GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

277TH MEETING

FULL COUNCIL SESSION

Hyatt Centric New Orleans, Louisiana

JANUARY 29-30, 2020

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Kevin Anson (designee for Scott Bannon).....Alabama
Susan Boggs.....Alabama
Leann Bosarge.....Mississippi
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
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John Sanchez.....Florida
Chris Schieble (designee for Patrick Banks).....Louisiana
Bob Shipp.....Alabama
Greg Stunz.....Texas
Ed Swindell.....Louisiana
Troy Williamson.....Texas

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Dave Donaldson.....GSMFC
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Ava Lasseter.....Anthropologist
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TABLE OF MOTIONS

PAGE 89: Motion to accept the revisions to the administrative handbook as presented. The motion carried on page 89.

PAGE 90: Motion to disband the Red Snapper Private Angler Ad Hoc Advisory Panel. The motion carried on page 90.

PAGE 90: Motion to re-advertise for new members for the CMP and Red Drum Advisory Panels. The motion carried on page 90.

PAGE 112: Motion in Action 1 to make Alternative 2, Option 2b and Alternative 3, Option 3b the preferred alternatives. The motion carried on page 112.

PAGE 113: Motion in Action 1, to make Alternative 4, Option 4a the preferred. The motion carried on page 113.

PAGE 113: Motion in Action 1 to make Alternative 5 the preferred. The motion carried on page 114.

PAGE 114: Motion in Action 2 to make Alternative 2 the preferred. The motion carried on page 114.

PAGE 114: Motion in Action 3 to make Alternative 3 and Alternative 5 the preferred alternatives. The motion carried on page 115.

PAGE 115: Motion: to remove Options 2d and 3d from Action 4.1. The motion failed on page 116.

PAGE 116: Motion in Action 4.1 to add an Option 3d for Alternative 3. The motion failed on page 117.

PAGE 117: Motion in Action 4.2 to make Alternative 1 the preferred. The motion carried on page 117.

PAGE 118: Motion to add an Alternative to Action 2 to read: The possession of any species of Gulf reef fish is prohibited year-round in the Madison-Swanson and Steamboat Lumps MPAs. The motion carried on page 118.

PAGE 129: Motion in Action 1 to add an Alternative 5. Alternative 5 is, in order to obtain (transfer into a shareholder account), or maintain shares (hold existing shares in a shareholder account), shareholder accounts established after October 2nd, 2019 (Reef Fish AP meeting date) must be

associated with a valid or renewable commercial reef fish permit. A shareholder account is considered to be associated with a permit if the permit has the exact same entities listed on both the shareholder account and permit. The motion carried on page 129.

PAGE 120: Motion in Action 1 to make Alternative 2 the preferred. The motion failed on page 130.

PAGE 130: Motion in Action 2 to add a new Option 2c to Alternative 2 and Option 3c to Alternative 3. Alternative 2 is a shareholder account with shares that is not associated with a commercial reef fish permit must divest of shares as needed to meet the requirements set in Action 1 or the shares will be reclaimed by NMFS. Option 2c is within five years following the effective date of the final rule implementing this amendment. Alternative 3 is, after implementation of this amendment, if a shareholder account no longer has an associated valid or renewable reef fish permit (i.e., the permit is transferred or is not renewed within one year of the expiration date and is terminated), the shareholders must divest of the account's shares as needed to meet the requirements set in Action 1 or the shares will be reclaimed by NMFS. Option 3c is within five years following the transfer or termination of the permit. The motion carried on page 131.

PAGE 131: Motion in Action 2, to make Alternative 2, Option 2c the preferred. The motion failed on page 132.

PAGE 132: Motion in Action 2 to make Alternative 3, Option 3a the preferred. The motion failed on page 132.

PAGE 138: Motion to defer further consideration of recreational greater amberjack management measures until the new assessment is completed. The motion carried on page 138.

PAGE 139: Motion to direct staff to prepare a framework action to adjust lane snapper catch levels and present it at the April 2020 council meeting. The motion carried on page 239.

PAGE 145: Motion in Action 2 to add an Alternative 4 to revise the OFL and ABC as recommended by the SSC and consistent with the allocation selected in Action 1. The total ACL equals the ABC. Apply the ACL/ACT control rule to revise the buffer between the ACL and ACT for each sector. The commercial buffer is 5 percent, and the recreational buffer is 9 percent. The motion carried on page 145.

PAGE 146: Motion to delay consideration of Amendment 52 until the red snapper stock assessment is complete. The motion carried on page 146.

PAGE 147: Motion to direct staff to have an agenda item at an upcoming meeting that evaluates possible carryovers of uncaught commercial quota. The motion carried on page 147.

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The Full Council of the Gulf of Mexico Fishery Management Council convened at the Hyatt Centric French Quarter, New Orleans, Louisiana, Wednesday morning, January 29, 2019, and was called to order by Vice Chairman Dale Diaz.

CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS

VICE CHAIRMAN DALE DIAZ: Welcome to the 277th meeting of the Gulf Council. My name is Dale Diaz, Vice Chairman of the Gulf Council. Dr. Frazer is out today, and he sends his regrets. He does plan to be back tomorrow.

If you have a cell phone or similar device, we ask that you place that device on silent or vibrating mode during the meeting. Also, in order for all to be able to hear the proceedings, we ask that you have any private conversations outside. Please be advised that alcoholic beverages are not permitted in the meeting room.

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

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

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

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

MS. LEANN BOSARGE: Leann Bosarge, Mississippi.

DR. PAUL MICKLE: Paul Mickle, Mississippi.

MR. DAVE DONALDSON: Dave Donaldson, Gulf States Marine Fisheries Commission.

MR. J.D. DUGAS: J.D. Dugas, Louisiana.

MR. CHRIS SCHIEBLE: Chris Schieble, Louisiana.

MR. ED SWINDELL: Ed Swindell, Louisiana.

MS. SUSAN BOGGS: Susan Boggs, Alabama.

MR. KEVIN ANSON: Kevin Anson, Alabama.

DR. BOB SHIPP: Bob Shipp, Alabama.

LT. MARK ZANOWICZ: Mark Zanowicz, U.S. Coast Guard.

MS. MARA LEVY: Mara Levy, NOAA Office of General Counsel.

DR. ROY CRABTREE: Roy Crabtree, NOAA Fisheries.

MS. SUSAN GERHART: Susan Gerhart, NOAA Fisheries.

DR. CLAY PORCH: Clay Porch, NOAA Fisheries.

MR. LANCE ROBINSON: Lance Robinson, Texas.

MR. TROY WILLIAMSON: Troy Williamson, Texas.

DR. GREG STUNZ: Greg Stunz, Texas.

MR. PHIL DYSKOW: Phil Dyskow, Florida.

MR. JOHN SANCHEZ: John Sanchez, Florida.

MS. MARTHA GUYAS: Martha Guyas, Florida.

MR. GLENN CONSTANT: Glenn Constant, U.S. Fish and Wildlife Service.

EXECUTIVE DIRECTOR CARRIE SIMMONS: Carrie Simmons, council staff.

VICE CHAIRMAN DIAZ: Thank you. Before we start working our way through the agenda, we want to take a few minutes and remember two men recently who passed away that were both instrumental in improving fisheries management in the Gulf of Mexico. They are Mr. Will Ward and Captain Kenny Guindon.

Will Ward was deeply committed to marine environmental and conservation matters. He built his life and career around fisheries. Will served as a legislative consultant to Pew Charitable Trusts and served in leadership roles for the Gulf Fishermen's Association, Gulf of Mexico Reef Fish Shareholders Alliance, and Fish for America. Will's engagement in fisheries at the council level greatly benefited the lives of numerous fishermen across the Gulf of Mexico and natural resources on which they depend. He was an honorable man, and he will be missed.

Captain Kenny Guindon spent his life catching fish, whether it was pulling walleye through the ice on a frozen lake in Minnesota or on the hunt for red snapper and grouper eighty miles off the coast of Texas. Captain Kenny was a man who simply loved to fish. He was an avid outdoorsman, recreational fisherman, commercial hook-and-line fisherman, and conservation advocate.

His leadership in reducing bycatch and volunteering to help test video cameras and electronic logbooks will help ensure a strong future for fishing in the Gulf of Mexico. Captain Kenny's legacy will live on through his fishing family and friends. He will be missed. Please join me in observing a moment of silence for Mr. Ward and Captain Guindon.

(Whereupon, a moment of silence was observed.)

ADOPTION OF AGENDA AND APPROVAL OF MINUTES

VICE CHAIRMAN DIAZ: Thank you. We're going to go ahead and work our way through the agenda. First up on the agenda is the Adoption of the Agenda. Are there any changes or additions to the agenda? Ms. Gerhart.

MS. GERHART: We would like to add a topic on the changes to the allowable gear table for the codified regulations.

VICE CHAIRMAN DIAZ: Any other changes to the agenda? Any opposition to accepting the agenda as amended? Seeing no

opposition, I would like to move forward with the approval of the minutes. Are there any edits or changes to the minutes? Seeing none, is there any opposition to approving the minutes? The minutes are approved. The first item on the agenda is Review of Exempted Fishing Permits from NOAA. Are there any fishing permits, Ms. Gerhart?

REVIEW OF EXEMPTED FISHING PERMIT APPLICATIONS

MS. GERHART: No, sir.

VICE CHAIRMAN DIAZ: Thank you. Next up will be a Review of Public Comments on Exempted Fishing Permits. Ms. Muehlstein, anything here?

EXECUTIVE DIRECTOR SIMMONS: No.

VICE CHAIRMAN DIAZ: There is nothing, and so we're going to move right into our presentations, and so the first presentation that we have is from Louisiana Law Enforcement Efforts, and it's going to be Major Skena. Major Skena.

PRESENTATIONS
LOUISIANA LAW ENFORCEMENT EFFORTS

MAJOR EDWARD SKENA: I appreciate your time and effort. Just a few months ago, we gave a similar presentation, and this is along the same lines. Obviously, it's not exactly the same. For 2018/2019, we had approximately 9,000 patrol hours, 6,750 on the commercial side and just a little over 2,200 on the recreational. Of course, you can see the at-sea manhours that were dedicated there.

We had 4,000 public contacts, 2,400 on the commercial side and just a little over 1,500 on the recreational. Those numbers are pretty significant, especially when you look at the administrative hours, and these are the hours that we use to write reports and attend court and do things, and those hours were only 561, and so you can see the majority of our time is actually spent checking end-users.

These slides are a little bit busy, and fairly difficult to read, but I will try to work our way through it, but this is basically a close look at commercial activity and compliance, and it breaks it down by the different species that were inspected and the observed compliance based on those inspections.

These numbers are similar as they were six months ago, and it seems where we still have some work to do is on the reef fish side. You can see that we have an observed compliance rate of about 47 percent, and we believe that that number is low because I think people tend to be a little more comfortable when they're out in the expanse of the Gulf, versus when they're at the dock and they have a pretty good idea of when we're going to be there, and I think that's probably the significance of that number, and that's what we're focusing on now, is to try to spend as much time in federal waters, especially in the EEZ, to target those boats. Dockside observed compliance is fairly high, as you can see, compared to that one category in reef fish.

Moving on to the recreational side, it's the same breakdown, but, of course, we have a fairly high observed compliance rate here. Something that is not surprising, but we are happy to report is the charter vessel is a 100 percent compliance rate, and that's a good thing, because, obviously, those charter captains, men and women, are out there pretty regularly, and they are taking a lot of clients out, and they are introducing people to the fishery, and, according to these numbers, at least in Louisiana, they're doing it the right way, and that's really important to us.

My last slide is this particular case was chosen, and it's not nearly the attention grabber as those bluefin cases that we discussed six months ago, but what's important about this case is this was a red snapper case, and some fish were landed in Mississippi and transported illegally into Louisiana, and some Lacey Act violations were issued.

Like I said, it doesn't grab the attention that those bluefin tuna cases do, but the reason I brought this up, or I wanted to highlight this, is just to show that there was a conviction and a pretty serious monetary fine imposed upon the illegal fishermen.

Any time you get a conviction on a wildlife case, it's a win for conservation, and we're seeing convictions and a lot of prosecution at the federal level, which I believe is bolstering the program. If we go out there and catch them all day long, it really doesn't do any good if there are no fines or penalties imposed, and I believe the courts are taking these violations seriously, and that's why we wanted to highlight this, because we feel that prosecution is getting a lot better.

That's the end of the presentation, and I will close in saying that we certainly appreciate the council's efforts. The department looks forward to this partnership. Most conservation agencies have budget woes, and some have budget crises, and, of course, the Department of Wildlife and Fisheries is not exempt from any of that, and we have our own concerns, but these agreements do allow us to get our people out into federal waters and do federal fisheries enforcement, and, without that, we probably would not be able to do this type of work, and so we certainly appreciate it, and I will answer any questions, as long as they are not too thought-provoking or difficult.

VICE CHAIRMAN DIAZ: Are there questions for Major Skena? Mr. Schieble.

MR. SCHIEBLE: I just wanted to say thank you, Major, for coming all the way down here and giving us this presentation. You did a great job, and I know it was a short window of time since the last time this was presented, and not much has probably changed, but I still appreciate the fact that you came down here and gave us an update. Thank you.

VICE CHAIRMAN DIAZ: I have a question for you. How many fish were involved, and I might have missed it, in that Lacey case that you were just talking about?

MAJOR SKENA: I believe it was just a tad bit over a thousand pounds, if memory serves me correctly.

VICE CHAIRMAN DIAZ: Lieutenant Zanowicz.

LT. ZANOWICZ: Thank you. Thank you, sir, for the presentation. I know we work with you all a lot, and we definitely appreciate that partnership. My question was on the commercial reef fish vessels. You mentioned that it was a relatively low compliance on those vessels, and I was wondering what sorts of violations you're seeing most commonly.

MAJOR SKENA: Those particular -- As a matter of a fact, I want to say it was ten out of the nineteen that there was some sort of violation involved, and generally it's going to be closed season or undersized fish.

VICE CHAIRMAN DIAZ: All right. Any other questions? Thank you, Major Skena. We appreciate it.

MAJOR SKENA: Thank you. Enjoy the day. Thank you.

VICE CHAIRMAN DIAZ: Next on the agenda, we're going to get an update on SEFHIER from Ms. Gerhart. Ms. Gerhart.

UPDATE ON SEFHIER

MS. GERHART: This is an update on where we are with the for-hire reporting program that the council established. First, I will just, again, remind everyone what the requirements are for the program. It's a single Southeast reporting program that we're developing for both the Gulf and the South Atlantic.

It applies to all federally-permitted charter and headboat vessels that are in the Southeast Region, regardless of where they fish, and so, even if they are fishing outside of the region, they would still be responsible for these requirements.

In the Gulf, there are three major requirements: a hail-out prior to leaving on any trip, the trip-level logbooks that are due to be reported before offloading fish, and the location tracking devices, which can be VMS units or some other form of GPS location tracking device. The South Atlantic only has a logbook requirement, and so they only have the one requirement, as opposed to the three Gulf requirements.

Vessels that have both permits must follow the Gulf requirements even if they are fishing in the South Atlantic. The South Atlantic, in developing their amendment, wanted to get rid of duplicate reporting that might occur, and so they said, if another system is stricter, or more restrictive, than their requirements, that those vessels that are dually-permitted could follow the more strict requirements, which is the case with the Gulf.

This timeline is very similar to what I have shown you before. We have final rules for both of the regions that are coming out in early this year sometime, and we hope that the Gulf one will be maybe in a month or so that that rule will come out. After that comes out, we'll be doing some outreach, and then we are implementing this in two phases.

The first phase will require the hail-out and the logbooks, and we expect that to be in late spring, possibly going into early summer, depending on the timing of some things, and then we'll do some additional outreach before Phase 2, which is the requirement for the location devices. By doing this in two

phases, we're allowing a little bit more time for fishermen to get the equipment that's needed to meet these requirements and also for us to get approval on various different units that could be used for the location devices.

What have we accomplished since last time we were here? We do have the technical specifications for the software and the approval process that are cleared and posted on our website now, and so this allows any vendor that would like to create an application, be that a phone application or something on a computer, to collect the logbook information and the hail-outs, and they can use these technical specifications and submit something to us for review and approval, and then that could be used by anyone. This is an open-market sort of system, where anyone can do that.

We have a couple of programs that are in review right now, and we're just trying to finish up getting everything straight with those two programs, but, if anyone is interested, or anyone knows of anyone who is interested, you can go on our website or talk to me, and you can look at those technical specifications, saying what data needs to be collected and how it needs to be collected and transmitted to our data warehouse.

Our data warehouse is ACCSP, and they have gone through a data security audit and had some things to be fixed before they could be approved to receive the secure data. It is BII, which is business identifiable information, similar to personal identifiable information, and it's protected, and so we need to approve them, and that approval is in progress right now.

For the location devices, we also have separate technical specifications. Those have gone out to all the currently-approved VMS vendors for the commercial program, so that they can, if they choose to, participate in this fishery as well for the for-hire.

They would be re-approved to be good for this fishery as well, and so, just because they are approved for commercial, it does not mean they automatically will be approved for the for-hire program, but many of those we expect could be approved and could be approved fairly quickly.

Those that are satellite based, we wouldn't have to re-test the actual physical units again in field tests, because they have already been tested. We would just be testing the data transmission and making sure that they are collecting the

correct data, and then it can go to our data warehouse appropriately. We hope that those will be approved quickly, and we have spoken with at least two different companies that make those VMS, and they are working on getting the forms and such ready for us.

The council had also put in to have archivable GPS units that were able to be used for this location device. Those are cellular-based things, and they are also -- We are calling them VMS as well, simply because they are monitoring systems as well, but the cellular-based units will also be approved through our Office of Law Enforcement at Headquarters that approves the traditional types of VMS, and there is a proposed rule that published just recently, and the comment period is open until February 24, and it simply just takes the same basic approval process that is used for the traditional VMS and would apply it also to approval for the cellular-based VMS. If anyone is interested in commenting on that, I can get you the proposed rule itself.

Very exciting for us is that there’s actually money now coming towards this program. As you know, when the council first approved the amendment, we had no specific funding for this program, or staffing, and so it’s part of why it’s been taking so long to set up, because we’ve been trying to work through it with the current staff, but we did put out for an FIS grant for 2020, and we had one in 2019, and that allowed us to get two contractors on, and we will now be able to have more contractors for quality assurance and quality control of the data and for working with the VMS program, to do things like process power-down exemptions and things like that, as well as helping to test the units.

Customer support, simply people to answer the phones, is very important, and compliance monitors, to check and see when -- If people are submitting their logbooks before they renew their permits. This actually was two separate FIS grants, and one was to the Southeast Regional Office and one was to the Science Center, and we’re working together to staff-up this program.

Manu of you know also that the appropriations bill that was passed included funding for Gulf reporting and enforcement, and the language from the bill is right there on the slide. We have not received money yet, and we don’t know when we will or how much the actual amount is, but this is -- The language from the appropriations was $2.65 million for the data collection and validation portion of it and $1.525 million for law enforcement,

and the anticipation is that some of that money will be directed towards the states, to help with the validation and the enforcement programs as well.

Then, finally, just a little more information about the outreach efforts. We are working on setting up customer support, and we have information packets that, as soon as the final rule is published, or shortly thereafter, we'll be mailing out to all permit holders that will include information on how to do what you need to do.

We will have more outreach sessions, where we're going to work with Emily to put together some sessions after the final rule publishes, but before the requirements go into place, including probably one at the next council meeting in April, end March and April, that you're having.

We have, just yesterday, got a dedicated toll-free telephone line for our customer service, and, although we tried to get 1-800-SEFHIER, unfortunately that number was not available, and so it's not something catchy. Neither was 1-800-REPORT or 1-800-CHARTER, and we've tried a bunch of things, and so it will just be a phone number, but we also have a dedicated email, and so those are ways that people can contact us, and you can certainly use those now to ask questions, if you have any questions about the program.

Then our website is also available, and we're in the process of revamping the website, because we're getting more and more information up there, and, of course, the amendments and the rules are all posted there, as well as some FAQs and some of the presentations that we've done.

The information for vendors, again the technical specifications, are posted there, and we're working on more information, like how-to guides and a list of the approved vendors, once we do approve some vendors, so that people can do this, and any suggestions for useful information on the website would be welcome as well, and I believe that is it. Any questions?

VICE CHAIRMAN DIAZ: Dr. Stunz.

DR. STUNZ: Thank you, Sue, for the update. I have a question for you, and this is related back on the funding and staffing, and it's good news that you all are getting some money for this. I assume that money is mainly for like the science piece of generating that validation and effort things that you all have

to do and not for necessarily equipment, or I don't know if I understood you, but, related to that point, the question is we had those NFWF projects that the council was updated on, and this has been probably at least over a year ago now, and I'm trying to remember, but there was substantial amounts of funding, sort of on this level, if I recall right, to help purchase things in that fishery that would help move this forward, in terms of equipment and just other studies, and is that -- Are you integrating that in, or are they working hand-in-hand and are integrated, or what's the relationship with that?

DR. CRABTREE: The NFWF money didn't come to us, and a good bit of that money went to buy VMS/tablet units, which will be certified under this program, and so they could use those to report, but the funding that has been appropriated can be used for the validation side of this, and then there was some that was for law enforcement, but we can use it for a variety of things.

VICE CHAIRMAN DIAZ: Go ahead, Susan.

MS. BOGGS: Just a quick question, Sue, and thank you for the update. I am just curious. With the timing of the rollout, and you said late spring or early summer, do you all intend to roll this out in the summer season, if that's where it lands?

MS. GERHART: Well, our desire is to do it before that. We understand, because, last year, when we thought we were going to roll out in the summer, we heard a lot of feedback from fishermen that, no, that's our busy time, and we don't want to be learning how to do this new thing, particularly with red snapper season going on.

We'll look at that, and we're not at the point yet where we even know when it's going to happen, because we haven't gotten the final rule at that stage yet, and so these steps all take time, and there's other technical issues that we're trying to work out before we're ready to start, and so we'll keep that in mind, certainly.

DR. CRABTREE: There are a lot of security issues with sharing the information that we'll have to work out with the Atlantic Coastal Cooperative Statistical Program and all those, and some of those are taking longer than we had hoped.

VICE CHAIRMAN DIAZ: Mr. Brewer.

MR. BREWER: I think that it's great that you've gotten this grant money, and I am just wondering if there are any plans to submit grant applications for similar efforts that are going on on the South Atlantic side.

DR. CRABTREE: Well, this is not grant money. This is money appropriated by Congress.

MR. BREWER: I'm sorry. I misspoke.

DR. CRABTREE: So that would be up to Congress.

MR. BREWER: But, I mean, there was a request made, I am assuming, for this money through Congress.

DR. CRABTREE: We were asked by Congress to provide information on what the funding needs were, and we provided both the Gulf and the South Atlantic, and this is what Congress appropriated.

MS. GERHART: If you were referring to the FIS grant that I mentioned, that was for the program as a whole, and so it included the South Atlantic, and so that money that we are hiring those other contractors on does include the South Atlantic. The appropriations money was directed specifically to the Gulf.

MR. BREWER: Thank you.

VICE CHAIRMAN DIAZ: Mr. Anson.

MR. ANSON: Thank you, Sue. Thanks for the presentation. You talked a little bit about the data sharing, and there was a process there, and does that hold true for the states? I had brought this up in prior conversations, about the states wanting access to some of the data, to help complement state reporting activities, and is that the process?

MS. GERHART: We're not to that step yet. The process we're working right now is to be able to give the information to ACCSP as our data warehouse, and so that's our first step, and then having it come out of ACCSP to the states or somewhere else is our next step, and so it won't be right away, because we have to get the bare bones in place, but that would be the next step after we get that certification for ACCSP. Thank you.

VICE CHAIRMAN DIAZ: Okay. Any other questions for Ms. Gerhart?

Thank you, Ms. Gerhart. We're just a shade ahead of schedule. We are going to go ahead and knock out just a few of the liaison reports, and so, if you could, Mr. Brewer. Are you ready for the South Atlantic liaison report?

SOUTH ATLANTIC LIAISON REPORT

MR. BREWER: Absolutely. I had three items to bring before this council, and one of them, and I guess really sort of the major one, has already been dealt with, and that was the joint working group, recreational working group, to start talking about potential different management procedures and techniques, and obviously that's already been dealt with by this council, and so there's not a lot to say, except thank you, and then to say condolences to those who volunteered for that.

We have had a couple of significant amendments that have been finalized, at least at the council level and have been sent on for rulemaking, and the -- I guess the most important one is our Amendment 29, which we have called best fishing practices.

In the South Atlantic, we've been caught, and, of course, this is with regard to red snapper, but we've been caught with a catch-22, and that is, as the biomass of red snapper has increased, our fishermen's interactions with them, while fishing mostly for other fish, has also increased, and so we, unfortunately, have gotten into, and still are, a situation whereby our dead discards, or the mortality from discards of red snapper, is either exceeding or bumping right up on our quota, and that's for both recreational and commercial.

It was a never-ending problem, and we saw no way of this thing getting any better, and so we began exploring different things that might help, and the low-hanging fruit was this best practices, primarily descending devices, and so we have passed an amendment that does not, quote, require the use of descending devices, and we didn't know how to properly regulate that, because that's a decision that is made on the water by the fishermen, as to whether or not it's necessary.

What we did pass, however, is a requirement that, if one is out targeting reef fish, is out bottom fishing, that all fishermen, or all vessels, have onboard a descending device, and we did not try to define which descending devices, but rather put in place sort of a performance standard, a definition of what a descending device should do, and that is in the amendment.

It does not preclude, and we put this in because of our -- I should say that we were concerned with regard to what a lot of people call headboats and we call drift boats, because they get out and they drift with the Gulf Stream, but the drift boats would be adversely affected if you've got ten guys, or ten fish, that are all brought up at the same time, and how are you going to try to get those down effectively, and how are the mates going to try to get those down effectively, and so venting is still very much allowed, and, for those people that know how to vent, that's perfectly acceptable. You are still required to have one descending device onboard, though.

Included in the amendment is a requirement for the use of circle hooks, and there is a line there that is the amendment that essentially is at about the Sebastian Inlet, and those are non-offset, non-stainless-steel circle hooks.

There was one little blurb in there that I guess I will mention, and the State of South Carolina, off their waters, the use of powerheads was illegal, where it was legal in the remainder of the South Atlantic jurisdiction, and we changed that and made it legal in South Carolina, and that's not the decision that I would have made, but I don't want my personal stuff to come into that. That amendment Jack tells me hit NMFS on January 13th, and so they are currently working on rulemaking.

The next amendment that we have approved and transmitted is Amendment 33, and I was struck this morning as the different states were talking about their plans and what techniques they have put in place and the seasons that they were able to provide to the state charters and to the private recreational anglers.

If we could be talking, in the South Atlantic, about a ninety to hundred-day red snapper season, we would be in heaven, and we are not. We are worried about whether we're going to get three days or four days, and this amendment -- We did have a requirement in place that if the season was to be three days -- Excuse me. If it was less than four days, and so three days and less, that we wouldn't have a season at all.

This amendment takes -- Essentially, the major part of it, it takes out that requirement, and so, if there's even one day allowed, that we'll get one day. It also -- There were no modifications from the standpoint of the commercial side, but, on the recreational side, we tried to build in some flexibility as to how those days could be used, so that there would be the best utilization of those days, and that amendment transmitted

on January 24, and NMFS is in the process of rulemaking on that, and that, Mr. Diaz, concludes my report.

VICE CHAIRMAN DIAZ: Any questions for Mr. Brewer? Thank you, Mr. Brewer. We're going to do one more report, and then we're going to break for lunch. Mr. Dunn, are you ready for the NOAA Office of Law Enforcement Report? Mr. Dunn is the Assistant Director of the Southeast Division of the Office of Law Enforcement for NOAA. Thank you, Mr. Dunn.

NOAA OFFICE OF LAW ENFORCEMENT UPDATE

MR. TRACY DUNN: Well said. Was I ready? No, but I can do it. We submitted our fourth-quarter report, and that was our last report that we had compiled, and we're working on the first-quarter for 2020, and we usually get that done by the end of this month, and so some of the stats that I'm going to go over are really the last quarter for 2019.

We had sixty-five patrols that we participated in, and I don't have the differentiation of how many we worked with our state partners. We had seventy-three outreach events. Of that, we had 136 cases which were opened, and forty-nine of those came directly from our JEA partners and the U.S. Coast Guard.

The highlights of that quarter was the Florida Keys operation, and I don't know if we spoke about that earlier, but we put together a four-boat flotilla of OLE people, and we incorporated FWC personnel as well. We conducted 322 hours of patrol in the Florida Keys during mini-season, concentrating on areas that would not be heavily encompassed by law enforcement. We boarded 246 vessels, contacting 906 people, and we documented 102 violations.

One of the significant investigations completed here just recently, and so I'm kind of moving away from the quarterly report, was of great interest to this body, and we've had a long-term undercover case that we've been working for several years with FWC, and I want to give a great deal of thanks for the Florida people, because we could not have done this without their help. They helped our agent extensively.

We just recently had a sentencing in federal court, and a Cape Coral, Florida subject was sentenced for fraudulent scheme to overharvest more than 50,000 pounds of Gulf reef fish, and he was sentenced to sixty days of incarceration, three years of supervised probation, told to forfeit the $286,260 dollars of

profit, and pay NOAA $5,623 of unpaid cost recovery fees, and so that was a significant -- That's not a lot of jail time, but, when you have three years of supervised probation, I'm sure that's not what he would prefer, but, again, Florida and our agent did a wonderful job in that undercover operation, and so, unless I have any questions, that completes my report.

VICE CHAIRMAN DIAZ: Any questions? Thank you. We appreciate it. We're going to go ahead and break for lunch, and we're going to reconvene at 1:45, at which time we're going to take up public testimony. Public testimony will be on the Florida Keys National Marine Sanctuary proposed expansion and open testimony on other fisheries issues or concerns. We will see you at 1:45.

(Whereupon, the meeting recessed for lunch on January 29, 2020.)

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January 29, 2020

WEDNESDAY AFTERNOON SESSION

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The Full Council of the Gulf of Mexico Fishery Management Council reconvened at the Hyatt Centric French Quarter, New Orleans, Louisiana, Wednesday afternoon, January 29, 2019, and was called to order by Vice Chairman Dale Diaz.

VICE CHAIRMAN DIAZ: Good afternoon, everyone. Public input is a vital part of the council's deliberative process, and comments, both oral and written, are accepted and considered by the council throughout the process.

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

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

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

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

If you have a cell phone or similar device, we ask that you keep them on silent or vibrating mode during the meeting. Also, in order for all to be able to hear the proceedings, we ask that you have any private conversations outside, and please be advised that alcoholic beverages are not permitted in the meeting room. First up for public testimony is going to be Lawrence Marino, and on deck is going to be Kenneth Daniels, Jr. Mr. Marino.

PUBLIC COMMENT

MR. LAWRENCE MARINO: Good afternoon. My name is Larry Marino, and I'm here on behalf of Louisiana Attorney General Jeff Landry. The IFQ program has been very successful in managing the red snapper stock, but Magnuson also requires allocating fishing privileges fairly among all U.S. fishermen and providing for fishing communities sustained participation in fishing. The IFQ program is less successful in these regards.

Shares and allocation are increasingly concentrated in fewer hands, and fishermen who lack shares must pay 75 percent of the dock price for the right to fish, while bearing the entire cost and risk of fishing. This is devastating the fishermen and, along with them, their fishing communities.

Amendment 36B addresses this problem by limiting shares to those with reef permits. This will probably drive up the cost of permits, as shareholders buy them up. That problem could be resolved by raising the moratorium on the permits. Regardless, limiting rights to those who at least can fish begins to restore the fishing communities.

In addition, the permit requirements should apply to allocation

and not just shares. This would help keep the right to fish within the fishing communities. Also, applying catch to allocation, as well as to shares, would reduce the excessive consolidation. Doing that effectively requires applying the caps at the individual level and tracking corporate ownership back to individual owners. This is already being tracked for share caps, and it must include LLCs, trusts, et cetera, as well.

Overall, the underlying problem is that the IFQ program gave away all of the shares. The quota bank, under Amendment 36C, would address this. The bank must be exempted from permit requirement and from share and allocation caps, and it should be capitalized with allocation above the quota as of a certain day or a set-aside off the top or some other method, and shares should terminate at the death of the original shareholder though and be placed in the quota bank. A fixed termination period should be applied to shares owned by corporations. The purchases of the bank must be set by the council, and I think staff may still need some more direction on this point.

Addressing discards is one purpose the council seems to have agreed on. We heard a presentation yesterday that seemed to suggest that there really aren't that many commercial discards, and this is contrary to many actual reports of discards in the commercial fishery, as I think you're going to hear shortly.

One way to address discards is to distribute part of the quota bank allocation among all permit holders in proportion to their entire reef fish landings, less red snapper. I am told that all reef fishermen have red snapper bycatch, and so this would address the problem equally.

The next generation of fishermen should also be addressed, and the triggers and amounts of these distributions require more discussion, but, for all of these distributions, there should be some charge. The charge can be used to cover the operating costs, conduct research, and the like. The charge should be less than the current price, to enable fishermen to make a reasonable return, and the distributions should be transferable, but at no profit, to prevent the same problems happening all over again.

Finally, there does seem to be some support for auctioning at least some of the allocation. It seems likely that the large shareholders and corporations would prevail in auctions, but effective allocation caps would at least reduce that problem,

and the fishing communities and the fishery would benefit from the proceeds, instead of just private interests. Attorney General Landry supports Amendments 36B and 36C as an opportunity to reduce some of the major problems of the IFQ program without unduly disrupting the industry. Thank you.

VICE CHAIRMAN DIAZ: Thank you, Mr. Marino. Next up is Mr. Kenneth Daniels, Jr. On deck is Eric Schmidt.

MR. KENNETH DANIELS, JR: Hello. I'm Kenneth Daniels, Jr., an owner-operator, bottom longline in the eastern Gulf of Mexico, the Fishing Vessel Amy Lynn, and I'm also Vice President of the Southern Offshore Fishermen's Association. Thank you for the time today to speak with you guys.

From the association point of view, we strongly oppose any expansion to the Florida Keys National Reserve Sanctuary. We don't believe that the no idle speed and the no anchor zones would be helpful or beneficial to the area or to commercial fishing and to other people trying to pass through the area.

We have seen -- I fish down there quite a little bit myself, and there's a lot of ship traffic down there, and there's a lot of tugboat traffic down there. Just west of the Dry Tortugas, there's actually an alley that us fishermen call the tugboat bottom, because, at any given time, there is tugboats running through there, constantly running through there, and I have seen a lot of shipping traffic, and a lot of guys that fish down there will tell you that the freighters almost hit them at night, when they're anchored up, but I'm not seeing a lot of anchored ships down there. I have actually never seen an anchored ship down there.

Now, outside of Tampa Bay, outside of the channel, we have a large amount out there, and, anytime, you can pass by there and see any number of ships anchored up and waiting to go into port, but I have never seen them down there by that corner anchored up waiting to go to port. I have seen them passing through there a lot, and so we would just strongly recommend to keep that place open. It's been pristine, because we're good stewards of the area, and we expect to continue being good stewards of the area.

Reef Fish 53, we ask to hold off any decision until after this workshop can be done, so we can get a better handle on the numbers and what we're actually working on, the workshop coming up in April, and maybe we could just hold off until March and get a little bit better handle on what's actually going on and

get something done with the allocation of the red grouper.

Amendment 36B and C, we would like to thank staff for all the work, especially Ava. Anytime I've got a question about it, she's really fast about answering it for me and pointing us in the right direction. We do see where it still needs a lot more work, but we're getting somewhere with it, and so we would like to thank you guys very much on that. That's about it for today.

VICE CHAIRMAN DIAZ: Thank you, Mr. Daniels.

MR. DANIELS: Thank you.

VICE CHAIRMAN DIAZ: Next up is Mr. Eric Schmidt, and Gary Bryant is on deck.

MR. ERIC SCHMIDT: Good afternoon. Happy New Year. First off, I am here on behalf of twenty-five charter fishermen in southwest Florida. We are opposed to any expansion of the Florida Keys Marine Sanctuary, and we are also in favor of the three-region management of amberjack, the southern, northern, and western Gulf.

This is the fourth time I have come before you, and I think you've all received one of these, and this is a petition that was signed by charter fishermen and fishermen, recreational fishermen, to move forward with requesting the Gulf Council to put African pompano into the federal management plan.

There are over 300 signatures on here, and this is not a generic petition that was just randomly done online. These are fishing groups that I went and spoke with. These are individuals that I spoke with through radio shows that I did, and I went to the boat ramps. I have a really good appreciation now for port agents, because, when you approach somebody with a clipboard at the boat ramp, they don't want to talk to you.

This is a regional thing, and Alabama, Mississippi, Louisiana, and Texas have no state regulation on African pompano. The State of Florida has regulation on African pompano, and, because there is -- It's in the state, that goes into the federal jurisdiction, and so the state has decided that it's going to be two African pompano per vessel per trip.

Our fishery is prosecuted in federal waters, and this is an issue basically from Tampa southward, and, since 2013, we have seen the population of African pompano explode in our area, and,

because of -- Catching isn't the issue on charters. Retention is the problem.

Red snapper is only open sixty days, and amberjack, lord knows when that's going to be open. Triggerfish, we don't know when that's going to be open. Red grouper, I don't know what's going to happen there in the coming year with red grouper. Gags are only open for six months, and so, with the population of African pompano being what it is, we respectfully request to the Gulf Council to just make it a one per person per day bag limit, instead of two per vessel, and that's it.

VICE CHAIRMAN DIAZ: We've got a question from Dr. Crabtree.

DR. CRABTREE: Hi, Eric. Thanks for being here. I take it that you have gone to the Florida Fish and Wildlife Commission, to the commissioners, and asked them to change the bag limit, and they declined to do so?

MR. SCHMIDT: I have asked Martha about this, and I said, should I go to the FWC first or come to the Gulf Council, and I believe Martha told me that I should come to the Gulf Council first and then go to the FWC.

DR. CRABTREE: Okay. Thanks.

VICE CHAIRMAN DIAZ: Thank you, Mr. Schmidt. Next up is Gary Bryant, followed by Dylan Hubbard.

MR. GARY BRYANT: Good afternoon. I'm Gary Bryant from Fort Morgan, Alabama. I own and operate three six-pack charter boats, and one of them is dual-permitted. Today, I'm just commenting with my personal comments. Usually, I'm representing our association, but not today.

What I wanted to talk about today is bring up something -- You all talk about the commercial fishing, and I am a very small-time commercial fisherman. I only catch about 10,000 pounds of snapper a year, and a lot of these guys catch that in a day, but something that would help me, as a dual-permitted person, is to remove the crew restrictions on the dual-permitted boats, and you're only limited to four.

I ran a boat commercial fishing, and I ran it as just a commercial boat for two winters, and, under that scenario, I was only limited by safety equipment, and so I had an eight-man life raft, so that I could have eight people on there. We did

daytime trips, and I could put six people back there fishing, and I would drive the boat, and we could get 1,500 to 2,000 pounds of snapper on a day trip.

Also, one of the big things you all worried about is these catch share trips, and I have done those, and I have a dealer's license, and I can do them. It never took off, and I don't see it growing. There is too much trouble, and there is too much you have got to be a dealer.

There's a lot involved. When you get to the dock with people, there is two officers with bullet-proof vests and guns waiting on you every day, and so I don't know if that scares them or not, but, anyway, I think people have been worried about removing that crew restriction, and I don't see that as being an issue, especially with the rules we have now, and it's my understanding that, when this rule was put in place, there was no VMS, and there was no hail-out, and there was no hail-in.

They just came back to the dock, and they took them to the fish house when they wanted, and so they could have however many people they wanted on the boat, and they could let people walk off with fish, and there was no way to check that.

Under our current system, where we hail-out and we hail-in and tell them the poundage we have, and we have to unload at an approved location and take the people to a certified dealer, and you have tied up all the loopholes. As far as the fish are concerned, those fish are going to get caught, and why does it matter if I have four people or six people on the back of my deck fishing?

This last weekend was the first trip that I ran where I put the charter permits on, and I only had three people on the boat, on a day trip, and we only caught hundred-and-something pounds of fish. I just didn't have the manpower to go out and -- The close-in spots off my coast are in the Three Hook area, and I am just rod-and-reel fishing. I am not bandit fishing, and, like I said, I was happy doing it when I had six people back there. We could throw them in the boat, and it was a small payday, but it was something that helped out in the time you weren't out charter fishing.

I would respectfully request the council to look at that rule and see if it still makes sense with all the rules and regulations, and I don't think it's going to have any effect on the fishery or give anybody an unfair advantage. Thank you.

VICE CHAIRMAN DIAZ: Thank you, Mr. Bryant. Next up is Dylan Hubbard, followed by Bill Kelly.

MR. DYLAN HUBBARD: My name is Dylan Hubbard from Hubbard's Marina. My family business has been fishing central west Florida for nearly a hundred years and four generations. We operate six federally-permitted vessels, both charter and headboats, and I'm here today representing my family business.

As far as the multiday trip limit issue, I want to thank the council, and I really appreciate you guys moving so quickly on that framework action to address that issue that was facing us in the eastern Gulf.

Lane snapper, on that subject, I also wanted to thank the council for moving forward with hopefully a very expedited framework on lane snapper to adjust catch levels and to prevent another late-season closure during the height of our tourist season at the end of the year. These fish have become more and more a fixture of our near-shore fishery, as their average size continues to increase and their numbers continue to proliferate.

As far as greater amberjack is concerned, I would encourage the council not to move forward on any management changes in the greater amberjack fishery. In my opinion, we need to let the current management stay in place until at least the final report on the upcoming amberjack assessment is completed.

African pompano, as Eric Schmidt relayed, it is definitely a big issue in our area, and we catch a lot of African pompano, and I fully support anything that will allow us more than two fish per boat per trip. Even one or two fish per guest is a huge exponential increase from where we're limited to today.

Red grouper, if we come to a point where any recreational management must be adjusted for red grouper, I wanted to emphasize to the council the importance of the first part of the year. We have gag grouper in the second part of the year, and we have amberjack in the fall, a lot of times pretty dependably, at least for now, and we need a substantial open fish during the first half of the year, or hopefully longer.

Dolphins, sharks, and goliath grouper, we have a major problem with the explosion of sharks, dolphins, and goliath. Dolphins are just so smart, and they learn how to keep overcoming any attempt to get away from them and to stop them from eating out

fish. Goliath grouper in southwest Florida are so expansive, and they keep taking over our artificial structures and eating tons of reef fish and lobsters, and, with sharks, we all know how big of a problem that is. I think today's presentation kind of made that clear.

Illegal charters, this continues to be a large issue in my part of the Gulf, and a lot of the charter operators in my area are really, really kind of burnt-out on the whole process, due to these illegal charter issues. I know there's a lot of positive things on the horizon, in talking to the great enforcement agents we have here at the meeting, but I would be remiss not to relay the plea from my area and my region on this important subject. Thank you for my time here.

VICE CHAIRMAN DIAZ: Thank you, Mr. Hubbard. Bill Kelly will be next, followed by Ken Haddad.

MR. BILL KELLY: Mr. Chairman and council members, Bill Kelly, representing the Florida Keys Commercial Fishermen's Association. I would like to talk to you about the Florida Keys National Marine Sanctuary and the restoration blueprint.

Our organization has been involved in the development of the sanctuary since inception. Early on, we identified the three biggest issues addressing this, and that's water quality, education, and law enforcement. The sanctuary has published a 585-page DEIS, with not one single word dedicated to address any of those three issues. If you want to navigate their website to find a little bit more, as one person put it, you've got to be a computer hacker, but let's look at it.

Over the past ten years, every single year, more than 100 million gallons of raw sewage has been pumped into Biscayne Bay and is back-flowing into the sanctuary through failed infrastructure.

Note the first requirement on the educational side. If you put a boat in the water, you have to have rules and regulations on there that pertain to the sanctuary. In 2,900 square miles, and they want another 700, they have three NOAA Law Enforcement officers for that entire area. Supplemental law enforcement comes from FWC. However, over the past three years, NOAA has cut that supplemental law enforcement budget from over $800,000 a year to $347,000. As a result, we've lost more than ten officers from the just over fifty that assist in that supplemental law enforcement.

The science being used in this DEIS is ancient history. Much of it is over twenty years old. All of the key indicator species in the Florida Keys National Marine Sanctuary have been assessed in the past five years, and all are rated good to excellent.

Sanctuary preservation and coral protections, let's face it. The damage is diver related. Emma Camp, 2010, University of North Carolina, despite pre-dive briefings, eighteen interactions per diver per dive. Krieger and Chadwick, University of North Carolina in 2013, direct correlation, the more mooring buoys you put there for recreational divers, the greater the damage is.

In the past ten years, the best thing that has ever happened to coral protection in the Florida Keys is the South Atlantic Council's Spiny Lobster Amendment 11, and it was a result of, in part, a biological opinion issued by the Southeast Regional Office in St. Petersburg.

We took an active role in that, and they wanted fifty coral protection sites, all right, and we identified ten of them that didn't even exist anymore because of the El Nino of 1997 and 1998 and the cold snap in 2010. We gave them sixty sites instead, and the sanctuary was going to match them and prohibit recreational activity in those areas again, but that was nothing but lip service.

Pulley Ridge, you don't have the first written study that shows the frequency of anchoring there or anything or depth of water or dates or duration of those anchors. These boats are supposedly waiting to go into New Orleans? Why wouldn't they adjust their speed and do it that way?

Captain Richie Stiglitz, one of our fishermen, fishes Pulley Ridge from August of each year until March, and he spends more than 160 days there, and over sixty of those trips are overnight, and, since 2009 to the present day, he has never seen a ship anchored there at Pulley Ridge.

The management process, and I will wrap this up, if you will allow me, please, in the last -- Since 2015, we have seen the top three managers, under the Inspector General's investigation, removed and re-assigned, and they -- Also, in 2013, the chairman of the largest working group for zoning, et cetera, he was found to be submitting phony motions that had only been voted on by two of the sixteen members. He tried to insert those into the

record, and he was relieved of duty.

I could go on, but let me just wrap it up saying this. In reviewing the evidence and the information and the disinformation that's been presented to us over the years here, we recommend no action, and let's refocus and restart this and get it going again.

Mr. Robert Spottswood, who is the Chairman of the Florida Fish and Wildlife Conservation Commission, last Sunday, in an editorial in the *Key West Citizen*, he said let's restart this program. It has failed, and there is no communication, and we've got to start over. Thank you, and I appreciate the time, sir.

VICE CHAIRMAN DIAZ: Hold on, Mr. Kelly. I think we've got a question or two for you. Mr. Sanchez.

MR. SANCHEZ: Thank you, Mr. Chairman. Bill, you mentioned Pulley's Ridge. In addition to Pulley's Ridge, some of the other proposed larger closed areas, the Tortugas, Sambos, Long Key, and the area around Carysfort, which is also proposed for some regulations, and perhaps not as stringent as the Tortugas and the Corridors and what have you, but what's the association that your group, who lives and works in the Keys, what's their views on these areas as well? Again, the Tortugas, Sambos, Long Key, and the Key Largo area, Carysfort?

MR. KELLY: Mr. Sanchez, we had two of the members of our association who spent more than twenty-six days each on that working group, and those working groups voted down all of those large-scale closures, and, as I mentioned, there was a chairman there, and one of his associates on the working group, that attempted to identify these closed areas and insert them into the record as if they had been approved by the body as a whole, and they were not, and they were relieved of their duties.

These deepwater closures, idle speed only and so forth, and the Tortugas in forty and fifty feet of water, what is the purpose here? Further up the Keys, we see these proposed closures across Hawk Channel, from the mangrove shoreline to the edge of the reef. If these are idle speed only, and, in some of them, they originally suggested no motor zones, this would divert boat traffic in one of the most heavily traveled waterways of the Florida Keys, and they would either have to go out and around the reef or go into the back country and go up the Intracoastal there.

Now, what if they don't have a sophisticated chart plotter on there? What if they're a new boater in this area? We are increasing exponentially the chances for groundings like you wouldn't believe by diverting that traffic, and there's absolutely no need for that connectivity, as it's being called, because, even if an animal -- Originally, they were on mangrove shoreline, but what's to say that he's going to stay within that two-mile tract through his lifetime to make it out to the edge of the reef?

VICE CHAIRMAN DIAZ: Thank you, Mr. Kelly.

MR. KELLY: Thank you.

VICE CHAIRMAN DIAZ: Mr. Brewer.

MR. BREWER: Thank you, Bill. I was privileged to go down and be present for the joint meeting that we had down in Marathon about this issue, and the clear message, the clear take-away for me anyway, is, hey, the problem we've got here is degradation of the water quality, and that's what is hurting the reefs, and that's what is causing a lot of the problems that we see.

You mentioned effluent coming out of Biscayne Bay. Are there any other sources, because I think normally the water is flowing, at least on the west side there, and I always thought it was coming from the north and then around, with the Gulf, and maybe I'm wrong, but are there any other point source of pollution that are affecting the sanctuary?

MR. KELLY: Yes, there are, Mr. Brewer, and, if you look at flow charts here, and you look at our catch history for the past year or so, we're seeing relatively good to excellent catches of stone crab and spiny lobster in the Tortugas areas and Key West westward, and also in the Upper Keys and south Miami and Dade County but the corridor where you have the greatest amount of waterflow and greatest number of bridges is through the Middle Keys, the Marathon area, Long Key, and so forth.

We are looking at flows of fresh water, and I use that term loosely, in terms of fresh water, as coming out of the Everglades and so forth, and there is no treatment on that, and there is no levels of quality that they have to reach before they come out of there.

We've had remnants of the red tides and so forth west of

Marathon there, and we're seeing extreme algal blooms in these areas, and it's affecting the quality of the fish, and we're also seeing water temperatures that have been extremely elevated back in the Gulf of Mexico. For example, just two months ago, when water temperatures probably should have been around seventy-eight degrees or so, they were actually in the eighty-five to eighty-seven-degree level, and that's of serious concern. Thank you.

MR. BREWER: Thank you.

VICE CHAIRMAN DIAZ: Thank you, Mr. Kelly. Next up is Ken Haddad, followed by Rick Warren.

MR. KEN HADDAD: Thank you, Mr. Chairman and council members. My name is Ken Haddad from the American Sportfishing Association from Lloyd, Florida. I want to follow up on a presentation given yesterday on discards, and it was given during the IFQ discussions on how to address quota availability and discard mortality.

The concern is the inclusion of recreational discard data in the presentation, presumably to be able to compare the two sectors. While that type of comparison was fine, the slides, I felt, were misleading, at least from an audience perspective. A slide, for example, showed as many as six-million fish, in this case red snapper, discarded annually recreationally, and it compared to several-hundred-thousand fish commercially.

I think, in the audience, the way it was presented, most of us got, oh my god, we're killing six-million fish annually of red snapper, and so it wasn't clearly presented, and so what we need to kind of keep in mind is the recreational data for discards is from a very poor database in MRIP, and it should be taken with a big grain of salt. We realize that we need much better data, and we hope there's things in place to try to collect that data.

Second, a meaningful comparison should have been discard mortality and not discards. If that was done, then we would have seen a recreational discard mortality closer to 800,000 fish, in comparison to the several hundred thousand commercial fish discarded, which has a much higher mortality rate for discards. Now, really, I am getting to a whole different point, but I just felt that I needed to say that, because it was bothering me.

Now, with that said, and realizing there are significant

questions on the data accuracy, particularly with the recreational discards, and we hear perhaps in the longline fishery, but this begs for rapid implementation of mitigation measures, such as descending devices, and it's clear that successful and ultimately required use of descending devices and venting tools could significantly reduce fishing mortality, particularly if these numbers are anywhere near accurate, and we encourage the council to move as rapidly as possible to get these devices in use. Thank you.

VICE CHAIRMAN DIAZ: Thank you, Mr. Haddad. Next up is Rick Warren, followed by Mike Eller.

MR. RICK WARREN: Thank you for allowing us to speak at these meetings, council. I recently just graduated through the MREP program, the Marine Resource Education Program, and this is my first attendance at a Gulf Council meeting.

My name is Rick Warren, and I fish in southwest Florida, and I've got two fishing charter boats, one with a federal permit and one that just state-water fishes, and I've got a few things that I wanted to bring to you guys' attention.

The first one is I noticed that we have a lot of different advisory panels for a lot of different things, but I haven't been able to find something that addresses maybe a water quality issue, and so we've got some major water quality issues across the Gulf and not just what we're dealing with with red tide, but with freshwater issues, south by us and up here, that has affected the oysters, and it's affected our fish and a lot of our marine life, and so I would like to see something, maybe something that we can do, some additional measures, so we can work on that issue in some type of panel or some type of group of people that can work on that.

Another point that I would like to bring up is the rampant illegal charters that we're dealing with in southwest Florida. I'm kind of representing a small group of guys down there, probably thirty or forty charter fishermen, that all have federal permits, and we daily watch people breaking the law and fishing in federal waters without a federal fishery permit. It's a very big deal.

They're advertising it on FishingBooker and advertising it on all social media, like Instagram and Facebook, and we've reached out to NOAA LEO, and we've reached out to local and state authorities, like FWC, and most people that we talk to point the

finger to another agency to talk to, and so we kind of feel like we're getting a blind eye to the situation, and it's a very big deal for us.

I would say, in my opinion, it's nearly affecting us, at least myself, nearly as bad as the red tide. I bet you there is at least as many illegal charters in our area as there are legal, and that, in the long run, is going to affect a lot of the data that we get when the ELBs and the VMS are put in place. The data that we give you is only going to be half of it, and so you're going to have to that into effect, too.

The third thing that I wanted to bring up was the African pompano that Eric Schmidt had spoke of earlier. I signed his petition, and I do agree with -- We do catch a lot of these fish, and I would like to see a limit increase on that as well. Thank you for the time.

VICE CHAIRMAN DIAZ: Thank you, Mr. Warren. Next up is Captain Mike Eller, followed by Greg Ball.

MR. MIKE ELLER: Thanks for allowing me to speak, Mr. Chairman. Mike Eller, thirty-seven years or so of it. I fish a lot around the Madison-Swanson closed area, and there's about four or five Destin boats that have fished it the last couple of years, and it's a 115-mile run for us. I have witnessed a lot of small boats idling up into the closed area very, very early in the morning. Typically, when I am transiting the closed area, I'm trying to get to my fishing spot, my starting spot, by daylight, and so I'm usually crossing through there at about five o'clock in the morning.

There is plenty of poaching going on, and they're in small, fast boats, one or two guys, and they are usually gone and out of there about an hour after the sun comes up. When I come home from the area, I am well south of the closed area, and so passing a rule that says no reef fish onboard wouldn't affect those of us that are fishing around the closed area from Destin at all, and I would encourage you to update it.

Amberjacks are important as a springtime fishery for us in Destin. We would like to see you have a May fishery back again, but we would encourage you just to wait and let all the amberjack data come in before you make any decisions.

Yellowfin tuna, as best I can tell in the northern Gulf, is crashing, and I know there's not a lot that we can do about it,

because of the ICCAT, and I would encourage you to raise the size limit, and then also possibly thinking about maybe a limit on trophy fish, and maybe you can only have two fish over a certain size or something like that.

When you come home with a boatload of groupers, you freeze them, they go in the freezer, and you eat them all year long. If you come home with a boatload of tuna, you're giving it away, and it's getting thrown away, and it's ridiculous. It freezes, but it doesn't freeze all that great, and so, when you see boats coming in with 500 or 600-pound fish, which, when they show up and they bite, that's the way it works. I am guilty of it myself. Yellowfin tuna is in trouble, and I can tell you that right now.

Red grouper, it's past in trouble. I think any talk about red grouper that doesn't talk about closing the fishery is really just rearranging the deck chairs on the Titanic. This fishery has collapsed, and Dylan Hubbard might be mad at me for saying it, but I think the fishery should be closed. The red tide has devastated it, and it's not going to recover as long as we continue the current rate of fishing pressure.

As you have heard, the sandbars are a problem, and we're going to be pushing really hard for some type of incidental catch and some type of ELB, something. Something has got to give, and I know we're waiting on Amendment 14 to pass, and we can go a little bit from there.

Again, the long-term conversation about the dolphins, and I know how things work, and they talk a really long time, but it's a problem. It's a problem, and it has popped up really basically in the last ten years, and so it's not -- I mean, it's always been a problem for commercial fishermen, but it's never been like this for us, and so we have helped create the problem, and we're going to have to deal with it eventually. It's very frustrating.

The same thing with the sharks. You can fish about ten minutes and you've got to move. With the dolphins, you move, and, if you only move a mile or two, they just ride your wake, and they actually ride on your wake and follow you where you go. If you drive for about five or six miles at high speed, you get about ten minutes before they show up, and that's all I've got to say. Thank you for your time.

VICE CHAIRMAN DIAZ: Thank you, Captain Eller. Next up is Greg

Ball, followed by Charlie Bergmann.

MR. GREG BALL: I am Greg Ball from Galveston, Texas, owner-operator of two federally-permitted charter boats and a state charter boat, and I'm also President of the Galveston Professional Boatmen's Association.

I want to start off by thanking each one of you for all your efforts on the electronic logbooks and getting them online this year, hopefully at the end of spring of 2020, and, also, I think, on the amberjack, just leave it alone until we get some better data.

Illegal charter boats is still a problem, and it's been a problem, but it seems to be growing more and more, with the internet and all that. At least people are advertising their illegal trips, and so we see a lot of them offshore fishing that are not permitted and shouldn't be out there taking money away from the ones of us that have permits.

We've got the same problem in the western Gulf that we have over here with the dolphins and the sharks, and so I don't know what can be done about it, but it just continues to get worse, and, lastly, I would still like to see a dually-permitted boat -- Do away with the crew size limit on the commercial side, because it's -- We run a dually-permitted boat, and it's just a problem.

It's a center console, and so we go out and we try to catch our fish commercially and do it in a day, and we need, sometimes, five or six people on there to get them caught and get back in in time. We don't make a lot of money out of it, and we don't own much quota, and so it's hard to do, but, if we can do away with that, it would make it really good, because I can't afford to have two boats, to run one for charter and one for commercial, and we just kind of supplement our income with the commercial during the offseason, and so, if you all could do away with that, it would be great, and that's all I have. Thank you, all.

VICE CHAIRMAN DIAZ: Thank you, Captain Ball. Next up is Mr. Charlie Bergmann, followed by Jane Black-Lee.

MR. CHARLIE BERGMANN: Good afternoon. This is a first for me, being able to say something from up here and not have to worry about where I work. I am here today to speak in opposition to the closure on Pulley's Ridge. I think it's a -- I think the sanctuary folks are just overreaching, and I believe there's a

Harbor Branch study that indicated that the fishing community hadn't affected the coral as much as some people might think.

I was going to give a lot of testimony on a lot of different things, but I know that time is limited, and so I will get over to the one topic that I really didn't want to talk about, but that's Amendment 36B. Some of my history is I used to be on the Mid-Atlantic Fishery Council, and I was there with the surf plan program went into effect, and I witnessed the rationalization of the fishery.

When this council was starting their programs of looking at the ITQ system, I spoke against them, and I didn't care for it, but this agency and this council sold the fishermen, the fishermen in this room, on the idea that these councils would stop the derby-style fishery and make the markets better. They were giving all the different rationales of why it was a good thing and it would work for them, but, in reality, the thing that happens with an ITQ is it reduces the capitalization in the fishery, and it has done this.

Capitalization is way down, and there is very few participants left, and it affects the fishermen, and it affects the dealers, and it affects the supply chain, and that's what an ITQ system does, and, in order to get this process to where it is today, fishermen were told that let's sign on to this thing, and that will be your retirement plan. Yet, today, or yesterday, I hear that we're going to look at, well, let's reduce their overall allocation so that we can start something else, and there always has been a program where new entrants can get in, and they have to expend capital to do it.

Now, yes, it costs a lot of money to do that, but there are programs available, such as the low-interest loans, to where people can purchase quota. I don't know, and these people have done a good job, and the council did a good job, in reducing the capitalization, and you made it an efficient fishery, but now the idea that you're going to go back and put in more capitalization, to reverse what you've done, and I just -- I am not sure that it makes a whole lot of sense. Thank you for the opportunity.

VICE CHAIRMAN DIAZ: Thank you, Mr. Bergmann. Next up is Ms. Jane Black-Lee, and on deck will be Casey Streeter.

MS. JANE BLACK-LEE: Hello, council members and staff. I appreciate being able to speak to you. I have come to speak

only to give you information that perhaps you may not otherwise have the details about. I am a twenty-five-year employee of Caleb Haley and Company. They are located in the Fulton Fish Market in the Bronx in the New York, although I live in Mississippi, after Louisiana and Florida.

We lease fish. We don't have a permit, and we don't have a boat. We lease from shareholders who do have permits and boats, and we also lease from shareholders that don't have, that are similar in not having anything but shares.

We take this allocation and place it on vessels. Last year, I placed it on twelve vessels from Texas and Alabama and Florida. I put portions of say from 500 to a maximum of 3,500 pounds per trip on these vessels. The charge that they were charged to use the lease was the exact amount of money that I paid for the lease, and I paid $3.75 for most of it, and a little bit I paid $4.00. When I paid $4.00, I actually only figured $3.75, and I felt like that was more than they could afford. If I reduced their portion of the share of the catch, they couldn't afford to fish it, and I had to absorb that part.

In turn, they got market price for the fish, less the $3.75 that it cost for the lease. In turn, I got to buy the fish from the packing dealer, and I gained, on the long end, on the far end, at the sale in New York, and that's where our profit lay, and their profit was greatly reduced because of the cost of the lease. I didn't charge them any interest, and I didn't surcharge them, but we just passed it on, in an effort to guarantee that we would have access to fish.

In addition, we did buy, and do continue to buy, fish from docks who are first buyers, and we buy at the first level, right after they are packed, and we ship them by truck to New York.

I just wanted to share this with you, so that you would know that there are some who act as quasi-quota banks and help the boats, and, in turn, of course, our income is increased, because we have access to the fish,

That's what I wanted to share with you, so that you would have an idea that there is another sector of this industry that you may not really have an opportunity to learn about, and we talk about this at reef panel meetings, but I hadn't heard it at the council level.

VICE CHAIRMAN DIAZ: We have a question for you, Ms. Lee, from

Mr. Sanchez.

MR. SANCHEZ: Thank you. Thank you for coming. It's interesting to hear from you. How long have you been developing this business model, where you've been dealing with the Fulton fish market and everything?

MS. BLACK-LEE: Well, I will give you a little history. In 1965, I went commercial fishing. In 1975, I opened a dock in Leesville, Louisiana. In 1989, I worked for three years with a commercial fishing organization, as their director, and, in 1991, I went to work for Caleb Haley and Company, and so I've been working from them from before Class 1, and I bought snapper in Leesville before any regulations were there, and we had the Class 1, and then we had IFQ.

The first ten years of our IFQ participation, we just placed everything that we did have -- We own, or I don't know if the word really can stand up to say own, but we are given less than 1 percent of the quota as a company, and we have that share, 0.075, I believe, and we placed that on one vessel for the first ten years, and we got the rest of the fish that our company used from other vessels. In 2017, we started leasing and spreading the fish to a number of vessels, rather than putting everything that we had on one. Does that explain it? It's a little complicated there.

MR. SANCHEZ: Thank you.

VICE CHAIRMAN DIAZ: Thank you for your previous service on this council too, Ms. Jane, and for your current service on our Reef Fish AP. We appreciate it.

MS. BLACK-LEE: You're welcome, and thank you, all, for working on it. It's a complicated issue.

VICE CHAIRMAN DIAZ: Next up, we have Casey Streeter, followed by Katie Streeter.

MR. CASEY STREETER: Good afternoon, council. I'm Casey Streeter, owner of Island Seafood Market in Matlacha, Florida. I'm also the owner of three bandit boats, one dual-permitted boat. I want to thank you for having me here.

I wanted to, first off, speak about the red grouper, the FES reallocation, and I'm very against it. I mean, I know that everyone needs fish, and the overfishing is an issue. We lost

60 percent of our red grouper this year, and we're potentially losing another 15 percent, and we're hurting in southwest Florida. When these fish matter, it's going to raise the lease price and make a tough situation even tougher, and that's the reality. In the recreational sector, they're going to catch what they're going to catch no matter what. The numbers say they have since 1986.

I am real concerned about that, and Eric Schmidt here talked about the African pompano in our area, and the fish are there. We have a fishery there, and it would be nice to see an expansion of that.

Pulley Ridge, I'm against the expansion of that. Like I said, my boats do fish down there, and I've never heard of a boat anchored in down there, and so a lot of the guys that fish down there are very respectful, and they understand the value of that area, and they treat it as what it is. It's important to our fishery, and so, as far as all the 36 amendments, it's tough decisions, tough talks.

Everyone says well, take from the rich and give to the poor and all these other issues, and, I mean, look. Our industry, our fishery, needs access to fish, and, I mean, we have red snapper in our area. They are part of a discard issue for our area.

I know you guys have a lot of tough decisions to make, but it does matter, and I speak for a lot of guys that aren't here, that don't have the ability to come here, and they feel the same way, and so no one wants to make enemies, and no one wants to do anything like that and take from anybody, but the reality is that fishermen need access to fish, something that's affordable and something they can be profitable on.

I have talked with a lot of guys about the derby days, when the price was so low that they made $1.60, or they made $1.50, and that's what boats make now. That's what fishermen make now, and so, really, what has changed? Those are my points, but I appreciate it, and thank you very much.

VICE CHAIRMAN DIAZ: Thank you, Mr. Streeter. Next up is Katie Streeter, followed by Ryan Bradley.

MS. KATIE STREETER: Good afternoon, council. Thank you for the opportunity to get up and talk today. We own a fish house in southwest Florida, Casey and I do, and we've got three commercial grouper boats, and so grouper is very important to

us, and I want to talk about the recalibration and reallocation.

I don't support reallocating more red grouper to the recreational sector until an accurate plan for accountability is brought forward and also implemented. The current system is working off estimates and assumptions to calculate the recreational catch. The commercial sector has committed to accountability, and our landings are close to 100 percent trackable. True accountability for all sectors will benefit our fishery as a whole and ensure it is healthy for future generations of all sectors. Thank you.

VICE CHAIRMAN DIAZ: Thank you, Ms. Streeter. Next up is Ryan Bradley, followed by Chris Horton.

MR. RYAN BRADLEY: All right. Good afternoon, council members. My name is Ryan Bradley, and I wear many hats at times, but, today, I will be speaking for myself and myself alone, as a commercial reef fish fisherman from Long Beach, Mississippi.

I am not a new commercial fisherman, but you could say that I'm a new entrant to this reef fish fishery over the last year or two. It's been interesting to hear the council's discussions on Amendments 36B and 36C yesterday, and this amendment is something that we've been discussing for several years now.

A couple of the key considerations that I wanted to bring forth to the council is it's pretty clear that there's a consensus to move towards some kind of permit-only requirement to maintain shares, to address that. I think, first, the council really needs to take a look at implementing income-qualifying requirements to a permit, and I think that's something that Mr. Crabtree is not too fond of, but I think that's a necessary step before we can take any action on moving to require those shareholders to require permits.

If you ask why, requiring the shareholders to possess the permit to maintain shares will undoubtedly drive up permit prices, and shareholders will simply move to secure a permit, and this will further compound barriers to entry for new entrants.

It's also important for the council to understand how commercial fishermen operate. In my region in Mississippi, we have dealt with numerous disasters over the last decade that has either forced fishermen out of their traditional sector or they have to leave the commercial fishing industry all together. By having that income requirement, that would allow those commercial

fishermen the main access to this federal fishery resource.

Second, I would say there is no need, really, to force shareholders to divest their shares, and I don't think that's necessary in your provision that you're looking at. I think the provision, if you wanted to do something like that, should read that shareholders may only sell shares or lease allocation to accounts that possess a valid reef fish permit, and, likewise, shareholders must have a valid permit to buy or lease additional shares.

This would allow the current shareholders to keep and maintain what they have without forcing them to divest, and I think that's important that we do that, because a lot of people have bought-in and paid their dues to be where they're at, and they shouldn't have to be forced to sell anything, and it would be counterproductive as well to what you're trying to accomplish.

Lastly, on the quota bank situation, that was something that was suggested, and I just don't see it really working out with NOAA running that too much, and I would like to see the shares that were reclaimed and possibly look at going into a quota bank or the carryover of unused IFQ to go into the allocation-only quota bank, and I don't suggest that the council take 10, 20, or 30 percent away from any shareholder to fund the quota bank, and I absolutely oppose any type of auction system. With that, I will close my statements. Thank you very much.

VICE CHAIRMAN DIAZ: Ryan, I have a quick question for you. You're talking about income requirements, and are you talking about any commercial fishing or commercial fishing for that species of fish that the IFQ pertains to?

MR. BRADLEY: It should be any type of commercial fishing in this region, any state-water or federal-water or any species, harvest only, and not to dealership sales and not IFQ transfer sales. The harvest and sale of any species in this region I think would be fair.

VICE CHAIRMAN DIAZ: Thank you, Ryan.

MR. BRADLEY: Any other questions? All right. Thank you, all.

VICE CHAIRMAN DIAZ: All right. Next up is Mr. Chris Horton, followed by Richard Fischer.

MR. CHRIS HORTON: Thank you, Mr. Chairman and members of the

council. My name is Chris Horton, and I'm the Senior Director for Fisheries Policy for the Congressional Sportsmen's Foundation, and I will keep my comments brief, and, really, they pertain to amberjack in the draft framework action that we were considering.

First, I want to commend the council staff for the excellent work they did in developing that decision tool, and it tries to simplify the complex management options that are currently under consideration, but those management options try to address some of the regional differences in the fishing preferences for the recreational sector, but it also highlights the complexities of trying to manage this fishery under the single stock federal management model across the five Gulf states.

It seems that a simpler solution is to model management of greater amberjack the same as the highly successful state-based quota red snapper management. You heard this morning from the states themselves as to how successful this program has been. From my perspective, as an angler in Alabama and Louisiana waters this year, and, every angler that I talked to, we're all fat and happy. We love it, the program what it is and compared to where we were three years ago, and so our hats off to the states for doing a great job.

Managing amberjack, and, frankly, any recreational reef fish fishery, using the same approach just makes a whole lot of sense. While the concept has been mentioned by some council members, we would highly encourage you to include state-based quota management of the recreational amberjack fishery as a management option moving forward, and it can meet the specific needs of the given state's recreational fishery, while staying within the established quotas, both at the local state level as well as Gulf-wide, and so thank you.

VICE CHAIRMAN DIAZ: We have a question for you, Mr. Horton, from Mr. Schieble.

MR. SCHIEBLE: With amberjack, we don't have sector separation on those yet, and do you have any suggestions on how to handle that, as far as allocation goes?

MR. HORTON: I said it would be simple, but I didn't say it would necessarily be easier than what you've got now, but, I mean, honestly, I would like to see an opt-in/opt-out option for the charter fishery that want to be managed under the state plan or those that want to be managed under the federal plan to be

able to continue to do that, but I think, from purely just the recreational anglers' perspective, we have a lot of confidence in the state's ability to manage us effectively, and based on the preferences that we have, and so, ideally, that would be the way to go. How to answer that specifically, I don't know. That's up to the charter guys.

MR. SCHIEBLE: I didn't expect a perfect answer, but I just wanted to see what you thought on it.

VICE CHAIRMAN DIAZ: Thank you, Mr. Horton. Next up is Richard Fischer, followed by Ron Chicola.

MR. RICHARD FISCHER: Thank you, council, and welcome back to the great state of Louisiana. I am Richard Fischer, representing the Louisiana Charter Boat Association. I will start out very briefly on logbooks, and this will be directed toward NMFS.

As we saw in the presentation earlier today, we are going to be still requiring logbooks to be on a vessel later this year, and it's already going to be the second month of 2020 here in a couple of days, and, whenever I get questions from captains, they're going to be asking me, hey, you know, what kind of device do I need to use on this, and I am not going to be able to have a good answer for that, because those haven't been approved yet, and then, secondly, they're going to ask, well, am I going to be able to harvest this at my marina or my camp or my dock, and I can't really give them an answer to that either, because, to my knowledge, the document to submit an approved landing location has not been given to the public yet, and so I just wanted to reiterate to NMFS how important it is to get that information out as quickly as possible, so that our guys can get all their paperwork in order and get their device in order and get going.

Now I will go ahead and move on over to amberjack, and so this will be directed to the council. I wanted to say that we're fine with you guys waiting to get more data. More data is always good, and it allows you to make better decisions. Whenever you guys do decide to go ahead and move forward, a lot of the guys in our association are in favor of looking at zones, and we feel that it gets us closer to the state management approach that a lot of our guys are in favor of, and Chris just talked about going a step further to state management, and we would definitely entertain that conversation for amberjack as well.

As long as we're not talking about fractional amberjack, or we're not talking about opening the season in the early months of the year, when, in some other parts of the Gulf, they can go out there and catch amberjack, and we in the western Gulf can't, we're going to be pretty happy with whatever you all come up with, from the conversations that I've had with our membership, and, if we do go the zone approach, we would really like to see that the allocations would be fair, based off of historical averages, and to not use the years, a couple of which have been recently -- Where certain members from the other side of the Gulf have basically harvested all the amberjack before the weather allowed the guys on our side of the Gulf to get out there, and so we would appreciate it if those years were not considered in a historical time series, and that's really all I had to say, and I will take any questions. Thank you.

VICE CHAIRMAN DIAZ: Thank you, Mr. Fischer. Next up is Ron Chicola, followed by Billy Archer.

MR. RON CHICOLA: Good afternoon, council. I've been up here every time, for the last year or so, and you know the problems with the lease prices, and you know the problems with the commercial fishermen, and there ain't a whole lot to say about it. I'm glad to see you all starting to move towards our direction, some of you all, and I hope you all keep on thinking about us, because there's not much left of the commercial fishing people. We're a dying breed, for sure. Thank you very much, and you all have a good afternoon.

VICE CHAIRMAN DIAZ: Thank you. Next up is Billy Archer, followed by Mark Kelley.

MR. BILLY ARCHER: I'm Captain Billy Archer from Panama City, Florida. I'm a dual-permitted owner-operator and a third-generation fisherman. I would like to start by thanking you all for all the importance that you put into getting our charter boat ELB program started in 2020, and hopefully we'll see that to fruition.

Also, I want to thank you for all your hard work in the Amendment 50 process. I support sector allocation for the charter/for-hire industry and all the other remaining reef fish fisheries that should be served better with the portion of the recreational allocation. I do not support any attempts to reallocate fisheries based on incomplete and non-comparable datasets between sectors.

Greater amberjack, I support zone management for the recreational anglers and then a separate allocation for the charter/for-hire industry. I also would like to ask the council if you would consider to look into the use of artificial reefs off of each state. Alabama has led the way here, and I personally can tell you that artificial reefs work and should be encouraged -- Our state should be encouraged to allow it.

I recently received an interesting pamphlet in the mail from NOAA Fisheries about a federal fisheries finance loan program, and I didn't know that it was in existence, and the list is very comprehensive with what you are allowed to purchase and how it works, and I would encourage the council possibly to maybe have these flyers available at your meetings, so, for people like me, that aren't sure what that means, can pick one up and read it for themselves, and that's all I have to say. Thank you very much.

VICE CHAIRMAN DIAZ: Thank you, Captain Archer. Next up is Mark Kelley, followed by Bob Zales.

MR. MARK KELLEY: My name is Mark Kelley, and I'm from Panama City, and I've got two charter boats, dually-permitted, and I'm fully invested in the IFQ system.

I want to spend my time talking on jacks. Now, I beat this horse to death with you all about a May season, and I am going to stand here and praise you, of which I do very little of, that the data actually matches up with the catch this year, which gives us May, and we're thrilled to death about May, because we came to this meeting not expecting May, but May of 2021 is what kind of concerns us at this point.

We have tried to instill in you all that we want stability, and we need something to catch. Well, the month of May, for the Panhandle, is jacks, and, of course, we got the jacks highjacked and went in the fall, and we're asking for one month, so we get the 25 percent of the months, if you leave it the way it is.

My main concern is, no matter what we do on this assessment tool of 70/30 or 50/50 or 60/40, you still have not protected the month of May, because of overruns. The month of May will always be the payback month, and so we're never guaranteed a spring, and so, I mean, I have suggested that we split the -- That each sector in each season being accountable for itself, and I've been told that can't happen, but I find that hard to believe.

Or we can move the start of the season back to January 1, opening May 1, which solves May, and then the payback provisions will come in the fall, which gets the bigger part of the pie.

Saying all of that, you contradict yourself, because we have -- I mean, I am standing here telling you to move it, which would help me, and then I'm telling you the percentage of what I want, and I would -- For this coming year, we would be okay with August 15, or September 1, opening. A September 1 opening being if we don't get some form of protection for the month of May that allows us to have some form of a May season. August 15 don't give a whole lot of buffer in the fall towards having a season in May, and that's provided we go back to what was caught in 2018 and not what was caught in 2019.

Now, whatever was going on in the Gulf in 2019 didn't have nothing to do with anything you set into motion. It was just a bad fishing year, and we've been dealing with some terrible water quality that has moved the fish, which has affected the Panhandle, from what I'm hearing, all the way to Alabama.

One other thing is the Madison-Swanson is being poached severely bad, and let's just shut it down to fishing, and that solves the problem of enforcement. If you're in there and you've got a fish onboard, you get a ticket. That's pretty simple. Thank you.

VICE CHAIRMAN DIAZ: Thank you, Mr. Kelley. Next up is Bob Zales, followed by Bob Spaeth.

MR. BOB ZALES, II: Bob Zales, II, representing Southern Offshore Fishing Association. First off, and we've made this statement before, we're totally opposed to any increase in the Florida Keys Sanctuary and any inclusion in Pulley's Ridge and that thing you heard from some other people.

You have got some minor anecdotal information about ship's anchoring on Pulley's Ridge, and anybody that knows anything about shipping knows that it makes absolutely no sense for a ship to be anchored up to wait to get in a port a hundred miles from the port. That doesn't happen, and so we're opposed to that.

When it comes to red grouper and 53, we support Alternative 1, status quo. We don't want to see any changes made in the assessment and/or the allocation until we get a good handle on this new FES data. Apparently, there's going to be a workshop

in April, and so we would encourage you all to wait until that workshop is done, so that we can can get a clear explanation and definitive answers as to why you have these wild numbers fluctuating back and forth and arbitrarily shifting allocations from the 76/24 to 60/40.

When it comes to the IFQ situation, when you look at this table, I see two people, Dr. Shipp and Dr. Crabtree, who were here when IFQs were initially talked about and developed. I was one of two 200-pound permit holders who served on the IFQ AP when that plan was developed. I would encourage all of you all to go back and read the history on the development of that plan, because my recollection is, that when that plan was developed and sold to the industry, it was done so to protect the fishermen, to provide allocation to fishermen, to be able to fish when it was most opportune for them to do so, whether it was good weather or prices or whatever.

It wasn't to develop a commodities market that could be traded on the stock market, and so that's where we need to get back to, because you've got historical fishermen out there that don't have quota that would like to get it, but, because of the cost of leasing and other things, it's cost-prohibitive.

This prevents new entrants to get in, because you have to put your first child up for collateral in order to afford to get in there. We need to really look at that and get back to the original intent of what that program was designed to do and help these fishermen out, and so any questions? Thank you.

VICE CHAIRMAN DIAZ: Thank you, Captain Zales. Next up is Mr. Bob Spaeth, followed by Bart Niquet.

MR. BOB SPAETH: Bob Spaeth, Executive Director of Southern Offshore Fishing Association. Mr. Zales must have read my speech, and so I won't take a lot of time. What I wanted to do is what he said.

I wanted to remind the council, and I sat on the first panels, and I was on the original advisory panel to reef fish when it was consummated, and I spent thirty years on it, but, when we were sold this IFQ program, or talked to it, and we went through it, a lot of us had problems with it, but it was designed, and what Bob said, to put the fish in the fishermen's hands, to keep the gooses that lay the golden eggs, as I call them.

They used the criteria of safety at-sea, but stop the derby.

Did it accomplish that? Absolutely. One was letting the fishermen market whenever they wanted to market their fish, and that pretty much happened, and accountability, and it's a very accountable fishery, but what is the unintended consequences of the things that we tried to do, because we did other regulations involved, like outside ownership, and certain fisheries that we have started -- Like Bob said, we've started a commodities market.

We have made it more of an investment business. Fishermen are having to pay more for some of their leases because we've created those kind of areas, and we would like it to go back for the council to look and say why did we do this, and it was good reasons, and let's put it back in the hands of the fishermen, and let's get it to where we can get new people to get in our fisheries, and we also intend to bring you some ideas in the future from our group, and, as we're working on that, we'll keep you informed, and we appreciate your time. Thank you.

VICE CHAIRMAN DIAZ: Thank you, Mr. Spaeth. Next up is Ed Walker, followed by Bart Niquet.

MR. ED WALKER: My name is Ed Walker, and I'm a commercial fisherman, charter fisherman, recreational fisherman, and I participate in a lot of fisheries research. As I have mentioned before, the sanctuary enforcement issue is a big one for me, having spent last winter out there on a research project and having my eyes opened to what's really going on in these sanctuaries.

On your Action 2, Section 1, I favor Alternative 2, which would prohibit all trolling, essentially all fishing, in the sanctuary. Currently, it's allowed. The trolling season overlaps with red snapper season and gag grouper season, which should be a red flag right there, and so, if you're allowed to go to the best place for snapper and grouper in the whole Gulf and say you're trolling during red snapper and grouper season, you can see the incentive for the guys to go out there and hit that, and they are, increasingly so. It's a real problem, and it's getting worse by the day. Therefore, I also support the no possession limit in the sanctuary, and I think that's a no-brainer.

The transit issue is a little bit more complicated, and I have thought about it quite a bit, and I think, if enforcement and protection of what's in the sanctuary is the primary goal, then you should not allow transit of vessels that are not

electronically monitored through the ten-by-ten sanctuary boxes.

I recognize that some vessels may have to go out of their way a few miles, but I think the conservation, and particularly the enforcement issue, outweighs the inconvenience of having to go around the corner on a sanctuary. If you balance those two, I think the answer is clear. I don't want to make anybody go way out of their way, and I think, if you have a VMS -- I have been told by law enforcement that they can tell if you are fishing or transiting on the VMS from land, on their computer.

I think, if you have a VMS, and you can document, you can prove, that you are just transiting, then you should probably be allowed to do that, but, by leaving transiting open to everybody, you are leaving the door open to recreational poaching in the sanctuary, and that's the bottom line, and this is an enforcement issue, and so I would encourage you to bring it up with your law enforcement people and ask them what's the best way for them to protect what's in that sanctuary, because it's being hammered in both of the sanctuaries right now.

Real quick, on amberjack, I support sticking with the current plan. We got our May season this year, or some of it, and it kind of worked. Give it a little longer, but keep the zone approach on the table, because that may end up being something you want to look at down the road.

VICE CHAIRMAN DIAZ: Thank you, Mr. Walker. Next up is Mr. Bart Niquet, followed by B.J. Burkett.

MR. BART NIQUET: I am glad to be here. I'm Bart Niquet, and I've been fishing since 1946 in every different aspect of fishing in the Gulf of Mexico, and I guess I'm one of those people that Mr. Zales and Mr. Spaeth were talking about. I have bought fish, and bought permits, and I have sold boats, for the past twenty-five or thirty years.

I finally sold my last boat three years ago, and I figured I would have a chance to retire and maybe have a vacation, but it hasn't worked out like that.

We, in this leasing business, or Chris and I know, that we have tried to spread our fish out all over the Gulf. They don't go to one person or one fish house. For somebody to say that we don't deserve that money is -- I don't know, but it's handicapped.

We are supposed to get a raise on our fish equal to the fish that the recreational fishermen are getting. The commercial boats and folks for-hire haven't got that raise, and we need it, and Mr. Shipp, several years ago, told us that we should have a sixteen to twenty-million-pound TAC by this time, and we don't have it.

I don't know where you're getting your figures, but the last two years are totally different figures than last year, and maybe we need to get a high school class to run a survey on this fish and see just where in the world the fish are and where this business is. It's a business, and it's not recreational that we're doing. We're doing a business here, and any business that you know has two parts of it.

You have a supply and demand, and, when your supply is restricted, which is what you've done, the demand goes up, and the price goes up. If the supply was bigger, the demand would be met, and the price would come down, and anything else you do, all this running around, coming in with restrictions here and siphoning fish off one place or another, doesn't put one more fish into the market. You are not creating any fish.

When we started this fishery, Biggie McKinney was a representative of the council, and he told us that we were overcapitalized and we need to cut down some of the boats. Well, we're still overcapitalized, and now you want to put more boats back into the market, and it's a losing proposition. Thank you.

VICE CHAIRMAN DIAZ: Thank you, Mr. Niquet. Next up is B.J. Burkett, followed by Gary Jarvis.

MR. B.J. BURKETT: My name is B.J. Burkett, and I'm from Panama City, Florida. I have a dual-permitted vessel, and also a commercial fishing vessel, based out of Apalachicola. The main reason I'm here is the amberjack, as the last three or four meetings when I've got up here.

The main thing we need to help my business is a guaranteed spring amberjack season, the month of May, and that is dire for our business. The only way to get that, it seems like, is to move the calendar year back, and I'm still -- I still struggle with why it got changed, and it seems like we've made a full circle, and it has really helped nothing.

The same amount of fish are being caught if they're caught this

time of year or this time of year, but, historically, they have always been caught in the spring, and I can't see why it can't go back to that. A January start date on the calendar year with a May 1 opening, through the 31, and then reopening, either August, September, and October, or September and October.

The other issue that I want to talk about is the Madison-Swanson. There should not be any fishing allowed in there. I am so tired of seeing all the poaching. We fish around it, and I see it almost on a daily basis. Just make it where you cannot even possess a fish in that zone.

I heard a gentleman earlier talking about the VMS. If they can track it like that and let them transit through it, I am good with that, but keep the recreational people out of it. They are destroying our resource.

Sharks, the sharks are a huge issue, and it's growing rapidly. I can tell you the three main ones that are causing us the most grief and hurting our reef fishery, and it's going to be your sandbar, your silky, and your bull sharks. They are just eating us alive.

The dolphins and porpoises, I know you all kind of want to push this off, but it's hurting the resource, and so I think we all need to grab it by the horns and try to help us with this issue. They are pulling fish off the hooks, and they are snatching poles overboard, and they're about to start jumping in the boat, and then somebody is going to get hurt.

Last would be red grouper. They are beyond struggling, commercial and recreational, and you had better do something quick, or there may not be any left, and that's all I've got. Thank you.

VICE CHAIRMAN DIAZ: Thank you, Mr. Burkett. Gary Jarvis is next, followed by Chris Niquet.

MR. GARY JARVIS: Thank you, Mr. Chairman. I'm Captain Gary Jarvis, Executive Director of the Charter Fishermen's Association and mayor of the world's luckiest fishing village. I want to thank this council for the efforts of getting our charter/for-hire ELBs, and Dr. Crabtree and the Southeast Regional Office.

I would like to see three-zone management that was on the management tool with the 20/60/20 split for the private

recreational angling sector and then a separate allocation for the charter/for-hire sector. It's also time to look at sector allocation for the charter/for-hire industry in all the other remaining major reef fish species.

I do not support attempts to reallocate fisheries based on incomplete, non-compatible datasets, either way, in either direction, between any sectors. I think, first of all, this council and the agency needs to develop a unified currency and standard of data that captures effort and catch between all five Gulf states before there is any serious discussion of reallocation.

We are seriously concerned about the FES, and it seems like it's more revisionist history than an actual picture of how fisheries were executed twenty-five to thirty-five years ago.

I want to remind the council that commercial fisheries in the U.S. are not a participation sport. Unlike recreational fisheries, where the management of fisheries is a combination of sustainability, availability, and participation. The MSA focus for commercial fisheries is a free-market-based industry focused on providing valuable protein to our nation and creating economic gain, value of the fishery to the nation, and sustainable fishing practices in the most efficient manner possible.

Efficiency includes management plans that prevent overcapitalization or increased participation if the allocation of the harvest is successful, and that seemed to be lost in the discussions yesterday. I recommend you take a longer, more intense look at the economic and social effects of this council's process, an economic and social impact analysis, as required by MSA.

We have one in most of these management processes, but it doesn't seem to be taken into account with the emphasis and the desire and necessity that the economic and social impact statements are supposed to have. It's almost like yeah, yeah, here it is, and we took it off to the side, and we go into our deliberations and debates on the council level.

I just want to remind the council that you have a moral responsibility to coastal communities to take both of those things into high account, and I would really like to encourage you to do that, because the decision-making here affects our fish, but they also affect people's lives, and, in the case of

Destin, Florida, that is a fishery-based community, both in our heritage and our actual existence, and management decisions need to be evaluated in a much broader base other than political in-fighting on who gets what, but, more importantly, what happens for the fish.

I am going to speak with, and I hope Representative Huffman is listening, and I'm going to speak to her on MSA tomorrow and the impact of management decisions and MSA on coastal communities, and it's going to be the highlight and the focus of my comments.

The end of that comment period is going to remind all of us, including the chairman, that sustainable fisheries means a sustainable community. Thank you.

VICE CHAIRMAN DIAZ: Thank you, Mr. Jarvis. All right. Next up is Chris Niquet, followed by Wayne Werner.

MR. CHRIS NIQUET: Chris Niquet, Panama City, Florida. I've been up here before the council for over twenty years. IFQ commercial met its seven-million-pound TAC, and I think they were less than 1 percent below, and we had full utilization, full utilization, of it.

You are going to hear about discards, throwbacks, unavailability. If the allocation is such that you have these problems, I cannot create more allocation. You people can. You're the one that put in the recommendations. If you want to solve the problem, look for answers. Thank you very much for your time.

VICE CHAIRMAN DIAZ: Thank you, Mr. Niquet. Next up is Wayne Werner, followed by James Bruce.

MR. WAYNE WERNER: Good afternoon. Wayne Werner, owner of the Fishing Vessel Sea Quest. I want to say -- Well, let's talk about 36 first. Roy said it, and it's so easy for us to slip around the permit issue, with LLCs and everything, and it's pretty easy just to walk right around all that and just bypass it. All you've got to do is buy 1 percent of your LLC, and I own a boat and a permit and everything, and it doesn't matter. You're not going to do it that way, and so I will bring that up.

Second off, I oppose allocation, any type of reallocation, which everybody knows at the table, and so I'm not going to get into it, but I want to get into the issue of this 20 percent and sliding it to another fishery.

I have been around for a long time, and Bob Shipp was the only one here when I came here in 1988 for the first meeting, and I think I think he's the only one who was at the table. I know he was the only one at the table.

You know what? We went through this with red snapper, the same problems we're having with red grouper, and reallocating a few fish isn't going to save your fishery. They are in trouble. They are in deep trouble. When we were in that kind of trouble, do you know what happened with us? In 1990, we closed on August 8, and I'm going to skip by 1991 and go to 1992.

We opened up on February 15, and, between that time sector, we got to catch red snapper for fifty-three days out of the over 500-day period. The commercial fishery was open for fifty-three days, and we had to pay the price to help get those fish back. You know what? It takes hard decisions and hard things, but you're going to have to stand up and bow up and do something about these fisheries.

I watched for twenty years, or thirty years, while you set quotas on the red grouper and gag grouper fisheries that were never even met, or once. I think once they got met. You guys have some hard decisions. Giving them the snappers is not going to save their fishery. Thank you.

VICE CHAIRMAN DIAZ: Thank you, Mr. Werner. Next up is James Bruce, followed by Larry Lemiux.

JAMES BRUCE: James Bruce, commercial fisherman and owner-operator. When the red snappers went into IFQs, we voted in a system that was totally changed. We used to have some endorsements, and you all changed that to a two-level system, but, before I get going, 36B, you all need to put a permit on and like no -- You have got to move back to the control date that they've got, and this is the reasons why.

Comment 6 on Amendment 29, the IFQ program grants permission or rights to individuals to use a public resource. Response from the council is Section 303(a) of the Magnuson-Stevens Act clearly states that a limited-access system does not create the rights, title, or interest awarded shares or considered a grant of permission to harvest that. It may be revoked at any time. The IFQ program does not commit any rights of compensation to the shareholder if it is discontinued.

Comment 8, that's when you all took this off, what I couldn't explain yesterday, and Comment 8 is the program should be able to be reviewed and based on new information. The response from the council is the Magnuson-Stevens Act clearly states that a review of the program be conducted within the first five years of the program and no less than every seven years.

Okay. The other reasons we need it. I found this, and this is 2018, that you all did, and one boat is $4.65 million, and, out of the eighty-one accounts that was never activated since 2012, one of the accounts owned six commercial vessels, but the account was never opened, and that's why they wanted the system changed to a two-tier system and get rid of this, this endorsement.

This endorsement was a shareholder endorsement, and it was called a vessel endorsement and not a vessel account, to trade all kinds of way, because, in a double-accounting system, you can't trade sideways, and, according to you all's manual, it shows you all that it went berserk. It's crazy.

We need our endorsement back, and we need to be separated from a multispecies fishery, and we need people punished when they do wrong, period. The law needs to be enforced, and that's all I have to say.

VICE CHAIRMAN DIAZ: Thank you, Mr. Bruce.

MR. BRUCE: We need an allocation cap, too.

VICE CHAIRMAN DIAZ: We have a question, Mr. Bruce, from Mr. Schieble.

MR. SCHIEBLE: Thank you for coming down here and giving your comment today, Mr. Bruce. I am curious. What is your opinion on the inheritability, as Mr. Dyskow was talking about during the committee session, to eliminate the perpetuity on these shares? I mean, you obviously are a shareholder, and, when you pass on, where would you like to see your shares go?

MR. BRUCE: Do you really want to know that answer? I went to do my damn will, and my little girl cried on the way back, and do you know why? Because I told her that she didn't deserve it. Do you know why? Because nobody left her a slaveowner. I worked for a quarter a pound, and I don't like that. Why does somebody make a ton of money for being old? You knew what you have to retire on before. A boat? Really.

The government gave us a good opportunity, but it takes stewardship, which there isn't none, because the people ain't getting punished that does wrong. We can just take the law and do this. They took the earned income qualifying off. Really? I went to go buy a reef fish permit, and you know what they wanted me to do? Lease my boat to them. Really? Then them stealing the permit. When did that start? It's in Amendment 29 that you needed 50 percent of your income coming from commercial fishing, and I think they took it off, and I don't know for what reason. That is crazy.

It's harder to renew a reef fish permit than it is to trade IFQ shares. When we started in this system, you would print a little paper off, and then you had to get it notarized and send it, and that means you couldn't do it from the Texas border to the Florida Keys. You might have had to meet up with them people, buddy.

You know, our program, not ours, but the red snapper program was set up for the fishermen, and they didn't like it, and that's why that one account owned all them boats, because they had to give them the access code, because it was only one tier, one level.

VICE CHAIRMAN DIAZ: Thank you, Mr. Bruce. Next up is Larry Lemiux, followed by Brad Foran.

MR. LARRY LEMIUX: Good afternoon, Gulf Council. My name is Captain Larry Lemiux from Panama City Beach, Florida. I own two charter boats, one state and one federally-permitted vessel, that have operated for twenty-plus years in the Gulf of Mexico.

First of all, I want to touch on the jacks. I am in favor of going back to the January 1 start date and having the spring season, like Captain Kelley said before, and we definitely need some fish in the springtime. This ensures us a jack season in the month of May, and my business depends on it.

I am going to give an example, and I hope I can get this straight. Snapper this season, we don't know when you guys are going to start it, and we have June 1, obviously, and you maybe stop it -- It was August 3 or 2 last year. We don't want, in the Panhandle -- I don't want to have snappers and jacks open at the same time. If snapper season goes out on the third or fourth day of August, let's open jacks the 15th of August, or even September 1. That way, it gives us maybe two full months.

That way, maybe we don't over-catch them, and that way, in the following season, in the spring, we don't lose any fish. We need that thirty-one days in May, and it's imperative to my business as well as to many others in the Panhandle.

Secondly, the shark problem. Sharks is out of control, and there's not a lot of longlining no more, and I think that's all went by the wayside, and definitely the bull, the sandbar, and the silky. I do a lot of deepwater grouper fishing, and you get a head, if you're lucky, or sometimes nothing, and it's getting out of control.

The dolphin predation is unbelievable. I had a trip on Monday, and a gentleman lost his finger because he had his finger wrapped up in the reel, in the line, and the dolphin snatched the end of his finger off, and I wish I could have documented and brought you all some photos of it, but I didn't feel it was appropriate, but definitely we've got a problem with the dolphins. It's out of hand, and it doesn't matter if you're trolling, and it doesn't matter if you're bottom fishing. If it ain't a shark, it's a dolphin, and it's ridiculous.

Thirdly, the Madison-Swanson, and, you know, you've got boats these days -- It's not like the old days at ten or twelve knots. You've got boats with 300 or 400 or 500 or 600 or 700 or 800 horsepower. The Coast Guard is doing a great job, but you've got boats that run into the Madison-Swanson area, and they're just destroying the fishing. Shut it down. If you get caught in the Madison-Swanson, take the boat, take the truck, take something. Let's make an example out of a few of these, and maybe this will slow down. We definitely have to do something.

I fish the line every day out of Panama City, and we see it happening every day. It's ridiculous. If I get caught in there with my boat on VMS, they are going to burn me. You guys will burn me at the stake and take my permit and take my livelihood away. You've got a guy that comes in with a million-dollar go-fast boat and you give him a slap on the wrist, and he walks away.

We need to do something about it. I don't know what the answer is, but we definitely need to do something. I appreciate your time, and I do want to thank you guys. You're doing a great job. As you well know, eighteen months ago, we went through a Category 5 hurricane in the Panhandle of Florida, and we're rebuilding, and we're coming back bigger and better, but we need you guys to help us along the way. Thank you, all.

VICE CHAIRMAN DIAZ: Thank you. Next up is Brad Foran, followed by Jamie Gaspard.

MR. BRAD FORAN: My name is Brad Foran, and I run the Reel Commotion out of Captain Anderson's Marine in Panama City Beach, Florida. I primarily charter fish, and I do some commercial fishing in the off-season.

The biggest thing I've got is the amberjack. We need some type of a stable season, and we really, in our area especially, need the month of May. We need something to get us going. Those trips when amberjack are open are long trips, and there is money in it, but we need it to be stable year after year, where we can count on it and the people can get used to coming in the spring again and get us going.

I would like to see the calendar year start on January 1 again on amberjack, and I understand sort of why that was done, but it doesn't change -- None of the other species have a different start date, and I don't know why we're doing that with the amberjack.

If we could get May and then September and October, I feel like that would be good for pretty well everyone, and amberjack is backing up further into August it seems like every year, and we do not need amberjack and red snapper at the same time. They are two big fish, and it's a dream for my customers, but it's too much fish. We don't need to produce that many fish for this people.

Sharks, we're having, every year, a bigger and bigger problem with sharks, and it seems like the population is exploding, and I don't know what the answer is to that, but it is a real problem. Dolphins, I know it was laughed at earlier, but we're having a serious problem with the interaction with the dolphins. Again, I don't know the answer, but we need some type of help.

The IFQ, I can talk on that for a while, and I have heard the biggest thing was making people have a reef fish permit, and you've got somebody with some quota, and they're not going to give it up, and they're not going to lose this income. They're going to buy a permit, and it's not going to do anything but run up the price of the permits.

The Madison-Swanson protected area, we see these boats, especially in the fall and late summer, and there's no grouper.

I am catching one or two a day, and you can go up and down the docks and see five grouper in the evening. These guys in these fast boats that come in there, they are throwing twenty or thirty or whatever the limit of grouper is on the dock, and they're not doing anything special, but they're in there.

Every time I get around it, I am seeing them, and I say, if you've got reef fish on your boat, you shouldn't be able to go in there, and they're kind of trolling, and it's not a good place to be trolling. Thank you all for your time.

VICE CHAIRMAN DIAZ: Thank you. Next up is Jamie Gaspard, followed by Randy.

MR. JAMIE GASPARD: How are you doing, council? I'm a twenty-three-year captain, dual-permitted, new entrant into the commercial side. One thing we're seeing -- Everybody has been talking about sharks, and that is becoming a very big problem. It's probably one of the bigger problems that we're seeing, that's exploding at this point.

I would like to see crew sizes on charter boats and commercial boats be worked out some kind of way. Just because you're running a commercial boat, you're being punished, and you're doing everything right.

VMS, I am definitely in favor of that. We have a big problem with illegal charter boats, and that would help cure some of that, and it would make it tougher and make it easier to see who is doing it, and I am for zone and allocation of amberjack for charter boats, and thank you all for you all's time.

VICE CHAIRMAN DIAZ: Thank you, Mr. Gaspard. Next up is Randy Sobieraj, followed by Troy Wetzel.

MR. RANDY SOBIERAJ: How are you all doing? My name is Randy Sobieraj, and I'm owner and operator of the Fishing Vessel Last Sight. My income is 100 percent from commercial fishing, and I rely on certain shareholders to lease out fish to supply for my income, and it's very tough to go both fish and try and figure out who I can lease fish from, and so I'm trying to slowly purchase, which I do not have any currently, but, as a new entrant, it would be nice to see programs, like a loan program, for instance, like Alaska does give entrants loans and things like that.

I really don't have much more to say, but just it's very tough

as new entrants to just say here's $500,000 to go buy quota, and I don't have an unlimited amount of money to spend on quota, and you've got to buy the boat, permits, tackle, and the list goes on, and then to build a boat, which I'm doing now, and so it's very tough as a new entrant, but thank you.

VICE CHAIRMAN DIAZ: Thank you. We've got a question for you from Mr. Swindell.

MR. SWINDELL: Thank you. Where do you fish out of?

MR. SOBIERAJ: Currently, I'm out of Leesville, Louisiana.

MR. SWINDELL: Where do you buy shares for your reef fish?

MR. SOBIERAJ: I get some from the quota bank and another guy from down in southwest Florida, and I've got another guy out of Niceville, Florida, and it's just a little bit here and a little bit there, just whatever I can afford at the time.

VICE CHAIRMAN DIAZ: We have another question for you from Ms. Bosarge.

MS. BOSARGE: No, just a comment. You're not the first person that's gotten up today and spoken about the loan program, and so hopefully, as a council, maybe we can have those individuals come and give another presentation on that and maybe, like another gentleman said, get some flyers out there, since we do interact with the fishermen, probably more so than maybe they do, where they are at. Thanks for coming.

MR. SOBIERAJ: Yes, ma'am. Thank you.

VICE CHAIRMAN DIAZ: Thank you. Next up is Troy Wetzel, followed by David Maginnis.

MR. TROY WETZEL: How are you all doing? I own Louisiana Offshore Fishing Charters. It's a small operation, and I own two boats, and I had three boats, and I sold one of them, because my favorite saying to everybody right now is, if you get into the charter boat business, you've got a better chance of making money opening up a snowball stand in Hell.

This is ridiculous. I've got two world records and thirty-seven state records, and I'm an ex-football player, and I jumped into this for spearfishing, and, hey, big money runs this country, and Governor Foster put me out of business on the back of the

gillnet law, and he put no sale on the speared fish, and he's making the Gulf of Mexico rejuvenate by putting spear fishermen out. How many of you all sit on the board now of a commercial spearfisherman? There was only twenty-five of us, and so that don't make sense.

What I am trying to let you all know right now is, when I first started spearfishing the amberjack, I got the world record, 138 pounds, for spearfishing. You can down any oil rig out of Plaquemines Parish and try and shoot one, and you can wind up with two or three on the spear.

The snapper, you couldn't -- The schools were so big, and there was a thousand red snapper, and I was pretty good at what I did, and so I had a few friends with a lot of money that wanted to take one oil rig that wasn't working and another one that wasn't working and put a cage in the middle and raise these snapper, because you've got the two to three-inch-long snapper.

In six months, they're sixteen to eighteen inches long, from what I understand from the guys that was trying to get this going, and they never did get it going. These fish are depleted, like there is no tomorrow. My permit cost me fifty-six dollars. You go try and buy a permit right now, they want $25,000. Everybody and their brother is getting into the I want to be a charter boat captain, I want to be a charter boat captain.

If you're from Louisiana, you probably know Ray Brandt, and he just passed away. His daughter's son came fishing with one of my captains two times, and Ray Brandt bought him a $350,000 boat to go offshore and two inshore boats. We have enough charter boat captains. We are full of them. Put a quota on charter boat captains. I don't know if it's legal or not, but you go to Venice Marina and try and leave at seven o'clock in the morning, and you won't leave until 8:30. There is too many of us. I mean, it's ridiculous.

The sharks, if you all need an answer to the sharks, how to get rid of some of them, because half of our catch we lose to sharks, I mean whether you're catching yellowfin tuna, which there is not that many of them out there anymore, it seems to be.

When I first started, my day was over at twelve o'clock, and now I'm fishing from six o'clock in the morning to eight o'clock at night, and I'm a a good-old boy. I tell you, hey, tell your

wife, if she don't want you all to go fishing, you tell her you're going to make groceries and you're coming with me. Your trip costs this much, but you're bringing home this much fish.

You know how hard it is to tell a man, when he pays $2,200 for a fishing trip, that, man, sorry, and I can't believe we didn't catch anything today, and I've been doing this for twenty-seven-plus years, and that's not good. I mean, we all know what is happening to the fisheries. It's overfished, and you've got to do something.

If we don't get to fish in Plaquemines Parish in January and February, we don't get to go out. We have got thirty-foot boats, up to forty-foot boats, and Mother Nature don't let you do it. I used to book every single day in January and give all of my deposits back. In February, I would get -- Just to let you know it works in Plaquemines Parish and Venice, Louisiana, in January and February, we're not fishing. We are going to start making our trips in March, April, and May.

I know everybody wants the season open here, and they want it open there, and, when I'm sitting there and I'm cleaning fish, and I open them up to see what they're eating, and I am just throwing tons and tons and tons of these eggs away.

I am hoping that everybody is educated at this table. When you're throwing tons and tons and tons of eggs away, maybe that's not when we should be harvesting these fish. Try it for one or two years, and I know it's going to hurt some of us, but I've been in this business for so long that I can withstand anything.

I did the BP oil spill, and I did Hurricane Katrina, and now I'm sitting next to a dude in an $800,000 boat with a gold Rolex watch with diamonds on it with Topsiders and a polo shirt, and he done and sold his flooring business for $50 million, and he bought an $800,000 boat, and he bought his nephew one, and he bought his deckhand one. An $800,000 boat brings a price tag of $15,000 insurance. Do you really think he's making that much money?

VICE CHAIRMAN DIAZ: Mr. Maginnis, can you start to wrap it up, please?

MR. WETZEL: I'm about finished, but, you know, it's not equaling out, and another thing that I wanted to tap on is the Gulf of Mexico and Louisiana and those oil rigs, they are the

greatest thing in the world, and we're trying to make reefs and everything like that, and why are we tearing down a reef that's been out there for twenty years, that rig?

They said that because it's an eyesore. When you break down, what do you want to tie up to? You need something to tie up to, so the Coast Guard can come get you. Man, cut the top of the rig off, if it's a hazard, and put some lights on it, some solar-powered lights, and let people tie up and fish them.

Myron Fischer, a long time ago, right after Hurricane Katrina, said, on the west side or the east side, we're going to take some of these rigs, and we're going to top them and put buoys around for everybody to fish, recreational and charter boat captains.

The shrimpers voted it out, and so we didn't get it. Thanks for letting me speak a little while, but I just wanted to let you know, when you get in the water and you spear a fish, that's the best data in the world. No one has ever called me to ask me my books, and I graduated from Tulane. When you book a charter, you write down what day they're going, who is going, and I kind of tell -- I write down all my fish that I catch, and I write down what kind of tip, just so you know who is who, and, man, that's the best data in the world. I could tell you exactly where all the fish are moving, from spearfishing.

VICE CHAIRMAN DIAZ: Thank you, Mr. Maginnis. We appreciate it.

MR. WETZEL: I am Troy Wetzel.

VICE CHAIRMAN DIAZ: I am sorry. I am looking at the wrong name. Next is David Maginnis, followed by Greg Abrams. Go ahead, Mr. Schieble.

MR. SCHIEBLE: Thank you, Troy. You spoke briefly on spearfishing amberjack and how many are down there, and can you give me a brief answer on your opinion on the amberjack season this past year and if you would like to see changes or not?

MR. WETZEL: We need changes. How you make your money in this business is how far you go, how long your engines last, how many old changes you do, how much gas you burn. While everybody is running all over the Gulf catching yellowfin tuna, I tell my captain and my other one that, hey, we're catching amberjack. A person wants to feel that rod bend over, and they want some meat in the freezer, and we're not running sixty miles out there.

We're running fifteen or twenty miles out here.

I do believe that our amberjack should be open at the beginning of the season, and then I do believe it should come at the end, but, if they're laying all their eggs -- I'm not a biologist, and I can't tell you exactly when they're dropping their babies, or their eggs, should I say, but, when they're doing that, we've got to stop it for a little while.

Like I said, when you would shoot, you spear, and you come up with two or three fish on one end, and that group of amberjack, I want to say twelve or fourteen years ago, it might have been a hundred, and now it's down to eight, and the school of snapper that was 500 could be twelve or twenty.

A two-inch to a three-inch fish in six months is sixteen inches for a red snapper, but you know that, once he gets to be thirty, a thirty-pound fish, that fish could be a thirty-year-old fish, and we've got a lot of little babies out there, but you don't get a whole bunch of meat off of a little-bitty-small sixteen-inch snapper.

Think about it, guys. If you catch one fish and he's full of eggs, and we eat them, but you just now threw away 30,000 fish, and that's the way to rejuvenate the Gulf. Keep the egg-layers out there and let them drop the eggs and then harvest them. A lot of us are going to cry if you all do it the right way, but then, two or three years later, or snappers can just be off the wall out there and they populate so quick, and the amberjack, too.

Spear fishermen do know what's down there by what they see, more than you all know, and you can speak to any of the Hell Divers or the Lick Them and Stick Them. There's tons of spearfishing groups out of Venice, Louisiana at the Venice Marina. Thank you, guys.

VICE CHAIRMAN DIAZ: Thank you. David Maginnis, followed by Greg Abrams.

UNIDENTIFIED: I don't think David is here.

MS. BOSARGE: David is not here? All right. Next is going to be Mr. Greg Abrams, followed by Mr. Jim Zurbrick, and we can swing back around to David Maginnis in a little while. Mr. Greg Abrams.

MR. GREG ABRAMS: Good afternoon. Greg Abrams from Panama City. I've been doing this a long time. Real quick, on the amberjack, for commercial, you all need to revisit it, because we can't market it, because restaurants won't put it on the menu. It's derby fishing now, thousand-pound trips, in and out, in and out, in and out.

We open up January, February, March, and close April, May, June, and, fifteen days into June, it's closed for the rest of the year, and so we can't get the restaurants to print it on the menu, and there's enough amberjacks out there for everybody, and so you need to revisit that.

I would like to see a trip limit as a bycatch, around 500 pounds, and I think that would be good for everybody, to use it for bycatch and not a derby fishery. Next, in IFQs, I was derby fishing, and I had tuna boats, and I have got a fish house on the water, and I've got trucks. I truck to New York and Philadelphia and Denver, and I've got nine of them. I do it all.

I wasn't snapper fishing. I was more tuna fishing when they were derby fishing, but I had the fish house, and so I didn't get much quota. Last year, I bought 50,000 pounds, and I mortgaged my fish house, my house, my 401K, and a friend of mine, Mike Moore, leased some more, and they mortgaged their house and bought 10,000 pounds.

You have to buy yourself back into this industry, and I wasn't red grouper fishing, and I got up to 136,000. The federal government took them, and I've got maybe 25,000 or 28,000 now, and I've got to deal with it. That's part of doing business, but we've got plenty of fish until you all reallocate some fish to us and raise the quota, and, if you do give us fish, start from the bottom, to the gentleman, the fisherman, that has the lowest amount and give them the most, and, as you go up to the top, the 6 percent holders, they will get less, and they will get some, but, the guy that's got 1,500 or 2,000, he might come out with 4,000, and then he could make some money to purchase some more IFQs. It's a great program, and I sell the fish, I buy the fish, and we catch the fish. It's stable, and we can keep up with it. That's all I've got to say. Thank you.

MS. BOSARGE: Thank you, sir. Next, we have Mr. Jim Zurbrick, followed by Mr. Bobby Kelly.

MR. JIM ZURBRICK: Thank you, council, for allowing me to speak.

I'm Jim Zurbrick from Steinhatchee, Florida. I'm a charter captain and a commercial fisherman and one of the Directors with Will Ward of Fish for America. In fact, real quickly, Will Ward was the person that brought -- When Roy Crabtree came to the Southeast Regional Office, Will and a guy named Billy Tucker brought Mr. Crabtree down to a charter boat on Clearwater, and that was the first meeting we ever had with Roy, and, if you remember that, Roy.

DR. CRABTREE: Absolutely.

MR. ZURBRICK: It was a tough day, because we had fishermen that were pretty unruly, and I will never forget that, and so Will was an active player in so many ways. Let me tell you that he was important to all the sectors.

I wanted to talk about the recreational discards. I had already heard that maybe it was eight or nine to one fish discarding in the recreational fishery to keep one, and I understand why the recreational fisherman does that. Off of Steinhatchee, nobody wants to go out and come home with the two sixteen-inchers. The perception is that you're going to out there, and you're going to run thirty-five miles offshore, and there's all the anticipation, and you've been waiting all this time. You are going to stay here and keep fishing.

That's not to say that people are putting them in coolers and then discarding them, dead fish like that, but you throw back the sixteen-incher, and you will throw back whatever it takes, and then there's the days you're running short, and you say, hey, we've got to do something here, and maybe you do go home with some sixteen-inchers, because you never caught the big ones.

Just think, if it six-million discards, those are your folks. Those are the people that you're supposed to go to for the best available data, and so, if it is six-million individual fish, and it's a six-pound average, that's thirty-six million pounds, and, if you had an 11 percent -- I was fortunate to be on that SEDAR 52, and I was with a lot of scientists in the room, and they explained it to me in layman's terms, but the bottom line is we settled on a -- There was an 11 percent mortality rate.

I could tell that there was folks that kind of thought that it was more, but the data was 11 percent, and so, if we're going to go with the science and the data, that six-million pounds should be a number that we're looking at, and I'm thinking that, if we

could save -- Because that 11 percent mortality could be three-million pounds of fish. Three million fish. I'm sorry. Three million fish, at an average, and, if it's 21 percent, or something like that, it gets to be a huge numbers, and that's where I think we need to look, if we do something about the discards.

As far as commercial discards, it is low. Do we always need to keep improving? Yes. The IFQ, I think it helped discards, and I think it definitely did, but -- And I think that there's some outliers. I think that there are people that have, like he said, 1,000 or 2,000-pound discard trips, and I believe those are there, but I think that the observers have captured a really good portion of what we have.

Look at something else on 36B. What about an ex-vessel price tied in with what lease prices could be? I don't know if it's legal, and Mara could give you that analysis, but maybe -- If a fish sells for six-dollars, maybe nothing more than 50 percent of an ex-vessel price that's gathered by the dealers is what you can charge, or 40 percent, something other than taking fish away from somebody who has bought them, like the Zurbrick's did. I thank you very much.

VICE CHAIRMAN DIAZ: Thank you, Mr. Zurbrick. Next up is Bobby Kelly, followed by H.D. Pappas.

MR. BOBBY KELLY: Good afternoon, council. Bobby Kelly out of Orange Beach, Alabama. It's good to see you guys here. I own a commercial fishing boat, and, right now, we're full swing commercial fishing. I wanted to take the chance today to talk to you guys about a couple things, about ideas that I had.

First is Amendment 36, B and C. First off, I think it needs to be carefully examined. Trying to rewrite history and determine effort based on survey is much like Robin Hood's philanthropy. Taking from the haves to appease the have-nots is a very slippery slope, and we don't want to end up down there.

36C, the quota bank idea, sitting out in the hall, I had a pretty good, simple, little idea. It doesn't require taking fish from anybody, and everybody is happy at the end of the year, December 30, I believe. 11:59 is the last time that you can register an IFQ fish, and you take the fish that's leftover, and this year there was, what, 70,000 pounds left over. At 11:59, take those 70,000 and move it to 2020, and there's your quota bank fish. You didn't steal from anybody, take from

anybody, and everybody wins. I just thought it was kind of a like a little win-win idea for that.

The greater amberjack tool that you guys put on the website was neat and nice to play with, and I fully support doing a three-sector split, 20/60/20, for greater amberjack. That way, we can all kind of get what we want. With the benefit of Amendment 50 and the EFP that happened, we've already paved the way to set up the Gulf for three sections, and you all did it with five, and it worked beautifully, and so we look forward to seeing that.

I would like to see the crew size removed from the dual-permitted vessels. It's a draconian measure that we don't really need any more. We hail-in, and we hail-out, and I think I've seen no less than three of Alabama's fine conservation officers check me every time when I come in. I'm happy to see them. They're there to protect the fish and not just harass me.

I would like to ask what happened to the 2019 cobia stock assessment. The council had gone through and done conservation measures in 2018 and 2019 to protect these fish, and we were told that we might further revisit some conservation measures with a 2019 stock assessment, and that kind of went by the wayside, and I don't know where it is, but we would like to see the results of it, as an avid cobia fisherman myself.

ELBs are approved, and we need to get them moving, and I know there's a lot of delays, and it was a huge project, but everybody here fought for them, and you guys fought for them, and let's see what we can do to get that moving forward.

Also, protect the Madison-Swanson. The guys out there are poaching it, and your fishermen are saying they're poaching it, and the commercial guys are saying they're poaching it, and there's a better way to do that.

Since I've got thirty seconds left, I plead with you guys every single year, at the end of January, can we please move the first meeting of the year to not conflict with Alabama deer season? Thank you.

VICE CHAIRMAN DIAZ: Thank you, Mr. Kelly. Next up is H.D. Pappas, followed by Jason Delacruz.

MR. H.D. PAPPAS: Good afternoon. I'm H.D. Pappas. I am employed by and the spokesperson for Pappas Restaurants. Pappas Restaurants has over ninety restaurants across eight states, and

we are extremely proud to serve our customers wild seafood from the Gulf of Mexico.

Over the past several years, we have acquired IFQ shares for red snapper, grouper, and tilefish as well as commercial fishing vessels, in order to be directly involved with sourcing the seafood we serve in our restaurants. We did not receive any IFQ shares and initial allocation, and we acquired all of our shares on the open market, and these IFQ programs are working well, which is one reason we decided and felt confident to invest in the program.

Pappas Restaurants is opposed to Amendment 36B and the proposed requirements to hold a commercial reef permit in order to hold IFQ shares. This action will harm the IFQ programs, it will devalue investments, reduce operational flexibility, impose burdens, and add another layer of complexity to the IFQ programs.

In short, we believe it will restrict and inhibit the benefits obtained from the application of free-market forces. The action will devalue our own investment, because it will shrink the market for buyers of IFQ shares. There are 868 commercial reef permits, and the holders of those permits would become the sole market for IFQ shares.

Under these existing rules, any U.S. citizen can acquire IFQ shares. By dramatically limiting the number of potential buyers, the value of IFQ shares will likely decrease, and the value of a commercial reef permit will also likely increase. This action will therefore distort existing markets for IFQ shares and commercial permits.

Pappas Restaurants currently holds a commercial reef permit, but, by forcing us to maintain that permit going forward, it reduces the options available to us.

Frankly, we also don’t see how this action helps new entrants. To acquire IFQ shares, any new entrant would first have to acquire a reef fish permit, the cost for which is likely to increase. Under current rules, crew members, captains, and other aspiring owners and operators have the ability to begin investing and building shares in the fishery and using their allocations on another vessel without needing a commercial permit themselves. This action would take that option away.

The current draft of 36B is devoid of any analysis of these

issues, and the document describes what the various alternatives would do, but does not assess potential impact or tie these alternatives to achieving any particular goal or objective of the FMP. More analysis is required for the public to understand the purpose of the action and assess its potential impacts. We know for certain that it will make things more complicated and less efficient, with no tangible or certain benefit.

For this reason, we urge no action and ask the council to table 36B and refocus its attention to other pressing management issues. Thank you for your consideration of our comments.

VICE CHAIRMAN DIAZ: Thank you very much. Next up is Jason Delacruz, followed by Ashford Rosenberg.

MR. JASON DELACRUZ: Good afternoon. Thank you for the opportunity to speak, again, as always. I would like to, in an unusual turn, agree with Greg Abrams. He's right on the amberjack. Leann, I love you, but still -- I would still disagree with that. We need a real -- I mean, it's not really a good management tool for that fish at all, but it is what it is. We need a lower trip limit, because we're still going to close, even once we get to 1,000.

I also want to talk a little bit about the Madison-Swanson and Steamboat Lumps things. It's true, and everybody knows it. That's a thing, but one of the things that I want to make sure that we don't do is take away my provision for my guys to transit. We have VMS on all our boats, and you can clearly see it all day, and OLE knows how to tell that, and so we still need that ability. My boats cross over that on a very regular basis, and we fish right around there, and so, I mean, it's important to us.

You guys know how I feel on the permit issue. I mean, if you want to put it in place, put it in place. It's going to make new entrants have a more expensive beginning barrier, and we're seeing now, and you're going to see in testimony coming up behind me, some guys that don't have permits that run boats for other people that have started buying IFQs, and it's going to make it harder on them, and so that seems very challenging, to me, from that standpoint, and I don't know that you're effectively really solving any problems.

I sat in the SSC and listened in on the same presentation that you guys were giving on the sanctuary stuff that's happening down in the Keys, and, man, they sell a completely different

picture than I heard from my friends that live down there. Those guys are losing their minds about some of the rules that are happening.

I mean, the Pulley Ridge stuff aside, you know, they're talking about it's not going to affect us, and I just don't buy that. We fish there, and we have historical fishing right around Pulley's Ridge, and we have historically fished there forever.

Even the area that's closed now, we fished forever, and they called it the Cabbage Patch, and it was magically pristine when they found it, and we had been fishing there forever, and so we weren't causing the problem, but we still got removed, and I just don't want to see us removed in this next area, and that little slice that they got going there, coming right off the Tortugas and going out to Riley's Hump, man, that is simply a way to stop people from catching fish.

I mean, Riley's Hump has worked, and I understand that muttons are in pretty good shape, and so I'm not sure why we're going through this step, and it's basically an end-around on fishing regulations, and that drives me crazy. I think that's probably about all I have for today. Thank you.

VICE CHAIRMAN DIAZ: Thank you, Mr. Delacruz. Next up is Ashford Rosenberg, followed by Scott Hickman.

MS. ASHFORD ROSENBERG: Good afternoon, council, and thank you for the opportunity to speak. I am Ashford Rosenberg, with the Gulf of Mexico Reef Fish Shareholders Alliance. First, the Shareholders Alliance continues to oppose reallocation. Punishing one group of fishermen is not the way to address perceived problems within the fishery. The Gulf Council has shown, through state management, that compromises can be found that do not punish one sector.

We also continue to have concerns about the recalibration process and its implications, especially for the red grouper fishery. This issue is very complex and complicated, and we urge that the Gulf Council and SSC continue to be cautious while considering these new, recalibrated data, especially as they are applied back in time. We look forward to the workshop that will continue to educate the Gulf Council and the public about the FES recalibration process and its use in future stock assessments.

While we do support improving data collection in the private

angler sector, we should continue to look forward, instead of looking backward and rewriting history, and we therefore oppose the reallocation of red grouper based on recalibration. These are two separate issues, and they should remain such. There is no requirement that the Gulf Council reallocate because of recalibration.

Improvements to the accuracy and precision of recreational catch estimates can and should be made without the literal rewriting of history and without being needlessly compelled to reallocate moving forward.

Regarding the Florida Keys National Marine Sanctuary, the Shareholders Alliance continues to believe that coral protection and responsible fishing can coexist. That being said, we do have some concerns with the DEIS and the Sanctuary Restoration Blueprint.

We have concerns on the inclusion of Pulley Ridge into the sanctuary. The measures implemented in Amendment 9 should be given the time necessary and a transparent mechanism to evaluate their impacts. We are also concerned that including Pulley Ridge will lead to an eventual corridor between there and the Tortugas, which would cut off viable fishing grounds.

Additionally, the DEIS definition of "fishing gear" should be consistent with the NMFS definition. The definition in the DEIS could restrict future innovations on gear improvements from commercial fishermen.

We ask that a revised draft DEIS be brought before the Gulf Council before a final DEIS is published. This revised DEIS could include comments from the Gulf Council, state agencies, and the public, as well as the actual coordinates proposed for the expansion, so that fishermen and the public can make the most informed decision.

Lastly, I wanted to flag something from a presentation yesterday regarding being able to sync logbooks with observer reports. Reported landings matched pretty well with observed landings, or landings calculated from observed data, and there is no way to match these two reports, and the Shareholders Alliance believes a unique trip identifier is one way that we could link up these two reports, and it's something that we've brought before the Gulf Council before. We hope that this will come back up at some point, so that we can potentially move forward and decrease reporting redundancy for commercial fishermen. Thank you very

much.

VICE CHAIRMAN DIAZ: Thank you, Ms. Rosenberg. Next up is Scott Hickman, followed by Buddy Guindon.

MR. SCOTT HICKMAN: Good afternoon, ladies and gentlemen with the Gulf Council. I considered today -- This is Captain Scott Hickman from Galveston, Texas. I had really thought about doing an interpretive dance instead of the usual reading off of this thing, but I had people tell me that it probably wasn't a good idea.

I've got a lot of things to talk about here. Greater amberjack, I support recreational zone management, but I also support a sub-allocation for the charter/for-hire sector for amberjack, just like we did in Amendment 40, and the discard thing is getting to be a really big deal, especially seeing all this data.

Our group, the Galveston Professional Boatmen's Association, has made it mandatory for our members to use the SeaQualizer device for reducing barotrauma-affected fish, and I like that the council is looking into more barotrauma issues, but the amount of fish that we're throwing back, instead of fighting over reallocation and reallocating these fish, let's do better with not wasting fish, and that goes for all the sectors, all the user groups.

The commercial discard data, we talked about this with Clay the other afternoon, and we do have not only observers that come on our commercial boats, and I have a commercial boat and a charter boat, and we also randomly get selected to do this alternative logbook that's separate from our regular federal logbook that we report discards on, and I think it would be great for the Science Center to look at both of those things, the discard data out of these supplemental logbooks and what is coming off of the observer program, and do some type of either voluntary or a portion of the commercial reef fish boats in the Gulf and put cameras on their boats. Cameras work great, and you get better data, and we can better wrap our minds around what's going on in southwest Florida, especially the red grouper fishery.

Thanks to the council for doing a great job on Coral Amendment 9, and I saw where it finally got passed. Habitat is important, and I would like to see Coral Amendment 10 get moving and look at a lot of this new data that we've got, new multibeam data, and we've got to protect our habitats.

The Florida Keys, we've hearing a lot of talk about protecting what they've got down there, and the Florida Keys are dying. SLTD disease is wiping out the majority of stony corals in the Florida Keys National Marine Sanctuary. We need to protect as much corals as we can, especially with what's going on in the Florida Keys.

I was a 200-pound permit holder, back a long time ago, before we went to the IFQ, and we got an initial allocation, and I thought the IFQ system was the silliest idea that I had ever seen, and I sold the permit, and I sold what fish I got, and what a mistake, and so I ended up, ten years later, buying back into the program, and the program works. It's been a major part of rebuilding this fishery.

I am glad that I bought back in. It's been a good investment, and it's a great plan to fish under. I throw very few fish back, and it's a great conservation-based program that should be looked at for doing a lot of our other fisheries that are having problems.

I am glad to hear some Louisiana folks talk about protecting spawning aggregations. That's Fisheries 101. If they're going to go spawn and have babies and make more fish, we should protect these fish when they are full of eggs, and having amberjack seasons when they are spawning makes no sense. I hate to say it, and June is a big one for the charter boat sector, but they're full of eggs, and we shouldn't be killing them. We should do it other times of the year. We need to look at protecting more spawning aggregations. It creates more fish, and that's about it. I didn't get to mention sharks. Sharks have teeth, and they eat fish. Thank you, all.

VICE CHAIRMAN DIAZ: Thank you, Mr. Hickman. Next up is Buddy Guindon, followed by Eric Brazer.

MR. BUDDY GUINDON: Hi. I'm Buddy Guindon, commercial fisherman, and I didn't want to come here this week. My brother passed away, and I wanted to hang out with my family, but I listened to the council meeting, and I guess it was on Wednesday, when they showed the landings data for the commercial fishery, and I think you can pretty much gather from that that we don't have a discard problem in the commercial fishery.

The folks that are coming up here telling you that they need more fish, where is the data that shows that they're throwing

all this fish back?

I heard Dr. Stunz ask for more observers in the commercial fishery. When you have a giant discard problem in the recreational fishery, why aren't we focusing a little bit on that? You're worried about our IFQ system, but the recreational fishery is a mess, and maybe you should spend some of your time focused just on that and leave the commercial IFQ system alone for a few more years, and we've got a five-year review coming up, and you can look at what maybe the problems are.

I wish the council would take a real look at the reason that we're driving for a reallocation and we're driving for changing the commercial IFQ system, and, while they're grabbing on to anything that a commercial fisherman may come up here and say, that maybe wasn't in this fishery back when IFQs were distributed, and I really feel like we're working to destroy the system and not to build up a system that has really done wonders for rebuilding the stock of fish of red snapper.

I don't know how to get across to my fishermen in my port why this council is working in the way it is. We need to start taking care of the problems that are the big elephant in the room, the recreational discards, and let's work on that. Let's work on a better management system for those folks. Let us work out, in the commercial fishery, how we move our fish around.

When you think about taking 10, 15, 20, 30 percent of the fish from this group over here and giving them to this group over here, what happens to those businesses that people have worked very hard to build and then sacrificed and spent their money to buy these IFQ shares? It's wrong to just say, well, you worked hard, and you followed the rules, but now we're going to change the rules, because this fella over here just doesn't want to spend his money on that, and he wants to get in this fishery, and maybe he came from another country's fishery, and he wants to come here, and he wants to be one of you guys, who has been here all the time.

I wish, as you move forward, you would look at who the people are that are asking you this. Are they people that have been in this fishery for thirty years, forty years, or are they people that are just getting in, thinking this is a really good deal, and, if I can just get some of those fish for free, I will make me a lot of money? Thank you.

VICE CHAIRMAN DIAZ: We have a question for you, Mr. Guindon,

from Dr. Stunz.

DR. STUNZ: Just a question and a comment. I think that many of us around this table don't disagree with you at all about reducing the recreational discards. In fact, just to remind you, we tried to -- In fact, many of the recreational reps, and I was leading part of that, were trying to put in measures to reduce that recreational discard, with requiring SeaQualizers or other descending tools and that sort of thing, but that failed.

Hopefully that will come up again and we'll move it through, and other initiatives going on, but I don't think there is anyone around the table that doesn't fully agree that we need to seriously address that discard problem in that sector.

MR. GUINDON: Well, I'm glad to hear you say that, but, when you're talking about implementing SeaQualizers, you're telling people that you've got to have them on the boat, and what regulation is going to put them into action, to say that you have to use these things and you have to release these fish with a SeaQualizer? Making a rule that's not going to have any teeth isn't going to fix anything.

You need to identify the pool of people that are fishing, and you need to have a closed season for the whole Gulf. If they're going to go out and catch red snapper all year-round, maybe then you take a section of the year and say this is when you go fish for all species, and then you quit, but you have to try something pretty soon. We're wasting six to nine-million fish a year, and it's crazy. It would take care of a lot of the problems in the recreational fishery if you could harvest those. Get the data from them and try to get this thing fixed, please.

VICE CHAIRMAN DIAZ: Next up is Mr. Eric Brazer and then Jim Green.

MR. ERIC BRAZER: Thank you, Mr. Diaz. I'm Eric Brazer, Deputy Director of the Gulf of Mexico Reef Fish Shareholders Alliance. Thank you for the opportunity to speak. I am going to go off-script for a second. I first want to start off by saying thank you to the council members that have reached out to us regarding Amendments 36B and C. There have been a few of you, and we've had some conversations, some starting conversations, in good faith about really starting to identify these problems and start to match solutions to these problems.

At this point, we have concerns that the council is moving

forward and choosing preferred alternatives without any environmental analysis. The document is incomplete, and we think that's a bit premature, and so we are -- Time to go back on-script.

You can look back at this testimony, and we're committing to sit down with you and actually figure this out. We don't want to fight with you, we don't want to debate this anymore, and we want to sit down and come to the table in good faith and figure out what problem we're trying to solve and how do we solve it. Once we get that information, that analysis, in 36B, let's have that conversation, and let's put this to bed, one way or the other, once and for all.

With 36C, there is a five-year review, and it's being worked on as we speak. I think we're supposed to get some preliminary results at some point in the coming months, and we should consider that a roadmap. When that happens, let's get those results, and let's put it in front of the advisory panel, which is made up of big shareholders and small shareholders and snapper fishermen and grouper fishermen, and really use that, like I said, as a roadmap and work through those issues.

Let's take a holistic approach, instead of a shotgun approach, and let's ground it in the AP and the five-year review, and, again, let's -- We're committing to working with you, and we don't fight on this. We want to resolve this, so we can all move on to bigger and better things. Thank you.

VICE CHAIRMAN DIAZ: Thank you, Eric. Next up is Jim Green, followed by Mike Jennings.

MR. JIM GREEN: Hello. I'm Jim Green from Destin, Florida, President of the Destin Charter Boat Association and Vice President of CFA. I am speaking on behalf of DCBA today. The DCBA, concerning amberjack, supports a three-zone approach with a 20/60/20 allocation distribution.

I played with the decision tool for a long time, and it's very cool tool that gives you a lot of perspective. When playing with the different allocations and season lengths and applying it to different times of the year, it was very effective in allowing me to see what that harvest rate is during spring break and the summer months.

This approach would allow the zones to apply the season to the time of year they need that angling opportunity, and we find it

very helpful. In-season closures are a possibility in any fishery, and, just because this year we look like we're going to get some of the month of May, it doesn't mean that it will work that way in the future, and lord knows it hasn't worked that way in the most recent years.

The majority of the Gulf will start on or near that August 1 fishing year start date, and this tool adds the nimbleness that we don't often get at the federal fisheries level, and so please consider these options, or ones very close to them, or similar to them, and allow us to utilize that fishery in the best way we can.

Moving forward, the DCBA supports sector allocations for the five major reef fish species, as we put together in a plan a little over a year ago. The DCBA would like to thank this council and the agency for moving forward with ELBs. We are ready, and we need them, and we would love to have them on the water before the summer season.

The DCBA does not support reallocation of the red snapper fishery, nor do we support constraining tools like sunset provisions or anything that would remove the accountability from any sector of any fishery. The DCBA would also like to continue to explore what remedies the agency and this council can come up with to legally and effectively help us reduce mammal and shark predation in the fishery. Thank you for your time.

VICE CHAIRMAN DIAZ: Thank you, Captain Green. Next up is Mike Jennings, followed by Brad Gorst.

MR. MIKE JENNINGS: Good afternoon. My name is Mike Jennings, and I own and operate three federally-permitted charter boats out of Freeport, Texas, and I'm also the President of the Charter Fishermen's Association.

I am going to start off this morning that our association supports the three regions on the greater amberjack, and, after playing with that tool and much discussion, we decided to support the 20/60/20, and I think that would give each one of those regions the ability to address regional needs and seasons, and it's the only one that addresses the issue of the desire for the differences in Florida alone, where you've got your Panhandle that wants that May season, and you've got your south Florida guys that want that season earlier than that. The month of May still doesn't do a lot for some of those guys in extreme Florida, and so that tool does --

We would also like to ask the council to seriously start a discussion on sector allocations on the remainder of the reef species. I want to touch on one thing that gets briefly spoke about from time to time, and that's the crew size limit on commercial vessels. I would like to ask the council to re-explore that antiquated rule that has no enforcement value, and it has no biological necessity. It discriminates against a small portion of the commercial vessels for some unknown reason of we just want to sit on something out of the past because we thought someone might have cheated at something one day.

Then I'm going to touch on one other subject real quick, and then I will step down. It's kind of outside of our realm as a charter boat association, but it's with some of our dual-permitted members and members from the commercial industry, and it's discussing reallocation and even this holdout discussion for this 20 to 25 percent of fish that we would then divvy out for new entrants.

I want to caution the council about getting into the commercial reef fish renting and leasing business. We all know what that IFQ was set for, and it's no secret, and it was put out to shrink the industry, streamline the industry and make it a smaller, more profitable industry that could stabilize the market and not have these big, giant swings the first ten days of the month and these lows without fish at the end of the day. People were fishing when it was rough, because they had to go in those first ten days.

It worked, and it has absolutely worked, and I know, and I mean no disrespect by this whatsoever, but I know that there's people in this room who would like to crush that IFQ system. I know there's people in this room who would like to see the commercial fishermen and the professional fishermen and the charter boat fishermen off the water.

If that's the case, then let's just be honest about it, but you have to take into consideration, when you do these kinds of things, the economic and the social impacts that you have on these coastal communities, and I think you have a moral obligation as a council, or at least I would, if I was sitting in you all's position, and I would think I would have an obligation to not just have this centralized goal of constantly taking shots at a program that's working simply because I don't like it.

I can respect that all day long, but I respect more the fact that you would step back at least and take a moment to see what kind of impact that has on individuals and coastal communities and individuals' livelihoods. I see my time is up, and I appreciate you all. Thank you.

VICE CHAIRMAN DIAZ: Thank you, Captain Jennings. Brad Gorst, followed by Marshall Gross.

MR. BRAD GORST: Hello. I want to thank staff for the hard work that they do and the council for allowing me the opportunity to speak here. My story is one of those that I've been working for the family for a lot of years. I don't have anything in my name, until I finally decided to be a shareholder, and I went and bought -- I mortgaged my house, and I spent over $110,000 and went out on a limb and bought a bunch of red grouper and bought some gags and bought some red snapper.

I don't really -- I don't have a permit yet, and I don't want a boat, but I don't think that I should be -- I am not ready to make that next step to buy all of that stuff, since I would like to pay off what I've got first, and so I think it's just fiscally, financially responsible to pay off one before you take the next step. It's just you pay off your house first before you start doing stuff.

As far as if there is any reallocation, I spent my hard-earned money. Who is going to pay me back for that? That's kind of the risk that I took when I decided to do this, but I don't think it's fair to take money out of my pocket just to give it to some guy that is willy-nilly recreational, and so I don't agree with the reallocation, and no permits required at this time. So Action 1, Alternative 1, no action, on 36B.

On 36C, the distribution of the reclaimed shares, as it was said before, we used the AP to steer it in the right direction, and don't penalize fishermen for guessing wrong on the second part, as far as the hail-in, if they're off a little bit. I think maybe I've got my numbers wrong, but I hope I didn't.

Amendment 52, red snapper reallocation, the same thing, Alternative 1, no action. There is really no purpose or need to reallocate. You need to address the recreational discards, and that would be the reallocation amount. If they can stop the discards on that, there would be the fish that they're looking for, that they want.

The quota bank would be good for the use of the reclaimed shares and unused quota. They would take the money and apply it to the cost recovery fee, and that might help reduce some of the burden of the guys that are actually fishing. Put the money back where it should go, back into the process of the system.

Maybe allow the allocation to be used as collateral in the loan program, and I know that's been discussed by some folks, when you're going to buy into this. I spent my money, and I ain't looking for nothing for free, but I think everybody should have the opportunity, if the fish are available, to pay the market price. If you don't want to lease the fish for four-dollars a pound, then don't lease them. As everybody says, the market is what it is, supply and demand. If you don't pay four-dollars a pound, somebody is eventually going to lower their price until you buy them.

Amberjack, establish the 25/50/25 with the three zones with this charter/for-hire sub-allocation. South Florida can use a January season, which will also help slow the effort shifting on hogfish, because I know hogfish is an issue, and, once the gags close in December, we need to something to fish for, because we're a year-round fishery. Tourism doesn't stop in south Florida. These people come and go and come and go, and so we need those fish, something to have.

The transiting through the protected areas, those areas must be protected, and the VMS will show if a commercial boat is just traveling through. Let them travel through it. There's no reason to stop that, because the VMS will tell them, and I've talked to quite a few partyboat captains and stuff that fish out close to there, and they see a lot of recreational fishermen in there, dipping in and dipping out, fishing in this closed area, and so whatever we've got to do to help law enforcement stop that.

It wouldn't bother me to see the Florida Middle Grounds closed during the gag aggregation periods. This is a problem that I've seen, and the gag grouper fishery is going down over the years, and it hasn't recovered, in my opinion, from what I'm seeing, and it's no better now than it was in 2001.

Other than that, thank you for your time, and I would like everybody to have, one time, after this is all done, to have a moment of silence for Will Ward, who passed away, a good friend and advocate of the fishery, and Kenny Guindon. Thank you.

VICE CHAIRMAN DIAZ: Thank you, Mr. Gorst. We did do a little tribute to honor those two folks before the meeting started, but thank you for mentioning that to us. Next up is Marshall Gross, and on deck will be Johnny Williams.

MR. MARSHALL GROSS: My name is Marshall Gross, and I am a commercial fisherman. I've been fishing on the same boat for Wayne Werner for twenty years, and I am in the same predicament as the guy before me. I have started to buy a little quota, and I don't have a reef fish permit, but I have a plan, and I want to buy Wayne's permit and his boat, and so it really wouldn't pay for me to buy the reef fish permit right now, but I would like to buy some quota before he retires, and then I can buy his permit and his boat.

I have bought some quota already, and I ain't opened an account yet, because we ain't sure if I can, and so that's my predicament and where I'm at, and I'm 100 percent income from commercial fishing, and I have nothing else, and that's the only plan I've got, and so hopefully it will work out for me, and that's pretty much all I've got.

VICE CHAIRMAN DIAZ: Thank you, Mr. Gross. We have a question for you from Mr. Schieble.

MR. SCHIEBLE: Hi, Mr. Gross. Thanks for coming over here today. In 36B, in the first action, we have Alternative 2 as the preferred, which is requiring a permit to hold shares, and is that what you would prefer, or would you prefer one of the other actions?

MR. GROSS: Well, I planned -- My uncle ain't ready to retire yet, and so obviously he's not going to sell me his permit yet, but one day he is going to retire, and so I'm sort of confused on the question you're asking.

MR. SCHIEBLE: I'm sorry. I will make it clear. Eventually your plan is to acquire a permit.

MR. GROSS: Yes, sir.

MR. SCHIEBLE: If we had that as the preferred now, that we're requiring a permit to hold shares, you would have to eventually either divest or gain a permit, and so you have access to that.

MR. GROSS: Yes, and that's what like my uncle was talking about, maybe being able to buy fish under the boat, since you've

been there for so long, or however it could work out, but that's sort of my plan, is to take over his business and buy it, instead of -- I don't want to fish on another boat or something like that. I know that boat, and that boat has been my life, and so, for me to move over here from that, it just -- It ain't really what I would like to do in life, when you have sort of got your set plan, and you're halfway there, and it's just time for me that's going to move my business forward.

VICE CHAIRMAN DIAZ: Thank you. We appreciate it. Next up is Mr. Johnny Williams.

MR. JOHNNY WILLIAMS: Good afternoon. I'm Johnny Williams from Williams Partyboats, Incorporated, third-generation partyboat operator out of Galveston, Texas. The first thing I would like to do is I would like to congratulate LSU on a perfect football season. My younger daughter went to Texas A&M. However, my son-in-law, who is also Buddy Guindon's son, was a graduate of LSU. Not only was he a graduate of LSU, but he was also part of a national championship team, and he was a captain of the power lifting team for LSU when they won the national championship. As a matter of a fact, Nick was ranked thirteenth in the world in power lifting in 2015.

He has testified before you all, and you would never believe it, because he has such a quiet and shy demeanor, unlike Buddy and I. However, Buddy and I have a grandson, Little Nick, that is going to probably be bulked up like his son, Nick, but have Buddy and I's personalities, and so he'll be a firecracker.

What I'm here today about is to mention about these release devices, and I appreciate you all putting some wording in the law, when it comes into effect, as needed. As I mentioned before, I am a third-generation partyboat operator, and we have had boats of all sizes during my reign with my business and with my dad and my grandfather, and now my daughter Gillian, as you all probably have seen her testify too, getting into the business.

On a boat like the Captain John, where we have eighty-three people on there, and we have four deckhands, often those release devices would not accomplish what we want to accomplish and will actually be antithesis, because, when you have that many people, and you have four deckhands, and they're trying to basically take care of about twenty people a person, or twenty people a deckhand, they just can't get to the fish in a timely manner.

The way we're having to fish in the summer months too, we have mostly tourist down there, and the tourists -- Most of them don't know a red snapper from a redfish, and they would rather catch a shark than anything, and, if they would try to take a fish off, they would step on it and try to pry the hook out, and this and that and the other, and it just wouldn't work, and so I appreciate, when you all come up with the final rule, to just mention in there the as appropriate, like I say, and we'll have them on the boat.

If it looks like it's a good idea that day, and every day is different, and sometimes we catch very, very few small fish, and other days we catch quite a few, and so we appreciate you putting that in the wording in the document, and thank you very much. Go Tigers.

VICE CHAIRMAN DIAZ: Thank you, Mr. Williams. We called earlier for David Maginnis. Is Mr. Maginnis in the audience?

UNIDENTIFIED: He's not here.

VICE CHAIRMAN DIAZ: He's not here? Well, that concludes public testimony, and so thank you for your testimony. We are going to take about a fifteen-minute break, and then we're going to come back and take care of just a couple of short agenda items, and so we'll start back at 4:45.

(Whereupon, a brief recess was taken.)

VICE CHAIRMAN DIAZ: What we're going to do is we're going to go ahead and go through the Administrative Budget Report, and we're going to finish up the liaison reports, and we'll see where we're at when we get those things done. Mr. Dyskow.

COMMITTEE REPORTS
ADMINISTRATIVE BUDGET COMMITTEE REPORT

MR. DYSKOW: Thank you, Mr. Vice Chair. This is the Admin and Budget Committee Report. The committee adopted the agenda as written and approved the minutes of the October 2019 meeting as written.

Next, the Update on 2015 to 2019 Carryover Request and Funded Contractual Projects, the staff provided an update to the expenditures table presented to the council during the October 2019 meeting. The current projection of funds available to spend in 2020 on the 2015 to 2019 no-cost carryover activities

is $1,224,594.

Of the contracts that the council reviewed in October, seven research-related contracts were funded, for a total of $503,498, and $183,799 was distributed prior to the end of 2019. The council will receive reports or presentations after the projects are completed.

Proposed 2020 Activities, the staff reviewed the planned 2020 meeting schedule, noting that some activity costs will be allocated to the no-cost carryover. Staff also provided a short presentation on the strategic planning activities of other councils.

Several committee members expressed concern with the cost, effort, and potential viable results of embarking on a strategic planning process. Alternative suggestions included reviewing the goals and objectives of specific fishery management plans in addition to the work completed on the Reef Fish Fishery Management Plan objectives and developing a stakeholder survey to get feedback on areas of concern. Staff will continue to develop potential courses of action and bring items back to the council at a later date for review.

Staff presented a proposed 2020 budget alongside the 2019 funded budget. As per instructions from NOAA, the funding for 2020 is expected to be level with that of 2019. Specific line item adjustments have been made to account for changes in activities. Staff will bring the final budget for council approval once the full 2020 funding is known. To date, we have received $1,723,128 in funding for 2020.

Updates to Administrative Handbook, staff requested council approval to update the administrative handbook to account for changes to life insurance benefits, to the location of the training required for the telework policy, to more accurately reflect the terms of our grant award relating to foreign travel, and updates for staff names. **The committee recommends, and I so move, to accept the revisions to the administrative handbook as presented.**

VICE CHAIRMAN DIAZ: Okay. We have a committee motion. is there any discussion on the motion? **Is there any opposition to the motion? The motion carries.** Mr. Dyskow.

MR. DYSKOW: The committee reviewed the makeup and charge of the ad hoc advisory panels. It was noted that the charge of the Red

Snapper Private Recreational Angler AP has been completed. No action was taken with regard to the Red Snapper/Grouper-Tilefish IFQ Panel. **The committee recommends, and I so move, to disband the Red Snapper Private Angler Ad Hoc Advisory Panel.**

VICE CHAIRMAN DIAZ: Again, we have a committee motion. is there any discussion on the motion? **Is there any opposition to the motion? The motion carries.** Mr. Dyskow.

MR. DYSKOW: Review of Coastal Migratory Pelagics and Red Drum APs, the committee reviewed the appointment schedule, meeting history, and planned activity of the Coastal Migratory Pelagic and Red Drum Advisory Panels. It was determined that the committee would like to re-advertise for new members to repopulate these panels. **The committee recommends, and I so move, to re-advertise, or repopulate, whichever word you want to use, for new members for the CMP and Red Drum Advisory Panels.**

VICE CHAIRMAN DIAZ: Okay. We have a committee motion. Is there any discussion on the motion? **Any opposition to the motion? Seeing none, the motion carries.** Mr. Dyskow.

MR. DYSKOW: Mr. Chairman, this concludes my report.

VICE CHAIRMAN DIAZ: Thank you, Mr. Dyskow. Mr. Anson.

MR. ANSON: I'm sorry, Mr. Chair, and I should have brought this up during the report, but I'm just curious as to what notification the members of the Red Snapper Private Angler Ad Hoc AP -- What kind of notification are they going to receive relative to the council's action now? Are they just going to get a simple letter saying thanks and we're done, or is there going to be, I guess, some kind of clarification or some text that would indicate the council's discussion and some of those things, just to make sure that it just doesn't -- Can you tell me what the two-sentence thanks for your help, but we're going to disband it -- I'm just afraid of how this is going to be perceived generally in the recreational communities, that we're just dropping the ball on them or -- That's all I'm concerned about. Thank you.

MR. WILLIAMSON: I'm sorry, and I may have jumped in on your deal, and I was on the Artificial Reef AP, and that's exactly what we got, was a letter thanking us for our service.

VICE CHAIRMAN DIAZ: Do you want to respond, Dr. Simmons?

EXECUTIVE DIRECTOR SIMMONS: Yes, and thank you, Mr. Chairman. I mean, we could work on some wording, if you think there could be some confusion or concern about recreational management and the council, and we can be a little bit more careful about that when we distribute it, if that's okay, but we still plan to send letters.

VICE CHAIRMAN DIAZ: Go ahead, Mr. Anson.

MR. ANSON: That would be great. You know, a lot of us here around the table, as far as access and some of those things for state management, there's been an improvement, no doubt, but just the perception of it, and it's just to handle it a little bit with kid gloves in that letter, and, again, just be prepared for it. Thank you.

MR. DYSKOW: I was hoping that, much like the LSU Tigers, they were each going to get a championship ring.

VICE CHAIRMAN DIAZ: Okay. That is going to conclude our Administrative Budget Committee Report. We're going to take up a couple of the liaison reports. Lieutenant Zanowicz, are you ready to do the Coast Guard report? Proceed, please.

SUPPORTING AGENCIES UPDATES
U.S. COAST GUARD

LT. ZANOWICZ: Good afternoon, council. I just wanted to provide some brief news on what the Coast Guard is seeing on the U.S.-Mexico Maritime Boundary Line with regard to lancha interdictions.

For Fiscal Year 2020, we are interdicting Mexican lanchas at the fastest rate we ever have. As of last week, 22 January, we interdicted twenty-nine lanchas this fiscal year, and that was compared to twenty-five at this same point last fiscal year, and we interdicted two additional lanchas this week, on Tuesday night.

Detections are also up. As of the end of the December, we had fifty-one detections for Fiscal Year 2020, as compared to thirty-five in Fiscal Year 2019. Fiscal Year 2019 was our record year for lanchas, with seventy-four by the end of the year, and we're on track to break that. The previous year, Fiscal Year 2018, was also a record year, and so we're definitely not seeing any decrease in activity down there.

For notable cases, on November 16, we had five lanchas in one day, which is a new record. These lanchas were indicted by both our fast-response cutter, which was down there, and also Station South Padre Island.

Total catch seized on this day was 6,186 pounds of catch, including red snapper and shark, and these photographs here are photographs of some of the catch that was seized in that case.

Sadly, we also had some recent cases with sea turtle interactions, with what was suspected to be lancha gear. On November 24, a gillnet was found 200 yards north of the U.S.-Mexico Maritime Boundary Line with five blacktip sharks and eight green sea turtles, three of which were still alive and we released, and five of which had deceased. The nets were retrieved and brought back to the station, and we worked with local organizations to turn the sea turtles over for them to conduct necropsies.

On December 6, a gillnet was found approximately 1,000 yards from Station South Padre Island with two live sharks, three deceased sharks, one live sea turtle, and one deceased sea turtle. Again, we released the live animals and brought the deceased ones back to the station.

On December 4, a small boat from Station South Padre Island detected one deceased loggerhead turtle, which you see a picture of there. The turtle had a circle hook with a leader in its mouth, and it's suspected to be lancha gear, although the gillnets are definitely more in line of what we see that close to shore, and so we're less certain if that's lancha gear, but it's still an unfortunate case. These photographs here show some of the turtles that were recovered in these cases.

The Coast Guard is, obviously, continuing efforts down there, and, this time of year, we do typically see more lanchas, and so we're anticipating a lot more activity in the coming weeks, and that concludes my presentation, if anybody has any questions.

VICE CHAIRMAN DIAZ: Any questions for Lieutenant Zanowicz? Dr. Stunz.

DR. STUNZ: Lieutenant, thanks again for your report, and I wish you had better news. You know, it's just so frustrating around this table that we get these updates and updates, and I know you guys are working hard, and I know the Texas people are working hard, and you're ramping up efforts, but it just seems like --

Or it doesn't seem like, and, I mean, obviously, we're headed in the wrong direction on this deal, and I just don't know what to do.

You all heard in my report that Mexico was recertified, which that would have helped curb some of this, and my understanding is, if they weren't, that would have helped enforcement efforts of potentially how these fish are transited back into the market or whatever they end up kind of thing.

My question just is what are we going do or what is -- I mean, there is probably covert things that you can't even talk about, but, I mean, it seems like we're trying to all sacrifice here, and these fish just keep going out the back door.

LT. ZANOWICZ: Thanks for the question. The lancha problem is a very complex international legal problem, and I don't think there's any easy solutions, unfortunately. From the Coast Guard side, our charge and the mission is to catch these individuals, because they are breaking the law, and we've tried to get as good as we can at catching them and catch as many of them as possible and get as good as we can at detecting them, so we understand the full scope of the problem and so we can catch as many as possible.

Legally, the Coast Guard, we have considered some legal avenues that we can pursue to prosecute these individuals, but that's extremely difficult when we're talking about foreign citizens that live in another country that are breaking U.S. fisheries laws. There's a lot of issues actually prosecuting those individuals, and also a question of whether or not civil prosecution would even be that much of a deterrent.

I think the ultimate solution really would be a bilateral agreement between the United States and Mexico allowing us to prosecute these individuals in the United States, and that's obviously not a short-term thing, but I think that would solve the problem, and I wish there was an easier answer, but it does seem like every avenue we try to investigate, in terms of how to solve this problem, poses more and more difficulties, and so I wish I had a better answer, but, unfortunately, it is what it is.

VICE CHAIRMAN DIAZ: Dr. Shipp.

DR. SHIPP: I was just curious, and you mentioned the circle hook, and do the Mexicans generally use circle hooks? It made

me curious as to whether maybe that was inadvertently one of ours.

LT. ZANOWICZ: That's a great question. I am actually not sure if we typically find the lanchas with circle hooks or not. I would have to look into that.

VICE CHAIRMAN DIAZ: Ms. Bosarge.

MS. BOSARGE: Can you go to that next slide, where you had the turtles? I was looking at those dates, November 24 and December 6, and wasn't that right around the same time that there was like sixty-some-odd turtles that washed up dead onshore in south Texas, too?

MR. ROBINSON: Yes, that's correct. There was just no way to identify what the cause of that mortality was though.

VICE CHAIRMAN DIAZ: Go ahead, Mr. Robinson.

MR. ROBINSON: Bob, to your question, I know that our law enforcement staff have found driftnet, or longline nets, or longlines, that they believe were coming from lanchas, and they are using or did have circle hooks on them.

VICE CHAIRMAN DIAZ: Any further questions for Lieutenant Zanowicz? Mr. Williamson.

MR. WILLIAMSON: It's my understanding that you confiscate and destroy those boats, and my other question is do you have many repeat customers? Are these guys showing up, quite often, again?

LT. ZANOWICZ: Yes, absolutely. We see the same individuals all the time. I think the record now is we have caught the same individual twenty-nine times, I think is the record, and so obviously that definitely calls into question what sort of prosecution is occurring and whether or not that's deterring, if it is occurring.

MR. WILLIAMSON: A follow-up question. There is some suggestion that these guys are really a diversion to take law enforcement away from patrolling drug trafficking on the border, and is there any credence to that?

LT. ZANOWICZ: That's definitely been communicated, and that's a suspicion in our District Office. I don't think all of the

lanchas are involved in that, if it occurs. We definitely see open-hulled vessels that transit drugs near the maritime boundary line, but the vast majority of the vessels we catch breaking the law near the maritime boundary line coming from Mexico are fishing lanchas.

We'll usually have -- Well, in the past few years, it's been sixty in Fiscal Year 2018 and seventy-four in Fiscal Year 2019, in terms of fishing lanchas, and only a handful of drug lanchas that we have detected and interdicted in those years. While there may be some diversionary tactics in certain cases, I don't think it's widespread or occurring all the time.

VICE CHAIRMAN DIAZ: Thank you, Lieutenant Zanowicz. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chairman. I just wanted to remind the council that we did send a letter to Secretary Ross about the IUU issue, and we had a meeting with the Coast Guard and the Admiral here at this meeting, again reiterating the concerns, and so staff plans to follow-up, if we don't hear back soon, about requesting a presentation at an upcoming council meeting regarding the report and the positive and negative determinations, and so we're working on that, and I think Mr. Rauch is aware that we're concerned about those issues, because we've talked about it at the Council Coordinating Committee meeting.

VICE CHAIRMAN DIAZ: Thank you, Dr. Simmons. All right. We're going to move on, and the last thing that we're going to do today is we're going to get Mr. Donaldson to give us the Gulf States Marine Fisheries Commission liaison report. Mr. Donaldson.

GULF STATES MARINE FISHERIES COMMISSION

MR. DONALDSON: Thank you, Mr. Chairman. Just a quick note that our spring meeting is scheduled for March 9 through 12 in Gulf Shores, Alabama. We're going to preview the Lodge at Gulf State Park, because we're meeting down there in April, and so we'll get to see what it's like.

A couple of issues. It's our normal meeting, and we'll have various committees, and we have created a new oyster sub-committee, and they will be meeting, as well as we'll be doing a general session during the TCC, looking at advanced technologies, drones and satellite tags and things along those

lines, but, as always, everyone is welcome to come attend, and we would love to see you there, and so, with that, I will answer any questions.

VICE CHAIRMAN DIAZ: Any question for Mr. Donaldson? Seeing none, did you have anything else, Dr. Simmons?

EXECUTIVE DIRECTOR SIMMONS: No.

VICE CHAIRMAN DIAZ: All right. We're going to reconvene at 8:30 in the morning. Thank you.

(Whereupon, the meeting recessed on January 29, 2020.)

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January 30, 2020

THURSDAY MORNING SESSION

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The Full Council of the Gulf of Mexico Fishery Management Council reconvened at the Hyatt Centric French Quarter, New Orleans, Louisiana, Thursday morning, January 30, 2019, and was called to order by Chairman Tom Frazer.

COMMITTEE REPORTS (CONTINUED)
CORAL MANAGEMENT COMMITTEE REPORT

CHAIRMAN TOM FRAZER: All right. It looks like we've got pretty much everybody here. Good morning. Sorry that I missed you yesterday. I am sure it was fun. All right, and so we're going to start off with the Coral Management Committee Report.

The committee adopted the agenda, which was Tab N, Number 1, with the following modification, that the SSC report was to be delivered in advance of the summary of proposed changes for the Florida Keys National Marine Sanctuary. The committee subsequently approved the minutes of the October 2019 meeting, Tab N, Number 2, as written.

Recommendations to the Florida Keys National Marine Sanctuary, Tab N, Number 4, staff presented a summary of the proposed changes included in the Draft Environmental Impact Statement and also provided a summary of the comments and recommendations from various advisory panels and the Science and Statistical

Committee.

An extension of the deadline for the council to provide recommendations on the DEIS to the Sanctuary on before February 27, 2020 had been granted previously, so that this input could be incorporated into the council's correspondence.

The Committee had the opportunity to discuss proposed changes in detail, possible ramifications of those changes and express their issues and/or concerns. Of specific interest were issues related to: sanctuary boundary expansion; sanctuary-wide regulations and the proposed phase-out of bait fishing permits in Sanctuary Preservation Areas, or SPAs; changes around the Dry Tortugas and Pulley Ridge; and changes in Florida and South Atlantic Council's jurisdiction.

Key comments from the council were captured and synthesized by the staff. Those comments are appended to this report and will be further discussed in Full Council to guide the council's recommendations to the Florida Keys National Marine Sanctuary. Those recommendations will be provided to the Florida Keys National Marine Sanctuary in the form of a letter prior to February 27.

Recommendations from the Joint Gulf and South Atlantic Spiny Lobster Advisory Panels, Tab N, Number 5, staff provided an overview of discussion at the November 13, 2019 meeting, where the Spiny Lobster Advisory Panels were able to provide recommendations on the Florida Keys National Marine Sanctuary Restoration Blueprint, in addition to others items related to the spiny lobster fishery in the Florida Keys. This concludes my report. Mr. Dyskow.

MR. DYSKOW: Thanks, Tom. I think all of us here want to support an amendment, or a plan say, that protects coral further than it currently is, and we understand the issues. The biggest one, perhaps, is water pollution, which this doesn't exactly address, but, in many ways, we have concerns that it's overreaching, and sometimes, if you have a choice of tickling with a feather or hitting with a hammer, the hammer approach works better, and I am wondering if it would be appropriate to propose a motion before the Full Council to oppose this plan as written. I am not doing that, but I'm asking you if that would be appropriate.

CHAIRMAN FRAZER: I think that that might be, in my opinion, and then I will certainly open it up to the council, a bit extreme.

I mean, there has been thousands and tens of thousands of hours that have gone into this document, with a tremendous amount of stakeholder input.

To say that there are serious concerns, perhaps, and a need to step back in a significant way and provide constructive comments, to help deliver the best product possible, I think that would be appropriate. Again, one option might be to go back to the table a little bit and come back to the council with a revised DEIS, and that, I think, would be, in my opinion, more appropriate, but I will let other council members weigh-in. John Sanchez and then Martha Guyas.

MR. SANCHEZ: The concerns, which we got into during committee, were they are using outdated data in a lot of their reports. The Tortugas expansion says that it really hasn't accomplished the Tortugas ER, and then now it will expand into other areas the boundary of the sanctuary itself and propose additional closed areas, yet there doesn't seem to be the justification for it, and there is no way to quantify the benefits. I mean, they have demonstrated that they haven't been able to do that, and so I can't support them expanding right now, at the present time.

They don't understand who they're going to impact, and we got into some particulars, and, of course, given the time today, and these deadlines that are coming up for all these comments, it's like we really don't have the time and opportunity for the industry to get with the sanctuary and roll up our sleeves and work through this, and so, as written, I mean, I just can't support it, and I'm happy to hear that you want to revise the DEIS, but there is some really big concerns here, and you just can't come at the public every twenty years with a 600-page document and then expect them to weigh-in.

You've got to get with them and break it down into workable action items, kind of like what we do. Take a page out of our playbook, and then you will probably get out of that something that everybody can live with, but, the way this has been approached, it's extremely overreaching and heavy-handed.

CHAIRMAN FRAZER: Thank you, John. Martha.

MS. GUYAS: I understand that there's a lot of concern about this plan, and I completely get it. It's a huge plan, and it's got a ton of stuff in it. There are parts of it that I think our agency is going to say no way, Jose, but I think, that said, having been in the Keys and talking to folks about this plan in

small groups, one-on-one, a lot of people's first reaction was absolutely not, and then, once they had some time to digest and really flip through it and think about some of the individual things in there, they're like, well, you know, corals really are a problem, and we need to do something about this, and what can we do.

Then it's here is some things in this plan that maybe would work, or here are some suggestions, and so I feel like, for the council to really be helpful and productive here, just saying a hard no is not really going to be helpful here. I think we do need to provide feedback.

If there are some things that are completely off the table, then we should say what those specific things are, but I felt like, at least on Monday, when we talked through this in committee, I felt like actually the folks that weighed-in were on the same page on a number of things, and so I feel like we should provide more specific feedback to the sanctuary.

CHAIRMAN FRAZER: To that point, John?

MR. SANCHEZ: Yes. I am all for protecting high points on the reef and identifying these and protecting them and doing what needs to be done, but, when we're talking vast area expansions, like what is proposed off of Long Key, certain regulations going in off of Carysfort that displace people disproportionately, I just can't support those things.

If it's about the coral and identifying those key areas, yes, let's do that, but, these vast areas of continuous biodiversity and all this, I just -- It's going to displace too many people, and I don't see the benefits that are going to be derived from that.

CHAIRMAN FRAZER: Thank you. I'm going to have Chester and then Roy.

MR. BREWER: First of all, I agree with the comments that I've heard particularly from Martha, and, by the way, thank you for letting me speak, because I'm not on the council, but, obviously, we're very concerned with this as well, particularly in the State of Florida, but I agree with Martha that just a flat-out no is not going to do us any good. They're just going to discount that and just say, okay, fine, and go on with their business.

I do think they need some constructive -- Not necessarily criticism, but just suggestions, and I went down to the Spiny Lobster Joint AP meeting, and what I was struck with is person after person after person said that the biggest problem for coral is water pollution, and that is true, and, to me, the real failing of this plan is to recognize that problem and suggest ways to try to -- You're never going to do away with it, but to minimize the effects.

I remember, when I was with a volunteer organization that was concerned with fisheries, and we had a lot of our people who said, you know, we really are not able to do anything from the standpoint of habitat restoration, and we're not able to do anything from the standpoint of a lot of good things that could be done environmentally, because that's not our bailiwick, and I feel like the folks that are sort of pulling the wagon here have taken the -- They have assumed that, yes, it's a problem, but we really can't do anything about it, because a lot of this pollution is coming from outside of the Keys.

That's true, but it seems to me that they need -- This plan should begin to put forward proposals, thoughts, on what can be done, and Bill mentioned -- Golly knows how many gallons of raw pollutant is coming out of Key Biscayne every day, and that's one thing, and these people, I think, need to go on a crusade with regard to the water pollution that is coming down and damaging the Keys, and they haven't done it in this plan.

They have kind of given up on it, and it's not really even mentioned, and so I think a suggestion to them that let's pull back a little bit and sort of re-think what we're going to do to try to help the coral, which are in trouble, and there's no question about it, and you can sit there, and you can have areas where you're saying no diving or no fishing or whatever, but, if you've still got that polluted water flowing over that coral, you've still got the same problem, no matter what you try to do from the standpoint of limiting use. Thank you.

CHAIRMAN FRAZER: Thank you, Chester. Dr. Crabtree.

DR. CRABTREE: I agree with Chester that just a blanket we don't agree with this and don't support anything is just -- It's too strong, and it does seem, to me, that we need to provide constructive criticisms.

If we see weaknesses in the analysis, or things that are out-of-date, then we need to give them some specifics about that. If

we disagree with specific aspects of it, we ought to tell them that. I just think, if we don't come at with more specificity and constructive comments on how they ought to correct these things, that we won't have a real impact.

CHAIRMAN FRAZER: Leann.

MS. BOSARGE: Thank you, Mr. Chairman. I had contemplated opposing it generally as well, and I had the same thought process, that would we just be blown off, but I think the fact that we have had multiple council members even mention that -- The letter has to be pretty clear that, all right, we are not opposing all expansion at this point, but we are certainly opposed to any expansion based on this DEIS that has been presented to us, and we do not expect to be presented with a final DEIS that actually addresses our concerns and be given feedback after there is a proposed rule.

We want a revised DEIS presented to us that addresses these comments, so that we can then actually have some time again to sit down and evaluate the rationale that hopefully will be in the document at that point that addresses all the different fisheries issues that we have talked about and that addresses the fact that there is no coordinates whatsoever in the document for all these closures, and that, to me, is ludicrous, that you would give feedback on that when there is a proposed rule.

That would be the equivalent of the council going through Coral Amendment 9 and never putting a set of coordinates in for each of those HAPCs and waiting until we take final action and have a proposed rule out for our fishermen to give us feedback on those actual HAPC sites and how it's going to impact them.

I think that we should have a revised draft DEIS presented to us that addresses the specific concerns with updated data with actual ship anchoring issues in different areas and that addresses the different fish stocks and the health of each of those stocks that is present in the sanctuary, all of those things that we talked about during committee, and I have a list, if staff needs it, that I can provide.

CHAIRMAN FRAZER: Dr. Crabtree and then John.

DR. CRABTREE: Just remember though that it's not like the council process, where the council takes final action and then there's a rule that comes after it. In this case, it's the sanctuary, and they are proposing regulations, and they get

comments, and they can change them, and they have a lot more flexibility than the Fisheries Service does, which can only approve or disapprove, and so it's different.

Furthermore, I think, in the statute, your real authority and your way you are to implement is on the fishing regulations, and so my advice to you would be less to focus on the DEIS and data and all those things and focus on what is it they are talking about doing, in terms of regulating fisheries, that you do or don't agree with.

I would be very surprised if they put out another draft DEIS. Maybe they will, but I would be surprised, but I think, given our authorities and our responsibilities, we ought to focus on what are they proposing to do, in terms of fishing regulations, that we think need to be modified or changed.

CHAIRMAN FRAZER: Thank you, Roy. John.

MR. SANCHEZ: Yes, and then the issue I have is, although maybe they're not directly doing, per se, a fishing regulation, when you are proposing to close a vast area, it's kind of a fishing regulation, and it has the same impacts to the fishing community, and they are citing, all over the document, outdated data from Gerry Ault in 1998 and this and that, and I think a good starting point would be to show them, like we do in all our FMPs, where we have like a history of all the management, the regulatory management, species-by-species, for the ones that are in the sanctuary, so they could see all the things that are done and include in that the current status of these various stocks that are referenced, these fish assemblages, so that they're not relying on, oh, the snappers and groupers are all in trouble, Gerry Ault, 1998.

Let's fast-forward and update that, because that's twenty-year-old stuff, and let's start with that. Give them a history of everything we've done and the status of where we're at, and then maybe things aren't so dark to need these massive closed areas.

CHAIRMAN FRAZER: Thanks, John. I am looking around for additional comments on this point. Okay. So this is what I am hearing, and I'm going to make an effort to synthesize what I think I heard and where we might go with this.

I mean, what we've asked the sanctuary for is some time to consult with our stakeholder groups, the APs and the SSC, and as well as to provide some time for deliberation around this table

about how the proposed actions in the sanctuary's plan might impact the fisheries community more broadly.

I think we're compelled to provide that input at this point, and we should do that. I think, at the end of the committee report, were a number of issues, and I will -- We may walk through those, and I think they're worth bringing up, because there was a fair amount of discussion on those, but what I'm hearing is that the DEIS, as presented, is very complicated.

It's perhaps overreaching, and it's not well justified in some of the proposed actions, and there may in fact -- There is some sentiment here that, because of that, one suggestion might be to focus the activities on the core issue, which may be corals, and there is some concerns that the fishing regulations that are suggested, or the activities that may affect a fishing regulation or indirectly affect the fishing industry in some way may not result in an immediate benefit for the corals, and so it's beyond the scope, perhaps, of their mission.

Water pollution and water quality clearly is a concern, and I'm going to step back out of my role for a minute as a council member and say that I understand those water quality issues probably perhaps as well as anybody in this room, and there is a commitment on the part of the state to tackle those issues, a tremendous commitment, and that involves not just one agency, but it's the DEP, it's the FWC, it's the Department of Health, it's the water management districts, particularly the South Florida Water Management District.

I think you're going to see efforts to improve water quality. Those efforts are going to take decades, and that's part of a restoration effort in south Florida that costs billions and billions of dollars, and so some of those projects are ongoing. I do agree that there is an opportunity for the sanctuary to better engage with those state regulatory and management agencies, to make sure that there's better coordination in outreach and communication about what's going on.

Along those same lines, there's a tremendous commitment, again on the part of the state, both the FWC and the DEP, to engage in coral restoration efforts and tie those restoration efforts not only to water quality issues, but to user activities as well, because it's not simply a water quality issue. There are in fact other human-related problems. Anchoring continues to be a problem, and some of these issues, but I think we can point that out in a letter.

I guess my preference would be to, recognizing that this has been in the works for some time, and there is a recognized problem in the Florida Keys area and south Florida in general, that this is not going to go away, and I do think that we need to make every effort to provide a letter that has very constructive input and encourages some relationships beyond the typical stakeholders. I do think that that engagement includes the council, the water management districts, and state agencies as well, and I think that we can point that out as well.

That's a lot of stuff, but what I am trying to say is I think I'll take a crack at the letter, with staff, and say, hey, we appreciate the complexities of the document, and we have several that the council -- In consultation with its stakeholders, it has identified some key areas of concern that are related directly to fisheries and indirectly, as John pointed out, and they fall into these areas with regard to boundary expansions, for example. There are questions and concerns about both the southern and western expansion of the sanctuary, and there are some concerns about including Pulley Ridge, and for these reasons, and so that would be one.

In general, I would argue, based on what I have heard, that there is a tendency, or there is a need, to consolidate and clarify much of the language in the document, and some of the justification is outdated, and so we would ask for perhaps better justification or a defense of some of the actions that are proposed, and that would serve them well, and I think you can do that in a constructive manner. Some of the other things that I heard in those discussions, and, again, they are appended to the committee report.

I appreciate the concern over like idle speed in large, open areas. They may not be necessary, and, again, trying to defend that type of action I think would be appropriate.

What I also heard, with regard to the Tortugas Corridor, was there perhaps wasn't enough data to justify a year-long closure there, and trying to make that justification more transparent to the community would be helpful in that regard.

There was some discussion about bait fishing permits in the sanctuary and whether or not they should be grandfathered in. Again, I think we can point that out, that that was raised and that's a concern. The emergency rule language that came up, it's going to move that emergency rule timeframe from a two to

six-month period, and they may need to better defend that decision.

I think, if everybody is in agreement, if you can take a quick look at those types of issues that we identified, I think that we can bring all of those up as examples, but just the bigger issue is to say, hey, these are major things moving forward, and there are concerns, and, from a fisheries arena, these are very specific ones that we have, and we'll give you examples of those, and you should take those into consideration, but, overall, we encourage you, as you're moving forward, to keep your eye on the focal problem, and, when moving beyond that, perhaps identify who your appropriate partners and stakeholders are, and that would include, again, the state regulatory management entities as well as some other federal entities that are out there.

If people are good with that approach, I am certainly happy to provide, to the members of the committee, or the council, a draft letter that kind of lays all of that out, and so everybody might have an opportunity to comment on it before we actually send it, and I don't think it's going to be very productive for us to work through all of these things and make motions to include them or not, because I think there's a broad range of opinions, and it's simply a microcosm of what the sanctuary is dealing with in their role, and I would welcome hearing any feedback. Mara.

MS. LEVY: Thank you. A couple of things just to that point. I am not necessarily opposed to a draft letter, but I'm a little bit concerned with a draft being circulated to members outside the council meeting and getting feedback and trying to come to some consensus through this sort of behind-the-scenes thing, because there was discussion in committee, especially about the boundaries, where there were divergent opinions, and I really would not want to see that be resolved through a draft letter.

Then the other thing is I would encourage you, at least to the extent you can here, to -- I mean, you can say whatever you want in the letter, and I am not commenting on that, but, under the statute in the regulations, the council's focus is proposing fishing regulations based on the sanctuary's mission and purpose or commenting on the fishing regulations proposed by the sanctuary, right, and I would encourage you to at least hear -- Come to some consensus or have a focus on that, because, if you don't comment on fishing regulations now, or come up with what you think are appropriate fishing regulations now, you may not

get the chance again, and I don't know what the sanctuary will do with the comments, and I don't have an opinion on whether there is going to be a revised DEIS, or they're going to come back to you, but, ultimately, that's not a required course of action, and so I don't want you to miss your opportunity, if there isn't another one, to actually focus on the fishing regulations piece.

CHAIRMAN FRAZER: Point well taken. Leann.

MS. BOSARGE: That is the exact reason that I hope that we will get a revised DEIS, because what we have in front of us right now are fishing regulations, and the regulation is no fishing, shut the fisheries down in this area, and that is the regulation. Now, how do we address that?

Well, when we went through this with our other sanctuary in the Gulf, we actually went through these boxes, corner by corner, and adjusted the boundaries so that the gear types that they were opposing would not be affected. In other words, so shrimp gear is a bottom-trawling gear for the Flower Gardens.

We adjusted the boundaries of those boxes so that it took in just the coral, because shrimp gear doesn't go in the coral area, and so, as long as you get the box right, it doesn't affect those fishermen, and so that's how we gave feedback on those regulations.

This is a different situation. We have no coordinates, and it's a blanket no fishing period, and we don't have any wiggle room really to work with, and so it's very difficult for us to give feedback unless we get a revised DEIS that gives us some coordinates that we can sit down with our fishermen and say, all right, is this appropriate? If this box gets shortened up just a little bit, is that going to allow you to continue your historical fishing practices or what?

But, without coordinates, we can't do that. We can't sit down and have a constructive conversation and propose changes for fishing regulations, because I don't think they're going to accept a blanket recommendation of just allow fishing in there, and that's really our only two options at this point.

CHAIRMAN FRAZER: Thank you, Leann. Martha.

MS. GUYAS: I guess, really, the crux of the issue is that we really feel like, and I think this is a lot of people, there is

a lot of stakeholder work to be done here, and so that's kind of where Leann's idea about the revised DEIS is coming from, and so that's -- If that's what we want to suggest, to make that point, but we need to make it really clear that that's why, is we need this, and I think it's true.

There is a lot of details in this plan, and it's very overwhelming for people. It took people a while to even be able to really get through it, and then, once you kind of key in on your issues -- In many cases, I understand, there's not the level of detail, and certainly not compared to what we're used to looking at here in this venue about why they proposed something and why is it this shape and is it this square miles or whatever, and so I'm comfortable with kind of the direction that Leann is going with that way.

CHAIRMAN FRAZER: John.

MR. SANCHEZ: Thank you. You know, they've been around for twenty years, and I am very aware that they're not going anywhere, and we do want to work with them in a reasonable manner to address these concerns, and I think the goal being, even though this plan is out, and, arguably, they have hearings, and they have met with people, and they have had working groups and advisory councils, and it's not right yet, but, again, they're not going anywhere, and I think it's more important to get it right, so that everybody involved can maybe perhaps embrace this and not be so disenfranchised right now, and so they're not going anywhere, and there doesn't have to be a rush to do this, and let's do it right.

CHAIRMAN FRAZER: Okay. Troy.

MR. WILLIAMSON: For clarification, the suggestions that we make to the sanctuary, they are not obligated to accept them or implement them, and they reserve the right to do whatever they want to, and is that correct? If that's the case, then it seems like your approach, Tom, to make suggestions to them, whether they adopt them or not, is about the limit of what we can do.

CHAIRMAN FRAZER: Again, trying to put all of this together and to take into account what Mara said and what Roy said, what everybody said, but I think there are clearly some of the topical areas that were discussed that bear directly on the fisheries world that is kind of our purview.

Those would be the sanctuary boundaries, and I think, in that

letter, we can say our stakeholders and the council had a fair amount of discussion about these expansions, and there was concern about the western expansion, and there was concern expressed about a southern expansion and a modified southern boundary.

There was concern about Pulley Ridge, and I don't have any problem at all putting those in the letter and say that they were discussed and, in general, people agreed and understood the nature of those concerns.

Similarly, there were issues related to the corridor, and those have to do with access to fish in that area, and I think, because of the idle speed and the annual closure, we can point out to the sanctuary in that letter why they were of concern to the fisheries community.

Similarly, we have an existing bait fishing operation, and we can talk about the history there and why that was a concern. The idle speed in the large open areas, although not directly affecting fisheries management, per se, it does affect access, and there are some safety issues, et cetera, and we can bring that up as another directed thing, and so my purpose, or I think my approach here, would be to say here's our purview, and I think to define it and say these are issues that we discussed, and there are major concerns about that.

Moving beyond that, to talk about we think that the document itself could benefit from better clarification, better supporting documentation, et cetera, et cetera, and it's -- Although everybody understands the condition of the Florida Keys and the resources in those Keys, it would be good, as John pointed out, to make sure that you carefully thought out the approach and methodically move through it, so that, at the end of the day, you have the best product possible, with the broadest stakeholder buy-in, and the comments that we're providing through this letter are an effort to help you achieve that goal, and so I think that would be the approach that I would take.

I am not shying away from the idea that we could also say that, based on these comments, the council would be in favor of incorporation of these comments and actually having an opportunity to review a revised draft. Again, I realize that we can't force their hand in that regard, but I am comfortable saying that in a letter, if everybody around the table is interested in saying that, and, if anybody is not, go ahead and

let me know, and then we can discuss it further. Martha.

MS. GUYAS: I think I'm okay with that approach. I feel like that makes a lot of sense, especially given that there are some divergent views. I would only say, like for some of the things like sanctuary boundary, I think we need to show both sides of the coin, and we've had that conversation, and not just the no and that we have concerns.

The other thing I would add to this list would be live rock permitting. That's part of one of the council's management plans, is the aquaculture live rock, and so I think we need to make sure that we hit that on the head as well when we go through the letter.

CHAIRMAN FRAZER: Dale.

VICE CHAIRMAN DIAZ: I am okay with your approach, and I would encourage the staff to get you the public comments from yesterday as soon as possible for your draft letter. I took notes, but I do think there were a few things brought up in public comment that we haven't discussed.

Mr. Bill Kelly had some really good comments, and Scott Hickman had some good comments, and several other people too, but I wouldn't want us to mis anything that came out from the comments yesterday, and so thank you.

CHAIRMAN FRAZER: Good recommendation, Dale, and I will certainly look at the public comments prior to drafting that letter. Leann.

MS. BOSARGE: Tom, I am in support of that approach. I hope we have that word "revised" in there, because I am very comfortable with that, and I think that's the path forward. For example, this week, I got a call from a fisherman that I had showed this to previously, and he said, Leann, have they expanded that Tortugas South to the west yet, and I said, no, not yet and why, and he said, because I'm on my way there, and that's where I'm going to be shrimping, and I wanted to make sure they hadn't closed my shrimp grounds yet, and so I think it's important for us to take another look at this.

CHAIRMAN FRAZER: Okay. It sounds like everybody, in general, is good with where we're headed on this, and so I will proceed, unless anybody is telling me otherwise. Okay. Is there any further Coral Committee-related discussion? Okay. Seeing none,

we will continue on to our next committee report, and I believe that is Sustainable Fisheries and Mr. Diaz.

SUSTAINABLE FISHERIES COMMITTEE REPORT

VICE CHAIRMAN DIAZ: Thank you, Mr. Chair. The Sustainable Fisheries Committee Report, the committee adopted the agenda as written and approved the minutes of the October 2019 meeting as written.

Interagency Coordination of Aquaculture Science and Management, David O'Brien, NOAA Fisheries' Acting Director of the Office of Aquaculture, gave a presentation on the strategic plan to increase regulatory efficiency in aquaculture. Mr. O'Brien noted that the plan was drafted by the Regulatory Efficiency Task Force of the Subcommittee on Aquaculture.

The draft plan outlines actions federal agencies can take to reduce costs and to improve the efficiency, predictability, and timeliness of reviewing, approving, monitoring, and enforcing permits and other regulatory requirements.

In response to a committee question on the number of permits issued for aquaculture in the EEZ, Mr. O'Brien indicated that, currently, only one permit has been issued for commercial aquaculture in federal waters. He further noted that, in state waters, each state is responsible for setting its own standards.

Committee members inquired about the level of transparency of the inspections of aquaculture sites that could be expected by other users of federal waters. Mr. O'Brien indicated that there is a commitment to be as transparent as possible. He also specified that the strategic plan covers all aquaculture, including inland aquaculture.

Dr. Crabtree then gave a brief update on the status of the two ongoing offshore fish aquaculture projects in the Gulf. Kampachi Farms, which will set up operations off the coast of Sarasota, Florida, will begin placing aquaculture pens in the summer of 2020 and farming almaco jack shortly afterwards.

Manna Farms, which plans to operate off of Pensacola, Florida, is still working on initial planning and the organization has not applied for any permits at this time. Ms. Mara Levy indicated that NOAA is waiting for the appellate court's decision on the agency's authority to regulate aquaculture.

CHAIRMAN FRAZER: Leann.

MS. BOSARGE: There was just one other thing that was mentioned during that presentation that I didn't see here in the committee report, and that was some sort of inspection or testing or report of some sort on the actual health safety of the product when it's harvested and it's going to go into commerce for human consumption.

It sounded to me like they don't quite have that up and running yet for U.S. aquaculture, but that is something that we do for imported aquaculture products that come into this country. There's a protocol for testing those, and they're not all tested, but there are certain things that are banned, and you test the flesh of that product for those banned substances, and I would think that, if we do that for imports, at a minimum, we would need to do that for aquaculture products that are grown in this country as well, and maybe I'm just sensitive to it because I'm pregnant, and I don't want to put anything in my body that has a biologic in it that's banned, but I think that's an important step that really needs to start being fleshed out, since we could possibly have fish coming out of the EEZ within the next year or so, aquaculture fish.

CHAIRMAN FRAZER: Is there a suggested action that you wanted to move on that?

MS. BOSARGE: So we're not writing any letters on this or anything, huh? I don't know that you have to write a letter, because I'm not sure exactly how much authority NOAA has over it at this point, but I think maybe just a simple email to Mr. O'Brien, saying, hey, we just wanted to follow-up and summarize those concerns that were brought up about transparency and health safety, and, as you further flesh out those plans, we would like another update on those items, and let us know how that's coming and keep us posted.

CHAIRMAN FRAZER: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chairman, and I'm sorry that I missed the earlier part of the discussion, but I did talk to Mr. O'Brien, and, as they flesh-out the outline and fill in the document, they are planning to bring this back to the councils for comment, and so I think that may address some of the concerns, but I can certainly send him an email.

CHAIRMAN FRAZER: Okay, and so we'll follow-up with an email

from Dr. Simmons to Mr. O'Brien, and we'll expect an updated presentation at some point. Okay. Thank you. Dale.

VICE CHAIRMAN DIAZ: Public Hearing Draft Amendment Reef Fish 48/Red Drum 5, Status Determination Criteria and Optimum Yield for Reef Fish and Red Drum, Action 1, Maximum Sustainable Yield, council staff presented the revised actions and alternatives in the document.

The committee reviewed the range of alternatives in Action 1. Alternative 2 applies to several reef fish stocks and stock complexes and contains three options for establishing an MSY proxy. In Action 1, Alternative 2, Option 2b was selected as the preferred. This option is consistent with the Scientific and Statistical Committee's recommendation, and this definition has been used frequently for a number of assessed reef fish species.

The Committee also reviewed Alternative 3, which would establish an MSY proxy for goliath grouper. This species occurs as a single stock in the Gulf and U.S. South Atlantic regions. Goliath grouper is vulnerable to overfishing because of its long-life span and slow growth rate.

This species has been closed to harvest since 1990 in the Gulf and South Atlantic, but no stock assessment has been completed for this species. The South Atlantic Fishery Management Council has established an MSY proxy of FSPR 40 percent for goliath grouper, which is Option 3b in this document.

The committee recommends, and I so move, in Action 1, to make Alternative 2, Option 2b and Alternative 3, Option 3b the preferred alternatives. Alternative 2 is, for stocks or complexes that do not have an MSY proxy, the MSY proxy is the yield when fishing at. Option 2b is the yield when fishing at 30 percent spawning potential ratio (F30 percent SPR). Alternative 3 is, for goliath grouper, the MSY proxy is the yield when fishing at. Option 3b is the yield when fishing at 40 percent spawning potential ratio.

CHAIRMAN FRAZER: Thank you, Mr. Diaz. We have a committee motion on the board. Is there any further discussion of this motion? **Seeing none, is there any opposition to the motion? Seeing none, the motion carries.** Mr. Diaz.

VICE CHAIRMAN DIAZ: Next, staff reviewed Alternative 4, which contains two options to define an MSY proxy for red drum. Red

drum is harvested extensively in state waters, but is prohibited in federal waters, and is currently managed based on an escapement rate target in each of the states.

The committee discussed that Option 4a is generally consistent with current management measures. However, it was noted by several committee members that the states measure escapement of red drum differently, and Ms. Guyas stated that Florida has a 40 percent escapement rate target, in comparison to other Gulf states that use a 30 percent escapement rate as the management objective.

The committee recommends, and I so move, in Action 1, to make Alternative 4, Option 4a the preferred. Alternative 4 is, for red drum, the MSY proxy is the yield when fishing at. Option 4a is the yield that provides for an escapement rate of juvenile fish to the spawning stock biomass equivalent to 30 percent of those that would have escaped had there been no inshore fishery.

CHAIRMAN FRAZER: Okay. Again, we have a committee motion on the board. Is there any further discussion of the motion? **Is there any opposition to the motion?** Mr. Swindell and Ms. Bosarge, did you want to comment at all?

MS. BOSARGE: No, that's fine.

CHAIRMAN FRAZER: Okay, and so we have two. **The motion carries fifteen to two.**

VICE CHAIRMAN DIAZ: Lastly in Action 1, the committee reviewed Alternative 5 that would allow for improved efficiency in updating MSY proxies through the SSC and the council.

The committee recommends, and I so move, in Action 1, to make Alternative 5 the preferred. Alternative 5 is, for future assessments of reef fish stocks and red drum, the MSY proxy equals the yield produced by FMSY or F proxy recommended by the Gulf of Mexico Fishery Management Council's Scientific and Statistical Committee and subject to approval by the Gulf Council through a plan amendment.

CHAIRMAN FRAZER: Thank you. **Before we go to this one, I just want to, for the record, clarify that the vote on the last motion was fourteen in favor and two against.**

With regard to the motion on the board now, is there any further discussion of the motion? **Seeing none, is there any opposition**

to the motion? Seeing none, the motion carries.

VICE CHAIRMAN DIAZ: Action 2: Maximum fishing mortality threshold (MFMT), the committee reviewed Action 2, which could modify the definition of MFMT for reef fish stocks and red drum. Alternative 2 would define MFMT equal to the fishing mortality at the MSY proxy for each stock or stock complex, as determined in Action 1, and is consistent with the SSC's recommendation for this action.

The committee recommends, and I so move, in Action 2, to make Alternative 2 the preferred. Alternative 2 is, for stocks where an MSY proxy has been defined, set the MFMT equal to the fishing mortality at the MSY proxy for each stock or stock complex, as determined in Action 1.

CHAIRMAN FRAZER: Okay. We have a committee motion on the board, and, again, just for clarification, that alternative reads: **For stocks where an MSY proxy has been defined, set the MFMT equal to the fishing mortality at the MSY proxy for each stock or stock complex, as determined in Action 1.** Is there any further discussion of the motion? **Is there any opposition to the motion? Seeing none, the motion carries.** Dale.

VICE CHAIRMAN DIAZ: Action 3: Minimum Stock Size Threshold (MSST), Alternatives 2 through 4 provide a range of MSST values based on biomass at MSY (BMSY). Generally, having MSST set close to MSY is more conservative, but could result in stock biomass falling below MSST more frequently and requiring the development of rebuilding plans.

MSST can be set as low as 50 percent of the biomass at MSY. The committee discussed that the MSST for eight reef fish stocks has recently been defined at this level and is consistent with Alternative 4. This is the widest buffer allowed under the National Standard 1 Guidelines and is less conservative than Alternative 3, which was recommended by the SSC.

The Committee also reviewed Alternative 5, which would define MSST for four stocks that are assessed as a single stock in both the Gulf and South Atlantic using the current definitions established by the South Atlantic Council.

The committee recommends, and I so move, in Action 3, to make Alternative 3 and Alternative 5 the preferred Alternatives. Alternative 3 is MSST equals 0.75 times BMSY (or proxy). This alternative applies to stocks and stock complexes in Action 1.

Alternative 5 is, for stocks assessed across the South Atlantic and Gulf Councils' jurisdictions (goliath grouper, mutton snapper, yellowtail snapper, and black grouper), MSST for these species would use existing definitions of MSST defined by the South Atlantic Council.

CHAIRMAN FRAZER: Okay, and so we have a committee motion on the board. Is there any further discussion of the motion? **Seeing none, is there any opposition to the motion? Seeing none, the motion carries.**

VICE CHAIRMAN DIAZ: Action 4: Optimum Yield (OY), in Action 4, reef fish and red drum were considered in separate sub-actions. This was done because an OY value was previously defined for red drum in Red Drum Amendment 2, whereas OY is undefined for the stocks and stock complexes addressed in Action 1.

In Action 4.1, Alternative 2, Options 2a through c, would define OY as some percentage of MSY or MSY proxy for all reef fish species in Action 1 and hogfish. Alternative 2 Option 2d would define OY as the ratio of the annual catch limit and overfishing limit (ACL/OFL) to MSY or MSY proxy.

Alternative 3 also contains options to define OY as a percentage of MSY or the MSY proxy, but applies only to goliath grouper. The committee discussed Options 2d and 3d and determined that the formulaic approach was problematic for some stocks or complexes, particularly when the OFL is zero or undefined.

The committee recommends, and I so move, to remove Options 2d and 3d from Action 4.1. Option 2d is (ACL/OFL) times MSY or MSY proxy; or zero if the OFL equals zero. Option 3d is (ACL/OFL) times MSY or MSY proxy; or zero if the OFL equals zero.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: I actually don't think we should remove these from the document. I think it may well be that this is our best option, and I just think it needs work, and staff needs to go back and re-jigger it, because clearly there are problems with the OFL being zero, and there are math problems, and I don't see an OFL could ever be zero anyway, or it seems extremely unlikely, and so there are some issues with one of the tables in the document, and I don't know where the OFLs that were zero come from, if that's just because there isn't an OFL or what it is, and so I think our best move here is to vote this down, this motion, and leave these in the document, but then ask staff to

get together with the regional and center folks, the team that's working on this, and see if they can't clean up some of the language in some of these things, and we can come back to it at the next meeting.

CHAIRMAN FRAZER: Is there further discussion? Taking into consideration Roy's comments, we will take a vote on this particular motion. **I guess what we'll do is just all in favor of this motion, raise your hand; all opposed, raise your hand. The motion fails sixteen to zero.** Dr. Mickle.

DR. MICKLE: Thanks, Mr. Chairman. Just a point of clarification. Does staff understand exactly what needs to be -- Are there any questions that you can direct to the council at this point to help with that process?

DR. JOHN FROESCHKE: No, and I think we understand.

CHAIRMAN FRAZER: Okay. We'll move forward, and I think the staff has enough direction. Mr. Diaz.

VICE CHAIRMAN DIAZ: After some discussion on an appropriate definition of OY for goliath grouper, the committee decided to add a new option to Alterative 3. **The committee recommends, and I so move, in Action 4.1 to add an Option 3d for Alternative 3. Option 3d is OY equals zero.**

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: If you look at the 3d that we left in, it has ACL over OFL. In the case of goliath grouper, the ACL is zero, and so that becomes zero, and so I guess we added this, and did we make it the preferred? I can't remember. No? However you want to handle it, we can add this in, but I think staff will come back saying, by the way, it's the same thing as 3d, and they will both come out zero, and so I guess however you want to handle that.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: I agree, and I think we did this after we took those others out, and we needed an option that would give us a zero result, and so I think probably voting this down at this point and seeing what comes back and making sure we do have a zero result. If, for some reason we don't, then we would put this in, but I don't see adding extra things before it's necessary.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: I would agree with Leann on that. It seems the cleanest thing is to just vote this down and then come back.

CHAIRMAN FRAZER: Okay. We'll go ahead and take a vote. **All in favor of this motion, raise your hand; all those opposed. The motion fails zero to sixteen.** Mr. Diaz.

VICE CHAIRMAN DIAZ: Next, the committee reviewed Action 4.2, which considers the definition of OY for red drum. After discussion, the committee determined that the existing definition was appropriate and noted this definition is consistent with the MSY proxy, based on escapement rates selected in Action 1.

The committee recommends, and I so move, in Action 4.2 to make Alternative 1 the preferred. Alternative 1 is no action, maintain the red drum optimum yield for red drum.

CHAIRMAN FRAZER: Okay, and so we've got a committee motion on the board. Is there any further discussion of this motion? **Seeing none, is there any opposition to the motion?** Before I go to the vote, Roy, did you have a comment?

DR. CRABTREE: I do have a comment. I am not going to oppose tis, but it does seem a little squirrely to me, and what I would ask staff and Ms. Levy to take a look at is it seems to me that the cleanest way to set optimum yield for red drum is to specify it for the EEZ, that the optimum yield is zero, and I just don't know if somewhere in the guidelines somewhere, and Mara has some concerns about that, there's something that says we can't do that for some reason or another, but I would like staff to explore that, because that does seem, from our perspective and the way we're managing red drum, our targeted yield from the EEZ is zero, and so it makes sense to me, for our purposes, that's the optimum yield. All the rest of the harvest is coming out of state waters, and it's managed by the states and not us. I would just ask that staff look into that and let us know at the next meeting.

CHAIRMAN FRAZER: Okay. Thank you, Roy. We'll go ahead and take a vote again on this motion. **Is there any opposition to the motion? Seeing none, the motion carries.**

To follow up on Roy's point, I think, John, can you make sure

that you coordinate and just talk about this with Ms. Levy as you're putting this together, to make sure there is consistency?

DR. FROESCHKE: Yes, we will.

CHAIRMAN FRAZER: All right. Thank you. Mr. Diaz.

VICE CHAIRMAN DIAZ: Framework Action: Modification of Fishing Access in Eastern Gulf of Mexico Marine Protected Areas, staff reviewed the history of the Madison-Swanson and Steamboat Lumps Marine Protected Areas, which were implemented in 2000 and designed to protect aggregations of large reef fish like gag grouper.

The council's Reef Fish Advisory Panel remarked, at its October 2019 meeting, that neither MPA is a legitimate trolling destination. Further, enforcement difficulties mean that it can be easy for anglers to avoid being intercepted while fishing for reef fish in the reserves.

In Action 2, which discusses transit provisions, the committee deliberated the merits of allowing transit through areas otherwise closed to reef fish fishing pressure. The committee noted the establishment of transit provisions for other protected areas and thought such provisions should be considered for Madison-Swanson and Steamboat Lumps as well.

NOAA General Counsel advised clarifying the language in Alternative 1 of Action 2 to note the year-round prohibition of the possession of reef fish species within the marine protected areas, except for transiting vessels. The committee then decided to expand the options under consideration in Action 2 to include an additional alternative that would prohibit the transit of vessels with reef fish onboard.

The committee recommends, and I so move, to add an Alternative to Action 2 to read: The possession of any species of Gulf reef fish is prohibited year-round in the Madison-Swanson and Steamboat Lumps MPAs.

CHAIRMAN FRAZER: We have a committee motion on the board. Is there any further discussion of this motion? **Seeing none, is there any opposition to the motion? Seeing none, the motion carries.** Mr. Diaz.

VICE CHAIRMAN DIAZ: Discussion of Section 102: Fishery Management Measures of the Modernizing Recreational Fisheries

Management Act of 2018, Russell Dunn provided an overview of the Modernizing Recreational Fisheries Management Act of 2018 and summarized the November 2019 Council Coordinating Committee discussions of Section 102 of the Act.

This section addresses management measures in recreational fisheries or in the recreational portion of mixed-use fisheries. Examples of management measures considered include extraction rates, fishing mortality targets, harvest control rules, and cultural practices of native communities.

Mr. Dunn noted that several groups, including the Congressional Sportsmen's Foundation, the Mid-Atlantic Fishery Management Council, the Atlantic States Marine Fisheries Commission, and the Pacific Fisheries Management Council participated in the CCC discussions and shared their perspectives on approaches that could expand management flexibility.

Objectives of the alternative management approaches discussed include smoothing out the variations in recreational fishery regulations and improving the stability and predictability of the regulatory environment. Topics for exploration include multiyear evaluations of fishery performance, considerations of harvest rates, and definitions of harvest control rules.

Staff summarized a letter from the South Atlantic Council proposing the establishment of a joint workgroup between the South Atlantic and Gulf Councils to coordinate the councils' efforts to address Section 102 of the Modernizing Recreational Fisheries Management Act of 2018.

Mr. Chester Brewer, South Atlantic Council liaison, noted that a joint workgroup would be helpful to address the multitude of potential approaches to consider. Ms. Mara Levy noted that a joint workgroup composed of council members would be a council committee and would operate like any other council committee. The committee discussed its interest in a joint working group and requested volunteers. The following Gulf Council members volunteered to participate in this joint council committee: Troy Williamson, Susan Boggs, Tom Frazer, Martha Guyas, and Kevin Anson.

Committee Discussion on Allocation Issues, Dr. Frazer indicated that the GAO report on allocation review is not yet available. Committee discussions on allocation issues will resume once the report is made available. Mr. Chair, this concludes my report.

CHAIRMAN FRAZER: Chris.

MR. SCHIEBLE: I guess, in deliberation for this committee, this joint committee, we sort of got passed up on adding a person from Louisiana to the committee, and we would like to recommend to have a member from Louisiana to be added to that.

CHAIRMAN FRAZER: Okay. We'll explore that, Chris, and we will make every effort to do that. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chairman, and so that would be either you or Mr. Banks, or could you --

MR. SCHIEBLE: Yes, and preferably -- Either or, but preferably Banks.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: This is the Sustainable Fisheries Committee Report, and so I guess this is where I would bring this up. It's something that has come up in council discussions in a couple of different committees at this meeting, and it's this issue of water quality, and I realize that we don't directly regulate water quality, but I heard it in public comment and from the council table, and I just thought that maybe I would throw it out there as an idea, that somehow or another we could summarize some specifics on water quality that are affecting our fisheries, because I do think that we have a unique opportunity with our interactions, especially in Florida, with people that have some bearing over water quality and what projects take place and how that's improved, with you as our Chairman.

I think it might be a good time to synthesize the fishermen's specific concerns, that this is what we're seeing in this area, and it's really impacting our fisheries, and send that to you, the sanctuary, to give you some meat on the bone to use in your deliberations, and so I don't know how we go about that, but if we could have discussions at a future council meeting, and maybe we could take that up.

CHAIRMAN FRAZER: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chairman. I guess a good platform that we may start working on that would be our Ecosystem Technical Committee, and we do have a couple of fishermen on there, and one gentleman, Mr. Streeter, has been very involved with the Science Center and South Florida issues,

and so we could maybe start there and then bring something to the council and then add to that, perhaps.

CHAIRMAN FRAZER: Leann.

MS. BOSARGE: We could, and that's one option. I felt like, with the sanctuary expansion in front of us, maybe we could focus our efforts there, since there is a time constraint with getting information to them, and we really want that in any kind of revised draft that we have, if we could have specific water quality issues that are specific to fishing down there, and maybe we could start there.

I don't know if that's something you could synthesize from your notes and your minutes from your Joint Spiny Lobster meetings that you had, and we talked about it in the Shrimp AP a little bit, I believe, and so maybe we could start there and get more feedback at public testimony or something like that, and get those synthesized first and then move on to the wider Gulf.

CHAIRMAN FRAZER: Mr. Anson.

MR. ANSON: Thank you, Mr. Chair. That's an interesting comment or topic that Leann has brought up, and I don't have any objections to it, but I will just add that, since she has brought it up, an NGO from coastal Mississippi contacted me since the last meeting about having some discussion brought up at council meetings relative to habitat issues related to manmade events.

In this particular case, it's the Bonnet Carre Spillway and the impact that it has on habitats that affect species that we manage and such, and I responded to the individual and said, well, it's kind of outside of the purview, and it was put back to me that, well, you all have a function of managing habitats, and are interested in maintaining good quality habitats for the species that we manage.

I guess I would just open it up then in a broader context, and do we need to have some sort of -- Would that be brought up within the committees within the council structure as a regular topic, or at least large environmental things that show up that we feel have an impact on those species, and is it the realm, is it the responsibility, is it something that we want to tackle, and I guess I would just open that up as a broader discussion point, and how would we go about doing that, if in fact that's something that we want to pursue?

CHAIRMAN FRAZER: Okay. I would just circle back on a couple of things. I think I get the message, and so part of the material that would be provided in that letter is a recognition by the council that water quality concerns, particularly as they relate to habitat degradation, which the council does -- It does fall under the purview of the council, but it also directly affects the viability of our fisheries, and it should play a prominent role in the sanctuary's plan moving forward.

One approach, in the short term, might be, when we deliver that letter, is to CC it to the appropriate agency heads, perhaps, in the State of Florida, but other states, potentially. Well, probably in Florida, in this particular case, and so that would be the short-term fix to address that issue.

I think, in the longer term, we certainly could think about how we put water-quality-related issues into our committees, as a regular discussion item in the Ecosystem Committee, for example, and so we can talk about that, moving forward, as we set the agenda. Is there any further discussion related to the Sustainable Fisheries Committee? Okay. Seeing none, I think we're going to move right on, and we will go to Greg Stunz and Migratory Species.

MIGRATORY SPECIES COMMITTEE REPORT

DR. STUNZ: Thank you, Mr. Chairman. This is the Migratory Species Committee Report for January 29, 2020. The committee adopted the agenda, Tab M, Number 1, as written and approved the minutes, Tab M, Number 2, of the June 2019 meeting as written.

First was the Report from the HMS AP and ICCAT AC Meetings, Dr. Greg Stunz provided an update of the recent activities of the International Commission for the Conservation of Atlantic Tunas (ICCAT) Advisory Committee. Dr. Stunz reviewed the status of a number of migratory species, including shortfin mako shark, bluefin tuna, and yellowfin tuna. He stated that the recent stock assessment for shortfin mako indicated that the stock was experiencing overfishing, is overfished, and would likely require an extensive rebuilding plan.

Yellowfin tuna does not require as restrictive management measures relative to shortfin mako, despite both species having more prolonged maturity schedules than originally thought, but the yellowfin stock still requires very close monitoring, as the fishery is on the verge of entering an overfished and

overfishing status.

Progress continues to be made on a bluefin tuna stock assessment. Dr. Stunz emphasized that, while ICCAT has a unique set of challenges due to the migratory nature of these species, they also face similar management problems addressed by this council, such as data uncertainties, observer coverage, and enforcement of regulations.

Dr. Stunz reiterated that, while migratory species are not directly managed by the council, the advisory committees allow an avenue for council members to communicate with the ICCAT commissioners about issues within the Gulf of Mexico.

The Committee asked if the ICCAT Advisory Council had provided any input on the status of blackfin tuna, since anecdotal reporting has indicated that blackfin observations have recently declined. Dr. Stunz indicated that issues related to blackfin tuna were not explicitly discussed, but that he would provide on update on blackfin management status.

Mr. Chester Brewer, a representative from the South Atlantic Fishery Management Council, reiterated the importance of continued monitoring of yellowfin in the Gulf of Mexico, as these directed fisheries capture a number of small juveniles. Dr. Stunz agreed and encouraged the committee to continue being involved in the migratory species issues.

Next, there was a presentation on shark population abundance trends and depredation, which was Tab M, Number 4. Ms. Karyl Brewster-Geisz, from the NOAA Division of Highly Migratory Species (HMS), gave a presentation outlining shark management history, reported recent trends in abundance and landings, and identified a number of data needs related to attempting to quantify the depredation of fish by sharks.

She indicated that a number of shark species, especially species within the large coastal complex, were still considered overfished. She stated that recent landings (since 2017) have been well below established quotas for many shark species and complexes.

Ms. Brewster-Geisz also indicate that, while HMS is aware of the concern surrounding depredation by sharks, more information is required to begin to address the problem. She stated that the seasonality, number of occurrences, identification of shark species, or fishing practices potentially related to depredation

are still poorly understood and best practices for collecting this type of information would need to be developed.

The committee asked if there had been a decline in directed effort for shark harvest in the Gulf of Mexico since the implementation of better effort monitoring in 2014. Ms. Brewster-Geisz stated that this is difficult to determine, but she estimated that the number of permitted vessels has generally remained the same.

The committee inquired as to whether the recently documented increase in the sandbar shark stock would result in relaxing of current regulations. Ms. Brewster-Geisz indicated that HMS is exploring if harvest could be allowed while continuing to achieve rebuilding management goals.

The committee also asked if HMS was developing any ecosystem-based analyses techniques to help quantify potential shifts in shark predation selection. Ms. Brewster-Geisz indicated that, while ecosystem-based approaches have not yet been directly input into stock assessments, investigations into these techniques are beginning within HMS.

The committee asked how many directed shark commercial fishermen from the Gulf of Mexico sat on the HMS Advisory Panel. Ms. Brewster-Geisz stated that one commercial shark fisherman from the Gulf of Mexico was active on the advisory panel. The committee recommended that, while a small contingent of fishermen, that HMS staff focus effort to engage these fishermen, as they supply an on-the-water knowledge that would be useful. Ms. Brewster- Geisz agreed and indicated that engagement with the industry would continue. Mr. Chair, this concludes my report.

CHAIRMAN FRAZER: Thank you, Dr. Stunz. Chester.

MR. BREWER: Just an edit. I wasn't talking about the Gulf of Mexico. I was talking about the Gulf of Guinea and the problems there affecting yellowfin tuna and the issues with regard to the small fish that they're harvesting with purse seines.

CHAIRMAN FRAZER: All right. We will make that correction to the report. Thank you, Chester. Dr. Stunz.

DR. STUNZ: Thank you, Chester. I should have caught that. I knew that, and we'll update that. Dr. Shipp made a comment about the blackfin tuna, and I had done a little bit of

checking. The last report, obviously, didn't address that, but, in talking to Clay and some others, blackfin tuna is not really on ICCAT's radar, is what it comes down to, Bob.

It is kind of lumped in sometimes with the smaller tunas, to some extent, but it's not given a lot of attention, and so, if what we're hearing around this table is a concern, then we obviously have an avenue now into that to elevate the importance of bluefin tuna, if necessary, and I don't know what the exact procedures are to do that, because I'm still learning that process, but, if it's the will of the committee, as those meetings continue, I am happy to bring that forward and elevate blackfin tuna issues, if necessary.

CHAIRMAN FRAZER: Ms. Guyas and then Ms. Bosarge.

MS. GUYAS: I guess, on blackfin, Greg is right that it's not an ICCAT-managed species, and so, in Florida, we ended up implementing regulations, because it's not under ICCAT, and potentially this council could have taken action, but we discussed that when we were going through our rulemaking at FWC, and the council never took it up, and so FWC did something, and so, I mean, the states have that option if they want, and I am just putting that out there.

CHAIRMAN FRAZER: Leann.

MS. BOSARGE: One of the things that came up in that presentation and then the discussion from HMS was that, with regard to depredation, it's still poorly understood, and best practices for collecting this type of information would need to be developed, and I just wanted to throw out there as an option that we could maybe assist in that with our Something is Fish survey that we send out to our fishermen on a specific species before an upcoming stock assessment, and that may be something that we could push out for an upcoming shark assessment and ask our fishermen -- Because our fishermen did give specifics on the species of sharks that they are seeing in their areas, as far as depredation and things like that.

That tool requires them to tell generally where they are fishing, are they for-hire, recreational, private angler, or commercial, and then that information is synthesized into a format that can actually be useful as a qualitative tool for the stock assessment scientists, and so I would encourage us to think about that and seeing if that's a way that we can assist in the collection of that information and provide it in a useful

format to HMS for consideration.

CHAIRMAN FRAZER: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chairman. We actually did think about that internally, and we talked a little bit about it with staff. I guess my main concern would be that we don't manage HMS, and we would get a lot of comments about the management of HMS, and maybe criticisms as well, and so I guess we could pass that on, but I just didn't want to add confusion regarding the council's FMPs.

CHAIRMAN FRAZER: This kind of gets to a bigger issue about coordination and cooperation and communication, and so I think we will continue to see issues as they relate to sharks in the Gulf of Mexico, and so we do have representatives on the HMS AP and ICCAT, and so I think, recognizing what's coming down the pike, I think we should make every effort to kind of open up those lines of communication and, where possible, provide that information on the tool, synthesize it and provide it to those people who might make use of it. Ms. Guyas.

MS. GUYAS: I think that's a good approach, and I really appreciated Karyl's presentation, and I think it was really good information and good questions and thought provoking. I guess the part that I am trying to figure out is I feel like the depredation issue is, of course, bigger than sharks, and we've got dolphins, and it's affecting more than just the people that are on that panel, right, and so the HMS panel is generally people who are targeting HMS, and so they're sharks, billfish, swordfish, tunas, whatever. In some form or fashion, they are involved in the research and management of those species, but, I mean, this is everybody that's fishing, basically.

How do we figure this out? We have these interaction issues, and I am just -- You know, I have heard suggestions that maybe we need some kind of workshop to figure out how folks can deal with this, and I'm not really sure where to go and what the best way to do this would be, but it's bigger than just what Karyl talked about, I think, and that's all.

CHAIRMAN FRAZER: Again, I agree with you, Martha. I think we'll get together probably staff and think about some options moving forward and how we can put this -- Make it a little more visible to all of the folks that might be affected one way or another, and we can talk about it again at the next council meeting. We'll put it on the agenda. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chairman. We were working with Protected Resources, and I think we were going to try to get a presentation, I believe, about marine mammal depredation and interactions, maybe in April, if possible. If not, then June, but hopefully in April, but I don't know if Dr. Crabtree has an update or any more information on that, but we have discussed it. The presentation on marine mammal depredation, we talked about having that presentation perhaps in April, and is that still possible?

DR. CRABTREE: Yes, and I think we're talking to staff about who the appropriate people are that would come.

CHAIRMAN FRAZER: Again, we will work with the folks at SERO to figure out what's going to happen in April, but it will certainly be on the agenda. Is there any further discussion having to do with HMS species or migratory species? Seeing none, we're going to take a break before we actually get into the Reef Fish Committee Report, and so it is ten o'clock, and we will meet back at 10:15.

(Whereupon, a brief recess was taken.)

CHAIRMAN FRAZER: We will pick up with the Reef Fish Committee and Ms. Guyas.

REEF FISH COMMITTEE REPORT

MS. GUYAS: Thank you, Mr. Chair. The Committee adopted the agenda, Tab B, Number 1, as modified to include discussion of the generic carryover amendment under Other Business, and they approved the minutes of the October 2019 meeting as written.

Review of Reef Fish and CMP Landings, commercial fishing for greater amberjack and gray triggerfish both closed prior to the end of the 2019 fishing year. Recreational fishing for greater amberjack landed approximately 105 percent of its ACT and 87 percent of its ACL during the 2018/2019 fishing season, which did not include a May 2019 season, due to the magnitude of landings in the fall of 2018. The fall 2019 recreational greater amberjack season landed approximately 32 percent of the ACL, meaning that there will be a May 2020 season for the recreational sector.

Recreational landings for gag, red grouper, and the for-hire component for red snapper were all below their ACTs in 2019,

while landings for gray triggerfish exceeded the recreational ACT, at 143 percent, and ACL, at 128.3 percent.

Except for Louisiana, landings for the other Gulf states managing the private angling component for recreational red snapper all reported landings below their respective ACLs for 2019.

Species managed with a stock ACL (hogfish, mutton snapper, lane snapper, vermilion snapper, Spanish mackerel, and cobia) saw landings below their respective 2019 ACLs, with the exception of lane snapper, which was closed mid-December 2019.

Combined zone landings for the hook-and-line component of the commercial king mackerel were below the ACL for the 2018/2019 fishing season and are presently below the ACL for the 2019/2020 fishing season, with the Western Zone closed upon reaching its quota. The Northern and Southern Zones remain open. The gillnet component for commercial king mackerel exceeded its ACL, at 107.7 percent, during the 2018/2019 fishing season and is subject to a payback for the 2019/2020 fishing season. Recreational landings for king mackerel remain well below the recreational ACL.

The committee asked why the recreational landings for greater amberjack in the fall of 2019 were so much lower than in 2018. NMFS staff replied that some investigation into this difference had been conducted, but no obvious indicator had been identified. Representatives from Florida and Alabama, which historically account for the majority of recreational greater amberjack landings, indicated that the recreational season structure in the fall of 2019 was the same as in 2018.

Draft Amendments 36B and 36C, staff provided a detailed history from 2011 to 2019 of Amendment 36 and the actions addressing potential modifications to the individual fishing quota (IFQ) programs. A motion to sunset the IFQ programs in 2028 failed.

Staff reviewed the alternatives in the first action in Amendment 36B, which would require some or all shareholders to have a commercial reef fish permit. The committee discussed the potential impacts of a permit requirement. A committee member noted that the Reef Fish Advisory Panel recommended adding an alternative that would require shareholder accounts established after the date of the AP meeting to have a commercial reef fish permit. This date would allow more shareholder accounts to be grandfathered in than Alternative 3, which is January 1 of 2015,

but less than under Alternative 4, which would grandfather in all accounts established before the implementation date of this amendment, Alternative 4.

The committee recommends, and I so move, in Action 1, to add an Alternative 5. Alternative 5 reads: In order to obtain (transfer into a shareholder account), or maintain shares (hold existing shares in a shareholder account), shareholder accounts established after October 2nd, 2019, which is the Reef Fish AP meeting date, must be associated with a valid or renewable commercial reef fish permit. A shareholder account is considered to be associated with a permit if the permit has the exact same entities listed on both the shareholder account and permit.

CHAIRMAN FRAZER: Okay, and so we have a committee motion on the board. Is there any further discussion of this motion? **Seeing none, is there any opposition to the motion? Seeing none, the motion carries.** Ms. Guyas.

MS. GUYAS: Following a failed motion to make Alternative 3 the preferred alternative, the committee then passed the following motion.

The committee recommends, and I so move, in Action 1, to make Alternative 2 the preferred. Alternative 2 is, in order to obtain (transfer into a shareholder account) or maintain shares (hold existing shares in a shareholder account), all shareholder accounts must be associated with a valid or renewable commercial reef fish permit. A shareholder account is considered to be associated with a permit if the permit has the exact same entities listed on both the shareholder account and permit.

CHAIRMAN FRAZER: We have another committee motion on the board. Is there any further discussion of this motion? Ms. Boggs.

MS. BOGGS: I am not in support of this motion. We heard Mara yesterday, and we heard in public testimony, that this is not a complete document, and we're missing additional chapters, and there's just not enough information, in my opinion, for us to go ahead and choose a preferred alternative. Thank you.

CHAIRMAN FRAZER: Thank you, Ms. Boggs. Dr. Crabtree.

DR. CRABTREE: I agree with Susan, and I continue to have the same concerns, that this really doesn't fix anything, that I can see, and, in fact, it seems to me that it may actually be

contrary to what you're trying to do, if that is to facilitate new entrants coming in, because it's going to drive up the cost of entering the fishery and drive up permit costs, and so I'm going to oppose this as well.

CHAIRMAN FRAZER: Chris.

MR. SCHIEBLE: I'm in agreement with Susan and Dr. Crabtree. I just don't see this as being a good choice here, to make this the preferred at this point. I think Mara made a good point in committee, that we need to get through the extent of the document and finish it out first, and then maybe come back to this and reconsider selecting a preferred from these choices.

CHAIRMAN FRAZER: Mr. Diaz.

VICE CHAIRMAN DIAZ: Thank you, Mr. Chair. I also am not ready to pick preferred at this time. I was leaning more towards Alternative 5, if we picked a preferred, but we did take a vote on Alternative 3, and it failed, which is the lesser standard than this, and so I'm not going to offer another alternative at this time, but I will be voting against this motion. Thank you.

CHAIRMAN FRAZER: Is there any further discussion? Okay. Seeing none, we're going to take a vote, and we'll vote by hands. **All of those in favor of the motion, raise your hand; all of those opposed, raise your hand. The motion fails zero to fourteen.** Ms. Guyas.

MS. GUYAS: Staff reviewed the alternatives in the next action that addresses share divestment in the event that shareholders are unable to meet the permit requirement in Action 1. Committee members discussed the proposed timeframes for allowing shareholders to comply with the new requirement or sell their shares and passed the following motions.

The committee recommends, and I so move, in Action 2, to add a new Option 2c to Alternative 2 and Option 3c to Alternative 3. Alternative 2 is a shareholder account with shares that is not associated with a commercial reef fish permit must divest of shares as needed to meet the requirements set in Action 1 or the shares will be reclaimed by NMFS. Option 2c is within five years following the effective date of the final rule implementing this amendment. Alternative 3 is, after implementation of this amendment, if a shareholder account no longer has an associated valid or renewable reef fish permit, i.e., the permit is transferred or is not renewed within one

year of the expiration date and is terminated, the shareholders must divest of the account's shares as needed to meet the requirements set in Action 1 or the shares will be reclaimed by NMFS. Option 3c is within five years following the transfer or termination of the permit.

CHAIRMAN FRAZER: We have a committee motion on the board. Is there any further discussion of the motion? Mr. Williamson.

MR. WILLIAMSON: It seems to me that, if you have not taken any action on the first issue, and you want to wait to further develop it, all of these need to be placed in the same category and wait until you have fleshed everything out.

CHAIRMAN FRAZER: I think that these are actually language related to the alternatives. I think the subsequent motions have to do with the preferreds, and so I appreciate that point, and I think, when we get to preferreds, you might want to raise that again. Is there any further discussion? **Is there any opposition to the motion? Seeing none, the motion carries.** Ms. Guyas.

MS. GUYAS: The committee recommends, and I so move, in Action 2, to make Alternative 2, Option 2c the preferred. Alternative 2 is a shareholder account with shares that is not associated with a commercial reef fish permit must divest of shares as needed to meet the requirements set in Action 1 or the shares will be reclaimed by NMFS. Option 2c is within five years following the effective date of the final rule implementing this amendment.

CHAIRMAN FRAZER: We have a committee motion on the board. Is there any discussion of this motion? Ms. Boggs.

MS. BOGGS: Again, I am going to oppose this motion. It's too early to pick preferreds in this document, and you really can't pick this preferred until you decide what you're going to do with Action 1. Thank you.

CHAIRMAN FRAZER: Chris.

MR. SCHIEBLE: I concur with everything that Susan just said. I think we have to make a choice in the first action, and we'll be able to pick a preferred in here, and so, by default, since we removed the preferred in the first action, I think we should remove it here, too.

CHAIRMAN FRAZER: Are there any further comments or discussion? Seeing none, we'll have a show of hands. **All in favor of the motion, raise your hand; all opposed. The motion fails zero to fifteen.** Ms. Guyas.

MS. GUYAS: The committee recommends, and I so move, in Action 2, to make Alternative 3, Option 3a the preferred. Alternative 3 is, after implementation of this amendment, if a shareholder account no longer has an associated valid or renewable reef fish permit, i.e., the permit is transferred or is not renewed within one year of the expiration date and is terminated, the shareholders must divest of the account's shares as needed to meet the requirements set in Action 1 or the shares will be reclaimed by NMFS. Option 3a is within one year following the transfer or termination of the permit.

CHAIRMAN FRAZER: Again, we have a committee motion on the board. Is there any further discussion of the motion? Ms. Boggs.

MS. BOGGS: Again, I am going to oppose this motion. I think it's premature, and we still haven't picked an alternative in Action 1. Thank you.

CHAIRMAN FRAZER: Thank you. Any further discussion? Chris.

MR. SCHIEBLE: Ditto.

CHAIRMAN FRAZER: I expected that. Any further discussion? **Again, by show of hands, all of those in favor of this motion; all of those opposed. The motion fails zero to twelve.** Ms. Guyas. Excuse me. Ms. Boggs.

MS. BOGGS: May I ask a question of Ava before we move past this topic?

CHAIRMAN FRAZER: Sure.

MS. BOGGS: I was looking at the document, and there is Table 2.1.1, and it addresses the vessel permits, and something that I hope that is looked at when we do Chapter 3 is the number of permits that show to be latent versus what you're going to be looking at as far as shareholders looking to buy permits, because, from what I'm hearing, you've got enough permits to cover your shareholders, and so I'm not sure what we're trying to accomplish in this document, because I feel like it's going to be a wash whatever we do, and that's just something I would

like to see.

DR. AVA LASSETER: I believe the table is coming up, and it's on the top of page 11, and we do have a data request in, and I believe the data has just come in, but it was past final briefing book, to update this to 2018, and so we'll be able to provide you both of those numbers, but what this table is looking at, it looks in the permit database and it looks in the IFQ system database, and so the top part looked at the number of valid or renewable reef fish permits and then identifies the number of vessels that made at least one pound of landings of reef fish in that year, and so we kind of used that as a metric for saying these are actively fished, and the difference being kind of termed "latent", if you will.

Then the bottom is looking at the number of accounts that are currently associated with reef fish permits, and, again, this table came from 36A, and we will have it updated for you in the next iteration. Those inactivated accounts in there are the ones that were -- The shares were taken out through 36A.

CHAIRMAN FRAZER: Mr. Dyskow.

MR. DYSKOW: Thank you, Mr. Chair. I can appreciate the fact that this is a challenging amendment, and we don't want to get ahead of ourselves, but, at the same time, we don't want to get behind on this either, and so I want to ensure that we're getting the right input to help us move forward in a constructive manner.

During the public testimony yesterday, Eric Brazer of the Shareholders Alliance volunteered to give us some structured, constructive insight, or input, from him as to how we might effectively address some of these issues, and I want to make sure that we have the vehicle to allow for that input, and how would you suggest we go forward? I guess I'm asking you, Ava, but how would we go forward with capturing his input and suggestions to make this a more constructive process going forward?

DR. LASSETER: Well, the council does have an advisory panel, and it's the Ad Hoc IFQ AP, and Mr. Brazer is not a member, I don't believe, and he's likely in the audience, if the council would like to have him come up and discuss this as well, but there's the idea that you could just have the AP -- The council staff could convene the AP and have them review this document. The advisory panel, we could convene the AP and have them review

the document and provide feedback.

CHAIRMAN FRAZER: To get to Phil's point, if you did opt to convene the AP, would the AP invite Mr. Brazer to come and join them at that meeting? Okay. Ms. Levy.

MS. LEVY: Well, I mean, I would also say that the Shareholders Alliance writes the council comments all the time, and, if they have suggestions that they want the council to consider, they can certainly write a letter for the council's consideration.

CHAIRMAN FRAZER: Thank you. Mr. Dyskow.

MR. DYSKOW: Thank you, Mr. Chairman. The reason I think this is significant is we seem, at the council level, to get lots of input from people that are not part of the large specific shareholder group, and they are people that either have a small quantity of shares or no shares at all, and, if we take only that section of input, and we don't hear from people that own the majority, or control the majority, of this quota, then we're never going to be representative of this total group that will be impacted by 36 one way or the other, and so I would be much more comfortable if we had a complete amount of input from all of the interested parties, including the Shareholders Alliance.

CHAIRMAN FRAZER: Ava.

DR. LASSETER: That sounds great, and we can definitely solicit their feedback. I am going to comment on the purpose and need, that that is where I would expect there to be some comments that we're not entirely sure that -- Is this action going to promote share ownership by fishermen landing reef fish within the IFQ programs, and so I think further discussion on the intent of this action might help as well.

CHAIRMAN FRAZER: Dr. Stunz.

DR. STUNZ: Kind of to Phil's point, the broader -- You dedicated quite a bit of time at this meeting to begin discussing this, and rightly so, but we actually burned through that time pretty quickly, and so I'm recommending that we dedicate -- I don't know what your agenda plans are, but I would recommend that we dedicate even more time, because, obviously, we're kind of in the middle, or maybe moving through B, but then C is just coming up, and we've got a lot of things that we discussed, and we threw out the quota banks and all that, and so, in other words, Tom, I would recommend that we dedicate

quite a bit of time at the next meeting to 36C.

CHAIRMAN FRAZER: Yes, and so, I mean, I thought that the discussion that we had at this particular council meeting with regard to 36B and 36C was productive, but, again, I think we have a fair amount of work to do, in the short term anyway, at least on 36B, with regard to Sections 3 and 4 of that document, that will inform 36C moving forward, but, in anticipation of that, I think we'll plan and schedule accordingly at our next council meeting for those two particular topics. Ms. Gerhart.

MS. GERHART: If you want to fully flesh out 36B with all the chapters in, I think the next meeting is a little soon for staff to get that done, and so maybe the next meeting could be focused on the 36C discussion and then 36B then for the June meeting, and would that be possible?

CHAIRMAN FRAZER: I will come back to that, Ms. Gerhart. Ms. Boggs.

MS. BOGGS: Just real quickly, we don't have to have 36B to continue with 36C. I mean, if 36B goes away, or whatever we do there, we can still proceed with 36C, and I'm just making sure that we don't get the cart before the horse.

CHAIRMAN FRAZER: Ava.

DR. LASSETER: Now I'm getting this as guidance, and, when you did divide the documents up, staff interpreted it as work on B and do not further develop C. What I'm hearing now is that we should develop B into a public hearing draft and then still continue developing the ideas behind C. What that, we can move forward with that direction.

What's important to consider and to keep in mind is that what you do in B is going to have potentially implications for C, and so that's what we really want to be thinking about, definitely in terms also of what you're trying to do in each of these, and so, if you're trying to use the permit requirement to promote share ownership, how is that goal going to be supported by whatever you are considering in 36C, and so we definitely want to consider the intersection of these two actions.

CHAIRMAN FRAZER: Okay. Ms. Bosarge.

MS. BOSARGE: Just specifically to the purpose and need here, and so what we're wanting to do is tie ownership of the resource

more closely to access and active participation in the resource, and I had that words "active participation", and I think better if I close my eyes, and so I'm going to close my eyes.

Essentially, right now, there are -- There is a good bit of ownership of the ability to harvest the resource that has no legal ability to actually harvest it, and you cannot harvest it without a permit. You cannot go out fishing and land red snapper without that permit, and so that, to me, was part of the purpose and need, to link those two things closer together.

CHAIRMAN FRAZER: Okay. Again, a lot of important discussion, and so I think that, moving forward, and to get to Ms. Gerhart's point, there is a lot of work to be done in 36B, particularly with regard to the analysis, and I think we will certainly make as much progress that we can, realizing fully that what happens in 36B will influence what might happen in 36C, but they can proceed in parallel, and, to get to Dr. Stunz's point, we will allocate sufficient time on the agenda in the late March meeting to talk about 36B and C, as necessary, to have an opportunity for everybody to weigh-in, in an effort to try to move these things forward. Ms. Guyas.

MS. GUYAS: Mr. McCarthy from the Southeast Fisheries Science Center gave a presentation on red snapper and red grouper discards, which was requested by the council for consideration of the amount of quota that would be needed in a quota bank to address discards.

The committee then discussed eligibility criteria for the future recipients of quota from the quota bank. Staff will rely on committee discussions to draft a range of alternatives for the respective actions. committee members discussed the administrative structure of a third-party quota bank.

Draft Framework Action to Modify Greater Amberjack Recreational Management Measures, staff gave a progress update for the recreational management measures for greater amberjack. Staff reported that an operational assessment for greater amberjack should be completed in early 2021. Staff also reiterated an earlier report from the Southeast Regional Office that the recreational season will reopen for the May 2020 season. Staff presented a summary outlining the tradeoffs and considerations for all the currently proposed Gulf-wide and zone management measures.

Staff then demonstrated the newly developed web-based decision

support tool that allows for visualization of the various proposed zone management options. The tool allows for rapid calculation of harvest totals for split-season quotas and zone options for a variety of season length combinations and compares those totals to user determined annual catch targets. Currently, the tool reports data in MRIP-CHTS survey units and does not incorporate the consideration for modifying bag or possession limits.

Committee members asked about the ability to specify multiple seasons within each zone. Staff replied that it is possible to add additional slider options under the portion of the tool specifying fishing seasons.

The committee revisited past concerns about the availability of recreational landings and effort data, especially for the western Gulf. The committee also inquired how the time lags with the recreational landings data could affect zone management.

NOAA General Counsel cautioned committee members when interpreting results from the decision tool, since uncertainty is known to be present in the recreational landings forecast for greater amberjack. Some committee members suggested not making changes to recreational greater amberjack management, in light of the quota available for a spring 2020 season and an operational stock assessment scheduled for completion in early 2021.

Committee members also asked about the ability of the tool to further partition the Gulf, perhaps into zones by state. Staff replied that, although the recreational landings and effort data are collected by state, a further division of recreational data would considerably expand the uncertainty of forecasts.

CHAIRMAN FRAZER: All right. We’ve got a couple of questions. Dr. Shipp and then Ms. Boggs.

DR. SHIPP: This may be for Susan. The May season, is that -- Have you decided whether that’s twenty-one days or the entire month of May, or is that yet to be decided?

CHAIRMAN FRAZER: Ms. Gerhart.

MS. GERHART: We haven’t actually done full projections, but we did have staff go back and look at what the landings have been in the past. Of course, we haven’t had a May season for a

couple of years, but, looking back in the past, the maximum landings for May were around 500,000 pounds. Right now, it appears we have about 650,000 pounds of quota leftover. Of course, we haven't gotten the Wave 6 landings yet, and so we'll have to look at that, but it does appear that there is enough for the full month.

CHAIRMAN FRAZER: Ms. Boggs.

MS. BOGGS: Considering we're going to have an operational stock assessment in early 2021, and I don't know -- You all help guide me here, but do we need to set this document aside, because anything that I think we do here is going to -- We're not going to get it done in time before the stock assessment, and it looks like we would just be changing it again, potentially, when we get the assessment, and so I don't know if tabling this or just saying we'll address it after the assessment.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: Well, I agree, Susan, and I think we heard a lot of public testimony to the effect of let's hold off with amberjack until et get the assessment. **I would make a motion that we defer further consideration of amberjack management measures until after the next assessment is completed.**

CHAIRMAN FRAZER: We're going to get that motion on the board.

DR. CRABTREE: My motion is to defer further consideration of recreational amberjack management measures until the new assessment is completed.

CHAIRMAN FRAZER: Is there a second to the motion? It's seconded by Ms. Boggs. Is there any further discussion on the motion? **Seeing none, is there any opposition to the motion? One opposed. The motion carries.** Ms. Guyas.

MS. GUYAS: SSC Report: Lane Snapper FES-Adjusted Catch Recommendations, Mr. Doug Gregory represented the council's Scientific and Statistical Committee and reviewed the Fishing Effort Survey-adjusted Marine Recreational Information Program survey data used to update catch recommendations for Gulf lane snapper.

Ultimately, the SSC found that the methods applied to determine catch recommendations were sound and constituted the best scientific information available. The SSC will revisit this

issue again at its March 2020 meeting, when it will review the data, excluding dead discards, which are not typically included in projections resulting from stock assessments. Quota monitoring tracks landed catch only and does not track dead discards.

SERO staff provided the updated lane snapper landings data to the council that will be reviewed by the SSC at its March 2020 meeting, excluding dead discards. The overfishing limit and acceptable biological catch advice resulting from these data are marginally lower, as compared to the information presented to the SSC at its January 2020 meeting.

The committee asked about the use of the previous reference period for the headboat index, 1998 to 2008, in the Itarget model for lane snapper and whether that reference period would be revisited. Mr. Gregory replied that the prescribed reference period would likely not be revisited, since it had been identified as a stable period in the fishery during SEDAR 49.

The committee recommends, and I so move, to direct staff to prepare a framework action to adjust lane snapper catch levels and present it at the April 2020 council meeting.

CHAIRMAN FRAZER: We have got a committee motion on the board. Is there any further discussion of the motion? **Seeing none, is there any opposition to the motion? Seeing none, the motion carries.**

MS. GUYAS: Committee members asked briefly about the timing of other SEDAR assessment activities, including gray triggerfish and red snapper. Staff clarified that the SEDAR 62 assessment of gray triggerfish was scheduled to be delivered to the council at the end of February 2020, with an SSC review scheduled for March 2020. Red snapper is currently scheduled as a research track assessment for 2021 and 2022, followed by an operational assessment to provide management advice to the council. The next SEDAR Steering Committee meeting will be in Charleston, South Carolina from May 11 through 12, 2020.

CHAIRMAN FRAZER: Dr. Porch.

DR. PORCH: Thank you, Chair. Unfortunately, during our internal review process, we found that some of the data streams for the gray triggerfish assessment were incorrect, and so, as many of you know, we made a lot of changes to the model, trying to accommodate some new information that came in, and I checked

with my staff, and they told me that these particular issues are not an easy fix, and they recommended that we can't really update this assessment in the near future.

Given that, and the fact that we've made a lot of changes already to the model, which are really outside the purview of a normal operational assessment, we're recommending that we run this through a research track assessment, where we can take the time to look at all these issues and actually have a proper peer review at the end. In the meantime, we are recommending just updating the catch advice using interim analyses, like we did with red grouper.

CHAIRMAN FRAZER: Ms. Guyas.

MS. GUYAS: So what would be the timelines for both of those deliverables?

DR. PORCH: The interim analyses, if we want just through the 2018 data, we can do that in very short order. If we want to use last year's information, then that can probably be done in July, because it would rely on the video survey, and it takes time to read all the videos and process that data.

CHAIRMAN FRAZER: Ms. Boggs.

MS. BOGGS: Thank you. This may seem like an odd question, but, if you use 2018, what currency will it be in? I ask that because I've been hearing that all the new assessments will be in the FES currency, and so is this going to be in the Coastal Household Telephone Survey currency, and, I mean, how are we going to be looking at that?

CHAIRMAN FRAZER: Clay.

DR. PORCH: The last ABC was provided in the old CHTS currency, and so a strict application of the interim analysis would be adjusting that catch level, and you recall the presentation I showed, and it was a pretty simple formula, how you would adjust the catch, given index trends, which, in the teeth of the fishery are generally increasing in the video survey, and so I would expect some increase, and I don't know exactly how big it would be, in terms of the ABC. We could then apply the usual calibration to adjust that catch level to the FES currency.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: It seems to me, because what I'm hearing from fishermen, and I think some of the surveys tend to support it, are some improvements in the stock, and so, given that my inclination would be to try to include the 2019 data in, to make sure we really get the best look at what's going on, and, if that means waiting a little bit, I am okay with doing that.

I wanted to let you guys know, since we're talking triggerfish, that we're looking at a likely closure of triggerfish in early May this year. Last year, it closed I think May 14, somewhere right in there, and we went over, and so it would be a little bit shorter, but we haven't come to a final date yet, but I want to make sure, if we're seeing improvements, that we have current enough data that that's reflected in the update.

CHAIRMAN FRAZER: Mr. Anson and then Ms. Guyas.

MR. ANSON: If we were to wait for 2019 data to be incorporated into the assessment, and we got those results in June or August, would that be enough time to get any improvements for the following season, for the 2021 season?

DR. CRABTREE: Well, trigger opens March 1, and so, if we got it in August, it seems to me we could do a framework and get it in place before -- If we were looking at a closure maybe in May sometime, it seems to me that we would be able to do that, and that's assuming we don't load it up with all kinds of other things and we just update the catch levels.

CHAIRMAN FRAZER: Ms. Guyas and then Ms. Bosarge.

MS. GUYAS: I was just going to chime in and say that I think it makes sense to include 2019 data. It's just going to be a little bit longer, or I guess -- Yes. As much data as we can, and, I mean, I guess this is the SEDAR Steering Committee's purview, but, I mean, we need to get that other assessment scheduled as soon as we can. I mean, we really need better information here, and it sounds like there are a bunch of new data streams that need to be worked into this, and so, whatever we can do, let's do it.

CHAIRMAN FRAZER: Dr. Crabtree to that point, and then Ms. Bosarge.

DR. CRABTREE: Well, just one complication with timing. If we get into FES and all of those issues, then we're going to have to deal with some of the type of allocation issues that we've

had to deal with with red grouper and things, and, of course, that makes it more complicated.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: I was just going to say that I think Clay's approach is the way to go. Obviously, we wanted information sooner rather than later, but we remember the last assessment did have some issues, and it caused us some hurdles on the management side, when we ended up having to use it, and so I would rather put this on a research track and give the assessment scientists time to actually dig into what they need to dig into and figure out how to make the model work with it and get good results, and so a research track would be my preference, although it takes longer.

CHAIRMAN FRAZER: Okay, and so this is what I have heard. I think that most people around the table would agree, given the difficulties and the complications surrounding this particular assessment, that a research track is the way to go. In the shorter term, we will rely on those interim analyses, and, for management advice, we would use the 2019 data for what's upcoming, and that index that would inform that interim analysis would be the video data index, and is that correct? Mr. Anson and then Mr. Diaz.

MR. ANSON: Just to follow-up on Dr. Crabtree's comment regarding using the FES numbers and then a decision on allocation and the 2021 catch advice that we would get from the updated assessment through 2019, those are two independent actions, and we don't have to address allocation in order to use that output from the 2021 season, correct?

CHAIRMAN FRAZER: To that point, Dr. Crabtree.

DR. CRABTREE: I think that's right. Partly, it will depend on what the Center delivers us in terms of the interim assessment. If it's just updating an index and then it gives numbers in the old MRIP currency, then we wouldn't have to deal with that issue at that point, and we would come back to it after we had the full assessment.

CHAIRMAN FRAZER: Mr. Diaz.

VICE CHAIRMAN DIAZ: Dr. Porch, I have to ask you -- I mean, this is kind of late in the game to figure out -- We were expecting this at the next meeting, but, I mean, have you all

implemented some processes to capture whatever this problem was with other stock assessments, so that this doesn't happen again? I don't know exactly what the problem is, but have you taken some corrective action, because I don't think we've ever been this close to getting one that we got pushed back.

CHAIRMAN FRAZER: Dr. Porch.

DR. PORCH: Thank you for that question. We certainly are, and there's a number of new challenges now, of course, because, back when I started doing stock assessments, it was pretty much a one-stop shop. I could get all the inputs that I needed from our federal system, but now we have a lot more contributions from the states and various academic partners, and it gets really hard to herd all of the cats, and so that's one of the things we've been talking about with the Gulf States Commission, if we could find a way to better manage all of that.

A lot of times, including with the gray trigger assessment, there is pieces that are missing, and various partners say, well, we weren't aware of the SEDAR schedule, and that needed to be provided, and so that's one big challenge that we're trying to work on now.

Internally, there is a number of changes that we're instituting, including trying to automate a lot of these processes, but, on a positive note, recently, we just hired two new stock assessment positions, and so that's two new, in terms of new capacity and not just backfills, and we've also hired three people to help us with processing the data, and we're going to be hiring --

In fact, the job announcement just closed, and we're going to be hiring a Deputy for Council Services, and so I'll have two deputies at the Science Center, and one of them will be dedicated to helping to shepherd this process, because we're the only Science Center that has three federal fishery management councils, plus, as you saw, we deal with HMS sharks and ICCAT too, and so it's really, effectively, at least four councils, and so I will have some help to try and manage this whole process and implement effective controls, and so, yes, we're taking a lot of steps, but it takes a little time before you really see the effect of it.

CHAIRMAN FRAZER: Thank you, Dr. Porch, for that update. Dr. Mickle.

DR. MICKLE: I don't think it's the appropriate place right now,

but we might want to look at, in the SEDAR Committee at the next meeting, the SEDAR schedule, because we're poking the jelly now, and everything is jiggling, and so we're going from an operational, and requesting an interim, but potentially 2019 data and now going to a research track, and that's a lot of movement on a single species, and I can't imagine that it wouldn't have a ripple effect. Thank you.

CHAIRMAN FRAZER: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chairman. Yes, that's a great point, and we'll plan for that committee for April, and so it would be prepared for the Steering Committee meeting in May.

CHAIRMAN FRAZER: Is there any further discussion on this particular issue? Seeing none, Ms. Guyas.

MS. GUYAS: Draft Options Paper for Amendment 53: Red Grouper Allocations and Catch Levels, Mr. Gregory reviewed the SSC's decisions about the effects of using MRIP-FES data to determine catch advice, based on the council's proposed alternatives in Reef Fish Amendment 53.

The SSC noted the deleterious effects of the red tide events over time, and especially the recent 2018 event, on red grouper spawning stock biomass. Further, the red grouper interim analysis reviewed by the SSC at its January 2020 meeting appeared to support their decision to consider the 2018 red tide event to be commensurate in intensity and mortality to the 2005 event.

Ultimately, the SSC passed a motion approving the methodology for determining catch advice based on the time series selected by the council to determine sector allocations using the MRIP-FES data. Mr. Gregory added that, although the sector allocations resulting from the time series options currently proposed by the council had similar allocation fractions for the commercial and recreational sectors, this result should not be expected for all stocks expected to go through this exercise in the future.

Staff reviewed the proposed draft purpose and need and the draft alternatives. The committee proposed including more recent time series in Action 1. A question was raised as to why 2009 was used as the initial year for the proposed Alternative 5, and the motion was withdrawn after explanation that the commercial IFQ

program began in 2010.

The committee inquired about when the SSC would review and potentially approve the MRIP-FES data as the best scientific information available for red grouper. Dr. Simmons noted that the SSC is scheduled to hold an educational workshop on April 14 and 15 on MRIP-FES data. The committee noted that there would be state data as well for allocation considerations with red snapper. Dr. Crabtree stated that there would be a conversion method developed in order for that state data to be comparable.

The committee asked about the current buffer and how much of the buffer is being used through the multiuse provision. Staff responded that this could be examined following the council meeting. The committee noted that, with Alternative 3, the commercial buffer is 0 percent and does not account for multiuse provisions in the commercial gag grouper IFQ program.

The committee recommends, and I so move, in Action 2, to add an Alternative 4 to revise the OFL and ABC as recommended by the SSC and consistent with the allocation selected in Action 1. The total ACL equals the ABC. Apply the ACL/ACT control rule to revise the buffer between the ACL and ACT for the recreational sector. The commercial buffer is 5 percent, and the recreational buffer is 9 percent.

CHAIRMAN FRAZER: We have a committee motion on the board. Is there any further discussion of this motion? **Seeing none, is there any opposition to the motion? Seeing none, the motion carries.** Ms. Guyas.

MS. GUYAS: Draft Amendment 52: Red Snapper Sector Allocations, staff noted that, during the August 2019 council meeting, the council requested Amendment 52 be brought back at the January 2020 council meeting.

The committee noted that further development of the amendment cannot occur until the stock assessment is completed. The committee asked when the red snapper stock assessment would be completed. Staff noted that, under the current SEDAR schedule, the red snapper stock assessment would be completed by 2023. The committee inquired what information from the red snapper stock assessment would be used for Amendment 52, and Dr. Porch noted that OFL and ABC advice would come from the next stock assessment for red snapper.

The committee also asked when results from the Great Snapper

Count would be completed, and results from the Great Snapper Count would be completed in spring of 2020. The committee noted that the GAO Allocation Report is also not ready.

The committee recommends, and I so move, to delay consideration of Amendment 52 until the red snapper stock assessment is complete.

CHAIRMAN FRAZER: We have a committee motion on the board. Is there any further discussion of this motion? **Seeing none, is there any opposition to the motion? Seeing none, the motion carries.** Ms. Guyas.

MS. GUYAS: State Management Performance Reports for the 2019 Private Angler Red Snapper Fishing Season, the five Gulf states provided a report on their respective management of the 2019 private recreational red snapper fishing season under each state's exempted fishing permit.

SSC January 2020 Meeting Summary Report, Mr. Gregory summarized a presentation to the SSC by Dr. Christopher Liese, an economist with the Southeast Fisheries Science Center, which detailed reporting methods designed to gather and better organize economic data on Gulf of Mexico reef fish, South Atlantic snapper grouper, and Gulf and South Atlantic coastal migratory pelagics FMP-managed species. The members of the Socioeconomic SSC were impressed with the detail provided in the reports and encouraged their continued development.

Other Business, Carryover of Unharvested Quota, at the June 2019 council meeting, the council chose to postpone further discussion of the Generic Carryover Amendment until the Southeast Fisheries Science Center had finalized interim analysis procedures.

The committee postulated whether the procedures had been defined with the completion of the two interim analyses for red grouper and whether it was appropriate to now bring the carryover amendment back for consideration. The Southeast Fisheries Science Center indicated that interim analyses can be conducted for some species quite readily in January, annually, while other species may need to wait until later in the spring, approximately April, annually.

The committee recalled the necessity to institute payback provisions to balance the addition of the carryover of additional quota and how paybacks and carryovers were a

component of Amendment 50, state management of the private recreational component of red snapper.

Other committee members thought that first addressing the calibration issues for red snapper, calibrating for the FES survey, and for the state-specific independent and supplemental surveys, would be more prudent.

The committee recommends, and I so move, to direct staff to have an agenda item at an upcoming meeting that evaluates possible carryovers of uncaught commercial quota.

CHAIRMAN FRAZER: We have a committee motion on the board. Is there any further discussion of that motion? **Seeing none, is there any opposition to the motion? Seeing none, the motion carries.** Ms. Guyas.

MS. GUYAS: Calibration Models for Recreational Red Snapper Data, Dr. Richard Cody with the NMFS Office of Science and Technology indicated that the calibration models for recreational red snapper would be available in March 2020. However, NMFS S&T would need time to review these methods.

A separate workshop for the Gulf SSC will be convened in April 2020 to discuss the MRIP-FES calibrations to historic data and other items. A discussion of the calibration of state survey data for red snapper would occur at a separate meeting. NMFS S&T thought that the state-specific survey calibrations could be available for discussion with the council at its June 2020 meeting in St. Petersburg, Florida.

The SSC would have the option of reviewing these calibration methods prior to their use by the council for management, which the committee indicated would be their strong preference. The state surveys have been designed to improve the precision of the landings and effort estimates, and their ability to do so is one of the items still outstanding for the completion of the calibration efforts. Mr. Chair, this concludes my report.

CHAIRMAN FRAZER: Thank you, Ms. Guyas. Mr. Diaz.

VICE CHAIRMAN DIAZ: I think this might be a good time to bring this up, but there was a couple of things mentioned at public testimony that I just wanted to bring up at some time during other business, and being as we're talking about reef fish right now.

One was I had noted that several folks had mentioned illegal charters, and I would urge the state representatives here to talk with their law enforcement folks and just mention to them that we're getting concerns about that. I do remember that the folks that mentioned it were from different parts of the Gulf, and I do remember that some Florida folks mentioned it, and some Texas folks mentioned it, and maybe some other states, but I also noted that they said that they're advertising on social media sites.

The other thing that came up during public testimony a number of times was asking the council to look at managing African pompano, and I was hoping that maybe Martha could speak to it a little bit, because there was some discussion about whether or not the folks that were asking for that maybe should have went to FWC first, or come to the council first, and did you have any thoughts on that, Martha?

MS. GUYAS: Thanks, Dale. Yes, I've had a lot of conversations with the folks that were here, and not all of them, but several of the folks that were here to talk about African pompano, and there is kind of twofold concern.

One is clearly there is some consternation with the regulations that Florida has in place for state and federal waters off of Florida, but then there were also concerns about other areas of the Gulf not having regulations for African pompano, and so, obviously, FWC can address our state regulations, but, you know, whether there are regulations in other parts of the Gulf of Mexico are either the purview of the council or the other individual states, and so that's why they were here, because it's kind of a twofold request.

Our commission, every year, we prepare a workplan of things that we plan to work on, and I think one thing that we can do on our end is make sure that permit, pompano, and African pompano is on our list that we take to the commission, and, as long as the commission is good with us looking at that, we can look at it. Ultimately, I do not know if the commission will change the regulations that are in place off of Florida, but we can put it on the radar of stuff to talk about, but, of course, that's just for Florida.

CHAIRMAN FRAZER: Mr. Dyskow and then Ms. Bosarge.

MR. DYSKOW: Thank you. Martha, the current regulation in Florida is two per boat, and is that right? Usually you go per

angler, don't you? Why is it two per boat, because that seems to be the struggling point for the charter and for-hire guys.

MS. GUYAS: It's been two per boat I think since there were regulations on African pompano, and I think maybe it originally it was two per vessel or per person, whichever is less, which, to me, if you're harvesting African pompano, it's going to be on a vessel, but the difference that a lot of these folks were keying in on is that that regulation was extended into federal waters in 2011.

This is a species where we don't have a lot of data, and we did a big review of regulations for African pompano, permit, and pompano before those 2011 regulations took effect, and we did extensive stakeholder work, and we had working groups of different sectors of these fisheries, because they're all easily confused, but the values of people that fish those fisheries are very different.

You know, you've got spear fishermen on one side, and you've got catch-and-release only on the other side, depending on what your favorite species is and your activity, and so, anyway, in 2011, when the commission did this big review, they ultimately decided that those limits were appropriate, at least at the time, and extended them into federal waters for the recreational fishery.

MR. DYSKOW: Permit and pompano were per angler, and limits where it's only African pompano has the per-boat limit, and it seems to me that, if there was a per-angler limit, there wouldn't be an issue with anyone.

CHAIRMAN FRAZER: Thank you. Ms. Bosarge.

MS. BOSARGE: It seems like there is two paths forward if we want to pursue trying to change something for our anglers in federal waters on African pompano. We can start trying to manage African pompano, which that is going to take a lot of work, and I don't mind it, but there is a lot of decision points that have to be made to do that and to try and add it into our FMP, and it will take a certain length of time.

Now, Martha, you said that you all could probably -- FWC could possibly add it to whatever you said, the scope of work or whatever, for the year, but I am assuming, since this is almost February, you're talking about you would add it for next year's consideration, but what I'm wondering is it's not necessarily your state regulation that's a problem, but it is the -- For

those fishermen in federal waters, it's the extension of that two fish per vessel state regulation into federal waters.

If the council was to write a letter to FWC, asking you all to consider removing the extension of your state regulation into federal waters, as we've had some federal-water fishermen have some issues with it, could you consider it more quickly at your commission?

CHAIRMAN FRAZER: Ms. Guyas.

MS. GUYAS: This workplan that we're talking about, it's not like a calendar year thing, and so it tends to be on the fiscal year, and so we're working through our plan right now. You know, it's really the commission's prerogative to tell us what goes -- How to sequence everything.

Certainly, if the council wrote a letter, they would see that, but it would really -- I don't know. I don't know the answer to that, how they would direct us to move forward. I assume probably it would be the same end result, honestly, that we would put it on the workplan and we would work on it, but I think, also, that the ask from these folks is not to not have regulations in federal waters, but I think that they were looking for one per person, and so I think we would want to explore a couple of different things with that.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: Roy, if we want to do something about African pompano, what is the first step? I mean, right now, we have state regulations that extend out into federal waters, and do we first have to at least notify Florida that we're going to consider this and see if they will revoke that extension into federal waters, or do we have to just put it in the management plan?

DR. CRABTREE: Well, I mean, you could ask Florida to withdraw their extension into federal waters, I guess, or you could ask Florida to try and come to some accommodation with these fishermen, in terms of what they're asking for.

Beyond that, I mean, you would have to add it to I guess the Reef Fish FMP, and we would have to specify all the status determination criteria and annual catch limits and all of the things that would go with it, and so my preference is first to see if the FWC and these fishermen can't come to some agreement

on management measures, and, if that's not possible, we can have a discussion about whether it warrants conservation and management and we need to add it to the plan.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: Well, I don't want to speak for Martha here, but, I mean, I feel like they did kind of go and talk to FWC a little before they came to us, and FWC -- What Martha said, I think, at some point earlier was that -- No, it was the gentleman at public testimony. He said that FWC recommended they come talk to the council about it, and so I think, absent of any letter from the council or something saying that we would like you to at least consider revoking that regulation in federal waters to solve this issue and, if not, we'll look at other measures, I just -- It doesn't seem like they have had much success trying to change it with FWC, but, Martha, I don't want to speak for you.

MS. GUYAS: Let me be clear. I mean, we were not trying to push them off on the council. There are two issues, which of which was Gulf-wide management, which Florida can't do, and so, if that was what they were after, then this is the appropriate venue for that, or it at least kind of starts the discussion. The five states are at the table, if they want to take care of it.

If the council decides that they don't want to manage African pompano, which I think that's been the decision in the past, when FWC expanded rules into federal waters, and I believe we sent a letter to both the Gulf and South Atlantic Councils and said this is what we're doing, because the state can extend regulations into federal waters in the absence of federal regulations or to match federal regulations.

At the time, both of the councils left it alone, and so certainly, like I said, I'm happy to add this to our workload at FWC and look at it, but it's really up to the commission to decide what they want to do with it.

CHAIRMAN FRAZER: Okay. A couple of options here. Again, I think we have certainly the ability to prepare a letter and provide it to the FWC that does the two things that Roy pointed out. We could ask the FWC to consider withdrawing their extension, I guess, into federal waters, and the second part of that would be to work with the stakeholder group, or the fishermen, to accommodate their specific ask. That would be one

thing.

My question to the council, really, is do we have enough information, aside from the public comment, to go ahead and prepare that letter, or is that something that you want to put on the agenda to discuss more fully at the next council meeting, in anticipation of preparing a letter that is perhaps a little more informative? I will open it up for discussion. Ms. Bosarge.

MS. BOSARGE: Well, I guess I would look at staff and say, is there any further information that you could bring to us to better inform that letter, and I guess maybe to Martha too, or should we just write the letter?

CHAIRMAN FRAZER: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I think we put together a couple of one-pagers, or a hot sheet, a couple of months ago, and maybe we can pull that up and see what kind of information we had in there, and I think it went before the SSC and the council, and there was no action taken, but we could pull that back up and take a look at it.

CHAIRMAN FRAZER: Okay. I am not getting a ton of feedback, and so -- Ms. Guyas.

MS. GUYAS: I mean, again, whether the council sends a letter or not, I think this is going to be on our list that we take to the commission of, hey, do you want us to work on these things, and so I think at least we're working on it either way.

CHAIRMAN FRAZER: Right, and so, given the comments here, I think it may be appropriate to write a general letter saying that the topic was discussed at the council, and we recognize that it's an issue that needs to be addressed, and put it on the FWC's radar, and we would appreciate any feedback from the FWC to the council as progress is being made. Are you good with that, Ms. Bosarge?

MS. BOSARGE: Yes.

CHAIRMAN FRAZER: Okay. Dr. Simmons, we'll prepare a letter. Thank you. Okay. Is there any further discussion with regard to the Reef Fish Committee? Okay. Seeing none, Martha, congratulations of moving through another one of those. We have one item, I believe -- We have no exempted fishing permits, and

so we'll move through that, but we have one Other Business item that was brought up, and, Ms. Gerhart, if you want to talk about changing the allowable gear tables for the codified text, or is that Ms. Levy? Go ahead, Ms. Levy.

OTHER BUSINESS
CHANGES TO THE ALLOWABLE GEAR TABLES

MS. LEVY: I think that we have a document that shows what the agency is going to propose changing. If you can scroll down to the actual table on the second page. These authorized fishing gear tables are in the general regulations, and they just list all -- They are supposed to list all of the fisheries, both FMP and non-FMP, and the allowable gears that go with them.

We have dealt with this before, when folks have come before the council and wanted to engage in a particular fishery with a different type of gear, but we're just proposing to update the list. There are a number of sections in here that are just like cleanup. Like, for example, the sargassum fishery for the South Atlantic Council is currently listed as non-FMP, and so we're going to change it, because they do have an FMP, and so most of the -- All of the things at the beginning of the list, in both the Gulf and the South Atlantic, are cleanup items.

For example, A is reef fish longline, hook-and-line, and line fishery, and, right now, it says "snapper grouper", and that just doesn't really go with the Gulf plan, and so we're cleaning up that language, but the main thing that the agency is going to propose doing is, at the bottom of that, to add a new fishery for the lionfish fishery non-FMP, so that is specifically on the gear table, and it would be a lionfish non-FMP fishery, and it would list the authorized gears for that fishery.

Most of those are just carried over from the general commercial non-FMP category and recreational non-FMP category, but we tweaked it a bit, because one of the problems we've been having is, in the general commercial one, there was no trap listed, and that's where a lot of lionfish are caught, is in traps, and so we wanted to make it express that, if you're catching these lionfish by catch in a trap, that is authorized under this list.

That's what it's going to say, or that's what we're going to propose saying, and it will go out in a proposed rule, and so it's not just going to get implemented, and we can bring it back again when we have the proposed rule, I guess, if you're really interested in seeing it, but that's essentially what the agency

is going to propose doing, and it doesn't require the council to take any action. This is just for your information, and we don't manage lionfish, and we're not changing anything substantive on the rest of the list.

CHAIRMAN FRAZER: Thank you. Ms. Guyas.

MS. GUYAS: I think it would be good, at a future meeting, to look at this, once the rule comes out, the proposed rule, just because we've talked about this kind of back and forth at a couple of meetings, and I feel like it's usually under Other Business, and, at least for me, it's helpful to be able to digest the briefing book materials first, to able to really think about it, because I know there's some intricacies to some of this, and so I think that would be helpful.

MS. LEVY: Okay. We'll try and time it right, so that we have the proposed rule and a meeting. Sometimes that's a little tricky, but we'll try and bring it back like that.

CHAIRMAN FRAZER: Okay, and so we'll consider that an informational item and move forward. Is there any other business to come before the committee? Seeing none, the meeting is adjourned. Thank you, everybody, for being here.

(Whereupon, the meeting adjourned on January 30, 2020.)

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