior authorization code, and so, before you leave, before you  
8 embark, you need to register in the system and acquire a trip  
9 authorization number.

10  
11 This gives our ability to statistical determine uncertainty a  
12 lot of power in the analysis, but we're unique from the other  
13 states, in that we actually require them to possess this trip  
14 number. If they don't have this trip number, they receive an  
15 infraction on the water from our law enforcement. If they don't  
16 have a trip number when they land, they can receive a citation  
17 for not having that trip number, and so this is true manual  
18 reporting, which drives our compliance up very quickly, and I  
19 will talk about that, if need be, later on.

20  
21 This unique authorization code, once it's given, it has to be  
22 one person on the vessel, and they must be on the vessel during  
23 the entire trip. Then, when they come back, they have to close  
24 it out. They cannot acquire another trip number until they  
25 close out that trip number, which keeps the system clicking  
26 along, and it keeps people reporting.

27  
28 Before the trip, they need to put the name of the user, of  
29 course, the trip date and time and launch site, where they're  
30 leaving from, and then their vessel registration number. This  
31 gives law enforcement everything they need to check exactly  
32 what's going on. After the trip, they need to report number of  
33 fish harvested, number of fish released, number of anglers,  
34 hours spent fishing for red snapper, and the type of habitat  
35 fished. This gives the biological and harvest data that we so  
36 desperately need.

37  
38 A little bit about the specifics of this potential EFP. We are  
39 requesting 154,100 pounds annually, and it will be set aside for  
40 private recreational anglers and the state charter/for-hire  
41 sector, and this is spread over a two-year period, 154,100 for  
42 each year. I just want to make that clear.

43  
44 A 10 percent buffer will be used to make sure the poundage is  
45 not exceeded. The timeframe will be that two-year period, which  
46 I mentioned, and Tails n' Scales data collection requires the  
47 number of anglers, and much of what I mentioned on the previous  
48 slide.

1  
2 The Tails n' Scales dockside validation intercepts really is  
3 validating that trip authorization number, the vessel  
4 registration number, number of anglers, hours fished, number of  
5 fish released, fish retained, and biological data. That's  
6 pretty much exactly what I said in the previous slide of what  
7 the anglers are reporting through the system, but this allows a  
8 validation, to acquire to line up those metrics, to actually  
9 acquire the estimation, or to filter into the estimator to get  
10 that actual estimation of landings and accuracy of the data to  
11 determine the uncertainty.

12  
13 Tails n' Scales information, just overall, what we'll be  
14 requesting is 154,100. Through the manual reporting, Title 22,  
15 Part 9, which makes sure that we have the laws behind us to make  
16 it mandatory. One angler per vessel to require the trip  
17 authorization number, and eligible anglers are required to  
18 report red snapper harvest for every trip while fishing under  
19 the EFP, and the unique authorization code will be provided for  
20 each trip.

21  
22 Methods for reporting is our website web portal, a mobile app,  
23 and there's an image of it there, and a toll-free number that  
24 they can call in twenty-four hours a day to get that trip number  
25 and to close that trip out. Again, I've presented a lot of that  
26 information at a previous meeting, three meetings ago, but I  
27 can, obviously, delve into it, if need be, for this  
28 presentation.

29  
30 In summary, we're requesting the EFP to collect scientific data,  
31 collection specific to red snapper. The timeframe is two years,  
32 and we're requesting 154,100, and there will be mandatory  
33 reporting through the Tails n' Scales system, and so MRIP -- We  
34 are not certified yet. MRIP will running in parallel, and we  
35 are very confident that we will be certified within the next  
36 month, potentially.

37  
38 We worked very closely with NOAA, as well as Alabama, and the  
39 consultants as well. The consultants are mainly made up of  
40 academics, and I want to tip my hat to our fisheries staff for  
41 working so hard on the Tails n' Scales system and working so  
42 hard on this EFP as it was brought in at the latter end of last  
43 year, and so there was a scramble for all the states to get  
44 these EFPs, and, again, NOAA has been wonderful to work with  
45 through this process. Thank you.

46  
47 **CHAIRMAN BOSARGE:** Dr. Crabtree.

48

1 **DR. CRABTREE:** I just want to say, Paul, that I really  
2 appreciate the development of Tails n' Scales, because trying to  
3 estimate state-level catches for Mississippi has been a real  
4 problem for a long time, because the magnitude of the catches  
5 are relatively low, and so we have, in the past, always had  
6 catch estimates for Mississippi with huge variances, and my hope  
7 is that Tails n' Scales will really be an improvement over that.  
8

9 **DR. MICKLE:** Thank you. I appreciate that. It's been fun.  
10 It's a hard process, and I do want to say this, and I don't want  
11 to be a raincloud, but we -- When our finfish director said  
12 we're making it mandatory and we're doing it now, it scared us  
13 all very much, and the first year and the pushback you get from  
14 folks, and understandably so. I would have done the same thing.  
15 It's very tough to do, and I definitely wouldn't recommend trip  
16 authorization numbers prior and putting the teeth in of writing  
17 citations so quickly, but our anglers have responded, and they  
18 really like the system.  
19

20 Our marine patrol actually uses it as a safety tool. If a  
21 vessel is not coming back when the loved ones are reporting that  
22 they should, we use this system to know when they left and where  
23 they left from and potentially when they might come back, and so  
24 this has been a valuable tool for almost every office within our  
25 agency, I might add, and it's a big success, in my opinion.  
26

27 **CHAIRMAN BOSARGE:** Mr. Diaz.  
28

29 **MR. DIAZ:** Thank you, Madam Chair. Echoing what Roy said, MRIP,  
30 in a small state, can vary wildly, and so Tails n' Scales, I  
31 think, is very, very important for the State of Mississippi.  
32 Paul, I would like to ask you a couple of follow-up questions.  
33 How many days might anglers get in Mississippi?  
34

35 **DR. MICKLE:** I love numbers. It's what I do, and so let's get  
36 to the numbers. When the numbers came up of what to request, we  
37 ran a lot of scenarios, and to actually get daily catch rates is  
38 very difficult, because we haven't had a lot of weekday harvest  
39 estimates of hard data for federal waters, because the derby  
40 seasons restricted that, and so we got a little fancy, and we  
41 kind of got our daily catch rates.  
42

43 We did some estimates for the weekdays versus weekends and all  
44 these different things, and so we ran a scenario of, if we had  
45 the harvest rates at 123,795 pounds, which is well under what  
46 we're asking for, that would allow for 260 days of fishing. It  
47 shows how small Mississippi is, but how powerful our system is.  
48

1 That would allow us to fish from May 1 to January 16, which is  
2 pretty impressive, and that's just for the first EFP, and that's  
3 a poundage less than we're asking for, and so it brings a lot of  
4 relatively to the scale of what Mississippi is at and what the  
5 other states' harvest abilities are. Our recreational private  
6 fleet is very small compared to you all's. Our federal for-hire  
7 fleet is -- I can literally sit at a picnic table with them.  
8 It's amazing, and they're all easy to work with, and this allows  
9 our state to be very, very efficient and fish a lot, because our  
10 impact on the resource is minimal.

11

12 **CHAIRMAN BOSARGE:** Go ahead, Mr. Diaz.

13

14 **MR. DIAZ:** Thank you, Madam Chair. Paul, if you said it, I  
15 missed it, and I'm sorry, but do you know the actual compliance  
16 rate in Mississippi? Then I would like to say something, if you  
17 know it.

18

19 **DR. MICKLE:** Sure, and so we've run the compliance rates from  
20 the beginning of the system, and we have three full years of  
21 data through Tails n' Scales, and the compliance rate started  
22 out, right off the bat, with our marine patrol writing tickets  
23 right off the bat, pretty much, and we started around 65 to 80  
24 percent. We ran into the high eighties on the first year.

25

26 Year two started in the seventies. Remember, as the season goes  
27 on, everyone, of course, becomes more compliant, and so it's  
28 difficult. It's not a set number. I could have averaged all  
29 those numbers, but, again, the system has a legacy now, and so I  
30 don't think that's really fair to the compliance number as well,  
31 and so, just to give a -- Last year, our compliance was around  
32 the high 90 percent, and the federal for-hire is 100 percent.  
33 Thank you.

34

35 **MR. DIAZ:** I think you're right. I think the marine patrol did  
36 start out right out of the gate, but I think they were writing  
37 warning tickets, originally, for some short period of time.

38

39 **DR. MICKLE:** For year one, they wrote courtesy citations during  
40 the short federal season, and, as soon as the state season  
41 opened up after that, they were writing full citations.

42

43 **MR. DIAZ:** Right, but I think that's one reason the compliance  
44 rate is so high, but, in spite of that, I haven't heard anybody  
45 complain to me about getting citations. I know there's been  
46 some written, but people -- I think, for the most part, the word  
47 got out, and it has worked well. This is it for now, and, also,  
48 very good presentation, Dr. Mickle, and I'm excited about the

1 Mississippi program, also.

2

3 **CHAIRMAN BOSARGE:** Mr. Banks.

4

5 **MR. BANKS:** Thanks, Paul. The information you said about your  
6 mandatory reporting and how, when your fisheries director  
7 brought it up, everybody jumped back about mandatory reporting,  
8 and we've seen that same thing within our agency.

9

10 When I brought it up about a year ago, our own staff, rightly  
11 so, was very hesitant, and I would say the main comment we've  
12 gotten about this EFP is a fear of mandatory reporting, and the  
13 comments, aside from, well, you didn't ask me my opinion before  
14 you ever started developing it, which is the standard comment  
15 you get from folks, but, outside of that, it has very little to  
16 do with the EFP itself. It's all about this fear of mandatory  
17 reporting.

18

19 Was there a time within your conversations with your anglers or  
20 a process that you went through that helped them get comfortable  
21 with it, or was it just a matter of you had to push it through,  
22 let them see it, and then they became comfortable? Can you give  
23 us some guidance on how you were able to get that accomplished?

24

25 **DR. MICKLE:** Sure. Again, just reminding you of the scale of  
26 our universe and our state. We got on the news a lot, and we  
27 posted everything, walk-throughs, on our website. We would  
28 direct everyone to our website. We launched the app very early,  
29 to let people play with it. People in China and India were  
30 downloading our app, and are now members, and are now included  
31 in this EFP, I would just like to say, and so we welcome them to  
32 come.

33

34 There are some very hard, dedicated people in our fisheries  
35 office, and, when they couldn't get the information they needed  
36 from our 1-800 number, which we subcontracted out, we gave them  
37 our own numbers, and we stayed up all night, when they were  
38 opening trips at three in the morning, and Carly Somerset and  
39 Matt Hill and some other folks would do that all night long, to  
40 make sure it's a success.

41

42 I don't know if I'm at the state to give advice, but getting the  
43 app off with mandatory reporting, if it doesn't succeed in the  
44 first year, it's dead. The community and the universe will club  
45 it, and so the resources needed to launch -- It's like launching  
46 an app, right? You launch it and it's either successful or not,  
47 but it takes a lot of effort, but, again, when you add bells and  
48 whistles to it of weather and the safety aspects and making the

1 app really easy, it makes -- They like it a lot, and we've  
2 gotten pretty much all positive feedback this last year.  
3  
4 We entered year-three, and people have really enjoyed the app,  
5 and they're used to it, and we've done automatic updates, so  
6 they don't have to dump it and reload the app, but it's a hard  
7 thing, and I couldn't imagine it on a large scale. I don't want  
8 to push this as the end-all-be-all of everything. On a large  
9 scale, this would be very, very difficult, but thank you.  
10  
11 **CHAIRMAN BOSARGE:** I have Dr. Shipp and then Mr. Sanchez.  
12  
13 **DR. SHIPP:** Paul, I will ask you the same thing that I asked  
14 Kevin, and I ought to be able to figure it out myself, but your  
15 154,000 pounds or so, approximately what percentage of that is  
16 the Gulf-wide take?  
17  
18 **DR. MICKLE:** I guess NOAA needs to check on my numbers. I kind  
19 of averaged what the private quota has been over the last couple  
20 of years, and I got just over 5 percent. Is that in the  
21 neighborhood, or am I off?  
22  
23 **CHAIRMAN BOSARGE:** Dr. Crabtree.  
24  
25 **DR. CRABTREE:** The number I have before me is 4 percent, but  
26 there is no decimal place, but I think it's about that.  
27  
28 **DR. MICKLE:** Well, we're down to significant figures here.  
29  
30 **CHAIRMAN BOSARGE:** All right, and so, Dr. Mickle, I saw too  
31 where you have a certain amount that's going to be allotted to  
32 private anglers and a certain amount that's going to be allotted  
33 to for-hire, and so you have those percentages already set?  
34  
35 **DR. MICKLE:** It's state for-hire.  
36  
37 **CHAIRMAN BOSARGE:** State for-hire. Right. Okay.  
38  
39 **DR. MICKLE:** The percentages for our state for-hire, they really  
40 just got into the fishery about a year ago, and so it's hard to  
41 get a true percentage.  
42  
43 **CHAIRMAN BOSARGE:** Then I was just going to point out a couple  
44 of things. We do have a really good compliance rate, but I know  
45 that, and you say it in your EFP, that essentially anglers who  
46 receive three citations for failing to report their red snapper  
47 trips will result in a substantial fine and a possible  
48 suspension of the angler's saltwater fishing license for one

1 year, and so I think that is part of what drives our compliance,  
2 too.

3  
4 I think we have a great staff that really works with our  
5 fishermen and helps them to stay in compliance, and so I have to  
6 give a kudos there, but that consequence is there, and so I have  
7 something on data collection. Did I get everybody that had --  
8 No, I didn't. John had his hand up, and I will ask mine in a  
9 minute. Go ahead, John.

10  
11 **MR. SANCHEZ:** Thank you. This doesn't normally, I guess, apply  
12 to you, and maybe everybody else can comment later, but, if  
13 you're going to have, conceivably, a longer season than some of  
14 your neighboring states, have you considered a way to factor in,  
15 perhaps, some folks, some of your neighbors, coming over and  
16 fishing in your state and taking advantage of your open waters?  
17 You know, they could get a license, if I'm in Alabama, and I  
18 could get a license in Mississippi and be able to do this, but  
19 just to factor this into the equation.

20  
21 **DR. MICKLE:** Yes, and, if you remember 39, we were the snapper  
22 destination of the Gulf with our slice of the pie, and so  
23 absolutely, and we built this system with that in mind. As long  
24 as they embark from Mississippi, which they have to, because  
25 they have to put the ramp they leave from, and we even have  
26 private landings sites, so they can leave from their buddy's  
27 house or whatever, but they have to land it, and they have to  
28 have that license, and so it all filters into landing the fish  
29 in our state and going toward this allocation, from day one.

30  
31 **CHAIRMAN BOSARGE:** I think you mentioned it, but what's your  
32 turnaround time on monitoring those landings and being able to  
33 close the season?

34  
35 **DR. MICKLE:** We're in the process of automating everything. It  
36 could be the day of, potentially, but, again, these are small  
37 numbers coming through, and it's all automated, but, once the  
38 validation data gets entered each time, at the end of each day,  
39 potentially, it's automated through the software, and it could  
40 potentially even be linked to the site. With all certainty, I  
41 would say a five-day absolute, out of control, maximum amount of  
42 time it would actually take, paperwork involved.

43  
44 **CHAIRMAN BOSARGE:** All right. If there's no other questions, I  
45 have one. So, there was something in the Mississippi EFP that I  
46 didn't see in a lot of the others, and it was very interesting  
47 to me. This is an exempted fishing permit, which is essentially  
48 an experiment, right, and, in an experiment, you're typically

1 gathering data and information, and one of the things that it  
2 says in ours is it says, age and growth rates, and, Clay, I am  
3 going to queue you up over there. Age and growth rates, and  
4 many models frequently used in stock assessments require the  
5 development of age-length key, and this is estimated from  
6 samples collected from a population and used to predict the mean  
7 length at age over the lifetime of the species.

8  
9 Reliable estimates are vital to the accuracy of the stock  
10 assessment, and so, during our EFP, it says that red snapper  
11 collected under this permit will be measured in millimeters for  
12 total length, fork length, and standard length, as well as  
13 weight. Otoliths from red snapper will be removed and processed  
14 for ageing. These observed lengths and ages will be the inputs  
15 used in developing the ALK age-length key.

16  
17 Is that something that is a little out of the norm from what we  
18 -- Is that something we're kind of adding into our data  
19 collection to beef up an index that we have or to provide some  
20 additional information for stock assessment purposes?

21  
22 **DR. MICKLE:** Is that a question to me or Clay?

23  
24 **CHAIRMAN BOSARGE:** You.

25  
26 **DR. MICKLE:** Clay, jump in at any time. We have a NFWF project,  
27 where we're running pretty much a stock assessment off of  
28 Mississippi, so we can get some biomass estimates of stock  
29 harvest and age distribution, and so the data from this -- We  
30 knew, immediately, this is very inexpensive data to start  
31 getting into the stock assessment, through the NFWF, and so this  
32 is built into that, and so it's kind of a bolt-on of another  
33 project, and, as an agency, we should all try to bolt things on,  
34 just mechanically, and fit things in, to save money, and so this  
35 is a data stream that goes into a stock assessment, which I'm  
36 sure that I will bring to you as soon as it's completed. We're  
37 in year-three of NFWF and so probably, in another two years,  
38 we'll have the full stock assessment. Thank you.

39  
40 **CHAIRMAN BOSARGE:** I just thought it was very interesting, and I  
41 would imagine, if it's limited to just Mississippi, then that's  
42 an issue in using something in a stock assessment, because it's  
43 not a broad geographic area, but it's something neat to be in  
44 this exempted fishing permit, and maybe others will think about  
45 it and, if it's something that they can incorporate, that would  
46 be nice, too. Clay, did you have any feedback?

47  
48 **DR. PORCH:** Since you queued me up, but I'm not going to ever

1 say no to more data. You're right that it's a small area, and  
2 we do a lot of sampling. The Gulf States Fisheries Commission  
3 processes a lot of samples, and so I think it would just be key  
4 to work with them, because you wouldn't just -- If you're  
5 developing an age-length key, we probably wouldn't do it just  
6 for Mississippi, being a small area, and you wouldn't want to  
7 oversample, and so what they basically do is subsample all the  
8 data, if they get too many otoliths from one area, and so you  
9 would just need to work with Gulf States, and I think they would  
10 be happy to accommodate you, but I will leave that to Dave.

11  
12 **DR. MICKLE:** I do want to add that Clay's reference is for a  
13 Gulf-wide assessment. With state management, in what my agency  
14 is tasked to protecting resources for our state, I am very  
15 interested in Gulf-wide assessments as much as an off-state  
16 assessment.

17  
18 **CHAIRMAN BOSARGE:** Thank you, and, just for consistency,  
19 Mississippi, if we have an overage, it's going to come off the  
20 next year, right?

21  
22 **DR. MICKLE:** Yes, and I'm very confident that will not happen.

23  
24 **CHAIRMAN BOSARGE:** Thank you, sir. Any other questions for Dr.  
25 Mickle? Okay. Since I haven't seen anybody leave the table to  
26 take a bathroom break, because this is thrilling stuff, we  
27 better actually stop for a fifteen-minute break, real quick, and  
28 then we'll come back and pick up with Louisiana, and so let's  
29 start back up at 10:45. That's a little less than fifteen  
30 minutes.

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

33  
34 **CHAIRMAN BOSARGE:** All right, ladies and gentlemen. We are  
35 going to get back to our presentations on our exempted fishing  
36 permits, and, next, is our host state of Louisiana, and so I  
37 will turn it over to Mr. Chris Schieble.

38  
39 **LOUISIANA EFP REQUEST**

40  
41 **MR. CHRIS SCHIEBLE:** Good morning, council members and Madam  
42 Chair. Thank you for the opportunity to present our EFP  
43 request. Louisiana is requesting an exempted fishing permit for  
44 red snapper only to test the differences in catch effort among  
45 different types of hard structure, including oil and gas  
46 platforms, artificial reefs, and natural bottom. We'll also use  
47 an exempted fishing permit to test the state management concept  
48 as well as the use and validation of near real-time landings

1 data through electronic reporting.  
2  
3 Our exempted fishing permit request includes all of our anglers,  
4 our private anglers, our state guides, and also our charter/for-  
5 hire captains.  
6  
7 The timeframe will be for two years, covering the entire coast  
8 of Louisiana out to 200 nautical miles. We'll be recommending  
9 the season structure to our commission, and then the commission  
10 will make the final call on the season structure. Landings will  
11 be monitored through LA Creel, the recreational offshore landing  
12 permit website, and a new smartphone app, which I'm going to  
13 show you here in a little bit, and also through the electronic  
14 logbooks for the federal for-hire captains. We will be  
15 encouraging the use of descending devices through an aggressive  
16 outreach campaign.  
17  
18 Our participation is voluntary, but our requirements are that  
19 the anglers have a valid Louisiana saltwater fishing license and  
20 also the free recreational offshore landing permit will be  
21 required. Anglers can be domiciled in states other than  
22 Louisiana, as long as they have the Louisiana fishing license  
23 and the ROLP. Vessel registration is required, per the federal  
24 EFP guidelines.  
25  
26 This is a screenshot of our app in development, and this is from  
27 our recreational offshore landing permit smartphone app. It  
28 shows the registration screen, and I know it's a little blurry  
29 at the top, and I'm sorry about that, but it also shows that we  
30 have a required vessel number field on the app, and so, if  
31 you're not a boat owner, you can still choose to participate and  
32 report your red snapper landings.  
33  
34 There is an option for picking that I am not a vessel owner, and  
35 so you wouldn't be able to put a number in at that point.  
36 Please note that the app is currently under development, and  
37 that's what you're seeing here. This is not the final product.  
38 Obviously, we're not going to have Latin at the top of the page.  
39 We will switch it to English, or Cajun, whichever works better.  
40  
41 This project will test real-time electronic reporting data.  
42 Reporting can be done through the ROLP smartphone app or the  
43 website for the ROLP, where you apply for the ROLP in the first  
44 place, and, also, it can be done by private anglers, the state  
45 guides, and the federal for-hire charter captains can elect to  
46 use that system as well.  
47  
48 The daily restrictions are anglers must abide by the existing

1 federal size limit regulations, which is currently sixteen  
2 inches for red snapper, and the program will have a two-fish per  
3 day bag limit, just like we have now.

4  
5 We will poll our private anglers to determine what season is the  
6 best fit for them. Then we will make a recommendation for the  
7 season structure to the commission, and then the commission will  
8 make the final call. The state guides will be able to fish in  
9 state waters only during the open private season, which will run  
10 concurrently with the EFP season.

11  
12 Our final EFP application states that anglers must register a  
13 trip no more than five days prior to their trip, and this is no  
14 longer a requirement. They just have to register prior to  
15 departure, and there is no time limit on this registration. We  
16 have a revised draft for NOAA that will be forthcoming, and so,  
17 as the last bullet states, this is an oversight on our current  
18 application, and so, if you look and you read it -- Let me  
19 repeat this. It is no longer a requirement for them to register  
20 for more than five days prior to a trip. They just have to  
21 register prior to departure, and there is no time limit on this  
22 registration.

23  
24 This is another screenshot from the app. It will inform anglers  
25 of the requirements to participate as they are filling it out,  
26 and so the things that I just stated that are requirements of  
27 part of the program are also listed on the app as they filled  
28 them out.

29  
30 We're designating an angler in charge, is how this goes, and so,  
31 after a trip, the angler in charge will report the following,  
32 the number of anglers on the trip, the number of red snapper  
33 landed during the trip, the number of undersized red snapper  
34 that are released by all of the anglers on the trip, the number  
35 of red snapper released not due to being undersized, the  
36 location of fishing activity, which would be the different  
37 structures we talked about, the natural bottom or platforms or  
38 artificial reef, et cetera, the average depth of the water that  
39 they fished in, and whether the red snapper harvest came from an  
40 artificial reef, natural bottom, or standing platform.

41  
42 This is an example, again, of the app, a screenshot. When the  
43 angler is reporting red snapper through the app, they will be  
44 asked the number kept and the number discarded as well as  
45 whether they fished over artificial reef, natural bottom, or  
46 near a standing platform. Anglers will also indicate the bottom  
47 depth fished and the lease area, and this is a screenshot of the  
48 drop-down menu for selecting the different structure, reef

1 areas, that you fished at, to report them.  
2  
3 The federal for-hire captains will report through the LDWF  
4 electronic logbook program or using the ROLP, recreational  
5 offshore landing permit, app. They will report the following:  
6 the vessel information, name, registration, license, and permit  
7 number, the date and time of the trip, the departure and return  
8 location from a public or private facility, number of anglers  
9 and crew on the vessel, number of hours they fished, the region,  
10 which I just showed you on the pull-down, and the target  
11 species, of course, and declaration of species and number landed  
12 and discarded alive and dead.  
13  
14 Once the angler completes the reporting, using the app, they  
15 will receive a summary page to acknowledge it is correct, or  
16 they can go back and made edits, and so this is very user-  
17 friendly in the app. It does not allow for error. They have  
18 the ability to go back and get it correct.  
19  
20 To be clear, from an enforcement standpoint, a copy of the ROLP  
21 or trip ID number must be on the vessel while fishing under the  
22 EFP. If enforcement stops a vessel fishing for red snapper  
23 during the EFP season and a copy of the ROLP or trip ID number,  
24 indicating the anglers are participating in the EFP, is not  
25 onboard, the anglers may be deemed as fishing out of season.  
26  
27 This is our data analysis. LDWF and LSU will partner to analyze  
28 data for the utility of user-supplied data furnished through an  
29 online smartphone app, and we're also going to be analyzing the  
30 data from the CLS logbook, from the charter/for-hire captains,  
31 and, also, we're going to be analyzing data associated with  
32 different habitat types, mainly under the EFP. Thank you.  
33  
34 **CHAIRMAN BOSARGE:** Thank you, sir. Any questions? Mr. Diaz.  
35  
36 **MR. DIAZ:** Thank you, Chris. That was a good report, and I've  
37 got a few questions. I had asked Dr. Mickle earlier, and I  
38 think the other ones might have stated it, but do you have an  
39 estimate of the number of days that the private recreational  
40 might get and also your federal charter/for-hire?  
41  
42 **MR. SCHIEBLE:** I think, for the private recreational, it will be  
43 similar to our season structure this past year. We're fishing,  
44 basically, to the same limit, and we'll shut it down, just like  
45 we did this year, and so the precedent would be the same as  
46 2017, as far as that goes.  
47  
48 **MR. DIAZ:** Do you have an estimate for the charter/for-hire,

1 federal charter/for-hire?  
2  
3 **MR. SCHIEBLE:** Well, I mean, their season was forty-nine days  
4 last year, and I don't see why they would get any less.  
5  
6 **MR. DIAZ:** On the reporting app, if somebody registers, and I  
7 realize there's a lot of reasons why there might be a  
8 registration and then the trip never happens, but is there any  
9 way that you follow-up with folks that register and then never  
10 report back?  
11  
12 **MR. SCHIEBLE:** Well, we're hoping to intercept a good majority  
13 of these with our LA Creel surveys at the dock, and so that's  
14 kind of the validation part of the whole thing, and so we  
15 already have LA Creel in place, and the same anglers will come  
16 in that now have these trip ID numbers to the docks to land  
17 their fish, and they have already designated a vessel number, as  
18 required by the EFP, in the app, when they registered for it to  
19 start with. That will be recording the vessel numbers, as they  
20 come in, in LA Creel, and we can groundtruth that by having a  
21 side-by-side comparison done.  
22  
23 **CHAIRMAN BOSARGE:** Mr. Banks.  
24  
25 **MR. BANKS:** Also, Dale, they wouldn't be able to get a new trip  
26 ID number if we didn't get a report from them for the first one.  
27  
28 **CHAIRMAN BOSARGE:** All right. Dr. Mickle.  
29  
30 **DR. MICKLE:** Thank you. Good presentation, and I have a  
31 question. I may have missed it, but did you interview and ask,  
32 like the MRIP interviews, did you ask about how long they fished  
33 or lines in the water? I didn't see that on the list, and do  
34 you all request that?  
35  
36 **MR. SCHIEBLE:** Can you say that again?  
37  
38 **DR. MICKLE:** Do you request how long they fished, and not time  
39 on the water, but lines in the water?  
40  
41 **MR. SCHIEBLE:** Like angling time, versus time on the water?  
42  
43 **DR. MICKLE:** Yes, angling time.  
44  
45 **MR. SCHIEBLE:** I don't believe it. I think it just asks for  
46 time on the water.  
47  
48 **DR. MICKLE:** We ended up adding it to ours, and you can actually

1 monitor the -- We do a pressure analyses, to see if there is any  
2 pressure on the fishery, if they're fishing longer and longer.

3  
4 **MR. SCHIEBLE:** That's a good point. They make a long ride.

5  
6 **DR. MICKLE:** It's an easy question to ask.

7  
8 **CHAIRMAN BOSARGE:** Just kind of following up with what Dr.  
9 Mickle said, since you all are in the development of your app, I  
10 will just mention that, when I was reading the different  
11 permits, the Mississippi permit actually goes into a lot of  
12 detail about the app, and they even kind of mention a few things  
13 that were learning curves, as they have tweaked the app over the  
14 years.

15  
16 Like I saw that drop-down list you had, and I'm not going to get  
17 too deep into this, but you had a drop-down list, and I think it  
18 was for departures or landing locations, and they were seeing  
19 that people always kind of picked, I guess, the top few choices  
20 there, because they didn't want to scroll through the whole  
21 list.

22  
23 There is a question before that now that asks you departure or  
24 landing county, which, in Louisiana, I guess it would be a  
25 parish, and so, when you do that, it scales down that next drop-  
26 down list to just the known landing sites in that parish or  
27 county or whatever, so that they don't scroll -- Anyway, I'm  
28 just throwing it out there, if you want to look at that EFP, and  
29 you never know. There might be a few things that could be  
30 helpful in there.

31  
32 **MR. SCHIEBLE:** That's a good point to simplify it.

33  
34 **CHAIRMAN BOSARGE:** Okay. Mr. Diaz.

35  
36 **MR. DIAZ:** I just want to make a statement, and you all can  
37 respond if you want to, but I was glad to see that you all are  
38 trying to put the federal charter/for-hire in there, because you  
39 all know that I've been harping on this. Right now, under the  
40 current system, we have not been able, in the last three years,  
41 to get our charter/for-hire fleet to fish to the ACT, much less  
42 fish up close to the ACL.

43  
44 I do feel, with LA Creel, that you all should be able to do  
45 that, and I'm hoping they get a lot more days on the water. I  
46 mean, last year, across the Gulf, the federal for-hire got 92  
47 percent of the ACT, and they caught 73 percent of the ACL, and I  
48 guess, if I've got a question related to this, what kind of

1 buffers are you all looking at, and are you all also confident  
2 that you all can get these guys to fish a lot closer to their  
3 ACT?

4

5 **CHAIRMAN BOSARGE:** Mr. Banks.

6

7 **MR. BANKS:** We are confident, and we have not indicated a buffer  
8 in our plan thus far, simply because we're able to track it so  
9 closely, and we don't feel like we need a buffer, in that case.  
10 Just as an example, a couple of years ago, we were tracking  
11 harvest, and I can't remember what the poundage was, but like a  
12 little over a million pounds, and, when we stopped the season,  
13 we ended up being just over a thousand pounds over our target  
14 level, and, in a million pounds of tracking, we were only over  
15 by a thousand pounds, which, of course, we took off of the  
16 following year's quota, as a self-imposed accountability  
17 measure, and so I feel like we can track it almost to the fish,  
18 and there is no doubt about it.

19

20 As to the charter/for-hire, you're right that I think we can  
21 give them an opportunity to harvest as much fish as we're  
22 allowed under the EFP. Now, whether that equates to forty-nine  
23 days or fifty-one or a hundred days, I don't exactly know,  
24 because it's going to have to come down to, obviously, as we  
25 very well know, catch rates and what the final number is.

26

27 The number that we have asked for is more than they have caught  
28 in the last few years, and so they have not caught that level  
29 the last few years, under the amount of days provided to them by  
30 the feds, and, under this scenario, we would give them the days  
31 they would need to catch that entire amount, whatever that total  
32 amount is at the end of the day, and so I feel like that they  
33 would have more days under this scenario, but there's just no  
34 way to guarantee a number of days, as we all know.

35

36 **CHAIRMAN BOSARGE:** Dr. Frazer.

37

38 **DR. FRAZER:** Thank you, Madam Chair. This question is actually  
39 for Clay. If you have some states that have charter/for-hire  
40 kind of included in their EFPs, and some that don't, and so,  
41 ultimately, when you're trying to incorporate these different  
42 sources of data into some type of assessment down the road, does  
43 that increase the uncertainty, and would that ultimately reduce  
44 the ABC, I guess? If it does, it kind of defeats the purpose.  
45 The goal, I would assume, for everybody in this room, is to  
46 increase the number of fish that are available to people in each  
47 of their states.

48

1 **DR. PORCH:** To the extent that all of the estimation programs  
2 are vetted, it doesn't necessarily increase the uncertainty for  
3 the assessment. The more programs, the more independent  
4 programs, there are, what it makes more difficult is managing  
5 all the datasets and making sure that everybody reports on time  
6 and that everything is properly QA/QC'd.

7  
8 That's the biggest challenge, I think, that we have for  
9 assessments, and we do encounter, a lot of times, now that we  
10 get increasing amounts of data from the states, that you find  
11 one partner is maybe a little behind in providing the data, and  
12 then that slows down the whole assessment, for example.

13  
14 **CHAIRMAN BOSARGE:** Dr. Crabtree.

15  
16 **DR. CRABTREE:** I am going to come back to the issue of the for-  
17 hire vessels and inclusion or not inclusion. There is a lot of  
18 complexities with that and things, but I was going to let us get  
19 through all of the presentations, and then we can come back and  
20 talk to that.

21  
22 **CHAIRMAN BOSARGE:** Other questions for Louisiana? All right.  
23 Patrick, right now, you have both private anglers and for-hire,  
24 but you have that quota split.

25  
26 **MR. BANKS:** We do, yes.

27  
28 **CHAIRMAN BOSARGE:** That follows the normal allocation that we've  
29 looked at?

30  
31 **MR. BANKS:** It follows the guidance that we received through  
32 Amendment 40, sector separation.

33  
34 **CHAIRMAN BOSARGE:** All right. Thank you, sir. Any other  
35 questions for Louisiana? You have a payback, and I know you do,  
36 because you just said that you did it last year on your own,  
37 right? Okay. All right. It sounds great. Next, we will move  
38 on to Texas and Mr. Riechers.

39  
40 **EXECUTIVE DIRECTOR GREGORY:** While he's coming to the podium,  
41 all of the presentations are on our website now, and all you  
42 have to do is refresh your website, and they will show up.

43  
44 **TEXAS EFP REQUEST**

45  
46 **MR. RIECHERS:** As Paul suggested, thanks for the opportunity to  
47 both be here to present the Texas EFP, but, more importantly,  
48 just for the opportunity to see if we couldn't work EFPs through

1 this system and possibly create a kind of template of how we  
2 might manage these fisheries in the future a little bit.

3  
4 Of course, as we all know, and since I am last, but not least  
5 here, much of this will have been covered, but I will go ahead  
6 and walk through a couple of the key elements of the exempted  
7 fishing permit.

8  
9 We know that, at this point, we have set up these permits to be  
10 two-year permits, and so this would deal with the 2018 and 2019  
11 seasons. As we have been presenting this, it probably bears  
12 talking for just a moment about that timeline. Of course, we're  
13 presenting to the Gulf Council today. In late February, there  
14 was a notion, or at least a target, to publish in the Federal  
15 Register for a thirty-day comment period with a targeted  
16 approval date of somewhere in the middle of April, possibly, and  
17 all of those are subject to certain delays that could occur  
18 along the way.

19  
20 For my own commission, Texas Parks and Wildlife Commission, that  
21 would then allow us to basically go to them in March and adopt,  
22 in May, any changes that would absolutely be necessary in order  
23 to do an EFP, if there were any changes, and we don't  
24 necessarily foresee those, but, if there were some that we would  
25 have to do, that's the timeline that we would be working with.

26  
27 One of the things that obviously did, when we looked at this  
28 timeline, was it really forced us to thinking about, just from a  
29 notice perspective, a start time of June 1, or later than that,  
30 and so that's kind of where we are in our thinking in regards to  
31 that.

32  
33 We included basically our complete private recreational fishery,  
34 whether they were on a private recreational boat or whether they  
35 were on a charter/for-hire or headboat. For lack of a better  
36 approach in going about this, we went back to Amendment 39,  
37 regional management, the preferred motion we had regarding, or  
38 at least the preferred alternative that we had at the time, when  
39 we were deliberating on that document, realizing that that was a  
40 preferred in a draft document and it doesn't hold any one state,  
41 including our own, to this percentage moving forward, as we  
42 deliberate over other allocation approaches, if we do go forward  
43 with state plans, but we are trying to go back to some sort of  
44 concrete catch history and grab some percentage.

45  
46 The 16 percent is what we've been asking for, but, again, I want  
47 to reiterate that I don't think that is an indication of  
48 acceptance for that for the future, and I know that Martha would

1 agree, based on her percentage that she's done here, and Kevin  
2 and others as well. We will still have to deliberate those as  
3 we move forward.

4  
5 How we're going to go about monitoring our particular proposal  
6 is basically we're going to use our current TPWD Marine Sport-  
7 Harvest Monitoring Program. As I indicated yesterday when Nick  
8 was at the podium, we have basically taken a look and kind of  
9 gone back, based on some of the work that we used to do, in  
10 coordination with NMFS, as we tried to hand over red snapper  
11 data, and we basically have created some regression, or  
12 correlation, type approaches that will allow us to monitor that  
13 basically on almost a per-day basis as we go through the season.

14  
15 To kind of put that a little bit in perspective, we do about 108  
16 survey days that occur at what we call Gulf-only locations,  
17 where predominantly we're going to see Gulf boats. In addition  
18 to that, during our high-use season, which is when this will be  
19 running, we have about another 834 days, survey day, that occur  
20 at other ramps, and, for 2016, for instance, at about 350 of  
21 those other survey days, we also encountered red snapper, and so  
22 we'll be able to incorporate all of those red snapper, as we get  
23 those into those different boat ramps, or those different  
24 locations, at those onsite sampling locations, and we'll be able  
25 to incorporate that into kind of a weekly accounting, and almost  
26 daily, but certainly by the end of each week accounting of where  
27 we are in regards to quota.

28  
29 In addition, certainly we've been working with Greg Stunz and  
30 Harte Research Institute regarding iSnapper, and I believe we're  
31 on the fourth year of that, as I am recalling, and MRIP, I  
32 think, helped fund one year, and we're now on a NFWF grant, if  
33 I'm correct, Greg, but, the very first year we did this, Texas  
34 Parks and Wildlife Department also put up a website. After us  
35 both creating websites and going our own ways, we thought better  
36 of that, and we certainly are trying to give only one website  
37 for that self-reported, voluntary self-reported, data that will  
38 occur there.

39  
40 Certainly, when we think about that data, we're using that as  
41 kind of a calibration, and, of course, all of us created those  
42 electronic systems when we were into these real shortened  
43 seasons, where some of these other programs didn't do as good of  
44 a job, and so, with this season, I don't know how well it will  
45 do, but we'll be running those simultaneously.

46  
47 One of the things, and I don't think it's been mentioned too  
48 much here, but one of the things that I think that I wanted to

1 point out is it mentions there that we'll be monitoring and will  
2 try to close when it's reached, but I think some of the things  
3 that we recognize as uncertainties here are, first of all, given  
4 the shortened seasons and given where we've been with red  
5 snapper in some of the recent years, do we have some pent-up,  
6 latent demand that's going to come into the fishery, because you  
7 have a longer season, and I just don't know the answer to that  
8 question, but we think there could be.

9  
10 The other thing that we know we're dealing with is, kind of as  
11 we look at those catches, we're really going back into a time  
12 period before 2010 and looking at that behavioral modeling that  
13 we're looking at, in terms of trying to create these  
14 projections, because that's a time period when we get the  
15 seasons back to a length that make -- That are similar to what  
16 we might expect with these EFPs, and, therefore, you are dealing  
17 with some historical data that may not apply right now, in the  
18 current situations, as well as it did back then, but that's what  
19 you have to do.

20  
21 Then, lastly, we also know that all of us, when we date back  
22 into those time periods, as opposed to more recent time periods,  
23 the size of those fish and the weight ranges on those fish have  
24 changed, and so we've tried to make that adjustment as well, but  
25 all of those are uncertainties that all five Gulf states are  
26 dealing with, and certainly we're no exception there. With  
27 that, that really is the nutshell of the EFP, and I will answer  
28 any questions, if I can.

29  
30 **CHAIRMAN BOSARGE:** Okay. Are there questions for Mr. Riechers?  
31 Mr. Banks.

32  
33 **MR. BANKS:** I may have missed it, Robin, and I'm sorry, but I  
34 was working on some other stuff, but what's the plan for  
35 accountability measures?

36  
37 **MR. RIECHERS:** I think Ms. Bosarge would have gotten to that,  
38 but it's in the document as well, and, basically, what we  
39 suggest is, after the season, we'll tally up the accounting, and  
40 we will take it off next year and make an adjustment, as needed,  
41 into the next year. We did leave it somewhat flexible in how we  
42 make that adjustment. It can be on season days, or it could be  
43 a bag limit reduction. There is ways to handle that, but we're  
44 going to leave that somewhat flexible.

45  
46 That actually brings up an excellent point, and I missed it  
47 though, and I should have made it, but, when I said we were  
48 going to start June 1 as well, I just want to go on record here

1 that, depending on how this works out and depending on what the  
2 quota level actually is, or the poundage level actually is,  
3 there is some talk amongst our group now, most recently, about  
4 is there a way maybe to, depending on the number of days, to get  
5 Labor Day weekend, and so we may slide that start date,  
6 depending on that, and try to figure out what may work best  
7 there.

8  
9 **MR. BANKS:** A follow-up to that, Robin. Thanks, but my concern  
10 was -- I'm glad about the accountability measures, and I think  
11 that's good, but my concern was a discussion we had yesterday  
12 about the data not coming in and being ready until about mid-  
13 year the next year, and so do you feel pretty confident that you  
14 all can get that information finalized and ready to make that  
15 decision?

16  
17 **MR. RIECHERS:** The full estimation won't occur, because we're  
18 stratified by that high use and low use, and so the full  
19 estimation, where we can really look back at the whole year and  
20 look at the pressure that has occurred -- It's different on  
21 weekends or weekdays or holidays through that whole season.

22  
23 That won't occur until a time period after that, but we feel  
24 fairly confident in this kind of estimation technique that we've  
25 created that will allow us to basically estimate in a timely  
26 fashion, but then we'll go and true it up at the end.

27  
28 **CHAIRMAN BOSARGE:** Dr. Frazer.

29  
30 **DR. FRAZER:** Thank you, Madam Chair. I think, at the beginning  
31 of this, Sue Gerhart kind of prefaced this by saying that NMFS  
32 isn't delegating things to the state, and so, in this particular  
33 case, wouldn't the bag limit -- You wouldn't have the  
34 flexibility to reduce the bag limit, would you?

35  
36 **MR. RIECHERS:** We certainly would in state waters, but I would  
37 assume it would stay the same in federal waters, if that were  
38 the case, yes.

39  
40 **CHAIRMAN BOSARGE:** Okay. Are there other questions? Of course,  
41 I have some. Mr. Swindell, go ahead.

42  
43 **MR. SWINDELL:** Thank you, Madam Chair. The question I have is  
44 regarding discards. Louisiana, so far, has been the only plan  
45 that has mentioned accounting for discards in this whole  
46 process. As I look at these EFP, they are data collection,  
47 research programs, and I really would like to know just what are  
48 we doing about collecting the data for discards, and I assume

1 that you -- I am going to have to just assume that the states  
2 are going to collect the data from the anglers on their  
3 discards, or are we not?

4  
5 Particularly, to you, you're using a fifteen-inch instead of a  
6 sixteen-inch size limit, and do you have any data to back up  
7 whether or not the fifteen-inch is giving you a benefit on less  
8 discards?

9  
10 **CHAIRMAN BOSARGE:** Mr. Riechers.

11  
12 **MR. RIECHERS:** We would have to go back and look at the past  
13 historical data on that, Ed, and I don't recall, right offhand,  
14 but I do know that the fifteen-inch is actually where we receive  
15 the highest -- The maximum biomass associated with a fifteen-  
16 inch. We have had that cha-cha that we've done, and help me out  
17 here, Roy, but we were at fifteen, and then we went to sixteen,  
18 and then we found out that maximum yield per recruit was still  
19 at fifteen, and we stayed at fifteen.

20  
21 **CHAIRMAN BOSARGE:** Dr. Crabtree.

22  
23 **DR. CRABTREE:** The rationale for going to sixteen had a lot more  
24 to do with extending the season back, I guess, ten or twelve  
25 years ago now, when we set it. It was less emphasis on yield  
26 per recruit and those kinds of things.

27  
28 **CHAIRMAN BOSARGE:** Okay. I've got Dr. Stunz is actually, I  
29 think, going to speak to Mr. Swindell's point, and I will just  
30 say that one thing that I was impressed, in your EFP, with is  
31 that you mentioned that anglers participating in the pilot study  
32 covered by this EFP will be encouraged to use descending devices  
33 or venting tools, and so I appreciated that. Dr. Stunz.

34  
35 **DR. STUNZ:** I wanted to comment regarding this EFP, but also to  
36 Ed's comment, and I would encourage all the states in the EFP to  
37 collect as much discard data as they can, because that's an area  
38 that we're really lacking, and it would really help out a lot of  
39 the things that, of course, we discuss around this table.

40  
41 Specifically to your question, the iSnapper app has always, and  
42 does, collect very valuable discard data related to that  
43 fishery, and it also is an opportunity as well, while I'm  
44 plugging electronic data, to collect socioeconomic information  
45 about the fishery, and I know there's much debate on how much  
46 you ask, but some very simple questions on discards and  
47 socioeconomics gets us a long way, in terms of putting better  
48 data on these fisheries.

1  
2 **CHAIRMAN BOSARGE:** I think Mr. Anson is next.

3  
4 **MR. ANSON:** Thank you, Madam Chair. Just to your question or  
5 inquiry about the other states and data collection activities,  
6 at least for Alabama, we have other activities or programs that  
7 we conduct that get at the information that at least Dr. Mickle  
8 had described earlier, and so we have separate sampling  
9 assignments to collect those specific data points.

10  
11 One thing to consider, when you're looking at dockside surveys  
12 of any survey, is that there comes a point where you collect too  
13 much information, and you kind of get into a situation where you  
14 don't get as much as you would expect, at the end of the day,  
15 and so we stayed focused on validation of vessels relative to  
16 reporting of red snapper and getting that minimum data that we  
17 feel is necessary.

18  
19 Then we also collect biological information that can be  
20 available and is available through the commission and to NOAA  
21 for stock assessment purposes, the other length information and  
22 otolith age information and that type of thing.

23  
24 **CHAIRMAN BOSARGE:** Great. Thank you.

25  
26 **MR. RIECHERS:** If I can, I would echo what Kevin said there.  
27 We've got some -- Of course, we range from the one-boat ramp  
28 kind of location to where there may be three or four boat slips,  
29 and on a busy weekend, when you have two crews trying to get  
30 information, as boats are coming out, there is that whole notion  
31 about speed and efficiency, so that your anglers can get on the  
32 road, as they're trying to get back home on Saturday or Sunday  
33 evening as well.

34  
35 I think, at least as far as our creel goes, Ed, to answer your  
36 question, we have collected it through the online reporting that  
37 we're doing with iSnapper, but, in our creel, we do not collect  
38 that discard data. We have relied on other programs, as Kevin  
39 suggested, where you can apply that percentage, if you need to.  
40 It's certainly accounted for in the stock assessment, as we have  
41 moved forward.

42  
43 **CHAIRMAN BOSARGE:** Mr. Banks.

44  
45 **MR. BANKS:** Most of the data comes in through your regular creel  
46 survey, but the only spot that you're grabbing discard  
47 information is through the iSnapper, and so I guess this is more  
48 of a question for Greg.

1  
2 What is the use percentage, and I wouldn't say compliance rate,  
3 because it's not mandatory, but how many people actually use  
4 iSnapper? Do you get a lot of people, compared to how many  
5 people total are fishing that actually use iSnapper? I guess  
6 I'm trying to understand how much data do you actually get on  
7 discards, since yours is the only portal to collect it.

8  
9 **DR. STUNZ:** We certainly would like more participation than we  
10 have, and it ranges from about 5 to 20 percent, depending on the  
11 year. This last year, because it was such a short season  
12 initially, I think there was some disenfranchisement. As far as  
13 improving that, we certainly would like to see that go up, and  
14 what was the second part of your question there, Patrick?

15  
16 **MR. BANKS:** You answered it, the 5 to 20 percent. I was just  
17 trying to get a feel for, of the overall universe of people  
18 fishing, how many people were using your iSnapper, because it  
19 sounds like, unless I'm wrong, that's the only portal for them  
20 to give you guys discard data.

21  
22 **DR. STUNZ:** Right, and, also, keep in mind that we have people  
23 working closely with Robin at all of these ramps, and we're  
24 knowing what anglers we encounter that are entering the app, and  
25 that's mainly for validation purposes, but we know how many  
26 we're missing as well, and so that's factored into our  
27 estimator, and, working with MRIP statisticians, we're still  
28 feeling pretty good about, even though we're not having to  
29 measure every single boat's catch, for example, to still know  
30 what's going on.

31  
32 **CHAIRMAN BOSARGE:** Okay. So, Robin, and so I know you all  
33 usually report your landings to NMFS twice a year, I think,  
34 right, and I know that, in this EFP, you're going to change the  
35 way that you begin to analyze and evaluate your landings data,  
36 and you're going to do it more frequently than, I guess, you  
37 have in the past.

38  
39 It looks, like you said, about sort of weekly, on a weekly  
40 basis, that you're going to be evaluating some catches, and I'm  
41 wondering -- So, that's my first question, and the second  
42 question is, at what point will that go and flow back to NMFS,  
43 as opposed to the usual twice-a-year timeframe?

44  
45 **MR. RIECHERS:** I don't want to misinform you in any way, and so  
46 we're not changing the way we stratify our samples, and so,  
47 really, the only time we can create the final estimates is going  
48 to be at those two period of time during the year, or one period

1 of time that has both included, however you want to talk about  
2 that.

3  
4 But, what we're going to do is we think we've created an  
5 estimation technique that will allow us to create preliminary  
6 estimates that will allow us to monitor the fishery on a week-  
7 to-week basis, and then we're going to make our adjustment based  
8 on that, closed or open or so forth, and then we'll have to go  
9 up at the end and true-up, because, until you get that final  
10 estimate, you're still dealing with a stratification that's  
11 different. You're dealing in a different time period than when  
12 it ended, and so that's just the way we're going to have to  
13 treat that in this current setting.

14  
15 It's no different than if any of these other people who are on  
16 MRIP and if their time cutoff happens in the middle of a wave.  
17 It's truly no different, but they just have waves that are  
18 shorter.

19  
20 **CHAIRMAN BOSARGE:** Okay. I have one more question, but I've got  
21 to think about it, because you gave me a lot to chew on right  
22 there. I remember what it was. So, we've already sort of  
23 gotten into the accountability, and I do read in yours -- You do  
24 say, in your EFP, that, if there is an overage, landings in  
25 excess of the annual catch limit would be deducted from the  
26 following year's catch limit, and you kind of do go on to say,  
27 though, that you're hoping for a little flexibility, in that,  
28 when you deduct the overage, you might do it in such a way where  
29 you have a reduction in bag limits, which we sort of talked  
30 about, and I don't know how much that's going to help you,  
31 because it would only be for state waters, nine miles, or a  
32 number of the federal days and changes in season timing.

33  
34 Now, I can see where that is pretty relevant. I'm assuming, if  
35 you shifted more of your season to maybe like wintertime fishing  
36 or something like that, you would probably decrease your  
37 landings, and I guess the only thing that concerns me there is  
38 it sure does seem a lot cleaner to just take the overage off  
39 first, before you start estimating.

40  
41 You're going to have to do some estimation and some changes  
42 anyway, if you had an overage the first year, and you're  
43 obviously going to want to tweak how you arrange the second  
44 year, to try and prevent that overage the second year, and it  
45 seems like, instead of taking it straight off the second year  
46 and then starting your estimations, you end up with estimations  
47 on top of estimations, if you do it a different way, like  
48 changing timing and stuff.

1  
2 Anyway, that's just a thought, but at least you did write it in  
3 there, and I appreciate that, that you're going to take it off  
4 the next year. It's going to come off.

5  
6 **MR. RIECHERS:** Yes, and it may be that it's not clear, Leann,  
7 and I apologize for that, if it's not, but the only way I assume  
8 you would do it was you recreate the estimation, or the poundage  
9 you have in the next year, and you then create an estimation of  
10 the number of days that would give you in that new year, and so  
11 you're going to have to adjust it.

12  
13 I guess maybe we're saying the same thing, but in different  
14 ways, and you're going to have to make that adjustment. Now,  
15 kind of like Martha, there is also what we can call a  
16 substantial overage and a non-substantial overage, and I think  
17 that's part of the flexibility, as we talk with NMFS and as we  
18 do these things.

19  
20 There is going to have to be a lot of handshakes with NMFS along  
21 the way, and this is not going to be we come to you at the end  
22 of the year and say here's where we are. We're going to have to  
23 be reporting this information along the way, and I assume all  
24 five states are going to be doing that.

25  
26 **CHAIRMAN BOSARGE:** Okay. Mr. Greene.

27  
28 **MR. GREENE:** Robin, I heard you comment that you were going to  
29 have to work through your commission to establish the opening of  
30 your season and how long the projections of the season would be,  
31 and you talked about how you were really wanting to get the  
32 Labor Day season in, or would attempt to do that, but is there  
33 any estimate on the number of days for the private recreational  
34 and the charter boats?

35  
36 **MR. RIECHERS:** Well, Johnny, until we get pounds, it's hard to  
37 make estimates. We have made some, but I am reluctant to put  
38 them on the record, because, until I know what the poundage  
39 we're dealing with is, I don't know whether I'm even in the  
40 ballpark.

41  
42 **CHAIRMAN BOSARGE:** Okay. Any other questions for Mr. Riechers?  
43 Clay.

44  
45 **DR. PORCH:** Thank you. I would just like to emphasize the huge  
46 challenge we have, in general, in estimating discards. I mean,  
47 that's one of the biggest challenges we have in our assessments  
48 and giving management advice, is quantifying those discards,

1 and, as you know, in the case of Texas, we don't have estimates  
2 of discards historically, and so we have to do things like  
3 assume the ratio of discards to landings in Texas is the same as  
4 Louisiana and those kinds of manipulations, which is not ideal.  
5 I just think now would be a good time to rethink how we get  
6 those discard estimates everywhere across the Gulf. Thanks.

7  
8 **CHAIRMAN BOSARGE:** Thank you. Anything else you want to throw  
9 out there, from a data collection standpoint, you know we're all  
10 ears. That's what this is all about, and, any improvements we  
11 can make, we would love to hear them, especially from somebody  
12 like you. Mr. Anson.

13  
14 **MR. ANSON:** Since it was brought up, and I didn't address it, to  
15 Mr. Swindell's question earlier, but, in the Snapper Check  
16 application, we do collect dead discards that occurred on the  
17 trip for the vessel.

18  
19 **CHAIRMAN BOSARGE:** Okay, and so, Robin, you said -- I've been  
20 trying to write these percents down, and so you said 16 percent  
21 is what you're asking for, and I've just been trying to total  
22 these up for the private angler, because that's the only thing  
23 that's stable across the board, and what percentage of that is  
24 private angler?

25  
26 **MR. RIECHERS:** Roughly, as we looked at that historical time  
27 series and the average over that historical time series, private  
28 angler is going to make up about 22 or 25 percent of that.

29  
30 **CHAIRMAN BOSARGE:** So, 22 to 25 percent of 16 percent, and I can  
31 do the math in a minute, but I'm not that good in my head. Any  
32 other questions for Mr. Riechers? All right. Thank you, sir.

33  
34 We have had our presentations from each of the individual  
35 states, but obviously it's a zero-sum game, and so it's all got  
36 to add and tick and tie, and so are we going to have some  
37 overarching conversation now about how we're going to weave all  
38 of this together and make sure that, as a council, we are  
39 approving EFPs that stay within our legal parameters and the  
40 scientific boundaries of Magnuson? Dr. Crabtree.

41  
42 **GENERAL EFP DISCUSSION**  
43

44 **DR. CRABTREE:** Let me just make a few comments about it, in  
45 particular about some of the intricacies of the issue with the  
46 for-hire vessels. Normally, what an exempted fishing permit  
47 does is it exempts you from the regulations of some sort, and  
48 so, when we've thought about this might work, for the private

1 recreational anglers, if we do this with all five states, there  
2 would be no private angler recreational season in the Gulf, and  
3 it would be closed.

4  
5 Then private anglers would be allowed to fish -- They would be  
6 exempted from the closure if they're fishing under the terms of  
7 a state's EFP, and I think that works okay, and, according to  
8 the numbers that I have, the amount of fish each state is  
9 requesting for the private angler component sums up to about  
10 ninety-six-and-a-half percent of the overall ACL, and so one of  
11 the things we've got to make sure is the amount of fish we're  
12 handing out to the states has to add up to less than the ACL.  
13 It can't be more than the ACL.

14  
15 Now, it's more complicated with the for-hire fishery, because  
16 some states are requesting to include the federal for-hire  
17 component, and particularly Florida and Alabama are not, and  
18 most of the for-hire catch occurs in Florida and Alabama.

19  
20 That means there will have to be a federal for-hire season this  
21 year that will begin on June 1, and, last year, it was forty-  
22 nine days, and they were a little under their annual catch  
23 target, and so my expectation is that, this year, the federal  
24 for-hire season will be fifty-one, or something like that, days.  
25 It will be a little more than last year.

26  
27 It will be a Gulf-wide for-hire season, because I have no  
28 authority, under the EFP, to only open part of the Gulf. Now,  
29 under a plan amendment, we have more things we can do, but,  
30 under an EFP, it will have to be a Gulf-wide season.

31  
32 Any federally-permitted for-hire vessel will be able to fish in  
33 that federal for-hire season, and I have no way to tell some  
34 segment of for-hire vessels that they can't fish then, and so  
35 that makes it complicated to figure out how to include for-hire  
36 vessels in a state's EFP.

37  
38 We have had a number of discussions for how that might work, and  
39 I guess, if a state could get all of the for-hire vessels in  
40 that state to enter into some sort of binding agreement with the  
41 state that they're only going to fish under the terms of the EFP  
42 and not fish in the federal for-hire season, that might work,  
43 but I can see how that would be a difficult thing to do.

44  
45 If the state was willing to have state waters open concurrently,  
46 or their state EFP for-hire season to be concurrent with the  
47 federal for-hire season, then I think that's okay, but then the  
48 question is what's the point of including it in it if the

1 seasons are going to be the same?

2

3 Then the problem we also have is, when we set the federal for-  
4 hire season, we are largely basing it on the catch rates and  
5 what we saw in the previous year, or maybe the previous two  
6 years, and that's how we project the season, and so we're  
7 looking at what were the amount of fish caught off of each state  
8 in 2017, but, as we heard in the presentations, Louisiana and  
9 Texas, the share of the for-hire quota they're asking for is  
10 based on a historical percentage of the catch that goes back --  
11 I think it goes back into the 1980s, and so that gives you  
12 different answers.

13

14 When we sum up, right now, what we think will be caught in the  
15 federal for-hire season by Alabama and Florida, and then we sum  
16 up the amount of fish that are being asked for by Louisiana and  
17 Texas, you end up with a number that's greater than 100 percent,  
18 and so, if we go down that path, it seems that we would have to  
19 bring down the amount of fish that we would be able to allocate  
20 for the for-hire vessels off of the states that want to include  
21 them, to make sure that everything sums up to 100 percent.

22

23 If we didn't, and we gave them what they're asking for, that  
24 would mean the federal for-hire season would be shortened, and I  
25 suspect that will have issues that would be objectionable to  
26 some, and so that's the largely the issue right now with the  
27 federal for-hire vessels.

28

29 **CHAIRMAN BOSARGE:** Mr. Banks.

30

31 **MR. BANKS:** Roy, I understand where you're going with that, but  
32 it sounds like, to me, that you would be giving deference to  
33 catches and activity in Florida and Alabama completely over  
34 anything in our two states, and I would ask that, rather than  
35 reducing what we're asking for completely, and I can understand  
36 that there should be some reduction, but it seems like the  
37 reduction should be across the Gulf, to try to make it work  
38 equally for everybody.

39

40 Florida and Alabama, yes, you're going to have to set a season  
41 for the federal waters, but it seems like, to make this work,  
42 why should our two states' charter industries have to fish less?  
43 It seems like everybody should have to fish less.

44

45 **DR. CRABTREE:** The problem comes down to the baselines, because  
46 what we are allotting that we think will be caught off of  
47 Louisiana is the same percentage you've caught in the couple of  
48 previous years. The amount you're asking for though, because

1 it's based on this longer timeframe, is actually more than  
2 you've been catching in recent years, and it's the same  
3 situation off of Texas.

4  
5 Now, if you want to come in and set an allocation state-by-state  
6 that shifts things more back to how it was in some historical  
7 period, that's fine, but I don't really think an EFP is the  
8 appropriate place to start making difficult allocation  
9 decisions, but, in my judgment, we're not taking any fish away  
10 from the Louisiana charter boats.

11  
12 We are, in fact, assuming they will catch the same fraction of  
13 the Gulf-wide for-hire catch that they have been catching in  
14 recent years, but that is less than what they were catching ten  
15 to fifteen years ago, but I think, to make an adjustment of the  
16 allocation to reflect some historical period, again, that's an  
17 allocation decision that the council would need to make in a  
18 plan amendment.

19  
20 **CHAIRMAN BOSARGE:** A follow-up to that?

21  
22 **MR. BANKS:** To that point, I understand that, Roy, but we do  
23 need to remind ourselves that our guys can only catch the number  
24 of days they're given, and so I think the reason they have  
25 caught less than that historical percentage is just because,  
26 naturally, the days they have had to fish is less over the last  
27 several years, and so it just seems like it --

28  
29 I am just trying to -- I am not all that opposed to reducing the  
30 ask, I guess, in our EFP for our charters, but it just doesn't  
31 seem fair for me to have to reduce it all the way down to what  
32 they caught last year, because the reason they only caught that  
33 last year is because they only had so many days to fish, and so  
34 it seems like everybody should share equally in that. Everybody  
35 should have to give a little bit to get us to 100 percent is  
36 what I am saying.

37  
38 **DR. CRABTREE:** I think that is what is happening, because the  
39 Louisiana charter fleet, last year, had the exact same number of  
40 days that the Florida and Alabama charter fleet had. There is a  
41 Gulf-wide charter season, and they all get the same number of  
42 days, and their seasons have all been reduced by the same number  
43 of days, and so I don't -- I am not sure that I understand that  
44 -- It's not that anyone is being reduced down, but it's just  
45 that, over the past twenty years, there have been changes in the  
46 distribution of where the catch is occurring.

47  
48 Some of that probably reflects population trends, and some of it

1 probably reflects recovery of the stock down the west coast of  
2 Florida and a whole host of things, but, again, I don't think an  
3 EFP is the correct place to come in and make an allocation to  
4 adjust for that, but I will leave it at that.

5  
6 **CHAIRMAN BOSARGE:** Mr. Riechers.

7  
8 **MR. RIECHERS:** While I echo a lot of what Patrick said, I will  
9 try to make some different points, or ask some different  
10 questions. One of the ways we fix this, Roy, is to just -- If  
11 Alabama and Florida were to bring charter/for-hire in, and is  
12 that a possibility?

13  
14 **DR. CRABTREE:** That would be up to Florida and Alabama, but, if  
15 they did that, then the question would be how many pounds does  
16 each state get, and we would be left with the same issue of  
17 trying to figure out how to do that.

18  
19 **MR. RIECHERS:** So another option to do that, inclusive of that  
20 option, would be for the states to find an agreement on how we  
21 went about picking the share of allocation within the EFP,  
22 because, basically, much has happened -- When we were told in  
23 San Antonio that we don't have any real guidance, and it's been  
24 quite some time, for you all creating your electronic reporting,  
25 and we all went and did separate electronic reporting, and, of  
26 course, they're all a little bit different, as you might expect.

27  
28 The same thing goes here when you asked what poundage do you  
29 want, and Florida took a more recent time series, because that  
30 benefited them, and Alabama took a biomass approach, and other  
31 three of us took a percentage approach, based on a time series,  
32 and so, I mean, it does beg the question of, if there was an  
33 agreement we could reach, where we all agreed on the time  
34 series, and they were all-inclusive, would that be an option,  
35 realizing that we're all running shy of time here, and I'm not  
36 saying we've got another month to go to work here, but I am just  
37 wanting to explore what the possibility could be.

38  
39 **DR. CRABTREE:** I suppose, if all of the states adjusted their  
40 EFPs and all of the states requested that the for-hire vessels  
41 be included, then our main concern would be that everything sums  
42 up to the ACL or less.

43  
44 Of course, the other option would be to do this just for the  
45 private sector and leave the for-hire out and let them fish the  
46 federal for-hire season, but I think, if the option you just  
47 mentioned, if the states could all do that in the EFP, we would  
48 certainly consider that.

1  
2 **CHAIRMAN BOSARGE:** That would be a pretty big change in what  
3 we've been presented, and is that going to come back before this  
4 council in April for us to review and ask questions about,  
5 because there is some big decisions there, too.  
6

7 **DR. CRABTREE:** The timeline we're looking at, and hoping for, is  
8 to -- We would put a notice out in the Federal Register, which  
9 we would like to do as soon as we can, and have a thirty-day  
10 public comment period for it. Then I think our goal was to  
11 issue the EFPs in mid-April, and that's where we've been  
12 shooting, and I'm not sure when the April council meeting is.  
13

14 **CHAIRMAN BOSARGE:** I think it's mid-April, but I would have to  
15 go back and look.  
16

17 **DR. CRABTREE:** So, I can't predict timing of things enough to  
18 say whether it would be issued, but I think, at that point, it  
19 would be very difficult for us to make any more changes to it,  
20 if we're going to have this in place in time for the summer  
21 season.  
22

23 **CHAIRMAN BOSARGE:** Dr. Mickle.  
24

25 **DR. MICKLE:** I just want to remind everyone that -- I am not  
26 going to speak for the other states, but, for Mississippi, of  
27 course, we have to go in front of the commission. They're the  
28 ultimate authority, and so, please, let's remember that factor  
29 as well.  
30

31 **CHAIRMAN BOSARGE:** The patient Dr. Stunz. Yes, sir.  
32

33 **DR. STUNZ:** Roy, this is a question for you regarding the for-  
34 hire discussion we're having here. These are EFPs, but I am  
35 trying to get my head around this a little bit. If we went with  
36 Louisiana and Texas's plan, do you have a -- How many pounds of  
37 fish are we talking about? Is this a lot of fish or a little  
38 fish? Since it is an EFP, maybe it's a two-year, temporary  
39 deal.  
40

41 **DR. CRABTREE:** I believe Sue sent a table to council staff that  
42 shows what the requests are and what percentage of the ACL they  
43 are for the private and the for-hire components, and then it  
44 shows what the proportion of the landings were. There it is,  
45 and so you can see the amounts there.  
46

47 Now, the Texas number is based on 2016 charter catches and 2017  
48 headboat landings, and the bulk of the Texas catch is from the

1 headboats, but you can see, for Louisiana, it's somewhere in the  
2 neighborhood of 80,000 pounds. For Texas though, it's more than  
3 that. It's several hundred-thousand pounds.

4  
5 That's assuming that seventy-three-and-a-half percent would be  
6 caught off of Florida and Alabama, and that's what happened last  
7 year, and then, if Mississippi is leaving the for-hire vessels  
8 out, then there's a few more fish in there that would fall into  
9 that.

10  
11 The other thing then is that it's hard for me to see how this  
12 would work, other than the state allows their for-hire season to  
13 run concurrent with the federal season, because it's not clear  
14 to me how a state would be able to close the for-hire component  
15 if federal waters are open. They could potentially extend it,  
16 if they had the fish, but it's not clear to me how they could  
17 close it.

18  
19 **CHAIRMAN BOSARGE:** If I remember correctly, because what we're  
20 talking about doing here is possibly carving out a portion of  
21 the for-hire fleet that gets managed in one way, and the rest of  
22 the for-hire fleet is managed under a different system, and it  
23 seems to be one of the biggest issues is the numbers that we're  
24 coming up with.

25  
26 When we went through the EFP for the Headboat Collaborative,  
27 that program, those guys had to look at their recent landings.  
28 The boats that were going to participate in it had to look at  
29 their recent landings and see what those were, and, whatever  
30 that percentage was of the total landings for that year, and  
31 this is recent years, then that's what they carved out.

32  
33 If they went back to a longer time series and looked at  
34 something that happened in the 1980s or the 1990s, then what  
35 they were going to do is really have a big impact on the  
36 fishermen that weren't in the EFP, and do you see what I'm  
37 saying?

38  
39 The only way to kind of keep it fair was to really look at the  
40 current stuff, and, now, I agree with you that, if you're making  
41 an allocation decision for the long term, yes, you want to look  
42 at a long time series, but, if it's a short-term, two-year EFP,  
43 in order to not harm the people that are in the EFP, you've got  
44 to kind of look at those more recent landings and use that.

45  
46 If you go above that, then it's essentially coming out of the  
47 rest of those guys that aren't fishing under the EFP, and  
48 they're almost getting punished, and do you see what I'm saying,

1 for not being part of the experiment, and I kind of have some  
2 qualms with that. All right. I have Mr. Banks and then Mr.  
3 Riechers.

4  
5 **MR. BANKS:** Well, just looking at these numbers, and, Roy, I  
6 appreciate you all putting the numbers together. I was worried  
7 that we were going to not be able to see these before we try to  
8 come to a resolution.

9  
10 I mean, certainly, our private anglers, except for the EFP, will  
11 not have a season, it sounds like. It sounds like the charters  
12 will have a season, whether there is an EFP or not, and so there  
13 is at least something to fall back on, but I will say that it  
14 looks like it's cutting out about somewhere between 20 and 25  
15 percent of our fish for the charters.

16  
17 There is one thing that that group has been unwavering on, in  
18 the two years that I've been at the council, and that is that  
19 they want to be managed by the state. Now, do they want to be  
20 managed by the state if they only get one day? I don't know.  
21 Their tune may change, but, in this case, it seems like that,  
22 with the reduction in that kind of poundage, I still feel like  
23 all of the states should have to reduce theirs, so that we get  
24 to 100 percent.

25  
26 Robin and I shouldn't have to be the only ones to have to give  
27 on that, but, if we are, or if I am, I still think our charter  
28 guys would rather be in our plan. I would rather keep them in  
29 our plan, even at the reduced level.

30  
31 **DR. CRABTREE:** If I could respond. I mean, that's fine, but, if  
32 we reduce, in the way that you're suggesting, it would end up,  
33 in the charter fleet in Louisiana, having more days than the  
34 Gulf-wide charter season, and so we would be, in effect,  
35 shifting days for the for-hire vessels to Louisiana and to  
36 Texas, if we did it that way. Now, I am not rendering a  
37 judgment about that, but you can clearly see how that would be  
38 distributed.

39  
40 Now, I will offer up another way to think about this, since this  
41 is sort of a pilot project and we're testing something. A  
42 fourth path forward would be to go ahead and do this this year  
43 with just the private vessels, but with the understanding that  
44 we may expand it in 2019, for some states, to bring in the for-  
45 hire vessels, and that would allow more time for -- That would  
46 allow a couple of things. One, we could see how this goes, and  
47 then we would have more time to work out some of these  
48 allocation issues, maybe.

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

3  
4 **MR. BANKS:** I would ask that we would prove that it's an issue  
5 and then take the charters out, before we assume there's an  
6 issue and then put the charters in. I like Roy's idea about  
7 seeing how this first year goes, but I think I would rather see  
8 how it goes with the way we've proposed it first, but that's my  
9 opinion.

10  
11 **CHAIRMAN BOSARGE:** Robin.

12  
13 **MR. RIECHERS:** I guess I've got a couple of points. One is,  
14 Leann, your previous description, I would have agreed with you,  
15 except, just recently, we found out that they didn't have that  
16 real history on all those participants in the headboat survey,  
17 because they couldn't identify the individuals, and they could  
18 only go back for a short period of time, and so, in some  
19 respects, your description of that was a little different, just  
20 because the history didn't back that up anymore, which was,  
21 frankly, a new revelation in most recent times, at the last  
22 couple of council meetings.

23  
24 I certainly appreciate getting these numbers today, and that  
25 helps us in having conversations with the different sectors  
26 here, so that we can actually share that with them, because  
27 we're talking in pounds here, but what everyone else is  
28 concerned about is days, and so that allows us to turn that into  
29 days and have those real conversations about what that would  
30 mean to them as a sector.

31  
32 The other thing we may have to do here is go back and, as  
33 states, come to sort of grip with -- Because it kind of goes to  
34 the fairness and equity question that Patrick is asking for  
35 here. This has shifted through time, and that's kind of why  
36 we're in the place we are with much of this management.

37  
38 It has shifted between sectors, and it has shifted between  
39 states, and we don't expect those things to stay static, but it  
40 reaches a point where it is an equity concern. The other part  
41 is, when we have just been asked to go create the poundage you  
42 want, some of us were more conservative, and some were less  
43 conservative, in their ask, and so I think maybe there is some  
44 room here for, and, again, in short order, to work to see if  
45 there is a better compromise that, as you suggest, Patrick, we  
46 all give a little bit here to help the greater good as we move  
47 forward with an EFP.

1 **CHAIRMAN BOSARGE:** Martha and then Dr. Crabtree and then Dr.  
2 Stunz.

3  
4 **MS. GUYAS:** I don't see this table online, and can we email this  
5 out or post this or something? I know other people have been  
6 trying to stand up to try to be able to even see it, and so that  
7 would be very helpful.

8  
9 **CHAIRMAN BOSARGE:** I see a shaking of heads yes, and so, next, I  
10 have Dr. Crabtree.

11  
12 **DR. CRABTREE:** We're certainly willing to work with you guys on  
13 figuring some resolution to it, and I am not necessarily averse  
14 to including the for-hire sector for Louisiana and Texas, but  
15 the only thing that really is a stickler for us is it's got to  
16 add up to 100 percent of the ACL or less. We can't move this  
17 forward if it doesn't, and we can get the technical folks, who  
18 put these numbers together, to answer any questions there might  
19 be about them.

20  
21 You may be right, Robin, that there is different ways that  
22 states put it together that would give us some flexibility on  
23 it, but, to get this done, we're going to need to work all of  
24 this out pretty quickly, because June will be upon us before you  
25 know it.

26  
27 **CHAIRMAN BOSARGE:** Next, I have Dr. Stunz and then Mr. Anson.

28  
29 **DR. STUNZ:** These numbers are certainly useful, Roy, and,  
30 obviously, we need that. I guess sort of the question that I  
31 was asking before is, if everyone was to do the same and either  
32 have the charter captains in or out, what I was more interested  
33 in is what's the difference or what -- If Texas and Louisiana  
34 did their thing, what is the -- When it all shakes out, how much  
35 more or less are certain states getting, and maybe I'm not even  
36 quite asking the right question, but it's not the end numbers  
37 here, but it's just how many fish are we talking about  
38 difference if Louisiana and Texas did their own thing? I'm not  
39 sure you have that handy, but I suspect it's not a whole lot.

40  
41 **DR. CRABTREE:** I can just do the quick math, and it looks like,  
42 with Texas, it's on the order of 350,000. In Louisiana, it's on  
43 the order of 80,000, and so you would have to take roughly  
44 450,000 pounds out of the Florida/Alabama -- The 2,092,000. You  
45 would have to pull that out, because now that's going to be  
46 caught in the western Gulf, and so you would be shifting  
47 somewhere close to that amount of fish from the east to the  
48 west.

1  
2 **DR. STUNZ:** Maybe the lancha fleet is willing to give it back to  
3 us to share.

4  
5 **DR. CRABTREE:** Well, look, I mean, at some point, we have got to  
6 come to grip with all of these allocation issues, and we're just  
7 not going to be able to get regional management moving forward  
8 as a viable long-term management tool without dealing with the  
9 state-by-state allocations, and that means you do have to deal  
10 with, as Robin said, all the changes and shifts and things that  
11 have changed over time, and my hope is we will get that done,  
12 but I don't see how we're going to get that done before June 1  
13 in the context of these EFPs.

14  
15 **CHAIRMAN BOSARGE:** All right. I have Mr. Anson next.

16  
17 **MR. ANSON:** It's been stated, by a couple of folks here -- I  
18 mean, obviously, we're kind of under the gun, so to speak,  
19 relative to the private recreational season this year, and we  
20 approached, in Alabama, the EFP in trying to keep in line with  
21 the spirit of the language that prompted this whole discussion,  
22 and that was that it was to be focused on the private  
23 recreational, because they seem to have the most pressing issue,  
24 in regard to access and opportunity for those anglers.

25  
26 In terms of looking at the big picture and to see what  
27 possibilities we can have at a state level to include our  
28 federally-permitted charter vessels, which are not included in  
29 Alabama's plan, we went to them and had a meeting with them, and  
30 we contacted them through email, and, in the short amount of  
31 time that we had, we kind of summarized the issue, the EFP, how  
32 the EFP would work, what our plans or proposals were, at least  
33 at the time, for identifying the number of pounds they would  
34 have and how that would translate to the number of days they  
35 would have.

36  
37 Using the formula that we have come up with, based on abundance  
38 or a population estimate off of Alabama, and then applying the  
39 sector separation percentages, it happened to work out that the  
40 number of days they would get would be very similar to what they  
41 are getting in the federal season right now, because Snapper  
42 Check shows that there is more landings than what MRIP shows for  
43 Alabama.

44  
45 We asked them to respond to a poll, if they wanted to be in or  
46 out, yes or no, a simple question, and we contacted I think it  
47 was 138 emails of 142 vessels that we determined to be fishing  
48 in Alabama, and that included those permittees that lived

1 outside of Alabama, but kept their boat in Alabama, and so we  
2 tried to get everybody included.

3  
4 We did not reach the minimum number of yes votes, and it wasn't  
5 a percentage. It was an actual number of vessels, because we  
6 thought, at the time, that maybe we could carve out a percentage  
7 of those permitted vessels and do something that Roy had talked  
8 about earlier, and that was just kind of having a smaller subset  
9 of the federally-permitted vessels work within an EFP, for the  
10 whole purpose of seeing if it could work, seeing if it could  
11 work for those vessels.

12  
13 Really, at the end of the day, the only thing that we could  
14 offer, based on the numbers, the math, was that the potential  
15 for making up lost days. If we had bad weather or something,  
16 that potentially we could extend the season for those charter  
17 boat guys, but they decided that they were not interested, and  
18 so it kind of puts us in a dilemma for trying to go back to the  
19 table, if you will, and include those, because we received a  
20 pretty loud and clear message that they did not, at this time,  
21 want to participate.

22  
23 Now, is it something that we could bring back to the table, if  
24 you will, and, in the meantime, for the next year, if we had  
25 kind of a transition period, and say, in year one, maybe we  
26 don't include them, but, in year two, maybe we could, and that  
27 might be something that we'll just have to take back to that  
28 group and get some feedback on.

29  
30 The issue, besides there just being no difference in the number  
31 of days, the other issue that we heard was that there was some  
32 concern that they would not have the protections that they  
33 currently have, and so we tried to stress to them that, based on  
34 the EFP and based on NOAA basically approving the EFP and  
35 basically withdrawing an EFP if you go outside the bounds of the  
36 EFP, that they had those protections.

37  
38 I am just wondering, Dr. Crabtree, is that how you perceive the  
39 EFP to work, that, let's say we had the federally-permitted  
40 vessels in there, and, if Alabama didn't do as we had said in  
41 the EFP and tried to move pounds around, or tried to do  
42 something that would penalize that group, you would basically  
43 withdraw the EFP for Alabama or somehow penalize us to make  
44 things right, at least in how the EFP was originally set up and  
45 approved?

46  
47 **DR. CRABTREE:** Well, that's a complicated question, and it would  
48 depend on exactly what the terms of it all were. I mean, it is

1 complicated, because we have sector separation, and so, when we  
2 grant an EFP that includes the for-hire, are we then saying you  
3 have to adhere to sector separation and you can't let one sector  
4 fish on the other sector's quota? I don't know if we've gotten  
5 to that point yet. I mean, that's why it is a significant  
6 complication to pull the for-hire guys into this, and I don't --  
7 Go ahead.

8

9 **CHAIRMAN BOSARGE:** Mara.

10

11 **MS. LEVY:** I mean, I think this goes back to the question of  
12 what an EFP is, right? So, the agency is limited. They can  
13 exempt people fishing from certain federal regulations, but you  
14 can't make an allocation decision, and you can't change the way  
15 the sector separation structure is set up. That's not -- I  
16 mean, it's just not contemplated.

17

18 I mean, we could think about whether we could exempt people from  
19 the different quotas, but I think it does get more complicated,  
20 because that's really then that you're talking about a  
21 management decision, and I guess we would have to think more  
22 about how that would work, but we are constrained by the  
23 exemption piece of it.

24

25 With regard to the idea of taking back an EFP, and so it's a  
26 permit that's being issued, and so there is a mechanism to  
27 suspend or revoke it if you're not complying with the terms and  
28 conditions, but just remember that that does require its own  
29 sort of enforcement action, and it's not something that can just  
30 happen without any notice and process and things like that,  
31 because it's a permit that the agency is giving out.

32

33 **CHAIRMAN BOSARGE:** Robin, were you planning to keep sector  
34 separation in place? How are you going to manage your for-hire  
35 and private anglers? Were you going to keep sector separation  
36 in place and protect those quotas for each of the two sectors,  
37 components, that you would be managing in Texas and allow one  
38 group to fish their percentage and the other group to fish those  
39 percentages laid out in sector separation?

40

41 **MR. RIECHERS:** The way we were approach it was, de facto, they  
42 would fish the opportunity that they had during the season they  
43 had, and, assumingly, they would catch percentage shares equal  
44 to what they have in the past.

45

46 Now, obviously, I am dealing with a little bit of a different  
47 situation in my state, as we come into the next year, where  
48 there may be different groups impacted more by the hurricane

1 than others, and I don't know how that's going to play out  
2 exactly, Leann, as we go up the coast. I certainly know that  
3 there is locations that are more impacted than others, and some  
4 of those are both key private recreational locations as well as  
5 key charter boat for-hire locations.

6  
7 Again, this is the first we've seen these numbers, where  
8 National Marine Fisheries Service has shared what they were  
9 basing the calculations on, and so it's probably a lot different  
10 discussion than the discussion I've been having, with these  
11 numbers, but I think it still behooves us though, as a group, in  
12 some respects -- Kevin, we're not trying to change what you guys  
13 set out to do. That's not our goal at all.

14  
15 I think Patrick and I are just trying to do what we thought was  
16 best, and, again, as we're want to do, not given guidance of how  
17 to come up with those numbers, we all approached them a little  
18 bit differently, and so, as we can -- As we can maybe have some  
19 discussions here, Leann, I don't think it's going to change  
20 dramatically, and certainly we all have the avenue of the public  
21 comment period to help us understand what's going to go on, if  
22 it does go to public comment and it's a little different than  
23 what we're seeing here.

24  
25 We're all going to have that avenue as well, and so I don't  
26 think that's a big hurdle, and I think we all recognize, if  
27 we're going to do something that is subtly different, and I  
28 don't think it's going to be hugely different, but, if we're  
29 going to do something that is subtly different, we're going to  
30 have to do it pretty quickly, but I don't think any of us should  
31 be forced to sit at the table and try to make that decision like  
32 that, since we just saw these numbers.

33  
34 **CHAIRMAN BOSARGE:** So your game plan is like you will have a  
35 season opening, let's just say June 1 or whatever, and you're  
36 going to -- That will be the season opening for your for-hire  
37 and your private anglers, and you're going to monitor the  
38 landings. It will be open seven days a week for both  
39 components, and you are monitoring that, and you're going to try  
40 and shut them down when they've hit their quotas.

41  
42 **MR. RIECHERS:** That's the way we were going to approach it  
43 originally, yes.

44  
45 **CHAIRMAN BOSARGE:** You shut it down when the overall quota is  
46 reached. Both sectors get shut down. Dr. Crabtree.

47  
48 **DR. CRABTREE:** Bear in mind, at the same time, there will be a

1 federal for-hire season this year, and it will start June 1 and  
2 run for fifty-some-odd days, and all federally-permitted charter  
3 boats in the Gulf will be allowed to fish in federal waters  
4 during that season.

5  
6 **CHAIRMAN BOSARGE:** So we're going to blow the quota out of the  
7 water again, is what you're saying?

8  
9 **DR. CRABTREE:** No, the numbers that way will add up. Now, I  
10 don't have any expectation that -- We should stay within the  
11 quota. The federal charter boat season will be based on their  
12 ACT, with the 20 percent buffer below the ACL, based on the  
13 allocation that we set up in Amendment 40.

14  
15 Now, if states allow extra days for charter boats outside of  
16 that, that potentially comes out of their allocation under the  
17 EFP, if we do it this way, and it could come out of the private,  
18 when all is said and done, and I don't know, but I don't see how  
19 there is any way, with where we are, that we don't have a  
20 federal charter boat season, and I don't see any way that we,  
21 through an EFP, can tell charter boats they are not allowed to  
22 fish in it.

23  
24 **CHAIRMAN BOSARGE:** I have a list. I have John Sanchez. He is  
25 good. Okay. Dale. You're good. Camp, I saw you flagging me.

26  
27 **MR. MATENS:** Kind of side note here, but this is an interesting  
28 dynamic. This goes back to the root of why many people would  
29 like to see regional management. All of our guys, private  
30 recreational and charter/for-hire, prosecute this fishery in a  
31 little different way. I have a lot of confidence that Patrick  
32 and his staff can come up with a solution that will allow  
33 Louisiana to fish, the charter/for-hire, under Patrick's  
34 department.

35  
36 Just one small example of how this thing is prosecuted  
37 differently is there is some states that the charter/for-hire  
38 guys can run more than one trip a day, and that's great, but our  
39 people can't. Our distances are too great, and so, again, I  
40 think that this is -- Every problem is solvable, and I think  
41 this is a solvable problem, and I think we need to move forward  
42 in a prudent manner, and as rapidly as we can, to find a  
43 solution that the people at this table are comfortable with  
44 allowing the other states to do what they wish to do. Thank  
45 you.

46  
47 **CHAIRMAN BOSARGE:** All right. I have John, and then we've got  
48 to talk about lunch.

1  
2 **MR. SANCHEZ:** Thank you, Madam Chair. I kind of like, having  
3 heard everything for a while, the suggestion to try -- If you're  
4 trying to do this and get something moving forward by June, then  
5 take the charter, the federal for-hire, out of it and try it for  
6 the year. Then, oddly enough, once you remove their percentages  
7 from these equations, you are right around the 100 percent that  
8 you need to be at. It seems too clean, and it makes too much  
9 sense, to me.

10  
11 **CHAIRMAN BOSARGE:** I think that's kind of the line of thought  
12 that I was going along with too, kind of Dr. Crabtree's  
13 suggestion that you give it a shot, and then -- Because I just  
14 think we have to have more time to flesh out all of this, and I  
15 think, if there is a question as to whether they are afforded  
16 those protections or they're not, that's going to have a lot to  
17 do with whether they want in it or not.

18  
19 That seems to still be fuzzy, and so I just don't see where  
20 we're going to get it done in time for the normal opening of  
21 this season, but we've got to work on lunch, because we're a  
22 little bit late on that right now. It's 12:12.

23  
24 This would be my suggestion. We're supposed to go to lunch from  
25 12:00 to 1:30. Let's hold true to that schedule. We will come  
26 back here at 1:30. At 1:30, we are supposed to have the other  
27 EFP presentation on aquaculture, and so we need to go through  
28 that and get through that one.

29  
30 Once we can get through that one, then we can circle back, and  
31 hopefully we'll have some time left before public testimony, and  
32 we can circle back and continue this conversation. Does that  
33 sound like a plan? All right, and so lunch. I will see you  
34 back here at 1:30.

35  
36 (Whereupon, the meeting recessed for lunch on January 31, 2018.)

37  
38 - - -

39  
40 January 31, 2018

41  
42 WEDNESDAY AFTERNOON SESSION

43  
44 - - -

45  
46 The Full Council of the Gulf of Mexico Fishery Management  
47 Council reconvened at the Hyatt Centric, New Orleans, Louisiana,  
48 Wednesday afternoon, January 31, 2018, and was called to order

1 by Chairman Leann Bosarge.

2  
3 **CHAIRMAN BOSARGE:** We are going to carve out a few minutes for  
4 Mr. Sam Rauch to come up and address us. We're glad to have  
5 you, sir, and we look forward to hearing what you have to say.  
6

7 **UPDATE ON OPEN OCEAN RESTORATION PLANNING**

8  
9 **MR. SAMUEL RAUCH:** Thank you, Madam Chair, and thank you for the  
10 opportunity to address the council. One of my duties, as the  
11 Deputy Director, is to oversee NOAA's Natural Resources Damages  
12 Program, or at least the part of it that the Fisheries Service  
13 is engaged in, and I have been asked, in that capacity, to brief  
14 the council on the Open Ocean Restoration Planning that we've  
15 been doing in the wake of the Deepwater Horizon oil spill.  
16

17 There is a significant amount of money that needs to be  
18 allocated to help restore the fish and invertebrate resources of  
19 the Gulf, and we are going to be rolling out some of those  
20 restoration plans in the next year, and I was going to take a  
21 few minutes here to brief the council on that.  
22

23 As everyone here is deeply aware, the injuries to the ocean  
24 resources from Deepwater Horizon was vast. Trillions of  
25 individual fish larvae and invertebrates were killed, and it  
26 affected more than 1,400 fish species. As a result of that, the  
27 settlement allocated, amongst the many pots of money that were  
28 allocated, \$380 million to restore fish and water column  
29 invertebrates in the open ocean, and that's in addition to the  
30 \$20 million early restoration project currently being  
31 implemented.  
32

33 The Open Ocean Trustee Implementation Group, and that, by the  
34 way, is a group which consists of the federal trustees to the  
35 process of NOAA, Interior, EPA, and Agriculture, and they have  
36 outlined ways to spend this money and to restore the lost  
37 resources in the open ocean. It is the only group that is  
38 focused solely on that aspect. There are numerous other groups  
39 that are looking at near-shore habitat, wetlands, other kinds of  
40 -- The states are all involved, and the states have their own  
41 individual pots of money, but this group focuses only on ocean  
42 resources.  
43

44 The restoration goals from that group are to restore the injured  
45 fish and invertebrate species across a range of coastal and  
46 oceanic zones by reducing direct sources of mortality and  
47 increasing the health of fisheries by providing fishing  
48 communities with methodologies and incentives to reduce impacts

1 to fishery resources, and these are all voluntary, incentive-  
2 based programs.

3  
4 We do not foresee a regulatory component to this. The fishermen  
5 were not the ones that caused the oil spill, and they do not  
6 need to bear the burden, but there are a lot of opportunities,  
7 working together with the fishermen, to achieve some significant  
8 mortality reductions and help increase the health of the  
9 fisheries that were affected.

10  
11 Due to the large number of fish resources affected by the spill,  
12 we couldn't do everything all at once, and so we're currently  
13 trying to prioritize a smaller subset of fish resources that we  
14 can focus on in the next two to three years, and the first plan  
15 we were focusing on is reducing bycatch and bycatch mortality of  
16 these reef fish, highly migratory species, and coastal migratory  
17 pelagics.

18  
19 They are dividing the restoration plan into two, and so the  
20 first one will be focused on birds and sturgeon. We expect that  
21 to be released in the early summer of 2018. The second one will  
22 be focused on fish, sea turtles, marine mammals, and mesophotic  
23 and deep benthic communities, and we believe that will be  
24 released by the end of the calendar year.

25  
26 Now, prior to the release of those plans, NOAA does intend to  
27 engage in a stakeholder effort to gather information on initial  
28 project ideas being considered, and we also intend to come back  
29 to this council with a more specific list of the things we're  
30 talking about, and so my goal today is just to alert you that  
31 this process is coming and to indicate that we will be coming  
32 back to talk to you more specifically about the various projects  
33 that we would propose to undertake under that.

34  
35 We do think that there will be two draft restoration plans, as I  
36 mentioned, and also NEPA documents for public review, and all of  
37 that will be by the end of the year, and so that is the only  
38 goal that I wanted to do today, was just to give you a brief  
39 update that that's coming and to look for that in the next year,  
40 and we will be looking for ways to engage the council directly.  
41 Thank you, and I would be happy to take any questions.

42  
43 **CHAIRMAN BOSARGE:** Thank you. Does anybody have any questions  
44 for Sam? Well, we appreciate the update a lot, and we've  
45 actually been kind of delving into that a little more than we  
46 normally do in the last couple of council meetings.

47  
48 I don't think it fits into those categories that you were

1 talking about, but we're going to write some letters, after this  
2 meeting, to see if we can't have some of that BP money spaghetti  
3 chart that goes everywhere be aimed at the dead zone and  
4 mitigating the dead zone and restoring that habitat, so that  
5 hopefully we can have healthy fisheries there again. Thanks,  
6 Sam. Just keep it in mind.

7  
8 Now we're going to pick back up with our agenda. We have one  
9 more exempted fishing permit application that we need to go  
10 through, and then, after that, we need to review the public  
11 comments on all of our EFP applications, and so I'm assuming  
12 that's going to cover the six that we are going through today,  
13 plus we had three during our Sustainable Fisheries Committee,  
14 dealing with lionfish, and so is it Ms. Gerhart that is going to  
15 go through our next exempted fishing permit application on  
16 aquaculture? I will turn it over to you, ma'am.

#### 17 18 **AQUACULTURE EFP REQUEST**

19  
20 **MS. GERHART:** Thank you. This application is from Kampachi  
21 Farms, and it's a -- The purpose of this is to validate the  
22 feasibility of a temporary, small-scale, demonstrate net pen to  
23 raise almaco jack in the Gulf of Mexico. There is Sea Grant  
24 funding for this project. The applicants would raise two  
25 consecutive cohorts of almaco jack, and this would be for less  
26 than a year, and the amount of almaco jack would be around  
27 34,000 individuals.

28  
29 They would conduct thorough environmental monitoring programs  
30 and water quality analysis, per the EPA requirements, and their  
31 intention is to do some outreach and address public concerns  
32 about open ocean aquaculture.

33  
34 If Bernie or Karen could put up the diagram that I sent to you  
35 earlier, but the pen is a single pen, and it's a twenty-five-  
36 meter diameter pen, and it's called a PolarCirkel-style net pen,  
37 and it's actually not going to be moored itself. It will  
38 actually be tethered to a sailing vessel, which will be  
39 anchored, and so the vessel will be the only mooring point.  
40 There will not be a separate mooring point for the pen itself,  
41 and so this is a diagram showing you what that pen looks like.  
42 The net pen, vessel anchor, and the required buffer zone around  
43 the area will encompass just under one-square mile.

44  
45 The original location was to be thirty miles due west of Boca  
46 Grande Inlet, in about thirty meters of water. There were some  
47 concerns from the shrimping industry, and the applicants have  
48 discussed with members of that industry other sites, and so the

1 red box towards the bottom is the original site, and the red box  
2 farther north was suggested by the shrimping industry as an  
3 alternative site, and so that's in discussions with them right  
4 now.

5  
6 The original siting was done through what we call our AquaMapper  
7 tool, and it's a tool that looks at all the different uses for  
8 those areas, things like not just fishing activity, but also oil  
9 and gas exploration and navigation and things like that, to look  
10 at what are good sites for putting these aquaculture pens at.

11  
12 Regardless of the site chosen, a baseline environmental survey,  
13 as required by the FMP, will be conducted and include a seafloor  
14 survey, hydrographic data, and another analyses. We aren't the  
15 only agency that is involved in this permitting. They are also  
16 working with other agencies, including the Army Corps of  
17 Engineers, the EPA, the Fish and Wildlife Service, and the Coast  
18 Guard.

19  
20 A NEPA analysis will be done on this as well as an Endangered  
21 Species Act analysis, EFH analysis, and any other regulatory  
22 analysis, in cooperation with these other agencies, and so an  
23 environmental assessment will be produced that will be out for  
24 public comment and will be published in the Federal Register for  
25 public comment.

26  
27 The process, of course, we've gone through a couple of times at  
28 this meeting already. We will ask for the council's  
29 recommendation at this meeting, and we will publish a notice in  
30 the Federal Register for a fifteen to forty-five-day comment  
31 period, to get public comment, and then make a decision on  
32 whether to approve the EFP, after all the comments have been  
33 taken and discussed with the applicant. Mr. Dennis Peters is  
34 here from the Kampachi Farms, and so, if you have any questions  
35 about the details of the application, I would like to direct you  
36 to him.

37  
38 **CHAIRMAN BOSARGE:** Thank you, Sue. I just want to say that I do  
39 appreciate your office's ability to engage with the shrimp  
40 industry and talk to them, along with the applicant, and try and  
41 figure out where this is going to be sited.

42  
43 I mean, I will be honest that the shrimp industry's preference  
44 is to have this somewhere outside of about 165 feet. Usually,  
45 if you can get it outside of sixty fathoms, we're fine, but, in  
46 this particular area, you could even go shallower than that. We  
47 would like to have it outside of 165 feet. Then you won't be in  
48 our shrimping grounds at all, because that is one of the clauses

1 in our FMP, is that you have to make sure that you're not going  
2 to have an impact on an existing fishery to develop a new  
3 fishery.

4  
5 Now, having said, that we are working with NMFS, and we're  
6 trying to work with the applicant to, if we can find something  
7 shallower than 165 feet, which would make it more economical for  
8 them, we will try and work with them. Our fear is, in doing so,  
9 that we set a precedent, and then it seems like it's okay for  
10 any aquaculture project to be put in shrimp grounds, and so  
11 we'll get there. We're working through it.

12  
13 It's the first one we've ever been through, and we're going to  
14 try not to be extremists about it, but I think it is very  
15 important to work with industry, especially as that is one of  
16 the goals of this project, is to get buy-in from the different  
17 fisheries that aquaculture is not going to be the end of the  
18 world for us here in the Gulf of Mexico.

19  
20 I did wonder about the structure some, but I'm going to hold my  
21 comments. It looks like we have some other questions, and so I  
22 have Ms. Guyas and then Dr. Frazer.

23  
24 **MS. GUYAS:** I don't have questions so much as just a couple of  
25 comments. If alternative sites like this are going to be  
26 considered here, I would suggest that they probably need to  
27 coordinate with FWC. We have some different datasets that are  
28 in the AquaMapper, and so I think we can, hopefully, provide  
29 some additional data there about what may or may not be at some  
30 of these sites.

31  
32 Because this is occurring off of Florida, there is going to be a  
33 CZMA process here, and it probably would be good to include some  
34 of the state agencies in Florida that are going to be involved  
35 with this, FWC, DACS, and then DEP as well, in those preliminary  
36 meetings. That would be awesome.

37  
38 **CHAIRMAN BOSARGE:** Dr. Frazer.

39  
40 **DR. FRAZER:** Thank you, Madam Chair. My question, really, is I  
41 noticed, at the beginning, that they have to do some survey  
42 work, but are they required to do anything after their permitted  
43 period, I guess, to assess if there are impacts on the  
44 environment?

45  
46 **MS. GERHART:** As Dr. Kilgour went through this morning, there  
47 are certain reporting requirements and testing requirements that  
48 were put into the FMP for any aquaculture program, and we would

1 intend for them to carry those out.

2  
3 A lot of this, as we've talked about with the earlier EFPs, we  
4 can put conditions on the EFPs when we give them to the  
5 applicants, and we would require some of that kind of reporting  
6 that is part of the FMP as well.

7  
8 **CHAIRMAN BOSARGE:** Sue, along those lines, when I read the  
9 application, I saw where you're going to have that baseline  
10 environmental assessment done, but then, when I was reading  
11 through the application itself, and it was talking about the  
12 different testing that's going to be done during the duration of  
13 the project, it seemed like most of that testing focused on the  
14 water column and seeing what's ending up in the water column,  
15 from the standpoint of the feed that they're using, and it  
16 doesn't get eaten and it's dispersed and then, when the fish is  
17 done with the feed, and they're all in one pen and one area, and  
18 where that gets dispersed.

19  
20 I was wondering, are we going to be doing -- I want to see a lot  
21 of testing on the bottom, because we are going to have a lot of  
22 fish in a small area, and this is pretty shallow water, and so,  
23 yes, some of it is going to be in the water column, but I think,  
24 in this particular project, you're going to have more that ends  
25 up concentrated in a smaller area on the bottom than you may  
26 have in other aquaculture projects, where the depth of water is  
27 much deeper, and so it's going to get dispersed in a wider swath  
28 before it hits the bottom, whereas, in ours, it's pretty  
29 shallow, and I think that's about ninety feet of water, I think  
30 is what that is, and the net pen is twenty-five meters in  
31 diameter, and so twenty-five times three is seventy-five feet,  
32 and so fifteen-foot from where the bottom of where the fish are  
33 to the bottom of the ocean right there, or the Gulf right there,  
34 and so I want to see a lot of testing there, because that's  
35 where we make our living, is off the bottom, and, if we end up  
36 doing some things to the bottom that prevent shrimp from coming  
37 back in that area or whatever, that's going to have an effect,  
38 and so I would like to see a lot of testing there.

39  
40 **DR. CRABTREE:** We can talk to the applicant about that.

41  
42 **CHAIRMAN BOSARGE:** I have Mr. Anson and then Mr. Diaz.

43  
44 **MR. ANSON:** Sue, the representative is here as well, and maybe  
45 they can answer, but there is a reference to the net pen design  
46 that they proposed to use that is being used in Japan, and so I  
47 looked on Google Earth and kind of looked at some of the  
48 coastline images, at least, of that bay in Japan, and I noticed

1 there were quite a few, but I also noticed that, the body of  
2 water that that bay is, it's relatively small. It's only about  
3 eleven miles across and about twenty-five or thirty miles in  
4 depth, or height.

5  
6 Although it is deep, 700 or 800 feet of water, in that  
7 particular bay, in the deepest part, the conditions might be a  
8 little different in the open Gulf of Mexico, as far as wave  
9 action and such, than it is in that bay, and I'm just wondering  
10 if that design is the same design that's utilized out there, or  
11 have there been any modifications made to the design to kind of  
12 capture or mitigate for some of the wind and wave conditions  
13 that could be experienced in the Gulf of Mexico during the  
14 project period?

15  
16 **MS. GERHART:** If I could get Mr. Peters to come up and answer  
17 that question, but just to point out that part of the point of  
18 this pilot program is to test the design in the Gulf of Mexico.

19  
20 **MR. DENNIS PETERS:** Good afternoon. My name is Dennis Peters,  
21 and I'm with Gulf South Research Corporation. Also, on the line  
22 today, if we have other questions, we also have Neil Sims, who  
23 is the principal investigator, and also Lisa Vollbrecht, and so,  
24 if we have other questions, I might defer some of those answers  
25 to them as well.

26  
27 As Susan said, as a research and short-term pilot study, we're  
28 going to be working very closely with EPA to design the final  
29 concept and requirements for environmental monitoring, and, yes,  
30 it will include benthic analyses as well as water column. I  
31 realize the EFP currently, in its state, really only addressed  
32 the water column part, and so that's a very good question, and  
33 we will be working very closely with Kip Tyler and some of his  
34 folks.

35  
36 The other point I wanted to bring out is, because this is a very  
37 short-term experimental project, we have chosen a single mooring  
38 system, which is basically a ship's anchor, and so, even though  
39 we're in shallow water, the ability for this net pen to  
40 basically swing in a clockwise pattern, based on currents and  
41 wind, is going to eliminate the potential for a long-term  
42 concentration of any type of feed or fecal waste in one  
43 particular area.

44  
45 The single-point mooring, I might also add, also provides a  
46 benefit for user-group avoidance, because we feel like it's not  
47 a huge infrastructure on the bottom, such that other trawling  
48 vessels or navigational vessels can easily move very closely to

1 it or around it, and, therefore, not really restricting access  
2 to traditional shrimping grounds or fishing grounds. I think I  
3 answered more than what was asked, but --

4  
5 **CHAIRMAN BOSARGE:** Dale, go ahead, and then I've got a question.

6  
7 **MR. DIAZ:** Thank you, Madam Chair, and thank you, Mr. Peters,  
8 for coming to answer questions. Part of my question, you may  
9 have answered just a minute ago, but this is the first EFP for  
10 one in the Gulf of Mexico, and the rules, if I'm not mistaken,  
11 say that the area that you lease has to be at least twice the  
12 size of the size of your equipment, but you've got one-square-  
13 mile here, and how did you all determine that you needed one-  
14 square-mile, because boats are not going to be able to even come  
15 through the area that you say is under your control, and you're  
16 going to have to buoy it off at the corners, and boats can't  
17 even pass through there, and so, while I'm interested in having  
18 sufficient buffers, I want to make sure, when we think about  
19 buffers, that we think about the right-sized buffers, and so can  
20 you speak to that any?

21  
22 **MR. PETERS:** I can. I will first caveat that the organization  
23 is not really advocating any restricted area at all. In fact,  
24 we have asked for that exemption in the EFP from that rule in  
25 the FMP, but, having said that, we will abide by the restricted  
26 access areas that are imposed upon us. The one that we have  
27 that came up with the one-square-mile is basically 500 feet  
28 around the direct project area, and that's what gave us one-  
29 square-mile, particularly in a circle area.

30  
31 That's just the typical 500-foot buffer that the Section 10 Army  
32 Corps of Engineers is likely to impose. We don't know that they  
33 will or have yet. We have submitted an application for Section  
34 10 as well, as Susan said, and we've also submitted the  
35 application for the NPDES permit, and so we're willing to abide  
36 by whatever restrictions come out, or requirements come out, of  
37 those permitting actions, but, the one-square-mile, that's how  
38 we got to that size, currently.

39  
40 **CHAIRMAN BOSARGE:** I have a question about this mooring system.  
41 All right. I call it anchoring, and so you'll have to bear with  
42 me. The boat is anchored, and the net pen is tied off to the  
43 boat, and the net pen is allowed to kind of float. It's tied  
44 off, but float freely behind the boat, and so what happens when  
45 you have a hurricane and the boat has got to go to the dock?

46  
47 **MR. PETERS:** We address that, minimally, in the EFP, but,  
48 obviously, we have to have a more robust contingency plan, but,

1 currently, under nominal storm events, or even Category 1, the  
2 net pen would be tied to the mooring and submerged. It is a  
3 submergible cage system, and so we suggest to submerge it down  
4 at least -- I think ten meters is what we're recommending at  
5 this point.

6  
7 Now, Category 3, 4, and 5, all bets are off, and we'll probably  
8 be relocating the pen and the whole array system from the water  
9 area, but, currently, the submersible pen is kind of the  
10 practical ideal for allowing the culture to continue, while  
11 taking the vessel into safety.

12  
13 **CHAIRMAN BOSARGE:** I don't think you're going to have ten meters  
14 though, if my math is right. If you've got a twenty-five-meter  
15 diameter pen, and you're in thirty meters of water, you can't  
16 sink it ten meters.

17  
18 **MR. PETERS:** It's thirty meters, and so we're in ninety feet of  
19 water, and the net pen is fourteen meters, at the maximum, in  
20 depth, and, the more we work with the Southern Shrimp Alliance  
21 and other user groups, if we are recommended to go to the  
22 shallower waters, then we'll be probably utilizing and  
23 considering a smaller net pen system.

24  
25 **CHAIRMAN BOSARGE:** So what is the diameter of the net pen that  
26 you're planning to use?

27  
28 **MR. PETERS:** No larger than twenty-five meters is what we have  
29 in the EFP, but the depth is fourteen meters, and, again, that's  
30 the maximum. At that point, we were looking at a thirty to  
31 forty-five-meter water depth, and, like I said, as we work with  
32 other user groups, and you're making recommendations for  
33 shallower positioning, then we would go with a smaller system.

34  
35 **CHAIRMAN BOSARGE:** Okay. Mr. Greene.

36  
37 **MR. GREENE:** You said, in a Category 2, 3, 4, or 5 hurricane,  
38 that you would relocate the boat elsewhere, and explain that to  
39 me. I mean, are you going to try to tow this back to the  
40 harbor, or are you going to pull it up and harvest the fish at  
41 that point?

42  
43 **MR. PETERS:** We are still in conversation with both the Army  
44 Corps of Engineers and the Coast Guard for what is the most  
45 appropriate contingency plan for a major storm event, and so,  
46 again, we have not worked out all those details, to date, but we  
47 definitely know that we will have worked through them before the  
48 approval of the EFP, or even the signature of the NEPA

1 documentation.

2  
3 **MR. GREENE:** Okay, and so I have a boat, and we have what is  
4 called a named storm deductible that is applied to the vessel.  
5 If there is a named storm, the deductible of the insurance goes  
6 up quite high at that point, and so we have to have a plan in  
7 place that, if we have a hurricane coming, what are we going to  
8 do, and this has to be laid out. Every year that my insurance  
9 is renewed, I am going to take the boat to this marina, and it's  
10 going to be hauled out of the water, and it's going to be  
11 secured, and I have to know that ahead of time.

12  
13 You're going to anchor this up with a tender vessel, and tell me  
14 about the tender vessel. Is this a sailboat, or is this a crew  
15 boat or a supply boat? What type of vessel are we talking  
16 about?

17  
18 **MR. PETERS:** We initially identified a -- It is a sailboat that  
19 was used before in Hawaii, for the previous two pilot projects,  
20 but we had to identify at least one that we had a commitment  
21 from, and it's our full intention to hire something locally,  
22 either out of Port Charlotte or now up near the Sarasota area,  
23 and get more of a commercial tender vessel. We're looking  
24 anywhere between a forty-five to sixty-foot range that would be  
25 able to house the technicians, the people, and also serve as an  
26 interim feed barge.

27  
28 **MR. GREENE:** Owning a sixty-plus-foot boat myself, I can tell  
29 you that I certainly have no desire to stay out in a Category 1  
30 hurricane. There are vessels in the Gulf that can do that.

31  
32 **MR. PETERS:** I didn't suggest that the boat would stay out in  
33 the hurricane. We would tie the net pen off to the mooring, and  
34 the PolarCirkel net pen is submersible, and so it would be  
35 submerged, and the boat would leave the premises.

36  
37 **CHAIRMAN BOSARGE:** When you tie your anchor off to this net pen,  
38 what kind of -- Tell me how that's going to work. I mean,  
39 surely, it's not going to be -- I am looking at this round  
40 circle on here, and I don't see any kind of structure built in,  
41 on this picture, which is very basic, to handle that anchor in a  
42 storm situation. I don't see where you've got some heavy-duty,  
43 reinforced areas that you're going to have a bridle come off  
44 that anchor and hopefully come to several different pull points  
45 on that pen, and can you tell me a little bit about how you  
46 really plan to attach that anchor line to that pen?

47  
48 **MR. PETERS:** Sure. This is where I might invite Neil Anthony

1 Sims to give his experience from Hawaii, but they have  
2 engineered the entire tethering and mooring system, and this is  
3 a very simplistic picture, just to give kind of a conceptual  
4 idea of what it would look like, but this is in no way the  
5 engineering design for the actual system that would be employed.  
6

7 **CHAIRMAN BOSARGE:** I guess that's probably going to be pretty  
8 important to us, since you're the first to do it in our Gulf  
9 waters, and it's real shallow, which is kind of out of the norm,  
10 and so there is a few things that -- You know, I tried to watch  
11 a few videos on this, about net pens like this that they sink in  
12 storm situations, to take a little bit of the storm pressure off  
13 of the net pen, but it seems like you have to sink it to a  
14 fairly substantial depth in order to really relieve some of  
15 those storm pressures from that pen, and we're not going to have  
16 that depth that we need in this particular situation.  
17

18 I mean, getting it twenty or twenty-five feet below the surface  
19 is really not going to relieve all that much pressure, but I am  
20 going to go back to Vice Chairman Greene, but I have one more  
21 question. What speed do you tow this thing at when you tow it  
22 out there?  
23

24 **MR. PETERS:** I think it's very slow, and is Neil on the line?  
25 Can he address some of these? I thought he was going to be  
26 participating, but I don't have that answer for you. I don't  
27 know what speed it's towed, but it's extremely slow. I think  
28 it's probably like five-knots or less, on its way out.  
29

30 **CHAIRMAN BOSARGE:** I guess what I'm starting to envision, in my  
31 mind, is you're probably going to have to have some sort of  
32 plan, right, and so, if you're towing at speeds that are that  
33 slow, and you're towing something to boot, you can't wait until  
34 it's blowing like you know what to start towing and get out of  
35 there.  
36

37 It's going to take you a while to get back to shore, and so,  
38 unfortunately, in the Gulf, we don't have a whole lot of that  
39 warning. Once it gets to where it's about to be in the Gulf,  
40 it's going to be blowing, because it doesn't matter if the storm  
41 looks like it's headed towards Louisiana, but it's going to be  
42 blowing where you're at, and so I think those are things that we  
43 really are going to have to think about and have it written out  
44 and understand what the game plan is before we get in that  
45 situation, because it's going to happen. It's not a question of  
46 if it happens, but it's just a question of when it's going to  
47 happen in the Gulf of Mexico, but, Mr. Greene, I am going to go  
48 back to you.

1  
2 **MR. GREENE:** Okay, and so I apologize for earlier, and I will  
3 read directly from the text. During nominal storm events, such  
4 as storms less than a Category 1 level or other similar tropical  
5 storms, the tender vessel would remain on the location and the  
6 pen would be submerged approximately ten meters below the  
7 surface until the storm or high wind and wave height conditions  
8 diminish.

9  
10 During storm events greater than a Category 1, the net pen would  
11 remain submerged, and the tender vessel would, at the captain's  
12 discretion, either stand-off of its own anchor or return to an  
13 identified safe harbor. Once the storm has passed, then,  
14 obviously, the vessel will return.

15  
16 Dealing with the northern Gulf of Mexico and the currents that  
17 are out there and understanding and seeing some of the large oil  
18 field boats that are off the Louisiana coast and Alabama coast  
19 that we fish a lot, a net that size, I don't think it's going to  
20 be towed any faster than a shrimp net, but most shrimp boats  
21 that work in the Gulf are fairly large vessels, seventy or  
22 eighty or ninety or a hundred feet, or better, at that, and so  
23 the concern I have is that, while you -- You're going to have to  
24 have some responsibility for somewhere, but you always have this  
25 clause in any type of an insurance agreement that you have these  
26 acts of God, such as lightning strikes or hurricanes, et cetera.

27  
28 How am I going to feel comfortable that you are going to leave  
29 this thing out there submerged ten meters, and knowing that we  
30 had wave heights approaching that during some of the recent  
31 hurricanes that we've had in the central Gulf of Mexico, that  
32 this is going to be safe and it's going to be returned as you  
33 left it, so to speak?

34  
35 What I am concerned about is that, with this type of a situation  
36 and the anchoring system that you have, is that it gets dragged  
37 offsite and then you don't really -- You may not know where it's  
38 at, at that point, and so is there any type of a tracking system  
39 that is going to be permanently affixed to the net that is going  
40 to have some way to ping back, some way, some new technology  
41 that I am not aware of, that's going to be there?

42  
43 **MR. PETERS:** We did not go into great detail, but I believe we  
44 mentioned that in the EFP, that there is also going to be some  
45 live video as well as a GPS tracking device, so that we can  
46 monitor it not only from the tender vessel, but from a shore-  
47 based location.

1 To your earlier concerns, and I appreciate all the comments,  
2 but, in our early discussions with the Army Corps of Engineers,  
3 we realized that this contingency plan has to be developed and  
4 matured, and we only scratched the surface in providing the  
5 information for the EFP.

6  
7 The EFP, as you can tell from earlier testimony today, did not  
8 really lend itself to an aquaculture situation in describing,  
9 and so I took a lot of liberty in responding to the EFP, and I  
10 tried to provide as much detail and robust information as I  
11 could, while still answering the different line item requests  
12 for the EFP application. Therefore, that's why I believe these  
13 other permitting actions, as well as contingency plans and  
14 nutrient plans and other emergency plans that we'll be  
15 developing in concert with the Corps of Engineers and EPA, will  
16 resolve and answer a lot of these questions.

17  
18 **CHAIRMAN BOSARGE:** Kevin.

19  
20 **MR. ANSON:** Thank you. You describe a little bit of the number  
21 of fish and the production cycles, if you will, during each  
22 year, and I'm just curious. For almaco jack, is six months --  
23 Is that what you anticipate your culture period would be, or are  
24 these fish going to get bigger and then there would be some  
25 additional impacts to the larger fish, due to extra feeding and  
26 such, and so does that kind of fit into the business plan, as  
27 far as having that sized fish in there for six months and then  
28 harvesting?

29  
30 **MR. PETERS:** Yes, and the ideal size that they have tested in  
31 Hawaii and other locations is about a two-kilo fish, and so  
32 four-and-a-half pounds, at the most, and so we're, obviously,  
33 depending on when we can get started and water temperatures and  
34 everything with growth. Therefore, whether five to six months  
35 is sufficient, but the net harvest target is still going to be  
36 two-kilos.

37  
38 To your earlier questions, we're running two back-to-back  
39 cohorts, where we are getting the fry, or the fingerlings, from  
40 either the University of Miami, where we have a partnership with  
41 Dan Benetti, or Mote Marine Lab, in recent conversations with  
42 Kevin Main. We will be getting our stock from there, and the  
43 stock is from the Gulf of Mexico.

44  
45 They will be brought out and pumped into the net pen, once it's  
46 in place, and that is the grow-out cycle, once the fingerlings  
47 are onsite, is that five to six-month period. Again, with water  
48 temperatures, if we don't get started until November, which I

1 think was my last schedule in the EFP, it might be closer to  
2 seven months, but, ideally, through the requirements of the  
3 National Sea Grant Program and the funding that we have, we  
4 tried to select and develop a pilot project that would fit  
5 within that -- It's a three-year program, but the grow-out part  
6 is only a year-and-a-half, at the most, before we have to  
7 logically bring it to conclusion and also perform the marketing  
8 trials on the sale of the fish.

9  
10 **MR. ANSON:** Thank you.

11  
12 **CHAIRMAN BOSARGE:** Can you tell me about the anchor itself?

13  
14 **MR. PETERS:** I wish I could, but I cannot. I should have been -  
15 - I thought that my counterpart was going to be online today to  
16 explain it, because he has used this single-point mooring system  
17 several times in Hawaii, and he's more familiar with that.  
18 Other than a large anchor, and that's what I conceive it to be.  
19 Beyond that, I would be guessing at telling you what the style  
20 of the anchor is and the weight of the anchor and the amount of  
21 scope on chain and the whole shackling and engineering part of  
22 it.

23  
24 **CHAIRMAN BOSARGE:** Did you ever go through a storm in Hawaii  
25 with this system, a named storm?

26  
27 **MR. PETERS:** I am from Florida, and so I know about Florida  
28 hurricanes. I've been here for almost thirty years, and I am  
29 helping the project with the permitting applications. I am a  
30 marine biologist and an aquaculturist. I have worked with a lot  
31 of different species, in closing their life cycles, in Hawaii  
32 and south Florida and the Bahamas.

33  
34 Neil Sims, the principal investigator, is the person that  
35 actually performed the two pilot projects that are described in  
36 the EFP permit in Hawaii, and that's why, again, I was hoping  
37 that he might be able to address some of those specifics that he  
38 actually experienced himself.

39  
40 **CHAIRMAN BOSARGE:** I am sorry that I am harping on you,  
41 especially about the physicality of it, but, what I saw of the  
42 project in Hawaii, if there was a storm or something like that,  
43 you sink the structure, and that's fine, because that project  
44 was done in I don't know how many thousands of feet of water,  
45 right?

46  
47 **MR. PETERS:** Right.

48

1 **CHAIRMAN BOSARGE:** We're not dealing with that here. We're  
2 dealing with ninety feet of water, and so, if I have concerns  
3 about the structural integrity of that pen and those  
4 domesticated fish getting into the Gulf of Mexico, and hopefully  
5 it wouldn't be a big deal, but I need to understand more about  
6 the physicality, because this one is going to have to endure  
7 more of those storm-force conditions than it did in the project  
8 in Hawaii. You can't sink it and get away from it. We're going  
9 to have to know that it can stand up to it.

10  
11 **MR. PETERS:** Absolutely.

12  
13 **CHAIRMAN BOSARGE:** At some point or another. Okay, and so let  
14 me change gears. I was excited that you said that you got your  
15 -- I think it's called brood stock, but from the Gulf, right,  
16 and so it's wild fish from the Gulf of Mexico.

17  
18 **MR. PETERS:** Right.

19  
20 **CHAIRMAN BOSARGE:** That's excellent news, and I'm glad to hear  
21 that. I don't want any other fish over here, in case they get  
22 out, and it is our native species. What kind of analytics are  
23 you running on that brood stock? Are you doing any genetic  
24 testing, so we have like a baseline, so that, if we have an  
25 issue in the future, we'll have a genetic baseline for that  
26 stock of fish that we can then go back and resample the wild  
27 stock and see if we see any changes, genetically?

28  
29 **MR. PETERS:** I'm sure that you will, yes, and I say I'm sure  
30 because I have had limited conversations with Dan Benetti from  
31 the University of Miami, and I have not spoken to Kevin, but I  
32 know that they adhere to strict protocols with breeding programs  
33 and also with the guidelines that are in the FMP for brood stock  
34 and genetic integrity, and so, yes, I think all of that will be  
35 made available to you.

36  
37 **CHAIRMAN BOSARGE:** Yes, we definitely want some genetic testing  
38 of the original brood stock, because this particular species of  
39 fish, we really don't have a lot of information on it. It's one  
40 of our data-poor species, and so, if there is a problem, unless  
41 we have some baselines to look at, it's going to be hard for us  
42 to assess how bad is the problem, where we're at, and where we  
43 need to do, and so, the more baseline testing you can do on that  
44 brood stock, we would really appreciate that.

45  
46 Then, as you're breeding these fish, are you essentially picking  
47 out the ones that are the more prolific breeders, and I'm not  
48 sure what the scientific term is for what I'm trying to say

1 here, but are you picking those and then trying to streamline  
2 that into what your stock becomes?

3  
4 **MR. PETERS:** I cannot answer that question. That would be a  
5 comment for the University of Miami and Mote Marine Lab. I've  
6 just got a request. You had another call-in earlier today with  
7 one of the other EFPs, and our cohort is trying to call in and  
8 cannot.

9  
10 **EXECUTIVE DIRECTOR GREGORY:** We're making that arrangement now.  
11 We just have to promote him to organizer so that he can speak.

12  
13 **MR. PETERS:** Okay. Thank you.

14  
15 **MS. BERNADINE ROY:** He needs to enter an audio pin in order to  
16 be able to speak into the room.

17  
18 **MR. PETERS:** He has been buzzing me relentlessly to allow him to  
19 share some comment with you, because I know that he has a lot of  
20 firsthand experience that would help you with a lot of your  
21 questions.

22  
23 **CHAIRMAN BOSARGE:** We will let him get on the line and maybe  
24 answer one of my ten-million questions that I've had. Then I  
25 will go to Mr. Swindell and let Mr. Swindell give some feedback.  
26 Mr. Swindell, go ahead, while we're waiting.

27  
28 **MR. SWINDELL:** Why are we reviewing this now? Evidently, there  
29 is not enough final planning for us to get this done, and so  
30 what is the purpose that we're even looking this now?

31  
32 **CHAIRMAN BOSARGE:** NMFS?

33  
34 **DR. CRABTREE:** Well, this is before us, and, as we talked about  
35 earlier, our intent is, when we get back and we feel like we've  
36 worked from the particulars of the design from the applicant, we  
37 would put a notice out in the Federal Register and take public  
38 comment on it, and then we'll make a decision on it, and the  
39 process is we bring these projects in front of the council to  
40 hear your comments and concerns.

41  
42 **CHAIRMAN BOSARGE:** Mr. Swindell.

43  
44 **MR. SWINDELL:** One of the problems that I am having is that  
45 there is a lot of engineering, and there's a lot of questions,  
46 like feeding and so forth, that's got to take place for us to  
47 understand whether or not this thing is really -- The anchoring  
48 and whether it's going to be a solid anchor or -- There's a lot

1 of things that have to be understood, and we could spend two  
2 days here talking about a system that we don't have all this  
3 engineering already done and the brood stock and the netting and  
4 what's going to happen in a hurricane and is he going to have to  
5 hire boats to haul this thing somewhere else and can you do it  
6 fast enough, and there's a whole bunch of ifs, ands, and buts  
7 that we don't know, and I would hope that the department would  
8 have answers to all of that before it comes to us to really try  
9 to make any kind of reasonable decision. That's why I am asking  
10 what decision are we being asked to make at this point.

11  
12 **DR. CRABTREE:** Well, if you guys want to voice concerns or  
13 express support or whatever on this, you are free to do that. I  
14 mean, Ed, I could go through this and satisfy all of my  
15 questions, and then I could very likely bring this before the  
16 council, and you would come up with a whole set of new  
17 questions, and so that's the process of where we are and trying  
18 to understand what the council wants us to look at about it.

19  
20 **MR. PETERS:** Madam Chair, I believe that Mr. Sims is available,  
21 if you would like to have him provide some greater detail to  
22 some of these questions we have.

23  
24 **CHAIRMAN BOSARGE:** Yes, sir, Mr. Sims. Feel free.

25  
26 **MR. NEIL ANTHONY SIMS:** Thank you very much. We do appreciate  
27 the questions, and we do appreciate the consideration from the  
28 council in moving this project forward. It's been a long time  
29 coming.

30  
31 I would like to just assure the council that, to the question of  
32 sea states and managing the array during inclement weather, we  
33 are working very closely with the National Ocean Service, with  
34 folks out of Beaufort, North Carolina, and they're the ones that  
35 have the AquaMapper, and they have historical records from NOAA  
36 buoys in the area, and we have shared that information with --  
37 There are two companies that we are discussing the net pen  
38 array, two engineering companies, and one is Rayleigh, and they  
39 have extensive experience deploying their single-point mooring  
40 pins in the Mediterranean.

41  
42 There, they are designed up to nine-meter significant wave  
43 height, and they have the wave data from the nearest NOAA buoy  
44 there, and they are, at the moment, engineering the anchor and  
45 the mooring array to the tender vessel and then the cage system,  
46 to ensure that it's able to cope with those conditions.

47  
48 The other company that we are working with is a Chilean company

1 that they have had a similar pin array that has been deployed  
2 offshore in Chile, in an ocean that exposed to the full brunt of  
3 the Pacific Ocean there, and that was in a grid array, and so  
4 we're talking to them to make sure that their engineers  
5 understand the challenges if we are converting that to a single-  
6 point mooring.

7  
8 The engineering is something that we will detail. We will go  
9 through it in great detail with the Army Corps of Engineers and  
10 also it will be available in the draft environmental assessment  
11 that we will present to the Army Corps and NMFS.

12  
13 **CHAIRMAN BOSARGE:** But I don't guess you have those ready to  
14 email to us?

15  
16 **MR. SIMS:** No, there is going to -- First of all, we have to  
17 identify the site, confirm the site, and the depth, and then  
18 that will be the challenge for the engineers, to go and make  
19 sure that the array that they are -- At the moment, they are  
20 working through hypothetical versions of this array, but, once  
21 we have confirmed the site, then they will go and firm that up,  
22 and so it will be presented in the draft environmental  
23 assessment.

24  
25 **CHAIRMAN BOSARGE:** Thank you, sir, and did you hear our  
26 questions about the assays of your brood stock, the genetic  
27 testing?

28  
29 **MR. SIMS:** Yes, I did, and I am happy to address that. These  
30 fish came from -- The brood stock that are currently held by  
31 Mote came from this very area, somewhere offshore off of  
32 Sarasota, and so they are local brood stock, and that is what is  
33 required under the fishery management plan.

34  
35 We will, over the long run, we will be looking at genetic  
36 markers for these fish, but we won't be going any further than  
37 second generation, and there won't be any active selective  
38 breeding until we have -- Until we're able to come back to NOAA  
39 and confidently and comfortably assure them of minimal risk of  
40 escapement.

41  
42 Then there is a calculation, and NOAA has a model where they  
43 look at the escapement risk and the potential impacts of the  
44 escapes and how far you can go forward, in terms of a selective  
45 breeding program, but that's going to be happening over ten to  
46 twenty years' time. This is not something that -- At this  
47 initial, experimental pen, they will all be first generation  
48 from the wild fish, and there is going to be no active selective

1 breeding on these fish.

2  
3 **CHAIRMAN BOSARGE:** Okay, and I'm glad that you're not going to  
4 do active selective breeding, but are you going to do genetic  
5 testing on those wild fish that you caught to put in your tank  
6 to breed? I ask that because we have very limited, if any, data  
7 on this species, and so we really need you to do the genetic  
8 testing on those wild-caught fish, so that we have a baseline in  
9 the future.

10  
11 **MR. SIMS:** We have a genetic testing program that we are  
12 conducting here on the Hawaii fish at the moment, and we will  
13 probably be extending that to Mote, to work with the folks at  
14 Mote, so that we could be getting the baseline genetic  
15 information on the wild stock, if that was the point of your  
16 question.

17  
18 **CHAIRMAN BOSARGE:** Yes, sir, that's it.

19  
20 **MR. SIMS:** Yes, we will be getting fin clips from those fish,  
21 and we will be -- We want to ensure that there is abundant  
22 genetic diversity in the brood stock that we have going forward,  
23 and we will be able to use that as a benchmark for measuring the  
24 genetic drift, or the genetic difference, between the subsequent  
25 generations and what was originally there in the wild.

26  
27 **CHAIRMAN BOSARGE:** That's perfect. Yes, genetic fin-clippings  
28 on the original, wild-caught brood stock and then on the  
29 progeny, and that's what we need, for sure, and that would be  
30 excellent. Thank you, sir. Let me turn to the rest of the  
31 people around this table and see if they have any other  
32 questions. Dr. Frazer.

33  
34 **DR. FRAZER:** Thank you. My question is related to what you're  
35 going to feed them. In each of these cohorts, you have 17,000  
36 fish that are ultimately going to be two to two-and-a-half  
37 kilograms, and that's a lot of food, and so I'm trying to figure  
38 out -- Potentially, you're going to have an order of magnitude  
39 more food than that, and so several hundred thousand kilograms  
40 of feed, and there is going to be some efficiency in that  
41 feeding, and so a lot of that food is going to make it to the  
42 bottom, either as food directly or waste materials, and I'm just  
43 wondering if you have done anything to calculate what the  
44 expected kind of delivery of that material is to the bottom and  
45 how that might either impact the bottom ecology and/or how  
46 you're going to deal with it.

47  
48 **MR. SIMS:** Certainly, and there are several questions there, and

1 let me unpack that. First of all, the type of feed that we'll  
2 be using will be a formulated yellowtail diet from either  
3 Skretting or EWOS or Cargill or one of the other established  
4 feed mills in the U.S.

5  
6 This is formulated to be almost the same as the diet that we had  
7 been feeding to the Kampachi, when we operated the commercial  
8 Kampachi farm here in Hawaii, that continues to operate to this  
9 day. There was extensive water quality monitoring around those  
10 pens, and these were -- We had up to eight net pens stocked with  
11 up to 70,000 fingerlings per pen in a grid array, and so it  
12 wasn't moving. It was not a single-point mooring, and there was  
13 no detectable impact on the water quality.

14  
15 You essentially couldn't tell the difference in water quality  
16 from up-current of the net pen to down-current of the net pen,  
17 the reason being that there is -- There is feed that is  
18 formulated to be highly efficiently digested, and that's what we  
19 want. We want these fish to convert the feed very, very  
20 efficiently, and there is also a phenomenal amount of water.  
21 Part of the beauty of moving out into deeper water, further  
22 offshore, is that there is a lot of water that moves through  
23 these net pens.

24  
25 This can be modeled, and the NOS folks from Beaufort have done  
26 similar work in modeling this for the California yellowtail, a  
27 very similar species, working with Jack Rensel's group out of  
28 Washington State, and they can model the impacts on water  
29 quality and on the substrate, and so we will be using that in  
30 our initial environmental assessment.

31  
32 We will project the extrapolation from the model that they used  
33 for California and that they've also developed here for Hawaii  
34 and what that would mean for the amount of fish that we have  
35 here in Florida, but we will also be monitoring that.

36  
37 This is a very small demonstration project, and the point here  
38 is to be able to show the local community and the fishing  
39 community, such as yourselves and other policy makers, and the  
40 legislators. We want to be able to take people out onto this  
41 array and show them that this is fish in a pen. This is what  
42 offshore aquaculture is all about, putting fish in a pen in deep  
43 water with good circulation, and, if you do it right, the  
44 closest analogy is like running cattle on the open range.

45  
46 It is a very limited impact on the ecosystem, if any measurable  
47 impact on the ecosystem at all. As a demonstration project,  
48 we're not going to be able to fully show what the impact of a

1 commercial array would be, and we would like the council to  
2 fully understand that our intention here is to eventually, with  
3 your consent and with the consent from the community that we  
4 will be working, to move forward with a commercial plan, but we  
5 will have also extensive monitoring around whatever commercial  
6 array goes out there, because we want to be able to demonstrate  
7 that there is minimal impact from these sorts of operations, so  
8 long as they are sited correctly and operated correctly.

9  
10 The other point about fish feed falling to the substrate, please  
11 understand that we spend a lot of money on feed. This stuff  
12 costs around two-dollars a kilo, by the time you get it out onto  
13 the net pen, and every kilo that goes through the net pen and  
14 outside, onto the bottom, is just dollar bills washing away, and  
15 so, in the past, for the Velella project, we had divers in the  
16 water that were monitoring the feeding, and, as soon as you  
17 could see pellets starting to get towards the bottom of the  
18 cage, they would send a float to the surface.

19  
20 When we move to a commercial operation, you have cameras, or  
21 other means, for detecting the feeding pattern of the fish, and  
22 you want to ensure that you cut off the feed, start to slow down  
23 the feed and then eventually cut off the feed, as the fish start  
24 to achieve satiation. We don't make money on any of the feed  
25 that we throw away.

26  
27 **CHAIRMAN BOSARGE:** On the subject of feed, are you going to put  
28 any antibiotics in that feed, if you see issues with your fish?

29  
30 **MR. SIMS:** We have no plans to, and part of the beauty of  
31 working in open ocean is that you see very little in terms of  
32 bacterial issues with fish. However, if our fish ever did have  
33 a bacterial issue and there was an approved antibiotic that was  
34 available, then we would use that under veterinary direction,  
35 and that is the humane thing to do. You don't want to sit there  
36 and see your fish suffer.

37  
38 There are only, I believe, only two antibiotics that are  
39 approved for use in aquaculture in the U.S., and we would have  
40 to get consent from NOAA and from EPA. There would be  
41 monitoring around the pen while we were doing those treatments,  
42 and this would be highly unusual if we had to do it.

43  
44 There are other fish health issues that might become an issue,  
45 and there is an ectoparasite on the *Seriola* that is about the  
46 size of flea, but, if they become -- If they proliferate and  
47 they become abundant on the fish -- They are present on the fish  
48 in the wild, but the levels are generally one skin fluke per

1 wild fish, is what we've found here in Hawaii. What we have  
2 found with the Velella project, when we moved to a single-point  
3 mooring, is that the skin flukes are not problematic at all,  
4 that that resolves that issue.

5  
6 If, however, we find, in Florida, that the fish are suffering,  
7 and we are concerned for the welfare of our fish, then there are  
8 approved -- There is a single approved treatment available that  
9 is a chemical that breaks down to water and oxygen in sunlight,  
10 and so it's just a very short-term treatment, and, again, that  
11 would only be with NMFS approval, EPA approval, and there would  
12 be extensive monitoring of any effluent water that came from  
13 that.

14  
15 **CHAIRMAN BOSARGE:** Okay. I have some concerns about antibiotics  
16 in the wild environment.

17  
18 **MR. SIMS:** We share those concerns. We absolutely do share  
19 those concerns as well, that it is something that, in the long-  
20 term, we would want to be operating any operation without  
21 reliance on antibiotics, and this has been -- My cofounder in  
22 Kampachi Farms had worked in the Chilean salmon industry, which  
23 has an unfortunate history of heavy use of antibiotics, and  
24 Michael had established a farm down in the 11<sup>th</sup> and 12<sup>th</sup> Regions  
25 of Chile, in very remote regions, and the farm that he has  
26 established down there, to this day, is still the one single  
27 farm in Chile that has not used antibiotics on their site, and  
28 that is because he located them in the correct sites, and it was  
29 very careful management of those fish. It's just good husbandry  
30 is the primary preventative measure.

31  
32 **CHAIRMAN BOSARGE:** Any other questions from the council? Mr.  
33 Gregory.

34  
35 **EXECUTIVE DIRECTOR GREGORY:** Thanks for being here, for both of  
36 you. Now, there has been a lot of email, and I know you guys  
37 have been working on this for a long time, because I've got some  
38 emails between you all and I guess some people with EPA back in  
39 April of 2017, and Sea Grant applied and got a little bit over  
40 \$100,000 for funding for this, and was that just to provide the  
41 source, the brood stock, or the fingerlings that you're going to  
42 use?

43  
44 **MR. SIMS:** No, some of that funding is for collecting the  
45 information and preparing the EFP. Then that project also has  
46 funds for the fingerling production, either out of Miami or out  
47 of Mote, and for the deployment of the demonstration net pen,  
48 because the demonstration net pen, in and of itself, won't make

1 money, but we believe that it is important to be able to put a  
2 demonstration pen out there to show the local fishing  
3 communities and the other folks there that this can actually  
4 have benefits to the community, and so that's the primary reason  
5 behind this, is for public education.

6  
7 We saw here, in Hawaii, when we had the Velella beta test and  
8 the Velella gamma test, the first two versions of this project  
9 here, that the array out offshore acted like a phenomenal FAD,  
10 fishing aggregating device, and the local fishing community here  
11 went from being generally skeptical about the idea of offshore  
12 aquaculture, because they didn't understand it and they hadn't  
13 seen it, to being emphatic, rowdy supporters of our operation,  
14 to the point that when we had to remove the pen from the Velella  
15 gamma, because it was the end of the project and our permit was  
16 only for a single cohort, I had fishermen coming up to me in the  
17 harbor and saying, please, please, don't take that net pen out  
18 of the water and that's the best fishing I've seen in my life.

19  
20 We want to, through this project, we want to be able to show the  
21 local fishing communities, and also the tour communities. Here  
22 in Hawaii, we have dive tour operators bringing snorkelers out  
23 onto the offshore array, and we would like to be able to show  
24 that there are multiple benefits to the broader community from  
25 an offshore aquaculture industry, and so, this initial net pen,  
26 the Sea Grant project will fund for most of the costs for the  
27 demonstration array. There are also matching costs that we and  
28 our collaborators will provide, but then the long-term goal here  
29 is for us to be able to move towards a commercial operation.

30  
31 **EXECUTIVE DIRECTOR GREGORY:** Right, and this looks like a  
32 proposal, and you said you're going to make some income, by  
33 selling fish directly to distributors and to people that you  
34 take out, or you will have tours of the place, with people being  
35 able to snorkel inside or outside the net and being able to fish  
36 inside the net, and so I see that.

37  
38 In this proposal, there is a lot of claims of the lack of the  
39 need to get any permits, because of where this is going to be  
40 located, but it sounds like that has changed as the different  
41 agencies have taken a look at this and have been asking, I  
42 guess, similar questions that we've been asking. Do you have to  
43 go through a permitting process with the Corps of Engineers, I  
44 presume?

45  
46 **MR. SIMS:** Yes, and the initial proposal, because we were  
47 initially looking to find a way where this could be done fairly  
48 expediently, and the initial proposal was that we weren't going

1 to have this permanently moored in one spot, but it would be  
2 itinerant, as it were, and that's what we had with the Velella  
3 beta test here, the first unanchored Velella project that we had  
4 here in Hawaii.

5  
6 We only needed to have a permit from NOAA and from the Coast  
7 Guard, because it didn't have any anchor and it was less than  
8 100,000 pounds of fish, and we -- Initially, the proposal that  
9 we had for Sea Grant was that we would do the same thing here in  
10 Florida.

11  
12 After discussions with the Army Corps and EPA, and they both  
13 said, look, we would still like to go through the permitting  
14 process with you, and we don't want to have to argue the fine  
15 print about how often you're going to move the anchor and  
16 whether it's itinerant or whether it's a fixed mooring, and we  
17 would like to go through this and give it the full scrub. We  
18 said, fine, let's do that. We want to be able to work with both  
19 the agencies, the local fishing associations, fishing industry  
20 representatives, and the local communities, because we think, in  
21 the long run, this will be something that everybody will have  
22 good cause to support.

23  
24 **EXECUTIVE DIRECTOR GREGORY:** Thank you.

25  
26 **CHAIRMAN BOSARGE:** Thank you for being on the line, Mr. Neil. I  
27 think we do have a lot of questions, and it sounds like you're  
28 sort of in the early phases of this, and I know that there's at  
29 least a few around this table that, once you finish getting your  
30 engineered drawings, we would love to see them, and no offense  
31 to Chilean engineers or Israeli engineers, but I think that we  
32 would like to see them around this table.

33  
34 We do have at least one engineer, by trade, on the council, and  
35 I would like the fishermen to see them, how you're going to moor  
36 it, what the structure is going to look like, because I  
37 guarantee you that the fishermen may not have an engineering  
38 degree, but they can look at in about five seconds flat and tell  
39 you if that's going to hold or not, and it's their Gulf waters  
40 too, and so I hope that you will bring us back some more  
41 information, so that we can take a deeper look at this and  
42 hopefully proceed in the future, maybe.

43  
44 **MR. SIMS:** Thank you very much, and, yes, I would hope that, at  
45 some future council meeting, that Lisa and I would both be able  
46 to be there, to be able to answer your questions in person,  
47 rather than through the phone, but I do want to compliment you  
48 on your audio system here. This has got to be the best webinar

1 connection that I have ever experienced for a meeting of this  
2 size.

3  
4 We would also, as we're going through the EA process here, it's  
5 under the NEPA rules, but who cares about the NEPA rules? What  
6 we want to do is get community buy-in, and so we will be  
7 reaching back out to fishermen's associations and sharing with  
8 them what we are proposing to do, the engineered drawings, as  
9 they come to hand, as we have them, and we're happy to have  
10 people poke holes in them, and absolutely.

11  
12 This sort of engagement is the ultimate intention of this  
13 project. We don't want this to happen in a vacuum. We want  
14 this to happen in the full light of day and with full buy-in, or  
15 perhaps, if not full buy-in, at least passive acceptance from  
16 all of the user groups that we have to work with over time, and  
17 so thank you very much, council and Madam Chair. We do  
18 appreciate the opportunity very much, and we look forward to  
19 meeting you sometime in the future.

20  
21 **CHAIRMAN BOSARGE:** Sounds like a plan, sir. We look forward to  
22 it, and thank you. Next on our agenda, I think we're going to  
23 go through some public comments, that may span all of our EFPs  
24 that we've looked at thus far this week, and so I will turn it  
25 over to Dr. Simmons to lead us through that discussion.

26  
27 **REVIEW OF PUBLIC COMMENT ON EFP APPLICATIONS**

28  
29 **DR. CARRIE SIMMONS:** Good afternoon, and thank you, Madam Chair.  
30 The council staff received and posted the exempted fishing  
31 permits in the briefing book on Friday, January 19. We  
32 developed an online portal to collect public comments. No  
33 comments were received, to date, on the lionfish or the  
34 aquacultured exempted fishing permits.

35  
36 We did receive seventeen comments on the Gulf states' exempted  
37 fishing permits, including several that have come in since we  
38 requested the Monday, January 29<sup>th</sup> deadline, and so, in that Tab  
39 S, Number 8, there is going to be a couple of additional  
40 comments that came in since then that you can go to the online  
41 portal and read, but this verbal summary will include them, but  
42 I will let you look at those for more detail, because this is  
43 going to be very short.

44  
45 All comments supported the exempted fishing permit for private  
46 recreational anglers in the Gulf. The majority supported  
47 leaving charter and headboats under the federal management  
48 system or have an opportunity for them to opt into the state

1 EFPs after they had a chance to see what was going to happen  
2 with the private anglers.

3  
4 Overall, the commenters believe that the for-hire sector has  
5 been very successful under the current federal management  
6 framework, and they believe the EFPs can be effective to  
7 modernize the fishery management for private anglers.

8  
9 Other comments stated that the EFPs must adhere to the Magnuson-  
10 Stevens Fishery Management Act, to ensure that private anglers  
11 don't go over the catch limits, and these comments came from the  
12 states of Alabama, Texas, Florida, and Louisiana. That is the  
13 short summary. Madam Chair, this concludes my report.

14  
15 **CHAIRMAN BOSARGE:** All right. Thank you. Let's look at our  
16 schedule here. We are scheduled for public testimony at three  
17 o'clock, guys. I really don't think we can jump back into our  
18 EFP discussions that we were having earlier, and so let's all  
19 take a short break, but I would like everybody back here at  
20 2:55, and that's five minutes before public testimony starts,  
21 please. Thank you.

22  
23 (Whereupon, a brief recess was taken.)

24  
25 **CHAIRMAN BOSARGE:** For members of the public, this is a little  
26 bit smaller room than we're normally in, and so, if you're going  
27 to have any conversations, private conversations, I am really  
28 going to need you to take them outside the meeting room, or it's  
29 going to get very difficult to hear.

30  
31 Good afternoon, everyone. Public input is a vital part of the  
32 council's deliberative process, and comments, both oral and  
33 written, are accepted and considered by the council throughout  
34 the process.

35  
36 The Sustainable Fisheries Act requires that all statements  
37 include a brief description of the background and interest of  
38 the person in the subject of the statement. All written  
39 information shall include a statement of the source and date of  
40 such information.

41  
42 Oral or written communications provided to the council, its  
43 members, or its staff, that relate to matters within the  
44 council's purview are public in nature. Please give any written  
45 comments to the staff, as well as all written comments will also  
46 be posted on the council's website for viewing by council  
47 members and the public, and it will be maintained by the council  
48 as part of the permanent record.

1  
2 Knowingly and willfully submitting false information to the  
3 council is a violation of federal law. If you plan to speak and  
4 haven't already done so, please sign in at the iPad registration  
5 station located at the entrance to the meeting room. We do  
6 accept only one registration per person.

7  
8 Each speaker is allowed three minutes for their testimony.  
9 Please note the timer lights on the podium, as they will be  
10 green for the first two minutes and yellow for the final minute  
11 of testimony. At three minutes, the red light will blink, and a  
12 buzzer may be enacted. Time allowed to dignitaries providing  
13 testimony is extended at the discretion of the Chair.

14  
15 Thanks to everyone for coming, and you can see the list of your  
16 names. If you happen to be out of the room when I call your  
17 name, I will circle back around to you at the very end of public  
18 testimony, to see if you're still here and if you would like to  
19 speak, and so, first this afternoon, we are going to have Paul  
20 Sawyer, followed by Bart Niquet.

21  
22 **PUBLIC COMMENT**

23  
24 **MR. DAVID CAVELLE:** Good afternoon. My name is David Cavelle,  
25 and I'm here on behalf of U.S. Congressman Garret Graves. Paul  
26 Sawyer could not be here today, and so I'm here in his place.  
27 It is very concerning to see that this council is considering  
28 IFQs for the charter/for-hire sector. From what we have seen in  
29 this management style, it caused the commercial sector to shrink  
30 in size, leading to consolidation of a public resource into the  
31 hands of a few people. Please tell me, are there any other  
32 federal resources that we just give away like this?

33  
34 I don't think you can, because it's not a fair and equitable way  
35 to manage the American people's resources. Catch shares, on the  
36 commercial side, shortchange the nation, which is bad enough,  
37 but catch shares in the charter industry will tilt the balance  
38 so far to the charter side that I wouldn't hire one again,  
39 because I feel that I am getting ripped off.

40  
41 I strongly advise the council to not change, to not go down this  
42 road, on the recreational side. The success of the LA Creel has  
43 shown that the states are more than capable of managing  
44 fisheries and better at collecting the data as well.  
45 Furthermore, each state has been working towards developing a  
46 plan that will allow for state-based management for recreational  
47 fishermen, and I believe the council should not work against the  
48 states by passing these amendments.

1  
2 Instead, you should work towards allowing the states to have  
3 more flexibility in the way they manage reef fish, so that all  
4 Americans can enjoy recreational fishing. Thank you,  
5 Congressman Garret Graves, member of Congress. Thank you.  
6  
7 **CHAIRMAN BOSARGE:** Thank you, sir, and what was your name again,  
8 for the record? I called you as Paul Sawyer.  
9  
10 **MR. CAVELLE:** Yes, ma'am. I'm David Cavelle, with Congressman  
11 Garret Graves.  
12  
13 **CHAIRMAN BOSARGE:** Okay. David Cavelle. I am assuming that you  
14 work with Mr. Paul Sawyer.  
15  
16 **MR. CAVELLE:** I do.  
17  
18 **CHAIRMAN BOSARGE:** Thank you, sir. We appreciate it. Next, we  
19 have Mr. Bart Niquet, followed by Jerome Zeringue.  
20  
21 **MR. BART NIQUET:** I am Bart Niquet from the Panama City area.  
22 I've been fishing all my life, all kinds, and, once again, I  
23 came to a meeting with hope of some kind of forward-looking  
24 policies, and, instead, we're asked to consider a new data  
25 collection process, which will take at least three years and  
26 much expense and will, if the program as outlined is enacted,  
27 will be unlawful or, at the best, unheeding laws already in  
28 effect, and, in some cases, in contrary to them.  
29  
30 The charter/headboat community doesn't need this. You would be  
31 better served by a select group of data collectors free to roam  
32 around the Gulf fishery ports with no published agenda to  
33 randomly take data from fishermen as they interview them. This  
34 would be a far more effective process than phone calls or emails  
35 sent hours after landings and reminiscing, and it would be a lot  
36 cheaper, also.  
37  
38 As to the red grouper stock, as far as I can tell, no commercial  
39 fisherman or fish dealer was consulted about the increase in the  
40 TAC. We, as a group, didn't want it. All you did was devalue  
41 the price of both shares and leases. Maybe that's the salvation  
42 or the solution, to the red snapper problem that this council  
43 seems to have. Raising the TAC a couple of million pounds would  
44 give them more fee money to go to the enforcement and make more  
45 fish available for the general public.  
46  
47 On amberjack, the commercial fishermen don't want a longer  
48 season with smaller catches. This is not a cost-effective

1 process, and we would like to catch as many as we can in as  
2 short a time as it takes until we reach our limit.

3  
4 I listened to the exempted program from Texas on that was put up  
5 there, and it sounds like they want at least 16 percent of the  
6 total catch as an exemption, and is that including or is that in  
7 place of or added to their present quota? To me, I am not a  
8 fishery biologist, but that sounds just like a fish-grabbing  
9 system, and I couldn't be for it. Thank you very much.

10  
11 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Jerome  
12 Zeringue, followed by Gunner Waldmann.

13  
14 **MR. JEROME ZERINGUE:** Thank you. My name is Jerome Zeringue,  
15 and I'm a state representative here in Louisiana. On behalf of  
16 Louisiana, I want to welcome you all, council members, and I  
17 appreciate you all coming to Louisiana, and I hope you all have  
18 a good time in our great state.

19  
20 I am here today to talk about a couple of issues. Primarily, I  
21 would like to talk about and applaud the council on its efforts,  
22 encourage its efforts, to work on state management. I think,  
23 from our perspective, our Department of Wildlife and Fisheries,  
24 Mr. Patrick Banks sits on the council, and, unfortunately, he  
25 had to leave, but they're doing a great job in terms of  
26 fisheries management, and LA Creel is a much more thorough and  
27 comprehensive process than the federal MRIP survey system.

28  
29 The MRIP was never designed to set season lengths and manage in-  
30 season quotas, but that's exactly what it's being used for. In  
31 fact, I've spoken to several fisheries scientists who even say  
32 that the methodology of the MRIP is fatally flawed. The process  
33 requires extrapolation, which results in imprecise data, to  
34 determine precise things, like how many pounds of fish have been  
35 caught, and it simply doesn't work.

36  
37 Programs like LA Creel and Alabama's Snapper Check and Florida  
38 and Mississippi programs use a more precise and specific  
39 sampling method, and, if we allow those systems to work, give  
40 them some time, there is no doubt that we will generate enough  
41 data to establish the trends and, long term, all those programs  
42 will be more efficient and run more effectively and cheaper.

43  
44 I am also here in opposition of Amendments 41 and 42. The IFQ  
45 system for charters will put a lot of Louisiana charters out of  
46 business, and Amendments 41 and 42, which further privatize  
47 roughly another 20 percent of the fishery, and combined with the  
48 catch share system in the commercial sector, will mean that

1 almost three-quarters of our fishery will be given away for free  
2 and held by private businesses.

3  
4 We request the council to kill, or at least table, these  
5 amendments with the states, working on plans to manage the  
6 recreational sectors in the red snapper fishery. The states are  
7 working on two fronts right now, through the exempted fishery  
8 permits plans and the state management amendments, which are  
9 better methods to manage the fishery, and so the council should  
10 not tie their hands by privatizing another segment of the  
11 fishery.

12  
13 The council should give the states more flexibility to salvage  
14 our fisheries, as opposed to 41 and 42, which complicate the  
15 process. Catch shares on the commercial side shortchange the  
16 nation, which is bad enough, but catch shares in the charter  
17 industry, as in the commercial sector, will result in restricted  
18 consolidation, which will dramatically tilt the balance to the  
19 charter side and have a dramatic effect on the price and  
20 availability for non-boat-owning anglers, and these amendments  
21 appear to be a solution in search of a problem, and, therefore,  
22 we are opposed to those amendments.

23  
24 Now, as I said, I am a legislator, and it sounds like, based  
25 upon some of these actions that we've already seen, that the fix  
26 may already be in, but I hope that's not the case, but, as a  
27 legislator, we're going to be going into session in the next few  
28 weeks, and, like, was similarly enacted in Kentucky, where, in  
29 fact, we're going to consider in Louisiana a work requirement  
30 for the Medicaid program, a work requirement for a federal  
31 resource, of which all taxpayers pay to contribute and support.

32  
33 Similarly, our fishery is a federal resource that tax payers  
34 contribute to support, and, as such, as taxpayers, the Gulf  
35 Council should implement a work requirement for commercial catch  
36 shares. Anyone given the privilege of this exclusive access to  
37 a federal resource, they should be required to participate in  
38 the harvest or the processing of that resource. If not, those  
39 catch shares should be reallocated and offered to those  
40 individuals who work in the utilization of this valuable federal  
41 resource and its long-term enhancement and resource protection,  
42 and I thank you for the opportunity to comment today. Thank  
43 you.

44  
45 **CHAIRMAN BOSARGE:** Thank you, sir. Thank you for being here.  
46 If we do have any other dignitaries in the room, if I could ask  
47 you if you'll just kind of come over to staff and let them know  
48 you're here. We're going to put you at the top of the order,

1 simply because, when you come in in the middle of the order,  
2 sometimes it causes a little confusion on the lights, and  
3 dignitaries are afforded slightly longer times, if they need it,  
4 and so, if you could do that, it creates a lot less confusion in  
5 the end, and we appreciate that. Mr. Gunner Waldman, your turn.  
6

7 **MR. GUNNER WALDMANN:** Thank you, esteemed members of the  
8 council. Thank you for letting me share my opinions and speak  
9 on this important matter to everyone. I am a recreational  
10 fisherman, and I've been fishing for over fifty-five years. I  
11 live in southwest Louisiana.  
12

13 One of the biggest things that I've seen in the last twenty  
14 years is I have just a small, twenty-five-foot bay boat, and we  
15 can get out thirty miles in the Gulf of Mexico below Lafayette,  
16 which is roughly seventy feet of water, seventy-five foot. The  
17 amount of rigs that are being taken out is just astronomical.  
18 We've been fishing an area in the vermilion blocks, the 70s and  
19 80s and 100 blocks, that are in seventy-five foot of water, and  
20 the last eight platforms that we fished, or scuba dived, are  
21 gone. They were for Black Elk, and, now, I'm going to have to  
22 venture out in a twenty-five-foot bay boat forty miles or fifty  
23 miles to get to some new areas.  
24

25 One of the things that I have noticed in that is the barotrauma  
26 is minimal to red snapper in seventy to seventy-five foot of  
27 water. We rarely have a fish in that, when we're fishing, that  
28 doesn't go back down, and so I would ask that you all look at  
29 that.  
30

31 I am against catch shares. I am against the 41 and 42  
32 amendments, and I would just ask that you all give us our  
33 Louisiana plan that Mr. Patrick Banks has championed, along with  
34 Wildlife and Fisheries and most of the recreational fishermen  
35 here in Louisiana are for. Because of LA Creel, we can manage -  
36 - We have proven that we can manage our fishery and not go over  
37 the quota.  
38

39 I challenge any one of you all, and I invite any one of you all,  
40 to come on my boat. I am a huge scuba diver, and I will take  
41 you out, and I can show you videos that -- We have so many small  
42 snapper on those platforms that they're actually a nuisance,  
43 because we can't shoot mangrove, sometimes, or other species,  
44 that are targeted, because the small snapper, when you go to  
45 take a shot, are in the way, and so I feel that we could sustain  
46 at least a higher quota for years to come, and we would have  
47 snapper for my grandchildren and great-grandchildren. Thank you  
48 for the time to let me speak. Have a wonderful day.

1  
2 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Ted  
3 Venker, followed by Mr. George Huye.

4  
5 **MR. TED VENKER:** Thank you, Madam Chairman. My name is Ted  
6 Venker, and I'm with the Coastal Conservation Association, and,  
7 first off, I really just want to applaud the states for all the  
8 work they've done on these EFPs.

9  
10 They are mostly overcoming the allocation hurdle that derailed  
11 the Amendment 39 effort, and that is a huge accomplishment, and  
12 we appreciate how hard all you state folks are working to make  
13 this a viable alternative for the recreational sector, and I  
14 really want to just encourage you to keep working with each  
15 other and with NOAA in good faith to have these EFPs implemented  
16 and succeed.

17  
18 However, we do remain concerned over Amendment 41 and Amendment  
19 42. As an organization with 130,000-plus anglers and members  
20 across the nation, we have a lot of members that fish on the  
21 back of these boats, and we're concerned about how these  
22 amendments might impact those anglers that depend on these  
23 boats.

24  
25 Every IFQ program that has been implemented, I think, in the  
26 nation and around the world has resulted in significant  
27 consolidation. That's what IFQs were designed to do, and that's  
28 troubling, because nothing shows that fewer people are going to  
29 be moving to the coast in the future. In fact, the opposite is  
30 true. We have more and more people moving to our coasts, and  
31 some percentage of them are going to rely on these charter/for-  
32 hire and headboats to go fishing.

33  
34 Scarcity makes the price go up, and scarcity makes it more  
35 difficult to book a trip, and we just don't believe that enough  
36 attention has been given to how these amendments are going to  
37 impact the anglers on the back of those boats. I know this was  
38 discussed yesterday, but I would just ask this council to allow  
39 the states to fully explore what they can do to manage this  
40 fishery before they start down the road to privatization of the  
41 recreational sector.

42  
43 States are very likely, in my opinion, in our opinion, to  
44 provide management that provides stability for everyone, but,  
45 once you go down this road toward IFQs, it's impossible to  
46 change course.

47  
48 Secondly, I was at the AP meeting last week, and they were

1 really sincere in doing everything they can to reduce the  
2 recreational discard mortality rate. Our rate is in the 15 to  
3 20 percent range, and we would like to see that reduced to zero,  
4 of course. I will venture that a sixty-dollar descending device  
5 that could successfully send most of those fish back down to the  
6 bottom alive would be a price that everyone is willing to pay,  
7 and so I would ask that this council consider, again, to make  
8 that a requirement.

9  
10 Interestingly, that AP also touched on all the different sources  
11 of mortality in the red snapper fishery. They were told that  
12 the discard mortality rate in the commercial directed fishery is  
13 75 to 80 percent, and that seems like a really significant  
14 number.

15  
16 The AP heard about the IUU fishery operating out of Mexico, and  
17 I have to say that the cartels are not really known for  
18 undertaking projects like this for modest returns, and I don't  
19 think they're out there for fun, and so I'm not sure that  
20 dismissing this as a modest impact is giving it the attention it  
21 deserves.

22  
23 Shrimp trawl bycatch is said to be within acceptable bounds.  
24 How many pounds of dead juvenile red snapper is that? Grouper  
25 and other reef fish fisheries must be having some bycatch  
26 mortality, as well as the charter and headboat sectors.

27  
28 My final point here is that a lot of red snapper are ending up  
29 dead, in one way or another out there, in a variety of ways,  
30 well beyond what is accounted for at the dock, the numbers that  
31 we always hear, and I think it would be really useful for the  
32 public to know how many pounds are being killed every year from  
33 every source, just so we can make sure that we are applying the  
34 most effort to address the biggest problems, and so that's all I  
35 have to say. Thank you very much.

36  
37 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from Mr.  
38 Dyskow.

39  
40 **MR. DYSKOW:** Thank you, Madam Chairman. Ted, I have thought for  
41 a long time that this discard issue is a big deal. How do we  
42 capture that information? You have probably given it more  
43 thought than I have.

44  
45 **MR. VENKER:** It's a good question, and I would have to turn to  
46 the experts around this table, and I have heard them say that  
47 it's accounted for in the assessment, and I think that might be  
48 technically defensible, but I think it's very important to get

1 it all in one place, so that you council members can see exactly  
2 what's being caught.

3  
4 I think it might need some outside study. I think we can all do  
5 a little bit more to document it, but I'm not really sure how to  
6 answer that from a technical standpoint, Phil, but I would  
7 certainly think that some of the folks around this table would  
8 have an idea.

9  
10 **CHAIRMAN BOSARGE:** Thank you, sir.

11  
12 **MR. VENKER:** Thank you.

13  
14 **CHAIRMAN BOSARGE:** Next, we have Mr. George Huye, followed by  
15 Ms. Suzie Villere.

16  
17 **MS. SUSAN VILLERE:** Hi. I've been told that Mr. Huye is ill and  
18 won't be here. I am not him, but I am Susan Villere.

19  
20 **CHAIRMAN BOSARGE:** Thank you for the update.

21  
22 **MS. VILLERE:** Hello to everybody. I want to thank all of you  
23 for your service on the council. As a former council member, I  
24 served alongside some of you, and I know firsthand how  
25 challenging the management of the fishery in the Gulf of Mexico  
26 is for all of you, and I wanted to share some personal  
27 experiences as a recreational fisherman and some observations  
28 about the impact that the saltwater fishery has on Grand Isle,  
29 Louisiana, where my camp is located.

30  
31 My family has owned the property where my home is for almost a  
32 hundred years. My father built our camp over fifty years ago,  
33 and it has been a source of pleasure over four generations that  
34 have enjoyed it, but what is most important is the fabric of  
35 Grand Isle, a town of only 1,200 that swells to a population of  
36 over 15,000 in the summer months, driven solely by the  
37 recreational fishery surrounding the island.

38  
39 The economy of Grand Isle almost entirely drives local  
40 employment. It creates hundreds of jobs for the marina workers,  
41 launch attendants, bait pickers, housekeepers, grass cutters,  
42 boat mechanics, fish cleaners, restaurant and bar service, and  
43 the list goes on and on. It was very apparent a couple of years  
44 ago, when the short red snapper season profoundly affected the  
45 entire local economy, in contrast to last summer's season, which  
46 was extended at the last minute.

47  
48 The difference in activity on the island was very apparent.

1 Without a recreational fishery, Grand Isle's economy would be  
2 gone, and I believe you can say the same about other fishing  
3 communities along the entire Gulf Coast. Please support the  
4 Louisiana state amendment option and kill Amendments 41 and 42.  
5 Our state has proven that we can manage these fish better, and  
6 any further privatization of our fishery is contrary to the  
7 management of a resource that belongs to all of us. Thank you.

8  
9 **CHAIRMAN BOSARGE:** Thank you, ma'am. Next, we have Mr. Pierre  
10 Villere, followed by Mr. Peter Jarvis.

11  
12 **MR. PIERRE VILLERE:** Hello, everyone. I am married to Susan,  
13 and I want to also mention that I think the job you have is very  
14 challenging, and we thank you for the time and effort. She  
15 served on the council with some of you, and the stories that I  
16 used to hear at night were hard to believe sometimes, and so  
17 your service is much appreciated.

18  
19 I am just going to echo what she said. Suzie and I have been  
20 together for thirty years, and married for twenty-five, and I  
21 have watched Grand Isle prosper as a result of a robust  
22 recreational fishery. Louisiana was on its knees in the 1980s,  
23 from an economic standpoint, and to see the recovery from 1990  
24 onwards has been remarkable.

25  
26 Camps are being built down there that are very expensive,  
27 construction-wise, and boats are being bought, but the most  
28 important thing is the hundreds and hundreds of people that are  
29 employed by the recreational fishing economy down there, and I  
30 can count ten, on my hands, different people that do things for  
31 us, as a result of having a camp and a couple of boats down  
32 there, and so don't lose sight of the fact that the recreational  
33 fishery is a big driver of not the only the economy of Grand  
34 Isle, Louisiana, but every single Gulf-front community.'

35  
36 Cocodrie, Venice, Shell Beach, and you can go down the list, but  
37 it's an important aspect of our economy, and further  
38 privatization of this fishery, I will say again, or I will  
39 repeat what my wife just said, but it isn't fair, when you  
40 consider that the resource belongs to all of the public, and  
41 privatizing portions of it just seems in contrast to that bounty  
42 that belongs to all of us. Thank you very much for your time.

43  
44 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Peter  
45 Jarvis, followed by Mr. Chris Niquet.

46  
47 **MR. PETER JARVIS:** Good afternoon. Thank you for the  
48 opportunity to be here. Director Gregory and Madam Chairperson

1 and esteemed members of this council, my name is Peter Jarvis,  
2 and I am the President of Southeast Fisheries Association and  
3 owner of Triar Seafood Company in Hollywood, Florida.

4  
5 This is my first opportunity to be at a Gulf Council meeting,  
6 and so I have found it to be very informative and very  
7 interesting, and it's nice to meet those that I have not met  
8 before. Thank you for the opportunity to say a few words on  
9 behalf of all sectors of the fishing industry represented by our  
10 association.

11  
12 We are concerned that the balance between commercial and  
13 recreational voting members on the Gulf Council has become  
14 biased against commercial fishermen and seafood providers. In  
15 the late 1980s and 1990s, Florida went thirteen years without a  
16 commercial fishing representative on the Gulf of Mexico Fishery  
17 Management Council, and we cannot take that again.

18  
19 This observation does not criticize the integrity of anybody now  
20 serving, but the Magnuson-Stevens Act calls for balanced  
21 representation, and our association will continue to bring this  
22 imbalance up to Congress and the Trump administration. Our  
23 association opposes giving management of red snapper in federal  
24 waters to the states through any of the schemes or programs that  
25 we have studied. There is only one true equity when National  
26 Standards are required. The marine resources belong to all the  
27 people and not just the people who fish.

28  
29 We are greatly concerned about the negative impacts that reduced  
30 commercial harvest is having on chefs and the thousands of  
31 restaurants that serve, or wish to serve, fresh Gulf seafood.  
32 When commercial fishing is diminished, not only do fishing  
33 communities suffer, but all of the restaurants and retailers  
34 that provide seafood to the public, most of whom do not fish and  
35 don't own boats.

36  
37 Our association supports the reauthorization of the Magnuson-  
38 Stevens Act, as long as there is nothing in the language giving  
39 state control over federal resources. Thank you for your time.  
40 I'm Peter Jarvis, on behalf of Southeast Fisheries Association.

41  
42 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Chris  
43 Niquet, followed by Mr. Mike McMahon.

44  
45 **MR. CHRIS NIQUET:** My name is Chris Niquet, from Panama City,  
46 Florida. I am going to talk to you today about two species,  
47 mainly, the red grouper and the red snapper. The discussion has  
48 come up in this committee before, and it's going to come up

1 again.

2  
3 One of the complaints that I have heard this year from  
4 commercial fishermen who want to lease allocation is the price  
5 is just too high. This is a market-based economic fishery, and  
6 that's why it's called commercial fishing, and, if the price is  
7 too high, what is the reason? Could it be a lack of allocation?

8  
9 You tried it in the red grouper. You increased it between 35  
10 and 40 percent, and the allocation price fell from a dollar to,  
11 I think, less than a dime in one year. Do you want to reduce  
12 the price of red snapper allocation? Raise the amount of  
13 allocation available to be fished. It's like milk or cookies or  
14 raisins. If there is too much supply to meet the demand, the  
15 price of that commodity will fall. I don't care if it's  
16 lobsters or lettuce. It's the same thing.

17  
18 I don't know what's going to happen in the red grouper fishery  
19 this year, but I have heard a similar situation exists. The red  
20 snapper fishery, so far as I can tell, is about on par as what  
21 it was last year, and I know the allocation that I deal out  
22 every year is gone. It was gone on the 7<sup>th</sup> of January, and you  
23 say, well, that may be okay, one or two boats, but, with the  
24 other people I deal with, it was a total of 190,000-plus pounds.  
25 The demand is there, ladies and gentlemen. If you want to get  
26 the price down, raise the amount of allocation available. Thank  
27 you for your time.

28  
29 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Mike  
30 McMahon, followed by Mr. Gerard Demarco.

31  
32 **MR. DAVID CRESSON:** Good afternoon, council members. I happen  
33 to know that Gerard and Mike have both also come down with the  
34 flu. We've got an epidemic, it seems like, going around  
35 Louisiana. I am David Cresson. I am the Executive Director of  
36 the Coastal Conservation of Louisiana.

37  
38 Thank you for having me here and to hear my testimony. I come  
39 to you on behalf of 23,000 recreational saltwater anglers in  
40 Louisiana, and, on their behalf, I would like to welcome you to  
41 my hometown and speak on two topics, the Louisiana state  
42 management amendment and Amendments 41 and 42.

43  
44 In regard to the Louisiana amendment, we strongly support this  
45 initiative, and we hope you will do the same. We were pleased  
46 to work closely with Assistant Secretary Banks and his staff to  
47 develop the plan, and we look forward to the flexibility that it  
48 will allow us to manage Louisiana's fish and our anglers very

1 effectively.

2

3 As you're aware, the cornerstone of the Louisiana plan is the  
4 angler-funded LA Creel program, which has allowed us to manage  
5 our recent state seasons and the thirty-nine-day extended season  
6 last year with a high rate of precision and confidence. The  
7 Louisiana plan has the support of our organization, the  
8 Louisiana charter fleet, our Governor, our Wildlife and  
9 Fisheries Commission, our state legislature, and others.  
10 Louisiana has proven, without a doubt, that we can execute the  
11 plan in an expert manner and manage these federal fish at the  
12 state level. Please give us that opportunity.

13

14 As for Amendment 41 and 42, the story is much the opposite. I  
15 remember sitting in these meetings, several years ago, asking  
16 you, during public comment, to reject sector separation, hearing  
17 person after person get up here and try to convince you all that  
18 it would not lead to IFQs in the charter sector. Yet, here we  
19 are today.

20

21 Virtually no one in Louisiana wants catch shares in the  
22 recreational sector. If you approve 41 and 42, this council  
23 will have privatized almost three-quarters of the Gulf's red  
24 snapper, leaving only one-quarter for millions of recreational  
25 anglers across the coast. Our charter fleet does not want them,  
26 and they have made that clear. Our state legislature, our  
27 anglers, and our commission does not want them.

28

29 They all know that, while this system identifies winners and  
30 losers, over time, it will, ultimately, shrink the charter  
31 fleet, like it has done in the commercial sector, and put many  
32 of our captains out of business. 41 and 42 would also likely be  
33 a hindrance to our ability to implement the Louisiana plan or  
34 the exempted fishing permit that Louisiana has applied for.

35

36 I appeal to our Louisiana council members, and all of you, to  
37 please, please, put an end, once and for all, to these damaging  
38 amendments that, if approved, would be a slap in the face to our  
39 Louisiana charters, our recreational anglers, and anglers across  
40 the Gulf. Thank you, as always, for your time, and I hope you  
41 enjoy the rest of your stay in New Orleans. Thank you.

42

43 **CHAIRMAN BOSARGE:** Thank you, Mr. Cresson. Mr. Horton, if you  
44 give me just a second, but, for the record, I am just going to  
45 call the names of the two gentlemen that you said were sick, so  
46 that we can be consistent. Mr. Mike McMahon. Okay. Mr. Gerard  
47 Demarco. Then Mr. David Cresson just spoke, and thank you, sir.  
48 Mr. Chris Horton.

1  
2 **MR. CHRIS HORTON:** Good afternoon, Madam Chair and members of  
3 the council. I am Chris Horton, with the Congressional  
4 Sportsmen's Foundation and a Gulf angler. First, I want to  
5 speak to 41 and 42. We are fundamentally opposed to 41 and 42,  
6 because we are fundamentally opposed to catch shares in the  
7 recreational sector.

8  
9 The very purpose and need of these amendments states that it's  
10 to reduce management uncertainty, improve economic conditions,  
11 and increase fishing opportunities for federal charter vessels  
12 and their angling passengers. I would argue that all of those  
13 have already been met through sector separation.

14  
15 Management uncertainty has already been reduced, and the  
16 charter/for-hire sector has been under their quota for the last  
17 two years and under their ACT, and the economic conditions have  
18 improved, with a near fifty-day season, which will be a fifty-  
19 day season this year. It has improved for vessel owners, and it  
20 has improved for the local communities.

21  
22 The longer season, under Amendment 40, has provided increased  
23 fishing opportunities for both the vessels and the anglers that  
24 fish on their boats. Basically, all of these things have been  
25 addressed through sector separation. It's working for the  
26 charter/for-hire sector.

27  
28 However, if you go down the road of catch shares in 41 and 42,  
29 you are picking some winners and losers, because, in every other  
30 catch share, and I saw a number somewhere that it's like 30 to  
31 60 percent of the participants in the fifteen or sixteen other  
32 catch shares in this country -- Those participants are gone now.  
33 It has been reduced and consolidated, and you say it won't  
34 happen here, but it would be the only one that it has never  
35 happened in.

36  
37 Echoing what everybody else has said, there should be a real  
38 concern for anglers that depend on charter vessels, because  
39 there is going to be fewer opportunities, and, undoubtedly,  
40 there is going to be higher prices.

41  
42 The other thing that I wanted to touch on real quick are the  
43 EFPs. We are very appreciative and supportive of the states'  
44 efforts, and we're really appreciative of NMFS in working with  
45 the states to develop these, and I really urge the continued  
46 cooperation with the states, to help us figure out how we can  
47 get these implemented this year.

1 Then, finally, I am going to touch on one other thing, and I  
2 know it's certainly not a solution for the red snapper situation  
3 for the recreational sector, but it is the responsibility of the  
4 council to look at allocations every so often. The red snapper  
5 allocation has been rusted shut for decades now.

6  
7 We tried it with Amendment 28, and that wasn't really a true  
8 reallocation. That was more of a data reset, based on the  
9 latest and best science, yet the courts rejected it, but they  
10 didn't say you can't do it. They simply said that you've got to  
11 do it differently, and so I would urge the council to go back  
12 and look at Amendment 28 and figure out how we can do it better  
13 next time and do a fair and equitable distribution of the  
14 allocation across the sectors. Thank you for your time, and I  
15 appreciate it.

16  
17 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. J.P.  
18 Brooker, followed by Mr. Bill Staff.

19  
20 **MR. J.P. BROOKER:** Good afternoon, and thank you, Ms. Bosarge,  
21 and thank you to the council for the opportunity to give  
22 comment. I am J.P. Brooker, and I'm an attorney with Ocean  
23 Conservancy, based in St. Petersburg, Florida.

24  
25 I wanted to give some details and offer some of Ocean  
26 Conservancy's perspective on our recent litigation on red  
27 snapper. In December, the D.C. District Court issued a stay in  
28 our lawsuit against Commerce, NOAA, and NMFS for the decision to  
29 extend the 2017 private recreational red snapper fishing season.

30  
31 This stay is basically a mutual agreement between the plaintiffs  
32 and the defendants. Instead of taking any draconian measures,  
33 the parties have agreed that the court will act as a guardian  
34 over the upcoming season, to ensure that this year's management  
35 decisions are focused on sustainability and accountability, for  
36 the benefit of both the fish and the fishermen.

37  
38 Ocean Conservancy is not an anti-fishing group. We are pro-  
39 fishing, and we are pro-sustainability. We know how important  
40 red snapper is to Gulf fishermen and to coastal communities from  
41 Texas to Florida. We want to make sure that there are fish to  
42 catch for generations, and the best way to do that is to stick  
43 to science-based rebuilding plans.

44  
45 I would also like to note that we didn't make our decision to  
46 litigate lightly. Ocean Conservancy doesn't litigate often, and  
47 we prefer to work collaboratively to find the best possible  
48 solutions. We were compelled to go to court to defend the

1 science-based management system that has made the U.S. a world  
2 leader in fishery management. Continued court oversight will  
3 ensure fairness and sustainability, with an eye toward long-term  
4 solutions, and, in that vein, we support long-term solutions.

5  
6 The current suite of proposed EFPs for state-managed fishing for  
7 recreational red snapper could be a viable way to test core  
8 concepts and innovations necessary to ensure successful  
9 implementation of state management, and they represent a unique  
10 opportunity to change the way red snapper is managed in the  
11 Gulf, to better meet stakeholder needs.

12  
13 However, these EFPs must be forward-thinking, and they should  
14 embrace that spirit of finding long-term solutions for the  
15 private recreational red snapper fishery. Merely using the EFP  
16 concept as a loophole to allow for status-quo fishing in the  
17 recreational red snapper component of the fishery or repeat the  
18 overfishing of the 2017 extended season is insufficient,  
19 problematic, and could violate existing laws and regulations.  
20 Thanks again for the opportunity to give comment.

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

24  
25 **MR. BILL STAFF:** Bill Staff, owner and operator of the Charter  
26 Boat Sea Spray. I've been charter fishing for about thirty-six  
27 years, and I've been coming to the council meetings since the  
28 mid-1980s, and I've seen a lot of changes, and probably one of  
29 the most significant was sector separation, as far as keeping  
30 people in business. It kept a lot of people from going out of  
31 business.

32  
33 At this point in time, we would like to keep us separated under  
34 federal jurisdiction. I would like to see 41 and 42 go forward.  
35 Last year was a tough year with only red snapper to sell. The  
36 last meeting we came to, we left encouraged that we might have  
37 six or seven months of something to fish for, triggers, jacks,  
38 and snapper, spread out.

39  
40 I am willing to look at and explore any kind of avenue that will  
41 lengthen our seasons, if it's a bigger size limit or less creel  
42 limit or whatever, but, right now, we just need the seasons to  
43 sell. It's like I said one time before, if churches don't have  
44 any chicken, they are going to close their doors. They can't  
45 sell it.

46  
47 On amberjack, we're finding them harder to catch, and I would  
48 like to see them, like the triggers and the snapper, come back,

1 and I think probably the most important thing would be letting  
2 them spawn. Hopefully we can get the stock rebuilt and then  
3 come back to a spring and a fall season that would make  
4 everybody happy. Thanks for the opportunity to speak.

5  
6 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Gary  
7 Bryant, followed by Mr. Dylan Hubbard.

8  
9 **MR. GARY BRYANT:** I'm Gary Bryant. I currently own two federal  
10 charter boats, six-packs, and a commercial boat, and I'm Vice  
11 President of the Alabama Charter Fishing Association. Today, I  
12 want to speak on behalf of our association.

13  
14 When this first came up about state management plans, the  
15 Alabama Department of Marine Resources very graciously reached  
16 out to us, and we met with them. They presented their  
17 proposals, and they gave the charter boats in Alabama the  
18 opportunity to vote on whether they wanted to be part of the  
19 state plan.

20  
21 Our contingency voted not to be part of that plan and to stay in  
22 the federal system. We respect the right of the private anglers  
23 to move forward and to develop a fishery management plan is good  
24 for them. Basically, you all are asking to take a set number of  
25 fish and try to find a better way to catch them. The charter  
26 boats are asking to stay under the federal system. We're asking  
27 to take a set number of fish and try to come up with a better  
28 way of catching them.

29  
30 Amendment 40, sector separation, is of extreme importance to us.  
31 We feel like that has basically stabilized our industry and  
32 helped us stay afloat with all the changing rules and  
33 regulations, and we would ask that we be allowed to move forward  
34 with 41 and 42. Let it go to referendum.

35  
36 Whether it lives or dies, we have faithfully come up here and  
37 followed the council process, and we deserve the right to finish  
38 that council process and let the industry decide if that's what  
39 it wants, and we would appreciate the opportunity to keep  
40 working on that and have the tools we need to work on it.

41  
42 The electronic logbooks are going to be very important, and that  
43 would simplify so much, if we had histories on our fleet, but we  
44 do support private anglers having their EFPs, but we, as a  
45 charter industry in Alabama, do not want to be part of the state  
46 plan. We want to stay under the federal plan, and we would like  
47 to continue to develop 41 and 42 and let the industry vote on  
48 it. Thank you.

1  
2 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Dylan  
3 Hubbard, followed by Mr. Benjamin Kelley.  
4

5 **MR. DYLAN HUBBARD:** Hello. My name is Captain Dylan Hubbard,  
6 and my family business has been fishing the central west coast  
7 of Florida for nearly ninety years and four generations. Plus,  
8 I am a recent MREP graduate. We operate six federally-permitted  
9 vessels, both charter and headboats, and I represent the Florida  
10 Guides Association, as their offshore director.  
11

12 Red grouper, there is no great dilemma surrounding the red  
13 grouper fishery, according to the SSC, made clear by their lack  
14 of recommendation on interim action. We urge the council to  
15 wait until the standard stock assessment for red grouper in  
16 SEDAR 61 is completed before assessing any action on the red  
17 grouper fishery.  
18

19 State management of red snapper, in the EFPs or the amendments,  
20 please do not include the for-hire recreational sector in any  
21 type of state management scenario.  
22

23 The amberjack season for 2018, it was very disheartening that  
24 the rulemaking discussed at the October Biloxi meeting is not  
25 completed yet and not a regulation. Hopefully it will be done  
26 in time for May of 2018. This is what we were told, and this  
27 was what we are planning our businesses around.  
28

29 Also, we would fully support seeing the idea of a split quota.  
30 A 70 percent fall and 30 percent split quota would allow for  
31 greater Gulf-wide access, which was the goal of the fishing year  
32 and season changes made back in Biloxi, in my opinion.  
33

34 Descending devices and venting tools, we would like to see  
35 venting tools and descending tools outreach begin ASAP. In  
36 regard to any future policy, flexibility would need to be added  
37 as well. In the partyboat industry, descending devices are  
38 nearly impossible to use, while venting tools are very much a  
39 preferred method, coupled with serious onboard demonstration and  
40 education. Plus, we do seminars across our area that often  
41 always include proper venting and descending techniques.  
42

43 While charter fishing, you can utilize descending devices much  
44 more realistically, and we have had great success using  
45 descending devices, only when coupled with appropriate weight  
46 and retrieval gear. However, sharks become present, and we have  
47 to start venting instead of descending. Flexibility is also  
48 needed in the definition of venting tools as well, because

1 venting large grouper or large amberjack is impossible with any  
2 gauge needle. We have developed tools to help us combat this,  
3 but they are not included in the definition of venting tools.

4  
5 Finally, we urge the outreach to include incentives to ensure  
6 anglers know proper use of these tools and techniques could help  
7 increase their access. Keep in mind that new fishing gear is  
8 exacerbating the needs for more outreach in venting and  
9 descending, because these new high-speed reels cause barotrauma  
10 much more significantly.

11  
12 The MREP program, I had a great experience, and I look forward  
13 to being involved again in 2018. One of the most glaring items  
14 that I learned at the workshop is that the Gulf Council, South  
15 Atlantic, and Caribbean Councils all share one Science Center,  
16 and, if you include the HMS and the sharks, it's like we're  
17 sharing the Science Center with five councils, whereas, on the  
18 Pacific Coast, they have two Science Centers for one council,  
19 and, so, in my opinion, what a lot of people argue about is the  
20 lack of data and science, and you hear people drone on about  
21 that all the time, and a simple addition of Science Centers,  
22 while needing a lot of money to do so, I think it would solve a  
23 lot of problems. On my journey to learning and educating myself  
24 on the process, it just seems like a pretty simple fix, if you  
25 had the money to do so.

26  
27 **CHAIRMAN BOSARGE:** Thank you, sir, and I am glad to hear that  
28 you went to the MREP program.

29  
30 **MR. HUBBARD:** Yes, and it was very cool.

31  
32 **CHAIRMAN BOSARGE:** I think Mr. Swindell has a question for you.

33  
34 **MR. SWINDELL:** My question is around discards and descending  
35 devices. You say you have something else that you're using  
36 besides the standard ones that we're aware of?

37  
38 **MR. HUBBARD:** Oh, yes. Well, I mean, the venting tools, the  
39 standard venting tool works great on smaller fish, but, on  
40 larger fish, when you're talking about a forty or fifty or  
41 sixty-pound grouper -- Luckily, in central west Florida, we have  
42 an awesome grouper fishery, with huge gags and big red grouper,  
43 and it's impossible to vent a large fish like that with any  
44 gauge needle, and so we have developed two different items.

45  
46 One, a local machinist has come up with a small stainless-steel  
47 tube that has kind of been made into a venting tool, just at a  
48 much larger diameter, and then the other is myself and my father

1 take the long skinny knives, the Dexter-Russell high-carbon  
2 knives, and, after they get to a point where you can't sharpen  
3 them any longer, we cut them in half and leave the blade only  
4 about four inches, maybe four-and-a-half inches, and we make  
5 sure that it's a very, very thin diameter, and we use that to  
6 vent those larger species, because you're able to make about a  
7 fifth-of-an-inch incision, and, with a simple twist of the  
8 blade, the fish is going to be vented in a matter of ten to  
9 fifteen seconds, whereas, the largest gauge needle, it's going  
10 to take forty-five to fifty seconds, and, in my opinion,  
11 decreasing the amount of time that fish is on the deck, losing  
12 slime, and out of the water increases its viability and chances  
13 for survival.

14  
15 We have done a few different things, as far as testing venting  
16 tools, and, as far as descending devices, increasing the weight  
17 on the descender, because, in a partyboat setting, or in a  
18 charter boat setting, especially in our area, with a high volume  
19 and high rate of catch, we use a heavier weight and increased  
20 retrieval gear. For our purposes, we use a bent-butt rod with  
21 an electric reel and about a twenty-pound sash weight. It  
22 increases the speed of the descent at such a rate to where it  
23 makes it more viable in a charter fishing setting.

24  
25 **CHAIRMAN BOSARGE:** Thank you, sir. I think we have a question  
26 from Mr. Boyd.

27  
28 **MR. BOYD:** Thank you for your testimony. I appreciate it. For  
29 clarification, are you running six-packs or headboats?

30  
31 **MR. HUBBARD:** We have two headboats, one licensed for 120 and  
32 with a permit for 130, and then one we have run with up to  
33 sixty-five, and that's licensed for, I think, 110. Then we have  
34 two multi-passenger charter boats, one licensed for twenty-two  
35 and one licensed for twenty-six, and then we have two six-pack  
36 charter boats as well, but all six vessels carry federal  
37 permits.

38  
39 **MR. BOYD:** Okay. Thank you for that. It sounds like, from your  
40 testimony, that venting devices, or descending devices, are not  
41 a problem for your deckhands or your captains.

42  
43 **MR. HUBBARD:** Since you originally made the policy and  
44 originally started talking about venting tools, we have used  
45 them, with great success, and I do seminars at Bass Pro Shops  
46 across our local state, and, every seminar, I bring up venting,  
47 and most of the people in the crowd who offshore fish regularly,  
48 they have very little to no idea how to properly vent a fish,

1 and most of them -- The joke was made, I think during Mr.  
2 Atran's presentation, about the hook going into the swim bladder  
3 of the fish and sticking out of the mouth, and most people  
4 believe that's the way to properly vent a fish.

5  
6 At these seminars, hands-on demonstrations, showing them how to  
7 vent a fish, using a bait fish for example, has been very  
8 successful. Then, on any of our trips where we are planning to  
9 fish an area where barotrauma might be possible, typically  
10 anywhere beyond three atmospheres, we do a hands-on  
11 demonstration onboard the vessel as well, and so that way, if a  
12 captain or a crew member is not available, a lot of our more  
13 advanced anglers don't want to wait, and so we won't let you  
14 release a fish until it's been properly vented, and so we'll  
15 give them the tools to do it and give them the know-how to be  
16 able to accomplish that successfully and not kill the fish.

17  
18 **MR. BOYD:** I think our Outreach Committee needs to get your  
19 phone number.

20  
21 **MR. HUBBARD:** I would love to, and I think Martha's idea, and I  
22 think it was with YouTube videos, would be very, very wise, and  
23 there is a lot of different ways that I think Ms. Muehlstein --  
24 Her ideas, as far as web-based promotion, is pretty good. I  
25 don't think you can get much better, but I would be happy to  
26 throw my two-cents in.

27  
28 **CHAIRMAN BOSARGE:** Mr. Dyskow.

29  
30 **MR. DYSKOW:** I know we've had you up there a long time, and so  
31 I'm going to ask you to answer as quickly as possible.

32  
33 **MR. HUBBARD:** I will stay all day. I've got more to talk about.

34  
35 **MR. DYSKOW:** Well, but other people are waiting. You didn't  
36 mention your opinion on 41 and 42.

37  
38 **MR. HUBBARD:** In my opinion, on 41 and 42, I would not be in  
39 support of 41 and 42.

40  
41 **CHAIRMAN BOSARGE:** Yes, but we do have a whole crowd.

42  
43 **MR. MATENS:** Please forgive me, but you have been up there a  
44 long time, and you've been very gracious to do so, but, when you  
45 say fish to three atmospheres, do you mean total three  
46 atmospheres? Do you mean ninety-nine feet or sixty-six feet?

47  
48 **MR. HUBBARD:** Three atmospheres, to me, would be ninety-nine

1 feet.

2

3 **MR. MATENS:** I meant under the water and not counting this one.

4

5 **MR. HUBBARD:** No, I am not counting this one.

6

7 **CHAIRMAN BOSARGE:** All right, and, last but not least, Mr.  
8 Swindell.

9

10 **MR. SWINDELL:** I was just wondering about the depth of fish that  
11 you see the barotrauma.

12

13 **MR. HUBBARD:** Most of the time, the depth of fish where we see  
14 the barotrauma really depends on water temperatures. In the  
15 summertime, we can see barotrauma occurring in as shallow as  
16 sixty feet with high-speed reels, but, typically, seventy or  
17 eighty feet. Then, in the wintertime, barotrauma is much less  
18 prevalent in that shallower water.

19

20 You have to go out to about eighty or ninety or a hundred foot,  
21 but, again, the use of high-speed reels really, really affects  
22 barotrauma. If you're using a high-speed reel and you're not  
23 taking it out of that high-gear ratio, once you have the fish up  
24 off the bottom and hooked, then, a lot of times, you're going to  
25 create barotrauma much more frequently.

26

27 **CHAIRMAN BOSARGE:** Thank you, sir. I think we're done with you.  
28 Thanks.

29

30 **MR. HUBBARD:** Thank you.

31

32 **CHAIRMAN BOSARGE:** All right. Next, we have Mr. Benjamin  
33 Kelley, followed by Mr. John Law.

34

35 **MR. BENJAMIN KELLEY:** I am Benjamin Kelley, from Panama City  
36 Beach, and I have a sixteen-passenger boat. We have been there  
37 for about thirty-four years, and this Amendment 41 and 42 is  
38 like beating a dead horse. I mean, we are tired of it, and we  
39 have come to meeting after meeting, it seems like for a decade  
40 now, and I know it hasn't been quite that long, but we are tired  
41 of Amendment 41, and we would appreciate to table this.

42

43 We did some math yesterday, with you all's numbers, and my boat  
44 would get eighteen amberjack per year, twenty-eight triggerfish  
45 per year, and we would start at 400 red snapper. Now, we caught  
46 1,085 red snapper last year, and, before we lost our jacks  
47 season, we were catching right at 400, and so why would I vote  
48 for something to put me in a cage like this that would put me

1 out of business, the way it's written today.

2  
3 Now, if we had some good historical data that showed actually  
4 who caught the fish over three or four years, we could revisit  
5 this, but, without the history, like was in the commercial  
6 fishery, you can't do this fairly to somebody like me, who has  
7 worked so hard to have the business I have.

8  
9 The amberjacks are more important to us in north Florida. We  
10 don't have oil rigs, and we don't have tuna. We only catch  
11 amberjacks in the spring that draw the outdoorsmen there, and we  
12 have the b-liners and Spanish and stuff, but the amberjacks are  
13 what sells the trips, and May is a very profitable month.

14  
15 We need the amberjacks in May. We don't need them so much in  
16 August. We have huge tourism in August, and you're going to  
17 increase a lot of effort by opening jacks on August 1, and so I  
18 would move them and open them on September 1, and you could  
19 close them the end of November, and so you would have May,  
20 September, October, and November.

21  
22 We also support the one fish per two anglers. We carry big  
23 groups, and, if we have ten people, we don't necessarily need  
24 ten thirty-four-inch amberjacks. That's a lot of meat, but, if  
25 we could get four or five amberjacks and go on to catch  
26 something else and make the season longer, and maybe include  
27 April at some point, it would work well.

28  
29 Another thing is the split quota. It's a decent idea, spring  
30 and fall, 60/40, but the thing that concerns me is, if you have  
31 an overage, like in the fall, would that overage go to the next  
32 fall, or would it climb over into the spring 40 percent, and, as  
33 long as the overage was affecting whatever sector or season it  
34 was caught in, that split quota is a decent idea. I don't  
35 understand why we moved the calendar year of amberjack to August  
36 1. I mean, why didn't it stay January 1, and that's all I've  
37 got to say.

38  
39 **CHAIRMAN BOSARGE:** Thank you, Mr. Kelley. Next, we have Mr.  
40 John Law, followed by Mr. Mark Kelley.

41  
42 **MR. JOHN LAW:** Hello. My name is John Law, and I operate a  
43 federally-permitted six-pack boat out of Panama City Beach.  
44 I've been in operation for twenty-two years, and I just wanted  
45 to say that I strongly don't support Amendment 41 and 42, and I  
46 wish that we could kill it or table it, and I would definitely  
47 prefer a spring jack fishery. Amberjacks would be definitely  
48 needed in May, and, if we could have them in August, September,

1 and October, that would be great, and that's pretty much it.

2  
3 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Mark  
4 Kelley, followed by Mr. Ben Allen.

5  
6 **MR. MARK KELLEY:** My name is Mark Kelley, and I'm from Panama  
7 City. I have two charter boats, which are dually-permitted, and  
8 I am also a member of the Charter Advisory Panel. Today, when  
9 Dr. Crabtree said we were getting fifty-plus days, I thought we  
10 were being blessed, even though I consider it should be about  
11 sixty days, because we've been under our quota for the last  
12 three years.

13  
14 Saying that, setting on the ad hoc panel, I am not in favor of  
15 41 going any further. I think it's high time that 41 and 42 be  
16 called what it is, and it is a catch share, but it's setting up  
17 intersector trading.

18  
19 When you have guys that will stand up here and say they would  
20 rather have less fish, but be able to use them anytime of the  
21 year they want to, that don't make sense, in business terms,  
22 because, when you're talking less fish, you're talking me taking  
23 about a 50 or 60 percent cut in what I'm already catching.  
24 Somehow or another, those fish will be made up, and I think  
25 intersector trading, which is the word not to say, but let's  
26 call it as it is, because that's where we're headed.

27  
28 Also, as far as the amberjack season, I think we need to go back  
29 to a January 1 start date, and I think it was hijacked. We're  
30 using the spawn as a reasoning behind going to August 1, but  
31 we're taking the fishery away from the people that has actually  
32 caught it in the past few years and we're putting it in the fall  
33 to a select few.

34  
35 We are already downgraded down to the fact that we're going to  
36 get one month, and so why not us be the first month, instead of  
37 August 1 and changing, because we've talked about changing the  
38 commercial sector to August 1, and why can't we just leave it at  
39 January and let us be content with a May season and August and  
40 September and October in the fall.

41  
42 I am in favor of a split, and I want a split if we don't get the  
43 January 1 start date. A 60/40 split, and I am also, as my  
44 brother said, if the 60 split overfishes their quota, I want it  
45 to come off of their fall quota and not come off of my spring  
46 quota. We have all suffered, and everybody will tell you that  
47 we ain't caught no fish in the western Gulf. Well, we ain't  
48 caught none in the eastern Gulf either. It's been closed on us.

1  
2 I also think that there needs to be some accountability measures  
3 set on the National Marine Fisheries Service's staff, and that's  
4 the fact of we did all we could, as a fishing industry, to get  
5 the jacks stock from opening on January 1 and to get the  
6 triggerfish stock from opening on January 1.

7  
8 I think the decision on the triggerfish was made in April, just  
9 about a year ago, and the decision on the jacks was made in  
10 August, and here we sit, and we've done all we can do, and  
11 somebody didn't do their job, and I am ashamed of that. If they  
12 worked for me, they would be looking for a new job, because they  
13 didn't do their job. Thank you.

14  
15 **CHAIRMAN BOSARGE:** Thank you, Mr. Kelley. Next, we have Mr. Ben  
16 Allen, followed by Mr. Jim Zurbrick.

17  
18 **MR. BEN ALLEN:** Hello, everyone. I'm Ben Allen, and I'm from  
19 Biloxi, Mississippi. I work alongside Jay Trochesset on the  
20 Silver Dollar III, and it's a federally-permitted headboat,  
21 basically, out of Biloxi, Mississippi, and I just want to touch  
22 on a few things. First off, thank you for having me. It's a  
23 pleasure to be involved in this process. It's empowering and  
24 encouraging for the future, a future that I intend to be in for  
25 a very long time.

26  
27 First off, to touch on Amendment 40 and how important it has  
28 been to this fishery for us and many other members in the  
29 charter fleet, it has helped sustain our businesses, and it has  
30 basically guaranteed us protections, to ensure that we have a  
31 stable future.

32  
33 With that said, it's important for everyone to know here that we  
34 are certainly against being involved in any form of state  
35 management at this point. Now, it is not because I believe it's  
36 a bad idea. I think, for the recreational side of things, it's  
37 a great opportunity to pioneer it.

38  
39 However, with all of the fog on the horizon, not completely  
40 understanding the difficulties that could arise from it, as I  
41 think Dr. Crabtree and Mr. Sanchez have brought forward in  
42 regard to the allocation, especially in how the sectors would  
43 pay back into it, amongst other things, that, right now, it  
44 would be best for us to step back and have the recreational  
45 sector see how it goes and then possibly be able to opt into it  
46 in the future.

47  
48 Also, in regard to 41 and 42, I understand that it is a

1 remarkably complicated concept. However, I feel that there has  
2 been a lot of work put into a document that is certainly not  
3 where it needs to be. I would ask that you please allow all of  
4 the people that have put the effort into this to continue to  
5 flesh it out for a couple of meetings, perhaps.

6  
7 Obviously, things will have to be addressed, and, at that point,  
8 decide if it could go to referendum. I think there has been too  
9 much effort put into it to just get rid of it at this point. It  
10 would be misguided and wasteful, in my opinion, and so please  
11 allow us to continue to develop that 41 and 42.

12  
13 Also, briefly, and I didn't intend to touch on this, but I will  
14 give you a brief reminder of my stance on amberjack. Everybody  
15 needs to catch fish to sustain their business, and I understand  
16 that, but everyone also understands the importance of a healthy  
17 fishery.

18  
19 In the end goal, we need to ensure the health of the stock. It  
20 is our responsibility, morally, beyond anything else, to ensure  
21 our future, and so please take that into consideration when  
22 setting these seasons. Don't forget our friends that need them  
23 early on, but allow them to breed. That's the only way we can  
24 save them. Thank you.

25  
26 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Jim  
27 Zurbrick, followed by Mr. Ken Haddad.

28  
29 **MR. JIM ZURBRICK:** Thank you, council, for allowing me to speak.  
30 Again, I'm Jim Zurbrick, from Steinhatchee, a long-time charter  
31 guy, and not anymore, but I'm a commercial fisher and a dealer,  
32 and I'm also a director for Fish for America USA, and all my  
33 comments, all four of those hats, really, are how I feel about  
34 it.

35  
36 First of all, comments made about the IFQ, none of us knew, when  
37 we developed that IFQ, and I have worked with it, just where it  
38 would all end up. It is supposed to be somewhat of a work in  
39 process, but some of the ignorance surrounding it -- We went to  
40 an IFQ because of the overcapacity. We had too many boats  
41 fishing for too few fish. It's what you do. You have to reduce  
42 effort. It's what the recreational fishers -- They haven't come  
43 to that realization.

44  
45 We watched all the days diminish, because there is too many  
46 people chasing too few fish. The charter guys tried to develop  
47 this 41 and 42, and I think you ought to allow them to vote on  
48 it, but some facts about the IFQ. You saw that, earlier, you

1 had a presentation about safety. Jim Zurbrick, and Patty, we  
2 don't have to run out there anymore in sloppy stuff, knowing  
3 we're going to sit for two days trying to beat the derby that  
4 was going on. We get to pick and choose, and so safety is a  
5 huge issue.

6  
7 Also, the price. We get more now for our fish, and none of us  
8 had an idea that fish prices would increase like they have, and  
9 so our price of our fish is more. Also, the consumers.  
10 Remember, it used to be on every menu, everywhere you went, of  
11 grouper, when available, market price. That grouper and snapper  
12 now hold their own. If you go into a restaurant, you just  
13 assume that you're going to have it.

14  
15 For the folks that said that overcapacity was something -- We  
16 had ninety days a year, at the best, red snapper fishing. Now,  
17 this happened to me. I had a 200-pound limit, and so, when I  
18 came back, and I wasn't going to make it back to the beach in  
19 time, we had to throw 200 pounds of red snapper overboard, and  
20 that's the system that we left.

21  
22 Also, when I hear about the auctions, I am always open to  
23 anything, and that's pretty much been my reputation. I've been  
24 a moderate about everything, because you listen to all, but an  
25 auction consolidates even more, and I think that we don't have a  
26 lot of consolidation in our IFQ system, not as much as other  
27 places have, because the fishermen still -- The majority of  
28 shares are owned by actual fishermen, but, if we had an auction,  
29 the guy with the most money is going to end up with those  
30 shares, and that small fisherman -- This is why we need to  
31 pursue this quota bank, and I sure want to get some champions  
32 from the council supporting our quota bank system.

33  
34 We've got to take some of the allocation increases and set them  
35 aside to divvy up to those that need them for our discards, and,  
36 boy, the time left me here, but one final word, if I might. A  
37 500-pound trip limit on amberjack. I said it before, and let's  
38 quit fooling ourselves. It's a bycatch fishery, and let's do  
39 the best thing for the fishery and be able to keep the dead  
40 discards that we catch without targeting them, because nobody is  
41 going to target them for 500 pounds. Thank you very much.

42  
43 **CHAIRMAN BOSARGE:** Thank you, Mr. Zurbrick. Next, we have Mr.  
44 Ken Haddad, followed by Mr. Brad Forhand.

45  
46 **MR. KENNETH HADDAD:** Pardon my voice. I am fighting one of  
47 those colds that is going around, but my name is Ken Haddad,  
48 American Sportfishing Association, from Lloyd, Florida. I have

1 got a whole bunch of things that I want to cover, and so I'm  
2 going to do it as quickly as possible.

3  
4 We support recommendations coming out of the Private Red Snapper  
5 Recreational AP, and we hope this council will take all of them  
6 up, in some form or fashion. Descending devices and venting  
7 tools, we support moving forward with a policy. We have some  
8 concerns, and we would like to see an addition, and we  
9 ultimately want to be in a position to increase catches by  
10 reducing mortality, fishing mortality, and we see no mention of  
11 this in the policy.

12  
13 We think it should be incorporated in the policy statement, or  
14 purpose, or the background, somewhere, but it's just simply  
15 ignored at this point, and we don't think that's good, over  
16 time, and so please address this for us.

17  
18 We note the AP specifically requests exploring these devices as  
19 a requirement, and we think somehow that should be at least  
20 incorporated as a thought or a mention in the policy also, at  
21 least in the background.

22  
23 We would also like to see the council implement something that  
24 provides for a measure of success of this policy, and you've had  
25 discussion on that, and we think it's a very important component  
26 of anything that you put in place.

27  
28 Allocation, I bring it up every meeting, and we believe there is  
29 a good cause to revisit red snapper allocation. Yes, Amendment  
30 28 was struck down, but it was on a violation of National  
31 Standard 4, and the court even acknowledged, based on National  
32 Standard 1, that you're responsible for dealing with allocation,  
33 and so a new amendment, we believe, is warranted and should  
34 readdress allocation that does not violation National Standard 4  
35 and takes into account IFQs and their impacts and considers a  
36 broad range of the social, economic, and data corrections and  
37 management factors that need to be considered.

38  
39 This has been recommended by the private recreational AP, and,  
40 three meetings ago, NOAA essentially said this was a viable  
41 direction to take, when discussing the lawsuit.

42  
43 For state management and the EFPs, we support alternatives that  
44 give the maximum allowable and technically practicable  
45 management authority to the states. You've got a lot to work  
46 out, but we hope this moves forward, and we encourage the states  
47 and the council to put your all into this.

48

1 Amendment 41 and 42, we continue to have grave concerns over 41  
2 and 42, due to their complexity and the addition of species,  
3 and, most importantly, the totally inadequate analysis on the  
4 impact to the entire recreational sector, and so thank you,  
5 Madam Chair.

6  
7 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Brad  
8 Forhand, followed by Mr. Stewart Miller.

9  
10 **MR. BRAD FORHAND:** I'm Brad Forhand from Panama City Beach,  
11 Florida. I run the Charter Boat Reel Commotion out of Captain  
12 Anderson's Marina. I carry twenty-four passengers.

13  
14 Amendment 41 and 42, I would like to see them done away with,  
15 tabled, put away. We have gone through it, and we have stood up  
16 here, and we've told you that we don't like it and we don't want  
17 it, and I personally believe that it would be a way for an IFQ  
18 system to come into the charter industry.

19  
20 I have been left behind in the commercial IFQ. I am not  
21 interested in it at all, and the fish mostly that you can catch,  
22 red snapper, more so than others, the people that own most of  
23 the quota, they charge more, and you really can't make any type  
24 of money with the fish, to speak of, and it's very difficult to  
25 get the quota when you can get them.

26  
27 Amberjack fishing, I would like to see it left at January 1. I  
28 don't see any reason why we need to move the fishing year.  
29 That's just out of nowhere, and I know that it's probably to get  
30 away from some overage, but we really need those fish in May, in  
31 the spring in general, April or May, but we could stand just  
32 May. That's a very good month for us, and we have a lot of  
33 people that like to come catch them. The water is cooler, and  
34 the mortality rate is not as high, and I've heard some people  
35 talk about the amberjack fishery not being in good shape, and  
36 that boggles my mind.

37  
38 We haven't fished them much the last couple of years at all.  
39 Plus, it's where you could generally pull up there and fish and  
40 fish, and you could catch the limit, and you wouldn't have to  
41 measure them and throw them back and get a couple more and get a  
42 legal fish. You pull up there and a thirty or forty-pound fish  
43 will take the bait, with the lead at the tip. I mean, there is  
44 no shortage of amberjack in our area. That's pretty much it.  
45 Thank you, all, for having us.

46  
47 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Stewart  
48 Miller, followed by Mr. Mike Sullivan.

1  
2 **MR. STEWART MILLER:** My name is Stewart Miller, and I own and  
3 operate the Charter Boat Great Escape. It's dual-permitted,  
4 federally-permitted, up to nineteen passengers. I also own the  
5 commercial boat the Lady M. I am here on the amberjack, and I  
6 need a spring season.

7  
8 I mean, I need mine in April or May for amberjack, and I would  
9 like to have something that my people can be proud to catch,  
10 something big. I mean, last year, we didn't have any. I used  
11 to run over 300 hours in the month of May, and now I run like  
12 fifty. It used to be a very good month for me, but now it's not  
13 anymore. They all wait to come in June for snapper.

14  
15 If we do have to go to one fish for every two people, I would be  
16 okay with that. I mean, it being open is better than it being  
17 closed. I can at least sell something, and they can come down  
18 and fish. I am not for Amendment 41, and that's pretty much it.  
19 Sorry that I don't do very good speaking, but you have a good  
20 day.

21  
22 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from Mr.  
23 Boyd.

24  
25 **MR. BOYD:** Thank you, Captain. Where are you based?

26  
27 **MR. MILLER:** Panama City.

28  
29 **MR. BOYD:** Thank you.

30  
31 **CHAIRMAN BOSARGE:** Next, we have Mr. Mike Sullivan, followed by  
32 Mr. Chris Padilla.

33  
34 **MR. MIKE SULLIVAN:** I am Mike Sullivan, and I'm out of Panama  
35 City, Florida. I own three certified charter fishing vessels  
36 that are dual-permitted, and I've been there for seventeen years  
37 operating them.

38  
39 We'll start on the amberjack situation. With changing the  
40 season, the start date, from January 1 to August 1, I got it.  
41 By changing that, when the quota is met, it's shut down, and so,  
42 in August, when it opens, I'm sure the quota will be caught in  
43 those three months and we won't have a spring season, but in the  
44 western Gulf, that's when they like to catch the amberjack. The  
45 weather is better, and so I understand why someone wanted to  
46 shift it, but I don't understand -- It's a lot of money spent to  
47 get it to shift, and so I'm for definitely keeping it January 1.  
48 Everybody is trying to budget.

1  
2 In the same hand, everybody needs to win, and so the only way to  
3 do that is truly to have a split season, to where people in the  
4 eastern Gulf, the Panhandle, we can have the spring season in  
5 May, and I understand that we catch more fish in a shorter  
6 amount of time than they will in the fall, and so they will have  
7 the extended season in the fall, the 60/40 split or what have  
8 you. That way, everybody can somewhat win. You can never make  
9 everybody happy, as you all are well aware.

10  
11 For Amendment 41 and 42, I am against it. I understand why  
12 people would like catch shares, because maybe they have other  
13 things going on, like they do hunting guide trips or they tuna  
14 fish or what have you, and then they could catch those fish at  
15 certain times, but, for the guys who are just strictly charter  
16 fishing and that's all they do, you're going to lose. You're  
17 getting fifty-plus days now that you can catch them, and you can  
18 go as hard as you want, and it's in the summer. That's when  
19 everybody travels, and that's when it's the busiest time, and so  
20 I am definitely for that.

21  
22 Back to the amberjack, and I forgot this one thing. I am  
23 definitely in favor of going to a one fish per two persons.  
24 It's the only way that it's going to be sustained open, and  
25 that's the main thing, is open seasons. When you put closed,  
26 that takes away the opportunity, and the average person doesn't  
27 like that, and, if they can at least have the opportunity to  
28 catch the fish, it's wonderful.

29  
30 Just like Mr. Mark Kelley said, it is kind of a black-eye how we  
31 worked so hard to get amberjack and triggerfish to open,  
32 triggerfish in March and amberjack not until May 1, and it  
33 wasn't. It was opened, which, theoretically, it should punish  
34 us from days, and that's not fair to us, because we got a two-  
35 day heads-up, and it's not like we can just pick the phone up  
36 and get customers to come, and it's also a rough month for  
37 everybody, weather-wise, and so thank you very much for your  
38 time.

39  
40 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Chris  
41 Padilla, followed by Ms. Alicia Paul.

42  
43 **MR. CHRIS PADILLA:** Good afternoon, and thank you for having us,  
44 ladies and gentlemen. I am a Panama City charter fisherman,  
45 just like the few guys that spoke in front of me, and I am going  
46 to echo exactly what they said. We need a spring season for our  
47 amberjack. We are okay with a fractional limit and a split  
48 season, but we need that spring season to sustain a business.

1 It's going to hurt a lot of people and put a lot of people  
2 behind the eight-ball, if we can survive.

3  
4 41 and 42, I'm totally against intersector trading. That just  
5 still, at this point, looks like a setup for intersector  
6 trading, and it's going to limit the field, again. These guys  
7 have already addressed that, but it needs to be done away with  
8 and move on. Let's move to the next thing or radically change  
9 it, to prevent it, whatever you need to do.

10  
11 Also, we're okay with the split season, but, as mentioned  
12 before, we would rather have accountability for the season,  
13 either the spring or the fall, wherever they go over, and it  
14 costs them. That way, other regions aren't being affected by  
15 the actions of a different area. Texas isn't bothered by what's  
16 going on in south Florida, because the seasons are different.  
17 That's about all I have today. Thank you for the opportunity.

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

21  
22 **MR. BOYD:** Thank you, Captain. You didn't touch on state  
23 management, or at least I didn't hear that. Would you be okay  
24 with your charter operation being in state management, or do you  
25 not want to?

26  
27 **MR. PADILLA:** At this point, no. It's a crapshoot, because what  
28 are they going to do with the fish? Right now, we're making it.  
29 We've got fifty days of snapper that we're supposed to catch,  
30 and it's reliable. We are under our quota in the catch, the  
31 numbers you guys presented, and we don't want state management  
32 and then, all of a sudden, we're lumped back in with that over  
33 catch.

34  
35 I do fish recreationally myself sometimes, and I understand  
36 wanting to go and availability, but, if it's going to be state  
37 management for the recreational sector, that's great, but we  
38 can't afford to be lumped back in with them, because it's a  
39 crapshoot. We don't know what we're going to get.

40  
41 **MR. BOYD:** Thank you.

42  
43 **MR. PADILLA:** Thank you.

44  
45 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Ms. Alicia  
46 Paul, followed by Mr. Mark Tryon.

47  
48 **MS. ALICIA PAUL:** Good afternoon. I'm Alicia Paul, and I have a

1 dually-permitted vessel in Panama City, Florida. I am going to  
2 talk about a few things today. I am okay with Amendment 40,  
3 sector separation, and I do not want to be under state  
4 management.

5  
6 I do not like 41 and 42. I would like to see that go away.  
7 There is really no need for it. I stood up in front of you two  
8 years ago and put on the record that status quo was -- Sector  
9 separation had to be better with status quo, and I like it, and  
10 let's keep it that way. I see 41 and 42 going to a catch share  
11 program, and I have been left behind in the IFQs, in catch  
12 shares. I'm a young entrepreneur, and I'm trying to survive in  
13 this business, and catch shares and IFQs is not the way for me.  
14 I can't afford them now, and I won't be able to afford them.

15  
16 Amberjacks, it's a must-have in the spring for us. We've built  
17 our business around it, and I would support a one fish per two  
18 person bag limit. I said that backwards, but one fish per two  
19 people bag limit, and a split season, and 60/40 is fine by me,  
20 as long as the paybacks go back to the fall or the spring,  
21 whichever the overage is, and I see no need to moving the date  
22 to August 1.

23  
24 Every fish that you all manage under this council, the fiscal  
25 year starts on January 1, and why are we making the amberjacks  
26 open in August, and it makes no sense. If you're going to do it  
27 to the recreational sector, then you're going to do it to the  
28 commercial sector, and what's next? Let's leave it all January  
29 1.

30  
31 Vermilion snapper, I do not support a reduction in the ACLs of  
32 the vermilion snapper. Other than that, that's really all I've  
33 got to say. Thank you, all, for taking the time to let me  
34 speak.

35  
36 **CHAIRMAN BOSARGE:** Thank you, ma'am. Next, we have Mr. Mark  
37 Tryon, followed by Mr. Billy Wells.

38  
39 **MR. MARK TRYON:** Good afternoon. I'm Mark Tryon, a commercial  
40 fisherman from Gulf Breeze, Florida. First, I want to address  
41 this proposed auction scheme with the red snapper, and it seems  
42 like we've always got some sort of a scheme hovering over us,  
43 which is kind of like a punitive scheme, that demonizes the  
44 commercial red snapper fishermen.

45  
46 We have had reallocation, and we survived that, and now we've  
47 got this auction business, and then we've always had talk about  
48 how bad leasing is and demonizing that. Anyway, I am totally

1 against any type of auction. I think it will, as some of the  
2 others have said, it will benefit the people that have the  
3 deepest pockets, meaning really the largest shareholders.

4  
5 I think, if you're looking to generate some revenue, maybe you  
6 should go look into the, which is right now, presently table the  
7 expansion of the reef fish IFQ program for the vermilion, the  
8 amberjack, triggerfish, et cetera. We've already got a system  
9 in place to handle that, and it would offer a steady stream of  
10 additional income, over time.

11  
12 Regarding the amberjack, I think that would be good to go with  
13 the 500-pound trip limit. It would extend the season, and I  
14 think, as Mr. Zurbrick said, it's a bycatch fishery, for the  
15 most part, and so I think it would allow for a steady supply of  
16 fish to the market, or a more steady supply of fish.

17  
18 Regarding the charter/for-hire, I think that should be kept  
19 under federal management, and I think that -- There has been  
20 some talk, for quite some time, about implementing the VMS to  
21 enhance accountability, and I think that should be something  
22 that should be actively pursued.

23  
24 One last thing that was -- One of the fellas up here before had  
25 mentioned about discard mortality, I guess with red snapper, and  
26 one of the things that I don't understand is why, in the  
27 recreational fishery, do we continue advocating the high-  
28 grading. In other words, each person out there fishing is  
29 hoping to get a ten or fifteen-pound, or maybe even bigger,  
30 fish, and, as a result, they're fishing and fishing and fishing  
31 and discarding lots of fish, and so I think that needs to be  
32 looked into. As far as a slot limit, maybe one big fish, and  
33 the other fish is a slot limit, or something like that. That's  
34 about all I have to say. Thank you.

35  
36 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from Mr.  
37 Boyd for you.

38  
39 **MR. BOYD:** Thank you. You were talking about a slot limit and  
40 size. In your commercial fishing, what is the desired size of  
41 the fish?

42  
43 **MR. TRYON:** Well, for the dealers that I sell to, there is no  
44 actual -- They never told me there is a desired size, and so I'm  
45 not doing any grading. Now, some people may be doing some  
46 actual grading and trying to keep the smaller ones or whatever,  
47 but, anything over thirteen inches, I am keeping, and so my  
48 discard -- I am fishing with rods-and-reels and not in

1 particularly deep water, and we're catching the fish up in the  
2 water column.

3  
4 We're using like one hook, an ounce-and-a-half weight, and we're  
5 dropping it down until we get twenty or thirty feet under the  
6 boat. We're only fishing over big, big schools of fish, and so  
7 our discards are very, very few, because we're not seeing many  
8 fish under thirteen inches. We are keeping all the fish from  
9 thirteen inches up, and, if we do have to throw a fish back,  
10 being we're not dragging them up off of the bottom, they usually  
11 survive, unless there is porpoises around, or sharks, which is a  
12 problem.

13  
14 **MR. BOYD:** Thank you very much. I appreciate that.

15  
16 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Billy  
17 Wells, followed by Mr. Josh Ellender.

18  
19 **MR. BILLY WELLS:** Hi. I'm Billy Wells, and I run the Wild Bill  
20 in Venice, Louisiana, for the Mexican Gulf Fishing Company. I  
21 believe that state management would be a good way to go. LA  
22 Creel has proven that it's very good at collecting numbers of  
23 fish, and I constantly see Louisiana Wildlife and Fisheries on  
24 the dock counting fish, as the boats come in, and I get weekly  
25 surveys and emails.

26  
27 Before LA Creel came in and started counting fish, I don't ever  
28 remember having anyone count any fish, and I was always kind of  
29 curious how everybody came up with the numbers of what was being  
30 caught, and I think LA Creel has shown to be a good way to count  
31 the fish.

32  
33 I am very much against catch shares for the charter industry.  
34 To me, it kind of seems like it punishes the people that are  
35 better at fishing. There is a lot of charter boats that can  
36 make a hundred snapper last a lot longer than the ones that are  
37 more proficient at fishing, and I think it would punish the good  
38 captains, and it would shorten the number of days that you're  
39 able to fish, if you weren't real careful about limiting the  
40 number of fish that you allow your customers to catch on a daily  
41 trip.

42  
43 It's kind of tough, to me, when you charge the amount of money  
44 we charge, and you get out and the fish are biting and you tell  
45 people, well, we have to stop fishing, because you have reached  
46 your number, and they're going to know what the deal is, and  
47 they're going to wonder why -- There is always going to be  
48 someone thinking that they're getting the shaft, because you're

1 letting someone else catch fish, and they can't, and it just  
2 seems, to me, that catch shares is a bad idea.

3  
4 Stick with a limit, and each person gets X number of fish per  
5 day when the season is open, or the season is closed, and it is  
6 what it is. It's cut-and-dried, and it seems like a much better  
7 way to do things, to me.

8  
9 That goes into the amberjack as well. When you have five people  
10 on the boat, and you have fractionalized amberjack, and you have  
11 one amberjack for two people, I really don't want to have to  
12 argue with that fifth guy every day that he can catch an  
13 amberjack and cut off half of it and throw the rest back. I  
14 don't want to have that argument, and I know I'm going to have  
15 that argument, but just please don't make me have to have that  
16 argument.

17  
18 As far as the start of the season for amberjack, it seems smart,  
19 to me, to start the season after the fish have had time to  
20 spawn, which is in the spring, and so let them spawn, and let's  
21 keep the fish going for years to come.

22  
23 Something else that I haven't heard anybody talk about, but  
24 there are twelve-hundred-and-something charter permits in the  
25 Gulf of Mexico, thirty of which are historical captains permits,  
26 and I think it would be nice if we could get those converted to  
27 real, regular -- If the number is just thirty, I can't see how  
28 it affects the fishing pressure or the value of the permits, but  
29 it's kind of self-serving.

30  
31 I do have one of those permits, a historical captain, and I turn  
32 forty-three next week, and that Gulf of Mexico is pretty rough.  
33 You start thinking that it would be nice to be able to, if you  
34 hurt yourself, have another captain fill in and run your trips  
35 that you have booked, and so I guess that's all I have to say.

36  
37 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Josh  
38 Ellender, followed by Mr. Corey Pitre.

39  
40 **MR. JOSH ELLENDER:** Hello, everyone. I am Josh Ellender, owner  
41 and operator of Ellender Charters. I've been to a few Gulf  
42 Council meetings before. I am a prior permit holder, and I sold  
43 mine, because of all the craziness going on, and obviously we  
44 can't agree on anything, whether it's good for the west or good  
45 for the east or what.

46  
47 A lot of stuff I'm talking about has to do with the Louisiana  
48 Charter Boat Association, and I am a board member, but I'm also

1 a recreational fisherman offshore. One of the questions that I  
2 do have, and Billy kind of hit it, is, for amberjack, if I go  
3 out by myself, as a recreational fisherman, and I catch one,  
4 what do I do? I am curious. I don't know. Do I have to throw  
5 it back? Do I cut in half and throw one-half back and bring  
6 back half?

7  
8 That is one of the big points that you have as a recreational  
9 fisherman, and it doesn't fit that need. Yes, it does fit for  
10 big headboats and whatnot. You can split the fish, but you  
11 can't ask somebody to cut a fish open or say, well, you can't  
12 catch it, but these guys can, and that's just not fair.

13  
14 As far as amberjack, I am in favor of having the May/August  
15 through October season. Like Billy said, give the fish time to  
16 actually spawn and reproduce, to give a better stock out there,  
17 and so that will definitely help it out. Obviously, it helps  
18 out the western side of the Gulf, if we don't open it January 1,  
19 because it is rough out there, and, a lot of times, we cannot  
20 fish, and that's just a plain fact of the matter. We can't  
21 control that, and so we like the May season, opening May, and  
22 then August through October.

23  
24 Another thing is I am in favor of the Louisiana state plan, or  
25 state management, and, also, I am in favor of the Louisiana  
26 exempted fishing permit. I think state management is the way to  
27 go. We obviously know our waters the best, and who is better to  
28 control that than us, and so I am in favor of that. I am  
29 against Amendment 41 and 42. I think we need to table that and  
30 just move on and cut our losses and go.

31  
32 I do hear a lot -- Going back to the amberjack, and a lot of  
33 people say, well, we want it during the January 1, to open up,  
34 or we want it in the spring, because that's their popular times,  
35 and they make a lot of money, and they benefit from that time.  
36 If we can't go to state management, then one of the things that  
37 we talked about in the past was the east and west zone.

38  
39 Draw a line right down the middle, 50 percent and 50 percent to  
40 each side, and go from there. That way, it satisfies Florida,  
41 Alabama and Florida's fishery, and then it also satisfies the  
42 west. I think that's about it.

43  
44 Also, on historical permits, yes to normalizing them. I vote in  
45 favor of normalizing the historical permits. Let the guys have  
46 it. There is no reason to have separate ones. Thank you for  
47 your time.

48

1 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from Dr.  
2 Crabtree.

3  
4 **DR. CRABTREE:** Just a comment to the fractional bag limit, and  
5 we're not going to ask anyone to cut a fish in half and release  
6 half, I can assure you. The way it would work is, if there is  
7 one person onboard the vessel, they could keep one fish. If  
8 there's two, they could still only keep one fish. If there is  
9 three, they can keep two fish. If there's four people, they can  
10 still only keep two fish, but we're not contemplating asking you  
11 to release half a fish.

12  
13 **MR. ELLENDER:** I didn't think you were. Thank you.

14  
15 **CHAIRMAN BOSARGE:** Next, we have Mr. Corey Pitre, followed by  
16 Mr. John Coulon.

17  
18 **MR. COREY PITRE:** How are you all doing? My name is Corey  
19 Pitre, and I'm a six-pack charter boat captain in Louisiana. I  
20 have a couple of comments to comment on. Reconsider the  
21 Amendment 41. I am not in favor of catch shares to charter  
22 fishermen in Louisiana.

23  
24 Two, the historical permits, allow the guys who are holding  
25 offshore permits for two decades to be grandfathered into the  
26 system. They deserve it. Three, the greater amberjack, I am  
27 fine with the already passed August, September, October, and May  
28 season. I would like to see somewhat of a spring season, also,  
29 keeping the bag limit at one per person.

30  
31 Four, allow state management for the Louisiana plan and the EFP.  
32 With this, I would like to see the most allocation we can get,  
33 and don't get -- If so, don't give us an unfair percentage, and  
34 that's it.

35  
36 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. John  
37 Coulon, followed by Mr. Brett Ryan.

38  
39 **MR. JOHN COULON:** Thank you, and good afternoon, council. I'm  
40 John Coulon, and I operate a twenty-passenger partyboat out of  
41 Venice, Louisiana, and I'm going to try to make this short,  
42 because Captain Larry Hooper that came in with me signed in  
43 before me, and I don't see his name up there, and so I will kind  
44 of keep it short and try to get to the points here.

45  
46 I am against Amendment 41. Table that, if possible, and I am  
47 flexible with the amberjack situation, whether it's a fractional  
48 fish or a whole fish, being a twenty-passenger boat. Anyone

1 that is not happy with their state management, bring it to  
2 Louisiana. We have plenty to share, whether it's with the  
3 public or the boats, it doesn't matter. We like the  
4 competition. The little bit that we're allowed to fish, it  
5 would be handy.

6  
7 As far as the season, six weeks under the federal guidelines.  
8 As we would have now, it's six weeks, and it's just not enough.  
9 Six months out of the year, it doesn't matter what you allow us  
10 to fish, but just allow us something and have public access to  
11 accommodate the phone calls that we're turning away at this  
12 time. I will ask you if it's okay if I let Captain Larry Hooper  
13 have his say. I will cut it short. Any questions?

14  
15 **CHAIRMAN BOSARGE:** You don't have to cut it short. He is on the  
16 list. I saw him. He's just a little further down the list.

17  
18 **MR. COULON:** He was actually in front of me, but okay.

19  
20 **UNIDENTIFIED:** John, I signed you up earlier.

21  
22 **MR. COULON:** Thank you. I don't know much about the Louisiana  
23 exempted fishing permit, and I'm not real familiar with it, but  
24 I have worked both with the federal and Louisiana reporting, and  
25 the survey as well, with the LA Creel, and, over the years, the  
26 last fifty years, in the industry, in excess of fifty years,  
27 they both did a good job, and Louisiana did every bit as well as  
28 the feds, and they went back and forth there for many years, but  
29 I am in favor of the Louisiana plan and state management for the  
30 red snapper. It would be hard to mess it up worse than it is  
31 now.

32  
33 Like I said, it's a nuisance fish. You can't go out and target  
34 another species, because, to me, the best available science,  
35 over the years, there's only so much that can occupy one space  
36 at a time, and we can't get away from the red snapper to go out  
37 and target another species.

38  
39 It's a problem, but, like I said, right now, one of the biggest  
40 problems is to accommodate a customer that wants to come to  
41 Louisiana, whether he's a Louisiana resident or coming from  
42 across the country, and it's a lot harder being a twenty-  
43 passenger partyboat, as I said.

44  
45 My rates are based on twelve passengers, and it's harder to  
46 organize larger groups. It takes more time, and it's just not  
47 possible to do spur-of-the-moment changes here, where we have to  
48 get on some kind of schedule where, when the phone rings --

1  
2 **CHAIRMAN BOSARGE:** Mr. Coulon, are you just about done?  
3  
4 **MR. COULON:** Yes, ma'am. That's wrapped up.  
5  
6 **CHAIRMAN BOSARGE:** Thank you, sir. Sorry. We do have a  
7 question though, from Mr. Swindell.  
8  
9 **MR. SWINDELL:** John, it's good to see you again.  
10  
11 **MR. COULON:** It's always good to see you, Mr. Swindell, and I  
12 thank you, buddy.  
13  
14 **MR. SWINDELL:** I do have a question about descending devices.  
15 Are you doing a lot of red snapper fishing, and do you have  
16 descending devices onboard your vessel?  
17  
18 **MR. COULON:** We catch so many fish -- I never fish any deeper  
19 than I have to. Like I told you guys at the last meeting in  
20 Biloxi there, we're catching the red snapper now in as shallow  
21 as fifteen feet of water. Years ago, it took forty or fifty  
22 feet of water, and it's not that big of an issue.  
23  
24 We get out close to 200 feet of water, then yes. We have  
25 experimented with descending devices and venting tools, and  
26 we've experimented with all of it, but, most of our fishing, we  
27 can actually do shallow water, enough where it's not -- The  
28 mortality rate is not that high.  
29  
30 **CHAIRMAN BOSARGE:** Thank you, sir.  
31  
32 **MR. COULON:** Thank you.  
33  
34 **CHAIRMAN BOSARGE:** Next, we have Mr. Brett Ryan, followed by Mr.  
35 Darren Haydel.  
36  
37 **MR. BRETT RYAN:** Hello. Good afternoon. My name is Brett Ryan,  
38 and I run an offshore charter business out of Venice, Louisiana.  
39 It's a federally-permitted boat. I want to start off by  
40 thanking Mr. Ben Webber and Mr. Richard Foster for everything  
41 they do. Not a lot of the guys from Venice can make it up here  
42 to these meetings, or meetings anywhere else, and it's a  
43 beautiful weather day, of course, and so there's a lot of people  
44 offshore fishing today.  
45  
46 Not a lot of us can make it, and these guys really speak for the  
47 majority of what we are for. As far as that goes, I am for the  
48 Louisiana exempted plan for fishing. The amberjack is a tough

1 one, and I really haven't made up my mind on that yet, and the  
2 historical permits, as Captain Wells mentioned earlier, we need  
3 to give those guys their permits. They've been fishing for a  
4 long time, before the moratorium was created. There is a  
5 moratorium now, but I personally know of two permits that were  
6 never renewed and are gone forever.

7  
8 You're only talking about thirty guys throughout the Gulf Coast,  
9 and I know of two permits that never got renewed and are gone  
10 forever, and we should give those thirty guys the permits they  
11 deserve. They have been fishing long enough.

12  
13 Our fishery along the coast, out of Venice, Fourchon, Grand  
14 Isle, is extremely different from Destin and Texas and Pensacola  
15 and Panama City, because of our proximity to the continental  
16 shelf. We have lots of red snapper that come in, and we have  
17 tons of other fish, and so we really need Louisiana to be able  
18 to manage our own reef fishery, to do it correctly, because the  
19 LA Creel survey program has been working.

20  
21 We have been seeing and documenting fish, and you have  
22 biologists taking otoliths out of fish and measuring how old  
23 they are, and it's a program that's been working, and, from what  
24 I hear from biologists, we never even met our quota that the  
25 state allotted for last year, and so they cut it off before we  
26 even overfished it, by their numbers, which are hard numbers,  
27 because they're at the docks. They are doing the work, boots on  
28 the ground, and they are monitoring these fish, and that works,  
29 because we have a different fishery than Florida, where there is  
30 hundreds and hundreds of marinas and tons more coastline.

31  
32 We fish in remote areas, and you pretty much don't have much  
33 coastline that are accessing these fish that we are right off of  
34 the shelf, and so I am for state management of our fishery, and  
35 I guess that's really all I have. You all have a good day, and  
36 thank you for listening to me, and enjoy New Orleans while you  
37 all are here. It's Mardi Gras time, and so have some good times  
38 while you're out there. Thank you.

39  
40 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Darren  
41 Haydel, followed by Mr. David Morgan.

42  
43 **MR. DARREN HAYDEL:** Hello, and thank you, all, for having me  
44 today. I am Darren Haydel from Cocodrie, Louisiana. I've been  
45 a licensed charter boat captain for twenty-four years, and so,  
46 on the historical permit, I was eight or nine years before the  
47 moratorium, and, at the time, I didn't have a boat that I was  
48 running for a marina, and so I fell into the historical captain

1 permit, and I have had my own boat now for fifteen years, and, I  
2 mean, if I ever want to give it up or one of my kids wants to  
3 take over, or if I get sick, or if somebody wants to run my  
4 boat, they can't, and so I feel like thirty permits is not that  
5 big of a deal to normalize it and make it where I could move it  
6 on.

7  
8 Amberjack, I am definitely in favor of the summer season,  
9 because I don't even start until April, typically, because out  
10 of Cocodrie, we've got long runs to the fishing grounds. It's  
11 sixty or seventy miles just to the amberjack, and, in the  
12 springtime, it's just too rough to get to them, and so, the last  
13 couple of years -- Last year, we didn't get to fish them at all,  
14 I mean zero, not even one day, and so I'm definitely in favor of  
15 a summer season and the bag limit being at least one per person,  
16 because, the money we charge and the runs we make and the time  
17 we spend on the water, I think it's definitely worth these guys  
18 to be able to at least catch one fish per person and be able to  
19 keep it.

20  
21 I'm in strong favor of state management, because, the last few  
22 meetings I've been to, you listen to everybody from a different  
23 region talk different about what they think should be right, and  
24 it just kind of makes perfect sense, to me. Why not let your  
25 state do it? I mean, our fishery is totally different than it  
26 is in Florida, and so I think it would definitely be better  
27 managed by each state individually, and that's all I have to  
28 say.

29  
30 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. David  
31 Morgan, followed by Mr. Richard Fischer.

32  
33 **MR. DAVID MORGAN:** Good afternoon, and thank you for having us.  
34 I run a small business out of Venice, Louisiana, and I'm  
35 speaking on behalf of the small-business owner and the Louisiana  
36 Charter Boat Association.

37  
38 I would support no on Amendment 41 and 42. As for the  
39 historical permit, I believe it should be able to be transferred  
40 through the lineage of the family or sold or run thereafter. As  
41 far as the amberjack season, it's more beneficial -- The winter  
42 months, opening in January, right now, most of the fleet has not  
43 been able to fish or utilize any of the amberjack season as is,  
44 and so a later start in summer would be better for us as well as  
45 -- Let's see. Normalizing the permits, I am for.

46  
47 The creel limit, I feel, on the amberjack should still remain  
48 one fish per person. I know there is the fractional talk, but I

1 would be against that, at the moment. As far as the management  
2 of the snapper season, I believe we should move that to  
3 Louisiana state management, in accordance with the state laws,  
4 as well as the federal management. I think that's all I really  
5 have today. Thank you, all, for having us.

6  
7 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Richard  
8 Fischer, followed by Mr. Bob Zales.

9  
10 **MR. RICHARD FISCHER:** Good afternoon. This is Richard Fischer,  
11 here representing the Louisiana Charter Boat Association. I'm  
12 pretty much going to repeat a lot of what you all just heard in  
13 the last few minutes from a run of our captains.

14  
15 Yes, we support the Louisiana EFP, and we also support the  
16 Louisiana plan. There was a recent poll of our charter fleet,  
17 both LCBA captains and non-LCBA captains, and there was more  
18 than a super majority in favor of state management, as opposed  
19 to federal management, and I've talked about this here up on  
20 this podium before. For every one federally-permitted captain  
21 in Louisiana who favors federal management, there are nine who  
22 favor state management, nine-to-one, and it's pretty clear.

23  
24 We really want to secure state management in both of those  
25 documents, the EFP as well as the Louisiana plan. For the EFP,  
26 if that means 8.4 percent, it means 9.4 percent. We want state  
27 management, and we're going to fight for more allocation in the  
28 Louisiana plan, but the charter sector wants to be in both,  
29 absolutely.

30  
31 As for amberjack, we do not favor fractional management, for the  
32 most part. As you have just heard from the last few captains,  
33 we just, for the most part, we just don't think it's right for  
34 us to have to tell six paying customers that three of you,  
35 sorry, you all are out of luck.

36  
37 We're fine with the August, September, October and May season,  
38 starting the fishing year in the summer. We think that's a  
39 pretty good compromise, talking to our captains, and I would say  
40 just about all of them are in favor a late summer/fall season,  
41 and maybe about half of them have been in favor of a spring  
42 season, and so it seems like a pretty good compromise to start  
43 in the middle of the year and guarantee a summer season. It's  
44 pretty likely that there is also going to be a spring season as  
45 well, and, when I say a summer season, I also mean a summer/fall  
46 season as well.

47  
48 As you heard, we do not favor Amendment 41, and we do not favor

1 catch shares in charter fishing. We hope that you all would  
2 reconsider tabling it at Full Council tomorrow, and, finally, I  
3 will end on the historical permits, which you heard a little bit  
4 about.

5  
6 Mr. Billy Wells spoke earlier, and he actually owns one of  
7 those, but it's not just Billy. It's our captains in general,  
8 and we just feel like these guys have been in the business now  
9 for two decades with a historical permit, and they have proven  
10 that they're in the industry and they're invested, and they've  
11 been working hard. It made sense, at the time, to go ahead and  
12 kind of put them in the little gray area, when you guys wanted  
13 to cap the amount of permits, but we're down from 1,900 down to  
14 about 1,250, and so that has been accomplished and then some.

15  
16 We're talking about thirty-something guys, and it means very  
17 little to the rest of the fleet, but it means a whole lot to  
18 those thirty-something guys, and so we would definitely ask you  
19 all to go ahead and get that done, and I'm out of time. If you  
20 all have anything for me, I would be happy to answer any  
21 questions.

22  
23 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from Dr.  
24 Frazer.

25  
26 **DR. FRAZER:** Thank you very much. I have a real quick question.  
27 How many captains does your organization represent?

28  
29 **MR. FISCHER:** We represent about 300 captains, both inshore and  
30 offshore, and we represent about two-thirds of the offshore  
31 fleet in Louisiana that is actively participating.

32  
33 **DR. FRAZER:** Thank you.

34  
35 **CHAIRMAN BOSARGE:** Dr. Shipp has a question for you, too.

36  
37 **DR. SHIPP:** Thank you, Richard. You mentioned the vote on one  
38 issue, and then you also mentioned that you all are against 41  
39 and 42, but what was the vote on that, if you recall?

40  
41 **MR. FISCHER:** From a poll of our captains, I don't have specific  
42 figures on a poll of our captains for 41. However, I would tell  
43 you that that kind of falls into the state management versus  
44 federal management discussion, and so, if it's nine-to-one for  
45 state management, as opposed to federal management, it would  
46 certainly stand to reason that our captains are also very  
47 against Amendment 41. In the conversations that we've had with  
48 our captains, that has also panned out.

1  
2 **CHAIRMAN BOSARGE:** In your organization, of the 300, how many of  
3 those are federally permitted?  
4

5 **MR. FISCHER:** I would say probably about forty-five to fifty.  
6

7 **CHAIRMAN BOSARGE:** Thank you.  
8

9 **MR. FISCHER:** Thank you.  
10

11 **CHAIRMAN BOSARGE:** Next, we have Mr. Bob Zales, followed by Mr.  
12 Tom Wheatley.  
13

14 **MR. BOB ZALES, II:** I'm Bob Zales, II, and I'm President of the  
15 National Association of Charter Boat Operators and also of the  
16 Panama City Boatmen's Association, and you all have emails that  
17 I have sent you all in the past couple of weeks, and so you  
18 pretty well know where we stand on amberjack and also on 41 and  
19 42.  
20

21 I am going to tell you that -- We all know that we had what they  
22 call a blue moon, or some kind of special moon, last night, and  
23 so you all can get ready for a strange year, because of that,  
24 and, Dr. Crabtree, I am agreeing with a whole lot that he has to  
25 say this week so far, which hasn't happened in a long time, and  
26 so this could start out to be a strange year.  
27

28 Anyway, I appreciate Roy's comments, but Mark Kelley hit on some  
29 things when it comes to 41. I am one of those people that -- I  
30 am not as good as Benji. I only landed about 945 snappers last  
31 year. To get back to that number, if you go forward with 41, I  
32 am going to have to buy or lease a whole lot of fish to get back  
33 up there, and that is just not going to work.  
34

35 There is a host of reasons why we're opposed to that, and that's  
36 just one of them. It's just not the right thing to do, and Dr.  
37 Crabtree pointed out that, depending on how this thing moves  
38 forward, the six-pack operators are probably going to be the big  
39 losers. My boat carries twenty-five. We've been in business,  
40 my family and I, are we're in our fifty-third year, and so I'm  
41 going to get twice as many as that six-pack, but I'm still going  
42 to have to build back up to where I am now.  
43

44 With the change in the designation of MSST, in the paper that  
45 you showed yesterday, red snapper should now become no longer  
46 overfished, and reaching that category of not undergoing  
47 overfishing and not being overfished, your accountability  
48 measures for management go out the window. You now have more

1 flexibility to manage that fishery.

2  
3 For our fishery and the for-hire, we've been below our targets,  
4 and you now can get closer to that target without the fear of  
5 having to pay back the following year, if we happen to hit it or  
6 go over a little bit, and so everything that we're playing with,  
7 everything you all manage, is getting better.

8  
9 Red snapper is excellent, and most of the other fish are doing  
10 real good, and so there is no need -- If we're looking at fifty  
11 to sixty days this year in snapper, and we get a month in May  
12 for jacks, and we get two or three months in the fall for jacks,  
13 and we get triggerfish in there, and somebody said something  
14 about having six months, and we're into a six or seven-month  
15 season of fishing.

16  
17 That's what we need, and so 41 and 42 -- If you concentrate more  
18 on the data system, and work with the states. Figure out a  
19 simple way to do it, because they're doing it simple. The feds,  
20 for whatever reason, is just complicated as hell, and we can't  
21 get to the endpoint, and so, if you put your effort in the data,  
22 and you get that straightened out, and, if you need to revisit  
23 41 and 42 when that is done, do it, but I don't think there will  
24 be a need for it. Any questions?

25  
26 **CHAIRMAN BOSARGE:** Thank you, sir.

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

29  
30 **CHAIRMAN BOSARGE:** We have a question for you from Mr. Sanchez.

31  
32 **MR. SANCHEZ:** Thank you, Bob. I have heard both sides of  
33 support and then some concerns with the fractional bag limit,  
34 one fish for two people, and I would like if you could elaborate  
35 on the importance of this and what it means to you, perhaps, in  
36 your fishery.

37  
38 **MR. ZALES:** The jack fishery, clearly our back has been pushed  
39 against the wall. I mean, this thing came up years ago, and,  
40 historically, we've been opposed to fractional bag limits in any  
41 fishery, but, when your back is against the wall, you do  
42 whatever you can do to try to survive.

43  
44 One fish for two people, for a temporary measure, should ensure  
45 that we stay within the quota, and that's our goal, is to try to  
46 get everybody a little shot at the fish. You hear, on the west  
47 side, that they haven't had them. Well, we haven't had them  
48 either, but, in this scenario, we get a little bit in the

1 spring.

2  
3 In other parts of the Gulf, they get a little bit in the fall,  
4 and so, by doing that one fish, as Dr. Crabtree pointed out, if  
5 you've got one person, you get one fish. If you've got three  
6 people, you get two fish, and so it's not what you're catching,  
7 but it's what you're able to keep, because you can catch jacks  
8 all day long and wear yourself out, and, when you catch two or  
9 three jacks today, at the size that they are, you've got a  
10 pretty good mess of fish, plus everything else that you're able  
11 to catch from the peripheral side of that.

12  
13 **MR. SANCHEZ:** I might add that one fish per two people -- They  
14 do have two fillets.

15  
16 **MR. ZALES:** Exactly, and you've got plenty of fish. I mean,  
17 you're looking at a twenty or twenty-five-pound fish, and so  
18 you've got plenty, and, like I said, you can wear yourself out  
19 catching them and throwing them back.

20  
21 **CHAIRMAN BOSARGE:** We have one more question from Mr. Diaz.

22  
23 **MR. DIAZ:** Bob, what is your thoughts on this historical captain  
24 thing that's coming up?

25  
26 **MR. ZALES:** I'm glad you asked that, because I was -- Some  
27 people on the council may not know, but I was Chairman of the Ad  
28 Hoc AP that designed that moratorium, and, when we did that with  
29 the historical captains, the purpose was it was patterned after  
30 the commercial historical captain thing that was done before we  
31 did that one.

32  
33 On the commercial side, pretty much, once that allocation was  
34 set for red snapper, the historical captains sold all their  
35 quota, and so that was part of the reason why we said that the  
36 thing would be non-transferable, but that whole plan was done  
37 not to reduce effort, but to cap it, and, over time, permits  
38 have gone away, and so you're looking at thirty people, and give  
39 it to them. It's not going to make any difference.

40  
41 **MR. DIAZ:** Thank you.

42  
43 **MR. ZALES:** Thank you.

44  
45 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Tom  
46 Wheatley, followed by Mr. Wayne Werner.

47  
48 **MR. TOM WHEATLEY:** Good afternoon, council. My name is Tom

1 Wheatley, and I am here representing the Pew Charitable Trusts.  
2 I live, work, and fish out of Tampa, Florida. I would like to  
3 start by commending the council for starting the year with what  
4 seems like a broader sense of cooperation on recreational red  
5 snapper management.

6  
7 The five exempted fishing permit proposals submitted by the  
8 states show promise in both allowing more flexibility in setting  
9 seasons for recreational red snapper fishermen and, importantly,  
10 improving monitoring on a regional basis, catch monitoring.

11  
12 As the council and NMFS move forward in meeting the needs of  
13 both the anglers and the red snapper rebuilding plan, we offer  
14 these thoughts. First, it is important that the red snapper  
15 remain under federal management and the core conservation  
16 standards in the Magnuson-Stevens Act. The EFP and the proposed  
17 state management plans do just that and are evidence of the  
18 flexibility already built into the Act.

19  
20 Second, including strong accountability measures is important to  
21 keep rebuilding on track. We would like to see consistency in  
22 how the accountability measures, including setting the annual  
23 catch targets, the ACTs, and overage adjustments are calculated  
24 and implemented across each of the five states, but that doesn't  
25 necessarily mean that all of the ACT buffers need to be the  
26 same, as some states have shown real improvements in monitoring  
27 catch to reduce that uncertainty. It means that there should be  
28 well-designed standards for how we set ACTs and how overage  
29 adjustments, or paybacks, are applied.

30  
31 Building on that idea, we really think these plans represent an  
32 opportunity for all of the states to improve catch monitoring of  
33 the recreational red snapper catch, and we are pleased that most  
34 states have included those improvements directly in their EFP  
35 applications.

36  
37 Lastly, the one factor that really gets you older, more  
38 productive fish is time. The rebuilding plan's goal of having a  
39 broad spectrum of age classes, particularly the older, more  
40 fecund fish represented in the red snapper population, really  
41 should still guide all management decisions, and that's all I  
42 have, and so thank you for your time.

43  
44 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Wayne  
45 Werner, followed by Mr. Kory Freed.

46  
47 **MR. WAYNE WERNER:** Good afternoon. My name is Wayne Werner,  
48 owner and operator of the Fishing Vessel Sea Quest. I fish

1 right here in Louisiana, and the first thing I would like to  
2 speak about is the amberjacks. Amberjacks have become just  
3 basically something we throw back for most of the year now, and  
4 I would like to see it go to a 500-pound trip limit. It will  
5 help a little bit, but it's not going to help totally, but I  
6 feel like it will help.

7  
8 A lot of the quota is caught up in the first two months of the  
9 year by south Florida, and then we get the remainder of the  
10 summer, and there's not much left, and we just continue to kill  
11 them all the rest of the year, and so I would like to see that  
12 come to an end.

13  
14 I agree with Bob Zales about data. I think it's very important.  
15 The most important thing about Amendment 41, to me, was the  
16 logbook program, getting to an electronic logbook. I think  
17 that's very important. I think it's important to get real data.  
18 Data from fishermen is good, and it's real good, and I think  
19 that -- I don't have a dog in the hunt, as far as which way it  
20 goes as far as the rest of it, but I think the logbook program  
21 is very important.

22  
23 As far as -- We talked about having the lottery or auction, and  
24 it would be nice. We could have two more Werner's in the  
25 business then. Two more to deal with for a bunch more years,  
26 and I don't know if you want that, but I think this council  
27 should go back and look at the new entrant program that you all  
28 did before.

29  
30 Today, you have fishermen that could use it, that need it, and  
31 you all passed it, and you all did it. Camp, you were part of  
32 it, and I think Dr. Shipp was part of it, and most of you all  
33 right here were, and you ought to go back and look at that  
34 program, because it might help some of the people in the eastern  
35 zone of the Gulf of Mexico, and that's really all I have to say.  
36 Thank you.

37  
38 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Kory  
39 Freed, followed by Mr. Kyle Lowe. All right. We will circle  
40 back to Kory. Is Mr. Kyle Lowe here? Thank you, sir.

41  
42 **MR. KYLE LOWE:** I am Captain Kyle Lowe, owner/operator of the  
43 Charter Boat Special K, operating out of Destin, Florida. I  
44 would like for the council to support Amendment 40, as I do, and  
45 allow us to continue moving forward to improve and develop  
46 ideas. I do not wish, at any point, to become part of any state  
47 management plan or EFP. Recent history has shown that the  
48 recreational private sector will continue overfishing their

1 allocation, with near certainty.  
2  
3 I would like to remain under the protections as set forth under  
4 the Magnuson-Stevens Act for federally-permitted vessels.  
5 Regarding amberjack, I support a fractional bag limit of one  
6 fish per two people, along with a split season that includes  
7 August through October and then again for the month of May at a  
8 70/30 split. I said August through October 1, and that's if you  
9 go where the calendar year begins in August.  
10  
11 I was glad to hear clarification from Dr. Crabtree today about  
12 at three people that you get two fish. There seemed to be a lot  
13 of confusion regarding that, and so I was glad to hear that.  
14  
15 Since my last testimony, it should be known that I have  
16 completely flopped on this. I disagreed with many in my own  
17 fleet, and I wanted to stay at the one fish per person. Since  
18 that last testimony, and listening and talking and thinking, and  
19 talking to my customers, reality had to set in. The days, and I  
20 took part in it, but the days of kill, kill, kill are over.  
21 It's archaic, and it's time to come to that realization.  
22  
23 I heard people saying that they can't tell half of their  
24 customers that they can't have a fish, and I don't know  
25 everybody's business model, but, for me, I am overwhelmingly  
26 private charters, and so I am very fortunate to have a very good  
27 rapport with my repeat customers, and so, when I call them and I  
28 say this very situation -- Let's say I have six people, and I  
29 have three jacks, and everybody gets a fillet, and everybody is  
30 good. It's a new time, and it's a new era. I guess that is it.  
31 Thank you very much.  
32  
33 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Mike  
34 Graef, followed by Mr. Greg Ball.  
35  
36 **UNIDENTIFIED:** I can tell you that Mike Graef had to leave.  
37  
38 **CHAIRMAN BOSARGE:** Okay. Thank you, sir. Is Mr. Greg Ball  
39 present?  
40  
41 **MR. GREG BALL:** I am here.  
42  
43 **CHAIRMAN BOSARGE:** All right.  
44  
45 **MR. GREG BALL:** Good evening. I am Greg Ball from Galveston,  
46 Texas, and I own and operate three charter boats over there, and  
47 I'm also the President of the Galveston Professional Boatmen's  
48 Association.

1  
2 We're organized in Galveston and promoting Galveston fishing to  
3 ensure conservation and sustainable management and enhance the  
4 cultural heritage of our fishing communities, and we would like  
5 to see -- We support the state management for the private  
6 anglers, but we would like to have all the charter boats removed  
7 from the EFPs. We don't support that.

8  
9 We support Amendment 40, and we would like to see you all move  
10 forward with Amendments 41 and 42, to be addressed by the  
11 industry, and that's -- Just taking everything out, that's  
12 pretty much all we've got. Thank you, all. Have you got  
13 questions?

14  
15 **CHAIRMAN BOSARGE:** Yes, I think we do. Dr. Frazer.

16  
17 **DR. FRAZER:** Thank you. Again, I'm just curious how many  
18 captains you represent in your organization.

19  
20 **MR. BALL:** We have over a hundred captains, and we've got about  
21 thirty-five or forty federally-permitted boats in Galveston, and  
22 about ninety in our area that are federally-permitted, but,  
23 right now, we have about thirty-five, I think, that we support.

24  
25 **DR. FRAZER:** Thank you.

26  
27 **CHAIRMAN BOSARGE:** We have one more question from Mr. Sanchez.

28  
29 **MR. SANCHEZ:** I heard from some of the other states how they  
30 were approached and asked and had a lot of exchange and  
31 dialogue, in terms of asking groups such as yourself, and do you  
32 guys want in an EFP or don't you?

33  
34 **MR. BALL:** No, sir.

35  
36 **MR. SANCHEZ:** Were you guys ever --

37  
38 **MR. BALL:** We don't want any part of the EFP. We feel like we  
39 need to --

40  
41 **MR. SANCHEZ:** What I am asking you is were you ever asked if you  
42 wanted to be in one or out of one by your state folks or  
43 something that are promoting the EFP?

44  
45 **MR. BALL:** Well, I've had a few emails, but I don't think, as a  
46 group, we have not. I have personally had an email, but we have  
47 asked all of our group, and they all do not want to be included.

48

1 **CHAIRMAN BOSARGE:** Thank you, sir. We have a question from Mr.  
2 Riechers and then Mr. Anson.  
3  
4 **MR. RIECHERS:** Mr. Ball, just because your group is a little bit  
5 new, we've got a Boatmen's Association, of course, that is out  
6 of Port Aransas, and are you associated with that?  
7  
8 **MR. BALL:** No, sir. We're in Galveston.  
9  
10 **MR. RIECHERS:** But I haven't heard of you all before. Are you  
11 new?  
12  
13 **MR. BALL:** Yes, we're new. We have been -- About two months  
14 ago, we organized.  
15  
16 **MR. RIECHERS:** Okay. Are you all associated with the Charter  
17 Fishermen's Association as well?  
18  
19 **MR. BALL:** Yes.  
20  
21 **MR. RIECHERS:** Okay.  
22  
23 **CHAIRMAN BOSARGE:** All right. Mr. Anson.  
24  
25 **MR. ANSON:** I was wondering if you had any comment on the  
26 discussion we had during the council regarding the historical  
27 captains and converting those permits to permanent status.  
28  
29 **MR. BALL:** Yes, and I don't know. I don't have any comments for  
30 that.  
31  
32 **MR. ANSON:** Thank you.  
33  
34 **CHAIRMAN BOSARGE:** Thank you, sir.  
35  
36 **MR. BALL:** All right. Thank you, all.  
37  
38 **CHAIRMAN BOSARGE:** Next, we have Mr. Ed Walker, followed by Mr.  
39 Scott Robson.  
40  
41 **MR. ED WALKER:** Thank you. I wasn't going to comment, but,  
42 since it was just asked about the historical captain issue, if  
43 those guys have been charter fishing that long in the same  
44 place, and they didn't just acquire that, they have earned that  
45 license. Just give it to them, and I believe it will eliminate  
46 a lot of extra printing. On all of the council stuff, there has  
47 always got to be a whole other paragraph, in addressing those  
48 thirty guys that have that particular permit, and, as a guy that

1 had to buy his permit, I say give those guys their permit. They  
2 earned it.

3  
4 My name is Ed Walker, and I'm from Tarpon Springs, Florida,  
5 which is west central, and I pretty much live in the middle of  
6 grouper land down there. Grouper is the big thing for us, where  
7 we are. I am a commercial fisherman, and I'm a charter  
8 fisherman, and I'm also a recreational fisherman.

9  
10 One of the things that I would like to confirm with you all is  
11 that there are some issues with the grouper population where we  
12 are, as your data shows, and I can confirm that that's very  
13 accurate. Our red grouper catch has plummeted, and I have  
14 fished four commercial trips this year, grouper fishing, and  
15 I've caught -- My last trip, I caught one. I have caught less  
16 than six in four trips. We catch gags and red snapper and  
17 stuff, but there is something going on.

18  
19 I have talked to Luiz Barbieri and some of the others, and it  
20 may be a cyclical, normal part of the typical fishery, and I'm  
21 not sure, but it's pretty severe. There are places, vast areas,  
22 where red grouper used to live out there that they're not there  
23 anymore.

24  
25 The price for red grouper at the market has gone from \$3.25 or  
26 \$3.50, and it's a solid \$4.25 now, and, if you want to broker  
27 it, you could start an auction around town, if you have a red  
28 grouper to sell to a fish house somewhere, and it's a thing.

29  
30 Along those same lines, the gag is also off, as your data also  
31 indicates. They said they didn't catch but 25 percent, I think,  
32 of the gag ACL, and less than 40 on the commercial side, and  
33 that's recreational. I mean, I am seeing that as well. I do a  
34 lot of gag charters, and I commercial gag fish all winter, and  
35 we're way off on that, and I just wanted to let you guys know  
36 that. I don't know why, and I don't know the solution, but it's  
37 there, and so that's for people smarter than me to figure out.

38  
39 I am a big fan of the idea of a 500-pound trip limit for  
40 amberjack. Very few people directly target them anymore, but a  
41 lot of us throw them back because the season gets blown-up so  
42 quickly every year, and we're out there grouper fishing. It  
43 will make the season longer, and it will give you a better  
44 market price for the fish, because they're not all being dumped  
45 on the market at the same time, and I think it's a win-win, and  
46 virtually all the commercial guys that I have talked to agree,  
47 except one guy, who is a big amberjack spear fisherman, and he  
48 would like to keep his big bag limit.

1  
2 The fractional amberjack and the charter thing, I think that's a  
3 great idea as well. It will allow a captain to sell a trip with  
4 the potential to catch one or two big fish to hang up on the  
5 dock, and he can bring in his box of b-liners or grunts or  
6 whatever he wants, and he's got one trophy, or two trophy, fish,  
7 and he can sell the trip, whether he even catches it or not, and  
8 so that's my opinion on that.

9  
10 **CHAIRMAN BOSARGE:** We have a question for you from Dr. Mickle.

11  
12 **DR. MICKLE:** Mr. Walker, do you feel that the low catches of gag  
13 and reds have been a displacement issue, as red snapper moved  
14 in? You mentioned these areas where you just don't get the gags  
15 and the reds anymore.

16  
17 **MR. WALKER:** No, sir, I don't think that's an issue at all,  
18 because, the places where we used to catch a lot of red grouper  
19 are low, hard-bottom areas, and sometimes they get red snapper  
20 on them as well, but those are just blanks now, and I've got a  
21 plotter full of them, and we tow our anchor from spot to spot,  
22 and we fish five minutes a stop, and you either get them or you  
23 don't.

24  
25 When you're commercial fishing, you're looking for the homerun.  
26 You try this one, and you try that one, and you try that one,  
27 and so we get a lot of stops in in a day, and a lot of these  
28 historically good red grouper areas are just blank. There is no  
29 red snapper, and it's not gag bottom, particularly. It's lower  
30 relief, and there is just nobody.

31  
32 It's not like a bunch of red snapper took over and the red  
33 grouper -- If they did move, the commercial guys would find  
34 them, but they haven't. They haven't caught -- I don't know,  
35 and I think the number was 24 percent or something, of their  
36 quota.

37  
38 It's a very low number of the commercial red grouper quota, and  
39 so I think they would find them if they had been displaced. The  
40 only guys that are catching any, to my knowledge, are going way  
41 southwest of where we live, past where we used to fish, and  
42 catching some down there, but not that many.

43  
44 **DR. MICKLE:** Thank you.

45  
46 **MR. WALKER:** Any other questions?

47  
48 **CHAIRMAN BOSARGE:** Mr. Anson does.

1  
2 **MR. ANSON:** Thank you, Mr. Walker. I don't know if you heard  
3 the discussion we had during the Reef Fish Committee, but the  
4 council hears you and other fishermen regarding red grouper and  
5 that there seems to be a problem.

6  
7 There is an assessment that will be completed at the end of this  
8 year, but, administratively, there won't be a chance to have any  
9 of that information available to impact next year's distribution  
10 of IFQ quota, and is that something that you would be supportive  
11 of, is if we looked at some sort of change in how that process  
12 occurs, to maybe hold back some pounds for next year and just  
13 wait to make sure that we got the assessment process completed?

14  
15 **MR. WALKER:** Yes, sir. I can tell you that as a red grouper  
16 shareholder, and I'm on the Reef Fish Advisory Panel, and I am  
17 included in some of their red grouper discussions, and I can  
18 tell you that I don't know of any of the commercial guys I know  
19 that wouldn't happily lower the red grouper quota. We all think  
20 that that increase -- Nobody wanted that, on the commercial  
21 side, but we wanted to give some to the recreational side,  
22 because they had been closed for one month the year before, and  
23 it really hurt the charter guys.

24  
25 They got closed early, and the commercial guy had excess on his  
26 side, and so we examined ways to try and give them some, which  
27 there aren't any, and so, to give some back to the recreational  
28 guys, you had to give a proportional amount to the commercial  
29 guys, which they didn't want, and we settled for the most  
30 minimal increase in quota.

31  
32 They offered numbers that -- The stock assessment said you could  
33 go up to 50 percent increase in red grouper, and the commercial  
34 guys pow-wowed and said we don't want anything like this, and 30  
35 was the lowest of options that they gave us, and so that was  
36 actually, I think, an example of the commercial guys trying to  
37 help out the recreational guys.

38  
39 If the commercial guys could have stayed where they were and  
40 helped out the recreational guys, and you took a vote on it, I  
41 bet you that a large number of them would have done it, but,  
42 even if you cut the red grouper in half right now, you still  
43 wouldn't impact what they caught this year, and so that's for  
44 you guys to figure out how to help, because I don't think  
45 cutting the quota would do it, from where it is right now, but  
46 most of the commercial guys I know think the red grouper  
47 allocation is too high right now.

48

1 **CHAIRMAN BOSARGE:** Thank you, sir.

2  
3 **MR. WALKER:** Thank you.

4  
5 **CHAIRMAN BOSARGE:** Next, we have Mr. Scott Robson, followed by  
6 Ms. Pam Anderson.

7  
8 **MR. SCOTT ROBSON:** Good afternoon, Gulf Council. My name is  
9 Scott Robson, owner and operator of the Charter Boat Phoenix in  
10 Destin, Florida, and I've been in the business for forty years.  
11 I would highly recommend fractional bag limits on the amberjack,  
12 one fish per two people.

13  
14 With this reduction, it should ensure that we have a full spring  
15 and a full fall season, and hopefully an increase in the longer  
16 spring season, possibly in the future, in April and May. If we  
17 also have a split quota, I would like to see a 70/30 split, but  
18 my question would be, if 70 percent of that was overfished in  
19 the fall, does that come off in the 30 percent of May, and so  
20 I'm going to get back to, if that is true, then, to me, there is  
21 no reason to have a split quota, because it defeats any purpose  
22 of being able to ensure fish for that spring season. If so, I  
23 don't want a split quota on that.

24  
25 Also, I would like to see a vessel limit of six per vessel.  
26 This would give a recreational fisherman a longer season with an  
27 additional 15 percent reduction in landings. This, along with a  
28 fractional bag limit, would give us a lot less chance of  
29 overfishing, which equals a longer season, and, really, that's  
30 all we're -- I mean, that's what our goal is there, and you've  
31 heard many people talk about that's what they want, are longer  
32 seasons.

33  
34 You have heard some of them talk about they want the one fish.  
35 Well, you can't -- It seems to me, in this world, we're not  
36 going to get both with one fish. We're going to overfish one  
37 part of that season, and, typically, it would look like it could  
38 happen in the fall, and there would be none left for into May,  
39 and so changing season dates and seasons, calendar years, does  
40 not ensure a spring May season in 2019 or future years, and so,  
41 here again, I am not sure where we were going to go, because  
42 changing that season doesn't -- It doesn't give any -- It gives  
43 no reduction in the landings, and so starting a season in May  
44 would ensure a spring season, and there would be fish left over  
45 in the fall, because I think I've heard it stated that there  
46 probably wouldn't be more than 40 percent caught at a one fish  
47 per person, and so, even with the one per two, if you did  
48 fractional, it would be even less.

1  
2 I would say make historical captains into a regular permit. I  
3 am one of them, forty years, and allow federal for-hire to fish  
4 their quota, reduce the buffer, and extend the season to at  
5 least sixty days in the red snapper fishery.

6  
7 I want to make one quick comment on red grouper, and I don't  
8 know all the science to it, but it seems like there needs to be  
9 some looking. We're looking into how we're going to reduce bag  
10 limits and so forth, and it seems like there is some red tide  
11 issues that seem to account for a lot of the fishery decline,  
12 and that's it.

13  
14 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Ms. Pam  
15 Anderson, followed by Mr. Ken Anderson.

16  
17 **MS. PAM ANDERSON:** Thank you, Madam Chair, Dr. Crabtree, and  
18 council members. I am Pam Anderson, with Captain Anderson's  
19 Marina from Panama City, and I'm the fishery rep on the Bay  
20 County Chamber of Commerce. Thank you for this opportunity to  
21 share some thoughts.

22  
23 I wanted to give you a little bit of history, since a lot of you  
24 weren't here when this catch share discussion started, because  
25 there were a lot of questions that came up yesterday that I was  
26 surprised that they weren't known.

27  
28 Our catch journey needs to stop, be tabled, or postponed. I was  
29 present, as were some now CFA leaders, at the first catch share  
30 meeting in Sarasota in 2009, and a council member and also a  
31 then EDF rep, who may be here today, led the discussion of  
32 promoting a catch share program for the for-hire industry that,  
33 for those who jumped onboard with them, would certainly reap the  
34 benefit of up to a 400 percent profit.

35  
36 This plan would eliminate the little guys in the industry, while  
37 allowing the catch share advocates the advantage of scooping up  
38 additional shares. Dr. Jane Lubchenco, who developed this  
39 program, stated, in several papers, that its purpose was to  
40 reduce overcapacity in the fleet. The EDF rep boasted having  
41 \$50 million reserved to promote catch shares in the Gulf's  
42 recreational fishery at that time.

43  
44 I said then, and I will say now, that bankrupting small  
45 operators so that we can be more prosperous is not the Anderson  
46 way of doing business, and, if it takes \$50 million to convince  
47 me I'm wrong, I am not convinced.

48

1 Fast forward to August of 2012, when this council had over 4,000  
2 emails and public comments presented, of which 95 percent said  
3 no to sector separation and catch shares. It was tabled or  
4 postponed at that time, and many lost hope in the system. In  
5 October of 2013, I believe it was, another 2,000 comments on  
6 these issues came in, of which, again, 95 percent said no to  
7 sector separation and catch shares.

8  
9 The council passed sector separation anyway, saying there was a  
10 higher percentage of quite vocal advocates for the program than  
11 those against who were present for public comment, ignoring the  
12 majority of stakeholders who could not attend, but sent comments  
13 by email and snail-mail. Rightly stated yesterday, recreational  
14 fishing is about access and opportunity for anglers, but, for  
15 the for-hire, the more limitations you place on us, such as  
16 catch shares, the more business will fail and there will be less  
17 access for recreational anglers, many of whom are tourists.

18  
19 We do not need, nor want, catch shares nor the intersector  
20 trading that will surely follow. It's my understanding that the  
21 changes in the MSST will remove red snapper into the not  
22 overfishing and not overfished category. With that, the  
23 accountability measures being stopped will allow more harvest.

24  
25 In addition, the upcoming red snapper assessment should further  
26 increase our ACL and access to the fishery. With measures  
27 already in place, such as these and state management, I submit  
28 that there is no reason, at this time, to continue developing  
29 Amendments 41 and 42. We no longer have overcapacity, if we  
30 ever did, and our fishery is growing, and we should be allowed  
31 to grow with it.

32  
33 **CHAIRMAN BOSARGE:** Ms. Anderson, are you just about done?

34  
35 **MS. ANDERSON:** Yes. I have one more sentence. In business,  
36 even when we've poured good money into a project, we sometimes  
37 have to come to a time when we stop, reconsider, and go in a  
38 different direction. Hopefully, with catch shares, you will do  
39 the same. Thank you.

40  
41 **CHAIRMAN BOSARGE:** Thank you, ma'am. Next, we have Mr. Ken  
42 Anderson, followed by Mr. Dale Woodruff.

43  
44 **MR. KEN ANDERSON:** Good afternoon. I am Ken Anderson, headboat  
45 operator from Panama City, Florida, and the husband of the  
46 previous speaker. My family started in the headboat business in  
47 Panama City in 1935. As you may know, red snapper is the most  
48 sought-after fish of headboat customers in Panama City. They're

1 a good-sized fish, they're delicious, they're pretty, and  
2 they're easy to catch. It doesn't take an expert angler to fool  
3 a red snapper. Our customers love them.

4  
5 I am going to keep this short and simple. Our customer counts  
6 are directly related to the ability to keep red snapper. When  
7 snapper season is open, our trips run full, or very close to  
8 full. When the season is closed, they do not.

9  
10 The last three years, we have had a season of forty-five to  
11 forty-nine days, and hopefully fifty or more this year. With  
12 the information that I have about catch shares, I estimate that  
13 our boat would run out of quota after less than twenty days of  
14 fishing. Obviously, a forty-something or a fifty-day season is  
15 better than twenty. Therefore, I am in favor of keeping the  
16 status quo, regulating red snapper with set seasons, a two-fish  
17 bag limit, and a sixteen-inch length. I request that the catch  
18 share issue be tabled indefinitely.

19  
20 I would also like to thank the council for opening up gray  
21 triggerfish for a limited harvest. There are more triggerfish  
22 off of Panama City now than I have seen in my entire life. I do  
23 think it would have been wiser to leave the size limit at  
24 fourteen inches. In my opinion, raising it to fifteen inches  
25 will only result in more dead discards.

26  
27 I hadn't planned to speak about amberjack today, but I would  
28 like to express my support for all the charter boat captains  
29 that came over from our marina to plead their case for  
30 amberjack. They really, really need a spring amberjack, as you  
31 have heard over and over, and I would just like to add my  
32 request that you give that serious consideration. Give them a  
33 break and let them have a month of amberjack in the spring.  
34 Thank you.

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

38  
39 **MR. DALE WOODRUFF:** How are you doing? I'm Dale Woodruff,  
40 Charter Boat Class Act, and I have the Daddy's Baby out of  
41 Orange Beach, Alabama. I would like to say that it's nice to  
42 see a lot of new faces out here, especially to get up and speak.  
43 A lot of people have spoken for an amendment, and I don't think  
44 they really know that they have.

45  
46 We've had a lot of groups from Panama City and a lot of people  
47 talk about how much they really like the snapper season. Just a  
48 few years ago, nobody wanted that from over there, but now they

1 like that snapper season, and so what does that tell us? If  
2 you've been writing it down with the papers, we need to go ahead  
3 and lift the sunset on Amendment 40. They like this red snapper  
4 season, or at least that's what I heard from back there.

5  
6 Amendment 40 has a sunset. If they like Amendment 40, and  
7 everybody else likes this snapper season, if we don't do  
8 something with it, it goes away, and then we're back to square  
9 one.

10  
11 From what I remember, especially with the Alabama Charter  
12 Fishing Association, we are not for catch shares with 41 and 42.  
13 We are for an allotment of fish. We have never been for  
14 intersector trading, and so somebody is selling somebody a bill  
15 of goods, and I think we need to get some education out there,  
16 especially for a lot of people.

17  
18 If it's talked at this Gulf Council -- We have stood up here in  
19 front of this Gulf Council from the Alabama Charter Fishing  
20 Association and have said, you know, give us some years to fish  
21 with reporting, electronic reporting, and then everybody would  
22 have what they normally catch, what their normal business models  
23 or normal business stuff, but we have never once wanted catch  
24 shares. We have never once wanted an IFQ. We have never once,  
25 especially for me, and I will stand up here and fight amongst  
26 them, if that's what it comes to, or with them, for catch shares  
27 or intersector trading or whatever.

28  
29 Amberjack, it sounds good. A split season sounds great. One  
30 fish, or a half-a-fish, I guess whatever is going to get us a  
31 longer season, and I know that will benefit the people with two-  
32 day trips, because you can catch a two-day limit of jacks, and  
33 so most of our guys, where we're at, they only catch a one-day  
34 limit of jack on the two-day trip, and so that's going to  
35 benefit them. As far as the half-a-fish or one fish, I guess  
36 it's fine, if it's going to get us a longer season with the  
37 half-a-fish.

38  
39 In Amendment 40, we've done good. We have gone under every year  
40 since it started, and we have not gone over, and so something  
41 needs to happen with Amendment 40, before it goes away, and we  
42 need to start now, because we know the council's snail process,  
43 and I really do appreciate the fact yesterday, for some of these  
44 guys that stood up for Amendment 41 and 42, especially when  
45 people from my own state wanted to try to knock it and table it.  
46 I just happened to walk up, show up, and let's go ahead and get  
47 rid of it. No, we've been working at it for too hard, too long.  
48 Let's get educated on this. Thank you.

1  
2 **CHAIRMAN BOSARGE:** Thank you, sir. Mr. Sanchez.  
3  
4 **MR. SANCHEZ:** I just want to say that I agree with you. I made  
5 that observation earlier today, when I was hearing people  
6 repeatedly come to the podium, which it's not a static process.  
7 People are entitled to evolve and change their minds, but I did  
8 note that, many years ago, some of the same people that were  
9 essentially bragging on Amendment 40 were against it, and that's  
10 a matter of public record, if anybody wants to --  
11  
12 **MR. WOODRUFF:** Yes, and I really think that's awesome, and I  
13 don't really think nobody has caught grass for that, that has  
14 come up here and said they really like that fifty-day snapper  
15 season, because it's going to go away if something doesn't get  
16 done, and I don't know if they know that or not, the people who  
17 stand up here and speak about it.  
18  
19 **CHAIRMAN BOSARGE:** Mr. Boyd.  
20  
21 **MR. BOYD:** Thank you, Captain. I need clarification. If I  
22 interpreted it correctly, you are for Amendment 41 and 42, but  
23 you are against catch shares. Is that what you said?  
24  
25 **MR. WOODRUFF:** Amendment 41 and 42, does it say anything about  
26 catch shares in it at this time?  
27  
28 **MR. BOYD:** It has options for catch shares in it.  
29  
30 **MR. WOODRUFF:** It has options. It has options in it, and then I  
31 do not want catch shares. I think an allotment of fish. If we  
32 get electronic logbooks, and we do a few years of electronic  
33 logbooks, two or three years, everybody in the Gulf of Mexico  
34 with the charter/for-hire fleet, you have data. You have what  
35 we have been wanting, and what the SSC needs, and what you all  
36 will have to make the proper decision on what we can do.  
37  
38 Then, if that road comes down to where everybody gets an  
39 allotment of fish for the year, and next year you might not get  
40 that same allotment of fish, but you get the allotment of fish  
41 of what you have caught within three years. Is that it? Thank  
42 you, and God bless, and go Trump. Roll tide.  
43  
44 **CHAIRMAN BOSARGE:** Thank you. All right. Next, we have Billy  
45 Neff, followed by Steve Tomeny.  
46  
47 **MR. BILLY NEFF:** How are you doing? I am Billy Neff, from Class  
48 Act Charters in Orange Beach, Alabama. I would like to see us

1 continue to work on Amendments 41 and 42. With regard to  
2 amberjack, I am in support of a split season and the fractional  
3 bag limits of half-a-fish per person, if it gives us a longer  
4 season. I am definitely for that. As far as charter boats for  
5 hire, I would like to stay with the federal management system  
6 and let the states have an EFP. That's it.

7  
8 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Steve  
9 Tomeny, followed by Mr. Clarence Seymour.

10  
11 **MR. STEVE TOMENY:** Good afternoon. I am Steve Tomeny, and I'm  
12 originally from Baton Rouge, Louisiana, and I ran a business for  
13 over thirty-five years in Port Fourchon, Louisiana. I have been  
14 a charter fisherman for over thirty-five years, and I'm also a  
15 dual-permitted commercial fisherman and an IFQ shareholder.

16  
17 I like catch shares, and I haven't been hearing that too much  
18 today, but a lot of it is from a lot of naysayers. If Amendment  
19 42 is a catch share, then, man, I am for it. Amendment 41, it  
20 probably needs to have a logbook, electronic logbook, associated  
21 with it. You need to know how many boats are fishing, and I  
22 don't think we really know that now, the way the data is  
23 collected.

24  
25 When you get that tuned up, I think some of the formulas that  
26 are not working in 41 might make some people happier. Right  
27 now, it's not dead, and it needs to be brought along, but the  
28 simple, back-of-your-napkin math will tell you that it's not  
29 going to work out. There's not enough fish, if you divide the  
30 twelve-hundred-and-something permits into the allocation. It  
31 doesn't work too well.

32  
33 I think it just needs -- We have worked on it for a long time,  
34 and we've all put a lot of effort into it. We put a lot of  
35 effort into getting Amendment 40, and I will switch gears a  
36 little and go to the EFPs. I think it's a great idea to try it  
37 for the private recreational, and I am going to be one of the  
38 few dissenters in Louisiana that -- While I think Patrick Banks  
39 and them have done a great job with the LA Creel, I am not -- I  
40 am just not going to bite for the carrot that they're dangling.  
41 I will take our regular snapper season that we're going to get.

42  
43 If you heard some of the comments from my hometown Congressman  
44 and from some of our legislators, some of the guys that came  
45 earlier that were just anti-catch share, and we're going to run  
46 the prices up and all this kind of foolishness, I am just -- In  
47 the long run, those guys want to see our fish get in a state  
48 management plan, where they can mix it back up, where our

1 Amendment 40 allocation will be mixed back with the private  
2 recreational, and they will overrun us again, like they did over  
3 the last twenty years.

4  
5 We were tied to the dock with 30B, and we were fishing in the  
6 federal season and they were fishing in state seasons, always  
7 expanding state seasons, and it really cost us a lot, and so  
8 we're happy with 40, and I would like to see these others work  
9 out. We've got to get a product that people will like, and I  
10 will move on to just say that the EFPs are okay.

11  
12 We are protected under them, but it's what goes on after that  
13 that I am a little scared of, and so things change real quick at  
14 our state level. We don't have a Magnuson Act on the state  
15 level, and so, anyway, I've kind of gone through, and I had a  
16 couple more things to say, but have a good afternoon, and I will  
17 do it another time.

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

21  
22 **MR. BANKS:** Steve, I appreciate your comments, and I need some  
23 help. Somebody back there was a little confused about what  
24 state they're in. We're LSU Tigers around here, and so please  
25 help spread that news back there. Thank you.

26  
27 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. Clarence  
28 Seymour, followed by Mr. Mike Rowell.

29  
30 **MR. CLARENCE SEYMOUR:** Good afternoon. I'm Clarence Seymour  
31 from Biloxi, Mississippi, the Charter Boat SYL, a federally-  
32 permitted charter boat. Thank you, Madam Chair, and the rest of  
33 the council, for having us. Today, I would like to really hit  
34 on a -- We're federally-reef-fish-permitted charter boats, and  
35 these guys, the whole group that's here, and I've seen some  
36 high-fiving about Amendment 40. In 2022, they are liable to  
37 have some grim faces, coming up here wanting to know how we let  
38 this happen.

39  
40 Amendment 41 and 42, it does give Amendment 40 a chance for us  
41 to, somehow or other, hash out a great fish management plan that  
42 meets the needs of the Gulf of Mexico and all the states,  
43 especially the guys in Florida, from Alabama, Louisiana, and  
44 from Texas.

45  
46 I would like to say what a great job that Dr. Mickle did in his  
47 presentation for Tails n' Scales, because I believe we've got  
48 100 percent for for-hire for reporting of our catch this year,

1 which, when that's validated, that is true reporting, and so  
2 that means that, us at the dock, we really participated well  
3 with the MRIP people, and we made sure that they counted all of  
4 our fish.

5  
6 Plus we had our observers that gave us the documents, the  
7 timeframe, to make sure that we did validate Tails n' Scales  
8 correctly, because the EFP is going to work really well in the  
9 State of Mississippi for the private anglers. If we're at 90  
10 percent of getting the correct data, they should be able to --  
11 If they can tune that in and get us down around 95, the EFP is  
12 going to be wonderful for our private anglers, because I've got  
13 some friends that was wanting to block the marina, throw eggs at  
14 us, because we were going to roll out on June 4 without them,  
15 but it all worked out, because they got their special season.

16  
17 Looking at the initial reporting from 2014, 2015, 2016, and  
18 2017, the private anglers went over, and we still are not  
19 hitting on the issue that the for-hire has stayed within the ACT  
20 and the ACL, which we have left a lot of fish on the table, and  
21 there is a lot of folks here that has really backed the for-hire  
22 industry, for making sure that that is known every year, and,  
23 when this EFP can hit off for the private anglers, and we can  
24 take all the charter boat industry and keep that same ACL down,  
25 ACT, it's going to be a win-win for the whole industry.

26  
27 Then, in 2022, we're going to be wondering how we're going to  
28 high-five again and make sure that our passengers and the  
29 American public can enjoy this great red snapper fishery we  
30 have, but that's all I have today, and thank you.

31  
32 **CHAIRMAN BOSARGE:** Thank you. Hang on. We've got a question  
33 for you from Mr. Diaz.

34  
35 **MR. DIAZ:** Clarence, thank you for taking the time to come over.  
36 I appreciate it. Do you have any thoughts on this historical  
37 captain thing that we've been talking about? I just wanted to  
38 hear what --

39  
40 **MR. SEYMOUR:** There is two folks that I do know that are  
41 historical captains in our permitted area, and having to  
42 outreach to them, because I just kind of didn't quite get the  
43 chance to read the document, and so that would put the two folks  
44 that I do know very personally, and so one has two permits, and  
45 so, being one historical is not going to hurt him.

46  
47 His business had one, but he was a hired guy, and so he has a  
48 historical, but there is still a chance for the other guy to

1 purchase him a boat and carry on, because he's been a mate for  
2 so long, but he does have historical history, and so I think, if  
3 it's only thirty, the only benefit they have would be that they  
4 could still participate in the industry and possibly -- My new  
5 word for the year is "millennial" that I found, and the  
6 millennials have to have a chance to access the fishery, and we  
7 always have to remember that, because -- There is not many in  
8 the audience, but hopefully they will start showing up, because  
9 we're going to need them one day, and that's for sure. Thank  
10 you.

11  
12 **MR. DIAZ:** Thank you.

13  
14 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Mike  
15 Rowell, followed by Mr. James Bruce.

16  
17 **MR. MIKE ROWELL:** Hello. I'm Mike Rowell, from Orange Beach,  
18 Alabama. I'm a charter fisherman. I support the proposed rule  
19 to modify the amberjack season to start in August and then maybe  
20 get what's leftover in May of the next year. I think that we  
21 need to leave the fish alone while they're spawning.

22  
23 I am not for a fractional bag limit. I would like to -- I am a  
24 fisherman, and, the more days I fish, the more money I have the  
25 potential to make, but I don't think it's necessarily good for  
26 the fish. If I've got ten people on the boat, and I can keep --  
27 Well, I can't figure out how many right now, five or four or  
28 whatever it is, but those other people on the boat want to catch  
29 one too, and I'm afraid what's going to happen is people are  
30 going to say, well, we can only keep four, but we've got ten  
31 people, and let's let everybody catch one anyway, and they're  
32 biting. Then we've got release mortality, and it's not about --  
33 It's not supposed to be about me and my boat, because I am just  
34 a vehicle to take the recreational angler fishing.

35  
36 We're up here talking about the anglers that are either on a  
37 private boat, or they're on my boat, and it shouldn't be about  
38 me and what I care about, which is making money, and so I don't  
39 know. I am kind of mixed up on the whole thing, but I think  
40 it's not fair for the fishermen.

41  
42 As far as the historical captains, I think, if those guys are  
43 still out there and working hard -- Like I said, some of these  
44 permits have went away and it's not going to matter, but I think  
45 it was something that we didn't see coming when we were putting  
46 this other plan together, and we did something temporarily, and  
47 I think we could make it permanent for them now.

48

1 I would like to see us keep going with 41 and 42. There's been  
2 a lot of work put into it, and I think we should keep moving  
3 with it. I am also against the state management for  
4 charter/for-hire, for federal guys. I think the recreational  
5 people and the charter/for-hire people have their own different  
6 needs, and I think they can be met with two different management  
7 systems.

8  
9 Somebody was saying there is not a lot of fish on some spots, or  
10 I forgot what the comments were, but, with the grouper and some  
11 of the snapper, they're going back to places where there is not  
12 any fish, and I just talked to some folks today, and I've been  
13 talking to divers. What is down there is lionfish. They are  
14 everywhere, and I know everybody knows about it, but we keep  
15 splitting hairs with allocations on certain species, and we've  
16 got a real bear out there that is eating up everything, and I  
17 think we need to keep an eye on those lionfish.

18  
19 **CHAIRMAN BOSARGE:** Thank you, sir.

20  
21 **MR. ROWELL:** Thank you.

22  
23 **CHAIRMAN BOSARGE:** Next, we have Mr. James Bruce, followed by  
24 Mr. Billy Archer.

25  
26 **MR. JAMES BRUCE:** I'm James Bruce, a commercial fisherman. Man,  
27 why do you all want to mess with something that works? The IFQs  
28 work, and we don't go over our quota. Now you all have finally  
29 got the charter/for-hire not going over their quota, and then  
30 you all wanted the states to take over. The states, ain't that  
31 the reason the quota was going over, because some of the states  
32 started to open the season in state waters?

33  
34 If you look at the whole picture, the idea of this is to  
35 preserve our fish and not to try to take fish and move it from  
36 this sector to another sector and then move it all over.  
37 Preserve the fish, and it's about the fish. As far as 41 and  
38 42, they put a lot of work into it, and people come here all the  
39 time to it, and you all need to keep working on it. They are  
40 finally not going over, and why do you all want to change it?

41  
42 You all want to start an even bigger mess by trying to auction  
43 our allocation, and that is crazy. Who is going to win in that  
44 situation? Who is going to get hurt? Somebody like me who has  
45 got a little bit of quota and no money to buy no more. That is  
46 who is going to get hurt. You want to move fish to help this  
47 one and to help that one, and that don't work.

48

1 Think of the fish when you all make decisions. It's not about  
2 one user group or another one, but it's about the fish that  
3 rebuilt since we started the IFQ program. That's all it's  
4 about, the fisheries. Thank you.

5  
6 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Billy  
7 Archer, followed by Mr. Gary Jarvis.

8  
9 **MR. BILLY ARCHER:** Thank you, Madam Chairman and Gulf Council  
10 members. Good afternoon. My name is Captain Billy Archer, and  
11 I'm a third-generation fisherman from Panama City, Florida. I  
12 am going to ask you all to please not table Amendment 41 and 42.  
13 We need more time to work on this, these two amendments. Once  
14 we get them kind of pounded out and see what everything looks  
15 like, we can send them out to the stakeholders and let them have  
16 their final say.

17  
18 I do support the state EFPs. Please leave the charter boats out  
19 of them. Our industry needs the protection under Magnuson-  
20 Stevens. I support the 60/40 split on the amberjack season, one  
21 fish per two anglers, and that would include a May 1 opening.

22  
23 I heard a gentleman ask a question about working on the groupers  
24 in the commercial industry, and my fish buyer is Greg Abrams  
25 Seafood, and he showed me a paper of the amount of fish that  
26 they left in the water, just red grouper, last year, and it was  
27 122,000 pounds. That's huge. That's a lot of fish. If you  
28 want to go to the dealers and ask those folks how they feel  
29 about a reduction in quota, that would be a good place to start.  
30 Thank you very much.

31  
32 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Gary  
33 Jarvis, followed by Ms. Susan Boggs.

34  
35 **MR. GARY JARVIS:** I apologize for reading a lot this time, but  
36 I've got a lot to cover. I am Captain Gary Jarvis, President of  
37 the Destin Charter Boat Association, forty years in the  
38 business. That means I'm an old guy.

39  
40 After the red snapper landing presentation yesterday, we saw the  
41 obscene overages by the private angler sector. The use of  
42 charter/for-hire allocation to ease the obscene overages needs  
43 to stop, and this politicized assumption that the states can  
44 manage the resource better than National Marine Fisheries, after  
45 last year's state and congressionally-sponsored special season,  
46 it kind of seems absurd, to me.

47  
48 I agree with the Chairwoman yesterday that it's time the public,

1 non-boat-owning public gets their allocation of fish. We have  
2 underfished our allocation, with an average of 35 percent, for  
3 the last three years, and that's a hell of a haircut.

4  
5 I think it's real important that we understand that, in 2008, I  
6 stood before this council, and some members are still present,  
7 and introduced what we called Save Our Sector. What it was, it  
8 led to Amendment 40, and I said then that it would stabilize our  
9 seasons, and it has. I said then that it would increase access  
10 to the non-boat-owning public, and it has.

11  
12 I said then that it would help the resource, because we would  
13 most likely not overfish our ACL, and it has, and I also said  
14 that it would allow us to develop a data collection system that  
15 would make management decisions more accurate and more certain.  
16 As I stand here, we're on the cusp of a mandatory electronic  
17 logbook program that is going to make that come to fruition.

18  
19 Now the question to National Marine Fisheries Service and the  
20 council, who are both sworn to effectively protect and enhance  
21 and work tirelessly to increase our resources, I want to ask you  
22 this question. Why, behind the scenes, and out in the open, are  
23 you working so hard to undermine, inhibit, reverse, and destroy  
24 an FMP that was designed by the industry, passed by the council,  
25 and signed by the Secretary of Commerce?

26  
27 The discussion about state-by-state EFPs today has made it  
28 evident that the state chairs here, and its angler-rights  
29 representatives on this council, are doing their best to subvert  
30 Amendment 40. Has Amendment 40 lived up to its intent? Has it  
31 lived up to its promise? Has it lived up to the requirements  
32 under MSA? You all know the answer.

33  
34 You saw the landing presentation, and you heard testimony from  
35 small businessmen, and you know what the MSA stands for, and the  
36 Amendment 40 has met all the ten National Standards under MSA,  
37 and it's not just my opinion. A couple of years ago, an angler  
38 right's group sued the National Marine Fisheries Service about  
39 the legality and the intent of Amendment 40, and that third-  
40 party legal system agree with us, and so did the appellate  
41 court.

42  
43 Here is my ask, that this council begin to support Amendment 40  
44 and its own electronic data collection system and expand the  
45 species of fish that preserve some level of access for the non-  
46 boat-owning public. Leave us out of any state management or EFP  
47 for private recreational anglers.

1 **CHAIRMAN BOSARGE:** Mr. Gary, are you just about done?  
2  
3 **MR. JARVIS:** That's fine.  
4  
5 **CHAIRMAN BOSARGE:** Okay.  
6  
7 **MR. JARVIS:** Our federally-permitted fleet have no protections  
8 under state law, and they have the right to exist that MSA gives  
9 us. My last request is to allow continued industry initiatives  
10 to explore the improvement of Amendment 40 and the development  
11 of other ideas like Amendment 41 and 42. Thank you.  
12  
13 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Ms. Susan  
14 Boggs, followed by Mr. Jason Delacruz.  
15  
16 **MS. SUSAN BOGGS:** Good evening, Madam Chair and council members  
17 and staff. Thank you for letting me testify this evening, or  
18 give testimony. I submitted a letter to -- My husband, Randy,  
19 and I submitted a letter on Monday to all of the members of the  
20 council about our preferreds for Amendment 42. Mr. John Sanchez  
21 requested yesterday, if we had any preferreds, that we please  
22 make them known at this time, and so here we go.  
23  
24 Amendment 42, Action 1, Alternative 2. Action 2, Preferred  
25 Alternative 2, with all Sub-Alternatives a through e. Action 3,  
26 Alternative 1. Action 4, Preferred Alternative 2. Action 5,  
27 Alternative 5. Action 6, Alternative 3. Action 7-1, Preferred  
28 Alternative 4. Action 7-2, Preferred Alternative 2a. Action 8,  
29 Preferred Alternative 2. Action 9, Preferred Alternative 2.  
30 Action 10, Alternative 2. Action 11, Preferred Alternative 2.  
31 Action 12, Alternative 2. Action 13, Alternative 1. Action 14,  
32 Alternative 2, Option a. Action 15, Preferred Alternative 4.  
33 Action 16-1, Alternative 2, Option a. Action 16-2, Alternative  
34 2. Acton 16-3, Alternative 3. If you are unclear as to where  
35 we stand, now you know.  
36  
37 I wanted to, more than anything, thank the nine council members  
38 that supported or voted against the motion to postpone  
39 Amendments 41 and 42 yesterday. I really do appreciate it, and  
40 I think that took a lot of courage on some of the part of the  
41 members, and so please know that I appreciate that.  
42  
43 I support the state management EFPs, but I don't support them  
44 for the federally-permitted charter boats. I think that section  
45 separation has worked well, as we work to develop our other  
46 amendments, and I would like to see that the states proceed with  
47 the EFPs without the charter/for-hire industry included.  
48

1 I have listened to quite a bit of testimony, and I have quite a  
2 bit of notes that I have scribbled and marked through, but I  
3 would like to make one statement. Amendment 41 and 42 were not  
4 intended to privatize the fishery, but to expand the access to  
5 the non-boat-owning public, and this is not just citizens of the  
6 five Gulf states, but all forty-eight contiguous states and  
7 beyond.

8  
9 As seen in the headboat EFP, nineteen headboats fished over  
10 200,000 anglers, and that was pretty impressive, and so we're  
11 not trying to privatize this fishery, but we're just trying to  
12 give more access to the fishery.

13  
14 One last thing, and I will be quiet, but I would like to commend  
15 -- I listened to Dr. Mickle's presentation on I believe it's  
16 Tails n' Scales, but I really liked the plan. I think every  
17 state data collection plan has merit, and I would like to see  
18 maybe all five states and the federal government all come  
19 together and let's get one plan that works for everybody.

20  
21 **CHAIRMAN BOSARGE:** Thank you, ma'am.

22  
23 **MS. BOGGS:** Thank you.

24  
25 **CHAIRMAN BOSARGE:** I hear you're switching places with Jason  
26 Delacruz, and so this is Mr. Buddy Guindon that's going to speak  
27 next, and then Mr. Brad Gorst.

28  
29 **MR. BUDDY GUINDON:** Buddy Guindon, Executive Director of the  
30 Gulf of Mexico Reef Fish Shareholders Alliance, and I want to  
31 talk about options first. The Shareholders Alliance disagrees  
32 with NOAA's determination. In our view, a referendum is  
33 required, where a new amendment would modify the scope of  
34 fishing privileges issued under Amendment 26.

35  
36 We were glad to hear Dr. Crabtree acknowledge that the  
37 commercial red snapper IFQ program is working well and that  
38 National Marine Fisheries Service supports this program. This  
39 program is one of the most successful management programs that  
40 this council has ever adopted, and the council should be proud  
41 of it. The five-year review confirmed the IFQ is moderately to  
42 highly successful in achieving its stated goals.

43  
44 Because of the IFQ program, consumers now have year-round access  
45 to a sustainable fishery. Fishermen, their suppliers, and their  
46 customers are all better off because the fishery is more stable  
47 and profitable. Auctioning off some portion of the quota now  
48 would be a disaster. It would destabilize the IFQ program,

1 disrupt the supply chain, and increase the cost for consumers.

2  
3 Does the council really want to inject more government controls  
4 into the fishery to make it less functional, more inefficient,  
5 and more costly for Americans? That is moving in the wrong  
6 direction. Auctioning off some portion of the quota would  
7 frustrate the objectives of the Reef Fish FMP and Amendment 26.  
8 There is no upside to that that could possibly outweigh any of  
9 the negative impacts that it would cause.

10  
11 It seems like the whole purpose here is to throw a wrench into  
12 the highly-performing system, merely for the purpose of tearing  
13 it down. The idea is misguided and destructive, and the council  
14 should not waste any more time considering this. Instead, you  
15 owe it to the private anglers to develop a management plan for  
16 them that works, and you owe it to the charter and headboat  
17 fishermen to finish what you started with Amendment 28.

18  
19 On the amberjacks, the proposed range of alternatives for the  
20 amberjacks isn't reasonable, because it should include a LAPP  
21 option. I am sorry that I had to read today, and I'm not very  
22 good at it on this tiny phone.

23  
24 I would like to speak to Mississippi and their great job they  
25 did with their FMP and their data collection system. I would  
26 like to implore Texas to do like the rest of the states and  
27 reach out to the industry and accept that they do not want to be  
28 a part of state management. It's been the desire of all the  
29 charter boats in my area not to be involved, and I am one of  
30 them.

31  
32 **CHAIRMAN BOSARGE:** Mr. Buddy, are you just about done?

33  
34 **MR. GUINDON:** Thank you.

35  
36 **CHAIRMAN BOSARGE:** Thank you, sir. All right. Next, we have  
37 Mr. Brad Gorst, followed by Mr. Bobby Kelly.

38  
39 **MR. BRAD GORST:** Hello, council and Madam Chair. Thank you for  
40 the opportunity to be here. I'm from Clearwater, Florida, and I  
41 manage three federally-permitted charter boats and a couple of  
42 overload boats. I am here to support the EFPs by the states for  
43 the private recreational only.

44  
45 I don't want to be part of it. I know, in Florida, we're not,  
46 but I don't think any of them should be forced into it. My  
47 personal point of view is I see the EFP as similar to the state  
48 management thing, and nobody could come to an agreement on the

1 allocation back then, and I don't see it really going anywhere,  
2 to be honest with you.

3  
4 The amberjack, I would like to see trip limits on the commercial  
5 side. For Amendment 41 and 42, they don't need to be squashed  
6 here. They need to be looked at further and go with the AP's  
7 preferred alternatives. That's what it's for. It's for the  
8 industry, and it's not for the private recreational. It's for  
9 the private recreational customer, and there is a difference, in  
10 my opinion.

11  
12 As far as red grouper goes, I think that the SSC needs to rerun  
13 some numbers on the red grouper from the red tide event, and I  
14 am seriously convinced that the red tide did a lot more damage  
15 that was previous realized, and I understand that the data  
16 showed that, if the fish were there, they needed to give them  
17 back, and that's why the commercial sector got the bump, but I  
18 think that those numbers need to be rerun, because of that red  
19 tide event.

20  
21 I travel out of Clearwater, and I run fifty miles north, fifty  
22 miles south, sixty or seventy miles offshore, and so one day  
23 it's this way and one day it's that way, and so you get a real  
24 broad feel for what's going on in places, and the red groupers  
25 are not where they typically are, and I don't think that they're  
26 there because that red tide wiped them out, in their normal  
27 migration patterns, from spawning offshore to ending up catching  
28 a lot of little ones inshore, but I will say that we're starting  
29 to see some smaller juvenile red grouper starting to show up,  
30 and so it's kind of catching up in its circle. That's all I've  
31 got. Thanks.

32  
33 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Bobby  
34 Kelly, followed by Mr. Tom Ard.

35  
36 **MR. BOBBY KELLY:** Good evening, council. My name is Bobby  
37 Kelly, and I'm out of Orange Beach, Alabama. I will have a  
38 little respect for it, because it's late in the afternoon, and I  
39 will just kind of push through this real fast.

40  
41 I am supportive of the states and their EFPs. It's a different  
42 tool for managing it, but, if you guys will -- Like our great  
43 state of Alabama did, they asked us if we wanted to be included  
44 in the EFP, and we said no, and they left us out, and that was  
45 great. If your states' charter boats don't want to be involved  
46 in it, let them out. Don't force them into it. We're not sure  
47 if you can or not.

48

1 I heard a lot of talk here about amberjack and people wanting  
2 this or wanting that, and that's fine. In my business, I could  
3 go either way, half-a-fish or one fish, but, ultimately, we've  
4 got to think about doing what's right. If the fish are as bad  
5 shape as they are, leave them alone when they spawn in May. If  
6 we've got to catch them in the fall, that's great. Let's catch  
7 them in the fall.

8  
9 Amendment 41 and 42, did anybody here on the council, did  
10 anybody come testify that they wanted 41 and 42 as the way it  
11 was? No, and nobody likes the way that 41 and 42 is right now.  
12 I don't either. It scares the crap out of me, but I see the  
13 potential, and I think it can be furthered. For you all to just  
14 throw away a lot of hard work, I don't think it's a good idea.  
15 Keep working on it, and keep fleshing it out.

16  
17 This council, last year, in 2017, you all got a lot  
18 accomplished. It was great. You got triggerfish, and you got  
19 electronic monitoring, and you got amberjacks, and the 2018  
20 fishing season looks really -- It looks a lot brighter than it  
21 has for a long time, and hopefully in 2019 also, and so I just  
22 wanted to commend you guys for the job and the work that you all  
23 did last year on it, and hopefully this year we can further the  
24 progress.

25  
26 I am a commercial fisherman also, and I'm new at it. I've only  
27 been doing it for a couple of years, and you guys get in there  
28 and, when you all reallocated some fish, I lost 6,000 pounds,  
29 because I am the new guy. You all get in there and start  
30 talking, and I heard something about auctioning some fish off or  
31 something, and we've already got a system like that.

32  
33 It's called a free marketplace. Whoever is willing to pay the  
34 most is going to win, and, if you all auction some fish off, I  
35 ain't going to have a shot at it. I can't compete. I don't  
36 have the same checkbook. I don't want to be the canary in the  
37 mine and keel over first, and so, other than that, you all just  
38 think about the little guy when you all start messing with the  
39 IFQ system. Thanks.

40  
41 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Tom Ard,  
42 followed by Mr. Bill Kelly.

43  
44 **MR. TOM ARD:** Tom Ard from Orange Beach, Alabama. I'm a charter  
45 boat captain. I want to touch on something that I hadn't  
46 thought about too much until you all started bringing it up, but  
47 the historical captains deal.

48

1 When I started out as a deckhand stuff, all my friends and I, I  
2 went and bought a boat, and it had a permit on it, and so I had  
3 a permit, and a lot of my friends stayed in the deckhand  
4 industry until later, and they got their historical captain  
5 permit, and they put in for it and they got it, and then they  
6 went and bought boats, and one of them owns a sixty-footer, and  
7 another one owns a fifty-six-footer, I believe.

8  
9 They still have historical captain permits, and I think maybe  
10 the only thing it messed up, when that was set up, is, when a  
11 historical captain bought a boat, that permit should have been  
12 permanent right there on that boat, just like mine, but it  
13 wasn't. It stayed historical, and so I don't know how you're  
14 going to do it, but I believe those permits need to go  
15 permanent, and I don't know how you would do it, but maybe the  
16 ones that own boats now, or give them five years to get a boat  
17 or something like that, but, to me, as soon as they bought a  
18 boat, it should have went permanent. It should be just like my  
19 permit.

20  
21 On Amendment 40, there was a lot of naysayers against Amendment  
22 40 when we were working on it, and you don't hear that much now  
23 about it. Everybody loves Amendment 40, and we have an  
24 allocation of fish, and we've got a stable season and all that  
25 kind of stuff.

26  
27 Just personal, for me, I will tell you what it has done for me.  
28 It has doubled my business. I went from two boats to four boats  
29 since Amendment 40 started. I have two multi-passenger charter  
30 boats and two six-passenger charter boats. It seems like it's  
31 working. We're staying under our quota, and I don't see any  
32 negative on Amendment 40.

33  
34 We've got electronic logbooks going, and that should make it  
35 better. That could maybe even shrink the buffer and give us  
36 longer seasons, and I like it. I think it could be its own fish  
37 management plan in itself, and maybe not have much of a need for  
38 41 and 42, and I don't know, but I don't think you need to throw  
39 that away. Maybe still work on it, but I think 40 is great for  
40 the charter industry.

41  
42 Why would you want to do anything different? We don't need --  
43 The charter industry, I don't think, needs state management. I  
44 think state management is great for the recreational side, and I  
45 think it's a must for the private recreational side, but I just  
46 don't feel that charter/for-hire boats need to be in state  
47 management. We've got Amendment 40.

48

1 If I was going to do anything to Amendment 40, or start a new  
2 amendment, I would add triggerfish and amberjack to it and do  
3 the same thing, and you will see the same thing happen. We will  
4 stay under our quotas, and it will work.

5  
6 Amberjacks, I like the fall season, and I am not much one way or  
7 the other on the fractional bag limit. I do agree that, in the  
8 spring, if they're spawning and the fish are in trouble, let's  
9 just catch them in the fall when they're not spawning, and so  
10 maybe we'll have more fish. Then, later down the road, we can  
11 get a spring season again, when the stock comes back. That's  
12 just simple, commonsense.

13  
14 Fractional is fine if we need it. I don't want to go over,  
15 because let me tell you what hurts. What hurts is when we catch  
16 too many fish and we don't have any the next year. This year  
17 was horrible, because we caught too many fish the year before on  
18 triggerfish, and I sat up here and told you that it was going to  
19 happen, and the process takes too long to fix the triggerfish  
20 problem, and so we have to suffer and not have triggerfish the  
21 next year. Whatever it takes to stay under the quotas, we need  
22 to do it. Thank you. Any questions?

23  
24 **CHAIRMAN BOSARGE:** Thank you, sir. Okay. Next, we're going to  
25 have Mr. Bill Kelly, and I think there's a glitch on the system.  
26 Didn't Mr. Mark Tryon already speak? I think his name is just  
27 showing up twice, and so it will be Mr. Bill Kelly, followed by  
28 Mr. Eric Brazer.

29  
30 **MR. BILL KELLY:** Madam Chair and council members, I'm Bill  
31 Kelly, representing the Florida Keys Commercial Fishermen's  
32 Association. Number one is Spiny Lobster Amendment 13, and our  
33 organization has been very heavily involved in the development  
34 of that amendment, and we're quite comfortable with all the  
35 action items that are contained therein.

36  
37 Number two, the lionfish exempted fishing permit, we are  
38 annihilating lionfish as bycatch in our spiny lobster fishery,  
39 and we would like to make some more room in our traps for  
40 lobster, and that's one of the reasons why we want to address  
41 that issue, but, more importantly, we know we could do much  
42 more. If it was a directed fishery, the numbers would be  
43 absolutely staggering.

44  
45 Our intent here is to show proof-of-concept, working with South  
46 Carolina's Department of Natural Resources, Florida's Fish and  
47 Wildlife Research Institute, and share that information with all  
48 the coastal states that have been infested with lionfish and let

1 them address the issues through teams that they can develop  
2 through their invasive species mitigation funds.

3  
4 Now, a couple of old songs about two of the most underutilized  
5 species in the South Atlantic and Gulf of Mexico, and I'm  
6 talking about king mackerel and yellowtail snapper. Our gillnet  
7 fishery, two days, and so Wednesday and Thursday of last week,  
8 and it was 520,000 pounds in two days of fishing. We have  
9 71,000 pounds left, in a voluntary lottery system, and these  
10 guys -- We have selected two boats, and they will fish that down  
11 in half-a-day, and we have further curtailments on them, trip  
12 limits, self-imposed, again, to keep us under the quota.

13  
14 When we look at that last stock assessment, we have to shake our  
15 heads and wonder why on earth are we talking about reducing the  
16 quota for next year, and we need some intelligent science on  
17 this. We need a legitimate stock assessment, and, while we've  
18 had Bob Zales that was introduced, and it became the Bosarge  
19 plan, refined by Ryan Rindone, and it's gone nowhere. We're now  
20 asking you for a hard allocation, which is your responsibility,  
21 in the king mackerel fishery to the commercial side.

22  
23 Also, with yellowtail snapper, we served it up, and the industry  
24 came to both councils and said, look, let's do something. Let's  
25 put in some protections here and so forth, and we voluntarily  
26 shifted the year, the fishing year, from August 1, so it would  
27 end in May and protect those spawning fish.

28  
29 Both councils jumped all over that, but, when the part of the  
30 discussion was allocation, we got absolutely nothing in return.  
31 We've got over a million-and-a-half pounds of fish, between the  
32 Gulf and the South Atlantic, that go unharvested every year, and  
33 it's killing us.

34  
35 There has been no change in recreational harvest here, either  
36 with yellowtails or kingfish, and, again, we would ask you to  
37 work with the South Atlantic Council and combine those two  
38 stocks that are fished almost exclusively in the Florida Keys  
39 and give us a break here.

40  
41 You go to Monroe County and you throw a chum bag over the side  
42 anywhere in that county, in the Florida Keys, and you have the  
43 yellow brick road in front of you for yellowtail snappers, as  
44 far as you can see, and this is a very important species, and we  
45 need to address these issues, and, again, allocation of king  
46 mackerel and yellowtail snapper. Thank you so very much.

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

1 Brazer, followed by Mr. Johnny Williams.

2  
3 **MR. ERIC BRAZER:** Thank you very much, Madam Chair and council  
4 members and staff. My name is Eric Brazer, and I'm the Deputy  
5 Director at the Gulf of Mexico Reef Fish Shareholders Alliance.  
6 Thank you for the opportunity to speak.

7  
8 First, I would like to thank the agency for its support for the  
9 red snapper IFQ program. While the NOAA position on auctions  
10 raises some red flags for us, and we look forward to reviewing  
11 the letter and commenting on it, we appreciate the agency's  
12 confirmation that the red snapper IFQ is meeting its goals and  
13 is considered not just a Gulf success, but a national success as  
14 well.

15  
16 To the point of EFPs, we are generally encouraged to see what's  
17 taking place today, and there is some collaboration happening  
18 between the private angler sector and the council and the agency  
19 and the states. Allowing different states to develop different  
20 plans to meet their needs, that just makes sense, and we should  
21 be doing more of that, but we would just urge the council to  
22 ensure that these EFPs aren't forced down the throats of the  
23 charter fleet that don't want them. We believe that NMFS should  
24 not, and probably cannot, approve the charter fleets in these  
25 EFPs unless the charter and headboat operators in each state are  
26 co-applicants on the EFPs.

27  
28 We also should have some assurances that there is an accurate  
29 and timely data collection and reporting system in place, to  
30 make sure that these quotas are not overrun, and that's  
31 critical. That's key to the commercial fleet.

32  
33 On 41 and 42, you have come so far, and you're so close to a  
34 referendum, and don't rob these guys of the chance to see this  
35 over the finish line. I think there is very little risk to the  
36 Gulf Council in keeping this open and giving the fishermen the  
37 chance to vote on this.

38  
39 Choose your preferreds, and put it out to a referendum, and I  
40 look forward to hearing more tomorrow on the rationale for why  
41 these federally-permitted charter boats and headboats don't  
42 deserve the opportunity to vote on this through a referendum.

43  
44 Briefly, just to finish up, the issue of reallocation has come  
45 up a few times, and clearly that is a top concern of ours, and  
46 now is not the time to open this Pandora's Box. We need to  
47 remember how contentious Amendment 28 was and how much air it  
48 sucked out of the room, to be honest. Please keep your eye on

1 the ball. Please focus on making these EFPs work and building  
2 out an accountable set of state management plans and getting 41  
3 and 42 out to the fishermen for a referendum. For the first  
4 time ever, I am not out of time. Thank you.

5  
6 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Johnny  
7 Williams, followed by Ms. Ashford Rosenberg.

8  
9 **MR. JOHNNY WILLIAMS:** Good afternoon, or good evening. I am  
10 Johnny Williams from Williams Partyboats Incorporated, a third-  
11 generation partyboat operator out of Galveston, Texas. I have  
12 been involved with the Gulf Council process for about thirty  
13 years, and I am really amazed and appalled that a council member  
14 made a motion to postpone Amendments 41 and 42 before the  
15 council heard public testimony.

16  
17 I feel this was a tacky attempt to circumvent the process.  
18 Thankfully, it failed. People spend a lot of time and money  
19 coming to these meetings, with the hotels and travel  
20 arrangements, to speak for three minutes. Now, apparently, some  
21 people believe they know more than what the public knows or  
22 wants.

23  
24 So that there is no misunderstanding about my feelings, let me  
25 enlighten you. I am 100 percent against state management. We  
26 had the states that were responsible for the recreational  
27 fishermen fishing out in federal waters for eight or ten days a  
28 year, and why wouldn't we all want that, and so I am definitely  
29 against state management.

30  
31 I am 100 percent for Amendments 41 and 42. I was part of the  
32 pilot program, and I believe it was an overwhelming success to  
33 me and my patrons. The program in 42 is very similar to the  
34 pilot program, only it encompasses a few more species, and it  
35 allowed my patrons to go fishing on days that they wouldn't be  
36 able to go before, and it allowed them to go at different times  
37 of the year.

38  
39 In the summertime, off of Texas, we get some bad weather often,  
40 in the first part of the month, and a lot of people -- They need  
41 to go on a Saturday or a Sunday, and there is only about six  
42 Saturdays and six Sundays in our season in the summer, and so,  
43 if they get shut out of one of these days, because of the  
44 weather, they lose their opportunity to harvest red snapper for  
45 the year.

46  
47 The pilot program alleviated a lot of these concerns, and I  
48 think it will do better for the fish, too. There was a study

1 done by Arizona State University that showed that the fishing  
2 mortality was actually reduced with our program.

3  
4 In conclusion, I just want to say that the pilot program was  
5 great, and the 41 and 42 will be great as well, and, if the  
6 recreational fishermen -- If they want state management, the  
7 private recs, I am 100 percent for them. I am not going to try  
8 to tell them how to prosecute their fishery, but, doggone, I  
9 don't want any part of it. Thank you very much.

10  
11 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Ms. Ashford  
12 Rosenberg, followed by Mr. Donald Waters.

13  
14 **MS. ASHFORD ROSENBERG:** Good afternoon, council. My name is  
15 Ashford Rosenberg, and I am based here in New Orleans,  
16 Louisiana. I am not here to comment on anything specific today,  
17 but I'm just here to introduce myself to those of you who may  
18 not know me. I am the new policy analyst for the Gulf of Mexico  
19 Reef Fish Shareholders Alliance, formerly of Audubon Nature  
20 Institute's Sustainable Seafood Program, Gulf United for Lasting  
21 Fisheries. I just wanted to say hello, and I sincerely look  
22 forward to working with all of you on sustainable commercial  
23 fisheries. Thank you.

24  
25 **CHAIRMAN BOSARGE:** Thank you. Next, we have Mr. Donald Waters,  
26 followed by Mr. Troy Frady.

27  
28 **MR. DONALD WATERS:** I'm Donald Waters, and, really, I have no  
29 dog in the hunt, but I've been to these meetings for many, many  
30 years, and I had a brief recess, due to illness. What these  
31 charter boats and these guys worked diligently, day and night,  
32 to bring 41 and 42 to the table, to snatch that out from under  
33 them would be totally unfair. I never thought that I would say  
34 that I agree with Robin Riechers and Doug Boyd, but I would love  
35 to see an auction. Have a good day.

36  
37 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Troy  
38 Frady, followed by Mr. Bud Miller.

39  
40 **MR. TROY FRADY:** Can I have the rest of Donnie's time?

41  
42 **EXECUTIVE DIRECTOR GREGORY:** Can you be as short?

43  
44 **MR. FRADY:** Good afternoon. I am Troy Frady, from Orange Beach,  
45 Alabama. I am a charter fisherman, and thank you, Madam Chair  
46 and council, for allowing me to speak here. The first thing I  
47 want you to do is to think broad and wide, think outside of the  
48 box a little bit, and continue to think about new and better

1 ways of doing things.

2  
3 You know, we've got the EFPs that have been presented to us  
4 here, and I am 100 percent supportive of the private  
5 recreational anglers having an opportunity to flesh out some of  
6 the details through this program that we have been struggling  
7 with in Amendment 41 and 42 ourselves. I just ask that you give  
8 the states the same respect that you have given us through 41  
9 and 42.

10  
11 On the greater amberjack, I would encourage you just to continue  
12 for a couple of years and let the program run under the new  
13 seasons. When it comes to the bag limits on amberjack, I am not  
14 really supportive of the fractional bag limits or anything like  
15 that. I think, as a fishing guide, as a captain of my vessel,  
16 it's my responsibility to tell my customers what they need and  
17 what they have. The fish are not the commodity, with me. It's  
18 the experience of catching fish, and so I think I can control  
19 the number of fish my customers really want, at the end of the  
20 day.

21  
22 If they have six people, and if I want to only give them three  
23 fish, I mean, that's my prerogative, to help sell that fish to  
24 those customers, and so, as a guide, it's my responsibility, and  
25 I shouldn't be relying on the regulations to tell me the maximum  
26 that I can have, but I just try to be a little bit more  
27 conservative with my fish.

28  
29 Fish descenders, I've been using them for years, and I started  
30 with the Shelton Fish Descender that was used in California on  
31 rockfish. I found new and better items, like the SeaQualizer,  
32 to be more effective. I do allow my customers to participate in  
33 using fish descenders, and it's their responsibility. If they  
34 catch a fish that needs to be released, they are the ones that  
35 have to release it, and then we reel up that five-pound weight,  
36 and so they will change their behavior from fishing on the  
37 bottom to really fishing higher in the water.

38  
39 As far as the historical captains, let those guys have a permit.  
40 I have known several of them, and it's been a long time, and  
41 they're not getting out of the business, and I think we owe it  
42 to them just to go ahead and convert their permits, to where  
43 their ownership goes to their vessel. Anyway, I want to thank  
44 you so much, and I look forward to seeing you all soon. Thank  
45 you.

46  
47 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Bud  
48 Miller, followed by Ms. Lisa Schmidt.

1  
2 **MR. BUD MILLER:** Good evening. I am Bud Miller from Fish and  
3 Game Scales, and I formerly owned a thirty-two-passenger  
4 federally-permitted vessel. We are the company that brought to  
5 the last council meeting the fish kiosk scale and displayed it  
6 for you. We didn't bring it this time, because of parking  
7 issues, and I knew what it would be like to bring a truck and a  
8 trailer in here, and I didn't want to bring it, and we're also  
9 reprograming the scale system right now.

10  
11 The scale system is a user-friendly way for recreational anglers  
12 to weigh their harvest upon returning from fishing, and we're  
13 currently having some reprogramming to address the issues that  
14 we have heard from anglers and from state fishery managers.

15  
16 One was the trip verification number, and we're going to add  
17 that in there and take out the fishermen ID. We're going to  
18 take photos, two photos, one from the top and one from the side,  
19 for validation purposes, and we developed this system not to  
20 replace MRIP and not to replace anything else, but to help the  
21 fishery managers with their apps, for when the MRIP people are  
22 not present.

23  
24 We can't staff boat ramps for twenty-four hours a day, and it's  
25 kind of dangerous down there on boat ramps, and we don't want to  
26 do marinas twenty-four hours a day, but the scale system will be  
27 sitting there, and it will be idle until an angler walks up and  
28 touches it and gets ready to use it. This is an effort for  
29 recreational anglers to have their input for better harvest, and  
30 so we can collect more data from them when MRIP is not present.

31  
32 People ask me what started me on this, being as I used to have a  
33 large vessel, and it was the fact of, for the past six years, I  
34 have not been MRIP surveyed one time during red snapper season.  
35 I haven't seen anybody for a dockside survey.

36  
37 That kind of set me off on a tangent, and I sold all that stuff,  
38 and I built this thing and had it patented, and we're excited  
39 about it, and we're looking to bring it to the state, to where  
40 we can put it out, and we've had nothing but success.

41  
42 When we go to set it up, to make our videos, people are coming  
43 up to weigh their fish. People want to weigh their fish.  
44 Anglers want better data, and here we go. We've got it. Here  
45 is something new and out of the box, and we look forward to  
46 hearing from you guys. You can call us, or you can email us,  
47 and we're on YouTube. Our video is on YouTube. It's under Fish  
48 and Game Scale Systems, and you can look at it there, but we

1 look forward to working with you guys.

2  
3 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Ms. Lisa  
4 Schmidt, followed by Mr. Larry Hooper.

5  
6 **MS. LISA SCHMIDT:** Hello. I am Lisa Schmidt, and I am the owner  
7 of three commercial longline vessels in Madeira Beach, and there  
8 are a few important things that I would like to speak to you  
9 about today.

10  
11 First, I was disappointed to hear the determination on the IFQ  
12 auctions. Seizing allocation from fishing businesses, only to  
13 put it up to auction, is going to put this fishery into chaos.  
14 It's disruptive, and it's not just going to impact the fishing  
15 businesses like mine, but it's also going to impact the end  
16 user, which is the seafood consumer that has sustainable access  
17 to fish for 365 days now.

18  
19 Also, I am encouraged that the Gulf states are starting to come  
20 up with an EFP plan for how to better manage the private  
21 recreational red snapper fishermen, but I can't support if it's  
22 going to force the federally-permitted charter boats in the  
23 program against their will, and I am also concerned that some of  
24 the data collection programs and delays increase the chances  
25 that the states will go over their quota, and that needs to stop  
26 happening, because, as a result, it usually happens if the  
27 commercial fishermen, such as myself, end up paying it back.

28  
29 I did want to commend the State of Mississippi for their plan  
30 that I saw today, because I see that they have built in  
31 accountability measures in their program, and, finally, my  
32 business is built on red grouper, and I hope the council can  
33 find a solution, as soon as possible, to the problem that the  
34 quota was set too high for the fishery to sustain.

35  
36 Speaking to Ed Walker's testimony, he is right that the red  
37 grouper are not out there. My captains are having a real hard  
38 time finding red grouper in the places that they fish, and I  
39 would have given my 30 percent quota to the recreational sector,  
40 to keep them happy, and I too recreationally fish myself, or  
41 spearfish, and so thank you.

42  
43 **CHAIRMAN BOSARGE:** Thank you, Ms. Lisa. Next, we have Mr. Larry  
44 Hooper, followed by Mr. Jim Green.

45  
46 **MR. LARRY HOOPER:** Good evening. I am Larry Hooper, from  
47 Venice, Louisiana. I charter fish out of there, both inshore  
48 and offshore, and I do have a Gulf reef permit for my offshore

1 boat.

2  
3 As far as the accountability of the fish in the State of  
4 Louisiana, I commend the Louisiana Wildlife and Fisheries for  
5 the job they're doing. We get counted, and we get checked, and  
6 I get calls and I get emails in the evening, when I am home.  
7 It's very good.

8  
9 I also heard, on the amberjack, the half-fish deal, and maybe it  
10 could work, or maybe it couldn't. It does sound viable, to  
11 where you could get -- If you have an odd person, you get that  
12 extra fish.

13  
14 I noticed that the people in Florida want it open more in the  
15 springtime, and the ones in Louisiana want it more in the summer  
16 and in the fall. Thus, more the reason why you should have  
17 state control of the fisheries and accountability of the  
18 fisheries, because they can control the fish in their area that  
19 are -- They know how many fish are in their area. What works in  
20 Florida does not work in Louisiana, and what works in Louisiana  
21 does not work in Texas. They're all different.

22  
23 I am definitely against any catch shares at all. I am against  
24 41 and 42. The entire fishing resource is a public entity, and  
25 you have managed to make a private entity, with the way you have  
26 dealt out your fish, and the commercial snapper at thirteen  
27 inches, the recreational snapper is sixteen inches, and they  
28 take the smaller fish, and they're not allowed -- They're taking  
29 the fish that are not allowed to reproduce that much. They are  
30 taking them before they have a chance to breed.

31  
32 In the State of Louisiana, our fish are so darned big, our red  
33 snapper, that we're catching. We used to have to measure for a  
34 sixteen-inch fish. Now we just turn around and we say, okay,  
35 you've got a good one, and we never measure it. I very seldom -  
36 - In thirty feet of water, I very seldom see one under twenty  
37 inches, and we do have shallow water that we pick them up. I  
38 don't have to go that deep.

39  
40 If anybody worries about the venting of the fish, the  
41 SeaQualizer does work. I have used it, and it does work. You  
42 might want to require something in your accountability of your  
43 fish. Venting of them, if it's not done properly, it's not  
44 going to work. If you poke a hole in the bladder, the fish goes  
45 down, and it swims away, and you know what happens.

46  
47 I think that the triggerfish is another thing, and Florida and  
48 Alabama have got their triggerfish fishery. In Louisiana, they

1 are not targeted at all. They are there, but they are not  
2 targeted. Another thing, for the state to take over control of  
3 the fisheries. Thank you.

4  
5 **CHAIRMAN BOSARGE:** Thank you, Mr. Larry. Next, we have Mr. Jim  
6 Green, followed by Mr. Scott Hickman.

7  
8 **MR. JIM GREEN:** Chairman and council, thank you. I am Captain  
9 Jim Green, and I'm the Vice President of the Destin Charter Boat  
10 Association and CFA, and I'm here on behalf of the DCBA and its  
11 seventy-plus members.

12  
13 For the Destin fishing fleet, the two months that are the most  
14 important, concerning amberjack, are October and May, and we are  
15 requesting either a split quota or a reduction in bag limit, one  
16 fish per two anglers, or whatever you have to do to ensure that  
17 the season runs through the projected dates.

18  
19 This is very important to our fleet, because we need the backend  
20 of the season. We stand with our fellow fishermen, and we  
21 understand the importance of a fall season for the western Gulf,  
22 but we ask that you put us in the best position as possible to  
23 get through the projected season. Let's have a year without a  
24 seasonal closure.

25  
26 On data collection, please continue to push to implement our  
27 industry's electronic logbook program. We have asked for it for  
28 over a decade, and we're getting close. Please stay resilient.  
29 This will go a long way with not just validating catch, but also  
30 the amount of effort that is actually on the water for the for-  
31 hire sector. The split that occurred with red snapper in the  
32 recreational sector proved what identifying the universe did,  
33 and now let's see what specific catch and effort data does for  
34 our access.

35  
36 Please maximize our season, concerning the red snapper for the  
37 federally-permitted vessels. We now have data that should give  
38 confidence in allowing more days for our industry that showed  
39 continued underharvest, and please maximize our season, so we  
40 can catch the allocation that we fought so hard to acquire.

41  
42 As far as the state EFPs go, the DCBA wants to thank Florida for  
43 keeping us out of it. We have an allocation with management  
44 that has kept us under our ACL and ACT. With that said, we  
45 support and are glad that the states are attempting to create a  
46 better management opportunity for the private recreational  
47 angler.

1 On Amendment 41 and 42, these amendments have evolved very much,  
2 and they're a testament to the hard work that has been invested  
3 in the exploration and development of a rights-based system for  
4 our industry. If you table it, we won't know what the will of  
5 our industry is, and to just take that off the table is  
6 disheartening, after all the work our industry leaders have put  
7 into the development. Please keep them on the table, and I  
8 appreciate the time.

9  
10 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Scott  
11 Hickman, followed by Mr. Jason Delacruz.

12  
13 **MR. SCOTT HICKMAN:** I will try to make this quick. I know  
14 everybody wants to go get a cold beer. Madam Chairwoman and  
15 esteemed members of the Gulf Council, first off, I would like to  
16 clarify, to Robin Riechers about -- He had asked a question to  
17 our new Galveston Professional Boatmen's Association about being  
18 associated with CFA, and the GPBA is a new association for  
19 Galveston County only. It does have some similar membership in  
20 both organizations, but it's a Galveston County membership of  
21 charter boats and commercial anglers, commercial fishermen.

22  
23 I would like to keep the Texas charter for-hire fleet, and many  
24 of our folks at home would like to stay out of the state EFP,  
25 even though myself and many others think that it's a step in the  
26 right direction to do something for Texas anglers. We think  
27 it's the right direction, and please keep moving forward with  
28 that and pass it, but just leave us out of it.

29  
30 Amendment 41 and 42, I have sat on multiple APs, and we've  
31 traveled all over the country, and we have worked on this thing  
32 and worked on it, and I think we can get pretty close to some  
33 kind of a project in a short timeframe. Go to a referendum and  
34 let the industry decide whether they want to do it or not. We  
35 may not want it. We may not like the final product, but we may  
36 like it, and so let us decide that.

37  
38 I support the Gulf aquaculture project that we saw earlier, and  
39 I was on a trip with Leann and some others looking at  
40 aquaculture in Maine, and we're going to have seven-and-a-half  
41 billion people overall, this year, in the world, and that's a  
42 lot of folks. We're going to have to feed them, and people like  
43 to eat seafood, and so we're going to have to start looking at  
44 some alternative ways to get protein for these folks.

45  
46 I don't support a fractional bag limit for greater amberjack.  
47 In Texas, through October would be a great time for us to catch  
48 those fish. We have been locked out of the amberjack fishery,

1 and we don't want to kill them in those spring months, when  
2 they're spawning. It makes scientific sense and biological  
3 sense.

4  
5 The historical captain permits, I have got some of those guys in  
6 my port, and they've been in business for a long time, and we  
7 should give them those permits, to make them permanent. Those  
8 permits are worth about \$22,000 now, and so we get into that  
9 talk about gifting things to people, and it's a pretty nice  
10 gift, to get a \$22,000 permit, and I got mine for \$70.00 or  
11 whatever, back in the day, when I first got my permit. That's  
12 what it was annually, but they have worked hard, and they should  
13 have that permit. That's all I've got to say, and you all have  
14 a great evening, and enjoy that cold beer.

15  
16 **CHAIRMAN BOSARGE:** Thank you, sir. Next is going to be Jason  
17 Delacruz, followed by Mike Jennings.

18  
19 **MR. JASON DELACRUZ:** Thank you for the opportunity to speak.  
20 Everybody pretty much knows me, but I think I'm going to step  
21 back and try to give some better context of why, and don't take  
22 this the wrong way, but you should pay closer attention to what  
23 I say.

24  
25 I own Don's Dock, and it's a recreational marina. It's arguably  
26 one of the top-five, probably, in the Gulf, as far as volume.  
27 On a good weekend, I sell 10,000 gallons of gasoline, 5,000  
28 gallons of diesel, and tons of ice and bait and the whole nine-  
29 yards. I also own Wild Seafood Company, and it's a wholesale  
30 seafood company, and it buys fish from boats and sells it all  
31 over the United States, and I supply -- Almost every state, at  
32 one time, I have sold fish to.

33  
34 I also part of Brickyard Fishing, with a partner, and I own  
35 three commercial longline boats, three spearfishing boats, and I  
36 just have my hand in every spot of what this council does, every  
37 single spot, and I also newly own now a charter fishing vessel,  
38 Early Riser, with a good friend of mine that I partnered up  
39 with, to run out of my dock, and so I think the words -- The  
40 times that I come here and I give my opinion, I think I truly  
41 have a clean reasoning for why they happen, and it's motivated  
42 by money. I want to be able to be able to make money from each  
43 direction, and so I want access to be as good as it can be in  
44 all sides, without hurting each side.

45  
46 I don't think people take that as serious as it can be, and I  
47 went over and spent my time on listening to the red snapper  
48 recreational ad hoc panel the other day, because I wanted to see

1 what was going to happen. I wanted to see what my customers  
2 were -- Who was here to advise this council on how my customers  
3 could get better access.

4  
5 Man, that was -- It was almost useless. I mean, it really was.  
6 It was good, because we educated the people there, but all they  
7 wanted to do was point fingers at everybody else and blame  
8 everybody else for the reason that they're where they are. It  
9 was we need to take it from them or take it from them, and,  
10 fortunately, Dr. Crabtree was there, and some other great  
11 people, that helped advise that group and educate them, but I  
12 really think you guys need to pay attention, and, when you  
13 propagate some of these panels, put people on them that have a  
14 pure motive.

15  
16 I am not advocating for somebody because I have a job to  
17 advocate for somebody and I get paid whether I succeed or not,  
18 but I am advocating because I need access for my customers to be  
19 able to go out and enjoy the resource or catch fish or take  
20 customers out fishing or sell them ice or something or other,  
21 and I think that's important, that everybody starts to pay  
22 attention to people's motivations when they come to this podium  
23 and why. That's it. Thank you.

24  
25 **CHAIRMAN BOSARGE:** Thank you, sir. Next is Mr. Mike Jennings,  
26 followed by Mr. Shane Cantrell.

27  
28 **MR. MIKE JENNINGS:** Hello. I know it's late, and I will try to  
29 make it as short as possible. I'm about ready to get out of  
30 here as much as everybody else is. I am Captain Mike Jennings,  
31 and I own and operate two federally-permitted charter boats in  
32 Freeport, Texas.

33  
34 I am also the managing partner of Gulf Coast Marina. It's a  
35 134-boat marina, and it's funny that Jason just stepped down,  
36 and I was actually wanting to make some of the same points that  
37 he did. Out of that 134 slip-marina, my occupancy fluctuates,  
38 like any other, but, out of that, I've got seven charter boats,  
39 and the rest of them are private recreational fishermen, and I  
40 also have a vested interest in how much those private  
41 recreational fishermen go and fish and their access, and some of  
42 those are family and friends, and they have become family over  
43 the years, and, from an association standpoint, I am also, like  
44 I said, the President of the Charter Fishermen's Association.

45  
46 Going back to what Gary Jarvis said earlier on Amendment 40, and  
47 I won't go back through all of those as separate issues, but  
48 it's done everything that we said it would do, and I was also

1 one of those standing alone.

2

3 Well over a decade ago, there was about five or six of us, when  
4 the SOS, Save Our Sector, and sector separation thing came  
5 about, and those have been the words that we've been saying from  
6 day-one that it would do, and it has done it. We ask you to not  
7 throw away the thousands of dollars that have been spent on time  
8 and effort and money by ourselves and by the agency and the  
9 staff and the council on Amendment 41 and 42. Let's move those  
10 things forward and let the industry make some decisions in a  
11 manner that was set up by Congress and set up by Magnuson.

12

13 On the state-water EFPs, I will run over it real quick, and then  
14 I will be quiet. We support the EFPs for private recreational  
15 anglers. We support it for private recreational anglers only.  
16 We want to be left out of those EFPs, as far as the charter  
17 boats. Our association, to the man, that I polled and have  
18 personally talked to, wants out.

19

20 We are questioning the issue of forced participation in these  
21 EFPs, and that's the way we look at it. It's forced  
22 participation, and we are concerned with the legalities of that  
23 forced participation and whether Magnuson was ever set up in a  
24 manner that an EFP was not what we've always thought about it,  
25 as a small pilot program to look at management options, yet as a  
26 blanket way of subverting the FMP and then forcing that on the  
27 entire industry, and that's exactly the way we're looking at it.

28

29 We could argue the merits of that one way or the other, but we  
30 would like to at least have a choice, and, at this point in  
31 time, we are not interested in it, and we're also concerned  
32 about issues like overfishing. If one state doesn't play by the  
33 rules, what happens to the other states?

34

35 What happens at the end of year-two, if any overfishing occurs  
36 and how it affects us after we roll out of this EFP and back  
37 into whatever scenario that we may be in at that time, coming up  
38 on 41 and 42 and the sunset, and we all know the different  
39 aspects that would play into that at the end of year-two, and  
40 so, anyway, those are the points that I wanted to make, and I  
41 appreciate your time, and I have actually done it without the  
42 red light coming on. Thank you.

43

44 **CHAIRMAN BOSARGE:** Thank you, and I think we have a question  
45 from Mr. Banks.

46

47 **MR. BANKS:** Thanks, Mr. Jennings, and I appreciate the comments.  
48 Considering the strong words that you said about being left out

1 of the EFPs, and I have heard that from other folks from your  
2 state, but the strong words that I am hearing from guys like you  
3 in my state is that they want to be in our plan, and I am just  
4 trying to understand how you guys can feel so differently than  
5 the guys just right across the border in Louisiana, and can you  
6 give me some insight as to why you don't want anything to do  
7 with state management, but yet our guys want everything to do  
8 with state management?

9  
10 **MR. JENNINGS:** I can't speak for your guys. They are going to  
11 have to speak for themselves, but I can say that, within CFA, we  
12 have a shade over, last time I looked, 600 members. Within  
13 that, we're in excess of 200 permitted charter boats, and we  
14 have some members in Louisiana.

15  
16 Those members that we have in Louisiana, you have ever heard  
17 from a couple of them up here today that don't want the state  
18 management, and so, to say that all of your guys want state  
19 management, I am not seeing that, but I personally stated the  
20 reasons that I am skeptical of state management in my public  
21 testimony. Thank you, sir.

22  
23 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Shane  
24 Cantrell, followed by Mr. Nick Derbes.

25  
26 **MR. SHANE CANTRELL:** Good evening. I am Shane Cantrell, and I  
27 am a member of the Charter Fishermen's Association and a  
28 founding member of the Galveston Professional Boatmen's  
29 Association. I really appreciate you all's time and hearing  
30 everything that people have had to say today.

31  
32 I appreciate the comments that I've been listening to out there  
33 in this not giant room, but the first thing that I am most  
34 concerned about is these state EFPs. As we saw, five different  
35 proposals came up, and they are proposing to do things five  
36 different ways, and there is a huge opportunity to not exceed  
37 the quota, which is the number-one focus of charter boats and  
38 recreational anglers across this whole council.

39  
40 The one thing that I didn't see was the same level of  
41 understanding among those states and a lack of clear vision for  
42 the people responsible to those anglers, and I haven't heard it  
43 yet, and I haven't seen that outlined. I have heard a lot of  
44 different ideas of what worked best for my state, or someone  
45 else's state, but, overall, the only clear vision that I have  
46 heard was from Dr. Crabtree, and that regarded what they can do,  
47 but, for the five people around this table responsible to their  
48 states, we need a clear vision for these recreational anglers.

1  
2 The only opportunity that I see is to have five states  
3 responsible for their private recreational anglers, and you have  
4 heard charter boat after charter boat come up here and say that  
5 they enjoy Amendment 40, and that has not always been the case.  
6 I think we need to take an honest look at that and do something  
7 for these private anglers, because they are the ones being left  
8 out. We need to take care of that.

9  
10 We need to allow the charter boat industry, myself included, and  
11 I've been on that AP since it was first constituted, and I spend  
12 roughly thirty to four hours, per AP meeting, talking to other  
13 people to find what is most important for different regions, to  
14 be able to come to a good recommendation to bring to this  
15 council, just often to see it go away.

16  
17 We need the chance to get this to the industry and not let  
18 seventeen people around this table decide what the industry  
19 wants best, and that's what Magnuson has a referendum for. You  
20 all vote on it, and we're going to help you all get a product,  
21 and let's bring it to the industry, and then you all have a real  
22 decision to make.

23  
24 Concerning the commercial part of my business, I have heard  
25 conversation after conversation to do one thing, and that is to  
26 destabilize the commercial fishery. I have not seen a lot of  
27 honest intent, and that jeopardizes my ability and my future,  
28 and not the guys that have been doing this for a long time, but  
29 you all are dealing with my future. Thank you.

30  
31 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Nick  
32 Derbes, followed by Mr. Ryan Bradley.

33  
34 **MR. NICK DERBES:** Thank you. My name is Nick Derbes, and I'm an  
35 avid recreational angler from St. Bernard Parish, Louisiana. I  
36 am fishing primarily out of Venice, Louisiana. I am very much  
37 in favor of a state management solution to red snapper.

38  
39 Some environmental groups and others here at this meeting have  
40 claimed that state fishery agencies are somehow less capable of  
41 managing fish than the federal government, which is dishonest.  
42 Our extended season last year did not result in recreational  
43 fishermen even hitting their allocation in Louisiana. Further,  
44 our state elected not to open a state season in the fall, to  
45 finish the quota, while we waited for reports from other states,  
46 to ensure overfishing did not occur Gulf-wide.

47  
48 I personally have been interviewed by the LA Creel surveyors

1 each and every time I hit the dock. The level of data  
2 collection is far superior, in my opinion, than other methods  
3 currently used. Louisiana Wildlife and Fisheries are well  
4 equipped to manage these fish sustainably, to ensure that we  
5 have appropriate access to Louisiana's vast public resources.

6  
7 It makes sense that the state manages our fish, given how vastly  
8 different our fisheries are Gulf-wide, and the current federal  
9 management does not work for recreational fishermen. We need  
10 state management. As a recreational fisherman, I noticed that,  
11 although there are not many others here representing Louisiana's  
12 thousands of recreational fishermen, I am glad that I took off  
13 of work to be here and to voice my opinion. This isn't a  
14 business trip for me, as it is for many that favor further  
15 privatizing public resources. Thank you for your time.

16  
17 **CHAIRMAN BOSARGE:** Thank you, sir. I think we have a question  
18 for you from Mr. Diaz.

19  
20 **MR. DIAZ:** Mr. Derbes, thank you for taking off of work, and  
21 it's very valuable for us to get to talk to you, and we just  
22 haven't had that many recreational fishermen here today, and a  
23 handful, but not a lot. There has been a fair amount of  
24 comments about amberjack, and do you ever fish for amberjack?

25  
26 **MR. DERBES:** Not necessarily. To be honest with you, we catch  
27 so many snapper that we don't have a chance at that. They're in  
28 the way, and, like Larry Hooper had mentioned earlier, we don't  
29 throw any fish back. All of our fish, not even three-and-a-half  
30 miles out of Northeast Pass, are less than sixteen inches, and  
31 most are well over twenty inches, but, yes, we don't catch many  
32 amberjack, because of how many snapper we've got.

33  
34 **MR. DIAZ:** My question was is there's some talk about a  
35 fractional bag limit, one fish for two people, and do you have  
36 any thoughts on that?

37  
38 **MR. DERBES:** I will tell you this. I mean, I don't have any  
39 thoughts specifically on that, but I will say that I support any  
40 limits that are based in good science, and, if the science is  
41 telling us that the amberjack are not in abundance, as they  
42 should be, then, yes, I do support having a lower limit.

43  
44 Now, half a fish a person, that doesn't sound like a good deal  
45 for me. If I've got to incur at least \$150 in gas to go out  
46 into the Gulf, then catching a half-a-fish isn't going to do it  
47 for me, but, like you said, going out there to catch two red  
48 snapper, that doesn't really do it for me, and that's why we've

1 had to switch up and catch a lot of mangrove snapper as well.

2

3 **MR. DIAZ:** Thank you, Mr. Derbes.

4

5 **CHAIRMAN BOSARGE:** I think we have one more question for you,  
6 Mr. Derbes. Mr. Banks has a question for you.

7

8 **MR. BANKS:** Thank you, Mr. Derbes, for being here, and it is  
9 helpful to hear from a recreational angler, and I appreciate you  
10 taking time off to come and do this, because you're right that  
11 some of us get paid to sit here until eight o'clock at night,  
12 and you've taken a big hit to do that.

13

14 When you talk about being managed by the state, I am thrilled to  
15 hear you say that. What kind of season would you want us to put  
16 forth for you as a recreational angler? What works best for  
17 you? At one point, we were trying to decide whether weekends  
18 only is better or seven days a week.

19

20 Last year, our commission, against what our survey had shown,  
21 voted against a weekends-only season, and they went seven days a  
22 week, but then, when we came back with this extended federal  
23 season, it was weekends only, and so do you have any ideas of  
24 which one works best for you guys and your sector?

25

26 **MR. DERBES:** That's a good question, and I'm glad you asked me,  
27 because I am very much against the weekend-only thing, and I  
28 will tell you why, and it's because there is a pretty  
29 significant expense to go offshore and fish, and, a lot of  
30 times, we try to make a long weekend out of it and go like  
31 Thursday through Sunday. Well, Thursday, we've got to go fish  
32 trout, because we can't fish snapper, and then it's a mess.

33

34 Then I also know a lot of retired guys who only fish during the  
35 week, and it doesn't make a lot of sense, to me, that we all go  
36 and pile up on the rigs on the weekend. Spreading it out is  
37 much more favorable, to me. Thank you for your time.

38

39 **CHAIRMAN BOSARGE:** Thank you, sir. Next, we have Mr. Ryan  
40 Bradley.

41

42 **MR. RYAN BRADLEY:** Good evening, council. I'm Ryan Bradley,  
43 Director of the Mississippi Commercial Fisheries United. I  
44 guess it's only fitting to save the best for last, but I will  
45 try not to offend everybody here at one time, as I address some  
46 of these issues.

47

48 First off, on this EFP that was -- I guess Congress had asked

1 NOAA to solicit that from the states, but I just want to put  
2 things in perspective for you guys and girls. The commercial  
3 reef fishery, especially the red snapper fishery, is the last  
4 great commercial fishery that we have in the Gulf, and the  
5 shrimp fishery is in decline, and the oyster fishery in every  
6 state is in decline, and that's the two big commercial  
7 fisheries, and that's all that is left, is this red snapper  
8 fishery, and it seems you all are determined to allow the  
9 recreational sector to continue to overfish, every single year.

10  
11 In looking at the numbers, 170 percent they overfished this  
12 year, and I think that's with Texas not reporting, and so it's  
13 safe to say that maybe they go 200 percent, and we're going to  
14 keep doing this every year, and it's crazy.

15  
16 The reason I bring that up is because I represent a lot of young  
17 fishermen and fishermen from Mississippi, commercial guys, that  
18 are not doing well in the shrimp and the oyster industry, and  
19 they're looking to get into this reef fish fishery, and they're  
20 looking at investing a lot of money into permits and quota, and  
21 it's hard to do that when you're looking at the other side and  
22 it has continued to be overfished every year, and so just keep  
23 us in mind on that.

24  
25 One thing that was discussed earlier this week was the carryover  
26 of unharvested quota, and I would like the council to consider -  
27 - I know, Dr. Crabtree, that you had spoken, at prior meetings,  
28 about quota set-asides for the commercial sector, and I think it  
29 would be a great idea, if you all ever decide to carryover  
30 unharvested IFQ quota, to maybe put it in that set-aside. I  
31 think that would be a great way to assist folks.

32  
33 I want to remind you that, in the Magnuson-Stevens, Section  
34 303A, in the limited access section, Section (c)(5)(B), one of  
35 the things is the development of policies to promote the  
36 sustained participation of small owner-operated fishing vessels  
37 and fishing communities that depend on the fisheries.

38  
39 Then, further, in Section C, right underneath it, it says to  
40 include measures to assist, when necessary, in the appropriate  
41 entry level and small vessel owner-operators, captains, crew,  
42 and fishing communities through set-asides of harvesting  
43 allocation.

44  
45 Also, on the dead zone, I hope you all really write a good  
46 letter for the dead zone issue, and that's a big problem, and I  
47 think the recreational and commercial sectors can benefit from  
48 some good work there, and I want to give a shout-out to

1 Louisiana.

2  
3 We had a good meeting in Wisconsin, with some farmers, on some  
4 ideas that we can do, and Commissioner Smitko brought up a lot  
5 of seafood, and it really touched the hearts of those farmers,  
6 and it made them want to do better, when we talked about what we  
7 were seeing down here, and I think maybe some of those funds can  
8 go to some more of that. Any questions?

9  
10 **CHAIRMAN BOSARGE:** I am glad to hear somebody mention the dead  
11 zone. Thank you.

12  
13 **MR. BRADLEY:** One last thing. I would like for the AP, for the  
14 IFQ AP, and can we think about convening that in a central  
15 state? Some of us that aren't on it may want to attend that.  
16 When that time comes around, see about having that in  
17 Mississippi or Louisiana or Alabama. Thank you.

18  
19 **CHAIRMAN BOSARGE:** Thank you, sir. All right. That wraps us  
20 up. If you will give me half-a-second though, I'm just going to  
21 call a couple of names, just to make sure. Mr. George Huye, who  
22 I believe was sick, and Mr. Kory Freed. Are you in the  
23 audience? No. Then that does it for the day, and I will see  
24 you all in the morning.

25  
26 (Whereupon, the meeting recessed on January 31, 2018.)

27  
28 - - -

29  
30 February 1, 2018

31  
32 THURSDAY MORNING SESSION

33  
34 - - -

35  
36 The Full Council of the Gulf of Mexico Fishery Management  
37 Council reconvened at the Hyatt Centric, New Orleans, Louisiana,  
38 Thursday morning, February 1, 2018, and was called to order by  
39 Chairman Leann Bosarge.

40  
41 **CHAIRMAN BOSARGE:** You should have both your Reef Fish Committee  
42 Report and Sustainable Fisheries Committee Report in your inbox.  
43 If anybody is still having trouble getting those, and we have  
44 been told they're kicking out and going to spam, for some  
45 people, for some reason, but, if you have any issues, just let  
46 staff know, and we can always get you a paper copy. Good  
47 morning, by the way. Mr. Diaz.

48

1 **MR. DIAZ:** Sorry. Am I cutting you off on your introductory  
2 remarks?  
3

4 **CHAIRMAN BOSARGE:** No, and go right ahead, but I do need to take  
5 my hat off, because I do need to get serious. Go ahead, Dale.  
6

7 **MR. DIAZ:** I was just going to say, looking at the agenda for  
8 today, it seems like, for a couple of reasons, it makes sense to  
9 do Sustainable Fisheries before Reef Fish and early in the day,  
10 for a few reasons, and so I was just wondering if you would  
11 entertain that suggestion.  
12

13 **CHAIRMAN BOSARGE:** Yes, and I would actually prefer that,  
14 because we did those lionfish EFPs in that committee, and I know  
15 we have Mr. Kelly in the audience right now, and he was one of  
16 the applicants for one of those, and there is a few things that  
17 we will go over with that, and I would like to do it while he's  
18 here in the audience, and so I would definitely agree with that,  
19 but does anybody else have a problem if we do Sustainable  
20 Fisheries first?  
21

22 I did check flight schedules with everybody, and I think  
23 everybody is good, and they're going to be here all day. If  
24 there is no opposition to that, we will move Sustainable  
25 Fisheries to be the first report on the list.  
26

27 That means Dr. Mickle. This should be -- Momentarily, it should  
28 be on the website as well, if you want to just go to the  
29 briefing book on the website. It will be there in just a  
30 second. You've got to give staff just a minute to get it there.  
31 Dr. Mickle.  
32

33 **DR. MICKLE:** Madam Chair Bosarge. Does everyone have the  
34 committee report, or almost? Shall I proceed?  
35

36 **CHAIRMAN BOSARGE:** Everybody but Doug is good or nobody has it?  
37 All right. Hold on then.  
38

39 **DR. MICKLE:** Madam Chair Bosarge, as a friendly suggestion, I  
40 think everyone has the Administrative/Budget Committee. Could  
41 we do that one first, to allow everyone to acquire the larger  
42 document?  
43

44 **CHAIRMAN BOSARGE:** Yes, that's fine.  
45

46 **DR. MICKLE:** Is that okay with everyone?  
47

48 **CHAIRMAN BOSARGE:** We'll knock that out, real quick. Go ahead.

1  
2  
3 **COMMITTEE REPORTS**  
4 **ADMINISTRATIVE/BUDGET COMMITTEE REPORT**

5 **DR. MICKLE:** That might be efficient. Okay. Thank you, Madam  
6 Chair Bosarge. The Administrative/Budget Committee Report,  
7 January 29, 2018, the committee adopted the agenda, Tab G,  
8 Number 1, and minutes of the August 2017 Administrative/Budget  
9 Committee meeting in San Antonio, Texas, Tab G, Number 2, as  
10 written.

11  
12 Review of Ad Hoc Advisory Panels, Tab G, Number 4, in 2015, the  
13 council requested to review the existing ad hoc advisory panels  
14 annually, at its January meeting, to determine if any of the  
15 advisory panels needed to be discontinued or re-advertised for  
16 new members.

17  
18 Staff presented the list of current ad hoc APs, the number of  
19 meetings held since creation, and the list of members. After  
20 some discussion, the committee decided to not make any changes  
21 to the existing list of APs or membership.

22  
23 Discussion of SSC Organization, Tab G, Number 5, staff noted  
24 that convening the Standing and multiple special SSCs has been a  
25 challenge, both financially and logistically. Staff presented  
26 four restructuring alternatives to reduce the overall size of  
27 the SSC for council consideration.

28  
29 **By a unanimous vote, the committee recommends, and I so move, to**  
30 **make Alternative 3 the preferred. Alternative 3 is reduce only**  
31 **the size of the special SSCs and add two additional special**  
32 **SSCs. Keep the current size of the Standing SSC at eighteen**  
33 **members and reduce special SSCs to three or fewer people, plus**  
34 **add two additional special SSCs for Stock Assessment and**  
35 **Ecosystem Modeling.**

36  
37 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any  
38 discussion on the motion? Dr. Frazer.

39  
40 **DR. FRAZER:** Thank you, Madam Chair. I think, when we were  
41 having this committee, there was some discussion about whether  
42 or not the special committee was going to be titled Ecosystem  
43 Modeling or just Ecosystem Committee, and my preference would be  
44 to call it an Ecosystem Committee.

45  
46 **CHAIRMAN BOSARGE:** Mr. Gregory.

47  
48 **EXECUTIVE DIRECTOR GREGORY:** We have a couple of slots on the

1 Standing SSC for ecosystem, and, by making that change and  
2 taking the word "modeling" out, it would broaden the potential  
3 applicants, because not everybody working in ecosystem  
4 management are modelers, and so it would give us an opportunity  
5 to get more people involved.

6  
7 **CHAIRMAN BOSARGE:** Yes, sir, Dr. Frazer.

8  
9 **DR. FRAZER:** I agree with that, and so do I need to make a  
10 motion to make that change?

11  
12 **CHAIRMAN BOSARGE:** Yes, you will need to make a substitute  
13 motion, which I'm assuming would be pretty much that motion, but  
14 without the word "modeling" in it.

15  
16 **DR. FRAZER:** Correct.

17  
18 **CHAIRMAN BOSARGE:** Is that what you want to do?

19  
20 **DR. FRAZER:** Yes.

21  
22 **CHAIRMAN BOSARGE:** Okay. We will give staff a minute to get  
23 that up on the board. Mr. Riechers.

24  
25 **MR. RIECHERS:** I don't know if Dr. Frazer is anticipating -- He  
26 may or may not choose to do it and include it in his motion, but  
27 I was going to remind the council of the discussion we had  
28 around this issue regarding the notion of also a stock  
29 assessment SSC. After visiting with staff, there was -- The  
30 whole notion for that was not as much to create a special unit  
31 to deal with stock assessments as it was to maybe create a  
32 larger pool of those people to attend those other meetings.

33  
34 I am not certain that that helps us, if they're not really  
35 engaged on a regular basis at those other meetings, and so at  
36 least, in my mind, maybe I think I would like to try the new  
37 organization structure without setting up the special stock  
38 assessment folks, because there still should be in the  
39 neighborhood of seven or eight people on that committee, at the  
40 standing level, that would more or less, and not all of them are  
41 going to be stock assessment gurus, but they are going to have  
42 enough knowledge to attend those meetings and help with those  
43 other functions that go on, and so my thought would be to also  
44 remove them, but I definitely agree with the ecosystem change  
45 that you are suggesting, Dr. Frazer, and I will let you go ahead  
46 and make your motion, but I just wanted to remind people of that  
47 conversation, and I may try to come in and adjust that as well.

48

1 **DR. FRAZER:** I guess I am okay to make an additional adjustment  
2 and limit this motion to one additional special SSC, and so the  
3 motion then would read: Keep the current size of the Standing  
4 SSC at eighteen members and reduce special SSCs to three or  
5 fewer people, plus one additional special SSC for ecosystems.  
6

7 **CHAIRMAN BOSARGE:** Refresh my memory of exactly how many stock  
8 assessment people do we have on the Standing?  
9

10 **EXECUTIVE DIRECTOR GREGORY:** In our SOPPs, we have designated  
11 that we want at least seven or eight.  
12

13 **CHAIRMAN BOSARGE:** But we are getting participation, like at the  
14 different meetings that we're asking them to go to, and we're  
15 going to be okay, right?  
16

17 **EXECUTIVE DIRECTOR GREGORY:** Yes, we're fine. That idea just  
18 came about three years ago, when we were appointing people, and  
19 we have made this special socioeconomic one, and the stock  
20 assessment people just suggested that maybe a special would be  
21 helpful, and so I was just exploring that, but the SSC really  
22 didn't speak up one way or the other when we presented it to  
23 them a couple of weeks ago.  
24

25 **CHAIRMAN BOSARGE:** Okay. Dr. Frazer, is that your motion?  
26

27 **DR. FRAZER:** Yes, it is.  
28

29 **CHAIRMAN BOSARGE:** It's been seconded for discussion. Let me  
30 read the substitute into the record. The substitute motion is  
31 to make Alternative 3 the preferred. Alternative 3 is reduce  
32 only the size of the special SSCs and add two additional special  
33 SSCs. Keep the current size of the Standing SSC at eighteen  
34 members and reduce the special SSCs to three or fewer people,  
35 plus add one additional special SSC for ecosystem. Change the  
36 SOPPs to read: Each special SSC will consist of no more than  
37 three members. That is your motion, sir. All right. Is there  
38 further discussion? Dr. Mickle.  
39

40 **DR. MICKLE:** Tom, I agree with the amendment to the motion, but,  
41 going to an ecosystem committee, we're going real broad. We're  
42 backing off a very specific discipline of ecosystem modeling and  
43 backing up to potentially folks that study benthos, which is  
44 important, but I think it would be in the best interests to have  
45 a true ecosystem modeler within that committee, and I don't know  
46 if we can demand that, or just to keep it somewhat diverse and  
47 focused on our prize, right?  
48

1 **CHAIRMAN BOSARGE:** Mr. Gregory.

2  
3 **EXECUTIVE DIRECTOR GREGORY:** I know this does not formally  
4 resolve that issue that you are concerned about, but the thing  
5 that came about three years ago was that we had some ecosystem -  
6 - We had an Ecosystem SSC, and we were trying to merge them, and  
7 some of the people did not want to commit to five meetings a  
8 year, and so the creation of a Special Ecosystem SSC that would  
9 not meet every time the SSC meets is more attractive, but, even  
10 without that, I have two people on my list that are ecosystem  
11 modelers that want to get on the committee, without this change  
12 even, and one of them just reminded me, earlier this week,  
13 wanting to know when the advertisement was going to come out,  
14 and they really wanted to get back involved. At least one or  
15 maybe two people have expressed strong interest.

16  
17 **DR. MICKLE:** Thank you.

18  
19 **CHAIRMAN BOSARGE:** Any further discussion on the motion? All  
20 right. **Is there any opposition to the motion? Seeing none, the**  
21 **substitute motion carries.** Dr. Mickle, do you want to carry on?

22  
23 **DR. MICKLE:** Thank you. Change the SOPPs to read: Each special  
24 SSC will consist of no more than three members. The Special  
25 Socioeconomic SSC will be comprised of two economists and two  
26 anthropologists/sociologists.

27  
28 Moving on, the Marine Resource Education Program 2018 Workshops,  
29 Tab G, Number 6, the MREP is conducting two fisheries workshops,  
30 and a single council member is invited to participate. The  
31 first workshop is on fisheries science, and it will be held  
32 in St. Petersburg on April 24 through 26, 2018. The second is  
33 on fisheries management in Tampa on November 1 through 16, 2018.

34  
35 MREP has also organized a new aquaculture educational program  
36 and invites five to six Gulf Council members to participate.  
37 The aquaculture program involves a tour of Maine aquaculture  
38 operations on May 15 through 18, 2018, and an aquaculture  
39 workshop on June 12 through 14, 2018, in New Orleans, Louisiana.  
40 Interested council members who want to participate in either the  
41 fisheries or aquaculture workshops should provide their names to  
42 the Council Executive Director. MREP pays all travel costs. No  
43 committee motions relevant to this request were made.

44  
45 Under Other Business, staff requested guidance from the  
46 committee on whether we should conduct marine violation  
47 background checks on SSC applicants. The general consensus of  
48 the committee was that background checks were not needed. Madam

1 Chair, this concludes our committee report.

2  
3 **CHAIRMAN BOSARGE:** Thank you, sir. All right. Now, if you will  
4 all check your inboxes, I think -- I see it in Johnny's and in  
5 mine, and you should have your Sustainable Fisheries Committee,  
6 and we got you a printed copy too, Doug, and so everybody should  
7 have that Sustainable Fisheries Report, and so, let's keep  
8 moving on, sir.

9  
10 **SUSTAINABLE FISHERIES COMMITTEE REPORT**

11  
12 **DR. MICKLE:** Thank you, Madam Chair. Sustainable Fisheries  
13 Committee Report, January 29, 2018. The agenda was approved  
14 with the addition of an item under Other Business, and the  
15 minutes of the October 2, 2017 committee meeting were approved  
16 as written.

17  
18 Review of Mackerel Landings and Bag Limit Analysis, Tab E,  
19 Number 4, NMFS staff presented a summary comparing king mackerel  
20 landings in the 2016/2017 season to preliminary landings in  
21 2017/2018 for the commercial and recreational sector.

22  
23 The council requested an update on recreational landings since  
24 the bag limit increase from two to three fish per person on May  
25 11, 2017. Despite the bag limit increase, a comparison of  
26 landings during May through October in 2016 versus 2017 shows  
27 fewer fish being taken in 2017 and a smaller proportion of trips  
28 landing either two fish or three fish. However, 2016 was an  
29 unusually high year for recreational landings, and so this  
30 result may not be very meaningful until more years of data  
31 become available.

32  
33 A committee member asked when the last and next stock  
34 assessments were. After checking the SEDAR schedules, the last  
35 assessment was SEDAR 38, a benchmark assessment in 2014 using  
36 landings through 2012. The next assessment is proposed to be  
37 another benchmark assessment, to be conducted in 2019, using  
38 landings through 2017.

39  
40 Continuing on, Options Paper, Carryover of Unharvested Quota,  
41 Tab E, Number 5, Dr. Kai Lorenzen, the SSC representative,  
42 presented a summary review of simulated scenarios for periodic  
43 underharvest of red snapper and king mackerel.

44  
45 For red snapper, the simulations indicated that underharvest of  
46 up to 20 percent, with the full underharvest carried over to the  
47 following year, did not impede the rebuilding program, and it  
48 may speed it up slightly. For king mackerel, the carryover had

1 no effect on the future status of the stock.

2  
3 Due to different selectivities among fleets, these results hold  
4 only if the underharvest carryover is fleet-specific. Also,  
5 scenarios incorporating underharvest greater than 20 percent, or  
6 periodic overharvests, were not modeled and may produce  
7 different results.

8  
9 The SSC commented that carryovers are likely to be appropriate  
10 and effective only when the underage has occurred due to  
11 regulatory action. Carryovers would be problematic if the  
12 underage had occurred due to a stock decline.

13  
14 Staff reviewed the Draft Generic Amendment for Carryover  
15 Provisions and Framework Modifications. Action 1, Eligibility  
16 for a Carryover Provision for Managed Finfish Species in the  
17 Gulf of Mexico, staff recommended that Alternative 4, do not  
18 apply carryovers to stocks without sector allocations, be moved  
19 to Considered but Rejected, because there did not seem to be a  
20 reason to exempt stocks without allocation from carryover and  
21 because Table 2.1.1 indicated there was a large overlap in  
22 affected stocks with Alternative 3, and that is do not apply  
23 carryovers to stocks that did not have an ACL closure.

24  
25 **The committee recommends, and I so move, in Action 1, to move**  
26 **Alternative 4 to Considered but Rejected. Alternative 4 is**  
27 **apply a carryover provision to harvest the unused portion of the**  
28 **ACL for any managed finfish species in the Gulf except those**  
29 **which are currently managed under a stock ACL, meaning an ACL**  
30 **which is not subdivided by sector allocations. Any unused**  
31 **portion of the ACL remaining at the end of a fishing year for**  
32 **those species will not be carried over to a successive fishing**  
33 **year.**

34  
35 **CHAIRMAN BOSARGE:** Okay. We have a committee motion. Is there  
36 any discussion on the motion? **Seeing none, is there any**  
37 **opposition to the motion? The motion carries.**

38  
39 **DR. MICKLE:** Staff requested editorial license to revise the  
40 wording of the alternatives in this section to be less  
41 confusing.

42  
43 Action 2, Parameters for Applying the Carryover Provision to  
44 Species Managed Under Individual Fishing Quota, it was noted  
45 that carryovers would be applied to the entire ACL, to be  
46 proportionately divided among IFQ shareholders and not to  
47 individual quotas. Committee members felt that this action  
48 provided a reasonable range of alternatives.

1  
2 Action 3, Establishment of a Fixed Buffer between the Acceptable  
3 Biological Catch and the Overfishing Limit, staff noted that,  
4 under the current ABC control rule, the buffer between OFL and  
5 ABC is already smaller than the minimum buffers in some of the  
6 alternatives, Table 2.3.1. For those stocks, this action was  
7 inconsistent with the control rule ABC, since the carryover  
8 provision with a minimum OFL-ABC buffer would decrease rather  
9 than increase ABC the following year. However, without a  
10 buffer, ABC could potentially be set equal to the OFL.

11  
12 The National Standard 1 Guidelines state that ABC should be no  
13 higher than, and generally less than, OFL. A motion to move  
14 Action 3 to Considered but Rejected was made, but was  
15 subsequently withdrawn.

16  
17 Action 4, Adjustments to Carryover Provisions, Acting Science  
18 Center Director Clay Porch felt that Alternative 2 amounted to  
19 double counting natural mortality, since natural mortality is  
20 already accounted for in the assessment. However, some  
21 committee members questioned whether it was accounted for in  
22 future projections.

23  
24 It was pointed out that the simulation runs presented to the SSC  
25 assumed that the full underharvest would be carried over. Dr.  
26 Porch suggested that there would be no harm over a period of  
27 years, as long as the cumulative catch did not exceed the  
28 cumulative ACL each year.

29  
30 **The committee recommends, and I so move, to move Action 4 to**  
31 **Considered but Rejected. Action 4 is Adjustments to the Carry-**  
32 **Over Provision. Note that Action 4 is only valid if an**  
33 **alternative other than Alternative 1 is chosen in Action 1.**  
34 **Alternative 1, no action, do not reduce the amount of the unused**  
35 **portion of an ACL to be carried over. Any amount of the unused**  
36 **portion of the ACL to be carried over, as specified in Action 1,**  
37 **would be applied in full to the following fishing year,**  
38 **contingent on the alternative selected in Action 3. Alternative**  
39 **2 is reduce the amount of the unused portion of an ACL to be**  
40 **carried over by the mean natural mortality rate of the subject**  
41 **species as used in the most recent accepted quantitative stock**  
42 **assessment. Alternative 3 is reduce the amount of the unused**  
43 **portion of an ACL to be carried over by an amount which accounts**  
44 **for management uncertainty. This amount would apply to any**  
45 **species for which a carryover is considered. Option 3a is**  
46 **reduce the amount of ACL to be carried over by 5 percent.**  
47 **Option 3b is reduce the amount of ACL to be carried over by 10**  
48 **percent. Option 3c is reduce the amount of ACL to be carried**

1 over by 15 percent.

2  
3 **CHAIRMAN BOSARGE:** We have a committee motion on the board,  
4 which, in Action 4, would remove Alternative 4 from the  
5 document, to Considered but Rejected. Do we have any discussion  
6 on the motion? Mara.

7  
8 **MS. LEVY:** Just to clarify that I think this motion moves all of  
9 Action 4 to Considered but Rejected.

10  
11 **CHAIRMAN BOSARGE:** You are correct. That's what it says at the  
12 top of the page. It's all of Action 4. Is there discussion on  
13 moving all of Action 4 to Considered but Rejected? **Seeing no**  
14 **discussion, is there any opposition to the motion? No**  
15 **opposition, and the motion carries.**

16  
17 **DR. MICKLE:** Action 5, Modify the Framework Procedures for Gulf  
18 Council Fishery Management Plans, the action contains  
19 alternatives to allow carryovers to be implemented either  
20 through a closed framework, with no council action needed, or  
21 through an abbreviated documentation process for changes that  
22 are routine or insignificant.

23  
24 Alternative 4 does not address carryovers which are already  
25 allowable under this process, but it would revise the wording so  
26 that there is consistent terminology among the framework  
27 procedures for FMPs.

28  
29 Public Hearing Draft Amendment 49, Modifications to the Sea  
30 Turtle Release Gear and Framework Procedure for the Reef Fish  
31 Fishery, Tab E, Number 6, staff reviewed the purpose and need  
32 and reminded the council this document impacts commercial and  
33 charter/headboat reef fish permit holders.

34  
35 The Law Enforcement Technical Committee provided feedback on the  
36 alternatives in Amendment 49 at its October meeting, and staff  
37 summarized the comments. Staff has prepared a public hearing  
38 document and plans to hold a webinar public hearing before the  
39 April council meeting.

40  
41 Staff noted that the document has been updated to include  
42 additional information and photographs of the new sea turtle  
43 release gear, as the Law Enforcement Technical Committee  
44 recommended. The committee selected the following preferred  
45 alternatives for Actions 1 and 2.

46  
47 **The committee recommends, and I so move, in Action 1, to make**  
48 **Alternative 2 the preferred alternative. Alternative 2 is**

1 modify the regulations for vessels with commercial or charter  
2 vessel/headboat Gulf reef fish permits to allow the use of the  
3 new collapsible hoop net, dehooking device, and small hoist to  
4 release incidentally-hooked sea turtles.  
5

6 **CHAIRMAN BOSARGE:** We have a committee motion. Do we have any  
7 discussion on the motion? **Seeing none, is there any opposition**  
8 **to the motion? With no opposition, the motion carries.**  
9

10 **DR. MICKLE:** The committee recommends, and I so move, in Action  
11 2, to make Alternative 2, Options a and b the preferred.  
12 Alternative 2 is modify the reef fish framework procedure to  
13 include changes to release gear requirements and handling  
14 protocols for sea turtles and other protected resources through  
15 the abbreviated documentation process for open framework  
16 actions. Release gear requirements and handling protocols that  
17 could be implemented or changed would include Option a, release  
18 gear requirements for sea turtles and other protected resources,  
19 and Option b, handling requirements for sea turtles and other  
20 protected resources.  
21

22 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any  
23 discussion on the motion? **Seeing none, is there any opposition**  
24 **to the motion? With no opposition, the motion carries.**  
25

26 **DR. MICKLE:** The committee was informed that staff would prepare  
27 a document for final action at the April council meeting. Draft  
28 Policy and Outreach, Descending Devices and Venting Tools, Tab  
29 E, Number 7(a), (b), and (c), staff reviewed a draft policy  
30 statement that encourages the use of venting tools or descending  
31 devices, as appropriate, when releasing fish, and it provides  
32 background information on barotrauma and effectiveness of  
33 release devices.  
34

35 Information in the statement regarding survival of fish released  
36 using descending devices came from rockfish in the Pacific. Dr.  
37 Stunz stated that there are studies of descending device  
38 effectiveness for the Gulf, and he would communicate with staff  
39 at a later time to discuss this information.  
40

41 One committee member asked if there was information about total  
42 discard rate in numbers of fish and not just the discard  
43 mortality rate that could be provided at the next meeting.  
44 Staff responded that, for the recreational sector, MRIP Type B  
45 catches represented fish that were caught and released, and it  
46 was from this classification that NMFS calculated the number  
47 that die. Also, MRIP data is only available for waters off  
48 those states that participate in the MRIP program.

1  
2 Staff reviewed the outline of a proposed outreach program for  
3 the venting and descending policy. One committee member stated  
4 that charter boat operators instruct clients on proper release  
5 methods and that these operators should be included in the  
6 organizations mentioned for network utilization via direct  
7 contact.

8  
9 Committee members also felt that the O&E Technical Committee  
10 would be a valuable asset for implementing this outreach  
11 program. A suggestion was made that the O&E Technical Committee  
12 be convened before the June council meeting. One committee  
13 member suggested that milestones, or a timeline, for  
14 implementation be established and that the outreach program  
15 include a means of determining its effectiveness.

16  
17 Another council member suggested that the council establish a  
18 partnership with organizations that distribute release devices.  
19 Other suggestions included creating YouTube videos and promoting  
20 the policy in magazines such as *Florida Sportsman* and *Louisiana  
21 Sportsman*.

22  
23 The committee reviewed a draft letter to the Chair of the Open  
24 Ocean Trustee Implementation Group supporting outreach programs  
25 that encourage a more widespread use of release devices,  
26 including distribution of descending devices, followed up by  
27 research on the utility of the devices and resulting fish  
28 survival. After reviewing the draft letter, the committee  
29 passed the following motion.

30  
31 **The committee recommends, and I so move, to forward the letter  
32 to Open Ocean Trustee Implementation Group regarding the use of  
33 descending devices and venting tools to increase survival of  
34 released fish.**

35  
36 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any  
37 discussion on the motion? **Seeing none, is there any opposition  
38 to the motion? With no opposition, the motion carries.** Dr.  
39 Stunz.

40  
41 **DR. STUNZ:** Thank you, Madam Chair. Would this be an  
42 appropriate time to bring up some points concerning descending  
43 devices, or do you want to let him finish the report first?

44  
45 **CHAIRMAN BOSARGE:** No, it's perfectly appropriate. Go ahead.

46  
47 **DR. STUNZ:** Okay, and I just wanted to get a little bit of  
48 clarity, and I think also that Mr. Atran was going to provide us

1 with some more information on some discard mortality, which I  
2 would be interested in seeing, but my first point is I didn't  
3 feel -- After the meeting, I discovered that at least I, and  
4 maybe others, didn't have a better feel for when we expect this  
5 policy to be released, and, in my mind, I was envisioning this  
6 would occur before most of the real season gets started this  
7 year and that kind of thing, and so my question is are we on  
8 that timeline? Then I have a follow-up to that.

9  
10 **EXECUTIVE DIRECTOR GREGORY:** We will incorporate whatever  
11 suggested changes the council has here, and, if the council  
12 approves the policy, we will make it public immediately.

13  
14 **DR. STUNZ:** Okay, and so the next -- But that would be after our  
15 April meeting coming up that we see it again, or do you mean  
16 sooner?

17  
18 **EXECUTIVE DIRECTOR GREGORY:** If you're happy with the way it's  
19 written now and say it's ready to be released, we'll do it now.

20  
21 **DR. STUNZ:** I am not necessarily unhappy with the way that it's  
22 written now. I think that there is some minor factual things  
23 that need to be corrected, and, at the committee meeting the  
24 other day, I wasn't going to -- I mean, we could go through that  
25 here, I guess, or I am happy to work with staff to fix a couple  
26 of those things.

27  
28 The other thing, regarding some of the language, is -- I mean, I  
29 think it's fine, but maybe, like Emily or some of the other  
30 outreach staff, they might want to look at it. I don't quite  
31 feel like it is conveying to just general everyday anglers  
32 really what we're trying to accomplish in a real kind of -- In  
33 other words, the language could be improved some, to make it  
34 more of a what are we really trying to accomplish here document,  
35 but I don't want to work outside of the committee, and so I  
36 don't know if that means that it needs to come back or not, but  
37 I think there is just a few relatively minor improvements that  
38 could be made before we go out, and I don't want to hold it up.

39  
40 **EXECUTIVE DIRECTOR GREGORY:** I think you communicating with  
41 staff between meetings is fine on this, because our target  
42 should be then to bring something back to the council in April,  
43 with the intention of it being approved as a final policy and  
44 ready to go, and so any help you want to provide, or any council  
45 member, in the meantime, is more than welcome.

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

48

1 **MR. RIECHERS:** Greg may have some specific things in the policy,  
2 but what I think he is also hitting on is that there is the  
3 difference between the policy and then the outreach and  
4 education materials that are going to be produced and the  
5 additional timelines that were brought up there, and I think  
6 what we did was have a -- As I am recalling, it was a list of  
7 things that we wanted to do, but there were several people on  
8 the committee that also suggested that we flesh that out a  
9 little bit more, with some kind of details about timelines and  
10 how we might go about that.

11  
12 If that could be available at the next meeting, I think that's  
13 important, because that's really the -- It's one thing to create  
14 a policy and kind of throw it up on the website and say we have  
15 supported this, but the real issue is how we get it out there.

16  
17 **EXECUTIVE DIRECTOR GREGORY:** In my mind, they are two different  
18 things. One is a policy statement that we put on the web, and  
19 there would be a press release and that sort of thing. As far  
20 as products that we're going to produce, the main thing we're  
21 going to do is coordinate with our partners, because this is not  
22 a new subject.

23  
24 Florida Sea Grant has been working on this for probably ten  
25 years or more, and other organizations -- FWC has got a very  
26 extensive thing, and so it's not like we're going to produce a  
27 video if those videos are already out there. If we can  
28 complement what's being done, that's what we'll look for, and  
29 that effort hasn't been made in a determined and thorough  
30 manner, but that's what we'll do. We are basically -- In my  
31 mind, we're jumping on the bandwagon, but we're not creating a  
32 new trend here.

33  
34 **CHAIRMAN BOSARGE:** I think, too, a lot of that will get fleshed  
35 out when we have that meeting with the O&E Technical Committee,  
36 AP, and we do have one staff member on maternity leave that's a  
37 big part of this, and so we'll have to kind of look at all that  
38 scheduling and see, but hopefully we can get that in, maybe  
39 before the next meeting, and I think that would give us a lot of  
40 feedback too, because all those partners are on that technical  
41 committee, and they can tell us that we have this that we can  
42 pull from and that we can pull from and we can use this to  
43 leverage.

44  
45 **DR. STUNZ:** Just to clarify, to make sure I'm hearing this  
46 right, there is some minor technicalities and things to work  
47 through on the policy, which I am happy to contribute to, and  
48 then the separate thing is that list of outreach activities that

1 we want to do to put forward this policy, and it would be great  
2 to have some general implementation dates. I don't think anyone  
3 is necessarily going to hold anyone to them, but just the  
4 general timeline, so we know what we can expect, moving forward,  
5 with building these into the fishery.

6  
7 **CHAIRMAN BOSARGE:** All right. I have Mr. Riechers, and then  
8 we're going to have Mr. Anson and Martha and Dale. Mr. Riechers  
9 passes, and so Mr. Anson.

10  
11 **MR. ANSON:** Just I'm sure staff made notes, but I thought,  
12 during the conversation during the committee, part of that extra  
13 information was actually going to be some more quantitative  
14 information, as far as the actual numbers of fish that were  
15 being estimated to be discarded and the current mortality  
16 associated with that, assuming no descending devices are used,  
17 and then some information as to impact that would have.

18  
19 If it's causing a 50 percent decrease in discard mortality, what  
20 might that have on the assessment and improving access, and I  
21 think that was -- I thought I recall some of that information,  
22 and, whether or not it can be accomplished before the April  
23 timeline, I don't know, but certainly to try to add more  
24 information to what is already in the table, just as far as  
25 percentages, but actually relating that back to numbers.

26  
27 **CHAIRMAN BOSARGE:** Mr. Atran.

28  
29 **MR. STEVEN ATRAN:** Mr. Anson is absolutely right. I have that  
30 in my notes, and we will see what we can get out of the MRIP  
31 database. I actually thought that I might be able to get it in  
32 time for this meeting, but my time has been taken up writing the  
33 committee reports.

34  
35 **CHAIRMAN BOSARGE:** If we don't have sufficient information from  
36 that database, that might be something that could go before the  
37 SSC, and they could give us some feedback there, if we can't  
38 pull the information we need, and so there's a couple of ways to  
39 get at that. Mr. Diaz was next.

40  
41 **MR. DIAZ:** I just wanted to point out public testimony  
42 yesterday, and, if I get the name wrong, I apologize, but I  
43 think Mr. Dylan Hubbard gave some really good testimony  
44 yesterday about practical ways that he is trying to educate  
45 people, and, if he would be willing, I think he would be a great  
46 resource for somebody like maybe Emily to reach out to at some  
47 point in the future and to just get some practical advice from  
48 somebody that is out in the field doing it right now and trying

1 to educate the public. Anyway, I enjoyed his testimony, and I  
2 just wanted to make a point that I thought that that was very  
3 worthwhile.

4  
5 **EXECUTIVE DIRECTOR GREGORY:** The most important thing he said,  
6 from my perspective, is don't prescribe what a venting tool is  
7 and don't prescribe what a descending device is. We don't want  
8 to have to have a definitive list that has to be approved by an  
9 amendment or a framework procedure. Just encourage us to do it,  
10 and we can be innovative and make it happen.

11  
12 I also want to point out, on a different matter, both the  
13 Sustainable Fisheries and the Reef Fish Reports are on our  
14 website now. If you have opened the website earlier, just  
15 refresh your website, and they will pop up. Thank you.

16  
17 **CHAIRMAN BOSARGE:** Was there any other discussion before Dr.  
18 Mickle moves on? Okay. Mr. Swindell.

19  
20 **MR. SWINDELL:** Are we clear yet as to when the letter is going  
21 to be sent out to get this moving?

22  
23 **CHAIRMAN BOSARGE:** I don't think we're quite there yet. We just  
24 sort of paused after the discussion on venting and descending  
25 devices, so that we could have that discussion, and I think Dr.  
26 Mickle is going to pick back up with his committee report.  
27 Staff is just ahead of us there. They're getting ahead of the  
28 game.

29  
30 **DR. MICKLE:** Review of EAFM by the Gulf Council and Other  
31 Regional Approaches, staff presented the committee with  
32 information about ecosystem management in other regions and the  
33 Gulf. The Gulf Council is the only council without a formal  
34 fishery ecosystem plan (FEP) or policy, either completed or in  
35 progress, but has been incorporating ecosystem considerations  
36 into its management decisions.

37  
38 The committee discussed what an FEP or ecosystem document would  
39 look like and discussed previous Gulf Council ecosystem  
40 products. Staff highlighted that an FEP, or other type of  
41 document, can be tailored to be Gulf specific, and that the goal  
42 is not to determine an ecosystem model, but a more comprehensive  
43 document that identifies ecosystem components that are important  
44 for considering in management.

45  
46 Staff also presented the timeline for the Regional EBFM Roadmap  
47 document. The committee discussed if it would like to proceed  
48 with an ecosystem document, briefly outlining what could be

1 included in an FEP or policy and determined that it would like  
2 to wait until the regional roadmap is complete. The committee  
3 made the following motion.

4  
5 **The committee recommends, and I so move, to direct staff to**  
6 **develop a document that outlines the component parts of an**  
7 **ecosystem plan.**

8  
9 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any  
10 discussion on the motion? **Seeing none, is there any opposition**  
11 **to the motion? Seeing no opposition, the motion carries.**

12  
13 **DR. MICKLE:** Reef Fish Charter/For-hire Permit Transfers and --

14  
15 **CHAIRMAN BOSARGE:** Paul, hold on just a second.

16  
17 **DR. MICKLE:** I apologize.

18  
19 **CHAIRMAN BOSARGE:** That is okay. I think we just skipped one  
20 paragraph at the end of -- We started a discussion, and can you  
21 go back, at the top of page 5, and where it says "the committee  
22 reviewed a draft letter to the Chair of the Open Trust", and  
23 would you read that paragraph for us, and then we're going to  
24 read that motion that's right below it, and we will let the  
25 council vote on that motion, please, sir.

26  
27 **DR. MICKLE:** I apologize. I started at the wrong spot. I  
28 apologize. Thank you. The top of page 5, the second paragraph.  
29 The committee reviewed a draft letter to the Chair of the Open  
30 Ocean Trustee Implementation Group supporting outreach programs  
31 that encourage a more widespread use of release devices,  
32 including distribution of descending devices, followed up by  
33 research on the utility of the devices and resulting fish  
34 survival. After reviewing the draft letter, the committee  
35 passed the following motion.

36  
37 **The Committee recommends, and I so move, to forward the letter**  
38 **to the Open Ocean Trustee Implementation Group regarding the use**  
39 **of descending devices and venting tools to increase survival of**  
40 **released fish.**

41  
42 **CHAIRMAN BOSARGE:** All right. We have a committee motion on the  
43 board. Is there any discussion on the motion? Mr. Swindell.

44  
45 **MR. SWINDELL:** Dr. Stunz, wasn't this the letter that you were  
46 referring to, with maybe some technical things that you want to  
47 consider?

1 **DR. STUNZ:** The letter that I was referring to was more for the  
2 policy statement that was coming out of what our council policy  
3 is regarding descending devices, and please correct me if I'm  
4 wrong, but I think the letter we're talking about here is going  
5 to more RESTORE activities about how they could potentially use  
6 some of that money to help us implement that initiative into the  
7 fishery by whatever funds that they have to promote mortality  
8 reductions.

9  
10 **CHAIRMAN BOSARGE:** Okay. Thank you for the clarification. Any  
11 further discussion? **Seeing none, is there any opposition to the**  
12 **motion? Seeing no opposition, the motion carries.** Dr. Mickle,  
13 that will bring us back down to the bottom of page 5, on reef  
14 fish charter/for-hire, and is that correct?

15  
16 **DR. MICKLE:** Yes, and we've read the following paragraph into  
17 the record, and so I would begin at Reef Fish Charter, as you  
18 specified.

19  
20 **CHAIRMAN BOSARGE:** Okay.

21  
22 **DR. MICKLE:** Thank you. Reef Fish Charter/For-Hire Permit  
23 Transfers and Potential Management Actions, Tab E, Number 9(a)  
24 and (b), transfers of federal for-hire reef fish permits were  
25 evaluated in response to the council's concerns that some  
26 operators may time permit transfers to fish during the federal  
27 and state recreational red snapper seasons.

28  
29 The analyses presented evaluated monthly transfers and the  
30 effective dates of individual permit transfers. The analyses  
31 performed did not reveal patterns suggesting that strategic  
32 transfers were taking place.

33  
34 **CHAIRMAN BOSARGE:** Dr. Mickle, I think, if you will pause for  
35 just a second, Mr. Boyd has a question.

36  
37 **MR. BOYD:** Yes. The key word here is "strategic transfers", and  
38 I think there are transfers taking place, and I think that they  
39 are planned, and they're an annual event. We have quite a few  
40 charter boats and headboats that take south Texans, winter  
41 Texans, out, and they go into state waters and fish those reefs  
42 that are down there, the artificial reefs.

43  
44 I think it is taking place, and the word "strategic", I guess,  
45 to me, means it's a strategic plan throughout the sector, and I  
46 think it is a strategic plan for several boats, and so I don't  
47 want the committee to think there is just nothing going on,  
48 because I believe there is. Thank you.

1  
2 **CHAIRMAN BOSARGE:** Thank you for that feedback. All right. Dr.  
3 Mickle.

4  
5 **DR. MICKLE:** Environmental Assessment and Exempted Fishing  
6 Permits for Lionfish Trap Testing in the Gulf and South  
7 Atlantic, Tab E, Number 10 (a) through (e), NMFS staff reviewed  
8 three applications for exempted fishing permits to evaluate the  
9 use of various trap designs for targeting lionfish, plus an  
10 environmental assessment prepared by NMFS. The EFPs were  
11 submitted by: Florida Keys Commercial Fishermen's Association,  
12 requesting 400 traps; Keys Fisheries, requesting 1,500 traps;  
13 Reefsavers, requesting 5,000 traps.

14  
15 The traps would be set in locations around the South Atlantic  
16 and Gulf of Mexico. One committee member asked for more  
17 information about the proposed location of the fish traps, out  
18 of concern that they not interfere with shrimp trawling. Bill  
19 Kelly, Executive Director of the Florida Keys Commercial  
20 Fishermen's Association, stated that his organization was  
21 working to develop markets for lionfish, and that the proceeds  
22 from the sale of lionfish caught under the EFP would go into  
23 each state's mitigation fund. Following discussion, the  
24 committee passed the following motion.

25  
26 **The committee recommends, and I so move, to recommend that NMFS**  
27 **move forward with the implementation of the three lionfish EFP**  
28 **requests and to add a one-year update reporting requirement.**  
29 Madam Chair.

30  
31 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any  
32 discussion on the motion? Mr. Swindell.

33  
34 **MR. SWINDELL:** It states that -- The last statement in the  
35 paragraph above is the Florida Keys Commercial Fishermen's  
36 Association stated that this organization is working to develop  
37 markets for lionfish and that the proceeds from the sale of  
38 lionfish caught would go to the states' mitigation funds.  
39 Proceeds, is that sales value, and is that total sales, or is  
40 that profits after expenses?

41  
42 **CHAIRMAN BOSARGE:** Well, I don't think they can go backwards on  
43 it, and so I would imagine that they're going to have to cover  
44 their expenses somehow, but I think, in their EFP, and I hope  
45 that I remember correctly, but I think what they're going to do  
46 is just pay the fishermen like a daily rate to go out and catch  
47 them, and then the proceeds, after that, would go -- The fuel  
48 and things like that, I guess would go, but we have Mr. Bill

1 Kelly here, and, actually, I was going to have staff pull up  
2 some of the maps that Morgan was kind enough -- When we went  
3 through three EFPs in this committee, I was a little concerned  
4 that the big map that they showed, that NMFS had in their  
5 presentation, it was a little hard to tell exactly where these  
6 traps were going to be dropped, and I wanted to make sure that  
7 we weren't going to have any user conflicts between -- Let's  
8 call them trappers, in this case, I guess, and shrimp gear,  
9 because that gets kind of testy out on the water.

10  
11 NMFS was kind enough to blow those maps up, and Morgan was kind  
12 enough to try and overlay it with the shrimp effort that we  
13 have, and so I would like to look at each EFP, very briefly, on  
14 this map and make sure that we don't have any conflict with the  
15 shrimp fleet and where they are dragging.

16  
17 On this map, and this is the map for where the traps in the  
18 first EFP are going to be placed, and that's the Florida Keys  
19 Commercial Fishermen's Association EFP, and we do have Mr. Bill  
20 Kelly in the room with us.

21  
22 You see those two green lines that sort of parallel the Florida  
23 Peninsula right there? They are going to drop their traps in  
24 between those two green lines and then down in very south  
25 Florida. Down there by the Keys, there is two small green lines  
26 that are parallel to each other, and they're going to drop their  
27 traps there.

28  
29 The purple and white that you see on the screen, that is  
30 historic shrimp trawling effort in these areas, and so Mr. Kelly  
31 was kind enough to come and talk to me, and I asked him -- That  
32 more inshore green line, I asked him if he could shift that out  
33 to about a depth of about 165 feet or so and drop his traps  
34 outside of that, and so drop them in water that is deeper than  
35 that 165 foot, and he said -- He talked to some of the other  
36 fishermen that are going to be working in that EFP, and they  
37 said that that shouldn't be a problem, and I think that that  
38 will eliminate any conflicts that he might have had with any  
39 shrimp trawl gear and that we won't have any issues. Mr. Kelly,  
40 I really appreciate you working with us on that. I think yours  
41 is going to be just fine, with that minor amendment, and so were  
42 there any other questions on Mr. Kelly's EFP? Did you want Mr.  
43 Kelly to come up and speak to the proceeds?

44  
45 **MR. SWINDELL:** I just think that we should be clear what the  
46 council is looking for here, whether or not you're going to be  
47 asking the Florida Keys Commercial Fishermen's Association to  
48 take all the cost associated with doing this on their own back

1 or are they going to be able to take some of the proceeds from  
2 the sale to recover their cost. I don't know what the right  
3 thing is to do here, Madam Chair.

4  
5 **CHAIRMAN BOSARGE:** Well, I don't think anybody works for free,  
6 and so I'm sure they will have to take a little -- They may have  
7 some funding as well, and I think anything that they can give to  
8 that Florida fund will be amazing, and I'm sure Florida won't  
9 turn that down. Mr. Swindell.

10  
11 **MR. SWINDELL:** I just don't want us to get into a situation  
12 where we get complaints that these people are making some profit  
13 from it or that they are recovering their costs, but yet they're  
14 not recovering their costs, because, as the wording says, the  
15 proceeds from the sale, and that, to me, means the whole gross  
16 price that you receive goes to the mitigation fund.

17  
18 The guys that are out there doing all this work to help us  
19 understand this lionfish issue, they're going to be stuck with  
20 the cost that is taken in to put these traps out there and  
21 monitor them and get them back in and get the lionfish and keep  
22 going. I don't think that that's right, and I think this ought  
23 to be something -- I don't know how, from a business standpoint,  
24 how to really state it so that these people are not spending all  
25 of their money in trying to just help us and, at the same time,  
26 help themselves develop a business, but, at the same time, help  
27 us control the lionfish issue.

28  
29 **CHAIRMAN BOSARGE:** Mr. Diaz.

30  
31 **MR. DIAZ:** I think Mr. Kelly is here, and why don't we just let  
32 him come to the mic and speak to this issue, and then at least  
33 everybody will be clear on how it's working.

34  
35 **CHAIRMAN BOSARGE:** Mr. Kelly, would you mind just coming forward  
36 just for a minute and reassuring us that you are going to be  
37 able to cover your costs and that you won't go backwards?

38  
39 **MR. KELLY:** Madam Chair, Bill Kelly, Florida Keys Commercial  
40 Fishermen. Council members, when we initiated this project, the  
41 operational budget was \$933,000. It was a substantial number of  
42 non-profit organizations that are very well known  
43 internationally that were prepared to fund this thing.

44  
45 We have held them in abeyance for a rather long period of time,  
46 as we work our way through the EFP process and the licenses  
47 required to test in the Florida Keys National Marine Sanctuary.  
48 The reason that we did that is we didn't want to get into a

1 funding cycle and have these institutions and organizations make  
2 a financial commitment and then we wouldn't be able to perform  
3 in that calendar year, and so I can offer you my assurances that  
4 these people are still very much interested in this program and  
5 very much aware of the problem and the scope of it, around the  
6 entire Gulf of Mexico and the South Atlantic, as far north now  
7 as Long Island.

8  
9 We also have some interested funding partners. As I mentioned  
10 in some of my comments, we missed a \$200,000 funding  
11 opportunity, through Saltonstall-Kennedy, because of delays that  
12 we encountered right in our own backyard with the National  
13 Marine Sanctuary.

14  
15 The way the program is scheduled, our fishermen would go out and  
16 they would receive a per diem that would be commensurate with  
17 what they would normally make in the area and if they were  
18 engaged in regular fishing activities.

19  
20 The proceeds, proceeds from the sale of any lionfish harvested,  
21 would go back into the program to cover the costs of operation,  
22 and it was then hoped that we would take this information to the  
23 individual coastal states and show them proof of concept.

24  
25 We have got something that here is what works and here is the  
26 device, and here is the baiting techniques and so forth, and now  
27 we will be able to assist you in training a team to go out and  
28 do exactly what we're doing, and you can help mitigate this  
29 invasion. Will we wipe them out, no, but I think that it's  
30 certainly possible that we can contain them in sufficient  
31 numbers.

32  
33 As I pointed out just briefly yesterday, if we were engaged in a  
34 directed fishery right now, I am not sure there is enough zeroes  
35 on your computer to show you what we would harvest. We are  
36 already catching hundreds of thousands of lionfish annually in  
37 our traps as bycatch, and we're very comfortably selling them at  
38 \$5.50 a pound to \$6.25. The only thing we would like to do is  
39 get them out of our traps, so we can make more room for lobster,  
40 that sell for \$10.25 or more per pound, and so, unless somebody  
41 has some other questions, that is pretty much the scheme of  
42 things.

43  
44 **CHAIRMAN BOSARGE:** All right. Mr. Matens.

45  
46 **MR. MATENS:** Thank you, Madam Chair. Bill, I am kind of  
47 curious. The \$5.50 to \$6.25, is that rough? Whatever you're  
48 getting for the lionfish, is that at the dock rough?

1  
2 **MR. KELLY:** Yes, and that's ex-vessel, and that's actually whole  
3 weight. The lionfish are very susceptible to barotrauma, and  
4 the numbers -- Where there are really considerable numbers is in  
5 deeper water, and, when I say deeper, it's 120 to 300 feet of  
6 water, and so, when we pull these traps with mechanical haulers  
7 and so forth, the lionfish void themselves of their stomach and  
8 digestive tract contents and so forth, and it's quite simple,  
9 but we're catching fish up to three pounds, which is at growth,  
10 and that is interesting that it hasn't taken a very long period  
11 of time to get to that point.

12  
13 The other thing that we've seen, that was discovered by one of  
14 our fishermen, Gary Nichols, who is harvesting roughly about  
15 10,000 pounds or more annually, is that, about three years ago,  
16 he was going to fillet some lionfish for himself for dinner, and  
17 he really thought this guy has got an irregular stomach here,  
18 and what on earth has he been eating, and so Gary had a batch of  
19 them that were caught in a particular area, and he started  
20 gutting them, and they were full of juvenile lionfish, and so  
21 that raises a very interesting point.

22  
23 Heretofore, they were not necessarily recognized as being  
24 cannibalistic, and so what's going on here -- The issue is that  
25 they are probably exhausting food supplies and forage fish in  
26 those areas, and so they become cannibalistic.

27  
28 It was interesting, because you have a certain area where Gary  
29 is fishing, and he sees clear evidence of that, and then, other  
30 areas that might be five or ten miles away or so, where they are  
31 not cannibalistic, because they haven't exhausted the food  
32 supplies in those areas.

33  
34 **CHAIRMAN BOSARGE:** Thank you, Mr. Kelly. Mr. Swindell.

35  
36 **MR. SWINDELL:** From that discussion, it seems to me that what  
37 we're talking about here is the net proceeds of the sale of the  
38 lionfish. Just as long as NMFS and those that have to work with  
39 this understands that they're going to have to do some  
40 accounting, to make darned certain that it's done properly.  
41 Thank you.

42  
43 **CHAIRMAN BOSARGE:** Thank you, sir. Thank you, Mr. Kelly.

44  
45 **MR. KELLY:** Thank you, Madam Chair.

46  
47 **CHAIRMAN BOSARGE:** We do have a motion on the board that  
48 approves all three of these EFPs at once, and, if the council

1 agrees, I would rather take them individually, because each one  
2 of them has a little bit different movements that are going to  
3 be involved.

4  
5 Like Mr. Kelly's would be approved with the understanding that  
6 they will shift that one line out to about 165 feet, and so  
7 would that be okay? We would have a substitute motion to  
8 approve the Florida Keys Commercial Fishermen's Association  
9 lionfish trap EFP with the discussed amendments.

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

12  
13 **CHAIRMAN BOSARGE:** It is so moved by Mr. Banks. It's seconded  
14 by Mr. Greene. I like that. **To recommend that NMFS move**  
15 **forward with the implementation of the Florida Keys Commercial**  
16 **Fishermen's Association lionfish EFP request with the**  
17 **recommended modifications to the sampling area and to add a one-**  
18 **year update reporting requirement. Mr. Banks, is that your**  
19 **motion?** Yes. All right. Wonderful. Is there any discussion  
20 on the motion? **Seeing none, any opposition to the motion? The**  
21 **motion carries.**

22  
23 Staff, if you don't mind, would you pull up the map that we have  
24 for the second EFP for lionfish, which is the Keys Fisheries  
25 EFP?

26  
27 **EXECUTIVE DIRECTOR GREGORY:** I have got a question for National  
28 Marine Fisheries Service. Have you all evaluated the three  
29 proposals and have any recommendations? I mean, they don't all  
30 seem to have the same thought put into how they're going to  
31 operate, and the Reefsavers one, in particular, seems quite  
32 problematic, if you're going to try to handle 5,000 traps from a  
33 sailboat.

34  
35 **DR. CRABTREE:** I agree that some have been better thought-out  
36 than others, and we'll resolve some of those issues down the  
37 road. I think the main thing we would want to hear from you  
38 guys is just what you're getting at, is concerns about where the  
39 traps can be placed to avoid fishery conflicts, and what would  
40 be a value from you is to recommend to us that this is okay, but  
41 in this area, and that's what we're doing now, with respect to  
42 the Reefsavers.

43  
44 I agree that there are a number of concerns there, and, if you  
45 want us to get more information and flesh that out more and then  
46 come back to you with it at the next meeting, we can certainly  
47 do that.

48

1 **EXECUTIVE DIRECTOR:** Well, we haven't -- I mean, we were hit  
2 this meeting with nine EFPs, and that's been overwhelming, and  
3 the other two, Keys Fisheries and Reefsavers, we haven't heard  
4 presentations on, but we have now queried Mr. Kelly twice on his  
5 proposal, and it's just -- They are not being handled equally,  
6 it seems like.

7  
8 **CHAIRMAN BOSARGE:** This is the map for the second lionfish EFP,  
9 which is the Keys Fisheries, and I will go back and mention  
10 that, the Florida Keys Commercial Fishermen EFP, that had 400  
11 traps. This one has 1,500 traps, and so this is a zoomed-in map  
12 of where they are going to drop their traps. The only place  
13 that I can tell, from what we're presented here, that we may  
14 have a conflict with other users is right down there at that  
15 south end. You can see that their gear is going to be in our  
16 pink shrimp fishery grounds, right down there.

17  
18 For the NMFS side of the house, we would like that adjusted, so  
19 that do not drop traps where there is shrimp effort in the  
20 southern portion of where they are recommending down there. For  
21 the record, yes, we are catching lionfish in our trawl gear.  
22 Some fishermen are even selling them, and they're catching  
23 enough of them. Some of them, we just eat. We will need to  
24 adjust that, and is that enough information for NMFS to make  
25 that adjustment?

26  
27 **DR. CRABTREE:** Yes, and usually what we do is, after you guys  
28 make your recommendation, you would write us a letter saying  
29 these are the motions approved, and, if you want to give us some  
30 coordinates, some specifics, there, that would be very helpful.

31  
32 **CHAIRMAN BOSARGE:** I haven't been able to talk to the applicants  
33 that are submitting this one, but I did ask Mr. Kelly, and I had  
34 a little bit of comfort in the fact that these are commercial  
35 fishermen that have been working down in those areas for many,  
36 many years, and so I feel like they will probably do a good job.

37  
38 **DR. CRABTREE:** Yes, I would agree with that, and I would agree  
39 with you too that the Reefsavers is the more problematic one of  
40 them, and it raises more concerns, but I would agree that Mr.  
41 Kelly's, the Monroe County one, and this one as well, seem  
42 pretty straightforward. They are professional commercial  
43 fishermen, and they're already out there catching lionfish in  
44 their traps, and I think, with a little tweak down in the lower  
45 corner of this, we can make this one work.

46  
47 **CHAIRMAN BOSARGE:** It's hard to see on this map, but you may  
48 need to tweak it just a hair for that HAPC that I see down there

1 in the bottom corner as well. We just have to make sure that we  
2 avoid those. Okay. We would need another motion, and it would  
3 be essentially the same motion that we just made, except that,  
4 instead of the Florida Keys Commercial Fishermen's Association,  
5 it would be the Keys Fisheries. Mr. Sanchez.

6  
7 **MR. SANCHEZ:** So moved, with those edits.

8  
9 **CHAIRMAN BOSARGE:** All right. Do we have a second for the  
10 motion?

11  
12 **MR. DIAZ:** Does that part in there that says, "with recommended  
13 modifications", apply to this one, too?

14  
15 **CHAIRMAN BOSARGE:** Yes, it does, because, right now, the area  
16 that they were trying to permit to drop those traps, you see  
17 that they're going to have to adjust it slightly at the south  
18 end for the HAPC and the shrimp effort, and so there would be  
19 modifications to this one as well.

20  
21 **MR. DIAZ:** I will second it.

22  
23 **CHAIRMAN BOSARGE:** Okay, and so it's seconded by Mr. Diaz. Is  
24 there further discussion on the motion? Seeing none, is there  
25 any -- Let me read the motion in the record first. **To recommend**  
26 **that National Marine Fisheries Service move forward with the**  
27 **implementation of the Keys Fisheries lionfish EFP request with**  
28 **the recommended modifications to the sampling area and to add a**  
29 **one-year update reporting requirement. Any opposition to the**  
30 **motion? Seeing none, the motion carries.**

31  
32 If staff would pull up the last map, which is for the Reefsavers  
33 lionfish EFP, please. This one, if you see the red lines,  
34 especially in the northern Gulf up here, and you see the two red  
35 lines, and I wouldn't call it parallel, but I'm not sure how  
36 else to describe it, and so they would be dropping their traps  
37 in between those two red lines. That is sort of like the shrimp  
38 interstate, and so I don't think this is going to work. Dr.  
39 Crabtree.

40  
41 **DR. CRABTREE:** What I would suggest to you is let us go back to  
42 Mr. Glass about this one and talk to him about it, because  
43 obviously that's a lot of issues there, and let us see if we  
44 can't work out some modifications to it, and then we can bring  
45 back a revised zone to you at the next meeting, and you guys can  
46 see if that meets your concerns.

47  
48 Then there were questions raised about it, and I recall

1 something about a sailboat, and my understanding is that he's  
2 not using a sailboat, and so we can clarify -- If there are  
3 other concerns like that, we can clarify those with the  
4 applicant as well.

5  
6 **CHAIRMAN BOSARGE:** The other comment that I had during the  
7 committee was the sheer volume of traps involved in that one. I  
8 know, in the big scheme of things, it's not a huge number, but  
9 we have recommended to move forward with an EFP for 400 and for  
10 1,500, and this is for 5,000. That is a good many traps, and  
11 it's also very encouraging if someone involved in the EFP  
12 actually has some commercial fishing experience with traps, so  
13 that you don't have that huge learning curve to hurdle, just how  
14 to deal with that gear and successfully place it and retrieve it  
15 and everything else, and so that is always a good thing to have.  
16 Any other comments? Mr. Anson.

17  
18 **MR. ANSON:** I was wondering -- Maybe, Sue, in the EFP  
19 application for this one, did they talk about -- I mean, would  
20 these be deployed with the float at the surface the whole time  
21 while it's soaking, or was there going to be some sort of metal  
22 or some twine or something that would go away after a few days  
23 and then allow the float to come up right before they are  
24 intended to go out and retrieve it?

25  
26 **DR. CRABTREE:** My understanding is they would be fished in  
27 trawls, and so it would be multiple traps, but I think there is  
28 a line at some point that they would come up, and I don't recall  
29 if they are specific about how many it would be, but we  
30 certainly have concerns about vertical lines and entanglements  
31 with marine mammals and things like that, and so that is  
32 something that we'll be consulting with our PR staff on and  
33 making sure that it's not going to create issues.

34  
35 **CHAIRMAN BOSARGE:** Sue.

36  
37 **MS. GERHART:** I just wanted to point out that the 5,000 traps  
38 are for both the Gulf and the South Atlantic, and so what you're  
39 seeing there wouldn't be 5,000 traps. This is also for the  
40 South Atlantic areas as well. They are in trawls, and, for  
41 those people who don't know what a trap trawl is, it's a single  
42 buoy line with the traps on it, and it's not a trawl like a  
43 shrimp trawl.

44  
45 Another thing is that the environmental assessment that we are  
46 doing is looking at the impacts of this level of effort, and so  
47 it's possible that we may conclude that that's too much, in  
48 terms of the impacts, but we're working with our Protected

1 Resources people and all as well.

2

3 **CHAIRMAN BOSARGE:** I have Mr. Matens and then Mr. Greene.

4

5 **MR. MATENS:** Thank you, Madam Chair. Once again, I am curious.  
6 Does anyone know what the criteria was to draw these lines? Was  
7 it depth or was it --

8

9 **CHAIRMAN BOSARGE:** Maybe we will get some more feedback on that  
10 when they bring it back to us. Mr. Greene.

11

12 **MR. GREENE:** My question is back to what Sue was talking about.  
13 These lines that float to the surface, are they going to be  
14 marked? I guess they're going to have a buoy on them, but are  
15 they going to have some type of light on them, affixed, or some  
16 type of AIS indicator or something, because, in some of these  
17 areas, there is a lot of nighttime fishing that goes on, and  
18 boats moving all over the place while they're offshore fishing,  
19 and entanglement of that would be a severe deal for a lot of  
20 guys, I would think.

21

22 **DR. CRABTREE:** We would certainly be able to require some type  
23 of marking, and I am sure that we would, and so, in the event  
24 that something happened, we could identify it. We might be able  
25 to require some kind of light or something like that, but I  
26 don't think -- Most traps that are out there don't have that  
27 sort of thing, but we're able to look into that.

28

29 **CHAIRMAN BOSARGE:** Mr. Swindell.

30

31 **MR. SWINDELL:** It's hard to tell, from the scale of this map,  
32 just how close to shore these lines, these traps, will be along  
33 the coast of Louisiana and Mississippi. Is there any way that  
34 we have a better definition of just where these are?

35

36 **CHAIRMAN BOSARGE:** We can ask NMFS to bring that back to us as  
37 well when they come back, and we'll try and get some zoomed-in  
38 maps, so we can see a little better where they're at, and,  
39 obviously, there is a slight issue -- Just for the record, there  
40 is a slight issue with the permitting area over off the coast of  
41 Florida right there. It's very similar to the Florida Keys  
42 permit, and the Florida Keys Commercial Fishermen did agree to  
43 shift that line to a deeper depth contour, somewhere around 165  
44 feet, to get out of that shrimp effort over there. Ms. Gerhart.

45

46 **MS. GERHART:** To let you know, they actually have already  
47 received a permit from Louisiana to fish these traps in state  
48 waters, and so they already have that permit going in those

1 shallower waters. To clarify, these are -- The type of traps  
2 that this group is using are the FAD-based collapsible traps.  
3 These aren't lobster traps, in this case, and so the ones that  
4 Dr. Steve Gittings had designed, and that's the type of trap  
5 that we're talking about here.

6

7 **CHAIRMAN BOSARGE:** Mr. Greene.

8

9 **MR. GREENE:** To that point, these traps are not very heavy,  
10 correct? Okay. So, if you're going to have -- I am very  
11 familiar with some of this area, but, if you're going to put  
12 traps in sequence that are not very heavy in deep water, and  
13 then you're going to run a float up 300 or 400 or 500 feet, that  
14 current is going to drag those traps all over the place. When  
15 you've got 500 feet of water, there is a lot of current and  
16 stuff that flows in there, and the lack of weight is a concern.

17

18 **DR. CRABTREE:** Yes, and so they're going to have to be weighted  
19 with enough weight to hold them in place. That is likely to  
20 vary from place to place, depending on the currents and things.

21

22 **CHAIRMAN BOSARGE:** Then what happens when we catch them is they  
23 won't go through a TED, and so they plug up the net, and then  
24 they tear up the net. Anyway, we'll get there. Do you have  
25 enough information, Dr. Crabtree?

26

27 **DR. CRABTREE:** I think we do, and clearly the big issue is these  
28 lines are going to need to be adjusted to avoid interactions  
29 with the shrimp fishery, and so I wouldn't worry too much about  
30 where the lines are now, because they're going to need to move  
31 to work this out.

32

33 **CHAIRMAN BOSARGE:** Hopefully some demonstrated experience in  
34 commercial fishing somewhere along the line. Ms. Gerhart.

35

36 **MS. GERHART:** Again, to reiterate, the applicants have said they  
37 are willing to change their locations. Those locations they  
38 chose was, one, because of certain ports to go out of, and so  
39 those were the areas, and then they were long depth contours  
40 that they thought were most likely for lionfish, but they are  
41 very willing to move those areas.

42

43 **CHAIRMAN BOSARGE:** Thank you. All right. Any further -- Dr.  
44 Crabtree, do you need a motion in order to go back to the -- I  
45 don't think so. We recommended to approve the other ones.

46

47 **DR. CRABTREE:** I would just suggest, in your letter, that you  
48 lay out your concerns that you would like us to evaluate, and

1 then we'll do that.

2  
3 **CHAIRMAN BOSARGE:** We're not requesting that you move forward  
4 with implementation on the third one. We are requesting that  
5 you go back and hopefully adjust some things and then bring it  
6 back to us. All right. We had a motion on the board, and we  
7 dispensed with that with a substitute and made another one, and  
8 so where does that leave you, Dr. Mickle, on your report?

9  
10 **DR. MICKLE:** Do I continue with the discussion on the dead zone?

11  
12 **CHAIRMAN BOSARGE:** Yes, if we've finished all the EFP  
13 discussion, then, yes, sir. That sounds great.

14  
15 **DR. MICKLE:** Thank you. Discussion on Dead Zone Regarding  
16 RESTORE Act Activities, Glenn Constant discussed ways in which  
17 the council could provide input into the funding of projects  
18 related to the Deepwater Horizon oil spill regarding the hypoxic  
19 zone. This included funding from the RESTORE Act as well as the  
20 Natural Resource Damage Assessment program.

21  
22 The Fish and Wildlife Service decided that, when voicing support  
23 for restoration related to reducing the size of the Gulf of  
24 Mexico Dead Zone, it made sense to rely on advice of our  
25 partners that are already connected to restoration actions  
26 associated with the entire Mississippi and Atchafalaya River  
27 basins.

28  
29 A large part of our support for those projects is coordinated  
30 through the Gulf of Mexico Alliance, or GOMA, and would likely  
31 be an asset in helping the council direct its support for  
32 prioritizing Deepwater Horizon funding. Laura Bowie, the  
33 Executive Director, could not make it to this council meeting,  
34 but is willing to speak to the council at a future meeting.

35  
36 GOMA has a strong connection to the national effort led by EPA  
37 through its Gulf of Mexico Watershed Nutrient Reduction Task  
38 Force. The task force publishes its nutrient reduction  
39 strategies in the Hypoxia Task Force Action Plan that that is  
40 periodically updated, the last time in 2008.

41  
42 The national plans are implemented locally through the state  
43 nutrient reduction plans that provide pertinent local methods  
44 and opportunities. One effective way for the council to get  
45 involved is by supporting the implementation of those state  
46 plans. The council could write letters of support to Laurie  
47 Rounds, the Chair of the Open Ocean Trustee Implementation  
48 Group, as well as to Scott Pruitt, the EPA Chair of the Gulf

1 Coast Ecosystem Restoration Council, or his designee.

2  
3 The committee chair asked if there was any opposition to having  
4 staff draft a letter of support for funding dead zone reduction  
5 proposals. There was no opposition to the proposal. However,  
6 one committee member noted that the hypoxic zone issue includes  
7 farm runoff and affects more than just the Gulf States. He  
8 suggested that the letter include suggestions or ideas on how to  
9 proceed.

10  
11 Greg Stunz noted that he had been contacted by a group of  
12 scientists from NOAA and NOS about participating in the  
13 Fisheries Monitoring Workgroup and Workshop intended to better  
14 understand hypoxia. Dr. Stunz could not attend the initial  
15 workshop, but another workshop is being planned. He will let  
16 council staff know when he has more information.

17  
18 Other Business, staff presented an overview of the National SSC  
19 VI meeting, which was held in San Diego on January 16 through  
20 19, 2018, and was attended by SSC members Joe Powers, David  
21 Griffith, Bob Gill, and by council staff Steven Atran.

22  
23 The theme of the meeting was management strategy evaluation, or  
24 MSE. MSE is a process for evaluating tradeoffs between  
25 alternative management strategies through an iterative process  
26 of model simulations and stakeholder participation. The council  
27 has applied a partial MSE approach to evaluating catch limits  
28 for data-poor stocks in SEDAR 49, and council staff have  
29 completed an MSE approach to evaluating deep-sea coral habitats  
30 for possible designation as HAPCs.

31  
32 Each of the NMFS Science Centers has hired or is in the process  
33 of hiring an MSE specialist to assist the regions in  
34 implementing the process. A comprehensive report on the  
35 National SSC Workshop is being prepared by the Pacific Fishery  
36 Management Council and will be published later this year. Madam  
37 Chair, this concludes my report.

38  
39 **CHAIRMAN BOSARGE:** Thank you, sir. Is there anything else that  
40 anybody wanted to bring up under the Sustainable Fisheries  
41 Committee? Dr. Porch.

42  
43 **DR. PORCH:** Thank you, Chair. I didn't bring these up earlier,  
44 because they don't affect the motions, but they probably should  
45 be changed nonetheless, and they are under Action 4 on page 2.  
46 First, I am not the Acting Center Director, and so maybe we  
47 could just put "Center Representative" or something like that.

1 Second, if you would, add the words "each year" to the last  
2 sentence under Action 4, and so it would end with, "as long as  
3 the cumulative catch did not exceed the cumulative ACL each  
4 year". That's an important distinction.  
5

#### 6 **AD HOC RED SNAPPER AND GROUPER-TILEFISH IFQ AP APPOINTMENTS**

7  
8 **CHAIRMAN BOSARGE:** Thank you, sir. Dr. Porch was asking that we  
9 add "each year", and it's on page 2, at the bottom, just for the  
10 record, for staff. It's the last paragraph on page 2, to add  
11 "each year" after that, and then maybe don't give him a  
12 promotion just yet. All right. I think staff has that, and we  
13 can make those changes, and so noted. Thank you, sir. Anything  
14 else for Sustainable Fisheries? Okay. Let's see what's next on  
15 our agenda.  
16

17 We can circle back around and pick back up with Reef Fish, or we  
18 can go ahead and knock out. We're probably going to be here all  
19 day, by the way, and so you will get a lunch break, and don't  
20 worry. Let's go ahead and knock out the Ad Hoc Red Snapper and  
21 Grouper-Tilefish IFQ AP Appointments, if you don't mind, so that  
22 I don't get overwhelmed later, when we run over.  
23

24 That would be my report, and so the council did go into closed  
25 session, and we formed our AP, our Ad Hoc Red Snapper and  
26 Grouper-Tilefish IFQ AP, with the following members: Jane Black-  
27 Lee, William Copeland, Jason Delacruz, Jonathan Floyd, Keith  
28 "Buddy" Guindon, Scott Hickman, David Krebs, Harris Pappas,  
29 Dennis Parker, Franklin Parker, Todd Rosetti, Nick Ruland, Lisa  
30 Schmidt, Jerri Smitko, James Swindle, Theodore Tomeny, David  
31 Walker, Wayne Werner, and Jim Zurbrick.  
32

33 In closed session, we also did discuss the hiring of a  
34 replacement Executive Director, because our beloved Doug Gregory  
35 is going to retire soon, and we did decide to extend the  
36 recruitment announcement to four weeks, and so, for any of you  
37 that have been following that, that will not close until  
38 February 9. That is the end of that report.  
39

40 I am going to look for some feedback here, guys. It's about ten  
41 o'clock right now. Would you like to try and get through our  
42 Reef Fish Report before lunch, or would like to try and get  
43 through our vote on exempted fishing permit applications before  
44 lunch? I am not sure what the lesser of the two evils is. Mr.  
45 Diaz.  
46

47 **MR. DIAZ:** I think there might be some good reasons to go  
48 through exempted fishing permits first. My personal opinion

1 would be to do that, but whatever the council wants to do is  
2 fine with me.

3

4 **CHAIRMAN BOSARGE:** Dr. Frazer.

5

6 **DR. FRAZER:** I agree with Dale. My inclination is to kind of  
7 move forward with the EFPs at this time.

8

9 **CHAIRMAN BOSARGE:** All right. Any heartache on that? You can  
10 have a short break. We'll take a fifteen-minute break, and then  
11 we'll delve into that. Thank you. Fifteen-minute break, and  
12 let's come back here at about 10:20, let's say.

13

14 (Whereupon, a brief recess was taken.)

15

#### 16 **VOTE ON EXEMPTED FISHING PERMIT APPLICATIONS**

17

18 **CHAIRMAN BOSARGE:** We're going to go ahead with our vote on  
19 exempted fishing permit, EFP, applications. We were hoping to  
20 pick that back up -- We had to cut our discussion a little short  
21 yesterday, and we were hoping to maybe pick it back up before  
22 public testimony, but we didn't really have enough time, and so  
23 I'm just going to open the floor to discussion, and we'll see  
24 where we go from there. We saw all of the presentations from  
25 each of the five states, and do we have any further comments or  
26 questions or discussion? Let's go. Mr. Banks.

27

28 **MR. BANKS:** I would like to make a motion to recommend approval  
29 of all of the EFPs.

30

31 **CHAIRMAN BOSARGE:** Well, that will certainly spur discussion.  
32 It's been seconded by Mr. Boyd, and so we have a motion by Mr.  
33 Banks. Do you want to repeat it, Mr. Banks, for staff?

34

35 **MR. BANKS:** Motion to recommend approval of all EFPs, for each  
36 state's EFP.

37

38 **CHAIRMAN BOSARGE:** Okay. I saw a hand by Dr. Mickle.

39

40 **DR. MICKLE:** Thank you, Madam Chair. This is a procedural  
41 question. Again, the EFPs come in front of the council to  
42 address concerns towards the resource and towards the user  
43 groups, and I've just been reading the regulations of how EFPs  
44 exist in our realm here.

45

46 I am in favor of this motion and letting NMFS do what they do to  
47 work through the issues that we discussed yesterday, but the  
48 user concerns were brought up, and I thought, for the most part,

1 were addressed, and the major concerns were from the policy  
2 side, from how I see it, and so I'm in favor of this motion.

3  
4 **CHAIRMAN BOSARGE:** Ms. Guyas.

5  
6 **MS. GUYAS:** I certainly don't want to stand in any state's way  
7 of getting their EFP approved, but I do recognize that I think  
8 there are still some hurdles that need to happen and things that  
9 need to be worked out. Like, I think to include for-hire or not  
10 to include for-hire is an issue.

11  
12 If we end up in a place where some states include for-hire and  
13 some don't, I think what I would prefer to see here is the for-  
14 hire industry that is not covered under an EFP, that they  
15 continue to have the season that they were going to be projected  
16 to have and they're basically not impacted by the states that  
17 include them, if that's the route we go, but I don't know if the  
18 council has a recommendation or a discussion on that, but that's  
19 kind of what I would want to see out of this.

20  
21 **CHAIRMAN BOSARGE:** Mr. Sanchez.

22  
23 **MR. SANCHEZ:** I would echo that sentiment, and, for states that  
24 don't have -- That they're not including their federal for-hire  
25 component, that I think, and you all know this, and it shouldn't  
26 be a surprise, but we should proceed with 41 and 42 and try to  
27 get those to where we can bring those to a vote and find the  
28 answer to the age-old question of do they really want these or  
29 not.

30  
31 Take that to referendum, and then I don't know. I don't have a  
32 crystal ball, but, maybe down the road, some of those folks in  
33 41 may look at their state's plan, as it evolves, and they may  
34 or may not think it's better to go one way or the other, but  
35 we've given them the choice to do that.

36  
37 We haven't kind of forced something down their throats, so to  
38 speak, and so, to that end, I would support this, and I would  
39 hope that I would get some support in moving forward on  
40 furthering 41 and 42.

41  
42 **CHAIRMAN BOSARGE:** Dr. Frazer.

43  
44 **DR. FRAZER:** Thank you, Madam Chair. I guess what I would like  
45 to do is to ask NMFS a couple more questions, as a follow-up.  
46 It was unclear to me yesterday, in the discussions that we had,  
47 what were the consequences of each state either including or not  
48 including the charter/for-hire sector in the various EFPs and

1 how you might deal with that.

2  
3 **CHAIRMAN BOSARGE:** Dr. Crabtree.

4  
5 **DR. CRABTREE:** There are two main issues that I see with it.  
6 There will be a federal for-hire season, and it will start on  
7 June 1, and it will be Gulf-wide, and any federally-permitted  
8 for-hire vessel is able to fish in the EEZ during that season,  
9 and so it seems to me, unless the states can either get the for-  
10 hire vessels to voluntarily agree to some other scheme, or the  
11 state would need to have their for-hire season run concurrent to  
12 the federal for-hire season. That is one issue.

13  
14 Then the other is the amount of fish that gets credited to the  
15 state for their EFP, and, if you credited the amount being  
16 requested, that would shorten days of the overall federal for-  
17 hire season, because the request is based on the historical  
18 timeline, and it's a greater amount than has been caught in the  
19 most recent years.

20  
21 In order to do this in a way that doesn't affect the other  
22 charter boat seasons, that amount of fish would have to be  
23 reduced down to a level that is consistent with what's been  
24 caught in 2016 and 2017, the most recent data we have, and  
25 that's the two real issues that I see, and did that get at all  
26 of your questions? If you have some specific ones, I will try  
27 to answer them.

28  
29 **DR. FRAZER:** The way that I understood this yesterday, when we  
30 were talking about it, is, in order for the states to move  
31 forward with the EFPs as proposed, NMFS would essentially close  
32 the recreational season, including all sectors, if the  
33 charter/for-hire component was -- Both the private recreational  
34 and the charter/for-hire component. Then the EFP would allow  
35 the states then to fish on top of that, right?

36  
37 **DR. CRABTREE:** That is what we would do with the private  
38 recreational component, because that's -- Everyone is doing that  
39 through the EFP, and so we would close the EEZ, but then we  
40 would exempt vessels fishing under the various state EFPs from  
41 that closure.

42  
43 We can't do that with the for-hire vessels though, because the  
44 majority of the for-hire vessels aren't going to be under an EFP  
45 at this point. Florida and Alabama aren't requesting that, and  
46 so that means we have to have a federal for-hire season, and we  
47 don't have any authority, under an EFP, to have anything other  
48 than a Gulf-wide federal for-hire season, and I don't believe we

1 have any authority to tell charter boats in one state that you  
2 can't fish it, and so they can all fish it.

3

4 If we give each state the amount of fish that we think their  
5 charter fleet will catch during that federal for-hire season,  
6 it's not clear to me what is gained by including the charter  
7 boats at that point, because there is not likely to be anything  
8 left outside of when they fish in the federal season, and so  
9 it's definitely more straightforward to do this if the charter  
10 boats are just left out, and, personally, that would be my  
11 preference, but that's the -- We would have a federal for-hire  
12 season, and everybody could fish it, and then, if a state got  
13 the amount that we thought their charter boat fleet would catch  
14 during that season, but for some reason their charter boat fleet  
15 didn't catch it, then I suppose the state could allow them some  
16 additional days, in which case the EFP would exempt them from  
17 the closure.

18

19 That might work for LA Creel, because they have a short  
20 turnaround on their numbers, but, with Texas, I think it's going  
21 to be largely projection-based, unless they have some way to get  
22 some notion of what's being landed on a more real-time basis.

23

24 The counter side of that is that, if LA Creel, for example,  
25 showed their charter fleet was catching more fish than  
26 anticipated, I don't see how the state could close them down  
27 until the end of the federal season, and they might end up  
28 catching more fish than we projected, and that would have to  
29 come out of the private component's share, and then they would  
30 have to be shut down earlier than they otherwise might.

31

32 **CHAIRMAN BOSARGE:** A follow-up, Dr. Frazer?

33

34 **DR. FRAZER:** Roy, that helps me quite a bit, but it seems to me  
35 then that it might be worth considering, at this point, and I  
36 appreciate, and I am going to direct this to Patrick for a  
37 second, what LA Creel is able to do, but I don't think all of  
38 the states are in the same position at this point.

39

40 It might be worth some discussion here to think about modifying  
41 this motion to recommend the approval of each state's EFP for  
42 the recreational component only, and the reason I say that is  
43 that then it's, I think, logistically easier to deal with the  
44 for-hire sector as a group, logistically, but it also means, and  
45 I think there might be an opportunity, moving forward, for the  
46 for-hire sector to follow-up with a separate EFP that allows  
47 some time for each of the states to work with that sector to  
48 come up with a similar type of a plan that's going to work for

1 all of them.

2  
3 In my mind, that accomplishes a couple of things, and why I was  
4 hoping to have this conversation about the EFPs before Amendment  
5 41 and 42, because that allows, if it moves forward, for the  
6 charter/for-hire industry to start to -- You could use a data  
7 collection protocol that is developed by the states, and that  
8 would put us a little bit ahead of the ELB game that we've been  
9 playing with, and it seems to be a bit of hurdle, and it would  
10 allow the charter/for-hire industry to begin to develop a catch  
11 history, and so it just -- I think it steps back and it allows  
12 us to move forward in a very progressive way.

13  
14 At the same time, it allows us to step back and take a peek at  
15 some of the key elements of 41 and 42 that I think were very  
16 important to move us forward in a very positive direction, and  
17 so I guess I would open it up for discussion.

18  
19 **CHAIRMAN BOSARGE:** I have Mr. Banks and then Mr. Diaz.

20  
21 **MR. BANKS:** A couple of things to Roy's concerns, and I  
22 certainly respect those concerns. I think yesterday, Roy, and I  
23 appreciate this, but you did your best to walk me through ways  
24 in which you all could help us get it done with the charters,  
25 and that's huge for us, because you were able to show us some  
26 ways.

27  
28 Now, you did show that we have to take the hit to keep charters  
29 in, and I think, even with that reduction that you talked about,  
30 I think we would prefer to still have them in, just so that we  
31 can show how we can do state management with our entire  
32 recreational sector, and so I would ask that you work with us to  
33 stay in.

34  
35 The second thing I want to say is that of the concern over not  
36 being able to keep the federal for-hire from fishing federal  
37 waters if we were to close that season here. The way we would  
38 do it, to -- We probably couldn't keep them from fishing, but  
39 what we could do is, in our state season regulations, we could  
40 prohibit possession of red snapper in state waters, and so they  
41 could go out there and fish all day long, but, if they came back  
42 into state waters with red snapper, they would be in violation  
43 of our state season.

44  
45 Now, some may try to get through there and run the gauntlet, and  
46 I don't know, but that's one way that I think that we could  
47 address that concern that you had, and it's a legitimate  
48 concern. If we closed federal for-hire after thirty days, and

1 you all are still open for twenty more days, technically you're  
2 right. Their permit allows them to go out there in federal  
3 waters and fish for twenty days, but I think we could address it  
4 by a possession regulation.

5  
6 **CHAIRMAN BOSARGE:** Dr. Crabtree.

7  
8 **DR. CRABTREE:** Well, not being a lawyer, I can't give a legal  
9 opinion, but I often do anyway. It's not at all clear to me  
10 that a state has the authority to prevent a federally-permitted  
11 vessel from landing fish legally caught under their permit in  
12 federal waters, and I believe there have been cases where that  
13 sort of thing was challenged, and I don't think the state  
14 prevailed in those. Now, you guys clearly can do what you want,  
15 and you have your own attorneys, but I think there could be some  
16 legal issues with that, if that's how it went.

17  
18 **MR. BANKS:** There may be, Roy, but I am just trying to figure  
19 out a way to address your concern. Certainly, we have put  
20 regulations in place that have been challenged before, but, by  
21 and large, I think that our federal for-hire guys, by and large,  
22 would follow that guideline and that we would have very little  
23 problem.

24  
25 **DR. CRABTREE:** You may well be right about that. They might be  
26 willing to do it.

27  
28 **CHAIRMAN BOSARGE:** All right. I had Dale next.

29  
30 **MR. DIAZ:** Thank you, Madam Chair. I am kind of struggling with  
31 how to vote on this motion right here, but I am very supportive  
32 of the EFP concept, and I view the EFPs, as we're looking at  
33 them, as this is a trial run for the state management programs  
34 that we're developing.

35  
36 I have always thought, for state management, that flexibility  
37 was a good thing, and the states should be able to set the  
38 programs up like they want and try to accommodate the citizens  
39 of their state to the maximum benefit that they could do that,  
40 and I am still supportive of that, but, having said that, I do  
41 not want the EFPs to negatively affect any group, and so I don't  
42 want to pass something that penalizes a group that is not  
43 participating in the EFP, and that's what I am struggling with.

44  
45 I am trying to get all of this straight, but, anyway, that is  
46 what is going through my mind. I am very supportive, and I want  
47 them to happen, and I've got a lot of faith that it's going to  
48 work good, but I am extremely concerned about -- I do not want

1 to vote to negatively impact anybody because of these EFPs.  
2 Thank you.

3  
4 **CHAIRMAN BOSARGE:** I've got a whole list of people, but I am  
5 going to cut in line for a second. I think I agree with you.  
6 Patrick, I think you're bringing up some things that could maybe  
7 work, but I agree with Dale. We haven't seen the numbers yet on  
8 what you might reduce it to for your for-hire guys, so that it  
9 would fit, and there's a lot of unanswered questions about could  
10 you actually stop them from fishing or are we going to approve  
11 something that's going to essentially allow an overrun of a  
12 quota, because we really don't have it all nailed down how it's  
13 going to be fleshed out and work.

14  
15 I do want to help you help your guys, and I might could be in  
16 support of allowing that for the second year of the EFP, like  
17 Dr. Crabtree talked about yesterday, and that would mean, in the  
18 first year, you would only do your private recreational guys,  
19 but, in the second year, once we have some time to really flesh  
20 out the details and how we're going to make sure that we don't  
21 overrun that portion of the quota, because we had a big overrun  
22 last year, and I'm tired of these overruns, year after year.

23  
24 It is going to impact all the user groups, and so that might be  
25 an option too, that we could amend this to allow the option to  
26 include the for-hire in the second year of the EFP, after you  
27 all have time to get back with NMFS and bring it back to this  
28 council and let us actually see how this is going to play out,  
29 to make sure that we're being accountable for everything. I  
30 have Robin next on the list.

31  
32 **MR. RIECHERS:** Well, I am going to hit a couple of points, the  
33 first of which is, personally, I would support the motion the  
34 way it is now, realizing that we -- All of us understand, and  
35 certainly the state directors and National Marine Fisheries  
36 Service understand, that this is still somewhat of a work in  
37 progress, because, as indicated yesterday, and I don't mean this  
38 to be negative in any way, because we've all been working  
39 through this in a cooperative fashion, but we got some numbers  
40 yesterday that changed the makeup of what we thought the season  
41 lengths could possibly be and the way we had constructed our  
42 particular EFPs, and we're going to have to work through that.

43  
44 I've got to go back and talk to my leadership and my commission  
45 and work through that, one way or the other, and that's  
46 certainly understandable that a state would have to do that, if  
47 they have just now received numbers that was different than what  
48 they thought they were getting, and so that's number one.

1  
2 The other part is I want to go back, and we've got laws on the  
3 books right now, and we join Patrick's state there at Sabine  
4 Lake, and we have landings laws that suggest that you have to  
5 abide by state landing laws when you come over to our side, and  
6 we send a bunch of people to the Sabine side, so they can launch  
7 there, and then they come back over to our state and live and  
8 play as well at various times of the year, but they go to that  
9 side so they can land more fish sometimes.

10  
11 We have done that with mackerel as well, and so I don't know --  
12 I think there are ways to control it, Patrick, and I believe  
13 you're correct. I am not certain whether they would completely  
14 hold up if someone challenges them, Roy, and I think they do,  
15 because we've had them for a long time, whatever is more  
16 restrictive, and so I think that's a hurdle that we can  
17 overcome.

18  
19 I think the whole notion here is, really, are we as a council  
20 conceptually supporting this EFP concept, because all of it is  
21 not nailed down. There is still a question as to whether you  
22 could have every state have their charter boats in, and we know  
23 states don't want that, but, as Dale said, it's also a precursor  
24 to what may be coming up, and so, is there a point where we  
25 start having that dialogue in a way that actually starts letting  
26 you preview what you may be able to do?

27  
28 I don't know, because I don't know where I'm going to end up  
29 next week, but what I do know is I think I would want you to  
30 leave us with the most flexibility that you could leave us with  
31 at this point in time.

32  
33 **CHAIRMAN BOSARGE:** Next, I have Mr. Swindell.

34  
35 **MR. SWINDELL:** Dale, when you're talking about a group, are you  
36 talking about a group of charter boat fishermen? What are you  
37 referring to of a group that you're concerned about?

38  
39 **MR. DIAZ:** Yes, sir. I am talking about -- I wouldn't want --  
40 The states that choose not to include charter boats, I wouldn't  
41 want the charter fishermen in their state to be penalized with a  
42 shorter season, by virtue of approving EFPs for the states that  
43 do want them in. I am trying to look at writing a substitute  
44 motion a different way, to maybe satisfy that.

45  
46 **CHAIRMAN BOSARGE:** Mr. Banks.

47  
48 **MR. BANKS:** Just to clarify, our plan is fully accountable for

1 something like that, Dale. I mean, if the charter goes way over  
2 our allotted pounds that we have asked for, or if our private  
3 recs go way over, I mean, we pull that off of the next year. In  
4 my opinion, it shouldn't have any impact on the other states at  
5 all.

6  
7 Now, I would hope that Roy's calculations would show the same  
8 thing, but that's what we're willing to do in year-two, is to be  
9 fully accountable and pull that off. Now, I don't see a lot of  
10 chance of that happening, in terms of going over, but we are  
11 accountable.

12  
13 **CHAIRMAN BOSARGE:** I think what Dale is speaking to there though  
14 is --- There is two states that want to include the charter  
15 boats, Louisiana and Texas. That projected season, for the  
16 whole fleet next year, they look at their catch rates and what  
17 they caught last year, and that's how they are going to project  
18 the season for next year.

19  
20 The only way to be fair about what we carve out of next year's  
21 catch and next year's season, for this EFP for Texas and  
22 Louisiana, is to look at what their projected landings for next  
23 year's seasons would be, and that's the amount they get. Do you  
24 see what I'm saying?

25  
26 Because you've got to have apples and apples. You can't go back  
27 to the 1980s and make these guys have a season, these guys in  
28 the audience, that are not going to be in the EFP. For those of  
29 you on the webinar, I am pointing, but, anyway, make them live  
30 with a season that is based on last year's catch rates and then  
31 let somebody else have a season that is based on some average  
32 from the 1980s and 1990s, because what that does is shortchange  
33 the guys that aren't in the EFP.

34  
35 It sounded like you sort of addressed that earlier, and you  
36 think that, even with that lower amount, whatever that is, that  
37 your guys would still be okay. Texas, are your guys going to be  
38 okay with that lower amount?

39  
40 **MR. RIECHERS:** I have just shared with you that I have to go  
41 talk with my folks, my executive leadership team, about how we  
42 would want our EFP to look. We already heard, from some of our  
43 fishermen, that they don't want to be in, and we know that, but  
44 as far as what Texas is going to submit as an EFP, I do not know  
45 the answer to that right now.

46  
47 **CHAIRMAN BOSARGE:** Yes, and this kind of just writes a blank  
48 check, and maybe that's okay for the five state directors that

1 are going to be part of that process, but I have no control over  
2 or discussion in that process, and I'm not able to give my two-  
3 cents, and so I'm not real comfortable writing a blank check  
4 like this right here.  
5

6 **MR. RIECHERS:** As a follow-up, I'm going to follow-up on  
7 Patrick's point. What we saw yesterday was a reduction in  
8 poundage, and that's what Roy has suggested, and, since all the  
9 states weren't going to go back and use these same time series  
10 and the same allocation method, and, thus, the same decision-  
11 making framework of how we go forward on pounds, the two states  
12 that want to have them in are actually losing pounds here.  
13

14 As Patrick said, there is a question as to whether or not we  
15 should be the only states doing that, because there is an equity  
16 question over that time series, because that has shifted, and  
17 so, in reality, the persons, or states, or EFPs, that lose are  
18 the two that are wanting, possibly, to keep them in at this  
19 point in time.  
20

21 Now, is there a way that a discussion can be had amongst the  
22 state directors and National Marine Fisheries Service that would  
23 maybe make that less impactful between now and next week? I  
24 don't know the answer to that question, and so, while you say  
25 it's writing a blank check, it's somewhat writing a blank  
26 deficit check at this point in time, meaning we're the ones  
27 taking the hit, as we have this conversation and the way we're  
28 having it.  
29

30 I am not necessarily -- If you don't want to vote for it, that's  
31 fine. We will continue to work through this over the course of  
32 the next week or so, and my goal is to have answers pretty  
33 quickly, because, obviously, if we're going to publish this on  
34 February 15 or thereabouts, all of this has to happen pretty  
35 quickly.  
36

37 I think one of the questions that can happen here is what  
38 happens if one state doesn't go in, because that's the other  
39 question that gets flipped on its head here, if you end up with  
40 four EFPs and one that doesn't go in, and that is still possible  
41 until the moment -- That is possible after the public comments,  
42 and that is possible somewhere down the road, and so I think  
43 that's just a risk with an EFP and the process that EFPs work  
44 through. You're either going to have to be comfortable with it  
45 or not.  
46

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

1 **DR. STUNZ:** I want to speak in favor of this motion, and again -  
2 - Not the blank check thing, because I don't quite see it that  
3 way. I mean, it is a two-year EFP, and, being a scientist, of  
4 course, I see this as a real experimental trial. This gives the  
5 states the ability to show how adaptive they can be or what type  
6 of creative management styles or schemes that they can come up  
7 with to handle what their allocation is.

8  
9 I also want to bring up, and I don't know exactly how much this  
10 is, but we talked about -- I seem to recall, from our  
11 discussions the other day, that there is still 4 percent left on  
12 the table, and that gives us a little bit of breathing room, if  
13 there are some things that move here or there, but I think that  
14 the states seem to want this. I feel, of course, that everyone  
15 is going to work in good faith to make this happen, and so I  
16 speak in favor of this motion.

17  
18 **CHAIRMAN BOSARGE:** Next, I have Martha.

19  
20 **MS. GUYAS:** Just a procedural question. I know, Sue, you went  
21 through the timeline yesterday, and so these would have to be  
22 published -- Robin thought like February 15, and I am trying to  
23 back it all up here. You said there was a comment period that  
24 is fifteen to forty-five days, and you were hoping to have the  
25 final product released in mid-April, and so I guess my question  
26 is when does this all really have to be resolved? I assume  
27 before it goes out to the Federal Register for comments.

28  
29 **MS. GERHART:** Right. What we put in the Federal Register needs  
30 to be as close as possible to the plan we expect. Obviously,  
31 we're taking public comment, and so there is ability to do some  
32 little tweaks, but it shouldn't be substantially different from  
33 what we approved. Our intention is to do a thirty-day comment  
34 period, and so we sort of did that timeline of mid-April to get  
35 this done in time for the states to set themselves up for June  
36 1.

37  
38 **DR. CRABTREE:** If I could, it's not going to have calamitous  
39 consequences if it shifts a little bit, but, clearly, with the  
40 fishery open on June 1, we need to get -- Then the conditions of  
41 the stay, of the litigation, are that we agreed to come back to  
42 the court with our season by I think the end of April anyway,  
43 and I can't remember the exact date. If this is what we're  
44 going to do, that's going to be a part of what we have to  
45 explain.

46  
47 **CHAIRMAN BOSARGE:** A follow-up, Martha?

1 **MS. GUYAS:** I am not suggesting that the April deadline needs to  
2 move, because I think you're right. We need to know what's  
3 happening mid-April, because it doesn't stop there, right? Each  
4 of the states will have to go back, and they're going to have to  
5 do what they need to do. We need to let people know that this  
6 is happening.

7  
8 We have this issue every year with red snapper, where everybody  
9 wants to know what's the season, what's the season, what's  
10 happening, what's happening, and one of the biggest criticisms  
11 that this council has gotten, or the Fisheries Service, just the  
12 collective fishery management, is that we don't let people know  
13 in time. A month is not enough, and so I'm just trying to  
14 understand, I guess, how much time we have to solve what I -- I  
15 mean, it seems to be a big problem with these EFPs. I mean, we  
16 need to know what is happening here.

17  
18 **CHAIRMAN BOSARGE:** Mr. Sanchez.

19  
20 **MR. SANCHEZ:** Thank you. Exempted, experiment, whatever, but  
21 what I'm hearing is there are some fundamental issues here that  
22 need to be addressed, and, given the timeliness, the more I  
23 hear, the more I listen, I like Leann's suggestion of leaving  
24 the for-hire federal fleet out of this for year-one. Then, we  
25 can revisit this and push it along as we go forward and let this  
26 experiment start to take shape.

27  
28 **CHAIRMAN BOSARGE:** I have Camp next.

29  
30 **MR. MATENS:** Thank you. It's not a surprise to anyone here that  
31 this is kind of a big deal for Louisiana. I am not speaking to  
32 any other states, but I think there are ways that we can solve  
33 this problem. Patrick's commission can make the EFP season, if  
34 that's the right term, coincident with the federal season, and  
35 we can work this through our charter boat guys, so that they  
36 would catch whatever we have on this thing, 317,000 pounds.

37  
38 If those don't work, I think that the private sector, that I  
39 speak for, would be willing to, if that happens, and the charter  
40 guys would go over the 317,000 pounds, should that be approved,  
41 would be willing to take the hit on the backend, that we would  
42 reduce our days, and we could agree to make them up with our  
43 charter fleet. We could agree to adjust that in 2019, and so I  
44 like this motion as it exists.

45  
46 **CHAIRMAN BOSARGE:** Next, I have Johnny. Mara, is it to that  
47 point? No? Okay. Johnny, go ahead.

48

1 **MR. GREENE:** Yesterday, in conversation, and I think again this  
2 morning, it was brought up about, in the context of Louisiana  
3 and Texas and their charter boats, having some sort of a binding  
4 agreement with the state. Has that ever been done before? Is  
5 there a precedent for that? Is that legal? I mean, I am trying  
6 to kind of grasp this.

7  
8 **DR. CRABTREE:** I will let Mara deal with the is it legal, but,  
9 in terms of has it ever been done before, I am not sure if it  
10 has or hasn't in this exact context, but, when we did the  
11 Headboat Collaborative, everybody who got into the Headboat  
12 Collaborative signed a binding agreement that was that they were  
13 going to fish under the collaborative, and, if they dropped out,  
14 they couldn't then turn right around and start fishing in the  
15 other season.

16  
17 I do think that's a bureaucratic, difficult thing, and, from a  
18 practical standpoint, I don't know how workable that is. Based  
19 on the testimony that I heard yesterday, I don't think Texas is  
20 going to get their charter boat fleet to all agree voluntarily  
21 to be part of this, and I don't know about Patrick, but I think  
22 you could do it, but I don't think it's -- From a practical  
23 perspective, I don't think that's really the solution here.

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

26  
27 **MR. ANSON:** I am going to cover a couple of points that have  
28 already been discussed, but I just want to make sure that I was  
29 on the record for it, but Martha mentioned earlier that she  
30 wanted to make sure that the decision that was made, relative to  
31 the federally-permitted vessels, didn't impact their vessels, or  
32 the vessels that wouldn't be participating, particularly for her  
33 state, and that occurs for my state too, and so I don't know how  
34 -- Obviously, we have discussed it, and there has been council  
35 members that have mentioned it.

36  
37 I don't know how we can address it, whether or not the motion  
38 needs to be amended or not, to reflect that, or just as long as  
39 the Service knows that those are some concerns, and then they  
40 can deal with that in their decision-making process.

41  
42 To the other point, I am also very supportive of the states and  
43 the idea of having some flexibility in plans, and so it's a  
44 little bit of a quandary, because there may be some potential  
45 for those states, or even Alabama maybe, to get to a point where  
46 we can include those, but I just go back to the comments that  
47 were made during our conversations and meeting with the  
48 federally-permitted charter boat guys that -- They didn't have

1 guarantees.

2  
3 There wasn't, they felt, a comfort level there, if they were to  
4 be included in the state season, and so there may be some  
5 opportunities here to kind of, as you suggested, Leann, is to  
6 have a pause and allow the private recs to go through in the  
7 first year and then allow that agreement, the plan, a more  
8 further-defined plan and such, that could be worked out in year-  
9 one. Then that could be carried over in year-two, in the spirit  
10 of, again, trying to show flexibility in providing some more  
11 opportunities for a state to manage the entire fishery.

12  
13 I don't know, and I was very happy, prior to coming to this  
14 meeting, that the states did come up with plans, and they came  
15 to an agreement regarding allocation and distributing that, and  
16 so I don't want to lose that momentum and that good feeling, if  
17 we can avoid it, but those are just my concerns.

18  
19 **CHAIRMAN BOSARGE:** Next, I had Mara, if you still want to speak.

20  
21 **MS. LEVY:** Thank you. Well, just to the point about the idea of  
22 the states that have not asked for their federally-permitted  
23 charter vessels to participate and the idea that there is some  
24 sort of time series that could be agreed upon to distribute it  
25 back and forth, really what you're talking about there is an  
26 allocation decision.

27  
28 The problem with doing that in the EFP context is that the  
29 states that haven't asked for the charter vessels to be included  
30 haven't asked for an allocation, and so they're just not  
31 including them, and the agency has to set a federal season for  
32 those vessels that is consistent with the regulations and  
33 consistent with what their permit allows them to do.

34  
35 Definitely, in your regional management plans, there can be an  
36 allocation discussion about what years are appropriate and what  
37 averages are appropriate and whatever allocation the council  
38 comes up with that the council has decided is fair and equitable  
39 and meets all those other considerations, but doing it in the  
40 EFP context, when the states haven't even asked for an  
41 allocation, do you see what I'm saying? It makes it difficult  
42 to say that you can come up with an allocation decision, because  
43 that's not even part of the equation when it comes to say  
44 Florida and Alabama's plans.

45  
46 **CHAIRMAN BOSARGE:** Next, I have Dale.

47  
48 **MR. DIAZ:** Well, I am going to throw this out there anyway,

1 although what Mara just said might make us have to wordsmith  
2 this a lot. I am just trying to figure out a path forward here,  
3 because I agree with Kevin. I am optimistic about these plans,  
4 and I want to find a way to make them work.

5  
6 **I am going to recommend a substitute motion, and it would say:**  
7 **To recommend approval of each state's EFP, with the condition**  
8 **that EFP allocations are set to assure that no user group is**  
9 **penalized by the EFP implementation.** If I get a second, and if  
10 it needs to be wordsmithed, based on what Mara just said, I  
11 surely would be -- I would welcome any assistance.

12  
13 **CHAIRMAN BOSARGE:** We have a substitute motion to recommend  
14 approval of each state's EFP, with the condition that EFP  
15 allocations are set to assure that no user group is penalized by  
16 the EFP implementation. Is there a second for the motion? It's  
17 seconded by Dr. Frazer. Dr. Crabtree.

18  
19 **DR. CRABTREE:** I think, Dale, saying "no user group is  
20 penalized", boy, that is pretty broad in how you define it, and  
21 I don't know any management thing that someone doesn't perceive  
22 that they were disadvantaged.

23  
24 The truth is, inherent in regional management, it's going to be  
25 -- States are going to have different seasons, and so, if you're  
26 in a state that has a shorter season than the other state, you  
27 could argue that you are disadvantaged, and I think, if your  
28 intent is with respect to the for-hire season, I would word it  
29 more specifically to say such that, if charter vessels are  
30 included in any state's EFP, it's done in a way that it does not  
31 affect the overall Gulf-wide charter boat season. That, I  
32 think, we could deal with, but I just think, inherent in  
33 regional management, is somebody is going to be -- They are  
34 going to have a different season than another, and so it's a  
35 little too broad, in my judgment.

36  
37 **MR. DIAZ:** Roy, if you would be willing to help me wordsmith it.  
38 I mean, what you're describing is what I'm trying to accomplish,  
39 and my wording just might not be correct.

40  
41 **DR. CRABTREE:** Well, I would just say, "such that, for states  
42 which may include the for-hire fishery in their EFP, NMFS needs  
43 to ensure that that inclusion doesn't reduce the Gulf-wide for-  
44 hire season" and let's see if staff can get that in a way that  
45 makes sense, and, Mara, help me out. You know what I am trying  
46 to say.

47  
48 **CHAIRMAN BOSARGE:** While Mara is thinking about that, I have Dr.

1 Shipp on the list, and I am going to let him go ahead.

2  
3 **DR. SHIPP:** I like the substitute motion, but I like the  
4 original motion even better. I think we're drifting away from  
5 the spirit of giving the states the flexibility to do what they  
6 want to do, and I agree with Roy.

7  
8 Somebody is going to feel better about it and somebody else is  
9 not, and I think we need to remember our original intention  
10 here, and that is to give the states the responsibility and the  
11 flexibility to come up with something, and they have done an  
12 amazing job. I think all five states have done an amazing job,  
13 and so, no deference to you, Dale, but I'm going to vote against  
14 your substitute, and hopefully we go back to the original.

15  
16 **CHAIRMAN BOSARGE:** Okay. They are still working on wordsmithing  
17 over there, and so, Dr. Frazer, and then I have Martha, I  
18 believe.

19  
20 **DR. FRAZER:** Thank you, Madam Chair. I appreciate what you  
21 said, Bob, and I guess I would look to Patrick again and say is  
22 the substitute motion something that you feel that Louisiana  
23 could live with? That's the first step, right?

24  
25 **MR. BANKS:** Well, just the way I'm reading it right now, it's  
26 what I already said in some of my testimony here, is that we're  
27 going to ensure that it doesn't impact the other states. Camp  
28 feels like his subsector would be willing to shorten their  
29 season to account for any overage from the charter/for-hire, and  
30 we feel like that, even if it goes over in this year, we can  
31 pull it off of next year, such that it doesn't impact everybody  
32 else, and then, of course, our charter/for-hire or private rec,  
33 whomever, would get a much less season in the following year,  
34 because of our accountability measures, and so I think what this  
35 is describing, or at least the spirit of it, we're already  
36 planning to do, and we've already described such. I personally  
37 don't think it's necessary, but I don't really have a problem  
38 with the concept at all.

39  
40 **CHAIRMAN BOSARGE:** Martha.

41  
42 **MS. GUYAS:** I've got a couple of things. Patrick, to what you  
43 just said, I think, when Roy was speaking yesterday about this,  
44 and it's been brought up again this morning, it's not just that  
45 issue, but it's also the issue that -- If I understand it  
46 correctly, the allocation you have requested in your EFP would  
47 give charter/for-hire in your state a larger proportion than  
48 what they've been catching, right, and so then that is going to

1 impact the Gulf-wide season elsewhere, and so I think part of  
2 what Tom also was asking is are you willing to cut that down to  
3 be more commensurate with what they have been catching in recent  
4 history, so that other Gulf state charter boats are not  
5 affected? That is part of my question.

6  
7 **MR. BANKS:** I understand that, and, the numbers that Roy put up  
8 yesterday showed that. I don't want to commit to something like  
9 that long-term, but, to make this work and to be able to prove  
10 this state management process, I am willing to take the level at  
11 what Roy described yesterday.

12  
13 Again, that is just -- To do that for a long, long term, like a  
14 state management plan, it just doesn't seem -- I don't think  
15 that's the way to calculate allocation, but we're willing to  
16 work with you guys to try to make this work, but I will say  
17 again though that it doesn't seem fair to make Texas and  
18 Louisiana be the only ones who have to give a little bit to make  
19 this work, but we can certainly do that.

20  
21 I will say this also, that this whole -- We are all worrying  
22 about overages, and I appreciate that, but what you're asking me  
23 to do is make our charter/for-hire guys pay, in the end, for a  
24 212 percent fishing season last year by the private recs. That  
25 is unfair, in my opinion.

26  
27 **CHAIRMAN BOSARGE:** Martha, you had another piece of that  
28 question, I think?

29  
30 **MS. GUYAS:** Yes, and this was not to that point, but more back  
31 to the discussion about the headboat EFP and how -- I believe  
32 how those were set up is all those vessels were listed in the  
33 EFP, and I am kind of wondering, if a state kept their  
34 charter/for-hire in there, if that would be the same -- It would  
35 have to be set up the same way, and so then maybe, in that case,  
36 if a state kept their charter/for-hire fleet in there, I think  
37 you would have to explicitly list that these are the vessels and  
38 these are the captains, and then I'm wondering, if you do it  
39 that way, if there is a way to get an agreement from those  
40 vessels, kind of like with the headboat EFP, that, okay, you're  
41 in this EFP and this is your season, and you don't get to fish  
42 this other season, because that seemed to be how it worked with  
43 the headboat one, but maybe I am missing something or  
44 oversimplifying.

45  
46 **CHAIRMAN BOSARGE:** Mr. Riechers.

47  
48 **MR. RIECHERS:** I wanted to chime in, because, when Roy said that

1 a moment ago, his statement, at the end of his comment, was that  
2 you would have to get them to agree to be in the system, and  
3 that was a little different than what he had explained to us on  
4 a call. The truth of the matter is that you have to get them to  
5 say that they won't fish in the federal season, as I understand  
6 that, and, if you have evolved in your thinking on that, let me  
7 know.

8  
9 **DR. CRABTREE:** No, and I think that's really only an issue if  
10 you were to want to have the federal for-hire season at some  
11 other time. Let's say, for example, a state wanted the charter  
12 boats included, but they wanted to have the charter boat season  
13 be in the wintertime.

14  
15 Well, that's a problem, because they can fish during the federal  
16 season in the summer, but, if they all agreed and committed not  
17 to, and if the state felt like they could hold them to it, then  
18 that might work. Now, if the state is going to run their season  
19 concurrent with the federal season, then that is not so much of  
20 an issue.

21  
22 **CHAIRMAN BOSARGE:** Yes, sir. Go ahead.

23  
24 **MR. RIECHERS:** I think that basically leaves us at a point, and  
25 whether it's this motion or the previous motion, is there is  
26 still, again, things that have to be worked out here. What this  
27 motion tells me is that you're basically ensuring that the  
28 numbers that Roy showed before, gave us yesterday, and I want  
29 everyone to be clear, and, Roy, again, there is no mark against  
30 when I got those, but I had not seen those until yesterday, and  
31 you know that, and you will confirm that.

32  
33 It makes a difference in how we look at that combination of  
34 those people being in, as opposed to them not being in, and  
35 Patrick's numbers were a little bit less than ours, and so part  
36 of my question is does my recreational fishery want to support  
37 that kind of subsidization?

38  
39 In a bigger concept, Patrick and I are having the equity  
40 discussion about how much subsidization do we do for the entire  
41 group, because we're not all using the same metric of how we got  
42 here, and some people are using their last ten years, and that  
43 works better for their percentage, and some people used a  
44 biomass calculation, and that was what they chose to try to do.  
45 Others of us took Amendment 39, where we were at before, and  
46 tried to make some reasonable approach to -- I am not saying you  
47 all are unreasonable, but we just took that as a reasonable  
48 approach to creating a percentage that we thought we were going

1 to get and manage.

2  
3 This is evolving, and it has evolved this week, and we're trying  
4 to work through it. I am highly likely to abstain on any of  
5 these motions, just simply because I need to go back and, as I  
6 said, work through the numbers and work through what it means to  
7 both the seasons that I will be looking at and work through the  
8 decisions of how that plays into the state management decisions  
9 moving forward, as well as any other decisions that the council  
10 may be doing in this regard, because, as you suggest, Tom, and  
11 even John, this in fact impacts further decisions down the road,  
12 or could impact it. It shouldn't, and it's temporary, et  
13 cetera, but we all know that it will be used as a point to make  
14 moving further down the road.

15  
16 **CHAIRMAN BOSARGE:** John.

17  
18 **MR. SANCHEZ:** Thank you, Madam Chair. **Given the discussion, I**  
19 **would like to make a second substitute motion to recommend**  
20 **approval of each state's EFP, but leave the federal for-hire**  
21 **vessels out of it.** If there needs to be some legal  
22 wordsmithing, I would encourage that.

23  
24 **CHAIRMAN BOSARGE:** We have a second substitute motion on the  
25 board to recommend approval of each state's EFP, but leaving the  
26 federal for-hire vessels out. We can wordsmith it and have it  
27 all be in the positive affirmative, and have it be private rec  
28 only, but we'll get there, if legal and NOAA need it. All  
29 right. I had a couple of hands. Do we have a second for the  
30 second substitute motion? It's seconded. All right. Is there  
31 discussion on the motion? I have Mr. Banks and then Mr.  
32 Swindell.

33  
34 **MR. BANKS:** I have got to speak against the motion. I think I  
35 recognize where John is going. He hears the concern, and I know  
36 I hear a lot of concern around the table about we don't know  
37 that it can work with it not being consistent, and I would just  
38 ask that you guys, rather than assuming that at the outset and  
39 then saying, well, we can put your charters in it the next year,  
40 let us try it this year, and then we can take the charters out  
41 next year, if it doesn't work. Let's don't assume that it can't  
42 work. As I said quite a few meetings ago, let's don't assume  
43 there is a monster in the closet until we open the door, please.  
44 Thank you.

45  
46 **CHAIRMAN BOSARGE:** Next, I have Mr. Swindell and then Mr. Boyd.

47  
48 **MR. SWINDELL:** Is there any way to leave out, to suspend

1 perhaps, the license, the federal license, for the charter/for-  
2 hire in the federal waters, since it's going to be under total  
3 state management for that period of time of the EFP? Why not  
4 have it all state managed and without the federal interference  
5 there?  
6

7 **CHAIRMAN BOSARGE:** Dr. Crabtree, to that point.  
8

9 **DR. CRABTREE:** Well, one, I don't know that you could suspend it  
10 through an EFP, and, if you did suspend it, then anyone would be  
11 able to start running charter trips in the EEZ, and I don't  
12 think you want to do that, but I don't think we can do that  
13 under an EFP.  
14

15 **CHAIRMAN BOSARGE:** Next, I have Mr. Boyd.  
16

17 **MR. BOYD:** My comment would be to both of these substitute  
18 motions. Both of these move us further and further away from  
19 allowing the states to come up with a plan to manage themselves  
20 in the way that they want to manage their state and their  
21 fishery for recreational fishing, and so I can't vote for either  
22 of the two, because I want to see each of the states have the  
23 opportunity to manage their own recreational fishing.  
24

25 **CHAIRMAN BOSARGE:** Next, I have Paul Mickle.  
26

27 **DR. MICKLE:** I think my point is -- It should have been made a  
28 little while ago, but I didn't want to interrupt the  
29 conversation, but we as a group were focused -- We all have a  
30 lot to account for, and there is a lot of people that we have to  
31 represent and make sure that we include in our decisions, but it  
32 feels like we're making a lot of conversation toward a single  
33 uncertainty with this EFP.  
34

35 I am still making my list, and so please jump in of the others,  
36 and the certifications that are supposed to happen, which Roy  
37 seems very confident, and I seem confident and Kevin seems  
38 confident, but, if the certifications don't go through, we are  
39 going to blast it out of the water, and let's just lay it out  
40 there, right?  
41

42 Year-one and year-two, we are not in agreement upon that  
43 completely, and we're coming up with more ideas to deal with  
44 year-one and year-two, and let's assume the risk we take on  
45 year-one, of Patrick's suggestion just a minute ago, and, the  
46 final numbers coming out on 2017 harvest, we don't have those.  
47 We don't have our numbers in yet.  
48

1 We haven't talked about any of this with our commissions, and  
2 there is a lot more moving parts than we're focusing in on here,  
3 but my question, which I will bring up again, which I did thirty  
4 minutes ago, is, if we approve the EFPs with the substitute  
5 motion, and not the second substitute motion, there are still  
6 moving parts that can be accounted for once it goes out for  
7 public comment, and am I wrong in thinking that? It does not  
8 get finalized when we pass this motion. It has to go back  
9 through NMFS and public comment.

10  
11 Moving along and keeping it moving, and everyone still getting  
12 what they want, occurs with the substitute motion. Wait. I  
13 have got too many motions. Let me read the second one. I would  
14 say the original motion. Excuse me. The original motion.

15  
16 **CHAIRMAN BOSARGE:** Next, I had Johnny. Well, wait a minute.  
17 Patrick, do you have a question from thirty minutes ago that you  
18 need answered? Paul. Did I call him Patrick? Paul.

19  
20 **DR. MICKLE:** I ended strong there, but the substitute motion.

21  
22 **CHAIRMAN BOSARGE:** Okay. Dr. Crabtree, to that point.

23  
24 **DR. CRABTREE:** Well, I just want to say that I -- I don't agree  
25 that, if the certifications don't happen, that we're going to  
26 blast the quota out of the water. I see no reason that, if all  
27 parties take on responsibility for staying within the quota,  
28 that we can't stay within the quota. We have stayed in the  
29 quota for any number of years with MRIP, but, if those  
30 certifications don't come true, then we're going to have to take  
31 a more conservative approach to setting the season and thinking  
32 about buffers and things, and that part is true.

33  
34 **CHAIRMAN BOSARGE:** All right. Finally, I have Mr. Johnny  
35 Greene, patiently waiting.

36  
37 **MR. GREENE:** No problem. I've been trying to kind of sit here  
38 and be as fair and as neutral as I can about this, and I  
39 supported, initially, letting the Louisiana charter boats be  
40 part of the Louisiana state plan, when that came out, and I am  
41 in favor of the exempted fishing permits, and I think that we  
42 need to do something.

43  
44 I haven't heard anybody come up to the microphone and really  
45 speak against an EFP, from the recreational standpoint. Now,  
46 when you mix in the charter boats, I have heard some in favor  
47 and some against it. It seems like that, when you leave the  
48 charter boats in, we're coming up with a number that's going to

1 be greater than 100 percent, and so, to reduce that, somebody is  
2 going to have to lose somewhere.

3  
4 If we simply just make it for the private recreational guys, let  
5 those states do whatever they think they need to do for that  
6 particular industry, I think that's a very clean and simple way  
7 to go. I am intrigued by some of the other conversation that we  
8 have had this morning, but I think, at this point, I am going to  
9 speak in favor of the second substitute motion.

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

12  
13 **DR. STUNZ:** I am still in favor of the original motion, and the  
14 reason is that we're kind of falling right back into this  
15 Amendment 39 trap, where we started off with. It lets the  
16 states do their thing, and then we keep adding on more caveats  
17 and more things, to where it begins to erode that away. Again,  
18 my point is it is a two-year EFP. Let's see what the states can  
19 do, and I still support that original motion.

20  
21 **CHAIRMAN BOSARGE:** I am in favor of the second substitute. I  
22 like the substitute motion that was up there, but it didn't  
23 address one major concern that I have. I don't have a huge  
24 qualm with Louisiana taking and managing their charter/for-hire.  
25 They want to be managed by you all, and I think you have a data  
26 collection in place that could manage them.

27  
28 I have a qualm with writing a blank check, in the sense that we  
29 have not come to a decision on what your piece of the pie would  
30 be for this season, this year, a couple of months, and make sure  
31 that it's not going to harm the people that don't end up going  
32 into this EFP in the for-hire sector. That, I had a qualm with.

33  
34 The other qualm I have, and I'm sorry, Robin, but I don't think  
35 the Texas charter boats want to be in that EFP, the federal part  
36 of it, and, if I had voted for that substitute motion, I am  
37 recommending approval of a plan that includes them against their  
38 will, and they don't, overwhelmingly, seem to want to be in  
39 there. Because I am not a state rep, I have to think about  
40 everybody, and so I could not support that.

41  
42 I think the second substitute motion, although it does not  
43 include your for-hire, I don't think that prevents you though  
44 from starting to work on something that you could bring to this  
45 council to try and get us to get comfortable with a set-aside  
46 for your for-hire for year-two, but we would have to bless that.

47  
48 If Robin goes back and his for-hire guys have a change of heart,

1 and they decide, okay, with those, it might not be so bad, he  
2 could bring forth the same thing, and we could take a look at  
3 it. If Kevin goes back and his guys -- Everybody could bring  
4 that in, and we could actually have that discussion, open and  
5 around this table, and not in an office sometime between now and  
6 next month with NMFS, and it's not very transparent as to how it  
7 all goes down, and I just don't think that's the way to do that  
8 and to manage that.

9  
10 Yes, this wouldn't give you for-hire immediately, but I would  
11 definitely encourage you to bring something back, and let's see  
12 if -- You're going to have a report that comes up for the end of  
13 the first year anyway, and so let's see if we can't work  
14 together and do that, and it also gives the states a chance to  
15 get started with state management, because I think that's  
16 extremely important.

17  
18 We have got to pass -- At a minimum, we have to pass the private  
19 angler portion of these EFPs, and that is important. They want  
20 it, across-the-board, right. It's not unanimous, though, on the  
21 for-hire side, and it complicates things tremendously. It adds  
22 uncertainty, and it adds a possibility of overrunning the quota  
23 for them, which they have worked so hard to stay under and prove  
24 that they can be accountable.

25  
26 There is just too many ifs in it for me, but I am comfortable  
27 with the second substitute. We will get started on state  
28 management of private anglers, under an EFP, and see if we can  
29 finally make that thing work. That's my two-cents, and I have  
30 Dr. Shipp.

31  
32 **DR. SHIPP: I call the question.**

33  
34 **CHAIRMAN BOSARGE:** Okay. We have a motion to call the question.

35  
36 **MR. SWINDELL:** I second it.

37  
38 **CHAIRMAN BOSARGE:** It's seconded by Mr. Swindell. The motion is  
39 to call the question, and it's been seconded. All right. Are  
40 you ready? All those in favor of the motion to call the  
41 question. We have had a request for a roll call vote. We are  
42 calling the question, and there is no roll call vote. **All those**  
43 **in favor, raise your hand, in favor of calling the question.**  
44 The motion is to call the question.

45  
46 **EXECUTIVE DIRECTOR GREGORY:** Raise them high and keep them up,  
47 please, until I finish counting. Fourteen.

48

1 **CHAIRMAN BOSARGE:** All those opposed, same sign.  
2  
3 **EXECUTIVE DIRECTOR GREGORY:** Two. The motion to call the  
4 question passes fourteen to two.  
5  
6 **CHAIRMAN BOSARGE:** All right. That means that we have to go  
7 back and vote with no discussion on the second substitute  
8 motion. The second substitute motion is to recommend approval  
9 of each state's EFP, but leaving the federal for-hire vessels  
10 out of the program. Camp Matens has called for a roll call  
11 vote.  
12  
13 **EXECUTIVE DIRECTOR GREGORY:** Dr. Frazer.  
14  
15 **DR. FRAZER:** No.  
16  
17 **EXECUTIVE DIRECTOR GREGORY:** Mr. Greene.  
18  
19 **CHAIRMAN BOSARGE:** Are you confused? That's what you just said.  
20  
21 **DR. FRAZER:** For the record, I am confused  
22  
23 **CHAIRMAN BOSARGE:** The second substitute motion is -- This  
24 substitute motion would essentially say that the council  
25 recommends that we are going to approve each state's EFP, and so  
26 all five state EFPs, but leaving out the federal for-hire  
27 vessels out of those EFPs, and so we would be approving each of  
28 the state's EFPs for the private recreational angler sector  
29 only. Does that clarify things a little bit? If you vote yes  
30 for it, that is what you would be doing. You would be approving  
31 it for private anglers to go forward with these state EFPs.  
32  
33 **DR. FRAZER:** Yes. I would like to vote yes.  
34  
35 **CHAIRMAN BOSARGE:** Okay. All right. Dr. Frazer has voted yes.  
36 We are definitely going to lunch after this.  
37  
38 **EXECUTIVE DIRECTOR GREGORY:** Captain Greene.  
39  
40 **MR. GREENE:** Yes.  
41  
42 **EXECUTIVE DIRECTOR GREGORY:** Mr. Boyd.  
43  
44 **MR. BOYD:** No.  
45  
46 **EXECUTIVE DIRECTOR GREGORY:** Dr. Mickle.  
47  
48 **DR. MICKLE:** No.

1  
2 **EXECUTIVE DIRECTOR GREGORY:** Dr. Shipp.  
3 **DR. SHIPP:** No.  
4  
5 **EXECUTIVE DIRECTOR GREGORY:** Mr. Dyskow.  
6  
7 **MR. DYSKOW:** Yes.  
8  
9 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree.  
10  
11 **DR. CRABTREE:** Yes.  
12  
13 **EXECUTIVE DIRECTOR GREGORY:** Mr. Swindell.  
14  
15 **MR. SWINDELL:** No.  
16  
17 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.  
18  
19 **MR. MATENS:** No.  
20  
21 **EXECUTIVE DIRECTOR GREGORY:** Mr. Banks.  
22  
23 **MR. BANKS:** No.  
24  
25 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.  
26  
27 **MR. ANSON:** No.  
28  
29 **EXECUTIVE DIRECTOR GREGORY:** Ms. Guyas.  
30  
31 **MS. GUYAS:** Yes.  
32  
33 **EXECUTIVE DIRECTOR GREGORY:** Mr. Diaz.  
34  
35 **MR. DIAZ:** No.  
36  
37 **EXECUTIVE DIRECTOR GREGORY:** Mr. Riechers.  
38  
39 **MR. RIECHERS:** No.  
40  
41 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.  
42  
43 **DR. STUNZ:** No.  
44  
45 **EXECUTIVE DIRECTOR GREGORY:** Mr. Sanchez.  
46  
47 **MR. SANCHEZ:** Yes.  
48

1 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.  
2  
3 **CHAIRMAN BOSARGE:** Yes.  
4  
5 **EXECUTIVE DIRECTOR GREGORY:** We have got seven yes and ten no,  
6 and the motion fails seven to ten.  
7  
8 **CHAIRMAN BOSARGE:** Okay, and so that brings us back to our first  
9 substitute, which is to recommend approval of each state's EFP,  
10 such that, if federal for-hire vessels are included in any  
11 state's EFP, this will not impact the length of the federal for-  
12 hire season. We won't get to see these EFPs again, Dr.  
13 Crabtree?  
14  
15 **DR. CRABTREE:** Well, you may see them, but they may already be  
16 approved when you see them. I don't think you will have another  
17 opportunity to comment on them in a meaningful way, and so I  
18 think this is when you need to get your comments made.  
19  
20 **CHAIRMAN BOSARGE:** Go ahead, Robin.  
21  
22 **MR. RIECHERS:** Because you had the floor and then we had the  
23 call, the call for the question, and so does the call for the  
24 question now, Doug, apply to the whole string of motions, or are  
25 we now back open for discussion?  
26  
27 **CHAIRMAN BOSARGE:** Mara.  
28  
29 **EXECUTIVE DIRECTOR GREGORY:** I am not sure. Ms. Levy.  
30  
31 **MS. LEVY:** I would actually have to look in my handy-dandy book.  
32 It's for the previous question, and so I feel like it's for the  
33 immediate question before you, which was the second substitute,  
34 and so I think you could do it again for now, for the immediate  
35 question, and I don't know that it would apply all the way back,  
36 but, if you want an official answer, I have to look in the book.  
37  
38 **CHAIRMAN BOSARGE:** Okay, and so then I guess, just for the  
39 record, since NMFS is going to be working on trying to approve  
40 these without us getting another chance to comment on it, and I  
41 love you, Robin, but I think we've got a lot of work to do on  
42 yours.  
43  
44 I do have big issues with trying to include people in an EFP  
45 that want no part of it and trying to force that issue. There  
46 needs to be an answer, as far as not passing down that  
47 allocation and making sure that each one gets to fish their  
48 allocation, and I am a little concerned that I saw presentations

1 from each state, and so that's what I think they're going  
2 forward with, and, when it actually plays out, it's going to be  
3 something completely different than what was presented to this  
4 council, and so I think, if there are drastic, drastic changes  
5 to an EFP, that wasn't what we approved, and we need to really  
6 have a discussion about that. That's all, for the moment,  
7 because Texas is ready to crucify me, and so go ahead, Mr. Boyd.

8  
9 **MR. BOYD:** I move to call the question on this first substitute  
10 motion.

11  
12 **CHAIRMAN BOSARGE:** All right, and so we have a motion to call  
13 the question, and it's been seconded. **All those in favor of**  
14 **calling the question, please signify by raising your hand.**

15  
16 **EXECUTIVE DIRECTOR GREGORY:** Seven.

17  
18 **CHAIRMAN BOSARGE:** All those opposed, same sign.

19  
20 **EXECUTIVE DIRECTOR GREGORY:** Nine. **The call the question fails**  
21 **seven to nine.**

22  
23 **CHAIRMAN BOSARGE:** Now you get to crucify me, Robin. Go ahead.

24  
25 **MR. RIECHERS:** Well, I just want to say, on the record, a couple  
26 of things. First of all, you suggested closed-door meetings  
27 between us and National Marine Fisheries Service, and EFPs are  
28 what they are. Just like you suggested the other day with the  
29 gear and how that was going to be hooked up and that they were  
30 still working through that, those are things that occur with an  
31 EFP.

32  
33 We turned our EFPs in, and we received comments back, and we  
34 worked through those, and I think my call with National Marine  
35 Fisheries Service and those folks, where the reservation about  
36 charter boats occurred, if I'm recalling correctly, was two  
37 Fridays ago, with subsequent calls going to occur to Louisiana  
38 and maybe Mississippi. Again, no fault of my own, I didn't see  
39 those numbers until yesterday.

40  
41 Does that change the makeup and what that EFP looks like? Yes,  
42 it does. Should I have the opportunity to go back and talk to  
43 my commission, who directs the agency and determines how we move  
44 forward in these sorts of things? Yes, we should have that  
45 opportunity.

46  
47 I am sorry for the timing, where it's such that you don't think  
48 you're going to get to see it again in its final form. That's

1 not my timing. I didn't create that timing. I apologize to the  
2 fact that you think that somehow we're trying to hide the ball  
3 from you. We're not trying to hide the ball. We've given you  
4 everything that describes what we were going to do, as of when  
5 we turned it in, and our methods are all described in great  
6 detail in the two attached documents.

7  
8 If you don't like something about one of those, then you need to  
9 be more particular and come to me and say that here is something  
10 that I might suggest. Whether or not I change that or not has  
11 to do with a whole host of things that may occur. It may be  
12 money, or it may be the problematic portions of the other  
13 survey, or it may be biases that that change could cause in a  
14 survey that it wouldn't do it if we did it the way we did it,  
15 but those should all be things that we can have a conversation  
16 about, but suggesting that somehow my commission and my  
17 Executive Director and myself and National Marine Fisheries  
18 Service is in any way trying to do anything that is not  
19 transparent here is just wrong and not factual. While that may  
20 be your feeling, it's wrong and not factual.

21  
22 **CHAIRMAN BOSARGE:** Ms. Levy.

23  
24 **MS. LEVY:** Just to point out that this might be the council's,  
25 as a body, sort of last opportunity to give consensus council  
26 comments on it, but there will be a Federal Register notice that  
27 is published, and that will include whatever modifications  
28 happen or whatever they talk about doing, and so we're going to  
29 publish what we propose, potentially, to approve, and that's not  
30 to say that there can't be any slight changes between publishing  
31 the Federal Register notice and actually issuing the permit,  
32 because we're requesting public comments, but, presumably, this  
33 stuff will be out there for the public to comment on, and all of  
34 you, as members of the public.

35  
36 **CHAIRMAN BOSARGE:** Dr. Frazer.

37  
38 **DR. FRAZER:** Thank you, Madam Chair. I just want to go back to  
39 what I think Dale was trying to say when he initiated this  
40 substitute motion and the point also that Paul made, and I think  
41 all we're doing is -- I think everybody on this council is in  
42 favor, in some way, of trying to move an EFP forward that helps  
43 everybody, and I don't think that's the issue.

44  
45 There are some complications in part of the sector here, but the  
46 council is -- Whatever we decide today, it's simply a  
47 recommendation. It's advisory to the agency, and I think the  
48 intent of this particular motion, really, is to allow the agency

1 to work with the states, with everything at their disposal, to  
2 try to do the best thing possible. To the extent that they can  
3 do that, you have to have faith in the agency and realize the  
4 intent of the council when you vote for this particular  
5 substitute motion.

6  
7 **CHAIRMAN BOSARGE:** Thank you, Dr. Frazer. Dale.

8  
9 **MR. DIAZ:** Thank you, Dr. Frazer. You said that a lot better  
10 than I could have, and so I appreciate you saying that, but that  
11 was one of the things that I wanted to say. The only other  
12 thing that I want to address is a comment earlier about the  
13 public being confused whenever they go to comment about what the  
14 numbers might be.

15  
16 Out of the two motions left, I think this, in my opinion, this  
17 would give the public a little bit more comfort, because what  
18 we're trying to say is we're asking you to do this in a way  
19 where don't negatively impact anybody's season length, and so,  
20 hopefully, by this being a little bit more prescriptive, it  
21 might help with public comments and not hinder public comments.  
22 Thank you, Madam Chair.

23  
24 **CHAIRMAN BOSARGE:** Okay. Is there further discussion? Mr.  
25 Matens.

26  
27 **MR. MATENS:** Thank you, Madam Chair. I am sitting here thinking  
28 about this thing, and, in the first regard, this substitute  
29 motion, in my mind, does not in any way address whether a state  
30 has or doesn't have its for-hire sector within the program. If  
31 I understand this correctly, all it does is try to make some  
32 assurance that Louisiana, for example, doesn't impact the length  
33 of Florida's for-hire section.

34  
35 Additionally, vis-à-vis, and I'm going to speak for Robin a  
36 little bit, but, vis-à-vis Robin's decision as to whether he  
37 puts the charter/for-hire section in Texas's EFP, it's incumbent  
38 upon Robin. He has to go to his people, and not just the people  
39 that were here in New Orleans. He has to go to his people and  
40 make a decision, just like we did.

41  
42 We didn't do this lightly, and there were some people that  
43 disagreed, but we have the numbers. We know what they are. I  
44 am a little confused. The concept, I get here, but I'm a little  
45 confused how it shakes out, and I guess, sooner or later, I'm  
46 going to have to make a decision, but I sort of would vote yes  
47 on this. I know there's only two choices, but, if there's some  
48 more discussion, I would appreciate it.

1  
2 **CHAIRMAN BOSARGE:** Well, I think I have put my qualms on the  
3 record. I mean, I will probably vote in favor of it as well,  
4 with the notation of what my issues were with one of the state  
5 plans. All right. Dr. Shipp.

6  
7 **DR. SHIPP:** I am not sure how the substitute motion could be  
8 applied, but I really don't think there is that much difference  
9 between the two motions, but I still go back to the  
10 philosophical position that we're trying to give the states  
11 maximum flexibility, and that is the original motion, and I  
12 can't believe that I am not going to vote with my colleague, Mr.  
13 Matens, but I am going to speak against this motion, primarily  
14 to give the states as much flexibility as possible.

15  
16 **CHAIRMAN BOSARGE:** Mr. Diaz.

17  
18 **MR. DIAZ:** To that point, Dr. Shipp, I agree with you, and I  
19 agree with the flexibility part of it, but it's just trying to  
20 reword it, and it's just to -- I want each state to have  
21 flexibility, but I don't want another state to be penalized for  
22 it in any way.

23  
24 **CHAIRMAN BOSARGE:** All right. Any further discussion? Seeing  
25 none, we are going to raise our hands. The substitute motion is  
26 to recommend approval of each state's EFP, but such that, if  
27 federal for-hire vessels are included in any state's EFP, this  
28 will not impact the length of the federal for-hire season. **All**  
29 **those in favor of the substitute motion, signify by raising your**  
30 **hands.**

31  
32 **EXECUTIVE DIRECTOR GREGORY:** Fourteen.

33  
34 **CHAIRMAN BOSARGE:** All those opposed, same sign.

35  
36 **EXECUTIVE DIRECTOR GREGORY:** Two. **The motion passes fourteen to**  
37 **two with one abstention.**

38  
39 **MR. RIECHERS:** Please note my abstention, for the reasons I  
40 stated earlier, in the earlier discussion.

41  
42 **CHAIRMAN BOSARGE:** With one abstention by Mr. Riechers. All  
43 right. That brings us to a close on the state EFPs. We have  
44 one more EFP, but I don't think that I have it in me before  
45 lunch, and so let's see what our lunch schedule was supposed to  
46 be. I was going to give you all a whole hour. It's about 11:45  
47 right now, and we will take a lunch break after we hear from our  
48 South Atlantic liaison. Yes, sir, Mr. Charlie Phillips, go

1 ahead.

2  
3 **SUPPORTING AGENCIES UPDATES**  
4 **SOUTH ATLANTIC COUNCIL LIAISON**  
5

6 **MR. PHILLIPS:** Thank you, Madam Chair. I am going to be leaving  
7 early, and so I wanted to thank you for the hospitality, and  
8 Brian is going to send you our report for our December meeting,  
9 but I will just say, quickly, that we have, on our agenda in  
10 March, to talk about some rock shrimp fishing boundaries on the  
11 east coast of Florida, which has been long in coming, and it is  
12 going to be on the agenda.

13  
14 We've got some assessments coming up for black sea bass and red  
15 grouper and vermilion, and some look good and some not so good,  
16 and then we've got cobia coming up, which may change the  
17 boundary off the east coast of Florida, which could possibly  
18 affect what you're doing, but it looks like cobia is on the road  
19 to being turned over to the states, so they do most of the  
20 landings there, but you can always pick Brian, in the back, and  
21 we've got two staff here, who are also learning, and, again,  
22 thank you very much for your hospitality, and I very much  
23 enjoyed being here.

24  
25 **CHAIRMAN BOSARGE:** Thanks for being here, and we have a comment  
26 from Mr. Anson.

27  
28 **MR. ANSON:** Thank you, Charlie, for coming. Just real quick,  
29 did you have, in your visioning document or process, discussions  
30 about electronic reporting within the recreational fishery?

31  
32 **MR. PHILLIPS:** What was that now?

33  
34 **MR. ANSON:** During your visioning process that you did a couple  
35 of years ago, I think it was, did you have in there a discussion  
36 or outcomes related to electronic reporting for the recreational  
37 fishery?

38  
39 **MR. PHILLIPS:** We are like you. We discuss everything, and  
40 maybe a little calmer, but we discuss it all. I am just saying.  
41 Yes, I think we've got some apps coming along, and we've got our  
42 citizen science coming along, and so we're looking to try to  
43 figure out what kind of data can be collected and how it can be  
44 collected and how the Science Center can use it. The Science  
45 Center being a partner and telling us how to use it is key. I  
46 am going to let Brian tell you.

47  
48 **DR. BRIAN CHEUVRONT:** I am just trying to help Charlie remember

1 that we have an action in a snapper grouper amendment that looks  
2 at recreational electronic reporting. Right now, it's being  
3 discussed under red snapper, and so, yes, we do have an active  
4 action that is under consideration by our council to look at  
5 that, and we have a pilot program, test program, going on  
6 looking at that as well that we used with our short red snapper  
7 season this past fall.

8  
9 Actually, it worked really well, for those who participated,  
10 because it helped to be able to project another weekend opening,  
11 because of bad weather, and so everybody was really happy with  
12 those test results that we got from our pilot.

13  
14 **CHAIRMAN BOSARGE:** Thank you, sir. Mr. Diaz.

15  
16 **MR. DIAZ:** Just real quick, and Charlie mentioned it briefly,  
17 but the South Atlantic Fishery Management Council is doing some  
18 citizen science work that I believe is very good, and I know Mr.  
19 Phillips is the Chairman. At some point in time, I think it  
20 would be good to send your staff person over here to give a  
21 presentation to the council on the progress that you all are  
22 making on citizen science, and I am thinking that maybe June  
23 might be the time, but I will leave that up to you, if you could  
24 work that out with Mr. Phillips, Ms. Bosarge. Thank you.

25  
26 **CHAIRMAN BOSARGE:** Yes, I agree, and your data collection in  
27 general, and so hopefully we can maybe get you over here for a  
28 presentation at some point or another, and we'll look at our  
29 agenda and see when we can make it happen. All right, and so  
30 anything else for Mr. Phillips? Okay. We're going to go to  
31 lunch, and it's almost twelve. Let's come back at 1:15. I will  
32 give you an extra fifteen minutes.

33  
34 (Whereupon, the meeting recessed for lunch on February 1, 2018.)

35  
36 - - -

37  
38 February 1, 2018

39  
40 THURSDAY AFTERNOON SESSION

41  
42 - - -

43  
44 The Full Council of the Gulf of Mexico Fishery Management  
45 Council reconvened at the Hyatt Centric, New Orleans, Louisiana,  
46 Thursday afternoon, February 1, 2018, and was called to order by  
47 Chairman Leann Bosarge.

48

1           **VOTE ON EXEMPTED FISHING PERMIT APPLICATIONS (CONTINUED)**

2  
3   **CHAIRMAN BOSARGE:** When we left before lunch, we did still have  
4 one EFP application that we have to go through, and that's our  
5 aquaculture EFP. We need to give -- If you will remember, I had  
6 a lot of questions for the applicant, and there were some things  
7 that I was hoping that he could bring back to this council, or  
8 his company, via NMFS, could bring back to this council and give  
9 us some more information on.

10  
11 I think that, at this point in the game, probably the best way  
12 to summarize those comments would maybe to ask staff to write a  
13 letter summarizing all the different things that we asked to  
14 have a little more information on and the drawings and the  
15 anchoring system and things like that, and formally just send  
16 that to NMFS, so they will have a good, solid list of what we  
17 would like to see.

18  
19 Two things, and we need to -- If there is other things that we  
20 didn't mention yesterday that we do want to see when they come  
21 back before us, we need to get that on the record and talk about  
22 it. Then, if we feel like we listed everything that we need to  
23 see next time, in our discussions yesterday, then we will need a  
24 motion to write a letter to NMFS, have staff write a letter to  
25 NMFS, summarizing our questions and concerns and asking for a  
26 follow-up presentation of some sort addressing those, and so I  
27 will open it for discussion. Mr. Dyskow.

28  
29   **MR. DYSKOW:** Thank you, Madam Chairman. Roy, I understand the  
30 permitting process for aquaculture is somewhat different, and  
31 this, due to a lot of people's interest in D.C., maybe  
32 aquaculture has been accelerated a little bit and has had more  
33 focus, and there is nothing bad about that. I am in favor of  
34 aquaculture, but why was this proposal brought to us in such a  
35 preliminary state? In other words, why weren't -- That looked  
36 like a pretty sophomoric presentation of something that is  
37 really complex, and was there a more detailed presentation to  
38 somebody else?

39  
40   **CHAIRMAN BOSARGE:** Dr. Crabtree.

41  
42   **DR. CRABTREE:** Well, there is the application itself, which is  
43 in your briefing book, and we had run into some concerns with  
44 the shrimp industry about the siting and all, and I knew that  
45 the council would have a lot of input about that too, and so it  
46 seemed like it was better to come in earlier, rather than later,  
47 and try to resolve some of those.

1 I think what Leann is talking about, in terms of get your  
2 questions down in writing, is I think we can bring those back in  
3 and provide some answers to it. Generally speaking, EFPs, when  
4 the applicants submit them to us, they are variable, in terms of  
5 what is in them and what is not, and it's an iterative process,  
6 back and forth, with the applicant to try and address all of the  
7 concerns that are raised.

8  
9 Because these aquaculture projects tie up some bottom space,  
10 there is always concerns about which fisheries and who are they  
11 interacting with, but I will say that these applicants have been  
12 very willing to work with us, and they are very willing to make  
13 modifications to the project, and they really want to do this  
14 with the support of everybody, including this council, and so  
15 that is kind of why -- It's always a judgment, with an EFP, of  
16 do you wait, and then it could be said, well, why didn't you  
17 come to us earlier with this? That was the thought process.

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

20  
21 **MS. GUYAS:** I don't know if this is an item for the letter, but,  
22 because this is occurring off of Florida, and it's going to  
23 trigger a coastal zone management review, these guys are going  
24 to have to work with the State of Florida sooner or later, and I  
25 would recommend that that would be sooner, because they are  
26 going to have multiple agencies to deal with. There is  
27 extensive regulations dealing with aquaculture that they're  
28 going to need to be consistent with in Florida, and so I don't  
29 know if that's something that we would want to just remind them  
30 of in this letter.

31  
32 Then, also, it seems like, based on what they have presented,  
33 that we have data that they don't have that they're looking at  
34 for these sites, and so, if they're looking at other sites, like  
35 we discussed the other day, we probably would -- They would want  
36 to coordinate with us on those as well.

37  
38 **CHAIRMAN BOSARGE:** Dr. Crabtree.

39  
40 **DR. CRABTREE:** We will, Martha, get them in touch with you. I  
41 am sure you're aware that one of the applicants is a former FWC  
42 employee, Dennis Peters, and so I'm sure they would be happy to  
43 work with you guys and try to address whatever concerns there  
44 may be.

45  
46 **CHAIRMAN BOSARGE:** Mr. Anson.

47  
48 **MR. ANSON:** Dr. Crabtree, I know you haven't had many

1 applications, and you may not for many years to come, but, for  
2 the application you have received, what is your sense relative  
3 to the EFP? It's a pilot project, and what if it is successful  
4 in the eyes of the company that is bringing forth the plan, and  
5 it's successful in the eyes of NOAA and the eyes of the council  
6 and the public, and it becomes a viable venture?

7  
8 Are you kind of getting a feel for these businesses, when they  
9 come to see -- Is this where you want to set up shop,  
10 essentially, and, after the EFP is over, you're going to come  
11 back with the same locations, or are you going to look at  
12 different locations? There might be different or better markets  
13 for them, regionally or across the Gulf, that might lend to  
14 maybe fresh market type of things.

15  
16 I am just wondering because of the conversations we've had so  
17 far relative to impacts to other user groups. The earlier in  
18 the process that that can be determined, if they are looking at  
19 expanding the footprint, if you will, outside of the EFP, that  
20 we get those engaged sooner than later, and so it's not this  
21 kind of mad dash, and so I'm just wondering, again, if that  
22 conversation is being had and whether or not there is any  
23 utility. Again, you have a limited number of permits, and so we  
24 kind of handle them as a case-by-case basis right now, but,  
25 going in the future, it might be different.

26  
27 **DR. CRABTREE:** Well, I mean, we have talked to them about the  
28 aquaculture permitting program and the FMP, and they are well  
29 aware of that, and my hope is that, if this is successful, that  
30 it will help spur someone to come in and apply for an  
31 aquaculture permit to do this more on a longer-term scale.

32  
33 There are some groups that are interested in doing that, and  
34 maybe these guys will be one of those, if this succeeds and goes  
35 forward, and we'll have to see. I think the overall -- I think  
36 what needs to happen with the Aquaculture FMP and the  
37 aquaculture permitting process is we need to get the litigation  
38 resolved.

39  
40 That is all before the court now, and I think it's been briefed,  
41 and I have no knowledge of when the court may come to a  
42 decision, but I think that is a -- That is something that  
43 everybody is watching, and I think some parties may be reluctant  
44 to make the investment until that is resolved.

45  
46 **CHAIRMAN BOSARGE:** All right. Any further discussion? If not,  
47 we need a motion to write the letter, to ask staff to write the  
48 letter. Dr. Frazer.

1  
2 **DR. FRAZER:** I am happy to make that motion, and so I would make  
3 a motion -- With regard to the aquaculture EFP, the council  
4 directs staff to draft a letter with concerns regarding the EFP  
5 request and forward to the National Marine Fisheries Service.  
6

7 **CHAIRMAN BOSARGE:** Dr. Crabtree, will that be good enough for  
8 your office? Based on that, we will draft you a letter, and we  
9 will try and summarize the questions and concern that we have,  
10 or that we had, during that discussion and also emphasize that  
11 they will need to work with the State of Florida, as Martha  
12 suggested. That way, you can get with them and see what can be  
13 accomplished and bring something back to us at a later date.  
14

15 **DR. CRABTREE:** Yes, that's fine, and our goal will be to come  
16 back at the next council meeting and try to address all of the  
17 questions that are there, and hopefully we can move forward at  
18 that point.  
19

20 **CHAIRMAN BOSARGE:** Sounds like a plan. The motion has been  
21 seconded. Dr. Frazer, is that your motion?  
22

23 **DR. FRAZER:** Yes, it is.  
24

25 **CHAIRMAN BOSARGE:** All right, and so we have a motion to direct  
26 staff to draft a letter outlining concerns regarding the  
27 aquaculture EFP request and forward the letter to National  
28 Marine Fisheries Service, and we do have a second. Is there any  
29 further discussion on the motion? **Seeing none, is there any**  
30 **opposition to the motion? No opposition, and the motion**  
31 **carries.** That does finish up all of our EFP requests. Mr.  
32 Swindell.  
33

34 **MR. SWINDELL:** Madam Chair, have we given staff enough  
35 information as to what the, quote, concerns are from the council  
36 for someone to do the drafting? Do we have a --  
37

38 **CHAIRMAN BOSARGE:** Dr. Kilgour.  
39

40 **DR. MORGAN KILGOUR:** As most likely the letter writer, yes. I  
41 am going to go back through the minutes and listen to the  
42 discussion again, so I can make sure that I outline all of those  
43 concerns that you addressed during the discussion yesterday and  
44 then Madam Chair will, obviously, review it before it's sent to  
45 the National Marine Fisheries Service, if that's acceptable.  
46

47 **CHAIRMAN BOSARGE:** Mr. Swindell.  
48

1 **MR. SWINDELL:** Just so long as you feel comfortable that you  
2 have enough information to give a good letter with enough  
3 reasonable concerns to express, so that NMFS and the applicant  
4 can address them properly. Thank you.  
5

6 **CHAIRMAN BOSARGE:** All right, and so that wraps up our EFP  
7 discussion, and so let's circle back around and pick up with  
8 Reef Fish. Then we will follow back up, after that, and do our  
9 Spiny Lobster. Mr. Greene, are you ready with your report, sir?

10  
11 **MR. GREENE:** Yes, ma'am.  
12

13 **CHAIRMAN BOSARGE:** All right. Let's go for it.  
14

15 **COMMITTEE REPORTS (CONTINUED)**  
16 **REEF FISH COMMITTEE REPORT**  
17

18 **MR. GREENE:** The Reef Fish Committee Report, the agenda was  
19 approved, with the addition of items under Other Business. The  
20 minutes of the October 3, 2017 committee meeting were approved  
21 as written.  
22

23 Review of Reef Fish Landings, Tab B, Number 4, National Marine  
24 Fisheries Service staff reviewed preliminary reef fish landings  
25 for 2017. Commercial landings of IFQ stocks were all below  
26 their respective ACLs, with red grouper, gag, and shallow-water  
27 grouper aggregate landings at just 36 percent to 41 percent of  
28 their ACLs.  
29

30 For non-IFQ stocks, gray triggerfish and greater amberjack had  
31 quota closures on November 17 and June 20, respectively. Both  
32 of these stocks were under reduced ACLs, due to overages in the  
33 previous year. However, both closed below their quotas in 2017,  
34 so there will be no overage adjustments in 2018.  
35

36 Preliminary recreational landings are based on MRIP/MRFSS and  
37 headboat landings from January 1 through October 31, 2017; Waves  
38 1 through 5; LA Creel landings from January 1 through December  
39 31, 2017; and Texas Parks and Wildlife data for 2017 are through  
40 May 14, 2017, the low-use season, at this time.  
41

42 Gray triggerfish and greater amberjack were subject to overage  
43 adjustments and closed on January 1 and March 24, respectively.  
44 Recreational landings for each stock exceeded its adjusted ACL  
45 by 137 percent and 142 percent, respectively. For gag and red  
46 grouper, landings were just 21 percent and 24 percent of the  
47 respective ACLs.  
48

1 For recreational red snapper, the for-hire component's landings  
2 have been below both the ACL and ACT from 2015 through 2017.  
3 The private angling component exceeded its ACT, but was below  
4 its ACL in 2015. For 2016 and 2017, both the ACT and ACL were  
5 exceeded. In 2017, the private angling landings were 213  
6 percent of the 170 percent of the ACL, respectively.

7  
8 Committee members discussed the timing of the recreational  
9 landings data. The final landings are expected by April.  
10 National Marine Fisheries Service anticipates that the for-hire  
11 component will get a longer red snapper season in 2018, since  
12 this component of the recreational sector has been below its  
13 ACT.

14  
15 Ad Hoc Private Recreational Red Snapper AP Summary, Tab B,  
16 Number 5, staff provided a summary of the Ad Hoc Red Snapper  
17 Private Angler Advisory Panel meeting held January 18, 2018, in  
18 Tampa, Florida.

19  
20 The committee reviewed the AP summary and discussed their  
21 recommendation to continue investigating the impacts of illegal  
22 red snapper fishing from foreign vessels. The committee  
23 discussed the magnitude of the removals. Dr. Porch stated that  
24 the Southeast Fisheries Science Center has provided some review  
25 of the methods used to estimate illegal harvest and determined  
26 that the methodology used to estimate illegal harvest is  
27 reasonable. He supports continued dialog about this problem,  
28 including further discussion to determine if it is appropriate  
29 to consider incorporating these removals in future stock  
30 assessments.

31  
32 **CHAIRMAN BOSARGE:** Mr. Matens.

33  
34 **MR. MATENS:** Thank you, Madam Chair. I was going over the notes  
35 of the Ad Hoc Red Snapper Private Angler Advisory Panel, and  
36 thank God we didn't have an acronym for that, and one of the  
37 things that I noticed -- They did a great job. There was a  
38 whole bunch of stuff they worked on.

39  
40 One of the things that I noticed was a recommendation to look at  
41 allocation, and, accordingly, at this point in time, I would  
42 like to introduce a motion. **The motion is to direct staff to**  
43 **develop a scoping document to evaluate the allocations of red**  
44 **snapper, taking into account previous deliberations in Amendment**  
45 **28 and any new information, and consider a broad range of**  
46 **social, economic, data collection, and management factors.** That  
47 is my motion.

1 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board. Do we  
2 have a second for the motion? It's seconded by Mr. Boyd. Is  
3 there discussion on the motion? Mr. Matens, would you like to  
4 give your rationale?  
5

6 **MR. MATENS:** Yes, ma'am. As we all remember, Amendment 28 was a  
7 little complicated, and it was a subject of a lawsuit, and that  
8 lawsuit was determined, but there was no remedy ordered, and, as  
9 I understand this correctly, the judge kind of kicked it back to  
10 the council.  
11

12 I am trying to do that right now, and the differences in what  
13 went up there and now is the Amendment 28 was really a data  
14 correction issue, and this is not that. This is to consider all  
15 of the factors and to make certain that we include social and  
16 economic factors, which I understand we're bound to do so.  
17

18 **CHAIRMAN BOSARGE:** Is there further discussion? Mr. Banks.  
19

20 **MR. BANKS:** Just a question, probably for Mara, I guess. Is  
21 that, as you all understand it, the way the judge had instructed  
22 for us to work on it some more?  
23

24 **MS. LEVY:** I wouldn't say there was an instruction to work on it  
25 more, but the judge found that particular rule violated National  
26 Standard 4, and so we reverted the allocations back to the way  
27 they were before Amendment 28, but it doesn't preclude you from  
28 looking at the allocations again and going through the process  
29 and deciding what you believe the appropriate allocation is.  
30

31 **CHAIRMAN BOSARGE:** Dr. Crabtree.  
32

33 **DR. CRABTREE:** That issue with the impact of the APAIS port  
34 sampling change and the impact on landings, that is still there,  
35 and then we have shifted to a mail survey methodology for  
36 estimating effort this year, and, if the pilot studies bear out,  
37 it's expected that will produce higher estimates of recreational  
38 landings.  
39

40 I expect we will get a calibration factor on that by summer some  
41 time, but, at some point this year, there will be a  
42 recalibration of the historical landings of red snapper, and,  
43 since the current allocation is, at least in theory, based on  
44 historical landings -- I mean, there are a lot of issues that --  
45 We dealt with a small fraction of that in Amendment 28, and  
46 there are going to be even larger issues by the end of this  
47 year, and so, as painful as it may be, I think it is something  
48 that we are going to have to deal with.

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

3  
4 **EXECUTIVE DIRECTOR GREGORY:** A scoping document, with this  
5 wording, would be -- We would just go to the public and say here  
6 is the allocations that we currently have, and here is our  
7 analysis of the social and economic basis for the current  
8 allocation, but there is no goal or direction to go in, and so  
9 we're expecting the public to provide us those directions?

10  
11 **CHAIRMAN BOSARGE:** Mr. Matens.

12  
13 **MR. MATENS:** Doug, I think we would rely on staff to give a  
14 professional opinion, or a suite of opinions, about where we  
15 might be able to go with this and deal with that at a later  
16 meeting.

17  
18 **CHAIRMAN BOSARGE:** Mr. Boyd.

19  
20 **MR. BOYD:** I am a little confused. Doug, are you saying that  
21 that should say to develop an amendment? Would that be  
22 different? To me, this is a lower-level beginning than starting  
23 an amendment. This is starting a scoping document, which we  
24 would fill in alternatives and have discussion and come out with  
25 a suite of alternatives and then have that go to the public.

26  
27 **EXECUTIVE DIRECTOR GREGORY:** Then the council needs to develop  
28 that suite of alternatives. Staff can't do it. If it didn't  
29 say "scoping document", I would look at it like a review, like  
30 the five-year review that we just had of IFQ. We would review  
31 the current allocation and analyze it. Staff is not capable of  
32 seeing where the council wants to go with this and coming up  
33 with a suite of alternatives. I mean, they could be infinite,  
34 and so we need guidance. If this does lead to a document, we  
35 need to develop the purpose and need for the document.

36  
37 **MR. BOYD:** Wouldn't you do that in the scoping document? I am  
38 just trying to get clarification on what is the correct  
39 procedure to look at allocations.

40  
41 **EXECUTIVE DIRECTOR GREGORY:** Well, we have to have something to  
42 take to the public, unless we just take a general thing that  
43 says what are your opinions on the allocation of red snapper,  
44 give us some ideas. The council is concerned about the  
45 allocation, and what are your ideas on what we should do, and  
46 then we would solicit that from the public and bring that back  
47 to the council, and then you all can develop the alternatives  
48 and the direction you want to go.

1  
2 **MR. BOYD:** To that point?  
3  
4 **CHAIRMAN BOSARGE:** Can we go to Dr. Diagne real quick?  
5  
6 **MR. BOYD:** Sure.  
7  
8 **DR. ASSANE DIAGNE:** Thank you, Mr. Madam Chair. I think, if I  
9 understand correctly, at the heart of this matter, really, would  
10 be the purpose and need for action. Let's say, for example, we  
11 have a stock assessment, and it is pretty clear why is it, for  
12 example, that a rebuilding plan is needed, but where, perhaps,  
13 as staff, we need the council's help and guidance, is exactly  
14 why is that, as a council, you want to reallocate.  
15  
16 I mean, one of those, of course, would be the idea that Dr.  
17 Crabtree mentioned about the recalibration, and that is pretty  
18 self-explanatory, and another thing would be economic  
19 efficiency, which, as we all know, cannot be the sole basis for  
20 a reallocation, but those are the things that are implied in  
21 this motion, and more information, somewhere along the way, from  
22 this council would be needed to help staff know the direction in  
23 which we should go. Essentially, reflect your intent, and  
24 that's the part that is missing, is more information on the  
25 council's intent, and that will help us go towards a purpose and  
26 need for action, if you would.  
27  
28 **CHAIRMAN BOSARGE:** Did you want to follow up now, Mr. Boyd?  
29  
30 **MR. BOYD:** Yes, and it sounds to me like both Dr. Diagne and Mr.  
31 Gregory are saying that this ought to be started as an amendment  
32 and that would flow into all of the document that you want to  
33 create.  
34  
35 **CHAIRMAN BOSARGE:** Go ahead.  
36  
37 **DR. DIAGNE:** Thank you very much. Mr. Boyd, there is no problem  
38 with the procedure or requesting a scoping document. That is  
39 the usual way of doing things, but, typically, we are directed  
40 to start a scoping document to do X, Y, and Z, with a very clear  
41 intent in mind, or at least some idea as to the intent. What we  
42 are requesting is perhaps more information as to where it is  
43 that this council is trying to go with reallocation, or a  
44 potential reallocation.  
45  
46 **CHAIRMAN BOSARGE:** Dr. Crabtree and then Mr. Matens.  
47  
48 **DR. CRABTREE:** There is a NMFS policy that came out somewhere in

1 the last couple of years, and it's essentially a policy on, and,  
2 Mara, help me out here, things to consider and evaluate when  
3 determining if allocations are appropriate or not, and it's  
4 called "Recommended Practices and Factors to Consider When  
5 Reviewing and Making Allocation Decisions", and so, what I would  
6 suggest, Doug, is that staff go through that and look at the  
7 factors that should be considered, and the question to take out  
8 in the scoping document would be are the allocations meeting  
9 this factor? Are we achieving these?

10  
11 I haven't reviewed this lately, and I assume, somewhere in  
12 there, changes to the historical perception of landings is among  
13 that, but, if it's not, that is the other piece of this. I  
14 think, if you take those factors and take that document, you  
15 could easily put together a whole host of items that we want to  
16 review, and the scoping document would be asking the public what  
17 they think about that and what they think the council ought to  
18 do.

19  
20 **CHAIRMAN BOSARGE:** Mr. Matens.

21  
22 **MR. MATENS:** Roy covered what I wanted to say.

23  
24 **CHAIRMAN BOSARGE:** The only thing I think that's probably  
25 missing from that, if you're talking about a purpose and need,  
26 is we always have to look at the biological side of things and  
27 the conservation side. I mean, that is kind of the purpose of  
28 the council, right, to keep everything healthy. That is going  
29 to need to be part of it, which I am sure it will. That's  
30 always part of what we do. Is there further discussion? Mr.  
31 Diaz.

32  
33 **MR. DIAZ:** I just want to make sure I'm clear before I vote. I  
34 never am against looking at anything, but I am worried about the  
35 timing of this. I think the recalibration that Dr. Crabtree is  
36 talking about is pretty important, and I would hate for us to  
37 get a scoping document out before we had some idea what that was  
38 going to look like, because we would be going out to the public  
39 maybe ahead of where we're going to have some pretty critical  
40 information, and so I am just trying to figure out how the  
41 timing of this might work, if anybody could speak to that.

42  
43 **CHAIRMAN BOSARGE:** Dr. Crabtree, when will the recalibrations be  
44 ready?

45  
46 **DR. PORCH:** Presuming that we get the peer-reviewed calibrations  
47 done in maybe late summertime, we should have them done in the  
48 fall.

1  
2 **CHAIRMAN BOSARGE:** So we would see them maybe in October or in  
3 January of next year, one of the two, depending on when in the  
4 fall you get them done. Mr. Riechers.

5  
6 **MR. RIECHERS:** Kind of, I guess, in sync with Dale's question  
7 then, I assume what is going to happen is we'll come back at the  
8 next meeting and review whatever has been done here, assuming  
9 it's done by the next meeting. If not, it would be the  
10 following meeting, and then we would be receiving this other  
11 information sometime shortly thereafter, and maybe have a  
12 meeting to sync some of those up, or to have that kind of  
13 convergence of those two issues.

14  
15 Obviously, some of this is already in -- Or was in the past  
16 Amendment 28, at least from a perspective of some of the  
17 discussion elements, et cetera, and the data recalibrations in  
18 that.

19  
20 I understand, court case notwithstanding that whole issue in 28,  
21 but it seems like those can mesh up, Dale, is kind of how I'm  
22 seeing it. I mean, given that, as we all know, fortunately or  
23 unfortunately, depending on where you're at around the table at  
24 any point in time around here, nothing here happens fast, and so  
25 that's kind as I was -- As they talked through it, Dale, that's  
26 at least what I'm kind of seeing, possibly. It could slow up or  
27 it could speed up, but that's kind of where I am seeing the  
28 sync-up occur, is sometime in the fall. I will let you know,  
29 Madam Chair, that Assane is trying to get your attention again.

30  
31 **CHAIRMAN BOSARGE:** Dr. Diagne.

32  
33 **DR. DIAGNE:** Thank you, Mr. Riechers. Just to be clear on the  
34 scope of this, because the motion says the allocations, plural,  
35 of red snapper, and so this is, obviously, recreational versus  
36 commercial, but we also have another allocation, meaning between  
37 the components of the recreational sector. What is your intent  
38 for us to look at? Thank you.

39  
40 **CHAIRMAN BOSARGE:** Mr. Matens.

41  
42 **MR. MATENS:** Well, Assane, I think we ought to look at all of  
43 it, all three. I hate to -- We already argued about where there  
44 was sectors or not, but let's see what the social ramifications  
45 have for the charter/for-hire and the private also. Is that  
46 okay?

47  
48 **DR. DIAGNE:** Yes, understood, and I guess we may consider then a

1 sequential approach by which you would look at the intersector  
2 allocations of recreational versus commercial, and then, in the  
3 second tier, within the recreational sector itself. Thank you.

4  
5 **MR. MATENS:** Thank you.

6  
7 **CHAIRMAN BOSARGE:** Mr. Gregory.

8  
9 **EXECUTIVE DIRECTOR GREGORY:** I am trying to skim through the  
10 NMFS policy, and that was published in February of 2017, and it  
11 talks about authorities, responsibilities, and triggers, and it  
12 says that the Regional Offices and the Science Centers will help  
13 with this development.

14  
15 It does say that these triggers, triggers for reevaluating  
16 allocations, these triggers should be identified within three  
17 years, or as soon as practical, from the finalization of this  
18 policy, and so that seems to be a good starting point, and it  
19 talks about a three-step process.

20  
21 One is you identify that a trigger is met, and the trigger could  
22 be based on public input to the councils. Then a check for  
23 changes in social, ecological, or economic criteria is required.  
24 Then Step 2 is a fisheries allocation review, and it says, at  
25 this stage, in-depth analyses are not required. However, to  
26 ensure transparency, a clear articulation of how the objectives  
27 of the FMP are or are not being met and a clear rationale to  
28 relevant factors, and so maybe a good starting point would be  
29 for staff to start working on something based along the guidance  
30 of this allocation policy, which would then probably lead to a  
31 scoping document.

32  
33 **CHAIRMAN BOSARGE:** Ms. Levy.

34  
35 **MS. LEVY:** Well, I would just note that that trigger document  
36 was one part of the allocation policy, and it followed the  
37 policy that Roy mentioned, which talked about the factors to  
38 consider when making allocation decisions, and so we can talk  
39 about what guidance and directives there are out there, but  
40 that's one of a couple.

41  
42 **CHAIRMAN BOSARGE:** All right. Mr. Banks.

43  
44 **MR. BANKS:** Could we also -- I am getting a little nervous about  
45 our allocation discussion that is going to happen in a few  
46 minutes, and so is it possible to also do allocation evaluation  
47 of an east versus west Gulf, with the line being the border  
48 between Alabama and Mississippi, or would that not be

1 appropriate in this one?

2

3 **CHAIRMAN BOSARGE:** Dr. Crabtree.

4

5 **DR. CRABTREE:** You can certainly look at that, and, if you were  
6 to decide that you wanted to change the fundamental management  
7 of red snapper from managing it as a single stock to managing it  
8 as two stocks, east and west, that would certainly force you to  
9 come back in, because you would have to respecify all of the  
10 allocations and things, and so, to me, that is almost a more  
11 fundamental question than this one, because, if you did split  
12 them into two stocks, my guess is the western Gulf would be  
13 predominantly commercial and the eastern Gulf would clearly be  
14 predominantly recreational, and that would really be a very  
15 fundamental change. It seems like, if you're wanting to go down  
16 that path, that would affect everything we're doing with red  
17 snapper.

18

19 **CHAIRMAN BOSARGE:** Okay. Any other discussion? Seeing none,  
20 let's vote. **All those in favor of the motion, signify by**  
21 **raising your hand.**

22

23 **EXECUTIVE DIRECTOR GREGORY:** Sixteen.

24

25 **CHAIRMAN BOSARGE:** **All those opposed, same sign.** We have one  
26 abstention.

27

28 **EXECUTIVE DIRECTOR GREGORY:** **It passes sixteen to zero.**

29

30 **CHAIRMAN BOSARGE:** Yes.

31

32 **EXECUTIVE DIRECTOR GREGORY:** We will do our best.

33

34 **CHAIRMAN BOSARGE:** Mr. Greene.

35

36 **MR. GREENE:** State Management Program for Recreational Red  
37 Snapper, Tab B, Number 6, staff reviewed the actions and  
38 provided the recommendations from the Law Enforcement Committee  
39 and Ad Hoc Red Snapper Private Angler AP.

40

41 Dr. Farmer presented an approach to estimate red snapper biomass  
42 off each state. The approach will be used in one of the  
43 alternatives for allocating the red snapper quota among the  
44 states. Dr. Farmer discussed data challenges with using  
45 recreational trips as an allocation metric. Staff presented the  
46 decision tool for examining the various allocation alternatives,  
47 and the SSC comments were provided. Staff noted the data issues  
48 with using the 2010 landings in the historical landings time

1 series, and the committee passed the following motion.

2  
3 **The committee recommends, and I so move, in Action 2, to make**  
4 **Alternative 4, Option 4b the preferred alternative.**

5  
6 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any  
7 discussion on the motion? Ms. Gerhart.

8  
9 **MS. GERHART:** The intent here is to exclude 2010 from all of the  
10 alternatives, correct, and that's why it's picked as preferred?  
11 I think, for staff, what we would prefer is, rather than -- If  
12 that's picked as preferred, we still have to analyze everything  
13 both with and without 2010, and so what would be better for us  
14 is not to have it in this alternative, but to remove it from all  
15 the other alternatives as part of the alternative. Then our  
16 analysis can only be without 2010, and does that make any sense?

17  
18 **CHAIRMAN BOSARGE:** Yes, ma'am, it does. Mr. Banks.

19  
20 **MR. BANKS:** I will make that motion. That makes sense to me. I  
21 think that's the intent anyway, if staff could help me with the  
22 wording.

23  
24 **MS. GERHART:** I think Dr. Lasseter can help put something up  
25 there for you.

26  
27 **CHAIRMAN BOSARGE:** There will be a substitute motion. I think  
28 they are getting the gist of it. Add language to all  
29 alternatives that the 2010 landings will be excluded, and I  
30 think that's what you're trying to say, that essentially you  
31 will explain, in each of the alternatives, in the body of it,  
32 that 2010 is excluded, so it's clear. I'm thinking that's what  
33 you're trying to say. Ms. Gerhart, is that clear enough  
34 instruction, that you would be able to take that back and  
35 accomplish something?

36  
37 **MS. GERHART:** Yes, I think that's what we want. Thank you.

38  
39 **CHAIRMAN BOSARGE:** All right. Mr. Banks, is that motion  
40 suitable for you, sir? All right. Do we have a second for the  
41 motion? It's seconded by Dr. Frazer. Is there discussion on  
42 the substitute motion? **Seeing none, is there any opposition to**  
43 **the motion? No opposition, and the motion carries.**

44  
45 **MR. GREENE:** The alternative including biomass and recreational  
46 trips does not specify which years to use for trips. The  
47 committee then passed the following motion. **The committee**  
48 **recommends, and I so move, in Alternative 6, to evaluate**

1 recreational trips utilizing the range of years from  
2 Alternatives 2 and 3.

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

6  
7 **MS. GUYAS:** I would like to make a substitute motion. I will  
8 read it when it gets up there, but, essentially, it would just  
9 add two other options to this. It would add 2c and 3c, which  
10 would incorporate the later time series as well.

11  
12 My substitute would be, in Action 2, Alternative 6, evaluate  
13 recreational trips using the following range of years from  
14 Alternatives 2 and 3, and so it's 2a, 2c, 2d, 3a, 3c, and 3d,  
15 instead of just 2a and 2d and 3a and 3d.

16  
17 **CHAIRMAN BOSARGE:** We have a motion on the board. Do we have a  
18 second for the motion? It's seconded by Mr. Sanchez. Is there  
19 discussion on the substitute motion? Seeing none, is there any  
20 opposition to the motion? With no opposition, the motion  
21 carries.

22  
23 **MR. GREENE:** Staff then reviewed --

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

26  
27 **MR. BANKS:** While we're on the issue of this allocation stuff, I  
28 would like to make a motion, and I sent it to the staff earlier,  
29 to try to pick a preferred for allocation. If I can get a  
30 second, I will give some rationale.

31  
32 **CHAIRMAN BOSARGE:** It's been seconded, even though we haven't  
33 really seen it yet. The motion is to make Alternative 2d, the  
34 50/50 calculation and --

35  
36 **MR. BANKS:** Well, now we can remove the language about  
37 Alternative 4b, because we already did that just a second ago.

38  
39 **CHAIRMAN BOSARGE:** All right. It will be to make Alternative  
40 2d, the 50/50 calculation, in Action 2 the preferred  
41 alternative.

42  
43 **MR. BANKS:** You can take out the 50/50 calculation. That was  
44 more just explaining to the staff which --

45  
46 **CHAIRMAN BOSARGE:** So we would know which one it was. All  
47 right, and so this has been seconded by Mr. Swindell. Are you  
48 okay with that change that we made to it, Mr. Swindell?

1  
2 **MR. SWINDELL:** Yes.

3  
4 **CHAIRMAN BOSARGE:** He's okay. The seconder is okay. Your  
5 rationale, sir?  
6

7 **MR. BANKS:** Here is my rationale, and I recognize that we're  
8 just now starting to look at things like biomass and trips and  
9 things, but I am more concerned about timing and making sure  
10 that we have these state plans moving forward, and so that we  
11 can also have these state plans moving forward to the public, so  
12 they can have some time to look at it as well.  
13

14 If I recall from the last meeting, the staff advised us that, if  
15 we didn't have preferreds, we couldn't go out to the public in  
16 enough time to get it on the books for the 2019 season, and I  
17 recognize that, maybe with the EFPs, it's not as much of a  
18 necessity now, but my concern is that, if something happened to  
19 the EFPs, if NOAA gets sued and says that we're trying to  
20 circumvent the overage last year and you can't do the EFPs,  
21 something happens, then, all of a sudden, we've lost 2019 too,  
22 and so I want to make sure that we keep these going.  
23

24 The reason for this particular alternative was it's the last  
25 expression of acceptance, as I stated in my original motion way  
26 back, of this body. Now, I recognize that not everybody agreed  
27 with this particular calculation method, but it was at least  
28 passed by this body in Amendment 40, and it was at least  
29 accepted while Amendment 39 was around, and so it was at least  
30 the last expression of acceptance, and it also considers a long  
31 time series, as well as some of the concerns we always hear from  
32 Florida about the most recent shifts in landings, and so I think  
33 it's fair, in that respect.  
34

35 Ultimately, this is a state plan for three years, and so, if we  
36 all look back at it in all of the states and we say, you know  
37 what, we thought this might work for us, us included, but it  
38 really doesn't and it doesn't make sense, and it just doesn't  
39 give us enough fish, or we can't catch the amount of fish it  
40 gives us, we can all come back to the table, and so I think it's  
41 fair, in that respect, and I don't think we should be too  
42 awfully concerned, because it's a three-year plan, and, again, I  
43 think it's the fairest way to go about it.  
44

45 I would love to have biomass in there, but I'm not so sure that  
46 that's able to be worked out at this point, and so, at this  
47 point, I think our preferred alternative, so that we can get  
48 this thing on the road for public comment and all, that we can

1 move forward with this as our preferred, please.

2

3 **CHAIRMAN BOSARGE:** Ms. Guyas.

4

5 **MS. GUYAS:** I am going to speak against the motion, I think for  
6 a couple of reasons. I think the EFPs and where each of the  
7 states came from on those -- I mean, they illustrate that we're  
8 not there yet on this allocation, number one, and so everybody  
9 is kind of coming from different places still.

10

11 We have some new alternatives in here that we're still tweaking  
12 and working on. I will say it now, and I will say it again when  
13 this comes up in 41 and 42, when we're talking about  
14 allocations, that past precedent of using a set of years, that's  
15 not really good enough for me. I want to know exactly why those  
16 sets of years are appropriate, and that's the same reason why I  
17 voted down John's motion to set allocations in whichever  
18 amendment, 41 or 42, that we were talking about earlier this  
19 week.

20

21 I think there is a lot of discussions to be had on this still,  
22 and we're not there, and so that's just my quick thoughts on  
23 that, other than my usual issue about how this is not really  
24 representative of what's happening now, and so thanks.

25

26 **CHAIRMAN BOSARGE:** Is there further discussion? Mr. Riechers.

27

28 **MR. RIECHERS:** Patrick, being a western Gulf member with you in  
29 so many ways, I do want to support the motion, and I certainly  
30 understand the need to move it along. You and I were having  
31 this conversation before we sat back down at the table, and I  
32 really want to see some of the biomass alternatives fleshed out  
33 a little bit more, and I'm not even against including those trip  
34 alternatives, because I think they all do play in, Martha, and I  
35 agree, but I just do know this is something that we've got to  
36 come to grips with pretty quickly, as a body, and so I probably  
37 won't support it today, but you sure might get my support next  
38 time around.

39

40 **CHAIRMAN BOSARGE:** Dr. Mickle.

41

42 **DR. MICKLE:** Thank you, Madam Chair. It's difficult. I want to  
43 support the motion, but what Mississippi has been through and  
44 the federal fleet going out in 2005, with Katrina, it's just we  
45 haven't gotten them back, and this scenario doesn't completely  
46 play out to what I -- You can understand our position, as our  
47 state, but, again, this hybridization approach is going to get  
48 us there, and I am very strong in feeling that way, and I am

1 really glad that we're having these conversations.

2  
3 I know it got heated with the EFPs, but it's going to get worse  
4 before we get there, and so I just want to say that it's hard to  
5 support this motion at this point in time, but I do like the  
6 motion, and am I allowed to say that?

7  
8 **CHAIRMAN BOSARGE:** Mr. Greene.

9  
10 **MR. GREENE:** Well, I think I'm going to be in favor of this  
11 motion, simply for the fact that I do believe it does most  
12 closely follow our current allocation policy, and we have that  
13 for a reason, and I think that that's something that we should  
14 adhere to, unless we go and amend our current allocation policy.  
15 We have it in place for a reason, and I think it should be used.

16  
17 **CHAIRMAN BOSARGE:** Mr. Riechers.

18  
19 **MR. RIECHERS:** This does beg a question, and maybe Roy knows the  
20 answer, and maybe we can explore the answer between now and the  
21 time we come back to another meeting, and I'm sure we're not the  
22 first council that has dealt with this, and I know Boyle's Law  
23 is kind of how we got 2d there, where we're weighting it, but  
24 the whole notion is we're trying to find some historical  
25 rationale for the system, but also taking into account more  
26 recent events, taking into account historical events, and  
27 possibly now taking into account biomass or trips as well.

28  
29 Is there another council that has dealt -- I mean, other than  
30 the Boyle's Law from the South Atlantic, and I am not minimizing  
31 that, and that was a good effort, but do you know if anyone has  
32 tried to do a biomass/trips, and is there anything that we can  
33 look at from another council that just may help us as we look at  
34 this more closely?

35  
36 **DR. CRABTREE:** I really don't, but I would say the Mid would be  
37 the place to start, because they have substantial recreational  
38 fisheries, but I have never really reviewed how they have set  
39 allocations very carefully.

40  
41 **CHAIRMAN BOSARGE:** Mr. Diaz.

42  
43 **MR. DIAZ:** Thank you, Madam Chair. I want to applaud Patrick  
44 for bringing this up and trying to push this along, and part of  
45 me wants to support the motion, because I want it to move along,  
46 and I do want us to start moving this at a little bit better  
47 clip, and I guess I am worried if the EFP falls apart and we  
48 don't make 2019, but I don't have a crystal ball to know if

1 that's going to happen, but I have always thought of this that,  
2 really, for this piece of the puzzle, the states have to be in  
3 consensus.

4  
5 Because the states aren't in consensus, I am not going to  
6 support it today, but, at some point in the future, I might have  
7 to change that mindset and try to pick the best of the options  
8 that is before us and try to move something along, even if we've  
9 got to deal with conservation equivalencies, but my hope is that  
10 the states will work together in the very near future and try to  
11 resolve this biggest issue, so we can get these things going.  
12 Thank you, Madam Chair.

13  
14 **CHAIRMAN BOSARGE:** Mr. Anson and then Mr. Banks.

15  
16 **MR. ANSON:** I will just echo a couple of the comments around the  
17 table. Patrick, I appreciate your efforts to try to move the  
18 issue of state management along. I might be a little bit overly  
19 optimistic, but I am hoping the EFPs will go through 2019, and  
20 so it appears we may have bought a little bit of time, in that  
21 regard, but, either way, the clock is ticking, whether it's 2019  
22 or 2020.

23  
24 I think we need to get something in place here, and, if it is  
25 contrary to our allocation policy, Johnny brings up a good point  
26 of that we might need to address that, but, really, and Mara  
27 could tell me if I'm wrong, if she were here, but, if there is  
28 nothing definitive that we can't look at other things besides  
29 landings history as the only means of distributing allocation,  
30 then we ought to amend it, but, again, we're trying to get to a  
31 point where the states have comfort and feel good.

32  
33 If we can look at maybe some other different metrics that  
34 provide a little bit more option, I guess, to the states, so  
35 that we can kind of come to an agreement, because it is  
36 negotiation, and negotiation means you may not get exactly what  
37 you want, but you get something.

38  
39 You get something, and hopefully that something is better than  
40 what you've got, is how you come out of it, but I am not going  
41 to be in support of this action to make this the preferred  
42 alternative at this time, only in as much as waiting until the  
43 next meeting, so that we have some time to look at the analysis  
44 of the new alternative.

45  
46 **CHAIRMAN BOSARGE:** Dr. Crabtree.

47  
48 **DR. CRABTREE:** The complexity that I see with this is the

1 historical landings are getting ready to all change, and the  
2 calibrations that we just talked about will change the  
3 historical landings. If Snapper Check is certified and we get a  
4 calibration factor for that, that will again change the  
5 historical landings, and so there is a lot of stuff getting  
6 ready to happen, and, whatever analysis we have of this  
7 historical landings right now may produce different results as  
8 we move forward, because it will change the interplay of these  
9 landings yet again, and so I just point that out, but I would be  
10 pleasantly astonished if we could get this in place by 2019,  
11 because I think it's going to -- I think 2020 is, more  
12 realistically, the best we can shoot for.

13

14 **CHAIRMAN BOSARGE:** Mr. Banks.

15

16 **MR. BANKS:** We can always go back and change a preferred at the  
17 next meeting. I hear what Dale is saying, and Dale has been  
18 somebody that I've had a lot of respect for for many, many  
19 years, but, in this case, with all due respect, Dale, and, yes,  
20 I've only been here for two years, but we haven't come to this  
21 agreement.

22

23 We can't even get all five states to hardly sit down and talk  
24 about it, and that's not -- I am not passing judgment on any  
25 state, but that's just the fact of the matter, and I think  
26 that's the fact that we live in, and, at some point, we're going  
27 to have to move forward, and I know you recognize that, and I  
28 just don't think waiting another meeting, or two meetings, is  
29 going to change anything, and that's why I think we need to move  
30 forward now. That's my thought.

31

32 **CHAIRMAN BOSARGE:** Mr. Anson.

33

34 **MR. ANSON:** Perhaps, to provide some clarity, or at least remind  
35 those that are at the table, relative to the clock, Dr.  
36 Crabtree, if we were looking at trying to get a state management  
37 plan in place by 2020, when would be the time that the council  
38 would have to approve that, in order to go through the  
39 appropriate administrative steps to do that?

40

41 **DR. CRABTREE:** I would say no later than your June 2019 meeting.  
42 You would need to take final action then and submit it to the  
43 Secretary, and that would be pushing it.

44

45 **CHAIRMAN BOSARGE:** I hope we have 2018 final numbers by then.  
46 Mr. Anson.

47

48 **MR. ANSON:** What it sounded like Dr. Crabtree said was that

1 there's not a lot of time, and so that's moving quick, in the  
2 council process. Patrick, again, I appreciate your exuberance  
3 to try to push this along, but it is a difficult topic, but  
4 there is a time certain. I think that we all need to come to  
5 the table and realize that we need to do something. Thank you.

6

7 **CHAIRMAN BOSARGE:** Mr. Diaz.

8

9 **MR. DIAZ:** This might should be brought up after the motion is  
10 dispensed with, but I am wondering if maybe, sometime in the  
11 future, if the council could support a workshop for the five  
12 states, and it would have to be a public meeting, I'm sure, but,  
13 if that was doable, if all the states could have time to get  
14 with their commissions and talk to them about the complexities  
15 of dealing with the situation and commit to sending somebody  
16 with the authority to make a decision to the workshop, and see  
17 if folks just can't get in a room and come to some type of  
18 agreement, but, like I said, folks have to have laid the  
19 groundwork, and it has to be people with the authority to make  
20 some decisions there.

21

22 If not, we're just going to waste a meeting and everything, and  
23 I don't know if that could even be done with commissions, and so  
24 I might be asking for something that is impossible, but, anyway,  
25 I will throw that out there.

26

27 **CHAIRMAN BOSARGE:** Okay. Any further discussion? All right.  
28 We have a motion on the board. In Action 2, to make Alternative  
29 2, Option 2d, the preferred alternative. **All those in favor,**  
30 **signify by raising your hand.**

31

32 **EXECUTIVE DIRECTOR GREGORY:** Five.

33

34 **CHAIRMAN BOSARGE:** **All those opposed, same sign.**

35

36 **EXECUTIVE DIRECTOR GREGORY:** Ten. **The motion fails five to ten.**

37

38 **CHAIRMAN BOSARGE:** Mr. Boyd.

39

40 **MR. BOYD:** Thank you. I do have a question for Mr. Gregory,  
41 along those lines, but I didn't want to enter into the  
42 discussion on that. Haven't we, in the past, gone out with a  
43 scoping document that didn't have all the alternatives have  
44 preferreds? We don't like that, but we've done it before,  
45 haven't we?

46

47 **EXECUTIVE DIRECTOR GREGORY:** There is the scoping process, and  
48 then there is the public hearings. The council likes to have

1 preferreds at public hearings, but not necessarily always, but  
2 just to give the public some insight as to where the council may  
3 be going.

4  
5 At a scoping process, that's the very beginning. That's like  
6 the brainstorming session, where we might say the council has  
7 concern about so and so issue in the Gulf of Mexico and what do  
8 you think, public, and do you have any ideas to address this  
9 issue. Then we bring those back, and that becomes an options  
10 paper, and we bring it back to the council. Scoping does not  
11 have preferred of anything, but, public hearing documents, the  
12 council tends to want to have at least some preferreds in that  
13 when we go to public hearing.

14  
15 **MR. BOYD:** Thank you.

16  
17 **CHAIRMAN BOSARGE:** Mr. Anson.

18  
19 **MR. ANSON:** Thanks for asking the question, Doug. I go back to  
20 I guess the question that I asked Dr. Crabtree, and that is when  
21 we would have to vote to send it to the Secretary, and he said  
22 the drop-dead meeting would be June of next year. Ideally, I  
23 think we would want to plan for April of next year, just to make  
24 sure that things went smoothly and we at least had June.

25  
26 Then, backing up, Doug, when do you think we would need to have  
27 a public hearing document with the preferreds identified with  
28 some reasonable -- Seeing that it would take at least a meeting,  
29 and obviously we would have to do one meeting, but maybe even  
30 two, and we probably are looking at, potentially, as soon as the  
31 June meeting to get the public hearing document out?

32  
33 **EXECUTIVE DIRECTOR GREGORY:** June of this year?

34  
35 **MR. ANSON:** Correct.

36  
37 **EXECUTIVE DIRECTOR GREGORY:** The sooner the better, because the  
38 real unknown is how long the council will deliberate after the  
39 public hearing.

40  
41 **CHAIRMAN BOSARGE:** Mr. Anson.

42  
43 **MR. ANSON:** I realize that, and that's difficult to determine,  
44 but, if we -- I guess I am trying to do the timeline in my head,  
45 and I am looking maybe at June of this year, and we have the  
46 August meeting and the October meeting to kick it around, or,  
47 actually, we would have four meetings then at that point, I  
48 guess, if we were able to complete the public hearing process in

1 between meetings, between the June and the August meeting.

2  
3 **EXECUTIVE DIRECTOR GREGORY:** Well, let me defer to Carrie.

4  
5 **MR. ANSON:** Okay.

6  
7 **DR. SIMMONS:** Thank you, Madam Chair. That's been our intent,  
8 is to work this towards a public hearing draft. We are still a  
9 little concerned about the delegation alternative and trying to  
10 get a good understanding about what the states and the council  
11 wants in that delegation alternative.

12  
13 That would be really helpful, if we could get that fleshed out,  
14 and then we can work on the analysis in the document, and so, if  
15 we could get some assistance with that, that would help a lot.  
16 We do have Chapter 3 developed, if you look at the documents  
17 online, and so we're working in that direction, and so we could  
18 have a rough draft possibly in April, a nice solid draft in  
19 June, if we can get that guidance.

20  
21 You can look at it and approve it, possibly, and have those  
22 hearing locations maybe selected at the next council meeting, so  
23 we have some time to plan them. Once you approve it, we could  
24 try to have them before the August meeting, if there is time.  
25 That's a tight timeline, but definitely before the October  
26 council meeting.

27  
28 **CHAIRMAN BOSARGE:** Ms. Guyas.

29  
30 **MS. GUYAS:** I am not advocating one way or the other for when we  
31 would want to have public hearings, but something that we might  
32 want to think about, since we potentially are going to have this  
33 basically pilot of state management occurring this year, would  
34 be to wait until the public has actually experienced that, to  
35 some degree, because that is probably going to influence their  
36 judgment as to whether they would want to move forward with  
37 this. I mean, we can cross that bridge when we get there, but I  
38 figured I would plant that seed now.

39  
40 **CHAIRMAN BOSARGE:** That was kind of that comment that I made  
41 about I hope we actually have landings from the first year of  
42 the state EFPs before we have to -- I don't know that we really  
43 will, before you're trying to make a decision on this to get it  
44 implemented in time. Is there further discussion? Mr. Banks.

45  
46 **MR. BANKS:** I sent a motion to the staff, to try to get all this  
47 delegation information into the document, if they could bring  
48 that up, please. If I could get a second, I will give some

1 rationale, although I think Dr. Simmons already did such.

2  
3 **CHAIRMAN BOSARGE:** Okay, and so we have a motion on the board to  
4 instruct staff to assess requested delegation items from the  
5 Mississippi, Florida, and Louisiana letters and determine,  
6 through the IPT process, if there are any items that cannot be  
7 delegated and incorporate those items that can be delegated for  
8 the next iteration of the individual state management  
9 amendments. Do we have a second for the motion? It's seconded  
10 by Dr. Shipp. Do you have discussion, Mr. Banks?

11  
12 **MR. BANKS:** I appreciate the staff helping me word that, because  
13 I didn't exactly know how to word it, but we always -- At least  
14 I have a question all the time about, okay, what does delegation  
15 mean to each of the states, and so we've got the letters, but I  
16 think we're going to need to have those in the documents,  
17 certainly for the public, at some point, to understand that as  
18 well, but me as well, and so I was hoping we could get it into  
19 the documents.

20  
21 **CHAIRMAN BOSARGE:** I had Ms. Guyas and then Mr. Anson.

22  
23 **MS. GUYAS:** I guess just a question for Kevin and Robin. I  
24 wouldn't want to exclude any letters that they're sending from  
25 this motion, and so I don't know if there are letters coming or  
26 if we need to generalize this or what, but I will let --

27  
28 **CHAIRMAN BOSARGE:** Mr. Anson.

29  
30 **MR. ANSON:** As I recall the conversation from Tuesday, it's that  
31 there would be some document, whether it would be incorporated  
32 in the amendments or not, but there would be a summary of what  
33 the states have provided. In fact, I think there was a table,  
34 or a summary of that, given during Tuesday's committee meeting.

35  
36 I think, at this point, just to keep them uniform, and that's  
37 the question I was going to ask Patrick, is if the individual  
38 state management amendments refer to all five or just the three  
39 of the states that have submitted letters.

40  
41 **MR. BANKS:** My intention was to take what we have submitted in  
42 our letters and put it into our individual plans, but that may  
43 not be the appropriate place. It may be more appropriate in the  
44 umbrella document, and I don't know, and maybe staff could help  
45 us with that.

46  
47 **CHAIRMAN BOSARGE:** Ms. Levy, and then we'll go to staff, if they  
48 have any input.

1  
2 **MS. LEVY:** My suggestion would be to take the list that we made  
3 from the three letters that we got and decide if there is  
4 anything that just can't be delegated, based on those lists, and  
5 not include them. Those that can, put them in each state  
6 document as options, and so every state has the option to pick  
7 what they want, so that the documents are uniform, but they  
8 still allow the states to decide what they want delegated,  
9 because, at some point, we're going to have to know what states  
10 want what type of management measures delegated.

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

13  
14 **MR. ANSON:** That's what my hope was, I guess, at this point, was  
15 to just kind of include them all. Then there is the option,  
16 when we get to that point, of that process that we can pick and  
17 choose. Thank you.

18  
19 **CHAIRMAN BOSARGE:** Mr. Riechers.

20  
21 **MR. RIECHERS:** Certainly I want to work off the fine work that  
22 you all have done by submitting your letters in a timely  
23 fashion. If we can, I am kind of like Kevin. There is no  
24 reason for us to submit a letter saying the same thing, but,  
25 once we have a chance to look at that, if we see a gap that we  
26 need to fill, we would try to fill that at that point, but we  
27 would have that opportunity, because I haven't even had a chance  
28 to look at Paul's. I know it came through on Tuesday, I think,  
29 but I didn't have a chance to really take a good look at it.

30  
31 **CHAIRMAN BOSARGE:** Are you saying that -- Robin, are you saying  
32 that whatever they end up putting into options for those three  
33 state plans, based on their letters, that you would also like  
34 that to go ahead and be listed in Texas's state document as  
35 well, as options that you can choose as preferred or not to --

36  
37 **MR. RIECHERS:** What I heard Mara saying was she assumed that it  
38 would go into all the state documents, and I was just assuming  
39 that was the case. Then it would go into all state documents,  
40 and then we would look at those as we came back at the next  
41 meeting, yes.

42  
43 **CHAIRMAN BOSARGE:** Okay, and so you're agreeing with Mara. All  
44 right. Is staff clear? Yes, staff says they're clear. Kevin,  
45 you're good with that, too, right? I've got a thumbs-up from  
46 Kevin. All right. So, we have a motion on the board. Is there  
47 any further discussion on the motion? **Is there any opposition**  
48 **to the motion? Seeing none, the motion carries.**

1  
2 Is there anything else before Chairman Greene picks back up with  
3 his committee report? Mr. Diaz.

4  
5 **MR. DIAZ:** For the Mississippi plan, what I was hoping to go  
6 ahead and do, and I am hoping what just happened didn't negate  
7 that, but -- **For the Mississippi plan, in Action 1, to make**  
8 **Alternative 3 the preferred alternative.**

9  
10 **CHAIRMAN BOSARGE:** All right, and so we have a motion on the  
11 board, and do we have a second for the motion?

12  
13 **DR. MICKLE:** Second.

14  
15 **CHAIRMAN BOSARGE:** It's seconded by Dr. Mickle. Dale, could you  
16 remind us what Alternative 3 is, since it's not part of the  
17 motion?

18  
19 **MR. DIAZ?** Alternative 3 is establish a management plan that  
20 delegates management authority in federal waters to Mississippi.  
21 The scope of the authority to include in the delegation to  
22 Mississippi must be defined. If the Mississippi red snapper  
23 harvest plan is determined to be inconsistent with the  
24 requirements of delegation, the recreational harvest of red  
25 snapper in federal waters adjacent to Mississippi would be  
26 subject to default federal regulations for red snapper.

27  
28 **CHAIRMAN BOSARGE:** Thank you, sir. Is there further discussion  
29 on the motion? Ms. Levy.

30  
31 **MS. LEVY:** I am just going to make a suggestion. Right now,  
32 there are two alternatives in there that deal with delegation.  
33 One says bag and season and one says undefined, but we just had  
34 a motion to add sort of a list, and I guess the way I envisioned  
35 it was to not have two delegation alternatives anymore.

36  
37 We have one delegation alternative with a list of options  
38 underneath it, and then the states would pick what they would  
39 want delegated, which would include the bag, the season, and  
40 whatever else we determine from that list can be delegated, and  
41 so it seems like it would be easier to wait until we come back  
42 with that new structure, and then the states can pick their  
43 preferreds for what types of things they want delegated. Right  
44 now, this alternative doesn't say anything. It just says  
45 delegation as to be defined later, and it's not super helpful.

46  
47 **CHAIRMAN BOSARGE:** Dr. Crabtree.

48

1 **DR. CRABTREE:** It does seem a little premature, to me, to select  
2 a preferred when the preferred doesn't define at all what it  
3 even is. I tend to agree with Mara. One delegation alternative  
4 that lays out what you're delegating makes a lot more sense, to  
5 me.

6  
7 **CHAIRMAN BOSARGE:** Dr. Mickle.

8  
9 **DR. MICKLE:** I am trying to treat this as clean as I can,  
10 because it is confusing, but the Alternative 3 is clearly  
11 stated, and this is a separate amendment from the others. It  
12 seems that NMFS is really wanting to join all of these, and the  
13 State of Mississippi has given a letter requesting its  
14 delegation, what delegation is, and I am picking -- I would like  
15 this to be the preferred, Alternative 3, and then, the next time  
16 the -- Maybe we should change the motion to be an alternative  
17 with our letter request.

18  
19 **DR. CRABTREE:** Tell us where in the briefing book is the letter,  
20 and what tab is it? I am trying to find it.

21  
22 **MR. GREENE:** It's Tab B, Number 6(e).

23  
24 **CHAIRMAN BOSARGE:** Thank you. Mara, can you clarify one thing  
25 for me? Alternative 3 in each of the state documents is the one  
26 that, when we come back at the next meeting, you will have a lot  
27 of sub-options underneath it of things that the states can pick  
28 and choose from?

29  
30 **MS. LEVY:** My thought was that we would merge 2 and 3 together.  
31 I don't understand the point of having a Number 2 that delegates  
32 two things and a Number 3 that has a list. We should just have  
33 one alternative that has the list, and then you pick from that  
34 list what you want delegated to your specific state.

35  
36 I mean, if the intent is to do that in the Mississippi document,  
37 and I guess I read, from this motion, that Mississippi would  
38 like the preferred to be what's in the letter, but the thing is  
39 that we don't really have that structured right now, and so it's  
40 hard to vote on it when you don't have it laid out like that. I  
41 mean, you can vote on this, but it just doesn't really tell you  
42 anything until we actually define what's being delegated.

43  
44 **CHAIRMAN BOSARGE:** I think that's okay though. I mean, I guess,  
45 the way that I saw this coming back, is you would have all of  
46 those sub-options under Alternative 3, when it comes back, based  
47 on the letters, individual letters, and so we would have a  
48 Preferred Alternative 3 when it comes back, if we vote this up,

1 and then we will start looking at all the sub-options and decide  
2 which ones we want to include in that preferred as preferred  
3 sub-options. Ms. Levy.

4  
5 **MS. LEVY:** That's fine, as long as there is the understanding  
6 that there may be some things in the letter that don't get under  
7 there as options, because they are not delegable, meaning one of  
8 the things in the Mississippi letter, and I don't know if  
9 another state had this too, was a delegation to modify the  
10 delegation, and so I don't think we can do that. If we're going  
11 to modify the delegation, the council has to modify it, and so  
12 that probably would not be included in the list of options.

13  
14 **CHAIRMAN BOSARGE:** I think that was understood in the last  
15 motion. Mr. Anson.

16  
17 **MR. ANSON:** I am getting a little confused here, myself. I  
18 thought we just passed a motion, a previous motion, that said  
19 that we were going to combine all the letters and then take the  
20 elements that passed the IPT and put them in each of the  
21 amendments, and so it's not going to be a reference to a  
22 specific letter from a state in your state amendment or anyone  
23 else's, but it's just going to be a summary of all the state  
24 letters that have been submitted, of those items that the IPT  
25 reviews and determines are okay, or acceptable, to be included  
26 in delegation.

27  
28 Then that would be under the alternative, and then I agree with  
29 Mara in that you're going to choose some combination of those,  
30 and so, if you choose one of the six items, let's say, that's  
31 some, and so all you're doing is you're the same action, or the  
32 same process, in Alternative 3, which identifies the range, I  
33 guess, or the available delegable items. Then doing the same  
34 thing as in Alternative 2.

35  
36 **CHAIRMAN BOSARGE:** So, eventually, Alternative 2, those couple  
37 of things that are listed in Alternative 2 -- Alternative 2 will  
38 probably go away and those couple of things are going to be  
39 listed as sub-options under Alternative 3. I have Dr. Crabtree  
40 and then Mr. Riechers.

41  
42 **DR. CRABTREE:** Looking at Mississippi's letter, the only  
43 difference that I see between Alternative 2 and Mississippi's  
44 letter is they have added size limit in. Otherwise, it seems to  
45 me that it's Alternative 2 with size limit added.

46  
47 **CHAIRMAN BOSARGE:** All right, and, staff, is this the last  
48 motion that we voted on? Yes, and so if we could -- I just

1 wanted to make sure everybody is clear what motion we're -- It's  
2 the Mississippi plan, right, and so this is the Mississippi  
3 state plan, and, in Action 1, to make Alternative 3 the  
4 preferred alternative, with the understanding that, when this  
5 document comes back, when all the state documents come back,  
6 Alternative 3 is going to have some sub-options on it, and so we  
7 would have some more work to do at that point, and is that  
8 right? Am I on the right page? Okay. Mr. Anson.

9  
10 **MR. ANSON:** Just because I kind of agree with some of the points  
11 that were made relative to a preferred on an action item that  
12 doesn't have a lot of meat to it, I am just wondering if --  
13 Paul, do you want to still go with the motion? Do you still  
14 want to go forward with the motion? I mean, I will support it,  
15 but I just wanted to see if you still wanted to make it the  
16 preferred at this time.

17  
18 **DR. MICKLE:** Yes, I would like to proceed.

19  
20 **CHAIRMAN BOSARGE:** Great. Mr. Riechers, and then let's get to a  
21 vote on the Mississippi amendment.

22  
23 **MR. RIECHERS:** I agree with that. I guess my question is to the  
24 states. Are you really going to end up, at the end of the day,  
25 not choosing to have as much authority as you can have as you  
26 move forward with your plan, when we really see that suite of  
27 things? My suspicion is that everyone is going to want, really,  
28 all that authority.

29  
30 What I am hearing is that, and I don't know if we have it in a  
31 future part of the report, and I don't think we did, was that  
32 Alternative 2 is going to go away and we're going to just be  
33 with Alternative 3, or at least that's what I thought I heard  
34 from Mara, in some respects, and, Leann, I will let you correct  
35 that, and maybe we need to make that as a motion. Either way,  
36 Paul, I am voting for your motion, because it may hurry us  
37 along, because that's the one we're going to end up wanting in  
38 our plans anyhow.

39  
40 **CHAIRMAN BOSARGE:** Let me clarify. That was me that said that.  
41 That was me looking into the future and seeing, when we get this  
42 document back at the next meeting, we're going to say, hey, it  
43 makes sense to just get those two items out of Alternative 2 and  
44 put them in as sub-items under Alternative 3. Dr. Mickle, you  
45 get the last word.

46  
47 **DR. MICKLE:** I think it will be a question. Is it cleaner and  
48 easier if I ask for a friendly substitute motion, and I'm

1 asking, and I'm not making it, to make Alternative 2 the  
2 preferred, with Mississippi adding the size change delegation  
3 ability? Isn't that accomplishing the exact same thing, but a  
4 little bit cleaner, or am I off base?  
5  
6 **CHAIRMAN BOSARGE:** How about we vote on this one?  
7  
8 **DR. MICKLE:** Okay. Thank you.  
9  
10 **CHAIRMAN BOSARGE:** Okay. **Everybody in favor of the motion,**  
11 **signify by raising your hand.**  
12  
13 **EXECUTIVE DIRECTOR GREGORY:** Sixteen.  
14  
15 **CHAIRMAN BOSARGE:** **All those opposed, same sign.**  
16  
17 **EXECUTIVE DIRECTOR GREGORY:** Zero.  
18  
19 **CHAIRMAN BOSARGE:** **The motion carries.** Mr. Diaz.  
20  
21 **MR. DIAZ:** We had a second motion to pick a preferred for Action  
22 2. **In Action 2, to make Alternative 2, Option 2a, the preferred**  
23 **alternative.**  
24  
25 **CHAIRMAN BOSARGE:** We have a motion coming up on the board. In  
26 Action 2, to make Alternative 2, Option 2a, the preferred  
27 alternative. Is that your motion, Mr. Diaz?  
28  
29 **MR. DIAZ:** Yes, ma'am.  
30  
31 **CHAIRMAN BOSARGE:** Do we have a second for the motion?  
32  
33 **DR. MICKLE:** I second it.  
34  
35 **CHAIRMAN BOSARGE:** It's seconded. Is there discussion on the  
36 motion? Any discussion on the motion? Dr. Mickle.  
37  
38 **DR. MICKLE:** We are trying to move it along, and I want to pick  
39 preferreds, and we want to keep this thing moving, and the for-  
40 hire captains have voiced -- I think the accountability and our  
41 ability, with our landings system, has been made clear, and so  
42 we're capable of doing this. I don't think it impacts the other  
43 states in any way, and I just want to keep my document moving.  
44 Thank you.  
45  
46 **CHAIRMAN BOSARGE:** All right. Any further discussion on the  
47 motion? **Any opposition to the motion? Seeing none, the motion**  
48 **carries.**

1  
2 Now, let's go back to Action 1, just for a second. Here is what  
3 we've got right now. When the document comes back, whatever  
4 delegation authorities are approved via the IPT that the states  
5 could take over, those are all going to be listed as sub-options  
6 under Alternative 3.

7  
8 Now, Alternative 2 has two options in it that can be delegated  
9 to the states. The cleanest thing would be to take those two  
10 options, which are seasons and bag limit, and move them into  
11 Alternative 3 and get rid of Alternative 2.

12  
13 **DR. LASSETER:** Basically, the way Alternative 2 is already  
14 written up in the document, it includes more than just bag  
15 limits and seasons. It says those are the specific things that  
16 would be changed in the regulations, but it goes on to discuss  
17 that there are other things that the states could do, such as  
18 setting regional seasons, and that's also one of these added  
19 delegation items.

20  
21 Alternative 2 in the document is already broader than that. We  
22 added that Alternative 3 based on a motion that was made, that  
23 we still needed to flesh out. The way, as staff, I understand  
24 your previous motion about adding in the list of items from  
25 those letters, those are redundant with what's already in  
26 Alternative 2, and so I would interpret the two motions you've  
27 made as, by nature, collapsing those alternatives.

28  
29 Otherwise, you have two alternatives -- You have Alternative 2  
30 doing the exact same thing as Alternative 3, Option 3a, b, and  
31 d, and so I understand that already as collapsing them, which is  
32 why, now that you have a new preferred Alternative 3,  
33 essentially they're going to both be Alternative 2. Staff  
34 understands that perfect. Thank you.

35  
36 **CHAIRMAN BOSARGE:** Yes, and there is a lot of nodding of heads.  
37 I think we're all in agreement, and it doesn't matter what  
38 number it comes out to, but we understand that we're going to  
39 have all those sub-alternatives underneath that one alternative.  
40 Everybody seems to be pretty clear. All right. Dr. Crabtree.

41  
42 **DR. CRABTREE:** This is something I am confused about. Paul's  
43 preferred, just chosen, implies that the states management is  
44 going to include the for-hire vessels, right, because wasn't  
45 that implicit in 2a? I am trying to figure out where in these  
46 documents do we indicate -- It seems, to me, in the overarching  
47 document, it says, for a state with an approved management  
48 program, the state will choose whether to manage its private

1 angling component or not.

2

3 How does that work? If it's a delegation, it seems to me, in  
4 the delegation, the council has got to say are you delegating  
5 authority over just the private or over the for-hire, and I'm  
6 not sure how the choice works. How does the state go about  
7 choosing? Are they choosing on an annual basis that they're  
8 going to choose one way, and they get to choose differently the  
9 next, so we could have the for-hire popping in and out? I think  
10 we need to nail this down a lot more cleanly, and it would seem,  
11 to me, if delegation is where folks want to go, it seems to me  
12 this is part of what is delegated, but I don't think that's in  
13 here anywhere.

14

15 This is going to be the most controversial part of this, because  
16 we're going to get this whole battle going again about are they  
17 in or are they out, and then, if we decide that some are in and  
18 some are out, we're going to have a lot of complexities to  
19 figure out exactly how that works and how we enforce it and  
20 things, and so I'm not sure exactly what the best way to handle  
21 that is, but it seems to be an issue that we need to deal with.

22

23 **CHAIRMAN BOSARGE:** Mr. Diaz.

24

25 **MR. DIAZ:** Couldn't it just be another action in this document?  
26 It would just be another action that states -- It could be in  
27 all documents that states take private rec only, would be a  
28 preferred, and then another option below it would be  
29 charter/for-hire. If you picked both of them as preferreds, you  
30 would get them both. As far as whether they go in or out  
31 yearly, that's something I hadn't thought through.

32

33 **CHAIRMAN BOSARGE:** Right now, that decision is made in the  
34 overarching document, correct, Dr. Lasseter? Dr. Crabtree.

35

36 **DR. CRABTREE:** In theory, but, when you look at the document, it  
37 just says the state chooses, and that's almost like there wasn't  
38 a decision made, and that is what is bothering me. It seems, to  
39 me, that we have to decide as a council whether we are  
40 delegating it to them or not, and I don't know how leaving it --  
41 At least we need to specify some process that, when the state  
42 chooses, it means they notify somebody or -- It just seems too  
43 loose, to me. We're going to get all this feedback over this  
44 from the for-hire guys, and it seems like, the way this is set  
45 up, we never really made a decision about it.

46

47 **CHAIRMAN BOSARGE:** Mr. Banks.

48

1 **MR. BANKS:** I am fine to add an action in our plan to identify  
2 such, to identify which component we want to include in our  
3 plan, if that makes it easier, and I'm really looking at staff.  
4 Maybe Ava can help us, to see if that's appropriate, or if  
5 something that is already in there specifies it. I do see what  
6 Roy is saying. The only way you sort of know that the state  
7 wants to manage both of them is through some of these other  
8 actions.

9  
10 **CHAIRMAN BOSARGE:** All right. Let's give everybody some time to  
11 chew on that, and let's keep making progress. I think it's  
12 clear that we'll have to do some more work there, but I'm not  
13 sure that, right this second, that we're going to be able to  
14 clear up what that work is.

15  
16 Were there any other motions on the Mississippi amendment?  
17 We're done with Dale's motions. Okay. Did any other state want  
18 to go through their amendments and make some motions? Okay.  
19 All right. Chairman Greene, do you want to pick back up?

20  
21 **MR. GREENE:** Staff then reviewed the individual state  
22 amendments. Staff compiled a list of the management measures  
23 included in the states' responses to the council's letter  
24 regarding expanded delegation and requests guidance on the  
25 delegation alternatives.

26  
27 Update on Implementation of the Generic For-Hire Electronic  
28 Reporting Amendment, Dr. Nick Farmer provided an update on the  
29 Southeast For-Hire Implementation Team that is tasked with  
30 developing the framework to implement electronic reporting in  
31 the southeast region.

32  
33 He emphasized that ACCSP has been selected as the data-housing  
34 provider and that the remaining aspects of the program are under  
35 active development. The remaining details of the implementation  
36 process will be completed in the coming months, but the  
37 implementation timeline has not been finalized.

38  
39 Analysis of Red Grouper Indices of Abundance, the previous red  
40 grouper assessment, SEDAR 42, provided indices of abundance  
41 through 2013. The SSC representative, Dr. Lorenzen, reviewed a  
42 presentation provided to the SSC by National Marine Fisheries  
43 Service that updated the indices of abundance through 2016 or  
44 2017, depending upon the index.

45  
46 The updated indices showed that there was a peak in 2013 and a  
47 decline in the indices in the subsequent years, with the indices  
48 for 2016 at about half of 2013. It's possible that the decline

1 could have been triggered by a red tide event in 2014, but  
2 recruitment trends have shown cycles of peaks and valleys since  
3 the 1990s.

4  
5 Without more information that could be provided by a stock  
6 assessment, the SSC could make no conclusions about the cause of  
7 the decline and had no scientific basis to make any  
8 recommendation to the council. Dr. Crabtree noted that, under  
9 authority he will be granted when Amendment 36A is implemented,  
10 a portion of the commercial IFQ quota could be withheld at the  
11 beginning of the year, while awaiting assessment results. The  
12 next red grouper assessment will be conducted in 2018, with  
13 final results available by February 2019.

14  
15 Amendment 41, Allocation-Based Management for Federally  
16 Permitted Charter Vessels, staff gave an overview presentation  
17 of the actions in Amendment 41 and noted current council and AP  
18 preferred alternatives. The committee then made the following  
19 motions. **The committee recommends, and I so move, to add a new  
20 Action 5.4, Reclamation of Latent Shares.**

21  
22 **CHAIRMAN BOSARGE:** Staff is getting the motion up on the board.  
23 There we go. To add a new Action 5.4, Reclamation of Latent  
24 Shares. Is there any discussion on the committee motion?  
25 **Seeing none, is there any opposition to the committee motion?**  
26 **No opposition, and the motion carries.** Chairman Greene.

27  
28 **MR. GREENE:** The committee noted how setting a share cap in  
29 Action 9 would interact with the redistribution of shares in the  
30 adaptive management process. The committee then requested that  
31 staff prepare some options for X percentage in Alternative 3 of  
32 Action 9.

33  
34 The committee discussed the potential for discrepancies in  
35 average fish weights from dockside sampling that would be used  
36 for converting pounds to number of fish. The committee then  
37 made the following motion. **The committee recommends, and I so  
38 move, to add a new Action X, Units of Measure for Quota  
39 Distribution and Reporting.**

40  
41 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any  
42 discussion on the motion? **Seeing none, is there any opposition  
43 to the motion? No opposition, and the motion carries.**

44  
45 **MR. GREENE:** Dr. Stephen discussed the current Action 4 in  
46 Amendment 42, which addresses an endorsement or permit for  
47 landings history vessels and the need for a similar action in  
48 Amendment 41. The committee then requested that staff draft a

1 similar action for inclusion in Amendment 41.

2  
3 The committee discussed their previous selection of a preferred  
4 alternative for Action 6, given that Action 6 was not applicable  
5 under the current preferred PFQ program. The committee  
6 requested staff remove the preferred alternative notation for  
7 future drafts, and no objection was raised.

8  
9 **CHAIRMAN BOSARGE:** Mr. Banks.

10  
11 **MR. BANKS:** I am going to have some motions for 41 before we  
12 leave the document. Here is my rationale for this set of  
13 motions. We had a vote to table this amendment, and I  
14 understand why folks would like to table it, but I voted not to  
15 table it yet, because I really want to see it go to a  
16 referendum, so that I can know what the people want.

17  
18 I voted to keep the document going, and then I was part of the  
19 group that sat around and didn't keep the document going, and  
20 that's embarrassing to all of us, and so, to try to keep the  
21 document going and trying to get it to a referendum, I would  
22 like to offer some preferreds. **I will start with a motion to**  
23 **select Alternative 5, which is the AP preferred, in Action 3, as**  
24 **the preferred.**

25  
26 **CHAIRMAN BOSARGE:** Staff is getting that on the board. In  
27 Action 3, to make Alternative 5 the preferred alternative. All  
28 right. Do we have a second for the motion? It's seconded. Is  
29 there discussion on the motion? Mr. Boyd.

30  
31 **MR. BOYD:** If we're going to go through and pick alternatives, I  
32 think we need to have the document up, and so I would like to  
33 wait for a minute, for at least for me to get my document up and  
34 get to it. I think it's important that we go through these in  
35 the document, so we'll know what the other alternatives are.

36  
37 **EXECUTIVE DIRECTOR GREGORY:** If you don't want to wait for staff  
38 to get to the different sections of the document, it is on our  
39 website, in our agenda, and you can load it on your own computer  
40 and scroll through it as you please.

41  
42 **MR. BOYD:** Patrick, can you tell me what page this is on?

43  
44 **MR. BANKS:** I am trying to find that page as we speak. It's  
45 page 32 of the document is Action 3.

46  
47 **CHAIRMAN BOSARGE:** Dr. Crabtree.

48

1 **DR. CRABTREE:** I am not sure who on the staff to address it to,  
2 but there is -- If you look at Alternative 5, there is the  
3 asterisk there, and it says "until 2022", and I know that's when  
4 sector separation sunsets, but wouldn't this document, if we  
5 approve it and go down this path, sort of keep -- It would keep  
6 sector separation in place at that point. Isn't this really  
7 establishing sector separation for the three species that are  
8 included in it without a sunset? Maybe Mara knows.

9  
10 **MS. LEVY:** I think, if the agency implements this, then you are  
11 obviously giving out the shares and allocation to these  
12 particular vessels. I think maybe that is at least how I read  
13 it, is to note that this percentage of the for-hire quota, or  
14 ACL or whatever it is, only applies while sector separation  
15 applies. There is no percentage -- The charter vessels don't  
16 have a percentage, necessarily, of a separate for-hire quota if  
17 there is no sector separation, but I think you're right that,  
18 once you implement it, then they would.

19  
20 **CHAIRMAN BOSARGE:** Okay. Mr. Riechers.

21  
22 **MR. RIECHERS:** As I am recalling, this was some level of  
23 confusion in the committee meeting, because this table, in some  
24 respects, doesn't show the preferreds of the option prior, and  
25 so I think what your motion is saying, but I am not completely  
26 certain, Patrick, is that it's only applying to red snapper,  
27 greater amberjack, and gray triggerfish, based on the previous  
28 preferreds. I think that's what the intent is here. I am not  
29 necessarily in agreement with that even, but I think that is  
30 what the intent is.

31  
32 **CHAIRMAN BOSARGE:** All right. Ms. Guyas.

33  
34 **MS. GUYAS:** I think Mara brought this up, kind of along those  
35 lines, in the committee. Again, this does establish sector  
36 separation, or continues it, for red snapper, and so it really  
37 makes sense here to look at this not only from the for-hire  
38 perspective, but also the private anglers, and so these tables  
39 need to break down -- This is private anglers, and this is what  
40 they would get, and this is what the charter boats would get,  
41 and this is what the headboats would get. Then they will have  
42 to all come into agreement.

43  
44 **CHAIRMAN BOSARGE:** I think we had that discussion during  
45 committee. It was a suggestion that we made to staff, if they  
46 could expand that table, and it would make things a little  
47 easier, and so maybe, in the next go-around in that draft, we'll  
48 be able to see all of that. Dr. Diagne.

1  
2 **DR. DIAGNE:** Thank you, Madam Chair. Perhaps there is a line  
3 that is missing from this table, essentially, and I guess more  
4 explanation. What it shows is it shows the percentages. The  
5 first percentage is a percent of the federal for-hire component,  
6 meaning the 42.7 that is allocated to them, because that is what  
7 you decided under Amendment 40.

8  
9 After 2022, presumably, if that goes away, the percentage that  
10 is shown below is the percentage of the total recreational ACL.  
11 Essentially, that's the difference, but, as Dr. Crabtree and  
12 others have mentioned, these amendments would continue with  
13 sector separation, but what changes is the percentage allocated  
14 to the component pre-sector separation, I guess during sector  
15 separation, and after. Perhaps, at the bottom here, we will  
16 make it clearer.

17  
18 **CHAIRMAN BOSARGE:** Thank you, sir. All right, and so we have a  
19 motion on the board. Dale.

20  
21 **MR. DIAZ:** I am not going to support this motion, Patrick,  
22 because I don't -- For some of the reason that Martha brought  
23 up, and I've got some conflicts that I haven't resolved for  
24 myself with this one, but I am going to try to help pick some  
25 preferreds in the document today, and this is one that I am  
26 uncomfortable with, for a couple of different reasons.

27  
28 There is something else that has been going through my mind on  
29 this motion. A few meetings back, we had a lot of fishermen  
30 come in here and say to move 41 and 42 at the same pace and keep  
31 them similar documents, and we've got three species here, and  
32 we've got five over there.

33  
34 We're not keeping them the same, and the rationale for pulling  
35 the groupers out, and I understand that from the folks on the  
36 west coast of Florida, and I understand why they think that way,  
37 but, if you use that rationale, some of these other species are  
38 more prominent in certain areas of the Gulf than others, and  
39 those people there would have the same argument for those  
40 species.

41  
42 I haven't come to terms with how to deal with that, and so I'm  
43 going to vote against moving a preferred at this time on this  
44 motion, but I will support moving some preferreds on some other  
45 ones. Thank you, Madam Chair.

46  
47 **CHAIRMAN BOSARGE:** Any further discussion? Mr. Boyd.

1 **MR. BOYD:** I want to ask Dr. Diagne -- Did I understand  
2 correctly that this would be, in the case of red snapper, 68.7  
3 percent of the entire recreational, including the private boats?  
4 Is that what you said?

5  
6 **DR. DIAGNE:** My apologies, and maybe I didn't say it clearly.  
7 Here, what you see is it says percentage of for-hire, and the  
8 asterisk says until 2022. As you recall, Amendment 40 did  
9 allocate, I believe, 42.7 or so percent of the recreational  
10 quota to the federal for-hire component.

11  
12 41 and 42 are subdividing that allocation between the charter  
13 and the headboat, and so this is 68.7 percent of the 42 percent  
14 of the federal for-hire quota. The reason why this says until  
15 2022 is because that is, presumably, the expiration of sector  
16 separation, but, past that point, the second line would allocate  
17 35.9 percent of the entire recreational quota to the  
18 charter/for-hire. There is a similar table in Amendment 42,  
19 which gives the shares of the headboats.

20  
21 **MR. BOYD:** Thank you.

22  
23 **CHAIRMAN BOSARGE:** Mr. Sanchez.

24  
25 **MR. SANCHEZ:** As the seconder, if the maker of the motion -- In  
26 the interest of going forward and picking some preferreds, maybe  
27 we, unfortunately, started on the most complex one here, and  
28 maybe we should withdraw and then just move forward, and  
29 hopefully things go a little smoother, and then, in the interim,  
30 next time we meet and view this document, we'll have some of  
31 this information available that we might be looking at, or  
32 thinking we would benefit from.

33  
34 **CHAIRMAN BOSARGE:** Dr. Diagne.

35  
36 **DR. DIAGNE:** This is one of the actions in the document for  
37 which both Amendments 41 and 42, obviously, would have to be in  
38 sync. It is the same preferred alternative that needs to be  
39 picked, and so, if Mr. Banks, who I believe made the motion,  
40 agrees, he can wait until the discussion on 42, and we will put  
41 the same table, with the proper footnote, and remake his motion  
42 at that time.

43  
44 **CHAIRMAN BOSARGE:** Mr. Banks.

45  
46 **MR. BANKS:** I will withdraw the motion.

47  
48 **CHAIRMAN BOSARGE:** All right, and so the motion has been

1 **withdrawn.** Do you want to move on to your next motion, Mr.  
2 Banks?  
3  
4 **MR. BANKS:** Sure. Maybe. Keeping with that, in Action 4, the  
5 AP picked their preferred, and that was to select Alternative 4d  
6 in Action 4.  
7  
8 **CHAIRMAN BOSARGE:** I hear it's page 38.  
9  
10 **EXECUTIVE DIRECTOR GREGORY:** It's page 38 in the document, but  
11 you can get confused if you look at the PDF pagination. It's  
12 page 48 with the PDF.  
13  
14 **CHAIRMAN BOSARGE:** Patrick, will you repeat the motion for us,  
15 please, so everybody will be onboard here?  
16  
17 **MR. BANKS:** In Action 4, a motion to select Alternative 4d as  
18 the preferred.  
19  
20 **CHAIRMAN BOSARGE:** There we go. All right. We have a motion on  
21 the board. Do we have a second for the motion? We have a  
22 second. Is there discussion on the motion?  
23  
24 **MR. BOYD:** I would like to make a substitute motion.  
25  
26 **CHAIRMAN BOSARGE:** All right. A substitute motion from Mr.  
27 Boyd.  
28  
29 **MR. BOYD:** In 2.4, Action 4, I would like to make Alternative 5  
30 the preferred.  
31  
32 **CHAIRMAN BOSARGE:** Okay, and so the motion is for Alternative 5  
33 to be the preferred, which is to distribute the charter quota by  
34 auction. All eligible participants are allowed to place bids,  
35 and it's been seconded by Dr. Shipp.  
36  
37 **MR. BOYD:** Do you want me to give a little bit of rationale?  
38  
39 **CHAIRMAN BOSARGE:** Yes, sir.  
40  
41 **MR. BOYD:** We heard, this morning, or yesterday, and I can't  
42 remember when now, from General Counsel, and they gave us an  
43 opinion that anything above a certain level could be put up for  
44 auction if the council decided that's what they wanted to do.  
45 In other words, it's a policy decision.  
46  
47 This is a policy decision before we ever get to a referendum,  
48 and so they would go in knowing exactly what it is. I am going

1 to talk about a white paper for rents in a little while, and I  
2 was going to do it when it came up, and so this is a little  
3 premature, and I didn't realize we were going to do this right  
4 now, and so I'm out of order in the way I was going to do  
5 things.

6  
7 I would like to have an in-depth discussion about what royalties  
8 and rents are and how they operate and what the procedures are  
9 and how they're defined and how they're used across the nation,  
10 but I can't let an alternative be picked as a preferred until we  
11 have that discussion, and that's why I am submitting this as a  
12 substitute motion.

13  
14 **CHAIRMAN BOSARGE:** Okay. Mr. Riechers.

15  
16 **MR. RIECHERS:** This is just a difficult issue, as we deal with  
17 this as a whole, and I'm going to take a step back just for a  
18 moment, and it's going to be speaking to this particular attempt  
19 to pick preferences, but maybe a little broader.

20  
21 We all know this is a very contentious issue, and we've all  
22 worked through this, basically, with sector separation being  
23 selected almost three years ago, and a lot of people at the mic  
24 were saying it had a lot longer history, but the selection was  
25 about three years ago.

26  
27 This has been in process since then, at some level, and I agree  
28 with Patrick, to some degree, that we do need to either say and  
29 signal that we're either going forward or we're not going  
30 forward. I may not agree with what that signal should be with  
31 everyone around the table, but I think we need to do that, and  
32 we need to do that fairly soon.

33  
34 I am a little concerned, as we go through and pick preferreds,  
35 that we're also signaling things that we may not truly be ready  
36 to do, at the end of the day, and I am concerned about that. I  
37 have been tossing around an idea, and I've tossed it around to a  
38 few people, about is there a way that we could step back with  
39 this group and move away from kind of where they've been headed  
40 with this document, and basically a quota distribution system,  
41 and you can call it IFQ, or you can call it some other type of  
42 quota system, but that's what it is.

43  
44 Get back to the original intent of some business flexibility for  
45 them, but not basically granting them that quota share in  
46 perpetuity, and, while I realize that's a big step, and I don't  
47 know exactly how we get our arms around that, or how we ask them  
48 to get our arms around it, but I think that was, when we started

1 out this process, some of what we were trying to achieve, and I  
2 heard Tom speak to some of it earlier in a motion, if we could  
3 maybe take a step back, and there just might be an opportunity  
4 to do that.

5  
6 I know other people feel like they've worked on it long enough  
7 and they want to go, but I'm just trying to -- I mean, it's  
8 obviously highly contentious, and we're not making a lot of  
9 movement on it, and I am not certain that just picking some  
10 preferreds today are going to help us, and I am trying to say  
11 that maybe there is a way to step back and look at this a little  
12 differently.

13  
14 **CHAIRMAN BOSARGE:** I have Mr. Sanchez and then Dr. Crabtree.

15  
16 **MR. SANCHEZ:** Thank you. I hear what you are saying, Robin, and  
17 I don't know about the stepping back. It seems like we've been  
18 stepping back from this for the last three years. We are trying  
19 to move forward on it, and there seems to be some sentiment to  
20 move forward like a house on fire on the state plans, but then,  
21 when it comes to this, to take a step back always. Either it's  
22 the logbook or either it's -- It's always something.

23  
24 We're just trying to get preferreds, and this system, unlike say  
25 a state management system, it has some additional safeguards in,  
26 where, at the end of all of this, it's going to be taken to a  
27 referendum. Then we're going to find out the answer to that  
28 age-old question of does this industry really want this or not.

29  
30 Picking preferreds today, and, in this instance, speaking right  
31 to the motion, before it was substituted, 4d was the preferred  
32 picked by the AP. I mean, they didn't arrive at it lightly.  
33 They have gone through several AP meetings together and hashed  
34 all this out as a whole.

35  
36 Us wanting to move quickly, I mean, I wouldn't think three  
37 years, or three years and change on this, is moving quickly at  
38 all, and it always seems to be kind of the same folks that are  
39 saying let's slow down, let's slow down, but then let's go fast  
40 in another direction, and so I don't know.

41  
42 Let's do whatever anybody wants to do, but I think it's time  
43 that we kind of do something with this, because this group,  
44 unlike other groups, we just went through the whole asterisk of  
45 the 2022, and they're the ones with their backs against the  
46 wall. Maybe, if that wasn't there, maybe there wouldn't be a  
47 rush to have to go through and pick preferreds, because this is  
48 moving at a snail's pace.

1  
2 **CHAIRMAN BOSARGE:** Martha and then Kevin.

3  
4 **MS. GUYAS:** I hear what Robin is saying, and I certainly hear  
5 the concern about this slowing down. To me, I have a problem  
6 with the alternatives in this action, not necessarily because --  
7 I don't know that we need to slow them down, but I just feel  
8 like, based on what I have been hearing from people that would  
9 be affected by this, these are not going to serve them well.

10  
11 I mean, they have some legitimate concerns, and I think, if we  
12 took a little bit of probably time thinking about these, and  
13 then I think there is other things that are coming down the road  
14 that are going to make some of these decisions a lot easier,  
15 probably, for the council, and they will also make them a lot  
16 easier for the industry, where they can be a lot more  
17 comfortable with what they're going to get out of this, but I am  
18 hearing a lot of concerns.

19  
20 I am not prepared to pick a preferred on this one either, and  
21 I'm not trying to slow things down for the sake of slowing them  
22 down, but I am legitimately concerned about where this is going  
23 to leave people.

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

26  
27 **MR. ANSON:** I am with Martha. We have put a lot of work into  
28 this. Staff have put a lot of work into the document, and we've  
29 put a lot of work into trying to flesh out some of these things  
30 and provide some clarity in the different action items, but it's  
31 a complex document, and, based on the lack of discussion that we  
32 had during the Reef Fish Committee, that you pointed out,  
33 Patrick, there is not probably a lot of comfort level here  
34 around this table of picking preferreds, because there is this  
35 issue of complexity, and, granted, it may have been a biased  
36 sample from the podium yesterday, but, if you were to go down  
37 all the people that commented to this, these two different  
38 amendments, and that was reflective of what the referendum would  
39 be, it would not pass.

40  
41 Now, would it not pass because of all of the stuff that's in the  
42 various documents they just don't want to deal with, and they  
43 don't like, or is it because we haven't picked a preferred and,  
44 the various suite of preferreds that we have picked among all  
45 the different items, they don't have a sense to make a value  
46 judgment based on that?

47  
48 I just think we need to step back, as Robin mentioned, and we

1 need to go back and do some outreach back with our folks at home  
2 and get an idea as to where they really fall on these different  
3 action items and what their comfort level is. Then, at that  
4 point, we can come back, and we will be much more educated as to  
5 what direction the majority of the folks that are out there feel  
6 about it.

7  
8 Rather than just doing something to say we've done it and check  
9 the box and send it to referendum, and I think that's a waste of  
10 time too to everybody, if we just pick preferreds without having  
11 really any time for it to be vetted, and it will probably be  
12 dead on arrival.

13  
14 I think we ought to take a step back and maybe set a goal for  
15 ourselves as to, within a couple of meetings or something, to be  
16 ready to discuss it in more detail and pick preferreds at that  
17 time, but I am just not comfortable going through the document  
18 here at 3:30 and trying to pick preferreds just to say that we  
19 picked preferreds.

20  
21 **CHAIRMAN BOSARGE:** What stage is this document in? Can somebody  
22 remind me?

23  
24 **DR. DIAGNE:** This is a draft document. We are working our way  
25 towards the next step.

26  
27 **CHAIRMAN BOSARGE:** Is it a public hearing draft?

28  
29 **DR. DIAGNE:** No, it's just a draft, because, in a public hearing  
30 draft, we will have a full analysis in Chapter 4, but, because  
31 actions and alternatives are still being added, we cannot really  
32 proceed to that stage yet.

33  
34 **CHAIRMAN BOSARGE:** In order to go out and get the public's input  
35 on what they want, we really need to pick preferreds, and then  
36 we take it out to public hearings, and we let them tell us that  
37 I don't really like that, because of this and this and this, and  
38 then we come back in and we look at it, and we make changes, and  
39 maybe we pick different preferreds, and then we send it out to  
40 referendum. Then we really find out what they want, but, if we  
41 sit here at every meeting and never pick preferreds, we  
42 certainly won't find out what they want, if we don't get the  
43 document to a point where we can take it to them and ask them if  
44 they like it.

45  
46 We have a motion on the board, and a lot of the discussion --  
47 We've got to keep it towards the auction. That's motion on the  
48 board right now. We have the substitute motion to distribute

1 the charter quota by auction. All eligible participants are  
2 allowed to place bids. Dr. Crabtree.

3  
4 **DR. CRABTREE:** I know the statute says that we have to consider  
5 auctions and royalties, but it also tells us that we have to do  
6 a number of other things, and I have a difficult time seeing how  
7 we meet the test of the statute if we auction it all off, and  
8 so, Doug, since it's your motion, I would ask you to explain to  
9 me how auctioning it all off ensures that the initial allocation  
10 is fair and equitable and how it ensures consideration of  
11 current and historical harvest and how it ensures that it  
12 considers investments in and dependence upon the fishery and how  
13 it would ensure current and historical participation of fishing  
14 communities. Explain to me how just auctioning it all off makes  
15 sure that all of those things will happen, because the statute  
16 requires that in the initial allocation.

17  
18 **CHAIRMAN BOSARGE:** Mr. Boyd.

19  
20 **MR. BOYD:** I think that's part of the discussion we'll have when  
21 we get further into the document, because it's in 41 and 42.

22  
23 **DR. CRABTREE:** Okay, but shouldn't we understand how an  
24 alternative meets the requirements of the statute before we  
25 select as a preferred?

26  
27 **MR. BOYD:** Well, like I said a minute ago, I am sorry that we're  
28 into picking preferreds like this, because I was going to submit  
29 a motion to explain royalties and rents to us, so we get an  
30 understanding of exactly what it is and how it operates and  
31 where it's being used in the United States, and I will do that  
32 later.

33  
34 Madam Chairman, I have heard around the table that there is some  
35 discussion about we should postpone taking any action on  
36 preferreds. If the maker of the motion would like to postpone,  
37 I would be happy to withdraw my motion, if he is planning on  
38 postponing picking preferreds.

39  
40 **CHAIRMAN BOSARGE:** No, we're going to vote on this motion. I am  
41 ready to move on. Dr. Crabtree.

42  
43 **DR. CRABTREE:** I just want to say that I -- In theory, I don't  
44 disagree at all with auctions, and I actually think some of the  
45 quotas in limited access programs probably ought to be auctioned  
46 off periodically, but I have a difficult time seeing how we  
47 ensure all the things we're required to do happen if, at the  
48 initial allocation, we just auction it all off. That, to me,

1 seems to go too far.  
2  
3 If you auctioned off some of it, and then you gave some of it  
4 out based on historical participation, dependence on the  
5 fishery, and all of those things, I could see how then you could  
6 argue that you had met the test, but it seems to me, if you just  
7 do it by an auction, you really don't know who is going to get  
8 all the quota and where it's going to go and how it's going to  
9 affect fishing communities, and that seems, to me to be somewhat  
10 problematic.

11  
12 **CHAIRMAN BOSARGE:** Okay. We have a substitute motion on the  
13 board. I will throw my two-cents in before we vote, real quick.  
14 I heard a lot of public comment on auctions last night, and it  
15 kind of made sense to me that the person with the most money is  
16 going to be the one that gets that quota, and so some people  
17 think we have issues with consolidation in the commercial catch  
18 share program, and I feel like, if you go down this route, that  
19 would take the commercial and just totally exacerbate the  
20 problem that some people think we have there. You are  
21 definitely going to pick some winners and losers, and the people  
22 with the most money are going to be the winners.

23  
24 All right. Let's vote on the motion. **All those in favor of**  
25 **Alternative 5 being the preferred alternative, to distribute the**  
26 **charter quota by auction, signify by raising your hand.**

27  
28 **EXECUTIVE DIRECTOR GREGORY:** Five.

29  
30 **CHAIRMAN BOSARGE:** All those opposed, same sign.

31  
32 **EXECUTIVE DIRECTOR GREGORY:** Ten. The motion fails five to ten.

33  
34 **CHAIRMAN BOSARGE:** All right, and so that brings us back to the  
35 original motion. That was, in Action 4, to make Alternative 4,  
36 Option d, the preferred. Alternative 4 is distribute the  
37 charter quota based on equal distribution, passenger capacity,  
38 and historical landings by region, using one of the following,  
39 and Option 4d would be the preferred, which is a 25 percent for  
40 equal distribution, 25 percent for passenger capacity, and 50  
41 percent historical landings by region. **All those in favor,**  
42 **signify by raising your hand.**

43  
44 **EXECUTIVE DIRECTOR GREGORY:** Eight.

45  
46 **CHAIRMAN BOSARGE:** All those opposed, same sign.

47  
48 **EXECUTIVE DIRECTOR GREGORY:** Eight.

1  
2 **CHAIRMAN BOSARGE:** It's a tie, and the motion fails. Dr.  
3 Frazer.

4  
5 **DR. FRAZER:** Again, I want to reach out to Patrick a little bit  
6 and say I appreciate your motivation. I really do, and I also  
7 said earlier that I realize the people around the table here are  
8 relatively uncomfortable with making these decisions, and I am  
9 not a huge fan of necessarily postponing these, but what I am  
10 wondering is, rather than postpone them, can we just -- I am  
11 questioning here whether or not we can make an action to put  
12 this, very explicitly, on the agenda for the next meeting, to  
13 pick preferreds, rather than just saying that we're going to  
14 discuss Amendment 41 and 42.

15  
16 That way, people should come into the next council meeting very  
17 prepared and not with all this confusion. They have got a job  
18 to do, and it shouldn't be a surprise to anybody, and we should  
19 be able to have a very constructive discussion and move  
20 effectively through the process. That's my preference, if we  
21 could do that.

22  
23 **CHAIRMAN BOSARGE:** Mr. Sanchez.

24  
25 **MR. SANCHEZ:** That would work for me, if we could set some time  
26 certain, and obviously, if this is any barometer, set an  
27 adequate amount of time, and let's get into this. I mean, if  
28 not, we're just going to keep kicking the can until the cows  
29 come home, and that doesn't seem right to the public either, and  
30 so that would work for me. I could support that approach.

31  
32 **CHAIRMAN BOSARGE:** Okay. Ms. Guyas.

33  
34 **MS. GUYAS:** Way back in time, when we were talking about -- I  
35 think it was this amendment and not 42, but there was a  
36 discussion about kind of a decision tool, where you could see,  
37 based on allocations and how we distribute quota, where people  
38 kind of end up, and I would love to see something like that  
39 before we're going down and picking preferred alternatives.

40  
41 I think people need to understand what they're getting into,  
42 because I don't know that we have that really right now, or at  
43 least one that we can manipulate and play with. That is  
44 something that I would like to see before we seriously go down  
45 this road and start pushing these amendments.

46  
47 **CHAIRMAN BOSARGE:** Yes, sir.  
48

1 **EXECUTIVE DIRECTOR GREGORY:** Maybe staff has a way to do that,  
2 but, in my mind, we have nothing to judge it by. I mean, we  
3 could probably take the fleets and calculate the percentage  
4 based on say 4d or whatever, but we don't have any historical  
5 landings to say if they would be increasing or decreasing their  
6 catch.

7  
8 **MS. GUYAS:** Right, and so people would have to kind of do the  
9 math for themselves, but say, okay, the quota for 2018 is this.  
10 If we end up with this allocation, which would break it out this  
11 much for the charter boats, and then we end up dividing that  
12 among the boats, using this formula, people can kind of do the  
13 math and be like, okay, and so this is probably what I would  
14 get, under this scenario today, and then they can compare that.  
15 They know, relatively, if it's going to work for them or not,  
16 and so that is something that I would like to see for this.

17  
18 **CHAIRMAN BOSARGE:** Okay. I have a whole list of people, and so  
19 we're going to go to Dr. Freeman.

20  
21 **DR. MATT FREEMAN:** Dr. Stephen had initially prepared a tool for  
22 red snapper, and she was in the process of working on it last  
23 fall for the additional species, and a little bit of that got  
24 delayed, with Irma and other issues, but I can speak with her  
25 and see what stage she's at with that and when she would be  
26 ready to present that to the council.

27  
28 **CHAIRMAN BOSARGE:** Sounds good. Next, I have Mr. Matens.

29  
30 **MR. MATENS:** Thank you, Madam Chair. I wasn't voting against  
31 4d. I was voting against choosing something when I had no clue,  
32 and maybe it's just me, but what really the effects of all these  
33 different options are, and it would be presumptuous for me to  
34 try to make a choice when I don't know what I am making a choice  
35 on, and so that's my dilemma. How do I get my hands around what  
36 4d really means and what 4c really means?

37  
38 **CHAIRMAN BOSARGE:** Any further comments? Mr. Riechers and then  
39 Mr. Sanchez.

40  
41 **MR. RIECHERS:** John, I will go back to your comments about being  
42 ready to go, and I think we are ready to go, and I would say, on  
43 this one, I share Martha's, but there should be an equal  
44 distribution column that has here is what you get, based on this  
45 number of vessels, and there should be then the various  
46 passenger capacities that then say here is what you get, and  
47 then the historical landings by region, and I'm assuming they're  
48 doing region by state here, and here is what you get. Then

1 there should be a poundage that gives each of those people the  
2 alternative to see what they are going to get.

3  
4 I am going to go back to the bigger comment, because, John, I  
5 appreciate your sentiments, and, again, we're just on different  
6 sides of this fence, and I always appreciate your comments, but  
7 I am going to try again, because I'm going to say, while I know  
8 you want to go forward with this document, I think there is a  
9 lot of us, from a policy perspective, that just aren't seeing  
10 that this is the tool that we need to go forward with.

11  
12 I am still trying to work at what is the tool that gives them  
13 the flexibility that they want. Sector separation helped,  
14 because it got them days and a longer season, but is there  
15 another tool, other than the tools we have in here, where we  
16 could add an alternative and we could think about a different  
17 way or approach to do this, that still basically gets us away  
18 from a nine-to-eight vote on Action 1, which is where we will  
19 start the next meeting, as to where there is no action or  
20 whether we move forward.

21  
22 I don't know the answer to that, and I'm just trying to say, is  
23 there a way to pull back and really talk to people and see if  
24 there is an approach that may get us to where we want to go, but  
25 not create this -- Basically, it's an IFQ system. It's a  
26 further privatization of these resources, on multiple species,  
27 and, when we started contemplating this, it wasn't even that,  
28 and so, like I said, I throw it out there, and it's an olive  
29 branch. I am trying to work here, and I'm trying to figure out  
30 a way.

31  
32 **CHAIRMAN BOSARGE:** Mr. Diaz.

33  
34 **MR. DIAZ:** To Robin's point, I mean, after sector separation  
35 passed, I talked several times about traditional management  
36 measures, and that really kind of fell flat, but that's what I  
37 had thought might be a good first step.

38  
39 It's something easy that we could have done a long time ago if  
40 charter fishermen wanted it, and I know there is only a few  
41 things that you can look at there, but, still, if they were  
42 willing to go to one fish, that gets you 42 percent more fish,  
43 and the split seasons got them a few more days, and I think  
44 there might have been one other thing that had a small increase,  
45 but there were a few options there, but that's enough. Thank  
46 you.

47  
48 **CHAIRMAN BOSARGE:** Okay. So, we're going to bring back a

1 decision tool, or ask Dr. Stephen if she can bring that back,  
2 and there will obviously be a lot of different decisions in that  
3 tool that will have to be answered to see what you get. Then I  
4 think another thing that might help too is, when this is on the  
5 agenda at the next meeting, to have it so that we go through 42  
6 first. Do you see what I'm saying?

7  
8 42 is the one that is more streamlined, and I think, if we can  
9 wrap our heads around some things in 42, and then get to the  
10 more complicated one, which is 41, that may be helpful, too, and  
11 so we'll try and do that. All right. Mr. Swindell.

12  
13 **MR. SWINDELL:** Robin, one of the things that you need to  
14 understand is that, in the front of this document, which I just  
15 go through reading some of it, it says the preferred selected  
16 method is a PFQ program and not an IFQ, which, as you  
17 understand, is the permit program, which is a little different,  
18 the way it's handled and the way it comes out.

19  
20 There are a couple of preferred options already chosen in the  
21 document, and why we can't come to terms with some of these  
22 other preferreds that we are positioned here to make choices,  
23 and waiting on other people to make those choices before we get  
24 here is just absolutely absurd.

25  
26 **CHAIRMAN BOSARGE:** All right. John, did you have one more  
27 comment? Then we will let Johnny carry on with his report.

28  
29 **MR. SANCHEZ:** I don't want to beat the cat. It's flat. I just  
30 kind of want to say that I appreciate us being on different  
31 sides of this and being able to disagree without becoming  
32 completely disagreeable.

33  
34 That said, I also appreciate everybody's sentiment to try to  
35 come back with a willingness to try to look at this, maybe with  
36 some of the information that might help foster a little more  
37 willingness to move forward on some of this, albeit it's not  
38 going to be palatable to everybody, but we didn't arrive at  
39 these things haphazardly, and, while we're looking at data, and  
40 it will be more challenging for 41, without historical landings,  
41 but I don't think 42 would be as challenging.

42  
43 I think we have the logbook program, the headboat program, where  
44 you can benefit from some of that, and we can figure out some of  
45 those. If we do this, it results in that, and all of that, and  
46 so I think we can look at some items going forward, and I  
47 appreciate the willingness to do that.

48

1 **CHAIRMAN BOSARGE:** Chairman Greene.

2  
3 **MR. GREENE:** I have a question for Roy or Mara or whoever. If  
4 we go down this path of exempted fishing permits, in the past,  
5 one of the hurdles we have always wrangled with has been the  
6 407(d) part of Magnuson that says, when we reach a quota, we  
7 have to shut the fishery down. Is that still going to be the  
8 deal now, I mean being that we're looking at a multi-EFP system  
9 for the recreational system?

10  
11 **DR. CRABTREE:** Absolutely. That's the law of the land, and, if  
12 we had everything that showed the quota had been caught, EFP or  
13 no EFP, the law would require us to shut everybody down.

14  
15 **MR. GREENE:** In essence, that may very well come into a  
16 hindrance with the five states trying to manage their fishery as  
17 they see fit. If you have a fishery that's constituted early in  
18 the year, they are certainly going to benefit, but, the fishery  
19 that's going to be constituted later in the year, going into it  
20 knowing that they could be shut down early, because the quota  
21 has been projected to be met, and am I correct?

22  
23 **DR. CRABTREE:** It's conceivable that if one state just blew the  
24 quota of the water completely, and went over by millions, and if  
25 they had a real-time -- Let's say it was Patrick, for example.  
26 Because they have a relatively real-time quota system, we had  
27 the landings data that said all the quota has already been  
28 caught, and I don't know how we would have an alternative but to  
29 shut it down.

30  
31 Now, I know my good friend, Mr. Banks, wouldn't let that happen,  
32 but, in theory, that could happen, but recall that was a big  
33 concern when we went into sector separation, that it wouldn't  
34 work because of 407(d), and there was all of this, but the  
35 reality was that that's never really been a -- It has never  
36 really interfered in the success of sector separation, and so  
37 it's still there, until Congress removes it, but I don't know  
38 that that means the EFPs aren't going to work out fine.

39  
40 **CHAIRMAN BOSARGE:** Mr. Anson.

41  
42 **MR. ANSON:** It sounds like folks are willing to commit to coming  
43 back in the near future to pick this back up and attempt to move  
44 forward with the document. In light of Dr. Crabtree's comments  
45 regarding auction that Mr. Boyd provided in his motion relative  
46 to Alternative 5, I am wondering -- Maybe Doug can do his  
47 homework too, in the meantime, and is Alternative 5 a viable  
48 alternative, based on all of the requirements that you mentioned

1 that auctions have to pass through?

2  
3 I mean, does there need to be a lot of the things in Alternative  
4 5 that help address those items, or is it not even a viable  
5 alternative, as it stands, without much more information?  
6

7 **DR. CRABTREE:** Well, I'm not going to say it's not a viable  
8 alternative right now, but it would be much easier for me to see  
9 how we would meet these tests if, for example, 60 percent or 50  
10 percent of the quota went out based on historical participation  
11 and those kinds of things and then some other amount of quota  
12 was auctioned off periodically.  
13

14 My issue with it, and how I have a hard time seeing how it meets  
15 the other requirements, is because -- It seems to me, in this  
16 alternative, that all of it would be auctioned out, and then it  
17 seems like just the people with the deepest pockets get it all.  
18 I don't know how then we could be sure that we achieved all of  
19 these other things. It seems more viable, to me, if it was in  
20 combination with something else.  
21

22 **CHAIRMAN BOSARGE:** Doug, I would like to take a break and then  
23 pick back up, but go ahead.  
24

25 **MR. BOYD:** Thank you. It's to that point. Roy, I agree with  
26 you. We've gone through these documents, and no one, staff or  
27 council, has addressed rents or royalties. Nobody has put an A,  
28 B, C, D down there, like you're talking about.  
29

30 We have asked for a full suite of alternatives, and we don't  
31 have it here, and so I will commit to you to work up a suite of  
32 options for the rents, and I will work with staff, to the point  
33 that they will work with me on this, and we'll have several  
34 alternative options at the next meeting for 41 and 42 in rents  
35 and royalties.  
36

37 **CHAIRMAN BOSARGE:** Dr. Diagne.  
38

39 **DR. DIAGNE:** Thank you, Madam Chair. If I may, both amendments,  
40 41 and 42, include a suite of options detailing percentages for  
41 auctions. I am looking, for example, at 42, and Dr. Freeman can  
42 give you that, and we have auctions starting from zero, 25, 50,  
43 75, and 100 percent. It is in both documents, and those will be  
44 analyzed, as well as equal distribution and the proportional  
45 based on catch histories for 42. Of course, in 41, they don't  
46 have that.  
47

48 **CHAIRMAN BOSARGE:** Thank you for the clarification, Dr. Diagne.

1 All right. Chairman Greene would like to take a short break,  
2 and I think I concur with him, and so let's take a fifteen-  
3 minute break and we'll come back, and so four o'clock. At four  
4 o'clock, come on back.

5

6 (Whereupon, a brief recess was taken.)

7

8 **CHAIRMAN BOSARGE:** We are going to pick back up with the  
9 committee report and get us out of here before five o'clock, I  
10 hope.

11

12 **MR. GREENE:** Reef Fish Management for Headboat Survey Vessels,  
13 staff gave a presentation on the management actions and  
14 alternatives included in the amendment. The presentation  
15 highlighted the revisions requested by the council during the  
16 October meeting. Committee members noted that the council could  
17 select preferred alternatives during Full Council.

18

19 National Marine Fisheries Service Response Regarding Referendum  
20 Requirements for Auctions, Dr. Crabtree informed the committee  
21 that NOAA General Counsel has determined that a referendum would  
22 not be required to consider the distribution of red snapper IFQ  
23 shares above 4.65 million pounds through an auction. Dr.  
24 Crabtree will provide a letter to the council including this  
25 determination.

26

27 **CHAIRMAN BOSARGE:** Mr. Boyd.

28

29 **MR. BOYD:** Thank you, Madam Chairman. This the point that I was  
30 talking about a while ago that I would have hoped that we got to  
31 here before we started picking preferreds. I think I have  
32 already introduced this, but we talked about the possibility,  
33 now that we can look at rents and royalties, and that we have  
34 had a ruling that says that, above that particular level in the  
35 initial IFQ, we could look at it.

36

37 What I would like to do -- Several of the council members last  
38 time, when we started talking about this, said basically we  
39 haven't ever really studied rents and auctions and we don't know  
40 what it's all about, and we don't know what the ramifications  
41 are, and so I have a motion that I would like to present, and I  
42 will read it.

43

44 **I move that council instruct staff to start a white paper**  
45 **exploring rents and royalties in the Gulf commercial red snapper**  
46 **fishery for allocation above 4.56 million pounds. The white**  
47 **paper should include, but not be limited to, a definition of**  
48 **rents and royalties, examples of rents, of resource rents, rent**

1 collections in the other public resources, a calculation of Gulf  
2 red snapper rent and royalties value, alternative methods of  
3 rents and royalties, collection and alternative methods for  
4 redistribution of shares.  
5

6 I tried to do exactly what Dr. Diagne said a while ago, and I  
7 tried to give him the charge of what we're looking for, and I  
8 tried to give him some specifics about what we would like to  
9 have in it, but not limit it, so we could understand more about  
10 what rents and auctions are.  
11

12 I very purposely said white paper, because I think we have to  
13 understand what this is, and we have to be more educated on it  
14 before we go any further, to do any kind of an options paper or  
15 scoping document or anything else. Thank you, Madam Chairman.  
16

17 **CHAIRMAN BOSARGE:** Okay. We have a motion on the board. Do we  
18 have a second for the motion? It's seconded by Dr. Shipp. All  
19 right. Is there discussion on the motion? Dr. Frazer.  
20

21 **DR. FRAZER:** Doug, I am just curious. What is the significance  
22 of 4.56 million pounds?  
23

24 **MR. BOYD:** The original allocation plus a little bit. I have  
25 been told that the original allocation was lower than this, but  
26 we've always used, since I've been on the council, 9.12 million  
27 pounds as the initial allocation. That's the number that's been  
28 thrown around again and again and again.  
29

30 I understand, from staff, that it was a little bit less than  
31 that, but I picked 9.12 because I wanted to be above the initial  
32 allocation when we asked for the opinion. I didn't want there  
33 to be any confusion about we were trying to get into the  
34 original allocation or get really close to it, and so I wanted a  
35 buffer in there, basically, so that when we got an opinion, it  
36 was a pure opinion and not clouded by anything that had to do  
37 with the original allocation. This 4.56 is half of the 9.12,  
38 and that is the number that was in the opinion.  
39

40 **CHAIRMAN BOSARGE:** Is there further discussion? I have a  
41 question. What is the very last part of the motion? How is  
42 that germane to rents and royalties, alternative methods for  
43 redistribution of shares?  
44

45 **MR. BOYD:** Well, in one of these documents, we talk about  
46 redistribution of shares. We talked about it in several of APs,  
47 in the charter/for-hire industry, and using a cyclical  
48 reallocation over time to redistribute shares. Then we talk

1 about the quota bank that could be established by shares that  
2 are latent or have not been used, and they could be  
3 redistributed. I included it in here so that we could look at  
4 it.

5  
6 **CHAIRMAN BOSARGE:** But I don't understand how it connects to  
7 rents and royalties is what I am saying. If this is a white  
8 paper on rents and royalties --

9  
10 **MR. BOYD:** I think the simplest answer to that is, if you have a  
11 million pounds of allocation that are not being fished right  
12 now, that are in latent permits, if it was decided by the  
13 council that that million pounds goes back into a quota bank,  
14 how do you distribute that? You could distribute it auction, or  
15 you could distribute it by giving it to somebody, or you could  
16 distribute it by a random drawing, or you could do all kinds of  
17 things, and so I think it lends itself to rents and royalties.

18  
19 **CHAIRMAN BOSARGE:** It seems like two totally different subjects.  
20 We should define rents and royalties and explore that, and then,  
21 if you want to talk about latent permits at some point or  
22 looking at shares and how we originally distributed them and  
23 then redistributing, I mean, that's kind of a whole other topic,  
24 to me.

25  
26 **MR. BOYD:** Well, I didn't -- That's why I didn't include any  
27 discussion of any amendment in here. All I did was talk about  
28 the possibility of redistribution in any form.

29  
30 **CHAIRMAN BOSARGE:** Mara.

31  
32 **MS. LEVY:** Just a question. I think, in 36B right now, there is  
33 an action that some of these sort of concepts in it about doing  
34 a redistribution of a certain amount, like you were talking  
35 about the quota bank and different ways, and I don't think we  
36 included an auction, for the obvious reason at the time, and so  
37 what you're saying is maybe take some of those concepts from  
38 that and include it in this type of white paper thing.

39  
40 **CHAIRMAN BOSARGE:** Mr. Banks.

41  
42 **MR. BANKS:** In my opinion on this, while I can understand where  
43 Doug is going in looking at things like this, this is another  
44 attempt to take our attention away from the problem at hand.  
45 The problem at hand is managing -- Doing a better job to help  
46 the recreational sector, and this takes our attention away from  
47 that and makes the staff spend time on something that is on a  
48 system that's working very well.

1  
2 Yes, maybe it needs to be tweaked, and maybe we would like to  
3 see options, but the commercial red snapper fishery is working,  
4 from a management perspective, and I can't vote for this,  
5 because it takes our attention away from the needs at hand.

6  
7 **CHAIRMAN BOSARGE:** All right. Mr. Boyd.

8  
9 **MR. BOYD:** To that point, anything we do takes our attention  
10 away from something else, anything we do, because we've got a  
11 lot on our plate. This is coming at a time when we have a  
12 ruling from the NOAA attorneys, and it's perfectly in line to  
13 look at this, and so I guess you vote against this if you don't  
14 want to gain information and be educated about the topic.

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

17  
18 **DR. CRABTREE:** I don't so much object to doing this, but Patrick  
19 has a point. I mean, at some point, we've got to tell staff  
20 that let's work on these priorities. We can't work on all of  
21 this simultaneously.

22  
23 We need to finish a few things, and we've got all these  
24 amendments that are just dragging on for years, but we don't  
25 seem to be able to make a decision one way or another and move  
26 on to the next one, and so we end up expending all our time at  
27 these meetings rehashing all of this stuff, but we don't really  
28 get anywhere.

29  
30 I don't mind looking at this, Doug, but I think, right now,  
31 we've piled so much on staff that they're really not going to be  
32 able to get to this by the next meeting, because we've got a --  
33 I don't know when they're going to get to it, but I suspect  
34 we've got a -- We're going to do reallocation of red snapper,  
35 and so you want that before this or after that, but we can't do  
36 everything at once, and we're just about out of time today, and  
37 so I don't guess we can get into the priorities, but we need to  
38 decide what are our priorities and then finish some things, so  
39 we can get to some of these other things.

40  
41 **CHAIRMAN BOSARGE:** Dr. Shipp and then Mr. Sanchez.

42  
43 **DR. SHIPP:** Just a comment. The fact that it's a white paper  
44 really doesn't detract significantly from other activities.  
45 That is something that Assane could knock out in a day or two,  
46 and it is an issue that we're going to be facing further down  
47 the line, and so I just don't see the rationale for avoiding it.

1 **CHAIRMAN BOSARGE:** Mr. Sanchez.  
2  
3 **MR. SANCHEZ:** I guess, if we're going to look at this, in the  
4 interest of white paper and look at it, we should also add to  
5 that to look and see what this would do to the effect -- How it  
6 would affect consumer prices for red snapper.  
7  
8 **CHAIRMAN BOSARGE:** Mr. Swindell.  
9  
10 **MR. SWINDELL:** Doug, just what do you hope to get out of it that  
11 is going to help us work on this management document that we  
12 have for snapper? I mean, just what is it going to do to help  
13 us make the decisions on things like the rationale for dividing  
14 up the snapper and so forth amongst the charter boats? I am  
15 just trying to understand where is the white paper going to help  
16 us. Thank you.  
17  
18 **MR. BOYD:** Well, hopefully, it would be informational enough to  
19 educate you what rents are and how they're operating in the  
20 United States now and what the value of a red snapper share  
21 would be at an auction or if it was a royalty. This is an  
22 education process.  
23  
24 I would say to you that part of the reason that we need this is  
25 because we have the possibility, and we saw it a while ago, that  
26 a preferred could be some type of a rent or an auction, and, if  
27 you want to make a good decision in one of these documents, 41  
28 or 42, and you have no knowledge of it, you can't make a good  
29 decision, and so I would say that we need an education, and we  
30 heard that around the table last time. People said -- Two or  
31 three times, people said, well, I don't know that much about  
32 that, and I would like to know more about that, and that's what  
33 this motion is trying to get at.  
34  
35 **CHAIRMAN BOSARGE:** All right. Any further discussion? We have  
36 a motion on the board. Doug read it into the record, and we  
37 have a second. **All those in favor of the motion, signify by**  
38 **raising your hand.**  
39  
40 **EXECUTIVE DIRECTOR GREGORY:** Eleven.  
41  
42 **CHAIRMAN BOSARGE:** All those opposed, same sign.  
43  
44 **EXECUTIVE DIRECTOR GREGORY:** Five.  
45  
46 **CHAIRMAN BOSARGE:** The motion carries. Mr. Anson.  
47  
48 **MR. ANSON:** Just while we're on the topic, for clarity and for

1 accuracy, potentially, Doug made the comment that he used the  
2 4.56 because it was referenced in the summary determination that  
3 Dr. Crabtree went over, but it's 4.65 in the report, and so I  
4 just wanted to make sure which number is correct, or are they  
5 both correct, as they are now?  
6

7 **MR. BOYD:** I used that number because it was half of the 9.12.  
8 I want to use the number that was in the report back from the  
9 attorneys, whatever that number is.

10  
11 **CHAIRMAN BOSARGE:** So 4.65.

12  
13 **MR. BOYD:** Then we need to change that to 4.65.

14  
15 **CHAIRMAN BOSARGE:** Yes, because it's 51/49.

16  
17 **MR. BOYD:** I was already doing a reallocation.

18  
19 **CHAIRMAN BOSARGE:** I could tell, and that's why I said it was  
20 51/49. All right. Is there anything else before Chairman  
21 Greene carries on? All right. Chairman Greene, go ahead.  
22

23 **MR. GREENE:** SSC Summary Reports, Dr. Lorenzen summarized SSC  
24 activities that were not reviewed under other agenda items. A  
25 summary of the items discussed is provided in the Reef Fish  
26 Committee Report, which I am not going to read, but it is in  
27 there for you.  
28

29 Which brings us to our next item, which is Presentation on  
30 Greater Amberjack Commercial Fishing Year and Trip Limits, and  
31 Recreational Vessel Limits and Split Quotas. Staff presented  
32 the potential options to modify recreational and commercial  
33 management measures for greater amberjack, reviewed recent  
34 management actions, and summarized analyses completed for four  
35 potential alternatives that were requested at the October 2017  
36 meeting.  
37

38 Staff described options to modify recreational bag limits,  
39 implement a recreational split quota, and measures to modify the  
40 commercial fishing year and trip limits. The committee  
41 discussed the merits of these options and directed staff to  
42 continue developing these management actions for review at a  
43 future meeting.  
44

45 **CHAIRMAN BOSARGE:** Mr. Diaz.

46  
47 **MR. DIAZ:** I know it's late in the day, but, Dr. Crabtree, I  
48 want to ask you a question. Several people at the public

1 comments yesterday brought up an idea that I thought was a  
2 pretty good idea. They were talking about split seasons and  
3 assigning some percentage to each season, and then, if there was  
4 an overrun in that particular part of the split season, then,  
5 the following year, the payback would come off of that section,  
6 and so, if the fall had 60 percent, and they caught over that 60  
7 percent, that would be paid back the next fall, instead of the  
8 next spring. I just wanted to get your thoughts about if that  
9 was something that maybe we could work on and if you thought  
10 that was doable. Thanks you, Madam Chair.

11  
12 **DR. CRABTREE:** I cannot think of any reason why you couldn't do  
13 it that way. It would just be a change to how the  
14 accountability measures work, but I don't see why you couldn't  
15 do that.

16  
17 **MR. DIAZ:** Is it good enough, at this point, to just ask the  
18 staff to include that in the document, or does that require a  
19 motion?

20  
21 **CHAIRMAN BOSARGE:** Well, we didn't pass motions in another  
22 situation, and we do this with amberjack every time. We didn't  
23 pass motions in committee on exactly what we wanted to see in  
24 the document, and we were fairly flexible.

25  
26 I think the only thing that I mentioned was not seeing a change  
27 in the opening date of the commercial season unless we heard  
28 something in testimony that spoke otherwise, and I didn't really  
29 hear anybody get up, and you all correct me if I'm not  
30 remembering correctly, but I didn't hear anybody get up and say,  
31 yes, we really need to change the opening date of the commercial  
32 season, but, other than that, I think we were open to all the  
33 other items that had been presented to us going into the  
34 document. I see some hands. Let me make sure I'm correct. Ms.  
35 Guyas.

36  
37 **MS. GUYAS:** I think that's accurate, and I didn't hear much  
38 about the commercial fishing year yesterday, but I did hear a  
39 lot about the recreational, and I guess it's probably worth  
40 noting that, since that's a proposed rule that's out there right  
41 now, that people can comment to the Fisheries Service,  
42 potentially, on that, if that is something that they have an  
43 issue with. That is kind of the stage we're at. The council  
44 has kind of passed that on.

45  
46 I like the idea of looking at accountability measures as part of  
47 the split season thing, if that's what we want to look at, and  
48 so, if we need a motion to formalize that we want to work on all

1 of these things, let's put one together, but, if we feel like  
2 we've got that covered, then that's okay, too.

3  
4 **EXECUTIVE DIRECTOR GREGORY:** If there is no objection to looking  
5 at that, putting it in as an alternative to do it that way,  
6 versus taking it off the top, we can do that. I think that's  
7 clear, from the discussion.

8  
9 **CHAIRMAN BOSARGE:** All right. Mr. Sanchez, you had your hand  
10 up.

11  
12 **MR. SANCHEZ:** Just I guess I want to be clear. I heard a couple  
13 of things during testimony. Some folks threw out some different  
14 start dates for seasons and concerns with moving the calendar  
15 year from where it was to what we've done recently. Will all of  
16 these things be considered without, at four o'clock on a  
17 Thursday, getting into making motions and all of that? Will  
18 that be looked at, all these -- I can be more specific, if you  
19 want me to.

20  
21 **CHAIRMAN BOSARGE:** I think you're speaking to the opening date  
22 for the recreational sector.

23  
24 **MR. SANCHEZ:** Yes.

25  
26 **CHAIRMAN BOSARGE:** Dr. Crabtree.

27  
28 **DR. CRABTREE:** I would discourage you from revisiting the  
29 recreational fishing year. We haven't even implemented the last  
30 change you made to it.

31  
32 **CHAIRMAN BOSARGE:** Mr. Anson.

33  
34 **MR. ANSON:** I don't know what you're looking for, as far as  
35 direction and a motion, but there were a few people that talked  
36 specifically to the commercial trip limits, and the 500 pounds  
37 seemed to get the most votes, if you will, or notice, during the  
38 four or five people that commented, as I recall. That would be  
39 something that we might want to look at, is the varying trip  
40 limit levels.

41  
42 **CHAIRMAN BOSARGE:** Yes, and I think that was mentioned in  
43 committee, too. I think the only thing we said that we didn't  
44 want to look at in committee was the opening date for the  
45 commercial side, but everything else should be there. John,  
46 don't muddy the waters, but go ahead.

47  
48 **DR. FROESCHKE:** I am trying to clear them up. In the

1 presentation, we discussed four actions of fractional bag limits  
2 on the recreational side and then the commercial trip limits and  
3 the fishing year and then there was one other one of split  
4 seasons. You have mentioned getting rid of the commercial  
5 fishing year, and then so you want us to bring a document with  
6 the other three actions?

7  
8 **CHAIRMAN BOSARGE:** We want a document with everything you talked  
9 to us about except changing the commercial fishing year.

10  
11 **DR. FROESCHKE:** Yes, and so that's three actions. I guess the  
12 one thing I would like some guidance on is, if you were to look  
13 at fractional bag limits, that would extend the season. What  
14 the decision tool suggests now is there is enough fish to cover  
15 the season as it would be implemented in August through October  
16 and May. If we went to less than one per person, theoretically,  
17 we wouldn't catch the quota. Would we just look at it or -- I  
18 am trying to think about how that might work.

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

21  
22 **MS. GUYAS:** I think it probably would make sense to look at that  
23 somewhat and maybe figure out, if we have more days, where we  
24 would add them on the calendar. Maybe we end up in a situation  
25 where the season gets projected every year or something. The  
26 other thing to add to your list that Dale brought up would be  
27 the accountability measures.

28  
29 **CHAIRMAN BOSARGE:** Any further feedback for Dr. Froeschke? Are  
30 you good, John? All right. Thank you, sir. Go ahead, Chairman  
31 Greene.

32  
33 **MR. GREENE:** Other Business, Historical Captain Charter  
34 Vessel/Headboat Reef Fish Permits, when the for-hire vessel  
35 permit moratorium was created, a historical captain endorsement  
36 was also created for captains who were long-time participants,  
37 but did not own the boats they operated.

38  
39 There are currently thirty-two reef fish for-hire permits with  
40 historical captain endorsements. A committee member asked the  
41 council to consider converting these endorsements to fully  
42 transferable for-hire vessel permits, in order to allow the  
43 operator greater flexibility. Staff noted that there are  
44 similar endorsements for coastal migratory pelagic vessel  
45 permits.

46  
47 **The committee, recommends and I so move, to instruct staff to**  
48 **begin development of an action in the appropriate document that**

1 considers removing the historical captain endorsement to reef  
2 fish and CMP permits and allow those permits to be fully  
3 transferable.

4  
5 **CHAIRMAN BOSARGE:** We have a committee motion. Is there any  
6 discussion on the motion? Mr. Dyskow.

7  
8 **MR. DYSKOW:** Thank you. Dr. Crabtree, did you say, earlier in  
9 our meeting, that, if those permits were issued, that they would  
10 be six-pack permits?

11  
12 **DR. CRABTREE:** That will be up to the council to decide. My  
13 understanding was that the historical captain permits didn't  
14 have passenger capacities on them, and I have since heard  
15 different from that, and so I'm not sure if they do or not. If  
16 they do have passenger capacities, you could issue them permits  
17 with whatever passenger capacity they have, and so I am going to  
18 have to -- We're going to have to look into that and see.

19  
20 **CHAIRMAN BOSARGE:** Mr. Matens.

21  
22 **MR. MATENS:** To that point, Roy, I was surprised. There were  
23 some large capacities, like seventy-five and stuff like that.  
24 Were those relief captains on overnight boats?

25  
26 **DR. CRABTREE:** We're just going to have to look into it. This  
27 isn't anything that I came prepared to look at. It just came up  
28 at this meeting. We can do it, but it is a different situation  
29 if you're issuing really high-capacity permits. Number one,  
30 that brings a lot of new capacity, and, number two, they're  
31 worth a lot of money, and so we're just going to have to look at  
32 it and see what the distribution is.

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

35  
36 **MR. GREENE:** I am breaking my own rule. I swore I wasn't going  
37 to speak again. However, to Mr. Matens' point, these guys are  
38 already running these boats. There is not going to be any new  
39 added pressure to the fishery. These are just simply granting  
40 them.

41  
42 I think, if they are currently operating a vessel that has a  
43 seventeen-passenger capacity, perhaps we should look at a way  
44 that they could declare or prove that over the last several  
45 number of years, that they have been operating a vessel of this  
46 size, and we should let them go, because that vessel has  
47 participated in the recent landings history, and all that stuff  
48 will be there, and it's not going to be any change.

1  
2 Now, the one thing that I would not want to have happen is for  
3 someone to think, well, whatever, and they run out and buy a  
4 giant boat and change that landings history, but, in the  
5 context, I don't think there is going to be any problem.  
6

7 **CHAIRMAN BOSARGE:** Okay. I have a motion on the board. Any  
8 other discussion on the motion? **Is there any opposition to the**  
9 **motion? Seeing none, the motion carries.** Chairman Greene.  
10

11 **MR. GREENE:** Other Business, Red Snapper Research Review Off of  
12 Alabama, Kevin Anson notified the committee that the Alabama  
13 Department of Marine Resources will be hosting a workshop to  
14 review red snapper research conducted off Alabama during the  
15 last ten years. The workshop will be held on March 22 in  
16 Mobile. If anyone is interested but cannot make it in person,  
17 the meeting will be streamed over the internet by the Gulf  
18 States Marine Fisheries Commission. Madam Chair, this concludes  
19 my report.  
20

21 **CHAIRMAN BOSARGE:** Mr. Anson.  
22

23 **MR. ANSON:** Just one editorial in that last paragraph, under  
24 Other Business. It's the Alabama Department of Conservation and  
25 Natural Resources. Marine Resources is just a division within  
26 the department, and so Alabama Department of Conservation and  
27 Natural Resources. Thank you.  
28

29 **CHAIRMAN BOSARGE:** All right. That is going to bring us to our  
30 Spiny Lobster Committee Report.  
31

### 32 **SPINY LOBSTER COMMITTEE REPORT**

33  
34 **MS. GUYAS:** Staff reviewed the landings summary for spiny  
35 lobster. The spiny lobster fishery exceeded the ACT in the  
36 2016/2017 fishing season. In June 2017, the council had  
37 approved Regulatory Amendment 4, which would increase the ACT to  
38 8.64 million pounds. Thus, the committee and NMFS felt that a  
39 review panel at this time was unnecessary.  
40

41 Joint Draft Options Spiny Lobster Amendment 13, staff reviewed  
42 the actions and alternatives in Spiny Lobster Amendment 13.  
43 There were several items that staff will need to address in the  
44 public hearing draft. In Action 1, staff will reword the  
45 alternative so that it is clear that a bully net gear  
46 endorsement from Florida is required and not a separate federal  
47 endorsement.  
48

1 In Action 3, there was discussion on the length of time that a  
2 degradable panel would take to degrade. It was clarified that  
3 the length of time is dependent on location and ocean  
4 conditions, but it was within the range of one to two years.

5  
6 There was concern on the need for Action 4 in federal waters,  
7 and noted that the wording of the alternative would need to be  
8 specific to the EEZ off Florida. The committee discussed the  
9 procedure outlined in Action 5, and staff will amend the  
10 language, as recommended by FWC and NOAA GC. Staff will also  
11 possibly amend the timeline to be more consistent with the  
12 federal rulemaking process, if necessary.

13  
14 The committee was provided the LETC comments, which indicated it  
15 approved of making state and federal regulations consistent.  
16 Staff intends to bring the revised options paper with the three  
17 new actions to the Spring LETC for comment before the April  
18 council meeting.

19  
20 Lastly, the committee discussed the timeline of the document,  
21 and determined that a webinar and video will be sufficient for  
22 public hearings, since the document would be discussed at the  
23 June council meeting in Key West. Madam Chair, this concludes  
24 my report.

25  
26 **CHAIRMAN BOSARGE:** I like it. Supporting Agency Reports, we  
27 have already had our Coast Guard, and Charlie gave us an update  
28 before he left. Dave, do you have anything for us, sir?

29  
30 **SUPPORTING AGENCIES UPDATES (CONTINUED)**  
31 **GULF STATES MARINE FISHERIES COMMISSION**  
32

33 **MR. DONALDSON:** Just a couple of notes. Our spring commission  
34 meeting is scheduled for March 13 through 15 in Panama City  
35 Beach, Florida. You can go to our website and get details. As  
36 always, everyone is welcome to come attend.

37  
38 In terms of aquaculture, we went through our second round of  
39 oyster aquaculture projects, and we funded seven projects,  
40 totaling about \$375,000, and we're in the process of getting  
41 those out the door and work beginning on those. At our spring  
42 meeting, our first round of projects, they are going to come and  
43 present the results, which will be part of our commission  
44 meeting in March.

45  
46 Then we're also -- This year, NOAA Fisheries provided some money  
47 to the three interstate commissions for regional pilot projects,  
48 and the RFP was out on the street, and it actually closes today,

1 in about thirty-five minutes, and this is focusing more on  
2 offshore aquaculture. We have received nine projects so far,  
3 and probably maybe a few more since I have talked to staff this  
4 morning, but there are several that have focused on finfish,  
5 including cobia and Atlantic croaker, and also Caribbean king  
6 crab, which I didn't realize was a real thing, and I had to  
7 Google that.

8  
9 The aquaculture EFP folks also submitted a project. I was  
10 informed, this afternoon, that they submitted a project as well,  
11 and so I will -- The letter, I will make sure that our reviewers  
12 are aware of the concerns from the council.

13  
14 **EXECUTIVE DIRECTOR GREGORY:** You said offshore. Is this going  
15 to be in state waters or in federal waters?

16  
17 **MR. DONALDSON:** It's focused on federal, but it's going to be  
18 offshore waters. We are not focusing on inshore and oysters and  
19 things like that, although we did receive several oyster  
20 projects.

21  
22 **EXECUTIVE DIRECTOR GREGORY:** I was just curious. Are these  
23 going to be more EFPs, if there is permitting process in federal  
24 waters in place yet? I am just wondering how they interact.

25  
26 **MR. DONALDSON:** I am not quite sure. I mean, if they are  
27 actually doing real projects, in-the-water projects, they're  
28 going to have to get the appropriate permits for either offshore  
29 or inshore, and so the state or federal permits, and so that  
30 will be part of the whole process and evaluation of those  
31 projects.

32  
33 Then, lastly, some good news. Biosampling, we received some --  
34 We are going to receive some funding through NOAA Fisheries.  
35 That will be available in 2018, and the problem is the timing on  
36 that, but we're going to be able to reinstate recreational  
37 biosampling.

38  
39 Each of the states will receive funding to do this, and we'll  
40 collect the biological, otoliths and whatnot, from the  
41 recreational fishery, which is very important to assessments,  
42 and, unfortunately, we were unable to do that in the past year,  
43 but we are going to be able to reinstate that, and so that  
44 concludes my report, and I will answer any questions.

45  
46 **CHAIRMAN BOSARGE:** Thank you. Any questions for Dave? Mr.  
47 Constant, did you have anything else that you wanted to update  
48 us on, sir?

1  
2 **MR. CONSTANT:** No, Madam Chair. I'm good.  
3

4 **OTHER BUSINESS**  
5

6 **CHAIRMAN BOSARGE:** Okay, and so that brings us to Other  
7 Business, and I only had one thing under Other Business, and  
8 it's really quick. It's just for me to vent a little  
9 frustration.

10  
11 You know we have electronic logbooks in the shrimp fishery, and  
12 I went ahead and told Dr. Porch, before he left, because this  
13 really kind of falls on his plate, but, about a year or two, or  
14 maybe three years now, we changed that system, and we changed  
15 the hardware, and so it's a whole different set of hardware than  
16 what we used to have, and we are having hell out of that  
17 hardware.

18  
19 The maintenance and upkeep is -- I mean, we are constantly  
20 having to replace antennas and mail modems back to Galveston, to  
21 try and troubleshoot what's wrong with them, and then they're  
22 mailing them back to us, and it's getting -- Of course, you  
23 know, if it's not functioning, then we can't renew our permit,  
24 if it happens to fall during permit renewal time, and so it's  
25 really causing a lot of headaches for the fleet.

26  
27 My understanding was that that system was changed to this new  
28 hardware because it would be a more timely distribution of the  
29 data to NMFS, but, at this point, I am not sure if that's really  
30 being accomplished. The old system worked well, and we very  
31 rarely had any maintenance issues out of it, and it just wasn't  
32 all that timely, but you did get the data, and so, if we could  
33 work on that somehow. Dr. Crabtree.

34  
35 **DR. CRABTREE:** We will look at it. Part of the reason for the  
36 switch in the system was we didn't have the money to continue  
37 with the old system, because this one was supposed to be more  
38 cost-efficient, from the agency's perspective, and not  
39 necessarily from the industry's perspective, but that's a good  
40 issue to bring up with the new Science Center Director, and my  
41 hope is that, by the April meeting, we will have one.

42  
43 **CHAIRMAN BOSARGE:** The cost of their FedEx bill at this point  
44 may be outweighing the cost of the old program, and so hopefully  
45 we can take a look at it.

46  
47 **DR. CRABTREE:** We'll see, but I have one thing, real quick.  
48

1 **CHAIRMAN BOSARGE:** Yes, sir. Go ahead.  
2  
3 **DR. CRABTREE:** We have worked on some draft hurricane impact  
4 studies, and we have worked with Texas Parks and Wildlife and  
5 with the Florida Fish and Wildlife Commission. We have one for  
6 Hurricane Harvey and one for Hurricane Irma, and I expect those  
7 will be available very soon, if you are interested.  
8  
9 **CHAIRMAN BOSARGE:** Mr. Riechers.  
10  
11 **MR. RIECHERS:** They had sent me that note this week, and we're  
12 kind of in the process of reviewing it, but I think he's right  
13 that it will probably post next week, and thank you for those  
14 efforts on that. I appreciate that.  
15  
16 **CHAIRMAN BOSARGE:** Mr. Anson.  
17  
18 **MR. ANSON:** I don't know if Dr. Crabtree can answer this  
19 question, or any other members around the council table, but I  
20 am wondering what the status is, through NFWF, of re-upping  
21 pilot logbook program that was a partnership with CLS America  
22 with the charter boats, or a proportion of some of the charter  
23 boats throughout the Gulf, and is there anyone here that has the  
24 status of that, as to whether or not it's going to be renewed  
25 for this year or next year, or is it done?  
26  
27 **CHAIRMAN BOSARGE:** Dr. Stunz.  
28  
29 **DR. STUNZ:** Kevin, I saw something on the NFWF webpage, and you  
30 might want to look at it, about the funded projects. I think  
31 the one you're talking about was funded for a million-something  
32 dollars, I think, something like that. Would that have been it?  
33  
34 **MR. ANSON:** That might be it. I will take a look. Thank you.  
35  
36 **MR. DONALDSON:** Greg, I believe that's true. I think they've  
37 got some funding.  
38  
39 **DR. CRABTREE:** I think I saw that as well, but I'm just not  
40 sure.  
41  
42 **DR. DONALDSON:** I don't know the details.  
43  
44 **CHAIRMAN BOSARGE:** All right. Anything else from anybody? Our  
45 next meeting is April 16 through 19 in Gulfport, Mississippi. I  
46 will see you all there. Meeting adjourned.  
47  
48 (Whereupon, the meeting recessed on February 1, 2018.)