

1 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

2
3 254TH MEETING

4
5 FULL COUNCIL SESSION

6
7 Marriott Beachside Hotel Key West, Florida

8
9 JUNE 10-12, 2015

10
11 June 10, 2015

12
13
14 **VOTING MEMBERS**

- 15 Kevin Anson (designee for Chris Blankenship).....Alabama
- 16 Martha Bademan (designee for Nick Wiley).....Florida
- 17 Leann Bosarge.....Mississippi
- 18 Doug Boyd.....Texas
- 19 Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- 20 Pamela Dana.....Florida
- 21 Dale Diaz (designee for Jamie Miller).....Mississippi
- 22 Myron Fischer (designee for Randy Pausina).....Louisiana
- 23 Johnny Greene.....Alabama
- 24 Campo Matens.....Louisiana
- 25 Harlon Pearce.....Louisiana
- 26 Corky Perret.....Mississippi
- 27 Lance Robinson (designee for Robin Riechers).....Texas
- 28 John Sanchez.....Florida
- 29 Greg Stunz.....Texas
- 30 David Walker.....Alabama
- 31 Roy Williams.....Florida

32
33 **NON-VOTING MEMBERS**

- 34 LCDR Jason Brand.....USCG
- 35 Dave Donaldson.....GSMFC

36
37 **STAFF**

- 38 Steven Atran.....Senior Fishery Biologist
- 39 Assane Diagne.....Economist
- 40 John Froeschke.....Fishery Biologist/Statistician
- 41 Doug Gregory.....Executive Director
- 42 Karen Hoak.....Administrative and Financial Assistant
- 43 Morgan Kilgour.....Fishery Biologist
- 44 Ava Lasseter.....Anthropologist
- 45 Mara Levy.....NOAA General Counsel
- 46 Emily Muehlstein.....Fisheries Outreach Specialist
- 47 Charlene Ponce.....Public Information Officer
- 48 Ryan Rindone.....Fishery Biologist/SEDAR Liaison

1 Bernadine Roy.....Office Manager
2 Charlotte Schiaffo.....Research & Human Resource Librarian
3 Carrie Simmons.....Deputy Director
4

5 **OTHER PARTICIPANTS**

6 Pam Anderson.....Panama City Beach, FL
7 Steve Branstetter.....NMFS
8 Eric Brazer.....Reef Fish Shareholder's Alliance
9 JP Brooker.....Ocean Conservancy, St. Petersburg, FL
10 Shane Cantrell.....Galveston Charter Fleet, TX
11 John Carmichael.....SAFMC/SEDAR
12 Mike Colby.....Clearwater, FL
13 Tim Daniels.....FL
14 Jason Delacruz.....Reef Fish Shareholders Alliance/Gulf Wild
15 Beth Dieveney.....Florida Keys National Marine Sanctuary, FL
16 Michael Drexler.....St. Petersburg, FL
17 Martin Fisher.....FL
18 Richard Gomez.....Key West, FL
19 Ken Haddad.....American Sportfishing Association
20 Chad Hanson.....Pew Charitable Trusts
21 Frank Helies.....Tampa, FL
22 Scott Hickman.....Galveston, TX
23 Mark Hubbard.....FL
24 Van Hubbard.....FL
25 Judi Jamison.....FL
26 Bill Kelly.....Marathon, FL
27 Shelly Krueger.....Key West, FL
28 Kelly Lucas.....MS
29 T.J. Marshall.....
30 Kristen McConnell.....EDF, Austin, TX
31 George Niles.....FL
32 Bart Niquet.....Panama City, FL
33 Chris Niquet.....Panama City, FL
34 Kelli O'Donnell.....NMFS Contractor, Summerland Key, FL
35 Bonnie Ponwith.....SEFSC
36 Joe Powers.....
37 John Schmidt.....
38 George Sedberry.....NOAA
39 Steve Tomeny.....Fourchon, LA
40 Rick Turner.....Marathon, FL
41 Russell Underwood.....Panama City, FL
42 Wayne Werner.....Alachua, FL
43 Daniel Willard.....EDF, Austin, TX
44 Johnny Williams.....Galveston, TX
45

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47
48 The Full Council of the Gulf of Mexico Fishery Management

1 Council convened at the Marriott Beachside Hotel, Key West,
2 Florida, Wednesday afternoon, June 10, 2015, and was called to
3 order at 1:35 p.m. by Chairman Kevin Anson.

4
5 **CALL TO ORDER AND INTRODUCTIONS**
6

7 **CHAIRMAN KEVIN ANSON:** Welcome to the Gulf Council session, the
8 full council session. It is the 254th meeting of the Gulf
9 Council. My name is Kevin Anson, Chairman of the Council. The
10 Gulf Council is one of eight regional councils established in
11 1976 by the Fishery Conservation and Management Act, known today
12 as the Magnuson-Stevens Act.

13
14 The council's purpose is to serve as a deliberative body to
15 advise the Secretary of Commerce on fishery management measures
16 in the federal waters of the Gulf of Mexico. These measures
17 help ensure that fishery resources in the Gulf are sustained,
18 while providing the best overall benefit to the nation.

19
20 The council has seventeen voting members, eleven of whom are
21 appointed by the Secretary of Commerce and include individuals
22 from a range of geographical areas in the Gulf of Mexico and
23 with experience in various aspects of fisheries.

24
25 The membership also includes five state fishery managers from
26 each Gulf state and the Regional Administrator from NOAA's
27 Southeast Fisheries Service, as well as several non-voting
28 members.

29
30 Anyone wishing to speak during public comment should complete a
31 public comment registration card on the back table and drop it
32 in the box or give it to council staff. One card per person,
33 please. A digital recording of the meeting is used for the
34 public record. Therefore, for the purpose of voice
35 identification, each member is requested to identify him or
36 herself, starting on my left.

37
38 **MR. ROY WILLIAMS:** Roy Williams, Florida.

39
40 **MR. DAVE DONALDSON:** Dave Donaldson, Gulf States Marine
41 Fisheries Commission.

42
43 **LCDR JASON BRAND:** Lieutenant Commander Jason Brand, U.S. Coast
44 Guard, District 8.

45
46 **MR. DAVID WALKER:** David Walker, Alabama.

47
48 **MR. JOHNNY GREENE:** Johnny Greene, Alabama.

1
2 **MR. CAMPO MATENS:** Camp Matens, Louisiana.
3
4 **MR. MYRON FISCHER:** Myron Fischer, Louisiana.
5
6 **MR. JOHN SANCHEZ:** John Sanchez, Florida.
7
8 **DR. PAMELA DANA:** Pam Dana, Florida.
9
10 **MS. MARTHA BADEMAN:** Martha Bademan, Florida.
11
12 **MS. MARA LEVY:** Mara Levy, NOAA Office of General Counsel.
13
14 **DR. STEVE BRANSTETTER:** Steve Branstetter, NOAA Fisheries.
15
16 **DR. BONNIE PONWITH:** Bonnie Ponwith, NOAA Fisheries.
17
18 **DR. GREG STUNZ:** Greg Stunz, Texas.
19
20 **MR. LANCE ROBINSON:** Lance Robinson, Texas.
21
22 **MR. DOUG BOYD:** Doug Boyd, Texas.
23
24 **MS. LEANN BOSARGE:** Leann Bosarge, Mississippi.
25
26 **MR. DALE DIAZ:** Dale Diaz, Mississippi.
27
28 **MR. CORKY PERRET:** Corky Perret, Mississippi.
29
30 **EXECUTIVE DIRECTOR DOUG GREGORY:** Doug Gregory, council staff.
31
32 **CHAIRMAN ANSON:** I think we have a person -- Mr. Pearce, are you
33 on the phone? Harlon, are you online? All right. He might
34 call in in a minute. Next, it's the Adoption of the Agenda and
35 do I have anyone with any changes to the agenda?
36
37 **ADOPTION OF AGENDA**
38
39 **MS. BADEMAN:** I just want to talk for a minute about barracuda.
40
41 **CHAIRMAN ANSON:** We can do that at the end?
42
43 **MS. BADEMAN:** Sure, whenever you want to do it. It will just
44 take a minute.
45
46 **CHAIRMAN ANSON:** That will be on Friday at the end.
47
48 **EXECUTIVE DIRECTOR GREGORY:** I would like to add to Other

1 Business a discussion of MAFAC. They are asking for new
2 nominees and stuff this year and I just wanted to bring that to
3 everybody's attention.

4
5 **CHAIRMAN ANSON:** Yes and I want to -- I would like to include,
6 after the Approval of the Minutes and before EFPs, I would like
7 to go ahead and announce the membership to the SSC and AP, the
8 Reef Fish AP. Any other changes to the agenda? Do I have a
9 motion to adopt the agenda with those changes?

10
11 **MR. PERRET:** So moved.

12
13 **MR. DIAZ:** Second.

14
15 **CHAIRMAN ANSON:** We've got Mr. Perret that made the motion and
16 Mr. Diaz seconded. Anyone in opposition to the motion? Seeing
17 none, the motion is approved. We have Approval of Minutes from
18 the last meeting and are there any changes to the minutes?
19 Seeing none, is there an adoption to approve the minutes as
20 written?

21
22 **APPROVAL OF MINUTES**

23
24 **MS. BOSARGE:** So moved.

25
26 **CHAIRMAN ANSON:** Ms. Bosarge made the motion and Mr. Greene
27 seconds. Anyone in opposition to the motion? Seeing none, the
28 minutes are approved. Next, that brings us to the SSC
29 membership and so for -- Do we have it up on the board as well?

30
31 **ANNOUNCEMENT OF SSC PANELISTS AND REEF FISH AP MEMBERS**

32
33 For Standing SSC, the members are Lee Anderson, Luiz Barbieri,
34 Harry Blanchet, Benjamin Blount, Mary Christman, Bob Gill, David
35 Griffith, Jack Isaacs, John Isely, Walter Keithly, Lisa Landry,
36 Kai Lorenzen, Paul Mickle, Will Patterson, Joe Powers, Sean
37 Powers, Kenneth Roberts, Steven Scyphers, Robert Shipp, and
38 James Tolen.

39
40 For Spiny Lobster SSC, we have Ryan Gandy, John Hunt, and Sherry
41 Larkin. For Socioeconomic SSC, we have Matthew Freeman, Steve
42 Jacob, Sherry Larkin, and Gabriella Stocks. For Shrimp SSC,
43 Richard Burris, Ryan Gandy, Leslie Hartman, Jeffrey Marx, James
44 Nance. Reef Fish SSC, Jason Adriance, James Drymon, Robert
45 Ellis, Jennifer Herbig, John Mareska. Red Drum SSC, Jason
46 Adriance, Robert Leaf, Susan Lowerre-Barbieri, Emily
47 Satterfield.

48

1 For Coastal Migratory Pelagic SSC, Jason Adriance and Melissa
2 Recks. For Coral SSC, Sandra Brooke, Walter Jaap, Judith Lang,
3 Richard Ruzicka, Paul Sammarco, George Schmahl.

4
5 **MR. FISCHER:** Do you think it's possible that staff could email
6 that out to members now?

7
8 **CHAIRMAN ANSON:** I think it's possible, yes. They will also be
9 putting these lists on the website as well, but they can I think
10 send out the individuals that were selected as well.

11
12 That takes us to the Other Business that was taken care of in
13 closed session the other day and that's the Reef Fish AP. For
14 the Reef Fish AP, the members are Ralph Allen, Pamela Anderson,
15 Patrick Bennett, Jane Black, James Clements, Jason Delacruz,
16 Francis Eicke, James Eliason, George Eller, Martin Fisher, Troy
17 Frady, Buddy Guindon, Scott Hickman, George Huye, Chris Jenkins,
18 David Krebs, Michael Nugent, Mike Thierry, Thomas Turke, Ed
19 Walker, James Whitfield, Troy Williamson, and Jim Zurbrick.
20 Next on the agenda is Review of and Vote on Any Exempted Fishing
21 Permits. Dr. Branstetter, are you going to handle that?

22
23 **DR. BRANSTETTER:** We have none this time, Mr. Chairman.

24
25 **MR. HARLON PEARCE:** Can you hear me?

26
27 **CHAIRMAN ANSON:** Mr. Pearce, you're there. Go ahead and can you
28 recognize yourself, please?

29
30 **MR. PEARCE:** Thank you, Mr. Chairman. We had a little technical
31 difficulty, so to speak. Harlon Pearce from the great state of
32 Louisiana and the delicious city of New Orleans, reporting for
33 my last tour of duty on this great council.

34
35 **CHAIRMAN ANSON:** Thank you, Mr. Pearce. That will take us to
36 our presentations and so first on the agenda is Mara and Review
37 Changes from Proposed to Final Rule Implementation of the Gulf
38 Aquaculture FMP. Are you ready to give that? You can go ahead.
39 Thank you.

40
41 **PRESENTATIONS**
42 **REVIEW CHANGES FROM PROPOSED TO FINAL RULE IMPLEMENTATION OF THE**
43 **GULF AQUACULTURE FMP**

44
45 **MS. LEVY:** Thank you and I don't really have a presentation.
46 There is the document in your briefing book, Tab A, Number 6.
47 It's up on the screen and it's basically my attempt to summarize
48 and explain changes from the proposed rule that the Fisheries

1 Service is considering that are based on review of public
2 comment and other internal review.

3

4 I just wanted to give this document to you and just go through
5 them fairly quickly, so that everyone is aware of what the
6 changes are. Just a little historical perspective is we're
7 talking about the Aquaculture FMP that was approved by operation
8 of law in 2009 and last August the Fisheries Service promulgated
9 proposed rules to implement the FMP and so right now the
10 Fisheries Service is in the process of preparing the final rule.

11

12 There are a total of fourteen and the first three go towards the
13 definitions section in the proposed rule and none of these
14 really change anything substantive about what's in the FMP or
15 what was proposed, except maybe the last one, which I will talk
16 about in a little more detail, but the first three, as I said,
17 go to the definition.

18

19 The first one relates to the term "genetically-modified
20 organism" and that's the term that was used in the FMP and in
21 the proposed rule with a specific definition and the agency got
22 a number of comments from the Food and Drug Administration as
23 well as other people asking that this definition be modified or
24 that this term be changed to "genetically-engineered animal",
25 which is a more precise term.

26

27 There are actually two terms in the proposed rule, genetically-
28 modified organism and transgenic, but the agencies looked at
29 this and determined that the term "genetically-engineered
30 animal" actually encompasses both of these other terms and so
31 it's going to take the place of genetically-modified organism
32 and transgenic and we're just going to use this one term, but
33 it's not changing the substance of what that means in the rule.

34

35 Number 2 and Number 3 deal with the definition of aquaculture
36 and aquaculture facility and it's a fairly minor change,
37 changing an "and" to an "or" with relate to what aquaculture
38 means.

39

40 The proposed definition said that aquaculture means a number of
41 activities, including those involved in propagation and rearing
42 and we are just changing that to "propagation or rearing", to
43 make it clear that it can be either one of those activities and
44 you are still engaging in aquaculture.

45

46 Similar to that, in the definition of "aquaculture facility",
47 there is language about an aquaculture facility being something
48 that holds, propagates, and rears these animals and we are

1 changing the "and" to the "or", just to make it clear that
2 they're not -- It can be either one of those.

3
4 In Number 4, it talks about adding a prohibition which was not
5 proposed that states that it's unlawful to land allowable
6 aquaculture species at non-U.S. ports unless first landed at a
7 U.S. port. This is in the FMP, but the language was not in the
8 codified text as proposed.

9
10 The explanation there is just basically explaining why it was
11 reasonably foreseeable that this was what we should have
12 proposed and the idea that if you're a dealer -- If you have one
13 of these dealer permits, because we require both the permits to
14 sort of operate the facility and then we have aquaculture dealer
15 permits and those are the people that are allowed to first
16 receive these aquaculture fish.

17
18 The requirement for those permits are that you have a valid
19 wholesale license from the state in which you operate, if that's
20 required, and that you have to have a physical facility in that
21 state, which implies that you're in the U.S. This really isn't
22 anything new and we're just making it very clear that they have
23 to be landed -- That they cannot be landed at a non-U.S. port
24 first.

25
26 The fifth change that's listed on there is originally as
27 proposed the -- If someone wanted to apply for an aquaculture
28 permit, they had to submit to the Fisheries Service a copy of
29 the Army Corps permit that they need to actually have the
30 facility in the water and the EPA permit that they're going to
31 have to have as well to operate this facility, but after
32 reviewing this, the Fisheries Service decided that really what
33 we need is these other permits before we actually issue the
34 aquaculture permit and so we don't really need it at the
35 application stage, but before it's issued.

36
37 There is a lot of work that's going on behind the scenes between
38 the different agencies to come up with a process that will allow
39 an applicant to sort of get all these permits at the same time,
40 so they're not sort of having to go apply for the same sort of
41 thing at all these different agencies and give the same
42 information. The idea was that if we require it before we
43 actually issue the permit that that allows that process to
44 actually be complete. They don't have to go through those other
45 processes first.

46
47 The sixth change was a change that we mentioned and it's in both
48 the FMP and the preamble to the proposed rule, but it was not

1 actually in the codified text and there are a number of those in
2 here, which is in the explanation box. There were some
3 instances where we explained in the preamble where we go over
4 what we're doing that this is what the FMP required and this is
5 what the rule requires, but then there was an oversight and that
6 language was not actually added to the codified text that's
7 going to be in the regulations and so that's one of these and
8 it's language about the brood stock needing to come from the
9 same population or subpopulation where the facility is located.

10
11 Like I said, that was in the FMP and we have discussed it in the
12 preamble, but we just didn't put it in the codified text and so
13 that would be put in during the final rule stage.

14
15 The seventh change on here is just a very minor change. In the
16 proposed rule, it says that one basis for denial of a permit is
17 significant risk to the well-being of wild fish stocks, but the
18 well-being part is sort of superfluous and doesn't add anything
19 and so all the Fisheries Service is going to do is remove that,
20 so that it will say that NMFS may deny a permit that would pose
21 significant risk to marine resources and that's not substantive
22 at all.

23
24 The eighth change isn't substantive either. The Fisheries
25 Service is just going to be changing the term "baseline
26 environmental assessment" to "baseline environmental survey" and
27 the reason for that is that we got a number of public comments
28 that read baseline environmental assessment and associated that
29 with NEPA, like when we do an environmental assessment under
30 NEPA, and that's not what this is talking about.

31
32 This is talking about what folks need to do and what they need
33 to submit for their application in terms of giving the agency
34 the information about the water and the sediment and all of that
35 sort of thing and so all the Fisheries Service is thinking about
36 doing is changing that term to be "baseline environmental
37 survey", but it means the exact same thing.

38
39 Number 9 was another one of those things that's in the FMP and
40 was discussed in the preamble to the proposed rule, but it just
41 did not make it into the codified text of the proposed rule and
42 that's to require that permittees maintain and make available to
43 NMFS or authorized officers a written or electronic daily record
44 of the number of cultured animals introduced into and the number
45 of pounds and average weight of fish removed from each
46 aquaculture system for the most recent three years. Again, we
47 discussed this and we just need to stick it in the codified
48 text.

1
2 Number 10 is another one that is also in the FMP and was
3 discussed in the preamble and that's a requirement for
4 permittees to specify or to record the date, time, and weight of
5 cultured animals to be harvested and report this information to
6 NMFS at least seventy-two hours prior to harvesting cultured
7 animals from the facility and so it's a notice requirement and
8 we need to add that to the codified text.

9
10 Number 11, again, deals with the type of documents that
11 permittees are required to keep the original of or copies of
12 purchase invoices of feed.

13
14 This was discussed in the preamble of the proposed rule, but it
15 wasn't put in the codified text, because at the time the
16 proposed rule was published, NMFS referred to the EPA, the
17 Environmental Protection Agency, regulations that cover feed
18 reporting requirements and thought that that would have the same
19 requirement and didn't want to be duplicative and require people
20 to comply with two agencies' record keeping requirement, but
21 after further review, they determined that the EPA regulation
22 actually doesn't do this and so it's going to get added to the
23 codified text.

24
25 Number 12 is just a clarification that the floating devices that
26 are used to mark the restricted access zone that's required have
27 to be authorized by the U.S. Coast Guard and so it's just to
28 make clear that that's a Coast Guard requirement.

29
30 Then 13 has to do with the term "landed ashore" versus "offload"
31 and so in the FMP and in the codified text of the proposed rule,
32 it states that species cultured at an aquaculture facility must
33 be, quote, landed ashore between a certain time and it's kind of
34 like the IFQ program, between 6:00 A.M. and 6:00 P.M., but the
35 preamble to the proposed rule talked about having to offload
36 between that time.

37
38 After looking at the IFQ regulations and the difference between
39 landed ashore and offload, NMFS determined that using the more
40 precise term of "offload" in this context is consistent with the
41 objective of the requirement, which is to aid enforcement and to
42 make sure somebody is there when the fish are actually getting
43 offloaded of the vessel, but it also allows vessels the
44 flexibility to arrive at the dock anytime, because landed can be
45 arriving at the dock or offloading and so if you restrict
46 landing to a certain period of time, then you're sort of
47 stopping vessels from getting to the dock. This way, they can
48 land, but they just can't offload unless they are within that

1 time period.

2
3 The last one has to do with the definition of "significant
4 risk". When the council -- This was a definition that the
5 council reviewed and deemed as necessary and appropriate in
6 February of 2013 and so when the council first submitted this
7 plan for secretarial review and implementation and deem the
8 codified text, like I said, that was back in 2009 and so there
9 were a lot of intervening factors that happened.

10
11 Then when NMFS was going forward with proposing the rule, there
12 were some things that they wanted to change with respect to the
13 codified text and one of those things was adding a definition of
14 what "significant risk" meant.

15
16 The agency came back to the council in 2013 and went over the
17 changes to the codified text and the council deemed those as
18 necessary and appropriate and in this particular case,
19 significant risk, part of the meaning was likely to adversely
20 affect endangered or threatened species or their critical
21 habitat. That was a piece of it.

22
23 When we published the proposed rule in the Federal Register,
24 this definition was changed with respect to that and said,
25 instead of "likely to adversely affect", it said "likely to
26 jeopardize the continued existence of endangered or threatened
27 species or adversely modify their critical habitat" and that's a
28 much different standard than what was originally proposed.

29
30 There was some public comments on that and NMFS actually had
31 something in the proposed rule that expressly asked for public
32 comments on this part of the definition and so the Fisheries
33 Service is considering going back to the original definition
34 that was deemed by the council in 2013 and so it would no longer
35 be "likely to jeopardize the continued existence of" and it
36 would be "likely to adversely affect".

37
38 That is a review of the changes. I went through that rather
39 quickly, but you did have it in your briefing book and I think
40 hopefully the explanations are pretty self-explanatory. If
41 anyone has any questions, I would be happy to answer them.

42
43 **MS. BADEMAN:** Mara, is there going to be another opportunity for
44 folks to comment on some of these changes? We have some
45 concerns about that FDA definition of "genetically-engineered
46 animal" and I am just trying to figure out what the best way for
47 us to move forward would be.

48

1 **MS. LEVY:** The comment period on the proposed rule closed. If
2 you have any comments that you want to raise at the council
3 meeting, I would be happy to take those back to the agency with
4 respect to that, because I am here to fulfill the requirement
5 that we consult with this body on changes from proposed to final
6 rule.

7
8 If you have something specific about that, that would be
9 appropriate. I believe in the final rule that you can still
10 comment on the final rule, but obviously at that time it's final
11 and so it's not necessarily -- I mean not to say it couldn't be
12 changed in the future, but I would be happy to take any comments
13 that you have back.

14
15 **MR. PERRET:** Mara, thank you very much for that presentation.
16 Mr. Atran may be the only one here -- My memory is not that
17 good, but here is a good example of the process. Do you recall,
18 Steve, when we first started working on this aquaculture
19 amendment? We approved it in 2009 and is that right? This is
20 2015 and we probably started on it in 2006 or so?

21
22 **MR. STEVEN ATRAN:** I think it was before that. Do you recall
23 when Joe Hendrix was appointed to the council?

24
25 **MR. PERRET:** Joe Hendrix, yes, I remember. I've got Joe's name
26 written down and I hope he is still around and will see that one
27 of these days it will be finally approved, but this is the
28 process that we have gone through for this. We started in 2005,
29 maybe, and here we are in 2015, but thank you for that
30 presentation.

31
32 **CHAIRMAN ANSON:** Any other questions for Mara? All right.
33 There was one thing that I thought Dr. Branstetter was going to
34 mention under the EFPs and he did not and so I would like to go
35 back to that and, Dr. Branstetter, if you could just give a
36 summary of an EFP that you all had made a decision on recently.

37
38 **REVIEW OF EXEMPTED FISHING PERMITS**

39
40 **DR. BRANSTETTER:** Yes, sir. Back in March, the State of
41 Mississippi submitted an EFP to our office requesting us to
42 exempt them from the prohibition of harvest of red drum in
43 federal waters.

44
45 They proposed to have their charter boat fleet opportunistically
46 sample adult red drum in federal waters off of Mississippi to
47 increase the biological data for a stock assessment. During
48 March, we sent the application to the council, to all five Gulf

1 states, to the Coast Guard, and to the Fisheries Science Center
2 to ask for their input and feedback on the proposal.

3
4 We also announced that we would take public comment on this for
5 thirty days. During the thirty-day comment period, more than
6 2,700 comments were received. The council and the State of
7 Alabama submitted letters in support as well as a congressman
8 from the state of Mississippi. However, the comments from the
9 general public were overwhelmingly opposed to the activity that
10 would allow a select group to have access to red drum while the
11 private anglers would not.

12
13 The State of Louisiana opposed the application, noting that it
14 probably was better to do such a sampling effort through or
15 develop fishery regulations through the council process and they
16 also felt that it would be of limited utility for a Gulf-wide
17 assessment.

18
19 The Science Center also suggested that the data collected from
20 the survey would probably have little utility for an assessment
21 of Gulf-wide and recommended that they try to follow the same
22 protocols as the current fishery-independent surveys that are
23 sampling adult offshore red drum and based on all of these
24 comments and the rationale provided in the comments, our office
25 denied it and on June 5, we sent a letter back to Mississippi
26 denying the application.

27
28 **CHAIRMAN ANSON:** Thank you, Steve.

29
30 **MR. PERRET:** Steve, can you enlighten us a little on the bulk of
31 those 2,700 comments against? Were those the form emails that
32 you press a button and I'm for or against it?

33
34 **DR. BRANSTETTER:** Yes, the vast majority of them were an email
35 campaign.

36
37 **MR. PERRET:** The vast majority were just a form email and press
38 a button and it goes?

39
40 **DR. BRANSTETTER:** Correct. They were slightly modified in many
41 cases, but they contained a lot of the base text that was
42 offered in the email campaign.

43
44 **MR. PERRET:** The State of Louisiana's objection was from the
45 Department?

46
47 **DR. BRANSTETTER:** Yes, sir.

1 **MR. PERRET:** Department or Commission? Do you know? That's the
2 same commission that said Louisiana has got nine miles to go
3 fishing.

4

5 **DR. BRANSTETTER:** It came from Barham's office.

6

7 **MR. PERRET:** Okay. That's the Department. Thank you.

8

9 **MR. DIAZ:** I mean I just want to comment. Naturally we are
10 disappointed that the EFP was disapproved. I did read the
11 letter and I do understand it. I know some of the comments that
12 I personally got I hope were not taken into consideration,
13 because I think some of the traffic that I had seen on it, a lot
14 of people thought that this was the vast amount of the brood
15 stock that was going to be used for research, when in reality we
16 was only talking about 2,000 fish and about 15,000 pounds per
17 year over a two-year period of a stock where we're harvesting
18 about nineteen-million pounds and I don't know how that got a
19 head of steam behind it.

20

21 As a state, we are very interested in trying to do some research
22 and we may come back with a different EFP in the future. We do
23 have red drum stock that we manage in the State of Mississippi,
24 in our waters, and under our current sampling programs, we do
25 not see certain sized red drum and we cannot include them in our
26 assessments and so we are going to evaluate and look and see if
27 there's another way to try to get this data.

28

29 I do want to respond to the using a select group. I understand
30 that comment, but you know when we came to the council, we said
31 we were going to use folks that had the federal permit, where we
32 had a group that we could monitor and stay on top of and make
33 sure that we did it appropriately and so I mean our -- Part of
34 our rationale for using that group is because we had a defined
35 universe of people that we could make sure that we could
36 officially control and make sure that the permit was executed
37 properly.

38

39 We are disappointed and we look for some guidance in the future
40 on how to move forward and we're willing to spend some of the
41 resources of the State of Mississippi to collect this data and
42 we'll be looking for some guidance from some folks on how to do
43 that in the future.

44

45 **MR. PEARCE:** Mr. Chairman, I am disappointed too, because any
46 data is better than no data at all and I think the State of
47 Mississippi really put a good program together that would help
48 us get to the size fish that they don't get in their normal

1 datasets, but I also talked to a bunch of the charter boats in
2 Louisiana and they were concerned about taking fish off of the
3 coast of Mississippi and how it might affect them and I asked
4 the charter guys in Louisiana -- I said, well, how many fish a
5 day are you taking in Louisiana as a charter boat and they said
6 it's well over thousand and I said you're talking about a
7 thousand fish a year in Mississippi, where we're taking well
8 over a thousand fish a day in Louisiana.

9
10 So I mean the reference to even coming close to affecting the
11 stock in the federal waters is just ludicrous and we also know
12 that it doesn't take a lot of redfish to propagate the whole
13 doggone Gulf with the number of eggs that they lay, but that's
14 beside the point.

15
16 I think that maybe the utility of the data wouldn't be great for
17 a stock assessment, but any data we get on red drum is better
18 than the data we have and it disappoints me that we don't take
19 this opportunity to do a very small program that could do a lot
20 for the State of Mississippi.

21
22 **MS. BOSARGE:** I hope that in the future too as we evaluate some
23 of these permits -- The thing that I liked about this permit, as
24 someone coming from business and industry, was that we wanted to
25 gather some data, scientific data, on these fish. Well, we're
26 going to kill these fish in order to do that and at least we
27 were going to take those fish that we were going to kill and
28 find a way to allow the people that own that resource, the
29 citizens of the United States, to enjoy it at the same time, to
30 allow recreational fishermen to catch that fish and then we'll
31 use it for data purposes and I thought that was an amazing use
32 of our resource to be able to multitask and get two things from
33 it at the same time and so hopefully that will be taken into
34 account in the future.

35
36 **CHAIRMAN ANSON:** All right. Thank you. Continuing on with the
37 agenda, that will take us to the Florida Keys National Marine
38 Sanctuary Issues and, Ms. Dieveney, welcome.

39
40 **PRESENTATIONS (CONTINUED)**

41 **FLORIDA KEYS NATIONAL MARINE SANCTUARY ISSUES**

42
43 **MS. BETH DIEVENEY:** Thank you and good afternoon. Sean Morton,
44 Sanctuary Superintendent, sends his regrets, but he is in
45 Washington, D.C., participating in Capital Hill Ocean Week
46 activities.

47
48 I am here to just give a brief update on recent activities of

1 the Florida Keys National Marine Sanctuary, which primarily what
2 I am going to share is information related to our current
3 activities to review and potentially update our management plan,
4 associated regulations, and marine zones.

5
6 I will go through the beginning rather quickly, because it's a
7 lot of the background of the Sanctuary and the existing
8 Sanctuary regulations, and spend a little more time on the
9 specific issues that might be of interest to this commission.

10
11 Here is just a general map of the Florida Keys National Marine
12 Sanctuary. The boundary is the broad line in blue, if you can
13 make that out. The Sanctuary was established in 1990 by
14 congressional act and in 1997, the first management plan was put
15 in place and that included regulations and marine zones.

16
17 In 2001, the first major modification was made, which was the
18 addition of the Tortugas Ecological Reserve, and so what we're
19 currently doing right now is a comprehensive review of that 1997
20 management plan. Some of the resources that the Sanctuary
21 protects and manages are obviously the ecosystems, the habitats,
22 the coral reef ecosystems, as well as submerged cultural
23 resources.

24
25 Some of the things that both the Sanctuary and the National
26 Wildlife Refuge regulate include dumping and discharges; certain
27 fishing activities in certain places; vessel speed; personal
28 watercraft use; vessel access in certain places; marine
29 construction; dredging and other impacts to the seafloor; oil
30 and gas exploration and development; touching, standing,
31 impacting coral and other listed species; diving; snorkeling;
32 and marine life aquarium collection. This is just a very
33 general list of some of the items we regulate Sanctuary-wide.

34
35 Next, this is our existing marine zoning plan and this is one of
36 the things that we are reviewing. We clearly have the entire
37 Sanctuary is a marine area protected and Sanctuary-wide
38 regulations and we also have existing management areas and these
39 are areas that were designated prior to the 1990 designation,
40 National Wildlife Refuges, the Key Largo, and Looe Key existing
41 Sanctuary areas.

42
43 In 1997, the next areas were identified for zoning and those are
44 Sanctuary preservation areas generally set aside to reduce
45 conflicting uses between diving and fishing; ecological reserves
46 protecting the broad ecosystem services in that area; wildlife
47 management areas, primarily nearshore shallow areas to protect
48 the wildlife and generally restrict the type of access you can

1 do using vessels. No motor idle speed and the like.

2
3 Special use areas, there are four and those have primarily been
4 used for research and, finally, the area to be avoided, which is
5 it excludes large ships over fifty meters.

6
7 Since 1997, a lot of research, data, and information has been
8 collected and this was compiled and released in a 2011 Sanctuary
9 Condition Report. Over forty scientists contributed and it's
10 peer reviewed and it looks at ecosystem conditions, pressures,
11 trends on those ecosystem conditions and, importantly, what
12 management actions are being taken to address those pressures
13 and trends as well as what can be done.

14
15 This condition report is really the foundation and what kicked
16 off this review. How are we doing and where might we make
17 improvements?

18
19 Why conduct an overview? Clearly community interest. We have
20 had these regulations in place since 1997 and we have learned a
21 lot from that time. A lot more science is available and new
22 emerging threats, as well as it's required both by NOAA, the
23 National Marine Sanctuary Act, as well as the National Wildlife
24 Refuge.

25
26 This process is being led or has been led by for the last
27 several years our Sanctuary Advisory Council, which is a
28 voluntary community advisory council that is charged with two
29 things. One is giving advice to the Sanctuary on management and
30 two is serving as a liaison between the community and the
31 Sanctuary and so we really use this body as a group to provide
32 what the community is looking at and what the needs are and
33 where we should go.

34
35 The list here shows the breadth of representatives on the
36 Advisory Council. There are twenty members with twenty
37 alternate members and we have, just to give an example, the
38 boating industry, citizen at large, education, diving, tourism.

39
40 For the fishing representation, we have charter fishing,
41 commercial fishing, recreational fishing. In recreational
42 fishing, both charter and flats guide and marine life collection
43 and so a broad range of representation. On the Advisory
44 Council, we also have ten non-voting local, state, and other
45 federal agency members.

46
47 This slide, I will go over this a little bit more in detail at
48 the end, but I just have this up here now to show the process

1 and the long timeline of this effort. As I noted, it really
2 started in 2011 with the release of the condition report and the
3 Advisory Council kicked off the review in 2012. We are
4 currently now in 2015, summer of 2015, in the yellow box, where
5 Sanctuary staff is currently reviewing everything that has come
6 in from the public, from the Advisory Council, in developing a
7 draft environmental impact statement for what potential
8 modifications to our management plan.

9
10 To get into specifics, these are the nine priority items that
11 the Advisory Council identified to look at for review through
12 this process. I am going to talk about three in particular that
13 I feel might be of most interest and value to this commission.

14
15 The first one is the shallow-water wildlife and habitat
16 protection priority; the next is Number 3, ecosystem protection,
17 ecological reserve preservation areas, and wildlife protection;
18 and the next is Number 6, study areas and boundary
19 modifications.

20
21 Those three are those that affect the marine zoning of the
22 Sanctuary, either Sanctuary-wide boundary, or specific zones
23 within the Sanctuary and so the first two, the shallow-water
24 wildlife and habitat protection and the ecosystem protection,
25 the Advisory Council had three community working groups looking
26 at these issues and these are the specific marine zones within
27 the larger Sanctuary boundary and just as the Advisory Council
28 is a community advisory body, the Advisory Council had three
29 community working groups reviewing information and providing
30 advice and input to the Advisory Council, who then advises the
31 Sanctuary.

32
33 This list here shows the representation that sat on those
34 working groups. It included people from the Advisory Council
35 and people from the general public throughout the Florida Keys
36 region.

37
38 This slide shows the main charge to those working groups. The
39 Ecosystem Protection Working Group was charged with reviewing
40 the zones that are put in place to address ecosystem-level
41 protections and so generally the ecological reserves, Sanctuary
42 preservation areas, and special use areas.

43
44 The Shallow-Water Wildlife and Habitat Protection Working Group
45 was charged with evaluating the zones for habitat and wildlife
46 protection. These are the smaller near-shore boating
47 restriction type of zones to protect wildlife and habitat. They
48 were also charged with identifying concentrated uses that may be

1 harming resources, for example priority congregation areas,
2 high-use marine events. As well, they evaluated potential
3 impacts for marine salvage activities.

4
5 Both of these working groups met over a series of -- One working
6 group met over a series of seven months and the other working
7 group met over a series of about fifteen months and they met for
8 a lot of time and considered a lot of data and information and
9 here is just a sampling of the natural resource data and
10 information that they were provided with and deliberated about.
11 Both our state partners and other agency partners helped to
12 facilitate this process.

13
14 They also looked at a suite of human use data and information
15 related to both commercial and recreational fishing,
16 recreational diving, and then some impact datasets from vessel
17 groundings, marine debris, and prop scarring.

18
19 With all of this information, they have provided recommendations
20 to the Advisory Council that the Advisory Council has considered
21 and forwarded on to the Sanctuary for consideration and just
22 real briefly, and I can go into a lot more specifics offline if
23 anyone is interested, and all of this information is available
24 on our website, but very quickly, the Ecosystem Protection
25 Working Group looked at twenty-four existing zones altogether
26 and of those, they recommended modifications to eleven of those
27 zones and those could be minor spatial area changes or
28 modifications to the regulations of activities allowed in those
29 zones.

30
31 They did recommend slight modifications to the Sanctuary
32 boundary as well as to the area to be avoided. They proposed
33 seven new marine zones. These are largely smaller zones to
34 capture additional ecosystems that are not adequately captured
35 in the current marine zoning scheme or other sensitive areas and
36 habitats that they felt needed additional protection. They also
37 recommended removing certain exceptions in four of the existing
38 marine zones and recommended restricting anchoring in some of
39 the zones.

40
41 The Shallow-Water Working Group, looking at impacts to shallow-
42 water wildlife and habitat, they looked at twenty-seven existing
43 marine zones and those are the wildlife management areas and
44 they recommended removing two of the existing zones. Those are
45 areas that actually no longer exist due to storm events.

46
47 They recommended, of the twenty-four, modifying nineteen of
48 them. Again, these could be small spatial changes or additional

1 or changes in how vessels are able to access those areas and,
2 finally, they proposed twenty-four new zones to look at for the
3 need for potential shallow-water wildlife and habitat
4 protection.

5
6 The next item I thought you might be interested in hearing a
7 little bit more about that would be relevant for the Gulf of
8 Mexico Fishery Management Council is the study area and
9 potential boundary modifications. Whenever a Sanctuary reviews
10 its management plan, it has to first define where is the area
11 that will be reviewed and that is considered the study area.

12
13 The study area will always include the existing Sanctuary
14 boundary, but could also include areas outside of that boundary
15 and the value of identifying a study area is such that the
16 zoning and any regulations could be considered in these other
17 areas and through this process, the economic and environmental
18 impacts of applying any additional regulations in these areas
19 could be analyzed and studied.

20
21 This is the area of particular concern, habitat area of
22 particular concern, in the Gulf of Mexico within your purview
23 and this was identified as a potential study area for potential
24 boundary expansion during this review and the circle there is
25 just a representation of the general area and it's not the
26 boundaries that would be considered, but rather looking at what
27 does the ecosystem data show and what are the potential resource
28 impacts and what additional protections may or may not be
29 necessary and so the inset there does show, and it's very faint
30 there, but it does show the existing habitat area of particular
31 concern as well as some of the additional data that's coming in
32 from the recent University of Miami and other academic work
33 that's going on.

34
35 This area was identified as a potential area to look at for
36 additional protections afforded by the National Marine Sanctuary
37 Act and largely due to its special place as well as the
38 potential connectivity with the Florida Keys National Marine
39 Sanctuary.

40
41 Finally, back to this slide. All of the first two-thirds of the
42 slide has been going on with the public and the Advisory
43 Council, with the Advisory Council really looking at the nine
44 priority issues and reviewing the data and the information and
45 providing their recommendation to the Sanctuary, to the agency,
46 on what they would like to be reviewed and analyzed in a draft
47 environmental impact statement.

48

1 The Advisory Council provided all of that information to us at
2 their October 2014 meeting and so since that time, staff have
3 been trying to -- Well, we have been organizing that information
4 and developing it into a suite of alternatives.

5
6 The Advisory Council gave us over 200 recommendations and not
7 all were easily categorized. Some are conflicting and so staff
8 has been working with our own staff and with state partners as
9 well as other federal agency partners to sort of shape that into
10 alternatives and so that's what we're doing right now.

11
12 We hope to have a draft environmental impact statement out for
13 public review and agency review by late 2015 or early 2016.
14 That draft environmental impact statement will not have
15 associated regulations with it and that's an important point, in
16 that we're really looking to get the response from the public
17 and the agencies before we develop the suite of final
18 regulations and so regulations and the final rules will not
19 likely be in place until 2017.

20
21 This is just that slide in words and we're currently in that
22 green box and so lots yet to go through and lots of opportunity
23 for additional engagement with the council. Thank you.

24
25 **CHAIRMAN ANSON:** Thank you. Do we have any questions?

26
27 **MR. PERRET:** Thank you very much for your presentation. I have
28 got two or three comments and questions. Relative to the
29 Sanctuary and the regulations, do you have your own law
30 enforcement people that does the enforcement work, the
31 regulating, or is it the State of Florida and the federal
32 agents? Like I said, do you have your own enforcement
33 personnel?

34
35 **MS. DIEVENY:** We have a joint enforcement agreement through
36 NOAA and we have -- We partner with the state Florida Fish and
37 Wildlife Conservation Commission and we have agents who work for
38 FWC who are charged to enforce our regulations and so we work in
39 close partnership with FWC.

40
41 **MR. PERRET:** One of the things, just out of curiosity, one of
42 the things you regulate, and I am sure I know the answer, but
43 you've got it listed as oil and gas development and development
44 is one thing, but what about exploration, seismic activities?
45 Is that prevented also?

46
47 **MS. DIEVENY:** That is prohibited, yes, and that is one of the
48 regulations that is Sanctuary-wide.

1
2 **MR. PERRET:** Okay. Now, my biggest concern is two weeks ago I
3 sat in on the coral meeting and your presentation shows that you
4 want to double the size of the existing Sanctuary and north of
5 it is very important shrimping grounds and south of it is the
6 royal red grounds, but I don't see that on the presentation
7 today. Are you telling me that you all have already excluded
8 those proposed areas or why don't we see them here?
9

10 **MS. DIEVENEY:** What you are referring to is indeed a map that
11 was created for the Advisory Council and by the Advisory Council
12 that includes the entire study area and unfortunately I do not
13 have that in this presentation.
14

15 **MR. PERRET:** That is very unfortunate for us.
16

17 **MS. DIEVENEY:** But can I explain? So the area that you're
18 seeing north of the Sanctuary has been considered but rejected
19 and that is clearly a decision that has been made. That area
20 was added by and in discussion with the Sanctuary Advisory
21 Council to consider and largely that area was added to make
22 straight lines for ease of enforcement.
23

24 However, in reviewing, that is an area that we have already
25 considered but rejected due to the lack of resources that
26 necessarily need additional Sanctuary protection.
27

28 **MR. PERRET:** The area to the south that's proposed in what we
29 saw two or three weeks ago is very important royal red shrimping
30 grounds and is that area still considered in the proposal today?
31

32 **MS. DIEVENEY:** A portion of that area is still considered and
33 the area that is still considered aligns with the existing area
34 to be avoided and so the Sanctuary already has some regulations
35 that apply in that area. The area to be avoided is also aligned
36 with the particularly sensitive sea area, which is an IMO
37 regulation. There is a small sliver to the south that is not
38 included.
39

40 **MR. PERRET:** Well, I am not sure what you're talking about, but
41 what is on this map when we met a few weeks ago with the coral
42 people, it was pointed out that this is extremely important
43 royal red shrimping grounds. I would hope, Morgan, that that
44 information is related to the Sanctuary people somewhere during
45 this process, because it's extremely important shrimping
46 grounds.
47

48 **MS. DIEVENEY:** I will definitely want that information and to

1 clarify, if the boundary is expanded, if the general Sanctuary
2 regulations are expanded, it does not necessary affect fishing
3 activity.

4
5 **MR. PERRET:** All I heard you say is you want to straighten the
6 line out for ease of enforcement and ease of enforcement is
7 certainly important, but also those grounds are extremely
8 important. Thank you though. I appreciate your input.

9
10 **MS. BOSARGE:** Thank you for an excellent presentation and to
11 reiterate what Corky said, we did talk about that at the Coral
12 AP/SSC meeting a while back. I just want to make sure and so
13 the research area that was to the north of the Sanctuary that
14 was proposed, that whole thing has been removed or has it been
15 adjusted?

16
17 **MS. DIEVENEY:** On that and I do apologize that I didn't include
18 that entire map in this presentation, but in the north region,
19 there were two distinct areas, one that is sort of in the
20 Florida Bay area that would create a more contiguous habitat
21 protection between the Everglades National Park and the
22 Sanctuary and it's sort of a triangular area that connects there
23 and, actually, I can maybe go back to the original map.

24
25 That area is still being considered, due to connectivity between
26 Everglades and the Sanctuary. The area, and that is if this --
27 It's kind of like right there, this triangular sliver. It is
28 still being considered in this review. What is not is a
29 connection from there across and that's the area that our
30 Advisory Council included to make a straight line across.

31
32 **MS. BOSARGE:** I am glad to hear that. I saw where you did have
33 two commercial fishermen on your working group and that's
34 excellent. I don't know what the background of those fishermen
35 are, but I would venture to guess, just the little research that
36 I've done, I don't think they are shrimpers and I would
37 appreciate it if you could reach out to the shrimp fishery in
38 your working group and if you want to add one on as a non-voting
39 member -- I realize that it probably is not sitting right in
40 your backyard anymore. We used to have a very large shrimp
41 fleet down here in the Keys, but as tourism has taken over, the
42 shrimp boats we move on out, typically. That's become condos.

43
44 Please reach out to them and please make sure you talk to the
45 royal red fishery and the penaeid shrimp fishery and get their
46 input on the front end of this. We would much rather work with
47 you. We had a great meeting doing that the other day with our
48 Coral AP and SSC, rather than reaching out to us at the end,

1 when you're just asking for comment after you're done with it.
2 We would really appreciate working with you. Thanks.

3
4 **MS. DIEVENEY:** Will do. I will follow up with you here and then
5 I will also speak with our Advisory Council fishing reps to have
6 them as well reach out to their colleagues.

7
8 **MR. GREENE:** Thank you for your presentation. I am not familiar
9 with the Keys and the Sanctuary is certainly intriguing to me.
10 On the very last slide you provided to us, it does give a
11 definition of fishing regulations and I guess the interpretation
12 of what we're supposed to follow.

13
14 Are there differing regulations on size and bag limits for
15 fishing inside the Sanctuary versus outside? Can you give me a
16 little background on what are you going to ask from us? Are you
17 going to need input and where and at what point will we be
18 allowed to weigh in?

19
20 **MS. DIEVENEY:** Yes and so if through the review if there are any
21 activities that are identified that might affect fishing or
22 fishing activities, we do -- The National Marine Sanctuary Act,
23 Section 304(a)(5), provides that the Secretary of Commerce, and
24 it will be the Sanctuary, shall provide the appropriate regional
25 fishery management council with the opportunity to prepare draft
26 regulations for fishing within the EEZ and in preparing draft
27 regulations for the Sanctuary, if any activity might affect
28 fishing, we first come to the councils to provide an opportunity
29 to review draft regulations that are aligned with Sanctuary
30 goals. This is distinct from a fishery management plan.

31
32 **MR. GREENE:** When you are determining the regulations that are
33 going to need that, is it just -- How is the determination made?
34 Is it science-based or is it -- I mean what are the qualifiers
35 for those particular fishery regulations?

36
37 **MS. DIEVENEY:** So the primary goal of the National Marine
38 Sanctuary Act is to protect the natural resources of the
39 Sanctuary and secondly providing sustainable use of those
40 resources and so throughout this review, and particularly the
41 Ecosystem Protection Working Group and why they met over fifteen
42 months versus the seven that the Shallow-Water Working Group
43 did, is because they were grappling with some of those issues.

44
45 They were charged with looking at ecosystem-wide protections and
46 so looking at potentially larger areas that might impact the
47 access to fishing and those recommendations, the data, they had,
48 as I showed, a whole suite of natural resource data and

1 information and the social science, the use data and
2 information, and each of the community members also brought
3 their own anecdotal personal experience information as well.
4 Their recommendations to the Advisory Council, we are now taking
5 those and doing a full economic and environmental analysis.
6 Does that help answer your question?

7
8 **MR. GREENE:** Yes, I believe so, but will it go to like a
9 scientific assessment body like what we use with the stock
10 assessments and all? Does it go that far in there? You touched
11 on the economic side, which I was glad to hear about, but does
12 it go for a -- If you put a regulation in, for example the Dry
13 Tortugas area, will it go before our scientific review panel,
14 such as the SSC review, or does that --

15
16 **MS. DIEVENEY:** I don't believe so. We will be using the best
17 available science and we'll be using the best available
18 scientists that have been working in the environment and have
19 the data and information to both provide the scientific findings
20 that we'll use when drafting the EIS and analyzing the
21 alternatives as well as we'll be using a team to look at our
22 scientific findings, to verify.

23
24 **EXECUTIVE DIRECTOR GREGORY:** Beth, thank you very much. You
25 mentioned the condition report and that was done in 2011 and you
26 are going to be producing an EIS and I would like to point out
27 that National Marine Fisheries Service, or NOAA Fisheries, has
28 done some very excellent stock assessments on a number of
29 species that occur here in the Sanctuary and the Fish and
30 Wildlife Commission has done the same.

31
32 The condition report does not seem to reference those studies,
33 but rather it references repeatedly some studies done in the
34 late 1990s or early 2000s, 2001, that are now out of date and so
35 for the environmental impact statement, I really encourage the
36 Sanctuary to refer back to the peer-reviewed stock assessments
37 that NOAA has produced as the basis for the science rather than
38 some old publications that are no longer really accurate.

39
40 You mentioned sustainability and I know we have -- We do a lot
41 of single species management and we're all trying to go to
42 ecosystem management and we do have maximum sustainable yield as
43 a measureable target for sustainability and so it would be nice
44 if you all could come up with -- I know it's a big challenge,
45 but some measureable target for what you mean by sustainability.
46 Thank you very much.

47
48 **MS. DIEVENEY:** Thank you and just quick in response to your

1 comment about the 2011 condition report, that served as the
2 foundation for kicking off the management review process and
3 while that will be one source of information, we will definitely
4 be looking for the most recent science that's available.
5

6 **MR. PERRET:** I have a suggestion for you and I don't know if
7 you're able to make the decision or not, but your advisory group
8 that's made up from the boating industry all the way through to
9 restoration people and then you have a bullet that says "ten
10 non-voting local, state, and federal agency representatives" and
11 I want to volunteer the Gulf Council staff to have a
12 representative on that group if your board so allows it. I
13 think it would be important if we were able to keep up with the
14 process as you develop these things.
15

16 **MS. DIEVENEY:** I will speak with Sean about that, but we welcome
17 more engagement and more opportunities to have these
18 discussions.
19

20 **MR. PERRET:** Are we aware when they have their meetings so we
21 can have a representative to attend them? If you could put the
22 staff on your mailing list or whatever, because you're dealing
23 with things that we're involved with and I think if we're
24 involved on the early end that it sure helps rather than all of
25 a sudden find out on the back end that you may be wanting to
26 double an area that's extremely important to a lot of our users
27 and so thank you very much.
28

29 **MS. DIEVENEY:** Our next meeting is next Tuesday in Marathon, if
30 anyone is available and interested.
31

32 **CHAIRMAN ANSON:** Any other questions? Ms. Dieveney, thank you
33 very much for coming and giving the presentation. Thank you.
34

35 **MS. DIEVENEY:** Thank you very much.
36

37 **CHAIRMAN ANSON:** Next, we will have a presentation by Dr. Joe
38 Powers on Spawning Potential Ratio. Dr. Powers.
39

40 **SPAWNING POTENTIAL RATIO**

41
42 **DR. JOE POWERS:** Thank you. Doug asked me to go into a little
43 bit about spawning potential ratios, because apparently there
44 are some misconceptions about what it is and what it isn't and
45 so what I was going to do here is basically go back to SPR 101.
46 Now, I realize many of you have as long a history as I have with
47 this and how it's evolved over time, but I am going to start
48 back at the basics as well. We will end up with basically a few

1 key points that I would like you to remember and also where the
2 real debate is scientifically in terms of SPR.

3
4 First, the definition of what is SPR? It's basically the ratio
5 of the amount of spawn produced over a cohort, in this case red
6 snapper, over its life span under a particular fishing regime
7 divided by the same cohort, the same spawning, and in that case
8 it's no fishing and so basically you're just talking about a
9 ratio there with fishing and no fishing and so one of the key
10 things you have to know though about this is what do you mean by
11 a cohort?

12
13 Basically, a cohort is just a group of animals that are born the
14 same year and the other aspect of it is what do you mean by
15 spawn and it's basically the number of eggs. What happens to a
16 cohort over the life span? Basically, what you're saying is
17 that all the fish that are recruited are the same age and that's
18 all the reproduction that's going to go on for that cohort.

19
20 The only thing that can happen to a cohort after that is they
21 get smaller in size, because they basically die and so they die
22 from both natural mortality and fishing, but they also
23 individually they grow and then they do mature and produce eggs.

24
25 What do you mean by spawn? You're really talking about the
26 number of eggs that are produced and what happens to that number
27 of eggs, presumably in the first year of life, they come out at
28 the end as, quote, unquote, recruits, which are basically
29 getting toward the size where it actually enters the fishery.

30
31 One of the things that we as scientists I think are a little bit
32 lax about is the terminology. The spawning stock biomass, SSB,
33 is a commonly used term. Now, in many cases, that's a good
34 index of the number of eggs that are actually produced, but in
35 the case of red snapper, it probably isn't and, therefore, we
36 actually do try to estimate the number of eggs that are produced
37 over the life span of a cohort and so you'll see in the graphs
38 for red snapper on the X-axis, the bottom axis, they will often
39 say number of eggs, but still some people refer to it as SSB,
40 where in actuality it's number of eggs.

41
42 How do you get there? Basically it's just a ratio and so
43 therefore it goes between zero and one and so quite often the
44 way we express that is like 30 percent SPR or 30 percent
45 spawning potential ratio, which means basically that that level
46 of cohort has been reduced 30 percent or the spawning
47 contribution of it has been reduced to 30 percent of what it
48 would be with no fishing.

1
2 How do you calculate it? This is where the crux of it really
3 is, is the life history parameters. What do you mean by life
4 history parameters? Basically, it's the mortality rate schedule
5 and the fishing mortality rate schedule and how big they are at
6 a particular age and when they mature and so on.

7
8 This is a particular example of that. It's just an arbitrary
9 example, but basically what you do is you just get a list from
10 age one to the largest age. In this case, I just said fifty.
11 Then you look at what's the weighted age for each age and it
12 starts out small and gets big and this is based on growth rate
13 information.

14
15 The maturity age is usually expressed as a percent and so this
16 in this case, 50 percent of the age three are mature and as they
17 get older, they are all mature. Then you also look at
18 fecundity, which is per capita eggs, and so eggs per female and
19 that changes with age and, again, you expect it to be somewhat
20 similar to the weighted age, but in the case of red snapper,
21 it's actually -- The contribution of older fish is a bit larger.

22
23 Then you have natural mortality rate and fishing mortality rate
24 at age and these are just rates that can be converted into the
25 percent that you're actually removing and so basically what you
26 do is all these rates except fishing are things that can be
27 measured independent of the assessment, per se, and you can do
28 these calculations independent of the assessment, per se.

29
30 You end up with one without fishing and then basically you use
31 the same information with fishing and from that, you calculate
32 for each age what the contribution of the number of eggs is and
33 then sum them up over all the ages and then that's either the
34 numerator or the denominator of a particular ratio.

35
36 It's important, these life history characteristics or life
37 history schedules. As I said, they can be measured
38 independently of the assessment itself and one of the key things
39 to note though is that the real advantage of this is you don't
40 need any estimate of recruitment like you would get from an
41 assessment, because you're talking about a ratio here and so
42 whatever those recruits of a cohort is, the number in the
43 numerator and the number in the denominator are the same and so
44 therefore it cancels out.

45
46 That's why you use it or we use it as scientists, because it has
47 some good properties and it avoids certain issues in terms of
48 what is the effect on recruitment and that sort of thing, but

1 that can be related to the recruitment relationship, the
2 reproductive relationship.

3
4 One other thing to mention about the life history tables is what
5 happens when something changes. Well, obviously for fishing,
6 when that changes, if the fishing is larger than the spawning
7 potential ratio, it goes down, but it also effects what we call
8 the selectivity at age.

9
10 If you look at the right-hand column there, we are saying there
11 at age one the fishing mortality rate is zero and at age two
12 it's 0.2 and if you put in a minimum size, that would change.
13 If you put in a minimum size that was equivalent to an age
14 three, then the first two would be zero and so that's what we
15 call selectivity and basically any regulation will, to some
16 extent, change selectivity, even if you close certain areas
17 because certain sizes of fish and ages of fish will be more
18 predominant in one area versus another and so all that enters
19 into the actual calculation.

20
21 Again, the advantage is you're not dealing with the issue of
22 recruitment and you're not dealing with the reproduction.
23 You're saying that over the life span of the cohort this is
24 what's going to happen to that, but the disadvantage of this is
25 that you are not really dealing with the reproductive aspects of
26 it and also, when you say over the life span of a cohort, you
27 are really talking about generation times and so the real effect
28 of a change in fishing will not be -- It will not be really
29 detected completely, in terms of SPR, until it actually gets
30 through most of the age classes.

31
32 You also, as I mentioned there, changing the fishing mortality
33 rates and how those are distributed across ages will change the
34 SPR.

35
36 The notation we use for the fishing mortality rate at a
37 particular SPR, and I call it XX here, and so let's say that was
38 30 percent. F 30 percent SPR, the way to interpret that, this
39 is the rate of fishing that will eventually reduce the SPR ratio
40 to 30 percent.

41
42 This is sort of an example of it and two plots here and on the
43 X-axis, the bottom axis, we're talking about fishing mortality
44 rate and on the Y-axis is SPR and so if the fishing mortality
45 rate is small, then basically the SPR is close to one and as it
46 gets larger, the SPR gets smaller.

47
48 In this particular case, I had a couple lines here which are

1 basically just changing a maturity schedule and saying what
2 happens if they actually mature a little bit earlier than we
3 thought? If they mature earlier, they're more productive
4 earlier and so on like that.

5
6 In this particular case, for the blue line, a fishing mortality
7 rate of 0.4 would be, roughly speaking, F -- For the red line, a
8 fishing mortality of 0.4 would roughly be an F 30 percent SPR
9 and so what you would say there is F 30 percent SPR equals 0.4
10 and so the rate, 0.4, that will reduce the cohort to 30 percent
11 is that F of 30 percent SPR.

12
13 For any year that we do an assessment, we have the life history
14 schedule and in many cases that's not going to change over time
15 very much and you also have the fishing mortality rate schedule
16 for that particular year and so you can calculate for any
17 individual year what the SPR is, but remember that the actual
18 gains in terms of the reproductive potential won't be achieved
19 until you have an equivalent amount of fishing reduction or gain
20 over the life span of the cohort, so that what you look at is
21 not only just one cohort, but all cohorts that existed and if in
22 fact their recruitment isn't all that much different, then
23 that's equivalent to the, quote, unquote, equilibrium SPR.

24
25 Think of the SPR as the amount of spawn that could be produced
26 relative to the amount which could have been produced without
27 fishing and it's also -- Because almost all the things will stay
28 constant, all the schedule will stay constant, from one year to
29 the next, the differences in SPR are really reflective more of
30 the differences in the rate at which you're fishing and so when
31 you look at SPR, in many cases you're talking -- Even though you
32 refer to it as SPR, you are talking about shifts in the amount
33 of fishing or how that fishing is distributed across ages.

34
35 What do you mean by an objective is to recover to SPR within a
36 particular recovery period? Essentially when you talk about
37 recovery in terms of SPR, you are trying to rebuild the age
38 structure.

39
40 Basically, you're always going to have -- If you have few young
41 fish over time, if the recruitment increases, you have more
42 younger fish and then it builds up into more older fish and so
43 the whole distribution of numbers at age will change over time
44 and that's essentially what you're trying to do with SPR, is
45 rebuild the age structure to something not as if there was no
46 fishing, but some sort of middle ground there that is acceptable
47 from the management side.

48

1 In the case of red snapper, you go through this process that it
2 has to recover within a generation plus the amount of time that
3 you could occur with no fishing and basically this is a
4 mechanism that you're trying to adjust for the fact that it
5 takes a while and so you move through the age structure and it
6 takes a while for the age structure to be rebuilt.

7
8 In the case of when we use the example of the 26 SPR, we also
9 use that, in many cases, things like that, as a proxy for FMSY
10 and as you know, the legislative act, the Magnuson-Stevens Act,
11 in fact stipulates that there are certain objectives and certain
12 limits that are related to MSY and so when we are given advice
13 about what the total allowable catch is, what we're saying is
14 given that the stock size now and given that the fishing
15 mortality rate is equal to that which would eventually produce
16 biomass at MSY, what's the catch this year that will keep it
17 along that trajectory?

18
19 Now the problem, of course, is that for a lot of stocks you
20 can't really estimate FMSY all that well and so the -- So what
21 you do is use surrogates, basically substitutes, and how do you
22 select those substitutes? That becomes more of an issue.

23
24 There has been lots of studies in which people have looked at
25 particular life histories for different kinds of fish, sharks
26 versus red snapper versus herring, and what that means is that
27 table that I showed you before of life history schedules will be
28 quite different and so therefore the SPR will be different and
29 also in general the amount of recruitment is different.

30
31 There has been lots of studies that looked at many different
32 kind of stocks and also simulation studies that would say, well,
33 if their particular life history schedule in this, then what
34 consequences will that have in terms of recruitment?

35
36 In general, we have, particularly for reef fish sorts of stocks,
37 we have come to some sort of agreement that typically F --
38 Somewhere between F 20 percent SPR and F 40 percent SPR,
39 somewhere in there, is the equivalent of FMSY and so the
40 objective of the Act is really dealing with FMSY and the best
41 way to estimate that in many cases -- Not all, but in many cases
42 it's somewhere in that range of 20 percent and 40 percent. Now,
43 where in that range really depends on the particular stock
44 you're dealing with and that life history schedule.

45
46 So how do you relate this to the reproduction? The reproduction
47 basically is what we call a stock recruitment relationship and
48 so the spawning stock biomass is on the X-axis, which is really

1 the number of eggs, and the number of recruits, the number of
2 fish that come into the population at age one, we think of it in
3 terms of a curve like this, but, of course, there is lots of
4 uncertainty in that and so what we're trying to do is where
5 would be the spawning stock biomass at MSY? Is it there?

6
7 Then, also, a corollary to that would be where are the R over
8 SSB and that would be the number of recruits per spawning
9 biomass and so it's just the flip side of the other and you can
10 draw lines on that curve there and so you can see that R over
11 SSB with no fishing is to the right and R over SSB with fishing
12 is to the left.

13
14 That could be basically the same information. Those diagonal
15 lines are providing information about SPR and so what I've done
16 here in this particular graph is sort of a schematic and
17 diagonal to the right would be SPR with no fishing, which would
18 be 100 percent, and the diagonal to the left is SPR of 30
19 percent.

20
21 Now, in the stock recruitment relationship, at some point when
22 you have very small stock sizes, very few eggs produced, then
23 you will get very few recruits, but there is a whole wide range
24 where there isn't much change in it and so what we're trying to
25 do is establish, for MSY and things like that, is how far over
26 that left diagonal ought to be and so that is essentially the
27 case.

28
29 In the case of red snapper, this is actually from the
30 assessment, the red snapper sort of recruits, and, again, this
31 is sort of an example with SPR of 30 percent. That's the left-
32 hand diagonal and how does that relate to what actually
33 occurred? You can see with that huge scatter of points that
34 it's going to be hard to detect whether something on the very
35 far left is going to go down if the stock size goes down and so
36 that's what we mean that we can't really estimate MSY all that
37 well for a stock like this anyway and so what you're looking for
38 is what's the appropriate diagonal there and I drew it up here
39 as 30 percent.

40
41 Now, to finish up, what we're really talking about here, when
42 you're talking about SPR, and particularly in this sort of
43 management context, is you're using that as a surrogate for
44 FMSY, because it is measurable, the SPR, and using metanalysis,
45 which basically means looking at what other people did, and
46 simulation analysis and that sort of thing and you can kind of
47 box in what that is.

48

1 A particular SPR that over time can be thought of as producing a
2 spawning stock biomass over time and in this case, it would be
3 20 percent, 26 percent. This is a proxy or surrogate for SSB,
4 MSY. One of the things to remember in terms of the take-home
5 thoughts here is SPR or MSY or SPR of 26 percent or SPR of
6 anything, you really wouldn't expect it to change that much from
7 year to year unless you change the fishing or unless there's
8 some change in our understanding of the life history schedule.

9
10 Again, when you're talking about year-to-year changes in SPR,
11 they are really reflective more of changes in the fishing
12 mortality rate from year to year rather than changes in the
13 spawning biomass and so there's been a long history of this
14 within this council, and I think all the councils, of how this
15 thought process has gone on.

16
17 I have sort of become a little further away from red snapper
18 over the last few years, but at one time, and prior to I guess
19 it was the 1996 Act, there was less of an impetus to actually
20 estimate MSY and SPR was used again as a surrogate for a
21 management procedure.

22
23 I think, and I'm not sure, but I think some of that, the 26 that
24 was actually chosen, was actually a carryover from that, but it
25 can be equivalently justified on the basis of, well, F 26 SPR is
26 probably a reasonable estimate of FMSY, which is what you're
27 trying to do in terms of the Act as well. I will stop there and
28 take questions.

29
30 **CHAIRMAN ANSON:** Thank you, Dr. Powers. We have a question from
31 Mr. Williams.

32
33 **MR. WILLIAMS:** Joe, it's good to see you again and very nice
34 job. You left out one parameter that we see sometimes, quite a
35 bit actually, and that's Fmax and can you give us what that is
36 real quick?

37
38 **DR. POWERS:** The what?

39
40 **MR. WILLIAMS:** Fmax.

41
42 **DR. POWERS:** If you look at the spawning stock biomass per
43 recruit things, where when you had increased fishing mortality
44 rate the SPR goes down, you could do the same sort of thing with
45 yield, the amount of catch there. If you have an F of zero on
46 age one, that is zero catch and if you have an F of 0.2 on age
47 two, that would be some catch and, again, you would just go
48 through the same process and sum them up over all ages.

1
2 The way those curves typically look is you get increased yield
3 as F gets larger, up to a point, and then sometimes, and for a
4 lot of stocks it's not up to a point and it just keeps getting
5 bigger and bigger, but not very much bigger, sort of an
6 asymptote around.

7
8 F_{max} is basically -- It's the fishing mortality that would
9 maximize yield per recruit. I mean that's the definition of it
10 and so is that a good conservation objective? Because, as I
11 mentioned, a lot of these curves are sort of flat curves and so
12 F_{max} would be infinity.

13
14 For cases where you do have a peak to it, that F_{max} is something
15 that exists and it's basically the fishing mortality rate that
16 would produce the maximum yield of a cohort over the life span
17 of the cohort. The problem is that that's not necessarily a
18 good conservation objective and a lot of work has been done in
19 terms of simulations and history and retrospective analysis and
20 those sorts of things.

21
22 That F_{max} is pushing it in terms of conservation objectives and
23 in many cases, it's going to be larger than F_{MSY} , which is the
24 legal quantity that we're trying to estimate and so that's the
25 crux of it. There was lots of history where people were using
26 F_{max} , the North Atlantic and the North Sea, and I mean it's
27 pretty ubiquitous around the world, but there's been a number of
28 studies that would indicate that that's a pretty aggressive
29 criteria.

30
31 **DR. STUNZ:** Thanks, Joe, for a very nice presentation and it was
32 informative and as you probably well know, we've been talking
33 about, for red snapper, in the case of where should that SPR be
34 set, around that 26 or go up or go down, and as you pointed out
35 -- I guess I'm sort of looking for your opinion or maybe if my
36 train of thought is off here or something.

37
38 Because there is a very weak relationship, if one at all, and
39 we're at 26, there is no guarantee, I guess, in my mind that if
40 you kept it at 26 or even went up that you would see an increase
41 there and by leaving it at 26 percent or not moving it up or
42 potentially moving it down to the 23 realm, there is a lot of
43 fish that we're leaving on the table by keeping it there with no
44 assurance by being conservative at 26 that we're actually even
45 getting any bang for our buck, but is that --

46
47 **DR. POWERS:** Yes, but I prefer to think of this as the debate is
48 what is MSY or what's F_{MSY} . To me, the SPRs are just a

1 mechanism to try to estimate that and so the MSY, FMSY, and
2 things like that, as I said, are required, certainly in terms of
3 the assessment, and some sort of mechanism to calculate that.

4
5 We have chosen SPR as a reasonable calculation of that and so
6 what we're really talking about is 26 percent and is that a
7 reasonable estimate? F 26 percent SPR, is that a reasonable
8 estimate of FMSY?

9
10 It's hard for me to -- I mean obviously given the constraints
11 and limits established by the law, the council could do what
12 they want within those sorts of constraints, but the debate, to
13 me, about what is FMSY is largely a scientific discussion and
14 now, the actual consequences of that are, as you say, that if
15 you allow a higher fishing mortality rate that you get more
16 catch and if you have a smaller fishing mortality rate, you get
17 less and whatever you do, it probably should be carried over
18 over the whole life span and in other words, don't change the
19 fishing mortality rate year to year up and down and that sort of
20 thing.

21
22 That's one of the reasons there has been a lot of advocacy for
23 what they call constant mortality rate recover rather than
24 constant catch. In other words, don't think you're going to
25 keep the catch the same year after year after year, but rather
26 keep the rate the same year after year.

27
28 **DR. STUNZ:** Let me just quickly follow up. I know we're running
29 out of time, Kevin. We heard a report from the SSC yesterday
30 that they evaluated different scenarios of SPR and while they
31 recommended that we stay at 26 was their suggestion, they
32 couldn't give us good evidence that 23 was any worse or better
33 than a higher SPR.

34
35 I guess we're probably struggling, at least I am as a
36 councilman, to see where that really needs to be in light of the
37 fact that with no relationship we're potentially foregoing some
38 yield that we would have and so any opinion on that?

39
40 **DR. POWERS:** Well, yes. You can't -- I mean for any sort of
41 limit you get, there is going to be uncertainty associated with
42 it, which is why when you go through the difference between ACL
43 and whatever the other acronyms are, that's building in a buffer
44 for uncertainty and so yes, it could be smaller and in some
45 cases it could be a lot smaller, depending on how good we are at
46 doing that. It could be larger, too.

47
48 One of the ways to look at it in terms of history is these kinds

1 of graphs, to me anyway. It's basically, well, what's the
2 history of the implied SPRs? What are those diagonal lines
3 relative to the actual data points there and if you have lots of
4 data points to the left of SPR, the 30 percent, that would argue
5 that the criterion you use should be maybe to the right of 30
6 percent SPR.

7
8 If you start getting down to diagonals there that are less than
9 any of those dots, to the left of any of those dots, that is
10 implying that at that point you don't really have any observed
11 values of what it does to recruitment and so one should be very
12 circumspect in how aggressive you are to bring things over to
13 that side.

14
15 What that means is, when I say the left, you are basically
16 increasing the slope of that diagonal curve and so in this
17 particular case, and this is just sort of a rough estimate,
18 you're saying that the 30 percent mark goes through there and if
19 you got a higher slope, then basically none of those data points
20 would go through there and so, again, that's a good way to think
21 of it, in my mind.

22
23 **CHAIRMAN ANSON:** Thank you. As you mentioned, Dr. Stunz, we are
24 running a little bit behind and so with that, I don't see any
25 more questions and thank you, Dr. Powers, for the presentation
26 and your time.

27
28 **DR. POWERS:** Thank you.

29
30 **CHAIRMAN ANSON:** That will move us along to the Southeast Data
31 Assessment and Review 101 by Mr. John Carmichael. John, good
32 afternoon and welcome.

33
34 **SOUTHEAST DATA ASSESSMENT AND REVIEW (SEDAR) 101**

35
36 **MR. JOHN CARMICHAEL:** Thank you. I am John Carmichael and I am
37 the SEDAR Program Manager housed at the South Atlantic Council
38 and I just want to give you a picture of how SEDAR operates,
39 with focus on the responsibilities of the councils.

40
41 SEDAR stands for the Southeast Data Assessment and Review and it
42 started in 2002 with an assessment of red porgy in the South
43 Atlantic and a realization that an assessment done and published
44 in a peer-reviewed journal had some data problems and so what
45 was done at that time was come up with a way that got more
46 people involved in the stock assessment process and to have more
47 people contributing the data and more people evaluating the data
48 and those that collect the data being more participatory in the

1 stock assessment program and so getting it out of the office of
2 an analyst asking for information and doing the best they can
3 with it.

4
5 It quickly expanded, in 2003, to cover the full region. It was
6 originally the Science Center and the South Atlantic Council
7 that came up with the core idea. As you can see, SEDAR-3
8 covered yellowtail done by the Fish and Wildlife Commission in
9 Florida and it covered yellowtail, the Gulf and South Atlantic
10 stock, and it also did a review of the ASMFC stock of croaker.

11
12 Then you will see SEDAR-7 being the full first stand-alone Gulf
13 of Mexico stock assessment that was done and then in 2005 and
14 2006, we brought in HMS and so the program has pretty well grew
15 quickly to encompass more of the region and fill more of the
16 stock assessment needs.

17
18 The goals within SEDAR as set up originally was to improve
19 quality and reliability and transparency and relevance of stock
20 assessments and so, as I said, to get the assessments out of
21 sort of the single office and not seeing what went into it and
22 not seeing the nuts and bolts, but to bring it out and make it
23 more transparent and make the assessments better across the
24 board.

25
26 SEDAR is a council process. There are similar programs around
27 the country. There is the SARC in the Northeast and there is
28 the STAR out west and there is the WPSAR in the West Pacific.
29 Everybody has some type of program for doing stock assessments
30 and getting people involved in it and providing peer review.

31
32 SEDAR is fairly unique in that it's a council process. It's run
33 by the councils and it follows all of the council policies and
34 guidelines and so SEDAR meetings are under the same restrictions
35 and rules as any other council meeting, AP, SSC, et cetera,
36 which is kind of different from some of the ones that are run by
37 the agency.

38
39 The oversight of the program is provided by a steering committee
40 and their primary duties now are scheduling and dealing with how
41 the program is run, the approach and the guidelines. Originally
42 they helped design and did most of the design decisions and now
43 they are largely dealing with the scheduling.

44
45 Administrative support is primarily through the South Atlantic
46 Council. It's a grant from the agency that supports the staff
47 and supports the travelers and then there is some support
48 provided by the Gulf of Mexico in helping the administrative

1 support at the different workshops.
2
3 As the Program Manager, I largely oversee the process and I
4 provide staff to the steering committee and I supervise the
5 coordinators, which are the ones who run the day-to-day
6 assessments and we call them assessment projects.
7
8 Right now, there is two of them and we have had different levels
9 of staff in the past and we at one time had dedicated admin
10 support and we trimmed that out in the interest of saving money.
11 We've had a flat budget for many years and travel costs go up
12 and the amount of people we try to bring to workshops go up and
13 so that was cost saving, but through the support of the
14 councils, we've been able to keep things running.
15
16 I mentioned the steering committee and one thing to know is who
17 is on the steering committee. These are what we call cooperator
18 representatives and so we have the councils and we have the
19 interstate commissions and we have the agency, through the
20 Science Center, the Regional Office, and HMS and so "cooperator"
21 was just chosen as a word to use within SEDAR which encompasses
22 all of those different organizations.
23
24 Initially it was "council representatives", but that didn't deal
25 with the commission and then it was "council and commission",
26 but then as we brought in HMS, we needed a broader word and so
27 that's really all that refers to. If you were to look at the
28 guidelines, you will see a lot of use of that word "cooperator",
29 but that's just the folks that are parties to the process who
30 serve on the steering committee and help keep it going.
31
32 The representatives we have is the Science Center Director,
33 Bonnie Ponwith and she is the chair of the steering committee.
34 We also have Roy, the Regional Administrator, and then we have
35 the chairs and EDs of the councils and the EDs of the
36 commissions and then we have an HMS representative. As I said,
37 they primarily deal with the process and they deal with the
38 scheduling issues and I will talk a lot about the scheduling,
39 actually, because that's one of the biggest things that we have
40 to manage.
41
42 I said we have guidelines and they are very similar to a council
43 SOPPs. They lay out what the process does. It evolved from
44 more of a history and overview of the program to now it's a
45 series of bullets to try and make it brief and understandable
46 and so being a council process, we can change those SOPPs and
47 the steering committee can change those SOPPs as they see fit
48 and changes can come from SSCs, from APs, and they can come from

1 people who participate in the process.

2
3 The general approach is that changes are brought to the
4 attention of the steering committee and they decide how to
5 handle them. We've dealt with major changes in the past, where
6 workgroups and such were convened with technical reps from the
7 different cooperators to work out the details and then have it
8 vetted through the steering committee to decide the final
9 approach that we're going to use.

10
11 What does each cooperator need to do? As I said, they serve on
12 the steering committee and the most important thing they do
13 there is establish their assessment priorities and so the
14 steering committee doesn't decide what assessments are going to
15 be done. It's each cooperator. The South Atlantic decides what
16 their needs are and you guys decide what your needs are and the
17 Caribbean decides their needs.

18
19 They come to the steering committee to work out the details of
20 balancing those needs, but it's ultimately up to each cooperator
21 to establish their priorities and they also appoint the
22 participants that take part in the SEDAR workshops. They
23 approve the schedules, which by that, I am referring to the
24 detailed project schedules which say when each workshop is going
25 to be held and when different things are due within the project
26 and when the final product is getting to a cooperator for them
27 to then take action.

28
29 SEDAR doesn't -- As you can see, we have many cooperators and so
30 the steering committee and SEDAR itself doesn't dictate to each
31 cooperator how they do that. There is latitude given to each
32 group to decide how they want to handle making participants,
33 appointing participants, and how they want to handle approving
34 schedules.

35
36 The one requirement, and this comes from the agency and from
37 NOAA, being that we're a council process, is all the
38 participants have to be in essentially an AP. We call it the
39 SEDAR pool and it just allows us to comply with FACA and have
40 these groups actually make consensus recommendations, which, as
41 you know, otherwise would be illegal.

42
43 I think it's important to point out that is a requirement that
44 started in the very beginning. When this was a council process,
45 that's one of the things we had to do. Overall, being a council
46 process, I think the benefits far outweigh the few minor
47 difficulties like this that we have to deal with.

48

1 One of the other important things that the cooperators do is
2 they review the assessments through their technical body and so
3 you view the product, the assessment that comes out of it.
4 Within SEDAR, they don't provide things like your ABC and your
5 OFL. It's more of a tool. It's a tool that can give you those
6 numbers, but per the Magnuson Act, it's the SSCs that make those
7 recommendations and so the SEDAR panels, the SEDAR review panel,
8 doesn't tell the council what their OFL is going to be.

9
10 They give them an assessment and they give them an assessment
11 tool. It may consider several states of nature and several
12 scenarios that are considered reliable and possible and then
13 it's up to the cooperator to go through its technical review and
14 its fishermen review, such as it is, to decide what their actual
15 recommendations are going to be and what your management choices
16 are going to be and I think that's an important thing to
17 iterate, is SEDAR doesn't give management recommendations and we
18 make sure that people in workshops don't get into that.

19
20 I mentioned the cooperators determine the assessment priorities
21 and not the SEDAR steering committee and the way this is
22 envisioned as happening is that it includes input from your
23 different technical and advisory bodies, in case of a council,
24 such as your SSC and AP. There is input that comes from the
25 agency and so the Regional Administrator and certainly the
26 Science Center Director sit around this table and have an
27 opportunity to influence the discussions of priorities.

28
29 Ideally, each cooperator has some sort of designated body, you
30 know call it a SEDAR Committee, and that's what the South
31 Atlantic calls it, and they review the priorities that come up
32 from the SSC and other things within the South Atlantic system
33 and decide the list of the projects they would like to have
34 accomplished.

35
36 Here, we're thinking both short term, the things that are going
37 to be addressed in the next couple of years, as well as long
38 term, the things that might be four or five years down the road,
39 because within the stock assessment process, it's not as simple
40 as deciding tomorrow we want to do an assessment of a particular
41 species and think we'll get it done next year, because there's a
42 lot of processing that has to go into data. There's aging
43 structures that have to be read and there may be survey analyses
44 that have to be done and so there's a pretty good time lag.

45
46 By giving long-term priorities, the folks who do that work, such
47 as prioritize which otoliths they're going to read for 2018,
48 have an opportunity to get that work done.

1
2 Then once they get the prioritized list, what we ask for of each
3 one, before we go to the steering committee, is that you give
4 some indication of what's most important to you in terms of when
5 that project should be done and the two things that really
6 determine when a project can be completed are either when you
7 want it, if you need it by a particular time, or what's the
8 terminal data you would like to use.

9
10 It's kind of hard to balance both. If you want an assessment
11 that uses 2015 data, that means that it's going to need to start
12 somewhere in the middle of 2016, because it's not until then
13 that the data are available. If you want an assessment by
14 December 2015, it probably means that it's going to use 2014
15 data and so that's one of the critical pieces of information
16 that actually goes into the scheduling process.

17
18 The final part is within SEDAR we are trying to increase
19 efficiency by focusing on updates as much as possible and so we
20 look to the cooperators and if they believe an assessment needs
21 say a benchmark, and I will talk more about those in a second,
22 or a standard as opposed to an update, to provide some
23 justification back to the steering committee so they can help
24 judge that, because the resources and the timing are quite
25 different between the different approaches.

26
27 What I want to give you here is just a view of really the nuts
28 and bolts of what goes on with scheduling, because when we get
29 to the steering committee and we deal with this, one of the
30 biggest issues that we're always grappling with is how do we
31 schedule projects and, in particular, how do we deal with the
32 scant resources we have?

33
34 We all know that we need ten times as many assessments as we can
35 ever get done and that's the balancing act of the steering
36 committee and all of the cooperators, really, is to deal with
37 that.

38
39 First and foremost is having cooperators identify their
40 priorities two to five years ahead, because that's the kind of
41 planning window we're working on. This gives you years that
42 sort of show you the timing, in a real-world sense, of how this
43 works through the SEDAR process.

44
45 The Science Center will give us, the cooperators as well as the
46 SEDAR staff, an estimate of what their capability is in terms of
47 the number of assessments that they can produce and what we look
48 for is for Bonnie to tell us that information by the summer of

1 2015 to tell us what she can do for 2017. That's the kind of
2 lag time that we're working on.

3
4 Then that gives you, the cooperator, an opportunity to figure
5 out, okay, in the fall of 2015, if we have five assessment
6 projects that Bonnie can commit to completing for us, what are
7 our priorities? That's your short-term priorities. What five
8 things can you do? There may be ten things, and there usually
9 is, but what five are the most important, because the Center is
10 saying I can do five.

11
12 Then that information goes to the steering committee and
13 normally they meet in the fall and so in the fall of 2015 we'll
14 be meeting to set the schedule for 2017 and how they arrange
15 projects is going to be driven by the capability of the Center
16 and, as an aside, the capability of the Fish and Wildlife
17 Commission as well, but also what your cooperator priorities
18 are.

19
20 What really informs that process is the information that comes
21 from a council, from a cooperator, that says these are the
22 assessments we've got to do and once the steering committee
23 balances that across all the cooperators and the way this
24 normally goes is there's a lot of discussion between Bonnie and
25 the Gulf representatives and then there's a lot of discussion
26 between Bonnie and the South Atlantic representatives to fill in
27 the South Atlantic schedule and if we're dealing with something
28 like king mackerel that crosses cooperators, then there may be
29 some joint discussion, but for the most part, it's going to be
30 the Chair and ED of the Gulf negotiating with Bonnie to get the
31 assessments they need to get done for 2017 when we have this
32 meeting coming up in the fall.

33
34 Once that's done, then the SEDAR staff will go and start
35 developing the overall big picture all of SEDAR project
36 milestones and that's things like when are workshops going to be
37 held and when is data going to be due, because we have a real
38 bottleneck within the Center of the data program.

39
40 There is one data group and there is a small number of people
41 that feed data, fishery-dependent data, to all of our
42 assessments, whether it's Gulf, South Atlantic, Caribbean, or
43 Florida.

44
45 One of the important things the SEDAR staff tries to do is
46 balance the workload of those people so that we don't, for
47 instance, tell someone like Steve Turner at the Center that you
48 have six benchmark assessment datasets due in August and so

1 that's just a project management thing that they do.
2
3 Once that's done, we go out to the SEDAR technical committee,
4 which is representatives of all the different SSCs, to just get
5 some review and to say are there any things that stand out here?
6 Is there an assessment we're trying to do at a time where there
7 is research coming that will be too late and those types of
8 housekeeping.
9
10 Then, finally, in the spring, the SEDAR committee has taken all
11 this input back and had an opportunity for cooperators to look
12 at it and if there's any issues to be resolved, any shuffling of
13 projects, that gives them a last chance to do that and so the
14 scheduling, it is complicated and it is working quite far in the
15 future, which is why we get back to really needing good
16 information on what the cooperator priorities are.
17
18 Now that I've said all of that, of course changes are
19 inevitable. We always have to change the assessment schedule
20 and we know that and one of the things the steering committee
21 has done to streamline this is to say that if there's a change
22 that only involves a single cooperator, that can be addressed by
23 the cooperator and the Director.
24
25 If you wanted to change the order of a couple of assessments or
26 you wanted to swap a species for something say that you had
27 scheduled for 2016, you discuss it here with Bonnie and whoever
28 is involved relative to data and they can accommodate that and
29 you don't need any further decision from the steering committee,
30 because it's really between the cooperator and the Science
31 Center.
32
33 That's something the steering committee did a couple of years
34 ago, to just say why should we have representatives of the other
35 cooperators having to rubber stamp a decision that doesn't
36 affect them in any way.
37
38 Now, if the changes did involve others, like it were a king
39 mackerel change that could affect others, then we may need to
40 have steering committee action, but, again, that could be worked
41 out by the cooperators and the Science Center in such a way that
42 we wouldn't have to do that.
43
44 The biggest challenges that we face here -- People have heard
45 the old joke of do you want it fast, good, or cheap and pick any
46 two. Within the stock assessment world and SEDAR, what we're
47 dealing with here, as you know, is we're balancing thorough,
48 which is the best assessment that addresses all the data and all

1 the research and all the possibilities, versus a very
2 transparent process, so that everyone can see what's going on
3 and know what's going on and holding workshops and all of that,
4 versus a very timely process, which means you get more
5 assessments and you get faster.

6
7 SEDAR was designed really to be transparent and thorough. It
8 was intended to deal with the biggest, most controversial
9 issues. It wasn't intended to be timely and it wasn't designed
10 to be timely and now we're dealing with more timely issues and
11 so one of the things that the steering committee has done in the
12 evolution of SEDAR over time has been to apply different types
13 of approaches for developing assessments and so that's the green
14 words that you see.

15
16 We have the benchmark, the standard, and the update. The
17 benchmark assessment is where SEDAR was born. That's the
18 initial way of doing it. That's the data, assessment, and
19 review workshop, the full three-step process that takes like
20 eighteen months to get done. That's extremely transparent and
21 extremely thorough, but it's also very slow.

22
23 Then we have the update, which is the other end of the spectrum.
24 That's where the analysts take an existing benchmark model and
25 they just add new data to it and that's very timely, but it's
26 not as transparent as the benchmark, in that the analyst does
27 that work and submits it to the SSC, and it may not be as
28 thorough, because there may be some changes in there that they
29 simply cannot accommodate within that, but it does give you
30 information much faster and we know within fisheries that a lot
31 of times timeliness can be everything and so it can often be
32 good to have a really good assessment that you get now than to
33 have a perfect assessment that you can't get for ten years or
34 five years or what have you.

35
36 Then kind of in the middle we have what's called the standard
37 and this is the one that there's a gray area. You can make some
38 changes to the model and you may bring in some new data and you
39 may use a different model package. It's not as much as a
40 benchmark, but it's not as rigid as an update and the people who
41 get to decide, who really should decide whether you've crossed
42 the line, is the SSC.

43
44 The steering committee has designated to the SSC that you should
45 review what's being proposed for a standard and if you decide
46 that you as the people who have to recommend ABC would not be
47 comfortable with that approach, then you should say that this
48 should be a benchmark and so recognizing there is a gray area

1 and giving each cooperator's SSC the ability to interpret that
2 gray area.

3
4 The next couple are just some details on the three approaches
5 and so the benchmark, that's the original three-step. It takes
6 a long time and it has the full independent peer review of the
7 SSC and the CIE folks.

8
9 The standard is in the middle and this takes about six months
10 and the peer review of this is provided by the SSC and there may
11 or may not be a workshop. There is usually a panel appointed to
12 give the analysts some guidance and to help them deal with
13 whatever issues are specified that they're going to explore in
14 that assessment.

15
16 Then the update is the quickest and easiest, the most
17 streamlined, and that is where the analyst solicits the new data
18 and adds it to the model and gives the results to the SSC and
19 those can take about three months and where the steering
20 committee now is saying in the interest of being more timely is
21 that subsequent assessments should be updates and so once we've
22 done a benchmark, the next assessment should be an update and if
23 there's need to do more, to be more complicated, then the burden
24 of proof is on the cooperator to say why this assessment needs
25 to be done as say a standard or a benchmark. That's SEDAR 101
26 condensed to twenty-five-and-a-quarter and so if you have any
27 questions, I will be glad to take them.

28
29 **CHAIRMAN ANSON:** Thank you, John. Any questions? I will make
30 one comment. This is kind of something that I was involved with
31 early on in bringing to the council and I looked at it from the
32 perspective, from this side of the table, is, okay, we've got
33 the process on the front end, which is the SEDAR process, and
34 then trying to relate products that we receive from those and
35 trying to manage the species that we manage and then the
36 timelines that we have to deal with there.

37
38 That's the other end that we'll probably have to get somebody to
39 maybe do a summary, if we don't have the information already,
40 but, for instance, if we have an assessment that is going to be
41 completed, relative to the resources that are available, when
42 will that assessment be done or when could it be done in order
43 for the council then to take the results, after it goes to the
44 SSC review and they come back with their recommendations, for us
45 to implement the results of the assessment in the earliest
46 timeframe possible, for instance for fishing seasons and such.

47
48 That's something that the cooperators, I think, will have to key

1 in on as they develop their lists of priorities for species and
2 such, data availability and all those things, so that when we
3 have products that come to us that they're in the most timely
4 position for us to actually take action and use those updates in
5 the most recent fishing year and so that's what I was trying to
6 achieve, was to get an understanding of the front-end process so
7 that we can make a better decision when we make the
8 recommendations from the get-go, so that we can utilize those as
9 soon as possible.

10
11 **MR. CARMICHAEL:** That's why I mentioned the idea of knowing when
12 you need an assessment, because obviously you recognize if your
13 SSC is meeting April 15 that getting an assessment on April 30
14 is obviously not meeting your needs and so that's where we would
15 say we want that assessment completed by April 1, because
16 otherwise we might incur another six-month lag before you can
17 deal with it and so that's where cooperators letting their SEDAR
18 reps and certainly letting SEDAR staff know if there's an
19 absolute date by which you need to have this or else your
20 process lags behind, that's critical for us.

21
22 **CHAIRMAN ANSON:** John, thank you very much and we will see you
23 tomorrow.

24
25 **MR. CARMICHAEL:** Yes, you will. Thank you.

26
27 **CHAIRMAN ANSON:** That wraps up the presentation portion of full
28 council today and we're going to go ahead and, since we do have
29 some cards for public testimony, we'll take a ten-minute break
30 and we will reconvene in ten minutes. Thank you.

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

33
34 **CHAIRMAN ANSON:** If council members can start coming back to
35 their seats, please. Good afternoon, everyone. Public input is
36 a vital part of the council's deliberative process and comments,
37 both oral and written, are accepted and considered by the
38 council throughout the process.

39
40 The Sustainable Fisheries Act requires that all statements
41 include a brief description of the background and interest of
42 the persons and the subject of the statement. All written
43 information shall include a statement of the source and date of
44 such information.

45
46 Oral and written communications provided to the council, its
47 members, or its staff that relate to matters within the
48 council's purview are public in nature. Please give any written

1 comments to the staff, as all written comments will be posted on
2 the council's website for viewing by council members and the
3 public and will be maintained by the council as part of the
4 permanent recording.

5
6 Knowingly and willfully submitting false information to the
7 council is a violation of federal law. If you plan to speak and
8 haven't already done so, please complete a public comment
9 registration card and give it to council staff. We accept only
10 one card per person. Each speaker is allowed three minutes for
11 their testimony.

12
13 Please note the timer lights on the podium, as they will be
14 green for the first two minutes and yellow for the final minute
15 of testimony. At three minutes, the red light will blink and a
16 buzzer may be enacted, if needed.

17
18 Time allowed to dignitaries providing testimony is extended at
19 the discretion of the Chair and for this instance and since we
20 have a joint meeting with the South Atlantic Council, there is a
21 group of fishermen in the audience and they have submitted
22 twelve cards and they have asked to have two of their twelve to
23 come up and relay the comments of the group and so at three
24 minutes of twelve individuals, that would be thirty-six minutes,
25 but the two individuals have requested a total of fifteen and so
26 I am going to allow that, again with the special circumstance
27 that they're going to be going over to the South Atlantic
28 Council meeting as well.

29
30 First up then we'll have Mr. George Niles, who is going to have
31 five minutes, followed by Tim Daniels, who will have ten
32 minutes. Mr. Niles.

33
34 **PUBLIC COMMENT**

35
36 **MR. GEORGE NILES:** I am Mr. George Niles and I am Past President
37 of Florida Keys Commercial Fishermen's Association and I am also
38 on the Coastal Pelagic AP and I hold both a gillnet endorsement
39 for king mackerel and Spanish mackerel and also a hook and line
40 for king mackerel. I will be representing both gillnet and hook
41 and line fishermen in Key West.

42
43 First, I would like to say that Key West is in favor of the new
44 boundary line being formed at Dade/Monroe County. I am going to
45 jump around real quick here, because time is limited.

46
47 Fifteen active commercial net fishermen had a meeting here
48 recently after your last meeting in Mississippi and all fifteen

1 members requested that the council approve a 45,000-pound trip
2 limit for the commercial king net fishermen in the southwest
3 region. One of the main reasons we want 45,000 instead of
4 35,000 is there will be fast boats that could make it back the
5 next day and could potentially catch 70,000 pounds in two days
6 rather than the 45,000 in one. If you catch 45,000, you're not
7 going back the next day. You just can't handle the fish that
8 fast and we feel it would give an unfair advantage to the faster
9 boats.

10
11 Also, we want to continue to get our net quota over as quickly
12 as possible. Traditionally, it's been less than a week fishery
13 and it negatively impacts the hook and line price and so the
14 hook-and-liners are definitely onboard with getting that fishery
15 over as soon as possible. They don't want it strung out.

16
17 Only 5 percent of the strikes in the gillnet fishery are over
18 the 45,000-pound threshold and we feel like that 45,000 pounds
19 would solve a lot of our problems with giving that away on the
20 water and having it returned and just streamline our fishery a
21 lot more than what it is now, especially with a quota increase.
22 We are also in favor of getting rid of all latent permits in the
23 gillnet fishery.

24
25 As far as the split with the Atlantic Council, we are for
26 traditional allocations across the Gulf. We feel like we've
27 been waiting for the stock to go up for twenty years down here
28 and we were told to bite the bullet by this very council. Most
29 of it was before any of you all were on here, except probably
30 for Roy Williams. Me and Roy have been around a long time and
31 Corky, but we were told to bite the bullet and when the stocks
32 were in better shape that we would get our raise.

33
34 Well, the stocks are not overfished any longer and we're
35 supposed to get our raise and I've seen some documents where the
36 northern Gulf wants a bigger raise than we do and I don't think
37 that's fair. We've been waiting a long time, twenty-five plus
38 years, for a raise and we bit the bullet and we want our raise.

39
40 Now I would like to talk about fish that aren't being used and
41 the quota going up. The recreational industry for the last
42 twelve years has not used more than three-million pounds of
43 their quota. I would like to see those fish be used somehow by
44 the commercial side, both hook and line and gillnet.

45
46 There was a suggestion when you had a workshop down here that
47 maybe we take half of the leftovers, the average leftovers, and
48 see how that works. However you do it, those fish should be

1 used.

2
3 I was on the AP five years ago in Louisiana and we had a meeting
4 in New Orleans and I suggested that the recreational fishery go
5 to three fish because they weren't catching their allotment and
6 the recreational fishermen on the AP told me they didn't need
7 three fish. I don't think any commercial fisherman has any
8 problem with them going to three fish. I still don't think that
9 quota will be near full. Your own statistics suggest that.

10
11 I don't think they will catch a third of what they haven't been
12 using by going to three fish. We are definitely in favor of
13 them getting three fish, but we would like to see the rest of
14 the fish be used too somehow. We would like for you all to come
15 up with some way that the commercial sector could use that fish,
16 whether we borrow it or get it permanent somehow. I would
17 definitely like to see that be used.

18
19 **CHAIRMAN ANSON:** Mr. Niles, if you can wrap it up. Your five
20 minutes is up.

21
22 **MR. NILES:** I am pretty much done and I will turn it over to
23 Tim.

24
25 **CHAIRMAN ANSON:** Yes and just hang around or just be ready for
26 questions when Mr. Daniels is done. Mr. Daniels.

27
28 **MR. TIM DANIELS:** We thought he needed more than five minutes
29 and he ran out and so I'm sure going to run out. I would like
30 to thank all of you for listening to us today on this kingfish
31 issue.

32
33 My primary subject is to raise to 45,000. It's an economic
34 decision for us, because we cannot haul enough -- Every boat in
35 this fishery can carry 45,000 and when you limit us to the
36 25,000, it's economically unfeasible for us to make money and so
37 we need that extra fish and that extra fish -- I have heard a
38 lot of things said about the 45,000 will cause you to run over
39 the limit.

40
41 It ain't the boats that catch the fish. It's the nets. It's
42 how many boats haul them fish to the dock that's the valuable
43 thing and so if you let me carry 45,000, I am going to make
44 money. If you keep it at 25,000, I am not going to make a lot
45 of money and that's the big issue with me.

46
47 We have an internal system that we use and try our best to
48 comply with everything to help shut this system down when we

1 catch the quota and that is that we stop fishing at around
2 100,000 left. We internally close the season.

3
4 Then we go to a hat system and draw names out of a hat and we
5 reduce ourselves, and this is our newest agreement, to the
6 25,000 and we draw names to fit whatever is left after we've
7 stopped ourselves. When we catch that out, that slows it down
8 and pulls some of them out of the fishery, where they can go to
9 other things to do and those that are left then, there is no
10 pressure and there is no competition and they can go out there
11 and catch that down at a slow pace to the end and close the
12 fishery.

13
14 We have been participating in this for some time and we've done
15 a pretty good job of making it work and the 45,000 will not
16 change the end result in this fishery. I want to make it clear
17 to everyone here today, and the audience too, that there is no
18 one that can close this fishery without running it over
19 sometimes.

20
21 It's a high-yield fishery and every boat that fishes is capable
22 of catching 60,000 or 70,000 pounds of fish and with that
23 capability, there is times that -- I am a spotter pilot in this
24 process and my son runs the boat and I have seen times when I
25 thought this net will produce 10,000 or 15,000 or 20,000 and
26 that net produces 45,000.

27
28 I've seen a time when I said that's a good bunch of fish and
29 you're going to catch 50,000 and they catch 10,000 and there is
30 no way, no way, nobody, that can do this exact. This is not
31 science. This is everyday life and with that capability, you're
32 going to go over.

33
34 I can stand here with certainty and tell you we will go over
35 that quota and not intentionally. We are doing our very best to
36 cooperate and I am sure some of these sitting at this table will
37 verify that, that we're trying very hard.

38
39 What we've been waiting on in this fishery and the reason we've
40 come to this point is because twenty-five years ago when these
41 systems were put in place, we were told, by your predecessors,
42 when this fishery rises up, the maximum sustainable yield will
43 get better and then the fishermen will make money, because they
44 will have more fish to catch. That's the reason everybody in
45 this fishery is still here, to get to the point we can make
46 money and make this a viable fishery for us fishermen.

47
48 The permits can't be sold and so it's a dying fishery and so our

1 hope has been all this time that the quotas would raise and we
2 would wind up catching more fish in the end and make this a good
3 fishery for some of us that's left, especially with sons that
4 want to do it.

5
6 The 25,000 has not been working and we've not been making a lot
7 of money and holding on and waiting on that promise to come
8 true. It has raised and the quota is higher than it used to be,
9 but we are very much -- Everyone in this is in agreement and we
10 work together to close this fishery down as close to the line as
11 we can and, again, it will go over again and I thank you for
12 your time.

13
14 **CHAIRMAN ANSON:** Thank you, Mr. Daniels.

15
16 **MR. NILES:** Can I use up his other five minutes? I've got one
17 more thing to say.

18
19 **CHAIRMAN ANSON:** One more thing, yes. Go ahead.

20
21 **MR. NILES:** As far as the quota going up, from what I've seen at
22 the past meetings that I've been to in the past couple of
23 months, it looks like it's going to rise a little bit and then
24 fall over a million pounds in the Gulf in the next five years.

25
26 With the recreational underrunning their quota three to four-
27 million pounds a year the last twelve years, thirty-six million
28 pounds were left out there and they had babies and kingfish live
29 for seven years and this has been going on for twelve.

30
31 Their babies had babies and we're into the end of the second
32 generation of thirty-six million pounds of having babies and the
33 quota is going to rise a little bit and then fall over the next
34 five years with all of these extra fish in this healthy fishery?

35
36 I think the scientists that figured this out need new batteries
37 for their calculator, because that doesn't compute to any
38 fisherman in Key West, how in the world you can leave this many
39 fish on the table and they can have babies and their babies can
40 have babies and it's a healthy fishery now and the quota is
41 going to go up and then it's going to fall a million pounds over
42 the next five years.

43
44 There is nobody in Key West that understands that and I think
45 that needs to be looked at again definitely and I thank you for
46 your time and if there's any questions, I will be happy to
47 answer them.

48

1 **CHAIRMAN ANSON:** Thank you. I think we have at least one.
2

3 **MR. WILLIAMS:** I was going to comment or ask Tim Daniels
4 something, just to follow up. Tim, when we were down here in
5 January, I was kind of influenced by something you said back
6 then and that was some of us were stewing over running over the
7 quota and if we go from 25,000 to 45,000 pounds, the chances of
8 going over the quota are a lot higher.
9

10 You said something to the effect that we would go over the quota
11 every year if we didn't shut this down ourselves and that we
12 talk back and forth among ourselves and when we're near the
13 quota, we shut it down and is that still your testimony?
14

15 **MR. DANIELS:** Yes, that's pretty close to the way we -- There is
16 fifteen permits in the fishery and we had a meeting a month ago
17 and we decided if we get the 45,000 when we come to the 100,000
18 mark to shut it down so we don't go over it that we then draw
19 names in a hat to do the last 100,000, which would be four boats
20 to go fishing.
21

22 Then those four boats are less likely -- They will work together
23 and if one of them puts a net on a good bunch of fish, the other
24 one probably won't and he will catch more fish and give him some
25 and they try to work it out.
26

27 This industry is working together 100 percent and we've got our
28 own system to do that. We call the fishery. When we get to 75
29 percent or 80 percent, we call it and we stop and we've got
30 people that get upset about it and sometimes can't remember this
31 or that and things do happen, but the bottom line is we call it
32 and we stop it and we fish it out slow and finish the season and
33 then we stop fishing. We tie our boats to the dock before it's
34 ever law and we quit fishing. That's our contribution to try to
35 make this thing work, where we all win, you and I. Is that what
36 you're asking?
37

38 **MR. WILLIAMS:** Yes, thank you. That's it.
39

40 **CHAIRMAN ANSON:** We have another question from Martha.
41

42 **MS. BADEMAN:** Thank you, Tim and George, for being here and
43 coming down here. I just wanted to ask you a question. When
44 you all met back I think in January, Bill Kelly had put together
45 the list of kind of what everybody was looking at and what
46 everybody's hold capacity was and, Tim, I think you said
47 everybody now is at a point where they can hold 45,000 pounds on
48 their boat. Are people upgrading their boats? Is that what's

1 going on, because I think back then we still were at a point
2 where there were a few folks that could not hold the 45,000.

3
4 **MR. DANIELS:** I think there was one boat that couldn't do it and
5 he switched his permit from a father to a son where they could
6 handle it. There was only one boat that was really in the
7 problem and that's took care of and it's done. On the newest
8 information you have, every permit signed 45,000 and we didn't
9 break no arms.

10
11 **MR. SANCHEZ:** This question is for either of you. Because it is
12 a high-yield fishery and, let's face it, when you're dealing
13 with that quantity of fish, there may be a chance for an overage
14 one year and there may be an underage another year as you're
15 trying to shut it down and when you're dealing with these
16 numbers, you've got to do these things.

17
18 That said, if there is an overage in a given season, I want to
19 make it clear that we're all in agreement that there will be an
20 accountability measure where that overage will just come off of
21 the next year's quota and then we just move on.

22
23 **MR. DANIELS:** Yes, sir. That's what we was asking for and I
24 wasn't smart enough to remember it. We are presenting to the
25 council that we up our boat landings to 45,000 and if we run it
26 over one pound, take it off of next year's quota and reduce that
27 to fit, where every year we're back in place. That's what we're
28 asking for.

29
30 **MR. FISCHER:** Thank you and I want to just make sure I
31 understand or I guess I'm trying to make you say it, but all
32 fourteen or fifteen members of your consortium understand that
33 if they overharvest that it will come off of next year?

34
35 **MR. DANIELS:** Yes, sir.

36
37 **MS. BADEMAN:** Just to clarify, I wasn't trying to say that folks
38 were changing their opinion, but I just wanted to make sure that
39 everybody -- I think you said everybody has the capacity to
40 carry 45,000 pounds now and that wasn't the case at least in
41 January and is that the case now?

42
43 **MR. DANIELS:** Every boat in the fleet has signed on. You are
44 supposed to have a paper. Mr. Kelly was supposed to have sent
45 it to somebody and I don't know where it is, but you have a
46 paper with all those signatures on it.

47
48 **MS. BADEMAN:** Yes, they support it, but I just am making sure

1 that they all have the capacity to carry that on their boat.
2
3 **MR. DANIELS:** Everyone as far as to my knowledge. The one
4 permit in question, the man transferred it to his son on a
5 bigger boat and he can do it, yes.
6
7 **CHAIRMAN ANSON:** No other questions? One more from Corky.
8
9 **MR. PERRET:** Tim, you say when there's a hundred or whatever
10 thousand pounds left that you all are going to draw out of a hat
11 and there will be four boats that will be selected to continue
12 fishing and is that right?
13
14 **MR. DANIELS:** Yes, sir.
15
16 **MR. PERRET:** If one or more of those four boats causes the
17 overage that has to come off the top for the following year,
18 it's going to impact all of the permit holders and you all have
19 agreed on that? You all understand that? It's not going to
20 just come off of those four guys, but it's going to come off the
21 whole, the total, and you all --
22
23 **MR. DANIELS:** Yes, sir, and I think -- To my knowledge, it's
24 been discussed in our meetings and we've had meetings and like a
25 month ago, we all had a meeting and went through this to try to
26 present this and to make some rules to fit it and that's when we
27 reduce -- When we hit the cutoff for us, then we go to the
28 25,000 to keep it in place better and everyone, as far as I
29 know, everybody was represented at that meeting when we voted
30 that and so everybody understands it comes off next year's
31 quota, yes.
32
33 **MR. NILES:** Corky, we agreed to go back to 25,000 once we drew
34 the names and I want to make sure everybody understands that.
35 It's nothing to do with you all, but we agreed that amongst
36 ourselves, to go back to 25,000.
37
38 **MR. DANIELS:** To control the last little catch. Sometimes it's
39 two boats or sometimes it's three or four boats, but it depends
40 on how it lands at the end how much we've got left and then when
41 we close it down, the whole group is agreeing to do that and we
42 close it down and we call and say close your season and we're
43 done. We're taking the nets off and going to something else.
44 We cut it off ourselves and quit.
45
46 **CHAIRMAN ANSON:** Thank you very much. Next we have Bill Kelly,
47 followed by Ken Haddad.
48

1 **MR. BILL KELLY:** Mr. Chairman and members of the council, I just
2 want to talk to you briefly about this South Florida Regional
3 Management Plan. We've been engaged in this for a long, long
4 time. In fact, I was one of the first guys that asked for a
5 South Florida Regional Management Plan, as far back as 2000 with
6 the South Atlantic Council.

7
8 We really wanted to simplify the rules and regulations and we
9 wanted to get consistency, as Mr. Perret said the other day. I
10 think that in fact is maybe a much better word to use here. We
11 want to see the same things happen on both sides of the islands
12 in a reasonable geographic area by species.

13
14 It has certainly morphed far beyond that. We now see the State
15 of Florida seeking jurisdiction on economically-important
16 species of yellowtail snapper, mutton snapper, and groupers that
17 are important to everyone across the board, not only the
18 commercial fishing industry, but the recreational and charter
19 for-hire.

20
21 It adds so much complexity to this that the consensus of opinion
22 up and down this archipelago is this. If we're going to make it
23 more difficult than it already was, we would just as soon go
24 back and work with the individual councils and if we're going to
25 relinquish authority of these species to the State of Florida,
26 relinquish protections that we have under Magnuson, we would
27 just as soon give the whole deal back to you and call it all
28 off. Thank you.

29
30 **CHAIRMAN ANSON:** Thank you, Bill. Bill, we've got a couple of
31 questions for you.

32
33 **MS. BOSARGE:** Bill, I actually had my hand raised for the last
34 speaker, Mr. Tim Daniels, but you're in the same group and I
35 just wanted to say that we've heard the anecdote that you did
36 have a fisherman that went over the 25,000-pound limit and he
37 tried to cut the net and do whatever he had to do to give those
38 fish to another boat.

39
40 Unfortunately, at that point it just wasn't feasible. Some of
41 the other boats had already hit the dock and instead of doing
42 something that some people might have done, he took those fish
43 to the dock, knowing that he was going to get fined for landing
44 over the 25,000, but he did it anyway. He had the integrity to
45 bring it in to the dock and take his hit for it and I think that
46 speaks very much to the integrity of the group of fishermen that
47 we're dealing with and I think it has a lot of value when we go
48 to make our decisions on this. We appreciate it.

1
2 **MR. KELLY:** You are absolutely correct with that statement. It
3 was the integrity of the fisherman and what are your options?
4 Are you going to cut that net and leave it at sea? That won't
5 work. That will put us out of business in a skinny minute.

6
7 Are you going to take all these dead fish and throw them over
8 the side? That doesn't work either and some of the fishermen
9 said, look, this is the reality and this is what goes on. We
10 are over and oftentimes we're under and every strike is not
11 45,000 pounds, but I need to go in there and do the responsible
12 thing.

13
14 We offered those overages be given to non-profit organizations,
15 the proceeds and so forth, and so, again, we've seen it over the
16 course of the past five years. The seventeen active members
17 engaged in this fishery are doing everything they can to work
18 with the councils to make it a clean, healthy, robust fishery,
19 which it is, with virtually zero bycatch. Thank you.

20
21 **CHAIRMAN ANSON:** Thank you, Bill. Ken Haddad, followed by Wayne
22 Werner.

23
24 **MR. KEN HADDAD:** My name is Ken Haddad and I'm with the American
25 Sportfishing Association. Mr. Chairman and council members,
26 thank you for the opportunity to speak. First, I would like to
27 thank Corky and Harlon for their contributions to the Gulf
28 fisheries management. As they step off the council, I don't
29 think we agreed on hardly anything, but, hey, I'm an optimist
30 and I'm sure there is common ground somewhere and emphasis on
31 "ground".

32
33 We thank you for proceeding with Amendment 28. While the
34 Preferred Alternative 8 acknowledges a sampling bias resulted in
35 a long-term underestimate of catch and adjusts for that, we
36 believe you have not spent enough time considering Alternative
37 9. We continue to believe that the fair allocation should
38 include both sampling bias and include some recognition that the
39 selectivity adjustment was due to the change in the average
40 weight of catch in the recreational sector and so we ask for
41 more discussion on this relative to Alternative 9.

42
43 My final request, and I haven't brought it forth in a while, is
44 the topic of barotrauma. There has been seemingly a bit of a
45 lack of proactive interest in the council and I am hoping we can
46 change that. We believe you're missing a great opportunity by
47 not pursuing in a more rigorous way the recreational fishing
48 mortality tied to barotrauma and proper fish handling.

1
2 The science is showing great promise and new tools, but how to
3 implement new tools from a management perspective is not being
4 considered and we ask that you reopen the issue and look for
5 ways to implement the use of these new tools in the recreational
6 fishing in the Gulf. Thank you.

7
8 **CHAIRMAN ANSON:** Thank you, Ken. We have a comment from Dr.
9 Crabtree and Harlon.

10
11 **MR. PEARCE:** Ken, as always, thanks for coming and giving us a
12 presentation and you know it may seem like we're on opposite
13 ends of the spectrum, but I think we're both coming at this
14 problem, but just from different directions.

15
16 My heart has always been trying to help the private recreational
17 fishermen and maybe it doesn't seem that way, but that's how I
18 feel and that's how I try to react. We just look at it in
19 different ways and I still want to try to help the private
20 recreational fishermen move into the future, as the harvesting
21 component has done on it and as the charter fishing component is
22 trying to do now.

23
24 I so believe there are some ways that we can continue to work
25 together to manage the private recreational fishery into the
26 future. Now, maybe it's misunderstandings, Ken, between my goal
27 is to try and get things done and maybe if we tied science to
28 thought processes that if we do this, this is what would happen
29 scientifically and this is what it would mean and I think maybe
30 if we explained better to the private recreational fishermen
31 what certain actions might do and how it might help them, maybe
32 that will move us down the road.

33
34 I do really, in my heart, really want to try to help the private
35 recreational fishermen move into the future and to really relook
36 at their fishery and sit down and reevaluate it and understand
37 that maybe there is a better way. Maybe there is a better way.
38 This derby fishery really doesn't work.

39
40 I hope that you share my thoughts on this and I hope that you
41 and I can work together in the future, whether I'm on the
42 council or not, to help the private recreational fishermen move
43 ahead.

44
45 **MR. HADDAD:** I look forward to it, Harlon.

46
47 **MR. PEARCE:** Thank you, Ken.

48

1 **DR. CRABTREE:** Hi, Ken, and thanks for being here. On the
2 barotrauma devices, I kind of thought of this as an outreach and
3 education and encourage kind of thing, but are you suggesting
4 you think we might be at a point where regulatory things may be
5 order? I'm curious as to your thoughts.
6

7 **MR. HADDAD:** I don't know if we're at that point. I guess what
8 I'm asking, and I don't know if that's ever a point we want to
9 be at, but unless it's kind of brought forward as an issue and
10 see where the science is and start thinking about how it could
11 be better implemented, we won't know.
12

13 I mean we do know that out on the west coast, the Pacific side,
14 there has been council use of this as a -- Truly a management
15 tool that fits into their stock assessments and everything else.
16 It would be nice to see us get to that at some point. I don't
17 know if we're ready, but we won't know unless we keep asking the
18 question.
19

20 **CHAIRMAN ANSON:** Thank you, Ken. Wayne Werner, followed by Bart
21 Niquet.
22

23 **MR. WAYNE WERNER:** Good afternoon. I'm Wayne Werner, owner of
24 the Fishing Vessel Sea Quest. I would like to, once again,
25 address Amendment 28. I was looking at the way this council
26 allocated amberjacks and when I looked at it, I noticed that we
27 had a certain selectivity in our own fishery there. We had a
28 thirty-six-inch size limit and about a thirty-pound fish versus
29 a fifteen-pound fish for the recreational.
30

31 When it came time to set the allocation, we were penalized for
32 catching a larger fish and now you're looking at the
33 selectivity, where you're catching a larger red snapper
34 recreational and you're going to give that benefit to that
35 fishery and this is contradicting each other and it doesn't make
36 any sense.
37

38 You also, when you looked at these other fish, thought it would
39 be prudent to use a long historical catch average and now that's
40 out the door and you're no longer looking at that and my
41 feelings are that you're not looking at it properly.
42

43 I believe there is selectivity. I see it running around all
44 over the place with sixty-mile-per-hour boats everywhere I go.
45 They are going further offshore and they're fishing deeper water
46 and we see them all the time and I didn't understand why your
47 SSC didn't get a chance to evaluate it. I wanted to ask them
48 the question at the last meeting of is anybody looking at these

1 fishing boats that are fishing further offshore in deeper water
2 and catching more fish?

3
4 This has to be part of the selectivity. It can't be just hooks
5 and baits. There has got to be a lot more to it than that and I
6 just think you all need to reconsider some of the stuff you're
7 looking at in Amendment 28. Thank you.

8
9 **CHAIRMAN ANSON:** Thank you, Wayne. Bart Niquet, followed by
10 Mike Colby.

11
12 **MR. BART NIQUET:** Bart Niquet, commercial fisherman. I've been
13 fishing for a little over seventy years and concerning the
14 leasing of allocation, this amounts to putting a new entrant
15 into the snapper fishery while still not overcapitalizing this
16 fishery.

17
18 To date, I personally know of at least seventeen boats that are
19 retaining snapper that previously they had to discard. I would
20 gladly furnish the names if you want them.

21
22 The one thing that would better recruitment to the red snapper
23 stock would be to ban retention of any red snapper over twenty
24 pounds, both recreational and commercial. This would stop most
25 of the impact on the offshore reefs and that's where most of
26 your big snapper are.

27
28 Regarding this red snapper accounts and grouping them by the
29 same name in the allocation, how do you get around the Smiths
30 and Jones and Davis and so forth? This is an unworkable
31 situation and also on page 8 of Tab B, Number 8, Table 2, the
32 shareholdings with and without permits between related pairs, I
33 don't know how you're going to solve that problem either.

34
35 My two boats work off of my shareholder's account and we have to
36 transfer stock, allocation, to one boat or the other when we're
37 operating and if one of the boats comes in and he's got more
38 fish than the IFQ has allotted to him, I have to transfer them
39 over from my other account, which means it's two or three
40 separate transactions every time something like that happens.

41
42 That's one of the reasons that your estimates of transfer of
43 fish is up so high. It's not an accurate data that you're
44 working on, like a lot of this other data that you're working on
45 is not quite correct.

46
47 Another thing is I don't know why the council cares if a
48 shareholder wants to put all his allocation on one boat or

1 spread them around. It looks to me like that would be none of
2 the council's business and like most people, I don't like being
3 told how to run my business by people who have never run a
4 business like mine and one of the final words is no more closed
5 areas. You've got areas closed for twenty or thirty miles
6 protecting one rock that may be a hundred feet across and you're
7 closing a lot of area to fishing which is needful and
8 unnecessary and puts a hardship on the rest of us. Thank you.

9
10 **CHAIRMAN ANSON:** Thank you, Mr. Niquet. I don't see any
11 questions. Thank you, sir. Mike Colby, followed by Mark
12 Hubbard.

13
14 **MR. MIKE COLBY:** Mike Colby with the Clearwater Marine
15 Association in Clearwater, Florida. I'm a headboat and charter
16 operator. Thank you, Corky, and thank you, Harlon, for your
17 good service on the council and a message for Harlon and the
18 council is I hope this logbook project will be the game-changer
19 that I think the charter for-hire boats are looking for. I
20 think it's a good pathway and I am excited to see it roll in and
21 take place and provide the information that we all need.

22
23 Also to the council, thank you for starting the motions on an
24 options paper for the headboat and the charter boat APs. I met
25 with some of those AP members and I know they worked very hard
26 to get all of that in line and it was lengthy, but I am glad
27 they did it and I am glad that we'll be expediting this
28 hopefully as quickly as we can.

29
30 On gag grouper in the eastern Gulf, I have talked with a lot of
31 our operators and some guys down in Cortez and in Naples and I
32 think erring on the side of caution in terms of where we set
33 this ACL and the ACT is probably where they want to go. I know
34 it's very, very inviting to look at all the different
35 alternatives where we could get more days and close this part of
36 February and March down, et cetera, et cetera, but I think under
37 Action 1, Alternative 1 is kind of where we fall, considering
38 what I've heard here yesterday concerning some of the
39 uncertainty that the SSC has. I think that's the way to go.

40
41 Now, on Action 2, it almost sounds like a bit of a disconnect,
42 but on Action 2, Alternative 2 would, I think, provide just a
43 little bit of push for our eastern Gulf boats, where we can get
44 a few days during the Christmas holiday. That's a big, big time
45 for us and the advantages there is that you've got twenty days
46 in December where we're not fishing. Nobody is fishing. The
47 private anglers are producing very little effort in those first
48 three weeks of December and obviously Christmas and family and

1 this and that and the other.

2
3 I think with essentially what would be a six to eight-day
4 extension for us in the eastern Gulf, that may be just enough to
5 keep us at the ACT or below without jeopardizing any kind of
6 future problems or issues with gag and so I would say Action 1,
7 Alternative 1 and Action 2, Alternative 2 would be where I think
8 our guys will fall in line.

9
10 Finally, just a comment on the discussion of the spawning
11 potential ratio issues raised on red snapper. I am, again,
12 falling on the line of caution. I think that arbitrarily or
13 even if it's we try to find a science solution for lowering that
14 SPR, I think 26 percent is where we should stay. Thank you.

15
16 **CHAIRMAN ANSON:** Thank you, Mike. Harlon.

17
18 **MR. PEARCE:** Thanks for recognizing me. Mike, thanks for your
19 testimony and I appreciate all the hard work you're doing. Give
20 me a number or a percentage of boats in your area that are going
21 to want to be or will be a part of this VMS volunteer program.

22
23 **MR. COLBY:** Right now, Harlon, I've got eleven federally-
24 permitted boats that are charter and not headboats out of about
25 thirteen in the Association and so we've got pretty close over
26 to 90 percent and I think that's pretty interesting, because we
27 oftentimes think of this as red snapper driven and yet, these
28 guys see this as an opportunity to put some reliability in it
29 and we can look at harvest trends now.

30
31 There is all kinds of great things we can do with the data flow
32 out of this and I think getting Clearwater boats and Cortez
33 boats and Naples boats and Fort Myers boats is a real tip of the
34 hat to get a wide participation in the Gulf for the program.

35
36 **MR. PEARCE:** You're correct, Mike, that this is not just about
37 snapper and it's about whatever you catch and so I appreciate
38 your participation and I appreciate the eleven of the thirteen.
39 You've got two more to work on and so good work. Thank you,
40 Mike.

41
42 **MR. COLBY:** Thank you, Harlon.

43
44 **CHAIRMAN ANSON:** Next we will have Mark Hubbard, followed by Pam
45 Anderson.

46
47 **MR. MARK HUBBARD:** Hello and my name is Captain Mark Hubbard and
48 I operate Hubbard's Marina up at John's Pass, Madeira Beach, and

1 the Tampa Bay area. We have two partyboats and a charter boat
2 that's a multi-passenger charter boat, up to twenty-two
3 passengers, but we are due to report as a charter boat and
4 that's the reports that we've been given.

5
6 I am also the Co-Chair on the Headboat Reef Fish Advisory Panel
7 and the thing that I noticed up on that panel is it was heavily
8 weighted towards the pilot program, the headboat pilot program
9 gentlemen that were involved in it.

10
11 There were a few of the partyboats that weren't in it there
12 represented and so the information and the report you got this
13 morning from Tab B, Number 13 -- If you read down, you noticed
14 some of the votes and it pretty much went along the lines of who
15 was in the pilot program.

16
17 One of the gentlemen actually made a motion to duplicate the
18 pilot program for the partyboat sector and it seems a large
19 reach, to the point to where that motion was repealed. I don't
20 feel it represents all the, the majority, of the partyboats in
21 the sector's positions, that panel.

22
23 The majority of the members were involved in the partyboat pilot
24 program and they wish to duplicate that system and so I want you
25 to -- When you heard that paper this morning, to take it with
26 that in mind, that as we move forward in this sector separation
27 and the headboat sector and the charter boat sector that perhaps
28 as you develop the program to send it out for a vote to all the
29 participating members.

30
31 Mike was talking about 90 percent of the people involved in his
32 club are for the new program. Well, that's because those are
33 the people right there in Clearwater. I talked to a lot of
34 other people in the Tampa Bay area that are not for the program
35 and that they liked the more traditional-based management system
36 of seasons, bag limits, and sizes.

37
38 Moving right from where we are to a partyboat allocation-based
39 and in the charter sector a permit IFQ-based management system
40 is just a huge step and it's going to be a challenge.

41
42 The partyboats and headboats, we need some flexibility measures
43 and moving right into the VMS is a challenge for a lot of us
44 because we aren't all fishermen. I know our boats, we jam on
45 fishing.

46
47 I mean we take a lot of people fishing and we catch a lot of
48 fish, but because of the economic pressure, I am doing ash

1 scatterings when I come back in. We quick wash the boat and
2 send it out for a wedding and we do sightseeing and dolphin
3 watch trips on our partyboats and so they're not all fishing
4 boats that represent the partyboat industry, the headboat
5 industry. We are doing a lot of different things. We are
6 moving and shaking to stay alive out there.

7
8 **CHAIRMAN ANSON:** Mark, if you could wrap it up. Your time is
9 up.

10
11 **MR. M. HUBBARD:** Oh my goodness. The traditional management
12 system of seasons, bag limits, and sizes, coupled with Amendment
13 40, should meet our goals that we voted for in our AP. It will
14 give us a year-round fishery and the red snapper fishery is the
15 only one we wouldn't get a year-round fishery on, but we
16 obviously got a lot more days just in doing the Amendment 40.
17 What kills me is that --

18
19 **CHAIRMAN ANSON:** If you could wrap it up. Your time is up. I
20 am sorry.

21
22 **MR. M. HUBBARD:** This morning, the AP volunteered paying for the
23 cost of the --

24
25 **CHAIRMAN ANSON:** Mark, you're going to have to wrap it up,
26 please. Thank you. Any questions for Mark? Pam.

27
28 **DR. DANA:** Thank you, Chairman Anson, and thank you, Captain
29 Hubbard, for being here today. I know, just from your
30 reputation, that you have quite a significant clientele in the
31 John's Pass area and the Tampa Bay area and I appreciate you
32 coming here today to give kind of the other side of the picture
33 from the headboats and the partyboats and so that's about it. I
34 just appreciate you being here. You do have some significant
35 passenger tickets for your boats and probably some of the
36 biggest in the Gulf of Mexico and so I appreciate your input.

37
38 **MR. M. HUBBARD:** Thank you. I will go ahead and just submit
39 this written and that way at least you will get the other half
40 or two-thirds of my statement.

41
42 **CHAIRMAN ANSON:** That will be fine. Go ahead and submit it to
43 staff and I appreciate it.

44
45 **MR. M. HUBBARD:** I hope someone is going to rewrite this thing
46 for me.

47
48 **CHAIRMAN ANSON:** All right, Mark. Thank you. We have Pam

1 Anderson, followed by Steve Tomeny.

2
3 **MS. PAM ANDERSON:** Hello, Mr. Chairman and council members. I
4 am Pam Anderson, Operations Manager at Captain Anderson's
5 Marina, home of five large headboats, twenty-five charter boats,
6 and four dive boats. I am also the Vice President of PCBA and
7 the fishery rep on the Bay County Chamber of Commerce Government
8 Affairs Committee.

9
10 On the reallocation of Amendment 28, we still prefer Alternative
11 9, to allocate increases due to the recalibration of MRIP
12 estimates and to the change in size selectivity to the
13 recreational sector. We think that this is very important and
14 it's certainly warranted.

15
16 Just as the charter boat AP was stacked with catch share
17 proponents, the headboat AP was stacked with participants of the
18 headboat EFP and you've just heard that, with some of the same
19 people on both of the APs. We in the minority watched these
20 folks read from a prepared script that had been agreed upon in
21 advance.

22
23 Each item was quickly stated and the motion was made and
24 seconded, almost before anyone could comment. I was able to
25 comment on most of what they brought up, but it was still very
26 difficult and you had to be quick.

27
28 The rest of us are not puppets, giving the approving nod to this
29 list. We wanted discussion and practical solutions that will
30 work out on the water and the work of this AP had already been
31 decided before the meeting started.

32
33 We already write up daily reports and electronically submit them
34 weekly. We are the accountable component of the recreational
35 sector. Due to the excess regulations, we must not get
36 ourselves into unnecessary expenses. Again, a VMS is not
37 necessary and is a burdensome expense to those who, for whatever
38 reason, do not have one.

39
40 Our trips are scheduled usually weeks or months in advance and a
41 text or an email from a cell phone can confirm hail-in and hail-
42 out requirements. Due to FCC regulations, it's required that
43 the captain report over the radio upon departure already and
44 most cell phones have a GPS tracker.

45
46 A motion that was not brought to the committee's attention
47 earlier was to recommend to the council to manage the headboat
48 fleet with seasons, bag limits, and size limits along with

1 additional appropriate accountability measures, allowing
2 scientists to determine what they need and applying that request
3 of data to the current headboat survey.

4
5 This motion failed, but even so, the headboat component is
6 almost already to the point of complete accountability. I
7 believe it's this council's responsibility to spell out what
8 data you need that is missing from the current headboat survey
9 and submit that to the headboat AP for consideration of ways to
10 collect it.

11
12 For the charter boat AP, if you are going to require all
13 federally-permitted holders to acquire any additional monitoring
14 equipment for use in your data collection, any funding
15 designated for this purpose from Congress should be divided
16 equally among all the permit holders.

17
18 On the motion made by the charter boat AP to recommend that the
19 council extend the sunset Amendment 40, the only reason
20 Amendment 40 passed in the first place was due to the addition
21 of the existing sunset provision. This recommendation by the AP
22 goes against the understanding or agreement of those who voted
23 due to the existing sunset period.

24
25 On the recommendation that council remove the charter boat for-
26 hire component from Amendment 39, this amendment is for the
27 recreational sector, of which they are a part.

28
29 Headboats and charter boats should be included in Amendment 39
30 going forward and my question regarding any of the suggested
31 reporting requirements is do you have the manpower and funding
32 to actually collect and process this requested data and to
33 provide the results that substantially improve assessments and
34 regulations? If not, we are going down the wrong path. I would
35 like to charge the AP -- The charge of the AP to be more
36 specific. Thank you.

37
38 **CHAIRMAN ANSON:** Thank you, Pam. Steve Tomeny, followed by
39 Richard Gomez.

40
41 **MR. STEVE TOMENY:** Hi and I'm Steve Tomeny and I operate a
42 charter headboat out of Port Fourchon, Louisiana and I also am a
43 commercial fisherman. I would like to thank Corky and Harlon
44 for their long service on the council and a good job.

45
46 I heard a lot about they didn't like the way the APs were going,
47 but I am all for getting this headboat thing just rolling on
48 down and the charter boat AP. Let's keep it moving. I am also

1 an advocate for VMS on every charter boat. I think it's the
2 gold standard and if it's something a little less, it will work,
3 but it is by far the best.

4
5 I think it's just the cost of doing business to pay the monthly
6 fees that you have involved with it. I have them on both of my
7 boats right now and it's not a big deal and everybody needs to
8 have one.

9
10 Amendment 28, I am still not for it. I think you should vote
11 for no action on that. We've spent a lot of time talking about
12 how to reallocate and basically it feels like, from somebody
13 that's a shareholder, it feels like we're being punished.

14
15 I don't think you're going to get any real results from the end
16 of it. Even if you had 50 percent or 100 percent of the
17 commercial quota or if you had it all, the recreational fishery
18 still has some really big problems. You've got a fishery that's
19 in good shape and it's recovered and effort is out the roof,
20 from what I see on the coast, and you still got more people that
21 want red snapper than you've got pounds and so taking a little
22 bit that are going to be bought and sold in the commercial
23 market, where they do some good, to be gobbled up in the
24 recreational fishery right now is not going to help.

25
26 The state non-compliant seasons are really one of the biggest
27 problems that we have going on. I read a couple of newspaper
28 articles recently and they were written and really knocking the
29 ten-day season for the sport boats and really complaining about
30 the forty-four-day season through Amendment 40 and nowhere in
31 any of those articles do you see anything about 277 days of
32 fishing in state waters in Louisiana or 360 days in Texas. They
33 just seem to fail to forget that snapper are dying in those
34 seasons.

35
36 Let's address where some of the big problems are and the same
37 thing with Amendment 36. It's rocking along pretty good and
38 there is fine-tuning that can be done, but it seems like we're
39 making problems where they don't exist. Thank you.

40
41 **CHAIRMAN ANSON:** Thank you, Steve.

42
43 **MR. PEARCE:** I've got a question for Steve. Steve, thanks for
44 your presentation. I know you're sitting right down there in
45 lower coast Louisiana right now and I know you're a VMS advocate
46 and how the charter boats, say down in the Venice area, are they
47 ready to jump on this VMS program that's being developed right
48 now, the volunteer program?

1
2 **MR. TOMENY:** I think we'll be able to get a bunch of them,
3 Harlon. I don't get to talk to the Venice guys that much since
4 I'm over in that Grande Isle area, but I have several of the
5 guys in my area that we've been talking to about getting on this
6 electronic -- We're going to have a good representation and I
7 think we'll probably get a bunch of the Venice boats, too. I
8 think there's plenty of them that see where we've been going is
9 starting to have results and I think this is the -- We've got to
10 know what everybody is catching and everything they're catching
11 and it's not just red snapper and so I think we'll get a good
12 representation out of Louisiana.

13
14 **MR. PEARCE:** Thank you, Steve.

15
16 **CHAIRMAN ANSON:** Richard Gomez, followed by Rick Turner.

17
18 **MR. RICHARD GOMEZ:** Hi. My name is Richard Gomez, former
19 president of the Key West Charter Boat Association and acting
20 board member. The charter boat industry in Key West supports
21 the commercial fishermen's proposal to take half of the
22 recreational kingfish quota, especially since we are not allowed
23 to sell our bag limit anymore, though we would like to someday
24 be allowed to again.

25
26 In regards to the Sanctuary, I would like to speak about the
27 opinion of most lower Keys fishermen besides the Flats Guides
28 Association, who have aligned with the Sanctuary for their own
29 personal agenda, which, for one, is proposed no wake zone south
30 of Key West and the Keys to extend out to ten feet of water that
31 would supposedly protect the tarpon migration, though I have
32 never heard of a tarpon being run over by a boat. The real
33 reason for this wake zone, in most fishermen's opinion, is to
34 keep jet skis out of the flat guides' fishing areas.

35
36 The rest of the fishing industry feel that the Sanctuary singled
37 us out as the scapegoat for the problem with water quality and
38 coral die-off. We would like nothing better than to work with
39 the Sanctuary to help solve some of these real problems.

40
41 In the lower Keys, the charter boat industry has lost most of
42 its ability to fish our low-water reefs, which are very
43 important to our industry, even though it has been proven with
44 their own science that these areas where we are not allowed to
45 fish are in worse shape than the areas where we are allowed to
46 fish.

47
48 We feel that the Sanctuary has entered fisheries management

1 under the guise of environmental protection zones and we have
2 made numerous suggestions that are generally ignored. The way
3 that the Sanctuary board is stacked, there is no way the
4 fishermen can win any vote and that is proven time and time
5 again.

6
7 I personally feel that the Sanctuary is full of hidden agendas
8 and hidden maps and hidden truths and are very, very dangerous
9 to the fishing industry as a whole. As an example of my
10 feelings, I would like to give you an example at the last
11 Sanctuary meeting.

12
13 There was a presentation given by an invited speaker by the name
14 of Jeremy Jackson. Among other things, he spoke of the
15 fisheries role in the death of the coral reef. He spoke of
16 fishermen targeting fish that feed on algae growth on our
17 corals. The prime fish he spoke of was the parrotfish. I
18 personally have never participated in the parrotfish fishery,
19 nor have ever heard of such a fishery. When I called him out on
20 this, he told me he could show us pictures if he needed to.

21
22 The bottom line is I stand before a council that cares about our
23 opinion and our future. When I stand before the Sanctuary, I
24 stand in front of a group consisting of an environmental-minded
25 majority and hold little hope in swaying their opinion. I think
26 that all fishery-minded councils need to pay closer attention to
27 the Sanctuary proceedings. That is it.

28
29 **CHAIRMAN ANSON:** Thank you, sir. Do you have any questions?
30 Corky.

31
32 **MR. PERRET:** Are you a member of one of their advisory boards or
33 is a member of your organization a member of any of their
34 advisory boards?

35
36 **MR. GOMEZ:** No, there is no member of our association and not
37 only that, I don't think we would be invited or accepted. There
38 was a mayor -- The Mayor of Key West asked to be on the advisory
39 council recently and was rejected, when I felt that it was very
40 important that we have more of a say in the City of Key West. I
41 mean the tourist industry is major in Key West, but for some
42 reason -- Well, their reasoning was that there were too many
43 people on the board already and they didn't want to leave it
44 open for the mayor and then possibly have other Keys also want
45 to jump into the board.

46
47 **MR. PERRET:** Thank you, sir.

48

1 **CHAIRMAN ANSON:** Thank you. Rick Turner, followed by J.P.
2 Brooker.

3
4 **MR. RICK TURNER:** Hello, council. My name is Rick Turner,
5 commercial fisherman. My first point I want to hit on is the
6 restructuring of the management of the snapper grouper to the
7 state. I don't think that would be a good idea. That's Action
8 1.

9
10 The state has no money for stock assessments and the science
11 that needs to be put forth to manage these stocks and I also
12 believe that we would lose some of the protection that we're
13 afforded with the Magnuson-Stevens Act if the state were to take
14 over. I don't believe they're going to have that same
15 protection for the stock allocations and such.

16
17 There is no protection for us with reallocation of stocks with
18 the state. The state is prone to pressure from recreational
19 interests that could possibly force their hand to reallocate
20 stocks from the commercial sector to the recreational sector.
21 We all know there is a huge, huge recreational fishery and they
22 have a loud voice in this state and you guys aren't prone to
23 that pressure like the state is.

24
25 We basically asked to simplify the rules and make everything the
26 same, to where it was easier to figure out what was what and
27 it's morphed into something that's more complex than what we
28 have now. It's going to turn into a huge nightmare and now you
29 have two government entities, a state, and a federal entity that
30 are trying to work together and I just don't see where that's
31 going to combine real well.

32
33 I would like to also touch on Action 9, the circle hook
34 exemption. I would support Alternative 2, which was to do away
35 with the circle hook. The circle hooks, we can't use those with
36 our de-hookers. They are inefficient and the mortality is
37 pretty much the same as the j-hook. We've looked at it.

38
39 I have tried it and other fishermen have tried it and charter
40 fishermen have tried it and you gut-hooked just as many fish,
41 but it's so much less efficient than a j-hook. We can't modify
42 the hooks to catch fish fast and it's just -- I think that we
43 would be better off without the circle hooks, the exemption on
44 that, especially for the snapper fishery.

45
46 A lot of the grouper fishermen do like the circle hooks and they
47 will probably stick with it, whatever is going to work for them,
48 but me personally, the j-hook, I can bend it out and I can

1 modify it and I can catch thirty times as many fish in the same
2 amount of time as with a circle hook.

3
4 A circle hook, you have to hold each fish and de-hook it and de-
5 slime it and so if it's undersized, you're handling a fish way
6 too much. We can flip an undersized fish off with a de-hooker,
7 a hand de-hooker, and in four seconds it's back in the water and
8 gone. That's all I have to say.

9
10 **CHAIRMAN ANSON:** Thank you, Rick. Any questions? All right.
11 J.P. Brooker, followed by Shane Cantrell.

12
13 **MR. J.P. BROOKER:** Thank you, Chairman Anson, and thank you to
14 the council for the opportunity to give comments on behalf of
15 the Ocean Conservancy. My name is J.P. Brooker and I'm a policy
16 analyst and attorney in the Ocean Conservancy's Fish
17 Conservation Program based in St. Petersburg.

18
19 I would like to address four issues and I will try and keep my
20 comments brief. First, we recommend that the council takes a
21 precautionary approach on gag by selecting the no action
22 alternative in the framework adjustment currently before the
23 council.

24
25 Taking no action to change the gag ACL would be in harmony with
26 the advice of the SSC, which has recommended that the council
27 takes a conservative approach when setting catch limits for the
28 stock. While there is an assessment scheduled for the end of
29 next year, early indications from the SSC show that the stock is
30 in decline. Furthermore, the Reef Fish AP has recommended a
31 conservative approach for gag and on the water, both
32 recreational and commercial fishermen are not landing their
33 ACLs.

34
35 Next, we urge the council should heed the SSC's repeated
36 recommendations to make no change to the red snapper SPR and
37 keep the level at 26 percent. Lowering the SPR reference point
38 carries considerable scientific and biological risk. A lower
39 SPR allows for younger stock that has less reproductive
40 potential per individual that is more susceptible to
41 fluctuations in recruitment, which is problematic since red
42 snapper recruitment is highly variable and uncertain.

43
44 Estimates of long-term MSY at lower SPR levels assume
45 recruitment will look the same as it does now even at a lower
46 reproductive capacity. Furthermore, SPR values for long-lived
47 fish with low natural mortality are typically set somewhere
48 between 30 and 40 percent and so the current 26 percent is

1 already a compromise.

2
3 Third, we recommend that the council select the no action
4 alternative under Amendment 28, which would keep the red snapper
5 allocation at its current split. It would be premature to
6 adjust the allocation at this point, since this would constitute
7 a shift in quota from a commercial sector with established
8 accountability to a recreational sector that has been
9 historically unaccountable.

10
11 Until it is reliably demonstrated that the accountability
12 measures that have been recently implemented are working for the
13 recreational sector, it is untimely to reallocate quota.
14 Furthermore, shifting allocation at the level proposed in the
15 current preferred alternative wouldn't do much to increase the
16 recreational red snapper season, which is ultimately what
17 fishermen on the water are seeking.

18
19 If the recreational fishery is to enjoy longer seasons, the
20 council should explore new management ideas that will help the
21 anglers. More comprehensive data collection can improve
22 accountability and prevent the sector from exceeding its
23 allowable catch, but other solutions should be addressed too,
24 beginning with state consistency that would allow greater
25 federal water access for all anglers and allowing managers the
26 stability to set durable and resilient private angler management
27 tools into place.

28
29 Finally, we urge the council to select Alternative 2 in Action 2
30 under Amendment 39. Taking this action would preserve the
31 achievements made in Amendment 40 and would have the long-term
32 impact of providing more flexible and customized management
33 tools for the private recreational component.

34
35 As seasons are substantially throttled, better solutions are
36 needed to provide relief to private recreational fishermen to
37 ensure quotas are not exceeded and progress continues in
38 rebuilding the red snapper stock. Again, thanks for the
39 opportunity to give comment.

40
41 **CHAIRMAN ANSON:** Thank you, J.P. Shane Cantrell, followed by
42 Van Hubbard.

43
44 **MR. SHANE CANTRELL:** Good afternoon. I'm Shane Cantrell and I'm
45 the Executive Director of the Charter Fishermen's Association
46 and I'm from Galveston, Texas. I appreciate the opportunity to
47 address the council on a variety of issues today facing Gulf
48 fishermen and their businesses.

1
2 For Amendment 39, I would like to see the charter boats left out
3 of it. We have made it abundantly clear that we prefer to be
4 managed under the federal system and Amendment 40 has moved
5 forward and it's already proving that it's working and we would
6 really like to see some more management moving forward for
7 Amendment 41 and 42. Members of the APs have worked really hard
8 to get the motions that they did passed in both fairly and well-
9 attended advisory panel meetings.

10
11 I was able to attend both of them and both of them went very
12 well and fishermen worked out their issues before, during, and
13 after the council meeting and anything that needed to be
14 addressed was typically handled and done from a grassroots
15 effort.

16
17 I spent a lot of time preparing for that meeting and talking
18 with fishermen on the panel and it was very, very productive and
19 a lot of motions came out of there and I would like to see it
20 continue moving forward.

21
22 On Amendment 36, moving forward with the red snapper IFQ
23 program, it's been very successful in helping this fishery
24 rebuild. A lot of the commercial fishermen in our organization
25 like that system and they want to see it benefit the fishery
26 more and be able to improve this fishery and to help it continue
27 to meet its goals like it has been, whereas a lot of the
28 recommended changes don't necessarily do that.

29
30 We would like to see the removal of the crew size limit on dual-
31 permitted vessels. That requirement has outlived its use with
32 the VMS and you could couple that with adding a hail-in
33 provision for all commercial trips. You would no longer need
34 that. The last time we addressed it, it went from three people
35 to four people to accommodate for the divers and now with the
36 VMS, you don't really need that in the IFQ system.

37
38 For Amendment 28, we see no reason to shift or reallocate quota
39 from the commercial fishery to the recreational fishery, as it
40 will not yield meaningful results for recreational fishermen.
41 There is significantly more to gain from the accountability and
42 shrinking the current 20 percent buffer rather than shifting any
43 amount of allocation being considered.

44
45 We support moving forward with Alternative 1, no action, and we
46 recommend removing Alternative 9 to considered but rejected,
47 because the size selectivity is a reflection of fishermen
48 behavior due to recent management changes and should not be

1 justified to increase allocation.

2
3 King mackerel, we support a 45,000-pound trip limit for king
4 mackerel fishery. Let those guys do what's going to work best
5 for their fishery and couple it with an accountability measure,
6 conservation measure, and that would be very good and be
7 cautious on gag grouper.

8
9 **CHAIRMAN ANSON:** Thank you, Shane. Next is Van Hubbard, but,
10 Harlon, go ahead.

11
12 **MR. PEARCE:** Shane, thanks for all your organization's help and
13 service on the AP and everything you guys are doing. I know you
14 guys are actively involved in this volunteer program that's
15 being set up now and in talking with Scott, I think you guys
16 have got forty or fifty boats that probably are going to get
17 involved in this program and is that pretty much right?

18
19 **MR. CANTRELL:** Yes, sir. It looks like we'll probably have
20 about forty to fifty boats ready to go on this and there are
21 concerns with current units, the VMS units, and we're working
22 hard with CLS America and we've got a lot of their
23 representatives here at this meeting and they have been very
24 helpful in the customer service side of things and we're -- At
25 this point, we've got a flawless VMS system, the best system
26 that we know of in the commercial industry and I've got it on my
27 boat.

28
29 It's been very successful and I would like to see it coupled
30 with a good ELB. That's one of my concerns, is we don't really
31 see it yet and I would like to see MRIP and the folks at CLS put
32 together something that's going to go right in the system and
33 streamline this data process. We want to know exactly what's
34 coming in on these boats and take out the guesswork. Coming
35 from Texas, I would like to see our data collection improved.

36
37 **MR. PEARCE:** You do know that MRIP is working closely with this
38 volunteer program and that there's a statistician that's going
39 to be working right along with MRIP to calibrate your volunteer
40 data with MRIP for the first time ever and so it may not hit the
41 books yet, but we're working in that direction and thanks to
42 Bonnie's help and other people at MRIP, it's all of us working
43 together to try and figure it out and make this fishery better
44 and it's all in your hands, guys. If you want your fishery to
45 change, you've got to do it.

46
47 **MR. CANTRELL:** Absolutely. Thank you for all your help and
48 thanks to Harlon and Corky for all their years of service on

1 this council. They've done great work for the fishermen and I
2 look forward to continuing to work with them whenever I can.

3
4 **CHAIRMAN ANSON:** Thank you, Shane. Van Hubbard, followed by
5 Russell Underwood.

6
7 **MR. VAN HUBBARD:** I am Captain Van Hubbard and I fish out of the
8 Boca Grande area. I do charter fishing inshore and near shore
9 and I do commercial king fishing and mackerel fishing.
10 Yellowtail are ranging -- I did take the time to go through the
11 MREP classes and coming down here was an expensive hardship. I
12 am losing a lot of business in my prime season and so I
13 appreciate you all's time and patience. I will run through
14 things as quick as I can.

15
16 Yellowtail are ranging farther north in the Gulf and so you all
17 are considering modifications there. We are definitely getting
18 a lot of them up by Boca Grande and they are moving as far north
19 as Tampa Bay.

20
21 On the kingfish, one of the considerations is to move the mixing
22 boundary to the Dade/Monroe line year-round and that seems like
23 a good, simple solution and keep it simple always makes sense.
24 If you're going to divide the stocks, it seems to make sense to
25 go ahead and divide the management and not have to share the
26 joint council.

27
28 I am in the northern Gulf zone and ever since the closure of
29 1986, we really haven't had much opportunity to participate in
30 the fishery with it opening in July and now you all have done
31 nice enough to help us with an October opening and that's going
32 to help some, but the only time we've really gotten to fish is
33 in 2010 because of the BP oil spill.

34
35 We appreciate your help and consideration, but the area from
36 Fort Myers to the Big Bend has been pretty well shut out since
37 the 1986 closure and we didn't really have the recordkeeping and
38 everything before that. I participated in the kingfish fishery
39 actively from the early 1970s when I got out of the Navy until
40 it was shut down.

41
42 We need to promote the good mackerel and kingfish fishing we
43 have and going to three fish on the kingfish is a great idea.
44 We want liberal bag limits and we've got problems with everybody
45 wanting to do more red snapper fishing and not everybody can
46 afford to do that. You can afford to fish for at least mackerel
47 and probably king mackerel, because there is plenty of shore,
48 piers, and bridges you can catch them off of.

1
2 I would really appreciate if you would consider, as we increase
3 allocations or ACLs on kingfish and stuff, trying to consider
4 that we have been left out with a very minimal stock allocation
5 for kingfish.

6
7 The VMS and the monitoring systems are a great idea. I don't
8 have a problem with it. I just have a problem with -- I have a
9 twenty-five-foot center console boat and trying to keep
10 something like that functional and sensitive like that and iPads
11 and stuff, sensitive even in cases, is challenging in trying to
12 work it out. I do a lot of kids trips and stuff and I've got my
13 hands full already. Thank you for your time and your
14 dedication, all of you, especially Corky and Harlon. Thank you
15 all very much and if you have any questions, I will be glad to
16 answer them.

17
18 **CHAIRMAN ANSON:** Thank you, Van. Thank you for coming down and
19 seeing us and giving your comments. Thank you. Russell
20 Underwood, followed by Chris Niquet.

21
22 **MR. RUSSELL UNDERWOOD:** Thank you, Mr. Chairman. I am Russell
23 Underwood from Panama City, Florida. I've got a little small
24 fleet of boats over in Louisiana, Leesville, Louisiana. I have
25 been fishing all my life, forty years or so.

26
27 Anyway, the first thing I would like to do is thank Mr. Corky
28 and Mr. Harlon Pearce for their service to this council and to
29 these fishermen out here in the audience. They have always
30 thought a lot about the resource and it wasn't their personal
31 gain they was looking for. They were trying to help the fishery
32 and help these other people manage this fishery the way it
33 should be and I appreciate that. I sure do and thank you.

34
35 On the real side of the world, the snapper IFQ is doing real
36 good and you're still seeing a lot of the size of fish in the
37 western Gulf and I do have some concerns and we'll start off
38 with Amendment 28.

39
40 I am still against that and I've got a lot of good reasons to be
41 against that. I think things have moved in too off of a fast
42 mode. I deal with reality every day with my boats and my
43 business and my kids and the reality is the recreational
44 fishery, none of this is constant. We've got a constant quota
45 in the next two or three years, but things have changed.

46
47 You know we've got boats going offshore that are thirty-foot
48 long on the recreational side and it's got three engines and I

1 don't think they're fishing in sixty-foot of water no more and
2 if you listened to the testimony today about SPR and the other
3 day I was at an SSC meeting and I was shocked to hear about in
4 the future -- We had a presentation today about SPR and still a
5 lot of people don't understand about it and I've still got some
6 problems with SPR, but I've had to deal with it for the last
7 thirty years and it really concerns me when you have maybe an
8 estimate of 2 percent in the eastern Gulf in the future and
9 maybe a 20 percent in the western Gulf.

10
11 Folks, you all need to slow down and think about where we're
12 headed in the future. It's all about the resource and the
13 effort has switched in the last two or three years to the
14 eastern Gulf and I am really concerned about that. I want my
15 friends in the charter boat and headboat industry to have a
16 good, viable fishery, but your own SSC said if there is any kind
17 of significant giving fish away to the recreational side that
18 we're going to have to come back and recalibrate everything and
19 that's what your own SSC said.

20
21 You know the sensitivity, I think it's a bad word, personally.
22 It's got a few things that I don't understand and I think a lot
23 of people don't understand that word and I am strictly against
24 reallocating fish to a sector that has not been accountable.

25
26 You've got the new program coming up with the charter boats and
27 headboats and sector separation and I thank God that you all
28 have given these people a chance to better their fishery and I
29 think all user groups need to be accountable and find their own
30 plan. The small boat recreational needs to develop their own
31 plan.

32
33 **CHAIRMAN ANSON:** Russell, if you can wrap it up.

34
35 **MR. UNDERWOOD:** Yes, sir. Thank you. On Amendment 36, I would
36 like to -- We've got this program and it's not be redesigned and
37 it's just to go over and relook at it again and I don't think we
38 need no significant changes in the Amendment 36. We might do a
39 couple of Band-Aids, but as far as anything major about telling
40 who can fish and how many fish you can have on one boat, I don't
41 think that's the way we planned it. Thank you.

42
43 **CHAIRMAN ANSON:** Thank you, Russell. Any questions? We have a
44 question from Mr. Walker.

45
46 **MR. WALKER:** Thank you, Russell. I would like to hear your
47 thoughts on gag grouper.

48

1 **MR. UNDERWOOD:** Gag grouper is still in trouble. I would like
2 to see some of my boats in the western Gulf catch them and the
3 reality is they're not there like these scientists speculate
4 they're going to be there. We're not seeing the fish and the
5 fish is still in trouble and you all better be real careful
6 about what you all decide. Thank you.

7
8 **CHAIRMAN ANSON:** Thank you, Russell. All right. We have Chris
9 Niquet, followed by Chad Hanson.

10
11 **MR. CHRIS NIQUET:** Chris Niquet from Panama City, Florida. The
12 main thing I'm here for is Amendment 28 and the part of
13 Amendment 28 that I am worried about is the state non-compliance
14 with the federal fishing. I realize they're two separate
15 entities.

16
17 The federal season is nine or ten days and the state season,
18 well, who knows? Texas is 360 and Louisiana is 279 and Florida
19 is seventy and Mississippi, I don't know and Alabama, I have no
20 idea, but they're more than nine or ten.

21
22 I don't think that some of the enforcement tools are being used
23 like they're supposed to to keep them within these limits
24 onshore, whether it be three miles, four miles, six miles, nine
25 miles. They are catching these fish where they're not supposed
26 to and they're not being accounted for. They're coming off the
27 TAC and they're coming off the TAC and they're hurting
28 everybody.

29
30 I think there needs to be some kind of a way that this council,
31 being a federal agency, should be able to pull in some kind of a
32 law enforcement entity and enforce the law. If they're out
33 there catching them in federal waters and they're not supposed
34 to, write them a ticket and put it on them and make them
35 accountable. Get in that wallet and you'll see some compliance.

36
37 The next thing I'm worried about is reallocation. Reallocation,
38 the premise of 28, including the specific purpose of
39 Alternatives 8 and 9, is to increase the recreational quota to
40 reflect its prior harvests in excess of the recreational
41 allocation.

42
43 The Magnuson-Stevens Act doesn't allow this. Section 407(d)
44 Paragraph 2 requires the council to ensure that the red snapper
45 quotas reflect allocations among such commercial and
46 recreational sectors and do not reflect any harvest in excess of
47 such allocation. Any reallocation to the recreational sector
48 would recognize recreational overages, which were essentially a

1 de facto reallocation and were worse than anybody previously
2 thought in the previous years.

3
4 This has already been up before the judge one time and I think
5 it was Pritzker v. Guindon and it didn't turn out good and we
6 don't want to go back. This stuff needs to be addressed now
7 before it goes any further. Thank you for your time.

8
9 **CHAIRMAN ANSON:** Thank you, Mr. Niquet. We have Chad Hanson,
10 followed by Eric Brazer.

11
12 **MR. CHAD HANSON:** Good evening, Mr. Chairman and council members
13 and staff. First of all, I would like to thank you. I am Chad
14 Hanson with the Pew Charitable Trusts and thank you for the
15 opportunity to give some testimony this afternoon on a few
16 number of things.

17
18 First, I want to thank and acknowledge Corky and Mr. Harlon on
19 their many years of experience and dedication to the council and
20 the fisheries. Come August, that knowledge and experience will
21 be definitely missed sitting around the table.

22
23 Just a couple of things I want to discuss today and first, on
24 gag, the latest science from the most recent information that
25 was provided to the SSC, in addition to what we're hearing from
26 a lot of fishermen, if not all, is that gag is not all that
27 healthy and that we need to stay status quo with catch limits
28 and so we recommend Alternative 1 in Action 1.

29
30 For red snapper, there is a couple of things I would like to
31 note there. We recommend maintaining the SPR at the target of
32 26 percent. This is the recommendation, once again, from your
33 SSC, which has been consistent as you've looked at this issue.
34 They have consistently applied that recommendation of staying at
35 26 percent and we think that's the best route to go at this
36 point.

37
38 Amendment 39, in Action 2, we urge the preferred alternative of
39 Alternative 2 and this will apply Amendment 39 just to the
40 private boats and we think this is the best option to start to
41 design management strategies for both the charter and the
42 private recreational fishery and with that, we also urge forward
43 momentum with Amendments 41 and 42 for designing plan amendments
44 for the for-hire and the headboat fisheries.

45
46 Lastly, on coral, we urge the council to continue moving forward
47 in gathering input from fishermen and the APs on their help in
48 designing potential coral habitat areas that need protection and

1 we look forward to working through that amendment with their
2 input early in the process and with that, I will end my comments
3 and if there is any questions, I will take those.

4
5 **CHAIRMAN ANSON:** I don't see any questions. Thank you, Chad.
6 Eric Brazer, followed by Martin Fisher.

7
8 **MR. ERIC BRAZER:** Thank you for the opportunity to comment. The
9 subject of Amendment 28, I want to raise five key issues that
10 reiterate our support for status quo and I would please ask you
11 to refer to our submitted comments for more detail.

12
13 Number one, we believe recreational discards must be
14 reevaluated. The 10 percent discard mortality assumption in
15 Amendment 28 is unrealistically low. It's based on the use of a
16 venting tool, which is no longer required, and it doesn't fully
17 acknowledge the technical, social, and other changes that are
18 happening in this fishery to shift effort farther offshore into
19 deeper water, where discard mortality is generally higher.

20
21 Number two is we believe the biological impacts of reallocation
22 aren't sufficiently analyzed. The SSC has determined that
23 reallocating to the recreational sector will exacerbate the
24 decline in SPR in the eastern Gulf. As Dr. Barbieri showed you,
25 the SSC unanimously concluded that if the council changes the
26 allocation between the two sectors that this would prompt the
27 need to reevaluate the OFL and ABC projections. We believe the
28 SSC needs to analyze this and the council needs to fully
29 evaluate these changes before taking any action.

30
31 Number three is state compliance. We all know it and nobody
32 wants to talk about it. Amendment 28 is clear that state
33 noncompliance is directly shortening the federal recreational
34 season. As stated in Amendment 28, reallocation will have
35 little to no effect on the problem of shortened recreational
36 fishing seasons, partially because 28 does not stop non-
37 compliance.

38
39 Number 4 is we believe reallocation would violate Magnuson-
40 Stevens. The entire premise of Amendment 28, including the
41 specific purpose of Alternatives 8 and 9, is to increase the
42 recreational quota to reflect prior harvests, which were almost
43 always in excess of the recreational allocation and we believe
44 Magnuson doesn't allow this.

45
46 Section 407(d)(2) requires the council to ensure that red
47 snapper quotas reflect allocations among such sectors and do not
48 reflect any harvest in excess of such allocations.

1
2 Number 5, we believe the range of alternatives in Amendment 28
3 at this point is too narrow. All of the alternatives in
4 Amendment 28 except status quo reallocate from the commercial
5 sector to the recreational sector and this is because the
6 previous purpose and need was to increase net benefits, which
7 used an economic justification that is now discredited.

8
9 You now have a purpose and need to ensure fair and equitable
10 allocations, but you didn't go back and change the alternatives
11 to match this new purpose and need. Amendment 28 is now founded
12 upon a false assumption that the only fair and equitable
13 allocation is one that shifts more quota to the recreational
14 sector.

15
16 This does ignore the fact that the commercial sector has stayed
17 within its quota every year since 2007, while the recreational
18 sector drastically exceeded its quota almost every year and
19 sometimes by millions of pounds, because it didn't have a
20 workable management plan.

21
22 Thank you for the opportunity to comment. My last note is that,
23 like many before me, I want to thank Harlon and Corky. It's
24 been an honor to be here with you and we are certainly going to
25 miss you. Thank you, guys.

26
27 **CHAIRMAN ANSON:** Thank you, Eric. We have a question from
28 David.

29
30 **MR. WALKER:** Thank you, Eric. What's your position on Amendment
31 36?

32
33 **MR. BRAZER:** I would refer you to the detailed letter we
34 submitted during the scoping period, but personally, we believe
35 that most of the options right now in Amendment 36 don't
36 actually match its purpose and don't align with the goals of the
37 IFQ program and don't match the conclusions of the five-year
38 review and aren't supported and weren't supported by a majority
39 of those who were at the scoping meeting.

40
41 You know we do look forward to working with the council. We
42 know this is in the very early stages, but we want to make sure
43 Amendment 36 does what it's supposed to do, which is improve the
44 program that it's intended to and solve legitimate problems.
45 Thank you.

46
47 **CHAIRMAN ANSON:** Thank you, Eric. Martin Fisher, followed by
48 Johnny Williams.

1
2 **MR. MARTIN FISHER:** Good afternoon. My name is Martin Fisher
3 and I want to thank the council for this opportunity to speak
4 and hats off to Corky and Harlon for doing an amazing job for
5 all these years. Thank you for your time and your wisdom and
6 your commitment.

7
8 In terms of Amendment 28, if you take a million pounds of red
9 snapper at an eight-pound average, that's 125,000 fish. At a
10 two fish per day bag limit, that's 62,500 angler opportunities.
11 If you take that same million pounds in the commercial sector at
12 a 44 percent conservative filet yield at an eight-ounce portion,
13 that's 220,000 dinner opportunities, more than three times the
14 opportunities for American citizens to enjoy the same fish if
15 you reallocate fish away from the commercial sector to the
16 recreational sector in Amendment 28.

17
18 Yellowtail snapper is increasing its range. We're seeing
19 yellowtail all the way up to the Middle Grounds and I've heard
20 even further west. I support three king mackerel as a bag limit
21 for king mackerel fishermen and the gag fishing is horrendous.

22
23 In the last five years, the commercial sector has averaged
24 500,000 pounds and that's from a quota of anywhere from 1.4
25 million, at a high in 2010, to 430,000 pounds of a low in 2011.
26 In 2014, we had a 30 percent foregone yield and that's fish left
27 in the water.

28
29 The commercial industry is very adept at catching gag grouper.
30 If the gag grouper are there, we are going to catch them and we
31 are going to fill our quotas. There is absolutely no reason to
32 increase gag at this point and so I would highly recommend that
33 you stay with Action 1, Alternative 1.

34
35 Also, in terms of the SPR for red snapper, I think it would be
36 irresponsible to go below a 26 percent SPR and the most
37 responsible thing, especially in response to what we're seeing
38 in the western Gulf in terms of recruitment -- We are not seeing
39 the small fish that we saw years ago. For the last three or
40 four years, those small fish have just not appeared and so I
41 would recommend raising the SPR to 30 percent to follow other
42 fishery management plans. Thank you very much.

43
44 **CHAIRMAN ANSON:** Thank you, Martin. We have Johnny Williams,
45 followed by Scott Hickman.

46
47 **MR. JOHNNY WILLIAMS:** Hi and I'm Johnny Williams from Williams
48 Partyboats Incorporated from Galveston, Texas. I was on the ad

1 hoc headboat program and we actually did have more members there
2 that did have a boat in the program than were not in the
3 program. However, the balance was seven to seven, but there
4 were a couple of people that chose not to show up and so it was
5 set up to be seven to seven and it ended up being seven to five.

6
7 That being said, if you notice, we did elect Mark as the Vice
8 Chairman and if you look at the votes that passed, they were
9 eight to three, eleven to one, ten to one, ten to two, eight to
10 four, eleven to one, nine to two, eleven to one, seven to three,
11 and eight to three.

12
13 In a couple of those votes, I voted on the losing side. I guess
14 you would say I'm a half a vote, because I have one boat that's
15 in the program and one boat that's not, but that being said, I
16 want to talk about what I actually come up here to talk about
17 and that's these programs that we're trying to initiate.

18
19 You know you all's charge is not only to protect the fish, but
20 try to protect the fishermen and Amendment 40 went a long way to
21 do that for the for-hire sector, but let's not drop the ball
22 here at the goal line. I think we need to carry it across the
23 goal and I was looking at the National Standards and trying to
24 determine how better these programs like Amendment 40 and 41
25 will satisfy the National Standards in something like regional
26 management.

27
28 Number one, conservation and management measures shall prevent
29 overfishing, you know if we have a quota with the charter boats
30 and the partyboats, similar to what we have in the headboat
31 program, we know exactly how many red snapper are going to be
32 harvested that year. That's the maximum amount that are going
33 to be harvested that year. With regional management, you don't
34 know what -- It's just a crapshoot.

35
36 Conservation and management measures shall be based on the best
37 scientific data, I mean we've got good scientific data and with
38 these issues that we have brought forth in these two panels,
39 we're going to get better scientific data so we can make better
40 decisions.

41
42 Number three, individual stocks should be managed as a unit. If
43 you divide it up among all the states, this is going to be all
44 fragmented. Number four, conservation and management measures
45 shall not discriminate between residents of different states, I
46 mean Texas has a four fish bag limit and a fifteen-inch size
47 limit and an all-year season and other states have different
48 things and so it looks to me like that's discrimination between

1 the states.
2
3 Number five, conservation and management measures shall, where
4 practical, consider efficiency. I mean I can run my business
5 better than the federal government can run my business. I can
6 run my business more efficient and so I think that's satisfied.
7
8 Regional management, I don't think that will do anything for me
9 at all. As a matter of a fact, I think it will really be
10 devastating for me.
11
12 Number seven is they should, where practical, minimize costs and
13 avoid unnecessary duplication and if we have all these different
14 groups doing their own stock assessments, that's not going to
15 happen and the rest of them too, the safety at sea and helping
16 the communities and the bycatch. There will be much less
17 bycatch in our program than there will be in regional
18 management. Thank you.
19
20 **CHAIRMAN ANSON:** Thank you, Johnny. We have Scott Hickman and
21 just to let you all know, the council members, we have three
22 more cards. Scott Hickman, followed by Kristen McConnell.
23
24 **MR. SCOTT HICKMAN:** Ladies and gentlemen of the council, thank
25 you very much for letting me speak today. First off, I would
26 like to thank Harlon Pearce and Corky Perret for their service
27 here at the Gulf Council and for all of our fishermen across the
28 Gulf and for the resource and how blessed we have been to have
29 you all's public service period and I think if anybody was to
30 look at how they would want to serve on this Gulf Council, they
31 would look at both of these individuals.
32
33 They worked with all the user groups fairly and equally and just
34 to think we're going to go come to these meetings in the future
35 and not have Corky's historical perspective on how things have
36 gone over the years, he will be sorely missed and, once again,
37 my fishermen at home have really appreciated everything you all
38 have done. Thank you very much.
39
40 I am going to make this quick, because I know everybody wants to
41 get out of here. Amendment 28, no action, or at least strip
42 Alternative 9 out of it. Thanks for moving ahead on Amendment
43 41 and 42. I support the 45,000-pound trip limit for the
44 gillnet king mackerel fishery.
45
46 I support implementing VMS and electronic logbooks with
47 mandatory reporting prior to landing fish on the charter for-
48 hire fleet.

1
2 I want yellowtail snapper to be continued to be managed by the
3 Gulf Council. We've got a very quick growing yellowtail snapper
4 population on salt domes off the Texas coast and it's getting to
5 be a popular fish for our recreational fishermen and our charter
6 boats and I think you all will do a better job managing my fish
7 off of Texas than the people in the South Atlantic. On that,
8 thank you very much and everybody have a nice night.
9

10 **CHAIRMAN ANSON:** Scott, we have a question for you. Harlon,
11 I've got Dale and then you will be next, Harlon.
12

13 **MR. DIAZ:** Scott, real quick, what's your thoughts on the
14 kingfish bag limit?
15

16 **MR. HICKMAN:** I sit on the Coastal Migratory Advisory Panel and
17 actually, I was one of the ones that pushed to go to a three
18 fish bag limit. We're only harvesting half of the annual catch
19 limit and people say kingfish aren't that important, but I know
20 a lot of recreational guys on my dock would love to have that
21 extra king mackerel and so I would support that.
22

23 **MR. PEARCE:** Scott, thanks for your presentation and all your
24 hard work in Texas trying to get these charter guys to do the
25 right thing. How excited are they about this new volunteer
26 program?
27

28 **MR. HICKMAN:** You know my guys are real excited. I think out of
29 forty-six boats that we met right before charter season to talk
30 about what turtle stuff they had to have on their boat this year
31 and all that kind of good stuff, we took a poll and I think out
32 of the forty-something federally-permitted boats, everybody said
33 they wanted to participate in the program.
34

35 **MR. PEARCE:** Keep up the good work and let's make this program
36 work.
37

38 **MR. HICKMAN:** Thank you.
39

40 **CHAIRMAN ANSON:** Thank you, Scott. Kristen McConnell, followed
41 by John Schmidt.
42

43 **MS. KRISTEN MCCONNELL:** Thank you, Chairman Anson, and thanks to
44 the council for the opportunity to comment. I would also like
45 to echo the thanks to Corky and Harlon for all of your work on
46 the council and wish you the best of luck and a lot of
47 relaxation in the future.
48

1 My name is Kristen McConnell and I am with Environmental Defense
2 Fund and I am based in Austin, Texas. On behalf of EDF and our
3 one-million-plus members, I would like to talk a little bit
4 about red snapper management in the Gulf of Mexico.

5
6 We are pleased to see that the council continues to make
7 progress on reforming charter for-hire and headboat management
8 and we do agree with the recent advisory panel meetings that
9 recommended that the management goals be three-fold to increase
10 flexibility, to decrease management uncertainty, and to increase
11 accountability to catch limits.

12
13 We also agree that allocation-based management is a good way to
14 address these goals and also achieve important conservation
15 benefits like reduced discards and social benefits like
16 increased access.

17
18 A good example of this is the result of the Headboat
19 Collaborative's first year, which you guys saw at the last
20 meeting, but I just wanted to remind you that it was very clear
21 that that program allowed more people to go fishing and headboat
22 businesses did better and discards were way down and so we would
23 also say that private anglers deserve something better too and
24 we encourage the council to develop a real management plan for
25 private anglers by tailoring Amendment 39 to meet their needs.

26
27 That would involve selecting Alternative 2 in Action 2 and I
28 think that would be really exciting, because the council could
29 set the stage for meaningful reform for the entire recreational
30 fishery.

31
32 On the other hand, we are disappointed that the council
33 continues to try to undermine the commercial red snapper
34 management plan, which is successfully meeting its economic and
35 conservation objectives. We have discussed Amendment 28 at
36 length over the last several years, but at this point I would
37 just like to remind the council that it remains a solution in
38 search of a problem.

39
40 The new alternatives, 8 and 9, are not justified. Reallocation
41 does not promote conservation and it will not stabilize or
42 lengthen the season or reduce the likelihood of overages and it
43 will not increase net economic benefits and so the only
44 reasonable alternative for the amendment is status quo.

45
46 Additionally, when the Reef Fish Committee selected the issues
47 to explore in Amendment 36, an amendment that is expressly
48 designed to improve the performance of the IFQ program, it

1 overlooked not only that purpose, but also all of the analysis
2 that was completed through the five-year review, the
3 recommendations of the AP, and the public hearings.

4
5 It is clear that the program is working and some improvements
6 can certainly be made. However, the committee chose to focus
7 their attention on changes that create additional red tape and
8 do nothing to make it more effective and so, in summary, we ask
9 the council to focus the remainder of this week and in the
10 future on continuing to reform recreational management and
11 making changes to the commercial program that sustain its
12 success. Thank you very much for the opportunity to comment.

13
14 **CHAIRMAN ANSON:** Thank you, Kristen. John Schmidt, followed by
15 Jason Delacruz.

16
17 **MR. JOHN SCHMIDT:** Hi, everybody, and thank you for this
18 opportunity to make my comments. I want to thank Harlon and
19 Corky too and all of you guys that help make the policies. I
20 think we've got some kind of crazy stuff going on and it's
21 interesting really to me that most of these policy
22 considerations and all of this labor stuff that's going on is
23 about the private recreational fishery. I know she thinks I'm
24 funny and that's okay. I do, too.

25
26 The private recreational fishery, I have been a private
27 recreational fisherman for twenty years and I've also been in
28 the commercial industry for the last fourteen and all of these
29 policies and ideas and crazy things that are coming out of
30 Congress that are driven by the recreational industry
31 leadership, not one of those things is going to fix things for
32 the recreational fishermen.

33
34 I think it's irresponsible, honestly, and I think -- I don't
35 want the recreational fishermen to be shortchanged and when we
36 put these crazy policies into effect, the day we do, those guys
37 are still being shortchanged. Sixteen of seventeen votes on the
38 council come from the states and five of them come from their
39 DNR departments and they can go non-compliant, but they still
40 get a vote. If I go non-compliant, you think they're going to
41 let me vote?

42
43 Here's the point. I can't wait for somebody in the recreational
44 industry to step up and have the guts to start dealing with how
45 many fishermen are fishing and how well are we enforcing it and
46 how do we take the uncertainty out of it and give back some of
47 whatever fat we have to put in because of uncertainty and
48 implement more freedoms and benefits from each fish we catch

1 rather than just trying to make this out-of-control thing
2 bigger.

3
4 When somebody steps up and starts doing that, that's when we're
5 going to start to make progress. When we get all done with all
6 this crazy stuff you're doing here, we're going to be right back
7 where we are and so thank you for your time.

8
9 **CHAIRMAN ANSON:** Thank you. Last, but certainly not least, is
10 Jason Delacruz.

11
12 **MR. JASON DELACRUZ:** It's hard to follow up John after that one.
13 That was good. I want to thank Corky and Harlon and Corky
14 mostly, from the standpoint of he is our historian. I am afraid
15 that we're going to get lost without you, because that's what
16 they say, is history is how you repeat things and if you're not
17 here to remind us, we're going to run amuck. Also Harlon. He's
18 an incredibly tireless advocate for the commercial fishery and
19 for the fisheries in general. You can't really thank him
20 enough.

21
22 I am just going to try to read down the laundry list and be
23 quick, guys. I do represent access to the 97 percent of
24 Americans who own this resource and eat these fish and I think
25 that's an important thing to note and that my thoughts mirror
26 their thoughts, I think in a lot of cases.

27
28 Amendment 28, it really is a challenging amendment, because it
29 really has no solutions in it and it only has problems. It's
30 one of those things that every time I look at it, every time I
31 talk about it and think about it, I go, why are we doing this?
32 We are accomplishing nothing and we continually go in this
33 circle and I understand the need to want to finish it and get
34 done with it, but I am still very scared of the concept that
35 we're going to do something that accomplishes nothing and then
36 they're going to see that as a solution later and that other 97
37 percent of the people that I get to feed don't get access and
38 that really doesn't sit well with me.

39
40 I also have issues that a lot of our problems that we have in
41 our recreational fishery comes from the fact that the states are
42 non-compliant and the non-compliance that the states do that
43 burn up that extra quota doesn't do any good for the guys that
44 fish at my dock, the recreational fishermen that pull up and buy
45 fuel, bait, and ice at my dock.

46
47 There is no red snapper in our neck of the woods inside of nine
48 miles. We've got to go further than that and they have

1 resentment to the feds about this ten-day season and really it's
2 not the feds fault. It's a box that they got put in. I mean
3 John hit it on the head. You go non-compliant, but we still get
4 to vote and it doesn't put us in the position to really have to
5 do the right things for the right reasons and that always has
6 struggled with me.

7
8 Amendment 36, it really is, the way it's developing now, in my
9 eyes, it's trying to chop down what is arguably one of the best
10 management plans in the world. I mean Buddy just got back from
11 Tokyo talking with the administrator of fisheries about our red
12 snapper plan and how well we've rebuilt the stock, but we're
13 going to come in and undermine the way our system works now
14 simply so that we can chop it down because we don't like the
15 fact that some people end up in an advantage over other people,
16 but yet certain lines in here -- If the gentleman would have
17 made it today and unfortunately he didn't, the king of mackerel
18 fishermen, he landed 35,000 pounds at my dock and if you build
19 this system the way it's starting to develop now, he's not going
20 to get to do any of it and so it doesn't make any sense, because
21 I'm certainly not going to put quota in his hands that I'm going
22 to lose to him later down the line. That's there to protect my
23 fish house.

24
25 I am not real fond of the quota withholding framework. I
26 understand the reasoning, but the whole point of the system is
27 to manage ourselves and if you do that to us, it kind of takes
28 that uncertainty in there and is always a challenge.

29
30 Last is gag and I mean gag grouper, man, you guys have got to be
31 careful, man. These fish aren't here. I mean I've got some
32 great young captains that are good fishermen and there's no
33 reason for them not to go catch those fish. It's the most
34 valuable fish in the Gulf of Mexico, period, and we cannot catch
35 them. They are just not there. It doesn't matter what we do
36 across the board. Thank you.

37
38 **CHAIRMAN ANSON:** Thank you. We have a question for you, Jason.

39
40 **MR. WILLIAMS:** Jason, we talked yesterday and I am glad you
41 mentioned gag. We talked yesterday about what's happening to
42 the value of gag IFQ and could you tell us real quickly about
43 that?

44
45 **MR. DELACRUZ:** The allocation price, I have always felt and
46 actually talked to NMFS's -- One of their writers that was
47 developing a paper to talk about how good they're doing. I
48 said, you know, one of your best indicators of the quality of a

1 stock is the cost of allocation.

2
3 In an allocated fishery, there is a cost associated with that
4 and when we were down to 100,000 pounds or even 400,000 for that
5 year in 2011, gag was three or three-and-a-quarter or \$3.50 and
6 steadily gag allocation has continued to go down. Right now,
7 it's hovering in the two's and I think you're going to see it at
8 a buck-and-a-half or even a buck.

9
10 If we get the framework action that increases the allocation
11 because of the incredible stock increase that everybody thinks
12 happened, if it's even at the lowest consideration, it's going
13 to just deplete it and they're not going to be worth anything.

14
15 It's not that I mind that. I mean that's fine, but the fish
16 aren't there and the other side of the ramification is that if
17 you open it up year-round and we're killing more fish, you're
18 not protecting something that we're already having a big problem
19 with and it's clear. It's like night and day clear.

20
21 I mean Martin said it and he's got Jamie that fishes for him
22 that's an awesome fishermen and if they can't catch gags, I
23 don't -- I mean he's been doing it for thirty years and he's one
24 of the best and I've got young men that are really skilled
25 fishermen that just cannot find these fish right now and there
26 is no reason for them not to.

27
28 If you can't look at the cost of allocation and the whole
29 purpose of an IFQ is when you build in an economic model and let
30 it run purely and if you do, it will answer most of your
31 questions inside of itself and if you look at it, there is a
32 reason that red snapper allocation is high.

33
34 The CPUE is through the roof. There is a reason that you see
35 red grouper keep tripping up a little bit there. It's a more
36 expensive fishery to prosecute, but the allocation keeps going
37 up, because it's a robust fishery. There is a reason gag is
38 going the other way and so thank you.

39
40 **MR. BOYD:** Jason, thank you for your testimony. We've heard a
41 lot of people talk about gag and would you be willing to -- If
42 you were on this council, would you vote to close the gag season
43 for commercial and recreational during the spawning season to
44 help gag?

45
46 **MR. DELACRUZ:** I think we addressed that more succinctly when we
47 did the Edges closure and I did. I pushed for that and I asked
48 for it. I was part of that group and so when we did the Edges,

1 the whole point was we know that the real spawning area for gag
2 is essentially the Panhandle all the way down just below the
3 Middle Grounds and east and west of the forty-break. That's
4 pretty well established by Chris Koenig and a couple of other
5 people and so we kind of already did that and we closed that bad
6 boy for six months or four months. It closes January 1 and it
7 doesn't open until after April and so I think clearly I'm
8 willing to do that and I've already actually done it.

9
10 **CHAIRMAN ANSON:** Thank you, Jason. That concludes public
11 testimony for this evening and thanks to everyone who came and
12 provided their public testimony. A reminder that tomorrow a
13 shuttle will leave from the hotel at 7:00, 7:30, and 8:00.
14 There will be a notice of where to stand and so stand at the X
15 and get your seat to ride over to the hotel for the Joint South
16 Atlantic Committee meeting tomorrow. Thank you.

17
18 (Whereupon, the meeting recessed at 5:50 p.m., June 10, 2015.)

19
20 - - -
21
22 June 12, 2015

23
24 FRIDAY MORNING SESSION

25
26 - - -

27
28 The Full Council of the Gulf of Mexico Fishery Management
29 Council reconvened at the Marriott Beachside Hotel, Key West,
30 Florida, Friday morning, June 12, 2015, and was called to order
31 at 8:30 a.m. by Chairman Kevin Anson.

32
33 **CHAIRMAN ANSON:** Let's get started with our first report, the
34 Reef Fish Committee Report. We would like to take care of
35 something here. Mr. Perret, if you wouldn't mind standing up,
36 the council -- Of course, Corky, on behalf of the council, we
37 appreciate all your many years of service and your dedication to
38 managing the Gulf's fisheries while you were in many states, it
39 seems.

40
41 **MR. PERRET:** Alabama may be next, Chris.

42
43 **CHAIRMAN ANSON:** I just want to open it up. It's a nice weather
44 station for you and it's in honor of your dedicated service to
45 the Gulf of Mexico Fishery Management Council from 1979 to 2015.

46
47 **MR. PERRET:** Thank all of you very much. Thank you, all.

48

1 **MR. FISCHER:** Mr. Chairman, if I could add one thing. He has
2 done so many things correct, but he has made a grave error. In
3 1976, he hired me.

4
5 **CHAIRMAN ANSON:** I think he knew that already, Myron. That will
6 take us into our first committee report, Reef Fish, and Mr.
7 Greene.

8
9 **COMMITTEE REPORTS**

10 **REEF FISH MANAGEMENT COMMITTEE REPORT**

11
12 **MR. GREENE:** Yes, sir, and good morning. This will be Tab B, as
13 always. I think what I'm going to do is move the Options Paper,
14 Joint South Florida, to the very end, because we did not finish
15 that yesterday and perhaps it would be better just to get the
16 other stuff out of the way before we pick that document back up
17 and go through that and unless there are any objections by any
18 council member, I will proceed on to the SSC.

19
20 Not seeing anybody having any heartburn over that, we will move
21 into SSC Review of Alternative Red Snapper MSY Proxies. Dr.
22 Luis Barbieri presented the SSC's review of analysis of
23 alternative SPR proxies for red snapper.

24
25 The SSC concluded that there is insufficient biological evidence
26 for a better MSY proxy than what is currently used by the
27 council, the yield corresponding to 26 percent SPR, for Gulf red
28 snapper.

29
30 In response to a question from a committee member, Dr. Barbieri
31 stated that he does not know of any way to quantify the risk
32 associated with different SPR proxies. In response to another
33 question as to whether there was biological evidence that the
34 updated MSY link estimate of 23 percent SPR was either better or
35 worse than the earlier estimate of 26 percent SPR, Dr. Barbieri
36 stated that the preferred SPR was 30 percent, based on other
37 species with similar life history characteristics, but the SSC
38 felt that 26 percent was close enough to 30 percent, and
39 therefore, the SSC did not recommend a change.

40
41 Moving on to SSC Review of the effect of recalibrated
42 recreational removals and recreational selectivity on estimates
43 of OFL, ABC, and MSY for Gulf Red Snapper, Dr. Barbieri reported
44 that the SSC reviewed the effects of alternative red snapper
45 allocations for the commercial and recreational sectors. The
46 SSC concluded that if the council changes the allocation between
47 the two sectors, this would prompt the need to reevaluate the
48 OFL and ABC projections.

1
2 **MR. FISCHER:** I would like to back up about a minute, just if
3 someone wanted to have further discussion. During the
4 presentation, I did understand that if you lower the SPR that
5 there would be more risk involved, but the end statement is that
6 26 is close to 30 and therefore didn't recommend a change.

7
8 Well, is 26 close to 24? If it's close and doesn't have a
9 biological difference, it definitely has a harvest difference
10 and I think that's my question and I don't know who is available
11 to answer it. There is many species we're struggling for fish
12 and this is one of the species we're struggling for fish and if
13 anyone else had a feeling to discuss, I would be happy to
14 entertain and otherwise, let's move on back to what section
15 you're on.

16
17 **DR. STUNZ:** A comment I have on this is that last sentence says
18 "the SSC felt that 26 was close to 30" and my understanding and,
19 of course, we need to have more discussion from the experts on
20 this, is that there wasn't real clear biological justification
21 that 23 or 24 or anything was any worse than 30 or 26 or
22 whatever. It was just a matter of how much risk we felt we were
23 taking on.

24
25 My personal opinion was that I would be willing to take a little
26 bit of that risk not to leave those fish on the table. Of
27 course, I have been saying this for a couple of meetings and I
28 don't necessarily have any heartburn on leaving it at 26 if the
29 support isn't around the table, but I think we're foregoing some
30 benefits by not reducing it some and I think that the fishery
31 could handle it.

32
33 Now, if the SSC was to come back and say no, the projections
34 show at 23 that things would really turn downhill, but I didn't
35 get that from the report.

36
37 **MR. DIAZ:** I was just going to maybe try to just bring forward
38 an idea. If there is some specific question, Myron, that you
39 feel maybe we should ask again to the SSC, they will be meeting
40 again before our next meeting and having attended the last SSC
41 meeting -- If we decide to craft the question, we need to really
42 craft it very carefully and make sure that it's designed to get
43 the exact answer that we want, but that may be an option for
44 you, Myron.

45
46 **DR. CRABTREE:** So there is the risk side of this and then
47 there's the question of what is the most appropriate proxy for
48 MSY in this case. I think what you're hearing from all the

1 scientists is there is no scientific support for using a proxy
2 of a lower SPR than 26 percent and, in fact, there is more
3 scientific support for 30 percent than there is for going lower
4 and then there is the issue of the risk.

5
6 Going to Myron's comment, if you look at the projections that we
7 have, you do see a decline. You see a dramatic decline in the
8 eastern Gulf and if you go to a more aggressive or lower SPR
9 proxy and higher fishing mortality rates, you end up driving the
10 eastern Gulf back down to SPRs on the order of 5 or 6 percent.
11 Well, that's about where we were when the stock collapsed and we
12 lost all the fish on the west coast of Florida and so there is
13 substantial risk involved in the eastern Gulf about changing
14 this proxy, but I have yet to see any of the scientists provide
15 any scientific support for going to a lower SPR as a proxy.

16
17 In fact, the further we explore this, I think you're building a
18 record for going to 30 percent and not the other way around and
19 so it seems to me this is something we've explored and looked
20 and there is just no scientific basis to make a change at this
21 point and I think we ought to move on to other issues.

22
23 **CHAIRMAN ANSON:** All right, Mr. Greene.

24
25 **MR. GREENE:** Options Paper, Framework Action to set Gag ACL and
26 Recreational Season, Dr. Barbieri reported that gag indices of
27 abundance updated through 2014 by the SEFSC indicate that gag
28 have had below average recruitment since 2010.

29
30 The SSC recommended that, given the recent declines in fishery-
31 dependent and fishery-independent indices of abundance for gag,
32 that the council use caution when setting the ACL and ACT for
33 2015 through 2017. Council staff reviewed the actions and
34 alternatives in an options paper to set gag ACL and recreational
35 season for 2016 and 2017. Committee members felt that since
36 they had just seen the options paper, they were not yet prepared
37 to select preferred alternatives.

38
39 Hogfish and Mutton Snapper OFL and ABC, Dr. Barbieri reported
40 that based on an FWC mutton snapper update assessment, the
41 mutton snapper stock is neither overfished nor experiencing
42 overfishing.

43
44 The SSC approved OFL and ABC projections through 2020. These
45 projections are lower than the current mutton snapper ABC
46 because the current assessment used an updated version of the
47 ASAP assessment model that is able to take into account
48 selectivity and other issues. This resulted in a change in the

1 productivity of the stock, which is more reflective of the
2 actual stock status.

3
4 The mutton snapper stock crosses the Gulf and South Atlantic
5 jurisdictions, with 18 percent of the stock ABC apportioned to
6 the Gulf in the Generic ACL/AM Amendment. Staff indicated that
7 they would begin development of a framework action to adjust the
8 ACL in Gulf waters.

9
10 Dr. Barbieri also reported that the SSC reviewed an FWC hogfish
11 assessment that divided hogfish into three stocks. The West
12 Florida Shelf stock is neither overfished nor experiencing
13 overfishing. The SSC recommended annual OFLs and ABCs through
14 2018.

15
16 The SSC considered offering an alternative constant catch ABC,
17 but an analysis of a constant catch scenario had not been done.
18 If the council requests a constant catch ABC, the SSC can review
19 analysis at its next meeting and report back to the council.

20
21 Council staff reported that since this was the first time that a
22 separate West Florida Shelf hogfish stock has been identified, a
23 plan amendment would be needed to define the stock in the
24 management unit and set status determination criteria and ACLs.

25
26 **By a voice vote with no opposition, the committee recommends,**
27 **and I so move, that the council initiate a plan amendment to**
28 **define a West Florida Shelf hogfish stock with associated status**
29 **determination criteria and ACLs.**

30
31 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on
32 the motion?

33
34 **DR. CRABTREE:** Didn't we pass this motion in the joint committee
35 yesterday when we went through hogfish and didn't the South
36 Atlantic pass this and we passed it? I mean I guess we can pass
37 it again.

38
39 **DR. SIMMONS:** That was a slightly different motion. That was to
40 remove the hogfish from the FMU and then establish the West
41 Florida Shelf hogfish and this one is to initiate a plan
42 amendment to define our stock, the West Florida stock, and also
43 to define those ACLs with the new yield stream projections and I
44 guess we would use the Shark Point boundary that was voted on
45 yesterday.

46
47 **CHAIRMAN ANSON:** Any other discussion on the motion? **Any**
48 **opposition to the motion that's on the board? Seeing none, the**

1 **motion carries.** We have a question from Dale.
2
3 **MR. DIAZ:** Mr. Chairman, do we have to make a motion to request
4 a constant catch ABC from the SSC or do we ask for that or does
5 it need a motion?
6
7 **CHAIRMAN ANSON:** It probably needs a motion.
8
9 **MR. DIAZ:** In that case, I would request the council staff to
10 work with the SSC to provide a constant catch ABC for the next
11 meeting for hogfish.
12
13 **CHAIRMAN ANSON:** We have a motion and it's being typed onto the
14 board and the motion is to request council staff work with the
15 SSC to request a constant ABC for hogfish and is that correct,
16 Dale?
17
18 **MR. DIAZ:** Provide.
19
20 **CHAIRMAN ANSON:** Change that to "provide". To request council
21 staff work with the SSC to provide a constant catch ABC for
22 hogfish and do I have a second on the motion? It's been
23 seconded by Martha. Is there any discussion on the motion?
24
25 **MS. BADEMAN:** Just a question. I want to make sure that this is
26 what we need to say to actually make this happen, because I feel
27 like the last couple of times where we've discussed having a
28 constant catch that we've gotten a different yield stream and
29 they were like, well, you can just pick the lowest one and make
30 that your ABC for four years or whatever and that's been the
31 constant catch. Bonnie is not here, of course, and I don't
32 think Luiz is, but --
33
34 **EXECUTIVE DIRECTOR GREGORY:** I think I was asking Clay that the
35 other day and to do an exact constant catch like they did for us
36 with red snapper a couple of years ago requires them to put in
37 trial values and run the whole model until they get the right
38 poundage that equals the same ABC as before cumulative and
39 that's very time consuming and so we would have to go through
40 the Science Center first and get the analyses.
41
42 At one point, Clay did something with one species and he said,
43 well, if you just average the three years, you will come up with
44 a number slightly above the number you get if you go through all
45 those iterations, because I have noticed the same thing you
46 have, that the SSC is very reluctant to do this. I think it's
47 because of the workload.
48

1 At our level, the staff level, we will keep pushing for that,
2 because we've even been asking the Center and the SSC that we
3 want constant catch for every stock assessment we get, so that
4 we don't have to keep asking this and we're not getting it. So
5 we'll just keep pushing on that and I would say the council
6 could take the average of those three numbers and see if the SSC
7 will accept that and if the Science Center will accept that.

8
9 They haven't done what you call a metanalysis of a variety of
10 these to see if it always works that way, but Clay said that if
11 you take the average of the three that you're slightly above
12 what it would really be if you do the iterations, but we will
13 certainly pursue that for you.

14
15 **MR. MATENS:** To Mr. Gregory's comments, I think it depends on
16 whether the catch is increasing or decreasing. If the catch is
17 decreasing, you are correct, but if the catch is increasing,
18 then the opposite is true. Maybe it's because I'm an engineer
19 and not a scientist, but I don't understand why these iterations
20 are so time consuming. I mean I think I could probably do them
21 having coffee, but be that as it may, I am in favor of whatever
22 it takes to get to a constant catch scenario.

23
24 **CHAIRMAN ANSON:** Any other discussion relative to the motion?
25 **Is there any opposition to the motion? Seeing none, the motion**
26 **carries.** Mr. Greene.

27
28 **MR. GREENE:** Dr. Barbieri reported that the South
29 Florida/Florida Keys hogfish stock is overfished and
30 experiencing overfishing. The SSC approved the South Atlantic
31 SSC's OFL and ABC recommendations to rebuild the stock in ten
32 years or less.

33
34 A small portion of the stock extends into the Gulf Council's
35 jurisdictional waters south of the Monroe/Collier County line
36 and needs to be part of the rebuilding plan. This will be
37 discussed during the joint Gulf and South Atlantic Council
38 meeting.

39
40 **CHAIRMAN ANSON:** Mr. Greene, we've got a question from Ms.
41 Bosarge.

42
43 **MS. BOSARGE:** I didn't get to get my question in when we were on
44 gag, but I just wanted a quick update. It seems like we didn't
45 do much with that amendment at the last meeting and we didn't do
46 much with it at this meeting and what is our timeframe on that?

47
48 I know we have a while until we take final action, but if we're

1 not looking at it really and going through it, I just worry that
2 we may end up at the end going, well, we would really like more
3 analysis on this or that or something that's in the document and
4 we won't have time to get it.

5
6 **CHAIRMAN ANSON:** Dr. Crabtree or Doug, do you have any response
7 to the question of what's the timeline?

8
9 **EXECUTIVE DIRECTOR GREGORY:** If we had the time, we were going
10 to bring it here for final action at this meeting, but because
11 of us including Amendment 39 and we didn't bring it for final
12 action, but just an options paper. We can bring it for final
13 action either in August or October and that would allow us to
14 extend the fishing season through December or start the fishing
15 season earlier and for you all to decide whether you want to
16 keep the ACL as it is or raise it slightly.

17
18 The other thing we can do with this, and I've talked with Steven
19 and it doesn't delay it that much, is we can also look at size
20 limits and we have a twenty-two-inch size limit with gag in the
21 Gulf. They mature at twenty-four inches and we can look at
22 raising that size limit two inches for the recreational sector
23 and see what that does and the added benefit of that would be it
24 will bring us in line with the South Atlantic Council's size
25 limit for gag and so it would help us to reduce some of the
26 confusion that's existing here in South Florida at the same
27 time.

28
29 If there is a rush or an urgency by the council to do something,
30 then we can talk about if including the size limit would
31 measurably decrease our speed and so we're ready to go with it.

32
33 **MS. BOSARGE:** I guess that was my point. As we get into that
34 document again, if we were going to take final action today, but
35 we didn't because red snapper dominates most of our discussion
36 and we were running out of time, if we need to take final action
37 next time, we're already a meeting behind on it and if we want
38 any analysis on changing these size limits, then that puts us
39 another meeting behind.

40
41 I mean it's a stock that -- I know it's not red snapper, but we
42 have a lot of people standing up saying we've got a problem and
43 we don't need it to end up being something like red snapper,
44 where we go off the deep-end with it as far as rebuilding and
45 having a problem with it.

46
47 **EXECUTIVE DIRECTOR GREGORY:** Well, it's different. The ABCs
48 recommended by the stock assessment actually suggest an

1 increase. The public is asking us to be cautious. The SSC is
2 saying to be cautious and so the real question is not are we
3 going to do a decrease in the ACL that's going to impact the
4 fishery, but how much of an increase is the council comfortable
5 providing?
6

7 Steven was trying originally to get something in place so that
8 we would not have a December closed season this year. We've
9 missed that and that was the only urgency from the staff
10 standpoint and so whether we do it in August or October will not
11 slow us down from doing that season analysis, because the
12 council could decide do they want to leave the opening of the
13 season at July and just open December or do they want to have a
14 shorter season?
15

16 The framework procedure, if we finished it in October, could
17 probably be put in place by March, at the latest, and so it
18 doesn't take a long time. He thought if we did the framework
19 and final action in August that we might even be able to get it
20 by January, but I think that's rushing it.
21

22 **MS. BOSARGE:** Okay and well, we're not going to look at the
23 document, but I would like to see some analysis on different
24 size limits that may match the South Atlantic, if staff can do
25 that in the interim, so we'll have it for the next meeting.
26

27 **CHAIRMAN ANSON:** I have Martha, but, Steven, do you have
28 something to that point?
29

30 **MR. ATRAN:** Yes and I just wanted to say that if you want the
31 size limit analysis, we can probably get it to you for the next
32 meeting, but we're probably going to also have to reanalyze the
33 season lengths, because that's going to affect that. I would
34 say it's probably not going to be possible to take final action
35 in August if you want that.
36

37 **MS. BADEMAN:** Just a comment. I think that's all okay, adding
38 the size limit stuff, and especially since it's not really going
39 to slow it down in terms of implementation time. I did want to
40 say that I wanted to come back to gag later and throw some
41 motions out there, but I am cool with adding the size limit
42 thing.
43

44 One thing I don't know that we would want to open here, but if
45 we are going to consider changing the size limit for gag, I
46 think we should also consider something similar for black
47 grouper, because there are some people that have some struggles
48 with identifying the two. That's just food for thought.

1
2 **MR. WILLIAMS:** Why can't we go back to the document, to B-6(a)?
3 There is only two options in there and we can choose the
4 preferreds and tell the public what we're thinking about. I
5 would like to do that, personally.
6
7 **CHAIRMAN ANSON:** This might be the best time.
8
9 **MR. WILLIAMS:** I don't think it would be very difficult
10 actually. Do you want a motion?
11
12 **CHAIRMAN ANSON:** If you wouldn't mind.
13
14 **MR. WILLIAMS:** I am going to then go back to B-6(a), the options
15 paper for the 2015 Gag ACL/ACT, and move that we endorse our
16 preferred option be Action 1, in modifications to the gag annual
17 catch limits and catch targets, that it be Alternative 1, no
18 action.
19
20 **CHAIRMAN ANSON:** We will give staff a little bit of time to
21 catch up. We have a motion that the preferred alternative in
22 the modifications to the gag annual catch limits and annual
23 catch targets document be Alternative 1, no action. David
24 Walker was the second. Any discussion on the motion?
25
26 **MR. WILLIAMS:** Just briefly, we've heard repeatedly from the
27 public that we need to be cautious in this. Most everybody that
28 -- In fact, everyone that I have talked to that is a fisherman
29 who regularly catches gag grouper says that they are not as
30 abundant as they used to be and they are not as abundant as the
31 assessment indicates and that at the very least we need to leave
32 things as they are and not increase the catch on this species
33 and so that's the basis of this motion and I will value what the
34 public says a lot on this one.
35
36 **MS. BADEMAN:** I mean it's not just what the public has said and
37 we've heard a lot of that, but the CPUE analyses that the SSC
38 looked at were also not so good news and so I think I'm okay
39 with a conservative approach here.
40
41 **MR. WALKER:** It's the same from the Reef Fish AP. They were
42 concerned about that as well and they wanted a conservative
43 approach.
44
45 **CHAIRMAN ANSON:** All right and so the motion is that the
46 preferred alternative in the modifications to the gag annual
47 catch limits and annual catch targets document be Alternative 1,
48 no action. **All those opposed to that motion please raise your**

1 hand. No opposition and the motion carries.
2
3 **MS. BADEMAN:** I want to make a motion also. I move that in
4 Action 2 that Alternative 2 be the preferred alternative.
5
6 **MR. WILLIAMS:** Second.
7
8 **CHAIRMAN ANSON:** I have a motion and a second by Mr. Williams.
9 The motion is in Action 2 that Alternative 2 be the preferred
10 alternative. Any discussion on the motion?
11
12 **MS. BADEMAN:** Just real quick, I think Mike Colby is someone who
13 talked about this in public comment. We have not been catching
14 the quota in the pretty conservative catch limit that we have
15 now. We're choosing the conservative option in Action 1.
16
17 This would extend the season out a couple of days and it would
18 give a couple of really important days of at least the
19 opportunity to fish for gag for some folks in southwest Florida,
20 which is late December, Christmastime, and that's a pretty
21 important time of year for them and so it just provides a little
22 bit of opportunities, probably with some minimal impact on the
23 stock. That's my rationale.
24
25 **CHAIRMAN ANSON:** Any other discussion on the motion? Any
26 opposition to the motion? Seeing none, the motion carries.
27
28 **MR. WILLIAMS:** I mean the other thing that we've talked about
29 here, perhaps, is size limit analysis for increasing the minimum
30 size on gag grouper back to twenty-four inches and we don't have
31 a preferred here, but I would offer a motion that we ask staff
32 to prepare a size limit analysis on the effects of increasing
33 the minimum size on gag and black grouper to twenty-four inches.
34
35 **CHAIRMAN ANSON:** We have a motion to have staff prepare a size
36 limit alternative on gag and black grouper to twenty-four
37 inches. Is there a second to the motion? It's seconded by Ms.
38 Bosarge. Any discussion on the motion? Seeing none, is there
39 any opposition to the motion? Seeing no opposition, the motion
40 carries.
41
42 **MS. BADEMAN:** Just so I'm clear, our timeline now is potentially
43 approving this final action in October? Okay. Cool. Thank
44 you.
45
46 **DR. SIMMONS:** Just since we're adding some analysis in here and
47 you unanimously voted no action on Action 1, could we move that
48 entire Action 1 to the considered but rejected section, since

1 we're adding some additional analysis, or at least reduce the
2 number of alternatives in there that staff is analyzing? I
3 think we have five alternatives currently and is that a
4 possibility?
5

6 **CHAIRMAN ANSON:** Mara, what's your recommendation?
7

8 **MS. LEVY:** Well, we're at the options paper stage and I think
9 maybe we -- Now you're going to look at adding things like black
10 grouper into this and right now, the document is titled "Gag
11 ACLs and ACTs and Closed Seasons" and so maybe what we need to
12 do is restructure the entire thing to address what now you're
13 looking at addressing, which is really gag seasons and different
14 size limits for gag and black grouper.
15

16 You can either reduce the number of alternatives in Action 1 if
17 you still want those alternatives to go out to the public to
18 still consider them. If you don't want to change the ACLs -- I
19 guess we can move it to considered but rejected, but I would
20 advise having some discussion in the document about the new
21 assessment and the reasons for choosing not to do anything at
22 this time.
23

24 **MS. BOSARGE:** Carrie, would it help if we at least got rid of
25 maybe Alternative 2 out of that first action? I mean I want to
26 cut down some of your staff time and that seems to have -- It
27 looks like it would require the most analysis and it looks like
28 we're not considering going up on this ACL at all and so tell us
29 what we can do to help you out.
30

31 **CHAIRMAN ANSON:** Carrie, do you have any recommendations or what
32 your preference would be?
33

34 **DR. SIMMONS:** I am going to defer to Steven. I'm sorry, but
35 Karen was talking to me at the same time and this is -- He is
36 lead staff on this, but I think removing Alternative 2 would
37 help us.
38

39 **MR. WILLIAMS:** On Alternative 2, you're talking about
40 Alternative 2, the 3.8-million-pound TAC? I mean we added that
41 one last time, I think, or a 3.8-million-pound ACL. We added
42 that last time on David's motion, as I recall, so that we had an
43 intermediate between Alternative 1 and 3, that we had an
44 intermediate level. I am of a mind just to send the whole thing
45 to considered but rejected. Mara seemed to be all right with it
46 and why put it in here at all?
47

48 **DR. CRABTREE:** I think you could do that, but if you just want

1 to get rid of alternatives, I wouldn't get rid of Alternative 2.
2 I would get rid of one of the ones like 5 that has the really
3 high ACLs, but if you're pretty well set that we're all in
4 agreement and we're not going to change it, I think you do like
5 Mara said and remove it to considered but rejected and then just
6 put some discussion in there as to why we've decided not to
7 pursue that.

8

9 **MS. BOSARGE:** I am good with that. Let's do it.

10

11 **CHAIRMAN ANSON:** Do you have a motion?

12

13 **MS. BOSARGE:** Let Roy make the motion. It will be cleaner.

14

15 **MR. WILLIAMS:** I would then move that we move Action 1,
16 modifications to gag annual catch limits and annual catch
17 targets, to considered but rejected.

18

19 **CHAIRMAN ANSON:** We have a motion. Is there a second to the
20 motion? David seconds. Any other discussion on the motion? **Is**
21 **there any opposition to the motion? Seeing none, the motion**
22 **carries.**

23

24 I guess, going back to the other point that Ms. Levy had said in
25 regards to the title, I guess we'll give just editorial license
26 to staff to go ahead and modify the title so it more
27 appropriately reflects the actions that are in the document.

28

29 **MR. GREENE:** Just a question and I guess I'm going to look at
30 Martha at this. I completely understand why you're wanting to
31 do the gag grouper and black grouper, because I don't know that
32 I could tell the difference in them, but probably because I have
33 never looked at a bunch of them, but would it not be more
34 advantageous to just simply pull out the black grouper and
35 potentially look at should we look at -- I don't know the size
36 differences between the Gulf and the South Atlantic, but what if
37 we did red grouper, black grouper, maybe scamp or something,
38 just to kind of look and see if that would be a better way?

39

40 I think we do need to definitely do something with the black,
41 but I'm just wondering about the other species as well and just
42 after everything we went through yesterday, just a way to try to
43 ease things out and at least look at it and see if we can't do
44 something.

45

46 **MS. BADEMAN:** That's a good question and kind of one that was
47 kind of in the back of my mind as well. For black, I am not
48 very worried about the vehicle. If we do it in here and

1 everybody is okay with that, then that's fine, but if we expand
2 to other grouper species, I think for the South Atlantic for gag
3 and black, they're at twenty-four and we're at twenty-two for
4 both and so that's an easy change, I think, there.

5
6 With the other grouper species, I don't know if we maybe would
7 want to consider some give and take with the South Atlantic
8 Council. I can't remember where they are on all of their size
9 limits versus relative to us, but I am not worried about the
10 vehicle as long as we're making things consistent and that makes
11 me happy.

12
13 **MR. GREENE:** Well, then perhaps we just do one for black and I
14 don't know what the size difference between the South Atlantic
15 and Gulf is between black. I am just trying to help you and so
16 that -- Maybe just do it for black and then we can go to the
17 South Atlantic and say, okay, we've changed these two and now
18 perhaps maybe you all need to look at these other two and I'm
19 just trying to help you find some common ground so we don't have
20 to go back through that mess we went through yesterday.

21
22 **EXECUTIVE DIRECTOR GREGORY:** In the South Florida restructured
23 and consolidated document, I think it's Action 8, I've got the
24 differences for the recreational size limits and for black and
25 gag, yes, it's twenty-two on our side and twenty-four on the
26 Atlantic side.

27
28 For scamp, yellowmouth, and yellowfin, the South Atlantic has
29 twenty inches for all of those species and we have twenty inches
30 for yellowfin and we have no size limit for yellowmouth and we
31 have sixteen inches for scamp and I think the sixteen inches for
32 scamp is a holdover from the early days when we put sixteen
33 inches on everything to begin with and I think the State of
34 Florida went to eighteen inches and then we went to twenty
35 inches for some of them and then eventually up to twenty-four.

36
37 That's there and there are no stock assessments on those
38 miscellaneous species and I called scamp, yellowmouth, and
39 yellowfin. We are expecting a stock assessment on black at some
40 point in the next year or two and so that -- Blacks do mature at
41 thirty-two inches and so twenty-two and twenty-four inches,
42 we're still fishing on immature blacks, but the last stock
43 assessment said that the black grouper population was not
44 undergoing overfishing and it was not overfished and so there
45 hasn't been much concern about that and so we can address black
46 here or we can wait until we get the black stock assessment from
47 FWC and that is the difference for the other species.

48

1 We don't have any stock assessments and we would have to dig
2 into the life history and try to -- It would be more, I think,
3 work to try to address scamp, yellowmouth, and yellowfin at this
4 time.

5

6 **CHAIRMAN ANSON:** No other discussion? Dr. Branstetter.

7

8 **DR. BRANSTETTER:** One of the things that was just pointed out is
9 we are talking recreational size limits?

10

11 **CHAIRMAN ANSON:** Seeing no other discussion, I think you can
12 carry on, Mr. Greene.

13

14 **MR. GREENE:** East Florida/Florida Keys Hogfish Stock Decision
15 Document was covered in Tab 5(e) at the Gulf and South Atlantic
16 Joint Session. Updated Draft Amendment 28, Red Snapper
17 Allocation, staff summarized the revisions included in the
18 updated draft of Amendment 28.

19

20 Committee members discussed the timeline for final action. Dr.
21 Crabtree indicated that the comment period for the DEIS ends
22 July 20 and that final action could be scheduled during the
23 August council meeting.

24

25 Draft Framework Action to Allow National Marine Fisheries
26 Service to Withhold a Portion of the Commercial Red Snapper
27 Quota in 2016, staff presented the management alternatives and
28 noted that the percentage of the 2016 commercial red snapper
29 quota to withhold will be determined once the council takes
30 final action on Amendment 28, Red Snapper Allocation. Committee
31 members indicated that final action would be taken during the
32 August council meeting.

33

34 Revised Alternatives, Amendment 39, Regional Management of
35 Recreational Red Snapper, the committee discussed the revised
36 actions and alternatives and the timeline for final action.
37 Staff indicated that a completed draft could be brought to the
38 August meeting for the council to review and select remaining
39 preferred alternatives, but the DEIS would be filed after the
40 August council meeting.

41

42 **CHAIRMAN ANSON:** Excuse me, Johnny, but we have a question from
43 Ms. Bademan.

44

45 **MS. BADEMAN:** Before we leave Amendment 39, I want to discuss
46 two things. One is one of the things that I think I brought up
47 in committee about getting estimates of days for all of the --
48 Equivalent days, I guess, for the allocation action. I think it

1 would be helpful to have some idea of what all these percentages
2 mean for each state with all these different options.

3
4 **DR. LASSETER:** I do have that table and I could send it quickly
5 to Meetings if you would like to have it projected on the board
6 or would you just like to have it for the next council meeting?

7
8 **MS. BADEMAN:** I'm okay with projecting it now, but I definitely
9 want to see this incorporated in the document for sure.

10
11 **CHAIRMAN ANSON:** You had two things, Martha?

12
13 **MS. BADEMAN:** Yes and so the other thing that I wanted to do or
14 bring up with this amendment is I wanted to make a motion to
15 send Amendment 39 out to public hearings again and I can explain
16 why if I get a second.

17
18 **CHAIRMAN ANSON:** All right. Motion to send Amendment 39 out to
19 public hearings and it's been seconded by Mr. Perret. Any
20 discussion? Do you want to go ahead?

21
22 **MS. BADEMAN:** Yes and so where I'm coming from here is it's been
23 quite some time since this went out to public hearing and this
24 document has evolved a lot. We now have the conservation
25 equivalency options in here, which is the preferred by the
26 council, and we will now have some more information about what
27 this will look like, potentially, with days with each state in
28 this document now and sector separation is a factor,
29 potentially, in this document now.

30
31 I think a lot has changed since we went out before and I want to
32 make sure people know what they're getting into and that the
33 public understands what all of this document means and so that's
34 kind of where I'm coming from here.

35
36 **CHAIRMAN ANSON:** I have Corky, followed by Dr. Dana.

37
38 **MR. PERRET:** Thank you and I think it's going to be extremely
39 important, if indeed we take it out to public hearings again,
40 that the public be made aware of just what it means. It does
41 not necessarily mean they're going to get a heck of a lot more
42 fish or days or so on and so forth, but it will give each
43 entity, i.e., if each state has their own management area, to
44 put their own type of alternatives in there, but I want to ask
45 staff -- Doug, on a timing standpoint, and you know I'm sure
46 we're talking about at least eight, and I'm just guessing,
47 public hearings and so what schedule do you think we could fit
48 that in if this passes?

1
2 **EXECUTIVE DIRECTOR GREGORY:** Our next four council meetings are
3 in the northern Gulf and so we'll definitely have opportunity to
4 hear from the public through the public testimony there. At
5 this point, to do this, I would say November or December, in
6 between our October and our January council meetings, where we
7 have the most time, because we have such a short period of time
8 between council meetings, approximately six weeks between the
9 end of this council meeting and the briefing book for the next.
10 If we could put them off until we had more time to work it in,
11 that would be best.

12
13 **MS. BADEMAN:** I mean I know we have some council meetings coming
14 up, but one of the issues that I see with this also is we had
15 pretty good attendance at the public hearings that we had
16 specifically about regional management. At least in Florida we
17 had a hundred people.

18
19 We don't have a lot of people that would be affected by this
20 amendment that come to the council meetings, to be fair. We
21 don't have a lot of private anglers that typically show up.
22 Commercial is very well represented and the charter sector is
23 also very well represented and so it seems like going out to
24 communities and doing the road show seems to be a way that we're
25 at least talking to the people that we need to talk to on this.

26
27 **DR. DANA:** My question is a question. When was the last time
28 that we went out for the regional meetings or public hearings on
29 the regional management?

30
31 **DR. LASSETER:** August of 2013.

32
33 **DR. DANA:** So we're talking about close to two years ago? Okay.
34 For some reason, I was thinking it was closer in time and there
35 gets a point where the public just gets exhausted with all the
36 meetings that we have out there and then they don't show up, but
37 I have to agree with Martha that there was quite a lot of folks
38 that did attend the regional management meetings two years ago.

39
40 **DR. CRABTREE:** I do think when we went out to public hearings --
41 I am not sure we even had the state-by-state allocation
42 preferred alternative there, but we certainly didn't have any
43 analysis of what it meant to the various states and that's
44 really a big part of what the public needs to focus on and so I
45 would support the motion.

46
47 **CHAIRMAN ANSON:** All right. Any other discussion on the motion?
48

1 **MS. BADEMAN:** One more thing. I think when we did these before,
2 when we talked about Amendment 39 in scoping and at public
3 hearings, we tried to have a state person at each of the
4 meetings for the respective state to explain on that end how the
5 process works at the state level, too. I think that would be
6 helpful here, just to note.
7
8 **CHAIRMAN ANSON:** All right. The motion is to send Amendment 39
9 out to public hearings. **All those in favor of the motion please**
10 **raise your hand; any opposed. One.**
11
12 **EXECUTIVE DIRECTOR GREGORY:** **It passes fourteen to one.**
13
14 **CHAIRMAN ANSON:** It probably would be appropriate right now to
15 go ahead and pick locations for those.
16
17 **DR. LASSETER:** We actually have the information on the August
18 2013 public hearings posted up here, just so you could see where
19 you went before and what the attendance was at each location,
20 just for your information.
21
22 **CHAIRMAN ANSON:** Very good. Thank you. On the board were the
23 meeting locations for the last public hearings for Amendment 39
24 and the number to the right of each location signifies the
25 number of attendees. Is this the right summary for 39?
26
27 **DR. LASSETER:** It is. I received it from Emily and there was
28 also a webinar where seventeen people participated.
29
30 **MS. BADEMAN:** Clearly I must be thinking of the scoping meetings
31 that we held, because we were at a meeting and there was a
32 hundred people there on Amendment 39.
33
34 **CHAIRMAN ANSON:** I remember ours in Alabama was heavily attended
35 as well and --
36
37 **MS. EMILY MUEHLSTEIN:** I think what's happening is that you guys
38 are confusing our attendance for the allocation public hearings
39 with the attendance for this, for the red snapper allocation. I
40 looked back at our briefing book and this was the numbers that
41 were given on the public hearing summaries that I gave you in
42 August of 2013 and so these numbers are true and I think the
43 meetings where you guys had a lot of people was for the
44 allocation document and not for this one. I mean you can look
45 at the -- I can pull up the actual summaries if you want to see
46 them.
47
48 **CHAIRMAN ANSON:** I don't think that will be necessary, Emily.

1 At least you have the locations where the last public hearing
2 was held for this amendment and if the state reps have some
3 comments or changes to that list to make recommendations, we'll
4 start with Texas and Lance.
5
6 **MR. ROBINSON:** I think the Corpus and League City area is okay.
7 I would ask that we consider adding San Antonio into this.
8 There is a lot of anglers, saltwater anglers, out of that
9 region, based on our surveys and zip codes and stuff like that.
10 There is a tremendous number of anglers in that locale.
11
12 **CHAIRMAN ANSON:** All right. Thank you. Mr. Fischer.
13
14 **MR. FISCHER:** Baton Rouge is sufficient.
15
16 **CHAIRMAN ANSON:** Dale.
17
18 **MR. DIAZ:** I would say just change ours to the Biloxi/Gulfport
19 area and wherever the staff can find a suitable location in
20 either one of those cities would be fine.
21
22 **CHAIRMAN ANSON:** I think Mobile is still appropriate for
23 Alabama. Martha.
24
25 **MS. BADEMAN:** I am going to switch Panama City with Destin. I
26 think the last few times that we've hit both of those at state
27 workshops that we've done a little bit better at Destin, but
28 they're still close enough where you can run from one to the
29 other.
30
31 **EXECUTIVE DIRECTOR GREGORY:** Do you think we should keep St.
32 Petersburg/Tampa?
33
34 **MS. BADEMAN:** Something in that area. Yes, I think so.
35
36 **CHAIRMAN ANSON:** Does anyone care to make a formal motion to
37 include these locations?
38
39 **MR. PERRET:** I so move.
40
41 **CHAIRMAN ANSON:** Mr. Perret makes the motion to include those
42 cities for public hearing locations for Amendment 39. Is there
43 a second? Mr. Diaz seconds. Any further discussion on the
44 motion? **Any opposition to the motion? Seeing none, the motion**
45 **carries.** Mr. Fischer.
46
47 **MR. FISCHER:** Thank you, Mr. Chair. If we're going to take this
48 out, I think we do have a little bit of housekeeping we need to

1 do or we have to do it regardless. We had some discussion a
2 couple of days ago and it referred to size limits.

3
4 **In Action 1, I would like to make a motion, and I can explain**
5 **after and let me make the motion, that in Action 1 that we**
6 **remove the term "size limits" from the alternatives,**
7 **specifically Alternatives 2, 3, and 4.** The regions would manage
8 red snapper with the federal minimum size limit that will be
9 established in Action 4. I will see if someone will second it.

10
11 **CHAIRMAN ANSON:** We have a second by Dale.

12
13 **MR. FISCHER:** At the inception of this, we always thought that
14 size limits could conflict with the stock assessments if
15 different states had different size limits. When we start
16 trying to calculate the proportional catch per state, it could
17 create a lot of analysis. If we went with a standard size
18 limit, it would simplify the document and simplify the analysis,
19 the proportion that could serve as conservation equivalency for
20 each state.

21
22 **CHAIRMAN ANSON:** Any other discussion to the motion? All right.
23 **Anyone opposed to the motion? No opposition and the motion**
24 **carries.** Any other -- Mr. Robinson.

25
26 **MR. ROBINSON:** Just a question first. Under Action 2,
27 Alternative 2 in this document, the question is, is that
28 alternative specifically designed to eliminate what has happened
29 in Amendment 40, to negate Amendment 40?

30
31 **CHAIRMAN ANSON:** I don't know. Dr. Lasseter.

32
33 **DR. LASSETER:** Yes and we did discuss this action at a previous
34 meeting, but it's come to my attention that there is some
35 confusion. The first sentence says "Extend the separate
36 management of the federal for-hire and private angling
37 components and have this amendment applied to the private
38 angling component only" and so essentially yes, that would
39 remove the sunset and that is detailed in the discussion and in
40 the tables.

41
42 To make it even more clear, we will add the phrase to the
43 beginning of this alternative that says "remove the sunset and
44 extend the", just to make sure it is very clear for everybody.

45
46 **MR. ROBINSON:** Okay. Well, I guess then I would like to make a
47 **motion under this same action and I think they can pull the**
48 **motion up, but my motion would be that in Action 2 to add the**

1 following alternative in the separate management of the federal
2 for-hire and private angling components upon implementation of
3 this amendment and have this amendment apply to the entire
4 recreational sector. The private angling and federal for-hire
5 components would be managed by each region under regional ACLs
6 based on the allocations selected in Action 6. A region may
7 establish different management measures for its private angling
8 and for-hire vessels, specifying these measures in the region's
9 CEP or state regulations under delegation. For such a region,
10 the regional component ACLs would be created based on: Option a,
11 the average of the region's historical landings for the years
12 1986 to 2013; Option b, the average of the region's historical
13 landings for the years 1996 to 2013; Option c, the average of
14 the region's historical landings for the years 2006 through
15 2013; Option d, 50 percent of the region's average historical
16 landings from 1986 to 2013 and 50 percent of the region's
17 average historical landings from 2006 to 2013; Option e,
18 excluding landings from 2006; Option f, excluding landings from
19 2010.

20
21 **CHAIRMAN ANSON:** All right. A motion is on the board. Is there
22 a second for the motion? It's seconded by Dr. Stunz. Any
23 discussion on the motion?

24
25 **DR. DANA:** Why are you making the motion, Lance?

26
27 **MR. ROBINSON:** I think the rationale here is that I think in our
28 particular case the states would like to see in regional
29 management as much flexibility as possible and if a state wishes
30 to manage their recreational sector as a whole, they ought to be
31 allowed to do that, but there also may be states that would like
32 to manage based on the separate sectors and they ought to be
33 allowed to do that as well.

34
35 This particular action would give the states the ability for
36 that flexibility, to incorporate whatever flexibility they
37 believe would work best for their fishermen.

38
39 **MR. WILLIAMS:** I speak in opposition to this. The state
40 agencies do not own the private for-hire vessels and the private
41 for-hire vessels have come to us meeting after meeting after
42 meeting and asked for sector separation. They want to be
43 managed by the federal government and they don't want to be
44 managed by the states.

45
46 They want to be managed under the Magnuson Act and we have spent
47 several years figuring that out. We have approved Amendment 40,
48 which separated them. It only gives them three years to try to

1 figure out how to extend it on a permanent basis and this would
2 end that and I think we're doing exactly the wrong thing and I
3 speak against it.

4
5 **CHAIRMAN ANSON:** I have Corky, followed by John and Myron.

6
7 **MR. PERRET:** Lance, I want to compliment you on a well-crafted
8 motion, but I can't support it. Mr. Williams I think expressed
9 the same feelings I would have relative to this. The federal
10 for-hire guys have repeatedly asked us to maintain them under
11 federal management and they didn't want to be a part of the
12 regional management at the state level and, like I said, Roy
13 Williams summarized his opposition very well and I feel
14 basically the same way.

15
16 **MR. SANCHEZ:** I am curious. I can't support it either, for
17 everything that's been said already, but I am curious to know if
18 someone can answer how many pounds of landings reported,
19 documented, come from the for-hire versus how many come from the
20 private recreational in Texas.

21
22 **CHAIRMAN ANSON:** I don't know if any -- Ava, is that information
23 -- Do you have it handy?

24
25 **DR. LASSETER:** I want to say it's definitely much more charter,
26 I believe, than private. I could look it up and get back to you
27 in a few minutes, but I want to say 65 or 75 percent are
28 charter, but Roy Crabtree is nodding his head yes and so I
29 believe that's correct.

30
31 **CHAIRMAN ANSON:** All right. Myron and Harlon, we'll get you in
32 just a couple of speakers.

33
34 **MR. FISCHER:** Thank you, Mr. Chair. Well, if we're taking this
35 back out to scoping, as Martha had passed in a previous motion,
36 and one of the things she stated is the numerous people who
37 don't attend these meetings.

38
39 I have heard for a couple of years the same twenty people
40 testify and they follow us to every meeting we go and I want to
41 hear what new blood has to say about it. I think we ought to go
42 out, if we're going to go to scoping, and let new people look at
43 this and get their opinions. That's the silent majority, silent
44 opinion, we're not hearing from, the people who don't attend. I
45 would like to see what they have to say and we're not saying
46 it's a preferred. We're just saying it's another alternative on
47 the wall that they could comment about.

48

1 **DR. CRABTREE:** Lance, is your vision on this that if the council
2 were to add this and then choose this as their preferred
3 alternative that we would choose one of those suboptions and
4 then that would be the allocation the state would have to use if
5 they chose to do this? Is that your intent?
6

7 **MR. ROBINSON:** Those options came right out of Amendment 40 and
8 so yes, it would be selecting one of those options and if the
9 state chose to manage based on split sectors, then those options
10 are the same ones that were in 40. If we wanted to choose the
11 same option that prevailed in 40, then that would be --
12

13 **DR. CRABTREE:** But the council would choose that option in
14 Amendment 39 and then if the state wanted to go that path, they
15 would have to follow it. We would essentially be redoing the
16 allocation that was just approved in Amendment 40 and relooking
17 at that all over again, right?
18

19 **MR. ROBINSON:** Right.
20

21 **MR. PEARCE:** I have to speak in opposition to this and I want to
22 remind some of the states, all the states out there, that I wish
23 I could be there to help you get regional management passed. I
24 know you guys have worked really, really hard on it, but just
25 listening to the discussion today and listening to everything
26 that's going on, this amendment could last for another three
27 years before it happens, if it happens.
28

29 I don't think the states can agree or get along on anything in
30 this amendment and I don't think that the allocations in the
31 amendment are going to work and every time we do something like
32 this, we just throw something else in it that complicates the
33 issue and makes it that much harder for regional management to
34 pass.
35

36 I just really need to speak against this and I would love to see
37 regional management simplified and I would love to be able to
38 help you make it happen, but I won't be there, but this is just
39 another reason why it's going to take years, again, to get
40 anything done in this amendment.
41

42 **CHAIRMAN ANSON:** Thank you. Ms. Bosarge.
43

44 **MS. BOSARGE:** This goes back to allocation again and if you
45 remember yesterday when we talked about mackerel, I tried to
46 come up with an alternative that would essentially make both
47 sectors happy and not truly reallocate, but let somebody go
48 catch the fish. I did that because it takes us forever to make

1 a decision on a hard shift in allocation.
2
3 We already did this once in 40 and it was a bloody, nasty, long
4 battle. These guys need some type of new management and why
5 would we add this into this document and go through that whole
6 exercise again and slow this down for another two years? I
7 don't know. Is that the strategy so that sector separation can
8 reach its sunset and we still have nothing for these guys?
9
10 I don't see the point in revisiting this exercise again and
11 essentially punishing the private angler by doing so because we
12 cannot move this forward. It will slow it down. We can't turn
13 anything over to the states until we have this long, drawn-out,
14 bloody allocation battle again.
15
16 I want to see this document move forward and I want to try and
17 let the states do something for their private anglers and I
18 don't want to slow it down and to me this slows it down.
19
20 **MS. LEVY:** I have just a couple of concerns that I want you to
21 think about before you vote on this, the first one being the
22 allocation decision and the idea of revisiting the same question
23 shortly after you made the determination on an allocation and a
24 finding that it's fair and equitable and meets all those
25 requirements of the Magnuson Act that just got implemented.
26
27 If you end up going down this path, there is going to have to be
28 some real discussion and justification about why it would be
29 appropriate so shortly after that to change the allocation.
30
31 The other concern I have is how this would get implemented,
32 because what we're talking about now is not the states adjusting
33 measures that are sort of discretionary under the Act and so
34 like seasons and bag limits, those are discretionary management
35 measures. Annual catch limits are not discretionary management
36 measures and so I am just trying to sort of think through in my
37 head how the agency would implement a state coming in and saying
38 now we want component accountability measures.
39
40 It's like we would probably have to do some sort of proposed
41 final rule framework action to actually change that in the
42 regulations, which is a little bit different than what we were
43 thinking about when we were thinking about conservation
44 equivalency and approving, kind of with a notice, that the
45 state's bag limit and season meet that conservation equivalency
46 and so there's a procedural hurdle that would have to occur and
47 I haven't thought through it all in my head, but I just wanted
48 to raise those two issues for you to think about.

1
2 **CHAIRMAN ANSON:** Any other discussion on the motion?

3
4 **MR. WALKER:** Lance, how does the State of Texas -- How do you
5 visualize managing them, as a whole or separate, with the
6 recreational and the charter and private angler?

7
8 **MR. ROBINSON:** I don't think we've made a final decision on that
9 yet, David. I think the idea behind regional management is that
10 it affords the state the opportunity to work with all of their
11 fishermen, all of their sectors, to come up with a plan that
12 works best for everyone and so we have not made any preconceived
13 decisions on how we would proceed.

14
15 The whole idea behind this one is just to provide some
16 additional flexibility so the states can have those
17 conversations with their constituents, all of their
18 constituents, charter for-hire and all the for hire sector as
19 well as the private recreational. I believe this motion allows
20 us to have that dialogue.

21
22 **MR. WALKER:** But under Amendment 40, the charter for-hire has
23 the flexibility.

24
25 **CHAIRMAN ANSON:** We are going to go ahead and vote on the
26 motion. Can staff assist with counting? Ava, can you help with
27 counting the votes? **All those in favor of the motion please**
28 **raise your hand; all opposed. It's eight to eight and the**
29 **motion fails.** All right. Do we have any other -- Lance.

30
31 **MR. ROBINSON:** Thank you, Mr. Chairman. I have another motion,
32 please. **The next motion would be to remove Alternative 3 from**
33 **Action 2. The proposed motion would be in Action 2 to move**
34 **Alternative 3 to the considered but rejected section.**

35
36 **CHAIRMAN ANSON:** We have a motion on the board in Action 2 to
37 remove Alternative 3 to the considered but rejected section and
38 on the board that alternative is listed that's currently in the
39 document. Do we have a second to the motion?

40
41 **MR. BOYD:** I'll second it.

42
43 **CHAIRMAN ANSON:** It's been seconded by Mr. Boyd. Any discussion
44 on the motion?

45
46 **MR. GREENE:** Mr. Robinson, why?

47
48 **MR. ROBINSON:** I think this particular alternative -- When I

1 read through it, it was pretty confusing and if you looked at
2 the document with the different matrices that came out, this one
3 just didn't -- It was just kind of cumbersome to me. I just
4 think that this is one that separate management -- I am just
5 looking to see it considered, but in that rejected section.

6
7 **MR. DIAZ:** I would speak against that motion at this time,
8 because I think Lance's previous motion was an attempt to try to
9 get something that was better than this motion, but this motion
10 does still have some flexibility for a state to manage both
11 sectors and I think some states would like to do that and so at
12 this time, even though it's probably not as good as the motion
13 that just failed, I think it's better to leave it in the
14 document.

15
16 **CHAIRMAN ANSON:** All right. Any other discussion on the motion?
17 The motion is in Action 2 to move Alternative 3 to the
18 considered but rejected section. **All those in favor of the**
19 **motion please raise your hand; all those opposed to the motion**
20 **please raise your hand. The motion fails five to nine.** Mr.
21 Williams.

22
23 **MR. WILLIAMS:** As long as we're doing this considered but
24 rejected and moving things to considered but rejected, I would
25 like to move that Alternative 4 be moved to the considered but
26 rejected section in the same action, in Action 2. Alternative 4
27 would end the separate management of federal for-hire and
28 private angling components upon implementation of this amendment
29 and the amendment would apply to the entire recreational sector
30 and so I move that we move Alternative 4 in Action 2 to
31 considered but rejected.

32
33 **CHAIRMAN ANSON:** We have a motion on the board and is there a
34 second to the motion?

35
36 **MR. PERRET:** Second.

37
38 **CHAIRMAN ANSON:** It's been seconded. Is there discussion?

39
40 **DR. CRABTREE:** I might be sympathetic to your ultimate view of
41 how to manage the fishery, but in the interest of a reasonable
42 range of alternatives and things, I don't support removing this.
43 Ultimately we're going to have to pick a preferred and make a
44 decision on it, but it seems to me this has a lot of interest in
45 it and probably ought to remain in the document.

46
47 **MR. DIAZ:** I agree with Dr. Crabtree. We're sending this back
48 out to public hearing and let's hear what the public has to say

1 on that option.

2
3 **DR. DANA:** I wanted to see what that language was, but Martha
4 has shown me on her screen, but maybe somebody else wants to see
5 the actual language of what we're proposing to move to the
6 rejected section.

7
8 **CHAIRMAN ANSON:** I think staff is trying to get that in the
9 motion. The Alternative 4 that is currently in the document is
10 now inserted into the motion. Is there any other discussion on
11 the motion?

12
13 **MS. LEVY:** I just want to reiterate that I think for the
14 purposes of NEPA that the agency is going to have to analyze it
15 regardless of whether the council chooses to move it or not. I
16 think it is a reasonable alternative and we probably have to do
17 the comparative analysis anyway.

18
19 **MR. WILLIAMS:** Given the comments of both Mara and Dr. Crabtree,
20 I would like to withdraw my motion, if the seconder would agree.

21
22 **CHAIRMAN ANSON:** All right and Mr. Perret does agree and so the
23 motion has been withdrawn. Do we have any other comments on 39
24 while we're here? Dr. Stunz.

25
26 **DR. STUNZ:** My comment is in the same action and maybe staff or
27 Ava can explain a little better on Alternative 2. I understand
28 on the other alternatives why the separate management and within
29 the context of Amendment 40 is extended, but not so much in
30 Alternative 2. It's not listed there in the actual alternative
31 under that action, but when you read later down in the
32 discussion, this would essentially remove the sunset provision
33 that's in Amendment 40 and I'm not clear -- Maybe Ava can
34 explain and then I have another comment, depending on what she
35 tells us there.

36
37 **DR. LASSETER:** As I mentioned in the beginning of this
38 discussion, the confusion had been brought to my attention
39 regarding this and that staff will add to the beginning of this
40 alternative "remove the sunset and extend the separate
41 management", just to make it fully clear. It is addressed in
42 the discussion and in the table, but we will go ahead and add
43 that.

44
45 **DR. STUNZ:** Well, that certainly would make it clearer, but I
46 don't remember us having discussion, and maybe this occurred
47 before I had joined the council, but in the other ones it
48 totally makes sense to have that and in this one, I could just

1 envision a hypothetical scenario that under Amendment 40 there
2 is a lot of complaint -- Not complaint, but others have
3 mentioned that what if it's not successful and the sunset
4 provision being in there allows us to -- That would end that,
5 obviously.

6
7 It may very well be successful and you want to keep it ,but it
8 may not be and this alternative, it seems to me, that it would
9 end that provision in Amendment 40 and I'm not sure I'm
10 comfortable with going there. I mean I would recommend that
11 alternative just start -- You know removing the first half of
12 that first sentence, essentially.

13
14 **DR. CRABTREE:** This one has always been clear to me from the
15 get-go. We're making a decision as to whether regional
16 management is going to apply to just the private vessels or to
17 the federally-permitted for-hire vessels or not and that's the
18 decision we need to make.

19
20 If our decision is it's only going to apply to the private
21 vessels, then we would remove the sunset and sector separation
22 continues and so that's always been my understanding of how this
23 one works and it seems quite reasonable to me. I am all for
24 clarifying the language so that there's no confusion about it,
25 but it seems okay to me.

26
27 **CHAIRMAN ANSON:** Mara, you had your hand up too and did you want
28 to make a comment?

29
30 **MS. LEVY:** Just that this whole action was added when Amendment
31 40 was passed to allow the council to make a decision in this
32 document about whether to keep it and remove the sunset or not.
33 That's why each alternative either extends it or ends it,
34 because it has a sunset. If you don't do anything -- If you
35 never do anything with this document and you never do anything
36 else, it will sunset.

37
38 It was if you actually go through this document and decide to
39 take final action that you make the decision in this document
40 about what happens with sector separation.

41
42 **CHAIRMAN ANSON:** To that point, Dr. Crabtree?

43
44 **DR. CRABTREE:** Yes and if we don't come to a decision point on
45 this amendment over the next couple of meetings, then we're
46 going to need to discuss a separate amendment to reevaluate the
47 sunset and decide whether we want to allow the sunset to occur
48 or whether we want to remove the sunset and have Amendment 40

1 continue or whether you want to extend the sunset to some
2 distance in the future.

3
4 Now, I don't know if we need to do that right now, but if this
5 amendment -- If ultimately we don't move forward with it, we're
6 still going to need to deal with the sunset.

7
8 **DR. STUNZ:** That's my exact point, Roy, but at this point
9 though, I mean if we're going out for additional public hearings
10 and that kind of thing, I don't see that this is going to be
11 that much of an issue then.

12
13 **MR. PEARCE:** I agree with Dr. Crabtree and I don't think at this
14 particular moment is the time to talk about developing another
15 amendment to discuss the sunset, but I am going to present an
16 amendment at the end of the Reef Fish Committee to do just that.
17 I don't think it's the time to do it right now, but I will
18 present a motion like that at the end of the committee, before
19 the end of the committee.

20
21 **MR. GREENE:** I think the way that I read this -- It's been clear
22 to me since the beginning, but you know you've had a lot of
23 charter guys that have always been fully supportive of the
24 recreational fishery being managed by the state agencies around
25 and I think that was kind of the intent and I think that there
26 has been a lot of support for that and so I just wanted to bring
27 that to your attention.

28
29 **CHAIRMAN ANSON:** All right. Any other comments on Amendment 39
30 while we're here? Mr. Fischer.

31
32 **MR. FISCHER:** I just want to bring it up for discussion in case
33 I'm missing something. I am on 39 on page 6 and it's on Action
34 5 and someone may want to make a motion to this effect. I
35 suspect this is some of Dr. Shipp's language and as much as he
36 is my mentor, I'm not certain about it. It's on Alternative 3
37 and I would like to get that back up for discussion.

38
39 What we're doing is we're forcing vessels to fish shallow water
40 for juvenile fish and I don't think red snapper is a species you
41 can use depth of water as a method of creating a regulation,
42 because you fish them off the bottom. You might be in 200 foot
43 of water, but you might be fishing seventy-five feet down.
44 **There is a motion on the board and I will move that.**

45
46 **CHAIRMAN ANSON:** We have a motion in Action 5 to move
47 Alternative 3 to the considered but rejected section.
48 Alternative 3 is listed there and it is pulled from the current

1 document and do we have a second?

2

3 **MR. DIAZ:** I'll second it.

4

5 **CHAIRMAN ANSON:** We have a second by Mr. Diaz. Any other
6 discussion on the motion?

7

8 **MR. WILLIAMS:** What page is this on, so I can look at the
9 context?

10

11 **MR. FISCHER:** I am on page 36 in my document.

12

13 **MR. PERRET:** If it were my druthers, I would move the whole
14 thing to considered but rejected, but since the plan is to take
15 all this out to public hearings, I suggest doing just that with
16 what's in there, but can you imagine the enforcement nightmare
17 this option could create?

18

19 One state could be nine miles and one could be twenty nautical
20 and one could be twenty fathoms and one could be thirty fathoms
21 and we're kidding ourselves. There is no way in the world, with
22 the current capabilities, to have any sort of effective
23 enforcement, but let the public comment on this type of thing.
24 It's options and I don't think they're very doable options from
25 an enforcement standpoint.

26

27 **DR. CRABTREE:** I agree with Mr. Perret and my preference would
28 be to take the whole action out. I have never agreed with this,
29 but I think what this alternative was trying to do was get at
30 something that could be analyzed, because if you take this out,
31 what do you analyze?

32

33 You just have some vague notions about closed areas and so if
34 you take this out, there won't be any NEPA analysis done on this
35 and so if a state ever did want to do some sort of a closed
36 area, they would have to come back to the council and we would
37 have to go through the entire amendment process with a NEPA
38 document and everything and so I tend to agree with Myron that
39 this seems kind of really strange to me, but I think the problem
40 with this is the whole action just isn't a very workable deal.

41

42 **MR. DIAZ:** I guess to that point, Dr. Crabtree, couldn't a NEPA
43 analysis be done on the Preferred Alternative 2?

44

45 **DR. CRABTREE:** What do you analyze? You don't know what areas
46 might be closed and it's too vague. I mean without knowing what
47 the areas that are being proposed, what is there to analyze and
48 that preferred alternative doesn't have any specifics and so I'm

1 just not sure what there is to analyze.

2
3 **CHAIRMAN ANSON:** Anyone else? Martha, did you have a comment?

4
5 **MS. BADEMAN:** I think I'm okay with getting rid of -- Myron's
6 motion or whoever's motion this is, but I am hesitant to throw
7 the whole action out, because at least the way the discussion
8 for Alternative 2 is right now, it's talking about doing -- A
9 state could do not necessarily EEZ water and state water
10 regions, but you could do a north/south or something like that.
11 Florida could do with red snapper what we do with spotted
12 seatrout or red drum, for example. We have different management
13 areas in different parts of the state and that extends -- We
14 would extend state waters and federal waters, potentially. I am
15 not ready to totally let this action go, but I can part with
16 this alternative.

17
18 **MR. DIAZ:** I agree with Martha. I think we could get rid of
19 this alternative and I agree with a lot of what Corky said.
20 It's very complicated and it would ease a little bit of work on
21 the staff and a lot of these alternatives would be very
22 difficult for law enforcement and I think it's going to be
23 difficult for the public to wrestle with these things too and so
24 I'm in favor of removing it.

25
26 **MR. GREENE:** I support getting rid of Alternative 3 and I
27 really, at first, thought maybe we need to get rid of the whole
28 action, but if we're going to keep Preferred Alternative 2 in
29 there and we're going to go to the public, I think we need to
30 show the public what areas we're talking about so that we can
31 get input from them as well as law enforcement.

32
33 **MS. BOSARGE:** Just a question for the states. I mean are any of
34 these things that you may consider, I mean if you were managing
35 all of it? Are these things that if you were going to change
36 some boundary lines that you might consider having open or
37 closed or doing at some point? I mean if they're reasonable
38 things that you may consider, I think we would want to leave it
39 in there for analysis.

40
41 **CHAIRMAN ANSON:** Anyone from the states want to answer that?

42
43 **MS. BADEMAN:** This is going to be kind of a non-answer. I mean
44 ultimately what happens in our state is decided by our
45 commission and I haven't gotten an indication that they would go
46 in this direction, just in discussions that we've had and I know
47 that this suite of alternatives has been problematic for some
48 people and problematic for analysis and so that probably doesn't

1 really help much, but that's kind of where I'm at.

2
3 **MR. MATENS:** I am a little confused. We're talking about
4 Alternative 2 and 3 and unless I read this incorrectly, and
5 maybe I have the wrong document, but Alternative 3 says
6 establish a Gulf-wide boundary and so arguing about whether
7 states are going to have two different mile limits seems
8 inappropriate.

9
10 I am focusing on Alternative 2. I have had some level of
11 discomfort with this all along. I understand the rationale for
12 wanting to do it and I certainly understand what Florida and
13 Texas are saying, but it looks like we're voting on a pig and a
14 poke. We don't know how this is going to affect us.

15
16 My personal opinion is if this something that Texas wants and
17 this is something that Florida wants then they can have it, but
18 I don't think it's something that Louisiana would worry about.

19
20 **MR. WILLIAMS:** A question then. Given Camp's comments, a
21 question for Dr. Crabtree or possibly Mara. Would we be better
22 off removing Alternative 2, because at least Alternative 3 is
23 analyzable. Alternative 2 is an up-in-the-air alternative and
24 why don't we remove Alternative 2 instead of Alternative 3? At
25 least you can analyze 3.

26
27 **DR. CRABTREE:** Yes, but it's just why would you do 3 is what I'm
28 trying to figure out.

29
30 **MR. WILLIAMS:** I can't figure out why we would do 2, so --

31
32 **DR. CRABTREE:** If you do 3 too, it's not something the states
33 get to change or anything, because, as Camp pointed out, it's
34 Gulf-wide and so you could get rid of Alternative 2 and 3.

35
36 **CHAIRMAN ANSON:** That would require a substitute motion, Dr.
37 Crabtree.

38
39 **MR. WILLIAMS:** I would offer a substitute motion that Action 5,
40 closures in the Gulf EEZ, be moved to the considered but
41 rejected.

42
43 **CHAIRMAN ANSON:** We have a substitute motion that Action 5 be
44 moved to the considered but rejected section.

45
46 **MR. PERRET:** I'll second.

47
48 **CHAIRMAN ANSON:** It's been seconded. Any discussion on the

1 substitute motion?

2
3 **MS. LEVY:** I think I've said this before about the closed areas
4 and it's similar to the concern with the alternative we tried to
5 add for Action 2, is that there are going to be procedural
6 questions down the road if you end up going -- Not removing it
7 and going with the current preferred alternative about what
8 would have to happen with these conservation equivalency plans
9 and what additional NEPA analysis and rulemaking would have to
10 be done and just so you're thinking about it.

11
12 It does complicate the whole idea of submitting these plans and
13 getting them approved and just implementing them in terms of
14 timeline and how fast things can happen.

15
16 **MR. WILLIAMS:** Mara, I'm sorry, but I didn't really follow your
17 point. Are you speaking for my motion or against my motion?

18
19 **MS. LEVY:** I'm not giving an opinion on your motion. That's for
20 you all to decide, but just for you to think about that if this
21 action doesn't get removed and the preferred goes through, which
22 is Preferred Alternative 2, that there are procedural
23 complications with respect to approving these conservation
24 equivalency plans that would have these various closed areas in
25 them.

26
27 **MR. PERRET:** Thank you for that input, but it seems to me this
28 whole action requires an extremely difficult amount of analysis,
29 number one, and the potential with the current preferred that if
30 this action passes we're doing away with it as well as the rest
31 of this particular action, creates just ungainly possibilities
32 as to what could be done in each area and I assume it could be
33 changed on an annual basis or a semiannual basis or whatever.

34
35 I think, from an enforcement standpoint, we're just -- If we
36 keep this in and we have this type of management, it's going to
37 create ungodly enforcement issues and so I support Mr.
38 Williams's motion.

39
40 **MS. BADEMAN:** Just so that I understand, let's pretend we throw
41 away this action. This is a Mara question, just so you're teed
42 up. If we throw out this action and we implement regional
43 management and we have the conservation equivalencies and a
44 state does want to split their state into areas, they would be
45 able to do that or they would not be able to do that?

46
47 **MS. LEVY:** Essentially the council would have to do it and so
48 the state would have to come to the council and the council

1 would have to do some sort of framework action or a plan
2 amendment, depending on what we decide needs to happen, to
3 actually establish the closed areas, but essentially I'm not
4 sure that that's much different than what would have to happen
5 under the conservation equivalency plan, because we don't really
6 have an analysis we can do at this point with the vague
7 alternatives and so we would have to know what the states want
8 to do and we would have to do some sort of regulatory action to
9 implement it and so it might be a distinction without a
10 difference in the end. We would have to work out what that
11 procedure would be.

12
13 **DR. CRABTREE:** But I'm not reading what Martha is asking about
14 as having anything to do with closed areas. I think Martha is
15 saying could the state set a different season in one part of the
16 state than in the other and it seems to me they could, because
17 we're delegating them the authority to set seasons, right? Not
18 delegating, but they're allowed in the conservation equivalency
19 to specify the season.

20
21 For example, if Florida wanted to say the season in the
22 Panhandle is this and the season in South Florida is that and
23 here's the analysis that shows that, I think you could do that
24 under the current thing, because that's not creating a closed
25 area in the way we're thinking of it. I mean I guess you could
26 say any seasonal closure is a closed area, but this action is
27 talking about closing discreet areas in the EEZ and that's not
28 what you're asking about, at least as I understand your
29 question.

30
31 **MS. BADEMAN:** Well, yes. I mean that's been unclear to me,
32 especially because in the discussion about Preferred Alternative
33 2, it specifically talks about -- The example is Florida and you
34 could do one thing in the Panhandle and another thing off of St.
35 Petersburg and so I think that's been unclear to me and I think
36 maybe, regardless of what happens in this action, we need to lay
37 that out and how that will work.

38
39 **DR. CRABTREE:** Maybe we ought to clarify that in the language
40 here, that a state could have a different season in one area
41 than the others.

42
43 **MR. DIAZ:** I think this might be a question for Ava or possibly
44 Dr. Crabtree, but listening to Mara talk, if a state decided to
45 close a boundary of the part of the EEZ off their state, it
46 would require a NEPA analysis, which might be very complicated.
47 That's what I heard Mara say.

48

1 Right now, the states have to turn in their conservation
2 equivalency plans in July of the year and is that enough time
3 for a state, if they want to do this type of action, to have the
4 NEPA analysis done or would the state have to turn in their plan
5 sometime earlier in the year if they went down this road?
6

7 **DR. LASSETER:** My understanding is they would be due July 1 and
8 you would not have time to do the full plan amendment by the
9 next year. If only a framework action was required, I think
10 that could be done more quickly, but it's the determination of
11 what type of document would be required and I will turn this
12 over to Mara and perhaps she can speak further.
13

14 **MS. LEVY:** I don't know that we've sort of worked out exactly
15 what would have to happen. I guess we would need to know
16 exactly what type of regulatory thing we needed to do and what
17 was being proposed. I mean we can think about that more.
18

19 I know we had like a timeline set out and that assumed that we
20 wouldn't have to do any of these more complicated types of
21 actions and so I think we would have to go back and think about
22 what the mechanisms would be and how long they would take and
23 then while I have the mic on, I do see Roy's distinction with
24 respect to what Martha said.
25

26 The distinction between setting the state season and it being
27 applicable to the adjoining federal waters -- Like it's about
28 where you land, right? At this time of the year, you can land
29 in this part of Florida and fish in this part of Florida and at
30 this time -- Because all of this was landings-based with respect
31 to the EEZ and so I guess that's a distinction.
32

33 We were saying the EEZ was open, but if you land in X state, you
34 have to abide by their bag and size limits. That was what the
35 whole premise was that we were talking about and so it's a
36 difference about whether you're saying that or whether you're
37 saying you're actually prohibited maybe from fishing in a
38 particular area and then also a difference between having state
39 waters open but somehow closing the adjoining federal waters as
40 a closed area. Those are all different ways to look it, but I
41 guess we would need to make very clear what we're talking about.
42

43 **LCDR BRAND:** Mara, just to further clarify that, this
44 distinction is important for us just because yesterday we talked
45 about this, where a closed area could be considered by the
46 council and then the Coast Guard could enforce it, but a state
47 seasonal closure would have to be enforced by the state and is
48 that right and it would be landings-based and so the Coast Guard

1 wouldn't have the authority to enforce a seasonal closure that
2 you're talking about, because we're talking about landings.

3
4 **MS. LEVY:** That's what I'm saying, that we need to be careful
5 about what we're saying about, quote, unquote, closed area. Is
6 it a truly closed area where you can't fish, you're prohibited
7 from fishing or possessing or whatever this particular species
8 or are we talking about what we were talking about as the EEZ is
9 open, but you just can't land in this particular part of the
10 state, because that's what this regional management was
11 contemplating.

12
13 The EEZ is open, but if you're going to land in a particular
14 state, then you need to comply with their bag limit and season
15 and so we need to be very clear about what we're talking about.

16
17 **MS. BADEMAN:** In my mind, I think we would want to look at both
18 things. I think it makes it a lot easier if we can just do a
19 hard closure and if you're north of this line in Florida that
20 you cannot have red snapper on your boat. That certainly makes,
21 I think, things easier in the EEZ and that would be easier for
22 the Coast Guard to enforce also.

23
24 I mean our boats go offshore and if they pull up on somebody
25 twenty miles off of Panama City and they've got red snapper but
26 the Panhandle is closed, they're not going to be able to do
27 anything about it, even though clearly they're going to land in
28 Panama City or whatever.

29
30 **DR. CRABTREE:** That creates problems, because particularly in
31 the northern Gulf, Alabama and Mississippi, I mean those guys
32 commonly go fish off of other states and my understanding of all
33 this is that would be okay.

34
35 If, for example, Alabama is open, they could go into the EEZ off
36 of Louisiana or Mississippi or whatever and fish and they would
37 be legal and they could land. It's when states start getting
38 into closing areas down that now they're starting to infringe on
39 the activities of folks in the adjacent states and I don't think
40 that's in keeping with the spirit of how we've come at this and
41 it gets all gummed up when you go down this area path.

42
43 I think, and Johnny can correct me if I'm wrong, that you've got
44 states with relatively small coastlines, but big fleets and
45 those guys -- They don't just fish off of Alabama.

46
47 **MR. GREENE:** He's right and I've made that point before. I mean
48 I can go off the coast of Alabama and I can go sixty or seventy

1 miles in one direction and I can be off of four states. It's up
2 to interpretation and it's the wrong way to go and Dr. Crabtree
3 is correct.

4
5 **MR. DIAZ:** This question is to Roy. Roy, if a state overfishes
6 in a given year and the next year -- Or there is some reason
7 that the federal government has to do a closure, then there
8 would be a closure initiated in the federal waters off of that
9 state and is that correct?

10
11 **DR. CRABTREE:** I think the accountability measure is a payback
12 and so if we go over the overall ACL because a state allowed
13 overfishing, then the state would have to come in and close
14 themselves and prohibit harvest or at least shorten their season
15 or whatever to pay back their part of it and so it seems to me
16 part of the deal is the state is going to come in and do that
17 themselves in their conservation plan the next year, because
18 their quota is going to be reduced and so their opening is going
19 to be reduced to stay within that lowered quota.

20
21 **CHAIRMAN ANSON:** We've had lots of discussion and I think we're
22 ready to go ahead and vote. We have a substitute motion that
23 Action 5 in Amendment 39, closures in the Gulf EEZ, be moved to
24 the considered but rejected section. **All those in favor please**
25 **raise your hand, eight; all those opposed raise your hand,**
26 **eight. It's eight to eight and the motion fails.**

27
28 That will take us back to our previous motion and that motion is
29 in Action 5 to move Alternative 3 to the considered but rejected
30 section. **All those in favor of the motion to remove Alternative**
31 **3 and put it in the considered but rejected section please raise**
32 **your hand, twelve; all those opposed to that motion please raise**
33 **your hand. It was twelve to nothing and the motion passes.**

34
35 While we're on Amendment 39, Dr. Crabtree, how will -- If you
36 could just briefly explain how will further reductions in
37 landings data affect the allocation decisions that are based
38 here. You know we've got the timing of it, I guess, and the
39 impacts to like changes to MRIP and such and will future revised
40 landings result in modifying the regional allocations or do
41 these remain the same in perpetuity or how is that going to
42 occur or how will that impact it?

43
44 **DR. CRABTREE:** I think if there are future calibrations to the
45 landings time series that it will affect the allocations and I
46 think one thing you could do is clarify in your state-by-state
47 allocation that when these calibrations come through and are
48 approved as the best available science that the landings just

1 are put into the formula years you've selected and recalculated
2 and we, I guess, would do a rule and say here's the new
3 allocation or I guess you could decide it comes before the
4 council and we have a prolonged debate about it, but it does
5 seem to me -- Because, for example, the mail survey that's going
6 to happen on effort tends to indicate -- The expectation is that
7 effort results are going to be higher.

8
9 That survey only is for the private sector and the charter boat
10 effort still comes from the charter boat survey. Because there
11 is different mixes in the states of private and for-hire, it
12 would change how things are done and change the whole thing and,
13 of course, Texas wouldn't be affected by any of the calibrations
14 and so that would change Texas's share of it.

15
16 If you want to go through a prolonged debate and do this through
17 an amendment, I guess that's one way, but probably the more
18 straightforward way would just be to indicate in this document
19 that the allocation would be updated and that would just happen.

20
21 **CHAIRMAN ANSON:** Thank you. Do we have any other discussion on
22 Amendment 39? All right, David, you had come to me and did you
23 have one point you wanted to bring up for this or something
24 else?

25
26 **MR. WALKER:** This is back on 28. I am really concerned about
27 Alternative 9 and I think changes in size selectivity are not an
28 appropriate way to look at allocations. Otherwise, you're just
29 giving folks more reasons to high-grade.

30
31 I have talked with scientists about this and they agree that
32 it's a bad idea and for this reason, I think it's irresponsible
33 to have this in the document and so I want to make a motion and
34 I have my motion. **The motion is to move Alternative 9 to the
35 considered but rejected section of Amendment 28.**

36
37 **CHAIRMAN ANSON:** We have a motion on the board and is there a
38 second to the motion? Leann, do you second? All right. Any
39 discussion on the motion?

40
41 **DR. CRABTREE:** I think you can reasonably argue either side of
42 whether it's a wise thing to do, but I don't regard it as
43 unreasonable to consider and so my preference would be to leave
44 it in the document.

45
46 **DR. STUNZ:** My preference would be to leave it in the document
47 as well. I think it gives us a broader range of alternatives
48 and I think that there is some merit to consideration of size

1 selectivity under this amendment.

2
3 **MS. BOSARGE:** To the people that want to leave it in the
4 document and obviously probably make a motion eventually to try
5 and move to that, I would caution you that that is based on the
6 last three or so years of data, that that's where this shift is
7 coming from that we can see this size selectivity.

8
9 That's based on a trend for the last three years and a change in
10 the way that private angling sector is fishing. The trend
11 probably will not continue to go in your favor if you choose to
12 go that route and at some point we will be shifting something in
13 the other direction, because now the trend in the private
14 angling sector, at this point, which I don't see anything
15 changing at this point, is toward state water seasons and the
16 fact is that you don't have the abundance of red snapper in
17 state waters that you do in federal waters and hence the reason
18 we manage it at the federal system for the most part and hence
19 the reason if we turn it over to state management that we're
20 giving them federal waters, because that's where the fish are.

21
22 As you fish more and more in state waters, which is what is
23 happening right now with the non-compliant state seasons, you're
24 putting effort on a smaller amount of fish and what happens is
25 those larger fish that may be in state waters, that handful,
26 you're going to fish them out pretty quick and you're going to
27 see your smaller fish being caught and I think you're going to
28 see your average weight and average size of red snapper start to
29 decrease from the private angling sector as we have these longer
30 and longer state seasons. I would just caution you about
31 setting this precedent, because it may come back and bite you a
32 few years from now.

33
34 **DR. CRABTREE:** I think those are all fair points, Leann, and I
35 do think if you were to select this as a preferred that you're
36 sort of saying we're going to revisit this allocation
37 potentially every time you get a new stock assessment.

38
39 Those are all arguments that we ought to have when it comes down
40 to choosing the preferred, but I don't think that in and of
41 itself makes this completely unreasonable, such that it ought
42 not be considered and go to the considered but rejected. That's
43 really the issue here and not whether it's a wise course of
44 action, but is it completely unreasonable and I think that's a
45 hard argument to make.

46
47 **MS. LEVY:** I tend to agree with that, just in terms of
48 reasonable range, because what both Alternative 8 and 9 address

1 are quota changes that are attributable to something that the
2 assessment shows and so the quota went up and a piece of that
3 was attributable to the MRIP calibrations and a piece of that
4 was attributable to the change in size selectivity and that's
5 what those both address.

6
7 We sort of have these different categories of basis for
8 considering reallocation and that's one of those that's included
9 in the attributable to the quota increase category and so it
10 makes sense to keep it in there as a reasonable alternative, but
11 if you don't want to do it or if there are issues with it, to
12 not select it as a preferred.

13
14 **DR. STUNZ:** Both Mara and Roy made two of my points, but the
15 third point would be what I would be looking for in this
16 alternative is what is the best science and it's another piece
17 of data that we have.

18
19 I mean we have mechanisms in place through either maybe update
20 assessments and I'm not so sure, but for sure in benchmark
21 assessments that if we need to relook at the selectivity and if
22 that's changing, then just like MRIP or whatever, that's what it
23 is and that would indicate we needed a shift back or whatever
24 the data happened to show, but we have mechanisms for some
25 periodic review of selectivity that we would be able to capture
26 and readjust, if necessary, under that alternative.

27
28 **MS. BOSARGE:** The part, to me, that makes this an alternative
29 that doesn't fall into our reasonable realm of alternatives is
30 that it does not follow the precedent that we have set in the
31 past as far as how we choose allocations.

32
33 We use long time series of data to allocate fish and this is a
34 short time trend that we've seen over three years. A lot of
35 that short-term trend is due to the rebuilding of the stock and
36 the point I made just a minute ago is that that short-term trend
37 is likely to change, because that's what short-term trends do.
38 They fluctuate a lot and they go up and they go down.

39
40 This does not follow our precedent. This is not a reasonable
41 alternative when you compare it to how we typically make
42 allocation decisions on long-term trends.

43
44 **CHAIRMAN ANSON:** We are going to go ahead and vote on the
45 motion. The motion is to move Alternative 9 in Amendment 28 to
46 the considered but rejected section. **All those in favor of the**
47 **motion please raise your hand; all those opposed please raise**
48 **your hand. The motion fails five to ten.** David, you had one

1 other point?
2
3 **MR. WALKER:** Just if we're not going to -- I would like to have
4 the SSC evaluate it and give us a presentation on the
5 selectivity.
6
7 **CHAIRMAN ANSON:** Evaluate what?
8
9 **MR. WALKER:** The effects of selectivity with regards to
10 allocation and reallocation.
11
12 **CHAIRMAN ANSON:** I think that's been analyzed and discussed at
13 the SSC.
14
15 **MR. WALKER:** I don't think they discussed it at the last
16 meeting. It was on the agenda, I think.
17
18 **CHAIRMAN ANSON:** They may not have discussed it at the last
19 meeting, but it's been discussed at the SSC and has it not, Dr.
20 Stunz?
21
22 **DR. STUNZ:** I recall reading a report last time when I was
23 making some points about Alternative 9 and somewhere in our
24 documents from last time and I'm pretty sure -- I'm not sure
25 where the report came from and I guess the Science Center, but
26 it talked about the effects of selectivity and there were a
27 bunch of graphs and other things about how it affected -- What
28 led me to this was I recall that it was just as much as MRIP
29 recalibration in terms of what it did in moving that allocation
30 issue.
31
32 **CHAIRMAN ANSON:** Steven, is that -- It was a document, correct?
33
34 **MR. ATRAN:** Yes, we did get a report. At the last SSC meeting,
35 one of the agenda items was the effects of MRIP recalibration,
36 selectivity changes, and allocation. The SSC did receive a
37 report and basically the motion they made was that if you change
38 the allocation that the ABC would have to be revisited, but that
39 incorporated that there would also be changes in selectivity.
40
41 **CHAIRMAN ANSON:** Corky.
42
43 **MR. PERRET:** It's not on this issue.
44
45 **CHAIRMAN ANSON:** It's not on this issue. Leann, is it on this
46 issue, because I would like to take a break if we're done with
47 28.
48

1 **MS. BOSARGE:** I was just going to refer to that report. I
2 believe the last line from the SSC report on that section said
3 this would need further analysis and consideration in looking at
4 ABCs and OFLs and all these other things and so I want to see
5 the full analysis if this is the path we're going down, because
6 they also discussed certain things in the eastern Gulf versus
7 western Gulf and as you allocate more to the recreational
8 sector, what is that going to -- How are those going to end up
9 offsetting, where you have more pressure in the eastern Gulf and
10 at what point is your tipping point and things of this nature.

11
12 **DR. ASSANE DIAGNE:** What they indicated is should you decide to
13 reallocate that once you make that decision, then they will look
14 at those basically OFL and ABC. That's the motion that Steven
15 just mentioned. After reallocation, they would have to
16 reevaluate, essentially, OFL and ABC based on the new allocation
17 that you would have picked.

18
19 **MR. GREENE:** I know we're ready for a break and nobody more than
20 I am, but you've got me wound up at this point. Let me tell you
21 something. I am not an SSC guy, but I do spend 200 days on the
22 water for the last twenty-four years.

23
24 Selectivity, I have talked to a bunch of people this morning and
25 it's really basically just fishermen's behavior and how it goes
26 and it changes, believe me. You make an action today and I am
27 going to go change the way I fish to make a living and the
28 people who own small boats are going to go change the way they
29 fish and you make a change in the commercial industry, they're
30 going to change the way they fish. You change the size limit on
31 grouper, I'm going to go chase a bigger grouper or I'm going to
32 do something else.

33
34 Selectivity, in my opinion, goes hand in hand with discards and
35 you need to be very careful with what you're doing here, because
36 you are setting yourself up and I don't care what fishery it is,
37 this is something that's going to have some unintended
38 consequences that you really need to think about. It's just the
39 way it is. Fishermen respond to what's going on in the
40 selectivity of the fish that they choose to target is how that
41 goes.

42
43 **CHAIRMAN ANSON:** To that point?

44
45 **DR. CRABTREE:** You know we went through this in five minutes in
46 committee and not one person said a word and now here we get to
47 full council on the last day and we can't get to a bathroom
48 break and so let's have some of these discussions in committee

1 the next meeting, please, and use the committees the way we're
2 supposed to.

3

4 **CHAIRMAN ANSON:** Good point.

5

6 **MR. PERRET:** All of you have heard how often I talk about
7 purpose and need and I just want to make this comment. The
8 purpose and need of 28 was to increase net benefits. It's been
9 changed now so that recovery benefits are fairly and equitably
10 allocated between the commercial and recreational sectors.

11

12 Personally, I don't think we've done that. There is not one
13 option in here that has an allocation shift, possible allocation
14 shift, from recreational to commercial. It seems to me we
15 should have those type of options just like you have commercial
16 to recreational and get the analysis. I don't have any idea
17 what the analysis says, but it seems to me this is all one way,
18 commercial to recreational. We want to be fair and equitable
19 and we should have alternatives the other way as well and have
20 them analyzed, but thank you.

21

22 **CHAIRMAN ANSON:** Thank you. We will go ahead and take a --
23 John, last thing.

24

25 **MR. SANCHEZ:** I don't know either that we're on the money with
26 the estimation of the discard mortality rates associated with
27 high-grading and so I would like to see some more, and I don't
28 know if it's possible, analysis just to flesh that out and see
29 what we're really considering here with doing this.

30

31 **CHAIRMAN ANSON:** Let's take a break and then we'll come back. A
32 ten-minute break, ten minutes.

33

34 (Whereupon, a brief recess was taken.)

35

36 **CHAIRMAN ANSON:** If everyone can make it back to their seats.

37

38 **MR. GREENE:** Mr. Chair, do you want to pick up where we left
39 off?

40

41 **CHAIRMAN ANSON:** Yes, I think if you want to continue on with --
42 David.

43

44 **MR. WALKER:** I had them put the chart up on the board here and
45 this is the red snapper landings from 1990 to 2014 and I just
46 wanted everybody to get a look at -- We hear people speak about
47 efficiency and the top there in the red graph is red snapper and
48 the numbers are all over the place, way above it and below it.

1 Commercial is more stable below and then you look at the bottom
2 with overages and that was just the efficiency.

3
4 Then I was going to hit on one thing that Leann said, that a lot
5 of things are based on long term and this short term just
6 doesn't cut it with me and the SSC is -- They said they needed
7 to look at this again. When you've got a lower biomass in the
8 eastern Gulf and lower recruitment and higher fishing effort and
9 you look at the efficiency and you look at the different things
10 and it doesn't make any sense to me how you could justify
11 reallocating to something that's inefficient and it's not going
12 to promote conservation when you have issues with the
13 recruitment and then you look at amberjack.

14
15 The commercial fishery was fishing under a thirty-six-inch size
16 limit and I think the recreational was under a twenty-inch size
17 limit and so it limited what we were able to catch and they
18 based the allocation on that type of selectivity and so I'm just
19 -- Not going to the long term, it just doesn't make any sense to
20 me at all how we can justify any of the reallocation.

21
22 Like Corky said, there is no alternatives in there for fair and
23 equitable. Where is something for the 97 percent of the country
24 that doesn't recreationally fish that owns this resource too?
25 Where is their access? Where is their alternative? You don't
26 get any alternative because you're not a recreational fisherman?
27 It just doesn't seem fair.

28
29 **MR. WILLIAMS:** That brings up a point that I would like to have
30 some discussion of. I have had several people tell me, and I've
31 had letters that indicate, that it's unlawful for the council to
32 do any kind of reallocation that might be based on any landings
33 that exceeded a quota or an allocation and I have had some of
34 that in written letters and I've had a bunch of it in the hall
35 and in Amendment 8 and 9, we're considering reallocations based
36 on these MRIP recalibrations. Are they correct, Roy or Mara,
37 that it is illegal for us to be doing that?

38
39 **MS. LEVY:** I am going to answer that with my initial impressions
40 or reaction to what the language is in Section 407, and
41 407(d)(2) in particular, but I want to caveat that with this is
42 an issue that I intend to discuss further with other people in
43 my office and develop, at least in my mind, a more formal
44 opinion.

45
46 These are -- Not to say that there's going to be some written
47 opinion, but I feel like it's something that needs to be vetted
48 through others than just me, but my initial reaction is that

1 that is not a correct statement and my reason for that is that
2 when you're looking at the meaning of a statute or a particular
3 very specific provision in the statute, there is the idea that
4 you look at it in the context in which it is written.
5

6 In my mind, you need to read 407(d)(2) in context with all of
7 407(d) and all of 407 in particular and -- 407(c), at least, (c)
8 and (d) in particular, because they dealt with specifically the
9 management of red snapper in the Gulf of Mexico and the idea
10 with the referendum and the idea that you had to establish catch
11 limits, which were put into the Act in 1996.
12

13 When 407(d) was put into the Act in 1996, it said that any
14 fishery management plan, plan amendment, or regulation submitted
15 by the Gulf Council for the red snapper fishery after the date
16 of the enactment of the Sustainable Fisheries Act shall contain
17 conservation and management measures that establish separate
18 quotas. That's the first part and the second part is ensure
19 that such quotas reflect allocation among such sectors and do
20 not reflect any harvest in excess of such allocations.
21

22 Recall in 1996 in the Gulf of Mexico that you already had an
23 allocation between commercial and recreational. The
24 recreational sector did not have a hard quota and they were
25 managed under management measures, but there was that allocation
26 established way back in Amendment 1 before this provision was
27 ever put in there.
28

29 This Act then required that when the council submits a fishery
30 management plan or amendment that it had to establish two
31 separate quotas, one for the commercial and one for the
32 recreational, and those quotas that were established had to
33 ensure that it reflected the allocations and not a harvest in
34 excess of allocation.
35

36 In my mind, the council did that. The council established the
37 two quotas based on the allocation that was previously adopted.
38 I do not read this provision as requiring that that remain
39 static throughout time regardless of new information that's
40 received that's considered better scientific information in the
41 future and my personal opinion, legal opinion, with respect to
42 that is that that's sort of an unreasonable reading of the
43 statute to say that this many years later it somehow requires
44 that you can't take any action based on new and better
45 information that the agency and the science has developed, but,
46 again, with my caveat that I'm going to go back and talk to my
47 colleagues and see what the consensus is with respect to General
48 Counsel and see if that changes, but that's my initial reaction

1 to that provision.

2
3 **MR. WALKER:** The 51/49 split was adopted in 1991. Congress
4 adopted 407(d)(2) in 1996 and between 1991 and 1996, the
5 recreational sector caught more than 49 percent every year,
6 going as high as 68 percent in 1993. It's pretty clear Congress
7 was concerned about the recreational red snapper overages that
8 were happening at the time and calibration is now showing us
9 that those recreational overages were higher than we thought.

10
11 **MS. LEVY:** Just one other point with respect to Alternatives 8
12 and 9. Recall that you just -- We just increased the red
13 snapper quotas across the board based on the new update
14 assessment and the results of that assessment and the reasons
15 the quotas could be increased was due, in part, to the MRIP
16 recalibration and the change in size selectivity.

17
18 Alternative 8 and 9 deal with the fact that the quotas went up
19 in part because of these two things and looking at whether
20 shifting that increase is something that's fair and equitable
21 and all those other things and so it's based on that piece and
22 it's not a we're going back and recalibrating the whole
23 historical time series and deciding that you should really get
24 20 percent because of all your overages, et cetera, et cetera.
25 To me, that's a very important distinction that will need to be
26 addressed further probably.

27
28 **MR. WALKER:** Based on this -- This nation is based on
29 apportionment of the electoral votes and so forth and what
30 representation do we have here? You look at the nation and 97
31 percent are non-saltwater anglers and you look around and I just
32 don't see the representation. I don't see them getting a fair
33 and equitable cut here.

34
35 You shouldn't penalize the commercial sector for being
36 conservationists and doing everything that the Magnuson-Stevens
37 Act requires and then you have another one that's going over and
38 then you want to say let's just reallocate some more fish to
39 these guys that have been going over and just look at it. Look
40 the chart. They're inconsistent and it's not fair and equitable
41 and it's not a fair representation.

42
43 There is not an alternative in this document that gives the
44 nation that owns the resource one pound. Then how is it
45 unreasonable to ask -- Where are the graphs and the charts for
46 this selectivity? We don't have analysis and it's not fair for
47 this nation to be treated like this. They deserve access just
48 like everyone else.

1
2 **MS. BOSARGE:** Mara, when you go back and you talk to others
3 about this, I would ask a favor of you to also think about this
4 on the flip side when you're evaluating these quota overruns and
5 whether they should be considered or shouldn't be considered.
6

7 Yes, this will and does increase the TAC, because that sector
8 was catching more than what we previously thought, but if you
9 look at that retroactively, that TAC should have been increased
10 a long time ago. In other words, in these prior years when they
11 were catching more of these fish and when there were more fish
12 out there than what we had estimated in the stock assessment,
13 one sector got to go out and catch those fish, whereas the other
14 sector did not get to go catch those fish.
15

16 It was used against that sector if you look at it retroactively
17 and yet now that we know it, you can't go back and retroactively
18 give those fish to the other sector that should have been
19 allowed to catch them that however many years it was and in the
20 future, instead of trying to offset that balance, essentially
21 what you do is say now we know and so we're going to shift it
22 over here to you all.
23

24 That may be why that statute is in there, that 407(d)(2) or
25 (c)(2) or whatever it is, because of that. If you allow those
26 overruns to increase the TAC and give that and then shift
27 allocation based on that, then the sector that was punished for
28 it in the past -- Punishment may be a bad word, but again is
29 being punished again for it.
30

31 **MS. LEVY:** I just want to clarify that my intent is not to go
32 back and make any determination about what the appropriate
33 allocation is or what the basis is for shifting it. My only
34 inquiry is the legality or the interpretation of that provision
35 and what the agency or NOAA General Counsel or whatever -- What
36 the position is on the interpretation of the provision and how
37 it affects or doesn't affect the allocation decision, but I and
38 my office are not going to make any determination about the
39 merits of the shift or things like that and so I don't want
40 there to be a misunderstanding that my intent is to go back and
41 make some sort of judgment about what the appropriate allocation
42 is or how much it should be shifted or shouldn't be shifted,
43 because that's not what I am going to do.
44

45 **CHAIRMAN ANSON:** We need to be getting back on track here and
46 so, David, one last comment.
47

48 **MR. WALKER:** It's just going to get here on some of the

1 objectives of the reef fish fishery. Number 15 is maximize
2 available days to recreational fishermen and does one fish not
3 maximize the days? I mean the charter boats from Orange Beach
4 get up here and say I can sell one fish, but I can't sell no
5 fish. That's one of the objectives and it talks about Objective
6 14 to reduce the harvesting capacity of the red snapper fleet in
7 a manner and historical dependence.

8
9 Well, you look back in the 1870s, that's when the commercial
10 fishery began. That's when America's access began to this
11 resource and we could just look down and go up and down these
12 conflicts. This is causing conflict and everybody knows that
13 and look here. Optimize, to the extent practicable, the social
14 and economic benefits from the fishery.

15
16 Currently, right now, the recreational bag limit is two fish and
17 they average about seven-and-a-half pounds and two times that is
18 fifteen pounds and that same fifteen pounds to the commercial
19 fishery will net you about seventeen consumer access and so for
20 every one recreational angler constituent to gain access, you
21 have to decrease access for seventeen constituents.

22
23 **CHAIRMAN ANSON:** All right. Johnny, if you can continue on.

24
25 **MR. GREENE:** Yes, sir. Thank you, Mr. Chairman. We are going
26 to start where we left off under Scoping Summaries, Amendment
27 36, Red Snapper IFQ Modifications.

28
29 Staff reviewed the items included in the scoping document and
30 requested guidance as to the items that may be removed from the
31 document and those which the committee intends to further
32 evaluate in an options paper. The committee discussed the items
33 and passed the following motions.

34
35 **By a voice vote with no opposition, the committee recommends,**
36 **and I so move, to retain the item to restrict future transfer of**
37 **shares to only shareholder accounts that hold a valid commercial**
38 **reef fish permit.**

39
40 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on
41 the motion? **Any opposition to the motion? Seeing none, the**
42 **motion carries.**

43
44 **MR. GREENE:** **By a voice vote with no opposition, the committee**
45 **recommends, and I so move, to delete the item to allow accounts**
46 **with shares but without a commercial reef fish permit to harvest**
47 **the allocation associated with those shares.**

48

1 **CHAIRMAN ANSON:** It's a committee motion. Any discussion on the
2 motion? **Any opposition to the motion? Seeing none, the motion**
3 **carries.**

4
5 **MR. GREENE:** By a voice vote with no opposition, the committee
6 recommends, and I so move, to retain the item to limit the
7 amount of shares/allocation non-permitted IFQ accounts may
8 possess.

9
10 **CHAIRMAN ANSON:** It's a committee motion. Any discussion on the
11 motion?

12
13 **MS. BOSARGE:** David, was this one that you wanted in there? I
14 just didn't know if it was a big problem or -- I mean I did read
15 through that document and I know we had some discussion on all
16 these motions during committee, but it was really confusing.

17
18 There is currently a cap on the amount of shares that IFQ
19 holders can have and this would limit the amount of
20 shares/allocation that non-permitted IFQ accounts -- David, are
21 you okay with it?

22
23 **MR. WALKER:** Like it was discussed, I think things can be taken
24 out and added as we go along and have more discussion on it.

25
26 **CHAIRMAN ANSON:** **Any opposition to the motion? Seeing none, the**
27 **motion carries.**

28
29 **MR. GREENE:** By a voice vote with no opposition, the committee
30 recommends, and I so move, to eliminate the item to adopt a
31 rollover provision for unused IFQ allocation.

32
33 **CHAIRMAN ANSON:** It's a committee motion. Any discussion on the
34 motion? **Any opposition to the motion? Seeing none, the motion**
35 **carries.**

36
37 **MR. GREENE:** Based on committee discussion, the items to
38 eliminate the commercial red snapper minimum size limit and to
39 consider the full retention of commercially-caught red snapper
40 will also be removed. Staff will bring an options paper to the
41 October council meeting.

42
43 Grouper/Tilefish IFQ Five-Year Review, Matthew McPherson
44 presented main elements of the draft guidance for the review of
45 catch share programs and provided an overview of the five-year
46 review of the grouper and tilefish IFQ program. Dr. McPherson
47 noted that a detailed presentation on the guidance for catch
48 share reviews will be provided to the council once the guidance

1 document is finalized. Larry Perruso discussed the studies
2 initiated or planned for the five-year review. These studies
3 include evaluations of potential changes in fleet capacity and
4 in fishermen behavior.

5
6 Report of the Ad Hoc Red Snapper Charter For-Hire AP, staff
7 summarized the report from the AP meeting. AP members passed
8 numerous motions, including recommendations to require
9 electronic log books and an allocation-based management plan
10 using permit fishing quotas, or PFQs, with tags for validating
11 landings as their preferred management approach. The committee
12 discussed the report and passed the following motion.

13
14 **By a voice vote with no opposition, the committee recommends,**
15 **and I so move, to direct staff to begin developing an options**
16 **paper for Amendment 41, including consideration of the motions**
17 **from the Charter For-Hire Advisory Panel.**

18
19 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on
20 the motion? Mr. Fischer.

21
22 **MR. FISCHER:** Thank you, Mr. Chairman. First, I would like to
23 applaud this committee. They adjourned at three o'clock and
24 between lunch and electing a chair and a vice chair, they
25 managed to pass I think was something like twenty-five motions
26 and I counted them up. It's about the same amount of people we
27 have sitting here and maybe that's our future replacements, but
28 I don't know if we could blanket approve staff to begin working
29 on all of those twenty-six motions they passed. Some of them
30 may be contentious and some of them we just may not want and I
31 will just bring it up for discussion.

32
33 **CHAIRMAN ANSON:** All right. Anyone?

34
35 **MR. GREENE:** I think that we had brought this up during the Reef
36 Fish Committee and I think it was correct that we did need a
37 motion that they were going to continue moving forward and am I
38 correct? We did have that discussion and with all the confusion
39 of yesterday and Reef Fish Committee, it's one of those things
40 and my apologies to the Chair.

41
42 **MR. FISCHER:** I am not saying we shouldn't move forward, but I
43 think we just renamed some intent and we're discussing
44 individual shares and discussing quotas as part of these
45 motions, but yet trying to get Amendment 40 passed, everyone
46 went forward and said we don't want quotas and we won't take
47 intersector trading or quotas, but yet now it's in their first
48 document. That's why I say I don't know if I would want to

1 accept all twenty-five motions and tell staff to move forward.

2
3 **CHAIRMAN ANSON:** If you feel strongly about it, Myron, you might
4 want to make a motion.

5
6 **MR. FISCHER:** It's also something we could remove further down.
7 It's difficult to look at all the motions as we're talking.
8 That is one that I would -- Well, or we could keep it in,
9 because keeping it in might actually slow the process and -- I
10 think it's very aggressive to write up an options paper on
11 twenty-five motions.

12
13 **DR. CRABTREE:** It seems to me, given where we are in this
14 meeting, we're not going to sort that out today and so we're
15 going to need to come back in at the next meeting with the
16 options paper staff puts together and then we can talk about
17 what things we want to take out at that point, but I don't see
18 how we're going to get to that today.

19
20 **MR. PERRET:** Thank you and Dr. Crabtree is certainly right, but
21 I would think, Myron, that staff probably can figure out which
22 of the -- How many did you say, twenty or twenty-one? Pick out
23 those that, in their opinion, are most important and provide as
24 much input on those, rather than the entire twenty-one. I'm not
25 saying they're not all important, but certainly they should be
26 able to determine which ones should be provided in the next
27 document.

28
29 **CHAIRMAN ANSON:** We have a motion on the board and is there any
30 opposition to the motion? **Seeing none, the motion carries.**

31
32 **MR. GREENE:** Report of the Ad Hoc Reef Fish Headboat A, staff
33 summarized the AP report and discussed the motions made by the
34 AP. The motions approved by the AP cover a range of issues,
35 including the establishment of a stand-alone headboat sector,
36 the consideration of allocation-based measures as the preferred
37 management approach for headboats, and the inclusion of key
38 features of the Headboat EFP in Amendment 42.

39
40 Committee members inquired about the next steps. In response,
41 staff indicated that a draft options paper would be presented
42 during the August meeting.

43
44 **CHAIRMAN ANSON:** Thank you, Mr. Greene.

45
46 **MR. PEARCE:** Chairman Greene, before we leave Reef Fish, I've
47 got a couple of motions I want us to consider and if the staff
48 will put my first motion on the board. I can read it to you,

1 basically.

2
3 **It's to develop a plan amendment with alternatives to the sunset**
4 **provision of Amendment 40 to allow adequate consideration of the**
5 **charter for-hire performance under that amendment, including**
6 **extensions of the sunset timeframe, as recommended by the AP.**

7 If I get a second, I will give you my rationale.

8
9 **CHAIRMAN ANSON:** It's been seconded by Ms. Bosarge.

10
11 **MR. PEARCE:** Thank you. Dr. Crabtree intimated that when we
12 were discussing 39 a little while ago, that at some point we
13 really need to reevaluate the sunset based on performance of the
14 charter for-hire fleet. We've got a 350 boat volunteer VMS
15 program beginning to see how that would work for them and we
16 have an AP committee that did many things, mandatory electronic
17 reporting, same day reporting, VMS, even discussed fish tags for
18 enforcement, and they suggested stretching the sunset.

19
20 Some of my friendly state directors feel that we might be able
21 to address this in Amendment 39, but as I just watched what
22 happened to Amendment 39 today, it's a long way from getting
23 done and so it may not ever happen before the sunset is
24 developed. I would like to see it happen, but I saw a lot of
25 problems with it today as we went through it in 39.

26
27 We also know that Amendment 41 and probably 42 will be coming up
28 that could have maybe some of these provisions in there, but we
29 also know that that takes quite a bit of time to get these
30 amendments and looked at and brought to fruition.

31
32 The amendment I'm considering is a simple one and it's not hard
33 for staff to put together. It's a one-action amendment that may
34 have three to five or so alternatives, depending upon what the
35 staff comes up with.

36
37 It will allow the council to at least evaluate charter for-hire
38 growth under 40 and make decisions based on whether the sunset
39 is needed, the sunset should be stretched, or the sunset would
40 be kept, but I do think that the council should be able to weigh
41 in on it and reevaluate and make sure that what that Amendment
42 40 has done for the charter for-hire fishery before all of a
43 sudden in three years it just happens.

44
45 If we don't put something in place now that works towards that
46 three years, we may be too late to even discuss it in three
47 years and at the council, three years council time is like a
48 month real time. Snap your fingers and it's done.

1
2 I really believe that if we put this amendment in place -- It's
3 very easy and I believe that it's a necessary amendment so that
4 we will reevaluate Amendment 40 and how it helped or hurt the
5 charter fishery and see if we want to keep it or kill it or
6 stretch it, either way. Mr. Chairman, that's my motion.

7
8 **CHAIRMAN ANSON:** Any other discussion on the motion?

9
10 **MR. BOYD:** Harlon, I've got a question for you. I don't know
11 what "performance" means and can you define "performance" for me
12 and can you tell me what time series of performance you would
13 want to use to evaluate whether a sunset should be rescinded or
14 not?

15
16 **MR. PEARCE:** No, I really can't. I think it's just going to be
17 up for debate at the council at that time, when this amendment
18 comes up and before the sunset happens. I think the sitting
19 council members at that time have to evaluate what that is and
20 have to take all the considerations.

21
22 The charter guys could fall on their face and do nothing and it
23 doesn't work. I think will be easy to see once we get down this
24 trail whether it's working or not for the charter for-hire
25 sector or not, but I think the sitting council at that time will
26 have to evaluate that and make a decision based on what they
27 feel is performance.

28
29 **MR. BOYD:** A follow-up. It seems to me that if you're going to
30 evaluate performance that you're going to do it over some time
31 series. If you do it over a time series of let's say two years,
32 the sunset provision is already there and we'll be into an
33 amendment to either consider allowing it to sunset or to
34 continue and so I'm not sure that this motion does anything.

35
36 **MR. PEARCE:** I don't think you have another option on the table
37 that will even address the sunset. I mean in three years, it's
38 going to happen or if we do something with an amendment like
39 this, it at least allows the council to weigh in. The sitting
40 council at the time can see if they want the sunset or if they
41 want to stretch the sunset or keep the sunset.

42
43 I do think it makes a difference and I think that -- I know we
44 have in Amendment 39 something that basically gets away with the
45 sunset, but you saw what happened in 39 today. I feel you might
46 have something in 41 and 42, but these things aren't going to be
47 timely enough. 39 is already pushed back a year or maybe two
48 now and so I do believe we need something in place so that the

1 council does have the opportunity to visit this one more time
2 before the sunset happens.

3
4 I don't see anything in place right now that would allow them to
5 do that. I think the sunset will show up and happen unless we
6 do something like this.

7
8 **MS. BOSARGE:** Thanks for this motion, Harlon. This motion
9 simply will have us do something that is essentially standard
10 operating procedure for the council. We are doing the same
11 thing with the shrimp amendment, which had a sunset provision on
12 it that it would expire in 2016 if we didn't go back and do
13 anything.

14
15 Two years before it was to expire, we had to start work on a
16 document to evaluate the performance of that particular program
17 to see what we wanted to do. Do we want to allow it to expire
18 or do we want to extend it and have another sunset, however many
19 years down the road, or do we want to make it permanent?

20
21 We are doing that right now with the shrimp industry and now the
22 fact that we may not have a whole lot of data to evaluate the
23 performance for Amendment 40, that's a box we put ourselves in
24 when we picked a three-year sunset, which was not my preference,
25 but I believe all the states were in favor of that and maybe a
26 few other people, to have a three-year sunset when we knew we
27 would have to start working on it two years before that and so
28 we would have one year of data.

29
30 It is appropriate to go ahead and start the document that will
31 begin this analysis so that we're proactive about this. This is
32 standard operating procedure and I don't see a problem with
33 moving forward with this.

34
35 **MR. WILLIAMS:** Harlon, I speak in favor of your amendment. I
36 have felt ever since we approved Amendment 40 that three years
37 just wasn't enough to do it. It might be enough to do the
38 headboat portion of the fishery, because they've got landings
39 data back for twenty or thirty years, but the charter for-hire
40 is going to be a lot more difficult. I have always felt that
41 that three years just probably was not enough and so for that
42 reason, I'm in favor of this.

43
44 **MR. PEARCE:** You know it could be as simple as, if you don't
45 have enough data yet, pushing it back two years, as the AP
46 suggested. There's a lot of decisions that we can make to make
47 sure that we're doing the right thing and so I think this is an
48 amendment that's very important and I think it is proactive and

1 it will help us better judge what's going on in Amendment 40.

2
3 To the state directors that really would like to see Amendment
4 39 happen, understand that what I'm going to do doesn't
5 circumvent that, but it just makes sure that we have something
6 in place in three years. Right now, you can say all you want,
7 but I'm not sure that 39 is going to be here in three years.

8
9 **CHAIRMAN ANSON:** I have Camp, followed by Dale.

10
11 **MR. MATENS:** Thank you, Mr. Chairman. My comment would be to
12 the three-year provision, the three-year sunset, but that was a
13 decision made by this body and I see no reason at all to change
14 it. At the end of that sunset period, at the end of that three
15 years, this council or whoever else is sitting here can do
16 anything they want. They can extend it for another two years
17 while they develop a plan or they can extend it because we don't
18 have enough data or they can do whatever they want and so I
19 speak to leaving it as originally prescribed.

20
21 **MR. PEARCE:** To that point, Mr. Chairman. Amendment 39 extended
22 it forever. The state directors put that in Amendment 39 or
23 some of them and I am pretty sure Louisiana's director did it
24 too. Evidently they were considering changing it already and so
25 I don't think it's fair to assume that just because we did it
26 during the battle of Amendment 40 that we should not revisit it
27 as we go down the road and give it a fair hearing, but it's
28 already being suggested that we get rid of it in Amendment 39.

29
30 **MR. DIAZ:** I am just trying to sort this out. I think in
31 concept of what Harlon is trying to do that I would not be
32 opposed to it at a future date, as we see how a few things shake
33 out. I think just right now it's a little bit too early. I
34 know Harlon is not too high on Amendment 39, but I do have some
35 hopes that we'll deal with it later on and we are just starting
36 work on Amendment 41 and 42 and so I just think it's just a
37 shade too early.

38
39 **MR. PEARCE:** To that point, Mr. Chairman. Dale, I want 39 to
40 pass. I do, but I'm watching everything that's going on and
41 it's becoming more and more difficult as it moves down the road
42 here and, Dale, what happens if in three years none of this has
43 happened and the sunset happens? All this is is a safety valve
44 to make sure that the council can make some solid decisions.

45
46 It has nothing to do with affecting Amendment 39 and nothing to
47 do with affecting 41 or 42 or whatever. If 39 comes down the
48 pike and it chooses Action 2, Alternative 3 or 2, then the

1 sunset dies and this is a moot point, but right now that's not
2 happening.

3
4 Right now, I think you're a year or two off, maybe, before you
5 come to some closure, particularly with what happened today on
6 39. All I'm hoping is that you can help me support this. It's
7 not a tough amendment. It's an easy thing for staff to put
8 together. It's one action and maybe three to five alternatives
9 and it just makes sure that we're prepared to address it before
10 the sunset happens and if we should stretch it, keep it, or kill
11 it. That's all I'm asking and I'm hoping, Dale, that you can
12 support me on this, because it does not affect 39 at all and I
13 wish I could be here to help you pass 39, but I won't.

14
15 **MR. GREENE:** I just -- If this was something that you were for,
16 you would obviously be wanting to get rid of a sunset, but it
17 seems like that it may be setting precedent for moving things in
18 the future. It's almost like training wheels and it's like,
19 well, I'm not sure if I want to do this or not, but in three
20 years, I can get rid of it.

21
22 Well, if we had a three-year sunset provision on Amendment 28,
23 imagine where we would be. I mean put this in context of other
24 stuff and I think Dr. Crabtree summed it up several meetings
25 back when we were deliberating 39 and we discussed having a
26 three-year sunset in that.

27
28 I mean why are we using a sunset? I understand it's a new
29 concept and I understand wanting it, but in previous actions
30 we've had five-year reviews and we've had a host of other things
31 and it may be that three years from now we want to make a change
32 and we can make that change at that time. At any point that we
33 see that we need to make a change, we should take action and do
34 so.

35
36 I think we're setting precedent in moving forward, because it
37 may be that, well, let's just do a three-year sunset on stuff
38 because we're not sure and the truth is that if we're going to
39 do sunset type of stuff, maybe we should use the mean average of
40 how long it takes us to get a plan amendment or a motion
41 through.

42
43 **CHAIRMAN ANSON:** All right. Let's go ahead and vote on the
44 motion. The motion is to develop a plan amendment with
45 alternatives to the sunset provision of Amendment 40 to allow
46 adequate consideration of the charter for-hire performance under
47 that amendment, including extensions of the sunset timeframe, as
48 recommended by the AP. **All those in favor of the motion please**

1 raise your hand; all those opposed to the motion please raise
2 your hand. The motion failed eight to eight.

3
4 **MR. PEARCE:** Mr. Chairman, I've got one more bite at this apple
5 before you get rid of me. Could you bring my second motion up,
6 please? Before I make this second motion, I am going to try to
7 discuss some things that I think maybe should happen and we may
8 not need this motion at the present time. Is Ken Haddad in the
9 audience and is Dick Brame in the audience?

10
11 **CHAIRMAN ANSON:** I see Ken and Dick I don't see.

12
13 **MR. PEARCE:** Would you ask Ken to come to the podium, please?

14
15 **CHAIRMAN ANSON:** He is considering it, Harlon.

16
17 **MR. PEARCE:** Tell him I'm not going to hurt him.

18
19 **MR. HADDAD:** I am here, Harlon.

20
21 **MR. PEARCE:** Ken, I understand that it would be difficult for
22 you to support this motion if I make it as it is and so what I'm
23 going to suggest to you is maybe as an alternative to this
24 motion would you be able to support the development of an ad hoc
25 private recreational committee that discusses possible
26 management changes to the private recreational red snapper
27 fishery with scientists sitting right in and trying to analyze
28 what those changes might mean and what can maybe happen?

29
30 We had a great charter boat ad hoc committee and we had a great
31 headboat ad hoc committee and I would sure love to see the
32 private recreational fishermen get together and discuss ways to
33 maybe better manage their fishery. We all know that
34 reallocation on its own is not really the end-all of everything.
35 It's not going to solve your problem.

36
37 I do think you need to look at different actions or alternatives
38 into the future. The one constant in life is change and we have
39 to figure out how to change to make things work, whether it's
40 better data collection for the private angler or whatever it
41 might be, whatever you might come up with, fish tags or permits
42 or I don't know. That's for you guys to discuss and not for me.
43 That's your fishery, but could you live or could you -- Would
44 you work with me on an amendment like that, I mean a committee
45 like that?

46
47 **MR. HADDAD:** Wow. I think my preference in an answer would be I
48 would hate to see us start discussion on red snapper as the only

1 discussion. I would rather see something a little more general
2 that talks about the entire recreational fishery and how to get
3 better management into it.

4
5 **MR. PEARCE:** I agree, Ken, and that was my motion. If I develop
6 an amendment that would do that, I could take red snapper out of
7 it. I agree with you completely. I agree with you completely
8 and so if I were not to do the motion I've got on the board, but
9 to create an ad hoc private recreational committee to discuss
10 possible management changes to the private recreational fishery,
11 period, would you help me do that?

12
13 **MR. HADDAD:** Yes and, frankly, I would like to see some
14 involvement of the for-hire part of the recreational fishery and
15 not just leave it to the private recreational.

16
17 That's assuming everything is going to be divided and I think we
18 need to be talking about that in a committee, if an ad hoc
19 committee is put together, but I would say, overall, we have
20 been advocating some sort of council bringing the recreational
21 community together to talk about these issues and we've never
22 had that forum and it's been very species specific and it hasn't
23 been done. In a measured way, I would say I would agree with an
24 ad hoc committee. After it's put together and we see how things
25 are going -- I mean this would have to be almost pre ad hoc. We
26 need some preliminary discussions to get this going.

27
28 **MR. PEARCE:** I understand. I sure appreciate your comments,
29 Ken, as always. I mean I trust your judgment, I really do.
30 Thank you for coming to the podium.

31
32 Now, I am going to address some of these same questions to some
33 of my good friends on the council, some of my good private
34 recreational fishermen on the council, and see how they feel
35 about something like this. Not considering the first motion and
36 let's go to the development of a -- Let me put another motion on
37 the board. I am not going to do the first one. That motion
38 would be to create an ad hoc private recreational committee to
39 discuss possible management changes to --

40
41 **MR. BOYD:** A point of order. Don't we already have a motion on
42 the board or did it not get seconded?

43
44 **MR. PEARCE:** I didn't make it. I didn't make the first motion.
45 I said I'm not going to make it until I had this discussion. I
46 did not make the first motion. I put it up to look at it, but I
47 didn't make it.

1 The motion I want to do, and not this first one, is to create an
2 ad hoc private recreational committee to discuss possible
3 management changes to the private recreational fishery. If I
4 get a second, I will continue.
5

6 **CHAIRMAN ANSON:** It's been seconded by Ms. Bosarge.
7

8 **MR. PEARCE:** Good. All right. Now I'm going to ask my good
9 friend, Doug Boyd, what he thinks about this as a private
10 recreational fisherman, knowing that allocation alone is not
11 going to do your job and knowing that I think you really have to
12 reevaluate the management schemes that are in place for your
13 fishery and at least take a good, hard look at it and take a
14 good, hard look at what it means scientifically if you did make
15 any changes. Doug, how do you feel about this?
16

17 **MR. BOYD:** I think there needs to be some discussion before we
18 move into an ad hoc committee. There needs to be a lot of
19 discussions and there maybe needs to be some scoping among the
20 recreational community about where they want to head.
21

22 **MR. PEARCE:** I think that's what this committee would do. I
23 would sort of give some direction, with a good committee, to
24 where they want to head and I think you guys are on it and not
25 me. I want the solid private recreational guy to look at it and
26 really flesh out some ideas and maybe you don't have any and
27 maybe you won't have any, but maybe you do and so I think we
28 need to look at that and I think the creation of this ad hoc
29 would do exactly what you just asked.
30

31 It would give us the ability to have people sitting around the
32 table, as we did with the headboats and as we did with the for-
33 hire guys. I mean I think it gives you the opportunity to say,
34 hey, let me sit back and look at this fishery. Let me look back
35 and see if there's ways we can do it other than just going out
36 there and catching it and working on this silly days-at-sea idea
37 that you have to live with every year.
38

39 I think it gives you a chance to start deliberating on what
40 might be a better fishery for you in the future and so I really
41 believe that I'm doing that with this committee. I am going to
42 go to my good buddy, Camp Matens, and ask him the same question.
43

44 **MR. MATENS:** Harlon, as my attorney friends say, with the
45 greatest possible respect, I don't think this is the venue to
46 work this thing. I really don't know what I would think until
47 there was a lot more discussion about it and so I, again,
48 respectfully decline.

1
2 **MR. PEARCE:** What are the private recreational fishermen afraid
3 of? What are you afraid of? I mean all you're going to sit
4 around the table and do is discuss how to change or maybe not
5 change your fishery and it gives you the forum to do that.
6 Right now, you don't really have one like the ad hoc committee
7 for the charter and the headboats.

8
9 This committee would give you that opportunity to do it and I
10 think if you back off of it that you tell me that you're not
11 interested in talking at all. If you don't do this, it tells me
12 that your door is closed and that you're not interested in
13 anything at all. You're not interested in trying to figure out
14 what might be a better way for you to prosecute your fishery.
15 You're just shutting the door again.

16
17 This opens the door for some great discussion and who knows what
18 is going to come out of it, but I think it's needed. I think
19 that a private recreational fishery management amendment is
20 needed, but I don't think I can -- I think that's going too far
21 right now.

22
23 I think it's in your court with this committee. I think it's in
24 your court to decide what you want or don't want to do with your
25 fishery other than this days-at-sea idea that you have to live
26 with right now.

27
28 I really do and I don't see any harm in good private
29 recreational fishermen sitting around the table with science and
30 trying to figure out if this can help or not help and how to
31 stretch that season out for you throughout the year or whatever
32 it takes to get it done, but I do believe if you don't want to
33 do this that you're shutting the door in your own face and
34 you're not allowing yourself to think about ways that you could
35 better your fishery in the future. I really believe that.

36
37 **MR. DIAZ:** Harlon, this is just a quick question. The word
38 "private" is in your motion two times and we use private
39 differently on this council and what exactly do you mean when
40 you say "private" and think about the comments that Ken made a
41 few minutes ago.

42
43 **MR. PEARCE:** Basically not charter boats and not commercial
44 fishermen. It's the average recreational fisherman that
45 prosecutes the fishery independent of charter and the harvesting
46 component.

47
48 By the way, we've seen the harvesting component do their job and

1 we've seen the charter for-hire component working hard to do
2 their job and I think the last component of that is to get the
3 private -- I don't have a -- If you want to change "private",
4 that's fine with me, but I want the real recreational fishermen
5 to sit around this table and discuss what they think they could
6 do better than they are doing now. Did I answer your question,
7 Dale?

8

9 **MR. DIAZ:** Yes, thank you.

10

11 **MR. WALKER:** I just have a question. I would ask Doug, do you
12 consider the private angler a separate sector?

13

14 **MR. BOYD:** I'm sorry, but I didn't understand the question.

15

16 **MR. WALKER:** Do you consider the private angler a separate
17 sector?

18

19 **MR. BOYD:** I consider all recreational fishermen in one sector.
20 Everybody who walks and gets on a boat that doesn't have a
21 commercial license is a recreational fisherman. I think we've
22 divided that sector, but I believe that they're all recreational
23 fishermen, whether they go on a charter boat or whether they go
24 on a private boat.

25

26 **MR. WALKER:** You're not considering that the charter and the
27 private angler have different needs in managing their fisheries?

28

29 **MR. BOYD:** No, I really don't. I believe that we're talking
30 about the fishermen and not the captain or the driver of the
31 boat, in my opinion.

32

33 **MR. PERRET:** I don't see all the discussion back and forth about
34 whether or not to create or not to create. We create ad hoc
35 committees all the time, but, Harlon, my question would be if
36 indeed we create this ad hoc committee, we always have to give
37 them a charge and what would be the charge, in your mind? I
38 have my own ideas, but just what direction are you going in if
39 this were approved, charge-wise?

40

41 **MR. PEARCE:** First off, Corky, let me go back to a couple of
42 meetings ago when you told me to fire, ready, aim. You made me
43 go back and study what that really means. Believe it or not,
44 I've read a book on it since then and it's really ready, fire,
45 aim. It's not fire, ready, aim.

46

47 Ready means when you've analyzed something in your head and you
48 know it's the right thing to do and you know that's the logical

1 thing to do and your heart says it's the right thing to do and
2 you fire and you don't worry about aiming. The problem with
3 this council is that's all we do, is aim. We aim at moving
4 targets and we never get on the target and we never pull the
5 trigger.

6
7 I think this helps me pull the trigger to help the private
8 recreational fishermen, but the charge is basically -- I don't
9 think I need to write it today and it can be done when you
10 populate this committee, but it's basically for the private
11 recreational fishermen to sit down and really analyze different
12 management schemes that they could bring to the table to help
13 them stretch their seasons or fish year-round or whatever. It's
14 just to lay things on the table just like the other ad hoc
15 committees have done, if that answers your question.

16
17 **CHAIRMAN ANSON:** Is there any other discussion on the motion?

18
19 **MS. BOSARGE:** I am in support of this, obviously. I seconded
20 Harlon's motion and it is something that I actually wanted
21 Harlon to do at the last meeting and I wanted to start an
22 amendment to do something for the private angling sector.

23
24 Yes, we have one amendment in the works right now, Amendment 39,
25 that could possibly do something for them. I am sorry, but we
26 just realized that we went out to public hearings on this for
27 the first time two years ago, on Amendment 39. We need a back-
28 up plan. We need something else in case that keeps getting
29 delayed and delayed and delayed.

30
31 It's time to really step up to the plate and look at something.
32 Therefore, the other comment that I have to make -- It's a
33 little touchy, but I will make it anyway and that's that there
34 are certain people on the council that have said that this
35 shouldn't be managed under the federal system because we're not
36 -- All we do is status quo, status quo, status quo.

37
38 This is an avenue to look at something for the private angler
39 that's not status quo besides 39 that's not going anywhere and
40 so I don't see how somebody that has been against status quo and
41 says that that's broken management for the private angler could
42 vote against something to simply discuss something besides
43 status quo. I would like to see how that goes.

44
45 **DR. STUNZ:** Kevin, sort of to Corky's point on the charge,
46 because I am not sure what that charge would look like either
47 and not having sort of been through this process, do we develop
48 the charge after a motion like this or before a motion? It's

1 sort of leading me to believe that there's got to be a little
2 bit of a discussion so that we know what we even want a group
3 like this to consider.

4
5 **CHAIRMAN ANSON:** As I recall, the major talking points or
6 discussion points would be included in the motion and so you
7 might want to add "to discuss possible management changes to the
8 private recreational fishery to include" and then you list the
9 individual items that you are most concerned with or want
10 specific feedback to.

11
12 **DR. STUNZ:** To that point, I'm not necessarily opposed to doing
13 this and start the discussion going, but what that would center
14 around is where I have sort of an issue with this motion and
15 maybe this is something we move on forward, but not necessarily
16 through a motion to think about in the meantime, of our next
17 meeting, what would some of those key points look like, to begin
18 developing a charge for the committee before we actually act on
19 a motion like this.

20
21 **MR. WALKER:** I was just going to say I spoke with one of the
22 leaders of the private angler groups and he was not opposed to
23 forming an ad hoc committee. He had no opposition and I told
24 him that they could develop it and it would be their plan and
25 make it a good plan and use whatever you think is going to work
26 best for you in your fishery and they weren't opposed to it.

27
28 Then I look at the objectives and go back to the objectives of
29 the reef fish and Objective 2 talks about data and you know we
30 hear recreational fishermen say we need better data, we need
31 better data, and what is it? Is it fish tags or a card or a
32 hail-in or a hail-out or whatever? Better data is an objective
33 and that's something they could discuss.

34
35 Moving to Objective 5, it talks about stability of the fishery
36 and you've seen the graph. They could use a better fishery
37 management plan to give them stability. They were a million-
38 and-a-half pounds under last year and that's not fishing very
39 efficiently.

40
41 Objective 7 is optimum yield. They couldn't reach optimum yield
42 last year because the plan they had they were fishing under
43 didn't allow it. Giving them more access, I think it was a 20
44 percent buffer and get a plan and you can get rid of the 20
45 percent buffer and have a rollover.

46
47 Let's go over to here 11. Derby fishery. You know there's been
48 people that go out and the charter fishery and the private

1 anglers. I think it was either Scott Hickman or Buddy Guindon
2 that was telling me about they had to haul some people in that
3 went out fishing during the recreational season and fished
4 because it was such a time constraint and they went out there in
5 some really bad weather and they had to be towed back in and
6 that's another thing.

7
8 I just think it's a good thing and you hear all the time that we
9 want better data and we want a better fishery management plan
10 and here. Here it is. Get the ad hoc committee and form it up
11 and what's wrong with it? I mean there's no rationale, to me,
12 that can tell and I hear it all the time and I can tell you
13 this.

14
15 The commercial industry and the recreational charter for-hire
16 will be excited to help you. We will work with you and there is
17 no reason that we can't all work together on this and get
18 something that these people -- The private anglers deserve. I
19 mean they continue on on this and keep beating the same old drum
20 and everyone is running around saying it's the council's fault,
21 it's the council's fault. Well, here's the chance, council.
22 Let's vote on this and let's get something going. We can't just
23 keep going with status quo.

24
25 **MR. PEARCE:** Mr. Chairman?

26
27 **CHAIRMAN ANSON:** Yes, Harlon. I think you're going to be the
28 last commenter on this motion.

29
30 **MR. PEARCE:** That's fine. You know I would love to say what to
31 include in this, but it's not for me to do that. My whole goal
32 here is for the private angler to tell us what they want to
33 include in this and if we create this and we come back and you
34 guys at the next meeting can figure out the charge and maybe
35 begin to populate the committee, but I want the private angler
36 to tell me what he wants to come out of this and not me.

37
38 It's not for me. It's not my committee and it's to try to open
39 the eyes and ears of the private recreational angler to look at
40 different ideas and to open up other ideas other than simply
41 reallocating, which doesn't solve the problem, and get away from
42 days at sea, which is terrible.

43
44 I think it's for them to come up with the ideas and not for me
45 to add it into this motion. I just clearly want to create this
46 committee so that they can sit down and figure out what they
47 want to do and how they want to prosecute their fishery, as the
48 harvesting component has done and as the for-hire component is

1 doing now. That's all it is.

2
3 It doesn't tie them up to anything and it doesn't make them do
4 anything if there's nothing they want to do. It just hopefully
5 lets them begin to sit around the table and address how they
6 want to manage their fisheries into the future. They may not
7 want any changes, which would be sad. That's all I'm trying to
8 do.

9
10 **CHAIRMAN ANSON:** Thank you, Harlon. To that point?

11
12 **DR. STUNZ:** To that point and quickly. What I see with this
13 motion is a fundamental difference if we considered some of the
14 for-hire ad hoc panels, where it's really coming from the bottom
15 up.

16
17 There is guys at public testimony saying they want this and they
18 want to work and come together and figure out solutions and
19 we're kind of coming from a top-down approach here, where we're
20 saying, okay, you guys form this committee and it's not -- At
21 least I haven't heard and maybe there is and I would be totally
22 supportive if there was groups of anglers coming together and
23 saying, hey, we really want this committee to solve this
24 problem.

25
26 I don't know how successful it would be in the realm of we're
27 saying, okay, we're going to form this and the guys coming into
28 the committee necessarily aren't behind it or not -- I think
29 we're just a little bit earlier. I support this initiative
30 completely to start developing things, but I don't know if we're
31 there yet.

32
33 **MR. PEARCE:** Mr. Chairman, I won't belabor the point.

34
35 **CHAIRMAN ANSON:** We've had lots of discussion on this and so
36 we're going to go ahead and vote on it. The motion is to create
37 an ad hoc private recreational committee to discuss possible
38 management changes to the private recreational fishery. **All**
39 **those in favor of the motion please raise your hand; all those**
40 **opposed please raise your hand. The motion carries nine to six.**

41
42 **MR. PEARCE:** Thank you.

43
44 **CHAIRMAN ANSON:** You are finished, right, Harlon?

45
46 **MR. PEARCE:** I am going to go out on top, Mr. Chairman. If I
47 would have been there, the first one would have passed. That's
48 the way it is.

1
2 **CHAIRMAN ANSON:** That would be a yes, right?

3
4 **MR. PEARCE:** What's that?

5
6 **CHAIRMAN ANSON:** That would be a yes, that you're finished,
7 right?

8
9 **MR. PEARCE:** Yes and I just want to say thank you to the staff
10 and the council to allow me to participate by webinar and to
11 voice my opinions and hopefully try to pass motions. It's been
12 a very tough meeting for me sitting in front of this boring
13 computer and not being able to goof off with my buddy, Camp, and
14 just walk around the table and see all of my friendly council
15 members. Thank you for what you've allowed me to do.

16
17 **CHAIRMAN ANSON:** We appreciate providing that opportunity to
18 you, Harlon. We have just a couple more folks here that want to
19 say something. Dr. Crabtree.

20
21 **DR. CRABTREE:** I am moving on to a new topic though and so is
22 that okay?

23
24 **CHAIRMAN ANSON:** Sure. Why not?

25
26 **DR. CRABTREE:** All right. Last year, in the red snapper fishery
27 when we put the buffers in place, when all was said and done, we
28 were under the quota by I think close to a million-and-a-half
29 pounds. I don't know what's going to happen this year, but with
30 a 20 percent buffer and the quotas where they are, if we project
31 things perfectly and everything works out right, we're going to
32 have over million pounds left.

33
34 I would like to have staff work with Mara and give some thoughts
35 and come back to us at the next council meeting with ways we
36 might address that. I've had a number of people ask me why
37 can't you just open up in the fall and then catch all the rest
38 of the ACL and the trouble with that is then you might run over.

39
40 The thought I've had is it might be possible, when we get the
41 June catch estimates in August, to see approximately how much is
42 left and then apply another buffer to that, and so set an annual
43 catch target for a second half, and then reopen and try to catch
44 a little bit more of the quota before the year is out and I
45 think that's worth looking at.

46
47 I mean we want the fishery to catch as much of their quota as
48 they can, but we just don't want to go over and so I would like

1 to have staff explore some possible ways to look at how we might
2 do that and have a discussion of that in August.

3
4 We're not going to be able to get this done for this year, but
5 there might be a framework here or something we could do to try
6 and address the situation next year.

7
8 **CHAIRMAN ANSON:** Thank you, Dr. Crabtree. Dale.

9
10 **MR. DIAZ:** First, I want to congratulate Harlon for going out on
11 a high note, but being as we did just decide to move forward
12 with this ad hoc private recreational committee, about a year-
13 and-a-half ago or maybe two years, we all agreed to have some
14 type of interaction with our recreational fishermen.

15
16 In Mississippi, we did a red snapper summit and now I understand
17 this ad hoc committee is not specifically red snapper, but some
18 ideas might cross over. Emily went around the Gulf and did a
19 whole host of RAP sessions, which I think altogether brought out
20 a lot of good ideas.

21
22 I think between now and the next meeting if we had maybe a staff
23 person that we could collectively submit ideas that maybe
24 Louisiana got from their survey and we got from our recreational
25 red snapper summit and the RAP sessions and if we could all
26 independently send some of the ideas that were commonly
27 mentioned in those interactions, then we probably would end up
28 with at least a starting point of a lot of good ideas that could
29 at least be relayed to the ad hoc committee to kick around.

30
31 I heard Leann say a minute ago that she really wants to see this
32 committee come up with some original ideas that maybe we haven't
33 thought of before and I really hope we come up with some, but at
34 least it would be a starting point and even some of the ideas
35 that we brought up in the past that maybe didn't get any
36 traction on this council might get traction now, because we're
37 in a different world and the different world we're in right now
38 is we've got a 20 percent buffer.

39
40 If we can start moving towards things that eliminate the 20
41 percent buffer, I can see where that could be a big benefit to
42 the recreational sector and so if Doug could maybe assign a
43 staff person that we could submit ideas to, I would be willing
44 to submit them from Mississippi.

45
46 **CHAIRMAN ANSON:** To add to that, I guess, and this is just for
47 conversation for the council members, but potentially go ahead
48 and list it on the website for applicants to this and then we

1 might have a list in August of which to choose from.

2
3 **EXECUTIVE DIRECTOR GREGORY:** Yes, we can advertise the opening
4 for this committee and have the closing date in time to get a
5 list together for the August meeting and I just want to check
6 with staff before I volunteer somebody.

7
8 **MR. FISCHER:** There is two issues I wanted to bring up on the
9 charter and headboat reports. We may have already done this.
10 It's in my mind that we worked on it, but I don't have the
11 answer and I don't see the answer.

12
13 **MR. PERRET:** Excuse me, Myron, but before you go ahead, can I
14 say something relative to what Dale said before I forget?

15
16 **MR. FISCHER:** Go for it.

17
18 **MR. PERRET:** I was just going to suggest when the state people
19 submit their information that they also submit -- Because they
20 have names of the people that provided that input, to maybe
21 contact them to see if they would be willing to serve on this
22 particular committee and then submit that also. Thank you,
23 Myron, for letting me go first.

24
25 **MR. FISCHER:** Sure thing, Corky. Anyway, it's things we talked
26 about for the last couple of years and one of you all might
27 produce the document, but it is the current 2015 -- What
28 definition are we using of a headboat and a charter boat and an
29 overload boat?

30
31 When I was at the Headboat AP meeting, the definition -- Anyway,
32 I just think we ought to have a firm definition that the council
33 is going to use as it moves forward to manage these fish,
34 possibly by their individual sectors and individual boat types.
35 Do we have that today?

36
37 **MS. LEVY:** I guess I'm just wondering. A definition in what
38 respect? Because we do have a definition of what charter vessel
39 means and what headboat means with respect to vessel length and
40 passenger capacity and we also have in the definition what
41 operating as means with respect to dual-permitted vessels.

42
43 So if you have a charter/headboat and a commercial, what it
44 means -- When you're operating as a charter vessel, what that
45 means and so I guess I would need more clarification of exactly
46 what you're looking for, because then we also talked about for
47 reporting requirements and if we wanted to define them
48 differently or say if you're part of the headboat survey, fine,

1 and everyone else does this and so just a little more
2 clarification would be helpful.

3
4 **MR. FISCHER:** Sure. We have the Beaufort Survey and that survey
5 is headboats and what we would call an overload boat. To me, a
6 headboat would be a vessel that you pay by the head and that I
7 buy a ticket and I walk on by the head, but I have seen
8 discussions lately where it's anything over a six-pack boat. If
9 it's a seven-passenger boat, it's a headboat.

10
11 It doesn't matter what the definition is, but I think we just
12 need a definition and then stick with it as we progress. Assane
13 probably has some light to shed on this.

14
15 **MS. LEVY:** Right and so right now, the current codified
16 definition relates to passenger capacity and length with respect
17 to charter vessels and I don't know exactly why that was picked
18 except for the fact that that's a very discreet thing that you
19 can measure. You either have a passenger capacity of six or
20 less or more.

21
22 The idea of how people charge and for what is probably something
23 that's a lot more difficult to track and so I don't know that
24 you want to change it for that purpose, although you could, but
25 if you want to have a specific -- To make sure that everyone is
26 reporting in a specific way and that it applies to a specific
27 type of vessel, then we could look at how we can be more clear
28 about what things apply to.

29
30 **MR. FISCHER:** Okay and I am not looking to change it. I am
31 looking to find out what the definition is and we've had people
32 -- The last couple of months, there's been a lot of discussion.
33 We've had people who have multi-passenger boats, but they're not
34 a headboat and they don't know what category and where they are
35 and they don't know if they're their own category or if they're
36 part of the headboat category. We have a subquota that we
37 established possibly for headboats, but --

38
39 **CHAIRMAN ANSON:** Perhaps Dr. Diagne can shed more light.

40
41 **DR. DIAGNE:** Thank you, Mr. Chair. The issue Mr. Fischer is
42 talking about was discussed during the Headboat AP meeting. We
43 now have I guess a portion of the quota for the for-hire
44 component in general. At some point, that quota would be
45 subdivided between the charter vessels and the headboat vessels.

46
47 In terms of landings, we have established catch histories for
48 the vessels participating in the Southeast Survey and so for

1 practical purposes, after this discussion and the presentation
2 from Mr. Brennan from the survey, the definition that we are
3 going to use to move forward in Amendment 42 is that if you
4 participate in the headboat survey, you are a headboat.
5 Everybody else would be considered as a charter vessel and be
6 then in Amendment 41.

7
8 **CHAIRMAN ANSON:** Just some clarification, Assane. I am trying
9 to think of -- Were there any or many circumstances where a boat
10 was designated into one category, a headboat let's say, and then
11 the following year he decided to participate as a charter boat?
12 I mean I don't recall that, at least in my part of the Gulf of
13 Mexico, occurring. Once you were in, basically you were
14 designated that for as long as you were operating the vessel and
15 the vessel stayed in the fishery and is that correct?

16
17 **DR. DIAGNE:** Yes, my recollection is the same, but I can check
18 further.

19
20 **DR. JOHN FROESCHKE:** One comment though is that the vessels
21 themselves don't get to pick. It's if they're selected and it's
22 the Science Center that selects that and so just to be clear
23 that it's not that a particular vessel could opt in or opt out
24 as they please.

25
26 **CHAIRMAN ANSON:** Right. I just wanted to make sure that they
27 weren't opting in and opting out into the two subcomponents.

28
29 **MR. FISCHER:** Thank you all very much. Could we -- I guess it
30 is in writing, but could we be emailed this definition? Like I
31 said, I'm not looking to change it and I might have a better
32 understanding, but I will probably be forwarding this to a few
33 of the operators.

34
35 My second item is related to permitted vessel and I guess it's
36 what was the intent of the council and then what's the
37 interpretation and are they the same and is that what the
38 council intended and it has to do with a licensed vessel, a
39 permitted vessel, that is owned by someone and so whether I'm
40 taking my private vessel out on a fun trip or whether it's a
41 wealthy doctor who has the vessel and he's going out on a
42 private trip, are they constrained by the limits of the permit
43 while they're on the private trip?

44
45 Meaning if I own -- If I'm a charter owner and I have my 32
46 Contender, but I bring my wife and son to fish, according to the
47 permit I still can't catch fish, because I'm the captain of the
48 boat. I don't know what the intent of the council was when we

1 passed it. I don't know if it needs clarification, but it's an
2 issue that we've been asked about and it's more or less are you
3 always under the permit or is it only when you are -- The last
4 meeting confused some as much as it solved the problem.

5
6 If goods and services aren't being transferred, we said that
7 wasn't a charter, but do you still have to fish under the
8 charter permit, because it's in your name? I think that's the
9 clarification I'm trying to find.

10
11 **DR. CRABTREE:** You are constrained by the permit and so if
12 you're on a vessel that has a charter permit attached to it, you
13 have to follow those rules.

14
15 **MR. FISCHER:** The whole discussion of goods and services, in a
16 sense, in this case, was moot, because even though no goods --
17 We stated that if no goods and services were exchanged that it
18 wasn't a charter and so if someone gets the permit, they
19 essentially give up their rights to ever fish again.

20
21 **DR. CRABTREE:** No, but if you are fishing on a vessel that has a
22 charter boat permit on it and if federal waters are closed, you
23 can't fish in state waters on that vessel. You have to follow
24 the rules that apply to the vessels that have the permit you
25 have.

26
27 **MR. FISCHER:** I wasn't referring to going in a closed season,
28 but I was referring to just on an open day. It could be
29 amberjack fishing in the fall and you still have to follow is
30 what you're saying.

31
32 **DR. CRABTREE:** I mean if you're on a federally-permitted vessel
33 and amberjack is open, you can go out and catch an amberjack. I
34 don't get your question.

35
36 **MR. FISCHER:** But I am the captain of the boat and it says the
37 captain and crew can't fish. If I am bringing my wife and son
38 to fish on my boat and not on a charter trip --

39
40 **DR. CRABTREE:** That I would have to get Mara to look into.

41
42 **MR. FISCHER:** I thought that's what we -- That's what I thought
43 the last meeting we were solving when we stated that if no goods
44 or services were exchanged. Since then, it's come to our
45 attention that that didn't accomplish any goals.

46
47 **DR. CRABTREE:** I think what you're asking about with the bag
48 limit is linked to whether the vessel is under charter or not

1 and not so much the permit, but that's a question that staff can
2 easily research and get you an answer to.

3
4 **MS. BOSARGE:** I think, Myron, as we move along in this process
5 that that may become a lot clearer, because commercial boats,
6 especially the smaller red snapper boats that are more of the
7 Contender-style boats, they essentially have to operate under
8 that permit at all times and so what they do is they have to
9 hail -- If that boat leaves the dock, they've got to hail-in or
10 hail-out.

11
12 Now, if they're putting their family on it to go to the Barrier
13 Islands off of Mississippi and have a nice day, they can do
14 that, but they have to hail-in to the government and let the
15 government know where they're going and that they're taking it
16 out for pleasure that day and the VMS is still on. Do you see
17 what I'm saying? There is some sort of accountability in
18 enforcement attached to it.

19
20 **CHAIRMAN ANSON:** What happens with the -- Can they go fishing
21 under private recreational limits when they hail in that the
22 boat is leaving the dock? What's the status of -- Can they not
23 catch any fish then? Because if they do, don't they necessarily
24 have to bring them back and sell them?

25
26 **MS. BOSARGE:** If they're telling the government that they're
27 going out for pleasure, they better be going out for pleasure
28 and they better not be commercial fishing.

29
30 **CHAIRMAN ANSON:** But they can keep their recreational limits
31 under that scenario?

32
33 **MS. BOSARGE:** We might have to ask law enforcement and the Coast
34 Guard, but they better have a recreational license. They've got
35 a boat with a VMS and the VMS better be operating and they still
36 have to operate under all the rules and regulations that apply
37 to that permit and so I would guess that you would have to check
38 with law enforcement, but that seems the way it would work.

39
40 **MS. LEVY:** There are two different things. There are the
41 regulations that apply to the permitted vessel, which is like
42 anyone who has a charter/headboat permit has to comply with the
43 more restrictive regulations. That is linked to the vessel
44 permit.

45
46 Then there is the regulations like the bag limit, which say, for
47 example, that no grouper may be retained by the captain or crew
48 of a vessel operating as a charter vessel or headboat. There's

1 a distinction there. One is linked to how you're operating and
2 one is linked to the permitted vessel.

3
4 I think with respect to the operating that as long as you're not
5 carrying a passenger that pays a fee or over the passenger limit
6 on those dually-permitted vessels that distinguish them between
7 commercial and charter/headboat trips that the captain and crew
8 probably could keep the bag limit. That's the slight
9 distinction between those two types of regulations.

10
11 **CHAIRMAN ANSON:** I will just throw it in there, since we're
12 talking about them, was that part of the discussion last time
13 when we brought up trying to define charter boats and when is a
14 charter trip and a private trip, it's just the reporting aspect
15 of it and the identification of where those vessels were going
16 to fall in as we get into two differing season lengths now and
17 when that vessel is encountered out of the recreational season,
18 but it has a permit, and they're encountered at the dock, I
19 assume they will be encountered as a recreational trip now and
20 then that will be applied to the recreational effort, but yet
21 we're talking about a very small universe of those federally-
22 permitted for-hire vessels relative to the overall fishing
23 effort.

24
25 I am concerned that when you go to the expansion that you're
26 going to be overestimating the amount of harvest that's
27 attributed to that catch for red snapper out of season, but yet
28 during the for-hire season, but we'll see how it goes. Do we
29 have any other -- Johnny, do we have one other?

30
31 **MR. GREENE:** Well, not about that, but I just wanted to --
32 Before we left Reef Fish, just point you to the fact that we
33 still have seven pages of the Joint South Florida Management
34 Document. However, I do have an idea, if you would like for me
35 to proceed.

36
37 **CHAIRMAN ANSON:** Please.

38
39 **MR. GREENE:** It's kind of my idea here to try to discontinue
40 working on this document and try to somehow come up with a
41 couple of framework options that we could perhaps finish before
42 the year's end and then go back and see what's left over and
43 pick up that document at that time.

44
45 **CHAIRMAN ANSON:** Anybody have any comments to what Johnny is
46 proposing?

47
48 **MS. BADEMAN:** I am not ready to discontinue this document. I do

1 realize, and we chatted a little bit, that there may be some
2 things that are Gulf changes only that maybe we could pull out
3 and do a little bit faster, but I am not ready to throw in the
4 towel on this. This is a really, really important issue for
5 Florida, for South Florida in particular, and so that's my two-
6 cents.

7
8 **MR. GREENE:** To that point, it's not a motion and it's just an
9 idea. Maybe perhaps "discontinue" is not the right word, but I
10 am just trying to find some way to move forward, because it
11 seems like that with the -- I am not trying to discredit the
12 importance of that document in any manner, but I'm just trying
13 to find some way to take the sure wins and, for example, the j-
14 hook for the yellowtail snapper and potentially looking at the
15 recreational harvest of mutton during the spawning season.

16
17 Trying to think back, I think there was something about size
18 limits and trying to balance those out as well and so I
19 certainly am not a South Florida person and I am not trying to
20 push anyone in one direction, but I just figured this might be
21 something that would move on and maybe we could ask staff for
22 their opinion, but I certainly don't want to drive the train
23 here.

24
25 **EXECUTIVE DIRECTOR GREGORY:** Johnny, we addressed the size
26 limits earlier with gag and the mutton snapper thing was taken
27 out and we're going to be working on that along with development
28 of the ABCs and ACLs for mutton snapper and so they will go in
29 tandem.

30
31 The only other thing I can think of that was a request to us
32 that's strictly Gulf would be the yellowtail and possibly gray
33 snapper circle hook exemption. The South Atlantic Council
34 already exempts all reef fish from having to use a circle hook
35 and staff discussion was that we don't -- Circle hooks are
36 proven to be a good conservation tool and so we didn't want to
37 encourage the council to remove circle hooks from all reef fish,
38 but to accommodate the request from the commercial industry for
39 yellowtail and possibly gray snapper. We could work on a
40 framework action for that and bring it to you in August.

41
42 **MR. GREENE:** Okay and so would you need a motion to do that?

43
44 **EXECUTIVE DIRECTOR GREGORY:** It would be nice.

45
46 **MR. GREENE:** I don't want to make a South Florida motion, but
47 whatever. Somebody help me. **I mean I don't mind making a**
48 **motion to direct staff to begin work on a framework for**

1 commercial yellowtail snapper fishermen that would allow the use
2 of j-hooks and I don't know if there's any stipulation for bait
3 types or anything. I don't know this fishery that well and if
4 somebody would like to help, I would certainly take it.
5

6 **MR. RYAN RINDONE:** You might add "the use of j-hooks with
7 natural bait".
8

9 **MR. GREENE:** Okay. Before I'm done, does this give you clear
10 direction of what we're trying to do? I mean does staff
11 understand? I don't want to turn a motion loose that's not
12 attainable.
13

14 **EXECUTIVE DIRECTOR GREGORY:** Yes, that is something we could do.
15

16 **MR. GREENE:** Mr. Chairman, that's my motion.
17

18 **CHAIRMAN ANSON:** We have a motion on the board and has it been
19 seconded?
20

21 **MR. WALKER:** I'll second it.
22

23 **CHAIRMAN ANSON:** It's seconded by David. Any further
24 discussion on the motion? **Any opposition to the motion? Seeing**
25 **none, the motion carries.** Doug, I did have you and I apologize
26 that I skipped over you.
27

28 **MR. BOYD:** That's okay and thank you. I am going back to the
29 motion to create the ad hoc private recreational committee.
30 We've done that and I've got a question about that. What charge
31 are we going to announce and who are we going to try to recruit
32 for this?
33

34 **EXECUTIVE DIRECTOR GREGORY:** Well, the announcement we're going
35 to do probably next week or the week after that and have a
36 closing date in time for us to get a list for you in August.
37 The charge really hasn't been discussed other than to develop
38 possible management changes for the private recreational
39 fishery.
40

41 We can develop a charge in August. It would be best to have a
42 charge when we advertise it, so that people have a better idea
43 of what they're going to be working on. If we don't have a
44 charge from the council here, we'll use what's in that motion.
45

46 **MR. BOYD:** I guess I'm confused then. What are we going to
47 advertise in the next few weeks?
48

1 **EXECUTIVE DIRECTOR GREGORY:** We're going to do two things.
2 We're going to send a notice out to everybody that came to one
3 of our RAP sessions that we have emails for and tell them that
4 we're creating an ad hoc private recreational committee to
5 discuss possible management changes for the private recreational
6 fishery. That's what we'll be advertising, that we have
7 availability of membership on this new committee.
8

9 **MR. BOYD:** Are we not going to advertise to the general public?

10
11 **EXECUTIVE DIRECTOR GREGORY:** Yes, I'm sorry. I forgot that.
12 Yes, but we're also going to target the ones that came to our
13 RAP sessions.
14

15 **MR. BOYD:** Okay. If I am someone out there in the public, how
16 do I know what I might apply for and what I'm going to be doing?
17

18 **EXECUTIVE DIRECTOR GREGORY:** I don't know how to answer that.
19 If we don't have something better, I will use the language in
20 this motion.
21

22 **MR. BOYD:** Okay. I'm a charter for-hire captain in the State of
23 Texas and I am not in the headboats and I'm not a federally-
24 permitted person and do I apply?
25

26 **EXECUTIVE DIRECTOR GREGORY:** Carrie had her hand up, but we
27 certainly wouldn't exclude people in the advertisement, because
28 the council has routinely in the last year said they want a
29 diversity of people on committees and so this committee could be
30 made up of only private anglers or it could be a mixture of
31 private anglers and for-hire anglers, like some of our other
32 committees.
33

34 **MR. BOYD:** That's where I'm leading. This says "private
35 recreational committee" and I don't think that defines who we're
36 looking for and I think -- Frankly, I think that going out and
37 asking for people to submit to be on this committee is premature
38 until we figure out exactly what this committee is going to do
39 and who needs to population it or who should populate it. We're
40 going to do it, but I'm just saying I think we're premature.
41

42 **DR. CRABTREE:** I have mixed feelings about it. I mean it struck
43 me in watching the vote here that the private recreational
44 members of the council voted against it and if we're going to
45 get anywhere with something like this, it's got to be the
46 private recreational people who want to do this and it's got to
47 come from them.
48

1 Doug may be right that we're a little premature. We need to be
2 very careful with this and we need to make sure we get the right
3 people and the right atmosphere to make this happen and it can't
4 be the commercial guys on the council pushing this on them.
5 That's going to backfire on us.

6
7 We passed the motion and so I guess we're going down this path,
8 but I think we need to be sensitive to this and to make this
9 happen in a productive way is going to be a lot of sensitivities
10 to that and we need to make sure that we get the right
11 combination of people and that we get support from the overall
12 recreational people to make this happen.

13
14 **EXECUTIVE DIRECTOR GREGORY:** I am open to guidance. If you
15 don't want to do it right away, tell us. I mean we try not to
16 delay on things the council wants. If you want to develop
17 categories of people to go on this committee, we can do it that
18 way and advertise it that way.

19
20 **DR. CRABTREE:** I don't know what the answer to that is and I
21 think some discussions with Doug and maybe Ken and Dick Brame
22 and some of the private recreational representatives would be
23 worthwhile, but I think it's more important that we do this
24 right than we do it quickly. Otherwise, I think it's just not
25 going to be productive.

26
27 **CHAIRMAN ANSON:** We aren't eating into lunch time, because we're
28 going to have a short lunch, and so we're still continuing the
29 morning session, in my eyes, but we do need to come to a point
30 here to stop before lunch and so that's something to consider, I
31 think, is the comments made relative to that motion that we
32 passed previously and looking at how we go forward in
33 advertising and trying to populate it.

34
35 **DR. DANA:** This is just a suggestion in that we are going into
36 the lunch hour and I'm sure that people want to take a break.
37 Perhaps we temporarily adjourn the Reef Fish Committee and when
38 we come back to our council, full council, meeting after lunch,
39 we take care of the other committees and then we -- In that
40 timeframe when we're taking care of the other committees --
41 Chairman Anson.

42
43 **CHAIRMAN ANSON:** I'm sorry, but I'm not following. I apologize.

44
45 **DR. DANA:** In the timeframe that we are going through the other
46 committees, that allows the staff to craft a charge, if we want
47 to have a charge, and then after the other committees go through
48 their whatever, their stuff, then we can go back into Reef Fish,

1 because I think Reef Fish has a lot more to go and you're going
2 to lose a lot of folks from the public that are here for some of
3 the other committee stuff.

4
5 **MR. BOYD:** My feeling is that staff should not a craft a charge.
6 The charge should come from this council and not from staff.

7
8 **CHAIRMAN ANSON:** I would concur with that and I mean I think
9 there's interest on both sides that we get the best product that
10 we can and give them explicit instructions as to what they would
11 be doing and so I think that would be appropriate, that we just
12 try to come back and we can just add it as an Other Business
13 item or keep the Reef Fish open and come back to it at a later
14 time during the session. We can recess for lunch right now and
15 then try to pick it up immediately after if folks can put a few
16 minutes towards that.

17
18 (Whereupon, the meeting recessed at 11:35 a.m., June 12, 2015.)

19
20 - - -

21
22 June 12, 2015

23
24 FRIDAY AFTERNOON SESSION

25
26 - - -

27
28 The Full Council of the Gulf of Mexico Fishery Management
29 Council reconvened at the Marriott Beachside Hotel, Key West,
30 Florida, Friday afternoon, June 12, 2015, and was called to
31 order at 12:45 p.m. by Chairman Kevin Anson.

32
33 **CHAIRMAN ANSON:** Let's get things going again. We talked about
34 postponing Reef Fish. We have a couple more items in Reef Fish,
35 but we're going to postpone that until we get through all the
36 rest of the committee reports and then we'll have a good idea as
37 to how much time is left in the day. We'll go ahead and start
38 with the next committee report and that would be Mackerel and
39 Dr. Dana.

40
41 **MACKEREL MANAGEMENT COMMITTEE REPORT**

42
43 **DR. DANA:** Thank you, Chairman Anson. The Mackerel Committee
44 met on June 8 and, among other things, discussed CMP Framework
45 Amendment 3. Staff reviewed CMP Framework Amendment 3, Tab C,
46 Number 4(a), which addresses changes to the gillnet component of
47 the commercial king mackerel fishery in the Gulf.

1 The committee heard public comments from an industry
2 representative and a gillnet fisherman who outlined their
3 preferred outcomes, including a 45,000-pound trip limit, no
4 additional accountability measures, no change to electronic
5 monitoring practices, and ideas for the elimination of latent
6 permits. Committee members thought that a higher trip limit was
7 feasible if paired with strict accountability measures and
8 improved and more appropriate monitoring methods.

9
10 **The committee recommends, and I so move, to recommend to the**
11 **council that the preferred alternative in Action 1 be**
12 **Alternative 3, which is to increase the trip limit to 45,000**
13 **pounds.**

14
15 **CHAIRMAN ANSON:** Thank you, Dr. Dana. We have a committee
16 motion. Any discussion on the motion? **Any opposition to the**
17 **motion? Seeing none, the motion carries.**

18
19 **DR. DANA:** The committee went on to recommend, and I so move, to
20 recommend to the council that the preferred alternative in
21 Action 2 be Alternative 3, Option a. Alternative 3 is f the
22 Florida West Coast Southern Subzone gillnet ACL is exceeded in a
23 year, NMFS would reduce the Florida West Coast Southern Subzone
24 gillnet ACL in the following year by the amount of the overage.
25 The ACT, if established, will also be adjusted to reflect the
26 previously established percent buffer. Option a is payback
27 regardless of stock status.

28
29 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on
30 the motion?

31
32 **MR. FISCHER:** Just to confirm, the payback would strictly out of
33 this subsector?

34
35 **CHAIRMAN ANSON:** I am hearing Doug say yes.

36
37 **EXECUTIVE DIRECTOR GREGORY:** Yes, that is the understanding.

38
39 **CHAIRMAN ANSON:** Any other discussion? **Any opposition to the**
40 **motion? Seeing none, the motion carries.**

41
42 **DR. DANA:** Thank you. The committee then recommends, and I so
43 move, to recommend that the council add a new Alternative 4 to
44 Action 2. The new Alternative 4 reads: If the Florida West
45 Coast Southern Subzone gillnet ACL is exceeded in a year, NMFS
46 will reduce the gillnet trip limit for subsequent seasons until
47 that trip limit is modified by the council with Option a, 35,000
48 pounds and Option b, 25,000 pounds. Mr. Chairman.

1
2 **CHAIRMAN ANSON:** We have a committee motion.

3
4 **MR. SANCHEZ:** I make a motion to remove the new Alternative 4
5 from Action 2 and get rid of it. After a lot of discussion --
6 Well, I make the motion and see if I get a second. Considered
7 but rejected or however you want to remove it is fine with me.

8
9 **MS. LEVY:** This is a motion before the council to add the
10 alternative and so if you don't want to add it, vote it down.

11
12 **MR. SANCHEZ:** I would speak against this motion, the rationale
13 being we discussed this with all of the participants in the
14 fishery and they're all onboard and they are very aware that if
15 they overrun their allocation apportioned to them that it's
16 going to come off of next year's quota and so I don't see the
17 reason to dually penalize them with a lowered reduction in trip
18 limit, given that they've asked for the 45,000 and it's so hard
19 to get a group of fishermen to agree on anything and that's what
20 they've done and this is what they want and let's give them a
21 chance. If it fails, then we'll come back and adjust it.
22 That's my rationale and my thought process.

23
24 **CHAIRMAN ANSON:** John, just so we're clear, the motion you had
25 offered, you want that removed, right? We didn't get a second,
26 but I just wanted to make sure it's off the table.

27
28 **MR. SANCHEZ:** Yes.

29
30 **CHAIRMAN ANSON:** So we are talking about the committee motion
31 right now and that's on the board.

32
33 **MR. FISCHER:** If he needed a second, I would second it, to
34 further this. With the payback, I don't think this is
35 necessary.

36
37 **DR. DANA:** I would just defer to Steve Branstetter to just make
38 comment on this particular new alternative and the discussion
39 item brought up by John Sanchez and just your perspective, being
40 the expert.

41
42 **DR. BRANSTETTER:** John and I met with the industry
43 representatives and we've come to the agreement that this isn't
44 necessary and that payback is sufficient.

45
46 **CHAIRMAN ANSON:** Any other discussion? Anyone in favor of the
47 motion on the board please raise your hand. If you vote for
48 this motion, you are adding this as an alternative in the

1 document. If you don't want it in the document, vote no. Let's
2 do this over. **Anyone in support of this motion, please raise**
3 **your hand, if you're in favor of this motion; all those opposed**
4 **like sign. The motion fails.** Dr. Dana.

5
6 **DR. DANA:** Thank you, Chairman Anson. Committee members
7 discussed including a buffer into the previous motion to add a
8 new Alternative 4 to Action 2. However, some committee members
9 thought that adding any sort of buffer would simply allow
10 fishermen to fish up to that buffer, effectively acting as an
11 ACL increase. Accuracy of landings data was also discussed, and
12 NMFS staff assured the committee that the landings were accurate
13 to the pound.

14
15 Committee members asked how preferred Alternative 3 in Action 3
16 would change the existing electronic reporting requirements and
17 staff indicated that Alternative 3 would codify the current
18 practice of industry cooperation combined with weekly electronic
19 reporting.

20
21 The committee considered latent permits in the gillnet fishery.
22 Committee members thought it important to protect historical
23 fishermen, but didn't want to remove permits which may have gone
24 a few years without landings.

25
26 **The committee recommends, and I so move, to recommend to the**
27 **council that the preferred alternative in Action 4 be**
28 **Alternative 3, Option a. Alternative 3 is allow commercial king**
29 **mackerel gillnet permits to be renewed only if landings for a**
30 **single year during 2006 through 2015 were greater than one of**
31 **the options listed below. Gillnet permits that do not qualify**
32 **will be non-renewable and non-transferable. Option a is one**
33 **pound.**

34
35 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on
36 the motion?

37
38 **MR. WILLIAMS:** Just a question. Steve Branstetter, is it
39 possible for someone maybe that didn't have any landings to go
40 back and fix a reporting for last year to indicate that he did
41 have a hundred pounds or is that all closed now and it can't be
42 done? Do you know?

43
44 **DR. BRANSTETTER:** I think landings are adjusted for several
45 years, but I suppose they could, but they would have to have
46 some documentation of it. I don't think you could just walk
47 into a dealer and -- If a dealer doesn't have a trip ticket,
48 you're not going to be able to just walk in and say hey, I

1 caught fish last year.

2
3 **MR. WILLIAMS:** There's three or four people that are going to be
4 affected by this and so I'm just concerned that they may
5 suddenly come up with some kind of landings to keep them in the
6 fishery.

7
8 **CHAIRMAN ANSON:** A question I have is when it says 2015, is that
9 -- I would assume at this point it's the calendar year 2015 and
10 so anytime between now and the end of the year any fisherman
11 that had more than one pound would then qualify and is that
12 correct?

13
14 **DR. BRANSTETTER:** The fishery is over for 2015. It doesn't
15 reopen until 2016.

16
17 **CHAIRMAN ANSON:** Right and so that's considered a fishing year.

18
19 **EXECUTIVE DIRECTOR GREGORY:** On the gillnet fishery, but the
20 fishing season is July 1 for king mackerel, right?

21
22 **DR. BRANSTETTER:** Gillnet is closed until the day after Martin
23 Luther King in January of 2016.

24
25 **CHAIRMAN ANSON:** All right. I just wanted to make sure. Thank
26 you. Was that your point, Ryan?

27
28 **MR. RYAN RINDONE:** Yes, Mr. Chair. I was just going to say it's
29 legally impossible for a fisherman to use gillnet to harvest
30 king mackerel from this point until the end of the year.

31
32 **CHAIRMAN ANSON:** To Roy's point, I guess, just making sure that
33 -- Does it occur where you might get a report submitted well
34 after the season has ended? I mean three months later or six
35 months later, do you get those? Have you gotten those in the
36 past, Steve, do you know, or Mara?

37
38 **MS. LEVY:** The requirements for reporting are the requirements
39 for reporting and so you're technically in violation of the
40 regulations if you don't submit them timely. However, on
41 occasion, I know that when people come in to renew their permits
42 if it shows that their logbooks are not up to date or they
43 haven't met the reporting requirements that they won't get their
44 permit until they actually do that and so sometimes you do have
45 a lag time with respect to that.

46
47 For this particular action, if you look at the way that codified
48 text is drafted with respect to initial determinations about who

1 qualifies and then the appeals process for that, there is
2 language in there that says: Determinations of appeals regarding
3 landings data for 2006 to 2015 will be based on NMFS logbook
4 records submitted on or before" and then we have a blank for the
5 date.

6
7 The reason we've done that is to give folks notice of some
8 period of time after this rule is published that they have until
9 this date to be sure that their logbooks are up to date and so
10 sixty or ninety days, I don't think that we've decided exactly
11 what the appropriate time period is. If the council members
12 want to suggest any time period with which to do that, you
13 certainly can.

14
15 I think the issue is that we didn't want to leave it open for a
16 potential two-year period to let people come in and somehow
17 update their logbooks, but they're also going to have to have
18 documentation that they actually landed it. They're not just
19 going to be able to come in and say yes, I had five pounds four
20 months ago or three months ago.

21
22 **CHAIRMAN ANSON:** Right and so if they had come to you and wanted
23 to renew and then showed a recent logbook of which there were
24 landings that weren't already entered in, you would accept them
25 even though they were in violation. You would accept them and
26 then that individual would be eligible to have their permit
27 renewed, correct?

28
29 **MS. LEVY:** Yes, I think that's happened in the past, but in this
30 case we want to put in some cutoff date that says hey, if your
31 stuff isn't submitted by this date, we're not going to consider
32 it for the purposes of your appeal and so if you think you have
33 landings, get your logbooks up to date and get them in.

34
35 **CHAIRMAN ANSON:** We may want to address that or you're asking
36 for some guidance or suggestions and we might be able to do
37 that, but we have a motion on the board and so maybe we can
38 handle that after we dispense with the motion. Any other
39 discussion on the motion? **All those in favor of the motion**
40 **please raise your hand; any opposition. The motion carries.**

41
42 **DR. DANA:** Mr. Chairman, this concludes my report.

43
44 **CHAIRMAN ANSON:** Thank you very much. Mr. Fischer.

45
46 **MR. FISCHER:** In the codified text, do we have to put a date
47 forward? Sometimes with a control date we actually use the
48 present date and I think this opens the door for the remaining

1 two or three permit holders to get in.

2
3 **MS. LEVY:** This isn't really a control date. What you're doing
4 is putting people on notice about when you're going to consider
5 the -- How long they have to get information to you that you're
6 going to consider for an appeal.

7
8 In the past when we've done this, it hasn't been that much of a
9 problem, because the dates that you've used to decide
10 eligibility have been way in the past and so eligibility ended
11 in 2010 and then the rules say NMFS will consider logbook data
12 submitted on or before something in 2011 and then the thing is
13 actually implemented in 2012 and so it hasn't been an issue, but
14 here the issue is that we're saying 2015, which we're in right
15 now.

16
17 We have to tell folks we're going to consider landings data that
18 you've submitted on or before some specified date in the future,
19 so that we give them that notice.

20
21 **CHAIRMAN ANSON:** Ryan, did you have a comment?

22
23 **MR. RINDONE:** I was just indicating to Dr. Dana that if the
24 council has selected preferred alternatives for all the actions
25 in the framework amendment that you guys might consider
26 recommending it to the Secretary for implementation.

27
28 **DR. DANA:** I guess that didn't conclude my report and thank you,
29 Ryan. **I would like, on behalf of the committee, to make the**
30 **motion to approve the CMP Framework Amendment 3 and that it be**
31 **forwarded to the Secretary of Commerce for review and**
32 **implementation and deem the codified text, as modified in**
33 **discussion, as necessary and appropriate, giving staff editorial**
34 **license to make the necessary changes in the document. The**
35 **Council Chair is given the authority to deem any changes to the**
36 **codified text as necessary and appropriate, if I can get a**
37 **second.**

38
39 **CHAIRMAN ANSON:** There's a second by Ms. Bademan. Any
40 discussion on the motion?

41
42 **MS. LEVY:** Just before you do that, a couple of things with
43 respect to the codified text that I wanted to point out. There
44 are a couple of places in there that talk about making a
45 correction from something that was done in a previous amendment
46 when we did the codified text for that amendment and that has to
47 do with the language in the ACL and accountability measures for
48 the recreational sector for these species that says when

1 landings are estimated or projected to reach the ACL, you close
2 and then there's a sentence in there that's similar to what we
3 have in reef fish that says the bag and possession limit would
4 also apply in the Gulf onboard a vessel for which a valid
5 federal charter vessel headboat permit for coastal migratory
6 pelagic fish has been issued without regard to where such
7 species are harvested, i.e., in state of federal waters.

8
9 It reduces the bag limit to zero and then there's that section
10 in there about it applying no matter where the species are
11 harvested and NMFS has determined that that was put in there in
12 error when you did the ACL/AM amendments. This is going to take
13 that out. This particular rulemaking will take that out and so
14 that's what that correction thing is in the codified text.

15
16 Then the other thing that I wanted to point out was the date
17 that we just discussed about the determinations. Again, if
18 anyone has any strong feelings about how much time folks should
19 be given, please let us know.

20
21 Then the other thing in there is that we put the trip limit
22 reduction language in there to show you what it would look like,
23 since you were contemplating adding that alternative, but since
24 you didn't do that, that language will be removed before the
25 rule is proposed.

26
27 **EXECUTIVE DIRECTOR GREGORY:** So we could do an amendment to this
28 motion to put a timeline for logbook appeals?

29
30 **MS. LEVY:** You don't need to do an amendment. It's just that,
31 like I said, the agency is going to have to put a date in there
32 about how far in the future after the rulemaking comes out that
33 we're going to allow looking at landings -- People to submit
34 logbook landings.

35
36 We have in there "date" and we were thinking sixty to ninety
37 days after promulgation of the rule would be the cutoff and if
38 you don't submit any updated logbooks by then, then we're not
39 going to consider them later in time once we tell you that you
40 can't renew, but if there is some other time period that the
41 council feels is more appropriate than sixty or ninety days,
42 then to let us know that.

43
44 **EXECUTIVE DIRECTOR GREGORY:** What's the best way to let you know
45 that? Is it a motion?

46
47 **MS. LEVY:** You could make a motion.

48

1 **EXECUTIVE DIRECTOR GREGORY:** If it's not an amendment to this
2 motion, can it come after this motion?
3
4 **MS. LEVY:** If you're in agreement. I mean you can do this and
5 then tell us what time period you think is appropriate.
6
7 **CHAIRMAN ANSON:** Any other discussion on the motion? It's a
8 roll call vote.
9
10 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.
11
12 **MS. BOSARGE:** Yes.
13
14 **EXECUTIVE DIRECTOR GREGORY:** Mr. Perret.
15
16 **MR. PERRET:** Yes.
17
18 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bademan.
19
20 **MS. BADEMAN:** Yes.
21
22 **EXECUTIVE DIRECTOR GREGORY:** Mr. Robinson.
23
24 **MR. ROBINSON:** Yes.
25
26 **EXECUTIVE DIRECTOR GREGORY:** Dr. Crabtree or Steve Branstetter.
27
28 **DR. BRANSTETTER:** Yes.
29
30 **EXECUTIVE DIRECTOR GREGORY:** Dr. Dana.
31
32 **DR. DANA:** Yes.
33
34 **EXECUTIVE DIRECTOR GREGORY:** Mr. Boyd.
35
36 **MR. BOYD:** Yes.
37
38 **EXECUTIVE DIRECTOR GREGORY:** Mr. Diaz.
39
40 **MR. DIAZ:** Yes.
41
42 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.
43
44 **DR. STUNZ:** Yes.
45
46 **EXECUTIVE DIRECTOR GREGORY:** Mr. Sanchez.
47
48 **MR. SANCHEZ:** Yes.

1
2 **EXECUTIVE DIRECTOR GREGORY:** Mr. Pearce. He can't vote. Mr.
3 Williams.
4
5 **MR. WILLIAMS:** Yes.
6
7 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.
8
9 **MR. WALKER:** Yes.
10
11 **EXECUTIVE DIRECTOR GREGORY:** Mr. Greene.
12
13 **MR. GREENE:** Yes.
14
15 **EXECUTIVE DIRECTOR GREGORY:** Mr. Fischer.
16
17 **MR. FISCHER:** Yes.
18
19 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.
20
21 **MR. MATENS:** Yes.
22
23 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.
24
25 **CHAIRMAN ANSON:** Yes.
26
27 **EXECUTIVE DIRECTOR GREGORY:** It's unanimous sixteen to zero with
28 one absentee.
29
30 **CHAIRMAN ANSON:** All right and so Mr. Williams.
31
32 **MR. WILLIAMS:** Mara, what you typically take about, what, five
33 months to approve a regulatory amendment like this? I am just
34 trying to figure out when this would take effect and then --
35 This would take effect probably in October or November or
36 something like that and if we gave people until the end of the
37 year to get any landings they have in.
38
39 **MS. LEVY:** I am getting direction that it might be a little
40 later than that. You may want to just specify thirty days after
41 the publication of the final rule or sixty days or how much time
42 do you think is appropriate after we publish the final rule and
43 say this is it, because also think about the fact that we have
44 to mail out these determination letters letting them know
45 whether they qualify and you kind of want to have the date that
46 you can submit the logbooks either before or with that date,
47 because you don't want the letter to go out and the people to be
48 like, oh, yes, here's my logbook. You want to sort of prompt

1 the action to happen before you send the letter.
2

3 **MR. WILLIAMS:** I think people have known this is coming and they
4 will have plenty of time to know it's coming. **I would offer a**
5 **motion then that -- I am not sure quite how to craft it, but**
6 **thirty days is what I'm thinking about, that a person have**
7 **thirty days to submit their logbook in order to qualify for a**
8 **coastal migratory pelagics gillnet permit.** Did I frame that
9 correctly or not? Did I leave something out? I probably did.

10

11 **MR. SANCHEZ:** I will second it, even though it's not finished
12 yet.

13

14 **CHAIRMAN ANSON:** Let's wait for it to go up on the board.

15

16 **MR. WILLIAMS:** Could you help here, Mara?

17

18 **MS. LEVY:** Why don't we make it thirty days from the effective
19 date of the final rule?

20

21 **MR. WILLIAMS:** That's fine with me.

22

23 **CHAIRMAN ANSON:** We have a motion on the board that a person has
24 thirty days to submit their logbook -- A person can submit their
25 logbook for thirty days from the effective date of the final
26 rule. Remove the first "thirty days" reference. A person has
27 thirty days to submit their logbook from the effective date of
28 the final rule for CMP Amendment 3. It's been seconded and any
29 discussion on the motion?

30

31 **MS. BOSARGE:** Just a question. I was just thinking about it
32 from -- It sounds like we're thinking about it from the
33 perspective of somebody that maybe is trying to show landings
34 and keep their permit. John, there's not -- I am just thinking
35 about when these permit renew and usually you go get your permit
36 right before the season opens. At least in a lot of the stuff
37 that we do, that's when they typically renew.

38

39 We won't have anybody that surely is not aware of this and that
40 didn't have landings and they go to renew their permit and it's
41 after this thirty days and they go, oh, shoot, are you kidding?

42

43 **MR. SANCHEZ:** To that point, I just don't see with a fishery
44 that's already closed and you're expected to have submitted your
45 landings already in a timely manner for them to be able to
46 justifiably come back after the fact so late and be able to say
47 here's my whatever landings. It would be, in my mind, very
48 suspect, very incredulous. I don't see it happening, really.

1
2 **MS. BOSARGE:** Okay. Thanks.
3

4 **DR. BRANSTETTER:** As Mara mentioned, we will be sending
5 notification letters out to all permit holders, letting them
6 know, based on our interpretation, whether they have qualified
7 for a permit renewal or not.
8

9 **CHAIRMAN ANSON:** Any other discussion on the motion? **Is there**
10 **any opposition to the motion? Seeing none, the motion carries.**
11

12 **DR. DANA:** Mr. Chairman, that really does conclude my report.
13

14 **CHAIRMAN ANSON:** All right. Thank you. Sustainable
15 Fisheries/Ecosystem and Ms. Bosarge.
16

17 **SUSTAINABLE FISHERIES/ECOSYSTEM MANAGEMENT COMMITTEE REPORT**
18

19 **MS. BOSARGE:** All right. The first topic discussed by the
20 Sustainable Fisheries/Ecosystem Management Committee was
21 National Standard 1, 3, and 7 Proposed Revisions. Council staff
22 reviewed the proposed recommendations contained in the draft
23 letter to National Marine Fisheries Service. The following
24 comments for modification of the recommendations were made by
25 individuals.
26

27 Recommendation 1 was to reassess the objectives of the fishery
28 on a regular basis. Committee members suggested that the time
29 period for reviewing objectives should be more specific. A
30 suggestion was made to reassess the objectives of the fishery on
31 a regular basis, not to exceed five or some other number of
32 years.
33

34 Recommendation 11, the rebuilding time period shall not exceed
35 ten years, except where biology of the stock or other
36 environmental conditions -- Committee members suggested that the
37 inclusion of the social and economic environments be explicitly
38 included by changing the wording to "The time period shall not
39 exceed ten years except where biology of the stock, impacts to
40 the socioeconomic environment or other environmental conditions,
41 or management measures under an international agreement to which
42 the U.S. participates dictates otherwise.
43

44 Recommendation 14, emergency actions and interim measures, the
45 committee had no opposition to staff's proposal to recommend
46 adding the 1997 criteria for emergency action to the section.
47 Mara Levy stated that the section only included criteria for
48 interim rules because National Standard 1 pertains only to

1 prevent overfishing and achieving optimum yield.

2
3 Other comments made but not recommending changes to the letter
4 included Recommendation 2, stocks that require conservation and
5 management. Mara Levy stated that the proposed revisions
6 eliminate the criteria for determining ecosystem component
7 species and replace them with more general language for
8 determining species that are in need of management. Species
9 that do not meet that guidance could be declared ecosystem
10 component stocks.

11
12 Recommendation 8, ABC phase-in, Mara stated that the proposal to
13 allow ending of overfishing to be phased in over a period not to
14 exceed three years is inconsistent with the Magnuson-Stevens Act
15 requirement to end overfishing immediately.

16
17 Recommendation 13, adequate progress, Mara stated that the
18 reason why National Standard 1 proposed revisions called for a
19 review every two years is because the Magnuson-Stevens Act
20 specifies that for any overfished fishery the Secretary review
21 any fishery management plan, plan amendment, or regulations at
22 routine intervals that may not exceed two years. **The committee**
23 **recommends, and I so move, to give staff editorial license in**
24 **amending the document found as Tab B-4(a).**

25
26 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on
27 the motion?

28
29 **EXECUTIVE DIRECTOR GREGORY:** A question. The Recommendation 8
30 and 13, where NOAA General Counsel indicates that National
31 Marine Fisheries Service in National Standards has their hands
32 tied by the Magnuson Act, we might consider not keeping those in
33 the letter, since there's nothing National Marine Fisheries
34 Service can do about that. Those are a carryover from comments
35 we were making to Congress last year and so maybe Recommendation
36 8 and 13 could be removed from the letter.

37
38 **MS. BOSARGE:** Okay. I think it says the -- The heading that
39 that Recommendation 2, 8, and 13 fall under are other comments
40 made but not recommending changes to the letter and so they fall
41 under there and so would that be okay, Doug, or are you asking
42 for something different?

43
44 **EXECUTIVE DIRECTOR GREGORY:** Yes, I'm suggesting that they could
45 be removed from the letter, which would be a change, since it's
46 been indicated that NMFS cannot make the changes we've asked
47 for, because they are constrained by the Magnuson Act. It could
48 be confusing to them for us to be asking things that they can't

1 do. That was an oversight on staff's part.
2
3 **CHAIRMAN ANSON:** That's a major change to the letter and that's
4 what Doug is asking, is in order to clean up the letter, as it
5 were, to possibly remove those references to those in the
6 letter.
7
8 **MR. PERRET:** It's a committee motion and can I amend the
9 committee motion just to remove those items that NMFS has no
10 control over because of requirements of the Magnuson Act? Is an
11 amendment in order?
12
13 **EXECUTIVE DIRECTOR GREGORY:** Sure.
14
15 **MR. PERRET:** I would amend the motion to allow staff to remove
16 those issues that NMFS is prevented from doing due to
17 requirements in the Magnuson Act or some language of that type.
18
19 **MS. BOSARGE:** And give them editorial license in amending the
20 remainder of the document, Corky.
21
22 **MR. PERRET:** Yes.
23
24 **CHAIRMAN ANSON:** There's an amended motion on the board and is
25 there a second for the motion? Mara.
26
27 **MS. LEVY:** Just a suggestion that it's actually a substitute
28 motion, because it's a committee motion that the council is now
29 looking at.
30
31 **CHAIRMAN ANSON:** So it's a substitute motion. Is there a second
32 to the substitute motion?
33
34 **MR. DIAZ:** Second.
35
36 **CHAIRMAN ANSON:** It's been seconded by Mr. Diaz. Any further
37 discussion on the motion? **Any opposition to the motion? Seeing**
38 **none, the motion carries.**
39
40 **MS. BOSARGE:** The next topic discussed by the committee was the
41 Review of Draft CCC NEPA White Paper.
42
43 **CHAIRMAN ANSON:** Excuse me one second, Leann. I am sorry, but
44 Mr. Atran.
45
46 **MR. ATRAN:** There is another issue on the letter, Recommendation
47 Number 1, where it says to reassess the objectives on a regular
48 basis. You recommended that it be a more specific reporting

1 time, but one person suggested five years and what we put in the
2 report was not to exceed five or some other number of years. Do
3 you want to try to reach some agreement on how many years that
4 should be? This is still a very vague recommendation to put in
5 the way it's worded right now.

6
7 **CHAIRMAN ANSON:** Anyone have any comments? My comment would be
8 possibly not to exceed five years or some other time period
9 greater than that. I mean unless we have any specific heartburn
10 about a number that we want to pass on, I mean we can give them
11 the opportunity to think about it and such and I mean if six is
12 better than five in some instances, but ten is better than five
13 too and so I don't know. Council members, do you have any hard
14 feelings on that as to providing a different number or a solid
15 number? No?

16
17 **MS. BOSARGE:** No, I think that's a good suggestion.

18
19 **MR. ATRAN:** Okay and so I wouldn't put in a specific number. I
20 would just say we recommend you have a specific number and that
21 you determine what is the most appropriate number of years or
22 something along those lines.

23
24 **EXECUTIVE DIRECTOR GREGORY:** But think about it. How many FMPs
25 do we have? Five? I mean five years comes up pretty quickly
26 and to start reviewing the objectives for each one, it could be
27 just a short period of time it takes to go over them and not
28 change anything, but it -- At least five years and nothing
29 shorter than five years.

30
31 **MR. ATRAN:** At least five years. Okay. I'm clear on that now.

32
33 **CHAIRMAN ANSON:** A minimum of five years. Right. Okay, Leann.

34
35 **MS. BOSARGE:** That five years, we wouldn't want to do it more
36 frequently than every five years. Five years or greater. Yes,
37 because I mean we have some management plans that we started in
38 the early 1980s and I think reviewing those every once in a
39 while is okay, but maybe not every five years, the objectives of
40 them anyway.

41
42 **CHAIRMAN ANSON:** Staff is good on that? Are you good, Steven?
43 Okay.

44
45 **MS. BOSARGE:** Okay. Review of Draft CCC NEPA White Paper,
46 council staff reviewed the intent of the proposal to integrate
47 NEPA requirements into the Magnuson-Stevens Act. The CCC
48 proposal contains the same language that is in HR 1335. There

1 is some opposition, due to concern that this would weaken the
2 council requirements relative to current NEPA requirements.

3
4 The proposal is intended to maintain the requirements, but
5 incorporate them into the Magnuson-Stevens Act. The committee
6 had no opposition to incorporating the proposed changes into the
7 Magnuson-Stevens Act. Staff will present the council's
8 recommendations at the CCC meeting. Mr. Chairman, this
9 concludes my report.

10
11 **CHAIRMAN ANSON:** Thank you, Ms. Bosarge. Next we have the
12 Shrimp Committee Report and Mr. Perret.

13
14 **SHRIMP MANAGEMENT COMMITTEE REPORT**

15
16 **MR. PERRET:** Thank you, Mr. Chairman. For my final report, the
17 Shrimp Committee met and discussed Final Action Shrimp Amendment
18 15, Status Determination Criteria for Penaeid Shrimp and
19 Adjustments to the Shrimp Framework Procedure.

20
21 The committee reviewed Shrimp Amendment 15 and the new
22 alternative for Action 1.3. This new alternative gives an MSY-
23 based overfished definition which is consistent with the
24 preferred alternative for overfishing.

25
26 **The committee recommends, and I so move, in Action 1.3 that**
27 **Alternative 4 be the preferred alternative. Alternative 4 is**
28 **the overfished threshold is defined as the MSST. The MSST for**
29 **each penaeid shrimp stock is defined as the minimum spawning**
30 **stock biomass at MSY (SSBMSY). SSBMSY values for the penaeid**
31 **shrimp stocks are values produced by the stock synthesis model.**
32 **Species specific SSBMSY values will be recomputed during the**
33 **updated assessments, but only among the fishing years 1984**
34 **through 2012. The values for each species will be updated every**
35 **five years through the framework procedure unless changed**
36 **earlier by the council. Currently, the stock synthesis model**
37 **produces the following values: for Brown shrimp, SSBMSY is**
38 **6,098,868 pounds of tail; white shrimp, SSBMSY is 365,715,146**
39 **pounds of tails; pink shrimp, SSBMSY is 23,686,906 pounds of**
40 **tails. The motion carried with no opposition.**

41
42 **CHAIRMAN ANSON:** We have a committee motion. Is there any
43 discussion on the motion? **Any opposition to the motion?**

44
45 **MR. FISCHER:** I just want to verify the brown shrimp pounds as
46 being correct.

47
48 **MR. PERRET:** Yes, it looks low, Myron, and remember that's a

1 minimum, a minimum number, but it does look really low compared
2 to the white and pink and I asked about that myself and, Morgan,
3 do you want to give any more explanation on that lower number on
4 brown?

5

6 **MR. FISCHER:** I think it's incorrect.

7

8 **DR. MORGAN KILGOUR:** Sure. If you look at the rest of the
9 document, you'll see a really big discrepancy between the other
10 MSST values as well and it's pretty consistent, but that is the
11 number that I got from the Science Center. I can double check
12 and make sure and get back to you.

13

14 **MR. FISCHER:** I just can't imagine the magnitude between brown
15 shrimp and white shrimp being that significant.

16

17 **MR. PERRET:** Morgan, please check on that and, Myron, you had
18 good training. I asked the same question. It looks very low to
19 me.

20

21 **CHAIRMAN ANSON:** We still have the motion. **Is there any**
22 **opposition to the motion?**

23

24 **MR. FISCHER:** Until we verify the numbers.

25

26 **CHAIRMAN ANSON:** Until we verify.

27

28 **MS. BOSARGE:** This may take going back to the people that are
29 the ones that crafted those numbers and maybe we can not take
30 final action on this today and let them get back to us and
31 double check everything and get back to us on this.

32

33 **EXECUTIVE DIRECTOR GREGORY:** I am not familiar with the details,
34 but I do know that, given all the mandates of the Magnuson Act
35 and stuff, the people working on the shrimp analysis in the
36 shrimp industry do what they can to make sure it's not described
37 as overfished.

38

39 It would have to be like an environmental disaster and so that
40 could account for that low number and why the other fisheries
41 are not equally low, I don't know, but if we submit this and
42 during NMFS's approval process, particularly given this
43 discussion, they will double check the numbers and they'll send
44 it back to us if there is an error and so I wouldn't encourage
45 any delay because of this potential confusion.

46

47 **MR. FISCHER:** Did we vote?

48

1 **CHAIRMAN ANSON:** No, we haven't voted. I guess I will do it the
2 other way. All those, based on Doug's comments and, Mara and
3 Stave Branstetter, if that is incorrect and it's found out that
4 it needs to be changed, I mean obviously that will be reflected
5 in what goes up to the Secretary, correct?
6

7 **DR. BRANSTETTER:** Yes, but Sue and Morgan both said that is the
8 number. That's what came out of Galveston.
9

10 **DR. KILGOUR:** I just went back and checked and the number that I
11 was given was in metric tons of tails, which is consistent with
12 converting it to pounds of tails, and that looks to be about the
13 right number and I can do the calculation again, but there was
14 about two orders of magnitude difference in the metric tons of
15 tails between white shrimp and brown shrimp and so I'm pretty
16 sure that's the correct number.
17

18 **CHAIRMAN ANSON:** Okay. All those in favor of the motion on the
19 board please raise your hand.
20

21 **EXECUTIVE DIRECTOR GREGORY:** Fourteen.
22

23 **CHAIRMAN ANSON:** All those opposed to the motion please raise
24 your hand.
25

26 **EXECUTIVE DIRECTOR GREGORY:** Zero.
27

28 **CHAIRMAN ANSON:** Zero, okay.
29

30 **MR. PERRET:** Thank you. For Action 1.3, it was requested that
31 language outlining the differences between Alternatives 2 and 3
32 and Alternative 4, similar to what is in Action 1.2, be added to
33 the document.
34

35 **The committee recommends, and I so move, to approve the Shrimp**
36 **Amendment 15 and recommend that it be forwarded to the Secretary**
37 **of Commerce for review and implementation, and deem the codified**
38 **text as modified in discussion as necessary and appropriate,**
39 **giving staff editorial license to make the necessary changes in**
40 **the document. The Council Chair is given the authority to deem**
41 **any changes to the codified text as necessary and appropriate.**
42 This motion carried with no opposition and I think we need a
43 roll call on this one, Mr. Chairman.
44

45 **CHAIRMAN ANSON:** Hold on one second.
46

47 **MS. BOSARGE:** Mara, you will double check that white shrimp
48 number too, because really, that would be the one that would

1 probably be most concerning, because this is supposed to be a
2 minimum number of spawning stock biomass and so I know you're
3 going to double check it all, but I just wanted to throw it out
4 there that really white shrimp would be the concern, that you
5 would need that much biomass as a minimum.
6
7 **MS. LEVY:** I would have no mechanism on how to check that. I
8 mean I have to rely on whatever the Science Center says is
9 correct, but I am sure we'll look into it.
10
11 **EXECUTIVE DIRECTOR GREGORY:** For this roll call vote,
12 appropriately, Mr. Perret.
13
14 **MR. PERRET:** Yes.
15
16 **EXECUTIVE DIRECTOR GREGORY:** Mr. Williams. Mr. Sanchez.
17
18 **MR. SANCHEZ:** Yes.
19
20 **EXECUTIVE DIRECTOR GREGORY:** Mr. Pearce is absent. Dr. Dana.
21
22 **DR. DANA:** Yes.
23
24 **EXECUTIVE DIRECTOR GREGORY:** Mr. Matens.
25
26 **MR. MATENS:** Yes.
27
28 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bosarge.
29
30 **MS. BOSARGE:** Yes.
31
32 **EXECUTIVE DIRECTOR GREGORY:** Mr. Walker.
33
34 **MR. WALKER:** Yes.
35
36 **EXECUTIVE DIRECTOR GREGORY:** Mr. Branstetter.
37
38 **UNIDENTIFIED FEMALE:** Yes.
39
40 **DR. BRANSTETTER:** That's on her performance plan now that she
41 can say she acted for Roy.
42
43 **EXECUTIVE DIRECTOR GREGORY:** Mr. Diaz.
44
45 **MR. DIAZ:** Yes.
46
47 **EXECUTIVE DIRECTOR GREGORY:** Mr. Boyd.
48

1 **MR. BOYD:** Yes.
2
3 **EXECUTIVE DIRECTOR GREGORY:** Dr. Stunz.
4
5 **DR. STUNZ:** Yes.
6
7 **EXECUTIVE DIRECTOR GREGORY:** Mr. Greene.
8
9 **MR. GREENE:** Yes.
10
11 **EXECUTIVE DIRECTOR GREGORY:** Mr. Robinson.
12
13 **MR. ROBINSON:** Yes.
14
15 **EXECUTIVE DIRECTOR GREGORY:** Ms. Bademan.
16
17 **MS. BADEMAN:** Yes.
18
19 **EXECUTIVE DIRECTOR GREGORY:** Mr. Fischer.
20
21 **MR. FISCHER:** Yes.
22
23 **EXECUTIVE DIRECTOR GREGORY:** Mr. Anson.
24
25 **CHAIRMAN ANSON:** Yes.
26
27 **EXECUTIVE DIRECTOR GREGORY:** Mr. Williams.
28
29 **MR. WILLIAMS:** Yes.
30
31 **EXECUTIVE DIRECTOR GREGORY:** It's unanimous, sixteen to zero
32 with one absence.
33
34 **MR. PERRET:** Thank you, Mr. Chairman. Continuing on, on the
35 Options Paper for Shrimp Amendment 17, which is addressing the
36 expiration for the shrimp permit moratorium, the committee
37 reviewed the options paper for Shrimp Amendment 17. The
38 committee requested that in the purpose and need section that
39 maintaining a high CPUE be incorporated into the section.
40
41 After considerable discussion, the committee felt that it was
42 appropriate to select a preferred alternative for Action 1. **The**
43 **committee recommends, and I so move, in Action 1, to select**
44 **Alternative 2, Option b as the preferred alternative.**
45 **Alternative 2 is to extend the moratorium on the issuance of**
46 **federal Gulf commercial shrimp vessel permits. The moratorium**
47 **would be extended for Option b, ten years. This motion carried**
48 with no opposition.

1
2 **CHAIRMAN ANSON:** We have a committee motion. Is there any
3 discussion on the motion? **Is there any opposition to the**
4 **motion? Seeing none, the motion carries.**

5
6 **MR. PERRET:** The committee discussed Action 2.1. It was noted
7 that prior to the moratorium that permits were open access and
8 not monitored and so a number can only be estimated. The
9 committee requested that for future discussion that the number
10 of latent permits be provided.

11
12 It was discussed whether or not a permit pool was necessary or
13 if it would be more appropriate for the council to review the
14 fishery if a target number of permits was reached. Staff will
15 revise the alternatives in Action 2.1 to address this and add
16 two options to each alternative. One, if the number of permits
17 drops below the target, then a permit pool will be created and
18 two, if the number of permits drops below the target, the
19 council will review the fishery to determine if action is
20 needed.

21
22 There was also discussion about the eligibility requirements for
23 a permit pool permit in Action 2.2. Eligibility requirements
24 will complicate the document and the process and the committee
25 will have to revisit this issue at a later date. It was
26 requested that the "once per year" provision be removed from
27 Action 2.2, Alternative 2.

28
29 Lastly, the committee reviewed Action 3, which addresses the
30 royal red shrimp endorsement. **The committee recommends, and I**
31 **so move, in Action 3, to move Alternative 3 to considered but**
32 **rejected.** The motion carried with no opposition.

33
34 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on
35 the motion? **Any opposition to the motion? Seeing none, the**
36 **motion carries.**

37
38 **MR. PERRET:** Thank you, Mr. Chairman. The committee also
39 requested that the Shrimp Advisory Panel review the public
40 hearing draft of Shrimp Amendment 17 prior to the October 2015
41 council meeting and that concludes my last report. Thank you.

42
43 **CHAIRMAN ANSON:** Thank you, Mr. Perret.

44
45 **MS. SUE GERHART:** Just a clarification. In that paragraph that
46 said you requested the number of latent permits, I believe that
47 was the number of active permits that was requested, Ms.
48 Bosarge.

1
2 **MS. BOSARGE:** Yes, ma'am, that is correct.

3
4 **MR. PERRET:** Thank you. That's my error.

5
6 **CHAIRMAN ANSON:** All right. Next we have Mr. Williams and the
7 Joint Coral/Habitat Protection Committee Report.

8
9 **JOINT CORAL/HABITAT PROTECTION COMMITTEE REPORT**

10
11 **MR. WILLIAMS:** Thank you, Mr. Chairman. The joint committee
12 reviewed the report from the Coral SSC and AP May 2015 meeting.
13 The Coral SSC and AP recommended that forty-seven known coral
14 areas be considered as new HAPCs with regulations that are
15 concurrent with those of Pulley Ridge.

16
17 There were several areas identified by the Coral SSC and AP as
18 needing boundary revision to accommodate for shrimping effort.
19 Staff reviewed all proposed HAPCs in the Gulf and reviewed
20 current HAPCs with no regulations.

21
22 There was considerable discussion about including more
23 fisheries, namely reef fish, shrimp, lobster, and any bottom
24 longliners, in the discussion about the boundaries once the
25 revised boundaries were identified. This process of stakeholder
26 involvement should happen before a document is initiated.

27
28 Additionally, the features with corals in the proposed areas
29 should be outlined for future reference. It was also requested
30 that the revised boundaries and report be presented to the
31 Shrimp AP at its next meeting.

32
33 **The committee recommends, and I so move, to instruct staff to
34 convene a meeting of the appropriate coral scientists along with
35 other fishery stakeholders to review potential coral HAPCs.**

36
37 **CHAIRMAN ANSON:** We have a committee motion. Any discussion on
38 the motion? **Is there any opposition to the motion? Seeing
39 none, the motion carries.**

40
41 **MR. WILLIAMS:** That concludes my report, Mr. Chairman.

42
43 **SSC PANELISTS AND AP MEMBERS**

44
45 **CHAIRMAN ANSON:** Thank you, Mr. Williams. We provided the SSC
46 panelists and AP membership lists the other day. Those are on
47 the website and is that correct, Doug, that those lists are on
48 the website or Charlene?

1
2 **MS. CHARLENE PONCE:** Yes.

3
4 **CHAIRMAN ANSON:** Thank you. Mr. Williams.

5
6 **MR. WILLIAMS:** Mr. Chairman, I will tell you that I've been
7 approached by several of the NGOs that are concerned that our
8 Reef Fish Advisory Panel does not include an NGO. An NGO has
9 been on that Reef Fish Advisory Panel for a long time and I know
10 we had Pam Baker in my old term as a council member. I know she
11 was on it and I know we had some discussion at the committee
12 level and I know that it's a big committee, but one of the NGOs
13 would really like to have a position, just so they would have a
14 place from which they could talk at the table and have a
15 position on the table.

16
17 I would just ask that we consider at the August meeting
18 selecting an NGO for that advisory panel and I don't know if
19 that -- Should that be in the form of a motion or can we just do
20 it? Can we just understand that --

21
22 **EXECUTIVE DIRECTOR GREGORY:** It has to be a closed session.

23
24 **MR. WILLIAMS:** That is all right with me. I would do it right
25 now, except I don't think we can legally close.

26
27 **MR. PERRET:** Roy, as you know, we spent several hours on this
28 and while I probably agree with you and we had this discussion
29 in private. I am sure there is a lot of commercial and
30 recreational people that were probably here that would like
31 another shot too that didn't feel that they represented well
32 enough or would like to be on it.

33
34 I just hate to open anything like that up just to consider one
35 particular group. If we open it up, we may want -- We may be
36 here, and I've got no place to go, but we may be here with other
37 things that would come up. We have already announced the list
38 and if we start adding to it, I think we're opening things up.
39 I really do.

40
41 **CHAIRMAN ANSON:** I was just going to add that since we created
42 the committee and we voted as a motion to create the committee
43 that we dispensed of that motion by formulating a list in our
44 minds that was complete and we would probably need another
45 motion to have a closed session and whether or not we would re-
46 advertise or not or use the existing list, I don't know, but we
47 probably would at least need another motion so that the council
48 is clear as to what we're doing. Again, because I considered

1 the action that addressed the previous motion to be done. Mara.
2
3 **MS. LEVY:** It almost seems like it would be a motion to
4 reconsider, although I am not sure who was on the prevailing
5 side at this point, but I think it seems to be that that would
6 be more appropriate, but I don't know if we have any tally or
7 remembrance of who voted for what right now.
8
9 **CHAIRMAN ANSON:** Could we not just make it as a separate motion
10 that we would have another closed session to do that very task
11 of selecting an NGO to Reef Fish and just have that separate
12 motion and just a stand-alone?
13
14 **MS. LEVY:** I mean I guess you could. We don't necessarily
15 follow Roberts Rules to the T, but I guess I am trying to
16 recollect how it was, but it was a motion to accept the panel as
17 listed and so if you're going to reconsider that at the same
18 meeting, I think it's technically a motion to reconsider, but,
19 like I said, we don't always follow the procedure to a T.
20
21 **MR. WILLIAMS:** Mara, couldn't we approve a motion to just
22 specifically hold a closed session at our next meeting in order
23 to consider appointing an NGO to the Reef Fish Committee and
24 make it as simple as that?
25
26 **MS. LEVY:** I guess so.
27
28 **MR. WILLIAMS:** I would like to make that motion then. **I would**
29 **like to move that we reconvene the AP Selection Committee, if**
30 **there is such a thing and I guess we're a committee of the**
31 **whole, but to reconvene the AP Selection Committee to consider**
32 **appointment of an NGO to the Reef Fish Advisory Panel at our**
33 **next meeting.**
34
35 **CHAIRMAN ANSON:** There is a motion on the board. Is there a
36 second? I see hands, but I don't hear a second.
37
38 **MR. WALKER:** I will second it.
39
40 **CHAIRMAN ANSON:** We have a second from Mr. Walker. I have Camp,
41 Dr. Dana, and Dale.
42
43 **MR. MATENS:** Thank you, Mr. Chairman. Clear this up for me.
44 Are we going to consider one name or a suite of names?
45
46 **MR. WILLIAMS:** I would think we would just use the applicants
47 that we had last time and look at selecting one of those NGOs.
48 I think they were all identified as such.

1
2 **MR. MATENS:** To that point, we have a system and went through
3 the system and when are we going to repopulate this AP again?
4 It will be next June of next year and will it not, Doug? When
5 is the next chance to repopulate this?
6

7 **EXECUTIVE DIRECTOR GREGORY:** It could be as long as three years,
8 but we're at a point now where -- I forgot what our staggering
9 was, but we've staggered the APs so that we're selecting a third
10 of them every year and I don't recall what year the Reef Fish AP
11 fell into, the first, second, or third year, but that would be a
12 good mechanism to do something like that.
13

14 **MR. MATENS:** Thank you, sir.
15

16 **DR. DANA:** I am just going back to the time when we had
17 complications with the For-Hire Charter AP, I think it was an
18 AP, and we decided as a council at that time that we were not
19 going to in the future entertain revisiting APs once they were
20 established and so we're kind of going back against what we
21 already established as future protocol.
22

23 **MR. DIAZ:** I just want to make a point that there is a gentleman
24 from Mississippi and his name is F.J. Eicke and he is an officer
25 in the Mississippi Chapter of the Coastal Conservation
26 Association and I don't know that that even came up in
27 discussion. He is a long-standing member of -- I believe he was
28 on the Reef Fish AP for multiple years and so I just want to
29 bring that out so that folks know that at least a state member
30 of an NGO is on there.
31

32 **MR. BOYD:** In honor of Corky, I think for the first time in four
33 years that I'm going to agree with him. I don't think we ought
34 to reopen this. We spent hours going through the process and we
35 made decisions and names were brought up of many different
36 people and some of those were rejected and some of them were
37 accepted and so I think we ought to stay with the list we had
38 and we will reconsider this at the next round.
39

40 **MR. WALKER:** I know in the past on ad hoc committees that we've
41 had NGOs that were members and they participated and we had law
42 enforcement that participated, but they weren't voting members.
43 That's all I might add.
44

45 **CHAIRMAN ANSON:** We have a motion on the board to reconvene a
46 closed session of the AP Selection Committee to consider
47 appointment of an NGO member to the Reef Fish AP at the next
48 council meeting. **All those in favor of the motion please raise**

1 **your hand, three; all those opposed same sign, ten. The motion**
2 **fails.**

3
4 Next is we have to attend one other thing. The Data Collection
5 Committee Report, there was one item that was not read into the
6 record and, Johnny, since you were Vice Chair, if you can go
7 ahead and read that, please.

8
9 **MR. GREENE:** MRIP Fishing Effort Survey Transition Plan, the
10 committee received a presentation from Dave Van Voorhees
11 regarding the MRIP transition plan that is moving the
12 recreational effort survey from a telephone to a mail-based
13 approach that improves response rates and sample frame coverage.
14 Mr. Chairman, this concludes my report.

15
16 **CHAIRMAN ANSON:** Thank you, Mr. Greene. That will take us back
17 around to Reef Fish. We will conclude the Reef Fish Report and
18 Mr. Greene.

19
20 **REEF FISH MANAGEMENT COMMITTEE REPORT (CONTINUED)**

21
22 **MR. GREENE:** I think at this point we probably need to go to Dr.
23 Simmons for just an overview.

24
25 **DR. SIMMONS:** Thank you, Mr. Chair. I just -- For completeness,
26 staff's understanding regarding the South Florida Options Paper,
27 that we would take those few remaining committee motions and
28 defer the council working on those until October, after we see
29 what the South Atlantic Council does at their September meeting,
30 and then bring the draft options paper back with that
31 information to the committee and council at that time and so I
32 just want to make sure that that's clear and that's staff's
33 plan. Thank you.

34
35 **CHAIRMAN ANSON:** Okay. Anybody have any objection to that or
36 heartburn with that? Okay. Mr. Greene.

37
38 **MR. GREENE:** Mr. Chairman, that concludes my report.

39
40 **CHAIRMAN ANSON:** Thank you, sir. Mr. Williams.

41
42 **MR. WILLIAMS:** Mr. Chairman, as Dr. Crabtree left this morning
43 to go over to the South Atlantic Council meeting, he made some
44 reference to the motion that we passed earlier regarding the
45 formation of an ad hoc recreational group and he pointed out the
46 fact that all the recreational representatives voted against it.

47
48 Over the lunch hour, I considered to -- I considered to think

1 about it and I am concerned that this gives the impression that
2 we're just shoving something down their throat and that they
3 haven't bought into this thing. I mean we don't have a charge
4 for them and I really think that we ought to -- I don't want to
5 do away with this panel, but I really don't think that we're
6 prepared to have them assembled and brought to us at the August
7 meeting.

8
9 **I am going to offer a motion that this ad hoc private**
10 **recreational committee -- That the staff take no action**
11 **regarding the formation of this committee between now and the**
12 **August meeting.**

13
14 **DR. STUNZ:** Second.

15
16 **CHAIRMAN ANSON:** We have a motion that staff take no action on
17 formation of the ad hoc private recreational committee and it's
18 been seconded by Dr. Stunz. Is there any other discussion?

19
20 **MR. PERRET:** Roy, I assume you voted for the motion and is the
21 reason you don't want to take action now is to have council
22 members think about it for a charge and then come back at the
23 next meeting with the charge? Is that what you're trying to do?

24
25 **MR. WILLIAMS:** Well, yes, I did vote for the motion. I voted to
26 create this group, but the vote itself, the people who we
27 normally consider to be recreational people all voted against it
28 and I think this thing is doomed to failure if we simply shove
29 it down the throat of the recreational fishery. There has got
30 to be some buy-in from them and I'm not sure how to do it,
31 Corky, but I don't think we did it correctly today.

32
33 I am all in favor of having some kind of group, but I mean we
34 don't know what the charge of this group is going to be and we
35 need to think about this for a few months before we direct staff
36 to begin forming this group. We're just not ready for it.

37
38 **DR. STUNZ:** I agree with your comments, Roy. I am all about
39 doing something like this and I think a lot of people are and,
40 like you, a lot of us had discussions over lunch and I think
41 we're getting just a little bit ahead of ourselves and if we
42 gave these groups time to think about this, that this is
43 happening and getting that buy-in upfront, it's going to make a
44 big difference than just proceeding ahead with it and I am happy
45 to support this at the next meeting or whenever it's appropriate
46 that we have that type of support going on.

47
48 **MR. PEARCE:** I labored over this a long time and the reason I

1 brought Ken Haddad to the podium is I wanted to get his opinion.
2 Ken Haddad represents ACA and he is the one that thought this
3 would be a good thing to do. My original motion was to start an
4 amendment and I said no, that's going too far and so I backed up
5 and I talked to Ken and I talked to other recreational groups in
6 the audience as well and not this time, but last time.

7
8 I know David Walker talked to some influential recreational
9 groups in the audience about this particular motion and they
10 agreed that it would be a good idea to start it and so I've got
11 buy-in from people other than the people on this council and so
12 that's why I did what I did. It wasn't because I just pulled it
13 out of a hat in thin air.

14
15 Ready, fire, aim. Ready is you analyze the situation and you
16 talk to people and you get things done and if your heart says
17 it's right, you do it and that's what I did. I do think that
18 this is a necessary panel to do.

19
20 I think that every time you slow this down that it's one more
21 meeting slower or behind that they're going to be, but I think
22 that the private recreational fishermen just need to reevaluate
23 their fishery like all the other components have done and will
24 be doing and that's all I'm asking, is to sit back and look and
25 tell us how you want to prosecute your fishery. I did have buy-
26 in from two major groups before I did this and that's all I need
27 to say.

28
29 **MS. BADEMAN:** I was just going to say I think I would support
30 this motion also, just holding off. I understand that this may
31 be a direction the council wants to go, but I'm concerned that
32 since this wasn't specific to the species that is now under
33 sector separation right now -- I am concerned that people are
34 going to misinterpret that and they're going to assume that
35 we're trying to do sector separation for everything and it's
36 just going to start off poorly and we're not going to have buy-
37 in from folks. I think the council maybe needs to think about
38 the charge and what we really want this group to focus on, if we
39 do really want to get them together.

40
41 **MR. DIAZ:** I am kind of going to follow up on what a couple
42 other folks have said. I was having trouble a little while ago
43 trying to get this exactly straight about what we're meaning,
44 because as I hear different people talk, I hear different words
45 used.

46
47 I just heard "component" used and we're talking about all
48 recreational fisheries now and we're not talking about just red

1 snapper and so there is no components there and so we've got to
2 get all of our language straight and what we're trying to do
3 straight and then by waiting until August and thinking about
4 this and trying to come up with some ideas is probably a wise
5 thing to do.

6
7 In my mind, we're thinking about all recreational fishermen and
8 so this would include people with private boats and people that
9 go out on charter boats. I mean it's not limited and so anyway,
10 I think we can still accomplish what we wanted. It probably
11 won't go as fast as some people would like, but at least when we
12 go into it we will have thought it out better and maybe we can
13 get some buy-in before the August meeting also and that would
14 help this out tremendously. Thank you, sir.

15
16 **DR. DANA:** I would be okay to wait until the August meeting to
17 move forward on this ad hoc. However, I just want to remind
18 folks that I don't think it's a good argument to say just
19 because all the private recreational representatives didn't want
20 this -- I mean they may not want this and voted against it.
21 However, when we've had Amendment 40 discussion or earlier we
22 had something on an amendment to extend the sunset or to get rid
23 of the sunset for the Amendment 40, all the charter
24 representatives were opposed to that, but yet it passed. What's
25 good for one needs to be good for the other. Thank you.

26
27 **CHAIRMAN ANSON:** Any other discussion?

28
29 **MR. WALKER:** I just don't want to be known as the one who slowed
30 down the solutions here. Again, we've got some time left and
31 maybe someone could come up with another motion.

32
33 **MS. BOSARGE:** Well, it really saddens me to see it slow down.
34 If you all believe that it needs to go slower, then okay, but I
35 would like to know from Greg -- You said you want to get buy-in
36 between now and August and so what are you going to do? What is
37 your game plan? How is it -- I want to know what's going to
38 happen between now and August so that when we come back we can
39 say, okay, we feel better about this and we can make a decision.

40
41 **DR. STUNZ:** I don't have a direct answer for you, but this just
42 kind of came up at the meeting and I don't know if other
43 recreational components have had a chance to really think about
44 this. We don't have a charge to the committee of exactly what
45 they would be looking at and so I think by giving some time for
46 groups that would be involved in something like this or
47 particularly other members that might actually be on this panel
48 or want to be on this panel and give them some idea of what the

1 charge would look like and what topics would be addressed.

2
3 Those could come back and maybe we could get some public
4 testimony on this at the next meeting and at that point, I am
5 happy to support it and move forward. I think it's a good idea,
6 but I just don't want to get in the situation kind of like what
7 Roy and -- This can be a real touchy situation if we're coming
8 from the top down and forcing this. There is just real
9 potential for it not to be successful rather than letting them
10 come together and bringing this up through a different
11 direction.

12
13 **MR. DIAZ:** This is kind of similar to the points I had made
14 earlier in the meeting, but the motion here says for the staff
15 to take no action on the formation of the committee, but I think
16 we all can be talking to people that are recreational
17 representatives who might be good candidates for these
18 committees and we also can be sending in those suggestions that
19 I said earlier.

20
21 You know we all had different ways of engaging the recreational
22 community about a year or so ago and we can look over those and
23 we can be getting those together and getting those into the
24 staff and that will kind of help us get ready for the August
25 meeting. I just wanted to make those two points. Thank you.

26
27 **CHAIRMAN ANSON:** The motion is that staff take no action on
28 formation of the ad hoc private recreational committee before
29 the August 2015 council meeting. **All those in favor of the**
30 **motion please raise your hand, nine; all those opposed same**
31 **sign, five. The motion passes.** Any other business in Reef
32 Fish? Camp.

33
34 **MR. MATENS:** Thank you, Mr. Chairman. I just want to say one
35 thing after the conclusion of this and I am not saying this
36 because of the way it went and I am saying this as a matter of
37 procedure.

38
39 The issue of Amendment 40, whether I agree or disagree, is not
40 important. This thing was banged out over this table over a
41 long period of time and there were lots of discussions. I got
42 to hear all the pros and all the cons and then I decided how I
43 was going to vote.

44
45 This thing came to us an hour ago and I don't think it's
46 appropriate for measures to pop up like this that have this
47 sense of importance without our ability to talk about it among
48 ourselves and talk to our constituents and think about it a

1 little bit before we vote for it and I agree with the people
2 here that said this might be just a little bit premature.

3
4 As to the motion itself, I am not necessarily against it, but
5 I'm still not sure I understand it. Are we talking about all
6 fish or are we talking about -- What group of fishermen are we
7 talking about?

8
9 The bottom line is are we talking about doing something that is
10 similar to what my friends in the commercial industry think and,
11 to some extent, my friends in the charter industry? They would
12 prefer not to be regulated by the states, but by the federal
13 government and I think many of our recreational fishermen would
14 prefer to be regulated by the states and there is no difference.
15 It's just a difference in attitude.

16
17 Most of our state guys regulate their fish by doing stock
18 assessments from time to time and cranking the season or the
19 limit or the bag size up or down. It seems to work for us in
20 speckled trout and some other issues.

21
22 We in Louisiana have instituted our Louisiana Offshore Landing
23 Program and I think it's pretty successful and I think it can
24 manage our fisheries. We can add or subtract any species we
25 want to that and so I just want to leave that on the table. If
26 anybody wants to ask a question, I will be happy to try to
27 answer it, but I think these are things that we need to think
28 about as this thing moves forward in time and, again, don't take
29 this to mean that I am necessarily against this.

30
31 **CHAIRMAN ANSON:** Thank you, Camp. Do you want to address that
32 point, Leann?

33
34 **MS. BOSARGE:** I respect Camp's opinion a lot and what do you
35 want to see, Camp? Do you want to see this address purely red
36 snapper? Is that the way you would like to see it go? Do you
37 want to make sure we have private anglers that own their own
38 boat as well as private anglers that go out on a charter boat?
39 Give me some specifics and point me in the direction you want to
40 go.

41
42 **MR. MATENS:** Off the cuff right now, Leann, I think I would like
43 to see this discussion encompass all species of interest and I'm
44 not so sure what that is. I think it's going to be a growing
45 list.

46
47 Insofar as the population of our public that should be involved
48 in this, I think it should be people like myself that are

1 recreational fishermen and I think it should be people that go
2 on Mr. Greene's charter boat and I think it should be, because I
3 still think we ought to have two sectors, the charter for-hire
4 guys.

5
6 **CHAIRMAN ANSON:** That takes us to Other Business and Marshall is
7 listed, but I understand someone else --

8
9 **OTHER BUSINESS**

10 **GULF OF MEXICO HABITAT MAPPING AND WATER QUALITY MONITORING**
11 **PROJECT**

12
13 **MR. WILLIAMS:** If I may, Mr. Chairman, T.J. approached me about
14 the Gulf Coast Ecosystem Restoration Council and this is -- They
15 are asking and I am asking that we consider writing a letter to
16 the Executive Director of the Gulf Coast Ecosystem Restoration
17 Council supporting a habitat mapping and water quality project.

18
19 I guess this is actually a Department of Commerce project, but
20 this is money that was set aside from the Deepwater Horizon Oil
21 Spill and I think -- T.J., could I get you to come up here to
22 the podium, because you know this issue a lot better than I do,
23 but one of the projects that's -- I think there's like fifty
24 projects that have been proposed for a pool of \$150 million or
25 something like that.

26
27 **MR. T.J. MARSHALL:** The transition settlement of a billion
28 dollars after the RESTORE Act was passed, the Department of
29 Justice, that billion dollars is considered Clean Water Act
30 fines and so the RESTORE Act -- That rough calculation of 80
31 percent goes into the RESTORE Act and you all are on the
32 advisory panel for the 2.5 percent Science Fund.

33
34 One of the buckets of money is 35 percent goes to the
35 Restoration Council. Their charge was to do things beyond what
36 the Natural Resources Damage Assessment would do for the oil
37 spill and address things of long-term damage to the Gulf.

38
39 The Department of Commerce has sponsored a project that's
40 estimated at about \$21 million. It's a combination of doing
41 water quality monitoring and habitat mapping and in previous
42 letters that this council has written to the Department of
43 Commerce and to NOAA of things that would assist the council in
44 doing its stock assessments, habitat mapping was one of those
45 items in there.

46
47 Essentially the Restoration Council has about \$220 million and
48 they have a short list of about fifty projects and those are the

1 only projects they can choose from. They can't fund them all
2 and so they're in this kind of competitive process of which of
3 these fifty are we going to fund and so we recommended that --
4 You have weighed in on this before and this is something that's
5 been listed as important to improving your stock assessments and
6 so we just brought this to Roy and brought this to Kevin. This
7 is something we had mentioned at the last meeting.

8
9 If you want to weigh in on this, this is a project that's
10 competing out there to get funded and now is the time to take
11 advantage of that.

12
13 **MR. PERRET:** T.J., this may be the greatest project in the whole
14 Gulf, but I suspect we could have everybody in the world come up
15 here asking us to endorse particular projects and we've got
16 state directors and we've got all sorts of people that would
17 like to have their projects funded and we've got this one on the
18 agenda and how much money are we talking about?

19
20 I don't know what the project is -- It may be great, but I just
21 don't think -- Every member you can come to and if we want to
22 support it, we can write a letter and support it, but just one
23 group coming up here and asking us to support a project, I don't
24 think it's fair to all the other people that have got
25 applications for this money. I really don't.

26
27 **MR. MARSHALL:** That's fine. It's not us asking you to support
28 this project. It was that we've always been advisors to you on
29 oil spill restoration and you guys have put this in previous
30 letters that you've written and so, again, it was one of those
31 things and this is something that you've commented on before.

32
33 This is a comment period and I realize the council members don't
34 really follow the restoration process closely and so all we were
35 doing is saying this comment period is coming out here. The
36 Restoration Council is its own animal and it's not like you guys
37 where it has regularly scheduled meetings of this time period
38 and the public shows up.

39
40 They were created by the RESTORE Act and money is starting to
41 flow to them. They have a fifty-project list and so all we did
42 was supply the information of this is what the Department of
43 Commerce got on the short list and I think that's all in the
44 briefing book and, again, it's totally up to you. If it's
45 something that's important to the council to improve their stock
46 assessments, so be it and if not, it's no worries.

47
48 **MR. WILLIAMS:** To answer Corky's question, it's \$11 million over

1 five years.
2
3 **MR. PERRET:** It could be eleven-dollars. I just don't like this
4 process.
5
6 **CHAIRMAN ANSON:** Roy, did you have another comment or question?
7
8 **MR. WILLIAMS:** All of this is in the briefing book, but there is
9 a draft letter to Justin Ehrenwerth of the Gulf Coast
10 Restoration Council endorsing this Department of Commerce
11 proposal. I am going to offer a motion that we send a letter to
12 Mr. Ehrenwerth -- To send the letter giving staff the editorial
13 license to endorse this habitat mapping proposal by the
14 Department of Commerce.
15
16 **CHAIRMAN ANSON:** Let's wait until the motion gets on the board.
17 Is that your motion, Roy?
18
19 **MR. WILLIAMS:** To send the Ehrenwerth letter endorsing the
20 habitat mapping project proposed by the Department of Commerce.
21
22 **CHAIRMAN ANSON:** We have a motion on the board and we need a
23 second. No second and the motion fails.
24
25 **MR. PERRET:** Now, do we want staff to put out a request that any
26 group that has a project to the Department of Commerce to come
27 and make that request to us? If it's a fair playing field, I
28 have no problem.
29
30 **MR. MATENS:** I just want to note that for some of us at this
31 table, myself included, this is a conflict and I couldn't vote
32 on this.
33
34 **DR. STUNZ:** I was going to bring that up as well. I am actually
35 very supportive of that project and it would enhance our ability
36 just on some of this HAPC discussion we had, but I don't know
37 what other fifty projects are on that list and there might be
38 some that are very relevant to us and some not and it's kind of
39 right back to what Corky is saying.
40
41 I think if we made it available to everyone that it's no problem
42 and this might be the only one, but there could be a lot of
43 other things that could be relevant and just there is some
44 conflicts there, I think.
45
46 **MR. DIAZ:** I think this is kind of along the lines of what Dr.
47 Stunz was saying. Several of the states sitting at this table
48 right now probably have projects that would be in this list also

1 and so there would be some other conflicts with some of the
2 state folks and so it's fairly complicated.

3
4 **CHAIRMAN ANSON:** Okay. We had two items that were added at the
5 beginning of the meeting and the first one being a discussion on
6 barracuda and Martha.

7
8 **DISCUSSION OF BARRACUDA**

9
10 **MS. BADEMAN:** I will be quick. I think the letter that we sent
11 to Chairman Anson was forwarded around to the council, but just
12 a heads-up that the Fish and Wildlife Commission in Florida is
13 considering regulating barracuda. They're going to be
14 discussing it at their meeting in two weeks in Sarasota and as
15 part of that, they are considering regulating in federal waters
16 off of Florida as well.

17
18 In the past, we've come to you guys and written a letter just as
19 an FYI. I think most of the time the council hasn't responded
20 and that's fine, but if anybody has any questions about it, come
21 chat with me. That's all.

22
23 **CHAIRMAN ANSON:** Of course, keep us up to date, Martha, at the
24 next meeting. Thank you. The next item that we added at the
25 beginning was a discussion on MAFAC and Doug Gregory.

26
27 **DISCUSSION OF MAFAC**

28
29 **EXECUTIVE DIRECTOR GREGORY:** I just wanted to bring to your
30 attention that nominations are now open for the Marine Fisheries
31 Advisory Committee through July 20 and unfortunately, council
32 members, state employees, and federal employees cannot
33 participate, but they are seeking nominations for this coming
34 fall.

35
36 **MS. BOSARGE:** They are seeking nominations and when would they
37 need the nominations by? When did you say?

38
39 **EXECUTIVE DIRECTOR GREGORY:** By July 20.

40
41 **MS. BOSARGE:** This is June. It's kind of strange, because he's
42 sitting at the table, but since this would be due by July, I
43 think that with Corky's years of expertise that he would make a
44 wonderful nominee for that. Somebody tell me what the process
45 is for doing something like this and we may need to do it after
46 he's officially gone, but I would hate to not discuss it until
47 the next meeting.

1 **DR. DANA:** I actually sat on MAFAC and it's a nice organization
2 if the makeup of the committee is strong and they come from all
3 around our nation as well as some of the representative islands.
4 There's a guy I think right now from one of the Pacific Islands
5 on there, too. Corky would be an awesome addition for there and
6 he would be good for representing the Gulf. A lot of issues are
7 brought up on that commission that deal with the Gulf and when I
8 was there, I was the only person from the Gulf. If we could
9 push for you to go, that would be awesome.

10
11 **MR. PERRET:** Do you think I could get the environmental
12 community's support right now?

13
14 **MR. DAVE DONALDSON:** Leann, it's a matter of simply providing a
15 bit of information to the MAFAC Executive Director and it's a
16 fairly simple process.

17
18 **MS. BOSARGE:** Would that be something that could come from the
19 council if the council so agreed or does it need to come from
20 one individual person or --

21
22 **MR. DONALDSON:** It usually comes from an individual person.

23
24 **EXECUTIVE DIRECTOR GREGORY:** People can self-nominate
25 themselves. They can apply. Each nomination submission should
26 include a nominee's name, cover letter, qualifications and
27 interest in serving, a résumé, and no more than three supporting
28 letters describing the nominee's qualifications and interest in
29 serving on the committee. Self-nominations are acceptable and
30 so we could write a letter of nomination or of support, I would
31 think.

32
33 **MR. BOYD:** What does MAFAC stand for? What is the acronym?

34
35 **EXECUTIVE DIRECTOR GREGORY:** Marine Fisheries Advisory Council.

36
37 **CHAIRMAN ANSON:** What's the pleasure? Do you want to make a
38 motion, Leann, or not?

39
40 **MS. BOSARGE:** I definitely want to go forward with it. I am
41 just not sure what the motion is. Can you help me out with what
42 the motion is? I think Corky is interested in applying for this
43 or being nominated for this. You are, right, Corky? Do you
44 need to speak to this? Do you want anything to do with this?

45
46 **MR. PERRET:** I am not going to nominate myself.

47
48 **MS. BOSARGE:** Look, Dave wants to say something.

1
2 **MR. DONALDSON:** I think maybe what the Chairman was thinking is
3 if Corky does apply that the council could write a letter of
4 support in support of Corky.
5
6 **CHAIRMAN ANSON:** Or, in light of the information Corky just
7 said, I mean -- You said it's a very simple process, I guess,
8 and it's just there's a letter and there's no application and
9 everything that goes?
10
11 **EXECUTIVE DIRECTOR GREGORY:** Right.
12
13 **CHAIRMAN ANSON:** So either way, that would be the -- In
14 deference to Corky's loyal years and many years of service, we
15 could probably write the letter that nominates him or puts his
16 name in the hat rather than him writing the letter and we just
17 provide support and so if that's what we want to do.
18
19 **EXECUTIVE DIRECTOR GREGORY:** If you want to vote on this, we can
20 do it by secret ballot. Staff can pick up the ballots and count
21 them, but we can draft a -- We can do a letter of nomination
22 easy enough.
23
24 **MR. WILLIAMS:** Doug, when did you say all of this was due?
25
26 **EXECUTIVE DIRECTOR GREGORY:** July 20.
27
28 **MS. BOSARGE:** I would like to make a motion that we do just
29 that, that we write that letter of nomination and recommendation
30 on behalf of Corky Perret for MAFAC.
31
32 **CHAIRMAN ANSON:** We have a motion and we'll wait until it's on
33 the board. The motion is that the council write a letter of
34 recommendation nominating Corky Perret to MAFAC. Is that your
35 nomination, Leann?
36
37 **MS. BOSARGE:** Yes, sir. That's my motion.
38
39 **CHAIRMAN ANSON:** All right and it's been seconded by Dale.
40
41 **DR. BRANSTETTER:** I have a question of clarification here, I
42 guess. Are we writing a letter of recommendation or are we
43 writing a letter to nominate him?
44
45 **CHAIRMAN ANSON:** Nominate. Are you fine with that, Leann and
46 Dale?
47
48 **MS. BOSARGE:** Yes, sir.

1
2 **CHAIRMAN ANSON:** Any other discussion on the motion?

3
4 **DR. DANA:** Martin can help me on this, because Martin Fisher
5 also sat on MAFAC and so I guess I wasn't the only Gulf
6 representative. Sorry about that. Anyway, Corky will have to
7 fill out an application, but it's standard and if anyone -- If
8 he doesn't fill out that application, we can fill it out for him
9 and, Kevin, you can sign his name.

10
11 **CHAIRMAN ANSON:** Any other discussion on the motion?

12
13 **MR. FISHER:** Thank you, Mr. Chairman. Julie Morris, also a
14 former council person -- My name is Martin Fisher, but she's
15 also sitting on MAFAC at the current time and so they would get
16 along really great. Thanks and thank you, Pam, for realizing
17 that you weren't there by yourself.

18
19 **CHAIRMAN ANSON:** I think she had some help in jogging her
20 memory, but anyway, any other discussion on the motion? **Is**
21 **there any opposition to the motion? Seeing no opposition, the**
22 **motion carries.**

23
24 That concludes all of the items that I had on my list for Other
25 Business and is there any other business to come before the
26 council? Seeing none, the meeting is adjourned.

27
28 (Whereupon, the meeting adjourned at 4:00 p.m., June 12, 2015.)

29
30 - - -
31

TABLE OF MOTIONS

1
2
3 PAGE 94: Motion that the council initiate a plan amendment to
4 define a West Florida Shelf hogfish stock with associated status
5 determination criteria and ACLs. The motion carried on page 95.
6
7 PAGE 95: Motion to request council staff work with the SSC to
8 provide a constant catch ABC for hogfish. The motion carried on
9 page 96.
10
11 PAGE 99: Motion that the preferred alternative in the
12 modifications to the gag annual catch limits and annual catch
13 targets document be Alternative 1, no action. The motion
14 carried on page 100.
15
16 PAGE 100: Motion that in Action 2 that Alternative 2 be the
17 preferred alternative. The motion carried on page 100.
18
19 PAGE 100: Motion to have staff prepare a size limit alternative
20 on gag and black grouper to twenty-four inches. The motion
21 carried on page 100.
22
23 PAGE 102: Motion to move Action 1, modifications to gag annual
24 catch limits and annual catch targets, to considered but
25 rejected. The motion carried on page 102.
26
27 PAGE 105: Motion to send Amendment 39 out to public hearings.
28 The motion carried on page 107.
29
30 PAGE 108: Motion to approve the cities for public hearing
31 locations for Amendment 39. The motion carried on page 108.
32
33 PAGE 109: Motion in Action 1 to remove the term "size limits"
34 from the alternatives, specifically Alternatives 2, 3, and 4.
35 The motion carried on page 109.
36
37 PAGE 109: Motion in Action 2 to add the following alternative:
38 End the separate management of the federal for-hire and private
39 angling components upon implementation of this amendment and
40 have this amendment apply to the entire recreational sector.
41 The private angling and federal for-hire components would be
42 managed by each region under regional ACLs based on the
43 allocation selected in Action 6. A region may establish
44 different management measures for its private angling and for-
45 hire vessels, specifying these measures in the region's CEP or
46 state regulations under delegation. For such a region, the
47 regional component ACLs would be created based on: Option a,
48 the average of the region's historical landings for the years

1 1986 through 2013; Option b, the average of the region's
2 historical landings for the years 1996 through 2013; Option c,
3 the average of the region's historical landings for the years
4 2006 through 2013; Option d, 50 percent of the region's average
5 historical landings from 1986 through 2013 and 50 percent of the
6 region's average historical landings from 2006 through 2013;
7 Option e, and excluding landings from 2006; Option f, and
8 excluding landings from 2010. The motion failed on page 114.

9
10 PAGE 114: Motion in Action 2 to move Alternative 3 to the
11 considered but rejected section. The motion failed on page 115.

12
13 PAGE 118: Motion in Action 5 to move Alternative 3 to the
14 considered but rejected section. The motion carried on page
15 126.

16
17 PAGE 127: Motion to move Alternative 9 in Amendment 28 to the
18 considered but rejected section. The motion failed on page 129.

19
20 PAGE 137: Motion to retain the item to restrict future transfer
21 of shares to only shareholder accounts that hold a valid
22 commercial reef fish permit. The motion carried on page 137.

23
24 PAGE 137: Motion to delete the item to allow accounts with
25 shares but without a commercial reef fish permit to harvest the
26 allocation associated with those shares. The motion carried on
27 page 138.

28
29 PAGE 138: Motion to retain the item to limit the amount of
30 shares/allocation non-permitted IFQ accounts may possess. The
31 motion carried on page 138.

32
33 PAGE 138: Motion to eliminate the item to adopt a rollover
34 provision for unused IFQ allocation. The motion carried on page
35 138.

36
37 PAGE 139: Motion to direct staff to begin developing an options
38 paper for Amendment 41, including consideration of the motions
39 from the Charter For-Hire Advisory Panel. The motion carried on
40 page 140.

41
42 PAGE 141: Motion to develop a plan amendment with alternatives
43 to the sunset provision of Amendment 40 to allow adequate
44 consideration of the charter for-hire performance under that
45 amendment, including extensions of the sunset timeframe, as
46 recommended by the AP. The motion failed on page 146.

47
48 PAGE 148: Motion to create an ad hoc private recreational

1 committee to discuss possible management changes to the private
2 recreational fishery. The motion carried on page 154.
3
4 PAGE 163: Motion to direct staff to begin work on a framework
5 for commercial yellowtail snapper fishermen that would allow the
6 use of j-hooks with natural bait. The motion carried on page
7 164.
8
9 PAGE 168: Motion that the preferred alternative in Action 1 be
10 Alternative 3, which is to increase the trip limit to 45,000
11 pounds. The motion carried on page 168.
12
13 PAGE 168: Motion that the preferred alternative in Action 2 be
14 Alternative 3, Option a. Alternative 3 is f the Florida West
15 Coast Southern Subzone gillnet ACL is exceeded in a year, NMFS
16 would reduce the Florida West Coast Southern Subzone gillnet ACL
17 in the following year by the amount of the overage. The ACT, if
18 established, will also be adjusted to reflect the previously
19 established percent buffer. Option a is payback regardless of
20 stock status. The motion carried on page 168.
21
22 PAGE 168: Motion that the council add a new Alternative 4 to
23 Action 2. The new Alternative 4 reads: If the Florida West
24 Coast Southern Subzone gillnet ACL is exceeded in a year, NMFS
25 will reduce the gillnet trip limit for subsequent seasons until
26 that trip limit is modified by the council with Option a, 35,000
27 pounds and Option b, 25,000 pounds. The motion failed on page
28 170.
29
30 PAGE 170: Motion to recommend to the council that the preferred
31 alternative in Action 4 be Alternative 3, Option a. Alternative
32 3 is allow commercial king mackerel gillnet permits to be
33 renewed only if landings for a single year during 2006 through
34 2015 were greater than one of the options listed below. Gillnet
35 permits that do not qualify will be non-renewable and non-
36 transferable. Option a is one pound. The motion carried on
37 page 172.
38
39 PAGE 173: Motion to approve the CMP Framework Amendment 3 and
40 that it be forwarded to the Secretary of Commerce for review and
41 implementation and deem the codified text, as modified in
42 discussion, as necessary and appropriate, giving staff editorial
43 license to make the necessary changes in the document. The
44 Council Chair is given the authority to deem any changes to the
45 codified text as necessary and appropriate, if I can get a
46 second. The motion carried on page 176.
47
48 PAGE 177: Motion that person has thirty days to submit their

1 logbook from the effective date of the final rule for CMP
2 Amendment 3. The motion carried on page 178.
3
4 PAGE 179: Motion to allow staff to remove those issues that
5 NMFS is prevented from doing due to requirements in the Magnuson
6 Act and to give staff editorial license in amending the document
7 found as Tab B-4(a). The motion carried on page 180.
8
9 PAGE 182: Motion that Alternative 4 be the preferred
10 alternative. Alternative 4 is the overfished threshold is
11 defined as the MSST. The MSST for each penaeid shrimp stock is
12 defined as the minimum spawning stock biomass at MSY (SSBMSY).
13 SSBMSY values for the penaeid shrimp stocks are values produced
14 by the stock synthesis model. Species specific SSBMSY values
15 will be recomputed during the updated assessments, but only
16 among the fishing years 1984 through 2012. The values for each
17 species will be updated every five years through the framework
18 procedure unless changed earlier by the council. Currently, the
19 stock synthesis model produces the following values: for Brown
20 shrimp, SSBMSY is 6,098,868 pounds of tail; white shrimp, SSBMSY
21 is 365,715,146 pounds of tails; pink shrimp, SSBMSY is
22 23,686,906 pounds of tails. The motion carried with no
23 opposition. The motion carried on page 184.
24
25 PAGE 184: Motion to approve the Shrimp Amendment 15 and
26 recommend that it be forwarded to the Secretary of Commerce for
27 review and implementation, and deem the codified text as
28 modified in discussion as necessary and appropriate, giving
29 staff editorial license to make the necessary changes in the
30 document. The Council Chair is given the authority to deem any
31 changes to the codified text as necessary and appropriate. The
32 motion carried on page 186.
33
34 PAGE 186: Motion in Action 1 to select Alternative 2, Option b
35 as the preferred alternative. Alternative 2 is to extend the
36 moratorium on the issuance of federal Gulf commercial shrimp
37 vessel permits. The moratorium would be extended for Option b,
38 ten years. The motion carried on page 187.
39
40 PAGE 187: Motion in Action 3 to move Alternative 3 to
41 considered but rejected. The motion carried on page 187.
42
43 PAGE 188: Motion to instruct staff to convene a meeting of the
44 appropriate coral scientists along with other fishery
45 stakeholders to review potential coral HAPCs. The motion
46 carried on page 188.
47
48 PAGE 190: Motion to reconvene a closed session of the AP

1 Selection Committee to consider appointment of an NGO member to
2 the Reef Fish AP at the next council meeting. The motion failed
3 on page 192.

4

5 PAGE 193: Motion that staff take no action on formation of the
6 ad hoc private recreational committee before the August 2015
7 council meeting. The motion carried on page 196.

8

9 PAGE 203: Motion to write that letter of nomination on behalf
10 of Corky Perret for MAFAC. The motion carried on page 204.

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