

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

272ND MEETING

FULL COUNCIL SESSION

Perdido Beach Resort Orange Beach, Alabama

JANUARY 30-31, 2019

VOTING MEMBERS

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

NON-VOTING MEMBERS

- Dave Donaldson.....GSMFC

STAFF

- Assane Diagne.....Economist
- Matt Freeman.....Economist
- John Froeschke.....Deputy Director
- Morgan Kilgour.....Fishery Biologist
- Ava Lasseter.....Anthropologist
- Mara Levy.....NOAA General Counsel
- Emily Muehlstein.....Public Information Officer
- Ryan Rindone.....Fishery Biologist & SEDAR Liaison
- Bernadine Roy.....Office Manager
- Camilla Shireman.....Administrative and Communications Assistant
- Carrie Simmons.....Executive Director

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- Greg Ball.....Galveston, TX

1 Scott Bannon.....AL
2 Avery Bates.....Organized Seafood Association of Alabama, AL
3 Gary Bohn.....MN
4 Randy Boggs.....Orange Beach, AL
5 Eric Brazer.....Reef Fish Shareholders Alliance
6 J.P. Brooker.....Ocean Conservancy, St. Petersburg, FL
7 Glen Brooks.....Galveston, TX
8 James Bruce.....MS
9 Gary Bryant.....Alabama Charter Fishing Association, AL
10 Laura Chicola.....Ruston, LA
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12 Bubba Cochrane.....Galveston, TX
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14 Chris Conklin.....SAFMC
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27 Brad Gorst.....Clearwater, FL
28 Jim Green.....DCBA, Destin, FL
29 Mike Gordee.....WI
30 Buddy Guindon.....Galveston, TX
31 Ken Haddad.....ASA, FL
32 Chad Haggert.....Clearwater, FL
33 Hubert Haskins.....WI
34 Sean Heverin.....LA
35 Scott Hickman.....Galveston, TX
36 Dylan Hubbard.....FL
37 Gary Jarvis.....FL
38 Mike Jennings.....Freeport, TX
39 Bill Kelly.....FKCFA, FL
40 Bobby Kelly.....Orange Beach, AL
41 Daniel Korbutt.....MI
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44 Captain Morky.....Gulf Breeze, FL
45 Jay Mullins.....FL
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1 Bart Niquet.....Lynn Haven, FL
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3 Steve Perkins.....Roscoe, IL
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6 David Rainer.....ADCNR
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9 Bryan Reeves.....Orange Beach, AL
10 Vince Roell.....MI
11 Diane Roell.....MI
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14 Don Schlutter.....WI
15 Lisa Schmidt.....Madeira Beach, FL
16 Jeff Senarighi.....Mora, MN
17 Clarence Seymour.....Biloxi, MS
18 Mark Siegel.....
19 Carl Sitka.....WI
20 Kathy Sitka.....WI
21 Nick Spiliotis.....TX
22 Tom Steber.....Alabama Charter Fishing Association, AL
23 Vic Stini.....Marshfield, WI
24 Casey Streeter.....
25 Donna Tryon.....Gulf Breeze, FL
26 Mark Tryon.....Gulf Breeze, FL
27 Ed Walker.....Tarpon Springs, FL
28 Abby Webster.....CFA, Freeport, TX
29 Johnny Williams.....Galveston, TX
30 Dale Woodruff.....
31 William Young.....Foley, AL
32 Bob Zales.....Panama City, FL
33 Jim Zurbrick.....Steinhatchee, FL

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- - -

TABLE OF CONTENTS

1
2
3 Table of Motions.....5
4
5 Call to Order, Announcements, and Introductions.....8
6
7 Adoption of Agenda and Approval of Minutes.....10
8
9 Review of Exempted Fishing Permit Applications.....12
10 Mariner Program Proposal to Harvest Sargassum in the Gulf...12
11
12 Presentations.....27
13 Alabama Law Enforcement Efforts.....27
14
15 Committee Reports.....31
16 Outreach and Education Committee Report.....31
17 Data Collection Committee Report.....32
18
19 Public Comment.....38
20
21 Committee Reports (Continued).....116
22 Shrimp Committee Report.....116
23 Sustainable Fisheries Committee Report.....118
24
25 Other Business.....127
26 Overview of the Proposed Changes to the Financial Interest
27 And Voting Recusal for Council Members.....127
28 Discussion of Modernizing Recreational Fisheries Act.....134
29
30 Committee Reports (Continued).....135
31 Reef Fish Committee Report.....135
32 Administrative/Budget Committee Report.....193
33
34 Supporting Agencies Update.....199
35 South Atlantic Council Liaison.....199
36 Gulf States Marine Fisheries Commission.....200
37
38 Adjournment.....200
39
40
41

- - -

TABLE OF MOTIONS

1
2
3 [PAGE 117](#): Motion in Shrimp Amendment 18, Evaluation of Shrimp
4 Effort Threshold Reduction in the Area Monitored for Juvenile
5 Red Snapper Bycatch, in Action 1 to make Option b the preferred.
6 [The motion carried on page 117.](#)
7

8 [PAGE 117](#): Motion in Action 2 to make the option the preferred.
9 Option: Revise the Shrimp FMP Management Measures Framework
10 Procedure to allow changes to the target effort reduction goal
11 for juvenile red snapper mortality through the standard open
12 framework documentation process. Modify the abbreviated
13 documentation process to allow specification of an ABC
14 recommended by the council's Science and Statistical Committee
15 based on results of a new stock assessment and using the ABC
16 control rule. [The motion carried on page 117.](#)
17

18 [PAGE 120](#): Motion to make the replacement of historical captain
19 permits with standard for-hire permits optional. [The motion](#)
20 [carried on page 121.](#)
21

22 [PAGE 124](#): Motion in Action 1 to make Options 2b and 2c in
23 Alternative 2 the preferred options. [The motion carried on page](#)
24 [125.](#)
25

26 [PAGE 125](#): Motion in Action 2 to make Option 2b in Alternative 2
27 the preferred option. [The motion carried on page 125.](#)
28

29 [PAGE 126](#): Motion in Action 3 to make Alternative 2 the
30 preferred alternative. [The motion carried on page 126.](#)
31

32 [PAGE 127](#): Motion in Action 3 to make Alternatives 3 and 4 the
33 preferred alternatives. [The motion carried on page 127.](#)
34

35 [PAGE 136](#): Motion in Action 2 to add an Alternative 8 that would
36 allocate the private angling annual catch limit as follows:
37 Alabama 26.298 percent, Florida 44.822 percent, Louisiana 19.120
38 percent, Mississippi 3.550 percent, Texas 6.210 percent. [The](#)
39 [motion carried on page 136.](#)
40

41 [PAGE 136](#): Motion in Action 2 to make the new Alternative 8 the
42 preferred. [The motion carried on page 142.](#)
43

44 [PAGE 142](#): Motion in Action 3 to make Alternative 2 the
45 preferred alternative. [The motion carried on page 142.](#)
46

47 [PAGE 142](#): Motion to add the appropriate language to the
48 individual state amendments Action 2, Post-Season Quota

1 Adjustments, to specify that the overage/underage adjustment
2 would be implemented in 2020 based on each state's 2019 landings
3 under the EFPs. Thus, each state's quota under the first year
4 of state management in 2020 would reflect a quota adjustment
5 (overage/underage) based on that state's 2019 landings. [The](#)
6 [motion carried on page 143.](#)
7
8 [PAGE 150:](#) Motion to hold a special council meeting on February
9 18, 2019 with the intent to go final on Amendment 50. [The](#)
10 [motion carried on page 162.](#)
11
12 [PAGE 163:](#) Motion in Action 1 to add an alternative. For gray
13 snapper, the MSY proxy is the yield when fishing at 26 percent
14 spawning potential ratio. [The motion carried on page 163.](#)
15
16 [PAGE 164:](#) Motion in Action 2 to add an alternative: The
17 definition for the gray snapper MFMT is equal to F 26 percent
18 SPR. [The motion carried on page 164.](#)
19
20 [PAGE 164:](#) Motion in Action 3 to make Alternative 4 the
21 preferred alternative. [The motion carried on page 164.](#)
22
23 [PAGE 165:](#) Motion in Action 4 to make Alternative 2, Option 2c
24 the preferred alternative. [The motion carried on page 165.](#)
25
26 [PAGE 165:](#) Motion in Action 5 to add a new alternative that
27 mirrors Alternative 2 and Alternative 4 using F26 percent SPR.
28 [The motion carried on page 166.](#)
29
30 [PAGE 167:](#) Motion in Action 1 to make Alternative 3 the
31 preferred alternative. [The motion carried on page 167.](#)
32
33 [PAGE 168:](#) Motion to add language to the purpose and need
34 section that states the purpose will be to increase access to
35 shares to actively fishing eligible commercial fishermen. [The](#)
36 [motion carried on page 168.](#)
37
38 [PAGE 170:](#) Motion to direct staff to bring back Amendment 36B
39 with Action 1 and Action 2 and, under Action 2, to have options
40 for distributing the reclaimed shares to address eastern Gulf
41 bycatch of red snapper. [The motion was withdrawn on page 173.](#)
42
43 [PAGE 173:](#) Motion in Table 1.2.1 (Objectives of the Fishery
44 Management Plan for Reef Fish Resources in the Gulf of Mexico,
45 Post-October 2018 Council Meeting), to revise Objective 2 to
46 read: "To achieve robust fishery reporting and data collection
47 systems across all sectors for monitoring the reef fish fishery
48 which minimizes management uncertainty." [The motion carried on](#)

1 [page 174](#).
2
3 [PAGE 174](#): Motion in Table 1.2.1 (Objectives of the Fishery
4 Management Plan for Reef Fish Resources in the Gulf of Mexico,
5 Post-October 2018 Council Meeting), to add an objective to
6 promote and maintain accountability in the reef fish fishery.
7 [The motion carried on page 174](#).
8
9 [PAGE 174](#): Motion in Action 1 to add additional sub-options to
10 Options 3 and 4 that would include percentages on historical
11 distributions as determined in Options 1 and 2. [The motion](#)
12 [carried on page 174](#).
13
14 [PAGE 174](#): Motion in Action 1 to add an option that uses
15 historical landings between 1979 and 2006. [The motion carried](#)
16 [on page 174](#).
17
18 [PAGE 175](#): Motion to delete Action 2. [The motion carried on](#)
19 [page 178](#).
20
21 [PAGE 179](#): Motion to convene a joint meeting of the Ad Hoc Reef
22 Fish Headboat AP and the Ad Hoc Red Snapper CFH AP to review the
23 decision tool in relation to estimating the allocation between
24 the fleets. [The motion was tabled on page 185](#).
25
26 [PAGE 185](#): Motion to postpone any further action on Amendments
27 41 and 42 until ELB data have been deemed suitable for
28 management purposes. [The motion carried on page 192](#).
29
30 [PAGE 193](#): Motion to advertise for applicants for the Coral and
31 the Data Collection APs and to maintain the current membership
32 of the Spiny Lobster AP. [The motion carried on page 194](#).
33
34 [PAGE 194](#): Motion to disband the Ad Hoc Reef Fish Headboat and
35 the Ad Hoc Red Snapper Charter/For-Hire APs. [The motion carried](#)
36 [on page 197](#).
37

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39

1 The Full Council of the Gulf of Mexico Fishery Management
2 Council convened at the Perdido Beach Resort, Orange Beach,
3 Alabama, Wednesday morning, January 30, 2019, and was called to
4 order by Chairman Tom Frazer.

5
6 **CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS**
7

8 **CHAIRMAN TOM FRAZER:** Welcome everybody to the 272nd meeting of
9 the Gulf Council. My name is Tom Frazer, Chair of the Council.
10 If you have a cell phone or similar device, we ask that you keep
11 it on silent or vibrating mode during the meeting. Also, in
12 order for all to be able to hear the proceedings, we ask that
13 you please have any private conversations outside. Please be
14 advised that alcoholic beverages are not permitted in the
15 meeting room.

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

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

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

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

45
46 **MR. DALE DIAZ:** Dale Diaz, Mississippi.

47
48 **DR. PAUL MICKLE:** Paul Mickle, Mississippi.

1
2 **MS. LEANN BOSARGE:** Leann Bosarge, Mississippi.
3
4 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine
5 Fisheries Commission.
6
7 **MR. J.D. DUGAS:** J.D. Dugas, Louisiana.
8
9 **MR. PATRICK BANKS:** Patrick Banks, Louisiana.
10
11 **MR. ED SWINDELL:** Ed Swindell, Louisiana.
12
13 **MS. SUSAN BOGGS:** Susan Boggs, Alabama.
14
15 **MR. KEVIN ANSON:** Kevin Anson, Alabama.
16
17 **DR. BOB SHIPP:** Bob Shipp, Alabama.
18
19 **MR. CHRIS CONKLIN:** Chris Conklin, South Atlantic Council.
20
21 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.
22
23 **DR. ROY CRABTREE:** Roy Crabtree, NOAA Fisheries.
24
25 **MS. SUSAN GERHART:** Susan Gerhart, NOAA Fisheries.
26
27 **MR. DOUG BOYD:** Doug Boyd, Texas.
28
29 **MR. ROBIN RIECHERS:** Robin Riechers, Texas.
30
31 **DR. GREG STUNZ:** Greg Stunz, Texas.
32
33 **MR. PHIL DYSKOW:** Phil Dyskow, Florida.
34
35 **MR. JOHN SANCHEZ:** John Sanchez, Florida.
36
37 **MS. MARTHA GUYAS:** Martha Guyas, Florida.
38
39 **EXECUTIVE DIRECTOR CARRIE SIMMONS:** Carrie Simmons, Gulf Council
40 staff.
41
42 **CHAIRMAN FRAZER:** All right. Thank you, everybody, and I should
43 have acknowledged or introduced Chris Conklin as our South
44 Atlantic liaison beforehand, but thank you, Chris, for being
45 here. I appreciate that. Before we get into the adoption of
46 the agenda and the approval of the minutes, we just need to let
47 you know that this is Morgan Kilgour's last council meeting, and
48 I have invited Dr. Simmons to say a few words.

1
2 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. Just to tell
3 you a little bit about Dr. Morgan Kilgour, she earned her
4 Bachelor of Science degree in biology at the University of
5 California in Santa Cruz in 2003, and she has her Master of
6 Science in biology and a PhD from Texas A&M Corpus Christi, and
7 she studied the ecology and systematics of deep-sea
8 invertebrates in the Gulf of Mexico.

9
10 She did her post-doc work at the University of Connecticut, and
11 she stayed there from 2012 to 2013, and she did a lot of
12 research for the New England seamounts and canyons, in an effort
13 to map and describe the diversity and distribution of deep-sea
14 corals. She has worked throughout the U.S. coastal region,
15 including California, Alaska, Texas, Connecticut, and Florida.

16
17 As a council staff biologist from 2013 to 2019, she has worked
18 on coral, shrimp, spiny lobster, which I used to work on,
19 aquaculture for us a little bit, ecosystem, and she started
20 taking over migratory species once Mr. Atran left, and
21 sustainable fisheries, most recently.

22
23 She has supported several advisory panels, including shrimp,
24 coral, and spiny lobster, and she has been actively involved and
25 done a lot at the council level with coral-related and habitat
26 work.

27
28 On a personal note, Morgan has been a big part of the council
29 staff, for both her professional experience, her work with
30 stakeholders, and her communication with colleagues at the
31 Regional Office and Science Center and council office.

32
33 We are sad to lose her, but we're proud and happy for her
34 accomplishments and achieving her personal dreams of returning
35 to California to be close to her family, and we're going to miss
36 her, and we wish you the best. Don't be a stranger. I heard
37 rumor of applying for the Coral AP, and so we're going to miss
38 you, Dr. Cowgirl Kilgour.

39
40 **CHAIRMAN FRAZER:** Thank you, Dr. Simmons, and we will miss you,
41 Morgan. Thank you for all your service. It's been great.
42 Okay. We're going to go ahead now and review the agenda, I
43 guess, and if I can get a motion to approve the agenda.

44
45 **ADOPTION OF AGENDA AND APPROVAL OF MINUTES**

46
47 **EXECUTIVE DIRECTOR SIMMONS:** Mr. Chairman, could we make a few
48 changes to the agenda before we adopt it?

1
2 **CHAIRMAN FRAZER:** Absolutely. My bad. Sorry.
3
4 **EXECUTIVE DIRECTOR SIMMONS:** I believe, under Other Business, we
5 are going to have the overview of the proposed changes to the
6 financial interest and voting recusal for council members. Ms.
7 Levy is going to be able to go over that with us, and we can
8 decide if we need to write a letter and provide any comments,
9 because I think the deadline is quickly approaching on that.
10
11 I also wanted to add a small item to discuss the new Modernizing
12 Recreational Fisheries Management Act of 2018. We haven't had a
13 lot of time to talk to our partners yet about that, federal
14 partners about that, but I just have some general plans that I
15 want to discuss with the council regarding that. Thank you, Mr.
16 Chair.
17
18 **CHAIRMAN FRAZER:** Okay, and so we've got some additions under
19 Other Business. With those modifications, can I get a motion to
20 approve the agenda?
21
22 **MS. GUYAS:** So moved.
23
24 **CHAIRMAN FRAZER:** It's moved by Ms. Guyas. Can I get a second?
25 Second by Patrick Banks. Any discussion? Then we will consider
26 the agenda approved. Now we'll move into the minutes. I am
27 assuming that everybody had an opportunity to review those.
28 Assuming that there are no changes, can I get a motion to
29 approve the minutes?
30
31 **MR. DONALDSON:** I've got a couple of edits. On page 189, line
32 17, the last sentence, the "at those", and I would like to
33 "options", and I may not have said it, but that's what I meant
34 to say. Line 20, his name -- Jamie Reinhardt should be spelled
35 "Reinhardt".
36
37 **CHAIRMAN FRAZER:** All right. Thank you, Dave, for those
38 corrections. Are there any other corrections, changes, or
39 modifications to the minutes? Seeing none, Martha, are you
40 going to make a motion to approve these minutes?
41
42 **MS. GUYAS:** Sure. I would love to.
43
44 **CHAIRMAN FRAZER:** I thought you did before, but I wanted to move
45 it along. Can I get a second? Second by Dale Diaz. All right.
46 Any further discussion? The minutes are approved. The first
47 agenda item here I guess that we're going to do is we have a
48 presentation by Ms. Alyson Myers, and it's falling under a

1 review of exempted fishing permit applications, and it's
2 technically not an EFP application, but Ms. Myers is seeking
3 comment on a proposal and feedback from the council, and so
4 we'll allow her to give her presentation and let the council
5 weigh-in accordingly.

6
7 **REVIEW OF EXEMPTED FISHING PERMIT (EFP) APPLICATIONS**
8 **PRESENTATION: MARINER PROGRAM PROPOSAL TO HARVEST SARGASSUM IN**
9 **THE GULF OF MEXICO**

10
11 **MS. ALYSON MYERS:** Thank you. Good morning. My name is Alyson
12 Myers, and I'm an oyster and seaweed farmer. I also run a non-
13 profit dedicated to ocean health, and, like many of us in this
14 room, I'm interested in the health of our ocean ecosystems.
15 This is our starting point on which individual fisheries
16 depends. This includes the changing chemistry of oceans,
17 increasing temperature and CO2, which causes ocean
18 acidification.

19
20 I have listened to quite a few of you during this meeting, and
21 it seems that everyone wants the same goal, thriving fisheries.
22 Our focus is on the system which produces these fisheries, the
23 central starting point of ecosystem-based fishery management,
24 which has been the guiding principle since the early 2000s.

25
26 Our scientific team from Gulf Universities conducts research to
27 provide practical solutions to complement the ecosystem-based
28 management principle outlined by NOAA. A couple of years ago,
29 NOAA and DOE became interested in growing seaweed that converts
30 CO2 and other nutrients in oceans to plant biomass, namely
31 seaweed. DOE and NOAA worked together on this program.

32
33 The goal was to grow biomass and provide ecosystem services to
34 oceans while producing additional habitat to increase fisheries.
35 The biomass would eventually be converted to sustainable
36 products and energy, thereby repurposing the CO2 that causes
37 ocean acidification. The work is focused on offshore waters at
38 a very low production cost.

39
40 Our scientists used technology and expertise to design a
41 technique to scrub the carbon and grow seaweed for a crop
42 season, thereby obtaining positive benefit for juveniles, in the
43 form of habitat, and harvest some of the percentage of the
44 biomass while leaving remaining habitat. The goal is minimal
45 bycatch. We grow seaweed without agricultural equipment, which
46 might interrupt marine species, and we remove CO2 from surface
47 waters. My purpose today is to introduce you to our project.

1 Our priority is the health of the ecosystem. Harvest of the
2 plants is conducted with minimal bycatch, as our goal is to
3 increase fisheries and not harvest fish or other organisms. So
4 far, we have been successful, and I am happy to discuss details.

5
6 NOAA has advised that we are not regulated. We are more an
7 aquaculture project than fisheries, but we do overlap in
8 benefits to the system. That said, I wanted to reach out to the
9 fisheries communities to introduce our work, establish interest,
10 and seek input. We are an oceans-first project.

11
12 Towards that end, we are looking at approved harvesting
13 equipment determined by the council which minimizes impact on
14 marine organisms as our guide with an example of turtle
15 exclusion devices. We are happy to seek input from those
16 interested in the health of oceans and fisheries to make our
17 process better.

18
19 We believe small fishers will be interested in our activity, as
20 they already target sargassum mats for their livelihoods. We
21 all need to address the tragedy of the commons by seeking to
22 restore them, and this is our goal. Thank you. Please feel
23 free to contact me at team@fearlessfund.org.

24
25 Let me just add here that we are currently funded by DOE, in
26 conjunction with NOAA. NOAA has been a huge support, and it's
27 been a fantastic partnership between the two agencies to make
28 this process possible. There has been a lot of funding that has
29 gone into this group of projects, of which we are one out of
30 nine.

31
32 They exist in all of the EEZs of the U.S., and the purpose of
33 them is to use innovation to address our problems in new ways,
34 and so I thank you for your time, and I appreciate it. I
35 usually farm stationary organisms, and so the fishing community
36 is new to me, and I appreciate the opportunity. Thank you. I'm
37 happy to address any questions.

38
39 **CHAIRMAN FRAZER:** Thank you for the presentation. I am going to
40 look around and provide an opportunity for questions. Mara.

41
42 **MS. LEVY:** Well, so I haven't had a lot of time to think about
43 this, and so the thing that occurs to me is that sargassum, for
44 the purpose of the Magnuson Act, is a fish, as crazy as that
45 might seem, and we have that list of authorized fisheries gears
46 that are applicable in the different council regions, and so
47 there is no authorized sargassum fishing in the Gulf of Mexico,
48 and the regulations basically say you can't engage in something

1 that is not authorized without giving the council notice of
2 that, and then there's a ninety-day period in which the council
3 can take some kind of action, and then, if they don't take
4 action or there is no action to prohibit it, then you can engage
5 in it. That's one thing to consider, is us looking at those
6 regulations and figuring out what you need to do with respect to
7 that.

8
9 The other thing that jumps out at me is sargassum in the Gulf is
10 habitat for baby turtles, which are protected under the ESA, and
11 so we would also -- It's not within the council's purview, but
12 just, with respect to your project, we would want to talk to
13 Protected Resources about take of those species, because even if
14 they are not, quote, harmed any capture is take, and you would
15 want to be covered under the ESA, so that there is no violation
16 of the take prohibition, and so those are the two things that
17 jump out at me right now.

18
19 **MS. MYERS:** We understand the importance of the Endangered
20 Species Act. The overriding benefits of increased habitat for
21 many organisms to grow and thrive we believe should take
22 precedence, and that's not to minimize it. It's very important,
23 and it's been central to the design of our technique from the
24 beginning.

25
26 All of the other projects use a lot of aquaculture equipment,
27 and the production goals are great, and we have, from the very
28 beginning, eliminated aquaculture equipment for this purpose and
29 focused on a pelagic macroalgae as a result. Anything that we
30 do would include turtle exclusion devices, any nets, but we're
31 very happy to design in the best way possible. We're agnostic
32 on this. We're trying to help the ocean chemistry.

33
34 **CHAIRMAN FRAZER:** Go ahead, Mara, and then I'll get to Paul.

35
36 **MS. LEVY:** I am not in any way making a judgment about which is
37 better. All I'm saying is that, if a turtle is going to be
38 taken, which includes -- Even if you picked it up and then put
39 it down, that would be a take, and that's prohibited under the
40 current regulations and ESA, and so, in order to avoid a
41 violation of that prohibition under the Act, you would want to
42 work with the agency to get a permit to be able to actually do
43 that, and so that was my only comment. It's not a judgment
44 about what should take priority or that you shouldn't do your
45 action, but it's just a legal requirement under the ESA.

46
47 **MS. MYERS:** That sounds good. We, just as a practical matter,
48 during the course of our research for the past year, we used a

1 very informal designed -- It's not really a harvester, but it
2 was more a collector, just to see what that did. It was very
3 small, and we were surprised that, when we put that on the boat,
4 there was almost no bycatch. I think there was one tiny shrimp,
5 and so we were pleased with that, because our goal is the same
6 as yours, and we're happy to comply with anything that needs to
7 be done.

8
9 As a practical matter, we are applying now for phase-two funding
10 for obviously what we think is a beneficial activity, and, in
11 order to apply for that funding, we need to resolve this fairly
12 quickly. March is the deadline for those deliverables, and so
13 we will do whatever we can as quickly and as well as we can.

14
15 **CHAIRMAN FRAZER:** Okay. We've got a couple of people. I'm
16 going to go Patrick and then Robin and then Roy, but Paul first.

17
18 **DR. MICKLE:** I guess my first question is to Mara, and this is a
19 legal question. The scientific literature, the best available
20 science, suggests and has strong inference for showing that two
21 species of reef fish, amberjack and gray triggerfish, are
22 dependent upon this habitat, or sargassum, and does that give us
23 the authorization to be involved with the authority to approve
24 or disapprove this EFP, and I have another question afterwards.
25 Thank you.

26
27 **MS. LEVY:** There is no regulations on the books that we would be
28 issuing an EFP for, but, like I said, sargassum is, quote, a
29 fish under the Magnuson Act, and so you as the council have the
30 authority to regulate the harvest of sargassum.

31
32 Right now, there is no authorized fishery for sargassum. There
33 is nothing in the list of authorized fisheries that allows the
34 harvest of sargassum, and so the requirement is that they
35 provide notice to the council of their intent to harvest, and
36 there are regulations that speak to this, and then there's a
37 ninety-day period in which you have to act on that. If nothing
38 happens in the ninety days, then they can go ahead and do what
39 they're doing.

40
41 That doesn't mean to say that, even if they start doing what
42 they're doing, you can't come in and decide you want to regulate
43 the harvest of sargassum, but it just gives you a window to make
44 sure that nothing is happening with respect to it for the ninety
45 days, but, because it's a fish, you have the authority to
46 regulate it under all the requirements of the Magnuson Act.
47 It's in need of conservation and management and all that sort of
48 stuff.

1
2 You could also probably have an ecosystem link to other reef
3 fish species that would give you that authority to regulate it.
4 The South Atlantic has a sargassum FMP in which they basically
5 prohibit harvest, I believe.

6
7 **MS. MYERS:** Can I verify one thing?

8
9 **CHAIRMAN FRAZER:** Yes, Ms. Myers. Go ahead.

10
11 **MS. MYERS:** We are creating additional habitat and additional
12 sargassum, and, without going into too many details of the
13 process, whenever -- We create additional, and we're basically
14 farming, in the sense that we start with seedlings, and we grow
15 those seedlings, and then, at the end, we harvest a good amount
16 of that biological material, but we also leave remaining
17 habitat, so that anything that's in those mats can migrate to
18 that habitat. We've been very careful about this, but we're
19 also very happy to keep improving it and be as careful as we
20 can.

21
22 **CHAIRMAN FRAZER:** Paul first and then Mara.

23
24 **DR. MICKLE:** I am confused. You're harvesting or doing
25 aquaculture?

26
27 **MS. MYERS:** That's a great question. I have bounced a little
28 bit, and I have made best efforts to navigate this, and I've had
29 discussions with the aquaculture section of NOAA and then
30 fisheries and then aquaculture and then fisheries, and so I
31 consider us more aquaculture. That said, because we are not
32 using aquaculture equipment, and we're not using ropes, anchors,
33 floats, rafts, et cetera, and we're not fixed in a spot to a
34 lease, and we're somewhere in between.

35
36 It's a new activity that we're proposing, which we believe has
37 benefits, and we're trying, and I think NOAA is trying, to
38 figure out the best way to research this, to see if it's a good
39 thing to do and go forward.

40
41 **CHAIRMAN FRAZER:** Mara.

42
43 **MS. LEVY:** I think part of the issue here is that you're not
44 getting enough information to sort of figure out what the plan
45 is, right, and, from what I understand, you're going to take
46 these seedlings and put them someplace in the Gulf that's kind
47 of like a -- The currents keep it in a particular area, and then
48 the plan is to let it grow, and mix with the sargassum that's

1 already there, and, I mean, you're not going to be able to tell
2 what you planted versus what came in naturally, and you're not
3 going to be able to keep species out and such like that.

4
5 In that sense, it's not aquaculture. Like, there is no
6 equipment, and you can't separate what you're growing from the
7 natural stuff, and then they're going to come back to that place
8 and harvest it, and so, in my mind, it's still a harvesting of
9 sargassum. Like it's not an aquaculture operation. That
10 wouldn't just be, because we have no way to see what you put
11 versus what they went in there.

12
13 I think part of the problem the council is going to have is
14 they're not going to know what to think about it, because they
15 don't have a lot of information about what you plan to actually
16 do, and one of the things that's required in the notification is
17 sort of a description of what the species is, and a lot of it
18 talks about gear, but you don't have gear, but, I mean, I
19 suggest, when you provide the notification, you explain in more
20 detail what the process is, so that the folks here can sort of
21 have more of an informed discussion about that, and I realize we
22 didn't have a lot of time to talk about this beforehand, because
23 we weren't in the office, and so that might have created some
24 problems.

25
26 **CHAIRMAN FRAZER:** Okay. Robin.

27
28 **MR. RIECHERS:** I am going to try to ask a couple of questions,
29 and it has no reflection on whether I think this is a good or
30 bad idea at this point, but, Mara, at this point, do we have an
31 application?

32
33 As you suggested, there is a clock that starts ticking when we
34 receive notice, and how is that notice delivered? Is this
35 considered notice, or how is that done, number one, and then I
36 guess number two is, because it sounds like you're considering
37 this different than an EFP, but we've got this scheduled under
38 our EFP presentations, and I'm wondering whether there is an EFP
39 application as well, and so I'm just trying to figure out where
40 we're at in the process.

41
42 **MS. LEVY:** I don't think they need an EFP. I think they need to
43 provide the notice, and that's supposed to be provided by
44 certified mail, under the regulations, and the signature of the
45 receipt of that certified mail starts the ninety-day clock, and
46 it's sent to the council.

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

1
2 **EXECUTIVE DIRECTOR SIMMONS:** I was just going to say I think the
3 most similar example we've had that's come recently before the
4 council was Mr. McCormick's work with the lionfish and the kind
5 of slurp gun type of gear he was proposing to use.

6
7 **MR. RIECHERS:** The only other follow-up on that is, within that
8 notice, because I went to your website, and, on your website, I
9 don't see a lot of detail, and you mentioned that as well.
10 Within the notice, Mara, does it -- Would it create a
11 description of gear and what you were going to do and pounds you
12 were going to harvest and those kinds of things?

13
14 **CHAIRMAN FRAZER:** Mara.

15
16 **MS. LEVY:** The regulations say that the notice has to include
17 name, address, description of gear, the fishery or fisheries in
18 which the gear will be used, a diagram or photograph of the
19 gear, and a lot of it is gear, season, areas, the anticipated
20 bycatch species associated with the gear, how the gear will be
21 deployed.

22
23 I think in this case though -- I mean, that's what it must
24 include, and, since it's very gear related, and they don't have
25 gear, I think it would be to their benefit to describe what
26 they're going to be doing, the process, and all that sort of
27 stuff, so you have that information and can make an informed
28 decision about what you would want to recommend or whether you
29 want to take any action.

30
31 **MS. MYERS:** Would you like a small description, brief
32 description, of the process?

33
34 **CHAIRMAN FRAZER:** Yes, at this point, I would.

35
36 **MS. MYERS:** Okay. We have a satellite team, satellite imagery
37 team, and it identifies the location of very large mats, and the
38 resolution is one kilometer, and so we're not looking at small
39 plants drifting in the ocean.

40
41 We go to that sargassum mat, and we harvest some amount of
42 seedlings. Let's say, as a percentage, 10 percent of the mat.
43 We then divide that 10 percent, and we put some amount of
44 seedlings back into the original mat, and we know, by the
45 doubling rate of those plants, that in either ten days or twenty
46 days that the original mat will be restored.

47
48 We take the rest of the material to a current whose dynamics we

1 understand, through oceanography, and we put the plants in that
2 current. After approximately sixty days, unless the current
3 dissolves, which we're monitoring all the time, we come back and
4 harvest. At that point, we deploy the same technique, which we
5 never take 100 percent of anything. We leave some percentage in
6 there for marine organisms to migrate to.

7
8 The rest comes back to shore, and it's a way of harvesting CO2
9 and nutrient pollution, if you see it that way, and that comes
10 back to shore and goes into a kind of pre-manufacturing process
11 for either energy or sustainable products.

12
13 The basis of this idea is that the current production of energy
14 crops is on land, and that requires land, fresh water, and
15 fertilizers, all very expensive inputs, and we believe that
16 using the saline water source, in order to farm crops, is an
17 area not only of new economic activity, but it's a smarter way
18 to act on the planet. There are also these benefits of
19 providing increased habitat and picking up excess nutrient
20 pollution and CO2, et cetera.

21
22 **CHAIRMAN FRAZER:** Okay. Thank you. Then I have a couple of
23 other folks. Robin, do you have any additional questions?
24 Okay. Then we have Roy.

25
26 **DR. CRABTREE:** I guess what we need from you in the letter is
27 details on what the gear you're using to harvest the seedlings
28 is and then, after you put the seedlings out and they grow, you
29 are harvesting them, and what gear are you using, and that's the
30 fishing gear.

31
32 Then I would encourage you to talk to my Protected Resources
33 Division, because, if that gear is capable of catching a turtle,
34 then you are going to either need a Section 10 permit, which is
35 issued in Silver Spring, out of the Headquarters, or perhaps
36 there might be a Section 7 connection, but I don't see it at the
37 moment, but, if you're using a gear and you take a baby turtle,
38 you're in violation of the Endangered Species Act, regardless of
39 whether you kill it or harm the turtle or not. That's still
40 prohibited, and so that's something you're going to need to deal
41 with. My other question for you is I think I heard you say that
42 you were working with someone in NOAA on this research, and I'm
43 wondering who that is.

44
45 **MS. MYERS:** We have had a lot of support from NOAA.

46
47 **DR. CRABTREE:** But who exactly? What part of NOAA?
48

1 **MS. MYERS:** Well, we've spoken to -- We've had quite a bit of
2 communication with Jess Beck, and so aquaculture in the
3 Southeast, and we've been working on a scalability analysis, and
4 NOAA has conducted a scalability analysis for us, and there is
5 very tight communication between NOAA and DOE on this program,
6 to make sure that it's done properly, and I can give you the
7 names of everybody, if you would like, but, basically, Gulf of
8 Mexico personnel and Caribbean, because, as you know, right now
9 in the Caribbean, there is a nuisance problem with these same
10 plants, and the Caribbean is very much looking for a solution,
11 because the plants die in the coastal zone, causing hypoxia, and
12 then they beach, and then there is a lot of expense, and so
13 there is a lot of focus on these plants.

14
15 **DR. CRABTREE:** All right. Well, I'm going to encourage you --
16 Jess Beck works out of my office, and so I would encourage you
17 to contact her again, because I think there's a lot more
18 information that we're going to need about this, and we're going
19 to need to sort out the endangered species part of that. I can
20 tell you that getting a Section 10 permit is not going to happen
21 by March, and so it's going to take some time to go through all
22 this process.

23
24 **MS. MYERS:** We're really a research project at this time, under
25 innovation, and, as such, there is a lot that we don't know, and
26 there is a lot that we are researching to make it the best
27 technique. Could we fall under a research permit?

28
29 **DR. CRABTREE:** Well, it still sounds, to me, like you are going
30 to have potentially incidental take of turtles, and so, again, I
31 encourage you to contact my Protected Resources Division, and
32 Jess Beck can put you in contact with them. Based on what I've
33 heard, it sounds, to me, like you would need a Section 10
34 permit, but maybe there's something that I don't understand, and
35 there may be other parts of this that I am not grasping at this
36 point, and so I think you need to talk to them and sort this
37 out.

38
39 **MS. MYERS:** Okay. One thing I can add is that, in terms of
40 harvest gear, we're looking very carefully at the spacing of
41 that harvest gear, and so we're looking at a four-inch-by-two-
42 inch spacing, to allow juvenile mahi and juveniles of all kinds
43 to find their way out. Plus, there is no bottom, initially, to
44 this harvest gear, because remember we're sitting on the
45 surface, as you know, and so we're doing everything we can, but
46 I'm happy to follow your instructions.

47
48 **CHAIRMAN FRAZER:** Leann, did you have a question or a comment?

1
2 **MS. BOSARGE:** Thank you, Mr. Chair. I am excited to hear more
3 about it, and I'm hoping that this doesn't start the ninety-day
4 clock, because, really, I'm not sure that I understand what has
5 been presented to me here, and we don't have very many details
6 at this point, and so, hopefully in your next presentation,
7 we'll get some more insight into it, and that will start our
8 ninety-day window to try and respond, because I'm not sure what
9 I would say at this point.

10
11 The one thing that does concern me, as Dr. Mickle mentioned, and
12 our fishermen have brought this up in the past, and I have heard
13 it at different assessment meetings, where PhDs are talking
14 about it, that there is some relationship between that sargassum
15 and what we see in our year classes coming forward, and, some of
16 the fish, I'm sure that when you harvest your sargassum, it
17 would be obvious that, hey, there's a fish, but we're talking
18 about post-larval phases that may be five millimeters for some
19 of this, and, when you talk about looking at a half-mile mat,
20 and you take 10 percent of it out of the water and wait for it
21 to double and then put it back somewhere else, we really need to
22 understand what we're doing to some year classes at this stage
23 of their life and what effect that may have on us down the line.
24 Maybe we can work with you on some research projects, but we
25 need to understand that before we, you know, haphazardly bless
26 things.

27
28 **MS. MYERS:** I'm sorry, but I was only given five minutes, but
29 I'm really happy to provide details on this. It's work that
30 we're very excited about, and I think DOE and parts of NOAA are
31 very excited about it.

32
33 We have big problems in our oceans, as we all know, and we can
34 talk about the details of fisheries, but, if we don't have a
35 healthy system, we have a significant problem, and that's what
36 we're trying to address, and so I'm happy to talk to anybody,
37 and I welcome input, and I welcome collaboration, and so thank
38 you for the offer.

39
40 **CHAIRMAN FRAZER:** Okay, and so we have a couple more questions.
41 I have Martha and then Chris and then Ed.

42
43 **MS. GUYAS:** Mine is not really a question, but it's just more of
44 a comment. I guess, depending on the details of your project
45 and where it's occurring and where the product is being landed
46 once you do bring this back to shore, I mean, you may also be
47 subject to various state regulations, even though this is
48 occurring in federal waters, and so that's something to keep in

1 mind, depending on where you go with this project and where it's
2 located.

3

4 **CHAIRMAN FRAZER:** Thank you, Martha. Chris.

5

6 **MR. CONKLIN:** Just to inform you all, we designated this as EFH
7 in our region, and the ABC is zero, and it's catch and release
8 only, just to give you guys a heads-up.

9

10 **CHAIRMAN FRAZER:** Thanks, Chris. Mr. Swindell.

11

12 **MR. SWINDELL:** The things I've read about seaweed and sargassum
13 and so forth, it's becoming a world-wide harvestable resource in
14 all of the world's oceans. It's used for proteins for whatever
15 they can get out of it for aquafeed, for instance, in raising
16 other seafood.

17

18 However, in the Gulf of Mexico, we have to look at it as a
19 resource that is there, as a resource that's floating in the
20 Gulf of Mexico, and, right now, it's not progressing but so
21 much, because, otherwise, it would be covering the Gulf of
22 Mexico by now, but it doesn't, and so, if they're going to take
23 part of it and, I presume, try to regrow part of it, then you're
24 getting into the aquaculture business with this.

25

26 Controlling this is going to be a real issue. I mean, it's
27 helping our fishery resources, without a doubt, and there is a
28 lot of fish, just like the slide is showing, that hangs around n
29 sargassum weed, and so you've got to be careful with what you're
30 doing and how it affects our resources that we're doing in the
31 Gulf of Mexico, but good luck, and I hope that you present us
32 with something that we can understand and take to heart. Thank
33 you.

34

35 **CHAIRMAN FRAZER:** Thank you, Ed. I have Kevin and then Mr.
36 Boyd.

37

38 **MR. ANSON:** Thank you, Mr. Chair. Thank you for coming here to
39 the council today and bringing this issue up. As Ed pointed
40 out, sargassum is getting a lot of interest in the world, and
41 obviously it has some interest here in the council, based on the
42 essential fish habitat designation, at least in the South
43 Atlantic, and the habitat and its importance to what we do here
44 at the council and what we're responsible for.

45

46 I guess, just going back to the comment that Mara, NOAA General
47 Counsel, has provided you regarding what information you need,
48 and other people have commented, I would just add that, if it's

1 not in there, certainly I think some discussion on the benefit
2 of the actual work that you're doing, if you can quantify that
3 or it can be modeled to be quantified, because aquaculture is
4 being tossed around here, but, in my sense, and I'm old school,
5 and I went to school a long time ago, but the definition that
6 aquaculture had when I went to school doesn't apply here,
7 because we're essentially allowing Mother Nature to do what
8 Mother Nature does, whether it's in one part of the ocean or you
9 want to take it to another part of the ocean.

10

11 There is no controls, and there's nothing in there that you're
12 going to be able to keep it penned in, literally and
13 figuratively, and so I would have a little bit of a hard time
14 that we can kind of help Mother Nature by just keeping it in
15 Mother Nature's hands and have really no control and any extra
16 added work that we put into that, and so, other than moving it,
17 again, from one location to another, and that brings up some
18 questions as to whether or not these currents that you describe
19 are actually conducive to sargassum, because they only occur in
20 specific areas, and, when they get out of those areas, it's not
21 the conditions that they can survive in, and so they do decay
22 and start to die and such, and that's in some very near-shore
23 areas, and so I would just be -- I would prefer to see more
24 detail, certainly, to help try to reconcile some of the issues
25 that I have with this project as it's currently described.

26

27 **MS. MYERS:** May I address that?

28

29 **CHAIRMAN FRAZER:** Briefly.

30

31 **MS. MYERS:** Okay. There are different kinds of circular
32 currents, or eddies, and some more clockwise and some move
33 counter-clockwise. Those that move counter-clockwise upwell
34 nutrients and feed the plants. Those are what we intend to use,
35 and we've also run some research on these currents, and we have
36 shown that we can contain the plants.

37

38 Again, we are designing it this way in order to avoid putting a
39 lot of aquaculture equipment in the ocean, which is a cost and a
40 risk, and so we are mimicking nature purposefully, and, so far,
41 our results have been good, and I'm happy to share it. Thank
42 you.

43

44 **CHAIRMAN FRAZER:** Okay. We've got about three or four more
45 questions, and then I'm going to try to wrap this up and provide
46 a bit of a summary, and so we have Doug, Leann, and then Paul.

47

48 **MR. BOYD:** Mr. Chairman, I can ask my question offline, if you

1 want my time.

2

3 **CHAIRMAN FRAZER:** Go ahead, if you want.

4

5 **MR. BOYD:** Okay. Thank you for your presentation, and I may
6 have missed this, but does your business plan have you selling
7 this product that you take on land, or do you all process it to
8 its final destination, or its final use, and what is that use?

9

10 **MS. MYERS:** Are you asking if we process it on the boat?

11

12 **MR. BOYD:** What is the ultimate use of the product that you're
13 going to be harvesting?

14

15 **MS. MYERS:** DOE is naturally interested in energy conversion,
16 taking the CO2 and repurposing it for energy, but they are also
17 allowing sustainable products, and so everything that we grow in
18 the ocean and convert to products means something on land that
19 is not used for that purpose, and so, if you think about paper
20 production, we're not taking down trees.

21

22 **MR. BOYD:** So you will take that product that you have grown and
23 you will sell it into commerce, to be produced into biofuel or
24 be produced into some of the material? Is that correct?

25

26 **MS. MYERS:** Yes, and we think of it as circular economy, trying
27 to do things more efficiently and better for the planet, yes.

28

29 **MR. BOYD:** Thank you.

30

31 **CHAIRMAN FRAZER:** Okay. Leann.

32

33 **MS. BOSARGE:** Just so that I could kind of follow on to what
34 Kevin was saying, to give you more detail on things we would
35 like to hear more about, I would like to know maybe what time of
36 year you plan to do this.

37

38 Is it year-round or something like that, because, in my mind,
39 that goes along with spawning seasons of the couple of species
40 of fish that I am kind of honed-in on and where they're at in
41 their life cycle at that point, and then, when you bring the
42 plants back in to let them double, you said, and so are you
43 planning to do any kind of selectivity on what you put back out
44 there?

45

46 I mean, even bananas -- We have non-GMO foods and GMO foods and
47 so are we going to be doing any kind of selectivities for plants
48 that grow the fastest and weeding out some of the others, and

1 will we have any of that kind of -- Any details on that kind of
2 stuff you can bring us, that would be great, so we know what's
3 coming out and what we're putting back.

4
5 **MS. MYERS:** Great, and so no GMOs, no new fertilizers, and,
6 believe me, our hands have been tied in many, many ways. This
7 is just the next way, and so I try to solve them as I can in
8 ways that are good for the system.

9
10 A last note, and I know that everybody probably has other things
11 to go onto, but the seaweed industry, to go back to your
12 comment, is an \$8 billion a year industry, and it's situated
13 primarily in Asia, and the United States has been sleeping in
14 this industry.

15
16 We have some, just a handful, of seaweed farmers, and, instead,
17 I would like us to look at this as the U.S. taking a lead
18 position. We have an opportunity to help our systems and to
19 provide jobs and a new way of doing things, and, with your help,
20 hopefully we can do that, and the Caribbean is crying for
21 solutions.

22
23 **CHAIRMAN FRAZER:** Thank you. Dr. Mickle, last comment.

24
25 **DR. MICKLE:** I will just be brief. I appreciate the
26 information, and I think more information and a study is
27 definitely of merit, to kind of show, I guess, the potential
28 benefits that you have tried to lay out here today and that I
29 think are there and, also, to I guess answer some uncertainties
30 that I think this group really have concerns about.

31
32 When you mention the methodologies of where you went and put
33 stuff and then grew stuff and then put back, it caught my ear on
34 what you -- When you put sargassum back, are you putting it in
35 open areas that don't have sargassum in them, or you said
36 currents that -- I forgot how you said it.

37
38 **MS. MYERS:** What we see, through the satellite imagery, is that
39 the location of these large mats are typically not far from the
40 eddies that we're using, because remember the loop current comes
41 into the Gulf, and it's bringing material, and then there is
42 some resident material, but, for efficiency's sake, to hit DOE's
43 targets, in conjunction with NOAA, it's a very low price, and
44 so, the logistics of going from one location to the next, it
45 must be proximate, in order to be effective.

46
47 **DR. MICKLE:** Okay. I have no more questions.

48

1 **CHAIRMAN FRAZER:** Okay. Ms. Levy.
2
3 **MS. LEVY:** Just to -- I guess, ultimately, right, in terms of
4 the ultimate goal of doing this, it's to somehow scale it up
5 such that folks can take this stuff for energy production,
6 right? I mean, I think the council needs to understand,
7 ultimately, the purpose is to harvest enough of it for it to be
8 a useable energy source.
9
10 **MS. MYERS:** Correct. Grow and harvest, yes.
11
12 **CHAIRMAN FRAZER:** Okay. Thank you. I just want to ask a couple
13 of questions to Mara before we wrap this up. I just want to
14 make sure, procedurally, we're all on the same page. Clearly
15 there is a number of questions from the council, and they're
16 wide-ranging, everything from rationale to cost and gear types
17 and intent and benefit and all of those things.
18
19 Then what I've heard here is that Roy has encouraged you to work
20 with his office to put together an appropriate description of
21 the effort and moving forward, and, until we get that
22 appropriate description of the effort, I don't think we're going
23 to consider that a letter of notice to move forward, and so
24 don't know, Mara, when that ninety-day window would start and
25 what would constitute a time-zero.
26
27 **MS. LEVY:** The regulations say a signed and returned receipt for
28 the notice serves as an adequate evidence of the date of the
29 notification, and so it's contemplating written notice by
30 certified mail and a signed receipt.
31
32 **CHAIRMAN FRAZER:** Is that certified receipt from your office or
33 the council's office?
34
35 **MS. LEVY:** It's received by the appropriate council or the
36 director, which would be -- I think it's your office, and so
37 you're supposed to send it to the council certified. As soon as
38 you sign that return receipt, that starts the ninety-day clock.
39 I mean, I suspect that this was written before emailing was
40 prevalent, and you could probably, if you were okay with it, get
41 the information by email and then the receipt of that date. I
42 think, if you really want the hard copies, you could ask for
43 that.
44
45 **CHAIRMAN FRAZER:** Okay. As a follow-up, if we have, based on
46 that initial correspondence, outstanding or significant
47 questions that need to be addressed, how does that affect the
48 ninety-day timeframe?

1
2 **MS. LEVY:** It doesn't affect it. I mean, the regulations
3 basically say, if no action is taken to prevent the use of the
4 gear or the new fishery, that then they're allowed, after ninety
5 days, to engage in whatever activity they want, and so it
6 contemplates that, as soon as you receive the notification, the
7 council immediately begins consideration and that you send a
8 copy to the Regional Administrator and then you make a
9 recommendation to the Regional Administrator, and so, I mean, I
10 think what we did last time is you got the notification, and you
11 put it on the agenda for the next council meeting, which was
12 within the ninety days, and you talked about whether you wanted
13 to recommend some sort of emergency action to prohibit it or you
14 wanted to start a plan amendment or something to address it, and
15 so I think that would be the process that you would generally
16 follow.

17
18 **CHAIRMAN FRAZER:** Okay. Thank you. I think we have enough
19 information at this point. Ms. Myers, thank you for your
20 presentation.

21
22 **MS. MYERS:** Thank you, and I will respond as quickly as possible
23 when I get questions, so that everybody is comfortable.

24
25 **CHAIRMAN FRAZER:** Thank you. Thank you for being here. I think
26 we're going to continue to move along in the agenda, and next on
27 the agenda would be the Alabama Law Enforcement Efforts, if
28 Major Downey is ready and prepared.

29
30 **PRESENTATIONS**

31 **ALABAMA LAW ENFORCEMENT EFFORTS**

32
33 **MAJOR JASON DOWNEY:** Hello. I'm Major Downey with Alabama
34 Marine Resources. We do have two K-9s here today. We're not
35 going to bring them in at the same time right now, because they
36 get really excited when they're around each other, and so we've
37 got one in here now, and so we're going to have a brief
38 presentation, followed by a demo, and then we'll bring both K-9s
39 in and let you guys see them. I am going to turn it over to
40 Officer Phillips. She is one of our K-9 handlers.

41
42 **CHAIRMAN FRAZER:** Thank you.

43
44 **OFFICER PHILLIPS:** Good afternoon. I'm here to give you just a
45 basic overview of the program. We started the program circa
46 2015, in November, and Auburn University was tasked with going
47 to select a K-9 and train the K-9, and so, the dog you're
48 looking at right now, that is a working cocker spaniel. Mine in

1 is an English springer spaniel, and he is from the U.K., and
2 mine was brought in from Germany. He's a little vocal.

3
4 They brought the dogs back and trained the K-9s. We had to also
5 be trained to learn how to read the K-9 and their responses and
6 how they work, and so they're very high-drive dogs. They are
7 ball-drive dogs, and they're lower to the ground, and so that
8 helps with the scent, and so started out on petri dishes at
9 Auburn University. We escalated to imprint boxes, building
10 searches, and then, finally, the vessels.

11
12 With that, we were able to garner a lot of attention, as far as
13 social media. We have a lot of public relations events that we
14 get to do, and that has brought a lot of attention, and so it's
15 more of a deterrent at that point. You get out there and you
16 run the dogs, and you have people that have never heard or seen
17 anything like that, and so it's brought a lot of attention,
18 everything from elementary schools to high schools and career
19 days, and local news stations picked it up, and so that helped a
20 lot, and there's just a lot of people interested in the program
21 and what we do.

22
23 Like I said, it's more of a deterrent than it is that you catch
24 the people in the act, because they hear about it, and they
25 don't want to do it, and they don't want to risk it. The dogs
26 work a lot more quickly than the officers do. It takes us a
27 long time to check a vessel, if we're going to check it that
28 thoroughly, and so, what these dogs do, they do it in seconds,
29 what we can do in a couple of minutes, and so it gets everybody
30 going, and it's just more thorough at that point.

31
32 There is a few demos on these slides, and the first one is K-9
33 Gaines and his handler, Officer Cox, and this was uploaded
34 multiple times and viewed by many people, and it's helped in the
35 process of getting the word out, and they come with life
36 jackets, and they have handles on them, and they're easy for us
37 to maneuver.

38
39 They are not like your large, Belgian Malinois and Czech
40 shepherds and all that. They're very easy to maneuver to get
41 into those places on the vessels. They're a lot more what I
42 guess you would say public-friendly, more personable, because
43 nobody wants the German shepherd looking them in the eye, and so
44 the spaniels are a lot better for that aspect. While we're
45 viewing it, does anybody have any questions so far?

46
47 **UNIDENTIFIED:** (The question is not audible on the recording.)
48

1 **OFFICER PHILLIPS:** Yes, that's what the petri dishes were for.
2 They don't take a whole fish. That's more our job, and so the
3 fillet was put in a petri dish, and they moved up from that, and
4 so in a barrier, in depth, a hot, human scent from fishermen
5 touching the bag, and so, yes, that's primarily fillets.

6
7 This is a clip from one of the local news stations, and that's
8 my dog, Morgan, and they were named after the forts, Morgan and
9 Gaines. They played this, and that helped with the recognition.
10 Like I said, they work very quickly, and they do passive
11 responses, so we don't have any damage with any vessels, and we
12 do it boat-to-boat, and we can do it from the dockside
13 perspective, near-shore perspective, and so that's all the
14 clips. Any other questions?

15
16 **CHAIRMAN FRAZER:** Thank you very much. Are there any questions
17 from any of the council members?

18
19 **MAJOR DOWNEY:** Can I give one quick comment?

20
21 **CHAIRMAN FRAZER:** Absolutely.

22
23 **MAJOR DOWNEY:** Just real quick, the inception of the program was
24 based on, as you saw at the beginning of the slide, that people
25 were filleting and releasing, is the common term, and we were
26 trying to decide how do we prevent that from happening, how do
27 we deter that without being overly intrusive to the general
28 angler, and, when everybody is coming in, we have the right of
29 inspection, but that is a pretty in-depth search, to go through
30 each vessel to that degree, and so, when we looked around the
31 country, there were only two other dogs in the country that did
32 something similar.

33
34 We approached Auburn University, at their K-9 Performance
35 Science Center, who they train dogs to do a tremendous number of
36 things, and we partnered with NOAA Office of Law Enforcement and
37 the Coastal Conservation Association of Alabama to fund this
38 project, and so it was a collaborative effort.

39
40 The goal, from the very beginning, was not to make cases. It
41 was actually completely opposite of that. It was to prevent
42 people from violating the law. Almost immediately, when the
43 dogs went to work, there was a reduction in phone calls saying
44 that people were catching fish offshore and shoving them under
45 the seats and different things like that.

46
47 It was very apparent to me, at the top of the food chain, and
48 I'm the one that gets the phone calls, and so that was the

1 design of the program, because we often get asked how many cases
2 do they make, and I say, well, my goal is zero. That's really
3 the goal. They do make some cases, but it's the preventive
4 measure of this tool that is so amazing, and I feel that, if we
5 can impact children, then we have changed the future. They have
6 seen the dogs, and they know that, hey, Officer Gaines and
7 Officer Morgan said don't break the law, and so they don't.

8
9 We see that as the biggest success of the program and not the
10 how many cases do you make, and there is an argument to be made
11 either way, but the dogs are amazing, to the fact that they can
12 remember, from different boats that they've been, if we have
13 used it as a training tool before, and they will go to that spot
14 first, if you give them the opportunity. They remember that.

15
16 They know where the most common places to hide things are, and
17 they can detect items through things as small as bolts on the
18 deck of the boat, the odor of something being hidden in the
19 bilge and coming up through any crevice, any bolt hole, with the
20 bolt in it, and they are that sensitive. They smell in parts
21 per trillion, and so, as she said, the amount of time that it
22 takes to board a boat, they do it in about fourteen seconds,
23 compared to a person, and we wouldn't get through one portion of
24 the boat in that amount of time, and they do it without the
25 folks even realizing it, to some effect. The dog circles, and
26 we're done. We're in and out, and so we've done two things. We
27 have inspected the boat, and we have shared educational
28 information with the public, and so now are you going to send
29 him around?

30
31 **CHAIRMAN FRAZER:** That would be great, and, Scott, I really
32 appreciate that.

33
34 **MAJOR DOWNEY:** We will go ahead and work him. While he's
35 working the room, TSA took a big hit recently about the
36 intimidating dogs, and they were changing from shepherds and
37 Malinois to other dogs, because we did take that into
38 consideration with the breed of dog, that we were not going to
39 intimidate people. We just wanted to do an inspection.

40
41 I will tell you that you see this is double-bagged and in ice,
42 and they can detect it through multiple layers. We have double-
43 bagged and placed it inside a soft-sided ice chest inside a dry
44 box inside the compartment on a boat, and, the minute he got
45 onboard, he started going nuts. He knew it was there, and so
46 it's the same as narcotics. You can't make a clean enough
47 environment that they don't -- It's not to say that they won't
48 miss it sometimes, but that's the level of detection capability

1 that they have. There is Morgan. Again, she's an English
2 springer, and he's an English working cocker. She's going to
3 come sit by me. Are there any follow-up questions?
4

5 **CHAIRMAN FRAZER:** I think we have a few. Mr. Swindell.
6

7 **MR. SWINDELL:** You know, if these dogs could be trained
8 perfectly right for NFL referees to call pass interference, they
9 would work great.
10

11 **MAJOR DOWNEY:** They are pretty good at smelling violations.
12

13 **CHAIRMAN FRAZER:** All right. Thank you, Scott, and, as always,
14 we appreciate all the work that your team does. Thank you.
15 Okay. Let's see where we're at. I know there are a lot of
16 people who have travel plans tomorrow, and I know that we have
17 lunch, but we're going to knock out two quick committee reports,
18 I think, so people can adhere to their travel schedule tomorrow.
19 The first one, I think, if we are ready, is -- Phil, would you
20 be ready to do the Outreach and Education? All right. Then
21 we'll start with that committee report.
22

23 **COMMITTEE REPORTS**

24 **OUTREACH AND EDUCATION COMMITTEE REPORT**

25
26 **MR. DYSKOW:** Thank you. The report for the Outreach and
27 Education Committee, the council reviewed a draft of the Fishing
28 for Our Future website that aims to display the council's
29 descending and venting policy and communicate best fishing
30 practices. The website will highlight how much discard
31 mortality occurs across the Gulf and consolidate all the
32 outreach materials and research done on barotrauma mitigation in
33 the region.
34

35 The committee made suggestions to improve the current draft, and
36 committee members offered to assist staff in finding additional
37 materials to add. Staff asked that committee members, council
38 members, and the public contact her, and her in this case is
39 Emily Muehlstein, with any more suggestions.
40

41 Next, staff presented the draft agenda for a barotrauma
42 workshop, with the objective of creating an action plan to
43 promote the use of barotrauma mitigation tools, enhance data
44 collection efforts for discard mortality, and incorporate those
45 results into stock assessments.
46

47 The committee suggested appropriate invitees for the meeting and
48 asked that staff avoid hosting the meeting in late summer, to

1 ensure that for-hire operators who are interested are available
2 to participate.

3
4 Finally, staff presented the council with preliminary results
5 from their Something's Fishy data collection tool. The tool has
6 been used to collect anglers' perspectives on what is happening
7 with fish stocks prior to each stock assessment. The tool was
8 launched for red grouper, and the results were reported to the
9 stock assessment panel and the council's Scientific and
10 Statistical Committee.

11
12 The council recently launched the tool for yellowtail snapper,
13 and Florida Fish and Wildlife Conservation Commission cross-
14 promoted the tool. The tool has received 360 responses for far,
15 and the council directed staff to include the results of each
16 Something's Fishy launch in its background materials when stock
17 assessment results are presented to the council. Mr. Chairman,
18 this concludes the report.

19
20 **CHAIRMAN FRAZER:** Thank you, Mr. Dyskow. Does anybody have any
21 questions or concerns or comments on the report? Okay. Seeing
22 none, we're going to move on to the next available report, and I
23 guess that would be the Data Collection Committee and Dr. Stunz.

24
25 **DATA COLLECTION COMMITTEE REPORT**

26
27 **DR. STUNZ:** This is the Data Collection Committee report. The
28 agenda and minutes of the October 24, 2018 meeting were
29 approved. For-Hire Electronic Reporting Implementation Update,
30 implementation of the new reporting requirements is scheduled to
31 occur in two phases, with the electronic reporting and hail-out
32 beginning in the first half of 2019, while the archival GPS
33 requirements will likely begin later in 2019.

34
35 Council and NMFS staff are working collaboratively to schedule
36 and hold a series of stakeholder workshops about the upcoming
37 changes in reporting requirements for federally-permitted for-
38 hire vessels.

39
40 Council staff noted that eight meetings have been scheduled
41 between January 24 and March 11, 2019 in each of the five Gulf
42 States. The meetings are intended to make for-hire operators
43 aware of the upcoming changes and address stakeholder concerns
44 prior to implementation. A committee member noted that a
45 workshop is scheduled in New Orleans on February 14 and that the
46 holiday may reduce attendance. In response, staff rescheduled
47 the meeting, so it will be held at 6:00 p.m. on February 12 at
48 the La Quinta Inn & Suites, which is at 2610 Williams Boulevard

1 in Kenner, Louisiana, 70062. Mr. Chair, this concludes my
2 report.

3

4 **CHAIRMAN FRAZER:** Thank you, Dr. Stunz. Ms. Muehlstein.

5

6 **MS. EMILY MUEHLSTEIN:** I was hoping that Sue would be in here,
7 but I don't see her. I just wanted to mention something that we
8 weren't thinking about during the Data Collection Committee. I
9 spoke with some of the implementation staff who is working on
10 these for-hire reporting requirements, and they have asked for
11 the council's thoughts on what should be done about
12 implementation dates.

13

14 As it stands, the plan was to implement the for-hire reporting
15 requirements in two phases. The first phase, which would launch
16 on April 15, was to require anglers to hail-out as well as start
17 their electronic trip reporting, and then the second phase was
18 scheduled for October 1, and that is the location data
19 requirement, and so having that device on your boat.

20

21 The staff over at SERO has asked that the council consider
22 whether or not -- How to shift that timeline, based on the lost
23 work that happened due to the shutdown, and I think April 15 was
24 chosen because it's before the charter season really sort of
25 starts kicking off, and, at this point, it looks like
26 implementation would have to be pushed back, and there is fear
27 that pushing it back to the beginning of the summer will require
28 the anglers to get used to reporting at the very peak of their
29 fishing season.

30

31 I guess the question that we would like to ask the council is,
32 is maybe pushing it all the way back to October and having all
33 of those requirements come online in the fall a reasonable
34 option, or are there some other options that we might consider
35 with the implementation timeline to make sure that these
36 requirements are the most convenient that we can make them for
37 our fishermen?

38

39 **CHAIRMAN FRAZER:** Robin.

40

41 **MR. RIECHERS:** Well, as I'm recalling, I don't think we
42 established the original timeline, and so, I mean, I hear what
43 you're saying, which is certainly, even as we try to think about
44 when the agency starts to implement programs, we try to make
45 sure it's not in the peak of the season, so that you don't have
46 those kinds of issues with people trying to learn new things,
47 whether that's our own people or even anglers and hunters, and
48 so, I mean, I guess I would be inclined to move it, but, like I

1 said, I'm not certain we had a lot of input on the first
2 deadline, and so certainly I think you all have that ability to
3 move that, if that's what you all think is best, in working with
4 industry, though you might want to get some of their feedback as
5 well.

6
7 **CHAIRMAN FRAZER:** Sue, do you want to weigh-in on this at all?

8
9 **MS. GERHART:** I think Emily covered it pretty well, but the
10 timeline we currently have was what we thought we could get in
11 place, given the rulemaking and the approvals of gears and
12 things like that, and so that's how we set up the original
13 timeline.

14
15 If we keep going as soon as possible, we can presume that we're
16 set back a month right now, and that brings us into mid-May
17 instead of mid-April, and we were also trying to avoid spring
18 break time and things like that that we know are busy times for
19 the for-hire industry, and so our concern now is that, if we get
20 into May, then, yes, June 1, we start with the red snapper
21 season, and we didn't think people would particularly want to be
22 working with new requirements during the season they had, and so
23 probably the earliest after the season would be August 1 we
24 could do, or, as Emily said, we could wait until the October
25 date that we were going to do the GPS unit for and do it all at
26 once.

27
28 We originally thought it would be easier for people to start
29 reporting first and then do the GPS stuff a little bit later,
30 but it may be just as easy to do it all at once, and we would
31 just like a recommendation from the council on what you think
32 the best dates would be, and maybe we'll get something at public
33 testimony as well.

34
35 **CHAIRMAN FRAZER:** Thank you. Is there anybody around the table
36 that wants to weigh-in on this one? Mr. Anson.

37
38 **MR. ANSON:** I am kind of with Robin. I mean, you all can kind
39 of set those up. If you're looking for some input, I guess my
40 comment would be to kind of follow-up with Emily's
41 recommendation, or plan, I guess at this point, that you have
42 more of a start in October.

43
44 With the pilot program that was set up initially by CLS and then
45 carried forward with Woods Hole, certainly trying to avoid peak
46 periods would certainly help in the transition and the education
47 process and reduce the frustration level, potentially. I am
48 kind of with you. If you can kind of -- If just slowing it down

1 now will still allow for time for implementation of a locational
2 thing, I think it would be better, more efficient at least, in
3 having both of them roll out at the same time, both components.

4
5 **CHAIRMAN FRAZER:** Thank you, Kevin. I've got Greg and then
6 Susan.

7
8 **DR. STUNZ:** Mine was the same comment. At this point, I think
9 just let them roll out together in October would be the best
10 thing, unless maybe there is some opportunity to do some pre-
11 testing or some early testing things, but have an October 1 date
12 rollout.

13
14 **CHAIRMAN FRAZER:** Thank you, Greg. Susan.

15
16 **MS. BOGGS:** Thank you, Mr. Chair. I know I stated this, I think
17 back in August, that I had initially suggested that we might
18 wait to roll it out all at once, because they're trying to
19 implement two different -- It seems, to me, like it would be an
20 easier learning curve to learn how all the components and pieces
21 work together.

22
23 I mean, I would like to hear back from the charter fishermen,
24 and I haven't really talked to any of them about it, and I know
25 they're anxious to get this on the water, but we want to make
26 sure, once it's implemented, that it's working and working
27 correctly and that they're getting from it what they intend to
28 get from it. Thank you.

29
30 **CHAIRMAN FRAZER:** Thank you. Patrick.

31
32 **MR. BANKS:** Mine is more of a question. I know that CLS, and
33 then Woods Hole, did this pilot project. Any idea of the 1,200
34 or so votes and how many of those participated, because I see
35 that as -- We had heard about giving the charter fishermen a
36 chance to get used to it, and I was under the impression that
37 that pilot project was specifically for that, and I was just
38 curious to know how many of the charter fishermen around the
39 Gulf participated. Does anybody have any idea of that total
40 number?

41
42 **CHAIRMAN FRAZER:** I am looking around, and Emily is indicating
43 no, and so I'm not -- Sue is indicating no as well, and so we'll
44 have to do a little more work there. Dave.

45
46 **MR. DONALDSON:** I don't know the number, but I know they still
47 have a number of units available, and so I don't think they
48 utilized all 1,200 of them.

1
2 **CHAIRMAN FRAZER:** To that point, Patrick?

3
4 **MR. BANKS:** Yes, and I know that we partnered with CLS and tried
5 to get it put into Louisiana's hands, but virtually none of our
6 captains wanted to participate, and so I didn't know if that was
7 the situation in other states at all, and so --

8
9 **CHAIRMAN FRAZER:** Greg.

10
11 **DR. STUNZ:** I was just going to -- Lynn Stokes, who was the
12 statistician on that project, gave us a presentation a couple of
13 meetings ago, and I don't remember -- That number was in her
14 presentation, and so it's somewhere in the record, if we need to
15 just -- But I got the impression that it wasn't a whole lot,
16 Patrick, and there was a lot more needed.

17
18 **CHAIRMAN FRAZER:** Thanks, Greg. We'll dig that up, and we'll
19 get back to you, Patrick, on that for sure. I am looking around
20 the table here, and, unless there is -- It's looking to me like
21 the council is generally leaning towards October and kind of a
22 double-implementation time, and so phase one and phase two. Is
23 there any objections to that or any heartburn? I think that --
24 I am looking at Emily and Sue. Roy.

25
26 **DR. CRABTREE:** The only other consideration I have is we've got
27 to deal with implementation of not just the Gulf program, but
28 the South Atlantic program as well, and we probably have 370 or
29 so dual-permitted vessels that are affected by that, and so,
30 when we figure out the timing of this, it's a little more
31 complicated, because we're going to take that into account.

32
33 **CHAIRMAN FRAZER:** I guess, at this point, the recommendation
34 still is centering around the October timeframe, and we realize
35 that there are some issues there, and, as those issues are
36 revealed, perhaps you can get back to us and let us know.

37
38 Okay. I think it's going to be time for lunch. I think the
39 other committee reports hinge a little bit on public testimony,
40 or there is some influence potentially there, and so we'll
41 break, and we'll have public testimony at 1:30. I will see
42 everybody then.

43
44 (Whereupon, the meeting recessed for lunch on January 30, 2019.)

45
46 - - -

47
48 January 30, 2019

1
2 WEDNESDAY AFTERNOON SESSION
3
4 - - -
5

6 The Full Council of the Gulf of Mexico Fishery Management
7 Council reconvened at the Perdido Beach Resort, Orange Beach,
8 Alabama, Wednesday afternoon, January 30, 2019, and was called
9 to order by Chairman Tom Frazer.

10
11 **CHAIRMAN FRAZER:** All right. Good afternoon, everyone. Public
12 input is a vital part of the council's deliberative process, and
13 comments, both oral and written, are accepted and considered by
14 the council throughout the process.

15
16 The Sustainable Fisheries Act requires that all statements
17 include a brief description of the background and interest of
18 the persons in the subject of the statement. All written
19 information shall include a statement of the source and date of
20 such information.

21
22 Oral or written communications provided to the council, its
23 members, or its staff that relate to matters within the
24 council's purview are public in nature. Please give any written
25 comments to the staff, as all written comments will also be
26 posted on the council's website for viewing by council members
27 and the public, and it will be maintained by the council as part
28 of the permanent record.

29
30 Knowingly and willfully submitting false information to the
31 council is a violation of federal law. If you plan to speak and
32 haven't already done so, please sign in at the iPad registration
33 station located at the entrance to the meeting room. We accept
34 only one registration per person, please.

35
36 Each speaker is allowed three minutes for their testimony.
37 Please note the timer lights on the podium, as they will be
38 green for the first two minutes and yellow for the final minute
39 of testimony. At three minutes, the red light will blink, and a
40 buzzer may be enacted. Time allowed to dignitaries providing
41 testimony is extended at the discretion of the Chair.

42
43 If you have a cell phone or similar device, we ask that you keep
44 them on silent or vibrating mode during the meeting. Also, in
45 order for all to be able to hear the proceedings, we ask that
46 you have any private conversations outside, and please be
47 advised that alcoholic beverages are not permitted in the
48 meeting room. Before we get started, Dr. Crabtree has asked

1 that I give him a few minutes to make an announcement. Dr.
2 Crabtree.

3
4 **DR. CRABTREE:** One of the questions I have had, since the
5 shutdown occurred, had to do with fishermen whose permits had
6 expired, and, because we were shut down for thirty-plus days, no
7 one in the permits shop processed permits, and, come the end of
8 January, people whose birthdays are in January, their permits
9 are going to expire.

10
11 Our plan is to put out a Fishery Bulletin sometime in the next
12 several days that will effectively extend the valid period of
13 fishing permits, so that, if you're a fisherman, and you have
14 applied to renew your permit, and it has not been renewed, you
15 will be allowed to continue fishing on the expired permit and be
16 good.

17
18 I think we normally have a backlog of one to two weeks in the
19 permits shop, and we were closed for about a month, and so we're
20 probably six weeks to dig out of where we are, and so we're
21 going to put that out.

22
23 Now, folks who want to transfer or do something more
24 complicated, you're going to need to talk to the permits shop,
25 and you're going to need to bear with us a little bit, because
26 it's not going to happen as quickly as it could, but our intent
27 is to make sure that fishermen are able to continue fishing and
28 not have to worry about being ticketed or anything like that.
29 Thanks, Tom.

30
31 **CHAIRMAN FRAZER:** All right. Thank you, Dr. Crabtree. We'll
32 get started with the public testimony. The first speaker will
33 be Jason Delacruz, followed by Ken Haddad.

34
35 **PUBLIC COMMENT**

36
37 **MR. JASON DELACRUZ:** Good afternoon. I'm Jason Delacruz, and I
38 want to thank you guys for the chance to speak, and, as per
39 direction, I own Don's Dock, which is a marina that sells bait,
40 fuel, and ice to charter boats, and I also own Wild Seafood
41 Company, which is a wholesale seafood company, and I also own
42 several commercial boats that fish for that company and whatnot,
43 and so I truly have an understanding, I feel, that's pretty deep
44 in this business.

45
46 I would like to talk about, maybe first, 36B. It's an amendment
47 that has a movement that doesn't know where it's going, and I
48 would hope that, Kevin, if you have a direction, let's pick that

1 direction and let's talk about whatever it is you really want to
2 deal with is, so we can have that communication, open and
3 honest, and, if we get to the point that we can educate enough
4 and everybody understands the situation, we can be clear about
5 it. I hope the goals aren't something else that are political
6 and going in a different direction, but we are in a political
7 scenario.

8
9 When it comes to the hail-in and hail-out requirement, I have
10 had conversations with several people here, and I fear that we
11 are looking to solve a problem that is small for a handful of
12 operators that are bad apples, and, in doing so, we're building
13 a system that is going to penalize guys that are doing it
14 legitimately right.

15
16 I have a boat come in with 8,000 pounds, and he's been fishing
17 for fourteen days and keeping track of eight or nine or ten
18 numbers a day, and they're jotting it down on a piece of paper
19 and adding it all up, and, somewhere in the mix, he hits the
20 calculator wrong, or he turns a six into a nine or a twelve into
21 a two or whatever that may be, and, the next thing you're know,
22 we're off by 10 or 15 percent, and it's not because anybody did
23 anything wrong. It's a two-party process.

24
25 That captain wants to be paid for everything he caught, and he's
26 going to hold me to it, and I don't want to buy too much than
27 what he supposedly has, because I have to sell it, and so, in
28 that party process, when we do our daily landing transaction,
29 it's very accurate.

30
31 If it's a circumstance where it's a boat that actually has their
32 own dealer license, then maybe we should look at them a little
33 bit closer. Maybe they need more scrutiny, and that should be
34 something that law enforcement focuses on. Maybe it's hiding in
35 the puckerbrush and popping out and going, ha, we're here, and
36 you didn't know, and that would help solve this problem, but, to
37 penalize the large-volume guys by making a variable like this,
38 it scares me to death.

39
40 The other thing, just real quick, is I wish we could do
41 something about amberjack, mainly from the commercial side.
42 This fishery is in a horrible position, and we catch too many
43 fish too fast, and we shut down, and then we discard fish all
44 year long, and it doesn't make any sense. At least let's do a
45 better trip limit, so we can get some real management with
46 amberjack and try to rebuild this fishery in a way that makes
47 sense. Thank you.

48

1 **CHAIRMAN FRAZER:** Thank you, Jason. The next speaker is Ken
2 Haddad, followed by Mark Tryon.

3
4 **MR. KEN HADDAD:** Thank you, Mr. Chairman and council members. I
5 appreciate being able to speak to you today. I am going to
6 first talk about allocation triggers. We like the basic
7 approach that was presented yesterday. We do oppose that time
8 be the only trigger and that some usual process be used in
9 between time triggers.

10
11 The whole reason for the approach is bringing a technical level
12 of triggers and processes for the actual allocation forward, and
13 not just time, and so we recommend that you retain the
14 indicators of public input and time as triggers, with time being
15 the checkpoint when no other triggers have been enacted between
16 that time. We believe that indicators, if developed
17 effectively, they can be both triggers and criteria, and I'm
18 kind of thinking of Assane's graph that he used yesterday in his
19 presentation.

20
21 Both triggers and criteria can be the same, and they can also be
22 under public input and time, and, if this is then done, all
23 triggers are effectively tested prior to a full allocation
24 review, and so, right now, for example, with time, you bypass
25 triggers and go straight to a full allocation review, and
26 that's, I don't think, necessary.

27
28 However, in all of this, more important than triggers alone, is
29 the need for an objective approach to help determine the final
30 allocation, and that is going to be the real nut to crack, but I
31 think you can't leave that -- You can't do triggers and think
32 you're done, is the message. Please make this a priority,
33 getting the triggers done and the next steps, so we can get a
34 process-oriented, accountable way to look at allocation.

35
36 We applaud the progress on 50. Please take it to the finish
37 line. We're excited about it. On the red snapper allocation
38 options paper, right now, we're thinking Action 2 may not need
39 to be in there. We're not seeing the real value of Action 2, or
40 even understand why Action 2 is in there at all. That can come
41 later, if it needs to. Thank you, Mr. Chairman.

42
43 **CHAIRMAN FRAZER:** Thank you, Mr. Haddad. The next speaker is
44 Mark Tryon, followed by Dylan Hubbard.

45
46 **MR. MARK TRYON:** I'm Mark Tryon, a commercial red snapper
47 fisherman from Gulf Breeze, Florida. I also do some
48 recreational fishing. It appears obvious to me that the

1 recreational fishing lobbyists, including the boating industry,
2 are exercising undue influence on this council, resulting in a
3 seemingly perpetual attempt to reallocate red snapper from the
4 commercial sector to the recreational sector.

5
6 There shouldn't be any reallocation discussion until such time
7 that the accountability within the recreational sector is on par
8 with the commercial sector. I think I said that at the last
9 meeting, and it seems like I always have to talk about
10 reallocation, because it never goes away. It's just an ongoing
11 thing, which is kind of absurd. The council has finite
12 resources. Does it make any sense whatsoever to invest a
13 disproportionate amount of said resources to a perpetual attempt
14 at reallocation?

15
16 Another thing is why, in the options, are there no options to
17 reallocate from commercial to the recreational sector? The same
18 thing happened last time we went through this exercise. There
19 was no such option.

20
21 One of the wordings in your writeup before, that we went over
22 this morning, it said, I quote, establish commercial and
23 recreational sector allocation based on historical landings.
24 The problem I see with this is that these historical landings on
25 the recreational side are associated with chronic overfishing,
26 year after year, and so why should you be rewarded for such
27 behavior?

28
29 One of the things too that -- I guess you ran out, but I wanted
30 to get the supporting documentation for your presentation on
31 reallocation. In the morning, I went over to the table, and
32 there was nothing there, and so I guess I've got to go online
33 and get this information, but I thought that was kind of odd,
34 that there is all this other stuff that I have no interest, but,
35 what I want to look at, you don't have it.

36
37 The last time we went through this exercise of reallocation, my
38 recollection was that we picked up -- The recreational sector
39 picked up I think one day of fishing, while the commercial
40 sector lost a significant amount of revenue and profit, and so I
41 think it's -- As we said, there was lots of pain and little gain
42 associated with it.

43
44 My final point is regarding the percentages discussed. Last
45 time around, I seem to remember Assane saying that any
46 reallocation, if done at all, should be in small increments.
47 Clearly, they're not small increments, what was discussed, and I
48 just don't understand why. Do we have some new method of

1 evaluating that or what? I disagree with that, for such large
2 moves. It just doesn't seem to coincide with what was discussed
3 the last time around when we had these discussions. Thank you.

4
5 **CHAIRMAN FRAZER:** Thank you, Mark. Just for the future, and I
6 appreciate your comments, but, if there's a document back there
7 that you can't find, just let us know, and we'll print it for
8 you. Sorry for the inconvenience. The next speaker is Dylan
9 Hubbard, followed by Mike Eller.

10
11 **MR. DYLAN HUBBARD:** Hello. My name is Captain Dylan Hubbard,
12 and my family business has been fishing central west Florida for
13 over ninety years and four generations. We operate six
14 federally-permitted vessels, both charter and headboat, and I'm
15 here today to represent my family business and my family
16 business alone. I'm also a graduate of the Marine Resource
17 Education Program, and I hold a spot on the Reef Fish AP.

18
19 As far as state management goes, please continue to move forward
20 with Amendment 50 without federal for-hire included, and this
21 was an obvious trend in the multitude of public comments from
22 the Amendment 50 workshops, and please also remove the sunset
23 from sector separation.

24
25 Amendments 41 and 42, consider combining these amendments and
26 put a time-specific pause on this newly-combined amendment for
27 at least five years, to allow everybody in the industry to have
28 a catch history and a landing history and for it to be
29 calibrated with the MRIP charter/for-hire landings.

30
31 A longer time-specific pause is important not only for
32 calibration, but also to prevent anybody from trying to
33 artificially increase their landings and effort to try to get a
34 bigger piece of the coming quota. Combining these amendments
35 and getting catch histories will solve most of our issues and
36 would allow a combined AP moving forward.

37
38 We cannot move forward with 42 at this time. The only reason
39 that 42 has had preferreds for two years is only because any
40 issues in 42 were pushed into 41, meaning many of the boats,
41 including large headboats without catch histories, were all
42 pushed into 41 to streamline one small section of the federal
43 for-hire fleets and their attempt at allocation-based
44 management.

45
46 Allocation of red snapper, please do not reward sectors for
47 overrunning their quota, and do not penalize a sector for their
48 under-allocation of days and accountability to not overrun their

1 quota. In the federal for-hire fleet, as we move into ELBs, we
2 all need to become more accountable and less likely to overrun
3 our ACT, and so we need smaller and smaller buffers in our sub-
4 sector. We do not have an overallocation of quota, but we have
5 an under-allocation of days, due to high buffers not required in
6 our sub-sector.

7
8 The carryover provision, please keep moving this forward. In
9 Action 2, please choose Alternative 2c. According to Action 1,
10 we are only carrying over quota for fish that were closed due to
11 management action and are not overfished. If there is quota
12 left unharvested, then let us get that quota the next year.
13 There is no need to be careful or conservative here, because the
14 only -- Under the current preferreds, the only reason we didn't
15 land that quota the previous year was due to a quota closure
16 when the ACL was projected to be met, but wasn't.

17
18 Gray snapper, I support all the current preferreds in Amendment
19 51 about mangrove snapper, and please move forward with these
20 preferreds, to ensure that our mangrove snapper fishery is not
21 affected with new regulatory changes. The first ever stock
22 assessment for mangrove snapper caused huge uncertainty and is
23 causing large issues, and I'm hoping that this uncertainty does
24 not cause changes in our ability to prosecute our gray snapper
25 fishery.

26
27 A very similar issue has occurred in the hogfish fishery, with
28 the uncertainty in the last hogfish assessment, and we're
29 looking at a likely ACL closure in a healthy fishery this year
30 for hogfish, due to that uncertainty. Please don't let this
31 type of issue occur in gray snapper as well.

32
33 As far as electronic reporting goes, please don't slow this
34 down. I would like to see it rolled out as soon as possible.
35 As soon as phase one is up and running, let us start reporting,
36 even if it's not mandatory, and it can be a voluntary thing.
37 That way, we can work the bugs out, and, when it does become
38 mandatory, it will be a lot easier for everybody involved.
39 Thank you.

40
41 **CHAIRMAN FRAZER:** Thank you, Dylan. The next speaker is Mike
42 Eller, followed by Avery Bates.

43
44 **MR. MIKE ELLER:** I'm Mike Eller from Destin, Florida, thirty-six
45 years at it, and it gets hard to follow Dylan Hubbard, because
46 he hit every nail right on the head, and he does his family
47 proud.

1 On reallocation, there is so many data points that are on the
2 cusp of changing, from the ELBs and the recalibration, and so,
3 from the charterboat and the recreational for-hire side, we
4 don't need to change anything until we really get a grasp on
5 what is going on there.

6
7 State management, we support state management for state
8 guideboats and for the private sector, but, with giving access,
9 there is a huge responsibility for us to collect accurate and
10 robust, and I like that word, robust data. I think the State of
11 Mississippi has put the best foot forward, and I think their
12 plan of the hail-in and the hail-out seems to be what should be
13 the gold standard for all of our states, and I know, for the
14 State of Florida, we have the most boats, the most fishermen,
15 the most commercial fishermen, the most landings, and so we have
16 a greater responsibility, and our state has been stepping
17 forward, and I would like to see them follow and continue, but,
18 if we're going to give this private sector more access, we have
19 got to collect data from them and accurate data.

20
21 The historical captain, when we get a chance to vote on this,
22 this is really important, and it's a safety issue. These guys,
23 or gals, can't take a day off. Their whole charter operation
24 has to have them on the boat. If they get sick in high-season,
25 everybody in the operation suffers. They have to shut the boat
26 down, and it's just a safety issue, and so, when you get a
27 chance to vote on that, please allow them to change their
28 permits.

29
30 On 41 and 42, I'm an AP member that worked on 41. On 41, we
31 tried very, very hard to look at all of the unintended
32 consequences from the commercial red snapper IFQ and address
33 those in our AP. I am sad to say that I think that, when they
34 worked on Amendment 42, that they looked at the unintended
35 consequences of the commercial red snapper IFQ and they doubled-
36 down on them.

37
38 To me, in my humble opinion, it is a pure, unadulterated fish
39 grab. They got their catch data, and they want this thing
40 passed, and they want it passed right now. Some of them are at
41 the cusp of retiring, I was told, and they want to get this
42 thing done.

43
44 They agreed to wait for 41 to come through before they moved
45 forward. Well, all of a sudden, that's no good anymore. They
46 don't want to wait. They want their fish, and they want their
47 fish right now. You're going to hear from a bunch of people
48 that will come up and talk about partyboat fishing, and I've got

1 a lot of respect for these partyboat men and women's work
2 ethics, but I'm telling you that it ain't fair, and it ain't
3 right.

4
5 In Destin, we have three partyboats that dock down at the end of
6 the dock, and these people walk past twenty charter boats to get
7 to them, and, when the pilot program was going on, and these
8 people would walk past every day with their red snappers and
9 their groupers, while it was shut down for all the charter
10 boats, it was a huge social disruption in our community.

11
12 It was brother against brother, and there were lots of social
13 ills, and they can wait. They can afford to wait. They are
14 trying to ram-rod this thing through. They looked at what
15 happened with the commercial IFQ, and they are doubling-down on
16 it. Please don't allow it. Thank you.

17
18 **CHAIRMAN FRAZER:** The next speaker is Avery Bates, followed by
19 Bill Kelly.

20
21 **MR. AVERY BATES:** I'm Avery Bates, and I'm a lifetime commercial
22 fisherman, and I am Vice President of Organized Seafood
23 Association. I have shrimped, I have oystered, and I have
24 fished, and I want to tell you that we're having problems with
25 our inshore fishing, oystering especially, and we have probably
26 1 percent of what we had forty years ago. On our natural
27 bottoms, we haven't really been open for three years, but, this
28 year, they totally shut us down.

29
30 Loss of habitat, it's catastrophic in our state, and it don't
31 look like it's going to get any better too soon. We're hoping
32 so, but the fresh water to kill the oyster, and the other thing
33 we have today is the crab industry, and we mentioned this
34 before, is almost non-existent from what it was ten to twenty
35 years ago, and the predator is being the red drum. Everybody
36 that either recreational fishes or is just out there crabbing
37 will tell you the depletion is caused by the fish that eats the
38 most of them, and that's red drum.

39
40 For some reason, nobody knows how many is out there. People run
41 through them by the miles, and they said there is no data. If
42 you're standing neck deep in redfish, there is too many redfish,
43 and there is no crabs to prove it, and so keep in mind -- Any
44 research you do, make sure that it's not backed by the people
45 that took them away from you. Special interests have got in
46 there, and, when they have gamefish status for either trout or
47 redfish, that is where you get the problems, and the public does
48 not get that property.

1
2 Just try to ask any restaurant begging for fish, and I will tell
3 you that we've had some good chefs say to please get me some
4 fish, and there is no fish, and why? If you name a gamefish
5 status, it ceases to get on the market, and just keep in mind
6 that our public should have good, wild-caught seafood, and it
7 comes from commercial fishermen, and we're losing them by the
8 bunches.

9
10 Don't be afraid to stand up to the truth, and these people that
11 is funding some of these resources, they're the ones that brag
12 on naming them gamefish. If you brag on something like that,
13 and you're afraid to say something and you're on this council,
14 you're hurting the people of this country from having good,
15 wild-caught seafood that the good Lord put out there. It is a
16 common resource, and don't take it away from the people that
17 should have access through our commercial fishing industry.
18 Keep the fish, the crabs, and all the other resources going to
19 where they're supposed to go, back to the people that deserve
20 them. Eat wild-caught seafood.

21
22 I want to talk to these snowbirds back here. Some of the
23 enjoyed wild-caught seafood. Keep eating seafood. Keep coming
24 down here, and we want to keep supplying them for you, and so
25 don't forget that, without us, you don't get the fish. Without
26 the fish, we're all in trouble. Keep that in mind.

27
28 God bless our seafood and our seafood producers, but I want to
29 tell you one thing. It's up to you all to use you all's senses
30 and your education to make sure that we have a healthy resource,
31 and so think positive and do wise things. If it takes the
32 wisdom of Solomon, remember that the profit of the earth belongs
33 to all. Even the king has to eat from its resources, and that's
34 Ecclesiastes 5:9. I want to tell you that the President likes
35 seafood, too. Thank you.

36
37 **CHAIRMAN FRAZER:** Thank you, Mr. Bates. Our next speaker is
38 Bill Kelly, followed by J.P. Brooker.

39
40 **MR. BILL KELLY:** Mr. Chairman and council members, something is
41 fishy with yellowtail snapper. That's a catchy phrase, and I'm
42 not sure that it captured the attention of our commercial
43 fishermen, and some of the preliminary questions and so forth
44 they kind of felt were is the council looking for something to
45 move toward in yellowtail snapper fishing, something that's in
46 appropriate.

47
48 We kicked it around, and the other thing is that the basic

1 questions were pretty fundamental to anybody that has ever done
2 any yellowtail snapper fishing. We would like to work a little
3 bit closer with council staff, and I've already talked with Ms.
4 Muehlstein in that regard, and yellowtail snapper is one of the
5 greatest success stories in fisheries management, and some of it
6 is by accident and some of it on purpose.

7
8 We would encourage the council staff to participate in
9 cooperative research with us at the highest levels, and we can
10 take you from Yellowtail Snapper 101 to a PhD in a day's time on
11 the water, and some recent graduates have been Dr. Roy Crabtree
12 and Dr. Luiz Barbieri and Mr. Ryan Rindone and so forth, and, if
13 you want to have a little discussion with them, they would be
14 able to enlighten you considerably on what a successful story
15 this is and what a fantastic fishery it is, and so we'll
16 continue to do that, and we welcome that program, and, again, I
17 will work with Ms. Muehlstein and staff on encouraging
18 commercial participation.

19
20 Allocation triggers, as you know, us guys down in the Florida
21 Keys have some serious issues with allocation matters that we
22 think the councils have not been effectively addressing. In the
23 Gulf of Mexico, it's king mackerel. There have been thirty-
24 million pounds left out there unharvested over the past ten
25 years by the recreational side. If it was only a buck a pound,
26 but it's probably that, in terms of ex-vessel value, that's \$30
27 million.

28
29 On the South Atlantic side, we've got yellowtail snapper and,
30 over the past ten years, \$15 million or more in ex-vessel value,
31 and we're dealing with closures that shouldn't have to occur,
32 and they are significantly impacting permit holders and things.

33
34 The financial loss is significant, obviously, and then we have
35 the loss of product for consumers, and it's devastating when
36 we're importing 80 to 90 percent of the seafood that we're
37 consuming here in the United States. We would like to see the
38 councils address this sooner instead of later.

39
40 Regrettably, both councils rejected one of the finest
41 transitional plans that we ever thought was introduced in
42 fisheries management, and it became known as the Bosarge Plan.
43 It was tweaked by Mr. Rindone, but this would have given you the
44 tool that you needed to work your way into allocation that would
45 benefit both sides, and so, whatever action you take, the South
46 Atlantic Council has at least now formed an allocation committee
47 to take a look at these things, and we would like to see the
48 Gulf Council follow suit, and we would certainly like you to

1 speed up the timeframe.

2

3 That's it for the moment, other than one parting thought with
4 all of you, and that is that just, on behalf of the Spiny
5 Lobster AP and the members of our association, we want to extend
6 our sincere best wishes to Morgan Kilgour, and we want to thank
7 her for all the hard work that she did with us, both groups,
8 over the years, and be safe, and safe travels to California.
9 Thank you.

10

11 **CHAIRMAN FRAZER:** Thank you, Bill. The next speaker is J.P.
12 Brooker, followed by Bart Niquet.

13

14 **MR. J.P. BROOKER:** Thank you, Chairman Frazer, and thank you to
15 the council for the opportunity to give comment. My name is
16 J.P. Brooker, and I'm an attorney with the Ocean Conservancy,
17 based in St. Petersburg, Florida.

18

19 At the onset, I want to be clear that Ocean Conservancy
20 affirmatively supports the transition to state management under
21 Amendment 50, but, with that said, we are obligated to point out
22 some very severe problems that need to be rectified in order to
23 make sure that Amendment 50 is legally sufficient and compliant
24 with the Magnuson-Stevens Act.

25

26 Specifically, we want to underscore for the council that there
27 is a high likelihood of overfishing and exceeding the ACLs under
28 state management if discrepancies between state and federal
29 reporting systems are not resolved. There are now upwards of
30 seven different methodologies collecting catch and effort data
31 on red snapper, with no way to compare between them. This is a
32 fundamental problem, and, without a common currency for catch
33 data, state-reported landings cannot be compared to the ACL or
34 the state-specific quotas. However, that is exactly what is
35 occurring in the management under the EFPs currently.

36

37 The ACL, and therefore the state-specific quotas, for 2018 and
38 2019 were developed and allocated by relying on one format of
39 data, or one currency. With the EFPs, each state is now
40 reporting against that quota in their own individual currencies,
41 with no real conversion factors between them, and this leaves a
42 significant possibility that states may exceed their share of
43 the quota, even if their own monitoring programs indicate they
44 are below the state quota.

45

46 Using rough conversion factors presented at the Gulf States
47 Marine workshop in September of 2018, Ocean Conservancy has
48 estimated how catch differs when reported directly from state

1 programs versus reporting in the same currency that ACLs were
2 set in. When the states are combined, Gulf-wide estimated catch
3 measured in state units is only 67 percent of the catch that
4 would be reported in federal units.

5
6 The bottom line is that reporting catch in state units against a
7 quota assigned in the previous federal units means that we are
8 not comparing apples-to-apples. It's apples to bananas to
9 grapes to watermelon. It's a data fruit salad.

10
11 Amendment 50 will face the same challenges, where data from
12 different state programs are not comparable to ACLs, or among
13 states, and cannot be easily input into stock assessments.
14 Based on our estimates, not fixing the common currency problem
15 could mean exceeding the red snapper ACL by as much as ten-
16 million pounds between 2017 and 2022, when the next stock
17 assessment is complete, and we have offered a handful of
18 solutions in our written comments, a couple of which I will
19 touch on, and I've also got a shorter document, which I can
20 circulate, if you are so inclined.

21
22 First, the council should consider adding buffers to the
23 amendment. Buffers may be a politically bitter pill to swallow,
24 but council staff should be directed to conduct an analysis of
25 what size buffers would be appropriate to overcome the potential
26 exceeding of the ACL that could occur.

27
28 Second, pick strong state and sector-specific paybacks. Adding
29 strong state-specific and sector-specific paybacks that actually
30 translate to MRIP equivalencies will allow managers to avoid
31 penalizing groups that fish within those sustainable limits.

32
33 Third, require states to address common currency issues in their
34 state management plans. Council staff could be instructed to
35 include analysis of the problems that occur without having a
36 common currency in the amendment.

37
38 Again, Ocean Conservancy supports the transition to state
39 management of the recreational red snapper fishery, conditional
40 upon the acknowledgment and correction of these significant data
41 discrepancies, and correcting the discrepancies will prevent
42 future overages and mitigate damage caused by previous overages.
43 I thank you for the opportunity to give comment.

44
45 **CHAIRMAN FRAZER:** Thank you, J.P. The next speaker is Bart
46 Niquet, followed by Jim Zurbrick.

47
48 **MR. BART NIQUET:** I'm glad to be here. I'm Bart Niquet, and

1 I've been fishing forever, it seems like. Not too long ago, we
2 were told that there would be no reallocation until all sectors
3 were in compliance, and here we go again.

4
5 After listening to the council discussions on Tuesday, one thing
6 became clear. Some members either haven't read or didn't
7 understand what was decided years ago. The need for a permit
8 was discarded, as well as the need to own a vessel. This
9 program is working exactly as it was sold to the council when it
10 was first presented, and why change it?

11
12 My sons and I lease allocation that is used by at least thirty-
13 one boats. Any of your proposed changes will adversely affect
14 these individuals. Don't be guilty of micromanagement. Look
15 what the rules did to the red grouper fishery. No one can put a
16 lot of faith in your scientists. Remember, according to your
17 scientists, a -- can't fly.

18
19 It's really apparent to anyone around the docks that there is
20 little or no effort to enforce regulations on the private
21 recreational sector. There are too many fish found in dumpsters
22 to think these fishermen are legal. Use the wolf-pack strategy
23 if you have to at various ports, and you will see results. The
24 legitimate catchers will be grateful.

25
26 As Dr. Jacques Cousteau said in his National Geographic special,
27 the fisheries of the world are too vital to the food supply of
28 the world to be subject to the cruelties of the fish people who
29 fish for sport. With the limits on commercial catch and the
30 recreational for-hire businesses, both are compliant. The only
31 one that is going over are the private recreational, and you
32 have no control over them. There is your problem. If you
33 correct that, we won't have to worry about this other stuff.
34 Thank you.

35
36 **CHAIRMAN FRAZER:** Thank you, Mr. Niquet. The next speaker is
37 Jim Zurbrick, followed by Greg Ball.

38
39 **MR. JIM ZURBRICK:** I want to thank the council for allowing me
40 to speak today. I'm Jim Zurbrick from Steinhatchee, Florida.
41 I'm a long-time charter guy, and I went from there to commercial
42 fishing, and my wife and I are seafood dealers. I'm also one of
43 the directors for Fish for America USA.

44
45 In our logo, it says "accountability and sustainability".
46 Sometimes, when I hear some of the comments from the council,
47 the accountability part is like not taking the oath as a doctor.
48 I mean, it's so reverse, and I know it's really tough to achieve

1 recreational accountability, but, the more I see, all we're
2 deriving is comfort food.

3

4 We start talking about state management, and I support state
5 management, but, if we don't have stringent accountability,
6 counting every time an angler comes in with a confirmation
7 number on that app, which is so doable -- Heck, all of us could
8 order from Amazon right now while you're listening to me if we
9 wanted, and we could order one or two, and it's a no-brainer.
10 We've got to take it to the next step, and those are personal
11 comments.

12

13 Amberjack, Jason Delacruz, we were waiting on this 500-pound
14 trip limit. In the industry, we have all kind of succumbed to
15 the fact that amberjack is just not responding to rebuilding,
16 and so we select the guys, like myself and other guys that fish
17 for me -- If you get on some jacks at different times, there is
18 no discarding and killing an amberjack. I think we can just
19 about stretch the season out, and the guys are going to stop
20 going to target them, and that's the main thing.

21

22 The guys get on -- You know, right now, we've got, I believe,
23 the 1,500-pound trip limit, and it is going to hurt those guys,
24 but they need to come to the podium and tell you that. I don't
25 think I've ever heard an amberjack, in all these years, an
26 amberjack fisherman come up here and argue against the trip
27 limits that we've reduced. I think everyone realizes that it's
28 got issues, and we need to work on it.

29

30 Reallocation, obviously I'm not for reallocation, going back in
31 time at the nine-million pounds, but I'm going to be honest with
32 you that I am one of those guys, and some of the industry
33 disagrees with me, but I am open for a more current, real-time,
34 whatever that is, if it's two years or whatever it is at that
35 time, but possibly going forward and looking at a split.
36 There's got to be some compromise, and it's starting to wear
37 everybody out, and we need to move on, but, when we do move on,
38 we've got to set some of these in stone. We can't be reviewing
39 this every few years. It's very frustrating for everybody.

40

41 Also, I want to pat the commercial sector on the back for not
42 going over its triggerfish and its amberjack, because of what we
43 know we're catching, and NOAA did a great job of shutting it
44 down before we went over, and so kudos to everybody, and me too,
45 for not going over those two limits, and thank you.

46

47 **CHAIRMAN FRAZER:** Thank you, Jim. The next speaker is Greg
48 Ball, followed by Jake.

1
2 **MR. GREG BALL:** Thank you, all, for giving me the opportunity to
3 speak today. I'm Greg Ball from Galveston, Texas, and I own and
4 operate a couple of federally-permitted charter boats, and I'm
5 President of the Galveston Professional Boatmen's Association.

6
7 I would like to see Amendments 41 and 42 moved forward and
8 continued to be worked on. I would like the reef species that
9 are currently in 42 to be also put into Amendment 41 and remove
10 the sunset provision from Amendment 40, sector separation, and
11 move forward with the ELBs and get that implemented, and, like
12 somebody said a while ago, go ahead and get us to start
13 reporting in the first phase of it and remove the crew limits
14 from dually-permitted boats. Also, we would like to see our
15 sector stay out of Amendment 50, stay separated and not be
16 included in Amendment 50, state management, and that's it.

17
18 **CHAIRMAN FRAZER:** Thank you, Greg.

19
20 **MR. BALL:** Thank you.

21
22 **CHAIRMAN FRAZER:** Our next speaker is Jake.

23
24 **MR. JAKE CRESSIONIE:** My name is Jake Cressionie, and I'm a
25 third-generation fisherman, and I've been fishing for like eight
26 months, and the red snapper is something that I see a problem
27 with. I mean, there is an abundance of red snapper out there,
28 and, every trip, we send back a lot of snapper, and the lack of
29 availability of allocation is something that I see a problem
30 with.

31
32 If it gets rebooted to -- If some of the allocation gets sent
33 over to the recreational side of everything, it's going to be
34 even harder for the commercial fishermen to get more allocation,
35 which is already something we have a problem with, and this is
36 the first time that I've ever been to a council meeting, and
37 that's about all I have to say.

38
39 **CHAIRMAN FRAZER:** Jake, thanks for coming. I hope you enjoy the
40 meeting. The next speaker is Chris Niquet, followed by Rusty
41 Reardon.

42
43 **MR. CHRIS NIQUET:** My name is Chris Niquet from Panama City,
44 Florida, commercial fisherman. I'm going to try to briefly
45 explain to the members of the council and the audience something
46 they already know.

47
48 We have a severe problem with the red snapper allocation issue.

1 The demand for allocation is here. The amount of allocation is
2 here. In that case, along with any other commodity or service,
3 the price rises. If there's not enough allocation to take care
4 of the demand, the price goes up. I don't care if it's peanuts
5 or paint or anything in between.

6
7 I leased all my allocation this year, and I've got people that
8 will take 170,000 more pounds if I can find them. I can't find
9 them. They aren't available. If this is not addressed by the
10 council, by issuing more allocation or raising the TAC or
11 whatever you do, this is going to be a continuing problem.

12
13 Right now, my allocation goes on over thirty boats, and your
14 suggestions at this council were to restrict the use, by way of
15 making me get a reef fish permit, or making me be on the boat
16 when they're caught, or maybe it's cut off one leg, and I don't
17 know, but I know that anything you do to restrict this is going
18 to make the price go up, but, if you have a holdback for 20, 40,
19 or 60 percent at the first of the year, that restricts the
20 supply, and guess what happens to the price? It goes up.

21
22 Now, the way to increase this allocation, or what I think, and I
23 may be wrong, is, instead of giving a 40 percent increase, like
24 you did red grouper, and ruined the allocation prices, and they
25 went from \$1.10 to a nickel, and sometimes for free, just please
26 catch them, but it's to have small, incremental increases in the
27 TAC for commercial people of 4, 5, or 6 percent a year until you
28 stabilize the prices or the demand comes down.

29
30 I think this would solve your problem, and I don't think you
31 need to have any more rules or regulations on dually-permitted
32 charter boats, as far as the crew reporting and their catch and
33 everything. You've got VMS to take care of all that, and you
34 know where they're going, and you know where they're at. Thank
35 you very much for your time, and I will take any questions.

36
37 **CHAIRMAN FRAZER:** Thank you, Mr. Niquet. I think we have a
38 question from Mr. Banks.

39
40 **MR. BANKS:** Thank you, Mr. Niquet. I appreciate your comments.
41 One of the things that we as council members look at, and we
42 hear about, is overfishing in one sector, in the private
43 recreational, and we heard it today, with a comment that that
44 shows that they need more allocation.

45
46 What you just said, and this is the first time I've heard this,
47 is that there is some indicators out there that show that the
48 commercial sector needs more allocation, because the demand is

1 way up here and the allocation is way down here, and I am
2 interested to know how could we as council members see that in a
3 way that proves it to us, I guess you would say? We see it on
4 the other side as a way that shows they need more allocation,
5 but we don't see it as easy on the commercial side, and I would
6 like for you to --

7
8 **MR. NIQUET:** Let me answer two questions you just asked. The
9 reason you see the catch numbers that you do in the recreational
10 sector is multifold, and here is one of them. Here is one
11 reason. You have an -- You don't have a good enough system of
12 real-time reporting to say, okay, the allocation for the private
13 recs is three-million pounds and when are we going to reach that
14 goal, and is it going to be thirty days, or is it going to be
15 fifty, or is it going to be nine?

16
17 If you don't have real-time, accurate reporting, you are going
18 to have continuous overages. Look at your catch history.
19 Almost every year, except 2010 and a couple more, they have been
20 over. Now, on the commercial side, you have so many rules and
21 regulations governing commercial catch that it's virtually
22 impossible without suffering a penalty, a personal penalty.

23
24 Now, the reason the commercial people do not go over is because
25 of these rules and regulations, and, just because they don't go
26 over, it doesn't mean that they don't need more allocation. It
27 means that your rules and regulations are working on the
28 commercial side.

29
30 Now, the recreational side, the opposite is true. For years and
31 years, I have come before this council and told them that you
32 need tags or permits or special licenses and reporting with
33 vigorous enforcement in order to solve the overages of the
34 private recreational sector, and, if you don't do this, in some
35 form or another, it's going to be a continuing problem, not only
36 for the recreational, with their demand, but for the commercial,
37 with the demand for allocation that's not there.

38
39 I literally -- I said 170,000, and I misspoke. 250,000 more,
40 and that's from the people that I know personally. That isn't
41 industry-wide, but I don't want, like I said, the 40 percent
42 increase. 4 or 5 or 6 percent a year, until the prices are
43 stabilized, and the allocation will slowly rise. Now, if the
44 demand continues to be great, the prices are going to continue
45 to go up, and so I'm not a -- I am not a scientist, but I know
46 this.

47
48 Unless you address the problem of allocation in the commercial

1 sector, or the lack thereof, these young fishermen, and I'm
2 going to call them new entries, that I am personally financing
3 three with my catch, are going by the wayside with the
4 investment they made and money in their future.

5
6 **CHAIRMAN FRAZER:** Patrick, did you have a follow-up?

7
8 **MR. BANKS:** Just a quick follow-up. It sounds like what you --
9 Again, on the private recreational side, there are indicators
10 that seem to indicate that there is this great demand that can't
11 be met with the allocation, which is why we're looking at
12 reallocation, and that indicator, as it was mentioned today, is
13 the fact that it overruns its quota every year. What
14 indicators, on the commercial side, can we look at to prove this
15 extra demand? Would it be a gradual rise in price of a share
16 each year?

17
18 **MR. NIQUET:** Let me tell you what it is, okay? With the success
19 of the IFQ program and the greater range of the fish, everywhere
20 from Brownsville to Marathon, Florida, they are catching
21 commercial red snapper where, years ago, there were very few, or
22 if any. It's been a rolling success. Thank you, council, for
23 this, but, if you will look -- I remember the first time I
24 leased my fish, and they a dollar-and-a-quarter a pound. Now
25 they have far exceeded that, and, when I first leased them,
26 nobody, and I knew forty or fifty people in the industry, called
27 and said that I need more fish.

28
29 Now I've got forty or fifty people, right there on my phone,
30 that I can call any time and say I've got X number of pounds,
31 and they don't even hesitate. It's just, I will take them. You
32 know what, I will take them, because they have no access to the
33 allocation. The steady rise in price, and you've got the
34 figures right on your computer, will show you the need for more
35 allocation to stop the rise in price, but not to give so much
36 allocation that you ruin the fishery, because it would be --
37 Look at the records.

38
39 It is crazy to reallocate from a commercial sector, or any
40 sector, where there has been such -- Has stayed within their
41 limits and has been such a good steward of the program as the
42 commercial fishery. To relocate fish from them, that are
43 following the rules, to a sector who cannot be kept within their
44 bounds, well, we'll have to see if a judge thinks that is fair
45 and equitable.

46
47 **MR. BANKS:** Thank you.

1 **MR. NIQUET:** Thank you. Anybody else?

2

3 **CHAIRMAN FRAZER:** Mr. Swindell.

4

5 **MR. SWINDELL:** Another point on this, trying to judge your
6 ability or the need for more allocation, are you catching the
7 fish much faster, or are you filling up the -- Do you have a lot
8 of time that you have caught your allocation and now you have
9 nothing else to do?

10

11 I mean, you know, I get to the point that is opposite of the
12 recreational, who are overfishing, and allowed to overfish,
13 because of the lack of regulation, but are you catching yours so
14 fast that the resource is so abundant that you have a lot of
15 extra time to catch other fish?

16

17 **MR. NIQUET:** That depends on which part of the Gulf you are
18 fishing at and the rate at which you catch fish. If you're off
19 some parts of Alabama or Louisiana or Mississippi or Texas, red
20 snapper is the predominant inshore species, and they can catch
21 them literally, if they want to -- We've got a boat, that I know
22 of, who has 40,000 pounds of allocation, and this is January 28
23 or 29th, and he don't have none no more. He's caught them. He
24 made two trips.

25

26 Now, on the other hand, you have people off of Naples and Fort
27 Myers, central Florida, who catch a lot of grouper in certain
28 areas, and they don't use up their allocation quite so fast, and
29 there is a dollar quotient in this figure, and the dollar
30 quotient is this. If the price of a product falls, the people
31 are not going to go produce it, and, when it rises, you go out
32 there and try to catch them, so that you can absorb the market
33 price.

34

35 In answer to your question, it's a regional thing, and it's an
36 effort, because, right now, I guarantee you, off of Louisiana
37 and Texas, if I went on a boat that was capable of staying in
38 the weather we've been having, you could catch easily 30,000
39 pounds a week, easy, without even a try, and so the demand is
40 there, the market is there. If the market wasn't there, the
41 price would fall drastically with these fish, but it doesn't.
42 That's the best way I can answer you about the allocation.

43

44 **CHAIRMAN FRAZER:** Thank you, Mr. Niquet. We appreciate it.

45

46 **MR. NIQUET:** Yes, sir.

47

48 **CHAIRMAN FRAZER:** Our next speaker is Rusty Reardon, followed by

1 Dale Woodruff.

2

3 **MR. RUSTY REARDON:** Thank you, Mr. Chairman and ladies and
4 gentlemen of the council. My name is Rusty Reardon, as the sign
5 says, and I'm from the State of Ohio. I've got two senators
6 that are very involved in the fisheries on Lake Erie, Rob
7 Portman and Sherrod Brown. They are great advocates.

8

9 We come down here as snowbirds in the wintertime, and, every
10 once in a while, I'll turn around and say, what are all these
11 old people doing down here, and I happen to be one of them, but,
12 in talking to some of the locals, talking about what it was like
13 back in the 1970s, when everything shut-down down here, and
14 then, as we began to come down, businesses started to flourish,
15 and the economy grew. Then, up north, we saw the Deep Horizon
16 oil problem, and we watched people talk about how they were
17 going to lose their businesses.

18

19 Well, what happened was we continued to come down, and we saved
20 a lot of those businesses, and I talked with Herb Malone, which
21 is the tourism guy, the head of that, via email, and he sent me
22 to a lot of the different sites to talk about the impact that we
23 have down here.

24

25 I think sometimes that, because we come back every year,
26 everybody sort of takes us for granted a little bit, but, right
27 now, the numbers are -- There is about 280,000 snowbirds that
28 come every single year, and Herb Malone said that the industry
29 is about a \$6 billion industry, the tourism, and we drop about
30 \$136 million every single year here.

31

32 That sort of translates into approximately 64,000 full-time jobs
33 that we support here, and we know that everybody is appreciative
34 of us, but we're starting to know what you're going to do for us
35 a little bit, and the last gentleman talked about needing more
36 allocation, and we go out on the headboats, primarily, and we
37 watch 50 percent of our catch of snapper float away, roughly,
38 and what happens is the dolphin get to eat them and we don't.

39

40 If you could just allow us the fish that floats away, give us
41 that, I don't think that's going to hurt your summer industry
42 the following summer, and so, in passing, I am a school
43 psychologist, and I have dealt with data, all my life, and I
44 know you all are academics and PhDs and scientists, and, if you
45 would allow us to have a little bit of that, I don't think it's
46 going to hurt your summer industry. I know that that's a tough
47 thing, because everybody is trying to get some of the piece of
48 it, but, if you would support us, I promise you that we will

1 stop riding twenty miles an hour in the left-hand lane with our
2 right turn signal on, and so thank you very much.

3
4 **CHAIRMAN FRAZER:** Thank you, Rusty. Our next speaker is Dale
5 Woodruff, followed by Billy Neff.

6
7 **MR. DALE WOODRUFF:** Good afternoon. My name is Dale Woodruff,
8 and I'm a dually-permitted, two-charter-boat owner. I remember
9 when we grew up, back in the day, some of us older people, we
10 used to have records, like the round ones, and, every time I
11 come to this meeting, it sounds like a broken record,
12 reallocation, reallocation, reallocation. Then you want to give
13 it to something that's not going to be able to properly use it.
14 It just don't make no sense.

15
16 We would love for the recreational fishermen to fish as much as
17 they want to, but we just can't do it. It's not feasible, and
18 it really don't fall under the Magnuson, from what I remember.
19 I mean, you've got to be accountable. If you keep going over,
20 then everybody else on the other side gets nothing in return.

21
22 Now, I'm glad -- Thank God we got Amendment 40, where we're
23 going to have maybe sixty days this year. That's pretty
24 awesome. Not too long ago, I had ten days or nine days. Now
25 we're looking down the barrel at sixty days, and that's pretty
26 good. I shouldn't say "down the barrel", because that's a bad -
27 -

28
29 41 and 42, eventually they're going to be good. We'll get it
30 all together, and I would like to see all five fish, snapper and
31 grouper and amberjack and triggerfish, be bottled into 41 and 42
32 and that they be passed together. We can't really have 42 go
33 through without 41 with it.

34
35 I understand that they have all the scientific data they need to
36 make it work, but that's a part of the fishery that doesn't need
37 to be broken up until my side of the fishery, which would be 41,
38 could be in effect, because, again, we could possibly lose a
39 percentage for the charter/for-hire also, along with the
40 recreational. The recreational season, they overfish, they
41 overfish, they overfish, they overfish, and then they get to
42 overfish again, and so it's just not right.

43
44 I would like to see maybe some conversation about lifting the
45 crew requirements on the commercial dually-permitted boats, the
46 federal permit and commercial-permitted boats. Lift the crew
47 requirements. I mean, I've got a multi-passenger, and, if I put
48 my commercial permit on that boat, I can only carry four people,

1 and I've got all the equipment to carry twenty, but it would be
2 nice to have maybe one or two extra crew members, if I wanted to
3 use that boat to go commercial fishing.

4
5 Historical captains, I don't know where we're at on that, and I
6 haven't been paying attention, but it would be great to go ahead
7 and let's get these guys their permits. Let them be part of the
8 fishery. They are already in the fishery, and they are
9 accounted for. Go ahead and make them a full-time captain, and
10 that's pretty much all I've got to say.

11
12 **CHAIRMAN FRAZER:** Thank you, Dale. The next speaker is Billy
13 Neff, followed by Ed Walker.

14
15 **MR. BILLY NEFF:** How are you doing? I'm Billy Neff with Class
16 Act Charters here in Orange Beach, Alabama. We're a dually-
17 permitted operation with two boats, out of Zeke's Marina, and I
18 just wanted to say a few things.

19
20 We support state management for private recreational anglers,
21 and we like to -- But we want to leave the federally-permitted
22 charter boats under federal management. We support the
23 historical captains transferring their permits to full
24 charter/for-hire permits.

25
26 Under Amendments 41 and 42, we would like to support taking
27 action to include red grouper, red snapper, triggerfish,
28 amberjack, and gag grouper all together, but we would like to
29 postpone any final action until the charter/for-hire boats have
30 time to gather sufficient electronic logbook information and
31 data, which could take a couple of years. That's all I have to
32 say. Thank you.

33
34 **CHAIRMAN FRAZER:** Thank you, Billy. The next speaker is Ed
35 Walker, followed by Gary Bryant.

36
37 **MR. ED WALKER:** Thank you, Mr. Chair. My name is Ed Walker, and
38 I am a charter captain, and I'm a commercial fisherman, and I'm
39 a recreational fisherman. I do a lot of research trips, and I'm
40 on several of your advisory panels. I am from Tarpon Springs,
41 Florida, west central Florida, and there's a lot of things that
42 I would like to talk about today, but I have narrowed it down to
43 just three, the first being dear to us in west central Florida,
44 the gray snapper issue.

45
46 I was part of the data assessment for the gray snapper working
47 group, leading into the assessment anyways, and that assessment
48 has some flaws, and there's a lot of uncertainty, and I don't

1 know if I can say flaws, but the uncertainty seems pretty high.

2
3 I can tell you, from personal fishing experience in that area,
4 that we haven't noticed any significant decline in average size
5 or abundance of gray snapper, and we call them mangrove snapper,
6 and so I have to keep checking myself and call it the right kind
7 of snapper.

8
9 The catches are stable, and your records show that the catch has
10 seen no big decline, and I think that, with the uncertainty
11 involved, and as Mr. Dyskow pointed out the other day, the
12 reports from the area captains are that the stock seems pretty
13 stable, and so my concern, or what I would like to ask the
14 council, is to select the least restrictive of those parameters
15 that you have to choose from, and I can't even list all the
16 acronyms that are involved in that, let alone debate each one,
17 the MFMT and MSST and OY, and I can't get into all that, but I
18 would say that, due to the uncertainty and the seeming
19 abundance, give us the benefit of the doubt on that one a little
20 bit.

21
22 Moving on to red grouper, just as a representative of red
23 grouper land down there, I would like to let everybody know
24 that, people from other states and all, that there is a real
25 problem with the red grouper. Nobody questions it, and I don't
26 know what it is, and I don't think anybody does. Is it a cycle?
27 Maybe, but it's pretty extreme, but the catch has dropped way
28 off. We see hardly any where I live in Tarpon Springs now.

29
30 My last commercial trip, we caught one red grouper, and it was a
31 gag grouper trip, but we usually catch a couple of hundred
32 pounds, and one more thing. Amendment 41, I'm on the advisory
33 panel for that as well, and we have worked really, really hard
34 for a long period of time on that, and, to me, in the end, we
35 figured out that it doesn't work. That's what I figured out.

36
37 We tried it, and it didn't work, and, myself, after all of this,
38 don't want anything to do with an allocation-based plan in the
39 charter boat industry anymore, and a lot of the guys where I
40 come from feel the same way. We tried it, and it seemed like a
41 good idea, and, after hashing it all out, it wasn't a good idea,
42 and I don't want any part of it, and I don't want to meet about
43 it again. We have met about it for hours, and it doesn't work.
44 I am probably not even going to go to another meeting about it.
45 To me, it's done, and so I think that's pretty clear. Did you
46 get that part?

47
48 I guess I have a little bit of time, or, no, I'm over time, and,

1 if I could talk about the illegal charter operations and where
2 we are, and that's a big deal now too, but another time I would
3 be happy to talk about it.

4
5 **CHAIRMAN FRAZER:** There you go, Ed. We'll catch up with you
6 another time on that one. Thank you. The next speaker is Gary
7 Bryant, followed by Tom Steber.

8
9 **MR. GARY BRYANT:** Good afternoon. I'm Gary Bryant, President of
10 the Alabama Charter Fishing Association. I would like to start
11 off speaking for the association. On behalf of our association,
12 I want to reaffirm our support for state management for private
13 recreational anglers. I would also like to reaffirm that, as
14 fellow charter boat operators, we would like to stay under the
15 federal system. We think the recreational anglers deserve
16 something better, and we hope you all vote for it with that.

17
18 I would also like to reaffirm our support for the ELBs. Full
19 steam ahead on the ELBs, and we hope, as that goes into effect,
20 that we'll also be able to work on our buffer. Now, it's my
21 understanding that we're going to lower the buffer for one year,
22 and we would like to see you all take some steps to make that
23 longer than one year, and also tie it into the ELBs, where
24 hopefully we can reduce that over time.

25
26 For my personal comments, I'm a charter boat operator, and I
27 also own a commercial vessel, and I even hold a seafood
28 dealership license, and some of the things that -- We do not
29 have an official stance on 41 and 42 for the organization, and
30 our personal comments, and as someone who is on the AP, I would
31 like to see what 41 would look like down the road, when we have
32 data, and I would like to see it using the same species as 42.

33
34 Now, using our data that we have now, dividing the fish equally
35 by number of permits, nobody came out, and that didn't work for
36 anyone. No one wants any part of that, but I would like to see
37 what this looks like in the future, once we have data, and we
38 know it worked for the headboats, but we do have issues with
39 like the headboat definition and some of these big -- We have
40 some issues we have to work out, and that's not going to happen
41 soon, and so I would like to see that in -- I would like for us
42 to look at that in the future and see how we address it.

43
44 As far as some things as being fairly new, and I don't qualify
45 as being young, but I have only done commercial fishing for
46 about three years, and some of the issues that I struggle with
47 is having a small boat, and we're rod-and-reel fishing, and the
48 crew size is a thing for me.

1
2 I have a boat -- I have three charter permits and three boats,
3 and I only use charter permits on two boats, because, if I put
4 my charter permit on my third boat and it's dually-permitted, I
5 can only have four people on the commercial trip, or I do some
6 catch share trips, but I also do wholesale trips, and it's a
7 whole lot easier to fill my boat up when I've got six people
8 back there with rods and reels, as opposed to three.

9
10 As a small-time operator, it does affect me. I am not able to
11 utilize that boat, and, also, I would love to put that boat into
12 the charter fishery during the summer and make that money, but
13 then that restricts me from doing the commercial fishing, and so
14 I would like for you all to look at why that was implemented.

15
16 I believe, if you all look at that, that was put in before the
17 IFQ system, before we had hail-in and hail-out, before we had
18 designated landing areas, and so, if you all will please just
19 look at the rationale of why that was put in, but I do not think
20 it applies anymore, and, to follow up on some of the earlier
21 comments, my bigger struggle is trying to find quota.

22
23 In the three years that I've been doing this, it's went up
24 seventy-five cents a pound, and I will gladly pay it if I can
25 find it, but, even coming to these meetings and seeing these
26 guys and knowing these guys, it's a struggle to come up with
27 fish, and so I know it has to be harder for someone that doesn't
28 have connections or know people, and so that is an issue.

29
30 I think, right now, any sector could catch the whole entire
31 quota, no problem, and so it's just a matter of what's fair and
32 what needs to go to the public at the grocery store and what
33 needs to go to the non-boat-owning public and what needs to go
34 to the private angler, and any sector could catch the whole
35 quota, and that wouldn't be an issue. Thank you for your time.

36
37 **CHAIRMAN FRAZER:** Thank you, Gary. You have a question from
38 John Sanchez.

39
40 **MR. SANCHEZ:** More of a comment. I wanted to thank the Alabama
41 Charter Association for that party on Monday. The food was
42 great, and I appreciate your hospitality.

43
44 **MR. BRYANT:** Thank you. We appreciate you all coming, and we
45 hope that you enjoy your week here.

46
47 **CHAIRMAN FRAZER:** Thank you again, Gary. The next speaker is
48 Tom Steber, followed by Jeff Senarighi.

1
2 **MR. TOM STEBER:** I'm Tom Steber from the Alabama Charter Fishing
3 Association. I'm a recreational angler and a marina operator,
4 and I'm glad to have Dr. Shipp off the couch and back in here
5 producing something.

6
7 I would just like to thank all the people that have been
8 involved with the APs, and I've been involved with 41 and 42,
9 and we have spent a lot of time, and I totally disagree with Ed
10 Walker, because he wants to have all his grouper and his snapper
11 too, but I do agree with almost every other charter captain that
12 came up here that Amendment 41 and 42 will work.

13
14 We have to get mandatory electronic logbooks in place and get
15 the data, and both of the charter/for-hire and headboat will
16 easily work together and move down the stream and have a great
17 management plan including all five species/
18

19 I want to thank you for all you've done, and I will really
20 commend Amendment 50, because it's working. I know it's working
21 in Alabama, and I have many of my friends that complain,
22 complain, complain. Well, the only thing they had to complain
23 about this year is it stopped too quick. They were expecting to
24 go all summer, but it did work, and it will continually get
25 better, and so thank you.

26
27 **CHAIRMAN FRAZER:** Thank you, Tom. The next speaker is Jeff
28 Senarighi, followed by Gary Bahn.

29
30 **MR. JEFF SENARIGHI:** Hello. I'm Jeff Senarighi, and I'm from
31 Mora, Minnesota, for nine months of the year, and Gulf Shores,
32 Alabama for three. I am mostly a charter customer, headboats
33 and occasionally for-hire, and daily from shore.

34
35 I guess, representing the snowbirds, our concern is that,
36 although we do spend a good deal of time down here and support
37 the economy quite a bit, I have always said, from deckhands to
38 doctors, and I have done both this year, and I had a stent put
39 in about two weeks ago, and I was fishing last week on two
40 different days out on the boat, and so that turned out good for
41 me. I lived up to what I had told everybody, but we appear to
42 be a forgotten part of the sector for the red snapper and
43 trigger season.

44
45 I know, last January, you allowed a two-week trigger season, and
46 it was a double daily catch per person, and so I call it a one-
47 month trigger season, as compared to the rest of the year, and
48 NOAA has a site where you can run queries, where you just plug

1 in whatever data you want to pull out, and I noticed, during
2 January, that we caught 0.44 percent of the triggerfish that
3 were caught during the year, which is slightly less than one day
4 during July or August, and so I didn't think that we overloaded
5 that fishery.

6
7 Everybody talked about it all summer long, about how we had it
8 last January, and we were anticipating some bone to be thrown
9 again this year, but it didn't come to pass, but we were hoping
10 that it would.

11
12 Beyond that, I was reading Amendment 42, and Alternative 2 seems
13 like it's a Christmas present to us snowbirds that come down
14 here every year, and it seemed to touch all the bases for
15 allowing more access to the fishery and better profits for the
16 companies that are running the charter services, and, also, it
17 was proven out by the headboats that won't exceed the
18 environmental requirements of that particular fishery.

19
20 I think that you have enforced that, because I noticed that you
21 lowered the buffer between their limit and their target, and so
22 I know that the council is also seeing that this portion of the
23 recreational sector is coming through with what they need to do.

24
25 I also know that, for the last three years, I have kind of been
26 throwing a lot of emails your way, and the original ones were
27 along the lines of, hey, you kids, get off my lawn, and I was
28 hollering because we weren't getting the fish we thought we
29 wanted, and we actually went into a little more research on it,
30 and I really appreciate the fact that you showed enough interest
31 to answer. It showed that at least you're hearing us, and so I
32 guess my time is up. Thank you very much.

33
34 **CHAIRMAN FRAZER:** Thank you, Jeff. The next speaker is Gary
35 Bahn, followed by John Reardon.

36
37 **MR. GARY BAHN:** Hello. My name is Gary Bahn, and I'm from
38 Alexandria, Minnesota, and I was just going to let you know that
39 this morning, at my house, if you think it was cold here, it was
40 minus thirty-one at my house, with a wind chill of minus fifty-
41 six. It was so cold in Minnesota that the politicians kept
42 their hands in their own pockets for a change.

43
44 I've been coming down to Orange Beach, Alabama, for eight years
45 now for the winter months, and I want to thank you for letting
46 me speak today about our concerns. Many have said things that I
47 hope that I'm not repeating, but I feel the current system in
48 place is not fair to winter-birds and our fishermen.

1
2 Some of the things that I would like to bring up are that most
3 of us winter-birds also purchase out-of-state fishing licenses
4 while down here, for the months that we are here, and, in my
5 case, that fishing license costs forty-nine dollars, and it's
6 just for saltwater and not for fresh.

7
8 That being said, I would just venture to say that, in the summer
9 months, the number of guests staying here for only a week
10 probably do not purchase fishing licenses, but instead just go
11 out on charters, where they do not need to have a license.

12
13 As mentioned before in some of my earlier correspondence with
14 the council, we do spend a lot of money down here during these
15 months that we stay, and we keep a lot of people employed, as
16 mentioned by some of our previous speakers, and I would like to
17 also mention that I observed, in the past eight years, while
18 living on the beach, that, during those winter months, while the
19 snowbirds are walking the roadways and bike paths and shoreline
20 of the beach, many of them are carrying bags and picking up what
21 little trash has been left behind or washed up on shore, and so
22 we are good stewards and respect your environment that you have
23 here. I have stayed until late March, and at times have seen
24 the trash left on the beach, and it's not a pretty sight.

25
26 I, for one, think everybody should have a chance to catch a red
27 snapper or a triggerfish and keep it, which we have not been
28 able to do in the past years. My thoughts are that, if you buy
29 a saltwater license, maybe one could have the option to buy tags
30 that would allow one to keep some of those fish.

31
32 If the reason of the red snapper season and the trigger season
33 is to help in letting the red snapper and the triggers make a
34 comeback, I have some doubts. First of all, I said that I'm
35 from Minnesota, where you know that walleye fishing is what the
36 people that visit want to catch the most, and we do close the
37 season on those from March to mid-May, when they spawn.

38
39 From my research about red snapper, the spawn here is from May
40 to October, and they begin, at the age of two years old, to do
41 that on rocky ledges and reefs, and this is where you have the
42 largest harvest of these fish being taken out, and, to me, that
43 doesn't add up.

44
45 Our chances of reducing the number of fish in great numbers is
46 somewhat limited in the fact that, in December, January, and
47 February, the number of charter boats going out is less, and the
48 amount of fishable days, due to weather factors like cold, wind,

1 and participants also comes into play into how much we would
2 actually reduce the fishing numbers.

3
4 I have talked to people on the beach about going out on
5 charters, and some say, while the cost of the trip is
6 reasonable, they found it very frustrating to go out and catch
7 some really nice fish only to have them all thrown back, and I'm
8 only making an assumption here, and I do not have the facts to
9 back this one up, but I see many pictures on websites where six-
10 pack boats and charters in the summer and the entire catch with
11 six -- They're holding up huge red snapper, and, that being
12 said, I suspect there was some culling going on, and they
13 probably caught and released many fish that may or may not have
14 died after the ordeal.

15
16 We, on the other hand, are forced to throw them back, and it
17 would be nice to be able to keep at least one. I commend the
18 charter captains that I go out with on headboats. If they see
19 all that we are catching is fish that are out-of-season, they
20 move as soon as possible, so we don't damage the fishery. I
21 appreciate you taking the time to let us speak about our
22 concerns, and thank you again, and please try to come up with a
23 plan that will include all the visitors, both summer and winter.
24 Thank you.

25
26 **CHAIRMAN FRAZER:** Thank you, Gary. We have a question from Mr.
27 Swindell.

28
29 **MR. SWINDELL:** Gary, a question. How long do you stay here when
30 you're here?

31
32 **MR. BAHN:** I come down on December 1, and I fish the shoreline,
33 as much as possible, and I go out on the headboats as much as
34 possible, and so we stay for December, January, and February. I
35 used to stay into March, but, in March, everything goes up,
36 including the amount of people, and so I head back to Minnesota.

37
38 **MR. SWINDELL:** How many fishing trips do you take while you're
39 here?

40
41 **MR. BAHN:** If I could go on a headboat, I would go in the --
42 Obviously, they don't have many trips in December, but I would
43 say that I average about seven trips in a season, in January and
44 February.

45
46 **MR. SWINDELL:** Thank you.

47
48 **MR. BAHN:** Thank you.

1
2 **MR. SWINDELL:** Keep coming down.
3
4 **MR. BAHN:** I will. Thanks.
5
6 **MR. REARDON:** I am also Rusty Reardon. You can pass me up.
7 John Reardon.
8
9 **CHAIRMAN FRAZER:** Okay. There you go. Then we will move on
10 then to Ashford Rosenberg, followed by Vic Stini.
11
12 **MS. ASHFORD ROSENBERG:** Good afternoon, council, and thank you
13 for the opportunity to speak. I am Ashford Rosenberg, and I'm
14 with the Gulf of Mexico Reef Fish Shareholders Alliance. I
15 wanted to take a little bit of time to speak about Amendment
16 36B.
17
18 I do appreciate the council's sentiments to help the next
19 generation of commercial fishermen, but it is still unclear how
20 this amendment will do that, especially while there are actions
21 within this amendment that will directly punish commercial
22 fishermen. Action 4 seeks to punish those attempting to skirt
23 the system, but instead puts accountable, rule-following
24 fishermen at risk.
25
26 As outlined yesterday, there are concrete, real-world examples
27 where it will be very difficult for fishermen to be within a
28 certain percentage of their hail-in estimates. We support the
29 AP's motion to maintain status quo for the hail-in requirements.
30 We also support the AP's motion to make Action 1, Alternative 1
31 the preferred alternative. It is unclear what the problem is
32 that this action is trying to address or how the action will
33 address it. Again, it could have unintended consequences for
34 the next generation of commercial fishermen.
35
36 Regarding state management, we still support Amendment 50 for
37 the private angling sector only. The charter/for-hire sector
38 has continually spoke to remain under federal management, and we
39 also support removing the sunset provision for sector
40 separation.
41
42 Lastly, I would like to thank the council for their continued
43 work on reducing the red grouper ACL. We appreciate you
44 considering the concerns of fishermen who have voiced their
45 concerns over the last several years, and we look forward to
46 continuing to work with the council to conserve this fishery and
47 ensure that it is sustainably harvested and sustainably managed.
48 Thank you.

1
2 **CHAIRMAN FRAZER:** Thank you, Ashford. The next speaker is Vic
3 Stini, followed by Steve Perkins.
4

5 **MR. VIC STINI:** Good afternoon. My name is Vic Stini, and I'm
6 from Marshfield, Wisconsin, and I live in Marshfield for nine
7 months of the year, and I live in Orange Beach, at the Breakers,
8 for three months of the year, and we come down right after
9 Christmas and stay through into March.
10

11 The thing that we enjoy most, or I enjoy the most, is fishing,
12 and my wife also goes fishing, and we've been going out on the
13 charters, and it is phenomenal the amount of fish we catch that
14 we have to throw back, and I don't know -- The commercial
15 fishermen are talking about their quotas, and I understand where
16 they're coming from, but, to me, there is enough fish out there
17 that we can all catch enough to eat. The people from the north
18 that come down and go out and do the recreational fishing are
19 just down to take a couple of fish home and have a meal or two
20 of good fish, and we're happy about it. The way it is now,
21 we're limited to the amount of fish we can take.
22

23 The amount of money that we bring down and sustain the
24 businesses in the area, not only the charter fishing people, but
25 the restaurants, the condo owners, and everyone else, I think
26 would make a huge difference on the local population, as far as
27 jobs and the economy.
28

29 I am a member of the Wisconsin Club, and, every year, we put on
30 a brat feed, and the proceeds from that brat feed alone exceed
31 \$100,000, and those funds are totally donated back to the City
32 of Gulf Shores and Orange Beach for their fire departments, and
33 so it's a huge contribution to their maintaining their
34 equipment, and I think our money brought down is what helps the
35 people get through the rough spots of the winter, until the
36 summer people come, and I guess all we're asking is a few days
37 of being able to go out and catch the preferred species of fish,
38 which are red snapper and triggerfish. I thank the council for
39 listening, and I'm glad that I'm here.
40

41 **CHAIRMAN FRAZER:** Thank you, Vic. We've got a question from Mr.
42 Swindell.
43

44 **MR. SWINDELL:** Thank you, sir. I forgot the question that I was
45 going to ask. Go ahead.
46

47 **CHAIRMAN FRAZER:** That's okay. Mr. Banks has a follow-up.
48

1 **MR. BANKS:** I was just curious. Without the snapper and
2 triggerfish, what are you hoping to target and bring home?

3
4 **MR. STINI:** Mostly, right now, we're catching the vermilion
5 snapper and white snapper, and once in a while we'll get a
6 squirrelfish or ruby red lip or something like that, but,
7 primarily, it's vermilion snapper right now.

8
9 I've been out five times already this year, and we got down here
10 on the 28th of December, and I've been out on the Reel Surprise
11 five times. Last year, I was out twelve times on the Reel
12 Surprise and twice with the charters out of Zeke's and once out
13 of Destin, and so I fish a lot, and I love it.

14
15 **CHAIRMAN FRAZER:** Mr. Swindell.

16
17 **MR. SWINDELL:** The fish that are being thrown away, are they due
18 to being undersized?

19
20 **MR. STINI:** No, and the size of the fish that we've been
21 getting, according to the rules, which the deckhands tell you
22 which fish you've got and if they're the right size, but I know
23 the red snapper I think are fourteen inches, or sixteen inches,
24 and the ones we're catching are few under that size. Most of
25 them are over that size limit.

26
27 I caught one the second week that I was down here that was
28 twenty-seven inches long. It was huge, and it was just a great
29 time bringing it in. I don't know if any of you on the council
30 have had the enjoyment of going out on the Reel Surprise or any
31 of the other charters, but, if you haven't, take the time and do
32 it. You will never leave it. Thank you.

33
34 **CHAIRMAN FRAZER:** Thank you, Vic. Our next speaker is Steve
35 Perkins, followed by Bob Zales.

36
37 **MR. STEVE PERKINS:** Hello. I'm Steve Perkins, and I'm from
38 Roscoe, Illinois. I have been coming down here for eight years,
39 and I started out by fishing the surf, and thank you to one of
40 our other speakers, Gary Bahn. He showed me everything about
41 it. He's from Minnesota, and we call him Mr. Fisherman.

42
43 Anyway, then we got started on going out on the charters, which
44 is the Reel Surprise, and I got a group up, after all the fish
45 that we had to release, and, just like Vic said, we catch the
46 red snapper, and, if they're hungry, they're going to swallow
47 that bait, and getting them out is pretty tough, and, the next
48 thing you know, they're floating out in the water. I mean, it

1 just happens trip after trip.

2

3 We average about twelve times a year going out, and I just love
4 it, and I missed catching the triggerfish. That's one of my
5 favorites. Anyway, I started the group, after all this was
6 going on, and I have emailed the council, with some of you, and
7 I've gotten responses, and we all have.

8

9 Like I said, I'm a snowbird, and, anyway, we usually go out on
10 the headboats, and we appreciate so much that we got to catch
11 the -- That you opened the season for us for triggerfish last
12 year. We would love to do that again, and that's my favorite
13 fish of all, and, anyway, as far as the snapper, if you could --
14 If either one or two days of the summer could be given to us.

15

16 I mean, the amount of fish that they catch in those one or two
17 days, we could fish for a month in January or February. I mean,
18 I just don't understand, and everybody has talked about how much
19 money we're bringing into the community. I mean, it's
20 unbelievable. If you look down here and look at all the condos
21 that is being built since we've been coming down year, since
22 I've been coming eight years ago, and it's unbelievable. There
23 is not very many places for them anymore.

24

25 We just -- We help this community so much, just like Vic said
26 about the brat fest and everything, and we do a boil for the
27 zoo, and, I mean, it's just very big, and I know all the rules
28 and everything, but I just know that you should be able to help
29 us. I mean, we're doing a lot for the community, and so thank
30 you.

31

32 **CHAIRMAN FRAZER:** Thank you, Steve. The next speaker is Bob
33 Zales. Excuse me, Steve. Can you come on back? We've got a
34 question for you. I apologize.

35

36 **MR. BOYD:** Steve, thank you for your testimony. A question for
37 you. When you charter fish, do you primarily fish in state
38 waters, or are you out in federal waters?

39

40 **MR. PERKINS:** We're probably in federal waters, but I surf fish
41 an awful lot, whenever I can, but I'm down here from December 15
42 to March 15, and so that's what I'm doing.

43

44 **MR. BOYD:** Thank you.

45

46 **CHAIRMAN FRAZER:** Okay. Thank you, Steve. Bob Zales is the
47 next speaker.

48

1 **MR. ZALES:** Bob Zales, II, President of the Panama City
2 Boatmen's Association and also the National Association of
3 Charter Boat Operators. I am not really here for fisheries
4 stuff, to be frank. Since October 10, fisheries hasn't been a
5 big priority for me.

6
7 You know where we stand on most of the issues that are out here,
8 but one thing I want to reiterate, and I don't know where the
9 numbers are on amberjack, if they're even out there, but we need
10 that May fishery in the spring for amberjack.

11
12 I am primarily here to publicly thank some people for some help
13 that they've been giving us on some issues, Chris Oliver and Dr.
14 Crabtree. Several days after the storm, I sent them an email
15 regarding permitting issues for commercial and charter and
16 headboat fishery permits, because several boats had been lost,
17 and permitting, because they're good for a year and then they're
18 grandfathered.

19
20 In some cases, some of these people may not have boats to put a
21 permit on by the time it grandfathers over, and it's bad enough
22 to lose the boat. If you lose the permit, where you have to go
23 out and purchase one from somebody else, it's going to be a big
24 problem, and so they have told me that they're going to try to
25 work something out, and so we're looking for that.

26
27 A few days after the storm, the International Gamefish
28 Association contacted me, and they have a financial fund called
29 the Worldwide Angler Relief Fund. They wanted to know if NACO
30 would be willing to work with them to try to identify charter
31 boat owners and operators and crews who needed financial help in
32 the area of the storm and if we would help identify those people
33 and help distribute some money.

34
35 I jumped on that opportunity, and they contributed some money,
36 and, since then, we've had several other organizations -- The
37 Destin Charter Boat Association gave us some, and Panama City
38 Boatmen kicked in some, and several other charter associations
39 have, and the American Sportfishing Association has, and we're
40 still seeking more donations.

41
42 The State of Florida -- First off, Gulf States contacted them,
43 and also Martha, and, shortly after, I was contacted by GFA to
44 help identify the charter people in that area, and both of them
45 worked really good with us, and I appreciate the help from Greg
46 Bray, working for Dave, for his help. Martha and Jessica and
47 Beverly Sauls have been fantastic.

1 The state, because of the state licensing, they were more
2 encompassing of the people in the area, which basically is from
3 Panama City Beach to Steinhatchee that was affected by this
4 storm. It's 461 charter boat owners that have been identified,
5 and the State of Florida sent out a mailing trying to let these
6 people know about the ability to maybe get some financial help.

7
8 We haven't received very many applications back, and I know,
9 from talking to Beverly, that they received a lot of those
10 letters back, because addresses are no longer available, where
11 homes have been completely destroyed, and you can't contact
12 them. I have personally gone through some of that mailing
13 situation, to where the mail service is just not there.

14
15 We are actively working to try to identify those people and get
16 them applications, so that they can apply for this money. In
17 the meantime, we're still looking for donations, and so anybody
18 that has a company, personal or whatever, no donation is too
19 small, and none is too big. If anybody wants to help donate to
20 try to help these people, we're looking for that, and so I just
21 wanted to publicly thank everybody, and I appreciate all the
22 help that you all gave me. Thank you very much.

23
24 **CHAIRMAN FRAZER:** Thank you, Bob, for those comments. The next
25 speaker is Mike Rowell, followed by Joe Nash.

26
27 **MR. MIKE ROWELL:** Hello. I'm Mike Rowell, owner of the Charter
28 Boat Annie Girl, here in Orange Beach, a federally-permitted
29 vessel. I don't have a whole lot to say today. The last time I
30 was up here, I was telling you that I was kind of happy the way
31 things have been going, and it's been a little more positive in
32 the last year or so, and I still feel that way.

33
34 I know we need to keep going with certain things to change and
35 adjust, as time goes on, but, for right now, I would like to see
36 41 and 42 just sit to the side, and don't let it go away, but
37 let's get these -- I have a VMS on my boat, and I had it all
38 year last year, and we understand how the electronic logbooks
39 will help, and we would like to get some good data coming
40 forward from that.

41
42 I would like to see the state waters managed for the
43 recreational anglers, but I want to stay with the federal. I
44 have been a federally-permitted vessel since I got that permit,
45 and so I want to stay with it. That's what we work under, and
46 it seems to be working for us. I think that's about all I
47 really had. That's all I have for today. Thank you.

1 **CHAIRMAN FRAZER:** Thank you, Mike. The next speaker is Joe
2 Nash, followed by Sean Heverin.

3
4 **MR. JOE NASH:** My name is Joe Nash, owner and operator of Cool
5 Change Charters right here in Orange Beach. It sounds like a
6 heavy push here for 42, with the winter-birds in here, and we
7 understand that 41 and 42 need to be passed at the same time, if
8 they're going to be passed at all, and we've got to hold off on
9 that for just a little bit.

10
11 Also, I would like to see the sunset lifted on the federal boats
12 for the separation. As far as reallocation, naturally we hear
13 that all the time, that we want to reallocate. If you all want
14 to get some kind of grasp on these recreational fishermen and
15 what they are actually catching, have you ever thought of
16 possibly putting a permit on their boats?

17
18 That way, it will weed out -- There will be a lot of boats that
19 will say, well, if I have to get a permit, I'm just not going to
20 snapper fish, and so that will bring down the amount of boats,
21 and you will actually have an idea of how many boats that are
22 out there that are going to be targeting some kind of red
23 snapper, and they will have to do the same thing that we do,
24 hail-in and hail-out and report their fish.

25
26 Then the fines can be a little more imposed, and they don't have
27 to be heavy fines, but they just have to be fines, and whoever
28 owns the boat, when it leaves the dock, is responsible, and he
29 would be the one, or she would be the one, that would get the
30 fine, and, that way, you would have an idea. If you've got
31 10,000 boats in Orange Beach, instead of saying that we've got
32 10,000 boats going fishing every day, there might only be a
33 thousand of those boats that are really going fishing.

34
35 You've got to get some kind of grasp on what's going on before
36 you can even consider any kind of reallocation. I mean, we have
37 our electronic logbooks, and you know where we are at all times,
38 and so why can't we -- If you want to have some kind of idea,
39 and that's a growing field right there, and, every year, you see
40 more and more boats with two, three, four, and five motors on
41 them, and so, yes, they might not fish all the time, but, if
42 they are interested in fishing and they want to be active in
43 fishing, maybe a permit would be in order for them as well.

44
45 That way, you will know how many people are really serious about
46 utilizing the snapper fishery, or any fishery, for that matter,
47 and then they would have to report their catch. Then, if they
48 do get stopped -- Have a little more presence of the patrol out

1 there, and, instead of seeing a charter boat in the middle of
2 the eight or ten boats on a public reef, check the little boats
3 first, and then check the big boat, because, once you check the
4 big boat, the little boats that are doing something illegal are
5 gone, and we see that quite a bit.

6
7 I mean, I don't know if they're just giving them a chance or
8 what, or if we're just a bigger target, but, I mean, there is
9 bad eggs in every group, and I don't care what group it is, and
10 so just keep that in mind, but that's all I have to say tonight.
11 Thank you for letting me speak.

12
13 **CHAIRMAN FRAZER:** Thank you, Joe. We appreciate it. The next
14 speaker is Sean Heverin, followed by Jay Mullins.

15
16 **MR. SEAN HEVERIN:** Hi, everybody. My name is Sean Heverin, and
17 I'm a commercial fisherman, currently fishing out of Louisiana.
18 I'm an owner and operator, and I have longlined for deepwater
19 grouper, tilefish, and I also recently became a seafood dealer,
20 about a year-and-a-half ago, and I have a second bandit boat
21 that a captain runs, and I just recently bought a third boat,
22 but, just two-and-a-half short years ago, I came from the South
23 Atlantic.

24
25 I know Chris from over there, and I fished over there for four
26 or five years, and I recognized that there was a bigger
27 opportunity to come to the Gulf, and there has been a lot of
28 challenges coming here, because of the IFQ system and being a
29 new entrant into this fishery.

30
31 When I first came over here, I was negative 180,000 in debt from
32 building the boat and being in the boatyard and leasing a
33 permit. I mean, I didn't own anything, except for the boat, and
34 there's a lot of opportunity if you put the hard work in, and
35 the IFQ has worked for me, but, when I first came over here, I
36 was selling to a traditional fish house, and it took me a while
37 to get a production history and a reputation over here to get
38 access to leasing quota on my own, and it's was very challenging
39 to come up with the money to lease the quota. Luckily, I was
40 able to find a couple of people that believed in me and leased
41 me quota, that fronted me the quota and allowed me to be my own
42 dealer.

43
44 Now, what I've seen in the Gulf, in my travels, is a lot of
45 older captains, and there's not a new crop of fishermen coming
46 up to replace them, especially in the longline sector in the
47 eastern Gulf, and there's not a lot of hope. The cost of the
48 allocation and the control -- The big consolidators here have a

1 lot of control, and they will lease you the quota if you sell
2 fish to them, but it's hard to be an independent owner/operator
3 in this fishery.

4
5 I think that one suggestion I had was, whenever you have a quota
6 increase, like there is a 9.9 percent increase on snapper this
7 year, instead of giving them to the existing shareholders, maybe
8 put it in a quota bank and finance it to new entrants or to
9 grouper fishermen fishing for other species, and I've caught I
10 think 8 percent of the deepwater grouper last year and 13
11 percent in the Gulf of tilefish, and so most of my fish are not
12 snappers. I don't have access to catch snapper.

13
14 I have been able to get access to them on some other boats,
15 giving up some ownership in them, but it's really tough for new
16 entrants, and, unless we do something about it, it's going to
17 deter a lot of young people from getting into this industry,
18 unless there's a finance program or something that we could do.

19
20 Also, and I don't have much time left, but I believe in the --
21 Don't do the reallocation. I don't believe in that, unless we
22 can get recreational reporting better, and then there's
23 definitely a big need for snapper with the younger guys, because
24 there's not a lot to go around, but I'm out of time.

25
26 **CHAIRMAN FRAZER:** All right. Thank you, Sean. All right. Our
27 next speaker is Jay Mullins, followed by Clarence Seymour.

28
29 **MR. JAY MULLINS:** Good afternoon. My name is Jay Mullins, and I
30 own Grace Fisheries. I'm an owner/operator for an eastern Gulf
31 longline vessel. Everyone is saying that there is a shortage of
32 red grouper, and grouper period, and, now, it's not a shortage
33 of red grouper or nothing, but there's a shortage of fishermen
34 out there in the Gulf.

35
36 I have my last trip ticket in my pocket, and I think there's
37 14,000 pounds that I had in ten days, and I laid 33.2-mile sets.
38 When they implemented the IFQ program, we were allowed to use
39 unlimited gear and unlimited hooks in the eastern Gulf, and, by
40 all rights, what you all did when you put the IFQ program into
41 effect is you should have cut our numbers in half, because you
42 shut us down to 750 hooks.

43
44 I have seen nothing but an increase in the grouper fishery, and
45 I've caught probably a million pounds in the past five years,
46 and they say that I'm one of the top producers, if not the top
47 producer, in the eastern Gulf.

48

1 When I read papers about them saying that you're all using the
2 best scientific data available, I scoff at it. I have never
3 been contacted to take an observer out there, and people talk
4 about my catch history all over the Gulf, and I just come to you
5 with trying to have a humble spirit and ask if there is a way
6 that I can -- I will volunteer to do eastern Gulf stock
7 assessment, and I volunteer for this.

8
9 When you all did the IFQ program -- I have been around, and I'm
10 forty-four years old, and my brother started taking me offshore
11 when I was eight years old. My brother was, hands down, the
12 best fisherman in the Gulf of Mexico, and there is other people
13 in this room that will agree to that.

14
15 I have done nothing but try. When you all did the stock
16 assessment on an IFQ program for red snapper, that was the
17 western Gulf, and we have never had nothing in the eastern Gulf,
18 and the shares -- All the shares that's going on with these red
19 snapper, it's money laundering. There has been nothing but all
20 kinds of illegal activity that has come into our business.

21
22 You know, I own 150,000 shares of my own grouper, and why have
23 an IFQ program and have a quota? Then you all are going to take
24 60 percent, and I didn't ask for no 30 percent increase in fish.
25 I have to go and lease, on average, 50,000 to 100,000 pounds of
26 fish a year. I have to come out of my pocket, and that's on top
27 of how many fish I already catch.

28
29 The only thing this is doing is -- There are no new up-and-
30 comers. I have two little boys that are coming up in the
31 business, and we're going to pass down the legacy to them. This
32 is a very selfish motive, what's going on. All I have heard for
33 the last hour or so is poor me, they're going to take away my
34 quota. What about the next generation of people coming up?

35
36 You know, there is new people coming into this business that
37 can't afford it, and the lease prices of fish are ridiculous.
38 You all took the red grouper quota and shut it down by 60
39 percent, and all that did was take the people that had a lot of
40 quota and increased their price again. I mean, where is this
41 rational? I have seen no rationality at all in this. Anyway,
42 am I out of time?

43
44 **CHAIRMAN FRAZER:** You are, but, if you want to have some more
45 words, I am willing to listen.

46
47 **MR. MULLINS:** Yes, sir. You know, I volunteer for anything to
48 do with showing you all what's truly out there, and, if you get

1 a bunch of people that only care about one thing, and they're so
2 preoccupied with satisfying some kind of craving they've got,
3 they're going to go out there and make a few dollars until they
4 can get what they need and head right back to the dock.

5
6 I grew up in the late 1970s and early 1980s in Madeira Beach,
7 when there was over 200 longline boats in there, and I have
8 never seen a quota met, never, and then the size of fish gets
9 reduced from twenty inches to eighteen inches, and we still --
10 We want to talk about sustainability, and my mark on my boat is
11 still twenty-and-a-half inches long. I have never kept a fish
12 under that. That's an embarrassment to drop the size limit on a
13 red grouper.

14
15 Where is our sustainability at? This is the panel that is
16 supposed to do something for us, and I have never come to one of
17 these meetings before, because I always thought that it would
18 take care of itself, and then I get phone calls from people
19 asking me to come in and speak, and I thought, you know, you all
20 ain't but five hours, and I moved from south Florida up to
21 Apalachicola, and so I was real close to you all, and so I have
22 called Dr. Crabtree and left a message on his voicemail down
23 there in St. Pete.

24
25 I have talked about doing reef survey stuff, and they sent me up
26 there to Panama City, but, when it comes down to brass tacks, I
27 am pushed to the back of the line, just because of my numbers.
28 I have them in black and white, and I'm not up here saying that
29 I do this or I do that. I have black and white, and you all can
30 pull my permit. There is no shortage of fish out there in the
31 Gulf.

32
33 The red snapper have overtaken our Gulf, and I go fish off of
34 Tortugas Bank down there off of Fort Jefferson, and I have never
35 seen a red snapper down there until about ten or twelve years
36 ago. If I have a thousand-pound set of grouper, a thousand-
37 pound set down there of grouper, I have at least a thousand
38 pounds of red snapper to go with them.

39
40 I brought in 690 pounds of red snapper. Out of 14,000 pounds,
41 how many red snapper do you think that I really caught? Those
42 were grouper that I brought in, and I only got to bring in 690
43 pounds. I look like Moses parting the Red Sea sometimes. It's
44 just a fact. I have got videos and everything to prove this. I
45 got in touch with -- I met a real good man that's a lobbyist out
46 of this great state of Alabama, and we got some business
47 attorneys that came in from New England, and I'm just asking for
48 a little help.

1
2 **CHAIRMAN FRAZER:** Okay, Jay. I thank you for taking the time to
3 come and tell us what's on your mind. We appreciate that. The
4 next speaker is Clarence Seymour, followed by Michael Pittman.

5
6 **MR. CLARENCE SEYMOUR:** Hello. I'm Clarence Seymour from Biloxi,
7 Mississippi, a federally-permitted charter boat with twenty
8 years now, and so let's see. I wanted to make sure that the
9 snowbirds know that I'm fifty-two years old, and about thirty
10 years ago was the last time that I caught a red snapper in the
11 wintertime, and so they're not the only ones. We live on the
12 coast, and somewhere around the 1980s or -- I can't even
13 remember, but the season went to opening on April 21, just to
14 let everybody remember how it was.

15
16 Then, of course, we went to a nine-day season, and so it's just
17 not the snowbirds that were affected by the whole fishery, but
18 it's everybody in the Gulf and so it's what is fair for -- It's
19 not just them.

20
21 I heard another fellow talk about the red drum was eating all
22 the crabs, and, well, guess what? Let's bring the EFP back up
23 from the State of Mississippi. It's on the table, but we just
24 need to get it up and running again. Let us go do research on
25 the red drum that never has been done for years, and we've got
26 the guys to do it. We're going to fish in state waters 82
27 percent of the time anyway, and so that EFP may be something
28 that we might want to reach back out and look at again, and so
29 that might help the guy in the crab business.

30
31 The next thing would be remove the sunset of Amendment 40 at the
32 moment and postpone Amendment 42 until Amendment 41 can come
33 along.

34
35 The ELBs, there is going to be some screaming and hollering in
36 two weeks in Mississippi over the ELBs, but they're going to
37 have to get ready, because I think they need to go online just
38 as soon as they can so we can go ahead and get the pain out of
39 the permit holders that is out there, which is not very many,
40 and so they will go ahead and get their effort in, and we can go
41 ahead and get through the season with getting used to our ELBs
42 and such.

43
44 The charter/for-hire buffer, I think we need to support reducing
45 the buffer, or at least let's get it in play, so, the next year
46 or so, we can make sure that we have viable -- That we can keep
47 that 9 percent buffer going.

1 Amendment 50, I still haven't seen in the document there that
2 says that all private anglers must hail-out and hail-in, and so
3 there's -- Just I think it's not -- That's another thing like
4 the logbooks. If we try to get Amendment 50 online by 2020, if
5 we could get a hail-in moved in there also, that could be done
6 in say 2021 and have all of our private anglers used to doing a
7 hail-out and a hail-in, and it's the same thing with the
8 logbooks. We all have to get used to doing it. That's it, and
9 thank you, all, for having us here in Alabama.

10
11 **CHAIRMAN FRAZER:** Thank you, Clarence. We've got a question
12 from Patrick Banks.

13
14 **MR. BANKS:** Thanks, Mr. Seymour, for your testimony. My
15 interest is in the ELB logbooks. You said it will be a couple
16 of weeks of screaming and hollering. In your estimation, did
17 any of the fishermen, like yourself, participate in the CLS
18 American pilot program? If so, how many do you think?

19
20 **MR. SEYMOUR:** Three. It was myself and two other charter boats.

21
22 **MR. BANKS:** How many -- Like what percentage of that is your --

23
24 **MR. SEYMOUR:** Well, there's only -- There's probably about
25 twenty-seven federal permits addressed in Mississippi, and
26 there's probably thirteen that actually logged into our state
27 Tails 'n Scales that actually fished the fishery, and so it's
28 only going to be a number of -- But the CLS program was three of
29 us that was actually involved in that.

30
31 **MR. BANKS:** Any idea what the hesitancy was from your sector in
32 Mississippi, because we had a lot of hesitancy in Louisiana as
33 well, and I'm just curious to know. When I heard from you, I
34 was wondering how many did it, and it sounds like you all had a
35 lot of hesitancy as well, or not you personally, but --

36
37 **MR. SEYMOUR:** Correct. It's not that -- Because I remember the
38 Louisiana guys talking about being able to navigate in the
39 river, and I've been listening to the public comments for years,
40 but the federally-permitted guys -- It's going to be them that's
41 going to give us the resistance in the next couple of weeks in
42 Mississippi, the older group that's not -- They may have like
43 maybe ten years left in the fishery, and they might not want to
44 put an archived unit on their boat, but they have to make that
45 big decision that this council made that I want to maintain a
46 federal fishery, but, in words, a guy doesn't really have to
47 have a federal permit, because some of them just use it for
48 catching pelagic species on the three-mile boundary, and so,

1 like I said, only thirteen or fourteen of us actually catch red
2 snapper through the Amendment 40 season. Any more questions?

3
4 **CHAIRMAN FRAZER:** I think you're good to go. Thank you,
5 Clarence.

6
7 **MR. SEYMOUR:** Thank you.

8
9 **CHAIRMAN FRAZER:** The next speaker is Michael Pittman, followed
10 by Bubba Cochrane.

11
12 **MR. MICHAEL PITTMAN:** My name is Michael Pittman, and I'm from
13 Dauphin Island, Alabama, a commercial boat and charter boat,
14 federally-permitted. I came up here and I just wanted to --
15 There's some things, and this is my first time speaking, and
16 I've done some of those webinars and things like that, but I
17 guess it's getting to a point where you feel like you need to
18 try and make a statement on some of the regulations and things
19 that are going to change.

20
21 One thing I will say is -- The thing is, about the reallocation,
22 is you're not affecting just the old-timers who own the IFQ or
23 whatever. You're making it harder on us younger fishermen, the
24 next-generation guys that are coming into it, and it's already
25 hard enough to get in, and that's just going to make it that
26 much harder at the end of the day.

27
28 I don't agree with that, and, also, the hail-in, I think it's
29 36B, the hail-in and being in the 10 to 20 percent buffer, we
30 run fast boats, and we run dayboats, and trying to get that
31 exact weight -- I can't see where that is doing anything
32 actually productive for the fisheries itself that is already
33 heavily managed, the heaviest-managed fish in the Gulf,
34 actually, but I just feel like that's a -- You're getting the
35 exact weight at the dealer, at the end of the day.

36
37 Having to sit there and try to weigh out these fish like this,
38 scared to death that we're going to be 11 percent off, or 1
39 percent over, of what the allotment is, that's nerve-wracking,
40 especially when we have all this money tied up in it, from the
41 permits to the boat regulations. I mean, we've already got
42 enough on our backs, and this isn't going to help anything, at
43 the end of the day.

44
45 Besides that, on the for-hire side, I would say that we do all
46 support state management for private anglers, and we would
47 encourage you to leave the federally-permitted vessels under
48 federal management. Besides that, I just hope you all consider

1 some things that I've said, and, like I said, this is my first
2 time standing up here, and I'm a little nervous, and I ain't
3 going to lie, but that's about all I have right now.

4
5 **CHAIRMAN FRAZER:** All right. Thank you, Michael.

6
7 **MR. PITTMAN:** Yes, sir. Thank you.

8
9 **CHAIRMAN FRAZER:** The next speaker is Bubba Cochrane, followed
10 by Johnny Williams.

11
12 **MR. BUBBA COCHRANE:** I'm Bubba Cochrane from Galveston, Texas.
13 I own and operate a commercial fishing boat out of Galveston,
14 and I also have a federally-permitted charter boat. On
15 reallocation, I think we should hold off on looking at
16 reallocation until recreational management is fixed. I think
17 we're on the right track, but we still have a lot of work to do
18 and work out with the states, taking over management of red
19 snapper, especially when it comes to data collection and being
20 more accountable.

21
22 On the charter/for-hire, I think it's pretty obvious that the
23 federally-permitted charter boats -- We want to continue to work
24 through the council process and not be managed by the states.
25 We would also like to see the sunset provision go away, and
26 sector separation needs to be permanent.

27
28 On the historical charter captain permits, I think that, being
29 that it's a small number of users, it makes sense to go ahead
30 and convert them to regular permits, and I think that should be
31 a no-brainer there.

32
33 On Amendment 36B, commercial fishermen are already doing the
34 best they can at estimating their landing weight, and trying to
35 hold us to a 10 percent limit isn't going to help law
36 enforcement. I think the way it is right now is just fine.

37
38 There was some discussion at the council the other day about
39 trying to take snapper quota away from some shareholders who are
40 not actively fishing. These shareholders provide allocation to
41 fishermen who want to lease fish to make a living, and I don't
42 think that eliminating these fishermen's access to leasing quota
43 is going to improve anything. Thank you.

44
45 **CHAIRMAN FRAZER:** Thank you. The next speaker is Johnny
46 Williams, followed by David Krebs.

47
48 **MR. JOHNNY WILLIAMS:** Johnny Williams from Williams Partyboats,

1 Incorporated, Galveston, Texas, third-generation partyboat
2 operator out of Galveston. I've been involved with this council
3 for a lot of years, about thirty, as a matter of a fact, and I
4 got involved with Amendment 1, and Amendment 1 did a couple of
5 things.

6
7 It kind of divided the fishery up between the commercial sector
8 and the recreational sector. At that point, I argued that there
9 actually should have been a third sector, the for-hire sector,
10 but it didn't go through at that time. Finally, we came to the
11 conclusion that that was the way to do it, and I think we should
12 continue the sector separation, and I don't think that we should
13 keep the sunset in place. I think we should do away with the
14 sunset.

15
16 Another thing it did is it distinguished what was a partyboat
17 from a charter boat. In Amendment 1, it required all partyboats
18 that were selected to report their catches, and I wasn't
19 selected, and so I told the fellow that normally collected my
20 reports that I would do it on a voluntary basis, but I wasn't
21 selected, and so I wasn't reporting, and, about two weeks later,
22 we got a letter in the mail that said that all partyboats were
23 selected, and so, if you reported, then you were a partyboat.
24 If you weren't, you're a charter boat, and that's how Beaufort
25 handled that, and so I think that's a pretty good recommendation
26 on what a partyboat is and what a charter boat is.

27
28 I first got involved with the fishery as a child. My dad, like
29 I said, started the business in 1946, and we had snapper, and
30 that was, and continues to be, our bread-and-butter there in
31 Texas. As a matter of a fact, according to Amendment 1, 90
32 percent of the fish that were harvested on partyboats were
33 harvested on partyboats off the coast of Texas, and so red
34 snapper are very important to us over in Texas.

35
36 In other parts of the Gulf, over in the eastern Gulf
37 specifically, they depended on other fish, such as grouper and
38 triggerfish and grunts and vermilion snapper, things that
39 weren't as abundant off of Texas as they were off of other parts
40 of the Gulf, and they were sustaining their businesses with
41 these other fish that we couldn't sustain our businesses with,
42 like say red snapper were extremely important to us.

43
44 Amendment 1 kind of changed all of that, because, in the
45 rebuilding process, the fish spread throughout the Gulf, and so
46 our seasons became shorter and shorter, and it made it difficult
47 for the partyboats in Texas to survive. As a matter of a fact,
48 there were several partyboat companies in Freeport that went out

1 of business, which is just a little way to our west.

2

3 Over to the east of us, in Sabine Pass, they had some
4 partyboats, and those all went out of business, because they
5 couldn't sustain their fishery with a reduction in red snapper
6 bag limits and the season shortening from year to year, and so
7 the partyboats over in Texas, like I say, depend on red snapper.
8 We need them.

9

10 I am trying to look at a way that would historically protect
11 some of us that are still over there in Texas, and one thing
12 that seemed like a good option to me was a catch share program,
13 such as they have in the commercial industry. In the commercial
14 sector, they took measures to protect the historical red snapper
15 fishermen, and that's how it evolved, the current program that
16 we have now.

17

18 I would like to ask the council to move forward with 41 and 42,
19 like I have in the past, and I'm not exactly sure what the
20 status is on 41. I mean, they voted to take no action, and so I
21 suspect that means that they don't want a catch share program,
22 but I'm not sure about that.

23

24 In 42, we agreed to go together, but, when we agreed on that, I
25 think we were considering that everybody was operating in good
26 faith, and that's what the plan was to try to go forward with
27 that, and I don't think anyone would argue that it's a bad
28 process. It has worked wonderfully in the commercial sector,
29 and it was great in the pilot program that I was in, and I see
30 that I'm way over time, and I'm sorry.

31

32 Anyway, I would like to urge you all to go forward with a
33 referendum on 42. Like I said, on 41, the ad hoc committee
34 recommended no action, and apparently they -- I mean, I think
35 they like the program, but they couldn't figure out how to work
36 it out, and so they recommended just to go with what they have
37 right now, status quo, but we don't really want that, or at
38 least I don't, and I want to know if the rest of the people in
39 42 want it or not.

40

41 I mean, if we could go through with the referendum, we could
42 find out, and we could -- If we have systems such as 42, like
43 the pilot program that was so successful, we could let these
44 folks from up north that come down here in the winter have
45 access to a fishery that they don't have access to anymore, and,
46 as it says in the Magnuson-Stevens Act, these fish belong to all
47 Americans and not just somebody that lives along the Gulf coast
48 and has a big boat that they can go out fishing. I mean, it

1 belongs to all Americans, and let's give these folks an
2 opportunity, and let's have a referendum on 42 and see what
3 happens. If that doesn't pass the muster, then we'll try
4 something else. Thank you.

5
6 **CHAIRMAN FRAZER:** Thank you, Johnny. The next speaker is David
7 Krebs, followed by Dewey Destin.

8
9 **MR. DAVID KREBS:** Thank you, Mr. Chairman and council. My name
10 is David Krebs, and I own Ariel Seafoods in Destin, Florida and
11 Sebastian, Florida. Thank you for allowing me to serve on your
12 advisory panels, and I am happy to be here today.

13
14 Well, once again, we're back to reallocation, reallocation,
15 reallocation, and I come from an industry that has never asked
16 for anything, and now, today, I hear that's one of our problems.
17 We don't come to this podium and say give us more fish.

18
19 In Amendment 1, when the cherry-picking, cafeteria-style form of
20 selection to get allocation set came up with the 51/49, we
21 didn't say anything. Our feeling back then was, if we don't
22 rock the boat and we get along with the recreational sector,
23 everything will be okay.

24
25 Well, it's not okay. We have a penalty phase, and we have
26 permit sanctions, and, if we overfish our quota, we get in
27 trouble. We get put out of business, and now I hear today that
28 we're going to be penalized, because we don't show that we need
29 these fish. My boat fished only eight months last year, and
30 he's not a fish hog. He's a good fisherman, but that's the
31 allocation that he caught.

32
33 He could have fished those extra four months, but, again, we
34 don't ask, because we think we're being good stewards and that
35 the science of setting these quotas -- That, by staying within
36 these quotas, we're acting in good faith and in good conduct.
37 It's not fair to take that away from my industry. They deserve
38 to be heard, and they deserve their share of the fish, fair and
39 equitable. It's a 51/49 fishery.

40
41 Good grief. We have this conversation four times a year, four
42 times a year, and then, every other year, we come back to the
43 podium, and then, every fourth year, we end up in court. It's
44 ridiculous. Why are we wasting our time? We can share this
45 resource. We can share it effectively and efficiently without,
46 as Captain Tryon said, this being a baby Washington, where
47 lobbyists rule the day. This isn't about lobbyists. This is
48 about people getting along and working together within the

1 framework of the law, and we can do it. Thank you very much.

2
3 **CHAIRMAN FRAZER:** Thank you, David. I think we have a question
4 from Patrick.

5
6 **MR. BANKS:** Thank you, Mr. Krebs. I agree with you that we need
7 to all get along and figure out a way to make it work, and so I
8 applaud you for that comment, but, like I asked a gentleman
9 previously, we have these indicators that we're able to see in
10 the recreational sector that shows that there is a need for more
11 fish, and you're exactly right that it's hard to see those
12 indicators in the commercial fishery, because you guys are
13 constrained.

14
15 What are some indicators that you think that we should be
16 looking at that would help prove to us what you're stating, that
17 you all need more fish as well? Again, in the recreational,
18 it's pretty clear to me, but I don't know what indicators to
19 look at in the commercial sector.

20
21 **MR. KREBS:** The American consumer, in 2006, the last year of the
22 derbies, was paying \$3.50 a pound at the market for these fish.
23 After the first year of the IFQ, it stabilized in the \$3.50 to
24 \$3.75 range. Today, it's \$7.50, and so, just like everybody has
25 been talking about, supply and demand and how it dictates the
26 market.

27
28 If there's not enough fish, the price goes up, and it doesn't
29 matter whether it's a king mackerel or a choffer, and it doesn't
30 matter. If there is not enough, the price goes up. The seafood
31 industry is one of the simplest businesses there is to track.
32 It's supply-side economics.

33
34 We've talked about this forever. I mean, it's just either you
35 have it or you don't. If you don't -- Even a house, land, a
36 piece of property, if you don't have it and somebody wants it,
37 and there is a limited amount, they are going to pay extra for
38 it, and so, other than the fact that we've made a mistake that
39 we don't come in here and keep saying that we need more -- You
40 hear the guys coming in and the young fishermen saying that I
41 can't find allocation, and that's a great indicator, because
42 it's not available. The existing people that are there need to
43 catch the fish for their own businesses, and so thank you for
44 the question.

45
46 **CHAIRMAN FRAZER:** All right. Thank you, David. The next
47 speaker is Dewey Destin, followed by Hubert Haskins.

48

1 **MR. DEWEY DESTIN:** I'm Dewey Destin from Destin, Florida. I
2 appreciate the opportunity to speak to you. I am here today
3 representing a group of restaurants that is operated by my
4 family and an organization that I'm a member of called the Gulf
5 Coast Seafood Alliance.

6
7 The Gulf Coast Seafood Alliance is a group who advocates for
8 fact-based, rational fishery management, and our motto is Fish
9 on Your Hook and Fish on Your Plate. We think it's possible to
10 advocate for both sides of this conflict, and the reason we
11 would be motivated to do that is a lot of the people who come
12 into our restaurants are recreational fishermen, and we are in
13 favor of increased access for those folks.

14
15 I was listening to some of the testimony earlier of the
16 snowbirds and some of the folks that are fishing and talk about
17 the fish that they throw overboard that die. In my opinion, the
18 greatest challenge facing the recreational fishing industry
19 right now is that very issue.

20
21 We have never quantified, and I have been to these meetings
22 since the Magnuson Act formed the councils back in the late
23 1970s, I believe it was, talking about the fish that we're
24 killing and throwing in the water. It seems to me that the
25 answer to increasing the quota for the recreational fishermen
26 would actually be to quantify that number with scientifically
27 peer-reviewed research and then come up with ways to reduce that
28 amount.

29
30 We can take those extra fish that we saved by reducing those
31 fish that die from barometric trauma and add some percentage of
32 that back to the recreational fishery. That way, we could
33 increase their quota, maybe by 400 or 500 percent, and my
34 anecdotal testimony to you is that eight out of ten fish that
35 are thrown back in the water, and this is based on the science
36 that I've read, die.

37
38 If you count that and extrapolate it out over the year, that's
39 probably four or five-times as many fish as the recreational
40 group lands, and so, if we could get a handle on that problem,
41 then we could automatically increase the number of fish they can
42 bring in and extend their season dramatically, I would think.
43 Some people say that's just an accounting accommodation, but the
44 fact is that we wouldn't be killing a single more fish as long
45 as we did it through science and do it in a rational manner.

46
47 As to reallocating snapper to one sector or the other and not
48 based on any kind of understanding of the socioeconomic impact

1 it will have on the citizens of the United States who own the
2 resource, that borders on insanity. It doesn't make rational
3 sense, and it's not science-based, and so I would ask you folks
4 to think outside the box.

5
6 It's within your power to fix this. As I said, I've been coming
7 to these meetings for forty years, and I hoped that in my
8 lifetime I would see a solution to the regulatory problems we
9 have in the red snapper fishery. You've done a pretty good job
10 on the commercial side. They don't kill fish and throw them
11 over. They fish within their quota.

12
13 We still have the really hard nut to crack, and you have made
14 some good steps in that direction, by expanding the season, but
15 think outside the box and use all the tools at hand and fix that
16 problem, too. I am going to be sixty-six next year, and you
17 guys are going to have to pick up the pace.

18
19 **CHAIRMAN FRAZER:** Thank you very much. The next speaker is
20 Hubert Haskins, followed by Eric Brazer.

21
22 **MR. HUBERT HASKINS:** Council members, my name is Hubert Haskins,
23 and I'm from northern Wisconsin, about 1,300 miles away, and
24 this is as close as I can get to fishing saltwater, and so I
25 come down here to enjoy the weather, enjoy the fishing, and
26 enjoy the people.

27
28 What I want to talk about is the limits on some of the fish that
29 we catch on the headboats. The first year I fished, six years
30 ago, we were allowed to catch red snapper, a limit of two, until
31 we met the quota, and then we were allowed to catch triggerfish,
32 and I think it was two then, and we were allowed to catch
33 amberjack, which we cannot catch all three of those, we cannot
34 catch them this year to this point, although we will be able to
35 catch triggerfish on March 1, for the ones that stay beyond
36 that.

37
38 From what I've seen out on the boats is we have to move off of
39 some of the reefs that we fish, some of the structure, because
40 we catch too many red snapper, and I think the population of the
41 red snapper is holding its own, and the triggerfish as well, and
42 we catch just about as many as we did six years ago right now,
43 and so I don't think we're damaging the resource.

44
45 I think the resource is viable, and I do think that we should be
46 keeping some of these fish that we bring on the boat. Like the
47 gentlemen ahead of me said, a lot of the fish that go back do
48 not survive and so it's kind of a waste of the resource at that

1 point, and then I'm from Wisconsin, and I happen to be in a city
2 that has a Department of Natural Resources district
3 headquarters, and they sometimes change their regulations on the
4 fly.

5
6 If they see something that's going bad, they will change the
7 regulation on the fly to make sure that the resource is
8 protected, and sometimes it needs to be done. Things change,
9 and we have bad winters and drought, and you have hurricanes and
10 wind that affect your resources, and so sometimes you have to go
11 with the flow and change things to match what is going on.

12
13 We don't have so much of a commercial fisherman issue up there
14 as you do here, and so you've got a bigger puzzle to try and put
15 together than what we do up there, but we would just like to
16 have a chance to catch some of these species that we just don't
17 have and can't catch up there, and I think there is room, if
18 they change the allotment, so we can do that without damaging
19 the fishery and without hurting the commercial people or the
20 six-pack boats and the smaller charter boats.

21
22 Now, I graduated from surf fishing to headboats, and we did some
23 individual charters, and we've done a little bit of everything,
24 and we've enjoyed it all, but I would never probably have done
25 the charter boats that I did, beyond the headboat, if I hadn't
26 met all the people there and learned from those people on what
27 is available out there, as far as other options.

28
29 Of course, when you do that, you talk to different people, and
30 then you have a trickle-down effect on the economy, because
31 you're not only learning about fishing and options there, but
32 you're learning about good places to eat and good things to see
33 and good things to do. I mean, if I tried to do everything that
34 I heard on those boats from the people that I have fished with,
35 I would never stop moving, and I couldn't sleep.

36
37 I would be going all the time, and so it's a trickle-down
38 effect, and it affects everybody, and we have heard from
39 different people on the economy side of it, and so you know that
40 it does affect the economy, but, in our case, we're kind of a
41 small piece of your big puzzle, and so it's kind of just been
42 pushed aside, because we're not -- Whether you give us a season
43 or not, it doesn't make a big effect on a lot of the stuff that
44 you're trying to accomplish here, but we would appreciate it if
45 we could get a limited season. We're not asking for big catches
46 or anything, but we just want to have a taste of everything that
47 is available down here, just like if you traveled to Wisconsin
48 and --

1
2 **CHAIRMAN FRAZER:** Hubert, I'm going to have to ask you to wrap
3 this up, okay? We're limited on time.
4
5 **MR. HASKINS:** Well, I appreciate you listening to what I had to
6 say.
7
8 **CHAIRMAN FRAZER:** Quickly, we have a question from Dr. Shipp.
9
10 **DR. SHIPP:** Mr. Haskins, thank you for coming. Did you mention
11 that you surf fished?
12
13 **MR. HASKINS:** Yes, sir.
14
15 **DR. SHIPP:** You're here December, January, and February?
16
17 **MR. HASKINS:** I arrive at the end of December, and I stay until
18 March 15.
19
20 **DR. SHIPP:** What kind of success do you have surf fishing?
21
22 **MR. HASKINS:** Well, this year, it's been tough, because of the
23 weather. Last year, the whiting were plentiful, and I talked to
24 a local fisherman who said that was the best catch he had in
25 thirty years. That's not true this year. It's been spotty for
26 most of them, but they're out there.
27
28 **DR. SHIPP:** I guess the reason I ask is I'm kind of wondering
29 whether, with the difficulty of fishing offshore, that you have
30 substituted some and spend more days surf fishing that you used
31 to, or do you still go the same number of trips offshore with
32 the charter fleet?
33
34 **MR. HASKINS:** I usually try and do the same number of trips. We
35 have kind of the social aspect that I talked about. We've got a
36 group of guys that like to go together, and we sometimes do as
37 much talking as we do fishing, that type of deal, and we've
38 enjoyed going with the same group, pretty much, and the fishing
39 has been good, and, like I said, I think the numbers of fish are
40 still out there, but it's just a matter of whether the allotment
41 will allow us to catch them, but thank you for listening to what
42 I had to say.
43
44 **CHAIRMAN FRAZER:** We have one more quick question from Kevin
45 Anson.
46
47 **MR. ANSON:** Thank you, Mr. Chair. I don't know if it will quite
48 be quick, but I will --

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CHAIRMAN FRAZER: Use your discretion.

MR. ANSON: Mr. Haskins, thank you for coming. I am with the State of Alabama, and I'm not in the economic development department, but, as a resident of Gulf Shores, I appreciate you and all of your friends that you bring with you from the Midwest and help our economy and help our taxes and such.

I just want to make sure that I heard you correctly and are clear, but you represent a segment of the stakeholders that we don't often hear from, and so I just wanted to see if your perspective, and you might have to look over your shoulder and confer with your friends, but you mentioned that you've been coming down for six years.

MR. HASKINS: That's correct.

MR. ANSON: Fishing offshore for red snapper for six years. I am just wondering if you can compare that first year to this year, if you've gone this year, and just generally what the condition of the red snapper catch has been. Has it been the same, or has it been increasing, or --

MR. HASKINS: Well, it's probably been the same in some of the areas. Like I said earlier in my talk here, some of the reefs hold more than others, and we have actually had to go off of reefs because we were catching too many and we couldn't catch the vermilion snapper that we were targeting, and so I think they're there.

MR. ANSON: Thanks again for coming.

MR. HASKINS: Thank you for listening, and you guys have a good day.

CHAIRMAN FRAZER: Thank you, Hubert. The next speaker is Eric Brazer, followed by Laura Chicola.

MR. ERIC BRAZER: Thank you very much, Mr. Chair. I'm Eric Brazer, Deputy Director for the Gulf of Mexico Reef Fish Shareholders Alliance. Thank you for your time. I would like to first speak to reallocation. As I said before, if you have any questions about our prior positions, I refer you to the Amendment 28 minority report, which is online.

Putting that aside for a second, this current reallocation document really is a solution in search of a problem. The

1 trouble is, number one, the document hasn't identified the
2 problem, and, number two, you already know that reallocation
3 isn't the solution, and so we ask you again what is broken and
4 how would reallocation fix that?

5
6 You've spent a lot of time today, and you will probably spend a
7 lot of time over the next few meetings, going through
8 alternatives and options and looking at years and baselines, but
9 you still haven't explained why you're doing this.

10
11 My second point on reallocation is I would like to point out
12 that page 8 in the options paper references the NMFS policy
13 directives that talk about triggers, and it even says that step
14 one, a trigger, has been met, but that document does not
15 identify what that trigger was, and so, again, the public is
16 left wondering what's the point of all of this.

17
18 My third point on reallocation is we would urge the council to
19 provide the public an analysis of the Modern Fish Act and the
20 implications of these allocation-related studies on your
21 activities. The Modern Fish Act was apparently a big deal.
22 What does it mean for you and what does it mean for us?

23
24 I can't say enough about we continue to support keeping the
25 federal charter/for-hire out of Amendment 50 and the removal of
26 the sector separation sunset provision. Then, finally, I would
27 like to thank Morgan for all of her service and her work here at
28 the council. It's been a pleasure working with you, and we wish
29 you well on the west coast, and I want to welcome the agency
30 back. We're glad you're here. We really do appreciate
31 everything you have done, and your hands have been tied, and I
32 know it's been frustrating for you, and it's been frustrating
33 for us, and, again, we appreciate everything you're doing to
34 keep fishermen on the water, and so thank you. Thank you, Mr.
35 Chair.

36
37 **CHAIRMAN FRAZER:** Thank you, Eric. The next speaker would be
38 Laura Chicola, followed by Ronald Chicola.

39
40 **MS. LAURA CHICOLA:** Good afternoon. Thank you for the
41 opportunity to speak to you and please excuse my English.
42 Spanish is my first language. My name is Laura Chicola, and I
43 was born in Mexico. Currently, I live in Ruston, Louisiana, and
44 I'm married to Ronald Chicola, a long-time commercial fisherman.
45 That's the reason that we met.

46
47 He came to Mexico in 1987 to teach the local fishermen how to
48 longline tuna fish, opening an industry that is now a twenty-

1 eight-boat fleet that exports all their tuna to the United
2 States, and we also own a tuna boat in the south Gulf and a
3 processing plant, which I have managed for fifteen years. In
4 2004, I moved to the U.S.A. so that our children could finish
5 their education, and both are engineers now.

6
7 In 2017, we decided to build a boat for our son that wanted to
8 follow his father's footsteps, and my husband had a close friend
9 that promised to lease us some quota, but, unfortunately, he
10 passed. Last year, we leased some allocation, quota, and, this
11 year, it's almost impossible to find any. If you do find some,
12 the prices are so high that it's too hard to cover the expenses,
13 and so here we are stuck with a half-a-million-dollar investment
14 and no allocation. I am here today before you to ask for the
15 opportunity to keep working and earn a living in the fishing
16 industry that we know very well and love. Thank you.

17
18 **CHAIRMAN FRAZER:** Thank you.

19
20 **MR. RONALD CHICOLA:** We are currently fishing b-liners and
21 grouper, because we don't have any allocation for the snapper,
22 but there should be some trigger by some way for the discards.
23 When we're fishing b-liners, the best you can find is about
24 four-to-one, but, if you weigh the b-liners compared to the
25 snapper that you caught, the snapper will outweigh the b-liners,
26 and so you're really taking pound for pound.

27
28 If you catch 5,000 pounds of b-liners, I discard 5,000 pounds of
29 snapper out in the deep water, and I vent them and watch the
30 sharks eat them, and this man from Minnesota would like to have
31 one to eat, which is against the law by all the Gulf states
32 about discarding natural resources, but we don't have any choice
33 in it without allocation, but there should be allocation for the
34 discards, the same as Jay Mullins says. Whatever we catch has
35 got to come on the boat, and it should be registered and not fed
36 to the sharks. That's all I've got to say about it. Any
37 questions? Thank you very much.

38
39 **CHAIRMAN FRAZER:** Thank you for your comments. The next speaker
40 is Tracy Redding, followed by Chris Garner.

41
42 **MS. TRACY REDDING:** Hi, there. I'm Tracy Redding with AAA
43 Charters, Incorporated. I book inshore, offshore, six-packs,
44 multi-passenger and headboats, and I also offer dolphin cruises
45 and some snorkeling, and I've been doing it just under twenty
46 years.

47
48 I am pretty pleased with the progress that the council is

1 making, but I have one deep-felt suggestion. I hope that we all
2 can do a better job of getting through the media that our
3 charter boats can catch red snapper seven days a week. About 60
4 percent of the people that called in to book charters this year
5 assumed that they could only catch snapper on Friday, Saturday,
6 and Sunday, and part of that is the way that our local media
7 interpreted it, but the charter boats are very important,
8 because not everyone who recreational fishes owns their own boat
9 or has their own means to get out there.

10
11 I think we should all do a better job of announcing the progress
12 that we've made by accomplishing sector separation, and I would
13 like to see the sunset clause drop off, and I also am urging
14 that we get some more cooperation with our Alabama reporting
15 systems.

16
17 We have got Snapper Check, and I think our participation, both
18 with private recreational, is pretty darned low, but I would
19 love to see the charter boat participation numbers go way up.
20 We absolutely need accurate, timely data collection, and we've
21 got to get our managers the tools to be able to do their jobs
22 effectively. That's it for today. Any questions?

23
24 **CHAIRMAN FRAZER:** Thank you, Tracy. Our next speaker will be
25 Chris Garner, followed by Gary Jarvis. Chris Garner? Then
26 we're going to move on. Gary.

27
28 **MR. GARY JARVIS:** Captain Gary Jarvis, Mayor of the City of
29 Destin, the luckiest fishing village in the world. The 125-year
30 history of Destin revolves around commercial, charter/for-hire,
31 and recreational fishing, and so it's a no-brainer that managing
32 these resources for abundance is critical for the continuance of
33 that heritage.

34
35 The economic and social importance of these fisheries in Destin,
36 Florida cannot be overstated, and I stand before you to
37 encourage this council to manage these fisheries in a manner
38 that above all, in spite of all these interim fights between
39 sectors, that is good for the fish.

40
41 Our community consists of many different user groups who wish to
42 access these resources, and, as its mayor, it reminds me that we
43 must share these resources among us all, and we must strive to
44 be accountable in what we harvest, and we should find management
45 systems that would increase these user groups' access to
46 rebuilding fisheries.

47
48 State management of Gulf resources for the private angling

1 community is a test of its capabilities and its ability to
2 better get the assessments and data to assure us that they have
3 a better feel for the level of that effort and harvest of these
4 important species like red snapper, and I hope, after the red
5 snapper EFP is completed and evaluated, and if it's implemented
6 into a federal management plan, that it provides a level of
7 knowledge and scientific results needed to make better
8 management decisions for this sector and to provide those
9 anglers increased access to rebuilding fisheries, but everybody
10 in this room knows that accountability is the key.

11
12 Accountability is what feeds and opens the door to more access
13 to rebuilding fisheries. That accountability also has a
14 revolving door when you have a fishery that's in decline. You
15 are going to lose access, but that's a necessity to try to
16 rebuild the fisheries that are in decline.

17
18 It's important you listen real carefully when Destin captains
19 and businessmen and women come to this podium. They are true
20 experts in the field, but they also are the ones that have the -
21 - They understand the importance of these fisheries, not only to
22 themselves and their families and their businesses, but to our
23 community as a whole. There is a large social factor in a
24 coastal community like ours, and it's not just in Destin,
25 Florida. It's in every coastal community in the Gulf.

26
27 The availability of wild-caught seafood to the consumer is also
28 a key component, not only for Destin, but in every working
29 waterfront in the Gulf. In the management decisions you make, I
30 implore that you always put high value on the public access that
31 the commercial industry provides.

32
33 Not everyone can own a boat, and not everyone can even hold a
34 fishing pole, but everyone in our country should have the
35 ability to access wild-caught seafood and eat a fish, whether
36 you catch it or whether you buy it.

37
38 No one group is more important than the other, and that's the
39 main message that I want to get at, because that's the
40 underlying factor in these council proceedings all the time.
41 Each individual sector tries to get across their importance to
42 the community, but all three sectors are important. They all
43 provide economic and social benefits to every coastal community
44 in the Gulf of Mexico, and so what I really want to implore this
45 council, in the form of encouragement, is that all of your focus
46 should be on fish first.

47
48 The decisions, the management, the ideas and plans that come

1 before you, they should have an end result that is good for the
2 fish, because, in the end, without an abundant, resilient
3 fisheries, a community like mine is going to have issues. Our
4 heritage will be in jeopardy, and so, especially on these
5 allocation fights, I really, really, really wish that this
6 council, and you've been listening to me for almost fourteen
7 years now, would put the highest value on the fish first, and I
8 think, if we have abundant fisheries, the allocation issues will
9 be less and less of an impact on all of us. Thank you.

10
11 **CHAIRMAN FRAZER:** Thank you, Gary. The next speaker is Scott
12 Hickman, followed by Abby Webster.

13
14 **MR. SCOTT HICKMAN:** Good afternoon, honorable, esteemed
15 Chairman, Dr. Tom Frazer, and members of the Gulf of Mexico
16 Fishery Management Council. My name is Captain Scott Hickman
17 from Galveston, Texas.

18
19 First off, I would like to thank Dr. Morgan Kilgour for her
20 service here at the council, and, being somebody from the Flower
21 Garden Banks National Sanctuary Council, we would like to thank
22 her for all of her work in working with us on our boundary
23 expansion working group. That was hundreds of hours of phone
24 calls and emails and getting us a really good compromise and a
25 good product through our Sanctuary Council. Thank you for all
26 you've done, and it was much appreciated, and we're going to
27 miss you.

28
29 Speaking on corals, we would love to see Coral Amendment 10 move
30 forward. That's some exciting stuff, and I am also a commercial
31 shareholder of red snapper in the Gulf of Mexico and a thirty-
32 plus-year participant in the charter/for-hire fishery.

33
34 We would like, in Galveston, to keep working on Amendment 41 and
35 42. We see a lot of promise in that, and there's been a lot of
36 good points brought up at this meeting about certified catch
37 history and other issues, and I think we can work through all of
38 that and get a really good product.

39
40 As a commercial fisherman, I would like to see no reallocation,
41 and I bought into the fishery, and none of mine was based on
42 catch history, and I made a big investment, and it's a great
43 fishery, and it's a great management program, and it's working
44 really, really well.

45
46 I would like to see you remove the sunset on Amendment 40. I
47 would like to see the ELB program implemented as quickly as we
48 can, and we've begging for that for ten years, and, hallelujah,

1 we're finally going to get it. Accountability is a huge part of
2 this fishery, real-time data, and I would like to remove the
3 captain and crew size limit on dual-permitted vessels, even
4 though both of my vessels are not dual-permitted. There is a
5 charter boat permit on one and a commercial permit on the other,
6 but there's a lot of guys that have both permits on vessels, and
7 it's a discriminatory, old policy that was prior to the IFQ
8 system.

9
10 I would like to leave the federal for-hire charter boats out of
11 state management, Amendment 50, and I would like to see
12 mandatory iSnapper for recreational boats in Texas, and that was
13 a very loud message that we heard at the Amendment 50 hearing in
14 League City here a week or so ago.

15
16 Barotrauma is a big issue, and Greg and I have talked about this
17 and how these devices will work and won't work. If you devise
18 good management, where it incentivizes the anglers not to throw
19 fish back, and high-grading is a problem in the recreational
20 fishery, we can attack that first and solve the problem a whole
21 lot easier and give people access to more fish. That's all I've
22 got. Thank you, all, and I appreciate everybody's hospitality
23 here in beautiful Alabama.

24
25 **CHAIRMAN FRAZER:** Thank you, Scott. The next speaker is Abby
26 Webster, followed by Conner Cochrane.

27
28 **MS. ABBY WEBSTER:** I'm Abby Webster, and I own and operate a
29 charter boat out of Freeport, Texas, and I'm also the Executive
30 Director for the Charter Fishermen's Association. We would like
31 to see the captain and crew size limits be removed for dual-
32 permitted vessels, and we would also like to see that 41 and 42
33 are postponed at this time.

34
35 We would like the charter boats left out of state management, as
36 well as the sunset provision on Amendment 40 removed. We would
37 also like to see continued progress on getting the ELBs
38 implemented Gulf-wide. Thank you.

39
40 **CHAIRMAN FRAZER:** Thank you. The next speaker would be Conner
41 Cochrane, followed by Bobby Kelly.

42
43 **MR. CONNER COCHRANE:** Hello, council members. My name is Conner
44 Cochrane, and I'm fifteen years old, and I'm a commercial red
45 snapper fisherman from Galveston, Texas. I don't like to think
46 of the commercial fishing industry as a job. I like to think of
47 it as a way of life. Getting to provide fresh seafood for the
48 public is a great thing. Getting to come to these meetings with

1 my dad is a great opportunity to learn new things and support
2 our industry. When I see a red snapper, I see a family eating a
3 restaurant and saying, damn, that's good.

4
5 I would like to see this fishery keep going the way it's going,
6 so I can one day follow in my father's footsteps and be a
7 successful commercial fisherman like him. Thank you for your
8 time.

9
10 **CHAIRMAN FRAZER:** Thank you, Conner. The next speaker is Bobby
11 Kelly, followed by Jim Green.

12
13 **MR. BOBBY KELLY:** I am Bobby Kelly, and I'm out of right here in
14 beautiful Orange Beach, Alabama. I commercial fish and I
15 charter fish, and here is a few things that I am thinking about
16 that is going to affect me coming up.

17
18 Since we're in commercial season, I commercial red snapper fish
19 in the wintertime, right now, and I want to talk about
20 reallocation. The last time with reallocation, when this
21 council took fish away from an accountable sector and gave it to
22 an unaccountable sector, I lost fish. I'm the newest guy in the
23 fishery, and this is my fourth year going into it, and I lease
24 all my fish.

25
26 When I call shareholders up, and I need fish, they say, hey, we
27 had 4,000 or 5,000 or 6,000 pounds taken away from us, and I'm
28 the last guy on the list, and I'm the one always to lose the
29 fish, and it's not a perfect system, but it's the system that it
30 is.

31
32 If you guys want to start talking about reallocation even to the
33 recreational sector, it would be nice that all places were in
34 compliance. The recreational sector still overfished a little
35 bit last year, and so, before we start taking the fish away from
36 an accountable sector and throwing it down the other side, we
37 ask that it go somewhere that counts.

38
39 Second, and it's going to be hard for me to do this, but one of
40 the things I've heard this council talk about on the commercial
41 side is, when you call in your three-hour notification, that you
42 have the weights within 10 percent.

43
44 Have you all lost you all's mind? I mean, seriously? One more
45 restriction on the most restrictive fishery in the Gulf, and I
46 am icing up, and we're probably going to go out on Friday. If
47 one of you council members want to come ride with us, and I've
48 got a real nice boat and everything, you all can sit there and

1 count the fish, and you all tell me how much when I've got when
2 I get back the dock, because you look at those deckhands, and
3 they go, uh, and so, man, it doesn't benefit anything. The fish
4 are weighed anyway, and it's going to be all right.

5
6 I fully support the states and Amendment 50. It's a great deal,
7 and take away -- Leave those federal charter boats out of it.
8 In the State of Alabama, we've got a great relationship with our
9 state director and our commissioner and our chief marine
10 biologist. However, these guys retire and get promoted, and
11 sometimes it's not always going to be that way, and so we ask
12 you to just leave us under federal management.

13
14 Amendment 42 and 41 seems like the hot topic of the afternoon,
15 and, first, I want to say to my northern friends that come here
16 and want to catch a red snapper, I don't go to Wisconsin and
17 Michigan in June to kill a whitetail deer. It just doesn't
18 happen. When there are seasons on everything in this world,
19 we've just got to participate in it when it happens.

20
21 42 will be detrimental to Orange Beach, Alabama if it goes
22 forward without 41, without the charter boats. There is eight,
23 right now, right here, within a half a mile, there is eight
24 headboats within right here, within a half a mile, that have the
25 average carrying capacity of almost seventy fishermen per
26 vessel, which equals -- There is only sixty charter boats in
27 Orange Beach, Alabama, and so it actually equals the capacity of
28 the private for-hire boats.

29
30 If they go forward, and I'm not saying that I'm against it, but
31 I'm just saying that it needs to go forward at the same time.
32 Let us get our ELBs, and let us get our data, and then we can
33 move forward if we want to go to an allocation-based management
34 system. Thanks.

35
36 **CHAIRMAN FRAZER:** Thank you, Bobby. All right. The next
37 speaker will be Jim Green, followed by Randy Boggs.

38
39 **MR. JIM GREEN:** Hello. Thank you. I'm Jim Green, President of
40 the Destin Charter Boat Association. Right now, the DCBA
41 supports postponing 41 and 42 to a time certain of three years.
42 We believe that, as an industry under the same permit, we should
43 all move forward together.

44
45 During this time, the DCBA would like to work on sector
46 allocations, effectively implementing the ELB program, and,
47 finally, removing the sunset provision. For the for-hire
48 sector, allocations are proven, through Amendment 40, to be

1 effective, not only biologically for the fish stock, but also by
2 restoring angler access and stabilizing season lengths for the
3 industry, and we would like to see an amendment started to
4 address the for-hire sector allocations for amberjack,
5 triggerfish, gag, and red grouper.

6
7 By allowing the sunset provision to say in force, you are
8 hampering and overshadowing one of the most effective management
9 policies passed by this council in recent years.

10
11 When it comes to state management, the DCBA expresses its
12 continued support of federal management for the federally-
13 permitted for-hire fleet. When it comes to red grouper, the
14 DCBA supports reducing the quota to previous years' harvest
15 levels. This fishery is in trouble, and we support any measure
16 that will turn it around and get it back on track.

17
18 When it comes to the dual-permitted -- I guess this framework
19 action, or what we're talking about there, but the DCBA supports
20 the removal of this regulation. We believe that vessel owners
21 should have the freedom to execute the fishery the same as
22 others that bear the same permit.

23
24 Historical captains, the DCBA supports the standardization of
25 the thirty-some-odd operating historical captain permits. They
26 have proved their stake in this fishery, and all of them should
27 have the ability for a business to operate while they're away,
28 for whatever reason.

29
30 I would also like to touch on the buffer, the 9 percent buffer.
31 We hope that it keeps us -- It gives us more access, and we hope
32 that we stay under the quota, and, if that proves true, and that
33 9 percent is a sweet-spot for us, we would like to see that
34 continue through more than -- We would like to have it more than
35 one year. We did support the one year in the beginning, and
36 that was mainly as a safety net, in case there was an overage.
37 That's all I've got. Thank you.

38
39 **CHAIRMAN FRAZER:** Thank you, Jim. We have a question from Doug
40 Boyd.

41
42 **MR. BOYD:** Jim, thank you. A question. We hear testimony every
43 time that red grouper are in trouble, and you just said red
44 grouper are in trouble. We heard, a little earlier today,
45 testimony from a gentleman who is a longliner, and he was pretty
46 passionate about it. His testimony, if I remember correctly,
47 was they're not in trouble, and can you give me some background
48 as to why most of your guys say that they are in trouble?

1
2 **MR. GREEN:** Well, you know, ours is from experience. We have
3 steadily -- Through the DCBA, we have meetings monthly, pretty
4 regularly like that, and, over the last couple of years, we have
5 all agreed that we are seeing less and less of the gag and red
6 grouper in our area. I don't know where this gentleman was
7 fishing, and I heard his very candid testimony to you, and I
8 can't speak for him, but I know that, in the northern Gulf, we
9 have seen a reduction in these fish, and I can't speak to him,
10 Mr. Boyd, and I appreciate the question, but that's just what
11 we've seen over the last handful of years, and this year was
12 probably -- Out of the last four years, this is probably the
13 least amount of red groupers I have caught on my boat this year,
14 this past season.

15
16 **MR. BOYD:** Thank you, Jim.

17
18 **MR. GREEN:** Thank you.

19
20 **CHAIRMAN FRAZER:** Thanks, Jim. The next speaker is Randy Boggs,
21 followed by Buddy Guindon.

22
23 **MR. RANDY BOGGS:** To start with, I am going to speak on the red
24 grouper. They are absolutely right that, in this part of the
25 Gulf, the red grouper, the gag grouper, and the king mackerel
26 are in dire straits here. At our marina this year, we probably
27 saw less than twenty-five king mackerel caught in the whole
28 charter and recreational fleet that came to the dock.

29
30 I saw one red grouper come in, and I saw one gag grouper come to
31 our dock here out of the whole fleet, and we've got thirty-
32 something boats that run out of our marina, and those fish are
33 really in trouble.

34
35 I have been at this council process since 1997, and I've been
36 here a long, long time. I was here when the moratorium was put
37 in place, and I was here when the commercial IFQ was formed, and
38 I've been here a long time. We are heading down a path that
39 scares me to death, and it's with a very heavy heart that I
40 stand here today.

41
42 I worked very hard on Amendment 42. On Amendment 42,
43 approximately on one of my boats, I would get about 1,800 red
44 snapper. That's enough fish -- My license is for sixty-four,
45 and I carry thirty-two people, and that's sixty-four fish a day.
46 Because I've got 1,800 fish, that would give me twenty-eight
47 days of fishing. Not sixty days or not seventy days or not
48 ninety days, and not double trips. That would give me twenty-

1 eight days of fishing.

2
3 During the Collaborative, I learned that I could do more with
4 less if I'm allowed the freedom to do that. With the road that
5 you're fixing to go down, it's a road that is very dangerous.
6 You are allowing the fishermen to go forward and create a
7 history, knowing the future. If I could have done that, I would
8 have bought Apple stock, and I would be a multibillionaire right
9 now, and I wouldn't be standing here.

10
11 I watched the commercial fishermen in the 1990s ramp up their
12 catch effort, and, one of my dear, good friends, I watched him
13 bust his ass to catch 125,000 pounds of fish a year, but he
14 fished day and night. He would come in and grab cigarettes and
15 food and throw them back on the boat and away they went again.
16 Rough, bad weather, in a small boat, and it didn't matter, to
17 ramp up their catch effort.

18
19 When you go down that with the ELBs, and we start building the
20 data going forward, I am being asked to tie my headboat deal to
21 historical data. If we're going to go down this road and we're
22 going to do this, everybody is going to ramp up their effort.
23 They're not going to stay here and tell you that, but they're
24 going to ramp up their effort.

25
26 They are going to run two trips a day, three trips a day, and
27 you're going to see thirty-five or forty or fifty and sixty-
28 dollar fishing trips, as cheap as they can run, and it's more
29 fish, more fish, more fish, and you're going to see region-wide
30 depletion in this Gulf right out front, and you're going to see
31 the fish nosedive, and you're going to see a huge amount of the
32 population taken, because every charter boat out there sees the
33 future.

34
35 The number of fish that you're going to get at the end of this
36 derby is based off of what you're catching. If they can cheat
37 on the logbooks, any way that they can cheat or short the deal,
38 any way that it can happen, that's what is going to happen. I
39 watched them do this with the landings in the commercial
40 fishery, and I was here in the 1990s, and I watched it happen,
41 and you're fixing to go down that road. I would love to see
42 something done to fix this, but you can't build a history when
43 you know the future. The outcome will not be good. Thank you,
44 guys.

45
46 **CHAIRMAN FRAZER:** Randy, we have a question from Kevin Anson.

47
48 **MR. ANSON:** Thanks, Randy, for coming. Did you know those folks

1 that came from the Midwest and testified today? Do you know
2 them? Is that some of your customers? You don't have to
3 answer, but I --

4
5 **MR. BOGGS:** I did. I know every one of them well, and, since
6 you opened that door, and thank God you asked me a question,
7 because I am going to tell you something, guys. The guys got up
8 here and they talked about the fish that they would throw back,
9 and there are dead discards with what we threw back, and, just
10 like they said, when we get on a spot that's got ten-inch
11 snapper, and you've fished with me, and you know. Kevin was on
12 a trip with me, and we fished for about an hour-and-forty
13 minutes, and we had a full boatload of vermilion snapper, and we
14 had zero, zero, discards on red snapper.

15
16 **MR. ANSON:** Let me get to my question that I wanted to ask.
17 That is he mentioned that he had been fishing for six years, and
18 he may have been fishing with you during that entire time, but
19 I'm just curious. Off of Alabama, what is your experience over
20 the last six years, as far as the number of red snapper? Has it
21 been the same, or has it decreased, or has it been going up?

22
23 **MR. BOGGS:** In 2011, after the oil spill, we saw an increase in
24 the large number of -- They told me it was a large stock
25 recruitment of bigger fish, and, in the nursery grounds for
26 smaller fish, we see hundreds and hundreds and hundreds, and we
27 try to stay off the rocks where the little bitty ones are, and
28 we see lots of those, but, to be honest with you, to propagate
29 the vermilion snapper fishery, I pick a larger wreck that I go
30 there, and we sit down and fish the larger wrecks, and we try to
31 target the vermilion, and you're going to have a few snapper
32 that you have to release, but, if the catch becomes excessive,
33 if we start getting too many snappers, we pick up and leave them
34 and try and move somewhere where we're not.

35
36 The guys were telling the truth that we do throw a lot of fish
37 back, but you have to understand that these guys fish twelve or
38 fifteen times a year with me, and they fish. I mean, they
39 really do, and I'm not saying that they wouldn't exaggerate just
40 a little bit, but, hell, give me 42 back, and my discard rate
41 would go back down to what it was instead of what the snowbirds
42 are telling you that it is.

43
44 **MR. ANSON:** So, in your opinion, in the last five to six years,
45 what's been the snapper count generally, compared to five or six
46 years ago off of Alabama? Has it stayed steady?

47
48 **MR. BOGGS:** You're going to have to ask me again, Kevin, because

1 I didn't hear you.

2

3 **MR. ANSON:** The fishing off of Alabama, red snapper fishing, in
4 the last five to six years, do you think it has stayed the same
5 from five to six years ago, or has it gone down, in the quality
6 and quantity of fish, or has it gone up in the quantity and
7 quality of fish?

8

9 **MR. BOGGS:** The quantity of fish has stayed the same. The
10 quality of fish from 2011 and 2012 has fallen off, when I've
11 seen the ten to twelve-pound fish. The reason why is depletion
12 gets really bad toward the end of the summer, and you have to
13 get outside that twenty-mile circle of death, but there is still
14 plenty of fish. There is still plenty of fish that bite, and
15 it's still a very viable fishery.

16

17 Since you asked about the red snapper, I am going to tell you
18 about triggerfish. In the northern Gulf -- Sorry, but you let
19 me have the mic. This is personal opinion here, but, if you
20 left the state waters of Florida open, and, Martha, don't throw
21 anything at me, and I'm sorry, but I don't remember how many
22 days, but they left the state waters open in Florida for a few
23 days, and they caught the whole entire Gulf quota in Florida
24 state waters.

25

26 It doesn't take but -- I am not a scientist, but I can figure
27 out that, hell, if you can catch them all within nine miles,
28 there ain't a whole lot of problem with that stock. If you went
29 over by 164 percent in a ninety-day season, and be it it's only
30 a very small stock of fish, and you went way up on the size
31 limit -- Guys, I stood up here and told this a long time ago,
32 but triggerfish run in seven-year cycles, and that stock
33 assessment was done on a year that it was an absolute low.

34

35 When you do a stock assessment like that on those low years like
36 that -- If you go back and look at my GPS book, and I keep a
37 record of all the fish that I catch, and, when you get on one of
38 those low years, you will think that every triggerfish in that
39 Gulf of Mexico crawled under a rock and died, because they ain't
40 here.

41

42 Then, about three-and-a-half years later, you can't get away
43 from them, and so I think the 163 percent overage is probably
44 correct, and we've got tons of fish up here, and I don't know
45 about everywhere else, but we've got them, and don't ask me
46 nothing else, because I -- Everybody here has got to go pee,
47 Kevin, and so, I mean, I need to get done.

48

1 **MR. ANSON:** Everyone else including me, Randy.

2
3 **CHAIRMAN FRAZER:** That's correct. Buddy Guindon.

4
5 **MR. BUDDY GUINDON:** I'm Buddy Guindon, commercial fisherman from
6 Galveston, Texas. National Standard 4 requires that allocations
7 be fair and equitable. Fair and equitable. I guess that's an
8 interpretative statement. Section 303(a)(14) of the Magnuson-
9 Stevens Act expands on that requirement.

10
11 It talks about allocations of the benefits of stock recovery
12 between the commercial, recreational, and charter sectors. In
13 order for such allocations to be fair and equitable, the council
14 must consider the economic impacts of the harvest restrictions
15 that it took to rebuild the stock on the fishery participants in
16 each sector.

17
18 The participants in the commercial sector suffered economic
19 impacts to rebuild the stock. When the red snapper quota was
20 cut in half in 2007 to rebuild the stock, we complied with that
21 reduction, and it was hard, and we suffered, and our families
22 suffered, but the commercial sector never exceeded its quota.

23
24 By contrast, the recreational sector did not comply with those
25 quota restrictions. In 2007, the recreational sector exceeded
26 the quota by about 100 percent, meaning that cutting the quota
27 in half had absolutely no effect on the recreational sector.
28 The same trend continued for years. About every year, the
29 recreational sector took millions of pounds of red snapper out
30 of the Gulf more than it was supposed to. The participants in
31 that sector, meaning the recreational anglers, suffered no
32 economic impact whatsoever from the rebuilding of the stock.

33
34 We are not seeking any favoritism, but we are asking for basic
35 fairness. Don't penalize the commercial sector by taking the
36 that course, when we were the ones that put in the work and
37 developed an accountable management program and complied with
38 catch cuts and endured real economic pain to help rebuild the
39 stock. No other sector can say that, but now the recreational
40 sector wants to penalize us and take our benefits of stock
41 rebuilding for itself. That's just not fair.

42
43 MSA Section 407(d)(2) says that any regulation submitted by the
44 Gulf Council for the red snapper fishery shall contain
45 conservation and management measures that "ensure that such
46 quotas reflect allocations among such sectors and do not reflect
47 any harvest in excess of such allocations".

1 You may recall Amendment 28, and the judge said it was unfair to
2 reallocate based on overharvesting, because, due to an IFQ
3 program, only the recreational sector could possibly
4 overharvest, and so, before we go down that road, we really need
5 to look at what the regulations are and what the rules are and
6 change them, if necessary, before you waste a lot of time moving
7 forward.

8
9 We really need to allow continuity in the commercial fishery,
10 and we're throwing these things at the wall, to try to
11 reallocate, to try to reduce the access, and, in the commercial
12 fishery, when we started with the IFQ, the lease prices were
13 fifty-cents and a dollar on red snapper. This year, they are
14 \$3.75 to \$4.95 is the highest advertised price that I've seen
15 this year, on a fish that returns \$5.50 dockside value to a
16 vessel.

17
18 If that doesn't show that there is a need for allocation in the
19 commercial fishery, nobody else -- I mean, there's nothing else
20 you can say. The guy that came up here and said that any one of
21 the sectors in this fishery could catch 100 percent of the
22 allocation is absolutely correct, and so why are we going to
23 shift allocation?

24
25 Let's fix the management problem, and let's get them in a
26 management system that really counts their fish, and let's raise
27 all boats with higher allocations. That is what really needs to
28 be done out here, because there's a lot of fish, and we're not
29 capturing that, because we don't have the data. I hope that
30 you're not too mad that I ran a minute-and-thirty-four seconds
31 over. Thank you for your time.

32
33 **CHAIRMAN FRAZER:** Thank you, Buddy. The next speaker is
34 Patricia Davis, followed by Casey Streeter.

35
36 **MS. PATRICIA DAVIS:** I'm Patricia Davis, and I'm an Alabama
37 resident, and I am not a fisherwoman. I was going to discuss
38 something, actually, that has nothing to do with the federal
39 government. After talking with Fish and Game, I think that I
40 have all the answers that I need, and it had to do with nutria
41 and the red algae, and so, instead, all I can say is do exactly
42 what Buddy and Johnny say to do, and have a wonderful day, and
43 thank you for being here.

44
45 **CHAIRMAN FRAZER:** Thank you, Patricia. The next speaker is
46 Casey Streeter, followed by Mike Jennings.

47
48 **MR. CASEY STREETER:** My name is Casey Streeter, and I'm a first-

1 generation fisherman, and I own three permitted boats, one
2 dually-permitted boat, and I own a fish market, and I'm a
3 shareholder, and I just wanted to step up. It's my first
4 council meeting, and I always follow on the webinars, but it's
5 good to see exactly what happens here and how things are
6 working.

7
8 I'm a little surprised with a few things and talking about
9 reallocation from the commercial to the recreational sector, and
10 I'm really surprised to hear the fact that the need for more
11 fish was evident through over-catching. In southwest Florida
12 and central Florida, we have a massive red snapper population,
13 and no fisherman that I speak with wants to fish destructive,
14 and there's a lot of areas that we avoid, and access to
15 allocation is a major issue.

16
17 With this inability to get the allocation, and because of the
18 price or the connection to receive it, it's detrimental to my
19 business. It's detrimental to my fish market. I mean, owning
20 these boats and not being able to go catch these fish and take
21 them to my market, where we make our real money, it makes our
22 business model not work, especially with red grouper being cut
23 back.

24
25 With the charter side of it, I am definitely in favor of the
26 electronic reporting, and I think accountability in the fishery
27 is very important, and it's how you have the ability to continue
28 with business as usual, and that's why I would like to see more
29 action taken with the recreational sector. They are everyone's
30 fish, but it's everyone's responsibility to do it in a manner
31 that is responsible.

32
33 You see two-and-a-half-million pounds of red snapper coming
34 through Florida in eighteen days, and it's dangerous. I mean,
35 it really and truly is to the population, and, when you look at
36 these landings, from what they've done in the past, and it was
37 really the first time that I had seen the landings from the
38 historical point, and, if it was the commercial sector, first of
39 all, everyone would be out of business. You would have no
40 permits, and there would be no one involved with it, if you were
41 over-catching like that, and it's not the desire to not have
42 people out there fishing, just as long as they're doing it the
43 most responsible way.

44
45 I am not in favor of the call-ins and being set within a certain
46 percentage of the actual call-ins themselves. I call in and
47 report my notification through a satellite phone, and so it
48 gives me about an hour extra to fish, and, some days, that hour

1 makes the day. I mean, when you're fishing, and when you're
2 pulling up to spots, it's like pulling a slot machine. You're
3 just waiting for that right one to catch and make the trip worth
4 it, and so I'm definitely not in favor of that.

5
6 That's all, and I appreciate you guys, and I know this is, after
7 seeing it, a lot of information to take in, and a lot of people
8 talking at you guys, and we're grateful for the good decisions
9 that you make for us. Thank you.

10
11 **CHAIRMAN FRAZER:** Thank you, Casey. The next speaker is Mike
12 Jennings, followed by Bryan Reeves.

13
14 **MR. MIKE JENNINGS:** Hello. My name is Mike Jennings, and I'm a
15 charter boat operator, and I own two federally-permitted charter
16 boats in Freeport, Texas. I am the President of the Charter
17 Fishermen's Association, and I guess the first thing I want to
18 talk about is 41 and 42, and I guess, if you all listen here
19 today, trying -- As a Gulf-wide association, trying to get
20 everybody on one side or the other on that thing is about as big
21 of a stretch as you can imagine.

22
23 The discussion from the association last night was to basically
24 -- Our stance is we would like to see the council back up.
25 Another word today was "postpone" 41 and 42, and there is some -
26 - There is a couple of questions that are still out there, and
27 one of them is why we haven't moved forward with the same
28 multispecies approach on 41 that we currently have in 42 and to
29 work on some other things that would bring the 41 sector, or the
30 sub-sector under 41, up to a position and an ability to work on
31 an even playing field as we move forward with these two
32 amendments.

33
34 We iterate that we would still like to see the sunset removed
35 from Amendment 40, and I think that's probably what drives this
36 haste, when it comes to some of these other amendments, is this
37 death sentence, as we see it, looming over our heads, and it's
38 silliness. Moving and trying to do something in a hurry,
39 because you're got an industry under the gun, or under your
40 thumb -- Let them out from under that sunset and let everybody
41 back up and breathe and think a minute, and maybe we'll
42 accomplish something that actually works for all of us.

43
44 On Amendment 50, we're pretty clear that we would like to see
45 the charter boats, federally-permitted charter boats, left out
46 of state management, although we support that amendment wholly,
47 and we would like to see you all come up with something that
48 works a lot better for the private recreational angler, and I

1 think 50 can do it.

2
3 I think you all proved it, to a point, and there were some
4 mistakes made throughout the first year of the EFP, but they
5 weren't catastrophic mistakes. They were a few stumbling blocks
6 that we will all learn from, and even the states will learn
7 from, and I think they did a better job in year-two.

8
9 We would like to see you all move forward with the historical
10 captains permits and make those fully-transferable permits.
11 It's a small handful of guys. Among the biggest majority of
12 them are fishing right beside us every day, and I actually have
13 two in my port that I see almost daily on the water, and give
14 them that opportunity for that transferable permit or a transfer
15 to their children in the future that they worked hard to
16 maintain, so it's just not a worthless paper, and that would be
17 nice.

18
19 I guess that's about it. The only issue I've got is we would
20 like to ask the council to, and you heard some testimony on it
21 today too, is to move forward with the removing that crew size
22 limit on the dual-permitted vessels. I am personally not a
23 dual-permitted vessel, but we've got a few in our association,
24 and we see it as nothing more than an antiquated rule that has
25 no biological or enforcement reasoning behind it under today's
26 IFQ fishery. Other than that, I appreciate you all's time, and
27 thank you for having me.

28
29 **CHAIRMAN FRAZER:** Okay, Mike. We've got a question from Kevin.

30
31 **MR. ANSON:** Thank you, and thanks, Mike, for coming. You
32 mentioned that there were some mistakes made in the EFP, and can
33 you elaborate on what those mistakes were.

34
35 **MR. JENNINGS:** I guess what I meant by that was I've been
36 hearing about some coming close to overfishing some allocations
37 here or there or things along those lines. If I misspoke on
38 that, then maybe I am --

39
40 **MR. ANSON:** All right. Thank you. For Alabama, we overshot it,
41 but we --

42
43 **MR. JENNINGS:** I know that I looked at you too, and that wasn't
44 a personal shot, I promise.

45
46 **MR. ANSON:** We closed the season early, based on information,
47 and so we were trying to be accountable.

48

1 **MR. JENNINGS:** I meant that as I think we'll all learn from
2 that, and we'll do a better job on it next year, we as in all of
3 us involved in this fishery. Thanks, Kevin.

4
5 **CHAIRMAN FRAZER:** Thank you, Mike. The next speaker is Bryan
6 Reeves, followed by Bud Miller.

7
8 **MR. BRYAN REEVES:** I am Captain Bryan Reeves, owner and operator
9 of Wild Orange Charters, which is an uninspected six-passenger
10 vessel here in Orange Beach, Alabama, located at Zeke's Landing.
11 I am in support of state management for the recreational
12 anglers, private recreational anglers, and, with that being
13 said, I think Mississippi's program, in my opinion, works the
14 best.

15
16 I may be wrong, but I think it was 97 percent of the anglers
17 reported their fish, and so their system actually works. I
18 think the issue with the Alabama state system is people are
19 going out there fishing, but they're not being held accountable.
20 They don't have to report their fish, and, obviously, the way
21 Mississippi is working, they are not allowed to go back out on
22 the water until their fish from the previous trip are actually
23 reported.

24
25 Now, with that being said, I am also in support of the
26 federally-permitted charter boats being left out of state
27 management. I would like to be managed under the federal side
28 of.

29
30 As far as Amendment 41 and 42, I think that should hold off on
31 that until more of the electronic logbook and more data is
32 taken. Last year, during snapper season, I ran ninety-four
33 trips on my boat, ninety-four snapper trips. If those fish were
34 divided up equally, I would be done in a week, and so I am not
35 in favor of that whatsoever, of 41, and I think 42 should hold
36 off until we have historical data with these logbooks. That is
37 the key, being able to prove what we're catching, not just for
38 red snapper, but for every species.

39
40 Also, I think that the five species should be included in that,
41 the 41 and 42, the snapper, trigger, amberjack, and gag grouper
42 and red grouper, and, also, the last thing, and not the least,
43 is the historical captains. I think those guys deserve to have
44 those permits changed from historical to their boat, just for
45 the reason of their kids.

46
47 I've got five kids myself, and three of those five kids are
48 looking at following in my footsteps, and, if I had a historical

1 license, then, when my oldest child was old enough and able to
2 run my vessel, he wouldn't be able to, and so that's pretty much
3 it, and I appreciate it, guys.

4
5 **CHAIRMAN FRAZER:** Thank you, Bryan. We've got a question from
6 Kevin Anson.

7
8 **MR. ANSON:** Hi, Bryan. Thanks for coming and giving your
9 testimony. Just to follow back up on the reporting system for
10 Alabama, the Snapper Check, you're right that we don't have 100
11 percent reporting. It is mandatory, and we've been enforcing
12 that mandatory reporting requirement, and that mandatory
13 reporting requirement is for all recreational vessels, and so,
14 last year, we estimate that about 40 percent of the private
15 recreational vessels were reporting, but it was somewhere around
16 50 percent for charter boats too, and so, if you could help get
17 the word out and make sure the charter boats are reporting too,
18 that would help make that system better. Thank you.

19
20 **MR. REEVES:** I appreciate it, and you're right. You're
21 absolutely right that we need the numbers higher, definitely. I
22 appreciate it. Thank you.

23
24 **CHAIRMAN FRAZER:** Thank you, Bryan. The next speaker is Bud
25 Miller, followed by Brad Gorst.

26
27 **MR. BUD MILLER:** I will be brief. I am Bud Miller from Fish and
28 Game Scales out of Destin, Florida, and I'm the one that came
29 with the fish scale for recreational anglers to start weighing
30 their fish. I just wanted to give you some real quick
31 information, I believe, and some need.

32
33 Last year, two states estimated their harvest of red snapper at
34 2,997,024 pounds of red snapper harvested in two states. Out of
35 these two states, through the Freedom of Information Act and
36 information they have published on the internet, the states
37 reported that they weighed 11,974 pounds of red snapper, and
38 that's 0.003 percent of the fish that were harvested in those
39 two states.

40
41 We can do better with best available data. We can do better.
42 Get them to hail-out and weigh-in, and we will capture
43 everything you need with the hail-out and then weigh-in. Thank
44 you.

45
46 **CHAIRMAN FRAZER:** Thank you, Bud. The next speaker is Brad
47 Gorst, followed by Richard Fischer.

48

1 **MR. BRAD GORST:** Thanks for letting me speak today. My name is
2 Brad Gorst, and I'm from Clearwater, Florida. I manage two
3 federally-permitted, dual-permitted charter boats in our marina
4 in Clearwater.

5
6 I would like to start out by saying that I'm in favor of the
7 Amendment 50 for the recreational fishery and keep the federal
8 for-hire boats out of it. I would like to see the sunset
9 removed and remove the crew size limit.

10
11 The historical captains permits, convert them all, for
12 consistency and administrative purposes, and it helps everybody
13 out. I, for one, have been in the business for a long time,
14 fishing under other permits, and I am one of the historical
15 permits that has been enacted before the end of this last
16 calendar year, and so I would like to be part of the rest of the
17 guys that got it. I have not enacted it as an insurance policy,
18 just in case something happens.

19
20 Let's get the ELBs moving in high gear. There is no reason to
21 let them sit around. Let's get them going and get some Nitrous
22 oxide on them. The 9 percent buffer is good, and it gives us a
23 little bit of a safety net, but it lets us fish to the maximum
24 capacity.

25
26 Being dual-permitted, I'm not too crazy about the idea of
27 reallocation. Again, I am managing, and there's another thing.
28 I just bought a bunch of quota this last year of red grouper,
29 and I mortgaged my house, which was paid for, and my cars were
30 paid for, and my kids are out of school, and so I could finally
31 afford to start doing this stuff.

32
33 In a sense, I'm a new entrant, but I'm a historical entrant, and
34 I have just now put my money up, and I haven't built a boat yet,
35 like somebody that didn't have quota earlier. I am going to buy
36 my quota first and then build the boat. It's just my business
37 model and the way I think it should be.

38
39 I don't really see the reason for reallocation. Don't penalize
40 the program and the players that look to be responsible and
41 staying within that program, and, if you think about it, all the
42 resource in the commercial fishery and all the resource in the
43 for-hire fishery ends up where? 100 percent of it ends up in
44 the general public. They take all the fish home when they go on
45 charters. They take all the fish home from the restaurant, and
46 they take all the fish home from the fish markets, all over this
47 country.

48

1 They represent that percentage of the people, that the private
2 recreational anglers represent, and they represent the people
3 that live on the coast. The commercial industry and the for-
4 hire industry, we represent thirty to forty-million possible
5 customers, and think about that ratio. I will leave it with
6 that. Thank you.

7
8 **CHAIRMAN FRAZER:** Thank you, Brad. The next speaker is Richard
9 Fischer, followed by Lisa Schmidt.

10
11 **MR. RICHARD FISCHER:** Good afternoon. Richard Fischer here, and
12 I'm the Communications Manager of the Louisiana Charter Boat
13 Association. Thank you, all, for having me here this afternoon.
14 I am here once again to ask you all to consider the options for
15 states to be allowed to manage its federally-permitted sector in
16 state management.

17
18 You know, among the many concerns we've heard is that the
19 majority of captains in the whole Gulf, or in some states, might
20 not want state management, and, yes, that could be true, and so
21 our proposition to maybe alleviate that and make it a pretty
22 democratic process is for the council to re-word any final
23 preferred that becomes whatever it becomes to say that
24 federally-permitted charter operators from each state will be
25 able to have a vote to decide if they want to be included or
26 not.

27
28 It's kind of a mini referendum, where we think that's a pretty
29 fair compromise, and it will not force any state into anything
30 that they don't want, and it will allow states to do what they
31 do want.

32
33 Among some of the other concerns for the federally-permitted
34 charter sector being in state management, we've heard that it
35 will be difficult to know what state the charter captains are
36 landing in. You know, we've heard a lot about private anglers
37 having different rules in different states, because we're
38 obviously going to have different seasons in the private
39 recreational piece of this, and so, if that's the case, why is
40 that a completely different scenario than if the rest of the
41 Gulf is federally-managed, but Louisiana is under state control?

42
43 We are kind of a bit confused as to why that's the reason there,
44 but, if that is an issue, you all have been talking about these
45 endorsements, and that's a wonderful solution that we think
46 would alleviate that concern.

47
48 We have also heard that NOAA Fisheries cannot prohibit

1 federally-permitted charter guides from fishing in the
2 federally-set season if their state-managed season is closed,
3 and this is true, but we have shown in Louisiana in the last few
4 years, and, fortunately, we have struggled to reach our quota,
5 and, therefore, the dates could be concurrent, and that's a
6 pretty easy solution there, we believe, for the State of
7 Louisiana.

8
9 We have heard the different rules for captains from different
10 states wouldn't be fair and equitable, and, you know, I think
11 our response in Louisiana would be that it's not really fair to
12 us that in other parts of the Gulf that they can take two and
13 three trips per day for red snapper.

14
15 In Louisiana, we can't do that, and so we feel like that's not
16 fair and equitable, and, when you rally break down the numbers,
17 that is what is causing the days to be what they are. It's the
18 multiple trips that they can take that we can't take that is
19 causing us to have fewer days and reach a smaller percentage in
20 Louisiana.

21
22 I have got several others that I've got to address, but I've
23 only got thirty seconds left, and I do want to go ahead and
24 touch on something that is very, very important. With the
25 government shutdown, I've gotten some calls from federally-
26 permitted guides who are concerned that their permits are
27 expiring or did expire during the federal shutdown, and I think
28 there's a lot of confusion out there as to like what that means.

29
30 Are these captains at risk of losing their permits, or is it
31 possible that, if it expires, are they going to be able to go
32 out and fish? I know this shutdown is not what you all wanted,
33 and it's not you all's fault, but I do think that it would be
34 good to put out some kind of education to captains saying, okay,
35 this is what is going to happen when there is a federal
36 shutdown, and this will give you peace of mind to know that
37 you're not going to be operating illegally and that you're not
38 at risk of losing your permit.

39
40 **CHAIRMAN FRAZER:** Thank you, Richard.

41
42 **MR. FISCHER:** All right. Thank you, all, very much.

43
44 **CHAIRMAN FRAZER:** The next speaker is Lisa Schmidt, followed by
45 Chad Haggert.

46
47 **MS. LISA SCHMIDT:** Good afternoon, council. Thank you for
48 allowing me to speak. I am Lisa Schmidt, and I own three

1 commercial longline vessels out of Madeira Beach, Florida. I
2 took over in 2015, when my husband passed away, and we've been
3 talking about red snapper, red snapper, red snapper, and I'm
4 kind of sick of that, and I want to talk about red grouper and
5 the lack of.

6
7 Anyway, regarding 36B, please remove Action 4. Requiring
8 fishermen to be within a percentage of their hail-in estimate
9 punishes an entire industry just because of a few bad apples.
10 Please focus on the few bad apples and find them. The
11 commercial industry already has strict reporting requirements, a
12 three-hour-hail-in requirement, and they have to notify law
13 enforcement when they come to the dock.

14
15 In the interest of fairness, law enforcement then should also
16 come to every recreational fishermen's offload, and imagine
17 that. Instead of spending time trying to find a good way to
18 punish good fishermen, focus instead of improving recreational
19 data.

20
21 Reallocation, why is it being discussed? The commercial sector
22 has consistently stayed within its quota. Reallocation would
23 not only impact current fishermen, but it will also make things
24 more difficult for the next generation of commercial fishermen,
25 as if it isn't already difficult.

26
27 Reallocation also will make things harder for fishermen in the
28 eastern Gulf, and it will increase red snapper discards, and we
29 already are having it difficult, because we aren't getting the
30 red grouper that we did three years ago.

31
32 I hope that you will all listen seriously to Sean Heverin's
33 story, because he is a young fisherman who has worked very hard
34 to get where he is, and he wants to continue working hard to
35 provide fish for people to eat, fish for restaurants, so
36 everyone can have fish, and I also hope that you listen to Jay
37 Mullins' story, because what he said is correct, that the red
38 snapper has taken over the eastern Gulf. Thank you.

39
40 **CHAIRMAN FRAZER:** Thank you, Lisa. The next speaker is Chad
41 Haggert, followed by Blakeley Ellis.

42
43 **MR. CHAD HAGGERT:** Good evening. I'm Chad Haggert, owner and
44 operator of Double Eagle Deep Sea Fishing in Clearwater,
45 Florida. I will make it short and sweet. Most everybody here
46 knows what my feelings are and what I support, but I will touch
47 real quick first here on the red grouper. I sent in the survey
48 that went out.

1
2 In my view, fishing for red grouper off of Clearwater has
3 declined, and what is even more scary is, without catching the
4 legal-sized fish, I am not seeing near the number of juvenile
5 fish.

6
7 A few years ago, on an eight-hour trip, we might throw back
8 seventy-five or a hundred twelve to sixteen-inch red grouper,
9 and I think we may get six or eight on most trips now, and so
10 there is definitely something going on with those. Certain
11 pockets of the Gulf off of Clearwater, pieces of bottom, will
12 hold some fish, but it's nothing like what it was, and so there
13 is definitely something happening with that.

14
15 Amendment 41 and 42, I think they both should move forward, and
16 I believe that 42 should be put forward to a referendum, and I
17 believe we are ready, or close to being ready, for that. I know
18 there has been talk that they want to get logbooks up and going
19 for 41, and I agree that if that happens that you're going to
20 see a ramp-up in effort, and there was discussion a couple of
21 years back in the joint AP meeting in New Orleans about just
22 that.

23
24 My comment at that point was, if that's what you want to do,
25 then I'm going to take my two permits that hold a hundred people
26 and seventy-five people, and I'm going to fish the hell out of
27 them, and we're catching them in fifty and sixty feet off of
28 Clearwater now.

29
30 I don't need that many fish, and I was a participant in the
31 Headboat Collaborative, and I had allotted to me 750 to 800 red
32 snapper, and I increased my trips in the times of the year where
33 the demand was there for my customers, and it helped bring my
34 slow months up even with the rest of my months, where I got a
35 season. In June, there are people that like to fish the four to
36 eight-hour trips, and I don't have to run the long trips.

37
38 There is a lot of talk that they don't think we have the votes
39 in the headboat industry, and I say put it forward to a
40 referendum and let's get the votes, and, if we don't have it, we
41 can start working on something else. Thank you.

42
43 **CHAIRMAN FRAZER:** Thank you, Chad. The next speaker is Blakeley
44 Ellis.

45
46 **MR. BLAKELEY ELLIS:** My name is Blakeley Ellis, and I'm the
47 Executive Director for CCC Alabama. I will be even shorter and
48 sweeter and to the point. I just wanted to thank all of you at

1 the table here, the council and the staff, for all the hard work
2 that you all have put into Amendment 50. I can tell you that's
3 what our members and the recreational anglers now want, and
4 they've been asking for, and it's nice to see some progress on
5 that, and just keep up the good work. Thank you.

6
7 **CHAIRMAN FRAZER:** We've got a question for you, Blakeley.

8
9 **MR. BANKS:** Did you guys have any discussion within your
10 organization here in Alabama about your thoughts on keeping
11 charter/for-hire in or out of Amendment 50?

12
13 **MR. ELLIS:** We have, but I think it's pretty clear that the
14 charter folks in Alabama don't want to be part of it. You know,
15 I wouldn't make a statement on that, as far as an organization.

16
17 **CHAIRMAN FRAZER:** Okay. Thank you, Blakeley. I am going to
18 give one final call for Chris Garner. Is Chris Garner in the
19 room? Okay. I guess we're done with our public testimony, and
20 I want to thank everybody for being patient and allowing
21 everybody the time to speak, and we will see you guys tomorrow.
22 For those on the council, we're going to have a closed session.
23 It's 5:16. We all need a break, and so we'll meet in here at
24 5:30.

25
26 (Whereupon, the meeting recessed on January 30, 2019.)

27
28 - - -

29
30 January 31, 2019

31
32 THURSDAY MORNING SESSION

33
34 - - -

35
36 The Full Council of the Gulf of Mexico Fishery Management
37 Council reconvened at the Perdido Beach Resort, Orange Beach,
38 Alabama, Thursday morning, January 31, 2019, and was called to
39 order by Chairman Tom Frazer.

40
41 **COMMITTEE REPORTS (CONTINUED)**

42 **SHRIMP COMMITTEE REPORT**

43
44 **MS. BOSARGE:** Thank you, Mr. Chairman. The Shrimp Committee
45 Report, the committee adopted the agenda and approved the
46 minutes.

47
48 Draft Shrimp Amendment 18, Evaluation of Shrimp Effort Threshold

1 Reduction in the Area Monitored for Juvenile Red Snapper
2 Bycatch, staff presented the document to the committee. It has
3 been determined that this document is a categorical exclusion,
4 and so the format is slightly different than what the committee
5 typically sees.

6
7 The first action would modify the effort threshold on the shrimp
8 fishery in the area monitored for juvenile red snapper bycatch,
9 Statistical Zones 10 through 21, depths ten to thirty fathoms.
10 The committee discussed Option b of 60 percent and Option c of
11 56 percent.

12
13 **The committee recommends, and I so move, in Action 1, to make**
14 **Option b the Preferred. Action 1 is Adjust the Target Reduction**
15 **Goal for Juvenile Red Snapper Mortality in the Federal Gulf of**
16 **Mexico Shrimp Fishery in Statistical Zones 10 through 21 in the**
17 **ten to thirty-fathom depth zone. Option b is modify the target**
18 **reduction goal for juvenile red snapper shrimp trawl bycatch**
19 **mortality on red snapper from 67 percent less than the benchmark**
20 **years of 2001 to 2003 to 60 percent.**

21
22 **CHAIRMAN FRAZER:** Okay, and so we've got a committee motion on
23 the board. Is there any discussion about the motion? **Is there**
24 **any opposition to the motion? Seeing none, the motion passes.**

25
26 **MS. BOSARGE:** Staff reviewed Action 2, which modifies the shrimp
27 FMP framework procedure. Two changes are highlighted, allowing
28 a change in the ABC via abbreviated framework and allowing
29 changes in the effort threshold via framework procedure. Staff
30 noted that the inclusion of the abbreviated framework ABC was
31 pulled from the Generic ACL Carryover document and put into this
32 document, since it is a shrimp document.

33
34 **The committee recommends, and I so move, n Action 2, to make the**
35 **Option the Preferred. Action 2 is Revise the Shrimp FMP**
36 **Management Measures Framework Procedure. The option is to**
37 **revise the Shrimp FMP Management Measures Framework Procedure to**
38 **allow changes to the target effort reduction goal for juvenile**
39 **red snapper mortality through the standard open framework**
40 **documentation process. Modify the abbreviated documentation**
41 **process to allow specification of an ABC recommended by the**
42 **council's Science and Statistical Committee based on results of**
43 **a new stock assessment and using the ABC control rule.**

44
45 **CHAIRMAN FRAZER:** Okay. Again, we have a committee motion on
46 the board. Is there any further discussion on this motion?
47 Okay. **Is there any opposition to the motion? Seeing none, the**
48 **motion carries.**

1
2 **MS. BOSARGE:** Staff will conduct a webinar to collect public
3 comments on this document following the Shrimp AP meeting on
4 March 21, 2019. Mr. Chair, this concludes my report.

5
6 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. We are going to head
7 on now, I believe, to the Sustainable Fisheries Committee and
8 Mr. Diaz.

9
10 **SUSTAINABLE FISHERIES COMMITTEE REPORT**

11
12 **MR. DIAZ:** Thank you, Mr. Chair. The Sustainable Fisheries
13 Committee Report, the committee adopted the agenda and approved
14 the minutes.

15
16 Presentation on Update on Deepwater Horizon Open Ocean
17 Restoration Planning, Mr. Fraga presented information on the
18 Saltonstall-Kennedy Grant Program. Committee members requested
19 information on how studies are funded, if the proportion of the
20 funds generated in a specific region were used for studies in
21 that region, and how much discretion the chair of the selection
22 committee has in determining which studies are funded. Staff
23 noted that there is a link to the studies that were funded in
24 the past.

25
26 Draft Replacement of Historical Captain Permits with Standard
27 Federal For-Hire Permit, staff presented a revised document
28 considering the replacement of reef fish and CMP historical
29 captain permits with the standard federal for-hire permits.

30
31 Staff noted that, as directed by the council, only historical
32 captain permits issued prior to the October 2018 meeting would
33 be eligible for replacement with standard permits. Outstanding
34 letters of eligibility will be invalid as of the implementation
35 date of this action. A newly-issued standard for-hire permit
36 would have the same permit passenger capacity as the permit it
37 would replace.

38
39 Dr. Crabtree noted that, for historical captains who do not own
40 a vessel and are unable to acquire one, the mandatory
41 replacement of their historical captain permits with standard
42 for-hire permits could cause a hardship. Staff indicated that
43 this action is scheduled for final action in April 2019.
44 Discussion and Selection of Allocation Review Triggers --

45
46 **CHAIRMAN FRAZER:** Sorry, Dale. Mara.

47
48 **MS. LEVY:** Related to that idea that we're probably still going

1 to have historical captain permits, because at least one, I
2 think, application has come in since October of 2018, and that
3 the mandatory replacement of the historical captain permit with
4 a regular permit might create hardship for those historical
5 captains that don't have a vessel and don't have one available
6 to put that permit on, did you want to consider making that
7 optional, so they have some time to choose those -- I think it's
8 thirty-two permits that we're considering, that those people
9 have some amount of time to choose whether they want to keep the
10 historical captain permit or make it a regular permit.

11

12 **CHAIRMAN FRAZER:** Ms. Gerhart.

13

14 **MS. GERHART:** We have additional information that we've gotten
15 about the ownership of vessels, just so you know. There are
16 nine vessels where the owner is not the same -- The vessel isn't
17 owned by the person who is the permit holder. However, of
18 those, five of them, the corporation owns the vessel, and the
19 person is like the president of the corporation or the major
20 stockholder, and so that really leaves just four vessels, one of
21 which the owner has the same last name, and so we assume there
22 is some sort of relationship there.

23

24 In the end, there are three historical captain permits that are
25 associated with vessels that are not owned by the permit holder
26 in any manner, and that's just so you know the magnitude of
27 where we are with that.

28

29 **CHAIRMAN FRAZER:** Ms. Bosarge.

30

31 **MS. BOSARGE:** A kind of related question. For those permits, is
32 it similar to some of our other moratorium permits, where you
33 can put it on anything? I mean, you can put it on a johnboat if
34 you want to, and so the second question is, if you did that
35 though, and you put it on whatever little boat you might have,
36 do you then though have to abide by all the reporting
37 requirements? Would you have to put the ELB on the johnboat and
38 have it working with the VMS and everything? Okay. All right.
39 I'm just wondering.

40

41 **CHAIRMAN FRAZER:** Is there any more discussion on this issue?
42 Okay. Go ahead, Dale, and continue.

43

44 **MR. DIAZ:** At this point, can we put the preferred alternative
45 up on the board and see if we can modify that, because I would
46 like to make it optional for the folks, if possible.

47

48 **CHAIRMAN FRAZER:** Assane.

1
2 **DR. ASSANE DIAGNE:** Thank you, Mr. Chair. I think, during the
3 discussion of this agenda item, we mentioned that this is an
4 abbreviated framework, and it's a categorical exclusion, and so
5 we don't really have preferred alternatives, and so, if the
6 council wanted to consider a modification to make this optional,
7 you would just tell us, essentially, and the text will reflect
8 that, and so there is no alternatives, per se, in the document,
9 as we motioned in the past.

10
11 **MR. DIAZ:** In that case, I would like to make a motion to make
12 the -- I am trying to think of the right word, but the
13 replacement of the permits optional.

14
15 **CHAIRMAN FRAZER:** While that is going up on the board, Sue.

16
17 **MS. GERHART:** Just for clarification, our intention was this was
18 like a one-time thing, and so, if this is optional, you're
19 saying those people, if they opt to retain their historical
20 captain permits, that would be it, and they couldn't come in
21 next year and say I've decided now that I want to convert it,
22 and is that what you mean by this or not, just to be clear?

23
24 **MR. DIAZ:** That would be my intention, for it to be a one-time -
25 - To make the replacement of the historical captain permits with
26 standard for-hire permits optional at the first opportunity to
27 renew the permit, and would that do it?

28
29 **CHAIRMAN FRAZER:** Roy, did you want to weigh-in on this?

30
31 **DR. CRABTREE:** Yes, and my thought on how we would work this
32 would be so the final rule publishes and then becomes effective,
33 and we would say in it that historical captains have until X
34 date to notify the Fisheries Service of whether they want this
35 permit or keep the historical captain, and, if they fail to
36 notify us, they would -- We would, by default, do one or the
37 other with them, but, if they notify us that they want to keep
38 the historical captain, then that's it. They have got it, and
39 it can't be converted, and that's what they have, but I would
40 think we would put some date in there by which they had to make
41 a decision.

42
43 **CHAIRMAN FRAZER:** Ms. Gerhart.

44
45 **MS. GERHART:** Assane just reminded me that, in the document, it
46 does say that they would have two years to get a vessel to put
47 the permit on, and so that's actually in there.

1 **CHAIRMAN FRAZER:** Okay, and so the motion on the board is Dale
2 wants to remove the highlighted part at this point, and is that
3 the motion that you want to go with, Dale?

4

5 **MR. DIAZ:** Yes, sir.

6

7 **CHAIRMAN FRAZER:** Okay. Is there a second for that motion?
8 It's seconded by Mr. Swindell. Is there any discussion on the
9 motion? **Seeing none, is there any opposition to the motion?**
10 **There is no opposition to the motion, and the motion carries.**
11 Ms. Bosarge.

12

13 **MS. BOSARGE:** Did we have a discussion also, I think, during
14 committee where there was like one more letter than had been
15 requested, and I guess this is for you, Roy, but I vaguely
16 remember something about there was one more letter that you all
17 had received to change that, and there's this letter that gets
18 switched over to this historical captain permit, and you had
19 received one of them, but, obviously, you all had been closed,
20 and so we haven't been through the mail in about a month, and
21 can we talk about that and how that's treated right now in our
22 document or if we need to do something with this or not?

23

24 **CHAIRMAN FRAZER:** Dr. Crabtree.

25

26 **DR. CRABTREE:** Yes, you're correct that there was one captain
27 who has a historical captain's letter that came in after the
28 October deadline in the amendment, and he wants to apply. Now,
29 there is a bunch of mail in the permits shop, and it could be
30 there is another letter or two in there, and I don't know at
31 this time, but I do think that one thing you need to think about
32 is, if we get to whenever we take final action, and there is
33 only one permit out there, do you want to just go ahead and let
34 him in, and, if you did that, then, if the rest of these
35 historical captains took the option of getting a regular permit,
36 then the historical captain's permit would be gone and off the
37 books, which would be the cleanest way, and it does seem to me,
38 regardless of the problem with the boat, that, if you've got a
39 historical captain's permit, I would think that you're going to
40 want to get a transferable permit that has value to it and deal
41 with the boat issue somehow.

42

43 **CHAIRMAN FRAZER:** Ms. Bosarge.

44

45 **MS. BOSARGE:** I think that's the cleanest way to handle it, too.
46 In order to handle it that way, do we have to have a motion
47 right now, because I have no idea what that motion would say.

48

1 **CHAIRMAN FRAZER:** Ms. Levy.

2
3 **MS. LEVY:** I mean, if you're going to decide -- If you want to
4 decide now that you're going to give anybody who submits a
5 letter, up until you take final action, a regular permit, I
6 mean, I guess you can decide that now, and we did have a lot of
7 discussion at the October meeting about whether that's what you
8 wanted to do, meaning the basis for this whole action was there
9 were these thirty-two people who had these permits for at least
10 -- I think the most recent one was maybe three years ago, but a
11 lot of them for a long time.

12
13 The whole idea of giving them the regular permit, and we
14 specifically said that nobody else is going to be allowed,
15 because you didn't sort of want people to speculate and come in
16 and get their permit and never had it and then get a regular
17 permit.

18
19 You obviously have the option to change your mind on that, but
20 just know that, if you say that, that you are willing to give
21 anyone who turns in their historical captain letter a regular
22 permit, you could have up to I believe it was sixty-some people
23 come in, and I think we had sixty letters or something like that
24 outstanding, but that's your decision.

25
26 **CHAIRMAN FRAZER:** Dr. Crabtree.

27
28 **DR. CRABTREE:** Could we though, Mara, say -- I mean, today is
29 January 31. Could we say that anyone who has come in prior to
30 January 31 is in? That would preclude the rest of these sixty
31 permits from coming in, and it would let the one guy who has
32 come in, and maybe there are a couple more in the mail, and we
33 could choose some other date.

34
35 I get that we had the discussion and all of that, but I'm trying
36 to balance that, yes, our intent was the people who were fishing
37 would get one of these, and so there's that, but, if it's just
38 one captain who gets one, I am balancing the benefit of cleaning
39 up the permits system and taking one off the books, and so
40 there's an administrative gain for us by doing that, and it
41 seems to me that there's relatively little downside to one guy
42 that got a permit, and so I'm trying to balance those kinds of
43 things.

44
45 **MS. LEVY:** But what we said is the letters of eligibility are
46 valid until the final rule is effective, and so you could make
47 January 1 the cutoff date and include this one guy and anybody
48 who came in with it, but you could still have people that come

1 in from January 1 to the effective date of the final rule and
2 get a historical captain permit, and so, unless you're going to
3 say that anybody who comes in with the letter prior to the
4 effective date of the rule is going to get the regular permit,
5 then you can't effectively ensure that there are going to be no
6 historical captain permits.

7

8 **DR. CRABTREE:** Okay.

9

10 **CHAIRMAN FRAZER:** Ms. Bosarge.

11

12 **MS. BOSARGE:** Just one final question. When we did all of this,
13 obviously this is an open and public meeting, and so, if they
14 were listening in and they followed the Gulf Council, they would
15 have known what was going on, but those people with those
16 letters -- Obviously we know who they are, because we know how
17 many letters there were, but did we send any kind of
18 notification to those people to let them know what we were going
19 to do?

20

21 **CHAIRMAN FRAZER:** Ms. Levy.

22

23 **MS. LEVY:** Well, no, because those letters are from the 1990s,
24 and so we don't have any mechanism to know that those addresses
25 are the same and that we would be reaching the people, and so
26 our notice is the discussion here, and we're going to publish
27 it.

28

29 The whole reason we said that you have up until the effective
30 date of the final rule is because they get notice, through the
31 proposed rule process, that this is happening, and they have up
32 until the effective date of the final rule to turn those letters
33 in for the historical captain's permits that they said they are
34 entitled to.

35

36 **CHAIRMAN FRAZER:** Okay. Is there any further discussion on this
37 issue? Seeing none, carry on, Dale.

38

39 **MR. DIAZ:** Discussion and Selection of Allocation Review
40 Triggers, staff gave a presentation on the fisheries allocation
41 review policy and the procedural directive on triggers for
42 initiating allocation reviews. Staff described the steps
43 included in the adaptive management process recommended by the
44 policy and reviewed Gulf allocations subject to the policy.

45

46 Staff discussed a draft letter outlining potential review
47 triggers for Gulf allocations. Allocation review triggers
48 suggested including time-based triggers and public-interest-

1 based triggers that would utilize the council's public comment
2 process.

3
4 Committee members discussed the use of indicator-based criteria.
5 Staff indicated that the use of public-interest-based triggers
6 would include the consideration of relevant social, economic,
7 and ecological indicators as an intermediate step before
8 determining whether an allocation review is triggered.

9
10 Committee members indicated that the draft letter should include
11 a detailed discussion of indicator-based criteria. Committee
12 members also requested that a table providing the time intervals
13 for the time-based criteria be added to the letter. Staff will
14 revise the draft letter to reflect the comments made by the
15 committee.

16
17 **CHAIRMAN FRAZER:** Excuse me, Dale. Robin, did you have a
18 question?

19
20 **MR. RIECHERS:** Well, I do, because we got shared a draft, a re-
21 draft, of the letter, and I have some concerns that it didn't
22 quite get as far as we thought, and so, with that, I'm wondering
23 if we're going to see it again in April.

24
25 **CHAIRMAN FRAZER:** Yes, the intent is to bring it back in April.

26
27 **MR. DIAZ:** Public Hearing Draft Generic Amendment, Carryover of
28 Unharvested Quota, staff answered questions about the nuances of
29 each of the options in Alternative 2, noting that the committee
30 could select more than one option as preferred. The committee
31 identified which species would be affected by which option in
32 Table 2.1.2, with staff noting that the commercial IFQ
33 components of the eligible species were excluded by the council
34 at a previous meeting.

35
36 Staff clarified that, if Option 2e was not selected as preferred
37 and a species managed under apportionment with the South
38 Atlantic Fishery Management Council, such as yellowtail snapper,
39 mutton snapper, or black grouper, was managed in the Gulf with
40 sector allocations in the future, the SAFMC would need to agree
41 to any carryover for those species.

42
43 This would remove the automation of the carryover process for
44 these species, but it would also keep these species eligible for
45 a carryover if they were managed with sector allocations in the
46 future.

47
48 **Without opposition, the committee recommends, and I so move, in**

1 Action 1, to make Options 2b and 2c in Alternative 2 the
2 preferred options. Alternative 2 is establish a carryover
3 provision for managed reef fish and CMP stocks. Carryover
4 provisions apply to stocks and stock complexes with sector
5 allocations. Unused portions of the sector ACLs for species
6 managed under a catch share program are excluded from carryover
7 provisions. Carryover provisions would not apply to the unused
8 portion of the ACL for managed reef fish or CMP stocks/stock
9 complexes. Option 2b is which are currently overfished. Option
10 2c is which did not have their fishing year closed as a result
11 of the ACL or quota being met or projected to be met.
12

13 **CHAIRMAN FRAZER:** Okay, and so we have a committee motion on the
14 board. Is there any further discussion on this motion? **Seeing**
15 **none, is there any opposition to the motion? No opposition, and**
16 **the motion carries.**
17

18 **MR. DIAZ:** Many species managed by the council have narrow
19 buffers between the acceptable biological catch (ABC) and the
20 overfishing limit (OFL) and no buffer between the annual catch
21 limit (ACL) and the ABC.
22

23 If, in a carryover year, the carryover increases the ABC equal
24 to the OFL, and then the OFL is exceeded, overfishing will be
25 assumed to have occurred. Fixing the amount by which the buffer
26 between the ABC and OFL can be reduced prevents overfishing on
27 an annual basis when the ABC is affected by a carryover.
28

29 **The committee recommends, and I so move, in Action 2, to make**
30 **Option 2b in Alternative 2 the preferred option. Alternative 2**
31 **is adjust the amount of the ACL to be carried over into the**
32 **following fishing year by limiting how much the difference**
33 **between the ABC and the OFL can be reduced. Option 2b is the**
34 **difference between the ABC and the OFL can be reduced by 50**
35 **percent.**
36

37 **CHAIRMAN FRAZER:** Okay, and so we have a committee motion on the
38 board. Any further discussion on the motion? **Any opposition to**
39 **the motion? Seeing none, the motion carries.**
40

41 **MR. DIAZ:** Staff summarized the alternatives in Action 3.
42 Alternative 2 allows the carryover provision to be automated
43 through the closed framework procedure, reducing the amount of
44 time needed to apply the uncaught harvest from the previous
45 fishing year over to the following fishing year.
46

47 Alternative 3 allows the ABC to be specified in an abbreviated
48 framework procedure, as opposed to through the traditional open

1 framework procedure along with an ACL modification, following an
2 ABC recommendation from the Scientific and Statistical
3 Committee.

4
5 Alternative 4 amounts to administrative efficiency gains across
6 multiple fishery management plans, making their language,
7 format, and in and post-season accountability measures
8 consistent.

9
10 **The committee recommends, and I so move, in Action 3, to make**
11 **Alternative 2 the preferred alternative. Alternative 2 is**
12 **modify the closed framework procedures for the Reef Fish and CMP**
13 **FMPs to allow the Regional Administrator to adjust the ABC, ACL,**
14 **annual catch target, and quota for a stock or stock component to**
15 **account for carryover of the unused portion of the ACL (as**
16 **derived from the ABC set by the ABC control rule).**

17
18 **CHAIRMAN FRAZER:** Okay. Again, we have a committee motion on
19 the board. Is there any further discussion on the motion? **Any**
20 **opposition to the motion? Seeing no opposition, the motion**
21 **carries.**

22
23 **MR. DIAZ:** The committee recommends, and I so move, in Action 3,
24 to make Alternatives 3 and 4 the preferred alternatives.
25 Alternative 3 is modify the abbreviated framework procedures for
26 the Reef Fish, CMP, Coral and Coral Reefs, and Spiny Lobster
27 FMPs to allow specification of an ABC recommended by the SSC
28 based on results of a new stock assessment and using the ABC
29 control rule. Alternative 4 is revise the framework procedures
30 for the Reef Fish, CMP, Coral and Coral Reefs, and Spiny Lobster
31 FMPs to have consistent terminology and format and to include
32 changes to the standard framework procedure for the Coral and
33 Coral Reefs and Spiny Lobster FMPs regarding accountability
34 measures.

35
36 **CHAIRMAN FRAZER:** Okay. Again, we'll get that all up on the
37 board and make sure that everybody is square with that. Okay.
38 We've got a committee motion on the board. Any further
39 discussion of that motion? **Is there any opposition to the**
40 **motion? Seeing none, the motion carries.**

41
42 **MR. DIAZ:** Staff will conduct public hearings via webinar prior
43 to the April 2019 council meeting. Mr. Chair, this concludes my
44 report.

45
46 **CHAIRMAN DIAZ:** Thank you, Dale. Susan.

47
48 **MS. BOGGS:** Thank you, Mr. Chair. I did notice one correction

1 that needs to be made, and I'm not on the committee, but, at the
2 beginning of the report, Dale, you said a presentation was made
3 on Deepwater Horizon, but it was actually a presentation of the
4 S-K research program. Thank you.

5
6 **CHAIRMAN FRAZER:** Exactly. We will make that correction. Thank
7 you for pointing it out.

8
9 **MR. DIAZ:** Thank you.

10
11 **CHAIRMAN FRAZER:** Dr. Simmons.

12
13 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I just want
14 to let you all know that we were in contact with the South
15 Atlantic Council staff, and we're going to go ahead and take the
16 carryover, the generic carryover, document and have that on
17 their agenda, so they can take a look at it, since king mackerel
18 is in there, and we can bring up any concerns, if there are any,
19 at that time. Thank you.

20
21 **CHAIRMAN FRAZER:** I think what we're going to do here is we're
22 going to go ahead, and we'll pick up in a little bit with the
23 Reef Fish Committee Report, but I want to take care of some
24 Other Business first and then take a break, so people can have
25 an opportunity, that might be leaving today, to check out of
26 their rooms, and then we'll come back and start up immediately
27 with the Reef Fish Report.

28
29 Mara, do you think that you might be able to provide the
30 overview of the proposed changes to the financial interest and
31 voting recusal for council members at this time? Thank you so
32 much.

33
34 **OTHER BUSINESS**

35 **OVERVIEW OF THE PROPOSED CHANGES TO THE FINANCIAL INTEREST AND**
36 **VOTING RECUSAL FOR COUNCIL MEMBERS**

37
38 **MS. LEVY:** This is just going to be a brief overview of the
39 major changes being proposed to the current recusal regulations.
40 They were published in November of 2018, and the comment period
41 is open until March 6, and so, if the council wants to provide
42 any comments as a body, you could talk about that now. If any
43 of you as individuals want to provide comments, you could submit
44 those to NMFS.

45
46 I believe that the changes are being proposed based on a number
47 of recusal decisions that happened in the North Pacific, and so
48 a lot of this stuff in the proposed changes I don't think will

1 impact recusal determinations in the Gulf. We don't have the
2 same type of interest in the fisheries here that they have in
3 the North Pacific and some other places where there are large
4 interests in certain fishery activities.

5
6 They have a lot of formal recusal requests that get written
7 determinations, and they had a couple of appeals of those
8 determinations, and a lot of that has to do with how individuals
9 are attributed and the interests of their employer that own
10 corporations or your corporation that is owned by another
11 corporation, and so there was a lot of attribution principles
12 that are being addressed in this rule.

13
14 There is four proposed major modifications. The first one
15 includes this multi-step test that NOAA General Counsel uses to
16 determine whether a voting recusal is required, and so, right
17 now, the regulations don't really talk about what steps are
18 taken, and so NOAA GC and the people that make these
19 determinations for each council tend to follow a process, but it
20 hasn't been codified in the regulations, and so NMFS is
21 proposing to actually codify this process, and I will talk about
22 that.

23
24 The second one is to define the term "close causal link" and
25 provide guidance on determining whether a close causal link
26 exists, and so voting recusal is required when there is a close
27 causal link between the council decision and the expected and
28 substantially disproportionate benefit to the affected
29 individual's financial interest, et cetera, and so, previously,
30 there was no guidance on what would be a close causal link, and
31 so the regulations, or the proposed regulations, attempt to
32 address this.

33
34 The third one is to include the attribution principles that are
35 applied when calculating a council member's financial interest
36 in the fishery and apply a proportional attribution approach for
37 certain financial interests, and so I'll talk about that a
38 little more when I get there.

39
40 The past practice has been to generally, in almost all cases,
41 apply a 100 percent attribution principle, and so, if you have
42 an ownership interest in a corporation, even if that interest
43 was 10 percent, you would be attributed 100 percent of that
44 corporation's interest in the fishery, and there are other
45 employment attributions and things like that, and so they're
46 providing what the attribution principles would be, and then
47 they're changing -- They're proposing changes to the way some of
48 that is actually done, and I will talk about that a little more.

1
2 The final thing that's a major modification is to require that
3 each region develop and make publicly available a recusal
4 determination procedure handbook that will explain the
5 procedures typically followed by the region in preparing and
6 issuing the recusal determinations, and so each region would
7 develop this handbook, and so it would be more transparent about
8 what procedure that region is going to be following.

9
10 This may be more complicated for places like the Pacific
11 Northwest. I would expect that the Southeast Region, generally,
12 for the different councils, it would probably be a pretty simple
13 procedure, but that's what this would require.

14
15 A little more detail on each of these. The first one, including
16 a multi-step test to determine whether a voting recusal is
17 required, there is four steps, and step one is, is there a
18 council decision, and so "council decision" is currently
19 defined, and the definition is not going to change, and so a
20 council decision is approval of an FMP or amendment, with or
21 without implementing regulations, regulatory amendment, an
22 emergency rule, or council comments on a secretarial FMP or
23 amendment, and so that's not going to change. That's the first
24 step though, because, if there's no council decision, then we
25 won't have to do a recusal determination.

26
27 The second step is, is there a council member with a financial
28 interest in the fishery affected by the council's action, and
29 you get that from the financial disclosure forms that you fil
30 out.

31
32 The third step is there a close causal link between the council
33 decision and the council member's financial interest, and then
34 the fourth step is, is there an expected and substantially
35 disproportionate benefit to the council member's financial
36 interest?

37
38 The last two steps can be determined basically in either order,
39 and then under that fourth step is where there is a
40 determination of whether the affected individual has a
41 significant financial interest that is likely to be positively
42 or negatively affected, and it's that significant financial
43 interest where that 10 percent threshold comes in, and so the
44 regulations currently have this 10 percent threshold. If we
45 have a greater than 10 percent interest in whatever the interest
46 is, then that's where it kicks you into being recused, and so
47 that's not going to change. That 10 percent interest is still
48 in there.

1
2 If the answer to any of these questions is no, then there is no
3 recusal required, and so you have to have all of these to have a
4 required recusal. Council members can always voluntarily recuse
5 themselves if they feel like there is a perception that they
6 don't want to be voting on it or things like that, but an answer
7 of yes to all of these means that you have to be recused.

8
9 The second major change would be to define this "close causal
10 link" and provide guidance on how to determine whether it
11 exists, and so the definition that's proposed is that a council
12 decision would reasonably be expected to directly impact or
13 affect the financial interest of the affected individual, which
14 is the council members that have to do this.

15
16 Generally, it's likely that there is a close causal link between
17 a benefit and a council decision for all council decisions, and
18 so the presumption is that there is going to be some link
19 between a benefit and a council decision for all council
20 decisions, but the rule recognizes that there may be some
21 instances where no impact occurs or where the chain of causation
22 is attenuated enough that we're going to say there is no link,
23 and so it has these two exceptions, and they are different
24 depending on whether the decision requires implementing
25 regulations or not.

26
27 If something requires implementing regulations, the likelihood
28 of there being this link goes up, because implementing
29 regulations actually affect how the public or how the council
30 members, as part of their participation in the fishery, would
31 act, whereas, with no implementing regulations, that kind of
32 goes down a little bit.

33
34 If you have implementing regulations, a close causal link exists
35 unless there is a chain of causation that is attenuated or
36 contingent on the occurrence of events that are speculative or
37 unrelated or there is no real, as opposed to speculative,
38 possibility that the council decision will affect the council
39 member's financial interest.

40
41 For council decisions that do not require implementing
42 regulations, there is the link if there is a real, as opposed to
43 speculative, possibility that the decision will affect the
44 member's financial interest, and so you see that the first one
45 is that the link exists unless, and the second one is a link
46 exists only if, and so the standards are a little bit different.

47
48 The third change is applying these attribution principles for

1 calculating certain financial interests, and the type of
2 attribution principle that NMFS is proposing to apply depends on
3 the type of ownership that we're talking about.

4
5 If we have direct ownership -- Like I said, if you had ownership
6 before, it was always 100 percent. 100 percent of that
7 corporation's interest was attributed to you, and so the
8 proposed change is that there will be proportional attribution
9 if the council members owns less than 50 percent of the company,
10 and so, if you own 25 percent of the company, then you will only
11 be attributed 25 percent of the company's interest in the
12 fishery, but, if you're above 50 percent, you get the whole
13 shebang. You get all the corporation's interest in the fishery.

14
15 Direct employment, there is no change here. The past practice
16 has always been to give full attribution of fishing activity if
17 the council member is employed by a company with a financial
18 interest, and so there is no proportional attribution. If
19 you're employed by the company, you get 100 percent of its
20 interest, in terms of determining whether you should be recused.

21
22 Indirect ownership, there is a change here to that same sort of
23 proportional attribution, and so this is sort of like the
24 subsidiary situation, and so that, again, used to be a full
25 attribution, but now they're going to propose going to a more
26 proportional determination of your interest.

27
28 Then you have parent ownership, and there is no change from the
29 current practice, but what the current practice is is there is
30 no attribution if the parent company owns less than 50 percent
31 of the council member's company, and there is full attribution
32 if the parent owns 50 percent or more of the council member's
33 company, and so that's not being changed, and so, really, the
34 biggest change is going from full to proportional in certain
35 circumstances of direct ownership and indirect ownership.

36
37 I realize that's a little bit convoluted and complicated, and I
38 have to think about it a little bit myself to understand what is
39 happening, and I guess the comment that I will make is that we
40 have never -- Since I have been here, we have never had to do
41 this type of attribution principles for the Gulf. Like I said,
42 people in the industry here don't tend to have the same sort of
43 complicated business corporation structures that happen in the
44 North Pacific, and so I wouldn't expect this to really impact
45 recusal determinations here, but you never know. You could have
46 a situation where the corporate structure or the employment
47 would require -- It would make a difference.

1 Also, because the threshold is 10 percent in the fishery, in the
2 Gulf, that's pretty unlikely that one person would be attributed
3 10 percent of the interest in the activity. Things don't tend
4 to be that consolidated here.

5
6 The fourth requirement would be to develop this regional recusal
7 determination procedure handbook, and so it would be a document
8 that explains the typical process and procedure followed by the
9 region in preparing and issuing recusal determinations, and
10 other things a handbook would include is descriptions of how the
11 fishery or sector of the fishery affected by the council
12 actually will be identified, when recusal determinations will be
13 prepared and issued prior to council meetings, and how the
14 council and the public will be made aware of recusal
15 determinations, so that everyone has a clear idea of what the
16 process is going to be.

17
18 The proposed rule describes other changes, so that the public is
19 encouraged to review the proposed rule for all the proposed
20 modifications, and there's a link to the rule in this NOAA GC
21 report, and there is the link right there and, like I said
22 before, the comment period is open until March 6. I will be
23 happy to try to answer questions, and, if I don't know the
24 answer, I do know someone who will know, and so I would
25 definitely send an email or something to answer the question.

26
27 **CHAIRMAN FRAZER:** Okay. Greg, did you have a question?

28
29 **DR. STUNZ:** Mara, I just have a quick question. One, if this
30 comment period ends, and sorry if maybe I missed this, when
31 would this -- When are you thinking this would be in place?

32
33 **MS. LEVY:** The comment period ends March 6, and then NMFS would
34 have to go through whatever process they're going to do to get
35 the final rule together, and I don't know what the timeline is,
36 but I suspect it would take maybe until the end of this year,
37 and I guess it depends on how many comments they have to respond
38 to and whether they want to change anything they have proposed.

39
40 **CHAIRMAN FRAZER:** A follow-up, Greg?

41
42 **DR. STUNZ:** My real question is back on Slide 3 or so, where it
43 was talking about these multiple steps that you had to answer
44 yes to, and it was a council decision, and so is that decision
45 any decision? For example, we make a lot of decisions, such as
46 a preferred alternative or whatever, or make an alternative
47 preferred, but then there's the real decision for final action
48 with a roll-call vote, and so is this any of those decisions, or

1 are these major, final decisions or what?

2
3 **MS. LEVY:** So major, like approval of the FMP or the regulatory
4 amendment or the emergency rule or council comment, and so it's
5 the approval, which is the action on it and not making preferred
6 alternatives and stuff like that.

7
8 **CHAIRMAN FRAZER:** Just a general question. I mean, I don't know
9 how this is going to play out, obviously, but what would be the
10 consequences of somebody failing to recuse themselves down the
11 road? What would the implications be, for example, on an
12 amendment?

13
14 **MS. LEVY:** I am trying to find the exact language.

15
16 **CHAIRMAN FRAZER:** Okay. We'll be patient.

17
18 **MS. LEVY:** The Act says that -- There is the piece about
19 financial disclosures, and it basically says if you're not in
20 compliance with it that it's not treated as cause for
21 invalidation of the action. Part of the Act says that, if the
22 council makes a decision before the -- You can review the
23 determination, the recusal determination, and it says, if the
24 council makes a decision before the Secretary has reviewed a
25 determination, the eventual ruling may not be treated as cause
26 for the invalidation or reconsideration of the Secretary's
27 decision.

28
29 Say somebody asks for a recusal determination and the decision
30 was that you don't need to be recused, and then it came back and
31 said, well, you really should have been recused, that is not a
32 reason to invalidate the action.

33
34 **CHAIRMAN FRAZER:** Thank you. Kevin.

35
36 **MR. ANSON:** I guess, to further expound upon that situation, if
37 the initial recusal determination was that there was not a
38 recusal needed and a vote was taken on an amendment, and it was
39 a vote that was one in favor, I guess, of the amendment moving
40 forward, and that particular individual, if it came back to say
41 there was a recusal determination and the initial one was made
42 incorrectly, is there any recourse, as far as coming back and
43 invalidating that vote and then thus not -- Invalidating the
44 passage of the amendment through the council?

45
46 **MS. LEVY:** I can double-check, but my feeling is no, because the
47 provision is pretty clear that the eventual ruling may not be
48 treated as cause for invalidation or reconsideration by the

1 Secretary of such a decision, and so I think it's pretty clear
2 that there was an initial decision and, somehow when that went
3 up, it got changed, that is not a reason to reconsider the
4 council's decision.

5
6 **CHAIRMAN FRAZER:** Dr. Mickle.

7
8 **DR. MICKLE:** Thank you, Mr. Chair. Leann and I were just
9 talking a little bit in a sidebar, and we were thinking of
10 situational, in the future, and things are changing and things
11 like that, but, all around the nation, there is whispers of
12 aquaculture getting a pretty strong foothold and even
13 potentially aquaculture representation on councils, and, with
14 some of the large companies that I have come across in my
15 travels, that this may be a potential, and so, just playing
16 scenarios out, I kind of see aquaculture, if it does make its
17 way into the council process formally, I think this could be a
18 potential true scenario for our council, and that's my thoughts.
19 Thank you.

20
21 **CHAIRMAN FRAZER:** Thanks, Paul. Ms. Levy.

22
23 **MS. LEVY:** Roy made a good point with respect to your question,
24 Kevin. I mean, the council could always come back and sort of
25 reconsider the same thing, right, and so it may not be a basis
26 for reconsideration by the Secretary, but then, if you felt like
27 you wanted to revisit whatever question you sent up or whatever
28 FMP amendment you made, and you wanted to make it again, you
29 could do that.

30
31 **CHAIRMAN FRAZER:** Okay. Is there any further discussion about
32 the presentation or the topic? All right. Seeing none, thank
33 you, Ms. Levy. All right. Dr. Simmons, you wanted to talk
34 about the Modernizing Recreational Fishing?

35
36 **DISCUSSION OF MODERNIZING RECREATIONAL FISHERIES ACT**

37
38 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I just
39 wanted to briefly discuss the Modernizing Recreational Fisheries
40 Management Act. Several council members and members of the
41 public have asked what are the impacts to the council, and the
42 short answer is we really don't know right now.

43
44 These are some of the things that we're doing to try to get that
45 answer, and so just to try to answer some of those questions for
46 you and some of the things that we're trying to anticipate for
47 2019 activities, and so, right now, the executive directors want
48 to request that Headquarters provide an overview presentation,

1 and that would be more of a high-level, regional management
2 council presentation. Then, at a regional level, we're going to
3 ask -- I will work with Ms. Levy to try to get a presentation to
4 the SSC about more specifically what their role may be for this
5 act.

6
7 Then we anticipate, at a staff level, just having a discussion
8 about it, and there will probably be more time on the SSC agenda
9 devoted to some of these items that are in the act, and we will
10 try to anticipate those by putting them in our 2019 activities
11 and budget, and so that's where I am currently with that, and
12 we're working on it, but we really don't know, right now, the
13 impacts, especially since the shutdown, and so I haven't had a
14 chance to really talk with Mara about it at all, and so I will
15 stop there and see if there's any questions or if you would like
16 us to bring any other information, and I really don't know the
17 timing on it either, and so I have to work with Mara on that as
18 well, and so thank you.

19
20 **CHAIRMAN FRAZER:** Thanks, Carrie, for that update. Any
21 questions regarding that? Okay. Seeing none, I think, at this
22 point, what we'll do is take a brief break and let everybody get
23 checked out of the rooms that need to be checked out of the
24 rooms, and we will follow-up in about twenty minutes.

25
26 (Whereupon, a brief recess was taken.)

27
28 **CHAIRMAN FRAZER:** We'll continue on with the Reef Fish Committee
29 Report. Ms. Guyas, the floor is yours.

30
31 **COMMITTEE REPORTS (CONTINUED)**
32 **REEF FISH COMMITTEE REPORT**

33
34 **MS. GUYAS:** Thank you. The committee decided to rearrange the
35 agenda to hear the summary of the January Scientific and
36 Statistical Committee webinar first, followed by the remainder
37 of the agenda, beginning on the morning of January 29th. The
38 agenda was adopted as amended, along with the minutes from the
39 October 2018 committee meeting.

40
41 SSC Summary Report, staff reviewed the summary from the SSC
42 webinar held on January 9, 2019. The SSC discussed and approved
43 terms of reference for update assessments for Gulf of Mexico
44 migratory groups of king mackerel and cobia and for a standard
45 assessment for vermilion snapper. The schedule for the
46 vermilion snapper assessment was also approved, and volunteers
47 were provided for the workshops associated with vermilion
48 snapper and scamp. Lastly, the SSC approved the 2021 Gulf stock

1 assessment schedule, which includes a research track assessment
2 for red grouper.

3
4 Draft Amendment 50, State Management Program for Recreational
5 Red Snapper and Individual State Amendments, staff provided a
6 summary of the public hearing comments and the motions made by
7 the Ad Hoc Headboat and Charter Advisory Panels. Staff then
8 reviewed the actions and alternatives. In Action 2 of the
9 program amendment, the committee discussed a new alternative for
10 dividing the quota among the states and passed the following two
11 motions.

12
13 **By a vote of fifteen to one, the committee recommends, and I so**
14 **move, in Action 2 to add an Alternative 8 that would allocate**
15 **the private angling annual catch limit as follows: Alabama**
16 **26.298 percent; Florida 44.822 percent, Louisiana 19.120**
17 **percent, Mississippi 3.550 percent, and Texas 6.210 percent.**
18 Mr. Chair.

19
20 **CHAIRMAN FRAZER:** We have a committee motion on the board.
21 We'll make sure that it's up there. Is there any further
22 discussion on this motion? **Seeing none, is there any opposition**
23 **to the motion? Robin. Any other further opposition? The**
24 **motion carries with one in opposition.**

25
26 **MS. GUYAS:** By a vote of eleven to four, the committee
27 recommends, and I so move, in Action 2, to make the new
28 Alternative 8 the preferred.

29
30 **CHAIRMAN FRAZER:** Okay. Again, we have another committee motion
31 on the board. Is there discussion? Robin.

32
33 **MR. RIECHERS:** I would like to move a substitute motion that
34 makes Alternative 7 the preferred alternative.

35
36 **CHAIRMAN FRAZER:** Is there a second for that motion? It's
37 seconded by Dr. Stunz. Robin, do you want to --

38
39 **MR. RIECHERS:** We have put this on the record before, and I
40 won't put it on the record again, but certainly, as we try to
41 work through allocations, and it's a difficult issue, and we all
42 know that, because of -- As history has gone through time, the
43 percentage allocations to each state, as we looked at these
44 state landings, has changed through time, and that's part of
45 what makes this difficult.

46
47 Certainly, as we have looked at changing demographics in states,
48 looking at historical catches, those have moved through time,

1 but, more importantly, the reason why I think that Alternative 7
2 is the most appropriate alternative here, and is probably the
3 one that we should move towards, is because, when we developed
4 the EFPs, as I have discussed before, we really weren't given a
5 set of parameters in which we were all working in the same
6 fashion, and so, within that context, we really came up with
7 three different methods, one a biological-based method, two is
8 some people used historical landings of a longer time series,
9 and then some used a shorter time series.

10
11 With that, it's just hard to look at this and believe that we
12 have a fair and equitable approach to this, and then, on top of
13 that, at the end of the day on the EFPs, there were some
14 percentages leftover, and they were granted in a certain
15 direction to one state.

16
17 All of that being said, we added Alternative 7, which basically
18 took those percentage points at the last meeting and spread them
19 equally amongst all the states, and I just believe that's a more
20 fair and equitable approach.

21
22 **CHAIRMAN FRAZER:** Thank you, Robin. Is there any further
23 discussion? Martha.

24
25 **MS. GUYAS:** Thank you. I was just going to speak in opposition
26 to this substitute motion. This is not a solution that our
27 commission is prepared to accept at this point. The reason why
28 we have this Alternative 8 here is because, in my opinion, we
29 have a situation that's not going to work.

30
31 Florida and Alabama have, at least this year, under the EFP
32 allocations, have the shortest seasons, by far, and maybe even a
33 little bit shorter next year, and it looks like ours is going to
34 be shorter for 2019, and I'm not exactly sure what Alabama has
35 in mind at this point, but I suspect it's similar or slightly
36 shorter, whereas, in the western Gulf, you guys are sitting
37 pretty, and everybody is fishing, in some cases, twice as long,
38 if not 365, and so I just can't see how moving farther away from
39 that makes -- Is fair and equitable, I mean, across the states.
40 I understand that this is a difficult situation, and this is a
41 negotiating game, but I can't support this motion.

42
43 **CHAIRMAN FRAZER:** Dr. Crabtree.

44
45 **DR. CRABTREE:** I guess, Robin, if you look at just the math, you
46 have fair and equitable, but, when I think of what is fair and
47 equitable here, I look more at the effect of how things are
48 distributed on the fishing seasons and access to the fishery,

1 and so the difficulty I have is that Alternative 7 effectively
2 takes fish away from Florida, which had maybe the shortest
3 season in the Gulf, but at least Alabama and Florida certainly
4 have the two shortest seasons, and so it takes fish away from
5 the states with the shortest season and distributes it to states
6 with the longest seasons, and so I think it's a matter of how
7 you view fair and equitable.

8
9 From a larger standpoint, I think, for this to be a successful
10 management strategy, we need to be very sensitive to how
11 different state seasons are, because I worry, if we have some
12 states with extremely short seasons and other states with very
13 long seasons, that, in the long run, is going to create
14 dissatisfaction and perceived inequities that I worry could
15 ultimately bring this program down, and so my preference and my
16 vote is going to be to stay with and support the committee
17 motion.

18
19 **CHAIRMAN FRAZER:** I have two people in line, Martha and then
20 Robin. Martha.

21
22 **MS. GUYAS:** Roy, I wanted to ask you, and I meant to ask you in
23 committee, but I forgot. When we talked about this action at
24 the last meeting, you had mentioned interest in trying to do an
25 apples-to-apples comparison of the opportunities that were, I
26 guess, given to each state, and I don't know if it was under the
27 EFP alternative or this alternative, but I was just wondering if
28 your office completed that. It was essentially looking at what
29 if everybody had the same season and how long would they be, or
30 the same start date or something like that.

31
32 **DR. CRABTREE:** No, we really haven't. We did take a quick look
33 at the impact of weekend-only seasons versus consecutive day
34 seasons, just looking at Florida and Alabama, and, of course, if
35 you go with the weekends-only season, you lose, off the top of
36 my head, I'm going to say 30 percent of your days or something
37 like that, but we haven't tried to look at all five states, but,
38 if you look at the lengths of the season, for example in Texas
39 versus Alabama and Florida, they clearly have a much longer
40 season.

41
42 Now, I understand that there is interest in Texas in moving the
43 season and having it a different time of year, and that may
44 result in different catch rates and all those kinds of things,
45 but we haven't really looked at that.

46
47 **CHAIRMAN FRAZER:** Robin.

48

1 **MR. RIECHERS:** In closing, I mean, I agree, Roy. There is
2 different ways to look at fair and equitable, and I don't
3 disagree with you there. In fact, another way to look at fair
4 and equitable, and we've certainly talked about it around this
5 table, would even be to go back to a biomass kind of approach,
6 and we would certainly -- If you go to the State of Texas and
7 listen to folks, a lot of folks will talk about why aren't we
8 using that, and that's the real biological-based approach here,
9 and so this is just an alternative, again, and it's one that's
10 in the document and one that we've talked about, and I am trying
11 to make it a preferred here.

12
13 **CHAIRMAN FRAZER:** Mr. Boyd.

14
15 **MR. BOYD:** A question for Martha. Martha, under the current
16 preferred, you have 44.82, and what would you have, in relation
17 to the 44.82, if we distributed under Alternative 7?

18
19 **MS. GUYAS:** I would have to pull that alternative up to see
20 exactly what it is, but -- Paul has got it.

21
22 **CHAIRMAN FRAZER:** Dr. Mickle.

23
24 **DR. MICKLE:** Under 7, it's 43.730.

25
26 **MR. BOYD:** So about a point, plus or minus 1 percent.

27
28 **CHAIRMAN FRAZER:** Okay. Is there any further discussion on this
29 motion? Mr. Boyd.

30
31 **MR. BOYD:** One more question. Martha, what would that 1 percent
32 mean in days of fishing for Florida?

33
34 **MS. GUYAS:** Well, I guess it depends on how we structure our
35 season, but, right now, we're looking at, with the percentage we
36 have now, which is like 45.7, roughly, we're looking at a
37 thirty-two-day season, and so every little bit counts.

38
39 **CHAIRMAN FRAZER:** Okay. I am looking around. Does anybody else
40 want to weigh-in on this particular motion? Okay. I guess what
41 we'll do is we'll take a vote of hands on this one. **All those**
42 **in favor of the motion, signal by raising your hand, three in**
43 **favor; all those opposed, raise your hand, thirteen. The motion**
44 **fails, and so we'll go back to the original motion.**

45
46 I will read it again. **The motion on the board is, in Action 2,**
47 **to make the new Alternative 8 the preferred. Alternative 8**
48 **would allocate the private angling ACL as follows: Alabama**

1 26.298 percent, Florida 44.822 percent, Louisiana 19.120
2 percent, Mississippi 3.550 percent, and Texas 6.210 percent.
3 Kevin.

4
5 **MR. ANSON:** I voted against this motion in committee, and I will
6 continue to vote against it now. As I said in committee, it's
7 because it's a process point. We've been told in prior
8 alternatives that we shouldn't be making preferreds when there
9 is no analysis. Granted, there is little or minimal analysis
10 that would be attributed to this, but, just on that
11 recommendation, I want to follow it, because of process. Thank
12 you.

13
14 **CHAIRMAN FRAZER:** Okay. Roy.

15
16 **DR. CRABTREE:** Just to point out that we've got an alternative
17 in here that is Alternative 7, where the differences are
18 extremely small, and so I would not anticipate much meaningful
19 analysis beyond what seems to be obvious, that Florida is going
20 to get a few more days, and the differences in the western Gulf
21 states are so small, and their seasons are so long, that I doubt
22 there is any analyzable difference there, and so don't expect to
23 see much in the analysis, because it's so similar to what has
24 already been analyzed.

25
26 **CHAIRMAN FRAZER:** Okay. Is there any further discussion on the
27 motion? Mr. Diaz.

28
29 **MR. DIAZ:** I mean, I'm going to put Mara on the spot. Mara,
30 would you weigh-in here? I would just like to know if that is
31 indeed the case.

32
33 **MS. LEVY:** Well, I think this alternative encompasses
34 percentages that are very close, or exactly the same, as those
35 percentages in other alternatives. I mean, it's not like this
36 isn't within the scope of what -- I don't know how many
37 alternatives are in here, but there's a lot, with all the
38 options that are already in there, and, if I recall, most of the
39 analysis is qualitative, meaning there aren't like a lot of --
40 There is no like this is how much money or things like that, and
41 so, to the extent that you write more qualitative analysis, I
42 don't really think it's going to change the analysis at all.

43
44 **CHAIRMAN FRAZER:** Mr. Anson.

45
46 **MR. ANSON:** I mean, I will have to go back and re-read the
47 minutes, but my memory serves me, if it serves me correctly, is
48 we talked about Alternative 7, and the motion was made to make

1 Alternative 7, at the October meeting, the preferred, and there
2 was comments made by Dr. Crabtree that we can't make a
3 preferred, because there is no analysis, and minimal changes in
4 percentages at that time too between Alternative 6 and
5 Alternative 7, and so, again, I was just -- I am just trying to
6 be consistent, and I was going to use that, that it is my
7 rationale for not making Alternative 8 the preferred, because
8 there is no analysis, and the council should not be making
9 preferreds on alternatives when there is no analysis. Thank
10 you.

11
12 **CHAIRMAN FRAZER:** I am just going to give this a second. I'm
13 going to look over at Mara and Roy, and it looks like you are --
14 Are you looking at the minutes, perhaps?

15
16 **DR. CRABTREE:** No, and I think the discussion was more a you
17 shouldn't, and it's not normally what we do, and not that you
18 can't, and I don't think there is any legal -- I think the
19 Alternative 3 -- I mean, it was a somewhat larger shift in fish,
20 but I will agree that all of this last while of conversation has
21 been over small amounts of fish, but the thing is we're at the
22 finish line here, and we need to get this done, and, if you want
23 to come to the next meeting and have a very complete document,
24 it would be easier to do that if we had preferred alternatives
25 on everything and we had some assurance that we're not going to
26 come in at the last minute and change all of these things.

27
28 This is a balancing act, and I don't need to look back at the
29 minutes. I know I have, on many occasions over the years,
30 argued that we should have the analysis before us, but, in this
31 case, I don't see that the analysis is going to be relevant to
32 your decision, and we're trying to get this done.

33
34 We were hoping to do final action now, but we're up against the
35 wire, and, if we don't get this done on time, there are going to
36 be some real repercussions to that, and so this is all not
37 absolutes. It's all a balancing act, and, in my judgment right
38 now, the benefits of getting this done and getting the
39 preferreds and moving to the finish line outweigh the very
40 slight, slim chance that something might come out of an
41 analysis.

42
43 **CHAIRMAN FRAZER:** Kevin.

44
45 **MR. ANSON:** Well, I am just torn, I guess, that we can apply it
46 in certain instances and not in others, and I'm just a little
47 dismayed that we would have two options or two positions for
48 very similar items, and so that's all. Thank you.

1
2 **CHAIRMAN FRAZER:** Okay. Is there any further discussion on the
3 motion? Seeing none, we're also going to have a show of hands
4 on this vote. **All those in favor of the motion, signal by**
5 **raising your hand, thirteen in favor; all of those opposed,**
6 **raise your hand, three opposed. The motion carries.** Ms. Guyas.

7
8 **MS. GUYAS:** Staff reviewed the new Action 3, which would
9 establish a procedure for allowing a Gulf state to request the
10 closure of federal waters adjacent to state waters to red
11 snapper recreational fishing. The committee then passed the
12 following motion.

13
14 **Without opposition, the committee recommends, and I so move, in**
15 **Action 3, to make Alternative 2 the preferred alternative.**
16 **Alternative 2 reads: Establish a procedure to allow a state to**
17 **request NMFS close areas of federal waters adjacent to state**
18 **waters to red snapper recreational fishing. The state would**
19 **request the closure by letter, providing dates and geographic**
20 **coordinates for the closure. If the request is within the scope**
21 **of the analysis in this amendment, NMFS would publish a notice**
22 **in the Federal Register implementing the closure. The closure**
23 **would apply to the recreational sector component(s) included in**
24 **that state's approved management program.**

25
26 **CHAIRMAN FRAZER:** Okay. Again, we have a committee motion on
27 the board. Is there any further discussion of this motion? 1
28 Ms. Guyas.

29
30 **MS. GUYAS:** The committee discussed state data collection
31 programs, which will be used to determine each state's red
32 snapper landings. Committee members inquired about data quality
33 and reporting timeliness and whether the data would be
34 comparable across state programs. Committee members expressed
35 interest in the states providing further information on their
36 respective data collection programs under state management.

37
38 The two-year exempted fishing permits include an overage
39 adjustment based on 2018 landings, but do not include an overage
40 adjustment following the 2019 fishing year. The five state
41 amendments include a preferred alternative to establish a state-
42 specific overage adjustment. The committee discussed linking
43 landings under the EFPS to state management by applying an
44 overage or underage adjustment based on each state's 2019
45 landings. The committee then passed the following motion.

46
47 **Without opposition, the committee recommends, and I so move, to**
48 **add the appropriate language to the individual state amendments**

1 Action 2, Post-Season Quota Adjustments, to specify that the
2 overage/underage adjustment would be implemented in 2020 based
3 on each state's 2019 landings under the EFPs. Thus, each
4 state's quota under the first year of state management in 2020
5 would reflect a quota adjustment (overage/underage) based on
6 that state's 2019 landings.

7
8 **CHAIRMAN FRAZER:** Okay. We've got a committee motion on the
9 board. Is there any further discussion of this motion? **Seeing**
10 **none, is there any opposition to the motion? Seeing none, the**
11 **motion carries.** Kevin.

12
13 **MR. ANSON:** Thank you, Mr. Chair. While we're in this section
14 and talking about state management, there had been some
15 discussion amongst committee members on Tuesday about the issue
16 of currency and how the process is going to move forward and
17 trying to look at the discrepancies between the federal survey
18 and the state surveys in regard to quota monitoring as well as
19 maybe in the assessment and such.

20
21 There are seven data collection programs for red snapper in the
22 Gulf of Mexico now, and that may sound like a lot to a lot of
23 folks, but I see it as an opportunity to kind of look and kind
24 of double-check, if you will, the numbers that we have currently
25 been using, or have had available to us, and so I put together
26 some information. Bernie, if you wouldn't mind putting that on
27 the screen, please, but it's to talk a little bit about the
28 federal landings and the Snapper Check landings, and I'm just
29 looking at Alabama here.

30
31 Hopefully it's just to provide some further discussion as that
32 process goes through, as far as the calibration, further
33 discussion amongst council members and for the public, just to
34 consider what we're dealing with here in regard to the red
35 snapper fishery and the red snapper population in the Gulf of
36 Mexico.

37
38 Basically, in the body of the email, I have provided the federal
39 landings and the Snapper Check landings with federal landings
40 for those things that we didn't really collect information on,
41 and it's for 2016, and so this is 2016 landings, and these are
42 landings that are attributed to Alabama, but you can see in that
43 first line there, the first row, that it has the Alabama
44 commercial landings at 319,598 pounds, and that's what was
45 reported through the commercial reporting system.

46
47 Then we have the Alabama recreational landings broken down by
48 the respective sectors, and so we have the charter, and just

1 note that the charter, for the information that I was looking
2 at, didn't break down between state and federal. It was just
3 combined, and so just keep that in mind. It's state charter
4 boats as well as federally-permitted charter boats.

5
6 Then we have headboat landings that were estimated through the
7 Southeast Headboat Survey for Alabama and then the private
8 recreational landings there, and so that first column has the
9 federal landings, and you have five-and-a-half million pounds
10 that were estimated through the federal, purely 100 percent
11 federal, reporting.

12
13 Now, below that, and you can see to the right there is the
14 column from the Snapper Check, and so we have a combined
15 landings there of 1.951 million pounds, and so, below that, the
16 next row is an exploitation rate, essentially F, and we talk
17 about F all the time, and the assessment certainly keys in on F,
18 but that exploitation rate of 0.18 is derived from a tagging
19 study that the Alabama Department of Conservation and Marine
20 Resources funded through some NFWF funding in 2016.

21
22 They put out hundreds of tags of fish prior to the recreational
23 season in that year, and, based on the returns of those tags,
24 this is the combined F. Now, attached to this email is a
25 published paper from that research, and so you can read it at a
26 later date, and I will ask Bernie to send it around to the
27 council staff, but it has some interesting tidbits in there that
28 we've been talking about, or I've been mentioning here at the
29 council, certainly in sidebar conversations with folks, is that,
30 within twenty or twenty-five miles from shore, there is a lot of
31 red snapper killing going on there, and there's no doubt.

32
33 In fact, the Fs there are about three-times as high or more than
34 what the target F is for the Gulf population, but, when you get
35 outside of that twenty-five mile area, the Fs dramatically
36 reduce, and so this is an aggregated F of all the red snapper
37 that exist from shore out to sixty-five or whatever their
38 habitat is, sixty or sixty-five miles, of 0.18.

39
40 There is a way where you take your exploitation rate, and you
41 divide that into your landings, your known fish that are coming
42 in, and you divide your exploitation rate in to get what the
43 biomass would theoretically be, or estimated to be, off the
44 coast of Alabama, and that's that thirty-and-a-half million
45 pounds off of Alabama, based on that exploitation rate at which
46 we have information for.

47
48 Now you take that estimated state-wide biomass, and then you

1 apply the percentage of Gulf biomass that was estimated through
2 fishery-independent means, primarily, that Karnauskas et al. had
3 provided, and the council had reviewed that paper when we were
4 talking about biomass percentages for this amendment, Amendment
5 50.

6
7 Alabama was estimated to have 6.3 percent of the Gulf biomass
8 off of Alabama, and so, when you take that 6.3 percent and apply
9 it to the thirty-and-a-half million pounds, you end up with a
10 Gulf biomass of 485 million pounds of red snapper.

11
12 The SEDAR 52 estimate for 2015 for Gulf biomass is 116.8 million
13 pounds, and so, if you take that difference now, looking at this
14 method, or this analysis, if you were to assume that's correct,
15 and I understand there is a little sidebar information, little
16 things that we may not be able to use that 100 percent, and this
17 is just for discussion purposes, but now you have a biomass
18 difference between what SEDAR estimates and using this
19 alternative method of 315 percent higher biomass than what the
20 SEDAR estimates.

21
22 If you look to the right column, the Snapper Check column, its
23 estimated Gulf biomass is 172 million pounds, which more closely
24 matches SEDAR, but there is still a discrepancy there, and so
25 we're still off by 47 percent there. We could be
26 underestimating a good bit there, and so now the management
27 target is a little less than one, but I just threw in 0.1, to
28 kind of keep it simple with the discussion and germane to the
29 discussion.

30
31 Now we would be looking at OFLs, potentially, of around forty-
32 eight-and-a-half million pounds, or OFL for the purely federal
33 data off of Alabama, versus 17.2 OFL using the Snapper
34 Check/federal data hybrid, and so our current OFL is around
35 fourteen million pounds, and so, just to give you some
36 perspective there, is that there is some issues in the data, no
37 doubt.

38
39 There is issues in the data collection system for the federal,
40 and there may be issues in how that data is applied in the
41 model, and so that's all. I wanted to take the opportunity, and
42 I took some time, yesterday evening and early this morning, to
43 try to put this together, and it's something that I have batted
44 around since the last council meeting, and I've been thinking
45 about it and thinking about this issue of these disparate
46 numbers and the discrepancy between the federal and the Snapper
47 Check numbers, and I want to get to a common currency, but I
48 want to get it to a point that kind of reflects a little bit of

1 reality out there and what people are seeing.

2
3 I asked the gentleman from Wisconsin yesterday who came up what
4 his fishing experience has been over the last five to six years,
5 since he's been going out, and, granted, it's not during the
6 snapper season itself, but he said that it's pretty much been
7 consistent, or maybe a little better, and I asked Mr. Boggs his
8 opinion too, and he said it was probably consistent, or maybe
9 the size isn't there, but the abundance is there in the last
10 five to six years, and so, when you look at the time series of
11 Alabama data and the federal system, particularly as it relates
12 to the changes that have been made and how the data is
13 calculated, with the changes in the effort calculation or effort
14 component and then the dockside survey component back in 2011
15 and 2012, around that 2012 break, everything below that was
16 about a million-and-a-half pounds, were the landings for the
17 private recs.

18
19 Since that time, it's four-and-a-half to five million pounds, if
20 not more, for the private recs, and so you see this jump, and it
21 just doesn't match reality. You can't jump three million pounds
22 of harvest, particularly in the time period when we have
23 declining seasons, and so this is just food for thought.

24
25 Again, I mentioned this to Dr. Powers, when he came here, and he
26 kind of smiled when I showed him the piece of paper and started
27 talking about this, and he said, you know what, you and I are
28 thinking the same terms. He is also thinking of these things,
29 and he is also thinking it from that perspective on the SSC
30 level, and he's been talking with some NOAA folks, and they're
31 going to dig into some more of the details, and he's reached out
32 to Mandy Karnauskas, to try to get some of her information to
33 drill it down to Alabama, to see if there can be some greater
34 resolution than that 6.3 percent.

35
36 Again, it's not going to solve the world's issues here with this
37 thing, and certainly it could be critiqued and analyzed, and I'm
38 just throwing this out there to kind of allay some people's
39 fears about the state systems and about whether or not that's
40 going to blow up the system.

41
42 We still have to work within the ACLs that are given to us, but
43 I certainly hope that, with the extra data, there is an
44 opportunity for folks to kind of really look at it and throw it
45 against the wall, so to speak, to see if it sticks, and this is
46 just one way to kind of look at that and compare it against what
47 we currently have. Thank you.

48

1
2 **CHAIRMAN FRAZER:** Thank you, Kevin, for sharing that, and,
3 Bernie, if you can distribute that to all the council members,
4 that would be great. I know we would all certainly look at it
5 over time and take the time to try to understand it. Ms.
6 Bosarge.

7
8 **MS. BOSARGE:** I just wanted to say thanks to Kevin for
9 presenting that, and you were looking at me a lot, because I was
10 the one having some hesitations during committee about how all
11 of this is going to play out, and, based on what you said, I
12 think maybe what my fear was of has been misinterpreted.

13
14 It's not that the states -- That I fear that they're going to
15 fail, but it was more my fear that, if this is still under the
16 federal purview, and I'm a voting member on a federal council,
17 how do I know what is happening if there is -- There was nothing
18 in the document that said, hey, you know, each year, the states
19 will come back to this council at some meeting, maybe the April
20 meeting or something like that, and they're all going to give
21 you an update of what happened during their last season.

22
23 Stuff like that, that's the first I've ever seen of that. I am
24 sitting at this table right now, and I know that there was an
25 overrun, and, Martha, I'm not picking on you, and this is just
26 an example of how naïve I feel about what's going on in the
27 different states without some sort of update, and I know that
28 Florida had an overrun last year, and I think your season was
29 twenty-five days last -- How many days was it, Martha?

30
31 **MR. GUYAS:** It was forty days, and, as I mentioned in committee,
32 we're adjusting -- We're looking at a proposed season of thirty-
33 two days to rectify that.

34
35 **MS. BOSARGE:** Okay. Well, see, I shouldn't have to, in all my
36 spare time at home outside this council meeting, try and follow
37 what every commission in every state is doing and what they did
38 last season and what they're going to do this -- I don't have
39 time for that, and so that is what I wanted to make sure of,
40 that, each year, we get some sort of presentation on what has
41 changed in your data collection and what's your uncertainty
42 looking like, what were your catch rates last year, did you --
43 Yes, we're going to get a final number, whatever that percentage
44 of your landings was for your ACL, but I don't want just a
45 number. I want to understand what is happening if I'm
46 responsible in some capacity still.

47
48 That was my fear, that all I'm getting is a number, and, hell,

1 we didn't even have that in the briefing book. We got that
2 verbally, and I had to ask Robin for his, and that's a
3 government shutdown issue, Robin, and I'm not faulting you for
4 that, but I want more, and that's what I wanted in the document,
5 that we will get more than that, if we're responsible for
6 saying, hey, we're staying on track and every state is
7 compliant, if that is, at this level, from this voting council -
8 - I need more than a number, and that was my only fear.

9
10 **CHAIRMAN FRAZER:** All right. Dr. Crabtree.

11
12 **DR. CRABTREE:** I mean, we'll certainly, Leann, go over the
13 landings every year with the council, and we can go over what
14 state seasons were and all those kinds of things, and, if you
15 want to ask staff to put some language into the amendment
16 reflecting that, that's fine, but I expect, at the next meeting,
17 we'll go over -- We have, in the past, always come in and gone
18 over and projected what the season is going to be and all, and
19 now it's a little bit different, but we will still come in at
20 the next meeting and talk about here's our projections and our
21 estimate for the for-hire season, and, as part of that, we'll
22 look at everything, and so we can definitely do that.

23
24 Kevin, that's interesting, and I have already forwarded the
25 email you got down to Clay and Shannon and Mandy, and so I would
26 be interested to see -- The one thing that gives me comfort is,
27 when you look at this, bear in mind that there are big
28 confidence intervals on all of these numbers. The F is very
29 approximate, and the biomass estimate in the assessments has
30 confidence intervals, and all these catch estimates have limited
31 precision, and so none of these numbers are known with much
32 certainty.

33
34 We have been dealing with red snapper recovery for a long time,
35 and the one thing that is evident to me is that the recovery of
36 red snapper is very robust to a lot of things, and we have
37 continued to get assessment after assessment to show, generally,
38 that we are further along than we thought and that the TAC has
39 continued to go up, even though lord knows we have had our share
40 of quota overruns over the year.

41
42 This is a robust recovery of red snapper that we're looking at,
43 and my personal opinion is it's unlikely to be substantially
44 changed by a million pounds in landings in there, and, if you
45 think about it, the TAC right now is thirteen-and-a-half million
46 pounds or something like that.

47
48 If you add in dead discards and potential catches by Mexican

1 lanchas and all the commercial catches, we're probably removing
2 thirty million pounds, or maybe more, forty million, and I don't
3 know, from the fishery, and so it's a lot of removals going on.

4
5 When you think about a million pounds in the context of all of
6 those, it really falls within the margin of error of all these
7 things, but what gives me comfort about all of this is, despite
8 all of our problems and all of our uncertainties and everything
9 else, this recovery is very robust, and there is just no
10 evidence that it's sputtering or stalling out or dying out, and
11 so, in terms of rebuilding red snapper, I think this council has
12 a remarkable success story on its hands, and we've got a great
13 fishery and a great recovery.

14
15 We've got a lot of management problems, and we all know that,
16 and we've got a lot of allocation issues and everything else,
17 but it's been a remarkable recovery, and so that gives me
18 comfort that we remain on the right path.

19
20 **CHAIRMAN FRAZER:** Okay. We've got a couple of people in the
21 queue here. We have Dr. Simmons, Greg Stunz, and Paul Mickle,
22 but, before we go there, I want to make sure that we address
23 Leann's concern here. I think I understand and appreciate that,
24 as a council member, she feels, as she should, responsibility to
25 make sure that we're overseeing the fishery as we should, right,
26 and so we can ask staff, certainly, to put in the appropriate
27 language in the document. With that said, we'll go to Dr.
28 Simmons.

29
30 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I just had a
31 general question about -- I think there was a special workshop
32 that Gulf States put on in September, and they looked at some of
33 this for all the states, and we still have not been able to get
34 a report from that workshop. Could you get that to us as soon
35 as you can, and can you explain when the next meeting would be
36 or what the next steps are for that, please?

37
38 **MR. DONALDSON:** Certainly. The consultants received each of the
39 state supplemental survey data, and they are looking at that,
40 and they're working on it. I don't have a specific timeline of
41 when we'll have a report, but hopefully something in the
42 beginning part of this year, and not later, and then there was
43 talk that we could have a -- Once that analysis has been
44 conducted, to have a follow-up workshop later this year
45 sometime, but I will keep you all posted when I get something
46 more definitive.

47
48 **CHAIRMAN FRAZER:** Dr. Stunz.

1
2 **DR. STUNZ:** I wanted to add, to Kevin's comment on his analysis
3 here with these exploitation rates, that I think it's extremely
4 valuable. There is obviously something you guys know more --
5 All of you know around the table, with the Snapper Count going
6 on, and the best scientists from each of your regions are
7 participating in that, and, when we have numbers like this, and,
8 of course, I would like to see this for all of the states,
9 that's going to be really valuable, in the sense of ground-
10 truthing and having other estimates of what that population is
11 going to look like when we generate our numbers, and so I think,
12 Kevin, this is a very valuable exercise, and I appreciate you
13 doing that.

14
15 **CHAIRMAN FRAZER:** Dr. Mickle.

16
17 **DR. MICKLE:** Thank you, Mr. Chair. I would like to make a
18 motion that we make a special session meeting for the intent of
19 going final on Amendment 50 within the third or fourth week of
20 February. If I get a second, I will expound.

21
22 **CHAIRMAN FRAZER:** It's seconded by Mr. Banks. Paul.

23
24 **DR. MICKLE:** Thank you, Mr. Chair. It just seems like we worked
25 through what we need to work through, and there is some
26 unknowns, with government shutdowns and timing, and I do have
27 apprehension, even though Roy, yesterday, and I think the day
28 before, mentioned that it would potentially, at this current
29 point in time, be on track, if we went final in April, to be
30 able to wrap it up and be initiated in January of 2020, but,
31 again, there is a lot of unknowns, with an additional government
32 shutdown, and, also, it shows the public that we're very serious
33 about this, and I understand that there might be some thought on
34 why we're moving so fast on this, but it's just we've been
35 chewing on this a long time, and this is our second attempt at
36 it, if you count 39 as a full attempt.

37
38 Also, I would like more than ever to go final in Mississippi,
39 and I think it would be huge for our little state, as far as the
40 red snapper fishery is, but, again, I just want to show the
41 public that we're very serious about this. Thank you.

42
43 **CHAIRMAN FRAZER:** Okay. We've got a lot of hands, and I'm going
44 to go first with Robin and then with Patrick and then with Greg.

45
46 **MR. RIECHERS:** I am going to ask a question before I make any
47 comments. Mara, and I think I asked you this question the other
48 day, and so I just want to confirm it again, but we can go ahead

1 and notice the final action for April soon after this meeting,
2 certainly long before the next, quote, unquote, shutdown
3 deadline that would be occurring, and so we wouldn't run into
4 the same situation that we ran into on this meeting, and is that
5 a possibility, to notice it within the next five days for April,
6 or this one, and, I mean, either way, but I'm trying to get at
7 that whole notion of notice.

8

9 **CHAIRMAN FRAZER:** Dr. Simmons, to that point.

10

11 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. I will try
12 to address Mr. Riechers' question. We have to get back to the
13 office, and we have to have the meeting, and we have to work
14 with the Regional Office staff on what we think we can get
15 together for the April council meeting. We have to have our
16 staff draft committee agendas, and those committee agendas need
17 to go to the Chairs for approval, and then we'll start putting
18 everything together, and the Chair and Vice Chair will approve
19 it. We'll do that as quickly as we can, but I don't see us
20 being able to do that by next week.

21

22 **MR. RIECHERS:** Okay, and I'm sorry. Maybe I didn't phrase my
23 question correctly. Can we notice final action for this
24 particular item ahead of the full agenda being noticed, so that
25 you're basically saying that I'm taking final action on this in
26 April, and we do that before we ever have an opportunity for
27 another shutdown?

28

29 **CHAIRMAN FRAZER:** Ms. Levy.

30

31 **MS. LEVY:** I think what you would be doing is noticing the April
32 meeting well in advance and having an agenda that only shows I
33 guess the one day with the one action, and then you would be
34 amending that notice to put the full agenda on within the
35 minimum required time.

36

37 I mean, there's nothing in the Act that -- The Act has the
38 minimum, and there's nothing that says a maximum, but I guess
39 you would want to notice the meeting, and so the place, the
40 time, the day, and so maybe you could say the week, and you
41 would just say that, currently on the agenda, there is only
42 this, but, I don't know, and we would have to figure out some
43 way to sort of let people know that we plan on updating it, just
44 so people aren't like, oh, you're only deciding this one thing
45 on this Tuesday morning or something like that.

46

47 **MR. RIECHERS:** But it is possible?

48

1 **MS. LEVY:** I have never seen it happen, but it doesn't seem to
2 be precluded, and so, yes.

3
4 **MR. RIECHERS:** Yes, and so I guess I will now make comments.
5 Paul, this is certainly not any reflection on my desire not to
6 move fast or anything like this, and certainly I understand your
7 notion of notice to the public that we want to make sure that we
8 get this done, and I want to make sure we get this done as much
9 as anyone, with the exception of some issues I may have, but it
10 is an expensive cost element to bring us all together, and
11 certainly we already have the April meeting agenda, and I think,
12 when we first started discussing this, we actually had pointed
13 to that March or April meeting that, if we finished by then, we
14 would be okay. Then, as we moved through time, we kind of moved
15 up, thinking that, well, if we got it out of here in January, we
16 would be good.

17
18 I guess I have less of the fears that you have, Paul, and
19 especially if we can go and notice, and so, while I am not
20 opposed to having a meeting, I am going to actually vote no to
21 this, just so you know, but it's because I would encourage our
22 staff to go ahead and notice immediately that we're going to
23 take that final action.

24
25 I mean, when I vote no, that's what I'm assuming that we're
26 doing, so that we won't end up in a situation like we were at
27 this meeting, and I think, because that can be done, I think
28 that gives us the backstop of not needing that emergency
29 meeting, or a meeting in between the two meetings.

30
31 **CHAIRMAN FRAZER:** Thank you, Robin. Patrick.

32
33 **MR. BANKS:** I am certainly in support of this. Like Paul, I
34 want to get this done. I think the fishermen deserve it, and I
35 think we've had the public meetings, and they want it to happen,
36 and let's get it done.

37
38 I wanted to address Leann. You guys as a council are giving us
39 as states a tremendous responsibility, and so I respect that you
40 want us to prove to you that, when you delegate the authority to
41 us to do this management, that we're going to do it correctly,
42 and so I agree with you that we should be held -- Our feet
43 should be to the fire to come back to this council and show you
44 guys what we have done, so that you will feel good about
45 entrusting us with this responsibility, and I am committed to
46 doing that.

47
48 **CHAIRMAN FRAZER:** Thank you, Patrick. Dr. Stunz.

1
2 **DR. STUNZ:** I was just going to say, based on some of our
3 previous discussions, if this motion were to -- I highly
4 encourage that that third week of February is the week that we
5 hold that meeting.

6
7 **CHAIRMAN FRAZER:** Ms. Guyas.

8
9 **MS. GUYAS:** Well, I guess it depends on when that is, and so I
10 can tell you that I have some potential conflicts that week,
11 like a commission meeting, and so I guess my suggestion would
12 be, whatever date this meeting ends up being, should this motion
13 move forward, we, I think, need to make sure that everybody can
14 be there. I mean, we know that, at least when the state
15 amendments get voted on, they need to pass by 75 percent, right,
16 and so everybody in every vote is going to count, and I will
17 just leave it at that.

18
19 **CHAIRMAN FRAZER:** Thank you, Martha. Mr. Diaz.

20
21 **MR. DIAZ:** I support Paul's motion. Also, I don't have a
22 crystal ball, but I do have some fears that this past shutdown
23 is going to back a lot of things up, and, in the future, a lot
24 of things are going to move a little slower than they would have
25 moved had the shutdown not happened, and I don't know if that's
26 going to happen with this, but I do have that fear that things
27 might move a little slower, because there's a logjam that has
28 got to be cleared out, and so, thank you, Mr. Chairman.

29
30 **CHAIRMAN FRAZER:** Dr. Crabtree.

31
32 **DR. CRABTREE:** Well, I'm fine with having a special council
33 meeting, and, when you think about the amount of time we've
34 spent working on regional management and Amendment 39 and all of
35 this, I shudder to think how much money we've spent so far, and
36 so spending a little bit more to cross that finish-line doesn't
37 really bother me, and so I'm fine with this, and I will support
38 the motion.

39
40 **CHAIRMAN FRAZER:** Mr. Anson.

41
42 **MR. ANSON:** Two questions. I wonder, Dr. Crabtree, and I could
43 certainly look it up, but you may know off the top of your head,
44 and I hate to get into politics here, but what is the current
45 spending bill or funding bill -- When does that expire?

46
47 **DR. CRABTREE:** I believe it's February 15.

1 **MR. ANSON:** Again, kind of speaking to the politics here, the
2 threat that was made would occur probably very soon after the
3 15th, if nothing else transpires, and so I don't know even if
4 this is going to solve that problem, to be honest with you, if
5 we're shooting for some time after the 15th of February to hold a
6 meeting. There still may be a shutdown.

7
8 I am torn on this. On the one hand, I am trying to remember --
9 I think there's only been one, or maybe two, instances where the
10 council had to be convened to vote on something, and it was a
11 clunky process.

12
13 Granted, it was just one item, but there was some very
14 extenuating circumstances, I think, that we had to convene that
15 meeting, and so I don't know if this really causes this to rise
16 to the level of urgency and whether or not that raises this to
17 under further scrutiny, I guess, for somebody to kind of say,
18 hey, this was done and there was no emergency that was really
19 needed, per se, as far as to save the fishery, and so, again,
20 I'm just torn.

21
22 I am just trying to reconcile the need and the reality of the
23 situation and the risk that we're taking or trying to avoid here
24 and whether or not this actually avoids that risk, and so that's
25 all. I'm just kind of speaking out loud right now.

26
27 **CHAIRMAN FRAZER:** Dr. Crabtree.

28
29 **DR. CRABTREE:** Well, one, whether there is a shutdown or not,
30 you can still go ahead and have this meeting, and I will still
31 be in attendance. We may not have other staff there, but you
32 can still -- We can come in and vote this up.

33
34 You don't have to have an emergency to have an extra council
35 meeting. The council can convene when the council believes they
36 need to convene, and so I don't think that's really a
37 consideration either, and so I think where we are is the
38 amendment, as far as I know, is largely complete, and we have
39 this new alternative preferred that will go in it, but I think
40 the analysis will be trivial, and so I think they can have the
41 document ready to go, but it's just a matter of do you want to
42 move as quickly as you can and be done with this, or do you want
43 to wait, but I don't think -- I would not let the shutdown
44 overly play into your decisions in this. That's not something
45 we can control, and there is just no way in the world we can
46 know if that's going to happen or not, but, regardless, you can
47 still have the meeting.

1 **CHAIRMAN FRAZER:** Okay. I've got three people on my list right
2 now. I've got Doug Boyd and then Paul Mickle and then Phil.

3
4 **MR. BOYD:** Mr. Chairman, a question for Carrie. If we do notice
5 the meeting for the last two weeks of February, and we get close
6 to that time and you find out that we really don't have 75
7 percent of the voting council members that can attend, will you
8 cancel that meeting, because it will be inappropriate, I think,
9 to have it if we don't have enough members.

10
11 **CHAIRMAN FRAZER:** Dr. Simmons.

12
13 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. We would
14 lose the money on the hotel if we cancelled the meeting, and so,
15 if we decide to do this, I would like to decide on a date and
16 know who can attend, because, if we go ahead and schedule it, we
17 will need to submit the FRN today for February 18 or February
18 25, whatever day is the best for the council, if that's what
19 they choose to do, but I have already discussed with Kathy that,
20 once we make that decision and we decide to have a contract with
21 the hotel, we will lose the money on that if we cancel it.

22
23 There is a possibility that we could keep some of it for like an
24 SSC meeting or something, but that's not a high probability at
25 this late date. In July of 2013, we held a special meeting in
26 New Orleans, and it cost us \$28,000, but we have the funding for
27 the special meeting if the council wants to do it.

28
29 **CHAIRMAN FRAZER:** Paul.

30
31 **DR. MICKLE:** I guess two quick points. I am not quite sure if I
32 should bring this up or not, but, anyway, the first point that I
33 did want to bring up is we have a reason for the special
34 session, and we had everyone at this table had every intent of
35 going final at this meeting that we're sitting at right now, and
36 so the fact that we couldn't, in my mind, justifies -- That's
37 what my answer is going to be when I'm asked about why I made
38 the motion, is to move forward that we had the complete intent
39 on going final in January in Orange Beach, and we couldn't
40 because of the shutdown, with another government shutdown
41 looming, potentially, and the unknowns, and we just -- Again,
42 that's the justification for it.

43
44 The other one is just a friendly ask to hold up hands of who can
45 attend the first date that was brought up, and was it the 18th?
46 I think the 18th, and I haven't heard anybody say, at least at
47 this point, and can we raise our hands if we can attend the 18th,
48 just to help Carrie out?

1
2 **CHAIRMAN FRAZER:** Dr. Mickle, everybody can attend.

3
4 **DR. MICKLE:** Thank you, all, for doing that, for efficiency's
5 sake, just checking your calendars real quick. Thank you.

6
7 **CHAIRMAN FRAZER:** We have two more comments, or questions,
8 perhaps. Mr. Dyskow.

9
10 **MR. DYSKOW:** Thank you, Mr. Chair. I am respectful of all of
11 the communication and debate we've had on this issue, and it all
12 was valuable, but the Executive Director is in favor and has
13 said we need to have a special meeting, and the Chairman has
14 said that we need to have a meeting, and the representative from
15 NMFS on the council has said we should have a meeting, and so I
16 think they probably are deserving of our support to this motion
17 and to get this project done.

18
19 **CHAIRMAN FRAZER:** Thank you, Mr. Dyskow. Kevin Anson.

20
21 **MR. ANSON:** I certainly concur with your sentiments, Mr. Dyskow,
22 and those comments, but, just to kind of round-up some of the
23 other comments related to the money that's been spent on this
24 issue, again relative to the risk and everything, \$28,000 to do
25 something that we could plan and come here and meet a few weeks,
26 five weeks, later, that's just -- That's something that somebody
27 might bring up as well, and so that's all. Thank you.

28
29 **CHAIRMAN FRAZER:** Sure, and I appreciate that comment as well,
30 and I understand there is a fiscal obligation involved, and I am
31 willing to take on that obligation. Is there any further
32 discussion? Ms. Bosarge.

33
34 **MS. BOSARGE:** Just a question. I am in favor of having a
35 special meeting. I don't like to put things off to the last
36 minute, but, having said that, I want to feel good about what
37 we're going to accomplish in there and that we will actually
38 finish this in there, and so I'm trying to think logistically,
39 right, about the decisions that we're going to make, and there
40 is five state amendments plus the big amendment, and so I'm
41 hearing pushback from Alabama and from Texas on this, and I
42 don't think you're going to see a whole lot more in the document
43 than you have in there right now, because we're talking about
44 essentially two work weeks from now that we're going to be doing
45 this, and so ten business days.

46
47 Tomorrow is the 1st, and so staff and NMFS will have next week
48 and the week after, and we're going to bring your state

1 amendment up, and we're going to put that motion to go final out
2 there, and are we going to be in a situation where you're voting
3 no to your state amendment and we're all voting yes? I mean,
4 because you --

5
6 **CHAIRMAN FRAZER:** To that point?

7
8 **MS. BOSARGE:** I just don't want to end up in that situation. We
9 need to be ready if we're going to spend the money.

10
11 **CHAIRMAN FRAZER:** Kevin, to that point?

12
13 **MR. ANSON:** No, I expect that we will be able to be voting on
14 the alternatives and making preferreds and sending it to final.
15 As I said when I made the initial comment to the motion, it was
16 that I'm just torn right now in trying to justify or reconcile
17 the need for it versus the need not for it, and so I'm just
18 trying to go through the what-ifs and the is this really a risk
19 or is this not a risk.

20
21 Again, it's the risk-reward type thing, and so all those things
22 are trying to go through my head, and, again, trying to
23 juxtapose it against the history of the council and what it's
24 done and then also trying to look at it realistically for future
25 decisions the council may come to, and they will look at this as
26 a potential rationale for having other special meetings, and so
27 that's all I'm trying to do, and I didn't commit myself to one
28 way or the other, but I'm just saying that I'm just trying to
29 reconcile it, and I'm certainly appreciative of all the comments
30 to the motion. Thank you.

31
32 **CHAIRMAN FRAZER:** I think I have one last comment by Paul, and
33 then I'm going to try to deal with some process-oriented issues.
34 Paul.

35
36 **DR. MICKLE:** Thank you, Mr. Chair. I certainly don't want to
37 complicate anything, but, just for efficiency's sake and the
38 amount of money that it does take to do something like this, and
39 this is a question for I guess the Executive Director of the
40 Gulf Council, is, if we go final on this with a special session,
41 is there any way that we could save on the April meeting by
42 going down a day or something to offset some costs that it may
43 cause?

44
45 Can we tack on something at this meeting, potentially, this
46 special meeting, like the historical captain permit or something
47 we can chew into the April meeting to justify the offset of
48 cost, because my director taught me that trick, and so at least

1 I felt like I should bring it up before the vote, in case we
2 need to change the motion and tack on something, just to take a
3 bite into the April meeting, but I certainly don't want to
4 complicate this motion, and so I'm just thinking out loud.
5 Thank you.

6
7 **CHAIRMAN FRAZER:** Dr. Simmons.

8
9 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chair. We could
10 look at doing something like that, but my concern is that, in
11 April, we have a lot of things that we're trying to prepare for
12 final action, and we've had several presentations and items that
13 were put off that could not be accomplished at this meeting that
14 are going to get pushed to the April council meeting, making
15 that meeting potentially longer, and so I think it would
16 actually go the other way. If you did want to add something
17 else and hold a special meeting, such as the historical captains
18 or another document, we could do that, but we just need to know
19 as soon as possible.

20
21 **CHAIRMAN FRAZER:** To that point, Ms. Levy, and then I have Doug
22 Boyd and then Dale Diaz.

23
24 **MS. LEVY:** Just from a workload issue, meaning none of us at
25 NMFS or the General Counsel office have looked at any of the
26 documents since we've been out, and so I don't know what I've
27 looked at and what I haven't, and we already have to revise
28 Amendment 50 somewhat, because there's a new alternative, and we
29 need to put in the language that Leann was talking about, and
30 so, to the extent you put more things on an agenda that's going
31 to happen two weeks from now that we all have to write, or three
32 weeks, write and review and look at, I just feel like it's going
33 to -- I don't know how doable it is, and so I would just ask
34 that, if you wanted to add something else, that it be something
35 that was already sort of ready to go and didn't need a lot of
36 work to it, because I don't think we're going to have time to do
37 a lot.

38
39 We also have, even for Amendment 50, we still have to finish the
40 codified text, and so we were in the process of doing that, and
41 that got kind of cut off during the shutdown, and so we still
42 have some work to do even on that.

43
44 **CHAIRMAN FRAZER:** Mr. Boyd.

45
46 **MR. BOYD:** I will be fast. Is there any consideration for the
47 25th, or is there just consideration for the 18th?

48

1 **CHAIRMAN FRAZER:** There was originally consideration, I believe,
2 for both dates, based on some comments that I heard, but my
3 understanding at this point, based on individual discussions
4 with people around this table, is that we couldn't get the full
5 complement of council members on the 25th, and the intent here
6 was to make sure that everybody has an opportunity to be at the
7 table. Mr. Diaz.

8
9 **MR. DIAZ:** I applaud Paul's creative thinking to try to address
10 Kevin's concern about expenditures, but shortening the April
11 meeting is not, to me, a good way to do that. Getting people to
12 and from the meeting is a pretty good expense, and, once we get
13 there, staying to try to accomplish what we need to accomplish I
14 think is more cost-efficient than cutting back a day, I think,
15 if you looked at the total cost of getting everything done.

16
17 Kind of to address what Leann is talking about, I don't know how
18 everybody is going to vote at the end of the day, but we don't
19 have a Plan B. We don't have a back-up plan. I guess we do,
20 and we can go back to short seasons, like we had before we did
21 these EFPs.

22
23 If, for some reason, we don't reach a 75 percent benchmark, I
24 would suspect that some states is going to back up and do a
25 conservation equivalency, and, if we didn't reach the 75 percent
26 benchmark, it would probably be over allocation, and that seems
27 to be the most contentious issue, but I believe there is enough
28 votes and that people realize that we don't have a back-up plan
29 and that we've got to have some type of allocation, and I don't
30 know what it's going to be at the end of the day, but I think
31 we'll make progress.

32
33 I don't know if the progress will be exactly what everybody
34 prefers, and clearly everybody wants a delegation, and I think
35 that's the best way to go with this, and so, anyway, I have put
36 a lot of thought into this, and I used this crystal ball, and we
37 don't have a crystal ball to know how it's going to come out,
38 but I don't see where we've got really any other back-up plans
39 at this point, and so I'm fine with going forward, and I feel
40 like we'll -- My hope is that we will finish this thing up and
41 do the very best job we can do for our constituents and for the
42 resource. Thank you.

43
44 **CHAIRMAN FRAZER:** Okay. I want to make sure that everybody
45 understands what we're dealing with here, and so we do have a
46 draft agenda, if we can put that up on the board. Again, some
47 of the rationale for zeroing in on two potential dates in
48 February, the 18th and the 25th, both of those dates are a Monday,

1 and, given that this is a relatively short timeframe to notice
2 this meeting, we want to minimize, obviously, impact to people's
3 personal and professional schedules. That means that people
4 would have to leave on a Sunday and spend the night on a Sunday,
5 and we would have a morning meeting with one single action in
6 mind, or a single item to deal with, and that's Amendments 50A
7 through 50E, and we would -- Here we go.

8
9 We would start out, and we would have a typical call to order.
10 We would have an adoption of the agenda and approval of the
11 minutes. Then we would go through the main document, 50A, and
12 each of the state plans. We would spend an hour on that. I
13 think that we're pretty close at this point. Again, I don't
14 have a crystal ball either, but that would bring us to about
15 9:45.

16
17 Then we would have a brief break, and then we would have a
18 public comment period. We have to do that, legally, and then we
19 would have that to twelve o'clock. If it ends sooner, we would
20 move into the committee, and we're looking at final action.

21
22 We would probably have a working lunch, because I recognize that
23 people probably want to leave, and we want to make sure that
24 there's not a huge disruption to their schedule, and, if we can
25 get them an early afternoon flight back to either Alabama,
26 Texas, Mississippi, or Louisiana, then I think we'll have
27 accomplished what we intended to do, and so that's the brief
28 schedule, and I think it's probably appropriate, and I
29 understand where Paul is coming from, and I also understand
30 where Ms. Levy is coming from, but I think this is the best that
31 we probably can do. Ms. Levy.

32
33 **MS. LEVY:** I am not sure what that was in relation to, but I
34 guess my question is, so are you planning on not meeting as a
35 committee and just meeting as Full Council to do all of this
36 stuff?

37
38 **CHAIRMAN FRAZER:** I think, in this particular case, that
39 committee is the Full Council, and so I guess we would just meet
40 as Full Council, right?

41
42 **MS. LEVY:** I mean, generally, with every meeting, it's a
43 committee of the whole, but the regular process is you meet as
44 the committee, and you make motions, and then the council
45 convenes, and you present those motions to the council and you
46 vote on them, and so I guess I'm just trying to clarify if you
47 intend to follow that same process to meet as a committee of the
48 whole, go through all the stuff, make the motions and the

1 recommendations to the council, go through public comment, and
2 then meet as the council and adopt those motions or not and take
3 final action, or whether you just plan on convening as the
4 council without a committee.

5
6 Really, having the committee gives you two bites at the apple,
7 right, because you make motions in committee and vote on those,
8 and then you approve them as the council, and that's the normal
9 process, and I'm not saying we can't necessarily modify it, but
10 I'm just trying to clarify what you're envisioning.

11
12 **CHAIRMAN FRAZER:** This was basically based on a similar agenda
13 from 2013, and so, at that point, I guess they didn't meet as a
14 committee. They met as a council as a whole, and I don't -- I
15 mean, again, I'm looking around, and I don't think there's a
16 huge need to actually meet as a committee and then do it again.
17 I think my preference probably would be to meet as the council.
18 Kevin.

19
20 **MR. ANSON:** Just to Mara's point, if, for process purposes, if
21 we want to be consistent, you could do the morning, and the
22 first agenda item there is the Reef Fish Committee, and then you
23 could go to the Full Council at ten o'clock and public
24 testimony, and then we come back after lunch and read the
25 committee report at one o'clock and do Full Council, if it just
26 needs to be that way for process.

27
28 **CHAIRMAN FRAZER:** Yes, and I'm not wed to either way, and so,
29 essentially, what you're asking for is to have a committee.

30
31 **MR. ANSON:** Well, I think -- Mara is here, and she can tell me
32 if I'm wrong, but I think she's talking about specifically just
33 the text in the agenda and to delineate or to make notice that
34 the 8:45 to 9:45 session will be Reef Fish Committee. Then we
35 go to Full Council at ten o'clock. Then, under Full Council,
36 just as we do now, we have an item under the Full Council that
37 says, "public testimony", and, under Full Council, we would have
38 an agenda item that says, "Reef Fish Committee report", and so
39 that's all.

40
41 **CHAIRMAN FRAZER:** Robin, did you want to speak to that point?

42
43 **MR. RIECHERS:** I appreciate the transparency with trying to show
44 everyone exactly how the day may play out, but I will leave that
45 to the Chair and Mara and council staff to decide, Carrie to
46 decide, how that should be, and I would suspect there is no
47 right way or wrong way. We can do it however you all choose to.

48

1 Again, I think the motion at hand though is just whether or not
2 to have this meeting or not, and so let's just -- I want to make
3 sure, because some people have suggested that we should support
4 it or not support it for certain reasons, and I'm just -- Again,
5 all we're doing is trying to mitigate risk and whether we think
6 that risk is important enough, and I know it has nothing to do
7 with anyone's intention around the table, if they vote no or
8 yes, as to how much they're invested in the amendment and how
9 much they want to get through this and how much they want to
10 signal to their people, because, for the most part, private rec
11 folks aren't watching what we do here, and what they're
12 interested in is being told when they can go fish.

13
14 As long as we get that done by November or December of 2019,
15 they're going to be happy, and so, again, I just want to make
16 sure that everyone understands that all we're voting on is to
17 have the meeting or not have the meeting.

18
19 **CHAIRMAN FRAZER:** I appreciate that, and so, again, if everybody
20 is good with that, this is kind of the general structure of the
21 meeting. If everybody is okay with us working out the details
22 of how it needs to look, then we'll do that. We'll move back
23 now, I guess, to the motion, and I think we've had enough
24 discussion, and we'll vote it up or down. Paul, are you willing
25 to add that to the motion, the specific date?

26
27 **DR. MICKLE:** Yes, I'm fine with that, the February 18th.

28
29 **CHAIRMAN FRAZER:** Patrick, I believe you seconded this motion.
30 Are you good with that? Okay. I think we've had enough
31 discussion about this. **I'm going to ask all of those in favor
32 of the motion to raise your hand, fifteen; all opposed, one
33 opposed. The motion carries.**

34
35 **CHAIRMAN FRAZER:** Okay. Are there any other discussion items on
36 Amendment 50 at this point? Seeing none, Martha, if you want to
37 pick it up with Reef Fish Landings.

38
39 **MS. GUYAS:** Thank you. Ms. Gerhart reviewed the commercial and
40 recreational landings for various reef fish stocks. She noted
41 that the commercial landings of greater amberjack and gray
42 triggerfish have marginally exceeded the ACL, and the 2019
43 greater amberjack ACL will be reduced by a payback, due to its
44 overfished status. Recreational landings were below the ACL for
45 gag and red grouper. However, gray triggerfish landings were
46 over by 83 percent.

47
48 Recreational landings of red snapper by the for-hire component

1 were right at the ACL. Recreational landings of red snapper by
2 the private angling component were 13.1 percent over the state's
3 ACL for Florida, 0.2 percent over for Alabama, 4.4 percent under
4 for Mississippi, and 0.8 percent under for Louisiana. Mr.
5 Riechers stated that Texas was 24.5 percent under, based on the
6 most recent available data.

7
8 A committee member requested the 2018 landings of gray
9 triggerfish from state versus federal waters and details about
10 which states were non-compliant with federal management for gray
11 triggerfish.

12
13 The committee noted that, for red snapper, a goal of the
14 management measures in Reef Fish Amendment 50 is to eliminate
15 the non-compliance issue and reduce the likelihood of the
16 related overages in the future. Delays in the receipt of timely
17 landings data was identified as a possible cause of the overage
18 related to recreational gray triggerfish in 2018.

19
20 Public Hearing Draft Amendment 51, Establish Gray Snapper Status
21 Determination Criteria, Reference Points, and Modify Annual
22 Catch Limits, staff reviewed draft Reef Fish Amendment 51 that
23 would establish status determination criteria and modify the
24 ACLs for gray snapper.

25
26 The committee reviewed four actions that would establish or
27 modify the status determination criteria and an action to modify
28 the ACLs. Action 1 would establish a maximum sustainable yield
29 proxy for gray snapper. The SSC recommended that the MSY proxy
30 be set at the yield when fishing at F 30 percent SPR, based on
31 their review of the SEDAR 51 stock assessment.

32
33 However, staff stated that the biology of the species and the
34 characteristics of the fishery may allow for an MSY proxy below
35 F 30 percent SPR, which would allow for a larger harvest for a
36 given stock size. However, the SSC recommended not going below
37 the F 30 percent SPR MSY proxy for gray snapper.

38
39 **Without opposition, the committee recommends, and I so move, in**
40 **Action 1, to add an alternative. For gray snapper, the MSY**
41 **proxy is the yield when fishing at 26 percent spawning potential**
42 **ratio.**

43
44 **CHAIRMAN FRAZER:** Okay. We're going to put that committee
45 motion on the board. Is there any further discussion on this
46 motion? **Seeing none, is there any opposition to the motion?**
47 **Seeing no opposition, the motion carries.**

1 **MS. GUYAS:** A committee member expressed concern about
2 Alternative 4 in Action 1. This alternative would allow the
3 council to modify the MSY proxy based on an SSC recommendation
4 after reviewing a stock assessment. This would allow for a more
5 streamlined management approach, but the committee requested
6 that the intent of the alternative be clarified and cautioned
7 against allowing the MSY determination to be modified outside of
8 the current council process. The IPT will review and clarify
9 this language in a subsequent draft.

10
11 Next, the Committee considered Action 2, which would modify the
12 maximum fishing mortality threshold. The committee discussed
13 that the MFMT should correspond to the MSY definition in Action
14 1. They requested an alternative be added to the document that
15 is complementary to the new alternative proposed in Action 1.

16
17 **Without opposition, the committee recommends, and I so move, in**
18 **Action 2, to add an alternative that the definition for the gray**
19 **snapper MFMT is equal to F 26 percent SPR.**

20
21 **CHAIRMAN FRAZER:** Again, we have a committee motion on the
22 board. Is there any further discussion of the motion? **Seeing**
23 **none, is there any opposition to the motion? Seeing none, the**
24 **motion carries.**

25
26 **MS. GUYAS:** The committee reviewed Action 3, which defines the
27 minimum stock size threshold. This criterion allows for a
28 buffer between the stock size at MSY and the stock size which
29 the species is declared overfished and allows for some
30 variability in the stock without automatically requiring a
31 rebuilding plan if biomass falls below the biomass at MSY.

32
33 **Without opposition, the committee recommends, and I so move, in**
34 **Action 3, to make Alternative 4 the preferred alternative.**
35 **Alternative 4 reads: The minimum stock size threshold for gray**
36 **snapper equals 50 percent times BMSY (or proxy).**

37
38 **CHAIRMAN FRAZER:** Okay. We have a committee motion on the
39 board. Any further discussion on the motion? **Seeing none, is**
40 **there any opposition to the motion? Seeing none, the motion**
41 **carries.**

42
43 **MS. GUYAS:** Action 4 considers alternatives to define optimum
44 yield. This is a long-term value required by the Magnuson-
45 Stevens Act that is based on MSY, but reduces the harvest to
46 account for relevant economic, social, and/or ecological
47 factors.

48

1 Without opposition, the committee recommends, and I so move, in
2 Action 4, to make Alternative 2, Option 2c the preferred
3 alternative. Alternative 2 is set an OY for gray snapper that
4 is the long-term yield that implicitly accounts for relevant
5 economic, social, or ecological factors by fishing at, and
6 Option 2c is 90 percent of FMSY proxy.

7
8 **CHAIRMAN FRAZER:** Again, we have a committee motion on the
9 board. Roy.

10
11 **DR. CRABTREE:** Just to point that we normally set OY at 75
12 percent of MSY, and maybe we've done 90 percent before, but I
13 can't think of when we have, and one of the things -- I mean, we
14 talked a lot about how uncertain this assessment is, yet, when
15 you look at the ABC relative to the OFL, they are really close
16 to each other, which tells me that, when they evaluated the
17 scientific uncertainty, they were underestimating the variance
18 in the assessment, and I'm not going to make a substitute
19 motion, and I'm not going to vote against this or anything now,
20 but I do think that's something we ought to think about, whether
21 we really want to do this, and I hope, at the next meeting,
22 before we take action on this -- We should have Clay back, and I
23 think it would be worth having him address some of that, but we
24 are going to need to have some rationale for why 90 percent is
25 appropriate here when we normally use something else.

26
27 **CHAIRMAN FRAZER:** Okay. Any further discussion? **Seeing none,**
28 **is there any opposition to this motion? Seeing none, the motion**
29 **carries.**

30
31 **MS. GUYAS:** Finally, the committee considered alternatives that
32 would modify the ACLs for gray snapper based on the 2018 stock
33 assessment. The committee considered the range of alternatives
34 and discussed the need for an alternative based on the yield
35 when fishing at 26 percent spawning potential ratio that was
36 added to Action 1.

37
38 Without opposition, the committee recommends, and I so move, in
39 Action 5, to add a new alternative that mirrors Alternative 2
40 and Alternative 4 using F 26 percent SPR.

41
42 **CHAIRMAN FRAZER:** We'll put that committee motion on the board.
43 Any further discussion? Ms. Bosarge.

44
45 **MS. BOSARGE:** I was just going to say, you know, I had some
46 hesitancy about this during committee, but, after listening to
47 the public testimony, I think we need to be as liberal with the
48 fishermen as we can on this one, because of the uncertainty in

1 that assessment, and the assessment doesn't really match what
2 all the different sectors of fishermen are saying out there on
3 the water, and so I will support this, and I will say though
4 that I was -- I'm pretty sure that I was at this SSC meeting,
5 and it kind of follows Dr. Crabtree's logic.

6
7 They suggested that 30 percent SPR, because, generally speaking,
8 we use that for many of our species, and we stepped outside the
9 realm and went lower than that with red snapper, and I just have
10 hesitancies about creating a trend of doing that. You know, I
11 tend to be more conservative than that, and so I like the 30,
12 but, in this case, I am going to support this.

13
14 **CHAIRMAN FRAZER:** Thank you, Leann. Mr. Swindell.

15
16 **MR. SWINDELL:** Leann, I don't remember exactly why we went to
17 the 26 percent instead of the 30, when the SSC recommended 30,
18 and do we have any reason for that, that you know of?

19
20 **CHAIRMAN FRAZER:** Ms. Bosarge.

21
22 **MS. BOSARGE:** This motion is to add an alternative. The SSC, if
23 my memory serves me correctly, recommended that 30, and they
24 looked at a range, and they said that, just below that 26,
25 you're getting into some territory you really don't want to be
26 in.

27
28 We have 30 on a lot of our other species, and they recommended
29 staying with 30, sort of like what we just talked about with an
30 OY, where, on a lot of our species, we're at 75 percent, and yet
31 we're picking one that's 90, something we just want to look at.

32
33 In committee, I spoke against this a pretty good bit, and my
34 comments were just saying that I listened to the fishermen
35 during public testimony, and it sounds like this stock of fish
36 is pretty healthy and in good shape, and there is a good bit of
37 uncertainty in the stock assessment, and so I would rather
38 actually be a little more liberal and err on the side of giving
39 the fishermen what we can give them in this scenario, and that's
40 my rationale for going to 26, when it's not typically what we
41 do.

42
43 **CHAIRMAN FRAZER:** I would just like to remind folks that this is
44 simply the addition of an alternative, and it's not a preferred
45 at this point. Is there any further discussion? Okay. **Seeing**
46 **none, is there any opposition to the motion? Seeing none, the**
47 **motion carries.**

1 **MS. GUYAS:** Draft Options: Red Grouper Framework Action, staff
2 reviewed the purpose and need for the framework action, noting
3 that it is in response to both the recent decrease in landings
4 for red grouper and the interim analysis on the health of the
5 stock provided to the SSC by the Southeast Fisheries Science
6 Center.

7
8 Two alternatives to the current combined commercial and
9 recreational ACL of 10.77 million pounds gutted weight were
10 provided. ACL equal to 4.600 million pounds gutted weight,
11 which is based on the SSC's recommendation from the interim
12 analysis, and the ACL equal to 4.154 million pounds gutted
13 weight, which is based on the combined landings from 2017.

14
15 When requesting the emergency rule from the NMFS, the council
16 requested that the emergency rule set the ACL for 2019 at the
17 lower of 4.600 million pounds or the landings from 2017. NMFS
18 indicated that the ER would reflect 4.154 million pounds ACL for
19 2019, and that the proposed rule should publish in April of
20 2019.

21
22 The committee decided to reflect the action taken in the
23 emergency rule, with the goal of revisiting the red grouper ACLs
24 and annual catch targets after receiving the results of the
25 SEDAR 62 stock assessment in late summer 2019.

26
27 **Without opposition, the committee recommends, and I so move, in**
28 **Action 1, to make Alternative 3 the preferred alternative.**
29 **Alternative 3 is modify the red grouper ACLs and ACTs based on**
30 **the combined landings from the 2017 fishing season. Allocations**
31 **and the recreational ACT are applied as appropriate.**

32
33 **CHAIRMAN FRAZER:** Okay. Again, we have a committee motion on
34 the board. Is there any further discussion on the motion?
35 **Seeing none, is there any opposition to this motion? Seeing**
36 **none, the motion carries.**

37
38 **MS. GUYAS:** Staff plans to bring the framework action back to
39 the council for final approval in April 2019. Draft Amendment
40 36B, Modifications to Commercial IFQ Programs, staff reviewed
41 the recommendations from the Ad Hoc Red Snapper/Grouper-Tilefish
42 IFQ AP and a statement from the Law Enforcement Technical
43 Committee regarding estimated weights in landing notifications.

44
45 The committee discussed the purpose and need and the actions and
46 alternatives in the amendment. The committee discussed access
47 to quota and short and long-term participation in the fishery.
48 The committee passed the following motion.

1
2 With three opposed, the committee recommends, and I so move, to
3 add language to the purpose and need section that states the
4 purpose will be to increase access to shares to actively fishing
5 eligible commercial fishermen.
6

7 **CHAIRMAN FRAZER:** Okay. We'll get the motion on the board.
8 It's a committee motion. Is there any further discussion on
9 this motion? **Seeing none, is there any opposition to the**
10 **motion? Seeing none, the motion carries.** Ms. Bosarge.
11

12 **MS. BOSARGE:** Is that the end of that section, 36B?
13

14 **CHAIRMAN FRAZER:** Yes, it is.
15

16 **MS. BOSARGE:** Okay. Well, I just kind of wanted to bring back
17 up for discussion here -- I sort of outlined a possible scenario
18 where we would go with this document, and my scenario was to
19 streamline the document so that we would retain that first
20 action item, the first decision point, where we decide do you
21 have to have a permit in order to own shares, and there is some
22 sub-options in there with dates and stuff like that, and then to
23 have some decision point on that quota that we reclaimed already
24 from the inactivated accounts, and my personal hope as to what
25 we would do with that handful of pounds of red snapper would be
26 to -- It's in NMFS's hands now, and to allow eastern Gulf
27 grouper fishermen that have little to no red snapper quota to
28 apply for that and that those poundages be doled out by NMFS to
29 deal with some bycatch of red snapper, and I think that's a good
30 conservation goal for those handful of pounds, and I'm not sure
31 what else you can really accomplish with those few pounds of red
32 snapper.
33

34 It's not enough for new entrants, but I wanted to have a
35 discussion and get some feedback from you all if you are
36 comfortable going in that direction with that document, but it's
37 just been going on and on and on, and I want to see us come to
38 fruition on something and get some closure at some point.
39

40 Those, to me, seem to be two things that we could actually make
41 progress on and make some small improvements, but it would be a
42 much more streamlined document that would come back to us if it
43 just comes back with those two action items, and so I wanted to
44 open it for discussion and see what the council thought about
45 that.
46

47 **CHAIRMAN FRAZER:** I am looking around the table. Mr. Riechers.
48

1 **MR. RIECHERS:** Well, I think what's going to come back is
2 whatever was changed in committee and whatever we then vote on
3 here at the Full Council, and so, while I may or may not agree
4 with the approach you want to take at the next meeting in
5 dealing with this document, I mean, the simple fact is either
6 we're going to deal with it here in Full Council and walk
7 through every item again and decide what stays or what doesn't
8 or we're going to deal with the committee report and vote that
9 up or down.

10

11 **CHAIRMAN FRAZER:** Ms. Bosarge.

12

13 **MS. BOSARGE:** Yes, and so what I'm saying is I was going to
14 float a motion that would essentially say -- That would instruct
15 staff to bring us back a document and bring that document back
16 to us at the next meeting with the first action item and the
17 action items that will address the undistributed reclaimed quota
18 and that's it, not go through the document and say, okay, now
19 move this to Considered but Rejected and move this and move
20 this, but direct staff to bring it back with those options only,
21 and the rest would be out of the document and in Considered but
22 Rejected. To me, that seemed like the more streamlined approach
23 to going through this, and so that's what I was trying to get
24 feedback on.

25

26 **CHAIRMAN FRAZER:** I've got a couple of questions, real quick,
27 myself, but let me let Susan ask her question, and then I'm
28 going to try to get Ava to weigh-in on this a bit.

29

30 **MS. BOGGS:** I was just going to say, if Leann makes the motion,
31 I would support it.

32

33 **CHAIRMAN FRAZER:** I certainly think that there's going to need
34 to be a motion here, but, Ava, do you have some thoughts on
35 this?

36

37 **DR. AVA LASSETER:** Whatever you guys decide, as far as what you
38 want to include in the document, we will respond.

39

40 **CHAIRMAN FRAZER:** Ms. Gerhart.

41

42 **MS. GERHART:** I just have some questions about what exactly this
43 second action is that you're looking for, but maybe I should
44 wait on the vote on whether to include it or not.

45

46 **CHAIRMAN FRAZER:** Leann, do you want to go ahead and then -- It
47 sounds to me like what we would need is to articulate a motion
48 here, right? I think we're all done with this section, and so,

1 if you want to put a motion out there, Leann, now is the time.
2
3 **MS. BOSARGE:** I will tell you what. Ava, I am going to try and
4 float a motion, but I'm going to look to you to assist me to
5 make sure that whatever I put up there is clear to staff, okay?
6 **To direct staff to bring back Amendment 36B with Action 1 and**
7 **Action 2, and, under Action 2, to have options for distributing**
8 **the reclaimed red snapper quota --**
9
10 **DR. LASSETER:** Shares. The reclaimed shares.
11
12 **MS. BOSARGE:** **Reclaimed shares to address eastern Gulf bycatch**
13 **of red snapper.** Would that be a clean-enough motion, Ava, for
14 you all to understand what you would bring back?
15
16 **DR. LASSETER:** Just to clarify, how I interpret that is that
17 those are the only actions that would be included in the
18 document. Now, the bit about distributing reclaimed shares to
19 address eastern Gulf bycatch of red snapper, we may need
20 additional sub-actions to address how to operationalize that.
21
22 **CHAIRMAN FRAZER:** Ms. Bosarge.
23
24 **MS. BOSARGE:** Yes, and that's what I was trying to accomplish
25 when I put the "under Action 2", which addresses those reclaimed
26 shares, to have some options for distributing the reclaimed
27 shares to address eastern Gulf bycatch of red snapper.
28
29 In that action item, if we decide not to address eastern Gulf
30 bycatch, there is already actions there that would just
31 distribute it back out to current shareholders and all that kind
32 of stuff, and so there's other ways to deal with it, but as long
33 as that eastern Gulf bycatch is added in there.
34
35 **CHAIRMAN FRAZER:** Mr. Boyd.
36
37 **MR. BOYD:** I guess a point of order. We don't have a second for
38 that yet, and so I will hold my question.
39
40 **CHAIRMAN FRAZER:** As soon as we get the motion squared away --
41 Are you happy with the motion as it exists on the board now?
42
43 **MS. BOSARGE:** Yes.
44
45 **CHAIRMAN FRAZER:** Is there a second for this motion? It's
46 seconded by Mr. Sanchez. Mr. Boyd.
47
48 **MR. BOYD:** A question for Leann. If I am understanding what you

1 want to do, any other actions and alternatives in the document
2 will be removed as if they were considered but rejected, and is
3 that correct?

4

5 **MS. BOSARGE:** Yes.

6

7 **MR. BOYD:** I have a follow-up question then to ask Ava. How
8 many other actions are there? I haven't pulled up the 36B to
9 look at whatever we have already agreed on and not agreed on.
10 How many other actions and alternatives are there that we're
11 fixing to just delete?

12

13 **CHAIRMAN FRAZER:** Ava.

14

15 **DR. LASSETER:** Okay, and so the way it's set up now is there is
16 multiple sub-actions, and so I would have to go through and
17 count each one of those, but some of that would have to be
18 retained in order to execute this alternative to distribute
19 those shares to the people in the eastern Gulf, and so it would
20 be restructured as Action 1 and 2, but you would still have some
21 additional sub-actions.

22

23 It would be more like a document restructuring, in one point,
24 because you would still need additional sub-actions to actually
25 do that, and I also believe that we would still have to put
26 everything that we do take out into Considered but Rejected,
27 because this is now an amendment, but I could quickly go through
28 the actions, if you would like me to do that.

29

30 **CHAIRMAN FRAZER:** Okay. We're going to go to Ms. Levy and then
31 Ms. Gerhart and then Robin.

32

33 **MS. LEVY:** Well, so, you're going to keep Action 1, which is the
34 program eligibility stuff, and then also includes the divestment
35 of shares, if you change the program eligibility, and you're
36 going to keep Action 2, which has the distribution of reclaimed
37 shares, but part of that action is to establish a quota bank,
38 which is Action 3, which it seems like you want to get rid of.

39

40 It's a little bit -- A lot of things in here are intertwined,
41 meaning, if you pick one action, it leads to another action, and
42 so, unless you're going to get rid of the option to have a quota
43 bank under Action 2, we still need Action 3, because there is no
44 way to do the quota bank if you actually pick that as the thing
45 you want to do to distribute the reclaimed shares, if that makes
46 sense.

47

48 **CHAIRMAN FRAZER:** Mara.

1
2 **MS. LEVY:** Well, and then Action 4 is that sort of stand-alone
3 weight accuracy requirement, right, and so, if you get rid of
4 that, it wouldn't affect anything, but all the other three
5 actions are intertwined, in some respects, and so you kind of
6 have to -- I don't know that we could get rid of Action 3,
7 unless you modify what's in Action 2, is what I was saying.

8
9 **CHAIRMAN FRAZER:** Okay. Sue.

10
11 **MS. GERHART:** I had a similar question. If the intention is to
12 remove the idea of a quota bank altogether, then we would just
13 remove Alternative 4 from Action 2, and that's your intention?
14 Okay, but then I think what both Ava and Mara were trying to say
15 is that a lot of the things that were in Action 3 about the
16 quota bank will need to be reorganized to fall under this new
17 idea that you have, because there are things like how do we
18 decide who is eligible to get this.

19
20 If we have more people wanting than we have the shares, how do
21 we determine which people get that? How do we do that
22 distribution? Are we going to put a limit on how much each
23 person can get? There are those things that are there under
24 Action 3 that also will apply in this case.

25
26 Another issue is that we have reclaimed shares for all the
27 different categories and not just red snapper, and so we still
28 would have to decide what to do with those other ones, and
29 certainly we could structure the action to talk about the other
30 ones versus red snapper, if that's how you want to do it, and so
31 just keep that in mind, but I just wanted to really clarify that
32 you're trying to get rid of the quota bank.

33
34 **CHAIRMAN FRAZER:** Ms. Bosarge.

35
36 **MS. BOSARGE:** I will respond to it, but we might as well just
37 withdraw the motion, and we'll go through this document again
38 next time, and hopefully we'll actually make some progress and
39 make some decisions, because I'm ready to make some decisions,
40 instead of talking, talking, talking.

41
42 Yes, it was my intention to get rid of the quota bank, and
43 you're correct. In other words, those shares would go to NMFS,
44 and, if you want me to tell you what my crystal ball was going
45 to say, any grouper shares, just -- We're not going to worry
46 about that. That stock is in a bad situation, and you really
47 don't need to issue them. Just let them swim.

1 Then, the red snapper, it was my intention to have it at NMFS.
2 It's not a quota bank. You will take applications for people
3 that meet the requirement, which is you fish in the eastern
4 Gulf, and you own little to no red snapper, or you can say no
5 red snapper shares, and you apply, and NMFS will make sure that
6 you meet the requirements, and, based on how many applications
7 there are, divide it up that way.

8
9 That is how many shares or pounds or whatever that each person
10 gets, and the rest of the document will go away, and we can
11 actually make some progress and do some good, but, obviously,
12 that can't be accomplished through this motion. **I am going to**
13 **withdraw the motion, but, at the next meeting, I really want to**
14 **make some progress.**

15
16 **CHAIRMAN FRAZER:** Okay. We will consider the motion withdrawn.
17 Chris Conklin.

18
19 **MR. CONKLIN:** Thanks. It seems like the easiest thing to do,
20 from outside looking in, would be to take the red snapper, the
21 amount of pounds, and, instead of having to worry about who can
22 get it and who can't, you just make an eastern Gulf -- A small
23 trip limit that would encompass the majority of the trips, and
24 it would still create a lot of discards, but it would allow
25 fishermen to split up the fish on that side of the Gulf and at
26 least bring a little bit in, but that's just me.

27
28 **CHAIRMAN FRAZER:** Thank you, Chris. That's something to think
29 about when we bring this back at the next meeting. All right.
30 Is there any other further discussion? Seeing none, carry on,
31 Martha.

32
33 **MS. GUYAS:** Review Draft Options of Red Snapper Reallocation
34 Document, staff presented the revised objectives of the Reef
35 Fish Fishery Management Plan. The committee then made the
36 following motions.

37
38 **Without opposition, the committee recommends, and I so move, in**
39 **Table 1.2.1, Objectives of the Fishery Management Plan for Reef**
40 **Fish Resources in the Gulf of Mexico, Post-October 2018 Council**
41 **Meeting, to revise Objective 2 to read: To achieve robust**
42 **fishery reporting and data collection systems across all sectors**
43 **for monitoring the reef fish fishery which minimizes management**
44 **uncertainty.**

45
46 **CHAIRMAN FRAZER:** Okay. We've got a committee motion on the
47 board. Any further discussion of the motion? **Seeing none, is**
48 **there any opposition to the motion? Seeing none, the motion**

1 carries.

2

3 Without opposition, the committee recommends, and I so move, in
4 Table 1.2.1, to add an objective to promote and maintain
5 accountability in the reef fish fishery.

6

7 **CHAIRMAN FRAZER:** Okay. Another committee motion. Let's make
8 sure it's up there. All right. Is there any further discussion
9 of this motion? **Seeing none, is there any opposition to the**
10 **motion? Seeing none, the motion carries.**

11

12 **MS. GUYAS:** If the Reef Fish Committee motions are approved by
13 the Full Council, the new Reef Fish FMP objectives would be
14 stated as seen in Table 1 of this committee report. I am not
15 going to read each of those motions, but I don't know if we need
16 a minute to eyeball them, or objectives, rather, and not
17 motions. Okay.

18

19 Staff reviewed the draft purpose and need before presenting
20 draft options for reallocation of red snapper between the
21 commercial and recreational sectors. Staff noted that the
22 committee should focus on the timeframes in Options 1 and 2, as
23 Marine Recreational Information Program data recalibration may
24 affect the listed percentages.

25

26 Dr. Crabtree noted that the document will need to consider when
27 reallocation would be in place, such as following the acceptance
28 of the next stock assessment. The committee then made the
29 following motions.

30

31 **With one opposed, the committee recommends, and I so move, in**
32 **Action 1, to add additional sub-options to Options 3 and 4 that**
33 **would include percentages on historical distributions as**
34 **determined in Options 1 and 2.**

35

36 **CHAIRMAN FRAZER:** Again, we have a committee motion on the
37 board. Is there any further discussion of this motion? **Seeing**
38 **none, is there any opposition to the motion? Seeing none, the**
39 **motion carries.**

40

41 **MS. GUYAS:** Without opposition, the committee recommends, and I
42 so move, in Action 1, to add an option that uses historical
43 landings between 1979 and 2006.

44

45 **CHAIRMAN FRAZER:** Okay. We'll put this committee motion on the
46 board. While we're doing that, is there any further discussion?
47 **Seeing none, is there any opposition to this motion? Seeing**
48 **none, the motion carries.**

1
2 **MS. GUYAS:** Staff then presented draft options for reallocation
3 of red snapper between the private angling and federal for-hire
4 components. Staff noted that the committee should focus on the
5 timeframes in Options 1 through 3, as MRIP data recalibration
6 may affect the listed percentages.
7

8 Ms. Levy asked the committee to consider whether it is
9 appropriate to include 2017, since the Department of Commerce
10 reopened the private angling season for additional days. Dr.
11 Crabtree noted that the percentages based on the preferred
12 timeframe under Amendment 40 would be affected by the MRIP data
13 recalibration. The committee then made the following motion.
14

15 **With two opposed, the committee recommends, and I so move, in**
16 **Action 2, that Options 1, 2, and 3 have a terminal year of 2016.**
17

18 **CHAIRMAN FRAZER:** Okay. We have another committee motion on the
19 board. Is there any further discussion of the motion? Mr.
20 Boyd.
21

22 **MR. BOYD:** Thank you, Mr. Chairman. During committee, I asked
23 to have the motion that established this action to be re-read,
24 and we went through that. The spirit of that motion was to
25 revisit the allocation that was addressed in Amendment 28, and,
26 as Dr. Crabtree said, there was considerable consideration of
27 the MRIP numbers.
28

29 We had a lot of discussion about the court ruling and the
30 possible misunderstanding by the court of what we were trying to
31 do and the fact that we did not think, as a council, that this
32 was unfair.
33

34 We saw the scoping document at the last meeting. Between the
35 scoping document and this draft options paper, staff added
36 several sections, and one of them was the purpose and need,
37 which I would like to revisit at the next meeting, and I won't
38 do that right now, but they also added, in 2.2, an Action 2,
39 which put in an allocation provision for between for-hire and
40 private recs, and that was not the original intent of the
41 motion.
42

43 **What we have now is we're working on Amendment 50, and Amendment**
44 **50 is concerned with private rec and for-hire allocations, and**
45 **we have the possibility that, with this, we could have some**
46 **problems in Amendment 50, and so I would like to give you a**
47 **substitute motion that we delete Action 2 in 2.2. That's the**
48 **motion, if I can get a second.**

1
2 **CHAIRMAN FRAZER:** It's seconded by Susan. Doug, did you want to
3 talk about this a little bit more?
4

5 **MR. BOYD:** Well, I think I just did. We have had all kinds of
6 discussions, and Dr. Crabtree has said, many times since the
7 court case came down, that there was the possibility of a
8 misunderstanding of what we were trying to accomplish and that
9 we were trying to allocate based on new MRIP numbers and not
10 necessarily just arbitrarily allocate based on economics or
11 anything else, and so he recommended that we revisit, and that's
12 what we're trying to do here.
13

14 There was no intention to revisit the Amendment 40 allocations,
15 and so, for that reason, I would like to take this out of this
16 document, so that we don't go through a process to revisit the
17 Amendment 40 allocations at this point, and that doesn't mean
18 you don't want to at a later date, but just taking it out of
19 this document, and, if you did want to do that at a later date,
20 you could start a new amendment.
21

22 **CHAIRMAN FRAZER:** Roy, did you want to respond to that?
23

24 **DR. CRABTREE:** Yes, and I'm fine with that, and that Amendment
25 40 allocation has only been in place for a few years now anyway,
26 and so I'm fine with that, but I think everyone needs to
27 understand that the -- While we leave the baseline years in
28 place, the landings during those baseline years will change, and
29 so the actual percentages will change even if we leave the
30 baseline years the same, right, and so those numbers will still
31 be affected by the landings update, and I don't know if -- We're
32 going to have to figure out how to reflect that in what's on the
33 books.
34

35 **CHAIRMAN FRAZER:** Ms. Bosarge.
36

37 **MS. BOSARGE:** I thought the discussion during committee is that
38 we're going to do this without a lot of numbers, and it's mainly
39 percentages that we're looking at, and we're doing this now to
40 be proactive, because we have a new stock assessment coming out
41 in 2022 that we anticipate there will be some recalibrations of
42 numbers by then, and that's all going to go in that stock
43 assessment, and we want to be prepared, when the new numbers
44 come out, that we have changed some things to be ready for that.
45

46 Well, that recalibration is going to affect the differences
47 between private and for-hire too, and so why would you only
48 address one part of the equation in this document, and then you

1 get this stock assessment out, and you're not ready and prepared
2 to deal with the differences in for-hire and private.

3
4 **CHAIRMAN FRAZER:** Dr. Crabtree.

5
6 **DR. CRABTREE:** I think all this motion would say is you don't
7 want to revisit the timeframe that the allocation between
8 private and for-hire is based on, and my read on that is because
9 we just put that timeframe in place very recently, and we don't
10 believe it's out of date and things.

11
12 We still, when we get the new assessment and the new landings
13 though, we will still have to address -- We will have to figure
14 out some process as to how to address the actual percentages,
15 because those then will determine the magnitude of the sub-
16 quotas, and we'll have to ask Mara and staff to advise us on how
17 we do that, and so I'm just reading this meaning that we don't
18 want to revisit the time series question, but it's not saying
19 that we aren't going to make an adjustment to the landings
20 history, and, therefore, that adjusts the actual percentage.

21
22 Now, in the case of the recreational and commercial, my judgment
23 is the general feeling is that time series is out of date, and
24 two of the years in that relatively short time series aren't
25 supported by the survey anymore, and I think probably some
26 people feel that that time series is too old to be particularly
27 relevant, and so I think there's a lot more need to revisit the
28 commercial/recreational basis of the allocation than there is to
29 revisit the for-hire/private basis of the allocation.

30
31 **CHAIRMAN FRAZER:** Ms. Bosarge.

32
33 **MS. BOSARGE:** I guess I see this discussion about what years are
34 used and what happened in those years as bigger than just an
35 adjustment to landings, and that's why I feel they should all be
36 in here and looked at right now, because the question is, okay,
37 yes, those were the landings for that year, but what happened in
38 that year? What caused some sectors to be under and some to be
39 over?

40
41 I think that's the basic decision that we've got to have around
42 this table. You wanted to throw out 2017 because there was a
43 huge overrun and because, that year, the management was set by
44 somebody other than this council, but those are the bigger,
45 overarching discussions that we need to have as we're talking
46 about what years are we going to use and what parameters are we
47 going to use to say to include that year or don't, and that
48 needs to be a discussion that covers everybody. We don't need

1 to make one set of rules for this allocation and another set of
2 rules for another allocation, because it's all intertwined.
3 It's all the same species.

4
5 **CHAIRMAN FRAZER:** Martha.

6
7 **MS. GUYAS:** I guess the question is, since we just had this
8 conversation just a few years ago, I guess, about private
9 angling and federal for-hire, and I think we did that. We went
10 through, and we picked the years, but the question is are we
11 still comfortable with those years? If the answer is yes, then
12 I think you would support deleting Action 2. If the answer is
13 no, and you want to revisit them, then you would keep Action 2.

14
15 **CHAIRMAN FRAZER:** Okay. Any further discussion? Let's vote on
16 this substitute motion. **I guess I don't have a real good read**
17 **on where everybody is going with this one, and so, all those in**
18 **favor of this motion, the substitute motion, signify by raising**
19 **your hand, thirteen for; all those opposed, signify by your**
20 **raising your hand, three opposed. The motion carries.** Okay,
21 Martha.

22
23 **MS. GUYAS:** Ad Hoc Reef Fish Headboat Advisory Panel Meeting,
24 staff presented a summary report for the December 11, 2018 AP
25 meeting. Staff noted that the AP members discussed the decision
26 tool built to estimate individual initial allocation for the
27 species included in Amendment 42. Staff presented the motions
28 approved by AP members.

29
30 Ad Hoc Red Snapper Charter/For-Hire Advisory Panel Meeting,
31 staff reviewed the summary for the meeting of the Ad Hoc Red
32 Snapper Charter AP. The committee discussed with Captain Green,
33 the AP Chair, if it would be productive to convene another joint
34 meeting with the Ad Hoc Reef Fish Headboat AP.

35
36 Capt. Green stated that the Ad Hoc Red Snapper Charter/For-Hire
37 AP would be open to such a meeting. He also stated that Reef
38 Fish Amendment 41 may benefit from being postponed while
39 electronic logbook data are collected. Given the AP's motion to
40 consider allocation-based management in the future when adequate
41 ELB data are available, Mr. Swindell inquired as to a timeline
42 for collection of ELB data. Dr. Crabtree stated that it would
43 take a few years. Mr. Chair, this concludes my report, but
44 you've got some hands.

45
46 **CHAIRMAN FRAZER:** Let me see. How many hands do I have at this
47 point? We'll start off with Ms. Boggs.

1 **MS. BOGGS:** I would like to make a motion to reconvene a joint
2 meeting of the Headboat and Charter/For-Hire APs with a decision
3 tool to assist in estimating the allocation between the sectors.
4 If I get a second, I will give some more rationale.
5
6 **CHAIRMAN FRAZER:** Let's make sure we get the motion on the
7 board, and then, once we've got it there, John Sanchez is
8 prepared to second it. Susan, can you go ahead and read that?
9
10 **MS. BOSARGE:** She's making it a little more detailed. Hang on.
11 Give me just a moment. I'm sorry.
12
13 **CHAIRMAN FRAZER:** No rush. Make sure you've got it where you
14 want it.
15
16 **MS. BOGGS:** To reconvene a joint meeting of the Ad Hoc Red
17 Snapper Charter/For-Hire Advisory Panel with a decision tool to
18 assist in estimating the allocation.
19
20 **CHAIRMAN FRAZER:** I am just going to read that, to make sure
21 that we have the wording right here. To reconvene a joint
22 meeting of the Ad Hoc Reef Fish Headboat AP and the Ad Hoc Red
23 Snapper Charter/For-Hire AP -- We are missing some words there.
24
25 **MS. BOGGS:** The intent is to have the information there and the
26 decision tool I think that they've used in the past that would
27 show the differences in the allocations if you included
28 charter/for-hire and headboat together and you separated them
29 and what the -- That's why I was saying to --
30
31 **CHAIRMAN FRAZER:** Okay. I think I understand, if you will allow
32 me to help here a little bit. **Rather than to reconvene, what I**
33 **would suggest is that we say to convene a joint meeting of the**
34 **Ad Hoc Reef Fish Headboat AP and the Ad Hoc Red Snapper**
35 **Charter/For-Hire AP to review the decision tool in relation to**
36 **estimating the allocation between the sectors.** Will that work?
37
38 **MS. BOGGS:** Yes, sir.
39
40 **CHAIRMAN FRAZER:** John, as the second? Okay. Dr. Crabtree.
41
42 **DR. CRABTREE:** I think we need to be more clear than just
43 "sectors". We're talking about between the headboats and the
44 charter boats? Because those really aren't recognized as
45 sectors, and then I guess we're talking about the five species
46 in Amendment 42?
47
48 **MS. BOGGS:** My understanding is what the two groups were wanting

1 to do, because I was at the meetings, is they want to see if --
2 How much of the charter/for-hire allocation would be allocated,
3 for lack of a better word, to the headboats if you were to split
4 them apart in separate amendments and move them forward with the
5 -- You've got your recreational allocation, and you've got it
6 split with Amendment 40, and so now you have a sub-allocation
7 for the charter/for-hire and the headboats, and what would that
8 look like if you took and split the two? I know what I want to
9 say, but I don't know how to say it.

10
11 **CHAIRMAN FRAZER:** Excuse me. I'm going to let John Sanchez go
12 next.

13
14 **MR. SANCHEZ:** I am not going to put words in Susan's mouth, but
15 what I would like to see come out of this meeting is -- As we
16 all know, they started Amendment 40 together, and then, because
17 of the way things have evolved over time, it would appear that
18 one sector, the headboats, are ready to go with 42 before 41,
19 and things have changed, in terms of logbook recordings and all
20 these things, which may take time for 41, and so, since they
21 started together, and they had some kind of a gentlemanly
22 agreement as to how we we're going to proceed, that we're going
23 to come out of this gate together or, because things have
24 changed, is that agreement off, and I personally don't feel
25 comfortable making some of these decisions in Florida, with some
26 of the issues that I have heard in public testimony, and I would
27 like to have this meeting convened.

28
29 One last time, if you will, the headboats and the charter boats
30 can get together and pretty much slug this out and have the
31 benefit of a decision tool that would kind of let them know,
32 hypothetically, if 42 were to be approved and come out on its
33 own, and 41 had to sit and wait for their logbook recordings and
34 all these meaningful things that they are waiting for, to let
35 them both know what that would do to their sub-quota.

36
37 In other words, how much fish would the headboat get, and what
38 does that mean to what is left for the charter/for-hire, and
39 then they will have, in my mind, the facts before them to be
40 able to make a decision on how they wish to tell us that they
41 would like to proceed. That is kind of what I am hoping to get
42 out of it.

43
44 **CHAIRMAN FRAZER:** Okay. We've got several hands here. Thank
45 you, John. We've got Roy and then Sue and then Dale.

46
47 **DR. CRABTREE:** I think, in the existing amendments we have now,
48 that's in there, and so, I mean, there are percentages of how it

1 would break up between the two. I mean, I've been -- I think
2 that the pilot study that we did for the headboats worked great,
3 and I think it's a better way to manage the fishery, and so I
4 really would hate to see Amendment 42 die, but I'm also pretty
5 aware of the realities of where all this sits, and I guess my
6 question is to back up a minute.

7
8 Is there going to be a motion, or are we going to do something
9 about whether to continue with these amendments at all, because
10 I would like to get some sense of whether there is any future
11 for Amendment 41 or 42. We have spent an awful lot of time and
12 energy on these, and, if the council is just not going to move
13 forward with any one of these, I think we've reached a point
14 where it's time to make a decision about do these have a future
15 or are we done with them or not.

16
17 I think the information that you're talking about here is
18 already in the amendments, and it's already been presented to
19 all of these APs in the past, and I will ask staff to correct me
20 I'm wrong about that.

21
22 **CHAIRMAN FRAZER:** Sue and then Phil and then Kevin.

23
24 **MS. GERHART:** I was going to say what Dr. Crabtree said, that we
25 have an action in both amendments to look at ways to allocate
26 between these two fleets, and those decisions have not been made
27 yet, and so we can't say here is what is going to be left for
28 the charter if the headboat goes forward. It would depend on
29 the decisions of the council and which alternatives they choose,
30 because there is different years of landings to use to make that
31 decision.

32
33 Another thing is you said something about a decision tool and
34 putting them back together in one amendment, and I'm fairly sure
35 that Jessica Stephen brought a decision tool with both fleets
36 together as one to the last joint meeting, and it may have been
37 a different meeting and I'm not getting that correct, but I
38 think she had that, and you could certainly, if there was
39 another meeting, present that again, I'm sure.

40
41 **CHAIRMAN FRAZER:** Phil.

42
43 **MR. DYSKOW:** Thank you, Mr. Chair. **With respect to this motion,**
44 **I would like to present an alternative motion, and that would be**
45 **to postpone further action on 41 and 42 until electronic logbook**
46 **data is available on charter vessels, charter/for-hire, the 41**
47 **contingent, and let's put it that way.** You might need to
48 wordsmith that a little bit.

1
2 **CHAIRMAN FRAZER:** We have a substitute motion, and we'll make
3 sure that we get it up there, and so I will read it. It's to
4 postpone further action on Amendments 41 and 42 until electronic
5 logbook data are available.

6
7 **MR. DYSKOW:** On the 41 participants, because it's unclear. Some
8 of them are in that category, but, anyway, let's just say the 41
9 participants.

10
11 **CHAIRMAN FRAZER:** We'll work on that, but that's the intent, I
12 understand. Is there a seconder for this motion?

13
14 **MR. DIAZ:** I'll second it.

15
16 **CHAIRMAN FRAZER:** It's seconded by Mr. Diaz. Is there any
17 further discussion? Susan Boggs.

18
19 **MS. BOGGS:** Well, I am inclined not to support this motion,
20 based on what Dr. Crabtree just said, especially with Amendment
21 42, or both amendments. We have spent so much money meeting,
22 joint meetings and separate meetings, and the only ones that
23 have been consistent through this entire process has been the
24 Amendment 42 advisory panel.

25
26 They have had all their preferreds picked, I believe, now for
27 two years, and they have been sitting back waiting, and we don't
28 need to have another meeting. They have their electronic
29 logbooks, and they've had the data, and I just can't support
30 this motion.

31
32 **CHAIRMAN FRAZER:** Kevin.

33
34 **MR. ANSON:** I am not going to support the substitute motion
35 either. Although we've heard lots of testimony at this meeting,
36 as well as prior meetings, of those federally-permitted charter
37 boat captains that are not identified as headboats of some of
38 the social and potential economic detriments that going forward
39 with just 42 would have on their specific businesses, but I
40 think there is a majority that would want something different
41 than what is currently available.

42
43 Looking at the headboat situation in the context of the
44 federally-permitted vessels, they are facing now a very similar
45 circumstance that the federally-permitted vessels were facing
46 with the private recs when we were talking about shortened
47 seasons, if you will, is that they are a finite number, within a
48 finite number, I understand, but their capacity to fish is not

1 as great as that of the other -- Just the federally-permitted
2 vessels, and so I think, looking at that context, I think there
3 would be a need to try to work towards a way that would be
4 satisfactory, at a referendum level, satisfactory to both
5 parties.

6
7 Now, if this motion fails, and the original motion comes back
8 up, I would like to address some items in it that I think ought
9 to be addressed by the joint meeting, if it were to be held, to
10 look at some items that are of issue that we're discussing in
11 the IFQ program in the commercial fishery that I think would
12 apply in a similar program that have not yet been fully
13 addressed or fleshed out that are in 41 or 42 currently, but I
14 am not in favor of the substitute motion.

15
16 **CHAIRMAN FRAZER:** Ms. Bosarge.

17
18 **MS. BOSARGE:** My question is for Mara. Procedurally, Mara, is
19 that substitute motion actually close enough in speaking to the
20 original motion that it can be put as a substitute, as our
21 conversation here, and I'm asking because, if it is, then I sort
22 of have a second substitute, which really has nothing to do with
23 any one of those two, I mean, because the second substitute
24 would be that I would like to see 42 go out for a referendum,
25 and so are we trying to decide here, in the broad scheme of
26 things, what we're going to do in 41 and 42, or are we talking
27 about our first motion on the board, which was are we going to
28 convene this meeting or not?

29
30 **MS. LEVY:** I guess my opinion is that it's likely not directly
31 related enough to the first motion to be a substitute. I mean,
32 they are all going towards sort of what you're going to do with
33 these two amendments. We loosely follow Roberts Rules.

34
35 If you want to be more stringent about it, someone could make a
36 motion to table that motion until you actually decide what's
37 happening with it, meaning, in this case, a motion to table
38 would be appropriate, because you would be deciding whether the
39 amendment is going forward or not before you talk about
40 convening the AP. I guess I'm going to leave it up to you, but,
41 to the extent that things are wildly diverging from the AP
42 discussion, probably not technically appropriate substitutes.

43
44 **CHAIRMAN FRAZER:** Ms. Bosarge.

45
46 **MS. BOSARGE:** Okay. Well, so, then if that's not an appropriate
47 substitute motion, then neither would my second substitute, and
48 so what do we need to do? Do we need to withdraw that

1 substitute motion off the board and vote this first one up or
2 down, and, based on how that comes out, then we'll proceed with
3 our conversation and more motions?
4

5 **MS. LEVY:** Right, and so you could remove this one, and you
6 could either vote that up or down, or, like I said, someone
7 could motion to table the discussion of that until you actually
8 decide what is happening with these amendments. Then, with the
9 motion to table, you don't talk about it. You just decide
10 whether you want to table it or not until after you finish the
11 other motions, or you could vote it up or down, and it's up to
12 you.
13

14 **CHAIRMAN FRAZER:** Mr. Boyd.
15

16 **MR. BOYD:** Mara, are you saying table the substitute motion
17 until further --
18

19 **MS. LEVY:** No, I'm saying remove the substitute motion that is
20 not properly related to the first motion and then either vote
21 the first motion up or down or table it until you finish talking
22 about the rest of the issues related to 41 and 42 at this
23 meeting.
24

25 **MR. BOYD:** All right, and that table would bring it back up in
26 the discussion today, once we finish those other discussions?
27

28 **MS. LEVY:** Right. You would just be motioning to table it until
29 after the discussions about the future of these two amendments
30 today.
31

32 **CHAIRMAN FRAZER:** Ms. Guyas.
33

34 **MS. GUYAS:** Well, I feel that -- I don't know if we need to
35 withdraw the substitute, if it's out of order, but I kind of
36 feel like we do need to have the conversation about where we're
37 here before we even go there on the main motion here, and so, if
38 you need a motion to table the main motion, I will put that out
39 there. I don't know how the substitute goes away, but --
40

41 **CHAIRMAN FRAZER:** Before we go there, can we go to Dr. Crabtree?
42

43 **DR. CRABTREE:** I would suggest, Mr. Chairman, that you rule the
44 substitute motion out of order, and then that would allow
45 someone to make a motion to table the original motion, and
46 that's non-debatable, and we would vote it up. If we did table
47 it, then someone could make what is now the substitute motion,
48 and, if that passed, then we would clearly vote down the

1 original motion, and we would be out of this.
2
3 **CHAIRMAN FRAZER:** Excellent. I will make a motion, I guess, to
4 remove the substitute motion, as it's inappropriate, or do I --
5
6 **DR. CRABTREE:** You just rule it out of order.
7
8 **CHAIRMAN FRAZER:** **It's out of order.** All right. I'm good. All
9 right. **The substitute motion is out of order.** Would somebody
10 like to make a motion to -- Martha.
11
12 **MS. GUYAS:** I would like to make a motion to table the motion on
13 the board.
14
15 **CHAIRMAN FRAZER:** It's seconded by Dr. Shipp. Now we're going
16 to get to a discussion.
17
18 **DR. CRABTREE:** That's a non-debatable, and so we vote.
19
20 **CHAIRMAN FRAZER:** Fair deal. Okay. All of those in favor of
21 the original motion on the board --
22
23 **MS. GUYAS:** No.
24
25 **CHAIRMAN FRAZER:** I'm confused.
26
27 **DR. CRABTREE:** You take a vote on the motion to table the
28 original motion.
29
30 **CHAIRMAN FRAZER:** Well, I didn't see that motion yet, and so
31 let's get it squared away. All right. There we go. All those
32 in favor of the motion, say aye; all those opposed. Let's do
33 this again. **All those in favor of the motion, raise their**
34 **hands, thirteen in favor; all those opposed, raise their hand,**
35 **three. The motion carries.** Mr. Dyskow.
36
37 **MR. DYSKOW:** I would like to make a substitute motion to --
38
39 **CHAIRMAN FRAZER:** No, just a regular motion.
40
41 **MR. DYSKOW:** I would like to make a motion that we table further
42 discussion on 41 and 42 until electronic logbooks are available
43 for the 41 sector participants.
44
45 **DR. CRABTREE:** That would be postpone indefinitely.
46
47 **MR. DYSKOW:** My intent was to postpone until that information is
48 available and not to postpone it indefinitely.

1
2 **CHAIRMAN FRAZER:** Okay. We will remove the word "indefinitely".
3 I will read the motion. **It's to postpone any further action on**
4 **Amendments 41 and 42 until electronic logbook data are**
5 **available.** That's the motion by Mr. Dyskow. Is there a second?
6 It's seconded by Dr. Bob Shipp. Is there further discussion?
7 Mr. Boyd and then Susan Boggs.
8
9 **MR. BOYD:** I just question what is the definition of "data are
10 available". Does that mean that once electronic logbooks are
11 installed and we have one day's worth of data that that's
12 available, or does this mean that once we have historical data
13 available or a time series?
14
15 **CHAIRMAN FRAZER:** Mr. Dyskow.
16
17 **MR. DYSKOW:** Thank you, Mr. Chair. The intent, to answer your
18 question, the intent was until there is statistically viable
19 data available. How many years that would be, I am not the
20 statistician that would have to make that decision. Off the top
21 of my head, I'm guessing at two years, but I would like some
22 staff input, if we're going to modify this motion to incorporate
23 that timeframe. I don't know what that timeframe should be, but
24 my assumption is around two years of data.
25
26 **CHAIRMAN FRAZER:** Roy and then Susan.
27
28 **DR. CRABTREE:** I don't know how long it will be, but one way you
29 could do it is to say until the ELB data had been deemed
30 suitable for use in management, or use for management purposes,
31 something like that. That might be until it's been certified by
32 the MRIP program, or it might be until the SSC and the Science
33 Center have said this is usable for management purposes, but we
34 could make that determination when we --
35
36 **CHAIRMAN FRAZER:** Okay. Let me read the modified motion. It's
37 to postpone any further action on Amendments 41 and 42 until
38 electronic logbook data have been deemed suitable for use for
39 management purposes. We've got a couple of extra words in
40 there. Data have been deemed suitable for management -- That
41 have been deemed suitable for -- Okay. Purposes. Mr. Dyskow,
42 are you good with that modification of the motion?
43
44 **MR. DYSKOW:** Yes.
45
46 **CHAIRMAN FRAZER:** Dr. Shipp?
47
48 **DR. SHIPP:** Yes.

1
2 **CHAIRMAN FRAZER:** Okay. Is there further discussion on the
3 motion? Susan Boggs.

4
5 **MS. BOGGS:** Thank you, Mr. Chair. The first thing I would like
6 to mention is, when we did the SEFHIER meeting in July of last
7 year, we had other discussions about the electronic logbook
8 program, and they're talking five or six years before this data
9 is going to be useable to move the charter/for-hire industry
10 forward.

11
12 Amendment 42, as I stated, has been ready, and what I would like
13 to point out is we heard two headboat captains yesterday give
14 testimony that they were happy with the allocation that they
15 received under the exempted fishing permit.

16
17 What you didn't hear, and, if I'm out of order, please tell me,
18 is one of those captains didn't tell you that he caught 1,800
19 fish in the EFP and 4,000 fish during the regular season the
20 following year, and, as we heard in testimony, it's easy when
21 you can see the future, and so, if you hold these headboats
22 back, and they go out and try to ramp up their catch history, I
23 think we're doing a disservice to our resource, and I really
24 would like for you all to take that in mind.

25
26 I can't support this motion. I was trying to maybe work some
27 things out with 41 and 42 and see if they could come -- There
28 were some compromises offered at the 42 meeting that 41 hasn't
29 heard, to maybe get 42 on the water sooner and not hurt -- But I
30 just can't support this motion, and I honestly believe, if you
31 do this, it's a disservice to the resource in the long run.
32 Thank you.

33
34 **CHAIRMAN FRAZER:** Is there any further discussion? Ms. Bosarge.

35
36 **MS. BOSARGE:** Well, I don't really know what I can do at this
37 point, but I will just go ahead and put my thoughts on the
38 record. I mean, it sounds to me like both of these groups are
39 still interested in going forward with this, but they want to --
40 One group wants to get some catch history before we go forward.

41
42 I guess I wanted -- Since we were this far along in 42, I kind
43 of wanted to send it for a referendum. I wanted them to tell me
44 that, yes, we want to do this or, no, we don't. I wanted to
45 hear it from our permitted vessel -- From our fishermen, our
46 permitted fishermen.

47
48 That's not to say we would come back and do it, but at least I

1 would know that I wasn't spinning my wheels and that this is
2 going to happen in the future, but I guess this is where we're
3 at, and so that's just what I had hoped for, to take one more
4 step and get that feeling, and we came that far in that
5 amendment, before we postponed to a date certain.

6
7 **CHAIRMAN FRAZER:** Thank you, Ms. Bosarge. Kevin Anson.

8
9 **MR. ANSON:** The question I think is germane to the motion, but I
10 wonder, Mara or Dr. Crabtree, if we were to go out for
11 referendum, who would be the eligible individuals that would be
12 able to vote in a referendum? Is it just all of the federally-
13 permitted charter permittees or the ones that have been
14 identified and are participating in the Southeast Headboat
15 Survey?

16
17 **CHAIRMAN FRAZER:** Roy.

18
19 **DR. CRABTREE:** It's eligible permit holders, and so, in this
20 case, it would be the ones in the Beaufort Survey, right?

21
22 **MS. LEVY:** Yes, but we had some, also, landing requirement,
23 didn't we? We already decided this way back when.

24
25 **DR. CRABTREE:** Yes, we decided the eligibility, and we'll have
26 to pull it up again, but it's not the whole charter fleet. It's
27 the affected permits.

28
29 **CHAIRMAN FRAZER:** Mr. Diaz.

30
31 **MR. DIAZ:** I think this is a difficult decision, and I
32 understand everybody's point, but I really think, since the
33 decision tools have come out, that a lot of people have changed
34 their minds, especially in 41, about supporting this thing, and,
35 if you look at the AP -- In 41, I know it was a six-to-four
36 vote, and it's not a unanimous vote, but they voted to do no
37 action and actually kill the document, and then the folks in 42
38 voted to postpone, basically what Mr. Dyskow's motion is, the
39 document, and I think their rationale was to do kind of what Mr.
40 Dyskow is trying to do, to get some more data available.

41
42 I know that wasn't a unanimous vote, and that's only a small
43 group of people, but, I mean, if you look at the two APs, and I
44 think a lot of sentiment has turned since the decision tools
45 have been out, and so that's the kind of things that I am
46 factoring in when I look at this.

47
48 **CHAIRMAN FRAZER:** Susan Boggs.

1
2 **MS. BOGGS:** I understand, Dale, that 42 had a motion to table,
3 and they rescinded that motion, because there was some
4 compromise thrown out that they were willing to look at with 41,
5 where it would be more palatable, maybe, to put 42 on the water
6 a little bit sooner, and there was some more discussion that
7 they wanted to have, and that's why they asked to convene the
8 joint APs.

9
10 Patrick made the comment the other day about the charter/for-
11 hire and that he would like to just send it out to referendum to
12 see if anybody was interested, and that's kind of where I am
13 with 42. Send it out for referendum. Again, we don't have to
14 act on it, but then, if you find out that you don't have the
15 industry support, what do you do? We're back at the drawing
16 board. Thank you.

17
18 **CHAIRMAN FRAZER:** Patrick.

19
20 **MR. BANKS:** I wanted to reiterate that point. In my mind -- I
21 always want to know what the industry wants, and so I typically
22 would look to the APs to know what the industry wants. Well, it
23 seems like there is this somewhat of a shift in what those APs
24 are wanting these days, but I've also been told by my own
25 charter boat association in my state not to trust the APs,
26 because they are not representative, and so who am I to trust in
27 the industry? The only way I know to get those ideas is to put
28 it out for a referendum, and that's why I feel like we need to
29 move to that point on these documents. Thank you.

30
31 **CHAIRMAN FRAZER:** I have Ms. Boggs and then Dr. Shipp.

32
33 **MS. BOGGS:** Somewhat to Patrick's point, I kind of agree on the
34 APs. You have AP members on both APs, and I think that's kind
35 of an injustice to both APs, and there is three members that
36 serve on both the Headboat and the Charter/For-Hire APs. Thank
37 you.

38
39 **CHAIRMAN FRAZER:** Dr. Shipp.

40
41 **DR. SHIPP:** In reference to what the industry wants, I have
42 certainly detected, over the past months and year, a shift. A
43 year or a year-and-a-half ago, there was an awful lot of
44 support, but, based on public testimony, it definitely seems
45 like there's a shift, and so, for that reason, I am going to
46 support this motion, and then we'll see, once we have the data.

47
48 **CHAIRMAN FRAZER:** Okay. Kevin.

1
2 **MR. ANSON:** Just real quick, I do recall -- I asked the question
3 that I asked the last time I had the mic at prior meetings, but
4 I do recall, when we discussed the referendum voting -- I mean,
5 we're basically sending out the package, and, when we sign-off
6 saying this is what the council is going to support, if the
7 referendum is voted yes -- If more of them that vote yes than
8 no, then it's going to go through.

9
10 That's the last time we're going to see the document, and so,
11 again, it's not like we're going to be judging to see what
12 they're doing. We're going to provide them -- Anything that
13 goes for a referendum vote, that is what they're going to be
14 voting on. Now, they may -- 95 percent of them may like it and
15 5 percent don't like it, but, if they check the box yes, that's
16 going to go in as a yes, and the vote will go through if the
17 majority of the referendum votes are taken, and that's it.

18
19 **CHAIRMAN FRAZER:** Okay. Patrick and then Sue.

20
21 **MR. BANKS:** I was going to ask somebody to clarify that, because
22 I was told that we still would have the option to vote it up or
23 down as final. It doesn't mean that if it passed the referendum
24 that we have to vote it through, and so I need some clarity.
25 What Kevin is saying is not as I was told.

26
27 **CHAIRMAN FRAZER:** Okay. Sue or Roy.

28
29 **DR. CRABTREE:** The statute provides that you can't take final
30 action on it until it passes a referendum, and so, if you send
31 it out for a referendum, then we would conduct the referendum
32 and come back to you with the results. If it passes, then you
33 would vote up the amendment.

34
35 If you changed anything in the amendment, then I think you would
36 have to go back out and do another referendum. You would still
37 have to make a final vote to submit to the Secretary after it
38 passed a referendum, and, even if it passed the referendum, you
39 could vote not to submit it to the Secretary, because it doesn't
40 bind you.

41
42 **CHAIRMAN FRAZER:** Okay. Sue.

43
44 **MS. GERHART:** I pulled up the most recent referendum document,
45 which has the requirements or the criteria for voting, and there
46 is three alternatives other than the no action, and they all
47 read to restrict participation in the referendum to landings
48 history vessels who have substantially fished for red snapper,

1 gray triggerfish, greater amberjack, red grouper, or gag based
2 on landings submitted to the Southeast Region Headboat Survey
3 during the qualifying years. A vessel qualifies if it has a
4 valid or renewable federal reef fish for-hire permit and has
5 individual landings history recorded by the Southeast Regional
6 Headboat Survey by December 31, 2015.

7
8 Then each one of them is different, in terms of a landings
9 requirement, and so one of them -- The first reads that
10 participants whose vessels landed an annual average of at least
11 100 fish of all species combined are considered as having
12 substantially fished. Annual average landings are based on
13 landings recorded by the SRHS between 2011 and 2015. Then there
14 are options for weighting the votes by catch history or not
15 weighting them, and so the three alternatives are 100 fish, 400
16 fish, and 1,000 fish. Those were the decisions, and the council
17 had not picked a preferred out of those yet.

18
19 **CHAIRMAN FRAZER:** I just want to clarify that we hadn't picked a
20 preferred. In what I'm looking at, there is a Preferred
21 Alternative 2 here.

22
23 **MS. GERHART:** I might be looking at an older version. I was
24 trying to pull it up quickly.

25
26 **CHAIRMAN FRAZER:** Assane, can you let us know if there is a
27 preferred alternative?

28
29 **DR. DIAGNE:** I will have to look back, but I believe the version
30 that you looked at -- There was a preferred alternative of a
31 certain number of fish, perhaps 100.

32
33 **CHAIRMAN FRAZER:** 100 fish.

34
35 **DR. DIAGNE:** Yes, the 100 fish. That's what I recall.

36
37 **CHAIRMAN FRAZER:** Roy.

38
39 **DR. CRABTREE:** In my recollection of when we've done past
40 referenda, we actually put out the voting procedures as a
41 proposed rule in the Federal Register and took public comment on
42 it, and then we went final with it. Then we conducted the
43 referendum.

44
45 I would also point out to you that, if you want to have a
46 referendum, you have to have all your preferreds chosen, which I
47 think we have done for 42, but I am pretty sure that we have not
48 done it for 41, and we may not have even done it for 42, and so

1 you have to go out for a referendum with all the preferreds and
2 essentially a document that is ready for you to take final
3 action on.

4

5 **CHAIRMAN FRAZER:** Mr. Swindell.

6

7 **MR. SWINDELL:** With that, since we don't have all of the
8 information on 41, this motion will not work for us if we're
9 going to postpone any further action on the Amendments 41 and
10 42, which means we can't take any action to get information to
11 go to a referendum on 41.

12

13 **CHAIRMAN FRAZER:** I don't think that -- You can correct me if
14 I'm wrong here, but I don't think the issue is a referendum with
15 41.

16

17 **DR. CRABTREE:** I think the issue is, is a majority of this
18 council willing to move forward with either one of these
19 amendments? If the answer to that is no, then there's no point
20 in doing a referendum, and, putting aside whether I support them
21 or not, I do think you've reached a point where it's time for
22 this council to decide are -- If the votes aren't there, and
23 we're just not going to do this, then I don't know that
24 expending a great deal more time is going to get you anywhere.

25

26 I would point out that, regardless of the fact that the motion
27 says "until the ELB data have been deemed suitable", and there
28 was concern about how long that would be, you could come in at a
29 future council meeting, and, if the majority of the council
30 votes to bring them back up and put them on the agenda on the
31 next meeting, then that would happen, and so you can't really
32 bind future councils.

33

34 **CHAIRMAN FRAZER:** I think we've had enough discussion on this.
35 We've got a motion on the board. We're going to vote it up or
36 down at this point. **I would like to see a show of hands of all
37 those in favor of the motion, signal by raising their hand, nine
38 in favor; all of those opposed, six opposed. The motion
39 carries.**

40

41 Okay. This is where we're at. We're going to take a break for
42 ten minutes. People definitely need to pee.

43

44 (Whereupon, a brief recess was taken.)

45

46 **CHAIRMAN FRAZER:** We kind of made an executive decision that
47 we're just going to work through our lunch right here, and we're
48 going to get this done, and so if we can go ahead, Mr. Boyd, and

1 if you want to start with the Administrative and Budget Report.

2
3 **ADMINISTRATIVE/BUDGET COMMITTEE REPORT**

4
5 **MR. BOYD:** Yes, Mr. Chairman. The Administrative/Budget
6 Committee met on January 28, Doug Boyd as Chair, and that was
7 Tab G. The committee adopted the agenda and approved the
8 minutes of the October 2018 meeting as written.

9
10 Staff provided an overview of the four Ad Hoc Advisory Panels
11 that the council has formed, including links to the membership
12 lists, charges, number of meetings, and summary reports.

13
14 In 2015, the council passed a motion to evaluate each Ad Hoc
15 Advisory Panel, and, if it deems the panel has completed its
16 assignment, then the panel will be disbanded. Staff informed
17 the committee that they could wait to make any decisions until
18 Full Council, since there were several agenda items on the Reef
19 Fish Committee that could determine if the panel had more work
20 to do or if they had completed their charge.

21
22 Staff also notified the committee that the three-year term limit
23 for Coral, Spiny Lobster, and Data Collection Advisory Panels
24 were currently up for review. The committee discussed the SOPPs
25 and whether they wanted to keep the current membership or re-
26 advertise for each of the APs.

27
28 Staff noted that the Data Collection AP had not been convened
29 since its formation in April 2015, due to the technical nature
30 of the Generic For-Hire Reporting Amendment. Staff noted that
31 the charge of the Data Collection may want to be considered and
32 also discussed some potential actions that could go before the
33 Data Collection AP in the next three years.

34
35 **The committee recommends, and I so move, to advertise for**
36 **applicants for the Coral and the Data Collection APs and to**
37 **maintain the current membership of the Spiny Lobster AP.**

38
39 **CHAIRMAN FRAZER:** Okay. We have a committee motion on the
40 board. Let's make sure it's up there. I will re-read the
41 motion.

42
43 **MR. BOYD:** Mr. Chairman, while that's coming up, let me tell the
44 council that on the committee report is a list of the Data
45 Collection Committee and the Coral Committee members. One of
46 the council members wanted to see the breakdown or the
47 designation of the category of each individual, charter/for-
48 hire, commercial, recreational, other, et cetera, and that is on

1 your committee report, but I am not going to go through that
2 whole list.

3
4 **CHAIRMAN FRAZER:** Okay, and so hopefully everybody has had an
5 opportunity to look at that list, if they were interested in
6 doing so, but, again, I will read the motion. **It's to advertise**
7 **for applicants for the Coral and the Data Collection APs and to**
8 **maintain the current membership of the Spiny Lobster AP.** Is
9 there any further discussion of that motion? **Seeing none, is**
10 **there any opposition to the motion? Seeing none, the motion**
11 **carries.**

12
13 **MR. BOYD:** Mr. Chairman, there is not a motion, but the council
14 talked about whether to keep or disband some of the ad hoc
15 committees, and if staff could please put up that list. We are
16 obligated to at least look at it. At this point, I am
17 recommending that we keep all of them.

18
19 **EXECUTIVE DIRECTOR SIMMONS:** That's Tab G, Number 4(a).

20
21 **CHAIRMAN FRAZER:** While that's coming up, Ms. Boggs.

22
23 **MS. BOGGS:** Well, in light of the motion that was just made, is
24 there any need to keep 41 and 42, because they are postponed
25 until data, which is three, five, six years into the future,
26 and, by that time, I think you would at least need to re-
27 populate or re-advertise for the APs, because you may have
28 people that are no longer in the industry when this finally
29 comes back up, if it ever does.

30
31 **CHAIRMAN FRAZER:** Ms. Guyas.

32
33 **MS. GUYAS:** I think Susan brings up a good point. By the time
34 this does roll around, we will probably -- Even if we keep these
35 groups, we'll look and see who is on the group and figure out if
36 those would be appropriate people, and so I will make a motion
37 if you want.

38
39 **CHAIRMAN FRAZER:** Go ahead.

40
41 **MS. GUYAS:** I guess the motion would be to not advertise for
42 applicants or to -- No. **I guess to disband the Ad Hoc Charter**
43 **Red Snapper whatever that group is called and the Ad Hoc**
44 **Headboat Reef Fish.** Here we go. Thank you. Sorry. **It's Ad Ho**
45 **Reef Fish Headboat and Ad Hoc Red Snapper Charter/For-Hire**
46 **Advisory Panels.**

47
48 **CHAIRMAN FRAZER:** While we're getting that motion on the board,

1 is there a seconder? It's seconded by Susan Boggs. I will re-
2 read the motion, just so everybody is clear. **It's to disband**
3 **the Ad Hoc Reef Fish Headboat and the Ad Hoc Red Snapper**
4 **Charter/For-Hire APs.** Is there any further discussion on this
5 motion? Mr. Swindell.

6
7 **MR. SWINDELL:** I disagree that we disband these APs, because you
8 are relying only on the data collection on the logbook data
9 collection issue, and that's the only reason that we would not
10 take some sort of other action on two amendments, which is 41
11 and 42, and, I mean, don't tell me that the only thing that
12 we've gathered these APs together for was to address 41 and 42,
13 which I don't believe. I think there are other issues that have
14 come up over the time that these APs have been in existence and
15 may still come up as we go through looking at different things
16 that have happened with headboats and charter boats. Thank you.

17
18 **CHAIRMAN FRAZER:** Ms. Boggs and then Kevin Anson.

19
20 **MS. BOGGS:** Well, my main reason was based on the fact that
21 these have been postponed until the ELBs are available, which I
22 think is going to be a lot of time in the future. With the Ad
23 Hoc Red Snapper Charter/For-Hire AP, I mean, they selected
24 Action 1, Alternative 1, which was no action, and so I don't
25 know why we keep them. Thank you.

26
27 **CHAIRMAN FRAZER:** Kevin.

28
29 **MR. ANSON:** One of the comments that I heard to disband them is
30 the overlap, I guess, in membership, and so, I mean, is that
31 something we need to consider? I am not saying that it needs to
32 be a motion, and I'm not recommending that we do a motion, but
33 it might be some consideration that we take regarding the SOPPs
34 and having that as a further qualification.

35
36 Although we have in our SOPPs that they can sit on multiple APs
37 and such, is that going to carry over? I mean, I just -- There
38 is multiple reasons for doing this, but that was mentioned as
39 one of them, is the conflict that having some members on the
40 Reef Fish Headboat AP and then some of those same members are
41 also on the charter one, and we've got other APs that are
42 probably similarly structured, as far as dual-membership and
43 such, and is that something that we need to be thinking about, I
44 guess, for just normal membership decisions?

45
46 **CHAIRMAN FRAZER:** I have a couple of people, but, before I get
47 to Martha and then Ed, I guess I would like to remind people
48 that the APs have a specific charge, the ad hoc APs, excuse me,

1 and, in this case, the charge was specific to these two
2 amendments, and so I think -- I will back off for a minute, and
3 I will let Martha have a word.

4
5 **MS. GUYAS:** Well, I was going to read the charges, because I
6 just pulled them off the website. To me, it's not as clear-cut
7 that they're tied to 41 and 42, but I was just going to put them
8 out there so that people can interpret them, but go ahead.

9
10 **CHAIRMAN FRAZER:** We'll go to Ed Swindell and then John Sanchez.

11
12 **MR. SWINDELL:** Well, I'm still concerned. I mean, you're going
13 to get these guys to start using electronic logbooks, and we
14 don't know -- We're not going to put them together once in a
15 while to see if they start having problems with it and we're not
16 getting the data out that we want to get out, and are we going
17 to have to -- What are we going to do? I mean, these are people
18 that you want to hear from, rather than just waiting for
19 comments at a public hearing at a council meeting. You ask
20 these people what else can we do and what do we need to improve
21 to get these logbooks working better. Thank you.

22
23 **CHAIRMAN FRAZER:** Thank you, Mr. Swindell. John Sanchez.

24
25 **MR. SANCHEZ:** I don't see the haste to disband it. I mean, if
26 they don't meet again, because there is no need, then there is
27 no need, but why disband the group that kind of we have leaned
28 on to try to give us some insight into the path forward?

29
30 I would feel better if they're still around, or, if you want to
31 actively try to switch that group, then do whatever is
32 warranted, but I certainly wouldn't want to disband them and
33 then find ourselves in need of some kind of support or some kind
34 of insight from such a group and then not have it. We can
35 always disband it at any moment, and why the haste to do it
36 right now?

37
38 **CHAIRMAN FRAZER:** I have lost track of my list. I think John
39 Sanchez was the last one. Susan.

40
41 **MS. BOGGS:** Well, to Ed's point, or comment, I mean, we have the
42 Data Collection Advisory Panel, and so we have a panel in place,
43 and we saw the list, and we've got charter/for-hire, and we've
44 got private and NGOs, and so it's pretty well -- I mean, that's
45 their purpose, is to advise on our data collection.

46
47 I don't know, Tom, if you were going to read it, but the charge
48 for the Ad Hoc Red Snapper Charter/For-Hire AP is to make

1 recommendations to the council relative to the design and
2 implementation and flexible measures for the management of red
3 snapper for the charter component, and they have chosen not to
4 go that direction, and so they're not meeting their charge,
5 because now they are wanting to look at five species for the
6 charter/for-hire component. Thank you.

7

8 **CHAIRMAN FRAZER:** Dr. Crabtree.

9

10 **DR. CRABTREE:** It does seem to me -- I mean, these ad hoc APs,
11 it seems to me, are put together for a specific charge, and they
12 are temporary bodies to begin with, and we've got the Data
13 Collection AP to advise us on how the programs work, and we've
14 got a Reef Fish AP to advise us on other things, and so I am
15 tending to support the motion.

16

17 **CHAIRMAN FRAZER:** Is there any further discussion on the motion?
18 Okay. **Seeing none, all those in favor of the motion, signify by**
19 **raising their hands, twelve; all those opposed, four opposed.**
20 **The motion carries.** Dr. Crabtree.

21

22 **DR. CRABTREE:** Along similar lines, I believe we still have an
23 Ad Hoc Private Angler AP, and maybe you want to wait until after
24 our special meeting, but is that something that you would keep
25 intact if we go down the regional management process, or is that
26 something where we have addressed the problem that was their
27 charge and we move on from it?

28

29 **CHAIRMAN FRAZER:** I guess my perspective on that is to adhere to
30 the charge, right, and, if Amendment 50 moves through after the
31 February meeting, then we would probably look at disbanding this
32 group as well. Patrick.

33

34 **MR. BANKS:** Just a quick question. I was just reading the
35 charge to make recommendations to the council of that private
36 group. Did we ever receive any kind of formal recommendation
37 from them? Just remind me, please.

38

39 **CHAIRMAN FRAZER:** Dr. Simmons.

40

41 **EXECUTIVE DIRECTOR SIMMONS:** Thank you, Mr. Chairman. If you go
42 down to the meetings that were held and then the two reports,
43 there is motions and the materials that were discussed, and that
44 follows the agenda for both of those meetings that were held.

45

46 **CHAIRMAN FRAZER:** Okay. Is there -- My read on the discussion
47 at the table is that that particular, the Ad Hoc Red Snapper
48 Private Angler AP, will stay in place until after we make a

1 final decision on Amendment 50. The other remaining ad hoc
2 committee here is the Ad Hoc Red Snapper/Grouper Tilefish IFQ,
3 and is there any discussion about that? Okay. Then I think
4 we'll just leave that one as is, unless I see anybody nodding
5 their heads otherwise. Okay. Then we'll keep that one in
6 place.

7
8 **MR. BOYD:** Mr. Chairman, with that, my report is concluded.

9
10 **CHAIRMAN FRAZER:** Thank you, Mr. Boyd. Leann had a question.

11
12 **MS. BOSARGE:** Sue, this is actually for you, and it's a question
13 that I had the other day, and I didn't get to ask about the new
14 electronic logbook program and how all that reporting is going
15 to take place.

16
17 I know you all are working with ACCSP, right, and that's like
18 the data warehouse and QA/QC, I assume, and Paul had asked the
19 question about for-hire guys, and they report through the
20 Mississippi program and the Mississippi app right now.

21
22 When yours rolls out, they will be reporting to you, but it's my
23 understanding that ACCSP actually has the ability, on the east
24 coast, to have these kind of people report once and they can
25 send off the data to all the different entities that need it,
26 the feds and the states and whatever, and so my question is
27 pretty general.

28
29 Are we working towards that, as you all are implementing this
30 program, so that this will be pretty streamlined for our actual
31 fishermen and the data will go into the system, and, if
32 Louisiana needs some of it, that will be set up, where Louisiana
33 can get what they need and Mississippi can get what they need?

34
35 **MS. GERHART:** ACCSP will be the data warehouse, but there will
36 be various programs approved by which people can submit that
37 data that goes to ACCSP, and so I know that we're looking at
38 those, and I believe that people from Louisiana have actually
39 contacted ACCSP and our implementation group about the LA Creel
40 reporting and integrating that, and so I think that we need the
41 states to contact ACCSP and let them know what they need from
42 our data, because they aren't going through ACCSP right now, and
43 so that would have to be developed, but, yes, they do have that
44 ability, if that's the question. I am not familiar with the
45 real details of it, and so I'm sorry that I can't answer more
46 clearly.

47
48 **CHAIRMAN FRAZER:** Ms. Bosarge.

1
2 **MS. BOSARGE:** So I guess that was my concern. I wanted to make
3 sure that, in the development stages of this, we are pulling our
4 state people in to have these conversations and that it's not a
5 conversation that states are having to have with ACCSP and then
6 the feds are having with ACCSP and that we're all trouble-
7 shooting this together and make sure that it all comes together
8 in a package deal that makes it simple for our fishermen.

9
10 **CHAIRMAN FRAZER:** Dave.

11
12 **MR. DONALDSON:** Thank you, Mr. Chairman. At our upcoming March
13 commission meeting, we have an agenda item about it, and we're
14 going to have a presentation on the SEFHIER program, and that's
15 one of the things that we want to talk about, is making sure
16 that there is -- That we're not going to have them have to
17 report three different ways and all that.

18
19 In terms of the ability to do that, I know it's possible, and we
20 do it through our trip ticket program for the various states and
21 feds, and so it's -- The technology is there to do it, but it's
22 just a matter of making sure that everyone is around the table
23 and talking, and that's something that we're going to address,
24 Leann.

25
26 **CHAIRMAN FRAZER:** Okay, and so we only have two agenda items
27 left, and those are Supporting Agencies Updates and Liaison
28 Reports, and so, Chris, if you will be willing to give the South
29 Atlantic.

30
31 **SUPPORTING AGENCIES UPDATES**
32 **SOUTH ATLANTIC COUNCIL LIAISON**
33

34 **MR. CONKLIN:** Sure. I would love to deliver a very brief report
35 about what's going on in the South Atlantic. First of all, we
36 had a spawning season closure for shallow-water grouper go into
37 effect on January 1, and that will end on April 1, and we chose
38 to postpone the consideration on Amendment 32, yellowtail
39 snapper, until the benchmark assessment is completed next year.

40
41 We have problems with red grouper off the Carolinas, and so, at
42 this upcoming meeting, we have some extended measures looking to
43 protect those fish, and so we'll let you know what happens
44 there.

45
46 We have a Citizen Science Program, and we have a scamp discard
47 app that is looking to collect some information on the length
48 comps for discards of scamp grouper, and we have a new project

1 coming along called FISHstory, which looks at the pictures of
2 Florida headboat photos from the 1940s through the 1970s and get
3 species and length comps from it, and so that will be
4 interesting.

5
6 Our for-hire electronic reporting is in the rulemaking stage in
7 SERO, and we are looking at meeting with the Mid-Atlantic and
8 the New England Council about species shifts northward, mostly
9 black sea bass and gray triggerfish and some of our groupers, I
10 believe.

11
12 I wanted to thank you for sharing your generic carryover
13 document with our staff, and we look forward to using that as a
14 tool to help our fishermen as well. Our next meeting is in
15 Jekyll Island, Georgia, March 4th through the 8th, and we look
16 forward to hosting your liaison as well. I want to thank this
17 group for the card that you gave me after my father passed away
18 in June. That meant a lot to me, and the hospitality here is
19 always welcomed, and thank you once again.

20
21 **CHAIRMAN FRAZER:** Thank you, Chris. Thanks for being here. We
22 really appreciate you spending the whole week with us. That
23 means a lot to us as well, and so the participation is welcome.
24 Any questions for Chris? Okay. Mr. Donaldson.

25
26 **GULF STATES MARINE FISHERIES COMMISSION**

27
28 **MR. DONALDSON:** Thank you, Mr. Chairman. The only thing I've
29 got to report is we have our upcoming March commission meeting
30 on March 19th through the 21st in New Orleans. Details and
31 registration is available on our website, and, as always,
32 everyone is welcome to come and participate, and we would love
33 to have you.

34
35 **CHAIRMAN FRAZER:** Thank you, Dave. Any questions for Dave?
36 Okay. Thank you, everybody, again for a good week. I will see
37 everybody shortly, on February 18. Travel safe.

38
39 (Whereupon, the meeting adjourned on January 31, 2019.)

40
41 - - -