GULF OF MEXICO FISHERY MANAGEMENT COUNCIL
275TH MEETING
FULL COUNCIL SESSION
Hyatt Centric French Quarter New Orleans, Louisiana
AUGUST 14-15, 2019

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Patrick Banks..................................................Louisiana
Susan Boggs....................................................Alabama
Leann Bosarge.................................................Mississippi
Roy Crabtree......................................................NMFS
Dale Diaz.........................................................Mississippi
Jonathan Dugas................................................Louisiana
Phil Dyskow......................................................Florida
Tom Frazer.........................................................Florida
Martha Guyas (designee for Jessica McCawley)........Florida
Lance Robinson (designee for Robin Riechers)........Texas
John Sanchez...................................................Florida
Bob Shipp.......................................................Alabama
Joe Spraggin....................................................Mississippi
Greg Stunz.......................................................Texas
Ed Swindell.....................................................Louisiana

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

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John Froeschke............................................Deputy Director
Beth Hager..................................................Administrative Officer
Lisa Hollensead........................................Fishery Biologist
Ava Lasseter..............................................Anthropologist
Mara Levy..................................................NOAA General Counsel
Natasha Mendez-Ferrer.................................Fishery Biologist
Emily Muehlstein.................................Public Information Officer
Ryan Rindone..................................Fishery Biologist & SEDAR Liaison
Bernadine Roy........................................Office Manager
Carrie Simmons........................................Executive Director

OTHER PARTICIPANTS
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8  Robert Spaeth...................................Madeira Beach, FL
9  Randy Sobieraj........................................Casselberry, FL
10  Joe SpragginS..........................................................MS
11  Casey Streeter................................................FL
12  Charles Tyer..........................................................NOAA OLE
13  Johnny Williams..............................Galveston, TX
14  Bob Zales, II............................................Panama City, FL
15  Jim Zurbrick.............................................Steinhatchee, FL
16
17
18  - - -
TABLE OF CONTENTS

Table of Motions..............................................................5
Call to Order, Announcements, and Introductions......................8
Induction of New Council Members........................................11
Adoption of Agenda and Approval of Minutes............................11
Review of Exempted Fishing Permit (EFP) Applications..................12
Review of Public Comments on EFP Applications........................12
Presentations.............................................................................17
  Louisiana Law Enforcement Efforts......................................17
  IUU Fishing Report to Congress...........................................21
Committee Reports......................................................................22
  Administrative/Budget Committee Report..............................22
Other Business............................................................................24
  Blackfin Tuna Discussion....................................................24
  Release Mortality Workshop Discussion.................................25
Supporting Agencies Update.....................................................27
  South Atlantic Council Liaison Report..................................27
  Gulf States Marine Fisheries Commission..............................29
  U.S. Fish and Wildlife Service.............................................30
Public Comment.........................................................................31
Committee Reports (continued)..................................................102
  Habitat Protection and Restoration Committee Report...............102
  Data Collection Committee Report.......................................104
  Sustainable Fisheries Committee Report.................................106
  Reef Fish Committee Report................................................120
U.S. Coast Guard Report..........................................................151
NOAA OLE Report.......................................................................156
Vote on EFP Applications..........................................................162
Election of Chair and Vice Chair.................................................162
Adjournment.............................................................................163
TABLE OF MOTIONS

PAGE 23: Motion to approve the 2019 revised funded budget. The motion carried on page 23.

PAGE 24: Motion to approve the proposed budget request for 2020 through 2024. The motion carried on page 24.

PAGE 107: Motion in Action 1 to make Alternative 2, Option 2b the preferred. Alternative 2 is the onboard possession limit for federal for-hire trips in the Gulf exceeding a given trip duration will be two daily bag limits per angler (or vessel for speckled hind and warsaw grouper), excluding captain and crew. The second daily bag limit can be retained anytime during a trip with a minimum trip duration of: Option 2b, which is greater than thirty hours. The motion carried on page 110.

PAGE 110: Motion to accept the revised language from the SSC in Action 1, Sub-Action 1.1, Alternative 3. The motion carried on page 110. SSC Motion: Alternative 3: set MSY proxy as yield at F 30 percent SPR. SSC Motion: For future assessments of reef fish stocks and red drum, the MSY or MSY proxy equals the yield produced by FMSY or F proxy recommended by the council’s SSC and subject to approval by the council through a plan amendment. The motion carried on page 110.

PAGE 122: Motion to reconvene the ABC Control Rule Working Group to evaluate the existing rule and propose improvements. The motion carried on page 122.

PAGE 124: Motion in Action 2 to modify Alternative 5 to read: Alternative 5: Distribute to a non-profit, third-party-administered quota bank the reclaimed shares with oversight from NMFS, the council, and other involved parties. The quota bank will retain the shares and distribute the allocation associated with the shares each year. The motion carried on page 125.

PAGE 125: Motion to instruct staff to explore the feasibility to establish a non-NOAA quota bank using regional fishery associations as an example. The motion carried on page 126.

PAGE 126: Motion in Action 2 to modify Alternative 3 to read: Alternative 3: Distribute in inverse proportion the reclaimed shares held by NMFS among accounts with shareholdings of each share category within one month of the effective date of the final rule implementing this amendment. The motion carried on page 126.
PAGE 126: Motion in Action 2 to remove Alternative 2. The motion carried on page 126.

PAGE 127: Motion to begin a stand-alone document for Actions 1.1 and 1.2. Action 1.1 is Permit Requirements and Action 1.2 is Share Divestment. The motion carried on page 127.

PAGE 128: Motion to request that the Science Center provide estimates of discards in both weight and numbers of fish, as well as estimated release mortality for each gear type used to harvest commercial IFQ species for incorporation into Amendment 36B. The motion carried on page 128.

PAGE 128: Motion to approve the Framework Action to Modify the Recreational For-Hire Red Snapper Annual Catch Target Buffer 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 130.

PAGE 130: Motion to approve the Amendment 51: Establish Gray Snapper Status Determination Criteria, Reference Points, and Modify 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 132.

PAGE 132: Motion in Action 3 to add an Alternative 5. Alternative 5 is modify the recreational seasonal closure to be Oct 1 through April 30 and May 21 through June 30 and open May 1 through May 20 and July 1 through September 30). The motion carried on page 132.

PAGE 132: Motion in Action 1 to make Alternative 2 the preferred. Alternative 2 is reduce the recreational bag limit to one fish per two or fewer anglers per day. The motion was withdrawn on page 136.

PAGE 140: Motion to direct staff to develop an amendment that would allow for state management of the recreational greater amberjack fishery. The motion was withdrawn on page 145.

PAGE 145: Motion in Action 1 to add an alternative that reduces
the recreational possession limit on a multiday trip to one fish per angler. The motion carried on page 148.

PAGE 148: Motion to add an Action 4 to the document that provides options for zone management of greater amberjack harvest. The motion carried on page 148.

PAGE 150: Motion to rephrase Objective Number 2 of the Reef Fish FMP Objectives to read: To achieve robust fishery reporting and data collection systems across all sectors for monitoring the reef fish fishery which minimizes management uncertainty to “minimizes scientific, management, and risk uncertainty”. The motion carried on page 150.

PAGE 150: Motion to delay consideration of Amendment 52: Red Snapper Allocation until the January 2020 council meeting. The motion carried on page 150.

PAGE 162: Motion to recommend that NMFS approve the FWC lionfish exempted fishing permit application. The motion carried on page 162.

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The Full Council of the Gulf of Mexico Fishery Management Council convened at the Hyatt Centric French Quarter, New Orleans, Louisiana, Wednesday morning, August 14, 2019, and was called to order by Chairman Tom Frazer.

**CALL TO ORDER, ANNOUNCEMENTS, AND INTRODUCTIONS**

**CHAIRMAN TOM FRAZER:** Before we get started with the Full Council session, I would like to invite Jeff Montoucet, who is the Secretary of the Louisiana Department of Wildlife and Fisheries, to say a few words. Welcome, Mr. Montoucet.

**MR. JEFF MONTOUCET:** Thank you, Mr. Chairman and members. On behalf of Governor John Bel Edwards and the Louisiana Department of Wildlife and Fisheries and the citizens of Louisiana, we want to take the opportunity to thank you for coming to Louisiana to hold your conference. Louisiana is known as the sportsmen’s paradise, and we are trying to maintain and keep that status throughout the United States, and we certainly appreciate it.

We are committed to being part of the council process, and I want to applaud your dedication for what you all do and the thoughtful work that provides all of the interested parties a clear and transparent opportunity for input on how the management of the fisheries resources will take place.

I would like to touch on a couple of recent decisions that the council made that certainly had a huge impact on Louisiana, and the state management that you have allowed us to do on private recreational red snapper is an awesome benefit for our anglers, but not only for the anglers, but the business people who are involved in the fishing industry and that support that important activity.

Our season, by the way, continues to go on this weekend, and I’ve got my fingers crossed and my toes crossed and my arms crossed that we can survive and go through Labor Day, but, if the numbers aren’t there, we’re not going to move forward, because we certainly don’t want to exceed our quota.

Your decision providing our charter captains with the historical reef fishing permits the opportunity to turn those into regular reef fish permits is certainly important to the future of our small businesses in Louisiana and across the Gulf that depend on charter fishing for their income.

I would like to ask the council to please continue to consider state management for other reef species in the Gulf. We feel
strongly that we have the accountability tools and the staff
dedicated to account for the fish that we catch in the Gulf,
along with our LA Creel Program, which has proven to be one of
the leading tools that we have in our tool chest to monitor
that. It gives us the flexibility and responsibility to be able
to manage additional species, and we would like to ask you that
you consider amberjack and triggerfish.

Lastly, please enjoy your stay in New Orleans. We’re glad to
have you here. Stick around and enjoy the natural wonder of our
state and our food and our music here and just the people in
general. We love to have visitors come here, and we certainly
do a good job of that. Thank you, all, for being here in New
Orleans with us.

CHAIRMAN FRAZER: Thank you, Mr. Montoucet. It’s always a
pleasure to come to New Orleans, and it’s good to see you.

MR. MONTOUCET: Thank you.

CHAIRMAN FRAZER: We’re going to go ahead and call to order the
Full Council. Welcome to the 275th meeting of the Gulf Council.
My name is Tom Frazer, Chair of the Council. If you have a cell
phone or similar device, we ask that you place it on silent or
vibrating mode during the meeting. Also, in order for all to be
able to hear the proceedings, we ask that you have any private
conversations outside. Please be advised that alcoholic
beverages are not permitted in the meeting room.

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

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

The membership also includes the five state fishery managers
from each Gulf state and the Regional Administrator from NOAA’s
Southeast Fisheries Service, as well as several other non-voting
members.
Public input is a vital part of the council’s deliberative process, and comments, both oral and written, are accepted and considered by the council throughout the process. Anyone wishing to speak during public comment should sign in at the registration kiosk located at the entrance to the meeting room. We accept only one registration per person. A digital recording is used for the public record. Therefore, for the purpose of voice identification, each person at the table is requested to identify him or herself, starting on my left.

MR. DALE DIAZ: Dale Diaz, Mississippi.

MS. LEANN BOSARGE: Leann Bosarge, Mississippi.

MR. JOE SPRAGGINS: Joe Spraggins, Mississippi.

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

MR. ED SWINDELL: Ed Swindell, Louisiana.

MR. PATRICK BANKS: Patrick Banks, Louisiana.

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

MS. SUSAN BOGGS: Susan Boggs, Alabama.

MR. KEVIN ANSON: Kevin Anson, Alabama.

DR. BOB SHIPP: Bob Shipp, Alabama.

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

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

MS. SUSAN GERHART: Susan Gerhart, NOAA Fisheries Service, Southeast Region.

DR. ROY CRABTREE: Roy Crabtree, NOAA Fisheries.

MR. CHESTER BREWER: Chester Brewer, South Atlantic liaison.

MR. LANCE ROBINSON: Lance Robinson, Texas.

DR. GREG STUNZ: Greg Stunz, Texas.

MR. JOHN SANCHEZ: John Sanchez, Florida.
MR. PHIL DYSKOW: Phil Dyskow, Florida.

MS. MARTHA GUYAS: Martha Guyas, Florida.

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

EXECUTIVE DIRECTOR CARRIE SIMMONS: Carrie Simmons, council staff.

CHAIRMAN FRAZER: All right. Thank you, everybody. Before we actually move on to the Adoption of the Agenda and the Approval of the Minutes, I am going to invite Dr. Crabtree up for induction of the new council members.

INDUCTION OF NEW COUNCIL MEMBERS

DR. CRABTREE: We have three members, actually, who are starting this meeting, Tom and Leann, but also Troy Williamson has been appointed from Texas, but, due to a conflict and a previous engagement, he is unable to be with us this week, but he will be at our October meeting, and so we’re going to just read the oath together and state your name. As trustees of the nation’s fishery resources, all voting members must take an oath specified by the Secretary as follows.

(Whereupon, Dr. Frazer and Ms. Bosarge read the oath.)

DR. CRABTREE: Congratulations and welcome back. Let’s give them a big hand. (Applause)

ADOPTION OF AGENDA AND APPROVAL OF MINUTES

CHAIRMAN FRAZER: I guess what we’ve got going on here now is the first order of business is Adoption of the Agenda, and the agenda would be Tab A, Number 3. Can I get a motion to adopt the agenda? Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chairman. Can we add, under Other Business, just a quick update on the release mortality workshop? Ms. Muehlstein would like to do that, and it will be very short. Thank you.

CHAIRMAN FRAZER: All right. We will add that to Other Business. Ms. Guyas.

MS. GUYAS: I also want to add, under Other Business, just a quick update on blackfin tuna.
CHAIRMAN FRAZER: Okay. Noted. We will add that as well. Any other modifications to the agenda or additions? Seeing none, is there a motion to adopt the agenda with the modifications?

MR. SWINDELL: I move that we adopt the agenda as written and with the additions.

CHAIRMAN FRAZER: There you go. Can we get a second to that motion by Mr. Swindell? It’s seconded by Ms. Guyas. Is there any opposition? Seeing none, we will consider the agenda adopted.

The next item of business is Approval of the Minutes. Is there any edits or modifications to the minutes? Seeing none, can I get a motion to approve the minutes?

MR. SPRAGGINS: I make a motion that we approve the minutes.

CHAIRMAN FRAZER: Okay. Motion made by General Spraggins. Is there a second? Second by Mr. Diaz. Is there any opposition? Seeing none, the minutes are approved. Moving forward to the next agenda item, that would be the Review of Exempted Fishing Permit Applications, and I believe Sue Gerhart with SERO is going to lead us through that.

REVIEW OF EXEMPTED FISHING PERMIT APPLICATIONS

MS. GERHART: Thank you. I have a short presentation. We received an application from FWC requesting an EFP to test lobster traps, modified lobster traps, for catching lionfish, and so we have actually already issued an EFP to FWC to do this kind of work for the South Atlantic, and so what they would like to do now is expand their area in the South Atlantic where they were working as well as move into the Gulf.

The purpose of this, as I said, was to test different modifications to the lobster traps, and these are wire lobster traps, to capture lionfish and to try to minimize bycatch and other impacts on the environment while getting the most lionfish possible.

The traps are going to be, and have been, through the South Atlantic EFP, in a trawl line that has a maximum of thirty-two traps, and they are minimizing lines in the water by just having two lines, one at each end of the trawl line, with buoys on them, and so they are going to vary the funnel and escape gap dimensions, to try to reduce the bycatch, while still catching
As I said, we had an application and issued an EFP, and they have made some changes to what we have already issued. By the way, these terms and conditions are posted on our website, and so you can see the EFP that’s been issued already as well as the terms and conditions, which we always attach to an EFP, telling them what they can and can’t do under that EFP.

One thing, as I said, is they want to expand the area that they are looking at, and so they originally were just in one area of the Keys, and they want to expand, at least for the South Atlantic, to all of Monroe County and then add an area in the Gulf, which I will show you in just a minute.

All of their traps will be set between 100 and 300 feet, or thirty to ninety meters, and, obviously, if they’re expanding their area, they’re going to expand the number of traps that they want to use, and so, originally, they had 100 traps that they were using in the South Atlantic, and they want to expand to 300 total traps, 100 of which will be in the Gulf.

Again, because there is a larger area and more traps, there will be more trips each year, and there is going to be more vessels that will participate in this project. They also want to increase their soak time. Now, I want to point out that their general soak time is fourteen days, about two weeks. However, things happen, and sometimes they just can’t get out within fourteen days, and they have had some struggles getting within the twenty-one days that were part of the previous EFP, and so they would like to have a little longer soak time of twenty-eight days, just as a buffer for them, if they can’t get out in the time that they want to, due to weather or equipment failure or whatever the issue is.

The biggest change probably is the last two lines there. Originally, with the EFP, only currently permitted lobster fishermen with traps that had certifications associated with them were to be used, so that there were no additional traps that were going to be added.

In compensation for that, those fishermen were allowed to keep any lobster, for example, that they caught and be able to sell them. What they want to change now is to be able to do their own traps and not just have fishermen take out the traps, and so they want to be able to have traps that do not have certifications on them, additional traps out there, but, consequently, they will not allow sale of anything except the
lionfish from those traps, and so that’s a tradeoff that they are requesting and that we will consider in the terms and conditions.

This is the area that they want to look at. Now, I want to remind you that, in January of 2018, we reviewed a couple of different applications for EFPPs to catch lionfish using lobster traps. One of those was from Keys Fisheries, and that later changed the name to Salty Bones, and they came with an area that looked very similar to what you’re seeing here, except the part below the D-C line was also there, and, in looking at the shrimp points, we found that there was a lot of shrimping area in that area south of the D-C line, and so the council, at that time, approved that EFP, or recommended approval of the EFP, with the exception that they wanted them to stay north of that D-C line. We brought that back, and the applicants made that change. However, they later withdrew their application for the EFP, and so they never carried out that project they were talking about, but FWC is working with some of those same fishermen and took that same area that was part of that application, and so that’s what you’re seeing here, is the site that we had modified for Keys Fisheries, Salty Bones, and so it’s the same as what the council had recommended previously.

Now, this is a map that was put together by Basher, who is on the council staff, and it shows some of the things that we want to see, and so you can see that that light green box is the proposed area for the EFP, and, in this case, the green area is the Gulf location, and then the blue area is the South Atlantic, and so, if you look towards the bottom of the map, you can see the line that goes through Point G and H, and that’s the council boundary, the jurisdictional area, and so everything to the east of that is the area for the South Atlantic, that the South Atlantic is going to be considering when they review this. All of these areas are between, again, the thirty and ninety-meter contours, which are very close together along the Keys, but are farther apart in the Gulf. The yellow and orange points are the shrimp ELB points, and so you can see that area that they’ve taken out south of the D-C line, and it is a pretty productive shrimp area.

Now, these points that are being shown, I believe, are for a nine-year period, and so it’s a total over a nine-year period, and so, when you see the very lightest yellow color, that represents perhaps one point, and that would be one point during that total nine years, and so it’s not a lot of activity, and so
there is still some shrimp activity around that Point C, but
those lighter colored ones are very uncommon occurrences that
are there.

Another thing I want to point out is the box on the left side of
the map that is sort of a purplish color. That is the Pulley
Ridge HAPC area. The large box there is the full Pulley Ridge
area. Remember that most of Pulley Ridge does not have any
fishing regulations in it, except for that pink part down
towards the bottom that is sort of an odd trapezoid shape. That
is Pulley Ridge South, which is the area that has had, for a
while now, fishing regulations prohibiting bottom-tending gear.

Then the blue section right next to it is the area of expansion
for those fishing regulations that was in Coral Amendment 9,
which is in the process of being implemented, and so those
areas, even though they’re within the box of where the EFP is
for, it would be off limits in our terms and conditions, if we
were to issue this EFP, and so that would be one of the things
that we would require from them.

These are the terms and conditions, some of the terms and
conditions, we have with the current EFP that was issued for the
South Atlantic for the same project, and so, again, there is a
restriction on where the traps can be set, in not too shallow
water, because we have ESA-listed corals that are there. Not in
the HAPCs, and this will probably be revised for this one in the
Gulf, because the Pulley Ridge HAPC -- There is an allowance for
traps to be in that larger area, and just not in that south
area, and so we already have traps that are allowed in that
area, and so they would continue to be allowed.

Then various things that are to try to protect our protected
resources and habitats, and so returning bycatch and trap and
other gear requirements that will reduce the chance of
interaction with projected species, and all of these are marked,
as we have with any lionfish traps that we have out there, with
an "LF", so that, if there is some sort of entanglement or trap
loss, we can identify that it came from an experimental trap
rather than one of the fisheries.

Although these are the conditions of the current EFP, they are
most likely going to be very similar, again, should we issue
this EFP to FWC to do this work, and we would have a list of
terms and conditions that would be similar to this. That is all
I have for you. Thank you.

CHAIRMAN FRAZER: Thank you, Ms. Gerhart. Are there any
questions? Dr. Shipp.

DR. SHIPP: Susan, what kind of background data do they have as to the possibility of these traps being effective? Have they done any work at all?

MS. GERHART: I am trying to remember when we issued the one for the South Atlantic, but they have been doing the work in the South Atlantic already under the EFP that we provided, and they did come to our office and present those results, which, unfortunately, I was not there for that, and so I don’t know exactly what they were, but they have found some information about certain modifications that are better than others, and so they are refining that trap design based on that information and just trying to get a little bit more information about really which is the best design to use.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: I just want to put it on the record that there is an area in there, if you go back to that map, and some of that is yellow, but some of it is brown, and it’s hard to see with that overlay, and I can visualize that on our plotter, and we shrimp in there, and you have to remember too that not every shrimp boat is outfitted with an ELB, and that’s not extrapolated to the whole fleet. That’s only a third of the fleet that you have those dots for.

Do what you want to do, but it’s just that -- Just understand that, when we tear up one of those nets, if we come across one of these traps and we get it, and we tear up that net, that’s a $2,000 to $3,000 net, if we just get one net, and so it’s not a minimal cost that we incur, and not to mention that you’re probably not going to get your trap back, and so I’m sure it’s not a minimal cost for FWC either, and so, if there’s any way you can look at that, look into it, see if it’s possible to avoid it, and then you want to catch the lionfish, but I will mention also that, down there in that area, the shrimpers are catching the lionfish when they’re in there, and we’re retaining them, and so we’re trying to do a good job of eliminating them as well, because we actually have a dockside price for them that we can get down there in south Florida, and so we’re retaining that catch and landing it, and so that’s just a few things to throw out there.

CHAIRMAN FRAZER: Are there any other questions for Ms. Gerhart? I have one for Ms. Bosarge. What kind of lionfish bycatch are you getting in these shrimp trawls?
MS. BOSARGE: It depends on where you’re at. I asked my guys to try and keep them, and I called them last time, and I said, hey, are you catching any decent lionfish down there, and he said, well, we were last week, when we were on that side, but he said that we’re on the other side today, and so we’re not catching anymore. You would have to talk to the guys that have actually been landing them. I hope to land them this year when we go down there, but we’re not there yet.

CHAIRMAN FRAZER: But they are keeping records of them?

MS. BOSARGE: We do things in sacks, and so, yes. If they are catching a few sacks, then they’re going to start keeping them, and so that’s the best way I know to explain it to you. I don’t have it in pounds.

CHAIRMAN FRAZER: That’s helpful. Thank you. Are there any other questions? Okay. Seeing none, I guess we will ask Ms. Muehlstein if there are any public comments related to this EFP.

REVIEW OF PUBLIC COMMENTS ON EFP APPLICATIONS

MS. EMILY MUEHLSTEIN: We did not receive any public comments on this EFP.

CHAIRMAN FRAZER: Okay. So we will move forward with the next agenda item then. We will have a presentation by Major Skena from the Louisiana Law Enforcement Office.

PRESENTATIONS
LOUISIANA LAW ENFORCEMENT EFFORTS

MAJOR EDWARD SKENA: Good morning, Mr. Chairman and members of the council. My name is Edward Skena, and I’m representing the Department of Wildlife and Fisheries today, and I’m going to give you a brief presentation on our joint enforcement agreement program.

This is my first time addressing the council, and my predecessor, Chad Hebert, was promoted to Lieutenant Colonel, and he’s bringing me up to speed, and so I hope I don’t trip much. If I do, we’ll blame it all on him, especially since he’s not here today. Thank you for your time, and I know it’s close to lunch, and I will be brief, and, if there are any questions, I will do my best to answer them.

For this reporting period, I am happy to report that we had a
little bit more than 9,600 patrol hours. This is actually time spent in patrol status with uniformed agents that are actually out there working, and, as you can see, we have it broken down into commercial and recreational, and we have dockside hours and at-sea hours. In my opinion, those are pretty impressive numbers, and it represents a lot of hard work by the men and women that wear our uniform.

This slide shows the public contacts, and this is the actual number of people that were contacted that were engaged in the fishery. It’s close to 8,300 total public contacts, broken down commercially and recreationally as well.

This number, in my opinion, is also very impressive. Of all of the hours that we spent patrolling, we only have about a little less than 500 hours, and that is actually for administrative duties, writing reports and attending court, and it just further shows that, the allotment of hours that we get, we’re spending the majority of that time actually in patrol status, which I believe is what everyone wants, and I think that’s where you get the most bang for your buck, when you’re out there contacting the user groups and people that are involved in the resource.

I will try not to get in the weeds here. If we need to come back and look at some of these -- These slides are a little bit hard to see, but I will certainly come back, and this is basically -- The next two slides will be observed compliance as it pertains to the commercial fishery as well as the recreational fishery.

It talks about the number of vessels inspected and what it was actually broken down into. Probably the most important of all of these, or the most impressive, is the observed compliance, and you can see that we do have, as far as the commercial industry goes, a pretty high rate of compliance. As it pertains to reef fish, there is still some work to be done, which is why we’re doing what we’re doing. If it was 100 percent compliance, you guys wouldn’t need us, but there is still some work to be done there, and we are doing our best to educate everyone and get everyone on the same page, and, if we need to circle back to those slides, we certainly will.

This is for recreational, and it’s broken down the same way, and, as you can see, in Louisiana, we do have, even on the recreational side, a high rate of compliance. This category, it looks we’re -- Where we have a slight dip is under highly migratory species, and we could certainly come back to this. Charter vessels, you can see down there it’s actually 100
percent compliance, which is pretty impressive.

Of course, we have a few major cases that were made the last reporting period. A seafood company in St. Bernard Parish were found guilty and ordered to pay $750 in fines, one year of probation, and, of course, the special assessment fee, and this related to Lacey Act violations as it pertains to dealing with and selling out-of-state, failure to comply with trip tickets, and failure to comply with federal reporting requirements.

Three subjects on a commercial shrimp trawl were cited for closed season red snapper, over the limit of red snapper, undersized red snapper, and over the limit or overweight of fish fillets. A total of nineteen snapper were seized, and twenty-four pounds of fillets were seized.

The last major case that I want to report to you is a subject was cited for taking a bluefin tuna during the closed season, and he was ordered to pay $4,900 in civil restitution. That is it, in a nutshell, and we’re happy with the way the program is going.

As I stated, we are enjoying some high compliance rates, but we feel like there is a few people out there that will try to take advantage of the situation, and that’s what we’re here for. We’re here to help, and we will continue to educate where we can, and, if that doesn’t work, we will issue citations and conduct investigations to get full compliance. I certainly appreciate your time. If there are any questions, I will be happy to take them.

CHAIRMAN FRAZER: Thank you, Major Skena. We certainly appreciate all the work that you do, and we appreciate the updates that you provided here today. Are there any questions? Mr. Diaz.

MR. DIAZ: Thank you, Major Skena, and I echo what Dr. Frazer just said. I appreciate the work that you do. Without the enforcement part, nothing works. That was a good presentation, but I do want to ask a question though on the commercial vessel observed compliance.

Everything looks high, about where I would have thought it would have been, but that particular one is low, and it’s nineteen vessels inspected and ten cited, and the compliance rate is 47.37, and, if you happen to know, with those ten cases you have made there, what type of cases were those, if you can recall?
MAJOR SKENA: The majority of those, sir, were commercial boats, commercial shrimp trawlers, in possession of red snapper during the closed season. A lot of times, we get on those boats to do just regular compliance inspections, and then we go down into the hold, and we find red snapper. In the majority of those cases, that was the case there.

MR. DIAZ: Thank you.

CHAIRMAN FRAZER: Mr. Swindell.

MR. SWINDELL: I am looking at the one with the bluefin tuna, and it says one subject was cited, and was this the person that actually had the line on the tuna, or was there no penalty for the vessel operator?

MAJOR SKENA: That was for the gentleman that actually caught that fish.

CHAIRMAN FRAZER: Mr. Banks.

MR. BANKS: Thank you, Major Skena. I appreciate all the work that you guys do. You all work really, really well with our biologists, and we couldn’t -- Like Dale said, we couldn’t do it without you guys, and I appreciate the relationship we have with you all.

The question I did have is with the tuna as well, and I’m just curious about the price. Since we’re doing a civil restitution right now, and the agency is updating it, is that a civil restitution set at the federal level, or is that our state civil restitution level?

MAJOR SKENA: That particular case was prosecuted in state court, in Plaquemine Parish, and I think the -- You will have to forgive me, but I think the price per pound that was set by the department for bluefin tuna was $8.50 a pound, which I think is pretty cheap, considering, but that case was prosecuted in state court, sir.

CHAIRMAN FRAZER: All right. Are there any other questions for Major Skena? Seeing none, thank you for your time, sir.

MAJOR SKENA: Thank you, all, and have a good day.

CHAIRMAN FRAZER: Okay. Next on the agenda, we have an update with Dr. Lasseter regarding illegal, unreported, and unregulated fishing report to Congress.
ILLEGAL, UNREPORTED, AND UNREGULATED (IUU) FISHING REPORT TO CONGRESS

DR. AVA LASSETER: Thank you, Mr. Chairman. This is a very brief update, because, unfortunately, the report we were expecting for this agenda item has not yet been released, and so the Texas Parks and Wildlife representative on the Law Enforcement Technical Committee, Assistant Commander Jarret Barker, contacted me, because he wanted to make the council aware of this upcoming report that they are expecting, and this will be a new determination on the Mexican lancha issue that is released from the NOAA Fisheries Office of International Affairs in Seafood Inspection, and so that’s the office that produces these biennial reports on the IUU fishing.

Assistant Commander Barker informed me that he was told that the office has not yet made the final certification or identification decisions, but that they were expecting the report to be released in July. It hasn’t come out yet, but we will keep you updated, and I just wanted to pass it to the Coast Guard for just a moment and see if there’s anything they wanted to add regarding this issue as well.

LT. ZANOWICZ: Thank you. I know this was a very important topic for the council when it came up last year as well, and one of the things that I wanted to stress was that the Coast Guard was not directly involved in the decision to certify or not certify a country or to list them on the IUU list.

Our involvement consists of providing input to NOAA’s Office of International Affairs regarding what we’re seeing. Obviously, the Coast Guard is a primary at-sea enforcement agency, and so we have numbers on detections going back several years, as well as interdictions, and we also provide our input on enforcement actions that we think Mexico should be taking to combat this issue.

For example, in the past, we have asked Mexico to install VMS or AIS devices onboard that tracked the location of these vessels, and that was several years ago that we made that recommendation, and, to date, we have never interdicted a Mexico lancha with a VMS or AIS device installed onboard.

That is pretty much the Coast Guard’s involvement in this decision. Again, we’re not directly involved in the decision, and that is NOAA’s Office of International Affairs, and so I’m sure there’s a lot of factors they consider, but, if the council
is curious about the specifics of that decision, I would
definitely encourage engagement with that office.

CHAIRMAN FRAZER: Dr. Stunz.

DR. STUNZ: I have a question, and I don’t know, Mark, if this
is something you can answer, or maybe other enforcement
officers, but, if Mexico was to be de-certified, I have some
vague understanding that that increases your enforcement
capability or something like that, or I don’t -- There is some
nuanced reason of this certification that allows you all to do a
better job of enforcing this or something?

LT. ZANOWICZ: My understanding is, if they are de-certified,
they could be subject to sanctions. I don’t have any specifics,
in terms of increasing our enforcement capability. However,
sort of related to that, one of our recommendations to NOAA to
require Mexico to do is to increase patrols, Mexican navy
patrols, south of the maritime boundary line and patrolling for
these vessels, and so that could possibly help as well.

CHAIRMAN FRAZER: Okay. Are there any other questions? Seeing
none, thank you, Dr. Lasseter. We’re about thirty minutes or so
ahead of schedule, and we’re going to try to knock out at least
one of these committee reports before we break for lunch, and,
General Spraggins, if you’re willing to give us the report of
the Administrative and Budget Committee, that would be great.

COMMITTEE REPORTS

ADMINISTRATIVE/BUDGET COMMITTEE

MR. JOE SPRAGGINS: Yes, sir, Mr. Chairman. The
Administrative/Budget Committee met on August 12, and the
committee adopted the agenda and approved the minutes of the
April 2019 meeting as written.

I would like to bring up a couple of the agenda items. Item IV
is 2017-2018 Audit Report. Staff presented the results of the
2017-2018 biennial council audit. The audit was conducted in
accordance with the Office of Management and Budget guidance and
was found to be free of material weaknesses. The full audit
report has been uploaded and accepted to the Federal Audit
Clearing House, so that we remain in compliance with our funding
requirements.

Agenda Item V is Approval of the Final 2019 Funded Budget.
Staff reviewed the revised budget for 2019, which was based on
the final funded total of $3,950,758. The funded budget
incorporates the council’s April 2019 request to include
budgeting for a council member to attend in-person and webinar
SEDAR stock assessment meetings and a one-time $20,000
allocation to the five Gulf states and the Gulf States Marine
Fisheries Commission for liaison activity. With the indicated
revisions, staff anticipates liquidating the 2019 funding by the
end of the year. With no opposition, the committee recommends,
and I so move, to approve the 2019 revised funded budget.

CHAIRMAN FRAZER: We will get that motion up on the board. We
have got a committee motion on the board to approve the 2019
revised funded budget. Is there any further discussion of this
motion? Mr. Anson.

MR. ANSON: I just want to clarify -- Dr. Simmons had a little
bit of discussion during committee about some of the states may
not be able to accept additional money if they couldn’t spend it
out, and so that’s something that staff can do, and you can do
with the 10 percent, moving within the budget categories, if a
state -- That’s not going to create a problem for you?

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. I don’t
think it will create a problem, but I think we could keep up
with communication on that, and that would be good, as we get
closer to the end of the year, so we have a better idea of who
will spend those funds and who won’t be able to spend those
funds before the October meeting, and that would be helpful, and
then we can potentially -- We can come back with a more final
number and look at those other projects, and hopefully we’ll
have found out from our grant coordinator how the carryover
budget narrative works and how our next five-year grant cycle
looks, and so we’ll have more information on that and a better
idea of where we stand. Thank you.

CHAIRMAN FRAZER: Is there any additional discussion regarding
the motion? Seeing none, is there any opposition to this
motion? Seeing none, the motion carries. General Spraggins.

MR. SPRAGGINS: Thank you, sir. Agenda Item VI is Review of
Staff presented a projection of the council’s fiscal position at
the end of the 2015-2019 award period. The current projections
indicate that the remaining unexpended funds may be $335,398.
This will be revised and revisited again for the October 2019
council meeting, when staff will bring a list of possible
projects for council consideration.

Until then, any ideas or suggestions should be provided to the
Council Chair and Executive Director by September 30th, to provide adequate time to compose a potential scope of work and related budget for review during the October 2019 meeting.

The next thing is Agenda Item VII, and that is Guidance from NMFS on the Multi-Year 2020-2024 Council Budget Requests and Gulf Council Projection. Staff have developed a draft budget for the 2020 through 2024 administrative award request. This request does not include funding for any activity included in the anticipated carryover activities request for the 2015 through 2019 award. The funding process is not anticipated to change, and so staff will continue to bring budgets to the council annually, based on the actual funding.

The funding request was prepared in accordance with the budget guidance provided by NMFS. The 2020 request is level with 2019 funding, and there is an annual increase projected at an average of 5.7 percent through 2024. If funded at these levels, the total request for the five years will be $22,740,700. With no opposition, the committee recommends, and I so move, to approve the proposed budget request for 2020 through 2024.

CHAIRMAN FRAZER: All right, and so we’ve got a committee motion, and we’ll put it up on the board. We’ve got a motion to approve the proposed budget request for 2020 through 2024. Is there any further discussion on this motion? Mr. Swindell seconded that motion. Is there any further discussion on this motion? Seeing none, is there any opposition? Seeing no opposition, the motion carries. General Spraggins.

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

CHAIRMAN FRAZER: Thank you, Mr. Spraggins. Let’s take a look, Dr. Simmons, at what we might be able to check off on our list. We will go ahead and take care of some of the Other Business items, and, Martha, if you want to go through the blackfin tuna.

OTHER BUSINESS
BLACKFIN TUNA DISCUSSION

MS. GUYAS: I just wanted to give you all an update, because I think we talked about this at our last meeting, that the commission was looking at implementing regulations for blackfin tuna and potentially extending those regulations into federal waters.

The commission sent a letter to the council about this back in June. Since that time, our commission met and has developed a
proposed rule that will be considered at their next meeting in October for final action, and what this would do is it would create a recreational limit of two fish per person or ten fish per vessel per day, whichever is greater, and then that would apply into federal waters adjacent to Florida, and so I just wanted to kind of keep you guys posted about what’s going on, since there was some interest in that. That’s it.

CHAIRMAN FRAZER: Thank you, Ms. Guyas. Is there any questions? Mr. Anson.

MR. ANSON: Martha, have you all received any comments, initial comments, from the public about that?

MS. GUYAS: Before we went to the commission, we had public workshops to kind of learn about how people are interacting with these fish now and kind of what they wanted to see and what they would be comfortable with, and this seems to be okay with most folks, and so we mostly got good feedback.

CHAIRMAN FRAZER: Are there any other questions for Martha? Okay. Thank you, Martha. The second item under Other Business was the release mortality workshop and Ms. Muehlstein.

RELEASE MORTALITY WORKSHOP DISCUSSION

MS. MUEHLSTEIN: Thank you, and so I just wanted to give you guys a quick update on this release mortality workshop that we will be hosting, and that workshop is going to take place on October 7 through 9 in St. Pete Beach, Florida.

It’s sort of a two-part workshop. The first two days will focus primarily on the science behind release mortality and sort of what we have now and what we might need to gather in the future, in order to incorporate any sort of changes into assessments, if we are able to sort of promote the use of these devices.

The actual objective that we have of that first part, the first few days of the meeting, is focusing primarily on the recreational sector to create a roadmap or action plan to promote the use of barotrauma mitigation tools, data collection efforts for discard mortality by fleet and species, and incorporate those results into the stock assessments.

Now, we have sort of talked about this in the past, but there is a good bit of restoration funds available through the Deepwater Horizon Open Ocean TIG, and so part of what we’re hoping to do is to help inform that group of sort of the best ways to promote
as well as incorporate the use of those devices in the Gulf of Mexico and into our scientific process.

Now, the meeting will be open to the public, and we will have a panel, and that panel consists of about twenty-five people, and that includes our presenters, and it is a mix of scientists as well as agency and Gulf Council folks and some invited fishermen as well that will sit around the table and sort of help make those recommendations.

We have invited speakers from the west coast who have had experience with incorporating the use of barotrauma mitigation devices into their management plans as well as into stock assessments, and it actually ended in having increased harvest because of their reduction in discard mortality, and then we will also have some presenters from across the Gulf coast who will present about some of the current science that’s already been done on discard mortality in the Gulf of Mexico specifically.

Following the first two days of the meeting, which is really focused on the science, we will convene our council’s Outreach and Education Technical Committee, and that committee will do a similar thing, and they’re actually going to create a roadmap for the Open Ocean TIG folks on how to best communicate and promote the use of the devices across the Gulf.

Just to remind you, our Outreach and Education Technical Committee consists of the different five state agency personnel and also Sea Grant agents from across the Gulf coast, and so hopefully, by the end of the three days, we’ll really have a two-part roadmap that outlines both the science and the communications necessary to successfully promote the use of these devices and incorporate the use of those devices into sort of the scientific body of knowledge and our stock assessments, ultimately, and so I will take any questions.

CHAIRMAN FRAZER: There you go. Thank you, Ms. Muehlstein. Mr. Dyskow.

MR. DYSKOW: Thank you, Mr. Chair. Emily, who are the people that are coming from the west coast?

MS. MUEHLSTEIN: There is a council member as well as a council staff member, and it’s John Devore and Dan Wolford, and, off the top of my head, I don’t know which one of them is which. Okay. John Devore is the staff member, and Dan Wolford is the council member that was present during all of the discussions on their
release mortality stuff, and they are using yelloweye rockfish as sort of our case study.

CHAIRMAN FRAZER: Mr. Dyskow.

MR. DYSKOW: I just wanted to point out that the biggest success story in that fishery has been with headboats, long-range boats, in that they have significantly increased their catch and their days on the water through this activity of using descending devices primarily, and so it would be nice if we could get someone from the fleet to attend, but, if not, I’m sure the council members could handle it.

CHAIRMAN FRAZER: Are there any other questions for Ms. Muehlstein? Okay. Thank you, Emily, for that update. If people are interested in learning more about that workshop, let me know, or Dr. Simmons or Ms. Muehlstein, and we can get you more details, if needed.

I don’t think that we have any other materials that we can actually accomplish without putting anybody on the spot. I mean, I could ask Chester if you want to do the South Atlantic liaison report.

MR. BREWER: I would prefer to do it now.

CHAIRMAN FRAZER: Then you’re on. Give it a go, Chester.

MR. BREWER: I didn’t know when you were going to get through tomorrow, and I’m going to have to catch a plane, but, the way it looks right now, you’re going to get through early tomorrow.

CHAIRMAN FRAZER: There you go, if you’re willing.

SUPPORTING AGENCIES UPDATE
SOUTH ATLANTIC COUNCIL LIAISON REPORT

MR. BREWER: I am willing to be moving. You all have the rather extensive report in your briefing materials, and I am not going to sit here and read that report to you. There are, however, a couple of items that are on there that I think would be of interest to the Gulf Council.

We have had a request from some of our snapper grouper commercial guys, and this would strictly be Georgia, South Carolina, and North Carolina, that if they have an unlimited snapper grouper permit and they have a lobster tailing permit, that they be allowed to retain a commercial limit, which,
incidentally, is the exact same as the recreational, and it’s
two lobsters, but that they be able to retain the two lobster
per person per trip.

Essentially, when they’re out snapper grouper fishing, they want
to have the ability to get a couple of lobster and bring them
in, and they have to run a pretty good distance to get out
there, and so this would help them a little bit with their
income, and so we’re taking a look at that. As I said, this
would only apply to the waters off of Georgia, North Carolina,
and South Carolina.

Obviously, those are not waters that are regulated by the Gulf,
but the fishery is under a joint management plan, and so, if the
South Atlantic Council decides to go forward with this, anything
that we come up with would have to be approved by this council.

The other one is a request out of our Mackerel AP, and they have
been having some -- The Spanish mackerel folks have been having
some difficulties, and those difficulties appear to be related
to overcapacity, and we have had to close down both the Northern
and the Southern Zones early, and so the AP has come to the
council with a request that we take a look at potentially having
limited entry with regard to those commercial permits and that,
in the Southern Zone, we have a -- We take a look at an
endorsement for gillnets, which are legal in federal waters and
not legal in state waters, but they are legal in federal waters,
and, when I say state, I’m talking about the State of Florida.

We have agreed to go forward taking a look at that, and staff
has been requested to give us a white paper with several options
on it and not just limited entry, but to see what options might
be available, and we will be looking at that, and I don’t know
any timetable for it. It’s kind of in the initial stages, but,
again, because of the joint management between the Gulf and the
South Atlantic Council, if we do come up with something, it
would need to be approved by this council. Mr. Chair, that
concludes my report.

CHAIRMAN FRAZER: Thank you, Chester. Ms. Bosarge.

MS. BOSARGE: Chester, are you all still following up on going
back and looking at some of those closed areas? You closed them
back in 2013 or 2014, and it was closed based on coral modeling,
some modeling results that you had, and you all -- I have to say
that I give you kudos, because you followed through on this.
You said you would go back and look at them after a certain
number of years, once you had more actual hard data, and you
were looking at them because there were some golden crabbers and
some rock shrimp guys that said, hey, you know, this is our
prime time rock shrimp grounds, and there is not coral here, and
I know the model is telling you there is, but there is not, but
those guys came in real late in your process, and I think it was
just too late to do anything, and are you still working on
looking at that and possibly opening some of that back up?

MR. BREWER: I am not 100 percent sure what area you’re asking
me about, and you’re not talking about any of the special
management zones that went into place, and this was like the
Oculina Bank area? Okay.

I know that they are looking at it, and nothing has been brought
before the council formally, to see about reopening some of the
-- These are the areas around the Oculina Bank, I’m sure, up
around -- Not Sebastian, but actually a little bit north of
Sebastian, up around the -- Well, I think around the Cape
Canaveral area and then north. Nothing formal has been started
on looking at that, although you are quite correct that there
were some people that came in and said, hey, this is where we
rock shrimp, and you don’t need to close it, and so, yes, it’s
still on the table, but it has not been moved forward formally.

CHAIRMAN FRAZER: Are there any further questions for Chester?
All right. Thank you, Chester. I appreciate that. All right,
and so we will go ahead and try to knock out the Gulf States
Marine Fisheries Commission liaison report. Mr. Donaldson.

GULF STATES MARINE FISHERIES COMMISSION

MR. DONALDSON: Thank you, Mr. Chairman. Just a couple of
notes. The commission’s annual meeting is scheduled the week
prior to the October council meeting, October 15th through 17th,
in Biloxi, Mississippi, and, as always, everyone is welcome to
attend, and we hope to see you there.

The other issue is the commission -- We talked a little bit
about artificial reefs and materials and whatnot, and Dale
alluded to it, that we have a guidelines for marine artificial
reef materials document, and we produced it a number of years
ago, in January of 2004, and we’re currently in the process of
revising that document.

It kind of outlines suitable materials for artificial reefs, and
it was a joint document done by the Gulf as well as the Atlantic
artificial reef groups, and we are hoping to get final approval
at our October meeting for that document, and I can provide that
link, once it’s available, to council staff, and they can distribute it to the group. With that, that concludes my report.

CHAIRMAN FRAZER: Thank you, Dave. We appreciate that, and we appreciate you getting the report to the staff when it becomes available. Are there any questions for Dave? Okay. Seeing none, I think Mr. Constant might want to say a few words from the U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE

MR. CONSTANT: Thanks. Just a brief comment about Emily’s report and a reminder, I think, that the connection that she has now with this Deepwater Horizon Open Ocean TIG group and the funding resources available and coming up in the future is a great connection for the council.

The Gulf States Marine Fisheries Commission has also kind of inserted themselves into the decision-making process on what gets funded in the next round, even though that’s not imminent, and I think this is a great time to continue that connection to that body and to help drive those resources to things that might help manage or help with the things that influence the species that the council manages.

Both of those avenues I think direct project connections, like with the release mortality study that Emily is involved in and the kind of pre-proposal preparation, I think, that the commission is doing are great places to invest, I think, in some possible resources for the future, and that’s all that I have.

CHAIRMAN FRAZER: Thank you, Glenn. Any questions for Glenn? All right. Seeing none, I think that’s about all of the materials that we’re allowed to knock out before lunch, and so we will break for lunch, and we are scheduled for public comment to begin at 2:00 p.m. At 2:00 p.m., we will start.

(Whereupon, the meeting recessed for lunch on August 14, 2019.)

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August 14, 2019

WEDNESDAY AFTERNOON SESSION

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The Full Council of the Gulf of Mexico Fishery Management Council reconvened at the Hyatt Centric French Quarter, New Orleans, Louisiana, Wednesday afternoon, August 14, 2019, and was called to order by Chairman Tom Frazer.

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

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

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

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

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

If you have a cell phone or similar device, we ask that you keep them on silent or vibrating mode during the meeting. Also, in order for all to be able to hear the proceedings, we ask that you have any private conversations outside, and please be advised that alcoholic beverages are not permitted in the meeting room. Our first speaker is Lawrence Marino, followed by James Bruce.

**PUBLIC COMMENT**

**MR. LAWRENCE MARINO:** Good afternoon. My name is Lawrence
Marino, and I’m here on behalf of Louisiana Attorney General Jeff Landry. Attorney General Landry supports reducing the red snapper for-hire ACT buffer to 9 percent. For-hire has proven its ability to meet its ACTs, and its buffer still allows a significant margin of safety.

However, Attorney General Landry continues to urge the council to authorize state management of the for-hire component for the states that want it. Louisiana does want it, and the Louisiana Department of Wildlife and Fisheries has proven that it can do a good job of it.

As to Amendment 36B, the council members’ comments seem to indicate momentum for the idea that catch shares should be reserved to active fishermen, use-it-or-lose-it. This is encouraging, and Attorney General Landry supports it. Requiring a reef fish permit doesn’t fully solve the problem, but it’s a start, and Attorney General Landry supports requiring this of all shareholders. An additional action requiring actual landings by the shareholders would go even further to restricting shares to those actually doing the fishing.

Attorney General Landry also supports creation of the quota bank to hold shares after divesture, as well as the set-aside quota increases into the bank. This is an opportunity to fine-tune the IFQ program to enable it to address current and future problems and priorities.

A non-governmental operator of the quota bank would increase its flexibility, although it creates other risks. The operator must be fairly representative of the industry as well as knowledgeable of the industry, and it must comply with policy directives and goals set by this council, which must be broad enough to allow flexibility, but specific enough to enable compliance to be policed.

Among the goals of the quota bank must be minimizing merely choosing new winners and losers in the allocation of quota. Any reallocation involves this to some degree, but it’s reasonable if done in furthering specific, legitimate goals. Covering bycatch is one such legitimate goal, though, even there, the operator must be vigilant to avoid merely incentivizing creation of even more bycatch.

The IFQ program itself created the original winners, and the quota bank would at least enable specific problems to be targeted as they are identified, and is therefore a step in the right direction. Thank you.
CHAIRMAN FRAZER: Mr. Marino, we have a question from Mr. Sanchez.

MR. SANCHEZ: It’s more of a comment. I enjoyed eating dinner with you the other night, and that was pretty brave of you.

MR. MARINO: I had a great time. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Marino. Our next speaker is James Bruce, followed by Scott Robson.

MR. JAMES BRUCE: I’m James Bruce, owner and operator of the Snapper Fishing Vessel Dulac. When we started this program, it was just snappers, and I’ve been trying to ask some people, and they explained to me what happened. What we’ve got is a permit and the endorsement, which we did away with, but the fish was assigned to the fishermen. Then, in 2010, when the grouper joined us, the system went from fishermen to vessel, and it went out of the fishermen’s hands.

Then, in the regulations, it says that we was compatible to the groupers, which we’re not. We don’t have no allocation caps, and our rules are totally different, and so that would be putting like us trading with China, and it’s unfair. They have got allocation caps, and they’ve got every cap that you need, leasing caps, and they’ve got catching caps, and their system was set up for the vessel accounts, and, when you throw that extra account in there and you don’t assign the fisherman account, it’s even harder to track where that fish is going.

Instead of having six accounts, like was first issued to the max person, they combined that to one account, but they left it two accounts, because that’s just like a permit. Why do we need to pass new laws where the stuff is going to go if it’s taken by National Marine Fisheries? On the books, they’ve got it already, where the fish goes if National Marine Fisheries takes it.

They also -- How about when somebody dies? You can inherit this, and how that’s in the fishermen, and it’s not. It’s up to the council to pass it, whatever is going to happen to it. If you all want the fishermen, and I know you’ve got the longliners, and there’s about eight of them they told me that’s owner-operated, and I’m owner-operated, and we didn’t know what this would do, but we could at least get compatible, and how can you have two systems that is not in line and working, and this hasn’t been working for nine years, and it’s very easy to change
it.

CHAIRMAN FRAZER: Mr. Bruce, you’ve got a question from Mr. Banks.

MR. BANKS: James, thanks for giving those comments. Can you clarify for me -- What you’re saying is you believe a permit should be required to own shares?

MR. BRUCE: Yes, sir. It should be effective the day it goes into effect, and they’ve got laws already where the fish goes, and why do we got to drag it on? That would be a first step, and then you see what’s going to happen after, and can’t you take that permit -- If you’ve got only two chapters, and can’t you take that second chapter and throw it away, and you’ve got to do the -- Whatever you all call it to do it right there, to pass it. The laws are there.

CHAIRMAN FRAZER: Thank you, Mr. Bruce. Our next speaker is Scott Robson, followed by Avery Bates.

MR. SCOTT ROBSON: Good afternoon, Gulf Council, ladies and gentlemen. My name is Scott Robson, and I run the Charter Boat Phoenix in Destin, Florida. I have been fishing for thirty-some-plus years.

I am here for a couple of reasons, but, first, I would start out with the amberjack. I would prefer the Action 2, Alternative 2, and that’s a May 1 through May 20 season and a September 1 through October 31 season. Possibly, out of that season, we might get at least two months of fishing time out of it, hopefully, and I would also still prefer, as I’ve been speaking about for a couple of years now, the fractional bag limit of one fish per two people. I think, in the long run, it’s going to show that that’s a good action to have, and it’s going to reduce catch rates.

What I am mostly here about is to kind of have the -- How can I say it, but the adult conversation about the bottlenose dolphin problem in the Gulf, and I mean Gulf-wide, and I think sector-wide, and everybody -- I think everybody got this thing, and it’s got some listings from NOAA, and, now, granted, it doesn’t list the mammals on there as the bottlenose dolphin, and they do it on the seals, a couple of different types of seals, on the west coast, but it’s approved listings there of deterrent methods, and I just think that we need to start this conversation of how -- Where do we go from here, and who do we talk to to start this conversation with how can we start to slow
this bottlenose dolphin problem down in the Gulf?

Here again, like I said, on the west coast, they use rubber bullets, and we’re thinking that’s probably a good, viable way here in the Gulf, and I don’t know where this is going to go from here, but I just, once again, feel like this conversation needs to start, because it’s not just a small problem anymore, and it’s kind of a thing we all created, and, when I say all, I mean National Marine Fisheries, fishermen, and all, and it started off with the discards, and we had to do all of that to rebuild this fishery, but we’ve rebuilt a lot of fisheries here, and now we’ve got the dolphin taking them, and it’s in a serious way, and not like a light little pull. They about jerk poles out of people’s hands.

I know we kind of made it all quiet for a while, because it seemed like the only answer from National Marine Fisheries was, well, we need to shorten the season because of bycatch mortality, and I think we’re way beyond that. I think we need serious talk about this, and I don’t know if it’s through the Gulf Council way, if you can make recommendations to NOAA, but I think this conversation needs to be done, and we need to start really getting serious.

Here again, I don’t know if it’s on the Gulf Council level, but who do we talk to and get serious discussions about this, because it’s becoming a bigger and bigger problem, and I just think it’s an avenue to deter them. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Robson. Our next speaker will be Avery Bates, followed by Scott Daggett.

MR. AVERY BATES: My name is Avery Bates, and I’m a fifth-generation commercial fisherman, and I’m also Vice President of the Organized Seafood Association. I’ve been in that position for a while, and I’m a commercial fisherman, and I gillnet and troll and oysters, and I want to tell you what, but our family has fed a lot of people through the years, good, wholesome, wild-caught seafood.

I hate to see that seafood is being stolen away, even violating our Constitution. We are entitled to three things by our Constitution, life, liberty, and property. The common property that I am talking about is fish. The fish that has been given solely to one user group is red drum. In our state, it’s red drum and speckled trout.

When you take and give one user group sole access and name it a
gamefish, you cannot put it on the restaurant table unless it’s pond-raised, and that is stealing from the citizens of this country. If a President takes and names gamefish status on red drum, that seafood, he has violated the Constitution of the United States. No President, no Governor, no entity, should be allowed to steal property that belongs to everybody in this country.

Through the markets -- We supply the markets, the commercial fishermen, and we have fed a lot of people food from our waters, and why would somebody want to take more food by taking gamefish status on more species and more species? Every time you look, it’s either cobia, and I have seen them try to -- In Alabama, try to make pompano, Spanish mackerel, sheepshead, gamefish. You are robbing the citizens of these fish that people ought to eating in our restaurants and enjoying at their own -- Even their business.

Seafood and my business belongs to everybody. Just think that the Corps of Engineers got up here this morning, who is a permitting agency, and they are permitting the destroying of natural habitat, and has destroyed natural habitat in Mobile Bay, and they will destroy it for the next fifty years if they allow what they are allowing, open-water disbursement. They have covered up hundreds and hundreds of acres of healthy habitat for oysters and clams.

They was here before the Corps was here, and they allowed them to be covered up by permitting open-water disbursement, and we was not even, as shareholders, invited to the initial meetings, as shareholders, and they just forgot us, the crabbers, the shrimpers, the fishermen, and what happens when you forget us? You cover up reefs, and you cover up habitat, and you smother the bottom, and you will do it for the next fifty years in Mobile Bay and other bays around this area.

If you think that ain’t a travesty against the property that belongs to everybody -- You are robbing the recreational fishermen by permitting these agencies to do this for the people of America, and not just Alabama. It happens here in this state, and it’s happened in Mississippi, and it’s happened along the Gulf coast by covering up good, healthy reefs that gives oxygen and cleans the water, and, yet, they’re saying they’re doing a good job. What is a good job?

**CHAIRMAN FRAZER:** Mr. Bates, I am going to have to ask you to bring it to a close, okay?
MR. BATES: Okay. I am just getting started, but anyway.

CHAIRMAN FRAZER: Please try to keep that to a limit.

MR. BATES: We understand, but we are trying to give expository -- Defending our right to work our base and see you enjoy good, healthy seafood that my great, great grandfather put on your tables, through the restaurants and through the markets.

If you don’t think that we’re going to rob the people of Alabama and the people of this country, keep allowing gamefish status and keep letting Presidents make Executive Orders like 13449, which Mr. George W. Bush done, without a Supreme Court to overturn it, just like what happened here three years ago, when they tried to give an excessive share of snapper, and the judge overturned it. He had to, according to federal law, and that was Article III, Section 2. He had to rule on justice. Thank you.

CHAIRMAN FRAZER: Thank you. Our next speaker is Scott Daggett, followed by Robert Spaeth.

MR. SCOTT DAGGETT: Hello. I’m Scott Daggett, owner and operator of a longline boat in Madeira Beach. What the guy said, and I don’t know where he was at, but talking about the porpoises earlier, and that’s a problem up and down the coast, but I really didn’t come here for that.

The last meeting I was at, we talked about red snappers, and somehow it got turned into a full-retention fishery, I think it’s called, and I keep hearing this unseen consequences, and, if you can’t see the consequences of a full-retention fishery for the eastern Gulf, then there is a huge issue there, because that would just kill us. We would be carrying fish -- In the western Gulf, they would be able to name their lease price, and we would have to carry that fish just to catch our grouper, and so I don’t see how that would be viable.

Another thing that I would like to hit on real quick is what a new entrant is, because me and my partner bought my boat five years ago, and we’re trying to buy his boat now, and we don’t own any IFQs, and we just bought a couple thousand just a couple of weeks ago, but I would really like a definition of what a new entrant is for this industry.

I’ve been in it for thirty-two years, but I own a boat with no quota, and so am I a new entrant, or do I just get forgotten about in that process? I heard you guys talking about new
entrants the other day, and I just never heard what the
definition was of a new entrant into the fishery. Is it
ownership, or is it permits, or is it IFQs?

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: I don’t believe it’s ever been defined anywhere
in any official way, and so I imagine that it means different
things to different people.

MR. DAGGETT: All right. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Daggett. Our next speaker is
Robert Spaeth, followed by Cliff Penick.

MR. ROBERT SPAETH: Thank you, council members. I’m Bob Spaeth,
Executive Director of the Southern Offshore Fishing Association.
To follow up with the previous speaker, the fishery -- A closed
fishery won’t work for us, because, if we have a choke species
in there, the abundance of snapper, in all the numbers that we
saw here, it won’t come close to working, and we’ll have such a
high underharvest of grouper that it will be amazing, and so we
oppose the fishery being closed.

The other thing we need to look for is we have a big problem
with sharks and bite-offs, and sometimes -- I will give you an
example of, between the porpoises and the sharks, and we had to
have more hooks, and, if you took -- I have talked to a bunch of
the longliners.

If we took a ten-day trip, roughly, they would go through 600
hooks, and, if there was a five-pound average, or pick a number,
if you would, that would be 3,000 pounds of fish, on probably an
average trip would be 6,000 or 7,000, and so what I’m trying to
say is we’re losing a lot of fish that aren’t getting counted.
Sometimes there is more fish there than we realize, because of
some of the degradation, and I don’t know what those numbers
are, but I think we need to seriously look at it.

We also believe that to own an IFQ, or have an IFQ, you must
have the ability to harvest the fish. It doesn’t mean that you
have to harvest the fish, but you have to have the ability. By
the ability, you need to have a reef fish permit, and you need
to have a boat, and you need to have a VMS, and you need to have
all the requirements that an IFQ fisherman that’s fishing has to
have an IFQ, or what’s the sense? Why would you have an IFQ?
Thank you.
CHAIRMAN FRAZER: Thank you, Mr. Spaeth. Our next speaker is Cliff Penick, followed by Bob Zales.

MR. CLIFF PENICK: My name is Cliff Penick, and I’m from Slidell, Louisiana. I’m a snapper shareholder that does not hold a reef permit. I want to discuss some of the divestment language that’s in Amendment 36B.

I worked offshore, and I’m a CPA, and I’ve been a real estate developer, and I own and operate a recreational marina, and now, in retirement, I’m an investor. As I say, for over fifty years, I’ve been a recreational fisherman, and I even served on one of you all’s committees way back for king mackerel and cobia.

In 2015, you allowed the public to purchase snapper shares without having a reef permit. I formed an LLC with my two sons, and we purchased some shares, after being vetted by you all to approve shareholders. I paid for these, and I didn’t inherit them, and I wasn’t given them. I paid for them.

I did it for two reasons. It looked like a good investment, and I wanted to help a small fisherman friend of mine grow his business, by supplying him with -- I leased my allocation to him, and he presently leases my entire allocation every year, and he has grown his business to the point where he’s a full-time fisherman now, and he’s very successful.

Although we’re not in a legal partnership, our business form is one of the oldest around. It’s one guy has the money and one guy has the expertise, and this is the arrangement that I have with him. Shareholders like myself supply the capital for leased allocation. If you can’t afford to buy shares, you can afford to lease shares and operate a successful fishing operation. We’re essentially just like bankers lending money on a boat. We get paid rental rather than interest, but this is a capital infusion into this industry.

Divestment, you put me in business in 2015, when share ownership was opened to the public. Now, only four years later, this language is wanting me to divest my shares, and, if forced to divest, share prices will probably drop, and the only fishermen that would be able to purchase them would be fishermen with reef permits and money, and the scope of this -- Let me do the math.

About 30 percent of the entire snapper allocation is owned by shareholders that lease, and that’s 30 percent of seven million pounds, and that’s 2.1 million pounds. If you equate one pound to one share, and you use a forty-dollar share price, that’s $84
million of capital infusion that’s in this industry because of shareholders like myself.

Who is going to buy back these $84 million worth of shares? That’s my question. This proposal is going to have a negative effect on small fishermen, who rely on the leasing to operate their business. Not to mention the 30 percent of the shareholders that have $84 million at stake. I think, if you force us out, and we have losses involved, I think you’re opening yourselves up to a lawsuit, and there’s no way around it.

In conclusion, the red snapper management has been a success. The stock of the fish is strong. I have been fishing for fifty years, and it’s absolutely the best there is. Your mandate is to manage fish and not to manage investors who are operating in a free market. Either stay with the status quo or, at worst, grandfather in shareholders like myself, who invested in good faith. Some small changes on your part can have tremendous effects down the road, and I think these things all have to be thought out. Thank you. Any questions?

CHAIRMAN FRAZER: Mr. Banks.

MR. BANKS: Thank you for being here, Mr. Penick. I appreciate that testimony. The small fisherman that you work with, was it pretty clear to you that he could not be in this business if it weren’t for you all’s business arrangement, because it’s that kind of a fisherman that we certainly want to see stay in the business, and so the fact that you were able to keep him in business is important.

MR. PENICK: This fellow was a friend of mine, and he had been a small fisherman for a number of years, and he wanted to expand his business. I saw the opportunity to make a good investment and help him at the same time. I lease him -- My allocation that’s leased to him is at a little bit lower price than the going rate.

Now, the going rate on leasing allocation and on share price is on the free market. Any transactions that take place, buying or selling or leasing, go through your website. You are the trading platform for all these transactions. He doesn’t survive strictly on my shares, but I’m a large part of it, and we have a good business relationship, and I’m glad to help him, but this is the same relationship that other investors like myself might have with other fishermen.
Now, we provide -- If they can’t afford it, they can lease fish, and they can work, and the goal of all these guys is to lease them and build up their money and buy shares that they own themselves, but, to me, you’ve got an $84 million capital investment in this fishery, and that’s 30 percent of the total, and you want to fool around with it by making us divest, and I just -- That’s not free enterprise, and that’s not the American way at all, in my mind.

CHAIRMAN FRAZER: Mr. Penick, I think Dr. Crabtree has a question as well.

DR. CRABTREE: We spoke on the phone, you may recall, a few weeks ago, and so I appreciate you being here and your interest in it. In the alternative that I guess you’re referring to that would establish a permit requirement, there are two alternatives in there. One is that it would only apply to people who came in after January of 2015, and then the other one is it would apply after the effective date of the final rule, which would be at some date in the future. Did you come in as a shareholder after January 1?

MR. PENICK: Right.

DR. CRABTREE: The guy you lease to, he’s a small operation, but it sounds like he’s not what you would call a new entrant in the fishery. He’s been in the fishery for a while.

MR. PENICK: He’s been in it for a while, but basically part-time.

DR. CRABTREE: So just a question. You’re an investor, and you’ve been in business for a long time, and so, when you look at investing into something like red snapper shares -- Normally someone makes an investment or a loan, and they evaluate how risky an investment is, and then they weigh the return. How did you judge the riskiness of this as an investment?

MR. PENICK: I knew something about the industry. I fished out of Venice for fifty years, and I know commercial fishermen, and I know recreational fishermen, and I know the hardships they go through, the good times and the bad times. I looked at it, initially, as a dollar investment, and let’s say you get $3.25 a pound lease for one pound, and it costs you -- I have paid anywhere, for the allocation, $32.00 a share to $38.00 a share with the allocation. If you compare $3.25 to a $35.00 investment, it’s a good return. It’s a good return.
In addition, if you write this permit off, or this share off, if you amortize it, the same as depreciation, it amortizes over fifteen years, and so this is a good investment. Number one, I thought that it would be inflation proof, because, as the price of commodities -- You know, everything goes up together, and then I thought it would be price protected, meaning that, if the catch went up, the price would go down slightly, or, if the catch went down -- It would cross at the same place, and that would be the amount of dollars that are willing to be spent on red snapper, and I don’t know that that changes year to year, whether the quota goes up and down, and that was my feeling.

I surely, surely, never dreamed that somebody would try to pull the rug out from me four years after this investment, and I’m just speaking for myself, and I don’t know who has come up complaining or written to you all, but you’re talking about serious money. I don’t know if you could replace $84 million in capital in this market.

DR. CRABTREE: Well, we’re still a way from making any final decisions on it, and so I would say stay engaged, because we’ll be talking about this at future meetings, for sure.

MR. PENICK: Okay.

CHAIRMAN FRAZER: Thank you, Mr. Penick.

MR. PENICK: Thank you, all.

CHAIRMAN FRAZER: Our next speaker is Bob Zales, followed by Ken Haddad.

MR. BOB ZALES, II: Bob Zales, II. I am wearing a new additional hat now. I am the Fishery Management Consultant for Southern Offshore Fishing Association, the grouper people, and so I’ve got the commercial people on one hand and the charter people on the other, which is going to be a big challenge, but we’re going to see what we can do with it.

For SOFA, number one, the full retention thing, there’s no way that they can stand that. You probably wouldn’t see a grouper on the market if you continued that, because they would load up with red snapper, and so we’re completely opposed to that.

Discard mortality, we’ve got all this excitement about it. When you look at every assessment that I’ve been involved with for the past thirty-some-odd years, every assessment includes information in their computer model about discards and
associated mortality with them.

As an example, in red snapper, it includes all of that, and what we’ve seen over the years with red snapper is we have seen a stock biomass continue to increase in size every year, even though it had discard mortality, and so I think people are getting all excited probably about nothing now, and clearly we don’t like discards. I don’t know any fisherman that likes throwing fish back, especially fish that are not going to survive, and so, in that respect, we need to try to do something about it, but it really doesn’t have an adverse impact on the stock.

When it comes to the quota banks and the IFQ situation, I was one of two 200-pound permit holders that was on the initial advisory panel that created or recommended the IFQ plan, and my recollection is the original intent of the IFQ plan was not to create investment opportunities or create a commodity, but it was a tool to be used by commercial fishermen to help them be able to fish when conditions were best for them and to try to reduce discards and discard mortality and to do all of that, and so, sitting at this table, you all have got Dr. Shipp, and I think Kevin was probably there for a lot of it, under Vernon, and Roy, and Robin, who is not here, and they were the only people sitting here that really were involved in the creation of that plan.

I think, if you talked to all of them, they would probably agree with what I’m saying, and so, in 36B, you need to look at some of this. The leaseholders that are there, that plan never was created for somebody to not have a permit and not have a boat and to be able to get on the telephone one day a year and knock down a whole bunch of money, and so you will need to look at that.

You have got the grouper longline fleet that can use some quota to try to help, because, at the time this was done, snapper weren’t down there on the west coast of Florida, and they’re there now, and so, in that respect, we need to try to help. Any questions?

CHAIRMAN FRAZER: We’ve got a question from Mr. Diaz.

MR. DIAZ: Thank you, Captain Zales, for providing your testimony and coming. You had sent us an email about the problems that you all are having with dolphins, and sharks too, and I was just going to see if you wanted to talk about that just for a minute, because I am very interested in that.
MR. ZALES: Scott Robson sent me that thing that you got about what they're doing on the west coast, and so I sent it to you all with some information, because people that I have spoken to -- This is a Gulf-wide problem, or, actually, it's a national problem, because it depends on the mammal that you have, east coast or west coast or Gulf, and it's a problem.

Apparently there is a way to try to help deter some of this on the west coast that the Fisheries Service has allowed, and this is a universal problem, and it's across all sectors, and it's one of those issues to where somebody like me, that's working both sides of the fence, have an issue that it works for everybody to try to resolve, because the commercial guys have this problem, whether you're hook-and-line, and the longliners clearly have the problem with the sharks and the dolphins.

Sharks, in our area, in Panama City -- My family and I have been in business for fifty-four years in Panama City, and I have never seen as many sharks as we've seen over the past several years fishing. Fishing is tough enough trying to keep fish, and, when you've got dolphins pulling them off, and you've got sharks pulling them off, and you've got dolphins playing with them, and it creates a problem, and it's something that needs to be addressed. However we're going to do it, I don't know, but it's something that definitely needs to be done.

CHAIRMAN FRAZER: Thank you, Mr. Zales. Our next speaker is Ken Haddad, followed by Eric Schmidt.

MR. KEN HADDAD: Thank you, Mr. Chairman and council members. I am Ken Haddad from the American Sportfishing Association. First, I want to -- I didn't have a lot to say, and so I want to thank Executive Director Simmons and her staff, and you don't get enough thanks, I don't think, for all the work you do for these council meetings, and at least a lot of us in the audience appreciate what you do.

We support postponing further discussion on Amendment 52 until the winter meeting. We hope you will continue to work a solution in the IFQ program to deal with the discards, and you're hearing a lot about it, and we're also anxious to move forward on recreational discards. We're looking forward to the outcome of the upcoming mortality workshop, and we'll be pushing for action from that workshop.

Kind of another area that came up yesterday was a discussion on OY, which makes everybody glaze over, but what I got out of the
discussion was that there hasn’t been enough thought put into
two positions calculated OY and it’s just some percentages
thrown out, and we think that that’s going to be an important
value, based on Magnuson, in the future, and we hope that the
council will spend some time on it, with the SSC, to come up
with a way to calculate OY appropriately, taking into account
socioeconomic and ecological factors.

Finally, I want to thank the Chairman for putting the needed
discussion on an allocation process on the agenda yesterday, and
hopefully it will continue. It seems to be deafening silence
revolving around it right now, but there is a NOAA Policy
Directive requiring this discussion and an outcome, and we hope
you get dialogue going that meets the letterhead and the intent
of that policy directive. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Haddad. Our next speaker is
Eric Schmidt, followed by Ken Pearson.

MR. ERIC SCHMIDT: Good afternoon. My name is Eric Schmidt from
Fort Myers, Florida. I’ve been a licensed captain for thirty-
seven years, and I have a dual-permitted vessel, and I both
commercial fish and charter fish, and I also operate a multiday
headboat out of southwest Florida.

I also am representing twenty-three charter captains out of the
southwest Florida region. First of all, we would show our
support for the 9 percent buffer for ACT for red snapper.
Second, we also fully support Option 2b, the thirty-hour
requirement for the two-day bag limit.

I was the one that came before you in Destin and requested the
council consider putting African pompano in the federal
management plan. The State of Florida is the only state that
regulates African pompano, and, because there is no federal
management, the State of Florida regulation carries into federal
waters for charter boats and recreational fishermen only. As
you heard in your presentation, there is no limitation on a
commercial harvest. There really is no commercial harvest of
them.

The FWC came up with a two-fish per vessel limit, and that was
an arbitrary number. That’s not based on science, and there was
no stock assessment, and there was nothing done. It was
stakeholders that made a recommendation. From the best
information I can gather, that’s how the FWC arrived at the two-
fish limit.
It’s getting very difficult in our area, in southwest Florida, to put a trip together. In thirty-seven years, I have never seen red grouper fishing this bad. Red snapper are everywhere, and we only have a sixty-day season for the charter side. When you’re commercial fishing, you’re lucky if you can find IFQs.

Amberjack season is open when we don’t have any fish, and, if they were open in the springtime or in the beginning of the year, that would be one thing, but they’re open at the end of the year, when the fish really aren’t around, and I have heard other testimony about sharks, and sharks are an absolute nightmare.

My last commercial trip, a rod-and-reel trip, in four days, I went through 125 hooks, and so I re-urge the council to possibly consider putting African pompano in the fishery management plan. If the FWC just randomly decides that it’s two fish per vessel, based on no science, and every other state in the Gulf of Mexico, Texas, Louisiana, Mississippi, and Alabama, they have no regulations, and there is no regulation on how many they can harvest, but only on the west coast of Florida are we constricted to two fish per vessel.

CHAIRMAN FRAZER: Mr. Schmidt, it looks like we have two or three questions, and I’m going to start off with John Sanchez.

MR. SANCHEZ: Thank you for your testimony. What would you want to see on African pompano?

MR. SCHMIDT: Why couldn’t we do one fish per person?

CHAIRMAN FRAZER: Ms. Guyas.

MS. GUYAS: That was my question, but thanks for being here, and we’ve had a lot of conversation about this, and I appreciate it.

CHAIRMAN FRAZER: Dr. Shipp.

DR. SHIPP: Eric, your desire for the pompano thing, is it because that makes it easier to sell trips, and is it something that people are really interested in catching?

MR. SCHMIDT: Well, we’re selling trips, but it’s getting harder to keep something in the box. If it’s not red snapper season, then the fish go back. If it’s not amberjack season, then the fish go back. If it’s not one of the six months that gags are open, then the fish go back. Not all fisheries are catch-and-release. Most of the people that do offshore fishing like to
have a bag of fish to take home at the end of the day.

DR. SHIPP: Can you target African pompano?

MR. SCHMIDT: Yes. We have seen a biomass in the last five to six years that has really exploded.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: Hi, Eric. I heard you say that the red grouper fishing was the worst you’ve ever seen it, and what’s the gag fishing like?

MR. SCHMIDT: Not much better.

DR. CRABTREE: Thanks.

CHAIRMAN FRAZER: Thank you, Mr. Schmidt. Our next speaker is Ken Pearson, followed by Robert Jones.

MR. KEN PEARSON: Good afternoon. My name is Ken Pearson, and I’m a forty-four-year veteran of running charter boats out of Fort Myers Beach. I own a boat called the Seatrek, and we do overnight trips, two and three-day trips. I do support the option of 2b on the multiday bag limit of thirty hours, and I have no issues there, and I’m all for it.

One of the issues I do have is, when I was looking at your chart on the amberjack, the current chart really alienates the southeastern Gulf recreational fishermen. It’s almost biased, in a way, and it favors the western and northern Gulf. Now, I know this council is aware of the catch landings in the southeast Gulf, especially that time of year, September and October and August.

These amberjack are like tourists. Come after Easter, and I-75 is a main hub, and they head north, and so do the amberjack. The amberjack in the southeastern Gulf, the water gets so hot that they head north, and there is no doubt. Then those waters get invested with barracuda and shark, and then the little amberjack that are on the wrecks and the springs and the ledges, when they get caught, they get eaten by the sharks and the barracudas.

In the last two weeks, I have probably put in 400 miles on overnight trips that we caught six keeper amberjack. Since June, I logged in almost 4,000 miles, and we threw back about fifteen keeper amberjack. These amberjack are not in our area,
and so, when I look at that chart, and I see the months that are
opening for those months, all those fish are up in those areas.

What I’m getting at is, to be fair, and you guys do this for
king mackerel, it’s got to be a sector for each part of the
Gulf, when it comes to amberjack. You have the western, and you
have the north, and you have the southeastern, and it’s not hard
to copy that format, like you do the king mackerel, where each
area, for an economic impact of when their season is, it helps
them and benefits them in the time of need, and so, in August,
the kids go back to school, and the Fort Myers area, the whole
southeastern area, there is no season.

In September, you have storms. In October, you have storms, and
that does nobody any good in the southeast Gulf, from Tampa all
the way down to Marco. There is just no business, and so we’re
not even fishing.

In January and February and December, the northern guys will
tell you that those fish -- That water gets real cold, and those
fish migrate south, and we catch the big amberjacks on all the
areas I fish in January, December, and February. Those
amberjacks are anywhere from thirty to eighty pounds. This time
of year, they are gone. They are non-existent, like I just told
you, the amount of fish that we catch, and it goes way below --
It’s almost non-existent.

CHAIRMAN FRAZER: Mr. Pearson, I’m going to have to ask you to
wrap it up.

MR. PEARSON: Not a problem. On the recreational bag limit, I
do prefer the one per person. If the quota is met, then it gets
shut down. Making people divide fish isn’t good. Let them have
one fish.

On the final, I would like to see the Gulf of Mexico be brought
up in different zones, where it’s fair for all recreational
fishermen, and not just the western and northern Gulf of Mexico,
in those times of the year. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Pearson. Our next speaker is
Robert Jones, followed by David Chalona.

MR. ROBERT JONES: Good afternoon, council members. I wanted to
start by saying that my name is Robert Jones, and I’m the
Director of the Gulf of Mexico Program for Environmental Defense
Fund.
I wanted to say congratulations to Councilwoman Bosarge and Chairman Frazer on your reappointment, and also to Troy, who is not here today, and I also wanted to say thank you to all of the states in their second year of the EFF, and it looks like you had a pretty successful year. In particular, Lance, I wanted to say thank you for Texas, for doing the politically hard thing and doing the right thing in the fishery there, even though you had to shut it a little bit early.

On Amendment 52, we’re supportive of delaying until the January council meeting, and, on the for-hire buffer framework action, we’re supportive of Alternative 2, of going down to 9 percent. As you know, we were supportive of sector separation from the beginning, and we thought it would be a good move for both of the components of the recreational fishery, and it has worked.

It has allowed that industry to stabilize their businesses and provide more access to the American public, and I think that they’ve been responsible, and they have earned the opportunity to keep that buffer a little bit lower and put more fish on the table for them.

Finally, I just wanted to make a little personal note, and this is my last two weeks at Environmental Defense Fund, and I will be leaving, and so it will probably be my last Gulf Council meeting, and I just wanted to say thank you to everybody at this table who I have worked with over the years.

I have the ultimate respect for the staff of both NMFS and the Gulf Council and all of the council members for the work that you do. I know, a lot of times, it’s not rewarding work, and you take a lot of beatings, but we know you’re all here for the right reasons, and you’ve done a pretty incredible job, and I have enjoyed working with you, and so thank you so much, and have a good day.

CHAIRMAN FRAZER: Thank you, Mr. Jones, and good luck in your new position. Our next speaker is David Chalona, followed by Bart Niquet. Is David Chalona in the audience? Then we’re going to move forward. The next speaker will be Bart Niquet, followed by Chris Niquet.

MR. BART NIQUET: Bart Niquet, and I’ve been fishing since 1946, and I’m a veteran of World War II. I have had three commercial boats, one charter boat, and I ran headboats for about twenty years, and I have learned a little bit about fishing.

One of the things I learned is that we were told that the fleet
of snapper and grouper fishing was overcapitalized and we had to reduce the fleet and diversify. I think we have reduced the fleet some, but not enough, according to your own people. We keep talking about new entrants, and, according to the rules you have, you cannot get a new entrant, and the entrance has to come from the reef fish program, and there are no extra reef fish, and it's restricted. You restricted it. Your own rules are what has caused this problem in the red snapper fishery, if you call it a problem.

I would like somebody to explain to me the difference between my leasing red snapper allocation, which, incidentally, I got paid a good price for, and the council setting up a so-called quota bank. The view from the dock is the same to the fishermen. You already require a reef fish permit and restricted species endorsement, and your plan would put all of the allocation, within just a matter of a few years, in the hands of the big players, the big money, and there would be no place in there for anybody else to get into the fishery.

There now exists such a demand for allocation that, if I had 200,000 or 300,000 pounds today, I could make two phone calls and get rid of all of it at $4.00 a pound, and I know you won't believe that, but there's some people in the audience right here now that will take 100,000 and be glad to get them, and so there is something wrong, and there needs to be more allocation.

The charter/headboat sector this year took a beating. They won't tell you that, but they did. They need an additional five to eight days for a season, and the recreational fishermen, even though they went over again, they could probably use another week or so, but you're talking about discards in the eastern Gulf, and what about the western Gulf? They have more discards than the eastern Gulf does, and so that's all I've got to say.

One more thing. Your own fishery expert and a council member stated in public hearings, five or six years ago, that, at that time, the snapper fishery could stand a sixteen to twenty-million-pound TAC, and it hasn't happened yet, and, if you can't believe your own biologist, why should we believe you? Thank you.

**CHAIRMAN FRAZER:** Thank you, Mr. Niquet. Our next speaker is Chris Niquet. Mr. Niquet, just a minute.

**MR. SPRAGGINS:** Mr. Niquet, I just wanted to tell you, real quick, that thank you, sir, for your service, for serving our
country and for what you’re doing now in fighting for it still
today. Thank you. (Applause)

MR. CHRIS NIQUET: My name is Chris Niquet, and I have a letter
here from a fellow that needs allocation, and I’m going to read
the letter to you. It says that my name is Billy Currie, and I
used to lease fish from you about six or seven years ago, small
amounts of 1,000 or 2,000 pounds, and I have been leasing 50,000
to 70,000 pounds in the last few years, but I can’t find much.
I lost your number, and so I figured I would write you, but I am
looking for 40,000 pounds of red snapper. I am willing to pay
whatever the going price is. If you don’t have any, maybe you
know somebody that does. I am an independent fisherman. Thanks
for your help.

When he wrote me this letter, it was January 2, when I received
it, and all of my poundage had been leased by the 15th of
January. It was gone, and I couldn’t help him. The reason you
have a problem with discards is because the council will not
issue enough allocation to cover it.

It’s very simple. Anybody with any background in economics can
tell you that, if there is an increased demand, or not enough
supply, the price will go up on any commodity, and I don’t care
if it’s sugar or snapper, and it don’t matter.

The next thing I need to talk to you about is the value of
poundage, quota, and some of you people may have heard of a
fellow called Warren Buffet, and he’s the most successful
investor of our time, and he started buying Coca-Cola shares in
1951, and he’s never sold a share, not one share, at the present
date. Coca-Cola returns about 3 percent.

If you charge $4.00 for allocation, and you think 4 percent is a
good return, above that of Coca-Cola, that makes shares worth
$100. Do the math. I’m against full retention in the fishery,
and I will give you a scenario.

If you go out and you catch some fish, and maybe you catch some
red snapper down in south Florida, and you don’t have any in
your account, and you’re coming in, and you can’t land them
legally, and Chris’s phone call comes at 3:30 in the morning,
and you’ve got to have them.

Don’t put these fishermen in a position to where they’ve got to
have them and Chris can charge $15.00 a pound, because you’ve
got to have them, because believe me, people. If I don’t do it,
someone will. Thank you for your time, and I will take any
questions.

CHAIRMAN FRAZER: Thank you, Mr. Niquet. Our next speaker is Brian Niquet, followed by Kendall Dix.

MR. BRIAN NIQUET: How are you all doing? My name is Brian Niquet, and I’m an IFQ shareholder, and I’ve been fishing all my life, since my father started, and I would like to make a couple of points. You cannot have a partnership with recreational fishermen, and I’ve seen a piece of paper over here where it says that you all had a partnership started.

The IFQ program on the commercial boats have had cameras and observers and everything else, all the pounds, and pounds come back as a pound. On recreational or charter boats for-hire, what do you get on the paperwork? We’ve got six fish, seven fish, or eight fish, and usually a pound is a pound is a pound. Charter boats and commercial boats aren’t seen the same if they’re catching a pound of fish. The estimates have got to be off.

I believe that there need to be surveyors or observers on the boats, since the longliners had to take them ten or fifteen years ago, why shouldn’t everybody else, to have a non-biased opinion. It’s just something that I have seen this year and last year and the year before, but that’s about all I’ve got to say.

CHAIRMAN FRAZER: Thank you, Mr. Niquet. Our next speaker is Kendall Dix, followed by Casey Streeter.

MR. KENDALL DIX: Hi. My name is Kendall Dix, and I used to be a restaurant cook, where I relied on the commercial fishing industry, and I’m a recreational inshore fisherman, and now I work for a conservation group called Healthy Gulf, which is based here in New Orleans, and so I try to see it from a lot of different sides.

I haven’t been to a council meeting in a while, and I’ve missed everyone here very dearly, but I’ve been spending a lot of my time on some petrochemical development stuff here in Louisiana, and I have started to have some experience looking at how some of the stuff on inshore can affect sort of like what’s going on in the water here and whether it’s in St. James Parish here or in Florida, seeing how fertilizer production creates these large phosphogypsum piles that create serious environmental hazards for fisheries.
What they’re making as fertilizer -- Well, first of all, it’s synthesized, usually, from oil and gas, which anyone in this room can tell you what happened in 2010 with BP, and it doesn’t really matter how well you manage your fishery. If something goes wrong outside of the control of what happens in this room, everyone suffers for it.

Anyway, those fertilizers go upstream, and they get put onto fields to make industrial food, and the nitrogen and phosphorous comes back down here, and we have harmful algae blooms, and whether that’s the dead zone that Former Chairwoman Bosarge alluded to earlier today, or also the red tide, blue-green algae, and a lot of these problems are happening upstream, onshore, and there’s not really -- We think that there’s not really a lot that we can do about it, but what I would like everyone in this room to think about today, on either side of this, is what can we do to start to address some of these issues.

What we’ve seen this year with the fresh water coming down, I attribute a lot of that to the filling in of wetlands upstream, and we’re having more extreme rain events, and the levee system and all of these things that are happening are affecting all of us, and I don’t think any of us really have a good answer for how we’re going to do that, but I think that it’s time that we start thinking outside of our silos here, because I honestly think that everyone here works really hard on this and is doing a pretty good job managing the fishery.

A lot of species have come back, and I know that there’s still a ton of challenges, and everyone gets really mad, but we can only do so well here if we don’t start to break out of our silos. There is not going to be as many fish to fight over here in a lot of years, and I wish I had a good answer for how to go about that, but all I know is that we need to start thinking more big-picture and whatever actions that we can take.

I know recreational and commercial fishermen and conservation groups are all united in wanting to protect the resource, and we need to start looking at who some of the other villains are that are working to sort of take those fish away from us, and so thanks.

CHAIRMAN FRAZER: Thank you, Mr. Dix. Our next speaker is Casey Streeter, followed by Ronald Chicola.

MR. CASEY STREETER: I want to thank you guys for having me. I’m Casey Streeter, and I’m a first-generation fisherman, owner
of three commercial bandit boats, and one is dually-permitted, and I own a fish house in southwest Florida.

I am for lowering the buffer for the for-hire sector for red snapper, and I am very against the full-retention fishery in the eastern Gulf. I think it’s got some consequences that will be sewn into, and it will increase, obviously, the red snapper lease, and you won’t be able to leave the dock unless you’ve got the fish, and it’s going to disrupt fish supply. I count on fish from longline boats, and it’s important to my business, and it’s important to my customers.

I am grateful that you guys are looking at our fishery issues that we have, and I think that a good way to do it would be some of the exempted fishing permits, maybe regionally done, to see what we’re really actually working with in our fishery and what it would take to be sustainable.

Dr. Crabtree, two meetings ago, said a profitable fishery is an easier fishery to manage, and to put fish in the hands of the men that are out on the water making their living is important. I mean, you can’t call a carpenter a carpenter if he doesn’t have nails.

Also, with the ecosystem-based management, hopefully you guys will be moving forward with that in the next couple of years. I mean, the fishery is diverse, and the eastern Gulf is diverse, compared to the western and compared to itself, the northeastern Gulf and the southeast Gulf, and so they need to be recognized just how different they are and how important they are to the economies that depend on the fisheries, and so that’s about it.

Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Streeter. Our next speaker is Ronald Chicola, followed by Jim Zurbrick.

MR. RONALD CHICOLA: Good afternoon. I wanted to clear up a few things first on the discards. I have got the exact numbers, and we’ve been filling out the discards all year long and sending them to NOAA, and they’ve sure got the numbers, but they just haven’t put them together yet, I guess is their problem, but the numbers are about a pound, 0.5 snapper per grouper, in deep water, deepwater grouper, 500 or 600 or 700 feet of water. I’ve got the exact numbers here if you want.

The next thing is there is rumors and people talking, and National Geographic is on my boat. I signed a contract with them and let them go on the boat, and they want to film weather
and fishing and oil platforms. They want the whole nine yards, and we’re getting some pretty dramatic film the other day in that little hurricane thing, but, anyway, I get to edit the film before it’s shown on TV, and it’s going to be six episodes, and I can put on there whatever or take off whatever I want, and I made sure of that when they put it on the boat, but it should be good for everybody, and it’s not going to be bad. I think it will be a good thing.

One more thing about the snapper is they don’t belong out there. Mr. Roy and others, they don’t belong out there. 400 or 500 or 600 feet of water, snappers don’t barely live. They’re not even built for that. They’ve got small eyes, and they have hard bodies. To live in that kind of water, you’re supposed to have big eyes and be soft, but they have adapted, and they need to be harvested out of the deep water.

I don’t see why we can’t do like they did with red drum. The red drum are born in shallow water, in the bays, and the state takes care of them. When they go out into the Gulf, the state changes the regulations and still takes care of them. When he goes out a bit further, then the federal government takes care of them. Them deepwater snapper need to be caught and harvested, and they need to be pushed back into the shallow water where they belong, and they don’t need to be out there in the grouper grounds.

To do that, Mr. Roy will say, where do you get the fish to give you for the discards, and I think it’s pretty simple. You are writing a death certificate for a million-and-a-half pounds of year that we’re going to kill to harvest a million pounds of grouper, and go to NOAA and say here’s the death certificate for next year for a million-and-a-half pounds of snapper to go along with the million pounds of grouper, and, if you will sign it, we will put it on people’s tables to eat instead of for sharks to eat. That’s all I’ve got to say about it.

CHAIRMAN FRAZER: Thank you, Mr. Chicola. Our next speaker is Jim Zurbrick, followed by Randy Lauser.

MR. JIM ZURBRICK: Thank you, council, for allowing me to speak. That last gentleman had some good thoughts, actually. The charter ELBs, and I’m a commercial fisherman from Steinhatchee, but, the charter guys, they have to get this January 1. We have been watching the postponement, and we’ve got to get them on the ELB program with positioning. Positioning is the key.

It’s the ground-truthing, and, by the way, you would know
exactly where we were at. If we had this a year ago, we could have been looking at this amberjack better, because at least the charter guys would have been reporting very accurately, hopefully, what they’ve been catching.

Just as anecdotal evidence, and not that it’s going to mean anything, and I don’t know, but we have four charter boats in Steinhatchee, and they did eleven trips for amberjacks, and not a single boat came back with a thirty-four-inch amberjack. I don’t know if it means anything, and we’re only fishing eighty-five or ninety feet, but we keep going a little farther, but it’s just something, and it’s kind of weird. I wouldn’t have expected that.

Also, as far as 36B, I am for a permit requirement, but you have to have something else to go along with it. You’re going to have to have a lease cap allocation price. Otherwise, the people who have invested for just speculation purposes only are just going to look at the permit as a cost of doing business. They will put it on an old boat and put it in the yard, and so you’re going to have to have some other things of actively fishing, and, just like when we developed the grouper IFQ, “substantial fisherman” was the term that came up.

First we had it at 4,000 pounds, and I don’t think there was any limit at first, and then it was 4,000 pounds, and then it went to 8,000, and so, when you go forward with this, just having a permit requirement is just not going to be good by its own standalone, and I have some more.

I have caught 5,862 individual red snappers this year. I am fortunate. I own some snappers, a small amount, really, but I get them from a friend of mine that is reasonable with his lease, or I think it’s reasonable, and I only had five discards. If I wasn’t able to secure the kind of poundage that I’m getting through leasing, if we were to have reallocation and take that away from me, I am going to be discarding a lot more fish. I only did five because they were actually under thirteen inches, because I get paid the same for a thirteen-and-a-half-inch snapper as I do a twenty-three-inch snapper.

The people that I deal with, Lombardi Seafood in Orlando, are very good about it, and they want -- Actually, small fish is really coming back. They cook them individually now, I guess.

Set-asides, set-asides is a discussion we could have, but it would have to be from going forward. Had we had a set-aside discussion and really gotten some traction before this last
increase, maybe there could have been a set-aside, but my wife
Patty and I, who a lot of you know, we bought -- Only because of
this increase was there some snappers available for us to buy
some more, because nobody was getting off of any before the
increase, and so that increase made some available for us to
buy, but now I think it should only be for future increases, and
we can have that discussion. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Zurbrick. Our next speaker is
Randy Lauser, followed by Gary Bryant.

MR. RANDY LAUSER: Good afternoon, council. I’m Randy Lauser,
owner and operator of a longline vessel in the eastern Gulf. I
just wanted to reiterate about the full-retention fishery, and
it would totally kill us. Just the numbers don’t add up. We
would probably be able to fish one month, and then we would be
done for the whole year, and that would kill the new
participants, which I am training right now to have one, and my
partner, Scott, just put one on his other boat, which is a new
participant, and we’ve got to keep -- Because there’s no new
blood in our fishery, and so we’ve got to keep it going.

Another thing is, at the beginning of this year, we lost 65
percent of our red grouper quota, and that’s partly because of
sharks and porpoises. Three years ago -- I’m a smaller boat. I
go for seven or eight days at a time, and I was catching 7,000
or 8,000 pounds in seven or eight days.

It slowly got less and less and less, as the sharks came in, the
porpoises came in, and it just -- We are losing a couple
thousand pounds a trip just to these fish, and so, when you look
at the stock assessment, you need to take that into
consideration, because that’s fish that we are catching, but we
just can’t get it to the surface, and that’s about all I’ve got
to say. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Lauser. The next speaker is
Gary Bryant, followed by Kenneth Daniels.

MR. GARY BRYANT: Good afternoon. I’m Gary Bryant from Fort
Morgan, Alabama. I own three six-pack boats, one of which is
dual-permitted, and I’m President of the Alabama Charter Fishing
Association.

Some of the issues are the electronic logbooks, and we’re ready
to move ahead. I’m glad you are sending out information, and
I’ve had people asking me questions, and I really haven’t had a
good answer for them on what was happening, and so I’m glad to
know that you all will be putting out some information for us. We appreciate that.

Charter boats in our association would like to support the buffer for our red snapper going to 9 percent, and, the amberjacks, I think they’re in trouble off of Alabama, and they haven’t come back, and we’ve got a lot of boats fishing, and not a lot of people are having the success that we expect to have.

We would support fractional bag limits if it made a difference. The numbers I saw of 9 percent doesn’t appear to make a difference, and so, if it’s only 9 percent, I don’t think we need to go there. If it would give us the full fall and May, I would like to look at it, but I don’t see a reason to go there if it’s not going to make a difference. We don’t want to open that can if it’s not going to be a benefit. We also agree with postponing 52, and I think that was a good decision.

Some of the future issues we would like to look at, we would like to have a carryover provision. Right now, I think we’re subject to a payback if we overfish, and we would like to be able to carry some of these fish, and I know we lost some days for weather this year, and I think our catch rates are down, and our average size is probably going to be done, which that is a good thing for longer seasons, but we would like to look at a possibility of a carryover.

King mackerel, for whatever reason, we’re not catching them at the rate we normally catch them, and I have only caught two this year, and not that I fish for them, but usually we catch them just by accident, and one thing that I would like to suggest is the size limit.

Some of the fish that are being caught by our trolling boats now are undersized, and we’re throwing them back, and I don’t think the survival is real good on those, and so we would like to look at reducing the size, or not having a size limit, and we’re not coming near our quota, and so these are fish that may not be surviving anyway after we have caught them trolling and had to deal with not getting the teeth, and so I think it would be good if we could keep the smaller kings.

On some of the other issues coming up, on ecosystem, the dolphin and the sharks, that is an issue, and it’s getting worse in our area, and I think we would like a way to deal with discouraging dolphins legally, and I don’t want to see any people getting in trouble for shooting dolphins and all this, but it is a problem, and it is hard to deal with.
The dolphins are training their young to do the same thing they're doing. I mean, if you've got a dolphin out there with little dolphins, they are teaching them to steal your fish and to do it, and so it's an issue that's not going to go away, and I would like to encourage something to be started that would be approved to discourage the dolphins from being around the boats. Thank you.

CHAIRMAN FRAZER: Mr. Bryant, we've got a question from Dr. Shipp.

DR. SHIPP: Hi, Gary, and thanks for coming. You covered a number of species, but how about cobia this year compared to last year? Are things better or worse or pretty much the same?

MR. BRYANT: They were down for me. The boats at my dock were down. You had to make a big effort to catch cobia. In the past, I caught cobia without trying, and they would come up -- When you were snapper fishing, the cobia would come up to the boat, and we would catch them, and that hasn't happened in several years, and so the people that are catching cobia have to go specifically to go to a lot of trouble to catch one. They are just not appearing like they did in the past, when we would pull up on a spot and they would swim around the boat.

CHAIRMAN FRAZER: Thank you, Mr. Bryant. Our next speaker is Kenneth Daniels, followed by Mark Kelley.

MR. KENNETH DANIELS: Good afternoon, council and NMFS. Thank you for your time. I am Kenneth Daniels, a commercial fisherman and owner operator of a longline vessel in the eastern Gulf of Mexico, and I'm also part of the SOFA organization, and I sit on the chair for membership.

I would like to talk to you guys today about the stocks of red snapper in the eastern Gulf of Mexico, and we're seeing them rebound even stronger, and we're even seeing hybrid snapper in the southern Gulf of Mexico, 60 percent American red snapper and 40 percent possibly Caribbean snapper, and so we're seeing influxes of different breeding inside the species stock also, which is helping to make our stock bigger, and we believe that, between the TEDs and the bycatch excluder devices in the shrimp fishery in the southern Gulf of Mexico, especially the pink shrimp fishery, it has helped for those stocks to rebound, and that's why we're seeing more fish there, and, with this hybrid kind of snapper, possibly we do have our own biomass of snapper in the eastern Gulf that is separate than the western Gulf, and
so there might be something there.

Then, also, cooperative research, and I have just volunteered with Mote, and we’ve got the cameras set on the boat this trip, and it’s heading offshore right now, and so this will be the first time that we’ve got cameras on the boat to monitor bycatch, to see the sharks, and we do have a big porpoise problem.

I think a lot more fishermen would be interested in research programs like this, but we really kind of need a biological opinion on sea turtles and then also a definition of a positive interaction with a sea turtle versus a negative interaction with a sea turtle. That way, guys would be more open to seeing what’s going on out there, because there are some interactions, but we’ve been taught, and we’ve been trained, and we’re doing our best to release any interaction that we have with sea turtles the proper way of detangling them and unhooking them and making it viable.

Definitions of crew, we have no definition of crew, and a definition of the new entrants and a definition of small operators in the industry. The industry would like to be part of that also, helping to define these definitions, because it is defining us and what we do. Thank you for your time today, guys.

CHAIRMAN FRAZER: We’ve got a question from Ms. Bosarge.

MS. BOSARGE: Not a question, but just a comment. I think that’s the first time I have ever heard that, that we need to have a definition for a positive interaction with a sea turtle versus a negative interaction with a sea turtle, and that’s a really good idea. Thank you.

MR. DANIELS: Yes, ma’am. You’re welcome. Thank you, guys.

CHAIRMAN FRAZER: Thank you. Our next speaker is Mark Kelley, followed by Larry Lemieux.

MR. MARK KELLEY: My name is Mark Kelley, and I’m from Panama City, and I have two charter boats. Both boats are dually-permitted, and I am fully invested in the IFQ program.

The first thing I want to say is that we’re the home of the Hurricane Michael, and we’re not real proud of it, but we’ve got it. The fishermen of Panama City were helped by several organizations, and I just want to pay a little public thanks to
the Destin Charter Boat Association, Panama Boatmen’s Association, NACO, IGFA, American Sportfishing Association, Lake of Ozark, and Yamaha, and there are several more that I couldn’t think of at the time, but they gave money to help the fishermen and their crew, which was a big asset, and so thank you.

Amberjacks, the first thing I want to talk about is I can’t read that packet and believe anything I hear, because of all the crap we’ve been fed over the years. If we went to thirty-four inches, we would have had a ten-month season, and the season -- Our spring season in the eastern Gulf was stolen from us, because we threw out there that we were going to change the start date to August 1, because of the spawning, and then I sat in here yesterday, and we pull up that, oh, we’ll start the season in July now, and so, one of the months we were going to use for spawning, now we’re going to start it. I mean, this amberjack is our livelihood, and we need you to get it right.

I am proposing that let’s go back to a regular physical year of January 1, and let’s open it on May 1, and that gives the eastern Gulf their May season, which we was robbed of, and I believe to open it back up in August and let it run, and we’re going to have to let it run until we see what we actually get, as far as amount of days.

I am for a permanent 9 percent buffer on the snapper, which would help us drastically, and I want to talk a little bit about the quota bank. I sat in the committee yesterday and listened, and, when I started, I was grandfathered, and I was given, or however you want to say it, 800 pounds of red snapper.

I didn’t have no quota bank, and I tied everything I had up, and I am fully invested in the snapper industry now, and I bought them the way a normal businessman gets into business. He went to a bank and he borrowed the money, and so the new entrants can get in it. The small businessman can buy, but it’s just a matter of sacrifice. I would love for a small interest loan, and I would buy me some more.

Also, the king mackerel, what Gary Bryant -- If we have all this fish that are dying, I guess, by your numbers, that we’re not catching a year, let’s do away with this king mackerel size limit, and the king mackerel -- By the time you handle them, the mortality rate is high, and so at least let’s cut out a little bit of that waste.

One last thing I want to talk about is the descending device. I have used the descending device with the FWC projects, and I am
not crazy about it, and I’m not for it being mandated. Right at
this particular time, if I put a descending device on my boat,
I’m going to have a fifty-five-gallon drum of them, because,
everything we descend down, that thing is going to be eaten off
by a shark. We have got a massive shark problem to go along
with a massive porpoise problem. If you have not experienced
it, you need to go on one of them charter boats and see it. If
you want you a big pull, we’ve got it for you. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Kelley. Our next speaker is
Larry Lemieux, followed by Kelia Paul.

MR. LARRY LEMIEUX: Good afternoon, Gulf Council. My name is
Larry Lemieux, and I’m the owner of North Bay Light Tackle,
again in Panama City. I am going to just follow-up on what Mr.
Kelley said. On October 10, 2018, we endured a Category 5
hurricane, and we lost not only our houses, but some of us lost
our businesses, and, not only that, we lost the habitat for the
fish.

I have been fishing in Panama City for more than twenty-five
years, and I am going to say, inside of twenty miles, we
probably lost more than 50 percent of our habitat for red
snapper and black grouper and gag grouper and amberjack and
black snapper. We lost it all.

Some of us have been in business a long time and can afford to
rebuild places, but I feel like, in my heart, I feel like the
state should come in, and we had a great presentation this
morning by the Army Corps of Engineers in Panama City. I felt a
little opposition from some of you guys up here, like you just
kind of shrugged it off, and we need help.

Not only did we lose our house, but we lost places to fish. The
fish have got to have a place to live too, and, if there’s no
place for the fish to live, then how are we supposed to go out
there and catch them? Anyway, again, I want to also say, like
Mark said, to NACO and IGFA and some of the people that came in
and shared some dollars with some of our families and crews, we
really did appreciate that.

The next thing is the amberjack. The amberjack, we want to
start the physical year on January 1, and what calendar do we
have where we start a calendar in the middle of the year? You
all, January 1 is the beginning of the year, and let’s start it
on January 1 and go from there.

I am for I believe it’s Action 3, Alternative 2, where you have
the full month of May with a split season and also having a fall
season of September and October, and I am for the fractional bag
limit if it keeps us a longer season staying in business, and I
believe that Mr. Crabtree said yesterday that we’ve got to have
some kind of fish to offer a customer at each part of the
season, whether it be spring or summer or fall. It gives me an
opportunity to offer my customers something to catch.

On the snapper, I’m also on the 9 percent on the buffer. The
sixty-one-day season was the longest season that I have endured
since I started when I was in my early teens. Snapper has
definitely done some rebounding, and you all did some great
work, and let’s keep up the good work.

As far as the descending devices, as Mark said, unless you’re
going to give us to them by the barrels, we are not going to be
able to keep up with them. The sharks are just a -- Pardon my
French, but they’re a hell of a problem. I mean, I fished a
fourteen-hour trip the last day of snapper season, and I lost
100 hooks with six people, and that’s ridiculous. It’s just
plain ridiculous.

We have let the sharks, and now the dolphin has learned to pull
our fish, and we can’t even go trolling in the morning. I had
some four and five-year-old kids two mornings ago, and you can’t
get a fish to the boat. How am I supposed to tell a four-year-
old that they can’t catch a fish because he’s got to compete
with an animal as smart as I am? It’s hard. It’s real hard.
Real hard, but I try. I try.

Other than that, that’s about all I had to say. Like I said,
not only are the sharks picking on us guys that fish in the
Gulf, but I am fortunate to have a light tackle business, and I
do a lot of bait fishing, and I do a lot of speckled trout and
red fishing, and the dolphins are just as bad on the trout and
redfish as they are on the grouper and snapper.

It has just gotten out of hand, and I don’t know what we can do
to combat it, and I don’t -- We can’t shoot them, and I don’t
want to go to prison. I have a little girl to raise, but we’ve
got to do something at some point. Something has got to give,
and so let’s see if we can find somebody to get us some kind of
resolution to fix this problem. Thank you, all.

CHAIRMAN FRAZER: Thank you, Mr. Lemieux. Our next speaker is
Kelia Paul, followed by B.J. Burkett.

MS. KELIA PAUL: Good afternoon. My name is Kelia Paul, and I
am with the Fishing Vessel Longshot out of Panama City Beach, which is dually-permitted. I have sent a full statement to everybody on the council via email, because I tend to be a little verbose and can’t get all my points in.

The most important for us is what a lot of the people before me have said, my colleagues have said, is amberjack. I sat and listened to all the council meetings and the committee meetings over the last couple of months, and there are multiple comments that have been made that this program is in its infancy and it needs more time to prove successful. However, we all sat up here, years ago when this was implemented, and we told you guys this was how it was going to go. We were going to lose May, and we were going to lose revenue, and we were going to lose tourism over it, and it still got implemented, and here we are, unfortunately, and I don’t like to play that card, but we were right, and it’s hurting us.

The decision that you guys made by not listening to us really hurt our businesses, and we need some rectification on that. Change the year back to the calendar year, and Dr. Hollensead, and I listened, said that, just because you do so, it doesn’t mean that you have to start the harvest on January 1.

I don’t know if you guys know, but we don’t get a whole lot of tourism in January, February, and March, and so I don’t think that’s going to be an issue. Give us May and start it back in August, and it seems pretty simple.

The other thing that I have noticed is a lot of the back-and-forth is between the spring and the fall in the eastern and the western Gulf, and that seems to be the holdup. If you guys -- We would like to see an additional action, or alternative, which would be to split the quota. Don’t ask me percentages. I don’t know, and that’s you guys, but I would like to see a split quota between the spring and fall seasons and then paybacks to each of those if they overfish, and that seems to be the simplest resolution, as far as I see.

If that is not the case, which right now it’s not, 2.1, Action 1, Alternative 1, no action. 2.2, Action 2, modify that back to 1/1 to 12/31, which is what I said, and, for 2.3, Action 3, no action, leave the months as they are.

The red snapper buffer, 9 percent is good. We are also in support of the thirty-hour minimum for the multiday bag limit, and, for my last point, I listened to the committee for Data Collection this morning, and I see that we’re rolling back the
VMS implementation for electronic logbooks.

I know there’s a new letter coming out, and I’m really anxious to see that, because the whole thing was -- My issue was that we were only going to get the time between our trips -- The times these captains get back into service and then dealing with their customers to be able to report, but, if we’re not going to have those VMS, how are we implementing it in January? Are we going to paper? If so, that would mean there is a turnaround time, which is what I think that we need anyway.

We should be able to have the time to take it and gather all that data. Fish is one thing, but fuel prices, the amount of consumption of fuel, all that stuff takes time for them to compile, and doing it in a turnaround on a multiday trip, dealing with customers and regulations and things, it’s almost an unfair ask, but, if we’re not doing electronic logbooks, and it’s okay to have a difference in the time and the turnaround, then why can’t we just let that slide? That’s my thing.

CHAIRMAN FRAZER: Thank you, Ms. Paul.

MS. PAUL: Thank you.

CHAIRMAN FRAZER: All right. Our next speaker is B.J. Burkett, followed by John Black.

MR. B.J. BURKETT: My name is B.J. Burkett, and I own and operate a charter boat overload vessel out of Panama City, Florida. It’s dual-permitted, and I’m an IFQ holder, and I also have a full-time commercial boat based out of Apalachicola.

The main reason I’m here is mainly charter boat stuff. The amberjack is a real big issue with us. The start date needs to get back to January 1. Get the start date back to January 1, and I would propose a split season, 50 percent in the spring and 50 percent in the fall, or if it’s got to be 60/40, whatever it needs to be, but give us a split season with payback provisions for each season.

If they go over one year, punish them the next year, whatever you’ve got to do. If that cannot be done, the Action 3, Alternative 2 I guess would suffice, but, first and foremost, we really need the calendar year back to January 1.

The next thing I want to talk about would be the red snapper, and the buffer definitely needs to be permanent at 9 percent, and it’s worked for several years, and so let’s stick with the 9
percent buffer.

Next would be, as you’ve heard today, and in many meetings past, the sharks and the porpoises. If we don’t do something soon, as a council, because it’s going to be on you all’s shoulders, there won’t be no need for you all as a council, because there won’t be nothing left. It’s getting serious.

The sharks -- I mean, there is days that we lose upwards of fifty fish due to the sharks. If you can get them through the sharks, then you’ve still got to get them through the dolphins, and it’s a major issue, and you all are kind of just leaving it and not saying much about it, and I know that everybody loves Flipper, but a lot of fishermen hate him, and so you all really need to get serious about it. I mean, it is a laughing matter, but it’s hurting our fishery bad, and it’s gotten really bad over the last three or four years.

The descending device, like everybody else has been saying, it’s going to take a pile of them, and that’s all I can say. The last thing that I want to talk about, and I’ve heard a couple of people up here, the gentleman earlier from the Corps of Engineers about artificial reefs and all, and we need more habitat, habitat, habitat.

I mean, the easiest way I look at it is it’s kind of like farming. You’ve got to plant new plants to grow crops, and so, I mean, put some more reefs out there, artificial or natural, and your natural structures change, and they cover up, and some have covered, and some have uncovered, but artificial -- I personally witnessed reefs that have only been out for six months in the last few years that have fish on them from this big to this big, and they are growing these fish. We are farming these fish, and we need you all to help us get more reefs in the Gulf. Thank you, all.

CHAIRMAN FRAZER: Thank you, Mr. Burkett. Our next speaker is John Black, followed by Alicia Paul.

MR. JOHN BLACK: That’s kind of what I feel like when a dolphin grabs hold of my fish multiple, multiple times a day, and that’s a four-year-old girl right there that had a rod smashed out of her hand on my boat. They are dangerous, and it is a monumental problem, and it is not just a problem, but it’s a plague.

This is not an every-once-in-a-while problem. It’s an everyday problem, and it’s a drag fish across the top of the surface at ten or twelve knots and greyhounding dolphins after them, and
please help us with this. Sharks are the same way.

I am sorry. I’m John Black, and I’m from Panama City, Florida, home, unfortunately, of Hurricane Michael, and we have taken a massive hit, and we had a lot of help, and we do appreciate it, as Captain Mark Kelley said, and we appreciate everybody that helps us, and we appreciate the council. This is my first meeting.

I appreciate the work that you’ve done, and I’ve seen it firsthand, and I have fished out of Panama City my entire life, since I was five years old, in a canoe with a hole in it, and I didn’t have the sense not to row in the Gulf and go fishing, but I have always loved fishing, and I have always loved our resource.

We need to change our fishing year back on amberjack to January, and we need to open up in May, so we have a May fishery. That’s when we are able to make some money and have something to fish for, and at the same time protecting our resources, and please help us with that.

I really feel like, if we don’t deal with the dolphin -- That’s the main thing that I wanted to speak about, is the dolphin and the sharks. If we don’t do something, we’re going to continue to damage our resources, and it’s not going to go away. This is not going to go away, and I hope that I get to stand up here at some point and thank you all, and, from what I’ve seen of the way you work, I think I will at some point, and I think you will take hold of this and do whatever you can. I have never met you, Dr. Crabtree, but I’ve known about you for many years, and I trust you all will take care of this and help us be able to take care of our resource. Thank you, sir.

CHAIRMAN FRAZER: Than you, Mr. Black. Our next speaker is Alicia Paul, followed by Mike Eller.

MS. ALICIA PAUL: Good afternoon, everyone. I’m Alicia Paul from Panama City, the dually-permitted vessel Longshot. I will start with the amberjack. We need a spring season. Historically, we’ve had a three-month spring season and caught 75 percent of the quota. At this point, we have no spring season, based on the current regulations and start date change that you all set last year, against our recommendations in the fall of 2017.

I am completely against the fractional bag limit, if it’s only going to give us a nine-and-a-half-percent reduction, and I’m
not a math major, but that’s 10 percent. 10 percent on a ninety-day season is nine days, and that ain’t helping us. I would prefer a 50/50 split for spring and fall with paybacks and overages taken from its respective season, whether it be spring or fall.

Unfortunately, at this time, that’s not an alternative choice, and so, under the current alternatives, I prefer Action 3, Alternative 2, under Table 2.3.1. This is going to reestablish a January to December start date for both the recreational and commercial sectors, to allow the harvest in the same timeframe for a more accurate stock assessment and help the rebuilding process, which ultimately is the goal, right? That’s about it for amberjack.

For 36B, its purpose is to assist small participants and new entrants to the IFQ programs and to reduce discards and to increase access to shares to actively fishing eligible commercial fishermen, and so you asked who are these eligible or new entrants, and I believe Ms. Bosarge said it right when she said they’re not new participants, and we’ve already got a moratorium on these permits, and access is already limited. We are the fishermen, and we are the people out there leasing these fish, and we are catching them, and we are your new participants.

We are having to lease these fish in order to go catch them, and it’s not just to go target that species. We are leasing these fish simply for bycatch, to reduce our discard mortality. By the time I cover the cost to lease the red snapper allocation and I lease that allocation and I pay that cost to lease it, I am making a dollar a pound or less. It’s a flawed system.

You said you would like to have a quota bank, but you all have no plan to achieve those fish or to support that quota bank. There are flaws in the program, and you all are struggling with distribution of the reclaimed quota, and I support distribution either being weighted based on participation or adaptive management, as Dr. Crabtree said, where it cycles.

The bottom line is there needs to be an easier way for the actively-fishing fishermen to obtain allocation, or even shares, and that are needed to be able to survive in the industry as it is now. Cliff Penick, and I think that was the gentleman’s name, got up here, and he’s a private investor, and at what point did we take the fish away from the fishermen? The fishermen are now fighting to go back out there and catch those same fish, because we don’t have the means or the capital to
achieve those fish. Sorry. I know I’m out of time, but I’ve
got a little more to say.

CHAIRMAN FRAZER: Just a little bit.

MS. A. PAUL: Okay. The dolphins and sharks are a real big
problem. The dolphins are a nuisance, and the sharks are -- We
need some sort of legal deterrent for the dolphins, and we need
to be able to harvest these sharks, particularly sandbar sharks.

The king mackerel mortality rate is high, and, when you catch
those fish, they’re dying already, and let’s do away with that
size limit, so we get a little closer to our ACL, and that’s
about it. Thank you, all.

CHAIRMAN FRAZER: Thank you, Ms. Paul. Our next speaker is Mike
Eller, followed by Greg Ball.

MR. MIKE ELLER: Thanks, council. I’m Mike Eller from the
world’s luckiest fishing village, Destin, Florida. I am amazed
to say this is my thirty-seventh consecutive year fishing out of
Destin, and I average between 190 and 220 days a year, mostly
charter fishing, four-hour trips to three-day trips, with some
commercial fishing.

On amberjacks, please revisit the reduction numbers for the
fractional bag limits. They don’t seem credible. Amberjacks
are much more important to me in May than they are in August.
The most important months for me, and for a lot of people in
Destin, would be May, September, and October.

I’m an IFQ shareholder, and I purchased my shares, starting in
2009, and I’ve invested a lot of money in it. For the last four
years, I have not commercial fished, because my crew is worn out
after the charter season, and so we lease our fish to the fish
house where my boat docks, and there is three small boats there,
and those guys are smaller operations, and they don’t have a lot
of money, and my fish goes to those guys right there.

My fish house that I lease to does not have a commercial permit
anymore, because they sold their boat, and so, if you make
everybody have a reef fish permit, it’s going to wreak some
havoc.

I do think that the IFQ system needs to be tweaked. The thing
that gets me the most is the fact that the fish can be passed on
generation to generation to generation, and one day these fish
are going to be owned by somebody in Ohio that their uncle left
them to them and so we need to -- There is tweaking, and there's things that need to be done.

I wanted to read to you from NOAA’s website: Feeding and attempting to feed dolphins is harmful and illegal, because it changes their natural behaviors and reduces their wariness of people and vessels. They learn to associate humans with easy meals and change their natural hunting practices by begging for handouts and taking bait and catch directly off the fishing gear. Dolphins also teach these unnatural and risky feeding strategies to their calves and other dolphins. Dolphins are then more vulnerable to vessel strikes and to fishing gear entanglements and ingestion. They may also fall victim to extreme retaliatory acts, such as shooting, by frustrated boaters and fishermen. Harassment is illegal and occurs when any act of pursuit, torment, or annoyance has the potential to injure the animal or disrupt its behavior. Any human-caused change to a dolphin’s behavior may constitute disturbance or harassment. Certain critical survival behaviors are particularly vulnerable, and disturbance may lead to injuries or death. Long-term negative impacts includes compromised health, reduced reproductive displacement, blah, blah, blah.

We’ve got a dolphin problem, and it’s gotten worse and worse and worse and worse and worse. They bring the little babies around, and I mean it’s just incredible. They snatch the rod out of a seven-year-old girl’s hands and slam them to the rail. If we can use a rubber bullet to deter a sea lion, we can use a rubber bullet, which is actually a pellet and it’s not a bullet, to deter the porpoises. They are not an endangered species. They are strictly listed as protected. We have got to do something. It’s out of control.

Sharks, we have to have some type of incidental catch. Normally, when you have a shark interaction, it’s down deep, and you don’t ever see the shark. Nowadays, three or four sharks circling around your boat is not uncommon at all, and it’s incredible, and have never seen anything like it.

As far as -- There was a couple other things. The king mackerel thing, we don’t catch king mackerel anymore, and it’s amazing, and I don’t know what happened to them. I don’t know where they’re at, but we don’t catch them. We don’t catch them at all. We used to catch them, and they used to be a big part of our fishery, and we don’t see them, and we don’t catch them. The boats that do catch them right outside the inlet, if you get one on, you’ve got about one minute, and those dolphins come greyhounding towards you, and it is incredible.
I mean, if you want to see them, you just go -- Jim Green, the president of our association, told me the other day that he had thirty dolphins attacking his people and attacking their fish. Typically, for me, I will see one or two, and the dolphins will follow you. The NOAA website tells you to leave the area, and the dolphins follow you. If you go slow, they get in your wake, and they use your little perpetual motion machine, and they just follow you, if you go three or four miles.

If you pick up and run and burn a lot of fuel, you get about five or six miles, and you will get about ten or fifteen minutes before other dolphins set in on you. The dolphins are territorial, and not all dolphins are alike. The offshore ones, they come around, and these are ones that they stake out their territory, and they are waiting for you in the morning when you get there. When you go over here, there is another set over there, and it’s a very, very serious problem. Thank you for your time.

CHAIRMAN FRAZER: Thank you, Mr. Eller. Our next speaker is Greg Ball, followed by Scott Hickman.

MR. GREG BALL: Good evening. I am Greg Ball from Galveston, Texas. I’m a charter boat operator and President of the Galveston Professional Boatmen’s Association. We’re in the middle of amberjack season, and it’s going well in Texas. We’ve got to go a long way to get them. We’ve got to go about seventy miles, minimum, but we get there, and we get full limits of amberjack, and we’re fishing just about every day.

The half a fish just doesn’t work for us. We need to keep it as a whole fish. We’ve got plenty of amberjack, and I don’t see a problem with it. We need to stay with a whole fish.

On the reallocation, Amendment 52, we support postponing that. On the charter/for-hire buffer for snapper, 9 percent is good. It was a great season this year, and we would like to see it stay that way.

On the study that Dr. Stunz has done with the Great Snapper Count, they use SeaQualizer to send those fish down, and I don’t know the numbers yet, but I know it’s pretty high, the tagged fish that’s been caught, and it’s a great program. We were the first organization to use those SeaQualizer, and we made it mandatory for all of our members to use the barotrauma device that they used in sending the snapper down.
We have sent them down through sharks, and we’ve sent them down through dolphins, and they survive. They don’t get eaten. Snappers go, and we get the SeaQualifier back up, and so I think they work. We are using them, and we’ve used them all summer long, and it’s been great, and we’ve saved a lot of fish. I think it ought to be that everybody should use them, and so it’s a good idea. Thanks to Dr. Stunz for working on that program, that snapper count.

The other thing is Preferred Alternative 2, Option b, in the multiday trip document for allowing trips over thirty hours, two days or more, to keep their two-day bag limit at any time throughout that trip, and I think that would cut down a lot on discards and fishing mortality if they can keep their two-day catch anytime during that trip. That’s all I’ve got.

CHAIRMAN FRAZER: We’ve got a question for you, Mr. Ball, from Greg Stunz.

DR. STUNZ: Captain Ball, thank you, and I have a question, just to be clear. When you’re talking about descending those fish, clearly the dolphin or sharks could get them once they’re released, but have you lost your gear from sharks or dolphins, the actual SeaQualifier gear from sharks?

MR. BALL: We have not. We get it back, and so, if they get them after they’ve got down, they did, and we don’t know that, and we don’t know if they got them or they didn’t, but we get our gear back.

DR. STUNZ: Right. From the scientific releases we’ve done, the thousands we’ve observed, animals are depredating or whatever off of your released fish, but we have never lost any -- Not a single SeaQualifier yet to a shark.

MR. BALL: That’s awesome. I appreciate it.

CHAIRMAN FRAZER: Thank you, Mr. Ball. Our next speaker is Scott Hickman, followed by Lance Nacio.

MR. SCOTT HICKMAN: Mr. Chairman and members of the council, I appreciate you hearing from us today. I’m Captain Scott Hickman from Galveston, Texas, a thirty-five-year licensed captain and participant in both the federal charter/for-hire and commercial reef fish fishery and an IFQ shareholder.

First off, I would like to thank the Gulf Council staff and the agency folks for all their hard work on the Gulf charter/for-
hire ELBs and getting this program on the water soon. I would
like to thank Phil Dyskow for his comments on really bringing to
light the big problems that we’re having in discards on red
snapper in the Gulf of Mexico and embracing solutions to fix
that, and that’s everybody’s problem. It’s the commercial side,
and it’s the charter boat side, and it’s the recreational side.
We are discarding probably millions of pounds of perfectly good
red snapper in the Gulf of Mexico every year.

Everybody fights in this room over we want more fish from your
side, and we need more fish, we need more fish, but we’re
throwing back the fish that could help solve those problems.
One way to do it, and I’ll eat crow here today, because I sat at
this microphone and argued with Dr. Stunz a few meetings ago,
and we participated in helping tag some of those fish, and I
didn’t think it would be successful, because I had been involved
in other tagging programs where we used cages to release fish,
mark and recapture type things, and the SeaQualizer works.

It is absolutely the gold standard to use for releasing red
snapper back into the water where they will survive, and that’s
why we get such a high recapture rate coming from his program.
I see social media, all summer long, with people catching red
snappers with tags in them, and it obviously worked.

I didn’t believe that it would be that successful, but I saw it
with my own eyes. It works. It works so well that we provided
a SeaQualizer for everybody in our organization, and we made it
mandatory that everybody in the Galveston Professional Boatmen’s
Association uses these devices when snapper fishing now, and
we’re going to lead by example, and we want to see this thing
mandatory, and we want to stop throwing fish back in the water
dead for dolphins and sharks to eat and to float off, and we
want those fish to be able to reproduce and create more red
snapper and for people to catch in these different sectors.
Enough on the SeaQualizer.

I speak in favor of the current Preferred Alternative 2, Option
b in the for-hire multiday trip document. This would also
reduce discards, because you’re not forcing these people to fish
twice for red snappers in two days, and they can do all their
snapper fishing at once, and then they can go out and carry on a
different activity.

Recreational or charter/for-hire jack season, I would like to
see it stay status quo until we get more data on that, and then
we can make a better decision. The charter/for-hire buffer
amendment, Action 1, Preferred Alternative 2.
As far as shooting bottlenose dolphins with rubber bullets, even though that sounds like a lot of fun, because they bother me too, I would have to get a really good divorce attorney if I started shooting at dolphins. My wife loves dolphins, and so good luck with that. Thank you, all.

CHAIRMAN FRAZER: Mr. Hickman, we’ve got a question from John Sanchez.

MR. SANCHEZ: I want to congratulate you on being elected Chairman of the Flower Garden Banks Sanctuary.

MR. HICKMAN: I appreciate that, John.

CHAIRMAN FRAZER: We have another question from Dr. Stunz.

DR. STUNZ: Thank you, Captain Hickman. Not so much a question, but just a comment, and I appreciate you and your group being leaders in terms of taking that leadership role to reduce discard mortality in our region of the Gulf, and so I appreciate that.

MR. HICKMAN: Thanks for the work that you’re doing on that. It has opened a lot of people’s eyes, how successful this can be, and I would hope that this council would embrace this movement, and it will leave a lot more fish in the water, and we need more fish, obviously, by listening to these public comments. Thank you, all.

CHAIRMAN FRAZER: Thank you. Our next speaker is Lance Nacio, followed by Neil Gryder.

MR. LANCE NACIO: Good afternoon. I’m Lance Nacio from Montegut, Louisiana. I’m a third-generation commercial fisherman. I have been in the shrimp business since 1997, and, probably by 2002, we created markets to sell about 80 percent of our shrimp, and we have a plate freezer onboard, and we sell whatever bycatch we can sell, and so, about three years ago, I started buying reef fish, because we do eight farmers markets a month, and fish is something that consumers want, and so we started buying reef fish from a fellow fisherman, and I have two boats, and I just decided to diversify and buy a permit and start handling the fish ourselves.

We’ve got an offloading permit, and we have a processing room, and we do everything we can to get the most we can get out of the fish, and, because we have no access to quota, other than
leasing, we target like all kinds of bycatch, and we created a
network of chefs and people who are buying all this bycatch, but
it’s still like one of the most challenging things I’ve ever
done, as far as making a successful business out of it.

My nephew, he’s twenty-eight years old, and he’s the captain of
the boat, and he’s always worked for me, and he made really good
money shrimping, and, I mean, it’s real challenging for him, and
he’s got a new baby on the way, and about 80 percent of what we
come in with is red snapper, because that’s the easiest fish to
catch, but we’re targeting all the other fish that we can bring
in, and he brings in probably twenty species of fish a trip, and
we have found homes for all of them, and most of it goes
directly to a consumer or to a chef, and it doesn’t go to the
fish house, and, I mean, it’s still really challenging to make
it in this industry. If I didn’t have a successful business
going on, I wouldn’t have made it three months in the reef fish
fisheries. That’s all I’ve got to say.

CHAIRMAN FRAZER: Thank you. I’m sure we’ve got a couple of
questions. Mr. Banks.

MR. BANKS: Thanks, Lance, for being here. I appreciate that
testimony. You said that you are leasing red snapper so that
you can sell those when you catch them.

MR. NACIO: Right.

MR. BANKS: What was the business reason behind not buying those
from somebody?

MR. NACIO: Just the cost. I had to borrow $100,000 to convert
the boat and buy a permit and everything it took to get into
that, and I didn’t have the capital to buy it, and so, luckily,
I was able to work with a fish buyer that gives us quota every
trip to fill for him, and then we lease some for other reasons,
but, every trip, the boat comes in with 4,000 to 5,000 pounds of
fish, which is not a lot, but 80 percent of that fish is red
snapper, and the margins on the red snapper is so thin that no
one really makes money, at the end of the day.

MR. BANKS: Thank you.

CHAIRMAN FRAZER: Thank you very much. Our next speaker is Neil
Gryder, followed by John Law.

MR. NEIL GRYDER: Good afternoon, council. My name is Neil
Gryder, and I own Relentless Sportfishing out of Venice,
Louisiana, as well as Sportsmen Management, which is based out of Ocean Springs, Mississippi. I have been owning Relentless for about two-and-a-half years now down in Venice, and we do about 150 to 180 days a year, and I also have been recreational fishing and hunting for my whole life, and so I’ve noticed that there is a lack of data coming in on the recreational side.

What we’ve been doing at Sportsmen Management is we’ve actually developed a mobile app for data collection for recreational fishermen, as well as hunters, throughout the five Gulf states for now, but we’re going to go up the east coast as well, go to the South Atlantic and everything, I guess, starting on January 1, and we have a beta product coming out for the data collection process this next month, and we’re going to be testing with groups from the Florida Keys all the way to Freeport, about 450 guys across the whole Gulf of Mexico.

We will also do points of license sales for all fifty states, and so you’ll be able to have a proof of purchase for all of your hunting and fishing licenses right there in the palm on your hand on one mobile app, and it will have all the news feeds for all the government agencies for each state, and it will have all the rules and regulations for each state, and I just wanted to kind of introduce myself and see if you all have any questions, and I will stick around and give out business cards or set up meetings or whatever we need to do. Thank you, all.

CHAIRMAN FRAZER: Thank you, Mr. Gryder. Our next speaker is John Law, followed by Benjamin Kelley.

MR. JOHN LAW: I am John Law from Panama City, and I’m a six-pack passenger permit holder, and I’ve been in business for twenty-three years, and I just basically wanted to say thank you for all your work and help on the red snapper, and it has helped us immensely, and, after all we’ve been through in Panama City, we could use all the help we can get.

The 9 percent buffer, I definitely support that, and I would like to say that I would love it if we could have the jacks -- The calendar year start on January 1, where we could get a May season, and that would be great, and I’m against the descending devices, and you’ve heard all the dolphin stories, and I was going to tell you another one.

They have actually learned to lay back and wait, and, when you’re trolling for king mackerel, they wait, and they wait for you to hook a fish up, and, when you hook a fish, then they come in and attack and get the kings.
When you’re trolling for Spanish, you have to be careful to watch your deckhand, when he starts the leader in the Spanish, to release it, so it doesn’t cut his fingers while he’s trying to pull the Spanish mackerel in. When you have women and children on the boat, you have to alert the deckhand to be ready for when they grab the fish to not actually pull the little kids over, or snatch the poles from their hands. It’s beyond -- I had a full head of brown hair when I started out this season, and so it’s just something special.

The sharks, their population has just become very populated, and they’re there, and they’re eating a lot of fish, and the mortality rate and the discards -- They are more getting the fish you hook and pull up then the discards, and that’s more the dolphins’ line of work there.

I heard a captain talk about tagging snapper, and I was going to give you all some info on that that I saw that was pretty interesting. The FWC used to pay us to tag snapper, and so we would go tag 200 or 300 snapper in an eight or ten-hour trip, and we would have different colors on the tags. On one particular artificial reef that was one of my favorites, with big-class snapper, we tagged that one, and that was probably in April. Then, when snapper opened in June, I started harvesting snapper on that particular place, and we started out with ten or twelve-pound fish, and, as we put pressure on them, harvesting them, then the sizes reduced to five or eight-pound fish.

Me being a six-passenger boat, I would move on and fish, looking for bigger-class fish for my few customers, since I would be keeping eight, ten, or twelve fish on a trip, and so, with that said, the next year, I went, and those same fish were on that reef, and the same tags had gotten mold on them, and a lot of growth and grass on them, and those fish had stayed on that same particular reef and went from eight-pound fish to twelve to fifteen-pound fish.

Where I’m going with that was it’s neat that they stayed there locally, and I pictured them moving a lot more than that, and so I just thought that I would throw that in there. I appreciate you all. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Law. Our next speaker is Benjamin Kelley, followed by Clarence Seymour.

MR. BENJAMIN KELLEY: My name is Benjamin Kelley, and I’ve got a sixteen-passenger charter boat in Panama City Beach. We did
have Hurricane Michael, and it wiped out about 40 percent of our spots out there, and we need the council and the Marine Fisheries to help however they can, so we can get some spots rebuilt out there with the Corps and everything.

I do support the 9 percent buffer for the charter sector. The amberjack, we desperately need a May season, and I used to have a Canadian business January through May that caught amberjack, and, this year, the boats and all them hardworking people sat there waiting on June 1, after we re-roofed our houses, and so we need to be able to catch some amberjack in the spring. The best way to do that would be to split the quota and split the payback provision. That way, open it May 1 and open it September 1, and then each party is happy.

The sharks and dolphins, you all have heard enough of that. The descending devices, they will not work. I mean, they might work in here, but they won’t work offshore, but the amberjack is the most important thing. We need them in May. Otherwise, the fleet and all them hardworking people just sit there until June 1, and so thank you very much.

CHAIRMAN FRAZER: Patrick.

MR. BANKS: Just a quick question. Back in 2017, when it -- What was the feeling amongst everybody in 2017? Did you have enough business during that January/February time period that May wasn’t -- It didn’t hurt as bad in 2017, because I don’t remember hearing this. You’re talking about needing May, needing May, and what about in 2017, when it was closed in the middle of March?

MR. KELLEY: I am not a good example, because I have the Canadian business. There is two of us that take and fish, and we caught -- I mean, I caught more than my share of fish, because we started amberjack fishing on January 1, and then we quit and started snapper fishing on June 1, but you all have taken all of that from me.

Like now we have a fall season, which the water is very hot, and it’s hard to catch bait, and we have to go way offshore, and we’re still catching some jacks now, but it’s like five a trip, and it’s painful, and we’ve got sharks, and, my god. This is thirty-six years for me, and I have never seen this many sharks.

MR. BANKS: I guess where I was going was it was open in January and February and part of March, and so was that business good enough to not --
MR. KELLEY: It was for me.

MR. BANKS: So May didn’t hurt as bad at that point?

MR. KELLEY: May is our prettiest weather month there, and there is no hurricanes, and the weather is perfect, and the people will come and fish if there is something to catch, but, when you have only b-liners and Spanish to offer them, they don’t come.

CHAIRMAN FRAZER: Thank you, Mr. Kelley. Our next speaker is Clarence Seymour, followed by Chance Seymour.

MR. CLARENCE SEYMOUR: Hello. I’m Clarence Seymour from Biloxi, Mississippi, the Charter Boat SYL, federally-permitted, and I’ve been a recreational angler for about twenty-one years now in Biloxi.

I came here yesterday, and I brought State Senator Mike Seymour with me to -- We was expecting the redfish EFP to be on the agenda, and I was kind of disappointed, and I was kind of wondering what happened to it or whatever, but it’s not that the red drum is -- It’s federally protected from 1986, and we all know that. The three-mile line, eight-mile line, nine-mile line, the boundaries are not that far for -- I think we figured it was about -- It’s probably going to be about seventeen charter boats available for the EFP, if we could get this thing through, but I think we have a little pushback because of some state guides that might want a piece of the federal redfish.

Well, number one, the three-mile boundary, a state guide has no business across that line without a pelagic permit. They can’t keep Spanish mackerel, and they can’t keep king mackerel, and they can’t keep cobia. The federal fleet is the ones that can cross that line legally on king mackerel, Spanish mackerel, et cetera.

We would really like to see it back up in Mississippi, because it’s a bread-and-butter, but I really think that we need to start figuring out how many is harvested in the State of Mississippi from the federal for-hire fleet, and we was ready for it, and I think our guys in resource management with Mississippi was -- They had all their -- They was ready.

Anyway, I am not going to go on on that, and I appreciate you all’s help with that in the future. We brought it up in 2010, and it got shot down, and it’s been a long time, and we’re nine years in it, and I just think we might could still use that...
research.

Amberjacks, some guys went out early and did good, and the sharks got them on that last one, and nobody is talking about sharks, and so maybe the May opening may be the thing for some guys in Mississippi and the private anglers.

King mackerel, zero, negative, none, so far since March for me. Cobia, eight in my career, and we normally caught a bunch. ELBs, I am running a pelagic ELB by the pelagic system, and it’s the little bitty one with the solar panel, and it’s perfect. It meets our goals, and all we need is the app, which I think Emily and the staff with NOAA is all working on that, but they did call me the other day and checked in to see how my unit was working, and it’s perfect. It’s a great tracker, and it pings me plenty of times during the day.

The next thing, real quick, is the 9 percent buffer for sure, and our reef fish program in the State of Mississippi is the same way as Panama City. Hurricane Katrina cleaned them out, and we need our structure back down too, and so thank you, guys.

CHAIRMAN FRAZER: We have got a quick question for you from Dale Diaz.

MR. DIAZ: Just because we’re getting so much comment on bottlenose dolphins and sharks, are you having the same problem to the same extent as you’re hearing the other guys talk about it?

MR. SEYMOUR: Dolphins are sporadic at times, and I watched the shrimp boat fleet come through, and they was kind of with them for a while, and they would be on one reef site pretty good and not on another one, but what we were doing was taking our discards, and I would watch them roll up, and I would give my deckhand a whistle, and he would flip it over the starboard side, because we was trying to outsmart them, but I think they made it down pretty good, because we’re fishing in under eighty-foot wrecks, but they are smart.

Now, the guys from Alabama was telling me that they learned to get them on the way up. I have not lost none on the way up. I have watched them take them on the way down, and so that’s pretty well it.

CHAIRMAN FRAZER: We have another question from General Spraggins.
MR. SPRAGGINS: As far as the EFP, it’s not a dead issue, and I think what has happened is there was a lot of unanswered questions on it, before we brought it up, and I think it’s going to be something that we’re looking at in the very near future, for maybe the next -- Try to have it on or either something of some other form of it, but we are looking at it, to try to keep it going.

MR. SEYMOUR: I appreciate it, Mr. Spraggins. That’s great news. Thank you.

CHAIRMAN FRAZER: Thank you. Our next speaker is Chance Seymour, followed by Johnny Williams.

MR. CHANCE SEYMOUR: How are you all? I am Chance Seymour, and I’m a second-generation charter captain, and Clarence is my dad. I just wanted to come up here, and I’m new in the business. This is my second season running my own boat, and I don’t really have a whole lot to say today, but this is my first meeting, and I just want the best for my future career, and so thank you, all.

CHAIRMAN FRAZER: We’ve got a question from Ms. Bosarge.

MS. BOSARGE: No, but I just wanted to say thanks for coming. We like to see all of you all.

MR. SEYMOUR: Thanks for having me.

CHAIRMAN FRAZER: All right. Our next speaker is Johnny Williams, followed by Randy Sobieraj.

MR. JOHNNY WILLIAMS: Johnny Williams from Williams Partyboats in Galveston, Texas, a third-generation partyboat operator out of Galveston.

The first thing I would like to comment on is the trips that are over twenty-four hours for partyboats and charter boats, and I support Option 2b. I think there’s a little bit of confusion on that, and maybe I might have been confused. When I would run twenty-five-hour trips, I would usually leave at like 6:30 in the evening and run out kind of slow at night and get out there in the morning and start fishing and come in with a double limit and come in at 7:30.

I guess I probably wouldn’t be in violation, but, unless you leave at noon, it’s kind of hard to catch half the catch on one day and half the catch on the other day, and so you would have
to basically, in my opinion, leave around noon or something to
do something like that, and so, as long as it’s over twenty-four
hours duration, I think it doesn’t matter if you catch all the
fish in the first fifteen minutes of the trip or the last
fifteen minutes of the trip. I think that 2b is the option to
go with.

As far as saving fish, I agree with Scott Hickman that we need
to try to do everything we can to reduce mortality. The fish
that are released, however, I think a partyboat and a charter
boat are different. I think, on a partyboat, these SeaQualizers
would actually be the antithesis of what we need. On the
charter boats, you’ve got more or less one deckhand and one
captain for generally about six people. My boat will
accommodate up to eighty-three, and we generally have four
deckhands. If one of them doesn’t show up, then we’re kind of
in a bind already.

If you’re trying to take a fish off for a person and handle them
that way and trying to take them back to the back of the boat
and hook them up and drop them down, and then try to get back
and get the next fish, when the fish are coming in real fast,
like they do on a partyboat, it’s going to be very, very
detrimental to the fish to do that, and so, if we’re really
trying to reduce mortality -- Yes, it might work out really well
on a charter boat, but it’s not going to work on a partyboat.
For that reason, I don’t think that -- It’s not a one-size-fits-
all.

Also, the last thing I would like to comment on is we heard
several people get up here and talk about different times of the
year that they like to fish for this or that or the other, and
what we tried to do with our pilot program for red snapper was
allow people to fish for the fish when they wanted to, and I
think it would be wise to initiate a catch share program for
different species for the for-hire sector.

I think that’s something we should initiate, and then people, if
they want to fish for them in May, they can. Some people said
they want to fish for them then, and some people want to fish
for them in -- The season is not open when they want to fish for
them, or when the fish are there, and let them fish when they
need to fish. That’s about all my time. Thank you so much for
your time, and I appreciate it.

CHAIRMAN FRAZER: Mr. Williams, we have a question from Chester
Brewer.
MR. BREWER: How are you, sir? I am not on the Gulf Council. I am on the South Atlantic Council, and we have been looking at the issue of descending devices and what we could do to try to help reduce mortality, and the comments that you have made on -- We call them drift boats in Florida, and we might have like forty or fifty people onboard, and maybe four mates, or something like that.

The issue was the same as what you just mentioned. When you’ve got that number of folks fishing all at one time, these descending devices may do more harm than good, and so what we did, and what we’re working towards, is requiring that there be a descending device essentially on all boats that are bottom fishing, but that -- We don’t require that they be used. We encourage them, but we don’t require it, with the idea that what people call partyboats, headboats, drift boats, the mates would vent the fish. I’m sure you know what I’m talking about.

MR. WILLIAMS: Yes.

MR. BREWER: Would something like that, or an arrangement like that, work for you?

MR. WILLIAMS: Yes, sir. If you maybe have one on the boat, I don’t have a problem with that. I would have one on the boat, but I think they would be counterproductive, and you’re talking about the venting devices, and we find, or at least I have found, over the years, that, at certain times of the year, fish seem to be more hardy than they are at other times of the year.

For instance, in the wintertime, it’s not necessary to vent the fish like it is in the summertime, because they’re a lot hardier. You throw them back, and they swim down. In the summertime, they don’t do nearly as well, and so it’s wise to vent them, and, of course, it depends on the depth of water, too. If you’re in shallow water -- Like sometimes my deckhands are out there, and they’re venting fish that don’t really need to be vented, and I will tell them that, hey, look, we’re fishing in shallow water today, and, unless you see a fish that’s really distressed, don’t vent it.

Like I said, I’m third-generation, and my daughter is the fourth generation, and we want these fish to be out there for future generations, and so we want to try to conserve the fish. Requiring us to use the SeaQualifier I think would be counterproductive on a boat similar to mine.

CHAIRMAN FRAZER: A quick follow-up, Chester?
MR. BREWER: What we did is we’re going to require a SeaQualifier or a descending device be onboard, but we don’t require that they actually be used. That’s up to the discretion of the captain.

MR. WILLIAMS: I have no issue with that.

CHAIRMAN FRAZER: Dr. Stunz, did you have a question?

DR. STUNZ: A quick follow-up, Captain Williams. You know, there is some other options too, kind of outside of the box, where options for headboats, for example, is you can rig multiple SeaQualizers together, so you can descend more than one fish at a time, or you can rig it in line with your terminal gear, so that, as you’re dropping your next bait, you’re also releasing a fish, and so those are some options, but I don’t remember if you were here at the last meeting or not, and it may be something to think about, and we can talk offline or bring this back to the council, but venting does work, if it’s done properly, just as well as descending, from a scientific perspective, and that’s been shown, and there are campaigns going on with other headboats where you’re educating your anglers and deckhands about how to properly vent, so you can do that on a level when all those fish are hitting the deck. I guess my question would be, and you don’t have to answer me now, but to think about are those some viable options to conserve those fish a little better.

MR. WILLIAMS: Well, I will tell you what, Greg. If you all would have passed 42, where we wouldn’t be taking out tourists catching red snapper like we do currently. The way the scenario is set up now is we’re red snapper fishing in the summer months, and a lot of the folks that we have that go fishing on the boat, they don’t know the difference between a red snapper and a red drum, and they probably would rather catch a shark than anything, but we’re forced to fish for red snapper during the summer, when the tourists are in town, and so we take a lot of tourists out, and it’s a lot more difficult to convince a tourist that they need to grab a red snapper that has short fins and sharp gill plates and bites you and everything else.

It would be very, very difficult to try to get these tourists, and a lot of them don’t even want to touch a fish, and so, unfortunately, that’s when we’re forced to fish for the red snapper, and so we do it, but, if you would be happy to pass 42, I would be real happy, and we would fish for the red snapper outside of the season, when we’re carrying the tourists, and
then we can all be happy.

CHAIRMAN FRAZER: Thank you, Mr. Williams.

MR. WILLIAMS: Thank you so much. You all have a great day.

CHAIRMAN FRAZER: Our next speaker is Randy Sobieraj, followed by Ashford Rosenberg.

MR. RANDY SOBIERAJ: How are you doing? My name is Randy Sobieraj, owner and operator of the Commercial Vessel Last Sight, and I am new to the Gulf of Mexico fishery, but not to the fishing industry itself, as I fished the South Atlantic for years.

As I look around this room, I have noticed a few familiar faces, and there is a lot of talented individuals here, both on the commercial and charter sector, but I can’t help but notice that I am one of the youngest in attendance today, and being a travel fisherman around the docks, too.

At these fishery meetings, the council discusses ACLs and management and increases and decreases, and I applaud the council, as I’m sure you all receive a lot of scorn from all ends of the spectrum, but, while we’re here to discuss the fishery and management as a whole, I sit here and wonder who will be the ones to catch these fish when some of these guys retire.

As a whole, the IFQ system has a lot of positive points, but there are a lot of flaws within. Especially how things are currently, it makes it hard for any young, new-generation fisherman to enter the fishery, just from the cost side of everything, and I would hate to see another Carlos Raphael case in the Gulf of Mexico fishery.

In school, you learn about socialism and capitalism, and, as forms of socialism, it decides what you should have and how much you should pay for it. I was once told that capitalism leads to an economic democracy, while socialism leads to economic dictatorship of the elite.

Growing up, I was raised to work hard and honest for what you want out of life, and I’m not looking for handouts. I just want opportunities to grow in this fishery and have the same opportunity as many of these other guys have before. Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Sobieraj. We’ve got a question
from Ms. Bosarge.

**MS. BOSARGE:** I was just wondering, and so we shrimp in both the Gulf of Mexico and the South Atlantic, and so are you keeping up doing both bodies of water, or are you just Gulf now?

**MR. SOBIERAJ:** I am trying to stay in the Gulf, and so I’m trying to stay predominantly in the Gulf.

**CHAIRMAN FRAZER:** John Sanchez.

**MR. SANCHEZ:** Thank you for coming. I had a similar question, and you mentioned traveling fishermen, and I’m curious, but what are you fishing for?

**MR. SOBIERAJ:** Right now I’m king mackerel fishing, but reef fishing in between, just because it’s more fair-weather fishing, and, when it gets a little rough, I will just go to reef fishing. Thank you.

**CHAIRMAN FRAZER:** All right. Thank you. Our next speaker is Ashford Rosenberg, followed by Eric Brazier.

**MS. ASHFORD ROSENBERG:** Good afternoon, council, and thank you for the opportunity to speak. My name is Ashford Rosenberg, and I’m the Policy Analyst for the Gulf of Mexico Reef Fish Shareholder’s Alliance.

First, I would like to congratulate Ms. Bosarge and Dr. Frazer on your reappointment to the Gulf Council. We look forward to working with you for another three years, and you’re both very valued members, and we look forward to continuing to work with you, and thank you for your service.

First, we support continuing the conversation about developing a unique trip identifier. While the commercial sector is highly accountable, as Dr. Stephen highlighted, there are multiple reports generated for commercial fishing trips, but there isn’t a system to tie these reports together.

We support the collaboration between agencies to streamline these systems, which could lead to more real-time and consistent data. As a first step, we support changes to the IFQ system that would link dealer reports, trip tickets, and IFQ data.

We also support the lionfish EFP as a way to start exploring new gears to harvest this invasive species, and we were also encouraged to hear that the red drum EFP is still in play and
would be potentially presented at the October meeting. More
data is always good, and so more data on this stock would be
very valuable.

Lastly, we continue to oppose Amendment 52. We maintain that
this amendment is unnecessary and is a solution in search of a
problem. Commercial red snapper allocation continues to be
fully utilized by the sector. Additionally, private anglers are
enjoying increased access under state management. Charter
vessels are close to implementing ELBs, which will help with
data collection, improve accountability, and improve management
and stock assessment processes.

I will continue to ask what is the goal of reallocation? What
is the council trying to achieve? How will reallocation solve
the supposed problem, and what is the point? Thank you so much
for your time.

CHAIRMAN FRAZER: Thank you, Ms. Rosenberg. Our next speaker is
Eric Brazer, followed by Richard Fischer.

MR. ERIC BRAZER: Thank you very much, Mr. Chairman and council
members and staff. I’m Eric Brazer, Deputy Director of the Gulf
of Mexico Reef Fish Shareholders Alliance.

I want to start off on 36B, and I applaud you guys. It looks
like you’re making some progress on this document. It’s been a
long time coming, and it’s not an easy debate, but we appreciate
you guys rolling up your sleeves and digging in and starting to
address some of these questions that we’ve been asking since
day-one, notably, what do you want to do and do these
alternatives do that.

Regarding Action 1.1 and 1.2, if these are the top priority in
Amendment 36, we continue to urge you to really think through
what this action will mean for permit prices and which user
group this action is going to impact the most. We understand
why you consider 2015 as a control date, but I just wanted to
remind you that going with Alternative 4 would allow you to move
this forward without having to debate divestment.

As I mentioned in June, if you go with Alternatives 2 or 3, it
would directly impact our work that we’re doing with the reef
fish quota bank, because our LLC was formally established in
2018, and so, if you go this route, we would have to modify our
business plan for this added business expense, and we would have
to recalculate our projected yield streams accordingly. This
may have some impacts on our programmatic work, and it
ultimately could mean that less allocation is available for
fishermen who are coming to us for help, and so I just ask that
you consider that in your conversations.

Big picture allocation, you know where we stand on reallocation,
but, that being said, we are supportive of this process led by
Mr. Chairman to start clarifying goals and objectives and values
and metrics. We urge you to consider things like direct and
indirect economic valuations, including NOAA data, other
independent valuations, management uncertainty, and
accountability. Impacts to end users is a big thing, and we
would strongly urge you to consider that, biological and
conservation parameters and things like data timeliness and
accuracy and precision.

The concept of encounter rates is intriguing, and we think this
might have some implications with discards and discard
mortality, which we’ve heard a lot about today, and it seems
like everybody is on the same page. Everybody is trying to find
ways to reduce discards and discard mortality. It’s great, and
it’s a common thread that we’re all working on together.

Should the council explore a third-party facilitated option,
we’re open to discussing this idea, but we would want to have a
clear understanding of the parameters, the process, and
participation levels by the public, and that’s a lot of Ps.

Finally, in ten seconds, I would support the 9 percent for-hire
ACT buffer, and I would just ask that, once you guys make this
decision and move past it, to start to identify the changes, the
necessary changes, that would need to be made in order to allow
that buffer to shrink even further, and so thank you for your
time.

CHAIRMAN FRAZER: Thank you, Mr. Brazer. Our next speaker would
be Richard Fischer, followed by Bobby Kelly.

MR. RICHARD FISCHER: Good afternoon, council. I’m Richard
Fischer, here on behalf of the Louisiana Charter Boat
Association. Thank you for having me. I will, first of all,
start on amberjack, and specifically the issue of fractional
amberjack.

The vast majority of our federally-permitted guides are
staunchly against any fractional amberjack discussion, and our
guides here in Louisiana rely on repeat business, and it’s not a
tourism of, hey, maybe I feel like going fishing today fishery
like maybe they have in certain other parts of the Gulf, and so
we’ve got to get customers back, and telling customers that, hey, you can catch amberjack and you can’t, that’s not really what we would be looking for, and, even if it’s one per six people, that’s still only a 16 percent difference, and so we don’t really feel like that’s appreciably enough of a change to go to fractional.

I am going to spend the rest of my comments now addressing NOAA Fisheries on the electronic logbook issue. Based off the presentation that was on earlier, we’re not really understanding why reporting needs to begin on January 1 if we’re still so far away from the electronic portion of this being ready.

Today is August 14, and January 1 is four-and-a-half months from now, and, in my opinion, this morning’s presentation didn’t really adequately explain how captains are going to be able to report. Again, that’s only four-and-a-half months from today.

We just don’t understand the urgency of getting that in as quickly as possible, and, if you would like to start with non-affixed device reporting, then that brings up a couple of questions, like why does it have to be daily reporting? The South Atlantic is going to be doing weekly, and why do we have to do daily?

Why does it eventually need to be through an affixed device after all, if going through offline, whatever that process is going to be, whether it’s by paper or by app? If that’s going to be good enough to collect data, then why do we have to go to a more cumbersome system that is eventually going to cost captains money, whether they have to pay for the device or not, whether they have to pay for a monthly service charge or not, upkeep and other things that we don’t know about yet?

We feel like, in the last presentation, and not the one at this council meeting, but the last council meeting, there were three full pages of things that NOAA Fisheries either didn’t have the money in place yet to address or didn’t know yet how they were going to address it yet, and I didn’t really feel like we’re still in a place yet where that’s going to be taken care of.

I am getting calls from captains on this, and they’re asking me several questions, such as when is this program going to start and what am I going to need for it to start and what money is in place from a NOAA Fisheries standpoint for it to start? I kind of have to tell them that I don’t know yet, and, really, since this date keeps being pushed back and back, they don’t really know yet either.
As for the mandatory economic data portion of this, we think that optional economic data would be better. The majority of our guides are against that being mandatory. We just think there are so many other ways for NOAA Fisheries to get this information, and economic data is not germane to counting fish, and this discussion really only came up because certain members of the fleet said that we would like to hold ourselves accountable with daily reporting for fish, or for reporting in general for fish, and maybe not daily, and economic data we just don’t necessarily feel is germane to catching fish, and we don’t feel that the sector should be penalized in that respect for needing to go ahead and report that in a mandatory sense.

In conclusion, we just think that electronic logbooks should be backed up until the program is ready to go, and it certainly appears that it’s nowhere near ready to go, based off of the most recent presentation, and so thank you all for your attention, and I would be happy to take any questions.

CHAIRMAN FRAZER: Thank you, Mr. Fischer.

MR. FISCHER: Thank you.

CHAIRMAN FRAZER: Our next speaker is Bobby Kelly, followed by Michael Pittman.

MR. BOBBY KELLY: Good afternoon, guys. I’m Bobby Kelly out of Orange Beach, Alabama. I have a dual-permitted boat, and I commercial fish and charter fish. First off, I want to congratulate the states on the final successful year of the red snapper EFP. It seems like it has worked gangbusters for all the states, and it has increased access, and it has stopped overfishing, and so I think it’s going to work out just like you want it to, and so congratulations on that, and I’m sure it wasn’t real easy.

I am going to speak as a commercial fisherman, and I know that there is some council members that are very eager to change the IFQ system, and I get it. It’s exciting, and we want to do this, and we want to tweak that, but, ask yourselves, are you really just making it better?

At the end of the day, and I’m one of the newer ones that started commercial fishing, and I’ve only had my permit for a couple of years, and is there anything that you have got to start tweaking and managing and adding and stuff like that, and I’m the new guy, and usually the new guys, the young guys, we’re
the ones that are going to lose out, and so just keep that mind
before you go tweaking the system. Ask yourselves who it’s
going to affect.

I know there’s an amendment up to allow the charter/for-hire
vessels on the two-day trip to catch the two-day bag limit, and
let them catch it whenever. These guys aren’t breaking the law
or anything. I know, me personally, when I do a two-day trip,
most of my second day is just spent traveling and coming home
from way offshore, and so it would work out better for the guys,
whatever that preferred alternative is, and I think anything
over a twenty-hour trip. As long as these guys are within the
letter of the law and the provisions you work for, let them
catch their fish on day-one.

I did support a fractional bag limit on amberjack, and I had
been hearing about that for quite a while, and I was like, oh, a
fractional bag limit, and I walked in here today, and they say,
oh, it’s only going to give you a 9 percent increase. Well, I
ain’t no fishologist or nothing, but 9 percent, when I’m
reducing my take by half, that don’t add up, and so we’re going
to have to hold on that.

As far as the season goes, please don’t change it. We are just
getting our customers to understand that we can go catch them on
August 1. I understand the different parts of the place need
them in May, and, man, we’ve got to have something to catch in
the fall, and we’ve got to have a nice, long run, and that’s
what builds business, all right?

Just let it go, and I promise you, if we give them to them in
May, they’re going to be in here and say that I’ve got to have
them in October, and you guys did a lot of work to get them on
August 1, and it allows the capture of the data, to make sure
that we don’t overharvest and plenty of time, and that’s
awesome. Thank you.

I am glad to hear that Mississippi is going to be bringing that
red drum EFP back to the table, and that’s great. That’s really
exciting. I mean, 1986, there’s a lot of stuff that has changed
between now and then to allow that harvest in the EEZ.

I heard something in the hall, and Mike Eller, and you guys know
him, he came up with a great idea, but he ran out of time before
he got to say it, but we’ve got to get the sharks to eat the
dolphins. Problem solved. Thank you.

CHAIRMAN FRAZER: We’ve got a question for you from Patrick.
MR. BANKS: Thanks, Bobby. I appreciate those comments. I was just curious about -- You said you had just gotten into the IFQ system two years ago, and did you buy your shares, or can you lease them?

MR. KELLY: Actually, I have a very small percentage of shares that I own, that I bought, and I lease 99.95 percent of my shares.

MR. BANKS: So you’re a new entrant that is slowly buying your way into the fishery?

MR. KELLY: Yes, and, if there was a system in play to borrow money to buy into the system even more, I promise you that I would do it even more.

MR. BANKS: Thank you.

CHAIRMAN FRAZER: Thank you. Our next speaker is Michael Pittman, followed by Joe Cain.

MR. MICHAEL PITTMAN: How are you all doing this afternoon? My name is Michael Pittman, and I run out of Dauphin Island, Alabama, and I charter fish and commercial fish. I guess you would call me the next-generation fisherman, at the end of the day.

I know there’s some hype about what you all were speaking with Mr. Bobby on, the doing some tweaking to the IFQ, and I am actually now an IFQ small, very small, shareholder in red snapper. It took me a while to finally get it up, and I am trying to build it up slowly, but that is the American way. You try to work with what you’ve got, and I just hope that, whatever changes are made in place, that they don’t negatively impact especially us smaller guys who are trying to build up and build up.

It’s not that easy getting ahold of it, and much less on the price, but, besides that, like I said, I bought my first small increment based on the system that has been created, and hopefully I will try to slowly work my way up on the system that’s been provided at this point in time.

When it comes to the sharks and the dolphins, on another note, that is a very bad issue right now in our area, the Dauphin Island and Fort Morgan area, and I’m sure they’re seeing it everywhere else, but you can’t get past them. Hopefully
something can come out of that in the future, but that’s pretty
much all I have right now, and I appreciate you all’s time.

CHAIRMAN Frazer: Thank you, Mr. Pittman. We have a question
from Ms. Boggs.

Ms. Boggs: Thank you, Mr. Pittman. Do you have an opinion on
amberjack?

Mr. Pittman: Yes, ma’am. The bite is very slow right now, and
I would say to leave it on the for-hire sector the way it is at
this point in time, now that we’re starting a new system up
somewhat, and see what happens before we start rushing to
conclusions. Thank you.

CHAIRMAN Frazer: Thank you. Our next speaker is Joe Cain,
followed by Kindra Arneson. Joe Cain is not here. The next
speaker is Kindra Arneson, followed by George Arneson.

Ms. Kindra Arneson: Good afternoon. Thank you for letting me
speak. On the red snapper IFQ allocation lease program, we’ve
been in this fishery for a long time, for a lot of years, and,
at $4.00 a pound, and dockside landing at $5.00 a pound, it’s
just not affordable.

After I pay for fuel and boat expense and my deckhand and taking
the fish in and whatever, it’s just all the expenses, and it’s
just not affordable, and so an IFQ allocation bank would be, I
think, a good thing. I think that we should make sure that all
of our Is are dotted and our Ts are crossed and make sure that
some of these investors can’t come in there and release these
other allocations and then turn around the jack the price up.

This reminds me a lot of the shrimp processors in Louisiana. A
lot of them get together, and they create a price across the
board for our shrimp, and then they get our stock for next to
nothing, but yet that value added pipeline of shrimp balls and
shrimp burgers and shrimp this and shrimp that, they make a lot
of money off of that, and so we have all these business owners –
– Commercial fishing is one of the most dangerous jobs in this
country.

We have all these business owners and these commercial fishermen
going out here and putting their very lives on the line to
deliver this product to market for consumers to consume, and
they’re making nothing off of it. This has become a windfall
for a few, and this is price fixing for many, and I’m sorry, and
I’m sure that I won’t be popular when I turn around in this
room, and that’s okay with me.

On the sharks, I keep hearing sharks and dolphins, sharks and
dolphins, and commercial fishermen generally try to stay away
from the dolphin conversation, because we’ve always been a
target because of it.

In the State of Louisiana, we just went from forty-five to
fifty-five head per day on our limits for sharks. We have seen
a shark explosion since the BP oil spill across the entire
northern Gulf of Mexico. I truly believe, my personal opinion
on this, is it’s because of a huge influx of available food
source. The sharks are your cleanup crew. When a food source
is readily available, its predator, their population explodes,
and that’s fair enough.

I do think, on the federal shark permits, we do need to -- I
don’t own one, but I do think that we need an increase on those
sharks for them to be able to land.

In June of this year, on the greater amberjack, we were cut from
1,500 pounds to 1,000 pounds per day limit. At $2.50 a pound,
and I can show you my trip tickets if you would like, that’s a
$1,250 a day cut for me. At a 75 percent max, once we meet the
75 percent amount of the quota overall, we’re cut to 250 pounds
a day, and that cuts my husband and I and fishermen like me that
land 80 percent of the amberjack that are landed in the State of
Louisiana are landing between 1,000 and 1,500 pounds, and that
cuts all of us out of 25 percent of the overall Gulf quota, and
it’s not fair.

It’s not a stock issue, and this is a special-interest issue.
This is a bias issue, and this was for shareholders that had IFQ
allocations to come in here and take 25 percent of the overall
allocation for the Gulf of Mexico of the greater amberjack
commercial sector for themselves.

Last, but not least, essential fish habitat. In the State of
Louisiana, essential fish habitat has been slammed by the Bonnet
Carre Spillway and Mardi Gras Pass and Fort St. Phillip Crevasse
and others. They are not doing a good job of managing the
situation, and now we have these large-scale river diversions,
and there is proposed projects on the federal level, and they
are trying to redefine the essential fish habitat protection for
two of the largest estuaries in the state, 1.5 million acres on
the west side and half-a-million acres on the east side.

These estuaries feed all of everything that you’re trying to
protect and keep as sustainable fisheries in the Gulf of Mexico
all the way through the Gulf of Mexico and up the Atlantic coast
on our migratory fish. These two estuaries provide not only a
nursery for some of those species, but also a food source. If
we open up these diversions, allowing these things to go
through, at 75,000 CFS from January 1 to June 13, it’s going to
wipe those estuaries out, and so I urge you to educate
yourselves, and I urge you to do it in a way that you don’t just
take their word for it. Thank you.

CHAIRMAN FRAZER: Thank you, Ms. Arneson. Our next speaker is
George Arneson, followed by Jason Klosterman.

MR. GEORGE ARNESON: Good evening. Thank you for allowing me to
speak. I’m a commercial reef fisherman, and I have been for
thirty years, and my wife hit on most of the points. The IFQ
shares are not affordable for a fisherman. At $40.00 a share, I
have to catch that fish for ten years before I make a penny on
him, by the time you talk about the money to buy the allocation
and the bait and tackle and diesel to go get him. In ten years,
is the program even going to be here?

I mean, it could change, and it changes all the time, and we’re
here today talking about change, and so how can a fisherman
mortgage his home, mortgage his house, to buy these $40.00
shares when we don’t even know if the share program is going to
be here five years from now, when it’s going to take me ten
years to see one penny of profit from them fish?

At $4.00 a pound, when I’m getting $5.00 at the dock, it’s like
we said, and we’re catching them for free, with a lot of work
involved. For the small fisherman, the quota, the whole share
program, has been a disaster, and I think for the public, too.
They are paying a whole lot more money for the fish, and the
fishermen are not making the money. The shareholders is making
the money, because now it’s just a big lease thing, how much
money can we get for a lease, and it went from $3.00 to $3.25 to
$3.50, and now it’s $4.00. You can’t touch them at $4.00.

The amberjack, I am a day boat on the amberjack, and we run in
and out and make trips, and we have seen no limit, 2,000, 1,500,
and now we’re at 1,000, and it’s getting real close to not being
worth making the trip, because it’s open in January and
February, the worst weather of the year, and we have to fight
six or eight-foot seas, or ten-foot seas, to go get the fish,
and then I can catch 1,000 pounds.

It’s getting real hard to be a fisherman in this fishery that
we’ve created here, and we would like to see some changes more
geared toward the fishermen being able to make a living and not
the shareholders making money. Thank you for your time.

CHAIRMAN FRAZER:  Mr. Arneson, we’ve got a question from Patrick
Banks.

MR. BANKS:  Thank you, Mr. Arneson, for your testimony. I am
interested in your amberjack trips. It sounds like, to me, that
you’re a targeted amberjack trip, and you’re not a -- Amberjack
is not a bycatch of some other targeted trip.

MR. ARNESON:  No, it isn’t. It’s a directly targeted fish.

MR. BANKS:  Okay, because we have heard so much from folks about
this trip limit and that it was just a bycatch fishery and this
would help us with the bycatch situation, but that’s not the
case for you, and you guys take targeted trips for amberjack,
and so your whole trip is based on amberjack, and so this has
drastically cut into what you’re able to do on a trip basis.

MR. ARNESON:  Yes, and a lot of the people with the -- Also, on
the red snapper, they can afford to make a dollar a pound,
because they are catching grouper and other stuff for their
trip, and we don’t get a lot of grouper in Louisiana, and so, if
I lease snapper, I am targeting snapper, and I don’t have much
bycatch to make money on the trip.

At the dollar a pound, you’re not making nothing at the end of
your -- The same thing with the amberjack. We’re not targeting
other species with them. We need to make the money on that fish
for the trip, and it’s getting tough the way things is going.

CHAIRMAN FRAZER:  Another question from Dr. Crabtree.

DR. CRABTREE:  What are you getting at the dock for amberjack
now?

MR. ARNESON:  Well, I don’t sell them directly to the dock. I
actually load them on my truck and haul them here to the city,
and we sell them to buyers at fillet houses, to get enough money
to even allow us to do it, and we’re getting $2.50 a pound.

DR. CRABTREE:  Okay. Thanks.

MR. ARNESON:  That’s the only reason we can afford to do it at
the 1,000 pounds. Thank you.
CHAIRMAN FRAZER: Thank you, Mr. Arneson. Our next speaker is Jason Klosterman, followed by Mike Jennings.

MR. JASON KLOSTERMAN: Good afternoon, council. I’m Jason Klosterman. I’m a second-generation charter fisherman from Destin, Florida. I’m Vice President of the Destin Charter Boat Association.

I would like to see this council and NOAA scientists revisit the reduction percentage of what a fractional bag limit would give us. I would be able to better make that decision.

As far as what you’ve heard a lot of today for dolphin, for me personally, growing up in this industry the last twenty years, as a young child growing up, I have watched this, and it’s a slow, gradual change. This wasn’t something that just happened, and, in a way, it’s given me more respect for just the sheer level of intelligence of this animal, and I personally run a six-pack charter business, and now -- Let’s take mackerel fishing.

Live-bait mackerel fishing, we’ll have them come up and pull them off the hook and eat them, and I have also seen a lot of times where they will pull them off the hook and toss them back and forth to each other, just playing with them, and that’s something that I didn’t see as much ten or fifteen years ago.

At the same time, let’s say bottom fishing offshore, and, years ago, I feel like they would hang twenty or thirty feet away from the vessel, maybe twenty feet down, and come up every so often, more just taking the fish that you throw back.

While my personal boat is a six-pack boat, I also fill in and work on some partyboats in town, and, two weeks ago, we had a trip with seventy people, thirty-five lines on each side of the boat, and the dolphin were two feet from the side of the hull and breaking the surface of the water and catching them the second they go in the water, and so this is something that I believe has been a slow, steady adaptation.

These animals are extremely intelligent, extremely intelligent, and they’re going to do what’s easier. They are a lot like us in that fashion, and I don’t know that this is going to go away, and so I believe that, if you can find the deterrent that will work, I believe it will work, because, I mean, they’re smart enough to realize that, if you’re shooting rubber bullets at them, they’re going to start knowing what’s going on.
They are smart enough to swim up and grab the backend of a fish and rip it off, and, the vast majority of the time, we don’t actually hook the dolphins. I have seen it happen a couple of times, but, out of the hundreds to thousands of fish I have seen pulled off the hook, they rarely ever get hooked.

It’s to the point of a problem where like, with triggerfish, and they don’t really grab triggerfish very much, and I’m not too worried about that, but it’s obviously frustrating if it’s snapper season, and let’s say, on a partyboat, you were going to catch red snapper and vermilion snapper, and all you’re bringing up is triggerfish that are out of season, because they’re taking all of them.

This is something where they’ve gotten a lot more brazen, a lot more bold, and I just don’t see it going away, and I would like to see -- I mean, I would love to take out a group of scientists to study this and to see what they can do and maybe come up with a long-term solution, because I don’t think anything in the short run is going to stop it, and I don’t think it’s going away.

Something else I would like to briefly touch on is I heard you all mention African pompano earlier, and it’s not something that we have ever normally caught in Destin, but I would say, in like the last three years, I have probably seen maybe ten to fifteen probably throughout whole fleet caught, but now caught consists of -- I don’t know if that means they are just making their way to the northern Gulf a little bit more, but, in years past, you would see one or two caught, and then you wouldn’t see any caught for a few years, and I would say, the last three years, I have seen a handful or two probably caught each year. Thank you for your time.

CHAIRMAN FRAZER: Thank you. Our next speaker is Mike Jennings, followed by John Coulon.

MR. MIKE JENNINGS: Hello. My name is Mike Jennings, and I’m the President of the Charter Fishermen’s Association, and I own and operate three federally-permitted charter boats out of Freeport, Texas, and I appreciate you all having me today. I see I’m the second-to-last on the list, and I will try to make this quick.

We would like to ask the council to re-explore some of this discussion that we were having earlier on the carryover issue on the recreational side, and I know that’s kind of gotten quiet, and we’ve kind of got away from that, and I think it offers some
good alternatives, if we can find that we’re leaving fish in the
water, and we can have that opportunity to carry those over from
one year to the next.

Our association supports the for-hire catch target buffer, and I
believe it was -- Was it Action 1, Alternative 2, and I believe
that’s the 9 percent.

On the multiday document, on the headboats on over twenty-four
hours, we would like to see that language corrected so that they
can -- If they’re going to be out there that long with two
captains and meet all the other necessary requirements, that
they can pick those fish up on their first stop and not have to
make those double stops, and I think that’s just kind of a silly
wording in the law that doesn’t change the outcome of the
overall trip, other than making them make multiple stops for a
fish that they’re on, and we’ve had lots of discussion today on
release mortality.

You stop on that red snapper spot twice, you’re going to drive
that release mortality up the next time around, and so there may
be some biological benefits even to not making them stop on
those two trips.

Amberjacks, the discussion has really come up here lately about
the fractional bag limit, and, as you all know, finding --
Within an association that’s based within one port and getting
an overall consensus may be difficult at times, and you can only
imagine what it’s like to get a consensus from guys that are
stretched from central Texas to central Florida, and we took an
official vote on it, and it went in one direction, and then it
went the other, and then we backed off and changed our minds,
and then some of the guys that took a stance one way have
changed their minds again, from listening to the lack of benefit
that it may offer.

What we would like to do is see those, and I think the numbers
that we’re seeing on the increase, going to a fractional bag
limit, or the lack of increase, scared everyone, but, at the
same token, we have kind of scratched our heads and questioned
that. It just doesn’t make a lot of sense to us.

We would at least like the agency to give us a little better
number on what that may or may not do for us in the future.
Right now, the consensus from our association is that there
isn’t one, and that’s kind of -- You’ve got one extreme to the
other, and you’ve heard these different members come up here, an
we’ve had several come up today and kind of speak their own
personal mind on it. I believe that’s it, and I will step down.

Thank you.

CHAIRMAN FRAZER: Thank you, Mr. Jennings. We’ve got a question
for you from Dr. Greg Stunz.

DR. STUNZ: Captain Jennings, thanks. I have a question for
you. If you personally, or maybe your association, have you all
had any discussions on descending devices and discard mortality
and that sort of thing?

MR. JENNINGS: Yes, sir, we have, and, again, we’ve got several
members. Me personally, I have used them, in association with
some work that you allowed me to do, and, for me personally,
they worked really well, and I didn’t lose one, and I sent down
-- In about two weeks’ time, I probably sent down 300 fish with
a descending device, and I didn’t lose a single device, and they
seem to work really quick and really easy, and it didn’t really
cause us a lot of problems on a six-pack boat with a few people
onboard.

There is some individuals in our association that are staunchly
against them and some that are fully in favor of them. Me
personally, I would like to see some more discussion on this
barotrauma issue, and it’s not just a barotrauma issue with
those fish. You’ve heard people talking today about predators,
and, when you’re sending fish back over -- This time of the
year, I’m amberjack fishing, and we’re vermilion snapper fishing
in amongst that.

In that vermilion snapper fishing, you have what I call the
victims of war, and there is going to be some red snapper come
up in those, and we try to move off those red snapper when we
get on them, different spots that we’ll fish differently, but,
even with that, those vermilion snapper we’re targeting, we’re
catching a few red snappers, and those dolphins are sitting
there, and they are eating every one of them that we release,
whether they float off or they try to go down.

The customers sit there and talk to you all day about, well,
they got that one too, and they’re going to get every one of
them that we send back, and so, if we catch more than two or
three, we’re just going to move spots and try to get off of
them, but there has been some discussion on the barotrauma
devices feeding those fish as they go down, and I don’t know
whether they eat them after they’re released or not, but I just
do know that I didn’t lose any, and I didn’t feel anything odd
in the release of those fish, and I didn’t lose a single device
or a weight or a piece of the mono that we had everything tied to.

I just do know that, when you send those fish by hand over the side, those dolphins are sitting there, and those sharks are sitting there waiting on them, and they will eat every one of them before they get out of sight, and so that discussion needs to continue, and we need to work towards some way of successfully putting those fish back down in a manner other than just feeding a bunch of marine mammals. Thank you.

CHAIRMAN FRAZER: Thank you. Our final speaker is John Coulon.

MR. JOHN COULON: Good afternoon, council. I’m John Coulon, and I operate a twenty-passenger partyboat out of Venice, Louisiana, and we just finished our sixty-one-day red snapper season, and it was quite overwhelming for a vessel my size, and it requires a lot of upkeep and maintenance, not to mention hurricanes and other weather issues.

A sixty-one-day season would be awesome, but it would take at least three months to get those sixty-one days in, and I am all for the 9 percent buffer for the red snapper, and I am glad to see you guys finally put a termination date notice on the federal permits, and I lost a twenty-passenger boat back in 2003, due to someone in National Marine Fisheries Office there in St. Petersburg that did not understand the termination date from the expiration date, and that’s about all I’ve got for you guys.

Sharks are very much an issue, and sharks have got more red snapper, between the commercial and recreational sector this year, than I have witnessed in over fifty years in this industry, and red snapper got the rest of our species, and now it looks like the sharks are getting our red snapper. That’s all I’ve got.

CHAIRMAN FRAZER: Thank you, Mr. Coulon. I would like to thank everybody for taking the time to participate in the process, and we value the input. Thank you very much. We’re going to take a ten-minute break.

(Whereupon, a brief recess was taken.)

CHAIRMAN FRAZER: We will start off with the Habitat Protection and Restoration Committee Report, and we’ll get that up on the board. Then I will let Mr. Banks go through it.

101
MR. BANKS: Thank you, Mr. Chairman. The Habitat Protection and Restoration Committee Report, we met today, August 14, and the agenda and minutes of the June 2019 meeting were approved.

We heard first from Mr. Andrew Kizlauskas from the U.S. Army Corps of Engineers. He provided a presentation on the permitting process for siting of artificial reefs and aquaculture operations in federal waters. He provided information on the geographic range of the three Army Corps Districts along the Gulf coast. He then discussed the various types of authorizations for permits, the permit application process, and the Army Corps' permit review process. He also provided information on engagement with stakeholders via public notices.

The committee noted that artificial reefs may provide additional habitat for reef fish, but that the siting of these reefs should be carefully considered, so there is minimal conflict with commercial shrimping grounds.

The committee further discussed that artificial reefs can affect catch rates, which impacts fisheries management. Dr. Crabtree noted that, in the future, NOAA will be asking permittees to provide more rationale regarding the merits and contribution to management for siting and the materials of artificial reefs in the analyzes.

As interest in aquaculture increases, the committee would like to stay informed about the location, size and fish species that will be part of any future aquaculture operations.

Essential Fish Habitat Outline, council staff presented a proposed timeline for developing a future EFH policy document over the next year. This EFH document will incorporate recommendations to the five-year EFH review provided by NOAA and will strive to develop a procedure for efficiently updating EFH considerations to fishery management plans. The committee requested frequent updates from the IPT as this document is developed.

In Other Business, the committee briefly discussed the need to know more about major projects being permitted in federal waters and how might the committee be better informed that such projects were being considered by the Army Corps for permitting.

Mr. Chair, this concludes my report.
CHAIRMAN FRAZER: Thank you, Mr. Banks. Is there any further discussion having to do with Habitat Protection and Restoration Committee report? Seeing none, we will move on. As soon as I can find Dr. Stunz, we will attack the Data Collection report. Let me go hunt him up. Mr. Dyskow.

MR. DYSKOW: Thank you, Mr. Chair. While we’re waiting for Greg, on that subject that Patrick just brought up of trying to stay in the loop on the aquaculture permitting process that’s being handled I guess by the Corps of Engineers, how difficult would it be for them to just give us a list of the permits that they’re currently considering, because it does have impact on what we’re doing, and we at least need to be in the loop to that extent.

CHAIRMAN FRAZER: To that point, Dr. Crabtree.

DR. CRABTREE: Well, for aquaculture, it would be easy, and we can give you a list of that. Right now, there is just two under consideration, one that we’ve talked about with Vellela, and then there’s a second one that Kelly Lucas and her company have been doing that, but we’re involved in the NEPA documents, and we have an aquaculture coordinator who is talking to both of those agencies, and so we’re following aquaculture very closely, and that’s much easier to follow than something like artificial reefs, with the number of permit requests coming in, and it’s ten-times higher.

CHAIRMAN FRAZER: Ms. Guyas.

MS. GUYAS: Just to be clear, Phil, you’re looking for federal waters projects for aquaculture?

MR. DYSKOW: Yes.

MS. GUYAS: Okay. In state waters, it gets a little more complicated.

CHAIRMAN FRAZER: Ms. Bosarge.

MS. BOSARGE: Roy, on that sargassum aquaculture thing that was talked to us, and you said you were going to get back to us, have you been able to find anything out about that yet?

DR. CRABTREE: To the best of my knowledge, the applicants have not pursued that, and we haven’t had much contact with them, as far as I know, since they presented at the meeting, and so, Sue,
have you got an update? I could be wrong though, and so let Sue correct me.

CHAIRMAN FRAZER: Ms. Gerhart.

MS. GERHART: We did contact Ms. Myers and asked her what they were doing, and they have gotten, I guess, past the next step of their granting process, and so they’re going forward, but they have moved where they are going to do this to the Caribbean, because sargassum has become an issue in the Caribbean, and so it’s really not within the Gulf Council’s jurisdiction anymore, as far as we understand it.

DR. CRABTREE: Recall that issue had more to do with them using gear to collect sargassum out there, and so it was not strictly an aquaculture project, although I think they may have called it that.

CHAIRMAN FRAZER: Is there any further discussion? Okay. Seeing none, we’re going to move forward. Greg, sorry to rush you, and I apologize for that, but if you’re ready to go.

DR. STUNZ: I’m ready.

CHAIRMAN FRAZER: Okay.

DATA COLLECTION COMMITTEE REPORT

DR. STUNZ: Thank you, Mr. Chairman. This is the Data Collection Committee Report for August 14, 2019. The agenda and minutes of the June 2019 meeting were approved.

NOAA Fisheries Permit Office 101 Presentation, and that’s Tab F, Number 4, Mr. McIntosh presented a procedural overview of the NOAA Permitting Office. The presentation included an introduction to the application process and online permit system along with information regarding logbook reporting, Office of Law Enforcement issues, and individual fishery quota (IFQ) reporting.

The committee inquired whether hardship considerations were provided for stakeholders involved in limited-access fisheries who may experience difficulty with timely renewal of their permits. Dr. Crabtree stated that hardship considerations are not usually granted. However, extreme circumstances have sometimes warranted exceptions.

The committee asked how many permit staff were responsible for
processing the thousands of permit applications received annually. Mr. McIntosh indicated that seven staff members were employed in the permit office.

Next was a Discussion of Commercial Fishing Unique Trip Identifiers, Tab F, Number 5, Dr. Stephen presented information highlighting data gaps associated with linking vessel monitoring systems with federally-permitted reef fish and IFQ participants. She also presented some possible solutions for addressing challenges in creating unique trip identifiers.

The committee asked if switching entirely to electronic reporting would be helpful to create unique identifiers. Dr. Stephen stated that paper reporting can be used to generate unique identifiers, but that electronic records would reduce time lags in data management processing.

The committee also asked if any other regions in the country were working on these issues. Dr. Stephen indicated she was aware of current work being conducted by the Greater Atlantic Regional Fisheries Office and the Northwest Fisheries Science Center to develop solutions for generating unique trip identifiers and that she would monitor their progress.

The next presentation was the Net Gains Alliance Presentation, Tab F, Number 6. Mr. Lapointe presented the overview on the objective and mission of the Net Gains Alliance, which is a global initiative committed to accelerating the modernization, implementation, and adaptation of robust information systems to support sustainable marine management. The presentation also outlined grant-making procedures to complement current funds for established data collection programs.

The committee agreed that an approach to potentially include some business incentives for fishing captains to increase data collection participation may be an effective approach. Mr. Lapointe agreed and reiterated the importance of communication with stakeholders is critical for achieving Net Gains Alliance’s goals.

Next was the Update on SEFHIER, Tab F, Number 7. Ms. Gerhart gave a progress report updating the committee on the implementation timeline for the Southeastern For-Hire Integrated Electronic Reporting (SEFHIER) program. She indicated that outreach would continue into the fall of 2019, with a two-phased roll out of the program tentatively set to begin in early 2020.

The Committee asked whether NOAA had considered implementing the
program in a single phase. Ms. Gerhart stated that, while a
single-phase implementation had been considered, several
challenges, such as approval of VMS and non-VMS units, have
caused for delays to the initiation of the program. Ms. Gerhart
highlighted that a two-phase implementation did allow for both
for-hire stakeholders and NOAA staff to adjust to the new rules
before the program is fully implemented. Mr. Chair, this
concludes my report.

CHAIRMAN FRAZER: Thank you, Dr. Stunz. Is there any further
discussion on this committee report? Okay. Seeing none, I
think we will adjourn for the day. That leaves us tomorrow with
two committee reports, and we’ll start off at 8:30 in the
morning with Sustainable Fisheries, and then we’ll move into the
Reef Fish Report, and then, finally, we have two more liaison
reports and an EFP to discuss, and so I will see you guys
tomorrow at 8:30 in the morning.

(Whereupon, the meeting recessed on August 14, 2019.)

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August 15, 2019

THURSDAY MORNING SESSION

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The Full Council of the Gulf of Mexico Fishery Management
Council reconvened at the Hyatt Centric French Quarter, New
Orleans, Louisiana, Thursday morning, August 15, 2019, and was
called to order by Chairman Tom Frazier.

CHAIRMAN FRAZER: We will start with the Sustainable Fisheries
Committee report, and we’re going to pull that up on the board,
and then I’m going to hand it over to Dale Diaz.

SUSTAINABLE FISHERIES COMMITTEE REPORT

MR. DIAZ: Thank you, Mr. Chairman. The Sustainable Fisheries
Committee Report, the Sustainable Fisheries Committee met on
August 12, and the agenda and minutes of the June 2019 meeting
were approved.

Draft Framework Action to Modify Federal For-hire Trip Limits,
this draft framework action addresses the rules for possessing a
second daily bag limit for reef fish and coastal migratory
pelagic species on for-hire vessels making trips greater than
twenty-four hours in duration.

Under Reef Fish Amendment 1, no explicit direction was given to when a second bag limit could be retained on a trip longer than twenty-four hours. After the regulations were consolidated in 1996, retaining the second daily bag limit before twenty-four hours had elapsed was prohibited.

Staff reviewed data from 2009 through 2018 from the Southeast Region Headboat Survey for headboats making trips in excess of twenty-four hours in duration and described the nature and general proportion of those trips compared to headboat effort in the Gulf in general. Conversely, the Marine Recreational Information Program survey, which covers charter/for-hire and private vessels, does not record trip duration, but rather hours fished.

A committee member noted that the Coastal Household Telephone Survey data from 2015 through 2017 recorded trip duration for Mississippi, Alabama, and west Florida and may be informative in identifying the universe of effort for trips exceeding twenty-four hours in duration by charter/for-hire vessels.

Committee members asked for clarification with respect to the U.S. Coast Guard regulations and what is still required of vessel operators making trips greater than twenty-four hours. Staff will look for ways to reference this information in the appropriate way.

The committee asked how changing the regulations would affect enforcement. The U.S. Coast Guard noted that passengers on the vessel will still need to possess a receipt detailing trip duration for enforcement purposes. Safety-at-sea was also discussed, with concerns about how vessels would deal with weather and passenger illness. Public comments previously given by for-hire operators demonstrated ways by which these operators have addressed these concerns while still abiding by harvest regulations.

Without opposition, the committee recommends, and I so move, in Action 1, to make Alternative 2, Option 2b the preferred. Alternative 2 is the onboard possession limit for federal for-hire trips in the Gulf exceeding a given trip duration will be two daily bag limits per angler (or vessel for speckled hind and waraw grouper), excluding captain and crew. The second daily bag limit can be retained anytime during a trip with a minimum trip duration of Option 2b, greater than thirty hours.
CHAIRMAN FRAZER: We have got a committee motion on the board. Is there any further discussion of this motion? Mark.

LT. ZANOWICZ: Thank you, Mr. Chairman. I just wanted to expand on something that I mentioned in committee. Under this alternative in this amendment, the charter vessel catches its two daily bag limits, and it’s required to stay out for a minimum of thirty hours. Otherwise, it commits a fisheries violation, and, for the Coast Guard, it definitely poses a safety concern, because there could be very good safety reasons why a vessel would need to pull in before these thirty hours or pull in earlier than anticipated.

I know we have heard public comments from charter captains saying that there’s been workarounds for this, where they will pull into a safe harbor and anchor, but I’m not sure that works in all cases. For example, if a vessel has an equipment casualty that makes it unsafe to stay on the water, I don’t know if staying anchored out on the water is a good idea. Really, the bottom line is there is times when a vessel is going to get underway on a trip and it’s going to need to pull in earlier than expected, and, under this alternative in this amendment, for certain vessels in certain circumstances, that prevents that from happening.

I know we talked about officer discretion too, and I’m not sure that relying on that is wise either, and the officer may be of a different opinion than the charter boat captain, in terms of what warranted pulling in early.

I think it might be worth exploring, just as a suggestion, to see if other councils have a similar amendment and ways they dealt with this issue or trying to brainstorm possible solutions, and I know we mentioned a waiver, possibly, during committee, and Dr. Crabtree said that probably wasn’t possible, but maybe there are other solutions out there. I think, if this alternative remains as-is, it’s definitely going to continue to be a concern for the Coast Guard, and so I just wanted to make the council aware of that. Thank you.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: Well, I think officer discretion is one, but, you know, at some point, the captain of the vessel has got to use some sense, and surely a captain is not going to put himself and his crew and his vessel in danger over some fish, and I would think, if they were really in a safety-at-sea issue, they would either come on it and pay the fine for being over the bag limit
or, more likely, they would toss the extra bag limit over the
side and come in, and so there are options here, and, to some
extent, when a captain goes out, if the weather is marginal,
you ought to think about whether they are going to keep the two
bag limits the first day or just keep one, in case they’ve got
to come in early, and so I think, at some point, the onus has to
go on the captain to exercises due diligence, to make sure that
folks on his boat are safe.

CHAIRMAN FRAZER: Susan Boggs.

MS. BOGGS: Because this has been so confusing, I want to just
clarify, where it says excluding captain and crew, there are
some species that the captain and crew are allowed to retain or
have possession, and so does this mean that we’re excluding
captain and crew from all species? Like triggerfish, you can
retain captain and crew, and, the way this reads, this excludes
captain and crew, and I want to -- That’s an ambiguity there.

CHAIRMAN FRAZER: I am going to punt this one over to Mara. Go
ahead, Ms. Levy.

MS. LEVY: I am not sure why we wrote it like that, because
that’s not what the current language is in the regs, and so I
would just suggest that we don’t change the current language in
the regs that is under the possession limits, and all we’re
changing is the hours and the fact that you can keep it at any
time during the trip. Whether captain and crew can keep it is
guided by the individual bag limits that are above the
possession limit, and so we should probably just modify the
language in the alternatives, before it comes back to you, to
reflect what’s actually in the regulations.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: Mara, I assume you’re looking at the codified
text, and is this --

MS. LEVY: We don’t have codified text. This wasn’t set to go
final.

DR. CRABTREE: All right, and so we can address, when we do have
the codified text, and make sure that’s --

CHAIRMAN FRAZER: Just so I’m clear, we’re just going to go
ahead and modify this alternative as we’re putting the
documentation together, right? Okay. I guess what we’re
getting from staff here is to strike “excluding captain and
crew” from this language, and so go ahead and do that.

The motion would read: In Action 1, to make Alternative 2, Option 2b the preferred, and Alternative 2 as modified. Okay. Is there any further discussion? Seeing none, is there any opposition to the motion? Seeing none, the motion carries.

MR. DIAZ: Draft Amendment Reef Fish 48/Red Drum 5: Status Determination Criteria and Optimum Yield for Reef Fish and Red Drum, Action 1: Sub-Action 1.1, Defining Maximum Sustainable Yield Proxies for Assessed Stocks, Sub-Action 1.1 allows for the definition of MSY for four assessed species of black grouper, yellowedge grouper, mutton snapper, and yellowtail snapper in the Reef Fish Fishery Management Plan. The committee agreed with the Scientific and Statistical Committee’s recommendation for this action.

Without opposition, the committee recommends, and I so move, to accept the revised language from the SSC in Action 1, Sub-Action 1.1, Alternative 3. The SSC Motion was: Alternative 3 to set MSY proxy as yield at F 30 percent SPR. SSC Motion: For future assessments of reef fish stocks and red drum, the MSY or MSY proxy equals the yield produced by FMSY or F proxy recommended by the council’s SSC and subject to approval by the council through a plan amendment. Mr. Chair.

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

MR. DIAZ: Action 1: Sub-Action 1.2, Defining MSY Proxies for Stock Complexes and Unassessed Stocks, Dr. Crabtree stated that the latest black grouper assessment was not completed because of species identification issues with the historical landings data. He stated that black grouper would not be appropriate as an indicator species for the shallow-water grouper complex and recommended using the most recently assessed species in the shallow-water grouper complex as the indicator species.

Dr. Froeschke cautioned using this approach, as this could result in multiple changes to status determination for the complex in a short period of time. The committee recognized that most reef fish species, with a few exceptions, such as goliath grouper, use an MSY proxy of yield at F 30 percent SPR. After discussion, the committee recommended combing sub-actions 1.1 and 1.2 to more efficiently organize the document.
Action 1: Sub-Action 1.3, Defining MSY Proxy for Red Drum, Dr. Barbieri reported that the SSC had made no recommendation for Sub-Action 1.3, since the relationship between juvenile red drum escapement and MSY is not well understood. The committee suggested that MSY definition alternatives for red drum be consolidated along with Sub-Actions 1.1 and 1.2 and reviewed again at the next council meeting.

Action 2, Defining Maximum Fishing Mortality Threshold, the Committee discussed whether MFMT should be related to MSY or F rebuild when stocks are in a rebuilding program. Dr. Cass-Calay stated that this alternative is more conservative than what is required by law, as overfishing occurs when the fishing level exceeds FMSY, but that it is possible to exceed F rebuild without overfishing. She also indicated that F rebuild is subject to change based on the length of the rebuilding period or model projections. Thus, the acceptable biological catch yield stream is often set to this level. The committee decided to keep the action alternatives as written, but indicated that revisions to this action may occur in future meetings.

Action 3, Defining Minimum Stock Size Threshold, Dr. Barbieri reported that the SSC had recommended that the committee not consider Alternatives 4 or 5 for defining MSST. This recommendation was based on simulation analyses conducted by the Southeast Fisheries Science Center that indicated that fish populations do not fall below 50 percent BMSY due to environmental conditions or due to natural mortality alone. Removal due to fishing harvest is responsible for driving populations below 50 percent BMSY, and therefore may not be recommended as an alternative.

Action 4, Defining Optimum Yield, the committee agreed with the SSC that more discussion was necessary before considering the presented action alternatives on how to best define OY. The council staff indicated that they would hold another meeting with the IPT to more clearly outline the goals for this action.

Discussion of Council Research and Monitoring Priorities for 2020 through 2024, staff and Dr. Barbieri recounted the SSC’s efforts to make changes and new recommendations to the council’s research and monitoring priorities for 2020 through 2024. These priorities are generally used to inform the council’s collaborators in academia, government and elsewhere of key needs which would improve the council’s ability to meet its resource management obligations.

The SSC recommended emphasis on characterizing the efficacy of
improvements in recreational discard mortality resulting from
the use of descending devices and their adoption by the
recreational angling community. Funds were made available by
the Natural Resource Damage Assessment and Restoration Program
to explore this priority, as it was not yet a regulatory
requirement. It was the availability of these funds which led
the council to tentatively abstain from making the use of
descending devices mandatory in the Gulf.

The South Atlantic Fishery Management Council is working on its
best practices for fleet-specific fishing activity, which
considers the mandatory possession of descending devices and
venting tools by the components of the recreational fishing
fleets. Dr. Stunz noted that all red snapper tagged and
released as part of the Great Red Snapper Count research
initiative in the Gulf were released using descending devices
and these tagged fish, approximately 4,000 individuals, have a
tag return rate approaching 20 percent, which is an exceptional
return rate.

Presentation by National Marine Fisheries Service Southeast
Regional Strategic Plan, Andy Strelcheck from NOAA Fisheries
noted that the National Strategic Plan was released July 25,
2019 and provided an overview of the Southeast Geographic
Strategic Plan.

Mr. Strelcheck discussed the strategic landscape and noted that
the regional plan unifies planning between the Regional Office
and the Science Center. He discussed the strategic goals,
strategies, and approaches to be included in the plan. Finally,
Mr. Strelcheck discussed the proposed schedule and indicated
that the southeast regional plan is expected to be finalized by
October 1.

Committee members noted that the Southeast Region could discuss
issues related to the hypoxic zone in the Gulf of Mexico in
various settings, because the Southeast Region covers several
states along the Mississippi River.

Presentation on Endangered Species Act Listing of Bryde’s whale,
Ms. Zoodsma from NOAA Fisheries presented information on the
biology, distribution, and potential threats to the Gulf of
Mexico Bryde’s whale.

The Bryde’s whale was listed on the Endangered Species Act in
April 2019 and basic life history information is still being
collected. Ms. Zoodsma indicated that the population of fewer
than 100 individuals is generally constrained to the eastern
Gulf of Mexico in water depths primarily ranging from 100 to 400 meters. Fishing effort with several different gears types does overlap within the Bryde’s whale distribution and could result in entanglements.

The committee inquired what specific manmade factors had been identified as potentially high hazards to Bryde’s whales. Ms. Zoodsma indicated those factors were offshore energy exploration and development. The committee asked how this recent listing would affect current fishing regulations. Southeast Regional Office staff indicated that consultation reinitiation would be included in the affected environment section of the policy documents.

Committee Discussion on Allocation Issues, the committee discussed that not all desired information that could be used to support allocation decisions will be easily measurable or available for many stocks.

When information that would support allocation decisions is not available, the committee should consider what a metric would look like for items that cannot be easily quantified. The committee noted the need to recognize information gaps and develop a process that will incorporate these issues. In addition, recognition of these information gaps can impact research priorities and data needs.

Staff updated the committee that two conference calls have taken place with the allocation review group, with personnel from council staff, SERO, and the Southeast Science Center, and that allocation and reallocation is on the agenda for the Southeast Social Scientists meeting scheduled for early September. The committee proposed having a presentation on natural resource valuation at a future council meeting. Mr. Chair, this concludes my report.

**CHAIRMAN FRAZER:** Thank you, Mr. Diaz. We’ve got a couple of questions, and I will start with Dr. Stunz.

**DR. STUNZ:** Thanks, Dale. I just wanted to back up to those research priorities, and, in light of some public comment that we had last night regarding all the dolphin and shark interactions with the fisheries that we’re having, and I don’t know, Tom, and maybe you can provide some guidance on where this would fit in, or if it was a letter, but there are options available that avoid that.

For the dolphin specifically, there is things called ADDs or
DDD, which are dolphin deterrent devices, and they send an
acoustic signal that we can’t hear, but the dolphins can, and it
kind of freaks them out, and it doesn’t hurt them or anything
like that, and we experimented with those a while back, and we
showed clearly that they work, and they don’t interfere with
fishing, but, unfortunately, the Regional Office shut us down
from doing any further testing, because they said it was Class A
harassment, and so we couldn’t continue that work, but I think
maybe it’s time, in light of some of that, to do that.

The argument was that the pingers didn’t hurt the dolphin, and
it created a dinner-bell effect, and that eventually they would
learn that, well, that’s where you come for food. Well,
obviously, based on the testimony, the dinner-bell effect is
probably diesel engines going into neutral and not the ADD at
this point. I would suggest that maybe it’s time to consider
that.

They’re super cheap, and they are little, tiny devices, and you
don’t even turn it on. You just drop it in the water when the
dolphin show up, and they are required in some fisheries,
particulalry drift gillnet fisheries, and so, I mean, it’s not
like we’re dealing with things that aren’t used in other places.

Regarding the sharks, there is some work by some of our own
members of the SSC developing some gear that could potentially
deter sharks. Now, I don’t know, and it’s pretty early on in
their process of how that is working and that kind of thing,
but, anyway, there is some stuff going on out there, and so, as
we’re discussing these research priorities, based on what we
heard last night, obviously, those are a couple of things that
we might want to prioritize, in my opinion.

CHAIRMAN FRAZER: I am just trying to think about what’s the
best way to tackle that, whether that’s just simply an update or
a presentation, perhaps, on some types of technologies or
devices that might be available and whether they are legal or
not. If that’s something that people want to hear, I mean, we
could try to put something together as a presentation, perhaps.
Are people interested in that? Kevin.

MR. ANSON: A comment to that is, after the meeting yesterday,
in conversation with some other council members, maybe just --
Maybe because this is just an easy outlet for fishermen to come
and talk to the council about and let us know of the problem,
but these are some species that we really don’t have any direct
management authority for, and so maybe we can have the service
come and talk about sharks, HMS, and what the management is and
what might be able to occur, as far as any changes to fishing
practices and such, as well as for dolphins.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: Well, we could certainly have someone from HMS,
and I believe Randy Blankenship, who a lot of you have met, is
now the Director of HMS, and he is in the St. Pete office, and
so we could invite him to a council meeting to talk about
sharks.

I have already been in contact with our Protected Resources
Marine Mammal folks, and I passed on that blurb that was handed
out in public testimony, and the agency is in the process of
revising the marine mammal deterrent guidelines, and I don’t
know what it’s going to allow and in what types of situations,
but I am going to, when I get back to the office, get briefed on
where that stands, and then we could provide you a briefing on
it, if you would like.

Perhaps some of these acoustic devices would be useful, and I
have had discussions with those in the past, and there tends to
be a feeling that they may deter them initially, but they get
used to them, and I don’t know if that’s correct or not, but we
can certainly look at it.

CHAIRMAN FRAZER: Dr. Stunz and then Kevin.

DR. STUNZ: Just briefly, Roy, to tell you where we left off
with that, is we did the studies on what they call vessels of
opportunity, because we couldn’t do this on our own
scientifically, because your office suspected that that might
increase incidental take or harm of the dolphin.

We clearly showed that they worked on these vessels. What we
couldn’t do was do the experiments we needed to, where some
people have them on and some people have them off, and really
test those kinds of things that you’re talking about, do they
learn or a whole variety of things, and so we ended that right
there, and it never was much of an issue, but it’s obviously
cropping back up again, but at least the preliminary work shows
that they do work, but the main concern wasn’t that it harmed
the dolphin or anything like that, and the fish can’t really
detect that, and so it doesn’t impact the fishing or anything,
but it was that it would increase the interactions with the
dolphins, and so that’s something that obviously needs to be
tested, but, because of the regulations, the harassment
regulations, you can’t do the testing you need, and so you’re
kind of in a catch-22 situation.

DR. CRABTREE: Yes, and a lot of those Marine Mammal Protection Act permits and things are issued out of Headquarters and not out of the Regional Office, and so it’s complicated, and there are a lot of people involved in those decisions.

CHAIRMAN FRAZER: Kevin Anson.

MR. ANSON: I don’t know what the schedule looks like and such for the next meeting, but certainly there is some interest in just generally management of sharks, and so maybe a brief summary of whoever comes from the agency can provide, for Gulf of Mexico species at least, provide a summary of assessments that may have been done and timelines and such for future assessments and what the general trends are for landings, maybe just a couple or few slides, to kind of give everybody some back-drop to that. Thank you.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: I would just remind everybody that we have, for probably two decades now, spent a lot of time and money and effort on rebuilding shark populations, and so the fact that we’re seeing, and everyone is seeing, more sharks is not surprising, but that’s kind of by design.

Now, I get it that people have questions about how many sharks do we really need, and there is no question that the shark assessments and the numbers are really uncertain, but there’s been active shark management designed to improve shark populations.

CHAIRMAN FRAZER: I am going to first, Chester, go to Leann, if it’s on this subject.

MS. BOSARGE: It is, yes. I just wanted to echo everything that Kevin said. I think that kind of presentation would be great, and I even had one fisherman, yesterday evening, ask if it was possible -- Would an EFP possibly help this situation, and is there some data that’s needed on these sharks to show HMS what they’re having as bycatch and the issues that we’re having and maybe increase some quotas, and, obviously, the hope was that, if they do that, they would be able to land those fish for research, and Mote Marine Lab is here, and they have a shark facility, and they have ongoing shark research, and this was some of the commercial guys out of the eastern Gulf.
Anyway, I think that would be a great presentation. My question actually, very quickly, was there was a number in the report, under that MSST, that I thought Dr. Cass-Calay said 75 percent, but the report said 50, and it’s just a minor thing to correct, but if you could scroll up to that part, the MSST section. The Science Center indicated that fish populations do not fall below 75 percent BMSY, is what I thought, and that’s what I wanted to see, which way it was supposed to be.

CHAIRMANS FRAZER: Shannon.

DR. CASS-CALAY: I think it’s correct as written. 75 percent, there was some probability you would fall below that level, and so I think it correctly reads 50 in this case, but thank you very much, Leann.

CHAIRMANS FRAZER: I think the point there is that it was a relatively low proportion at 75 percent, and there was no effect at 50 percent, essentially, and what we’re trying to do is discuss an alternative that might fall in between that, at 60 percent or something like that, and so thanks for that clarification. Mr. Diaz.

MR. DIAZ: I just wanted to mention that I attended the South Atlantic Fishery Management Council meeting last December, and, at their public testimony, they had a fair amount of testimony, especially from commercial fishermen, about major problems they’re having in the South Atlantic with sharks also, and so other councils are certainly hearing similar things.

CHAIRMANS FRAZER: Chester.

MR. BREWER: Just to follow-up on what Dale says, it’s not just at December meeting. Every time we have public comment, sharks come up, and almost every commenter -- They have got their one point that they want to make for whatever is going on, but then the second half of the comment is about sharks.

We don’t seem to have the dolphin problem as bad, and we don’t hear that, but we do hear about sharks. Now, our sort of solution to it, I think, was probably very ineffective, and that is we wrote a letter to the head of HMS, who now is Randy Blankenship, and just said, listen, this is a problem out there, and you all really need to look at it.

I don’t know what that’s going to do, and it seems to me that we need some sort of discussion on what the fishermen that are on the water can actually do themselves that will keep the sharks
away from the boat, and I don’t know what that solution is, but
we’re going to have the sharks with us always, and there do seem
to be a lot more of them on the water, and I can testify that,
off of Palm Beach County and Martin County, there is more sharks
than I have ever seen, ever, and we have great difficulty
getting fish to the boat, because they will come up and get a
hooked fish, and that’s all my comments. Thank you.

CHAIRMAN FRAZER: We have got two more, and then I think we’re
going to rein this discussion in. Kevin Anson and then Roy
Crabtree.

MR. ANSON: Mine was just an edit, potential edit. Bernie, if
you can scroll up to the top, right there near the end, the last
sentence that says the “Coastal Household Telephone Survey”, I
think that should be the “For-Hire Survey”. According to the
MRIP website, it’s just the for-hire survey and not the
telephone survey, and so FHS is the abbreviation.

CHAIRMAN FRAZER: Thanks, Kevin, for that. Dr. Crabtree.

DR. CRABTREE: Just that none of this will come as unexpected
news to the folks at HMS, and we’ve been hearing these comments
for several years now, and pretty widely, everywhere I’ve been,
and so what you do about it is the more difficult thing, because
it is a multispecies complex, and some shark species are
overfished and some aren’t, and some shark species are listed
under the Endangered Species Act, and so you end up with choke
species that make it difficult to have high quotas on the other
species, and so it’s a tricky management situation, but I think
having Randy come down and talk to us is probably a good idea.

CHAIRMAN FRAZER: Okay. I think there is general consensus
around the table that we’ll contact HMS and see if we can get a
presentation, so they can kind of let us know what’s going on
with sharks, at least from a data collection effort, and what
their authority is. Go ahead, Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chairman. Yes, we
could do that, and then, also, I think, if I understood Dr.
Stunz correctly, he also wanted us to maybe draft some text to
consider putting these interactions in the research priorities,
possibly under ecosystem or another area that might be relevant.

DR. STUNZ: Yes, and I think that would be of value as well.

CHAIRMAN FRAZER: Then one other part to that would be if Dr.
Crabtree would be willing to provide a little update as well, a
briefing, with regard to the -- I guess it would be the Protected Species Branch, and so we’ll put all three of those things down. Is there any further discussion? Mr. Swindell.

MR. SWINDELL: I assume you’re on Other Business within the Sustainability?

CHAIRMAN FRAZER: Yes.

MR. SWINDELL: If you go to Section E.4, it has -- You’re talking about the for-hire multiday trip, and, if you look at the last page of that document, you have Appendix A of current regulations on possession limits. I think this is the most -- Mara, you can -- It’s Section 622.11, and is that part of the law, of the plan?

CHAIRMAN FRAZER: Let’s take an opportunity to get this on the board, so we can all see what you’re referring to.

MR. SWINDELL: Is that written in the law? I got concerned, when we got talking about multiday trips, about when the Coast Guard or anyone stops a vessel, just who is responsible for the amount of fish that is on that boat, and I got to thinking that it has to be the vessel operator, rather than an individual, because, suddenly, if the vessel happened to come in early, as was mentioned before, for some unusual reason, it’s got to be the vessel operator and not the individual fishermen that has to be responsible.

If you look at this 622.11 for the bag and possession limits, you get that, and it’s highlighted there, and I don’t know if we made the highlight or if that’s in the law and it’s written that way, that the possession limits apply to a person on a trip after the first twenty-four hours, but, if you go on down to the last sentence of that paragraph, the operator of a vessel that fishes in the EEZ is responsible for ensuring that the bag and possession limits specified in Subparts B through V of this part are not exceeded.

That puts it strictly on the operator of the vessel, and does that apply to any trip on any vessel? I don’t really know where this is in the law. Even a recreational vessel, is the operator responsible, the operator of the vessel responsible, for assuring that the regulations are not exceeded? It’s just a good question that I am concerned about for enforcement purposes as well as our management of regulations. Thank you.

CHAIRMAN FRAZER: Okay, and so I think -- I mean, it’s a good
question, and I think we can explore that a little bit, and it’s a question, and we’ll note it as that, and we’ll try to bring an answer back for the next committee meeting. All right. Thank you, Mr. Swindell. Is there any further discussion? Okay. Seeing none, we’re going to move straightaway into the Reef Fish Committee Report, if you’re ready, Ms. Guyas, and we’ll get it pulled up on the board.

REEF FISH COMMITTEE REPORT

MS. GUYAS: All right. The agenda was adopted, Tab B, Number 1, and the minutes from the June 2019 Committee meeting were approved.

Review of Reef Fish Landings, commercial harvest of gray triggerfish is below the commercial ACL and is not projected to close before the end of 2019. The commercial sector’s harvest for greater amberjack closed on June 9, 2019. The recreational sector for gray triggerfish closed on May 11, 2019, with 105.9 percent of the ACL landed.

Recreational landings of greater amberjack opened on August 1, 2018 and did not reopen May 2019. Some greater amberjack landings data are outstanding, and the recreational ACL for the 2018/2019 season is expected to be caught. Recreational seasons for gag and red grouper are not projected to close in 2019.

For-hire landings for red snapper are not yet available, and landings for the private angling component remain below the state-specific ACLs at this time. Landings for hogfish, lane snapper, mutton snapper, and vermilion snapper are all currently below their stock ACLs, with lane snapper projected to close in the fall of 2019.

Commercial landings for king mackerel are under the quota for the handline component, at 97.1 percent, and over for the gillnet component, at 107.7 percent, for the 2018/2019 fishing season. The gillnet component will be subject to a payback of the overage in the 2019/20 fishing season.

Recreational landings for king mackerel were approximately 3.6 million pounds below the recreational quota for the 2017/2018 fishing year, and landings seem to be on a similar track for the 2018/2019 fishing year. Landings for cobia and Spanish mackerel are both well below their stock ACLs. African Pompano Hot Sheet, staff presented a hot sheet about African pompano to the committee.
CHAIRMAN FRAZER: Excuse me, Martha. Roy.

DR. CRABTREE: Just because we were talking king mackerel landings here, and I know it’s the Reef Fish Report, but one thing that we did hear in public comment that I thought had a lot of merit was the idea of eliminating the king mackerel size limit.

I suspect that the mortality rate of released king mackerel is very high, and so I think that’s something, Carrie, that would be worth taking a look at the next time the Mackerel Committee meets.

CHAIRMAN FRAZER: Okay. Thank you, Dr. Crabtree. Go ahead, Martha.

MS. GUYAS: Staff presented a hot sheet about African pompano to the committee which summarized available biological information and recent landings data in the Gulf. African pompano is more frequently caught in federal waters by the recreational sector, with the majority of these landings in Alabama and Florida.

Life history and reproduction data for this species are limited. Florida is the only Gulf state with fishing regulations for African pompano, with a two-fish vessel limit and a minimum size limit of twenty-four inches fork length. These limits apply in federal waters adjacent to Florida for the recreational fishery only.

The committee inquired about the establishment of the regulations by the State of Florida and were informed that a series of stakeholder meetings had been held for this data-limited species. Issues remain with species identification, as African pompano can be confused with permit when the streamers or fin rays have been broken off.

A committee member asked that the Florida Fish and Wildlife Conservation Commission consider adding a transit provision to Florida African pompano regulations to clarify that state commercial limits do not apply in federal waters. The committee also recommended that council staff share the published hot sheets for all available species on the council website.

SSC Summary Report and Presentation, the NOAA Office of Science and Technology provided updated guidance to the SSC on National Standard 2 and the best scientific information available, with guidance being given to the national fishery management regions on how to develop their respective frameworks for determining
best scientific information available. These frameworks should be developed by each region within the next three years.

NOAA S&T also discussed a policy directive for National Standard 1 as guidance for decision-making as it relates to reference points, carryover and phase-in of catch, and data-limited stocks. Guidance on these areas will be rolled out as it becomes available.

Dr. Barbieri then clarified how steepness is used within a stock assessment model. Generally, when steepness is fixed at 1.0, it means that the assessment assumes that stock size is not related to the recruitment of individuals into the stock, and that recruitment does not vary with time. Recruitment is known to vary, so this assumption is likely violated. When steepness is below 1.0, the model assumes an increasingly strong relationship between stock size and recruitment as the steepness decreases.

The Southeast Fisheries Science Center sets steepness at 1.0 for some species. However, recruitment is not ignored. Rather, the Southeast Fisheries Science Center fixes recruitment at the mean of the previous three to five years of data, thereby using the most recent time series to inform this reference point within the model. The new version of Stock Synthesis will allow for even greater flexibility with respect to handling steepness and recruitment.

The SSC evaluated the current ABC control rule, discussed its shortcomings, and reviewed an alternative rule presented by the Southeast Fisheries Science Center. The SSC ultimately recommended reconvening the ABC Control Rule Working Group to work on improving the rule.

Without opposition, the committee recommends, and I so move, to reconvene the ABC Control Rule Working Group to evaluate the existing rule and propose improvements.

CHAIRMAN FRAZER: Okay, and so we’ll put that committee motion on the board. We have a committee motion to reconvene the ABC Control Rule Working Group to evaluate the existing rule and propose improvements. Is there any further discussion on that motion? Is there any opposition to the motion? Seeing none, the motion carries. Martha.

MS. GUYAS: NOAA S&T reviewed efforts to develop calibration methods between MRIP and the state-conducted catch and effort surveys in the Gulf. There is a clear need to rectify the issue of differing currencies of data between these surveys. NMFS
recently released a white paper on the topic, which will be reviewed by the South Atlantic Council’s SSC in August and the Gulf Council’s SSC in September 2019.

The ongoing SEDAR 62 assessment for gray triggerfish identified biases with aging efforts between otoliths and spines. The model was modified to a length-based approach, and only minimal delays in progress are anticipated.

The scopes of work for gray snapper and west Florida hogfish were reviewed by the SSC, and the latter was approved and sent to the Southeast Fisheries Science Center. Gray snapper will be reviewed further with the Southeast Fisheries Science Center, with final SSC consideration in September 2019.

A presentation on the fishery biomass present on oil rigs and effects of explosive removal of rigs in the western Gulf was given to the SSC, and it suggested that large portions of stock biomass for several species may be present on these rigs. This was particularly the case with greater amberjack, raising questions by the SSC about the projected size of the greater amberjack stock in the Gulf.

Biological data on almaco jack were presented to the SSC, though many gaps in knowledge exist compared to other species managed by the council. Staff will develop and publish a hot sheet for almaco jack in the near future.

Under Other Business, the SSC was presented with work evaluating fluctuations in yield projections following stock assessments. This work is of particular interest to the SSC and the Southeast Fisheries Science Center, and it will be discussed further at a future SSC meeting.

**CHAIRMAN FRAZER:** Shannon.

**DR. CASS-CALAY:** Thank you very much. I think that the SSC actually requested that we bring additional information to them about those fluctuations in yield, and that will be discussed at a future meeting. The way the paragraph is written, it appears that we have already presented that work, and so the SSC requested work. We have conducted that work, but we have not yet presented it. We will present it in September, and so I think it’s okay the way it’s written now. Thank you very much.

**CHAIRMAN FRAZER:** Thank you, Shannon, for that clarification. Hold on. We’ve got a little technological issue that we’re going to deal with here for a second. Ms. Guyas.
MS. GUYAS: Mr. Paul Parker of Catch Together gave a presentation on his work with quota banks around the U.S. Staff reviewed the council motions used to develop the purpose statement and new program goals. Committee members discussed red snapper discards from the grouper fishing fleet as a significant problem in the fishery, and they intend to address through a quota set-aside.

Staff reviewed Actions 2 and 3. Action 2 addresses the distribution of shares reclaimed through Amendment 36A. The committee discussed the pros and cons of establishing a NOAA-run quota bank and expressed interest in alternates to a government-run quota bank.

By a vote of ten to three, the committee recommends, and I so move, in Action 2, to modify Alternative 5 to read: Alternative 5: Distribute to a non-profit, third-party-administered quota bank the reclaimed shares with oversight from NMFS, the council, and other involved parties. The quota bank will retain the shares and distribute the allocation associated with the shares each year.

CHAIRMAN FRAZER: We’ve got a committee motion on the board, and we’ll get it up there. All right. The motion is, in Action 2, to modify Alternative 5 to read: Distribute to a non-profit, third-party-administered quota bank the reclaimed shares with oversight from NMFS, the council, and other involved parties. The quota bank will retain the shares and distribute the allocation associated with the shares each year. All right. Is there any further discussion? Dr. Crabtree.

DR. CRABTREE: One thing we need to think about, because we split this amendment I guess into a -- Is it going to be a 38C now? I don’t know, but we took the action to require a permit, and so that’s going to affect quota banks, which I think we decided that we want to facilitate quota banks, but now the Shareholder Alliance quota bank, I think, would be no longer eligible to hold shares, because they don’t have a -- If we approve it and we put that requirement in place, because they don’t have a vessel and a permit.

Somehow along the way, we’re either going to require quota banks to have a vessel and a permit, which seems awfully awkward to me, or we’re going to have to carve out some sort of exception along the way, but we need to think about it, because I think our goal to facilitate quota banks and fishery management associations and things is in conflict with our desire to
require permits and vessels and all those kinds of things, and we’re going to need to reconcile that.

CHAIRMAN FRAZER: That’s a good observation, and I think we have a couple of motions away when we get to revising the document, perhaps, and putting that together. Ava, you will have to think about the potential consequences of that. All right. Thank you. Any further discussion on the motion? Mara.

MS. LEVY: I don’t know that we need to hash this out now, but, the way the motion reads, distribute to a non-profit third-party -- I mean, it’s sort of like, already upfront, the decision is that it’s a quota bank that somehow is going to be defined. It may be, in the future, if this motion passes, and you’re looking at allowing non-profit quota banks to hold shares and then distribute out allocation, that it may need to be more like allow non-profit third-party quota banks to hold shares, meaning I don’t know that it’s going to be one non-profit quota bank that somehow gets designated by the council as the quota bank.

I am not sure about the legal implications of that. It’s one thing to allow certain entities to hold shares, and it’s another to specify that it’s this entity, and so I just want to bring that up as something we’re going to have to think about if this passes and we’re looking at non-profit privates doing this rather than the agency.

CHAIRMAN FRAZER: Thank you for that comment as well. Is there any further discussion? Is there any opposition to the motion? One opposed, and the motion carries.

MS. GUYAS: With one opposed, the committee recommends, and I so move, to instruct staff to explore the feasibility to establish a non-NOAA quota bank using regional fishery associations as an example.

CHAIRMAN FRAZER: I think we just took care of that, didn’t we?

MS. GUYAS: No, that was a different motion.

CHAIRMAN FRAZER: Okay. All right, and so we’ll put that one on the board. Sorry. Is there any further discussion on this motion? Mara.

MS. LEVY: We don’t have to add this to the motion, but I just want to make sure, and so this is very specific, but, at the end of the discussion on this Tuesday, I mentioned an Alaska example
that doesn’t necessarily use these regional fishery associations, but it’s another way that they have identified communities to hold this and give out quota to members of those communities, and so a non-profit corporation formed by communities, and so I just wanted to make sure that this motion, if it passes, that you would still be open to staff looking at other ways and options of allowing this sort of private quota bank.

CHAIRMAN FRAZER: Okay. Thank you. Any further discussion? Seeing none, is there any opposition to the motion? Seeing none, the motion carries.

MS. GUYAS: The committee discussed the alternatives in Action 2 that would distribute the reclaimed shares to existing shareholders and passed the following motions.

Without opposition, the committee recommends, and I so move, in Action 2, to modify Alternative 3 to read: Alternative 3: Distribute in inverse proportion the reclaimed shares held by NMFS among accounts with shareholdings of each share category within one month of the effective date of the final rule implementing this amendment.

CHAIRMAN FRAZER: Okay. We’re getting it up on the board. Okay. Is there any further discussion of this motion? Seeing none, is there any opposition to the motion? Seeing none, the motion carries.

MS. GUYAS: Without opposition, the committee recommends, and I so move, in Action 2, to remove Alternative 2. Alternative 2 is equally distribute reclaimed shares held by NMFS among all accounts with shares of each share category to shareholders within one month of the effective date for the final rule implementing this amendment.

CHAIRMAN FRAZER: Okay. Again, we have another committee motion on the board. Any further discussion of this motion? Seeing none, is there any opposition to the motion? Seeing none, the motion carries.

MS. GUYAS: The committee discussed the current effects and long-term implications for the fishery of the participation in the IFQ programs by shareholders who do not possess a commercial reef fish permit. Committee members noted that a commercial reef fish permit is required to land IFQ allocation, and shareholders should have the ability to land the allocation associated with their shares.
The committee also noted that Actions 1.1 and 1.2 include a full range of alternatives and could move forward more quickly, while other actions in the document remain to be developed.

Without opposition, the committee recommends, and I so move, to begin a stand-alone document for Actions 1.1 and 1.2. Action 1.1 is Permit Requirements and Action 1.2 is Share Divestment.

CHAIRMAN FRAZER: Okay. We will put that up on the board. The motion is to begin a stand-alone document for Actions 1.1 and 1.2. Action 1.1 is Permit Requirements and Action 1.2 is Share Divestment. Is there any further discussion of this motion? Seeing none, is there any opposition to the motion? Seeing none, the motion carries.

MS. GUYAS: During Full Council, the purpose of the action will be further discussed, so that staff may draft a purpose and need for review at the next council meeting. I assume you want to pause there, so we can discuss that.

CHAIRMAN FRAZER: Okay. Is there any discussion with regard to the development of the purpose and need for this particular document? Ava.

DR. LASSETTER: I just wanted to re-read one of the sentences that is right here in the report. Basically, this is the rationale that we heard from committee discussion, and, if it’s consistent with your intent, then this is what we will take back to the IPT.

In terms of the committee members noted that a commercial reef fish permit is required to land IFQ allocation, and the shareholders should have the ability to land the allocation associated with those shares. That is what we pulled out of the committee discussion, and is that consistent with your intent for this action?

CHAIRMAN FRAZER: If I recall, Leann made the motion.

MS. BOSARGE: Yes, and so that was essentially my sentiment, that there should be a link, a close link, a marriage, between the right to harvest the fish and the license which gives you the ability to harvest the fish. I give you editorial license to adjust that however you need and add to it as you see fit.

CHAIRMAN FRAZER: Ava, do you feel like you’ve got enough guidance there? Okay. We’re good to go. Is there any further
discussion? Seeing none, Martha.

MS. GUYAS: The committee inquired about the available data on discards in the longline grouper fleet in the eastern Gulf and discussed the amount of quota that would be needed to address red snapper discards through use of a quota set-aside.

Without opposition, the committee recommends, and I so move, to request that the Science Center provide estimates of discards in both weight and numbers of fish, as well as estimated release mortality for each gear type used to harvest commercial IFQ species for incorporation into Amendment 36B.

CHAIRMAN FRAZER: We have got a committee motion, and we’ll put it on the board. It’s all good. Is there any further discussion of this motion? Seeing none, is there any opposition to the motion? Seeing none, the motion carries.

MS. GUYAS: Draft Framework Action to Modify the Recreational For-Hire Red Snapper Annual Catch Target Buffer, staff reviewed the council’s preferred alternative in the framework action, Alternative 2, which would apply the council’s ACL/ACT Control Rule, using federal for-hire landings data from 2014 to 2017, to set the ACT buffer for the federal for-hire component 9 percent below the federal for-hire component ACL.

Public comments supported decreasing the buffer. The codified text was reviewed, and NOAA General Counsel clarified that the codified text assumes that Reef Fish Amendment 50 will be implemented by the Secretary of Commerce.

Without opposition, the committee recommends, and I so move, to approve the Framework Action to Modify the Recreational For-Hire Red Snapper Annual Catch Target Buffer 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 FRAZER: This is a final action item. Is there any further discussion of this motion? It’s a roll call vote for this one. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Mr. Robinson.

MR. ROBINSON: Yes.
EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson is absent. Mr. Swindell.

MR. SWINDELL: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Banks.

MR. BANKS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp. We will come back. Dr. Crabtree.

DR. CRABTREE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Spraggins.

MR. SPRAGGINS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Sanchez.

MR. SANchez: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dyskow.

MR. DYSKOW: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Bosarge.

MS. BOSARGE: Yes.

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

EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.

MS. GUYAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Frazer.

CHAIRMAN FRAZER: Yes.

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


MS. GUYAS: Public Hearing Draft Amendment 51: Establish Gray Snapper Status Determination Criteria, Reference Points, and Modify Annual Catch Limits, the committee reviewed Amendment 51 that would establish status determination criteria and modify annual catch limits for gray snapper. The committee discussed the preferred alternatives for each action and noted that the modified Reef Fish Fishery Management Plan objectives have been included in this document.

Without opposition, the committee recommends, and I so move, to approve the Amendment 51: Establish Gray Snapper Status Determination Criteria, Reference Points, and Modify 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 FRAZER: Okay. This is also a final action item. Is there any further discussion of the motion on the board? Seeing none, we will take a vote. Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chair. Ms. Bosarge.

MS. BOSARGE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Banks.

MR. BANKS: Yes.

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

EXECUTIVE DIRECTOR SIMMONS: Mr. Anson.

MR. ANSON: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Sanchez.

MR. SANCHEZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Guyas.

MS. GUYAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Shipp is still not back. Mr. Spraggins.

MR. SPRAGGINS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Williamson is absent. Dr. Crabtree.

DR. CRABTREE: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Dugas.

MR. DUGAS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Swindell.

MR. SWINDELL: Yes.

EXECUTIVE DIRECTOR SIMMONS: Ms. Boggs.

MS. BOGGS: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Diaz.

MR. DIAZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Dr. Stunz.

DR. STUNZ: Yes.

EXECUTIVE DIRECTOR SIMMONS: Mr. Robinson.

MR. ROBINSON: Yes.
EXECUTIVE DIRECTOR SIMMONS: Dr. Frazer.

CHAIRMAN FRAZER: Yes.

EXECUTIVE DIRECTOR SIMMONS: It’s fifteen to zero with two absent. The motion carries.

MS. GUYAS: Draft Framework Action to Modify Greater Amberjack Recreational Management Measures, staff presented a draft framework action to modify recreational bag limits, fishing year, and season for Gulf greater amberjack. The purpose of the framework action is to maximize recreational fishing opportunities while constraining harvest to the management target and rebuild the stock.

By a motion of eight to five, the committee recommends, and I so move, in Action 3, to add an Alternative 5: Alternative 5 is modify the recreational seasonal closure to be Oct 1 through April 30 and May 21 through June 30 and open May 1 through May 20 and July 1 through September 30.

CHAIRMAN FRAZER: We will put that committee motion on the board. Is there any further discussion of this motion? Seeing none, is there any opposition to the motion? Seeing none, the motion carries.

MS. GUYAS: The committee also requested that NOAA SERO present greater amberjack recreational landings data by month and state at the October council meeting.

CHAIRMAN FRAZER: Mr. Sanchez.

MR. SANCHEZ: I would like to quickly go through the document and pick some preferreds. We have been kicking this document around for a while, and we’ve been hearing from the public, and I kind of didn’t do this during committee because I wanted to have the benefit of public testimony, and I’ve heard that, and I would like to go ahead and run through some of the action items, and there are not many, and pick some preferreds and see where that goes.

CHAIRMAN FRAZER: Okay. The floor is yours, Mr. Sanchez.

MR. SANCHEZ: Thank you very much. With that, if we can go back to Action 1, Modify the Recreational Bag Limit for Greater Amberjack, and make Alternative 2 the preferred, which is reduce the recreational bag limit to one fish per two or fewer anglers
per day.

CHAIRMAN FRAZER: Let’s take a minute to get it on the board and make sure everybody knows what we’re dealing with. Okay. In Action 1, Modify the Recreational Bag Limit for Greater Amberjack, the motion is to make Alternative 2, reduce the recreational bag limit to one fish per two or fewer anglers -- Alternative 2 reads to reduce the recreational bag limit to one fish per two or fewer anglers per day. Is there a second to this motion? It’s seconded by Ms. Guyas for discussion. John.

MR. SANCHEZ: As far as discussion goes, we have heard support for this, and we’ve heard people that are against this, but it seems like -- I don’t know that I agree with the percentages, because, early on, it seemed like the reduction -- This would create -- It was originally thrown out of possibly thirty-some percent reduction in harvest, and then, as of late, it went down to 9 percent, and I know we discussed trying to shed some light on that and bringing those numbers forward with some analysis, but clearly I think we’ve got to do something to try to stretch the season out, and there seems to be some support, albeit some opposition, to do that. Let’s pick a preferred, and let’s do something with this document. Right now, we’re not getting any traction.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: When I looked at the percentage of that last week, I was a little surprised that it didn’t get you more, and so I asked Mike Larkin, who did the analysis, and the thing is that, on most vessels and most trips, they are not bringing in one per person. They’re bringing in fewer fish than there are people onboard the boat, and so people aren’t limiting out every trip, and so reducing it doesn’t get you as much as it otherwise might.

When you hear reports, like we heard from some, that they’re not catching a lot of amberjack, then it’s going to get you even less, but that’s the reason it’s not getting you a whole lot more, is because people aren’t limiting out that often, and so what I heard in the public testimony was, when people saw the percent reduction, I didn’t hear that much support for it at that point.

Now, if the amberjack fishing improves and gets better, and we have a hotter fishery, then I think it would get you more reduction, and so it’s just one of those things that depends on how often people are catching the bag limit.

133
CHAIRMAN FRAZER: Ms. Guyas.

MS. GUYAS: I guess, to go back to I think it’s Table 2.1.2, which has the reductions in there, and probably Dr. Hollensead can clarify this, but I think what we discussed in committee was the data that went into this table are from since the size limit change, and that’s why this looks different than the previous similar data or analyses that we’ve had, and is that right?

DR. LISA HOLLENSEAD: Yes, that’s correct, and so Mike Larkin and I even investigated could we use data from that size limit change, and, in his appendix, he did some comparative analysis, and, as you might imagine, they are different, once that size limit went in, and so we were constrained by that, unfortunately.

CHAIRMAN FRAZER: Do you want to add to that, John?

DR. FROESCHKE: Yes, please. We have done this, as you recall, several times, and the biggest change in the percent reductions in the past document is this allowance for fewer anglers, and so, I believe when we originally did these analyses for the first time, we didn’t have that exception, for example, for an odd number of anglers, and so, if a single person was on the boat, and it was one per two anglers, that single person would still be allowed to retain a fish. That, I am pretty sure, is what is driving the reduction, compared to what we did in the past.

CHAIRMAN FRAZER: Thanks, John. Sue.

MS. GERHART: Just to go back to the motion, just a correction. It says Action 2, and this is Action 1.

CHAIRMAN FRAZER: Thank you, Sue. Mr. Banks.

MR. BANKS: John, you know me, and I want us to move some stuff forward, and so I appreciate you trying to get us there, but I’m just not ready to pick preferreds, because I think we need to consider some additional actions in here, and so I want to support your notion of moving issues forward, because I agree with that, but I just don’t think we’re ready to pick preferreds here, and I would have to speak against picking a preferred at this time.

CHAIRMAN FRAZER: Mr. Diaz.

134
MR. DIAZ: Mr. Banks is kind of where I’m at with it right now, too. I heard public testimony yesterday where a handful of people were in favor of this and a handful were against it, but the ones that did speak against it didn’t like what little they got for it, and I believe that we would like to accomplish with this document, what people are asking us for, is to make sure there is some time of a spring season and some type of a fall season, and I’m not really sure that we can get there with this document, and I’m not sure that we can get there at all.

One of the problems is we cannot monitor the catch in real-time to actually set up annual catch limits for each season, and I feel like there is going to be a derby whenever we open it, and so, anyway, I would like to try to think if there’s a better way to do this, and I don’t have one at this time, but I would have to speak against the motion at this time.

CHAIRMAN FRAZER: Mr. Anson.

MR. ANSON: To follow-up on what Dale was saying regarding the public testimony and the comments relative to a spring and fall quota, and I thought we had discussed that in a prior meeting, and we just couldn’t do that, because of the science, I thought, in trying to -- I mean, management-wise, we can monitor the quotas, and there will be enough time lag, if you will, or enough of a down season between the spring and the fall that you could monitor that, but I thought that, when it came to actually doing the assessment and trying to give back carryovers and all that stuff and manage it, it just became a little more problematic for the data.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: Well, the trouble is that you could set a fall quota, but, by the time you got the data to tell you where you were, the fall would have already closed, and whatever was caught would have been caught.

I guess you could project the fall, based on previous years, but that’s likely to be pretty inaccurate as well, and so it’s just a timing thing that, by the time you could tell what they caught, they have already caught it.

CHAIRMAN FRAZER: To that point, Kevin?

MR. ANSON: I thought what I heard a couple of the folks at the public comment to was you would set your spring and fall quota, and, yes, it’s a shot in the dark as to how many days, and you
might go over and such, but I thought they were saying you would
have a fall and a spring quota and then any of the overages
would apply to the following spring quota, for instance. If you
went over in the spring, you would take it off the following
spring’s quota and not the fall quota.

DR. CRABTREE: Yes, and I had a discussion with Captain Zales
about that, and I plan to, when we get back to the office, to
sit down with Sue and Mara and folks and talk about how that
would work. That would be a change to the accountability
measure, and I don’t think we’ve done it. It’s kind of getting
to where you’re having a multiyear catch limit, and so it’s
different, and it’s not something we’ve done in the past, but I
am not prepared to say that there’s not a way to figure out how
to do it, and so we’ll look at it.

CHAIRMAN FRAZER: John.

MR. SANCHEZ: All right, and so I stuck my big toe in the pool,
and, if the seconder agrees, I will withdraw it, but let’s do
something. Maybe this is the poster child for regional
management or something. Clearly Florida needs a season in the
spring, and let’s figure out something, and I know we’re working
with a small amount of fish, but we’ve got to be able to come up
with something better than what we’re doing. Thank you.

CHAIRMAN FRAZER: Okay. Martha, it’s okay if we withdraw the
motion?

MS. GUYAS: Yes, I’m good with that, and I appreciate Dr.
Crabtree and the SERO Office being willing to look at maybe how
we could make some of these scenarios that the public talked
about work. Clearly, we’re in a tough spot with this one, and,
if we’re going to get even close to being somewhere where
everybody can live with what we’ve got, we’ve got to think
outside of the box.

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: What I heard was the guys from Tampa south
actually want to fish in the wintertime, and the guys from Tampa
maybe to Destin want to fish in the springtime, and the folks
west of Destin seem to want to fish in the fall, and so we could
go with something like we do with king mackerel, where we have
geographic seasons.

Of course, that means you’ve got to allocate who gets how many
fish, and, if everybody is fishing at their preferred time, I
assume they’re going to catch more fish, and I’m pretty sure that south Florida is going to catch more amberjack if you let them fish in the wintertime. They basically told us that in their testimony, and so that could mean that everybody’s season gets a little shorter, but it might mean they get to fish when they want to fish, and so that’s one way to do it.

The other downside is it makes the catches much more uncertain, because we’re breaking up the MRIP catches geographically, but state management essentially does the same thing, and so there are ways you could break this up and have different seasons. It’s just a matter of whether the benefits of that outweigh the negatives of doing it.

CHAIRMAN FRAZER: We’ve got a couple other folks. Dr. Stunz and then Mr. Diaz.

DR. STUNZ: I kind of wanted to echo what Roy was saying, but I would go a little bit further. This is probably at least the third, or maybe the fourth, meeting about regional management, and, as John pointed out, the poster-child for this, and, while I’m not ready to make a motion, I guess to move in that direction, I would like to see that happen, and I really think that the states, not being a state agency representative, need to talk about -- Because, obviously, it’s back to an allocation issue and getting that right before we could go down that path, and that’s the hard part, obviously, but we did it for red snapper.

It seems like, if we can do it for red snapper, we can do it for amberjack, and so I don’t know even what the other states’ willingness to do this is, but, obviously, this makes sense, and I would like to see us move in that direction sooner than later.

CHAIRMAN FRAZER: Thank you, Dr. Stunz. Mr. Diaz.

MR. DIAZ: I just want to speak to the mackerel model of setting it up by zones, and, I mean, I would be willing to look at that and explore it a little bit more, but I am concerned that we’re going to get to the point where we can’t make anybody happy.

Even though the majority of the fish last year were caught in the fall, still about seventy-plus, or eighty-plus, percent of those were caught in the eastern Gulf, and so we’re probably not hearing from people that caught those fish in the August and September and October timeframe, but, when we take and set them up a zone, where they can only catch them in the spring, we’re going to hear from those folks.
Anyway, it’s kind of a catch-22, I believe. The regional management might have more legs, like Greg is talking about, and then at least the state people could try to get with their state folks and figure out what really is best for that region and try to accommodate it that way, and probably has the best chance of making people happy, but, anyway, I just wanted to voice my concerns. Thank you, Mr. Chair.

**CHAIRMAN FRAZER:** Martha, do you want to provide a state perspective on this?

**MS. GUYAS:** I was just going to say, if we’re going to go down this road of discussing regional management, we probably need to think about both models, right, and so I know there’s some people around the table who are interested in the state management, sort of like red snapper, and the king mackerel model is another way we could go, and I think there is pluses and minuses to both.

I think, at least right now, amberjack is a little different than red snapper. I mean, right now, only Florida and Louisiana are collecting data on amberjack separate from MRIP, and I guess Texas too, but I don’t know that you all have a specialized survey for amberjack or reef fish, and so that’s a little bit different.

Obviously, there is a big charter component to this and whether or not we deal with them if we do state management and how that goes, and there’s -- At least with red snapper, there was not the appetite, at least across the Gulf, for that, for red snapper, and I think another thing that’s different here is just the status of amberjack.

I mean, the quota is low, and it’s overfished, and how you split the baby. Then, also, if we end up splitting the baby, try to anticipate, as we rebuild this fishery, how those benefits -- How the stock is going to rebuild and how to allocate those increases, and it gets complicated fast, and it’s a lot to think about.

**CHAIRMAN FRAZER:** Dr. Crabtree.

**DR. CRABTREE:** I think almost everyone we heard from yesterday was a charter boat/for-hire operator, and that’s who I am hearing from for this, and so I think that does make state management a much more complicated thing.
The biggest downside with the splitting up by region is I think you would have to be very conservative and have pretty big buffers, because, otherwise, you could get yourselves back in a position where south Florida fishes first in the wintertime, and then maybe the spring comes and the quota is caught, or, if you stay on the August year, the quota could all be caught before south Florida even got to open, and so you still have that same difficulty there, unless you’re pretty conservative on the seasons you set up.

CHAIRMAN FRAZER: Dr. Stunz.

DR. STUNZ: Briefly, that point, Roy, just thinking outside of the box a little bit, and I don’t know if I want to open this can of worms or not, but there is not anything saying that the states couldn’t manage the for-hire fleet in this situation for amberjack, and at least I would suspect there would probably be some popularity for that coming from Texas, and maybe even Louisiana, and I don’t know, but I know that was a difficult issue for the snapper situation with Amendment 40 and all that, but, in this case, I think it might be a little bit different, where I suspect the for-hire guys would want to come into a regional management scenario, in that case.

CHAIRMAN FRAZER: Mr. Banks.

MR. BANKS: This will probably come as a surprise, but we’re very interested in regional or state management for amberjack in Louisiana, and so I would like to, at the appropriate time, make the motion to add an action to that in regard to the document.

CHAIRMAN FRAZER: We had a couple more questions, and then we’ll come back to that. I’m going to take two more, one from John Sanchez and one from Susan Boggs.

MR. SANCHEZ: You’re right. I did hear a can opening.

CHAIRMAN FRAZER: Thank you, John. Susan.

MS. BOGGS: I am going to open it. I would not support state management for charter/for-hire for amberjack, and I have talked to many people in our fleet, and they would not either.

CHAIRMAN FRAZER: Okay. I am going to try to round this up a little bit. Patrick, I’m going to give you an opportunity to make a motion, if you want, right now.

MR. BANKS: Sure. I have not sent this to staff, because,
unfortunately, I just decided to go this route, and so I’m sorry for dropping this on everybody. To add Action 4 to the document that would allow for state management of the recreational greater amberjack fishery. Would that have to be a new amendment?

CHAIRMAN FRAZER: Dr. Crabtree.

DR. CRABTREE: Given what it took to do it with red snapper, my guess is that, yes, it would be an amendment with multiple actions. It would take multiple years to do.

MR. BANKS: I am not so sure that it would take multiple years to do. We just went through red snapper, guys, and everybody thought that we couldn’t get that done, and everybody said that we can’t come up with an allocation between states, and we got that done. The idea of we can’t do this, or it’s going to take years and years and years, those arguments are gone, because we did it, and we can do it in amberjack. All we have to do is have the resolve.

CHAIRMAN FRAZER: Okay, and so we’ve got a motion on the board. Is there a second for that motion? It’s seconded by Dr. Stunz. Is there some further discussion? Given the concerns that Dr. Crabtree raised, I do think that this is a heavy lift, and it’s not necessarily a long-drawn-out exercise, but it is a heavy lift, and so it would be an amendment, and we would probably would change that motion, I would suggest, to develop an amendment plan, I guess. Are you okay with that wording, Patrick?

MR. BANKS: Yes.

CHAIRMAN FRAZER: The seconder? Okay. Any further discussion? Dr. Crabtree.

DR. CRABTREE: Well, if this passes, does that mean we’re not going to work on the framework anymore and this is what we’re going to do, or are we going to work on the framework and this, or what would that -- What is your vision there, Patrick?

MR. BANKS: Well, my preference would be to move out of the framework and give the changes to the season that we just made some time to occur, so that we can analyze how that goes for a few years, and work on this document, and that would be my preference.

This flip-flopping back and forth of changing the season and
changing the structure, we can never get a handle on what really happens, and folks are unhappy about this past year, but we don’t even know whether that was an anomaly on the fishing year, because we’ve only given it one year.

We need to give it some time, and that’s the frustrating thing for me about that amberjack document, is here we go, after one year of a management strategy, and we go to try to change it, and so my preference would be to stop the framework and start on a state management document.

CHAIRMAN FRAZER: Dr. Stunz.

DR. STUNZ: My preference would be to move in that direction as well and just dedicate that staff time and resources to expediting this motion or document as fast as we can and not spend the time on trying to salvage the framework.

CHAIRMAN FRAZER: Ms. Guyas.

MS. GUYAS: I am not opposed to looking at this, as I mentioned before, and I think we may be -- If we’re going to go down that road again, we’ll probably need to look at the mackerel model too, but my preference would be to keep the framework going as well. A lot of the analysis is already there. If we’re going to do something, we could do that something fairly quickly with that.

This is going to take time, and it’s going to be multiple actions, and it’s a full amendment, and so, even if we speed through the process, after we do scoping and public hearings and it goes through all the analysis and takes six months to a year for NMFS to implement it, it’s going to be a while before this could be a reality, and so that would be my preference.

CHAIRMAN FRAZER: General Spraggins.

MR. SPRAGGINS: Just real quick, Patrick, are you talking private only?

MR. BANKS: No. My hope would be to have the option, like we did for red snapper, and let’s try to get a handle on, from a Gulf-wide perspective, what different states want, and we may end up right there, General, and I don’t know, like we did with red snapper, but, certainly in Louisiana, we have the ability to manage our for-hire fleet as well as the private recs, and I think we need to give ourselves as much latitude as we can to evaluate those options.
Now, Susan just said, they don’t want to do that in Alabama, and I respect that, but I think we need to look at all of the options, and, on that topic of options, state management, state-by-state, is one, but I think what Dale said on the zone idea, and I think Martha talked about looking at all of these different ideas, and regional, maybe splitting the Gulf east and west at a certain line, and I don’t know where, but I think we need to consider all of those things, because state-by-state may not be the right way to go. It may be more appropriate to do an east-west zone or a south-north-west zone, and so I want to make sure that the staff has the ability to consider all of those options for us.

CHAIRMAN FRAZER: Okay. I’ve got a number of people on the list here, but I am going to first -- Roy, did you want to speak to that point?

DR. CRABTREE: Yes. Now you’re talking about sector separation, and you’re going to have to allocate between the for-hire and the private, and then, if you go down the some states have the for-hire and others don’t, I think you get in the same unworkable situation we ended up in with red snapper, and I think, Patrick, to think this will happen quickly is just not realistic, and I also think this will be viewed as precedent setting, and I think it will be viewed as having implications for red snapper, and I think some people will see it as an attempt to eliminate sector separation, and a whole host of other things, and so I think we’re taking what was a pretty straightforward idea of having some different seasons geographically, but to turn it into state management, I think, is a whole different thing, and so I am not going to support the motion at this time, at least, and I don’t think we have explored more straightforward options enough yet.

CHAIRMAN FRAZER: Briefly to that point, Patrick?

MR. BANKS: Straightforward in terms of having different seasons in different regions, and so that would not be the same thing as doing a state or regional management situation, because we would be asking for a lot more latitude than just a season situation in state management, and is that what you’re saying?

DR. CRABTREE: Yes, and, if we just looked at a different recreational season in a couple of areas, we wouldn’t be getting into sector separation and all of those allocation -- Really, the only thing you would have to do geographically is decide when, and I heard enough yesterday to feel like I sort of know
when people want to fish in the different areas.

Now you’ve got to allocate how many fish are in each region and then how is the accountability measure going to work for it, but we went through this with red snapper, and it’s an extremely complicated thing, and it took us years and years to get there, and I just don’t -- I think it would take us years to do this here.

CHAIRMAN FRAZER: Okay. We’re going to go next to Leann Bosarge and then Phil Dyskow.

MS. BOSARGE: Usually, on things like this -- I was very supportive of the red snapper state management, most definitely, but I think that was from a -- That was a bottom-up-type deal. We had angler after angler come to that podium and say we want to be managed by the states, we want to be managed by the states, and so I think that that was a grassroots amendment, because it came from our anglers, and we took it on, and I think we did a good job with it, and I think the states are doing a good job with it.

This one though, I haven’t heard -- I mean, there might have been a handful over the past year or so that I might have heard it from, but I haven’t heard an overwhelming sentiment from the private anglers coming and saying we want the state to manage amberjack, and the for-hire fleet is the one coming to the podium and saying can we make some changes, and I would say, at this point, Gulf-wide, what I have heard from the bulk of the for-hire fleet is that this probably wouldn’t be something they would want to support as an option for them, and so, at this time, I probably won’t support it, just because I would hate to get started on something like that for staff.

That is a lot, lot of work for them, and then, at the next meeting, have public comment saying, no, we don’t want that. I would rather hear it from the public first, let them come in and beat the drum, before I put it on the staff.

CHAIRMAN FRAZER: Mr. Dyskow.

MR. DYSKOW: Thank you, Mr. Chairman. I agree with everything that Leann said. I was asked by a number of charter/for-hire people to have this discussion with the State of Florida, whether this would be a feasible option, and Martha gave me all sorts of good reasons why it would be difficult and wouldn’t accomplish what we wanted to.
Also, there was not a strong consensus between the charter and
for-hire fleet and the private rec anglers, and I came away
thinking this was a larger issue for charter and for-hire than
it was for private rec, and so, if we go to state management of
private rec, we haven’t really addressed the issue, and so,
although I would support state management of practically
anything, I don’t think it would fix the problem in this
specific case.

CHAIRMAN FRAZER: Thank you, Mr. Dyskow. Susan Boggs.

MS. BOGGS: I kind of lost my thought, but I would like to see
the framework move forward, and, when we get this motion voted
up or down, I am working on a motion that I would like to offer
to the framework that maybe will help. Thank you.

CHAIRMAN FRAZER: We will take two more comments. I think
Shannon.

DR. CASS-CALAY: Thank you. I just wanted to point out that the
Science Center has made comments all along about the state
management systems requiring potentially additional resources,
both in terms of data collection and analysis and being, at this
point, unclear on how much uncertainty we would add to the stock
assessment processes and to analyses in general, and so I think
we need to be wary that, as we move toward more species that
might enter state management, there is a multiplication of the
data that would be required as well as the analytical staffing
to support this management process.

CHAIRMAN FRAZER: Thank you, Shannon. Patrick.

MR. BANKS: I would be willing to withdraw this if somebody
could help me get to the point that Roy mentioned about at least
us looking at different seasons for different regions of the
Gulf, because, ultimately, I think that’s what the issue was
that we were hearing about, and so, if somebody can help us with
a motion that would add an action like that to the framework
document, I would be willing to remove this at this time.

CHAIRMAN FRAZER: Okay. Is there anybody around the table that
thinks that they can work on that motion, or is that something
that we might need to bring back at the next meeting? Dr.
Crabtree, I’m going to look at you.

DR. CRABTREE: Well, what I heard, and what I heard consistently
over the testimony, is south Florida wants to fish more in the
winter, and the Panhandle wants to fish -- Their priority is the
spring, and, from I guess the Florida/Alabama line west, the priority is the fall, and so, if you follow that language, you could look at setting three recreational seasons for the Gulf along those lines.

The trick with it is I think you’re going to have to have -- You’re going to have to really look at the accountability measures, and you’re going to want to set the seasons pretty conservatively and make sure that everything still doesn’t get caught up in the fall in the western Gulf and then there’s no fish left when the south Florida part would open up, but that’s what I have heard from people, and so, to me, it’s kind of three different zones.

CHAIRMAN FRAZER: I just want to make sure that I’m clear. Do you think that you can accomplish that as an action item in a framework?

DR. CRABTREE: I think it’s just setting sub-quotas, which I think our framework allows.

CHAIRMAN FRAZER: Patrick.

MR. BANKS: I would be willing to withdraw this motion, if the seconder agrees.

CHAIRMAN FRAZER: Greg? Okay. The motion is withdrawn. Susan, did you want to make a motion?

MS. BOGGS: I will go ahead and make this motion. I mean, I like the idea of Dr. Crabtree, but, until we get somewhere, and I did email it to staff. My motion would be to reduce the recreational bag limit on a multiday trip to a single-day bag limit of one fish per angler per day.

I understand the only data that we have is from the headboats, but that could reduce it significantly and help to carry the seasons, like we want them, August, September, October, and May, if you eliminate the multiday trips of having multiple bag limits. Thank you.

CHAIRMAN FRAZER: Let’s get the motion up on the board, so everybody can take a look at it. I am just trying to seek some clarification and guidance from the staff. Would this just simply be a new action item in the document? Okay. We will assume it’s going to be a new action item in the document. The motion reads to reduce the recreational bag limit on a multiday trip to a single-day bag limit of one fish per angler per day.
Is there a second for that motion? It’s seconded by Mr. Banks. Is there further discussion? Dr. Simmons.

EXECUTIVE DIRECTOR SIMMONS: Thank you, Mr. Chairman. Just a question from staff. I guess, if this motion were to pass, it would be easier to put it in the possession limit framework and just exclude greater amberjack from the two-day possession limit under that thirty-hour current preferred alternative, if appropriate.

CHAIRMAN FRAZER: Is there any discussion about the appropriateness? Is that okay with everybody, if we move that? Kevin Anson.

MR. ANSON: Not to that question. I have another prior question.

CHAIRMAN FRAZER: We’ll hold off for a second. Martha.

MS. GUYAS: That’s what I was going to bring up. I mean, to me, it doesn’t really matter. It seems like the multiday document is moving faster, especially if we’re going to add a bunch of other stuff to this one, regional quotas and that, and so that might make more sense, to put it in that document, but I don’t have a strong preference.

CHAIRMAN FRAZER: Ms. Levy.

MS. LEVY: Well, you could certainly make an exception in the other document. I guess what you would be lacking is you wouldn’t know how everything works together to do a reduction in the amount caught, and so you wouldn’t know how this is going to work with a potential seasonal change, with a potential this, and how it would all come together, because that analysis would be in the amberjack document, and so it may be better just to have everything together, so you can look at that.

CHAIRMAN FRAZER: Ms. Boggs.

MS. BOGGS: Maybe I didn’t approach this right, but my intention was to add it as an alternative to Action 1 in the amberjack document, because, in Action 1, we’re talking about bag limits, and so that was my intent.


MS. GERHART: Just some of the wording. I think the first reference to bag limit should be “possession limit”, because
we’re talking about the two-day thing.

CHAIRMAN FRAZER: Mr. Diaz.

MR. DIAZ: This is a question for Ms. Levy. Ms. Levy, in Action 1, if we picked Alternative 1, which would leave it as one per person per day, could you pick Action 1, which is basically always the no action, and then have another alternative in that same action that would be a preferred? It just seems like it’s unorthodox, if we were to go with Action 1.

CHAIRMAN FRAZER: Ms. Levy.

MS. LEVY: I don’t know that you would have to pick Action 1, meaning you’re not going to change the current bag limit, unless you choose an alternative that will change it. If this alternative is just going to change the possession limit, then that would be what goes forward, but you wouldn’t be changing the bag limit. We may need to tweak the wording of the alternative to accurately convey what it’s doing, but we understand what you want to do if you pass this.

CHAIRMAN FRAZER: Mr. Anson.

MR. ANSON: We’re not ready to go final on this, I don’t suspect, next meeting, and so I don’t necessarily -- I am not opposed to the motion, but I am, I guess, curious. Dr. Calay, do you recall, about the recreational data -- There has, I recall, been an issue with the charter boats, in particular, or any trip, really, but most of the landings for amberjack, in Alabama at least, are from charter boats, and, when they are intercepted at the dock on the MRIP survey, there was a distinction made on the number of fish that were caught on their fishing trip, and their fishing trip was defined as the point of when they either left the dock or, if it was a multiday trip, oftentimes it then is asked when the waking moments for that particular time since they’ve been interviewed.

They may have gone to sleep, for instance, early in the morning, but they may have caught two trips -- Going back to this possession versus daily bag limit issue, they may have caught actually both limits of amberjack on the previous day, and then they went to sleep, and then they fished a little bit more on the day they were interviewed, but they didn’t catch and keep any amberjack, and so those amberjack, essentially, don’t get recorded.

I am just curious, because most of our trips are caught and
landed in that manner, and we don’t have a lot of amberjack being recorded now, and we certainly wouldn’t in this case, because I think they will all be caught on the first day, is my opinion. Susan, you maybe can comment on that, but I am just wondering, Dr. Calay, if there’s any talk or discussion about that in the assessment.

CHAIRMAN FRAZER: Shannon.

DR. CASS-CALAY: We have not specifically discussed that or examined it, to my knowledge, and so that would be a conversation that I would have to have with the folks who actually collect that are expert in the recreational data.

CHAIRMAN FRAZER: John.

MR. SANCHEZ: I would just make an observation that a fractional bag limit gives us the same thing.

CHAIRMAN FRAZER: Okay. I am going to try to rein this one back in at this point. As I understand it, the motion is to add an alternative in Action 1, and I think -- Is there any opposition to this motion? Seeing none, the motion carries.

One other quick thing before we -- Actually, let’s take a fifteen-minute break.

(Whereupon, a brief recess was taken.)

CHAIRMAN FRAZER: We are going to, in an effort to try to accommodate Patrick’s request, we’re going to put a new motion on the board here. That motion will be to add an Action 4 to the document that provides options for zone management of greater amberjack harvest. Can I get a second to that motion? It’s seconded by Patrick. All right. Any further discussion of this motion? Seeing none, is there any opposition to the motion? Seeing none, the motion carries. Ms. Guyas.

MS. GUYAS: Okay. Presentation on Decision Points for Implementing Full-Retention Bottom Longline Reef Fish Fishery: Viability, Monitoring, and Costs, Southeast Regional Office staff gave a presentation on key decision points for implementing a red snapper full-retention eastern Gulf bottom longline fishery.

Concerned fishermen have expressed interest in a full-retention fishery, which would eliminate red snapper dead discards to the greatest extent practical. For red snapper, additional
allocation would come from the Southeast Fisheries Science Center estimates of dead discards from the bottom longline fleet and would constitute a new IFQ category. This would result in a mortality-neutral allocation.

In order to ensure mortality-neutrality, all fishing with bottom longline gear would need to cease when red snapper shares or allocation are unavailable. The council would need to determine whether shares or allocation for discards would be assigned to the vessel or the permit holder, how the allocation or shares are distributed (e.g. proportionally or equally), whether the program would be mandatory or voluntary for eastern Gulf bottom longline fishermen, and whether a minimum amount of allocation would be necessary to fish.

The main target species for the eastern Gulf bottom longline fleet is red grouper, but they also encounter red snapper. Discard rates vary between fishermen and may be dependent on various elements such as allocation available, encounter rate, number of trips, et cetera. Observer coverage for bottom longline trips vary by year. However, observer coverage is generally low, and discard estimates are highly uncertain.

Electronic monitoring will be necessary to ensure full retention is effectively implemented. This would require equipment installation and maintenance, vessel monitoring system plans, data transfer and storage, video processing and review, data quality control and archiving, analysis, and reporting.

Based on a NOAA Fisheries Policy Directive, some of these costs would be borne by the bottom longline industry and some by NMFS. However, NMFS will not proceed with developing the program unless there is funding to do so. Some cost recovery can be collected for administrative and sampling requirements, but this program will likely generate very little additional cost recovery. Annual costs to run the program can be up to $2 million, and who pays the costs would be determined during an amendment process based on the policy directive.

Mote Marine Laboratory in Florida has been pilot testing some of the equipment and methodologies necessary to facilitate electronic monitoring. With sixteen participants across the Gulf, Mote has collected data from over 160 trips over the last three years, totaling over 800 sea days. Costs for this research thus far are approximately $800,000.

With a primary target species of red grouper, vessels have been discarding approximately 21 percent of the red snapper they
catch. The committee requested that the SSC review and evaluate the data collected thus far by Mote.

Draft Amendment 52: Reallocation of Red Snapper, the SSC recommended a modification to Reef Fish FMP Objective Number 2 during its March meeting. The committee initially discussed this recommendation at its April Council meeting and decided to revisit this when Amendment 52 was next brought back to a council meeting.

Without opposition, the committee recommends, and I so move, to rephrase Objective Number 2 of the Reef Fish FMP Objectives. That would be to achieve robust fishery reporting and data collection systems across all sectors for monitoring the reef fish fishery which minimizes management uncertainty” to “minimizes scientific, management, and risk uncertainty”.

CHAIRMAN FRAZER: We’ve got a committee motion on the board. Is there any further discussion of this motion? Seeing none, is there any opposition to the motion? Seeing none, the motion carries.

MS. GUYAS: Staff presented the revised purpose and need from the April council meeting. Staff then requested direction from the committee on further development of Amendment 52. The committee noted that a GAO report on allocation is anticipated by the end of 2019 and that the MRIP data recalibration is also needed for further development of Amendment 52. Dr. Crabtree stated that the MRIP data recalibration should be completed in 2020. The committee requested a presentation of the GAO report, once available, at an upcoming council meeting.

Without opposition, the committee recommends, and I so move, to delay consideration of Amendment 52: Red Snapper Allocation until the January 2020 council meeting.

CHAIRMAN FRAZER: We have got a committee motion on the board. Any further discussion of the motion? Seeing none, is there any opposition to the motion? Seeing none, the motion carries.

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

CHAIRMAN FRAZER: Thank you, Martha. Is there any additional discussion having to do with the Reef Fish Committee? Dr. Crabtree.

DR. CRABTREE: Just before we go by the total retention, it was pretty clear to me that the longline fleet has no interest in
that at this point, and so, while I think having the Mote
information go to the SSC, like we discussed, is a good idea, I
think where we are with red grouper at this point is let the
assessment play out and see what comes out of the catch
recommendations and then, when we see where we stand, in terms
of red grouper catches into the future and all, I think the
fleet will be in a better position to think about ways to go.

I wasn’t surprised at their reaction to it, because, as soon as
I saw that the discard numbers were relatively low, it seemed to
me that that would be a challenge for them, but I didn’t hear
much support for that concept at this time.

CHAIRMAN FRAZER: Thank you, Dr. Crabtree. Is there any further
discussion? Okay. Thank you again, Ms. Guyas, for moving
quickly through the Reef Fish Committee Report. Good job. We
are going to finish up a couple of liaison reports, and first on
the list would be the Coast Guard.

U.S. COAST GUARD REPORT

LT. ZANOWICZ: I have a report for this meeting, and we also
have our Coast Guard District 8 Enforcement Chief, Commander
Drew Casey, in the audience, and, following my update, I will be
inviting him up to share a few words as well.

The Coast Guard is continuing domestic and foreign fishing
vessel enforcement. For examples of recent domestic operations,
we had two operations last month, in July, following the end of
the Texas shrimp closure, when we see a higher concentration of
shrimping vessels off of Texas. That was focusing on,
obviously, fisheries compliance, but also safety as well.

We had two operations this month, partnering with both Texas
Parks and Wildlife and NOAA OLE on recreational red snapper
enforcement in the western Gulf, and we definitely appreciate
the support from our enforcement partners in those operations,
one of which is currently ongoing, and so we will be looking for
the results from that here at the end of this week.

In terms of foreign fishing vessel enforcement, it’s been a
record year for lancha interdictions for us. As of Tuesday, we
interdicted our sixty-seventh lancha, which breaks the previous
year’s record of sixty, and we still have a few months left in
the year to interdict even more.

Total catch recovered from lanchas this year was 4,424 red
snapper, totaling over 21,000 pounds, as well as 426 shark of
various species, and several other species as well, but they primarily target red snapper and sharks.

At previous meetings, I have discussed our Atlantic Area Data Analysis Branch was conducting an analysis to estimate the total number of lancha incursions. The latest update I have on that is the branch identified an error in the model that was causing it to actually underestimate the number of lancha incursions, and so they’re working to fix the model, and we hope to have that analysis completed in the next couple of months, and my plan is to present some of that information to the council at a future meeting. That concludes my verbal update, and I’m happy to take any questions at this time, before I invite Commander Casey up.


COMMANDER DREW CASEY: Again, Dr. Frazer, I appreciate you and the council leadership’s willingness to let me provide some comments this morning. I have been here for a couple of years, and I haven’t had the opportunity to speak to the council, but it’s a great opportunity, and thanks for accommodating Mark’s request.

I am going to keep my comments pretty brief, and I am really here to really foot-stomp and emphasize some of the points that Mark just made, as far as some of the presentations and his contributions to the council. I do want to speak on the Mexican lancha threat on the southwest border, and then I will transition to domestic fisheries enforcement, and, by the way, I think my flesh just stopped dripping off the bone on my walk here, just in time to catch pneumonia with this sixty-degree air conditioning, and so lots of fun, and I love the -- Always in uniform, walking across Canal Street, I always love the warm greeting that I get from the local residents. I have been in New Orleans too long.

Also, I wanted to let you know a little bit about myself. I’m an avid inshore fisherman, and keep in mind that I’ve been stationed in Florida and Alabama and other places, and there is nothing like southeast Louisiana, and not in the summer, but in the cooler months in Louisiana, there is nothing that I would prefer to do in those months than get out in my kayak.

I do want to just provide a few comments on what the Coast Guard is doing on the southwest border, and so, as Mark indicated, 2018 and 2019 have been historic years, and I can provide a
little bit of context, which I think Mark has also provided that as well, but the bottom line is our Coast Guard crews are getting much, much better at how we conduct our business.

We are not seeing any indication that this threat is slowing down, and we are hoping to get some more of that data in that analysis on the number of incursions, but we are -- You know, it’s really a full-court press, as far as our force package.

One of the best new capabilities that we have is the fast response cutter, and we call it the FRC. It’s 154 feet, and I will just give you an idea of how effective this cutter is. The cutter itself, not just the small boat, but the cutter itself, can catch up with Mexican lanchas, and they can run at about thirty knots, and so it’s really a highly-effective capability, not just for the southwest border, but also for really across the Gulf of Mexico.

By next summer, we’re going to have a pretty robust fleet out of Pascagoula and Galveston, and so our goal is to have really persistent, as much as we can, a persistent presence on the maritime boundary line, and so the numbers that Mark just talked about for 2018 and 2019 might increase if the level of activity stays the same, but our immediate goal with what’s happening on the southwest border is to reduce the number of incursions, and we can probably -- Again, it’s very difficult to measure in number of incursions, but we can certainly measure trends, as far as the activity and what our Coast Guard teams are seeing.

I do want to thank -- For the southwest border mission, I really want to thank the State of Texas, and so I think everyone is aware, but Texas Parks and Wildlife is always extremely proactive and forward-leaning posture if we interdict a Mexican lancha in state waters, and so they’re able to use their state law to prosecute. I will just make some general comments about what we’re trying to do, and so, again, a huge thanks to Texas Parks and Wildlife for that.

We are also looking at some -- For the lanchas that are interdicted in federal waters, we are looking at some legal options, working with the Department of Justice, for a potential prosecution, but, again, customary international law doesn’t really allow incarceration for fisheries offenses, and so that’s all I had on the southwest border.

I do want to just briefly talk about our domestic fisheries law enforcement emphasis, and, as Mark has emphasized, our high-precedence fisheries are shrimp, reef fish, and HMS, and they
will continue to be. We don’t plan on changing that anytime soon, and those FRCs that we have give us a little bit of an added advantage. We can spend more time farther offshore, and so, with the FRC fleet and with the other visiting major cutters, we can -- The Coast Guard can pretty much get to anywhere in the Gulf of Mexico pretty easily.

I do want to express the same concern that Mark has expressed with regard to the Reef Fish Amendment 50. It seems like the council is moving towards a place where it’s going to be very difficult to enforce, and the way I describe that is it’s more for our boarding officers to have to know, and it seems like the state management regime could be potentially complex, and so I just wanted to kind of foot-stomp that same message that Mark has delivered, potentially having to understand and enforcement five different sets of state regulations. I don’t think that’s anything new. I just listened to the proposal for the amberjack, and so, in general, it doesn’t seem like the fisheries regulations are getting any simpler.

I think that the habitat areas of particular concern, as well as the expansion of the Flower Garden Banks, that will require some creativity and a lot more effort on the part of the Coast Guard, and so we’re going to have to work very closely with our state law enforcement agencies and the council, to make sure we have a good enforcement posture for those.

Those are all the comments I had. I did want to just close by saying that the Coast Guard is fully committed to the living marine resources enforcement mission in the Gulf of Mexico, and we’re not stopping anytime soon, and we will continue to make this one of our highest priorities, and so thank you for the opportunity, sir.

CHAIRMAN FRAZER: Thank you for being here, and we’ve got a couple of questions from Greg Stunz and then Lance.

DR. STUNZ: Thank you for that update and briefing us on what’s going on. Being from Texas, we really appreciate the attention on that southwest border, because it’s a big concern for us that I don’t think gets the attention that it always needs.

My question would be -- Because, as the council, we are in a little bit of a difficult situation with issues like lanchas of what we can and can’t do, and my question would be what would be your needs from us, or how could we help you alleviate some of these problems on that southern border? Is it letters we could write, or what -- I’m not sure we all -- Obviously, we want to
do something, but we just don’t quite know what that is.

COMMANDER CASEY: Sure. That’s a good question. As far as what the council can do, I don’t have necessarily a good answer, but I can tell you what we are doing, and I don’t want to step on NOAA’s toes, because NOAA is very much involved in working with the Department of State and others in D.C. with the IUU Enforcement, the Illegal, Unregulated, and Unreported Enforcement Act, or they will call it MSRA.

I am really not in a position to speak to it, but I can just tell you that the report to Congress should be issued, or it may have already been issued just in the last few days, and NOAA is making a recommendation on what Mexico’s status is as an IUU fishing nation, and so the Coast Guard provides input to that process, but we don’t have the final decision there, but that’s a good question, and I think, Mark, did you want to speak to that?

LT. ZANOWICZ: Just a comment on that. We actually talked about this, and we had the Chief of Staff for lunch with some of the council leadership earlier this week, but some of the initiatives that our Commander talked about, like, for example, looking at other ways we can prosecute these individuals, I think it would be helpful if the council provided their support for those as well, one of which is like a pilot prosecution program, which I don’t want to get into too much detail now, but it would essentially be incarcerating people for not showing up to court, as opposed to committing a fisheries violation.

That would, obviously, require a lot of consultation with a lot of agencies, and I can definitely work with council leadership at the appropriate time, if the council would be willing to support that, to see the best way for the council to express their support for those initiatives.

COMMANDER CASEY: The Coast Guard is in the initial stages of engagement with the Department of Justice on that.

CHAIRMAN FRAZER: Thank you. I think we can have a couple of those conversations offline, Mark, and see what we can do. Greg, did you have a follow-up to that, real quick?

DR. STUNZ: Yes, and it was just to that point, and it was to that very thing, Tom. I would like to see this group work with the Coast Guard to form a letter or whatever we can do to help them with the tools that they need to do a better job down there.
CHAIRMAN FRAZER: Okay. I think we can, again, get with some of the guys from the Coast Guard and figure out what that might look like and bring it back to you. Mr. Robinson.

MR. ROBINSON: Thank you. Speaking on behalf of the State of Texas, we certainly appreciate all the help the Coast Guard has provided to our agency. One question that I would have is it was brought to our attention earlier this year, by our LE staff, of I guess a repositioning, if you will, of an aerial asset that proved to be very helpful in helping identify some of these vessels that were coming in, and, just for your benefit, we have certainly indicated our willingness to provide any letters of support from our agency to whatever entity and to our congressional staff, asking for that reassessment or reevaluation of that aerial asset to kind of help, and so, if there is anything else we can do, certainly let us know.

COMMANDER CASEY: Yes, sir. Thank you. We appreciate it.

CHAIRMAN FRAZER: Are there any additional questions for the Commander? I don’t see any. Thank you again for being here. I appreciate it.

COMMANDER CASEY: Thanks, Dr. Frazer. I appreciate it.

CHAIRMAN FRAZER: Okay. We’re going to go ahead and move on for the supporting agency updates, and we’ll look at Charles Tyer from the NOAA Office of Law Enforcement.

NOAA OLE REPORT

MR. CHARLES TYER: Mr. Chairman and council and awesome staff, I appreciate your dedication to living marine resources. My name is Charles Tyer. I have been with NOAA Enforcement for twenty-seven years in the Gulf of Mexico, and I am currently the supervisor in the Gulf of Mexico for our investigative agents.

I am here today just to give a brief overview of our third-quarter council report, and the report has been provided to staff and to the whole council. The report is a council report for all of our councils in the Southeast that we deal with, and so it’s Gulf and South Atlantic and the Caribbean as well. What I intend to do is just highlight some of the sections of the report that deal directly with this council.

If we go to page 6, this chart, and there is two charts on page 6, shows the number of incidents that NOAA Law Enforcement has
had in this quarter, the third quarter, that dealt directly with regulations administered through this council, and so this shows that we had 100 incidents, and then it breaks them down by law or regulation, and so, for example, we had seventy-one Magnuson Act incidents in this quarter, and I won’t read every number, that’s just -- I want to explain that that’s what this chart and the chart below it is showing, and so my main highlight here is to just show how many incidents we had and that they’re broken down for you guys by regulation.

On page 8, we have a summary of incidents by our joint enforcement agreement and Coast Guard partners, and I also would say that, without our JEAs and our Coast Guard -- Without those partners, I don’t know that we could do the job all by ourselves. There is tremendous support from each of the state JEAs and the Coast Guard.

On page 8, it shows that there were nineteen incidents referred to NOAA OLE through our partners, and then the pie chart breaks it down to show, of those nineteen during that quarter, which JEA or Coast Guard partner that came from.

The following page, page 9, breaks that same data down by regulation or act, and so, really, almost every time, it shows that the Magnuson Act is what we call our bread-and-butter, but it’s the act that we have the most incidents regarding.

On page 10, this is a caseload snapshot, and it shows the status of incidents, and so, earlier, I was saying how many incidents we had, and this shows the status of those incidents, and there were a total of 168, and then the chart that’s on the screen will show whether they were -- Whether a summary settlement offer was paid or, the largest portion of them there, the largest line, shows that they are currently ongoing, OLE ongoing, and so we have -- When we have an incident, we complete an investigation, and we cut off our summary settlement amount to that individual, or we could close it as unfounded, or we could send it to our General Counsel attorneys for issuance of a fine, and so this chart just breaks down, of the incidents we had, what their status is.

On page 11, probably more interesting topics, is I will go over some enforcement highlights, some cases that we’re working on, or that we have completed, really. Under the Highly Migratory Species Act, enforcement officers with NOAA OLE and also with Florida Fish and Wildlife conducted fisheries patrols off the coast of Destin, Florida, and we found multiple HMS violations, including shark finning and reef fish violations. We were also
able to maintain a presence in the area, off of Grayton Beach, where marine mammal harassment was previously reported.

Under the illegal, unregulated, and unreported section, the IUU section, I would just like to highlight that a NOAA OLE special agent conducted port state measure foreign fishing vessel exams on four Mexican shrimp boats which made port of calls in Brownsville, Texas. Although we didn’t find any violations, I wanted to highlight this, just to let the council know that we do inspect, or do examinations, on vessels, foreign vessels, that come into our ports for whatever reason.

In this case, it was to get more fuel, but, when they land in our port, we do an examination of those vessels, to make sure that they don’t have any illegal or unregulated or unreported fish onboard in the United States.

In addition, NOAA OLE special agents conducted multi-agency IUU port of entry examinations in Brownsville, Texas. We inspected import shipments of blue crab, shrimp, and red snapper, and these were from Mexico, which they were all examined for compliance with all of our regulations that we have in place. We frequently do those IUU port inspections as well.

On page 12, under the Marine Mammal Protection Act, these sections are just highlighting that we did get underway for MMPA patrol in Galveston Bay, and we had received reports of hundreds of deceased mammals washing ashore, and so we did a patrol, and, on our patrol, we didn’t find any, but we were assisting the local marine mammal stranding networks in those patrols.

On page 13, at the top, OLE Enforcement officers conducted underway Marine Mammal Protection Act patrols in South Padre Island, following complaints of dolphin watching tours harassing dolphins, and the enforcement officers boarded two dolphin watching vessels and provided outreach to the captains and owners of the vessels. In fact, the owners agreed to mount signs around the dock for us that inform the customers not to feed the dolphins during the tours. Yes, we are working hard to protect the same marine mammals that we heard the fishermen are trying to deter.

Under the sanctuary section, just to highlight that NOAA OLE completed an investigation in which the agents boarded a recreational vessel fishing in the Florida Keys National Marine Sanctuary North Ecological Reserve in the Dry Tortugas, and they had possession of yellowtail and red snapper, and that case was forwarded to our General Counsel.
In Key West, an enforcement officer conducted an investigation of a shrimp vessel which was trawling in the same area, the Tortugas North Ecological Reserve, and that case was forwarded to General Counsel for prosecution.

On page 14, the observer program section, not only do we work with the observers for any violations they might see, but we also provide training to all of the observer programs, and this is highlighting that, saying that we conducted training for the Panama City observer program, and the new trainees were presented with OLE’s mission and support and incident reporting protocols.

Materials presented allowed observers to understand how they are protected while performing job duties remotely. We emphasize a lot, and, in fact, it’s a priority of our law enforcement branch, to provide enforcement of safety of the observers while they are doing their jobs.

Under the Magnuson Act section, I highlighted a case where an OLE special agent received notice that our General Counsel -- That GCES is General Counsel Enforcement Section. They issued a $24,000 NOVA, and NOVA is our way of saying a fine, and it’s a Notice of Violation and Assessment, to a Texas-based charter operation for conducting reef fish charter trips in federal waters without a federal permit, fishing during a closed season, and using circle hooks, or circle hook violations. Excuse me. It was for not using circle hooks.

The NOAA-led investigation was assisted by agents from the U.S. Coast Guard Investigative Service, and we used various law enforcement techniques to complete that investigation.

Lastly, under ESA, an enforcement officer with OLE and an Louisiana Fish and Wildlife agent conducted two offshore patrols, and the patrols resulted in one shrimp vessel in federal waters without a federal permit and for having bycatch reduction devices sewn shut, and a commercial HMS longline vessel was issued a fix-it ticket for failing to have high-flyers and buoys. Those were case highlights for basically each regulation that we enforce.

The next few pages are an overview of summary settlements, and I am definitely not going to read each one of these, but, on the right side, under “state”, you can pick out the states that are pertinent to the Gulf of Mexico Council, and you can see the violation, which act was violated, a description of the
violation, and the amount of the summary settlement that was
offered in that case, and, as an example, the first one is the
Endangered Species Act, and there was a TED/bycatch reduction
device violation that resulted in a $600 summary settlement.
That goes for the next couple of pages, and that is there for
you guys to look through.

On page 19, this is a little more on the observer program, and
these are just to show the council that the observer program
does report violations that they see, and this chart on this
page breaks down that, for this quarter, there were twenty-three
notable incidents, or fishery violations, that observers
reported to OLE, and it breaks them down by type of complaint or
incident or violation.

For example, handling, like handling the fish, there were seven
reported violations, and, under that, for gear, there were two
gear type violations submitted to us during this quarter, and we
follow-up on those and investigate.

Lastly, page 20, cases referred to NOAA General Counsel, as I
was saying earlier, some cases we may close out for lack of
evidence, and some we may issue a summary settlement offer.
Others we forward to General Counsel for issuance of a larger
fine.

This chart shows that we referred twenty-eight cases, or
forwarded twenty-eight cases, to General Counsel, and, like the
summary settlements, it breaks it down by law and a brief
description of the violation and the state, and so, using the
state column, council members can see which pertain to this
council. I definitely don’t want to read all of those, and I
will gladly entertain any questions on the report or any
questions that you have at all.

CHAIRMAN FRAZER: Thank you, Mr. Tyer. Kevin Anson.

MR. ANSON: Thank you for presenting your report. I would like
to -- Could you pull up the Quarter 2 report? I have a question
about one of the tables that you have in there, and it’s just a
couple of pages down.

For Texas, on the Magnuson-Stevens Act line, Texas has sixty-
nine, and that represents a large percentage of the total of
violations under Magnuson-Stevens, and are those the lanchas?
Are the lanchas included in that?

MR. TYER: I do not believe -- I will find out for sure, but I
do not believe that we include lanchas in this, and there is a
total of seventy-eight for Texas. Sixty-nine is just the
Magnuson Act.

MR. ANSON: Yes, and, I mean, we deal a lot with the Magnuson
Act, and it’s what gave us our authority, and so that’s what I
am keyed in on, and I just noted that it’s a big difference in
Quarter 2 versus Quarter 3, and I just didn’t know if it
correlated with the report from the Coast Guard or something or
how that worked and whether or not you all kind of piggyback the
violations on your report, and so that’s all. Thank you.

CHAIRMAN FRAZER: Mr. Swindell.

MR. SWINDELL: In all of these violations, I assume some of them
are also recreational violations, and is that not correct?

MR. TYER: That is correct.

MR. SWINDELL: Citations issued for violations for undersized
fish or anything of that nature, for over the limit, was any of
that done to individual fishermen or the vessel operator?

MR. TYER: Both. In other words, the vessel operator could
receive a citation, and also an individual could receive one as
well. Any of the violations assessed through General Counsel
are issued joint and several to both parties, and, as long as
either party pays the violation -- It’s issued to them equally.

CHAIRMAN FRAZER: Mr. Banks.

MR. BANKS: I appreciate the presentation, and this is
interesting information, and it brings up the question, sort of
piggybacking on what Kevin said, of you see some discrepancies
in different states here, and I was just wondering if some of
that has to do with just the number of patrol hours in those
respective states. Is that what is driving some of these
numbers, or do you have an idea about that?

MR. TYER: It definitely could be. I will have to look on this
specific one to see why that number is higher for Q2 versus Q3.
I will definitely report back to the council on why exactly that
is in this case, but if, for example, we received complaints in
Texas for a lot of dead marine mammals, and we increased patrols
in that area, and because of those patrols we had several
incidents of violations found, maybe not related to the dead
marine mammals, but maybe we also checked fishing boats, and so
that could drive these numbers, depending on where we are doing
more patrols.

MR. BANKS: Just a quick follow-up. I would think that would likely be the case. I can’t imagine that Lance would agree that there’s a lot more outlaws in Texas than there are in the other states, and so it would be helpful for us to see whether this is driven by manhours, manhours per citation or something, something like sort of what we do in the biological world, catch per unit effort, basically, and that would be helpful for us to see what’s driving these numbers.

MR. TYER: I agree. I will find out for you guys.

VOTE ON EXEMPTED FISHING PERMIT APPLICATIONS

CHAIRMAN FRAZER: Do we have any further questions for Mr. Tyer? Okay. Mr. Tyer, thank you for your time. I appreciate it. I think that we have run through all of the supporting agency updates, and we have the EFP vote still to take place, and so if we can -- I am going to pull up a motion here. Sue.

MS. GERHART: I just wanted to let you know that today the Federal Register notice published and opened the comment period on that, and so that will be open until August 31.

CHAIRMAN FRAZER: Mr. Diaz.

MR. DIAZ: Mr. Chairman, I would like to make the motion that is currently on the board to recommend that National Marine Fisheries Service approve the FWC lionfish exempted fishing permit EFP application.

CHAIRMAN FRAZER: Is there a second to that motion? Second by Mr. Swindell. Is there any discussion on the motion? Seeing none, is there any opposition to the motion? Seeing none, the motion carries.

Is there any other business to come before the council today? Okay. Seeing none, our final action item is our election of a Chair and a Vice Chair. Mr. Donaldson.

ELECTION OF CHAIR AND VICE CHAIRMAN

MR. DONALDSON: Thank you, Mr. Chairman. I will open the floor for nominations for Chairman. Mr. Dyskow.

MR. DYSKOW: Thank you, Dave. I nominate Tom Frazer for Chair.
MR. DONALDSON: Do I have a second? It’s seconded by Patrick. Any other nominations? Patrick.

MR. BARKS: I make a motion to close nominations.

MR. SWINDELL: Second.

MR. DONALDSON: By acclamation, congratulations, Dr. Frazer.

CHAIRMAN FRAZER: Thank you, I believe.

MR. DONALDSON: Now I will open the floor for Vice Chair.

MR. SPRAGGINS: I nominate Dale Diaz.

MR. DONALDSON: It’s seconded. Any other nominations?

MR. BARKS: I make a motion to close nominations.

MR. SWINDELL: Second.

MR. DONALDSON: By acclamation, congratulations, Dale. I will turn it back to you, Mr. Chairman.

CHAIRMAN FRAZER: I enjoyed being here this week. Meeting adjourned. Thank you for your time.

(Whereupon, the meeting adjourned on August 15, 2019.)