

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
23 SUSTAINABLE FISHERIES COMMITTEE
45 Key West Marriott Beachside Hotel Key West, Florida
67 June 18, 2018
89 **VOTING MEMBERS**

10 Paul Mickle (designee for Joe Spraggins) Mississippi
11 Kevin Anson (designee for Scott Bannon) Alabama
12 Roy Crabtree NMFS
13 Dale Diaz Mississippi
14 Dave Donaldson GSMFC
15 Tom Frazer Florida
16 Campo Matens Louisiana
17 Greg Stunz Texas

18 **NON-VOTING MEMBERS**

19 20 Patrick Banks Louisiana
21 Leann Bosarge Mississippi
22 Doug Boyd Texas
23 Phil Dyskow Florida
24 Johnny Greene Alabama
25 Martha Guyas (designee for Jessica McCawley) Florida
26 Robin Riechers Texas
27 John Sanchez Florida
28 Bob Shipp Alabama
29 LT Mark Zanowicz USCG

30 **STAFF**

31 32 Steven Atran Senior Fishery Biologist
33 Matt Freeman Economist
34 Douglas Gregory Executive Director
35 Morgan Kilgour Fishery Biologist
36 Mara Levy NOAA General Counsel
37 Emily Muehlstein Public Information Officer
38 Ryan Rindone Fishery Biologist & SEDAR Liaison
39 Bernadine Roy Office Manager
40 Charlotte Schiaffo Administrative & Human Resources Assistant
41 Carrie Simmons Deputy Director

42 **OTHER PARTICIPANTS**

43 44 Eric Brazer Shareholders Alliance
45 J.P. Brooker Ocean Conservancy, St. Petersburg, FL
46 James Bruce MS
47 Jamie Cournane NH
48 Michael Drexler Ocean Conservancy, St. Petersburg, FL

1 Captain David Dupree.....FWC
2 Susan Gerhart.....NMFS
3 Chad Hanson.....Pew Charitable Trusts
4 Peter Hood.....SERO
5 Dylan Hubbard.....FL
6 Alison Johnson.....Oceana
7 Bill Kelly.....FKCFA, Marathon, FL
8 Lawrence Marino.....LA
9 Bruce McCormack.....Lionfish International, FL
10 Jack McGovern.....NMFS
11 Clay Porch.....SEFSC
12 Bruce Roberts.....NC
13 Lance Robinson.....TX
14 Ashford Rosenberg.....Shareholders Alliance
15
16 - - -
17

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TABLE OF MOTIONS

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Action 2 from the document. The motion carried on page 33.

- - -

1 The Sustainable Fisheries Committee of the Gulf of Mexico
2 Fishery Management Council convened at the Key West Marriott
3 Beachside Hotel, Key West, Florida, Monday afternoon, June 18,
4 2018, and was called to order by Chairman Paul Mickle.
5

6 **ADOPTION OF AGENDA**
7 **APPROVAL OF MINUTES**
8 **ACTION GUIDE AND NEXT STEPS**
9

10 **CHAIRMAN PAUL MICKLE:** At this time, I would like to call to
11 order to the Sustainable Fisheries Committee. The committee
12 members consist of, to read them into the record, myself, Dr.
13 Stunz, Mr. Anson, Mr. Constant, Dr. Crabtree, Mr. Diaz, Mr.
14 Donaldson, Dr. Frazer, Mr. Matens, and Mr. Swindell. With that,
15 I would like to do Adoption of Agenda at this time. Madam
16 Chair.

17
18 **MS. LEANN BOSARGE:** You know, we have to set our agendas pretty
19 far in advance, a month or so in advance of the meeting, and we
20 had a motion from one of our APs to review the aquaculture bill
21 that is coming up, and so we put that on this agenda, but it
22 turns out that bill at this point is actually -- It doesn't even
23 have a number yet, and so it's actually a little premature to
24 kind of be going over it, and it's probably going to change a
25 lot, and so, like I said, we put that on there because we have
26 to do it so far in advance, and we were under the impression
27 that it would be further along at this point, but it would be my
28 suggestion that we -- Staff has done the work on it, and we can
29 look at it if you want to, but we would probably be spinning our
30 wheels on that. It would be my suggestion that we'll bring that
31 back to you at a future council meeting, when that bill actually
32 gets a number and it's a little further along, if that's okay
33 with the group. I am seeing shaking of heads yes. Okay, if
34 that's okay with you, Mr. Chairman.

35
36 **CHAIRMAN MICKLE:** Yes, that makes sense. I have a strong
37 indication that it will be introduced and have an actual number
38 on the bill by our August meeting, and that would be much more
39 efficient conversations as to versions. I have seen three
40 versions of the bill in the last three weeks, and so, to keep
41 the conversation efficient, I concur. Thank you.

42
43 All right, and so that would be Item V to be removed from the
44 agenda. All right, and so do I have a motion to accept the
45 amended agenda? It's seconded. Thank you. Any opposition?
46 The motion passes.

47
48 Moving on, it would be Approval of the Minutes. Do we need any

1 name changes in this? I checked for Dr. Pickle as well, and
2 there is no Dr. Pickle in there. Thank you. All right. Do we
3 have a motion to adopt the minutes? There's a second by Dr.
4 Frazer. Any opposition? The motion passes. Moving on to the
5 Action Guide and Next Steps, which is Tab E, Number 3, Mr.
6 Atran.

7

8 **MR. STEVEN ATRAN:** Thank you, Mr. Chairman. Well, you had four
9 items on the agenda until about two minutes ago, and now you
10 have three. The first item is Final Action on Amendment 49,
11 Modifications to the Sea Turtle Release Gear and Framework
12 Procedure for the Reef Fish Fishery. Dr. Simmons and Ms.
13 Gerhart will review public comments that have been received on
14 that amendment, and Dr. Simmons will also review the amendment
15 itself, and NMFS staff will review the codified text.

16

17 I believe you have already had preferred alternatives on all the
18 actions in that amendment. If you are comfortable with the
19 preferred alternatives, then we would request that you recommend
20 that the council submit Amendment 49 to the Secretary for review
21 and implementation, and, if the codified text appears correct,
22 also recommend that the council deem the codified text as
23 necessary and appropriate.

24

25 The next item was going to be review of the proposed aquaculture
26 bill, and that has been removed from this agenda, and we'll plan
27 on putting it on the August agenda.

28

29 The next item is Draft Generic Amendment for Carryover of
30 Unharvested Quota. Mr. Rindone will go over that. He will
31 review an options draft of the amendment, and he also has a
32 presentation, which he says will increase understand of the
33 actions within. He wishes that special consideration be given
34 to how Action 1 is worded and to whether Actions 2 and 3 are
35 necessary. The committee is expected to make recommendations
36 for which alternatives to analyze further and which to remove
37 from the document. Once staff receives the necessary
38 recommendations, additional analysis will take place, and a
39 public hearing draft will be presented at a future council
40 meeting.

41

42 The final item on the agenda is the 2018 Regulatory Review, and
43 that is the review of regulations, to see what could possibly be
44 removed, and Dr. Simmons and Ms. Gerhart will again go over
45 those regulations. The committee should review and provide
46 feedback on the draft list of recommendations identified for
47 possible removal. After finalization, staff will present this
48 list to NMFS Headquarters as identified regulations for possible

1 removal. In the coming council meetings, staff will outline the
2 best process for removing regulations and for correcting others,
3 if council action is needed, and that concludes the items that
4 are on the scheduled agenda.

5
6 **CHAIRMAN MICKLE:** Thank you very much. Any discussion on action
7 items? All right. Moving on, Item Number IV is Final Action
8 Amendment 49, Modifications to the Sea Turtle Release Gear and
9 Framework Procedure for the Reef Fish Fishery. First up is
10 Summary of the Public Comments Received, Tab E, Number 4, and
11 Dr. Simmons.

12
13 **FINAL ACTION AMENDMENT 49 - MODIFICATIONS TO THE SEA TURTLE**
14 **RELEASE GEAR AND FRAMEWORK PROCEDURE FOR THE REEF FISH FISHERY**
15 **SUMMARY OF PUBLIC COMMENTS RECEIVED**

16
17 **DR. CARRIE SIMMONS:** If it's okay, I will have Ms. Emily do it,
18 please.

19
20 **CHAIRMAN MICKLE:** Absolutely.

21
22 **MS. EMILY MUEHLSTEIN:** I would be happy to. Thank you. We took
23 this out to a webinar public hearing, and we had eight members
24 of the public attend that webinar, and one member of the public
25 submitted comment to us. That member applauded the council's
26 efforts to streamline gear requirements, but she questioned why
27 the document doesn't also consider changing recreational
28 requirements for sea turtle release gear, since the biological
29 opinion did find that recreational fishing activities affect
30 protected species, including sea turtles.

31
32 We also received some written comment on this document. We had
33 six written comments received, and those comments said that
34 flexibility needs to be added to the document to allow different
35 brands of gear to be used. If you don't have the exact brand of
36 pliers or a dehooker, you shouldn't be subject to any sort of
37 fine. It was noted that the brand of dehooker added to the list
38 of gear is not being produced any longer.

39
40 It was also said that private recreational anglers should be
41 required to have release gear as well. It's estimated that the
42 recreational sector takes an estimated three-times more sea
43 turtles per year than the commercial vertical longline
44 fishermen, and it was said that the recreational sector is
45 rapidly expanding and the reporting of interactions are
46 inconsistent with protected species, and, also, the sea turtle
47 population is expanding, and so I think the implication there is
48 that there will be more interactions in the future.

1
2 It was also noted that time is of the essence when releasing
3 marine life, and so not just gear should be regulated, and that
4 gear requirements are meaningless if release behaviors are not
5 controlled properly, and then there was support for Action 1,
6 Preferred Alternative 2, and support for Action 2, Preferred
7 Alternative 2, Options a and b, and that concludes a summary of
8 our public comment.
9

10 **CHAIRMAN MICKLE:** Thank you. Any discussion on the comments?
11 Any additions? All right. We will move on to Item IV(b), which
12 is Review of Amendment, Tab E, Number 4, and Dr. Simmons.
13

14 **REVIEW OF AMENDMENT**

15

16 **DR. SIMMONS:** Thank you, Mr. Chairman. We have prepared a final
17 action document for you to review. Remember that you didn't see
18 this at the last council meeting, and you didn't see it in
19 April. I think you saw it in January was the last time you
20 reviewed it, and so, since then, we have added a fishery impact
21 statement, and we've put in the draft Regulatory Flexibility Act
22 analysis, and also the Regulatory Flexibility Act Analysis, and
23 we've also added an appendix, Appendix C, with some examples of
24 the gear.
25

26 I will point some other changes out as we go through the
27 document, but just remember that this document has two actions.
28 The first action considers including three new types of gear,
29 approved sea turtle release gears, and it sets a new minimum
30 length requirement for those pliers, those long-nose and needle-
31 nose pliers that Emily mentioned in the public comments. Again,
32 this is required gear for commercial reef fish permit holders
33 and charter vessel headboat reef fish permit holders for federal
34 permits.
35

36 The second action is primarily administrative, and it modifies a
37 framework procedure to allow these new gears to be approved more
38 quickly without a full plan amendment, which is what we had to
39 do this time.
40

41 If we could just back up to page 3, to the purpose and need, if
42 there were no questions there, but I just want to point out that
43 the only change that we've made to the purpose and need, which
44 is Section 1.2 on page 3, since you last reviewed this was we
45 clarified that new minimum length requirement for the pliers,
46 which is eleven inches. Right now, it's not very clear, and it
47 says, "approximately twelve inches", and so that's the only
48 change to the purpose and need, and I can stop there, to see if

1 there is any questions on the purpose and need.
2

3 **CHAIRMAN MICKLE:** Are there questions? All right. Continue.
4

5 **DR. SIMMONS:** All right. Let's go on to page 5, Action 1. You
6 have selected a preferred alternative, Preferred Alternative 2.
7 Again, the only change we made to the alternative was we added
8 "as well as set a new minimum length limit for the long-nose and
9 needle-nose pliers" and the "to release incidentally hooked sea
10 turtles" was already there, but we just added that new text into
11 the alternative. I wanted to make sure that's okay with the
12 committee.

13
14 **CHAIRMAN MICKLE:** Any objection to that? Any discussion to
15 that? I see no issue.
16

17 **DR. SIMMONS:** Again, just to remind you, the fishermen had told
18 us that they were having a difficult time finding that twelve-
19 inch minimum size limit, and that was brought to our attention,
20 and that's why this change is being made and recommended in the
21 document.
22

23 **CHAIRMAN MICKLE:** Mr. Diaz.
24

25 **MR. DALE DIAZ:** Dr. Simmons, I noticed that we don't have that
26 eleven inches anywhere in that preferred alternative. Would it
27 hurt anything to put that in parentheses or just to note it
28 right there in that preferred alternative?
29

30 **DR. SIMMONS:** I think it's in the codified text, but we could
31 put it in the actual alternative if you would like us to. I
32 think it was that the wording was awkward, but we can certainly
33 add it.
34

35 **CHAIRMAN MICKLE:** It could potentially be in the codified text?
36 Is that what you're saying, Dr. Simmons?
37

38 **DR. SIMMONS:** I think it is in the codified text.
39

40 **CHAIRMAN MICKLE:** That is our next item.
41

42 **DR. SIMMONS:** Mara, am I correct?
43

44 **CHAIRMAN MICKLE:** We can circle back when we reach the codified
45 text item. All right. Continue.
46

47 **DR. SIMMONS:** All right. We'll go to page 10, and then it's got
48 a photograph there with the new minimum size limit, and it's

1 Figure 2.1.8. There is some new photographs that have been
2 added in of the release gears, and then we also added this
3 couple of sentences here.

4

5 There is some other clarifications that you are going to see in
6 the proposed rule that weren't identified in the actual
7 alternatives, and that is mainly the types of materials that
8 these release gears can be made out of, and so that includes the
9 acceptable grades of stainless steel for the long-handled and
10 short-handled dehookers, the minimum blade length standard for
11 the monofilament line cutters, and apparently there wasn't a
12 minimum in there before, and so that has been added in, and
13 removal of the end covering requirements for the canine mouth
14 gags. Apparently that has been found to not be as successful
15 when those are on there, and so they are suggesting that be
16 removed in those required gears, and that will be reflected in
17 the proposed rule when we go through it, and so I will stop
18 there.

19

20 **CHAIRMAN MICKLE:** Any discussion on this, these changes? All
21 right. Moving on.

22

23 **DR. SIMMONS:** All right. Let's go to Action 2, please, on page
24 12. You already have a preferred alternative, and we haven't
25 made any changes to the alternative text here. It would allow
26 the changes in the release gear and handling requirements for
27 sea turtles and other protected resources under the abbreviated
28 document process, and that would be for the regulations that
29 provide more flexibility to the fishery, but, if it was the
30 other way around, if there was a bi-op that came out and said
31 that we had to put more restrictions on, that is not included in
32 this abbreviated framework process, and there would be more open
33 time for public comment, and it would have to be a full
34 amendment, I believe. I will stop there and see if there's any
35 questions.

36

37 **CHAIRMAN MICKLE:** Questions or concerns with Action 2? This is
38 final action, to remind the group. Mr. Greene.

39

40 **MR. JOHNNY GREENE:** I am not on your committee, but I would
41 encourage you to do anything you can to streamline this type of
42 process to handle stuff, because, when you get down to you have
43 to have one specific set of Momoi line cutters, they're awful
44 hard to find in Orange Beach, because the tackle store only has
45 so many. With a lot of the offshore boardings that we run
46 across -- The Marine Safety Office in Mobile and other places
47 are training ports, and so they're all the time doing their due
48 diligence and stuff, and, when you're stopped and you're boarded

1 and you have to produce all of this turtle gear, it's fairly
2 expensive stuff.

3
4 I mean, the nets and everything and the bag that you have to
5 carry with all the stuff in it, and it's about the size of a
6 small gym bag fully of stuff, and so anything that we can do to
7 expedite this process and help mitigate some of the issues with
8 different types of equipment and different types of pliers and
9 different lengths and different stuff, anything that we can do
10 would certainly be well warranted, because it would take you two
11 days to round up all the equipment on that list and make sure
12 you've got it onboard, and some of it may not have been in
13 stainless, and you're trying to wrap it up in a canvas-type
14 material to keep it from rusting and so on and so forth, and so
15 bear that in mind as you all move this forward. Anything that
16 could be done would be greatly appreciated.

17
18 **CHAIRMAN MICKLE:** Thank you, Mr. Greene. Any other comments?
19 All right. Moving on.

20
21 **DR. SIMMONS:** Thank you, Mr. Chairman. If we could please go to
22 Appendix C, and we had heard some public comments that said it
23 was difficult to find some of these gears. Some of them can be
24 made by the fishermen themselves, especially the hoop nets and
25 the hoist, the turtle hoist. Many people make them on their
26 own.

27
28 For things that can be purchased, we have put a list together,
29 and these are just examples of places you can purchase them
30 from. We are not saying you should purchase them from there,
31 but we just wanted to provide that information for folks, if
32 they did want to purchase it, and that is in the appendix.
33 There is one of them that I think has to be made, or you can
34 ask, I guess, the Hillmans Seafood Netshop to make it for you.
35 I will stop there and see if there is any questions about that.

36
37 **CHAIRMAN MICKLE:** Any questions? I have a legal question. Are
38 we allowed to have just one vendor within each section? I don't
39 know. That's just a question of legal. Our state procurement
40 laws would have an issue with that.

41
42 **MS. MARA LEVY:** I think, like Carrie just said, these are not
43 recommended. They are just, I guess, things that they went out
44 and found that were available, and so none of this is like
45 sponsored by the agency or the council or anything like that.
46 The council is just specifying the requirements.

47
48 **CHAIRMAN MICKLE:** All right. Thank you. All right. The last

1 item.

2
3 **DR. SIMMONS:** I just wanted to say that Mr. Gregory found, on
4 page -- What page is that of the codified text?

5
6 **EXECUTIVE DIRECTOR DOUG GREGORY:** Page 15.
7

8 **DR. SIMMONS:** Page 15 in Tab E, Number 4. That has the eleven
9 inches in the codified text, and he just pointed out that the
10 South Atlantic Council has different regulations for that
11 particular gear. My understanding is that they're in the same
12 process that we are with modifying these new release gears, and
13 so I think that you will see the same regulations move forward
14 for them as well soon.
15

16 **CHAIRMAN MICKLE:** Thank you, Dr. Simmons. Does that conclude --
17

18 **DR. SIMMONS:** That concludes my report. We could look at the
19 codified text in more detail, if you would like.
20

21 **CHAIRMAN MICKLE:** Yes, and we didn't bring it up formally, but
22 it is on the agenda, and we should probably go through it.
23 Thank you. It's Tab E, Number 4(c). Director Gregory.
24

25 **REVIEW OF CODIFIED TEXT**
26

27 **EXECUTIVE DIRECTOR GREGORY:** Thank you. I was looking at it
28 earlier and trying to look up the needle-nose pliers size, and,
29 when I saw that the South Atlantic had "approximately", and I
30 noticed in here, under bolt cutters, it says approximately
31 certain sized items, and is that something that NOAA General
32 Counsel has reviewed? I mean, it seems surprising to me. How
33 do you enforce something that is approximately twelve inches?
34

35 **CHAIRMAN MICKLE:** Ms. Levy.
36

37 **MS. LEVY:** I am going to say I think so, but I will check,
38 meaning I don't necessarily -- I think a lot of this gear stuff
39 says "approximately" to give some flexibility to the fishermen.
40 Like you want this type of gear and you want it to be to this
41 extent, but to not be so rigid. I can check with people back at
42 NOAA GC to see whether an enforcement attorney has reviewed this
43 yet, but I think this is the way the regs were written, because
44 we used to cross-reference the HMS regs, and we're kind of
45 bringing them over and updating them into our section, and so I
46 can ask about it.
47

48 **CHAIRMAN MICKLE:** Thank you. Director Gregory.

1
2 **EXECUTIVE DIRECTOR GREGORY:** To that point, I just read part of
3 the thing about the bolt cutters, and it says approximately
4 four-inch long blades that are two-and-a-quarter inches wide
5 when closed, with an approximately ten to thirteen-inch long
6 handle, and so the width of the blade is required to be two-and-
7 a-quarter inches, but everything else is approximately, and it
8 just seems odd to me.
9

10 **CHAIRMAN MICKLE:** Mr. Greene.
11

12 **MR. GREENE:** This is kind of what I was talking about earlier
13 about anything you can do to make this a little more simple,
14 because think about the enforcement guy that runs out there and
15 he runs up and he's got to check-off all of this stuff, and then
16 he's got to determine, in his mind, if this is approximately
17 correct, because this is a sea turtle deal, and it's a big deal
18 to me, because I sure don't want the ticket because I didn't
19 interpret it or I didn't measure it correctly.
20

21 I think there needs to be some definitive decisions on -- I am
22 not trying to slow this down, but, by having a framework in
23 there and being able to modify stuff in the future, and with me
24 getting off the council, I hope that you understand that, when
25 Lieutenant Commander Zanowicz and his guys pull up to do their
26 job, they are doing their job, and my interpretation of I
27 thought you measured it this way and not that way could be one
28 of those things, and this is what I talked about.
29

30 I mean, we have some small boats in our fleet, and some of them
31 carry Type IV throwable PFDs. Well, the comment was, if we
32 catch a turtle and we have to bring him over the side, we'll
33 pull him up and put him on a PFD, and it sounds like a good
34 idea, except that PFD is being used for a turtle, and so you
35 can't have it onboard as safety, and so you have to have two of
36 them, and that is very confusing to a lot of people, and I don't
37 think they realize.
38

39 Now, this is just a charter/commercial type of thing, and so we
40 can do a lot of outreach amongst ourselves and try to work, and
41 we've done a lot of stuff, and kudos to Mr. Bergmann and his
42 guys for trying to make this as best he can and get out there.
43 I mean, he hounded me for three weeks to get our association
44 together, and it was eye-opening. I thought I had a good idea
45 of what I needed, and I had to spend about three hours at Home
46 Depot after that meeting to brush up on some of that stuff.
47

48 **CHAIRMAN MICKLE:** Mr. Greene, you're saying that a personal

1 floatation device can't be used for a dual purpose? It can't be
2 used -- If your boat is sinking, you still have to have an extra
3 one for a turtle that you're saving at the same time?

4
5 **MR. GREENE:** When I was boarded recently, that was made very
6 clear to me, that if this gear is to be used for this, it is to
7 be used for this and this only. Now, I understand the whole
8 commonsense side of it, but, then again, some young guy trying
9 to interpret this --

10
11 **CHAIRMAN MICKLE:** I am all about multitasking, but that's
12 extreme.

13
14 **MR. GREENE:** I mean, it's overwhelming, and I felt really bad
15 for the guy, because he was genuinely trying to do it, and we
16 were sitting there together trying to parse through the
17 regulations, and I probably knew way more about it than he did,
18 but I was trying to kind of go along with it, and so that's why
19 I bring this up.

20
21 **CHAIRMAN MICKLE:** Madam Chair.

22
23 **MS. BOSARGE:** I mean, I know it sounds like we're nit-picking
24 this, but Johnny is right. You don't want a lot of gray area
25 when you're the one that may get the ticket for it, right, may
26 get some sort of violation, and it's kind of like the same thing
27 that I was nit-picking on the transit provision during Coral. I
28 want it written in stone of what is it, and I don't want it open
29 for interpretation, because I don't want to end up on the wrong
30 end of the interpretation.

31
32 **CHAIRMAN MICKLE:** It's ironic, because I think the gray area is
33 provided for a little bit of wiggle room. It's probably a
34 compromise in a scoping committee, or who knows where it came
35 from, the language, and, also, there is some confusion as to it
36 being dragged out of the other protocols with HMS, and is that
37 where it came from?

38
39 Anyway, I'm not sure that -- Great suggestions, Mr. Greene. Not
40 being on the committee, you can't make the motion, but it seems
41 to warrant a motion to look at some of the codified text wording
42 and maybe bring it back up at Full Council, and I'm not sure,
43 but these "approximately" and what Director Gregory brought up
44 as well. Mr. Greene.

45
46 **MR. GREENE:** Well, I just think that your framework that you're
47 putting in here might be the avenue to go back and jump -- You
48 may have to pass this and turn right around and start to go back

1 in on some of it. I mean, the inspectors are using their
2 discretion. As long as they see an honest-to-goodness attempt,
3 they're fine with it, but it's just putting industry and
4 enforcement in a very awkward situation.

5
6 **CHAIRMAN MICKLE:** Okay. Dr. Stunz.
7

8 **DR. STUNZ:** I've got a quick question, and maybe this is to
9 Carrie or Doug. When we usually pass something like this, we
10 give staff the discretion to modify as necessary. Is this
11 beyond that discretion to fix that, or maybe that's a Mara
12 question. I am just trying to figure, from a practical matter,
13 how do we proceed.

14
15 **MS. LEVY:** I guess that's a hard question to answer right now.
16 I mean, we could certainly go back and look at the way that the
17 regulations are drafted, but, like I said, most of these have
18 been on the books and being used for the last ten to fifteen
19 years, and so it's not like we're making major changes to them
20 at this point. We're trying to address the new guidelines from
21 the science and stuff like that and then update them.

22
23 We could certainly go back and look at the language, but I don't
24 know if it's -- It's going to require some coordination between
25 staff and General Counsel's office and such like that. I mean,
26 if your direction is you don't want any use of the word
27 "approximately", I don't know how well that's going to work out.

28
29 I guess, if you really don't feel comfortable with it, we're
30 going to have to go back and look at it and maybe come back. I
31 mean, I don't know that it's something that staff is going to be
32 able to fix, because staff was comfortable, including my GC
33 colleague who worked on this one, who reviewed this, was
34 comfortable with it, and so I guess, if you have concerns, we
35 can take those concerns back, but I don't know that we're going
36 to be able to address them just on our own, because this text
37 was brought to you after review by someone in my office and has
38 gone through that process. I will check on the enforcement
39 piece of it, but, like I said, these have been in the regs for
40 ten to fifteen years.

41
42 **CHAIRMAN MICKLE:** Thank you, Ms. Levy. Lieutenant.
43

44 **LT. MARK ZANOWICZ:** Just to weigh-in from the Coast Guard side,
45 it definitely is easier for us, whenever we go on a boarding, if
46 there is exact specifications. I understand that we want to
47 leave room for flexibility, but, for a boarding officer, to have
48 an exact measurement is way easier to enforce than an

1 "approximately", because then you end up in a position where say
2 you have a piece of equipment onboard, and, well, is
3 approximately two inches, or is that one inch?
4

5 **CHAIRMAN MICKLE:** Thank you, and so concerns on both sides. All
6 right. Mr. Diaz.
7

8 **MR. DIAZ:** I haven't read -- I don't know that there is some
9 "approximately" in ours, but, to me -- Johnny, I want to make
10 sure and address your concern, but "approximately" seems to be
11 more in favor of the user than it is for the law enforcement
12 officer, and so I don't know if we pass this with some of those
13 in there that it's necessarily something that hurts you, but, if
14 you're uncomfortable with it, I don't mind working on it some
15 more.
16

17 **CHAIRMAN MICKLE:** Mr. Greene.
18

19 **MR. GREENE:** Well, to that point, I just want to make sure that
20 everybody understands that this is a very convoluted thing. I
21 mean, it seems kind of simple, but I think maybe the best way to
22 look at it, Dale, and just building off of what you said and
23 Mara said and a few others is that, okay, we have these
24 regulations, and a dehooker must be constructed of approximately
25 three-sixteenths of an inch.
26

27 As long as there is something in there that says this particular
28 tool from Harbor Freight absolutely meets the minimum
29 requirement, and there is something that they can say, okay, I
30 can go to this company and order this tool and I know I'm good,
31 it's okay.
32

33 I think where you run into stuff is like where we had the one
34 company that could make the hoop net or something else and then
35 you get into a situation where I am trying to determine and
36 build it myself, and maybe it's not quite there, and that's part
37 of the challenge.
38

39 I mean, a pair of bolt cutters from Lowes, a pair of Cobalt
40 twenty-four-inch cutters, should meet all the regulations, but I
41 think that maybe the way I am seeing this document, as I look at
42 it more and more, is the recommendations of the equipment that
43 was put in there, with the suggested that this will meet the
44 requirement and this will meet it and this will meet it, that
45 may very well do it, but I think we just need to be careful.
46

47 I agree with you, Dale, that sometimes the "approximately" is in
48 there, and I just -- I know that the Coast Guard always tries to

1 give us every benefit of a doubt to work with stuff, and there
2 is sometimes when you can tell that somebody is just really not
3 even trying to meet the requirements and hasn't put any
4 forethought in it, and that's one thing, but when you've got a
5 guy that's up to speed on it and he's really struggling to
6 understand it, it makes it more challenging, because a lot of us
7 do have a lot on the line, and we certainly don't want to have
8 any issues.
9

10 I am not saying that anybody does, and I am not putting the
11 Coast Guard in a bad spot, but I think, if that's what we're
12 doing, is we're just using the approximate stuff to run through
13 this, because that's what we've done for ten or fifteen years
14 and we're trying to update the gear type, allowing this
15 particular type of stuff, so you can use a pair of cutters from
16 Home Depot as opposed to a forty-dollar set of Momoi line
17 cutters that are very difficult to find, then I'm okay with
18 that. I just want to make sure that we encompass that.
19

20 I think we're there, but I just think that we need to be careful
21 with that language of "approximately" and everything. I mean, I
22 would love to make sure that Mara -- I understood her to say
23 that an enforcement attorney has looked at it and is okay, or,
24 if you didn't say that, maybe I misunderstood you. Maybe we
25 could find out before Full Council.
26

27 **CHAIRMAN MICKLE:** Ms. Levy.
28

29 **MS. LEVY:** I can double-check that and let you know at Full
30 Council, and I will just say though that the use of the word
31 "approximately" and the way that I understand these regs were
32 written was -- It was to give flexibility to the fishermen,
33 right, to make it less onerous on them and to potentially
34 construct some of these things in-house on their own and not
35 have those specifics, and so, to the extent we get more rigid,
36 then the people that are complying with the more rigidness are
37 the people that have to have this stuff, but I will check the
38 enforcement review question and get back to you.
39

40 **CHAIRMAN MICKLE:** All right. I think the local FWC may want to
41 weigh-in on this as well, and I would like to get a state
42 perspective. Would you mind coming up, sir? Just state your
43 name.
44

45 **CAPTAIN DAVID DUPREE:** I'm Captain David Dupree from FWC. I
46 agree with the Lieutenant, who said that we hesitate when it
47 comes to "approximately", but one thing we do like is minimum
48 and maximums. You can possibly consider, as a group, what would

1 be your minimum requirement and what would be your maximum
2 requirement, your greater or less than. That outlines things
3 very clearly for the FWC and for the Coast Guard, that it may
4 not be less than thirteen inches, and it may not be greater than
5 twenty-six inches, whatever the group would think, and that
6 makes it very easy for enforcement as well. I wanted to point
7 that out. Thank you.

8

9 **CHAIRMAN MICKLE:** Thank you, sir. A slot limit for equipment.
10 I like it. Dr. Simmons.

11

12 **DR. SIMMONS:** Thank you, Mr. Chairman. I guess a suggestion is
13 I think, in most places in the regulations, where it says
14 "approximately", and not all, and so we'll check by Full Council
15 for you, but, in most places, there is a range. Like a hank of
16 rope can be from this to this, but what was causing the problems
17 with these needle-nose pliers was the fact that it said
18 "approximately", and so then we were suggesting changing it to a
19 minimum, so that it was crystal clear, and so that's the only
20 one that I think we know specifically that has caused law
21 enforcement issues right now, but we can go through the
22 regulations by Full Council and see where there is not a range
23 when we have the word "approximately" and then get with Mr.
24 Grimes on that to see if we need to come back again to make any
25 other changes by putting in a minimum for some of those.

26

27 **CHAIRMAN MICKLE:** That's a good suggestion. Does anyone have
28 any opposition to that? It seems doable, and it's a clean,
29 clear request for staff by Full Council. Dr. Simmons.

30

31 **DR. SIMMONS:** I apologize, and this is going backwards, but this
32 is one other thing that I did want to make clear on the record,
33 and it is a change, I believe, from the last time you reviewed
34 this document, and I'm not sure how many fishermen are in the
35 room, and so I just want to go ahead and go back.

36

37 It's on page 10 of the amendment. This clarification for the
38 third new gear type is the short-handled dehooker, and that can
39 be used only for external hooks. I think, before, we had
40 suggested that it could be used for internal and external, but
41 clarification from the Science Center said this can only be used
42 for external hooks.

43

44 **CHAIRMAN MICKLE:** That is correct.

45

46 **DR. SIMMONS:** So it's adding it to the regulations, but it only
47 meets one of those dehooking requirements. My understanding is
48 that fishermen do use this a lot on their vessels for removal of

1 reef fish circle hooks as well, but you would have to have -- If
2 you use this new device, you would have to have that other one
3 for the internal hooks as well, and so I just wanted to clear
4 that up, and I hope that wasn't more confusing.
5

6 **CHAIRMAN MICKLE:** Thank you. No, that's fine. Any other
7 discussion or concerns on 4(c), the codified text of Amendment
8 49 for final action? All right. Madam Chair.
9

10 **MS. BOSARGE:** Are you about to move on to the next agenda item?
11

12 **CHAIRMAN MICKLE:** I was thinking about it.
13

14 **MS. BOSARGE:** All right. I just had a question. This is going
15 to be for the for-hire guys, those permitted guys, and the
16 commercial permitted guys. What is required on the recreational
17 side? Is it the same type of gear for turtle release?
18

19 **CHAIRMAN MICKLE:** Mr. Greene.
20

21 **MR. GREENE:** It is just for federally-permitted charter boats
22 and commercial vessels.
23

24 **MS. BOSARGE:** Right, and I realize that, but what is the
25 requirement on the pure recreational side, permitted through the
26 states, for release gear?
27

28 **CHAIRMAN MICKLE:** Dr. Simmons.
29

30 **DR. SIMMONS:** I don't think there is any requirements. There
31 may be some specific requirements by the individual states. I
32 know that most people carry cable cutters onboard, but it's not
33 a requirement.
34

35 **CHAIRMAN MICKLE:** Madam Chair.
36

37 **MS. BOSARGE:** Well, I guess the only reason I ask that is I come
38 from an industry where turtles are a big deal, right? Ours is
39 much more than a set of pliers or anything, and we have TEDs
40 that we have to pull, and so, when I saw that written comment in
41 the public comment that says -- I guess I need to ask if this is
42 accurate and correct or not, but it says that it's estimated
43 that the recreational sector takes an estimated three-times more
44 sea turtles per year than the commercial vertical longline
45 fishermen.
46

47 Then it mentions something about the biological opinion, and I
48 just didn't -- I feel like we're all trying to do our part to

1 reduce the impact on turtles, and this doesn't seem like it
2 would be a big deal for the private anglers, if it's just one
3 piece of gear that you put on the boat, but, I mean, if you feel
4 like you have it under control with the bolt cutters or
5 something, but I just want to look at it from -- I would
6 eventually like to down-list some things, but we have to make
7 sure we reduce all the impacts we can to ever get to that point,
8 right, and so if there is a small device that could be carried
9 for the last piece of the fishery, to try and minimize that
10 impact, and as long as it's not something that gets too
11 technical and too in-depth, I would like to look at something
12 like that and see if recreational anglers would be willing to
13 maybe take a look at that.

14

15 **CHAIRMAN MICKLE:** Thank you. Any other discussion? All right.
16 Moving on to Item VI, Draft Generic Amendment for Carryover of
17 Unharvested Quota, Tab E, Number 6, and Mr. Rindone.

18

19 **DRAFT GENERIC AMENDMENT - CARRYOVER OF UNHARVESTED QUOTA**

20

21 **MR. RYAN RINDONE:** Thank you, Mr. Chair. This is a generic
22 amendment which is going to apply to multiple FMPs for different
23 things. However, the carryover portion of it is only applying
24 to the Reef Fish and the Coastal Migratory Pelagic FMPs.

25

26 There are different reasons that we have listed in the document
27 for why the other FMPs are not included, but some of them are,
28 assumedly, pretty straightforward, such as we don't allow
29 harvesting of corals, and spiny lobster is managed in such a way
30 that the -- If we scroll into the introduction, that will help,
31 rather than me just reading this off from memory.

32

33 At the bottom of page 1, we talk about why we're excluding some
34 of these different things, and so shrimp, spiny lobster, and
35 coral and coral resources aren't being considered. Corals, we
36 don't harvest or allow anthropogenic removals. The shrimp don't
37 have ACLs, except for royal reds, which do; however, the council
38 has only chosen to apply the carryover to finfish, and spiny
39 lobster are managed cooperatively with the South Atlantic
40 Council. Carryover for spiny lobster would require a
41 consultation every time with the South Atlantic Council, which
42 would slow things down, and you guys wanted this as automated as
43 possible.

44

45 We do have a presentation that you guys can look at that I am
46 going to run through to try to make this whole thing a little
47 bit easier to digest, and that is E-6(a).

48

1 The purpose of this action is to incorporate the provisions to
2 allow for carryover of portions of the ACLs that were uncaught
3 due to landings uncertainty and management limitations, and that
4 is important to remember, those two reasons, and it's to modify
5 the framework procedure, which is what we're doing for Reef
6 Fish, CMP, and all the other FMPs, to allow carryover and other
7 changes to operate in a timely manner.

8
9 The need is to incorporate the flexibility allowed under the
10 October 2016 revisions to the NS 1 Guidelines, and these are the
11 revisions that talk about doing carryover in the first place.

12
13 We have four actions in here. The first one talks about
14 eligibility for a carryover provision to our ABC control rule,
15 and the second one talks explicitly about carryover for IFQ
16 species, and the third one talks about a fixed buffer between
17 the acceptable biological catch and overfishing limit and why we
18 should consider that, and then Action 4 talks about modifying
19 the framework procedures.

20
21 We have some controls that are going to be necessary to make
22 this function in a meaningful way, and the first one is that the
23 carryover can only apply to the smallest divisible managed
24 portion from which the remaining ACL or quota went unharvested,
25 and the reason for this has to do with gear selectivity and
26 fleet selectivity.

27
28 For instance, if we said that twelve red snapper could be
29 carried over, those twelve fish mean different things to a
30 private recreational angler or a charter fisherman or a
31 commercial fisherman. The commercial fishermen may prefer the
32 smaller fish, which means a lower poundage, at the end of the
33 day, whereas the charter or the private recreational fishermen
34 may value the larger fish, and so that could mean a greater
35 poundage. To make sure that things are exactly apples-to-
36 apples, that is why we have this rule in there for the carryover
37 only applying back to the smallest divisible managed portion.

38
39 The second point is that, if the combined sector landings, and
40 so recreational and commercial, exceed the sector ACL or the
41 stock ACL, then there would be no carryover, and this is to help
42 prevent any overfishing of the stock.

43
44 The carryover cannot result in an ABC that's greater than the
45 OFL, and that's just straight out of the Act, and so whatever is
46 rolled over can't result in that exceedance, and then carryover
47 will only be an underage of the original ACL and not the
48 adjusted ACL. If you have a carryover in year X and you don't

1 catch your original ACL plus the carryover portion in the
2 following year, then you don't get another carryover on top of
3 that, based on that revised ACL. Everything is based on the
4 original. Interrupt me, please, if anyone has any questions.
5

6 Action 1 talks about eligibility for the carryover provision for
7 managed reef fish and CMP stocks, and Alternative 1, obviously,
8 says no carryover provision. If you don't catch it, that's it.
9 It's just foregone yield, and the ACL closes when the landings
10 are met or projected to be met.

11 Alternative 2 has lots of different options for excluding
12 different things from being eligible for a carryover, like
13 stocks that are in rebuilding plans, stocks which are overfished
14 or which didn't have an ACL closure, stocks that are managed
15 under stock components, that are managed under an IFQ. For
16 Option 2d, that would only apply to the commercial side for
17 those species, since that's the only scenario in which IFQs
18 apply.
19

20
21 2e is stocks without a peer-reviewed assessment, and the last
22 one is stocks managed with the South Atlantic Council via
23 apportionment, and, in the actual amendment, we say stocks
24 managed with another council, but the only other council we
25 actively manage with right now is the South Atlantic.
26

27 You will notice that some of the language for the alternatives
28 that I have used in this presentation is much shorter than what
29 is in the document, and that's just meant to speed things along,
30 and so, talking about Action 1 here, does anyone have any
31 questions about what we have on the board right now?
32

33 **CHAIRMAN MICKLE:** Madam Chair.
34

35 **MS. BOSARGE:** I was thinking about that last one, Option 2f, and
36 I was thinking about -- You know, we got a request a while back
37 to look at some allocations for things that are apportioned,
38 where the South Atlantic might need more of it, and it's the
39 same fishermen on both sides catching the fish.
40

41 **MR. RINDONE:** Yellowtail.
42

43 **MS. BOSARGE:** Yes, and so I was just wondering how complicated
44 does that get? Is there a process you could set up where it
45 would be streamlined, like what we're looking at in the Gulf, if
46 it's set up ahead of time? It might need to be in a separate
47 document if we go down that route, because we would have to
48 confer with them, but is it even possible to set up a

1 streamlined process, where it could be automatic?
2

3 **MR. RINDONE:** I am not saying it's not, but I am saying that it
4 wouldn't be the simplest thing to do. I mean, what you guys
5 wanted more than anything was for this to happen as
6 automatically as possible, and so, as soon as it was known what
7 was going to be left over, you guys wanted that rolled over so
8 that it could be used as soon as it was possible to do so, based
9 on seasons and whatnot, and so, if there is additional
10 conference that needs to be had with the South Atlantic Council,
11 that will take time.

12
13 It would, obviously, require some joint modification to both of
14 our ABC control rules, which would take time still, and I'm not
15 saying that it can't be done, but it definitely takes away from
16 some of the automation, and it certainly delays this document
17 happening, at least for the Gulf.

18
19 **CHAIRMAN MICKLE:** Madam Chair.
20

21 **MS. BOSARGE:** Okay, and so I'm not going to push that issue, but
22 I'm going to ask you to remember that if we ever get into a
23 yellowtail document, that that might be an option that we could
24 look at.

25
26 **CHAIRMAN MICKLE:** Thank you. Mr. Diaz.
27

28 **MR. DIAZ:** Thank you, Mr. Chairman. I was at the South Atlantic
29 Council meeting last week, and they are also looking at a
30 carryover provision. I did mention to them that we had an
31 option in our document that looked at stocks managed jointly
32 with another council, and that is not in their document, and so
33 I don't know that that's something that would have to be
34 complementary or not, but it's not something in their document,
35 and I don't remember them discussing it at their meeting either.

36
37 As I go through these though and I look at them, and I'm just
38 speaking for myself, to get some stuff on the record, the ones
39 that we would except -- I mean, except stocks in an overfished
40 condition, and I would think, to me, that makes sense to not
41 include those.

42
43 Ryan has got a comment in here somewhere, maybe in the document,
44 where it talks about IFQ species, and the IFQ fishermen
45 basically have their IFQs for 365 days that they have to catch
46 that fish, and they can lease it and do some other things with
47 it, and so, to me, I don't know that it makes sense to have the
48 IFQ in here either. Anyway, I'm just getting on the record that

1 2b and 2d seem like ones we would not include.
2

3 **CHAIRMAN MICKLE:** Any discussion to that? No? All right. Any
4 other discussion on Action 1? Mr. Rindone.
5

6 **MR. RINDONE:** One thing that we as staff were considering, and,
7 probably more narrowly, something that Sue and I had talked
8 about on the phone, was perhaps changing the way that Action 1
9 is written, such that Action 1 would be applicable to everything
10 except IFQ species, and then IFQ species would be addressed
11 completely separate from everything else. Either it was going
12 to be done for it or not, and, if it was, how it was going to be
13 done in Action 2, and so we're still having those conversations
14 as an IPT.
15

16 As I'm sure you guys can appreciate, trying to do this for
17 multiple FMPs in a way that is broadly applicable has presented
18 its challenges, and so we may still -- We need some further
19 discussion about that, but I'm just putting that on your radar,
20 that, when you see this again, we might present an alternative
21 way of it being structured, but, generally, what you see is what
22 we're going with right now, and so any feedback from you guys on
23 what you think should be included still or excluded from what
24 you see, we would appreciate.
25

26 **CHAIRMAN MICKLE:** Thank you, Mr. Rindone. I just think it's
27 very hard to be applicable in this situation, because of the
28 different FMPs, and, of course, the IFQ creates a lot of issues.
29 Any other discussion on Action 1? All right, Mr. Rindone.
30 Continue.
31

32 **MR. RINDONE:** All right, and so, moving on to Action 2, and this
33 is parameters for applying the carryover provision to stocks
34 managed under IFQ programs in the Gulf, the important things to
35 note are that any carryover for an IFQ species would not
36 proportionally benefit the shareholder, and so, if I had fifty
37 pounds left over and Paul caught everything, but Paul has a
38 bigger share of the stock that he gets to catch, then a larger
39 portion of my fifty pounds is going to go back to Paul than it
40 is to me, because any carryover amount goes back to the
41 commercial sector as a whole and not the individual shareholder
42 that didn't catch it, and that's just a function of the program.
43 Those uncaught pounds can't go directly back to the fishermen
44 that didn't catch them, and so they would be redistributed by
45 share ownership percentage.
46

47 Also, the IFQ program is specifically designed to avoid ACL
48 closures, and, in effect, there shouldn't be an ACL closure with

1 an IFQ program managed stock, and so there is also a much lower
2 degree of landings and management uncertainty at least assumed
3 with the IFQ programs, and so Alternative 1 says that there
4 would be no additional parameters for IFQ species if they are
5 deemed to be eligible for the program under the control rule in
6 Action 1.

7
8 Alternative 2 says that, if an IFQ program species is eligible
9 for a carryover under Action 1, then the unused portion of the
10 commercial ACL for that species would be carried over to the
11 following fishing year as long as that amounts to an amount less
12 than -- This slide should actually be updated. This is my
13 mistake. Option 2a would be the ABC would be -- It couldn't be
14 any more than 99 percent of the OFL. I am thinking of Action 3.
15 Excuse me. This is correct.

16
17 The unused portion of the commercial ACL for that species would
18 be carried over to the following fishing year so long as it
19 amounts to less than 2 percent, 5 percent, or 10 percent of the
20 commercial ACL, and so this is designed, basically, to say that
21 Alternative 2 is carrying over quota so long as the unused
22 portion is below some threshold, and so making sure that the
23 commercial sector is actually catching enough of the fish to
24 merit doing some kind of carryover, whereas, like right now with
25 red grouper, a lot of the commercial ACL is not being caught,
26 and so this would prevent a carryover in those kinds of
27 instances.

28
29 Then Alternative 3 says that if an IFQ program species is
30 eligible for a carryover under Action 1 that the amount to be
31 carried over to the following fishing year would be equal to
32 either the unused portion of the commercial ACL or 2 percent, 5
33 percent, or 10 percent of the commercial ACL for that species,
34 whichever is less, and so Alternative 3 caps the amount to be
35 carried over at a preset level, and so, again, Alternative 2
36 only institutes a carryover if some portion of the commercial
37 ACL is caught, and Alternative 3 caps that amount to be carried
38 over at some level.

39
40 Just in general, notes about applying the carryover to IFQ
41 species, the grouper-tilefish share categories are set at the
42 ACT and not the ACL, and so, for the grouper-tilefish program,
43 there will always be some portion of the commercial ACL that
44 cannot be captured.

45
46 Red snapper commercially, the commercial IFQ program for red
47 snapper, is set at the ACL, and, again, for IFQ species, any
48 carryover will be by share category and not by individual

1 species, and so, for say the shallow-water groupers and the
2 deepwater groupers, it's for that share category. Red snapper
3 is species-specific, and so that one is a little different. Was
4 that confusing enough?

5
6 **CHAIRMAN MICKLE:** It's getting there. All right. Madam Chair.
7

8 **MS. BOSARGE:** When I was reading this, that kind of jumped out
9 at me, that the grouper-tilefish IFQ is still being managed to
10 an ACT instead of the ACL, and I was thinking about all these
11 carryovers and how sometimes it does get complicated on the
12 commercial side with that IFQ program, and it seems like the
13 more streamlined approach may be to stop managing to an ACT and
14 start managing to an ACL, unless there really is a lot of
15 management uncertainty there in that program still, where we
16 don't feel confident that we can hold to an ACL, and so I guess
17 I'm kind of looking to the NMFS side of the house as to why
18 we're still managing to an ACT under those two IFQ programs.
19

20 **CHAIRMAN MICKLE:** Mr. Atran.

21
22 **MR. ATRAN:** If I remember correctly, I think our ACL/ACT control
23 rule had a provision that if you were managing a stock complex,
24 like shallow-water grouper is a complex and deepwater grouper is
25 a complex, it's possible that an individual fish might exceed
26 whatever its individual ACL would have been even if the complex
27 ACL would not be exceeded, and so there was that slight
28 additional uncertainty when you're dealing with a group of
29 fishes rather than one species, and I think that's why we had
30 the ACT, but, if I remember, it's a very small buffer, like 4 or
31 5 percent.
32

33 **CHAIRMAN MICKLE:** Madam Chair.
34

35 **MS. BOSARGE:** Yes, but, I mean, it's essentially the same amount
36 of buffer as what we're talking about trying to roll over, and
37 so it's kind of -- But anyway, maybe it's something we can take
38 a look at, now that we have enough years under our belt in that
39 program, and see if it truly is a concern. If that happens
40 fairly often, then, yes, it's probably still justified, but, if
41 it's not, then that might be another way to tackle this beast.
42

43 **CHAIRMAN MICKLE:** All right. Are we through Action 2, Ryan?
44

45 **MR. RINDONE:** Yes.
46

47 **CHAIRMAN MICKLE:** All right. Continue on.
48

1 **MR. RINDONE:** All right. Action 3 would establish a fixed
2 buffer between the ABC and the OFL, and this is the one that I
3 had stumbled on earlier. Alternative 1 would not establish that
4 fixed buffer between the ABC and OFL under a carryover
5 provision, which means that a carryover could result in an ABC
6 that equals the OFL, and I am going to paraphrase this, and Mara
7 may want to clarify it, but, essentially, if the ABC is equal to
8 the OFL, and that amount is caught, the Secretary could assume
9 that overfishing occurred, and, if overfishing occurred, the
10 council would be compelled to correct that action immediately,
11 and is that correct? Did I miss part of that?

12
13 **CHAIRMAN MICKLE:** Ms. Levy.

14
15 **MS. LEVY:** Well, just to say that the guidelines say that if
16 there is a situation where the council is recommending that the
17 OFL equals the ABC and the ABC equals an ACL, they're all equal,
18 in terms of how we're going to manage, then the Secretary could
19 presume that the proposal would not prevent overfishing in the
20 absence of sufficient analysis and justification to say
21 otherwise, and so, if you're going to come up with a situation
22 where everything is equal, we need to have sufficient
23 justification and analysis for showing how that is preventing
24 overfishing. Otherwise, the presumption is that it will not.

25
26 **CHAIRMAN MICKLE:** Thank you. Mr. Rindone.

27
28 **MR. RINDONE:** Thank you. That is why we have Alternative 2,
29 which would establish a fixed buffer between the ABC and OFL
30 under the carryover provision, as it's described in Action 1,
31 and a portion of the ACL carried over will be added to the
32 following year's ABC, but it may not exceed a percentage of the
33 overfishing limit, to prevent overfishing.

34
35 If the ABC is greater than a percentage of the OFL before any
36 carryover, then there just wouldn't be any carryover for that
37 year, and so we have Options 2a and 2b, which say the ABC may
38 not exceed 99 or 98 percent of the OFL, and then we put Option
39 2c in there in case you guys wanted to pick some different
40 value.

41
42 The reason why the IPT put in 99 and 98 percent though is that,
43 if you go to the document, on page 24, under Chapter 2.3, Action
44 3, we have this giant table that there was just no possible way
45 that I could fit it on one PowerPoint slide, but, generally
46 speaking, it shows that the buffer that we have between the OFL
47 and the ABC is greater than 2 percent for all the species that
48 are listed there, but the one that is the lowest is lane

1 snapper, at 2.36 percent, and so that's why we just offered 1
2 and 2 and there wasn't like a real specific reason for that.
3

4 If you guys think a larger buffer should be considered, then by
5 all means, but just understand that if the buffer is greater
6 than the buffer which currently exists, then, in a carryover
7 situation, you would be, in effect, reducing the amount that
8 could be retained.
9

10 **CHAIRMAN MICKLE:** Ms. Levy.
11

12 **MS. LEVY:** I understand the reason that the 99 and 98 percent
13 are there, but I don't think that a good justification for
14 selecting the buffer is that it will then allow you to do
15 carryover for everything you have now, meaning there is a reason
16 for the buffer between an ABC and an OFL, and it's to prevent
17 overfishing.
18

19 To the extent you're going to decide on what buffer is
20 appropriate, it should be a reasoned, justified decision about
21 preventing overfishing and not that choosing this means that we
22 can have carryover for 99 percent of our species, and so I would
23 ask that you at least think about what an appropriate buffer is
24 to actually prevent overfishing.
25

26 **CHAIRMAN MICKLE:** Thank you for that. Any other discussion?
27 All right, Mr. Rindone. Madam Chair.
28

29 **MS. BOSARGE:** I have another off-the-subject point to make. The
30 percent difference between OFL and ABC for gray triggerfish is
31 76 percent, and that's a pretty big buffer for scientific
32 uncertainty, and I'm assuming that's what that buffer is for,
33 and I just was going to point it out, because we do have a gray
34 triggerfish stock assessment that is supposed to start in the
35 fourth quarter of 2018, and so I'm not sure if we're going to
36 try and put whatever we need to put into that assessment to
37 reduce that uncertainty, but I sure hope we're working in that
38 direction.
39

40 **CHAIRMAN MICKLE:** Roy.
41

42 **DR. CRABTREE:** That's just more than just uncertainty. That's
43 because you're in a rebuilding plan, and so you have the F
44 rebuild, which is calculated based on what level you have to get
45 down to in order to rebuild, but the OFL is calculated off of
46 FMSY, which is a much bigger fishing mortality rate, and so it's
47 more than just the uncertainty that is involved with this, and I
48 think, with gray triggerfish too, there was an additional issue

1 with what level of recruitment do they use, and then it goes up
2 or down, and so that was a complicated thing, but there was a
3 lot into it.

4

5 If I could, you had asked about the ACT, and that's because we
6 have multiuse allocation in the grouper-tilefish program. For
7 example, there is gag multiuse allocation which could be used to
8 land either gag or red grouper, and the reason we have to do
9 that is because there is formulas in there that control the
10 multiuse, and so that's why that's different than the red
11 snapper program.

12

13 **CHAIRMAN MICKLE:** All right. Thank you. Moving on. Are we
14 finished with Action 3, Mr. Rindone? Are we going to Action 4?

15

16 **MR. RINDONE:** If you guys are finished talking about it.

17

18 **CHAIRMAN MICKLE:** I was going to ask the group. Any other
19 discussion on Action 3?

20

21 **MR. RINDONE:** If anyone wants to look it up, the CFR down there
22 at the bottom is the one that we were referencing for this
23 action.

24

25 **CHAIRMAN MICKLE:** Thank you.

26

27 **MR. RINDONE:** All right, and so Action 4 would modify the
28 framework procedures for Gulf Council FMPs, and Alternative 2
29 would allow the Southeast Regional Office to adjust the ABC, the
30 ACL, the ACT, and the quota for a stock or stock component to
31 account for carryover of the unused portion of the ACL, as
32 derived from the ABC set by the ABC control rule, and so,
33 essentially, this allows the Southeast Regional Office to apply
34 that carryover automatically, and then everything gets updated
35 from there, and this is that automation process that we were
36 talking about that you guys had said that you wanted.

37

38 Alternative 3 would modify the abbreviated framework procedures
39 for the listed FMPs to allow the specification of an ABC
40 recommended by the SSC based on the result of a new stock
41 assessment and using the ABC control rule, and so this just
42 allows us to more quickly update the ABC after a stock
43 assessment, to gain some efficiency in that part of the process.

44

45 There is also Alternative 4, and so, let's bounce to page 26 of
46 the document. Here we have Alternative 4, which would revise
47 the framework procedures for the listed FMPs to have consistent
48 terminology and format and to include changes to the standard

1 framework procedure for coral and coral reefs and spiny lobster
2 regarding accountability measures. The highlighted sections
3 below show the additions to coral and corals reefs in the Spiny
4 Lobster FMPs, and these discuss implementation or changes to in-
5 season and post-season accountability measures, and this is all
6 listed in the highlighted portion there.

7
8 The large view of what Action 4 is talking about is automating
9 the carryover process and abbreviating the process for updating
10 the ABCs following a stock assessment and streamlining all the
11 terminology that we use in our framework procedures and updating
12 the accountability measures portions for corals and spiny
13 lobster, and so most of this is more administrative in nature,
14 but these are things that help facilitate this whole process.
15 Are there any questions on Action 4?

16
17 **CHAIRMAN MICKLE:** None at all? All right. Anything else, Mr.
18 Rindone?

19
20 **MR. RINDONE:** Essentially, what we're looking for is feedback
21 from you guys on what do you like and what do you not like and
22 what do you still want to see. The next thing that we would
23 bring to you guys would be a public hearing draft, and our
24 intention, at this point anyway, would be to have public
25 hearings via webinar, and is that correct? Yes, public hearings
26 via webinar, so that folks can chime in and tell us what they
27 think.

28
29 **CHAIRMAN MICKLE:** Thank you. Kevin.

30
31 **MR. ANSON:** Thank you, Dr. Mickle. Just to carry on a
32 conversation that Dale started around Action 2, I am just
33 wondering is it really necessary or does it provide kind of what
34 we're looking for with the spirit of this particular document?

35
36 As Dale pointed out and then Ryan summarized on the
37 presentation, the IFQ programs pretty much have quota set-aside
38 and the specific users, and, if they have an opportunity to go
39 catch it -- I just don't know, because of the other complexities
40 and how that would get back into the system, and there is an
41 unequal, I guess, sharing, or, for those that weren't able to
42 fish it, it doesn't go back to that fisherman, and it's opened
43 up to everybody, and I am just wondering if maybe we ought to
44 talk a little bit more about that, seeing that we're in a
45 relatively early stage in the document, although much of the
46 language has been written as to whether or not we want to pull
47 that out of the document at this stage. Does anybody else have
48 any comments or want to talk about it, if you're willing, Mr.

1 Chairman?

2

3 **CHAIRMAN MICKLE:** Sure. Does anybody want to discuss that
4 point? Madam Chair.

5

6 **MS. BOSARGE:** I kind of agree with you, in some ways. I think I
7 might have a slightly different suggestion, but, yes, it is a
8 little more complicated sometimes when you look at that, and I
9 agree, especially with something like on red snapper, where it's
10 pretty much fully utilized.

11

12 You are almost splitting hairs when you get into something like
13 that, but then, when I look at something like tilefish, where,
14 because there is an ACT that is being managed to, you actually
15 do -- Like in 2016, you had almost 30 percent of the ACL that
16 was left there that you may want to carry forward, and do you
17 see what I am saying? There is a couple of buffers in there,
18 and that is a much smaller fishery, as far as participants,
19 compared to an IFQ, and so maybe, if you do have somebody that
20 has an issue that can't fish the whole year, like they normally
21 would, there might be an avenue there where you might want to
22 see some sort of carryover, but, like I said, it's a lot more
23 complicated, and you really need to dig down deeper.

24

25 I agree with you that -- Because I know where we're probably
26 trying to go with this document, and it's going to slow it down,
27 and I don't know that I would want to totally throw it away, but
28 I could definitely see pulling it out of this document, and, if
29 we want to put it in a stand-alone document to take up at some
30 point in the future, that's fine, so that we could streamline
31 this and maybe speed it up a little bit, and I think I agree
32 with you.

33

34 **CHAIRMAN MICKLE:** Yes, I agree with that, piecing it out a
35 little bit. Prodding you for information, what would be your
36 suggestion on piecing out which part of it, Madam Chair? My
37 suggestion would be Action 2. Could you all pull up Action 2
38 again, please? Thank you.

39

40 **MS. BOSARGE:** Action 2 speaks only to IFQ species, and so, yes,
41 you would definitely want to pull that out. If that's the route
42 we're going, you would want to pull that out and put it into a
43 separate document that doesn't have to move as quickly as this
44 one, and then there may be one item, possibly, in the other
45 action, if there is one that talks about IFQs, and you may want
46 to pull that out of the document as well.

47

48 **CHAIRMAN MICKLE:** Mr. Rindone.

1
2 **MR. RINDONE:** My understanding would be to pull everything IFQ
3 out, and that would be its own document, and that's what you are
4 -- Okay. The one option out of Action 1, and I think it's
5 Option 2d, and then all of Action 2.
6

7 **CHAIRMAN MICKLE:** Dr. Frazer.
8

9 **DR. TOM FRAZER:** Yes, I would agree with that suggestion, and I
10 think it would streamline the process.
11

12 **CHAIRMAN MICKLE:** That sounds like a motion, a short little one,
13 but could I ping you for a motion, Dr. Frazer?
14

15 **DR. FRAZER:** Sure, and I'm happy to make that motion. I guess
16 the motion is to remove Action Item 2 from this document, and I
17 guess related to that would be the alternative in Action Item 1
18 that relates to IFQ.
19

20 **MR. RINDONE:** It's Option 2d in Alternative 2 in Action 1 and
21 Action 2.
22

23 **DR. FRAZER:** Yes.
24

25 **MR. RINDONE:** In Action 1, to remove Option 2d and to remove
26 Action 2 from -- I know what you guys mean. There is also
27 Option 2c, which says do not allow carryover of unused ACL for
28 stocks other than stock components managed under an individual
29 fishing quota program which did not have an ACL closure, and so
30 what we could do with that is delete that part of that sentence
31 that says "other than stock components managed under an
32 individual fishing quota program", and then we could add
33 language that says that Action 1 is applying to the recreational
34 and commercial sectors excluding IFQ-managed -- Is that okay?
35

36 **DR. FRAZER:** Yes, I think that's what we're trying to get at.
37

38 **MR. RINDONE:** All right.
39

40 **CHAIRMAN MICKLE:** Do we have a second? It's seconded by Mr.
41 Diaz. We have a motion on the board. We have a second. Is
42 there further discussion? Ms. Guyas.
43

44 **MS. MARTHA GUYAS:** I am just not seconding it, because I'm not
45 on the committee, but I just want to make sure that I understand
46 this. This is for IFQ-managed species and not the component, or
47 is it the other way around? That's what I am trying to
48 understand here.

1
2 **CHAIRMAN MICKLE:** Ryan.
3
4 **MR. RINDONE:** Based on the discussion, it's the IFQ components,
5 and so, for instance, recreational red snapper would still be
6 included, but commercial red snapper would be addressed later.
7
8 **CHAIRMAN MICKLE:** Madam Chair.
9
10 **MS. BOSARGE:** Yes, and I think that's where we were all headed
11 with that, and I just -- Because it doesn't say it in the
12 motion, but we're not going to throw away our discussions on
13 trying to look at something for that IFQ component, but it's
14 just going to be in a separate document somewhere down the road,
15 right? Okay.
16
17 **MR. RINDONE:** We have all of our old drafts. We save
18 everything.
19
20 **MS. BOSARGE:** Okay. Beautiful.
21
22 **CHAIRMAN MICKLE:** Mr. Diaz.
23
24 **MR. DIAZ:** I just want to go on the record as agreeing with
25 Chairman Bosarge that if there is a need to go down the road to
26 handle those IFQ components that I would be willing to look at
27 that. Did we vote on this yet? After we vote on it, I want to
28 just ask a question.
29
30 **CHAIRMAN MICKLE:** We have a motion, and we have a second, and we
31 have a little bit of discussion. Any other discussion of the
32 motion on the board? The motion is, in Action 1, to remove
33 Option 2d and to remove Action 2 from the document. **Any**
34 **objection to the motion? The motion passes.** Mr. Diaz.
35
36 **MR. DIAZ:** I am just trying to figure out when this document
37 could potentially impact and actually facilitate a carryover.
38 Either Ryan or maybe Dr. Crabtree, on the path we're on, it
39 looks to me like we're going to take at least another meeting,
40 or maybe two, to settle this document out, and so, in my mind,
41 the first time this could probably impact the carryover would be
42 at the end of 2019, and is that correct, or do you have some
43 other thoughts on that?
44
45 **CHAIRMAN MICKLE:** Mr. Rindone.
46
47 **MR. RINDONE:** My thinking, based on my knowledge of how long it
48 will take this -- You guys figure you will see a public hearing

1 draft the next time, which is August, and that means you could
2 take final action on it in October, and then, if we apply the
3 standard six-month rule from the time that it's transmitted --
4 If we transmit it in late October or early November, once we get
5 it all dressed up and put a bow on it and deliver it to NMFS,
6 it's six months from that point and then it's implemented, and
7 so it would affect the -- It would affect the ABC control rule
8 sometime in the spring of 2019, and the SSC would have to
9 incorporate it into the control rule, and then it could be
10 implemented at that point.

11
12 You would be looking at early to mid-2019 before it was
13 effective, which means that the first fishing years that it
14 could impact -- It just depends on when it becomes effective.
15 Is that about right?

16
17 **CHAIRMAN MICKLE:** Thank you. All right, and so we're ten
18 minutes away from our projected time for this committee. Is
19 there any other discussion? Ryan, do you have any additional
20 materials to present?

21
22 **MR. RINDONE:** No, sir.

23
24 **CHAIRMAN MICKLE:** All right. Thank you. Dr. Frazer.

25
26 **DR. FRAZER:** Just a quick question for Ryan. In that Action 4,
27 where you had Alternatives 2 and 3, I just -- They are not
28 exclusive of one another, right?

29
30 **MR. RINDONE:** No, sir. In Action 4, Alternatives 2, 3, and 4,
31 they all do something different, but they all have their
32 benefits. Alternative 2 in Action 4 allows the carryover
33 process to be automated. That's what all of that language there
34 basically says. Alternative 3 allows us to speed up the process
35 of updating the ABCs after the SSC says this assessment is best
36 science and this is our ABC recommendation, and this allows that
37 to be updated more quickly. Then Alternative 4 makes the
38 language in the framework procedures for all the FMPs more
39 commensurate with one another and also allows for the part in
40 the highlighted section to be updated for the Coral and Spiny
41 Lobster FMPs. They all do different things, but they all have a
42 purpose.

43
44 **CHAIRMAN MICKLE:** Madam Chair.

45
46 **MS. BOSARGE:** Just one other friendly comment. I am thinking
47 about eventually taking this to the public and having them read
48 it and understand it, and that Option 2c in Action 1, where it

1 says don't allow a carryover of unused ACL for stocks which did
2 not have an ACL or quota closure, we only want to -- You have to
3 have some part of unused quota in order to carry it forward, and
4 so it just reads kind of strange.
5

6 I know what you are trying to say. What you are trying to say
7 is for -- Because you explain it later. It says it would
8 exclude stocks which did not have their fishing year closed
9 because the ACL or quota was not met or projected to be met, and
10 so, for those fisheries where we project they are going to meet
11 it, but there is some left over, it turns out, but maybe just
12 wording that a little different for the public, because it does
13 read kind of strangely.
14

15 **MR. RINDONE:** We can do that.
16

17 **MS. BOSARGE:** Okay.
18

19 **CHAIRMAN MICKLE:** All right. Thank you. I guess we'll move on,
20 unless there is any other discussion. All right. Moving on to
21 the 2018 Regulatory Review and Dr. Simmons. This is Tab E,
22 Number 7(a) and 7(b).
23

2018 REGULATORY REVIEW

24 **DR. SIMMONS:** This presentation is pretty similar to what you
25 reviewed at the Full Council at the April meeting. We have
26 struck through some things that we understood that you didn't
27 want to pursue, and so we want to talk in-depth a little bit
28 more about some things that we have reviewed and proposed in
29 here.
30

31 Again, this was a request, again, at the May 2017 Council
32 Coordinating Committee meeting, and other councils are working
33 on this at the same time. This was from an Executive Order to
34 reduce regulation and controlling regulatory costs and also from
35 the Regulatory Reform Task Force from the President.
36

37 The exercise was to review our existing regulations and
38 determine what is outdated and ineffective, and, through the
39 council process, allow the public the opportunity to provide
40 comment and input on those regulations that we have identified.
41

42 Some of the regulations that we identified for possible removal
43 are in the 600.725, the general prohibitions, and these exist
44 for each of the regions, each of the councils, and it's
45 primarily controlled, I think, by NMFS Headquarters, is my
46 understanding, and so this is not even within the Southeast
47

1 Regional Office that handles this particular part of the
2 regulations, the 600s, and so these general prohibitions that we
3 have right now for the golden crab fishery, the octopus fishery,
4 and the marine aquarium fishery -- It lists the fisheries and
5 then the authorized gear types.

6
7 What has come to our attention, in looking through these
8 regulations, is these gears that we have as authorized gear
9 types have often been prohibited or really are invalid, due to
10 the council's various fishery management plans, and so that in
11 itself has caused some confusion, we think, because there is a
12 list of allowable gears, but there is this FMP three years later
13 that said you can't use that gear.

14
15 We are suggesting that this either be more regularly updated,
16 through Headquarters, or that each council perhaps have more
17 control, through the Regional Office, in keeping this up to
18 date, because, for the golden crab fishery, this is really not a
19 valid gear, and so, again, because of the reef fish trap
20 prohibition, that prohibited the golden crab trap fishery, and
21 so that's one suggestion we had.

22
23 The other thing that we identified were the permits and
24 endorsements for the historical captains, and that has already
25 been requested by the council for us to look at that in an
26 abbreviated framework, and we plan to bring that action in
27 August, and that could be -- You could even possibly take final
28 action in August, if you're comfortable with that framework
29 action, and so I think that's well on its way.

30
31 The other one we identified, and I think folks wanted to spend
32 some more time talking about at this council meeting, was the
33 red drum fishery, the permits, the recordkeeping and reporting,
34 and the adjustment of the management measures, and so,
35 currently, these are on the books. Because there is no fishery
36 in federal waters for red drum in the EEZ, staff was thinking
37 that these are -- They are really not being utilized and what is
38 the purpose of having them on the books, and so it was a
39 suggestion, just a suggestion, to remove this from the
40 regulations. Now, this would require a plan amendment if the
41 council did want to pursue this.

42
43 Then I will spend just a little bit of time on the spiny lobster
44 regulations that were identified, because this will be discussed
45 in more detail on Wednesday during the Spiny Lobster Committee.
46 We are currently working on that as well, and we're looking at
47 updating the permits and fees, the vessel and gear
48 identification, the season, and there is some incorporation by

1 reference with FWC that obviously needs a lot of clean-up, and
2 so we're in the process of working on that through Spiny Lobster
3 Amendment 13.

4
5 These, I just wanted to touch on again, these regulations, and
6 we brought them up in April, but the council really didn't seem
7 to have any interest in these, and this was the landing the fish
8 intact, and we thought that was useful and that should remain
9 there, and also the commercial trip limits for king mackerel,
10 the 45,000-pound trip limit for the gillnet fishery. We
11 understand that you did not want to forward these to
12 Headquarters.

13
14 The next steps are to review and approve the list of regulations
15 for removal and cleanup, as you see fit or as modified during
16 committee or Full Council. We have been requested to submit
17 this list by July 2 of this year, and then, if there are certain
18 things that you want to move forward with the actual removal, we
19 will come back with a plan at a future council meeting on how we
20 would go about doing that, the best vehicle, maybe if there's an
21 ongoing action that we could put it in.

22
23 Before we take questions, I just wanted to put up the other
24 document, the Word document, Tab E, Number 7(a). On page 3, and
25 we have forgot to put this in the presentation, and so I
26 apologize. It's on page 3, and it's gear-restricted areas, and
27 I don't think we brought this up in April as well, and I think
28 we forgot about it.

29
30 I just wanted to bring this to your attention. This was one of
31 the other regulations, the reef fish stressed area, and I think
32 this was old and outdated, and we were suggesting that this also
33 be proposed for removal, and so I will stop there for now.

34
35 **CHAIRMAN MICKLE:** Are there questions or comments? Ms. Guyas.

36
37 **MS. GUYAS:** I am not on your committee, again, and so thanks for
38 acknowledging me. I am trying to find in this document here --
39 You have the slide that talks about the marine life fishery and
40 those gears. I assume that's there because it has traps on that
41 list, but Florida, at least, has extended our regulations for
42 marine life into federal waters, and so I think all of those
43 gears, at least off of Florida, are covered in state rule that
44 has been extended into federal waters, and so I don't know if
45 that matters and that means that you would maybe want to remove
46 a bunch of those things from that table, but I just thought I
47 would point that out.

48

1 **CHAIRMAN MICKLE:** Thanks. Madam Chair. Sorry. Dr. Simmons.

2
3 **DR. SIMMONS:** Just real quick, I think we were suggesting only
4 trap, and I apologize for that, but you said you are still
5 allowing traps?

6
7 **CHAIRMAN MICKLE:** Ms. Guyas.

8
9 **MS. GUYAS:** I think there is -- I would have to go back and
10 look, but not specifically for those fisheries, but I think
11 there is a bycatch allowance, in some circumstances, for lobster
12 trap, but we can look through the rule, but my point was all
13 those other gears on there are handled by FWC rule, but we can
14 talk about the trap stuff. Let me see if I can pull up our rule
15 that handles that.

16
17 **CHAIRMAN MICKLE:** All right. Thank you. Ms. Levy, did you want
18 to weigh-in? All right. Madam Chair.

19
20 **MS. BOSARGE:** Just on a couple of different things that you
21 brought up, as far as getting rid of reporting requirements and
22 such for something that we're still managing, especially if that
23 requires another action, regulatory action, to get rid of it, it
24 seems kind of counterproductive, and I wouldn't think you would
25 want to do that, but then the first slide you had with the gear
26 types that are prohibited or allowed, especially since we have
27 the golden crab up there, it might take some clarification from
28 Mara if we --

29
30 Golden crab, non-FMP, authorized gear type is trap, but then we
31 have this whole fish trap definition. I just want to make sure
32 that we don't go and remove something here that we just have to
33 turn around and put something back in place, because we have
34 this EFP underway right now. If that does lead to a fishery --
35 Again, I am just trying not to be counterproductive and take
36 something out that we end up having to go back and put back in
37 down the road if there is some question that it may be usable in
38 the future.

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

41
42 **MS. LEVY:** Right now, it's on the general prohibitions as a,
43 quote, non-FMP fishery, right, and so, to the extent the council
44 develops an FMP that is going to allow golden crab trap fishing,
45 I think we could amend this list. We could ask NMFS to amend
46 the list to indicate that it's now an FMP fishery and what gears
47 are allowed under it.

48

1 I have said before that I understand where staff is coming from,
2 meaning there may be some confusion, but the specific Gulf
3 regulations always trump the general prohibitions here, and so
4 whatever we do in the Gulf regs is what is going to control,
5 and, right now, those traps are considered fish traps, and so
6 they wouldn't be allowed anyway under the Gulf regs, and so all
7 of that would have to change if you decide to allow a golden
8 crab fishery to develop.
9

10 **CHAIRMAN MICKLE:** The EFP is to vet all of that, to see if it's
11 a viable fishery to continue. At that point, I guess, the data
12 would justify the amendment, changing the amendment. Any other
13 discussion? Mr. Diaz.

14
15 **MR. DIAZ:** Carrie, I think you're just looking for a list of
16 things that we're potentially going to get rid of, right? I
17 mean, I think the historical captain thing -- We're on the way
18 to doing that, and I think that probably could make your list,
19 and, if I understand the spiny lobster comments that you had
20 too, we're cleaning up some stuff in spiny lobster that is no
21 longer going to be applicable, and I think that could be on your
22 list, for sure. That's the only two that I really wanted to
23 comment right at the moment. Thank you.
24

25 **CHAIRMAN MICKLE:** Thank you. Anything else? All right.
26 Continue.
27

28 **DR. SIMMONS:** I guess, from a staff perspective, just to go back
29 to the authorized types of gear, that's fine. I understand that
30 we have to have a master list of that, but I just think it's
31 confusing when it's not kept up to date, and, if we're talking
32 about reducing regulatory burden, I think that's where we were
33 coming from when we were making that suggestion, and so if
34 there's any way that we can streamline that process with
35 Headquarters, through the Regional Office, I think that would be
36 helpful, because I don't remember -- Maybe it does say in there
37 right upfront for each region that each FMP trumps that list,
38 but maybe it could be made more explicit, would be my
39 suggestion.
40

41 **CHAIRMAN MICKLE:** Ms. Levy.
42

43 **MS. LEVY:** I don't see anything wrong with the council
44 suggesting updates to the list. I mean, the Act specifically
45 provides for that, that the council can recommend changes to the
46 list of fisheries and authorized gear to NMFS, or to the
47 Secretary, and the Secretary will look at it and promulgate a
48 rule, and so I think, to the extent there are suggestions for

1 changes, that that's appropriate.

3 **CHAIRMAN MICKLE:** Dr. Simmons.

5 **DR. SIMMONS:** Okay. Just so we're clear then, we will not
6 forward the red drum fishery permits and recordkeeping and
7 reporting or adjustment to management measures, and we will not
8 forward the gear-restricted areas, which is specific to the reef
9 fish stressed area. We will keep that in the regulations and
10 not move it forward as a suggestion.

OTHER BUSINESS

14 **CHAIRMAN MICKLE:** Yes. All right. Does that conclude your
15 report, Dr. Simmons? She is nodding yes, and so that takes us
16 to -- Any other discussion on Item Number VII for the Regulatory
17 Review of 2018? All right. That brings us to Other Business,
18 Item Number VIII, and I would open the floor for other items.
19 All right. Without any other items, other business, discussion
20 points, Madam Chair, this concludes the Sustainable Fisheries
21 Committee.

23 (Whereupon, the meeting adjourned on June 18, 2018.)

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