GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

270TH MEETING

FULL COUNCIL SESSION

Omni Hotel Corpus Christi, Texas

AUGUST 22-23, 2018

VOTING MEMBERS

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

NON-VOTING MEMBERS

Dave Donaldson ................................................................. GSMFC
Lt Mark Zanowicz ............................................................ USCG

STAFF

Steven Atran ................................................................. Acting Deputy Director
Zeenatul Basher ................................................................. Coral and Habitat Biologist
Assane Diagne ................................................................. Economist
Matt Freeman ....................................................................... Economist
John Froeschke ................................................................. Fishery Biologist-Statistician
Morgan Kilgour ................................................................. Fishery Biologist
Ava Lasseter ....................................................................... Anthropologist
Mara Levy ............................................................................ NOAA General Counsel
Jessica Matos ................................................................. Administrative Assistant
Emily Muehlstein ............................................................. Public Information Officer
Ryan Rindone ................................................................. Fishery Biologist & SEDAR Liaison
Bernadine Roy ..................................................................... Office Manager
Carrie Simmons ................................................................. Executive Director
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Charlie Alegria........................................Corpus Christi, TX
Pam Anderson..............................................Panama City Beach, FL
Billy Archer...............................................Panama City, FL
Greg Ball.................................................Galveston, TX
Anna Beckwith..............................................SAFMC
John Blaha..................................................CCA, TX
Shane Bonnot...............................................CCA, TX
William Bradley.............................................
Eric Brazer..............................................Shareholders Association
Karyl Brewster-Geisz.................................NOAA HMS, Silver Spring, MD
Gary Bryant....................................................Gulf Shores, AL
Rick Burris...............................................MDMR, Biloxi, MS
Shane Cantrell..........................................Galveston, TX
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Lt. Les Casterline...........................................TPWD, TX
Bubba Cochrane........................................Galveston, TX
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Mike Colby....................................................Clearwater, FL
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Troy Frady.......................................................AL
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Evan Harrington............................................TX
Jake Herring....................................................TX
Scott Hickman..............................................Galveston, TX
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Lauren Sponsler...........................................Rockport, TX
Jen Thomasson.............................................Rockport, TX
Steve Tomeny..............................................Port Fourchon, LA
Abby Webster................................................Freeport, TX
Troy Williamson..........................................Corpus Christi, TX

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TABLE OF MOTIONS

PAGE 10: The motion to replace the language in Section 3, page 11, of the SOPPs that reads: “Council members must be physically present at council meetings in order to present a motion or vote.” Replace it with: “In the event that a council member is not present at a council meeting, their level of participation, in relation to making motions and voting, will be at the discretion of the Chair and Vice Chair.” The motion failed on page 19.

PAGE 87: Motion to approve the Abbreviated Framework Action: Clarification of Fishing in HAPCs and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. The motion carried on page 89.

PAGE 90: Motion to approve the Spiny Lobster Amendment 13 and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. The motion carried on page 92.

PAGE 93: Motion to add the alternatives related to passenger capacity as discussed by the committee. The motion carried on page 94.

PAGE 96: Motion to develop a plan amendment to look at reducing the effort threshold in the area monitored for juvenile red snapper bycatch to 60 percent. The motion carried on page 98.

PAGE 103: Motion in Action 1 to make Alternative 3 the preferred alternative. The motion carried on page 104.

PAGE 104: Motion in Action 2 to make Alternative 2 the preferred alternative. The motion carried on page 104.

PAGE 105: Motion that the council approve the Reef Fish Framework Action: Modification of Gulf of Mexico Red Snapper and West Florida Hogfish Annual Catch Limits and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the
necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. **The motion carried on page 107.**

**PAGE 107:** Motion in Action 1.1, Alternatives 2 through 5, remove the Option b from all alternatives. **The motion carried on page 107.**

**PAGE 107:** Motion in Action 1.1 to amend Alternative 3 to say: Alternative 3 is, in order to obtain (transfer into an account), or maintain shares (hold existing shares in an account), all shareholders who entered the IFQ programs after January 1, 2015, must possess one of the following. **The motion carried on page 108.**

**PAGE 108:** Motion in Action 1.2 to remove Option 2a. **The motion carried on page 108.**

**PAGE 108:** Motion in Action 1.2 to remove Option 2b from Alternative 2 and Option 3a from Alternative 3. **The motion carried on page 108.**

**PAGE 110:** Motion that the council approve the Reef Fish Framework Action: Modification to the Recreational Red Snapper Annual Catch Target Buffers and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate. **The motion carried on page 111.**

**PAGE 114:** Motion to leave charter/for-hire vessels under federal management and select in Action 1, Alternative 2 as preferred. **The motion carried on page 115.**

**PAGE 115:** Motion to instruct staff to begin an amendment for state management for the federal for-hire industry. **The motion failed on page 126.**

**PAGE 127:** Motion to add alternatives, if necessary, in Amendment 50A that set up an endorsement system or other ways for identifying federal vessels in the federal for-hire component to be included in the state management plan. **The motion carried on page 136.**

**PAGE 144:** Recommendation to accept the recommended locations for public hearings for Amendment 50A and the individual state
plans: Mobile, Alabama; Destin, Florida; Fort Myers, Florida; Panama City, Florida; Tampa/St. Petersburg, Florida; Baton Rouge, Louisiana; Biloxi area, Mississippi; Brownsville, Texas; Corpus Christi, Texas; League City, Texas.

PAGE 150: Motion in Action 1 to select Alternative 2 as the preferred alternative. The motion carried on page 151.
The Full Council of the Gulf of Mexico Fishery Management Council convened at the Omni Hotel, Corpus Christi, Texas, Wednesday morning, August 22, 2018, and was called to order by Chairman Leann Bosarge.

CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS

CHAIRMAN LEANN BOSARGE: I am going to read my Chairman’s opening statement, for the last time. Welcome to the 270th meeting of the Gulf Council. My name is Leann Bosarge, Chair of the Council. If you have a cell phone, pager, or similar device, we ask that you keep them on silent or vibrating mode during the meeting. Also, in order for all to be able to hear the proceedings, we ask that you please have any private conversations outside the meeting room.

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

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

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

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

MS. MARTHA GUYAS: Martha Guyas, Florida.

DR. TOM FRAZER: Tom Frazer, Florida.
MR. JOHN SANCHEZ: John Sanchez, Florida.

MR. PHIL DYSKOW: Phil Dyskow, Florida.

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

MR. KEVIN ANSON: Kevin Anson, Alabama.

MS. SUSAN BOGGS: Susan Boggs, Alabama.

MR. PATRICK BANKS: Patrick Banks, Louisiana.

MR. JONATHAN DUGAS: Jonathan Dugas, Louisiana.

MS. ANNA BECKWITH: Anna Beckwith, South Atlantic Council.

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

MS. SUSAN GERHART: Susan Gerhart, NOAA Fisheries.

MR. ANDY STRELCHECK: Andy Strelcheck, NOAA Fisheries.

DR. CLAY PORCH: Clay Porch, NOAA Fisheries.

MR. DOUG BOYD: Doug Boyd, Texas.

MR. ROBIN RIECHERS: Robin Riechers, Texas.

DR. GREG STUNZ: Greg Stunz, Texas.

DR. PAUL MICKLE: Paul Mickle, Mississippi.

MR. DALE DIAZ: Dale Diaz, Mississippi.

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

EXECUTIVE DIRECTOR CARRIE SIMMONS: Carrie Simmons, Gulf Council staff.

CHAIRMAN BOSARGE: Just for the record, we have Mr. Ed Swindell and Dr. Bob Shipp that have been participating at various times throughout the meeting via webinar. Now we’re going to move on to our induction of our council members, and so if I could get Ms. Susan Boggs, Mr. Jonathan Dugas, Mr. John Sanchez, Mr. Dale Diaz, and Mr. Ed Swindell, and those are our new or reappointed council members, if you would come to the front, and if I can
get Dr. Strelcheck to meet us there, we will induct you to the
council formally.

INDUCTION OF NEW COUNCIL MEMBERS

(Whereupon, new and reappointed council members are inducted.)

CHAIRMAN BOSARGE: Next, council, if we’ll look through our
agenda, it can be found under Tab A, Numbers 3 and 4. Were
there any changes, modifications, or additions to the agenda as
it’s presented? Mr. Diaz.

ADOPTION OF AGENDA AND APPROVAL OF MINUTES

MR. DIAZ: I would like to add an item under Other Business, and
I would ask that we take up that other business as soon as
possible, and the item would be to look at participation by
council members that are absent and how that’s handled. Thank
you.

CHAIRMAN BOSARGE: Thank you, sir. So noted. Lieutenant
Zanowicz.

LT. ZANOWICZ: Thank you, Madam Chair. I just wanted to move
the U.S. Coast Guard Presentation, if possible, to follow the
Texas Parks and Wildlife Presentation later this morning. We’ll
both be talking about the illegal fishing threat on the
southwest border, and so matching them up makes sense.

CHAIRMAN BOSARGE: I agree that I think that makes perfect
sense. So noted. With those two amendments, can I get a motion
to approve the agenda as amended?

MS. GUYAS: So moved.

CHAIRMAN BOSARGE: So moved by Ms. Guyas. Seconded by Dr.
Mickle. Any discussion? Any opposition to the motion? Seeing
none, the motion carries. Our minutes from our last meeting are
in your briefing book under Tab A, Number 4. Were there any
changes that needed to be made to the minutes? Mara, don’t tell
me that you were Maria again.

MS. LEVY: No, and this is just a minor correction. Page 131,
line 15, there is a reference to the Magnuson Act that is 303A,
and it should be 303(a).

CHAIRMAN BOSARGE: All right. So noted. Any other changes?
Seeing none, the minutes are adopted as amended. All right.
That is going to bring us to our presentations, and our first presentation today is going to be from HMS, and we’re going to have a presentation on HMS Amendment 11, which is relative to shortfin mako sharks.

Actually, you know what? See, this is where I’m missing my Vice Chair. They always keep me straight on the things that aren’t on the agenda that I am supposed to go through, and so, if you wouldn’t mind for just a second, we have one more thing that we want to take care of before we delve into the presentation. Dr. Simmons, I am going to turn it over to you for a moment.

**RECOGNITION OF MR. ATRAN’S SERVICE TO THE COUNCIL**

**EXECUTIVE DIRECTOR SIMMONS:** Thank you, Madam Chair. Thank you for allowing me a few minutes here to recognize one of our wonderful staff members, and that is Mr. Steven Atran. He is our Senior Fishery Biologist, and he is currently our Acting Deputy Director.

Although Mr. Steven Atran has not given me an official retirement date, he expects this to be his last council meeting, and we’re hoping to keep him around for a little work, a couple of hours a week, in the coming months, after we receive that notice, but I wanted to just tell you a little bit about Steven. Many of you know him well, but just a few notes on him.

He has worked for the council for twenty-seven years, and I have estimated that he has probably attended over 150 council meetings, because we used to have six council meetings a year. I think he has trained, or at least tutored at some point, or in some form or another, every single technical staff member we have, even past staff members, and so he has really done his part with that.

Steven has a bachelor’s degree from the University of Washington and a master’s degree from the Virginia Institute of Marine Science, VIMS. His thesis was on fluctuations in the catchability coefficient of Atlantic menhaden, and you may know this or not, but, in his personal life, he has a love for animals. He has adopted a cat from my family, and he has also adopted other cats that needed homes, and he has provided wonderful homes for them.

At the council office, Steven has served as the lead coordinator of SSC meetings, which, as you know, takes a lot of coordination, and he has also coordinated the Reef Fish Committee agendas for as long as I have been around, which is
over ten years now, and that also takes a lot of patience and coordination.

He has worked on every single reef fish species in our FMP and some that are no longer in our FMPs in some form or fashion. He has served as lead staff on the LETC/LEAP, and he served as the lead staff on ecosystem for several years, sustainable fisheries, and he has assisted the council and staff with the various reauthorizations of the Magnuson-Stevens Act, the changes to the National Standard Guidelines, and he has taken that through the SSC process as well as HMS issues.

Mr. Atran has always put the council’s and the organization’s needs first, thinking about what is best for the resources in the Gulf of Mexico, and he is our historical institution at the Gulf Council, and he is a true role model for all of our staff. As he spends less time with us, and this is his last council meeting, he will truly be missed.

CHAIRMAN BOSARGE: Mr. Steven Atran, if you will come forward, we have a small token of our appreciation for you, sir. (Applause)

With that, if I remember correctly, Dale, you did ask that your other business be brought up at the beginning of the agenda, if possible, and I think we have just a second, if you would like to elaborate, sir.

OTHER BUSINESS

DISCUSSION OF ABSENT COUNCIL MEMBER PARTICIPATION

MR. DIAZ: Thank you, Madam Chair. What I hope to do is I hope for us to look at consideration of changing our SOPPs. I do have a motion prepared to spur some discussion, and, if the staff would put that motion up on the board, I would appreciate it.

The motion is, effective immediately, replace the language in Section 3, page 11, of the SOPPs that reads: “Council members must be physically present at council meetings in order to present a motion or vote.” Replace it with: “In the event that a council member is not present at a council meeting, their level of participation, in relation to making motions and voting, will be at the discretion of the Chair and Vice Chair.” If I get a second, I will present some rationale.

CHAIRMAN BOSARGE: It’s seconded by Mr. Banks. Go ahead, Dale.
MR. DIAZ: My rationale is -- It’s a couple of things, and I’m going to talk for a couple of minutes. Members that can’t be here for legitimate reasons, I just think it’s important that they should be able to participate by making motions and voting.

Obligatory and at-large members, if for some reason we can’t make a meeting, and I think the bar should be set high for this, by the way, but, if we can’t make meetings, we can’t appoint a designee. The state folks and the federal folks, if they can’t make a meeting, they can have somebody else fill in for them. Dr. Strelcheck is filling in this meeting for Dr. Crabtree, and so, I mean, they can do that, but the at-large people and the obligatory people can’t do that.

I did attend the South Atlantic Fishery Management Council meeting recently, and they had a member that couldn’t make the meeting for a health reason, and that member participated remotely, and there was no problem at that meeting. I don’t remember him making a motion. He might have made a motion, but he did vote on every single vote, and I don’t think it took more than an extra ten seconds. At the end of every vote, they would ask him what his vote was, and he would say yes or no, and so I don’t think it took more than five or ten seconds per vote.

We’ve got two members out at this meeting, and all of our members are good, but these are folks with a wealth of experience that are out at this meeting, and I think they have legitimate reasons why they have to be out at this meeting, and, why we don’t use every bit of that experience that these folks have -- To me, it seems like a better way to go if we alter our SOPPs, and so I’m going to leave it at that. Thank you, Madam Chair.

CHAIRMAN BOSARGE: All right. Is there further discussion? I have Mr. Banks and then Mr. Dyskow.

MR. BANKS: I seconded the motion for discussion, but I have just a question about the history of the SOPPs as they read right now. Is this a part of our SOPPs that’s been in place forever, or is a recent occurrence? Can somebody help me with the history there, maybe Carrie or somebody with the staff, or Mara?

CHAIRMAN BOSARGE: Ms. Levy, do you want to respond?

MS. LEVY: Well, I know it’s been in discussion at various points in time. My last recollection is maybe a year or two ago there was a big discussion about whether you wanted to change
the SOPPs to allow folks to participate and vote when remote, and the decision was, no, we want them to be present. I can’t remember exactly what council meeting that was, but it wasn’t too far in the past that that happened.

Obviously, you have the option to change your SOPPs. I mean, I will note that the history has been that you have a lot of discussion and vote for something in your SOPPs and then something happens that doesn’t fit with the SOPPs and then you decide that you might want to make an exception or change it again, and so I think you should just keep that in mind when you’re looking at this sort of stuff.

CHAIRMAN BOSARGE: All right. I have Mr. Dyskow.

MR. DYSKOW: Thank you, Madam Chair. I would like to support Dale’s motion, because I think he brings up a valid point, and we would like these remotely-attending members to participate, and they do bring a wealth of experience and knowledge to the table, but, the way the motion is written, it allows that participation to be at the discretion of the Chair and the Vice Chair, and that potentially gives a future Chair or Vice Chair the ability to alter the vote substantially by deciding to allow or disallow those remotely-attending members to vote, and so I would like to see some clarification of how we’re going to prevent that from happening.

CHAIRMAN BOSARGE: To that point? Do you want to respond, Mr. Diaz?

MR. DIAZ: Yes, ma’am, and, Anna, I’m not wanting to put you on the spot, but I did ask Anna how the South Atlantic handles it, and theirs reads something similar to this, where I think their Chair, their Vice Chair, and their Executive Director have to be in agreement that the person could participate.

I think, the last time we did this, folks were concerned that -- The reason that I put something in there where the Chair and Vice Chair make the decision is they were concerned that people would not come to the meeting for some minor reasons and then want to participate, and that’s not really what my intention is. I would want only people that have legitimate, serious issues that can’t make it to the meeting, and I had thought about other ways to do it, but, at work, if you take off sick leave, you have to have a doctor’s excuse, but I wasn’t willing to go that far with this motion, but, anyway, that’s the history of how I came up with that, Mr. Dyskow, but I am perfectly willing to
To Mara’s point a minute ago about us changing the SOPPs here and there, throughout my entire career, I have always felt like, whatever we’re doing, we can do a better job. Even when we’re doing a great job, we can do a better job, and so, if we see something that’s an improvement and we get a chance -- In my opinion, this is an improvement, and I know this is going to be voted, and it might get voted down, where it’s not the opinion of the group that it’s an improvement, but, if we get a chance that we can do something better, then we should always be looking to do something better. Thank you, ma’am.

CHAIRMAN BOSARGE: Ms. Guyas and then Ms. Beckwith.

MS. GUYAS: Just to, I think, remind or I guess inform some of the newer council members, we have been in this situation before, right, where we had a council member who was not able to attend the meeting and participated remotely, and I think was making motions.

After that meeting occurred, the council really discussed how that went, and they felt like our current practice would be the way to go, where we -- They can participate online, but they can’t make the motions and vote, just because of the experience that we had at that meeting. I know there are some around the table that were here at that time that can probably fill in more, but we’ve been in this case before.

CHAIRMAN BOSARGE: Ms. Beckwith.

MS. BECKWITH: In terms of how we’ve handled this and a couple of examples of where this was used is -- Dale is correct that we do have a -- Because of that concern, we do have three folks that weigh-in. It is our Executive Director, our Chair, and our Vice Chair.

Typically, the last two examples was, again, someone who was out for a back surgery and participated remotely from a laid-down position in his home, and I actually benefited from it when the hurricane came through and we had to reschedule our meeting, and I had a conflict for business travel, and so I was able to participate for two days remotely from that travel, but those were special circumstances.

I think, while we don’t have it in our SOPPs, I think neither myself nor the other council member ever attempted to make any motions remotely. We did vote on things, and it’s not forbidden
for us to make motions, but I just think we sort of chose that
to be our practice at that point, but that’s our experience, and
it has worked fine for us, but we are also a slightly smaller
council than you guys are.

CHAIRMAN BOSARGE: Mr. Sanchez and then Mr. Anson and then Mr.
Dyskow.

MR. SANCHEZ: I recall recently, during the reappointment
process, one of the questions I was asked in the questionnaire
was have you ever missed one of the meetings that you were asked
to attend and, if so, why.

Apparently it’s very important that if you sign-on for this that
you attend, and I understand. I have been in automobile
accidents and such, and these things happen, where you’re
debilitated, and maybe you can’t attend, and, while I sympathize
for that, I believe it’s very important to be here and to face
the public that we’re serving, and I would be against this, for
that reason, and we do have the ability, if you need to
participate remotely, to weigh-in and weigh-in on any discussion
that we may have, and I feel we have enough dialogue amongst
ourselves that if something is very important to you, but you
are physically unable to attend, that would be taken into
consideration by your colleagues. As far as being able to vote
remotely, I don’t agree with that, because I think then where
does it end? What’s a legitimate reason and what isn’t, and it
just goes on and on.

CHAIRMAN BOSARGE: Mr. Anson and then Mr. Dyskow.

MR. ANSON: John, I had similar concerns as well as you just
stated, and I too would have some concerns that it be at the
discretion of the Chair and Vice Chair. There was a time when
this council was a little bit divided on some of the issues and
things became contentious, and I recall -- I think, during that
discussion we had relative to making the last SOPPs change,
which this motion attempts to change again, I think some of the
back story on that was that there was concern among some council
members that folks could be -- They could have greater access by
individuals or groups relative to certain ways to vote, and so
that there was the possibility of them being able to be at home
and to be away from the public eye as to maybe how that could be
going on.

That’s not to say that’s what was actually happening, but I
think that was part of the discussion, is that there was not the
transparency that would be -- As much transparency in the
process if that individual was outside of the meeting, and so I tend to lean towards John’s comments, that I don’t think that it’s -- While I recognize that there is a little bit of a hardship or more pressure put on the council members that are not working for a state, and they don’t have somebody that can come and fill in for them, but I think it underscores the importance of being here at the meetings and participating, is that we don’t have the provision for them to be able to vote currently, and I will be in opposition to this motion.

CHAIRMAN BOSARGE: Next, I have Mr. Dyskow and then Mr. Atran.

MR. DYSKOW: Again, I am looking for a way that I could support this motion, but I have problems with the terminology of “effective immediately”, and I also have problems with it at the discretion of only the Chair and the Vice Chair. I would like to say, and I think we had this in discussion earlier, if my mind isn’t failing me, that we have the Chair, the Vice Chair, and the Executive Director, and I think that that approval needs to be unanimous amongst those three, but, since none of that verbiage is in this motion, and I’m not prepared to offer a substitute motion, I can’t support it, even though I would like to.

CHAIRMAN BOSARGE: I will just speak to the discretion part. Personally, I think that’s a good idea, to have the Chair, the Vice Chair, and the Executive Director, unanimous, but I think that the important piece of having that in this motion, and you can change the word “discretion” to “prior approval” or “prior notification and approval”, something like that, but that if this was to be put in place, for it to actually function efficiently, that council member needs to notify the leaders of the council, and the leaders of the staff, to let them know that they are not going to be there and why they’re not going to be there and make sure it’s legitimate and then make sure the logistics are put in place for that member to be able to participate remotely.

If that’s something they have never done before, council staff actually has a whole training process that they go through with council members and with SSC members and with AP members to be able to participate remotely in an effective manner, and so that, to me, is the important piece of that, that there needs to be some logistical, on-the-ground things that have to happen. You can’t just not show up and then, hey, by the way, I’m on the webinar. No, there needs to be some communication prior to that. Okay. Next, I had Mr. Atran and then Dr. Stunz.
MR. ATRAN: Thank you, Madam Chairman. Two things. First of all, Morgan looked up the minutes and discovered that the current policy was adopted in August of 2017, and so it’s been in place for exactly one year.

The other thing that I wanted to mention is that, for the past two or three years, the SSC has been allowing its members to participate in either in person or via webinar. When votes are taken on motions, the Chairman needs to double-check with anyone who is on the webinar to see what their vote is. It means a little bit of additional work for the council staff and the Chair, to make sure that everyone is getting their vote in, but it hasn’t been too much of a problem.

Sometimes we get people who are not able to get their audio working, but, with the webinar, there is several different ways they can contact us, either audio, using the chat box that is in Go to Webinar, or emailing us, and so, with the SSC, it’s been in place for a couple of years now.

CHAIRMAN BOSARGE: I have Dr. Stunz and then Mr. Boyd.

DR. STUNZ: Dale, I really support what you’re trying to do here in spirit, and I want to support the motion, but I’m speaking not in favor of the motion simply because -- I think John pointed it out best, but we need to face the public here.

We make some serious decisions around this table, and not always, but many times we do that affect people’s businesses and their lives and a whole variety of things that I think it’s just enough value that you’re here in person at this table, and, believe me, I know these folks that miss it have pure, legitimate reasons to miss it, and I completely understand that, but, at the same time, we are a council that’s been appointed to do very specific things and make the tough decisions, and I think that only can be fully accomplished if you’re here in person.

That being said, I have no problem with participating and that sort of thing and getting your point across, but, when it comes down to making an actual vote that has such broad-ranging implications, I feel strongly that you need to be in person to do that.

CHAIRMAN BOSARGE: Mr. Boyd.

MR. BOYD: Thank you, Madam Chairman. At the time that the SOPPs were changed to the current procedure, there was a lot of
discussion, a lot of detailed discussion, about personnel
administration and about salary and about transparency and all
kinds of different topics, and I can’t remember all of them.
One of the questions was, if you participate and you vote, are
you eligible to receive a salary if you’re absent. The question
would come up again, I think.

The other would be what if there are more than one person? What
if there is two or three people who happen to be out at that
time and one person has a doctor’s appointment or can’t get on
the phone or can’t get a hold of the council and that person
can’t vote and the other two can and, if we’re in a very
contentious vote, that’s a problem.

I agree with Mr. Dyskow about the current language. I think it
needs to be modified if we go any further with it, and I think
that there are significant technical difficulties that we run
into. I am on a lot of webinars, and I call in quite a bit for
different meetings, and almost every one of them has some
difficulty.

The other thing is, as Mr. Anson said, there is a requirement
for transparency, and, if you’re here, the public can see you,
and the public can talk to you, and you can listen to public
testimony and react to that, and it’s important to have that
public persona.

The other thing is we are coming up on a vote for Chairman and
Vice Chairman, and that vote is taken with a secret ballot,
basically. The difficulty that you run into with that can be
overcome, but, if you’re here, it doesn’t have to be, and, with
that said, I cannot support this motion. Thank you.

CHAIRMAN BOSARGE: All right. Is there further discussion?
Mara.

MS. LEVY: Well, just to point out that there is -- I mean, I
don’t know which way you’re going to go with this, but, the way
that it’s written right now, the level of participation in
relation to making motions and voting -- I mean, I would assume
they’re either in or out, right, and like can either make
motions and vote or they can’t, meaning I don’t know if that was
the intent, but I don’t think there should be a sliding scale of
like you can make motions, but you can’t vote, or you can do
voting but -- I mean, it should be -- I read it as they’re in or
they’re out, if this were to pass, and I’m just trying to make
sure that folks are reading it that way, too.
CHAIRMAN BOSARGE: Mr. Riechers.

MR. RIECHERS: I am going to suggest that you may be reading it that way, but I don’t know that it’s necessarily worded that way, and so --

MS. LEVY: Well, so, as long as folks are clear on what they’re voting on, and so, the way this reads to me, if I don’t sort of make my own interpretation, is that there is a sliding -- There is potentially a sliding scale, meaning the Chair and the Vice Chair have the ability to decide the level of participation in relation to those two things and they are not necessarily hand-in-hand. I don’t think it’s super clear about what’s meant here is what I am trying to say.

CHAIRMAN BOSARGE: Mr. Boyd. Hang on, Mr. Boyd. Is it to that point, Mr. Diaz?

MR. DIAZ: Without changing the motion, my intent is for them to be able to participate by making motions and voting, and so that is the intent, and so I’m sorry if it’s not clear.

CHAIRMAN BOSARGE: Mr. Boyd.

MR. BOYD: Just one other additional comment. There were several people that said that they valued the participation and the knowledge of sometimes people who are not here. Under the current SOPPs, the participation is there. They can comment, and they can react, and they can give additional data, and they can give their expertise in discussion. The prohibition is on voting and making motions and not on discussion and participation.

CHAIRMAN BOSARGE: All right. Dr. Shipp wanted me to let you know that he is participating and listening in and that at this point he is neutral on the topic, speaking for him. That is verbatim. I have a lot of back story on this.

DR. BOB SHIPP: Leann, how do I get recognized?

CHAIRMAN BOSARGE: Yes, sir. Go ahead, Dr. Shipp.

DR. SHIPP: I have really enjoyed this discussion. I have served for eighteen years, and this is the first meeting that I have missed. I talked last night to Dale about this, and, boy, I sure see his point, but, during the discussion, I can see it going either way.
Of course, personally, it doesn’t bother me. I don’t think there is anything crucial that is coming up right now, and I guess, on ballots, this is where one of those cases where listening to the discussion of the council has really made a difference. I think John’s comments and Greg’s comments are very valid, and I understand where Dale is coming from, and, philosophically, I agree, but I am certainly content, and I know Ed is too, if we decide to keep the SOPPs the way they are. Thank you.

CHAIRMAN BOSARGE: Thank you, sir. We appreciate your input. Is there further discussion? Well, I am going to vote in favor of it, and I can’t really give you a whole lot of information on why, because the discussions I had involved health issues, and we can’t talk about that on the record, but I know that there are people that have to miss meetings, and they want to be here so much that they would even see if they could move things around, and some of those movements may have long-standing impacts for them, and that’s how much they care about being here. That’s how seriously they take it. That’s about all I’m going to say about that, and so I’m going to vote in favor of the motion. Any further discussion? Mr. Anson.

MR. ANSON: Just a point of clarification. Just because someone isn’t here, it doesn’t preclude them from being nominated and voted on for Chair and Vice Chair, correct? I am just kidding.

CHAIRMAN BOSARGE: Kevin, you’re killing me. All right. We have a motion on the board. Any further discussion on the motion? Seeing none, let’s just do a show of hands. All of those in favor of the motion, signify by raising your hand, four; all those opposed, same sign, ten. The motion fails ten to four, and so the SOPPs will remain as they are.

MR. DIAZ: Thank you for the opportunity for the discussion, Madam Chair.

CHAIRMAN BOSARGE: I appreciate it, Dale. Thank you. Okay. That brings us back to our presentations. We will go to our very patient HMS representative, and if you would, please, ma’am, come back to the podium, we are ready to hear all about the shortfin mako shark with Mr. Karyl Brewster-Geisz.

PRESENTATIONS
HIGHLY MIGRATORY SPECIES AMENDMENT 11

MS. KARYL BREWSTER-GEISZ: Thank you, Madam Chair, and thank you, everybody, for the opportunity to be here. My name is
Karyl Brewster-Geisz, and I’m here from the Highly Migratory Species Management Division to talk to you about shortfin mako sharks.

I believe Cliff Hutt, who is also in the room, was here in April to go over our scoping presentation with you, and so the purpose of Amendment 11 is to address overfishing and take steps to rebuilding shortfin mako sharks.

We have been managing shortfin mako sharks since 1993. They have been part of our pelagic shark group. In the last decade, ICCAT has assessed the stock several times, and this is the first time they have found that the stock is both overfished and has overfishing occurring.

Recent catches across all nations, and not just the U.S., are between 3,600 and 4,700 metric tons a year, and the stock assessment says they need to be reduced below 1,000 metric tons in order to start rebuilding the stock, and that is 1,000 metric tons by all countries, and so that’s about a 72 to 79 percent reduction.

After receiving the results of the assessment, ICCAT came up with a recommendation at its November meeting. Now, in ICCAT parlance, it’s a recommendation, but that does not mean that we do it only if we want to. Its recommendation is a binding action on the U.S. We are required to do it, and so there are a lot of derogations within that recommendation.

The two that I am going to focus on that’s most applicable to the U.S. fisheries would be retention. They are trying to maximize live releases in this recommendation, and so, under retention, shortfin mako sharks are allowed to be kept as long as they are dead at the boat, and that would be verified through either an observer or through electronic monitoring or, in other words, video.

The other derogation that applies to us is the minimum size limit. They came up with two, one for males of 180 centimeters fork length, which is about seventy-one inches, or about 210 centimeters fork length for females, and that’s about eighty-three inches. ICCAT is going to be looking at this again in November and then, in 2019, reevaluating everything.

We looked at four topics when we were coming up with Amendment 11, and the first topic is commercial, and, in all of these topics, the first alternative is always the no action alternative, and this no action is the status quo before the
emergency rule and not the emergency rule that is currently in place.

Alternatives A2, A3, and A5 are all similar. They allow the retention of shortfin mako sharks that are dead at the boat if the person has a limited access shark permit and then different variations of that. Our preferred alternative is allowing them to keep the dead shortfin mako shark if there is a functioning electronic monitoring system on the vessel.

This is similar to what’s in place now through the emergency rule, but the difference is that this would also allow anyone who has authorized gear onboard and the video recording to be able to retain shortfin mako sharks. Right now, under the emergency rule, it’s just people with pelagic longline gear.

Alternative A3 would allow somebody to land it only if they have told the agency that, yes, we agree that you can use electronic monitoring to monitor our shortfin mako sharks. This came about during scoping, and we originally put electronic monitoring on pelagic longline vessels to monitor bluefin tuna, and a number of fishermen were upset that we were expanding that to allow for shortfin mako sharks. Alternative A5 would allow the retention of the dead shortfin mako sharks only if there was an observer onboard.

Moving on to Alternative A4 -- No, we didn’t forget A4, but we just messed up the ordering somewhat, but it would allow retention of live or dead shortfin mako sharks as long as they met eighty-three inches straight-line fork length, and there would need to be an observer or electronic monitoring onboard to verify that length ahead of time.

Commercial fishermen, unlike recreational, are allowed to cut the head off the shortfin mako, and so we would need to get that verification that it met the fork length before they removed the head. Then Alternative A6 is prohibiting the retention of shortfin mako live or dead, and I don’t think there’s anything else to say on that.

Moving on to the next topic, it’s the recreational alternatives. Again, Alternative B1 is the no action alternative, and Alternative B2 through B5 are all similar. They allow for the increase in the minimum size from fifty-four inches to another minimum size.

Alternative B2 is a straight read from the ICCAT recommendation of seventy-one inches straight-line fork length for males and
eighty-three straight-line fork length for females. Alternative B3 is our preferred alternative, and that would increase it up to eighty-three inches fork length for males and females. B4 and B5 are both increasing the female length, B4 to 108 inches, which is the size at which 50 percent of all female mako sharks are mature, and 120 under Alternative B5 would allow for world-record-breaking sharks to be landed.

Alternative B6 looks complicated. They are all similar in nature. They would allow the retention of shortfin mako sharks over certain size limits, but it comes up in two seasonal size limits, and this was an alternative developed as a result of scoping comments, and so, outside of the seasons, the minimum size would be 120 inches.

Within the season, it would change, depending upon which alternative we chose, and so, for example, under B6a, if you were to land a male -- I will stick with females. If you were to land a female mako shark, you could only land it if it was over eighty-three inches say in June, but, in November, it would have to be 120 inches before you could land it, and that’s what all of those alternatives work.

Under Alternative B6e, we would derive specific criteria that would allow us to change the minimum size limits as we go along, depending upon what’s happening in the water and what happened in previous years.

Alternative B7 would develop a slot limit for males and females. Again, this would have to make sure that it matches or is larger than the minimum size required by ICCAT. Alternative B8 is establishing a landings tag. Again, if you meet a minimum size and you received a landings tag when you applied for your angling permit with the shark endorsement, you could land that shortfin mako.

Under Alternative B9, this is a preferred alternative, and this would require the use of circle hooks everywhere. In the Gulf of Mexico, we already require the use of circle hooks when shark fishing, but this is applicable to people north of Chatham, Massachusetts, where they currently do not need to use circle hooks. B10 would prohibit the retention of any shortfin mako.

Moving on to the third alternative, and we only looked at three alternatives, we are preferring no action. This is we don’t change any reporting or monitoring by fishermen, and we are planning on requiring that sharks be reported through tournaments. Most sharks are already required, because we do
require reporting for swordfish and billfish tournaments, and so you would just be making this applicable to sharks as well.

Alternative C2 is establishing VMS reporting on the commercial vessels. We decided that we have enough information coming in from the commercial vessels and did not need to do this, and Alternative C3 would require recreational reporting, mandatory recreational reporting, and we actually, for shortfin mako sharks, have really good estimates already, and so we did not feel we needed this.

Then we have several alternatives on the last topic, which is rebuilding. The first one, of course, is the no action, and the second one, Alternative D2, would say that the United States would act on its own to rebuild shortfin mako sharks. The U.S. is only responsible for about 11 percent of all the landings, and so we did not feel that the United States acting alone could rebuild shortfin mako sharks.

Alternative D3 is we would work with ICCAT to rebuild the stock. Alternative D4, we would implement a shortfin mako quota if ICCAT established one. ICCAT has not yet acted to establish a quota. Alternative D5 would implement some sort of area management if ICCAT did that. ICCAT is planning on looking at area management in 2019, and so it is a possibility, and, in the Alternative D6, it would establish bycatch caps for fisheries that interact with shortfin mako sharks. This is an alternative that was raised during scoping, and the vast majority of shortfin mako sharks are actually caught in our HMS pelagic longline fishery or in our HMS recreational fisheries, and so we did not feel that was needed at this time.

This is a proposed rule. In summary, we have a commercial measure that would require dead shortfin mako to be landed with electronic monitoring onboard. No live shortfin mako could be landed commercially. Two recreational measures, one of increasing the minimum size to eighty-three inches straight-line fork length and one requiring circle hooks everywhere. We are not changing the monitoring, and we are implementing -- We are working with ICCAT to rebuild the stock, and so those are the four proposed measures we have.

The comment period closes on October 1, and we hope to have this in effect this coming spring when the emergency rule extension expires, and, with that, I am happy to take any questions or comments you have.

CHAIRMAN BOSARGE: All right. Are there questions or comments?
Dr. Stunz.

DR. STUNZ: I have one, and I understand that you all have a public hearing going on this afternoon as well, and I didn’t know if maybe -- Did I miss you saying that or not? I thought you maybe you might want to --

MS. BREWSTER-GEISZ: Thank you for reminding me. Yes, we have a public hearing starting at five o’clock at the public library in Corpus Christi.

CHAIRMAN BOSARGE: Mr. Boyd.

MR. BOYD: Thank you for the presentation. A question. In the total tonnage that is taken worldwide, do we know how many animals that is, how many physical animals?

MS. BREWSTER-GEISZ: Not off the top of my head, no.

MR. BOYD: Thank you.

CHAIRMAN BOSARGE: Mr. Atran.

MR. ATRAN: Do you know what the discard mortality rate is on these fish? It might make a difference on some of these size limit options.

MS. BREWSTER-GEISZ: I believe they used 30 percent in the stock assessment.

CHAIRMAN BOSARGE: Lieutenant Zanowicz.

LT. ZANOWICZ: Thank you for the presentation. For me in the Coast Guard, this is interesting, because, obviously, we enforce not just species managed by the Gulf Council, but also HMS regulations, and I did have a question on the Alternative A, where it mentions to retain the sharks that they have to be dead at haul-back.

I was curious if there was any discussion on how that would be enforced, because it seems like, if there is an enforcement officer that goes onboard and they already have a shortfin mako shark onboard, there is no way to determine whether or not that was retained when it was alive or if it was dead at haul-back.

MS. BREWSTER-GEISZ: That is what the electronic monitoring would do, and so that video would show when the shark was brought onboard and once it’s onboard and whether or not it was
alive or dead.

CHAIRMAN BOSARGE: I had a question. I noticed you have the different size limits, minimum size limits, for males and females, and I would assume the females are typically bigger or grow faster, one of the two, because your female sizes are bigger, and I was just wondering how that discussion went and how you came to the decision to have two size limits, one for each sex, rather than either going with the greater, which would be the more conservative for both sexes, or the lesser or some average.

MS. BREWSTER-GEISZ: What we are proposing is actually one size limit for both. It’s eighty-three inches for both. We did get a lot of comments through scoping, with pretty mixed comments. A lot of people wanted us to go straight with what was recommended by ICCAT, the two size limits, saying that it was very easy to tell a male from a female and it wasn’t that difficult and a lot of other people saying, when these sharks come up, they are really active, and they’re jumping around, and it’s just a safety hazard to try to stop and try to figure out what the sex was, which is why we are proposing at this point the eighty-three inches and why that’s in the emergency rule.

CHAIRMAN BOSARGE: Thank you. Sorry. I didn’t realize that was your preferred. Yes, sir, Dr. Stunz.

DR. STUNZ: I just thought that I would just share with this group, and nice presentation, by the way, but our research program here does a lot of work on mako, and I know some of you know, and I have commented at previous meetings, and we would definitely be supportive of doing some type of regulatory changes, obviously, with mako, but what is interesting, from our Gulf populations that we catch right off of here, we can’t really quite figure out what’s going on.

Some end up -- One right now is off of New Jersey, and another one goes back and forth to the Caribbean, but the point is that our sharks aren’t our sharks. They are highly migratory, and so, anyway, as far as the discard mortality, we see -- I would suggest it’s fairly low, which is good news for these regulations.

Now, we don’t have that many, because they are pretty rare just to catch them in the first place, but we generally have trouble sometimes not catching them again after we release them, because they are pretty aggressive, and so I think some of these regulations that you’re putting out could be successful, in the
sense that I think they are surviving pretty well, or at least that’s what our work is showing in the Gulf, but the larger point is that they cross many territorial seas and thousands and thousands of miles even over the course of a year, and so it obviously is well beyond just the scope of what we’re doing here.

CHAIRMAN BOSARGE: Any other questions? Thank you. That was very interesting and informative, and we appreciate you coming.

MS. BREWSTER-GEISZ: Thank you for the opportunity.

CHAIRMAN BOSARGE: All right, and so next is our Texas Law Enforcement Presentation, which can be found under Tab A, Number 8, and so I would invite Lieutenant Casterline to come to the podium, and then I believe that Lieutenant Zanowicz wants to follow-up with the Coast Guard presentation after that.

TEXAS LAW ENFORCEMENT PRESENTATION

LT. LES CASTERLINE: Thank you, Madam Chair, and thank you, council. I appreciate the opportunity to speak here to you today about some very important efforts that are going on in the State of Texas, not only with Texas Game Wardens, but with the rest of our state and federal enforcement partners as well.

The efforts that we’ll discuss today are -- Since we’re in Region 8’s law enforcement region, I figured I would pick a couple of topics related to our fisheries enforcement along the Texas/Mexico border. This is an effort that the law enforcement community is very involved with in south Texas.

To start off today, I would like to start with a new program that took effect this year within our JEA agreement with the NOAA Office of Law Enforcement. There was actually a line item and funding provided to increase enforcement for IUU operations at port of entries along the Texas coast, to include airports and deepwater ports as well as our land port of entries down in south Texas.

Just a small overview of how that came about is this came about as we were approached by the NOAA Office of Law Enforcement with their addition of Seafood Import Monitoring Program. We were asked to participate in a task force to combat IUU fishing and seafood fraud. As I discussed earlier, this would take effect at our port of entries.

Just a little bit of background on the driving factors for this
action is illegal, unreported, and unregulated fishing and seafood fraud threaten the valuable natural resources that are critical to the global food security and put law-abiding fishers and seafood producers here in the U.S. and abroad at a disadvantage when these illegal products are actually put into the global market.

This action began, actually, in June of 2014, and it took effect, for the most part, in January, excluding abalone and shrimp, which took effect in April, as far as the requirements that are within this program. The Seafood Import Monitoring Program established permitting, data reporting, and recordkeeping requirements for the importation of certain priority fish and fish products that have been identified as being particularly vulnerable to the IUU fishing or seafood fraud.

Just a slide overview of this information, and this rule applies to products that are being imported into the U.S. from foreign countries as well as applies to products that are re-imported products of priority species originally harvested in the U.S.

It establishes that certain data be collected that will allow the priority species of seafood to be traced from the point of entry into U.S. commerce back to the point of harvest or production, to verify that the lawful harvest was actually occurring. The mechanism for the reporting data will actually be the International Trade Data System, and it will allow for the data to be observed by our federal partners.

Just an overview of some of the information that will be provided through this program is it will be related to not only the harvesting and producing agencies, or entities, but the fish itself. A lot of the landing information, as we would actually collect on our domestic fishermen here in the U.S., would be available.

Right now, the number of species is thirteen priority species, and the importer that actually is importing the product into the U.S. is responsible to maintain records from that point of entry all the way back to the landing of that product.

Moving forward, one thing I would like to highlight is, when dealing with the importation of these products, and this is a multiagency effort. Here in south Texas, and across the whole state of Texas, I am proud to say that the law enforcement community is very tight knit, and, very often, we work interagency operations, and we each bring our own unique
capabilities to the table for the greater good of the resource in this situation.

The example I’m going to give you today was at a port of entry down in south Texas, within the Brownsville area, and over closer into Hidalgo County, and it included Texas Parks and Wildlife, the NOAA Office of Law Enforcement, Customs Office of Field Operations, the U.S. Fish and Wildlife Service, and the FDA.

This operation included the port of entry inspections. As you can see in this right here, these are some trucks full of red snapper that were being imported from Mexico. This is at the commercial docks, and we’re seeing eighteen-wheelers as well as small cargo trucks, cargo vans, and what we’re able to do is, when these fisheries come through, they are actually identified by Customs, and then we’re able to actually inspect them, to make sure that they’re in compliance.

Some of the things you’ll be looking for are the type of species, make sure that the paperwork is matching up with the actual product that’s being imported, and tracing back to make sure that the actual product was lawfully obtained in the country in which it originated.

In this particular instance, within a week, we inspected six vehicles. Although that doesn’t sound like a lot of vehicles, if you pay attention to the numbers there, we issued fifty-two citations and two warnings and seized 255 red snapper that were being illegally imported into the State of Texas from Mexico.

These were actually -- The 255 red snapper were seized due to the fact that they did not meet the state requirements of meeting state size limits to be entered into and landed in the State of Texas from Mexico.

Just to give you a visual of those seizures, these are the two seizures of the red snapper. You’re looking at 255 red snapper, and they’re all under fifteen inches, and those were going to be put into commerce here in the State of Texas.

Another topic that -- I don’t know if you all have any questions about that portion, but we’re going to be moving into the actual illegal fishing aspect of things, but, without any questions, I will move on.

Another very important priority that we have in south Texas is also dealing with our illegal fishing along the Texas/Mexico
border. As we discussed earlier, we look at the IUU vessels when we’re talking about importation, but, also, being on the Texas/Mexico border, we are constantly dealing with the illegal fishing along the Texas/Mexico border.

As I know that this council is very aware of the activities in the Gulf of Mexico, I also wanted to give a short overview of the entirety of what we deal with along the border in the State of Texas. In addition to the Gulf of Mexico, we also have to deal with the illegal fishing that occurs on Lake Amistad, the Falcon Lake, and the Rio Grande River along the Texas south border.

We see types of illegal fishing from gillnetting, longlining, crabbing, shrimping, cast-netting, and, on the freshwater lakes, we’ll see some illegal hoop-nets as well. I am just kind of giving a few pictures, so that folks that aren’t familiar with any of this type of gear can visually see what we run into. This is in the lower Rio Grande River, close to the mouth of where it enters the Gulf of Mexico. As you can see, we’ve got some trout and some snook that are entangled into this picture here.

This would have been a fairly long gillnet that was removed from the Gulf of Mexico, and, had that crew had been brought in, we would have arrested this crew and seized that vessel and seized that gear, and it would have been destroyed.

Also, we look at the efforts by the longline in the Gulf of Mexico. We run into, in state waters, sharks, red drum, and other species that are caught up in these longlines that are illegal in state waters. We don’t allow longline fishing in the State of Texas, in the Gulf of Mexico, and so whether this would be a foreign vessel or a Texas vessel, this would have been an illegal activity.

The hours and hours that the officers put into pulling this longline, sometimes multiple miles in length, to be pulled by hand, there’s a lot of effort that goes into removing this gear once it’s located in the Gulf of Mexico. Unfortunately, we see quite a few different species that are taken within this gear.

Most recently, we’ve had to assist the Gear Management Team from NOAA with going down and identifying some of the seized gear on some of the lanchas in South Padre, because there’s been a slight uptick in the stranding of sea turtles along the Texas coast that have been found with what is consistent with the illegal gear from the Mexican shark fishermen or longline
fishermen still attached to the turtles.

We’re doing everything we can to assist the GMT group, so that they can better identify that gear and get the best data back to NOAA. As we spoke before, we’ve got different species of red drum, sharks, and what you’ll see throughout this presentation is actually a shift over the last few years in not only the targeted areas, but the targeted species that are being harvested by these vessels.

What you’ve got in front of you is the -- This is the most common vessel used for this illegal fishing. It’s about a twenty-six-foot panga, and you will see this one here has a cooler in the front, and it will probably hold anywhere from several hundred pounds to some of these hold upwards of about 2,000 pounds of red snapper, specifically. They will have anywhere from a seventy to a 200-horsepower tiller-drive engine, and they are very effective at making it the distance back and forth and committing these illegal actions.

As you can see there, this is a recent harvest of illegal red snapper, and I believe the Coast Guard will probably speak about some of their landings coming up, but some of the vessels that have been encountered have had over 2,000 pounds onboard at the time of their capture.

Looking at some of the different types, we’ve also got crabbing, and this is the Rio Grande River, and so these are the blue crab that are being illegally harvested from U.S. waters in the Rio Grande River.

Shrimping, this is probably a different picture than somebody in the shrimping industry would see, but I am pretty sure that you all know what a shrimp boat looks like, and we see those too, but this was actually a net that was being used similar to a gillnet. They put it into a little slew and covered the whole slew that dumped into the Rio Grande River, and, as you know, there is no BRDs or TEDs in this net, and so anything that was pulled through it with the current was actually obtained by the illegal fishermen.

Cast-netting, of course, this is a huge issue that we have. A lot of cast-nets are used along the border. In Texas, we don’t allow a cast-net to be more than fourteen feet. Some of these that are being used in U.S. waters from the fishermen from Mexico are twenty-plus feet in size, and it’s actually pretty interesting to stand there and watch them deploy one of these nets. They probably one better than I throw a five or six-
These are actually a couple of different recent cases that I wanted to just throw you some recent cases, to let you view some of the activities that our officers have been involved in. I guess one of the main things that I would stress is, if you’re looking at these, this is specifically in the Rio Grande River, in the saltwater portions.

In this instance here, on August 11, our Cameron County Game Wardens were able to seize this lancha and possession of multiple gillnets. Just to give you an idea of how difficult that actually is along the Rio Grande River, we recognize the middle of the river as being where we divide U.S. and Mexican waters, and so, when you’re patrolling this area, for the vessel, it’s very simple for him just to move back to his side.

You will get the gear, but it’s very difficult to actually get in a position to seize the lancha on this side, as far as the river. This gentleman was actually in the middle of either pulling or setting his net, which made it difficult for him to flee, and they were able to actually seize the lancha. Because of the gillnet, that vessel -- That triggers some ability for us to seize the gear as well as the vessel, and that will go to a property hearing, and a judge will decide whether that vessel will be forfeited to the State of Texas.

Just to give you some background, within the same week, the Game Wardens from that county actually were on that same river, and they pulled ten gillnets and eight traps earlier that week, and so that’s just to show you that, just because you have regular enforcement, it’s often seen along the Texas/Mexico border that this is actually not reducing the effort. They have an endless supply of fishing gear, and they will set it out as soon as you leave. They will put another net or another trap out, and the only way to get ahead of it is just to continue increasing and providing officer presence in those areas.

We also had our Cameron County Game Wardens as well as our Marine Tactical Operations Group that ran a week-long operation this year as well, and the -- I will just kind of -- I know that you all are probably waiting on us to go to lunch, and so I will try to hit some of the high points for you all, as well as if you will pay attention to the amount of consecutive days that the enforcement occurred and the fact that you’re going to see gillnets being taken every day.

The first day actually occurred in the Gulf of Mexico, and they
were able to seize 5,280 feet of Mexican longline from Texas waters, and that’s -- A positive note is that we were actually seeing less illegal fishing gear in the Gulf of Mexico in state waters, because of increased officer presence, throughout agencies as well. We think it’s also being driven by supply and demand for red snapper.

These officers shifted to the Rio Grande River the following day, and they encountered several Mexican fishermen working their gillnets. That day, they seized seven gillnets, about 2,100 feet, and they patrolled about thirty-six miles of river.

The next day, they actually went back to the Rio Grande River, the same situation. They encountered several fishermen and seized twelve gillnets, for 3,600 feet worth of gillnet the following day. Also, that was within an about eleven-mile stretch. This is just to give you a few pictures of what they encountered.

If you will see -- I mean, just looking at the amount of gillnet, they are literally filling their boats up and having to return to the dock and unload the gillnet and then go back to work. On the 18th, during this patrol, they actually seized forty-nine gillnets totaling 14,700 feet, and we were able to successfully remove that from Texas waters. This is just a few more of the photos of the officers conducting this.

In all, this operation will total sixty-eight Rio Grande River gillnets were removed, 25,680 feet of illegal fishing gear, which is approximately 4.9 miles, and they patrolled 103 miles of the Rio Grande River and 110 miles of the Gulf of Mexico within this timeframe.

The Rio Grande River is -- Although we have some success stories with border fishing along the Texas/Mexico border, the Rio Grande River is probably, along with the EEZ, going to be one of our main areas of concern that we still have, because of the amount of illegal fishing effort that’s being put by the Mexican fleet. I figured I would throw one of the success stories in here though, and I know this is not a coastal area, but it’s important to us, but over on Falcon Lake.

I would like you to look at just some of the numbers that we historically saw in the past. From 2011 to 2014, we seized eighty illegal fishing vessels on Falcon Lake alone, and thirty-five of those were between 2013 and 2014, in which we seized 113,520 feet of gillnet and thirty-five hoop-nets.
What I am going to tell you today is that, due to increased presence from law enforcement in that area, we have basically brought that to a standstill. Very seldom do we even see illegal fishing vessels or illegal gear now on that lake. I know we did seize, within the last few weeks, a few hoop-nets, but, overall, compliance has risen at a rate that I don’t know that anybody would have thought that we would have seen, and I’m very proud of our officers and our partner agency officers for the efforts that they provided.

To speak to the other area of concern that we have, the Gulf of Mexico, as far as state waters, increased resources in this area by the state and federal partners, they have been effective in reducing illegal fishing activity by the Mexican fishing vessels in the Gulf of Mexico, but, although illegal fishing by Mexican fishing vessels has been reduced in state waters, illegal fishing activity has not been reduced in the Gulf of Mexico EEZ off of Texas.

As I stated earlier, we have seen a pretty big shift in area that the effort is being conducted in, being further offshore, and we’re seeing vessels thirty up to maybe up to forty or fifty miles offshore, and north of Port Mansfield and approaching up to this area in Corpus in some cases. Then it is shifting from more of what we used to historically see would be the shark population being targeted to red snapper being the majority of the fish that are being harvested.

I would note that that shift, even though what I’m showing you today for the State of Texas is very positive, as far as what we’ve seen in a trend in state waters, but the trend in federal waters still shows -- I think what I’m going to do here is I’m going to pass to our partners at the Coast Guard to actually present what’s being found in the EEZ, as you will see that the activity is still very active.

I just want to throw this up here, but this is actually an effort that we did to gain information from the public. This is a wanted poster that was put out for illegal fishing vessel across the border to report any of that activity to Texas Parks and Wildlife, Operation Game Thief, or Sector Corpus Christi. That is the end of my presentation, and I would ask if there is any questions. If not, I will pass it over to our colleagues at the Coast Guard.

**MR. RIECHERS:** First of all, Les, thanks for the presentation. I appreciate you being here all week and also for the presentation. Just to give these folks a little bit of a
mileage check here, when you’re talking about the incursion coming up towards Port Mansfield, about how far south of the water are we to Port Mansfield from here, and how far up from the border is that? That’s about what?

LT. CASTERLINE: We’re seeing -- I used Port Mansfield, but I think it’s safe to say that it’s fairly common to see these vessels up to forty or fifty miles north of the border, but it’s not unheard of to see them further, up here closer to Corpus, to give you kind of a mileage of what we’re seeing, and then it’s very common to see, twenty or thirty or forty miles offshore, to where they’re running longlines. We’re not seeing the amount of gillnet that we historically did. It is more of a longline fishery at this point.

CHAIRMAN BOSARGE: Thank you, sir, and I think Lieutenant Zanowicz has about four slides for us that kind of go right hand-in-hand with this, and so I will let you quickly run through those, sir. We have a question from Mr. Strelcheck.

MR. ANDY STRELCHECK: I know I’m holding you up from lunch, but I do have a question. Thank you, Les, for being here. I’m curious -- I have two questions. The gears that you are seizing, especially along the Rio Grande River, are those allowable gears in Mexican waters? Then can you talk a little bit about the Mexican enforcement presence? Are there any efforts on the Mexican side to enforce this illegal activity that’s occurring?

LT. CASTERLINE: As far as the gear and the legality in Mexico, I don’t know that I can speak to what they would or wouldn’t allow in those certain areas. I do know, along the river, we’ve had some Game Wardens that we’ve actually trained through our academy from Mexico that would tell us that a portion of the gear that we were finding that they did not allow on their side.

To speak to the enforcement efforts on the northern coast for Mexico, mainly those vessels in the Gulf are coming out of the Playa Baghdad area, and I would say that a minimal, if any, enforcement is occurring on that beach, due to the threat by the cartel in that area.

I do know that, and the Coast Guard can probably speak more to the interaction with the military, as far as their efforts in the Gulf, but, overall, I would say that the enforcement efforts are minimal on their side.

CHAIRMAN BOSARGE: All right, Lieutenant Zanowicz.
U.S. COAST GUARD UPDATE

LT. ZANOWICZ: Thank you. As Lieutenant Casterline mentioned, the Coast Guard and Texas Parks and Wildlife have been working together to combat this threat. I did want to mention, before I jumped into my presentation, that I did receive the letter from the council following our last meeting formalizing the request for some information, and this presentation provides the data that was requested.

This graph here we’re looking at shows the time series of lancha detections and seizures by the Coast Guard for the past ten years, and so the blue bars that you’re looking at, and it’s a little difficult to see, is the total number of detections every year, and the red bars are the total number of seizures, and so detections includes both actually sighting a lancha as well as recovering illegal gear.

You can see, for the past ten years, it has been steadily increasing, and there is no sign that the threat is slowing down. We’re seeing a consistent level of detections for several years now.

This chart here shows the total number of red snapper and shark that we’ve recovered from these vessels themselves, and so you can see that there is some fluctuation from year-to-year. This year, currently, we’ve recovered a total of 4,959 red snapper and 121 sharks. Again, that is the total number of fish that we’ve actually recovered.

This shows the total catch weights of what we recovered from those lanchas from 2014 to the present, and so, again, you will see that it fluctuates from year-to-year. I don’t know for certain why that is, but I will say that we interdict lanchas at all phases of their fishing activity, and so, traditionally, the means they use while fishing is both transit north of the U.S./Mexico Maritime Boundary Line and put their gear in the water and transit back south and let it soak for several hours and return north and recover their gear with the fish.

We can interdict those vessels when they’re transiting north, when they’re transiting back south after placing the gear, or when they’re transiting back north to recover the gear, and so, many times when we interdict them, we actually have the master onboard actually admit to fishing in the U.S. EEZ, which is sufficient for us to seize the vessel, and so there doesn’t necessarily need to be catch onboard for us to seize it, and,
again, because of that, you will have us seize vessels that
don’t necessarily have any catch onboard.

These total catch weights, as well as the catch counts in the
previous slide, were provided to the Southeast Fisheries Science
Center, and, in addition to that, I’m working with our office
that did the lancha economic impact analysis presentation from
several years back to conduct an estimate of the total lancha
threats. In other words, how many vessels we believe are
operating in the U.S. EEZ.

Here is two pictures from several recent cases we had. The
picture on the left shows just the catch laid out from one
lancha, demonstrating the total quantity of red snapper we have
recovered, and then the catch there on the right just shows the
condition of one of these vessels.

As you can see, the red snapper in this lancha are not in any
kind of cooler. They are just thrown there on the deck with no
sort of refrigeration, and that’s pretty consistent with what we
typically see.

In response to all of this, we are continuing regular Coast
Guard enforcement efforts, and, obviously, as indicated by these
graphs, no sign that the threat is slowing down, and so that
concludes my presentation, pending any questions. Thank you.

CHAIRMAN BOSARGE: Questions? Yes, Dr. Porch.

DR. PORCH: Thank you very much for that presentation. One, the
information that we received actually doesn’t quite match up
with the bars on the graph, but, more importantly, I think you
explained to us that the Coast Guard does not plan to provide
actual catch estimates, where you’re expanding, as you did in --
I can’t remember if it was 2014 or 2015, maybe.

For us to do anything with this, basically you’re just -- If you
expand it up, in terms of the number of lanchas detected, versus
the number that you actually seized red snapper from, even if
it’s basically a factor of three difference, I think, and so it
wouldn’t be that many red snapper, but the big part that’s
missing here is the probability of detecting a lancha to begin
with, and that’s what you had addressed back a couple of years
ago.

LT. ZANOWICZ: Thank you for those comments. The analysis that
was conducted several years ago did include catch estimates as
part of it, and the feedback that the Coast Guard received was
an analysis of that sort was stepping outside our role as an enforcement organization, and so that’s why, for this future analysis, what we’re planning to do is focus solely on the lancha threat. In other words, how many vessels we believe are operating, based on our probability of detection by the Coast Guard and how many we’re actually seeing out there.

CHAIRMAN BOSARGE: Yes, sir, Dr. Stunz.

DR. STUNZ: I know it’s getting late, but just really briefly and to follow up on Clay, and, if that’s outside of the realm of what you guys wanted to do, I don’t know that it’s out of the realm of what the council could request that we could do within our purview, but I guess I still am not totally clear on the detection part, and we don’t have to have that answered today, but my understanding is the detections that you’re showing here are not what really is happening and that it’s a little bit harder to put our fingers on, which would obviously play into a lot more catch that’s going on, and that is the missing piece that I think would very useful to have.

LT. ZANOWICZ: Absolutely. The figures we showed here were simply the number of lanchas we actually see in the EEZ. We obviously don’t have the resources to see all of them, and, even if we did have more resources, we probably wouldn’t see all of them anyway, and so the analysis that we plan to conduct is an estimate of the total number based on the number of lanchas that we are actually seeing.

CHAIRMAN BOSARGE: Dr. Mickle.

DR. MICKLE: I appreciate both of the presentations, and just one little point. It’s very interesting that the illegal fishing seems to be switching to offshore waters. That’s very interesting to actually see, and, also, I assume the effort levels of your on-the-water for both agencies is probably dictated by funding, or is it standardized?

If we go back to the figures, the first couple of figures, and we don’t have to, but there is a lot of variability in your detection of illegal -- Is it standardized patrols? I think we talked about this before, but has anything changed, or is it highly standardized or not? Thank you.

LT. ZANOWICZ: The number of hours that we’re allocated for our resources has remained relatively steady over the past few years. That being said, we’re constantly adapting our strategies and tactics on the southwest border to improve
Obviously, this threat has been going on for a while, and so there is indication that the Mexican fishermen are probably aware of some of the tactics we use, and so it’s kind of a cat-and-mouse game, where we’re constantly trying to change our tactics, and that probably represents some of the fluctuation we were seeing in those graphs.

CHAIRMAN BOSARGE: All right. I think we’ve had some good discussion. We are set for a lunch break at this point, because our next agenda is public comment, and we don’t have a lot of wiggle room on that, but, if you all want to continue this conversation, we can do so during the liaison reports tomorrow or if we have time after public comment. If we have a little time left, we can do it then. It’s obviously very interesting. Thank you, gentlemen, both of you. We’re going to break for lunch now. We have public comment at 1:30, and so let’s be in our seats and ready to go at 1:30, please.

(Whereupon, the meeting recessed for lunch on August 22, 2018.)

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August 22, 2018

WEDNESDAY AFTERNOON SESSION

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The Full Council of the Gulf of Mexico Fishery Management Council reconvened at the Omni Hotel, Corpus Christi, Texas, Wednesday afternoon, August 22, 2018, and was called to order by Chairman Leann Bosarge.

CHAIRMAN BOSARGE: All right. I think we have most of our council members around the table. For the public, if you’re having a conversation in the back, just so that we can hear everybody that’s at the microphone, if you could keep it to whisper or take it outside, we would appreciate it.

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

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

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

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

Each speaker is allowed three minutes for their testimony. Please note the timer lights on the podium, as they will be green for the first two minutes and yellow for the final minute of testimony. At three minutes, the red light will blink, and a buzzer may be enacted. Time allowed to dignitaries providing testimony is extended at the discretion of the Chair. We do have one dignitary that I know of in the audience that would like to give public testimony, and so our first gentleman this afternoon will be Mr. Lawrence Marino.

PUBLIC COMMENT

MR. LAWRENCE MARINO: Good afternoon. My name is Larry Marino, and I’m here on behalf of Louisiana Attorney General Jeff Landry. Regarding Action 1 under state management Amendment 50A, addressing the components of the recreational sector to include, Attorney General Landry urges the Full Council to reject the Reef Fish Committee decision yesterday to make Alternative 2 the preferred instead of Alternative 4.

This change would back-burner state management of for-hire, even though some states and their fleets want to be included in state management. It would also eliminate the sunsetting of component separation between for-hire and private angling.

There is obviously disagreement on state for-hire management, and, given the immediate need to pass state management in time for the end of the EFPs, the council separated for-hire out into a separate amendment. However, the way that Alternative 2 would accomplish this separation would prejudice the discussion in the
for-hire amendment by eliminating the sunsetting of component separation within the recreational sector.

By contrast, all of the analysis that went into imposing component separation under Amendment 40 -- The separation would be made permanent with very little discussion or analysis by the inclusion of a single sentence in Alternative 2 in Amendment 50A. Under Alternative 2, component separation would become the default condition for a for-hire amendment, again, despite the fact that some states and their fleets oppose it and also despite the fact that, under Alternative 2, Amendment 50A would not even address the for-hire component.

At a minimum, this significant change should be removed from Alternative 2 in Amendment 50A and left for more rigorous discussion in the state for-hire amendment. More importantly, rather than eliminating state for-hire management under Amendment 50A, the better solution is to address it now in 50A, as did the previous preferred Alternative 4. The only problems identified were the allocations among the states and the concern for how to regulate the for-hire fishing if only some states choose to manage for-hire.

As to the allocations, whether now or under a separate state for-hire amendment, that decision will ultimately have to be made. Mr. Banks moved Option 2d, which failed resoundingly, though it’s not exactly clear why. The council accepted it before, and it appears to be fair. Mr. Riechers moved Option 5b and 5d, which incorporates biomass into the weighting and which failed almost as badly. Again, this appears fair, and incorporating biomass into the allocation seems appropriate.

Regardless, there is a wide range of options here. Maybe a path forward is to do a straw vote on the options among the council members and start with whatever gets the most votes or take the top three solutions and use them all and weight them equally. It seems the conversation just needs a place to get started.

Many members commented about the need to decide based on what’s right for the fishery overall and not what’s most advantageous for any particular state. That is both commendable and correct, but we need to follow through on that and work toward developing an option that’s reasonable and that everyone can live with.

It’s doable, but we need to hear why members have deal-killer problems with particular options and tweak the options to satisfy or reduce those problems without creating deal-killer problems for the other members. It may facilitate this to start
with one option and then start tweaking it, instead of up or
down votes and for council members to identify the particular
tweaks they need to see in order to accept that option.

As to allowing each state to decide whether to include for-hire,
the concern now seems to focus on difficulties that might arise
if some states manage for-hire and some don’t. Drawing lines in
the Gulf is not necessary. For states managing for-hire, the
state for-hire permit could specify that the vessel can land
only in that state. Its catch would be deducted from that
state’s allocation.

For states not managing for-hire, the federal permit could
specify that the vessel can land only in states that do not
manage for-hire. Its catch would be deducted from the remaining
allocation, and this should not be that complicated to
accomplish. Whether the permit requirement is called an
endorsement or something else, focusing on where the vessels
land rather than where it fishes simplifies the process.
Certainly it will take time to implement, but, if this is
accepted now, there is no reason that it can’t be done in time
for the 2020 fishing season.

Finally, while many members indicated their intent to pursue
state for-hire management on a parallel track with state private
angling management, the reality is there is time pressure to
complete state management for private angling but not for for-
hire. The inevitable result is that for-hire will tend to
languish if it’s separated out, despite members best intentions.

It is therefore in the best interest of timely development of
state for-hire that it remain part of Amendment 50A. For these
reasons, Attorney General Landry urges the council to reject the
committee recommendation to make Alternative 2 the preferred
under Action 1 and to select a preferred under Action 2, so that
the process can move forward timely. Thank you.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Jake
Herring, followed by Mr. Cliff Johnstone.

MR. JAKE HERRING: Good afternoon and, first, welcome to Corpus
Christi, and thank you all for coming here today. As a
recreational angler, I am in support of the management of red
snapper by the State of Texas to manage both for the
charter/for-hire and for the private recreational angler sector.

I think this will maximize the ability for fishing flexibility
while still meeting the prescribed quotas. As an angler, I
appreciate what the state has been doing, and I hope that Amendment 50 moves along, and so, essentially, coming from me, as a person, just a normal guy that likes to go fishing from time to time, I hope that I am still allowed to continue to do it, and I hope that my kids and their grandkids are still allowed to do it, and so I sincerely really appreciate you all coming here to hear everybody out today and thank you, and I hope you enjoy your stay in this town.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Cliff Johnstone, followed by Mr. Chris Niquet.

MR. CLIFF JOHNSTONE: Good afternoon. I am Cliff Johnstone, and I’m from Corpus Christi, Texas, and I’m a recreational fisherman, but, first, once again, welcome to our city. I hope you all are having a good time. I do support the Amendment 50 for the states to continue the management of the red snapper and the recreational fishing, and that’s it. Thank you very much.

CHAIRMAN BOSARGE: Thank you, sir. We have a question for you, Mr. Cliff, from Mr. Doug Boyd right over here.

MR. BOYD: Thank you for coming today and giving us testimony. A question. You said state management of recreational fishing. Do you mean just private boat, or do you mean charter/for-hire and headboat, or none of the above or --

MR. JOHNSTONE: Well, I agree with what the current states are doing as far as the management of the red snapper fishing and really no changes.

MR. BOYD: Thank you.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Chris Niquet, followed by Mr. Dylan Hubbard.

MR. CHRIS NIQUET: My name is Chris Niquet, and I’m from Panama City, Florida. I’m a commercial fisherman. I have heard some talk around the council today about the allocation issue, and I’ve heard that it may go up as high as 10 percent in the coming year, which has been long overdue, and increasing the TAC will be good for the recreational for-hire industry and the private recreational and the commercial.

I think it would be good for the entire fishery overall. It seems like there is a pile of red snapper out there that nobody is accounting for, and, as far as the commercial fleet, you’ve got a moratorium, I think, on reef fish permits being issued,
and that’s an impingement to the new entries that everybody is talking about. If you’re not going to issue any more reef fish permits, I’m assuming the new entries are the people who are in the fishery but are not catching red snapper, due to the lack of allocation of shares.

I have heard talk among people that these allocation and shares are, quote, unquote, not available at any price. They’re either sadly mistaken or let’s say they’re fibbing, because this January, coming January, when I get the snapper in my account, they will all be for sale, every last one of them. Tell your people don’t say that they’re not for sale. You’ve got my number and have them call me.

Now, the charter boat fleet has been within their limits for the last two or three years, I think sometimes 20 or 30 percent below their limits, and it’s not because they can’t catch them. It’s because they don’t have enough days to catch them. Give them the time to catch them, and they will catch 90 percent and up of the fish, but if you don’t give them enough days, it’s impossible and you can’t do it.

Commercial is the same way. We’re catching 95 plus percent of the fish that we’re allotted every year, and these are going through fish houses and restaurants and to the general public. We are within our limits, and I don’t think we need any reduction. The 10 percent increase is good if you have a three or four-year constant catch, so that people will know what they’re getting and they can make a business plan. Thank you very much for your time, and I will answer any questions you have.

CHAIRMAN BOSARGE: Thank you, sir. All right. Next, we have Mr. Dylan Hubbard, followed by Mr. Bart Niquet. Our lights aren’t really working on the podium for some reason, and so I guess I’ll hold my finger up and tell you when you have one minute left. I will do my best. Go ahead.

MR. DYLAN HUBBARD: Hello. My name is Captain Dylan Hubbard, and my family business has been fishing in central west Florida for over ninety years and four generations. We operate six federally-permitted vessels, both charter and headboats, and I’m here today representing my family business alone. I’m also a graduate of the Marine Resource Education Program, and I hold a spot on the Reef Fish AP.

As far as state management for red snapper, please leave the federal for-hire fleet out of state management. It was said
yesterday at the meeting that only a small, vocal portion of the for-hire fleet are outspoken against this. I would challenge that by saying that only a small, vocal portion of this council are in support of this, and nearly all of the federally-permitted for-hire fleet does not want to see their largest business asset, their federal permits, endangered by moving into a state management plan.

Thank you for removing federal for-hire from the current Amendment 50, and please continue to keep it out of the plan, as including it will only serve to hinder the goal of having an option in place for the private recreational anglers at the expiration of the EFPs.

Amendments 41 and 42 need to be dropped from the council agenda. The once heavily weighted in support ad hoc APs can’t even reach a quorum to discuss these further, and it’s a clear sign that these amendments are not working and have lost support among the constituents, and we’re wasting too much of the council time and energy on an unsupported set of amendments.

Electronic reporting for the federal for-hire fleet coming in 2019 is very exciting, but I am very worried about an unfunded mandate rolling out without a way for that data to be used. Currently, we’re a long way before this is ready to be implemented, and the public comment period just ended two days ago. What if public comment causes things to change more?

We must electronically report. The industry wanted this for decades, but we cannot roll this out prematurely and have a positive step forward become a disaster. Also, I continue to voice my distaste in the vessel monitoring requirement. I would prefer that it not be involved. Finally, please be sure to include the transparency discussed by the SEFHIER group and the flexibility needed for anglers to prosecute this fishery.

The carryover provision was not discussed at this meeting. Please discuss it at the October meeting. Why leave something that could be so positive and helpful on the table? We need the ability to fish our quota. There has been talk of the for-hire fleet’s inability to land our quota, and we don’t have an overallocation of quota issue. We have an under allocation of days issue.

As far as gray snapper are concerned, why are they not being included in the 50 SSB MSY with other species? I hope they will not receive an overfished designation or be considered undergoing overfishing, as this is a very healthy fishery.
At the last meeting, I felt reassured that the stock status criteria used in the assessment would be changed and this fishery would not be considered overfished or experiencing overfishing. Yet, the SSC recommendation does not reflect that. I urge the council to adopt a stock status criteria that would avoid creating an unneeded issue. I wanted to talk about hogfish too, but I ran out of time. Thank you.

CHAIRMAN BOSARGE: Since you were sweet and didn’t make me scream at you, what did you want to say about hogfish? I would like to know.

MR. HUBBARD: As far as the hogfish goes, the updated assessment that was discussed, talking about the uncertainty, didn’t address the minimum size limit change, and I feel that we just made a 16 percent change in the minimum size limit, and that reduces -- In cobia, that was the largest change to reducing the catch landings, and so reducing the ACL on top of increasing the minimum size limit and what’s happening with red grouper and gag grouper and other species out in deep water -- Along the West Florida Shelf, hogfish is becoming more and more of a directed hook-and-line fishery.

A lot of charter boats, especially state-permitted boats, and even federally-permitted boats, are now shifting gears to a directed hook and line hog fishery, and I feel increasing the minimum size limit and not assessing that and then also decreasing the ACL is going to create an unneeded issue.

CHAIRMAN BOSARGE: Thank you, sir.

MR. HUBBARD: Thank you.

CHAIRMAN BOSARGE: Next, we’re going to have Mr. Bart Niquet, followed by Mr. John McCain.

MR. BART NIQUET: Good afternoon. I’m glad to be here. You all listen to that man. He knows what he’s talking about. My name is Bart Niquet, sometimes called Captain Buster, and, as one former council member called me, the White-Headed SOB in the Back.

I started working on snapper boats when I was thirteen, and that was in 1937. I started running the boats when I was twenty-two, and I’ve had a six-pack license, a hundred-ton license, a 300-ton oil and mineral license, and I have owned one charter vessel and three commercial vessels, with permits for all of them.
First, an observation. About half the council members turn away from the microphone when they’re speaking, and we can’t hear you in the back, and the men are worse at it than the women.

I would say that, and we still have problems in trying to manage and reallocate snapper without input from the principals in this process. Get some fish dealers and lease holders in an open forum, and, for God’s sakes, listen to what they have to say before you try to make any rules. That might save time and legal fees on both sides. We already have dual-permitted vessels. Ask them how it works.

A senator known worldwide said this to his senate. Chaos is created by any political body by overeducated and disgruntled employees. A person who is not happy in his work should leave. That happened back in the time of Caesar, and the man’s name was Livy. I would be happy to answer any questions, and I agree with most of what these fellows are saying. Thank you.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. John McCain, followed by Mr. Jen Thomasson.

MR. JOHN MCCAIN: My name is John McCain, and I’m a recreational angler from Corpus Christi, Texas. I would like to welcome you all here and tell you that I appreciate the job that you’re doing. I am here in support of the council getting together and passing Amendment 50. I think Texas Parks and Wildlife does an excellent job taking care of the fish stocks in Texas, and I think they would do a good job taking care of the recreational end of the red snapper. Basically, that’s all I have to say, and I thank you for the job that you’re doing.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Ms. Jen Thomasson, followed by Ms. Lauren Sponsler.

MS. JEN THOMASSON: Hi. My name is Jen Thomasson, and I’m a recreational angler from Rockport, Texas. As a recreational angler, I am in support of state management of red snapper that would allow Texas to manage both the charter/for-hire and private recreational angler sectors. I appreciate the work the states are doing to ensure that Amendment 50 moves along. We want access and opportunity. You all enjoy your time in Corpus Christi.

CHAIRMAN BOSARGE: Thank you, ma’am. Next, we have Ms. Lauren Sponsler, followed by Mr. Tyson Gaenzel.
MS. LAUREN SPONSLER: My name is Lauren Sponsler, and I’m from Rockport, Texas. As a recreational angler, I just wanted to say that I appreciate the work the states are doing to ensure that Amendment 50 moves along. We hope that you all just keep it moving forward, and that’s all. Thank you.

CHAIRMAN BOSARGE: Thank you, ma’am. Next, we have Mr. Tyson Gaenzel, followed by Mr. Ron Moser.

MR. TYSON GAENZEL: Hi. My name is Tyson Gaenzel, and I’m a recreational angler from San Antonio, Texas. I fish right here out of Corpus. I would like to let you know that recreational anglers support state management of red snapper, and I believe the states should manage all recreational fishing effort, both the for-hire and private anglers.

We believe managing the species on a state basis versus Gulf-wide is more efficient and effective for the entire fishery. The Florida fishery is different than the Texas fishery. Our fishing days are different, and the distances we have to travel to fish are different, and so I think Mexico probably has a bigger impact on our red snapper fishery than Florida does, and so managing us with Florida doesn’t work well for us, I don’t believe.

The recreational community is supportive of the state’s effort to collect data, harvest data, and I know our Texas Parks and Wildlife biologists are at the boat ramps often. I used iSnapper on every trip I took this year, and the other recreational anglers I know have used iSnapper, and we really got behind it this year, with the state management. I think you have seen -- I think it has increased that effort, having state management. It’s made us all get involved in that process.

Thank you.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Ron Moser, followed by Mr. John Blaha. We will circle back to Mr. Ron, if he’s not in the room at the moment, and so, next, we have Mr. John Blaha, which will be followed by Mr. Troy Williamson.

MR. JOHN BLAHA: Good afternoon, Madam Chairman and Gulf members. I appreciate the opportunity to speak today. My name is John Blaha, and I am a Habitat Director for CCA Texas’s Habitat Program, Habitat Today for Fish Tomorrow, and I’m an assistant director with several CCA chapters in our state, four of which are here in the coastal bend area. These include Corpus Christi, Rockport, Port Aransas, and the Brush Country Chapter.
I just wanted to take the opportunity to relay some recent feedback that I have heard from our members. Fishing this summer for red snapper under the EFP has been a positive experience for many of our members. Although there were many days in early summer that the conditions weren’t conducive for them to go out and enjoy themselves on the water, the guys and gals knew that they had future opportunities later in the summer, which recently they have reaped the benefits from.

They really enjoyed having the chance when they could go during the eighty-two-day federal season, which just recently ended. Opportunity to access the resource is important to recreational anglers, and we seem to have gotten that under the first year of the EFP.

In an effort through our social media channels, our membership meetings that we hold, and magazine publications, we encourage our members to utilize tools such as iSnapper and to participate in the data collection process. We understand this is important, and we also encourage them to use descending devices to practice safe catch-and-release.

Our participants at Harte Research Institute have done a lot of great studies with this and shown the benefits of it, and we’re looking forward to the next snapper season under the second year of the EFP and hopefully permanent state management after that. Thank you for the work you are doing on Amendment 50, and please keep it moving forward. Again, thank you for this opportunity to give public comment, and I hope you have enjoyed your time in Corpus Christi, and safe travels back home. Thank you.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Troy Williamson, followed by Mr. Ken Haddad.

MR. TROY WILLIAMSON: Good afternoon, Madam Chair and council members. My name is Troy Williamson, and I’m a resident here in Corpus Christi. Thank you for the opportunity to give public comment here today. I’m a recreational angler, and I support state management of red snapper and the inclusion of the charter/for-hire and private recreational angler sectors in that management plan.

I was a member of this council’s ad hoc advisory panel that voted against sector separation of charter/for-hire and recreational anglers. I’m of the opinion that many members of the charter/for-hire sector now agree that sector separation was a mistake.
I am in favor of the concept of individual state amendments, which would allow each Gulf state to adapt their management plans to the needs of their citizens and the conservation of the public resource.

I have been privileged to serve as a commissioner on the Gulf States Marine Fisheries Commission for the past nine years. In that capacity, I have witnessed the cooperation between the state agencies, and I have every confidence that each of the five Gulf states will work together for the benefit of the resource and resolve the issue of allocation of that resource in a fair and judicious manner.

As far as the provisions of aquaculture that you’re going to be dealing with in the future, I am in favor of NOAA and this council using the best available science to explore a safe and environmentally conscious aquaculture initiative. Importing 90 percent of this nation’s seafood is not in our best interest.

As far as your discussions regarding shrimp is concerned, I am in favor of keeping the shrimp effort threshold at current levels until the red snapper rebuilding target date is reached. Thank you again for the opportunity to address this council on these very important issues and have a good day.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Ken Haddad, followed by Mr. Gary Bryant.

MR. KEN HADDAD: Thank you, Madam Chair and council members. My name is Ken Haddad with the American Sportfishing Association. I want to cover two topics, allocation and state management. We ask that you adopt the federal guidelines for allocation. It is our opinion that NOAA prescribes an accountable process-oriented policy, while the council policy is more a list of things to consider, and it does not prescribe an accountable process. We would like a policy or an amendment that prescribes a process that is fair and equitable and accountable.

On the scoping document, and there is new members here, back in 2015, you were given compelling science, vetted by the SSC, that concluded a long-term underestimate of recreational landings and in size selectivity. This produced additional catch. Then Reef Fish Amendment 28 acknowledges this long-term underestimate and proposed a small change in allocation. That was struck down in a lawsuit based on violation of National Standard 4.

You have started a new process with the understanding that a new
amendment is warranted and NOAA, in discussions with this
council, NOAA said that there is no reason not to start a new
amendment looking at allocation for snapper, and this new
amendment should readdress allocation that does not violate
National Standard 4 and takes into account IFQs and the impacts
and considers a broad range of social, economic, data
collection, and management factors, and we just ask that you
move forward with this.

In state management, we still prefer alternatives that give the
maximum allowable technical and management authority to the
states and allows innovative management approaches such as depth
and distance. We prefer a state decision on including or
excluding for-hire. A mix is very doable. States have to deal
with cross-jurisdictional boundaries all the time, and so it can
be done.

Finally, we hope the states will please find a way to agree on
allocation or an allocation process in time to have a system in
place at the conclusion of the EFPs. Thank you.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Gary
Bryant, followed by Mr. Billy Archer.

MR. GARY BRYANT: Good afternoon. I’m Gary Bryant from Gulf
Shores, Alabama. I am going to speak to you today as president
and representative of the Alabama Charter Fishing Association.
We represent ninety boats along the Alabama Gulf coast.

First and foremost, I would like to reaffirm how important
sector separation is to our fishing community. It has helped
stabilize our business and stabilize our customers, knowing when
we’re going to fish. Our membership is fully behind keeping
sector separation and staying under the federal jurisdiction, I
guess for lack of a better word.

Moving forward, we would like to see the buffer for the for-hire
sector lowered. For the last -- I have seen information for two
years, but, for the last three years, as far as I know, we have
stayed under our catch target. We have not come even to our
buffer, and we feel like the charter/for-hire industry has been
held down to act as a secondary buffer for the entire
recreational catch. We would like the opportunity to catch our
fish, and so that is important to us.

On Amendment 50, we would really like to see -- We support the
private anglers getting Amendment 50. We would like the charter
boats left out of it. There is no reason to bog this down and
draw it out and cause confusion when it can go forward just for
the private anglers in a streamlined fashion, and we support the
private anglers having that opportunity.

Our fishing community feels that cobia are in trouble, and we
would like to see something done and you all move forward. We
would support lower bag limits and an increased size. We are
not seeing the fish we’ve seen in the past. We are seeing small
fish, and we think something needs to be done for them.

On the logbooks, we are looking forward to logbooks. There were
some comments made about being transparent, and I feel that is
very important. Some of these charter guys are pretty contrary,
and so, if you give us a false start and tell us to start paying
that monthly fee and nothing is being done with the data, it is
not going to set well, and it’s going to be, well, we tried
that, and it didn’t work, and I’m not doing it again, and so we
want the logbooks, and we fully support it, but tell us upfront.

If you’re not going to use the data for a year -- You know, I’ve
got two federally-permitted boats, and it’s seventy-nine-dollars
a month now on our CLS plan, and we just don’t want to waste the
money and the time. We want to give you the data, and we want
you to use the data, and so just be upfront with us, but we are
excited to do that when you all are ready for us to do it.

Thank you very much.

CHAIRMAN BOSARGE: Thank you, sir. We have a question for you
from Mr. Boyd.

MR. BOYD: Gary, thank you. I appreciate your testimony all the
time. It’s very informative, but I do have a question for you.

MR. BRYANT: Okay.

MR. BOYD: At the last meeting, 41 and 42 were postponed for
some period of time, and the reason that we did that was because
we wanted to give the captains and the owners time to look at
the decision tool that NMFS had created on what the fishing
productivity would be for each sector. My question is do you
know if the people that you’re associated with have looked at
that tool, and have they reviewed it and do they understand what
they might be receiving?

MR. BRYANT: The latest tools, I have not seen the -- I can’t
say that I’ve seen the final numbers. I haven’t seen any
numbers that were advantageous to our fleet. We would be taking
a dramatic cut. My fleet basically supports staying, right now,
under sector separation fishing. We would prefer the derby under the current scenario. I haven’t seen a scenario that would come close to -- We would have to take a dramatic cut, from the numbers that I have seen so far, and we make a living fishing, and so we need to go fishing.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Billy Archer, followed by Ms. Pam Anderson.

MR. BILLY ARCHER: Good afternoon, Madam Chair and the council members. My name is Captain Billy Archer, and I’m third-generation from Panama City, Florida. I would like to address the issues that the council is considering right now.

The first one is Amendment 50. Trying to include the federal charter/for-hire boats in this amendment is a mistake. Amendment 40, or sector separation, was passed by this council three years ago for the purpose to insulate the limited access charter component from the continued loss of access from the private recreational sector.

Amendment 40 is one of the most successful amendments to date. Amendment 40 has provided both stability and access to the for-hire industry and the American fishing public. That being said, I cannot support Amendment 50 and including the federally-permitted for-hire boats.

On red snapper reallocation, I strongly oppose this from the commercial and charter sectors to the private recs. Taking commercial quota and giving it to the private angler is unfair to the American public that enjoys these fish in their favorite restaurants, supermarkets, and fish houses. The commercial sector has been working under an accountable management system for the last decade, and they shouldn’t be punished for the overharvesting by private recs. Giving private recs commercial quota is not the answer. Maybe Amendment 50 is. I strongly urge this council not to go down this path again on the reallocation of red snapper.

I also strongly recommend that the council consider the plans put forth by the Destin Charter Boat Association on recommending logbooks and sector allocation. I believe it will further stabilize the recreational fishing industry and we need to get our logbook program online as soon as possible.

Also, we would like to ask that this council consider an ACT adjustment that reduces the buffer for the charter/for-hire sector. Leaving underharvested red snapper in the water serves
Amendment 36, I urge this council to consider the amendment as a stand-alone amendment for the purpose of set-asides as a fair percentage that means for the future of red snapper increases to be used for new entrants only. On the cobia, my last comment is the consensus is Action 1, Alternative 1 and Action 2, Alternative 3. Thank you very much.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Ms. Pam Anderson, followed by Mr. Troy Frady.

MS. PAM ANDERSON: Good afternoon, Madam Chair and council members. Thank you for this opportunity to speak on issues concerning our fishery. I am Pam Anderson, Operations Manager for Captain Anderson’s Marina and the Fishery Rep on the Bay County Chamber of Commerce.

In modifying the ACL for red snapper, I agree that the constant catch choice is best, to keep some consistency in seasons. What concerns me with this is, with a growing fishery, fish obviously grow from year to year, thus weigh more, and, in recent times, that has been used as a reason to decrease the days the next year. Hopefully that will not be the case here.

In modifying the ACT for red snapper, I agree that the preferred Alternative 3 is fair. Since the private anglers are still overfishing their ACT, I understand why you must keep their buffer in place for now. Soon though, with the state management EFPs, I’m sure we’re all hoping that that will resolve that issue, with better data collection plans for the private recreational.

As for the state management programs, I think it was well said that, in order for it to work, all involved will have to give some, and it will be a great achievement once you’ve gotten it done.

Thank you, Dr. Stunz, for your report on the great red snapper count. I, personally, and others have requested this independent study for quite a few years to be funded in Congress. There has been a lot rhetoric over the years in reference to accurate red snapper data, but this should eliminate concerns of stakeholders and legislators on the accuracy of science used in regulations.

Having a mandatory VMS on a headboat is still not necessary. Hail-in and hail-out is fine, but having an accurate count
programmed into a device very long before you get to the dock is
going to be difficult as well as verification and short
turnarounds that will hold up the boat going back out again in a
short time. If these things are not being required in other
regions, we shouldn’t have the requirements either.

Thank you, Mr. Brennan, for the headboat summary report. We
appreciate your staff’s efforts in gathering correct data as
well as reporting it in such detail. I think it would help make
the harvest in pounds more accurate for headboats if you knew
which of the boats ran short or long trips in their area.

The trips show us the average size fish for the length of the
trip. The longer the trip, the deeper the water, the bigger the
fish. If you broke the harvest down so the average size fish
that were known with inshore and offshore boats, it could make
your harvest data that much more accurate.

I would like to see the trends in lengths of trips over the
years. At our marina, with the shorter seasons and two-fish bag
limits, we are trending much toward the shorter trips in
headboats. With that, each year, we have left more of the
larger fish in the water to grow and spawn.

With that additional artificial reef habitat that our fishermen
are setting out throughout the year, except in red snapper
season, there should be plenty for all species to multiply. We
look forward to seeing data that will show how greater habitat
has increased all species exponentially. Thank you for moving
forward on all this data. I appreciate it.

CHAIRMAN BOSARGE: Thank you. Next, we have Mr. Troy Frady,
followed by Mr. Shane Cantrell.

MR. TROY FRADY: Good evening. I am Troy Frady. Madam Chair,
thank you for your service and the way that you have guided this
council right here. Martha, thank you for doing the Reef Fish.
You did a good job on that, and I really appreciate it. I would
also like to welcome Susan Boggs and J.D. to the council process
and those of you who have been reappointed. We appreciate your
service.

I would also like to thank the State of Alabama for shutting
down the red snapper season in the EFP, and even though their
plan, or our plan, for the State of Alabama is not perfect, it
does provide hope and promise for private recreational anglers.

As a federally-permitted charter boat operator in Orange Beach,
I would like to remain sector separated, but I would also like to be -- I would like to see the sunset go away. I would also like to cautiously see, the words “cautiously see”, the for-hire buffer reduced to 10 percent, with the implementation of electronic logbooks, hopefully as soon as 2019.

I would like to give you a little feedback about where we are in the fishery off of Orange Beach, or in the world that I live in. I have spent over 120 days on the water this year, and fishing has been great for the past ten years, but catching now is becoming difficult.

I remember the council talking a few years ago about giving all recreational anglers an opportunity to catch and keep a trophy fish. You have done a good job, but your job is not finished. Fishing off of Orange Beach has been great. The economy this year, with a 4.1 GDP, is really good for our businesses. I mean, my business is up over 20 percent over the previous year, but with that comes an unintended consequence on the natural resources.

I hear people tell me all the time that, no, Troy, you’re just -- You live in a zone that it doesn’t reflect what is really going on. Well, when you spend 120 days a year within thirty-five miles of shore, I provide a pretty good pulse of what’s going on out there, and so, where we had an abundance of fish growing about two inches a year, now we see negative trending out to thirty-five miles now.

What is happening is the charter fishermen -- We are full of ego and testosterone, and, now that we have female captains, estrogen. Everybody has this big fish contest going on, and it’s sad, because what happens is everybody is trying to maintain an eight-pound average, and so we all beat our chests and say that we’re successfully managing red snapper.

Well, the reality is that, toward the last thirty days of the season, and all of the boats that are running double six-hour trips this year, everyone has settled, for the last thirty days, of catching TPs. Do you know what a tail pincher is? Well, it’s pretty sad when you’ve got a fishery that has been -- All the fish have been removed to a point to where you’re satisfied having a tail pincher, where, a couple of years ago, we were happy having a trophy fish.

Anyway, I think we all can do better. I would like to see the implementation of a -- Just look at the idea of going to keeping the first three fish and clean up this fishery for the discards
that we have. I also would like to go to a 500-pound commercial trip limit on the amberjack and turn it into a bycatch fishery, and I think that sums it up. Thank you so much.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Shane Cantrell, followed by Mr. Clarence Seymour.

MR. SHANE CANTRELL: Good afternoon. I am Shane Cantrell from Galveston, Texas. I run a charter boat and commercial fishing boat there. I am going to speak today on a variety of different things, the first being state management and Amendment 50. I think we are learning, through the EFPs, that this is a great opportunity here and that we have a huge opportunity moving forward to do the right thing for the private anglers. You have heard it today and you continue to hear it. They want to be managed by the states.

I think that Amendment 50 has a lot of opportunity to be that vehicle and be what begins to be the first of many solutions for the private anglers, if it’s done correctly. It’s very complicated, and I don’t think that we need to put the federally-permitted charter boats in there to overcomplicate this issue.

The private anglers are the ones that have suffered over the past six or seven years in this process. They are the ones that have been left behind, and it’s going to take a lot of work, and I am happy to see that this council is addressing that. Leaving the federally-permitted charter fleet out of it makes this a much more manageable amendment and leaves the states to do what they’re already doing, which is manage the private anglers for red snapper.

Every state has done it successfully, as far as I know. I haven’t heard -- The only feedback I’ve heard negative is a state closed the season early, but, every time, it’s been based on the data that they reported, and so that’s a pretty good way to do it, and so I applaud you all for doing that.

On Amendment 36B, the IFQ system is meeting its goals. We need to let it keep operating as it has been successfully. The changes that are being proposed are a big problem for the next generation of fishermen, people like myself that want to build a future in the commercial fishery. Putting permit requirements to own shares and finding ways to limit the ability to purchase allocation limits my ability to grow a business, and it raises the barrier of entry. It makes it a weaker system and not a stronger system.
On reallocation, we’ve got MRIP recalibrations coming up. The EFPs are going on right now, and we’ve got allocation policies to revise and state management, Amendment 50. Those are all solutions-oriented things, and we don’t need to be figuring out how to have a fish grab and reallocate this fishery among all of this. That’s a distraction, and we can put that off for another day.

One thing that I haven’t heard a lot of today is I would like to see this council revisit the crew size limit on dual-permitted vessels. This is an unnecessary and burdensome regulation for vessels like me to be able to operate as a commercial and a charter vessel with a VMS that says that I’m going fishing and this is the activity that’s on my boat. That is an unnecessary rule, and it needs to be revisited. Thank you, all.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Clarence Seymour, followed by Mr. Charlie Alegria.

MR. CLARENCE SEYMOUR: Good afternoon, Madam Chair. Thank you for having us. Clarence Seymour from Biloxi, Mississippi, Charter Boat SYL, federally permitted. I have just been elected to the Reef Fish AP as a Mississippi representative, and so I’m pretty proud of that at the moment.

I would like to start with the cobia amendment, which is the modification of a bag and size limit of cobia. It looks like the consensus is that we could possibly go for thirty-three inches to the fork and two per boat, and that would probably be acceptable to most of the Mississippi anglers that I have spoke with, but I do have a share that likes the forty, but we’re afraid that, if you reach the forty-inch limit without a dipnet, the guys could have a mortality problem with gaffing undersized fish that need to go back in the water safely, that need to be tagged and released. As long as the framework carries on, I think we can make big steps on rebuilding the cobia stock.

The next thing is Amendment 50 needs to push on without the federal for-hire sector in it, and there needs to be some -- I listened yesterday about the guidelines about the states could have to have in the amendment how they’re going to manage the private anglers and all the rules, because the EFP is totally different, which I think it needs to be considered in the Amendment 50 to where a state guide vessel without a federal permit cannot keep the captain and crew limit, and so that would also reduce any type of -- It’s going to take effect on lower ACLs and ACTs.
The other thing is I heard a lot about the iSnapper app, and I’m going to do a little comparison about iSnapper and Tails n’ Scales. I dug into it, and it says a fellow can -- Fishing for red snapper, I’m going to put my data in and the total number of red snapper kept, and I’m going to put twelve. Then the number of anglers is six, and I’m going to put my boat registration and did I fish from a boat ramp or what have you. Did I leave the dock by six, and I’m going to submit it.

Then I’m going to go over here to Tails n’ Scales, and I’m going to give a comparison on the strenuous law enforcement aspect of Mississippi’s app. It starts out that you have to start a trip, and you hit that, and this is at 6:00 a.m. or 7:00 a.m. or whatever. I’m going trip in, and it’s going to ask for county, which I will put in Harrison County, and landings site, which I’ll put in Biloxi Small Craft Harbor, and the reason they ask for a landings site is so that we can get MRIP data and law enforcement can also check visually on what’s caught and what data is brought in.

Then we’re going to also start the trip. Then, as the trip is ended -- Say I do a six-hour trip in the morning and a six-hour trip in the afternoon. I can get a --

CHAIRMAN BOSARGE: The time is up, but I want to hear the final Tails n’ Scales, because I’m from Mississippi, and so keep going.

MR. SEYMOUR: Okay. Well, I heard that we were having trouble logging in and logging out on a double trip. I can flip out within an hour, and all I’ve got to do is log out and log back in and I’ve got a new number, and, if I don’t have a number, I’m getting a $500 fine, and they’re going to take my fish with all of my passengers’.

That is serious business in the State of Mississippi, and I know a lot of folks that have got tickets this year, and that’s what we need. Amendment 50 needs, all across the board, law enforcement on Amendment 50. Thank you.

CHAIRMAN BOSARGE: Thank you, sir. We’ve got a question for you, a couple of them. Dr. Frazer.

DR. FRAZER: Thank you very much. I just wanted to get some clarification on your thoughts again on the cobia size limit. I didn’t quite get it. Was it thirty-three or thirty-six inches?
MR. SEYMOUR: Well, what I did was, yesterday, I took a picture of the front cover of our thing, and so I put it on Facebook. I had 193 comments from my Mississippi friends, and it was 50/50 from thirty inches to thirty-nine, and so they’re still shuffled in on the size limit.

I think it’s probably going to be about 70/30 on anything over two fish per boat, and there was a lot of guys that wanted more than, but it looks like that a two fish per boat could be lived with with the Mississippi anglers, and it was pretty interesting how I did this, and it worked out pretty good.

CHAIRMAN BOSARGE: Okay. Mr. Diaz.

MR. DIAZ: Just a clarification on that size limit. Do you mean 50/50 between thirty-six and thirty-nine?

MR. SEYMOUR: Yes, and I think the framework needs to be carried on. When we get the public testimony, I think we can fine-tune between either thirty-three inches to fork or thirty-nine inches to fork.

MR. DIAZ: Thank you for taking your time to come all the way over here, Clarence. I appreciate it.

MR. SEYMOUR: Thank you, all. You all have a great day.

CHAIRMAN BOSARGE: Thank you, sir. Next, I have Mr. Charlie Alegria, followed by Mr. Servando Cantu.

MR. CHARLIE ALEGRIA: Servando is not going to make it. That’s my son, and he had to go make a delivery. We’re from Corpus Christi, and the fish you’re going to eat tonight, my son and I filleted it this morning. At 2:30 in the morning, we started cutting fish.

I speak not for -- I am not a fisherman. I speak for the thousands of people that come here to eat our fish. We need red snapper, and we need cobia. We need the support of you all to make sure that the people that come to the coast, or even go to Dallas or wherever, but we also ship fish to Houston and here and there and everywhere, but they can have this kind of fish.

I want the sports to have their fish, and I want the commercial to have their fish. It’s got to be fair for both sides, but, at the same time, I speak for the thousands of people that come to the market or eat at Water Street Oyster Bar or the Railroad or the Yardarm, but they have that chance to have that wonderful
snapper or cobia or grouper, and that’s all we want, and we want that fair chance.

I am up, lots of times, at two o’clock in the morning, and sometimes I don’t go home until ten or eleven o’clock at night, because I have a call that a snapper boat is going unload, and I’ve got to go. Six o’clock is our limit there, and so we’re going there, and then we’re having to load it up and come back and re-ice it and re-weigh it, and there’s a lot of work in what we do.

I see all the numbers, and they are wonderful numbers and everything, but, in the end, we’ve got to weigh it, and we’ve got to count it, and we’ve got fillet it, and we’ve got to serve it. Thank you all for coming to Corpus Christi. Tonight, you’re eating my fish. I hope that I didn’t leave any bones in there. We try hard, but it was 2:30 in the morning, but it will be wonderful fish, fresh, this morning’s catch. Thank you, all.

CHAIRMAN BOSARGE: Thank you, sir. We can’t wait for this evening. All right. You said that Servando would not be here, and so I will go to the next one, Mr. Ed Schroeder, followed by Mr. Dan Green.

MR. ED SCHROEDER: Hello. I’m Ed Schroeder with Galveston Partyboats, obviously from Galveston, Texas. We operate partyboats, and we have permits for approximately 280 people. I would like to talk about a couple of things that are sort of off the agenda here, under general fishing.

First is the discussions about the VMS requirements for the for-hire sector. I really don’t like that. We ran under the pilot program for one year, and we had a VMS on our partyboat for -- We had to hail-in and hail-out, and we had technical problems with that a lot.

We could never get the thing to broadcast anything but the eastern time zone, no matter what we did, and so our time out and time in was always wrong, and we were able to work around that with the feds, but I don’t want that to become a serious issue in the future.

I also don’t like any system in which there is a potential to say, despite the fact that you have a hundred people on your headboat that travel from all over the place and made reservations months in advance, if the VMS conks out, then you can’t say that you can’t sail. That is going to be a fiasco for us, and I really oppose that.
The other issue I have is a lot of discussions about IFQs, and I am really greatly concerned about an IFQ for the headboats. The Excel program that was floating around last winter that I worked on -- No matter what I did and what kind of numbers I made up, I could never come up with an allocation for us greater than 1,960 pounds. That was one-and-a-half trips on one of our boats under that system.

Now, we caught over 60,000 pounds of red snapper this season on our headboats, and so I -- The IFQ that I have seen looks like it would be a fiasco for the headboats, especially in Texas. We’re part of the Beaufort Headboat Survey, and we have been since at least 1987, and we do not want to lose -- We do not want to be part of a system or a process that would jeopardize the historical data that we have been reporting in that timeframe, and that’s basically all I would like to talk about, and so thank you very much.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Dan Green, followed by Mr. Mike Colby.

MR. DAN GREEN: Hello. I’m Dan Green, and I’m from Galveston, Texas. I own a federally-permitted charter boat along with a state-water charter boat. I do support state management for the private recreational anglers, because that’s what they want, and, so far, they’ve had a way longer season than years in the past, but I am asking you to leave the federally-permitted charter boats out of state management.

Although we had a shorter season than we would have with the state, I am still behind having our own sub-sector and being managed federally to protect our industry. I also own a commercial reef fish permit and a small amount of shares, and, at this time, I don’t support reallocation of snapper from the commercial sector to the recreational sector.

I wasn’t going to bring this up, but I agree with what Shane said about lifting the crew size restrictions on dual-permitted vessels. To me, it seems pointless whether you take four crew or a hundred crew, as long as you’re catching the same amount of allocation at the end of the day.

Also, along the coast, we have had one of the worst cobia seasons and catches since I have been in the fishery for thirteen years. I didn’t even see one keeper-sized cobia the whole month of June, and I fished quite a bit offshore. I would be in support of a two-boat limit and the size limit being the
CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Mike Colby, followed by Ms. Ashford Rosenberg.

MR. MIKE COLBY: Good afternoon. I’m Mike Colby from Clearwater, Florida. I’m current President of the Clearwater Marine Association and Executive Committee of the Gulf Seafood Institute. Hello to the new Director and the new council members.

I’m going to give you another update on the voluntary electronic logbook work that’s being done through Woods Hole, CLS, and GSI. We have received, as of three days ago, the final contract signing for a third year from the National Fish and Wildlife Foundation, and so NFWF has signed-off on this, and we have 250 updated CLS units available now for fishermen that choose to use the traditional VMS.

In year-three, changes were made not only to the template and the lexicon of the number of fish that you’ll be able to add into it, but also the new tablet will feature a hail-out and hail-in function. This is to essentially coordinate with what will happen on the directive to report next year, and so we’ll gradually work that into year-one and year-two participants for hail-in and hail-out.

I’m still working on the old tablet, and so my hail-out is essentially when the boat leaves the dock, but there will be a formal hail-out and hail-in on the new tablet, and we’ll work other fishermen into that later, and, of course, when we move into mid to late 2019, when it becomes a mandatory effort, those guys will already be up and running on that kind of function and will be used to working to it.

Thank you, Sue Gerhart, for the update on the Fisheries Service workshop that occurred in July, and I believe, hearing the presentation today, probably the most important thing to do, and I believe Martha even made some reference to it relating to dockside intercepts and the frequency of and who is going to provide them, but also the close coordination that we feel, at GSI and Woods Hole, that the states will need to have with the Fisheries Service.

It’s probably going to be really imperative that everybody kind of start their gears and get moving to entertain this new concept of electronic reporting. The outreach, and, again, I think Sue mentioned something about outreach, and that will also
be important, and I’ve mentioned it to the council before, that you’re going to need a lot of boots on the ground, and those boots on the ground are going to help sell this on the dock.

I think, in terms of datasets, or data inputs, that we’re asking the fishermen to do on the tablet, I would be cautious about adding in an economic survey. Having said that, I understand the relevance of it and the importance of it. FWC has conducted those at our dockside for two years in a row, but I also believe, as I’ve said before, if you ask that fisherman to do just a little too much on the rollout, and if you want to shoot an arrow in this, that’s a good way to start, and I highly would recommend working that into say year-two or something of that sort. Thank you.

CHAIRMAN BOSARGE: Thank you, sir. Wait. We have a question for you, Mr. Colby, from Mr. Anson.

MR. ANSON: Hi, Mike. Thanks for coming, and thanks for giving some testimony. I’m just curious. Will the CLS group be producing a summary of the first couple of years of the pilot program?

MR. COLBY: Well, yes, and, next week, I am giving a webinar to the Gulf of Mexico Alliance Business Advisory Council, and I have asked Lynn Stokes and those at Woods Hole and CLS to provide -- I have got the 2016 data, but to provide me the best wrap-up for 2017. Now, we obviously don’t have 2018 yet, but we can make that available, and she’s working on it right now, and I need the darned thumb drive by Monday, and so she better hurry.

MR. ANSON: I would just like to make a comment that if we can squeeze it into a future council meeting, and I know you won’t be Chair, but we would like to see it if there’s an opportunity to see it. We would certainly like to see it. Thank you.

CHAIRMAN BOSARGE: Sure thing, Kevin. Thanks.

MR. COLBY: Thank you.

CHAIRMAN BOSARGE: Next, we have Ms. Ashford Rosenberg, followed by Mr. Greg Ball.

MS. ASHFORD ROSENBERG: Good afternoon, council, and thank you for the opportunity to comment. My name is Ashford Rosenberg, and I’m with the Gulf of Mexico Reef Fish Shareholders Alliance. First, I would like to extend congratulations to Dr. Simmons as
her first meeting as Executive Director, and so thank you. I would also like to welcome J.D. Dugas and Susan Boggs to the council, and I look forward to getting to know both of you.

First of all, I would like to thank the Reef Fish Committee for being precautionary and supporting the constant catch option for the red snapper ACL adjustment. The red snapper populations are increasing and expanding, thanks to science-based management and the rebuilding plan, and it’s good news that we’re in a scenario to again raise the ACL. By supporting constant catch, you are providing stability for American fishermen and precautionary management for this important Gulf resource. I hope that the Full Council supports this motion tomorrow.

I would also like to comment on 36B. I appreciate the conversations yesterday about this amendment. It does still have a bit of a way to go, but some of the discussions were positive. We appreciate the council’s efforts to find ways to address some challenges in the reef fish fishery, including replacement and next-generation fishermen and discards. Discards have become an increasing problem for red grouper fishermen, who are interacting with more red snapper as the population expands.

Regarding Action 3, I appreciate the conversation around a quota bank, and I know that that will be complicated, but these conversations are worth having, and issues such as the primary problem the quota bank will address, defining eligible participants, and quota distribution methods should come from industry, and I would encourage the council to look to the diverse group of the IFQ AP to discuss this or further explore the option of some kind of workshop to see what priorities the industry has for a quota bank or potential future quota set-asides.

Regarding the allocation policy, thank you, Dr. Freeman, for your presentation and your comparison. I found that incredibly helpful. My take-away from that comparison is that the current Gulf policy addresses all of the directives in the NOAA policy, and it even goes a step beyond to address issues that are specific to the Gulf of Mexico, and I would encourage the council to keep that current policy, and I would be interested to hear the history of how that was developed and where it’s falling short now.

I would also like to quickly talk about the reallocation triggers. I think it’s important that the council identify these triggers for future allocation reviews, but we do have a
red snapper allocation scoping document, and no triggers have
been identified that warrant an allocation review. What is the
process for identifying these triggers, and how do we know when
they have been met?

Once triggers have been identified for this fishery and how
they’ve been met, I would encourage the council to be diligent
and identify allocation review triggers for all mixed-use
fisheries before proceeding with any more allocation
discussions. Thank you for your time.

CHAIRMAN BOSARGE: Thank you, ma’am. Next, we have Mr. Greg
Ball, followed by Mr. Mike Nugent.

MR. GREG BALL: Good evening. I’m Greg Ball from Galveston,
Texas. I own a couple of federally-permitted charter boats, and
I also serve as President of the Galveston Professional
Boatmen’s Association.

We totally support Amendment 50. That is a good program going,
and we would like to see that keep going like it is, but we ask
that we just keep the charter boats out of it. We like
Amendment 40, and it has worked well for us, and we want to try
to stay with that and just see where that goes. We would like
to see electronic logbooks come back into play somewhere. We
did that for one year in Galveston, and I know some of these
other guys have done it longer, but it’s a good program.

What the state is doing, I don’t see that as a good program,
like Sebo from Mississippi said a while ago. The program they
have over there is a much better way of getting better data on
what’s caught, and so we would like to see something along that
lines for the state and maybe something for us, and I don’t know
what kind of electronic logbook, but something like we had, and
we used the VMS system, and it was a good system.

Also, on the cobia, we have kind of had a bad year for cobia
too, and so I think two per boat would be okay and stay
somewhere along the thirty-three to thirty-six-inch length, but
two per boat would be okay. That’s really about all I have, and
I appreciate it. Enjoy the rest of your stay in Texas.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Mike
Nugent, followed by Mr. Steve Tomeny.

MR. MIKE NUGENT: My name is Mike Nugent, and I’m a charter boat
owner/operator from Aransas Pass, Texas. I serve as Chairman of
the Board of Directors for Port Aransas Boatmen’s Association.
Just going back through them, our association, and, when you look at the public hearing results, it can be documented that, indeed, almost our entire community, beginning with Amendment 40, was in opposition to it, not because it was going to give the for-hire boats our own season, which would have been great, but we knew from the get-go that it was going to be a preamble to catch shares and IFQs.

We were onboard from the very beginning as opposing it, and we’re the same way today about 41 and 42. Our association, and, again, most of our community, would like those to go away because of the opposition to IFQs. When you see, from that spreadsheet, what it would do to Texas -- We were opposed to it before, and we were really opposed to it when you see that, in effect, it just amounts to a fish steal.

Then, when we move to Amendment 50, we, as an association, have supported, and continue to support, the state management of the fishery, and, again, our community did in the public hearing, and we, as an association, as a community, we strongly supported the for-hire boats being in with the recreational fishermen and managed by our state, which is different from what you hear from a lot of people.

When you talk about complications and trying to keep things simple and you talk about logic and not so much logic, it seems logical to me that you would keep the private recreational anglers as private recreational anglers no matter what boat they are going on, and it just seems like a natural progression, and we would like to see that included in Amendment 50 as well.

Going back, I guess it was three or four years ago, and these things kind of run together, but, in August, in San Antonio, I made the comment that the cart was getting pulled before the horse, because there was this talk of IFQs and dividing these fish and yanking them out, and we didn’t even have a way of telling what the charter boats were catching.

Well, fast-forward to today, and that cart is way out there in front of the horse, because we still don’t. You know, people are wanting IFQs so badly, and there’s not even a way to do it, and, even discounting the fish that would be taken from Texas under the present system, which I don’t want to discount, but you can’t reward someone in Destin, for example, that is fishing every day and working and grinding and give him the same amount of fish as someone in Destin in the same harbor that is not fishing, and so it’s just an inherently bad system, as far as we’re concerned. Thank you very much.
CHAIRMAN BOSARGE: Thank you, sir. We have a question from Mr. Sanchez.

MR. SANCHEZ: Thank you. It’s good to see you again, Mike. I haven’t seen you, I guess, since the hurricane, but I wanted to ask you how many federally-permitted for-hire boats are in your association.

MR. NUGENT: I don’t know. How’s that for an answer? Right now, I can’t even tell you how many members are in our association for sure, after the storm. If you give me to the next meeting, and maybe the next one, and we’ll be able to have better numbers, but we haven’t even taken membership dues since the storm, to try to get everybody back together again, and so I have no clue.

MR. SANCHEZ: Well, it’s good to see you.

MR. NUGENT: Thank you.

CHAIRMAN BOSARGE: Thank you, sir. Next, I have Mr. Steve Tomeny, followed by Mr. Shane Bonnot.

MR. STEVE TOMEMY: Good afternoon. I’m Steve Tomeny. I’m a dual-permitted charter/commercial fisherman from Port Fourchon, Louisiana. I would like to welcome our new council members and our new Executive Director. Congrats.

I am going to change up a little of what I was going to say. I have been up here a bunch asking for IFQs and stuff, and I don’t think that I heard anybody, the last couple of meetings, really beating the hammer on raising hell about having to have an IFQ to be happy in the world, and Amendment 40 has done a lot for us.

It was something we fought for to save our little piece of the pie, because we were being overrun by an unconstrained fishery that we were fishing in the same group or pot of fish with, and that has really calmed a lot of -- The whole deal to IFQs was it sounds good to me, and I’m not opposed to it, but you don’t hear people just saying we’ve got to have it and this is our means to the end.

If we’ve got enough to make a living out there and get a decent time on the water, we’re going to be happy. Amendment 40, through federal management, is on its way to accomplishing that for us, and so I just don’t think there’s these IFQ conspiracy
theories that are running rampant here, and so I just kind of wanted to clear that up.

I am against any reallocation efforts at this time. I think the EFPs have been a great thing. As long as we’re all counting fish and getting good data and making sense out of it, I am okay, and I want to see the private recs get a better shake. Closing state waters in most of the states have got it where you know where everybody is fishing in a season that’s fixed and not having the odd state times and all kind of stuff that was going on with that.

Let’s let the EFPs run their course and see what we end up with after that and go -- I don’t have a bit of a problem with Amendment 50 for the private anglers. As a federally-permitted charter boat, I would rather stay where we are under federal management, and I also was glad to hear the conversation over the constant catch scenario for the quota.

We find that’s a lot more stable than going up one year and down a couple more, and so I’m good with that, and our hail-outs that are mentioned in 36B, I find it -- I have problems estimating fish when I go. It’s just tough, and so I think it works the way it is. The fish are counted, and, the way we’re doing it, everything gets weighed, and I’m okay with it like it is. Thank you.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Shane Bonnot, followed by Mr. Carlos Alegria, and, if that’s the same as Charlie, I apologize. Go ahead, sir.

MR. SHANE BONNOT: Good afternoon, Madam Chair and council members. My name is Shane Bonnot, and I’m the Advocacy Director for the Texas Chapter of the Coastal Conservation Association. Thank you for this opportunity to speak.

I’m going to limit my comments to Amendment 50, the state management program for recreational red snapper. Our membership appreciates all the work that this body and the states are doing to try to secure a path forward beyond 2019, so that we have a recreational snapper season in federal waters.

Our guys value opportunity and access, and I think you heard that this evening, or this afternoon. They want to get out and have an opportunity to go and enjoy a day on the water and practice conservation and catch some fish and bring a few home and release them and use the same devices and report their landings with iSnapper and participate in dockside creel
surveys.

They want to be in the process, they want to participate, and they want to have access, and I think you heard that today, and Amendment 50 is that path forward, and so please keep working on that. I think we had a good exchange yesterday with Mr. Banks and Mr. Riechers and giving their reasoning behind why they had particular motions. I would just encourage you guys to keep that conversation going.

I think, if you look closely at Alternative 5, there is biomass components, and there is time series components, where you guys can come to a compromise, and everyone should be happy, because it gets you close to those allocations that all of the states originally submitted under the EFP process, at the beginning of the process, and so I’m looking forward to the next meeting.

I have confidence that the states will be able to come together and this council will be able to come together by the end of the October meeting and hammer out that allocation, those details, and we’ll secure a season for 2020, and so please don’t get bogged down on how one state is going to manage and the other state is going to manage. States have been managing -- Neighboring states have been managing our resources without any problems.

Texas and Louisiana share Sabine Lake, with totally different fishing regulations on one side of the lake versus the other, and we seem to get along just fine, and so don’t get bogged down on those details. Thank you.

CHAIRMAN BOSARGE: Thank you. We have a question from Mr. Strelcheck.

MR. STRELCHECK: Shane, it was a pleasure meeting you last night. Thanks for your testimony. Can you talk to me about CCA’s position regarding including the for-hire or not?

MR. BONNOT: We are supportive of the states being able to make that decision for themselves. I think it’s important, and I made this comment at the last meeting, but you seem to have kind of an east and a west split. There is regional differences even in Texas, but we’re supportive of the states being able to make that decision.

For some reason, there is distrust with the charter/for-hire fleet in some states and not so much in other states, and I don’t get that. I don’t know why that is, and I don’t
completely understand it, to be honest with you, and so, that being said, we think the states should be able to make the decision for each one.

CHAIRMAN BOSARGE: Thank you, sir. We appreciate it.

MR. BONNOT: Thank you.

CHAIRMAN BOSARGE: Next we have Mr. Carlos, who I think has already gone, but he calls himself Charlie, but, if I’m wrong, please come to the podium. I don’t see anybody. Okay. Next, we have Mr. Bobby Grumbles, followed by Mr. Eric Brazer.

MR. BOBBY GRUMBLES: I am Bobby Grumbles from Port Aransas, Texas, an operator at Fisherman’s Wharf. We have two boats, two permits. I’m speaking for Dolphin Docks, which have four boats and four permits, and Texas -- and Osprey Fishing Trips, four boats and three permits.

We do not support IFQs in the headboat sector. We do not support sector separation for Texas, and we feel that we should table the 41 and 42 amendments. Out of the million saltwater anglers of Texas, we feel like they should be able to pick what port they sail from to access the natural resources and also what type of vessel or what type of vehicle they access or however to get to the resource that is theirs. Thank you.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Eric Brazer, followed by Mr. Bubba Cochrane.

MR. ERIC BRAZER: Thank you, Madam Chair. I’m Eric Brazer, Deputy Director of the Gulf of Mexico Reef Fish Shareholders Alliance. I want to thank Susan and J.D. for getting yourselves appointed to this council. Congratulations, Dr. Simmons, on your new position, and congratulations to John, Dale, and Ed, if you’re listening in, for getting reappointed.

With that, I am going to dive right into reallocation. As I have referenced in my comment letter that you all received, we continue to remain opposed to reallocation, for a laundry list of reasons, many of which are contained in the council’s Amendment 28 minority report, which I would encourage you to read if you haven’t already.

To the point about the objectives of the FMP, it looks like there are eighteen objectives implemented by four separate actions over the course of more than thirty-five years. Some appear to conflict, and some may not be relevant anymore. We
may want to add others, and some of which just don’t seem to make sense to us, and so are these objectives being met? How would we even know? If they’re not, or even if they are, what do we do? How do we respond?

Because these serve as the foundation for the FMP, we should really carefully and methodically evaluate them and update them as necessary, keeping in mind that, in our opinion, conservation should be a core principle, a thread that ties everything together.

Given that this is something that affects all sectors in the reef fish fishery, we feel that all of the APs should probably get a chance to take a look at these. Regarding allocation triggers, it seems like there is a lot of confusion out there. We have a long way to go before we understand what this process actually looks like. We disagree, however, that a trigger has already been met, especially when we don’t have a list of what those triggers are.

I will speak briefly to 36B. We oppose Action 4, which is a hail weight estimation requirement, because hail weights have nothing to do with quota management. It’s as simple as that.

We continue to go around and around on the permit requirements. Action 1 in Amendment 36B, we seem to be getting nowhere. Look. I know that there is some heartburn about the way that the IFQ system is structured, but requiring a permit to own or hold shares just doesn’t do anything. It doesn’t address a number of these issues.

I should take that back. The one thing that it does do is make sure that any reef fish permit that shows up in the marketplace gets snapped up pretty quickly, and basic economics of supply and demand -- The prices of these permits are going through the roof right now.

What that’s going to do is -- That’s not going to impact the big guys. It’s not going to impact the guys that have the access to the capital to buy these. It’s going to impact the younger guys the most, the ones who have the small businesses that are just starting out, and so just please keep that in mind as we continue to have this conversation.

In my last remaining seconds, I get that some feel the need to do something. If that is the case with 36B, drop Action 1 and drop Action 4 and then double-down on quota banks and set-asides, and let’s figure out how to make them work. Thank you
very much. I’m out of time.

CHAIRMAN BOSARGE: Thank you, sir. We have a question from Dr. Stunz.

DR. STUNZ: Eric, I’ve got a quick question for you. I’m just curious about your comment about the hail-in weight and that didn’t have any impact on the fishery. I mean, the discussion around the table, obviously, was that was a means for snapper, illegal snapper, to enter the fishery, which ultimately would affect your group’s bottom line and that sort of thing, and so I’m just curious why you guys wouldn’t support a means to prevent that activity from occurring.

MR. BRAZER: Well, I mean, in our opinion, and I stand to be corrected, it’s the presence or the absence of the hail that triggers the presence of enforcement at the dock, right? So it’s not the weight itself, but it’s the fact that there is a hail that indicates when that boat is going to be landing, and, if there are concerns with certain captains or certain boats or certain crew, law enforcement would have the opportunity to meet that vessel, based on the presence of the hail and not based on whether that captain hailed-in 200 pounds or 300 pounds or 5,000 pounds.

I guess the last point that I want to make to that is we had a similar discussion with Amendment 36A, where we talked about an offload hail requirement, where the dealers would notify law enforcement of when a vessel would offload, because the offload time may not be the same as the landing time, and so, if the concern was that boats were landing and that there was fish that was disappearing between the landing and the offload -- Again, I don’t see how a hail weight would address that, but an offload hail might.

CHAIRMAN BOSARGE: Thank you, sir. We appreciate that.

MR. BRAZER: Thank you.

CHAIRMAN BOSARGE: Okay. Next, we have Mr. Bubba Cochrane, followed by Conner Cochrane.

MR. BUBBA COCHRANE: Bubba Cochrane from Galveston, Texas. I’m President of the Gulf of Mexico Reef Fish Shareholder’s Alliance, and I’m also a commercial fisherman, recreational fisherman, and charter boat fisherman.

I’m against any reallocation of red snapper from the commercial
sector to the recreational sector. The split now is fair to both recreational fishermen and seafood consumers, and I get pretty tired of hearing about this fight between recreational interests and commercial fishermen over red snapper. The fact is the commercial fishermen are not asking for more of the red snapper quota, but we’re just trying to hold on to what we have and continue to grow our businesses with stronger stocks, which equal quota increases that we can all benefit from.

At this time, there is no mandatory reporting for red snapper landings here in Texas for recreational fishermen. I’m not sure how Texas Parks and Wildlife is keeping track of snapper landings off of Texas without all anglers reporting what they are catching. What I am sure of is that I personally ran forty-five recreational snapper trips out of Galveston during the eighty-two-day season.

I was surveyed by Texas Parks and Wildlife zero times, and we had an average of ten to twelve people per trip with a twenty to twenty-four-fish limit, each weighing an average of at least twelve pounds, but probably more.

I also didn’t hear from any other recreational fishermen being surveyed in my area, not to mention the private boat owners who keep their boats at their homes. My point is there are a lot of fish not being counted. I realize that Texas Parks and Wildlife did ask recreational fishermen to voluntarily report with the iSnapper app, which good luck with that. Why don’t we give the commercial fishermen the same option and see how that works? We need to hold both sectors to the same standards of accountability to ensure that stocks are managed correctly.

On 36B, I don’t see much that needs to be changed with the current red snapper IFQ. The reef fish permit should remain necessary to land reef fish, and I don’t believe a reef fish permit should be required to buy shares, but, if there is going to be such a requirement, it should not affect people who have already put out money for shares and do not have a permit.

The requirement for more accurate estimates of landing weight is a little ridiculous. This is just an estimate, and I’m not sure how this would help law enforcement. What would help them, if this is a matter of enforcement, would be a call-in by the fish dealers for vessel unloading times. That way, law enforcement would know for sure when fish are going to be unloaded and not just landed.

Sector separation for the charter boats continues to be a
success story. I really hope the council continues to see the value in working with the charter/for-hire sector to improve its management further. Keeping the charter/for-hire sector out of state management will ensure this council and many other charter boat captains and owners haven’t wasted time in getting where they are today. Thank you.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Conner Cochrane, followed by Mr. Mike Jennings.

MR. CONNER COCHRANE: Hi. I’m Conner Cochrane, and I’m fourteen years old from Galveston, Texas, and I’m a commercial red snapper fisherman. Getting into the commercial fishery for us isn’t just a job, but it’s a way of life.

Getting to go out there and getting to come to places like this is a great opportunity. I’m against reallocation. I don’t think it’s right to take quota from the commercial and give it to the recreational, and my dad taught me everything that I know about this industry, and I want to be able to do it one day and follow in his footsteps, and, to do that, I hope it keeps going great, the way it’s going. Growing up, it was never video games. It was going out with my dad and learning about how to do this stuff. I would like to thank you for your time. Thank you.

CHAIRMAN BOSARGE: Conner, thank you for coming, sir. All right. Next, we have Mr. Mike Jennings, followed by Ms. Lisa Schmidt.

MR. MIKE JENNINGS: Hello and good afternoon, and welcome to the great state of Texas. I hope you all enjoy your stay here. I am Captain Mike Jennings, and I’m the owner and operator of two federally-permitted charter boats out of Freeport, Texas, and I’m the managing partner of Gulf Coast Marina there in Freeport. I’m also the President of the Charter Fishermen’s Association.

I will start off by saying that we still want to express our desire to remove the sunset on Amendment 40, and, on the issue of Amendment 50, we fully support Amendment 50 and the state management for the private recreational sector. We do not, as an industry, want to be included. Our association has been almost basically unanimous on that when we’ve had any types of discussions or meetings, which one was held yesterday.

The council approved Amendment 40, and we defended it at every angle, all the way up to and including the 5th Circuit Court of Appeals, and we are prepared to move beyond that. It just
didn’t go there.

This point that Amendment 40 was put in place -- Its purpose was basically to insulate the limited access charter boat industry against their loss of access to an open access recreational fishery, and, whether you agreed with that or disagreed with it, it made enough sense and it was factual to the point that this council passed that, and it has stopped that bleeding, so to speak, or that loss of access.

To force us into Amendment 50 is basically to force us back into that loss of access, and we’re just wanting to be left out of it, just as simple as it can be, and I know you’ve heard some discussion today about how difficult it may be to put us in it or how difficult or simple it may be to not put us in it. That is irregardless of where the difficulties lie. It’s pretty simple to just be left alone, and so we just ask you to leave us alone and leave us out of Amendment 50.

I would like to support the reduction in the buffer, and I caution the council to take advice from the agency on how to do that. I see the difficulty in doing that without reducing the overall buffer and the political pitfalls of doing so, and so it’s going to be a difficult road to haul and kind of hard to pull off, but I would like to see the council continue to discuss that as we move forward. Thank you.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Ms. Lisa Schmidt, followed by Mr. Buddy Guindon.

MS. LISA SCHMIDT: My name is Lisa Schmidt, and I’m a commercial IFQ shareholder, and I own three commercial longline boats out of Madeira Beach, Florida. I am also a recreational spearfishing woman. I wanted to welcome Susan and J.D. to the Gulf Council. I look forward to working with you both, and I also want to congratulate Dr. Simmons on her new role as Executive Director.

I want to comment on two things. First, I want to put my opposition to reallocation on the record. You know this is going to be controversial, and you know it’s going to pit commercial, charter, and recreational fishermen against each other, and you know that it’s going to take years to deal with. You know this because you did this with Amendment 28 three years ago, and the reallocation does not solve any problems, but it just creates new ones and creates hard feelings. It’s just unfair to punish one group by taking away some of their access.
Second, I would like you to look at everything in Amendment 36B and ask yourself if this is going to help young fishermen like Conner, and is this going to help reduce discards?

I stopped counting how many times yesterday, during the Amendment 36B conversation, that someone asked what are we doing. Figure out what the real problems are and then work on figuring out the real solution to those problems. Otherwise, put this amendment down and focus on something more important, like getting a private angler state management plan in place before the EFPs expire.

Finally, I want to ask you why we seem to make it harder on commercial fishermen. Reallocation, permit requirements, additional hail requirements, all these are unnecessary. You should be working on how to make it easier on commercial fishermen and not how to complicate their lives and undermine their business plans, and I do want to thank Leann and Patrick for clarifying and educating what a three-hour declaration is and the commonsense to it.

We don’t want to be putting more fishermen on welfare. We want to be giving them opportunities to make a living by working hard and making sustainable decisions, and are we not supposed to encourage a person who wants to work for a living and who wants to earn a paycheck? Thank you for your time.

CHAIRMAN BOSARGE: Thank you, ma’am. Next, we have Mr. Buddy Guindon, followed by Mr. Scott Hickman.

MR. BUDDY GUINDON: Hi. I’m Buddy Guindon, commercial fishermen, and I’m the Executive Director of the Gulf of Mexico Reef Fish Shareholders Alliance and soon to be a restaurant operator, and I hope that doesn’t bring me down.

I welcome everyone that got a new job here, and thanks for your service, but this council is going to lose a lot of historical knowledge in its staff very soon, and I want to thank Steve Atran for his hard work and his dedication to our country and fisheries. The historical knowledge that man has is going to be greatly missed by the staff and this council, and so thank you.

I don’t know if you know this, but, here in Texas, we’re held to a different standard as commercial fishermen than the other states. Here in Texas, when we make a mistake, and it’s called a violation of the law, we have to pay restitution, and so if you could imagine going out on a snapper fishing trip and catching 25,000 pounds of snapper over a three-day period and
doing your best to keep track of that, but you’re working day and night, and you’re right it down, and maybe your math is bad, and maybe you make some kind of mistake, where the tally doesn’t come out right, could you imagine the restitution of being one pound off on your 10 percent that you would have to pay in Texas for 25,000 pounds of red snapper?

I know a guy that had -- He didn’t have the quota in his boat account, but he had it in his shareholder account, and now we’ve changed this rule, but, in Texas, he got a ticket. He came from Florida over here for a season to try it out, and he got a ticket because he had 700 pounds more tilefish on his boat, and he called it in properly. He said that I’ve got this much, and it flagged the Parks and Wildlife, and they came down, and they gave him a ticket. It cost him $10,000 for having 700 pounds of tilefish.

He never came back to Texas to fish here, because they don’t do that in Florida. When you come to the dock and your account is wrong, they give you a little bit of time to get it straightened out. They treat their fishermen with respect over there, and, while my local guys are very good guys, it’s the letter of the law that they go by, and, whether it’s fair or not, that’s up to you, but please don’t give them a shot at me every trip because something happened in the math or something happened in the bookkeeping of the amount of fish that you’re putting on the boat.

We do the best we can to report what we have, and you can look at our records and see that we’re hitting pretty close most of the time. There are times when they’re a chunk off, but the financial penalty that would be associated with that, just here in Texas, would be huge, and so please think about that.

Reallocation, everybody here knows how I feel about reallocation. We’ve had this battle before, and it doesn’t do anything but pick winners and losers, and it’s not going to solve the access problem that is needed in the private recreational anglers’ arena.

CHAIRMAN BOSARGE: Mr. Buddy, are you just about done?

MR. GUINDON: Yes. As soon as you get to that subject, please try to think about what has happened in the past and do something different, so that we can all move forward and get some of the work this council needs done done. Thank you.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Scott
Hickman, followed by Mr. Johnny Williams.

**MR. SCOTT HICKMAN:** Hello, Madam Chair. It still sounds good. We appreciate your service as Chairwoman over your last two terms. Captain Scott Hickman from Galveston, Texas. I’m a dual-permitted owner/operator of a charter boat and a commercial fishing boat. I’m a member of the Galveston Professional Boatmen’s Association, founding board member, and a founding board member of the Charter Fishermen’s Association.

I would like to thank Steven Atran for the great job he’s done. Much appreciated, and I would like to congratulate Carrie for her new position, and she did a great job, and we know she’s going to keep doing that. I would like to say thank you and congratulations to J.D. for being on the council and my friend, Susan. What a blessing it is to have you represent the charter fleet on this council.

First off, I would like to say Amendment 50 is a great thing for the recreational folks. Longer seasons and better data collection now, and you all are doing a good job, and that’s a good thing. The charter boats don’t want to be in Amendment 50. Our charter boat association in Galveston, the Boatmen, we’re the largest federally-permitted charter boat association west of the river and the largest marina west of the river. We don’t want to be in Amendment 50.

I would like to see the crew size limit on dual-permitted vessels done away with. It makes no sense. I would like to see no reallocation of commercial or charter/for-hire allocation. We are gaining more access, and we’re getting better at managing this, and why are we going to cause all that strife?

Cobia are definitely in trouble. I used to catch about 200-plus a year, and I’m down to catching fifty or sixty a year, and that’s over about a ten or fifteen-year time that I’ve seen that decrease, and I would support two fish per vessel.

I would like to see mandatory iSnapper for the recreational and charter boats in the State of Texas, and I think you could put that in Amendment 50 and tune up what we’re doing for data collection in Texas. I think that the creel survey in Texas works good for trout and redfish, but I don’t think it works real good for the offshore species, and I think we can do a better job.

36B, the IFQ system is working great, and it’s meeting all of its goals, and I would like to see no action on that, and, if
you’ve got something that’s working great, don’t fix it, and so that’s it. Everybody enjoy our state, and I hope you have a safe trip home.

CHAIRMAN BOSARGE: All right. I think we’ve got a question from Mr. Diaz.

MR. DIAZ: Thank you, Captain Hickman, for coming. You mentioned cobia on the possession limit, but do you have any thoughts on the size limit?

MR. HICKMAN: In Texas, we can land a fish that’s thirty-seven inches long, and so it’s -- I like a thirty-seven-inch limit. It lets those smaller fish grow up. I’ve actually designed a net that I carry on my boat now that’s made out of aluminum, real thick aluminum. It’s like a giant, long-handled landing net.

I used shrimp boat mesh, rubber coated, and, if a fish is even questionable, I net that fish, because we see a lot of people gaff fish that they think are keepers, and then they measure it and it may be a quarter-inch too short, and there’s a lot of those fish right now, and so we’re throwing back a lot of dead fish that have got holes in them, and so I think a thirty-seven-inch minimum would be great.

MR. DIAZ: Thank you, sir.

MR. HICKMAN: Thank you.

CHAIRMAN BOSARGE: All right. We have another question from Andy.

MR. STRELCHECK: Scott, thanks for your testimony. I am just curious. In the Galveston Boatmen’s Association, how many federally-permitted vessels are part of the association?

MR. HICKMAN: The last time that we had a meeting, I think it was in the neighborhood of over thirty, and that’s about how many federal permits are in our marina. I think we’re the third-largest concentration of charter boats, in the Houston/Galveston/Freeport area, in the Gulf of Mexico, and we’ve got about forty-something members that are just state-water guideboats, too. We’re a new association, but we’re a large association, and it’s growing even faster.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Johnny Williams, followed by Mr. Johnny Rab.
MR. JOHNNY WILLIAMS: Johnny Williams from Williams Partyboats, Incorporated, a third-generation partyboat operator out of Galveston, Texas. This hotel is the first council meeting that I ever attended, and I think it was in January of 1990, and everyone that was on the council then is gone now, and I guess Doug was the last remnant, and he left the last meeting, but, anyway, to all of you new council members, I have been involved in this for a long time, needless to say.

I have a few comments today. Number one, I want to see the sunset go away on Amendment 40. Number two, as far as Amendment 50, it's great for the recreational fishermen, but I don't believe the partyboats and charter boats want to be participating in state management, and I know that I don't want to be.

I want to go forward with 41 and 42, and I've heard comments to the contrary, that, well, if we get some sort of catch share program or something, that that will be basically giving away a natural resource.

I will give you a little bit of history on my family. My grandfather started the business in 1946, and, back in those days, the only access that people really had to catch red snapper was on a partyboat. They had a commercial fleet that the commercial fishermen were very skilled, and they would go out there, and there was no electronics, so to speak, like we have today, and we didn't even have LORAN-A back in those days, and so folks had to go out there with lead lines, and I remember going out with my dad, and we would go like -- if we were going to fish at Heel Bank or Fifteen Fathoms, we would go to a buoy that was out there about thirty miles offshore and then we would run so many minutes at such-and-such course to arrive where we were going to get, and we would try to find the biggest spot in the area. Then, from there, we would run different times and different directions to get to the next spot. You had to be skilled, and you had to have some knowledge.

Back in those days, we didn't have the Magnuson-Stevens Act, and so, basically, those were our fish. The recreational fishermen, they really didn't get involved to any degree until they started putting oil rigs off the State of Texas. Then that was easy to see. Anybody can see an oil rig sticking up out of the water, and it was easy to access it.

When people say that that's giving away a public resource, this was the public resource that my family had and the commercial
fishermen had before the Magnuson-Stevens Act, and so I would be a very good person to look after the resource, and I understand the Magnuson-Stevens Act came about because we were trying to protect our resources off our coast, and there has been a lot of good things that have happened, but I want to continue with 41 and 42.

I don’t see anything wrong with the catch share program, and, also, I want to support, once again, some sort of a logbook system for both the partyboats and the charter boats. Thank you very much.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Johnny Rab, followed by Mr. Evan Harrington.

MR. JOHNNY RAB: Hi. I’m Johnny Rab out of Freeport, Texas. I operate and own a federally-permitted charter boat. I would like to state that I would like to leave charter/for-hire out of Amendment 50.

Amendment 40 seems to be working pretty well. It’s pretty easy to book our trips, and we know a lot better -- I feel like I’ve got a better idea of what we may have next year without the overfishing that the recreational sector was giving us with the payback fishery.

I do not oppose a reallocation of red snapper. Like I said, there is no point in rearranging the quota from commercial and messing all that stuff up and starting back over from where we started a few years ago. I have got no comment at this moment on the cobia. Maybe at the next council meeting I will have something that I can talk about with that. That’s it.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Evan Harrington, followed by Mr. Jim Green.

MR. EVAN HARRINGTON: Good afternoon. My name is Evan Harrington, and I’m a federally-operated charter boat owner. I just want to start off by saying that we -- As the charter boat industry, we appreciate the sector separation. It gives us a predictable season and length, and I know, as a business owner, that I appreciate it, as well as our clients do.

As far as the Amendment 50, I would like to see the responsible charter/for-hire fleet left out of the state management. I not only see Amendment 40 working well as devised, but I also know that our clients appreciate the access to their fishery. Thus, I believe the council should not force the charter industry’s
participation in Amendment 50. I am also opposed to reallocation of red snapper whatsoever. Thank you.

CHAIRMAN BOSARGE: Thank you, sir. Next, we have Mr. Jim Green, followed by Ms. Abby Webster.

MR. JIM GREEN: Hello. I’m Captain Jim Green, President of the Destin Charter Boat Association. Thank you, Madam Chair, for all you’ve done. I want to congratulate the reappointment and the new members of the Gulf Council and also, Mr. Atran, we appreciate all your work with reef fish. Thank you for all of your hard work.

Concerning the framework action on the red snapper ACT and ACL, the DCBA supports a constant catch, Alternative 3. On the modification of the annual catch target buffers, the DCBA supports the selected preferreds, Alternative 3 and 4. We had a discussion that we wanted to convey that we support removing the buffer as much as possible, but we find it very imperative for us to stay within our sub-sector’s quota. We support Number 4, in case this is too much reduction, but not because it ends with the state EFPs.

On cobia, the DCBA supports Action 1, Alternative 1 and Action 2, Alternative 3a, consistent with the State of Florida’s regulation. On the historical captain endorsement, we wanted to throw in that we fully support these endorsements becoming standards for higher federal permits.

On Amendment 50, the DCBA supports Action 1, Alternative 2 being the committee’s recommendation, and we support that being in the document, and we feel that the for-hire fleet should stay under federal management. The federal permits shouldn’t have an advantage or a disadvantage depending on their geographic location. State commissions are more susceptible to political pressure, and some stakeholders don’t have the level of access to those governing commissions as we do in Florida. While federal management is more cumbersome, it offers more protections, and we are able to be more involved in that process.

As you know, back in April, the DCBA released the DCBA plan, and that was emailed to all the council members and staff and various fishing associations. This plan was developed after hearing testimony from the for-hire fleet last year, with the majority praising Amendment 40 and the stability brought to our industry.
With that, the DCBA appreciates the current work and discussion on the current amendments under development for our industry, but we are removing support at this time for a for-hire catch share for the charter or headboat sub-sector. We feel that securing historical access through sector allocations and removing the sunset in 40 and implementing ELBs are more of a priority.

The DCBA plan offers this direction, keeping traditional season and bag limits and applying them to a sub-sector and validating through an ELB. We hope that that brings the stability that we were granted in 40 for the red snapper and, as an association, we support discussing different season opening dates for this side of the Gulf, as we know our peers have issues with weather in June.

I know I’m out of time, but I just wanted to say that this is our association’s opinion after looking at decision tools and kind of seeing where we’re at and how much time we have left until the sunset, and so thank you very much.

CHAIRMAN BOSARGE: Thank you, sir. Last, but not least, we have Ms. Abby Webster.

MS. ABBY WEBSTER: My name is Abby Webster, and I’m a charter boat owner and operator out of Freeport, Texas, and I’m also the current Executive Director for the Charter Fishermen’s Association.

We fully support state management for the private recreational sector. As for the charter/for-hire fleet, sector separation is working, and we ask that you continue to let it work. We are opposed to any type of reallocation at this time, and we are in support of a buffer reduction, as long as it stays within the legal guidelines. Thank you.

CHAIRMAN BOSARGE: Thank you, ma’am. We have a question for you, Ms. Webster, from Dr. Mickle over here.

DR. MICKLE: Thank you, Ms. Webster, for your testimony. With your association, do the captains in the association target cobia? Do they sell trips targeting cobia specifically, and, also, could you weigh-in on the minimum size of what could possibly work on that?

MS. WEBSTER: As far as the possession, the two per vessel has kind of been the going thing, and, on the size, status quo. I mean, Texas is already at thirty-seven, and so somewhere --
DR. MICKLE: But you’re selling trips targeting cobia or are they kind of on the way in and on the way out?

MS. WEBSTER: For the most part, no.

DR. MICKLE: Thank you.

MS. WEBSTER: Thank you.

CHAIRMAN BOSARGE: Thank you, ma’am. All right, council. It’s about 3:30, and that just wrapped us up, and so you know I’m going to make you go back to work. Let’s take a short break. We did have one gentleman to circle back to. Is Mr. Ron Moser – I called him earlier, but he wasn’t available. He is not here, and so let’s take a fifteen-minute break, guys. Let’s come back at about 3:50, let’s say.

(Whereupon, a brief recess was taken.)

CHAIRMAN BOSARGE: We are going to start with Coral. We do have a few that are ready, and we’ll start with Coral. Dr. Frazer, I will turn it over to you.

COMMITTEE REPORTS
CORAL COMMITTEE REPORT

DR. FRAZER: Thank you, Madam Chair. This is the Coral Committee Report. The committee adopted the agenda and approved the minutes. The Flower Garden Banks National Marine Sanctuary Update, Mr. Schmahl provided the committee with an update on the proposed expansion of the Flower Garden Banks National Marine Sanctuary.

A Boundary Expansion Working Group was developed by the Sanctuary Advisory Council to evaluate the proposed boundaries in the Draft EIS. The recommendations from the working group and the Sanctuary Advisory Council are different than those that were outlined in the DEIS, though all are within the DEIS Preferred Alternative 3.

The committee requested that staff provide information on fishing activities from VMS and ELB data within the new proposed boundaries for review at the October council meeting and may choose to provide an updated recommendation on the fishing regulations in the proposed sanctuary expansion.

Final Action on Abbreviated Framework Action: Clarification of
Fishing in HAPCs, staff reviewed the final action abbreviated framework, which clarifies that deployment of bottom-tending fishing gear should be prohibited in HAPCs. The committee felt it encompassed the council’s previous concerns and made the following motion.

The committee recommends, and I so move, to approve the Abbreviated Framework Action: Clarification of Fishing in HAPCs and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate.

CHAIRMAN BOSARGE: All right, and so we have a committee motion, and probably, before we launched into committee reports, just to kind of brief our new council members, and so you have been sworn-in, and so you are now fully-participating council members. As we read through these reports and a motion goes up on the board, the Full Council will then approve or disapprove the motion that the committee recommended, and so you will be able to vote there.

Now, this is a special kind of motion, because this is final action, and so this will actually be a roll call vote, and so, when Dr. Simmons calls your name out, you vote yes or no if you’re in favor of it or not.

Don’t start with the new members, because I will never forget the first roll call vote that came around when I was a new council member, and I was the first one to vote, and it was a hell of a vote, too. It was controversial, and I was like, oh gosh, and so go ahead, Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.

MR. DIAZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.
MR. STRELCHECK:  Yes.

EXECUTIVE DIRECTOR SIMMONS:  Ms. Boggs.

MS. BOGGS:  Yes.

EXECUTIVE DIRECTOR SIMMONS:  Dr. Shipp is on the webinar, and so he cannot vote.  Mr. Swindell is on the webinar, and so he cannot vote.  Dr. Mickle.

DR. MICKLE:  Yes.

EXECUTIVE DIRECTOR SIMMONS:  Dr. Frazer.

DR. FRAZER:  Yes.

EXECUTIVE DIRECTOR SIMMONS:  Mr. Sanchez.

MR. SANCHEZ:  Yes.

EXECUTIVE DIRECTOR SIMMONS:  Mr. Schieble.

MR. SCHIEBLE:  Yes.

EXECUTIVE DIRECTOR SIMMONS:  Mr. Dugas.

MR. DUGAS:  Yes.

EXECUTIVE DIRECTOR SIMMONS:  Ms. Guyas.

MS. GUYAS:  Yes.

EXECUTIVE DIRECTOR SIMMONS:  Mr. Riechers.

MR. RIECHERS:  Yes.

EXECUTIVE DIRECTOR SIMMONS:  Mr. Anson.

MR. ANSON:  Yes.

EXECUTIVE DIRECTOR SIMMONS:  Mr. Boyd.

MR. BOYD:  Yes.

EXECUTIVE DIRECTOR SIMMONS:  Ms. Bosarge.

CHAIRMAN BOSARGE:  Yes.
EXECUTIVE DIRECTOR SIMMONS: The motion carried fifteen to zero.

DR. FRAZER: Coral Reef Conservation Program Grant Update, staff provided the committee with a brief summary of the CRCP grant. Staff also highlighted the final products of the previous three-year grant.

In the current grant, staff highlighted the accomplishments to date, the tasks and objectives, and the new staff member. The committee requested that staff add current events to the portal banner, such as the bleaching event that is happening in the Florida Keys. Staff was also requested to stay up-to-date on the development of the Florida Keys National Marine Sanctuary possible expansion. Madam Chair, this concludes my report.

CHAIRMAN BOSARGE: Thank you, sir. I just wanted to thank staff and Mara, legal counsel, for figuring out how to hone-in on that fishing issue that we had in the HAPCs. You all did that very quickly and got it back to us in a very easily-understandable format, and I just wanted to say that we appreciate it. Thank you. All right. Next, we’re going to do Spiny Lobster, and so, Ms. Guyas, if you’re ready, I will let you take us through that report, please, ma’am.

SPINY LOBSTER COMMITTEE REPORT

MS. GUYAS: All right. Thank you very much. The committee adopted the agenda and approved the minutes. Ms. Gerhart provided the committee with final landings for the 2016/2017 and 2017/2018 seasons. She noted that in the 2017/2018 season there were no recreational landings provided because of the hurricanes.

On Final Action for Spiny Lobster Amendment 13, staff reviewed the public comments on Spiny Lobster Amendment 13, and NMFS staff provided an overview of the codified text. NOAA General Counsel noted that the codified text in the briefing book lacks the comments available in the Word version of the document. Staff will provide the Word version to the council for discussion at Full Council. Staff noted that the changes in the codified text are also outlined in the amendment in Appendix B. Do you want to discuss that codified text before I put the motion, or are we good? I have one thing to note about it, actually.

CHAIRMAN BOSARGE: Mara, did you want to tell us anything about the codified text? If not, Ms. Guyas, you can give your note.
MS. GUYAS: Remember, when we looked at this in committee, we didn’t have the Word bubbles to go with it, and so, since that time -- There is a couple of things that maybe need to be cleaned up, as far as matching up with the FWC regulations. I think the permit and endorsement was backwards for a couple of things, and there were two items on the list for the procedure that, at least glancing at this, I didn’t feel like were reflected in the codified text, and so we might need to fix that, but I can send that over to Mara, Sue, and Morgan, and maybe we can figure that out after. I don’t know that it really affects the intent of what we’re trying to do, but it’s just making sure that we have all the details and know that they’re right.

CHAIRMAN BOSARGE: Mara.

MS. LEVY: I mean, if you can just send us what you saw, and I don’t think any of it changes the substance or probably -- I mean, they’re minor things that we can just fix before we propose it.

CHAIRMAN BOSARGE: Yes, Ms. Gerhart.

MS. GERHART: I would just ask Martha that you like maybe do that in track changes in that Word version that was sent around, and that would be best. Thank you.

MS. GUYAS: It’s coming to you right now.

CHAIRMAN BOSARGE: All right, council. You’re okay with that? It doesn’t sound like these are going to be substantial changes.

MS. GUYAS: Right.

CHAIRMAN BOSARGE: Okay. All right, and then I will proof that final codified text before we send it off, as Chair. All right. Go ahead, Ms. Guyas.

MS. GUYAS: All right. With that, the committee made the following motion. The committee recommends, and I so move, to approve the Spiny Lobster Amendment 13 and that it be forwarded to the Secretary of Commerce for review and implementation, and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate.
CHAIRMAN BOSARGE: All right. So we have a committee motion, and, again, this is final action, and so this will be another roll call vote. Was there any discussion on the motion before we go into that? All right. Seeing none, Dr. Simmons, do you want to take us through that?

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Schieble.

MR. SCHIEBLE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Frazer.

DR. FRAZER: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Boyd.

MR. BOYD: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Mickle.

DR. MICKLE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.

MS. GUYAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp is on the webinar, again, and so he cannot vote. Mr. Riechers.

MR. RIECHERS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.
MR. DIAZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Swindell is on the webinar, again, and so he cannot vote. Ms. Boggs.

MS. BOGGS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Sanchez.

MR. SANCHEZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge.

CHAIRMAN BOSARGE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Fifteen to zero with two abstentions, and the motion carried.

MS. GUYAS: Madam Chair, this concludes my report.

CHAIRMAN BOSARGE: Thank you, ma’am. Next is Sustainable Fisheries, and so, if Dr. Mickle has his report handy, I will turn it over to him.

SUSTAINABLE FISHERIES COMMITTEE REPORT

DR. MICKLE: Thank you, Madam Chair. The agenda and the minutes of the June 18, 2018 committee meeting were approved as written. Draft Abbreviated Framework Action for Conversion of Historical Captain Endorsements to Federal For-Hire Permits, Tab E, Number 4, staff provided a summary of the document that would convert historical captain endorsements to federal for-hire permits.

Staff noted that the draft document could affect approximately twenty-five historical captains with reef fish or coastal migratory pelagic endorsements. As of March 2018, there were nineteen captains with valid endorsements and six captains with expired endorsements, but within the renewal period. The nineteen active historical captains collectively possessed nineteen reef fish and eighteen CMP endorsements.

If implemented, this action would extend the same rights and responsibilities of existing reef fish and CMP for-hire permits.
to captains with a historical captain endorsement. Each historical captain endorsement has an associated passenger capacity that was based on the vessel capacity at the time of issuance.

In the current draft, the new federal for-hire permits would maintain the same passenger capacity as the existing historical captain endorsement. The committee requested that staff add options to consider other passenger capacities, including the passenger capacity of the vessel that the historical captain currently operates and an option using the mean permit capacity of all vessels in the for-hire fleet.

Based on this discussion, the committee passed the following motion. The committee recommends, and I so move, to add the alternatives related to passenger capacity as discussed by the committee. Madam Chair.

CHAIRMAN BOSARGE: All right. We have a committee motion on the board. Is there discussion on the motion? Andy.

MR. STRELCHECK: Just a clarification related to the minutes. We refer to mean permit capacity, and I think the intent there would be to select the mean capacity or the current permit capacity, whichever is less, correct? Because you could have instances where the permit capacity is actually greater than the mean. I just wanted to make sure that was our intent.

DR. MICKLE: That was our intent.

CHAIRMAN BOSARGE: Yes, I think it was.

DR. MICKLE: I am assuming that was our intent.

CHAIRMAN BOSARGE: Because it was that 150 capacity that was really kind of an outlier, and maybe, when we look at it a little further, maybe we’ll see others that we’re not really comfortable with, but that one jumped out to everyone, and so, if you looked at the average, or the mean, capacity in the fleet, then that would give you a different alternative that would be hopefully lower, and I guess maybe we didn’t think through of, well, what about with the other ones, and that may raise the others up, and so I believe it would be whatever is lower, unless the council wants to explore it both ways, and that’s fine. Please speak up.

DR. MICKLE: If we have a unified intent, then doesn’t the staff have the direction to bring it forth for the next meeting, which
should be fine, unless someone has an opposition to the overall intent.

CHAIRMAN BOSARGE: Robin.

MR. RIECHERS: I think the intent was as Andy put it, because the other thing that would happen then is you would then have to keep track of those individuals. If you allowed them to go up sometime later, you’re going to have to keep track that you now have granted them this new status, but they can only increase to this mean or median, and that wasn’t what we were talking about. We were trying to bring those higher ones down. Again, we will see it again at the next meeting, and maybe we can help clarify that, but I don’t think it was, at least the way it was discussed, a notion of going up at some time in the future.

CHAIRMAN BOSARGE: I agree. Mr. Dyskow.

MR. DYSKOW: Just so I’m clear, and maybe I missed this conversation between Andy and Dr. Mickle, but could you just state again what it means as far as what capacity they will have when they are readmitted? In other words, it was at the higher of the current versus the original?

CHAIRMAN BOSARGE: What we’ve been speaking to would be the lower of the two. In other words --

MR. DYSKOW: Okay. I get it. I understand.

CHAIRMAN BOSARGE: Are you good? Okay. All right. Andy, you’re okay? You’re good? All right. Any further discussion on this motion? Seeing none, is there any opposition to the motion? No opposition, and the motion carries.

DR. MICKLE: The committee also requested an additional analysis of the change in passenger capacity over time for captains with historical captain endorsements. Staff will prepare a revised draft and bring to the October 2018 council meeting for committee review.

CHAIRMAN BOSARGE: Yes, sir, Mr. Anson.

MR. ANSON: Sorry to interrupt, and I should have done it when we discussed the motion, but I didn’t think it was quite appropriate. They will bring it to us in October, staff will, the new change, and then it will be up for final at that meeting, correct?
CHAIRMAN BOSARGE: Yes, we can notice that for final action, yes.

MR. ANSON: Great. Thank you.

DR. MICKLE: Moving on, Review of Senate Bill 3138, A Bill to Establish a Regulatory System for Marine Aquaculture in the United States Exclusive Economic Zone, Tab E, Number 5, and the summary is Tab E, Number 5(b).

Staff reviewed the Senate bill. The bill contains many of the elements that are included in the Gulf Aquaculture FMP. Staff highlighted areas in the bill which varied substantially from the Gulf Aquaculture FMP.

The committee discussed several items that were concerning including: 1) the authority for aquaculture appears to be defined as extending into state waters and state lands; 2) the length of the permit was longer than the council’s Aquaculture permit and may result in the permit becoming outdated due to developing technology; 3) a waiver of fees for aquaculture established for stock enhancement might be worth considering; 4) a bonding procedure may be needed to facilitate removal of gear left in the water by companies that go out of business; and 5) the level of involvement of regional management councils in the aquaculture process and possible consideration of developing regionalized aquaculture subcommittees. Madam Chair, this concludes my report.

CHAIRMAN BOSARGE: Thank you, sir. Maybe I am missing it in there, but I think one of our other concerns had to do with using drugs or biologics in the facility that were approved by the FDA or other governmental entities for use in aquaculture, if I’m not mistaken, and so maybe if we can just have that on the record as well.

DR. MICKLE: So noted.

CHAIRMAN BOSARGE: Thank you. I appreciate that. With shrimp and coral, we had issues with having shrimp and coral in aquaculture, and we voiced that as well, and did I catch them all now? That is prohibited in our FMP, under our Aquaculture FMP, and so I voiced that concern, that it’s not prohibited there. Okay. I think that gets to most of them that I remember hearing in committee. Okay. Anything else for Sustainable Fisheries? All right.

I am not done with the SEDAR Report yet. I’ve got one final
edit to make to that, and we just finished Data Collection, and so Shrimp. Go ahead, Dr. Stunz.

DR. STUNZ: John and I have been kicking back and forth the Data Collection Report, which I think is almost done now, unless the staff needs to do something, and so it’s pretty short, if you want to proceed with that at some point.

CHAIRMAN BOSARGE: Okay. We’ll give them a minute to get it all finalized and sent out to the group. Do you think you can take us through Shrimp pretty quickly, Dale?

MR. DIAZ: Yes, ma’am.

CHAIRMAN BOSARGE: All right. Then we’ll do that and then we’ll follow up with Data Collection, if that’s out to the group by then.

SHRIMP COMMITTEE REPORT

MR. DIAZ: The committee adopted the agenda and approved the minutes. Review of Council Request Regarding Shrimp Effort Threshold Reduction in the Area Monitored for Juvenile Red Snapper Bycatch, staff presented the letter submitted to the Southeast Fisheries Science Center regarding the council’s requested analysis of the shrimp effort reduction threshold in the area monitored for juvenile red snapper bycatch.

Dr. Barbieri provided the committee with an overview of the analysis and noted that the SSC concluded that a moderate increase in shrimping effort would have little impact on the rebuilding of red snapper.

The committee discussed the mechanism for reducing the threshold and the precedent. Staff noted that, in Amendment 14, there was prescriptive guidance to reduce the threshold from 74 percent to 67 percent by 2011, but a further reduction to 60 percent was not outlined, other than a statement that the threshold would subsequently decline from 67 to 60 percent between 2011 and 2032.

Since there was no framework for reducing the threshold, any change would need to be done in a plan amendment. The committee discussed the timing of producing an amendment to modify this threshold and made the following motion.

The committee recommends, and I so move, to develop a plan amendment to look at reducing the effort threshold in the area
monitored for juvenile red snapper bycatch to 60 percent. Madam Chair.

CHAIRMAN BOSARGE: We have a committee motion. Is there discussion on the motion? Mr. Riechers.

MR. RIECHERS: As we talked about this, of course, the evidence suggested that it can go down to that level, but there are several ways we can go down to that level, and it could be a stair-step approach all the way to 2032, or it could be even based on what it may have suggested, almost an immediate step.

Those things will have some impact on the rebuilding schedule and the biomass as well, and we also heard that, because -- Even though it had gone up a little bit, it wasn’t all that close to the threshold level, even in this last year, and I think 2014 or 2015 was the time it was the closest, and so, at least from a staff perspective, when we come back with the alternatives, I at least would like to see both where we’ve been in the past, which, of course, led us to this last time, and so when we come back next time with that, but also think about there is more than one way to get there. I don’t want to make it overly complicated, but also think about a gradual step-down as well and just maybe two alternatives as opposed to just the one going directly to 60.

CHAIRMAN BOSARGE: Ms. Gerhart.

MS. GERHART: Just a couple of things to point out. When the Science Center did the analysis, they were asked to do it in these 2 percent increments. However, they did not do that, because, when they did the 60 percent, they found that it had no effect at all, and so there was no point in looking at the levels that were higher than that.

Now, they did do some lower numbers, I think down to 54 percent, that they looked at, and they did see some impact there, and that is the analysis that we have, but 60 is the largest number that they analyzed.

MR. RIECHERS: Well, we’re going to come back with an amendment, and so is there a chance -- Because that paper wasn’t that -- I mean, I’m not minimizing the work effort, but I did notice some changes in poundage when you look at those scenarios through time, going from now to 2032, as you went below 60. Now, are you saying there is no effect until you get to 60, or they just started at 60?
MS. GERHART: We’re at 67 now, and anything between 60 and 67 doesn’t have an effect. If you go lower than 60, which is not part of what was in the original amendment, and 60 was the lowest number, then there starts to become effects after that point.

MR. RIECHERS: Okay.

CHAIRMAN BOSARGE: Dr. Porch.

DR. PORCH: It’s only a difference of 100,000 pounds when you get to 60, and so anything less than that, 61, 62, 63, is going to be even less than a 100,000-pound difference, and so it’s very small. That’s why.

CHAIRMAN BOSARGE: That’s a 100,000-pound difference by 2032. There was a 100,000-pound difference, and so --

MR. RIECHERS: It’s annually, and that’s why I am at least suggesting when we come back that we may want to at least look at that. I mean, I realize that’s not a lot of poundage, in terms of all the poundage we’re talking about, but there may be ways to help us get there without taking any poundage away from red snapper at this time, which I don’t think any of us would really want to do at this time.

CHAIRMAN BOSARGE: Well, there might be one that might want to.

MR. STRELCHECK: Keep in mind this is a threshold, and so, if effort levels remain where they’re at today, we’re not taking away unless that effort goes up, right, unless we start approaching the 60 percent threshold relative to where are at today, and so that’s the nuance here, is that will effort then creep up if we change the standard which we’re managing them to. If not, then the yield levels would not be changed, as long as effort remains where we’re at currently.

CHAIRMAN BOSARGE: Okay. All right. Any further discussion on the motion? Seeing none, is there any opposition to the motion? No opposition, and the motion carries. Mr. Diaz.

MR. DIAZ: Under Other Business, Dr. Porch provided the committee with a brief review on the technical memo regarding sea turtle bycatch in the shrimp fishery. Overall, the memo outlines a methodology for producing bycatch estimates of sea turtles in the shrimp fishery. The results of the memo highlight that Kemp’s Ridley and loggerhead turtle bycatch has decreased and bycatch of green turtles has remained relatively
constant. Madam Chair, this concludes my report.

CHAIRMAN BOSARGE: Thank you, sir. I don’t have my email up in front of me. Is Data Collection out to the group? Okay. All right. Dr. Stunz, do you want to take us through that? I am kind of pushing Mackerel off until the end, to see how much time we have left, because I have a feeling that we may take a little bit of time with that committee report, and so go ahead.

DATA COLLECTION COMMITTEE REPORT

DR. STUNZ: This is the Data Collection Committee Report for August 22, 2018. The agenda was modified to add a discussion of unique trip identifiers for reporting and tracking of commercial fishing trips. The amended agenda was adopted, and the minutes of the June 7, 2017 committee meeting were approved as written.

Gulf of Mexico 2017 Headboat Summary Report, Mr. Brennan of the Southeast Fisheries Science Center gave a presentation summarizing the activities of the Gulf headboat fleet in 2017. The report is a standardized summary of biological and fishery information for fifty species.

He stated that this presentation was intended to inform the committee about trends in the headboat fleet and to solicit feedback on this report. This report will be updated annually, available in quarter two of each year, and will include the most recent landings and fishery information. The intent is to distribute this information to stakeholders, managers, and other interested parties. The committee requested that future reports include a summary of trips on a regional rather than on a Gulf-wide basis.

Next was Southeast For-Hire Integrated Electronic Reporting, SEFHIER, Implementation. Ms. Gerhart from the Southeast Regional Office provided an update on the status of for-hire reporting implementation in the Gulf of Mexico. She stated that the proposed rule to implement electronic for-hire reporting in the Gulf is anticipated to publish on September 14, 2018, and the decision day is September 19, 2018.

Implementation could occur April 1, 2019, although the GPS portion of the program may be implemented after this date. The committee discussed that a start date later in the year, when fishing activity is lower, may be better time to begin a new reporting program and address any unanticipated challenges.

Other Business, Discussion of Unique Trip Identifiers for
Commercial Fishing Trips, Ms. Bosarge stated that there is not a single trip identifier for commercial fishing trips that could be used to track trip information from initial harvest to sale of the product.

She also noted that the Ad Hoc Red Snapper/Grouper-Tilefish IFQ requested the development of a unique trip identifier for the trips. Mr. Strelcheck stated that this is an on-going topic of discussion and that NMFS staff can prepare a presentation and lead a discussion about this issue at a future council meeting. The committee also requested that staff query other councils about how they have addressed the need for unique trip identifiers in their regions. Madam Chair, this concludes my report.

CHAIRMAN BOSARGE: Thank you, sir. Dr. Frazer, what do you think? Do you think we can make it through Mackerel? It’s 4:24. Do you think we can get through that before five o’clock? All right. If we want to hold off on that one, how about we do our liaison reports? I will start with the South Atlantic and Ms. Beckwith.

SUPPORTING AGENCIES UPDATES
SOUTH ATLANTIC COUNCIL LIAISON

MS. BECKWITH: Thanks. First, I wanted to thank you guys for hosting us. You guys are always a trip to sit and listen to. We do have our liaison report posted on the website, but I just wanted to point out just a couple of things that we’re doing.

We did manage to have a red snapper season on our side this year, and our recreational guys got all of six days, and our commercial guys have a seventy-five-pound limit, and so that’s going well.

We do have our for-hire amendment that is considering a moratorium on our for-hire charter fleet, and that has gone out to scoping. As expected, we don’t appear to have gotten a lot of feedback in this first round of scoping, and so we’re going to follow up with public hearings here early in the fall.

We do have an amendment that is considering a private recreational permit and private recreational electronic reporting, and we are currently piloting an app called MyFishCount, and so that should be an interesting process to watch, and we continue to move forward on our Citizen Science Program, and so that has been developing well, and it’s getting organized, and hopefully we will be getting together a mechanism
to sort of receive and organize types of funds to be able to do some research and get some questions answered, and so that’s a work in progress. Those are the main points that I think you guys would be interested in, and everything else is in the report for your review. Thanks.

CHAIRMAN BOSARGE: All right. Thank you, ma’am. We’re going to save NOAA OLE for tomorrow. Mr. Dave Donaldson and Gulf States.

GULF STATES MARINE FISHERIES COMMISSION

MR. DONALDSON: Thank you, Madam Chair. Just a reminder that Red Snapper 4 is scheduled for next month, and we’ll be looking at the various state programs and looking where we can make them more consistent with the existing recreational survey, and then our commission meeting is going to be in October in South Padre.

A couple of things to note there. Chris Blankenship is going to be receiving the Lyles-Simpson Award, and our general session will be about sea turtles, a Kemp’s ridley sea turtles update on where we’re at with that, and I will answer any questions.

CHAIRMAN BOSARGE: Yes, sir, Mr. Anson.

MR. ANSON: Dave, that red snapper workshop in September, mid-September, is that going to be available by webinar to people?

MR. DONALDSON: It is not.

CHAIRMAN BOSARGE: I hope we hear good news about the Kemp’s. Keep us posted. Anybody else have questions for Dave? All right. Lieutenant Commander, did you have any -- We kind of cut you short earlier, and did you have anything else that you wanted to go into with us?

U.S. COAST GUARD

LT. ZANOWICZ: Everything I presented was all I had for my presentation. I do want to make one minor point though. When I was talking about the red snapper and shark counts and weights, Dr. Porch mentioned that there was a discrepancy between the data provided to the Southeast Fisheries Science Center and the data presented today, and I looked into that issue.

The data provided to the Southeast Fisheries Science Center was in calendar years, and the data presented today was in fiscal years, which, for the Coast Guard, starts on October 1 and concludes at the end of the September, September 30, and the
fiscal year is just how we track our lancha interdictions and
detections, and so, to remain consistent with that, that’s how I
presented the catch today as well, and so I just wanted to
denote that for the record. If there’s any further questions on
my presentation, of course, I’m happy to answer those at this
time as well.

CHAIRMAN BOSARGE: Thank you, sir. Any questions? All right.
We’ll have one Liaison Report tomorrow, and we’ll do our
Mackerel Report, and we have a SEDAR Committee Report, and, of
course, as always, Reef Fish. Then we’ll have our election of
Chair and Vice Chair. We didn’t have anything under Other
Business, I don’t believe, for Full Council, and so we can check
that off the list. All right.

Then we’re going to wrap up a little bit early today. Don’t
forget though that we have a social this evening, and it is at
the Texas State Aquarium, and so we’re going to be drinking with
the sharks. It’s going to be fun. I’m excited. It’s at 6:30,
and it’s being hosted by CFA, Share the Gulf, the Shareholders
Alliance, and the Galveston Professional Boatmen’s Association.
Don’t forget that Mr. Charlie filleted all the fish for us, and
so I’m excited. I can’t wait. I can’t wait to see him there,
and I hope to see everybody else there. It is open to the
public. Have a wonderful evening, and I will see you back here
tomorrow morning at 8:30.

(Whereupon, the meeting recessed on August 22, 2018.)

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August 23, 2018

THURSDAY MORNING SESSION

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The Full Council of the Gulf of Mexico Fishery Management
Council reconvened at the Omni Hotel, Corpus Christi, Texas,
Thursday morning, August 23, 2018, and was called to order by
Chairman Leann Bosarge.

CHAIRMAN BOSARGE: Good morning, everybody. We have a few more
reports to go through. Just in case anybody has a plane, we’re
going to go ahead and do Reef Fish first and knock that out, and
then we’ll circle back to Mackerel and SEDAR. I will turn it
over to you, Ms. Guyas.
COMMITTEE REPORTS (CONTINUED)

REEF FISH COMMITTEE REPORT

MS. GUYAS: Thank you very much. All right. I think the committee report is on the website now. The agenda was modified to add two items under Other Business. The amended agenda and the minutes of the June 19, 2018 committee meeting were approved.

SERO staff provided updated landings of selected reef fish species. For the commercial sector, 2018 preliminary landings estimates through August 13, 2018 indicate that 78 percent of the gray triggerfish ACL has been caught. Greater amberjack commercial harvest closed April 3, and 103 percent of the ACL was taken.

Preliminary 2018 recreational harvests were presented for several species, including private recreational red snapper landings for all Gulf states except Florida. Recreational landings for other reef fish species included data from MRIP through April 30, 2018 and LA Creel data through July 28, 2018.

Let me just note here that since the committee met that our Florida landings have come in. I think they may be on the website now, Peter? No, not yet, but they will be, but it looks like we are, and I don’t have those numbers in front of me, about at 63 percent by the end of June.

Final Action, Framework to Modify Red Snapper and Gulf Hogfish ACLs, staff reviewed public comments received on red snapper and west Florida Gulf hogfish. Action 1 examines increasing red snapper catch limits in response to the SSC’s review of the recent SEDAR 52 stock assessment, which found that red snapper are not overfished nor experiencing overfishing.

The SSC provided both a declining yield stream for 2019 through 2021 and subsequent years and a constant catch scenario and recommended both equally. Committee members agreed that stability in catch levels was preferable over catch levels which changed each year.

Without opposition, the committee recommends, and I so move, in Action 1, to make Alternative 3 the preferred alternative. Madam Chair.

CHAIRMAN BOSARGE: Okay. We have a committee motion on the board. I will just read Alternative 3, for the record. Alternative 3 is modify the red snapper ACLs and recreational
ACTs based on the constant catch ABC recommendations of the SSC for 2019 through 2021 and subsequent years, as determined from the SEDAR 52 stock assessment. The total ACL is equal to the ABC, and allocations and ACTs are applied as appropriate.

That means, for 2019 through 2021 and forward, our total ACL would be 15.1 million pounds for red snapper. All right. Any discussion on the motion? Seeing none, is there any opposition to the motion? No opposition and the motion carries.

MS. GUYAS: Action 2 examines decreasing west Florida hogfish ACLs in response to the SSC’s review of the recent SEDAR 37 update stock assessment, which found that west Florida hogfish are not overfished nor experiencing overfishing.

However, due to increased uncertainty in the assessment, widely variable landings data, and inconsistent recruitment, the resultant catch advice from the stock assessment represents a decrease from the status quo.

The committee noted that the proportional standard error of the recreational landings varied from 17.9 to 47.4 between 2008 and 2017, and total landings for the stock, which is managed without sector allocations, ranged from about 61,000 pounds to 306,000 pounds between 2001 and 2017. The SSC thought a constant catch scenario was unnecessary for west Florida hogfish, since the yield stream would be increasing over the projection period of 2019 to 2021.

Without opposition, the committee recommends, and I so move, in Action 2, to make Alternative 2 the preferred alternative.

CHAIRMAN BOSARGE: All right. We have a committee motion, and Alternative 2 says to modify the West Florida hogfish OFL, ABC and ACL based on the recommendations of the SSC for 2019 through 2021 and subsequent years, as determined from the 2018 SEDAR 37 update stock assessment. The ACL is equal to the ABC, which means, for hogfish, 2019 is going to be an ACL of 129,500 pounds, 2021 is 141,300 pounds, and 2021 forward is 150,400 pounds. All right. Any discussion on the motion? Seeing none, is there any opposition to the motion? No opposition and the motion carries. Mr. Diaz.

MR. DIAZ: I just want to mention something. There is no way to impact that, but there was some public testimony and some people’s concern about where we’re at with this, considering that we raised the size limit not that long ago, but we really didn’t have any other options. I mean, this is really the only
way, legally, that we could move forward, and so I just wanted to put that on the record, but I understand the people’s concerns in the public, and so thank you.

MS. GUYAS: SERO staff advised the committee that they would receive an updated version of the codified text for this document which would reflect the decisions made during committee discussions and the updated catch levels considered in this document. The codified text would also include the framework action modifications to the recreational red snapper ACT buffers.

Without opposition, the committee recommends, and I so move, that the council approve the Reef Fish Framework Action: Modification of Gulf of Mexico Red Snapper and West Florida Hogfish Annual Catch Limits, and that it be forwarded to the Secretary of Commerce for review and implementation and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate.

CHAIRMAN BOSARGE: All right, and so this is final action, and so this will end up being a roll call vote, but, before we get to that, do we need to look at the codified text on this one, Mara? Did we not accomplish that in committee?

MS. LEVY: I don’t think you have the updated codified text right now. I think we did do the hogfish changes, but I don’t — Or was it the red snapper that we had to change? We had to change one of the numbers, but I don’t think we have the combined yet for the ACT document and this, and I would actually prefer that we probably do that after the meeting and then just send it to the Chair to re-deem, like the combined, if you want to look at the combined, because I feel like, if we rush with the numbers, that there is a chance that we’re going to have to change it anyway, because we’re going to check them and they might be off, and so I think we should just send it to the Chair to look at.

CHAIRMAN BOSARGE: Yes, I’m remembering that discussion now. What we decided in the ACT document was going to affect what the final codified text was here, and you want all that to jibe together and meld and go all up at one time. All right. Council, do you all have a problem with that? Are you good with it? Okay. Is there any other discussion on this motion before we vote? Seeing none, this will be a roll call vote. Dr. Simmons.
EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. Dr. Frazer.

DR. FRAZER: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Riechers.

MR. RIECHERS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.

MR. DIAZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp is on the webinar, and so he cannot vote. Mr. Sanchez.

MR. SANCHEZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Banks.

MR. BANKS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Mickle.

DR. MICKLE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Swindell is on the webinar, and so he cannot vote. Mr. Dyskow.

MR. DYSKOW: Yes.
EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.

MS. GUYAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Boyd.

MR. BOYD: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge.

CHAIRMAN BOSARGE: Yes.

EXECUTIVE DIRECTOR SIMMONS: The motion carried fifteen to zero with two absent.

MS. GUYAS: The committee encouraged staff to continue providing the species-specific hot sheets during committee meetings. Draft Amendment 36B, Modification to Commercial IFQ Programs ACLs, staff reviewed the draft actions and alternatives and noted that more guidance on the purpose and need would help to further develop the actions and alternatives. Action 1.1 would establish new requirements for program eligibility. Following discussion, the committee passed two motions.

Without opposition, the committee recommends, and I so move, in Action 1.1, Alternatives 2 through 5, remove the Option b from all alternatives. Option b was a valid Gulf of Mexico and South Atlantic dealer permit with an IFQ dealer account.

CHAIRMAN BOSARGE: All right. We have a committee motion. Is there any discussion on the motion? Seeing none, is there any opposition to the motion? No opposition, and the motion carries.

MS. GUYAS: Without opposition, the committee recommends, and I so move, in Action 1.1 to amend Alternative 3 to say: Alternative 3: In order to obtain (transfer into an account), or maintain shares (hold existing shares in an account), all shareholders who entered the IFQ programs after January 1, 2015, must possess one of the following.

CHAIRMAN BOSARGE: All right. We have a committee motion going up on the board. There we go. Just to refresh your memory, because it looks a little strange, but this is our motion.
Remember there were two dates in this alternative to begin with, and, to streamline this, we made it one date for both programs, and so that’s why it says one of the following and there is no following, because that’s the only part we were changing right there. All right. Any discussion on the motion? Seeing none, any opposition to the motion? No opposition, and the motion carries.

MS. GUYAS: Action 1.2 addresses share divestment in the event shareholders are unable to meet new requirements established through the previous action. The committee discussed the proposed amount of time to allow shareholders to comply with any new permit requirement and passed the following two motions.

Without opposition, the committee recommends, and I so move, in Action 1.2 to remove Option 2a. Option 2a is on the effective date of the final rule implementing this amendment.

CHAIRMAN BOSARGE: All right, and so we have a committee motion. Is there any discussion on the motion? Seeing none, is there any opposition to the motion? No opposition, and the motion carries.

MS. GUYAS: Without opposition, the committee recommends, and I so move, in Action 1.2 to remove Option 2b from Alternative 2 and Option 3a from Alternative 3. Option 2b is before the beginning of the calendar year following the effective date of the final rule implementing this amendment. Option 3a is before the beginning of the calendar year following the sale or termination of the permit.

CHAIRMAN BOSARGE: Okay. We have a committee motion. Is there any discussion on the motion? Seeing none, is there any opposition to the motion? No opposition, and the motion carries.

MS. GUYAS: The committee discussed the remaining sections of the amendment, including development of a quota bank and the accuracy of weight estimates in landing notifications, but made no additional motions.

CHAIRMAN BOSARGE: Yes, sir, Andy.

MR. STRELCHECK: I just wanted to talk about a few items. The first question is when does the Law Enforcement Technical Committee meet? Is it prior to the October council meeting?

CHAIRMAN BOSARGE: Dr. Simmons.
EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. I think it’s the week before the council meeting.

MR. STRELCHECK: Okay, and so we can get guidance from them regarding the weight estimations, which would be helpful. I certainly heard some differences between NOAA Law Enforcement and state law enforcement, and the fishermen did not seem to be supportive of a weight estimation, and so I think it would be good to ask the Law Enforcement Technical Committee to weigh-in on that.

The second question would be, and I don’t know which advisory panels we have available to us, but, with the quota bank -- I mean, there is a lot of devil in the details in terms of how we would design a quota bank, and I would think it would be very helpful to get input from our commercial fishermen on an advisory panel.

I don’t know the timing of when we would want to do that. Maybe it’s a little too premature, but it would be good to get them to weigh-in at some point, sooner rather than later, as this develops.

CHAIRMAN BOSARGE: Dr. Simmons and I had kind of talked about that offline, and we were going to try and look at the schedule. We’re not sure if it will be able to happen before the next meeting, but maybe sometime after that. We’ll see when we can convene that group for that specific purpose, to really hone-in on that and give us some feedback, and so, okay.

MS. GUYAS: Final Action Modification to the Recreational Red Snapper ACT Buffers, staff reviewed the framework action to modify the recreational red snapper component ACT buffers. The council currently prefers Alternative 3, which sets the for-hire component’s ACT at 9 percent below that component’s ACL while leaving the private angling component’s ACT at 20 percent below that component’s ACL.

The council also prefers Alternative 4, which would sunset the change in the for-hire component’s buffer between the ACT and ACL established in Alternative 3 at the end of the 2019 red snapper fishing season.

The committee heard public comments received about this framework action. SERO staff reminded the committee that the framework action, if it is approved for final action, would be reviewed with due consideration of how the recreational
components for red snapper have been managed in the last few years and with deference to Section 407(d) of the Magnuson-Stevens Act, which states that the recreational sector for red snapper will be managed under a single recreational ACL.

Without opposition, the committee recommends, and I so move, that the council approve the Reef Fish Framework Action: Modification to the Recreational Red Snapper Annual Catch Target Buffers and that it be forwarded to the Secretary of Commerce for review and implementation and deem the codified text as necessary and appropriate, giving staff editorial license to make the necessary changes in the document. The Council Chair is given the authority to deem any changes to the codified text as necessary and appropriate.

CHAIRMAN BOSARGE: All right, and so this is a final action vote, and so it will end up being a roll call. Is there discussion on the motion? All right. If there is no discussion, Dr. Simmons, will you take us through the roll call vote, please?

EXECUTIVE DIRECTOR SIMMONS: Thank you. Mr. Banks.

MR. BANKS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Sanchez.

MR. SANCHEZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Strelcheck.

MR. STRELCHECK: Abstain.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp is on the webinar, and so he cannot vote. Dr. Mickle.

DR. MICKLE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.
MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Boyd.

MR. BOYD: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.

MS. GUYAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Swindell is on the webinar, and so he cannot vote. Mr. Diaz.

MR. DIAZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Riechers.

MR. RIECHERS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Frazer.

DR. FRAZER: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge.

CHAIRMAN BOSARGE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Fourteen to zero with one abstention and two absent.

MS. GUYAS: Gulf of Mexico Allocation Review Triggers, staff gave a presentation on the fisheries allocation review policy and the procedural directive addressing review triggers, which are criteria for initiating allocation reviews.

The presentation described the three steps included in the adaptive management process recommended by the policy. Allocation review triggers, including public-interest-based, time-based, and indicator-based triggers, were discussed. Fisheries resource allocations between sectors, states, and
councils were presented. Staff noted that the council should identify review triggers by August 2019, or as soon as practicable.

The committee inquired about the South Atlantic Council’s progress in developing triggers and stressed the importance of a collaboration between councils to set triggers for shared stocks. Ms. Beckwith indicated that the South Atlantic Council is in the preliminary discussion phase.

Comparison of Council’s Allocation Policy with NMFS Allocation Review Policy, staff reviewed the side-by-side comparison of the current Gulf Council Fishery Allocation Policy with NMFS Procedural Directive 01-119-02. The committee discussed that the current Gulf Council’s Policy appears flexible enough in its approach, particularly with suggested methods for determining reallocation, and that the council would not need to modify the current Gulf Council’s Policy. Scoping Document for Reallocation of the Red Snapper ACL, staff noted --

CHAIRMAN BOSARGE: Yes, sir, Mr. Boyd.

MR. BOYD: On the allocation policy, we had some discussion about whether we needed to go ahead and start some kind of procedure, and I had asked if the presentation that Dr. Diagne gave, which was Tab B, Number 8(a), was the start of that, and I didn’t get a response that it was and that we would just review it.

I think it’s important, because this is a policy directive from NMFS about adaptive management. It establishes criteria that we should look at for setting triggers for allocation, and, in Section 5 of it, it even says that, three years after the publication of this policy, NMFS will work with the councils to determine whether or not trigger mechanisms have been established.

With that, I would like to offer a motion that we -- I don’t know exactly how to say this, and if somebody will help me, but that we start a procedure to review the NMFS policy directive on allocation and meet the timeline for implementation of triggers as set forth in that document.

CHAIRMAN BOSARGE: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. I think we may have had some confusion during the committee on this, but our plan is to bring it back to the council in October, and,
because this is kind of setting up a policy, or if you decide to put it in a fishery management plan, this is the start of that and us just first giving the council an idea of what the policy was that came from Headquarters regarding the triggers.

Remember this will include more species than just reef fish, and so we probably should have put this under Sustainable Fisheries, and so you probably will see that next time under Sustainable Fisheries, but our plan is to continue to work on this and work with the Regional Office on deciding, when you review that presentation, all those different species, the CMP, and then there was also questions about the jurisdictional apportionments, and there is some other allocations that we have set up, and do all of those fall in this type of review, and so we do plan to bring something in October, more work on this.

MR. BOYD: Okay. I didn’t get that from the conversation yesterday. All right. Thank you.

CHAIRMAN BOSARGE: So do you want a motion, or are you good with that conversation? They plan to bring it back in October, after they flesh it out some more. They didn’t have any of those allocations. Like, on the commercial side, we have allocations in different areas of the Gulf, and they’ve got to add that, and we’re supposed to have a more in-depth discussion on the actual triggers at our next meeting too and give them feedback on how we want to proceed with that piece of it, and so are you good?

MR. BOYD: I am not really comfortable, but I will withdraw my motion, because we’re looking at a deadline, based on this directive, to be finished in 2019, and, if we don’t get started on it in earnest, I think we’re going to miss that deadline, but I will withdraw my motion, because the Executive Director says we’re going to work on it, and I believe her. Thank you.

CHAIRMAN BOSARGE: Thank you, sir. Ms. Guyas.

MS. GUYAS: Okay. Scoping Document for Reallocation of the Red Snapper ACL, staff noted that the section on allocation reviews had been expanded in the scoping document since the June 2018 council meeting.

Staff requested guidance from the committee on developing the Purpose and Need. The committee noted that the recalibration of landings data needs to be part of the purpose and need, yet recalibration did not seem to fit with any specific Reef Fish FMP objective. Ms. Levy noted that part of the allocation review process involves reviewing the FMP objectives to
determine whether they are still relevant, and if not, the council should revise the objectives.

In order to assist with evaluating current objectives, the committee requested that council staff provide an analysis of the Reef Fish FMP objectives in terms of background information, context, and relevant amendments, so the council could evaluate the extent to which those objectives have been achieved.

Revised Draft Amendment 50, State Management Program for Recreational Red Snapper and Individual State Amendments, staff provided a presentation highlighting implications of state management alternatives.

In the program amendment, the current preferred alternatives are not compatible with one another, as the preferred alternative for Action 1 would include for-hire vessels in state management, but the preferred alternative in Action 2 for allocation applies to the private angling component only.

The committee discussed the alternatives to allocate red snapper among the states and made a motion to deselect Alternative 6 in Action 2 as the preferred, followed by two substitute motions to modify the preferred alternative to Alternative 2, Option 2d and to Alternative 5, Options 5b and 5e. However, all three motions failed.

The committee then discussed the inclusion of the federal for-hire component in state management programs. It was noted that inclusion of the for-hire component may not allow for the implementation of state management by 2020. Following discussion, the committee passed two motions.

By a vote of seven to five, the committee recommends, and I so move, to leave charter for-hire vessels under federal management and select in Action 1, Alternative 2 as preferred. Alternative 2 is, for a state with an approved state management program, the state will manage its private angling component only and must constrain landings to the state’s private angling component ACL as determined in Action 2. The federal for-hire component will continue to be managed Gulf-wide. For states without an approved state management program, a private angling fishing season will be estimated using the remainder of the private angling component ACL, reduced by the established buffer. The sunset provision ending the separate management of the private angling and federal for-hire ACLs (currently 2022) is removed.

CHAIRMAN BOSARGE: All right. We have a committee motion. Is
there any discussion on the motion? Mr. Riechers.

MR. RIECHERS: We obviously went over this in committee, but I think it’s worth at least putting it on the record again here at Full Council. Obviously, I am against this motion. Alternative 4, which will be the preferred if you don’t approve this, still gives the states the option of whether or not they will manage their charter/for-hire and with some decision timeframe to do that thirty days after it would be granted to them, the delegation of authority.

You heard testimony yesterday, and obviously we’re in a state here where it’s somewhat mixed as to whether they want to be in or not. We found that when we did our hearings on the EFP as well, and that’s no news to anyone around this table, nor is it new news to us, but, in reality, we want to try to keep the flexibility for this, and so, again, I speak against the motion.

CHAIRMAN BOSARGE: Okay. Any further discussion? I know I have at least one opposed. All those in favor, signify by raising your hand; all those opposed, same sign. The motion carries eight to six.

MS. GUYAS: By a vote of ten to two, the committee recommends, and I so move, to instruct staff to begin an amendment for state management for the federal for-hire industry.

CHAIRMAN BOSARGE: All right, and so we have a committee motion. Any discussion on the motion? Mr. Riechers.

MR. RIECHERS: Since the time of committee, and I have talked with many members around the table since that time, and part of it is when this is occurring, and we can have a complete debate about will it ever occur if it’s split out now, which I think is a reasonable debate to have, given past history, but, more importantly, this is one of the most contentious issues surrounding this amendment, and it has been all along, regarding sector separation and how you deal with charters.

I am speaking against the motion, because I think this is the one item, along with the allocation, that our angling, recreational angling public and charter/for-hire public, needs to be able to weigh-in on, and so to do anything to remove it completely before we go to public hearing is just, in my mind, not the right thing to do now.

If we want to, after public hearing or after the final vote on this current amendment, start a new amendment doing that, that
is certainly appropriate, I believe, but to just remove it now and put it over in the corner and say, well, we’ll come back to it, I don’t think that’s the appropriate thing to do.

I think we need to leave the document intact, as it is, and debate it however many more meetings we have a chance to debate it, and go forward with it at that time, as opposed to trying to strip all this stuff out and put it in another document and just go forward with one option of private angling only.

CHAIRMAN BOSARGE: All right. I have Patrick and then Andy.

MR. BANKS: I agree with a lot of what Robin said, but I am scared to take this off the table. I guess I have more of a question, maybe for staff or maybe to try to give some direction, but I want to make sure that, even though the preferred alternative was changed in our overall Amendment 50, that we’re not going to -- We’re not going to just remove, like Robin just described, all of this charter information from that document, because I don’t think that’s fair to the public.

I think the public needs to see our Amendment 50 document when it goes out for public notice and that it shows that we did consider the charter/for-hire and we do want to try to keep them in, and we need them to give us that information, and I’m afraid if -- I think Robin has a legitimate concern that, if this passes, we may end up stripping all of the charter/for-hire stuff out of Amendment 50A, and I still think we need to consider charters in 50A and have the public given the chance to make comments, and so I’m in favor of the motion, but I want to make sure that just because -- If this passes, that that doesn’t give us license to remove the charter information from 50A, and what are some thoughts from around the table?

CHAIRMAN BOSARGE: All right. I’ve got a whole list here, and I think that’s the guidance that we have to give staff. We need to tell them which way we’re going on this, and maybe we had enough discussion in committee that there is a determination, but I don’t remember what it was, if there was one. Mara, do you want to speak to that point, before I go down this list?

MS. LEVY: The motion was to change the preferred in 50, and I didn’t hear any motion about removing -- That is just instructing staff to begin an amendment for charter/for-hire, but, in my opinion, if you actually want to remove the discussion of charter/for-hire from Amendment 50, that, to me, would need to be explicit. Like, I wouldn’t implicitly read that from this. I read this as we’re going to start a new

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amendment that may end up being duplicative, right, if we end up changing in 50, but not that it means that you’re getting rid of what’s in 50.

CHAIRMAN BOSARGE: All right. We’ve got people going on and off the list. All right. Next, I have Mr. Patient Andy over there. Go ahead.

MR. STRELCHECK: I spoke in support of this motion during committee, and that certainly is my view as well, that this was not stripping information out of the existing amendment, but my concern is bogging down Amendment 50 as we try to wrestle with inclusion of the charter vessels and some of the complexities of adding the charter vessels and the need to get this in place by 2020, once the EFPs expire, and so, by splitting the amendments, that gives us an opportunity to work on the charter regional management.

If we’re able to figure out something and plug it into Amendment 50, then great. If we’re not, then we have this back-up amendment that we can continue working on to address charter regional management.

CHAIRMAN BOSARGE: All right. Next, I have Mr. Sanchez.

MR. SANCHEZ: I think everybody knows my sentiments on this. We have discussed this for years, ad nauseum, and even yesterday we heard public testimony from differing members of the fleet, in Texas for instance, saying that they want it or they don’t want it, and I think, when you break it down, the overwhelming majority of the for-hire fleet in Texas does not want to be a part of state management. There are a smaller sub-group, perhaps, that feels differently, but, then again, they are in the smaller sub-group. We have discussed this for years, and I don’t know why we have to keep kicking this can down the road.

CHAIRMAN BOSARGE: Next, I have Dr. Stunz.

DR. STUNZ: Well, just briefly, and Andy made my point, and I agree both with Patrick and Robin about keeping the document the way it is, short of that motion, of course, although I don’t support this next motion coming up. I think we need to hear from the public the way that the document is currently, and so I definitely would not support changing it to that extent.

CHAIRMAN BOSARGE: Ms. Guyas.

MS. GUYAS: I was just going to say, as to the question of
whether they’re in 50A or not, until the council makes a motion to send those alternatives to Considered but Rejected, they’re there. I mean, it’s that simple, and we did not do that in committee.

CHAIRMAN BOSARGE: Dr. Frazer.

DR. FRAZER: I think a lot of really good points have been made, and I think we’re at a really unprecedented opportunity to move forward with this amendment and include the recreational sector, the true recreational guys, and I don’t think there’s any intent, really, to, at this point, remove the charter/for-hire options in 50A as it’s presented.

I think it is good to get some feedback from the public, but, in the absence of any compelling feedback from the public moving forward, I like the idea of having an alternative to fall back to.

CHAIRMAN BOSARGE: Mr. Diaz.

MR. DIAZ: I support the motion on the board, and I agree with most of what’s been said. I would like to see the information that’s in 50 stay in 50. What I hope comes out of this motion here is we go down this path and we design a document where it’s optional for charter guys to get in or out.

I think John is right that in some states it looks like the charter guys don’t want to be in, and I think there might be other states where they do want to be in, but, as these EFPs play out and charter guys get to see what they’re getting, as opposed to what they could potentially get with the states -- I have been trying to talk about flexibility through both of these documents, and I know, in our state, I have had so many people tell me that they can sell a trip in the summertime, because the people are there, and they need something to sell in the fall sometime.

This document could put a state in the position where they could set them up to where they could give them a fall season if they wanted it. In Texas, they talk about how windy it is in the month of June, and, I mean, the State of Texas could work around that, and so folks might not see the advantages now that might come to where they realize those advantages as these EFPs play out.

Another thing is we got some emails from at least one charter/for-hire group that said that their state did not catch
their historical average for the charter/for-hire, and they were
concerned about that, and, you know, they might rethink that and
figure out, if they go with their state, maybe they could get
back to their historical average, and so flexibility.

You know, they might see how things work out, and so, anyway, I
support the document, and I think some good things could
potentially come out of it, and we’ll just have to see, but I
hope that, at the end of the day, states have an option and we
get the majority of the people what they want. Thank you.

CHAIRMAN BOSARGE: Mr. Anson.

MR. ANSON: I voted in support of this motion during committee,
and, after Robin made a point regarding, I guess, some of the
optics of this going out, or we start reviewing this document
while the regional management document is still being considered
and discussed with the alternatives in it as it’s currently set,
it could be a little confusing, maybe, to the public, who are
wondering why we’ve got all these other options out there that
we’re discussing, potentially, but yet one or a couple of those
options, alternatives, are going out in a separate document.

I am just wondering -- I still support this document, I think,
and, as Dale just summarized, there is some valid points, or
there are some things in there that could be beneficial to
charter boats, to operators, that might make it more palatable
to them or a better business decision for them under a state
management regime, and, yes, there are some complexities, but we
would be able to discuss those and flesh those out during
development of the document, and so I’m just -- I’ve got the
issue of the timing while we’re trying to work through regional
management and not providing too much of a confusing signal, I
guess, to the public.

I’m just wondering if maybe we ought to look at coming back and
not working on the document until there is a final vote on 50A
or we come to some point where it’s gone already out to the
public and we get some comment back from the public, which could
be the January meeting or something like that, and so, in
October, we’re coming and reviewing the two documents, and yet
we’re still discussing them as potential options and
alternatives with the for-hire being under state management in
50 and then we’re also then going to be working on this separate
document where they’re already taken out, and so it just seems a
little quirky, administratively, if we’re able to or staff is
able to bring back some documentation relative to this specific
motion and we’re still dealing with 50.
CHAIRMAN BOSARGE: Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. I guess my question would be maybe for Andy and/or Ava and Sue. So, if this passes, this amendment would look -- We would at least put in there what Ava presented during committee, which was the endorsement, the state endorsements or Gulf endorsement, and perhaps allocation, an action for allocation, and is that what you think this document would kind of consist of?

CHAIRMAN BOSARGE: Sue.

MS. GERHART: Whatever we do, if the preferred alternative in 50A changes, we would have to put those things into 50A, and so, if we start another document that has those things, it’s sort of working in concert there anyway, but, yes, obviously the allocation would have to be there, and then I think we would have maybe an action about for each of the states to be in there or not and then the delegation, a similar sort of delegation list of items to be delegated, and accountability measures.

CHAIRMAN BOSARGE: All right, and so I have a whole list of people. Kevin just went. Ms. Boggs.

MS. BOGGS: Thank you, Madam Chair. I am hoping that the alternative in 50 sticks, because that’s what I know the Alabama fleet wants. We have taken a poll of our membership, and they want to stay under federal management.

I would support this amendment, again, as some others have expressed, as a fallback, but I just hope that the 50 stays as it is and we can move forward with this. I think removing the federal for-hire component from 50 will certainly help the states move forward with their private recreational anglers, who need help desperately, and I think that’s where we need to stay focused on. Thank you.

CHAIRMAN BOSARGE: All right. Next, I have Mr. Sanchez.

MR. SANCHEZ: I just wanted to add to that I believe, and correct me if I’m wrong, that this council does have the authority to correct some inequities that may exist, such as weather, that I have witnessed here all week. Today is the first morning that I noticed the flags draped on the pole, and so there are some legitimate concerns with a start date in June for Texas, but I do believe also that this council perhaps has the authority to -- Not that I want to go to drawing lines all
over the Gulf, but you could perhaps draw a line at the Texas boundary and to the west and create a different start date as a council for Texas and have a simple public hearing draft document created where the essence of it is just one action item of what month do you all want to start your season at and resolve matters like that for an industry that has repeatedly said we don’t want to be a part of state management.

CHAIRMAN BOSARGE: Thank you, Mr. Sanchez. Next, I have Mr. Riechers and then Mr. Dyskow.

MR. RIECHERS: I am going to ask for some clarifications. Remind me of the schedule on 50A completely, down to what we think is the last possible moment, because I may make a substitute motion. Then I have a comment after that.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. I think my understanding, and I will look to Ava as well to help me with this, and the Regional Office staff, but we’re planning to bring a public hearing draft to you in October and go out to public hearings between the October and January council meeting, if you approve the public hearing draft in October, and then slate it for final action in January.

If you don’t take final action in January, I think the last -- I believe the drop-dead date that we talked about was in April, again, for taking final action, in order to get it implemented in time.

CHAIRMAN BOSARGE: Your follow-up, Mr. Riechers?

MR. RIECHERS: Once we dispense with this motion one way or the other, I am going to try to make another motion, but it’s going to deal with some of the same things that we’re trying to shove off into this document, and I think we really owe it to everyone involved to try to work through this whole permit or lines in the water kind of notion and really, basically, ask staff to come back with a lot of that discussion.

I mean, it was kind of talked about yesterday, but with not any real alternatives that we brought forward, and I think there’s a way that we can think about that and bring that back to the next meeting and have true options to look at, where I think we can either include in both documents -- It gets you further down the road no matter which document it would go in, because, as you say, John, and that’s the first time we’ve heard it at the mic in a long time, the possibility of changing seasons over here, which would solve some of the problems even for our charter/for-
hire that want to be in or those that don’t want to be in. It would solve problems for both of them, but it deals with that same problem that we’re trying to get at over here.

It’s the same issue of opening in one place in the Gulf and closed in another, and so I think what we need to do is work diligently towards bringing some more of that information back in October and reviewing that.

The only way I know to maybe fix this motion, or to work constructively towards both, and I’m glad to hear everyone saying they’re not going to change any of the other parts of the document, but there is the question of, when you talk about slowing stuff down, if we start working on another document while still trying to dispense with 50A, no matter how it’s dispensed with, we will be -- I mean, we’re spending less time and energy on that, and so, for all those who always want to talk about us wasting our time, it seems like, when we start this, we may be doing some of that.

I will make a substitute motion to instruct staff to begin an amendment for state management for the federal for-hire industry upon final vote on 50A.

CHAIRMAN BOSARGE: Do you want to repeat it for staff, Mr. Riechers?

MR. RIECHERS: If I may, if I get a second --

CHAIRMAN BOSARGE: All right, and so we have a motion going up on the board. Do we have a second? Dr. Stunz. Then, after Dr. Stunz, I’m going to let Mr. Dyskow. He’s been patiently waiting. I mean, after Robin, I’m going to let Mr. Dyskow.

MR. RIECHERS: Well, I just want to -- Obviously, what I’m trying to do here is speak to some of the problems around the table about timing of two documents and kind of alluding that we’re moving on to a different document when we’re still reviewing parts of one that would keep them in or -- Keep charters inside of the states or not inside of the states, and so it just seems a little less clunky, from a timing perspective, and, again, what I hope to do is follow this, whenever we dispense with this, with a motion that really tries to bring more to the table in regards to that permit discussion and/or lines in the water discussion that we had yesterday.

CHAIRMAN BOSARGE: All right. Mr. Dyskow.
MR. DYSKOW: Thank you, Madam Chair. I like this motion better than the -- I like the substitute motion better than the previous one, but there is one big issue that we are not addressing. We keep discussing this as if it were a matter of state management of charter/for-hire or federal management.

The reality is, if we move forward with some form of state management, we’re talking about half of the fishing effort, charter and for-hire fishing effort, in the Gulf being managed by the feds and half by the states, because you don’t have a unanimous consent of the states.

That is really what we’re talking about. We’re not talking about state management. We’re talking about partial state management, and that’s a whole different thing for the public to deal with and for the charter/for-hire industry to deal with, and so that’s my whole concern with this. I like the substitute motion better, but we’re not talking about state management of charter and for-hire.

We’re talking about partial state management, and, somehow, we need to make that clear in whatever motion and whatever amendment we go forward with. This is not unanimous among the states, and that’s my stumbling block with this whole thing. How do we evaluate this and how do we communicate it when it’s clearly not a unanimous decision?

CHAIRMAN BOSARGE: Next, I have Dr. Frazer.

DR. FRAZER: I just wanted to get some clarification from Robin. The way that this motion reads, you would be looking to, potentially, at the earliest, to start the development of this new alternative amendment, I guess, in January, at the end of that time? It could be April, but -- Okay. Thank you.

CHAIRMAN BOSARGE: All right. Andy.

MR. STRELCHECK: Robin, can I ask a clarification? This presumes that for-hire would not be in 50A? What happens if we move forward with for-hire in 50A?

MR. RIECHERS: Well, if we move forward with for-hire in 50A, this wouldn’t necessarily be needed anymore, and so that’s -- I mean, that’s part of the question here. We kind of went a little quicker to this yesterday, and, with us still going out with the document intact, the way it is, unless that changes at the next meeting, considering that, then -- Again, this may or may not be needed even, and so that’s why it is confusing if you
have both of these working through the process with similar
discussion elements at the same time.

Now, this one could add more things, as you’re suggesting,
possibly, if there were other issues that got brought up along
the way to add to this one, but, as of now, it would be really
the same kind of document.

MR. STRELCHECK: I am not necessarily supportive or opposed to
this at this point, but I guess my concern continues to remain
that we have a lot that we have to figure out between now and
October, or now and January, with regard to the charter sector,
and, by not proceeding on that now, and if there is a decision
just to move forward with private, now you have delayed any
progress on the charter by six or eight months, and so that was
why I was suggesting considering a tandem amendment that could
proceed forward in conjunction with 50A.

CHAIRMAN BOSARGE: Robin.

MR. RIECHERS: Well, and what I’m asking is that lot that you
have to figure out is we’re asking you to go ahead and start to
be figuring that out, because it can go in 50A as you get as
much of it figured out as you can. Then, if we reach a point
where we’re pushing 50A forward with private recs only and then
we still want to have a for-hire amendment, that lot that you
have been trying to figure out will just transfer from one
document to the next.

CHAIRMAN BOSARGE: Ms. Guyas.

MS. GUYAS: Just to completely make it clear, so that everybody
is on the same page, Robin, are you -- Was your intention here,
after this motion, to add the endorsement stuff to the 50A, so
that that is in that document and all that, so it is --

MR. RIECHERS: Yes, I was going to follow it up with a motion to
add an alternative for a permit system in 50A.

MS. GUYAS: All right.

MR. RIECHERS: Myself -- We could have the discussion about
adding lines in the water too, and I thought permit was simpler
than lines in the water, but --

CHAIRMAN BOSARGE: Okay, and so we’ve had a lot of discussion.
Everybody has spoken that wants to speak? Okay. We have a
substitute motion that we’re going to be voting on, the
substitute, and the substitute motion says to begin an amendment for state management for the federal for-hire industry upon final vote on Amendment 50A.

We have some new members at the table, and so the way this works, because this will be your first time to actually vote for substitutes, is we’re going to vote on this substitute. If it passes, that’s what we go with. If it fails, we go back and we vote on the first motion and go with that, if it passes. All right, and so we’re good. All those in favor of the substitute motion, signify by raising your hand; all those opposed, same sign. The motions fails eight to six, or six to eight, however you want to look at it.

That means we circle back to the original motion, and the original motion is to instruct staff to begin an amendment for state management for the federal for-hire industry. Mr. Dyskow.

MR. DYSKOW: Excuse me, Madam Chair, but is discussion closed on this motion?

CHAIRMAN BOSARGE: No, it’s not. Go ahead.

MR. DYSKOW: This isn’t what we’re voting on. What this motion should say is that we’re discussing an amendment for an individual state to elect to manage the for-hire industry, because we don’t have universal support from all states on going forward with state management of the for-hire sector, and so this is an individual state decision.

Some states are going to decide to do this, and other states are not going to decide to do this, and so it’s not a blanket where we’re moving from federal management of the for-hire industry to state management. The best scenario that this could achieve would be 50 percent of the effort stays under federal management and 50 percent stays under state management, and so it’s not a universal amendment. It allows an individual state to make that decision. Some will and some won’t.

CHAIRMAN BOSARGE: All right. Ms. Gerhart, to that point?

MS. GERHART: Sure. Just to let you know what we would likely do is the first action would be a decision about which states would be included and which ones weren’t, and so it would be delegation, I guess, to a state, and then we would have the options for each state, with the states choosing which they would have.
CHAIRMAN BOSARGE: All right. I have Dr. Frazer and then Mr. Sanchez. Okay. I have Mr. Sanchez.

MR. SANCHEZ: Am I missing something? I think we went through this when we created the EFPs, and, after a lot of deliberation, we decided that the federal for-hire would stay out of it, for all of the problems that came up by inclusion in some states and exclusion by others, and here we are trying to get them roped back into those same dilemmas, and I don’t think they’ve gone away, how you’re going to keep track of landings and how the allocation is going to go, with some in and some out, and it’s not clean. This muddies up the whole waters again, trying to revisit this.

CHAIRMAN BOSARGE: Mr. Anson, you’re looking like you want to raise your hand.

MR. ANSON: Since you called me out. To John’s point, a document, an amendment, can be as simple or as complicated as possible, and so it may not take an amendment. It may take a framework action, but, to address one of the points that you brought up about having a state like Texas, who feels like they have a fishing season that isn’t in the most desirable for fishing conditions, that could be one action item.

Then it could have other action items that deal with more complex, potentially less-palatable options or discussion points, but you said -- You said there are problems. Well, there are problems right now because we haven’t worked through the mechanics of how to address them, and we may come to a point where, administratively, the agency just can’t do some of the things that may come up as some of the action items, but the agency has probably never been tested before like this document could potentially test and probe and find out what is doable and what might be hard to do, from the agency perspective, but, legally, they’re allowed to do, but it’s just that has not been implemented yet, and some of those things may turn out to be that some people may like, because it may affect their businesses positively, and therefore they would be more supportive of it, but, without probing and finding out what the limits are, I guess, then we never know.

CHAIRMAN BOSARGE: Okay. Any further discussion on the original motion that’s on the board? All right. Then we’re going to vote. All those in favor of instructing staff to begin an amendment for state management for the federal for-hire industry, signify by raising your hand; all those opposed, same sign. It’s six to eight, and so the motion fails. It was five
to eight. I apologize. Okay, Mr. Riechers.

MR. RIECHERS: I would like to move a motion that says to ask staff to begin or to put in, and, Carrie, I will say put in 50A, but I will have a follow-up in discussion, but to place in 50A alternatives that would set up a permit system or -- I’m sorry. An endorsement system. If I get a second, then I will try to explain a little bit.

CHAIRMAN BOSARGE: Okay. The motion is to instruct staff to add alternatives to Amendment 50A which set up an endorsement system to the federal for-hire permits, and is that what you --

MR. RIECHERS: That’s where the discussion centered on yesterday, was regarding how you’re going to treat federal for-hires if there are waters open and closed at the same time. Again, it’s a discussion that would have to occur if we start changing season dates across the Gulf.

CHAIRMAN BOSARGE: Yes, and I just wanted to be clear, so that, when we look at this two months from now, we’ll know what it was referring to. All right. Do we have a second for the motion? It’s seconded by Dr. Stunz. Is there discussion on the motion? Would you like to explain, Mr. Riechers?

MR. RIECHERS: I mean, this is following what -- What we’re really asking for here is we heard all the difficulties of that yesterday, but what we would like for staff to do is try to come back with some concrete examples of how we’re going to handle that, a timeline on that permit system, because I’m still not convinced that you couldn’t get something done by January 1 of 2020, or the start of the fishing season in 2020, because that’s when that would really have to be done, and so that may be later than January of 2020.

All of us have licenses already, and so there may be other vehicles that are already out there that serve as that endorsement system, de facto, in some respects, and so I think those should be considered as well, and I would like to have that so that it can -- Either it’s placed in the document we see it the next meeting or it could be very easily placed in the document, so that it can be in the public hearing draft, because we’re going to be hoping to get out to public hearing. Again, I don’t know how far we can get between now and October, but I think we get as far as we can.

CHAIRMAN BOSARGE: All right. I had Dr. Mickle and then Mr. Strelcheck.
DR. MICKLE: Thank you, Madam Chair. I just want to weigh-in. I think Robin has some really good points to bring up there. Now, whether this is going to bog down 50A, that’s up for debate, I guess, but the endorsement system is something that Mississippi does in their state fisheries, and it works fairly well.

I am intrigued by the endorsement angle, and we talked about other angles again yesterday, and I really want to commend the council staff and NOAA staff for bringing that to us, but that’s the point that I want to make, is the public hasn’t really weighed-in at all on these things, and it’s interesting to see which amendment it falls in to get comment, and valuable comment, to that point, for that matter, and so it’s really important that we keep things organized and keep working, and this is obviously going to get very complicated, because that’s been the roadblock with the federal for-hire, is everyone getting what they want, and so I really -- I think I’m going to support this motion, because it’s so important that we get feedback, and we have literally discussed the endorsement issue, unless I’m mistaken, for about seventy-two hours, and so thank you.

CHAIRMAN BOSARGE: All right. I had Andy, and then I have Dr. Frazer.

MR. STRELCHECK: Robin, would you consider a friendly amendment that would expand the scope of this? I think it’s important that we look at an endorsement system, but it would be, I think, valuable to look at other ways that we potentially could identify federal for-hire vessels participating in state management, in the event that we discover options that might be simpler or faster to implement.

MR. RIECHERS: Absolutely, I would accept that, if you want to give her the wording there.

MR. STRELCHECK: Set up an endorsement system or other ways for identifying federal vessels in the federal for-hire component or -- At the end, it would be “to be included in a state management plan”. Are you good with that, Robin?

MR. RIECHERS: Yes, I’m good with that.

CHAIRMAN BOSARGE: Dr. Stunz, are you okay with that as well, as the seconder? Yes? All right. Dr. Frazer.
DR. FRAZER: I just want to go back to a comment that Dr. Mickle made, I believe it was yesterday, or perhaps the day before, that we want to keep our eye on the prize here, and I appreciate what people are trying to do and work through these alternatives in a very limited amount of time, these options, excuse me, and we may or may not get there, but, if we don’t, let’s don’t forget what we’re aiming for, and let’s don’t throw the baby out with the bathwater on this one. I think you did say let’s keep our eye on the prize earlier, if that’s right.

CHAIRMAN BOSARGE: Mr. Riechers.

MR. RIECHERS: Tom, I fully agree, and that’s why I think you heard several of us speak to wanting to make sure that we kept the full range of alternatives in this amendment, so that, no matter what, we end up in a better place in 2020 or following up the EFPs than we would be if we didn’t do something, and so I don’t think you hear anyone suggesting that we should slow anything up or not look to that forward-looking better place, but we’re just still trying to look at what all the alternatives are and work as diligently as we can to find some solutions for the problems that have been raised.

Again, those problems are going to have to be solved even if we use some other alternatives and keep them in the federal for-hire fishery. This is a good exercise no matter where that ends up.

CHAIRMAN BOSARGE: Mr. Anson.

MR. ANSON: I too have concerns, Dr. Frazer, about the timing of this much verbiage, work, and how it will affect the document and the timeline that we’re trying to achieve. I am just wondering and thinking in those terms, and I’m wondering just how much this constitutes an action item versus, hey, we have these alternatives for who would be included in the state management plan, private recs or for-hire, and the private recs are going to do this and the for-hire you would be operating this way and just generally include that maybe in the discussion of the alternative, rather than having it as an actual decision point as to what needs to be done administratively, because it’s an administrative thing.

All you’re trying to do is say, if your state is participating, then you just need a way of identifying those vessels, and Mara has got her hand up, and I had hoped she would, but, again, I’m just trying to think if there’s a way of not including it as an action item and if it’s more just an administrative thing that
the agency would take up if a state were to choose or want their federally-permitted vessels to be included under their management, but they just need to be identified and generally this is how they would be identified type of thing.

CHAIRMAN BOSARGE: Mara.

MS. LEVY: So I’ve been racking my brain about ways to do this that would be easier, and I’m still thinking about it, but I think, to the extent that it comes down to needing some sort of endorsement system or where people self-identify or somehow we identify what state they belong to or we need some other regulatory action to actually show where people are allowed to fish or what state they’re associated with, I think we do need an action item, because that is sort of a council -- It’s a policy decision of how do you want to move forward with doing this if there are various options or ways to do it.

To the extent we can come up with some way to not need, necessarily, that type of system -- I mean, I’m still trying to think about that and see if there’s an easier way to do it, and I’ve been grappling with that for a while, and so I may enlist some other folks to think about it too, but to -- Up until now, I haven’t come up with sort of an easy, administrative way to just figure out who belongs to who, especially when the states are going to choose if they’re in or out and they’re going to choose after the fact, if that alternative were to come back and they were going to choose and they were going to choose after the amendment went final, and so you don’t have all the information before that decision happens or you need to know who is in or out.

CHAIRMAN BOSARGE: That was kind of my concern, too. I was almost wondering if we could come back with a presentation on this with a suite of either action items that we would have to take, alternatives that we would have to take, and take a look at that and come to a decision on do we want to put this in the document or not and how far is this going to slow the document down, and that’s not how this motion is lined up. This motion is lined up that all of that would be in the document as decision points when it comes back, knowing that we need to pick preferreds at the next meeting, the first time we see it. Mr. Riechers.

MR. RIECHERS: To that point, and I think to Kevin’s point, certainly it will not have been the first time, if staff comes back and suggests that there is really an operational fix for this and we don’t need to add alternatives. Now, Mara is
suggesting she doesn’t really believe that may be the case, but, if you found that, then that’s what I would expect that you would come back and do.

If you find that we need alternatives and that’s really the only solution, then, yes, we’re asking to see if we can’t get enough of those alternatives in here that at least the public would know some of those alternatives when we were going out.

Again, I don’t know how far one can get with that. I think one could get pretty far with that if you decide what alternatives you’re going to put in and you try to write your discussion around that. We’re not talking about a suite of ten or fifteen alternatives here.

We’re talking about a suite of a couple of alternatives that you would have a choice of, and I think there may be -- As alluded to by Mara and others, if there are simpler ways that come up, then this may be more simple than people are thinking at this point in time. Patrick and I have had offline conversations, and we think it’s simpler than -- Or it could be fairly simple, but we’ll have to figure that out, and that’s for the council to look at.

CHAIRMAN BOSARGE: Mara, to that point?

MS. LEVY: Well, it’s just that I would be interested in hearing that, because, I mean, we as staff are like trying to figure out how to implement this and how to make it work, and I am never going to say that I know the way to do things and it’s the best way, and so what I may be thinking or what staff may be thinking -- If folks think that there is some sort of more straightforward way to get it done, then, I mean, I think that’s a discussion that we should be having, because you all are supposed to be deciding what the best way is to do this, and certainly I will offer my opinions, but I would welcome hearing any other creative ideas that would make this easier.

CHAIRMAN BOSARGE: Dr. Simmons has a presentation pulled up from the last time we went through state management, and it’s giving options on for-hire permits and endorsements, and there is alternatives, and then it gets down into, all right, so then what do you do if a permit is transferred to a new permit holder that is fishing in a different jurisdiction and then there’s more decision points then on when that’s going to take place and how that happens. Anyway, I guess that was my point, is it gets complicated really fast, and there is going to be a lot of decision points that we’re just about to add to this document
that we hope to pick preferreds on in October. I have a couple of hands. I’ve got Dr. Stunz and then Mr. Banks.

DR. STUNZ: I just wanted to say something that might fix this motion to account for that and move it along, and it’s just to add, after “alternative”, to say “add alternatives if necessary”, and then that gives the staff the flexibility they need as they go back and figure this out to move that along and leave those options open.

CHAIRMAN BOSARGE: All right. I see the motion maker shaking his head yes, and so if you can add the words “if necessary” to “alternatives, if necessary, in 50A”. All right. Then I have Mr. Banks.

MR. BANKS: I was just going to say, about the discussion about how things would work, we had all of that discussion surrounding the EFPs, if you guys remember. We talked about all of these difficulties, and we heard from Roy about one difficulty and this difficulty and that difficulty, and we discussed it, and we debunked all of them, and so we’ve had that discussion, and it’s on the record, and the issues are still the same. You don’t need lines in the Gulf, and you don’t need endorsements. We have state licenses, and we have federal permits, and that’s all the endorsement you need.

If your state is open and you have an applicable license, then you get to fish, because you’re going to have to come in to -- Or whatever state you want to land in has to be open, and, if you have a Texas license and a Louisiana license and you have the federal permit and Louisiana is open and Texas is not, well then you darned sure better not be landing those fish in Texas, and so you don’t need all of that. You don’t even need lines. You can enforce it at the dock. You can enforce it in state waters, and it’s actually quite simple, and we talked about all of that stuff already.

CHAIRMAN BOSARGE: All right, and so we’ve had a lot of discussion, and let’s vote this thing up or -- Only for you, Ms. Levy. Go ahead.

MS. LEVY: Well, so just -- I hate to continue to say this, but the EFPs are a different animal, and so, thinking about it in context of a plan amendment versus an EFP and what they do, I hear what you’re saying, and I think that’s great if all the states are managing all the for-hire vessels and, again, even with the private angling. That makes it easy. If you’re all in it, you’re managing it, and we know who is open and closed, and
the EEZ is just open, and we don’t need some different federal
season. I think it works very smoothly.

What I think we’re grappling with is the idea that that’s not
going to happen, especially given the prior preferred that was
you choose whether they’re in or out, and so what do you do with
the fact that you’re potentially going to have some of these
vessels that need their own federal season?

How do you identify who those are versus the ones that are not
and can you do that, and I don’t know how all the states
operate. Do they all require for-hire licenses if people have a
federal for-hire license, and so, I mean, maybe we need to have
more discussion about that, but it’s really about what happens
if not all the states are consistently managing all the for-hire
vessels and how you deal with that.

CHAIRMAN BOSARGE: Andy.

MR. STRELCHECK: Patrick, you said it’s simpler than maybe we’re
thinking about it, and I’m hearing comments being made about
other ideas that are being floated, and I think we need to get
these out on the table and let’s start talking about them and
run them past the attorneys and see what may or may not work.

I keep racking my brain in terms of the differences between how
we’re having to deal with private versus for-hire, and the main
difference is states issue private angler licenses and we don’t.
We issue the federal permits and the states don’t, but are all
states requiring state charter/for-hire licenses for federally-
permitted vessels? Is there ways that we could impose landing
restriction requirements for federally-permitted vessels?

Those are questions that we can’t fully answer without state
input, but, if we can get those ideas on the table, we can look
at them and see if there is some other alternatives to an
endorsement system or something that is more complicated than
has been tossed out at this stage.

CHAIRMAN BOSARGE: Mr. Anson.

MR. ANSON: Just to answer Andy’s question, for Alabama, yes.
If you have a charter boat license -- Anyone in possession of
fish in Alabama needs to have a state license, whether it’s
private angler -- They need to have a license, unless they’re
exempted, if they’re under sixteen or over sixty-five, but
charter boats, state-licensed only -- If they’re just operating
in state waters, they need to have a charter boat license, and
federally-permitted vessels coming back to Alabama need to have a state license.

I guess my question was we talked a little bit on Tuesday about, I guess, the phase-in or the time the agency would need to actually implement a program, and so I’m wondering -- You want to give enough information, when we go out to the public in the amendment, to say here’s some of the issues that arise that need to be addressed that may impact you if you are a federally-permitted vessel, for that sector at least, and recognize that, yes, there might be some boundaries, maybe, if that’s what it comes to, and we don’t know.

I kind of agree with Patrick that maybe we don’t need to have boundaries, but have kind of some of those points discussed in the document, in print, so people can use that before they make a comment, before they weigh-in on the issue, but, again, trying to still keep some focus on the private recs and looking at the season for 2020, that’s what I am still most concerned about, is, yes, I would like to have a document that gives as much information for both sides, both sectors, to really weigh-in on, because it’s a recreational amendment, but, nonetheless, I’m still concerned about the timing issue, and so I think I will support this motion, but I may have some different discussions come October, depending upon what shape and form it takes and the direction of some of the discussions then. Thank you.


MS. GERHART: Just speaking to the timing issue, when we spoke earlier about how the timing might be delayed with having this stuff in there, it wasn’t about -- Partially, it’s about just figuring out what we would do and how to put that in actions and alternatives, if needed, and, yes, we can write up some discussion by October, but there is also the whole environmental impacts analysis that we have to do, and that’s the real timing thing, particularly on the economic side.

That is what is going to take the extra time, because we have to go in there and look at all the different options that are put forward and how they interact and what those impacts are going to be on the physical, the biological, the economic, the social, and the administrative environments. That’s what we’re required by NEPA to analyze, and that’s the part that takes a lot of time, and so, come October, if you want a public hearing draft, those analyses generally are going to be in there, so that the public has those analyses to look at and help make their decisions when they comment. That is the part that we’re not
sure that we can get done by October, and I just wanted to let you know that.

CHAIRMAN BOSARGE: That’s a lot of discussion. I’m starting to raise my hand to call on myself, guys, but, no, one other thing to think about, if we go down this path, is what are we going to do with the vessels that are ported in another body of water? What are we going to do with those South Atlantic vessels that hold these permits? Where are you going to put their quota? Where can they fish? Where can they not fish?

Because we went through that when we went through the electronic logbook amendment, and we have quite a few over there that hold these permits, from North Carolina all the way down to the Keys, and so you’re going to have to think about where they go, too.

Ms. Guyas and then Dr. Frazer.

MS. GUYAS: To respond to Andy’s question about whether we require a state license in addition to the federal for-hire license for the federally-licensed vessels, the answer is yes. If they’re going to come into Florida waters and land in Florida, they need to have a Florida license. It can be a vessel license or a captain license, but they have to have some sort of for-hire operational permit.

CHAIRMAN BOSARGE: Dr. Frazer and then Andy. Is it to that point, Andy? Then go ahead.

MR. STRELCHECK: That’s fine, and I think the point I was trying to make is that we need to have a broader conversation and pull all the states together to gather that information to see if we have full consistency across the Gulf. If we don’t, does that present a problem, and then is workable in terms of identification of vessels or not.

CHAIRMAN BOSARGE: Dr. Frazer.

DR. FRAZER: I would like to get to Sue’s point, actually. Since we have six weeks to create some alternatives that we haven’t seen yet, and so we’re not sure what the appropriate language is that you would have to add, that might parallel those action items, and so I’m asking, I guess, for a reality check. Is that in fact doable in five to six weeks?

CHAIRMAN BOSARGE: Sue.

MS. GERHART: It’s very tight, considering the complexity of what we’re talking about, unless we come up with something that
doesn’t require actions and alternatives, and then there’s not that complexity, and then it would be fine, but, at this point, we don’t know that, and part of our time is going to be spent just figuring out what we can and can’t do and what will work and won’t work before we even develop those alternatives and then can do that analysis.

CHAIRMAN BOSARGE: A follow-up?

DR. FRAZER: Yes, and so, I mean, regardless, we’re going to have to go through this, and I get that, right, and so the work won’t be wasted if, somewhere down the road, we’re going to use it, but I do appreciate that it’s going to be a tremendous amount of work on the part of the NOAA folks and staff here, and so that’s all I have to say.

CHAIRMAN BOSARGE: All right. Have we had plenty of discussion, guys? Are you all ready to vote? Okay. The motion is to add alternatives, if necessary, in Amendment 50A that set up an endorsement system or other ways for identifying federal vessels in the federal for-hire component to be included in the state management plan. All those in favor, signify by raising your hand; all those opposed, same sign. The motion carries nine to five. Ms. Guyas.

MS. GUYAS: The committee discussed the timeline for the amendment and will review public hearing drafts at the next council meeting. The council should consider recommending public hearing locations for this amendment.

CHAIRMAN BOSARGE: Okay, and so we will need to do that for staff, and so be thinking about that, and I had a question, before we leave this topic. In the individual state amendments, there is an action item for the accountability measures, but it seems to me that that’s pretty much got to be all or none, like all the states have to agree to it or it’s not going to work. Are you all with me over there? Okay.

In the individual state management plans, the accountability mechanism, we have some states that have picked a preferred on that, but it seems to me that that’s something that all states are going to have to agree on and have to be participating in for it to work, for it to be fair and equitable, and I just wanted to have a discussion about that action item moving up to the overall document. I don’t know if NMFS feels like that’s where it should be or not, and let me tell you what this action item is.
For example, the preferred alternative in the Mississippi plan says, if Mississippi has both a private angling ACL and federal for-hire ACL, the adjustment will be applied, and this is a payback, essentially, an overage adjustment, will be applied only to the component that exceeded or were under the applicable ACL. Do you see what I’m saying?

Not all states have picked preferreds on this yet, but if different states pick different preferreds, like if some of them have it going equally to both components or some states are just like, no, I’m not going to have a payback at all, and then you’ve got some states coming off the overall ACL, and it’s just not going to work, and I think that’s one of those things where we’re all going to have to be consistent. I just wanted to have a discussion now and throw it out there and see what other people’s feedback was about that moving into the overall document. Anybody? Mr. Banks and then Dr. Mickle.

MR. BANKS: I agree with your concern, but I don’t agree that it has to be consistent. I agree that everybody has to be held accountable, but, if one state and their anglers are okay with sharing the pain across sectors, I think that should be their choice.

If one state wants to choose to only have the overage applied to that same sector in the next year, I think that should be their choice, but I do agree with you that there’s got to be some accountability here, and the reason why I think this is a good discussion is because of my fear about the EFP and the way we will be held accountable for the EFP.

It’s clear in our EFPs that, if we have an overage this year, we have to take it off of next year, but there is nothing in those EFPs that I am aware of that if you have an overage next year that what happens, and so we stay within our quota this year and everything looks good, but what if our commission in Louisiana says 365 days you’re open, and how will we be held accountable for being a bad actor in that year-two?

The same way with the state management. I think there’s got to be something in the overall document that holds a state accountable for being a bad actor, and that’s how you get consistency through the whole thing. That doesn’t mean that we can’t choose our accountability measures in each of our state amendments, but I do think there’s got to be something in the overall document that describes how a bad actor will be dealt with.
CHAIRMAN BOSARGE: I think you make a good point. There may be a piece of this that needs to move up to the overarching document, but you’re right that there would be options for each state on exactly how to kind of implement that accountability measure. Good point. Okay. I had Dr. Mickle next.

DR. MICKLE: Yes, and thank you, Madam Chair. I just wanted to, I guess, address Patrick’s point. Let’s not get too confused. The EFP is designed for experimentation and testing things, and so the accountability, on some level, is very different from the state amendments.

Now, it gets confusing, but it’s difficult to lay out the actual understanding of what the accountability will be even in the state amendments, and I think we need to flesh that out here as soon as we can, but I did want to ask a question. Can we review which states have picked preferreds on Action 2, just to show the group how far or close we are to a unified preferred? Thank you.

CHAIRMAN BOSARGE: Okay. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. I think, looking at Ava’s presentation, it looks like Louisiana and Mississippi have both selected preferreds, and they’re the same, currently.

CHAIRMAN BOSARGE: Mara.

MS. LEVY: Well, I mean, the way that this action is currently structured, I mean, really, your choice is between Option 2a and 2b, right, and you can’t stick with Alternative 1, and so, to the extent a state wants their plan to go, they’re going to have to basically choose Alternative 2 and then pick between a or b, and that requires a payback if they exceed their apportionment, and so I guess I’m sort of wondering what other accountability you would be looking for to move into the main document.

CHAIRMAN BOSARGE: Well, I think we’ve had some hesitation to pick Alternative 2 as we’ve had these discussions and make it a preferred, but what I hear you -- I mean, obviously, some states have already done that, but there’s been some hesitation, and so what I’m hearing you say is that’s the way it’s going to have to go down.

MS. LEVY: Because Alternative 1 is retain the current post-season accountability measure from the federal water total ACL, and that’s not going to exist. If they actually want their
state plan to go, they’re going to have to have an accountability measure that is not the status quo, and the only choice is 2, and then it’s how do you want to divide either the overage or the underage.

Do you want to give it to the one side that caused it or allowed it to happen, or do you want to divide it equally, but that seems to be the only decision point here. They’re going to have to have their own accountability measure for their piece of the pie.

CHAIRMAN BOSARGE: Okay. That sounds good. Mr. Banks.

MR. BANKS: To that point, just I guess my concern is -- So we have this accountability measure in, but what -- If we just blow that off every year and don’t follow it, what can be done, and that’s what my concern is. It’s how can a bad actor, and I know none of us are in the five states, but how can a bad actor be dealt with, and is there anything we need to put in the overarching document that will deal with a bad actor?

CHAIRMAN BOSARGE: All right. Dr. Frazer.

DR. FRAZER: I think Patrick makes a good point, and so did Mara. That’s exactly right that Alternative 1 is not an option, and so what you have to do is come up with an accountability measure or payback provisions, even if they’re unique among the states, that they don’t penalize a bad actor or one of the other states if you blow it up.

CHAIRMAN BOSARGE: To that point, Mara?

MS. LEVY: I guess, to the extent the council -- I guess we would have to think about how to do it. If you want to write something in the plan that directly impacts a state that, I don’t know, exceeds its portion of the ACL or its ACL so many times and then something automatic happens, we would have to think about how that happens, because the Act -- If you’re actually delegating the authority under the Act, it’s delegated. However, it has to be consistent with the FMP, right, and so that’s the provision that basically says, if the Secretary finds that what you’re doing is no longer consistent with the FMP, then your delegation basically gets suspended. You get notice that it’s not active anymore unless you fix the inconsistency.

CHAIRMAN BOSARGE: All right, and so everybody just crossed their name off the list to speak. Mara, you cleared it up.
Anybody else? Andy.

MR. STRELCHECK: I guess, just to the point of selecting preferred alternatives, we’ve had a number of meetings now with Florida not having preferred alternatives as well as, at least for Action 2, three of the other states. We’re going to be going to public hearing after the October meeting, and so you’ll be prepared to select preferreds at the next meeting?

MS. GUYAS: Let me speak to that. Our commission meets in September. They have not met since -- Well, they met in June, but that was during the council meeting, and so they haven’t had a chance to look at this issue for quite some time, and so that would be my intention, to bring preferreds to October.

CHAIRMAN BOSARGE: All right. If there’s no further discussion on the action items in the document, then we’re going to go on to those public hearing locations. Mr. Banks.

MR. BANKS: I just have one more comment, and it gets to accountability still, and that’s the quality and the timeliness of the data that we would need if the delegation was going to be pulled by NMFS or something like that or you’re going to pull the conservation equivalency plan or whatever, to deal with a bad actor.

When the timeliness of getting the data -- I mean, were sitting here right now, and I’m concerned about the whole EFPs, and we don’t even have all the data in yet, and so -- We certainly won’t -- I guess, if Texas is running a 365-day season, how will we even know for next year on the EFP, and I know it’s different than state management, but how will we even know next year where we all stand if we don’t have the timeliness of the data? I don’t know how to fix it, and I’m just bringing it up as a concern.

CHAIRMAN BOSARGE: No, I’m with you. We would be running two years behind, possibly. Mara.

MS. LEVY: Well, I think some of that goes to the decision point of what you’re offering the states. You as the council, are you willing to delegate the state the authority to do this? If you are, then you’re expressing some sort of confidence that the state that you’re delegating to is able to comply with the FMP requirements and exercise the delegation.

I mean, the other option was the conservation equivalency plan, which doesn’t quite give as much authority to a state, because
you actually have to submit a plan on an annual or biannual basis to the agency for approval. This is what we’re going to do, and it worked last year, and we know it’s going to work this year, and so, I mean, I really think some of those things that you’re going to go to the authority you’re giving the states and what you feel comfortable with.

CHAIRMAN BOSARGE: Dr. Mickle.

DR. MICKLE: With the bad actor comment, it may be two years, and is that what I heard over there, until the landings come in to identify if it’s a bad actor or not and the overfishing has occurred and the payback issue, and so I would think it would take that much longer to get it back open, because of non-compliant seasons and all these other things, and so there is some hidden accountability there.

If a state actually does do that, it’s going to take so long to get it back open, I wouldn’t think they would ever want to do that, because they could potentially really be in a real bad spot, and am I misidentifying that, because, with the lag in the data of some certain states, it would take a really long time to get it back open, from NOAA’s standpoint, if they are playing that role. Thank you.

CHAIRMAN BOSARGE: Well, I don’t know. I guess it depends on how you look at it. Mr. Riechers.

MR. RIECHERS: Someone mentioned not having the info in a timely manner. I mean, we’re going to continue to report our landings through the end of the year, and so only a couple of weeks after the end of the year is when you will have the estimate of what our landings are, and it’s based on the way that was approved for us to do it in the EFP, because we do have a different landings system that wouldn’t allow us to completely give it to you for a longer period of time, but we have basically created an estimation method that has been accepted by National Marine Fisheries Service in the EFP to do that.

We also are continuing the same approach with iSnapper, which helps us calibrate our other landings system, that every other state is doing, in some respects. I mean, none of them are exactly alike, but they’re all similar in nature, and so the notion that there is not an ability to account for these fish is just not necessarily true.

Now, we can all question our accuracy and precision, because there is standard errors around those sorts of things, but
whether it’s Florida and their MRIP coming in a little bit later
after they’ve closed, or whether it’s Texas or Alabama, we’re
all attempting to do that.

CHAIRMAN BOSARGE: Robin, and you know these EFPs changed after
we gave our recommendations, and so I may not know what was in
your final EFP, and so I remember that I asked you, during the
EFP presentation, when we were giving our council
recommendations, and you said, no, we will still submit our
actual landings, like hard landings that can be used for
management purposes, which is what we’re talking about here, for
accountability purposes twice a year, and so is that not the way
you’re functioning in your EFP? Are you doing it every two
months or -- Hard landings that can be used for accountability
measures.

MR. RIECHERS: Well, hard numbers -- I mean, it’s just depending
on what you want to call a hard number. What we’ve done is an
estimate of what we expect our creels to be, because we have a
very tight relationship as those fish come in across and we
account for them.

We basically have done an estimation. Frankly, it’s an
estimation of an estimation, but most of these are, but that’s
what we’ve done to adjust to this timing and trying to account
for fish on a weekly or biweekly basis, yes, but it was in my
EFP when you saw it.

CHAIRMAN BOSARGE: Okay, and so, if it didn’t change from that --
Like, say for this year, and so you’re going to be open until
December 31, a portion of your waters, and so you’re going to
have landings coming in. When will we see Texas final landings
to know if there needs to be an accountability mechanism payback
on whatever that may be triggered for the 2019 season?

MR. RIECHERS: You will see the estimate shortly thereafter
December 31. Now, that will be trued up at a later period of
time, because that’s just the way it’s going to work. We have
not changed our waves, and we don’t have an ability to -- Well,
we do have the ability, but we haven’t changed our survey wave
design. They are still stratified into two times of the year,
and that’s going to continue, but we have offered an
alternative, like I said, which was a reasonable alternative, of
a way to do it quicker, and that’s where we are.

It’s interesting that we always get down to this discussion. If
we want to have a discussion about inputs into reporting
systems, I would love for Dave to bring the slide that he shared
with me about federal support of landings systems, because you will find that Texas doesn’t have any.

We have had our system for a long time, and MRIP has chosen to do their thing, and we were before MRIP, and what we’re doing is -- I mean, we’ve all adjusted to a system that’s requiring a different accounting timeframe, whether it’s a two-month wave or whether it’s a longer wave, and then, beyond that, as the seasons shortened, we all went to an electronic reporting system that helped us in trying to deal with seasons that were even shorter than two-month wave periods, and so we are all working through the same kind of systems.

CHAIRMAN BOSARGE: I appreciate that, and I wasn’t trying to pick on you, and I apologize, but I just am trying to think through how this will really work and if we do need to have hard deadlines and if we do need to have some sort of -- Go ahead and start a process to get Texas some federal funding to make whatever changes they need to make in their data collection system, and that’s way above my paygrade, but I would like to have those discussions and make sure this is actually going to work in a practical sense. Okay. Anything else? Andy.

MR. STRELCHECK: Let me just provide a little bit more perspective on this issue, and so my viewpoint -- All of the landings we have right now are preliminary, right, and the states are doing estimation procedures in-season, but they’re going to go through quality control and quality assurance, and there might be some refinements.

What Texas is doing is a projection methodology, which falls somewhat outside of what they normally do in terms of their estimation procedures, and they will finalize landings sometime next year, and some other states might finalize them before then, but I think the key for accountability measures and determining if there was an overage, based on those final landings, is when does the season open and when does that deduction need to be made from the catch limit.

If you’re not opening the season in January or if you’re having a season that runs late in the year, there might be some differences between states that will have to be considered in terms of when those adjustments occur. I think the timing component is really contingent on some of the management measures that are also in place and when those adjustments would need to take place.

CHAIRMAN BOSARGE: Gotcha. That’s a totally different way to
look at it. I like that. In other words, you have to look at
when you can start your next year’s season based on when your
finalized landings are actually going to come in, and so that’s
interesting.

MR. STRELCHECK: Yes, and it’s not unlike what we’ve been doing
in federal management for quite some time now. We do not get
final landings, typically, until March or April, and then we
adjust the catch limits and seasons accordingly based on that
information.

CHAIRMAN BOSARGE: All right. We’re going to move on to the
public hearing discussion. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. I guess,
as we’re thinking about taking this out to the public and
selecting public hearing locations, I wanted to request that if
the states could provide a staff member to assist with those
that can help answer angler questions about what the state may
be envisioning with this delegation and how do they think their
seasons may be set up and are they looking at changing size
limits and would that differ for private anglers versus for-
hire. We would certainly need help with answering some of those
specific questions for the specific state plans, and we would
request that you send a staff member to assist with that.

CHAIRMAN BOSARGE: Does that sound good to all of our state

MS. GUYAS: Yes, I think that is very necessary. Because of
that, I would ask that, as you guys are figuring out and
scheduling actual meetings, just coordinate with us, so that we
do n’t have meetings scheduled and we can’t be there. That would
be very, very helpful.

CHAIRMAN BOSARGE: All right, and so are states ready to throw
out some public hearing locations for these, so that we can try
and get the logistics started on our end? All right, Mr. Banks.

MR. BANKS: Baton Rouge, Louisiana.

CHAIRMAN BOSARGE: We’re going to put these on the board. This
will be public hearings for Amendment 50A and the individual
state plans. All right, and so Louisiana is Baton Rouge.
Anywhere else, Patrick? Think about it, and we’ll come back to
you. All right. Kevin.

MR. ANSON: Mobile.
CHAIRMAN BOSARGE: Alabama will be Mobile. Martha.

MS. GUYAS: Well, so Tom and I have been kicking this around a little bit, and I’ve been talking with my FWC people about this, and so I assume that you guys are willing to cover three or four, right, and I think that we are going to need to have more meetings than that on our coast. We have a wide coast, and this is a very -- There are very different situations happening in different parts of the state and even in different communities that are somewhat close to each other.

I think what we would do is FWC would plan to supplement these meetings in additional locations, but I guess, for council-sponsored meetings, I would say Tampa/St. Pete, Fort Myers, Destin, and then, if you’re willing to do a fourth one, probably Panama City, because there’s going to be a ton of interest in this in the Panhandle.

Then likely we’ll add to that the Pensacola area, and maybe either Tallahassee or Carrabelle or somewhere in that area, the Crystal River area, and then maybe even all the way down to Key West, because we hear about red snapper in Key West too, and so that would be our intention here, and so that’s also why I want to work with you on scheduling these meetings, because we’re going to have a lot to deal with.

CHAIRMAN BOSARGE: So give us the three or four, whatever it was, for the council.

MS. GUYAS: Tampa/St. Pete, Fort Myers, Destin, and Panama City. The other ones, you can delete that, because FWC is going to have to figure that out.

CHAIRMAN BOSARGE: Okay. If, heaven forbid, FWC wasn’t able to supplement and go to the other locations, do you think that that’s a broad enough -- That it’s hitting the right ports to get all the input you would need if worse came to worse?

MS. GUYAS: I think that’s as good a geographical coverage as we’re going to get with four meetings, I guess.

CHAIRMAN BOSARGE: All right. I’m just checking. Mississippi?

DR. MICKLE: In Mississippi, I’m going to recommend Biloxi as the location. When we pull up Tails n’ Scales and our landing areas, Pascagoula has a couple of ramps that are the highest, but, looking at the addresses on the trips, the majority of
those folks are from Harrison County, and they go over there because it’s closer to the snapper grounds, and so I just wanted to justify my decision on the record, so that folks don’t get too upset. Thank you.

CHAIRMAN BOSARGE: I am not going to get upset if you make me drive from Pascagoula to Biloxi to go to the public hearing. Can we write Biloxi area, Paul, because I know, every once in a while, we get into that D’Iberville or a Gulfport hotel or something, and so the Biloxi area is okay?

DR. MICKLE: The Biloxi area, around I-110, and that allows everyone to get there fairly quickly and without getting into a mess of traffic from out of the area.

CHAIRMAN BOSARGE: Sounds great. All right. Texas.

MR. RIECHERS: League City area, which is really the Galveston component and that surrounding area, but we’ve been holding it kind of off the island, Corpus, and Brownsville.

CHAIRMAN BOSARGE: All right, and so League City, Corpus Christi, and Brownsville for Texas. Now I will circle back to Patrick. Did you want to add another location to Louisiana, Patrick? I mean, you don’t have to. It’s fine. All right. Okay. We have our public hearing locations lined out, and that will give staff the ability to start pricing some hotels and making arrangements for those.

EXECUTIVE DIRECTOR SIMMONS: I guess just another thing, kind of in my mind that I was thinking of, is if there is specific things that the states have in mind that they would want us to put in any of the outreach materials regarding the states’ individual ideas of how their seasons or size limits or how this might change, and we would want to work with you quite a bit beforehand and try to get any of that information in whatever we’re presenting to the public. If you’re not ready yet, then we would just need to have that understanding.

CHAIRMAN BOSARGE: Ms. Levy.

MS. LEVY: I am certainly not opposed to the states sort of outlining what they think they might do, but I think we need to be really clear that this is delegating them the authority to pretty much do whatever they want with respect to those particular things that we’re delegating, and so I don’t want to make it seem like -- Because this is their idea now that somehow this document is limiting them to that. It’s fairly broad, and
so, if we can just make sure the public knows that, that would be helpful.

CHAIRMAN BOSARGE: Yes, you make a good point. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you. That is a good point, but I just know we’re going to get a lot of those types of questions, and I just want to work with the states to make sure that we’re answering them consistently.

MS. GUYAS: All right. The Great Red Snapper Count, Dr. Greg Stunz provided an update of the progress and planned work on The Great Red Snapper Count. The project is a large scale, collaborative project to produce an estimate of the red snapper abundance in the Gulf of Mexico.

He stated that the project will be completed at the end of 2019, and the results of this work will be used in the upcoming red snapper stock assessment. To date, the research group has developed some outreach materials, and the most up to date information can be found at www.snappercount.org. Dr. Stunz is willing to provide subsequent updates to the committee when requested.

CHAIRMAN BOSARGE: I talked about our SSC looking at this, but I think I should be clear that that was for informational purposes only. I talked to Dr. Stunz about that, and that’s our scientific body, and I think we should keep them up-to-date on the latest and greatest scientific work, but it’s not for them to be blessing it or requesting changes or anything like that. That is just a presentation to give them information on your project.

DR. STUNZ: Very briefly, we are happy to provide those updates and get feedback and that sort of thing, but, for the congressional mandate of the independent assessment, I think that’s the proper way to go, and it would be no different than any other study that the SSC evaluates when an independent group of researchers does a study and they complete it and ideally write a peer-reviewed paper or something, or a report, and that gets built into the assessment process through the data workshop that occurs, and, at that point, the SSC becomes involved and evaluates that, and, in this case, it would be no different than that, but, at this point, because of the whole way that project came down, we’re kind of past that initial point.

MS. GUYAS: Are you ready?
CHAIRMAN BOSARGE: Yes.

MS. GUYAS: Procedure for Red Grouper Interim Analysis, Dr. Luiz Barbieri provided a summary of the SSC’s recommendations from its August 2, 2018 meeting. The SSC supported the proposal for the red grouper interim analysis, which will provide interim management advice for the stock in between scheduled operational assessments.

The Southeast Fisheries Science Center is preparing a management strategy evaluation to further review the proposed interim analysis approach. The Southeast Fisheries Science Center will present the updated analysis at the October 2018 SSC meeting.

Gray Snapper Global SPR Analysis, the SSC reviewed the gray snapper global SPR analysis that considered a range of FMSY proxies ranging from 23 to 40 percent. The SSC recommended an FMSY proxy no less than F30 percent SPR, considering fishery characteristics and life history of each species. At F30 percent SPR, gray snapper was experiencing overfishing in 2015, which is the terminal year of the assessment, but overfishing is expected to end by 2019.

The SSC was also requested to recommend a minimum stock size threshold value for gray snapper. The SSC considered two methods for determining MSST, one minus M times SSB MSY and 0.5 times SSB MSY.

Using F30 percent SPR and MSST equals one minus M times SSB MSY, gray snapper is overfished, but is expected to be rebuilt in 2024. If MSST equals 0.5 times SSB MSY is selected, then no corrective action is required.

SSC members recommended the use of one minus M times SSB MSY as a proxy for MSST, based on guidance given in Restrepo et al. and because of its traditional use as a proxy for several snapper species. Dr. Porch noted that using one minus M times SSB MSY as a proxy could lead to overfished declarations based only on natural variation in the stock size.

Draft Reef Fish Amendment 48/Red Drum Amendment 5, Dr. Barbieri noted that this is a complex document with a long development timeline. He indicated that the SSC will remain engaged in evaluating the amendment and will review and provide guidance to the council as requested.

CHAIRMAN BOSARGE: Yes, and I asked Dr. Simmons if, the next time that we see that document, and we’ve done this before with
the council, but do our refresher that goes through all the
cronyms and what they mean and how they meld together to create
the management system that we use for our different stocks, and
so she’s going to work on trying to get that and to bring us all
up to speed and really hone us in before we get into that
document.

**MS. GUYAS:** Other Business, Ad Hoc Red Snapper Charter For-Hire
and Ad Hoc Reef Fish Headboat Advisory Panels Meeting, the
council requested staff to jointly convene these advisory panels
to review the decision tools developed by SERO for Reef Fish
Amendments 41 and 42. Staff is still working to find a suitable
date when a quorum can be met. Staff anticipates that this
meeting will be held before the January 2019 council meeting.

Greater Amberjack, the committee discussed the draft framework
action that considers changes to recreational and commercial
management measures for greater amberjack. The committee last
reviewed this document at its April 2018 meeting and requests
that staff prepare a revised draft with only the action
addressing commercial trip limits for committee review at the
October 2018 council meeting. Madam Chair, this concludes my
report.

**CHAIRMAN BOSARGE:** All right. Would you all like to take a
quick fifteen-minute break before we delve into any other
reports? I could see it in your eyes. Let’s come back at
10:45.

(Whereupon, a brief recess was taken.)

**CHAIRMAN BOSARGE:** We are going to pick back up with committee
reports, and we’re going to circle back around to our Mackerel
Committee Report, Tab C. Dr. Frazer, I will turn it over to
you, sir.

**MACKEREL COMMITTEE REPORT**

**DR. FRAZER:** Thank you, Madam Chair. We’re going to start out
with the CMP Landings Update. National Marine Fisheries staff
noted that the commercial king mackerel ACL is being caught,
while the recreational sector is under its ACL. Landings for
Spanish mackerel and cobia are below their respective stock
ACLs.

Gulf Cobia Catch Per Unit Effort Indices Update, the committee
reviewed the updated catch per unit effort indices for Gulf
cobia from the Marine Recreational Fisheries Statistics Survey,
MRFSS, and the headboat survey, along with comments provided by the SSC. The MRFSS index did not show an obvious trend in CPUE, while the headboat index showed a decrease over the last five years.

Generally, the SSC thought the updated indices provided no clear indication of a problem with Gulf cobia. The SSC did acknowledge that the headboat index might be used as a type of fishery-independent index, since headboats do not explicitly target cobia. However, a shift in effort to other species may have occurred in the last five years and may explain that trend in CPUE.

Council members from Alabama and Louisiana reported that landings of cobia by private anglers had increased since 2016 in those states. Landings of cobia in Alabama by for-hire operators were lower since 2016.

CMP Framework Amendment 7, staff reviewed the size and possession limit analyses in CMP Framework Amendment 7. The SSC determined that the analyses were appropriate and noted that an increase in the minimum size limit would result in a greater reduction in fishing mortality than any of the proposed decreases in possession limits.

Discard mortality for Gulf cobia was discussed in light of the action items in CMP Framework Amendment 7. The liaison for the South Atlantic Fishery Management Council added that the size limit increase to thirty-six inches fork length for Atlantic cobia has now been in effect for one year and that fishermen have readily adjusted to the minimum size limit increase.

Committee members discussed the possible disproportionate harvest of females at larger minimum size limits. Staff agreed that there could be such a disproportionate harvest, as females reach a larger size at age compared to males. The committee also discussed the possibility of a closed season corresponding with peak spawning activity. However, this approach did not receive strong support, due, in large part, to the migratory nature of cobia and the potential to disadvantage harvest opportunities in some Gulf coast states.

The committee recommends, and I so move, in Action 1, to select Alternative 2 as the preferred alternative.

CHAIRMAN BOSARGE: We have a committee motion in Action 1 to select Alternative 2 as the preferred alternative. Alternative 2 is increase the recreational and commercial minimum size limit
for Gulf cobia to thirty-six inches fork length in the Gulf Council’s jurisdictional area. Is there discussion on the motion? Seeing none, is there any opposition to the motion? One opposed, and so let’s turn it around. All those in favor, signify by saying aye. All right. The motion carries.

DR. FRAZER: Madam Chair, this concludes my report.

CHAIRMAN BOSARGE: Wow, and we held that until today? Okay. Mr. Boyd.

MR. BOYD: I’m sorry, but I didn’t realize that we were that quick, but I just have a comment. In Action 2 of this document that we just worked with, about the possession limits, we made Alternative 3 the preferred, as far as the total vessel limit, and I would just like to express my opinion about that and see if there’s any discussion, but I am not prepared to make a motion to change that preferred right now.

What we’ve said is that the recreational and commercial daily vessel limit for cobia is two fish per vessel, and, currently, on a six-pack boat, we’re at twelve fish. I am concerned that going from twelve fish to two fish for a vessel limit could hurt the charter/for-hire industry, and it could hurt their marketing ability, and subsequently hurt them economically.

I think I may be in favor next time of Option 3c, which would go to six fish. On a six-pack boat with the bag limit of one per person, it would give you six fish, and that’s a 50 percent reduction in the number of fish, but it would still give the charter/for-hire industry something to sell, and so I just wanted to make that comment. Thank you.

CHAIRMAN BOSARGE: Thank you, and I had a few other hands that I saw. I saw Ms. Boggs and then Mr. Banks.

MS. BOGGS: I was going to express Preferred Alternative 3, Preferred Option 3a, because, in public testimony yesterday, that’s what I picked up on that the charter/for-hire industry would like to see, and, last night, I had some more discussion with them, and that was what the consensus was.

CHAIRMAN BOSARGE: Mr. Banks.

MR. BANKS: Well, I go back to a couple of things. Number one, the SSC didn’t feel like we had the data to really make a good scientific-based decision. These preferred alternatives -- I agree with Doug. I think it’s a major impact to the fishers and
the businesses for us to make a decision on something like this when we don’t even have the data, as per the SSC, that we need to justify it, and so I’m not in favor of these preferred alternatives on Action 2 at all right now.

CHAIRMAN BOSARGE: Is there further -- Ms. Beckwith.

MS. BECKWITH: Just to let you guys know, I mean, we went with a one per person with up to a six-boat limit, and so that’s what we implemented, and then individual states went through the conservation equivalency procedure and ended up with some slightly different modifications, depending on which state, but that was what we set forth in Amendment 31.

CHAIRMAN BOSARGE: Let’s look at what we have chosen and let’s refresh our memories, because we have two preferreds right now. We have a preferred that would, first off, decrease the per person recreational and commercial possession limit for Gulf cobia to one fish per day, and so one per person, and then we have Preferred Alternative 3 to create a recreational and commercial daily vessel limit for Gulf cobia. Anglers may not exceed the per person possession limit, and so that’s above, and so the Preferred Option 3a says that the recreational and commercial daily vessel limit for cobia is two fish.

All right, and so we’ve had some discussion about possibly six fish, and I was trying to find my document, but my question is - - So I thought that in the for-hire fleet that this is mainly a bycatch-type fishery. In other words, it’s not targeted cobia trips, and that’s what the CPUE index discussion was. For headboats, but, for charter boats, it’s different. All right, and so we’re kind of honing-in on these six-pack charter boats and what this may do to them. All right. I’m just making sure that I’m following this discussion. All right, and so I had Andy next.

MR. STRELCHECK: With Figure 2.2.2 in the document, I think it helps to frame the impacts to the two-fish, four-fish, six-fish vessel limit, and, just eyeballing it, it looks like about 85 percent of trips report two or less fish, and so you can see, over to the far right, the six-plus fish -- That’s a small number of trips, but those are the ones, it sounds like, that Doug or others might be concerned about impacting, and so it’s a small percentage, but there is potential for impact.

CHAIRMAN BOSARGE: To that point, Dr. Mickle, and then I have Mr. Sanchez.
DR. MICKLE: Real quickly, thank you, Andy, but the biologics are strong that show the two fish, the 85 percent or whatever you said, but, again, it’s about selling the trip. In the for-hire, we do sell trips targeting cobia in certain times of the year, when our tournaments are hot, and when you tell them two fish per vessel, that’s a tougher sell. Even though the biologics and the impact -- From what Andy just said, I think it’s a little bit more than that. It’s the sales pitch for the captains.

CHAIRMAN BOSARGE: To that point, Andy?

MR. STRELCHECK: I don’t disagree with Dr. Mickle. The major reduction that you’re going to get in harvest is associated with the size limit. The bag limit reduction, or the vessel limit reduction, is fairly small in this instance between choosing two versus some other number.

CHAIRMAN BOSARGE: All right. Mr. Sanchez.

MR. SANCHEZ: I recall the reason why we engaged in this cobia discussion was it was a couple of years of the for-hire sector coming before us repeatedly and saying, hey, we’re seeing these fish diminish and you need to do something and we need to get ahead of this and it’s happening, and I don’t know if the science is in line with that yet, if it’s caught up to it, but we’re seeing a big decline and do something, do something, and so I would support the two fish, because that’s kind of what a good majority of them have asked for.

CHAIRMAN BOSARGE: All right. I have Ms. Boggs and then Mr. Boyd. You’re good? Mr. Boyd.

MR. BOYD: Thank you, Madam Chair. That’s all right.

CHAIRMAN BOSARGE: Okay. Mr. Diaz.

MR. DIAZ: I guess I’m echoing what Andy just said. I mean, the SSC told us that the biggest bang for the buck is to do something with size limits, and so we’re looking at a 26.1 percent reduction based off of the preferred size limit that we have now. I mean, that’s where we’re getting the biggest bang for the buck. The possession limit is to a lesser extent, and so I feel strongly about keeping the size limit. The possession limit, I just don’t think we get that much for it.

CHAIRMAN BOSARGE: Dr. Simmons, can you remind us -- This is a framework, right, and so it’s a little bit different than our
regular plan amendments. Tell us where we’re headed and what our schedule looks like.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. Right now, we need to complete the effects section and the environment section, Chapter 3 and 4, and I think we can have this ready for final action in October, and, since this is a framework action, I guess Emily would put a video online, and we would collect comments, but one thing that Ryan and I have been discussing is trying to see if we could get like a webinar together or a conference call for our AP. At first, it seemed like we could try to bring them in, but, just for this one issue, I don’t think it would take all day, but we’ll try to do a conference call with them before the October meeting.

GULF SEDAR COMMITTEE REPORT

CHAIRMAN BOSARGE: All right. Any further discussion on cobia? Seeing none, that brought your report to a close, correct? All right, and so I’m up next with the SEDAR Committee. The SEDAR Committee met on August 20, 2018.

SEDAR Process Changes, Southeast Fisheries Science Center staff reviewed the proposed changes to the SEDAR stock assessment process. Prior to SEDAR, stock assessments were completed by a limited number of participants, required fewer data streams, simpler models, and relied almost entirely on the SSC as the primary review body. The process was timely, but not transparent.

At the sacrifice of timeliness and throughput, SEDAR was created as an assessment structure that used consensus decision-making by interdisciplinary panels, independent peer-review, and SSC review. SEDAR was not intended to handle all stock assessments, but rather those key stocks that required more scrutiny.

Many assessments have benefited from additional data streams and improved models. However, as the number of datasets and model complexity have increased, so have the number of potential failure points in terms of data provision.

The proposed changes introduce the research track, operational assessment, and the interim analysis. The research track is similar to the current benchmark assessment process and is designed to create the tools to perform the analyses necessary for the assessment, but does not yield management advice. Therefore, it does not require the most recent data.
The operational assessment uses the tools created in the research track, along with the most recent data for all pertinent data streams, to yield management advice. The interim analysis occurs outside the SEDAR process and updates the most critical indices from the previous operational assessment to update management advice.

An advanced approach to scheduling using a stock assessment prioritization tool is anticipated to better manage workloads and tasking, allowing for improved planning of stock assessments.

Southeast Fisheries Science staff noted a need to right-size assessments for the data available for a given species. Stock assessment reports will also be streamlined to improve general comprehension. Finally, continued outreach and education of the stock assessment process and how those data are used for management should continue through the Marine Recreational Education Program, otherwise known as MREP.

SEDAR Assessment Schedule, delays resulting from the Marine Recreational Information Program, MRIP, data recalibration have resulted in delays for the scamp research track and operational assessments, the red grouper and gray triggerfish operational assessments, and changes to the terminal year considerations for the gag and greater amberjack operational assessments.

With red drum listed for a possible assessment in 2021, some concern was expressed about the data available at that point compared to the data available in 2016 during the previous data-limited stock assessment, SEDAR 49. The committee noted that some research projects were ongoing, and those data could be examined when they become available. This concludes my report.

Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Madam Chair. I wanted to bring something up and ask Dr. Porch if it was possible to do. I know we’ve been requested not to make changes to the schedule, but if you could please bring up Tab I, Number 5(b) regarding the calibration updates.

Since these are just getting started, I was wondering if it would be possible, since we just completed the gray snapper assessment, if we could switch out gray snapper, perhaps, for either Spanish mackerel or vermillion snapper, so that we can get those in the model then, if there are differences in those projections, since we were looking at starting a whole new plan amendment for gray snapper. I know that you have asked us not
to do that, but is that possible?

DR. PORCH: The short answer is yes. This isn’t the same as
switching up full assessments. We’re only talking about really
one data series, the recreational catches, and so it wouldn’t be
any problem, really, to switch for one of those species. I
mean, we’ll try and get them all done, but it certainly wouldn’t
be a problem to switch it up for either Spanish mackerel or
vermilion snapper.

CHAIRMAN BOSARGE: I’ve got a question. On 2019, HMS, which is
your shop, is going to do the king mackerel update. Will that
also include our MRIP lite recalibration for king mackerel
landings?

DR. PORCH: I mean, it wouldn’t be the MRIP lite. We would just
use the MRIP -- The FES estimates in that assessment, and so we
would use the new estimates. We’re not going to run it both
ways. We will just use the new estimates, yes.

CHAIRMAN BOSARGE: Okay. That answers my question. I just
wanted to see, eventually, how -- I’m assuming it’s an increased
recreational landing and what that does to how we’re meeting our
quotas or not, and so thank you. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, and so one final
question. Could we go ahead and write a letter requesting that,
or do we need to wait until the Steering Committee meeting for
that change?

DR. PORCH: No, it’s kind of done outside anyway, and so just
send us a letter to remind us that we’re committing to doing
that.

CHAIRMAN BOSARGE: All right. Anything else for the SEDAR
Committee? That concludes that discussion, and now we still
have one liaison report, and so NOAA OLE. That’s the one that
we still have left to do, and he’s been patiently waiting out
there all week. Thank you for being with us, sir.

NOAA OLE LIAISON REPORT

MR. MATT ROBERTSON: Good morning, Madam Chair and council. I
am Special Agent Matt Robertson with NOAA OLE. I appreciate you
all having me this morning to give our quarterly enforcement
report.

As you can see on here, the data in this report will represent
NOAA Fisheries Office of Law Enforcement Southeast Division’s enforcement effort conducted throughout Fiscal Year Quarter 3 2018. The pie chart there captures our enforcement interactions, which included ninety-five documented patrols, seventy-five documented instances of outreach, and forty-six meetings.

As far as incidents, this quarter, OLE opened 330 incidents in the Southeast Division, 186 violation counts in the South Atlantic, and 166 in the Gulf area. The summary incidents for the South Atlantic you can see in that chart there, for those 186, and they were primarily Magnuson-Stevens and Marine Mammal violations. Below that, it’s broken down per state, program and state.

As far as incidents in the Gulf area, those 166 represented primarily Magnuson-Stevens and Endangered Species Act, most likely TED violations in those thirty-one, and, once again, below that, it’s broken down per program and state.

There were no reported incidents in the Caribbean. Currently, we have two vacant positions in Puerto Rico that they’re working to fill, and so, this quarter, we have no reported incidents.

For a caseload snapshot, status of incidents this quarter for the Southeast Division, for a total of 333, and there were 124 cases opened and 209 cases closed. Below that, their dispositions are represented. As you can see, we have primarily OLE ongoing and compliance assistance provided, along with all the others.

As far as some enforcement highlights, there is two cases represented here. The first one is a Magnuson-Stevens case. In March, a NOAA OLE Enforcement officer from Panama City initiated an investigation after receiving notice from the NOAA OLE VMS team that a bottom longline vessel was reported within a bottom longline restricted area. After an at-sea boarding with Florida Fish and Wildlife approximately thirty miles offshore, the documented longline fishing vessel was in a restricted area, and NOAA OLE seized the vessel’s catch, which consisted approximately of 3,010 pounds of reef fish, and that case is ongoing.

Below that, this case represented a Lacey Act violation. Also in March, Shell Beach Seafood was charged in a one count Bill of Information for violation of the Lacey Act. Between 2012 and 2013, Shell Beach Seafood did knowingly transport blue crabs in interstate commerce, which were acquired and possessed in
violation under the State of Louisiana law.

In May, Shell Beach Seafood pled guilty to the Lacey Act violation and was sentenced to one year of probation and a $7,500 fine to the Louisiana Department of Wildlife and Fisheries. That case was investigated by NOAA OLE and the Louisiana Department of Wildlife and Fisheries Southern Strike Force.

The next few pages highlight the seventy-three summary settlements that were issued this quarter. They range from Endangered Species Act, HMS, Lacey Act, Magnuson-Stevens, and also some Marine Mammal Protection Act and Marine Sanctuaries. There is three pages of them there.

On page 11, our Investigative Support Program, the Southeast Division Active Vessel Monitoring System has a population of 1,055, represented by this chart. During this quarter, the staff conducted 340 calls with industry relating to compliance during the quarter.

Significant investigative support issues, thirty-six compliance assistance letters were issued to owners of vessels if they were traveling in excess of the ten-knot speed limit inside the Mid-Atlantic U.S. Seasonal Management Area and/or the Southeast. Activities violated the Marine Mammal Protection Act and occurred through federal and multiple state waters.

As far as our observer program, during Fiscal Year 2018, Quarter 3, the observer program deployed on 128 trips, or 990 sea-days. Approximately 98 percent of selected trips were completed without an observer-related enforcement incident, and those incidents are below there, captured in that chart.

On page 13, cases sent to NOAA General Counsel, thirty cases during this quarter were forwarded to General Counsel, and these included cases involving Endangered Species Act, Highly Migratory Species, Lacey Act, Magnuson-Stevens, the Marine Mammal Protection Act, and the Marine Sanctuaries Act. Madam Chair, this concludes my quarterly report, and I would be happy to take any questions.

CHAIRMAN BOSARGE: Thank you, sir.

MR. ROBERTSON: Thank you.

CHAIRMAN BOSARGE: Any questions, council? Yes, sir, Mr. Diaz.
MR. DIAZ: Thank you for coming. Good report. On your overview of summary settlements, I was just looking at the TED fines, and it looks like there is a pretty good variation. There is a couple that is zeroes, $200, $400, $600, all the way up to $1,500. Anyway, is there any rationale of why the fines are so different?

MR. ROBERTSON: I don’t have one in front of me, but if you refer to our summary settlement schedule, depending on — As an example, illegally possessed red snapper, there is a charge for that violation plus a charge per fish, and so, for each one of these cases, there may have been five fish involved or two fish involved or ten fish involved, and that will give you a great variance in the amount that was assessed.

CHAIRMAN BOSARGE: Mr. Boyd.

MR. BOYD: Thank you, Madam Chairman, and thank you for your report. A question on the chart where it shows the individual states and the violations. I see, under Texas, that we had eight Lacey Act violations. Are those all interstate commerce kinds of violations? You had mentioned the Louisiana Lacey Act, but I saw that there were eight in Texas.

MR. ROBERTSON: I don’t currently have that information in front of me to talk specifically on those cases, but most likely it would be interstate, but I don’t have those specific cases.

MR. BOYD: Okay. Thank you.

CHAIRMAN BOSARGE: Any further questions? Thank you. We really enjoy having you up there giving a liaison report to us too, and I hope you all will continue to do so. We appreciate it.

MR. ROBERTSON: Great. Thank you.

CHAIRMAN BOSARGE: All right. Under Other Business, I don’t think there was any other business under our Full Council agenda, and I’m going to look around and make sure. Lunch, of course, you know you’re not going to get that on the last day, right? So we don’t have to worry about that, and so that brings us to the last item, which is going to be our Election of Chair and Vice Chair, and Mr. Donaldson typically leads us through that.

Before we get into it, I just want to say thank you all for allowing me to be your Chair for two years. I have thoroughly enjoyed it, and it was quite an honor, but you know that all
good things must come to an end, and so I will pass the torch. All right. Mr. Donaldson, if you want to take us through that, sir.

ELECTION OF CHAIRMAN AND VICE CHAIRMAN

MR. DONALDSON: Thank you, Madam Chair. I will open the floor for nominations for Chairman. Ms. Guyas.

MS. GUYAS: I would like to nominate Dr. Tom Frazer.

MR. DONALDSON: Do I have a second for that? Second by Patrick. Any other nominations? Yes, ma’am.

CHAIRMAN BOSARGE: I move that we close the nominations for Chair.

MR. DONALDSON: So moved. Congratulations, Dr. Frazer. (Applause)

DR. FRAZER: Thank you.

MR. DONALDSON: I think the council is in good hands with your leadership, and so I appreciate your willingness to serve.

DR. FRAZER: I will do my best. There’s a lot of experience around this table, and, when I screw up, I’m sure people will help me through it.

MR. DONALDSON: I will now open the floor for nominations of Vice Chair. Anyone?

CHAIRMAN BOSARGE: Dr. Stunz.

DR. STUNZ: I will nominate Dale Diaz.

MR. DONALDSON: Do I have a second? Second by Doug Boyd. Any other nominations? Madam Chair.

CHAIRMAN BOSARGE: I move that we close the nominations.

MR. DONALDSON: Congratulations, Mr. Diaz. (Applause) With that, I will turn it back to you, Madam Chair.

CHAIRMAN BOSARGE: Congratulations to both Tom and Dale. We’re going to take a picture of you today, and then we’ll take a picture of you a year from now and see what your hair looks like.
Just for council members, just to remind you, Tom and Dale will be emailing you, and Dr. Simmons will be emailing you, your committee assignment spreadsheet, and so rank your committees and get those back to them, and we will do committee assignments at the next meeting. Otherwise, it’s been nice, and it’s been great, and let’s go to lunch. Meeting adjourned.

(Whereupon, the meeting adjourned on August 23, 2018.)

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